present reality of the rest of the hemisphere. Our own heritage, as we have often forgotten, is one of change. We invented revolution. It was our Nation which first demonstrated to the world that people would eventually take matters into their own hands unless government was responsive to their needs.

So with all the enthusiasm over the most recent elections in El Salvador, elections which we all heartily welcome, I beg my colleagues not to confuse the evident need of 4½ million people for dignity and simple justice with the belief that, all of a sudden just because we have had an election, just because we have appropriated $61 million, everything is going to be better. Let us not confuse a milestone with change. Let us not capitalize on the emotional starvation of people who have known only misery and violence but have seldom seen a policy except one which happens to be convenient.

Only when we in this country begin to treat Central America with the seriousness it deserves—and only when we recognize that we ourselves have contributed to conditions through our ignorance and apathy as much as through our action—will we have a hope for undertaking the kind of bold and humane policy outlined by the Kissinger Commission. And we will get nowhere so long as we in this body continue to resort to the convenient camouflage of certification. We must begin to draw our own judgments and live with our own consciences. Otherwise, we will contribute to still another failed policy.

Mr. President, the approach I have outlined needs expansion, and I am gratified that the committee is considering it. The approach should mirror our policy: it should be regional in scope and comprehensive. The approach is not designed to block policy, or to impede future funding, or current funding for that matter. The idea, instead, is to foster the means by which Congress can begin to do what it claims to want to do—study, assess, and pass upon the wisdom of our policy. Without that kind of commitment, we will not have a policy at all.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to commend and recognize the work of my dear friend from Minnesota for his leadership in trying to bring about a resolution of the Central American problem and, more specifically, the matter of conditionality. It has been my privilege to work with him and his colleagues in drafting what we consider will be not only appropriate but meaningful language. I am certain that will make some change in how we deal with our friends to our south. Once again, I wish to commend my colleague for his statement. It was courageous. It was correct, and it is worthy of consideration of this body. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I would like to respond very briefly to the statement of the Senator from Minnesota. First of all, I thank him for the discussion and also for deciding not to offer his amendment at this time. As the Senator stated, we do have conditionality language in this emergency appropriation bill. The conditionality language which we have adopted is language which tracks directly from the Kissinger Commission. I, too, am disappointed that the administration has not been willing to embrace and work with the conditionality language of the Kissinger Commission. Also the administration has not been forthcoming in terms of working with the Congress and with other interested people outside of Congress as we wrestle with this overall group of problems.

We are going to have an authorization bill which the Senator from Minnesota correctly said is being debated right now in committee. In addition, we will have the 1984 regular supplemental and the 1985 appropriations bills. I am hopeful and I am optimistic that in the appropriations process and the authorization process we are going to be faced with a number of the questions that the Senator from Minnesota has dealt with today. I also believe that it is likely that a number of suggestions and elements of his amendment may very well be included in the language of either the authorization or the appropriations bills.

I look forward to working with the Senator from Minnesota, along with the Senator from Kansas and the Senator from Hawaii, as we wrestle our way through this very complex and difficult area. I thank and congratulate the Senator from Minnesota on his statement.

Mr. President, we have been here since 9:30 this morning. We spent a couple of hours on this issue yesterday afternoon. I see that the Senator from Connecticut might want to make a statement. I simply want to say to the Senate that the Senator from Hawaii and the Senator from Wisconsin are anxious to vote on this issue as quickly as possible.

May I suggest a unanimous-consent request that we vote on the Inouye amendment at some time certain. I may talk to the Senator from Connecticut and others in the next few minutes. If we can work our way toward some kind of an effort to at least vote on the Inouye number, the $62 million, and then, if there are further efforts at conditionality or further efforts on a partial holdback, as the Senator from Pennsylvania may be proposing to hold back a proportion of the amount, those kind of amendments would be more appropriate once we have adopted the Inouye amendment and go on the record for that figure, or have, in fact, not adopted the Inouye amendment. It would be my hope that we could establish the dollar figure within the next couple of hours and then continue the debate on conditions and/or other kinds of amendments that would have to do with the overall funding.

We have spent several hours today basically playing international lawyer and Secretary of State on the floor of the Senate. I think that now we ought to see if we cannot start to vote on some of the specifics. This is, after all, not an authorization bill. It is an appropriation bill. We should not be debating the authorization questions. They are being debated right now properly in the authorizing committee. Normally it is the authors who are picking on those who appropriate for adding authorizing language. Here we have a number of areas in which the authors are in fact the ones coming forward to tack authorization language onto an appropriations measure and, in fact, it is an emergency appropriations measure.

I am hopeful that we are going to be able to vote on the Inouye amendment relatively soon. I understand the Senator from Massachusetts may have an amendment to reduce that amount to $21 million. If that is the case, it would be appropriate to vote on that amendment as well so we can get at least the dollars in place before we go back into this overall policy debate.

I am not now going to ask for a unanimous consent or time agreement, or make a unanimous-consent or time-agreement request but I am hopeful that in the next few minutes we might be able to work out a way to get two or three votes on the dollars tonight. At least we can get those questions behind us and then go on to some of the questions on terms and conditions, et cetera, tomorrow, if it turns out there is still a half a chance. I spoke to the leadership on this side. We are willing to work late in the evening. This is the night in which we are scheduled to work late in the evening. There is a possibility that once we get the dollar figures voted on we may be able to deal with some of these policy questions later this evening.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First, let me ask the distinguished chairman of the subcommittee this question. While some may consider this planned this afternoon, we have heard the terms "Secretary of State" and "international lawyers" used. Some of us are thinking also of the expenditure of in excess of $1 bil-

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lion in U.S. taxpayers' money, and the death of four churchwomen 4 years ago, on which there has been no progress to speak of, the death of two labor advisers, of which we know nothing at all. Is that a plan? We are deeply concerned over the present policy or the absence of it.

The distinguished Senator from Minnesota has pointed out that while we may rush along on all of this, part of the problem has been over the past 3 or 4 years that is all we have done, rush along, without giving much thought to this. While some may be planning this afternoon, those of us who are discussing this issue, do not think it is a plan. Neither do the people of El Salvador losing their lives think of it as a plan.

The distinguished Senator from Minnesota raised the question of certification, saying that I was part of the enactment of that legislation.

I introduced the resolution back in the early part of 1981. It was finally adopted on the floor of the Senate in the fall of 1982. Let me make a couple of points, if I can, about the certification process, what the authors of it originally would have liked, if we were able to achieve it politically within this institution, what it has done and what it has not done.

At the very outset, I think on the day I introduced the certification bill in early 1981, going back 3 years ago, I pointed out at that time that one of the things that had been missing in this body and others back two decades ago was the opportunity to debate an issue, to debate policy, where we heading. Too often the debate occurred when some incident happened. The klieg lights were turned on and the cameras were rolling and all of a sudden we had a lot of instant policymakers trying to discuss these things in some sort of coolness, where I had the feeling we could have gotten better results both within this institution and the other side of Pennsylvania Avenue. So the intention of the certification bill, first and foremost, was to provide an opportunity for debate which is, in a sense, the essence of this body, an opportunity to discuss what was happening in a major foreign policy conflict in the world, where we were deeply involved. That was the first reason.

Second, I would have very much liked at the time to have Congress actually do the certifying. In fact, that was the original intention. But, frankly, it was not possible to get anything like that through the Congress. The only way we were going to get anything done at all was to give the President the opportunity to certify and then send to the Congress his report.

Because the first reason was so compelling; because we lacked the support, politically, to actually achieve the latter; we accepted the Presidential certification route. For a good 2 years we had an opportunity, at least, to be kept informed on a regular basis on what was happening in Central America, and particularly El Salvador.

We insisted in that certification process that we wanted to see some improvement on such significant issues as internationally recognized human rights, control over the security forces we were funding, a judicial system that would be independent and also responsible for prosecuting the murder of four American women who lost their lives brutally and two labor advisers. We wanted to see some sort of progress or at least an effort made to try to see if there was not a way to resolve the overall conflict in some sort of political fashion.

I admit it is cumbersome, laborious; some people can accuse it of being nit picking, to list some of those points, but at the time there was little else we could do to at least inject ourselves some way into the decisionmaking process on what was happening in Central America.

History had been such that over the years when there had been other such conflicts the Congress was never kept informed unless someone released a document, unless someone leaked something some place, or unless there was some major crisis which the news media focused attention on. Then everybody became a policymaker.

We tried, with certification, to encourage and to engage in that debate. That was the purpose of it.

I said at the time on a couple of occasions it did not seem we were making much progress. In fact, I referred at one point to it having become a sham because it did not seem to me in my frustration, that we were moving or making much progress on it.

So while I will accept the responsibility for certification, it is like trying to prove a negative. I do know what would have happened or would not have happened without it, in some sense. The numbers were not great. We saw a lot of noncombatants lose their lives. But I will never forget the day when the chairman of the Foreign Relations Committee, Senator PERCY, pointed a finger at some of the witnesses who were there arguing against certification. We had discovered only a few hours before that the very peasants who were trying to improve themselves through the land reform program had been thrown off the property which they had been given, and that the entire program seemed to be going down the drain. The chairman of the Foreign Relations Committee, because land reform was one of those nitpicking provisions, pointed a finger and said:

> If you do not get the land reform program working, if you do not make an effort at it, in the next 48 hours, not one red cent.

Miracles of miracles, all of a sudden within 24 or 48 hours those poor people who had been dismissed from their property were brought back.

It made a difference. Maybe it was not the most significant thing in the world. But for some of those people who were hoping to improve the quality of their lives, but it was the United States being good, and I think being great as well.

I regret in some way that my distinguished colleague from Minnesota has not offered his amendment, and I respect his decision not to, because I think it is the way we do have to go, as it is a better way to deal with the problem in a broader sense. It does give us an opportunity to fulfill our constitutional responsibilities to be involved in this, not to be doing it too often so that we do not end up all the time debating it.

I would like to see some more reporting requirements in it. Not every 20 days or 60 days, but with some frequency so we could have some sense of how that policy was proceeding.

My fear is that if we do not do anything at all, if we leave it in the broad sense and allow the executive branch to just proceed along the course it has been going, we are going to find ourselves in an ever-deepening situation.

So I applaud my colleague for his thoughts on this issue. I thought I would take the opportunity, since he mentioned certification. It is not pride of authorship, but I think it did achieve some purposes which were worthwhile, even though, as he pointed out, it did have its burdensome aspects. I hope that the rest of this evening we might have a chance to discuss some of those policy questions. We spend a lot of money and there is a lot at stake in what is going on in this part of the world. But we have taken a lot more time in this Chamber to debate a lot less significant things.

It is not just the interest of this particular Member of this body. There are a number of others who are deeply concerned about where we are headed. I think it is quite obvious across this country that people are a bit nervous about what our policies are going to be and what is going to happen in El Salvador and Nicaragua; whether in fact there is a likelihood of U.S. combat forces being called to go to that part of the world, and what the implications of that may be.

So I think it is important that we discuss these things and discuss them so that we might be able to explore the background and the history, so that we might have a better understanding of why these problems exist today, where they came from, what the history is, what we might do to try to at least stem the tide in the future so we do not see these situations again.

and was not a party to the activities of the d'Aubuisson group, although its intelligence agencies were aware that Mr. d'Aubuisson was active there.

In Guatemala, the former military official said, Mr. d'Aubuisson met regularly with a small group of wealthy Salvadoran exiles determined to oust the Majano faction from the Government and repeal the legal changes that had cost many of them much money and positions of political influence. Members of this group regularly provided names of people they wanted killed, he said, and paid Mr. d'Aubuisson to carry out their wishes.

"These exiles now operate out of Miami and still have the same relationship with the squads," he said. "With Carranza now head of the Treasury police, there is no problem."

According to the Salvadoran, the two most stunning political murders of early 1980 in El Salvador, those of Mario Zamora and Archbishop Oscar Arnulfo Romero, were both planned and carried out by Mr. d'Aubuisson with money from exiles in Guatemala and under the protection of General Garcia and Colonel Carranza. At this time, the former official said, Mr. d'Aubuisson did not have a reliable team of Salvadoran killers and used veterans of Nicaragua's deposed national guard as triggermen for both assassinations.

The killing of Mr. Zamora, an outspoken activist who was a spokesman for young leftists in the Christian Democratic Party and who held a Cabinet post under the revolutionary junta, happened when Mr. Zamora was engaged in a public feud with Mr. d'Aubuisson. Mr. Zamora was killed by a squad that broke into his home on the evening of Feb. 23, 1980.

Mr. Zamora's brother Ruben has become a leading spokesman for the Salvadoran revolutionary movement. He has said he believes Mr. d'Aubuisson helped plan his brother's murder.

A month after the Zamora killing, Archbishop Romero was slain while saying mass at a hospital chapel in San Salvador.

"As for the case of the Archbishop, d'Aubuisson simply ordered it after meeting with exiles in Guatemala," the former official said. "He formed the teams, his men followed the Archbishop to learn his habits and he picked the four men who carried out the operation and the eight others who made up the security group."

40 STICKS OF DYNAMITE ARE PRELUDE TO EXILE

Colonel Majano lost political ground continually through 1980, and most of the leftists in the Government, including two key junta members, were forced from office. At one point, Colonel Majano ordered the arrest of Mr. d'Aubuisson on charges of plotting a coup, but Mr. d'Aubuisson was quickly released through the efforts of Defense Minister Garcia.

As Colonel Majano drove near the Salvadoran Institute for Agrarian Reform on Nov. 11, 1980, a bomb made from 40 sticks of dynamite exploded just after his car passed. This assassination attempt was carried out by squads working for Mr. d'Aubuisson, the former offical said.

Two weeks after the car-bomb attack, six members of the executive committee of the leftist Democratic Revolutionary Front were kidnapped and killed, an action the former military official said was also carried out by squads working for Mr. d'Aubuisson. In mid-December, Colonel Majano was finally forced to leave the junta. He fled into exile soon afterward.

The Salvadoran was in a sensitive Government post when the four American churchwomen were killed in El Salvador on Dec. 2, 1980. He said his post gave him the opportunity to watch a cover-up develop. American officials familiar with circumstances at that time confirmed that the Salvadoran was well situated to see the inner reaction of the Government to the killings.

He said the murder of the churchwomen was "an unusual case" that did not involve Mr. d'Aubuission or what he described as "the normal structure."

"National guardsmen at the airport spotted the women, and they radioed for instructions," he said, speaking matter-of-factly and chain-smoking American cigarettes. "Two of the women were coming from a conference of Maryknoll nuns in Managua, Nicaragua, and the other two were known as suspicious.

"The word came down to eliminate them. It came from Col. Oscar Edgardo Casanova, who was in charge in that zone."

Salvadoran and American officials have said there is no evidence to suggest the five national guardsmen accused of killing the churchwomen were acting on orders. But critics, including relatives of the women, have expressed doubt that a crime of this magnitude would have been carried out spontaneously.

Colonel Casanova is a cousin of General Vides Casanova, then chief of the national guard and now Minister of Defense. Oscar Edgardo Casanova is now commander of the Salvadoran Army's Second Brigade, stationed at the western city of Santa Ana. He was transferred from La Paz, where the murders took place, weeks after the women were killed. His transfer was part of a shake-up that the former offical said was principally designed to provide a pretext for protecting the women's killers.

According to the Salvadoran, the transfers sent a message to soldiers that they would be protected if they were implicated in crimes of violence.

He said Colonel Casanova's involvement in the killing of the churchwomen was known to several people at high levels of the Salvadoran government.

"The men who did the killing have been promised that they will be freed through the judicial system, which means that they can never be put on trial again," the former official said. "If they don't name Casanova, they will get out of jail as soon as it is feasible."

KILLING SAID TO FOSTER MURDER AS WAY LIFE

The former official said that the January 1981 killing of José Rodolfo Viera, who headed the land redistribution program that many wealthy Salvadoran landowners bitterly opposed, was carried out by men working for Mr. d'Aubuisson. He described the two men who have been accused in the killing, Capt. Eduardo Alfonso Avila and Lieut. Isidro López Sibrián, as "integral members of the d'Aubuisson gang."

Mr. Viera was killed together with two American labor advisers as they were dining at the San Salvador Sheraton. Lieutenant López Sibrián remains on active duty, and Captain Avila is "under the jurisdiction of a judge" while charges that he left the country illegally are investigated.

The political party Mr. d'Aubuisson now heads, the Nationalist Republican Alliance, emerged out of the Broad Nationalist Front as a vehicle for candidates in the 1982 election in El Salvador. Mr. d'Aubuisson became president of the Constituent Assembly after the 1982 election and is now the Nationalist Republican Alliance candidate for President.

According to the former official, Alliance money is routinely used to pay both campaign expenses for Mr. d'Aubuisson's presidential bid and expenses of death squads under his control.

"He formed them and he runs them," the Salvadoran said of Mr. d'Aubuisson and the death squads. "Campaign contributors in Miami know that their money is going for both purposes, campaigning and killing."

Because Mr. d'Aubuisson's squads have operated with such impunity, the former official said, many Salvadorans have followed his example and taken to murder as a way of of resolving political grievances, personal quarrels or financial disagreements.

"Violence is consuming the country," he said. He said the example of Mr. d'Aubuisson had led "to a geometric increase in murders" over the last few years. People see that all they have to do is go out and shoot someone and nothing will happen to them, he said.

"Young people who want to do something for the country and for some reason are attracted to d'Aubuisson," he continued, "go to his office and ask what they can do to help. Someone gives them a gun and the name of someone to kill.

"It reaches the point where his hitmen get bored and ask him what operation they are going to carry out today. So he sends them out to kill a professor or throw a bomb at some union leader."

He asserted that José Napoleon Duarte, the Christian Democratic leader and the party's presidential candidate in the election this month, was told while he was serving as Provisional President in 1981 that Colonel Casanova was the man who ordered the killing of the American churchwomen. But he said Mr. Duarte chose not to act on the information for fear that doing so might produce a violent reaction.

Mr. Duarte has said he tried vigorously to pursue the case but was stymied by the military and a timid judiciary.

[From the New York Times, Thursday, Mar. 22, 1984]

TOP SALVADORAN POLICE OFFICIAL SAID TO BE A C.I.A. INFORMANT

(By Philip Taubman)

WASHINGTON, MARCH 21. The head of El Salvador's Treasury police has been a paid informant for the Central Intelligence Agency since the late 1970's, according to American officials.

The Treasury police have long been considered the least disciplined and most brutal of the Salvadoran security forces and some of the members have been linked to death squad activities by the Reagan Administration.

The American officials, who are familiar with C.I.A. activities in El Salvador, said that the Treasury police chief, Col. Nicolás Carranza, had received more than $90,000 a year from the C.I.A. as an informant for the last five or six years.

A senior officer of the Treasury police, their head of intelligence, Maj. José Ricardo Pozo, was removed from his job late last year after the Reagan Administration pressed the Salvadoran Government to take action against security officers, including Major Pozo, who were linked to the death squads, according to State Department officials. The American officials maintained, however, that there was no credible evi-

dence Colonel Carranza was personally involved with the death squads.

In visits to El Salvador at the time of Major Pozo's dismissal, according to Administration officials, Vice President Bush and other senior United States officials told Salvadoran leaders that military commanders, including Colonel Carranza, should move aggressively against any colleagues involved in death squad activities to dispel the impression that the commanders tacitly condoned the groups.

CONDUCT SAID TO HAVE IMPROVED

The State Department officials said today that since Colonel Carranza took command last year, the Treasury police had improved their conduct somewhat but remained a major source of human rights abuses.

A diplomat in El Salvador said today of the Treasury police, "That is still the organization that people would least like to be picked up by."

"We can't say the organization as a whole is involved with the death squads, but we did complain about some top officials, including Major Pozo, and their subordinates," a highranking State Department official said.

Intelligence officials, while declining to talk about Colonel Carranza, said C.I.A. operations in El Salvador had not involved the agency directly or indirectly in sanctioning death squads.

A C.I.A. spokesman, George V. Lauder, refused to confirm or deny that Colonel Carranza had been an informant. Repeated efforts this week to reach Colonel Carranza by telephone were unsuccessful. Aides said he was out of his office and unavailable.

Lieut. Col. Ricardo Cienfuegos, the chief spokesman for the Salvadoran armed forces, said today that without proof of a connection between Colonel Carranza and the C.I.A. he could make no comment. "We are not going to keep answering these charges without proof," he said.

American officials said the use of Colonel Carranza as a paid informant was part of the C.I.A.'s effort to monitor military and political developments, including power struggles within the Salvadoran military. When he was recruited by the C.I.A. in the late 1970's, Colonel Carranza was the Deputy Minister of Defense.

Before taking command of the Treasury police last May, Colonel Carranza worked at the Salvadoran telephone company and electric company in posts commonly occupied by ranking military officers.

THREE INTERNAL SECURITY FORCES

The Treasury police, originally established to deal with revenue violations, are one of three internal security forces in El Salvador. The others are the national police and the national guard. All three are active in efforts to counter guerrilla forces. Like the army, the three organizations report to the Minister of Defense.

John N. McMahon, the Deputy Director of Central Intelligence, in a recent appearance before the Senate Select Committee on Intelligence, testified that C.I.A. policy barred the use of agents or informants who were involved in assassinations, according to two members of the committee.

One of the Senators, who asked not to be identified, said that the C.I.A. had recently terminated its relationship with a Salvadoran security officer believed to be involved with the death squads even though the man had been a valuable source of information. That former informant, the Senator said, was not Colonel Carranza.

Information linking Colonel Carranza to the C.I.A. was initially provided by a former Salvadoran official who recently accused leading Salvadoran military officers and civilians of involvement in death squad activities. In an interview, the former Salvadoran official accurately identified the current C.I.A. station chief in El Salvador and named his two immediate predecessors. His information about Colonel Carranza's connection to the C.I.A. was confirmed by American officials familiar with the agency's operations in El Salvador.

ANONYMITY REQUESTED

The former official's accusations about the death squad links of Salvadoran officers and civilians could not be independently confirmed.

The former Salvadoran official, who was promised $50,000 by a group of critics of Reagan Administration policies in Latin America if he would speak out, has asked to remain anonymous for fear or reprisals. He has already received $29,500 of the $50,000.

American officials said it was common for the C.I.A. to recruit and pay senior military officers in foreign countries to provide information and to further American interests. Many of these informants, the officials said, are involved on their own in activities that the C.I.A. does not necessarily support or condone. "You can't always do business with honorable people," one former intelligence officer said. He added, "In such cases, the less you know, the better it is."

This gray area was illustrated two years ago when the former head of Mexico's national police was charged in San Diego with directing a stolen car ring that operated in southern California. Intelligence officials said the man had been a key C.I.A. informant in Mexico.

In an interview broadcast by CBS News tonight, the former Salvadoran official repeated his assertion that Colonel Carranza worked for the C.I.A. and was involved with the death squads.

Mr. TSONGAS. I felt, after my own inquiry, that this man was credible and it was important everyone in this country who was interested have a chance to have access to him.

So about 3 weeks ago, I traveled out of the city on the night I was supposed to be at TIP O'NEILL'S roast to meet with him again and urge him to go public. He was very reluctant to do that because of physical security, concern about his family, and because he does not trust us.

Those negotiations went on and on, and finally last week we received word that he was prepared to come to Washington to lay out his allegations. I felt that was a major breakthrough, and so we arranged to bring the official to the Capitol at 9:30 this morning and let him tell his story.

The problem we had was that to allow him to tell the story required we invite both House Members and Senate Members, Republicans and Democrats, liberals, moderates, and conservatives. The dilemma was simple—there would be so many people anxious to hear him that we had to limit the number of people we invited, which we did. Fifty-one Senators were invited to the session this morning. Nine came.

If we are about to vote all this money for El Salvador, here is a highranking Salvadoran official risking his life and that of his family to come to tell the truth and hardly anybody shows up. It would require walking to the middle of this building, going up the elevator one flight and walking the other flight.

Senators BOREN, DODD, METZENBAUM, WILSON, CHILES, LAUTENBERG, NUNN, JOHNSTON, MATTINGLY, and I came, and I urge other Members of the Senate to talk to them. I regret that we limited the invitation. Had I known that the turnout would be so poor, I would have invited everybody.

That official, for 3 hours told his story of El Salvador: the corruption, the brutality, the death squads, the nuns.

Everyone is concerned about the nuns, but who wants to walk down and hear about it? Very few. The details of how the nuns were killed, who covered it up. Too far to walk. The corruption: millions of taxpayers' dollars being abused. Too far to walk. Who is kidding whom?

This man risks his life to tell us, the representatives of this country, what is going on in El Salvador. Does anybody care? Not many.

Do we find corruption offensive? Apparently not. Do we find death squads offensive? Well, maybe an irritant. What about the nuns?

What I found intriguing about this man was that when I was asked to meet with him, I expected to find a leftist or at least a closet liberal. This fellow was more anti-Communist than anybody in this body, and he spoke out today for aid to El Salvador. He made it clear that you can put in whatever aid you want; you do not clean up the act in El Salvador. The Communists are going to take over.

He talked specifically about the corruption and the brutality. Who was listening?

He met with the FBI today, at 2 o'clock, and detailed for them the same story, and it is my hope that eventually I can get him to go public. The major argument is this: If you cannot get Senators to come, the only way to get their attention is to go to their constituents.

The election in El Salvador does not solve the problem. It is a help. The problem is base corruption, and this fellow knows more about it than anybody else in this town.

It was embarrassing. Imagine risking your life to go to a strange country and tell the truth, and nobody comes. I believe that, unfortunately, there is a hear-no-evil, see-no-evil, speak-no-evil attitude.

I had a conversation recently with one of my constituents, a reporter, and we were talking about all this, and I was expressing my concern that four

a much better economic theory, and, in my opinion, that is because it is based on self-interest. And that is how we are made, like it or not. That is why it works.

History is moving toward us. The only thing that can stop that is the example where the movement of history is thwarted by injustice. If I went up to that father in Estalee with the three children and said, "Sir, you don't understand; capitalism is better than socialism and Marxism," he would say to me, "My wife was killed. Don't talk economic theory to me." For that father and for the countless people in Nicaragua, El Salvador, or you name it, all politics is local like in the United States. Our job is to let history work its will and to remove economic injustice, that is, land reform, remove social injustice, including the death squads and allow history to move.

If we really believe that history is on our side—and I think it is—then our job vis-a-vis the Soviets is to remove injustices and history will move toward us away from the Soviets. To jump into bed with the Contras and Nicaraguans means only one thing: That those who argue that believe history is on their side, the Soviet side, and we have to act in desperation, violate our principles.

The irony is a self-fulfilling prophecy. The injustice continues, the corruption continues, and the Soviets come in. Check your history. Marxism is a reactive philosophy. There is no example, not one, where Marxism rose by itself. Marxism came in every instance in response to corruption, injustice, brutality, or whatever. Our system does generate itself because it is the best system. Remove the injustice and Marxism simply does not work.

The classic example is Robert Mugabe, a Marxist, a left-wing guerrilla, Communist, or you name it. You have heard all of those words in this body. When he became Prime Minister of Zimbabwe, do you think he went to Russia? You know where he went. He went to Wall Street in a three-piece suit because he understands economic theory. They are all coming here.

What I argue for is that eventually we believe we are not only right but that we will prevail. If we allow the humanity and the principles of America to be extended, the Soviets simply cannot compete. But you look the other way with the death squads, you look the other way with corruption, you allow the nuns to be killed without response, then you give the Soviets their entree.

That does not help America. That helps the Soviets. This is a great country. That is why all our parents and grandparents came here. Our job is to protect and to continue it. That includes what we do in the Third World as well.

I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me commend again my distinguished colleague and friend from Massachusetts. We were elected to the House together in 1974, and have served in the Senate together these last 4 years.

Much of what you have heard from the Senator from Massachusetts in 25 or 30 minutes is what many of us have been talking about today. He said it with a great deal of feeling and firsthand experience from his years as a Peace Corps volunteer in Africa, from his onhand experience in Central America meeting and talking with people, and his continued involvement over these past 3 or 4 years in trying to improve not only the quality of life of the people in that part of the world but to also enhance the national security interests of our own country.

Far too often that is forgotten by those who argue the position that the senior Senator from Massachusetts was arguing. Too often it is seen as individuals who are associated with the opposition somehow. That, if you are not willing to buy the present policies, you are nothing more than a dupe supposed for Marxist interests in this region or elsewhere in the world.

I spent time, as I mentioned earlier, as a Peace Corps volunteer in Latin America. I spent 3 years living in the mountainous region of the Dominican Republic. It was an eye-opening experience. It was not a weekend. It was not a quick trip with a congressional delegation. It was not a vacation. It was 3 years with almost constant involvement with the people of that part of the world. But I came to appreciate in those years as a relatively young person that they do have a deep love and a determination to be free.

They had lived under a dictator in that country, under Trujillo, for some 30 or 40 years, not unlike what we saw in El Salvador, or saw in Nicaragua under Somoza. They wanted their freedom. They wanted to be able to choose and to participate in selecting their political leadership. They also wanted pluralism. They wanted to be able to see the country have religious expression and freedom of the press. They wanted to be able to grow economically. They did not want to have to fear for their lives.

Unfortunately, as we are seeing today in Central America, those same aspirations, people going to the polls trying to participate in a free election, which we commend them for, regrettably are not necessarily going to be able to end the violence.

Mr. President, let me notify my colleagues here in the Chamber that I have an awful lot I want to talk about. I want to make it clear that I am not going to yield the floor; that I am going to engage in a rather extended discussion going back over what has transpired in this part of the world over the past 4 years. I want to let my colleagues and you, Mr. President, and others know that I intend to take some time this evening to go back over events of the past 3 or 4 years, look at our policy in each one of these countries, and take this opportunity to look at the history of these countries—what has occurred there not just in the last 4 years, but going back some time.

Mr. KASTEN. Would the Senator yield for a question?

Mr. DODD. For purposes of a question only.

Mr. KASTEN. I understand the Senator. First of all, I appreciate the Senator's comment that he might be wanting to speak for a couple of hours on this question.

In the interest of trying to set up a schedule, it is my understanding, after conferring briefly with the Senator from Hawaii, that the leadership on our side and the leadership on your side have indicated that they would very much like to get some kind of a schedule so that we can proceed at least to a vote on the Inouye amendment, which is the business pending before the Senate, the $62 million. If you would like to speak until 8 o'clock or something like that, could we set a time certain so that people would know they would be able to arrange their schedules around the dinner hour and also be able to anticipate when you would be finished. We could go forward, vote on that part, and tomorrow go back into some of the policy questions that I understand the Senator from Pennsylvania and others may discuss.

Mr. DODD. I appreciate the chairman's question. I, with all due respect, say to my colleagues that they could probably plan a good, long dinner tonight and that they should not have to anticipate for some time anyway having to return here for any votes. I say that with all due respect. Of course, I am conscious of the interests and the desires of some to move to the point of discussing these numbers.

I have been here, as the chairman has, since this afternoon.

Mr. KASTEN. I want to make certain we are not misunderstanding each other. I was told twice in a conversation with the Senator from Massachusetts that there were a number of amendments to be discussed, but he did not intend to engage in a filibuster. We have an amendment before us and, frankly, there are a lot of other amendments that will be before us. I understand there are a lot of things to be debated, but we ought to be debat-

ing on the amendment and voting on it. Otherwise, we are just taking up a large amount of time. We ought not to be filibustering but moving on the amendments to the bill.

Mr. DODD. I cannot speak for the distinguished Senator from Massachusetts nor anyone else. I appreciate the chairman's desire to roll along here, roll right along with these numbers.

Well, I am not prepared to roll right along with these numbers. I think we ought to discuss these issues a little more at length than some people want to give them, and to go back on them.

I do not know what the senior Senator from Massachusetts said to the chairman. I understand he talked about a full debate. Those are his words.

Well, I am prepared to have a full discussion here for a while. I am being as candid and open as I know how. I am not trying to play games, but I do feel very strongly about it. I do not believe we ought to plow along with numbers and then discuss policy questions. We have been plowing along with numbers for the past 4 years and that has not gotten us anywhere. As I said earlier, I intend to proceed along with the agenda I have set out. Later on, we may want to discuss other things. At this particular point, I do not see any point in talking about a time certain.

Mr. MATTINGLY. Will the Senator yield for a comment?

Mr. DODD. Yes.

Mr. MATTINGLY. I would like to refer to the meeting we had this morning. The person there who was giving the information said he did not want the aid cut off in El Salvador. So in his debate, I want the Senator to address that issue.

Mr. DODD. In fact, the Senator from Massachusetts in his remarks pointed out that the gentleman we saw this morning made that point. This was no Marxist, no leftist, this was an individual who felt strongly that the aid ought to be forthcoming.

Also, I would point out, that just pouring in aid without some very fundamental changes would not achieve anything. He did point out, the Senator is correct, that from his particular perspective he would like to see the aid forthcoming. However, he said it would not make any difference at all in the final analysis unless there was some fundamental change.

Mr. MATTINGLY. Well, I was the one who asked the question and I recall what he said.

(Mrs. KASSEBAUM assumed the chair.)

Mr. DODD. Madam President, I think we all are aware that President Reagan is greatly concerned about recent developments in Central America and in the Caribbean region and how to deal with them. I would add, Madam President, that he is not alone in that. His concerns are shared by 535 Members of Congress, by Republicans and Democrats alike, by the American public as a whole, by our neighbors in this Hemisphere, and, yes, by friend and foe both near and far.

What heightens these concerns for many of us here at home as well as abroad is the serious doubts and reservations that we have about the course being charted by the President and by his administration.

It comes down to an honest difference of opinion, not unlike differences over budget and tax policy, differences over arms control, and production of the MX missile.

There are legitimate differences on these basic, fundamental issues, and there are certainly legitimate differences on the question of what our policy should be with respect to the nations of Central America.

Clearly, the President and his spokesmen see it one way. They see it largely in terms of our Communist adversaries moving into the Western Hemisphere, expanding their influence, and aiding and abetting wars of national liberation in the Central American region.

While they are not unmindful of the internal conditions within that region, their emphasis is on the external factors and forces, meaning Moscow and Havana; meaning Chernenko and Castro.

Their formula for dealing with communism is a strong dose of anticommunism, which immediately translates into the use of military force, the use of military might, and the use of military power.

Unfortunately, this is a hallmark of this administration's approach to the problems of the region. I believe it was one of the reasons we decided to use military force in Grenada. This is why I believe we are involved in a not-so-secret war in Nicaragua. This is why we are building military bases in Honduras. This is why the President has already provided hundreds of millions of dollars in military assistance to the region. This is why he is requesting hundreds of millions more. This is why, unfortunately, we are urgently training thousands of soldiers in Central America. This is why the Defense Department wants an increase in the number of U.S. military advisers in the region. This is also why many of us are firmly convinced that the President's approach is as unwise as it is dangerous.

This conviction does not arise because we are oblivious to the threat posed by the Soviet Union, by Cuba, or by their allies.

It does not arise because we have turned a blind eye to their efforts in Central America. Nor does it arise because we have illusions about the nature of the Communist system, or because we lack the will, Mr. President, or the commitment, or the patriotism to confront that system and to confront it, if need be, with military force.

No; our conviction that the President is proceeding unwisely if not dangerously in Central America arises from a different view, a different interpretation of the fundamental facts in the case.

With the specter of growing American involvement in the Central American region, both in terms of men and treasure, it is time to look at the facts, to look at the reality of the region and our relationship to it, warts and all. The sooner we do so, the sooner we divorce the substance and the reality from the fantasy and the fiction, the better our assessment will be of where we have been, where we are now, and where we are going.

As we proceed in this assessment, I think it should come as no surprise to learn that we know little more about Central America in 1984 than we did about Indochina in 1964. I begin with the very basics.

Spanish-speaking Central America houses five relatively small nations: Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Their land mass is slightly larger than the State of California.

The population of the region comprises some 20 million people, about the same as New York State.

For the most part, the people who live in the area are ill-educated, ill-fed, ill-housed, and ill-treated. Illiteracy is widespread. Infant mortality is relatively commonplace. Malnutrition is virtually endemic. Unemployment is often at staggering levels. Respect for human rights is frequently nonexistent.

Together the Central American nations produce goods valued at less than $20 billion annually, roughly what the United States produces in 2 days. For the most part, income distribution continues to be highly skewed, the very few living in isolated spendor and the very many in shantytown squalor.

Politically, with the exception of Costa Rica, the nations of the region have had more than their fair share of demons, devils, and demagogs. Judging from the past, democratic experience is an alien ideology, to be avoided at all costs and discussed only in the presence of the American Ambassador or a visiting Congressman.

From this standpoint, the Somozas or the Romeros or the Lucases of recent vintage represent something of a time-honored tradition in Central America.

While we hope this tradition can be broken, we must also recognize that the odds seem to be against it. What have we done to help improve the odds? What has been our policy

supporting a group of counterrevolutionaries, as they are called, in Nicaragua.

Apparently, we are now getting requests from Costa Rica for some military equipment. I hope that is not true. All of sudden, we find a nation which for 4 decades has proved that you can live in that part of the world without an army. This has our fingerprints all over it, and I am worried about it.

I am not saying that we should not be doing anything. I argue with people who say that we should be isolationists and should not be involved. We have to be involved. There is no question in my mind that we have to be involved. But it is the quality of our involvement. Whom do we help? Are we helping ourselves? Are we contributing to the possibility of peace and stability? Or are we becoming a part of the problem, as the President likes to suggest that Congress or the Government is? We are becoming part of the problem, and we are inching closer everyday.

I appreciate my friend from Vermont being here. What I am doing is not something that my colleagues appreciate, and I am sensitive to that. But I feel that at some point we have to say, "Where are we going, and what are we doing?"

I am told, by the way, according to the Salvadoran military people, that under the worst of conditions, they would be looking at a shortfall in military equipment in the middle of next month and possibly June. That is the worst-case scenario. Yet, I hear the same arguments: You have to rush this through, get it done fast, and get the money there quickly.

I apologize for taking time tonight. If it gets people thinking about what we are doing, it is worthwhile. We become caught up in who is losing El Salvador, and I think we should take stock of what has been happening in that country—the bloodshed, the horror, the poverty.

One week it appears that the Government is on top, the next week it is the insurgents, and it swings back and forth. I do not know of anybody who is looking at this situation who thinks they are going to see any solution of this militarily.

The point of the Senator's question was, of course, that we are getting closer to the danger that in order to resolve this issue militarily, we will end up sending U.S. military forces down there to try to clean up the mess. I think that is the direction we are heading in. I believe we are working ourselves into a corner where we are going to be confronted with one of two choices: Either accept an insurgent victory, because the military in El Salvador has not been able to defeat them on the field of battle, or we send in the troops to make sure we do not have "another Cuba" or "another Nicaragua." That is the choice we will be confronted with.

Mr. LEAHY. Madam President, I ask the Senator if he will yield further for a question, without losing his right to the floor.

Mr. DODD. I am glad to yield.

Mr. LEAHY. Is it not really the position of the Senator from Connecticut that what he wants the Senate to do is really to vote on the ultimate question: Do we allow American military might, including American fighting personnel, to get themselves involved in the war in El Salvador or not?

It is not a fact that what the Senator from Connecticut wants—and many of the rest of us want—is to say that the U.S. Senate, the greatest deliberative body in the world, will stand up and vote yea or nay on the question of whether or not we, as individual Senators, representing our individual constituencies, intend to allow American troops to ultimately become engaged in the fighting in El Salvador?

Mr. DODD. That is the purpose of this. It is not a dilatory effort.

I took some offense earlier in the day when it was suggested that this is planned, playing different roles—a Secretary of State or an international lawyer. I felt the anger rise because it is not play at all.

It is not play to see those bullet-ridden bodies of women and children, or to see the corpses of the four American women being excavated from shallow graves, brutally assassinated, to see two American labor advisers get blown away in a restaurant.

In effect, it is not games. People in El Salvador tonight do not think it is play. They like to think, I believe, that the United States and particularly the Congress of the United States would show some greater sensitivity to what is going on.

I think it was interesting to note in the election last week that Napoleon Duarte, an individual for whom I have a great deal of respect, by the way, and have come to know personally over the last 3 or 4 years, the centerpiece of his campaign was a dialog, negotiations with the opposition to see if there was not some way politically to solve the difficulties. He ran for President in his own country and got darn near 50 percent of the vote of the people of that land.

We have been told up here for the last 4 years the people of El Salvador do not want to hear about that at all, that they do not want to sit down and talk with the insurgents and the guerrillas, that they will have nothing to do with it. Yet we find in the middle of this war and conflict the major platform, the plank, if you will, of Mr. Duarte's campaign was the very point that some of us here have been trying to make over the past 4 years. Let us see if we cannot try that route. What harm comes from exploring, seriously exploring a political diplomatic resolution of the war in El Salvador?

If it does not work, we always have the other options, including the one we are going to support in this Senate in the next few days, and that is more military aid. We always have that one.

What harm is it to try this other one, to seriously commit ourselves, seeing if we cannot come out of this situation. We could achieve some form of a ceasefire or start to talk about the building of an interim government, and then talk about an electoral process and meaningful economic assistance coming from the Contadora countries, incuding many in Latin America and Western Europe, Japan, and then start talking about a future.

Instead we get one side of the mouth saying we are for political diplomatic solutions and we wish to resolve them, and of course, our actions sort of belie any real commitment to a real political effort.

As to the Contadora nations, I wish more people knew more about this region and knew its history. It is always the difficulty, I suppose, in foreign policy debate that too many people think the world began the day we all of a sudden got recently involved. But if people were more familiar with this part of the world, knew its history, they might appreciate what is going on with these Contadora countries. It is absolutely without historical precedent in modern Latin American history for four countries, these four, particularly, to get together to try and come up with an answer, a nonmilitary answer, to the problems in Central America.

For the Mexicans to become involved in international affairs in its hemisphere is without precedent since the revolution in Mexico. They have always been very isolationist. They never have gotten involved. They issue statements occasionally but never play an activist role.

Venezuela has been a bit more active but still never to the point where they are willing to place their credibility on the line.

Panama and Colombia have always had their own differences with each other, and yet here they are sitting down at a table with the Mexicans and the Venezuelans trying to come up with some intelligent, thoughtful response to the tragedy of Nicaragua and El Salvador.

And what do we say about them? We have the Kissinger Commission study which examines a variety of issues. What do they say about the Contadora nations? The Kissinger Commission report is about 133 pages long. If my memory serves me well, and I have read the document about six different times, you will find I think one reference to the Contadora nations somewhere around page 133. It is about a

paragraph and a half long, and it is hardly what you call a ringing endorsement of that process, maybe the most significant hope we have. I am sorry. It is on page 120 of the Kissinger Commission report.

Here we have 132 pages of how to bring peace and stability and hope to the Latin Americans in the 1980's. We have the four most significant Latin American countries trying to work out an answer to that. We study the problem, and when we get through studying the problem, they find themselves on one paragraph of a 132-page report. This is what it says about their effort and we wonder why there is some degree of skepticism about our intentions.

The report says:

To be sure, the interests of these four countries are not identical, nor do they always comport with our own. The Contadora nations do not have extensive experience in working together, and the Contadora process has not yet been tested in terms of crafting specific policies to provide for rational regional security.

As if we have, by the way.

Thus the United States cannot use the Contadora process as a substitute for its own process.

That is it.

Here we have one of the most significant things going on in our hemisphere and that is what it gets. We are talking about some answers.

I am not arguing, nor would I, that the Contadora nations have the key to the answer, that they have come up with a magic solution. But the fact that we are unwilling to associate with four democracies in this hemisphere who are laboriously going through the process of trying to find some answers that will bring peace and stability I think is one of the great, great tragedies in history. History will record it that we missed an opportunity, we missed a real opportunity. Put aside, if you will, the questions of doing anything for Latins—I suppose that is not all that popular to be talking about that. Just speaking about it in terms of our own interests, be very, very selfish about it, absolutely selfish as we can be. What do we waste? What do we lose?

I have tried to come up with an intelligent response to my own question, putting myself in the shoes of those who disagree with me. What is the risk? What is the danger by alining ourselves with the four strongest democracies in Central America and the northern part of Latin America and making an effort to try and come up with an answer short of a military solution that will allow for democratic institutions to blossom and to flower?

Instead, we go to the political craptable, in effect, and we roll dice with only one of two answers coming up. Either Mr. D'Aubuisson, or someone like him, runs the shop, or someone like a Fidel Castro runs the shop. That is basically what we are saying our options are.

Too many people I think in this town think that all of Latin America is made up Somozas, Trujillos, Castros, and Che Guevaras, and that there is no one else down there. The fact of the matter is there are an awful lot of other people down there who do not feel very comfortable with either the Castros, the Che Guevaras, or the Somozas, and the Trujillos. They wish just once, just once that one administration, Republican or Democratic—they really do not care which—would take some time to recognize that there is something else going on down there and to deal with it with a greater degree of sensitivity than I am afraid we have.

I have been heavyhanded, I suppose, according to many, on this administration, but I said and I will say it again it is not just this administration. These problems did not begin the day Ronald Reagan took office in January 1981. They go back a long time.

What we are getting is not something new. Unfortunately, it is basically a continuation of the same. And the hope would be that we might be able to break this pattern of behavior.

Senator TSONGAS, our colleague from Massachusetts, earlier was talking about his Peace Corps experiences and some of the things that happened to him in Ethiopia. It was less than 20 years ago, in 1966, that I went to the Dominican Republic as a Peace Corps volunteer. Most people do not believe me when I say this, but I remember seeing on the walls of urban areas graffiti which quoted Tom Paine and the Declaration of Independence, and talked about the Constitution of the United States—graffiti on the walls of Latin America.

I would defy anyone today to go to any of those countries and find that kind of association, where the ideal was the United States. Today you read Marx, Lenin, and others, I suppose, who have appealed in a fascinating way to some of these younger people and older people.

But I think it is far too simplistic to suggest that somehow because they do not associate themselves any longer with the United States they have embraced a Fidel Castro or someone like him. I guess it makes me angry, I guess, that is what I am trying to say to you—I hate to see us in a situation where we have done more for Fidel Castro. What we have done for that man, what we have done for his cause in Latin America in 20 years is nothing he ever could have achieved on his own.

We are the best strategic asset Fidel Castro ever had. We do more to advance his reputation and his ideology by our shortcomings and mistakes. And how tragic it is to see people think of the United States as being a Nation that only seems to be good for military assistance or supporting less than democratic regimes.

I have a feeling the American people would not like it. A lot of them do not get a chance to go to these countries and meet other human beings, other citizens in these lands. But I have a feeling it would make them as angry as I felt when I heard our entire country being indicted because of a policy.

I wish somehow there were ways in which we could transport entire communities for periods of time to meet these other people and see the conditions they are living under.

What has always amazed me, and it did as a Peace Corps volunteer 20 years ago, was not that there was a revolution going on. What always amazed me was how long it took. I cannot imagine any community of Americans I have ever seen in this country that would tolerate what communities of Latin Americans have tolerated for decades. They would not. We would not tolerate it for 1 month, 1 week. We would be irate if we were confronted with some of the conditions that these people are living under. And if they could see, if Americans from Connecticut, or Kansas, or Wisconsin, or Vermont could be taken down and see what is going on in these countries, how their tax dollars are being spent, I think they would demand, in their own way, an entirely different policy than the one we are presently following in Latin America.

You do not need to be a former Peace Corps volunteer, you do not need to be a Ph. D. in Latin American studies, you do not even need to speak the language. You just need to see it, to bear witness to it.

If more people in this country had a chance to see that, I think their response would be what mine has been and what others has been. I dread the thought of Marxists winning in El Salvador. I dread the very thought that that is going to occur, the possibility of that occurring. And yet I am afraid to tell you that the policies we are following now create a far greater likelihood of that result than getting on a better course.

As I stand here tonight, I promise you, if we continue what we are doing, "just around the corner another victory," another $60, $90 million, pursuing the same policy. It is really not the number. The number does not make the difference, I suppose, as long as the policy is bad. But pursuing that same policy almost guarantees that we will see a Government emerge in El Salvador that will be antagonistic to us.

And then we will turn around and some people will stand up and they will say, "I will tell you why that happened. Because of that guy DODD and a

of science and that barbarism of nations and philosophies that were once supposed to represent "progress," all drive us to search for the time and space of culture in ourselves.

We are true children of Spain and Portugal. We have compensated for the failures of history with the successes of art.

We are now moving to what our best novels and poems and paintings and films and dances and thoughts have announced for so long: the compensation for the failures of history with the successes of politics.

The real struggle for Latin America is then, as always, a struggle with ourselves. within ourselves.

We must solve it by ourselves.

Nobody else can truly know it: we are living through our family quarrels.

We must assimilate this conflicted past.

Sometimes we must do it—as has occurred in Mexico, Cuba, El Salvador and Nicaragua—through violent means.

We need time and culture.

We also need patience.

Both ours and yours.

NATIONALISM IN LATIN AMERICA

Second, the identification of nationalism as the legitimate bearer of change in Latin America.

The cultural conflict I have evoked includes the stubbornness of the minimal popular demands, after all these centuries, which equate freedom with bread, schools, hospitals, national independence and a sense of dignity.

If left to ourselves, we will try to solve these problems by creating national institutions to deal with them.

All we ask from you is cooperation, trade and normal diplomatic relations.

Not your absence, but your civilized presence.

We must grow with our own mistakes.

Are we to be considered your true friends, only if we are ruled by right-wing, anti-communist despotisms?

Instability in Latin America—or anywhere in the world, for that matter—comes when societies cannot see themselves reflected in their institutions.

DEMOCRACY IN LATIN AMERICA

Change in our societies shall be radical in two dimensions.

Externally, it will be more radical the more the United States intervenes against it or helps to postpone it.

Internally, it will of necessity be radical in that it must one day face up to the challenges we have so far been unable to meet squarely; we must face democracy along with reform; we must face cultural integrity along with change; we must all finally face, Cubans, Salvadorans, Nicaraguans and Argentinians, Mexicans and Colombians, the questions that awaits us on the threshold of our civilization, of creating free societies, societies that take care of the basic needs of health, education and labor, but without sacrificing the equally basic needs of debate, criticism and political and cultural expression?

I know that all of us, without exception, have not truly fulfilled these needs in Latin America.

I also know that the transformation of our national movements into pawns of the East-West conflict make it impossible for us to answer this question: Are we capable of creating free national societies?

This is perhaps our severest historical test.

Rightly or wrongly, many Latin Americans have come to identify the United States with opposition to our national independence.

Some perceive in United States policies the proof that the real menace to a great power is not really the other great power, but the independence of the national states: how else to understand U.S. actions that seem meaninglessly obsessed with discrediting the national revolutions in Latin America?

Some are thankful that another great power exists, and appeal to it.

All of this also escalates and denaturalizes the issues at hand and avoids considering the third failure I want to deal with today: the failure to understand redistribution of power in the Western hemisphere.

LATIN AMERICA AND THE REDISTRIBUTION OF POWER

It could be debated whether the explosiveness of many Latin American societies is due less to stagnation than to growth, the quickest growth of any region in the world since 1945.

But this has been rapid growth without equally rapid distribution of the benefits of growth.

The contrast has become as explosive and understandable as it was in 1810 against Spanish colonial rule.

And it has coincided, internationally, with rapidly expanding relations between Latin America and new European and Asian partners in trade, financing, technology and political support.

Latin America is thus part and parcel of the universal trend away from bipolar to multipolar or pluralistic structures in international relations.

Given this trend, the decline of one superpower mirrors the decline of the other superpower.

This is bound to create numerous areas of conflict. As Chancellor Helmut Schmidt eloquently expressed it from this same rostrum, "We are living in an economically interdependent world of more than 150 countries—without having enough experience in managing this interdependence."

Both superpowers increasingly face a perfectly logical movement toward national self-assertion accompanied by growing multilateral relationships beyond the decaying spheres of influence.

No change comes about without tension and in Latin America this tension arises as we strive for greater wealth and independence, but also as we immediately start losing both because of internal economic injustice and external economic crisis.

The middle classes we have spawned over the past fifty years are shaken by a revolution of diminishing expectations—of Balzacian "lost illusions."

Modernity and its values are coming under critical fire while the values of nationalism are discovered to be perfectly identifiable with traditionalist, even conservative considerations.

The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where, after all, Latin American nationalism was born in the early 19th century.

You have yet to feel the full force of this backlash, which reappeared in Argentina and the South Atlantic crisis last year, in places such as El Salvador and Panama, Peru and Chile, Mexico and Brazil.

A whole continent, in the name of cultural identity, nationalism and international independence, is capable of uniting against you.

This should not happen.

The chance of avoiding this continental confrontation is in the fourth and final opening I wish to deal with today: that of negotiations.

NEGOTIATIONS BEFORE IT IS TOO LATE

Before the United States has to negotiate with extreme cultural, nationalistic and internationalist pressures of both the left and the right in the remotest nations of this hemisphere—Chile and Argentina—, in the largest nation—Brazil—and in the closest one—Mexico—it should rapidly, in its own interest as well as ours, negotiate in Central America and the Caribbean.

We consider in Mexico that each and every one of the points of conflict in the region can be solved diplomatically, through negotiations, before it is too late.

There is no fatality in politics that says: given a revolutionary movement in any country in the region, it will inevitably end up providing bases for the Soviet Union.

What happens between the daybreak of revolution in a marginal country and its imagined destiny as a Soviet base?

If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling.

But if power with historical memory and diplomacy with historical imagination come into play, we, the United States and Latin America, might end up with something very different:

A Latin America of independent states building institutions of stability, renewing the culture of national identity, diversifying our economic interdependence and wearing down the dogmas of two musty 19th century philosophies.

And a United States giving the example of a tone in relations which is present, active, co-operative, respectful, aware of cultural differences and truly proper for a great power unafraid of ideological labels, capable of coexisting with diversity in Latin America as it has learnt to coexist with diversity in Black Africa.

Precisely twenty years ago, John F. Kennedy said at another Commencement ceremony: "If we cannot end now our differences, at least we can help make the world safe for diversity."

This, I think, is the greatest legacy of the sacrificed statesman whose death we all mourned.

Let us understand that legacy, by which death ceased to be an enigma and became, not a lament for what might have been, but a hope for what can be.

This can be.

The longer the situation of war lasts in Central America and the Caribbean, the more difficult it shall be to assure a political solution.

The more difficult it will be for the Sandanistas to demonstrate good faith in their dealings with the issues of internal democracy, now brutally interrupted by a state of emergency, imposed as a response to foreign pressures.

The more difficult it will be for the civilian arm of the Salvadoran rebellion to maintain political initiative over the armed factions.

The greater the irritation of Panama as it is used as a springboard for a North American war.

The greater the danger of a generalized conflict, dragging into Costa Rica and Honduras.

Everything can be negotiated in Central America and the Caribbean, before it is too late.

Non-aggression pacts between each and every state.

Border patrols.

The interdiction of passage of arms, wherever they may come from, and the interdiction of foreign military advisers, wherever they may come from.

The reduction of all the armies in the region.

The interdiction, now or ever, of Soviet bases or Soviet offensive capabilities in the area.

What would be the quid pro quo?

Simply this: the respect of the United States, respect for the integrity and autonomy of all the states in the region, including normalization of relations with all of them.

The countries in the region should not be forced to seek solutions to their problems outside themselves.

The problems of Cuba are Cuban and shall be so once more when the United States understands that by refusing to talk to Cuba on Cuba, it not only weakens Cuba and the United States, but strengthens the Soviet Union.

The mistake of spurning Cuba's constant offers to negotiate whatever the United States wants to discuss frustrates the forces in Cuba desiring greater internal flexibility and international independence.

Is Fidel Castro some sort of superior Machiavelli whom no gringo negotiator can meet at a bargaining table without being bamboozled by him? I don't believe it.

NICARAGUA

The problems of Nicaragua are Nicaraguan but they will cease to be so if that country is deprived of all possibility for normal survival.

Why is the United States so impatient with four years of Sandinismo, when it was so tolerant of forty-five years of Somocismo?

Why is it so worried about free elections in Nicaragua, but so indifferent to free elections in Chile?

And why, if it respects democracy so much, did the United States not rush to the defense of the democratically elected President of Chile, Salvador Allende, when he was overthrown by the Southern Jaruyelski, General Augusto Pinochet?

How can we live and grow together on the basis of such hypocrisy?

Nicaragua is being attacked and invaded by forces sponsored by the United States.

It is being invaded by counter-revolutionary bands led by former commanders of Somoza's National Guard who are out to overthrow the Revolutionary government and re-instate the old tyranny.

Who will stop them from doing so if they win?

These are not freedom fighters. They are Benedict Arnolds.

EL SALVADOR

The problems of El Salvador, finally, are Salvadoran.

The Salvadoran rebellion did not originate and is not manipulated from outside El Salvador. To believe this is akin to crediting Soviet accusations that the Solidarity Movement in Poland is somehow the creature of the United States. The passage of arms from Nicaragua to El Salvador has not been proved: no arms have been intercepted.

The conflict in El Salvador is the indigenous result of a process of political corruption and democratic impossiblity that began in 1931 with the electoral results by the Army, and culminated in the electoral fraud of 1972, which deprived the Christian Democrats and the Social Democrats of their victory and forced the sons of the middle class into armed insurrection. The Army had exhausted the electoral solution.

This Army continued to outwit everyone in El Salvador—including the United States. It announces elections after assassinating the political leadership of the opposition, then asks the opposition to come back and participate in these same hastily organized elections—as dead souls, perhaps?

This Gogolian scenario means that truly free elections cannot be held in El Salvador as long as the Army and the death squads are unrestrained and fueled by American dollars.

Nothing now assures Salvadorans that the Army and the squads can either defeat the rebels or be controlled by political institutions.

It is precisely because of the nature of the Army that a political settlement must be reached in El Salvador promptly, not only to stop the horrendous death count, not only to restrain both the Army and the armed rebels, not only to assure your young people in the United States that they will not be doomed to repeat the horror and futility of Vietnam, but to reconstruct a political initiative of the center-left majority that must now reflect, nevertheless, the need for a restructured Army, El Salvador cannot be governed with such a heavy burden of crime.

The only other option is to transform the war in El Salvador into an American war.

But why should a bad foreign policy be bipartisan?

Without the rebels in El Salvador, the United States would never have worried about "democracy" in El Salvador. If the rebels are denied political participation in El Salvador, how long will it be before El Salvador is totally forgotten once more?

Let us remember, let us imagine, let us reflect.

The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the "Big Stick."

It will only achieve, if it does so, what it cannot truly want.

Many of our countries are struggling to cease being banana republics.

They do not want to become balalaika republics.

Do not force them to choose between appealing to the Soviet Union or capitulating to the United States.

My plea is this one:

Do not practice negative overlordship in this hemisphere.

Practice positive leadership. Join the forces of change and patience and identity in Latin America.

The United States should use the new realities of re-distributed world power to its advantage. All the avenues I have been dealing with come together now to form a circle of possible harmony: the United States has true friends in this hemisphere; these friends must negotiate the situations that the United States, while participating in them, cannot possibly negotiate for itself, and the negotiating parties—from Mexico and Venezuela, Panama and Colombia, tomorrow perhaps our great Portuguese speaking sister, Brazil, perhaps the new Spanish democracy, re-establishing the continuum of our Iberian heritage, and expanding the Contadora group—have the intimate knowledge of the underlying cultural problems.

And they have the imagination for assuring the inevitable passage from the American sphere of influence, not to the Soviet sphere, but to our own Latin American authenticity in a pluralistic world.

President Bok, Ladies and Gentlemen: My friend Milan Kundera, the Czech novelist, makes a plea for "the small cultures" from the wounded heart of Central Europe.

I have tried to echo it today from the convulsed heart of Latin America.

Politicians will disappear.

The United States and Latin America will remain.

What sort of neighbors will you have?

What sort of neighbors will we have?

That will depend on the quality of our memory and also on our imagination.

"If we had started out at daybreak, we would be there now."

Our times have not coincided.

Your daybreak came quickly.

Our night has been long.

But we can overcome the distance between our times if we can both recognize that the true duration of the human heart is in the present, this present in which we remember and we desire; this present where our past and our future are one.

Reality is not the product of an ideological phantasm.

It is the result of history.

And history is something we have created ourselves.

We are thus responsible for our history.

No one was present in the past.

But there is no living present with a dead past.

No one has been present in the future.

But there is no living present without the imagination of a better world.

We both made the history of this Hemisphere.

We must both remember it.

We must both imagine it.

We need your memory and your imagination or ours shall never be complete.

We need our memory to redeem your past, and our imagination to complete your future.

We may be here on this hemisphere for a long time.

Let us remember one another.

Let us respect one another.

Let us walk together outside the night of repression and hunger and intervention, even if for you the sun is at high noon and for us is at a quarter to twelve.

Mr. President, this was the very profound and most enlightening commencement address given by Carlos Fuentas, who, by the way, was in Washington the other day and was kind enough to spend some time with Members of this body and the House to talk about the present problems in Latin America.

As I said at the very outset, I consider it to be the preeminent commencement address given in 1983 by anyone in this country.

Mr. LEAHY. Mr. President, will the Senator yield to me on the condition I be allowed to yield back to him? I will make that as a unanimous-consent request.

tion for propaganda. Because the United States wants it. Because that's the way Ronald Reagan will send us money.

Behind her pessimism is the fact that the military is the final arbiter of Salvadoran politics. During the past 50 years, the army seized power 17 times. Indeed, this nation's heritage of violence can be traced back to the alliance formed between the ruling oligarchy and the military in 1932, when the powerful landowners who controlled El Salvador brought in elements of the military to put down a peasant uprising. The army slaughtered 30,000 people, 1 percent of the population, and has remained a political force ever since.

Mr. President, further on in the article it says:

A top official of the Catholic Church hierarchy—afraid to be identified by name—says "regardless of who is elected, the military are the ones who rule the country."

In such an environment, he adds, attempts at social reform are fruitless—and dangerous. "If you live here and start talking about justice, or the suffering of the poor, or the killings by the right-wing death squads, they consider you a leftist subversive. They put you in the same basket as the Communists."

He concludes gloomily, "I really don't see much hope for peace or justice or human rights regardless of who wins. Nobody who wins will be strong enough to take on the army."

Mr. President, I recall my own trips to El Salvador. I remember how pervasive violence has become as a way of life. I remember the first time I was there leaving San Salvador heading for the airport and seeing dead bodies along side the road in two different places.

Now, I have spent enough time in my years in law enforcement, and I have seen enough dead bodies, and I have seen enough people who have been shot to death; in some instances, those who had been shot to death minutes before and others some time before that. So I think I can judge probably as well as anybody what happened there.

In both of these instances, it is obvious that the people had been shot and killed only hours before. But more than just seeing the dead bodies, more than just seeing somebody who had been killed, the thing that sticks in my mind the most was, in one of the instances, the little snapshot in my mind that I recall frozen there, and something that I do not think I will ever forget: one man walking away from the body, I remember him in midstride. He had a camera in his hand. He obviously had just taken a photograph of the person that had been shot. Somebody else was standing there talking. And a couple of people started to dig a hole by the side of the road. They were just going to put the body in it. A common occurrence—take a picture for identification and then bury the body. It is that common.

Now, if you stop for a moment just to think about what is in those pictures taken for identification. If anybody wants to know the kind of terrorism and violence going on in that country, they ought to go to the legal aid office. They ought to look at some of the photographs there, as I have.

As I said, I have seen a lot of people killed violently. I have investigated a lot of murder cases before I came to the Senate. But I have never seen anything like I saw in page after page after page of these albums. And even there the incongruity of it. You come in and you see a table of all these photo albums. And they are just regular photo albums like you buy in a stationery store. One of them, in fact, very similar to the exact same kind of an album, the words are not the same in English, as the photo albums we have at home with pictures of family gatherings.

There are no family gatherings in these. You pick them up and what should be an album somebody might have of pictures of their children or family or whatever, and you open it and one after another after another of the faces, the empty eye sockets where the eye has been burned out by acid, the people whose throats had been slit, some of the pictures of bodies with no heads, they had been decapitated, or photographs of the heads alone if they had been found. Mutilated bodies, some of the worst, most perverse ways you could imagine.

Do you know what the worst thing about it is? You go through these and after you have looked at 50 or 100, or 150 pictures, of men and women and children that have been bayoneted or shot or strangled or burned to death or bludgeoned to death or decapitated, violated, it becomes almost numbing. And I caught both myself and a couple others in there just flipping through the pictures. It is not even real anymore. It is not even real anymore. One horribly murdered person is so shocking. Two is almost unbelievable. Three you cannot grasp the reality of it. But when there are 50, 75, 100, 200, 300 of these pictures and you look at them, realize that human beings can do that to other human beings, and you ask yourself, how could this possibly happen? And then you ask the most objective people there, including some of the intelligence people you are working with, "Who did this? Who is responsible for this?" And you find that the pictures you are looking at, the majority of the people killed there, the vast majority of the people photographed there, have either been murdered by government forces or by those who are condoned by the Government or protected by the Government or directed by the Government. And you ask yourself, "As Americans, is this the kind of government we should be supporting?"

Ask yourself as Americans at what point do we go beyond a strategic interest, and at what point do we talk about a moral question, Mr. President, which affects our country. We talk about America's interest. I will defend America's interests as much as any man or woman in this body, and I will defend America's interests as much as any American ever will. Let us define what America's interests are.

Is it in America's interest to make possible such an obscenity? I do not think any American feels it is. Do we really do ourselves credit as a nation if we step back and say we will give them one more year, and we will assuage our conscience by fencing the language? We are only going to do this on your assurance that the killings will stop, those involved in killing Americans will be brought to justice—the Americans who have been killed saying nothing about the 30,000 El Salvadorans who have been killed—but on your assurance that they will be brought to justice knowing full well that is not going to happen.

What I find so troubling, Mr. President, is that after a while those who are policymakers become as numbed as those of us who might look at pictures of the people who have been murdered. How does the numbness show? The numbness shows when the Secretary of State, a good and decent man, will come here and emphasize the property damage done by the guerrillas. He will talk and become incensed at a power station blown up, or a bridge destroyed, almost as though any one of these things could possibly equate with the human damage done by both the right and the left. I hold no brief whatsoever for either side, right or left, that commits these atrocities.

Mr. President, we are not asked to give money to support the guerrillas. I certainly would never support such a request. What we are asked to support is a government which stands guilty of the inability by design or neglect to curb those people who kill the same people that the Government is supposed to protect.

I recall late one day talking to the Archbishop there and he said, "The blood of my country is running out. The blood of my country is draining out of my country by these murders."

How true that is. We have had discussions here about there being no direct evidence to link any person in the Government with these rightwing death squads. Oh, come, Mr. President. As one having looked at some of the evidence, I would be glad to take some of these cases to a grand jury anywhere.

U.S. News and World Report said:

Death-squad victims are not limited to Marxists. They include workers in agrarian reform, labor leaders, teachers, politicians seen as too liberal or any kind of social reformer.

"The target is anybody with an idea in his head," says a U.S. diplomat.

Mr. President, last year in the Appropriations Committee we were asked to appropriate around $200,000, if I recall the amount correctly, to protect people working with AID because they had been threatened by, among others, Major D'Aubuisson. We on the one hand send money to a government of which he is a part, and at the same time, hire bodyguards to protect people we are supporting because he threatens them.

I wonder, if the American people really had a chance to write the checks that are going down to Central America, how many of those checks would ever be signed. But that is really what the U.S. Senate should be doing, the 100 of us. We represent the 235 million Americans, and we are going to decide whether they sign the checks for more money to go down there. Let us ask what we do. Let us ask what happens with that money, Mr. President. A Washington Post article in October indicated that when AID needed the money: The protection, expected to begin today, could extend to about 10 labor leaders, involve 70 to 80 security guards, cost no more than $200,000 and last "not very long," according to other administration officials. The AID statement indicated that Congress would be consulted on the question which is of course always very nice. And quoting one AID official as they say, "In the last couple of weeks serious threats have been made on their lives, by name, in public radio and television statements by Mr. Roberto D'Aubuisson, President of the National Assembly."

Certainly if the President of the National Assembly that we are having to bankroll is threatening the people that we are also paying for down there, naturally we are going to hire bodyguards for them.

After all, we indirectly paid for the bodyguards of the same people who were threatening them. So why not complete the circle? We will hire directly or indirectly the bodyguards of those who make the threats, and bodyguards for those who are being threatened. Nobody could accuse us of being unfair in that case. After all, we are providing the weapons directly or indirectly for both sides to a large extent in the conflicts down there; at least for once Uncle Sam is being evenhanded—expensive but evenhanded.

I spoke earlier, Mr. President, of the moral question facing our Nation. We ought to look at the question of whether our Nation ends up looking absolutely silly by the policy going on.

I recall a Secretary of State coming before the Appropriations Committee back about 3 years ago and saying how important all of this is because we are going to draw the line against international communism in El Salvador; saying in effect that this is the No. 1 foreign policy consideration of the United States. I was in the capital of one of our NATO allies shortly thereafter, and the foreign minister of that country said to me, "Now we understand that the No. 1 foreign policy consideration in the United States, the place we are going to draw the line, is El Salvador. So what we have to do over here in NATO is to get out our map and find out where El Salvador is, now that we know that is your number one priority."

The President said there had been some talk of Soviet missiles going down to Nicaragua.

Come on. Let us be serious. Soviet missiles in Nicaragua? Soviet missiles in El Salvador? Either place, is that really the threat? Or is that rhetoric for the folks back home?

What we ought to do is look at where our threats really are. I remember discussions in 1980 during the Presidential campaign about a Soviet brigade in Cuba. Do you remember that? Does everybody in this body remember the Soviet brigade in Cuba?

There was a sudden discovery made by some of the political candidates that not all the Soviets went home after the Cuban missile crisis.

It did not take a great deal of study of intelligence cables to learn that. They could have read that in the newspaper. I suspect some probably did.

The discussion was that the United States could not stand for this, we could not have that Soviet presence off our coast, 90 miles away. Look at the threat to our security.

Somebody asked me about that back in Vermont. Mr. President, I think Vermonters tend to be a little more sensible about these things. They asked me, "Pat, is that really the threat it is made out to be?" I said, "No; it is not." They asked why not, and I said, "They are heavily outnumbered by the Florida National Guard; I will put my money on the Florida National Guard any time. Assuming the troops went 90 miles to Key West or wherever they might land in Florida, we will get them. If they made a bad mistake and tried to land in Miami during rush hour they would be lost anyway."

I said it would become a threat, of course, if Cuba were to have a buildup where eventually they might be able to handle long-range bombers from the Soviet Union, bombers that potentially could be equipped with nuclear weapons, or another danger would be if they were to build up their submarine facilities.

"Aha," said my friends back in Vermont, "fortunately we now have a new President who will not allow that to happen."

Well, Mr. President, referring to the matters that had been in the public press, without going into anything classified but matters in the public press, it is obvious in the past 2 years there has been a tremendous buildup of the Soviet presence in Cuba. Their potential is much greater. I say this never would have happened if Ronald Reagan was President of the United States.

So I ask, Mr. President, whether perhaps we allow ourselves to be distracted by a sideshow here. Is the danger really as stated in El Salvador or in Nicaragua? Or are we being asked to neglect the failure to follow through with some of the 1980 campaign on Cuba?

I raise the point and I think it is a valid one. But I would hope we would not be distracted again, even on that question, regarding the failures in Cuba. I think we have not paid the kind of close attention to our security interests there in the past 3 years that I would have liked to have seen.

Let us go back to El Salvador for a moment and ask what we have there.

I have heard we just give lipservice to the fact that we understand there is no military solution to El Salvador, that there can only be a political solution. I have not seen the kind of effort with the Contadora group that might bring that about. I have not seen an effort made with the other countries within Central America to bring about that kind of a political solution. But what I do see, and this we ought to all pay attention to, is more and more candid, off-the-record comments by people within the Government who say they assume that eventually we will have to have a strong American military presence in El Salvador to bring this about, and apparently from the published reports many Salvadorans in high positions assume that we will have to have American military forces come into El Salvador to bring about the kind of military stability that has been discussed.

Mr. President, if indeed this is true, and each one of us has available the same material and can talk to the same people, and each of us can ask them to speak on or off the record, if that potential lies there must we not finally face the moral, political, economic and military questions inherent in El Salvador? Must we not reach a point where we no longer pass these appropriations willy-nilly, where the administration comes in with a figure higher than what they expect to get, and we say we are going to score a great victory by cutting it down and then putting good language in there that we are doing this only on the condition that things improve, only on the condition that the judiciary system becomes better, only on the condition that the killings stop? And then a year later what is the one thing

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. If the Senator will withhold for a moment, the unanimous-consent agreement was that, at the termination of the quorum call, the Senator from Vermont (Mr. LEAHY) would be recognized.

Mr. DODD. Mr. President, the understanding of the prior unanimous-consent request was that when the Senator from Vermont was given the floor, it was with the understanding that when he yielded the floor, the floor would have to be yielded back to the Senator from Connecticut.

Mr. INOUYE. Mr. President, with that understanding, I ask unanimous consent that the order for the quorum call be rescinded and that upon completion of my statement we will once again be in a quorum call until the Senator from Vermont is ready to regain the floor.

Mr. DODD. Mr. President, the Senator from Vermont would regain the floor.

The PRESIDING OFFICER. The Senator from Hawaii is asking that he be permitted to ask for unanimous consent that the order for the quorum call be rescinded with the same stipulation.

Mr. INOUYE. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I shall now attempt to respond to the eloquent presentation which my colleague, the Senator from Massachusetts, made last evening in opposition to my amendment.

I find myself forced into a most uncomfortable position in that I must oppose him while sharing many of the sentiments he expressed yesterday. I too, am pained by the violence in El Salvador, and it saddens me that, in a curious twist of fate and human nature, we must provide more military assistance in order to reduce the level of violence in that war-torn country. I believe that a deadly increase in the level of violence would certainly follow were we to cut off military assistance or to adopt the sharply reduced level he would propose.

This is not, however, the first time I have been in an uncomfortable position here in the Senate. In October of last year, I found myself condemning this Nation's invasion of Grenada. Against the tide of public opinion and the strongly voiced sentiment of this body, I spoke against what I regarded as both a violation of the OAS charter and a threat to the Constitution of the United States. Mine was one of the lonesome voices speaking out at that time.

Some of my friends thought it odd that in March of last year I would insist that the number of U.S. military advisors in El Salvador be limited to 55 in number. Nonetheless, I take some small measure of satisfaction in the recognition that this unofficial ceiling continues to be observed. It has served to limit U.S. involvement in El Salvador.

At the present time, some of my colleagues may find it extraordinary or unusual that I would support any military assistance to El Salvador. After all, in mid-February, I presented my views on the report of the Kissinger Commission and on contemporary human rights conditions in El Salvador. I said at that time that the response of the authorities in El Salvador to human rights concerns expressed by Ambassador Pickering, Secretary Schultz, and Vice President BUSH, among others, "has been and continues to be wholly inadequate." And so it has. Just last Thursday, Capt. Eduardo Avila, whose arrest was cited by the administration as a recent favorable action by the Government of El Salvador, was released on personal recognizance.

In my notes on the Kissinger Commission report, I also said that the Congress must accept responsibility and implement the Commission's call for action: "The U.S. Government has a right to demand certain minimum standards of respect for human rights as a condition for providing military aid to any country."

Finally, in the concluding sentence of my notes, I said, "We must have the courage to stand by our convictions * * * we must do what is necessary to win in El Salvador."

Why, then, Mr. President, have I offered an amendment to reduce military assistance from the level requested by the President and, having done so, why do I now oppose the further reduction proposed by my Democratic colleague, the Senator from Massachusetts?

Mr. President, the amendment I have offered has been carefully considered and is proposed in absolute and total sincerity. The President of the United States has suggested that critics of his policies in Central America are either naive or phoney. Whatever naivete I may have had when I first came to the Senate has been stripped away by the rigors of 22 years of service in this institution. I trust that the consistency of my opposition to the administration's policies in Central America, as well as the constancy of my efforts to work with my colleagues—Republican and Democrat alike—to shape a new and better approach to that troubled region, will be sufficient to turn away any doubts as to my sincerity.

Mr. President, foremost among the considerations which prompted me to propose my amendment is, quite simply and directly, I want to reduce the level of violence in El Salvador. As I noted, I have now served in the Senate for 22 years, and, in that time I have learned how to count votes. As a result of my discussions with Senators on both sides of the aisle, I believe I can accurately state that, were the question propounded in such a way as to leave the Senate a choice between $92,750,000 in military assistance to El Salvador, as proposed by the President, and zero dollars, the President would prevail. Similarly, there is no question in my mind that, if put to a vote, the amendment of the Senator from Massachusetts to reduce the level of funding to $21 million would fall far short of the votes necessary for passage.

On the other hand, I believe that my amendment, which cuts the President's request by a substantial amount, will gain the support of a majority of the Senate.

Incidentally, it should be noted that the President requested $178 million, and that this amendment is less than one-third of that amount.

The legislative history of my amendment will clearly indicate that $13.5 million of the funds appropriated by my amendment are to be reserved for procurement of four medevacs helicopters and 44 field ambulances and related medical materiel which are to be available to all, to combatants and to noncombatants.

My amendment will reduce the level of violence which would otherwise occur, were the full $92,750,000 to be provided.

There are some who would suggest that I should stand in opposition to any additional assistance to El Salvador; that I should make a strong statement in opposition and go down in defeat if necessary. Mr. President, I have no interest in taking such a posture; I seek not to make a gesture but rather to reduce the death and destruction in El Salvador. Given the opportunity to cut the level of violence, I have acted; let others play the role of Beau Geste.

Mr. President, there is another very important reason which has caused me to defend my amendment and to oppose that offered by the Senator from Massachusetts. The Senator has said that his amendment would send a signal to those in power in El Salvador. I believe he is correct. It would send a signal, but it would be a signal which I believe he nor I nor any of us would wish to send. I shall explain.

Last week, prior to the elections in El Salvador, I argued that we should defer consideration of this appropriation until the first round of the elections in El Salvador had been held. In

my discussions with the majority leader, Mr. BAKER, and Secretary of State Shultz, I spoke of the significance of waiting until we had some idea of the electoral outcome. I said it was a matter of some consequence whether we held out our hand in aid and friendship to Jose Napoleon Duarte or Maj. Roberto D'Aubuisson. We now know the approximate results: Duarte 44.5 percent; D'Aubuisson 29.3 percent; and Francisco Jose Guerrero, the PCN candidate, 18.8 percent. The remaining candidates received a total of 8.4 percent.

Now, consider the signal we would be sending, were we to cut the funding to $21 million. The people in El Salvador know that we delayed consideration of the request until after the election; this was reported in their newspapers. They also know that former President Duarte is the clear winner; with but 5 percent more, he would again be their President. If we cut this funding request to $21 million—now, the signal would be that we disapprove of Duarte's success at the polls.

Mr. President, I would suggest that that is not the signal we should be sending at this time.

In addition to an ill-intended and mistaken signal to Duarte, such a substantial cut would also send a signal to the military in El Salvador. In view of the importance we have attached to elections, a sharp reduction now would signal to the military our intention to withdraw irrespective of the outcome of the very elections we have supported.

Such a signal would awaken and activate rightist hotheads in the military and very possibly lead to a coup d'etat.

It is not unknown in this country that Duarte is not well liked among the military in El Salvador. We could, by our actions, fan the flames of discontent in the military and we would well unleash a reign of terror to match that of 1932, when a military, unrestrained by human rights considerations tied to U.S. assistance, massacred 30,000 peasants.

Unless we are very careful, the signal we send could be the death knell of democracy in El Salvador.

Mr. President, from the reports of our colleagues who observed the elections in El Salvador, it appears that they were an extraordinary demonstration of democracy. But, even if these elections were not so successful, even if they were but the first, tentative, shaky steps toward democracy, what should our response be? Should we say, too bad, you did not live up to our expectations? Or should we say to the people of El Salvador, we recognize the effort you have made to bring freedom and democracy to your country and we will support you. Let those who criticize these elections go now to El Salvador and stand at the side of Jose Napoleon Duarte as he campaigns in the second round; let them taste, as he has, the fear and hatred of the right; let them see the courage of his conviction that these elections are important to democracy in El Salvador.

That is the signal we should send.

We do not excuse, we do not condone, we do not countenance the continuation of death squad activity in El Salvador. However, the killings of the death squads have diminished as a result of the pressures brought to bear by the Congress. There is no way to determine with precise accuracy how many have fallen victim to these murderous agents of the far right, but the trend has been downward. Our Embassy's records, which do not make any pretense of accounting for all victims, nonetheless indicate this decline: in 1981, the average monthly toll was 514 deaths; in 1982, it was 226; in 1983, it was 140. Present indications are that, in recent months, there has been a further substantial decline in the monthly toll, to about 25 per month.

Those among us who have supported conditionality and other pressures to bring an end to death squads ought to give recognition to this effort by the Government and Armed Forces of El Salvador.

I think at this juncture we should note that of the high profile assassinations of the year 1984, five were on members of the National Assembly, all members of the right.

We should be wary of measures which would remove the pressure which has brought about the reduction in murders. As I said in my notes on the Kissinger Commission:

> Clearly we should be very cautious before accepting any representations of a decline in death squad activity. Moreover, we have no evidence that the structure of the death squads has been dismantled. The network of informers and assassins is still intact, and the authorities in El Salvador have dragged their feet on the prosecution of those implicated in the crimes of the death squads. If we now appropriate additional amounts of military assistance without adequate safeguards, the pressure will be off and, predictably, the death squads will return.

And so, Mr. President, we face this dilemma. If we appropriate additional military assistance without adequate safeguards, the pressure will be off and, predictably, the death squads will return. Equally certain and predictable is the result of an abrupt termination or sharp reduction in military assistance. The rightists in the army and other security forces will determine that it is not worthwhile to consider U.S. political and humanitarian concerns and, predictably, death squads and massacres will return.

Mr. President, I believe—I pray—that my amendment will avoid both of these outcomes. It would keep the pressure on; it would maintain the principle of the so-called Specter amendment, because by amendment withholds 30 percent of the President's request. The amendment signals the Government of El Salvador that the Congress has not forgotten the deaths of four American churchwomen.

In addition, a number of my colleagues have indicated that they are also concerned that adequate safeguards accompany the provision of any additional military assistance, and they have indicated that they will propose stronger concepts of conditionality as amendments to this bill. I welcome these efforts, and I will listen carefully to their presentations.

Second, Mr. Chairman, my amendment would provide sufficient funding to the military to make it in their interest to continue to improve their adherence to human rights concerns and democratic objectives which accompany U.S. assistance.

Mr. President, I hope that the Senate will adopt my amendment as the most practicable way to reducing the level of violence in El Salvador.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent——

Mr. LEAHY. Mr. President, what is the parliamentary situation,

Mr. DODD. Mr. President, I object.

Mr. INOUYE. Mr. President, what I am trying to do is by unanimous consent, to permit the Senator from New York to submit an amendment and ask for its immediate consideration and, after that, go back into a quorum call and present the floor to my friend from Vermont, as it was in the original unanimous-consent request.

Mr. DODD. Reserving the right to object, Mr. President, I may not, but I would like to suggest the absence of a quorum until I discuss this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside for a period of 1 minute so that the distinguished Senator from New York (Mr. D'AMATO) may offer an amendment to this bill. Debate will be limit-

tation with the minority leader and the other matters I have gone through.

I have no personal problem with that. I understand what the Senator is doing when he proposes an amendment to the Inouye amendment which reduces the dollar amount. I fully respect that. Further, I shall try to assist the Senator in trying to gain recognition. I believe we can succeed in that. If the Senator will consider not asking that that be included in the unanimous-consent request, it will be very, very helpful.

Mr. MELCHER. Mr. President, may I inquire of the majority leader, the effect of what we are doing by moving Senator INOUYE's amendment into original text is to clear the path for other amendments to be offered tomorrow. That leaves us with some concern—two concerns. I shall keep on the track of El Salvador first.

When we return to the El Salvador situation, those of us who would attempt to lower the amount of aid for El Salvador which Senator INOUYE has provided in his amendment would want to have the opportunity to discuss those amendments in complete fashion without being cut off by tabling motions. Having said that, I understand what the majority leader has stated and I sense the fairness of his statement regarding setting time and procedures if those amendments are called up first and disposed of. So I can accept that.

The second point I would like to discuss with the majority leader is the question of tomorrow and the amendments other than on El Salvador that will be offered. Would it be the feeling of the majority leader that we could dispose of most of those tomorrow?

Mr. BAKER. Yes, Mr. President; I hope so.

Mr. MELCHER. But if we had not disposed of all of them, that would not preclude the opportunity later on, even though we would be returning to the question of El Salvador on Monday.

Mr. BAKER. It would not, the Senator is correct.

Mr. MELCHER. I thank the majority leader. I think out of accommodation to the great number of people involved very deeply on the question of El Salvador and other points in the bill, I shall not object.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, Mr. President, just again for the purpose of clarity, and I appreciate immensely the majority leader's patience and his perseverance this evening. Just so we understand it correctly, taking the Inouye amendment and considering it as original text, the effect of that, and correct me if I am wrong, would be to allow for amendments in the second degree? It would be as if the Inouye amendment were part of the original text?

Mr. BAKER. Yes, Mr. President; it would allow amendments in the first and second degree.

Mr. DODD. First and second. I thank the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators. I know that many Senators had to subordinate their own personal preferences in order to reach this accommodation. I urge them to understand it was worthwhile, and it has accommodated the needs of many Senators, and I am grateful.

Mr. President, I now, pursuant to the request, ask the Chair to put the question on the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2853) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INOUYE AMENDMENT ON EL SALVADOR AID

Mr. GOLDWATER. Mr. President, on January 11, 1984, the so-called Kissinger Commission issued its report on Central America. Among other things, the Commission unanimously recommended and emphasized that the United States provide to El Salvador "significantly increased levels of military aid as quickly as possible so that the Salvadoran authorities can act on the assurance that needed aid will be forthcoming."

In February, the President proposed comprehensive legislation, including a supplemental request for $178 million in military aid for El Salvador this fiscal year. Although the President requested prompt action on this request, it is now clear that prompt action has not been possible. Last week, in the course of intensive consultations within the Senate, Senator INOUYE agreed to a compromise in which $61.75 million be added to this urgent supplemental. Because this $61.75 million meets the most urgent needs, the administration agreed to support this bipartisan proposal in order to assure expeditious consideration.

Yesterday, I asked Senator INOUYE if I could be a cosponsor of his amendment. I think his amendment is fair and I think it merits speedy action. And yet some Members of this body wish to eliminate even these funds for El Salvador.

Mr. President, I do not understand what is going on here. On the one hand, a bipartisan Commission comes up with a recommendation that we provide El Salvador with $178 million in military aid this fiscal year. The President requests $92.75 million of this on an urgent basis. We reach a bipartisan compromise here where $61.75 million will be made available, and some Members wish to eliminate that as well.

I think it is fair to say that some people will never be satisfied with our role in helping to defend the emerging democracies of Central America. I think we ought to move ahead on the Inouye amendment and vote for it, and not waste any further time by trying to accommodate people who will never be satisfied.

Mr. President, last week I received a letter from Secretary of State Shultz on this matter, and I note that an additional letter was sent to Senator BAKER on this subject this week. I believe that these two letters together provide an excellent presentation of the administration's position with regard to the urgent need for this supplemental appropriation for El Salvador. I request unanimous consent that both letters be printed in the RECORD in their entirety.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., March 21, 1984.

Hon. BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate.

DEAR MR. CHAIRMAN: The Senate will soon begin debate on H.J. Res. 492, urgent supplemental appropriations. Included in this legislation is a $93 million emergency request for security assistance for El Salvador. H.J. Res. 492 also contains a supplemental funding request for special activities in Central America designed to pressure the Sandinista Government to negotiate in good faith on reciprocal and verifiable agreements to end assistance to all guerrilla forces operating in the region. We believe it is important that the Congress play an active role in this decision and urge prompt action by the Senate to approve these requests.

Our policy in El Salvador is working. El Salvador's political system is demonstrating greater respect for human rights and is achieving socioeconomic progress. The new constitution has been approved; the law on political crimes has been reformed; land reform has been extended; and death squad activity has been dramatically curtailed. No leftist or moderate political leader has been killed this year. Across the country, violent deaths connected with political activity are the lowest since we began counting in October 1980. Left-wing death squads or guerrillas were responsible for most of the highly publicized deaths, including the killings of two Americans and four politicians.

The army is holding its own in the field. Notwithstanding the spectacular raids carried out by the guerrillas, the army has protected the major population centers and defended the harvest. It is now preparing to defend the elections which will take place next Sunday.

These elections offer the best hope for the future. They are being hotly contested and the polls indicate massive support for the process by the population. A runoff is

likely thirty days after this first vote is certified. Next year, elections will be held at the departmental and municipal levels.

We hope that the armed opposition will ultimately participate in this process and will allow peaceful change in that society to be decided by the will of the majority. The alternative is to allow violent extremists to dictate policy at the point of a gun. With our help, the Salvadorans are trying to strengthen their democratic institutions and lay the groundwork for equitable economic growth. Our assistance and the best efforts of the Salvadorans will be of no avail, however, if the armed forces lack the resources to provide the necessary security.

Last fall, we knew and the Congress knew that the assistance levels contained in the continuing resolution for El Salvador were inadequate. However, those deliberations were conducted in the shadow of the Bipartisan Commission consideration of Central American policy. The assumption was that, once the Commission had made its findings, we would be in a better position to evaluate our needs and, if necessary, to adopt a supplemental.

The Bipartisan Commission issued its report on January 11 and called for a continuation of emergency stabilization and long-term development measures. The Commission unanimously recommended and emphasized that the United States provide to El Salvador "significantly increased levels of military aid as quickly as possible so that the Salvadoran authorities can act on the assurance that needed aid will be forthcoming."

In February the President proposed comprehensive legislation, including a supplemental request for $178 million in military aid for El Salvador this fiscal year. We hoped that the Congress would act favorably on this request. However, it is now obvious that prompt action will not be possible.

We are requesting that $93 million of the overall $178 million request be appropriated now—these needs cannot await action on the overall initiative. The army is in the field; the guerrilla forces have lost the initiative but retain the ability to cause great damage. All available funds are now fully obligated and the supply pipeline is beginning to run dry. More training, communications equipment are vital; medical evacuation capabilities are also urgently needed to prevent wounded soldiers from dying needlessly when medical facilities are but a few miles away.

Our policy in Central America includes a coordinated strategy aimed at achieving a comprehensive regional peace. One portion of this policy is designed to pressure the Sandinista government in Nicaragua to negotiate in good faith. In the past year, we have seen them drop their opposition to regional negotiations and agree to the 21 objectives in the Contadora process. The most difficult period of negotiations lies ahead; the Contadora group is moving toward implementation of the objectives. Unless the pressure is maintained, the Sandinistas are likely to revert to their obstructionist posture. If Congress limits, or fails to fund, our options in this area, the prospects for a negotiated peace are diminished.

I urge you to support these supplemental requests. In your consideration ask yourselves one vital question: who will lose if the flow of U.S. military support for our friends in Central America is interrupted? Not the death squads; they will only reassert themselves if a vacuum is created by our refusal to continue the aid. Not the Salvadoran guerrillas; they would also return to the offensive. And not the Cubans and Soviets; they would only be encouraged to intensify their efforts to destabilize the region.

The losers will be the democratic reformers and the people who aspire to freedom and the opportunity for a better life. We, and friends of democracy everywhere, would also lose.

Sincerely yours,

GEORGE P. SHULTZ.

THE SECRETARY OF STATE,
Washington, D.C., March 27, 1984.

Hon. HOWARD H. BAKER,
U.S. Senate.

DEAR SENATOR BAKER: In my letter of March 21, I described the urgent need for immediate Congressional action to provide $92.75 million of the $178 million supplemental appropriation requested for El Salvador. I am pleased that the committee on Appropriations recommended approval of the full $92.75 million, subject to a requirement for demonstrated progress by the Government of El Salvador toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads.

Last week, in the course of intensive consultations within the Senate, it became clear that there was bipartisan support for immediately providing $61.75 million of the urgent request. Because $61.75 million meets the most urgent needs, the Administration agreed to support this bipartisan proposal in order to assure expeditious consideration.

I urge the Senate to act now to adopt H.J. Res. 492. To delay these funds is to hinder prospects for democracy and peace, to prolong suffering, and to strengthen the hand of adversaries who are determined to undermine the democratic process in El Salvador.

The Government of El Salvador is making major efforts to achieve further progress in all the areas of concern to the United States. That the people of El Salvador appreciate and support these efforts was dramatically illustrated during Sunday's election, just as the guerrillas' hypocrisy and antipathy for democracy were demonstrated by their efforts to disrupt that election. I note in this connection that the armed forces of El Salvador are keeping their historic commitment to protect the elections and to remain neutral on its outcome. It is now up to Congress to decide whether we will provide the resources for the people of El Salvador to continue with the democratic process which they have so courageously begun.

This compromise on H.J. Res. 492 will permit us to continue our current programs for the immediate future, but it will leave unfulfilled other important requirements for both economic and military assistance which must be met this year if we are to sustain the progress El Salvador is making to establish a secure democracy and lay the basis for equitable economic growth. Additional funds will be required in FY 1984 to begin the long-term effort charted by the National Bipartisan Commission on Central America. Therefore, I also urge that the Senate expedite its consideration of the comprehensive legislation and appropriations to implement the recommendations of the Bipartisan Commission.

Sincerely yours,

GEORGE P. SHULTZ.

● Mr. GRASSLEY. Mr. President, I support the bipartisan compromise assistance plan for El Salvador which has been offered by the distinguished Senator INOUYE of Hawaii.

Our Nation has been protected from serious internal political disorders and we are a rare example of stability in the world today. El Salvador's fragile situation is a reflection of what much of the world must deal with in social and political affairs. Political change and transformation of whole social systems are difficult enough in times of peace. El Salvador has been involved in a struggle for years in the midst of a concentrated war being waged by a small group of revolutionaries. The determination and persistence of the Salvadorans in the face of these unceasing threats is remarkable and convinces me that we must not abandon that small nation to forces that openly espouse antidemocratic plans for that region.

El Salvador is a nation in a difficult process of transition from an oligarchic system to a democratic government. It is flawed, imperfect, and struggling to move toward free institutions and a just society. It is beleaguered and suffering and yet it has not embraced authoritarianism. I challenge those who arrogantly charge that El Salvador is an authoritarian mirage; that its political parties are all mere illusions; that the recent elections were theatrical smokescreens. Those charges are a slap in the face of the people of El Salvador and I will give no credence to such allegations.

I was very moved and encouraged to hear and read the reports on the Salvadoran elections provided by our colleagues, the very distinguished Senators HUDDLESTON, WILSON, ROTH, and BOREN. The cynics must provide a response to the impressive facts and impressions amassed by those Senators and Members of the House of Representatives who saw the elections first hand. Certainly that group of distinguished Members of Congress cannot be charicatured; the U.S. observer team was bipartisan in nature, covered the political spectrum and cannot be charged with being a group of narrow political extremists. Yet despite their lack of a homogeneous political view, the Members of this Senate who worked as observers returned with a remarkably unified view. They witnessed no force—except guerrilla action in many areas—and no intimidation, except guerrilla assaults in over 40 towns. They witnessed great determination—hours in the hot Sun—eagerness to participate in the process, and willingness to risk their lives to vote. The protections against fraud and manipulation were impressive: One representative from each party observing the vote at each polling place; multiple international observ-

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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Monday, March 19, 1984*

The Senate met at 12 noon and was called to order by the Honorable DANIEL J. EVANS, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will bless the Lord at all times: His praise shall continually be in my mouth. My soul shall make her boast in the Lord . . . O magnify the Lord with me, and let us exalt His name together.—Psalm 34: 1-3.

Thou art worthy of our praise, O Lord. May we not neglect to honor Thee, to exalt Thee, to magnify Thy name. "Thou hast made us for Thyself, O God, and our hearts are restless until they repose in Thee." (St. Augustine) God of grace and love, these words of the eminent theologian, St. Augustine, remind us of our lostness, our loneliness, our emptiness without Thee. Save us, Lord, from indifference to Thee and lead us in the way of truth and justice. In the name of Him who loved us and gave Himself for us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 19, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL J. EVANS, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. EVANS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATOR THURMOND ANNOUNCES CANDIDACY FOR REELECTION

Mr. BAKER. Mr. President, it would not be inappropriate, I think, to call the attention of our colleagues to the fact that the distinguished President pro tempore is not here today, where he usually is, almost without exception, at the opening of the Senate. The presiding duties have fallen to the distinguished junior Senator from Washington.

The President pro tempore, Senator THURMOND, is doing a very important thing today. He is in the State of South Carolina, announcing his candidacy for reelection. It has not yet been ascertained that anyone has worked up the courage to run against him. In any event, he is there and announcing today for reelection, and I am sure all of us understand the reason for his absence.

DEATH OF CLARENCE MITCHELL

Mr. BAKER. Mr. President, it was with sadness that I learned of the death this weekend of Clarence Mitchell, a distinguished leader in the civil rights community, whose service to the Nation has been great and whose presence will be missed in the future deliberations and conscience of this country.

My own career in the Senate had barely begun when Clarence Mitchell achieved one of his greatest legislative triumphs—the passage of the Fair Housing Act of 1968.

There was no more controversial domestic issue in that controversial year, and I recall today with fondness and admiration that Clarence Mitchell fought for that legislation with both the force of a hurricane and the grace of a nobleman.

I voted for the Fair Housing Act because I believed in it, but there was in that vote more than a trace of tribute to this great soldier in the cause of justice.

In those days, Clarence Mitchell was called the 101st Senator, but those of us who served here then knew full well that this magnificent lion in the lobby was a great deal more influential than most of us with seats in the Chamber.

Five decades of talented service yielded an enormous harvest for Clarence Mitchell, not in terms of material wealth but in terms of the moral health of this Nation.

Clarence Mitchell helped persuade President Truman to desegregate our Armed Forces in the late 1940's.

Clarence Mitchell helped persuade the Congress to enact this century's first civil rights act in the 1950's.

Clarence Mitchell, at the height of his powers and influence, helped persuade the Congress to establish the Civil Rights Commission in 1961 and to enact the second Civil Rights Act of 1968.

These are only the most celebrated achievements of a lifetime of achievement by one of the quiet giants of our age.

We mourn his passing today, but we will celebrate his enormously useful life for years to come.

CLARENCE M. MITCHELL, JR.

Mr. BYRD. Mr. President, last night, Clarence M. Mitchell, Jr., one of our foremost citizens, died in his home town of Baltimore, Md.

Today's Washington Post carried a full and fully deserving obituary. One of its paragraphs particularly caught my attention:

> Despite his successes, his name was not nearly so well known to the general public as many of the other principal actors in social and legislative revolution of the 1960's.

Mr. Mitchell, as the chief Washington lobbyist for the National Association for the Advancement of Colored People for nearly three decades, and as a leader of the Leadership Confer-

ence on Civil Rights, was instrumental in the passage of every major civil rights law enacted in this country since the 1960's.

Whether or not one always agreed with the advice he urged, one could not help but admire Clarence Mitchell, Jr. I admired him. I admired his commitment to the causes he served. I admired his faithfulness to the orderly processes of our democratic system.

I extend my sincere condolences to his wife, Juanita Mitchell, to his sons, and to his grandchildren, of whom he was greatly proud.

SENATE SCHEDULE

Mr. BAKER. Mr. President, as Members know, when the opening formalities are dispensed with today and after the time for the transaction of routine morning business has expired, the Senate will return to the consideration of the unfinished business, Senate Joint Resolution 73, the prayer amendment. A time certain has now been established for a vote on that resolution at 3 o'clock tomorrow, Tuesday.

In the meantime, if there is not a need for debate during the entire course of today, I should like to urge the Senate to proceed to the consideration of the wheat improvement bill. It would require unanimous consent to do that on a temporary basis. We had difficulty with that on Thursday, and we were not able to obtain unanimous consent for that purpose. But I say to the minority leader that I should like to examine once more the possibility of proceeding to the consideration of that bill today, for a period of, say, not more than 3 hours, and then to return to the consideration of the prayer amendment. It may not be possible to do that, but I think it is worth another try.

Mr. President, in addition, it might be well to explore the schedule for the rest of the week. I have not yet had an opportunity to consult with the minority leader, but I have had an opportunity to consult with the distinguished chairman of the Appropriations Committee and the distinguished Senator from Missouri (Mr. DANFORTH). I have notified them of what I am about to say now.

The original schedule had contemplated returning to the reciprocity tariff bill after we finished the prayer amendment. Members will recall that we were on that measure and it was returned to the calendar when we were not able to complete our disposition of it. Rather than that, I suggest that it is important that we try to reach the supplemental appropriations bill, which contains food aid money, Public Law 480 money, and a number of other items of an important character.

So, Mr. President, this morning, I consulted with the Senator from Missouri (Mr. DANFORTH), and he assures me that he understands the necessity for a try to reach that bill instead of the Reciprocity Trade Act, pending debate on the prayer amendment.

I have talked to Senator HATFIELD, the chairman of the Appropriations Committee, who indicates his willingness to go forward with that bill after we finish the prayer amendment.

I have not had a chance yet to confer with the minority leader on that, but I should like to let him know that the preference of the leadership on this side would be to go to the supplemental appropriations bill after we finish the prayer amendment. I have an idea that that may be a controversial bill, since aid for El Salvador and Nicaragua is in it, but there are a number of other things, also. I hope we can take up the supplemental appropriations bill and finish Tuesday afternoon. But, like many of my legislative hopes, that one probably is prompted more by optimism than reality.

So, if we do not finish that bill on Tuesday afternoon, we will be on it Wednesday or Thursday or goodness knows how long. But it is important to do that.

I say to the minority leader that I apologize to him for not having consulted with him in advance on it, but I wanted to let him know at the first opportunity that that would be the wish of the leadership on this side.

Mr. President, there is one other matter we can deal with this week—it is of a privileged character—and that is a veto message on a water bill. I will consult with the minority leader on that, as well, but the leadership on this side would like to schedule that matter this week, perhaps early this week. I understand that going to that veto message would not put the pending business back on the calendar.

I inquire of the Chair if that is correct.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. BAKER. That was my impression. So it could be done absent unanimous consent, without disrupting our schedule, but I would not propose to do that. I will negotiate with the minority leader with respect to a convenient time.

Today, a number of Members are absent. Tomorrow is another primary day. It may not be a good day, but we will see.

In any event, I will add that to the things that the leadership on this side would like to accomplish this week, if possible.

Mr. BYRD. Mr. President, will the distinguished majority leader yield for a question?

Mr. BAKER. I yield.

Mr. BYRD. What can the majority leader tell us with respect to the math science bill, what the prospects are for it being brought up soon?

Mr. BAKER. Mr. President, I say to the minority leader that the preliminary scheduling of legislation for the Senate, which I discussed with him some time ago, provided for the math science bill in the last week of this month, which would be the latter part of next week.

We are sort of falling behind now. So I will consult with the committee chairmen tomorrow at our regular meeting and see what we can rearrange. But that is still a bill that must be taken up, and I anticipate it will be dealt with before very long.

Mr. BYRD. I thank the distinguished majority leader, and I am pleased that he indicates that he still has this item very much in mind for early action.

Mr. BAKER. Yes.

Mr. President, may I also say that one matter that I did not mention, and I guess I should, is that at some point we are going to have to deal with the budget situation and reconciliation bill that was scheduled for March 5. Obviously, we did not get to that. But sometime after we can confer on that matter, it would be my intention to bring up the reconciliation bill also.

That will probably produce a debate of major proportions, particularly in light of the President's proposal joined in by the Republican leadership of the Senate on the budget reduction package.

While I do not know if it is possible that might be offered to the reconciliation bill, it might, since it is certainly budget related.

But I will try to have more to say about that also at a later time.

Mr. President, I have used all of my time and I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

S. 2446—SENATE CONFIRMATION ACT

THE MEESE NOMINATION

Mr. BYRD. Mr. President, according to press reports, the Department of Justice will be conducting an investigation to determine whether an independent counsel should be appointed to investigate the financial activities of the President's nominee for Attorney General, Edwin Meese III.

The decision to conduct that inquiry is to be commended, but its implications are troublesome.

The facts which gave rise to the Justice Department's decision were developed, for the most part, through the efforts and perseverance of Senator

HOWARD METZENBAUM and other Senators on the Judiciary Committee. We are grateful for their efforts.

The constitutional requirement that the Senate assess the qualifications of Presidential appointees to high office will, thanks to Senator METZENBAUM and these other Senators, be fulfilled. But it means also that the administration's own inquiry into the case was fatally flawed.

All of the new information which has been developed by Senator METZENBAUM and other Senators should have been ascertained by the administration before Mr. Meese's nomination was ever submitted to the Senate, and if the information was known to the White House, it should have been provided to the Senate before the confirmation process began.

This is not a partisan political issue. It is a fundamental institutional issue.

The present state of affairs is simply not good government. It undermines respect for the system and it reinforces the cynicism of that portion of the American electorate which is frequently ready to believe that the "fix" is always in.

The problem is not new. It is not new to this administration.

William Casey was confirmed for the position of Director of the Central Intelligence in January 1981. Less than 6 months later the Senate Intelligence Committee which had handled his confirmation was forced to conduct an investigation into Mr. Casey's financial affairs, in the face of new information which should have been, but never was, submitted to the Senate Intelligence Committee prior to the nomination, certainly prior to that committee's action on the nomination.

Ray Donovan, who was confirmed for the position of Secretary of Labor in 1981, was later the subject of an extensive investigation by a special prosecutor when it was discovered that serious charges about his background had neither been investigated nor communicated to the Senate.

And it has happened in Democratic administrations as well, the Bert Lance case being the most recent example that comes to mind.

So this is not just a Republican or a Democratic issue, in spite of those who in the administration wish to find a scapegoat in the constitutional process under which the Senate is required to give its advice and consent on nominations. It is an institutional problem.

I first called attention to this problem almost 9 months ago when in connection with the Donovan case I said that the constitutional responsibilities under article II, "Can be fairly and faithfully discharged only if we have the facts upon which to make an informed judgment."

I noted then that my concern went beyond the particular case that was before us at that time.

My concern, I said, "Is an institutional concern and reflects what I see as a need for immediate and effective steps to insure that these kinds of situations will not be allowed to recur."

My concern then and now involves the necessity to protect the integrity of the confirmation process and also to insure that we are adequately fulfilling our constitutional role of advising and consenting to the appointments of the top officials who govern us as a nation.

The problem about which I expressed concern at that time has not gone away. It has come back to haunt us.

I am today introducing legislation that will achieve two goals: First, it would remove from the White House the responsibility for assuring the thoroughness and integrity of background investigations. It would place that responsibility and accountability in the hands of an objective and impartial office of government, namely the Office of Government Ethics.

It would be the Director of that office who would be assigned the responsibility of designing the standards of fitness which are to be applied in determining the qualifications of nominees for high office.

It would be the duty and responsibility of that official also to make sure not only that all relevant information is acquired for the White House, but also that it be transmitted to the Senate as well. The Senate is entitled to all the facts that are developed in the course of such investigations.

And in addition to these two elements, I have decided to add a "fail-safe" provision, and it is designed to cover the situation where despite our best efforts, something slips through the crack and we do not discover an otherwise disqualifying new piece of information until after the Senate has voted to confirm a nominee. We all know that the Senate has no constitutional removal power short of impeachment after a nominee is confirmed.

Mr. President, we should have, and when I say "we," I am talking about the Senate and not necessarily myself, but the Senate should have the power to reexamine a Cabinet Member's qualifications in the event a President is reelected and wants to keep the same high official in place. This "fail-safe" provision would require that in the event a President is reelected to a second term, he must resubmit to the Senate for confirmation the name of every high official he wishes to keep in place. In other words, if the President wants the same department head to serve in the same position in the same President's second term, then the original process of confirmation should be duplicated.

In that event, the Senate would have another "bite at the apple" and be able to base a confirmation decision upon new information which may have surfaced subsequent to the original confirmation proceedings and a new decision based upon the track record of that particular nominee while serving in that particular office.

Again, I commend the Senator from Ohio (Mr. METZENBAUM) and other Senators on the Judiciary Committee for their steadfastness and their tenacity in pursuing the facts with respect to Mr. Meese.

The Senate and the Nation are in the debt of those Senators. Their efforts have focused the Senate's attention not only upon the conduct of this particular nominee but upon the need to insure the integrity of the entire nomination process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senate Confirmation Act of 1984".

SEC. 2. (a) Section 402(a) of the Ethics in Government Act of 1978 (Public Law 95-521) is amended to read as follows:

"SEC. 402. (a) The Director shall provide, under the general supervision of the Office of Personnel Management, overall direction of executive branch policies related to—

"(1) preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of title 5, United States Code; and

"(2) the coordination and conduct of background investigations, and the transmittal to the President or his designee, or to the President-elect or his designee, and to the Senate, of all information bearing upon the fitness and qualifications of officers of the United States who are required by law to be appointed with the advice and consent of the Senate.".

(b) Section 402(b) of such Act is amended (1) by striking out the word "and" at the end of paragraph (14); (2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon; and (3) by adding at the end thereof the following new paragraphs:

"(16) developing and recommending to the Office of Personnel Management, in consultation with the Attorney General, rules and regulations to be promulgated by the President or the Office of Personnel Management establishing—

"(A) standards and procedures for the conduct of background investigations of officers of the United States who are required by law to be appointed with the advice and consent of the Senate, including the nature and type of information to be ascertained and the assignment and coordination of investigative responsibilities; and

"(B) procedures for the transmittal to the President or his designee, or to the President-elect or his designee, and to the Senate, of all information bearing upon the fitness and qualifications of such officers; and

"(17) obtaining and transmitting to the President or his designee, or to the President-elect or his designee, all information bearing upon the fitness and qualifications of all officers of the United States who are required by law to be appointed with the advice and consent of the Senate. All such information obtained and transmitted to the President or his designee, or to the President-elect or his designee, shall be transmitted to the Senate with respect to—

"(A) any appointee to an office listed in sections 5312 and 5313 of title 5, United States Code; and

"(B) any other appointee who is required by law to be appointed by the President, by and with the advice and consent of the Senate,

upon request by the Senate or by any committee thereof having jurisdiction with respect to such appointment.

SEC. 3. (a) Notwithstanding any other provision of law, no person who—

(1) is an appointee to a position listed in section 5312 of title 5, United States Code, or to the position of Secretary of the Air Force, Secretary of the Army, Secretary of the Navy, Director of the Bureau of the Budget, Director of Central Intelligence, or Director of the Arms Control and Disarmament Agency; and

(2) has served in such position for the last year of a presidential term,

may serve in the same position during the next succeeding presidential term unless and until such person is reappointed to such position, by and with the advice and consent of the Senate.

Mr. BYRD. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. BYRD. I thank the Chair.

THE PANAMA CANAL TREATIES ARE PAYING OFF FOR THE UNITED STATES

Mr. BYRD. Mr. President, considerable public attention continues to be focused on the turmoil in Central America and how this turmoil threatens vital U.S. interests in the region.

The focus of this debate on Central America is directed primarily toward the problems of El Salvador, Honduras, Guatemala, and Nicaragua. Yet, one of the most remarkable success stories in the region is that of our friend Panama with whom we enjoy a close and mutually cooperative relationship.

It certainly should not be a secret to anyone as to why we enjoy the relationship we do today with Panama. It is due to the new Panama Canal Treaties which have been in place now for nearly 5 years.

The Panama Canal Treaties are paying exceptional dividends for the United States in a country which is an integral part of a region wracked by turmoil and instability. Had the United States not modernized its relationship with Panama through the negotiation and ratification of these treaties, the situation in that key country might be entirely different today.

As then Secretary of State Alexander Haig wrote me on July 3, 1982:

"Whatever might have occurred had the treaties not been executed, it is apparent now that the strong anti-U.S. feelings which led to the riots of 1964 and to other disturbances in later years no longer exist."

Secretary Haig reported at that time that the canal was operating more efficiently than ever, passing larger and more ships and drawing greater revenues than ever before. The picture on revenues is not as rosy today as it was 2 years ago, as the world recession caught up with Panama.

The efforts of four Presidents, dating back to the administration of Lyndon Johnson—Mr. Nixon, Mr. Ford, and culminating during the administration of Jimmy Carter—have paid handsome dividends for the United States.

In addition, I believe the judgment of the U.S. Senate, when we voted to give our consent to the instruments of ratification of the new Panama Canal Treaties, has been vindicated. President Reagan has also demonstrated his wisdom in abiding by these treaties, even though he excoriated them during the time the Panama Treaties were being debated in the Senate.

Prior to 1979 when the new treaties were ratified, conditions could have provoked political turbulence directed at the United States. Yet, with the new treaties in place, a potential source for conflict between the United States and Panama has been removed.

It is important to point out that the United States enjoys the relationship it does with Panama today because our two countries solved our problems through diplomatic means. This achievement should serve as an example as to how critical our diplomatic agreements are in protecting the interests of the United States. I think it is fair to say, had it not been for the wisdom of our Government, we might be facing an entirely different situation in Panama today.

Within the broader context of Central America, it would behoove this administration to reevaluate how counterproductive its present militaristic policy in the region has been. Certainly, the new Panama Canal Treaties demonstrate the desirability of finding negotiated, rather than military solutions to problems.

Mr. President, I ask unanimous consent that the letter which was addressed to me by former Secretary of State Haig dated July 3, 1982, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, July 3, 1982.

DEAR BOB: Thank you for your letter of June 28 soliciting my views on the Panama Canal treaties which were ratified in 1978.

With respect to the protection of our strategic and commercial interests in the Panama Canal, under the Panama Canal Treaty the United States has primary responsibility for the defense of the Canal until the next century. During this period Panama has the right to participate in canal defense and our forces have access to and the right to use all land and water areas and installations necessary for the defense of the Canal. After the Treaty expires, our military presence in Panama will cease unless an agreement has been reached providing for continued use of bases and installations. Further, it is my understanding that the Panama Canal Neutrality Treaty is of permanent duration and that nothing in it limits our freedom of action to do whatever we may consider necessary, in accordance with our constitutional processes, to maintain the Canal's neutrality.

As to the operations of the Canal under the new Treaty relationship, I can report that the Canal has been operating more efficiently than ever, passing larger and more ships and drawing greater revenues than ever before.

The questions regarding what would have happened to Panama if the United States had not negotiated and ratified the Treaties and whether or not Panama could have become an ally of the Soviet Union go far beyond my ability to hypothesize. Whatever might have occurred had the Treaties not been executed, it is apparent now that the strong anti-U.S. feelings which led to the riots of 1964 and to other disturbances in later years no longer exist.

With warm regards,

Sincerely,

ALEXANDER M. HAIG, Jr.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

REPUBLICAN DEFICIT REDUCTION PROPOSAL: A PANTY-WAIST WIMP

Mr. PROXMIRE. Mr. President, last Thursday, the President announced in the Rose Garden that he had agreed with Republican congressional leaders on a new budget. He called for a roughly $150 billion reduction in the budget deficit the President himself submitted to the Congress a few weeks ago. Now a $150 billion reduction in the deficit sounds pretty good. But wait a minute. That reduction would come over the next 3 years.

Mr. President, for any proposed reduction in the budget from any source the American people will shout their approval. Unfortunately, Mr. President, this Republican offering toward fiscal sanity is pitifully small, feeble, and anemic. It is the kind of reduction which the late Fred Allen would characterize as having the full force and

power of a butterfly's hiccup. Do I exaggerate? It is just a butterfly's hiccup? How can I call it that when we are talking about a $150 billion reduction?

I say that first because we are talking about 3 years—not 1 year. I say that because the most significant and assured consequence of proposed reductions comes in the first year. This is because we cannot bind a future Congress or a future President.

We can also not foretell what will happen to the economy by 1986 and 1987. It is easy for Members of the Congress or a President to talk about the effect of their proposals 2 or 3 years from now. They can and always do make unrealistic assumptions about the docility of the Congress at that time and the good behavior of the economy. That way an administration can project mild changes in spending and taxing into claims for dramatic deficit reductions. But how much of a true deficit reduction would the President's rose garden $150 billion proposal give us in 1985? Answer: only $11 billion!

Mr. President, last month President Reagan proposed a 1985 budget with a disgraceful deficit in excess of $180 billion according to his own estimates. Now after weeks of tugging and hauling, after widely publicized denunication by Republican leaders in this body inveighing against the colossal and obscene deficits we face, the Grand Old Party's most conservative President since Coolidge and our majority Republican colleagues in this body tell us we can shove the deficit down, not to $100 billion or even $125 billion, but to $170 billion in 1985. And Republican congressional leaders throw their hats in the air. The President then challenges the Democrats to grit their teeth and accept this panty-waist, pitty-pat nothing of a deficit cut as if it would really do the job.

Mr. President this proposal comes from the party that for more than 100 years marched under the banner of thrift, frugality, and balanced budgets. For the last 50 years its single, consistent theme has been to attack Democrats as the big spending, big deficit party of fiscal irresponsibility. Well, Mr. President, it is now clear that although the Democratic party has, indeed, been grossly irresponsible and extravagant in its spending in the past, the Democratic Party is the party of Scrooge compared to these free-booting, big spending, big deficit Republicans.

So what should this body do about the deficit? We should not toy around with a 13 percent after inflation increase in military spending for 1985 or the new 7½-percent increase. We should cut the increase down to 3 percent per year. And especially we should do something the Republicans have failed to do in their rose garden proposal. We should specify precisely where these cuts should come. If we fail to do that we will seriously weaken our military force by taking the cuts out of readiness, maintenance, and personnel. We would weaken the U.S. military where it is already most vulnerable.

So where would this Senator make these reductions in the Reagan budget? Here they are: We should cancel the MX and the B-1B. We should cancel the two new aircraft carriers, any fighter plan that costs more than $10 million per copy, and any tank exceeding $1 million each. We should promptly take the Soviet Union up on proposals to stop nuclear testing and negotiate for a comprehensive, mutual verifiable freeze on all nuclear weapons. That negotiation, if successful, would save us about $65 billion per year over the next 6 years.

We should, also, hold down domestic spending, and cut the extraordinary rate of increase in medicare. We should cut out Federal revenue sharing entirely, and save $5 billion per year.

Mr. President, we must somehow find the political courage to raise whatever revenues we have to raise to balance the budget at 7 percent unemployment. That means at the very least that we cancel the third year of the Reagan personal income tax cut that took effect on July 1, 1983. It means that we forgo the upcoming indexing of personal income taxes that is scheduled to take effect in 1985. Those two changes will bring in a total of $80 billion of additional revenue per year by 1988.

We should pick up another $5 billion per year by lifting the tax deduction or depreciation on buildings from 15 years to 20 years. We should raise an additional $5 billion annually by abolishing the oil industry's expensing of intangible drilling costs and their depletion allowance.

By doing all of this, we fall into a happy $20 to $30 billion of additional savings. This happens because, as we wipe out the $200 billion annual deficits, we reduce the interest cost on the national debt that would, if we did not cut the deficit, swell by at least $20 to $30 billion every year both because interest rates would be higher and the national debt would be bigger.

So, Mr. President, I hope the Congress will reject the teeny-weeny, polka-dot bikini of a deficit cut that came out of the Presidential Rose Garden the other day, and embrace the kind of man-size deficit reducer I have talked about in this speech.

COMMON CAUSE GUIDE TO NUCLEAR ARMS POLICY—A MUST READ FOR MEMBERS OF CONGRESS

Mr. PROXMIRE. Mr. President, Common Cause has made many constructive contributions to our Government over the past several years. None has been more significant than a recent 130-page guide to understanding nuclear arms policy titled "Up in Arms." Sandra Sedacca and the Common Cause staff have brought together a superlative summary of the answers to the questions that should trouble all American citizens, and that should especially concern those of us who have been elected to the Congress of the United States. Certainly, we have no more critical responsibility than to find the way to peace in this immensely dangerous nuclear world.

The Common Cause guide speaks on the assumption that the citizens of this democracy will push our country toward peace, if they know the answers to the fundamental questions that confront us as a nuclear superpower; and certainly, Mr. President, if the people must have these facts before they can make reasonable judgments, those of us who serve the country in the Congress of the United States must understand the facts too. How many of us can confidently and competently answer the 14 questions this little guide poses and answers. Mr. President, if any Member of the Congress cannot answer these questions—right now—off the top of his head, he should secure this guide and read it and re-read it. Mr. President, here's a quick 14-minute quiz for my congressional colleagues. I hope Members will take a few minutes out of their day to see if they are confident that they can answer each of these questions competently. Here are the questions:

How grave is the threat of nuclear war?

What would happen in a nuclear war?

How might a nuclear war begin?

Can deterrence offer security?

What is the nuclear balance of forces?

How do United States and Soviet nuclear forces compare?

How can nuclear war be prevented?

Can arms control help prevent nuclear war?

How will new technology affect the risk of nuclear war?

How should we deal with the Soviet Union?

Can the United States verify Soviet treaty compliance?

Do the United States and the Soviet Union have mutual interests?

Can citizens make a difference?

How can citizens influence nuclear arms policy?

Now I ask those who took this quiz to check their answers with the

Common Cause guide. How well do Members of the Congress do in responding to these questions?

Mr. President, some Members of the Congress could answer these questions with force and conviction. Some of the answers by different Senators would sharply conflict. Few Members could answer every one of these questions with the kind of competence the questions deserve. These questions represent what are without doubt the most serious problems that confront this Nation and mankind. So, Senators certainly should have answers.

Many of us feel that we have been moving steadily, relentlessly toward nuclear war. Nuclear war could come by accident. It could come as the logical consequence of nuclear proliferation. It could grow out of the short sighted, ignorance of policies designed to increase trade (by selling nuclear technology); to improve our bargaining stance in nuclear arms negotiations with the Soviet Union (by building more unstable and threatening nuclear weapons systems); to avoid conventional war (by threatening a tactical nuclear deterrent like the neutron bomb).

The Common Cause Guide to Understanding Nuclear Arms Policy provides precisely the kind of terse, concise, factual, and easy-to-read approach to these critical questions that can be most helpful to Members of this body. Oh sure, it does represent a particular viewpoint. It does, indeed, come down on the side of arms control. Obviously, it does not provide the complete answers. But it does set the stage for the kind of debate this Congress should have been engaged in for many years.

There are undoubtedly publications that provide information and conclusions that sharply contradict this guide. Members of the Congress can, and should, bring those to our attention too. But for a brief summary of the most pertinent facts on how to prevent nuclear war, this Senator warmly recommends the Common Cause guide to all Members of Congress.

Now, Mr. President, to make sure that the Senate has full exposure to this publication, this Senator intends to discuss each of the questions posed by Common Cause in some detail on the floor of this body. In fact, I will devote a speech to every one of these questions. I know that some Members disagree with the views of this Senator and with the views of Common Cause on these nuclear war policies. So I challenge my colleagues to come to the floor over the next several weeks as I discuss each of these questions, and join in the debate. I will be delighted to yield time to whatever opposition develops and, of course, I will welcome any expression of views pro or con. One way or another we must bring the following considerations of this Government front and center: our policies on nuclear proliferation, our policies on nuclear deterrence, what we should do about the nuclear buildup, our policies relating to negotiations with the Soviet Union, what should be the objectives of nuclear arms control, and any other policies affecting the prospects of nuclear war.

Mr. President, I ask unanimous consent that the introduction to the Common Cause Guide to Understanding Nuclear Arms Policy be printed in the RECORD at this point.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

INTRODUCTION

Twenty years ago, Senator Everett Dirksen spoke of the threat of nuclear war in a speech before the United States Senate. "One of my age thinks about his destiny a little," he said. "I should not like to have written on my tombstone, 'He knew what happened at Hiroshima, but he did not take a first step.' "

Today individuals across the nation and around the world are taking their first steps to help prevent nuclear war. Public complacency has given way to genuine concern about the dangers of nuclear weapons. Indifference has been transformed into attentiveness as nuclear arms control has moved to the top of the public's agenda.

Why are citizens up in arms about the threat of nuclear war? In the past, the public has looked to politicians and technicians, to diplomats and generals, for answers to the nuclear dilemma. Today, citizens also are looking to each other—their instincts and intuition as well as their intelligence—for guidance.

First, citizens instinctively sense that the arms race poses a very real threat to their survival. Alarmed by the prospect of nuclear holocaust, they fear for their families, their friends, and their futures. They understand the stakes and find the risks plainly unacceptable.

Second, citizens intuitively question the logic of the nuclear arms race. Confounded by experts who offer conflicting theories, they recognize the need for fresh, common sense approaches to the problem of nuclear rivalry. They have heard too much doubletalks and are unconvinced.

Finally, citizens appreciate the power of knowledge and information. Baffled by the jargon of nuclear weaponry—megatonnage, kill ratios, throw-weight, and the like—they realize the value of doing their homework. They admit to the complexity of the nuclear issue but want to be better informed.

That is where we begin this guide—with doing our homework. Learning the basic facts. Mastering the concepts. Studying the alternatives. It is a slow process of self-education, but one that is worthwhile. It will help us think about the nuclear issue as concerned citizens. It will help us ask tough questions of those officials responsible for our national security. Finally, it will help us recognize sound government policies when we see them—policies that reduce the nuclear peril and move us toward a more certain peace.

In preparing this guide, Common Cause has sought to identify the questions that are basic to understanding the threat of nuclear war and ways of reducing that threat. By examining these questions in a systematic manner, we hope to help citizens develop a framework for making judgments about nuclear arms issues, judgments in which they can have confidence.

In Part One, we begin our inquiry by considering the basis for current fears about nuclear war. How grave is the threat of nuclear war?

In Part Two, we survey the nuclear arsenals of the superpowers in relation to each other. How do U.S. and Soviet nuclear forces compare?

In Part Three, we examine different ways the nuclear threat can be minimized through public policy. How can nuclear war be prevented?

In Part Four, we address the special concerns that arise from negotiating arms control agreements with the Soviet Union, our primary nuclear rival. How should we deal with the Soviet Union?

Finally, we conclude our inquiry by exploring the unique role of citizens in the nuclear arms debate. How can citizens influence nuclear arms policy?

The central premise of this guide is the value of education. To participate in the current dialogue on nuclear arms policy, citizens must have the confidence and ability to examine the issues from all sides. To help move the dialogue in new directions, they must understand the ideas that have guided our nuclear policies in the past and shaped current thinking on nuclear arms control.

Ultimately, the process of education is a process of empowerment: creating the opportunity for citizens to have an effective voice in the debate on preventing nuclear war. By participating directly in the political process—through voting, lobbying, and other tools of democracy—citizens can influence the direction of nuclear arms policy in the future. In the words of Common Cause Chairman Archibald Cox:

A free governing people cannot afford to leave the formulation of nuclear arms policy to so-called "experts." Too often the experts become trapped and blinded by their special roles: the military by the duty to plan for war; the scientists and technicians engaged in weapons development by enthusiasm to build and test the products of their imagination and hours of effort; industries by the lure of government contracts. Peace and threats to peace are the people's business.

This citizen's guide has been prepared in that spirit and in the hope that each of us, empowered with knowledge about nuclear war, will be better equipped as advocates of peace.

THE QUESTION OF ARMENIAN GENOCIDE

Mr. PROXMIRE. Mr. President, the Armenian people have been fighting for recognition of a terrible injustice, an injustice that occurred nearly 70 years ago. Between 1915 and 1923, more than 1 million Armenians were murdered in Turkey, an act which mere words cannot describe. We cannot begin to comprehend the horrors, the misery, or the scars left from this mass murder. But the Armenian people can comprehend this crime, and, thus, it is understandable that seven decades later they continue to fight for justice.

I draw this to the attention of the Senate because the Armenians have

recently found a tribunal to review their charges. In April the Permanent Tribunal of Peoples, an independent nongovernmental tribunal, will devote its session to the question of the 1915 Genocide of the Armenian people.

The hearings have been requested by three international human rights groups: The Minority Rights Group of France, Survivial International of West Germany, and Cultural Survival of the United States. This independent tribunal is composed of 61 individuals from 31 countries, a portion of which will hear the Armenian genocide question.

Mr. President, the Permanent Tribunal Peoples is one method of reviewing the mass murder of 1 million people. In addition, any decision, on genocide requires the force and weight of international law behind it. And the force and weight of any international law requires the advice and consent of the United States.

We need the Genocide Convention, Mr. President. It is the most important human rights treaty of the post-World War II era. It has had the support of every President since Harry Truman signed it 34 years ago. I am confident that President Reagan will support the Genocide Treaty when he has an opportunity to personally review it.

To address the question of genocide of the Armenian people, or of any other national, ethnic, racial, or religious group of people, the United States must join the other 92 signatories and make genocide illegal under international law.

Simply because an act occurred 70 years ago or 40 years ago does not preclude it from happening again. All around the globe, various groups of people are being murdered, arrested, tortured, and denied basic human rights. We cannot allow this to happen. We cannot allow genocide to happen again. Mr. President, it is time for the Senate to join together and ratify the Genocide Convention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. SIMPSON). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 10 minutes each.

THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, April 24, 1984, will mark the 69th anniversary of the willful massacre of 1.5 million Armenians at the hands of the Turks during World War I. Senate Joint Resolution 87, introduced by my distinguished colleague (Mr. TSONGAS), designates April 24 as a day of remembrance for the victims of this heinous act. I am proud to cosponsor this bill.

Before World War I, Armenians, a gentle, highly cultured people, lived alongside the Turks and demanded only tolerance and freedom from their Turkish rulers. In response, the Turkish Government launched a coordinated drive to round up and eliminate every Armenian man, woman, and child. On April 24, we shall honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by the Turkish leadership.

The Armenian genocide reminds us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhuman treatment suffered by the Armenians at the hands of their fellow men. We must keep the memory of this solemn and tragic event alive in order that our commitment to human dignity will not waiver.

If we are truly concerned about eliminating the evil of genocide from the heart of mankind; if justice and compassion are values which we sincerely cherish; if the death of 1.5 million Armenians is to be more than a tragic footnote to our times; then we must not forget the brutal assault on human dignity which was the Armenian genocide.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, has the unfinished business been laid before the Senate?

The PRESIDING OFFICER. It has not.

Mr. BAKER. I would ask the Chair to do so.

The PRESIDING OFFICER. Morning business is closed.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. The clerk will report the unfinished business.

The bill clerk read as follows:

Joint Resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

The Senate resumed consideration of the joint resolution.

Mr. SPECTER. Mr. President, I now wish to address the issue of the constitutional amendment on school prayer.

There is a unique mixture of factors in deciding how to vote on the pending complex controversial school prayer amendment:

First, the effort to accommodate the diverse sentiments of 11,800,000 Pennsylvanian constituents;

Second, concern for the long-term national interest on a proposal to amend the first amendment provision touching freedom of religion and separation of church and state, which has stood now for almost 200 years as the most fundamental of all constitutional provisions;

Third, three decades of my own study of constitutional law and many cases in related fields as a practicing attorney; and

Fourth, the feelings and impressions of a grade-school student who was a party to school prayer.

During the past 3 years I have heard the concerns of thousands of Pennsylvanians as I have held open house/town meetings in all of Pennsylvania's 67 counties, where the question of school prayer has come up repeatedly. For the past several weeks, while this amendment has been pending in the Senate, my staff and I have been considering and responding to numerous calls and letters—some 25,296 telephone calls in favor of a prayer amendment and some 2,382 calls opposed, with some 18,228 letters in favor and some 527 letters opposed.

In reciting those statistics, I think it important to note that those who have called in favor have offered no clear-cut specification or delineation as to precisely what it was that they favored, but presumably it is the pending amendment.

To the extent possible, I have accommodated the numerous requests for private meetings on the school prayer amendment.

During this time, I have sought to find an accommodation to the diverse wishes of those who want school prayer and those who are opposed to the possible coercive or intimidating effects on children of tender years by exposure to school prayer, not of the child's own religious persuasion or where the child has no religious persuasion.

One possible balance, in my opinion, is to permit a period of silence during class when a student could pray, meditate, or simply do nothing and to permit vocal prayer in classrooms before and after class in the same way the school property may now be used for other activities.

In my legal judgment that can now be done under the Constitution without a constitutional amendment. At the present time, the Federal courts are divided on the subject of silent

prayer. In my opinion, if, as, and when that question is decided by the Supreme Court of the United States, the Supreme Court will permit a period of silence when students may pray, meditate, or simply do nothing.

It is a matter of coincidence, but today the Supreme Court of the United States has on its docket for consideration an application for certiorari in the 11th Circuit case of *Jaffree* v. *Wallace* (705 F.2d 1526 (11th Cir. 1983)), which raises the issue of silent prayer.

Where a matter has not been decided by the Supreme Court of the United States, it seems to me that it would be premature and inappropriate to pass a constitutional amendment on silent prayer or access, and it is for that reason that I voted to table the Dixon amendment last week, and set forth my response at that time.

But the overall provision of access before class and after class for vocal prayer and the opportunity for a period of silence seems to me to strike a fair and realistic balance before coming to the issue of vocal prayer.

The issue of vocal prayer during class presents in my judgment complications which have not yet been answered. While it has been determined by an amendment to the pending school prayer amendment, that the Government will not determine the text of the prayer, it has not been determined who will. Some of my colleagues argue that the Government should be entirely neutral as it relates to the issue of school prayer. My own sense is that it is the school situation which should be neutral. No one has yet, in my opinion, found such a formula for neutrality.

Last Friday, I had the privilege to discuss the pending school amendment with President Reagan at his invitation. The meeting involved a number of my colleagues from the Senate and myself, and we discussed the pending amendment with the President, who in a very low keyed and unpressured presentation, suggested that he was interested in having the amendment passed.

He expressed himself on his own experiences where, as he put it, he attended a number of grade schools, because his father moved around, and found that there was no pressure and no undesirable consequences from the availability of prayer in school.

I responded with the experiences which I had had going to elementary school in Wichita, Kans., where as a youngster in the first or second grade I heard denominational prayer, which made me very uncomfortable.

At the meeting at the same time was the Secretary of Education, Clarence Bell, who recounted his own experiences as a Mormon in the State of Idaho, where Mormons were in a minority and expressed the view that there was no real problem based on his own experience.

At that time I expressed the concern that there not be regularized school prayer, that it was problematic to have denominational prayer spelled out in a regularized way. The sentiment was expressed in return to me that there would not be regularized prayer. However, under the amendment currently pending, I believe that the likelihood is at least present and possible, if not probable, that there will be some form of regularized prayer. It is also undetermined precisely who is going to make up the prayer, whether it is the teacher or whether it is the students, or whether it may be a board of education that may involve State action. These are all questions which remain unfortunately unresolved on the face of the current amendment.

I personally feel strongly that it is not sound public policy to subject children of tender years—5 or 6 or 7, or even older—to vocal prayer which carries subtle suggestions of religious content at variance with that child's or student's own preference.

If a method could be determined to avoid such problems, I am prepared to listen and reflect further on this issue.

Notwithstanding the fact that there is a unanimous consent agreement to vote on the amendment in its current form tomorrow, it is entirely possible that there will be further analysis and further effort to have an amendment postulated in a context of total neutrality to avoid the concerns which I have just expressed, and if so, I am prepared to listen and reflect further before coming to a final decision on this question, and I do not now state a final position for tomorrow's vote.

There is one other consideration that I wish to touch upon relating to the amendment process generally. That is my concern that amendments to the Constitution of the United States be approached with great care because of the texture of our constitutional Government, which provides that the Constitution be interpreted by the Supreme Court of the United States, which has through history become our national moral conscience.

It is my view that we should look with great caution at amending the Constitution in response to specific Supreme Court decisions. Now I say that with some substantial experience as a prosecuting attorney during the era when the Supreme Court of the United States made it very difficult for law enforcement and for prosecuting attorneys to do their job.

I very much disagree with a great many of the Supreme Court decisions characterized by Miranda against Arizona in 1966. There was quite a hue and cry at that time to overrule the Supreme Court's decision in Miranda, where the Court held that there had to be a series of specific warnings given to criminal suspects, a series of waivers attained, and further that the decision applied to cases which went to trial after the date of the Miranda decision on June 13, 1966.

I can recall very well a case called Commonwealth against Hickey, where there was a brutal murder of a taxi driver in Philadelphia, Pa. The suspect confessed under circumstances which were considered voluntary in May of 1966 and led the police to the place where the gun was found and the loot was found. It was not possible to bring him to trial before June 13, 1966. Who knew that, on that day, the Supreme Court would decide the Miranda case? But the Supreme Court did and later said that cases like Hickey could not have the confession introduced or the fruits of the confession introduced. And Hickey, a cold-blooded murderer, went free. That is only illustrative of many, many cases which were decided by the Supreme Court of the United States with which I strongly disagree.

But when the time came to mount an effort to amend the Constitution of the United States to overrule the decision of the Supreme Court in Arizona against Miranda, it was my judgment that we should not do so because of the overall disadvantage of overruling a specific decision of the Supreme Court of the United States; that there was more to be gained in terms of the Supreme Court as an institution expressing the national moral conscience than in overruling its decision in a case, however important that case might be for a significant number of cases. We eventually accommodated Miranda and learned how to live with it, but at some substantial cost.

The Supreme Court of the United States has been the protector of minorities in interpreting the Constitution of the United States. The Constitution of the United States is, in my opinion, the greatest document yet devised for the protection of minorities and for the protection of civil rights.

There is a complex judgment presented when the Congress of the United States is called upon to propose a constitutional amendment, which we have the power to do by two-thirds votes of the House and the Senate. Subsequent ratification by three-fourths of the States is required to change the Constitution as a fundamental law of the land. I believe we should approach this process with great, great caution, and there should be a very, very heavy burden of proof on those who seek to amend the Constitution. I say that because of the difference in tenure which has so much to do with the philosophy and the approach of the Supreme Court Justice, who has life tenure, or other Federal judges who have life tenure, and a Member of the Congress, the House

with 2 years tenure or the Senate with 6 years tenure.

It is obviously hard for someone who looks to the majority to stay in office, which all of us elected officials must do, to give the same attention and consideration to the rights of the minority. It is entirely likely that, in the long history of civilization, the Government of the United States, in the 200 years after the adoption of the Constitution and the Bill of Rights, will be judged more on our respect for the rights of minorities than on any other single quality in a government which has beneficial aspects in so many ways.

There is a cleavage and there is a line where the will of the majority—even a dominant and overwhelming majority—must be looked to, and that is the role of the Congress as elected officials to do so in the process of amending the Constitution, as opposed to the judiciary, which has a life tenure and does not have the same function. But both the judiciary, as exemplified by the decisions of the Supreme Court of the United States, and the Congress, as we work our will through the legislative process and the constitutional amendment process, look to sound public policy to decide what ought to be the rule of law in our country.

In this context and on this record, it seems to me that we ought not modify the Constitution of the United States unless and until some method can be devised which would make the school situation entirely neutral as it relates to the consequences of vocal prayer for children of tender years—5, 6, 7, or even older.

Mr. MATTINGLY. Mr. President, much of the debate on Senate Joint Resolution 73 has focused on the first amendment and on the constitutional guarantee of religious freedom for all citizens. Our Nation's early history clearly demonstrates that the Founding Fathers understood there is an absolute distinction between religious freedom—that is, freedom to practice one's religion—and freedom from religion. Freedom from religion was never the intent of our forefathers. They acknowledged the part played by divine providence in the formation of this country's Government.

Thus, George Washington prayed:

> Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to Government and entertain a brotherly affection and love for one another and for their fellow-citizens of the United States at large. And, finally, that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine author of our blessed religion and without which we can never hope to be a happy Nation . . .

What our forefathers did intend was the prevention of the establishment of a state religion so that a diversity of religions or churches might flourish.

The constitutional amendment we are considering does not impose prayer upon public schools. It permits prayer in any classroom where anyone may desire to pray. This would effectively end the 22-year period of actual hostility that has been shown toward religion in public schools.

As for the frequently asked question "Wouldn't students become the butt of ridicule from their schoolmates if they did not participate in prayers," I will answer with a quotation from my friend and colleague in the House, the Honorable NEWT GINGRICH:

> In an age when we have peer pressure to use drugs and alcohol and to engage in sex at 15, it's not all that bad to have some peer pressure to pray. We are in greater danger of becoming a pornographic-viewing, drug-addicted culture than of becoming an abstinence-dominated theocracy.

We are in great danger as a nation if we continue to allow children to have beliefs, but forbid them to speak openly about them in classrooms. It is frightening to realize the similarities between what has and is happening in Poland and in this country. There is now raging in Poland what is known as the "Battle of the Crosses." Students in Mietno, Poland are protesting an order by their school principal that forbids the replacement of crucifixes in classrooms. Those crucifixes were removed by Communist Party officials in December when they used the building for a meeting. A report on the "battle" in the Sunday Washington Post reads:

> Government officials have framed the controversy in terms of the constitutional separation of church and State, contending that a 1961 law affirming the secularism of State-operated schools means that religious symbols have no place on school walls.

Mr. President, opponents of the school prayer amendment have often cast the issue in terms of the doctrine of the separation of church and state. As in Poland, citizens in this Nation are protesting governmental action which has had the effect of secularizing our schools. At the present time, their protests have been expressed in terms of their support for a constitutional amendment to allow voluntary prayer in public schools.

The points made by the Polish Bishop Musiel are, ironically, relevant to our debate. "They tell us," he said:

> The buildings housing schools are secular and that is why the cross cannot be tolerated there, but within these buildings are Polish hearts. Was there a vote taken among the Polish nation, was there a plebiscite, whether Poles want to adopt so-called secular culture? No, there was none.

Mr. President, there was no vote among the American people to remove prayer from public schools. Had there been, prayer would never have been prohibited. Whether they are in a church, a hospital, an assembly line, a business, a Government office, at home with their family, in the open spaces of our land, or in a school, it is clear that the American people value their constitutional right of freedom of religion, not from it.

I fear for a nation which would enforce a prohibition of voluntary school prayer against its children, Mr. President. I will cast my vote in favor of the constitutional amendment to allow voluntary prayer in public schools.

Mr. METZENBAUM. Mr. President, in 1786, after what Thomas Jefferson described as "the severest contest in which I have ever been engaged," Virginia adopted a statute providing for the absolute separation of church and state.

"Thus" wrote James Madison, "in Virginia was extinguished forever the ambitious hope of making laws for the human mind."

Unfortunately, Mr. President, James Madison was wrong.

The "ambitious hope" of which Madison spoke was not "extinguished forever."

It is very much alive and with us here today on the floor of the Senate.

And once again, we are engaged in a severe contest in defense of religious freedom.

Today's assault on our religious freedom comes in the guise of a proposed constitutional amendment to permit prayer in the public schools.

But the issue, Mr. President, has nothing to do with the right to pray.

Children in our schools are and have always been free to offer silent prayers whenever they so desire. And when they do so, they are engaging in truly voluntary prayer—prayer that springs from authentic religious belief—prayer that comes from the heart, not from some Government agency.

What we are being asked to approve by the proponents of this amendment is not prayer. It is official prayer—prayer sponsored and organized by the Government without regard to the personal religious beliefs, of children and their parents.

This amendment strikes directly at the basic principle that in matters of religion, the Government must, as the Supreme Court held in Abington School District against Schempp, be "firmly committed" to a position of neutrality.

This amendment is a license to scrap that whole principle. As Rev. Dean Kelly of the National Council of Churches observed in testimony before the Judiciary Committee, those with majority beliefs, could proclaim to those with minority beliefs:

> This is our classroom where our religion prevails. If you do not like it, you can leave. You can not stay here and be a full member of our civil community unless you conform to our religious practice.

Recently, an advocate of this school prayer amendment suggested in a radio interview that the concern expressed about minority rights was misplaced. "Maybe the minority should respect the wishes of the majority." he said.

But the fact is, Mr. President, that every American is in a very real sense a member of a religious minority.

The religious majority in this country changes from region to region, town to town, and neighborhood to neighborhood.

Mormons are a majority in Utah, but a minority when they move out of that State.

Catholics and Jews are numerous in our major cities, but less so in rural areas and much of the South.

A majority of Americans describe themselves as Protestant. But there is great diversity of belief among the Protestant churches—and there is no majority denomination.

As a matter of fact, there is a community in Cleveland—a rather large community, as a matter of fact—where the overwhelming proportion of the residents, almost unanimous, as a matter of fact, consists of Catholics and Jews and practically no Protestants.

Do we really want to see a situation in this country in which the local majority imposes its prayer and its style of worship upon the children of the local minority? Can Catholics and Jews work together to work out a prayer that the Protestants would feel uncomfortable or can those where there is a majority of Jewish children have Jewish prayers and make Protestants and Catholics uncomfortable? How about the Hindus and the Moslems and the many other religious groups that exist in this country? Are their rights not equally as important as every other American's right?

The whole idea of imposing a prayer upon all is intolerable and profoundly un-American.

As a matter of fact, I must confess that I am dismayed that this body would even consider it.

And I guess it bothers me much that when there are so many problems in this country demanding our attention, demanding our concern, having to do with problems from overseas as well as in this country—8 million Americans still unemployed as we meet here—and the President of the United States is having Senators come down to the White House to discuss what? The solution of some of those problems? No, not at all. He is attempting to prevail upon them to change their votes and support his position in connection with this issue.

I might say that I am willing to pray out loud and I would pray that the President would devote his attention to some of the unemployed and some of the poor and some of the weak and some of the aged that live in my State and so many other States in this Nation, because I think that that is really where our attention should be directed.

The fact is, Mr. President, that we have in our country upwards of 80 separate religious bodies with memberships of 50,000 or more. And if 200 years of our history tells us anything, it is that the state has no business deciding what is and what is not the appropriate way to express the relationship between man and God.

But the proponents of the amendments tell us not to worry, that they would only allow "voluntary" prayer.

Voluntary prayer indeed.

The group prayer sessions these amendments would present to religious minorities would give them three distasteful choices:

One, to give in to peer pressure and please the teacher by joining in prayers they find religiously or personally offensive.

Two, to refuse to join in and risk the hostility and ridicule of others.

Three, to leave the room and be considered by the other children as "different," "weird" or worse.

The practical effect of this amendment would be to pressure children into joining prayers in which they do not believe.

Are the sponsors of this amendment truly convinced that a first or second grader will say "no" to the teacher and refuse to join the rest of the class in prayer?

How many young people of high school age would resist peer pressure to participate?

The answer is: Not many.

And the fact is that state-sponsored school prayer cannot be voluntary.

Let us look at a real life example of this problem. A constituent from Columbus, Ohio, wrote urging me to oppose this amendment.

She wrote:

> When I was in 5th grade, I was physically abused by a teacher following the recitation of the Lord's Prayer. During the prayer, I stood up along with the other students and was silent. Afterwards, the teacher came to my desk, grabbed me by the shoulders and shook me saying, "who do you think you are that you can look around the room during our prayer?"

She continued:

> As you know, in Judaism we are not taught to bow our heads, close our eyes, and fold our hands in order to pray. The fact that I did not assume this posture outraged this teacher. I had not caused any disturbance in my classroom. I had stood up because my parents had told me to respect others, and I was silent during the prayer. It frightens me to think that Congress is actually serious about mandating prayer in schools. Even if they propose a moment of silence. How would my experience be prevented? Must all eyes be closed, all hands folded, all heads bowed?

I submit, Mr. President, one experience of that kind inflicted upon one child is one too many. But, of course, the Columbus woman who wrote to me is by no means the only person to have suffered from the intrusion of religion into the classroom.

In 1981, in Oklahoma, a member of the Church of the Nazarene asked the ACLU to stop the religious activities taking place in her child's school. Other community residents who supported the school's choice of religious activity assaulted this woman on school grounds, and harassed and threatened her to the point that she was forced to flee to another school district.

In Alabama, an agnostic was reportedly threatened with death after challenging the recitation in all public schools of a prayer written by the Governor's son.

School prayer could not, and would not, be voluntary.

Invariably, it brings intimidation, ridicule and harassment for those who are different.

And certainly, school prayer cannot be nondenominational.

In our heterogeneous society, it is simply impossible to write such a prayer. The best effort is destined to be offensive because it degrades all religions by requiring plastic prayer—prayer totally devoid of religious substance. A cartoon that appeared in the October 1983 edition of Church and State aptly describes such a prayer.

The first panel shows a teacher who is saying "Class, please join me for the generic prayer." In the second panel, with her eyes closed and a reverent expression on her face, she begins "To whom it may concern * * *."

Indeed, Rev. Jerry Falwell said recently that because of the religious diversity of the moral majority, "If we ever opened a moral majority meeting with prayer, silent or otherwise, we would disintegrate."

Mr. President, let us not lose sight of the fact that the prayer sessions envisioned by this amendment would occur in public schools that are supported by taxpayers and that children are required by law to attend. The Supreme Court lashed out at school prayer for this very reason. In Everson against Board of Education, the Court found that to compel a man to furnish contributions of money for the propagation of religious opinions which he disbelieves is sinful and tyrannical. Rev. Dean M. Kelley, the director for religious and civil activity for the National Council of Churches, concluded that if this amendment passes, members of religous minorities, who are equally citizens and whose taxes equally support those institutions, would no longer be equally at home in them.

In an attempt to protect children of minority religious groups, the amendment says that the State cannot com-

pose the words of prayers said in the public schools.

That is no protection at all.

Nothing in this amendment prevents Government officials from selecting prayers written by and for particular religious groups.

Nothing in this amendment says that a teacher may not use the power to select prayers as a vehicle for promoting his or her religious views.

And nothing in this amendment would prevent the nightmare I described earlier in my remarks in which whatever group has the local majority forces its religious forms upon those in the local minority—or the many minorities.

I submit that religion does not need, and that religious people should look with dismay upon involvement of any kind by the State in matters of belief. Let us not forget that if we let the State promote religion in general, we open the door for the eventual promotion of a particular religion.

The perception that this amendment threatens our first amendment rights is widely held in the religious community. I ask unanimous consent that a list of religious groups opposing this amendment be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OPPOSING SCHOOL PRAYER BILLS

RELIGIOUS

American Jewish Congress.
Baptist Joint Committee on Public Affairs.
Citizens for God and Country.
United Methodist Church.
African Methodist Episcopal.
African Methodist Episcopal Zion Church.
American Jewish Committee.
Anti-Defamation League of B'nai B'rith.
Antiochian Orthodox Christian Archdiocese of North America.
Armenian Church of America.
Board of Church and Society of United Methodist Church.
Central Conference of American Rabbis.
Christian Church (Disciples of Christ).
Christian Reformed Church.
Church of Brethen.
Coptic Orthodox Church in North America.
The Episcopal Church.
Friends United Meeting.
General Convention the Swedenborgian Church.
Hadassah.
Hungarian Reformed Church in America.
Jewish Labor Committee.
Jewish War Veterans of USA.
Lutheran Church in America.
Lutheran Council in USA.
Morovian Church in America (North and South Provinces).
National Association of Catholic Laity.
National Council of Community Churches.
National Council of Jewish Women.
National Women's League for Conservative Judiasm.
Orthodox Church in America.
Patriarchal Parishes of the Russian Orthodox Church in America.
Philadelphia Yearly Meeting of the Religious Society of Friends.
Polish National Catholic Church of America.
Presbyterian Church in the United States.
Progressive National Baptist Convention.
Rabbinical Assembly.
Rabbinical Council of America.
Reformed Church in America.
Serbian Eastern Orthodox Church.
Ukranian Orthodox Church of America.
Union of American Hebrew Congregations.
Unitarian Universalist Association.
United Church of Christ.
United Methodist Women.
United Presbytarian Church in USA.
United Synagogues of America.
National Council of Churches of Christ in the USA.
National Jewish Community Relations Advisory Council.
Synagogue Council of America.

This issue has been presented to the country as an ideological matter, pitting conservatives who support the amendment against liberals who oppose it.

That is not correct.

Columnist James J. Kilpatrick, who has never been accused of harboring liberal tendencies, writes that:

The best solution is to leave a child's religious instruction where it belongs, in the home, in the church, in the temple, in his mind and heart.

George F. Will, who is said to be President Reagan's favorite columnist, wrote that:

I stand foursquare with the English ethicist who declared: "I am fully convinced that the highest life can only be lived on a foundation of Christian belief—or some substitute for it." But President Reagans's constitutional amendment concerning prayer in public schools is a mistake * * * The Question is: Is public-school prayer apt to serve authentic religion, or is it apt to be mere attitudinizing, a thin gruel of vague religious vocabulary?

* * * prayer that is so general and so diluted as not to offend those of most faiths is not prayer at all. True prayer is robust prayer. It is bold prayer. It is almost by definition sectarian prayer * * * when government acts as liturgist for a pluralistic society, the result is bound to be a puree that is tasteless, in several senses.

Many respected local newspapers have expressed their opposition to this effort to dictate religious behavior:

Akron Beacon Journal, September 27, 1982, Akron, Ohio:

We oppose prescribed prayer in the schools—because it favors one religion over another, because it intrudes on private beliefs.

Arkansas Gazette, November 9, 1983:

Anyway, the best approach to the whole question continues to be to leave the practice of religion to the church and the home, and the process of public education to the public schools. Both religion and education suffer in the process of trying to impose some kind of catch-all prayer upon the public school system.

Sunday News Journal, September 12, 1982, Wilmington, Del.:

The Government should neither encourage nor discourage the practice of religion. Prayer is the expression of a convenant between man and God. The State has no business interfering in this relationship.

The proposed constitutional amendment is both unnecessary and undesirable.

The Providence Journal, September 11, 1982, Providence, R.I.:

Religious indoctrination does not belong in a public school curriculum. It does not belong as a function of a State or local government agency. And it has no place in the Constitution of the United States which seeks to guarantee the right of every citizen to subscribe to religion or to leave it alone.

Evening Express, September 28, 1982, Portland, Maine:

For an arm of the State to coerce schoolchildren into the recitation of prayers—regardless of whether the action is disguised by a "voluntary" label—is a direct violation of the principle of religious freedom.

Los Angeles Times, September 12, 1982:

Religion is a voluntary, personal act. The involvement of government negates the entire experience. Reagan should understand that allowing even voluntary prayer places a government stamp on religion.

Atlanta Constitution, December 19, 1983:

The fact is, silent prayer is perfectly legal in public schools and always has been. There is not a court in the land with the power to prevent a spontaneous silent prayer by any student or any teacher. Neither are moments of silence outlawed, provided they are not organized for a specific religious purpose.

What the courts do prevent—and with good reason—are school-sponsored attempts to organize or suggest any form of worship for students. The courts have rightly judged that one's religious beliefs and one's way of observing them are not the business of the public schools.

The Des Moines Register, September 29, 1982:

Organized school prayer would trample on the religious beliefs and sensitivities of many children, and it would coerce nonbelievers to participate in order not to be stigmatized as "different".

Minneapolis Star and Tribune, September 30, 1982:

As the Supreme Court said in 1962 the amendment "has never meant that a majority could use the machinery of the state to practice its beliefs." But that is precisely what supporters of school prayer hope to do.

St. Petersburg Times, September 10, 1982:

The Supreme Court never said that children couldn't pray whenever they want, so long as the prayer is a private act. What it did say—and rightly so—is that the Government may not tell children when to pray or what to pray.

It is not possible to fashion a constitutional amendment that allows school prayer without trampling on the religious rights of some parents and children. This is why we had three constitutional amendments offered today and why the Judiciary Commit-

tee could not choose one to send to the Senate.

"It is proper," James Madison wrote, "to take alarm at the first experiment on our liberties."

This school prayer amendment is precisely that—an experiment with the fundamental freedoms of the people of this country.

It is a wedge driven into the wall of separation between church and State.

This amendment ignores the history of our country as a place to which millions of people fled in order to be able to practice their religions in freedom and dignity.

This amendment flies in the face of the great lessons we have learned from 200 years of American experience.

What are those lessons?

In Engle against Vitale, the Supreme Court summarized them this way:

> By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of church and state. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services.
>
> * * * the first amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support, or influence the kinds of prayer the Amercian people can say.

That is the question before us: Shall we turn over to Government the right to meddle with the religious beliefs and practices of Americans?

To that question, I deeply believe that we have a solemn obligation to answer "No."

Mr. BAKER. Mr. President, I have consulted privately with the minority leader before the inquiry I am about to make so I already know what the answer will be, I think, but I am obligated to do so.

THE FARM BILL—H.R. 4072

Mr. BAKER. Mr. President, could I inquire of the minority leader if it would be possible now to pursue the effort that we began last week to proceed to the wheat improvement bill, the so-called agriculture bill, for a limited period of time, say, for 3 hours in order to deal with that matter at this time?

Mr. BYRD. Mr. President, I must say in response to the distinguished majority leader, as far as I am concerned, we can do so. However, there are Senators who are absent at the moment, among them being both Senator HEFLIN and Senator HELMS, as I understand it, who would want to be present when such legislation is called up.

I received a call from Mr. HEFLIN earlier this afternoon, during which conversation he indicated he felt something could be worked out by tomorrow and had so stated that belief to the distinguished chairman of the Agriculture Committee (Mr. HELMS). He perhaps indicated this to the majority leader. I am not absolutely certain that I am correct in that regard.

In any event, he will return to the city today. He will be back here circa 4:30 p.m. He indicated that at that time he will be glad to pursue, if Senator HELMS is here by that time, negotiations on the farm bill. He indicated he felt that could be resolved. Whether or not it can be tomorrow, I am not sure, but I have a feeling it might be.

Therefore, Mr. President, I feel it would be better if the majority leader could pursue this matter once Mr. HELMS and Mr. HEFLIN are here, and hopefully we could be put in a position of having it cleared for an agreement or calling up.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, I, too, hope that we can work something out because time is of the essence, critical, on the wheat bill, but the minority leader, of course, states the situation correctly. Some of the principals involved in this debate simply are not here. They are necessarily absent from this Chamber, as we all must be from time to time, so not even negotiations on that solution can be begun until later, or at least not negotiations that have any reasonable prospect of succeeding.

So I will not press the point at this time, and I will confer with Senators on this side. Later in the day or in the morning, I hope to clear with the minority leader as to how we might reach the farm bill on some agreeable basis.

Under those circumstances, Mr. President, I will not pursue the matter now.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

VOLUNTARY SCHOOL PRAYER

The Senate continued with the consideration of Senate Joint Resolution 73.

Mr. BAKER. Mr. President, as is almost always the case when we get a time for final passage on a matter, it has a singularly dampening effect on debate. As a matter of fact, debate just about ceases. That is the situation on the prayer amendment, which is now pending. We do not have a single request on this side of the aisle for Members to speak on the pending business.

If the minority leader has no need for time, it will be the intention of the leadership on this side to create now a time for the transaction of routine morning business.

Mr. BYRD. Mr. President, I have no requests for time this afternoon.

Mr. BAKER. I thank the minority leader.

For the benefit of the Members who may be listening in their offices, if there is need for time to speak on this measure, it can be done in morning business; and, with unanimous consent, the remarks can be inserted in the body of the RECORD during the time the measure is pending today, as it is now.

AUTHORITY FOR INSERTION OF STATEMENTS IN THE RECORD UNTIL 5 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that Members may have until 5 p.m. today in which to insert statements in the RECORD.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend past 3 p.m., in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2438 PLACED ON CALENDAR

Mr. BAKER. Mr. President, I have a bill on behalf of the distinguished Senator from Nevada (Mr. LAXALT) which I have discussed with the minority leader. It has to do with standing and jurisdiction in civil lawsuits to determine the constitutionality of the limitation on the amount of honoraria which Members of Congress may receive. I send the bill to the desk at this time, and I ask unanimous consent that the measure be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for doing this is so that Members may have notice of this matter before we proceed further. We will not take it up until it has been printed on the calendar, as has been our tradition.

ORDER OF BUSINESS

Mr. SPECTER was recognized.

Mr. BAKER. Mr. President, will the Senator yield for a moment?

Mr. SPECTER. I yield.

Mr. BAKER. I understand, through an intermediary, that the Senator from Pennsylvania wishes to speak longer than the 10 minutes allowed under the present order. Is that correct?

Mr. SPECTER. Yes, it is.

Mr. BAKER. I inquire of the Senator how long he would like to have.

Mr. SPECTER. I am delighted to respond to the majority leader. I believe I will take about 20 minutes, but I have not had time to prepare the speech in order to make it shorter, so it may take a little longer than that.

Mr. BAKER. Mr. President, having great confidence in the Senator to edit on his feet, I ask unanimous consent that the time the Senator may speak be extended from 10 minutes to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the majority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AID TO EL SALVADOR AND NICARAGUA

Mr. SPECTER. Mr. President, in the absence of any other pressing Senate business, I now take this opportunity to report to my colleagues, and to those who read the CONGRESSIONAL RECORD, on a hearing of some importance which I held in Philadelphia, Pa., on the pending issues relating to aid to El Salvador and Nicaragua.

In the face of the matters pending before the Senate Appropriations Committee, on which I serve, there were some 400 calls received by my office on the $21 million appropriation request for Nicaragua for covert activity, and the $92 million-plus appropriation request for El Salvador. In the face of very considerable public interest, I thought it appropriate on short notice to schedule that hearing so that I might be apprised of the views of a considerable number of my constituents on this important subject, and that I might be in a position to pass those views on to other Members of this body who will this week, or at some date soon, consider the issue of aid to El Salvador and Nicaragua.

The session was scheduled on Thursday morning immediately after the action taken by the Appropriations Committee on last Wednesday. The Appropriations Committee had acted on short notice with the matters having been presented by the administration on the prior week, at which time aid to Nicaragua was voted down in the committee by a vote of 15 to 14, and the issue of aid to El Salvador was put over until next week.

It was after the session on Wednesday last—on Thursday morning—that I scheduled the hearing for Saturday, since that was the day which we had off when I could accommodate the people in Pennsylvania who had expressed an interest in commenting on these pending matters.

In order to present the views of the administration, I requested the State Department to make a representative available to testify. Mr. James Michel appeared and testified from his vantage point as Deputy Secretary of State for Inter-American Affairs. He testified to a number of important matters, such as: El Salvador suffers from economic and political problems exacerbated by the severe economic decline over the last 5 years; that there is a great disparity in wealth in the country; and there has been little opportunity for the free expression of political opinion in El Salvador.

Mr. Michel continued by pointing out that El Salvador is trying to improve its record in the area of human rights and has scheduled elections for March 25 of this year; that the guerrilla forces in the country have threatened to sabotage the elections, and have done so by bombings and murders.

Mr. Michel further testified that the military in El Salvador seeks to provide security in this area so that elections can proceed free of intimidation. He further pointed out that the Nicaraguan Government has lent itself to the spread of further revolution in the region, and is the base for Contras and Soviet support for the internal insurrectionist movements in Central America; and, that the Nicaraguan Government has been supplying arms and other support to the rebels in El Salvador.

Mr. Michel also made the point that the Kissinger Commission, a bipartisan group, sought to provide long-term solutions as to how the United States can protect its interests in the region; and, that we have sought a policy to deal with social, political, economic, and security issues.

Mr. Michel further pointed out that the Reagan administration is trying to implement recommendations of the Kissinger Commission by providing economic aid to the region and military assistance to guarantee the security of El Salvador while the political reforms take place.

He further pointed out that the U.S. goal in El Salvador is to support an emerging democracy and protect it from the internal insurgency supplied and directed by Nicaragua.

While Mr. Michel sought to make these points, he was interrupted continuously by the group which was assembled there, estimated in excess of some 200 people. At one juncture a great many of those in the audience rose and turned their backs on Mr. Michel in the ceremonial courtroom in the Federal courthouse where I was presiding.

It is clear that those who were in attendance had little view, if any, to listening to Mr. Michel or to listening to anyone, but had come to ask for my position on the issue, and to express their own points of view.

I had expressed the view that my vote in support of $21 million for covert aid to Nicaragua was a preliminary view which had been recorded at the time when the President had come to the Appropriations Committee in an emergency situation; that my support for any additional aid to El Salvador was conditioned upon an amendment which would make substantial changes in the judicial system of El Salvador; and, that I had in fact offered an amendment which limited by 30 percent the aid to El Salvador in fiscal year 1984 conditioned upon the verdict in the case involving the murders of the four American churchwomen who were brutally killed in December of 1980.

Notwithstanding those efforts from the past, there were expressions of opinion that it was outrageous for the U.S. Congress to provide any further aid, covert or otherwise, to Nicaragua, and outrageous for the U.S. Congress to provide any additional aid for El Salvador.

The group of witnesses testified to the following contentions and concerns. I ask unanimous consent that the full list of the witnesses may be included in the CONGRESSIONAL RECORD, as if read in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the witness list was ordered to be printed in the RECORD, as follows:

1. Mr. Kenneth Sharpe—Assistant Prof., Political Science, Swarthmore College, Co-Director of U.S. Central American Policy Group.
2. Mr. Douglas Bennett—Prof. at Temple University, Director, Institute for Public Policy Studies.
3. Reverend Robert Hultman—Pastor of Woodcrest United Church of Christ and Chairperson of Peace Advocacy for PA Southeast Conference of United Church of Christ.
4. Ms. Mary Day Kent—Friends Peace Committee of Philadelphia.
5. Ms. Ethel Taylor—National Coordinator/Women's Strike for Peace.
6. Mr. Harry Lore—Philadelphia Lawyers Committee on Central America.
7. Sister Janet Gottschalk—Medical Mission Sisters.
8. Ms. Karen Fitzer—Philadelphia, Pa.
9. Mr. Philip Berryman—Representative of Policy Alternatives for the Caribbean and Central America.
10. Mr. Hugh Lacey—Prof. of Philosophy, Swarthmore College.
11. Brother Paul Scheiter—Coordinator of Institutional Research, La Salle College.
12. Mr. Robert Kendrick—Philadelphia, Pa.
13. Mr. Bryn Hammarstrom—Philadelphia, Pa.
14. Ms. Kaisha Brown—African/American Coalition.
15. Mr. Robert Simpson—Philadelphia, Pa.
16. Ms. Karel Kilimnik—Philadelphia, Pa.
17. Mr. Paul Socolar—Committee for Health Rights in Central America.
18. Ms. Carolyn DiFiori, Artists call against U.S. intervention in Central America.
19. Mr. James Zweigle, Student Temple U.

20. Mr. Jack Hoenstein—Philadelphia. Pa.
21. Mr. William Wisler—Philadelphia, Pa.
22. Mr. Thomas Cronin—President, District No. 47 AFSCME.
23. Rev. Arthur Brandenberry—Philadelphia, Pa.
24. Mr. Jack Levine.
25. Mr. Jack Weinstein.
26. James Michel—Deputy Secretary of State for Inter-American Affairs.

Mr. SPECTER. The contentions raised by those who were in attendance were that the logic of the administration policy incorrectly assumes that Nicaragua is the source of the insurgency in El Salvador and its neighbors; and that the administration seeks continuous military pressure on the Nicaraguan Government so as to force them to stop supporting insurgents in El Salvador. The reality is, as represented by those witnesses who testified, that there is very little flow of arms from Nicaragua to the insurgents in El Salvador.

The contention was further made that in fact most of the insurgents' arms which are captured from the El Salvadoran army are sold by the corrupt El Salvadoran officers to the insurgents. Those opposed to U.S. policy further contended that the United States in reality seeks to produce sufficient opposition to the Nicaraguan Government through its support of the Contras so as to force a popular uprising, and result in overthrow of the Nicaraguan Government.

The contention was further advanced by those who appeared at the hearing that the U.S. policy in Honduras has revived a regional military reliance which excludes Nicaragua and forces them to seek Soviet and Cuban aid, and that, in fact, our policy toward Nicaragua is counterproductive, driving Nicaraguans away from any friendly relationship with the United States.

The contention was further advanced that the flow of arms from Nicaraguan to El Salvadoran insurgents, if any at all, is realistically trivial; that the activities of the Contras is not the sort to interrupt arms flow; and that their major activities are sabotage in Nicaragua and the murder of peaceful peasants. There was a substantial body of testimony about the activities of the Contras being brutal and murderous. Those who testified further contended that U.S. policy is unwise in refusing to promote discussions for peaceful settlement in the region, and that the ultimate solution will come by negotiation and not by arms shipments.

The contention is further made that, given the facts of history, Nicaragua has every reason to fear an invasion by the United States or its surrogates there and that our military policy is moving Honduras away from democracy; that one of our justifications for U.S. policies is to encourage democracy in Nicaragua, but by encircling Nicaragua, we are pushing the Sandinist government to be less tolerant of dissent; and that the overall policy of the United States is counterproductive.

During the course of some 3 hours of hearings, there was a sense of great discontent by the 25 witnesses who testified, backed fully by those who were present. While a great deal of what was testified to is obviously subject to challenge, it was my distinct conclusion that there is great unrest in many quarters about our policy in Nicaragua and our policy toward El Salvador and that a great deal more must be done by the Department of State to explain and justify the positions which it holds and the very substantial financial aid that the administration is asking from Congress.

Too often, as we are in these halls and talk only to ourselves, we do not hear the very strong voices of dissent which come from the national community and certainly, what I heard from the Pennsylvania community. There were a number of veterans from the Vietnam war who testified and who analogized El Salvador to Vietnam and had very strong questions about U.S. policy.

In responding to some of these contentions and considerations, I pointed out that Secretary of State Shultz had testified before the Foreign Operations Subcommittee of the Committee on Appropriations that there was not an effort being made to overthrow the Nicaraguan Government and that, in fact, Congress had spoken emphatically on this subject and had decreed that no U.S. funds could be spent to overthrow the Nicaraguan Government; that the U.S. was dedicated to establishing a democracy in El Salvador and that the economic and military aid was being directed toward that end.

The sense of those who testified and the sense of others who were present was one of disbelief in the representations made to them; a sense that when the officials of the administration speak and testify, the credibility is very low; stated more bluntly, that the administration is not to be believed because of the atmosphere of Watergate and because of the distrust of government brought on by Vietnam.

Mr. President, I can understand that sentiment. For the information of my colleagues and those who read the CONGRESSIONAL RECORD this afternoon, there is substantial dissatisfaction and substantial questions posed by those who appeared at the hearing to testify, albeit they were a relatively small number, and these are reflected across the State of Pennsylvania and across the Nation. That sentiment is strong and I think must be taken into account when we consider our economic aid to Nicaragua and to El Salvador.

I thank the Chair.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

TIME TO BRING UP THE FARM BILL

Mr. DOLE. Mr. President, before the Senate recesses or takes up further business today, I would like to raise a matter of interest to farmers in my State, the State of Kansas, and, I think, to farmers in many other States—that we take up H.R. 4072, which was blocked from consideration last Thursday.

In my view, if we could bring up H.R. 4072 just as we bring up other legislation, it would pass the Senate by a wide margin. There may be certain Members who continue to have a problem with some aspects of it, but we cannot let one or two Members in the Senate hold the entire American agriculture sector hostage while they try to work out certain provisions.

I do not quarrel with those who have objections to the bill or with those who may want to make changes, but under the procedure we have been using for the last several months on farm bills, it takes only one Senator to block consideration. For several months last year, some of us from wheat areas hoped that we could bring up legislation. One version was brought up a number of times but, after one objection, it was taken down.

I suggest that maybe the best way to proceed is to go ahead and bring a bill up. If someone wants to object, he certainly has that right; we do not want to take anyone's rights away. But if we cannot reach a time agreement by unanimous consent, then we ought to proceed.

If somebody wants to block the bill or discuss the bill for a couple of days—in other words, to engage in a filibuster—they ought to be required to engage in a filibuster, not just stand up and object. I learned over the weekend that many farmers in my State do not understand unanimous consent, they do not understand Senate procedure, and they do not want to understand unanimous consent or Senate procedure. They want the bill passed. They cannot believe that there are 99 of us helpless in the Senate because one Member does not have quite what he wants in the legislation. That would be true of the Members of the Senate from Kansas or any other Senator on either side of the aisle. But I

am convinced that once H.R. 4072 is brought up, and amendments are offered and disposed of, we can act on the bill. I again remind my colleagues that for those of us who live in wheat States, the deadline for signing up in the 1984 program was last Friday, March 16, so we are already at some disadvantage. I have heard that Agriculture Secretary Block has indicated a willingness to reopen the signup period for the wheat program if the bill passes.

H.R. 4072 is an effort to save about $3 billion in all commodity programs. I believe farmers are willing to make a sacrifice or, expressed in a positive way, a contribution to try to bring down budget deficits; they are willling to lower the target price in wheat areas. It seems to me, with that willingness to be responsible on the part of the American farmer, we should move very quickly to do what we can to pass this legislation.

So I would hope that those who are arbitrarily blocking H.R. 4072 will let us proceed. I believe the great majority of Senators from farm States are willing to bring the bill up tomorrow after the vote on the school prayer amendment and stay in all night tomorrow night and all night the next night and all night the next night, if necessary, to overcome the objections of some who feel that the legislation is not in their best interests. At the very least, we ought to vote on the legislation.

Mr. President, I urge the Senate to move as quickly as possible to try to complete action on H.R. 4072. It has strong bipartisan support in this body. It has sxrong fiparxisan supporx in the House. I might say that the principal supporter of H.R. 4072 on the House side is Congressman TOM FOLEY, a Democrat, and we have a number of Democrats and Republicans in the Senate who are willing to move on this legislation at the earliest possible time.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, earlier, the order had provided for time for the transaction of routine morning business to end at 3 p.m. I understand, however, that there is at least one Senator who has not yet reached the floor and who wishes to speak.

I ask unanimous consent that the time be extended until 3:30 p.m., under the same terms and conditions.

The PRESIDING OFFICER (Mr. EAST). Is there objection? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON FEDERAL ENERGY PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 121

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the provisions of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) and Subtitle H of the Energy Security Act (42 U.S.C. 8286), I herewith transmit the sixth annual report on Federal Energy Conservation Programs undertaken during Fiscal Year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *March 19, 1984.*

ANNUAL REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM 122

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

I am pleased to submit to the Congress my third annual report on the state of small business. The year 1983 was an excellent year for the economy in general, and especially for small business. At last, we are succeeding in establishing economic conditions which recognize and promote the vital role small business performs in our economy. And small business has responded with record business formation, employment, and activity.

Small business optimism and faith in the future have been demonstrated not only in polls and surveys, but in the economic record this report details. In the first three quarters of 1983 new business starts were up 13 percent from the same period in 1982. There was a significant decline in business bankruptcies in 1983—over 10 percent. The strengthening of the recovery is seen in more recent figures—in the last half of 1983 business bankruptcies were 30 percent lower than during the last half of 1982.

Income from partnerships and proprietorships—which comprise most small business—increased in 1983 by 18 percent over the previous year. In addition, as the report details, the opportunity for business ownership and activity is reaching great numbers of minorities, women and other members of our society. To encourage that activity among women entrepreneurs, I have directed the Small Business Administration (SBA) to begin a National Initiatives Program. This series of regional conferences is designed to provide managerial and technical assistance to women business owners and women entrepreneurs.

The reason for the success of small business in 1983 is no mystery. The economy reflects the growing confidence of private sector decisionmakers to invest capital and take risks. Business decisions can be made more confidently with an inflation rate of 4 percent instead of 12 percent. Small business, which relies more heavily on borrowed capital, is better off with prime interest rates at 11 percent rather than 21 percent. And small business has done far more than most to provide employment for members of our work force. During 1983 total employment increased by four million jobs. Small business contributed significantly to this growth, continuing the strong trend shown during 1981 and 1982, when small business contributed 2.6 million new jobs to the economy.

This administration's goal has been to achieve stable and favorable economic conditions, and in 1983 we came a long way toward reaching that goal. We are promoting a number of specific Government policies that have a major, favorable impact on small business. It has been my desire to ensure that, whenever possible, our policies reflect the importance of small business to the economy as a whole.

The cuts in individual and estate taxes in 1983 are part of our efforts. These important changes in the tax law directly benefit the more than 85 percent of small businesses that pay taxes through the personal income tax returns of their owners. Tax policies that sustain the cash flow of small firms will continue to be a major goal of this administration. More reasonable and understandable tax regulations are important and necessary policy goals for small business. In this regard, the action of the Internal Revenue Service to withdraw its proposed rule and reexamine the issue of classifying small business investments as debt or equity is notable.

Progress in relieving small firms of unnecessary regulation and paperwork

continued in 1983. Many Federal agencies developed a positive working relationship with small business. Regulation, when it is necessary, is increasingly achieved with a maximum of flexibility and common sense and a minimum of extraneous costs and burdens. The Task Force on Regulatory Relief has established the momentum and the Office of Management and Budget (OMB) is continuing the effort. Agencies are utilizing the Regulatory Flexibility Act to scrutinize new and old rules for their effort on small business.

The OMB and the SBA's Office of Advocacy have continued to work with agencies to achieve better regulation for small business. Together they have managed to cut 300 million hours of Federally imposed paperwork burden. Hearings held by SBA on small business paperwork confirm that this is significant progress, but that we must redouble our efforts to attack those forms which still vex and confuse small business owners. The opportunity this Nation offers for individual entrepreneurial effort ought not to be diminished by outdated or overzealous regulation.

Many small businesses recognize that the Government can be an important customer. Annual Federal purchases of goods and services, excluding employee compensation, represent approximately 20 percent of Federal expenditures. It has been my consistent conviction that the taxpayer and the Government are well served by strong small business participation in the procurement process. We need to utilize the wealth of technological capability, experience, and efficiency present in the small business sector. To this end, we have significantly increased the amount of Federal purchases from small and minority businesses. In addition, to further open the procurement process to small business in 1983, I signed the Commerce Business Daily Act (Public Law 98-72) which requires Federal agencies to allow longer periods for responses to bid requests.

The first year of the Small Business Innovation and Research (SBIR) program demonstrated the critical role played by small research and development companies. The SBIR program resulted in 10 Federal agencies making over 800 research awards to small firms. The $40 million committed in 1983 will expand to $120 million in 1984, creating new opportunities for small business and increasing Federal agencies' utilization of small business' technological expertise. In an important related development, the SBA, the Department of Justice, and the Federal Trade Commission approved the first joint research and development company for small firms under Section 9(d) and 11 of the SBA Act.

Small business progress in 1983—whether in terms of new business starts, creation of new jobs, efficient sales to the Government, or new innovations—cannot be sustained without continued, favorable Federal policies toward small businesses. We intend to act on upcoming issues to ensure that our Nation's policies continue to be favorable to small business.

First and foremost, we must preserve the individual tax cuts and tax indexing enacted over the past three years. It would be unwise to roll back the progress small business has made as a result of these 1981 reforms.

We must take other actions to maintain a healthy economy. We need to ensure that Federal activities are as efficient and cost effective as possible. We will vigorously implement policies against unfair competition with the private sector from the Government or other tax-advantaged sectors of the economy.

The procurement process must continue to be simplified and made more accessible to small firms, especially in the important area of spare parts for Government and military purchases. The major Federal procurement agencies have committed to reduce procurement paperwork by 10 percent in fiscal year 1984. I intend to pursue policies that ensure that necessary procurement by the Government results in wise and effective use of our tax dollars.

There are several specific areas of business where we look forward to positive Congressional action in 1984. This administration recognizes the spirit and capabilities of small and minority businesses in its support of Federal Enterprise Zones and urges Congressional action on this important issue.

The potential liability of many small manufacturers and distributors in product liability tort actions governed by a myriad of state laws is of continuing concern. Simple reform of this legally complicated area is needed. The Congress should recognize problems that affect small manufacturers and enact a fair bill reforming product liability.

The condition of our Nation's immigration laws is a matter of national concern and specific concern to the small business community. Legislation on this issue is in the Congress and has been carefully debated by many participants, including representatives of the small business community. Enactment of legislation would immediately provide significant predictability and reform of a difficult national issue.

The Equal Access to Justice Act should be reauthorized. This law provides an important tool for the small business faced with unjust Government action. From my perspective, there is an equally important influence upon potentially overzealous regulatory agencies which have an impact upon small business. The statute needs improvement, however, and we will work with the Congress to produce legislation which resolves unanswered questions regarding the scope of the law.

The necessity to keep our national leadership role in technological development is a responsibility shared by small and large business. This administration has proposed legislation which would clarify and ease the procedure for firms to form joint research and development companies. Enactment of this legislation will be an important step to increase our technological development through use of the best minds and resources in capable firms of all sizes.

We should be mindful of the important role played by small business in our Nation as employer of many of our citizens, as job creator, and as innovator. Our job in Government is to continue to create an economic environment where creativity and hard work pay dividends. With the improved conditions in 1983, small business has adapted and thrived. There is every reason to feel confident that this prosperity will continue.

RONALD REAGAN.

THE WHITE HOUSE, *March 19, 1984.*

CONTINUATION OF EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To The Congress of The United States:

This report is submitted pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) to account for government expenditures attributable to the national economic emergency that I declared following the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (EAA) on October 14, 1983. On that date, I issued Executive Order No. 12444 to continue in effect the system of controls that had been established under the EAA. In view of the extension by Public Law 98-207 (December 5, 1983) of the authorities contained in the EAA, this emergency authority was no longer needed, and on December 20, 1983, I issued Executive Order No. 12451, a copy of which is attached, rescinding the declaration of economic emergency and revoking Executive Order No. 12444.

The EAA export controls were not expanded during the emergency period, and the administration of the system of controls continued in the normal course. Accordingly, the government spent no funds over and above what would have been spent had the EAA remained in force without interruption.

RONALD REAGAN.

THE WHITE HOUSE, *March 19, 1984.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bill and joint resolutions:

On March 14, 1984:

S. 2354. An act to rename the "River of No Return Wilderness" in the State of Idaho as the "Frank Church—River of No Return Wilderness."

S.J. Res. 112. Joint resolution to proclaim the month of March 1984, as "National Social Work Month"; and

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month."

On March 16, 1984:

S.J. Res. 205. Joint resolution authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week."

MESSAGES FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the amendment of the House to the bill (S. 1098) entitled "An act to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce" with amendments in which it requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1323) entitled "An act to amend the Small Business Investment Act and the Small Business Investment Act of 1958, and for other purposes" with amendments; it insists upon its amendments, asks for a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MITCHELL, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. MCDADE, and Mr. CONTE to be the managers of the conference on the part of the House.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GOLDWATER (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUYE, and Mr. FORD):

S. 2436. A bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GOLDWATER:

S. 2437. A bill to amend the Communications Act of 1934 to clarify the policies regarding the right to view satellite-transmitted television programing; to the Committee on Commerce, Science, and Transportation.

By Mr. BAKER (for Mr. LAXALT):

S. 2438. A bill to provide standing and jurisdiction in civil lawsuits to determine the constitutionality of the limitation on the amount of honoraria which Members of Congress may receive; placed on the calendar.

By Mr. RANDOLPH:

S. 2439. A bill to suspend the duty on certain surface active agents until the close of June 30, 1986; to the Committee on Finance.

S. 2440. A bill to suspend the duty on certain benzoid chemicals until the close of June 30, 1986; to the Committee on Finance.

S. 2441. A bill to suspend the duty on certain nitrogenous chemical compounds until the close of June 30, 1986; to the Committee on Finance.

By Mr. McCLURE (by request):

S. 2442. A bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 2443. A bill to provide that a student enrolled in a graduate program in psychology shall be eligible for student loans under the health professions student loan program; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2444. A bill to permit educational institutions with graduate programs in psychology to apply for grants and contracts to provide educational assistance to individuals from disadvantaged backgrounds; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 2445. A bill for the relief of Jose U. Miranda, Violete Amore Miranda, and Michael Joseph Miranda; to the Committee on the Judiciary.

By Mr. BYRD:

S. 2446. A bill to amend the Ethics in Government Act of 1978 to insure that all relevant information bearing upon a nominee's fitness and qualifications is made available to the U.S. Senate in cases where the Senate is required to give its advice and consent, and to require reappointment and reconfirmation during a President's second consecutive term; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUYE, and Mr. FORD):

S. 2436. A bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION ACT

● Mr. GOLDWATER. Mr. President, I introduce legislation today to authorize appropriations for the Corporation for Public Broadcasting (CPB) and for the public telecommunications facilities programs (PTFP).

The most essential element of Federal support of public broadcasting is the forward authorization, advance-year appropriations concept. It is this concept which has given public broadcasting the opportunity to plan, to grow in a stable environment, and, most importantly, to be insulated from potential interference with programing through unexpected reductions in appropriations. And, it is a concept which has been endorsed by every Congress since 1975 and reaffirmed in 1981.

But, of overriding importance, it is through the funding of CPB that our children are able to receive via the noncommercial or public television media, high quality educational programs to advance their skills in reading, math, and the sciences. This is CPB's top priority: Children's and education programing. And, for the adult citizenry of the United States, it provides similar high quality drama and cultural programing. Little such programing is available over the commercial media.

As many of my colleagues no doubt are aware, the vacuum in the educational agenda for our children, especially in the areas of science, math, and reading skills, is the subject of increasing public concern, if not alarm. The National Science Board has found, however, that public television programing provides an important opportunity to reinforce the lessons of the classroom and lend meaning, vigor, and discipline to formal study. Much has been done; much more needs to be done.

As President Reagan, himself, observed when reinforcing his commitment to excellence in education in his state of the Union message:

* * * every family has a personal stake in promoting excellence in education. * * * Excellence must begin in our homes and neighborhood schools, where it is the responsibility of every parent and teacher and the right of every child.

Our children come first. * * * Schools are reporting progress in math and reading skills. But we must do more * * * and we must encourage the teaching of new basics * * *

And, in this connection, CPB children's educational programing is a powerful medium which can and does supplement the necessary excellence in education, which, as the President has noted, "must begin in our homes."

Accordingly, the bill provides $238 million for fiscal year 1987, $253 million for fiscal year 1988, and $270 million for 1989 for CPB.

Complementing CPB's programing needs, the Congress also must address the adequacy of facilities to transmit these programs. There is a need to extend telecommunications service to areas not now served. And, there is an equally pressing need to upgrade and restore the infrastructure of existing facilities. In short, there is need to both extend and preserve our existing public telecommunications facilities. And, with this in mind, the bill I introduce also contains PTFP's appropriations authorizations. The bill provides authorized funding levels of $50 million for fiscal year 1985, $53 million for fiscal year 1986, and $56 million for fiscal year 1987 for facilities.

The time has come to rebuild for the balance of this decade. And, it is with this thought and this objective in mind that today I introduce this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking "and" after "1983,"; and

(2) by inserting "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987," immediately after "1984,".

SEC. 2. Section 396(K)(1)(C) of the Communications Act of 1984 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "and" after "fiscal year 1985,"; and

(2) by inserting ", $238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989" immediately before the period at the end thereof.●

By Mr. GOLDWATER:

S. 2437. A bill to amend the Communications Act of 1934 to clarify the policies regarding the right to view satellite-transmitted television programing; to the Committee on Commerce, Science, and Transportation.

SATELLITE VIEWING RIGHTS ACT OF 1984

● Mr. GOLDWATER. Mr. President, I am today introducing legislation to reaffirm in statutory law what I believe to be the correct interpretation of existing law, the right of individuals sitting in their own homes to receive satellite transmitted television signals and to view the programing offered by such signals, where such viewing is strictly for noncommercial purposes.

Home satellite reception equipment opens up a whole new world of television viewing. It not only allows the reception of programs in locations where no normal television signal will reach or where no cable system is available, but private dish antennas enable individuals living in any area, urban or rural, to have a far broader selection of programs, even from foreign countries.

The popularity of satellite Earth stations is so great that there are already more than 400,000 dish antennas set up at private homes throughout the United States. These systems are being shipped at a rate of over 25,000 a month from manufacturers.

The Communications Act of 1934 is silent on the question of noncommercial home reception of unscrambled satellite programing. Some argument has recently been raised, however, to challenge the right of individual Earth station owners to view these programs on the ground that section 605 of the Communications Act may prohibit the reception and use of satellite broadcasts. I reject this argument as being entirely wrong.

Home television viewing does not infringe any copyright, nor does it constitute an infraction of section 605, where satellite signals are used only for private, noncommercial purposes. Any contrary interpretation of the 50-year-old Communications Act would involve a complete rewriting of the law by fiat. Congress writes the law, not the courts. Congress provides additions or amendments to the law, if needed, not the Federal Communications Commission or some other administrative agency.

Section 605 does not now apply to satellite Earth station reception of television signals, and all the bill which I am introducing today will do is to clarify that this is what the existing law means. I am not proposing anything new; I am merely reaffirming what the law already says, if it is interpreted correctly.

The bill addresses only the present situation. The bill secures in clear statutory language the right of dish antenna owners to pick up and view programs transmitted by satellite when this is done for noncommercial purposes. The bill does not get into the situation that may exist if programers start scrambling their signals, except that the measure does prohibit the sale of so-called "black boxes" used to pirate coded signals.

There is a reasonable case to make for setting up a structure in the communications law by which home viewers could pay a copyright fee for the use of scrambled signals and be allowed to view such programs without challenge by the suppliers, who would receive fair compensation for their rights. However, this problem is not yet the most serious one.

Although I will consider the need for expanded legislation, including the copyright fee system, the bill I am introducing now merely clarifies the policy and reach of existing law on the immediate major problem, which is the threat to the right of individual citizens to view unscrambled signals.

It is not any exaggeration to say that home viewers are being intimidated today by program suppliers who threaten law suits against people watching programs in their own homes and who offer to pay large sums to the copyright holder, but are rejected for arbitrary reasons. These home viewers, who are not using "black boxes," are not subject to section 605 of the Communications Act and no court has ordered them to pay a copyright fee—and after the Sony Betamax decision by the Supreme Court, I do not believe any court will do so.

Yet, these private individuals, doing no more than watching a program in their own living room, are being threatened with criminal penalties and potential law suits.

This situation is wrong, and we in Congress should not remain silent about it. I think a first amendment right of the freedom to receive information over the public airwaves may be involved, as well as the personal right of privacy which each individual enjoys in his own home.

If our Nation is to hold its lead in high technology, we should not be finding new ways to interfere with progress and stifle the advancement of excellent new products, such as is represented by Earth stations at private dwellings. I urge my colleagues to support the development of this new technology and protect the rights of hundreds of thousands of individuals who are trying to keep up with the future of communications science.

Mr. President, I ask that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Satellite Viewing Rights Act of 1984".

SEC. 2. The Communications Act of 1934 is amended by adding at the end thereof the following new title:

"TITLE VII—SATELLITE VIEWING RIGHTS

"POLICY

"SEC. 701. The Congress hereby declares that it is the policy of the United States—

"(1) to foster the more widespread availability of television programing transmitted by satellite;

"(2) to encourage competition among manufacturers and distributors of equipment designed to facilitate the reception of satellite television programing; and

"(3) to clarify existing law which correctly interpreted secures the right of viewing satellite television programing by individuals for noncommercial use.

"RECEIVING EQUIPMENT

"SEC. 702. (a) Notwithstanding any other provision of law, any person may manufacture, import, distribute, sell, or lease equipment, for use in receiving satellite television

programing, without obligation to any person who produces or transmits such programing, except as provided in subsection (b).

"(b) No person shall manufacture, import, distribute, sell, or lease, or advertise for sale or use, equipment intended for the unauthorized reception and decoding of encrypted satellite television programing.

"UNENCRYPTED SATELLITE TELEVISION PROGRAMING

"SEC. 703. Notwithstanding any other provision of law, any person who receives satellite television programing which is not encrypted may receive such programing without obligation to the person transmitting such programing.

"DEFINITIONS

"SEC. 704. For purposes of this title—

"(1) the term 'private viewing' means the display or exhibition of programing at a place not open to the public or a place where generally the persons present are within a normal circle of a family or its social acquaintances;

"(2) the term 'satellite television programing' means programing transmitted via a domestic geostationary communications satellite intended for reception by cable television system subscribers (as defined in this Act); and

"(3) the term 'encrypt', when used with respect to programing, means to render such programing unviewable or inaudible except to persons possessing equipment specifically enabling its intelligible receipt.".

SEC. 3. Section 2(b) of the Communications Act of 1934 is amended by inserting after "of section 301" the following: "and title VII".

SEC. 4. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.●

By Mr. McCLURE (by request).

S. 2442. A bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Energy and Natural Resources.

CIVILIAN ENERGY PROGRAMS AUTHORIZATION FOR FISCAL YEARS 1985 AND 1986

Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1985 and fiscal year 1986, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of Energy, and I ask unanimous consent that the bill, and the executive communication which accompanies the proposal for the General Counsel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civilian Energy Programs Authorization for Fiscal Years 1985 and 1986."

TITLE I—RESEARCH AND DEVELOPMENT

SEC. 101. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1985 for civilian research and development programs of the Department of Energy, including the amounts authorized to be appropriated by section 102 of this Act, for the following appropriations accounts:

(1) General Science and Research Activities, $746,105,000;

(2) Energy Supply Research and Development, $1,832,482,000 for all programs in this account other than programs authorized to be appropriated under section 401(4) of this Act;

(3) Uranium Supply and Enrichment Activities, $78,000,000 for atomic vapor laser isotope separation;

(4) Geothermal Resources Development Fund, $121,000;

(5) Fossil Energy Research and Development, $202,731,000; and

(6) Energy Conservation, $123,614,000 for all programs in this account other than programs authorized to be appropriated under section 201(3) of this Act.

SEC. 102. Within the funds authorized to be appropriated by section 101 of this Act, funds are authorized to be appropriated for fiscal year 1985 for construction, including planning, construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction of the Department of Energy for the following appropriations accounts:

(1) General Science and Research Activities, $218,400,000;

(2) Energy Supply Research and Development, $225,865,000;

(3) Uranium Supply and Enrichment Activities, $8,200,000 for atomic vapor laser isotope separation; and

(4) Fossil Energy Research and Development, $9,500,000.

TITLE II—STRATEGIC PETROLEUM RESERVE, CONSERVATION, REGULATION, AND INFORMATION

SEC. 201. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1985 for the foliowing appropriations accounts:

(1) Strategic Petroleum Reserve, $447,190,000 for expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act;

(2) SPR Petroleum Account, $1,889,550,000 for obligation under section 167 of the Energy Policy and Conservation Act (42 U.S.C. § 6247), for the acquisition and transportation of petroleum, and for other necessary expenses;

(3) Energy Conservation, $15,463,000 for state and local programs and the Residential Conservation Service;

(4) Emergency Preparedness and Energy Regulation, $27,157,000;

(5) Federal Energy Regulatory Commission, $100,677,000; of which not more than $60,000,000 may be derived from collections of licensing fees, inspection services, and other services and collections which may be retained and used for necessary expenses in this account; and

(6) Energy Information Administration, $57,863,000.

TITLE III—POWER MARKETING ADMINISTRATION

SEC. 301. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1985 for the following appropriations accounts:

(1) Alaska Power Administration, Operation and Maintenance, $3,233,000;

(2) Southeastern Power Administration, Operation and Maintenance, $35,744,000;

(3) Southwestern Power Administration, Operation and Maintenance, $29,208,000;

(4) Western Area Power Administration, Operation and Maintenance, $248,230,000.

TITLE IV—OTHER ACTIVITIES

SEC. 401. Funds are authorized to be appropriated in accordance with section 660 of the Department of Energy Organization Act for fiscal year 1985, including the amounts authorized to be appropriated by section 402 of this Act, for the following appropriations accounts:

(1) Uranium Supply and Enrichment Activities, $1,727,300,000 for all programs in this account other than programs authorized under section 101(3) of this Act;

(2) Departmental Administration, $138,575,000, together with $219,459,000 to be derived from miscellaneous revenues and receipts as necessary to provide a level of $358,034,000;

(3) Nuclear Waste Fund, $327,669,000; and

(4) Energy Supply Research and Development, $204,699,000 for the following programs in that account: international solar energy; solar technology transfer; hydropower; nuclear waste technology: waste treatment technology; remedial action; in-house energy management; and technical information and management program.

SEC. 402. Within the funds authorized to be appropriated by section 401 of this Act, funds are authorized to be appropriated for fiscal year 1985 for construction, including planning, construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction of the Department of Energy for the following appropriations accounts:

(1) Uranium Supply and Enrichment Activities, $401,700,000;

(2) Departmental Administration, $4,877,000; and

(3) Energy Supply Research and Development, $23,670,000 for the following programs in that account: nuclear waste technology: waste treatment technology; remedial action; in-house energy management; and technical information and management program.

TITLE V—FISCAL YEAR 1986 AUTHORIZATION

SEC. 501. There are authorized to be appropriated to the Department of Energy such sums as may be necessary for fiscal year 1986 to carry out civilian energy programs.

TITLE VI—REPEAL PROVISIONS

SEC. 601. Title III of the Energy Security Act (42 U.S.C. §§ 7361-4), relating to energy targets, is repealed.

SEC. 602. Section 1011, and its catchline, of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) is repealed.

DEPARTMENT OF ENERGY,
Washington, D.C., March 9, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1985 and fiscal year 1986, and for other purposes." The bill would authorize fiscal year 1985 (FY 85) appropriations to the Department of Energy totaling $8,460,070,000.

Section 101 would authorize FY 85 appropriations totaling $2,988,053,000 for all civilian research and development programs.

Section 102 would authorize FY 85 appropriations totaling $461,965,000 for plant and capital equipment for civilian research and development programs. This amount is included within the amount that would be authorized in section 101.

Section 201 would authorize FY 85 appropriations of $1,889,550,000 for Strategic Petroleum Reserve off-budget activities and $447,190,000 for on-budget activities. Also included in section 201 are authorizations for appropriations totaling $201,160,000 for state and local energy conservation programs, the Residential Conservation Service, emergency preparedness and energy regulation, the Federal Energy Regulatory Commission, and the Energy Information Administration.

Section 301 would authorize FY 85 appropriations totaling $316,415,000 for the power marketing administrations.

Section 401 would authorize FY 85 appropriations totaling $2,617,702,000 for uranium supply and enrichment activities (except for atomic vapor laser isotope separation), departmental administration, the Nuclear Waste Fund, and certain programs within the Energy Supply Research and Development account.

Section 402 would authorize $430,247,000 of the amount authorized in section 401 specifically for fiscal year 85 plant and capital equipment amounts. Sections 102 and 402 are necessitated by section 1011(b) of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, which requires a separate request for authorization of plant and capital amounts. Section 501 would authorize such sums as may be necessary for fiscal year 1986.

Section 601 would repeal title III of the Energy Security Act, which states, *inter alia*, that "the President shall transmit to the Congress energy targets for net imports, domestic production and end-use consumption for the calendar years 1985, 1990, 1995 and 2000" in February of every odd numbered year. We certainly agree with the intentions that inspired title III: that it is important that the country face up to energy issues in a realistic way. However, we believe that this objective is hampered rather than helped by the energy target-setting process, since that process could divert congressional attention every two years into deliberations on targets that are inherently uncertain and away from other issues that require congressional attention.

This Administration is committed to an energy policy that will rely on the market place to stimulate efficient energy production and cost-effective conservation. Numerous private decisions over many years will determine the exact amounts and type of energy produced and consumed in 1990, 2000, and beyond. With the removal of unwarranted regulations and restrictions on energy markets and the support of long-term research and development, market forces will take us in the direction of appropriate energy production and wise use and ensure that supply and demand remain in balance.

Finally, section 602 would repeal section 1011 of the Omnibus Budget Reconciliation Act. This provision requires that a separate request be made for authorizations of appropriations for plant and capital amounts for civilian research and development activities. Inasmuch as appropriations acts no longer separate operating expenses from plant and capital amounts, section 1011 is an unnecessary technical requirement.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

THEODORE J. GARRISH,
General Counsel.●

By Mr. INOUYE:

S. 2443. A bill to provide that a student enrolled in a graduate program in psychology shall be eligible for student loans under the health professions student loan program; to the Committee on Labor and Human Resources.

MODIFICATIONS TO THE HEALTH PROFESSIONS STUDENT LOAN PROGRAM

● Mr. INOUYE. Mr. President, I am introducing legislation today that would modify the health professions student loan program to make students in doctoral programs in psychology eligible for student loans under the health professions student loan program.

When the Congress enacted the Omnibus Budget Reconciliation Act of 1981, we broadened the eligibility coverage of a number of health manpower programs to include clinical psychologists. However, at that time, we did not modify this particular program. I feel that the time has come to allow these students to be eligible for the health professions student loan program so that competent individuals will truly have the freedom to select the health career of their own choice and not be unduly influenced by whether financial support is available.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 740(a) of the Public Health Service Act is amended by inserting before the period at the end thereof the following: ", or with any public or nonprofit private institution which has a graduate program in ———— psychology (as defined in section 737 (3)) and which is located in a State".

(b) Section 740(b)(4) of such Act is amended by striking out "or" before "doctor of veterinary medicine", and by inserting before the semicolon at the end thereof the following: ", or a doctoral degree in ———— psychology".

(c) Section 741(b) of such Act is amended by striking out "or" before "doctor of veterinary medicine", and by inserting before the period at the end thereof the following' ", or a doctoral degree in ———— psychology".

(d) Section 741(c) of such Act is amended by inserting after "veterinary medicine," the following: "or in a graduate program in ———— psychology (as defined in section 737 (3)),".

(e) Section 741(f)(1)(A) of such Act is amended by inserting before the semicolon at the end thereof the following: ", or a doctoral degree in ———— psychology".

(f) Section 741(f)(1)(B) of such Act is amended by inserting before the semicolon the following: ", or in a graduate program in ———— psychology (as defined in section 737(3))".

(g) Section 741(1) of such Act is amended by striking out "or podiatry" and inserting in lieu thereof "podiatry, or ———— psychology".

(h) The amendments made by this Act shall be effective with respect to loans made on or after the date of the enactment of this Act.●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2444. A bill to permit educational institutions with graduate programs in psychology to apply for grants and contracts to provide educational assistance to individuals from disadvantaged backgrounds; to the Committee on Labor and Human Resources.

GRADUATE PROGRAMS IN PSYCHOLOGY

● Mr. INOUYE. Mr. President, on behalf of Senator MATSUNAGA and myself, I am introducing legislation which would modify the statutory language authorizing the Department of Health and Human Services health careers opportunity program (HCOP) to insure that our Nation's graduate programs in psychology will remain eligible for this important initiative.

Our legislative proposal merely codifies the current regulations issued by the Department. The HCOP program is an important effort by the Federal Government to insure that individuals from disadvantaged backgrounds are able to enter and graduate from health professions and allied health profession schools.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 701 of the Public Health Services Act (42 U.S.C. 292a) is amended—

(1) by adding at the end of paragraph (4) the following new sentence: "The term 'graduate program in psychology' means a graduate program in an accredited public or nonprofit private institution that provides training leading to a doctoral degree in psychology which prepares the psychologist for licensure by a state."; and

(2) by inserting "or psychology" after "health administration" in paragraph (5).

(b) Section 787(a)(1) of such Act (42 U.S.C. 295g-7(a)(1)) is amended by inserting a comma and "graduate programs in psychology," after "podiatry".●

ADDITIONAL COSPONSORS

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1934

At the request of Mr. HEINZ, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1934, a bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system.

S. 1955

At the request of Mr. HEINZ, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 1955, a bill to amend the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Ohio (Mr. METZENBAUM) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2217

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2217, a bill entitled "The Tandem Truck Safety Act of 1984."

S. 2299

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2299, a bill entitled the "Antifraudulent Adoption Practices Act of 1984."

S. 2338

At the request of Mr. HEINZ, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2389

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2389, a bill to end the shipment of steel-jaw, leghold traps.

S. 2413

At the request of Mr. DENTON, the names of the Senator from Kansas (Mr. DOLE), the Senator from Kentucky (Mr. FORD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Hampshire (Mr. RUDMAN), the Senator from Maryland (Mr. SARBANES), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Mississippi (Mr. STENNIS), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Incorporated.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the Constitutional Foundation for Patent and Copyright Laws.

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUYE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Mr. SARBANES), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 248

At the request of Mr. INOUYE, the names of the Senator from Montana (Mr. MELCHER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Kentucky (Mr. FORD), the Senator from Arizona (Mr. GOLDWATER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Texas (Mr. TOWER), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. LUGAR), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. NUNN), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day."

SENATE JOINT RESOLUTION 250

At the request of Mr. BAKER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Virginia (Mr. TRIBLE), the Senator from Alabama (Mr. HEFLIN), the Senator from Tennessee (Mr. SASSER), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS), the Senator from Wyoming (Mr. WALLOP), the Senator from Oregon (Mr. HATFIELD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. NUNN), the Senator from Missouri (Mr. DANFORTH), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Joint Resolution 250, a joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Connecticut (Mr. WEICKER), the Senator from Iowa (Mr. JEPSEN), the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE JOINT RESOLUTION 259

At the request of Mr. KENNEDY, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 259, a joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week."

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding an oversight hearing on March 21, 1984, beginning at 10 a.m., in Senate Dirksen 628, on Native Hawaiian education.

Those wishing additional information should contact Elisa Geier, of the committee, at 224-2251.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's hearing on S. 2084, a bill to amend the Small Business Act to allow the Small Business Administration to make loans to small business concerns whose primary business is the communication of ideas, scheduled for March 9, 1984, has been rescheduled for April 3, 1984, at 9:30 a.m. in room 428A of the Russell Senate Office Building. For further information, please contact Mike

Haynes, chief counsel of the Small Business Committee staff, at 224-8487.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Monday, March 19, in order to hold a hearing on commodity fraud investment schemes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SENATOR HEINZ' REMARKS TO THE PRESIDENT'S COMMISSION ON INDUSTRIAL COMPETITIVENESS

● Mr. DOLE. Mr. President, Senator HEINZ recently addressed the President's Commission on Industrial Competitiveness at a hearing held in Pittsburgh, Pa., on February 2, 1984. His remarks spoke to a particularly difficult problem of trade policy: In what circumstances should the President provide temporary import relief to industries competing with fairly traded but rapidly rising imports?

I submit Senator HEINZ' remarks for inclusion in the RECORD in order to draw attention to the Senator's notion of relating import relief explicitly to a showing by the petitioning industry that it will incorporate temporary import relief into a larger commitment to take steps to become more competitive. This conditionality may be one way of making such relief—long a part of U.S. trade law—effective and responsive to market forces, rather than a futile denial of them.

I should note that I do not share all of Senator HEINZ' premises, even though his specific idea of conditionality may be worthy of serious debate. In particular, his suggestion that the United States lacks a trade policy is simply unsupportable in view of Ambassador Brock's outstanding record of the past 3 years. Indeed, this administration has processed more unfair trade practice cases than any of its predecessors, and recently has enjoyed marked success in the GATT in pursuit of U.S. efforts to discipline, in Senator HEINZ' words, the international trading system. While not perfect, the GATT system has contributed to the unprecedented economic growth of the post war era—growth that has meant jobs. I thus will continue to support the administration's efforts to improve the international trading system and to gain greater opportunities for U.S. exporters. These efforts comprise a well-reasoned and coherent trade policy in my opinion.

I can agree with Senator HEINZ that addressing the budget deficit is the first order of business, however. The strong dollar is a major inhibitor to the competitiveness of U.S. exports, and we must reduce Government demands for credit to alleviate pressures supporting its strength. The Finance Committee will continue its efforts in this area.

I ask that the remarks of Senator HEINZ be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR JOHN HEINZ, PRESIDENT'S COMMISSION ON INDUSTRIAL COMPETITIVENESS

When I was invited to address you tonight, I was flattered—because of this group's caliber and reputation—and challenged, because of the breadth and importance of your mission.

As we discuss industrial competitiveness this evening I want to focus on our existing industries—the presently healthy ones as well as industries like steel and the rest of our threatened manufacturing base while recognizing that there are many other pieces to the puzzle as well.

In particular, I want to argue for the necessity of our government and society positively confronting the issue of adjustment for industry.

An important part of this task is to be clear in perceiving the challenges to us posed from abroad. I hope to convince you it is equally important to develop sounder strategies here at home.

The challenge posed by imports is crucial to this discussion because it is axiomatic that without trade there would be little, if any, argument about the need for an adjustment policy. Indeed, since it is trade that creates pressure on our industries which then present the government with a choice between adjustment and protection, I suspect there would be no need for this Commission!

Moreover, since trade accounts for 16 percent of our GNP, one could conclude that all that is needed to deal with the problems of adjustment is a trade policy. I am weekly reminded by the major industries here in Pennsylvania about our trade problems; for example, in just the past two weeks five major import relief petitions have been filed with the International Trade Commission. Despite those reminders and demands, I nevertheless hear very little agreement on what trade policy is or how it relates to adjustment.

Let me strongly suggest that U.S. trade policy, in fact, has been little more than a series of responses to discrete events in the international marketplace as they occur. Trade issues are very much on the public's mind these days. Trade problems keep appearing on my and the President's doorstep, but responses to these problems do not by themselves make either a trade policy or an adjustment policy.

Major trends in the international marketplace of trade, however, do provide a clue as to why we must confront the issue of industrial adjustment squarely and directly.

In part, changes in the international trading system have been so rapid that we have had to run our fastest simply to stay in place. These are far reaching changes. For instance:

The increasing sophistication and speed of transportation and communication has created a more readily available world market;

The decline in the rate of domestic economic growth has made foreign markets more important;

And the much greater awareness of barriers to trade had created domestic and international constituencies for our international standards for the conduct of commercial activities, and the use of mechanisms to enforce those standards.

In addition, we have seen the almost unanimous failure of developed countries to pursue and successfully implement adjustment policies for industries that are no longer competitive.

We have witnessed the growing importance of non-western trade players, whose standards and practices and ways of doing business often dramatically conflict with the essentially western trade systems drawn up by our European allies and ourselves in the post-war era.

And we have personal experience with the difficulty developed nations have in handling the progress that some LDCs are making in industrialization, together with the LDCs' difficulties in accepting the additional responsibilities that come along with successful development.

Above all, where the United States is concerned there has been a profound shift: After World War II, the United States accounted for 60 percent of the free world's GNP. Today, we account for less than 25 percent.

Now, what does all this mean? It means that the game is so much more complicated, with so many players, no one knows how to play. It means that the rules of the 40's and 50's are outdated, but no one has the know-how to rewrite the rules. It means that the underlying assumption of U.S. world economic dominance is no longer true. In fact, a sweeping trade revolution is taking place. And just because it is over the horizon doesn't mean it is not chaotic.

While there are still a few brave souls who are trying to make coherence and sense out of this accelerating economic revolution, most politicians have given up. Most of us have retreated from this dizzying reality to either ivory tower or fortress America ideology. And when asked how either pure, free, laissez-faire or protectionist domestic content legislation fits into well ordered trade policy, we shrug our shoulders and change the subject.

And when we change the subject, instead of trade policy, we often start talking about something called industrial policy.

It is tempting to dismiss the term "industrial policy" out of hand. First, it seems to beg the question of trade policy. Second, the conventional notion of it, with big brother in Washington picking winners and losers, cuts against the grain of our entrepreneurial culture. Yet I want to take a moment to discuss industrial policy seriously tonight. It will be an issue in the Presidential campaign. Other countries actually practice it. And it may illuminate the difficulties we have in formulating policies for both trade and adjustment.

To begin with, a legion of industrial policy solutions have been offered. All claim to be "the right stuff" for our economy. Looking at them politically, all of these proposals have appeal especially in our industrial heartland which will decide this year's election. But in all honesty, few have merit. Making that distinction is what you and I need to do here and now.

In its broadest sense, industrial policy can refer to virtually any government action that influences the market system. In fact, it is both trade and adjustment policy by a different name, because it is concerned with how we, as a nation and as an economy respond to the changes I listed earlier.

Today's industrial policy proposals fall into three general categories.

First, there is the European model—doomed to fail because it represents a denial of the market and a denial of the adjustment process. The European approach is a maladroit combination of subsidies and protection that produces only stagnation.

Industries, like steel, that long ago lost their competitive advantage, have been kept alive by massive infusions of cash or outright nationalization.

Competition is kept out by complex minimum pricing systems, as in agriculture, or by restraint agreements, allegedly short term, but reliably renewed year after year, decade after decade.

Why do Europe's political leaders shun adjustment? Action is postponed because in the short run it means unemployment, and even statesmen know the difficulty of persuading the unemployed voter to look at the long run. It was Keynes who said, "In the long run, we are all dead." And voters seem to be less patient than that. Perhaps this is why even the conservative government of Margaret Thatcher has subsidized British steel to the tune of one billion pounds.

The tragedy of this EC policy is dramatized by one devastating statistic: over the past decade the European community has not created on new net job. This is stagnation with a vengeance.

The second example is the far more sophisticated case of Japan. It is a case that my Subcommittee on International Finance and Monetary Policy has given extensive study. From a narrow point of view, the Japanese system has been extraordinarily successful. Through adroit management of their currency and capital markets, through careful government guidance and close cooperation of groups in their society that in this country are dedicated adversaries, the Japanese have created a dynamic growing economy well-positioned to take advantage of technological change.

There is much we can learn from the Japanese—about discipline, about cooperation, about using certain tools of government.

But there is also a cost to such an industrial policy that we cannot ignore—because it is we and others outside Japan who pay it.

The Japanese system, while certainly far more successful, is as profoundly protectionist as the Europeans. In some sectors products that can compete are simply excluded—blatantly as in agriculture, subtly as in many industrial products.

In other sectors foreign competition is excluded only until the Japanese have an equal, or superior, product. Then, when it doesn't matter anymore, the door is opened. The result is market distortion . . . perhaps more clever, certainly more successful, but the person with the better idea—with the competitive edge—is out in the cold, unless, of course, he's Japanese.

Their weak yen—rigged through their credit policies—gives Japanese products a significant price advantage, which is especially evident to the United States as we experience Japan's targeting of our industries. The weak yen also protects many Japanese industries from dislocations due to imports. While this same weak yen forces them to pay more dearly for their imports of energy and other raw materials, the Japanese have concentrated on maximizing the productivity of their greatest asset: their workers.

Japanese protectionism hs realized two very trangible benefits—labor peace that translates to greater productivity, and the considerable economic and learning curve advantages of what my professors at the Harvard Business School used to call "level production," which also, translated to lifetime job security, significantly reduces a variety of societal demands and otherwise large governmental costs as well.

One nation practicing this system is a problem. If every nation practiced it, commerce would be paralyzed completely.

Finally, we have industrial policy as practiced in the United States. And make no mistake, in spite of Presidential protestations to the contrary, we do have an industrial policy:

When the government decides not to have a refundable investment tax credit, we have an industrial policy that disadvantages older, less profitable industries.

When the government proposes to replace DISC with FSC we have an industrial policy that disadvantages smaller exporters.

When the Congress passes a Clean Air Act we impose differential burdens on industries depending on their inherent dirtiness . . .

Finally, the government has also made trade an element of America's industrial policy.

Last spring, we placed a 45 percent tariff on large motorcycles from Japan.

We have quotas on Japanese auto imports, though we call them by a nicer name.

Only a few months ago, quotas and tariffs were imposed on certain speciality steel products.

And like other developed countries, we have quotas on imported textile and apparel products.

Yes, Virginia, there is an industrial policy here. Just because we don't call it industrial policy—or adjustment policy—doesn't mean it isn't there. Because it is not so systematic as the European, it has done less damage; because we have not properly analyzed the costs and benefits of such a policy, it has been less successful than the Japanese.

In particular, our refusal to admit that we have an industrial policy, has prevented us from extracting the benefits of government actions for our country as a whole. To the contrary, we have allowed the benefits to line the pockets of each industry's narrow self-interested constituent groups.

It is a discussion of those benefits that I want to conclude with tonight, but before that, I want to add a word about the politics of industrial policy.

Clearly this will be an issue in this year's Presidential campaign.

The Democrats have climbed aboard their own industrial policy bandwagon already, but the proposals they have advanced all undermine or seek to supplant the market mechanism rather than affirm it.

A government industrial commission to study sectoral problems and pick industries of the future—that is, select winners and losers—is central planning. So is a redevelopment bank that would take credit allocation out of the hands of the market and put it into the hands of politicians. Let's face it: we may be great fellows individually, but we are not an entirely objective and disinterested lot!

Of course, rejecting Democratic proposals is satisfying to a good Republican, but it does not solve the problem, and it ignores some important realities about our own economy and industrial policy experience. What should we do!

First, we should see a policy in this country that reduces government's unwarranted role in the marketplace—above all today, that means the financial marketplace. Neither the President nor Congress should be sitting back letting deficits pile up at $200 billion—or even $180 billion—per year. Anyone who thinks we can make the necessary dent in this figure without doing all three of the difficult things—attacking entitlement programs, slowing down the defense budget and increasing revenues simply doesn't understand how bad the problem really is.

Furthermore, the high, real interest rates continue to force managers to focus on the short term. The consequent strong dollar makes our products non-competitive overseas, especially sobering when you realize that in the period 1977-79, three out of every four jobs we created were due to exports!

Second, we should continue our efforts internationally to defend the market system by fighting dumping, subsidies, and other unfair trade practices that distort comparative advantage.

We must undertake this fight to restore international discipline to the market system because the alternative is the growth of straight forward protectionism and condemning ourselves to economic stagnation, European style. Specifically, we need to improve the operation of our trade laws against unfair competition. I have introduced a bill developed by TRAC—the Trade Reform Action Coalition—a multi-industry and labor working group, and I urge you to review the numerous provisions—53 in all—of this important legislation.

And whatever our laws are against unfair trade, we need to enforce them. If we do not prosecute and win the fight to restore and maintain law and order in the international trading system, then we leave our own industries victim to these anti-free market, anti-competitive tactics.

And in that situation, we give our industries nowhere to go but Congress and nothing to ask for but protection.

Third, when we do resort to protection—and it is a legitimate trade policy tool under Article XIX of the GATT—it should be for adjustment rather than for postponing adjustment.

What we want is a process that will do some good—for the industry in question and for the economy as a whole.

One way to insure that result—and I urge your attention to it—is through a proposal I have made, the Industrial Revitalization Act, Senate Bill 849.

The bill is an amendment to our escape clause statute which currently allows an industry to seek protection from imports without having to claim unfair foreign practices.

This section of our existing law—which is consistent with Article 19 of the GATT—permits import threatened firms to petition the U.S. government to grant something that only government can grant, import relief for up to 5 years.

I believe our Section 201 escape clause is a necessary safety valve. It can permit orderly adjustment of an industry and its workers to different products or new jobs and avoid substantial industrial cataclysm.

However, the law as written works badly. What happens now is that an industry with a problem, real or threatened, comes to the government for assistance, in virtually every case blaming imports for its problems, right-

ly or wrongly. The government's current response is highly legalistic and focused almost exclusively on import relief as a remedy, with little analysis of what solutions are appropriate to the industry's real problems.

Under my proposal, the industry seeking help would be confronted with a challenge from the government—the help will be provided if, and only if, the industry—labor and management—will help itself by developing an adjustment plan for the firms in the industry. The purpose of such a plan would be to address all the industry's problems, current and prospective.

Such self-help plan commitments might include increasing investment and modernization, additional research and product development, wage and benefit concessions by labor, management improvements and additional capitalization, and, from government, in addition to the import protection granted, appropriate anti-trust and/or regulatory relief. This is not an all inclusive list. It is only necessary to add that government relief granted would be available only so long as self-help commitments were being adhered to by all parties.

In substantial measure, the self-help requirements I mentioned a moment ago were the kinds of measures that were imposed on Chrysler Corporation in 1979 but through specific legislation, as a condition of receiving government financial aid. I voted against that legislation for several reasons and would do so again. But the valuable lesson is that because of the conditions imposed, the government aid to Chrysler went not where a bailout usually goes, to employees or shareholders or creditors, but in this case it was channelled into making Chrysler genuinely competitive again, and as the record shows, that plan has worked far better than anyone ever expected.

What I have proposed in S. 849 avoids both the pitfalls of central planning and the preferential treatment of individual firms. My proposition for industrial revitalization—adjustment, if you would prefer—relies on the firms in an industry taking the initiative, not the government, and it provides that the demands of an industry's adjustment plan will be based, not on any government manufactured mandate, but on the reality of what survival in the marketplace demands.

Even if that means changing substantially the size and shape of the industry.

It is also my belief that this proposal will provide needed discipline among those who seek protection—not only by assuring the realization of needed adjustment—but also by requiring short term sacrifice for the long term benefit to an industry that will be once more competitive and fully able to stand, fight and win the battle for economic survival.

In short I am suggesting that industrial policy need not be a four letter word. In fact, its 16 letters can be used without offending the basic principles of the American enterprise system.

What we need is a comprehensive strategy for industrial revitalization that includes:

First, reducing the growth of government borrowing in our financial markets.

Second, affirming and improving the discipline of the market system internationally by fighting unfair trade practices.

And third, assuring that the same principles of market discipline governs our own domestic industries when they seek government protection for adjustment.

If anyone here finds themselves uncomfortable with calling this an industrial policy, then consider it the beginning of an adjustment policy, or a competition strategy for existing industries or even a trade policy. It does not matter what you call it. The point is we have a policy that recognizes the sweeping global economic changes I have discussed. A policy that helps us survive these changes in the way we know best—in the spirit of free enterprise, through the discipline of the market place.

And most important, a policy that is active, not reactive, which is creative not passive.

Our situation reminds me of the priest and the rabbi who go to a prize fight together. As the boxers are about to go to the middle of the ring, the rabbi notices one of the boxers crossing himself. Puzzled, he turns to the priest and says, "Father, what does that mean?" "Rabbi," says the priest, "it doesn't mean a thing if you can't fight."

The work of your Commission includes studying all the various proposals that have been made and to sort out those that have merit from those that don't. In the process, however, you will also be making some important decisions about how the market is going to function in this country and, over the long term, in the world generally. I join the President in his absolute commitment to the market system, and I hope you will as well. As I have suggested, however, a conscious adjustment strategy is consistent with that system and will be an increasingly important part of it as we seek to cope with the maturing of our economy and the accelerating growth of others. I wish you success and good luck in your effort to development solutions for these complex problems, and offer you my support in implementing the results of what will undoubtedly be your excellent work.

Thank you.●

COMMANDER DESJARDINS HONORED AS FOUNDER OF FIRST CREDIT UNION

● Mr. D'AMATO. Mr. President, I rise in support of Senate Resolution 312 which would officially recognize and honor Commander Alphonse Desjardins as the founder of this Nation's first credit union, St. Mary's Cooperative Credit Association. As 1984 marks the 75th anniversary of St. Mary's founding and the 50th anniversary of the first Federal credit union legislation, I believe it is an appropriate time for the Senate to give tribute to those responsible for the initiation of the great credit union tradition in this country.

Commander Desjardins also deserves recognition for a less noted, but no less noble, achievement: As a man who lived his whole life with the first name "Alphonse." Before becoming aware of the history of the credit union movement and the central role of Alphonse Desjardins in its development, I had sincerely thought that my mother had invented the name "Alphonse." As one who can personally identify with the strength of character necessary to persevere in life with such a dubious label, not to mention making such a meaningful contribution to one's society, I must admit to a somewhat selfish motivation in urging this body's honoring of Commander Desjardins.

For these reasons, Mr. President, at this time, I would like to add my name (spelled A-l-f-o-n-s-e) to the list of cosponsors of Senate Resolution 312.●

SOVIET JEWRY

Mr. HATCH. Mr. President, one of the items that should always be on the agenda at any negotiating session or private meeting held with Soviet officials is human rights concerns—the right of the Soviet people to earn a living, to practice their religion without fear of persecution, to travel freely and to enjoy freedom of the press, freedom of speech, freedom of assembly, and freedom of thought—in short, the right to be treated as individual human beings with intrinsic worth instead of possessions or tools to be used by the state solely for its own benefit.

As a signatory of the Helsinki Final Act, the Soviet Union has committed itself to uphold these principles. And yet the sad truth is that Soviet citizens cannot take any of these fundamental rights for granted.

One group that is systematically persecuted by the Soviet regime is members of the Jewish faith. Jerry Goodman, executive director of the National Conference on Soviet Jewry, has written an excellent analysis of what life was like for Soviet Jews under Mr. Andropov. I ask unanimous consent that this article, entitled "The Year of Andropov," be printed in the RECORD.

I also ask unanimous consent that the text of a recent letter from the President to Mr. Abram concerning this crucial issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 1, 1984.

Mr. MORRIS B. ABRAM,
Chairman, National Conference on Soviet Jewry, New York, N.Y.

DEAR MR. ABRAM: Thank you for sending me the National Conference on Soviet Jewry report, "1983: The Year of Yuri Andropov—Implications for Soviet Jews." I found the report to be of considerable interest. It is a thorough appraisal of the increasingly grave problems confronted by Soviet Jews.

The issue of Soviet Jewry has been and will continue to be of high priority to this Administration. We are particularly concerned about the dramatic decline in Jewish emigration and the instances of harassment and arbitrary treatment.

Please be assured that we will continue to pursue every means possible to engender more humane practices by Soviet authorities and to impress upon them the importance we attach to this issue.

Sincerely,

RONALD REAGAN.

THE YEAR OF ANDROPOV

If there were any doubts about the direction Yuri Andropov would take after he came to power, these were swept aside when, after more than a year in power, the solidification of his regime's policy became clear. Restrictive laws were introduced, which resulted in the increased harassment of Jews trying to emigrate or to study and practice their heritage.

The radical decline in emigration, begun during Brezhnev's final years, dropped to its lowest point since the late sixties. In all of 1983, 1,314 Jews left the Soviet Union, whereas in the peak year of 1979, over 4,000 left each month. The creation of an official "Anti-Zionist Committee of the Soviet Public" suggests that authorities may be trying to further erode the claim of Jews to repatriation to their homeland, Israel. With its basically Jewish membership, the existence of the group helps foster a claim of "legitimacy" to Soviet actions, especially in the face of continued Western criticism of emigration practices. The Committee insisted that no more Jews wished to leave, calling evidence that thousands still sought permission "a juggling of figures by Zionist propaganda," an allegation refuted by the statistics. At least 300-350,000 affidavits of invitation sent from Israel were outstanding by 1979.

NEW MEASURES

A new decree rendered visa applicatons invalid after six months. As a result, applicants must repeat the lengthy procedure at regular intervals, a process guaranteed to wear down many. Vulnerable to dismissal from jobs after submitting documents, Jews trying to emigrate were also threatened by a new "Redundancy Law," which encourages the firing of individuals in managerial positions. Then, a third statute was tightened so that an unemployed person can be tried as a "parasite" after two months, a charge leveled against prospective emigrants in the past who have had to leave their jobs. Jews applying to leave are thus being forced into a no-win trap, as the likelihood of imprisonment increases.

Seven men were imprisoned for activities connected with efforts to emigrate to Israel or to improve Jewish life. The possibility of re-sentencing for others already incarcerated loomed great, with a new law against a vaguely defined "opposition" to penal authorities. Carrying up to five additional years for "especially dangerous recidivists," or those convicted of a "grave crime," it codified a Stalinist practice that had been increasingly applied to political prisoners in recent years. The net effect could be the further stifling of activism, or the assertion of rights, among such prisoners.

CRACKDOWN

Striking at the core of Jewish tradition, Hebrew was labeled devoid of "cultural" value due to its "exclusiveiy political"—i.e. "Zionist"—nature. Simultaneously, Yiddish, as a sanctioned channel of Jewish expression, was given a slight boost, with the publication of a primer in remote Birobidzhan, and the production of a Yiddish play based on "Fiddler on the Roof." Such moves may be an effort to create the impression that Jewish culture was available, while masking the actual harassment of younger Jewish religious and cultural activists. Overall policy towards cultural activism was reflected in the public insinuations of inherent Jewish disloyalty. A *Leningradskaya Pravada* article described Jews seeking their roots as a "fifth column in our country," a term used by the oppressive Tsarist Black Hundreds.

ANTI-ZIONIST COMMITTEE

An "appeal" was issued by the Anti-Zionist Committee for a massive propaganda effort aimed at the "political unmasking of Zionism." Lifted from a notorious Tsarist forgery, the drive only thinly masked anti-Semitism by picturing Judaism as the source of "Zionist evil": the Torah and the Talmud were described as works preaching racism, hatred and violence. In a particularly vicious attack, Committee Chairman David Dragunsky dubbed Zionism a "man-hating ideology" based on "the ideas and methods of Hitler." Much of the continuing propaganda campaign was drawn from a new book by an old propagandist, Lev Korneyev, entitled *The Class Essence of Zionism*, which seemed to be inspired by the work of a Tsarist anti-Semite who blamed Jews for hostile actions against themselves. Korneyev's writings also borrowed from current neo-Nazi doctrine by arguing that the figure of six million Jews killed in the Holocaust is a "myth of Zionist propaganda."

Together with claims denying the presence of anti-Semitism, the severance of the already fragile relationship with Jews abroad was encouraged. In March, the Committee claimed that "Soviet Jews reject with contempt attempts by Zionist propagandists to interfere in their life," and that "citizens of the USSR who are Jews are an inseparable part of the Soviet people." Not only did this suggest that those who refrain from Jewish activism could be considered "good Jews," but all Soviet Jews were thus warned against having contacts with their dangerous "Zionist" brethren in the West.

U.S. RESPONSE

World response to the tough line taken by the Andropov regime was significant. Nearly 3,000 delegates from 32 countries, including over 500 from the United States, met for a Third International Conference on Soviet Jewry in March, in Jerusalem. President Ronald Reagan, in a message to the Conference, asserted that the plight of Soviet Jewry will remain a key issue at major international forums. After three years the Madrid Review Conference on the Helsinki Final Act, where the U.S. helped develop a strong Western coalition, came to an end. Despite criticism, the meeting was seen as a cautious step forward in protecting human rights, including those of Soviet Jews. In a meeting with Secretary of State George Shultz, Jewish leaders were assured that this Administration remains wedded to securing the basic rights of Soviet Jews, as a primary part of its human rights agenda with Moscow. Congress continued to participate actively, as all 80 new members of the House joined the 98th Congressional Class for Soviet Jewry. Members of the House and the Senate sent forceful letters on behalf of individual Soviet Jews, refuseniks and prisoners of conscience. Visiting Members of Congress were also important in bolstering the spirit of Soviet Jews.

It was certainly a difficult year. The arrival in Israel, however, of long-term Vilnius activist Eitan Finkelstein and his family, after 12 years of refusal, indicated that the doors were not irrevocably closed—a hopeful sign for the future.

It remains to be seen whether the rise to power of Konstantin Chernenko will bolster that hope.

CLARENCE M. MITCHELL, JR.

Mr. MATHIAS. Mr. President, the news of the death yesterday in Baltimore of Clarence M. Mitchell, Jr., carried the message of a double loss. As a Marylander, I grieve because my State has lost one of its most dedicated and public-spirited citizens. But I also feel a more personal grief, for with the passing of Clarence Mitchell, I have lost a counselor, a teacher, and a friend.

I know that all my colleagues share this feeling of loss. Clarence Mitchell was sometimes called "the 101st Senator." He represented no State. He cast no vote in this body. But for nearly half a century his humane vision and his wise counsel encouraged the Senate to act, in its best traditions, to establish justice and equality for all Americans.

If there was one thing that Clarence Mitchell taught it was the lesson of justice and compassion.

I think his restraint, his discipline, and his quiet force were powerful instruments in persuading others of the validity of his doctrine of justice and compassion for all Americans. And that is what I believe will be most sorely missed by those of us who knew him, worked with him, and relied upon his advice and counsel

I was deeply in his debt. As recently as last year, I asked him to serve as chairman of the Judicial Selection Committee for the U.S. District Court for the District of Maryland, and within the last month one of the lawyers recommended by that Commission was in fact installed as a U.S. district judge in the U.S. court in Maryland.

But beyond that I had occasion to seek advice and counsel from Clarence Mitchell on a variety of subjects. I will deeply miss this important resource in the State of Maryland.

For more than 30 years, beginning in 1945, Clarence Mitchell was the chief legislative spokesman for the National Association for the Advancement of Colored People. But his contributions to the Senate predate his formal association with the NAACP. It was exactly half a century ago—on February 21, 1934—that a young reporter for the Baltimore Afro-American made his first appearance as a witness before a subcommittee of the Senate Judiciary Committee. His task was a painful one—to describe the lynching of a black man on the Eastern Shore of Maryland—but he discharged it with eloquence, conviction, and force. That was the first of nearly 200 occasions on which Clarence M. Mitchell, Jr., testified on Capitol Hill.

When Clarence Mitchell assumed the role of representative for the NAACP, the quest for equal rights in America was moribund. Congress had not enacted any major civil rights leg-

islation since the days of Reconstruction. But, with Clarence at the helm, things began to change. Not all at once, of course; the fruits of his and his colleagues' labor were still years away. It was not easy to overcome years of accumulated apathy and prejudice. In 1957, however, Congress broke with the past and enacted the first major civil rights bill since 1875. It was a modest first step; its real value was largely symbolic.

As Mr. Mitchell noted:

The importance of getting that bill through was that we could break the spirit of defeat around here on civil rights legislation.

The spirit of defeat had certainly been broken; and, in ensuing years, Clarence Mitchell shepherded through Congress an impressive array of major civil rights legislation, including:

The Civil Rights Act of 1960;

The 24th amendment to the Constitution, which abolished the poll tax;

The 1964 Civil Rights Act; the most far-reaching of all the modern civil rights enactments;

The 1965 Voting Rights Act, which made the right to vote a reality for millions of disenfranchised Americans;

The 1968 Civil Rights Act, which outlawed discrimination in the sale and rental of housing;

The 1970 and 1975 Voting Rights Act Amendments;

The 26th amendment, which lowered the voting age in Federal elections to 18 years;

The Civil Rights Attorney Fees Act of 1976; and

The proposed constitutional amendment to give the District of Columbia full voting rights in Congress.

Clarence Mitchell's record speaks for itself. It is the record of a tireless, dedicated man of great vision whose life was guided by the belief that the Constitution was intended for all Americans.

Clarence Mitchell shunned the limelight. He was present at the creation of the modern civil rights movement, and he never left the fray; but he fought in the legislative trenches, not on the front pages, and he worked quietly, persistently, patiently, behind the scenes. But his accomplishments did not go unnoticed.

On two occasions—in 1976 and in 1979—the U.S. Senate adopted resolutions honoring this great American for his contributions to the establishment of justice and equality in America. I am proud to have been a cosponsor of both of these resolutions. But I know that my support for these resolutions in no way discharged my debt to Clarence Mitchell. His strong sense of justice, his humanity and his compassion taught me lessons which I could never repay. Clarence Mitchell was a guiding spirit for me as he was for so many thousands of other people. All of us will miss him; all of us will be impoverished by his passing.

Among the many other legacies of Clarence Mitchell, he leaves behind a family which carries on his tradition of public service to the city of Baltimore, to the State of Maryland, and to the Nation as a whole. Mrs. Mathias joins me in extending our condolences to Mr. Mitchell's widow, Juanita Jackson Mitchell, and to their four sons: State Senator Clarence Mitchell III, City Councilman Michael B. Mitchell, Dr. Kieffer J. Mitchell, and George D. Mitchell. Our sympathies also go out to Representative PARREN MITCHELL, our colleague in the other body, on the loss of his older brother.

Once the shocking news of Clarence Mitchell's death is absorbed, there will surely be discussion about an appropriate memorial for his life and work. I can only say that the most fitting memorial for the life of Clarence Mitchell will be to continue the work to which he devoted his life.

Clarence Mitchell expressed, more eloquently then I can hope to do, what that work was. In speaking to a convention of the NAACP in 1969, he said:

We are the first to admit that we have not gotten rid of sickness, poverty, inequality and discrimination in our country and the world. But we have made a good start. . . . We are asking you to share in the building of a democracy that is a shield for the humble and weak as well as a sword for the strong and just.

Mr. President, I know that Senators will want to know that a memorial service will be held on Friday at noon at the Sharp Street Memorial United Methodist Church in Baltimore.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an obituary which appeared in the Washington Post today and an obituary which appeared in the Baltimore Sun today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

(EXHIBIT 1)

[From the Washington Post, Mar. 3, 1984]

CIVIL RIGHTS CHAMPION CLARENCE MITCHELL JR. DIES

(By Martin Weil)

Clarence M. Mitchell Jr., 73, a lifelong champion of equality for blacks who played a key role in winning passage of much of the major civil rights legislation of the 1960s, died last night at the Maryland General Hospital in Baltimore.

As the chief Washington lobbyist for the NAACP for nearly three decades, Mr. Mitchell combined conviction, persistence and quiet persuasive power. In his ultimately successful quest for the landmark measures of the '60s, he displayed skills and talents that won him the sobriquet of "the 101st Senator."

Both as the NAACP's man in Washington, and as a principal in the Leadership Conference on Civil Rights, which he helped found, Mr. Mitchell was instrumental in passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

A lawyer and a former newspaper reporter whose career was galvanized when in 1933 he witnessed his first lynching, Mr. Mitchell was a leading member of a family that in Maryland, his home state, and in Baltimore, his hometown, symbolized civil rights and the NAACP.

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Mr. Mitchell was born in Baltimore, where he lived for the last four decades at the same inner-city address. His father, a musician, and his mother, a cashier, enforced daily study hours for their seven children, who included Mr. Mitchell's brother, U.S. Rep. Parren J. Mitchell (D-Md.).

"He was one of the most remarkable human beings I've ever met," Rep. Mitchell said last night of his brother.

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After work for the Urban League in the Midwest, he joined the federal government in assignments that included enforcing World War II antidiscrimination orders in shipyards. He was labor secretary of the NAACP from 1945 until becoming director of the Washington bureau in 1950.

In recent years, he and his wife Juanita, the first black woman to practice law in Maryland, were joined by a son, Michael, a Baltimore City Councilman, in the firm of Mitchell, Mitchell and Mitchell. Another son, Clarence III, is in the state legislature.

Survivors include two other sons, Keiffer J., and George D.

[From the Baltimore Sun, Mar. 19, 1984]

CLARENCE MITCHELL, JR., RIGHTS LEADER, DIES AT 73

(By David Michael Ettlin and Scott Shane)

Clarence M. Mitchell, Jr., a national civil rights leader and patriarch of the black family most prominent in Baltimore and Maryland politics, died of an apparent heart attack last night at Maryland General Hospital. He was 73.

He directed the Washington office of the National Association for the Advancement of Colored People for three decades, advised presidents on civil rights and became known as "the 101st senator."

Mr. Mitchell was stricken at home in the 1300 block Druid Hill Avenue yesterday morning and died at Maryland General at 8:32 p.m. of cardiac arrest.

His death was mourned last night by Mayor Schaefer, who said he had "lost a close personal friend who has made a tremendous contribution to both Baltimore and the nation."

Mr. Mitchell was the father of a state senator and a city councilman and the brother of a congressman. His wife, Juanita Jackson Mitchell, also is noted as a civil rights activist.

Born in Baltimore, Mr. Mitchell was a graduate of the Lincoln University in Chester County, Pa., and earned his law degree at the University of Maryland.

Mr. Mitchell made his first appearance in Washington in 1933, to testify about witnessing the lynching of a black man on the Eastern Shore—a time when he was a reporter for the Baltimore Afro-American newspaper. He later described the incident as one of the most influential events in directing his career toward civil rights.

He served during the administration of Franklin D. Roosevelt and Harry S. Truman on the Fair Employment and War Manpower commissions.

In 1945, he became first labor secretary of the NAACP and was named director of the Washington bureau five years later.

It was in that role that he first attracted national attention, becoming a fixture in hearing rooms and in the halls of Congress as he battled for an end to segregation.

Though he won renown as a lobbyist, Mr. Mitchell frequently clashed with authorities in his early days with the NAACP.

In 1956, he was arrested in Florence, S.C., for refusing to use a black-only entrance to the town's railroad station. The arrest drew national attention—and led to the abolition of the segregated entrances.

During his NAACP years, the federal government took actions to prohibit discrimination in education, housing, unemployment, voting and politics—bringing closer the civil rights organization's goal of racial equality in the United States.

After retiring from the NAACP in 1979, Mr. Mitchell became chairman of the Leadership Conference on Civil Rights.

In 1980, at a dinner where Mr. Mitchell and the late AFL-CIO president George Meany were honored with the organization's Hubert H. Humphrey Civil Rights Award, President Carter declared:

"Every single piece of civil rights legislation passed in the last 25 years was passed because of Clarence Mitchell. Without him, it could not have been done."

Later that year, Mr. Carter awarded Mr. Mitchell the Medal of Freedom—the nation's highest civilian award. At the ceremony on the White House South Lawn, Mr. Carter said the late President Lyndon B. Johnson and his vice president, Mr. Humphrey, "would not have been so notably acclaimed" for civil rights leadership were it not for Mr. Mitchell's persistent lobbying in the halls of Congress.

Mr. Mitchell worked closely with Mr. Johnson, meeting with the president to plan the lobbying strategy that won passage of the nation's most important civil rights legislation.

"We divided up who will get what members of the Senate," Mr. Mitchell recalled later. "We always saw to it he got the hardest ones."

In 1968, a Congressional Quarterly survey identified Mr. Mitchell as the "catalyst" most responsible for passage of that year's hard-fought civil rights and open housing bills.

Later, he helped direct the successful Senate fight against President Nixon's nominees to the Supreme Court, federal Judges Clement Haynsworth and G. Harrold Carswell.

In the 1960s and 1970s, he occasionally clashed with more militant blacks over both tactics and goals. In 1966, for instance, he denounced "black nationalists," who he said wanted to "replace the physical prisons of racial segregation with the mental chains of segregated thinking."

A tall, stocky man, he was sometimes as feisty in his personal life as in his lobbying.

In 1974, two youths tried to rob him in front of his home. When one pulled a gun, he grabbed its barrel—and was shot in the hand. But he continued to wrestle with and shout at the youths, who fled but were eventually arrested and convicted.

Mr. Mitchell served on the U.S. delegation to the United Nations during the administration of President Gerald R. Ford.

A member of the University of Maryland Board of Regents since 1982, he became one of its most outspoken members and was praised last night by university President John S. Toll as a "valued and hard-working member . . . who brought great judgment, experience and commitment to the governance of the university."

Dr. Toll said last night that a Clarence Mitchell, Jr., scholarship fund would be established at the university "as a continuing memorial to his service and ideals."

Enolia P. McMillan, Baltimore and national president of the NAACP, recalled last night Mr. Mitchell's efforts in Washington, where the civil rights legislation he shepherded included the Voting Rights Act of 1965.

"He did a fantastic job. In fact, he was known as the 101st senator because of his influence in the Senate," Mrs. McMillan said.

"There is only one Clarence Mitchell, Jr." said Dr. Emmett C. Burns, regional director of the NAACP.

Mr. Mitchell himself was the older brother of Representative Parren J. Mitchell (D, Md., 7th), and the father of state Senator Clarence M. Mitchell III (D, Baltimore) and City Councilman Michael B. Mitchell (D, 4th).

He has two other sons, Dr. Keiffer J. Mitchell, a Baltimore physician, and George D. Mitchell, a businessman in the city.

Funeral arrangements were not complete last night.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special order of not to exceed 15 minutes each, as follows, and in this order: Senator PROXMIRE, Senator MITCHELL, and Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, after the recognition of these three Senators on special order tomorrow, I ask unanimous consent that any time remaining before 12 noon be devoted to the transaction of routine morning business, in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, tomorrow is Tuesday, the day when Members on both sides of the aisle usually caucus. I ask unanimous consent that at 12 noon tomorrow, the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, when the Senate convenes pursuant to the recess as ordered today, and after the recognition of the two leaders under the standing order, the recognition of Senators on special orders, and the execution of time for the transaction of routine morning business, the Senate, at 2 p.m., will resume consideration of the unfinished business, which is the prayer amendment, Senate Joint Resolution 73.

At 3 p.m., under the order previously entered, the Senate will vote on the resolution. That leaves an hour tomorrow for general debate on the prayer resolution.

It may be well to provide for equal division of that time, and I make that request, and that control of the time be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. TOWER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to, and, at 3:31 p.m., the Senate recessed until tomorrow, Tuesday, March 20, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 19, 1984:

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Mario F. Aguero, of New York, to be a Commissioner of the Copright Royalty Tribunal for the unexpired term of 7 years from September 27, 1977, vice Mary Lou Burg, deceased.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The following-named persons to be members of the Board of Trustees of the Harry S. Truman Scholarship Foundation for terms expiring December 10, 1989:

Anita M. Miller, of California (reappointment).

Elmer B. Staats, of the District of Columbia, vice John W. Synder, term expired.

LEGAL SERVICES CORPORATION

The following-named persons to be members of the Board of Directors of the Legal Services Corporation for the terms indicated:

For the remainder of the terms expiring July 13, 1984:

William Clark Durant III, of Michigan, vice William J. Olson.

Paul B. Eaglin, of North Carolina, vice Robert Sherwood Stubbs.

Pepe J. Mendez, of Colorado, vice Peter Joseph Ferrara.

Thomas F. Smegal, Jr., of California, vice David E. Satterfield.

Basile Joseph Uddo, of Louisiana, vice Howard H. Dana, Jr.

Michael B. Wallace, of Mississippi, vice George E. Paras.

For the remainder of the terms expiring July 13, 1986:

Hortencia Benavides, of Texas, vice Ronald B. Frankum.

Leaanne Bernstein, of Maryland, vice Albert Angrisani.

For the terms expiring July 13, 1986:

Lorain Miller, of Michigan, vice Milton M. Masson, Jr.

Claude Galbreath Swafford, of Tennessee, vice Robert E. McCarthy.

Robert A. Valois, of North Carolina, vice Donald Eugene Santarelli.

For the terms expiring July 13, 1987:

William Clark Durant III, of Michigan (reappointment).

Paul B. Eaglin, of North Carolina (reappointment).

Pepe J. Mendez, of Colorado (reappointment).

Thomas F. Smegal, Jr., of California (reappointment).

Basile Joseph Uddo, of Louisiana (reappointment).

Michael B. Wallace, of Mississippi (reappointment).

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Jack V. Mackmull, [redacted], (age 56), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James J. Lindsay, [redacted], U.S. Army.

HOUSE OF REPRESENTATIVES—*Monday, March 19, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *March 15, 1984.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, March 19, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may the words of our lips reflect the thoughts of our hearts, and may our expressions of concern for others find action in deeds of justice and a love of mercy. Help us to see how our good intentions may find solutions to the problems of life that we will not only be hearers of Your Word, but doers also. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 29, 1984:

H.R. 4956. An act to extend the authorities under the Export Administration Act of 1979.

On March 2, 1984:

H.R. 4336. An act to make certain miscellaneous changes in laws relating to the civil service.

On March 5, 1984:

H.J. Res. 422. Joint resolution designating the week beginning March 4, 1984, as "Women's History Week."

On March 7, 1984:

H.J. Res. 292. Joint resolution designating "National Theatre Week."

On March 9, 1984:

H.R. 4957. An act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

On March 14, 1984:

H.R. 1750. An act for the relief of Apolonio P. Tumamao and others.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) entitled "An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act."

The message also announced that the Senate insists upon its amendment to the joint resolution (H.J. Res. 493) entitled "Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984," requests a conference with the House on the disagreeing votes of two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. COCHRAN, Mr. STENNIS, Mr. PROXMIRE, and Mr. EAGLETON to be the conferees on the part of the Senate.

DISPENSING WITH CALL OF THE CONSENT CALENDAR

Mr. LANTOS. Mr. Speaker, I ask unanimous consent to dispense with the call of the Consent Calendar today.

Mr. DENNY SMITH. We have no objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMEMORATING THE NAZI INVASION OF HUNGARY, MARCH 19, 1944

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, when the Nazi German Army overran Hungary on March 19, 1944, 40 years ago today, the last remaining Jewish community in Axis Europe was about to face extermination.

Though 5 million men, women, and children had already been annihilated by this time in the death camps of Europe, following the Nazi invasion of Hungary the systematic and efficient mass murder of the Jewish community reached a new crescendo, not only in the mechanized atrocities and brutalities which were perpetrated, but also in the cold-blooded speed and efficiency with which the extermination was carried out.

The Nazis were aware that they were losing the war, and because of that they redoubled their efforts to eliminate the last Jews of Europe. Adolf Eichman came to Hungary to oversee the operation. What had taken years in other countries, was accomplished in a few weeks in Hungary. Between May and July of 1944, half a million Hungarian Jews were herded from the countryside to Auschwitz to their deaths in the gas chambers. Women, children, and old people, the only ones left in the community by the end of the war, were packed into sealed boxcars and forced to stand for days in searing heat and cold, without food or drink or sanitary facilities. The lucky ones died, the strong survived to reach the death camps.

Only Raoul Wallenberg's heroism stood between death and the Jews of Budapest, the last remnant of a once fluorishing community.

He was sent by the U.S. War Refugee Board—alone against the infernal Nazi death machine. During the 7 final months of the nightmare, at a time when the rest of the world was blind and deaf to the suffering of millions, his selfless heroic courage saved 100,000 lives, standing as an eternal reminder of how many could have been saved had people of good will chosen to help.

Those of us who survived shall never forget—we shall not forget Raoul Wallenberg, and we shall not forget the millions who died. Among them were men and women of great stature, many of great depth and brilliant minds, handsome young men and beautiful young women, and innocent little children full of promise.

To their memory and to their martyrdom we dedicate our best and highest effort to build a world where peace, justice, and brotherhood will prevail.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TRIBUTE TO CLARENCE M. MITCHELL, JR.

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STOKES. Mr. Speaker, I have the unpleasant task of notifying the House of the demise of Mr. Clarence M. Mitchell, Jr., one of America's most distinguished leaders. As many of my colleagues know, Clarence M. Mitchell, Jr., is the brother of our distinguished colleague and friend from the State of Maryland, Mr. PARREN MITCHELL.

Mr. Speaker, today is a sad day for not only the Mitchell family but also for the American people. It is always a sad time when you lose a trusted friend and ally. With the passing of Clarence Mitchell, America has lost one of its best friends, and one of its greatest leaders.

Clarence Mitchell was a person whom I and many other Americans respected and admired. His achievements in the area of civil rights were unparalleled. Moreover, Clarence Mitchell pursued his work in the area of civil rights with an uncanny sense of dedication and dignity.

Fondly referred to by many people on Capitol Hill as the 101st Senator, Clarence Mitchell spent over half of his life in the struggle for civil rights. For him, the battleground for the struggle was the Halls of Congress. As the NAACP's chief lobbyist and the architect of the Leadership Conference on Civil Rights, Clarence Mitchell, Jr., in a very real sense, guided the development and passage of more landmark civil rights legislation through Congress than any other person in history.

It was largely due to his leadership that Congress passed the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

A former journalist and highly regarded attorney, Clarence Mitchell was deeply committed to the dream of justice and equality in this Nation. Mr. Speaker, he took giant steps toward making that dream a reality for millions of Americans.

Because of his service, Clarence Mitchell's legislative victories in the area of civil rights will serve as an eternal monument to his character. He leaves a tremendous legacy and challenge to the Congress and to this Nation.

I take this opportunity to send my condolences to his lovely wife, Juanita, his sons and to my good friend, Congressman PARREN MITCHELL on the passing of this extraordinary human being. At this time, Mr. Speaker, I would like to enter in the RECORD, the article which appeared in today's Washington Post on the late Clarence M. Mitchell, Jr.:

CIVIL RIGHTS CHAMPION CLARENCE MITCHELL JR. DIES

(By Martin Weil)

Clarence M. Mitchell Jr., 73, a lifelong champion of equality for blacks who played a key role in winning passage of much of the major civil rights legislation of the 1960s, died last night at the Maryland General Hospital in Baltimore.

As the chief Washington lobbyist for the NAACP for nearly three decades, Mr. Mitchell combined conviction, persistence and quiet persuasive power. In his ultimately successful quest for the landmark measures of the '60s, he displayed skills and talents that won him the sobriquet of "the 101st Senator."

Both as the NAACP's man in Washington, and as a principal in the Leadership Conference on Civil Rights, which he helped found, Mr. Mitchell was instrumental in passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

A lawyer and a former newspaper reporter whose career was galvanized when in 1933 he witnessed his first lynching, Mr. Mitchell was a leading member of a family that in Maryland, his home state, and in Baltimore, his hometown, symbolized civil rights and the NAACP.

Known as a man of courage and integrity, Mr. Mitchell persisted optimistically through years of resistance and rebuff to seek the common ground and consensus that in time permitted him to witness passage of the bills that helped guarantee equality before the law.

Despite his successes, his name was not nearly so well known to the general public as many of the other principal actors in the social and legislative revolution of the 1960s.

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A modest and unassuming man, whose arena of action was the congressional office and conference room, he neither sought nor attained the broad public recognition to which his accomplishments entitled him.

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After working for the Urban League in the Midwest, he joined the federal government in assignments that included enforcing World War II antidiscrimination orders in shipyards. He was labor secretary of the NAACP from 1945 until becoming director of the Washington bureau in 1950.

In recent years, he and his wife Juanita, the first black woman to practice law in Maryland, were joined by a son, Michael, a Baltimore City Councilman, in the firm of Mitchell, Mitchell and Mitchell. Another son, Clarence III, is in the state legislature.

Survivors include two other sons, Keiffer J., and George D.

FIFTH ANNIVERSARY OF C-SPAN

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, Calvin Coolidge, this Nation's 30th President, pointed out that "it is of infinite importance to demonstrate that legislation is used not for the benefit of the legislator, but of the public."

It is for that reason, then, that we govern not behind closed doors but in an open chamber. While the responsibility of maintaining our democracy remains in the hands of the people

who sent us to Washington, they have the opportunity to exercise direct control only once every 2 years. In the interim periods they need to remain informed of our activities. The architects of this building, like the architects of our Nation, realized the importance of an open government by constructing galleries for the public and press—galleries that in this world of expanding technology have been actually enlarged by the advent of the satellite.

Indeed, Mr. Speaker, today marks the fifth anniversary of live television coverage by the Cable Satellite Public Affairs Network, better known as C-Span.

C-Span is currently available to more than 17 million American households via 1,350 affiliated cable systems throughout the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Mr. Speaker, I commend the gavel-to-gavel coverage offered by C-Span as I am convinced that this organization has given renewed credibility to the words " * * * government of the people, by the people, and for the people * * * "

□ 1210

LINE-ITEM VETO, BALANCED BUDGET, AND SCHOOL PRAYER CONSTITUTIONAL AMENDMENTS

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, for a number of weeks, a number of Republicans have wished to offer unanimous-consent requests calling for consideration of an amendment to require a balanced budget, an amendment to require a line-item veto, and an amendment to allow school prayer.

Mr. Speaker, the Chair has ruled that in order to make these requests, or any of them, we must have the clearance of the majority and minority leaderships. As we have said for a number of weeks, the request has been cleared by the minority leadership, by the Republican leader, the gentleman from Illinois (Mr. MICHEL), and I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response, and that should make it very clear to the American people who stands in the way of bringing up a balanced budget amendment, a line-item veto amendment, or a school prayer amendment—and that is the Democratic leadership of this House.

THIRD ANNUAL REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Small Business:

(For message, see proceedings of the Senate of today, Monday, March 19, 1984.)

SIXTH ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, March 19, 1984.)

BANKRUPTCY AMENDMENTS OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today I am introducing the Bankruptcy Amendments of 1984, a bill to remedy the constitutional problem in the bankruptcy court system and to make certain changes in the bankruptcy law relating to personal bankruptcy, grain storage facility bankruptcy, and the rejection of collective-bargaining agreements in chapter 11 bankruptcy cases.

Congressional action and Presidential signature on bankruptcy court legislation before March 31, 1984, is imperative to avert a breakdown of the bankruptcy court system. On March 31, the interim emergency rule expires, the current courts of bankruptcy cease to exist, and no bankruptcy judges are authorized to serve on any court. The Nation must have a workable bankruptcy court system of sound constitutionality.

In *Northern Pipeline Construction Company* v. *Marathon Pipe Line Company*, 458 U.S. 50 (1982), the Supreme Court struck down as violative of article III of the Constitution the grant of jurisdiction over bankruptcy and bankruptcy-related proceedings to article I (nontenured) bankruptcy judges which was contained in section 241(a) of the Bankruptcy Reform Act of 1978. The Court reaffirmed that the tripartite structure of the Federal Government fashioned in the Constitution by the Founding Fathers requires an impartial and independent judiciary, in which judges who adjudicate private rights or State law claims must be accorded the article III protections of tenure during good behavior and a guarantee against salary reduction while in office.

Foreseeing this constitutional problem, the House of Representatives passed a bill in the 95th Congress to establish an article III (tenured) bankruptcy court, but in a last-minute agreement with the Senate adopted the article I bankruptcy court system providing for judges who would serve for 14-year terms, which Marathon invalidated.

Title I of the bill being introduced today is based on H.R. 3, which was favorably reported by the Committee on the Judiciary on a vote of 24 to 6. The bill would solve the constitutional problem with the least cost and the least change in the bankruptcy court system enacted by Congress in 1978.

The bill would establish an article III bankruptcy court by simply leaving the present separate bankruptcy court system in place and coverting the existing 241 14-year term bankruptcy judge positions to 227 tenured bankruptcy judge positions in order to comply with the constitutional principles enunciated in Marathon.

This bill would not create a new court, would not authorize additional numbers of judges or personnel, and would not change the jurisdiction of the bankruptcy courts which encompasses only bankruptcy and bankruptcy-related proceedings as under present law. The bill would provide that bankruptcy judges be appointed by the President for good behavior, rather than for 14-year terms as is the case under existing law.

This legislation would meet the requirements of the Constitution, promote the policy goals of an expeditious and effective bankruptcy system, and create the least dispacement in the present system. Many alternatives to this simple and direct approach were carefully reviewed by the Committee on the Judiciary but no other alternative was free from serious constitutional doubt and practical difficulties.

Bankruptcy judges would not be elevated to the same level as district court judges under the bill. As under present law, bankruptcy judges would not be paid as much as district court judges, would not have the same jurisdiction as district court judges, could not be assigned to other Federal courts as district court judges may be, and would not have the same personnel and facilities as district court judges.

The Committee on the Judiciary rejected article I bankruptcy court proposals such as those contained in S.

1013 and H.R. 3257: First, on constitutional grounds and second, on bankruptcy policy grounds.

These proposals to create an article I bankruptcy court and a system of fragmented jurisdiction would be unlikely to withstand constitutional scrutiny by the Supreme Court. Such proposals attempt to guess at what limitations on the jurisdiction of an article I court might be constitutional, but the guesses made in the legislation find no support in the Marathon decision. On the contrary, these article I proposals would be subject to the same constitutional infirmities the Marathon case found in the 1978 Act.

Of equal importance, such article I court proposals create divided jurisdiction with doubtful boundaries that would spawn unreasonable delay, expense, and litigation over abstruse jurisdictional issues, diminishing the assets of the bankruptcy estate and creditors' recoveries. Thus, Federal bankruptcy policy, as well as constitutional requirements, mandate an article III bankruptcy court.

Subtitle A of title II of this bill represents a compromise worked out with the consumer credit industry on pending legislation relating to consumer bankruptcies. The provisions are fair to both creditor and debtor interests, while serving to curb potential abuses of the bankruptcy laws.

The bill would place a ceiling on the total amount of personal and household items that can be exempted by a debtor, and on the unused amount of the Federal real property exemption which renters may apply to personal property. It would discourage debtors from loading up on luxury goods in anticipation of filing for bankruptcy. It would encourage chapter 13 repayment plans that provide for a meaningful level of payment and ensure that chapter 13 payments commence within 30 days of the filing of the plan.

The bill would permit a bankruptcy court, on its own motion and not at the request or suggestion of any party in interest, to dismiss a chapter 7 bankruptcy case commenced by an individual whose debts are primarily consumer debts if the court finds that the granting of relief would be a substantial abuse.

The Congress historical efforts to encourage fully informed voluntary proceedings in bankruptcy are continued through this legislation. The bill would require the clerk of the bankruptcy court to give written notice of each form of debt relief available under the Federal bankruptcy laws. A bankruptcy petition filed by a consumer individual would be required to provide that the petitioning individual is aware of each form of relief available under the Bankruptcy Code and that the consumer chooses a chapter 7 liquidation. In cases in which the consumer is represented by an attorney, the petition also would be required to be accompanied by an affidavit signed by the attorney stating that he advised the client regarding each form of debt relief.

In cases in which a debtor is represented by an attorney during the course of negotiating a reaffirmation agreement, the bill would no longer require court review of the reaffirmation agreement. Instead, the agreement would be filed with the court, and accompanied by an affidavit of the attorney that represented the debtor during the course of the negotiations which states that the agreement is fully informed, voluntary and does not impose an undue hardship. The debtor could rescind a reaffirmation agreement before the close of a bankruptcy case or within 60 days after the agreement is filed with the court, whichever is later.

Other provisions in the bill would streamline certain procedures that apply to creditors seeking to preserve their rights and interests in a bankruptcy case. The bill would terminate the automatic stay provided in chapter 13 of the Bankruptcy Code if a debtor or codebtor does not respond within 20 days to a creditor's request to proceed against the codebtor. It would require an individual to file a statement regarding his intent to retain or surrender property securing a consumer debt within 30 days after the commencement of a bankruptcy case, or before the meeting of creditors, whichever is earlier, and to comply with this statement within 45 days. The bill would prohibit the trustee from recouping certain preferential transfers from creditors, and would make other amendments in the personal bankruptcy law.

Subtitle B of title II of this bill would make amendments relating to grain storage facility bankruptcies. The depressed farmers of America need relief from the difficulties posed by the financial failure of a grain storage facility. The volatile nature of the market for grain and the vigilance needed to preserve and protect the condition of stored grain present unique problems for producers whose grain is stored or sold to a facility which files for bankruptcy relief.

The delay that inevitably occurs in a grain elevator bankruptcy case while the court resolves the competing claims of ownership, and protects the interests of farmers and other claimants, creates special problems for the family farmer. Grain held by a bankrupt grain elevator may represent a major portion of an individual producer's marketable assets.

The bankruptcy law, of course, does not cause grain elevator insolvencies and cannot restore missing grain to an elevator, where there are shortages. Thus, bankruptcy legislation cannot wholly remedy the problem of grain elevator insolvencies. Grain elevators must also be required to meet financial and operating standards necessary to prevent inadequately capitalized or improperly managed facilities. Various legislative proposals pending before the Committee on Agriculture would assist in preventing elevator failures and in eliminating the severe shortages of grain that often exist in grain warehouse insolvency cases. An Ad Hoc Agriculture Subcommittee report on grain elevator insolvencies makes sound recommendations for preventative legislation in this area. These amendments to the bankruptcy laws represent a remedy to the bankruptcy aspect of the problem of grain elevator failures.

This bill would require a bankruptcy court to prevent unnecessary, harmful delay in the disposition of grain and the proceeds of grain. The bill would add a new section (sec. 557) to title 11 of the United States Code to provide that, on the request of the trustee or any entity that claims an interest in grain or the proceeds of grain, the court shall expedite the procedures for the determination of interests in and the disposition of grain, by shortening applicable time periods to the greatest extent feasible and by establishing a timetable generally not to exceed 120 days.

The procedures that may be expedited under this new section 557 include the filing of a response to a claim of ownership, a proof of claim, a request for abandonment, a request for relief from the automatic stay provided in section 362(a) of the Bankruptcy Code, as well as a response to a request for a determination of secured status or a determination as to whether grain may be sold.

The new section 557 also would provide that any governmental unit that has regulatory jurisdiction over the operation or liquidation of an insolvent grain elevator (for example, a State agricultural agency or the U.S. Department of Agriculture) has a right to appear and be heard in a grain elevator bankruptcy case on any issue relating to grain or the proceeds of grain. In addition, the bill would require the trustee in such cases to consult with a governmental unit that has regulatory jurisdiction before taking any action relating to the disposition of grain in the possession of the debtor or the bankruptcy estate.

The new section 557 would further provide that the trustee may recover from grain and the proceeds of grain the reasonable and necessary costs and expenses attributable to the preservation or disposition of grain or the proceeds of grain, but may not recover from such grain or grain proceeds any other costs or expenses.

The bill would provide a priority for individual farmers engaged in the production of grain against a grain storage facility to the extent of $2,000 for each individual producer.

The bill would provide that a seller who is a producer of grain sold to a grain storage facility is entitled to reclaim grain from a bankrupt grain storage facility if the producer makes written demand for reclamation within 10 days after the debtor received the grain. A bankruptcy court could deny this common-law right of reclamation provided under the Uniform Commercial Code only where the court secures the producer's claim with a lien.

Finally, the bill would amend the bankruptcy rules to clarify that a warehouse receipt, scale ticket, or similar document constitutes, to the extent not inconsistent with State law, prima facie evidence of the validity and amount of a claim of ownership of grain.

Subtitle C of title II of this bill clarifies congressional intent with respect to the limited circumstances under which a collective-bargaining agreement may be rejected in a bankruptcy case under title II of the United States Code.

At the time that the 1978 bankruptcy law was under consideration by the Congress, the law being applied on the question of the conditions required for the rejection of union contracts in bankruptcy was the standard set forth by the Court of Appeals for the Second Circuit in *Brotherhood of Railway and Airline Clerks* v. *REA Express, Inc.*, 523 F.2d 164, 167-169 (CA2), *cert. denied*, 423 U.S. 1017 (1975). The Congress was fully aware of the strict standard for rejection established in REA Express and believed it was simply continuing that standard when it enacted the 1978 law. Indeed, most lower courts have applied the standard of REA Express in interpreting the 1978 law.

This administration's Solicitor General argued before the Supreme Court, in the case of *NLRB* v. *Bildisco & Bildisco*, —— U.S. —— (February 22, 1984), that the standard applied in REA Express properly accommodates the policies of the labor and bankruptcy laws. The Solicitor General stated in his brief to the Supreme Court that—

[i]t is essential that there be a stringent standard for rejection of a collective-bargaining agreement in a bankruptcy proceeding in order to give appropriate recognition to the policies of the [National Labor Relations Act]. Those policies include encouragement of collective bargaining and protection of employee interests, both of which may be seriously impaired as a result of rejection. The Second Circuit has achieved an accommodation between the labor laws and the bankruptcy laws that gives appropriate recognition to the former by requiring a threshold showing that a business is likely to fail absent rejection. Congress implicitly approved that accommodation when it approved the Bankruptcy Code in 1978.

Despite the position of the Solicitor General that the Supreme Court should adopt the standard for bankruptcy court approval of the rejection of a collective-bargaining agreement in Bildisco, the Supreme Court affirmed a less stringent standard for the rejection of labor contracts in bankruptcy. The Court approved the third circuit's decision that a trustee or debtor-in-possession may terminate a collective-bargaining agreement where the agreement is burdensome to the estate and the equities balance in favor of rejecting the labor contract. The balancing-of-the-equities standard adopted by the Supreme Court would give no special weight to collective-bargaining interests and the significant concerns underlying the national labor policy.

This bill would provide the exclusive means for the rejection of a collective-bargaining agreement in a chapter 11 reorganization case. It would require a trustee or debtor-in-possession to request the permission of a bankruptcy court to reject a collective-bargaining agreement. Any Unilateral termination or modification of the union agreement on behalf of a chapter 11 entity prior to court approval of such action would be expressly prohibited under this legislation.

The bill would require the bankruptcy judge to apply the standard used in the second circuit REA Express opinion in determining whether to approve a request for the rejection of a collective-bargaining agreement under the bankruptcy laws. Under this standard, the collective-bargaining agreement would not be subject to rejection in a chapter 11 case, unless the jobs covered by the collective-bargaining agreement would otherwise be lost and any financial reorganization of the debtor would fail. As the Solicitor General of the Department of Justice stated:

[T]he Second Circuit standard ensures that collective-bargaining agreements are rejected only when necessary to accomplish the bankruptcy goal of avoiding collapse of the business, not simply because an employer prefers to operate without the restrictions of the collective bargaining agreement.

This bill clarifies the Congress intent to incorporate the second circuit standard for the rejection of a union agreement in a chapter 11 reorganization case and presents a proper balance between bankruptcy and labor policies.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LANTOS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GARCIA, for 60 minutes, March 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DENNY SMITH) and to include extraneous matter:)

Mr. PHILIP M. CRANE.

Mr. CONTE.

Mr. YOUNG of Alaska.

Mr. CORCORAN.

Mr. SOLOMON.

(The following Members (at the request of Mr. LANTOS) and to include extraneous matter:)

Mr. ACKERMAN.

Mr. CROCKETT.

Mr. ANDERSON in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. BROWN of California in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. JONES of Tennessee in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ALBOSTA.

Mr. MAZZOLI.

Mr. MATSUI.

Mr. BEILENSON.

Mr. WEISS.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on March 15, 1984, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence.

ADJOURNMENT

Mr. LANTOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 20, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2918. A letter from the Comptroller General of the United States, transmitting his review of the proposed seven new deferrals contained in the message from the President dated February 22, 1984 (H. Doc. 98-

173), pursuant to Public Law 93-344, section 1014 (b) and (c) (H. Doc. No. 98-182); to the Committee on Appropriations and ordered to be printed.

2919. A letter from the Under Secretary of Defense for Research and Engineering, transmitting detailed data from which the report on independent research and development and bid and proposal costs was prepared (EC2874, March 13, 1984), pursuant to Public Law 91-441, section 203(c); to the Committee on Armed Services.

2920. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, and other authorities to extend certain expiring laws, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

2921. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1985 and 1986, and for other purposes pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

2922. A letter from the Secretary of Education, transmitting the proposed final regulations for the 1985-86 Pell grant family contribution schedule, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2923. A letter from the Secretary of Education, transmitting a copy of the 1984-85 guaranteed student loan family contribution schedule, pursuant to Public Law 98-79, section 4(b), to the Committee on Education and Labor.

2924. A letter from the Secretary of Energy, transmitting the Department's annual report, prepared in conjunction with the Administrator of the Environmental Protection Agency, of the actions taken under the Powerplant and Industrial Fuel Use Act of 1978, during calendar year 1983, pursuant to Public Law 95-620, section 806 and 711(c) (95 Stat. 615); to the Committee on Energy and Commerce.

2925. A letter from the Secretary of Energy, transmitting the Department's annual report on Federal Government energy managment covering fiscal year 1982, pursuant to Public Law 95-619, section 550; to the Committee on Energy and Commerce.

2926. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2927. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2928. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2929. A letter from the Executive Secretary, Board of Regents, Uniformed Services University of the Health Sciences, transmitting a report on the Board's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2930. A letter from the Chairman, Federal Election Commission, transmitting information on 19 recommendations for legislative action, pursuant to Public Law 92-225, section 307(d)(2) (93 Stat. 1354, 1356); to the Committee on House Administration.

2931. A letter from the Secretary of the Interior, transmitting the third biennial report on the maximum attainable rate of production of crude oil and natural gas from significant fields on the OCS; estimate of total discovered crude oil and natural gas reserves by fields of the OCS; relationship of such information to requirements of conservation, industry, commerce, and the national defense, pursuant to Public Law 95-372, section 606(e)(1); to the Committee on Interior and Insular Affairs.

2932. A letter from the Secretary of the Interior, transmitting the 1983 fiscal year report on the list of threatened areas on the Registry of National Landmarks and threatened areas of national significance on the National Register of Historic Places, pursuant to Public Law 91-383, section 8(a) (90 Stat. 1940; 94 Stat. 68, 1135); Public Law 97-100, section 108; to the Committee on Interior and Insular Affairs.

2933. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the disposition of foreign fishing fees, and for other purposes, pursuant to 32 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2934. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated December 23, 1981, submitting a report, together with accompanying papers and illustrations, on Fountain Creek, Pueblo, Colo.—phase I general design memorandum. The report is in response to section 1(A) of the 1974 Water Resources Development Act (H. Doc. No. 98-183); to the Committee on Public Works and Transportation and ordered to be printed.

2935. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated September 16, 1980, submitting a report, together with accompanying papers and illustrations, on Wilmington Harbor—Northeast Cape Fear River, N.C. The report is in response to four resolutions: Two adopted March 31, 1967, by the U.S. Senate Committee on Public Works, one adopted October 19, 1967, by the U.S. House of Representatives Committee on Public Works, and one adopted April 25, 1978, by the U.S. House of Representatives Committee on Public Works and Transportation (H. Doc. No. 98-185); to the Committee on Public Works and Transportation and ordered to be printed.

2936. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report, together with accompanying papers and illustrations, on Hocking River at Logan and Nelsonville, Ohio. The report is in partial response to two resolutions of the Committee on Public Works of the U.S. House of Representatives adopted July 14, 1970 and December 2, 1970 (H. Doc. No. 98-184); to the Committee on Public Works and Transportation and ordered to be printed.

2937. A letter from the Secretary of Transportation, transmitting the annual report on the administration of the Deepwater Port Act, pursuant to Public Law 93-627, section 20; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

2938. A letter from the Secretary of Transportation and Defense, transmitting a plan for joint civil and military use of domestic military airports, pursuant to Public Law 97-248, section 504(d)(3); jointly, to the Committees on Public Works and Transportation and Armed Services.

2939. A letter from the Acting Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting the Department's quarterly report on biomass energy and alcohol fuels for the period between October 1 and December 31, 1983, pursuant to Public Law 96-294, section 218(a); jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

2940. A letter from the Secretary of State, transmitting a report on U.S. efforts to achieve peace in Central America, pursuant to Public Law 98-215, section 109(f); jointly, to the Committees on the Permanent Select Committee on Intelligence, Foreign Affairs, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 16, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 373. A bill to provide comprehensive national policy dealing with national needs and objectives in the Arctic with an amendment (Rept. No. 98-593, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO (for himself, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. MATSUI, Mr. FAZIO, and Mr. GEPHARDT):

H.R. 5174. A bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective bargaining agreements may be rejected in cases under chapter 11, and for other purposes; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 5175. A bill to establish a moratorium with respect to certain acquisitions by petroleum companies and major energy concerns of other major energy concerns, and for other purposes; jointly, to the Committee on the Judiciary and Energy and Commerce.

By Mr. GORE (for himself, Mr. TAUZIN, and Mr. ROSE):

H.R. 5176. A bill to amend the Communications Act of 1934 to clarify the policies regarding the right to view satellite-transmitted television programing, and for other

purposes; to the Committee on Energy and Commerce.

By Mr. MOLLOHAN:

H.R. 5177. A bill granting the consent of Congress to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 5178. A bill to amend the Internal Revenue Code of 1954 to increase the dollar limit on the amount of compensation which may be deferred under State and local deferred compensation plans; to the Committee on Ways and Means.

H.R. 5179. A bill to amend the Internal Revenue Code of 1954 with respect to the limitations on deductions for contributions to qualified plan; to the Committee on Ways and Means.

By Mr. WEISS (for himself, Mr. FAUNTROY, Mr. LUNDINE, Mr. OBERSTAR, Mr. BERMAN, Mr. ADDABBO, Mr. SAVAGE, Mr. OWENS, Mr. DOWNEY of New York, Mr. NOWAK, Mr. ORTIZ, Mr. DELLUMS, Mr. TOWNS, Mr. RODINO, Mr. STOKES, Mr. LELAND, Mr. GREEN, Mr. TORRES, Mr. FRANK, Mr. FISH, Mr. CONYERS, Mr. BIAGGI, Mr. ACKERMAN, Mr. FORD of Tennessee, Mr. MCHUGH, Mr. SCHUMER, Mr. GARCIA, Mr. HAWKINS, Mr. RANGEL, Mr. MITCHELL, Mr. CROCKETT, Mr. VENTO, Mr. WAXMAN, Ms. OAKAR, Mr. STUDDS, and Mrs. SCHROEDER):

H.R. 5180. A bill to amend the Food Stamp Act of 1977 to establish separate deductions allowable for dependent care expenses and excess shelter expenses for purposes of determining certain benefit levels under the food stamp program, and to increase the maximum amount of such deductions; to the Committee on Agriculture.

By Mr. YOUNG of Alaska:

H.R. 5181. A bill to amend the Food Stamp Act of 1977 to establish a pilot project for rural areas of the State of Alaska, and for other purposes; to the Committee on Agriculture.

By Mr. WHITTEN:

H.J. Res. 518. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; to the Committee on Appropriations.

H.J. Res. 519. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984; to the Committee on Appropriations.

By Mr. WRIGHT (for himself and Mr. MICHEL):

H.J. Res. 520. Joint resolution designating April 13, 1984, as "Education Day, U.S.A."; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

346. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to the reduction of nuclear arms; to the Committee on Foreign Affairs.

347. Also, memorial of the Legislature of the State of Georgia, relative to the Federal Unemployment Tax Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BARTLETT, Mr. SABO, Mr. ORTIZ, Mr. SKELTON, Mr. KASICH, Mr. YOUNG of Florida, Mr. RANGEL, and Mr. LONG of Maryland.

H.R. 41: Mr. FAUNTROY.

H.R. 1937: Mr. MACKAY.

H.R. 2084: Mr. JACOBS.

H.R. 3257: Mr. LEWIS of Florida.

H.R. 3829: Mr. FRANK and Mr. LEATH of Texas.

H.R. 4158: Mr. WILLIAMS of Ohio, Mr. LEACH of Iowa, Mr. LIVINGSTON, Mr. GREGG, Mr. PANETTA, Mr. OXLEY, and Mr. EMERSON.

H.R. 4280: Mr. KOGOVSEK, Mr. BOUCHER, Mr. ECKART, Mr. NIELSON of Utah, Mr. TAUKE, Mr. MCCAIN, Mr. AKAKA, Mr. ANDREWS of Texas, Mr. BARNES, Mr. BATES, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BOLAND, Mr. BORSKI, Mrs. BYRON, Mr. CAMPBELL, Mr. CARR, Mr. CLINGER, Mr. CONYERS, Mr. CORCORAN, Mr. CORRADA, Mr. CRAIG, Mr. CROCKETT, Mr. DAUB, Mr. DELLUMS, Mr. DEWINE, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GLICKMAN, Mr. GOODLING, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HARTNETT, Mr. HUGHES, Mr. HYDE, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. MADIGAN, Mr. MARRIOTT, Mr. MATSUI, Mr. MAZZOLI, Mr. MCEWEN, Mr. MCGRATH, Mr. MCKINNEY, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. OBERSTAR, Mr. PASHAYAN, Mr. PEPPER, Mr. PRITCHARD, Mr. RATCHFORD, Mr. REGULA, Mr. RICHARDSON, Mr. RIDGE, Mr. RODINO, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SHAW, Mr. SMITH of New Jersey, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. SOLARZ, Mr. STARK, Mr. TOWNS, Mr. VENTO, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS of Ohio, Mr. WON PAT, Mr. YATES, Mr. FISH, Mr. FLORIO, Mr. PATTERSON, Mr. STOKES, and Mr. FEIGHAN.

H.R. 4760: Mr. GEJDENSON, Mr. MCHUGH, Mr. ORTIZ, Mr. STARK, and Mr. SPRATT.

H.R. 4813: Mr. OWENS.

H.R. 4843: Mr. KILDEE.

H.R. 5140: Mr. ACKERMAN, Mr. ADDABBO, Mr. AUCOIN, Mr. BEILENSON, Mr. BERMAN, Mrs. BURTON of California, Mr. CONTE, Mr. COYNE, Mr. DOWNEY of New York, Mr. EVANS of Illinois, Mr. FEIGHAN, Ms. FIELDLER, Mr. FLORIO, Mr. FRANK, Mr. GARCIA, Mr. GLICKMAN, Mr. GREEN, Mr. HALL of Ohio, Mrs. KENNELLY, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. MCKINNEY, Mr. MARKEY, Mr. MATSUI, Mr. MAZZOLI, Mr. MINETA, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PEPPER, Mr. RICHARDSON, Mr. RODINO, Mr. SCHEUER, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SILJANDER, Mr. SISISKY, Mr. SOLARZ, Mr. STOKES, Mr. WEISS, Mr. WHEAT, Mr. WYDEN, and Mr. YOUNG of Missouri.

H.J. Res. 389: Mr. LEVIN of Michigan.

H. Con. Res. 267: Mr. OWENS, Mr. RANGEL, Mr. OBERSTAR, Mr. WON PAT, Mr. HARRISON, Mr. EDWARDS of California, and Mr. STOKES.

H. Res. 450: Mr. MAZZOLI, Mr. LOWRY of Washington, Mr. MACKAY, Mr. EDGAR, Mr. FRENZEL, Mr. GEKAS, and Mr. BILIRAKIS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

325. By the SPEAKER: Petition of the Southern Governors' Association, Washington, D.C., relative to the policy position of the association relating to medicaid; to the Committee on Energy and Commerce.

326. Also, petition of the Railway Labor Executives Association, Washington, D.C., relative to a domestic auto content law; jointly, to the Committees on Energy and Commerce and Ways and Means.

EXTENSIONS OF REMARKS

SHOULD MOVE EMBASSY TO JERUSALEM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. ACKERMAN. Mr. Speaker, the issue of the location of the American Embassy in Israel is of grave concern to me and many of my colleagues in the House of Representatives. H.R. 4877, a bill requiring that the American Embassy be moved from Tel Aviv to Jerusalem, has gathered almost 200 cosponsors. With the adoption of this bill, the Congress will finally go on record as opposing the shameful policy of treating Israel as a second-class country.

Today, I am pleased to insert into the CONGRESSIONAL RECORD a resolution that was recently adopted by my former colleagues in the New York State Legislature on this important issue. In the New York Senate, this measure was introduced by Minority Leader Manfred Ohrenstein, and cosponsored by Howard Babbush, Thomas Bartosiewicz, Carol Berman, Leon Bogues, Martin Connor, John Flynn, Emmanuel Gold, Donald Halperin, Anna Jefferson, Andrew Jenkins, Franz Leichter, Norman Levy, Ralph Marino, Marty Markowitz, Tony Masiello, Olga Mendez, George Onorato, John Perry, Israel Ruiz, Martin Solomon, Leonard Stavisky, Dale Volker, Jeremy Weinstein, and Linda Winikow.

In the assembly, the resolution was sponsored by Deputy Majority Leader Alan Hevesi, Dov Hikind, Howard Lasher, Nettie Mayerson, and Sheldon Silver.

Mr. Speaker, I would like to take this opportunity to commend the members of the New York State Senate and the New York State Assembly for their wisdom in adopting this important statement. By taking a firm stand in support of relocating the U.S. Embassy from Tel Aviv to Jerusalem, the elected representatives of the State of New York have expressed our State's strong support for a U.S. policy which accords the proper respect to Israel, America's only loyal and democratic ally in the Middle East.

The text of the resolution follows:

Whereas, Wednesday, May thirtieth, nineteen hundred eighty-four marks the Seventeenth Anniversary of the reunification of the City of Jerusalem, the historic capital of the people and the State of Israel; and

Whereas, Throughout history Jerusalem has never been the capital of any other nation; and

Whereas, On May twenty-seventh, nineteen hundred forty-eight, the Jewish quarter of the Old City of Jerusalem surrendered to Arab invading forces; and

Whereas, A general cease-fire was proclaimed on June eleventh nineteen hundred forty-eight, leaving East Jerusalem, including the Old City, in Jordanian hands and West Jerusalem in Israeli hands; and

Whereas, The City of Jerusalem was divided in two by a cease-fire line for nineteen years; and

Whereas, On June fifth, nineteen hundred sixty-seven, the Three Day War for Jerusalem began, with Jordanian forces under the command of King Hussein opening up a heavy barrage of shelling against West Jerusalem; and

Whereas, On June seventh, nineteen hundred sixty-seven, one of the most historic days in the history of the Jewish people, Israeli forces broke through the Lions' Gate and took the Old City of Jerusalem; and the Western Wall, Jewry's most holy site, was once again in Jewish hands; and

Whereas, In the battle for the City and its surrounding areas, approximately one hundred eighty Israeli soldiers lost their lives and civilians were also killed; and

Whereas, The two parts of the City were officially reunited on June twenty-eighth, nineteen hundred sixty-seven, and inhabitants from either side could visit the other for the first time in almost twenty years; and

Whereas, Upon reunification in nineteen hundred sixty-seven, people of all faiths regained access to their holy sites in the Old City of Jerusalem; and

Whereas, From nineteen hundred sixty-seven until today Jerusalem has remained a multi-ethnic city, with freedom of religion and free access to holy sites for all Christians, Jews and Moslems; and

Whereas, Israel has sought integration of the Arabs of East Jerusalem into the life of the city and reciprocal harmonious relations among all of the city's inhabitants; and

Whereas, The democratic State of Israel is America's only reliable ally in the Middle East; and

Whereas, Israel is the only country in the world where the United States maintains its embassy outside of a nation's administrative capital; and

Whereas, United States Senator Daniel Patrick Moynihan of New York has introduced, and United States Senator Alfonse D'Amato of New York has co-sponsored a resolution in the United States Senate which will require the United States to move its embassy in Israel from Tel Aviv to Jerusalem; now, therefore, be it

Resolved, That this Legislative Body commemorate the Seventeenth Anniversary of the reunification of the City of Jerusalem by calling upon the Government of the United States through its Congress, its President, and its State Department, to move the American Embassy from Tel Aviv to Jerusalem, the capital of the State of Israel; and be it further

Resolved, That copies of this resolution, suitably engrossed, be transmitted to the President of the United States, the Secretary of State, Senators Moynihan and D'Amato and the entire New York State Congressional Delegation, the Honorable Meir Rosenne, Ambassador of Israel to the United States, and the Honorable Naphtali Lavie, Consul General of Israel in New York.●

CONGRATULATIONS TO CHANNEL 6 KVIE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. MATSUI. Mr. Speaker, I wish to extend my deepest congratulations in honor of KVIE channel 6, the public television station in Sacramento, Calif., that is celebrating its 25th anniversary of outstanding and dedicated public service.

I have personally observed KVIE's steady progress from a small and unassuming startup facility in Februry 1959 as it strived—and succeeded—in becoming a first-rate community oriented educational and cultural operation. It was not easy to get the station on the air and less easy to keep it on, but a devoted management, staff, volunteers, and sponsors persevered and the station continues to flourish.

KVIE consistently enlists a broad base of public support each year as it continues many unique programing endeavors of enviable quality and unmatched value. This is one channel which considers audience preference before ratings and offers the Sacramento public a viable and healthy alternative choice to commercial programing, which necessarily has built-in limitations.

KVIE has distinguished itself by performing this invaluable service for the past 25 years. On behalf of the community of Sacramento, I extend my thanks and congratulations for a job well done and my best wishes for many more years of successful programing.●

OPPORTUNITIES FOR INCREASED EXPORTS OF U.S. PHARMACEUTICALS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, March 19, 1984

● Mr. MATHIAS. Mr. President, there is a growing national concern for our balance-of-payments crisis, which is sharply aggravated by the problems of an alarming budget deficit and a trade deficit. We would be well advised to learn more of this problem and, at the same time, discover what we can do to improve the health of our Nation and the world.

These subjects are cogently addressed in an article entitled, "Exporting U.S. Pharmaceuticals in the 1980's," by two authorities in the field, Allan M. Fox and Nicholas W. Allard, which appeared in the December issue of the Federal Bar News & Journal.

The authors stress that policy governing foods and drugs should be, above all else, in the interest of promoting health and safety. But they also stress reducing unnecessary losses to our economy by restricting U.S. drugs for exports of products readily available outside the United States and sought by those countries.

I ask to have pertinent excerpts of the Federal Bar News & Journal article printed in the Extensions of Remarks.

The article follows:

EXPORTING UNITED STATES PHARMACEUTICALS IN THE 1980'S

(By Allan M. Fox and Nicholas W. Allard)

U.S.-based pharmaceutical companies are preeminent in developing and disseminating health-giving products throughout the world. In 1982 alone, the U.S. exported over $2.3 billion worth of pharmaceutical products that accounted for a net favorable trade surplus of $1.3 billion. Yet, despite the undeniable importance of American-made pharmaceuticals, both to world health and to the national economy, this country's continued leadership in the field could be hampered by serious problems at home and abroad.

The pharmaceutical industry is under increasingly virulent attack, especially from developing countries. The most often heard complaints arise over perceptions of anticompetitive prices (complaints that drug prices are either too high or too low), dumping of large quantities of unsafe or poor quality products, and dishonest marketing practices. All too often the industry, while presenting legitimate legal or economic responses to these complaints, fails to appreciate that they are generated by concern over serious health problems—problems that are of a magnitude difficult for Americans to grasp fully. Perhaps the greatest challenge for the U.S. pharmaceutical industry in the 1980's will be to survey the common ground between itself and its critics, and then to open up a dialogue that will focus on the central health issues involved.

Most of the unresolved issues relating to U.S. pharmaceutical exports are extremely controversial. Throughout the 1970's and early 1980's, these issues have not always benefitted from the dispassionate analysis of competing, albeit legitimate, points of view. For this reason, it may serve at the outset to identify policy objectives that could provide a foundation for consensus.

Policy governing worldwide distribution of U.S. pharmaceutical products should be, above all else, in the interest of promoting health and safety. Other important objectives include: Reducing unnecessary losses to the U.S. economy caused by export restrictions on U.S. drugs when the drugs are readily available outside the U.S. and are sought by the governments of the importing countries; reducing and simplifying existing regulatory procedures and their burden and costs; increasing competitiveness of U.S.-based concerns with foreign-based companies; stimulating innovation leading to New drug products; and promoting good relations between the United States and other governments.

U.S. RESTRICTIONS

New drugs

Troublesome health and ethical concerns arise over the export of substances that are prohibited or banned in this country. Such concerns are not generally present, at least not to the same degree, for drugs that have not received FDA approval for use in the U.S., but which may be lawfully marketed and, indeed, are urgently sought by foreign countries. The United States remains the only country in the world, however, that bans the manufacture and export of new unapproved drugs regardless of a foreign government's wish to import.

* * * * *

There is currently some debate among the drug bar about existing FDA regulations and proposed regulations that prevent evolving exceptions to the prohibition on exporting unapproved drugs. The FDA has two ongoing rulemaking proceedings that involve its export policy. However, the proposed regulations would do little more than codify the agency's current policies. The only real change with respect to exports is the proposal to ease the restrictions on exports of bulk drug substances.

In this limited space it is worth noting only that the Reagan Administration appears to be sympathetic to the concept of authorizing the export of unapproved new drugs to countries in which their distribution would not be illegal. In early 1981, the President directed the Secretaries of State and Commerce to recommend to him a policy for exporting "hazardous" substances, including pharmaceuticals. A draft report recommending the authorization of exports of unapproved new drugs has been forwarded to the President. To date, there has been no action by the President on this issue.

Notwithstanding substantial support for eliminating existing restrictions by administrative action, legislation would be the most beneficial method of change. However, the political reality on Capitol Hill is that it will not be easy for an amendment to section 801(d) to be enacted within the next year.

* * * * *

CONCLUSION

The changing U.S. and international restrictions on U.S. pharmaceuticals are critical to the competitiveness of U.S. drug products in foreign markets. We believe that U.S. interests are best represented by an approach to upcoming changes that addresses the health needs of foreign, especially the lesser-developed, countries. The necessary considerations are exceedingly difficult and require sensitivity and sophistication. Different countries have different diseases and incidents of mortality and morbidity, different infrastructures, and different health care systems. Moreover, safety and effectives are relative culture-specific concepts. For example, in a country with a high incidence of tropical disease and short life expectancy, medical problems which are uncommon in the U.S., could quite conceivably make foreign public health officials desire specific drugs which may be beneficial to their country even though the drugs might suggest long-term risks in U.S. consumption. Consequently, pursuing the fundamental policy of promoting world health, which we suggest is both morally and pragmatically imperative, will require more than transposing U.S. health values to other cultural settings. Belief that U.S. standards and values should automatically govern the world is not only paternalistic, but sometimes not in the best interest of public health.●

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY 1984

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, I am pleased to participate in the "1984 Congressional Call to Conscience Vigil for Soviet Jews." I also would like to thank my friend and distinguished colleague from Pennsylvania, Representative LAWRENCE COUGHLIN, for organizing this important project which brings continued attention to the severe crisis faced by Soviet Jews in the U.S.S.R. today.

Mr. Speaker, the present situation facing Jews in the Soviet Union has greatly deteriorated. Emigration has decreased rapidly from 51,000 in 1979 to only 1,315 in 1983. This is the lowest number in over a decade. These figures emphasize the need for increased activity in urging Soviet authorities to grant citizens their right to emigrate. Countless refuseniks have stressed that their greatest hope has come from knowing that so many people around the world, and particularly the United States, care about them and continue to stand by and support them.

No one exemplifies the strength and courage held by all prisoners of conscience when faced with Soviet harassment and oppression more than Ida Nudel. Her unyielding determination and will have provided hope to fellow refuseniks as she helped to guide them in their struggle for freedom. Her selfless activism had earned her the title of the Guardian Angel. She was repaid by the Soviet authorities in the form of 4 long years of suffering in Siberian exile.

I recently received a letter from Ida's sister, Elena Friedman, of Israel,

who describes Ida's current situation. An excerpt from her letter follows:

Having legally completed her sentence of four years of interal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal residence permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she had received in Siberia which had helped sustain her spirit. Since arriving in Bendery, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu: No Such Address." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendant at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she had previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local duputy police chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to her home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks earlier.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Shebanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the by-laws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616—IX—19/V 1977. Paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee Dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Congressman Lehman, I have come to know you as a friend of Ida's, as someone very concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely yours,

ELENA FRIEDMAN.

I call upon my colleagues to continue to take an active role in helping those who wish to emigrate until Ida Nudel and other Soviet Jews like her are free.●

SALE OF STINGER MISSILE TO ARAB NATIONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. ASPIN. Mr. Speaker, the administration has not been noted for its deftness of policy in the Middle East. Now, it appears ready to compound disaster. The administration has recently notified Congress of plans to sell Stinger missiles to Jordan and Saudi Arabia. We are ostensibly searching for peace in the Middle East; this is not the way to go about it.

A majority of both the House and Senate is already on record opposing the sale of this type of missile to Jordan unless and until King Hussein joins in direct peace negotiations with Israel. Moreover, 1 year ago the House Foreign Affairs Committee approved an amendment to the foreign aid authorization bill prohibiting this kind of sale until Jordan publicly recognized Israel and agreed to promptly enter peace negotiations.

The Stinger missile is one of the most advanced antiaircraft weapons and has not even been fully deployed by our forces, nor has it been sold to any country outside of NATO.

The sale of the Stingers would have an adverse effect on the delicate military balance in this volatile region. If this sale is completed, it is a clear indication that the United States will sell the most sophisticated air defense systems to any Arab nation, despite lack of progress in the peace progress.

It is argued that this air defense system is needed too for Jordan to defend against a potential threat from Syria. I do not deny that there is a potential threat from that quarter, but simpler air defense systems already in Jordan's hands are more than adequate to address the Syrian threat. The Stinger is too sophisticated. It represents nothing more than encouragement for Jordan to join in any future war against Israel. That is not the kind of encouragement we should be giving.●

THE DEATH OF CLARENCE MITCHELL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. RODINO. Mr. Speaker, the death last night of our dear friend Clarence Mitchell takes from us one of the most generous and thoughtful human beings whom I have ever known.

Clarence Mitchell dedicated a lifetime to the struggle for equality and justice. As much as any one person, he was the personification of the civil rights movement in America.

We came to know him well as the NAACP's man in Washington and as a driving force of the Leadership Conference on Civil Rights, a coalition that he helped found. Through the difficult and sometimes bitter legislative struggles of the 1960's, Clarence Mitchell was always at hand, reconciling differences with patient negotiation, persuading the skeptical with lucid reasoning. His contributions to the passage of the historic civil rights laws of this era are immeasurable. So much was he present amongst us on Capitol Hill that he became known as the 101st Senator. He indeed was one of us.

From early in his life, Clarence Mitchell knew the value of direct action in the march toward equal justice and equal opportunity. Yes, he carried picket signs, and he was arrested, and he suffered cruel indignities. But his greatest strength was at the conference table where he argued forcefully, tirelessly and always with good will to transform the promises of our Constitution into reality. He was unwavering in his belief that our system of government and our institutions could right the wrongs in our society and preserve equal justice for all under law.

For his service and dedication, Clarence Mitchell received many honors and awards, including the Presidential Medal of Freedom, our Nation's highest civilian honor, which President Carter bestowed on him. Clarence Mitchell never sought the limelight. He worked instead with quiet determination to uproot injustice and to weave equal rights for the persecuted and the abused into the fabric of our society. For this, we are a richer nation.

My life was enriched by his long and valued friendship.

Mr. Speaker, I offer my condolences to Clarence Mitchell's family at this time of their great sorrow. I hope it is of some consolation for them to know that history will always remember him as one of our greatest champions of freedom and justice; that he has the

lasting respect of his fellow Americans, black and white; and that his courage and integrity and dedication will serve as an inspiration for generations to come.

Clarence Mitchell was a great leader; he was a great American.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House, I was not present and voting when the House considered various legislative matters on the following days:

TUESDAY, MARCH 6

On passage of House Joint Resolution 492, urgent supplemental appropriation for African food aid, I would have voted "yea."

On an amendment to H.R. 3648, Amtrak Improvement Act, to permit the Department of Transportation to sell Conrail unless Congress passes a law disapproving the sale, I would have voted "yea."

THURSDAY, MARCH 8

On a motion to approve the House Journal of Wednesday, March 7, I would have voted "yea."

On an amendment to H.R. 4164, vocational technical education amendments, to prohibit the use of funds under the bill to buy equipment, if the purchase results in financial benefit to an organization representing the interests of the purchaser or its employees, I was paired for.

On an amendment to H.R. 4164, to prohibit use of funds to maintain existing programs without substantial change, I would have voted "nay."

On final passage of H.R. 4164, I would have voted "yea."

WEDNESDAY, MARCH 14

On an amendment to H.R. 3020, Small Business authorizations, that sought to prohibit use of funds in the bill for direct loans, I would have voted "nay."

THURSDAY, MARCH 15

On final passage of H.R. 3020, I would have voted "yea."●

FOOD STAMP ACT AMENDMENTS OF 1984

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. WEISS. Mr. Speaker, hunger has reemerged, not just in drought stricken Africa, but on our own continent, rich in agricultural resources. For the first time in 20 years, in a fashion reminiscent of the Great Depression, a growing number of hungry people are seeking food assistance. For them the soup kitchens, food pantries, and emergency food distribution sites are not anecdotes, but a harsh reality.

The legislation which I am introducing today will redress one of the contributing factors to the rise in hunger—insufficient food stamp benefit levels. Reports on hunger in America have been issued from numerous sources, among them the President's Task Force on Food Assistance and the May 1983 report of the U.S. Department of Agriculture. They document the increasing number of food stamp recipients who are without food by the third or fourth week of each month. Many of these families are going hungry or seeking food assistance from other sources. In addition, the Department has revealed that five out of six households whose food expenditures equal the cost of the thrifty food plan, on which the value of food stamp benefits is based, fail to obtain the recommended daily allowance of basic nutrients. Clearly, food stamp benefits must be increased to insure that recipients are adequately nourished throughout the month.

This legislation, the Food Stamp Act Amendments of 1984, would increase the current excess shelter deduction cap of $125 a month to $175 a month in fiscal year 1985. The excess shelter deduction was enacted in 1977 in recognition of existing regional variations in rent and utility costs. Food stamp households which pay in excess of 50 percent of their monthly net income for shelter may deduct the difference up to the cap from their net income to calculate food stamp benefit levels. Any shelter costs not covered by the deduction must be paid with income considered available to supplement the food stamp benefits and purchase other essentials. The cap was kept at $115 between 1981 and October 1983, although the law provides for an annual adjustment to reflect changes in the Consumer Price Index. The cap was increased to $125 in 1983. Even if the cap were increased to $140, which is the estimated level it would have reached had it been adjusted in 1982, it would not adequately compensate for the rising rents and utility charges in many areas of the country. This bill would mitigate an inequity in the Food Stamp Act which penalizes recipients who have high shelter costs and eliminate the "heat or eat" choice which many food stamp households face.

In addition, the bill would establish a separate child care deduction, currently coupled with the excess shelter deduction. The Congressional Budget Office has found that 75 percent of all child care costs incurred by food stamp recipients cannot be deducted under the coupled deduction formula. Three to five percent of current beneficiaries would be eligible for the child care deduction. The separate child care deduction, capped at $160 per month, would benefit the working poor and provide an incentive to unemployed recipients to seek work or job training. Furthermore, the child care deduction would help to offset major reductions in title XX funds for subsidized child care services for the poor.

This legislation is a responsible and necessary action to combat the rise of hunger among a growing number of Americans. I urge my colleagues to cosponsor this bill and join in the fight against hunger.

The bill follows:

H.R. 5179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking out "the same as" and all that follows through "clause (2) of this subsection,", and inserting in lieu thereof "$160",

(2) by striking out ", or (2) " and inserting in lieu thereof "and (2)",

(3) in the proviso—

(A) by striking out "$115" and inserting in lieu thereof "$175", and

(B) by striking out "$200, $165, $140, and $85" and inserting in lieu thereof "$260, $225, $200, and $145", and

(4) by striking out ", or (3)" and all that follows through the period, and inserting in lieu thereof a period.

SEC. 2. (a) Except as provided in subsection (b), the amendments made by the first section of this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by the first section of this Act shall not apply with respect to any adjustment required to be made before October 1, 1984, under section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)).●

TRIBUTE TO CHARLES LEONG

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. MINETA. Mr. Speaker, I rise today to call your attention to the passing of a man who was a journalist, a patriot, and an inspiration to many. On Thursday, February 23, 1984, the Asian American community in the United States lost one of its strongest voices, Charles Leong.

Charles Leong was unique. He was an American of Chinese ancestry who effectively communicated the Asian-American experience. His editorials which appeared in the newspaper he cofounded in 1941, the California Chinese Press, urged public approval for many significant projects benefiting both youth and the elderly.

Charles Leong's journalism career spanned more than 50 years and one

of his first major accomplishments in the field began just a few miles from my home in San Jose, Calif. He attended San Jose State University where he was the first American of Chinese ancestry to edit an American campus newspaper, the Spartan Daily. He went on to receive a graduate degree in journalism from Stanford University and served the United States as a member of the "Flying Tigers" during World War II.

In recent years, Mr. Leong's columns appeared in Asian Week and Hokubei Mainichi, the Japanese American daily newspaper, and were read with interest by many people in our country, not only Americans of Asian ancestry. Mr. Leong's ability to capture the human spirit in his columns displayed his fine literary talent, and his keen understanding of people.

Mr. Speaker, we will miss Charles Leong's written words, but we can be comforted in the knowledge that he served his community, his profession, and his country with distinction.●

A CHANGE OF ATTITUDE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, on Thursday, March 2, 1984, the Foreign Affairs Subcommittee on Western Hemisphere Affairs voted extreme restrictions on military and economic aid for El Salvador. Democratic members of the subcommittee claimed that these restrictions were necessary to convince both the Reagan administration and the Government of El Salvador that Congress is serious about its efforts to end death squad violence and alleged human rights violations.

The message that is actually being sent, however, is far different from the one intended by these well meaning but unapprised subcommittee members. Rather than serving notice that we will no longer tolerate death squad violence, which the government itself is not even indirectly responsible for, the subcommittee has only reinforced the no-win attitude that many of our allies have chided us for in recent years.

The guerrillas have won no substantial military engagements, nor have they held any strategic sites for more than a matter of hours. Yet the media of this country has described the situation as a virtual "stalemate." Even assuming that a stalemate did exist, certainly cutting aid would not be a very logical way of breaking it. The government forces can win in El Salvador and restore order and democracy to that war-ravaged nation, but they need our support, both moral and financial. The following editorial from the Wall Street Journal outlines the changes that need to be in order for that victory to take place. I highly recommend it to my colleagues.

[From the Wall Street Journal, Feb. 24, 1984]

EL SALVADOR'S WORST ENEMY: WASHINGTON'S NO-WIN ATTITUDE

(By H. Joachim Maitre)

There is light at the end of the tunnel in El Salvador, but you cannot see it through the smog of gloom emanating from Washington.

The Kissinger Commission states that "the war is at a stalemate" and quotes the Pentagon's estimate "that it would take approximately $400 million in U.S. military assistance in 1984 and 1985 to break the military stalemate." Otherwise, the report concludes melodramatically, "a collapse is not inconceivable."

The myth should not be allowed to spread. True, government forces—while able to deploy anywhere in the country—have been unable so far to deal a decisive blow to the guerrilla forces, and the guerrillas cannot hold territory in the face of a concerted government effort. But the base for this "stalemate" is political, not military. It is Washington's no-win strategy all over again.

El Salvador, the size of Massachusetts, is no jungle country and as such it is the rural guerrillas' nightmare. When detected in the open during daylight, especially when operating in larger units, guerrillas cannot simply fade into dense vegetation or melt into the peasant population. Contrary to their own propaganda, the insurgents of El Salvador's Ejercito Revolucionario del Pueblo enjoy little support among the peasants. And unlike the guerrilla in South Vietnam, who received an immense amount of supplies and new manpower from North Vietnam throughout the war, the ERP in El Salvador today is cut off from outside logistic support, vulnerable to the military's offensive operations that are now so imperative. El Salvador's insurgents cannot win the war by military means.

Nevertheless, weak combat performances by several individual units of El Salvador's Fuerza Armada in the closing months of 1983 have revived doubts about the armed forces' fighting capabilities and overall morale.

Military defeats at El Tablon, Paraiso and the Cuscutlan Bridge are an embarrassment to Salvadoran soldiers and their unit commanders who had been negligent in carrying out their basic tactical duties of reconnaissance and patrolling. Consequently they were caught napping. In a swift step toward housecleaning, El Salvador's Military High Command has relieved three commanding officers—including Maj. Miguel Borja, vanquished at El Tablon—of their commands and placed them under arrest.

The embarrassment should extend to the Pentagon and its role in El Salvador. For the expansion and training of El Salvador's armed forces during the past three years have taken place under U.S. auspices. What has gone wrong?

The ill-fated Fonseca battalion, wiped out at El Tablon, might provide part of the answer. Poor leadership alone can hardly be blamed for this unit's dismal performance on the battlefield. Rather, the adversary has radically changed the terms of warfare for which Fonseca and all of its remaining 35 sister CS battalions (CS for countersubversion) have been trained. At times, circumstances permitting, the rebels now opt for open warfare, attacking with large formations. CS battalions—an American brainchild—contain a maximum of 280 troops each. At El Tablon, Fonseca was not only outmaneuvered, it was also outnumbered and out-gunned.

Conscription is the core of the Fuerza Armada's problems. It produces numbers for the militia, not fighters for counterinsurgency. Training additional CS battalions—bringing the total to 52 by 1985—will prove to be no problem for Americans. It will be more difficult to build and maintain army morale in El Salvador if the impression prevails there that no new war-winning strategy will accompany the increase in military aid from Washington.

Shortages of men and equipment have been detrimental to the war effort. Practically all units periodically run out of ammunition. El Salvador is virtually broke and cannot afford to build up its armed forces to 50,000 men, as recommended by counterinsurgency experts. Even the limited buildup to 30,000 men projected for 1985 from the current 25,000 cannot be borne by El Salvador's war-torn economy. The purchase of the five combat helicopters urgently required to maintain minimum mobility for rapid-reaction units presents the country with a major problem: Where to get the needed $15 million, if not from Washington?

El Salvador needs increased military aid from abroad, and President Reagan has asked Congress for an additional $178 million for 1984 and $133 million for 1985. But a mere increase cannot produce the radical improvement in the Fuerza Armada's fighting capabilities instrumental for counterinsurgency. Only a revised and augmented program of military aid can. And there is good reason to suppose that such aid could increase further the military's effectiveness against the guerrillas.

Just how vulnerable the guerrillas are was shown in December, immediately following their successful attack on the Tecana CS battalion at Cacahuatique. Joaquin Villalobos, the ERP's competent commander and chief strategist, had assaulted the outpost at Cacahuatique, held by newly trained conscripts, as an initial step in his attack directed at San Francisco de Gotera, capital of Morazan. Taking the capital and—by so doing—defeating the Third Infantry Brigade, led by Lt. Col. Domingo Monterrosa, perhaps the Fuerza Armada's most imaginative commander, would have spelled indisputable glory for the insurgents and political disaster in both San Salvador and Washington.

Mr. Villalobos did not even get beyond Cacahuatique. Instead, his strategy was shattered; his troops were pinned down on the mountainside or fled under the fire of helogunships or light attack planes. There is now no military stalemate in Morazan. Mr. Villalobos has lost his superman image, and Lt. Col. Monterrosa looks taller by a foot.

The key to Mr. Villalobos's defeat after Cacahuatique was the military's ability to react with immediacy and mobility. Reinforcements were flown in within hours. The armed forces' victory could have been even more decisive if more troops could have been deployed faster and if adequate close air support had been available.

Salvadoran immediate-reaction capacity would improve sharply if the U.S. Air Force would make available half a dozen STOL (Short Take Off and Landing) C-7A "Caribous." These 1960-vintage piston-engine tac-

tical transport planes could take off and land on 86 airfields in El Salvador. As it is now, only seven airfields can accommodate the army's two C-123s, and only two airfields can accommodate its two DC-6s. Salvadoran tactical air power would take a quantum leap with the deployment of just 10 F-5As.

U.S. military aid of such quality would give teeth to the Fuerza Armada, boost morale in war-weary El Salvador and put an end to the Pentagon's gloom at "breaking the military stalemate after two years."

Now is the time for U.S. military assistance to provide El Salvador's armed forces with the hardware needed for a more aggressive approach to the war. There is no need to send in the Marines.●

PERSONAL EXPLANATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. ACKERMAN. Mr. Speaker, due to a personal emergency, I was unable to be present on the House floor during several votes. Had I been present on March 6, I would have voted "no" on rollcall 39, the Broyhill amendment to H.R. 3648, Amtrak Improvement Act. On March 8 I would have voted "yes" on rollcall 40, approving the Journal of March 7; "no" on rollcall 42, the second Bartlett amendment to H.R. 4164, Vocational-Technical Education Amendments of 1984; and "yes" on rollcall 43, final passage of H.R. 4164.●

VIGIL FOR SOVIET JEWS: ZINA AND ARKADY ABRANZON

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BEILENSON. Mr. Speaker, it is with sadness and frustration that I must again bring my colleagues' attention to the plight of Zina and Arkady Abranzon during the Congressional Call to Conscience Vigil for Soviet Jews. This marks the fourth year that I have spoken out on behalf of the Abranzon family and, unfortunately, the events of the past year have failed to bring about any improvement in the couple's situation. Indeed, there has been an almost complete cutoff in communication between the family and their relatives in the West.

The Abranzons are Soviet Jewish citizens who had planned to apply for exit visas. However, on October 5, 1979, the Soviet police broke into Mr. and Mrs. Abranzon's apartment, confiscated all of their possessions, and imprisoned them at Ivano-Frankovsk Prison in the Ukrainian Soviet Socialist Republic, where they were held without trial for over a year.

In November 1980 the Abranzons were found guilty of the crime of "possession of resources" under Soviet law. Arkady Abranzon was sentenced to a prison term of 14 years; his wife, Zina, received a 6-year sentence. According to our latest information, the Abranzons have been held in separate labor camps for the last year, and Zina is still afflicted with diabetes which developed as a result of her poor prison diet.

I want to express once again my strong belief that, by releasing the Abrazons and granting them permission to emigrate, the Soviet Union not only would indicate to the world its respect for the principles outlined in the Helsinki accords, but also would affirm its desire to improve the strained relations between the United States and the U.S.S.R. Such action would be particularly significant coming at the beginning of Secretary Chernenko's administration and would serve as a statement of his government's commitment to human rights.

I fervently hope that Secretary Chernenko will seek to reverse the drastic decline in Soviet jewish emigration which has taken place during the past few years, and that the Abranzons will be among those who are finally allowed to leave.●

EXCHANGE PROGRAMS BETWEEN THE UNITED STATES AND THE SOVIET UNION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. MAZZOLI. Mr. Speaker, my good friend, colleague, and neighbor from across the Ohio River, Congressman LEE HAMILTON of the Ninth District of Indiana, recently published in the Louisville Courier Journal of March 4, 1984 an insightful article which argues that the United States should take an active role in fostering scientific, cultural, journalistic, and other such exchange programs between the United States and the Soviet Union.

Our colleagues would gain from reading LEE's article and I ask permission that it be reprinted in its entirely in the CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, Mar. 4, 1984]

UNITED STATES AND SOVIET SCIENTIFIC, CULTURAL EXCHANGES NEEDED IN TIME OF TENSION

(By Lee H. Hamilton) [1]

Since the early 1970s, the United States has cooperated with the Soviet Union in an ongoing exchange of scholars, delegations of young political leaders, journalists, scientists, cultural groups and exhibitions. In the aftermath of the Soviet invasion of Afghanistan and the declaration of martial law in Poland, however, many of the agreements providing for exchange have expired and have not been renewed. In addition, the downing of Korean Air Lines Flight 007 in September 1983 caused the United States to postpone further discussion on scientific and cultural agreements.

A political decision to phase out exchange programs is a mistake. It is not in our national interest. The value of exchange agreements does not depend on the success of detente. It is precisely when detente breaks down that exchange agreements become critically important.

This is so for two reasons. First, the drift toward hostility between Washington and Moscow distorts our information and understanding of our chief adversary. Much of our foreign policy and military strategy is based on an assessment of the intentions and capabilities of the Soviet Union.

It is important that this assessment be as accurate as possible. Toward this end, Congress approved the Soviet-Eastern European Research and Training Act of 1983 which calls for annual appropriations for $5 million for scholars and graduate education.

The second reason why programs of exchange are important is to maintain some leverage over Moscow. In a climate of hostility each side finds it tempting and sometimes necessary to respond with symbolic or practical expressions of disapproval.

On the Soviet side, direct telephone lines are cut, radio programs are jammed, and emigration is reduced. On our side, the 1982 sanctions against the Soviet gas pipeline were only part of a list that in the past has also included embargos on sales of grain and a boycott of the Olympic Games.

When we serve more noteworthy aspects of our relations with Moscow, exchange programs help to preserve a modicum of leverage over Soviet behavior where none might otherwise exist.

U.S. leverage is of two kinds.

First, exchange programs provide the Soviets with benefits they are reluctant to lose. Many critics argue that the Soviets get far more from these programs than we do.

Some complain, for example, that Soviet researchers came here to study our science and technology while our researchers were allowed to study their culture and history. On the other hand, many of our "Sovietologists" have lived in the Soviet Union while only a handful of their "Americanists" have lived in the United States.

On the whole, the benefits seem to have been mutual, and in any case a narrow focus on them does not take into account another kind of leverage, which is probably more significant.

Introducing our ways to the Soviet Union is subversive in itself, because it provides hard evidence of an alternate—and better—way of life.

When Americans live in Soviet society and our delegations tour the Soviet Union, Soviet citizens have more accurate information about the United States, and Soviet leaders find it more difficult to suppress or distort information about the United States.

The objection to exchange programs on the grounds of potential loss of strategic technology has merit. We should be exceedingly tough-minded about all technology that can give a military application. However, most exchange programs under lapsed

[1] The writer, Democratic representative from Indiana's 9th Congressional District, is chairman of the House Foreign Affairs Committee's Subcommittee on Europe and the Middle East.

scientific and technical agreements do not fit this category.

The agriculture program has been cut to nothing since the invasion of Afghanistan, as has the transportation program.

The housing program has been treated almost as harshly, and the energy and space programs have been allowed to lapse.

The environmental-protection program has been reduced sharply to less than half the pre-1979 level.

The work done in the housing program involved the study of construction in extreme climatic conditions. The energy program involved the study of magnetohydrodynamics, an energy-producing process in which the Soviet Union has advanced technology. The environmental-protection program examined such things as pest control and earthquake prediction.

It is clear that many of these programs may have been worth extending for their technical and scientific value alone.

It is also clear that opportunities to influence Soviet society are lost by the cancellation of exchange programs. The possibilities are well-illustrated by an American company that has been raising tomatoes in the Soviet state of Moldavia. One outcome of the project may be a realization on the part of local farmers that their system of agriculture is hopelessly inefficient.

Another example of an opportunity lost is the now-defunct exhibition program. The Soviet leadership hated it. As many as five million Soviet citizens saw our exhibits and met 20 young Russian-speaking Americans who accompanied the exhibits for up to eight months.

This kind of program is "pure gold," if our purpose is to counter the Soviet leadership's misrepresentation of American life.

There are, of course, inherent limitations to our leverage. It is dangerous to exaggerate the extent to which we can influence Soviet behavior. However, we should not act in haste to throw away the leverage we possess.

We should encourage programs that give Americans a better understanding of the Soviet Union and Soviet citizens a more accurate picture of the United States.●

IN SUPPORT OF LEGISLATION OFFERED BY MR. McNULTY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. FRANK. Mr. Speaker, today I wish to call attention to legislation, introduced by Mr. McNULTY, of Arizona, to correct an injustice that should not be tolerated in a free and equitable society. I refer to the so-called Feres doctrine and its impact on service men and women who are victims of medical malpractice.

Under the current interpretation of this doctrine, military personnel who suffer disease, disability, or even death as a result of incompetence in military hospitals are strictly prohibited from suing for damages. Difficult as it is to believe, the fact is that an individual who serves in our Nation's armed services gives up the right to seek retribution for negligence that could destroy his or her life. And the most insidious element in all of this is that the victims are often stunned to discover their total lack of recourse only after a tragedy has occurred.

I particularly want to commend the gentleman from Arizona, Mr. McNULTY, not only for introducing this legislation, but for his tireless efforts to get it passed. As a member of the subcommittee to which the measure has been referred, I was proud to take part in the first hearing on the bill. And I will be urging my colleagues on the subcommittee to continue action on this issue and report a bill favorably soon.

A recent article in the magazine Common Cause aptly describes how catastrophe can befall a family in this situation and the frustration they feel at their helplessness in the face of legal roadblocks. I commend it to my colleagues.

CASE CLOSED

(By Patricia Theiler)

It took Denise Chaffee two hours to type the two page testimony she presented before a congressional committee last April. When she read her statement her voice faltered because she suffers from brain damage. Brain damage from an operation that left her blind, severely disabled and intially paralyzed.

Chaffee, 22, walked to the witness table with an unsteady gait. Each arm that rested on the table in the hearing room carried a constant reminder of her tragedy: on one arm, a medical alerts bracelet warning of epileptic-type seizures, and on the other a braille watch.

Before she joined the Army in 1979, Denise Chaffee could type 90 words a minute. She read and wrote poetry and had been a high school track star. Chaffee says she "always wanted to help people" and "heal sick people" so she joined the Army and signed up for a program that would train her to be a nurse.

After just three weeks, with memories of boot camp still fresh in her mind, Chaffee, who suffered from severe abdominal cramps, entered an Army hospital in Alabama for "routine" gynecological surgery (commonly known as a "D&C") to investigate the cause. But something went wrong with Chaffee's oxygen supply. And instead of walking out of the hospital the same day of the operation, she woke up three months later blind, paralyzed and unable to speak.

Chaffee didn't make the trip to Washington from her home in Massachusetts to talk about pitfalls in our nation's health care system. She was appearing before Congress to describe what happened to her *after* she left the recovery room.

A civilian Army recruiter before she signed up for a stint, Chaffee knew more about military service than most young soldiers. But when she tried to sue the hospital for malpractice after her operation, she heard for the first time about something that has prevented her from collecting one dime in damages—the Feres Doctrine.

Before 1946, no one could sue the government. If a U.S. mail truck rammed into your car, severely injuring you and your family, you couldn't take your clear case of negligence to court. That changed when Congress passed the 1946 Federal Tort Claims Act, which made it possible for the first time for citizens to sue Uncle Sam.

For obvious reasons, the law prohibited members of the military from suing for damages incurred during combat. But the law didn't clearly address the liability of the government during peacetime. What if you were a soldier harmed not on the battlefield but in the barracks? What if government negligence, and not enemy fire, were to blame?

The law was so vague on this point that cases repeatedly wended their way to the Supreme Court. One such case, brought by the family of Rudolph Feres, a soldier killed in a barracks fire, was treated by the court, along with two other cases, in a landmark 1950 ruling called the Feres Doctrine. The ruling, which didn't bar military persons from suing the government but greatly reduced their chances of winning, stated that "the government is not liable . . . for injuries to service men where the injuries arise out of and are in the course of activity incident to service."

The key words are "incident to service." The way the law has been interpreted, the government generally is not liable for damages even if a soldier is injured or killed during peacetime. This is true whether the issue is medical malpractice, officer brutality or negligence in any other non-combat situation.

The Feres Doctrine did not clearly define "incident to service," and that has caused some problems and some inconsistencies in subsequent lower court rulings. Here's an example: In May 1983 a service man won a lawsuit against the government for negligence because an accident that left him a quadriplegic took place while he was "off duty" in a noncommissioned officers' club. In contrast, however, even though by most people's standards most service men and women who check into military hospitals couldn't possibly be performing in their military capacity, they have not been able to successfully sue the government for medical malpractice.

Apart from the question of how to define "incident to service," say critics of the Feres Doctrine, is a more glaring inconsistency. Thanks, again, to various Supreme Court rulings, while most service men and women cannot successfully sue, prisoners, veterans and military "dependents" (spouses and children of service people) can. Returning to the case of the reckless mail truck: On the basis of court decisions made thus far, if you are in the service and the truck hits you and your wife, she can successfully sue, but you cannot. Taking this another hypothetical step, if you and your wife are taken to a military hospital to be treated—and you both suffer further damage as a result of medical malpractice—she can sue but you cannot. (Indeed, last March, the child of a service man received $11.7 million in damages because he was born with severe defects because of medical neglect.)

These kinds of inconsistencies have led to a concerted campaign among some former members of the military and their families to press for a change in the law. About 2,000 have formed a group called Citizens Against Military Injustice.

Some want to see the law changed to help an estimated 250,000 service men involved in the nuclear bomb tests in the 1940's and 1950's, and others seek retribution for victims of brutality by bullying officers; both groups are now denied an opportunity to sue for damages under Feres. But the group with the clearest case of inequity seems to

be those who are lobbying on the issue of medical malpractice.

Denise Chafee and others argue that military recruits give up the right to sue for malpractice without even knowing it. "When you go into the service they don't tell you what the doctors can do and cannot do or the risks . . . ." says former recruiter Chaffee. "They don't tell you about the Feres Doctrine. They don't tell [recruits] nothing except that they're government property!"

Joining her and others is Richard Gerry, past president of the Association of Trial Lawyers of America, who says it's unfair to allow prisoners, veterans and military dependents to sue and not service people. He tells this story of his client, Jerry Meagher.

Meagher, a sailor, walked into a military hospital in San Diego, Calif. on his 22nd birthday in 1974. He was scheduled to have a small cyst removed from his arm the next day. He had six months to go before his stint in the Navy ended and he could head home to Bisbee, Ariz.

But Meagher—former high school class president and all-around American boy next door—never walked out of the hospital. When the first anesthetic didn't take, anesthesiologists gave him two more nerve blocks to deaden the pain, along with other drugs, including morphine.

During the operation, Meagher suffered cardiac arrest. Hospital aides were able to get Meagher's heart to start beating again, but instead of putting him in an intensive care unit where he could be watched constantly, they took him to a regular recovery room. Sometime later, Meagher suffered more heart trouble, but a trauma unit wasn't called until three hours after he left the operating room. By this time, Meagher had suffered severe brain damage and lapsed into a coma.

Since then he has improved with 24-hour-a-day nursing care. But Jerry Meagher is still a quadriplegic; he still can't speak, feed himself or do anything on his own. He communicates in his own way, laughing or crying.

Meagher's parents, Dorothy and Frank, agrue that the brain damage was a result of negligence, including an overdose of drugs and insufficient monitoring of Meagher's progress after surgery. The government conducted its own investigation and said there was no evidence of wrongdoing. Meagher's lawyer, Richard Gerry, however, says the case was so clearly one of malpractice that the head of the trauma unit in Meagher's hospital was ready to take the unusual step of testifying against his fellow doctors.

In 1974 Meagher and his family sued the government for $4 million. The case went all the way to the Supreme Court, which turned it down in 1977, claiming that in terms of the Feres Doctrine, his injuries were "incident to service."

After Jerry Meagher's Congressman, Rep. James McNulty (D-Ariz.), heard about the case, he introduced a bill in Congress to amend the Feres Doctrine, McNulty's bill would allow members of the military to sue the government for medical malpractice when they are injured in a government hospital.

McNulty says the Meagher case shows how the Feres Doctrine has made active duty service men and women "second class" citizens. He says the doctrine harkens back to attitudes before World War II, when the government overrode the civil rights of military people by not allowing them to vote.

So why is the government so reluctant to change a system which, on the face of it at least, seems so unfair?

The government argues against the bill by saying that it has its own compensation system, consisting of generous disability and medical benefits and the like, which does away with the need for court-awarded damages. Denise Chaffee, for example, receives about $13,000 a year in pension and disability payments, along with free medical care.

That's money she appreciates having, but is doesn't reflect physical trauma or emotional anguish, says her attorney, Robert Guimond, who helped Chaffee take a $10 million suit against the government all the way to the Supreme Court, where it was turned down last October. "There's no price tag on losing your sight, being subject to epileptic seizures, walking funny, there's no way to put a price on it," he says. "But at least if civilians have recourse to suing the hospitals, there is no rational reason for [members of the military] to not be able to sue."

Some critics say the real issue is the potential drain on the Treasury lawsuits over the years might create if members of the military could sue for medical malpractice. The government has also argued that a law allowing malpractice cases could open the door for other lawsuits by service men and women injured through other negligent acts, such as officer brutality. The Justice Department's deputy assistant attorney general, B. Wayne Vance, gave a pretty clear picture of the wave of panic an amended Feres decision would cause when he testified before a congressional hearing on McNulty's legislation last April. The bill would "undoubtedly lead to a plethora of other proposals seeking additional exemptions to the doctrine," he declared, "casting the law into uncertainty, and, perhaps, leading to emasculation of the entire [Feres] principle."

Others argue that malpractice suits would merely gum up the courts and get in the way of orderly military management. William H. Taft IV, then chief counsel to the Department of Defense (he is now Reagan's nominee for deputy secretary of Defense), told Common Cause Magazine, "A multiplicity of medical malpractice suits would affect the military adversely. It would be disruptive to discipline and the practice of military medicine."

In a less then convincing "for instance," he said a soldier might be scheduled for a day in court just when the commander had plans for him or her to be elsewhere—at another "engagement . . . with the enemy perhaps."

Taft dismisses the notion that injured military persons have something to gain by going to court. "The problems that we have with the system can be resolved much more economically than by introducing a whole gaggle for tort lawyers into it," he says.

He says injured service persons should lobby Congress to pass "private bills"—along the lines of the private immigration bills that allow individuals to enter this country—despite the fact that a number of those interviewed for this story say private bills are nearly impossible to get passed.

And if the existing internal compensation system isn't sufficient, he adds, victims should ask Congress to raise the level of benefits. "There is nothing that says they have to be inadequate," he says.

Taft admits that he doesn't "honestly know" if recruits know about the Feres Doctrine when they sign up. He merely adds, "One would hope that it occurs as part of the general understanding" of the military's benefits and risks.

All Denise Chaffee remembers was coming out of a coma and not knowing "why I couldn't talk, why I couldn't see, I couldn't walk, why I couldn't move."

For two years she lived in hospitals. She says her slow recovery was "like a baby's" development: First she learned "to crawl, creep and then walk." She graduated from a walker to crutches, to a cane, and finally to her feet.

A lot has changed since then. Although she's still legally blind, Chaffee has regained some sight. She has learned to speak again. Even through she walks with difficulty and suffers from painful occasional seizures, she recently married (she's now Denise Soltys) and has donated more than 500 hours to helping blind patients and stroke victims at the Veterans Hospital in Northampton, Mass.

In the 10 years since Jerry Meagher's accident, his family has adjusted to the tragedy. At the time of his accident, says his mother, Dorothy, "the doctors advised me to go home and lead my own life." She didn't believe Jerry would get the right kind of care in the veterans hospital, so she brought her brain-damaged son home.

She says taking care of Jerry has "been and continues to be a financial hardship." "With the loss of my wages over the past 10 years"—at the time of the accident she was a secretary at the local courthouse in Bisbee—"and the money we have spent, it adds up to about $200,000." Because Jerry is considered 100 percent disabled, he receives about $3,500 a month from the government. But special liquid food, medication, equipment and other expenses, according to his mother, bring Jerry's monthly expenses up to $5,000. The necessary 24-hour nursing care alone eats up about $3,500 a month.

Frank Meeagher, 60, works six days a week as a federal immigration inspector, and although eligibile to retire has no plans to do so.

Neither Meagher nor Chaffee would be affected by McNulty's bill, which would not be retroactive. And yet both Denise Chaffee and Meagher's parents are dedicated to changing the law. It was before a House Judiciary subcommittee that Chaffee testified about the Feres Doctrine last April. (So far the bill has attracted 38 cosponsors.)

Says Dorothy Meagher, "We don't want other families to go through this. . . . We have accepted what happened to Jerry and know nothing can change it now, but there are laws we will never accept as being fair."

Meagher says her son had planned to become a lawyer "because he felt there were so many unjust laws. The irony is, he came up against one of the most unjust laws."●

A TRIBUTE TO THE MINORITIES HEALTH FAIR PROGRAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. MATSUI. Mr. Speaker, on behalf of myself and my colleagues, Representatives SUNIA, GARCIA, MINETA, CORRADA, LUJAN, GONZALEZ, and WON PAT, I want to commend the activities of the National Health

Screening Council's minorities health fair program. This worthwhile endeavor has provided invaluable health screening and education assistance to the medically underserved Asian/Pacific islander communities.

We particularly want to acknowledge the substantial contribution made by Chevron, USA to the success of this operation. Later this week the Screening Council will present a plaque of appreciation to Chevron, which will be signed by myself and my aforementioned collegues. I would like to share the text of our resolution with my House colleagues at this time.

Whereas the Minorities Health Fair Program of the National Health Screening Council and sponsored by Chevron, USA Inc. will provide free health education and health screening to thousands of minority citizens without cost to the federal government.

Whereas these much needed services will not be made possible without the financial support of Chevron USA Inc.

Whereas Chevron's sponsorship of the Minorities Health Fair Program is an indication of its concern and sensitivity to the health needs of the various minority groups throughout the country.

Whereas Chevron's involvement is an excellent example of the business sector's role in helping the government meet its commitment to disease prevention and health promotion. Now therefore be it,

Resolved, That the Congressional Black and Hispanic Caucuses, the Senate Select Committee on Indian Affairs and Asian/Pacific American Congressional representatives commend Chevron USA Inc. for their continued financial support and outstanding commitment to the Minorities Health Fair Program of the National Health Screening Council for Volunteer Organizations, Inc.●

IDEAS ON HOW TO STOP DAIRY OVERPRODUCTION

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. ALBOSTA. Mr. Speaker, I would like to present the following letter to my colleagues. It is from a Michigan dairy farmer. His thoughts may be of help as Congress continues to grapple with dairy overproduction.

AN OPEN LETTER TO CONGRESS

Members of Congress:

As a dairy farmer, I am very concerned with the current overproduction problem. Finding solutions to this problem will not be easy, but I would like to propose one that will be less painful, not only for dairy farmers, but for the government as well.

The support price sytem has worked fairly well for a long time, but it isn't working now. The current situation can't be reasonably solved within the current system. To lower the support price enough to correct overproduction would force many good, hard-working young dairy farmers out of business and place economic hardship on all other dairy farmers.

The current program is just a time bomb that is likely to explode on April 1, 1985. Many of the producers in the program plan to increase production to levels equal to or above the levels before the program. In the meantime, narrow profits force many other producers to expand herds and push for maximum production.

The time has come to discuss a different pricing program. One that offers dairy farmers a piece of "The American Dream," and yet doesn't take away their freedom to make changes. A two-tier pricing structure would be the first step. The Secretary of Agriculture would establish estimated consumption for each quarter, compare that with estimated production for that quarter and establish what percentage of each dairy farmer's previous year's production would be his or her base.

If the Secretary expects overproduction, he will set the base below 100 percent, but no lower than 80 percent of the production of the same quarter of the previous year. The dairy farmer will be paid a reasonably profitable price for the milk that he or she produces under this base. The milk that dairy farmers produce above their bases would sell at the market price. The world market price would be the market price until production came more into line with consumption.

Furthermore, the Secretary would be required to establish bases at a level lower than consumption to allow for herd expansion and for new farmers to get started when the market price rose enough to make expansion profitable. This type of program would allow the Secretary to prevent overproduction and allow expansion when necessary to maintain adequate supplies of milk.

The processors of milk would buy milk at a blend price established by averaging the value of base and surplus milk. In Michigan, we have a market administrator who could establish that price. At the beginning of this program, the government would have to continue purchasing excess milk, but as production and consumption evened out, the government would be able to stop buying dairy products altogether.

Here's an example of how this program would work: A farmer produced 1,000 pounds of milk per day during the second quarter of 1984. In 1985, the base is set at 80 percent. The farmer will receive a price of approximately $14.00 per hundredweight for the first 800 pounds of milk produced. For milk produced above 800 pounds, he would be paid the world market price of approximately $6.00 per hundredweight. If the farmer continued to produce 1,000 pounds, he would receive $112.00 for the base production, and $12.00 for the excess production. The total received would be $124.00, which is approximately equal to what he would receive now. But if he cut production by 200 pounds, he could cut costs $16.00 to $20.00 and only receive $12.00 less. He would make more profit while helping reduce supply.

Any time production is low enough to push the market price above the base price, all milk would sell at the market price until production increased enough to force milk prices down to the base level. Then market prices would drop to discourage further increases in production. If increases continued, the Secretary would reduce bases to cut production. These two methods working together would prevent over-production to any great extent without placing great hardship on dairy farmers.

This program will also help the budget deficit by decreasing milk purchases.

I hope you carefully consider this idea. The sooner this program is in place the sooner dairy farmers can begin to reduce production and solve this problem.

JACK E. WOOD.

FARWELL, MICH.●

PILOT PROJECT FOR RURAL AREAS OF ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing H.R. 5181 a bill to provide for a food stamp pilot project for the rural areas of the State of Alaska. The unique geographical, cultural, and language barriers of my State prevent efficient and effective operation of the existing food stamp program.

Eligibility for food stamps is determined by income limits, liquid assets tests, work registration and job search requirements. Recipients are classified by households that constitute individuals living together, purchasing food together and preparing meals together. Benefits of up to 99 percent of the cost of the thrifty food plan are issued on a monthly basis according to need. Households receive an authorization to purchase cards through the mail to take to an authorized food stamp distribution center where they exchange them for food stamps.

Many factors unique to rural Alaska prevent operation of the food stamp program in an effective manner. Alaska encompasses over 570,000 square miles and has a population of only 516,000. The entire State of Alaska has an area larger than the State of California, Texas, and Montana combined. Over half of the population is centered in the urban center of Anchorage, an area of only 1,732 square miles. The rural census areas comprise four-fifths of the entire land mass of Alaska, an area equivalent to the combined areas of California, Texas, New York, Maryland, and West Virginia and has roughly only 17 percent of the total State population. The rural population is scattered among 200 villages, each containing an average of between 200 and 500 residents. Approximately, 9,040 of these persons are food stamp recipients.

The road network in Alaska covers only 1 percent of the State. Most villages are inaccessible except by air or water. Transportation and mail service is unreliable causing time requirements imposed on food stamp recipients to provide verification data or monthly reports impossible to meet and delays in distributing benefits.

Language and cultural barriers render the assumptions of the food stamp program inappropriate. There are 20 different and mostly unrecorded languages within the State of

Alaska which makes it difficult to process necessary paperwork in a timely manner. The current food stamp program assumes a nuclear family living together year round. The reality of life in many of the remote villages of Alaska is communal living with families dispersing or migrating for seasonal hunting and fishing. This changing family status requires, under the current program, constant redefining of food stamp eligibility.

Monthly issuance of benefits does not suit the needs of many of the rural area recipients effectively. Many villages choose to purchase their food on a biyearly basis since transportation and food costs are high.

Besides differences between rural and urban census boroughs in Alaska, there are differences between individual rural census boroughs. Food costs vary from 109 percent to over 220 percent of the national average thereby undermining the applicability of the thrifty food plan cost estimate. The North Slope Borough, with an area greater than the State of Utah and a population of 4,199 of predominantly Inuit Eskimo background, will have different administrative problems than will the rural census borough of Skagway-Yakutat-Angoon with an area greater than the combined area of New Jersey and Connecticut with a population of 3,478 persons of predominantly Tlingit-Haida Indian background.

All of the combined factors have contributed to Alaska's high error rates over the years. Although the State has done an excellent job in reducing its error rate from 30 percent to 11 percent, given the difficulties of the current program, it is unrealistic to assume that the State can reduce it further.

Congress attempted to illeviate Alaska's burden when it passed the rural allotment during the 97th Congress. Regulations still are not issued and the State has filed suit against USDA. Alaska's problems are not only higher food costs, but are attributed to geographical and cultural barriers. The State needs greater flexibility in administering the food stamp program in rural Alaska for it can better tailor a program that will serve the needs of food stamp recipients in the individual rural areas.

This bill requires the State to develop a plan for distributing food stamp benefits to the designated rural census boroughs in consultation with representatives from the population being served, that is, Native organizations. The plan will designate a single agency of the State to administer the program, assess the food assistance needs of the needy, describe the program to meet those needs, and estimate the amount needed for benefits and administration. It is the role of the Secretary of Agriculture to approve or disapprove the plan, oversee the accounting and security of the program and to leave the specific details to the State. If the Secretary disapproves a plan or the implementation of an approved plan, he can deny or withhold payments until the State is in compliance. Denial should be used only for major violations of the plan requirements or plan implementation and only until the State complies. Withholding should be used when there are minor violations of the plan requirements and plan implementation and only until the State complies.

These denial/withholding provisions serve as an incentive for the State to submit a plan that complies with the requirements of this bill in a timely manner, and to insure that the State complies with the plan once it is enacted. The bill provides for a ceiling limit on the funding which will insure the State's efficiency without the need for regulation.

I have full confidence that this pilot project can address unique administrative difficulties the State of Alaska is now having with the current food stamp program so that it can better serve its rural food stamp recipients. Further, this will free up valuable resources needed to better serve food stamp recipients in the urban Alaska census boroughs who will still participate under the basic food stamp program.

Finally, I wish to thank my colleagues, Representatives PANETTA and EMERSON for their cooperation in putting together this legislation.●

COFFEE OSHIMA

HON. ROBERT MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. MATSUI. Mr. Speaker, a Japanese pioneer from Sacramento, Calif., passed away recently and this country would be remiss if we did not recognize him. His mother and father came from Japan to settle in the United States in the early 1900's and on August 3, 1907, Coffee Oshima was born.

As a young man in Sacramento, he gained the named "Coffee" when it was his daily chore to grind the coffee beans in his father's Franklin Boulevard store. During the war when Japanese Americans were evacuated from the west coast without trial or due process, he moved to Chicago with his wife Enney, his sons Melvin and Alan, and daughter Sharon.

During World War II, Coffee served in the U.S. Tank Corps in Germany. After the war, he returned to his native community of Sacramento and entered into the strawberry business and earned the title "strawberry king" for the many ventures he developed in connection with his business as a strawberry distributor. He was a charter member of the Japanese American Citizen's League, a member of Post 8985 of the Veterans of Foreign Wars and was the oldest member in any Sacramento area VFW post.

There are many reasons why Coffee Oshima's life is significant. But what stands uppermost in my mind is that although he was one of thousands of Japanese Americans who suffered discrimination in his youth and adversity by his family being uprooted and evacuated during the war, Coffee Oshima maintained his sense of idealism to our country. He defended America during World War II and always committed himself to the principles on which this country stands.●

PRORATE SOCIAL SECURITY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. CONTE. Mr. Speaker, on March 13, 1984, I introduced H.R. 5110, a bill to prorate social security benefits. In 1981, Congress passed the Omnibus Reconciliation Act. One provision of this act declared that no social security recipient can collect benefits for the month in which he dies. I feel this is going too far. I recently received a letter from a constituent of mine whose mother died on December 31, 1983. Under present law, she is not eligible for benefits though she clearly incurred expenses for that month. I would like to see social security benefits prorated to allow people in this situation to receive compensation for their expenditures, and receive benefits for the days of the month before they die.

However, I do not feel that it would be wise to go back to prior law, which allowed all social security recipients to collect benefits for the month in which they died. This blanket provision allowed even those who died on the first or second of the month to collect benefits for the entire month.

H.R. 5110 would amend title II of the Social Security Act to provide benefits to an extent proportionate to the number of days in the month preceding the date of the recipient's death. I feel that this is a just proposal worthy of the support of my colleagues, and I urge you to join me as a sponsor of this bill.●

RESEARCH AND DEVELOPMENT HAS STRONG GRASS ROOTS SUPPORT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. RITTER. Mr. Speaker, late last year, Louis Harris and Associates released the results of an opinion survey designed to gage public enthusiasm for Federal funding of research and development efforts. This poll, one of the most comprehensive measurements of public attitudes toward science and technology, demonstrated that, by a wide majority of 68 percent, the American public believes that Government support for research should be increased. This showing is rather impressive given the economic climate and a tendency on the part of the public to support slashed budgets in this era of soaring deficits and increased costs of servicing the national debt.

The respondents to the poll were consistently optimistic about science and technology, believing that recent development will generally make life better rather than make life worse. To cite several specifics: 100 percent of the respondents believe that the computer will improve the quality of life, while the hand-held calculator and the laser beam pulled equal scores of 98 percent. Permanent space stations would enhance life quality, according to 95 percent of those persons polled. Further, robots, nuclear power, and genetic engineering all were expected to produce improvements in the human condition by 94 percent, 88 percent, and 70 percent, respectively.

To complete this rather hopeful picture, 82 percent of those polled said that even if research and development brings no immediate benefits, it is still an endeavor worth supporting.

Concomitantly with the pulse of the people, President Reagan's budget is seeking a 14 percent increase in spending for research and development in fiscal year 1985 for a total figure of $53 billion; these funds would be spread throughout various agencies and departments including the Department of Health and Human Services, the Department of Energy, and the Department of Defense, among others. Perhaps one of the most highlighted research and development requests is for the National Aeronautics and Space Administration. In his state of the Union message, the President proposed a bold and imaginative program designed to insure the leadership of the United States in space well into the 21st century; $150 million is requested for research into the development of a permanent manned space station, expected to be operational by 1992. America has made great strides in aeronautics, space science, applications and space flight in its first 25 years; with this space station initiative, the President has proposed that the country enter the next stage into the future of space.

Weighing public support and a host of other factors, the Congress must carefully review the President's plan for a space station, an idea which has captivated the imagination since the launch of the space age.●

DAY OF CONCERN FOR SOVIET JEWS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MINETA. Mr. Speaker, I would like to call to the attention of my colleagues the tragedy which has fallen on many families who are prohibited from being together, and from openly practicing their religion. Despite agreements which they have signed, the Soviet Union has clearly violated their promise to allow Soviet Jews to emigrate and be unified with their families.

We are discussing a basic human right. Families should be allowed to live together, parents have a right to nurture their children through their formative years, husbands and wives have a right to love and be with their spouses, and the elderly have the right to watch their grandchildren develop into healthy human beings.

How fortunate we in America are, Mr. Speaker, that we may openly share the joy of being with our family, and practicing the religion of our choice.

It is our responsibility and our duty as the greatest Nation on Earth to work for the protection of human rights, and insure that people can freely practice their religion and study their culture.

Sadly, the Soviet Union has not practiced such basic human rights. Perhaps one of the most noted political prisoners in the Soviet Union is activist Anatoly Shcharansky. Currently serving a 13-year sentence, his incarceration has ignited a sense of compassion throughout the free world. In addition to Mr. Shcharansky are the thousands of other individuals who are being detained by the Soviet Union and unable to obtain the necessary approval to emigrate.

Mr. Speaker, such an abrogation of human rights is morally repugnant. Those who seek to emigrate in order that they have the opportunity to be with their loved ones and to practice their religion have been continually harassed by the Soviet Union.

I am hoping that my colleagues will join with me today in urging the Soviet Union to abide by the agreements which they have signed. Let us also take a moment to consider the strength which many Soviet Jews possess in order to live through each day without their families, and who are unable to openly practice their religious beliefs.

Mr. Speaker, I call on my colleagues to join me in urging the leadership of the Soviet Union to consider its actions, not as political figures, not as members of an ideological sect, but from a moral perspective as human beings.●

AMENDMENT TO H.R. 1652

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1984

● Mr. SOLOMON. Mr. Speaker, I deeply resent the claims being made by Interior Department officials that my amendment to H.R. 1652 would delay or prevent important dam safety work. I would like to say at the outset that these charges are untrue and that I believe a congressional investigation should be conducted concerning the questionable legality of these lobbying activities by the Department of the Interior.

I have already stated in CONGRESSIONAL RECORD statements and in "Dear Colleague" letters that my amendment has been altered to address these concerns. My amendment will allow for prompt action to improve the safety or reclamation dams, and I personally resent being called a liar by officials of the Interior Department.

My amendment states that the Secretary may initiate construction of any modification of structures under the act prior to entering into a contract providing for the repayment of reimbursable costs. This means that the Secretary has the authority to undertake important safety work to protect lives and property prior to contract agreements between the Secretary and beneficiaries. Under the terms of my amendment the Secretary can act immediately to repair unsafe dams.

I am submitting for the RECORD a chart prepared by the Department of the Interior for Senator METZENBAUM. The Senator has asked the Department to furnish him with a list of dams to be improved or upgraded under S. 672, the Senate's version of H.R. 1652, how much money was to be allocated to each site, and how much would be reimbursed if an amendment, virtually identical to my amendment, was approved.

H.R. 1652 increases the authorization for the reclamation dam safety program by $650 million, estimated

costs under the program are $561 million. The total potential repayment under the reimbursement amendment I will offer is over $438 million. This is a substantial repayment to the Federal Treasury.

Mr. Speaker, I also wish to mention a word about this issue of fairness. I wish to point out that my amendment will merely put the users of water and power from reclamation dams on the same footing with their colleagues elsewhere in the private sector. Dam safety is a recognized cost of doing business for water and power users around the country. Notably, the Federal Energy Regulatory Commission now requires that the safety of non-Federal hydropower dams be completely reevaluated at 5-year intervals. If safety improvements are necessary, the FERC requires that these improvements be made. There is no Federal program that spares local interests from the costs of meeting the FERC's safety requirements.

Even when these improvements are necessitated by new hydrological or seismic data or changes in the state-of-the-art engineering criteria, the very reason for the reclamation dam safety repairs authorized by the bill. Thus my amendment, will not unfairly penalize local interests, but rather it will prevent undo favoritism for the beneficiaries of the reclamation program, at the expense of the taxpayers.

RECLAMATION SAFETY OF DAMS ACT PROJECT COST ESTIMATE AND PROJECT ALLOCATIONS [1]

[Cost in thousands of dollars]

State and dam	Estimated cost, March 1983	Irrigation		M & I	Power	R/F & W		Flood control nonreimbursement	Other	Total potential repayment
		Allocated	Payment ability			Reimbursement	Nonreimbursement			
Arizona:										
Salt/Verde River Dams	380,000	83,600.0	83,600.0	197,600.0	45,600	0	22,800	30,400.0	0	326,800.0
Bartlett Dam										
Horseshoe Dam										
Horse Mesa Dam										
Mormon Flat Dam										
Theodore Roosevelt Dam										
Stewart Mountain Dam										
California:										
Casites Dam	5,000	[4] 1,550.0	1,380.0	[4] 1,150.0	0	0	[2] 50	0	[4] [6] 2,250.0	2,530.0
Folsom Dam	10,000	4,677.0	2,853.0	736.0	2,181	0	166	2,049.0	[5] 191.0	5,770.0
Friant Dam	2,500	1,170.0	714.0	184.0	545	0	41	512.0	[3] 48.0	1,443.0
Glen Anne Dam	1,500	832.0	832.0	668.0	0	0	0	0	0	1,500.0
Lake Tahoe Dam	5,000	4,000.0	2,040.0	0	0	0	[2] 0	[2] 1,000.0	0	2,040.0
O'Neill Dam	[7] 5,000	4,570.0	2,788.0	380.0	0	0	[2] 50	0	0	3,168.0
Shasta Dam	500	234.0	143.0	37.0	109	0	8	102.0	[5] 10.0	289.0
Stampede Dam	2,000	0	0	400.0	300	0	500	800.0	0	700.0
Trinity Dam	1,000	468.0	285.0	74.0	218	0	16	205.0	[5] 19.0	577.0
Colorado:										
Fruitgrowers Dam	2,500	2,500.0	2,500.0	0	0	0	0	0	0	2,500.0
Olympus Dam	10,000	0	0	0	[2] 9,830	0	[2] 170	0	0	9,830.0
Idaho:										
Little Wood River Dam	1,000	520.0	520.0	0	0	0	112	368.0	0	520.0
Soldiers Meadow Dam	2,500	1,448.0	190.0	1,052.0	0	0	0	0	0	1,242.0
Palisades Dam	10,000	[2] 2,910.0	2,910.0	0	[2] 3,380	0	[2] 800	[2] 2,910.0	0	6,290.0
Montana:										
Como Dam	1,000	1,000.0	500.0	0	0	0	0	0	0	500.0
New Mexico:										
Navajo Dam [8]	2,000	0	0	0	0	0	0	0	0	0
El Vado Dam	3,000	3,000.0	2,642.7	0	0	0	0	0	[9] 357.3	2,642.7
Nevada:										
Rye Patch Dam	4,000	3,720.0	3,720.0	0	0	0	[2] 280	[2] 0	0	3,720.0
North Dakota:										
Heart Butte Dam	3,200	893.0	893.0	0	0	0	422	1,885.0	0	893.0
Jamestown Dam	10,000	[10] (1,000.0)	0	0	[3] 1,000	0	900	8,100.0	0	1,000.0
Oklahoma:										
Altus Dam	2,000	1,130.2	238.2	425.0	0	0	0	444.8	0	663.2
Arbuckle Dam	2,500	0	0	1,733.8	0	0	651	115.2	0	1,733.8
Foss Dam	3,000	0	0	3,000.0	0	0	0	0	0	3,000.0
Oregon:										
Cold Springs Dam	3,500	3,500.0	0	0	0	0	0	0	0	0
Fish Lake Dam	1,000	1,000.0	500.0	0	0	0	0	0	0	500.0
Fourmile Lake Dam	1,000	1,000.0	500.0	0	0	0	0	0	0	500.0
Ochoco Dam	5,000	5,000.0	953.0	0	0	0	0	0	0	953.0
Owyhee Dam	10,000	10,000.0	10,000.0	0	0	0	0	0	0	10,000.0
Savage Rapids Diversion Dam	1,000	1,000.0	0	0	0	0	[11] 0	0	0	0
Warm Springs Dam	1,000	1,000.0	1,000.0	0	0	0	0	[12] 0	0	1,000.0
South Dakota:										
Factola Dam	10,000	1,430.0 [10] (1,308.0)	122.0	2,590.0	[3] 1,308	0	[3] 3,000	2,980.0	0	4,020.0
Texas:										
Twin Buttes Dam	5,500	1,261.2	1,261.2	1,227.6	0	0	781	2,230.2	0	2,556.4
Utah:										
Joes Valley Dam	8,000	6,320.0	6,320.0	1,680.0	0	0	0	0	0	8,000.0
Newton Dam	2,000	2,000.0	2,000.0	0	0	0	0	0	0	2,000.0
Washington:										
Bumping Lake Dam	3,000	[2] 1,776.0	1,776.0	0	0	0	[2] 240	[2] 984.0	0	1,776.0
Wyoming:										
Jackson Lake Dam	[13] 41,200	20,188.0	20,188.0	0	10,300	0	4,944	5,678.0	0	30,488.0

[1] Cost estimates and project allocations are based upon judgment and current data when available. Actual program costs and project allocations may vary significantly when actual work is performed. Allocation authorized under current law, unless otherwise noted.

[2] Estimated allocation under the Hetzenbaum amendment.

[3] Allocation from amounts not repaid by irrigation.

[4] Repayment ability estimated from Water and Land Accomplishment Report dated 1977.

[5] Navigation (nonreimbursable).

[6] Water Quality (nonreimbursable).

[7] Joint use facility reimbursable costs will be shared with the State of California.

[8] Navajo Indian irrigation project constructed by Bureau of Reclamation for the Bureau of Indian Affairs. Final cost allocations have not yet been determined.

[9] This reflects a reduced reimbursable amount because of project allocation to Indian lands which are not reimbursable.

[10] Costs allocated to irrigation, but to be paid by Pick-Sloan Missouri Basin program power assistance. (Costs shown in "Power" column.)

[11] Dam currently operated for fish and wildlife, but specific allocation not established.

[12] Dam currently operated for flood control, but specific allocation not established.

[13] The final alternative for the safety of dams modification has not been selected. Estimated costs may be as high as $82 million depending on the alternative selected. The figure given includes $7 million from the initial Safety of Dams Act appropriation ceiling of $100 million.

Note.—Based upon amendment to S. 672 offered by Senator Metzenbaum, November 1983.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 20, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including Special Institutions (Howard University), the National Institute on Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.
S-128, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a member of the Marine Mammal Commission.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Governmental Affairs
Permanent Subcommittee on Investigations
To resume oversight hearings on commodity fraud investment schemes.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume closed oversight hearings on activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

Labor and Human Resources
Business meeting, to consider pending nominations and other calendar business.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings on the implementation of the food stamp program.
SR-328A

Appropriations
Defense Subcommittee
To hold hearings on proposed supplemental funds for fiscal year ending September 30, 1984, for the Department of Defense.
SD-406

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Armed Services
Sea Power and Force Projection Subcommittee
To resume open and closed hearings on S. 2414, authorizing funds for fiscal year 1985 for the Department of Defense, focusing on Navy research and development programs.
SR-232

Energy and Natural Resources
To hold oversight hearings to review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

Foreign Relations
To hold hearings on proposed authorizations for fiscal year 1985 for international narcotics control programs, and to review the worldwide drug situation.
SD-419

Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 2014, proposed Missing Children's Assistance Act, focusing on the reauthorization provisions for juvenile justice assistance.
SD-226

Select on Indian Affairs
To hold oversight hearings on Native Hawaiian education programs, focusing on the educational needs of Hawaiian children.
SD-628

10:30 a.m.
Rules and Administration
To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.
SR-301

11:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume oversight hearings on activities of the District of Columbia Parole Board.
SD-226

1:30 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.
SD-192

2:00 p.m.
Armed Services
Closed meeting, to review those items in the President's budget for fiscal year 1985 which fall within its legislative jurisdiction, with a view toward making its recommendations thereon to the Committee on the Budget.
SR-222

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1329, to provide financial assistance to States for wetlands conservation, focusing on sections 201 and 204, to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat.
SD-366

Foreign Relations
To hold hearings on the nominations of Edward N. Ney, of New York, to be a member of the Board for International Broadcasting, and Leslie Lenkowsky, of New York, to be Deputy Director of the U.S. Information Agency.
SD-419

Governmental Affairs
To hold hearings on the nominations of Ruth O. Peters, of Virginia, and Frieda Waldman, of California, each to be a Governor of the U.S. Postal Service.
SD-342

Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

2:30 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.
SD-192

3:00 p.m.
Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
S-126, Capitol

MARCH 22

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume closed hearings on space defense matters, including Soviet space capabilities and the U.S. antisatellite program.
SR-222

Office of Technology Assessment
The board to hold a general business meeting.
S-207, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).
SR-253

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Labor and Human Resources
Employment and Productivity Subcommittee
To hold oversight hearings on employment and productivity in the future of the steel industry.
SD-628

Labor and Human Resources
*Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.
SD-138

Armed Services
Manpower and Personnel Subcommittee
To resume hearings on S. 2414, authorizing funds for fiscal year 1985 for the Department of Defense, focusing on military compensation.
SR-232A

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget, focusing on defense programs.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.
SD-106

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to require the establishment of a program to enhance commerce in renewable energy technologies.
SD-366

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold oversight hearings to review foreign assistance programs.
SD-419

*Governmental Affairs
Business meeting, to resume markup of S. 563, to reform the laws relating to former Presidents, and to begin markup of S. 1566, to permit Federal agencies and departments to set up an administrative procedure to prosecute and collect on fraud cases and provide a penalty that automatically doubles the amount of money defrauded, and S. 2300, to authorize civilian procurement agencies to enter into multiyear contracts when such contracts are determined to be in the Government's best interest, and other pending calendar business.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

*Labor and Human Resources
*Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed supplemental funds for fiscal year ending September 30, 1984, for assistance to Grenada.
SD-192

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
S-126, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.
SD-366

4:00 p.m.
Foreign Relations
To hold hearings on S. 2321, authorizing funds for fiscal years 1985 and 1986 for the Peace Corps program.
SD-419

MARCH 23

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Donald D. Engen, of Virginia, to be Administrator, Federal Aviation Administration, Department of Transportation.
SR-253

Finance
To hold hearings to examine the current status of the trade deficit.
SD-215

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 2096, proposed Residential Mortgage Investment Act of 1983.
SD-215

2:00 p.m.
Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Labor and Human Resources
To hold oversight hearings on U.S. relations with the International Labor Organization.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on prepared budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Commerce, Science, and Transportation
To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of Amvets, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SD-106

9:30 a.m.
Appropriations
Defense Subcommittee
To hold open/closed hearings to review SALT II violations.
SD-192

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the national wilderness preservation system, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the national wilderness preservation system, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.
SR-328A

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine the current situation and prospects of the international debt.
342 Cannon Building

10:30 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.
SD-342

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.
SD-138

MARCH 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Select on Indian Affairs
To hold hearings on S. 2403 and H.R. 3259, bills to declare that the United States hold certain lands in trust for the Pueblo de Cochita in New Mexico.
SD-562

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine catastrophic health care insurance for the elderly.
SD-538

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review National Airport's scatter plan.
SD-106

Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches of Public Law 97-35.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253

Energy and Natural Resources
To hold oversight hearings on U.S. participation in the International Energy Program.
SD-366

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services
SD-116

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department

of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

*Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 6

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of magnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

*Veterans' Affairs
To hold hearings to review veterans' health programs.
SR-418

10:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

APRIL 23

1:30 p.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to examine the impact of occupational disease.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-562

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

11:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138

Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings to examine the impact of occupational disease.
SD-430

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Na-

tional Park Service, Department of the Interior.

SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.

S-146, Capitol

MAY 2

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.

S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-138

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.

SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine-related injuries.

SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.

SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. Territories.

SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).

SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.

SD-138

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.

SD-430

Veterans' Affairs
To hold hearings on veterans' compensation programs.

SR-418

MAY 15

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.

SD-430

MAY 23

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.

SR-418

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.

SD-226

JUNE 6

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.

SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.

SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

JUNE 20

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation, and a proposed construction resolution.

SR-418

CANCELLATIONS

MARCH 20

9:00 a.m.
Judiciary
To resume hearings on the nomination of Edwin Meese III, of California, to be Attorney General.

SD-226

MARCH 21

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.

SD-406

MARCH 22

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start programs.
SD-562

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services.
SD-116

APRIL 3

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

APRIL 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

SENATE—*Tuesday, March 20, 1984*

(Legislative day of Monday, March 19, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Loving Father, political decisions are rarely simple and the prayer amendment is no exception. The pressure of constituents, zealous advocates who often are very nasty and abusive, lobbyists, and other special interests challenges conviction and conscience. May Thy grace and peace abide in this place today. Guide each Senator as the critical moment approaches and help each to do what will not be regretted when it is all over. In the name of Him whose love transcends all divisions. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. BAKER. I thank the Chair.

CONGRATULATIONS TO SENATOR THURMOND

Mr. BAKER. Mr. President, I take this opportunity to congratulate the distinguished occupant of the chair, the President pro tempore, for his public and official announcement for reelection yesterday in South Carolina. If I lived in South Carolina, I would vote for him. I may try to do that anyway.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized this morning, there are special orders in favor of three Senators, to be followed by a period for the transaction of routine morning business that will go until noon. We shall have our usual Tuesday recess from 12 until 2 so that Members may engage in party caucuses away from the Chamber.

When we resume session at 2 o'clock, the Senate will be on Senate Joint Resolution 73. The time between 2 o'clock and 3 o'clock, the time ordered for the vote, will be divided equally between the proponents and the opponents under the order entered into yesterday.

At 3 o'clock, the vote will begin on Senate Joint Resolution 73. After the conclusion of that matter, when the rollcall is finished, the leadership on this side will make a further announcement about the next order of business. There are three items I have discussed with the minority leader and I shall discuss again with him when he arrives. They are the water resources research veto message, which is at the desk; the supplemental appropriations bill, the so-called Public Law 480 bill; and the wheat improvement bill, which is also referred to as the farm bill. Two of those must be dealt with during this week, in the opinion of the leadership on this side. One of them should be—speaking of the veto message. I shall have a further announcement to make later on this morning, before the 12 o'clock caucuses, if possible.

Mr. President, I ask unanimous consent that the time remaining to the two leaders may be reserved for their use at any time during the balance of this day.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I ask unanimous consent that it may be in order for me to suggest the absence of a quorum without its being charged to the time allocated to the first Senator under the special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further need for my time at this time. Let me say to the minority leader that I have asked unanimous consent for the time allocated to the two leaders to be reserved for our use during the course of the day. Beyond that, I have nothing further at the moment.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. President, I yield back my time.

Mr. BAKER. Mr. President, I yield back my time.

Mr. President, the Chair granted unanimous consent that I may suggest the absence of a quorum without its being charged against special order time. I do now suggest the absence of a quorum on that condition.

The PRESIDING OFFICER. The clerk may call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, the distinguished Senator from Wisconsin is present. He has the first special order, and I am prepared to yield the floor so that he can claim his time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

HOW GRAVE IS THE THREAT OF NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, how grave is the threat of nuclear war? For more than 30 years, the United States and the Soviet Union have had the nuclear power to destroy the other utterly and finally. But there has been no nuclear war. For more than 20 years, three other nations have had formidable nuclear power. The United Kingdom, France, and China have all refrained from firing a single nuclear weapon against an enemy. In the last 5 years, it appears that both Israel and India have built and deployed a nuclear arsenal, but neither country has used nuclear arms against enemy. So for more than three decades, we have lived with nuclear arms but without suffering the infinite annihilation that nuclear war would bring.

Some 30 years ago, near the beginning of this nuclear armed world, former United Kingdom Prime Minister Winston Churchill observed that in a time in which nations have armed themselves with such appallingly destructive weapons, "safety is the twin child of terror." Churchill thus expressed the logic of the doctrine of deterrence. And certainly nuclear deterrence has worked.

What is this deterrence? Why has it worked? Deterrence is the capacity of a country's nuclear arsenal to survive an all-out preemptive strike by that country's nuclear adversaries. The assurance of this nuclear weapon survival puts an attacking country on notice that its victim will retaliate with a to-

tally devastating second strike against the adversaries who launched the initial preemptive strike. This deterrence has worked. Why has it worked? Because the United States and the Soviet Union now obviously have a survivable nuclear arsenal. Any attack by one superpower on the other would therefore be an act of suicide. Both superpowers live with this terror and, as Churchill said, find safety as the twin child of this terror. If deterrence has worked for the past three decades, why can we not rely on it for the next 30, 50, 100 or more years? The answer to that question, Mr. President, also answers the question which started this speech: How grave is the threat of nuclear war?

There are two reasons why we cannot continue to rely on deterrence exclusively to prevent nuclear war. These two reasons tell us that nuclear war is likely to occur within the next 10 to 20 years unless we act now to stop it. First, as Leslie Gelb, the national security expert of the New York Times has written, within the next 10 to 20 years, the remarkable technology that both superpowers are in the process of developing in the nuclear arms race will put the logic of deterrence in serious jeopardy. It will appear likely to military commanders over the course of the next 20 years that the capacity to stop an enemy nuclear missile attack and the capacity to destroy the other side totally had come together. Would the superpower with this winning technology use it? Why not? The window of opportunity would open, but it would very probably open only temporarily. Unless the superpower with the technical advantage acted promptly, as the United States did against the Japanese at Hiroshima and Nagasaki, the window might slam shut and next time the advantage might switch to the other side.

How do we stop this threat to nuclear deterrence? We halt the technological nuclear arms race by negotiating a truly comprehensive ban on nuclear arms testing. If we fail to negotiate such a treaty within the next few years, we put the nuclear deterrence that has kept nuclear peace for three decades in very serious jeopardy.

There is one even more serious threat of nuclear war. It comes from the revelation of our top military intelligence; they now estimate that within 16 years, that is, by the year 2000, some 31 countries—not the 7 countries which now have nuclear capability, but 31 countries—will have nuclear arsenals. If we permit that to happen, the prospect of preventing a nuclear war will be literally zero. The projection includes the assumption that both Iran and Libya will be among the 31 nuclear armed nations. In such a world, deterrence would literally vanish. A nation attacked by nuclear arms would not have a certain or sure idea whence came the nuclear attack. So how does such a nation retaliate? The capacity to retaliate after a nuclear attack is the quintessential heart of deterrence. At least some of these 31 nuclear armed nations would use state-directed and nuclear armed terrorists to accomplish their military objectives.

How do we meet this threat of wholesale nuclear proliferation? We meet it with and all-out antiproliferation policy as the prime foreign and military policy of this Government. We stop any export of nuclear technology to any country if there is any chance that export could be used for military purposes. We strengthen the International Atomic Energy Commission and the inspections they conduct to make sure that nuclear energy materials or equipment is not diverted to military purposes. This means we should use our power as the most important trading nation in the world to tell other nations that if they refuse to agree to international inspection by signing the nonproliferation pact, we will refuse to conduct any trade with them in nuclear materials or equipment and we will use our full economic power, including trade sanctions, against any other country which persists in selling nuclear materials or equipment to such a country.

To sum up, Mr. President, the threat of nuclear war will increase over the next several years. In the judgment of this Senator, a nuclear war eventually is inevitable unless we do two things: First, we must negotiate an end to the arms race and particularly to nuclear arms testing. Second, we must adopt far tougher policies to shut down the export of nuclear arms technology, materials, and equipment. If we take both those actions, the prospects of stopping nuclear war greatly improve. If we do not, our children and grandchildren cannot expect to live out their lives.

THE PLIGHT OF THE TAMILS

Mr. PROXMIRE. Mr. President, the Tamils of Sri Lanka, a strong and vibrant minority, have been systematically subjected to the denial of human rights, various forms of acute racial discrimination, and other inhuman atrocities which are gradually leading to the annihilation of their race.

To understand the problems that exist in Sri Lanka, it is essential to review its history. For centuries, Sri Lanka has been composed of two distinct populations—the Tamils and the Sinhalese. They lived not as one, but as two nations, with separate languages, religions, cultures, and clearly demarcated geographic territories.

In 1833, the British conquered Sri Lanka, then known as Ceylon, and, for reasons of administrative ease, brought these areas together into one colonial unit.

Sri Lanka received its independence from the British in 1948. The British handed over the government to the majority racial and religious group of Sinhalese, who were unaccustomed to the exercise of power. In the following years, the Tamil community was scape-goated in order to distract the Sinhala constituency from the economic and social ills of the country. It was argued that the Tamil population held a disproportionately high percentage of employment both in private and public sectors. The Sinhala political leadership soon began to carry out anti-Tamil campaigns.

In 1956, the Sri Lankan Government made Sinhalese the only official language of the island, causing hardship for the thousands of potential Tamil public servants who could no longer satisfy language requirements.

In 1964, the government required plantation Tamils to return to India. These Tamils had been brought to Sri Lanka by the British 100 years before to work the plantations.

In 1972, the government adopted a new constitution without any cooperation or consultation with Tamil representatives in parliament. This constitution was a blatant affront to the rights of minorities.

The oppression of the Tamil community in Sri Lanka took a bloody, disastrous turn in July 1983, when the Sinhala masses turned toward a final solution to what they considered the Tamil problem. Sinhalese mobs, incited and protected by the government, went on a violent rampage. Ninety percent of Tamil homes and business establishments were destroyed, resulting in an estimated damage of $500 million. About 130,000 Tamils were rendered homeless. Most tragically and appallingly, 2,000 Tamils lay dead as evidence of the Sinhalese atrocities. Dozens of Tamils were burnt alive and many women were raped.

The United States must not tolerate this kind of genocidal action. While we have been able to recognize such oppression when it occurs, we have not been able to speak up with great force. Ratifying the Genocide Convention, which has been pending in the Senate for more than 30 years and has been supported by every administration since Harry Truman, would demonstrate our support for an active response and provide us with a strong foundation on which to build the structure of human rights.

The resolution of this conflict will not mean an end to fears of genocide or human rights violations in general. By ratifying the Genocide Convention, however, the United States can take a positive step toward laying these fears to rest.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2447—THE CORPORATE DISTRIBUTION TAX REFORM ACT OF 1984

S. 2448—AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934 RELATING TO TENDER OFFERS

Mr. SPECTER. Mr. President, I am today introducing two bills to address the current merger fever which is confronting major oil corporations in the United States.

In the past few weeks, Texaco, Getty, Gulf, SoCal, Mobil, and Superior have all sought to merge, involving literally billions of dollars of assets. The consequence of the tremendous borrowing on the private market has contributed, I think, to the current rise in the prime interest rate to 11.5 percent.

At the time when the deficit of the Federal Government is so high and there is a relatively limited amount of private credit available, the consequence of the oil mergers have had many undesirable effects, one of which is the pressure on the interest rates, driving them up even further. That is understandable, in the context that Texaco needed $10 billion in credit for the purchase of Getty, Arco had arranged for some $13 billion to bid for Gulf, and SoCal has acquired credit in the range of $14 billion in its effort to acquire Gulf.

In a context where it is said that there is some $216 billion available to cover all of the Nation's private transactions, it is apparent that among the other consequences of such merger mania, the critical factor of driving up interest rates is one of the very undesirable consequences.

In my judgment, it is necessary at this time for Congress to consider possible legislation to curtail the adverse consequences of mergers without impeding the traditional freedom for corporations to merge and shareholders to sell their stock. It may be that one or more of the proposed mergers is in the public interest, but that is a subject which must be scrutinized closely. There are many consequences of such mergers which are contrary to public policy and should be avoided, if legislation can be crafted which would eliminate those adverse consequences, leaving other merger proposals free to proceed.

The hearings which were held in the Judiciary Committee last Thursday, called in a very timely fashion by the distinguished chairman of that committee, Senator THURMOND, brought into focus a great many important considerations in the context of pending proposals which would impose a 6-month moratorium in mergers of oil companies. That moratorium may not be desirable in the context, for example, of prohibiting the merger of Gulf and SoCal, if the consequence of that moratorium is to drive Gulf into the arms of the predatory efforts of Mr. Boone Pickens, his company, the Mesa Corp.

It may well be that the Gulf-SoCal merger is the least undesirable of the unfavorable alternatives; but in the context where this body, I believe, will soon be considering the issue of a moratorium for 6 months, it is my thought that we should be addressing the underlying problems and trying, as best we can, to find solutions which will stop predatory takeovers and which will stop mergers of oil companies where the main thrust is undesirable from a public policy point of view.

Our policy should be to encourage drilling and exploration, but exactly the opposite is the consequence from the proposed mergers. Today it is possible to acquire oil reserves much cheaper by taking over existing companies than by going out and drilling for oil. This is true because the book value of a company like Gulf is much greater than its market value for the stocks. Moreover, even if you have a takeover or a merger of Gulf and SoCal, there is absolutely no assurance that, under the current laws, Mr. Pickens and Mesa will not next look to the acquisition of a merged SoCal-Gulf.

The proposals which I am suggesting today, in the legislation to be introduced, would make fundamental changes in the takeover laws as they relate to the laws which are overseen by the Securities and Exchange Commission and would also make fundamental changes in the tax laws, in an effort to undercut the predatory practices of Mr. Pickens and Mesa Petroleum.

When Mr. Pickens testified last Thursday before the Committee on the Judiciary, I had an opportunity to ask him about the consequences of the proposals I have made—which were suggested last Thursday and are made formally here today—Mr. Pickens replied that such tax changes would certainly be a factor in his future plans. When I pressed and asked if these changes would put a "crimp in his sails," he acknowledged that these tax law changes would change the economics of his program.

In making these changes, I acknowledge the assistance of the Finance Committee, under the leadership of the distinguished Senator from Kansas (Mr. DOLE), and the assistance which his staff people have given me and my staff in making these proposals. Two of these tax proposals are, in fact, substantially contained in the larger tax bill which the Finance Committee is in the process of proposing for consideration by this body. But I believe it is important that these tax changes be available now for consideration by this body as an alternative to the 6-month moratorium which is likely to come before this body in the form of an amendment to some legislation in course of the next several days or certainly the next week or two.

The proposals this legislation makes on the tax side would be to limit the deduction a corporate shareholder which acquires another corporation can take for dividends received from the acquired corporation.

Under current law, a corporation which borrows to finance a merger obtains a deduction for all interest paid on the purchase loan and an 85-percent deduction for all dividends the purchasing corporation receives from the acquired corporation. Where takeovers are highly leveraged, this double deduction generates a negative tax yielding considerable tax-free income to the acquiring corporation, and the effect is that these leveraging and tax consequences, realistically viewed, enable a man like Mr. Pickens and a company like Mesa to take over, or to threaten to take over, a corporation like Gulf.

My bill would restrict the dividends-received deduction by the extent to which the purchase was debt financed. A merger, therefore, would offer a much less attractive opportunity for generating tax-free income.

The bill would further limit an acquiring corporation's ability to declare a short-term capital loss when the acquired stock is sold after royalty trust interests have been distributed.

Currently, a corporation may buy another and liquidate it by distributing the most valuable properties as a royalty trust and by selling off the stock for a price which reflects the royalty trust distribution.

If the corporation has held the acquired corporation's stock for 15 days, the decline in stock value is deductible as a short-term capital loss against the corporation's ordinary income.

Mr. President, in making these proposals for these tax changes, I do not represent that it is the final word in what ought to be done to undercut the leveraging which these predatory takeovers use to advantage. But I do believe that this is a realistic alternative to stop predatory takeovers which have very undesirable public policy

consequences and that these matters ought to be subjected to very intense study by this body as a way of dealing with the very troublesome problem which we face with situations like the Mesa effort to take over Gulf and the resulting merger proposal with SoCal.

The second bill which I am today introducing responds to a recommendation made by the Securities and Exchange Advisory Committee. This provision amends the Security Exchange Act to provide that it shall be unlawful for any person to make an offer for more than 20 percent of an equity class of a company's stock unless the offeror is the issuer of the security or the offer is a cash offer for all of the outstanding shares of the equity class.

This provision will insure that all shareholders share equally in the event a merger occurs. A purchase of a relatively small percentage of a corporation's voting stock may guarantee control of the corporation to the new shareholder. In this case, the premium which the purchaser is willing to pay for control benefits only a small percentage of shareholders. At the same time, the new shareholder obtains a control benefit worth far more than the purchase price of the stock. This control benefit is illustrated by the specific case of the Mesa bid for Gulf. Gulf believed Mesa threatened to take control when it purchased 13.2 percent of Gulf and announced plans to purchase another 8.2 percent. Mesa paid an average of $44 per share for the first 13.2 percent and would have paid $65 a share for the next 8.2 percent. And now SoCal has offered $80 per share for all the shares.

Mr. President, in proposing this change in the securities and exchange laws, I do so with the view to dealing with these takeovers which have very undesirable public policy consequences. The effect of such legislation on other proposed takeovers is something which has to be studied in detail, because in both of these proposed bills I am well aware that there has to be extensive consideration to the consequences in situations beyond the kind of merger proposals which are pending at the present time.

But I do believe, Mr. President, that the Congress cannot stand idly by and see a company like Gulf threatened by a predatory takeover from Mr. Pickens and Mesa where so much of the leveraging is a result of favorable tax treatment which are present in the laws as they exist today. A 6-month moratorium is not likely to answer this problem.

When the distinguished Senator from Louisiana, Mr. JOHNSTON, proposed this 6-month moratorium and testified last Thursday before the Judiciary Committee, I asked him his views on the proposals which I have advanced formally today. Senator JOHNSTON responded that he thought them worthy of consideration. And I asked him what would be accomplished simply by having a 6-month moratorium, because, knowing the complexity of these matters and the busyness of this body and the House of Representatives, it is realistically not likely that we will find any solution even within a 6-month moratorium.

That is why I am advancing these proposals today, so that those in the Chamber, few as they are, and those who are listening on the squawk boxes may have some notice of these proposals and may examine them as they are reprinted in the CONGRESSIONAL RECORD, so that when the 6-month moratorium is considered by this body sometime in the near future, these alternative proposals may be addressed.

The situation with Gulf Oil is a particular concern to a Senator from Pennsylvania because there are some 700 jobs in Pittsburgh which are threatened by the proposed merger of SoCal and Gulf. When Mr. Keller of SoCal testified last week, he was candid in saying that there were at least some of those jobs at risk. Beyond the Pittsburgh headquarters, there are extensive refinery operations in the Philadelphia area, so that a Senator from Pennsylvania has a special concern. It may be, as I say, that the SoCal merger with Gulf is the least undersirable of a variety of bad alternatives. Certainly Gulf has acted in the best of faith and in undoubtedly the best interest of its shareholders and of the Gulf Oil Co. and looking to the merger with SoCal as an alternative from the more undesirable consequences of a takeover by Mr. Pickens and by the Mesa Corp.

The SoCal-Gulf merger is not assured at the present time. It has to receive FTC approval and it may be subject to invalidation if a moratorium is declared, so that the pieces may be very different at some time in the future.

The proposals which I have made today may eliminate the undesirable public policy considerations of the predatory kind of takeovers as illustrated by Mr. Pickens' efforts and Mesa's efforts, and Gulf may thus be left in a position where it could continue as an independent company. As I have noted, this would be very desirable not only for Pennsylvania. It would also be very desirable for the consuming public in the United States not to have the big oil companies merge with each other thereby lessening competition. The public interest requires a policy which encourages oil companies to develop and explore as opposed to finding reserves by acquisition.

Before yielding the floor, Mr. President, I ask unanimous consent that the full text of my prepared statement be printed in the RECORD. The presentation which I have made has been to pick out the highlights and the essence of the prepared statement but I would like unanimous consent that the full text of my prepared statement and the full text of the two bills be printed in the CONGRESSIONAL RECORD as if read in full on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I am today introducing two bills to address the current merger fever which is confronting major oil corporations in the United States. In the last few weeks Texaco and Getty, Gulf and SoCal, and Mobil and Superior have all sought to merge—realining literally billions of dollars of assets.

In my judgment, it is necessary for the Congress to consider possible legislation to curtail the adverse consequences of mergers without impeding traditional freedom for corporations to merge and shareholders to sell their stock. It may be that one or more of these proposed mergers are in the public interest, but that is a subject which ought to be closely scrutinized.

There are many consequences of such mergers which are contrary to public policy and should be avoided if legislation can be crafted which would eliminate those adverse consequences, leaving other merger proposals free to proceed. One such undesirable consequence is the allocation of enormous resources, as much as $14 billion, which could otherwise be devoted to more productive uses. At a time when interest rates are already high, this demand for additional capital puts pressure to push the interest rates even higher.

Another undesirable consequence of such mergers is the potential for discouraging exploration when reserves can be acquired more cheaply through a merger. An additional consideration is the concern that foreign interests may replace domestic ownership in critical industries. At the same time, it may be that existing antitrust laws are too stringent as they discourage joint efforts for research and development or preclude mergers of troubled companies in industries like steel which face enormous problems from subsidized foreign imports and dumping.

There are special concerns to Pennsylvania arising out of the proposed merger between Gulf and SoCal. At a March 15 hearing before the Senate Committee on the Judiciary, Mr. George Keller, chairman of the board of Standard Oil of California (SoCal) conceded that the Gulf-SoCal merger jeopardized the jobs of at least some of the 700 Gulf employees at its Pittsburgh headquarters. In addition to these jobs, more than a thousand Pennsylvanians are employed by Gulf's marketing and refinery oper-

ations. No estimate has yet been made of the merger's impact upon those individuals. If, however, a merger with SoCal is the only way that Gulf can avoid being taken over by the procedures employed by Mr. Boone Pickens and Mesa Petroleum, then the Gulf-SoCal merger may be the least undesirable of the unfavorable alternatives.

After hearing the testimony of Mr. James Lee, chairman of the Gulf Oil Corp., it is evidence that had Gulf not been faced with the threat posed by Mesa Petroleum and Mr. Boone Pickens, Gulf would not now be attempting to merge with SoCal. I believe that an independent Gulf would serve the best interest of the Nation, the State of Pennsylvania, its shareholders, and the consumer. The tax and securities legislation which I am today introducing is aimed at curtailing the predatory take-over efforts of Mr. Pickens and Mesa which lead to the Gulf-SoCal merger.

There has been an increasing sentiment to equate bigness with badness in antitrust terms. While there may be some merit in the generalization, it may be that there are instances where mergers may make an industry more competitive and serve our national industrial interests. However, where the merger of major energy concerns is involved, I believe such mergers must be examined very closely to insure first, that the merger will not lead to a substantial lessening of competition and, second, that the merger is not otherwise detrimental to our national interest.

In attempting to determine whether a merger is unlawful because it substantially lessens competition, I urge FTC and the Department of Justice to consider the pressure that each merger puts on others in the same industry to merge. I cannot believe that the current rash of mergers in the oil industry are mere coincidence. In addition to the potential antitrust implications, in my view, mergers between energy firms may pose a number of other problems.

First, will the merger lead to foreign interests replacing domestic ownership? No one needs to be reminded that our economic well being and even our national security would be severely undermined if petroleum supplies were disrupted. Major American energy companies now hold millions of barrels in reserve. We cannot allow these reserves to be bought out by foreign interests. Nor, should we allow our drilling and refining capacities to become captive to foreign owners who may decide to divert supplies away from American markets.

Second, will the merger tie up large amounts of credit, driving up interest rates and closing off credit supplies from other business interests? Texaco payed $10.1 billion to purchase Getty. Arco recently arranged for $13 billion in credit to bid for Gulf, while SoCal's credit arrangements totalled $14 billion. Although much of this money will eventually be reinvested, with only $216 billion available to cover all of this Nation's private transactions, even the temporary dislocation caused by these multibillion-dollar mergers is unacceptable.

The enormous debt incurred to support these mergers leads to another basic problem—decreased research and exploration. In the SoCal-Gulf context for example, the debt service on this $14 billion will exceed Gulf's earnings by $200 million a year. Although, I understand that SoCal has pledged that the merger will not lead to a decrease in exploration, I do not understand where the revenue will come from to support exploration in a combined SoCal-Gulf entity equal to SoCal's and Gulf's existing spending for exploration.

Indeed, I believe the greatest danger presented by these oil mergers is that their potential for a reduction in new exploration and development efforts. Oil companies are attractive takeover objects because they offer an opportunity to purchase oil and gas reserves at a fraction of current production costs. For example, by acquiring Gulf, SoCal would double its crude oil supply—at a price of about $4.52 a barrel. Today, the average exploration and production costs for purchasing a barrel range between $10 and $15.

It is not only the mergers between giants like SoCal and Gulf, Texaco and Getty which threaten to deplete petroleum reserves and cut back on exploration and development. The Mesa Petroleum Co.'s bid to purchase control of Gulf and convert its production assets into royalty trusts is premised upon drawing down existing resources and limiting exploration spending.

In addition to considering the broad economic and security implications the foreign ownership, credit lock ups and reduced exploration, I believe these mergers must also be evaluated in two other ways. First, will the merger result in a disruption of supply to retailers and consumers? The proposed merger between Mobil and Marathon was barred in large part because the merger threatened Marathon's position as an important supply source for independent retailers. SoCal is a major source of supply for independents in a number of States where SoCal's supplies are not needed by its retail operations. If SoCal merges with Gulf, will Gulf retailers take the place of those independents now supplied by SoCal?

Disruption of supply can, in fact, be encouraged as merging companies struggle to meet antitrust concerns. In order to obtain FTC clearance, Texaco was forced to give up Getty's interest in selected pipelines and refineries, and to sell 9 Getty wholesale terminals and 1,900 gas stations. According to the Wall Street Journal, Saudi Arabia and Kuwait rate high among the prospective purchasers for entities spun off in energy mergers.

A fifth and final factor which I believe must be considered in determining whether or not oil mergers are in the national interests is the impact on employment a merger will have. Except in the rarest of circumstances mergers cost jobs. Not all of the Getty assets which Texaco was forced to spin off continued as going concerns. As a result in more than one case, jobs disappeared. As I have noted, I have no doubt that a Gulf merger will cost my constitutents jobs.

For all of these reasons I am concerned about mergers like Gulf-SoCal, and I believe that the one way to prevent further undesirable mergers—and to insure Gulf's independence if the Gulf-SoCal merger is prevented by antitrust laws or if the Congress enacts moratorium legislation—is to amend the tax and securities laws to stop efforts like those undertaken by Mr. Boone Pickens and Mesa Petroleum.

The first of the bills I am today introducing closes tax loopholes which have especially encouraged takeovers for the purpose of establishing royalty trusts. This bill which would apply to all transactions occurring after today's date would:

First, limit the deduction a corporate shareholder which acquires another corporation can take for dividends received from the acquired corporation. Under current law a corporation which borrows to finance a merger obtains a deduction for all interest paid on the purchase loan and an 85-percent deduction for all dividends the purchasing corporation receives from the acquired corporation. Where takeovers are highly leveraged, this double deduction generates a negative tax yielding considerable tax free income to the acquiring corporation.

This bill would restrict the dividends-received deduction by the extent to which the purchase was debt financed. A merger would therefore offer a much less attractive opportunity for generating tax free income. The Department of Treasury estimates that this change would produce $200 million in revenue by 1987.

Second, limit an acquiring corporation's ability to declare a short term capital loss when the acquired stock is sold after royalty trust interests have been distributed. Currently a corporation may buy another and partially liquidate it by distributing the most valuable properties as a royalty trust, and by selling off the stock for a price which reflects the royalty trust distribution. If the corporation has held the acquired corporation's stock for 15 days, the decline in stock value is deductible as a short term capital loss

against the corporation's ordinary income. For example, if Mesa paid $50 a share for Gulf's stock and distributed its production assets as a royalty trust for $20 a share, the Gulf stock would be worth approximately $30. If Mesa then sold this stock for $30, it would have a $20 short term capital loss deduction to be applied against its corporate income.

The provision which I am introducing would prohibit a corporation for taking this deduction. This measure should produce in excess of $43 million in revenue by 1987.

Measures similar to these first two tax provisions are currently contained in a larger measure being marked up by the Finance Committee. However, the recent merger activity highlights the need for an immediate focus on these two provisions.

At the March 15, Senate Judiciary hearing, I asked Mr. Pickens what effect there would be on his ability to take over a company like Gulf if the dividends-received deduction were limited or if there were new rules dealing with capital gains treatment after liquidation. Mr. Pickens replied that such changes would certainly be a factor in any future plans. When I pressed him and asked if these changes would put a "crimp in his sails," he acknowledged that these tax law changes would "change the economics" of his program.

Third, the final tax measure contained in my bill would require that an acquiring corporation pay a tax on liquidating and nonliquidating sales and distribution of an acquired company's appreciated assets. Under current law if appreciated assets are distributed through a royalty trust mechanism, for example, no tax would fall on the corporation as a result of the appreciation.

If the law is amended to require that the corporation pay a tax on this appreciation, in the single case of the proposed Mesa-Gulf royalty trust, tax revenue of $1.5 billion would be generated.

The second bill which, I am today introducing, responds to a recommendation made by the Securities Exchange Commission Advisory Committee. This provision amends the Security Exchange Act to provide that it shall be unlawful for any person to make an offer for more than 20 percent of an equity class of a company's stock unless such person is the issuer of the security or the offer is a cash offer for all of the outstanding shares of the equity class.

This provision will insure that all shareholders share equally in the event a merger occurs. Purchase of a relatively small percentage of a corporation's voting stock may guarantee control of the corporation to the new shareholder. In this case the premium which the purchaser is willing to pay for control benefits only the small percentage of shareholders. At the same time, the new shareholder obtains a control benefit worth far more than the purchase price of the stock. This control benefit is illustrated by the specific case of the Mesa bid for Gulf. Gulf believed Mesa threatened to take control when it had purchased 13.2 percent of Gulf and announced plans to purchase another 8.2 percent. Mesa paid an average of $44 per share for the first 13.2 percent and would have paid $65 a share for the next 8.2 percent. SoCal has offered $80 per share for all shares.

This bill also contains language which provides that the Commission shall, by rules and regulations, provide for exemptions from this prohibition where it finds that such exemptions are not inconsistent with the public interest or protection of investors. For example where a family group owns a block of stock, a father should be able to sell his stock to his son without being required to make a tender offer for all of the company's stock.

If these reforms to the Internal Revenue Code and the Securities Exchange Act are implemented, I am confident that the merger activity which follows will be only that which strengthens our economy, benefits American taxpayers and deals fairly with millions of small shareholders.

I ask unanimous consent that these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The bill shall be entitled "The Corporate Distribution Tax Reform Act of 1984".

SEC. 2. DIVIDENDS RECEIVED DEDUCTION REDUCED WHERE PORTFOLIO STOCK IS DEBT FINANCED.

(a) GENERAL RULE.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to special deductions for corporations) is amended by inserting after section 245 the following new section:

"SEC. 245A. DIVIDENDS RECEIVED DEDUCTION WHERE PORTFOLIO STOCK IS DEBT FINANCED.

"(a) GENERAL RULE.—In the case of any dividend on debt-financed portfolio stock, there shall be substituted for the percentage which (but for this subsection) would be used in determining the amount of the deduction allowable under section 243, 244, or 245 a percentage equal to the product of—

"(1) 85 percent, and

"(2) 100 percent minus the average indebtedness percentage.

"(b) SECTION NOT TO APPLY TO DIVIDENDS FOR WHICH 100 PERCENT DIVIDENDS RECEIVED DEDUCTION ALLOWABLE.—Subsection (a) shall not apply to—

"(1) qualifying dividends (as defined in section 243(b) without regard to section 243(c)(4)), and

"(2) dividends received by a small business investment company operating under the Small Business Investment Act of 1958.

"(c) DEBT FINANCED PORTFOLIO STOCK.—For purposes of this section, the term 'debt financed portfolio stock' means any stock of a corporation if—

"(1) as of the beginning of the ex-dividend date, the taxpayer does not own stock of such corporation possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote and does not own at least 50 percent of the total number of shares of all other classes of stock of the corporation, and

"(2) at some time during the base period there is portfolio indebtedness with respect to such stock.

"(d) AVERAGE INDEBTEDNESS PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'average indebtedness percentage' means the percentage obtained by dividing—

"(A) the average amount (determined under regulations prescribed by the Secretary) of the portfolio indebtedness with respect to the stock during the base period, by

"(B) the average amount (determined under regulations prescribed by the Secretary) of the adjusted basis of the stock during the base period.

"(2) SPECIAL RULE WHERE STOCK NOT HELD THROUGHOUT BASE PERIOD.—In the case of any stock which was not held by the taxpayer throughout the base period—

"(A) paragraph (1) shall be applied by taking into account only the portion of the base period during which the stock was held by the taxpayer, and

"(B) the average indebtedness percentage shall be the amount determined under paragraph (1) (as modified by subparagraph (A)) multiplied by a fraction—

"(i) the numerator of which is the number of days during the base period on which the taxpayer held the stock, and

"(ii) the denominator of which is the number of days during the base period.

"(3) PORTFOLIO INDEBTEDNESS.—

"(A) IN GENERAL.—The term 'portfolio indebtedness' means any indebtedness directly attributable to investment in the stock.

"(B) CERTAIN AMOUNTS RECEIVED FROM SHORT SALE TREATED AS INDEBTEDNESS.—For purposes of subparagraph (A), any amount received from a short sale shall be treated as indebtedness for the period beginning on the day on which such amount is received and ending on the day the short sale is closed.

"(4) BASE PERIOD.—The term 'base period' means, with respect to any dividend, the shorter of—

"(A) the period beginning on the ex-dividend date or the most recent previous dividend on the stock and ending on the day before the ex-dividend date for the dividend involved, or

"(B) the 1-year period ending on the day before the ex-dividend date for the dividend involved.

"(e) REDUCTION IN DIVIDENDS RECEIVED DEDUCTION NOT TO EXCEED ALLOCABLE INTEREST.—Under regulations prescribed by the Secretary, any reduction under this section in the amount allowable as a deduction under section 243, 244, or 245 with respect to any dividend shall not exceed the amount of any interest deduction (including any deductible short sale expense) allocable to such dividend."

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by inserting after the item

relating to section 245 the following new item:

"Sec. 245A. Dividends received deduction reduced where portfolio stock is debt financed."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to stock, the holding period for which begins on March 20, 1984.

SEC. 3. CORPORATE SHAREHOLDER'S BASIS IN STOCK REDUCED BY NONTAXED PORTION OF EXTRAORDINARY DIVIDENDS.

(a) GENERAL RULE.—Part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to special rules for gain or loss on disposition of property) is amended by redesignating section 1059 as section 1060 and by inserting after section 1058 the following new section:

"SEC. 1059. CORPORATE SHAREHOLDER'S BASIS IN STOCK REDUCED BY NONTAXED PORTION OF EXTRAORDINARY DIVIDENDS.

"(a) GENERAL RULE.—If any corporation—

"(1) receives an extraordinary dividend with respect to any share of stock, and

"(2) sells or otherwise disposes of such stock

the basis of such corporation in such stock shall be reduced by the nontaxed portion of such dividend.

"(b) NONTAXED PORTION.—For purposes of this section—

"(1) IN GENERAL.—The nontaxed portion of any dividend is the excess (if any) of—

"(A) the amount of such dividend, over

"(B) the taxable portion of such dividend.

"(2) TAXABLE PORTION.—The taxable portion of any dividend is—

"(A) the portion of such dividend includible in gross income, reduced by

"(B) the amount of any deduction allowable with respect to such dividend under section 243, 244, or 245.

"(c) EXTRAORDINARY DIVIDEND DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'extraordinary dividend' means any dividend with respect to a share of stock issued by a corporation to a corporation who has acquired the issues by merger if the amount of such dividend equals or exceeds the threshold percentage of the taxpayer's adjusted basis in such share of stock (determined without regard to this section).

"(2) THRESHOLD PERCENTAGE.—The term 'threshold percentage' means—

"(A) 5 percent in the case of stock which is preferred as to dividends, and

"(B) 10 percent in the case of any other stock.

"(3) AGGREGATION OF DIVIDENDS.—

"(A) AGGREGATION WITHIN 90-DAY PERIOD.—All dividends—

"(i) which are received by the taxpayer (or person described in subparagraph (C)) with respect to any share of stock, and

"(ii) which have ex-dividend dates within the same period of 90 consecutive days,

shall be treated as 1 dividend.

"(B) AGGREGATION WITHIN 1 YEAR WHERE DIVIDENDS EXCEED 20 PERCENT OF ADJUSTED BASIS.—All dividends—

"(i) which are received by the taxpayer (or a person described in subparagraph (C)) with respect to any share of stock, and

"(ii) which have ex-dividend dates during the same period of 365 consecutive days,

shall be treated as extraordinary dividends if the aggregate of such dividends exceeds 20 percent of the taxpayer's adjusted basis in such stock (determined without regard to this section).

"(C) SUBSTITUTED BASIS TRANSACTIONS.—In the case of any stock, a person is described in this subparagraph if—

"(i) the basis of such stock in the hands of such person is determined in whole or in part by reference to the basis of such stock in the hands of the taxpayer, or

"(ii) the basis of such stock in the hands of the taxpayer is determined in whole or in part by reference to the basis of such stock in the hands of such person.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TIME FOR REDUCTION.—Any reduction in basis under subsection (a) by reason of any distribution which is an extraordinary dividend shall occur at the beginning of the ex-dividend date for such distribution.

"(2) DISTRIBUTIONS IN KIND.—To the extent any dividend consists of property other than cash, the amount of such dividend shall be treated as the fair market value of such property as of the date of the distribution.

"(3) EX-DIVIDEND DATE.—The term 'ex-dividend' means the date on which the share of stock becomes ex-dividend.

"(4) EXTENSION TO CERTAIN PROPERTY DISTRIBUTIONS.—In the case of any distribution of property (other than cash) to which section 301 applies—

"(A) such distribution shall be treated as a dividend without regard to whether the corporation has earnings and profits, and

"(B) the amount of such distribution shall be reduced by the amount of any reduction in basis under section 301(c)(2) by reason of such distribution.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section including regulations providing for the application of this section in the case of stock dividends, stock splits, reorganizations, and other similar transactions."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for part IV of subchapter 0 of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 1059 and inserting in lieu thereof the following new items:

"Sec. 1059. Corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends.

"Sec. 1060. Cross references."

(2) Paragraph (1) of section 246(b) of such Code (relating to limitation on aggregate amount of deduction) is amended by striking out "and without regard" and inserting in lieu thereof "without regard to any adjustment under section 1059, and without regard".

(3) Section 1016(a) of such Code (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25), and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 1059 (relating to reduction in basis for extraordinary dividends)."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to distributions after March 20, 1984.

SEC. 4 DISTRIBUTION OF APPRECIATED PROPERTY BY INTEGRATED OIL COMPANIES.

(a) GAIN RECOGNIZED ON DISTRIBUTIONS OF APPRECIATED PROPERTY.—

(1) IN GENERAL.—Section 311 of the Internal Revenue Code of 1954 (relating to taxability of corporations on distributions) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR INTEGRATED OIL COMPANIES.—

"(1) RECOGNITION OF GAIN OR LOSS.—

"(A) IN GENERAL.—Gain shall be recognized to an integrated oil company on the distribution of property with respect to its stock.

"(B) LOSS RECOGNIZED IN CASE OF COMPLETE LIQUIDATION.—Loss shall be recognized to an integrated oil company on the distribution of property with respect to its stock if such distribution is pursuant to a plan of complete liquidation.

"(C) DETERMINATION OF GAIN OR LOSS.—Gain or loss under this paragraph shall be determined in the same manner as if the property distributed had been sold to the distributee at fair market value.

"(2) EXCEPTION FOR DISTRIBUTIONS TO CERTAIN CORPORATE DISTRIBUTEES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to a distribution by an integrated oil company to an 80-percent corporate shareholder if the basics of the property distributed is determined under section 301(d)(2).

"(B) 80-PERCENT CORPORATE SHAREHOLDER DEFINED.—For purposes of subparagraph (A), the term '80-percent corporate shareholder' means, with respect to any distribution, any corporation which owns—

"(i) stock in the corporation making the distribution possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote, and

"(ii) at least 80 percent of the total number of shares of all other classes of stock of the distributing corporation (except nonvoting stock which is limited and preferred as to dividends).

"(3) DISTRIBUTION WHERE BASIS DETERMINED UNDER SECTION 334.—Paragraph (1) shall not apply to any distribution of property if the distributee's basis in such property is determined under section 334(b).

"(4) SECTION 355 TRANSACTIONS.—Paragraph (1) shall not apply with respect to any distribution of property in a transaction to which section 355 applies.

"(5) INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'integrated oil company' has the meaning given such term by section 4995(b)(3).".

(b) HOLDING PERIOD OF CORPORATE DISTRIBUTEE OF APPRECIATED PROPERTY.—Section 301 of the Internal Revenue Code of 1954 (relating to distributions of property) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) SPECIAL RULE FOR HOLDING PERIOD OF APPRECIATED PROPERTY DISTRIBUTED TO INTEGRATED OIL COMPANIES.—For purposes of this subtitle, if—

"(1) property is distributed by an integrated oil company (within the meaning of section 4995(b)(3)) to a corporation, and

"(2) the basis of such property in the hands of such corporation is determined under subsection (d)(2)(B),

then such corporation shall not be treated as holding the distributed property during any period before the date on which such corporation's holding period in the stock began."

(c) SPECIAL RULES FOR LIQUIDATIONS.—

(1) SECTION 336.—Section 336 of the Internal Revenue Code of 1954 (relating to distributions of property in liquidation) is amend-

ed by adding at the end thereof the following new subsection:

"(c) SPECIAL RULE FOR OIL COMPANIES.—Gain or loss shall be recognized to an integrated oil company (within the meaning of section 4995(b)(3)) on the distribution of property in complete liquidation.".

(2) SECTION 337.—Section 337 of such Code (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended by adding at the end thereof the following new subsection:

"(h) SPECIAL RULE FOR OIL COMPANIES.—Subsection (a) shall not apply to any sale or exchange of property by an integrated oil company (within the meaning of section 4995(b)(3)).".

(3) CONFORMING AMENDMENT.—Subsection (a) of section 336 of such Code is amended by inserting "or (c)" after "subsection (b)".

(d) CROSS REFERENCE.—Paragraph (13) of section 1223 of the Internal Revenue Code of 1954 (relating to holding period of property) is amended to read as follows:

"(13) CROSS REFERENCES.—

"(A) For special holding period provision relating to certain partnership distributions, see section 735(b).

"(B) For special holding period provision relating to distributions of appreciated property to corporations, see section 301(e)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions declared after March 20, 1984.

S. 2448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(g)(1) After March 20, 1984, it shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G), or any equity security issued by closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 20 per centum of such class unless—

"(A) such person is the issuer of that security; or

"(B) the offer is a cash offer for all outstanding shares of the class.

"(2) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for purposes of this subsection.

"(3) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

"(4) The Commission shall, by rules and regulations or upon application of an interested person, exempt from the prohibition contained in paragraph (1) any class of securities of any issuer upon such terms and conditions and for such period as it deems necessary or appropriate if it finds that such action is not inconsistent with the public interest or the protection of investors.".

Mr. SPECTER. I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(By unanimous consent the remarks of Mr. HELMS at this point appear in the RECORD during consideration of Senate Joint Resolution 73.)

RECOGNITION OF SENATOR MITCHELL

The PRESIDING OFFICER. Under the previous order, the Senator from Maine (Mr. MITCHELL) is recognized for not to exceed 15 minutes.

(By unanimous consent the remarks of Mr. MITCHELL at this point appear in the RECORD during consideration of Senate Joint Resolution 73.)

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

MILITARY AID TO CENTRAL AMERICA MUST END

Mr. LEAHY. Mr. President, in editorial after editorial, Vermont newspapers have raised important questions about the administration's policy in Central America. The most recent example of the perspective view of the Burlington Free Press came in this Sunday's editorial, "Military Aid to Central America Must End." The author of this piece, Leo O'Connor, sets out the "futility" of the current policy, the poor planning, the lack of diplomatic strategy. I fully agree with this assessment, and from the mail I receive, most Vermonters concur. The administration's policy has been flawed from the start, and now all Americans should be on notice that the situation in Central America is deteriorating and the President's options are few.

Mr. President, I ask unanimous consent that the full editorial from the Burlington Free Press be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Burlington (Vt.) Free Press, Mar. 18, 1984]

MILITARY AID TO CENTRAL AMERICA MUST END

Perhaps the fundamental flaw in the thinking of architects of U.S. Latin American policy is that their belief that other nations in the hemisphere can be treated as this country's colonies.

Such an attitude eventually can lead this country into deep trouble.

But that mentality is apparent in Washington's willingness to tolerate despotic governments as long as they conform to standards established in Washington while any departure from those guidelines, even by a benign regime brings down the wrath of the superpower. Such thinking dates back to the 19th century when a growing giant threw its weight around the hemisphere with impunity and did not hesitate to punish countries that disobeyed the rules as laid down by the gunboats and troops. But the policies of the United States in the mid-1980s are as outdated as the bow and arrow for dealing with nations that are becoming increasingly conscious of their own identity and the necessity for working out their own destinies. Latin Americans no longer are awed and docile subjects of the Colossus of the North. In fact, millions of people there are resentful of the gringos who seem so indifferent to the plight of their neighbors.

The resentment grows as Latin Americans watch billions of American dollars poured into their countries for military aid while their countrymen exist in utter poverty, plagued by disease, suffering from hunger and lacking adequate shelter. And they doubtlessly are puzzled by U.S. opposition to movements that promise to make basic changes in their lives. Why, they must wonder, does their large neighbor fear the rise of truly representative government when it was itself founded on that principle? And why, they must ask, do American leaders persist in describing tyrannies as democracies?

Hemispheric security seems to be the answer that is given by the Reagan administration. If one domino topples, the others will follow. Subscribing to such simplistic reasoning can easily lead to the conclusion that every repressive regime in the region should be helped because its downfall would jeopardize American interests. So the United States launches a massive buildup in Honduras, constructing airfields and ammunition dumps in the wilderness in preparation for some yet unnamed crisis. Dollars and equipment flow into El Salvador to prop up a government that consistently violates the human rights of its citizens, using clandestine death squads to persuade Salvadorans to shun the guerrillas. Covert (in name only) aid is sent to Nicaraguan rebels on the Honduran border to assist them in their fight to overthrow the Sandinista regime. But in all of Central America there is no indication that U.S. diplomats have made an effort to gauge the sentiments of the people. Only the voices of the leaders, elitist and aristocratic, are heard and heeded.

Despite reservations among congressmen about the wisdom of sending further aid to El Salvador, the Senate Appropriations Committee reversed itself Wednesday to approve President Reagan's requests for urgent military aid to the country. Members of the Republican-controlled committee voted to send $93 million in emergency aid to the Salvadoran army and gave $21 mil-

lion to the Central Intelligence Agency to provide help to anti-Sandinista rebels in Honduras. The action was taken in the face of growing opposition in Congress to such assistance and reports that Salvadoran aid was being misspent by the nation's leaders. And there was no evidence that they had curbed the activities of the death squads.

Senator Patrick J. Leahy, D-Vt., a member of the committee, criticized the decision to send additional aid, saying there was no indication of how the money will be spent. The Reagan administration has offered contradictory information on its policy and procedures in the region, he charged. "I find it frustrating because I'm finding more and more and more we're being told different things by different committees," he said.

The fact that aid to El Salvador and the Nicaraguan guerrillas has become a partisan issue is indeed unfortunate, since it precludes the possibility that reasonable men will thoughtfully analyze the situation and come to the conclusion that what the United States is attempting to do in Central America can only end in disaster. Either this country will become embroiled in a Vietnam-style war in the region or it will so antagonize the people there that it will create a new pool of enemies on its flank.

The time has come for the courageous in Congress to recognize the futility of the Reagan foreign policy and to demand that military aid to Central America be halted as soon as possible.

MISS WILL LOU GRAY

Mr. HOLLINGS. Mr. President, life's moments of true inspiration are all too rare. Recently, our Nation lost an inspiration.

I refer to the passing of Miss Will Lou Gray, educator, humanitarian, a woman who contributed mightily to the progress of her fellow citizens. She lived to be 100 years old, and everyone of those years was packed with activity and accomplishment.

To be a good educator, the young Will Lou knew, she had first to obtain the best education. She graduated with a bachelors degree from Columbia College in South Carolina shortly after the turn of the century and then pursued graduate work at Vanderbilt University in Tennessee. In 1911 she earned a masters degree from Columbia University in New York, at an age when a graduate degree for a woman student was altogether rare.

Returning to Greenwood County, S.C., Will Lou's first teaching assignment was in a one-room school. Immediately she realized how much needed to be done in our South Carolina schools. When her young charges would show up late for class, she would instruct them to get a written excuse from their parents. And the children, embarrassed, had to respond that their parents could not write or read. This led to her involvement in adult education and to that cause for the rest of her life she lent her tremendous talent and unflagging determination. Teaching adults to read and write became for her a life's crusade. She organized night schools for adults, but at first encountered little support for them. It took her awhile to make an impact, but by 1918, working on the South Carolina Illiteracy Commission, she persuaded the South Carolina General Assembly to set up a department of adult education. From 1919 until 1945, she served as State supervisor of the night school program. Her approach was imaginative and pioneering and included such innovations as a statewide "write your name" campaign in the 1920's. She successfully led the push for development of a State high school certification program.

Her pioneering work with opportunity schools to combat the widespread illiteracy she had seen in the adult population continued. In the 1940's, she turned her attention to a new type opportunity school, going beyond the night school approach and educating the students in the skills they needed not only to read and write, but to get and hold a job, too. She gave up her supervisor job with the department of adult education and turned her full attention to the building of what is now known as the Will Lou Gray Opportunity School in Lexington. This was an even more ambitious approach to the challenge of adult education, and its success won her not only the gratitude of those who went through its program, but also the acclaim of adult educators around the Nation. Her school handles some 600 students a year now, and over the years has served more than 26,000 people.

Citing the many honors and distinctions which came her way over the course of a long and productive life would take too long here. But she has been acclaimed far and wide and some of those honors include: the South Carolina Hall of Fame; honorary doctorates from Columbia College, Winthrop College, Clemson University, and Wofford College; the Algernon Sydney Sullivan Award from the University of South Carolina; and woman of the year by the South Carolina Conference on the Status of Women.

But no list of awards and citations begins to get at the heart of what this great woman accomplished. She was a formative influence in taking undeveloped minds and turning them into productive, educated citizens. The education she imparted included the basic skills, yes, but always more—good citizenship and public spiritedness were driving forces for her, and her goal, always clear in mind, was to provide opportunity to those who had none.

A modest woman, she achieved greatly. A teacher, she was forever learning. A dreamer, she knew how to turn dreams into reality. It was my pleasure to know her and to work with her in the development of the opportunity school, and I will always remember her warmth and dedication, her high ideals and her sound practical judgment.

She was one of the most inspiring individuals I have ever met, and we will not see her likes soon again. Cicero once wrote that no person was ever great without some portion of divine inspiration. Will Lou Gray had a very large portion. For that, we will always be grateful.

NATIONAL AGRICULTURE DAY

Mr. HELMS. Mr. President, today is National Agriculture Day, a day to pause and contemplate the tremendous contribution made to this country by the millions of people responsible for bringing food from farm to table.

As chairman of the Senate Committee on Agriculutre, Nutrition, and Forestry, it was my pleasure to cosponsor the resolution passed by Congress last year designating today as National Agriculture Day, and President Reagan subsequently issued the proclamation.

The purpose of this observation, of course, is to honor the farmers, ranchers, horticulturalists, and aquaculturalists and many others whose combined efforts produce hundreds of agricultural commodities. But more than that, it provides a forum for educating the citizens of our Nation about the tremendous benefits they receive because of the efficiency of our farmers.

For instance, no people in the world enjoy the spending power at the supermarket that Americans have. In 1981, the average American spent a total of 12 percent of disposable income on groceries. Last year, Americans spent only 15.9 percent of after-tax income on all food purchased, down from 22 percent three decades ago. In 7 of the last 8 years, food prices have increased less than other prices.

This is the result of the tremendous productive capability of a relatively small number of people. There are only about 3 million farm operators in the country. Yet those 3 million farmers generate about 23 million jobs, account for about 20 percent of the gross national product.

The efficiency of the American farmer is not only a wonder of the world, but certainly the envy of the world. Our modern farmers produce 80 percent more crops per acre of land than did their fathers. A single farm worker produces enough food and fiber to feed 78 people, up from 50 only 10 years ago. Americans are also able to enjoy a more varied diet than anyone in the world, and our entire standard of living benefits from the new real wealth created from the renewable resources of agriculture.

Not all of the benefits we get from farmers come at the kitchen table. Because of their productivity, our farmers produce not only enough for our domestic demand, but also enough to

make large quantities of farm products available for international trade. It is estimated agricultural exports will contribute $37.5 billion this year to our exports, significantly aiding our balance of payments.

And if all that is not enough to make one appreciate farmers, consider the conditions under which they must operate. Farming is a high-risk proposition. Farmers each year are subjected to unpredictable weather conditions, uncertain economic conditions, finicky consumer demand, fluctuating foreign demand, and even the changing, unpredictable, and often conflicting Government policies and programs.

Mr. President, I also want to point out that within American agriculture we find the kind of American spirit and character on which this Nation was built. Let me single out just one agricultural organization. Tomorrow I will be speaking to a group of 4-H leaders; 4-H is a unique partnership involving youth, volunteer leaders, State land grant universities, Federal State, and local governments, and the private sector. It is an organization fueled by cooperation and voluntarism, two great American principles.

Most of all, 4-H is an investment organization, investing in this country's future. The mission of the Cooperative Extension Service in conducting 4-H programs is to assist youth in acquiring knowledge, developing life skills, and forming attitudes that will enable them to become self-directing, productive and contributing members of society. And unless we can do that with today's youth, there will be no tomorrow for this great country.

Someone described a farmer this way: An executive manager in an international context with a rural base, a master producer facing a surplus, a master consumer facing uncertain income, a scientist, a technician, a purchasing agent, personnel director, heavy laborer, and animal and crop dietician with a product that can be destroyed or made beautiful at the caprice of the element of nature.

Mr. President, a great tribute is due these people, and on this National Agriculture Day, we salute America's farmers.

E-COM MAIL RATES

Mr. STEVENS. Mr. President, a recent recommendation by the Postal Rate Commission to double and triple the rates for E-Com mail was a blow to those of us who feel that the U.S. Postal Service should be allowed to move into the 20th century in terms of utilization of the most modern telecommunication tools. The long-range future of the Postal Service and its ability to provide adequate, efficient, and low-cost universal postal service to all Americans, regardless of where they live, is at stake here. We should encourage, not hinder, one of our most essential and well run Federal agencies to move ahead with the times, rather than keep it tied to old ways.

I was pleased to note the strong support the postal employee organizations have given U.S. Postal Service on its efforts to modernize. They, too, recognize E-Com's potential and what that potential means to the livelihood of current postal workers as well as to those yet to be hired. I ask unanimous consent to insert at the end of my remarks the complete text of a mailgram sent to the Board of Governors, U.S. Postal Service, by the president of the National Association of Letter Carriers on this subject.

There being no objection, the text of the mailgram was ordered to be printed in the RECORD, as follows:

[Mailgram]

NATIONAL ASSOCIATION
OF LETTER CARRIERS,
Washington, D.C., March 3, 1984.

The National Association of Letter Carriers seeks your support in rejecting the Postal Rate Commission's February 24, 1984 rate increase recommendation on E-Com. The Commission's rate recommendation would impose a more than 100 percent increase over current E-Com rate levels. The existence of the Postal Service's E-Com service will be seriously threatened by the opinion. Therefore, NALC requests that you find the opinion and recommended decisions on the rate changes and classifications of the Postal Rate Commission unacceptable and remand the case for rate review by the Commission.

VINCENT R. SOMBROTTO, *President.*

U.S. AGRICULTURE'S DAY

Mr. QUAYLE. Mr. President, today, March 20, has been designated National Agriculture Day, which provides us the welcome opportunity to praise the enterprise and the industriousness and the productivity of America's farmers. For more than a century, this country has had the ability to produce not only the widest variety of low-priced, quality food for its own people, but also sufficient amounts to become No. 1 in world agricultural trade as well as the prime supplier of food for emergencies anywhere on the globe. Contributing to this capacity is an array of research institutions and education outreach systems that develop innovations and technology that are quickly translated into everyday farm practice.

Half a century ago, 25 percent of the U.S. population produced food for the rest of the country. Today, 2.4 million farmers, or 3 percent of the population accomplish this same feat. And, because of this remarkable output, U.S. farm policy must be directed at harnessing available productive capacity to keep it in balance with demand. What we confront is a situation of overabundance, not the tragic trial of famine facing many parts of the world today.

Indiana is a major farm State, and it reflects not only the growth of U.S. agriculture, but also the adjustments and changes it is undergoing. This center-of-America State, much like Iowa and Illinois in the farm products it raises, is the ninth largest in terms of cash receipts, although it ranks 19th in farm acreage. In other words, Indiana produces more value per acre than many States that have more land in agricultural production.

In 1982, according to the U.S. Department of Commerce census, the market value of Indiana's crops was $4.23 billion, up from $3.4 billion in 1978, a gain of $870 million, or 26 percent. Over the same period, the State's farm acreage decreased from 16.8 million acres to 16.3 million, a drop of 3 percent. In 1982, there were 77,184 farms in Indiana, down from 82,483 5 years before, a decline of 6.5 percent.

During this period, the average size of farms increased slightly from 204 to 211 acres. The very smallest farms—those under 50 acres—increased slightly in number, up by 1,250 to around 23,000 units in 1982. A real decline occurred in the number of middle-sized farms of 50 to 1,000 acres, which decreased by 7,000 units to about 52,000 overall. From 1978 to 1982, it was the larger farm that increased in numbers: Farms with 1,000 to 2,000 acres rose from 1,452 to 1,874, for an additional 422 operations, or an increase of almost 33 percent; farms over 2,000 acres, although not numerous, increased from 164 units to 251, or by 53 percent.

The 1982 census indicates that the number of Indiana farms with over a quarter of a million dollars in sales almost doubled from 1978 to 1982, and now total more than 3,000; farms with $100,000 to $250,000 in sales increased by 2,000 to 8,634; at the same time, operations with sales between $5,000 and $100,000, the midsized to smaller sized family farm, declined by 8,200 units; while the very smallest, the ones that earn less than $5,000 from sales of farm products in a year, held steady at around 22,500 operations.

In Indiana, as across the Nation, most farms continue to be owned by an individual, a family or a family held corporation. The number of corporations actually owning land in the State decreased by 4, from 198 to 194, over the past 5 years. These corporate owners controlled only a small fraction—50,000 acres—of a total acreage of 16.3 million.

Indiana is the third largest producer of corn, fourth largest in soybeans—cash receipts for all grains came to $2.3 billion in 1982—and third largest in hogs, $600 million.

Cattle/calf operations and dairy products yield the next largest amounts of farm revenue. Indiana also has been innovative in branching out

into new products and overseas markets. For instance, it is now the Nation's No. 1 supplier of duck down and leads every other State in exports of duck feet, a delicacy item, to the Far East.

Indiana's farmers, like those across the Nation, are faced with challenges and changes—difficult economic conditions at home, new competition—some fair, some not—from abroad, the need to adapt to new technologies and farming techniques, structural shifts in the farm system, not to mention the vagaries of weather. All the while farm production, or the capacity for such production, has been increasing. For this, the Nation's farmers and the system that supports them should be saluted.

NATIONAL AGRICULTURE DAY

Mr. BOREN. Mr. President, today is the day we honor the most productive, the most efficient sector of our Nation's economy. Today is National Agriculture Day. Today, we must recall what made this country of ours possible—a thriving agricultural sector. The strength of this Nation lies with the agricultural sector today, as it did when this great country was founded. Our farmers rightly deserve to be honored for their labors which have made this Nation great. Agriculture is the backbone of this country.

The Nation's biggest industry is agriculture, with farm assets totaling over $1,050 billion and representing approximately 70 percent of the capital assets of all manufacturing corporations in the United States.

Not only is agriculture the biggest industry, it is the Nation's largest employer, with 22 million people working in some phase of agriculture. Farming, alone, has as many workers as the work forces of transportation, the steel industry, and the automobile industry combined. Approximately 1 out of 5 jobs in private enterprise is dependent upon agriculture. Agriculture generates about 20 percent of the gross national product.

The agricultural sector uses output from more than 80 percent of the other basic industries in the United States. Farmers are the fourth largest customer of the finance and insurance industry and the fourth largest user of real estate and rental services. Farmers annually purchase $10 billion for farm tractors and other motor vehicles, machinery, and equipment. This, alone, provides jobs for about 150,000 employees. Farming uses more petroleum than any other single industry, with annual expenditures for fuel, lubricants, and maintenance for machinery and motor vehicles used in the farm business amounting to $15.4 billion. Each year, farmers purchase $21.4 billion for feed and seed and $9 billion for fertilizer and lime. Farmers use about 5 percent of the total amount of rubber used in the United States—360 million pounds. Farmers use more electricity than the annual residential use in all New England States plus Maryland, Kentucky, and Washington, D.C., or 33 billion kilowatt-hours of electricity. Farmers annually purchase 6½ million tons of steel in the form of farm machinery, trucks, cars, fencing, and building materials. Farm use of steel provides for 40,000 jobs in the steel industry. Agricultural exports, alone, have a considerable impact upon the economy. In 1983, the overall trade deficit was reduced by the $18.5 billion agricultural trade surplus. Over the past two decades, the value of agricultural exports has grown over tenfold, from $4 billion in 1960 to over $40 billion in 1980.

For every $1 billion in agricultural exports, 35,000 jobs are created. Each dollar of agricultural exports stimulate an additional $1.05 of output in the U.S. economy. About 70 percent of the additional economic activity accrues to nonfarm sectors of the economy. In 1981, agricultural exports of $43.8 billion stimulated nearly 90 billion dollars' worth of business for U.S. industries. The industrial nonagricultural sectors of the economy depend on expansion of U.S. agricultural exports to generate increased employment, utilization of capacity, and profits. As exports expand, so does business for the trucker and port facilities construction workers.

As is apparent, agriculture is the foundation of this economy. A thriving agricultural economy means a thriving American economy; a depressed agricultural economy translates into a depressed American economy. As long as the agricultural economy remains depressed, the entire American economy will never fully recover from the recession in which we have been.

There are many in this country who do not seem to recognize the importance of agriculture. Because of the increased productivity, almost 97 percent of the population does not have to grow their own food. While this is certainly a positive step, it has had at least one negative aspect—more and more people do not realize the role agriculture plays in our economy. More and more Americans today think milk naturally comes in prepackaged, plastic jugs and bread in presliced loaves. If we all would just stop for a moment and think about what it takes to produce that gallon of milk or the loaf of bread, we would all realize the significance of agriculture in our lives. We would not just take it for granted anymore.

At the beginning of this century, one farmworker could only feed seven persons. By 1970, this one farmworker supplied enough food and fiber for 47 people. In the past 10 years, the productivity of this one farmworker has almost doubled—he now supplies enough for 78 people. This increased agricultural productivity, the rise in output per unit of input, has been a major contributor to improved living standards for Americans. As agricultural productivity has increased, consumers have been able to upgrade their diets at lower cost.

Many American consumers simply do not realize that they have such a good food bargain. U.S. consumers spend a smaller fraction of personal income, 16 percent, than any other people. In Great Britain, consumers must spend 27.5 percent; in the Soviet Union, consumers spend 45 percent of their personal income on food.

Despite the fact that food prices have increased over the past 10 years, today's consumers get more for their money today than 30 years ago. In 1950, an hour's pay of the average U.S. factory worker would only buy 10.1 pounds of bread compared to 16.3 pounds today. In 1950, an hour's pay could buy only 8 quarts of milk and 2.5 pounds of frying chickens compared to 15.2 quarts of milk and 11.9 pounds of frying chickens today.

The American consumer only has to work an average of 18.5 minutes to buy 1 pound of round steak today; whereas, in 1950, the same consumer would have had to work 32.8 minutes for the same steak. In order to buy 2 loaves of bread today, the consumer only has to work 2.4 minutes; in 1950, 4.2 minutes of work were required to buy the same amount. Today, the consumer must work only 11.6 minutes to buy 1 gallon of milk; 30 years ago, he had to work 21.2 minutes for 1 gallon of milk. One pound of round steak, 10 pounds potatoes, 1 pound of bacon, 1 dozen eggs, 2 loaves of bread, 1 pound of butter, 1 gallon of milk, 5 pounds of sugar, and 5 pounds of rice can be purchased today with only 83 minutes of work. In 1950, the same bag of groceries would have cost 153.8 minutes of work; in 1930, it would have cost 231.8 minutes.

Since less money is spent for food, consumers are able to expand their consumption of nonfood items. Because fewer farm workers are needed to supply the food and fiber necessary for consumers, former workers in agriculture can now work for other industries and service industries. This serves to stimulate economic activity further in other nonfood industries.

Mr. President, there are many who believe the farmer receives the majority of every dollar spent for food. This is far from the truth. For every dollar spent in grocery stores for U.S. farm-grown food, the farmer receives only 35 cents. Wheat producers receive only 4.4 cents—or less than one-twentieth—for the wheat in a 53 cent loaf of white bread. For every dollar spent on

choice beef, the farmer receives 58 cents. The farmer receives only 59 cents for a $1.12 half-gallon of milk. Of the $298 billion consumers spent for U.S. farm-produced foods in 1982, U.S. farmers only received $84 billion. The farm-to-retail price spread, 65 percent, consists of all processing, transportation, wholesaling, and retailing charges incurred after the products leave the farm. Farm-to-retail spreads have increased every year the past 10 years, largely reflecting rising costs of labor, packaging, and other inputs. The farm value of products is estimated to have declined by 4 percent in 1983. The February 1984 cash price for a bushel of wheat represented only 45 percent of parity. The upland cotton February price was only 51 percent of parity. In real terms, the farmer continues to receive less and less for his labor. The average per capita disposable income of farm residents in 1982 was $7,355, only 78 percent of that of nonfarm residents.

Total cash receipts from marketings of farm products in 1983 are forecast to decline about 2 percent from the $144.6 billion attained in 1982. 1983 livestock cash receipts are expected to have remained near 1982's $70.2 billion, as lower prices for livestock and products offset increased marketings. Crop cash receipts for 1983 are expected to have fallen about 4 percent from the $74.4 billion of 1982. Large declines are forecast for cotton and rice. Net cash income for 1984 is estimated to decline by up to 20 percent from the 1983 level. Cash receipts for food grains in 1984 are forecast to fall nearly a tenth, as lower wheat receipts more than balance increased rice receipts.

While cash receipts and farm values have declined, farm input costs have risen dramatically over the past 10 years. Wage rates for farmworkers have gone up 125 percent, tractors and self-propelled machinery cost 200 percent more, and taxes have gone up 75 percent. In the past 10 years, the average cost of commodities, interest, taxes, and farm wage rates rose by 152 percent. Farmers spent $140.1 billion on production of goods and services in 1982.

Production expenses this year are forecast to increase 6 to 8 percent. Last year they registered their first decline since 1953. The increase in prices paid by farmers for all items will be the largest since 1981. Seed prices may jump the most, while fuel prices could continue to be a stablizing influence. Fertilizer prices may rise 6 to 8 percent. Feed prices are expected to increase 5 to 7 percent. Interest expenses may advance 5 to 7 percent in 1984. Average debt is expected to rise 3 to 5 percent and average interest rates on the debt could move up to 2 to 4 percent. Average debt rose 3 percent in 1983 to $215.7 billion.

The present situation confronting American agriculture does not look favorable at all. U.S. agricultural exports are down, production is on the rise, and farm income is down.

U.S. agricultural exports fell 11 percent in fiscal year 1983 to $34.8 billion. This marks the second consecutive year that the total value of U.S. farm exports has fallen since its fiscal year 1981 peak of $43.8 billion. The volume of U.S. exports fell 8 percent, to 145 million tons, in 1983. U.S. wheat and flour exports fell 16 percent in fiscal year 1983, to 38.3 million tons. And 1984 wheat exports are estimated to be down 7 percent. The U.S. share of the world wheat trade will likely drop to 38 percent, the lowest since the early 1970's. U.S. feed grain exports in fiscal year 1983 fell 8 percent to 53.5 million tons. The value of soybeans and soybean product exports fell 8 percent in 1983 to $7.8 billion. Cotton exports fell 24 percent, to 1.13 million tons in fiscal year 1983.

Prospects for U.S. agricultural exports indicate that the value may increase to $37.5 billion, 8 percent above 1983. However, the volume of exports could fall from 144.8 million tons last fiscal year to 140 million in 1984, 15 percent below the 1979–80 record of 163.9 million.

While exports have fallen, commodity surplus levels have remained high despite the massive acreage limitation program offered by the administration in 1983; 1983–84 wheat-ending stocks are estimated to be about 1.4 billion bushels, about twice the level we should have. Even though 1983–84 ending stocks for feed grains, rice, and upland cotton are estimated to be much lower than a year earlier, all signs indicate we are headed for bumper crops this year and high 1984–85 carryover stocks.

The high level of stocks coupled with declining exports has resulted in devastatingly low farm prices. For example, the average price received in February of this year for wheat was only $3.34 per bushel, 6½ percent below the price received a year earlier. Unless the 1984 program is changed to encourage participation, the price of wheat will fall well below $3 per bushel. Partial costs of production for a bushel of wheat in 1982 amounted to $3.31 per bushel. Assuming a 3 percent inflation rate for 1983 and 1984, the partial costs of production in 1983 was $3.41 and for 1984 we can estimate the partial cost at $3.51. As becomes obvious, a wheat price of $3.34 would not even pay for partial costs, much less the full cost of production.

High real interest rates, declining real farm equity, and low real farm income compared to the 1970's have reduced farmers' borrowing capacity by undermining the value of collateral. Although credit is available to creditworthy borrowers, qualifying for loans is becoming more difficult—particularly for highly leveraged farm operators. The overall quality of lenders' farm-loan portfolios continued to deteriorate during 1983.

In November, the Independent Bankers Association released a survey which showed that bankers expect over 17 percent of their existing farm loan borrowers will be unable to secure their debt in 1984. Additionally, the farm credit system has reported that combined production credit association loan losses over the last 4 years exceed the combined losses for the preceding 47 years. The American Bankers Association midyear 1983 farm credit survey indicates that 48 percent of the banks responding said that they experienced a decrease in the quality of their farm-loan portfolio.

At the same time, more and more Farmers Home Administration borrowers are being forced out of business. In the past 2 years, 15,000 farmers with FmHA farm loans have gone out of business due to financial reasons. FmHA has taken possession of 1,683 farms—bringing the number of farms in FmHA inventory to 1,891. Prior to 1981, FmHA had never held more than 260 farms. Mr. President, American agriculture remains on the verge of economic collapse. It appears, at present, that the situation will not get any better this year. With agriculture playing such a large role in our economy, it is imperative that we not allow the agricultural economy to deteriorate any further.

I would hope that today we would all take time to reflect upon the importance of our agriculture sector, to see how indebted we are to the American farmers. I hope we will all join together in our support of the agricultural industry so that we can continue to provide Americans with an adequate supply of food and fiber at reasonable prices.

NATIONAL AGRICULTURE DAY

Mr. HUDDLESTON. Mr. President, today is National Agriculture Day, a day that has specifically been set aside to honor farmers and ranchers for their contributions and to increase understanding of the importance of agriculture to the Nation's economy.

Clearly, U.S. agriculture deserves such honor and recognition.

Each farmer and rancher produces enough food and fiber to supply the needs of nearly 80 people. In addition, because of the remarkable productivity of agriculture, Americans spend only about 16 percent of their disposable income for food—less of their income than people anywhere else in the world.

Agriculture is the most important segment of the national economy.

Cash receipts from the sales of agricultural commodities alone totaled $144 billion in 1982. Beyond that, agriculture is the foundation for a trillion-dollar industry that provides jobs for about 23 million people, including farmers and ranchers, those who furnish supplies for agricultural production, and workers involved in processing, transporting, and marketing agricultural products.

We depend on agriculture for our bountiful food and fiber supply and the continued economic strength of the United States.

We are now approaching a critical period in the development of agricultural policy. Recent years have demonstrated that, in order to insure the long-term health of agriculture, we need to adjust to a new domestic and foreign environment. We must continue in our efforts to develop and implement agricultural policy that meets these changes.

Today, I join all other Americans in saluting agriculture for its accomplishments and thanking our farmers and ranchers for their contributions to the prosperity we enjoy as a nation.

NATIONAL AGRICULTURE DAY

Mr. NICKLES. Mr. President, it has been said that the farmer is the only one in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways. Well, there is little question that the farmer's job is not an easy one. But there is no doubt that without the farmer, our Nation would not be the superpower it is today.

Because today is National Agriculture Day, it is only fitting to reflect on the vital role American farmers play in making our country great.

Agriculture is the largest business in America. It has been estimated that 1 out of every 23 Americans is employed in an agriculture related job. And although only about 3 percent of the U.S. labor force is actually employed on the farm, they produce enough food to feed everyone in America and still export enough to earn almost 20 percent of our total export revenue. In fact, if it were not for our agricultural exports, the U.S. trade imbalance would be a far more dismal picture than it is today.

Consider these facts: Today's farmers produce 76 percent more on the same amount of cropland as their parents; an hour of farm work today produces 14 times as much as it did in 1919; just in the past 50 years, both crop and livestock production have more than doubled, with nearly the same amounts of cropland, breeding animals, and total inputs in use.

This agricultural efficiency has been of tremendous benefit to the consumer. In 1960, an average wage for an hour's factory work could buy 2.1 pounds of round steak, 3 dozen oranges, 9.2 quarts of milk or 3.9 dozen eggs; 20 years later, it could buy 2.6 pounds of round steak, 24 percent more; 3.9 dozen oranges, 30 percent more; 13.9 quarts of milk, 51 percent more; or 8.7 dozen eggs, 123 percent more.

Agriculture is the cornerstone of Oklahoma's economy. My State ranks fifth among producing States in cash receipts for wheat and grain sorghum, sixth for cattle and calves, seventh for peanuts, and ninth for cotton lint.

About 17 percent of all jobs in Oklahoma are in farming or are farm related, ranging from farm suppliers, to food stores and restaurants. About 78 percent of all of Oklahoma's land is in agriculture. There are nearly 71,400 farm operations—2.4 percent of the State's population—which produced $2.9 billion in farm products in 1981. Wheat ranks second only to cattle in the State's output, accounting for almost one-quarter of Oklahoma's total farm revenues.

Despite this phenomenal productivity, farming is undoubtedly America's most risky business. Like all other exporting businesses, farmers must work against the fluctuating dollar, rising interest rates, grain embargoes and other ill-conceived foreign and economic policies. But, in addition to that, there remains one variable by which the farmer alone seems to suffer—the weather. Last year's series of floods and droughts was a nearly devastating example of Mother Nature's fickle attitude toward farmers. Farmers have so much to contend with that we owe them, as a government and as a nation forever dependent upon their produce, as much support as we can give them.

As I travel across Oklahoma talking with farmers, there seems to be two primary observations expressed about what is really needed to help agriculture. First is a strong economy. Farmers may disagree about the terms of Government farm programs, but there is unanimity for a strong national economy.

I am very encouraged by the rate of economic recovery and growth now underway across the United States. And I believe that as the economy strengthens, problems which have plagued farmers during the last 4 years will begin to disappear.

The second statement that I seem to hear most from farmers concerns trade. Farmers need reliable foreign trading partners. Unfortunately, many nations are now imposing protectionist policies which restrict American imports. Adding to that problem is the American agriculture image around the world.

Many foreign countries think of the United States as an unreliable supplier of agriculture commodities. The grain embargo imposed in 1979 and lifted in 1981 only reinforced this perception of the United States as a poor supplier. Fortunately, President Reagan's staunch commitment against agricultural embargoes has helped redevelop foreign trade markets. But Congress and the administration must continue to expand those markets and work with other nations in lowering restrictive trade barriers.

Mr. President, in closing, I think it is impossible to stress how much we owe to the American farmer. It is said that the agricultural population produces the bravest men, the most valiant soldiers, and a class of citizens the least given of all to evil designs. So, as this Nation moves into an era dominated by the computer and high technology, let us not forget that our national heritage is rooted in agriculture and it will always be a bedrock of our country.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12:01 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. QUAYLE).

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, as I understand it, by order entered yesterday, the time between now and 3 o'clock is divided equally between proponents and opponents, with the control of the time to be in the usual form, which means by the two leaders or their designees. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I have not been notified as to who will manage the opposition, nor do I have someone here available to manage in my absence. While we gather up those missing parties, I ask unanimous consent that I may suggest the absence of a quorum—let me withhold that.

I understand there are two Senators here who wish to speak in opposition to the resolution and one in favor. I have no power to yield time in opposition, but let me have just a moment until I see if I can contact the minority leader.

I ask unanimous consent that I may suggest the absence of a quorum to be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is one Senator on this side—that is, the side of the proponents—seeking recognition. I yield 6 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 6 minutes.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. The clerk will state the unfinished business.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to school prayer.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. I thank the Chair.

Mr. President, the overwhelming majority of the American public have expressed themselves in favor of President Reagan's prayer amendment. Senators speaking for the amendment have adequately established the case, of the need, for the amendment. I respect the views of those who have spoken against and some who are wavering in indecision. Much of that indecision is based on the issue of the effect on tolerance for one another's religion that this amendment might have. I should like to submit just a few words on that as we approach our vote.

Mr. President, I respect those who worry about the embarrassment or apparent intolerance that voluntary prayer in school might cause. When I began to chair hearings on school prayer during the last Congress, I developed this same concern. I heard rabbis, Catholic priests, and clergy of other denominations express their concern. As the hearings progressed, however, I became aware that those who had expressed concern, and the American people in general, believe that there is the possibility to work out their differences and to respect the religious rights of one another if this amendment is passed.

Mr. President, I want to make it clear that I am opposed to any school prayer approach that places undue pressure on a student to participate in a form of prayer that violates his or her conscience. This pressure could come from a teacher in the form of appearing to coerce or actually coercing a student to recite a prayer selected by the teacher. In another instance, the student could be prohibited from an opportunity to offer a prayer he or she might personally compose. I believe the amendment we are considering today provides adequate safeguards against such coercion by prohibiting a State-composed prayer.

I would prefer to see that local schools adopt an approach that allows each student in turn to offer a prayer. That approach would promote mutual understanding and tolerance among the students as each observes the religious expression of his or her classmates. We can realize that the fine points of one, several, or many good ways describing how prayers could be offered cannot all be spelled out in the simple language of a constitutional amendment, and they need not be.

We can afford to trust local wisdom and fairness to prevail. In sum, it is preferable to bet on fairness, in the knowledge that unfairness will be properly and promptly dealt with, than to continue to throw out the baby with the bathwater by prohibiting our children and youth from speaking prayerfully, from uttering the word of God reverently while in school.

Progress toward tolerance has marked our entire history, and it is important that we note the manner in which tolerance has come along on this continent and in this Nation. It was religious intolerance in Europe that kept alive the quest for freedom in the hearts and souls of our Nation's early colonists. For example, the Pilgrims, who faced religious persecution in England, exiled themselves to Holland for 7 long hard years as a mere preliminary to the effort to travel to America and live free according to the dictates of their conscience.

The problem remained that, when the early colonists got together, mostly living in colonies with their special state religions, they became mutually intolerant of one another, colony to colony, so much so that Roger Williams fled Massachusetts, went to Rhode Island, and tried to set up a system that was, in his view, the proper one and more tolerant.

In 1649, Maryland took a major step by passing the Maryland Toleration Act. That act called for punishment of those who interfered with the free exercise of religion by others. But that Toleration Act was hardly perfect. It called for execution of blasphemers, nontrinitarians, and deniers of Jesus Christ. But, in its time, it was a major achievement.

That Toleration Act blazed the trail for another Maryland law passed in 1828 that made it legal for members of the Jewish faith to hold public office in that State.

Mr. President, I believe that we should also recognize that by what was written in our Declaration of Independence and our Constitution set us as a people on a new official path toward ideals not only of political but of personal behavior, away from intolerance, a path on which we have made great progress.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. BAKER. Mr. President, I designate the distinguished Senator from Utah (Mr. HATCH) to manage the time on behalf of proponents.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr President, I yield 3 more minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 3 minutes.

Mr. DENTON. I thank the Senator and I thank the Chair.

Mr. President, I say again, toward tolerance is a path on which we have made progress. After the preconstitutional days, after the official legal intolerance which was prevalent among the colonies, our first President made a major contribution toward tolerance when during his second term, he wrote a beautiful letter referred to in a previous speech by me, to a Hebrew congregation in Newport, R.I. The President wrote:

May the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.

So, by the word of our first President, we became officially, according to this statement, a tolerant society.

We know we are not yet perfect, but we have moved a long way. I do not believe that allowing vocal prayers in schools, prayers which remind us that, by the Old and New Testaments, we are to love our neighbor as we love ourselves, and therefore permit students the freedom to pray. I do not believe that permitting children to make up their own prayers would be a backward step. Rather, it would be a contribution toward growing tolerance and understanding.

Mr. President, I believe that the gains in tolerance to date are but prologue for the future. In accordance with the principle of "Love thy neighbor as thyself," we adults and our children in school can, and indeed must, learn to listen with respect when another offers a prayer.

I believe that if a child stands up and prays on Monday and his or her classmates respect the prayer, on Tuesday that same student will respect the prayer of another. There is no need for pressure or coercion or embarrassment. Those who do not wish to pray at all need not participate and their classmates will respect them as well.

Mr. President, we have found that our children can become more tolerant of the skin color, or the ethnic back-

ground, of other children. How can we presume that those same children would be intolerant of a different religion, a different prayer? Passing this amendment today will increase understanding of the religious beliefs of others which will, in my opinion, lead to toleration of others. I ask my colleagues to support Senate Joint Resolution 73.

Mr. HATCH. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator from Utah has 19 minutes remaining.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Senator.

Mr. President, I have listened very carefully to these important sessions of the Senate as this critical issue has been debated. I have respect for the viewpoints expressed by those which are not consistent with mine. I believe that the leadership of the Senate has provided adequate opportunity for all to be heard.

Mr. President, the Declaration of Independence opens with these words: "All men are created equal, that they are endowed by their Creator with certain inalienable rights * * *" and closed with: "* * * and for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each our lives, our fortunes, and our sacred honor."

Every President, from George Washington to Ronald Reagan, has asked for God's blessing in his inaugural address to our Nation.

This Senate has opened each day of its existence with a prayer by the Chaplain, asking for God's help and blessing.

The Supreme Court opens each session, since the days of John Marshall, with the crier saying, "God save the United States and this Honorable Court."

The currency of the United States proclaims for all to see, "In God We Trust."

Our pledge of allegiance states: "One nation, under God * * *."

This list of actions by our founders and subsequent actions could go on for hours.

Mr. President, I do not believe that it is necessary to do so. No one in this Chamber is professing that our Nation was not founded on a belief in God.

However, I cannot understand how the Congress and the Supreme Court can believe it necessary and right to ask God's blessing and assistance each day they are in session and advocate at the same time that students would be harmed by following their practice.

Is this practice only worthwhile for adult men and women?

For three-quarters of our Nation's existence, the invocation of God's blessing has been not only permissable, but truly a part of daily American life. My grandparents, my parents, myself, and even my children began our school days with our classmates, with prayer. I believe it provided for a continued reaffirmation of my belief in God and the need for his blessing and guidance in my daily life.

This amendment will allow students to ask for God's blessing in their own way.

This amendment affords important protections.

This amendment will forbid government-written prayer and continue to forbid the establishment of a state religion. This amendment would not change the intentions of the Founding Fathers to separate church and state and, in my opinion, reaffirms the constitutional mandate that Congress shall make no law prohibiting the free exercise of religion.

Mr. President, I believe the United States whole existence and reason for being is because we believe that God gave us certain rights that no government of men and women can take away.

To paraphrase that outstanding American hero from the Commonwealth of Virginia, George Washington, religious values of equality, family and respect for others have made our society grow and flourish and I believe that only their continuance will sustain freedom.

Tennyson reminds us, "More things are wrought by prayer than this world dreams of."

I urge my colleagues to approve this amendment to the Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles: one from the Richmond News Leader and another from the Richmond Times Dispatch, supporting voluntary prayer in our schools. Both scholarly works contributed to my understanding of the many issues in this important debate.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Richmond (Va.) News Leader, Mar. 6, 1984]

AMEN

(By Ross Mackenzie)

"I beg leave to move," said Benjamin Franklin at the Constitutional Convention of 1787, "that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business." His motion carried, confirming even then a long American tradition of prayer in public places.

We are a God-founded country. The Mayflower Compact, the nation's first declaration of belief and intent, was written before the Pilgrims disembarked at Plymouth. It begins: "In the name of God. Amen."

And historically our most public events have begun with prayer. The Senate and the House open their daily sessions with prayer. Inaugurations, Supreme Court sessions, Thanksgiving declarations—all invoke God's presence and ask his guidance. Our money and our Anthem stipulate our trust in God. In our Pledge of Allegiance we testify that this is a nation under God.

Are those offended by testimonies to the Almighty in public school equally offended by the almighty dollar?

But, comes the rejoinder (it comes, alas, with particular passion from trendy clergymen who should know better)—what about the separation of church and state? Surely school prayer violates the Constitution's establishment of religion clause.

Not so. The wall of "separation" is a myth. Our tradition is neither neutral on matters of religion and religious expression, nor hostile to them. Rather, that tradition is one of broad enthusiastic embrace.

The record of the congressional debate about establishment of religion makes clear that the Framers specifically intended to prohibit the federal government from designating a particular church to which all citizens must give their allegiance—to prevent the federal government from favoring one religion over another. The phrase, "a wall of separation between church and state," does not exist in the Constitution. It is only a metaphor taken from a Thomas Jefferson speech.

For nearly 200 years, until the Supreme Court's 1962 ruling in *Engel* v. *Vitale*, those participating in the American constitutional consensus understood the difference between establishing a federal church and saying a prayer. *Engel* undid that consensus; it banned prayers in public schools. Since then, many moves have been made to undo *Engel;* the latest is the current congressional effort to send the states—for ratification—a proposed constitutional amendment sanctioning school prayer.

Chief Justice Warren Burger's ruling yesterday in the Pawtucket creche case—echoing the Founders' language regarding the establishment clause—held that the local government's funding of a Nativity scene is not "government advocacy of a particular religious message." That ruling marks not only a happy turning away from what effectively has been, for too long, government repudiation of religion. It also marks a happy convergence with the school-prayer debate.

Perhaps, as the critics say, any prayer acceptable for public schools would be absent any religious meaning. Perhaps the public schools will be reduced to setting time aside for purely private, silent prayer—such as it may be. But the schools must not be retained as institutions where religion and prayer must not be allowed to enter.

When people stop believing in something, Chesterton said, they are likely to believe not only in nothing, but in *anything.* In this epoch, the public schools perform many of the functions formerly the province of the home and other institutions. Given that reality, are we to regard religion as being reserved only for sacred space? Are we to acquiesce in its denial as a tool in the place where most of our young spend most of their time—thereby practically guaranteeing that they will, in fact, believe either nothing or anything?

Is space used for driver education and sex education somehow inappropriate for prayer? Hardly. As Rabbi Seymour Siegel of New York's Jewish Theological Seminary of America has written: "Where else but in the places where the next generation is formed . . . should the fact that we are a nation 'under God' be concretely acknowledged?"

Indeed. And amen.

FIVE WISE MEN

Americans who believe the constitutional wall of church-state separation was never meant to obstruct free exercise of religion and observance of religious traditions are rejoicing in the 5-4 Supreme Court decision upholding Pawtucket's right to have a Nativity scene among its annual Christmas decorations. Among the rejoicers are Richmonders who have cherished the 50-year-old community pageant wherein the birth of Christ is re-enacted beneath the Carillon in Byrd Park.

This was, indeed, a decision by "five wise men"—or, more precisely, four wise men and one wise woman, Justice Sandra Day O'Connor. Also joining in the decision written by Chief Justice Warren Burger were Justices Lewis F. Powell Jr., Byron White and William Rehnquist.

The majority decision contained much common sense. The question, it seems to us, boiled down to just how persnickety the courts should be in reviewing official actions that seem to benefit or endorse religion. Noting that Pawtucket's use of a manager scene alongside such secular holiday trappings as Santa Claus and snowmen conferred only an "indirect, remote and incidental" benefit, the majority said that the display was no more "an advancement or endorsement of religion than the congressional and executive recognition of the origins of the holiday itself as 'Christ's mass,' or the exhibition of literally hundreds of religious paintings in governmentally supported museums.

"To forbid the use of this one passive symbol—the creche—at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains would be a stilted over-reaction contrary to our history and to our holdings," the majority concluded.

On the day the high court was handing down a decision that seemed to presage a more lenient judicial attitude toward state-sanctioned display of religious symbols, the Senate began debate on a constitutional amendment that, in effect, would loosen the prohibitions that Supreme Court decisions of 1962 and 1963 placed on officially sanctioned prayer in public schools. The debate began, of course, with a prayer.

Thoughtful proponents of public school prayer perhaps will recognize that more potential exists for abuse of individual rights when the state promotes active prayer in a classroom than when it blesses a "passive" display like a Nativity scene. Depending on how it's led, prayer can be a creative exercise in contemplation of a Supreme Being, or it can be an exercise in indoctrination to the particular faith of the prayer leader. But that's not to suggest that freedom for the many to pray must be denied because of the possibility of occasional abuses or the objections of a few.

The amendment proposed by President Reagan would allow "individual or group prayer," but it would prohibit any state action that forced students to participate. A different version sponsored by Sen. Orin Hatch, R-Utah, would allow students to take part in individual or group "silent prayer or meditation," and it would permit student religious groups to conduct activities in school buildings. Majority Leader Howard Baker backs an amendment that would affirm the right "of persons lawfully assembled" in schools or other public buildings to pray voluntarily. Now, a compromise is in the legislative mill that combines the key features of all three proposals.

The debate over amending the Constitution is likely to be protracted because many opponents—by no means all of them atheists or agnostics, many of them in fact devout—sincerely fear that an amendment could unleash a wave of religious intolerance. Even if an amendment secures the required two-thirds majority in both houses of Congress, it must win approval by 38 state legislatures for ratification.

We hope a way can be found to permit simple, non-threatening, voluntary prayers in public schools of this "one nation, under God" (as the Pledge of Allegiance states it). But although it's "In God We trust," it's in the Supreme Court that Americans must rely (however reluctantly) under their tripartite system of government to say what the Constitution means. That court, by the way, has never flatly outlawed all prayer in public school; it has only said that school authorities cannot provide a time for vocal prayer. But lower courts and school officials have gone much further, even to the extent of denying access to schoolrooms to students who wished to pray together before classes began.

Therefore, the outcome of the Senate debate likely will be less important than the outcome of this November's election, because whoever serves as president the next four years almost certainly will have the opportunity to appoint several new members to the high court, which could remove some of the barriers to voluntary prayer. And remember that it was President Reagan's appointee, Justice O'Connor, who added the fifth vote to the "wise men" decision in Pawtucket.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Does the minority leader seek recognition?

Mr. BYRD. Mr. President, I yield time under my control today to Mr. WEICKER.

Mr. WEICKER. I thank the distinguished Senator from West Virginia.

Mr. President, I yield to the distinguished Senator from Washington.

Mr. GORTON. I thank the Senator from Connecticut.

Mr. President, we will soon be called upon to record our votes in favor of or in opposition to the President's proposed constitutional amendment on school prayer. That proposal will apparently be defeated.

I do not doubt the need for this body to move on to the many issues pending before us, but I regret that we will not have given our full consideration to the alternative ways to address such an important question. As a result, the vote is likely to be interpreted for something it is not. It is not a vote of the "godly" versus the "ungodly." It is not a vote by those who seek to "bring God back to the classroom" against those who would "continue His banishment." It is not a vote about the exercise by students of their first amendment right of free speech in the schoolroom. It is simply a vote on whether the particular combination of words before us deals adequately with the difficult and highly charged issue of the relationship between religion and Government in appropriate language for inclusion in the Constitution of the United States. The amendment is but one of the many ways in which current constitutional doctrine might be altered. It is far from the only way; it is not the best way.

THE PRESIDENT'S PROPOSAL

I will vote against the President's proposal. My reason for doing so is not that I am satisfied that there is no room for action on our part to place religious speech on an equal footing with other forms of speech. Some change is appropriate. Unfortunately, this proposal is both too broad and too narrow.

First, as written, the amendment would allow a State, a schoolboard, or a teacher, to mandate the form of prayer which would be said in the classroom. Although the amendment prohibits a school board from composing a prayer, nothing would prohibit it from establishing the Lord's prayer or a Buddhist prayer, a Hail Mary, for example, as the official prayer. That would be a result which is simply unacceptable. It is not the proper business of Government to organize religious worship. Government simply cannot organize, mandate, and lead prayer and yet be perceived to be tolerant of all forms of belief or disbelief.

Second, the amendment is too narrow to allow the free and pluralistic presentation of religious thought and speech in classrooms and public places by students and by other individuals acting in a private capacity. Mr. President, I continue to believe that the issue before us is significantly broader than the issue of school prayer. What we should be discussing is whether there has developed in this country a chilling effect on the exercise of individual rights of a free exercise of religion and free speech in our public institutions.

The distinguished Senator from Connecticut, Mr. WEICKER, has quite correctly stated the application of the establishment clause in this debate as follows, "There is no restriction on the individual. The restriction comes on Government. The school is Government." On that point, he and I are in total agreement. Our disagreement, is over at what point the individual's exercise of his or her right to free speech or to the free exercise of religion becomes an act of "the Government." I believe that the mere accommodation by the State of such speech on the same basis that Government accommodates other speech is insufficient to turn private action into governmental action. But the line between individual action and governmental action has not heretofore been well defined for the public officials who must follow it. The result is that, in many instances, the exercise of the right of free speech or of the free exercise of religion has

been curtailed as an establishment of religion even in cases in which the private nature of the speech should be evident to all.

Mr. President, the establishment clause was not designed to insulate us from the religious views of our neighbor if he or she cared to communicate those ideas to us. It was not intended to shield us from all religious speech in a public context. Thomas Jefferson, perhaps the most oft quoted person in this debate, was correct when he said, "It does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg."

Mr. President, I listened with interest to the good Senator from Connecticut, Mr. WEICKER, several days ago when he spoke of the tolerance of competing ideas so developed in the youth of today as compared with that of our generation, when we were young. I would like to suggest to the Senator that much of that tolerance, particularly in the area of racial relations, came through the knowledge gained and fear dissipated because children of different races among our youth have been brought together in our public schools. It was the resulting communication of ideas that bred the tolerance of which he speaks. Knowledge breeds tolerance. Where we find intolerance, we need not look too far to find the ignorance from which it sprang. I, for one, am confident that if we treat a student's private ideas which touch on religion in the same manner as that student's ideas on foreign affairs, sports or the Presidential election, we will serve the ideals of knowledge and pluralism which are fundamental to a free society.

A BETTER COURSE OF ACTION

Mr. President, it was in response to the lack of governmental tolerance, indeed hostility, toward religious speech which I believe has developed in the last 20 years or so, as overly cautious State officials tried to stay on the secular side of the establishment clause, that I inserted into the RECORD early in the debate an alternative proposal. It reads as follows:

> The accommodation by the United States or by any State of the religious speech of any person not acting under color of Federal or State law, on the same basis as other lawful speech, shall not constitute an establishment of religion.

Mr. President, for me, at least, this proposal reflects what the state of the law in this area should be.

Some of my colleagues may be prepared to assert that the accommodation by a State of the private religious speech of any person, on the same basis as other lawful speech, is or ought to be an establishment of religion. I cannot accept that proposition, Mr. President. That the Founding Fathers intended religious speech be entitled to less deference from government than any other type of speech seems to me to be a proposition without historic foundation or present justification.

I suspect, Mr. President, that there are also some among us who would complain that the language I have proposed must be simply a restatement of existing law. I wish that it were, but I am convinced that it is not.

Mr. President, I would like to reiterate for the RECORD what the force and affect of my proposal would be.

The proposed amendment is written so as to clarify the application of the establishment clause to a private citizen's exercise of his or her right to free speech.

We start by recognizing that private religious speech is to be accommodated on the same basis as other lawful speech. This amendment, in so doing, would avoid the flaw of earlier proposals which could easily have been construed, and which in some cases were designed to elevate religious speech to a stature above and different from that of other lawful speech protected by the first amendment.

If religious speech is to be accommodated on the same basis as other forms of speech, it too would be subject to restrictions relating to content which is inconsistent with social peace and good; that is to say, no one should be allowed, under the guise of religious speech, to bring obscenity into the classroom. Nor should anyone be permitted to engage in an activity which, while using public property on the same basis as those whose speech is not religious in nature, might nevertheless be considered to be a danger to the public health and safety.

By including in this proposal the phrase "not acting under color of Federal or State law," the proposed amendment makes clear that no one who could be considered to represent the State, such as a teacher, could claim to be entitled to the accommodation by the State on the same basis as others.

There will be no teacher-led, voluntary or mandated prayer under this proposal; no posting of the Ten Commandments in the classroom; and issues relating to various forms of State and Federal aid to religious education would be decided on the same basis as they are decided at the present time.

Clearly permitted, pursuant to this constitutional amendment, would be the provision of a moment of silence for either prayer or any other kind of thinking activity on the part of students in public schools.

Similarly, if a school or other public institution had a policy of allowing the use of a facility by voluntary groups, no group could be precluded from using the facility merely because the speech of its members or its activity was religious in nature.

Where a public institution, such as a school, accepts donations of materials, those donations need not be refused solely because they are generated by a religious organization or are religious in nature. Thus, if a school accepts contributions to its library, it need not refuse the contribution of a Bible or other religious literature.

Christmas carols and Chanukah songs could be sung by schoolchildren without raising an issue so long as preference was not unduly given to one religion to the exclusion of others. Prayers said on a voluntary basis before football and basketball games would no longer be subject to question, and students would be permitted to discuss religion during their free periods, if they wished.

And finally, Mr. President, if a school chose to, it could allow for a period of religious speech, at some point in the school day, as long as nonreligious speech were also accommodated. I must add, Mr. President, that my own view of what constitutes religious speech is an expansive one. I would view any speech by a student during such a period that dealt with our place in the universe or any code of moral or ethical conduct as appropriate. And, of course, Mr. President, no one individual's speech could be preferred in time or opportunity over others.

This proposed amendment, Mr. President, is largely a permissive one. That is, it does not relieve State officials of the necessity of complying with the laws of the State or with the State constitutions as long as those laws and constitutions do not inhibit the constitutional guarantees for the free exercise of religion.

In my own State of Washington, for example, the State constitution is much more rigid in prohibiting religious exercise, observances, or the like, in public schools, or in prohibiting the use of any tax moneys that can help religious organizations directly or indirectly, than is the first amendment to the Constitution of the United States.

As a general proposition, nothing in this amendment—and I suspect nothing in any of the other amendments which have been discussed on the floor of the Senate—would undermine those State constitutional provisions. Each State, therefore, would be allowed to implement this amendment to the maximum extent permitted by the first amendment to the Constitution of the United States, but would not be required to do so unless, and this is an important "unless," unless or except to the extent that this change in scope or expanse of the establishment clause might be interpreted by courts of the United States in the future to expand the nature of the constitutional protections under the first amendment granted to the people

of the United States by the free exercise clause itself.

Mr. President, I am convinced that this truly will provide for neutrality on the part of the States between those who are religious and those who are not and among various religious ideas, that it is pluralistic, that it is in the finest American tradition, that it will speak to the deeply felt needs of literally tens of millions of citizens throughout this country; that it will in no way tend to the establishment of religion or to the detriment of minorities, each of whom will have exactly the same rights as the majority group in any community in the United States.

As I stated at the outset, Mr. President, we will soon be asked to cast a vote which we know will be misunderstood by those who believe that a no vote means that we do not appreciate the issue or that we are not committed to addressing it. That is simply not the case.

We have all learned from this debate, Mr. President, and I do not believe that there is one among us who has not come to appreciate more than ever, in the course of this debate, what a remarkable document the U.S. Constitution is.

Mr. WEICKER. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. HEINZ. Mr. President, we have now completed 2 weeks of this Chamber's debate on school prayer. These past 14 days have been well spent; this is an important concern, and the many issues involved well warrant the large expenditure of the time of this Chamber. This debate has been significant, and so have the many expressions of interest in the letters and phone calls which I have received from my constituents, on both sides of the issue. These have been equally useful and valuable.

But with so much time spent and so many issues and subissues raised during our deliberations, I think we need to step back from it all and return to the heart of the matter, to those few issues which will ultimately resolve this debate.

I submit, Mr. President, that there are two questions—only two—whose answers hold the key to this debate. My own personal answers to those questions, informed by the views of thousands of my constituents, dictate both my support of the school prayer amendment voted on last week and my position on the amendment before us today.

Before posing the two questions, I would like to point out what is not at issue in this debate, despite the assertions of many to the contrary. Whether or not prayer has a place in public schools is not at issue. I am certain that every Senator in this body agrees that prayer has a place. The question is how to structure that place or time so that the rights of individuals in our pluralistic society are respected.

Now for the two questions. First, should student-sponsored groups seeking to meet for prayer or religious study be given the same equal access to public school facilities as nonreligious groups? Although the Supreme Court answered yes to this question in Vidmar against Vincent (1981), it did so only for colleges and universities. For elementary and secondary schools, however, State and lower Federal courts are in total disarray and disagreement. Should student-sponsored groups be allowed to conduct these purely voluntary meetings in elementary or secondary schools? I think the answer must be a clear, resounding yes for schools of all levels.

Some of my colleagues would prefer a statutory approach, hoping that lower courts would take the hint or that eventually the Supreme Court might get around to the question. I favor the constitutional amendment approach, because we cannot afford either uncertainty or delay.

It is a tremendous affront to human sensibility that a school group of "Young Communists" would be constitutionally guaranteed access, while access for a student religious study group is not. Indeed, the provision of a constitutional guarantee of equal access is one of two reasons I voted against the motion to table the amendment offered by Senator DIXON. And I must point out that a serious deficiency of the amendment before us today is that it does not address the issue of equal access. This fact is probably not well understood by many of my constituents urging my support of Senate Joint Resolution 73.

I expect that it would come as a shock and a surprise to most of those favoring Senate Joint Resolution 73 to discover at some later date that, having worked hard to secure favorable congressional action and at length to secure the ratification of the necessary 38 States, that organized Bible reading was not only still prohibited in class, but that it would remain banned after school hours as well, even if all the parents, teachers, children, and school board members desired it unanimously.

Now let us turn to the second essential question: How can a school prayer amendment be formulated so that it does not violate the rights of individual students, no matter what their beliefs?

I voted in favor of the Dixon amendment providing for a moment of silence because it does not interfere with an individual's free choice in religious matters; it does not require either a specific type of prayer or a specific person to lead that prayer. Perhaps the reason that I have received, up until this year, so few letters on school prayer—less than one-half of 1 percent of my mail—over a period of 7 years while serving 11½ million Pennsylvanians, is because the moment of silence that is and has been practiced in the Commonwealth of Pennsylvania has been satisfactory and accommodating to the diverse beliefs—religious and secular—of the vast majority of public school students and their families.

Some of my colleagues have argued that, because a moment of silence has not been declared unconstitutional by the Supreme Court, a constitutional amendment is not appropriate at this time. I prefer to take a positive rather than a negative approach. With the State and lower Federal courts also in total disarray on this issue, as evidenced by a New Jersey Federal district court's recent invalidation of a moment of silence in the case of May against Cooperman (1983), I would like this Congress to state affirmatively what is permissible, rather than to rely on the vagaries of courts' schedules and jurisdiction to decide the matter. This is the second reason for my support of the Dixon amendment which would have guaranteed the right of silent prayer.

Senate Joint Resolution 73, of course, deals with the issue of vocal, group prayer. Regarding this amendment upon which we will soon vote, one of the key issues is whether there exists a formulation providing for vocal group prayer in public schools which respects the time-honored principles of freedom of worship and separation of church and State. This is clearly so significant an issue that a vast number of religious groups, including the American Baptist Churches in the U.S.A., American Jewish Committee, American Jewish Congress, Anti-Defamation League, Association of Evangelical Lutheran Churches, Baptist Joint Committee on Public Affairs, B'nai B'rith Women, Church of the Brethren, Episcopal Church, Friends Committee on National Legislation, Lutheran Church in America, Lutheran Council in the USA, National Council of Churches of Christ, National Council of Jewish Women, Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Seventh-day Adventists, Union of American Hebrew Congregations, Unitarian Universalist Association of Churches in Northern America, United Church of Christ, and United Methodist Church, have urged the defeat of Senate Joint Resolution 73.

What we have gone through these past 2 weeks is proof of the difficulty, if not impossibility, of permitting group, vocal prayer without transgressing our strong tradition of reli-

gious tolerance and freedom. We have examined innumerable drafts, sometimes at the rate of one per day. Indeed we have already adopted an amendment to Senate Joint Resolution 73. The Senate agreed unanimously to that amendment because each of us agrees with the purpose of that amendment, which states that "neither the United States nor any State shall compose the words of any prayer to be said in public schools." However, the perplexing result of this modification is that prayer must now be initiated and led not by school teachers or administrators, but by young people instead. That is right, the result is that we would now be compelling individual children, from some as young as age 5 and up, to lead their class in prayer, a prayer possibly suggested by another child's parent or one made up by someone else's child.

Mr. President, there is one additional consideration in answering the question I posed a minute ago, and that is how vocal, group prayer will affect those who do not wish to pray or who find some other child's prayer improper or at variance with their beliefs. It seems difficult to dispute the argument that the kind of vocal group prayer sanctioned by the now reworded amendment before us leaves open the strong possibility of stigmatizing school children because of their religious beliefs. Rather than posing the usual hypotheticals about the Catholic child in the predominantly Morman public school or the fundamentalist Christian child in a Jewish neighborhood, I would like simply to read a very short but moving letter from a constituent. The letter is, I think, the most eloquent and vivid example of how group vocal prayer in a school for young children can have a devastating capacity to ostracize in certain circumstances. The following letter was sent to President Reagan at the White House less than 2 weeks ago:

DEAR PRESIDENT REAGAN: I am Justin Ross. I am 8 years old and I live in Pittsburgh. I am Jewish. We lived in Canada because my Dad had a job there but we are American. I went to school in Canada. In my school we had to say a prayer. Some of the Children stood in the hall instead of saying the prayer. Everybody thought they were bad. One boy told me that I was going to Hell. Please don't make people hate me because I am Jewish. I do not hate you because you are not Jewish. It made me feel terrible to say the prayer.

JUSTIN ROSS.

Mr. President, I think the authors and supporters of this amendment have the best of intentions. However we are admonished to weigh not intentions but results, and I foresee adverse consequences and results. Accordingly, to protect Justin Ross, all Pennsylvanians, and all American children from such unintended yet nonetheless adverse results, to defend our children's rightful heritage of freedom, including the freedom of worship by each American in his or her own way, and to avoid imposing on young school-children the difficult if not impossible responsibility of composing and leading other parents' children in prayer that neither offends nor is inconsistent with another's beliefs, I am forced, Mr. President, to oppose this amendment.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. WEICKER addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, for 2 weeks the Senate has been discussing prayer in public schools, and for 2 weeks my office here in Washington and my offices in Maine have been inundated with phone calls and letters from hundreds of my constituents expressing their position on this issue.

Many deeply religious men and women have urged me to support the proposed constitutional amendment and many others with equally strong religious beliefs have asked me to oppose Senate Joint Resolution 73 and any other amendment to the Constitution which would permit Government-sponsored prayer in our public schools.

As Senator DANFORTH in his very thoughtful and eloquent statement has already pointed out, this is not a debate between the godly verus the ungodly. It is not a debate between those who believe in and value prayer versus those who do not, nor is it between those who believe children should receive religious instruction and be encouraged to pray versus those who do not. Indeed, people who are diametrically opposed on this issue hold their views for different but equally strong religious reasons.

Two weeks ago, Members of the Senate received a letter expressing vigorous opposition to proposed constitutional amendments and urging that the pending school prayer amendments should be rejected by Congress as an unnecessary intrusion into the delicate balance which must be maintained between church and state in America. The letter was signed by representatives of the following organizations: American Baptist Churches in the U.S.A., American Jewish Committee, American Jewish Congress, Anti-Defamation League, Baptist Joint Committee on Public Affairs, Association of Evangelical Lutheran Churches, B'nai B'rith Women, Church of the Brethren, the Episcopal Church, Lutheran Churches of America, National Council of Churches of Christ in the U.S.A., Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Inc., Friends Committee on National Legislation, Lutheran Council in the U.S.A., National Council of Jewish Women, General Conference of Seventh-day Adventists, Union of Hebrew Congregations, United Church of Christ, United Methodist Church, and Unitarian Universalist Association of Churches in North America.

The current debate is not about whether we should or should not allow prayer in public schools. Purely private prayer is and has always been permitted. No court has tried to take away that right, and no new constitutional amendment is needed to protect that right. The crux of the debate which the Senate and the country have been engaged in, for not just the past 2 weeks but for many years, involves the question of whether public school officials should be allowed to become directly involved in sponsoring, structuring, and overseeing religious exercises in the public school classroom.

Religious belief and practice inherently involve the most personal and private choices of every individual. I do not believe that Government involvement in these matters, either in prohibition or furthermore of religious exercise, is appropriate. It is for this reason, in part, that I intend to vote against Senate Joint Resolution 73.

I know that many of my constituents will be deeply disappointed and some will be angered by my position. It is to these individuals that this statement is primarily directed, for I understand and respect the depth of their feelings on this matter, and it is my hope that they will be able to understand and respect mine.

There is, I believe, a considerable amount of misunderstanding and misinformation surrounding the Supreme Court's decisions involving school prayer. No Supreme Court decision, nor any lower court decision, has ruled against the right of an individual to pray in public schools. The Court has held that prayer composed by Government officials and as part of a Government-sponsored program to further religious beliefs is in violation of the establishment clause of the first amendment.

No court has attempted, nor would it be able, to take prayer and religion out of the public schools. The courts have simply mandated that the Government shall not be in the business of sponsoring and conducting religious exercises for schoolchildren. In other words, the Government cannot constitutionally direct or sponsor the time, content, or manner of student prayer.

However, any student can now engage in voluntary prayer, silent or vocal, so long as that prayer is not coercive to others and does not disrupt educational activities. Purely private,

voluntary prayer is and has always been permitted.

The nurturing of religious beliefs and practices in a child is the right and responsibility of parents and the place of worship that parents choose to have their child attend. I have heard from many parents who vehemently object to relinquishing any portion of their control over their child's religious training to public school officials or teachers who, under the proposed constitutional amendment, would be permitted to initiate and conduct religious exercises in the classroom. Today, parents know that their children's teachers do not have the authority to ask pupils to engage in prayer or other types of religious exercises. Under the proposed amendment, parents would no longer be secure in the knowledge that their children would not be asked to participate in religious exercises that might be objectionable or contrary to the children's and the parents' faith.

Some proponents of the amendment question why anyone would object to a simple prayer and argue that the amendment would prohibit Government officials from composing an official prayer to be recited in the public schools. The amendment's prohibition on Government-composed prayer does not lessen the Government's involvement in sponsoring and conducting prayer, nor does it prohibit a teacher, a school board, or other government body from choosing a prayer written by individuals outside the Government to be used in a particular classroom, or school, or school district.

Prayer, by its nature, is tied to the beliefs of each denomination, and the content and manner of prayer is a fundamental part and reflection of an individual's faith. Given the diversity of religious belief in this country, no single prayer could be devised that would be acceptable to all religious groups. In addition, religious practices differ widely and not all religions believe in group prayer or in public expressions of religion. How then do we devise a prayer, in both content and form, that would truly reflect everyone's beliefs and that would not be offensive to any individual faith? I believe such a task is impossible.

Even if some form of nondenominational, general purpose prayer could be devised that was not offensive for what it specifically said, it would be highly objectionable to many deeply religious people for what it did not include. The omission of certain words, phrases, or language reflecting the fundamental tenets of an individual's faith would trivialize prayer.

Supporters of the proposed amendment respond to many of the concerns which have been raised regarding Government-sponsored prayer with the argument that participation in such prayer would under the proposed amendment, be strictly voluntary. Some also cite what they believe to be an inconsistency in allowing the House and Senate to begin their sessions each day with a prayer and not allowing the same right to our public school children.

The important distinguishing factor is that, unlike children in the public schools, individuals serving in Congress are here voluntarily, and we have the option of not being present on the floor when the morning prayer is offered. Members of Congress are also, in theory, mature adults who feel no overwhelming pressure to conform to what may be the standards of the majority of their colleagues.

Perhaps as adults, with childhood far behind us, many of us have forgotten what it is like to be children who typically have a tremendous need to be liked and accepted by their peers. Given the power of peer pressure among children, there is no way to assure that participation in organized group prayer could ever be truly voluntary. I do not believe that children, particularly very young children, should be placed in the difficult and awkward position of having to choose between adhering to their religious beliefs or compromising those beliefs in order to conform to a practice that may be acceptable to a majority of their classmates.

As I said before, many thoughtful and deeply religious people have come to opposite conclusions on the merits of the pending amendment. Many individuals strenuously argue that passage of the amendment is necessary to protect religious freedom, while others just as firmly believe that adoption of the amendment would do irreparable damage to religious liberty by involving the Government in promoting religious exercise, perhaps to the extent of favoring one religion over another.

During the years I have served in Congress, I believe this is one of the issues that has evoked the strongest emotions and has most deeply divided the citizens of this country. Yet, because of this Nation's commitment to the principles of religious freedom and tolerance, we have in large part avoided the violence and strife that has accompanied religious diversity in many countries around the world.

We must not forget, however, that while we have made important strides in fighting against religious discrimination in recent decades, our Nation's history is replete with examples of religious intolerance. An example from my own State is cited in the Judiciary Committee's report on Senate Joint Resolution 73:

> In 1854, when a Jesuit priest in Maine advised his parishioners to defy a school committee regulation requiring all children to read from the King James Bible, a mob broke into his house, dragged him out, tore off his clothing, tarred and feathered him, and after two hours of cruel treatment, finally released him.

In a letter I received a few days ago, one of my constituents who is now a minister wrote that he remembered when his father ran for the school board in the 1920's and the question was raised as to what his father would do about a particular teacher if he were elected. My constituent wrote:

> That the teacher was a Roman Catholic, and the fear was expressed that she might read from the Catholic version of the Bible in her morning devotions rather than from the King James which was supposed to be used and so undermine the faith of all the Protestant youngsters in her charge.

My constituent's father responded that he believed her to be a fine teacher, two of his children having been in her class. My constituent concluded his letter by saying that his father "was overwhelmingly defeated. The religion of a teacher is not irrelevant when she or he is charged with supervising any kind of devotions. When religion gets mixed up in public education, the system as well as minorities of the student body suffer."

Senate Joint Resolution 73 would reverse the Supreme Court's decisions requiring Government neutrality toward religious exercises in the public schools. It would leave the decision on how, when, and where to conduct prayer and the selection of the content of permissible prayer to each public institution. These questions would be the subject of heated debate in every school district, town, and city across the country. Attempts to resolve these questions would, I fear, inevitably generate social and religious conflict—conflicts which we have for many years avoided because of the prohibition of government sponsorship of religion.

Regardless of the outcome of the Senate's vote on Senate Joint Resolution 73, a large segment of the American population will be upset. Some religious people, acting on deeply felt beliefs, favor a constitutional amendment to allow Government sanctioned group prayer in public schools. Other Americans, equally devout and equally concerned about religious freedom, oppose amending the Constitution.

There is, regrettably, no way to resolve this conflict to the satisfaction of both sides of this issue. However, the adoption of the proposed amendment would, I believe, result in even greater conflict. In my view, the widest approach is to retain the Constitution as it is, to continue to protect the right of every individual to engage in personal prayer, and to avoid the entanglement of Government in religious affairs by maintaining the prohibition of government sanctioned school prayer.

I respect the religious commitment of those individuals who endorse this

legislation, and I know that there is probably nothing that I can say to sway the views of those who strongly disagree with me. I only ask that they try to understand why I and thousands of deeply religious Americans believe that this amendment is unnecessary and unwise, and that they respect the fact that we do so not in any attempt to restrict religious freedom but rather because of a strong conviction that in opposing this amendment we are protecting the religious liberty of all Americans.

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished Senator from Mississippi.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Senator for yielding time.

Mr. President, I asked for time to make these very brief remarks. I was so shocked and concerned when this decision of the Court came out in 1962 that I happened to be the first one, 2 or 3 days later, to introduce a proposed amendment to the Constitution of the United States which would invalidate that decision.

With great deference to that court, I cannot see how they took the language in the Constitution on the general subject and brought that around to mean that mere prayer in a public school was passing a law, establishing a law, that tended to establish a religion. I never have been able to see where they had grounds for that conclusion, but they had it, in their view, and that is the controlling law today, and I would not want to try to change it, except by lawful means.

The first amendment to the Constitution provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The proposed amendment does not require anyone to do anything to which they object. It is merely carrying out the expression here that says it is lawful to do these things that pertain to a prayer or whatever the people think is a proper prayer of the group involved at that time.

Recent decisions by the Supreme Court indicate that the Court may be moving away from its 1962 decision on school prayer.

Earlier this month, the Supreme Court upheld the Christmas display of a nativity scene erected by the city of Pawtucket, R.I. According to the Court, the Constitution does not require an absolute and complete separation of church and state but rather the Constitution mandates accommodation of all religion and forbids state hostility toward any religion. The Court noted the role of religion in American life.

The Court took a very practical middle-ground approach and noted that its interpretation of the first amendment comports with the general understanding of the framers' intent. It thought it important that neither the draftsmen of the Constitution, who were Members of the first Congress, nor the first Congress itself, saw any constitutional problem in employing chaplains who offer daily prayers in the Congress. I have not heard any complaint in these 20 years about the Chaplain.

Rather than mechanically invalidating all governmental conduct that results in recognition of religion, the Court stressed that the real question is whether that conduct has the effect of formally establishing religion.

This general philosophy appears to be a modification of the more absolutist approach that the Court took back in 1962. The proposed constitutional amendment on school prayer merely expresses directly the general view that the Court now seems to be inclined to adopt.

Mr. President, I think the Court, itself, has already started us on a very definite trend, a road, that appears to be a modification of this more absolutist approach that the Court took 20 years ago, in 1962.

This amendment on school prayer merely expresses directly the general view that the Court now seems to be inclined to adopt and insures that the Government is not hostile to religion but is willing to accommodate all varieties of religion. I base my primary conclusion on that ground.

I thank the Senator very much for yielding to me.

Mr. HATCH. Mr. President, I yield to the Senator from Delaware.

Mr. ROTH. Mr. President, I rise to state, in as strong language as I can muster, my deep support for a constitutional amendment on school prayer.

Ever since I came to Congress, I have fought for a school prayer amendment to overturn one of the worst decisions of the Supreme Court in our Nation's history. I do not think it is coincidental that the decline in the moral climate in this Nation and the breakdown of the family unit has come at a time when God was banned from our country's schools.

I do not expect that the passage of this legislation, and its hopeful ratification by the States, will in one fell swoop reverse the trends that we see in modern day America. But I do know one thing. Allowing the voluntary expression of religious thought by these students cannot hurt.

In my view, voluntary public prayer is an affirmation of individual rights under the free exercise of religion clause of our Constitution. Our Nation guarantees freedom of religion not freedom from religion. Unfortunately, the Supreme Court has not seen it that way. Thus, the need for action by the Congress.

During the debate on this issue, a number of proposals for amendments have been floated by various Senators. Let me say, for the record, that my preference in language is the measure proposed by the President, which would have allowed vocal prayer by groups or individuals on a voluntary basis in public schools. There are other versions which I could support as well.

But it is regrettable to me that the Senate's attention throughout the last 2 weeks has been more on the procedures surrounding this issue than on the issue itself. Something is wrong in our country when a child cannot utter a prayer to God before beginning the school day. Education is more than just algebra, and English, and physical education. It is the making of character and the molding of an individual. Without voluntary school prayer, that molding process is incomplete. Spiritual guidance provides the framework for the building of that complete person.

The Senate should act now to remove the roadblocks to a return of prayer in public schools.

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Montana.

Mr. MELCHER. Mr. President, my great respect for both prayer and the Constitution has not been shaken by more than 20 years of court decisions that have ruled what forms of prayer cannot be allowed in public schools.

None of us can argue that the Constitution prohibits an individual citizen's right to pray in school. The argument against school prayer brought before the courts, and on which they have ruled, is that the form of collective prayer unites church and state.

No schoolchild can be told what, when, or how to pray. That is form, and historically religions and nations have split both hairs and heads in arguing religious forms.

The Constitution prevents establishing any religion by Government and prevents establishing preference for a religious form.

It does not follow that, therefore, the Constitution prohibits children from any and all right to prayer in school. Their individual right for freedom of thought and speech is protected by the Constitution.

Because the Federal courts have consistently ruled on what could not be done in schools, such as involuntary or prescribed prayer, we have under consideration in the Senate a resolution stating what we believe the Constitution does permit.

That should not be necessary, but even a moment of silent meditation is found by the Federal judiciary to be unconstitutional.

The broad body of court decisions on school prayer, taken as a whole, dis-

courage any method or manner of prayer in school. If the Constitution can be so construed as to be an absolute prohibition, that would deny individual right of citizens so clearly preserved and protected by our most basic document of individual freedoms.

I mean no disrespect nor insensitivity to any child, parent, or teacher when I state the following:

I believe the Constitution permits voluntary prayer as an inherent right not to be denied to any individual, and that neither the substance nor form can be prescribed, nor can participation be mandated.

This resolution, Senate Joint Resolution 73, states these principles, and I believe they are already part and parcel of the Constitution. Although adhering to those principles without excesses or infringing on personal religious, agnostic, or atheistic beliefs may be difficult in school practice, I do not believe the Constitution can or should prohibit voluntary prayer in which participation is not required and which is not prescribed by government, school, or teacher. Such prayer may not be fervent, but the Constitution does not prohibit it.

I shall not belabor the need for sensitive and sensible use of a privilege and right that I believe our Constitution guarantees.

I humbly respect the opinion of those who hold differing views, but for my part I support the resolution and will vote for it.

The VICE PRESIDENT. Who yields time?

Mr. WEICKER. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 17 minutes remaining.

Mr. WEICKER. I yield myself 10 minutes.

Mr. President, just as Robert Jackson, in dissent in church-state cases, said:

> My evangelistic brethren confuse an objection to compulsion with an objection to religion. It is possible to hold a faith with enough confidence to believe that what should be rendered to God does not need to be decided and collected by Caesar.

Today we come to the end of this debate. The constitutional amendment before us will be put to a vote, and the Senate, I expect, will move on to other matters. Lest we lose our perspective, we need to remember that these past 2 weeks comprise but a short chapter in the historic struggle over how, when, and where man should worship his God.

Thousands of years ago, the debate centered on whether the object of devotion should be the Sun or Moon, animals or ancestors. Religion has evolved considerably over that time, as has politics. The intervening centuries have shown us that no greater mischief can be created than to combine the power of religion with the power of government. Theocracy, the union of the two, has given rise to tyrants and inquisitions.

It was what drove many of our ancestors to these shores. Theocracy is what compelled men like Madison and Jefferson to make religious liberty the very first item of business in our Bill of Rights.

If I had to pick one sentence from the vast wisdom bestowed on us by James Madison it would be as follows: "True religion does not need the support of law." And from his colleague Thomas Jefferson, the other coauthor of the amendment: "It is error alone which needs the support of Government. Truth can stand by itself."

The first amendment of the Constitution of the United States is our birthright as Americans, as are the other promises enshrined in that document. Yet succeeding generations have always appeared anxious to give up that inheritance for some momentary exercise in philosophical gratification.

I am reminded of the story in the Old Testament Book of Genesis, relating to the brothers Jacob and Esau, as follows: One day, Esau comes in famished from the hunt and asks Jacob for some of the pottage of lentils he is eating. Jacob says to him, "First sell me your birthright." And Esau's reply is, "I am about to die; of what use is a birthright to me?" So, for the sake of a simple meal, Esau sells his birthright to his brother.

Now, that surely has to be one of the greatest examples of shortsightedness in the history of the world—a bowl of lentils for a birthright. However, I fear that the proponents of this amendment would have us do the same—forfeit our birthright of religious liberty for a mess of speculative, political pottage.

But, believe me, unlike the bill of rights, this is not something that is going to stick to your ribs. It is not something that will make us strong and keep us that way. It is a measure that would do as much harm to the cause of true religion as to our democratic government.

I ask my friends on the opposite side of this issue: If their goal is moving the American people closer to God, why make Government the go-between? Recall with me the Old Testament story of the Tower of Babel. There you had civil leaders commissioning a public works project to bring people closer to God. The result? It was a colossal failure.

So neither should we expect to bring our children closer to God by making prayer a formula blared over the public address system of their schools. God is not to be found only in the principal's office or at the front of the classroom with the teacher. He is, according to the dictates of my faith, everywhere, but especially in the heart of each and every man, woman, and child who asks him in.

Indeed I know of no faith which does not place its manifestation in terms of what it is its followers do on the face of this Earth. I ask you, is there not enough to keep an active, in my case, Christian busy in this Nation, in this world at this time? Have we not all seen enough pictures of starving people or those that do not have a roof over their head or those who are jobless or those who are ill and hurting and have no relief from those hurts to do something for them in secular terms? That is the job of this body. It is the job of all of us as Americans. Our job is not just to sit here with hands clasped, but rather by virtue of the freedoms that are given to us as Americans, our job is to manifest daily that which we profess to believe in.

And the issue before us today is precisely this: Is prayer to remain a personal act of devotion, a one-on-one relationship between an individual or his or her God, or is it to be an official function of the State? And putting school in front of the word "prayer" does not make it any less Government prayer. Indeed, the two are interchangeable. School is an arm of Government, as much as the Internal Revenue Service or the Treasury Department or the Justice Department or the Senate of the United States. We are arms of the Government. And yet, I dare say not one American would vote in favor of Government prayer. But that is the very issue we will vote on today in the U.S. Senate.

There is an old Spanish proverb which says "An ounce of mother is worth a pound of clergy." And I would add that both are worth a ton of politicians where prayer is concerned.

These days we talk a lot about strengthening families. But we will not do that by imposing some doctrine from without, particularly if that doctrine is alien to the families' own beliefs and traditions.

I hear much about traditional values. I do not want the tradition of the hurt that has been caused by religion, not just in terms of losing one's life—we seem to understand that—but the hurt of prejudice that was imposed upon my classmates in my generation—my classmates. That is a tradition we do well without. Today our children, the children of Members of this body, those in the gallery, those on the streets, are much more removed from religious prejudice than any of us were. That is the genius of the United States of America, as indeed our children are much more removed from the prejudice of race than we were.

The VICE PRESIDENT. The Senator's 10 minutes have expired.

Mr. WEICKER. I yield myself 3 more minutes.

The VICE PRESIDENT. The Senator is recognized.

Mr. WEICKER. No, I want their values, the values of today, as we indeed strive for the ideals set forth in that Constitution, and where one day in this Nation we truly will be without prejudice in any form and where truly all men are equal—not just the promise of it, but the actuality of it.

My tradition teaches that, as J. B. Phillips puts it in his translation of the New Testament, "The new life is not a matter of outward show."

Mr. President, 2,000 years ago, there was no such religion as Christianity. It did not exist. We are only a speck of time insofar as this Nation is concerned. But if we hold true to our principles, then even if it is only one person espousing a particular faith, then there will be no cross for that person to bear in the United States of America. Rather he or she will come here, as this country remains a beacon to the rest of the world, and have the opportunity to say to the rest of the world what it is that lies in that individual's heart and mind.

What signal do we on the floor of the U.S. Senate send if we move backward, if all of a sudden we become a symbol of a little less tolerance, a little less freedom? The issue really is not prayer in schools for our children. They have that right today. No court case, no law, nor Supreme Court ruling prevents any individual child or any adult in this Nation from praying wherever or whenever they wish. So freedom to pray is not really the issue.

However, I think the issue is that we, our generation, those that are going to vote this afternoon are trying to absolve our shortcomings by imposing our ideals on a young and a pure generation and one that, like us, will make the American ideal come closer to reality.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WEICKER. I yield myself 1 more minute.

The VICE PRESIDENT. The Senator is recognized.

Mr. WEICKER. One last comment. I have heard this is going to be a political issue. Let us not have it that way. I want to commend my friend, Senator ORRIN HATCH, and all those who are on the other side of the issue. The debate has been conducted in the highest tradition of this body, as it should have been. It is not a political issue. Article VI of the U.S. Constitution, which has not been mentioned, says very specifically that religion shall not be a test for the holding of public office. And it did not mean that as far as an oath was concerned. It means in terms of spirit.

Justice Story said:

> This clause is not introduced merely for the purpose of satisfying the scruples of many respectable persons, who feel an invincible repugnance to any religious test or affirmation. It has a higher object—to cut off forever pretense of any alliance between church and state in the National Government.

That was written in 1830.

The VICE PRESIDENT. The Senator is recognized for an additional minute.

Mr. WEICKER. So, for those that would bring it into politics, they demean our political system, our Constitution, and our ideals. Let us judge ourselves on many issues, but even as among ourselves and as a member of a political system, let us respect each other for our faiths and not engage in any verbal religious civil war, because like the measure that is being called for here today, to put it in Madison's words, that would be, "The first step on a career of intolerance."

I yield the floor. Nine minutes are remaining.

FAILURE OF FAITH: CROSSES IN POLAND, PRAYER IN AMERICA

Mr. HELMS. Mr. President, during approximately the same time the Senate has been debating restoration of group prayer to American classrooms, a controversy is raging in Poland over the removal of crosses from classrooms there. It takes no unusual insight, Mr. President, to see the parallels between the banning of school prayer by our Supreme Court two decades ago and the recent action by Communist authorities in Poland. In both instances, the same secular mentality is at work.

In the United States prior to the early 1960's, the individual States enjoyed complete freedom over whether to have prayer in schools. Many, if not most, allowed it, and school prayer took root as a basic American tradition. It came, not from government directive, but from people with the freedom to control their schools.

A similar tradition has been practices in Poland for decades in the placing of crosses in classrooms. Like our custom of voluntary school prayer, the presence of crosses in Polish classrooms is an important symbol of religious commitment. It, too, comes directly from the admirable peity of the people, not from any government order.

But now, Mr. President, these venerable traditions of religious expression in both Poland and America have come under the heavy heel of civil powers who are so lacking in moral vision that they see no place in public life for religion. It is no mere coincidence that the arguments used in both countries are the same. The Polish leader, Gen. Wojciech Jaruzelski, referred on March 16 to "misunderstandings and frictions, expecially in the context of the principle of separation of church from state, which is constitutionally sanctioned in all the modern states in the world."—New York Times, page A3, March 17, 1984. We here in the Senate have heard incessantly about an alleged "wall of separation" between church and state embodied in the first amendment and applicable to the States. There is something eerie, Mr. President, about this echo we are hearing around the world, in the Communist bloc and in the West, that religion in public places supposedly violates some immutable principle of separation of church and state.

Why, Mr. President, do Supreme Court justices and Communist tyrants alike become completely intolerant of certain customary religious practices? What is it that strikes such fear in their hearts that they must stamp out particular public recognitions of God? How can contemporary American jurists, who constantly assert that their rulings are based on a strict rationality, and ruling Communist authorities, who claim superior knowledge by virtue of a rigorous rationality, give us such utterly irrational governance?

The answers to these questions, Mr. President, are not easy to discover, involving as they do age-old and recurrent human mysteries. But this Senator suggests that some answers at least can be found in a failure of faith on the part of the respective ruling elites.

What I mean by this, Mr. President, is that many modern would-be Caesars, on both sides of the Iron curtain, do not leave room in their view of the world for God. They try to comprehend all of human experience within their own rational powers and then govern accordingly. They fail to believe not just in the God Christians know but also in the possibility of a superintending divine providence or uncaused cause whose action has significance for human beings. They experience a failure of the most elementary faith—a faith common even to pagans of all ages.

Because of this failure of faith by modern rulers, public recognition of God becomes a mortal threat to their world view which cannot be tolerated. Such recognition is thus either banned altogether or confined to exclusively private realms. The ironic result of all this is that these new rational men govern their fellows in a way more irrational and more lacking in commonsense than anything ever conceived of by the least educated believer. Cut off from the ultimate source of all reason by an unshakable faith in human reason, these modern rationalist rulers have rendered themselves incapable of administering elementary justice.

Mr. President, in Poland, Rev. Stanislaw Binko said several days ago, "There is no Poland without a cross."—New York Times, page A1, March 9, 1984. In the United States I submit that there is no America with-

out the freedom of our children to pray.

Mr. MITCHELL. Mr. President, the Senate must now choose between two sharply different views of the first amendment to the Constitution.

We can vote for the President's prayer amendment. Or we can leave the Constitution alone.

I support voluntary prayer. I oppose mandatory prayer dictated and controlled by the Government. Therefore, I will vote against the President's prayer amendment.

For two centuries, this Nation has avoided religious strife between groups seeking to use the machinery of Government to advance their particular points of view.

In the Thirteen Colonies, sectarian strife was widespread, as each of them sought to establish an official religious practice and to impose disabilities on nonconformists. Only the colony of Rhode Island, which was established by a man expelled for religious nonconformity from Massachusetts, permitted the practice and tolerance of all religious beliefs. Rhode Island achieved that freedom of conscience and religious practice by separating Government and religion.

The creators of our Constitution, having seen widespread sectarian strife first hand, incorporated that same separation and protection into our Constitution, where it has remained for 200 years.

The Supreme Court's 1962 decision on prayer has been greatly distorted. It is important to understand exactly what the Court did, as well as what it did not do.

The Court said that the Board of Regents of New York State could not require children in public, tax-supported schools to recite a prayer written and approved by that board. The Court said that it is no business of any Government body to decide what the purpose of anyone's prayer should be, or on whose behalf they should pray, or how.

So what the Court banned was the required recitation by students of a government-composed prayer. That decision did not ban religion or expell God from the schools, as the President is so fond of putting it. The decision, rather, was aimed at protecting the rights of all students to be free in their consciences as what prayers they say and for what purposes. The Court decision states:

> It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.

The opponents of the Court's ruling say that it prevents students from praying. But it does not. It merely prevents teachers from requiring that students recite certain prescribed prayers. It prevents mandatory prayer.

Although the President claims that his proposal provides for voluntary prayer, it does not. The President's proposal contains nothing to guarantee that prayer will be voluntary. It says that the Constitution cannot be read to prohibit individual or group prayer in public schools or other public institutions, and that the Government may not require anyone to participate in prayer. The Senate added a provision to prevent the Government at any level from actually composing a prayer.

What does this amendment mean? First, it is not limited to voluntary prayer. The word voluntary does not appear in the amendment. Its supporters have explained why. They say that if the amendment contained the word voluntary, it could be understood to mean only prayer initiated by students voluntarily, which is not enough for them. So the amendment's supporters want to give Government officials the right to demand prayer. That fact is spelled out in the President's own message, which says of voluntary, student-initiated prayer:

> The amendment is intended to include more than this. Public authorities should have the right to conduct public prayers.

The President says that 80 percent of Americans want prayer and that his amendment meets that need.

But 80 percent of Americans want voluntary prayer. They do not support Government-imposed prayer any more than they support Government-written prayer.

The supporters of this amendment claim that their language provides for a local option. But it does not. It eliminates the entire essence of voluntarism by permitting government authorities at the State level to require prayers in the public schools, whether local districts want it or not.

That is not a minor consideration. The Maine State Board of Education last week, in a unanimous statement, spelled out its opposition to the President's proposal:

> The Maine State Board of Education believes in the separation of church and state as a vital principle of our democracy and opposes any Federal Constitutional Amendment to impose prayer in schools. The Board is concerned about the broad implications of this amendment, and believes it is not a Federal function and further believes that the principle of local control option in Maine which allows for a moment of silence is sound and reasonable.

I repeat that I support voluntary prayer. Nothing now prohibits voluntary prayer in our schools or in any other public building. What is prohibited is the establishment of mandatory, forced, required religious exercise.

In the State of Maine, a period of silence may now be observed in public classrooms. Several school districts follow this practice; others have chosen not to do so. That is a choice which properly belongs at the local level, and it is a practice which extends the same respect to both believers and nonbelievers: No one is obliged to take part in or excuse themselves from religious observances that they do not share; and no one is prevented from using the period for as heartfelt a prayer as they want.

By contrast, the President's prayer amendment would allow local school boards or school districts, State-level boards of education or legislatures—perhaps even the Congress—to require each and every classroom to engage in some form of religious activity. Moreover, it would allow local authorities to prescribe precisely what that religious activity will consist of.

The amendment allows the actual words of prayer to be chosen by school authorities or State legislatures. It would not permit teachers to write prayers. but the distinction between writing a prayer and choosing an existing prayer is a minor one, especially if the prayer chosen offends the religious faith of some who are required to listen.

The amendment claims that no person shall be required to participate. But it does not spell out what form of nonparticipation is to be put into effect. Will teachers simply allow students to be silent? Will they be allowed to leave the room? Will they be forced to leave the room? Will they have to bring a note from their parents? If students are allowed not to participate on their own account, what kind of excuse will they have to offer? Will they have to describe their own faith and why it is inconsistent with the selected prayer?

Do American parents want this kind of exchange to be introduced into the classrooms of their children?

No school can maintain discipline and still let students on their own volition absent themselves from a required portion of school activities. But if the chosen prayer of the day is to be rotational, given by different students each day, then no parent will ever know in advance just what religious activity will be forthcoming on a particular day. So the rights of parents to guide the religious education of their children will be violated.

Some parents may not mind their children being exposed to the religious practices of faiths they do not hold. But many parents have serious objections to that prospect—and they have a right to object.

Although the amendment claims that no one will be forced to participate, it is not clear what the practical effect of such a provision is. When a child can be asked to sit silently through a religious exercise that is either meaningless or actually offen-

sive to him, is he forced to participate? Is his religious liberty curtailed?

The President's proposal also does not prevent any outside group from seeking to come into the school system and asserting a right to have their particular views presented to the students as a part of the free exercise of religion. It would open the door for members of particular sects to seek election to school boards so that they have had a direct voice in controlling the kind of religious activity that is to be the favored one.

Sectarian differences should not be injected into our local school board elections—but they would be if this amendment became part of the Constitution. Nor should we move, even indirectly, toward creating a religious test for public office.

In addition, because the President's proposal extends the question of prayer to all public institutions, we can readily expect that not only our schools, but other public facilities will become battlegrounds, as various sects and groups compete to use those facilities to propagate their religious views.

In the past few years, a number of new religions have come into being in this country. Some have been subject to attack in various communities because it is alleged that they are cults. We are all familiar with the deprogramers who specialize in treating adherents of these faiths.

Some of the newer groups adhere to a religious tradition that has roots in Islamic and Hindu beliefs rather than the Judeo-Christian tradition to which the majority of us belong.

In most instances, these newer groups are minorities. But in a few communities they are majorities. Will they there seek to impose their preferred method of worship in the schools if this amendment is adopted? And if they do, will the minority in such communities, who are the majority in most communities, submit to that practice?

That such an outcome is possible—indeed probable—is clear from the statements made by the President and his supporters on this issue. Just 2 days ago, in an interview printed in the New York Times, one of the President's aides and spokesmen said that enactment of this amendment could lead to "regular daily prayer, in which the prayer would be selected and read by the teacher as reflecting the consensus within the community. He said that consensus could mean the views of the majority. If the minority did not want to participate, the school would have to provide arrangements for that minority outside the classroom."

Those parents who urge approval of this amendment, comfortable in the knowledge that their Christian faith is the majority faith in their community, should consider carefully the implications of these remarks by the President's spokesman.

Most other countries are relatively homogenous in race and religion. The United States is a uniquely diverse nation. Our citizens come from all over the world, they are of many races and they practice many different religions. That diversity could have weakened us, even torn apart our concept of nationhood. But it has not; instead, it has been one of the sources of our national strength.

It is to preserve that diversity that we must reject this amendment. For we are not immune to racial and religious conflict.

Lest anyone imagine that sectarian strife and even violence is a thing of the past, or that it occurs only in other countries, they should be reminded that in 1982, in Oklahoma, a woman who objected to the prayer exercises in her children's school was assaulted on the schoolgrounds, her children were beaten by other children, her home was burned, and she was forced to move to another school district to escape the harassment. Hers is not an isolated case, unfortunately.

Religious faith runs deep and disagreements based on religion provoke strong reactions today as in the past, in our Nation as in others, like Lebanon and Ireland.

Over 20 major religious groups have petitioned the Congress not to enact this amendment. They have said that to them, the President's claim that God has been removed from the schools is blasphemous, because the God of their faith in omnipotent and does not obey the dictates of any act of man. And they have said this is not a minor matter, but an important part of their faith.

By enacting something contrary to those beliefs we will be preferring one theology over another. We will be rejecting the claims of these 20 faiths in favor of the claims of others.

That is precisely what the Constitution ought not do. The right to free exercise of conscience is not a right that should depend on the Government, or a majority in the public opinion polls, or changes in the political climate. Yet if we take this step, we will already have rejected the claims of one group as against another for the reason that one group appears to outnumber the other.

Our fundamental rights ought not to be subject to majority vote, whether it is the right to free speech, the right to petition the Government or the right to be secure in our homes. All of these rights—and the right to free exercise of religion is the first among them—are precisely those inalienable rights with which our Creator endowed us. They are not rights granted by a Christian deity or a Jewish one or an Islamic or a Hindu one. And since those rights were not granted by a majority, they cannot be taken away by a majority.

The most important thing about these rights is that they are individually based. The right to free speech does not allow the Government to force one to speak. It includes the right to be silent. Similarly, the right to freely worship includes the right not to be forced to worship.

When we give government a power over our individual rights, we dilute those rights. It is a dangerous step and one I will not take.

Twenty States now provide that a period of silence may, at local option, be required in public schools. Maine is one such State. That period of silence can be used by students to pray, to give thanks, to ask blessings on parents or nation, or to meditate or reflect on life or the day to come. Students who do not wish to pray, or whose religion requires that prayer be an organized, vocal activity, are not required to do anything other than remain silent.

The idea of silent prayer is not free of controversy. But I have spoken with students, teachers, principals, and school administrators in Maine who have found that the practice accommodates the variety of religious faiths that exist in Maine. It is not coercive and it is not offensive to different faiths.

I favor silent reflection as a local option to be exercised locally. It is working in Maine, and, according to the remarks of some of my colleagues, in the other States in which such a provision exists.

I think it provides a sensible balance between the legitimate claim that religious practices cannot be wholly excluded from all public institutions without damage to the free exercise clause of the first amendment, and the equally compelling claim that to give Government sanction to one form of religious expression over another contradicts the establishment clause of the same amendment.

Advocates of the President's prayer proposal say that a silent reflection provision simply gives preference to one variety of religious worship over another. They claim that would do to some religious groups exactly what the President's amendment does to others: We would be establishing, as a matter of governmental preference, those religious practices which can be accommodated by silent group activities but not the religious practices which require vocal expression.

Because it has been impossible to resolve that controversy, the majority have moved to prevent a direct vote on the silent prayer alternative. I opposed that move, but I was in the minority. The President maintains that the only acceptable choice is between his proposal and nothing. But for supporters

of voluntary prayer, among whom I count myself, that is no choice at all.

That is especially true since the decision by the President's supporters to prevent a direct vote on the silent prayer alternative is a blatantly political decision. It is now clear that what the President wants above all else is an issue for the coming campaign; enactment of the silent prayer alternative—the likely outcome of a direct vote on that alternative after the President's amendment is defeated—would effectively deprive him of that issue. So regretably, there will not be such a vote, and we must now choose between the President's proposal and nothing.

The major argument used to support the President's proposal is that 80 percent of the American people support prayer in the public schools. I believe they support voluntary prayer, and the President's proposal does not provide for voluntary prayer. So this argument is somewhat incomplete.

But even if that interpretation of the public's opinion is correct, it is ironic that the President and those supporting his proposal rely so heavily on the single fact of majority public opinion. For those same public opinion polls show that a similarly overwhelming majority of the American people support the nuclear freeze proposal for arms control.

We are told that because pools show 80 percent supporting prayer, we must change the Constitution to allow prayer. Yet, when similar numbers support the nuclear freeze the President freely ignores that expression of majority opinion, even though a policy change of that kind does not intrude upon or even affect the religious faiths of Americans.

The President cannot have it both ways. Either a majority public opinion preference should dictate policy or it should not. It cannot be a reason to support a prayer amendment but not sufficient reason to support the nuclear freeze.

Obviously, of course, proponents of the President's prayer amendment are using only those public opinion polls which coincide with their own opinions. But that is not a sufficient basis for amending the Constitution. Public opinion changes. Majorities are temporary. The Constitution is, and ought to be, the permanent basis on which our rights rest.

I value highly the opinions of the public, both those of people who have written to me opposing the school prayer amendment and those who have written in strong support of it.

Like other Senators, I found that after an initial outburst of support for the President's amendment, opponents are making their views known, so that my mail is now about evenly split on the subject. So I know that however I vote, I will offend the religious principles of some of the people of Maine.

That is an outcome I regret. I do not think the Government should be in the business of making decisions which affront the deeply-held religious beliefs of any American. And, to a large extent, the purpose of the first amendment is to prevent that outcome. It was intended to separate Government from religion, because the founders recognized that there is no compromise on religious faith.

The reason for that is obvious. Religious belief, unlike other opinions a person may have, is a matter of faith, not reasoning or analysis. Individuals who have different ideas about how to provide for economic growth, or equal opportunity, or arms control can generally agree on their goals, and in most cases, they can also compromise on the means of reaching those goals. People who have different views on such issues are generally willing to recognize that others' opinions deserve respect and a hearing. And in debate, people can argue facts, history, and logic.

But religious belief, by its very nature, cannot be compromised. The faith of every person is, to that person, uniquely the truth. And that truth cannot be compromised without being denied.

The nature of religious belief is such that we cannot debate it logically. We cannot by logic prove to someone with a different faith than ours is more correct or more truthful, just as they cannot prove the reverse to us. Each of us arrives at his or her faith individually, and to each of us it is revealed truth. But it is not an identical truth. And because of that fact, it is not capable of compromise.

This debate has proved that. The public controversy over prayer has proved that. The disputes between different religious groups have proved that.

And all this has shown, once again, the wisdom of our Constitution which keeps Government and religion separate—to protect our Government and to protect our religious freedom.

Mr. TRIBLE. Mr. President. I rise in support of the school prayer resolution now before us.

Our belief in God has made this Nation great and has sustained us through the years. Every American, young and old alike, should be able to pray to God anywhere.

This was our right for nearly 200 years. Then, in 1962, the Supreme Court ruled in the case of Engle against Vitale that the New York Board of Regents could not require that a prayer agreed to by a committee of Christians and Jews, be recited at the beginning of the day in the public schools in New York.

This prohibition was ordered as a protection against the establishment of religion by the State.

Then came the case of Stein against Oshinsky, which involved an order from the head of a school district to the kindergarten teachers in Whitestone, N.Y., directing that they stop their students from reciting the simple prayer:

> God is great, God is good, and we thank him for our food.

The teachers were also ordered to stop the recital of the prayer:

> Thank You for the world so sweet.
> Thank You for the food we eat.
> Thank You for the birds that sing.
> Thank You, God, for everything.

Finally, teachers were ordered to permit no prayers at all in any classrooms of the Whitestone, N.Y., school district.

These and other court cases of the 1960's created a chilling effect on the free exercise of religion in this country. Other courts and school districts have gone much further. For example, courts have denied students who wish to pray together the same use of school premises routinely accorded to nonreligious groups and even radical political organizations. These rulings have effectively banished God from the American classroom.

This tragic turn of events is a perversion of the intent of the Constitution's authors. The sessions of the Constitutional Convention were opened with public prayers. The Senate and House of Representatives begin each day with prayers. Every President from Washington to Reagan has invoked the blessing of God on this country at his inauguration. The Supreme Court begins its sessions with the public petition, "God save the United States and this honorable Court."

Our Founding Fathers wrote of God and his place and direction of the welfare of our Nation. The Continental Congress in 1787 put the following statement in the Northwest ordinance:

> Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools, and education shall forever be encouraged.

Our first President, George Washington, made eloquent note of the role of religion in our national life in his Farewell Address when he said:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensible supports. . . . Reason and experience both forbid us to expect that national morality can prevail in the exclusion of religious principle.

The separation of church and state is fundamental to our American heritage of freedom and democracy, but the separation of religion and Government is foreign to that heritage. We cannot and should not separate religion from the lives of our children

when they walk out of their homes and enter our schools. After all, we ask our schools to prepare our children for life.

For Government to be truly neutral, students must have a chance to express their faith in God at some point during the school day. Neutrality means not trying to impose any one person's faith on any other person, or putting the force of the state behind religion. It does not mean putting a muzzle on students who have religious convictions. We need an amendment to restore neutrality.

I believe there are many ways to arrange a prayer time that is truly voluntary and neutral. I fully agree this is essential in order to honor the rights of all citizens. For example, students who want to pray can be provided an empty room or be permitted to gather just before the start of the regular school day.

As the majority leader has said, the question is not whether religion is better practiced in the home and in places of worship than in the school. The question is whether Government can prohibit the free exercise of religion anywhere. The Constitution plainly says it cannot. Yet, court decisions have had precisely this prohibitive effect in the public schools of our Nation.

It is necessary for this Congress to act decisively to insure for our time and for all times the free exercise of religion in speech which Americans in every generation have struggled to secure.

ALMIGHTY POLITICS

Mr. LEAHY. Mr. President, I addressed this body on March 7 on the school prayer issue, and today I read a piece by Art Buchwald in the Washington Post that managed in a few words to say everything I wanted to say last week—and with a style that many of us here in the Senate wish we could match. It is entitled "Almighty Politics," and I ask unanimous consent that this column of March 15, 1984, be printed in full in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

ALMIGHTY POLITICS

(By Art Buchwald)

I don't talk to God as often as I should because I know how busy He is these days. But every four years, during the presidential campaign, I do check in to make sure what the candidates are saying about Him is true.

The other night after hearing President Reagan say for the umpteenth time that God had been expelled from America's classrooms, I asked Him, "Are You banned from America's schools?"

"Not that I know of," God replied.

"President Reagan said that kids can't pray in school."

"If they can't, they're sure doing it," God said. "I hear schoolchildren's prayers all day long. Of course, I hear more from those who haven't done their homework, or have been caught committing some infraction that will send them to the principal's office. And there is a lot of praying when report cards come out, and when college test scores come in. And then I hear from almost every child as graduation gets near. I can't understand why President Reagan said I've been banned from the classroom."

"I think what he was referring to was the Supreme Court decision that forbade organized prayer in public schools at the beginning of the day. Did that decision bother You?"

"On the contrary. I don't believe in people praying if they don't mean it. Fortunately in America people can pray any time, anywhere they want to."

"Well, why would President Reagan say You were banned from public schools, if You weren't?"

"I have no idea," God said. "People are always dropping my name in order to get votes during an election year. Frankly, I wish the president would have checked with me first, before he misspoke."

"Do You believe it's a good idea to have separation of church and state?"

"I believe it's an excellent one. Your country has survived for more than 200 years without getting me mixed up in your government, and when you look around you seem to have more freedom of worship than any other place on the face of the globe. There are certain countries which I'd rather not mention, where the leaders use my name to commit some of the most heinous crimes known to mankind."

"How would You feel about forced voluntary prayer in the schools in the morning, so if kids didn't want to pray they wouldn't have to?"

"It would bother me. All my children are very fragile and it would cause tremendous friction between those who prayed and those who didn't. I would prefer that schoolchildren pray when the spirit moves them, and not when a teacher tells them to. What your president should know is that God is everywhere, and when he states I am no longer in the public schools, he doesn't know what in the devil he's talking about."

"Then You didn't tell him You wanted prayers officially back in the schools?"

"I certainly did not," God told me. "But I did talk to him about the asbestos problem."

"The asbestos problem?"

"It's very serious. A great many schools have asbestos peeling off the ceilings and walls and it's getting into the schoolchildren's lungs, and they can die from it. I suggested the president institute a crash program to see that the little children were protected from this terrible disease. But to my knowledge he hasn't mentioned it yet. If I were the president of the United States I'd be much more concerned about the health of America's children, than what time of day they could pray."

"Well, thanks for your time," I said. "I didn't want to bother You, but I was afraid if I was against mandatory prayer in public schools You would think I didn't believe in You anymore. Could I put this conversation on the record?"

"Be my guest. There is too much talk by politicians about what I want and don't want, and as God, it really ticks me off."

Mr. INOUYE. Mr. President, I rise to join those who have spoken in opposition to Senate Joint Resolution 73.

I believe that the principle at stake today is a relatively simple one: Whether the Constitution shall continue to require that Government retain a posture of absolute neutrality with respect to religion?

Some have said that the proposed voluntary school-prayer modification of this principle is not only harmless but beneficial. It appears, however, that virtually all who support this position are Christian and assume, in fact insist, that our public schoolchildren's prayers be to the Christian God. I am also a Christian—a Methodist—and I, too, would prefer to have my son pray to the Christian God. But the question that must be addressed is whether it is fair, and ultimately harmless to our Nation, to impose such a majority consensus upon the children of others. I think not.

It is argued that any such devotional exercises could do no harm because they would be entirely voluntary. But what, I wonder, would be the impact on a young child who, in personal conscience or by parental belief, must be singled out or identified as different? I am not a psychologist, but I question whether such pressures, or the hypocrisy bred by indirectly coerced participation, would truly be harmless. And I cannot help but wonder if the use of Government institutions by a religious majority justifies the exclusion of minority beliefs.

Involving schools in prayer would impose upon Government the responsibility of overseeing and regulating the nature and content of devotional exercise—policing prayer. Ironically, many of those who advocate school prayer are those who criticize the assumption of power and responsibility by Government. Yet, they advocate delegating to Government public servants—teachers, administrators, and schools boards—the responsibility to lead, supervise and control one of the most important and private elements of individual freedom.

As a Christian, I would not want my son's prayers to be influenced by the political decisions and personal predilections of local school officials. I would prefer him to learn to pray in his own home and chosen church. In point of fact, I believe that many prayer advocates feel the same—only they are concerned with the religious development of other people's children. In my opinion, the real test of faith in the ultimate goodness of mankind is the willingness to trust fellow individuals in matters of the spirit.

Advocates of school prayer are also fond of pointing to the many apparent breaches in what Thomas Jefferson called the "wall of separation between church and state." These include prayers that begin the daily sessions of Congress, "in God we trust" on our currency, and the oaths on the Bible which accompany the swearing-in of high public officials. No one can deny, and indeed courts have recognized,

that religion has been closely identified with our history and Government. We cannot cleanse all governmental functions of any religious implication, for to do so would be to take from our people cherished secular and cultural traditions.

But what distinguishes these constitutionally permissible activities from sanctioned worship in schools is that they do not use the power and resources of Government to advance religious purposes. I have yet to hear anyone seriously argue that congressional prayer or the words on a dollar bill result in religious conversion, firmer religious belief, or interpretation of God. On the other hand, worship in the schools would be designed and directed to serve precisely these functions. If we as a nation prize freedom over conformity, we are obligated to forbid Government's heavy hand in such matters, especially when it weighs upon the shoulders of our children.

What is too often forgotten in these discussions is the beauty which results from our commitment to personal freedom. In 1947, the Hawaii Territorial Legislature was debating the issue of whether to place crosses over the graves at Punchbowl National Cemetery. These thousands of crosses may have symbolized the strength and sacrifices of our soldiers. But as Commander of the Disabled American Veterans of the Territory, I spoke against this move because I knew of many men buried there who were not Christians. I felt it would have been wrong for Government to impose its will without the consent of those men.

The crosses would have been touching and dramatic, but I think today Punchbowl Cemetery is even more beautiful with each stone having engraved on it a cross, a Star of David, Buddhist prayer-wheel, a symbol from an eastern religion, or nothing at all. The power of Government cannot add to or surpass such eloquent expression; it can only threaten it.

I believe that the State of Hawaii stands as another example of the beauty which may blossom from the cultivation of religious diversity and freedom. Some 83 flourishing religious denominations coexist in our State. These include not only 34 Christian groupings, but 21 Buddhist, 5 Shinto, and 9 Indian or Hindu denominations. Seven new religious movements combining elements of East and West, and 30 percent of our population who consider themselves unaffiliated.

I, for one, am proud that such diversity is permitted and encouraged to flourish under our system, as I am certain each of us is proud and pleased by the religious diversity in our own communities. I find it difficult to imagine a Government-imposed system of prayer which would accommodate this rainbow of belief yet remain meaningful. Instead, what I fear, and what I more easily envision, is that the politicizing of prayer and the desecularizing of public education would result in divisions and confusion which ultimately does far more harm than good.

Mr. HOLLINGS. Mr. President, one of our greatest civil libertarians, Justice William O. Douglas, 32 years ago went to the root of the matter which so vexes this body today. "* * * Americans are a religious people whose institutions presuppose a Supreme Being," he wrote. He was only stating the obvious, for that is the way it has been since the days of discovery and settlement. Clearly the framers of the Constitution did not mean for the first amendment to forbid public prayer.

In recent years, however, one Supreme Court decision after another has etched out an interpretation of the first amendment proscribing the right of free exercise. And in proscribing this right, the court has created and nurtured an antireligious bias in our schools and other public places, a bias that contravenes both our history and our law.

The chilling effect on the free exercise of religion created by the court decisions of the 1960's, and subsequent cases, is contrary to the fundamental beliefs of the citizens of this Nation. Prayer and respect for God are unmistakenly intertwined with the daily life of America. Thus it is, thus has it always been.

A terrible injustice has been done to a fundamental right of our people. An equal injustice has been done to the proper understanding of our Nation's history. We have gone from the consensus of the Founding Fathers that there must be no infringement on the freedom of the people to worship as they desire to the totally negative approach proscribing a fundamental liberty. It is the duty of the State neither to prescribe nor proscribe, but in point of fact, prayer has been effectively proscribed by this whole series of ill-advised judicial opinions.

The free exercise of religion is one of the crowning glories of America's Constitution, and for most of our years as a nation that free exercise went unchallenged. Now the challenge is on the verge of throwing the right of free exercise not only out of the classroom but out of the school assembly observing Christmas before the holidays begin, indeed out of every public assembly.

How anyone can claim even a cursory knowledge of American history and not appreciate the formative and fundamental role of the freedom to pray is beyond comprehension. The chorus of history leaves no room to doubt. Whether it be Ben Franklin himself insisting that each session of the constitutional convention be opened with a prayer; or George Washington enjoining in his farewell address that "of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports;" or John Adams warning that the Constitution could only work for a religious and moral people; or detocquevelle noting how our religious precepts and practices held the country together; or Lincoln and his successors proclaiming days of public Thanksgiving for the abundant blessings provided this land; or Congress with opening prayers offered by chaplains whose activities were authorized the very week the First Congress approved the establishment clause as part of the Bill of Rights; or our national motto, our pledge of allegiance, our national days of prayer or what have you—the message is the same: While America has no state religion we were founded as a religious state, and those who did the founding were acutely aware that these values and ideals were central to the survival and success of all they had wrought. What they wrought was not freedom from religion, but freedom of religion. What they proscribed was repetition of the colonies' sad experience with established state religions. What they surely did not proscribe was the right of the people to practice, openly and publicly, their religion.

To come now and proscribe this religious freedom—denying 200 years of history—is a mistake and if we do not correct it, America will forever rue the day. For make no mistake—these court decisions make hostility to religion official Government policy. They create not a proper wall of separation between church and state, but an artificial and unacceptable wall of separation between the people and their fundamental right of free exercise.

To remove any semblance of religious activity in our public places—as the prayer banners and the creche burners are intent on doing—is diametrically opposite to what the founders of this Nation intended and totally opposed to the rights which they intended, through the Constitution, to preserve and protect down through the ages. Those who fight so vehemently in opposition to this amendment misunderstand our Constitution, misunderstand our basic rights, misunderstand the country's history, and misunderstand what America is all about.

The time has come for us to correct this shameful situation. With Senate Joint Resolution 73, we will get away from the pronounced and positive antireligious bias of court opinions and return to the fundamentals of our liberty. Removing the impediments—putting aside the court negatives inhibiting free exercise—is what this amendment is all about and why I will vote for its passage. Let our freedoms flourish untrammeled by Government

prescription or proscription, that is what I rise to ask. Our people ask no more, through this amendment, than their basic right. And they expect no less.

Mr. LAXALT. Mr. President, Members of this distinguished body have been debating the issue of school prayer for nearly 2 weeks now. We have arguments on whether our Nation's schoolchildren should be permitted to pray aloud in the classroom, whether a moment of silence is preferable—or whether there should be prayer in schools at all.

It is inconceivable to me that this Nation, formed under God and with his blessing, now denies our schoolchildren the opportunity to begin their classroom activities with a moment of prayer. And, I submit, this forced hostility between schools and religion is inconceivable to the vast majority of the American people. Contrary to the Supreme Court's interpretation, the first amendment establishment clause was never intended to render our public institutions hostile toward religion; the objective was to prevent a preference for a particular religion. Moreover, the first amendment was also intended to protect freedom of religious expression and to prevent this Government from interfering with the expression of that freedom in all aspects of our daily lives.

The President's school prayer amendment is necessary to restore our freedom of religious expression by allowing public school students the opportunity to engage in voluntary, vocal prayer. Prayer in public schools has long been considered a desirable means of imparting constructive social and moral values to schoolchildren and encouraging the practice of self-reflection. Is it not also desirable that our schoolchildren learn respect and tolerance for a wide range of religious views and beliefs? I certainly believe so.

The United States was founded upon a principle of religious tolerance. Expressions of reverence for, and thanksgiving to, the Creator have always been of great importance in American society. For over 200 years we have acknowledged God's guidance on our coinage, in our national anthem, and in the pledge of allegiance. This long-standing tradition of publicly recognizing our good fortune and dependence upon God has in no way jeopardized the religious liberty enjoyed in this country. Let us not deny our schoolchildren the opportunity to share in the spiritual heritage of our Nation.

Mr. KENNEDY. Mr. President, I oppose this constitutional amendment to permit Government sponsored prayer in our Nation's public schools. Faith and prayer are an extremely important part of my own life, as they have been for all the members of my family. But, I am concerned about this attempt to involve Federal, State, and local government in these deeply personal decisions by parents and their children on matters of worship and religion.

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse Government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk.

The first amendment has never been amended in the two centuries since it was adopted. I believe that today, as it has throughout our history, the first amendment strikes an appropriate balance between the free exercise of religion by individuals and prohibition of excessive Government involvement in religion.

The first amendment is the most effective protection we have for the preservation of religious freedom in our society and the prevention of discrimination against religious minorities. By forbidding government intrusion into religion, the first amendment has permitted religious diversity to flourish in America without the strife and divisiveness which often accompany religious difference in other nations. To undermine this wise separation of church and state is to jeopardize the religious liberty of all our citizens.

Prayer is a vital part of the life and strength of the Nation today, as it has been from the earliest days of our history. We are a people who find support and peace in worship, particularly in times of stress and crisis. But I agree with the founders of our Nation that religion is too personal and sacred to be entrusted to the oversight or guidance of government officials. I have no objection to a moment of silent meditation, but a constitutional amendment on prayer is neither a necessary nor a wise means to achieve that goal. The appropriate place for religion to be fostered is in our homes and families and churches. It is in these all-important centers of our society that prayer is fitting and proper, and it is here that each of us can work most effectively to safeguard our spiritual values. I urge the Senate to reject this proposal.

Mr. DURENBERGER. Mr. President, I have listened with great interest to the debate on the school prayer amendment here on the floor of the Senate. We are now into the third week of that debate. As my colleague from Rhode Island, Senator CHAFEE, said last week, it is appropriate that the Senate devote several days to this issue because it involves three values of great importance to the American people—the education of our children, the expression of our religious beliefs and the exposition of our Constitution.

The first amendment to the Constitution was not intended to dscourage the expression of religious beliefs, even in public buildings and assemblies. That is quite clear from the history of the amendment and from its language. At the time it was adopted 4 of the 13 States had established religions. There were no public schools. The children of the Founding Fathers and mothers were educated in schools organized by their churches and no doubt prayer was an important part of each day. The Founders did not intend to discourage religion.

Rather, the purpose of the first amendment was to prevent the Congress from establishing a national religion. It says plainly, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This language prevented the National Government from involving itself in questions of religion. But it was no bar to religion sponsored by State or local government or to the organized expression of religion in public places.

It was not until the 1940's, 150 years after the adoption of the first amendment, that the National Government began actively involving itself in these local decisions on questions of religion. And it was not the Congress, but the courts which took that step. By extending the 14th amendment and its protections to the laws of the States, the courts found that the first amendment also prohibits States from establishing religion. In the 1960's the courts determined that organized, vocal prayer in public schools had the effect of establishing religion.

The courts are still in the process of developing their understanding of the connection between the 1st and 14th amendments as it relates to religious observance in schools and other public places. There are undecided questions. The two questions of greatest import to the current debate here in the Senate are whether a moment for silent meditation and whether access to public buildings for voluntary devotion and religious observance are, like vocal, organized prayer, prohibited by the establishment clause.

I believe that silent meditation is wholly consistent with the meaning of the first amendment even as that amendment has been extended to the States. And to prohibit the use of schools and other public buildings by voluntary religious groups on the same basis as other groups seeking to speak freely in our society is, I think, precisely contrary to the plain language of the first amendment. To deny free access is to discourage religion. And the Constitution says that National Government, and by extension the

States, is prohibited from interfering with the free exercise of religious belief.

Mr. President, the Supreme Court has not yet spoken on the question of silent meditation. Some lower courts have allowed school districts to organize a moment of silent meditation. Others have disallowed it. The Court is scheduled to consider a silent meditation case this week. Should the Supreme Court find that silent meditation is barred by the first amendment, then the Constitution will need to be amended. The supreme law of our land should be neutral as to religion. But it should not be positively hostile to its free exercise. When the rights of no other citizen are violated, as they are not by a period of silent meditation, there is no need for the National Government, courts or the Congress, to involve itself.

Although I find silent meditation in full accord with the Constitution, we ought not to send a silent meditation amendment to the States until the Court has acted on the pending case. To do so would involve the Congress in perhaps needless regulation of school prayer, which, as the founders well knew, is best avoided. And that, Mr. President prompted my vote to table the amendment by our colleague, Mr. DIXON, last week.

On the second question, equal access to public facilities by voluntary religious groups, a sound resolution can be achieved legislatively. Here, we seek not to establish religion, but rather to keep the National Government from so interpreting the law that it violates the second clause of the first amendment, "or prohibiting the free exercise thereof." To deny religious speech on the same basis that it is allowed for all other speech simply because it occurs in a schoolhouse is to be positively hostile to religion and that is clearly prohibited by the plain language of the Constitution.

There is nothing special about a public school. It is a building like most others owned by a local government and used for a wide variety of purposes. Who would suggest that completely voluntary religious observance outside the classroom should be prohibited by the Constitution of the United States? Is the school such a special building that the words of the Nation's religions cannot be spoken there under any conditions? That is hostility to religion and that is not what the founders intended or the Constitution says.

There are bills pending to insure free access and I will support every effort in this Congress to see free access legislation adopted. Mr. President, two students from Minnesota testified to the Judiciary Committee on the issue of access and the problems that have been created for their fellow students when access has been denied. I would ask that their testimony be printed in the RECORD after my comments this afternoon.

Mr. President, before I speak further to the pending question, I would like to say that we owe a great debt to our colleagues who have led this debate over the past weeks. To the majority leader and to the President, who by forcing this debate will bring to an end an era of governmental hostility to religious belief and will settle in the Nation's mind two decades of doubt raised by the court decisions of the 1960's; to the Senator from Utah, Senator HATCH, and to the Senator from Connecticut, Senator WEICKER, who have done much to inform the Senate and the Nation on the issues before us, we owe a special thanks.

As to the President's specific suggestions for resolving our differences over the establishment clause, I cannot agree. I will vote against it. I will do so reluctantly because I am one who trusts the wisdom of the American public in questions of religious tolerance. I think the American people are generally fully capable of protecting the right of religious minorities without instruction by the Supreme Court. Religious tolerance is not a value invented by the courts. It is not the legacy of the National Government. It is the heritage and tradition of our people.

The earliest colonists did not come to this great land for the purpose of practicing religious tolerance. They came here in fact to establish religions. Religions different from those established in the nations of Europe at the time, but they came here to make religious observance in all of life—public and private—established. That is our early heritage.

As I have said, there were state established religions at the time the first amendment to the U.S. Constitution was adopted. Those establishments were not prohibited by the amendment. But over time and with the experience of the great religious diversity of this land, the American ethic put a high value on tolerance. This tolerance was not discovered or inculcated by the Supreme Court or by the Congress. It was something that the people of this country discovered for themselves. The court decisions in the 1940's and 1960's to force neutrality on the States, as it had been observed at the Federal level, was little more than recognition of a lesson that we had learned by experiencing that diversity and by each of us placing a high value our own rights to free religious thought.

The current constitutional prohibition on organized, vocal prayer in public schools is a reflection of that development. It ratifies, I think, a decision that most Americans come to themselves when asked to face the question squarely, "Who shall write the prayer?"

At an earlier time in our history the school prayer likely fulfilled the same function that the chaplain's prayer serves here in the Senate each day. But in that time, we came from the little red school houses of America when the social fabric of the classroom was so homogeneous that nearly all the students shared a religious as well as a social heritage. But as the Catholic Bulletin of this week—March 15, 1984—points out, we have become a melting pot. And "while a melting pot is good social policy, it makes for mushy prayer."

There are two problems with the President's proposed amendment, even as that language has been modified by the Senate. No spoken prayer can be made truly voluntary. And no single prayer can attain the broad consent of all Americans.

I read with interest Senator's HATCH's explanation of the mechanics of the President's amendment as it was printed in the RECORD last week. The Senator pointed out that, with regard to school prayer:

> (A student) may choose not to participate because a recited prayer is inconsistent with his own beliefs; because he is simply not a believer in religion or prayer, because he is simply opposed to public expressions of religion or prayer; or because of any other reason.

The Senator noted that "decision-making responsibilities in this area remain at the full discretion of State and local authorities," adding his hope that such authorities will be "creative in considering the full range of options available to them under the proposed amendment." Among those options:

> There is discretion as to the language of prayer, whether such prayer is to be vocal or silent, the regularity and duration of such prayer, whether the teacher or student shall lead the prayer, whether the prayer will alternate on some basis, and the classroom structure of prayer.

This amendment would require that, after all these options are considered and decisions made, children who did not wish to participate in the prayer for any reason must take action to absent themselves from the observance. Attendance in school is compulsory. An organized, vocal prayer in that context is the closest thing to compulsory because it puts the burden of maintaining individual rights to free thought of school children. In truly voluntary settings—as with our opening prayer here in the Senate—it is possible for adults to maintain that right. No one is required to attend a session of the Senate. In compulsory settings, adults of strong conviction can also maintain free thought. But to expect it of our youngest children in the school setting, to put the burden of avoiding religious devotion contrary

to a personally held belief, on a child in a schoolroom is contrary to my understanding of the child's mind.

Language added by the Senate to the President's amendment last week would bar State and local governments from composing the language of the prayer. Nevertheless, if the prayer is to be spoken and organized there will need to be some process for choosing it. And the Government, through the school board or the teacher, will have to take some hand in designing the process of selecting a prayer. As I think the American public is coming to understand as a result of this debate in the Senate, we have very different views on what is or is not an appropriate prayer. And we have more pressing problems to address in our educational system, than selecting consensual prayer.

So I will oppose the amendment being proposed to the Senate, Mr. President. Government should not be hostile to religious thought and speech. When I speak to my fellow Minnesotans about the prayer amendment it is the discouragement of prayer and devotion by the Government which concerns them most. None have an interest in making their personal religion the official religion of any government—Federal, State, or local. They are not seeking to use the Government to impose their religious views on others. They agree that children should not bear the burden of defending our religious liberties. But they want to know that their Government is not constituted to be antireligion. They want to know that the supreme law of the land is not hostile to the religious beliefs that guide their daily lives.

Religious devotion and observance—including silent meditation and free access to public facilities—that do not infringe on the rights of any American should not be barred for all Americans by the courts in the name of the Constitution. But putting the burden of defending those rights on schoolchildren and selecting the language of a specific prayer through a governmental process would establish religion. And establishing religion is rightly prohibited by the 1st and 14th amendments.

Mr. President, I ask unanimous consent that the statements of the two Minnesotan students to the Senate Committee on the Judiciary on April 28, 1983, be included in today's RECORD following my comments.

Mr. LEVIN. Mr. President, the constitutional amendment which we are asked to vote on today would allow Government officials to select what prayers our children can say in school. Even the President's chief spokesman, Larry Speakes, now admits that local authorities could choose the prayer. Therefore, we should not delude ourselves that the amendment's prohibition on the Government's composing the prayer somehow minimizes the Government's involvement in the substance of the prayer. Under this amendment, the Government could select the words with which children pray. I doubt supporters of this amendment would want to say that the words of a prayer have nothing to do with the prayer's substance.

Futhermore, this amendment would presumably allow local authorities to determine the manner of prayer, just as was allowed by the silent prayer amendment—committee report accompanying Senate Joint Resolution 212, pgs. 30-32. Students could be told that they can or cannot pray with beads, can or cannot pray on their knees, can or cannot face in a certain direction.

For many people, these physical manisfestations go to the substance of the prayer. So, not only could local authorities tell the students what words to use, but they could also control the sacred rituals which accompany them.

Prayer and religious practices are too sacred to have the State inject itself into these decisions. Prayer and religious practices are too sacred to give State officials the right to regulate and control them.

In contrast to the constitutional amendments on Government-structured prayer, providing an opportunity for students to engage in religious expression as part of a student-initiated club outside of the classroom, would not involve public officials in decisionmaking regarding where, when, and how our children pray. I have cosponsored Senator HATFIELD's bill, S. 815 which would make it unlawful to discriminate against those students who wish to meet during noninstructional periods on their own initiative. There does appear to be some confusion in the public schools today about whether school officials can permit student-initiated religious groups to use public school facilities for their meetings. Senator HATFIELD's bill would reaffirm the right of equal access to public school facilities, thereby removing any existing barriers to student-initated religious meetings.

Mr. SYMMS. Mr. President, I am disappointed that so much of the discussion concerning Senate Joint Resolution 73 has centered on the suitability of prayer in our schools. The debate has been reduced to one of semantics over spoken versus silent prayer and how much of either should be allowed. Unfortunately, such debate misses the most essential issue in this matter—which is whether or not we will sanction Federal intervention in the moral and religious affairs of this country. Mr. President, the essence of the administration's prayer amendment is to remove the further consideration of religious matters from the purview of Federal bureaucrats and politicians, to return them to the States, and to the people themselves.

First of all, I believe this country was founded on prayer, by God-fearing people who knew they must preserve prayer. Many good points have been made regarding the intentions of our Founding Fathers. It is true that the framers of this Nation were unabashedly religious. They saw divine providence at the heart of everything they did, and their daily affairs were motivated by and in consonance with their religious convictions. The founders intentionally omitted references to organized religion in order to keep their new Government from becoming entangled with any one church or denomination. They knew first hand the dangers of religious factionalism, and the injustices of official religious persecution that were suffered even at the hands of colonial authorities.

Nevertheless, the Founding Fathers never intended to remove religion from the hearts of those who govern, and certainly not from the lives of our schoolchildren.

Further, I happen to agree with many that we need to demonstrate to our young that we consider religion sufficiently important to insist upon the right to pray. We will not limit pornography, but we will limit prayer. We cannot see the need to curtail the violence and explicit sexual conduct on television, but we will prohibit prayer in our schools.

I, for one, see a clear conflict of purpose between preventing established religion and the defacto establishment of functional atheism in the lives of our children.

Recent court and legislative actions have more than adequately protected the nonreligious sector of our society, but at the same time have clearly restricted religious activity.

While the lack of religious beliefs by certain groups is their right, I do not believe that their views should set the norm for the rest of this Nation.

Moral and religious beliefs formed our Nation. To allow the continued erosion of this important part of our heritage would undercut the raising of our children and would jeopardize the strength of our Nation and society.

No ones beliefs—religious or otherwise—are jeopardized by this prayer amendment. One characteristic of American religious freedom is its capacity to allow not only a clear and unhindered choice between a wide variety of religious expressions, but also that it allows for an unfettered and unthreatened choice between religion and no religion. We may believe what we choose.

This Nation is characterized by the freedom of its choices. Every choice, however, has its cost. Every decision made for a principle also contains an implied decision against another prin-

ciple. Only the spirit of compromise and a commitment to strive for impartiality softens the impact of this reality.

However, as a result of well meaning, but, in my opinion, wrong decisions by judicial officers, our country is now subjected to an improper policy in the name of religious impartiality. Free exercise of religion has been sacrificed in favor of free exercise for the nonreligious. On this basis, our courts have moved to disallow religious prayer by those who, by virtue of their youth, are in school.

I object to this state of affairs. But it is not simply to reverse this trend that I support the President's prayer amendment.

Senate Joint Resolution 73 is a moderate approach in addressing this problem. Its essence is to allow for freedom of choice and local control.

Senate Joint Resolution 73 cannot and will not put prayer into—or back into—anything. I will not require prayer, silent or otherwise, in any classroom. It will not require or allow the reading of the Bible or Koran anywhere. It will not establish any form of acceptable theology or spiritual practice for anyone—anywhere.

What the administration bill will do is remove the further consideration of this issue from the Federal level. The individual States and local school districts would once again be empowered to decide the question of religious conduct in their own schools.

I realize that some discretion may be expected on the part of school officials in the interpretation of any statute. I realize, also, that individual circumstances may present a very fine line between legitimate religious exercise and simple disruption. There are effective means, however, to deal with individual excesses on the local level, without enforcing universal criteria on a national level.

Why not place our trust in the hands of those close enough to the issue to deal responsibly with it? Have we completely lost our respect for—and trust in—the American character and sense of fairplay that has made us the great Nation we are today? Must Congress continue to be embroiled in the daily moral affairs of the American people?

To continue the present misassumption that the Federal Government can decide whether to allow any sort of prayer, silent or otherwise, is to cloud the issue with unnecessary and dangerous ramifications. It is unfortunate that this issue ever became a Federal concern.

I think it is very important to reemphasize that this amendment will not require anyone to participate in any prayer or religious exercise. It will not require school boards or other State and local government agencies to permit students to pray in school. It will simply remove present obstacles which prohibit voluntary prayer nationwide. If States or school boards want to exclude prayer from their schools, they will be as free to do so as they are now. But they will also be free to permit voluntary prayer—a choice they do not have today.

The only reasonable action for this Congress is to pass this measure, and send it along to the States for ratification. It is high time that the people of this country were once again allowed to take control of their own lives. Let the voters, rather than the courts, decide the school-prayer issue.

Mr. HART. Mr. President, the framers of our Nation's Constitution made the amendment process intentionally difficult. They wanted to insure that only those amendments consistent with the Constitution's core values, only those amendments designed to guarantee the security and survival of a free people, would become part of our national charter. That is why, of the many hundreds of amendments which have been introduced in the Congress since the founding of this Republic, only 26 have survived the amendment process.

The amendment we are debating today is not deserving of a place in our Constitution. This amendment, providing for governmentally sponsored group prayer, is contrary to the basic constitutional freedoms of all Americans. If passed, it promises more, rather than less, national strife. It threatens the rights of religious minorities. And it will hardly solve all the social ills of the past 25 years, as its sponsors would have the American people believe. For all these reasons, this amendment should be defeated.

The issue has been presented as that of supporters, against opponents, of prayer, but that is not the issue. The Supreme Court, in its school prayer cases in the early 1960's, never said an individual could not pray. To the contrary, those decisions legitimated the right of all individuals to pray anytime, anywhere, to whatever God one chooses. The issue in those cases, and the issue today, is group prayer under the auspices and sponsorship of Government authority, in this example, public school officials. And government-sponsored prayer is contrary to first amendment prohibitions against sponsorship of an established religion as well as restraints on its free exercise.

This amendment we are debating today would upset the structure of religious freedom embodied in the first amendment. A faithful reading of the first amendment mandates Government neutrality in matters involving church and state. Our Nation has prospered under a constitutional order declaring a strict distinction between matters of state and matters of individual conscience.

This idea of a "wall of separation between church and state," in Jefferson's words, did not begin with the Warren court. This idea started with the framers of our Constitution. James Madison's famous memorial on religious freedom reflected the view of the framers that there is not a shadow of right in the General Government to intermeddle with religion. This subject is, for the honor of America, perfectly free and unshackled. The Government has no jurisdiction over it.

In the school prayer decisions of the early 1960's, the Supreme Court merely continued the application of the principle that Congress can neither sponsor nor impede the free exercise of religion. In the case of Engel against Vitale, the Court challenged school prayer practices as promoting that type of interdependence between religion and state which the first amendment was designed to prevent. Given our Nation's historic mission as a beacon for all desiring freedom and opportunity, as well as the enormous religions and cultural diversity of contemporary America, the protection of religious freedom through the separation of church and state is more important today than it was when our Nation was founded.

This amendment would upset that separation by turning the Government into the instrument of religion. The Government could well become the instrument of powerful religious groups at the expense of religious minorities and nonbelievers.

The amendment forbids Government officials from composing prayers. But it leaves open the possibility of Government selecting or sponsoring certain prayers. This violates the first amendment. The free exercise of religion is best protected when the Government is prohibited from engaging in the sponsorship of specific religions. Free exercise is threatened if the power of the State is used to support a particular faith or faiths.

Mr. President, this amendment is so vague as to promise great strife and divisiveness in the years ahead in every community in our Nation. Nothing would do more to harm national unity than the passage of this constitutional amendment.

I ask the sponsors of this amendment to find a consensus on the following questions. Who will be writing the prayers in the schools? Who will choose among competing prayers? Will all children have an equal right to pray outloud in a veritable babel of confusion? Or will one prayer be selected? What if Jews want to wear skullcaps and prayer shawls and Catholics want to hold rosary beads? How can you expect small children to decide these questions, when the Senate cannot even agree on answers? The only course guaranteed is that

Government will be thrown into this hornet's nest of deciding among different religious beliefs and practices—a role forbidden the State by the first amendment. These are matters best left to individual conscience.

It amazes me that conservatives whose motto usually—especially on questions of moving this Nation forward in social welfare or national security—is "if it ain't broke don't fix it," are rushing headstrong to fix a constitutional system which has become the envy of the world. Religious minorities, in every nation on Earth, envy this Nation's ability to tolerate and respect diversity on matters of religion. We need only look at the headlines in today's newspapers—Lebanon, Iran, Northern Ireland—to notice the dangers of excessive governmental entanglement with religion.

It is also ironic that those who decry Government involvement in abating pollution or enforcing civil rights—are so eager to thrust Government into one of the most precious and sensitive areas of human behavior—that of religion. Is it not likely that Government involvement in prayer is likely to demean prayer and tarnish its significance for all of us?

Mr. President, this amendment will corrode the rights of religious minorities. In any classroom in this Nation, majorities will be able to get together to dictate their choice of prayer. Members of religious minorities—or nonbelievers—will be forced to choose between excusing themselves from such prayer, and risking the scorn of the peers, or being coerced into an exercise contrary to their fundamental beliefs. We have a first amendment precisely to prevent those types of choices from being thrust on Americans. The realities of the classroom make a mockery of the sponsors claim that this amendment is voluntary. How can impressionable young children be expected to exercise freedom of religious choice in a classroom environment, especially if their choice of friends, or the affection of teachers, might hinge on religious beliefs.

Mr. GLENN. Mr. President, I favor prayer in public schools—but I rise in opposition to this resolution. I have long advocated and voted for a period of silence for prayer or meditation at the beginning of each school day, but that is a far cry from the Government-sponsored prayer we are discussing today.

In our pledge of allegiance, we recognize that we are a nation under God. But under God is recognized in many different ways. We have an estimated 250 different religions or religious practices, sometimes inherited, sometimes selected—and usually taught in the cathedral, church, synagogue, temple, and most importantly, in the home. The fact of diversity demands that the Government promote only tolerance when it comes to religious beliefs and practices.

I cannot in good conscience vote for the President's proposal to permit school or local authorities to prescribe a single-religion spoken prayer that all children, of whatever faith, would be expected to recite. School is not the place to try to convert a Jewish child to Catholicism, or Protestantism, or to any other religion—or vice-versa. This legislation would not only debase religious faith and practice, but it could also isolate and stigmatize children who, because of their own differing faith, do not choose to participate. Religion and prayer are personal matters—and should not be decided by consensus or majority rule.

I am a Christian and an elder in the Presbyterian Church. My father and mother were both elders in the Presbyterian Church before me. In the home where I grew up, and in the small town of New Concord, Ohio, religion was a vital part of our life. In later years, I taught Sunday school. I believe firmly in my religion and I have tried to pass along these beliefs to my children. But however strongly I may feel, I do not believe that I have any right to force a Presbyterian-Protestant prayer on a child of Catholic, Jewish or any other faith in public school.

There has been a tremendous lobbying campaign on both sides of this school prayer issue. I hope and pray that all those who have expressed themselves are just as avidly taking an interest in religious upbringing for their children in their own homes, and are just as fully attentive to the spiritual needs of their families. If they are, a period of silence for prayer or meditation in the schools—each child approaching God in prayer in keeping with his or her own religious tenets and beliefs—can be a healthy adjunct to our teachings in the home. It can affirm our belief in God, while recognizing that our approach to a Divine being takes many and varied forms of rituals and prayers, and no single, Government-originated prayer will do for all.

I favor that type prayer period, for all, in our public schools.

As one of our major newspapers closed its editorial on this subject: "Let children speak to the teachers appointed to instruct them in forms and language prescribed for their educations. But let them speak to God in the forms and language prescribed by their individual consciences."

Mr. DOLE. Mr. President, for 2 weeks, we have debated the President's proposed constitutional amendment to permit voluntary prayer in the public schools. The arguments presented on both sides of the controversy have been articulate and forceful, tinged with an emotionalism which is inevitable in matters pertaining to church and States. I have listened carefully to the fears and concerns expressed by the opponents of the measure, and the responses set forth by its proponents. I remain convinced that Senate Joint Resolution 73 represents an appropriate response to the antireligous bias which has characterized a number of court decisions handed down over the past 20 years involving prayer in the public schools. As a consequence, I will be voting for the President's proposal and I urge my colleagues to do the same.

OUR HERITAGE

Public prayer and the acknowledgment of a Supreme Being have always been a fundamental part of our Nation's heritage. Indeed, the principles of freedom and democracy which we cherish derive from the truth our Founding Fathers proclaimed self-evident, that God created all individuals equal and endowed them with certain inalienable rights. Since our Nation's birth, we have periodically celebrated a governmentally proclaimed day of prayer and thanksgiving. In God We Trust is our national motto. From God, we ask for strength and guidance in many of our patriotic songs.

Consistent with our heritage, there has been a long tradition of including some form of prayer in the public schools, until 1962, when the Supreme Court invalidated the New York State Regent's prayer in the Engel case. One year later, in Abington, the court struck down a Pennsylvania law requiring that public schools begin each day with readings from the Bible. Emphasizing a "complete and unequivocal" separation between church and state, the court concluded that the Pennsylvania law advanced religion in violation of the establishment clause.

ERECTING A WALL

In the years following Engel and Abington, the courts decided to take Jefferson literally, erecting a wall of separation around the Nation's school yards which few religious observances could penetrate. In one case, kindergarten students were prevented from saying a common nursery rhyme as grace before their morning snack. In another, a student council was told that it could not open optional student assemblies with a prayer by a student volunteer. In yet another, a school board policy of permitting students, upon request and with their parent's consent, to participate in a 1-minute prayer at the start of the school day was invalidated.

It seems to me the courts have forgotten that while the first amendment prohibits Government from establishing religion, it goes on to prohibit Government from infringing upon the exercise of religious worship. I doubt the Constitution's authors wrote the establishment clause thinking that religion was something to be dropped off

at the school house door. And nowhere in the free exercise clause did they put time and place restrictions on the 30 hours or so a week students can spend in the classroom.

CORRECTING THE IMBALANCE

The President's proposed constitutional amendment is designed to restore the balance between the establishment clause and the free exercise clause, consistent with what I believe was the true intent of the Founding Fathers, by clarifying that the Constitution does not prohibit students, individually or in a group, from praying in the public schools if they choose to do so. Moreover, as an added safeguard to insure that the amendment does not open the door to Government promoting or preferring one religion over another, the proposal has been modified to prohibit Government involvement in the drafting or composing of prayer.

CONCLUSION

Mr. President, in concluding, I would emphasize that there is a difference between State sponsorship and accommodation of prayer, and a line to be drawn between Government neutrality and hostility toward religion. As has been repeatedly stated on the floor, the supporters of this amendment do not want a State-established religion, nor do they want the State to dictate the form or substance of religious worship. Nor do supporters wish to force students to conform to any religious practice. On the contrary, the amendment explicitly protects the rights of those who do not wish to participate.

What I believe supporters do want is to place the rights of those who wish to pray on the same footing as those who do not, in a document written nearly two centuries ago by men whose own faith told them that the freedom of religious expression was, itself, a God-given inalienable right. Because I view this as the sole purpose of the President's proposal, I will cast my vote for it, and I urge my colleagues to do the same.

Mr. PERCY. Mr. President, the Senate is engaged in consideration of Senate Joint Resolution 73, a proposed amendment to the Constitution to permit voluntary prayer in schools and other public buildings. Certainly without dissent, but a vast majority of Illinoisans support voluntary prayer in public schools; I know this from my own extensive travels in Illinois and conversations with constituents. I know that their support of Senate Joint Resolution 73 is as deep as it is widespread. As their representative, I returned this afternoon from Illinois to cast my vote in favor of this compromise amendment which provides for voluntary school prayer.

The principal question in my mind on the school prayer issue is this: How do we provide some students with the opportunity to pray during the school day without compelling other students to participate in a religious activity against their will or beliefs?

Since I was elected to the Senate, there has only been one other time on October 13, 1970, when the Senate considered a prayer in public buildings amendment to the Constitution. I voted in favor of that amendment, also sponsored by my distinguished colleague Senator HOWARD BAKER, which would have permitted voluntary prayer. I voted in favor of that amendment because it guaranteed the protection of those who wanted to pray, but did not compel anyone to pray. The Senate adopted this amendment by a vote of 50 to 40 on October 13, 1970, but it did not become law.

The amendment we are considering today states that:

Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States or any State shall compose the words of any prayer to be said in public schools.

I believe that the Senate has produced a satisfactory amendment on the school prayer question which protects everyone's rights. Such an amendment must, in my mind, protect everyone's rights.

I believe that Senate Joint Resolution 73 establishes an appropriate, constitutionally sound balance in the area of school prayer. It provides students with the opportunity to pray during the school day without compelling others to participate in religious activity against their wills or beliefs. If vocal prayer does not appear practicable in the public schools, our school boards can always decide on more viable alternatives such as silent prayer or even no prayer at all. As our governmental system is designed on the same principle of balance.

On March 15, 1984, I indicated my support for the constitutional amendment recently introduced by my distinguished colleague, Senator ALAN J. DIXON. He proposed a constitutional amendment permitting silent prayer or reflection in public schools which this body voted to set aside. Due to a unanimous-consent agreement reached by the Senate, alternative constitutional amendments such as Senator DIXON's will not be considered for a vote at this time. While I would consider supporting other viable constitutional amendments, I believe that the language in Senate Joint Resolution 73 is an acceptable compromise which safeguards the free choice that everyone should have in deciding whether or not to pray.

Mr. SIMPSON. Mr. President, anyone who has ever known me knows of my full commitment to the free exercise of religion and freedom of speech which I believe has been dealt a tough blow with the defeat of this amendment. I remain absolutely and totally convinced that our Nation's founders and certainly the framers of the first amendment would be absolutely stunned by our modern interpretation of the Constitution as it regards this particular issue. What we have witnessed here today is a denial of the real will of the American people. We have denied them their own free right to demonstrate their support or opposition to this amendment and in so doing we have done a great disservice to our constitutents and to the trust which has been bestowed in us as part of the national leadership. But we must move on—so I want to take this opportunity to express my support for swift and thoughtful treatment before this Congress of Senator HATFIELD's equal access bill which I am very proud to cosponsor. This measure would merely insure the right of high school student's throughout this country to use public facilities to the same extent as others do—even if the subject matter of their meeting is based on religion. The legislation focuses on student-intitiated meetings in a high school setting when the school makes the facilities generally available to other groups for other purposes the issue here then is again one of freedom of speech. Freedom of students to meet and to discuss religion on the same footing as students have to meet on any other topics of interest during—and I underscore this next point—during noninstructional periods of the day. I would urge the Members of this Congress to address this matter expeditiously and with the utmost seriousness.

AN AUDIBLE REFLECTION ON VOCAL PRAYER

Mr. DIXON. Mr. President, I am compelled to vote "no" on the President's proposed constitutional amendment, Senate Joint Resolution 73.

I want the record to clearly show that my remarks last week in support of silent prayer or silent reflection and equal access to public facilities for student voluntary religious groups, are exactly the same as they are today.

I believe that this proposed constitutional amendment permitting audible, vocal school prayer alters prior Supreme Court decisions. I believe that it has the great potential of creating an artificial religious activity whereby one student's religious belief is imposed upon the rest of the class or school.

In addition, Senate Joint Resolution 73, I believe, constitutionally aids one religion over another and inherently discriminates against religious minorities.

As I said last week, I do not believe audible, vocal prayer is what we in Congress, or the majority of the people of this country, want.

I can say that a majority of the people in my own State of Illinois have clearly demonstrated their support for silent prayer or silent reflection.

I submit to my colleagues for serious consideration a commentary in today's Washington Times by Smith Hempstone entitled, "The Bloody Shirt of School Prayer." That commentary appropriately ends as follows:

A moment of silent prayer, as proposed by Senator Alan Dixon of Illinois, would have infringed on no one's rights or sensibilities. But go beyond that and you risk foundering in a sectarian morass. Amen.

Mr. President, I vote "no" on Senate Joint Resolution 73.

Mr. BRADLEY. Mr. President, for 22 years now, since the Supreme Court decision in Engel against Vitale, our Nation has observed the constitutional injunction against Government-sponsored prayer in public schools. I will vote today against an amendment to the Constitution that would change that result.

I will do so because I believe the Constitution already guarantees an individual's right to pray wherever, however, and whenever he or she wants. That, to my mind, is the essence of religious freedom in America and I strongly support that right.

The amendment before us would authorize organized prayer in our public schools. In so doing, it would alter the constitutionally mandated separation of church and state. Yet preserving that division is essential to insuring the religious diversity and religious freedom that are the bedrock of our democracy in America.

I also believe that religion should be the proper province of the family and the church or synagogue. It is not the role of Government to interfere in, or preempt, religious education or to induce our children to pray in ways that do not accord with their own belief or their family's religious convictions.

The amendment attempts to overcome this danger by prohibiting the United States or any State from composing or mandating the words of any prayer to be said in the public schools. But if the State does not write the prayers, either directly or by local school boards or teachers, who will? If this amendment passes, not even classroom teachers would be able to exercise effective authority over the choice of prayers. That opens up the troubling prospect that members of the community with serious religious commitments of their own, will see these prayer readings as opportunities to advance their own doctrines. And that, in turn, threatens to plunge the schools into precisely the kind of divisive denominational politics from which the Bill of Rights currently protects us.

That outcome could be avoided only by a prayer general or vague enough to offend no one. Prayer is a very private individual experience. Indeed, it is sacred. The language of a prayer is central to its meaning. I cannot imagine a prayer, acceptable to everyone, that would reflect the richness of each faith's religious traditions.

Finally, I believe we must respect the pluralism of our own society. Surely it would be unfair to ask our children to make a decision in front of their peers to say a different prayer or to be excused from joining in a particular prayer led by a school official. What may seem voluntary to an adult may not be voluntary to a child.

There is only one way out of this dilemma: To entrust the religious upbringing of our children to family and church. That way, we will foster the religious freedom and the spiritual convictions that have sustained and enriched our Nation throughout its history. At the same time, we will be insuring that no government, no politican, no school official will be placed in a position to determine how our children pray or to interfere with their constitutional right to communicate with their God.

Mr. HUMPHREY. Mr. President, I rise in strong support of the proposed constitutional amendment to restore voluntary prayer to our public schools. We have before us the opportunity to set in motion the processes for the American people to act directly to restore the option for prayer that had been removed by court decisions over the last 20 years.

I think it would be useful for us to recall the words which set in motion the events that have led to our debate here today:

Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

It was this simple acknowledgement of our Creator, recommended to local school districts by the New York Board of Regents, that led to the U.S. Supreme Court's decision in Engel against Vitale, and the subsequent prohibition of prayer in our public schools.

The most disturbing part of the Engel decision and those that followed is that they served to violate a well established and cherished tradition of recognizing God in our public life. This is a tradition that dates from our first days as a nation; a tradition that is part of our daily lives; and a tradition that lends substance to our national being.

Thomas Jefferson set forth an early articulation of this tradition when he wrote of our Nation's special relationship with the Almighty into our first and most important public document—the Declaration of Independence—that, "All men are created equal, that they are endowed by their creator with certain unalienable rights."

Since those words were written, we have used public forums and national institutions to continually acknowledge and thank our Creator for the freedoms and gifts that He has brought this Nation. This morning and every morning that we sit in session, the Senate begins its day with a prayer. This is repeated hundreds of times every day in courts, councils, civic events, and legislatures across the United States. Moreover, recognition of our Supreme Being is found on our currency, stamps, emblems, and seals. Every year, our Nation devotes an entire day of thanks for the gifts we receive, and every President has used his inaugural address to ask God for His guidance and blessings in the turbulent course of secular events.

That the recognition of God is such fundamental part of the American identity and our national fabric is perhaps best expressed in the following quotation from President Dwight Eisenhower. "Without God," Eisenhower said, "there could be no American form of government, nor an American way of life. Recognition of the Supreme Being is the first—the most basic—expression of Americanism. Thus the Founding Fathers saw it, and thus, with God's help, it will continue to be."

Since 1962, millions of American children have come of age deprived of the opportunity to participate in this—using President Eisenhower's words—most basic expression of Americanism during the course of the school day. Millions of children—who will inherit the leadership of this country will have spent their formative years unable to incorporate into their education an important and character building dimension that prayer would afford.

Mr. President, for over 200 years, prayer served as an essential element in our public life and thus in building a citizenship that is unique among men. For 170 years—until 1962—this tradition was incorporated into our schoolday. Now in unprecedented numbers, we are hearing the American people speak clearly on this issue: the opportunity for prayer is important, and that opportunity should be restored to the schools.

The measure before us would not mandate a specific prayer to be recited—indeed, it would not mandate prayer at all. It would simply restore the opportunity for prayer to be included during the course of the schoolday. The ultimate decision about prayer would properly rest with State and local authorities. Some may opt for prayer, some may not. But at least that option would exist.

By acting favorably on this measure, this body can take the first important

step toward removing the prohibition on prayer in the schools. By doing so, we can provide the opportunity for restoration of a cherished and vital tradition to our educational institutions.

The VICE PRESIDENT. The remaining time goes to the Senator from Utah. The Senator from Connecticut has 2 minutes. The Senator from Utah has 9 minutes.

Mr. HATCH. I thank the Chair.

Mr. President, I want to personally compliment the distinguished Senator from Connecticut. I know he feels very deeply about this. He has conducted himself in the highest sense of the Senate in debating this issue. I have tremendous respect for him.

Mr. President, there is little new that any of us can say about the proposed constitutional amendment at this stage. I believe that the debate on Senate Joint Resolution 73 has been a constructive and informative one, on all sides. If a Member of this body were to study the record of this debate over the course of the past 2 weeks, I am confident that he would have thoroughly set out before him the principal historical, constitutional, and policy arguments in support of and opposition to this proposal. Whatever the final outcome of this vote today, I would like to extend tribute to three individuals in particular—President Reagan, Senator THURMOND, and Senator BAKER—for having made this debate possible. Finally, more than 20 years after the Supreme Court's decisions in Engel and Abington, the U.S. Senate has been provided the full and fair opportunity to debate the issue of a school prayer constitutional amendment. Whatever one's perspective on school prayer, the present debate is long overdue.

Once more, I would like to summarize the real issues that are before this body this afternoon. They are issues that are widely understood and appreciated by the American people—people of all religious backgrounds—if not always by the supposed opinion leaders here in the Nation's Capitol.

The first issue, perhaps the most fundamental issue, is how constitutional policy is set in our system of government. Whatever one thinks about the merits or demerits of school prayer, there has got to be concern about a single court decision that, in one fell swoop, overturns the established constitutional policy of 175 years as well as the considered judgment of the elected representatives of the people in more than 40 States of the Union. Is our Nation one under the rule of law or the rule of individuals? Does our Constitution represent permanent and settled policy or does the Court sit as a continuing constitutional convention? In discovering the meaning of the Constitution, do we look to the intentions of the framers or to the policy preferences of sitting judges?

In other words, the first issue before us today is whether the legislative branch of Government will act to restore the meaning of the first amendment bequeathed to us by the Founding Fathers, by Jefferson and Madison and Washington, a meaning which served this Nation well through generation after generation as our Nation grew to greatness—greatness in its idea of liberty, greatness in its sense of compassion, and greatness in its moral character.

The second issue, Mr. President, related to the role of our educational institutions in teaching our children the heritage and culture of their civilization, a civilization unique in the history of our world. Is our concept of education limited to nothing more than teaching our young to understand computer chips and to function in their occupations, or is there something more to it? Is there a proper role for the public schools in the child's moral education and in exposing that child to the values and standards of behavior of our civilization? Is there a proper role in apprising students of the fundamental and indispensable role of our religious heritage in securing the blessings of our free and charitable and prosperous society? I believe that there is. No; it is not the role of the state to educate children in Lutheranism or Mormonism or Christianity or any other creed. That is not the issue here. Rather, it is whether the state can so heavily structure the child's daily environment, and educate that child in virtually every facet of his character, with the sole exception of his spiritual character? Is it genuinely "neutral" for the state to play such a dominant role in the upbringing of the child while shielding him entirely from any opportunity whatsoever to participate in personal religious expression?

The result of Federal court decisions over the past two decades is simply an environment in our public schools that is affirmatively hostile to religious values, not merely neutral toward them. During that period, the Federal judiciary has outlawed voluntary prayer, voluntary Bible reading, expressions of silent prayer, equal access to school facilities by voluntary student religious organizations, the posting of the Ten Commandments, and organized grace before meals. The courts have erected an absolute and unbridgeable wall of separation between the state and expressions of religious values where, for the first 175 years of our Nation's growth and development there was none. The courts have suddenly imposed upon this Nation a Constitution and an understanding of the first amendment that would have been unrecognizable to earlier generations of Americans.

Finally, Mr. President, the issue before us today goes to the question of the American character and its sense of fairness. Nobody can argue with the proposition that the present amendment is capable of being abused, just as none can argue that most manmade structures of law can be abused. What I find troubling, however, is the suggestion by some opponents of the immediate measure that it is likely to be abused. I reject that suggestion emphatically and believe that it represents a fundamental lack of confidence in the character of the American people.

Under Senate Joint Resolution 73, there would be no uniform national policy on school prayer; rather, the decision would be up to countless local officials and school administrators across the country. These are the public officials closest to the American people and most directly reflective of their values and sense of right and wrong. There is virtually no evidence that these individuals were insensitive to the interests of all of our schoolchildren prior to the 1962 and 1963 Supreme Court decisions. There is no evidence that they would not be equally tolerant and respectful of minority rights as they were prior to that time. There is no evidence that the average American in this country is any less sensitive to minorities, any less tolerant of those with whom they disagree, and any less committed to preserving the values of our Constitution than are Federal judges here in Washington and elsewhere.

There are competing and sometimes conflicting religious strains in our Constitution—the commitment to the full and free exercise of religion, and the commitment to maintaining a proper separation between church and state. The need to balance these ideals is an ongoing one, one that has perplexed our judicial system on countless occasions. I simply disagree with those who believe that the only way to achieve this balance is through a single, inflexible national policy set forth by black-robed judges here in Washington. Rather, I believe that the diversity of the American experience, the variety of local communities throughout the country, demands that we respect the policy choices of those most affected by those policies.

Our local communities have learned to accommodate those students who desire not to participate in the study of controversial subjects, sex education, for example; they have learned to accommodate those who choose not to pledge allegiance to "One Nation Under God"; they have learned to accommodate those who choose not to salute the flag; they have learned to accommodate a wide variety of individual needs and desires. I am confident that the American people, in their

wisdom, in their sense of fair play, in their sense of constitutional right and wrong, can also learn to accommodate those who desire a moment of prayer as well as those who reject a moment of prayer. I am confident that the American people, acting on their own, can establish local policies that are at least as consensus oriented and at least adapted to their own unique needs as is the Federal judiciary.

Mr. President, these are the real questions before us this afternoon as we vote on Senate Joint Resolution 73—in short, will this body restore to the American people a Constitution that has served this Nation well for the greatest part of its existence and that trusts the American people in their ability to conduct their own affairs in a decent and fairminded manner. Mr. President, I strongly urge the proposal of the immediate amendment as the 27th amendment to the Constitution.

The VICE PRESIDENT. The additional minute has expired.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from South Carolina.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, we had prayer in the schools from the time that this Government was founded until 1962. No one complained. Everyone acknowledges that it is proper to have prayers. There is nothing in the first amendment that prohibits it. The first amendment establishment clause was merely intended to prevent the creation of a national religion. That is all it was supposed to accomplish. England had a national religion and some other countries did. When this country was founded our forefathers did not want a national religion. On the contrary, they wanted to guarantee the free exercise of religion apart from a national church.

I think that the Supreme Court decision handed down in 1962 is ridiculous. That decision should be reversed. When the Supreme Court went into the field of insurance, where they had no authority, the Congress passed a law and took them out of it. They have gone into other fields where they have no authority. Now they have gone into the field of school prayer and incorrectly interpreted the Constitution. We ought to take action today to correct this situation.

Congress can control this situation. I do not know that prayers would hurt anybody in school. I want to emphasize that this amendment does not provide for mandatory prayers. It is purely voluntary prayers that are provided for. The United States cannot compose the prayer to be used. A State cannot compose the prayer. The school officials cannot compose the prayer. It is purely voluntary on the part of the students.

Who can object to that? Literary groups meet, athletic groups meet, and other groups meet and, yet, anyone who enters into religion cannot meet. I think that ought to be corrected.

We think they ought to be allowed to pray, if they want to pray. Anybody of any religion can get up and pray. This is not a Protestant prayer, this is not a Catholic prayer or a Jewish prayer or any other kind. It just allows a student, if they wish to, to get up and pray. What is wrong with that?

After all, every morning when I open this Senate as President pro tempore, the first thing I do is call on a chaplain to pray. If we can open the Senate with prayer, why cannot children in school pray?

The VICE PRESIDENT. The 3 minutes have expired.

Mr. THURMOND. I am sorry. My time is up, Mr. President. I have to stop.

The VICE PRESIDENT. The Senator's time has expired.

The Senator from Connecticut.

Mr. WEICKER. I yield a minute to the distinguished Senator from Utah.

Mr. HATCH. Whatever time the Senator can yield to me, I will yield to the distinguished majority leader.

Mr. WEICKER. I yield it to the distinguished majority leader.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator. I have no right to do it, except I would like to speak last.

Mr. HATCH. Whatever time is left I will yield to the majority leader.

Mr. BAKER. Mr. President, how much time remains altogether?

The VICE PRESIDENT. There are 4 minutes remaining.

Mr. BAKER. How is it divided?

The VICE PRESIDENT. Two minutes to each side.

Mr. WEICKER. Mr. President, I intend to yield a portion of my time back to the distinguished majority leader. I repeat, when this debate is over, let us leave the field—and I mean both up here in the Senate and down at the other end of Pennsylvania Avenue—with pride in the fact that each one of us put forth out best efforts on behalf of our conviction and principles. This is not a political issue. It should not be a political issue. Indeed, if anyone makes it so, I hope it will be the cause of their defeat, Republican or Democrat.

I yield the remainder of my time.

Mr. HATCH. Mr. President, I yield the balance of my time to the distinguished majority leader.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, there were moments when I thought we would never reach this point when we would be prepared to vote on this resolution, to test whether two-thirds of the Senate of the United States would adopt an amendment to the Constitution to be submitted to the House of Representatives and ultimately to a vote of the States for their consideration and ratification.

I have begun those brief remarks by expressing my appreciation to those on both sides of the issue who have cooperated in the past 2 weeks in making it possible for us to deal with this issue. But now, Mr. President, the hour is at hand to stop talking and to start voting. The time has come to cast our votes, either to restore the neutrality of the States in the free exercise of religion, or to officially affirm an anti-religion bias in our schools which I believe a series of court decisions has created.

We are all agreed, Mr. President, that the issue is religious liberty. Those opposed to this amendment contend that it is not the place of the State, and should not be within the power of the State, to mandate religious activity or prescribe the form or substance of that activity. Those of us who support this amendment entirely agree.

But is mandating religious activity worse than prohibiting it, or are these equal offenses before the law and the Constitution? That, I believe, is the crux of the issue before us. I believe the Government has no right either to force or forbid the voluntary exercise of religion in our schools or in any other place. But the Government, through the courts, has assumed this right for 20 years, and the Government, through the Congress, has an opportunity today to remedy this constitutional and historical mistake.

The amendment before us provides that nothing in the Constitution shall be construed as preventing voluntary prayer in public schools or other publicly supported institutions. The free and voluntary exercise of religion shall not be construed as an establishment of religion by the State. No Government authority shall have the power to prescribe or mandate any such religious activity.

This amendment simply restores the neutrality which ought always to have been the role of the State in the exercise of religion. Government cannot grant the right to pray. God grants that right. Government cannot prohibit prayer. The Constitution already says it cannot, but if we need say it twice or a dozen times, we should do so and we should begin today.

The hour has come. The decision is upon us. Let the people's will be done.

Mr. President, those of us who support the amendment do not seek an advantage. We seek to remove a disadvantage to the voluntary observance of religious services in the public life of our Nation.

The VICE PRESIDENT. Under the previous order, the hour of 3 p.m. having arrived, the Senate is to vote on Senate Joint Resolution 73. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the vote, the following occurred:)

Mr. EXON. Mr. President, could I suggest regular order, please?

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, am I recorded?

The PRESIDING OFFICER. The majority leader is recorded as voting yea.

Mr. BAKER. I thank the Chair.

Mr. EXON. Regular order.

Mr. BOSCHWITZ. Regular order, Mr. President.

The legislative clerk concluded the call of the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—56

Abdnor	Hecht	Pressler
Armstrong	Heflin	Proxmire
Baker	Helms	Pryor
Bentsen	Hollings	Quayle
Boren	Huddleston	Randolph
Byrd	Humphrey	Roth
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
D'Amato	Kasten	Stennis
Denton	Laxalt	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
East	Mattingly	Tower
Exon	McClure	Trible
Ford	Melcher	Wallop
Garn	Murkowski	Warner
Grassley	Nickles	Wilson
Hatch	Nunn	Zorinsky
Hawkins	Percy	

NAYS—44

Andrews	Durenberger	Mathias
Baucus	Eagleton	Matsunaga
Biden	Evans	Metzenbaum
Bingaman	Glenn	Mitchell
Boschwitz	Goldwater	Moynihan
Bradley	Gorton	Packwood
Bumpers	Hart	Pell
Burdick	Hatfield	Riegle
Chafee	Heinz	Rudman
Cohen	Inouye	Sarbanes
Cranston	Kassebaum	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Tsongas
Dixon	Leahy	Weicker
Dodd	Levin	

The PRESIDING OFFICER. Before the Chair announces the result, the Chair will caution the gallery that they are not permitted to express pleasure or displeasure on the result.

On this vote, the yeas are 56, the nays are 44. Two-thirds of the Senators present and voting not having voted in the affirmative, the joint resolution fails of passage.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the joint resolution was rejected.

Mr. DANFORTH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, there are a number of Senators who, I believe, have brief statements they wish to make on this matter. It is my intention, as soon as possible, to try to reach another piece of legislation. I advised the minority leader the measure I will try to reach is Calendar Order No. 704, which is the wheat bill.

Mr. President, I hope we are able to reach that by unanimous consent.

The PRESIDING OFFICER. If the Senator will withhold, may we have silence in the Senate so that everyone can hear the majority leader?

The majority leader.

Mr. BAKER. If I am not able to reach it by unanimous consent, it would be the intention of the leadership on this side to move to the consideration of that measure. I will not do so at this moment. In the next 10 minutes or so, I expect some Members may have statements they wish to make. While technically, I suppose, there is nothing pending before the Senate, I ask unanimous consent that for the next 10 minutes it may be in order for Senators to be recognized for that purpose.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from North Carolina.

REINING IN THE SUPREME COURT: STATUTORY LIMITATIONS ON JURISDICTION

Mr. HELMS. Mr. President, to all the parents of children in the public schools and all other citizens who want to restore our great American tradition of voluntary school prayer, I say: We have just begun to fight. Round 1 is over, but so long as I am in the U.S. Senate there will be many more rounds to come.

Mr. President, there is more than one way to skin a cat, and there is more than one way for Congress to provide a check on arrogant Supreme Court Justices who routinely distort the Constitution to suit their own motions of public policy.

The truth is, Mr. President, that the problem is not—I repeat—is not in the text of the Constitution. The text is fine, and the text never prohibited voluntary prayer in the public schools of the States, as American history and experience up until 1962 so clearly attest.

The problem, Mr. President, is—plainly and simply—runaway Federal judges bent on imposing their own personal views of good public policy on the American public irrespective of the law. More often than not in recent years, these views have been hostile to both the Constitution and longstanding American traditions. It is no understatement to say that American society has been radically altered in recent years because of activist Federal judges.

We in Congress have tolerated this judicial usurpation long enough—not only on school prayer but also on capital punishment, forced school busing, abortion, pornography, swift and sure punishment for criminals, and in other areas of the law. Because of this usurpation, the States have been reduced to a position of servitude at the Federal bar, and the people, in the States have been denied their right to self-government on a State level.

Mr. President, it is time to put a stop to the charade going on on Federal benches. It is time to restore the States and the people to their proper position in our federal system. And it is time Congress exercised its explicit constitutional power to bring this about.

I am referring, of course, Mr. President, to the power of Congress under the Constitution to limit and regulate the appellate jurisdiction of the Supreme Court and the general jurisdiction of the lower Federal courts. Specifically, I refer to my voluntary school prayer bill, S. 784, which is already on the Senate Calendar.

Mr. President, the recent debate over a constitutional amendment on school prayer has raised the larger questions of how Congress should perform its constitutional duty to provide a check on the Supreme Court. Lawyers and laymen alike today recognize that the Supreme Court has gone far beyond its constitutional role of interpreter of the law. In recent years it has transformed itself from interpreter of law to lawmaker—a role neither authorized nor anticipated by the Constitution.

The Supreme Court makes law in two ways. First, it invades the prerogatives of the legislative branch by in effect amending Federal statutes. Illustrating this point is the recent *Bob Jones* case (461 U.S. — (1983)) in which the Internal Revenue Code was amended by Court decree.

Second, the Supreme Court regularly alters the Constitution itself without benefit of a constitutional amendment. This is the more dangerous of the two problems. For example, in the early 1960's contrary to all precedent

and tradition and without any official change in the Constitution, the Court held unconstitutional voluntary group prayer in the public schools.

Frankly, Mr. President, I cannot comprehend how Congress could ever have directly achieved this sweeping result. The plain fact is that the Constitution does not confer upon any branch of the Federal Government the power to tell the States they cannot conduct voluntary prayer in their own schools if they so choose.

But the Supreme Court of the United States did not hesitate in the now famous *Engel* (370 U.S. 421 (1962)) and *Schempp* (374 U.S. 225 (1963)) cases to tell the States just that. The theories used were novel and without historical basis. They were that the establishment clause of the first amendment had been "incorporated" against the States and that its terms prohibited voluntary prayer in public classrooms.

The Court in effect amended the Constitution in a way Congress never could. By a simple majority vote of the nine Supreme Court justices, voluntary school prayer was rendered unconstitutional throughout the United States.

Ironically, Congress had in fact tried in 1875 to bring about, at least partially, the result achieved by the Supreme Court in the prayer cases. Unlike the Court, however, Congress proceeded according to the Constitution and considered proposing a constitutional amendment to the States for their ratification.

That amendment, the so-called Blaine amendment, would have applied the establishment and free exercise clauses of the first amendment to the States. It was rejected, and no one even implied—as the modern Supreme Court has apodictically declared—that the 14th amendment incorporated the establishment clause against the States.

Mr. President, my point here—and it applies in other important areas of the law such as abortion, forced busing, capital punishment, criminal procedure, pornography, and libel—is that the Supreme Court has taken unto itself the power of amending the Constitution. It sits today virtually as a continuing constitutional convention with powers of ratification, even though the Constitution gives it no such status.

Instead of properly using the power of judicial review to invalidate statutes repugnant to the Constitution in cases before it, the Supreme Court employs judicial review, first to expand the Constitution according to the justices' personal views, and then to declare otherwise valid laws unconstitutional. This exotic and extravagant latter-day jurisprudence threatens not only our Constitution but the rule of law itself.

Under these circumstances Congress has not only the power but the duty to rein in a wayward judiciary and restore a proper balance of power among the three branches of Government. What can Congress do? The framers' original design of checks and balances gives Congress significant powers over the judicial branch.

The Senate, for instance, is authorized to give advice and consent on the President's nominations to the Federal bench. The House can impeach and the Senate can remove judges for misconduct. Congress holds the purse strings for judicial appropriations—excepting judges' compensation. Congress has specific enforcement powers over the 14th amendment and other constitutional provisions. And, finally, Congress can do two things that deserve special consideration; namely, propose constitutional amendments and limit Supreme Court appellate jurisdiction.

No one would dispute that the adoption of a constitutional amendment can be used to change an interpretation of the Constitution by the Supreme Court. This use of the amendment process has played a part in the adoption of the 11th—prohibiting lawsuits against a State by noncitizens of that State—14th—guaranteeing citizenship and rights to due process—16th—authorizing the income tax—and the 26th—lowering the voting age nationwide to 18.

But because the framers wanted a strong and stable Federal Government, they purposely made the Constitution difficult to amend. Naturally the charter for a longstanding union of sovereign States should not be subject to quick and easy change.

It is this very difficulty of the amendment process which makes it a blunt instrument as a congressional check on a wayward judiciary. The framers never envisioned that the main congressional remedy for judicial abuse of power would be a constitutional amendment.

If that were the case and Congress were relegated merely to proposing constitutional amendments whenever the Supreme Court distorted the Constitution, then the amendment process would serve not to safeguard the text of the Constitution but to protect the Court's corruptions of it. The framers would then have made the Court not only the most dangerous branch, unlike what Hamilton said in Federalist No. 78, but also the supreme branch of the whole Federal Government.

If the Court had this position of complete supremacy, as many would like it to have, its decisions would be cloaked with a functional infallibility. The mere opinion of the Court about the Constitution would be raised to the level of the constitutional text itself. The framers' healthy fear of concentrating governmental power in too few hands and their explicit design of a government with checks and balances eliminate the possibility that they would have created a Supreme Court virtually beyond the reach of direct congressional action.

That they did not is confirmed by both the test of the Constitution and its legislative history, particularly article III, section 2, which provides in part:

> The Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Although this provision prompts much discussion these days about "court stripping" and "threats to the independence of the judiciary," the framers of the Constitution had far different concepts in mind. In Federalist No. 80, Alexander Hamilton wrote about the judicial powers conferred in the Constitution. He said:

> If some partial inconveniences should appear to be connected with the incorporation of any of them (judicial powers) into the plan, it ought to be recollected that the national legislature will have ample authority to make such *exceptions* and to prescribe such regulations as will be calculated to obviate or remove these inconveniences. (Emphasis in the original).

John Marshall, in the Virginia ratifying convention, said:

> Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people. *3 Debates on the Federal Constitution* 560 (J. Elliot 2d ed. 1888).

In talking about congressional checks on the judiciary, Hamilton and Marshall point directly to article III, section 2. Their commentary, along with other legislative history, affirms what a reading of the provision plainly indicates.

For these reasons I have advocated and will continue to advocate legislation to withdraw jurisdiction from the Supreme Court in those areas where it has clearly distorted the meaning of the Constitution. Although such legislation has yet to be enacted, it has met with some success.

In 1979, when the Democrats held a majority in the Senate, my bill withdrawing jurisdiction over school prayer passed twice by votes of 47 to 37 and 51 to 40, only to be killed in the House by Speaker O'NEILL, PETER RODINO, and company. In 1982 the same bill survived a tabling motion 53 to 47, before later being set aside to pave the way for passage of a Federal debt limit extension.

These votes demonstrate that the will is there in the Senate to apply the brakes on the Federal judiciary by withdrawing jurisdiction. Not only should we pursue such means to restore the people's liberty on prayer

and other fundamental issues, but, I believe, we in Congress will be delinquent in our duties to preserve, protect, and defend the Constitution if we do not. It is Congress that was given the authority to check the Supreme Court, and it is to Congress that the American people should look to remedy judicial usurpation.

Mr. President, an article by Dr. Ralph A. Rossum in the spring 1983 edition of the William and Mary Law Review, entitled "Congress, the Constitution, and the Appellate Jurisdiction of the Supreme Court: The Letter and the Spirit of the Exceptions Clause," discusses at length the basis of the congressional power to limit Supreme Court appellate jurisdiction. It effectively refutes virtually every argument advanced thus far against the constitutionality of this power. At some point, Mr. President, I may ask unanimous consent to put this article in the RECORD, but for now I merely refer my colleagues to it at 24 William and Mary Law Review 385 (1983).

In summary, I will simply say that it is my intent to pursue article III of the Constitution which empowers the Congress of the United States to limit the jurisdiction of the Supreme Court. I have served notice as to this on a number of occasions. That is what the statement says.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we have just had a very interesting and historic vote in the U.S. Senate. I share the concerns just expressed by my friend and colleague from North Carolina that the joint resolution failed. The point of the matter is that it has been well known in this body for 2½ weeks that that particular joint resolution we just voted on was going to fail.

Earlier I had made inquiry as to whether or not it would be appropriate for this Senator to offer an amendment for silent reflection or silent prayer.

Early on it was well known by all of the 100 Members of this body, on both sides of the aisle, that the best way to proceed in this matter was to try and get what we wanted, which was oral prayer in the schools, or at least a substantial majority of this body wanted that. But I learned a long time ago if you cannot get what you want, then you try and settle for the next best.

I really believe that had this not been and were not this a political-religious issue instead of a religious issue alone, we indeed would have had the opportunity, after this joint resolution failed, to now proceed with some kind of a compromise which would have at least allowed local school boards to make the decision as to whether or not some type of a remembrance to a Supreme Being could be recognized daily in our schools.

This Senator from Nebraska presented remarks on this subject a few days ago and on my position.

The question that comes to my mind is, if this were not a political issue, why is it that we would not have a chance now to proceed on some kind of a silent remembrance or silent prayer?

I am very much afraid that this matter has become a political football that is going to be kicked across this Nation, up and down, in the upcoming campaign.

The Chair may have noticed that the Senator from Nebraska asked for regular order. I asked for regular order after we had run 7 or 8 minutes over the time after a 45-minute rollcall vote.

It was obvious that we were not going to have regular order because there remained one more Republican Senator who wanted to be on line, in step, in tune with the President of the United States.

It may be that the opinion of the Senator from Nebraska on this is entirely incorrect. It might be that everybody is sincere and are really interested in respect of God, which we could have done with silent prayer. I hope I am wrong. I hope that is not the case. I hope I am proven wrong, by encouraging the President of the United States in the spirit of true religious faith not to use this vote in his Saturday politically paid broadcast. I would hope likewise that this would not become a political football in the upcoming Presidential race.

I think those of us who are very much concerned regardless of how the politics fall about prayer in school would be keenly disappointed if the President of the United States sees fit to make this a political football. Because if he does, I think it might prove that the President of the United States might not be as sincere about things religious as he has been accused of being.

What could we have done, Mr. President? We could have, if we had wanted to, brought up some kind of silent prayer amendment. Then we certainly could have cut off a filibuster with cloture. Then we could have voted up or down. But that was not the way the game was intended to be played and everybody has known for the past 2½ weeks that this vote we just took would not be significantly different.

I am simply saying on the floor of the U.S. Senate, Mr. President, that I am not happy with the way this has been handled. I just hope that somehow we can get around it. I certainly hope that those of us who voted for the President's amendment in good faith and in good conscience will not be placed in a position now to defend many of our colleagues who, in their own right, felt just as strongly the other way as we did on this and that they will not be unfairly attacked for voting their convictions.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. EXON. I shall be happy to yield.

Mr. BYRD. I think it would be difficult for the President to make that kind of argument; it certainly would be difficult for him to make it stick in view of the fact that 19 of us Democrats voted for the amendment. I believe 18 Republicans voted against it. I have said all along that this should not be made a partisan issue.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, I am disappointed in the outcome of this vote on restoring voluntary school prayer. I began my opening statement on this issue by recognizing the rightly difficult and long process involved in amending our Constitution—a Constitution that has preserved freedom and justice for over 200 years.

For nearly 188 of those 200-plus years, children in America were allowed to recognize the Lord through praying in public schools. It served us well. However, today, the vote was taken and there was not a sufficient number. Even though there was a majority, there was not a sufficient number to meet the requirements for this long process involved in amending our Constitution.

Having examined the state of religious freedom in America's public schools, I strongly urge my colleagues to consider the next step in restoring the right to the free exercise of religion in schools. I refer to legislation insuring equal access to school facilities for voluntary religious activities.

Mr. President, I support my colleague (Mr. DENTON) in his efforts to bring S. 1059 to the floor for consideration.

It is appropriate that this body consider this equal access legislation which would clarify the free speech, free association, and free exercise of religion rights of public school students after considering a constitutional amendment to restore voluntary school prayer.

Mr. President, I point out very briefly that we can assemble in schools today to discuss communism, to discuss yoga, to discuss nazism, to discuss every kind of "ism" that is known to mankind, but several Federal courts say we cannot assemble to discuss the Bible or the Lord.

The Judiciary Committee voted to recommend this bill for passage on a bipartisan vote of 12 to 4. I urge the leadership to bring Calendar No. 657 to the floor at an appropriate time in this session.

Mr. DENTON. Mr. President, will the Senator yield?

Mr. JEPSEN. The Senator will yield.

31-059 O-87-4 (Pt. 5)

Mr. DENTON. Mr. President, I thank the distinguished Senator, my good friend, the Senator from Iowa (Mr. JEPSEN), for his remarks.

I assure the Senator from Nebraska (Mr. EXON) that I do not intend to make political hay out of that which I perceive to have been a conscientious vote on both sides.

The Senate has now worked its will on the school prayer constitutional amendment. The majority leader is to be commended by all of us for his leadership and example throughout the debate. I believe the tenor of the debate on the part of all Senators was commendable.

Although I am not surprised at the outcome, I am nonetheless disappointed and dismayed. An overwhelming majority of Americans wanted an amendment; a substantial majority of my colleagues wanted it; a shift of only a handful of votes would have insured its passage.

The amendment would probably not have been perfect and I respect the votes on both sides. I believe it would have been preferable; hence, my "yea" vote.

I believe most of my colleagues agree, perhaps including the Senator from Nebraska, certainly the Senator from Illinois (Mr. DIXON) I perceived to have agreed the other day that this bill S. 1059 is worthy of support. I would like to outline the bill humbly and respectfully to my colleagues, believing that the Senate and Congress cannot leave this matter without having acted favorably on some legislation that properly deals with religious expression.

I ask, then, that the majority leader focus his attention for a moment on the equal access bill, about which the Senator from Iowa spoke, S. 1059, which I introduced to address one vital aspect of the school prayer issue.

The equal access approach clarifies the right of religious public school students voluntarily to meet on an extracurricular basis, during noninstructional time, on the same basis as other student groups such as the Chess Club or the Drama Club. Under the equal access approach, public schools that have created a forum must treat all student groups alike under a content neutral policy.

Normal time, place, and manner restrictions on the meetings of student groups are, of course, expected and desirable. My bill contains a provision that clarifies that the legislation not be construed to limit the local school board from adopting nondiscriminatory procedures for student group meetings to insure orderly conduct during the school day. I wish to outline these characteristics of the bill because they are important.

The bill as reported clarifies the role of the faculty as that of a nonparticipating custodian, to assure health and safety and order in the classroom.

Moreover, my bill has a section that assures that no faculty member can influence the form or content of prayer or religious activity.

The bill also contains a definition to clarify that "extracurricular activities" does not mean officially sponsored athletic teams that represent the school.

In other words, if the school permits only a football chalk talk in a classroom, that does not mean that they would have to permit to a classroom equal access for religious purposes. However, if it does have more than that, something like a chess club or sorority meetings or that sort of thing, then it would have to adopt equal access for religious purposes.

President Reagan has endorsed the legislation and Secretary Bell strongly favors my approach of equal access. I strongly remind my colleagues that S. 1059 has had 2 full days of hearings and was favorably reported by the Judiciary Committee by a vote of 12 to 4. S. 1059 is the only legislation on the issue of religious expression in the schools to have been reported favorably from committee. There have also been hearings held in the House on a companion measure, and the hearing in the House before committees has indicated that there will be no problem with this bill in the House.

Mr. President, I express my intent in the near future to introduce this bill on the floor, limited only by the majority leader's decision regarding the calendar. I ask him if he is in a position now to specify a time or means by which we might best consider the measure.

Mr. BAKER. Mr. President, if the Senator will yield, I am not in a position now to designate a time but I can assure him that, as the matter is reported on the calendar, it will be given the most careful consideration. I shall confer with him about a time.

I also tell him that I have no desire whatever to keep him from doing that. Indeed, I shall help him try to reach general and full consideration of this measure.

Mr. RANDOLPH. Mr. President, we, the Members of the U.S. Congress, have the privilege of prayer given by our beloved Chaplain. This has been so since the founding of our Republic. Our Nation's children in our public schools should have that same privilege.

I am disappointed that there were less than the required number of votes to pass the prayer amendment. It is, as we know, necessary for a constitutional amendment to receive two-thirds of the votes of Senators who were present and not just two-thirds of the total number of Senators who serve.

But we must also remember that there were 12 more Senators who voted for the prayer amendment than voted against it. I respect the judgment, recorded in votes, of my colleagues. It is a fact of life here on the Hill. There are understandable differences of opinion.

I have cast 10,502 rollcall votes, which includes today's decisionmaking process.

I recall, as the author of the 26th amendment to the Constitution, our last constitutional amendment, which provides the opportunity and responsibility for youth who are 18, 19, and 20 years old to vote, that I began this crusade with legislation and hearings in the House of Representatives in 1942. It was 30 years later that our young people could go to the polls and exercise their ballots.

Mr. HATCH. Mr President, in addition to the Senators to whom I paid tribute in my statement preceding today's vote (Senator THURMOND and Senator BAKER) let me also extend my appreciation to the following Members for their efforts during the course of this lengthy debate: The distinguished Senator from Arizona (Senator DECONCINI); the distinguished Senator from Iowa (Senator GRASSLEY); and the distinguished Senator from Kansas (Sentor DOLE).

I would also like to pay tribute to the following staff members for their efforts in this debate; my counsel on the Subcommittee on the Constitution, Stephen Markman; Randall Rader, also of my subcommittee; Dick Bowman and Dee Lide, Senator THURMOND; Jamie Baker, Senator BAKER; March Bell, Senator DENTON; Bob Feidler, Senator DECONCINI; Mike Epstein, Senator BYRD; and John Maxwell, formerly with Senator GRASSLEY.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the time that has been devoted to additional statements has now expired. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Obviously, if Senators have statements they wish to make, by consent of the Senate, they can be included at this point in the RECORD.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE ON S. 684

Mr. BAKER. Mr. President, I believe this is cleared on both sides, but I would not swear to it after the reaction I got so far, and judging by the crouch in which I see the Senator from Louisiana, I may not get this at all, but I ask unanimous consent that at 1 p.m. on Wednesday, tomorrow, March 21, the Senate turn to the consideration of the veto message to accompany S. 684, water resources re-

search, and that it be considered under the following time agreement: 1 hour on the question of reconsideration, to be equally divided between the chairman of the Environment and Public Works Committee and the ranking minority member, or their designees.

Further, I ask unanimous consent that at 2 o'clock on Wednesday, March 21, the Senate proceed to a rollcall vote on the question of "Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?"

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I feel I barely escaped with my life.

The text of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That at 1:00 p.m. on Wednesday, March 21, 1984, the Senate proceed to consider the President's veto message on S. 684, the Water Resources Research Act of 1983, with the time for debate on the question of reconsideration to be limited to one hour, to be equally divided and controlled by the Chairman and Ranking Member of the Committee on Environment and Public Works, or their designees.

Ordered, further, That at 2:00 p.m. on Wednesday, March 21, 1984, the Senate proceed to a rollcall vote on the question of whether the bill shall pass, the objections of the President of the United States to the contrary notwithstanding. (March 20, 1984)

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. BAKER. As the minority leader knows, I announced a few minutes ago that it is the intent of the leadership on this side to ask the Senate to go to H.R. 4072. May I ask the minority leader if he is prepared to go to that by unanimous consent?

Mr. BYRD. Mr. President, I think there will be an objection on this side for the moment.

Mr. BAKER. I thank the Senator.

Mr. President, I had been told that previously and rather than make an idle gesture I now move the Senate proceed to the consideration of Calendar Order No. 784, H.R. 4072.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the majority leader has moved to take up a bill that has been described as a wheat bill, and it is important to note right from the outset that this bill covers four different commodities, not just wheat. Wheat, indeed, is one of the commodities covered, but it also covers cotton, rice, and corn.

Mr. President, we have discussed the administration's proposal to cut the target prices on the 1984 and 1985 wheat crop for about 8 or 9 months, so nothing is new about that. But just 2 weeks ago the administration, in the form of Secretary John Block and the Director of the Office of Management and Budget, David Stockman, came before the members of the Senate Agriculture Committee and any other Senators who were interested and said: "We have a proposition that involves more than wheat. We have a proposition that also involves the 1985 program for rice, cotton, and corn."

There were not any public hearings on those commodities. They were just sort of dumped out before the committee and the other Senators who were interested. Through a series of meetings, we finally reached a point where the Senate Agriculture Committee said: "Well, all right, we will buy the package," and that is causing some trouble now.

I think, with a little accommodation among wheat Senators and the Department of Agriculture and David Stockman, we could have a modification of the wheat program for wheat farmers in this country for both 1984 and 1985. But I fully understand the reluctance of Senators who represent the other three commodities—rice, cotton, and corn—to sign off on what would be the 1985 farm program for those commodities.

I am taking this time to discuss this matter because Senator BUMPERS, who cannot be present right now, wishes to enter into the RECORD some remarks of his own and perhaps some colloquy concerning rice and perhaps other commodities that are covered in this package. So I am not going to hold this floor very long, but I will protect Senator BUMPERS at his request.

Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky (Mr. HUDDLESTON) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. I thank the Senator for yielding.

Mr. President, I reiterate the comments made about the importance of this particular legislation and the need to act very quickly.

As the Senator from Montana has pointed out, it has been inaccurately termed a wheat bill. There are other commodities involved.

I think it is deplorable that the administration has not come to terms with Senators who have within their own constituencies situations, with respect to those other commodities, that demand immediate attention.

Also in this bill are a number of provisions relating to the credit needs of American farmers.

Credit remains a serious problem for farmers, and the threat of foreclosure is the most demoralizing aspect of the recession in the agricultural economy.

During the last 2 years, over 15,000 farmers with Farmers Home Administration loans have been forced to liquidate their operations for financial reasons.

Federal credit programs need to be adjusted immediately to prevent additional foreclosures against farm operators who are experiencing temporary financial difficulty through no fault of their own.

Some of the improvements contained in the credit portion of the bill could be accomplished administratively. In fact, I have urged, and continue to urge, the administration to take steps administratively, under existing law, to address farm credit needs.

I am especially concerned that immediate action be taken with respect to the economic emergency loan program. In the 1981 farm bill, Congress authorized the use of the economic emergency loan program during fiscal year 1982 to assist farmers facing severe economic hardship. However, the administration chose not to implement the program.

That decision resulted in a lawsuit against the Department of Agriculture. In the decision handed down by the district court for the District of Columbia in that case, the Department was directed to reopen the economic emergency loan program on December 22, 1983, and administer the program through the end of fiscal year 1984.

Acting under the court's order, the Department of Agriculture, in early December, announced that $600 million in economic emergency loan funds would be made available through the Farmers Home Administration. However, in January, the Office of Management and Budget directed FMHA to make only $57 million in direct loan funds available and provide $543 million in loan guarantees under the program.

Historically, the Farmers Home Administration farm loan guarantee programs have been used only to supplement the direct loan programs. For example, during the previous years the economic emergency loan program was in operation, over $6.6 billion in loans were made but only $328 million—or about 5 percent—of the assistance was in the form of loan guarantees.

It is clear to me that OMB's action was designed to restrict use by farmers of the economic emergency loan program. While all $57 million of the direct loan allocation was committed by January 13, 1984, only about $15 million of the $543 million programed for loan guarantees have been used as of the end of February.

Up until 2 weeks ago, the OMB decision on allocation remained unchanged. Then, during the negotiations that led to the development of this legislation, Budget Director David

Stockman and Agriculture Secretary John Block told congressional leaders the administration was willing to allocate an additional $253 million for direct economic emergency loans if Congress cut back certain other programs.

This is not the way to make policy decisions regarding this vital program. Farmers about to be forced out of business because of last year's drought or general economic conditions should not be just bargaining chips for the administration.

I strongly urge the administration to stop using farmers as pawns in political negotiations and immediately make direct economic emergency loans available through the Farmers Home Administration without waiting for enactment of H.R. 4072.

Direct loans are repaid at an interest rate that is above the Federal cost of borrowing so there is very little cost, but great benefit to farmers, in the making of such loans. Over 121,000 economic emergency loans have been made in past years and conditions justify reopening the direct loan program immediately.

In addition to providing more funds for direct economic emergency loans, the administration should take several other administrative actions that would be helpful to farmers.

With respect to the natural disaster emergency loan program, the administration should make emergency loans available based on individual production losses without regard to county designations. Such action would be consistent with changes made in the law in 1978 to provide emergency loans to any qualified farmer regardless of where he resides.

Further, the administration should extend from 6 to 8 months the time period in which farmers affected by a disaster may file applications for emergency loans after the disaster determination is made.

In addition, the administration should allow the interest rate on any Farmers Home Administration farm loan—other than a guaranteed loan—that is deferred, consolidated, rescheduled, or reamortized to be set, for the balance and term of the original loan, at the lower of the rate of interest on the original loan or the current rate of interest being charged by the Farmers Home Administration for loans of the same type.

With respect to the low-income, limited-resource borrower program, under which borrowers who qualify can receive farm ownership and farm operating loans at a reduced rate of interest, the administration should take steps to make certain all of the available funds are used. In recent years, despite the need, millions of dollars in loan money set aside for limited resource farmers has gone unused.

Mr. President, the credit situation for American farmers has never been more serous, going back to the Great Depression, than it is at this particular time. Action must be taken to provide some help for farmers. If action is not taken within a reasonably short time, we will lose the opportunity to help the agricultural producers of America deal with what was one of the worst drought seasons in many, many years, deal with the decline in market prices, and deal with the decline in export sales of our agricultural products, and be able to stay on the farm and in business another year.

On this legislation, I hope we see some interest on the part of the Agriculture Department in talking to the Senator from Alabama, the Senator from Montana, and the Senator from Arkansas, and resolving these minor differences so we can move forward to passage.

I appreciate the Senator from Montana yielding to me.

Mr. MELCHER. I thank the Senator from Kentucky, the ranking member of the Senate Agriculture Committee. His remarks are, indeed, correct.

I point out that David Stockman and the administration's real interest in this bill, of course, is to show some savings in outlay for the Treasury. They have estimated that that is about $3.5 billion over the next several crop years in these four commodities.

The desire to save some money for the Treasury is very admirable and none of us is going to quarrel with that since we have a huge budget deficit. But in regard to wheat, it is fair to say that it is the only commodity of the four which is required under the terms of this legislation to give up some of the statutorily protected target price for the 1984 crop.

Then, having given up part of that, it is locked into it for the 1985 crop. And if the Department and David Stockman had had their way, I guess it would be the target price for the 1986 and 1987 and perhaps 1988 crops also. That would be $4.38. That is a modification from what would be the target price in 1984, $4.45 now required under law and $4.65 for the 1985 crop that is now required under the law.

Now, there is one other point about wheat also that should be noted. The Secretary has established the loan rate for wheat for the 1984 crop, for the 1985 crop, and it is the intention that it be the same for the 1986 and 1987 crop, and the 1988 crop to be added later, $3.30.

This is a little bit tougher on wheat than on the other commodities. Wheat farmers are under stress from high costs and low prices in the marketplace.

So I do not take the matter lightly. If we get to the bill, I will offer an amendment that should improve the target price, or I am open for suggestions, the loan rate for 1985 so that wheat farmers would not be required to give up as much as they are asked to give up in the bill as it is presented to us.

Mr. President, I ask unanimous consent that I might yield to the Senator from Kansas without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Montana. If we get to the bill, I think there are a lot of us who would like to discuss certain points, but I urge my colleagues to let us get to the bill. I do not wish to quarrel with anyone. It seems to me we could take a look at the bill and find that one commodity may have received a little better deal, or at least that somebody thinks one commodity may have received a little better deal. I tend to agree with the Senator from Montana that, although this has been dubbed a wheat bill, the wheat producer is the only one of the group willing to take a cut in target prices this year. But this bill is very important to the wheat producers.

The signup for the wheat program expired last Friday, March 16. However, the Secretary has indicated that he would reopen the program if, in fact, the bill passed.

I have been in constant contact with Congressman FOLEY on the House side. He indicates that if we would act, chances are fairly good that there would be some action on the House side, either on an identical bill or, if necessary in conference. But we cannot make any progress unless we get the bill up. I assume the problem now is that one Senator can veto it if we try to proceed by unanimous consent.

The majority leader now has moved to consider the bill. It is my hope that we not cut anybody off. Obviously, everybody has a right to talk on it all night. Let us talk on it all night—all night tonight and all night tomorrow night and all night the next night.

I was in my State over the weekend, and most of the farmers there have not spent much time studying Senate procedure. It does not do much for me to say, "I can't get unanimous consent." That does not help them with their creditors, with their banker, or with their cash flow.

They have been wondering what we have been doing, and why we have been talking about changing the wheat program for 6 or 8 months. We can cut things off and talk only about this program or that program. But that would not be very effective.

I hope that now that we have moved to the consideration of this bill, we can stay on it, if it takes 1 week or 3 weeks. We have just spent 3½ weeks on the prayer amendment, which is very important; but I suggest that, in many areas, this bill may be even more important.

Those of us who have differences can offer amendments and, if they are defeated, at least the Senate will have worked its will. It is not perfect legislation. I have been on the House Agriculture Committee 8 years and the Agriculture Committee in the Senate about 14 years, and I am still waiting for the perfect farm bill. Every year we talk about one that is perfect and will please everyone.

It seems to me that we have come a long way, and we have brought the administration a long way, through the efforts of the Senator from Montana, the Senator from Alabama (Mr. HEFLIN), Senators on both sides in consultation, and with the help of Representative FOLEY and others in the House.

I am not certain that this bill will save any money. USDA says its saves $3 billion. I do not think anybody will try to prove that it saves $3 billion or $300 million. It may or may not save money. But it does help the farmers with their cash flow.

With the paid diversion program, it is possible for a farmer in my State to sign up for the 1984 diversion program and get half the diversion payment in advance. For the first time in my memory, he would also know by July 1 what the next year's wheat program would be, and he could sign up for that program this year and get part of that payment. So it really is important.

I hope we can resolve our differences. I cannot speak for cotton and rice. In the other areas, I think we have a basic agreement, and it is my hope that, working together, we can move this bill along.

Finally, this must not be the last piece of farm legislation. This Senator has been convinced for a long time that unless we can demonstrate some willingness to cut back on some of the excesses of our price support programs, there may not be a 1985 farm bill.

The only reason we have target prices in the program now, I think it is fair to say, is that the Senator from Kansas and others, contrary to the administration's wish, voted for target prices. They are set at levels a little high and should be reduced a little.

If we are going to have a target price program in the 1985 farm bill, we will have to start working together now to urge farmers in our States to be responsible and reasonable, as most of them are. I doubt that Congress, particularly the House, will pass a farm bill in 1985 that will repeat last year's cost of $19 billion plus about $9 to $12 billion for the PIK program.

The year President Carter left office, the cost of farm price support programs totaled $3.5 billion, and a lot of people thought that was too much. It seems to me that the interests of agriculture should be debated on this floor. We should spend some time on it, and I have been trying to do that for a number of months.

I thank the distinguished Senator from Montana. I hope we can take action on this bill today. It certainly would please the great majority—not everyone, but the great majority—of farmers in this country, plus others who do business with farmers. In my view, they will all appreciate favorable action on this legislation.

Mr. MELCHER. Mr. President, I think we always do a disservice in Congress when we lump wheat with the expenses of the farm program and other commodities. CCC actually has paid a slight profit on loan guarantee for commodities. So a lot of figures that are tossed around as the cost of our program are highly inflated, in that they do contain loan guarantees for commodities.

We are in the peculiar position of having to deal with a 1985 program for rice, cotton, and corn, without ever having any thorough discussion with those producers.

I think the Department of Agriculture and the administration have made a blunder in presenting all these commodities in one package. The only urgency right now is the wheat program.

If I had my way, we would not be encumbered now with considering the 1985 farm program for rice, cotton, and corn. We would just go ahead with the wheat program.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. MELCHER. Mr. President, I yield to the Senator from Oklahoma, and I ask unanimous consent that I not lose my right to the floor.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. BOREN. I thank my colleague from Montana. I agree with much of what he has said.

Mr. President, certainly, the bill we are discussing is not a perfect bill. There are elements of the cotton program, the program for rice, and other elements of this package with which I am not in full agreement. This is not the bill I would write, if I had the flexibility of writing a perfect bill. This is not the program I would announce, if I were the Secretary of Agriculture.

Unfortunately, however, we are in a situation in which the Secretary holds many of the cards. He has broad discretionary powers. He can change the program as he sees fit. He could, on his own, announce all the positive elements of this bill. The only one requiring a statutory change is the change in the target price. Improvements in terms of adding a paid diversion program, of allowing haying and grazing, of increasing the PIK yield, and decreasing the percentage that must be idled without payment—all these things could be changed by the Secretary of Agriculture on his own volition, without any action by Congress. If Congress were to fail to act, he could make changes which would make this program more workable, more effective.

Unfortunately, he has that bargaining leverage, and regretfully I believe him when he says that, absent passage of this bill, he does not intend to make any changes.

Therefore, having to live in the real world, I have to weigh the alternatives. It seems to me that the alternative we should prefer in this case is the passage of this package for wheat producers.

While it is not perfect, and while I would prefer not to see any rollback in the target price, we have put a pencil to paper and figured the improvements that would be made in terms of the paid diversion program. It has been estimated that passage of this bill, for wheat producers alone, would increase gross income by some $8 an acre.

I represent a State where the farmers in 1981 made an average of only $14 net farm income for the whole year. This is now the fourth year in a row of disastrously low farm income. Every time I go home, I have a conversation with another group of farmers who are facing liquidation. It is not an abstract matter to me; it is not hypothetical. I am talking to people every day who come up to me and say, "This farm has been in my family for three or four generations, and we are going to lose it." Or they say to me, "I have worked all my life on my farm; and if I go out and borrow for one more season and go deeper into debt, I will have absolutely no equity left, and all I have worked a lifetime to produce and build up will be gone."

These are tragic situations. They are not just statistics on a page. They are real life, human tragedies that are unfolding all across this country, in all the agricultural producing States.

Therefore, when I can see the opportunity to take any action that will improve that gross income figure even a dollar, that is an action I have to face.

There are other provisions of the bill in regard to emergency loans, in regard to farm credit, in regard to additional funds available for export credits and improvements in the Public Law 480 program that have much to recommend them.

This is not a perfect bill. I would like to have seen a different trigger in cotton. I would like to have seen other things changed in this package. I would really prefer to see us act only on wheat at this time. Unfortunately, however, the Secretary of Agriculture has us over a barrel and is demanding other provisions of this bill in return for improvements in the program I have outlined.

So, on balance, I take the position I took when I offered a sense-of-the-Senate resolution a couple of weeks ago and won the agreement from the majority leader, the Senator from Tennessee (Mr. BAKER), that he would give us an opportunity to take up this piece of legislation. I think it is an effort worth making.

While there may be those who may feel obligated, because of their disapproval of parts of this package, to cast a negative vote or perhaps to cast a symbolic negative vote because this program is not as good as it should be—and I agree that it is not what it should be—I still feel obligated at this point to try to push ahead for the passage of this imperfect compromise. I believe we are at the point that if this legislation will just keep a handful of farmers in business who otherwise would go under, that is a step worth making.

The Senator from Montana has been diligent in his efforts, on behalf of farmers of this country. There is no one who has spoken out more forcefully for family agriculture than he. I hope that he and I will both see the day when in this Chamber we will not be faced with a choice among the unpleasant alternatives, a choice between imperfect programs. I hope we will see the day when the people of this country wake up to the fact that, on balance, it is not the general public that has been subsidizing agriculture; rather, it is agriculture that has been subsidizing the American economy for years and years and years to the point of selling our agricultural products in the world market far below their cost of production. It is agriculture that is contributing back to the balance of trade, contributing back to the health of our general economy. It is family farming that has made it possible for the American worker to spend less than half as much of his hourly wage on food as is true in any other nation in this world.

But I hope we will see the day, I say to my colleague from Montana, when we will have our people understand that the family farmer in this country is now broke, that the string has run out, that those family farmers can no longer afford to subsidize the rest of the American economy, and that if the well-being of that total economy is to be served, we must adopt programs that will allow the family farm unit to be able to continue in existence.

I thank my colleague for yielding to me. I wish I could advocate this package as a perfect bill. I cannot. But given the realities of the situation, I do hope we will be able to proceed to a vote and I hope that we will be successful in taking this very small, modest step in the right direction.

Mr. MELCHER. Mr. President, I thank my friend from Oklahoma, the senior Senator from that great State.

I want to make two points. No. 1, we have received more attention out of the White House, if David Stockman represents the White House, on agricultural problems in the last 3 weeks than we had from them in the last 3 years. I think, as this debate unfolds here, we are going to see some improvement in this package, both for the agriculture producers in this country and for the entire country.

This bill is far from perfect; of course, it is imperfect. But we are going to attempt to make it more nearly perfect. We are going to attempt to improve on this—I hesitate to assign a term to it; I almost said "turkey"—we are going to attempt to improve on this limited, lame package before it leaves the Senate.

They want something—by that I mean the administration wants something. They want it pretty badly or we would not have seen them up here 4 days running. And I think there is more give yet. Not that it will hurt the Treasury, but it will give more opportunity to American agriculture producers to do what they want to do, and that is produce.

I am very much afraid that the 30-percent idling of wheat land throughout the country is too much, plus what will be put under PIK. Now that could be up to 40 or 50 percent of the wheat-producing land in this country.

I know we are very fearful of how staggering the surplus may be after this crop is harvested. But I think it behooves us to recognize that wheat in the bin is every bit as good as money in the bank; in fact, a lot better. Because the value of wheat pegged down to $3.30 a bushel is so low—that is where the Secretary of Agriculture has put the loan rate which in times of surplus means the market will follow that level—that price is so low that wheat in the bin is much more valuable than money in the bank.

There will be a need for this food. It is a terrible shortcoming of Congress, the past several administrations, and the entire country that we do not utilize the bountiful goodness that is provided to us by the Almighty in these very fine and wonderful crops of wheat and other commodities.

Mr. President, I see my friend from Arkansas is here on the floor. I am pleased to have his comments on this package and I now yield the floor.

Mr. BUMPERS. I thank the Senator from Montana for his comments, perceptive and visionary as usual.

David Stockman, back in 1981, I believe, said: "If we are ever going to get farm subsidies discontinued in this country, we are going to have to pick these commodities off one at a time."

Now when he said that he was talking about rice, cotton, wheat, and corn. Those are the major commodities that the Secretary and the people of this body and the Agriculture Committee are referring to when they speak about commodities.

What David Stockman meant was that, at least in the U.S. Senate, any time you try to take all four of those on, there are enough Senators here, from farm States that raise one or more of those commodities, to block them. So he was talking about the old theory—we have got to divide and conquer; take them one at a time.

Well, that is not exactly what is happening here with this bill, except apparently the Department of Agriculture has done a numbers count and have discovered that by giving wheat a subsidy that will be beneficial to wheat farmers, they will at least quiet farmers from States where both wheat and corn are grown. And even though there are only 12 Senators here who represent States where rice is grown, and no more than that where cotton is grown, the administration has effectively taken David Stockman's advice by saying: "Let's pick off rice and cotton. We will give the wheat farmers enough so that the corn boys won't squawk, and we can get this bill passed and save ourselves some money."

Nobody knows how much it is going to save because nobody knows what these commodities are going to bring. Nobody knows how many farmers are going to sign up for the program, so they can't possibly know what the savings are. But I can tell you there will be some savings, and mainly at the expense of rice and cotton.

Now the Secretary of Agriculture is a fine man and a gentleman; he is always cordial with me. I have just visited with him. I have had a talk with him, but he is unyielding. That is his prerogative. He looks at this thing through one set of glasses and I look at it through another.

I know one thing. I know that there is something seriously skewed about the priorities in this country when we spend $321 billion on defense so we can kill everybody in the Soviet Union 45 times instead of just 10 times, and then come in with a program that, for example, on each 100 acres in my State costs the rice farmers about $1,115. And that is the least they would lose. Now if rice was bringing the prices that we got back in the good old days in 1973, even before our cost

of production doubled and tripled on us, we would still be happy as a clam.

What I was asking the Secretary for was a minor concession in terms of the way we talk about it around here. It would not cost much to pay the rice farmers of this country a 10-percent diversion instead of a 5-percent diversion. For 1985, it would cost an extra $11 million more than would H.R. 4072, and about $18 million more in 1986. But listen to this: It would save—I repeat save—the taxpayers $4 million in 1987, CBO says. That is what 10-percent paid diversion would do. And yet for every 100 acres of rice in my State, this bill costs my farmers $1,115. I expect we had about 1.5 million acres of rice in my State last year and will this year.

I know one thing, it is our big cash crop, and that is not to denigrate soybeans, or cotton, or wheat, which we also grow a lot of. Rice produced $658 million in my State last year. That is 2 to 3 times the rice production in the No. 2 rice-producing State.

Agriculture is still our big industry. Yet, there is not a farmer in my State—not one—that feels that he is prosperous at this moment. His costs have gone completely out of sight. He is selling his rice, for example, for less than it was bringing in 1973—a lot less.

There is one thing in this bill that I like. The Secretary reminded me of it a moment ago. The Senator from Mississippi has these figures right at his fingertips. We are putting more money into export credits.

Mr. President, can the Senator tell me how much money we are putting into that?

Mr. COCHRAN. Mr. President, if the Senator will yield, the bill does provide for additional export credits for 1984 as well as 1985. I say to the Senator that I intend to offer an amendment to the urgent supplemental on Public Law 480 that will increase the provisions of that export credit so that we will have the full $5 billion of credits for 1985. The figure in the bill for 1984 would not be changed by my amendment but this would provide for additional exports, which is of vital interest to rice farmers and cotton farmers as well.

Mr. BUMPERS. Mr. President, it is, indeed.

Mr. COCHRAN. The Public Law 480 program is also increased in our credit sales under that program for 1985. The Public Law 480 urgent supplemental that is before the Senate—and will be called up soon—provides additional grants to Africa to try to help deal with the serious famine that exists there. So there are some very important provisions that relate to credit.

Mr. BUMPERS. Incidentally, Mr. President, on the food for Africa program, has the kind of food that we are going to send to Africa—the mix of the commodities that we intend to send—under that $150 million appropriations been determined?

Mr. COCHRAN. I am sorry, Mr. President. Could the Senator repeat the question?

Mr. BUMPERS. Let me repeat the question. We are proposing to send under Public Law 480, I believe, $150 million worth of food to Africa. My question is, has the administration determined what the mix of the commodities will be?

Mr. COCHRAN. Mr. President, I do not know that that has been determined by the administration. There is some discussion that, unlike previous shipments, there will be a considerable amount of corn involved; that there is a critical need that exists for that as well as wheat. But I think those will be the two major commodities that will be transshipped to Africa for that purpose.

Mr. BUMPERS. Mr. President, can the Senator tell me how much is in the Public Law 480 program for 1984?

Mr. COCHRAN. No; this Senator does not have that information right at his fingertips. We will find out and get that answer, though, in very short order.

Mr. BUMPERS. I thank the Senator very much for his comments and his replies.

We are going to increase the amount of money for export credits, and that is commendable. That is a fine and important gesture and a good start. But that does not necessarily guarantee exports. Think for a moment about what the Senator from Oklahoma said a moment ago about how agriculture is the industry in this country that we depend on to implement foreign policy. It is the program we depend on to show our compassion for starving people, but most importantly it is what we depend on to keep our balance of payments from being even worse than they already are. Our account balance for 1983 is out of kilter by $40 billion.

Our trade deficit—that is, the difference in the amount of goods we exported compared to what we imported—is out of kilter for 1983 by $60 billion, and is expected to go to $100 billion this year. Why? There are a lot of reasons.

No. 1, the economies of the countries to whom we export these commodities—the so-called Third World nations or LDC's—are in such a shambles they cannot buy our products. They owe the banks of this country so much money they cannot borrow any more money with which to pay. On the contrary, these countries are demanding that we buy more from them so they can repay us what they owe us. We are responding: "We cannot buy any more from you. We have a trade deficit as big as all outdoors now. We are just like you, we need to sell more too."

Manufacturers Hanover Trust, one of the very largest banks in the United States, has about 75 percent of their total assets loaned to Brazil. If you have been reading the Wall Street Journal lately, you know that the banks in this country are going to have to start declaring a lot of those loans to Argentina and Brazil as nonperforming. Out in Arkansas we call that default. They just "ain't payin'." They are in default.

But in the jargon of the FDIC and the banks, these loans are nonperforming. So these countries cannot buy our products any more because they are so far in debt. Argentina and Brazil are two of our biggest competitors in the agricultural field.

Incidentally, you hear people all the time talking about what it costs to subsidize farmers in this country. Why, it is a pittance compared with other countries. The European Economic Community is meeting today and about to come unraveled because of the tremendous subsidies they are paying out for agriculture. A very significant percent of the European Economic Community's budget is for agricultural subsidies. Margaret Thatcher, the Prime Minister of Belgium, and some other members of the Economic Community are at it hammer and tong right now and the whole common market is about to become unraveled because of it.

Why, France buys wheat from us for $3.50. By the time they get through putting all their taxes on it, it runs it up to $7. They take that extra $3.50 they collect off us and subsidize the sale of chickens in the Middle East. The United States used to have 17 to 25 percent of the poultry market in the Middle East. Today it is less than 7 percent. How can we compete with France which subsidizes chicken by 15 cents a pound? This is a Senator from the biggest poultry producing State in the United States. I not only know what I am talking about, I know how devastating this has been to our poultry processers. But sadly, people in this country think that we are overdoing it for the farmers.

A second reason we cannot export to these countries—even if they are not head over heels in debt to American Banks—is that our interest rates are high because our deficits are collosal and every time the interest rate goes up—as it did yesterday, and it is just the tip of the iceberg as far as this Senator is concerned—the dollar gets stronger. When I was growing up we used to sit around the pot-bellied stove and everybody would say "What we need is a good, strong dollar." A good, strong dollar is devastating this country when it comes to exports because nobody can afford to buy our products.

What you want is a weak dollar abroad and a strong dollar at home, and I can tell you that, this is a delicate line to walk. In any event, foreign countries cannot buy our industrial goods or our farm products because the dollar is so strong against their own currencies. The dollar is going to get stronger every time our interest rates go up, and our interest rates are going to keep going up because we are not doing anything about these deficits. Everybody is opposed to deficits as long as they do not have to do anything about it.

I want the Senator from Mississippi to have a chance to go to a conference in a minute. To go back to where I started, rice and cotton farmers have not made enough money to fill a thimble in my State in the last 5 years. It has been drought; it has been the weather; it has been price; it has been exports. Every year it is something different or a combination of different things. Then we come in here with a bill which the Secretary says "I will not accept any changes" in. He may not. I can remember when I was Governor of my State I would tell legislators, "Don't change one word in that bill or I will veto it." Sometimes I did veto it and sometimes I did not. It just depended on how badly I wanted the bill.

Maybe the Secretary is not quite as unyielding as he seems and sounds. Does it sound like an awfully big deal to say to the rice farmers of Mississippi, Louisiana, Missouri, California, and Arkansas, does it sound plausible to say, "We are not going to allow one thing to be changed about this," when you can make the rice farmers of this country happy for a few tens of millions of dollars?

The one point that I have not made, Mr. President, and I close on this and shall ask unanimous consent to put in a quorum call without losing my right to the floor. I am not going to hold this bill up, I want to announce right now. I am not going to hold the bill up. A lot of people want to bring it up. I am not going to be obstructionist about it. I certainly do not want to offend my friends from the wheat-producing States.

But I want to say the reason I am not going to hold the bill up is that I do not want the wheat farmers to have to wait any longer to get what they have coming. I am for them. I have some wheat in my State. They want that cash that they are going to get when this bill passes. And they need it. I want them to have it.

I do not want the wheat State Senators thinking the rice State Senators are trying to deprive them of something. I glory in what the wheat farmers are going to get out of this. I applaud it. But, for the life of me, Mr. President, I cannot understand why we are going with a program that is worse than the existing program. If we cannot get a 10 percent paid diversion out of this for rice, I would rather go back to the existing program; just leave the existing program alone.

Well, Mr, President, I just wanted to relieve myself of some of the feelings I have about the bill. I am not opposed to the wheat farmers, I am not opposed to the wheat State Senators. I want them to get what they have coming under this bill. But I am hoping when the time comes, they will remember that. I hope that they will remember that the time is coming when they may need 12 Senators from rice-producing States and a few Senators from cotton-producing States.

I hope if and when we offer some amendments on this bill, they will remember who their friends were. Because my farmers want to live and let live just as badly as anybody else does. I am up here representing them in my poor, humble way as best I can, trying to protect them from a continuing series of disasters which they have endured much too long.

Mr. President, I ask unanimous consent that I be permitted to put in a quorum call without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I rise in support of the compromise farm bill and urge the Senate to consider this important legislation. The bill is not what everyone wanted, but it does do a great deal to encourage farmers to participate in the wheat program, increase agricultural exports and hold down the cost of the farm program. I hope that an agreement can be reached so that we can vote on this important farm legislation. We owe it to the American farmer.

The farm economy is currently suffering through some very tough times. Farm prices are depressed, interest rates remain high and farm production costs continue to increase rapidly. Most of the wheat farmers I talk to in my State say they cannot afford to set aside 30 percent of their wheat ground in order to participate in the wheat program. This bill would help these wheat farmers to participate in the program by providing them with a 10-percent paid diversion and a 20-percent voluntary diversion. Most farmers could afford to divert 20 percent of their land in return for being eligible for farm programs, such as commodity loans and deficiency payments. In return for the paid diversion, wheat farmers are giving up one-half of the scheduled increase in wheat target prices. This will reduce the cost of making deficiency payments to the Federal Government. The anticipated payment is also reduced by more effectively reducing production and increasing exports. This will boost market prices.

As I said before, this bill is a compromise. All commodity groups had to give up some benefits to receive various things. Everyone may not be happy with the bill, but if we are to save the 1984 wheat program, we must act now and cannot afford to try to work out everyone's concerns. Farmers in South Dakota will soon be heading to the field and farmers in the South will soon be harvesting wheat. Mother Nature will not wait for Congress to act. When spring comes, farmers must plant their crops, and we owe it to the farmer to let him know what the 1984 wheat program is going to be. With this urgency in mind, I urge my colleagues to act quickly and favorably on this important matter.

FARMERS NEED QUICK ACTION ON H.R. 4072

Mr. HELMS. Mr. President, I urge the Senate to proceed to consideration of H.R. 4072, the Agricultural Programs Adjustment Act of 1984.

The time is now for Congress to act. Spring planting is not far away, and farmers are now meeting with their bankers to arrange financing for the spring season. Meanwhile, in the South, winter wheat harvest is only a few months away.

If the changes proposed by this legislation are to be in place for the 1984 wheat crop, Congress must act without delay. Beyond that, the farm credit provisions of this bill can be of immediate help to producers of all crops who are arranging financing for this spring.

In North Carolina, an average of 15 percent of the corn is planted by April 4 in a typical year, and 31 percent by April 11. Farmers—and their lenders—cannot afford to wait much longer for Congress to act, or these dates will be upon us.

Last Friday, March 16, the signup period for the 1984 crop programs as announced came to an end. Secretary Block has assured me that, if Congress acts to change the 1984 programs, producers will have an opportunity to come in again and signup for the revised program. However, we must move quickly in order for USDA to implement these new provisions in time for the 1984 wheat crop.

This legislation, as reported by the Senate Agriculture Committee, will provide cash flow and credit assistance to farmers while saving the American taxpayer $2.6 billion through fiscal year 1987, according to the Congressional Budget Office.

It is part of a package that will increase funding for the Public Law 480 program and USDA export credit program. These actions should be supported by all those who care about the needy overseas, as well as the benefits of increased farm exports at home.

Now, Mr. President, I can understand why Senators might differ with certain provisions of this bill. Certainly, it is not perfect. But it is part of a balanced package that will achieve budget savings, yet provide farmers benefits that are important and timely.

It has not been easy to arrive at this legislation, which represents a compromise of interests between various Senators and the administration. It has required give and take. In that spirit, I hope Senators will not object to a package that is admittedly less than perfect, but nevertheless contains very important benefits.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

(Mrs. KASSEBAUM assumed the chair.)

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. BAKER. Mr. President, the pending question is a motion to proceed to the consideration of H.R. 4072, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I am bold enough to think that we may have worked out our problems, at least to the point where we can proceed to lay down this bill and make it the pending business. I have consulted with the minority leader and with the managers on both sides, as and when it is before us.

I also see on the floor the Senator from Alabama. I know the Senator from Montana was here a moment ago and is aware of the request I am about to put. The Senator from Oklahoma is here, as is the Senator from Arkansas.

Mr. President, I now ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 704, H.R. 4072.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 4072) to provide for an improved program for wheat.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Agricultural Programs Adjustment Act of 1984".

TITLE I—WHEAT

TARGET PRICES

SEC. 101. Section 107B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(1)(C)) is amended by striking out "$4.45 per bushel for the 1984 crop, and $4.65 per bushel for the 1985 crop" and inserting in lieu thereof "and $4.38 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR WHEAT

SEC. 102. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B)(C), and (D)";

(2) adding at the end of paragraph (1) the following new subparagraphs:

"(C) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program, and (iii) a voluntary payment-in-kind land diversion program under which the acreage planted to wheat for harvest on the farm would be reduced by not less than 10 per centum nor more than 20 per centum of the acreage base for the farm, in addition to any reduction under the acreage limitation and land diversion programs provided for under clauses (i) and (ii), as determined by the Secretary. Under the payment-in-kind land diversion program, compensation in kind for diverted acres shall be made available to producers by the Secretary under such terms and conditions as the Secretary shall prescribe and in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that the rate of such compensation shall not be less than 85 per centum of the farm program payment yield. As a condition of eligibility for loans, purchases, and payments on the 1984 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.

"(D) For the 1985 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.";

(3) inserting "for the 1983 crop" immediately before the comma in the eighth sentence of paragraph (5); and

(4) inserting immediately before the last sentence of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1984 and 1985 crops of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1984 and 1985 crops of wheat whose acreage planted to wheat for harvest on the farm for each such crop is reduced so that it does nox exceed the wheat acreage base for the farm less an amount equivalent to 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate for the 1984 and 1985 crops of wheat shall be established by the Secretary at not less than $2.70 per bushel. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1984 and 1985 crops of wheat as soon as practicable after a producer enters into a land diversion contract with the Secretary for each such crop and in advance of any determination of performance.".

HAYING AND GRAZING DIVERTED WHEAT ACREAGE

SEC. 103. Notwithstanding the provisions of section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)), in carrying out acreage limitation, cash land diversion, and payment-in-kind land diversion programs for the 1984 crop of wheat, the Secretary of Agriculture shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of the acreage diverted from production under such programs by participating producers in such State to be devoted to haying and grazing.

TITLE II—FEED GRAINS

TARGET PRICES

SEC. 201. Section 105B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444d(b)(1)(C) is amended by striking out "$3.03 per bushel for the 1984 crop, and $3.18 per bushel for the 1985 crop" and inserting in lieu thereof "and $3.03 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR FEED GRAINS

SEC. 202. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(C) For the 1985 crop of feed grains, if the Secretary estimates that the quantity of corn on hand in the United States on the last day of the marketing year ending September 30, 1985 (not including any quantity of corn produced in the United States during calendar year 1985), will exceed one billion one-hundred million bushels, the Secretary (i) shall provide for a land diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be lim-

ited to the acreage base for the farm reduced by a total of not less than 5 per centum and (ii) may provide for an acreage limitation program as described under paragraph (2). If the Secretary implements a combined acreage limitation program and land diversion program, the total reduction required by the Secretary in the acreage planted to feed grains for harvest on the farm shall not exceed 20 per centum of the acreage base for the farm. Any reduction required by the Secretary in excess of 15 per centum of the acreage base for the farm shall be equally proportioned between an acreage limitation program and a land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of feed grains, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such programs."; and

(3) in paragraph (5)—

(A) adding immediately after the sixth sentence the following new sentence: "Notwithstanding the foregoing provisions of this paragraph, if the Secretary implements a land diversion program for the 1985 crop of feed grains under the provision of paragraph (1)(C), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to not less than 5 per centum of the feed grain acreage base in addition to the reduction required under paragraph (2), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph.";

(B) striking out "Such payments" in the eighth sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "Diversion payments made to producers under this paragraph";

(C) in the ninth sentence (as redesignated under subparagraph (A) of this paragraph)—

(i) striking out "for corn" and inserting in lieu thereof "for the 1983 crop of corn"; and

(ii) inserting immediately before the period at the end thereof ", and at not less than $1.50 per bushel for the 1985 crop of corn"; and

(D) striking out "1983 crop" in the eleventh sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "1983 and 1985 crops".

TITLE III—UPLAND COTTON

TARGET PRICES

SEC. 301. Section 103(g)(3)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(3)(B)) is amended by striking out "$0.81 per pound for the 1984 crop, and $0.86 per pound for the 1985 crop" and inserting in lieu thereof "and $0.81 per pound for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR UPLAND COTTON

SEC. 302. Section 103(g)(9) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(9)) is amended by—

(1) in the first sentence of subparagraph (A), inserting "except as provided in the second and third sentences of this subparagraph," immediately after the first comma;

(2) inserting immediately after the first sentence of subparagraph (A) the following new sentences: "For the 1985 crop of upland cotton, if the Secretary estimates that the quantity of upland cotton on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed four million bales, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of not less than 5 per centum under the land diversion program and a reduction under the acreage limitation program equal to the difference between the total reduction for the farm and the reduction under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of upland cotton, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program."; and

(3) adding at the end of subparagraph (B) the following new sentences: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of upland cotton under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of upland cotton whose acreage planted to upland cotton for harvest on the farm is reduced so that it does not exceed the upland cotton acreage base for the farm less an amount equivalent to not less than 5 per centum of the upland cotton acreage base in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the upland cotton acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $0.25 per pound. The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

TITLE IV—RICE

TARGET PRICES

SEC. 401. Section 101(i)(2)(C) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(2)(C)) is amended by striking out "$11.90 per hundredweight for the 1984 crop, and $12.40 per hundredweight for the 1985 crop" and inserting in lieu thereof "and $11.90 per hundredweight for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR RICE

SEC. 402. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

(1) striking out in the first sentence of subparagraph (A) "third and fourth" and inserting in lieu thereof "third, fourth, and fifth";

(2) inserting immediately after the third sentence of subparagraph (A) the following new sentence: "For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of not less than 5 per centum under the land diversion program and a reduction under the acreage limitation program equal to the difference between the total reduction for the farm and the reduction under the land diversion program.";

(3) striking out "1983 crop" in the fifth sentence of subparagraph (A) (as redesignated under paragraph (2) of this section) and inserting in lieu thereof "1983 and 1985 crops";

(4) inserting immediately after the sixth sentence of subparagraph (B) the following new sentence: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to not less than 5 per centum of the rice acreage base in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.";

(5) striking out "Such payments" in the eighth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "Diversion payments made to products under this subparagraph";

(6) in the ninth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section)—

(A) striking out "$3.00 per hundredweight," and inserting in lieu thereof "$3.00 per hundredweight for the 1983 crop of rice,"; and

(B) inserting immediately before the period at the end thereof ", and at not less than $2.70 per hundredweight for the 1985 crop of rice"; and

(7) striking out "1983 crop" in the tenth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "1983 and 1985 crops".

TITLE V—EXPORT ASSISTANCE

EXPORT ASSISTANCE

SEC. 501. It is the sense of Congress that the President should implement, as soon as practicable after the enactment of this Act, the actions, proposed by the Administration to complement the provisions of this Act, to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products thereof, as follows—

(1) for the fiscal year ending September 30, 1984, the President will—

(A) request congressional approval for the appropriation of funds in the amount of $150,000,000, in addition to the President's February 1984 request for a supplemental appropriation of $90,000,000, to carry out programs of assistance under titles I, II, and III of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

(B) direct the Secretary of Agriculture to increase funding, over the current budgeted level, for the Export Credit Guarantee Program (GSM-102), carried out through the Commodity Credit Corporation, by not less than $500,000,000; and

(2) for the fiscal year ending September 30, 1985, the President will—

(A) request congressional approval for the appropriation of funds in the amount of at least $175,000,000, in addition to the current funding level contained in the President's budget for that year, to carry out programs of assistance under titles I, II, and III of Public Law 480;

(B) direct the Secretary of Agriculture to increase funding, over the levels contained in the President's budget for that year or otherwise required by law, by not less than $1,100,000,000 for the Export Credit Guarantee Program (GSM-102) and by not less than $100,000,000 for direct export credit programs carried out through the Commodity Credit Corporation (GSM-5, GSM-201, and GSM-301); and

(C) request or use an additional amount of $50,000,000 (over the amounts specified in clauses (2)(A) and (2)(B)) either for increased funding for direct export credit programs carried out through the Commodity Credit Corporation or for additional assistance under Public Law 480, in such proportions as determined necessary and appropriate by the President.

TITLE VI—AGRICULTURAL CREDIT

SHORT TITLE

SEC. 601. This title may be cited as the "Emergency Agricultural Credit Act of 1984".

NATURAL DISASTER EMERGENCY LOANS

SEC. 602. (a) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by adding at the end thereof the following new sentence: "The Secretary shall accept applications from, and make or insure loans pursuant to the requirements of this subtitle to, applicants, otherwise eligible under this subtitle, that conduct farming, ranching, or aquaculture operations in any county contiguous to a county that has been designated by the Secretary as having been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974.".

(b) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by subsection (a), is further amended by adding at the end thereof the following new sentence: "The Secretary shall accept applications for assistance under this subtitle from persons affected by a natural disaster at any time during the eight-month period beginning (A) on the date on which the Secretary determines that farming, ranching, or aquaculture operations have been substantially affected by such natural disaster or (B) on the date the President makes the major disaster or emergency designation with respect to such natural disaster, as the case may be.".

(c) Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended by adding at the end thereof the following new sentence: "If farm assets (including land, livestock, and equipment) are used as collateral to secure a loan made under this subtitle, the Secretary shall value the assets based on the higher of (A) the value of the assets on the day before the date the governor of the State in which the farm is located requests assistance under this subtitle or the Disaster Relief Act of 1974 for any portion of such State, or (B) the value of the assets one year before such day.".

ECONOMIC EMERGENCY LOANS

SEC. 603. Section 21 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) inserting "(a)" immediately before "The provisions"; and

(2) inserting, at the end thereof, a new subsection (b) as follows:

"(b) With respect to the economic emergency loan program operated under this title during the period beginning December 22, 1983, and ending September 30, 1984, the Secretary—

"(1) shall make available to eligible applicants during such period new contracts of insurance totaling in the aggregate, $310,000,000, and

"(2) as appropriate to achieve the goals of the economic emergency loan program and taking into consideration the amount of funds used for loan guarantees, may make available to eligible applicants during such period additional new contracts of insurance totaling, in the aggregate, not more than $290,000,000.".

OPERATING LOANS

SEC. 604. (a) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$200,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, inserting "(or, in the case of loans for farms operating purposes, fifteen years)" after "seven years"; and

(2) in the fifth sentence, striking out "The interest rate" and inserting in lieu thereof "Except as otherwise provided for farm loans under section 331B of this title, the interest rate".

FARM LOAN INTEREST RATES

SEC. 605. The Consolidated Farm and Rual Development Act (7 U.S.C. 1921 et seq.) is amended by inserting after section 331A a new section 331B as follows:

"SEC. 331B. Any loan for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, or disaster emergency purposes under subtitle C of this title, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized under this title shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.".

LIMITED RESOURCE BORROWERS

SEC. 606. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof a new subsection (e) as follows:

"(e)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1984 shall be for low-income, limited-resource borrowers.

"(2) The Secretary shall provide notification to farm borrowers under this title, as soon as practicable after the date of enactment of the Emergency Agricultural Credit Act of 1984 and in the normal course of loan making and loan servicing operations, of the provisions of this title relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.".

Amend the title so as to read: "An Act to make adjustments in the commodity programs for wheat, feed grains, upland cotton, and rice, to provide agricultural credit assistance, and for other purposes."

Mr. BAKER. Mr. President, I have to confess to a great sense of satisfaction after all the arguments this afternoon that we went through, but I wish to congratulate those who participated in the negotiations and made it possible for us to proceed in this manner. It would not be the intention of the leadership on this side to proceed further on this bill at this time. If there is no urgent requirement to speak at this moment, I would propose that we go into a period for the transaction of routine morning business and then make opening statements tomorrow.

Mr. DOLE. Will the majority leader yield?

Mr. BAKER. I yield.

Mr. DOLE. I thank the majority leader. This is National Agriculture Day. The majority leader has performed a great service in getting this agricultural bill before the Senate. It will be of great benefit to the farmers of this country.

Mr. BAKER. I thank the Senator.

Mr. HUDDLESTON. Mr. President, I endorse the comment of the distinguished Senator from Kansas.

I shall then withhold my statement at the request of the majority leader until we begin on the bill tomorrow.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky. I thank all of those who cooperated, because this is my first legislative victory today.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business to extend no longer than 6:30 p.m., in which Senators may speak for no longer than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. With the exception of the majority and minority leaders, Mr. President, to which no limitation of time will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4194. An Act to extend the expiration date of section 252 of the Energy Policy and Conservation Act; and

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984 as "Jewish Heritage Week."

The enrolled bill and joint resolution were subsequently signed by the Vice President.

At 2:50 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March 20, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984 as "Jewish Heritage Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2799. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations under the Marine Protection, Research, and Sanctuaries Act; to the Committee on Environment and Public Works.

EC-2800. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations under the Toxic Substances Control Act; to the Committee on Environment and Public Works.

EC-2801. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report certifying that no funds were obligated or expended in fiscal year 1983 for purposes prohibited by the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

EC-2802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Advisory Council on Social Security; to the Committee on Finance.

EC-2803. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, the text of International Labor Organization Recommendation No. 167; to the Committee on Finance.

EC-2804. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States within 60 days previous to March 5, 1984; to the Committee on Foreign Relations.

EC-2805. A communication from the Secretary of State, transmitting, pursuant to law, a report on payments made by the Commodity Credit Corporation to U.S. creditors of the Polish People's Republic; to the Committee on Foreign Relations.

EC-2806. A communication from the D.C. Auditor, transmitting, pursuant to law, a report on the D.C. General Hospital's procurement operation; to the Committee on Governmental Affairs.

EC-2807. A communication from the D.C. Auditor, transmitting, pursuant to law, a report on construction costs of the Washington Convention Center; to the Committee on Governmental Affairs.

EC-2808. A communication from the Administrator of NASA, transmitting, pursuant to law, the Administration's Freedom of Information annual report; to the Committee on the Judiciary.

EC-2809. A communication from the Vice President of Amtrak (Government Affairs) transmitting, pursuant to law, Amtrak's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2810. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on orders approving applications for electronic foreign intelligence surveillance; to the Committee on the Judiciary.

EC-2811. A communication from the Director of ACTION transmitting, pursuant to law, the Agency's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2812. A communication from the Director of the U.S. Information Agency transmitting, pursuant to law, the Agency's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2813. A communication from U.S. Bankruptcy Court Judge Rose, District of New Mexico, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2814. A communication from the Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, notice of opposition by the Judicial Conference of the U.S. to the naming of the U.S. Court of International Trade after Paul P. Rao; to the Committee on the Judiciary.

EC-2815. A communication from the Secretary of Education transmitting, pursuant to law, a report on school finance entitled "Federal Education Policies and Programs: Intergovernmental Issues in Their Design, Operation and Effects"; to the Committee on Labor and Human Resources.

EC-2816. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1982 annual report on the National Health Service Corps and NHSC Scholarship Program; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Irving P. Margulies, of Maryland, to be General Counsel of the Department of Commerce.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before my duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

Mr. HATCH. Mr. President, for the Committee on Labor and Human Resources, I report favorably two nomination lists in the Public Health Service (both printed in full in the CONGRESSIONAL RECORD of February 9, 1984) and, to save the expense of reprinting them on the Executive Calendar, I ask that they lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2447. A bill to amend the Internal Revenue Code of 1954, to the Committee on Finance.

S. 2448. A bill to amend the Securities Exchange Act of 1934 with respect to tender offers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOWER:

S. 2449. A bill for the relief of the Sisters of Mercy of the Union, Province of St. Louis, Mo.; to the Committee on Labor and Human Resources.

By Mr. GORTON:

S. 2450. A bill to amend the Internal Revenue Code of 1954 to allow an additional 5

days during which an employer may request or receive a certification that an individual is a member of a targeted group for purposes of the targeted jobs credit; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2451. A bill to amend title 38, United States Code, to increase the maximum amount of the Veterans' Administration's specially adapted housing assistance grants provided to certain severely, service-connected disabled veterans and the maximum amounts of Veterans' Administration home loan guaranties; to the Committee on Veterans Affairs.

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. PELL, Mr. EAGLETON, Mr. RIEGLE, Mr. METZENBAUM, Mr. MATSUNAGA, and Mr. DODD):

S. 2452. A bill to revise and extend programs for the delivery of health services; to the Committee on Labor and Human Resources.

By Mr. BOREN (for himself and Mr. HUDDLESTON):

S. 2453. A bill to require the Commodity Credit Corporation to have certain provisions in contracts entered into by the Corporation for storage of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. HEFLIN, Mr. BINGAMAN, Mr. BRADLEY, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. LEVIN, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PRYOR, Mr. STAFFORD, Mr. RANDOLPH, Mr. RIEGLE, Mr. BURDICK, Mr. PERCY, Mr. SARBANES, Mr. NUNN, Mr. HOLLINGS, Mr. JEPSEN, and Mr. MATSUNAGA):

S.J. Res. 261. Joint resolution to provide for the designation of the last week in June 1984, as "Helen Keller Deaf-Blind Awareness Week"; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S.J. Res. 262. Joint resolution to designate March 16, 1985, as "Freedom of Information Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2447. A bill to amend the Internal Revenue Code of 1954; to the Committee on Finance.

S. 2448. A bill to amend the Securities Exchange Act of 1934 with respect to tender offers; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. GORTON:

S. 2450. A bill to amend the Internal Revenue Code of 1954 to allow an additional 5 days during which an employer may request or receive a certification that an individual is a member of a targeted group for purposes of the targeted jobs credit; to the Committee on Finance.

TARGETED JOBS TAX CREDIT

● Mr. GORTON. Mr. President, I am introducing today a bill to correct a serious problem inhibiting the usefulness of the targeted jobs tax credit (TJTC) program. Under current law for the TJTC, employers hiring workers eligible for the credit must inform the relevant agency within 24 hours. This overly tight deadline creates administrative problems for small businesses, and occasionally a firm loses the credit because of an honest mistake or delay.

My bill would ease this bottleneck by extending the grace period from 1 day to 5 days. I know that this would aid many businesses and workers in Washington State and the Nation, allowing more effective implementation of the much-needed TJTC program. I ask my colleagues to join me in supporting this simple but essential legislation.●

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. PELL, Mr. EAGLETON, Mr. RIEGLE, Mr. METZENBAUM, and Mr. DODD):

S. 2452. A bill to revise and extend programs for the delivery of health services; to the Committee on Labor and Human Resources.

OMNIBUS HEALTH SERVICES AND HEALTH SERVICES RESEARCH PROGRAMS ACT OF 1984

● Mr. KENNEDY. Mr. President, with my Democratic colleagues on the Labor and Human Resources Committee, I am introducing today the Omnibus Health Services and Health Services Research Act of 1984. This bill will reauthorize most of the health services and health services research programs established under the Public Health Service Act and expiring this year, including the preventive health and health services block grant; the community health centers program; the alcohol, drug abuse, and mental health services block grant; the migrant health centers program; projects grants for immunizations; project grants for tuberculosis prevention and control; projects and programs for prevention and control of venereal disease; the National Center for Health Services Research, the National Center for Health Statistics, the family planning programs and those provisions of the PHS Act relating to HMO's which require reauthorization.

In addition to reauthorizing and amending existing programs, the bill would reestablish the National Center for Health Care Technology and authorizes a new project grant program to assist victims of AID's and to provide information to assist in prevention and control of this deadly disease.

While this omnibus bill does not include the home and community-based care program developed through a process of close collaboration between my college Senator HATCH and me, I anticipate supporting this program in a suitable vehicle in our committee. Senator HATCH has already introduced this as a part of S. 2301. The need of the elderly and disabled for community-based alternatives to institutionalization has been ignored for too long. The home and community care program is a first step toward meeting those needs.

The health programs reauthorized under this bill are relatively small. If each and every one of them were completely eliminated, they would reduce the Reagan deficit less than one half of 1 percent. Health financing programs like medicare or medicaid will spend approximately 100 times as much as all the programs in this bill combined in 1984.

I know from my experience on the Armed Services Committee that if you added the annual expenditures for all the programs in this bill together you could not afford half of a modern aircraft carrier. Yet these programs are more essential to the welfare of Americans than any weapons system.

The programs in this bill insure economical immunizations for our Nation's children so that they may thrive and grow free from the scourge of infectious disease that killed them by the thousands in previous decades. Comprehensive primary and preventive services are provided to millions of poor and underserved Americans who would never get the care they need were it not for the community health centers and migrant health centers established and funded through authorities in this bill. Treatment and prevention for tuberculosis, venereal disease, and traumatic injuries are supported by the program reauthorized under this bill. Treatment for the cruel diseases of alcoholism, drug abuse, and mental illness that victimize so many American families is made available through the programs continued in this bill. Health promotion and disease prevention, the most cost-effective investments in our Nation's effort to build a healthy American people, are funded by authorities in this bill.

Mr. President, in this time of fiscal pressure, we must scrutinize every proposed expenditure for wisdom necessity and cost effectiveness. There is no question in my mind that the programs in our bill meet this test. In general, we have proposed reauthorizing programs at current services levels, except in a few instances where higher funding levels or new programs would meet essential needs and provide value far in excess of costs. Moreover, the savage cuts enacted by the Reagan administration has reduced these vital programs to such a low level that there is not a single program in the health services area that is funded at a level that is as high in real terms as it was in 1980.

Highlights of our reauthorization program include:

First, a restructuring of the preventive health and health services block grant to provide for a more effective Federal-State partnership.

Second, improvements in the alcohol, drug abuse, and mental health services block grant to address the needs of the chronically mentally ill, the elderly, children, and other underserved populations more humanely and more cost effectively and to begin the process of developing a comprehensive national effort to combat alcoholism.

Third, amendments to assure the continuance of the community health center program in its current form at a funding level that will help meet some of our society's most critical needs for health services.

Fourth, reestablishment of the National Center for Medical Techology Assessment.

Fifth, enactment of a modest program to provide assistance to victims of a acquired immune deficiency syndrome.

Health promotion and disease prevention is a cause close to my heart. In 1975, I introduced legislation that formulated national goals for health promotion and prevention and established or improved grant programs in high priority areas to reduce preventable illness, disability and death. In 1978, I introduced legislation that laid the groundwork for the Surgeon General's "Healthy People" report, authorized community-based comprehensive prevention programs, and extended and improved prevention project grant programs.

Since the days when I first attempted to place health promotion and disease prevention at the center of our national health agenda, there has been a growing recognition that a comprehensive, aggressive prevention strategy can be our most effective weapon in the struggle to secure health and well-being for the American people. As Assistant Secretary Brandt recently stated:

> The time has come for us to turn our attention as a nation to the preservation of good health, the promotion and enhancement of healthful life-styles, and the prevention of disease and disability.

The knowledge base for rapid improvements in the health of the American people through an effective prevention strategy is now in place. The 1979 Surgeon General's report "Healthy People" identified major health problems for each of 5 broad age groups and 15 priority areas for further action. The Surgeon General's 1980 follow-up report "Promptly Health/Preventing Disease" established 226 measurable prevention objectives for these 15 priority areas. The Center for Disease Control has developed model prevention standards for community health services. The prevention-oriented activities of the public health service have been inventoried and given renewed emphasis.

Implementation of the goals outlined in this series of reports will result in dramatic improvements in the health and well-being of the American people. By the end of this decade, we can anticipate:

A 35-percent reduction in infant mortality; a 20-percent drop in deaths among children; a 20-percent decline in adolescent deaths; a 25-percent lower death rate among adults, and 20-percent less disability for older Americans.

But these lower death and disability rates and all they imply for healthier, happier, more active and productive lives will not occur simply because we have a roadmap showing how to get from here to there. An aggressive national policy can help us not only achieve but surpass these goals.

The major missing ingredient in our national prevention strategy has been the lack of an effective Federal-State partnership to assure comprehensive prevention planning and service delivery at the State and community level where people can be reached most effectively.

The preventive health block grant should be the key vehicle for development of an effective Federal-State partnership. Instead, this block grant is an example of the Reagan so-called New Federalism at its worst. Essentially a thinly disguised attempt to eliminate the Federal responsibility for a grab bag of categorical programs, this block was established without standards, priorities, accountability, measurement, or a clear relationship to either national or local objectives.

The legislation my colleagues and I are introducing today will restructure this block grant into an effective vehicle for achieving the goals and objectives established in the Surgeon General's report. As a condition for measuring block grant funds, this bill will require States to go through a conscious prevention planning process to establish goals and objectives in each of the Surgeon General's 15 preventive areas, to establish at least one high priority prevention objective for each of the five age groups identified in "Healthy People," to develop a plan for meeting the priority objectives selected by the State itself utilizing not only PHS funds, but other appropriate public and private resources, and to measure progress toward fulfillment of the State plan and national prevention goals. In 1985, a $15 million increase above current service levels is authorized to help States develop their plans and to provide assistance to States that already have comprehensive preventive programs underway. In 1986 and 1987, increases of $82 million and $103 million above current services are provided to help States implement their plans.

A number of States, including my own State of Massachusetts, Utah, and Texas have already gone through this process. This legislation will encourage their efforts and aid other States that are interested in moving in this direction.

The reforms we use proposing today in the mental health component of the ADAMHA block grant are both humane and cost effective. Our treatment of the chronically mentally ill is a national disgrace. This group makes up half the Nation's homeless population. They account for 600,000 inmates in our Nation's jails.

Psychotropic drugs have largely emptied our Nation's State mental institutions. Tragically, however, the promise deinstitutionalization has offered for a better more fulfilling life for our Nation's chronically mentally ill has largely gone unfulfilled. Without adequate community support and services, hundreds of thousands have been effectively abandoned by our society, abandoned to a desolate world of single room occupancy hotels, slumlike board and care homes, a world of sleeping on grates and begging for meals, of repetitious and unnecessary psychotic episodes that lead to costly hospitalization, stabilization, and discharge, only to begin the cycle again.

The community support program funded on a demonstration basis by NIMH as well as a number of successful programs operated by States has considerably proven there is a better way. With effective case-management services, a developed continuum of care from institutions to independent living, and inexpensive but well-planned social support services, this tragic cycle can be broken. Indeed, evaluations of the community support program have shown rates of hospitalization 50 percent lower than for comparable populations.

ADAMHA block grant expenditures are a tiny proportion of total national costs for chronic mental illness. Medicaid and State-only mental health expenditures on the chronically mentally ill were $3.4 billion in 1983, compared to less than $0.3 billion for ADAMHA block grant funds. But these funds were overwhelmingly spent on institutional rather than community-based care, and, in the case of medicaid, could not even be tracked to services for the chronically mentally ill except through special studies.

ADAMHA funds can be vital, however, in creating incentives for a reformed mental health system. Our bill would make receipt of ADAMHA funds contingent on States developing a comprehensive plan for an effective community-based treatment system for the chronically mentally ill. The

State plan must include a system for accounting for all funds spent on the chronically mentally ill, and must track progress toward plan implementation. Case management services—the heart of an effective treatment program—must be fully phased in over a 3-year period.

Other populations that have been neglected in our current mental health service delivery system are the elderly, children, and those residents in underserved areas. The elderly receive community services at a lower rate than the population as a whole, even though an estimated 10 to 25 percent in the community have some degree of mental impairment and the suicide rate of the elderly is 1½ times the rate for all ages. Of 3 million seriously disturbed children, an estimated two-thirds are not getting the treatment they need. Our bill would require the States to include in their plan a program for improving services to these populations.

The funding levels in our bill overall provide a $31 million increase over current services in 1985 to help States develop their plans and expand the existing community support program. In 1986 and 1987, funding would rise $125 million and $160 million over current services levels to help States implement their plans.

I want to emphasize that the great bulk of funds to meet these needs will not come from the block grant. Rather, the PHS funds provided by this bill will act as catalysts and gap fillers for the whole mental health system. Because community mental health care is cost effective, Federal/State savings in medicaid and other programs as a result of reduced hospitalization, and other institutional costs should exceed the additional PHS expenditures.

Alcoholism and drug abuse are problems that trouble the lives of millions of American families. HHS estimates indicate that the national costs of alcoholism and alcohol abuse could exceed $100 billion in 1983. Some studies indicate that as much as 20 to 40 percent of hospital costs may result from primary and secondary health consequences of alcohol abuse.

Our bill would increase funding for the alcohol and drug abuse portion of the block grant $30 million above current services to assist hard-pressed public treatment programs. A special project grant demonstration program would be established to provide services for women alcoholics, whose needs seem to be very poorly met by existing treatment programs. Finally, we would mandate the Secretary of Health and Human Services to develop a national plan for alcoholism treatment and prevention comparable to the national plan for the chronically mentally ill that was so useful in developing our proposals for reform of the mental health portion of the ADAMHA block grant.

The Omnibus Budget and Reconciliation Act of 1981 offered States the choice of taking community health center funds as a block grant or allowing the direct relationship between CHC's and the Federal Government, with careful coordination of the Federal program with State activities in cases where the State had an interest in primary care.

Only one State—West Virginia—chose the block grant, and it has just decided to return the program to the Federal Government.

Community health centers are a case of the actual Federal programs securing access to health care for the poor and underserved. This program has not only provided services to people with no other satisfactory access to health care, it has done so in a truly exemplary manner.

Last year, community health centers provided high quality, comprehensive care to over 4.5 million people. They have a proven record of increasing the use of preventive services, of reducing illness and hospitalization rates among the deprived populations they serve, and of holding their costs to levels considerably below those of other health care providers.

To cite just a few examples, CHC's between 1974 and 1983 increased their volume of services by more than 300 percent while grant funding increased by only 43 percent. At the same time, costs per encounter decreased 60 percent in real terms. Independent studies have found hospitalization rates that are 50 percent lower for individuals using CHC's then for comparable persons without access to CHC services. These lower hospitalization rates are estimated to have saved the medicaid program alone over one half billion dollars last year; more important than the dollar savings are the needless suffering and illness avoided.

All in all, community health centers have a tremendous record of accomplishment in providing health care services to the poor.

And these services are needed more today than ever before. The Reagan administration failed economic policies have plunged an additional 8 million people into poverty; reckless changes in welfare policies have denied medicaid eligibility to hundreds of thousands of mothers and children. Cuts in medicare benefits have made access to care of the elderly more difficult.

Despite this need, the Reagan administration budget would fund CHC's at a level that, after correcting for inflation, is 50 percent below the 1980 level. I believe real growth is as important in the health budget as it is in the defense budget.

In view of this record of success and the clear need that exists today, our bill would eliminate the block grant option and modestly raise the funding level of the program to $371 million, $11 million above current services and $27 million above the administration level. Our funding level will allow CHC's to provide services to one half million more people than the administration level but would still fund the program at a level below 1983 after correcting for inflation.

The problem of assessment of new technologies for appropriate insurance reimbursement under public and private programs has been highlighted recently by well-publicized instances of children denied coverage for life-saving liver transplants or granted coverage after prolonged disputes. Similar problems have arisen in the area of heart transplants.

Medical cost inflation—partly fueled by the development of costly new technology that is sometimes misapplied—continues to be a central national problem.

Our Nation's ability to address both these issues would be enhanced by an authoritative National Center for Health Care Technology Assessment. The original national center was abolished—mistakenly in my judgment—in 1981. The time is ripe to reestablish this valuable resource.

Finally, AID's seems to have faded from the news in recent months. Despite a significant Federal investment in research and epidemiological tracking of the disease, it continues to be a frightening public health hazard and an illness that is particularly cruel to its victims.

Our bill would establish a modest project grant program to help communities provide support and assistance to victims of AID's and to fund programs of information and prevention that may reduce the rate at which this dread disease spreads as we search for a cure.●

By Mr. BOREN (for himself and Mr. HUDDLESTON):

S. 2453. A bill to require the Commodity Credit Corporation to have certain provisions in contracts entered into by the Corporation for storage of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

STORAGE OF AGRICULTURAL COMMODITIES

Mr. BOREN. Mr. President, today I am introducing a bill which will require the Commodity Credit Corporation (CCC) to exercise prudent management procedures when entering into long-term contracts for grain storage. I welcome the support of my colleague, Senator HUDDLESTON, in introducing this legislation.

In May 1981, CCC adopted a policy of accepting any change a warehouse wished to make for grain storage and handling. By so doing, CCC eliminated its option to bargain for competitive

rates. Additionally, CCC entered into 2- to 5-year agreements which guaranteed payments to warehouses whether the space was used or not. When this policy was approved by the CCC board, it was with the understanding that the Government would save money because long-term rates would be equal to or less than the annual rates. Further, it was understood that long-term agreements would contain an early-out clause in the event that the CCC needed to terminate a contract and that CCC officials would negotiate for better rates if the offers were too high.

Regretfully, the program has been administered in quite a different manner. The contracts did not contain an early-out clause. CCC officials did not negotiate even one time for better rates. The contracts require the CCC to pay for the space even if the space is not used. And, if the space is not used, the warehouse can rent it to someone else, thus being twice paid.

Of the first 290 contracts signed, 67 were for rates higher than the usual rate, costing over $3 million.

On January 27, 1984, the CCC was paying at an annual rate of $39 million for unused space. This space, which the Government is paying for, can be leased out again with the warehouseman receiving payment twice for the same space.

Mr. President, this is a misuse of taxpayers' money and must be corrected. The legislation I am introducing today will require the CCC to use prudent business practices when contracting for long-term storage space.

Mr. President, I ask unanimous consent that a summary of the bill be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

The legislation requires that any long-term contract entered into by CCC to reserve storage include the following provisions:

(1) the storage rate shall be less than the rate charged for a one year storage agreement;

(2) if the storage space is leased to another person, the CCC would not be obligated to pay for the space; and

(3) if the CCC determines the space is no longer needed, the CCC may be relieved of its obligations to an extent and in a manner that will provide significant savings to the Corporation while permitting the owner of the facility reasonable time to lease such space to another person.

Mr. HUDDLESTON. Mr. President, I am pleased to join Senator BOREN in introducing this bill to improve management procedures of the Commodity Credit Corporation respecting contracting for grain storage. Specifically, the bill will require that any contract entered into the Commodity Credit Corporation for the use of a storage facility must contain certain terms and conditions that will reduce expenses of the Corporation associated with such contracts.

Under the bill, any contract entered into by the Corporation for grain storage must specify that rental rates for an extended term—in excess of 1 year—shall be at an annual rate less than a short-term rate

Further, under the bill, any long-term storage agreement the Corporation would be relieved from payment for storage space that the Corporation does not use, if such storage space can be contracted for by another person. The Corporation would not be held to a contract for storage space that it does not need.

The bill also directs that contracts entered into by the Corporation must contain a provision stating that, should the Corporation determine that it no longer needs the space reserved in the facility, the Corporation can terminate the contract, provided that the owner of the facility is given reasonable time to lease such space to another person. This provision will save the Government money because long-term contracts entered into for storage capacity in excess of the Corporation's needs can be adjusted to more nearly reflect the Corporation's storage needs.

Mr. President, I am hopeful that this bill will reduce Federal outlays, promote better management procedures for contracting for storage needs of the Commodity Credit Corporation, and allow unused storage capacity to be used by others who may have need of it.

By Mr. LEAHY (for himself, Mr. HEFLIN, Mr. BINGAMAN, Mr. BRADLEY, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. LEVIN, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PRYOR, Mr. STAFFORD, Mr. RANDOLPH, Mr. RIEGLE, Mr. BURDICK, Mr. PERCY, Mr. SARBANES, Mr. NUNN, Mr. HOLLINGS, Mr. JEPSEN, and Mr. MATSUNAGA):

S.J. Res. 261. Joint resolution to provide for the designation of the last week of June 1984 as "Helen Keller Deaf-Blind Awareness Week;" to the Committee on the Judiciary.

HELEN KELLER DEAF-BLIND AWARENESS WEEK

Mr. LEAHY. Mr. President, I rise today to introduce a joint resolution to designate the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week." Senator HEFLIN of Alabama, home of Helen Keller, and others join me in support of this resolution.

Every American knows the courage and accomplishments of Helen Keller. Books have been written about her life, motion pictures, and television dramas have portrayed her. Few of us are aware, however, of the thousands of deaf-blind children and adults who with their families engage in a monumental struggle to make life even minimally rewarding and meaningful.

The Helen Keller National Center for Deaf-Blind Youths and Adults is the one national facility that provides a range of services to deaf-blind people throughout the country. The center has a high rate of success in enabling the deaf-blind to become independent and productive members of our society. But the deaf-blind often encounter a basic problem when they return to their communities. There are basic misconceptions held by many people including potential employers that the deaf-blind do not have the ability to work and exist on their own.

A National Deaf-Blind Awareness Week would promote recognition of the unique special needs and abilities of the deaf-blind population and would help to dispel the notion that they cannot be self-sufficient. This joint resolution enhances public awareness about the existence of the deaf-blind and encourages efforts to consolidate and expand services among the States and interested agencies to provide training, jobs, and support.

The Helen Keller National Center and other service providers will carry out activities to publicize the abilities of the deaf-blind during this week.

This is an important vehicle for stimulating public and private action on behalf of deaf-blind Americans who so urgently need our help in coping with a world they cannot see or hear.

Helen Keller said:

The best and the most beautiful things in the world cannot be seen or even touched. They must be felt with the heart.

I urge my colleagues to support this resolution in honor of Helen Keller and in recognition of the thousands of deaf-blind individuals who have felt beauty with the heart because of her example.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 261

Whereas the anniversary of the birth of Helen Keller, the most accomplished, respected, and renowned deaf-blind American in our history, falls on June 27; and

Whereas deaf-blind is one of the most severe of all disabilities, with respect to which some forty thousand Americans are deprived of two primary senses; and

Whereas the rubella epidemic of the 1960's, along with other pathologies, has resulted in deaf-blindness for approximately six thousand of our children; and

Whereas, because of the severity of deaf-blindness the cost of educating, training, and rehabilitating persons who are deaf and blind is high in comparison with other disabilities; and

Whereas this high cost causes many service agencies to be reluctant to serve deaf-blind persons, thus inhibiting the independence and self-sufficiency of such persons, and frequency resulting in their placement in custodial institutions; and

Whereas, although the Helen Keller National Center and its network, and regional deaf-blind centers serve a portion of this population, inadequate education, training and rehabilitation services to the deaf-blind population represents a terrible waste of human lives and resources, imposing a high economic cost on the Nation; and

Whereas it is in the national interest to prevent this waste of human resources, foster independence, create opportunities for employment, and maximize the ability to achieve among our deaf-blind citizens; and

Whereas these objectives can be accomplished only through an increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of persons who are both deaf and blind; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of all deaf-blind persons, and simultaneously to recognize Helen Keller not only as a beacon of courage and hope for our Nation, but also as a symbol of what is possible for deaf-blind persons to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating the last week in June of 1984 as "Helen Keller Deaf-Blind Awareness Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S.J. Res. 262. Joint resolution to designate March 16, 1985, as "Freedom of Information Day;" to the Committee on the Judiciary.

FREEDOM OF INFORMATION DAY

● Mr. PACKWOOD. Mr. President, I am pleased to join my colleague Senator PROXMIRE in introducing a joint resolution designating March 16, 1985, as "Freedom of Information Day." March 16 is the anniversary of James Madison's birthday, and few Americans are more worthy of this recognition.

James Madison, our fourth President, was one of the framers of our Constitution. He is considered the architect of our Bill of Rights, yet his contributions to our democratic society are all too often overlooked. We frequently take for granted the free access to information Madison's efforts helped guarantee.

The first amendment reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Our ancestors fought and died for those protections. They guarantee, among other things, that we have access to the information we need to effectively govern ourselves. By proclaiming Madison's birthday as "Freedom of Information Day," we will reaffirm the significance we attach to our most precious liberties.

I urge the Senate to adopt this resolution. On March 8 of this year, the House passed a similar resolution, and I look forward to speedy action in the Senate. Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 262

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 16, 1985 is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 581

At the request of Mr. BUMPERS, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 581, a bill to establish competitive oil and gas leasing and modify leasing procedures for onshore Federal lands.

S. 772

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 1300

At the request of Mr. BUMPERS, his name was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1597

At the request of Mr. STAFFORD, the names of the Senator from North Dakota (Mr. ANDREWS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1597, a bill to amend the Elementary and Secondary Education Act of 1965 to provide comprehensive elementary school guidance and counseling programs for elementary students through States and local educational agencies.

S. 1833

At the request of Mr. CHILES, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1833, a bill to amend title 38, United States Code, to authorize the VA to furnish each veteran, with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability.

S. 1917

At the request of Mr. PACKWOOD, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1917, a bill to provide that the Federal Communications Commission shall not regulate the content of certain communications.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

At the request of Mr. CHAFEE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1992, supra.

S. 2014

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2205

At the request of Mr. BUMPERS, the names of the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2205, a bill to amend section 2511 of title 18, United States Code.

S. 2217

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2217, a bill entitled "The Tandem Truck Safety Act of 1984."

S. 2219

At the request of Mr. BOREN, the names of the Senator from Montana (Mr. MELCHER), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 2219, a bill to amend the Internal Revenue Code of 1954 to remove requirements for filing returns regarding payments of remuneration for services, and for other purposes.

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2324

At the request of Mr. PACKWOOD, the names of the Senator from Oregon (Mr. HATFIELD), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2430

At the request of Mr. STEVENS, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2430, a bill to provide for a family violence prevention and services program.

SENATE JOINT RESOLUTION 227

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. JEPSEN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. MOYNIHAN), the Senator from Montana (Mr. MELCHER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOULUTION 239

At the request of Mr. CHILES, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 239, a joint resolution designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. HUMPHREY, the names of the Senator from Virginia (Mr. WARNER), and the Senator from South Carolina, (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 250

At the request of Mr. BAKER, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Louisiana (Mr. LONG), the Senator from Florida (Mrs. HAWKINS), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 250, a joint resolution declaring the week of May 7 through 13, 1984, as "National Photo Week."

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Mr. RIEGLE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984 as "Ethnic American Day."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 312

At the request of Mr. HUMPHREY, the names of the Senator from Iowa (Mr. JEPSEN), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 312, a resolution to honor Comdr. Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.

AMENDMENTS SUBMITTED

MIGRATORY BIRD CONSERVATION FUND

CHAFFEE AMENDMENT NO. 2807

(Ordered referred to the Committee on Environment and Public Works.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 978) to extend until October 1, 1993, the authorization for appropriations to the migratory bird conservation fund, and for other purposes, as follows:

On page 19, add the following new title:

TITLE VI—WILDLIFE AND THE PARKS

SECTION 601. SHORT TITLE.

This Title may be cited as the "Wildlife and the Parks Act of 1984".

SECTION 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds:

(1) Native fish and wildlife that are primarily found within the various units of the National Park System are being threatened or degraded as a result of certain incompatible activities including—

(A) air pollution;

(B) water pollution;

(C) economic and residential development and related infrastructure development such as road construction and water resource projects.

(2) Many of these incompatible activities are supported and encouraged with Federal funding or other forms of federal financial assistance.

(3) A significant number of threats and detrimental effects to populations of native fish and wildlife species that are primarily found within the various units of the National Park System arise from the activities of other Federal agencies.

(4) The National Environmental Policy Act does not provide for consistency with respect to the detrimental effects of Federal agency actions upon populations of native fish and wildlife species that are primarily found within these areas, nor for appropriate public notice when one Federal agency's

proposed actions are in conflict with another Federal agency's responsibilities.

(5) It is inconsistent, inappropriate and fiscally irresponsible for the Federal government to finance the degradation or destruction of the habitat upon which populations of native fish and wildlife species primarily found in the various units of the National Park System are dependent through Federal actions or programs and at the same time, direct and advocate the conservation and protection of population of native fish and wildlife species and that a reconciliation of competing Federal programs is both necessary and appropriate.

(b) PURPOSE.—It is therefore declared to be the purpose of this Act to protect and conserve the population of native fish and wildlife species primarily found within the various units of the National Park System by restricting new Federal expenditures and financial assistance that degrade, threaten or destroy the habitat within the units of the National Park System and within contiguous ecologically related Federally managed areas upon which such population of native fish and wildlife species are dependent for their well being and survival; and to recognize the importance of the various units of the National Park System in conserving and protecting the population of native fish and wildlife species and to further the purposes of the National Environmental Policy Act by improving the Federal interagency action and public involvement provisions of that Act with regard to these areas.

SECTION 603. DEFINITIONS.

As used in this Act—

(a) The term "financial assistance" and "expenditure" refer to any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance or expenditure including the issuance of a permit or lease but not including:

(1) assistance for environmental studies, plannig, and assessments that are required incident to the issuance of permits or other authorizations under Federal law;

(2) deposit or account insurance to customers of banks, savings and loan associations, credit unions, or similar institutions;

(3) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation; and

(4) assistance pursuant to programs entirely unrelated to development or habitat alteration, such as any Federal or Federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "System unit" means a unit of the Naitonal Park System as defined in the National Park Service Organic Act of 1916, as amended (16 U.S.C. 1 et. seq.), and which has an acreage greater than 5,000 acres.

(d) The term population of "native fish and wildlife species primarily found within such system units" means those native fish and wildlife populations that are known to utilize or require habitats that are predominately within the boundaries of a unit of the National Park System.

(e) The term "contiguous ecologically related Federally managed area" is an area contiguous to a National Park System unit and designated by the Secretary as necessary to restore or maintain optimum population levels of fish and wildlife species that are primarily found within a National Park System unit.

SECTION 604. LIMITATION ON FEDERAL EXPENDITURES.

(a) Effective on the date of enactment, except as provided in this section and section 605 of this Act, no new expenditure or new financial assistance may be made available under authority of any Federal law for any purpose within the Congressionally established or authorized boundaries of a unit of the National Park System or within the boundaries of any contiguous ecologically related Federally managed area, as shall be designated by the Secretary of the Interior, (hereinafter referred to in the aggregate as "wildlife resource habitat areas") unless:

(1) the Secretary has determined that the new expenditure or financial assistance will not have a detrimental effect on the population of native fish and wildlife species primarily found within such system units; and

(2) such new expenditure or new financial assistance is consistent with otherwise applicable authorities and subject to the limitations and requirements of such authorities.

The Secretary shall make such determination under paragraph (1) of this subsection promptly after public notice and an opportunity for public comment. In establishing just compensation in the event of governmental acquisition of property located within wildlife resource habitat areas or in the event of the donation of a conservation interest to any qualified recipient, any adverse impact on the fair market value of such property resulting from this Act shall not be considered.

(b) In accordance with subsection (a) of this section, the Secretary shall as soon as practicable after the enactment of this Act designate and periodically update and revise, as appropriate, wildlife habitat resource areas within the Congressionally established or authorized boundaries of any contiguous ecologically related Federal managed area.

(c) An expenditure or financial assistance made available under authority of Federal law shall, for the purpose of this Act, be a new expenditure or new financial assistance if:

(1) In any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) In any case with respect to which specific appropriations are not required, no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

SECTION 605. EXCEPTIONS.

Notwithstanding the limitations on new financial assistance and new expenditures within wildlife resource habitat areas as provided by section 604 of this Act, an appropriate Federal official may, following written consultation with the Secretary (acting through the Directors of the Fish and Wildlife Service and the National Park Service) concerning detrimental effects on population of native fish and wildlife species primarily found within a unit of the National Park System and careful consideration thereof, consistent with otherwise applicable authorities and subject to the limitations and requirements of such authorities, make Federal expenditures or provide financial assistance for the following specific purposes:

(1) military activities serving the national defense;

(2) projects under the Land and Water Conservation Fund otherwise consistent with the purposes of this Act;

(3) other acquisition for the conservation of fish and wildlife resources;

(4) expenditures under the Endangered Species Act;

(5) programs which are consistent with the maintenance and restoration of these fish and wildlife populations that are primarily located within a National Park System unit.

(6) scientific research concerning the conservation of fish and wildlife resources;

(7) emergency actions necessary to save human life; or

(8) maintenance of infrastructure or existing facilities within designated wildlife resource habitat areas.

SECTION 606. INTERAGENCY REVIEW.

(a) To facilitate the Secretary's determination responsibilities under section 604(a) of this Act and the Secretary's consultation responsibilities under section 605 of this Act, any Federal agency that proposes to undertake a new Federal expenditure or new financial assistance within a wildlife resource habitat area as may be designated by the Secretary or within a federally managed area which is reasonably likely to have a detrimental effect on the population of native fish and wildlife species primarily found within a unit of the National Park System shall notify the Secretary at the earliest practicable time prior to such action.

(b) Each such Federal agency shall provide the Secretary with the description and basis for the proposed Federal expenditure or financial assistance and, thereafter, an assessment of its possible environmental impacts in accordance with the provisions of the National Environmental Policy Act. Each Federal agency must provide the Secretary a reasonable opportunity to make findings with regard to such information and to reach a determination or to provide comments, as may be appropriate, as to whether such new expenditures or new financial assistance will have a deterimental effect on population of native fish and wildlife species which are primarily found within a system unit.

SECTION 607. REPORT TO CONGRESS.

(a) The Secretary is directed to prepare and submit to Congress, not later than 12 months after the date of enactment of this Act, a report which shall:

(1) Advise the Congress as to the boundaries of those contiguous ecologically related Federal managed areas that have been designated by the Secretary as additional wildlife resource habitat areas pursuant to section 604 of this Act.

(2) Study, identify and depict on maps those environmentally sensitive, native fish and wildlife habitat areas, generally contiguous, adjacent, or ecologically related to National Park System units, that are not within the boundaries of any Federally managed area but provide habitat that is necessary to restore or maintain optimum populations of native fish and wildlife populations that are primarily found within units of the National Park System.

(3) Identify and recommend such additional Federal incentives for development that should be removed and Federal incentives for protection that should be authorized to further protect the wildlife resource habitat areas that are the subject to this Act.

(4) Evaluate the application of the provisions of this Act to units of the National Wildlife Refuge System, not otherwise included as a wildlife resource habitat area by the Secretary pursuant to section 4 of this Act, and to provide specific recommendations as to whether such refuge units should be subject to the provisions of this Act.

(b) The Secretary shall prepare a biannual report to Congress which shall include:

(1) An identification and analysis of detrimental effects to populations of native fish and wildlife species emanating from inside and outside the various units of the National Park System;

(2) Planned actions to deal with such detrimental effects;

(3) A review of National Park System units to determine if there are adequate safeguards to protect the populations of native fish and wildlife species primarily found within such system units.

SECTION 608. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to supplement the identification, enforcement and study provisions of this Act. Funds otherwise appropriated for the operation and management of the National Park Service may also be utilized for this purpose.

● Mr. CHAFEE. Mr. President, today I am introducing an amendment to S. 978, the "Protect Our Wetlands and Duck Resources Act" (POWDR). This amendment which is titled the "Wildlife and the Parks Act of 1984" brings the Federal Government another step closer to implementing a consistent policy toward the conservation and protection of our Nation's fish and wildlife resources.

The concept embodied in this amendment as well as in the POWDR bill was drawn from the Coastal Barrier Resources Act (CBRA) which I sponsored and which was enacted by Congress in 1982. Enactment of CBRA reaffirmed the Federal Government's role in conserving and protecting undeveloped barrier and islands along the Atlantic and gulf coasts because of their importance in providing essential habitat for fish and wildlife. While doing this, the Congress also recognized that the Federal Government undermined fish and wildlife conservation by subsidizing coastal development through various projects and programs.

To resolve this obvious conflict, CBRA established a Coastal Barrier Resources System which delineated the remaining undeveloped coastal barrier beaches and islands on maps and prohibited new Federal financial assistance or expenditures on them. Now, for the first time ever, the Federal Government is not underwriting the destruction of valuable fish and wildlife resources. This new law represents a milestone in the development of a consistent Federal policy toward fish and wildlife conservation.

The simple commonsense approach to conservation that is reflected in CBRA can be easily applied to other areas where fish and wildlife conservation and protection is important. That is the thrust of the Wildlife in the Parks Act of 1984.

In establishing the National Park Service in 1916, Congress stated that the purpose of the national park system "* * * is to conserve the scenery and the natural and historic objects and the wildlife therein to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." This is a strong and clear mandate and I am deeply concerned that it is not being carried out, especially with respect to the conservation of the fish and wildlife resources that reside within the units of our national park system.

Mr. President, it is no secret that park wildlife is being threatened by incompatible activities—many utilizing Federal funds—inside and outside park boundaries. On the one hand the Federal Government is responsible for protecting the fish and wildlife that live within the borders of the national parks and on the other hand it sometimes spends money on projects and programs which are destroying or threatening to destroy those very wildlife resources.

If we look around the country we can see examples of how Federal tax dollars may undermine the populations of native fish and wildlife of the parks.

Last summer the Subcommittee on Environmental Pollution held a hearing on the grizzly bear problem at Yellowstone National Park. Despite the size of this fabulous park, we learned that it is not large enough to support a viable population of the wide-ranging grizzly. Many of the grizzlies spend time outside of the park, usually on contiguous Federal lands which are subject to increasing resource development and human activity. Additionally, we learned of threats to the grizzly emanating from development of tourist facilities inside the park.

The grizzly is only one example. Fish and wildlife populations in many different parks are being affected or threatened by projects—many of which are funded with Federal dollars.

Timber harvesting in the Flathead National Forest to the west of Glacier National Park may threaten to bring roads into habitat that is important to the park's wildlife. On Forest Service lands southeast of the park, proposed oil and gas exploration's will intrude upon the winter range and calving areas that are important to the park's elk and moose populations.

Last month, the Bureau of Land Management (BLM) adopted a new policy which will essentially remove the National Park Service from the role of protecting the native park wildlife that would be competing for habitat and water with domestic cattle and sheep.

Under the BLM's newly established cooperative agreement policy, a grazing permittee would obtain control of water sources (springs and streams) within parks if he installed improvements. The permittee's control would include the ability to prohibit use of the water source by native species, and the BLM regulations would eliminate the requirement for an environmental assessment covering range improvements. As a consequence of these regulations, park wildlife and its habitat will suddenly become second-class residents of the parks, finding themselves relegated to a lower priority for water and forage than non-native cattle and sheep. A policy of balancing wildlife uses with those of domestic grazers is appropriate on general multiple-use BLM lands, but in units of the national park system, the National Park Service is clearly charged with providing protection, and thus top priority, for native species and their habitat over any commercial grazing or other uses of the park's resources.

This new policy clearly violates the spirit, if not the letter of the Park Service's general authorities which provide that the National Park Service, and no other, should manage public resources within the boundaries of national park system units.

Much of the land within the boundaries of California's Santa Monica National Recreation Area has yet to be acquired from private landowners. In the meantime, these developers are seeking to construct residential housing inside the boundary of the area.

At Utah's Bryce Canyon National Park, fish and wildlife are threatened by timber cutting activities on contiguous Forest Service lands.

What is deeply troubling is that these examples may only be the tip of the iceberg. Little information exists on the threats to native fish and wildlife populations emanating from inside and outside the boundaries of the various units of the national park system. Perhaps the most comprehensive study to date is the state of the parks report prepared by the Department of the Interior in 1980.

According to that report, fish and wildlife resources were threatened in more than a third of the 334 units of the park system. Among its findings, the report stated that threats to mammals were occurring in 136 parks; threats to wetland communities were occurring in 87 parks; threats to birds were occurring in 71 parks; and threats to fish were occurring in 67 parks. Inside the parks, road construction, visitor facilities, and other forms of habitat alteration were also contributing to degradation of wildlife resources.

In 1979, the National Parks and Conservation Foundation conducted a survey of park superintendents and

found the wildlife habitat was being altered in over 25 activities occurring outside park boundaries. As the superintendent of Yosemite National Park stated:

> The park may maintain the majority of its deer habitat in a relatively pristine condition. However, since the deer . . . must migrate to winter ranges outside the park, development and intensive uses there can virtually destroy the deer resources.

Under the National Environmental Policy Act, Federal agencies are supposed to consult with each other as to the environmental impacts of a proposed major Federal action. From the situations I have just mentioned I believe that there is a good deal of consultation that is not occurring between the various agencies and the National Park Service.

The Service freely admits that it cannot now adequately defend the parks from encroachments short of litigation or jawboning. In 1981, the Service proposed a number of actions which could be taken to address the threats arising inside park boundaries, but indicated that it lacks the ability to deal conclusively with external threats.

In a January 1984, document entitled "Assessing Encroachments," the National Park Service stated that the top priority goal is: "The National Park Service should aggressively seek to reduce the external encroachments (threats) to parks resources." In its conclusion the report includes two important recommendations: (1) Increase the congressional appropriations for dealing with encroachment problems, and (2) initiate new legislation to provide for the protection of the national park system.

Now, since we are faced with a $200 billion deficit I think for the time being we have to pass over the first recommendation but we can followup on the second. In fact, the legislation I propose will not only provide a greater degree of protection for park fish and wildlife populations but it could also save the Federal Government millions of dollars in the long run.

Mr. President, the legislation I am introducing today insures that the Federal Government will not spend funds in a manner which is inconsistent with the protection of the native fish and wildlife resources in the units of the national park system. This approach is environmentally sound and fiscally responsible.

The requirements set forth in the bill are simple. They only affect new Federal expenditures or financial assistance that would occur within the established park system units or a federally managed area that is contiguous and ecologically related to the units.

The bill would generally prohibit new Federal expenditures in these areas unless the Secretary of Interior found that such expenditures would not have a detrimental effect on the native fish and wildlife populations of the affected system unit. It is important to note that the general funding prohibition is limited in its application.

First, I want to make it clear that we are seeking to protect only native species. According to the National Park Service management policies guidance document, native species "are those that occur, or occurred due to natural processes on those lands designated as the park. These do not include species that have moved into areas, directly or indirectly as the result of human activities." In other words we are not talking about protecting species like rats or starlings that may have invaded a park area as a result of man's activities.

Second, the native species would have to locate within the park boundaries to qualify for the protection afforded by this bill. This means a species must utilize or require habitat that is predominately within the park boundary.

Next, only Federal expenditures to be spent in federally managed areas contiguous and ecologically related to the affected park system unit would be subject to the prohibition. This does not include all the Federal lands or other areas contiguous to the system unit but only those areas (wildlife resource habitat areas) that are necessary to restore or maintain optimum population levels of native fish and wildlife species primarily found within the unit.

Last, the legislation limits the number of national park system units affected to those which are over 5,000 acres. What the legislation contemplates is protection of fish and wildlife population in the larger National Park System units. We do not want to involve areas like the Edgar Allen Poe National Historical Site in Pennsylvania or Rock Creek Park in Washington, D.C.

Under section 605 of the bill, certain activities are exempted from the general prohibition. New Federal expenditures or new financial assistance would be permitted for military activities, land acquisition, scientific research, fish and wildlife restoration programs, emergency actions, and maintenance of infrastructure or existing facilities.

Within 1 year of enactment the Secretary would be required to prepare a report advising the Congress as to the areas designated as wildlife resource habitat areas; identify other areas on non-federally managed areas; recommend additional Federal incentives for development that should be removed and Federal incentives that should be authorized to protect park wildlife habitat areas; and determine whether the application of this legislation would be suitable for units of the National Wildlife Refuge System.

The Department of the Interior shall also prepare a biannual report which shall identify detrimental effects to native fish and wildlife resources; planned actions to deal with such detrimental effects; and a review of the affected national park system units to determine if there are adequate safeguards to protect their native fish and wildlife resources.

Mr. President, I want to make it very clear this bill does not give the Secretary any new authority over activities on private lands outside the boundaries of the system units of the national parks. Any activity or project funded with or without Federal funds on these lands would not be affected by this legislation.

Only new federally funded projects or programs on private lands within the established boundaries of the parks and contiguous ecologically related federally managed areas would be affected. Private landowners within park boundaries, however, would be free to build or develop on their land with non-Federal funds so long as it is consistent with applicable authority.

On the contiguous ecologically related federally managed areas, Federal agencies could not spend funds to go forward with projects if the Secretary determined that such projects were detrimental to the native park wildlife.

To insure that the funding prohibition would not reduce the value of an inholders land, the legislation includes a provision which states that the funding prohibition shall not be considered in establishing just compensation in the event of Federal acquisition of the land.

Mr. President, new authority is needed to establish parameters for the protection and conservation of the native fish and wildlife population in the national park system units. I believe the Wildlife and the Parks Act is a sound and well reasoned approach. Simply stated it says:

> Before we go off and spend a lot of Federal tax dollars that may damage wildlife resources, which incidentally could cost a lot of dollars to restore, let's decide if this expenditure will have a detrimental impact on the native fish and wildlife populations in the park unit.

If the answer is "yes" the project cannot go forward and we have certainly saved Federal tax dollars and have given greater protection to the fabulous wildlife heritage found in our parks.

Finally, some may ask why I am offering this legislation as an amendment to the POWDR bill, S. 978. It is important to note that POWDR, like the Wildlife and the Parks Act, contains a funding prohibition mechanism which is the key to the further protection of areas important to wildlife.

The Environment and Public Works Committee did not pursue the POWDR bill because it applied the

funding prohibition to wetland areas that are difficult if not impossible to delineate. As such, POWDR and the application of the funding prohibition concept to wetlands is premature. In 1982, the committee and the entire Congress overwhelmingly supported the Coastal Barrier Resources Act because the funding prohibition was applied to clearly delineated coastal areas.

The amendment I am introducing today would apply the funding prohibition to clearly delineated areas, units of the national park system and calls for the clear delineation of additional areas—wildlife habitat resource areas—to which the funding prohibition would apply. Attaching my amendment to the POWDR bill, which has the support of the administration, will help frame the discussion on this issue and hopefully draw the endorsement of those who have supported both the POWDR initiative and the Coastal Barrier Resources Act.

We need to look at new and creative approaches to wildlife conservation and protection which will be effective and less costly. This legislation moves in that direction and deserves the support of all Senators. As it winds through the legislative process I look forward to working with my colleagues to make it a reality.●

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold an oversight hearing on the food stamp program.

The hearing will be held on Wednesday, March 21, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Ms. Ruth Peters and Ms. Frieda Waldman to be Governors of the U.S. Postal Service on Wednesday, March 21, at 2 p.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a hearing on S. 1858, a bill to amend the District of Columbia Self-Government and Governmental Reorganization Act and for other purposes.

The hearing will be held on Wednesday, April 25, 1984, at 9:30 a.m. in room SR-385 of the Russell Senate Office Building.

For further information, contact Eileen Mayer of the subcommittee staff at 224-4161.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold an oversight hearing on April 23 and April 30 to discuss occupational disease. The hearing will be in room 430 of the Dirksen Senate Office Building and will begin at 1:30 p.m. on April 23 and at 9:30 a.m. on April 30. Persons wishing to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, 428 Dirksen Senate Office Building, Washington, D.C., by March 23. If you have any questions concerning the hearing, please contact Rick Lawson, on the subcommittee staff, at 202-224-5546.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce, for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Energy Regulation to receive testimony on North American natural gas reserves and resources. This oversight hearing will be held on Friday, April 6, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Regulation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 20, at 9:30 a.m., to hold a hearing on S. 1300 and H.R. 3050, legislation to amend the Rural Electrification Act of 1936, to insure the continued financial integrity of the rural electrification and telephone revolving fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 20, to hold a hearing on mix of Active and Reserve Forces, and to review fiscal year 1984 Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services and the Subcommittee on Military Construction of the Committee on Appropriations be authorized to hold a joint hearing during the session of the Senate on Tuesday, March 20, to consider S. 2364, fiscal year 1985, military construction.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 20, at 2 p.m., to hold an oversight hearing on the President's budget on the Department of Energy's research programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 20, to consider the nomination of Harry Shlaudeman, to be Ambassador at Large.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 20, to hold a hearing on foreign aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BUDGET AUTHORIZATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Budget Authorization of the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 20, at 2 p.m., to hold a closed hearing on the fiscal year 1985 Intelligence Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 20, in order to re-

ceive testimony concerning the following nominations:

Robert B. Beezer, of Washington, to be U.S. Circuit Judge for the Ninth Circuit.

H. Russel Holland, of Alaska, to be U.S. District Judge for the District of Alaska.

Edward C. Prado, of Texas, to be U.S. District Judge for the Western District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LIFE INSURANCE ACT OF 1983

● Mr. LAUTENBERG. Mr. President, I have joined as a cosponsor of S. 1992, the Life Insurance Act of 1983.

The framework for insurance taxation established in 1959 is clearly obsolete. It no longer corresponds to the economic and financial realities of the 1980's. The changes of the last several years have disturbed the balance between the mutual and stock segments of the industry and sharply reduced its tax liabilities relative to its real economic income. In addition, the old "three-phase" system, with its vast array of special rules and accounting gimmicks, was excessively complicated and suspect from the standpoint of tax equity.

Mr. President, the Life Insurance Act would move the insurance industry toward normal corporate tax treatment, while making some allowances for its special characteristics. It would tax the industry at a rate of about $2.9 billion, roughly $1 billion more revenue than it paid last year, and double its share of total corporate liabilities over the 1959 law it would replace.

Mr. President, S. 1992 is the product of many long hours of hard work and careful negotiation. While not perfect in every particular, it is a constructive solution to a very difficult, complex, and contentious set of issues. It certainly is preferable to current law. To avoid serious dislocation, S. 1992 should be enacted this year. I urge early and favorable action on S. 1992 or comparable reforms, such as the provisions in the tax bill recently reported by the Finance Committee, which preserves the concepts in S. 1992 but raises slightly more revenue from the industry.●

RESOLUTIONS OF NATIONAL ADVISORY COUNCIL ON SMALL BUSINESS

● Mr. WEICKER. Mr. President, on Thursday, March 15, the national advisory Council to the Senate Committee on Small Business held its fourth annual day-long meeting on Capitol Hill, heard several insightful and valuable addresses, and unanimously passed resolutions supporting action to reduce the Federal budget deficit, reconvene the White House Conference on Small Business in 1985, and enact legislation which would serve to increase competition in the bidding for Federal contracts to include small businesses and allow small business owners to pay unemployment insurance premiums on themselves.

The council, which is made up of 25 small business owners and operators from around the country, was established in 1981 to bring a firsthand view of small business problems, issues, and concerns into the deliberative process of the Small Business Committee, which I chair. Once a year, the members of the council travel to Washington at their own expense to sit down with committee members and give us the benefit of their thinking, as people who deal with the realities of small businesses on a day-to-day basis. In turn, the meetings give council members an opportunity to hear experts from the business community, administration officials, and the Members of Congress most involved in small business matters.

Last week's meeting included morning sessions with Preston Martin, Vice Chairman of the Federal Reserve Board, Rudolph Penner, Director of the Congressional Budget Office, and Joseph Petrillo, a government procurement specialist with Bowman, Conner, Touhey & Petrillo, and a luncheon address by Senator ROBERT DOLE, chairman of the Committee on Finance. In the afternoon, the council held its formal working session with the committee and approved the resolutions that they had drafted.

Mr. President, the advisory council has made an important contribution to the congressional deliberations on small business matters. I urge my colleagues to carefully review these resolutions. They accurately reflect some of the major concerns of small business owners in this Nation. As chairman of the Small Business Committee, I am deeply grateful to all the Members who participated in this conference. I ask that the full text of the four resolutions, a list of the council members who attended the annual meeting, and a story from the Washington Post of March 16 be printed in the RECORD following this statement.

The resolutions follow:

RESOLUTION ON FEDERAL DEFICITS

Whereas, large federal deficits threaten the continuance of the current economic recovery, and definitely contribute to higher interest rates, higher inflation, and higher unemployment;

Whereas, small businesses will be particularly hard hit if higher interest rates persist, and if the current economic recovery stagnates;

Whereas, the Congressional Budget Office estimates that without any action by the President or Congress deficits will exceed $250 billion by Fiscal Year 1987;

Whereas, these deficits are a result of both uncontrolled federal spending and reduced revenues;

Whereas, any effective deficit reduction package should include both spending reductions, and revenue increases, provided that any revenue package steer away from provisions with retroactive application, or any other provisions that fail to take into account the planning needs of small businesses;

Therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business calls upon the President and the Congress of the United States to take comprehensive action this year to reduce the federal deficit, in order to keep interest rates at a level at which small businesses can grow.

RESOLUTION ON RECONVENING THE WHITE HOUSE CONFERENCE

Whereas, the small business sector is the engine that drives the economy;

Whereas, small businesses are responsible for 80 percent of the new jobs created and 50 percent of all new innovation;

Whereas, the 1980 White House Conference on Small Business set forth an agenda of sixty recommendations for federal action to improve the environment for small businesses;

Whereas, four years have elapsed since that White House Conference on Small Business and a large majority of these recommendations have been acted upon;

Whereas, the small business community recognizes the need to update and review its role in the economy and its relationship with the Federal Government;

Whereas, in 1979 Congress appropriated $4 million to provide funding for the White House Conference;

Whereas, the Advisory Council to the Senate Committee on Small Business believes strongly that the small business owners of this nation contribute significantly to the general health and prosperity of our country;

Therefore, be it resolved that, the National Advisory Council to the Senate Small Business Committee calls upon the President and the Congress of the United States to reconvene the White House Conference in 1985, and urges the Congress to appropriate funds necessary to insure a successful conference.

RESOLUTION ON FEDERAL PROCUREMENT

Whereas, the public funds expended by the United States Government for the procurement of supplies, services, research and development, and construction have increased annually, while the percentage of these funds awarded to small business has steadily declined in recent years;

Whereas, the publicized revelations concerning the procurement of spare parts, documented abuses, in the current procurement system, caused in large part by the lack of competition, especially by small business;

Whereas, the effective elimination of so many highly qualified small businesses from the federal procurement market has contributed to the erosion of the Nation's industrial base, and especially its ability to respond in time of national emergency;

Whereas, the effective elimination of so many highly qualified small businesses from the federal procurement market has resulted in all too many contract awards at all too often exorbitant prices, encouraging fraudulent practices and gross inefficiencies;

Whereas, the lack of competition in public purchasing and the resulting waste in tax-

payers monies has diminished public confidence in government management; and lessened competition, uniformity and the ability to compete for government contracts by small businesses;

Therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business calls upon the Committee, the entire Congress, and the President to propose and promptly enact legislation eliminating those procurement procedures and practices which have acted as obstacles to small businesses, entry in and competing for government contracts, and to take other steps to simplify the procurement process.

RESOLUTION ON UNEMPLOYMENT PREMIUMS PAID BY SMALL BUSINESS OWNERS

Whereas, current federal legislation denies states the option of allowing owners of businesses to choose whether or not they desire to pay unemployment insurance premiums on themselves;

Whereas, federal law dictates that small business owners must pay unemployment insurance premiums on themselves; the only time they may collect unemployment insurance is when their business closes and ceases to exist; and they are not permitted to lay themselves off during seasonal downturns in business;

Whereas, the initiation and enactment of appropriate legislation correcting this current injustice would be most consistent with our government's expressed desire to eliminate unnecessary and encumbering regulations, regulations so punitive to those investing both time and capital in business endeavors;

Whereas, currently, federal regulations work to prohibit individual states from initiating legislation making the payment of premiums a voluntary decision and, if such legislation were enacted at the state level, the various states would lose eligibility for federal funds;

Whereas, members of the small business community throughout the nation have expressed their desire to be excluded from eligibility for unemployment insurance;

Whereas, insofar as the limited application of the current law is of minimal value to the owners of small businesses, and the fiscal impact of allowing the owners of businesses to choose whether or not they desire to pay unemployment insurance premiums on themselves would be negligible;

Therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business, calls upon the President and the Congress of the United States to enact legislation granting individual states the opportunity to extend a measure of just relief to business owners, who are currently ineligible to collect unemployment insurance under state law, the right to choose whether or not they desire to pay unemployment insurance premiums on themselves.

PARTICIPANTS IN THE FOURTH ANNUAL NATIONAL ADVISORY COUNCIL MEETING, MARCH, 15, 1984

Ball, Asta, Mrs., Vice President, Sales, Miniature Nut and Screw Corporation, 436 Hartford Avenue, Newington, Connecticut 06111.

Bowden, R. Herb, Mr., President and Chief Executive Officer, Sencore, Inc. 3200 Sencore Drive, Sioux Falls, South Dakota 57104.

Diener, Mary, Ms., Diener & Associates, Inc., Post Office Box 12052, Research Triangle Park, North Carolina 27709.

Fletcher, Bill, Mr., Termiflex, Inc., 18 Airport Road, Nashua, New Hampshire 03063.

Floss, Walter, Mr., Jr., Floss Insurance Agency, 6465 Transit Road, East Amherst, New York 14051.

Hopewell, Bruce, Mr., Lincoln Business Help Associates, Inc., One Lincoln Plaza, New York, New York 10023.

Lefkiades, Michael, Mr., Michigan Coni Islands, Inc., 2942 Thunderbird Drive, Bay City, Michigan 48706.

Mertz, Forrest H., Mr., Mertz, Inc. 731 Monument, Ponca City, Oklahoma 74601.

Mohs, Frederic E., Mr., Esquire, Mohs, McDonald and Widdar, 20 North Carroll Street, Madison, Wisconsin 53703.

Mudge, Shaw, Mr., Sr., chairman, National Advisory Council, Shaw Mudge & Company, Post Office Box 1375, Stamford, Connecticut 06904.

Obermayer, Arthur S. Dr., President, Moleculon Research Corporation, 139 Main Street, Cambridge, Massachusetts 02142.

Olsten, Jann, Mr., Stacker, Ravich & Somon 900 First Bank Place West, Minneapolis, Minnestoa 55402.

Walters, James, Mr., President, General Business Forms, Inc., Post Officer Box 311, Bentonville, Arkansas 72712.

[From the Washington Post, Mar. 16, 1984]

FED MAY TIGHTEN MONEY SUPPLY, MARTIN SAYS

Federal Reserve Vice Chairman Preston Martin yesterday said the Fed's monetary policy makers will tighten credit conditions slightly when they meet later this month if the majority feels the economy is beginning to overheat.

Martin, speaking before the National Advisory Council of the Senate Small Business Committee, said he didn't know what the Fed policy makers—members of the Federal Open Market Committee—would decide to do about monetary policy when they meet. But he gave no indication that he thought the Fed would tighten.

"I personally think we have to be very careful about moving toward less accommodation" in the supply of credit, Martin said.

In the past few weeks, interest rates have been creeping upward, partly because of stronger than expected economic growth, the faltering dollar, little progress on deficit reduction, increasing demands for credit by businesses and consumers and uncertainty about what the Fed will do when the FOMC meets.

Martin said he recognized that interest rates have risen between 0.5 and 0.7 percentage points and that the Fed will have to determine what to do about it. But Fed action has not been to blame for that. "The market has tightened those rates," Martin said.

Martin said the Fed "is very accommodative now," meaning the supply of money and credit to the economy is not being overly restricted. "There is a lot of money in the banks and savings and loans."

The economy has been growing faster than many economists predicted. Many private and government economists are saying the growth of real gross national product for the first quarter of this year could exceed 6 percent. Consumer spending and new business investment are strong, and borrowing demands are increasing.

Many economists have expressed concern that, because the economy is moving along so robustly, the Fed may consider becoming less generous in providing the money reserves needed by the nation's financial institutions. Such action would moderate the expansion and prevent a resurgence of inflation.

Martin said if the economy is growing at a rate of 6 percent during the first quarter, it doesn't mean that quick a pace can be sustained throughout the year. It might, therefore, be improper to pursue a more restrictive monetary policy now, he said.

The vice chairman also said businesses need to make new investments to remain competitive with their foreign counterparts. But such improvements would be difficult if credit became tight. America needs "a long expansion this time" to allow companies to retool and take advantage of new technology, Martin said.

Martin also said the high value of the dollar needs to be corrected in an orderly way. He said he hopes the dollar's exchange value declines slowly and not sharply.

If the currency did fall sharply, Martin said, the Fed would not try to stop it, although it would attempt to stabilize disorderly trading conditions if Treasury Department officials so requested. However, Martin said he didn't think the currency would fall rapidly.

Meanwhile, Rudolph Penner, director of the Congressional Budget Office, addressing the same group yesterday, discussed the possibility of triple-digit inflation if the budget deficit isn't reduced and the interest on the national debt grows faster than the government can raise taxes or cut spending.

Penner said that although such a frightening occurrence is unlikely, "You have got to worry about it."

Penner rejected the notion of some supply-siders that rapid economic growth eventually will eliminate the budget deficits. "We are pretty hostile to the notion we can somehow grow our way out of this situation," Penner said.

Triple-digit inflation would occur if the government had to print money to meet spending and debt service bills.

In other comments, Martin said large corporate mergers such as those in the oil industry don't hurt domestic credit markets because funds are only shifted around for a few days and don't go into a "black hole."●

TRIBUTE TO MICHAEL BONGIOVANNI

● Mr. LAUTENBERG. Mr. President, I am pleased today to pay tribute to Mr. Michael Bongiovanni, whose achievements and dedication to his community are worthy of our praise and admiration. Mr. Bongiovanni is being honored on Saturday, March 24, 1984, with the Lifeline Achievement Award of the National Cooley's Anemia Foundation, and I wish to join those honoring Mr. Bongiovanni for his many accomplishments.

Mr. Bongiovanni's commitment to public service is indicated by his participation on the boards of such respected institutions in my State as Rutgers University, the Princeton Medical Center, Rider College, and the Trenton Symphony. However, Michael Bongiovanni's most notable contributions have come in the pharmaceutical field. Mr. Bongiovanni has been with

the Squibb Corp. for 37 years. He has risen to the position of president and chief executive officer of the Squibb Specialty Health Products Group. He is a vice president of the Squibb Corp. and a member of its board of directors. He is also chairman of the American Foundation for Pharmaceutical Education and past chairman of the National Pharmaceutical Council.

Mr. Bongiovanni's many accomplishments do not overshadow his valorous service to this country. During World War II, Mike Bongiovanni rose to the rank of captain in the Army Air Corps. For his heroic service, including 67 combat missions, he was seven times awarded the Air Medal, and also earned two Purple Hearts, two Distinguished Flying Crosses and the Presidential Citation for Bravery.

Mr. President, this is a record that speaks for itself, a record of a man who has devoted his life to helping others. I am proud to have the opportunity today to commend Mr. Michael Bongiovanni.●

SOCIAL SECURITY

● Mr. MOYNIHAN. Mr. President, 1 year ago, the Senate began its consideration of H.R. 1900, the Social Security Act Amendments of 1983. At this benchmark, it is instructive to reflect on the reform legislation enacted last April.

I call my colleagues' attention to the recent report by the Committee for Economic Development, entitled "Social Security: From Crisis to Crisis?" CED, a private nonprofit, nonpartisan organization of business executives, has suggested that the 1983 amendments to the Social Security Act "provide very little margin of safety." It contends that, should economic and demographic trends be less favorable than assumed in the 1983 amendments, the system could face another financial crisis in this decade. The economic assumptions on which Congress relied for these amendments, it is claimed, "fail to cover a realistic range of possibilities" with respect to actual economic performance.

This simply is not the case. The National Commission on Social Security Reform, on which I served, based its recommendations on economic assumptions generally considered to be quite cautious. The intermediate assumptions were thought by some to be less favorable than our best estimates would have suggested, but we were wary of the perils of over optimism.

I submit for your attention, then, an editorial which appeared in the Washington Post on February 25, entitled "Social Security False Alarm," and a letter to the editor of the Washington Post written by Robert M. Ball and Robert J. Myers. These two pieces give an accurate first year report card on the Social Security Amendments of 1983, one that ought to be considered by all.

Mr. Ball, the distinguished former Commissioner of Social Security and a member of the National Commission, and Mr. Myers, the highly respected former Chief Actuary and Deputy Commissioner of Social Security who served as executive director of the Commission write that the economic assumptions used by the National Commission were—

Slightly on the pessimistic side (and currently economic conditions are more favorable. Moreover, even under the pessimistic assumptions, the financing of the system will be reasonably adequate in the 1980's, and it would take much more than a small unfavorable wiggle in basic trends to produce a financial crisis.

Mr. Ball and Mr. Myers make a second point of considerable importance:

The social security program, which will be part of the unified budget until 1992, will not be a part of the deficit, but rather will be part of its solution.

At a time when it has become fashionable to advocate cuts to run-away entitlement programs in order to reduce the deficit, we must recognize precisely how, or if, entitlement programs are contributing to the deficit. I submit to you that after 1985, social security will not contribute 1 cent to the Federal deficit—in fact, it will be part of the solution.

I hope that my colleagues will take the time to review these articles. There is no way to guarantee that social security will never need additional financing changes. But as the Post editorial concludes, "there is no sense in sounding a general alarm while sailing in untroubled waters." Mr. President, I request unanimous consent that the following articles from the Washington Post, "Social Security False Alarm" and "Social Security is in Good Shape" appear in the RECORD.

The articles follow:

[From the Washington Post, Feb. 25, 1984]

SOCIAL SECURITY FALSE ALARM

Less than a year ago Congress enacted a bipartisan reform program to put the Social Security retirement system on sound footing for the foreseeable future. Now comes a report from the Committee on Economic Development, a national business policy group, warning that Social Security may be in trouble before the end of the decade.

Before you pick up your pen to dash off a worried letter to the president or Congress, you should know that the CED's report is not based on any new analysis or insight. The projections it cites are taken from last year's report of the Social Security Trustees, and are essentially the same as those used by Congress and the bipartisan Social Security commission in framing the reforms put into law last March. True, things have changed somewhat since that time—but not in the way that the CED's report would suggest. They've gotten better.

The important thing to remember about last year's reforms is that, for once, they were not based on a rosy view of the future. The reform package was designed to see the Social Security trust funds through this decade under a very pessimistic economic forecast—unemployment remaining above 10 percent until 1985 and not dipping below 8 percent until almost the end of the decade, and wages barely outpacing inflation.

Of course, the economy is already much better than that. And, as the Congressional Budget Office's new projections show, even if the economy heads back into a recession a year or so from now, the trust funds should have sufficient reserves to make it through the tightest period before legislated tax increases begin to build up the funds later in the decade. And, if economic conditions become very bad, the law now contains a safeguard that keeps benefit cost-of-living adjustments from outpacing wages when trust fund reserves are low.

Beyond this decade, it's important to remember, the retirement trust fund is headed toward a period of surpluses. That's because the generation that will be retiring in the mid-1990s was born in the low-birth-rate years of the Depresssion, while the labor force, which pays Social Security taxes, will still be swollen by the baby-boom generation.

Sometime in the next century, when the baby-boomers reach retirement, the surpluses will disappear, as the CED warns. However Congress' brave decision to go beyond the commission's recommendations and phase in a delay in the retirement age makes it less likely that drastic changes will then be needed. In the meantime, building up enormous reserves in the trust funds—which would offset deficits in other parts of the budget—would only discourage needed budget discipline.

There is no way to put a system as big and important as Social Security on automatic pilot for all time. But there is no sense in sounding a general alarm while sailing in untroubled waters.

[From the Washington Post, Feb. 10, 1984]

SOCIAL SECURITY IS IN GOOD SHAPE

(By Robert M. Ball and Robert J. Myers)

Hobart Rowen ["Social Security: It's Not So Secure," op-ed, Feb. 16] asserts that the Social Security system is once again likely to run into financial difficulties despite the reform legislation enacted last April. A large part of his conclusion is drawn from the recent report by the Committee for Economic Development entitled "Social Security: From Crisis to Crisis?"

We disagree strongly with Rowen's conclusions. We refer only to the Social Security program (Old-Age, Survivors and Disability Insurance—OASDI) and not to the Hospital Insurance portion of the Medicare program. The National Commission on Social Security Reform recognized, and we agree, that under present law Hospital Insurance has a serious financing problem some five or more years from now. It was not the assignment of the national commission to deal with this problem, but rather with the more immediate problem of the Social Security programs.

Rowen claims that eventually Social Security and other entitlement programs will require further changes for two reasons: first, "to keep them financially healthy and, second, to help cut the dangerous federal deficits." We believe that it is highly probable that the Social Security system will be financially healthy over at least the next two decades. For the period 20 to 75 years

after that for which estimates are traditionally made, we believe the estimates underlying the financing of the program are reasonable and even somewhat on the conservative side.

As to Rowen's second point, the Social Security program, which will be part of the unified budget until 1992, will not be a cause of the deficit, but rather will be part of its solution. This is so because, under any reasonable assumptions, income to the self-financed OASDI trust funds will exceed outgo during the near-future years and for a couple of decades thereafter. It would not seem reasonable to further help reduce the general federal deficits by cuts in the Social Security program which, in itself, is in a state of positive fiscal balance.

The CED report leaves the implication (which Rowen latches on to) that, if economic conditions are only slightly worse than the intermediate assumptions, the system will be insolvent before the end of the 1980s. This is not correct, because the intermediate assumptions are, we believe, slightly on the pessimistic side (and currently economic conditions are more favorable). Moreover, even under the pessimistic assumptions, the financing of the system will be reasonably adequate in the 1980s, and it would take much more than "a small unfavorable wiggle in basic trends" to produce a financial crisis.

This is not to say that there is no possible scenario that would cause the Social Security system to have short-term financing problems. What it would take is something like double-digit unemployment, with wages rising no more rapidly than prices. This we believe to be very improbable.

Even under the pessimistic assumptions of the 1983 Trustees Report, the OASDI trust funds would have a balance of at least two month's outgo at all times in the 1980s, while under the intermediate assumptions this ratio would, desirably, build up and would amount to about five months' outgo at the beginning of 1990, and increase rapidly thereafter.

We see no reason to make changes in the benefit structure in order to provide an even wider margin of safety than now exists.●

STRENGTHENING AMERICAN EDUCATION

● Mr. LAUTENBERG. Mr. President, few issues have more importance to the future of our country than education. Our ability to compete in the international economy in years to come, our ability to continue as a nation of opportunity for all, and to advance together as a nation, is dependent on the education provided our young people.

Recent reports from the Commission on Excellence on Education and others highlight existing weaknesses in our educational programs. Indeed, the National Commission on Excellence in Education has likened the situation in American education today to unthinking, unilateral education disarmament.

If such an indictment had been leveled at the Defense Establishment in this country, the cries of dismay from the White House and the Congress would have been loud and instantaneous.

Reaction to the harsh assessment of the Education Commission has been more temperate. Nevertheless, Mr. President, I, for one, must express my deep charging over the state into which our educational system has fallen. As the Commission on Excellence report rightly notes, citizens look to educators and elected officials to provide leadership to reverse educational trends in our country.

Providing more money for education is by no means the only answer to difficulties in education today. However, approval of increased educational expenditures can give encouragement to educators doing their best under difficult circumstances in the Nation's classrooms. It can provide increased resources for existing programs that have proved their effectiveness. It can help initiate new programs.

This year I have been working in the Senate as part of a special working group on education set up by Minority Leader ROBERT BYRD. Our group will be seeking a consensus on the appropriate spending levels for education in the fiscal year 1985 budget. After allowing for inflation, the President's budget request is about $5 billion below what education spending was 4 years ago. While we may not be able to make up this entire shortfall, I certainly think an increase over the President's proposed budget is needed.

I have introduced legislation to provide a Federal matching grant program for computer education and teacher training. I think that computer education can serve to enhance the teaching of more traditional academic and intellectual skills. Putting computers in classrooms will not be a solution for the problems in education. However, with careful planning, computers can provide a new tool for teaching writing, mathematics, social studies, and other courses, and analytical skills.

Reauthorization of the Vocational Education Act must be a top priority for 1984. Solid vocational training is important in preparing students for productive careers.

Another major unfinished item on the education agenda is legislation to improve math and science education. The House of Representatives passed a math and science bill last spring, but the Senate has not yet scheduled consideration of its version of the bill.

The present unhappy state of American education has not developed overnight, nor will it be improved immediately. But there must be a starting point on the road to recovery.

We must not fail our children by refusing to heed the harsh message of the Nation at Risk report. We owe them the bright promise of a good education. We owe their teachers our strong support. And we owe the Nation an adequate investment in our educational system if we hope to prosper and maintain U.S. leadership in the world economy.●

YEAR OF THE OCEAN

● Mr. CHAFEE. Mr. President, the ocean environment remains one of our country's most precious natural treasures. In order to encourage better understanding and appreciation of the need to preserve ocean and coastal resources, I am pleased to join Senator STEVENS as a cosponsor of Senate Joint Resolution 257, designating the 12-month period beginning July 1, 1984, as the "Year of the Ocean."

I represent the Ocean State. The sea figures prominently in Rhode Island's heritage. Narragansett Bay remains our preeminent natural, commercial, and recreational resource. Rhode Islanders cherish the ocean for its beauty, for its rich abundance of marine life, and for what it contributes to our State's economy.

Rhode Islanders are also keenly aware of the fragility of delicate ocean and coastal habitats. The problems posed by pollution, waste disposal, coastal development, and energy exploration constantly threaten the ocean environment and require action to preserve marine resources.

As we continue to exploit the wealth of the ocean, it is our responsibility to plan now for the prudent management of the marine environment. The University of Rhode Island's distinguished Graduate School of Oceanography is making an important contribution to marine resource management through research and field services designed to promote the development, use, and conservation of ocean and coastal resources.

By designating the "Year of the Ocean" Congress can renew its commitment to addressing the problems which threaten the ocean and coastal zone. Passage of this resolution can enhance public awareness of our tremendous reliance upon marine resources, as well as the consequences of failing to manage them wisely.

The ocean is essential to the life of the world. The "Year of the Ocean" program can help us to focus on its importance in each of our lives. I hope my colleagues will join in supporting the passage of this resolution and promoting its observance.●

HONORING JACK DEMPSEY

● Mr. D'AMATO. Mr. President, I rise to ask this body to honor one of America's greatest sports legends, the late Jack Dempsey. A legend in the boxing ring as well as in everyday life, Jack Dempsey's rise to heavyweight champion made him an example of the American spirit throughout the "Golden Age of Sports," the 1920's.

Like other legendary sports figures of that era, such as Babe Ruth, Bobby Jones, and Johnny Weissmuller, Jack Dempsey's style and accomplishments in his sport were revolutionary. Dempsey's aggressive "bob and weave" style ended the era of standup defensive style boxing forever and turned boxing into a top drawing spectator sport.

Winning the heavyweight crown for the first time in 1919, Dempsey retained the title until 1926. But his loss did not affect his popularity with the American public. Jack Dempsey remained a hero because he found success in his failures, an accomplishment endearing to many people who viewed Dempsey's rise to champion as representative of the everyday battles of most ordinary Americans.

His life before becoming champion also adds to the legend his name carries. The son of an impoverished Midwestern family, a miner at 13, a veteran of hobo jungles at 19, and heavyweight champion of the world at 24, Jack Dempsey's struggle is a true symbol of the American dream.

His legend is further supported by his unfailing kindness outside of the ring. From his restaurant on Broadway, Jack Dempsey played the role of host to the city of New York, as well as of a gentle, charitable man, always willing to help the unfortunate and the needy.

Touted as the greatest fighter of the half century in 1950 and inducted into the Boxing Hall of Fame in 1954, Jack Dempsey is still remembered as one of the greatest fighters of all time. But his legend is incomplete without mention of his kindness out of the boxing arena. Jack Dempsey was perhaps one of the last true heros, a man who represented something far greater than succeeding financially, in fact, a very symbol of success in all aspects of his life: a symbol which I hope this body will help preserve so that it can continue to inspire and guide those in the world of sports, as well as all people hoping to succeed everywhere.●

GOLD MEDAL FOR ELIE WIESEL

● Mr. LAUTENBERG. Mr. President, it is an honor for me to join in cosponsoring Senate Joint Resolution 231, a resolution to authorize a gold medal for Elie Wiesel. Elie Wiesel is a friend and counsellor to me, but it is his contribution to all of us in the world that makes a gold medal appropriate.

Elie Wiesel witnessed firsthand the depths to which mankind can fall and he has chronicled how man's capacity for inhumanity threatens not only lives, but human strength and human faith, itself. As an historian, author, and lecturer, he has devoted his life to dispelling our illusions about ourselves so that we might strengthen our prospects for peace.

Elie Wiesel's message is one of hope, one of peace. That his experience includes survival of the attempted destruction of his people by another makes this message compelling. And it reminds us constantly that we live in a time when the power of nuclear weapons gives us the potential to extinguish human life and the human spirit.

I have had the privilege of knowing Elie Wiesel personally for many years and of knowing and traveling with him as a member of the U.S. Holocaust Memorial Council. He works from the understanding that our capacity for peace makes hope possible, but our capacity for gross injustice makes peace imperative. It is an understanding that the Congress of the United States can both recognize and endorse.

I urge my colleagues to support Senate Joint Resolution 231 and I ask that the text of the resolution be printed in the RECORD following my statement.

The text of the resolution follows:

SENATE JOINT RESOLUTION 231

Whereas Elie Wiesel is internationally esteemed for his accomplishments as novelist, teacher, philosopher, critic, historian, humanitarian, and distinguished citizen of the United States and the world;

Whereas the twenty-five published works of Elie Wiesel include novels, testimonies, short stories, and essays which fuse the richness of centuries-old religious traditions with the insights of modern philosophy;

Whereas the life and writings of Elie Wiesel have been the subject of at least eleven books and his work is taught in high schools, colleges and universities throughout the United States;

Whereas Elie Wiesel in his role of "spiritual archivist of the Holocaust" encourages an understanding of the horrors of the past in order to offer humanity hope for a better and more secure future;

Whereas Elie Wiesel served with distinction as Chairman of the President's Commission on the Holocaust and as Chairman of the United States Holocaust Memorial Council;

Whereas Elie Wiesel has traveled, written, and worked for the cause of human rights in Biafra, Lebanon, Cambodia, the Soviet Union, and Central America; and

Whereas Elie Wiesel has received the International Literary Prize for Peace and the Prix Medicia, two of the most prestigious literary awards of Europe, and honorary degrees from twenty-five universities of the United States and Israel: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Elie Wiesel a gold medal of appropriate design, in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

(c) There are authorized to be appropriated not to exceed $22,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisions of the first section may be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this joint resolution are national medals for the purposes of section 5111 of title 31, United States Code.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Ronald L. Tammen, of the staff of Senator PROXMIRE, to participate in a program sponsored by the North Atlantic Treaty Organization, in Brussels and Turkey, from April 16-20, 1984.

The committee has determined that participation by Mr. Tammen in the program in Brussels and Turkey, at the expense of the North Atlantic Treaty Organization, is in the interests of the Senate and the United States.●

LOW INCOME ENERGY ASSISTANCE

● Mr. PRYOR. Mr. President, last Thursday, March 15, the Senate considered House Joint Resolution 493, the Department of Health and Human Services supplemental appropriations bill. I am pleased that the Senate approved funding for the low-income energy assistance program—LIEAP—a program of major importance to senior citizens, the handicapped, and others.

During the sixties and seventies, Congress enacted and expanded many programs which greatly improved the quality of life for older Americans. The medicare and medicaid programs, Older Americans Act programs, retirement income benefit expansions, and other efforts are testimonials to Congress recognition of the special needs of the elderly and increased concern over their standard of living.

In 1973, with the imposition of the Arab oil embargo, American households began to feel the painful crunch of rising fuel bills. Older Americans were particularly affected by this development. They were forced, as they never had been before, to choose between heating fuel and other necessities, such as much-needed health care and even food. The crisis has continued, and created such problems that Congress created the low-income energy assistance program and the weatherization program. These are the two major Federal programs which provide relief against the overwhelming increases in energy prices over the last decade. Senior citizen and handicapped households are given priority assistance over other populations.

According to the 1983 annual report of the Special Committee on Aging, "the rise in energy costs in relation to income has been the impetus behind congressional enactment of the low-income energy assistance program and the low-income weatherization program. In the 5-year period, 1972 to 1979, electricity costs rose 84 percent, gas 150 percent, and fuel oil costs 258 percent. These figures were well above the overall increase of 74 percent in the Consumer Price Index for the same period," and "low-income households typically spent about 20 percent of their income on energy compared with 3 to 4 percent expended by high-income households."

These figures clearly indicate the difficulty of lower income households to meet their energy needs. And the situation for low-income elderly is particularly serious—for our elderly are particularly susceptible to hypothermia and heat stroke, two very real life-threatening conditions. In fact, up to 25,000 elderly people die each year from causes related to hypothermia. And each year thousands of our elderly die from heat stroke. Many of our elderly have been forced by factors beyond their control to neglect their health needs as a result of the high cost of energy.

Mr. President, the low-income energy assistance program, in conjunction with the weatherization program, serves very real and crucial needs of our elderly population. I am pleased that the Senate approved the $200 million supplemental appropriation for this program.●

THE EQUAL RIGHTS AMENDMENT: MYTHS AND REALITIES

● Mr. HATCH. Mr. President, Dr. Walter Berns, one of the Nation's leading constitutional scholars, testified last year in opposition to the present text of the proposed equal rights amendment. I would like to call to the attention of my colleagues this thoughtful statement and ask that it be printed in the RECORD at this point.

The statement follows:

STATEMENT OF WALTER BERNS [1] ON SENATE JOINT RESOLUTION 10, THE PROPOSED EQUAL RIGHTS AMENDMENT

I must say at the outset that I agree with the effort to abolish all statutes, ordinances, and regulations that discriminate against women. As someone who has taught constitutional law for thirty years, it has always seemed to me that the Supreme Court's decision in *Bradwell* v. *State of Illinois* (16 Wall. 130 [1873]), upholding the right of Illinois to exclude women from the practice of law, had to be ranked, if not, like *Dred Scott* v. *Sandford*, among the most pernicious decisions ever to come down from that Court, then, surely, among the least enlightened. It is astonishing now to notice that only one member of the Court (Chief Justice Chase) saw fit to dissent in that case and that even he was too timid to write an opinion. But, as the cigarette ads say, we've come a long way since then.

In fact, we've come a long way since 1972 when the Congress first proposed this amendment in this form. At least sixteen states now have constitutional provisions similar to the proposed ERA; Title VII of the Civil Rights Act of 1964 has been used effectively to extend the right of women to equal employment opportunity; and, in a handful of Fourteenth Amendment-equal protection cases, the Supreme Court has invalidated state-based discriminatory provisions. In this connection, it is of interest to note that one of the subjects debated here in 1970 had to do with the right of young women to be accepted as students in the service academies at Annapolis and West Point. A policy that then seemed ill-advised to many has since been implemented to the satisfaction of almost everybody.

My opposition to this proposed Equal Rights Amendment is limited to its ambiguous wording: I don't know what it means—or, to state my objection more precisely, there is no agreement as to what it means. In fact, I would wager that a survey of congressional opinion would disclose that there is no agreement here as to what it means, not even among the resolution's co-sponsors. It speaks of equality of rights without identifying those rights. In this respect it should be compared with Article I, section 8, where Congress is authorized to secure for limited times the "exclusive right" of authors and inventors to their respective writings and discoveries, and with the Nineteenth and Twenty-sixth Amendments which specifically protect the right to vote. Such specificity is lacking in S.J. Res. 10. If adopted, it would be the only provision in the Constitution bestowing or protecting a right without identifying the right.

It might, of course, be said that identification is unnecessary; that the language, being absolute in its terms, permits no exceptions or qualifications; that it means that the rights enjoyed by men cannot be denied to women or, conversely, that the rights enjoyed by women cannot be denied to men. That is to say, as drafted, this constitutional language forbids all laws, federal as well as state, that classify by sex. But I know of no one who in fact favors this interpretation, not even the authors of that landmark article in the Yale Law Journal.[2] They say the "constitutional mandate must be absolute," but they don't really mean to say that all gender classifications must be forbidden. Their constitutional amendment would permit laws taking account of physical characteristics unique to one sex or the other—for example, laws respecting wet nurses and sperm banks.[3] It would also permit laws resting on some other constitutional right, such as the right to privacy.[4] (This was intended to reassure those opponents of the ERA who feared that its adoption would outlaw the separation of the sexes in public restrooms.) Thus, while insisting that the mandate must be absolute, they would permit exceptions which they call qualifications. Is this what the co-sponsors of S.J. Res. 10 mean? I don't know and, I submit, neither does this committee.

Other supporters of the proposed amendment are even less absolutist in their reading of its terms. Generally speaking, their intention is to make sex, like race, a suspect classification, suspect—and therefore harder to justify—but not absolutely forbidden, or suspect and therefore subject to a stricter judicial scrutiny. What this implies is that it is not necessary to know what the language means because in due course the courts will tell us what it means, and that it is altogether proper to delegate this authority to the courts. If this is the intention of S.J. Res. 10, I would ask its co-sponsors whether they are willing to accept any meaning the courts give its language. If so, I would charge them with treating the Constitution with contempt; if not, I would ask them to point to the standard on the basis of which they could charge the courts with having misinterpreted the language.

If it is said, as it was when the ERA was last debated here, that the courts will be guided by "legislative history," I would reply that what is being debated here is not a piece of legislation. It is a constitutional provision, and the Constitution does not derive from or come out of the legislature. The Constitution derives from the people in their sovereign capacity; as Hamilton made clear in Federalist 78, it is an expression of the people's will, and it can be amended only by a "solemn and authoritative act" of the people. That it is the people (and not the courts or the Congress) that may so act was described by Hamilton as the "fundamental principle of republican government." By Article V, Congress is authorized to propose amendments to the Constitution, but it is the people, acting through their representatives in the state legislatures or in the state conventions, who adopt amendments. And they ought to know what it is they are adopting. Or, they ought to know, and to know precisely, what it is they are being asked to adopt. Are the co-sponsors of S.J. Res. 10 willing to say to the people of the United States that by adopting this constitutional amendment they would be making sex a suspect classification, that they cannot be sure as to what that means, but that, in due course, the courts will let them know what that means?

Let me be more precise. Are the co-sponsors willing to say to the American people, "We don't know whether this amendment

[1] Resident Scholar, American Enterprise Institute; Professorial Lecturer, Georgetown University.

[2] Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," The Yale L. J., vol. 80 (April 1971), pp. 871-985.

[3] Ibid., p. 894.

[4] Ibid., p. 901.

will invalidate a male-only draft, but, not to worry, the courts will tell you"? That we haven't been able to agree as to whether the states would still be entitled to require separate dormitories in their colleges and universities, but that in time the courts will decide, and that if they can't come to a common decision, a majority of the Supreme Court will settle the matter? That, truth to tell, some of us are of the opinion that the ERA will outlaw separate junior high schools, one for boys and one for girls, and that others—that is to say, other cosponsors—are of the opinion that it will not outlaw them, but you the sovereign people of the United States ought not to let that bother you? That we all agree that Congress is already entitled to withhold financial support from private schools that segregate on the basis of race, but we haven't been able to make up our minds as to whether the ERA will require Congress to withhold it from private schools that segregate on the basis of sex? That most of us are persuaded that the courts are already authorized to grant affirmative relief in order to remedy the effects of past racial discrimination—for example, most of us believe that benign racial quotas are acceptable—but we are not sure about benign sex quotas, but, again, we are content to allow the courts answer that question, and answer it one way or the other? That we confess that we never thought about the issue of sex entitlements similar to racial entitlements—that is to say, whether the right of women to vote will now be equivalent to the right of a racial minority to vote which, as we all know, now includes the right to be represented by a member of that racial group? (Or, to be more accurate, we haven't thought about whether a gender group's right to vote can, like a racial group's, be "diluted" when the group is not sufficiently represented.) That—and this will be my last example—we have not wondered as to the effect of the ERA on what might be called the second-generation abortion cases, but we are delighted to leave that issue to the courts? [5]

I said at the outset that I am opposed to laws that discriminate against women, and I meant what I said. I also said that, even without an Equal Rights Amendment, we have made considerable progress toward the complete elimination of such laws; but I did not mean to suggest that we had succeeded in eliminating all of them. There is still work to be done. But to do that work does not require a constitutional amendment. All vestiges of discrimination can be eliminated by simple legislative enactment, many of them by acts of Congress. If, for the most obvious example, it is the will of Congress to draft women as well as men into the armed forces, thereby putting an end to a practice that discriminates against men, Congress need only say so. (And if the President vetoes the measure, it is clear from the number of co-sponsors of S.J. Res. 10 that the veto will be overridden.) And if the legislatures of the 35 States that, during the 1970s, ratified the ERA are truly determined to abolish single-sex public schools, equalize the laws respecting prostitution (by providing for the punishment of the men who purchase the services of the women), abolish maximum hour laws for women, and so on, they need only say so. And it is difficult for me to believe that the remaining fifteen states could long sustain their isolation from what would then appear to be a national public opinion in favor of equality of treatment. I urge you to leave the Constitution alone.

Contrary to what is sometimes said, it is not a "sexist" document. It is in fact remarkably free of references to gender. Not one of its provisions had to be changed before a woman could serve in House or Senate or on the Supreme Court, or would have to be changed to allow a woman to be elected President. Not one of its provisions had to be changed before women could vote. The Constitution may not be perfect, but it is a better document now than it would be with this ERA.

That amendment should be labeled a judiciary act, an act extending the jurisdiction of the federal courts, an act inviting the courts (and ultimately the Supreme Court) to decide the particular issues that members of Congress would appear eager to avoid. It would of necessity foster still more judicial activism, and I am no friend of judicial activism. Unlike the friends of judicial activism, I do not believe that the good judge is one who asks himself what is good for the country and then seeks "to translate his answers to that question into constitutional law." [6] Officials with the power to decide "what is good for the country" are officials that I want to be able to vote out of office when, in my judgment, they decide wrong. This, I close by saying, was also the desire of the Framers of the Constitution.●

[5] According to *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976), a husband may have a "deep and proper concern and interest • • • in his wife's pregnancy and in the growth and development of the fetus she is carrying," but, in the event of a conflict, his interest must give way to a wife's right to have an abortion. Read literally, the ERA would convert his interest into a right, a right equal to the wife's.

[6] Kenneth L. Karst, "Invidious Discrimination: Justice Douglas and the Return of the 'Natural-Law-Due Process Formula,'" U.C.L.A. Law Review, vol. 16 (June 1969), p. 720.

USE OF STRYCHNINE FOR RODENT CONTROL

● Mr. WALLOP. Mr. President, last October I wrote a letter to President Reagan, which 10 of my western colleagues signed, expressing strong opposition to any action that would reduce the availability of strychnine to America's farmers and ranchers for rodent control. Unfortunately, the Environmental Protection Agency ignored our arguments and later issued a decision to ban this rodenticide for use in controlling prairie dogs. An effort is underway to reverse what I consider an unwarranted and unfair decision. I urge my colleagues to support this effort.

Since EPA's decision, the States of Wyoming and South Dakota have joined in successfully petitioning the Agency to review the strychnine decision. A prehearing conference on that matter has been set for April 4, 1984, in Kansas City, Mo.

Recently I received a letter from Wyoming. Its author, Allen Mooney, is supervisor of Campbell County weed and pest control district. His humor expresses the frustration this decision has caused in the agricultural community only too well. It also displays the outlandish disdain in which some decisions are held by the practical American who is every bit as devoted to environmental protection as are EPA's occasionally misguided folk.

I urge Senators to read Mr. Mooney's tongue-in-cheek letter. Perhaps it will persuade Senators to join Wyoming and South Dakota in our efforts to reverse an unfair decision with harsh consequences on American agriculture and westerners in particular.

I ask that Mr. Mooney's letter be printed in the RECORD.

The letter follows:

CAMPBELL COUNTY WEED AND PEST DISTRICT,
Gillette, Wyo., March 5, 1984.

To: Wyoming Senate Members and House Representatives.

From: Allen Mooney, Supervisor, Campbell County Weed and Pest.

Agriculture continues to be dealt serious blows. The American public allows this under the disguise of environmental protection and will continue to do so until they become hungry and finally decide that food comes from somewhere other than the super market.

The EPA in their infinite wisdom has seen fit to cancel the use of strychnine treated grain bait for prairie dog control. This bait is the only really effective method ranchers have of ridding their ranges of this pest.

I have a few ideas that I feel would be worthy of your time. I think we should start an adopt a prairie dog program (APDP) such as has been so very successful (?) with the wild horses and burros. In order to make this program effective we would have to make it mandatory that everyone in the U.S. adopts at least one prairie dog or contributes to its upkeep. The IRS could handle this collection very nicely. On the 1040 form right under the line where it says check here for your contribution to the Presidental campaign fund, they could add a line that says if you have not adopted one prairie dog for each dependent (documentation would be mandatory of course) then you are required to make a tax free contribution of $1.00 per dependent to sponsor the upkeep of a prairie dog. This mandatory contribution would of course be the same as your Presidential campaign in that it would not affect your return if you overpaid your taxes nor would it affect the total amount of tax you would have to pay.

I can see many ways that this program could stimulate the economy. Since prairie dogs are known carriers of bubonic plague this program would surely give the medical profession, hospitals and doctors a shot in the arm.

The Pentagon would surely give their approval to the program as the prairie dogs could be used as a biological defoliant in jungle warfare. The little prairie dog could be used to replace the dreaded herbicides, 2,4,5-T and Silvex. Incidentially these chemicals have also been canceled by the EPA.

The prairie dog, as cute and loving as he is, would need medical attention. Surely then the veterinary medical profession would be in favor of the program. Consider how many flea collars and other pet supplies would be sold.

We have all been overlooking the possibility of using prairie dogs to take care of the lawn care needs of our country. I would suggest that enough of the little fellows be shipped to the White House, Camp David,

national monuments, etc. to do a complete job of mowing and clipping. You probably know how much this could save the taxpayers—I would guess it would stagger one's imagination. This doesn't even take into account the ability of the prairie dog to mow and fertilize in one operation. Can you imagine the amount of natural gas and raw material that could be saved that is now used in manufacturing fertilizer?

I can see how the economy could be stimulated with thousands of new jobs. Needless to say, it would take numerous people to catch and transport the prairie dogs to the adoptees. It would take quite a few people to oversee this operation to make sure the prairie dogs do not become emotionally strained or skinned up in any way. I would guess that volunteers from the Friends of Animals, etc. may be readily available for this job. I don't think I can over emphasize how important this job stimulation aspect will be to you in selling this program to Congress. I think you could even get Tip O'Neill's approval on this one.

As with any good program, there will probably be groups unhappy with this proposal. Several groups that I can think of that would probably lobby against such a program would include; 1) Lawn Mower and Fertilizer Spreader Manufacturers 2) Oil & Gas Companies 3) The American Groundkeeper Assoc. 4) Fertilizers Companies and 5) Even some of your Colleagues in our own government.

I can see how our Foreign relations programs could be affected somewhat because with the excess grass available on the western ranges enough beef would be produced here in our country that we would not have to import any ungraded beef and lamb.

In all seriousness, I'm afraid that our fourth branch of the Federal Government, the EPA, is entirely out of line on this strychnine grain bait cancellation. If there is anything you can do to help the ranchers in the Western United States keep the strychnine bait for prairie dog control it would be appreciated.

In Wyoming we estimate 560,000 acres of prairie dogs. This time of year there are two dogs per active hole with an average of 30 active burrows per acre—that's 33,600,000 dogs. Now if we wait until June when the little fellows start having puppies we can increase that No. to (6/active hole) or 100,800,000 prairie dogs. Wyoming is only one state with the problem but if you can make the proposed program work I'm sure that the Western states will be able to supply all of the dogs needed.

ALLEN MOONEY,
Rancher and Weed and Pest Supervisor.●

NATIONAL AGRICULTURE DAY

● Mr. PRYOR. Mr. President, today, March 20, 1984, is "National Agriculture Day," and I want to take a few minutes to say thank you to the men and women who work in agriculture in this country. We say it over and over again in the Senate Chamber, but agriculture is truly the backbone of our Nation's economy, and ours is more productive than any other agricultural economy in the world. It is fitting that we have a day to honor these men and women, and commend them for their excellent work. Additionally, it should give us time to reflect on the problems of rural America, and the many issues we have got to deal with.

Mr. President, agriculture accounts for about one-fifth of our Nation's gross national product (GNP) employs, either directly or indirectly, about 23 million people, and is one of the areas in which we enjoy a positive trade balance. Statistics released yesterday by the Commerce Department revealed a worsening trade deficit for our country, and the more troubling thought is where we would be without our excellent agricultural base.

The men and women who work on farms, and in agricultural-related businesses deserve our thanks. They have helped to make this country the wealthiest in the world and insure that our citizens have an abundance of food. However, Mr. President, there are problems in agriculture today, and I would hope that in the days and months ahead we could work to improve the economic picture for the farmers of this country. Many of them have gone out of business in the last couple of years, and many, many more are having a great deal of difficulty. As we consider new omnibus farm legislation next year, and as we debate other issues of importance to rural America, I hope we will consider and take into account the contribution of these men and women to our society.

Again, Mr. President, I commend them for their efforts, and I am pleased that this day has been proclaimed "National Agriculture Day."●

NATIONAL FARM POLICY

● Mr. ROTH. Mr. President, I am extremely concerned about the direction our national farm policy has moved in recent years. In 1980 Commodity Credit Corporation price support outlays were $3.3 billion, in 1983 dollars. In 1983, these outlays were $18.8 billion. The administration's proposed fiscal year 1985 budget anticipates outlays of over $10.6 billion but since we cannot anticipate all the factors that affect the years harvest we might just as readily anticipate a need for outlays again in the range of $18 to $20 billion.

There is no doubt that American farmers suffered with the rest of the economy in the recent recession. High interest rates and double digit inflation had devastating effects. In fact current interest rates are still too high and possibly it could be said that the recession is not over on the farm.

But what have we done in response? Have we merely encouraged expanded production as a means of making up for rising production costs? Have we depended on an outdated system of escalation target prices and other support mechanisms which were again built into a farm bill in 1981? We have, and though we realized very quickly that that system was not working we failed to take action to correct it. We failed to provide the Secretary of Agriculture with enough flexibility to make adjustments.

We have shown a lack of courage. When faced with increasing inventories of costly Government-purchased commodities we instituted the payment-in-kind program and idled millions of farm acres. But we failed to freeze target prices.

When we saw huge inventories of Government-purchased dairy products accumulating instead of allowing the Secretary to reduce the support price to a market clearing level we again approved what may have been a very expensive paid diversion. Fortunately—or unfortunately, whatever your view—dairy farmers were not interested and did not sign up. So we will not be paying them not to produce the milk we encouraged them to produce with substantial price guarantees.

Mr. President, today I understand we are considering a program in which we will pay wheat farmers not to produce this year and then this fall pay them not to produce next year. It has been suggested that this set aside program as barter for and in conjunction with target price freezes will bring about budget savings of $3.5 billion between now and fiscal 1987. But how can this be determined when commodity prices have only been established through the life of the current farm bill which expires after fiscal 85? And what are the costs of the new loan guarantees for export credit?

This Senator would enthusiastically vote for a phasing out of target prices. I join with the American Farm Bureau in calling for their elimination. I would be happy to look at proposals to reduce Government commodity purchases through expanded trade and in fact consider myself a leader in this area in the Senate. But I cannot support this bill. This bill does not face our farm problems honestly. It does not represent a serious effort to bring program costs under control. It does nothing to bring the American agricultural economy greater stability and at best appears to be a slight of hand that saves the taxpayer nothing.

Mr. President, this country faces deficits approaching $200 billion a year. Under the current farm legislation bumper crops can add another 5 percent to that deficit. On the other hand, responsible legislative action right here could reduce it by that amount. We can no longer wait to address these issues responsibly.●

THE CALENDAR

Mr. BAKER. Mr. President, I have a folder of items that appear cleared for action by unanimous consent. I have a request in respect to two calendar items. First, I say to the acting minori-

ty leader (Mr. BOREN), I welcome him in that role. I do not recall seeing him in that position before. I am sure he will discharge his weighty responsibilities with ease and grace.

Mr. BOREN. I shall certainly do my best, Mr. President, to live up to that expectation.

SENATE JOINT RESOLUTION 256 INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I believe this request is cleared on both sides. I ask unanimous consent that Senate Joint Resolution 256, Calendar Order No. 710, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SINGLE PARENT DAY

Mr. BAKER. Next, I say to the acting minority leader that we are prepared to pass by unanimous consent House Joint Resolution 200, which is Calendar Order No. 714, if there is no objection.

Mr. BOREN. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the acting minority leader. I ask that the Senate turn to the consideration of that measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 200) designating March 21, 1984, as "National Single Parent Day," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 250 PLACED ON CALENDAR

Mr. BAKER. This request has been cleared as well, I believe, on both sides. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 250, a joint resolution declaring the week of May 7-13, 1984, as "National Photo Week," and that that item be placed on the calendar.

Mr. BOREN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will be placed on the calendar.

Mr. BAKER. I thank the Chair.

SENATE JOINT RESOLUTION 247 PLACED ON CALENDAR

Mr. BAKER. Next, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and that that item be placed on the calendar.

Mr. BOREN. Mr. President, that item has also been cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be placed on the calendar.

SEQUENTIAL REFERRAL OF S. 1400

Mr. BAKER. Mr. President, I ask unanimous consent that when S. 1400, the "Motor Vehicle Theft Law Enforcement Act of 1983," is reported by the Committee on Commerce, Science, and Transportation, it be sequentially referred to the Committee on the Judiciary for the purpose of its consideration of titles II and III only, for a period not to exceed 30 calendar days: Provided, That, if S. 1400 is not reported by the Committee on the Judiciary by such date, the Committee on the Judiciary be discharged from further consideration thereof and S. 1400 shall be placed immediately on the calendar.

Mr. BOREN. Mr. President, that request has also been cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF S. 2435

Mr. BAKER. Mr. President, I now ask unanimous consent that S. 2435, a bill to place a moratorium on certain pension plan reversions and for other purposes, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are two items on today's Executive Calendar which appear cleared for action by unanimous consent. May I inquire of the acting minority leader if he is in a position to proceed to the consideration of the two items under the judiciary which are the nominations of Mr. Wilkinson to be a U.S. circuit judge for the fourth circuit, and Mr. Hupp to be U.S. district judge for the central district of California.

Mr. BOREN. Mr. President, I am checking that matter and should have an answer momentarily.

Mr. President, I am told that the nomination of Harry Hupp, of California, to be U.S. district judge for the central district of California has been cleared, but we have not yet had an opportunity to get clearance on the other nomination that has been requested.

Mr. BAKER. I thank the acting minority leader.

EXECUTIVE SESSION

Mr. BAKER. In view of that, Mr. President, I ask unanimous consent that the Senate now go into executive session for the sole purpose of considering nomination No. 515, message No. 695, Harry L. Hupp, of California, to be U.S. district judge.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

THE JUDICIARY

The assistant legislative clerk read the nomination of Harry L. Hupp, of California, to be U.S. district judge for the central district of California.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now I ask unanimous consent the President be immediately notified that the Senate has given its consent to the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent the Senate now return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9 A.M.; FOR RECOGNITION OF SENATORS PROXMIRE AND PRYOR; AND FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it may be that we have some wrap-up we can take care of. In the meantime, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. tomorrow.

I further ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, special orders of not to exceed 15 minutes each be granted in favor of Senators PROXMIRE and PRYOR in that order, to be followed by a period for the transaction of routine morning business to go no longer than the hour of 10 a.m., in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, tomorrow, the Senate will convene at 9 a.m. After the recognition of the two leaders under the standing order, Senators will be recognized on special orders to be followed by a period for the transaction of routine morning business to begin at 10 a.m. After 10 a.m., the Senate will resume the unfinished business, which is H.R. 4072, the so-called wheat bill.

It is hoped, Mr. President, that we can further refine the arrangements for the consideration of the wheat bill in the morning so we can perhaps establish a time certain for passage during the day as early as possible.

Mr. President, Senators should be reminded that, at 1 p.m. tomorrow, the Senate will turn to consideration of the veto message on S. 684, on which a time limitation has already been entered providing for 1 hour of debate to be equally divided and a roll-call vote to occur at 2 p.m. The Senate will resume consideration of the wheat bill thereafter, unless it has been disposed of prior to that time.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until 9 a.m. tomorrow.

The motion was agreed to, and at 6:09 p.m. the Senate recessed until tomorrow, Wednesday, March 21, 1984, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 20, 1984:

THE JUDICIARY

Harry L. Hupp, of California, to be U.S. District Judge for the central district of California.

HOUSE OF REPRESENTATIVES—*Tuesday, March 20, 1984*

The House met at 12 o'clock noon.

The SPEAKER. Today the Chair has the distinct pleasure of introducing as the guest chaplain the Most Reverend Bernard F. Law, Bishop of Springfield and Cape Girardeau, Mo., and the Archbishop-elect of Boston.

The Most Reverend Bernard F. Law, Roman Catholic Bishop of Springfield and Cape Girardeau, Mo., and Archbishop-designate of the Archdiocese of Boston offered the following prayer:

Almighty God, You have given us this great land for our heritage; You have given us a free nation through the sacrifices and determination of our forebearers: We ask You to make us mindful of Your favor to us that we may live in the spirit of concern for the welfare of one another, passing on to those who come after us the gift of a country made better by our efforts today.

Move the hearts and minds of the people of this land to break the barriers of injustice and discord among us; to make us ever more conscious of the poor and neglected; and to guide us to that peace which is Your will for all peoples everywhere.

Inspire in a special way the minds and hearts of the men and women in these Halls who bear the trust of the Nation so that they may be the willing instruments of all that we ask in the confidence of Your fatherly love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GINGRICH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GINGRICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 327, nays 22, answered "present" 9, not voting 75, as follows:

[Roll No. 47]

YEAS—327

Ackerman	Eckart	Lehman (FL)
Addabbo	Edgar	Lent
Akaka	Edwards (AL)	Levin
Albosta	Edwards (CA)	Levine
Alexander	Edwards (OK)	Levitas
Anderson	English	Lewis (CA)
Andrews (NC)	Erdreich	Lewis (FL)
Andrews (TX)	Fascell	Lloyd
Anthony	Fazio	Loeffler
Applegate	Ferraro	Long (LA)
Archer	Fiedler	Lott
Aspin	Fish	Lowry (WA)
AuCoin	Flippo	Lujan
Badham	Florio	Luken
Barnard	Foley	Lundine
Barnes	Ford (TN)	Lungren
Bartlett	Fowler	Mack
Bateman	Frank	MacKay
Bates	Frost	Madigan
Bedell	Fuqua	Marlenee
Beilenson	Garcia	Marriott
Bennett	Gaydos	Martin (NC)
Bereuter	Gekas	Martin (NY)
Berman	Gephardt	Martinez
Bethune	Gilman	Matsui
Bevill	Glickman	Mavroules
Bliley	Gonzalez	Mazzoli
Boehlert	Gore	McCain
Boggs	Gradison	McCandless
Boland	Gramm	McCloskey
Boner	Gray	McCollum
Bonior	Green	McCurdy
Bonker	Gregg	McEwen
Borski	Guarini	McGrath
Boucher	Hall (OH)	McHugh
Britt	Hall, Ralph	McKernan
Brooks	Hall, Sam	McNulty
Broomfield	Hamilton	Mica
Brown (CA)	Hammerschmidt	Mikulski
Brown (CO)	Hansen (ID)	Miller (CA)
Broyhill	Hansen (UT)	Mineta
Burton (CA)	Hatcher	Minish
Burton (IN)	Hefner	Moakley
Byron	Hertel	Molinari
Carney	Hightower	Montgomery
Carper	Hiler	Moody
Carr	Hillis	Moore
Chandler	Holt	Moorhead
Chappell	Hopkins	Morrison (CT)
Cheney	Horton	Morrison (WA)
Clinger	Howard	Mrazek
Coats	Hoyer	Murphy
Coelho	Hubbard	Murtha
Coleman (MO)	Huckaby	Myers
Coleman (TX)	Hughes	Natcher
Conte	Hunter	Neal
Conyers	Hutto	Nichols
Cooper	Jeffords	Nielson
Courter	Jenkins	Nowak
Coyne	Johnson	Oakar
Craig	Jones (OK)	Obey
Crockett	Jones (TN)	Olin
D'Amours	Kasich	Ortiz
Daniel	Kastenmeier	Owens
Dannemeyer	Kazen	Oxley
Darden	Kemp	Packard
Daschle	Kildee	Panetta
Daub	Kindness	Parris
Dellums	Kogovsek	Pashayan
Derrick	Kolter	Patman
DeWine	Kostmayer	Patterson
Dicks	Kramer	Pease
Dixon	LaFalce	Pepper
Donnelly	Lagomarsino	Perkins
Downey	Lantos	Petri
Duncan	Latta	Pickle
Dwyer	Leach	Quillen
Dyson	Leath	Rahall
Early	Lehman (CA)	Rangel
Ratchford	Skeen	Torricelli
Ray	Skelton	Traxler
Regula	Slattery	Udall
Reid	Smith (FL)	Valentine
Richardson	Smith (IA)	Vander Jagt
Ridge	Smith (NE)	Vandergriff
Ritter	Smith (NJ)	Volkmer
Robinson	Smith, Denny	Vucanovich
Rodino	Smith, Robert	Walgren
Roe	Snowe	Weber
Rogers	Solarz	Weiss
Rose	Spence	Wheat
Roukema	Spratt	Whitehurst
Rowland	Staggers	Whitley
Roybal	Stangeland	Whitten
Rudd	Stark	Williams (MT)
Russo	Stenholm	Williams (OH)
Sawyer	Stokes	Winn
Schaefer	Stratton	Wirth
Scheuer	Studds	Wise
Schneider	Stump	Wolf
Schulze	Sundquist	Wolpe
Schumer	Swift	Wortley
Seiberling	Synar	Wright
Sensenbrenner	Tallon	Wyden
Sharp	Tauke	Wylie
Shelby	Tauzin	Yatron
Shumway	Taylor	Young (FL)
Shuster	Thomas (GA)	Young (MO)
Sisisky	Torres	Zschau

NAYS—22

Bilirakis	Gingrich	Roemer
Chappie	Goodling	Sabo
Coughlin	Hawkins	Schroeder
Dickinson	Jacobs	Solomon
Dorgan	Livingston	Walker
Emerson	Miller (OH)	Yates
Evans (IA)	Penny	
Gejdenson	Roberts	

ANSWERED "PRESENT"—9

Clarke	Dymally	Ottinger
Crane, Philip	Gibbons	Sikorski
Davis	Gunderson	St Germain

NOT VOTING—75

Annunzio	Frenzel	O'Brien
Biaggi	Hall (IN)	Oberstar
Bosco	Hance	Paul
Boxer	Harkin	Porter
Breaux	Harrison	Price
Bryant	Hartnett	Pritchard
Campbell	Hayes	Pursell
Clay	Heftel	Rinaldo
Collins	Hyde	Rostenkowski
Conable	Ireland	Roth
Corcoran	Jones (NC)	Savage
Crane, Daniel	Kaptur	Shannon
de la Garza	Kennelly	Shaw
Dingell	Leland	Siljander
Dowdy	Lipinski	Simon
Dreier	Long (MD)	Snyder
Durbin	Lowery (CA)	Thomas (CA)
Erlenborn	Markey	Towns
Evans (IL)	Martin (IL)	Vento
Feighan	McDade	Watkins
Fields	McKinney	Waxman
Foglietta	Michel	Weaver
Ford (MI)	Mitchell	Whittaker
Forsythe	Mollohan	Wilson
Franklin	Nelson	Young (AK)

□ 1220

Mr. SIKORSKI changed his vote from "nay" to "present."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

31-059 O-87-5 (Pt. 5)

BISHOP BERNARD F. LAW

(Mr. TAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, it is with sincere pride and considerable honor that I speak of Bishop Law who gave our opening prayer this day.

When he headed the Springfield-Cape Girardeau Diocese the bishop touched the lives of thousands of people. He is a man of compassion, attuned to the changing times, yet holding dear the ancient values of the church. He proved himself to be an able leader, liked by all with whom he came in contact. He is a builder and an individual of considerable vision.

Boston's gain is Missouri's loss, however, we wish for Bishop Law good luck and Godspeed as he accepts this new challenge.

BISHOP BERNARD F. LAW

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, we in the House of Representatives have been greatly honored today to have as our guest chaplain His Excellency Bishop Bernard F. Law of Springfield-Cape Girardeau, Mo., who has recently been named by His Holiness Pope John Paul II to become Archbishop of the Archdiocese of Boston.

As Bishop of southern Missouri, Archbishop-designate Law has provided all of us in Missouri—of all faiths—with a tremendous example of compassion, spiritual leadership, and selfless endeavor. His leadership, both in Missouri and prior to his service there, in the areas of human rights, civil rights, and ecumenical rapport has gained him the love, the admiration, and the sincerest best wishes of all of those who have come to know him.

Now, as he assumes his next task, I want to say, on behalf of the people of southern Missouri, that we will miss him, but that we are truly happy for those in the Boston Archdiocese who will now share in his good work. Having come to know Archbishop-designate Law over the past several years, I can assure the people of Massachusetts that they will come to love and respect him just as we have.

And to him, I can only say: Thank you for the tremendous contribution he has made to the quality of life in southern Missouri, and best wishes as he moves on to do the same for others.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SENSENBRENNER. Mr. Speaker, I object.

Mr. BROWN of Colorado. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The bill is recommitted to the Committee on the Judiciary.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOUNTAHA BOU-ASSALI SAAD

The Clerk called the bill (H.R. 936) for the relief of Mountaha Bou-Assali Saad.

There being no objection, the Clerk read the bill as follows:

H.R. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mountaha Bou-Assali Saad shall be held and considered to have satisfied the requirements of section 312 of the Immigration and Nationality Act relating to knowledge and understanding of the English language and the history, principles, and form of government of the United States and, notwithstanding the provisions of section 310(d) of such Act, may be naturalized at any time after the date of the enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

CONSENT CALENDAR

The SPEAKER. Pursuant to the order of the House of March 15, 1984, this is the day for the call of the Consent Calendar. The Clerk will call the bill on the Consent Calendar.

MAKING TECHNICAL AMENDMENTS TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AND OTHER ACTS

The Clerk called the Senate bill (S. 1530) to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts.

There being no objection, the Clerk read the Senate bill as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 88 Stat. 2203) is amended by inserting after section 8 the following new section:

"SEC. 9. The provisions of this Act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3): *Provided,* That a grant agreement or a cooperative agreement may be utilized in lieu of a contract under sections 102 and 103 of this Act when mutually agreed to by the appropriate Secretary and the tribal organization involved.".

SEC. 2. The Act of October 15, 1982 (Public Law 97-344; 96 Stat. 1645), relating to certain restricted land in Kansas, is amended by striking out "the southeast quarter northwest quarter" in paragraph (2) and inserting in lieu thereof "the south 20 acres of the east 60 acres of the northwest quarter".

SEC. 3. The first section of Public Law 97-386, relating to the reservation of the Pascua Yaqui Tribe of Arizona, is amended by inserting "located in township 15 south, range 12 east, Gila and Salt River Meridian," after "tracts of lands".

SEC. 4. (a) Subsections (a) and (b) of section 2415 of title 28, United States Code, is amended by striking out "Indians Claims Act of 1982" each place it appears and inserting in lieu thereof "Indian Claims Limitation Act of 1982".

(b) The last proviso in the first paragraph under the heading "Administrative Provisions", relating to the Bureau of Indian Affairs, of title I of Public Law 97-394 is amended by striking out "The following" and inserting in lieu thereof "Sections 2 through 6 of this Act".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

ELECTION DAY IS JUDGMENT DAY

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, as we all know, President Reagan never hesitates to publicly blast so-called welfare cheats and food stamp cheats. Indeed, we are all farmilar with his story about the food stamp recipient who was seen by the Republican lookout squad buying a bottle of vodka with his food stamps and who then walked out of the grocery store and drove home in his cadillac. Of course, none of us denies that there have been some abuses.

But this same President, who had deliberately placed religion and morality on the front burner of this election

campaign, obviously has a moral blind spot when it comes to his own closest aides and country club cronies.

They view their jobs not as stewards of the public trust, but as opportunities to feed at the public trough. Once again, we hear about hit lists, secrecy oaths and lie detectors, illegal tapings and lying, and numerous cases of financial improprieties. And, once again, allegations of official misconduct are followed by pronouncements of Presidential support.

Well, President Reagan may have this moral blind spot, but the American people certainly do not. Election Day is judgment day, Mr. President.

□ 1230

IT IS TIME FOR AN INDEPENDENT INVESTIGATION OF ED MEESE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the time has come for the appointment of a special, independent prosecutor to examine charges of wrongdoing by Edwin Meese, the Attorney General-designate.

The law clearly requires an independent prosecutor in this case—the Attorney General must be above suspicion, and a review conducted by the Department Mr. Meese is supposed to head is simply not good enough.

Mr. Speaker, if Mr. Meese is innocent of any wrongdoing, then he deserves an independent, nonpartisan investigation to clear his name. If Mr. Meese has broken the very laws that the Attorney General is required to uphold, then his nomination should be rejected by the Senate.

Either way, the public has a right to know the truth, and an independent investigation is the best way to get it.

FORTIETH ANNIVERSARY OF D-DAY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Madam Speaker, during World War II, many battles were fought to preserve freedom. One battle will never be forgotten. It occurred on June 6, 1944, when American and allied forces joined together to regain a foothold in Europe. June 6, 1984, marks the 40th anniversary of D-day, the day of the allied assault on Normandy, France.

Today, Mr. HAMMERSCHMIDT and I are introducing a House Joint Resolution to designate June 6, 1984, as "D-day National Remembrance Day," and that the President issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The D-day assault involved over 5,000 naval vessels; 11,000 sorties of allied aircraft; and 153,000 American, British, and Canadian troops. Our troops landed on five separate beaches. A quick foothold was gained and within 24 hours, the allied troops had breached Hitler's Atlantic Wall. The losses in both men and material were heavy. Allied casualties totaled more than 10,200. American troops suffered 1,465 killed, 3,184 wounded, 1,928 missing in action, and 26 captured.

Madam Speaker, the successful landing at Normandy was a key turning point in World War II. I urge my colleagues to join us in cosponsoring this legislation.

HOW HIGH IS THE WATER, MOMMA?

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, I am worried about the House this morning. I wonder how many of you can swim.

You remember the old folksong made popular by Johnny Cash and others years ago, "How High Is the Water, Momma?" Well, it is 5 feet high and rising.

Interest rates are just like the water in that song; real interest rates are too high and they are rising.

The evidence is all around us; T-bill rates are at a 2-year high and the prime was up half a point yesterday, to 11½ percent. Do not fool yourself, rising interest rates are bad for this economy.

The market knows that if we do not control fiscal policy then monetary policy will have to carry the fight against inflation alone. That means higher rates, that means no recovery, that means no jobs, that means no improvement in the quality of life.

That is bad news for America.

If any Member had any reservations about joining us to reduce the deficit fairly and with a sizable number, let today's news be a warning. Doing nothing is the wrong action. It would lead to higher rates. Phony cuts is the wrong action. It will lead to higher rates.

We must reduce the increase in military spending, we must reduce the entitlement COLA's.

We can protect the neediest among us while the rest of us sacrifice in a small way together.

"How High Is the Water, Momma? It is 11½ percent and rising.

NATIONAL AGRICULTURE DAY

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Madam Speaker, today is National Agriculture Day, and I believe that all Americans should extend their appreciation to the agricultural sector of our Nation. The majority of Americans live in cities or suburbs and fail to realize the importance of the agricultural community.

Madam Speaker, less than 3.5 million Americans actually raise the crops and animals that give us the world's largest and best food and fiber supply, but more than 23 million persons are employed in agriculture related industries. One out of five jobs are related to agriculture—that makes agriculture our Nation's No. 1 industry.

Agriculture does not only contribute to the health of our economy, by selling great quantities of food abroad but to our personal health and the health of our Nation. America began as an agricultural heartland, and I believe that, despite our notable achievements in science and technology, we remain today a people closely tied to the land.

Madam Speaker, without food there is no life and without agriculture, there is no food. Everyone in our society must understand the need to develop and continue sound agricultural policies.

DO NOT DABBLE AROUND THE DEFICIT—LET US SLASH IT

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Madam Speaker, last week, the Commerce Department reported that housing starts in February jumped 11.2 percent to the highest annual rate since 1978. But few are jumping for joy in Oregon. And that is because my State's housing economy has been left out.

While conditions may have improved in general national terms, in Oregon, people whose livelihoods depends on mills, builders, and small businesses continue to struggle. Once a boom State where thousands came to find work, today thousands of Oregonians have left the State in order to survive.

Major corporations are leaving. Major builders are beginning to turn homes—some in the hundreds—back to the bank.

Builders, realtors, and financial leaders tell me that housing starts will remain at about 11,000 units per year in Oregon for several years, compared with 40,000 units per year in the late 1970's.

And that is the problem with the so-called good news the Commerce Department has announced. More than 50 percent of the housing gain in 1983 was in the Sun Belt and southeastern regions of the United States. As for

Oregon and similar States, housing experts at a recent workshop in Portland predicated that their economies will "continue to suffer."

Madam Speaker, I want to say this to the White House: There is only one way to create a housing recovery for everyone to enjoy—slash the deficit. Cut the Pentagon, raise revenue, freeze domestic spending—and slash the deficit.

The administration and its allies in Congress are wrong if they think these new national housing figures mean they can just dabble around with the deficit.

If they continue to, they will be writing off economic growth for Oregon for years to come—and Oregonians will not be pacified knowing that Florida, Texas, and the Sun Belt are doing just fine.

TOURISM, SECOND LARGEST INDUSTRY, NEEDS STIMULATION

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Madam Speaker, often we think of "travel" merely as the "getting-to" or "coming-from" part of our activities.

Yet the travel and tourism business is the second largest industry in this Nation. In terms of retail sales it produces nearly $200 billion annually. And as the second largest private employer this industry provides more than 5 percent of the total U.S. payroll employment.

As a member of the Travel and Tourism Caucus Steering Committee I am keenly aware of the need to encourage and stimulate travel and tourism in this country.

While the number of the inbound tourists has increased during the past two decades the U.S. share of this world travel is trending down. Our current market share of 11 percent is down more than 2 percent since the midseventies. In economic terms for every 1 percent share of loss there is a $1 billion loss of receipts and $155 million loss of Federal, State, and local taxes.

At a time when our Government is talking about the need for economic progress, tax relief, and fuller, employment we should seek and encourage new ways to stimulate this industry, an industry that contributes so positively to our Nation's well-being.

DEFICIT COMPROMISE—A STEP IN THE RIGHT DIRECTION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Madam Speaker, the unilateral compromise the President announced that he reached over the budget deficit with Republican Senators is a step in the right direction, but does not go far enough, $180 billion is a start but just a dent in the huge deficit. Credit for this compromise must go to Republican Senators like Mr. HATFIELD and the leadership of this House exemplified by Mr. JONES and Mr. WRIGHT.

Madam Speaker, this is the first time that the President has given in on two issues that he said previously were taboo; one was military spending, the other was tax reform.

□ 1240

We must now look at tax reform and reduce efforts to continue this deficit.

Madam Speaker, if we are going to do something about the deficit, we have to continue cutting military waste. We have to have a significant tax reform package. We have to have entitlement reform and we are going to have to control medical costs. And we should do this in a bipartisan spirit this election year.

THE PLIGHT OF RAOUL WALLENBERG

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Madam Speaker, 40 years ago yesterday, on March 19, 1944, German troops overran the Hungarian border and occupied Hungary. For Hungary's 800,000 Jews, March 19 marked the day they entered the hell of Hitler's "Final Solution."

Within weeks trains filled with thousands of Jews began their trek from Budapest to the gas chambers of Auschwitz and Birkenau. Among those carted away, never to return, were all four of my grandparents, most of my parents' sisters and brothers and their children, as well as a large number of other relatives. By July of 1944 only 200,000 Jews remained in Hungary.

To save those Jews the Swedish Government, at the urging of the United States and the World Jewish Council, sent Raoul Wallenberg to Budapest in a special ambassadorial capacity. Wallenberg, the man known as the Angel of Rescue, helped save the lives of nearly 100,000 Hungarian Jews, until he himself was taken prisoner by the Russian Army a year later. Wallenberg's whereabouts have remained a mystery to this day.

By our remembering today both the slaughter of the Hungarian Jewish community and the heroic individual who kept that slaughter from being total, perhaps we can stir the conscience of Raoul Wallenberg's captors. After so many years of silence the Soviet Union must release Wallenberg or inform the world of his fate.

IN HONOR OF CLARENCE MITCHELL

(Mr. DIXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIXON. Madam Speaker, on behalf of the Congressional Black Caucus, I would like to add our condolences to those expressed in Congress yesterday on the passing of Clarence Mitchell, Jr.

This man was a giant in the struggle for equal opportunity and civil rights.

For nearly 30 years Clarence served as the chief Washington representative for the NAACP, and his efforts were instrumental to virtually every civil rights gain during this period. Among his many achievements were the Civil Rights Acts of 1957 and 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

He also was the leading architect of the Leadership Conference on Civil Rights. This organization formed a new coalition among national organizations committed to civil rights, and today comprises over 165 groups representing the concerns of women, minorities, the handicapped.

Esteem for Clarence Mitchell was such that he became known as the 101st Senator. Despite the setbacks and turbulence of the 1960's, this legendary leader was undaunted in his effort to obtain equal protection under the law for all. His counsel was sought by leaders of both parties and he was respected for the strength of his reasoning and the grace of his manner.

Our Nation has been made better because of Clarence Mitchell, and we offer our sympathy to his wife, Juanita, his brother and our colleague, PARREN MITCHELL, and all the members of the Mitchell family.

If we are truly to honor Clarence Mitchell, Jr., then let us be strengthened by the memory of his work, guided by his convictions, and grateful for his legacy—a body of law to secure equal rights for every American.

MR. MEESE SHOULD NOT BE ATTORNEY GENERAL

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Madam Speaker, our colleague from Connecticut (Mr. RATCHFORD) has called for a special prosecutor to investigate the nomination of Ed Meese as Attorney General.

I think rather instead of doing that it is time for the President to withdraw his nomination. Mr. Meese may not be a bad guy, but he has gotten himself over his head financially and now the Department of Justice the agency he is supposed to head, is going to investigate him.

I fully expect the President to appoint as chief legal officer of this country a person who agrees with his conservative views and he should be permitted that right. It is just that his choice should be the most competent person possible. His public and professional record should not be open to any criticism and he should have impeccable credentials. Mr. Meese does not fit that mold.

NATIONAL AGRICULTURE DAY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska, Madam Speaker, I am honored again to take part in this day of recognition for American agriculture. As a cosponsor of the resolution calling on the President to proclaim National Agriculture Day, I want to make sure that the Nation does not lose sight of what agriculture means in our everyday scheme of things.

The food and fiber produced on the farms and ranches in this country is absolutely vital to our existence. Therefore, the husband and wives and their children who are responsible for the commodities we need and use, are special. When we observe National Agriculture Day we are bowing respectfully in the direction of this special breed.

These are the people who put in the long hours from sunrise to sunset and beyond. They take all the risks. They battle the elements; they go in debt; they cooperate with their Government; they persist against great odds that exist in no other business.

Indeed, a significant number of good producers, often through no fault of their own, today are facing financial disaster because of years of governmentally caused galloping inflation, runinous interest rates, high taxes, low prices for farm commodities, and those tragic embargoes that impoverished our farmers and ranchers and ended up enriching the middlemen speculators.

It may not occur to our farm and ranch families that they are in the country's largest industry, providing for themselves and millions of others here and abroad. They may not be aware that they constitute such a tiny minority as far as the work force is concerned. They may consider it as irrelevant that they represent just 3 percent of the U.S. population.

To them the farm life is the good life. They will take the good with the bad and trust that tomorrow will be better. They want to remain in farming. They have a job to do. But we must not take them for granted. We must make sure that is is possible for them to be there; that they can realize a profit from their investment and the fruits of their labors so that the good life will also be the secure life.

In the Congress we have the obligation to make sure that farm programs work equitably and fairly and that there is emergency help when it is needed. National Agriculture Day is a reminder to us to fulfill our obligation. It is an assurance for those engaged in the pursuit of agriculture that their contribution will be remembered.

THE MUCH NEEDED ANTICRIME BILL

(Mr. LOEFFLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEFFLER. Madam Speaker, for weeks the Democratic leadership of the House Judiciary Committee, in explaining to the American people why the much needed anticrime bill has been pronounced dead on arrival in the House, has repeatedly stated that this legislation takes time to consider and that the committee process must be allowed to function and work its will in a deliberate fashion.

In light of this concrete position, I find it absolutely perplexing and inexplicable that the chairman of the Judiciary Committee, Mr. RODINO, is moving his own judiciary bill concerning union contracts to the floor of the House with the speed of lightning and without any consideration or deliberation by the House Judiciary Committee whatsoever.

Today, Federal judges are not allowed to consider the danger to the community of a criminal when releasing him on bail pending his trial. The pending anticrime package would allow judges to keep dangerous defendants off the streets, and would bring a new measure of security to America's neighborhoods.

The American pepople want the chairman of the House Judiciary Committee to treat the safety of the American people with the same urgency which he provides select special interests.

CHILDREN'S DAY

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Madam Speaker, I would like to take a moment to thank those 70 Members who have become cosponsors of House Joint Resolution 205, which would establish March 20, the first day of spring, as Children's Day.

In a world of tension, and class struggle, and confrontation between great powers and small, and amid conflicting personal obligations, how fitting it would be to set apart this day as a reminder of our love for our children. Not only would it express to them our care and hopes for their future, but it also would remind ourselves of the sacrifices others made for our own future; and it would symbolize our noblest thoughts.

Had this bill been moved through the committee and the Congress, today could have been the first annual Children's Day. Perhaps years from now, after I have left this House, the bill will be enacted posthumously, and the first day of spring will take on new meaning.

□ 1250

FAA SHOULD BE REQUIRED TO ELIMINATE UNDUE RISKS AT NATIONAL AIRPORT

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Madam Speaker, the Senate will vote today on whether to allow prayer in schools. But in the meantime, the action—or more accurately, the apparent inaction—of another arm of the Federal Government has assured that there will be prayers in planes—and in certain newspaper buildings.

I am referring to the Federal Aviation Administration. Despite continual prodding from the National Transportation Safety Board, prayer still seems to be a necessary part of preparing for the approach to National Airport.

That unfortunate fact was demonstrated twice on March 8, when two planes approaching National flew considerably below minimum altitudes and came perilously close to the USA Today building.

The two incidents prompted Safety Board Chairman Burnett to reiterate his concern, saying, "If we do not do something, we will have an accident."

Congress has an obligation to see that we do indeed do something. Passengers should not be arriving at National on a wing and a prayer. That the FAA should be required to eliminate undue risks for passengers should be self-evident.

Unfortunately, that does not seem to be self-evident to the FAA. That is why, at my request, the Science and Technology Subcommittee on Transportation, Aviation and Materials will hold hearing at 2 p.m. tomorrow on the recent incidents that occurred over Rosslyn. Representatives of the Safety Board and the FAA will be among the witnesses.

I hope the hearings will be the occasion for the FAA to report implementation of policy changes necessary to make the Nation's 10th busiest airport a safer place to land.

SCHOOL PRAYER

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Madam Speaker, elsewhere in this Congress today, a vote is scheduled to be taken on the issue of school prayer. However, such a vote will not occur here.

The American people may never know how the Members of this body would vote on the issue of school prayer because the majority leadership determined to keep us from voting on that issue. But we can continue to try, as we have tried on days previous, to get that issue to this floor.

Madam Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of a voluntary school prayer constitutional amendment. The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Once again, although I would love to yield to the gentleman from the minority side, as I assured the House, the minority has already responded, there is silence again from the majority side.

That should, again, make it clear to the American people who stands in the way of bringing this issue to the House floor—the Democratic leadership of the House.

THE NATIONAL AGRICULTURAL SOIL PROTECTION ACT—A COMMEMORATION OF NATIONAL AGRICULTURE DAY

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Madam Speaker, as commemorate National Agriculture Day, I would like to invite my colleagues to join me in cosponsoring the National Agricultural Soil Protection Act.

There is no better time than today to reflect on the efforts our Government has undertaken to conserve one of our Nation's greatest resources—our valuable topsoil—which has given us the most productive agricultural system in the world. It is only appropriate that today we consider—why have over 40 years of soil conservation efforts failed to eliminate the soil erosion which plagues 133 million of our Nation's 413 million acres of farmland. The National Agricultural Soil Protection Act is a comprehensive package of proposals which gets at the very heart of the problems which hinder our continued progress on soil conservation.

Later today, in this RECORD I will discuss this legislative package in more detail and I invite my colleagues to join me in commemorating National Agriculture Day by cosponsoring the National Agricultural Soil Protection Act.

FUEL ASSISTANCE

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Madam Speaker, what happened to it? On March 6, this House passed the $200 million fuel assistance program for those areas of the Nation which need fuel assistance to serve the needy and save them from the cold weather.

It is back here in the House, and we cannot find it, and it has not passed. What happened to it?

It may be the first day of spring today, but in the Northeast and New England, if you had returned there recently, you would notice that there is still snow on the ground. It is still cold. The people up there need this fuel assistance money.

What happened to it? Well, essentially, as a result of camaraderie and committee comity, you have decided to hold this bill at the desk. Why? Why can we not get this on the floor? The people of the Northeast need this assistance. You accused the President of having ice in his veins when he said that he might tie this to another bill. Well, he has now agreed to sign this bill, and it is the people of New England and the Northeast who are suffering from the ice and the cold of late winter because you refuse to allow this out of the House.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Madam Speaker, at a time when the country is riveted or appears to be riveted on the issue of deficit reduction, I was somewhat surprised to pick up the paper the other day and read that one of the leading Democratic contenders for President, GARY HART, had proposed a $2 to $3 trillion program to help rebuild our highways and bridges and other public works. That is roughly $100 billion a year.

But again, maybe I should not have been surprised, since just a few days ago a number of the House committees reported out their recommendations on spending. Those five committees actually came out with about $16 billion in additional spending over and above what the President had recommended.

I ask this: Is this the same group that comes out here day after day yelling about the deficits and then recommending more spending?

Because of these kinds of things, I would at this time hope to offer a unanimous-consent request calling for consideration of a line-item veto constitutional amendment. The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. I have approval from the minority. I would now yield to a spokesman from the majority leadership for appropriate clearance.

It ought to be clear, then, who is blocking the will of the American people.

DEMOCRATIC LEADERSHIP OF THE HOUSE STANDS IN THE WAY OF A BALANCED BUDGET

(Mr. WORTLEY asked and was given permission to address the House for 1 minute.)

Mr. WORTLEY. Madam Speaker, I, too, would hope to offer a unanimous-consent request calling for the consideration of an amendment to require a balanced budget.

The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership. I would now yield to my esteemed colleagues of the majority leadership for appropriate clearance from their side.

Madam Speaker, I hear no response. Silence prevails. That should make it clear to the American public who stands in the way of a balanced budget. It is the Democratic leadership of this House.

EDWIN MEESE—AN HONEST AND DECENT AMERICAN

(Mr. McCAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCAIN. Madam Speaker, I had not intended to speak this morning until I heard the disparaging remarks made by our colleagues on the other side of the aisle concerning Mr. Edwin Meese. I have known Mr. Meese for 11 years. I know him as an honest and decent American, who has devoted his entire adult life to public service. I see him now being tried in the press and by my colleagues through the use of innuendo and rumor.

It is unfortunate that Mr. Meese is not a multimillionaire either by inheritance or through amassing millions of dollars before entering politics as his attackers and detractors are in the other body. I ask that the American people give Mr. Meese the same inalienable privilege according to our Constitution that every citizen in our Nation should be accorded and that is

that he be judged innocent until proven guilty.

THE BANKRUPTCY BILL

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Madam Speaker, today we are now in recess in the Rules Committee considering a rule being requested for a bill to be brought forth tomorrow, the bankruptcy bill.

I am a member of the subcommittee and committee that has dealt with the issue. I might tell you that yesterday, through staff, we requested that we be given a copy of the bill that will be considered on this floor. We were told by majority staff we could not have a copy of that bill. That bill was entered into the hopper during our 16-minute session yesterday. Those of us on the Republican side were not even given the courtesy of a copy of the bill until 4 o'clock yesterday afternoon. We are being told that we should have a largely closed rule so that an issue that the Supreme Court decided on the 22d of February by a 9 to 0 decision, with Mr. Thurgood Marshall and Justice Brennan both supporting, can be overturned with absolutely no opportunity to amend the bill that was thrust upon us yesterday.

A number of Members have asked if they might not be given the opportunity to have their own amendments, and they were told. "We cannot have this, because the Judiciary Committee has not had the chance to have a hearing on it."

I would suggest to my colleagues that we have had no hearings on the labor question whatsoever.

FAIR PLAY

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Madam Speaker, the Members of the House who have kicked Mr. Meese around today on the House floor have done a great disservice to the American notions of fair play and presumption of innocence.

Is not Mr. Meese allowed to have personal friends? It is very perplexing that a group of millionaires are allowed to grill Mr. Meese for moving from San Diego, with all of the attendant costs, and for borrowing money from personal friends so that he can feed and house his family while serving America.

Let us be fair with this fine public servant.

□ 1300

SCHOOL PRAYER AMENDMENT DESERVES DEBATE IN A FREE SOCIETY

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Madam Speaker, the so-called war of the crosses is continuing in Poland despite the Communist authorities' attempts to harass and intimidate the overwhelming majority who favor returning crucifixes to the classroom walls.

A similar debate is raging here in the United States where the Federal Government has banned prayer from the classroom. A September 1983 Gallup poll revealed that 81 percent of Americans favored voluntary school prayer. At the very least, in a free society, the school prayer issue deserves to be openly debated.

At this time, I hope to offer a unanimous consent request calling for consideration of a voluntary school prayer amendment. The Chair has rules that in order to make this request, I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority. I yield now to a spokesman from the majority for clearance.

Madam Speaker, I hear no response.

It should be clear to the American people who is standing in the way of open debate on voluntary school prayer.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *March 19, 1984.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:00 p.m. on Monday, March 19, 1984 and said to contain a message from the President wherein he transmits a report pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

CONTINUATION OF EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Monday, March 19, 1984, at pages 5842-5843.)

RECLAMATION SAFETY OF DAMS ACT OF 1978 AMENDMENTS

Mr. WHEAT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Madam Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), for purposes of debate only, pending which I yield myself such time as I may consume.

Madam Speaker, House Resolution 453 is an open rule providing for the consideration of H.R. 1652, a bill amending the Reclamation Safety of Dams Act of 1978. The rule provides for 1 hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Interior and Insular Affairs and makes in order an amendment in the nature of a substitute

which is recommended by the committee and is now printed in the bill. This amendment in the nature of a substitute shall be considered as original text for the purpose of amendment under the 5-minute rule.

All points of order against the committee substitute for failure to comply with clause 7 of rule XVI, that is the rule which requires amendments to be germane are waived. This waiver is necessary because the bill as introduced was a one paragraph extension of the authorization. The substitute expands the scope of that bill and contains provisions not germane to the bill as introduced.

The rule also waives clause 5(a) of rule XXI, that is the rule which prohibits appropriations in an authorizations bill, to permit consideration of the substitute. This waiver is necessary because section 12 of the bill adds new projects and purposes to the original act.

The provisions of section 12 could be considered reappropriations since they make funds previously appropriated for one purpose available for other purposes. However, such waivers are often granted to bills of this type. Indeed, it would be very difficult to make changes in any multiyear funding program without technical violations of clause 5(a) of rule XXI.

Finally, Madam Speaker, the rule provides for one motion to recommit, with or without instructions.

H.R. 1652 is a measure which amends the Reclamation Safety of Dams Act of 1978 by authorizing $650 million additional for fiscal year 1984 and ensuing years for work to be done pursuant to the Reclamation Safety of Dams Act. That act provides authority for the Secretary of the Interior to perform modifications on dams identified by the Bureau of Reclamation to be structurally unsafe.

H.R. 1652 also provides the Secretary with authority to perform safety modification work on seven dams in the Pacific Northwest. These dams were incorporated into reclamation projects by acts of Congress, however title was never secured by the Federal Government.

Finally, Madam Speaker, H.R. 1652 amends section 5 of the act to allow the Secretary to proceed with safety modification work costing $750,000 or less without having to prepare and transmit a modification report to Congress.

Madam Speaker, I urge that we adopt the rule so that we may proceed to consideration of this bill.

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill is badly needed. Some 40 dams are in need of repair. After the Teton Dam broke and cost 11 lives, displaced thousands of people and cost the Federal Government $350 million, a new look has been taken at the safety of the dams in this country.

The $650 million authorized in this measure is badly needed. This bill should be enacted into law and these dams repaired to prevent other loss of life, other loss of property, and the displacement of thousands of other people as a result of the collapse of another dam.

Madam Speaker, the provisions of the rule are simple, and need no further explanation. I urge the adoption of the rule and the passage of the measure when it is debated on the floor of the House.

Madam Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. WHEAT. Madam Speaker, I yield 5 minutes, for purposes of debate only, to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding this time to me.

Madam Speaker, I take this time, although there will be time during the course of the general discussion of the amendments which will be offered following the general debate, to talk for a moment about an amendment which will be offered to this very important piece of legislation dealing with dam safety.

Let it be clear that there is a problem with the safety of many of our dams throughout the Nation. Many of these dams were put in place 35, 50, and in some instances 75 years ago, and need major corrections or additions. While I support the thrust of the legislation, I want to also make it clear that it is the intention of the gentleman from New York (Mr. SOLOMON) and myself to coauthor an amendment which would provide for a reasonable amount of reimbursement of the expenditures placed in this legislation.

There is the safety issue. No one has denied that there are important safety considerations involved in the measure, and that is why I supported this particular bill, which passed the House by 335 to 9 in the last Congress. It was the intention of that Congress to move the bill very swiftly, but I think because of the success of the amendment offered by the gentleman from New York (Mr. SOLOMON) which also passed the House by 212 to 140, which placed a provision in this bill mandating recovery of the costs for the repair of these dams that are placed in 17 Western States, that the Senate failed to act, that this bill did not become enacted into law, and that we find ourselves here today dealing with this legislation.

I would also point out that this bill passed in committee almost a year ago, and it waited until today to get consideration on the House floor. Some of us suspect that the reason for the wait was to get clarification from the administration as to what the administration's position was. Two years ago, when we offered the Solomon amendment, the administration was strongly behind concept of cost sharing. All of the environmental community, many of the fiscal conservatives throughout the country who want to get handles on the Federal budget, believe that it is very important for us to have a reasonable cost sharing placed in all measures before this body and want to support the legislation with a provision for reimbursement.

But I think many of my colleagues are aware that the administration has changed its position. It is now opposed to the Solomon amendment and we will argue, when we offer the amendment, that their reason for their change, their deviation from their earlier support, has more political ramifications than substance ramifications, and that, in fact, Democrats and Republicans, conservatives and liberals, ought to join again, as they did 2 years ago, in supporting a very modest and reasonable amendment to this legislation.

Any of us who have been in the water area for many years trying to weed out reform believe very strongly that we ought to have a reasonable amount of reimbursement not just on dams that need to be repaired, but on new structures that are dealt with in other legislative initiatives like the omnibus water bill.

So I would hope that my colleagues, as we support the rule, as we get into general debate, and particularly as we move to amendment and support of the amendment offered by the gentleman from New York, the Solomon amendment, that we will do what we did 2 years ago, that we will pass this legislation with strong bipartisan support, but we will add to it a provision that will say that the Bureau of Reclamation is asked to move quickly in repairing these facilities, but that the local communities and States are asked to recover some of those funds and return them to the Federal Treasury.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Speaker, I thank the gentleman for his support for the Reagan-Solomon-Edgar amendment. It is good to know that the gentleman in the well, Mr. EDGAR, is still supporting the Reagan-Solomon-Edgar amendment, even if the President is not.

I think the gentleman in the well knows that I am probably the strongest supporter of the President on this floor, and I am very disappointed that he has withdrawn his support from

this amendment, but let me just say this:

The last thing that I want to do is pit one section of the country against another, and we do not intend to do that here. I strongly support the intent of the legislation because there is need for reclamation of the dams named in this legislation, but the problem is that we are faced in this country with deficits that are running $200 billion.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

Mr. WHEAT. Madam Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding me this additional time, and I yield further to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Speaker, one of the reasons that we have those kinds of deficits is because of legislation like this before us today. Back in 1978, this Congress, using its infinite wisdom, decided to waive the reimbursement clause and appropriate $100 million for the reclamation and repair of dams. Now, here we are 6 years later, and we are faced with another bill which raises that $100 million up to a figure of $650 million. Where will we go from there?

My amendment simply would say that those people who derive the benefit from the water and the power that is provided by the dams should pay the costs for the reclamation. When the dams were originally built, all of the people who derive the benefits today wanted those dams built. They agreed to pay for them over a long-term, 50-year contract at very low interest rates. They could afford to pay for them in those days; they can afford to pay for them now.

The point is, I come from an area in the Adirondack Mountains where the temperatures even today are in the low teens, where yesterday and the day before we had over a foot of snow, and the people I represent have to pay extremely high electrical bills and nobody subsidizes them and they do not want to be subsidized. I am sure that the people who derive power from these dams do not want to be subsidized either. I think they want to pay their fair share, which is really what the amendment does, and I really do thank the gentleman for his support and I feel confident we are going to pass the amendment, as we did 2 years ago, overwhelmingly because it is a very fair amendment that is going to accomplish what the people who sponsored the legislation want it to, the repair of those dams.

Mr. EDGAR. Let me commend the gentleman for his leadership. It is an important concept, an important principle. This amendment is the first legislative test of the principle that local beneficiaries of water projects should make a reasonable contribution toward repayment of the Federal investment.

I support the amendment offered by the gentleman from New York (Mr. SOLOMON), and I hope my colleagues will support it as well.

Mr. QUILLEN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. MCCAIN).

Mr. MCCAIN. I thank the gentleman for yielding to me.

Madam Speaker, I was also going to wait until the general debate on this bill, but since the gentleman from New York brought up the subject of the Reagan-Solomon-Edgar amendment, I think it would be appropriate at this time to enter into the RECORD two letters, one from David Stockman, the Director of the Office of Management and Budget, and the other one from Secretary William Clark, Secretary of the Interior.

The first one, from Mr. Stockman, is addressed to the Hon. RICHARD CHENEY, and it says:

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost-sharing issue.

The committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

The rest I will enter into the RECORD.

The full letter follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 13, 1984.

Hon. RICHARD B. CHENEY,
Ranking Minority Member, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost sharing issue.

The Committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

I welcome the opportunity to clarify the Administration's position on this issue.

With all best wishes,

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. MCCAIN Madam Speaker, the next letter is from Secretary Clark, and he also supports the compromise of the gentleman from Wyoming (Mr. CHENEY) and I like, for the benefit of the gentleman from New York, to let him know that Mr. Clark says:

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

The fact of the matter is, both gentlemen should know that what this amendment will be is a killer amendment because the beneficiaries for whom the money will be appropriated for the safety of these dams are not required to share in the cost of these repairs, and probably will not. And if they will choose simply to wait until one of the dams break, and then, as has long been established, the Federal Government will pay for whatever damages accrue.

The full letter from Secretary Clark follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 14, 1984.

Hon. DICK CHENEY,
House of Representatives,
Washington, D.C.

DEAR MR. CHENEY: You have asked me for the Department's position on an amendment which you plan to offer when H.R. 1652 comes to the floor of the House of Representatives. I appreciate you giving me this opportunity.

Having carefully reviewed your amendment, I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984, letter to Senator Laxalt. Therefore, the Department supports the amendment and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

I am informed that the Office of Management and Budget concurs in this position.

Thank you again for the opportuntiy to provide our views on this matter.

Sincerely,

WILLIAM CLARK.

□ 1320

We should fully understand what this amendment is about, and I am sure we will have ample time to make everyone aware of it.

Madam Speaker, I yield back the remainder of my time.

Mr. QUILLEN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, let me, in response to my good friend, the gentleman from Arizona (Mr. MCCAIN), read a statement which was given by Assistant Secretary Garrey Carruthers, the Assistant to Secretary Clark, back on April 25, 1983. He goes on in strong support of the Solomon amendment of 2 years ago and the one being offered today, and he summarizes by saying this:

We do not believe that safety costs per se should be exempted from reimbursement or cost sharing. This would be inappropriate as safety considerations permeate every aspect of dam design and construction. If the dam develops defects over time or if additional work is needed to meet current safety standards, there is no reasons to forego the cost sharing or reimbursement that would have been due had the remedial work been incorporated into the initial construction.

Madam Speaker, it is signed by Garrey E. Garruthers, Assistant Secretary, speaking for the Secretary of the Interior.

Mr. CHENEY. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from Wyoming.

Mr. CHENEY. Madam Speaker, I thank my good friend, the gentleman from New York, for yielding.

That was, of course, under a previous Secretary of the Interior, who is no longer with us.

Mr. SOLOMON. What was his name?

Mr. CHENEY. He was a constituent of mine. I am pretty familiar with him.

Mr. SOLOMON. A pretty good man?

Mr. CHENEY. Yes, he was.

I would remind everybody again that in the letters that the gentleman from Arizona read into the record earlier, dated March 13, 1984 and March 14, 1984, the policy of the administration, the policy of the current Secretary of the Interior, the policy of the Director of the Office of Management and Budget, and the policy of the President is to support the Cheney-Udall amendment, to oppose the Solomon amendment, and to support the bill.

Mr. EDGAR. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Madam Speaker, I think the gentleman has done a service in trying to clarify the fact that it is true that the administration has changed its position, but I think, if you go back and read the original debate of April 29, 1982, you will see letter after letter and issue after issue where this very administration has now changed its position.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. SOLOMON) has expired.

Mr. QUILLEN. Madam Speaker, I yield 1 additional minute to the gentleman from New York (Mr. SOLOMON).

Mr. EDGAR. Madam Speaker, will the gentleman yield further?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Madam Speaker, the administration gave very articulate arguments and in fact helped to draft some of the language in the cost-sharing provision, and they have come to change that position, I think, more out of the pressure of political concerns in the Western States, not out of the sense of merit.

I would also point out that David Stockman, when he was a Congressman here in the House, was one of the leading advocates for the whole concept of cost sharing in water policy and one of the stronger advocates for reform in this whole area.

So, Madam Speaker, I think there is a difference of opinion here, and I would hope the House would stick to its position.

Mr. WHEAT. Madam Speaker, I yield 2 minutes to the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL), for the purposes of debate only.

Mr. UDALL. Madam Speaker, I had supposed that we were going to wait until general debate and the action on the bill itself to debate this particular amendment, but since we expect a close vote and we hope we can win this time around and we were caught unprepared 2 years ago, let me get in just a couple of points that Members might want to ponder before we actually get to the amendment.

My friends, the gentleman from New York and the gentleman from Pennsylvania, are fighting the wrong war. They have won on the idea of cost sharing. Three consecutive administrations now have said we are going to cost share, but we are going to cost share on new dams.

This bill addresses the repair of old dams. We will fight shoulder to shoulder when we get into new water projects on the idea of cost sharing, but we are dealing here in this bill with old dams, some of which were built going back 50 and 60 and 70 years ago. The Cheney-McCain-Udall-Kazen-Reagan-Clark amendment which will be offered by the gentleman from Texas (Mr. KAZEN) says, where the Federal design failure has caused the dam to be unsafe, repairs will be the responsibility of the Federal Government, just like the repair and recall of a defective automobile is not the responsibility of the manufacturer.

Second, where the repair work involves new and additional economic benefits, those benefits will be paid for by the users. It is a good two-part formula. We have got to get on with repairing these dams. We have wasted 2 years.

Sacramento, Calif., sits downstream of the Folsom Dam and could be wiped out, and very serious damage could be done if the dam failed. This is much worse than the situation we had at Teton Dam. The city of Phoenix has six or seven dams on the two rivers above Phoenix, and one of them, Stewart Mountain Dam, nearly failed in the flood we had a couple of years ago. Failure of Stewart Mountain would create serious losses.

So there is not any argument here about cost sharing on new dams and new water projects. There is no environmental argument here. This is one of those days when I have a disagreement with some of my friends in the environmental community. This is not saving wild rivers or anything. The rivers have been dammed, long dammed, and in fact I am trying to save the upper 50 miles of the Verde River, which is involved with one of these potentially unsafe dams.

So, Madam Speaker, I hope we can get on with the main business, which is to get action to protect the safety and property and the lives of American citizens near these 50 dams and not go off on some side street here relating to something else when we are dealing with dam safety only.

Mr. WHEAT. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Madam Speaker, I wonder if the committee chairman would remain standing for a second. I want to commend the chairman for his leadership on many environmental issues and suggest to the gentleman that I, too, want to walk arm in arm with the gentleman on the concept of cost sharing.

I appreciate his declaration that the gentleman from Pennsylvania and others have won the war on cost sharing. I would point out, though, that the letter to the Honorable PAUL LAXALT, which was sent by the White House to him to clarify western water issues does not, as the gentleman would hope, suggest that new water projects would have cost sharing involved. I think the letter states a new position of the administration backing away from that cost sharing issue, and I would hope that the administration, if its concern is only in the area of dam safety, would clarify that. But in the letter that is dated January 24 to Senator LAXALT, they make no attempt to clarify that, and I think it causes many of us great concerns at the successes we have had in putting a minimum amount of cost sharing on the projects is not being frittered away.

Mr. WHEAT. Madam Speaker, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1652.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, with Mr. FRANK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas (Mr. KAZEN) will be recognized for 30 minutes and the gentleman from Wyoming (Mr. CHENEY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1652 amends the Reclamation Safety of Dams Act. The principal amendment to the act increases the authorization for appropriations contained in the original 1978 act by an additional $650 million. Another provision of the bill authorizes safety modification work at seven dams in the Pacific Northwest which have been incorporated into Federal reclamation projects by act of Congress. The bill also changes the reporting requirement of the act so that work can proceed on modifications costing $750,000, or less, without a 60-day delay beyond the date of transmitting a report on the proposed work to Congress.

In 1965, the Bureau of Reclamation initiated an examination of the dams which impound over 200 reservoirs for which it has responsibility. By 1978, the Bureau had identified 27 dams which would require structural modification to make them safe. The 1978 act authorized the appropriation of $100 million for the necessary safety work. However, the Bureau has since identified an additional 40 dams requiring some safety modification and the authorization contained in the 1978 act is simply inadequate to permit funding for this additional work.

The law now provides for reimbursement to the Government for safety modification expenditures which result from age and normal deterioration, or from the failure to perform reasonable and normal maintenance of the structure. These costs are allocated in the same manner as were the project costs at the time of initial construction.

Costs which are incurred because of new hydrologic or seismic data or changes in state-of-the-art criteria, are nonreimbursable. The location, adequacy of storage capacity and design of a dam constructed as a part of a Federal reclamation project are matters within the control of the Federal Government and not the control of the so-called project beneficiaries. In considering dam safety legislation in 1978, therefore, Congress determined that the Federal Government should bear the cost of safety modifications occasioned by those matters solely within its control or caused by it.

The act also specifically provides that safety modification work is not to be done for the purpose of providing additional project benefits.

Mr. Chairman, the damage which can be caused by the failure of a dam of even moderate size is awesome. The most recent such disaster occurred on June 5, 1976, when Teton Dam in Idaho failed with a resulting loss of 11 lives. In addition, to date, the Federal Government has paid some $350 million in claims for property losses attributed to the Teton Dam failure. A dam failure can result in a major disaster. Just 20 years ago, 1,800 lives were lost in Italy when a dam failed. In this country, a single dam failure cost 450 lives in California in 1928.

Mr. Chairman, it is unfortunate that some of the material which has been circulated relative to this legislation exhibits a lack of understanding of both the legislation we are considering and the Federal reclamation laws. Some of that material is, at best, misleading.

To begin with, this legislation does not authorize the construction of any new dams. Many of the dams which are to be repaired under the authority of the act, as it would be amended by H.R. 1652, were completed in the 1930's and 1940's. Some were constructed as long ago as 1911. To the extent that they supply water for irrigation, hydroelectric power generation, and water for municipal and industrial purposes, the United States will be, or has been, fully reimbursed by the project beneficiaries for the cost of initial construction and the operation and maintenance costs have been borne by those same project beneficiaries. The dams remain, however, the property of the United States except in a few specific instances.

Further, Mr. Chairman, as I have pointed out, where the safety work is required because of normal deterioration, age or improper maintenance, the cost will be borne by the project beneficiaries even though they may have long since completed the required payment of initial construction costs.

To require that the so-called project beneficiaries bear the total cost of dam safety work, irrespective of the factors which make that work necessary, ignores the fundamental fact that many others will benefit through the work authorized by the legislation under consideration. These other beneficiaries are those whose lives will be saved, those whose properties will be protected and, of course, the taxpayers who will be relieved from the payment of damages resulting from the failure of a federally constructed dam. Those who are concerned should also know that repair of an unsafe dam will protect the natural environment from the destructive force of a failure.

Mr. Chairman, I know that there are some Members who have a very genuine concern that the dam safety work authorized by the 1978 act, as it would be amended by H.R. 1652, could result in substantial new economic benefits to the project beneficiaries. Because of this concern, an amendment to the bill will be offered to make it crystal clear that, if such new benefits do, in fact, result, those who gain thereby will bear their cost. I hope the House will approve the amendment and, having done that, give its final approval to this important legislation.

□ 1330

Mr. CHENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 1652.

The difficulty we face all over the West, of course, is that we have a number of unsafe dams now that ultimately the Federal Government must bear the responsibility for. In Wyoming alone we have two dams that are currently on the endangered list, one that sprung a serious leak, and another that is threatened in the event of an earthquake, and Wyoming is not alone in this regard.

We will have testimony later today from a number of my colleagues on the committee who will make clear the nature of the threat that exists in many communities all over the West if we fail adequately to deal with this problem.

The administration has completely reevaluated its position on cost sharing since this issue was last debated before the House in 1982. There is no question about the issue of whether or not there will be cost sharing on new projects. We all basically agree with that.

The only project, the only new start that has been authorized by this Congress and signed into law by the President since 1976 is in my district, the Buffalo Bill Dam outside Cody, Wyo. That facility specifically required a better than 40 percent cost-sharing requirement from the State of Wyoming. That money has already been appropriated by the State legislature. It is in the bank. The State of Wyoming has done a better job of meeting its obligations under cost-sharing provisions than has the Federal Government, frankly.

But we are not here today to debate the merits of cost sharing with respect to new facilities. We all agree, and the administration agrees that that is in

fact the policy we will pursue in the future.

What we are here to deal with is the problem of the very real threat that exists with respect to communities that find themselves downstream from dams that are unsafe, built by the Federal Government, sometimes on an earthquake fault, sometimes threatened by the potential for serious break at some point in the future.

We have an obligation, it seems to me, based both on previous experience of the Teton Dam failure in 1976, as well as legislation passed by this House in 1978, to move forward now to see to it that we fulfill, our responsibilities to see to it that those dams do not fail.

There is no question about the ultimate responsibility; there is no question but what the Federal Government will in fact be liable in the event of dam failure.

Overall, it seems to me that it is extremely important that we move forward today, first of all to approve the amendment that has been agreed to by the President, agreed to by the Office of Management and Budget, and Interior, that specifically provides that any new benefit that pertains to the additional construction or the repair of an existing facility will in fact come under cost-sharing provisions. But to the extent that the project involves restitution of an unsafe dam, that it involves repairs to make certain that the dam does not fail, then the Federal Government ultimately will bear that responsibility.

The amendment is sound. It is my understanding it will be offered by the gentleman from Texas (Mr. KAZEN), chairman of the subcommittee.

It is my intention to support the amendment and to urge my colleagues on both sides of the aisle to support this very important piece of legislation.

Mr. KAZEN. Mr. Chairman, I yield 5 minutes to the chairman of the full Committee on Interior and Insular Affairs, the distinguished gentleman from Arizona (Mr. UDALL).

□ 1340

Mr. UDALL. Mr. Chairman, I would like to allude first to the colloquy that started out between Mr. EDGAR and myself. Apparently there is some misunderstanding about the administration's policy on new water projects. And I quote from the letter that the gentleman from Pennsylvania was referring to earlier on the bottom of page 3, in which the President says, "The water project financing and cost-sharing policy of this administration is" and then they go on to the bottom of page 3 and to the top of page 4 and among the points that are made is that cost sharing of "all proposed projects," the word "proposed" meaning, and this was my clear understanding, new water projects. The letter goes on: "Each such agency will negotiate reasonable financing arrangement for every project within its respective area of responsibility," speaking again of the new projects.

On page 4, it says "Project beneficiaries, not necessarily Government entities, should ultimately bear a substantial part of all costs of project development." They are talking about future water project development.

So very clearly the administration, while the letter is not as explicit as I would like, has come down on the side of cost sharing. The formula they suggest is not one that I would approve but it is a big step forward on the part of the administration.

I think perhaps we will want to review and maybe revise, when the appropriate bill is before us, this cost-sharing proposal. But it is very clear now that the administration does support cost sharing for new projects and underlines the distinction I tried to make earlier between old projects, repair of old unsafe dams, and the planning and construction of new projects and the payment by the beneficiaries.

There seems to be one other misunderstanding with regard to this amendment that Congressman MCCAIN alluded to previously. This is not an environmental issue; there is not an environmental issue here as far as I can see.

When you press some of the organizations supporting the Solomon amendment they say, "Well, the environmental issue is that we have to jack up the price of water and that will force conservation of water and conservation is good environmentalism, and therefore that is the importance of this amendment."

Well, the fact is that in Phoenix, for example, which is threatened by two unsafe dams, the people who use water and who under this kind of an amendment, would be supposedly going to bear the additional costs are the farmers and there are maybe 3,000 or 4,000 or 5,000 of them in the Phoenix area. They are not going to get hurt, most of them, by a dam that fails. They are served by canals that are 20 miles, 10, 15, 20 miles away from the river, itself.

The people who are going to get hurt are the tens of thousands of people in the low-lying areas of Phoenix who would be drowned and have their homes and other property destroyed in the event of a failure of that dam.

This amendment is not going to produce cost-sharing of repair of dams; it is going to stall actions for the future because the main water user groups are really not the ones going to be affected by flood.

I think the time has come to get on with this legislation. We passed it 2 years ago, but it never emerged from the other body on the other side of the Capitol, largely because of this amendment and largely because of the hostile position of the administration.

I am glad to see the administration has come around on this and I hope we can pass this legislation today.

I really worry about regional divisions in our country. We in the West think maybe that some folks would like a double standard. When you improve the harbor in Philadelphia, or when you build a levee along the Mississippi or the Ohio, or when you build the St. Lawrence Seaway, the great Intercoastal Canal, all of this is in the infrastructure, all of this makes us better America.

And we do not say to every little town in Missouri along the Mississippi River, "You got to pick up and pay for your share of the levee that protects your town." We do not say with the Intercoastal Waterway that the local people have to pay. There we do not even hit the users very hard.

The locks and dams that make all this barge traffic along the Ohio and Mississippi system possible, these are paid for by the taxpayers of the whole country, the idea being that we build our resources and undegird ourselves with a sound infrastructure that helps all of America.

Yet we come to the West, which has got more problems than most areas of the country, and out there they have to collect every nickel.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

Mr. KAZEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman.

There is a feeling that you have to collect every dime from every little farmer or small businessman in every community benefited by some Federal project.

The whole idea of the Interstate Highway System was that we need a network that ties us together as a country and lets us exchange goods and products.

Similarly, I see the repair of these dams not as some kind of a boondoggle that we have to fob off on the local people but as strengthening our country and protecting our people. I do not underestimate the damage that could occur in a place like Phoenix, Ariz., or Sacramento, or some of the other communities.

Teton Dam was in a rural area and held 300,000 acre-feet, or a little less, of water. It killed 11 people and cost $350,000,000, more than half the cost of this whole bill, that one dam failure.

Believe me, the cost in Sacramento or a place like Phoenix would not be in

the hundreds of millions but in the billions of dollars.

It is time we got on with this job. I think we have a good sound bill.

I hope you will support the Kazen-Udall-Cheney and everybody else amendment when we get to the proper point.

Mr. Chairman, I yield back the balance of my time.

Mr. CHENEY. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I thank the gentleman from Wyoming for yielding time to me for this purpose.

Mr. Chairman, I rise in support of H.R. 1652, an amendment to the Reclamation Safety of Dams Act of 1978.

In the arid West, we face a feast or famine situation with regard to our water supplies. We either have too much, or too little.

Since our ancestors first settled in the West, we have worked, and fought, first on our own, and then in conjunction with the U.S. Bureau of Reclamation since the turn of this century, to capture the water and store for dry times for our livestock, and farms, and industry, and hold it back from destroying those same things during wet times. This is a battle that is fought from week to week, season to season, year to year.

In 1978, this body recognized that there were safety problems related to some of the dams that were constructed by the Federal Government. Since that time, both the Corps of Engineers, and the Bureau of Reclamation have been conducting surveys of Federal dams to insure their safety. In the same year, the Reclamation Safety of Dams Act was passed which authorized $100 million for work to be done on those dams that were thought to be unsafe. It is important to point out that these dams are owned by the Federal Government, although over 85 percent of the actual costs of the dams have been paid back by the downstream beneficiaries and millions have been poured into the Treasury in terms of increased revenues from irrigated farms, and increased productivity due to the availability of water.

In 1978, a Federal dam, the Grand Teton collapsed, resulting in loss of life and destruction of property and over $350 million in claims against the Federal Government. The Teton Dam was many times smaller than many of the dams that need repair. The potential for disaster of some of the older Federal dams would make the claims for the Teton Dam look insignificant, indeed.

Since 1978, the Bureau of Reclamation has identified over 40 more dams which need repair. That is why we are here today. H.R. 1652 would amend the good work done by Congress in 1978 by adding the necessary funds to see that the dams built by the Federal Government, for which the Federal Government is liable, are made safe.

It is not just the fear of liability on the part of the Federal Government that makes passage of this bill imperative. Nor, the fact that millions of people and millions of dollars in property are potentially in danger. These dams represent an investment in America. They helped reclaim the arid West and turn the desert into a garden. Where once only scrub weeds and cactus stood, now cotton, wheat, cattle, and citrus fruits are raised to put on this Nation's dinner table.

Where once only coyotes walked, whole new industries and cities have sprung up, cities and industries which are leading this great Nation into the 21st century.

The $650 million for dam safety added by this bill represents an insurance payment on the already paid back investment we have made in flood control and conservation, and an investment in the continued growth of this great Nation.

I urge my colleagues to vote for this bill.

□ 1350

Mr. CHENEY. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I rise in support of H.R. 1652, legislation to authorize an increase of $650 million in the ceiling for the Reclamation Safety of Dams Act of 1978.

After the failure of Teton Dam—a single dam failure which has cost the Federal Government some $350 million in claims—Government safety experts fully recognized that many older, existing dams in the West have not been engineered to modern safety standards for flooding and earthquakes. In short, these dams, which had been designed and built by the Federal Government, probably could not withstand severe earthquakes or floods.

For this reason, in 1978 Congress authorized $100 million for the repair of these structures, providing that Federal Government project builders should pay for repairs where their errors caused the safety problem, and project users should pay for repairs where the dam was too old or had been poorly maintained. In H.R. 1652, we are asking for an increase in authorization ceiling designed to allow similar work to be performed at remaining major dams throughout the West. I served in Congress at the time Teton Dam failed—and I believe we have a responsibility to act decisively now to prevent another such tragedy.

The bill is necessary. Many of the dams are clearly unsafe, and major damage will result if repairs are not undertaken. As a practical matter, these dam failures may cost the Federal Government billions of dollars in claims if they occur. As has been pointed out, the Bureau of Reclamation has provided the subcommittee with information to the effect that dam failures above Phoenix could result in hundreds of millions, perhaps even billions, worth of damage to metropolitan Phoenix.

After reevaluating its entire cost sharing policy, the administration now agrees with the Interior Committee that it is fair for the Federal Government to bear the cost of repairing these dams where the Federal Government's errors caused the dam safety problem. And the committee agrees with the administration that where new benefits, not part of the original project, would occur as a result of work undertaken in connection with dam safety repairs, then significant cost sharing requirements should be imposed in effect treating that part of the work as if a new structure were being built.

Again, we must act now to resolve a critical public safety problem. This is clearly a "pay me now or pay me later" situation, and the consequences of inaction will likely be loss of life and property, and costs of the Federal Government running into billions. The committee's proposal is fair to the taxpayer and to the citizens who live near the unsafe dams. It deserves your support.

Mr. KAZEN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. COELHO).

Mr. COELHO. Mr. Chairman, I would like to rise in support of the bill and urge my colleagues to support it.

As one who does not have a project in this bill, but as one who comes from California and recognizes the need for water and the need for dams, but particularly the need for safety, this is something that we need to do. We need to do it now and take those necessary precautions to prevent a great disaster.

I applaud the committee for bringing it forward.

Mr. KAZEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I would like to address a comment and a question to the chairman.

I notice that there is an important change in the language of H.R. 1652 as opposed to the language in the dam safety bill of 1982. The 1982 legislation contained not only an authorization for modernization of existing projects, but also contained specific authorization for the Secretary to construct replacement dams at some of the project sites.

My question is this: Since the bill now before us contains no specific language authorizing replacement dams, can we be assured that none of the

funds now being authorized in this bill will be committed to construction of new dams.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. KAZEN. There is no provision, absolutely no provision in this bill that will authorize the construction of new dams.

Mr. EDGAR. I thank the gentleman for his comment.

Mr. Chairman, we are going to have a great deal of debate this afternoon on the Solomon amendment. I would just urge my colleagues to read it very carefully. There have been references made by several of the speakers in support of the legislation that somehow the Solomon amendment is going to hold up construction of very necessary repairs and improvements on these dams which may in fact cause additional loss of life.

I draw the Members' attention to the paragraph (d) of the amendment on page 2 that says:

> Notwithstanding any other provision of law the Secretary may initiate construction of any modification of structures under this act prior to entering into any contract providing for the repayment of reimburseable cost.

It is not the intention of the authors of this amendment to say that any project, any necessary dam safety project, be held up. Movement can go, construction can take place, modernization can take place with no hesitation.

We simply put in place a mechanism whereby recovery of that cost can take place over a 50-year period. That contract can be entered into later.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, the Secretary can go along, as the gentleman has stated, but if he does not have a repayment agreement, ain't nobody going to pay for it.

Mr. EDGAR. That is correct. The gentleman is correct. The point is that the gentleman and others have been arguing that somehow this amendment will hold up the Secretary from authorizing construction and modernization and renovation of projects that are threatened.

Nothing in this amendment does that. The Secretary has the authorization do do that even before he has in hand reasonable repayment schedules and contracts from those who will benefit most from these projects.

That is an important provision because you cannot argue that this amendment somehow says to the Secretary do not build until you have a contract in hand.

Mr. CHENEY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. McCAIN).

Mr. McCAIN. Mr. Chairman, I address my question to the gentleman from Texas.

Is the amendment in accordance with or not in accordance with reclamation law, as the gentleman understands it, that construction for the purposes of safety can be commenced or any work can be commenced without an agreement made for reimbursement of cost by the beneficiaries?

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Yes, but you cannot deliver water. It is just impossible to under the law until they have a repayment agreement.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

The fact that the gentleman from New York has added this section to his amendment admits that he has a problem. The problem is that the water users can refuse to agree to repay. But these are not the parties that will be liable for the failure of the dam. Therefore, there is no incentive or little incentive for them to enter into any such agreement. Without a repayment contract, the United States cannot do the work, and the dams will not be repaired.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. KAZEN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Without a repayment contract, the United States cannot do the work. The unsafe dam is left standing and the United States, as owner and operator of the dam, is the party left with potential liability.

In addition to admitting the problem, the Solomon paragraph still does not solve the problem. It says only that the Secretary can initiate construction. That does not allow completion of the work.

What if work is initiated, but the United States cannot force the water user into a contract? Then what? Does the work get stopped? Or where do we go from here?

□ 1400

Mr. CHENEY. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, I stand in support of H.R. 1652 today and amendments that will be coming forth from the chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN).

Let me relate briefly to you an experience that I do not think many of you have had. In the early summer of 1976, I was en route from our small ranching community of Weiser back to our ranch, having gone down to pick up some supplies in the early morning, when I heard a news bulletin on the car radio. The news bulletin was that it was rumored that the Teton Dam had just burst and was flooding the valley below the dam.

As a member of the State Senate at that time—and 2 weeks prior to that I had flown the area and had been on the site of the Teton Dam because construction had been completed and the Corps of Engineers and the Bureau were at that time ready to fill the reservoir. I thought to myself how impossible that could be, that just is not happening, nor could it happen—that the Teton Dam could give way.

Well, ladies and gentlemen of this body, it did happen. And many of our speakers today, in reference to this bill and the concern for dam safety, have referred to the Teton Dam disaster and some $350 million and 11 lives that were lost and a tremendous amount of property destruction that resulted.

What I think many of our colleagues fail to recognize is the very real and intricate role that these structures and this type water impoundments play in the West as to the economy of the West and the people of the West.

One of the problems we face, and we have faced it since 1981, as we have attempted to address budget deficits and budget issues, is that those real and important issues that have been traditionally the responsibility of our Government—and by that I mean the adequate funding of infrastructured development—have, in large part, gone by the wayside. If you look at our budgets over the last 3 years, you will find that those areas that do not have lobbyists, those areas that do not cry out as concerns of human need, have gone lacking for adequate funding. This area of Federal funding has dropped nearly $35 billion, in this Government's role and responsibility for infrastructure development and infrastructure safety.

This legislation is absolutely critical, not just to the West that is largely dependent upon it, but to the entire economy of this country that has reaped the benefits decade after decade as a result of wise development of water resources in the arid West that has ultimately resulted in the expansion and growth of this Nation's economy. It is a critical and important piece of legislation.

I hope that this Committee and the whole House recognizes it. It is essential that we get on with the business of making sure that these kinds of impoundments are safe, not only for

water storage but from the real human damage that could result if these problems were to go uncorrected.

Mr. KAZEN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. McNULTY).

Mr. McNULTY. Mr. Chairman, one of the dams covered by this bill has sluice gates that are not operable. One of the dams covered by this bill has got a powerhouse so dangerous that the Bureau of Reclamation told its employees to stay away from it. One of the dams in this bill has got metal overflow tubes that have been rusted away. And one of the newest dams owned by the United States of America and the Colorado River has a concrete spillway with a right angle turn in it, and at the elbow of that turn the action of the water and tiny bubbles popping in that area have eroded away altogether the cement.

Now, all of these things are not a matter of finding fault or attributing blame. The job of the Congress is to address those problems and to address them sensibly. This bill, as amended by the Kazen, Udall, Cheney, Lujan, McCain, McNulty, Craig, and anyone else who would like to have credit for that amendment, makes a lot of sense. It is a threshold in a new direction in reclamation projects. It initiates a substantial and sensible way, cost sharing, and it is a decent compromise that ought to be adopted by the Congress.

Mr. CHENEY. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona (Mr. McCAIN).

Mr. McCAIN. Mr. Chairman, I rise today in strong support of H.R. 1652, legislation to amend the Reclamation Safety of Dams Act of 1978. The amounts of money involved in this legislation have been previously described, and the need for repairs is critical. We cannot afford further delay. We cannot afford to wait until we are confronted with a national emergency. We cannot afford to wait until lives are lost and property damages reach well into the hundreds of millions of dollars. Instead, we can act today as a responsible, responsive governing body whose primary goal is to protect the well-being of the citizens of this country from possible catastrophe, much like the one that occurred in Idaho on June, 5, 1976, where $350 million in claims have been adjudicated, and the claims continue, and, more importantly, where 11 lives were lost.

I would draw attention of my colleagues to the following picture: In a space of half an hour, between 7:30 in the morning and 8 o'clock in the morning, on the Teton River, in Madison County, Idaho, the first major leak was discovered. The sequence of pictures describes what took place. Within a half hour there was a catastrophic failure during which hundreds of millions of dollars of damage and 11 lives were lost. This tragic scene could be reenacted in 53 reclamation projects throughout America unless we act and act quickly.

The burden of responsibility for this disaster was clear in 1976 and remains so today. The dams cited in H.R. 1652 were built by the Federal Government, the Federal Government owns them, and it is the Government which has imposed new safety standards.

Additionally, our Government's policy on liability for the safety of its dams has been further established and clarified by President Reagan's recently announced cost-sharing policy which the majority of my colleagues on the Interior Committee have endorsed and coalesced around.

The policy calls for the Federal Government to bear the responsibility for safety modifications to existing federally owned dams while specifying that the cost of any benefits—recreational, flood control, water storage—that will accrue from these modifications or repairs will be borne by the beneficiaries. This, I believe, is a just and equitable balance between the Federal and local interests.

Mr. Chairman, in my own city of Phoenix, Ariz., I would like to point out a critical situation that exists today. Forty miles east of the city of Phoenix is a series of dams, two of which have been judged unsafe, one of them Roosevelt, the other one Stewart Mountain Dam. I wrote a letter to the Bureau of Reclamation requesting the impact of a failure of the Stewart Mountain Dam today.

The reply which I just received from the Bureau states:

> The failure of Stewart Mountain Dam is expected to result in the inundation of a substantial portion of the city of Phoenix and vicinity. Failure of the dam from a large thunderstorm could result in about 800 cubic feet per second flowing through the city of Phoenix. The flooded area would emcompass 43 schools, 4 hospitals, the Capitol Building, and Sky Harbor Airport. The resulting damages are estimated between $750 million and $1.4 billion.

Phoenix, Ariz., is not the only city that would be involved in a catastrophe. Above Fort Collins, Colo., is the Horse Tooth Reservoir. The Horse Tooth Reservoir is comprised of Horse Tooth Spring Canyon, Dixon Canyon and Soldier Canyon Dams, and Sant Anka Dike. Recent hydrologic studies indicate that the dams could be overtopped, washing out the embankments and releasing the stored water along with flood waters. Failure of any of the structures would result in loss of life and property damage to Fort Collins, Colo., just 5 miles downstream of the reservoir. Presently Fort Collins has a population of 70,000 people and a projected population of 150,000 for the year 2000. Colorado State University is located within the city. Failure of the Horse Tooth Reservoir Dam would result in university property damage.

□ 1410

In addition, Fort Collins has 4 high schools, 6 junior high schools, 20 elementary schools, 12 day nurseries and preschools, 1 major hospital, and numerous residences which would be inundated from a dam failure. Property damage would be in excess of $1 billion.

The inundation map depicts the failure of Dixon Canyon, which would be the worst-case situation. Failure of one of the other dams would cost less, but would still cause significant damage. A multifailure would increase the extent of the flood damage.

I cannot stress too strongly that failure to ignore the needed repairs to this and other reclamation dams is little more than courting physical disaster. The Western States have enjoyed the majority of benefits from Federal reclamation projects; however, it has been a profitable arrangement for the Federal Government as well.

Since the turn of the century, reclamation has returned 85 percent of its cost to the Federal Treasury. That does not begin to consider the return to the Federal Government in the form of income from farming, industry, and commercial enterprise made possible through these reclamation projects.

In 1983, of the 4,000 water service and repayment contracts, only 25 contractors were delinquent in their repayment obligation. Additionally, if the $10.5 billion Federal investment for Bureau projects were funded today, the price would be $45.5 billion.

I think this legislation is an excellent example of a fiscally sound and responsible investment in our Nation's future. The fact remains, that those who are the beneficiaries, the agricultural interests, will and can refuse to pay for the safety modifications that will be made to these dams under the Solomon amendment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. CHENEY. Mr. Chairman, I yield the gentleman an additional 1 minute.

Mr. McCAIN. While those who will be affected by it will suffer tragic loss and damage.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from New York.

Mr. SOLOMON. I just want to commend the gentleman on an excellent presentation, and I agree with the gentleman 100 percent. As I did 2 years ago, when the Solomon was successfully added to this bill, I will vote "yes" for the legislation, which is good legislation, and is needed badly.

Again, I just want to commend the gentleman on a very excellent presentation. I hope that it helps to pass my amendment and pass the bill and get the dams repaired, as we all want.

Mr. EDGAR. Mr. Chairman, will the gentleman yield,

Mr. McCAIN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I want to join my colleague from New York in indicating my strong support for the legislation with the Solomon amendment on it.

The gentleman began his statement by talking about the urgency, and there is a sense of urgency for many of these dams. You have the layout there of the Teton Dam and the emergency there. This bill passed the House in the last Congress and languished in the Senate. It also came up in committee 1 year ago.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. KAZEN. Mr. Chairman, I yield the gentleman from Arizona 1 additional minute.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. McCAIN. I yield again to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman.

I sense the urgency that we had at the horror of Teton Dam, and I feel the urgency and I wonder why the Senate and why the committee has delayed bringing the action to the House floor in a timely fashion? If it is as urgent as it is, the fact that over a 50-year life period the original Solomon amendment would have given ample opportunity for these dams to be already under construction and repair.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Speaking for the committee, one of the reasons we let it sit over there for a year is that we got rolled 2 years ago by the gentleman from Pennsylvania and the gentleman from New York. We did not know what the position of the Reagan administration was, and I did not want to bring a bill to the floor we were going to lose.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from New York.

Mr. SOLOMON. I wonder if the gentleman would explain what he means by being rolled. The gentleman at that time was a sophomore Congressman. The gentleman from Arizona (Mr. UDALL) I think had been here for 28 years. You mean to tell me the sophomore Congressman rolled this Congress and the gentleman from Arizona.

Mr. UDALL. We were taken by surprise, actually.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. CHENEY. Mr. Chairman, I yield the gentleman from Arizona 2 additional minutes.

Mr. McCAIN. I thank the gentleman for yielding me more time.

Mr. Chairman, in response to both the gentlemen here, I certainly would say it is ample testimony to the effective legislative skills of both gentlemen, whether they be sophomores or having been here 30 years.

The fact remains that we needed very badly, as my colleague from Arizona said, a policy statement from the administration and we also realized that beneficiaries will not pay for the safety of those dams and those repairs made for them. So, effectively, we had no chance to proceed with the issue which we all agree remains urgent.

I would like to yield to the gentleman from Wyoming and then the gentleman from Pennsylvania.

Mr. CHENEY. Mr. Chairman, in response to the question the gentleman from Pennsylvania asked earlier, the fact of the matter was that with the old Solomon amendment, as adopted previously, the law was absolutely unworkable. There was no way to initiate construction on unsafe dams; there was no independent authority for the Federal Government to fix unsafe dams or provide any incentive whatsoever for local interests to agree to pay to fix them.

There was no way, because the Solomon amendment was then unworkable, and I think it will be clear today in the debate, that even the revised Solomon amendment offered this year is also unworkable.

Mr. McCAIN. I appreciate very much what both the gentleman from New York and the gentleman from Pennsylvania are trying to achieve here, and I just believe that we can do it different ways.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has some very good pictures of the Teton Dam, and I just for the record want to clarify something. You know, a lot of people think that the Teton Dam failed because it was a big rain storm or rain squall; the fact of life is that the dam failed shortly after its construction. It was a bright, blue, sunny day. New construction by the Army Corps of Engineers, and everybody was very pleased that it was done, and I think the factors involved were: First, bad siting from a geological standpoint; and second, inadequate grout curtain, and also an overly accelerated construction schedule that caused important tests to be curtailed. Those were the facts that came out through the investigation and I just think that ought to be clarified for the record.

Mr. KAZEN. Mr. Chairman, the colloquy that we just heard from the gentleman from Pennsylvania, he is correct: That criteria fit the breaking of the dam. That is exactly what we are saying in this bill. The dam was the responsibility of the Federal Government, and the Federal Government should be responsible for fixing it to where there will not be any more catastrophies. That is all we are saying in this bill.

The gentleman has made our case for us.

● Mr. FRENZEL. Mr. Chairman, today we have under consideration H.R. 1652, the amendments to the Reclamation Safety of Dams Act.

This bill authorizes an additional $650 million for safety improvements at Bureau of Reclamation dams, mainly in the West, but also in the Pacific Northwest. This legislation would increase the authorizations levels to a total of $750 million.

The question that we must also decide, in conjunction with this legislation, is: Who will pay for these safety improvement projects? Currently, the Federal Government bears the entire cost of correcting defects in these dams structures, and the project beneficiaries pay for improvements that are necessary from normal wear that time also brings to them.

Technological advances now tell us that there must be a substantial investment made into correcting defects to avert potential disasters down the road. However, it is also no secret that Congress cannot continue to carry such financial burdens by itself, or we will soon be faced with a far more serious economic crisis.

It seems apparent, Mr. Chairman, that those who will benefit from any improvement project on Bureau of Reclamation dams, regardless of whether they receive direct benefits, or simply the benefit of not having the threat of floods hanging over their region, ought to pay their fair share of this work. This policy is being applied in all other comparable Federal programs such as flood control projects. Beneficiaries simply must be taking a greater share of the responsibility for these expenditures.

Therefore I am supporting the amendment being offered by Mr. SOLOMON, which would require that all beneficiaries of these improvement projects pay for their costs. I cannot support the amendment that the House Interior Committee is offering today which would distinguish between those who receive direct, and indirect benefits.

I understand that the administration, which supported Mr. SOLOMON's efforts the last time around, is now supporting the Interior Committee's amendments. This sudden switch in approach possibly reveals more about the pressures of legislating during an election year than it does about any well thought out national water policy.

In any event, Mr. Chairman, I plan to support Mr. SOLOMON's amendment to this legislation, and I hope that my colleagues will do the same.●

● Mr. STARK. Mr. Chairman, I rise in support of the Solomon amendment. I think that it is only fair that the people who have been benefiting from the Bureau of Reclamation projects contribute something to their upkeep.

But beyond that, many of these projects subsidize giant farming businesses and conglomerates. These projects are pouring additional profits into these businesses. This is true in the Central Valley of California. The General Accounting Office examined this situation. The Delta Mendota Canal is a prime example. Water costs the federally subsidized Central Valley project $9.30, yet irrigators pay only $3.50 for the water, which does not even cover the operation and maintenance costs of the canal.

At the same time, Federal programs such as the PIK program, costing billions, are put into effect to reduce farm surpluses. In the Central Valley, an individual farmer was paid $3.7 million not to grow cotton on land in irrigated areas. Two other Central Valley farmers raked in $2.5 million apiece. If the true cost of the water were paid by the irrigators, the farm surpluses would not be so large. And the Federal Government and the taxpayers would make out on both ends, with reduced subsidies for the water projects and less money given away to reduce surpluses.●

Mr. CHENEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. KAZEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read the substitute committee amendment as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Reclamation Safety of Dams Act of 1978 (98 Stat. 2471, 43 U.S.C. 506, et seq.) is amended as follows:

(1) In the first sentence of section 5 strike the comma and all that follows through *"Provided,* That no funds" and insert in lieu thereof: "and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this Act to remain available until expended if so provided by the appropriations Act: *Provided,* That no funds exceeding $750,000".

(2) After section 11, insert the following new sections 12 and 13:

"SEC. 12. Included within the scope of this Act are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and War Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; and related facilities which have been made a part of a Federal reclamation project by previous Acts of Congress. Coolidge Dam, San Carlos Irrigation Project, Arizona, shall also be included within the scope of this Act.

"SEC. 13. The cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes, Texas, shall be nonreimbursable and nonreturnable under Federal reclamation law.".

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 3, after line 7, insert the following new paragraph:

(3) Section 4 is amended to read as follows:

"SEC. 4. (a) Costs hereafter incurred under this Act shall be allocated to the current functions served by the dam, project, unit, or division, as determined by the Secretary at the time of completion of the work undertaken pursuant to this Act. Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within fifty years of the year in which the work undertaken pursuant to this Act is substantially complete. Costs allocated to irrigation water service which are beyond the water users' capability to repay will be reimbursed in accordance with existing law. Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"(b) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable pursuant to the Federal Water Project Recreation Act shall be repaid within fifty years with interest. The interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States having terms of fifteen years or more remaining to maturity, during the month preceding the fiscal year in which construction is initiated for work undertaken pursuant to this Act.

"(c) The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs through water charges, ad valorem taxes, account charges, or other means he deems appropriate. Such contracts shall not be deemed new or amended contracts within the meaning of section 203 of the Reclamation Reform Act of 1982.

"(d) Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this Act prior to entering into a contract providing for the repayment of reimbursable costs. The Secretary shall not enter into any new or amended repayment or water service contract with the beneficiary of any structure where the repayment of reimbursable costs previously incurred by the Secretary for dam safety improvements under this Act is not secured by contract.".

Mr. SOLOMON. I thank the Chairman.

Mr. Chairman, again, let me just state that it is most difficult and awkward for me to be standing up here in opposition to this administration. I have been a longstanding supporter of President Reagan, and I still am, and I am again very sorry that he has withdrawn his support from the Reagan-Solomon-Edgar amendment that passed this House overwhelming 2 years ago.

However, I am going to stick to Reaganomics and I am going to support this amendment. I am going to follow through with it because I think it is vitally important that we establish a precedent here once and for all.

Mr. Chairman, I wish to explain the amendment first by addressing the concerns that are expressed by some that my amendment would somehow prevent or delay important dam safety work. I hope that this is the last time I have to say that these claims are totally false. My amendment will allow for prompt action to improve the safety of reclamation dams.

The amendment includes the following language, and I wish the Members would listen to this, it is on page 2 of the amendment in case you have it in front of you.

Notwithstanding any other provisions of law, the Secretary may initiate construction or any modification of structures under the Act prior to entering into a contract providing for the repayment of reimbursable costs.

That is law, or will be law. This means that the Secretary has the authority to undertake important safety work to protect the lives and property prior to contract agreements between the Secretary and the beneficiaries. Thus, under the terms of my amendment, the Secretary can act immediately to repair any and all of these unsafe dams.

□ 1420

The structural safety of reclamation dams, many of which were built in the early part of the century, is rightfully considered a high priority, and on this I am in complete agreement with my

colleagues on the Committee on Interior and Insular Affairs.

I would also like to state that although I disagree with Chairman UDALL, I fully understand and respect the concern that he and the gentleman from Wyoming (Mr. CHENEY) and others have expressed on this issue from the very beginning. I am disappointed, however, that the committee totally ignored the overwhelming support of this House, as expressed by the 212-to-140 vote 2 years ago that safety improvements should be borne by those who must directly benefit from the projects.

I do not think anybody was rolled. We had an extensive debate. Congressman John Rhodes at the time was in opposition to the administration's viewpoint and carried the bill on our side, and I think the gentleman from Arizona (Mr. UDALL) on the other side. There are two gentlemen with some 60 years of service in this House, so I hardly think that anybody was rolled.

The only legitimate issue involved in this issue today is the question of who should pay for the safety modifications on these projects. Although we disagree, I appreciate the important work on this bill which has been done by the Chairman and the members of the committee.

On the other hand, I deeply resent—I deeply resent—the lies that are being spread about my amendment by officials of the Department of the Interior. These officials are telling Members of this House that my amendment would prevent important safety work from being done, and in the process jeopardize American lives. I would like to know where these hypocrits were 2 years ago when these very same people recommended that the House vote for my amendment. Is the Department of the Interior and their band of born-again dam builders trying to tell us that the President of the United States recommended support for an amendment which would jeopardize the lives of thousands of Americans? I do not think so. Are they trying to tell us that 212 Members of this House voted for an amendment, with their full support, which would jeopardize the lives and property of citizens? Why, of course they were not; 212 Members of this House would not do such a thing.

For political reasons, and solely for political reasons, these born-again dam builders at the Department of the Interior have sold out any conservative principles that they have had and are now hiding behind their new-found concern over public safety, and I resent it, as my colleagues can tell.

Ironically, page 6 of the committee report still contains the administration's language in support of my amendment. Gentlemen, you forgot to take it out. It is still there. The committee report reads:

> The (third) amendment would modify the repayment requirements for safety-of-dams work. This Administration is committed to reducing the Federal budget and believes that beneficiaries of Federal projects should, in most cases, contribute to those projects.
>
> * * * * *
>
> If the dam develops defects over time, or if additional work is needed to meet current safety standards, there is no reason to forgo the cost sharing or reimbursement that would have been due had the remedial work been incorporated into the initial construction.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 5 additional minutes.)

Mr. SOLOMON. Mr. Chairman, 2 years ago the House voted overwhelmingly for reimbursement, but under this bill recently reported from the committee, the Secretary would be powerless to recover any of the costs of dam safety improvements, a sum expected to reach three-fourths of a billion dollars, almost $1 billion. The committee amendment dealing with additional economic benefits merely gives lipservice to the reimbursement authority which was mandated by the House 2 years ago. The committee amendment is useful, and I agree, to clarify the intent of Congress on a very narrow point, but must not be considered a substitute for the reimbursement required by my amendment.

The Bureau of Reclamation—and Members ought to listen to this if they are going to be voting on this amendment—has informed me that virtually none of the dam safety improvement projects funded by this bill will provide additional economic benefits. Thus, unless my amendment is adopted, nearly all of the $650 million authorized by this bill will never be repaid to the U.S. Treasury—will never be repaid.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. When I am finished, I will be glad to yield to the gentleman from Wyoming.

Mr. Chairman, I dispute those claims that this amendment will unfairly penalize local interests. What this amendment really does is prevent undue favoritism for the beneficiaries of the reclamation program, at the expense of the American taxpayers. It simply puts the users of water and power from the reclamation dams on the same footing with their colleagues elsewhere in the private sector. Dam safety is a recognized cost of doing business for water and power users around the country and there is absolutely no reason why we should exclude the users of reclamation dams.

Mr. Chairman, I would like to point out that the Federal Energy Regulatory Commission now requires the safety of non-Federal hydropower dams be completely reevaluated at 5-year intervals. If safety improvements are necessary, the FERC requires that these improvements be made. They require it.

There is no Federal program that spares local interests from the cost of meeting the FERC's safety requirements, none, even when these improvements are necessitated by new hydrologic or seismic data or change in state-of-the-art engineering criteria, the very reason, my colleagues, for the reclamation dam safety repairs authorized by this bill.

My amendment will require that costs for dam safety be allocated among the various recipients of water and hydroelectric power supplied by these dams and repaid in a manner similar to the repayment requirements for the construction of the original dam itself, and that is the way it should be.

I wish to point out that existing repayment arrangements are already quite generous, particularly for agricultural irrigators. My amendment would simply establish that dam safety repair costs would be repaid over a 50-year period, in a similar manner as when the dams were originally built.

Although the amendment I am introducing is virtually identical in intent and practical effect to the one approved by the House in 1982, there are three technical and clarifying revisions to the text that I want my colleagues to understand here today.

First, the formula included in the amendment for computing the rate of interest that is applicable to reimbursable costs over the duration of the 50-year repayment period has been changed. Our intent, both then and now, has been to establish a formula that closely reflects the costs to the Treasury of funding water project construction on a reimbursable basis over the long term. For this I have looked to the administration for guidance, even though they deserted me on this issue.

The formula specified in the 1982 amendment was recommended by the administration and included a somewhat novel provision for the recomputation of interest rates at 5-year intervals. As we know, the dam safety bill as amended by the Solomon amendment was not enacted into law, and I know of no other instance where this interest rate formula is being applied at the present time.

The amendment now offered carries a slightly different formula for determining interest rates, this one also intended to reflect the actual cost to the Treasury of borrowing to finance dam safety expenditures. It is also embraced by the administration. The for-

mula contained in the amendment is the formula adopted in October of 1983 by the Secretary of Energy for computing interest rates for repayment of the cost of Federal water projects allocated to hydroelectric power users. This interest rate formula is based on the Treasury's average yield rate, as was the 1982 amendment that we all voted for, but does not contain the 5-year recomputation feature.

A second difference in this amendment from the language adopted in 1982 is a disclaimer provision that will work to the advantage of irrigators, which many of my colleagues from the Western States are most interested in.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. SOLOMON. Mr. Chairman, following the adoption of the Solomon amendment in 1982, Congress went on to enact the so-called Reclamation Reform Act of 1982, and that was Public Law 97-293. This measure modifies various aspects of the reclamation program, and in some cases requires a higher level of repayment for water users.

□ 1430

And although existing contracts are to remain in force, the requirements of the bill regarding acreage limitations and repayments are to be triggered whenever an irrigation district enters into a new or amended contract with the Secretary.

An additional sentence has been added to new subsection (c) of my amendment so that the execution of contracts for the reimbursement of dam safety costs will not trigger the additional requirements of the Reclamation Reform Act, which is a benefit to all the Members from Arizona and Nevada and all those States that are concerned about this legislation.

It has been my intention all along that the cost of dam safety improvements should be reimbursed in the same manner as the costs of the dam itself, and this is exactly what the amendment says. This additional language simply assures that no new operational or financial requirements stemming from the Reclamation Reform Act will be placed upon irrigators simply by virtue of the dam safety work performed by the Secretary.

Finally, and in summation and perhaps most importantly, let me just say that this amendment has been modified to dispel any doubt that the Secretary can move promptly to initiate dam safety repairs, even before local interests agree to a contract covering reimbursement. A new subsection (d) adds language safeguarding the Secretary's authority to take timely action. And that means, do it today if he wants to.

However, if a local beneficiary balks at executing a repayment contract, then other measures would be taken to assure repayment to the Treasury for reimbursable costs, as it should be. Specifically, the language would bar the Secretary from entering into any new or amended contracts with any such non-Federal entities that might initially decline to repay its share of dam safety costs. Over the long run, I believe the Secretary will prevail, and the relatively modest repayment obligations established by the amendment will certainly be secured.

Mr. EDGAR. Mr. Chairman, will the gentleman yield at that point?

Mr. SOLOMON. I will yield in just 30 seconds.

Mr. Chairman, with this added language, we can have no doubt that the adoption of my amendment will allow for prompt action to improve the safety of reclamation dams. The benefits of most of these projects and the need to construct and maintain worthy projects are obvious and they are very important. Yet the magnitude of the deficits we face today and the calls from both the administration and the Congress to curb wasteful spending require that we seriously review the traditions of the past in order to eliminate unnecessary expenditures.

Nearly all other Federal programs, including defense, are feeling the need for spending restraints.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, this large water program must bear its fair share. The President's own private sector survey on cost control, the Grace Commission, has indicated that substantial savings could be found in the Federal water program through the implementation of cost-recovery proposals such as my amendment. And to quote the National Taxpayers Union—

When deficits are hovering around $200 billion, it is imperative that we restore fiscal discipline to spending practices. We urge you to support the Solomon amendment to the Reclamation Safety of Dams Act.

Mr. Chairman, in no way do I want to tread on the benefits of another part of the country, but we have to establish this pay-as-you-go benefit of these kinds of programs if we are ever going to straighten out the financial straits of this country.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. First, I will yield to the gentleman from Pennsylvania (Mr. EDGAR), who asked me to yield first, and then I will be glad to yield to the chairman of the subcommittee.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding, and I will be brief.

I would like to commend the gentleman in the well for his amendment. The gentleman drew attention to page 6 of this very brief report—it is only 12 pages—and as I studied the 12 pages, 4 of them support the gentleman's amendment. In fact, on pages 8 and 9, if I compare this language with the language of the first three paragraphs of the gentleman's amendment, they are almost identical, and they were written not by the gentleman's amendment, they are almost identical, and they were written not by the gentleman in the well but by the administration itself.

I am really strongly supportive of the gentleman's effort to take the administration's own language to capture that final fourth paragraph which allows for an emergency action to take place for the protection of lives and safety, and I think that our colleagues ought to recognize the fact that this is not a quick-action amendment. It is an amendment that was supported by a bipartisan group of Members in the House just 2 years ago. It was supported up to a year ago by the administration which in fact wrote most of the first three paragraphs of the amendment.

Mr. Chairman, I want to commend the gentleman for the amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(On request of Mr. KAZEN, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me ask the gentleman, what options are there for the Government in case the beneficiaries do not want to sign a reimbursement contract?

Mr. SOLOMON. Mr. Chairman, as the gentleman knows, we have existing contracts now, whether they be for irrigation purposes for water, whether they be for industrial electrical usage or resident electrical usage. Those contracts have a period of time to run. They have been renewed over a period of years, and when the dams were originally constructed, at the request of the beneficiaries, they were given a long-term, 50-year interest rate.

Mr. KAZEN. That is correct. That is exactly what I am after.

That is exactly what I am after, and a right has vested in them, and if the Government takes it away from them, if the Government dries up that lake because they cannot leave that structure standing because of the danger, if the Government dries up that lake,

they are responsible to reimburse those people for their rights.

Mr. SOLOMON. Mr. Chairman, the gentleman is right, and the Government has no intention of drying up the lakes.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(On request of Mr. CHENEY, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, I thank my good friend, the gentleman from New York (Mr. SOLOMON), for yielding.

I would like to say at the outset that he has done yeoman duty on this specific piece of legislation. His work of 2 years ago had a major impact on the thinking of the committee as we moved the bill this time around and developed the amendments. I am only sorry that he cannot support our approach today, but he has been extremely conscientious on this point.

I would like to follow up on the issue raised in part by the chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN), and that is the issue of what would happen if in fact the beneficiaries that the gentleman would like to have repay the Government for the cost of repairing the dam in fact refused to do so.

I have a particular situation in mind. In Wyoming there is a dam inside Grand Teton National Park operated by the Bureau of Reclamation. The dam itself is now threatened as a result of a potential earthquake, and there is a significant possibility of failure. The beneficiaries who reaped the benefits of that water storage project live in Idaho. They are farmers and irrigators. The people who would be devastated if in fact the dam failed and whose communities would be severely damaged and whose farms and ranches would be destroyed and who are not currently beneficiaries under the meaning that I think the gentleman uses would in fact have no way to either get the Government to repair the facility or to force the project beneficiaries downstream if they chose not to agree to some kind of repayment.

What would we do in that event?

Mr. SOLOMON. Mr. Chairman, let me just say to the gentleman that I was concerned about that. I was also concerned with some Members of Congress who wanted to absolutely prohibit any work from being done on the dams unless a contract had been previously entered into. I think that was grossly unfair and could have created serious problems because it could have jeopardized the work being done.

In most of the cases the gentleman asks about, let me say that on line 10 of my amendment we talk about "Costs allocated to irrigation water service which are beyond the water users' capability to repay will be reimbursed in accordance with existing law," which means the Federal Government will probably pay for it, especially when we start transcending State lines and areas where there is questionable usage for that property, where they are not the initial beneficiaries of that.

Consequently, I fought against an amendment being introduced today that would prohibit this work from going ahead without the contract being in hand. And as the gentleman from Wyoming (Mr. CHENEY) can see, on the second page of the amendment it states:

> Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this Act prior to entering into a contract providing for the repayment of reimbursable costs.

So that there is no question that the work can go ahead today, and I want that to happen.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, all I am saying is that the beneficiaries who are currently gaining benefit from the need of the water or the power produced by the dams are presently entering into a contract. If there is an inability to pay, they are not charged anything. If there is an ability to pay a little bit, they are charged very little, as the gentleman knows, and those large industrial users or other users pay a fair share.

So we have not changed anything in the law. All we are saying is that for the cost of the repair of the dams, which may be a continuing cost over the years, those people that benefit from it shall pay a portion of the cost of it.

□ 1440

I pointed out in my own district we have nuclear plants where we do not have any hydroelectric power. Nobody is underwriting those costs, and those people are having to pay astronomical costs. It is not fair to ask those people to pay a proportionate amount of the cost of power to residential or commercial users in the western part of the country we do not have anybody subsidizing ours.

So in all, we are just asking to be treated fairly. I do not think the people in the gentleman's State and others would object to this. I think if they want to have safety, then that is what we provide.

If my amendment passes, I will certainly support the legislation.

The last thing I want to say is that the gentleman mentioned that I do not support the amendment of the gentleman from Texas (Mr. KAZEN). I do support the Kazen amendment and I would hope that rather than having that offered as a substitute for mine, which would knock out the reimbursable costs for reclamation, that we would let both of them stand on their own.

Both gentleman have said that there is virtually little difference between our amendments; so therefore, let us pass my amendment and let us pass the gentleman's amendment, too. I will vote for the amendment of the gentleman if he will vote for mine and we will have a bill that everybody can live with. The President will sign it and we will get these dams repaired, as we all want them to be.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Wyoming.

Mr. CHENEY. The gentleman is eloguent, but I think I have been filibustered. I would like to come again.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. CHENEY, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman.

Mr. CHENEY. Mr. Chairman, I thank my good friend, the gentleman from New York.

Again, the question is: Can the Secretary permit the repair of the facility even though he has not successfully renegotiated a contract with the beneficiaries for reimbursement of the cost of the safety repairs to the dam?

Mr. SOLOMON. Yes, he can.

Mr. CHENEY. Not just initiate, he can, in fact, completely authorize the complete repair of the dam, complete the money for it, even though there has been no reimbursement.

Mr. SOLOMON. He can authorize the work for the dam, that is right.

Mr. CHENEY. Then why do we need the gentleman's amendment?

Mr. SOLOMON. We need the amendment so that before any future contract could be entered into with the beneficiaries from the power and water for those projects, they would have to agree to the terms, which is only fair.

Mr. CHENEY. But again, I would remind the gentleman that we find ourselves in a situation in many cases, not only in Wyoming, but Arizona as well, we have a situation in Arizona where there are a few farmers who are

the beneficiaries as irrigators from the water storage facility who may or may not choose to participate in paying for the safety repairs to the dam. If they choose not to, there will be no repair for the dam and the people downstream in Phoenix are the ones who ultimately are vulnerable, if, in fact, the dam collapses.

In Wyoming, if the farmers in Idaho choose not to participate in the process of entering into a new contract to reimburse for the safety repairs to the dam, my constituents in Wyoming are left holding the bag. There would be no repair for the dams, as I read the gentleman's amendment.

The gentleman says the Secretary may initiate, but you do not give him the authority to go forward to complete the safety repairs to the dam.

Mr. SOLOMON. Well, I thank the gentleman for his remarks.

I disagree with the gentleman. I think when we say he may initiate, that means he may initiate and go ahead and complete.

I do not think the people the gentleman is talking about right now are under a contract right now. Does the gentleman have a specific group of people who are beneficiaries, who are paying into a contract presently that is about to expire? Can the gentleman give me an example of one?

Mr. CHENEY. Specifically, farmers in Idaho who are the beneficiaries of the water that is stored in the Jackson Lake Dam.

Mr. SOLOMON. And they are paying into the project right now?

Mr. CHENEY. They have an ongoing contract at present; but the cost of repairing the dam under the gentleman's amendment, as I understand it, would have to be borne by them.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I think the gentleman has clearly stated it. It is the intention to initiate the repairs necessary to protect life and safety without having the Secretary enter into a contract. Even in the language of the committee bill, you simply authorize the Secretary to go ahead and make those necessary repairs.

We intend the same thing, that those repairs for life and safety purposes can proceed. All we are simply stating is that at a reasonable time a contract must be entered into and that contract must be for the reimbursement of those funds over a very generous period of time.

Mr. CHENEY. Would the gentleman specify what that period of time is or what a reasonable time is? Is that after the repairs have been completed?

Mr. EDGAR. I think the first priority of the gentleman on the committee and the gentleman from New York is to protect life and safety. That is first.

A reasonable time is within the reason of each of those projects.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. SOLOMON. Mr. Chairman, I might just say to the gentleman from Wyoming that the reason I took so much time in the well was to establish legislative intent which will guide this legislation.

The reason that I inserted on line 14, subsection (d) was because there were members of this House who wanted to prohibit any of this work from going ahead without a contract already being in hand by the Federal Government. I did not want that to happen, because of the gentleman's concerns. We do not want to see the loss of life.

This is why the Reagan administration strongly supported this bill, this amendment, 2 years ago. This is why in my conversation with the Bureau of Reclamation and with the Interior Department, we came up with this language which would allow, which says:

Notwithstanding any other provision of the law, the Secretary may initiate construction of any modification and go ahead and do the work.

That is all that we are concerned about is having that work done and then going back in.

Mr. CHENEY. Mr. Chairman, if the gentleman will yield further, it does not say complete. It says only "initiate."

Mr. SOLOMON. And construct.

Mr. CHENEY. May initiate construction?

Mr. SOLOMON. Yes.

Mr. CHENEY. But it does not do my folks any good to have a half-completed safety repair. We have got to have the whole project and the gentleman's amendment would not permit it.

AMENDMENT OFFERED BY MR. KAZEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. KAZEN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN as a substitute for the amendment offered by Mr. SOLOMON: Page 2, line 8, insert the following new subsection (1):

(1) At the end of subsection 4(b), strike the period after the word "law" and insert te following: ": *Provided*, That, if the Secretary finds that conservation storage, power generation, water supply or flood control benefits in addition to those which would have been provided by a safe structure will result from such modification, he shall allocate a proportionate share of the cost of the modification to such benefits which shall be further allocated to those purposes for which the structure was initially authorized and shall be reimbursable as provided by existing law; *Provided further*, that no irrigation district which may be required to pay a part of such a cost shall, by reason of such requirement, become subject to acreage limitation provisions of the Federal reclamation laws, as amended, unless such district is otherwise subject to such limitations.".

Redesignated subsections (1) and (2) accordingly.

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The. CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KAZEN. Mr. Chairman, the substitute amendment which I have offered is intended to implement the policy on dam safety work announced by the President in a letter to Senator LAXALT dated January 24. The letter said:

Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal Government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary.

In essence, the substitute amendment provides that, even though the modification work is necessary because of new hydrologic or seismic information, or changes in the state-of-the-art criteria, if new conservation storage, power generation, water supply or flood control benefits, over and above those for which the project was originally constructed, result, the cost attributable to those new benefits will become reimbursable to the Government.

In point of fact, if the substitute amendment is approved, as I hope it will be, the act would then go beyond even the very reasonable policy announced by the President because it already provides for the reimbursement of modification work costs which are attributable to normal deterioration and age.

The substitute amendment if offered, Mr. Chairman, as a reasonable compromise between those who believe that all safety modification costs ought to be fully reimbursable to the Government and those of us who believe that dam safety work which is necessary because of some error on the part of the Federal Government ought to be paid for by the Government.

If, Mr. Chairman, we impose any heavier burden on the project beneficiaries than the act would impose with the adoption of this amendment, then I am fearful that, as a practical matter, much of the needed work will not be done and we will be placing in jeopardy the lives and property of many of our citizens.

The substitute amendment, Mr. Chairman, is offered in the spirit of compromise and to enable us to get on with this necessary and important work, I urge its adoption.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I am delighted to yield to the gentleman from California.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Kazen substitute amendment to H.R. 1652 to require the Federal Government to bear the cost of the safety repairs and modifications on several Bureau of Reclamation dams throughout the West.

Certainly, our advancing technology in the area of dam design requires the improvement and modification of these structures to reduce the risks of dam failure to the minimum we are currently able to achieve. However, the question arises as to who is responsible for the expense of the repairs. I believe that in this instance, the Federal Government who originally constructed the dams, has an obligation to insure their safety, and likewise, the safety of those individuals residing in close proximity to these structures. Therefore, I feel the Government should incur the cost of the repairs. This amendment would achieve this purpose. In addition, the amendment would require that any increase in benefits as a result of the modification, other than safety, would be paid by the beneficiaries.

I believe this amendment is a fair and reasonable compromise on the issue of reimbursement of costs and I urge all of my colleagues to support it. I also urge the support of H.R. 1652 to insure the timely modification of these potentially hazardous structures.

□ 1350

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I will be delighted to yield to the gentleman from Texas.

Mr. LOEFFLER. I wish to thank my colleague, my neighbor from Texas, for the time and the leadership that he and the ranking minority member, the gentleman from Wyoming (Mr. CHENEY) have put into this legislation.

Particularly I rise in strong support of the chairman's amendment and ask that the Members of this body give overwhelming support for it as we vote on it in the moments ahead.

Mr. KAZEN. I thank my colleague for his support.

Mr. Chairman, I think the amendment speaks for itself. It is fair.

Those that gain any additional benefits will be charged, will be made to reimburse their particular share of the cost. Those who have nothing to gain, those beneficiaries who have already obtained rights that you cannot take away from them, will continue to have those rights. The gentleman from New York's amendment is just not workable because you are not going to construct or to reconstruct or to modify the dams to keep a catastrophe from happening. There is no way on Earth that his amendment would be able to be enforced.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I will be delighted to yield.

Mr. SOLOMON. I thank the gentleman. In spite of his strong language against my amendment, I am going to say that I still support his amendment, even if he does not support mine.

Mr. KAZEN. I appreciate the gentleman's support for my substitute.

Mr. SOLOMON. Let me just ask a question. In reading the gentleman's amendment we are authorizing $650 million of expenditures. How much in dollars and cents do you think would be recovered by the Treasury under your amendment?

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(On request of Mr. SOLOMON, and by unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. I yield to the gentleman.

Mr. SOLOMON. How much money would be returned to the Treasury under your amendment? In other words, how much in dollars and cents would there be in new economic benefit to these areas?

Mr. KAZEN. It depends. It has got to be determined at the time that the modifications are made. Certainly if a beneficiary does not gain any additional benefits he should not be called upon to pay what would under the gentleman's amendment be his share when he has no share to pay.

Mr. SOLOMON. In trying to keep an open mind on your viewpoint and the viewpoint of the gentleman from Wyoming (Mr. CHENEY) and the rest, I looked into this matter and the Bureau of Reclamation informed me that virtually none, I say none of the $650 million for the dam safety improvement projects funded under this bill would provide any additional benefit. So then if we are talking about maybe $5 million of $650 million, that is the difference between the Kazen amendment and the Solomon amendment. The Solomon amendment would recover $450 million to the Federal Treasury. Your amendment would recover something less than $5 million. I was told this by the Bureau of Reclamation.

Mr. KAZEN. I will just answer the gentleman to say that we could not get a figure from the Bureau. I do not know where the gentleman got his figure or who in the Bureau he got his figure from, but we could not.

And if that were true, then, that would show conclusively that the beneficiaries do not have anything to gain and, therefore, should not be forced to pay.

AMENDMENT OFFERED BY MR. EDGAR TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. EDGAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR to the amendment offered by Mr. SOLOMON: On page 1, line 10 of the amendment, strike "substantially".

(By unanimous consent, Mr. EDGAR was allowed to proceed for 5 additional minutes.)

Mr. EDGAR. Mr. Chairman, the action of the gentleman from Pennsylvania is simply a parliamentary maneuver, has no substance in terms of the debate, except that the first vote that we cast today will be an up or down vote on the Solomon amendment and we will get a recorded vote on that and be able to discover exactly what people believe about the Solomon amendment, similar to what they hopefully believed 2 years ago when they overwhelmingly endorsed that concept.

This is an amendment in the third degree and it is simply a way in which we can get back to the original intention, which is to get a substantial amount of the funds recognized as reimbursable funds.

Mr. Chairman, I rise to join the gentleman from New York in offering this amendment to secure reasonable repayment provisions for the needed dam improvements that we are authorizing here today.

Let me review what I think are the issues at the heart of this debate. First, there is a safety issue. No one has denied that there are important safety considerations involved in the measure we are considering today, nor is it the intention of the supporters of the Solomon-Edgar amendment to delay the improvements and modifications which the Bureau of Reclamation has recommended for many of the Federal dams in the Western States. According to the committee report, the Bureau first initiated an inventory of Federal dams in 1965. Using modern scientific and design data, the Bureau was able to identify needed improvements in many Federal dams, some of which are more than 50 years old. One thing should be made clear: The committee report does not indicate that these improvements are needed because of defects or mistakes made by the Government in original construction of these dams. These improvements are simply the result of advances in data and technology being

applied to some of these older structures. If this modern data and technology had been available when the dams were initially constructed, the dams would have been built to modern specifications and the costs would have been reimbursable under the normal reclamation laws.

We should also retrace the history of the dam safety bill before us. This same bill to increase funding for dam improvements was before the House almost 2 years ago and was approved by the House on a vote of 335 to 9. I voted for the bill on final passage, as did Mr. SOLOMON. The bill was almost unanimously supported at that time because the concerns of all Members had been satisfied by the adoption of the Solomon amendment and we agreed that the bill ought to be enacted quickly and these projects ought to go forward. But what happened over the past 2 years? Who has delayed consideration of this measure since 1982? Project supporters seem not to have wanted quick enactment of this bill if it contained the cost-reimbursement provisions which were added in 1982. In fact, supporters of the dam safety measure used the intervening time to persuade the Reagan administration to withdraw its support for cost recovery for the modifications included in the bill. Even though the House Interior Committee reported the bill almost 1 year ago, the committee has waited until now to bring the bill to the floor. This delay in consideration can only be viewed as an effort by supporters of the bill to provide funding for these modifications at full Federal cost or not at all.

A second important consideration is whether this authorization of 100 percent Federal funding for improvements for Western water projects is fair in light of the treatment of other Federal programs. Take the example of the EPA construction grants program which assists in the funding of construction of wastewater treatment plants throughout the country. This program, which is vital to the water quality and public health of my area of the country, requires a 45-percent up front local share. Other programs can similarly be cited.

The Bureau of Reclamation program operates solely within the 17 Western States. There is no Federal program to assist with water supply problems in most of the Eastern States. Yet, in Pennsylvania we are currently experiencing a water supply emergency in many of our towns because our older water supply and treatment systems are inadequate. Burst water mains and outbreaks of disease due to contamination of our water supply are becoming increasingly common. The Public Works Committee has moved to address this problem by approving legislation to provided Federal assistance for water supply system rehabilitation, but this legislation would not provide full Federal funding for such projects. Assistance would come in the form of Federal loans to be repayed in full, and the local sponsor of a project would be required to finance at least 20 percent of the cost up front. Yet, even this modest program to try to address the legitimate water needs of all regions of the Nation is placed in jeopardy by the enormous Federal deficits we now face and by our continuing policy of providing full Federal funding for projects such as those addressed by this dam safety bill.

Those of us who have been calling for responsible reforms in water policy had believed that we had made our point on this bill the last time the House considered the dam safety issue. We thought that we were moving toward agreement on a fair allocation of the enormous cost burden of these projects. Even the House Interior Committee leadership has tried to appear to accept the cost-sharing argument by supporting the Kazen amendment.

But we should examine the Kazen amendment for what it really is. The amendment provides for local cost reimbursement for the so-called additional economic benefits that might be provided by the modification projects funded under the bill. It must be pointed out, however, that neither the committee nor the Bureau of Reclamation have provided the Members of the House with the specifics of what benefits would be reimbursable and at what cost. On the other hand, the Bureau has provided us with a very detailed breakout of the costs that will be recovered under the provisions of the Solomon amendment. According to the Bureau, over $438 million of the total costs of projects funded through this legislation would be recovered by the Federal Government if we adopt the Solomon amendment. Little or none of that amount would be recovered under the so-called cost-recovery provisions of the Kazen amendment. it is clear that those Members who wish to reaffirm the earlier action of the House and support a provision to require substantial cost recovery for these dam improvement projects must support the Solomon-Edgar amendment.

To sum up my presentation, it should be clear to those Members who wish to support a strong dam safety measure to protect our western citizens but also wish to recover a reasonable portion of the expense of the modifications called for in this bill will support this amendment. The adoption of this amendment will in no way delay the needed modifications for these projects. On the contrary, it will end the delay in implementing these programs by putting in place a reasonable and responsible dam safety program which all of us can support.

□ 1500

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman. I just want to thank the gentleman for that excellent presentation. I would also like to again pay tribute to our opponents on the other side of this issue, Congressman UDALL, Congressman KAZEN, Congressman CHENEY, and Congressman MCCAIN; because I certainly know that they mean well. Maybe if the shoe were on the other foot I would be fighting as hard as they are. But I think we do have to once and for all establish a precedent.

I would just point out that we talked about organizations that were opposed or in favor of this legislation; that National Wildlife Federation strongly, strongly supports the Solomon amendment. The National Audubon Society, the Friends of the Earth, and so on, as far as environmental groups are concerned.

National Taxpayers Union says that a "yes" vote on the Solomon amendment saves the Treasury a half billion dollars. And it goes on to explain why they so strongly support it.

And last, I have laid on the desk of the Republican side and will lay on the Democratic side a list of the vote that took place 2 years ago in case many of you who are in your offices and listening have forgotten how you might have voted. I think it is important we always be consistent here in the Congress. I will make this voting record available to you.

Again, I congratulate you gentlemen on the other side, you are rough apples and you certainly were not rolled today.

Mr. EDGAR. I thank the gentleman for his comments.

I conclude by saying we have a good opportunity for an up or down vote on the Solomon amendment. I think the Members are clear as to what it does. We have available some additional information.

I just think we need to be clear that 1 year ago the committee reported this bill and at that point in history the administration strongly supported amending this legislation to include the very language that the gentleman from New York has included in his amendment and I commend the gentleman for his action.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, I rise in support of the Solomon-Edgar amendment. Let me say at the outset that the structural integrity of dams is a high priority and I support increasing the authorized expenditures to carry out any nec-

essary work to improve the safety of reclamation dams. But the issue before us today is not whether dams should be safe or not, but rather who pays for the work.

As a matter of basic water resources policy—and what we are dealing with here is a fundamental question of water policy—I believe the beneficiaries of water resources projects should share in the costs of building and maintaining those projects. Dam-safety-related work is a cost of doing business: It is part of the maintenance and upkeep of the dam. The maintenance and upkeep work should be shared by the project beneficiaries.

The Solomon amendment simply requires that the cost of this work be allocated among the various beneficiaries in the same manner that repayment for the original structure is being made. The repayment will be stretched out for 50 years and will be on the same generous terms that projects are now being financed. It is not an onerous burden.

The matter of who pays for water resource development is the cornerstone of any relevant reform in water policy. Congress has been moving closer to making basic reforms in water policy. We have come a long way, but still have a long way to go. I note, for example, that the omnibus water resources bill contains some important cost-sharing proposals for the corps.

This is a beginning for us. But while we work on our omnibus bill, we must be mindful of the other legislation which may undercut the goals we are striving to achieve.

The bill before us today is one such bill. It simply would continue subsidies to the already heavily subsidized reclamation program.

Adoption of the Solomon-Edgar amendment would continue our progress toward reforming water policy—by requiring that the beneficiaries pay a portion of the costs. To reject the Solomon-Edgar amendment, in my view, is rather like saying some projects and programs are excused from reforms and others are not.

I would like to commend Mr. SOLOMON, in particular, for his leadership on this issue. I recall he offered this amendment several years ago and it passed the House by a large margin. The bill, however, never made it out of the Senate—so we stand once again debating this issue.

There is one difference. Previously, Mr. SOLOMON's own administration had supported him. Now, we all know, in an apparent case of election year jitters, the President wrote his campaign manager, Senator LAXALT, in January and reversed the administration's policy on this issue, as well as other important water policy reform measures.

I find it ironic that an administration so adept at decrying the budget deficit and Federal subsidies has chosen to do a major flip-flop when it comes to western water issues. I am pleased that Mr. SOLOMON is sticking to his guns—and to what I believe is the proper course.

Mr. Chairman, I yield back the balance of my time.

Mr. CHENEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Kazen substitute and in opposition to the Solomon amendment.

Mr. Chairman, I think it is important before we come to a vote on this issue to make certain all of our colleagues understand exactly what we are talking about today. This authorization before us, the legislation before us does not authorize any new water projects; it is meant merely to deal with unsafe situations where as a result of engineering problems or poor design or seismic problems of various kinds there is a danger of a dam, for which the Federal Government is responsible, collapsing.

When those dams collapse, we then find ourselves in a situation where the Federal Government will be held liable as was the case in the Teton failure in 1976 in Idaho.

It has been suggested that somehow we are trying through this legislation to authorize the payment for repairs to projects that are simply the result of old age. That is clearly not the case. I would like to cite for my colleagues, if I might from the Reclamation Safety of Dams Act of 1978, a statute already on the books. Section 4 paragraph (a):

> Costs heretofore or hereafter incurred in the modification of structures under this Act, the cause of which results from age and normal deterioration of the structure or from nonperformance of reasonable and normal maintenance of the structure by the operating entity shall be considered as project costs and will be allocated to the purposes for which the structure was authorized initially to be constructed and will be reimbursable * * *.

If you have an old dam that is simply worn out or if the operating entity has not taken proper care of it, then those costs have to be reimbursed. That is already in the books; it is already law.

The Kazen amendment would say if there is any new benefit to accrue to the beneficiaries of the project then those costs, too, are to be reimbursed.

I would emphasize that the administration did modify its position. They no longer support the Solomon amendment. The President has made it abundantly clear that he does in fact support the Kazen-Udall-Cheney substitute.

The Director of the Office of Management and Budget has sent a letter addressed to me which I include in the RECORD at this point as well as a letter from Secretary Clark:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 13, 1984.

Hon. RICHARD B. CHENEY,
Ranking Minority Member, Subcommittee on Water and Power Resources,
Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost sharing issue.

The Committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

I welcome the opportunity to clarify the Administration's position on this issue.

With all best wishes,

Sincerely,

DAVID A. STOCKMAN,
Director.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 14, 1984.

Hon. DICK CHENEY,
House of Representatives,
Washington, D.C.

DEAR MR. CHENEY: You have asked me for the Department's position on an amendment which you plan to offer when H.R. 1652 comes to the floor of the House of Representatives. I appreciate you giving me this opportunity.

Having carefully reviewed your amendment, I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984, letter to Senator Laxalt. Therefore, the Department supports the amendment and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

I am informed that the Office of Management and Budget concurs in this position.

Thank you again for the opportunity to provide our views on this matter.

Sincerely,

WILLIAM CLARK.

Mr. CHENEY. Both of these letters were written last week; one dated March 13 and the other dated March 14, 1984. This is currently the administration's position.

Specifically, David Stockman says:

I wanted to let you know how much we appreciated your efforts to work with the administration to device an acceptable compromise on the dam safety cost-sharing issue.

The committee amendment, the Kazen amendment, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

□ 1510

And finally, Secretary Clark in a similar vein, having carefully reviewed the amendment:

I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984 letter to Senator Laxalt. Therefore, the Department supports the amendment—

The Kazen amendment—

and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

Specifically the administration opposes the Solomon amendment.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Solomon amendment and support the Kazen-Udall-Cheney substitute.

Dam safety is nothing new to me. As a matter of fact, in 1977, my committee put $15 million in appropriations for the first appropriations ever made for dam safety. And this directed the Corps of Engineers to make an inventory of the dams all over this country that are not safe. Ironically, before they could even get started we had a dam failure down in Georgia there. Many lives were lost, much property damage. So this is nothing new.

Now I do not think this Congress really wants to be passing any kind of legislation that is going to delay funding for these dams that mean death to many people and much destruction of much property. Just one dam, the Teton Dam that failed, that one dam cost more in damages than all the appropriations we are talking about for the whole country.

The CHAIRMAN. The time of the gentleman from Wyoming (Mr. CHENEY) has expired.

(By unanimous consent, Mr. CHENEY was allowed to proceed for 1 additional minute.)

Mr. BEVILL. If the gentleman will yield further, I do not think this Congress ought to be tying the hands of the U.S. Army Corps of Engineers and the Bureau of Reclamation that are interested in doing something about these dams that are not safe. That is exactly what the Solomon amendment does. There are not going to be any local funds if the Solomon amendment passes. There just will not be any safety action taken. The gentleman and I know, as a practical matter, that is what is going to happen.

I urge the Members to vote against the Solomon amendment and vote in support of the Kazen-Udall-Cheney substitute.

Mr. Chairman, water is the lifeblood of America's agriculture, industries, and homes. Without adequate supplies of clean, usable water, our Nation could not have prospered. And if we fail to use caution and concern in maintaining and expanding our water resources, this country will not remain the producer of the world's most abundant harvests.

The Congress should be proud of its role in providing for the control and conservation of our water resources. The TVA, the Soil and Water Conservation Service, the U.S. Army Corps of Engineers, and the Bureau of Reclamation have created a vast network of federally constructed dams throughout the country, which enable farmers, ranchers, city dwellers, and industries to make efficient use of water. And these dams have harnessed the power of water to create electricity to energize the areas surrounding many of these dams.

Additionally, raging flood waters have been brought into check due to these dams, saving lives and property each year.

Today, we debate an issue of great importance to an area of our Nation in which the true value of adequate water supplies is the chief fact of life. Because in the towns, and cities, and on the plains, and mountains, and valleys surrounding these dams, without water, there is no life.

Today we debate whether we should require those who use water from these dams, and who pay for that water and have reimbursed the Government for about 85 percent of the costs of constructing those dams, should now have to pay to correct construction techniques which have been proved, by today's standards, to have been insufficient to safeguard against dam failure.

I want to commend my good friends, MO UDALL and CHIC KAZEN, for their leadership in water-management issues. They have time and again demonstrated their concern that our entire Nation has an adequate and clean supply of water. The bill which my friend, CHIC KAZEN, brings before us today is wise legislation which will serve the people of America.

I share their concern that the modifications necessary to make these dams safe and structurally sound might not be done if those who purchase the water from these dams are forced to pay for correcting construction practices they were not responsible for. Many of these users have been hard-pressed by the lingering and deep recession and they are unable to assume a costly 50-year debt to correct someone else's mistakes.

And if these dams are not modified, those living below these dams face the looming danger of a dam failure. Since the Federal Government is responsible for any damages from such a failure, the costs of Congress failing to act wisely today could be enormous. The value of this Federal investment to insure the safety of these dams would seem like a bargain-basement deal when compared to the costs in lives and property if just one of these dams failed.

We are talking about commonsense to save America dollars and cents. The Kazen amendment is a sound amendment. It fairly requires beneficiaries of reclamation projects to pay for any safety modifications to their dams which would result in additional benefits to the water users. It does not give anything away. And it does not penalize anyone.

I support the Kazen amendment and I oppose the Solomon amendment. Under the Solomon amendment we face the real prospect of failing to repair these dams and risking the lives and future of the people those dams were built to help. That is not proper. I urge my colleagues to support the Kazen amendment and to oppose the Solomon amendment.

Dam safety is not a new concern of mine. It is an issue which I have long been involved with and which I consider to be of enormous importance to our country.

When I first became chairman of the Energy and Water Development Appropriations Subcommittee, my committee and I included $15 million in our bill in 1977 to be used by the Corps of Engineers in checking all existing dams in the country as to their safety. Shortly after that, I remember there was a private dam in Georgia which gave way and took the lives of many people. It was a tragedy. And it underlined the urgency with which this inventory of dams needed to be undertaken.

This bill, which is before us today, is an outgrowth of that study. And as chairman of the first committee to provide any funding for the study of dam safety, I am proud, indeed, of the legislation which CHIC KAZEN brings before us today.

The bill, and his amendment, are necessary and are wise pieces of legislation. They deserve our most enthusiastic support because they will help improve our great land.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Arizona.

Mr. STUMP. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Kazen substitute.

Mr. Chairman, I also support H.R. 1652, increasing funding under the 1978 Reclamation Safety of Dams Act to $650 million. In passing the 1978 act, Congress recognized the need to bring 13 U.S. Bureau of Reclamation dams up to today's safety standards,

and appropriated $100 million to do the job. Amending the 1978 act, by passing this legislation, will recognize that since 1978, 40 more dams have been added to the unsafe list. The Bureau says it will now take $650 million to modify all 53 dams.

The issue here should not be whether the Federal Government has a responsibility to pay for the modification. Certainly, I believe that it does. The dams were built by the Bureau of Reclamation. The Bureau still owns them, and it is the Bureau which is requiring the upgrades. Congress declared the safety of dams a Federal responsibility in the 1978 act. The obligation was recently restated by President Reagan in announcing his water policy.

The issue here is whether we can afford to delay action on this amendment. I say we cannot. By designating 53 dams as unsafe, the Bureau has said that the structures cannot withstand the pressure of water inflows from a maximum probable flood or tremors from a maximum credible earthquake. Both of those terms refer to worst-case disasters possible, according to the Bureau's state-of-the-art calculations.

In Arizona, we are more likely than some to believe that worst-case scenarios easily become realities. We have experienced flooding in the last 6 years that previously we would not have thought possible. Twice in 1978, central Arizona was ravaged by flooding from the Salt River. Then, in the second week of February 1980, six storms out of the Pacific slammed into the State, dumping 10 to 16 inches of rain on the 13,000-square-mile watershed of the Salt and Verde Rivers. In normal times, six Bureau of Reclamation dams on those rivers impound enough water to serve the agricultural, industrial, commercial, and residential customers of a 250,000-acre service area. But in February 1980, the spillways on those dams were wide open. The result was unprecedented flooding downstream in the Phoenix metropolitan area. At the peak of the storms, 170,000 cubic feet of water per second was pouring into the normally dry Salt River bed, which slices Phoenix in half. Officials of the Salt River project, which operates the dams, and the Bureau of Reclamation discovered a severe scouring at Stewart Mountain Dam, the southernmost dam in a chain of four dams on the Salt River. It appeared that a worst-case situation was only hours away. Another storm was heading for the watershed, and officials feared the pressure of any more runoff would cause the dam to collapse. Inundation maps were drawn. Evacuation shelters were opened. Citizens living in the flood plain were advised to prepare to leave their homes. The dam was spared only because the expected storm veered south at the last minute.

The experience, however, reinforced previous studies which resulted in Stewart Mountain Dam being one of the original 13 dams on the unsafe list. Based on calculations from the 1978 storms, the 1980 storms, and other modern hydrologic and seismologic studies, the other five dams on the Salt and Verde Rivers have been also placed on the list.

According to the Bureau, if Stewart Mountain Dam alone were to collapse, 360,000 cubic feet per second would roar down the Salt River. The flood plain through Phoenix would be 1 mile wide. Damages would exceed $630 million. The 1980 flood alone resulted in business losses, property damage, and emergency costs adding up to more than $60 million.

We cannot stop natural weather occurrences such as record snowfalls and high precipitation, but we can take steps to protect our citizens from the impacts. That is what those of us who support this legislation are asking our colleagues to do. A vote in favor of this legislation will protect those who live below the 53 unsafe dams. Lives are at stake, Business and property is at stake. And, Federal dollars which originally built the dams are at stake. Finally, I would remind my colleagues of the Teton Dam failure of 1976; 11 people died, and more than $400 million in property was lost. To date, the Federal Government has paid more than $350 million in claims. There is a lesson in that catastrophe. I urge you to vote for this legislation before nature teaches us another lesson.

Mr. CHENEY. Mr. Chairman, by way of closing, again I would urge my colleagues to support the Kazen substitute. It does provide cost sharing for those benefits that are new and it does permit us to get on with the very important business of preparing those safe dams for which the Federal Government is ultimately liable.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Pennsylvania, who supports the amendment to require full reimbursement for all dam and safety work accomplished under the 1978 act, argues that the people who live in the area and not the taxpayers should pay the cost of these safety repairs.

Now, to me the gentleman seems to take inconsistent positions. The gentleman is a principal sponsor of H.R. 3678, which is the water policy bill that we have just heard about. It was recently approved by his Committee on Public Works and Transportation. He is a member of the subcommittee and a member of the full committee. That bill has just come to my subcommittee this morning, was referred there by the Speaker. It was referred after it came out of the gentleman's committee, sequentially referred.

And lo and behold, the gentleman's position that he takes on this floor was much lacking in that bill. Mind you, he is a member of that subcommittee that wrote the bill and a member of the full committee that passed it out of the committee. Yet, we find that these are just a few of the items that we hurriedly went into. A water supply project for the metropolitan area of Atlanta, Ga., $24½ million, nonreimbursable, paid altogether by the Federal Government. Where is your cost sharing, Mr. EDGAR?

Lava flow control, the island of Hawaii, $3,948,000, all federally funded. No reimbursable. Where is your consistency, Mr. EDGAR?

Removal of silt and growth, Albert Lee Lake in Minnesota, $4,270,000, paid for fully by the Federal Government. Where is your consistency, Mr. EDGAR?

And so on. I could stay here all during my time that I have been allotted and give the Members example after example of the type of work that the opponent to the Kazen-Udall-Cheney amendment, the arguments that he makes on this floor. How come he did not make that argument in his own subcommittee, in his own bill, that he coauthored, that he marked up, and that he passed out of the full committee.

Now, I ask the gentleman why taxpayers in other parts of the country should bear the cost of these projects which are obviously of local benefit. Where is that consistency?

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I am delighted to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I appreciate the vehemence of the gentleman's point.

Mr. KAZEN. It is not vehemence, these are the facts.

Mr. EDGAR. If the gentleman would have taken the time to talk to Congressman BOB ROE from New Jersey, the subcommittee chairman, the gentleman in the well would know that every one of those projects that the gentleman has named the gentleman from Pennsylvania attempted to put cost sharing. In fact, the gentleman from Pennsylvania was successful in placing in that bill a $3.2 billion, 4-year authorization, with 100 percent reimbursement, for urban, municipal, and investor-owned water systems. The gentleman does not mention that.

The gentleman does not mention the fact that the gentleman from Pennsylvania helped put 25 percent cost sharing on all new flood control projects.

Mr. KAZEN. Mr. Chairman, reclaiming my time, the gentleman is not talking about Government structures,

about those built by the Government. He is talking about all of them in general.

Let me tell the gentleman one other thing that my substitute does that was not done last year. I will tell the gentleman from New York that I remember how I voted on this bill last year, as does every other Member who was here and voted, but I will remind the gentleman that circumstances have changed, that there is a new element that has been injected into this debate and into this legislation, and that is this amendment that we have offered.

Where there is a benefit to beneficiaries, they ought to pay for it. In addition to that, when the gentleman says that he was given some figures by the Bureau on what his bill would bring back and not what ours would, let me tell the gentleman that for the first time in history, the first time, that an amendment has ever been offered to make flood control reimbursable—flood control.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(By unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. That has been an item that has never been reimbursable. In my amendment flood control is there.

And if that figure, whatever it may be, I do not see how anybody could foretell and give accurate figures on how much my amendment would bring back because they do not know. There is no way of figuring at this point what would be attributable to flood control.

So I tell my colleagues, as far as the amendment of the gentleman from Pennsylvania is concerned, I have no objections to it. I would urge the adoption of the gentleman's amendment to the Solomon amendment. I have absolutely no objection to that.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. KAZEN), and in opposition to the amendment offered by the gentleman from New York (Mr. SOLOMON).

□ 1520

I think we forget what the whole purpose of this legislation is, Mr. Chairman. It is simply to repair those damaged dams that may cause loss of life and damage to property. That is the basis of this legislation, the fact that there are some dams out there that are unsafe that should be repaired.

Now, the Solomon amendment calls for the users to pay part of the costs which are caused by Government error.

The fact of the matter is that the users have no incentive to pay for those costs. Most of the users are not within the flood path. Most of the users of the hydropower are hundreds and thousands of miles away from where that dam is. So there is no incentive for the users to pay for those costs. That means that they will never be repaired, and we are back where we were, that there are some damaged dams out there that will cause damage eventually.

The Kazen amendment does, as a matter of fact, offer quite a reasonable substitute. The Government will pay for its errors and the users, the beneficiaries, will pay for any enhancement that occurs as a result of the work done. It is only fair. I think it is a reasonable way to go about it, and I urge my colleagues to support the Kazen amendment.

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Solomon-Edgar amendment. It seems to me that in a period of fiscal stringency we should exercise every available opportunity to impose user fees whenever the beneficiaries of a Federal spending program can be clearly identified. In this case, it seems to me that the beneficiaries are identifiable, and I find it hard to explain why taxpayers around the whole country that are not direct beneficiaries and can be identified as not direct beneficiaries should pay any of the cost of having these dams brought up to safety standards.

So I commend it on purely fiscal grounds and fairness grounds and on the ground that, whenever possible, we should turn now to user fees. It is a way of cutting the deficit, it is a way of conserving our resources, it is a way of avoiding overspending.

The Government has been likened to a bunch of people going out to a restaurant, and if it is agreed that everybody would order whatever they wished and divide the bill equally, a lot more food and drink will be ordered than if everybody has to pay for their own meal. That is a well-known principle. And every time that we can get the cost of dams or highways or anything else completely shuffled nationwide off to everyone else, we are going to end up with a lot more spending than we would otherwise do. Maybe all these dams should be fixed. Maybe they would be less likely to be all fixed. We would have a more careful, cost-conscious, decisionmaking process if the beneficiaries had to come up with the support to do so.

So on those kinds of grounds, I would urge that we adopt an amendment to require the known beneficiaries to pay as much as possible of the cost.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman in the well, Mr. EDGAR.

Mr. EDGAR. I thank the gentleman for yielding. I would like to commend the gentleman for his leadership on this issue of cost sharing.

The gentleman who has just spoken is also a member of the Public Works Committee.

The chairman of the committee has made some accusations here in the well about consistency. I think the gentleman from Wisconsin (Mr. MOODY) would agree that when we passed 49 to 0 the omnibus water bill, including good and bad projects, it was the first time in history that our committee worked on the issue of cost sharing. That bill does not include all of the cost sharing that I would like, but it does include 100 percent cost sharing for urban water supply replacements over the same 50-year period. It does include 25 percent cost sharing on all new projects. It does include 50 percent cost sharing on all port development that goes below 45-foot depths. It does have in that legislation environmental mitigation. It does have an attempt at a process of developing a national water policy that is not only based on merit but is based on the concept of sharing reasonable and recoverable cost with the Federal Government of those Federal projects.

The gentleman, if he had understood the process, would have recognized that he is probably a strong supporter of that legislation, as is the gentleman in the well, not because it is perfect, not because it has cost sharing on every project to a reasonable level, but because it is the best compromise we could get. And the gentleman in the well has participated in holding up omnibus water legislation for the last 7 or 8 years. It is now time to act. And because of that delicate compromise between environmentalists and those who want to construct and because of the ability to put a fashioned water policy together, the gentleman in the well, working with Congressman ROE and Congressman HOWARD, has fashioned a reasonable compromise.

I am not satisfied with every provision in that bill, as the other gentlemen here are not satisfied with every provision in the legislation. But to say that we are inconsistent because we are offering this amendment is the height of hypocrisy, and I resent the gentleman's statement. I think the gentleman ought to be clear on what the issue is. The issue is: Can the Federal Government, at a time of $180 to $200 billion deficits, begin to recover over a reasonable time at a reasonable rate some limited amounts of money for the costs that the Federal Government incurs through the Army Corps

of Engineers, through the Bureau of Reclamation, through the Soil Conservation Service in the construction of very needed and very worthy projects? And can we in fact develop a methodology for doing that?

Two years ago we agreed to the Solomon amendment which begins to move in that direction. I commend the gentleman from New York for his amendment. The vote that we are about to cast by recorded vote, while it is a vote on the Edgar amendment, is essentially a vote on the Solomon amendment. I commend the gentleman for agreeing to it. It is a vote on that amendment, and it is a vote for reasonable recovery of those costs.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. If the gentleman will yield further, it ought to be clear that the vote that we cast is a vote on the Solomon amendment. We will dispense with that, and then if that is successful, we will move to consideration of the Kazen amendment.

Mr. KAZEN. The gentleman is wrong.

Mr. EDGAR. The gentleman in the well suggests to all of you the reason for offering the Edgar amendment was simply procedural, so that we have a chance to vote on the Solomon amendment as amended by only one word. That is an up or down vote on the substance of the Solomon amendment. Then we will have a chance to vote on the Kazen amendment. I urge my colleagues to support Congressman SOLOMON in his efforts.

I thank the gentleman for yielding.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to my colleague, the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, I want to remind the gentleman from Pennsylvania that one of the few times, or one of the first times that we have had cost sharing in anything that has come up here from the Interior Committee on projects is on this bill.

As I have just pointed out, never—never—have we had reimbursable costs for flood control. For the first time we have got it in this bill. We are going to have reimbursable costs.

Furthermore, let me ask the gentleman one question: When he talks about identifiable beneficiaries, how does he identify the beneficiaries in the city of Phoenix who are below a dam that might break and all that city lay in shambles? Now, are they beneficiaries?

Mr. MOODY. I would say they are.

Mr. KAZEN. All right. Then how are we going to make them pay for the restructuring of the dam? Has the gentleman got any ideas on how we are going to make them pay? The gentleman has already identified them as beneficiaries.

Mr. MOODY. Mr. Chairman, I would yield to the gentleman from New York (Mr. SOLOMON) on that point.

Mr. KAZEN. Oh.

Mr. SOLOMON. They are already paying, and they will continue to pay.

Mr. KAZEN. They are not paying.

Mr. SOLOMON. But let me, if I may, just take this opportunity to say to the gentleman, in defense of my colleague from Pennsylvania, I served for a number of years on the Public Works and Transportation Committee before I left to go to Foreign Affairs, and I can tell you that even though the gentleman and I disagree philosophically on many issues, and Mr. KAZEN, the gentleman and I agree on a lot more philosophical issues than does the gentleman from Pennsylvania, Mr. EDGAR and myself. Let me defend him in saying that if it were not for him, there would be more political, pork-barrel boondoggles go out of that Public Works and Transportation Committee than anything you have ever seen.

□ 1530

I have seen the times that he and I have had to stand up on the floor of that committee and fight against this kind of fiscal irresponsibility. I think that your criticism is undue to the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Texas.

Mr. KAZEN. I still want an answer to my question. The people in the example I gave the gentleman, the people of Phoenix, are not paying for the dam at this time.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I do not think that the gentleman from Pennsylvania is suggesting that we are omnipotent in knowledge, we simply suggest that those who bear the benefit, whether they are the farmers or the people below the dam, ought to be entered into in a reasonable cost recovery over a long period of time for reimbursable costs.

If the people of Phoenix use any of the benefits, in terms of that particular dam, they ought to provide some of the reasonable response and reasonable cost. We are not talking about a specific city or a specific project; all projects and cities are different. We are simply asking that the Secretary have authority to enter into contracts for the reimbursement of those improvements on those who in fact receive the benefits.

Mr. MOODY. Mr. Chairman, I would like to associate myself with the effort of the gentleman from Pennsylvania and the gentleman from New York.

I think that reimbursing the public for those costs which are clearly beneficial to a set of people is the heart and soul of fiscal responsibility, and there has been far too little of it in the public works area. I want the gentleman from Texas to note the omnibus water bill, which has come up here in this discussion, contains a new dam safety program which is entirely on a reimbursable basis, and that is an important breakthrough. As we make these breakthroughs one-by-one, I think we will establish fiscal responsibility that is so sorely needed in this area.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not propose to get into an argument with the gentleman from Pennsylvania or the gentleman from Texas, who is one of the finest members of our Interior Committee, and the chairman of this great subcommittee. I will say to my friend from Pennsylvania that he has been tenacious on cost-sharing; I have never seen him when he was not in favor of it, and he has brought about some healthy results, and I think that the new policy that we are going to have on new projects will be due in no small part to his tenacity over the years.

I disagree with my friend from Pennsylvania on the impact of his amendment. As far as I am concerned, Mr. SOLOMON and his allies here, who have had about half the time today, are entitled to present the Solomon amendment in any form they wish. I did not like it the way it was originally proposed by Mr. SOLOMON, and I do not like it with the one word changed any better, by Mr. EDGAR, and so, on our side, I think I speak for leadership on the other side, we accept the amendment. If you want to have a vote, it will be 435 to nothing. A vote to say that you have the right to present your amendment in any form you wish. So, I hope we can get on; we spent most of the time in general debate on this particular amendment. I hope we can get on with the vote.

Before we do, I want to make just a couple of points. It has been said here today that we have got a terrible deficit and we should not be spending money on Federal dams. Well, let me tell you one way to really increase

that deficit; that is to do nothing and just have one Teton Dam, or just have one Salt River Dam break and wipe out Phoenix. You are talking about several billions of dollars which we cannot afford to pay and which we will be required by law to pay, and we are going to be in a lot worse trouble fiscally if we do not do something about these unsafe dams.

Let me emphasize, because I detect some confusion among some Members I have talked to around the floor today, we deal today with the question of who shall pay. Let me emphasize that these are Federal dams; these were designed by the United States; these dams we are talking about were built by the United States; these dams are owned by the United States; these dams are maintained by the United States, and the question is if that something has gone wrong with these dams over the years, who is going to pay to make it safe? The poor people who are about to be flooded in Phoenix or Sacramento? The farmers who use the water? Or the Government who has the responsibility for keeping the dams safe and reimbursing anyone who is damaged by it.

There is a danger. We have talked about it here today. There is a danger, and the gentleman from Texas' (Mr. KAZEN) figures underline this very well. There is danger of a regional split in this country.

We in the West, we are kind of sensitive. We see it is a double standard many times. I have here a report handed me today that the Fire Island Inlet flood control project in New York has received $10 million a year for the last several years; nonreimbursable Federal funding.

If you live in the West, you pay, you pay through the nose. The little farmer trying to get by and the city down the line trying to get by, you pay.

If you live in the Eastern part of the country and you have a harbor, or a dam, or a levee, the Federal Government pays. If 2 miles of levee are wiped out along in Iowa or Mississippi or Tennessee somewhere, nobody says to the local folks you got to tax yourselves and come up with the money to build the levee.

Nobody says to the local people you have got to rebuild that levee, it is done at Federal expense. We have had the idea that we are one big country, and we develop our resources in a logical, and fair way. That the Federal Government when it invests in the St. Lawrence Seaway or one of these great navigation projects like the Intracoastal Waterway, that we have made ourselves a better country and tied ourselves better together.

It is as though the roof collapsed in your house, you go back and find it was the designer and the builder that made a mistake, who pays for that? The man who designed and built the house pays for it, and not the poor guy who happens to be living in the house. That is essential.

Let me make just a couple more points. I said earlier today that the proponents of the Solomon amendment are fighting the wrong war. This is not cost sharing for new water projects; it has nothing to do with it. We are talking about old projects that are dangerous and unsafe. We are not talking about the big corporate forms, we settled that issue last year, that big corporate forms should not get cheap, subsidized water.

We are not really talking about environmental issues. I have not understood quite why the environmental groups get so excited, when you press them down and say where is the environmental issue, it is not that you are going to flood some beautiful valley, the lakes are already there. It is not destroying some river, the rivers have already been destroyed is that is what a dam does. We are talking about what we are going to do with new dams and new projects, new water projects in future.

Stay with us on the Kazen-Udall-Cheney and all the rest substitute. It is a fair way to go. It is the right way to go, and I urge a positive vote for Edgar, a negative vote for Solomon and then let us pass the bill with the Kazen substitute.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman.

There are two things that kind of disturb me about the gentleman's statement.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for again yielding.

Mr. Chairman, I wonder if the gentleman would care to tell us the amounts of Bureau of Reclamation moneys that have gone to New York and the neighboring States compared to the amounts that have gone to the West.

The gentleman is really talking about equity. Clearly, it seems to me that the preponderance of those funds have gone to the West.

Mr. UDALL. I would disagree. I do not have figures, but my impression is that if you take in harbors and navigation, the St. Lawrence Seaway, and all the harbors along both of our coasts, I think a lot more money has gone into harbors than has ever gone into these irrigation dams in the West.

Mr. OTTINGER. Well, I would doubt that.

The other thing that bothers me is the gentleman said that the issue here involves very closely whether the people below these dams, these old dams, will continue to be in jeopardy. It is my understanding that the dams are going to be repaired in either case. Really the sole question here is who is going to pay eventually for that cost; is that not correct? The dams will be repaired either way.

Mr. UDALL. Under our amendment, the dams are going to be repaired by the Federal Government and they will bear the cost of repairing a dam that the Federal Government designed and built and operated. Any additional benefits, and there will be some, if you are going to generate more electricity by repairing that dam or get more flood storage by repairing that dam, or having other advantages, then the recipients of those advantages will pay for them, and they should.

Mr. OTTINGER. But the question of liability in case the dam breaks is no more a question with one amendment or the other?

Mr. UDALL. There is no argument on that. These are Federal dams, every one of them; there are no private dams here. The Federal Government will be stuck with the bill. If you take 50 dams, the odds are that we are going to have one of these in the next 2 or 3 years.

Mr. OTTINGER. Either way, in either case, the dams are going to be repaired.

Mr. UDALL. I understand the gentleman's point.

□ 1540

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(On request of Mr. KAZEN and by unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman, on that last question, under the Solomon amendment there is no guarantee that these dams are going to be repaired. That is what the whole process is.

Mr. OTTINGER. If the gentleman will yield further, it is my understanding that under the Solomon amendment, the Federal Government goes in and repairs the dam and the only difference is that the costs are reimbursed over a period of 15 years under

the Solomon amendment and they are not reimbursed generally.

Mr. UDALL. The gentleman was not here today. We went into that at great length, and the Solomon amendment simply does not require, and we cannot require the beneficiaries of the water project. In Phoenix, these are 3,000 or 4,000 farmers who are the beneficiaries, so-called, but the people who are going to get hurt live and work in the flood plain and are going to be drowned and have their property destroyed. There is no incentive for the water users themselves to sign a burdensome contract to pay for something the Federal Government has liability for.

Mr. OTTINGER. If the gentleman will yield further, the language of the Solomon amendment says:

Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this act.

Mr. UDALL. We debated those words for a long time this afternoon.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has again expired.

(On request of Mr. CHENEY and by unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding.

Mr. Chairman, to follow on the point of the gentleman from New York (Mr. OTTINGER), in response to the gentleman's question on the issue of whether or not the Solomon amendment would work, as offered in 1982, it was not workable. Many of us would argue today, although certainly the gentleman from New York (Mr. SOLOMON) would disagree, that the Solomon amendment, as revised, is still unworkable because it does not say the Secretary is authorized to complete repair on the project, only that he is authorized to initiate it.

Many of us, as pointed out by the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL), are in situations where the people who are hurt by a flood when the dam collapses are not the beneficiaries of the project and, therefore, are not in any position to be able to pay, and those who are the beneficiaries of the project that the gentleman from New York (Mr. SOLOMON) would seek to have pay for the repair of the unsafe dams will simply refuse to participate.

Many of us believe the Solomon amendment is simply not workable and, if it is adopted, we will not repair unsafe dams and ultimately the Federal Government will be liable.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. I would inquire of the Chair, who has the time?

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR) to the amendment offered by the gentleman from New York (Mr. SOLOMON) and in opposition to the substitute amendment offered by the gentleman from Texas (Mr. KAZEN) and in favor of the amendment offered by the gentleman from New York (Mr. SOLOMON) to the bill before us.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify a point. The gentleman from Texas (Mr. KAZEN) was asking a question about the people of Phoenix and whether or not they would pay.

We did a little research and discovered the answer to the question of the gentleman from Texas (Mr. KAZEN) is the following: The people of Phoenix downstream from the dam are municipal water users and they will pay the lion's share of the cost under the Solomon amendment through their municipal water bills, and I have a chart here that explains exactly what will happen, and I will share that with the gentleman

Mr. VENTO. Mr. Chairman, I think the gentleman from Pennsylvania has added tremendously in terms of answering that question.

I think that the issue of suggesting that becasue someone is at risk with regard to the bursting of a dam or breaking of one of these Federal irrigation project dams, that somehow they automatically then pay, is not necessarily true, not unless they are users and beneficiaries of that particular facility.

We have before us today a very interesting topic, the question of reclamation dams that have been built over a long period of history. The basic justification, of course, for these dams and the beneficiaries who have enjoyed the benefits of them, whether they be flood control, municipal users, farm use, or whatever it is, was that they were a help and a necessary function that the National Government step in and give some assistance in this area because of the general benefits in terms of economic development, and so forth and so on.

The question, I think that comes to us today is not a static question. As some would say, once the Federal Government is on the hook, we have to keep them on the hook, that there is no way that we can ever revisit the improvements or modifications of these dams, no matter what their age, no matter what their safety, no matter what engineering problems rest with those particular dams. Once the National Government is on the hook with regard to these costs, that we should be there in 1984 just like we were in 1934 or 1944, whatever the case may be; that we can never revisit those particular questions; that we made a commitment. It goes on to infinity.

But I think that at some point we have to break step with those particular issues and revisit whether or not the economic terms and conditions that existed in Phoenix, Ariz., or existed in Texas or in California where these dams might exist, or Idaho, are the same today as they were in 1934 in the depths of the depression, whether or not we can come up now and say we have to change the program or we are going to have to do something different.

We have a problem here, a very serious problem, with respect to safety. All of us, I think, admit that we should deal with it. But yet you say that the Solomon amendment, which we all voted for in 1982, is unsatisfactory. It is unsatisfactory to whom? It has not been tried. It was not given a fair chance because the Senate never took up the bill.

That, my friends and colleagues, is just about what has always happened. We have had issues with regard to cost reimbursement placed in a bill, it goes to the Senate and they veto it, they limit it. That is the end of the consideration that that gets. Dam safety is about as important until you have to start paying for some of the repairs and maintenance yourself, and then all of a sudden it is not important any more. It is only important if you can get Washington, D.C., to foot the bill. Then it is important.

I think we deserve better in terms of this particular issue. I think the people we represent and who we are trying to safeguard deserve better. I think this Nation has a problem with respect to facing up to this issue. We cannot afford the type of cost that is involved here. We have gone a great deal and we are probably going to have to do some more. We are not going to make any progress if the bottom line is that the National Government, Uncle Sam, is going to be on the hook. Once he is on the hook, we are never going to change those particular policies. We are not going anywhere with regard to that particular attitude, especially when we are faced

with a $200 billion debt every year like we have now.

We are going to have to change some things, and this is one of them. Members can start today by voting for the Solomon amendment. It may not be perfect, but it is a darn sight better than doing nothing, and that is what, I am afraid, it comes down to in terms of the Kazen substitute amendment. With deference to my friends, I realize their problems, but I think it comes down to doing nothing. I think the Solomon amendment will carry forward and will allow us to deal with the problem. It may not be perfect but it is the best thing going, so I hope we will vote it up.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to my friend, the gentleman from New York.

Mr. SOLOMON. I thank the gentleman from Minnesota for yielding.

Mr. Chairman, let me just make one clarification. Many of my colleagues who are watching back in their offices and many who have just come on this floor did not hear my previous presentation. Earlier when I introduced my amendment, I spent 20 minutes in the well establishing legislative intent so that there would be no question but that work could go forth immediately on the repair and restoration and reclamation of these dams.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. VENTO) has expired.

(On request of Mr. SOLOMON and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, will the gentleman yield further?

Mr. VENTO. I yield to my friend, the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, I had said before that there were Members in this House who did not want to go along with my language, which would have allowed that work to proceed immediately. They wanted a contract in hand. I refused to go along with that recommendation out of deference to the gentleman from Arizona and the gentleman from Wyoming.

That is why I built into my amendment the legislation which says, and let this be the legislative intent hereafter. It says:

Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this Act prior to entering into a contract providing for repayment or reimbursement of costs.

That is the legislative intent. Mr. Chairman, let us vote on this legislation and let us get on with it.

● Mr. CONTE. Mr. Chairman, I rise in strong support of this amendment to require local cost sharing for safety improvements in dams, and commend the gentleman from New York (Mr. SOLOMON) and the gentleman from Pennsylvania (Mr. EDGAR) for their leadership on this issue. I believe this amendment is fair, and most importantly, will make this important legislation more equitable for the Nation as a whole.

Mr. Chairman, dam safety is a recognized cost of doing business, wherever dams are supplying water and power. Non-Federal dams are subject to State inspection, and costly repairs remain a non-Federal responsibility. These costs are then reflected in the price of water supplied by such dams.

Hydroelectric dams licensed by the Federal Energy Regulatory Commission are subject to Federal inspection, and may also require costly remedial work. The FERC reports that major rehabilitation projects have been carried out by non-Federal interests at 91 dams in the past 3 years. Many of these safety projects have been the direct result of new hydrologic or seismic data that demonstrated a need for improvement in the structure. Such costs are reflected in the cost of electricity produced at these dams.

Also, the Corps of Engineers requires users to repay the costs of dam safety work at corps dams. While relatively little of such work is currently going on, the corps has a very large stock of dams that may need improvement in the future. If H.R. 1652 is passed without this amendment, a costly precedent will be set that could come back to haunt us 10 or 20 years down the road.

Finally, I note that the omnibus water resources bill, H.R. 3678, as reported by the Public Works Committee, contains a new dam safety program. However, this program, through which the Corps of Engineers would be authorized to make safety improvements at non-Federal dams, is on an entirely reimbursable basis, for both technical assistance and actual construction.

In short, the cost of water and power provided by our Nation's dams must necessarily reflect the cost of maintaining these structures in a safe condition. This is true everywhere, both east and west, north and south.

Everywhere, that is, except for the local interests served by Bureau of Reclamation dams. They have carved out for themselves an exception to this rule, ever since passage of the 1978 Reclamation Safety of Dams Act. The Interior Committee now seeks to increase the spending authority under that act by more than sevenfold, from $100 to $750 million, without eliminating this position of special privilege for the local interests served by these Bureau of Reclamation projects.

Mr. Chairman, I believe that it would be the height of irresponsibility, as we face continued deficits in the $200 billion range, to provide an additional $650 million for dam safety without requiring local reimbursement. A similar amendment passed the House 2 years ago by a vote of 212 to 140; I urge passage of this amendment today.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR) to the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDGAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 0, not voting 51, as follows:

[Roll No. 48]

AYES—382

Ackerman	Coughlin	Gore
Addabbo	Courter	Gradison
Akaka	Coyne	Gramm
Albosta	Craig	Gray
Alexander	Crane, Philip	Green
Anderson	Crockett	Gregg
Andrews (NC)	D'Amours	Guarini
Andrews (TX)	Daniel	Gunderson
Anthony	Dannemeyer	Hall (OH)
Applegate	Darden	Hall, Ralph
Archer	Daschle	Hall, Sam
Aspin	Daub	Hamilton
AuCoin	Dellums	Hammerschmidt
Badham	Derrick	Hansen (UT)
Barnard	DeWine	Hartnett
Barnes	Dickinson	Hatcher
Bartlett	Dicks	Hawkins
Bateman	Dingell	Hefner
Bates	Dixon	Hertel
Bedell	Donnelly	Hightower
Beilenson	Dorgan	Hiler
Bennett	Dowdy	Hillis
Bereuter	Downey	Hopkins
Berman	Duncan	Horton
Bethune	Dwyer	Howard
Bevill	Dymally	Hoyer
Biaggi	Dyson	Hubbard
Bilirakis	Early	Huckaby
Bliley	Eckart	Hughes
Boehlert	Edgar	Hunter
Boggs	Edwards (AL)	Hutto
Boner	Edwards (CA)	Jacobs
Bonior	Edwards (OK)	Jeffords
Bonker	English	Jenkins
Borski	Erdreich	Johnson
Boucher	Evans (IA)	Jones (NC)
Breaux	Fascell	Jones (OK)
Britt	Fazio	Jones (TN)
Brooks	Feighan	Kaptur
Broomfield	Ferraro	Kasich
Brown (CA)	Fiedler	Kastenmeier
Brown (CO)	Fields	Kazen
Broyhill	Fish	Kemp
Burton (CA)	Flippo	Kildee
Burton (IN)	Florio	Kindness
Byron	Foley	Kogovsek
Campbell	Ford (MI)	Kolter
Carney	Ford (TN)	Kostmayer
Carper	Fowler	Kramer
Carr	Frank	LaFalce
Chandler	Franklin	Lagomarsino
Chappell	Frost	Lantos
Chappie	Fuqua	Latta
Cheney	Garcia	Leach
Clarke	Gaydos	Leath
Clinger	Gejdenson	Lehman (CA)
Coats	Gekas	Lehman (FL)
Coelho	Gephardt	Leland
Coleman (MO)	Gibbons	Lent
Coleman (TX)	Gilman	Levin
Conable	Gingrich	Levine
Conte	Glickman	Levitas
Conyers	Gonzalez	Lewis (CA)
Cooper	Goodling	Lewis (FL)

Livingston	Owens	Smith, Robert
Lloyd	Oxley	Snowe
Loeffler	Packard	Snyder
Long (LA)	Panetta	Solarz
Long (MD)	Parris	Solomon
Lott	Pashayan	Spence
Lowry (WA)	Patman	Spratt
Lujan	Patterson	St Germain
Luken	Pease	Staggers
Lungren	Penny	Stangeland
Mack	Pepper	Stark
MacKay	Perkins	Stenholm
Madigan	Petri	Stokes
Marlenee	Pickle	Stratton
Marriott	Porter	Studds
Martin (NC)	Pritchard	Stump
Martin (NY)	Quillen	Sundquist
Martinez	Rahall	Swift
Matsui	Rangel	Synar
Mavroules	Ratchford	Tallon
Mazzoli	Ray	Tauke
McCain	Regula	Tauzin
McCandless	Reid	Taylor
McCloskey	Richardson	Thomas (GA)
McCollum	Ridge	Torres
McCurdy	Rinaldo	Torricelli
McDade	Ritter	Towns
McEwen	Roberts	Traxler
McGrath	Robinson	Udall
McHugh	Rodino	Valentine
McKernan	Roe	Vander Jagt
McKinney	Roemer	Vandergriff
McNulty	Rogers	Vento
Mica	Rose	Vucanovich
Mikulski	Roukema	Walgren
Miller (CA)	Rowland	Walker
Miller (OH)	Roybal	Watkins
Mineta	Rudd	Waxman
Minish	Russo	Weber
Moakley	Sabo	Weiss
Molinari	Sawyer	Wheat
Mollohan	Schaefer	Whitehurst
Montgomery	Scheuer	Whitley
Moody	Schneider	Whittaker
Moore	Schroeder	Whitten
Moorhead	Schulze	Williams (MT)
Morrison (CT)	Schumer	Williams (OH)
Morrison (WA)	Seiberling	Winn
Mrazek	Sensenbrenner	Wirth
Murphy	Sharp	Wise
Murtha	Shaw	Wolf
Myers	Shelby	Wolpe
Natcher	Shumway	Wortley
Neal	Shuster	Wright
Nelson	Sikorski	Wyden
Nichols	Sisisky	Wylie
Nielson	Skeen	Yates
Nowak	Skelton	Yatron
Oakar	Slattery	Young (AK)
Oberstar	Smith (FL)	Young (FL)
Obey	Smith (IA)	Young (MO)
Olin	Smith (NE)	Zschau
Ortiz	Smith (NJ)	
Ottinger	Smith, Denny	

NOT VOTING—51

Annunzio	Forsythe	Martin (IL)
Boland	Frenzel	Michel
Bosco	Hall (IN)	Mitchell
Boxer	Hance	O'Brien
Bryant	Hansen (ID)	Paul
Clay	Harkin	Price
Collins	Harrison	Pursell
Corcoran	Hayes	Rostenkowski
Crane, Daniel	Heftel	Roth
Davis	Holt	Savage
de la Garza	Hyde	Shannon
Dreier	Ireland	Siljander
Durbin	Kennelly	Simon
Emerson	Lipinski	Thomas (CA)
Erlenborn	Lowery (CA)	Volkmer
Evans (IL)	Lundine	Weaver
Foglietta	Markey	Wilson

□ 1600

Mr. WHITTAKER changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KAZEN) as a substitute for the amendment offered by the gentleman from New York (Mr. SOLOMON), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 192, not voting 47, as follows:

[Roll No. 49]

AYES—194

Akaka	Gramm	Pashayan
Alexander	Hall, Ralph	Patman
Anderson	Hall, Sam	Patterson
Andrews (TX)	Hammerschmidt	Pepper
AuCoin	Hansen (UT)	Perkins
Badham	Hawkins	Pickle
Barnes	Hefner	Porter
Bartlett	Hightower	Pritchard
Bateman	Hopkins	Quillen
Bates	Howard	Rahall
Bennett	Hoyer	Ratchford
Bereuter	Hubbard	Regula
Bethune	Huckaby	Reid
Bevill	Hunter	Richardson
Biaggi	Hutto	Roberts
Boggs	Jones (NC)	Roe
Boner	Jones (OK)	Rogers
Bonker	Jones (TN)	Rose
Breaux	Kazen	Roybal
Brooks	Kogovsek	Rudd
Brown (CA)	Kolter	Sabo
Brown (CO)	Kramer	Sawyer
Burton (CA)	Lagomarsino	Schaefer
Carney	Lantos	Schroeder
Chandler	Leath	Seiberling
Chappell	Lehman (CA)	Shelby
Chappie	Lewis (CA)	Shumway
Cheney	Livingston	Skeen
Clarke	Lloyd	Skelton
Coelho	Loeffler	Smith (IA)
Coleman (TX)	Long (LA)	Smith (NE)
Courter	Lott	Smith, Denny
Craig	Lowery (CA)	Smith, Robert
Crockett	Lowry (WA)	Snyder
Dannemeyer	Lujan	St Germain
Daschle	Luken	Stangeland
Daub	Lungren	Stenholm
Derrick	Marlenee	Stump
Dickinson	Marriott	Sundquist
Dicks	Martin (NC)	Swift
Dixon	Martinez	Synar
Donnelly	Matsui	Tauzin
Dorgan	McCain	Taylor
Dowdy	McCandless	Torres
Duncan	McCurdy	Udall
Edwards (AL)	McEwen	Valentine
Edwards (OK)	McKinney	Vandergriff
English	McNulty	Vucanovich
Erdreich	Mica	Watkins
Fazio	Miller (CA)	Waxman
Fiedler	Mineta	Whitehurst
Flippo	Mollohan	Whitley
Foley	Montgomery	Whittaker
Ford (MI)	Moore	Whitten
Ford (TN)	Moorhead	Williams (OH)
Fowler	Morrison (WA)	Wilson
Franklin	Murphy	Winn
Frost	Murtha	Wirth
Fuqua	Myers	Wise
Garcia	Natcher	Wright
Gaydos	Nichols	Wyden
Gejdenson	Nielson	Wylie
Gonzalez	Ortiz	Young (AK)
Goodling	Packard	Young (MO)
Gore	Panetta	

NOES—192

Ackerman	Aspin	Boehlert
Addabbo	Barnard	Boland
Albosta	Bedell	Bonior
Andrews (NC)	Beilenson	Borski
Anthony	Berman	Boucher
Applegate	Bilirakis	Britt
Archer	Bliley	Broomfield
Broyhill	Horton	Petri
Burton (IN)	Hughes	Rangel
Byron	Jacobs	Ray
Campbell	Jeffords	Ridge
Carper	Jenkins	Rinaldo
Carr	Johnson	Ritter
Clinger	Kaptur	Robinson
Coats	Kasich	Rodino
Coleman (MO)	Kastenmeier	Roemer
Conable	Kemp	Roukema
Conte	Kildee	Rowland
Conyers	Kindness	Russo
Cooper	Kostmayer	Scheuer
Coughlin	LaFalce	Schneider
Coyne	Latta	Schulze
Crane, Philip	Leach	Schumer
D'Amours	Lehman (FL)	Sensenbrenner
Daniel	Leland	Sharp
Darden	Lent	Shaw
Dellums	Levin	Shuster
DeWine	Levine	Sikorski
Dingell	Levitas	Sisisky
Downey	Lewis (FL)	Slattery
Dwyer	Long (MD)	Smith (FL)
Dymally	Lundine	Smith (NJ)
Dyson	Mack	Snowe
Early	MacKay	Solarz
Eckart	Madigan	Solomon
Edgar	Martin (NY)	Spence
Edwards (CA)	Mavroules	Spratt
Evans (IA)	Mazzoli	Staggers
Fascell	McCollum	Stark
Feighan	McDade	Stokes
Ferraro	McGrath	Stratton
Fields	McHugh	Studds
Fish	McKernan	Tallon
Florio	Mikulski	Tauke
Frank	Miller (OH)	Thomas (GA)
Gekas	Minish	Torricelli
Gephardt	Moakley	Towns
Gibbons	Molinari	Traxler
Gilman	Moody	Vander Jagt
Gingrich	Morrison (CT)	Vento
Glickman	Mrazek	Volkmer
Gradison	Neal	Walgren
Gray	Nelson	Walker
Green	Nowak	Weber
Gregg	Oakar	Weiss
Guarini	Oberstar	Wheat
Gunderson	Obey	Williams (MT)
Hall (OH)	Olin	Wolf
Hamilton	Ottinger	Wolpe
Hartnett	Owens	Wortley
Hatcher	Oxley	Yates
Hertel	Parris	Yatron
Hiler	Pease	Young (FL)
Hillis	Penny	Zschau

NOT VOTING—47

Annunzio	Forsythe	McCloskey
Bosco	Frenzel	Michel
Boxer	Hall (IN)	Mitchell
Bryant	Hance	O'Brien
Clay	Hansen (ID)	Paul
Collins	Harkin	Price
Corcoran	Harrison	Pursell
Crane, Daniel	Hayes	Rostenkowski
Davis	Heftel	Roth
de la Garza	Holt	Savage
Dreier	Hyde	Shannon
Durbin	Ireland	Siljander
Emerson	Kennelly	Simon
Erlenborn	Lipinski	Thomas (CA)
Evans (IL)	Markey	Weaver
Foglietta	Martin (IL)	

□ 1620

Messrs. ROWLAND, CONYERS, SLATTERY, RODINO, SOLARZ, FEIGHAN, and ARCHER changed their votes from "aye" to "no."

Mr. WILLIAMS of Ohio and Mr. GARCIA changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from New York (Mr. SOLOMON) as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. KAZEN. Mr. Chairman, I ask unanimous consent that, in the committee amendment to H.R. 1652, on page 2, line 23, section 12, the word "war" be stricken and in lieu thereof the word "warm" be inserted.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FRANK, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to consider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1630

APPOINTMENT OF CONFEREES ON S. 1852, DEFENSE PRODUCTION ACT OF 1950 EXTENSION

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950, with a Senate amendment to the House amendment thereto, disagree to the Senate amendment to the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island? The Chair hears none, and appoints the following conferees: Messrs. ST GERMAIN, MINISH, LAFALCE, and LUNDINE, Ms. OAKAR, and Messrs. VENTO, WYLIE, BETHUNE, and SHUMWAY.

PRESIDENT'S REPORT ON STATE OF SMALL BUSINESS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. BILIRAKIS. Madam Speaker, I come before this body of the first day of spring with some good news. The recently released President's report to Congress on the state of small business confirms what many of us have believed for some time. The economy of this Nation is undergoing a strong recovery, and the state of small business is proof. We are all aware that small businesses have been hampered more than any other segment of our economy by Government regulatory practices, paperwork, and the basic tax structure. This administration has made a concerted effort to alleviate these burdens—through deregulation, tax reform, and paperwork management—and the small business sector has responded. The President's report shows that during 1982 and 1983, business startups increased in the deregulated industries faster than in the overall economy, rising 33 percent in the deregulated financial services sector and 15 percent in the transportation and communications sector, compared to 13 percent in the general economy. Small business is leading the way in job creation. Between 1980 and 1982, small businesses generated all of the 984,000 net new jobs in this Nation, which more than offsets the 1.6 million jobs lost by large businesses.

Madam Speaker, the state of small business is proof of the success of this administration's policies and attitudes toward the limited role that Government should play in our lives. However, we must not lose the momentum now that we are seeing positive results of deregulation and tax reform.

The report follows:

PRESIDENT'S REPORT ON THE STATE OF SMALL BUSINESS

1983 was a good year for small business. The strong performance of the small business sector during 1983 continued from its relatively strong performance during 1982. Small business showed an ability to adapt and grow in times of both economic stress and prosperity.

Between 1980 and 1982, small businesses generated all of the 984,000 net new jobs in the United States. Small business produced 2,650,000 new jobs, more than offsetting the 1,664,000 lost by larger businesses. The service sector accounted for about half of the employment increase.

Small business also is leading the way in job creation during the recovery. In six major industries for which small and large business-dominated sectors can be identified, small business-dominated industries registered a net employment gain of 2.6 percent from September 1982 to September 1983. Large business-dominated subsectors showed an employment gain of only 1.2 percent.

Small business dominated the fastest growing industries in the number of new enterprises between 1980 and 1982. New enterprises with fewer than 100 employees in many of the service sectors, such as education, legal and social services, increased between 10 and 15 percent annually.

The service industry continued to be the fastest growing job generator between 1980 and 1982, accounting for about 52 percent (1.2 million jobs) of the total increase in new jobs; small firms accounted for 89.6 percent of this growth. Together, the finance and mining sectors accounted for 30 percent of the total 1980-1982 employment increase; the trade, transportation, construction, and agricultural sectors accounted for the remainder.

Small business employs 47.8 percent of the private non-farm work force, contributes 42 percent of sales; and generates approximately 38 percent of our Nation's gross national product.

Business bankruptcies declined 14.7 percent during 1983 compared to 1982. For the six-month period from July through December, bankruptcies declined 30 percent from the similar 1982 period.

Small business proprietorship and partnership income grew 19 percent in 1983, compared to 1982. In contrast, wage and salary income increase 6.1 percent.

There are 14.3 million non-farm businesses in the United States. Approximately 99.7 percent of these businesses are small by the U.S. Small Business Administration's size standards.

Self-employed workers, who comprised 7.6 percent of the civilian work force in 1983, have made a disproportionately large contribution to the economic recovery. The number of self-employed workers increased by 497,000, representing a 6.6 percent rise, compared to a 3.7 percent rise in wage and salary employees.

From 1980 through 1982 larger firms lost 1.7 million net jobs; most of these losses were concentrated in manufacturing (−1.5 million), retail trade (−0.2 million), wholesale trade (−0.3 million), and transportation (−0.1 million). Employment gains by large businesses in the mining, finance, and service sector partially offset these losses.

Eighty-five percent of the new jobs created between 1980 and 1982 came from three regions of the United States: the Mountain States of Montana, Idaho, Colorado, New Mexico, Arizona, Utah, Nevada and Wyoming; the Pacific States of Washington, Oregon, California, Alaska and Hawaii; and the West South Central States of Arkansas, Texas, Oklahoma and Louisiana.

During 1982 and 1983, business starts increased faster in deregulated industries than in the overall economy, rising 33 percent in the deregulated financial services sector, and 15 percent in the transportation and communications sector, compared to 13 percent in the general economy. In nonbank credit agencies, starts rose 68 percent during 1982 and 1983; no major increases had occurred prior to 1982.

In 1983, new business incorporations rose by a record 600,000, indicating that more

and more Americans are going into business for themselves. The previous record, 580,000, was set in 1981. Between January and September 1983, business starts increased 12.9 percent over the same period in 1982, another sign of the increase in small businesses.

Ninety percent of the approximately 400,000 businesses that dissolve each year do so for voluntary reasons, such as retirement of the owner. Ninety-nine percent of failed businesses have fewer than 100 employees; over 80 percent are less than 10 years old.

Younger workers, older workers and female workers are more likely to be employed by small firms than by large firms. A major reason is that small firms are able to provide more part-time work opportunities. Large businesses are more likely to hire prime-age workers 25 to 54 years old.

New workers entering the work force are more likely to be women than men. Women are projected to increase from 42 percent of the civilian labor force in 1982 to 48 percent in 1995 and will probably account for nearly two of every three additions to the labor force over the next decade.

Establishments with 20 or more employees have a 20 percent greater chance of surviving than establishments with fewer than 20 employees.

In Fiscal 1982, the Federal Government purchased approximately $159 billion in goods and services from the private sector. Small businesses received $27.1 billion, or 17 percent of the procurement total.

About one-third of federal prime contract dollars received by small firms are through small business set-aside competition.

From 1977 to 1980, the number of female-owned sole proprietorships increased 33 percent.

From 1980 to 1982, the number of self-employed women rose from 2,096,000 to 2,309,000, a 10-percent gain.

In 1982, nearly half of all women who worked had preschool children, compared to 10 percent in 1948.

Most women-owned businesses are in the retail trade and service industries.

Blacks and other minorities are expected to account for nearly one-fourth of the growth of the labor force during the next decade.

The future growth of minority-owned small firms will be propelled by the fact that younger and better educated minority men and women are increasingly going into business for themselves.

The number of minority self-employed workers grew 42.8 percent in the 1972-82 decade—from 332,000 to 474,000. By comparison, the number of whites going into business for themselves over that decade grew 35 percent, to a total of 6.8 million.

March 1984.

STANDARD OF REVIEW UNDER WHICH SEX-BASED CLASSIFICATIONS WOULD BE CONSIDERED IF ERA WERE RATIFIED

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, this is the seventh special order of a series of nine which I have reserved to examine the effects of the ERA on various laws and social norms of our country. Previous special orders, which have been held on every Tuesday since the 98th Congress began its 2d session, have dealt with the effect of the ERA on abortion, the military, veterans preferences, private and parochial schools, and insurance rates. The subject of today's special order will be the standard of review under which sex-based classifications would be considered if the ERA were to be ratified. This is perhaps the single most important question that needs to be answered in regards to the ERA.

Unfortunately, a review of the legislative history will reveal that neither the congressional sponsors, constitutional experts nor the organizations supporting the ERA have been able to articulate a coherent, clear standard of review. This has led to much confusion as to what will be the effect of the ERA on our society, because different results could occur on a sex-based classification if a different standard of review were applied.

Under the 14th amendment's due process clause, most classifications will be upheld if there is a rational basis for the classification. This is known as the rational basis test. However, if the classification is based on race, religion, or national origin—suspect classification—the court will apply the standard of "strict judicial scrutiny" to determine if there is a "compelling State interest" for the classification.

Sex has not been held to be a "suspect classification" where "strict judicial scrutiny" will apply. The closest the Supreme Court ever came to denoting sex to a suspect classification was the case of *Frontiero* v. *Richardson* (411 U.S. 677), where four Supreme Court Justices argued that sex should be a suspect classification. On the other hand, the very liberal "rational basis test" was long ago relegated to the dust heap of history regarding sex classifications. Instead, the standard of review for a sex classification is currently somewhere in between rational basis and strict judicial scrutiny.

The Frontiero case was replaced in 1976 by the standard articulated in *Craig* v. *Boren* (429 U.S. 190 (1976)), where it was stated that a sex classification will be struck down unless it is "substantially related to the achievement of important government objectives." It was held that Oklahoma's 3.2-percent beer statute—which prohibited the sale of "nonintoxicating" 3.2-percent beer to males under the age of 21 and to females under the age of 18—was held to invidiously discriminate against males 18 to 20 years of age.

In a more recent case, the U.S. Supreme Court struck down as a violation of the equal protection clause of the 14th amendment the policy of the Mississippi University for Women of denying qualified males the right to enroll for credit in its school of nursing. In writing for the majority, Associate Supreme Court Justice Sandra Day O'Connor, in *Mississippi University for Women* v. *Hogan* (455 U.S. 1014 (1982)), articulated the "exceedingly persuasive justification" for gender-based classifications:

> Thus considering both the asserted interest [educational affirmative action for women in the field of nursing] and the relationship between the interest and the methods used by the State, we conclude that the State has fallen far short of establishing the "exceedingly persuasive justification" needed to sustain the gender-based classification.

As time goes on, the standard of review for sex-based classifications will continue to move away from this intermediate standard of review toward strict judicial scrutiny.

Part and parcel with strict judicial scrutiny is a requirement that the Federal or State government intentionally meant to discriminate when the law or policy was enacted in order for the due process clause of the 14th amendment to be violated. In the major case of Washington against Davis, the Supreme Court held that intent to discriminate was necessary in order to invalidate an employment test that was being used by the Metropolitan Police Department of the District of Columbia. The fact that blacks were disproportionately impacted by the test was not enough to render the employment test unconstitutional.

As I stated earlier, the standard of review of the ERA is unclear. Both the hearing record and the official record of the House Judiciary Committee markup of House Joint Resolution 1, held on November 9, 1983, is replete with differing views as to what is the standard of review under the ERA. Instead, it proved that the proponents of the ERA clearly do not know what the 52-word constitutional amendment means. Evidence of the confusion that surrounds the standard of review and that the supporters want an effects test to apply can be gleaned from the testimony. Therefore, I would like to read, paraphrase, and comment on portions of testimony received by the Subcommittee on Civil and Constitutional Rights that address the standard of review issue. Unfortunately, the full House Judiciary Committee has refused to file a report on House Joint Resolution 1, the proposed ERA, de-

spite the fact that it was reported out of the committee on November 9, 1983, almost 4 months ago. The committee, it seems, wants to keep the Congress and the American public in the dark as to the ERA's true meaning. The following should provide some insight, however:

GOVERNOR LAMM OF COLORADO

Judges generally have stayed with familiar legal theories by employing the strict scrutiny test to review laws which classify persons on the basis of sex. They have permitted the use of statistics to prove that, although an act is neutral on its face, it has a discriminatory impact.

In response to a question from Congressman DEWINE of Ohio, Governor Lamm stated:

A statute that is neutral on its face and in effect is discriminatory, that is, evidence that can be brought forward and be a basis of knocking down a statute under the ERA.

MARY FRANCES BERRY, COMMISSIONER, U.S. COMMISSION ON CIVIL RIGHTS

Ms. Berry agreed with a statement from Congressman DeWine that the standard of review for applying the Fourteenth Amendment to race classification would be the standard of review of the ERA when applied to sex classifications. She argued that strict judicial scrutiny would apply and that a compelling state interest would be needed for sex classifications.

JUDY GOLDSMITH, PRESIDENT, NATIONAL ORGANIZATION FOR WOMEN

[From written testimony]: . . . It is often impossible to prove the "intent" which courts often say is necessary to successful pursuit of six discrimination cases. A law which is facially neutral but has a punishing disparate impact on women raises the judicial question: "Did the legislative body in question intend to harm women in passing the law?" and this answer is likely to be, "Of cours not; women never entered our minds." [This suggests an effects test which is different than race discrimination which requires an intent test.]

DOROTHY ' .IDINGS, PRESIDENT, LEAGUE OF WOMEN VOTERS

[From written testimony]: Rules and policies that appear to be gender neutral, but which appear to have a disproportionately negative impact on women, will also be subject to *rigorous scrutiny* under the ERA. Such facially neutral policies may affect the status of women in jobs they share with men, but they are also likely to be factors that perpetrate the occupational segregation that isolates women into a few occupations with low status and low pay. [The standard of review is an effects test and rigorous scrutiny. Different from the standard for race discrimination under the Fourteenth Amendment.]

Ms. Ridings goes on to suggest that veterans preference laws will be overturned because veterans are 98-percent male and only 2-percent female.

She also notes "classifications based on physical characteristics unique to one sex" will be subject to "rigorous scrutiny." Thus, it appears that the Hyde amendment which affects pregnancy, a physical characteristic unique to one sex, will be overturned:

TISH SOMMERS, PRESIDENT, OLDER WOMEN'S LEAGUE

[From written testimony]: Ms. Sommers states that there are two types of laws that affect women unequally. The first is direct (de jure) discrimination, and the second is sex neutral laws which impact upon women in a discriminatory way. She states "all our retirement income policies fall into [the second] category because they were designed on the presumption of women's dependency."

She notes that:

More difficult [to overturn] will be those provisions which enforce inequality by their impact, such as social security, ERISA, and the Railroad Retirement Act, all of which have provisions of great economic importance.

She advocates "earnings sharing" under the social security law, equal pay for comparable work, and a revision of divorce laws:

Whatever they are, the disparate impact laws will certainly be scrutinized by women, who will have a constitutional tool to work with.

This suggests an effects test which is different from the standard of review for race discrimination under the 14th amendment.

DR. DIANA PEARCE, CENTER FOR NATIONAL POLICY REVIEW, CATHOLIC UNIVERSITY LAW SCHOOL

In her written testimony, Dr. Pearce argues that many of our welfare-type programs are discriminatory toward men. She cited the Comprehensive Training and Employment Act (CETA), work incentive program (WIN), and even AFDC as examples of a two-tier welfare system that disproportionately impacts upon women. She concluded her testimony with the following statement:

I believe that the Equal Rights Amendment will stimulate an examination of the disadvantating impact of government programs on poor women, and thereby begin the process of creating a unitary welfare system that will in turn help reverse the trend towards the feminization of poverty.

PROF. FRANCINE BLAU, UNIVERSITY OF ILLINOIS

While not directly coming out and stating that an effects test would be used, the examples cited in her testimony certainly lead one to believe that an effects test, as opposed to an intent test, will be used.

For example:

The ERA will have a direct impact on the employment policies of government at all levels prohibiting sex discrimination in pay and job opportunities. It would bring under scrutiny such governmental employment policies as overbroad veterans preference schemes which virtually exclude women from high-level jobs.

EUNICE COLE, PRESIDENT, AMERICAN NURSES ASSOCIATION

An Equal Rights Amendment will require scrutiny of sex segregation in governmental jobs that permits women in certain occupations to earn less than males in jobs requiring equal or less skill, effort and responsibility.

Ms. Cole very loosely used the term suspect class. Upon questioning, she stated the term suspect class did not have the meaning that has been given it by the U.S. Supreme Court.

CHARLES E. WIGGINS

Mr. Wiggins argued that the ERA means that men and women receive the same treatment or identical treatment. In other words, an absolutist standard of review would be applied:

. . . the Amendment will be, or there is serious risk that it will be, construed as adopting an absolute prohibition against classifications based on sex, except when unique physical characteristics are properly involved, and that exception will be subject to strict scrutiny.

Because of this absolutist standard, Mr. Wiggins argued that the entire Federal work force would have to be integrated. Thus, military job assignments would have to be sex-neutral, including garrison and combat situations. This is true because the ERA would allow for no exceptions.

Mr. Wiggins also noted that sex discrimination would thus be ranked as more offensive than race discrimination.

He testified that whether the standard of review would be absolute or strict judicial scrutiny, the Supreme Court decision of McRae against Harris, which upheld the Hyde amendment, would be overturned.

PROFESSOR KARLSON, INDIANA UNIVERSITY SCHOOL OF LAW

In response to questions from minority counsel, Professor Karlson stated that he believed an absolute standard would prevail. According to Professor Karlson, both an absolute standard or strict judicial scrutiny standard of review under the ERA would invalidate current veterans preference statutes.

JEANNE PAQUETTE ATKINS, WOMENS EQUITY ACTION LEAGUE

Ms. Atkins, the staff attorney for the Womens Equity Action League, mentioned several different standards for military classifications. She first stated that:

All explicit gender-based exclusions . . . [i.e.] the express exclusionary policies of the services, and the gender-based Selective Service . . . would fall.

This seems to suggest an absolute standard. She goes on to state that:

Moreover, any practices based on physical characteristics unique to one sex would have to be justified by a showing that the need was compelling.

This suggests strict scrutiny. Finally, she states that:

To the extent that such gender-neutral intent might disproportionately exclude women from participation, these criteria would be subject to rigorous examination.

This suggests a third standard. In her oral testimony, a fourth standard—a "sensible standard"—is suggested. How would a judge, given this kind

of explanation of standard of review, articulate whether a policy is constitutional under the ERA?

PROF. HENRY PAUL MONAGHAN, COLUMBIA UNIVERSITY LAW SCHOOL

Professor Monaghan testified that Congress should make clear in the legislative history the standard of review, something it failed to do in the old ERA.

He testified that the standard should be strict judicial scrutiny—the same standard that applies to race classifications and that the ERA is not intended to override other preexisting constitutional rights such as the right to privacy.

PAIGE CUNNINGHAM, EXECUTIVE DIRECTOR, AMERICANS UNITED FOR LIFE

Leading ERA interpreter Thomas Emerson of Yale Law School, former Columbia Law School Professor Ruth Bader Ginsberg, now a federal judge, and others argued in an amicus brief in *General Electric* versus *Gilbert* that pregnancy classifications under the ERA would be subject to strict scrutiny and would not survive the ERA.

Abortion and childbirth, according to Justice Brennan, in a dissent joined by Justices Marshall and Blackmun, said abortion and childbirth "are simply two alternative medical methods of dealing with pregnancy." Thus, an abortion regulation, under this line of reasoning, would be a pregnancy-related classification and therefore unconstitutional.

PROF. THOMAS EMERSON, YALE UNIVERSITY LAW SCHOOL

In his written testimony, it is unclear as to what standard of review the ERA will be subject to. Professor Emerson stated that the ERA establishes a "complete" bar against classification by sex. In his Yale Law Journal article, he argued that "constitutional mandate must be absolute" and that it "must be applied comprehensively and without exception."

However, in his testimony, he began to make exceptions to this absolute standard:

Nothing in the ERA would forbid a statute or regulation dealing with a physical characteristic unique to one sex . . . provided it did not produce inequality between the sexes.

A second exception would be made relating to the "right of privacy." A third exception would be made for the first amendment right to freedom of religion.

He noted that the ERA would, however, have to be reconsidered with the constitutional right to freedom of association. This, however, is according to Professor Emerson, "not beyond the power of the courts to resolve."

Professor Emerson suggested that an effects test would apply as opposed to an intent test.

Professor Emerson noted that five factors need to be considered under the ERA where a policy, law, or regulation has a disparate impact on one sex. Subsidicary factors to be considered in answering the question of whether the statute or regulation deserves "equality of rights under the law" include:

First, the relationship between the challenged statute or regulation and patterns of discrimination.

Second, the severity of the impact upon the sex adversely affected.

Third, the importance of the governmental interest sought by the statute or regulation.

Fourth, the extent to which the imposition of a burden upon one sex aids in the solution of the problem addressed.

Fifth, the existence of alternatives having a less serious effect upon the sex adversely affected.

He then stated that the Supreme Court case of Massachusetts against Feeney, which upheld veterans hiring preferences in the State of Massachusetts, would be overturned.

ANN FREEDMAN, RUTGERS UNIVERSITY LAW SCHOOL

Under the ERA, the government is prohibited from classifying on the basis of sex except in those narrow circumstances where such classifications are used to protect the constitutional right to privacy or prevent past sex discrimination to be remedied.

Strict scrutiny would be applied to classifications based on characteristics unique to one sex to assure that such classifications do not undermine the equality of the sexes.

Professor Freedman articulated an absolute standard with two exceptions: privacy and affirmative action.

She then suggested an effects test as opposed to an intent test, which is currently used for racial classifications, when she stated:

. . . another crucial aspect of the ERA is the insistence that government policies, practices, or laws that classify on some neutral basis but that have a disproportionately negative effect on only one sex only are under certain circumstances prohibited.

The Massachusetts against Feeney case, which upheld veterans hiring preferences in the State of Massachusetts, would be overturned.

When the ERA was considered by the Judiciary Committee, there was a bipartisan effort to more clearly define the scope of the equal rights amendment through amendments. All of these amendments were voted down. However, in the debate on these amendments, it became clear that the supporters of the ERA could not articulate what the standard of review would be for sex classification.

In the area of the impact of the ERA on abortion, the Judiciary Committee was assured by various opponents of the Sensenbrenner amendment—which, if adopted, would have made the ERA abortion-neutral—that is was unnecessary because the ERA already did not affect abortion rights. It was asserted that abortion issues including the legality of the Hyde amendment would continue to be decided under the privacy penumbra. In the next breath, however, the chairman of the Subcommittee on Civil and Constitutional Rights stated the standard of review for pregnancy classifications would be strict judicial scrutiny. There was much testimony and legal analysis done that indicated if the test for a pregnancy classification is strict judicial scrutiny—which the proponents of the ERA say it is—and if an abortion classification is a pregnancy classification—which proponents say it is—then the Supreme Court case of *Harris* v. *McRae* (448 U.S. 297 (1980)), which upheld the Hyde amendment, would be overturned. The recent case of Fischer against Commonwealth of Pennsylvania to which a special order was made last week shows the ERA will affect abortions.

Regarding the effect of the ERA on parochial-private schools, the various statements were made which showed a lack of understanding of how the standard of review would affect the impact of the ERA.

For example, on the one hand, it was argued by one proponent that strict judicial scrutiny would apply to private and parochial schools. However, it was emphasized that sex classifications and race classifications would have to be treated differently. Thus, it is unclear as to whether the "strict judicial scrutiny" test which is applied to racial classifications will be the same "strict judicial scrutiny" test to be applied to sex-based classifications if the ERA is ratified.

In the area of veterans preference, it was mentioned in the markup that the standard of review would be whether veterans preference programs could serve legitimate legislative goals if targeted to people who were involuntarily withdrawn to serve their country. One would look at the legislative reasoning when veterans preference statutes were adopted. If there is a rational reason, then the statute would be upheld. This seems to suggest a rational basis test. In the next breath, a strict judicial scrutiny test was said to apply.

I seriously question whether anyone really knows how the ERA will affect veterans preferences.

Before concluding, I would like to share excerpts of a CRS analysis that indicates the "effects test," which has been proposed by ERA proponents, would place sex discrimination on a higher plane than race discrimination.

The Congressional Research Service's American Law Division paper entitled "A Legal Analysis of the Concepts of Motivation and Disproportionate Impact," dated January 30, 1984, by Karen Lewis, stated:

Our research reveals that motivation or proof of discriminatory animus is required to make out a case of race discrimination under the Fourteenth Amendment. Evidence of disproportionate impact or of the effects of discrimination alone, given a facially neutral statute, is insufficient to

prove racial discrimination under the Constitution; however, such evidence can be used in helping to show that there was in fact intentional discrimination.

The study goes on:

Should the 98th Congress decide to import a disproportionate impact analysis (as opposed to an intent standard which is used for race discrimination), into the proposed ERA, it would be defining a different burden of proof from the one traditionally required under the Fourteenth Amendment. . . . If the Supreme Court follows such congressional mandate as expressed in the legislative history, then it would be conceivable for an intent standard to govern equal protection challenges in race cases, and an impact test to control equal rights challenges in gender discrimination cases. Thus it would be more difficult to prove race discrimination cases than sex discrimination cases.

The question of the standard of review for the ERA is clearly one that needs to be addressed. The Judiciary Committee markup and hearing record certainly do not provide much guidance as to the standard of review for the ERA on issues relating to abortion, the military, private and parochial schools, veterans preferences, and so on. Unless this is clearly articulated, the controversy will continue to rage over the effect of the ERA on sex-based classifications in our society. The answers will continue to be either "I don't know" or, as the chief sponsor of the ERA in the other body would say, "the courts will decide."

Mr. Speaker, I include at this point in the RECORD an op-ed piece appearing in the January 25, 1984, Wall Street Journal:

[From the Wall Street Journal, Jan. 25, 1984]

CONSTITUTION ISN'T PLACE FOR REMEDIATION OF BIAS

(By Carol Tyler)

I am a wife, the mother of two and consider myself a feminist. I have consistently supported the Equal Rights Amendment. In recent months, however, I have begun to wonder whether the ERA, which many in the women's movement endorse, would grant women constitutional rights that do not exist for blacks and other "protected classes."

To my mind, equality is achieved through the absence of discrimination. How we define discrimination therefore becomes critically important. The Supreme Court has always defined it under the equal protection clause of the 14th Amendment as a federal or state action that intentionally creates classifications based upon race, religion, color or national origin. What feminist leaders seem to want is a constitutional amendment that would reach far beyond the 14th Amendment by erasing laws that have the effect of treating women differently from men.

Last November, the House of Representatives failed in its rather hasty attempt to bring the ERA up for a vote and send it to the Senate in time for the 1984 elections. Neither the hearing record nor the committee report has been released, so we are left only with the words of the amendment's chief advocates to explain its otherwise simple language.

Rep. Geraldine Ferraro (D., N.Y.) was unequivocal. The ERA, she said, not only would strike laws that intentionally discriminate against women, but would also lead to challenges of "sex-neutral" laws that "disproportionately impact" on women. Similarly, Judy Goldsmith, president of the National Organization for Women, has tried to justify a constitutional effects test by saying an intent test, which has formed the basis for every successful equal protection claim brought under the 14th Amendment, is "often impossible" to prove. Rep. Patricia Schroeder (D., Colo.), one of the principal sponsors of the amendment, has played down the efforts to define the ERA by saying simply that its adoption would establish "equal rights" and that "everybody in America knows what that means."

It has been only within the past 25 years that blacks have begun to receive the kind of equality that was envisioned for them when the 14th Amendment was ratified in 1868. They, along with religious and ethnic minorities, have since become clothed in an interpretation of the equal protection clause that places all intentional classifications against them under strict scrutiny by a reviewing court.

Since intent clearly can be established by indirect proof, as it has often been in school busing cases in the North, any such classification is, then, subject to a two-stage analysis: it must make a deliberate distinction on the basis of race, religion, color or national origin, and there must be no "compelling and overriding state interest" to justify its retention. Today, despite great strides brought about in part through the national debate over ERA 12 years ago, gender-based distinctions still have not acquired this same level of constitutional protection.

When the ERA passed the Senate Judiciary Committee in 1972, Sen. Birch Bayh (D., Ind.) suggested that if the court upgraded the constitutional status of women then "part of the reason for the amendment would disappear." At that time, distinctions that laws made between men and women were not subject to the "compelling and overriding state-interest" test, and inequities were therefor far more widespread and obvious. But over the years, the constitutional status of women under the equal protection clause has gradually improved.

The most recent test was advanced in 1982 by the first woman to sit on the Supreme Court. In Mississippi University for Women vs. Hogan, Justice Sandra Day O'Connor wrote that distinctions based on gender may be approved *only* by establishing "an exceedingly persuasive justification" for their use. This sounds a great deal like a requirement for a "compelling and overriding state interest," but the semantic difference seems designed to enable the courts to continue certain unidentified distinctions based on sex that it cannot maintain with regard to race, religion, color or national origin.

Earlier, in 1976, the court reiterated its longstanding view that under a 14th Amendment claim of discrimination. In Washington vs. Davis, an employment test of the District of Columbia Police Department was challenged as unconstitutional because a greater proportion of blacks failed than did whites. The court responded by once more holding that disproportionate impact, or "effects," is not a violation of the equal protection clause. What Rep. Ferraro and Ms. Goldsmith have made clear is that they want the ERA to reverse Washington vs. Davis when women are involved.

I have always considered legislation as remedial in nature. It is created by Congress to meet a specific need and, when it meets that need, it will be ripe for repeal. By contrast, the Constitution is written in indelible ink and, while it grows with us through judicial interpretation, it forever serves to underscore our democratic devotion to broad rights and privileges.

When necessary, Congress has stepped in and expanded the role of the federal government through legislation aimed at specific problems; it has, from time to time, also created an effects test as part of that legislation. An effects test, for example, has been incorporated into the fair housing provisions of Title VIII of the Civil Rights Acts, and the language of Title VII has been broadened to set up affirmative action procedures based on "goals and timetables." In 1982, Congress adopted a new effects test as part of the Voting Rights Act. What is important is that the effects test has always been part of legislative remedies. Neither Congress nor the Supreme Court has ever endorsed an effects test as protection from discrimination under the 14th Amendment. NOW's interpretation of the ERA would set that precedent, but for women only.

The issue may be revived in this session of the House. Any ERA that passes Congress should grant rights that are no less—and no more—pervasive than those available to others victimized by discrimination. The Constitution and the ERA are too important to be abused on behalf of individuals who wish to prosper from the politics of group, as opposed to individual, rights. There is no justification for providing women with a level of permanent protection under the Constitution that does not, and never has, existed for anyone else.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5174, PROVIDING FOR APPOINTMENT OF U.S. BANKRUPTCY JUDGES AND AMENDING THE UNITED STATES CODE

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-626) on the resolution (H. Res. 465) providing for the consideration of the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1700

THE 163D ANNIVERSARY OF GREEK WAR OF INDEPENDENCE

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, it is an honor for me, Mr. Speaker, to have requested this annual special order to commemorate the approaching 163d anniversary of the Greek War of Independence. And, while this day has a special meaning for me—the son of Greek immigrants—and other Greek-Americans, this day also has become a day of celebration for all in the free world, marking as it does the rebirth of the nation known as the Mother of Democracy.

This Sunday, March 25, is the actual day that the Greeks declared their independence from the Turkish Empire. This historic date, however, was not chosen at random. Rather, March 25 was selected because it marks the feast day of the Annunciation—the day, according to Christian teachings, that God delivered mankind from sin.

Knowing full well the religious importance of March 25, the Greek leaders of the revolutionary movement chose it to announce to the world their emancipation from 500 years of darkness and slavery. And, in commemorating this historic event, Greek communities throughout the world rededicate themselves to the ideals of the war of independence: freedom and human dignity.

The struggle for independence by the Greeks was a long and difficult one, covering a 6-year period. The end result, though, was the glorious rebirth of the Greek nation.

Much like our own War of Independence, the Greek cause did not find a quick and easy resolution. Finances were scarce; confusion was the rule; individual revolutionary groups were often isolated and unable to coordinate their patriotic efforts in the battle for freedom.

Yet, despite all of these difficulties, the common cause of liberty united the Greeks and their allies. And, even though overwhelmingly outnumbered, the small bands of heroes carried on a form of guerrilla warfare, following the patterns of their ancestors. And, while most Europeans were dismayed by the hit-and-run tactics used by the Greek fighters, the methods were remarkably effective and militarily sound and, in the final analysis, proved to be rewarding.

The Greek cause is significant for all of us, as it was an event that clearly paralleled our own quest for freedom from a tyrannical monarchy. In this war of independence, the Greek people fought for the same principles we take to our own hearts—liberty, life, and the pursuit of happiness—the principles we espouse in our Declaration of Independence.

And as we Americans declared ourselves to be free and independent of the British rule, so, too, did the Greeks declare themselves to be free and separate from the Turks, throwing off the yoke of bondage.

The praiseworthy efforts of those Greek patriots did not go unnoticed. Their cause was soon given support by Europeans and Americans, who raised money, bought arms, and sent men to join the fight.

More important and significant were the words of Jefferson, Monroe, and Adams, who recognized the truth in the Greek Revolution and urged Americans to help Greece in her noble and sacred mission. And, in keeping with these initial bonds of friendship, America supported the efforts of the Greek people in their struggles against the Axis powers during World War II and against Communist forces at the end of that war. And, despite differences between our Government and the Government of Greece, that nation continues as a loyal NATO ally, working to safeguard the free world.

It is well-known that Greek-Americans, who are indeed proud to be Americans, have retained their ethnic identity. In communities throughout this Nation, Greek-Americans believe and work to keep forever America's freedoms and still maintain their cultural ties, mostly through the Greek Orthodox Church. And, through our church and its leaders—especially His Eminence Archbishop Iakovos, whom we in this hallowed hall honored a few short weeks ago—we continue to remember the historic struggle that brought our forefathers in Greece their freedom.

In fact, the words of Archbishop Iakovos on this historic occasion are too important to be forgotten or left unrecorded, and with your permission I will include parts of the Archbishop's pastoral letter on the significance of this event in this special order.

The letter follows:

Is it power, competition, love, faith, music, poetry, patriotism, sacrifice, bravery, God, the human race—what is it that raises up tropaia, an offering worthy, and leads to victory?

We are posing this question on the 163rd anniversary of the rebirth of our Hellenic nation, so that our response can be in accord with our historically attested faith which dictates that man, created by God, and endowed by Him to "subdue the earth," (Genesis 1,28), would receive his strength from the hands of God and reach the heights of victory and freedom.

And why? Because no "subduing" is possible if God's word does not echo in our hearts and motivates us toward this victory and freedom. St. Paul emphasizes this point in his letter to the Christians of Galatia: "For the sake of freedom Christ has set us free; stand fast therefore, and do not submit again to a yoke of slavery." (Galatians 5:1).

This is the kind of freedom that we Greek Orthodox Christians extol on March 25. It is the kind of freedom that arose from the sacred bones of martyred Greeks for the benefit of posterity. This is the freedom we are celebrating today, exalting it with the raising of our flags and with the proclaiming of freedom, in our Churches and in our hearts and souls. And we proclaim it as the most cherished aspect of human life.

This is the kind of freedom we ought to embrace with ardent zeal. Let no one deprive you of this freedom or take it away from you. Make no mistake about it; there are many who desire to see the Greek people "again under the yoke of slavery." This pertains not only to other human beings or military, dictatorial or totalitarian regimes, but also to ideas, movements, and false ideologies and revolutions that have perverted their original meaning and purpose. Many of the so-called revolutions of our time bear slogans and mottoes that in reality are destructive or are designed to undermine and overturn not only "the establishment," according to their own terminology, but also the life and soul of youth. This is being done by polluting the minds of the youth with attitudes of rejection, disdainment for patriotism, religious indifference and moral apathy. Their goal apparently has been to lull the soul of our youth into a state of spiritual lethargy.

The Revolution of 1821 was distinctly described as a "National Rebirth." This is a far cry from modern-day versions of the word "revolution," as applied by certain people, and it is fortunate that they are being applied rather awkwardly, with the additional descriptive words as "class" or "civil" to describe a revolution—words that are in no way derived from the Greek language or the historical reality and experience of the Greek people. Our people today are in need of a new national rebirth. This is obvious, in view of the fact that for nearly four centuries fear and slavery held our people in total bondage. Our people had need of a national rebirth. Our people had need of a national rebirth, one that would leave no lingering vestiges of extreme pressure, oppression and inhumane measures inflicted by their tyrranical overlords. The same measures are still being inflicted upon our people by the Turks in Turkey and Cyprus, and by Albanians in Northern Epirus.

Today, we are seeking what our forefathers sought: a true rebirth, purely, totally Greek, not conditioned by so-called friends and falsely guaranteed by those who view us as a "reed shaken by the wind." (Matthew 11:7). Greek Orthodox Christians have a soul that cannot be subdued or enslaved; shoulders that proudly hold the head high and proud, never to be crushed by any "yoke."

The words of Archbishop Iakovos should, and will, stand as the guiding light for Greece, for America, and for the entire free world. Greek Independence Day is a time for all who believe in the freedom of mankind to rise and call on those leaders in enslaving nations to lift the yoke of oppression.

□ 1710

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. This gentleman will yield.

Mr. GEKAS. Mr. Speaker, I thank the gentleman very much.

For the second straight year in our freshman term, the gentleman from Florida has done the good deed of reserving some time on special orders for this important commemoration.

I must say that the gentleman has quite accurately portrayed the interconnection between the American democracy and the event which we are celebrating.

Many times, I am glad to say, I have stated how fortunate I am that I was born in the greatest country that the world has ever conceived, the United States of America. By virtue of my birth, immediately I was a free man. By virtue of my birth, all the tenets of freedom, of liberty, of ability to aspire and to achieve were given to me automatically.

How more beautiful in my formative years did that become to me and how much more did I appreciate the fact that I was an American than when I began to learn, as the gentleman himself has learned, through the teachings of my parents and my church of my heritage, that the American democracy which I cherish so much was born in Greece, in that cradle of democracy, the birthplace of democracy.

How much more meaningful it is to me today to stand as a Member of Congress, to reflect that as a Member of Congress of the greatest deliberative body in the world and the greatest Nation in the world, I was enriched as a youngster when I knew that my parents had a heritage which originally gave birth to these very same things about which I am so proud today.

Then when I learned, as the gentleman has learned and properly asserted, that the United States of America itself in its infancy was sympathetic to the struggle of the Greek nation to overthrow the Ottoman yoke, it gave me even more a sense of pride, because my own country recognized that it had its roots in the Grecian democracy formulated in that little country in the eastern Mediterranean.

The gentleman from Florida will be happy to learn, to expand upon what the gentleman has said about the United States of America and it sympathies toward Greece at that time, that no less a personage than Daniel Webster, a colleague of ours in previous history in these very Halls, rose on several occasions in 1823 and 1824 to bring to the attention of the world the sympathies that ought to be fostered for the struggle that was going on within Greece. As the gentleman has noted, on March 25, 1821, when Father Germanos, I guess it would be said in English, raised the flag of independence for Greece, when he raised it, it was seen across the world, in stages, of course, because of communications, but it was seen.

And what was the result of that? Daniel Webster, according to the CONGRESSIONAL RECORD, with page after page of perhaps special orders at that time, I am not sure exactly how he presented it, traced the history of Greece, attributed the American democracy's very foundation to what had been accomplished in the ancient kingdom of Greece at that time, the ancient country of Greece.

Then even Henry Clay was wont to get up to speak on the floor of the House to say that we must sympathize with and aid as materially and as vocally as we can the cause of the wretched Greeks who were under the yoke of the Ottoman empire.

So it was that in Philadelphia, the cradle of American democracy, if you will, bearing a Greek name, if you will, in that community in the 1820's, the St. Andrews Episcopal Church became the focal point of tremendous fund raising efforts, to which the gentleman from Florida has alluded, and a great amount of material help was sent from the City of Brotherly Love, Philadelphia, back to the country of Greece for their effort.

The successor of St. Andrews Episcopal Church today on the same site is the Cathedral of the Greek Orthodox Church in Philadelphia, St. George's.

This traces history back to 1821, I am compelled to say, and puts us in a position here today of retracing a glorious interweaving of American history and that of Greece.

The pastor of the Cathedral of St. George in Philadelphia told me today in a telephone conversation that it is the aspiration of that congregation some day within their area of Philadelphia to plant a garden and to erect a statue or some remembrance from the people of Greece, who to this moment in history are grateful for the efforts of American citizens in the help they gave during the 1820's, without which there would have been no successful revolution. The moneys they sent directly to General Kolokotronis, as we say in Greek, were materially important in the successful struggle that he helped wage.

In short, Mr. Speaker, the time that the gentleman has accorded me has given me this final opportunity to say once more this year, in keeping with the importance of the occasion, that I am today even more distinctly proud of the fact that I am an American, because I was able to have also by a gift of blood the essence and the heritage given to me by Greek parents.

Mr. Speaker, I think the gentleman.

□ 1720

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank our colleague from Florida (Mr. BILIRAKIS) for coordinating today's special order and giving Congress along with our Greek-American citizens the opportunity to recognize and support the March 25 anniversary of Greek independence from the Turks.

In 1821 Greece ended nearly 500 years of slavery and oppression under the Turks and establishes a democratic state. It is fitting that Greece chose March 25 as its day of declaration of independence, because it marks a major religious holiday for the Greek people. It is the end of winter, the beginning of spring, and the appearance of a new life on Earth. This imagery aptly depicts this democratic milestone and signifies the rebirth of the Greek nation. In fact, this experience is a reflection of America's own struggle for independence.

Thus, March 25 commemorates not only Greek independence but also a very important date in the history of the Free World. For, it was the Ancient Greeks who established the fundamental democratic ideals that we Americans hold so dear. Succeeding generations of Americans regard our Founding Fathers as protectors of freedom, justice, independence, and liberty. Undoubtedly, our Founding Fathers held the Ancient Greeks in high esteem, for those same ideals were first practiced during the time of Aristotle and Plato.

The reestablishment of a democratic Greece reinforces the strength and enduring values of freedom throughout the world. Although sometimes forced to follow foreign authorization rule, the Greeks have turned to their heritage and ancient philosophers ideals for solace, strength, and guidance. The perserverance and dedication of the Greek people to freedom, liberty, and equality have prevailed, and it is this commitment to freedom that we recall and applaud today.

It is unfortunate that to this day the Greeks and Turks still have major disagreements between them, especially over Cyprus. However, it is my hope and the hope of all nations that these differences be resolved peacefully in a constructive, cordial, and effective manner. Through free speech and diplomacy, we all pray for a peaceful resolution to this latest conflict of interests.

Hopefully, someday we will all adhere to the Ancient Greek ideals of brotherhood, comradery, freedom, liberty, and independence. It is not realistic to believe that the entire world can instantly attain this level of brotherly love, but it is imperative that, as citizens and guardians of the Free World, we try.

Mr. BILIRAKIS. I thank the gentleman from New York (Mr. GILMAN) for his great friendship of the Greek

people and commend and thank him and his predecessor, the gentleman from Pennsylvania (Mr. GEKAS) my fellow Greek American, for complementing this special order with their fine remarks coming from the heart.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished gentleman from Florida and appreciate the opportunity he gives me to join him and indicate my adherence to his purpose here in this special order, which I think is a very important matter.

Of course, the question of Greece and its independence has been one that has always agitated the minds of the English-speaking world. The gentleman a few minutes ago was reciting some of our previous Members, Daniel Webster to Clay, who made great allusion to the fight for Greek independence in the last century.

I think also the record should show that great patriots of England, Byron, Percy, Bishop, Kelly, Keats, were great proponents and exponents of the Greek independence and liberty in the last centruy, although America has I think by far and by large adhered to the cause and the continuing cause of Greek freedom. The very word "democracy," of course, as everybody knows, is of Greek derivation, and the great people of Greece continue to uphold these great and noble traditions, fight for them, still under the shadow of tyranny and victimized by great oppressive regimes that require our constant attention.

We should be just as committed to the continuing fight for Greek freedom today as we are to the defense and freedom of other nations that obviously were given great priority, too.

So I think the gentleman's special order and its purpose today are extremely important and I just simply want to add my name to his support for this great cause.

Mr. BILIRAKIS. I, too, thank the gentleman from Texas (Mr. GONZALEZ) for his very eloquent remarks.

Mr. BATEMAN. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Speaker, today we in the Congress are taking time to honor freedom, liberty, and independence. These ideals, which govern American society and motivate our people, are a legacy from ancient Greece.

Greece is the motherland of democracy. It is quite ironic that after developing the principles which place freedom, liberty, and independence at the center of a society, that the Greek nation should have been subjected to nearly 500 years of slavery and oppression, beginning in the 14th century.

On March 25, 1821, Greece finally regained its independence from the Turks, and was able to return freedom to the Greek people. We in the Congress are honoring March 25 as "Greek Independence Day" because all of us hold the principles of freedom and liberty so dearly.

The struggle for Greek independence during the 1820's was very similiar to the American War for Independence. Because of these parallel events, Americans felt a certain closeness to the Greek people and their struggle. Americans assisted in the Greek fight for independence, both physically and economically.

Our forefathers saw the Greek struggle for independence and freedom in the context of our own struggle for those sacred objectives. Thomas Jefferson suggested Greece give every consideration to our Constitution as a model for the revival of Greek democracy. This was most fitting, since our Government was based upon the philosophical verities distilled from the wisdom of the ancient Greeks.

The brotherhood between the people of Greece and Americans persists to this day. We are friends in every sense of the word—culturally, politically, economically, and militarily. As partners in NATO we work together to protect the freedom we both fought so hard to achieve.

Today as we honor Greek independence, let us remember our close ties to the Greek people and our continuing close alliance. Both of our countries have made many sacrifices to keep the liberties we enjoy. In many ways, we have our Greek friends to thank for originating our democratic system. It is my hope that we will continue to work together to maintain this freedom long into the future.

Mr. BILIRAKIS. I thank the gentleman from Virginia (Mr. BATEMAN) for his very fine remarks complementing this special order.

● Mr. DYSON. Mr. Speaker, today I rise to join my dear friend and colleague MICHAEL BILIRAKIS in celebrating the 163d anniversary of the independence of Greece, the motherland of democracy and civic virtue.

"That most civilized of nations," as Thomas Jefferson referred to Greece, laid the foundations for our understanding of aesthetics, ethics, and knowledge. The teachings of Greek philosophers and the dramas of Greek playwrights are still the first lessons undertaken by neophyte scholars.

From the Greeks we draw our understanding of law and justice. Across the Athenian agora could be heard the worship of moderation, the dialog of citizens engaged in forging and judging their laws. Men could meet to discuss their differences, to reason with one another. The Greeks were radically committed to collective decision-making, to the existence of a public good that could be known.

And they were committed to action; to putting into practice the decisions so carefully arrived at. They made reality conform to their vision of equality and fairness. We, therefore, owe much of our understanding of politics to the Greeks. They were the source of inspiration guiding the leaders of the British revolution against the Stuarts, of the American revolution against the House of Hanover. Jean Jacques Rousseau and the Jacobite revolutionaries rebeling against King Louis XVI drew their inspiration from the ideals and actions of the Greek polis.

The Greeks gave these ideals to the Western World some 2,500 years ago. And they continue to demonstrate the vibrant energy of a people dedicated to independence and autonomy. Just 163 years ago next Sunday, the Greek nation took up the cry against oppression and caste off the yoke of foreign subjugation. A small band of isolated patriots, they struck against the might of the Ottoman Empire. They broke free of a 500-year enslavement.

Mr. Speaker, I am pleased that my friend and colleague MICHAEL BILIRAKIS, has invited us to reflect on the admiration due to the Greek tradition. In that tradition statesmenship emerged as a moral science, and we, as legislators, can find much to admire and emulate.●

● Mr. GEJDENSON. Mr. Speaker, I am pleased to join my colleagues today in this special order commemorating the 163d anniversary of Greek independence from the Ottoman Empire.

It is especially appropriate, I believe, that we in the United States should celebrate the return of Greece to its ancient traditions of freedom and democracy. The profound influence of Greece, the cradle of democracy, on modern Western political institutions is well known to all of us. Greek artistic traditions have also left their mark on the cultural development of the entire Western World. And the contributions of Greek Americans continue today to enrich our life and culture.

In honoring this day, however, we must take a moment to remember that Turkish oppression continues on Cyprus, where only last November the illegal Turkish Republic of Northern Cyprus was declared an independent state. This region, from which thousands of Greek Cypriots were forced to flee during the 1974 Turkish invasion, continues to be occupied by some 20,000 Turkish troops. So long as those refugees cannot return to their homes and the country remains divided, the situation on Cyprus will remain a grim shadow on our celebration of democracy in the Mediterranean.●

● Mr. MOLINARI. Mr. Speaker, I also rise to join my colleague from Florida, Mr. BILIRAKIS, in commemorating the 163d anniversary of the Greek War of Independence.

It is important for us as Americans to remember this day because of the meaning it carries for us. It is a day much like our own July 4, 1776—the day we declared our independence, our desire for liberty and freedom.

The Greek people, who brought the word Democracy into being—a philosophy that we Americans adopted—were suffering all kinds of inequities at the hands of the Turkish Empire. These brave people, although few and poorly equipped, dared to challenge the might of the Turks.

We Americans can take pride in the support our leaders in 1821 offered the Greek cause. Jefferson, Adams, Monroe, and others spoke highly of the fight and encouraged Americans to help.

We can take pride in our help to those embattled Greeks, but we also can take pride that we continue to share common bonds with the Greek people.●

● Mrs. JOHNSON. Mr. Speaker, I am proud to add my voice to those commemorating the 163d anniversary of Greek independence from the Ottoman Turks in 1827. Greek civilization has handed down to us a legacy rich in depth and diversity. The arguments of Socrates, Plato, and Aristotle, the histories of Homer, Herodotus and Thucydites, the literature of Euripides and Aesop have served as the hallmark of an educated individual in Western society. The Greek concept of the city state and the tradition of an international olympics are rooted in the civilization of ancient Greece. The very buildings that we work in and govern from reflect our common heritage of the concepts of democracy, freedom and independence, ideals cherished by the Greek people for over 2,000 years.

This cultural and political legacy has had immeasurable influence upon our lives today, for the ideas and philosophies embodied by it serve as a touchstone for Western civilization to understand its past, its present, and its future. The commitment to these concepts is also present in Greece today, as the country continues to do battle for them on the Island of Cyprus.

Mr. Speaker, it is appropriate today that we pause and consider our origins as a democracy and our debt to the legacy passed down by Greece. In our musings, however, let us remember that a legacy must be maintained if it is to remain alive. As the Greek people struggle to maintain the freedom and independence of Cyprus, let us remember our commom heritage and our common vision for the future.●

● Mr. BROOMFIELD. Mr. Speaker, I eagerly support the House special order honoring March 25, the day in 1821 when Greece declared her independence from Turkish rule. Let me share some of my thoughts with my colleagues about the Greek people's war of independence from the Ottoman Empire, and Greece's contributions to the world. For free men everywhere, Greece will always be a special land.

As all of you know, the Byzantine Empire fell in 1453. For the next 400 years, the Greek people endured slavery under Turkish rule. Finally, the entire Greek nation embarked on a fierce struggle to regain the most cherished right of man—liberty.

A small number of brave men and women challenged the powerful Ottoman Empire. Expatriate Greeks and many foreigners supported the Greek cause. Notable among them were several Americans. Victory was had after 8 years of bloody struggle. Terrible hardships were imposed upon the Greek people. The modern Greek State was born on March 25, 1821. Freedom had finally returned to the land of democracy. The following year, the first modern Greek National Assembly was convened. This group declared the Greek people's desire to be free and their willingness to fight for that freedom.

The most dramatic evidence of this came in 1940, when the Greek people took a stand against fascism and injustice and rejected Mussolini's demand for the surrender of their country. After World War II, the battle for freedom continued when Greece was faced with a Communist civil war. After much terrible fighting of brother against brother, the Communists were expelled and Greece was free once again.

Who could begin to enumerate the gifts of the ancient Greeks to us who enjoy the liberties of life in Western democracies? The foundation of much of our scientific, philosophical, and political beliefs and knowledge is based on the thoughts of Socrates, Plato, Aristotle, Pericles, and many others.

The birth of our Nation, we must always remember, is based on the Greek ideals of equality, freedom, and democracy, creating an emotional bond of brotherhood between the Greek and American people.

There are more than 3 million Greek Americans living in our country today. As a community, they have reason to be proud of their contributions to our great land. The spark of ingenuity, intelligence and humanity survives today in the Greek people who have given much to this land. They have toiled in the factories and built America's great cities. Through hard work and a determination to succeed they built solid family structures and sent their children to institutions of higher learning to better themselves. I am proud to say that they have served America well at all levels of government, to include the House and Senate, and American industry. The modern art world has benefited from El Greco, the world of music from Maria Callas, and literature from Nobel Poet Laureate George Seferis, to name only a few.

The shared ideals between Greece and America are truly cherished by both nations. These ideals form the basis for our longstanding, close alliance and for the deep and abiding ties between our two peoples.

It is appropriate, then, that we in the House join in saluting the Greek people on this special day. May the flame of 1821 continue to shine brightly and may Greece always look forward to a free and prosperous future.●

● Mr. LEVITAS. Mr. Speaker, this Sunday, March 25, the cities and villages and hamlets of Greece will be alive with folk dances, parades, and special church services. Similar celebrations will be held by Greek Americans throughout this country. Indeed, it is a time for celebration. Sunday marks the 163d anniversary of the Greek War of Independence, a time when Greeks threw off the shackles of their Turkish masters, and proclaimed their freedom.

The spirit of freedom and independence evident in Greece in 1821, was a rebirth of the values of ancient Greece, the motherland of democracy. It was ancient Greece that planted the seeds of democracy which later have born fruit in modern Greece, and which indeed inspired the ideals of democracy and individual value at the birth of our great Nation. Our Founding Fathers used the democratic ideals of ancient Greece as the model by which they built our democracy. Their ideals were influenced by the great Greece philosophers, writers, and historians. It is even said there was a proposal at the time to make Greece the national language of our new country.

It is this common system of values and history of America and Greece—similar fights for freedom, parallel values of democracy—that create a special bond between the peoples of both lands. Greek Americans can especially be proud of their heritage. They or their ancestors emigrated to America to be part of our Nation which today is a symbol of liberty to the entire world. They cherish the freedom of expression, the human dignity America offers. To them, the Statue of Liberty is more than an iron statue. It is a shining light, a symbol in a troubled world that freedom does live.

It is only appropriate that we in America formally recognize Greek Independence Day, and the celebration of freedom and democracy that it inspires. But we do well to also remember on this day those who are not free. Even today there are Greeks who live in fear of the threat of force and op-

pression. Let us observe Greek Independence Day by honoring the heroes of the Greek fight for freedom, and the common ideals Greeks and Americans share. But let us also observe this day by vowing to work for the independence and freedom of all peoples of the Earth. That, indeed, is our greatest responsibility, and our greatest challenge.

When Socrates said, "I am not a citizen of Athens, nor Greece, but of the world," he was teaching the message of the universality of freedom. Likewise our common heritage of the Bible teaches us, in the Book of Leviticus, "To proclaim liberty throughout the land, to all the inhabitants thereof."

So today, as we commemorate Greek Independence Day, we too affirm our common debt to the ideals of ancient Greece which still today teach us of the universality of the dignity of free and civilized people.●

● Mr. ANNUNZIO. Mr. Speaker, 163 years ago, on March 25, 1821, the people of Greece declared their independence, and began their long and difficult struggle to become a free people once again. It is fitting that Americans join with Greeks to celebrate this day, not only because their valiant struggle inspired Americans of that historic period, but also because Greek philosophy, art, literature, and political thought have contributed immeasurably to our own civilization.

Although the Ottoman Turks had dominated Greek lands since the 1300's, a Greek national revival developed during the 1700's which led to an end to Turkish rule. Inspired by the American experience, the Greeks' desire for independence was strengthened by greater prosperity and education. In 1814, Greek merchants formed a secret organization, the Philike Hetairia, the Society of Friends, and a carefully planned conspiracy was hatched, which evolved into a general uprising of all Greek inhabitants of the European section of the Turkish Sultan's Empire.

Seven years later, in 1821, a full scale revolution broke out, achieving notable successes, as Greek nationalist fighters swept down from the mountains and defeated the Turks in the Peloponnesus, in Rumely in central Greece, and on many islands in the Aegean Sea. The Greeks heroically held out against repeated Turkish attacks to regain these regions. Against overwhelming odds, the Greeks fought courageously for 8 continuous years, and in the United States feelings ran high in support of the Greeks. In an address to Congress, President Monroe expressed the sentiments of our country when he said:

Genius and delicacy in the arts, daring and heroism in action, unselfish patriotism, enthusiastic zeal, and devotion to public and private liberty, all these are connected with the name of ancient Greece. It is natural, therefore, that their contest should arouse the sympathy of the entire United States.

For its part, the Greek nation looked upon the United States with hope and admiration. In May 1821, the first Greek Senate addressed the American people, saying:

Friends, fellow citizens, and brothers, having formed the resolution to live or die for freedom, we are drawn toward you by just sympathy, since it is in your land that liberty has fixed its abode. . . . Though separated from us by mighty oceans, your character brings you near us. . . . Our interests are of such nature as to cement more and more an alliance founded on freedom and virtue.

On October 20, 1827, at the battle of Navarino, the Turkish Fleet was soundly defeated and destroyed by the combined elements of the British, French, and Russian Navies. This victory gave the Greeks additional incentives in their fight against Turkish oppression. Finally, after many years of conflict and struggle, on September 14, 1829, the Turks were forced to recognize Greek sovereignty and independence at a conference in Adrianople.

Mr. Speaker, the idea of democracy, born in ancient Greece over 2,000 years ago, has prevailed and has inspired other nations in their struggle against persecution. In fact, possibly no other people since their beginnings has given more to the world in the fields of thought and beauty than the Greeks. Modern philosophy was born of the reasoning and logic of Socrates, Plato, and Aristotle. Medicine is indebted to Galen and Hippocrates, mathematics to Euclid and Archimedes, law to Nestorius, the arts to Aeschylus, Sophocles, and Euripides, and politicians emulate Demosthenes.

The contributions made and still being made to the growth and greatness of the United States by Greeks who have chosen to make their home in our country continues, and it is thus a pleasure to extend greetings to Americans of Greek descent in the 11th Congressional District of Illinois which I am honored to represent, as well as those across our Nation, on the occasion of Greek Independence Day, and to celebrate the precious heritage of freedom our two countries have shared in the century and a half of genuine friendship between the people of America and the people of Greece.●

● Mr. BIAGGI. Mr. Speaker, I rise to join with my colleagues today to note the observance of Greek Independence Day on March 25. Almost 163 years ago, Greece announced her intent to break the yoke of oppression at the hands of Turkey and declare independence. While the war for independence lasted from 1821 to 1829, the fiery Greek spirit and the quest for freedom prevailed over the Ottoman Turks and Greece was free for the first time in 500 years.

Mr. Speaker, our Nation has looked to Greece as the cradle of democracy and the country which has helped us appreciate the values of liberty and freedom. The history of the Greek Empire at the hands of the Ottoman Turks inspired the 1821 uprising and the establishment of an independent Greek state marked the beginning of a new era in Greek history.

Prior to this successful overthrow of Turkish domination, Greece lost its freedom to the Ottoman Empire in 1453, when Constantinople, the Byzantine capital was brutally overrun and conquered. The Greek people were forced to live under Ottoman rule yet despite this fact, they never lost their thirst for independence and liberty. A national revival began in the 1700's fueled by an increased prosperity and education. The Greek merchant class, supported by a large fleet, expanded not only their business operations, but their own cultural and educational institutions as well. The expansion of the society into new business ventures generated an increased interest at home for the traditions and values of the past and encouraged and nurtured a reawakening of Greek culture. In 1814, Greek merchants in Odessa, Russia joined to form the "Philike Hetairia" which would create the political base with which to declare war against the Ottoman Empire and fight for their freedom.

Mr. Speaker, today Greece continues to stand as a monument to the ideals of democracy. Our own War of Independence can be seen as a reverberation of the fighting Greek spirit of 1821. When we look to the traditions in our history which form the basis of our ideals of the Founding Fathers, we must be reminded of the fact that they themselves were inspired by the values of ancient Greece and those which prevailed during the Greek War of Independence.

While the history of Greece is replete with triumph over injustice and oppression on behalf of liberty and freedom—we must be cognizant of the status of Greece today and the situation on the island of Cyprus.

In 1974 Turkey once again displayed its historical contempt for Greek sovereignty and invaded the island of Cyprus. Today, some 10 years later, this situation continues to plague us for it has not been resolved to the satisfaction of the Greek minority living there—nor to the satisfaction of many Members of Congress, including myself, who support conditioning foreign aid to Turkey with some requirement that there be a settlement in the Cyprus situation.

I regret that the administration has proposed increasing foreign aid to Turkey to $755 million in fiscal year 1985 without recognizing that we have a moral as well as political obligation

to encourage a negotiated settlement on Cyprus. This situation has become especially acute since the 20,000 Turkish troops stationed there, on an island which has illegally declared itself an independent state, are financed, in part, through U.S. dollars. Further, Turkey continues to refuse to provide for an accounting of the 2,000 missing persons from the 1974 invasion. I commend the House Foreign Affairs Committee for reducing the administration's request for Turkish aid to $716 million—but still feel strongly that any dollars should not be provided without accountability. In this instance, failure to mandate Turkish accountability will only perpetuate the perception that we do not regard Greece, as a NATO ally, with the same regard as Turkey. An incremental tip in our balance of interests in this part of the world has not only negative strategic connotations—but moral ones as well. If we continue to support human rights as an important element in our foreign policy—we should be realistic enough to acknowledge the fact that human rights are being systematically violated on the island of Cyprus and we are in a position—through our financial and diplomatic channels—to do something about these violations.

Recognizing the intransigence of our own State Department in this matter, I have sent a letter to Secretary Shultz, along with 11 of my House colleagues, protesting the recent request by Turkey for $70 million in defense articles. The State Department erroneously claims that this sale will not affect U.S. efforts to negotiate a settlement on Cyprus. The State Department is undeniably wrong on that statement and as such, I believe should be urged to deny this request by the Turkish Government. For the benefit of my colleagues, I wish to insert a copy of this letter into the RECORD and advise them that a similar effort is being made by our colleagues in the Senate.

Letter submitted for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to register our strong opposition to the proposed $70 million arms sale request by the Government of Turkey for 15 F-4E aircraft, as outlined in Transmittal No. 84-14, in the CONGRESSIONAL RECORD of February 21, 1984, page S. 1408.

Your policy justification for the arms sale states that this $70 million sale of defense materials will not "adversely affect . . . U.S. efforts to encourage a negotiated settlement of the Cyprus question." We contend that this sale would provide little, if any, incentive to Turkey to revise its current position on the issue of Cyprus and address the pressing human, civil, religious and economic questions that remain. In FY 1984, the United States provided $715 million to Turkey in military assistance. Despite this substantial level of aid and commitment of resources, the Turkish Government continues to refuse to negotiate a settlement of the Cyprus question that adequately serves the interests of the Greek Cypriot population there.

In addition, Turkey refuses to account for the 2,000 Greek Cypriots missing since its 1974 invasion of the island. The United States continues to refuse to seriously press for an accounting of these missing persons either through appropriate diplomatic channels or through specific conditions in our foreign aid. Approval of this $70 million sale would only further add to the intransigence of the Turkish Government in this matter.

Finally, the treatment of religious minorities in Turkey remains a serious concern. Section 502(b) of the Foreign Assistance Act specifically denies assistance to countries which systematically engage in persistent human rights violations. The Government of Turkey has been charged with the persecution of religious minorities living in Turkey by such groups as Amnesty International, the Helsinki Watch and the Churches Committee on Migrant Workers in Europe. Despite these long-standing charges, the Government of Turkey continues to receive economic and military assistance that contributes to its lack of movement in this area. Approval of this $70 million arms sale request would only further solidify the unwillingness of Turkey to seriously address these concerns.

We believe that this request is, contrary to your assertions, not in the best interest of our foreign policy objectives. We urge you to reject this request until such time as the Government of Turkey acts to address the aforementioned concerns.

Sincerely,

Mario Biaggi, Nicholas Mavroules, James H. Scheuer, George W. Gekas, Edolphus Towns, Edward F. Feighan, Frank Annunzio, Michael Bilirakis, Gus Yatron, Major R. Owens, Joseph P. Addabbo, Richard L. Ottinger, Members of Congress.

Mr. Speaker, I join with my colleagues in commemorating this important day for so many Greek Americans, including those in my own city of New York. I also wish to commend my colleague, MIKE BILIRAKIS, for organizing this special order so that we, as a body, may jointly pay tribute to the contributions of Greek Americans to this society, that were made possible by their forefathers in Greece in 1821. May the flame of freedom, that burned so brightly in the hearts and minds of the Greek peoples during their battles remain a source of inspiration to all of us today—and a reminder that freedom must be protected and nurtured wherever it exists. Where it does not exist let us use our strength as a nation to work toward justice for those who hunger for the same freedom yet lack the resources to achieve it on their own.●

● Mr. FLORIO. Mr. Speaker, I am proud to join my colleague, MICHAEL BILIRAKIS, in his special order commemorating the 163d anniversary of Greek Independence Day on March 25, 1984.

On March 25, 1821, a handful of very brave Greeks rose in rebellion against the mighty Ottoman Empire and declared the independence of the Greek Republic. This declaration began a long, bitter, and fierce 7-year struggle to regain the freedoms and values that have been associated with the Greek people since ancient times.

After 400 years of brutal slavery under the Turkish yoke, the Greek people exhibited their strong spirit of independence and their sense of liberty to rebel against the Ottoman Empire and regain the independence that had been quenched with the fall of the Byzantine Empire in 1453. Although their numbers were small, and although they were poorly armed, the Greeks of 1821 used their deep fervor and their love of independence as a weapon to emerge victorious in pushing back the Ottoman Turks and, in 1829, to begin the founding of the Republic of Greece.

One hundred and sixty-three years later, I join with Greeks around the world in paying tribute to not only the heroes of the Greek War of Independence, but also to the Greek people for their dedication and perseverance in this and subsequent struggles. I commend the Greek people for their long line of historic commitment to the concepts of democracy, freedom, and independence. It is this commitment that has allowed the Greek people to accomplish so much in the areas of art, architecture, literature, government, and sciences, and to offer countless valuable contributions to civilization through the centuries. Their contributions are evidence of the deep commitment of the Greek people to progress and advancement.

It is these admirable traits that will serve the Greek people in good stead in the difficult days to come for Greece and Cyprus. Mr. Speaker, we are fast approaching the 10th year anniversary of the Turkish occupation of Cyprus. It has been 10 years since the Turkish armies, in a repetition of the invasion of the Ottoman Turkish armies of 1453, invaded and subjugated the Cypriot people. I hope that the fierce tenacity and the vibrant love of independence and respect for civil and religious liberties that was so evident in the Greek people in 1821 will also come to the aid of the Greek Cypriots as they struggle, by diplomatic means, to remove the grip of the conquering Turks.

Despite the numerous indignities suffered by the Greek people during 400 years of slavery, despite the repression and the persecution that plagued their every day lives, the Greek people never gave up the hope that, one day, their courage and perseverance would be rewarded with free-

dom. I join with the Greek people in celebrating this joyous anniversary and continue to hope that, one day, the Greek Cypriots will similarly be able to celebrate their independence and enjoy peace and stability in their native land.●

● Mr. EDGAR. Mr. Speaker, March 25 marks the 163d anniversary of the beginning of the Greek War of Independence. This struggle, which lasted 8 years, led to the end of almost four centuries of Ottoman rule over Greece. I am pleased to be able to commemorate this event, the birth of modern Greek democracy.

During the war, the young United States was one of the nations which aided the resurgent Greek independence movement. Specifically, Americans raised funds to aid the valiant Greek people in their struggle, and expressed moral support for the Greek cause. Today that bond has been strengthened by decades of cooperation between the Greek and American people and by the thousands of Greek immigrants to the United States.

I am proud to have a large Greek community in my district; it is representative of Greek-Americans throughout the Nation in its success in business, the arts, education, and Government. Their accomplishments have gone together with emphasis on traditional Greek values of education, hard work, family, and church.

On this day I join Greeks here and in their native land in remembering the sacrifices made by a small band of Greek patriots who, against all odds, fought to reignite the flame of liberty. On this occasion we also mark the start of the modern kinship between Greece and America, a relationship founded on our highest ideals and linked by the mutual admiration of two freedom-loving peoples. I am pleased to have this opportunity of the Greek day of independence to recall the vital ties between our two nations, to commend the strength of Greek democratic institutions and their standards of social and economic justice, and to reaffirm our close friendship.●

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

BANKRUPTCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I just want to take a few minutes this evening to talk about the extraordinary procedure by which tomorrow the House will begin considering overturning a ruling of the Supreme Court.

Many people who pay attention to the House wonder why we worry about procedure, why we ask the liberal Democratic leadership to allow us to bring up constitutional amendments, for example, to require a balanced budget or to permit voluntary prayer in school. I think that it is instructive to take just a few minutes to look at how this House operates and at some of the procedures.

For over 20 years, a vast majority of the American people have been interested in allowing their children to pray voluntarily in school. Nothing is currently scheduled in this House. There is no indication anything will happen in this House on that issue.

By overwhelming majority, as inflation and high interest rates have ravaged the American people, the American people have called for a constitutional amendment to require a balanced budget in peacetime.

□ 1730

There is no indication of any likelihood of that being voted on.

But recently the Supreme Court, by a unanimous decision, 9 to 0, held that the Bankruptcy Act written by this Congress in 1978 in fact permitted labor union contracts to be broken by a business about to go bankrupt.

Within less than 2 hours of the Supreme Court decision, the chairman of the Judiciary Committee, Mr. RODINO of New Jersey, had introduced a bill. This is the very same chairman who has been sitting on the immigration bill; he has been sitting on the Criminal Revision Act that President Reagan has asked for and the Senate has passed; he has been sitting on the voluntary school prayer amendment; he has been sitting on the constitutional amendment to require a balanced budget.

But suddenly, magically, within moments, he acts and a bill is introduced. It happens to be a bill that I think is worth looking at; a bill which, frankly, I cosponsored, a bill which would raise the question of whether in fact the Congress passed a bad law in 1978 by writing the Bankruptcy Act incorrectly.

But what happens? Are there hearings held? No. Are subcommittees called into order? No. Does the full Judiciary Committee meet to debate the issue? No.

What happens is, after several weeks of testing the water, after finding out, for example, apparently that Continental Airlines' lobbyists would be able to defeat the bill if it came up by itself, after learning that the fix was in and the bill could not quite be dealt with the way big labor wanted, yesterday afternoon, around 4 o'clock—according to one member of the Judiciary Committee I talked with.

The Republicans were given a bill, a new version of this Rodino repeal of the Supreme Court decision to help big labor—4 o'clock yesterday.

Well, now we have a new bill. This bill written to exclude Continental Airlines so that in fact the way the bill is currently written, it will not deal with what has been the most flagrant example, the example which has aroused the most public interest and the most concern over the misuse of the Bankruptcy Act.

Given that there is a new bill at 4 o'clock yesterday afternoon, is the house going to have one of its subcommittees meet? Are we going to take testimony from lawyers and from representatives of interest groups and from students of judicial reform? No.

Well, would the subcommittee meet to mark the bill up, to amend it, to look at it carefully? No.

What about the full Judiciary Committee, will the full Judiciary Committee have hearings? Absolutely not.

What then will happen? Today, in the Rules Committee, the very same committee chairman, Mr. RODINO of New Jersey, who is bottling up voluntary prayer in school, who is bottling up the amendment to require a balanced Federal budget in peacetime, who has blocked for months the President's criminal reform package, this very same chairman today walks in and, with a straight face, asks the Rules Committee to permit to come to the floor of the House a bill which he only gave to the Republicans less than 24 hours ago.

No hearings, no opportunity for amendment. Well, you might say, all right, so the House will look at it, then "the House will be able to focus on this brand new baby bill that came out in the last 24 hours and the House will have a chance to amend it."

Absolutely not. This bill will be unamendable. "You will pass it or you will defeat it."

All right. If that is the case, will the House at least have a chance to debate, to focus on it and look after it? After all, we are reversing a 9-to-0 Supreme Court decision; we are, in the matter of weeks, changing the way the law is written. "Oh, absolutely not."

In fact, what will happen is, if the chairman of the Judiciary Committee, Mr. RODINO, has his way, if the liberal Democratic leadership of this House have their way, we will adopt a rule which will smother this bill up in other details, which will prevent a direct vote and which will in fact require the House Members vote on an entire package of many issues, only one tiny part of which is this reversal of a Supreme Court decision.

Now, let us look at this process a little more carefully. What has really happened? Well, the reality is that the fix is in, that the same kind of big city boss, labor union boss, oldtime ward politician mentality that rewrote the Democratic Party rules to make it hard on the gentleman from Colorado

and the gentleman from Chicago to gain many votes, so that neither Mr. HART nor Mr. Jackson are getting the votes that are being voted for them, are getting fewer because the system is rigged; the same mentality which has rigged the House of Representatives so that Republicans get fewer seats on committee than they deserve, they get fewer staff than they deserve, they have less access to the calendar than they deserve based on a straight percentage; that same mentality is now rigging the rules again.

What we are seeing is a specific deliberate effort by oldtime machine politicians, precisely the people that GARY HART talks about as the "politics of the past," the same kind of people who have endorsed Mr. Mondale, the same kind of people who believe in rigging the rules for the Democratic Convention, the same kind of people who believe in rigging the rules of the House—once again they are rigging the rules.

They are willing, on 24 hours notice, to introduce a bill to overturn the Supreme Court decision; they are willing without a single hearing to come to the floor of the House and have that bill voted on. In fact, they are willing to bury that bill so it will never be voted on except as part of a giant package, to smother it and surround it with all sorts of other legislation.

This kind of machine boss political behavior, this kind of rigging the system, this kind of sudden surprise package is precisely what poisons the legislative processes in the House of Representatives.

It is this willingness to constantly use the Calendar, to constantly cheat, to only show the Republicans a bill 12 hours before going to the Rules Committee, to set up the Rules Committee so it is stacked in such a way that the Republicans have no choice. To then come to the House floor and in a highly leveraged rule which will make it impossible to focus directly on this issue, it will make it impossible to deal directly with this issue; it is, in fact, an absolutely disgraceful process.

There is not a parent-teacher organization in America, there is not a civic club in America, there is not a local student body in America which would conisider these fair rules. The game here is rigged and if people want to know why we get angry when the liberal Democratic leadership cheats on the calendar, when it cheats on Calendar Wednesday, when it refuses to come to the floor and have a fair, decent bipartisan effort, they need merely look at this latest joke.

This is a travesty of the way in which this House should be organized. It is ridiculous to have committees, if in fact the committee becomes one man, the chairman, that chairman acts whenever he wants to; he then goes to the Rules Committee which acts based on the will of the Speaker, who is now the most powerful Speaker since Cannon was dictator in 1910.

What we have is a pure and simple dictatorship of the House in a dictatorship by people who have basically made a deal with big labor. So that big labor calls and says, "We want this decision overturned," and within minutes, a new bill is written, that bill is introduced, and the end result is that the people of America do not have a chance to see a debate, the people of America do not have a chance to go to a committee hearing, the news media does not have a chance to cover the news story, because there is no story; it is all done in secret.

A bill was written in secret by a handful of people, it was introduced in secret, it was delivered after working hours for all practical purposes yesterday, it was taken to the Rules Committee today, and the Rules Committee deliberately meets in a small room.

Every citizen who comes to this House should go upstairs and look at the Rules Committee hearing room. It is a joke. It is deliberately small; it is deliberately crowded; it is deliberately hard to get into; it is deliberately hidden away because it is one of the two secret sources of power in this House. The other is the Speaker's own office.

Between the Speaker's office and the Rules Committee, it is possible to run virtually everything.

So what happens? The chairman of the Judiciary Committee, who has ignored the will of the American people: He has blocked the will of the people on a balanced budget amendment; he has blocked the will of the people on the voluntary prayer school amendment; he has blocked the will of the American people on immigration for months, he has blocked the will of the people on the Criminal Code reform; he turns like a ballerina and he hands out a brand new bill cleverly written by his staff, that was clearly written with the input of big labor, and they say to the Speaker's hand-picked Rules Committee: "Why don't you pass this."

With the Speaker's approval, the Rules Committee agrees to put it out.

So, in effect, tomorrow we will see the spectacle of the Members of the House of Representatives being asked to vote on overturning a Supreme Court decision without a single hearing, without a single witness, without any kind of opportunity for opponents and critics to look at it; under a rule which will, in effect, hide the bill so that it will pass or not pass based on a general vote on an entire, large omnibus package.

□ 1740

Is that any way to govern? Is that any way to legislate? No. Does it help explain why there are so many things wrong with the Bankruptcy Act of 1978, which came out of the same committee from the same chairman? I think it does. Does it help explain why the American people are outraged at the way this House is run? I think it does.

There could be no better example of narrow, special interest domination of the House of Representatives through a handful of liberal Democratic leaders than the fiasco of the last 24 hours. Actually the last 25 hours and 40 minutes. In the last 25 hours and 40 minutes, we have seen the popular will obstructed, we will see deliberate due process destroyed, we have seen rule by a handful of dictators from a closed room in the House of Representatives.

Tomorrow, the Rules Committee will report that rule. If there is any sense of decent due process on this floor, if there is any sense of the average Member being given a chance to raise questions, that rule will be defeated and an open rule will be substituted.

If we are not to have any hearings in subcommittee, if we are not to have any hearings in full committee, if the subcommittee members are not to make the bill up, if the full committee members are not to mark the bill up, if only the committee chairman matters and only the Rules Committee chairman matters and then only the Speaker matters, then we could save the American people a great deal of money by dismissing the other 432 Members of the House and dismissing the 10,000 staff members who keep the Congress running and allow those three gentlemen to decide everything for the American Nation in the House of Representatives.

But, if in fact we are going to go back to due process, if we are going to make the committees real, if we are going to have a serious look at a Supreme Court decision, which was, after all, a 9 to 0 decision, then I think this bill deserves being looked at seriously. As I said earlier, I cosponsored this bill. I think that the Bildisco decision is too strong a decision. I think that the Congress never intended for the Supreme Court to do what it did in that decision.

But the Congress wrote a bad law. The Congress wrote a law so loosely written, so badly drawn from this very same Judiciary Committee, that the Supreme Court felt it compelled to make that decision.

Now, for us to take a badly drawn law from the Judiciary Committee and decide to rewrite it on 24-hour notice, without ever having a hearing is ridiculous. It is exactly what is wrong with the House of Representatives. It is one more example of everything wrong with the special interest, backroom politics that has made this country

tired of Washington as an imperial capital.

So I would hope that tomorrow my colleagues would join in voting "no" on a closed rule and voting to open the rule up so that at least on the floor of the House we can have a reasonable debate, so that if we are going to overturn a Supreme Court 9-to-0 decision, we can at least overturn that decision with some chance of the Members focusing on it.

I would appeal to everyone in this country and everyone in this Chamber who wants to see due process, who wants to see a deliberate and reasoned legislative approach, urge a "no" vote on the rule so that we can at least look seriously at this particular bill which is buried in the much larger omnibus package which is coming to the floor.

NATIONAL AGRICULTURE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 60 minutes.

GENERAL LEAVE

Mr. DASCHLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. DASCHLE. Mr. Speaker, this is National Agriculture Day today, a day in which we pause to take stock in American agriculture, to congratulate the greatest producers the world has ever known, to examine the current state of affairs, to spread the message of our farmers to those areas within the country that do not always hear, to look into the future and what it holds for farm policy, for farm income, and for farmers themselves.

Today I think we have a right to boast about agricultural productivity, about productivity that is on the decline in virtually every aspect of our economy, agricultural productivity is actually on the rise. Today, in spite of an incredible adversity, one American farmer produces enough food and fiber for 78 people. Total production has increased more than 2½ times since 1930. In 1 hour a farm laborer produces 16 times as much food and other crops as 60 years ago.

The consumer here is the beneficiary. The American farmer is the best friend the consumer ever had. And it is better now than it has ever been. For 1 hour of pay in 1950 a factory worker could buy 8 quarts of milk. Today it is 15. He could buy two and a half dozen eggs. And now it is nearly 10 dozen eggs. In fact, Americans spend approximately 13 percent of disposable income for food, but in Italy, it is 29. In the Soviet Union it is 34. And in India, 56.

Nowhere in the world can food be bought for a lower price than right here in the United States of America. But something is happening, something very serious is happening across this land on this Agriculture Day, 1984. While consumers are spending less and while the consumer spending has actually increased, the farmer's share is falling.

In late 1973 farmers and ranchers received 37 percent of a dollar spent on food. Today it is only 26. And while their income is declining, their costs are rapidly escalating. Every farmer in this land has to buy at retail and sell at wholesale. The net result is debt, lots of it.

More than ever before we have seen farmers accumulate debt like at no other time in American history. In 1973, the total aggregate farm indebtedness was $53 billion. In 1983, it was $216 billion.

Lester Brown is a well known author. He is the president of World Watch and he recently testified before the House Agriculture Committee. Mr. Brown said that the total indebtedness in our agriculture sector today was equal to the foreign indebtedness of Mexico, Brazil, and Argentina. He said that the total net worth of soybeans, corn, and wheat would not even pay the debt service on agriculture debt today.

While debt continues to rise, the value of the farm assets has declined in recent years. Actually reducing net worth. The largest reduction in more than 40 years. Net income from farming in America was 48 percent less than in 1979 in real spending power. In fact, farm parity last year was 56 percent, the lowest in history, lower than even in 1932 during the depths of the Great Depression.

So let there be no mistake about it, agriculture today is not in a recession. Agriculture is in the depths of a depression equal to, if not exceeding, that of 50 years ago. And it is dramatically changing the face of the Nation's largest industry. It is dramatically changing the whole structure of rural America today.

In just 2 years, from 1981 to 1983, bankruptcies have increased 400 percent in South Dakota. Four hundred percent in South Dakota farms alone. Every day, for the last 3 years, we have lost on the average of one farm or ranch a day in our State. And as farms go, so do our towns. First on Main Street, then the churches and schools and then the people themselves. Auction sales are everywhere, four to five a day in one county.

In one of our South Dakota newspapers just 3 weeks ago we had three pages of farm auctions in one of our daily issues. And in the course of a few hours what has taken a generation to accumulate, in some cases three and four generations, are gone, are sold in a matter of 2 or 3 hours.

Mr. Speaker, this has to stop. These giants of the Earth are being forced from their land, being forced from their chosen professions, they are being forced from their way of life not because they cannot farm, not because they cannot manage, not because they lack the will, the record proves that; they are being forced because of the high cost of money. They are being forced because of an incredibly low price and because of tax policies that rip off the taxpayer while creating unfair tax breaks and impossible competition. And because of a farm program that just flat out is not working.

So on this National Agriculture Day, let us recognize these facts. Let us again sound our warning to all who will listen. American agriculture today is in trouble. Let us attempt to bring about a better understanding between consumers and producers.

□ 1750

Today I am proposing a new farmhouse to townhouse effort to do just that—to match consumers' questions with the producers' response, to bring about a better understanding and a better appreciation and, hopefully, then a much better support for the things that we must do.

Farmers today, in 1984, deeply need relief; they need loans at a reasonable cost; they need prices at a reasonable return; and they need markets that allow a reasonable competition. But for many, there just is not much time.

Let us hope today that we use this time to bolster their hope, to bolster an appreciation of the problems that they are currently confronting and to bolster the kind of support in this House of Representatives that they so desperately need.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I wish to first commend the gentleman for calling this special order to create even a greater awareness, we hope, of the American people about the plight of the American farmer and the American cattleman on this National Agriculture Day.

Mr. Speaker, I appreciate the opportunity to join my friend and colleague, the gentleman from South Dakota, and others of this body who have a concern for agriculture, the Nation's largest industry.

The agriculture industry employs more people directly and indirectly than the next three largest business groups in the Nation. Agriculture is larger than the domestic automobile, housing, and steel industries combined. And at the present time, it is

the industry which has not realized that the recession is over.

That realization will come only when profitability is returned to agriculture. I, last week, received a letter from Donald E. Wilkinson, Governor of the Farm Credit Administration. I had written him asking that farmers with equity be allowed to refinance short term, high repayment loans for longer-term loans with lower repayments in order to improve their cash flow. The Governer responded that they were accomplishing this, and then said, "We would also point out that credit cannot be used as a substitute for profit."

For too long, farmers in my district and throughout the Nation have had to use credit as a base upon which to operate. For too long, the producers of this Nation have been operating without a profit margin and it has caused the greatest turmoil down on the farm and in the small cities and towns of this Nation since the Great Depression. For too long, the index ratio between prices received and prices paid has been disproportionate. For too long, the American farmer has been living on the hopes for next year and on the appreciation value of their land.

There was a constituent of mine down at Wapanucka who was arguing about which year had the worst drought. He said that beyond a doubt, the drought of 1954 was the worst. When he was asked when it finally did rain, he responded, "It never did rain."

That, of course, like all good stories, is a stretching of the truth. It did rain, but the farmers of America today are facing the prospects of it never raining again.

Let me point out some facts: The Department of Agriculture's General Counsel told the subcommittee on which I sit that Farmers Home Administration has 270,000 farm borrowers and 25 percent of those are in a distressed category. A FmHA report dated January 1, 1984, showed that there were 1.4 million active borrowers, representing $58 billion of that amount; 31 percent were delinquent. Almost 1 out of 3 cannot pay their bills.

FmHA, according to the Secretary of Agriculture, last year loaned more money than in history. In response to that, the gentleman from Mississippi, who chairs that Subcommittee on Appropriations, said that the Secretary had sustained his point: For a farmer to receive credit from the FmHA, he must prove that he cannot get credit anyplace else. For FmHA to have record loan volumes now just indicates how desperate the situation has become.

As of last September 30, FmHA had over 1,000 farms on national inventory which had been either foreclosed or voluntarily surrendered. They represented almost one-half million acres. Oklahoma's inventory is 57 farms totaling 18,300 acres or 28½ sections of land. Missouri FmHA has an inventory of 81 farms of an average size of 536 acres. The Inspector General said that FmHA had an inventory of 13,000 homes nationwide.

The State of Texas has reported that last year 170,000 U.S. producers went out of the farming business. And given that Texas has 182,000 producers, that means this country lost the services and knowledge of agricultural producers representing 91.4 percent of those in the great State of Texas.

And, the official figures from the Department of Agriculture show that the index ratio of prices received to prices paid for February was 86 on a basis of 100, a 3-point increase over a year ago but still a long way from a profit. This body and the other side are at the present time crafting an improvement vehicle for the 1984 and 1985 crop years. Hearings have already started on the 1985 farm bill which will be put in place in lieu of the 1981 bill which is to expire. It is well that much thought and preparation goes into this legislation because it may well be one of the most important documents for this Nation's future as any we could undertake to craft.

About 2 weeks ago, the Foreign Agriculture Service produced some figures which reveals that a large portion of the agriculturalists problems rests on the back of the Government. According to FAS figures, world grain trades are being consumated with about a penny a pound keeping the U.S. producer from making sales overseas. By aggressively securing these markets for Oklahoma peanuts, corn, and wheat, and those products which we produce so abundantly, the United States can provide for the increase in the gross national product to provide for health care, education, infrastructure construction, and the other services which our people should have.

Last week, I received some additional figures from the Foreign Agriculture Service which are even more revealing. The price of comparable grades of grain in the United States was in some cases lower than the prices at which sales were completed overseas. One case in particular, which was brought to my attention by my good friend and colleague, the gentleman from the 13th District of Texas, regards sales to Yemen of wheat by Australia. The price, which included ocean freight, was $158.75 per ton. The comparable price of U.S. grain was $134 a ton. How come? I am informed that the State Department had told the Secretary of Agriculture not to sell any more grain to Yemen on blended credit terms, but Yemen had told us that they had to have credit. So, Australia gets the sale and our Government gets to buy more grain to store.

There are many such instances in which we have not properly horse traded our products overseas. One of my former constituents, who lives out in Cotton County, Okla., was once asked if he farmed for a living. He thought a moment and replied, "Yeah, but it seems like I do an awful lot of farming and very little harvesting." Our situation is the opposite now. We do a great deal of harvesting but very little marketing.

On the immediate scene, I do have some ideas of my own to better provide delivery of services to the Nation's agriculturalists. I have, to this end, introduced H.R. 5024, the Rural Development Reorganization Act of 1984.

I am pleased to report today that in the 2 weeks and 1 day since H.R. 5024 was introduced, I have been assured the support for the concept by the American Farm Bureau Federation and the American Agriculture Movement, Inc. I have also had expressions of support from other areas in rural America, including those who are interested in rural development programs.

The farmer today, the ones in distress, need all the help they can get. If we can reorganize the Department of Agriculture so that services are more efficiently delivered, we will have helped farming as an entity. H.R. 5024 proposes to do that and is basically simple:

First, the current Farmer's Home Administration will become the Farm Administration and will continue to have jurisdiction over the present agriculture loan programs and continue to administer single family rural housing programs at the county level.

Second, the ingredients for rural development from the existing FmHA—except the single-family housing—associated measures from the Soil Conservation Service, and technical assistance and planning functions of the Office of Rural Development Policy, will be combined to form the Rural Development Administration. Programs transferred to the new RDA will include business and industry loans, community facility loans, water and waste disposal loans and grants, rural development and planning grants and loans, and all other programs dealing with rural development but not pertaining to agriculture production or farms, family size or not.

Third, current FmHA district offices and personnel, which usually serve from six to nine counties in each State, would be transferred to the new RDA. The RDA district offices will work closely with the people of the Resource Conservation and Development Councils and the people of rural America.

Fourth, RC&D Councils will continue as volunteer groups working with

local units of government and local people for the betterment of life in rural America. RDA district offices will have rural development technical specialists and, as is currently the case, SCS technicians who serve as RC&D coordinators, to work directly with the cities, towns, villages, and people of rural America. Authority is granted in H.R. 5024 to increase the number of RC&D project areas to 450, covering the Nation.

Fifth, transferred to the Soil Conservation Service would be two categories of loans currently under FmHA but dealing basically with soil and water conservation. Those are resource conservation and development loans and watershed protection and flood prevention loans. These are currently completed with technical assistance and planning by SCS and administered by FmHA.

Sixth, H.R. 5024 renames the Department of Agriculture "The Department of Agriculture and Rural Development" (ARD). City residents have a special Cabinet level of concern in the Department of Housing and Urban Development. It makes sense to me that one-third of America—80 million people living in rural areas—should have at least a part of a Cabinet officer dedicated to their well-being.

We also propose the transfer of such personnel as necessary on the State and National levels, plus FmHA district personnel, who are now providing these special services so that we may have a smooth transition to provide special programs for the agriculturalists and rural development advocates. It makes commonsense that those specialists now working with special programs will continue in that specialty at their new assignment.

The proposal leaves intact the Rural Electrification Administration and the Federal Crop Insurance Corporation.

Farmers to whom I have talked tell me that when they go to the FmHA office they frequently find the personnel busy with nonfarm programs. Home builders and community builders have the same remarks: When they go to FmHA, they find the personnel busy with farm programs and unable to attend to their needs. This proposal would clear the air for all and provide a much better delivery system to both producers and rural development advocates.

As I mentioned, this concept has already received the stamp of approval of the American Farm Bureau Federation Board and the national delegates of the American Agriculture Movement, Inc. I have also been assured that some rural housing groups are supportive of the concept which would be good for all concerned in my judgment.

Agricultural producers will not have the forces of their assigned personnel diluted and the delivery of agriculture programs will be streamlined. The role of the RC&D councils will be emphasized and strengthened. The proposal will give more comprehensive thrust to the Soil Conservation Service. And, finally, the proposal will for the first time provide a sole-purpose agency for the delivery of rural development programs to the 80 million Americans who live in rural America.

This can be accomplished with the same personnel and under existing appropriations and yet provide much better services to the people.

I commend the gentleman from South Dakota for this opportunity to express my concern and hopes for helping agriculture and rural America.

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Mr. DASCHLE. I thank the gentleman from Oklahoma for his statement. He has provided a great deal of leadership to us all as chairman of the Rural Caucus, and obviously, his demonstration once again today regarding the tremendous interest that he holds for rural America, and farms specifically, is a real service to us all. I thank the gentleman very much.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. TALLON).

Mr. TALLON. I thank the gentleman for yielding.

Mr. Speaker, I would like to thank my colleague from South Dakota and fellow member of the Agriculture Committee for arranging this special order today in observance of National Agriculture Day.

So often when we come here to speak, we are complaining about the negative circumstances surrounding agriculture, those over which our farmers have little or no control—the weather, increased production cost, export barriers and some short-sighted and misguided Government programs.

But today, I would like to be positive, to give credit and praise to our American farmers that they deserve. Their efficiency and quality in production are the standards by which world agriculture is judged.

Today, let us pay tribute to the traditional farm values and American farm way of life, one of strong beliefs and determination in self-employment.

Let us note the strong influence agriculture plays in our economy. Cash receipts from crops and livestock pumped in over $426 million into the economy of the 10 counties in my district. This money circulates through the community and forms the entire economic base for many small towns.

Let us reflect on what American agriculture means to those who live miles away from any farmland—available and affordable food, the highest quality of any in the world.

Today and every day, let us remember what American agriculture means to this Nation—its economic impact and the value of teaching self-sufficiency—making us the greatest and strongest Nation in the world.

Mr. DASCHLE. I thank the gentleman from South Carolina for an excellent statement, and I yield, if he is ready, to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON of Washington. I thank the gentleman for yielding.

Mr. Speaker, today has been proclaimed National Agriculture Day for 1984. It provides us with an opportunity to join the rest of the Nation in celebrating the achievements and strengths of agriculture in this country.

American farmers today produce over 80 percent more crop output on an acre than did their fathers. One farmworker now supplies enough food and fiber for 76 people. Only 10 years ago, the farmer was producing enough for 50. Because of the farmer's efficient output we can enjoy a satisfying quantity and variety of food and still make large quantities of farm products available for international trade.

Many of the specialty agriculture harvests I represent in central Washington have not become mechanized and the crops must be carefully stored for long-term availability. Because of the perishable nature of the commodities, two issues before Congress are of particular interest to me at this time.

I question whether the Immigration Reform and Control Act as reported out of the Judiciary Committee provides fair or enforceable answers for agriculture. The specialty work in my district is beginning now with asparagus cutting and will continue through October with the final phase of apple harvest. The Panetta/Morrison temporary guestworker amendment provides an insurance policy for growers for those times when there are not enough domestic workers for a specific harvest, and I hope all Members interested in continuing the success of American agriculture will take a close look at our reasonable proposal.

Another problem has come to the forefront of discussions with my farm constituents. With the recent strict standards and restrictions placed on the use of fumigants and additives, the agriculture community is looking for alternatives to combat disease and preserve product freshness. An old process is gaining new attention and shows great promise to be accepted around the world.

That process is food irradiation. The Food and Drug Administration recently published proposed regulations for using ionizing radiation for treating food. The FDA believes that the sources of radiation that would be allowed under their conservative proposal will not produce radioactivity in any food and it is absolutely safe. I look forward to further discussions and an

increased awareness of this valuable and necessary technology.

As we honor the American farmer today, let us recommit ourselves to providing the needed support to stengthen our agriculture community which will continue to provide for a strong Nation.

I appreciate the gentleman's yielding to me, and would add to my written statement only that we represent a wide variety of agricultural products; different flavors, textures, shapes, and each one of those particular products has its own particular need. I appreciate in my short time in this Congress a receptiveness among the Members to the special needs, and I mentioned two of those today in my comments, both as to harvest time help and to the need for new technologies to expand the distribution of our products.

Again, congratulations to our agricultural community; we are the best fed Nation for the most reasonable price anywhere in the world. The free enterprise system works, and yet, we do need a supportive mechanism that is part of our effort here in the Congress as we look forward to a 1985 farm bill.

Again, my thanks to the gentleman in the well for his leadership on saying to American farmers: Thank you.

Mr. DASCHLE. I thank the gentleman very much. He mentioned the needs of farmers throughout the country, and he certainly has done an excellent job on our committee in representing those needs and articulating the concerns of his farmers, and I commend him for his contribution.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. McCLOSKEY).

Mr. McCLOSKEY. I thank the gentleman.

Mr. Speaker, I would just like to briefly commend the distinguished gentleman from South Dakota on the contribution he is making today and highlighting the needs of American Agriculture and showing the contributions that this great industry has made.

Mr. Speaker, today I welcome the opportunity to join in a recognition and tribute to American farmers. March 20 is Agriculture Day, and it is altogether fitting to take a few moments today to reflect on the importance of farming industries to our Nation. Very often, the obvious is overlooked and unappreciated. In many ways this is the case with American agriculture. The occasion of this special order gives us a chance to spell out how essential agriculture is to national economic progress. For many of us from farming districts, it also represents an opportunity to renew our own understanding of the significance of the contribution of those who plant, nurture, and harvest America's food. It is also significant for another reason as well. Presently, we are preparing to enact a new farm bill next year. That action will require a careful evaluation of the importance of agriculture to our Nation. Concerns have been expressed by many about the increases in the farm budget. Not the least of such expressions have come from America's farmers themselves. Today, I am sure, we will be able to discuss certain of these problems. However, we will more appropriately be able to underline the great bargain that American agriculture continues to be for all of our citizens and millions more around the world.

"He who serves agriculture serves all mankind" is an oft-quoted motto describing the importance of farming to the Nation. Agriculture is basic to our economic strength. Incredibly, the value of all our farming assets—land, machinery, crops, barns, and everything else—exceeds the gross national products of almost every other country in the world. The $1.047 trillion of farm assets is just a bit less than Japan's GNP. More fundamentally, however, it is our ability to feed ourselves and provide food for others through superior productivity on a global basis which is the bedrock of our national security and the envy of the world.

But the American farm economy is changing. We have many fewer farms today than in the 1930's—the decline has been roughly from 6.8 million to 2.4 million. Still, the 89,000 Hoosier farms like the rest across the country produce food so efficiently that even after all the costs are added for processing, shipping, wholesaling, and stocking, the average American pays only a little more than 10 percent of the family income for groceries compared to almost 50 percent almost 40 years ago.

The tremendous benefits achieved through high quality, variety, and availability of food at reasonable prices produced by fewer farms has made agriculture increasingly complex and expensive. It has also meant that farmers have become more closely linked to the overall economy. Here in Congress, farm policy is much more than simply establishing target prices for certain crops. It is a mix of bank credit, scientific research, foreign policy, transportation, and tax policy issues—to name but a few.

Accordingly, huge Federal deficits keep the cost of money high and threaten cash flows necessary to buy extra equipment, livestock, feed grains, fertilizer, and other essential items. Such a situation becomes especially severe when unexpected disasters such as last summer's drought hit. It is then that the Government bureaucracy's responsiveness to emergency loan requests which determines whether some farmers will continue in operation.

Scientific research through facilities such as the Agriculture Experiment Station at Purdue University is also a vital concern and source of information and education which can assure successful farming in future years. Through programs such as these we can maintain a vigorous 4-H to encourage young people to stay in farming. This knowledge is also essential for the work of the Soil Conservation Service and the county conservationists and volunteers who help by working with fellow farmers to prevent soil erosion. Adequate support for these activities permit effective local participation at the county level to help preserve the fertility of the soil for future generations. This is especially important since topsoil loss is directly related to the productivity of the land. That loss of productivity will result in reduced farm income and the lower productivity will lessen the ability of the farming sector to fight inflation. It is, therefore, extremely important that we maintain a strong level of support for SCS activities. Finally, active support in agricultural research help to control potential problems with livestock by quickly controlling any isolated outbreaks of disease among cattle, hogs, and poultry.

Increasingly important to agriculture today as well, are transportation issues which are related to foreign trade. Cargo preference legislation is now being considered in committee which could result in an increase in the transportation costs of moving farm products overseas. Although we must be concerned about the decline in the construction of American-built ships, I do not think cargo preference is the best way to address this problem and have indicated my intention to oppose such legislation. Some estimates are that by requiring a certain percentage of bulk cargo to be carried on American-built ships the costs of U.S. grain might increase from $40 to $80 per ton. Considering the high exchange value of the dollar overseas which is already hurting farm exports, we do not need yet another barrier to expanded foreign trade. Fortunately, we are seeing movement toward strengthening contract sanctity protections in export legislation to assure foreign customers that they will not be threatened with another ill-conceived grain or soybean embargo. On a positive note, I am hopeful that Congress will approve legislation to expand the use of so-called blended credits in support of U.S. farm sales abroad. This policy of providing refundable Government credits to allow our farmers to compete for markets has proven successful. Also of concern, however, must be our support for international loans to countries such as Argentina which only provide fi-

nancial aid to foreign farmers for their export efforts.

On the matter of tax policies, farmers are certainly no strangers. Farmers pay about $3.9 billion in real estate taxes annually, $601 million in personal property taxes, $3.8 billion in Federal and State income taxes and about $344 million in sales taxes. In recent years, Federal tax policy has been changed somewhat to provide help in the areas of inheritance and estate taxes. This preserves the option of passing on future generations family farms and is certainly of vital concern to both large and small farmers. Likewise, the tax treatment of health insurance has become an issue and there is movement to provide a deduction to farmers for the cost of premiums for certain health insurance. This is another example of how issues once considered apart from agriculture—health care—is now very much a real consideration in the operations and finances of the modern farm.

This brief outline of what American farming has become concerned with in the 1980's still has not touched on the original concern prompting outcries for cutbacks in crop support and other programs. This year, the cost of such programs is expected to set a record—about $18.8 billion. As noted this is causing considerable concern among farmers and nonfarmers alike. But it must also be placed in the total budget perspective. When we do that, we find that this cost amounts to only around 2 percent of the entire Federal budget. Compared to the total value of all farm assets, it represents only eighteen one thousandth of farm value to date. So, while $18.8 billion is a lot of money and even though there may be places to cut the budget here without reducing support for agriculture, the facts are we will not balance the budget on the backs of the farming community. What we are doing with that $18.8 billion is supporting farm sales this year of over $140 billion, about an eightfold return on investment. But where does that leave the American consumer?

The answer to this question has to be measured in terms of a return on effort. For instance, what can an hour's worth of labor buy me? In terms of food we are talking about a lot. According to recent statistics, the average hourly wage of the factory worker can buy 16.3 pounds worth of bread (up from 10.1 pounds in 1950); 11.9 pounds worth of fryers; (compared to 2.5 pounds in 1950); 15.2 quarts of milk (almost double the 8 quarts buyable in 1950); and 9.8 dozen eggs (more than four times what the same wage could buy in 1950). Compared to most of the rest of the world, this kind of availability and affordability is undreamed of. For instance, in China 60 percent of income is spent on food, in Brazil 41 percent, the Soviet Union 34 percent, and Great Britain 20 percent. In each of these countries, amount of work required to buy much less of the products described above is measured in several hours and even several days. In addition, much more of the population in these countries are engaged in agriculture. For the U.S.S.R. over 17 percent of Soviet citizens work in agriculture and more than 60 percent in China. This compares with only 2 percent in the United States. Our abundance must therefore appear to them a modern economic miracle. But in the United States, we have come to regard it merely as the world's best bargain. I think this is the kind of perspective we have to constantly keep in mind as the Congress prepares to enact a major farm bill in 1985.

Mr. DASCHLE. I thank the gentleman very much for his contribution.

● Mr. DE LA GARZA. Mr. Speaker, all over the Nation today, people are conducting a wide variety of observances to mark the fact that today is National Agriculture Day for 1984. I am glad that Mr. DASCHLE and other colleagues have taken time today to remind the House of the importance of agriculture to our entire Nation, and to remind us of the fact that the men and women who make up our agricultural industry are still facing very deep and serious economic problems.

I regret that I was not able to be present on the House floor today to deliver these remarks in person. I have been participating today, however, in one of the many Agriculture Day observances being held in urban and rural areas all around the country. I have been taking part in an impressive and thought-provoking Agriculture Day celebration in Sacramento, Calif. on the steps of the California capitol.

We have many serious problems and responsibilities in this House. But I cannot at this time think of any domestic problem that is more important than the one the House Agriculture Committee has taken on—the job of developing legislation which will give us a long-term farm policy to succeed the Food and Agriculture Act of 1981.

It will be extremely difficult to develop and pass the kind of legislation we need unless we can also give the general public a sound understanding of what is happening to farmers, farmworkers, and others in agriculture today, and what will happen to the rest of us unless we can promote and preserve economic health in agriculture.

Last week, in remarks calling attention to the fact that Agriculture Day would be celebrated today, I reminded the House of the great contributions agriculture has made and is making to our Nation. Today I want only to remind my colleagues how much must be done to make sure that agriculture can continue to make its full contribution to our country and the world.

Farmers and others in agriculture must do all they can to help research and develop policies which will keep their industry healthy and will get support from the general public.

Consumers and others outside of agriculture should do all they can to get the facts about agriculture, because a sound farm policy is so vital to their well-being and to the welfare of future generations.

Here in Congress, we must be ready to work with all groups and all interests to develop a farm policy that will work—and a farm policy that can command enough support to be put into law. This is something we must do because the price of failure would be so high.

Mr. Speaker, the best summary of what this day and these observances mean is wrapped up in the slogan that has been chosen for this 1984 National Agriculture Day.

The slogan reads: "Agriculture, America's Heartbeat, Vital to Us All."

That is a lesson which this Congress and this Nation must take to heart.●

● Mr. JONES of Tennessee. Mr. Speaker, I feel privileged to take the floor today to pay honor to American agriculture, our Nation's largest single industry. I commend the gentleman from South Dakota for reserving this time so that we may all pause to give the recognition to our farm sector which it so rightly deserves.

March 20 is set aside from all other days as National Agriculture Day, but in truth most of us know American agriculture is the chief influence touching our lives each minute of every day. More than 20 million people in this country owe their jobs to some phase of agriculture, either in production, transportation, processing, or merchandising. The other 200 million Americans who awake each day benefit in countless ways from the most efficient and abundant food and fiber industry ever known to mankind.

In my home State of Tennessee, farmers make up only about 4 percent of the State's population, but their productivity affects every Tennessean. As a lifelong farmer from a small rural community in west Tennessee, I know firsthand what farming means to the economy of my State, and to the quality of life enjoyed by its citizens—both urban and rural.

Each of Tennessee's 4.6 million people must eat, and providing food and fiber is a primary job of the agricultural industry. Tennesseans spend about 16 percent of their disposable income for food, while people around the world spend much more. The Soviets spend 31 percent of their income for food; the British, 18 percent; and the Chinese, 40 percent. In many

Third World countries, the percentages are as high as 60 to 70 percent.

What is more, Tennesseans spend a lower percentage of income on food now than in 1960, when we spent 20 percent, or in 1970 when we spent over 17 percent. In fact, 1 hour of farm labor today produces 14 times more food than it did 60 years ago; and each American farmer produces enough for himself and 78 others.

Just as in the case of our national economy, agriculture is Tennessee's largest industry, contributing about $6 billion to the economy each year. This means jobs, not only for farm workers, but jobs in manufacturing, transportation, finance, mining, sales, and many other related areas.

A strong Tennessee agriculture means a healthy State economy. Tennessee is one of the top 10 States in exports of soybeans, cotton, and tobacco—commodities which help the United States pay for oil and other imports. The $40 billion annual value of farm sales overseas accounts for 20 percent of all U.S. exports.

Why is American agriculture so successful? Much of the credit must go to the farmer—striving for greater efficiency, always maintaining an attitude of optimism and faith in the elements, always looking ahead, and adapting to changing conditions.

In recent years it seems that all the elements have been working against the American farmer. Farmers have been assaulted by the worst global economic recession in 50 years; the worst cycle of weather disasters in decades; and, the worst paralysis in national farm policy in history.

Despite all of this, the farm life still remains the choice of thousands of young American men and women each year. It is these young people to whom I think we owe our deepest gratitude today. If not for them, the family farm way of life would surely disappear as we know it today.●

● Mr. GLICKMAN. Mr. Speaker, Charles Dickens wrote, in a line famous and familiar to us all, "It was the best of times, it was the worst of times." He was not, obviously, writing about American agriculture, but the line fits.

American agriculture is in many respects in its heyday. A mere fraction of our population, through the application of sophisticated techniques and equipment—the very epitome of high tech—has harnessed the vast natural abundance of our land. In under 50 years, American farming has been transformed from a mom and pop business into one of the single most important industries in the world economy. Centers of trade, finance, and industry revolve around American agriculture and its ability to feed the world.

For too many in rural America, however, these are the worst of times. Farm prices are dismal; they are steady at very best, and adjusted for inflation, that positive appearance vanishes. For some farmers, including the wheat farmers in my State, future prospects are no brighter. While prices are plunging, expenses—the costs of running this vital industry—are ratcheting up relentlessly. The supplier, the banker, the grain trader continue to reap the benefits of American agriculture, as do the American consumers. But many producers are reaping their bitterest harvest, the vagaries of weather are nothing these days when compared to the vagaries of the market, the high cost of doing business, and the vagaries of government policies. Flying across the heart of wheat country as I was just this weekend one sees fewer farm lights at night, rural newspapers carry more notices for sales and foreclosures; in fact, one county in Kansas will see one farm auction every day this month. The coffee shop talk is of just hanging on for another year in the hope things will turn around.

Mr. Speaker, let me suggest that both these pictures of American agriculture are true, and therein lies the message I hope this House will hear. I am not one of those who blames the Federal Government for all the farmers' problems, for it has been the synergism of Federal policy and American innovation and drive which has produced the agriculture we know today. At the same time, it has also been the policy which has not grown up with agriculture that holds farmers back in a time long passed and a policy that is something of an anachronism in today's markets.

Just as Mr. Dickens' sketch of good times and bad times finally led to the great upheaval of the French Revolution, the contrasts of today's agriculture and its policy are leading to a crossroad for future policy. The farm bill we will write next year, an effort already launched thanks to Chairman DE LA GARZA's foresight to hold initial hearings this year, will be a watershed. It will, I hope, steer the course toward the best of times for agriculture in the future.

Today, on National Agriculture Day, I hope we can focus our thoughts on the bounty of American agriculture, on the promise for the future, and on meeting the tough choices we will have to make for that promise to come true.●

● Mr. ENGLISH. Mr. Speaker, I am happy to join with my colleagues in recognizing America's farmers and farming concerns through National Agriculture Day. I am sorry that we can not today celebrate a financially sound agriculture sector in which farmers earn a fair return for their labor at no cost to the American taxpayer.

It is no secret that farmers throughout the country face critical conditions. Depressed commodity prices, higher production costs, tighter credit, foreclosures, looming interest rate increases, foreign market restrictions, and bad weather all plague farmers and severely threaten their ability to continue farming. More than ever before, agriculture has reluctantly been forced to seek Government's help. Unfortunately, that help has added significant costs to the American taxpayer while providing very little relief for the American farmer.

Much of this situation, however, was preventable. Mistakes in philosophy, policy, and program management brought on and aggravated agriculture problems. The Department of Agriculture has squandered huge amounts of resources without making improvements. Much of this arose from plain ordinary stubbornness. Agriculture Department officials refuse to use tools which do not fit philosophically with the Secretary's philosophy. Several existing programs which do not mesh with the Secretary's policies have been poorly managed, often defeating their intended purpose of aiding farmers.

As bad as the situation is, it is not hopeless. If we act now, utilizing all the tools at our disposal, we can reverse the current trend. If we take proper and cooperative steps, we can once again make it possible for farmers to stay in business at no cost to the taxpayer. I feel that this is the ultimate criteria for success by which we must judge the policies of any Secretary of Agriculture.●

● Mr. GUNDERSON. Mr. Speaker, I appreciate this opportunity to salute American agriculture on this first day of Spring and commend the gentleman from South Dakota (Mr. DASCHLE) for securing this time on National Agriculture Day to honor our agricultural producers.

Coming from the America's Dairyland—Wisconsin—I well know the impact of agriculture on our economy. After all, Wisconsin is not only the United States' leading producer of milk, cheese, and butter, but of snap beans, beets (for canning), sweet corn, hay, peas, and mink pelts as well. Wisconsin farms employ over 100,000 individuals alone and whose earned income exceeds $1.5 billion annually.

And as we begin the hearing process in anticipation of the 1985 farm bill, it is most proper that we set aside this day to recognize the accomplishments of the 23 million American men and women who, nationwide, directly and indirectly make up the human chain which provides the food chain that feeds our Nation and a hungry world.

At the same time, we must be evermindful that this productivity has created an overabundance of agricultural

commodities that threatens both the net income of producers and the stability of American agriculture as a whole.

While this surplus is not so much a function of Federal farm policy and Federal farm programs as it is a result of attempts to use food as a tool of Federal foreign policy in the late seventies, our experience in the last 3 years has taught us that our present farm programs, alone, are no longer adequate to meet the new challenges brought on by the aftermath of the grain embargo.

Yet, as different and as difficult as these challenges are, they are not insurmountable so long as we remember that we can no longer afford to have our eyes simply set on the end of this year or the next—or the end of the decade, for that matter. It is precisely such short-term thinking that contributed to many of the problems facing American agriculture today.

Rather, we must look ahead and anticipate the long-term future of not only today's farmers, but of the next generation of farmers as well. It is only in this way that we will bring a dynamic and healthy farm economy into the 21st century and truly establish a new agenda for the agricultural future of our country and, yes, a good portion of the world.

And, indeed, that is not only a challenge that confronts those of us who are here, today, participating in this tribute to American agriculture, but one that must be answered at all levels of government and by every consumer as well.

Clearly, agriculture is America's heartbeat. And as it has been said so many times in the past, the course of human history is determined not so much by what happens in the skies, but by what takes place in the hearts of men. So it will be with American history as well.●

● Mrs. JOHNSON. Mr. Speaker, today is National Agriculture Day. Many historians agree that agricultural productivity is the foundation on which advanced civilizations are built. Freed from subsistence farming, people can organize trade, and industry, and the arts flourish. But as this happens, over time, the farmer becomes the forgotten man. Citizens become further removed from the land and devote themselves to nonagricultural tasks and lifestyles. Gradually, they cease to understand the resource base on which civilization depends. History teaches us that agricultural productivity made nations like Eygpt, Greece, and the Roman Empire strong and sustained their military legions in the conquest of vast land areas and peoples. However, as these civilizations advanced, their agricultural productivity, and the soil and water resource base which supported it, was neglected and abused. This and not military inferiority, eventually led to the downfall of these early civilizations.

Today the American farmer produces enough to support more than 75 other people. The industry is capitalized at more than $1.5 trillion, larger than any two American corporations. But our agricultural community is not without serious problems. Dramatic increases in Federal costs, taxpayer outrage and ignorance of farm issues, escalating farm debt, serious cash flow problems, huge surpluses in both Government and farmer-owned reserves, and soft demand for agricultural commodities have brought American agriculture under keen scrutiny in Washington.

It is clear that some structural changes must be made in American farm policy. While the cost of farm programs has quadrupled since 1981, real farm income has declined due in part to worldwide recession, a strong dollar, and a shrinking share of the export market. In the last 11 years, three American Presidents have imposed embargoes or moritoriums on the export of American agricultural commodities. These actions severely disrupted export markets otherwise available to our farmers. Foreign agricultural producers used these embargoes and moritoriums to gain an advantage in the marketplace. Over this same period, our National farm policy asked farmers to produce, and supplied an abundance of cheap money and credit to expand production. Lastly, we citizens must understand that for the last 50 years American farm policy has been designed to supply an abundance of cheap food to all Americans. This is sometimes overlooked by nonfarm people in its criticism of national farm support programs.

In debating the issues it will be vitally important to build on the strength of American agriculture, or we run the risk of dismantling the very inner strength and fiber of the industry. American agriculture is a model of efficiency and productivity. It is not equaled anywhere else in the world. American farmers, like other businessmen, have enjoyed the benefits of a free market system that rewards maximum production. Moreover, our country has a unique and successful land-grant university system and a philosophy of a Federal-State-local partnership of more than 100 years in duration. It links teaching, research, and extension education throughout 50 States. We also have a vibrant, privately supported agricultural research and development sector, which may surpass that of the public sector, which supports a vast infrastructure for food processing, mechanization, chemical supplies, credit, and trade. There strengths will serve agriculture well as the industry looks to the future.

Too often the New England farmer is overlooked in legislating national farm programs. After talking with farmers in my district, I am convinced that future agricultural policy must better address regional differences. In Connecticut, for example, competition for limited open space has made farmland preservation an important issue to Connecticut farmers. Open agricultural land areas are a valuable State resource, not only to farmers but to all citizens. The woodlands provide forestry products and outdoor activity. Open agricultural land also provides a valuable surface area for the recharge of ground water aquifers and supplies.

In Connecticut, the decline of farming activity and the loss of valuable farmland has been so dramatic during the last 100 years that we are no longer self-sufficient in food production. Extensive Connecticut farmland acreages are now used for urban purposes to serve a populace that has grown to 3.2 million citizens. In spite of this, Connecticut still has an important agricultural base. There are 3,750 farms in Connecticut, covering about 450,000 acres in land area. This may seem small in comparison to other agricultural States, yet these producers, together with business which supports them, generate more than $509 million in annual farm-related revenues. Connecticut dairy farmers supply about 50 percent of the milk consumed by Connecticut's citizens and sillage corn supports this important industry. Our poultry producers supply 100 percent of the eggs consumed in the State. Vegetable growers find a ready market for fresh produce that has not been transported long distances. Nursery growers export shrubs and trees to many areas on the eastern seaboard. A significant sector of Connecticut's economy is tied to processing, transportation, marketing, and supplying needed support to our agricultural sector.

Connecticut farmers are proud, thrifty, and enterprising. The Connecticut farmer understands the problems facing agriculture and the complexity of the issues.●

● Mr. HARKIN. Mr. Speaker, it is my honor to join my colleagues today in observing National Agriculture Day, a day to pay tribute to the American farmer, and to salute this Nation's No. 1 industry, agriculture.

The United States has enjoyed the blessings of an abundant agriculture for so long that we tend to take the efforts of our farmers for granted. Our country is almost unique in the world for not having suffered through real food shortages within recent memory. Americans, unlike people in much of the rest of the world, do not know the fear of being unable to find food at any price. It is thanks to our rich natural resources and to the American

family farmer's extraordinary productivity, dedication, and skillful stewardship of our natural bounty that we enjoy this unprecedented food security.

As the number of farmers has declined over the past several generations, and more and more Americans are distanced from their farming roots, it is easy to forget how crucial agriculture is to the American economy, to see farming as a narrow special interest. But although active farmers now represent less than 3 percent of our population, agriculture generates jobs for over 22 percent of the U.S. work force, an estimated 23 million jobs ranging from farm suppliers to food retailers. The sale of agricultural products here and abroad accounts for 20 percent of our Nation's gross national product. A healthy farm economy lies at the very heart of a healthy national economy.

But our agricultural economy is not healthy. Farmers are hurting. Production costs have spiraled continuously upward, while farm prices have not followed suit, strangling farmers in an unprecedented cost-price squeeze. Tight credit, high interest rates, low farm prices, last year's drought, have left many farmers stranded. In my State of Iowa—Iowa, the Nation's No. 1 producer of hogs and of feed corn, a State where 4 out of 5 jobs are agriculture related—an alarming number of farms are expected to go under this spring, for lack of cash to cover planting expenses. I get letters every day from farm families who have worked hard and lived frugally for years, good farmers whose farms have often been in the same family for generations and who dream of passing them on to their own children. Farmers whose dreams are shattered because, despite their hard work, their skillful management, their deep commitment to their profession, they cannot make ends meet, and face liquidation. In my experience, family farmers do not quit easily. It takes a desperate situation to drive them off the land. But that is where we are now.

The tragedy goes beyond those men and women who see their farms teeter or fail. Precisely because family farming is so crucial to rural America, the national economy, the consuming public, we all will pay a heavy price if something is not done soon to restore health to this sector. As farms go out of business in unprecedented numbers, our rural communities and businesses are quick to follow suit, and the ripple effects go out from there. In one farm community in my district, 19 businesses have closed in the last 2 years. In another community, when the local farm implement dealer folded, 10 families, including 40 schoolchildren, faced unemployment and had to move elsewhere in search of work. Iowa's State banking superintendent sounded the alarm for the State's banks earlier this month, saying that problem loans had jumped from 16 percent to 40 percent of capital accounts in the last 10 years, primarily as a result of the poor farm economy.

The farmers I know in Iowa—and I believe this is true across the country—do not want charity. They do not want to be dependent on Government handouts. They simply want to be able to earn a living by working their land. It is in the direct interest of all of us—who need a stable and secure food supply, a sound national economy, and healthy rural communities—to work to find ways out of the current impasse.●

● Mr. OBERSTAR. Mr. Speaker, as a cosponsor of legislation designating today as National Agriculture Day, I welcome this opportunity to pay tribute to our Nation's farmers and to the millions of people who contribute to the enormous productive capacity of the agriculture industry. Agriculture is the backbone of our Nation's economy.

I take pride in coming from a State in which agriculture is the largest industry. With over 65,000 farmers in Minnesota, I know how important the farmer is to both the rural and urban economies of my State. The farmer is one of the principal reasons for the excellent quality of life in Minnesota.

Not only are our Nation's farmers the most productive in the world today, but their efficiency contributes to the fact that Americans spend a smaller portion of their income on food than citizens of any other country in the world. In fact, the percentage of income which the average American family spends on food has actually declined during the past two decades. The relatively high standard of living which most Americans enjoy would not be possible without the productivity and efficiency of our farmers.

The agriculture industry employs approximately 22 million people in jobs ranging from actually producing the food to transporting, processing, and merchandizing it. Moreover, farmers are very important consumers. In 1982, farmers spent $140.1 billion on goods and services, approximately 86 cents for every dollar of gross income from farming.

While it is important to honor farmers for the abundance of food which they provide, we must take time today to acknowledge the hunger crisis which exists in America. Although most Americans can take full advantage of affordable food prices, many low-income families and people on fixed incomes do not have enough to eat. We must do a great deal more to ameliorate the dire situation of these people by developing better food and nutrition programs and distributing the vast supplies of Government-owned surplus food to the poor.

We should also focus our attention on the major problems facing our Nation's farmers: the value of farm production exported from the United States has declined in recent years; many farmers are on the brink of bankruptcy; net farm income has declined nearly $8 billion since 1981; and the cost of Government programs to support farm prices and income has increased dramatically during the past 3 years. Unless farm programs are changed to correct these problems, more and more medium-sized, family farmers will be forced to quit farming.

This does not mean that we should abandon every aspect of previous farm policy, but rather modify these policies in order to address more adequately farmers' needs. We must develop a comprehensive 1985 farm bill which will help insure adequate levels of farm income, decrease agricultural surpluses, increase exports, and reduce the cost of Government farm programs.

I am very proud to be a friend of the family farmer and I am committed to providing the full level of Federal support necessary to make certain that our Nation's farmers continue to be the most productive in the world.●

Mr. DASCHLE. Mr. Speaker, if there are no other contributors this afternoon, I yield back the balance of my time.

VOICE OF DEMOCRACY WINNER FOR MISSISSIPPI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, as you know, each year the Veterans of Foreign Wars and its ladies auxiliary sponsor a voice of democracy contest. The entrants in this scholarship program write a short essay on democracy and I can say that it has grown into a very impressive event. This year more than 300,000 students nationwide participated, with the chance to win five national scholarships. The top prize was $14,000.

The winning contestant from each State was brought to Washington for final judging as a guest of the VFW. I am proud that the winner from my State lives in my congressional district. She is Susan April Smith of Ellisville. She is a senior at South Jones High School and is the daughter of Mr. and Mrs. Marvin Smith. Susan is an outstanding young leader in her community and I think you will agree that her essay, "My Role in Upholding Our Constitution," is very impressive. I want to share it with my colleagues.

The essay follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

The Constitution of the United States—our Constitution—a play written by fifty-

five men with millions of actors, past and present.

As we Americans approach the twenty-first century, the fine arts are most reflective in the hearts and minds of American citizens. I find it very fitting to exemplify my role in upholding our Constitution through representation of the arts. I will consider the Constitution a play and myself an actor.

Supporting collective efforts is one of the most important duties of an actor. Actors work together to form a successful union of characters. Likewise, I must work with others to uphold our nation's fundamental principles. I must co-operate and compromise for the improvement of family, community, state, and nation, I must work for the majority rather than for my individual desires.

We must realize that our play was not written by hasty writers but by flexible, intelligent men. William E. Gladstone, a past Prime Minister of Great Britain, once said the United States Constitution is "the most remarkable work to have been produced by the human intellect." Therefore, flexibility in the system is essential. I must not be afraid to be flexible or resist change if the change is to make the play more successful. Henceforth I have established two of my duties in upholding our Constitution, the supporting of collective efforts and flexibility.

As an actor in this play, I must be true to the script as the writers intended it, or I am not upholding my role in the play. Just as an actor must spend much time learning his script, I must also spend much time studying to understand the authors' intentions and learning my part in order to act and react productively to our nation's script and the changes it undergoes. Learning and thinking intelligently are what produced our great script and are the only things that will ensure its survival.

I realize how dull a play can be without the actors' having spirit and enthusiasm. Those actors who are successful in entertaining audiences are most definitely keeping their script alive and working. Our Constitution can be kept alive and working if we exhibit this spirit and enthusiasm as actors of the greatest script in the world.

The fourth important duty of an actor is recognizing and accepting responsibilities. In the theater each actor has his own responsibilities, but he is not indifferent to other actors and their roles in the play. We too must adopt this behavior, as each of us has different roles in our play. Responsible behavior is certainly a characteristic of a mature person. The more responsibilities we can assume, the more they will help us become better citizens.

Everyone has his own set of values and ideas. I consider my roles for upholding our Constitution to be the following: one, supporting collective efforts; two, being flexible; three, having spirit; and four, recognizing and accepting responsibilities.

I am proud to live in a country that is governed by such an award-winning script—the Constitution. But I am afraid that if the demanding roles of upholding our Constitution are not met successfully, the loss will be irreversible. Not only will the script be discarded and the actors left without direction, but also the final curtain will be pulled, the spotlights will be extinguished, and the whole stage will once again be dark.●

A TRIBUTE TO CLARENCE M. MITCHELL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 5 minutes.

● Mr. EDWARDS of California. Mr. Speaker, I was saddened to learn of the death this weekend of Clarence M. Mitchell, Jr. Clarence has been a dear friend and a constant source of inspiration to me throughout my tenure in Congress.

For decades, Clarence has served as one of the guiding forces of the civil rights movement as Chairman of the Leadership Conference on Civil Rights and as Washington representative for the NAACP. It was my good fortune and privilege to be able to work with Clarence in achieving enactment of many of the civil rights bills of the past two decades.

When I think of Clarence, two qualities come immediately to mind. The first is steadfastness. Through all the ups and downs, the victories and tragedies of the long and continuing struggle for civil rights, Clarence's vision of equality of opportunity for all Americans never wavered. His dedication, his determination, and his considerable energies never flagged. Others may have received more public notice for their work in behalf of civil rights, but no one—no one—worked with more commitment or perseverance than Clarence.

The other quality is optimism or faith. While it is easy to understand why some involved in the civil rights struggle would give in to frustration or bitterness, Clarence always maintained his hope for the future and an abiding faith in the ability of humanity to rise above hatred and bigotry and embrace equality. It was this faith in people that made him the heart and conscience of the civil rights movement and a source of hope and inspiration both for millions of black Americans and for countless others who shared his vision.

Clarence will be sorely missed, but his life's work will continue to inspire us. My deepest sympathies go to his brother, Parren, his wife, Juanita, and to his children.

Mr. Speaker, I also ask unanimous consent that the editorial in praise of Clarence Mitchell from today's Washington Post be included in the RECORD.

The article follows:

CLARENCE M. MITCHELL, JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.●

HOME MORTGAGE LOAN ASSISTANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise again this week to continue the discussions I initiated last week, and to flesh out some of the statements I made last week.

I have, through my political career, and even before, attempted never to make any statement of any categorical nature without as full documentation as is humanly possible to obtain to lay the predicate upon which the assertion is made.

We have just heard, interestingly enough, in a different sector of economic activity, from those spokesmen commemorating the Agriculture Day, Farmers Day, or week.

□ 1810

Last week, on the occasion of the remarks I made then, those orators and speakers preceding me from the industrial heartland of our Nation talked about the crisis there, the massive unemployment among the steelworkers, where we have over 200,000 unemployed as of now in this Nation. Now we have the heartland of the farm and the growing production area of our country, same story, pathetic, dismal notices, individual family farms going out in record numbers, foreclosures which, incidentally, has been a subject matter that has occasioned my rising to speak the last 2 weeks because of my continual notification to my col-

leagues who nobly and greatly passed last May the home mortgage loan assistance program, only to find it wallowing in indifference, languishing a slow death in the Senate, where we have several candidates for the Presidency of the United States, some of them with a strong possibility for nomination, but who, strangely enough, although they represent States in which we have reported to the colleagues the tremendous dilemma of home foreclosures in record numbers, the State of Colorado, for instance, where we have this pathetic situation also linked with the unemployed steelworkers because in Pueblo, Colo., about two-thirds of the work force represented by the steel mill that had been operational there being unemployed and the fact that our hearings and all showed the same situation in other parts of the country, and also in the urban and industrialized areas, as well as the rural, for when we passed out H.R. 1983, the Home Mortgage Assistance Emergency Act, we did so only after having many, many hearings in the subcommittee that I have the honor of chairing.

Yet, despite the fact that the House passed it, as I say and repeat, by a 115-vote margin, the Senate wallows in its indifference, callously indifferent to the continuing and growing need in this area. For what? For just a modicum and a very weak imitation of the Home Owners Loan Corporation Act during the depression, when we had faith then in the American. We do not seem to have it today, where the same Senators and the same opponents here in the House were against a bare $300 million at the most in loan assistance based on 10 percent interest, which was horrendous and over my objections, but I had to bow to the will of the majority.

Even at that, these same Members of the Congress, reluctant to vote that for Americans because they do not trust the ability to repay, although the depression record shows that such a program redemmed our faith in the American people. When the HOLC closed its doors, it reported a tremendous profit to the Treasury of the United States, for that time a huge profit, almost half a billion dollars. In terms of dollars then, that was the equivalent of $1 billion today, or more.

So these same Members of the Congress, the majority did not hesistate to vote for $8.4 billion for foreigners so poor they have not been able to pay the interest rates on these injudicious, foolish loans made by the principal banks of our country, to the point of foolishness and absurdity where they are actually insolvent because of that debt overhang, tremendous when nine of our principal banks in the United States have loaned out so much because of the greed of the interest rates, where they are going to get 35 percent interest, they think, they thought.

This delusion, just like the one after World War I that I referred to in the remarks last week and which I rise today in order to flesh out and bring in some historical testimony of that period, so that I would like to point out to my colleagues who report these dismal happenings in the case of the rural and the farmer, and in the case of the main industrial section of our country, the industrial heartland, the steel and other manufacturing heavy industries where we have many Americans wasting away.

I said and I repeat that we should not be surprised at why this is happening all over. It is based on the fact that no nation, no civilization, no society, no human activity, going all the way back to 7,000 years before Christ, we have some written history on those events, back to the era of Hammurabi, cannot exist with usury. It cannot have any kind of creative economic activity if it has to pay extortionate, usurious, wholesale thievery rates of interest, and this is what America is having to do today.

I would like to bring to the attention of these colleagues who have been so distressed, both from the heartland of the industrial and heavy manufacturing part, as well as from the ranches and farms and growing areas of our country, a little item which I offer for the RECORD at this point from today's Washington Post, page 1, headed "Banks Raise Prime Rate to 11½ Percent."

The President has been bragging about how, and I wish he had been right, how recovery is among us. I pointed out last week that we have been victims of mass delusions many times in man's history and we are in one now on this so-called economic recovery binge, but which in reality you cannot equate with what we have been hearing here from the heartland of our farm and our industrial part of the country.

Major banks across the Nation yesterday raised their prime lending rates from 11 percent to 11½ percent, the highest level since the recession ended more than a year ago. The increase in the prime rate, a key rate the banks use as a benchmark for business loans.

The full article follows:

[From the Washington Post, Mar. 20, 1984]

BANKS RAISE PRIME RATE TO 11.5 PERCENT

(By Jane Seaberry)

Major banks across the nation yesterday raised their prime lending rates from 11 percent to 11.5 percent, the highest level since the recession ended more than a year ago.

Stock prices plunged and the Dow Jones industrial average was off by as much as 16 points as the prime increase, initiated by First National Bank of Chicago, quickly spread across the country. At the close of trading, the Dow was down about 13 points.

The increase in the prime—a key rate that banks use as a benchmark for business loans—was the first since last August, and returned the rate to its level at the start of the recovery last January.

But economists said the increase probably would slow the nations economic growth only slightly, and discounted the danger of its plunging the nation into another recession.

White House spokesman Larry Speakes agreed with that view, telling reporters, "Their's no reason in our opinion to think that the increase in the prime rate today will hamper the recovery. But nevertheless we want interest rates to come down."

The dollar rose slightly against other currencies in active trading as a result of the prime rate increase.

Separately, the Commerce Department reported that the nation's current account deficit rose to a record $40.8 billion last year, largely because of deterioration in U.S. exports.

The department also reported that disposable personal income of Americans rose 0.7 percent in February, following a rise of 1.6 percent in January. But personal outlays declined 0.7 percent as consumers spent less and saved more.

An increase in the prime rate had been widely expected in recent days as other short-term interest rates edged upward. The strength of the economic expansion is viewed as contributing to the pressure on interest rates. But some analysts attribute the rise in rates to action by the Federal Reserve Board, and say the prime rate could rise to 12 percent before the summer.

In another sign of pressure on interest rates, the Treasury reported that yields on short-term bills rose at its weekly auction yesterday to their highest level since August 1982.

The increase in the prime rate was one of the few negative economic developments this year for President Reagan, who is seeking reelection partly on his claims of lowering unemployment and inflation and raising the level of economic activity.

At the White House, Speakes said that to get interest rates down, Congress should pass the $150 billion deficit-reduction package proposed last week by President Reagan and Republican congressional leaders and the Fed should "allow sufficient monetary expansion to assure noninflationary growth."

When asked whether the Fed was now allowing sufficient monetary expansion, Speakes replied, "I think we won't make a judgment on that because that would certainly be an attempt to tell the Fed what to do."

Speakes would not repeat Treasury Secretary Donald T. Regan's recent assertion that the Fed is providing sufficient money growth.

The prime rate was raised because banks are paying more for money, as reflected by the increase in short-term interest rates, which many analysts blame on uncertainty over the handling of the large federal budget deficit.

Economists also said they believed the Fed, in an attempt to keep inflation under control, had already begun tightening credit conditions. The Federal Open Market Committee—the Fed's policy-making arm—is scheduled to meet next week to review its policy for the coming months.

In addition, the robustness of the economy was also cited for the interest rate rise. Private credit demands, particularly business borrowing, have begun to climb, in-

creasing the overall demand for money and pushing interest rates upward.

"I believe that the Fed has been tightening market conditions since mid-February," said Elliott Platt, an economist with Donaldson Lufkin & Jenrette. "I think [the prime] is solid at 11.5 percent. I don't think the prime will be up for reconsideration from now through mid-May."

However, other analysts said yesterday's upward march is just the beginning.

"Unless there's some abatement in credit market pressures in the next few weeks" the prime could reach 12 percent by April or May, said William V. Sullivan Jr., senior vice president for money market research at Dean Witter Reynolds Inc.

In the past, economists have said a 1 percentage point rise in short-term interest rates tended to produce a 1 percentage point rise in mortgage rates and to reduce housing starts by 200,000 and reduce automobile sales by 500,000.

"At some point in time interest rates always have a braking effect on the economy," Sullivan said.

I pointed out last week that anywhere, my backyard back in San Antonio, anywhere else in the country, if a small businessman or a farmer goes out to try to borrow $1,500 for maybe a little bit of inventory in the case of a small tailor shop, or a small grocer, or in the case of a farmer to tide over some of the purchases he must make in equipment or other farm accoutrements that are necessary for the sustained conduct of that enterprise, there is no bank I know where he is going to get that loan at less than 17½ or 18 percent.

What this notice today means is that it will go back to what it was exactly a year ago, and that is close to 20 percent or so, because when they talk about a prime interest rate of 11½ percent, that is the prime interest rate for the favored customers, the big boys, not for the little, ordinary American, the backbone of our country, of course, but nevertheless, it is not for him. While they talk about 11½-percent interest, let me point out that the line of credit available on the basis of 11½ percent interest, not available to you and me and the ordinary, average American, much less the small, small businessman, is not what they are talking about when they have their huge, dinosaurial-like struggles for mergers and acquisitions, Exxon, Occidental, the recent Gulf merger. They have unlimited lines of credit, at what rates of interest, tying up bank resources involving as much as $35 billion to $50 billion that ought to be available to the mechanisms and the firing of the industrial furnaces of production, helpful to America, in order to have the farmers stay on their farms, enable them to exist.

That line of credit is shut off for them, but it is absolutely available. Why? Because the American people, as I have said repeatedly for years, have been stripped naked of the only protection that they could have, which is their Government, their Constitution, and the Government based on it.

□ 1820

With the subversion of the Federal Reserve Act of 1913, the American people simply have no protection and these bankers can have any kind of thing they want, and particularly now since they have become international, where their allegiance, if it ever was, certainly is not going to be American. It is going to be, like they say in Latin, "ubi pecunia ibi patria." Translated roughly, that is, "Where my money is, that is where my allegiance is," and the Federal Reserve is nothing more or less than a complete subservient servant of these powerful banking industrial leaders today, these big corporate super-super oligarchs. The decisions are not being made in the Congress. They are not being made in the halls of the President's White House. They are not being decided in the Treasury Department where it was intended it should have been originally. They are being decided by these super-super bankers that control the Federal Reserve.

You know, after all, the Chairman of the Federal Reserve Board, which incidentally is not a Federal agency, it is not a Federal Government agency. Let me repeat that. It is strictly a private, commercial bankers' entity and particularly the way it operates today where it is not accountable either to the Congress that created it, much less the President.

Oh, now and then they might make deals with a particular administration on the so-called money supply; maybe so, maybe not so, but it makes no difference. They act so, and the reason is very simple.

Who are the chairmen? Well, they come from in the case of the present one, he comes from Chase Manhattan. He has been on the payroll. When he leaves being chairman, he will go back on that payroll; like the former Secretary of State, Henry Kissinger, he is back on the Chase Manhattan payroll. He left temporarily when he was Secretary of State. He is back now.

The former Chairman of the Federal Reserve Board, same thing.

The Secretaries of the Treasury, well, here we have not had a real one that understands even the basic elementary mechanism of international finance since the days of Franklin D. Roosevelt. You always find Secretaries of the Treasury that come from the same stable, the Wall Street bond markets and their related compadres in the New York financial valhalla. Of the 14,500 or so commercial banks, which incidentally are going out, and it is predicted that by this time next year that there will be about 9,000 of them; just like in the case of savings and loans, the Congress has aided and abetted, wittingly or unwittingly, the process by which we now have such a homogenization of banking institutions that what we see here is a tremendous upheaval in which the average American is a victim because of the great, great power that has been at the heart of the key issue from the founding of this Nation. It was the issue during the Continental Congresses, the first two.

We must remember this, that the Office of the Presidency, wholly undreamed of as it has turned out to be now, and which was wholly unheard of the first 10 years of our existence as a nation, that is, the Continental Congresses; there was no such thing as a presidency or the equivalent. That is what the Founding Fathers thought of that kind of an office.

But what was the issue then? The issue was, who is going to control? What force, what select number in our society is going to control the credit financial resources of this great Nation, so that when the First Continental Congress created the Bank of North America they had to charter it in order that they could have their banker. Everybody has to have his banker, and that includes nations and organizations.

It was Thomas Jefferson who spoke out bitterly, very bitterly, and again in the Second Continental Congress. They were not about to let those bankers come in and say, "Well, we can save you if you pay 10 percent interest." They made sure they were not going to rue the day; but we had men of great courage, as we know and history tells us. It was the same issue later with Andrew Jackson and the first and second charter of the national banks, which he is given credit for destroying, for reasons similar to what we confront today, identical.

The Nation was structured different. The world was structured different. The basic issue is the same.

In 1865, right before President Abraham Lincoln was killed, that was the issue uppermost in his mind, as reflected in his statements and discussions. It was that year that the National Currency Act was passed. I wish my colleagues would take time to read that history and what happened, because that was the year that the control of usury on a national basis was eliminated.

Oh, I have heard all these chairmen and economists come in and say, well, tantamount to what they were saying and told me in the 22 years I have been here, every one of them I have served on the Banking Committee; so I have had first role exposure to these experts. They have come in and they have led the thought that announcements such as today's are acts of God. Oh, you cannot do anything about interest rates.

Now, just a year or two or three ago, the big devil was inflation. Why, you control inflation, interest rates will go down.

Well, the President is bragging how he brought down inflation. I do not know where he brought it down; certainly not at the grocery store, ask any housewife that. Certainly not on any household budget when they have to pay for fuel, light, and gas bills, they have not gone down, they keep going up.

Interest rates, have they gone down? Hardly, not real interest rates, not what you and I have to pay for money.

The obnoxious notion advanced by these same economic experts, the leading economists, I have heard them come up and say, well, interest, they talk like a lobbyist I heard when I was in the State senate of Texas, and incidentally, I will remind my colleagues that I was a member and chairman of the State of Texas Senate Banking Committee back home. I have always had an abiding interest in this subject matter, I think a primordial concern, and should be.

I remember this lobbyist telling me that money was like any commodity, and by golly, these usury laws of Texas just had to be abolished; because otherwise Texas would not have money in competition with what other States would allow where they had no control on usurious interest rates, and that money was like any other good, Well, of course, that is not true.

The interest rate, simply defined and which I have not heard these experts talk about that way, is a mechanism by virtue of which the wealth of any society is changed, changes hands. This is why the farmer is ailing. This is why the steelworker is ailing, whether he is in the manufacturing or heavy industry part or in the growing agricultural part. You cannot afford to live with extortionate interest rates and stay alive economically. That means nationally.

So we go futher and read this front page story, because it is interesting. It brings out some other points that I think are related to the discussions we heard from these other gentlemen in the special order.

Separately the Commerce Department reported that the Nation's current account deficit rose to a record $40.8 billion last year largely because of the deterioration in U.S. exports.

Well, those are 90 percent agricultural exports. This is why our farmers are hurting.

When some of us were raising our voices 20 years ago, 18 years ago, very specially in 1966 when the first so-called credit crunch was obvious, the handwriting to me was clear on the wall and we were anticipating, but never anticipating the tremendous tragedy of just about 3 years ago when the prime interest rate went as high as 21 percent. My colleagues have forgotten that. Presidents have forgotten that. And it is to the great woe of the American people and the destiny of our country that they continue to forget, because remember that if it could go to 21 percent with no restraint, it is possible, to, it will go to 30 percent, any percent, because the Congress and our national leaders have abdicated our serious responsibility in this respect.

□ 1830

But why would we have this tremendous deficit, unprecedented it say here, $480 billion?

There I want to go back to a 1932 historical, to me, publication. It is a little publication I have kept since I was 15 years of age, and see how, as I said last week, history has taught us nothing. We are like the Bourbon kings, we in this great democracy; we learn nothing and we forget nothing.

Here is a little section talking about what I first spoke and addressed in 1978 and 1979, and, as I said last week, at least brought the attention of the then Chairman of the Federal Reserve Board, who confided in me privately that I was right, but that he could not do anything about it.

I quote:

Of the new Latin American bond issues that had been recommended to investors by the very best Wall Street banks and their bond-selling affiliates, of these alone 56 issues aggregating more than $800 million were in default.

Now, $800 million by 1932 terms would mean at least not less than some $6 billion to $10 billion today.

And the fate of others not actually in default was very uncertain. In Europe, with a general moratorium on war debts and reparations, with a private moratorium running to Germany, another one to Austria, another one to Hungary, and with war debts and private debts involved in one great maelstrom of political controversy, the value of the American investment, present or ultimate, was very indefinite. Bonds of the German Government selling on the New York Stock Exchange at 30 cents to 60 cents on the dollar, bonds of the State of Prussia at 25 cents, bonds of the City of Berlin at 20 cents, Hungarian bonds at 15 cents to 40 cents, many of the private bonds of European industry a little better or a little worse, and they were all bonds that had been eminently sold to the American investor within 5 or 6 years at 95 and $^{99}/_{100}$ths.

I describe what happened today, but no longer do you hear about Austria, Hungary, because all of those entities are something else today.

Then I continue:

Then one by one the international bankers appeared before a committee of inquiry of the U.S. Senate, all saying they thought the bonds were good, and all, alike, disavowing further responsibility.

Sounds familiar today. You should have heard the hearings we had last year in which we had not only the bankers, we had the Chairman of the Federal Reserve Board coming in begging, saying it was indispensable and the President saying he had to have $8.4 billion for these foreigners, these borrowers, that cannot pay the interest unless the American taxpayer helps them through the IMF. And all they were saying was the same thing as in 1932, that if we did not, then we lose jobs because they would not have the money with which to buy our goods. Same argument, as I said week before last, the famous brainstorm of that wizard of finances, Hitler's financial adviser, that great Dr. Hilmar Schock, the great Hitlerian financial wizard who first foisted the basic theory that we are doling out money for IMF in 1931, 1932, and 1933, and did a good job with the help of the American partners of the American cartels, which, incidentally, now, at this point, they are all back in place except they are not cartels anymore, they are multinationals. But the same people, same people, same folks.

They had not guaranteed the bonds or the validity of them. They were not responsible for how the money was spent or misspent. The borrowers were responsible, and as for the foreign bond delirium in this country, that was something the people, that is to say, the private investors, had done to themselves.

This is reflected in the Senate hearings.

Before the Committee on Finance of the U.S. Senate, the head of the second-largest national bank in Wall Street, who represented also the most aggressive bond-selling organizations in the world, appeared and said, and I quote: "We are merchants. With respect to bonds generally we are merchants." A member of the most powerful private international banking house said to the same committee, "We are merchants. That is what we are, just like any merchants in the grain business, in the cotton business, or anything else."

Let me say by way of parentheses to the gentlemen from the rural or the farm bloc that the principal grain companies today that deal in American grain, that determine whether this farmer is going to sell or not are foreign owned. They are not American grain dealers; they are foreign owned. The decisions are made at the corporate headquarters in Brussels, Belgium, in London, and even in Argentina.

Nowhere in the debates have I heard any mention, even in grain our Government says "Oh, no, private enterprise, free enterprise," and there is a lot of confusion between the two. Hitler and Mussolini had private enterprise until the day they died. We had better remember that and differentiate between private enterprise and free enterprise.

I continue my reading from this historical account written in that year of 1932.

The head of the largest national bank in Wall Street; one that owns also a very pow-

erful bond-selling organization, appeared before the Senate Committee on Manufacturers and he said to the committee, because the committee was hearing bankers on the question of establishing a national economic council—

That was a favorite gimmick. Hitler had established his Grand Council of German Economics. It is interesting to note that this same proposition is now circulating here in the Congress and among the private sector for the establishment of a grand, the equivalent of a grand American chamber of economics. So they were considering the establishment of a national economic council and they were asking this banker what the banker had done to restrain a wild use of American credit before the collapse, like today.

He said, and this is a direct quote, because it was his testimony to the committee:

Speculation was in the air and the speculators wanted to buy, buy, buy, and the bankers and the brokers dealing with securities supplied that demand. In other words, I do not think you would be justified in holding the bankers responsible for the wild speculative craze that worked through the country. I think they were trying to supply what the customer wanted. I think the banker is like the grocer, he supplies what his customer wants.

□ 1840

I will go over and I will read to you a quotation from Senator Carter Glass. He was a former Secretary of the Treasury. He was moving and speaking in behalf, in the U.S. Senate, on February 17, 1932, on what turned out to be the Glass-Steagall Act, which incidentally is still under attack today by many, many people, including the most powerful banks of this country.

The Congress has gone along with vitiating large chunks of the Glass-Steagall Act. It is interesting to note. I quote now from Senator Carter Glass:

The Federal Reserve System has been threatened with raids upon its gold supply by foreign nations, notably by France. There has been that threatening situation, the conjecture—

And it is a conjecture—

being that the country wanted to effect a situation with respect to reparations and with respect to her indebtedness to the United States. I do not make the assertion. I say that it is conjecture. The officials of the Bank of France have simply outwitted the officials of the Federal Reserve System of this country.

I want my colleagues to remember that I was chairman of the Subcommittee on International Finance just a few years ago under the regime of Mr. Nixon, who had a Secretary of the Treasury, Mr. Simon, who insisted on abrogating that part of the Glass-Steagall Act that was passed under this dictum that I just quoted.

In order to provide what? Private ownership of gold. And I was trying to bring out to the Members, and I did so unsuccessfully, and to the Secretary, that the wholesale repeal that he was asking for would have to be qualified in order to give the minimal protection to the American who would be dealing and speculating in gold, that we had in place in 1932 before the adoption of the prohibition.

Again, I had a call from the then-Chairman of the Federal Reserve Board who read my remarks and said:

You are right, but, gee, it is too bad you didn't carry the day.

In the meanwhile, I was so burned by my own chairman of the subcommittee, who had to use sort of a subterfuge in order to get that through without some objection of my part, and to the great hailing of the gold bugs and the then-free enterprise Secretary of the Treasury, Mr. Bill Simon.

I want to see how that sounds now and how Mr. Carter Glass' statement would be very much in harmony with today:

A more muddled argument was never imagined.

This was the same theory we are being given now by the IMF proponents, but he was referring here to the muddled argument by that great Hitlerian financial wizard, Dr. Jhalmar Schacht:

Our debtors can not pay unless we remove our tariff barriers. It stands us on a free trade leg. But if we remove the tariff barriers and let them pay our unprotected industry will be ruined. It stands then on the leg of a high protection. Perceive that if this were sound as a proposition in combination it would have to hold for the payment of international debts, in principle, not war debts only; and that if it does so hold in principle, international debts as such are reduced to a logical absurdity. But to say the reason it is necessary only to set an adjective before the word "goods."

That is exactly what is happening today. This is why we have $40.8 billion unbalanced trade deficit, against us, not in our favor.

Finally:

The poverty of Europe today is either political and imaginary like the crushing offset of the war debt to the American Treasury or an idea derived from envious comparision with the United States. The standard of living is higher than before the war, so much higher that a return to prewar conditions is unimaginable.

I am quoting from the book and he is referring to the European economic conditions.

This week statistics were put out in which in every range or index of standard of living, the European, the German, the British, and the French are better off for the first time than the average American worker.

I yield back the balance of my time.

JUDGE ALFRED ANDERSON—OUTSTANDING CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of Judge Alfred Anderson, who has made an enormous contribution to the legal system in San Benito County, which is part of the 16th District, to law enforcement agencies, and to legal education.

Alfred Anderson's first law-related duties in the San Benito County area were as the county's deputy sheriff from 1953 to 1956. In 1956, he was named chief of police for the town of Hollister, which is located in San Benito County. Judge Anderson moved out of the area in 1959 and was elected and served as a judge in Amador County from 1962 to 1970. Then, he retired and moved back to Hollister, where he served for 6 years under judicial council assignment as a circuit court judge. In 1976, he retired as circuit court judge, and in 1978, Judge Anderson turned to teaching as an adjunct professor at the Police Academy of Gavilan College in Gilroy.

Mr. Speaker, on March 23 Gavilan College will honor Judge Anderson, with a surprise "roast." I know all of my colleagues join me in congratulating Judge Anderson, who is nearing his 82d birthday, on his long career and his substantial contributions to all levels of the legal system in San Benito County and elsewhere in California.●

COMPETITION IN CONTRACTING ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, today I am introducing the Competition in Contracting Act of 1984. The purpose of this bill is to increase the use of competition in Federal procurements. As a longstanding advocate of full and open competition in the Government marketplace, I have become increasingly concerned over the high level of sole sourcing that occurs throughout the Government.

While Federal procurement regulations require agencies to award contracts on a competitive basis, inventive procurement officials within the agencies have found numerous ways to circumvent or get around these requirements altogether. As a result, this problem is getting worse and there will come a time when competitive procurements become as rare and as hard to find as a balanced Federal budget.

At my request, GAO reviewed the purchasing activities of six civilian agencies and found that a large percentage of sole-source contracts could have been awarded competitively. For

instance, at the Department of Energy, 77 percent of its sole-source contracts could have been awarded competitively. At the Department of Transportation, the figure is 49 percent, and at Interior, it is 33 percent. This is happening in virtually every civilian agency and it represents a tremendous waste of the taxpayers' money.

The situation is even worse at the Department of Defense (DOD). Current statistics show that the majority of the Department's acquisitions are made on a noncompetitive basis. While DOD officials invariably assert that limiting competition is justified on the basis of national security, the Government's Operations Committee has found that the real reasons are generally: First, a reluctance to invest in competitive procurements; second, a lack of skilled personnel to conduct such procurements; third, dependence on incumbent contractors; and fourth, an inability to clearly define mission needs.

As a result of not using full and open competition, the Government is spending billions of dollars each year in excessive prices for its goods and services. The horror stories that we have all heard concerning DOD's acquisition of spare parts are a vivid example of the waste and abuse that it rampant within DOD. In this regard, the Government Operations Committee found that costs for spare parts decreased drastically when competition was used—by as much as 80 percent. For example, a seal used in aircraft engines when acquired on a sole-source basis cost $2,020. When procured competitively, the same item cost DOD $474, a savings of 76 percent. Reports of the Department paying $500 for a 60-cent light and $37 for a $1 screw underscore the magnitude of the abuses that are occurring.

Without a doubt, sole sourcing goods and services has done more than waste taxpayer dollars. It has had a serious effect on our entire military-industrial base. The sole-sourcing habit has reduced the number of firms available to provide goods and services to DOD. For instance, a meager 25 firms hold about 50 percent of all defense contracts. One result of this obvious favoritism for large defense contractors is that more than 2,000 aerospace industry subcontractors simply disappeared in the 1970's—most of them unique suppliers of critical defense components.

Rather than address these problems, DOD has consistently attempted to expand the definition of competition to include procurements which severely restrict competition or which eliminate it completely. In this regard, DOD asserts that sufficient competition exists as long as just two vendors are involved in the procurement. However, as long as a single qualified vendor is prohibited from competing, the Department will not be getting its money's worth. DOD also claims that follow-on contracts to an incumbent vendor are not sole-source procurements as long as the original procurement was in some manner competitive. This means that once a vendor lands a contract, he has it virtually forever.

We can no longer afford such sweetheart arrangements. With the huge deficits we are now facing, the Government must efficiently and economically procure its goods and services. Competition not only provides substantially reduced costs, but also insures that new and innovative products are made available to the Government on a timely basis. The bill which I have introduced will lay the foundation for the Government to clean up its act and eliminate the waste and abuses that are occurring daily within the Government's procurement system. I hope my colleagues will join me in support of this important legislation.●

NATIONAL AGRICULTURAL SOIL PROTECTION ACT

(Mr. DAUB asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAUB. Madam Speaker, today I am introducing comprehensive soil conservation legislation which, in some ways, my colleagues and officials within the Department of Agriculture may consider bold. Yet, after many months of meeting and deliberating with soil conservation experts, farmers, and constituents, I have reached several conclusions upon which this legislation is based:

Many people find fault with the direction, coordination and seeming redundancy of some aspects of Federal farm commodity and soil conservation programs at USDA;

Economic incentives to the producer are seen as perhaps the single most important factor in encouraging or discouraging better soil conservation efforts in agricultural production activities;

The unit of the watershed, as opposed to the county line or the fencepost, would best the most appropriate entity around which soil conservation programs should be organized and implemented at the local level.

The legislation I am introducing today will address these concerns through a multifaceted, long-term approach. First, this legislation will emphasize priority use of long-term—5- to 13-year—soil conservation contracts with producer incentives in the form of cash, payments-in-kind, or a combination of both to help producers who are farming highly erodible land to meet the costs of converting cropland to conservation practices. The program will be operated on a voluntary basis. The establishment of long-term contracts will become a priority for the Secretary of Agriculture, but he may limit participation by establishing county limits on the amount of land devoted to long-term contracts. Payments to producers can vary from 50 to 80 percent of the cost of applying conservation practices, but no producer can receive an annual per acre payment that is greater than the average per-acre land value in that particular county.

Second, the administration of commodity programs and soil conservation activities within the Department of Agriculture will be consolidated under the same Under Secretary thereby reducing the tendency for Government agricultural policies to be duplicative or to work at cross purposes.

Under this legislation, there will be an Under Secretary for Commodity Programs, Natural Resources and Extension, and an Assistant Secretary for International Affairs.

For years, soil conservation and commodity production programs have been conducted in a seemingly autonomous manner, with little coordination. Many have said that commodity programs have often been operated at cross purposes to our Nation's conservation ethic. For example, in 1983 only about 11 percent, or 4.5 million acres of the set-aside had established cover from the previous year which provided maximum protection from soil erosion, maintained water quality or benefited wildlife. About 20 percent, or 9 million acres had no cover crop at all and did nothing for soil erosion control, water quality, or wildlife. About 37 percent, or 17.5 million acres, had the previous year's crop residue and volunteer vegetation or only volunteer vegetation which provided inadequate soil and water protection and even less wildlife habitat. Some 32 percent, or 14 million acres, had newly seeded cover crops that produced less soil and water benefits than expected and poor wildlife habitat. The point of these figures is to illustrate the USDA's set-aside programs are only providing income to farmers and controlling commodity production—a noble goal but a shortsighted one.

There must be more effective coordination in the development and execution of USDA action agency programs relating to our food and fiber production and natural resource conservation and improvement. Therefore, my bill will place the Agricultural Stabilization and Conservation Service (ASCS), the Extension Service, the Forest Service, and the Soil Conservation Service (SCS) under the same leadership, beneath the Secretary of Agriculture.

A side benefit is derived by leaving the Assistant Secretary for International Affairs responsible only for

those agencies relating to foreign trade and international development. In the 1980's we are coming to realize that traditional approaches to domestic surpluses and exports will no longer address the problems we face and an Assistant Secretary for International Affairs will be free of domestic commodity program operation burdens and able to give increased attention to international trade activities, so important to a healthy agricultural sector.

This provision of my legislation is by no means intended to minimize the importance or value of Soil Conservation Service employees, the ASCS committee system, or the role of local conservation districts in conservation efforts currently being undertaken. It is an effort to improve effectiveness of the program being administered at the national level.

A third provision of this measure will create a bonus payment program to entice producer participation in conservation programs in areas where a significant erosion problem transcends property lines. By pinpointing special problem areas and those landowners within these areas, the Secretary will be able to offer a bonus payment, if all producers in that specified area simultaneously implement approved soil conservation programs. This provision could go a long way in circumventing the problems inherent with the artificial boundaries of fenceposts and county lines.

In this package, I have compiled provisions aimed at addressing many of the problems cited today with our Federal soil conservation programs. In this year as we look toward a new farm bill and hope to address agriculture's problems in the long term, this package of proposals is intended to stimulate thought, discussion, and debate, while at the same time provide us with some positive, pragmatic suggestions for the future direction of Federal agricultural policies and in preserving our Nation's resources.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MITCHELL (at the request of Mr. WRIGHT), for this week, on account of a death in the family.

Mr. IRELAND (at the request of Mr. WRIGHT), for this week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, March 21.

Mr. GINGRICH, for 60 minutes, March 21.

Mr. WEBER, for 60 minutes, March 21.

Mr. MACK, for 60 minutes, March 21.

Mr. WALKER, for 60 minutes, March 22.

Mr. GINGRICH, for 60 minutes, March 22.

Mr. WEBER, for 60 minutes, March 22.

Mr. MACK, for 60 minutes, March 22.

(The following Members (at the request of Mr. ROWLAND) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. KASTENMEIER, for 60 minutes, today.

Mr. MURTHA, for 60 minutes, March 27.

Mr. LONG of Maryland, for 60 minutes, March 27.

Mr. STOKES, for 60 minutes, March 27.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request Mr. LEWIS of Florida) and to include extraneous matter:)

Mr. LENT in two instances.

Mr. KASICH.

Mr. YOUNG of Alaska in two instances.

Mr. DANIEL B. CRANE.

Mr. LIVINGSTON.

Mr. RUDD in two instances.

Mr. SAWYER.

Mr. PHILIP M. CRANE in two instances.

Mr. LAGOMARSINO in three instances.

Mr. PAUL.

Mr. CHENEY.

Mr. LOWERY of California.

Mr. WEBER.

Mr. CONTE in two instances.

Mr. MCKINNEY.

Mr. COUGHLIN.

Mr. MOORHEAD.

Mr. SUNDQUIST.

Mr. YOUNG of Florida.

(The following Members (at the request of Mr. ROWLAND) and to include extraneous matter:)

Mr. KOSTMAYER.

Mr. SKELTON in three instances.

Mr. HARRISON in two instances.

Mr. FORD of Tennessee.

Mr. COELHO.

Mr. MURTHA.

Mr. FASCELL.

Mr. RODINO.

Mr. ACKERMAN.

Mr. HANCE.

Mr. BONKER in two instances.

Mr. HAWKINS in two instances.

Mr. ERDREICH.

Mr. STARK in two instances.

Mr. MOODY.

Mr. FLORIO in two instances.

Mr. ADDABBO.

Mr. ROYBAL.

Ms. MIKULSKI.

Mr. ROE in two instances.

Mr. ANNUNZIO.

Mr. EDWARDS of California.

Mr. PATTERSON.

Mr. ST GERMAIN.

Mr. REID.

Mr. DELLUMS.

Mr. SISISKY.

Mr. TORRES.

Mr. RICHARDSON in three instances.

Mr. BARNES.

Mrs. SCHROEDER in two instances.

Mr. LAFALCE in two instances.

Mr. RATCHFORD.

Mr. OBERSTAR in two instances.

Mr. COLEMAN of Texas.

Mr. SOLARZ.

Mr. BONIOR of Michigan in two instances.

Mr. GEJDENSON.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title which was thereupon signed by the Speaker.

H.R. 4194. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.) under its previous order, the House adjourned until Wednesday, March 21, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2941. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports and summary tables for the quarter ending December 31, 1983, pursuant to 10 U.S.C. 139a(b)(1) (96 Stat. 740); to the Committee on Armed Services.

2942. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting the defense manpower requirements report for fiscal year 1985, pursuant to 10 U.S.C. 138(c)(3) (93 Stat. 806; 94 Stat. 2840); to the Committee on Armed Services.

2943. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-118, "Right to Cure a Residential Mortgage Foreclosure Default Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2944. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-117, "Closing of Public Alleys in Square 290 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2945. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-116, "Closing of Public Alleys in Square 36 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2946. A letter from the Secretary, Federal Energy Regulatory Commission, transmitting the final valuations of properties of carriers subject to the act, pursuant to ICA, section 19a(d) (Public Law 95-91, section 402(b); Public Law 95-473, section 4(c)); to the Committee on Energy and Commerce.

2947. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the President's intention to authorize additional economic support fund assistance for Grenada to be derived from funds statutorily earmarked for Lebanon, pursuant to FAA, section 614(a)(1) (94 Stat. 3140) and FAA, section 634A (92 Stat. 959; 95 Stat. 1544); to the Committee on Foreign Affairs.

2948. A letter from the Assistant Secretary for Human Development Services, Department of Health and Human Services, transmitting notice of a proposed new records system by the Office of Human Development Services (HDS), pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2949. A letter from the Chairman, Federal Election Commission, transmitting the Commission's annual report of its activities under the Government in the Sunshine Act in calendar year 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2950. A letter from the Director of Administration, Department of Energy, transmitting notice of proposed revisions to two existing records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2951. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report of the Agency's activities under the Freedom of Information Act for 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2952. A letter from the Director, U.S. Information Agency, transmitting a report on the Agency's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2953. A letter from the Director, Office of Management and Budget, transmitting a Soil Conservation Service plan for the Turkey-Clay Creek Watershed, S. Dak., pursuant to the act of August 4, 1954, chapter 656, section 5 (76 Stat. 609; 95 Stat. 1338); to the Committee on Public Works and Transportation.

2954. A letter from the Acting Administrator, General Services Administration, transmitting copies of nine lease prospectuses, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2484. A bill to designate the air traffic control tower at Lovell Field as the "Harry Porter Tower" (Rept. No. 98-622). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4202. A bill to designate the air traffic control tower at Midway Airport, Chicago, as the "John G. Fary Tower" (Rept. No. 98-623). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transporation. H.R. 4665. A bill to name the social security building in Philadelphia, Pa., known as the Mid-Atlantic Program Service Center, The William A. Barret Social Security Building; with amendments (Rept. No. 98-624). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4700. A bill to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, Colo., as the "Byron G. Rogers Federal Building and U.S. Courthouse" (Rept. No. 98-625). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 465. Resolution providing for the consideration of H.R. 5174, a bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes (Rept. No. 98-626). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER:

H.R. 5182. A bill to amend the Tariff Schedules of the United States to clarify the duty treatment of certain types of plywood; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 5183. A bill to direct the Secretary of Agriculture to convey certain National Forest System lands to Craig County, Va.; to the Committee on Agriculture.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 5184. A bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts using full and open competition, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of Colorado:

H.R. 5185. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System, to designate a segment of that river for potential addition to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FLORIO:

H.R. 5186. A bill to amend the Solid Waste Disposal Act to permit any State to regulate the transportation of solid waste into the State for purposes of storage or disposal in that State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK (for himself, Mr. SAWYER, and Mr. LUNGREN):

H.R. 5187. A bill to amend title 11, United States Code, to improve the protections for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. FRENZEL):

H.R. 5188. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1985, and for other purposes; to the Committee on Ways and Means.

By Mr. SAM B. HALL, JR.:

H.R. 5189. A bill to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 5190. A bill to amend title XI of the Education Amendments of 1978 relating to Indian education, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVITAS:

H.R. 5191. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5192. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5193. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Education and Labor.

H.R. 5194. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by

an enactment of the Congress; to the Committee on Education and Labor.

By Mr. LOWRY of Washington:

H.R. 5195. A bill to amend title XVIII of the Social Security Act to prohibit the revaluation of hospital facilities and equipment for depreciation and interest purposes under the medicare program because of the change of ownership of the facilities or equipment; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOODY (for himself, Mr. DARDEN, Mr. DORGAN, Mr. FRANK, Mr. SPRATT, Mr. STENHOLM, and Mr. WON PAT):

H.R. 5196. A bill to amend section 3718 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 5197. A bill to amend the Foreign Service Act of 1980, title 5 of the United States Code, and the Hostage Relief Act of 1980, and for other purposes; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and Government Operations.

By Mr. SILJANDER:

H.R. 5198. A bill to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds, expanded exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes; jointly, to the Committees on Foreign Affairs and Agriculture.

By Mr. STARK:

H.R. 5199. A bill to amend the Internal Revenue Code of 1954 to clarify that the farm syndicate rules of section 278(b) apply in the case of inedible fruits and nuts; to the Committees on Ways and Means.

By Mr. DAUB:

H.R. 5200. A bill to authorize the Secretary of Agriculture to enter into long-term contracts with producers to remove highly erodible land from the production of agricultural commodities and to use soil conservation practices on such land, and for other purposes; to the Committee on Agriculture.

By Mr. SUNDQUIST:

H.R. 5201. A bill to amend title 18, United States Code, regarding sentencing for capital offenses; to the Committee on the Judiciary.

By Mr. WILLIAMS of Ohio:

H.R. 5202. A bill to amend title 23, United States Code, to increase the weight allowed to be carried on a triaxle of a vehicle using the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H.J. Res. 521. Joint resolution to designate June 6, 1984, as "D-Day National Remembrance Day; to the Committee on Post Office and Civil Service.

By Mr. SHAW (for himself and Mr. FASCELL):

H. Con. Res. 275. Concurrent resolution congratulating the Government of Colombia for its decision to test herbicidal eradication and expressing the hope that the Government of Colombia will carry out a sustained eradication program; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON:

H.R. 5203. A bill to relieve Alabama Christian College of the liability to pay certain sums owed to the United States; to the Committee on the Judiciary.

By Mr. EDGAR:

H.R. 5204. A bill for the relief of Sharon Natalie David; to the Committee on the Judiciary.

By Mr. LEWIS of California:

H.R. 5205. A bill for the relief of Young Sook Chon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 335: Mr. DYSON.

H.R. 1016: Mr. TAUZIN.

H.R. 1176: Mr. LEWIS of Florida and Mr. MACK.

H.R. 1676: Mr. LELAND and Mr. TOWNS.

H.R. 1942: Mr. LELAND, Mr. HAWKINS, Mr. BATES, and Mr. WORTLEY.

H.R. 2053: Mr. APPLEGATE, Mr. BONKER, Mrs. BOXER, Mr. CHANDLER, Mr. GRAY, Mr. SHUMWAY, Mr. STUMP, and Mr. WYLIE.

H.R. 2188: Mr. MINETA.

H.R. 2239: Mr. SMITH of New Jersey.

H.R. 2382: Mr. SHUSTER and Mr. MCCLOSKEY.

H.R. 2715: Mr. GONZALEZ and Mr. SPENCE.

H.R. 2996: Mr. LENT.

H.R. 3257: Mr. MURPHY, Mr. MICA, and Mr. KASICH.

H.R. 3282: Mr. FOGLIETTA, Mr. SCHUMER, and Mr. GONZALEZ.

H.R. 3457: Mr. BEREUTER.

H.R. 3478: Mr. SPRATT.

H.R. 3762: Mr. FRANK.

H.R. 3775: Mr. MCCAIN, Mr. MCEWEN, Mr. ST GERMAIN, Mr. DINGELL, Mr. MONTGOMERY, Mr. EVANS of Illinois, Mr. MARTIN of North Carolina, Mr. SPRATT, Mr. MADIGAN, Mr. WEBER, Mr. GAYDOS, and Mr. LEWIS of Florida.

H.R. 3821: Mr. MARKEY, Mr. CHAPPIE, Mr. FRANK, Mr. LIPINSKI, Mr. MCKERNAN, Mrs. KENNELLY, Mr. ANNUNZIO, Mr. MATSUI, Mr. LANTOS, Ms. SNOWE, Mr. MCKINNEY, and Mr. D'AMOURS.

H.R. 3975: Mr. WON PAT and Mr. MCEWEN.

H.R. 4005: Mrs. ROUKEMA, Mr. MCCURDY, Mr. WILLIAMS of Ohio, Mr. BROWN of Colorado, Mr. MATSUI, and Mr. EVANS of Iowa.

H.R. 4098: Mr. AKAKA, Mr. ACKERMAN, Mr. OXLEY, Mr. PAUL, Mr. SPRATT, Mr. COUGHLIN, Mr. SHUSTER, Mr. RINALDO, Mr. LONG of Maryland, Mr. SHANNON, Mr. PENNY, Mr. HANSEN of Utah, Mr. GEJDENSON, Mr. VENTO, Mr. BLILEY and Mr. COATS.

H.R. 4111: Mr. LELAND, Mr. HAYES, Mr. LUNDINE, Mr. WON PAT, Mr. HAWKINS, Mr. DELLUMS, Mr. RICHARDSON, Mr. RATCHFORD, Mr. SABO, Mr. KILDEE, and Ms. FERRARO.

H.R. 4125: Mr. EDWARDS of California.

H.R. 4212: Mr. MCCLOSKEY, Mr. DONNELLY, Mr. DURBIN, Mr. TAUKE, and Mr. GEKAS.

H.R. 4287: Mr. DOWNEY of New York, Mr. AKAKA, and Mr. JONES of Oklahoma.

H.R. 4375: Mr. EDWARDS of Alabama and Mr. MOAKLEY.

H.R. 4395: Mr. BEDELL, Mr. PEASE, Mr. EDWARDS of California, Mr. HAWKINS, Mr. MILLER of California, Mr. BATES, Mr. MARKEY, Mr. CROCKETT, Mr. JACOBS, Mr. LELAND, Mr. STENHOLM, Mrs. SCHNEIDER, Mr. FRANK, Mr. BERMAN, Mr. CORRADA, Mr. WON PAT, Mr. ANDREWS of Texas, Mr. HORTON, Mr. BARNES, Mr. STARK, and Mr. PANETTA.

H.R. 4427: Mr. DAUB, Mr. KINDNESS, Mrs. HOLT, Mr. DREIER of California, and Mr. MCGRATH.

H.R. 4447: Mr. AUCOIN and Mr. WEAVER.

H.R. 4544: Mr. HORTON and Mr. NIELSON of Utah.

H.R. 4571: Mr. AKAKA.

H.R. 4616: Mr. DE LUGO.

H.R. 4639: Mr. HERTEL of Michigan, Mr. BONIOR of Michigan, Mr. RATCHFORD, Mr. MARKEY, Mr. FRANK, Mr. GEJDENSON, Mr. DWYER of New Jersey, Mrs. JOHNSON, Mr. MITCHELL, Mr. FAUNTROY, Mr. OWENS, Mr. ROE, Mr. ALBOSTA, Mr. KILDEE, Ms. KAPTUR, Mr. CROCKETT, Mr. CARR, Mr. CORCORAN, Mr. TOWNS, Mr. WALGREN, Mr. LEVIN of Michigan, Mr. BIAGGI, Mr. BOLAND, Mr. RINALDO, Ms. MIKULSKI, and Mr. HORTON.

H.R. 4659: Mr. HAWKINS, Mr. SAWYER, Mr. ORTIZ, Mr. LEHMAN of Florida, Mr. MITCHELL, Mr. LELAND, and Mr. BROWN of California.

H.R. 4676: Mr. SAVAGE and Mr. ECKART.

H.R. 4706: Mr. HUGHES.

H.R. 4772: Mr. CHANDLER, Mr. WALGREN, Mr. WOLPE, and Mr. WEAVER.

H.R. 4805: Ms. SNOWE, Mr. ST GERMAIN, and Mr. SHANNON.

H.R. 4813: Mr. DE LUGO.

H.R. 4863: Mrs. SCHROEDER, Mr. STUDDS, Mr. LAFALCE, Mr. SCHEUER, and Mr. GARCIA.

H.R. 4877: Mr. BROOMFIELD, Mr. FLORIO, Mr. HEFTEL of Hawaii, Mr. RICHARDSON, and Mr. TRAXLER.

H.R. 4884: Mr. RODINO, Mr. BONIOR, Mrs. BOXER, Mr. BATES, Mr. WYDEN, Mr. WON PAT, Mr. MOAKLEY, Mr. EDWARDS of California, Mr. PATTERSON, Mr. ZSCHAU, Mr. TALLON, and Mr. REGULA.

H.R. 4897: Mr. EVANS of Illinois.

H.R. 4908: Mr. CONYERS, Mr. RINALDO, Mr. WILLIAMS of Ohio, Mr. GUARINI, Mr. BOUCHER, Ms. OAKAR, Mr. MAZZOLI, Mr. PANETTA, Mr. BEVILL, Mr. COLEMAN of Texas, Mr. HEFNER, Mr. MCHUGH, Mr. KASTENMEIER, Mr. PEASE, Mrs. COLLINS, Mr. MCKINNEY, Mr. YATES, Mr. SOLARZ, Mr. ASPIN, Mr. OBEY, Mr. LANTOS, Mr. BOEHLERT, Mr. WISE, Mr. DARDEN, Mr. TORRICELLI, Mr. GONZALEZ, Mr. LOWRY of Washington, Mr. SHANNON, Mr. GEPHARDT, Mr. SUNIA, Mr. AKAKA, Mr. APPLEGATE, Mr. ROYBAL, Mr. WEAVER, Mr. WIRTH, Mr. BRYANT, Mr. WOLPE, and Mr. MCNULTY.

H.R. 5011: Mr. PENNY, Mr. STANGELAND, Mr. LEWIS of Florida, Mr. LEVIN of Michigan, and Mr. GORE.

H.R. 5013: Mr. SHUSTER.

H.R. 5015: Mr. NICHOLS, Mr. GLICKMAN, Mr. DASCHLE, Mr. KINDNESS, Mr. FRANK, Mr. EVANS of Illinois, Mr. CROCKETT, Mr. KOLTER, Mr. FISH, Mr. WEAVER, and Mr. MOLLOHAN.

H.R. 5041: Mr. SMITH of Florida and Mr. RITTER.

H.R. 5042: Mr. EVANS of Illinois, Mr. STARK, Mr. VENTO, and Mr. WOLPE.

H.R. 5064: Mr. MCEWEN, Mr. BENNETT, Mr. ROE, Mr. ROBERT F. SMITH, Mr. MATSUI, Mr. STUDDS, Mr. REID, Mr. SHELBY, Mr. MADIGAN, Mr. GILMAN, Mr. BEVILL, and Mr. KOLTER.

H.R. 5134: Mr. PENNY.

H.J. Res. 205: Mr. LANTOS, Mr. MONTGOMERY, Mr. MCCAIN, Mr. SHUMWAY, Mr. SCHEUER, Mr. SPRATT, Mr. HUGHES, Mr. WINN, Mr. MOORE, and Mr. GILMAN.

H.J. Res. 243: Mr. LUJAN, Mr. MCCAIN, Mr. MOORE, Mr. PACKARD, Mr. SHUSTER, and Mr. ROBERT F. SMITH.

H.J. Res. 247: Mr. KOGOVSEK, Mr. HEFNER, Mr. BROWN of California, Mr. GIBBONS, Mr. HORTON, Mr. LENT, Mr. OTTINGER, Mr. OBERSTAR, Mr. BIAGGI, Mr. FLORIO, Mr. DARDEN, Mr. EDWARDS of California, Mr. CLAY, Mr. FORD of Tennessee, Mr. TOWNS, Mr. LEVIN of Michigan, Mr. MADIGAN, Mr. BLILEY, Mrs. BURTON of California, Mr. CHAPPIE, Mr. AKAKA, and Mr. GILMAN.

H.J. Res. 272: Mr. LEVITAS, Mr. SPRATT, Mr. PORTER, Mr. NEAL, Mr. CAMPBELL, Mr. WHITLEY, Mr. ANDREWS of North Carolina, Mr. BROYHILL, Mr. NATCHER, Mr. WINN, Mr. BONER of Tennessee, Mr. HEFNER, Mr. STUMP, Mr. MCDADE, and Mr. LANTOS.

H.J. Res. 282: Mr. BURTON of Indiana, Mr. MCCLOSKEY, and Mr. ANTHONY.

H.J. Res. 389: Mr. GORE.

H.J. Res. 415: Mr. AKAKA, Mr. ARCHER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BROWN of California, Mrs. BYRON, Mr. CHAPPIE, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DOWDY of Mississippi, Mr. GONZALEZ, Mr. JEFFORDS, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LONG of Maryland, Mr. MCEWEN, Mr. MACKAY, Mr. MATSUI, Mr. MAVROULES, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. O'BRIEN, Mr. PERKINS, Mr. RAHALL, Mr. RATCHFORD, Mr. RAY, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. SCHEUER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. WHITTAKER, Mr. WIRTH, and Mr. VANDERGRIFF.

H.J. Res. 432: Mr. CARPER and Mr. MONTGOMERY.

H.J. Res. 433: Mr. RAHALL, Mrs. SCHNEIDER, Mr. AKAKA, Mr. JEFFORDS, Mr. ANNUNZIO, Mr. LEHMAN of California, Mr. HUGHES, Mr. RUSSO, Mr. DONNELLY, Mr. LUKEN, Mr. TRAXLER, Mr. HEFNER, and Mr. BONER of Tennessee.

H.J. Res. 480: Mr. MCCOLLUM.

H.J. Res. 482: Mr. MCKERNAN.

H.J. Res. 487: Mr. RUDD, Mr. MCEWEN, Mr. MURTHA, and Mr. STUMP.

H.J. Res. 502: Mr. ANDREWS of North Carolina, Mr. HEFNER, Mr. ERDREICH, Mr. FOWLER, Mr. SAVAGE, Mr. CLARKE, Mr. ASPIN, Mr. MATSUI, Mr. GRAY, Mr. STUMP, Mr. HYDE, Mr. LOWRY of Washington, Ms. SNOWE, Mrs. JOHNSON, and Mr. DAUB.

H. Con. Res. 247: Mr. BEDELL and Mr. MATSUI.

H. Con. Res. 266: Mr. KAZEN, Mr. CROCKETT, Mr. BATES, Mr. BARNES, Mr. TORRES, Mr. FRANK, Mr. ANDREWS of Texas, Mr. PEPPER, Mr. FROST, Mr. SMITH of Florida, and Mr. MITCHELL.

H. Con. Res. 268: Ms. SNOWE, Mr. FAZIO, Mr. BEREUTER, Mr. FIELDS, Mr. PATMAN, Mr. FRENZEL, Mr. BEDELL, Mr. AKAKA, Ms. KAPTUR, Mr. HUCKABY, Mr. WILLIAMS of Ohio, Mr. RITTER, Mr. NEAL, Mrs. BOXER, Mr. BLILEY, Mr. LEVINE of California, Mr. KINDNESS, Mr. PATTERSON, Mr. SPRATT, Mr. KILDEE, Mr. SCHEUER, Mr. KOGOVSEK, Mr. MCEWEN, Mr. GREEN, Ms. MIKULSKI, Mr. HORTON, Mr. GORE, and Mr. MCGRATH.

H. Res. 360: Mr. MCCLOSKEY.

H. Res. 450: Mr. EARLY, Mr. SIKORSKI, Mr. GORE, Mr. DELLUMS, Mr. SABO, Mr. MOAKLEY, Mr. STARK, Mr. NOWAK, Mr. ROSE, Mr. STANGELAND, Mr. WEAVER, Mr. BOEHLERT, and Mr. TOWNS.

H. Res. 451: Mr. ADDABBO, Mr. ARCHER, Mr. BRITT, Mr. BRYANT, Mr. CONYERS, Mr. COYNE, Mr. DELLUMS, Mr. DE LUGO, Mr. DEWINE, Mr. DIXON, Mr. DYMALLY, Mr. FAUNTROY, Mr. FRANK, Mr. FROST, Mr. GONZALEZ, Mr. GRAMM, Mr. GRAY, Mrs. HALL of Indiana, Mr. HANCE, Mr. HAWKINS, Mr. HAYES, Mr. HERTEL of Michigan, Mr. HIGHTOWER, Mr. HORTON, Mr. LENT, Mr. LEVIN of Michigan, Mr. LOEFFLER, Mr. LONG of Louisiana, Mr. LUKEN, Mr. MARKEY, Mr. MAVROULES, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. ORTIZ, Mr. OWENS, Mr. PAUL, Mr. RAHALL, Mr. STENHOLM, Mr. STOKES, Mr. TAUZIN, Mr. TOWNS, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WIRTH, and Mr. YOUNG of Alaska.

H. Res. 458: Mrs. KENNELLY, Mr. KILDEE, Ms. MIKULSKI, Mr. SHANNON, Mr. MINISH, Ms. FERRARO, and Mr. SMITH of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII,

327. The SPEAKER presented a petition of the Section of Natural Resources Law, American Bar Association, Chicago, Ill., relative to the proposed Tax Reform Act of 1983; which was referred to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5174

By Mr. HYDE:

—In section 105(a) of the bill, strike out "subsection" and insert in lieu thereof "subsections".

In section 105(a) of the bill, strike out the open quotation marks and all that follows through the period following the close quotation marks, and insert in lieu thereof the following new subsections:

"(b) This subsection shall apply except as provided in subsection (c) of this section.

"(1) The Chief Justice of the United States may designate and assign temporarily a bankruptcy judge of one circuit to perform judicial duties in another circuit, either in a bankruptcy court or a district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

"(2) The chief judge of a circuit may designate and assign one or more bankruptcy judges within the circuit to sit upon the court of appeals or a panel thereof whenever the business of that court so requires. Such designations of assignments shall be in conformity with the rules or orders of the court of appeals of the circuit.

"(3) The chief judge of a circuit may designate and assign temporarily a bankruptcy judge of the circuit to hold a district court in any district within the circuit upon presentation of a certificate of necessity by the chief judge of the district wherein the need arises.

"(4) The chief judge of a circuit may designate and assign temporarily a bankruptcy judge of the circuit to hold a bankruptcy court in any district within the circuit upon presentation of a certificate of necessity by the chief judge of the bankruptcy court wherein the need arises.

"(c) No bankruptcy judge may be designated and assigned under subsection (b) unless the chief judge of the bankruptcy court from which the judge is assigned certifies that such designation and assignment will not impair the expeditious determination of cases pending in the bankruptcy court to which such bankruptcy judge was appointed under section 152 of this title.".

By Mr. KASTENMEIER:

—Strike out title of the bill and insert in lieu thereof the following new title:

TITLE I—BANKRUPTCY JURISDICTION AND PROCEDURE

SEC. 101. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Nothing in this section prevents a district court in the interest of justice or in the interest of comity with State courts and respect for State law, from abstaining from hearing a particular proceeding arising in or related to a case under title 11. Upon the timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commended, and can be timely adjudicated, in a State forum of appropriate jurisdiction. Any decision to abstain made under this subsection is not reviewable by appeal or otherwise. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, as such section applies to an action affecting the property of the estate in bankruptcy.

"(d) The district court in which a case under title 11 is commenced or is pending shall have jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of such case, and of all of the property of the estate.".

(b) The heading for section 1334 of title 28, United States Code, is amended to read as follows:

"§ 1334. Bankruptcy cases and proceedings".

(c) The table of sections of chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings".

SEC. 102. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such proceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against representative of the estate in such case in the district court for the district where the State or Federal court sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the district court in which such case is pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.".

(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.
"1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11.
"1410. Venue of cases ancillary to foreign proceedings.".

SEC. 103. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1452. Removal of claims related to bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision not so remanding, is not reviewable by appeal or otherwise.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1452. Removal of claims related to bankruptcy cases.".

SEC. 104. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY JUDGES

"Sec.
"151. Designation of bankruptcy courts.
"152. Appointment of bankruptcy judges.
"153. Salaries; character of service.
"154. Division of business; chief judge.
"155. Temporary transfer of bankruptcy judges.
"156. Staff; expenses.
"157. Procedures.
"158. Appeals.

"§ 151. Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or special session of the court, except as otherwise provided by law or by rule or order of the district court.

§ 152. Appointment of bankruptcy judges

"(a)(1) The United States court of appeals for a circuit shall appoint bankruptcy judges for the judicial districts established in chapter 5 of this title which are located within such circuit. Each bankruptcy judge shall be appointed for a term of fourteen years. Bankruptcy judges shall serve as judicial officers of the United States district courts established under Article III of the Constitution.

"(2) Whenever a majority of the judges of any court of appeals cannot agree upon the appointment of a bankruptcy judge, the chief judge shall make such appointment.

"(3) The judges of the district courts for the territories shall serve as the bankruptcy judges for such courts. The United States court of appeals for the circuit within which such a territorial district court is located may appoint bankruptcy judges under this chapter for such district if authorized to do so by the Judicial Conference of the United States under this section.

"(b) The Judicial Conference of the United States shall determine from time to time the number of official duty stations of bankruptcy judges and places of holding court, after considering the recommendations submitted by the Director of the Administrative Office of the United States Courts after consultation with the judicial council of the circuit involved.

"(c) Each bankruptcy judge may hold court at such places within the judicial district, other than the official duty station of such judge, as the business of the court may require.

"(d) With the approval of the Conference and of each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

"(e) A bankruptcy judge may be removed during the term for which such bankruptcy judge is appointed, only for incompetence, misconduct, neglect of duty, or physical or mental disability and only by the judicial council of the circuit in which the judge's official duty station is located. Removal may not occur unless a majority of all the judges of such council concur in the order of removal. Before any order of removal may be entered, a full specification of charges shall be furnished to such bankruptcy judge who shall be accorded an opportunity to be heard on such charges.

"§ 153. Salaries; character of service

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title, to be paid at such times as the Judicial Conference of the United States may determine.

"(b) A bankruptcy judge may not engage in the practice of law and may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Conference may promulgate appropriate rules and regulations to implement this subsection.

"(c) Each individual appointed under this chapter shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of the office of bankruptcy judge.

§ 154. Division of businesses; chief judge

"(a) Each bankruptcy unit having more than one bankruptcy judge by majority vote promulgate rules for the division of business among the bankruptcy judges to the extent that the division of business is not otherwise provided by the rules of the district court.

"(b) In each district court having more than one bankruptcy judge, the district court shall designate one judge to serve as chief judge. Whenever a majority of the judges of such district court cannot agree upon the designation as chief judge, the chief judge of such district court shall make such designation. The chief judge of the bankruptcy unit shall ensure that the rules of the bankruptcy unit and of the district court are observed and shall ensure that business of the bankruptcy unit is handled effectively and expeditiously.

"§ 155. Temporary transfer of bankruptcy judges

"(a) A bankruptcy judge may be transferred to serve temporarily as a bankruptcy judge in any judicial district other than the judicial district for which such bankruptcy judge was appointed, upon the approval of the judicial council of each of the circuits involved.

"(b) A bankruptcy judge who has retired may, upon consent, be recalled to serve as a bankruptcy judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference of the United States, subject to the restrictions on the payment of an annuity in subchapter III of chapter 83 of title 5.

"§ 156. Staff; expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director of the Administrative Office of the United States Courts determines to be necessary.

"(b) Upon a determination by the judicial council of the circuit involved that the number of cases and proceedings pending within the jurisdiction under section 1334 of this title within a judicial district so warrants, such judicial council may authorize, with the approval of the Director of the Administrative Officer of the United States Courts, the bankruptcy judges for such district to appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.

§ 157. Procedures

"(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

"(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

"(2) Core proceedings include, but are not limited to:

"(A) matters concerning the administration of the estate;

"(B) allowance or disallowance of claims agains the estate or exemptions from property of the estate;

"(C) counterclaims by the estate against persons filing claims against the estate;

"(D) orders in respect to obtaining credit;

"(E) orders to turn over property of the estate;

"(F) proceedings to determine or set aside preferences;

"(G) motions to lift or modify the automatic stay;

"(H) proceedings to set aside fraudulent conveyances;

"(I) determinations as to the dischargeability of particular debts;

"(J) objections to discharges;

"(K) determinations of the validity, extent, or priority of liens;

"(L) confirmations of plans;

"(M) orders approving the sale of property not resulting from claims brought by the estate against persons who have not filed claims against the estate; and

"(N) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship.

"(3) The bankruptcy judge may determine, on the judge's own motion or on timely motion of a party, whether a proceeding is a core proceeding under this subsection or is a proceeding that is otherwise related to a case under title 11. A determination that a proceeding is not a core proceeding shall not be made solely on the basis that its resolution may be affected by state law.

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

"(d) The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

"§ 158. Appeals

"(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. And appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving.

"(b) An appeal to a district court under subsection (a) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts.

"(c) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees of the district courts entered under this section.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5, the following new item:

"6. Bankruptcy Judges.".

SEC. 105. The salary of a bankruptcy judge in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made under section 153(a) of title 28, United States Code, as added by this Act.

SEC. 106. (a) Notwithstanding section 152 of title 28, United States Code, as added by this Act, the term of office of a bankruptcy judge who is serving on the date of the enactment of this Act shall expire eight years after the date such bankruptcy judge was last appointed to such office or was continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), whichever event occurred later.

(b) Notwithstanding section 153(a) of title 28, United States Code, as added by this Act, and notwithstanding subsection (a) of this section, a bankruptcy judge serving on a part-time basis on the date of enactment of this Act may continue to serve on such basis for a period not to exceed two years from the date of enactment of this Act.

(c) Notwithstanding section 152 of title 28, United States Code, as added by this Act, a bankruptcy judge whose term of office is extended by this section shall be deemed, during such term of office, to be appointed under such section 152 as a judicial officer of the district court involved.

SEC. 107. Section 372(c)(6)(vii) of title 28, United States Code, is amended by striking out "section 153" and inserting in lieu thereof "section 152".

SEC. 108. (a) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankrupcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361). as adjusted by section 461 of this title".

(b) The maximum rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 109. Section 957 of title 28, United States Code, is amended by striking out "district".

SEC. 110. Section 1360 of title 28, United States Code, is amended—

(1) by striking out "or Territories";

(2) by striking out "or Territory" each place it appears; and

(3) by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 111. Section 1930 of title 28, United States Code, is amended by striking out "clerk of the bankruptcy court" each place it appears and inserting in lieu thereof "clerk of the court".

SEC. 112. Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out "and (o)" and inserting in lieu thereof "and (n)".

SEC. 113. Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out "shall take effect on April 1, 1984" and inserting in lieu thereof "shall not take effect".

SEC. 114. Sections 404, 405(a), 405(b), 405(c), 406, 407, and 409 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 115. (a) On the date of the enactment of this Act there shall be transferred to the appropriate district court of the United States—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978

(Public Law 95-598; 92 Stat. 2687), other than cases, and matters and proceedings in cases under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which a general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687).

(b) On the date of the enactment of this Act, there shall be transferred to the appropriate district court of the United States appeals from final judgments, orders, and decrees of the bankruptcy courts pending immediately before such date in the bankruptcy appellate panels appointed under section 405(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2685).

SEC. 116. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) by striking out "or under section 404(d) of the Act adding this paragraph".

(2) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) who is serving as a United States bankruptcy judge on the date of the enactment of the Bankruptcy Court Amendments of 1984.".

(3) in subparagraph (B)—

(A) by striking out "transition period" and inserting in lieu thereof "period beginning on October 1, 1979, and ending on the date of enactment of the Bankruptcy Court Amendments of 1984.".

(B) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new subparagraph:

"(C) who is appointed as a bankruptcy judge under section 152 of title 28.".

(b)(1) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "and a bankruptcy judge" before the period.

(2) The matter relating to bankruptcy judges in the table set out in section 8334(c) of title 5, United States Code, is amended—

(A) by striking out the following item:

"7..... After January 1, 1970.".

and

(B) by inserting in lieu of item stricken by subparagraph (A) the following new items:

"7..... January 1, 1970, to December 31, 1983.

"8..... After December 31, 1983.".

(c) Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) A bankruptcy judge who is separated from service, except by removal, after becoming sixty-two years of age and completing ten years of service as a bankruptcy judge is entitled to an annuity.".

(d) Section 8339(n) of title 5, United States Code, is amended by striking out and before April 1, 1984.".

SEC. 117. The adjustments in the retirement provisions made by this Act shall not be construed to be a "new government retirement system" for purposes of the Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (Public Law 98-168).

SEC. 118. Section 105 of title 11, United States Code, is amended—

(1) by deleting the word "bankruptcy" wherever it appears therein: an

(2) by adding at the end thereof the following new subsection:

"(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.".

SEC. 119. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 120. (a)(1) Whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court of the United States, such court of appeals shall appoint to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the courts of appeals should consider for appointment under section 152 of title 28, United States Code, to the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment.

(b) The judicial council of the circuit involved shall assist the court of appeals by evaluating potential nominees and by recommending to such court for consideration for appointment to each vacancy on the bankruptcy court persons who are qualified to be bankruptcy judges under regulations prescribed by the Judicial Conference of the United States. In the case of the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, such potential nominees shall include the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment and the judicial council determines that such judge is qualified under subsection (c) of this section to continue to serve.

(c) Before transmitting to the court of appeals the names of the persons the judicial council for the circuit deems best qualified to fill any existing vacancy, the judicial council shall have determined that—

(1) public notice of such vacancy has been given and an affirmative effort has been made, in the case of each such vacancy, to identify qualified candidates, without discrimination as to race, color, sex, religion, or national origin.

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they may be members.

(3) such persons possess, and have a reputation for, integrity and good character.

(4) such persons are of sound physical and mental health.

(5) such persons possess and have demonstrated commitment to equal justice under law.

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

SEC. 121. (a) This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

By Mr. SENSENBRENNER:

—In title I, sec. 101, under "§ 154 Salaries of bankruptcy judges" strike "$69,500" and insert in lieu thereof "$65,800".

—Strike out section 112 of the bill.

Redesignate section 111 of the bill as 112.

In section 110 of the bill, strike out "SEC. 110." and all that follows through subsection (b), and insert in lieu thereof the following:

SEC. 110. (a) Section 371(a) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

(b) Section 371(b) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

SEC. 111. (a) Section 372(a) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States" each place it appears.

(b) Section 372(b) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

Strike out section 113 of the bill and insert in lieu thereof the following new section:

SEC. 113. (a) Section 376(a)(1)(A) of title 28, United States Code, is amended by inserting ", except that such term does not include a bankruptcy judge" before the semicolon.

(b) Section 376(a)(2)(A) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "section 451 of this title".

Redesignate subsections (a) and (b) of section 142 of the bill as subsections (b) and (c), respectively.

In section 142 of the bill strike out "SEC. 142." and insert before subsection (b), as so redesignated, the following:

SEC. 142. (a) Section 8331(1) of title 5, United States Code, is amended by inserting ", other than a judge appointed under section 152 of title 28 to the bankruptcy court" after "section 451 of title 28".

EXTENSIONS OF REMARKS

PRAYER IN PUBLIC SCHOOLS

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. MATHIAS. Mr. President, in recent weeks I have heard from thousands of Marylanders who feel deeply about the issue of prayer in public schools. Today, I would like to share with my colleagues two of the many communications I have received on this subject.

The first is a resolution passed unanimously by the Washington Board of Rabbis on March 7. It was sent to me by Howard D. Greyber of Potomac, Md., a strong supporter of President Reagan who differs with him on this issue. It deserves a place in the record of our debate.

The second is one of the most sensible and thought-provoking sermons on the subject I have read. It was sent to me by Mrs. Donald L. Moody of Ellicott City, Md., and was delivered last summer by Dr. Carl Rife, senior pastor of Grace United Methodist Church in Baltimore.

These two documents will, I think, be of particular value to us as we consider the President's proposed constitutional amendment on the subject of prayer in schools and other public institutions. The full text of these documents follow:

RESOLUTION BY WASHINGTON BOARD OF RABBIS

As rabbis, we deeply believe in the significance of prayer. We want children to know how to pray. Thus for us, prayer is not the issue but the appropriate institution to foster prayer. We are convinced that anyone who wishes to pray, whether in or outside of school, is in no way inhibited from doing so.

We believe that prayer fostered by the public schools violates the first amendment and tramples upon minority rights in a pluralistic society. Minority children of differing faiths—or without any faith—are placed in an untenable position by a school-directed period of prayer.

It is the task of parents and religious leadership and not the public school system or teacher to dictate the praying conduct of our children. We strongly oppose any attempt by our government to enter into this sacred and personal domain of faith. Resolution passed unanimously by the Washington Board of Rabbis, March 7, 1984.

STATEMENT OF DR. CARL B. RIFE

A couple of months ago I drove into the parking lot of my bank. There was a bumper sticker on the back of a car that said, "Let Our Kids Pray." I had an immediate reaction to that. I must be honest with you, it was a negative reaction. And so I went back into my car and found a pen and a piece of paper and wrote a note and put it on the windshield of that car. (I hope it is not a car that belongs to any of you.) The note simply said, "Who's stopping them?"

"Let our kids pray." And it occurred to me to say, "Well, who in this world is stopping our kids from praying?" And obviously that bumper sticker and my response gets us into the whole area of prayer in public schools, which is the point of that bumper sticker.

I begin by saying that committed Christians can differ on this issue and what I am sharing with you is not a word from the Lord, but a word that I interpret from where I am. I think I am in good company in doing that from time to time, Paul would differentiate when he gave his messages through his letters to various churches. Sometimes he would be forthright and say, "This is the word of the Lord" and at other times he would say, "This, basically, is my committed opinion." And so this is my opinion, my committed opinion.

I think we need to understand from the very beginning what prayer is. Prayer to me is that intensely personal, intimate conversation with God, with the Source of life. There is a whole lot of theology caught up in just that understanding, for this is a perspective that understands God to be no less than personal, suprapersonal perhaps, but no less than personal; that understands the Creator, the Source of all life is at the heart of the universe, who indeed can listen, does hear and does respond to our individual prayers. That is a faith assumption. But it is a faith assumption based on the solid ground of the scriptures and the experience of countless Christians down through the ages.

That is why the writer of Matthew talks about prayer being done best in private and in a closet where one speaks out of the deepest part of one's being to the deepest part of the universe. The best model for prayer is not the formal prayers of the church, as important as they may be as a community of faith prays together, but the prayer by Jesus in the garden of Gethsemane. That is real prayer, that opening up of Jesus' life, that surrendering of his being to the one he called Father, indeed he called Daddy, Abba. That is prayer.

And that prayer, that kind of prayer, is best taught in the context of our home and our church. It is not the kind of thing that can be learned by a simple repetition of words. It cannot even be taught in Sunday school apart from a faith community which believes and lives out its life in prayer, and it certainly cannot be taught by parents to their children unless they themselves evidence a prayerful spirit in their life toward all things. Prayer grows out of a faith understanding, that style of life is the setting of the church and the home, not the public schools.

It is my conviction that it is not the state's role to teach prayer or religion. I have heard some people say that we need to bring God into the classroom. The God I believe in does not need to be brought into the classroom; God is already there. No teacher ever stopped me from praying and there were many times, I'll be honest with you, when I prayed especially when I had a test before me. In fact, when you think about it, there is no way that any authority, anywhere on this earth, can stop another person from praying.

The kind of prayer that would be given in a public school is the kind that is so formulated as not to offend anyone. It is watered down, it is anemic, it is a pale reflection of that kind of prayer we find with Jesus in Gethsemane, an intense intimate personal prayer.

Some say, "Well, prayer, even that kind of prayer, can't hurt anyone." But that takes away the meaning and the power of prayer to so look at it.

Behind all this is another level of understanding which I think it is good to look at explicitly on this weekend we set aside to remember and honor the birthday of our nation. And that is the whole doctrine of separation of church and state. There are legitimate spheres of activity for the church and religion and legitimate spheres of activity for the state. In the passage which you heard read from Romans this morning, Paul almost ordains the rulers of the nation as being legitimate authorities to carry out the will of God.

Part of the understanding of the founders of our country was to keep a tension between these two spheres, very important spheres of activity, the sphere of the church, the sphere of the state, the sphere of faith and morality, the sphere of the welfare and well-being of the people. And there is always a tension, and there are times when one part of that tension, the church and the state, has to talk to the other part.

If you were following the trip of Pope John Paul to Poland, you understand that he knew the tension between these two spheres and walked a very careful line, but he spoke to the state about its moral obligation to justice and to freedom. The church always reserves that right to speak thusly to the state, but at the same time the church has experienced its corruption, too, and its deficiencies and the state has often had to speak back to the church.

And if you study the history of civilization, you know how dangerous it can be when religion gets mixed up with the state and you cannot distinguish at all between the two. Then all the things that are done in the name of the state are justified by high sounding words of religion.

It is in that context that I say in response to that bumper sticker, "Let Our Kids Pray", "Who's stopping them?" For prayer is the reflex of our deepest being to turn towards God, a kind of tropism, and no one in this universe can stop anyone from doing that. Let us remember, when you think of prayer in the public school, not to think of the pale anemic watered-down version of prayer that some official might not write to offend anyone, but to think of our young people out of their experience in their church and home being able at any moment of their life to live their life in prayerful reflection whatever they are doing. That's the answer to the bumper sticker, "Let Our

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Kids Pray." No one is stopping them. No one can.●

IN MEMORY OF ROBERT W. KERR

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. WILSON. Mr. President, I rise to honor today and for posterity, the memory of a splendid American, Mr. Robert W. Kerr, who graced our State of California during his long and distinguished life.

In the course of his illustrious career which spanned six decades, he acquired a reputation in America's business community as an exemplary manager of people and assets. When he turned his talents outward to the service of his community with his generous philanthropic endeavors, he enriched California's education, arts, and humanities communities with the same dedication and expertise that led to his rise in the corporate world.

Californians will miss Bob's active presence in our State. His memory, and his legacy, will long live in the minds and hearts of us all.●

WHERE WE STAND IN NATO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LAGOMARSINO. Mr. Speaker, one often hears of the problems the alliance is facing, how these problems are "tearing apart" the alliance and that, if action is not taken soon, the alliance will crumble.

Our Ambassador to the North Atlantic Treaty Organization (NATO), David M. Abshire, has looked at these statements and eloquently expressed his thoughts on the topic. I call upon my colleagues to read Ambassador Abshire's op-ed piece, which appeared in the Los Angeles Times, Sunday, March 11, 1984.

The article follows:

[From the Los Angeles Times, Mar. 11, 1984]

WHERE WE STAND IN NATO—ALLIES MUST FIT NEW PERCEPTIONS TO THEIR ORIGINAL PURPOSE

(By David M. Abshire)

BRUSSELS.—George Will recently paid homage to Raymond Aron, and suggested that, for the West, his death signified the fact that "it is almost past now, Europe's great generation of 'Atlanticist' intellectuals who, in the crucial postwar period, defended Western values and Western defense measures, against many detractors. The detractors multiply like rodents. Defenders like Aron are as rare as eagles."

Raymond Aron never led a battallion or chaired a parliamentary committee. He only made one kind of contribution to the alliance: He touched people's perceptions. In doing so, he was not on the sidelines but at the core of the question of the alliance's fate.

Although there are occasional lapses, the North Atlantic Treaty Organization is an alliance of fiercely democratic nations. Questions that might masquerade as strategic or economic issues are really political questions—and political questions debated in the public arena. Our "confidential" negotiations, for example, are certainly the noisiest in history. And the need for increased investment in the common defense runs up against such intense competition for pieces of a shrinking pie that it creates the kind of stress that can cause governments to fall. At a time of high unemployment, more people are marching in the streets of Europe and America over nuclear weapons than over jobs.

Such events are the causes and effects of Western perceptions and attitudes on questions of security. But I think we can define the dilemmas that constitute our central challenge.

Although the charter may not say so, the Atlantic alliance was formed because the Soviet Union was perceived to be a threat. If the threat should disappear, we would all glady rethink the need for the alliance in its current form. If, however, the threat remains but the perception disappears, the alliance is in deep trouble.

I fear that is exactly what is happening: European and American public concern about the Soviet Union simply does not match the concern of serious students and commentators on Soviet affairs. We need a shared, soundly shaped perception of the threat.

The perceptual gap on the Soviet threat (and other issues) is especially true among some young Europeans. This should not surprise us. People who experienced war on European soil, and were saved from war and starvation by the Americans, are bound to have different perceptions from their children who lived through none of this.

We are seeing the replacement of the old generation by a new one that is truly different. If we take comfort from solid agreement with our 50-year-old European friend (while his children are marching in the streets for neutralist or pro-Soviet positions) then we are just a dying breed of old Atlanticists with no future.

When the alliance was formed, the principal threats to its security were within the geographic limits described in the charter. Now, some of the greatest dangers lurk outside those limits, and in many cases our allies would like to see the same results that we would like to see in Central America, southwest Asia or southern Africa.

But they have grave public difficulties. They may be seen as extending the terms of the NATO charter, or as too close to the Americans in too many parts of the world. NATO is challenged to help make it possible for the allies to join in concerted actions outside the NATO area—or, at least from our viewpoint, to compensate for any temporary limitations in preparedness that our actions might cause.

Every time the United States and the Soviet Union are mentioned casually in the same breath, every time a European suggests that they are both superpowers, and that superpowers are a special breed with more in common than the Western allies have—every time a European finds the situation in Afghanistan and Grenada roughly similar, an important part of the turf supporting NATO is eroded away.

If young people who know little about either country have any genuine uncertainty about which society is more attractive, that turf is crumbling. Some people are uncomfortable with talk of "shared values," but it appears to me that the differences between East and West in their patterns of thought and quality of life require a constant, civilized expression in the public life of our alliance.

The correct perception of the U.S. and the West is a sine qua non for the productive dialogue we seek with the Soviet Union. It is important to negotiate from strength when military questions are on the table, but it is also important to negotiate from moral strength in all our dealings.

This alliance really is a partnership. This is borne out by everything from the way the military burden is shared to the difficulty I have in getting my way in the North Atlantic Council. But the alliance is all too frequently perceived as a leader with a flock of followers trailing behind.

Consider the "Euromissile" debate. In the eyes of many, American missiles are going into American bases because the Americans want it that way for American interests. The fact that there are NATO flags on the bases, and that the West German chancellor and his European colleagues initiated the call for deployment, are all long forgotten—as are European concerns about coupling and decoupling with U.S. strategic systems.

If Europeans perceive NATO as an American hegemony, they will gradually turn off its life-support system. All this must not cause us embarrassment about leadership. The Europeans look to the United States for it, and we must accept that we are the leading partner in many NATO actions. But the United States does not have to be out in front on every issue. We must encourage Europeans to exert leadership on more issues.

It's a difficult balancing act for us, but it's a tightrope we have to walk.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, on March 15, 1984, we commemorated a day of remembrance in the life of the Soviet Jewry movement. On this day, International Day of Concern for Soviet Jews, we commemorated the endless day-to-day struggle faced by the Jews in the Soviet Union who undergo harassment and persecution because of their religious and political beliefs. On this day, we commemorate the lifelong attempts on the part of the Soviet Jews to leave the unbearable confines of the Soviet Union and emigrate to freedom-loving countries outside the Iron Curtain.

On this day, we commemorated the eighth year of Anatoly Shcharansky's imprisonment in a Soviet prison. Eight years ago, Anatoly was sentenced to a

13-year prison term for having had the courage to speak out against the human rights abuses that he saw daily and to request to leave the Soviet Union to join his wife Avital in Israel. During these 8 long years, he has undergone tremendous indignities. For a long period of time, he was denied the right to receive mail or any communication from his family and the outside world. It was only after a prolonged hunger strike and international outcry against the brutality of the force feedings Anatoly was subjected to, that the Soviet authorities began allowing him to receive his mail and allowed him short and infrequent visits by his mother.

This past January, Anatoly celebrated his 36th birthday, his 6th as a prisoner of conscience. At present, he is suffering from acute heart pains, pains that continue day and night so strongly that his left arm has been immobilized. For months, he has appealed to any humanitarian instincts the Soviets may possess to allow him to be hospitalized. His pleas have gone unanswered. Because he is ill, he cannot obviously fulfill the unreasonable work quota he is allotted as a prisoner. He fears that he will be punished for not being able to work.

Anatoly Shcharansky is a symbol for all the Soviet Jews that have been unfairly denied the most fundamental of human rights. Despite this illegal infringement on the human rights of all Soviet Jews and dissidents, the Soviet authorities still remain reluctant to allow Soviet Jews to leave the Soviet Union and seek asylum in countries that value the importance of religious and political freedom. Never before in the history of the Soviet Jewry movement has the emigration rate been so low. As of November 1983, only 1,218 Soviet Jews were allowed to leave the Soviet Union. This figure is appalling considering the highest emigration rate was in 1979 with 51,320 people given the permission to seek freedom. Mr. Speaker, I would urge my colleagues to speak out against this inequity at every opportunity.

As we remember the thousands of Soviet Jews that continue to live in the Soviet Union hoping for the day when they can practice their religious and political beliefs without the fear of persecution, when they can speak out freely without being subjected to imprisonment and harassment, let us continue to protest human rights abuses at every steps. We have a moral obligation to do so.●

HONORING THE NATIONAL COUNCIL OF YOUNG ISRAEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ACKERMAN. Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues the outstanding achievements of the National Council of Young Israel, which represents more than 250 synagogues and 300,000 members nationwide.

For more than three quarters of a century, the Young Israel movement has dedicated itself to Jewish ethical values—service to the Creator and all mankind. This commitment manifests itself through the operation of a public hospital in the Midwest, employment agencies in six States, senior citizens' nutrition programs, and numerous other activities which improve the lives of untold numbers of Americans. At its 72d anniversary banquet on March 25, the Young Israel will honor 21 distinguished Americans whose endeavors on behalf of all our citizens merit national recognition.

Bill Tate, the Young Israel's "Man of the Year," is a labor leader of international reputation. His accomplishments for American workers and civil rights are legion, and are matched only by his efforts for the United Jewish Appeal and his staunch support for Israel.

Ruby and Judy Gruenbaum, the recipients of the Young Israel's Golden Shofar Award, have rendered years of exceptional contributions to the Young Israel movement and the American Jewish community. A survivor of Auschwitz and Buchenwald, Ruby Gruenbaum contributed to the growth of his new country as he built his own business. Today he generously shares his blessings with those less fortunate than he. Following the Talmud's exhortation to give of himself as well as his means, Ruby has served as chairman of the Board of Yeshiva Moses Soloveitchik, president of the Young Israel of Forest Hills, treasurer of the Greater New York Council of Mizrachi-Hapoel Hamizrachi, and the vice president of Young Israel's National Council.

Judy Gruenbaum's efforts on behalf of American Jewry are equally noteworthy. A former national officer of Emunah Women, she has served as a member of the Presidium of the Women's League of the National Council of Young Israel. Her leadership in the movement to reinvigorate Jewish ethical values among college students has been felt throughout our Nation.

Rabbi Simcha Krauss of Hillcrest, Queens, the Silver Shofar Award recipient, also has attained national stature. A prominent rabbinical leader for more than two decades, Rabbi Krauss occupies one of the most important pulpits in my district. His dedication serves as a model for all American religious leaders. Devoutly committed to his faith, Rabbi Krauss has published numerous articles on many aspects of Jewish tradition and its relation to American society. His essays have appeared in The Jewish Parent, Shma, Tradition, and the Young Israel Viewpoint—periodicals circulating throughout the United States and Canada. Rabbi Krauss' concern for American Jewish education led him to establish three important institutions of learning: The Hillel Hebrew Day School in Utica, N.Y.; the Yeshiva High School of St. Louis; and the Harry and Anna Schwartz Institute of Judaic Studies, an adult education institute at the Young Israel of Hillcrest.

Since becoming spiritual leader of that synagogue in 1980, Rabbi Krauss has worked tirelessly for the improvement of his community. I can attest personally to his dynamic leadership and concerned attention to the needs of all citizens of Queens. His inspiration is a basic ingredient in the Young Israel of Hillcrest's rise to preeminence in American and world Jewry.

Jack Gold, the National Council's Community Service Award recipient, is known for his efforts strengthening the institutions and assisting the good works of dozens of organizations in Brooklyn and Queens. Nat Behmoiram will receive the council's humanitarian award. The wide-ranging breadth of his efforts and the depth of his accomplishments epitomize the Young Israel movement's commitment to community service.

The Young Israel's other Shofar Award recipients also merit commendation. They include: Rabbi Heshy Gissinger, Sidney Mochan, Joseph Zoldan, Louis Horowitz, Joe King, Herbert Weiss, Norma and Carl Goldstein, Zena and Norman Dachs, Toni and Howard Turner, Deborah and Harry Goldfarb, and Judge Bernard Bloom.

It is, therefore, my pleasure, Mr. Speaker, to call on the Members of the Congress to join me in extending congratulations to Mr. Harold Jacobs, president of the National Council of Young Israel; to Rabbi Ephraim Sturm, its executive vice president; and to all the officers and honorees. As they move forward to greater accomplishments, we say to each, in the words of David to Solomon, "Hazak, vehehmatz—be strong, and of good courage."●

PRESIDENTIAL MEDAL OF FREEDOM AWARD TO DR. HECTOR P. GARCIA

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HANCE. Mr. Speaker, the State of Texas has been honored to have among its citizens the distinguished person of Dr. Hector P. Garcia.

Dr. Garcia has recently been chosen by the President to receive the venerated Presidential Medal of Freedom. He is a most deserving recipient of this award, having served his people and his nation nobly since 1942.

Among his achievements, Dr. Garcia counts service in the Army from 1942-46, during which time he was awarded a Bronze Star Medal and six battle stars. He also served as delegate to the United Nations under President Lyndon Johnson and was appointed to the U.S. Civil Rights Commission in 1968. He has served in over a dozen other federally and Presidentially appointed advisory councils, commissions, and delegations, each time serving with distinction and honor.

Dr. Garcia has also contributed his time and talent to numerous civil and community organizations. He founded the American GI Forum, a national organization of Hispanic veterans. It has been through the American GI Forum and his affiliation with other groups that Dr. Garcia has worked so hard to advance the worthy causes of Hispanics and minorities. His total commitment to bringing justice and equality to minority Americans is always unselfish. He advocates cooperation over confrontation and his diligence in seeking nonviolent solutions to sometimes violent problems is comparable to Martin Luther King, Jr.

We are not the first to honor Dr. Garcia. His dedication to the Hispanic community, the State of Texas, and the Nation itself has been recognized and commended for many years. But it is entirely fitting that we do so again with this highest of awards, the Presidential Medal of Freedom.●

PLYWOOD TARIFFS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONKER. Mr. Speaker, I am today introducing legislation to close a loophole in the U.S. tariff schedule that is needlessly and unfairly costing jobs in the Pacific Northwest wood processing industry. Left uncorrected, the job toll stemming from this problem will steadily increase.

Certain plywood sheets are being exported by Canada to the United States as building boards rather than as plywood under the U.S. tariff schedule. This subjects such Canadian exports to a much lower tariff schedule, making the products cheaper than comparable plywood produced in the United States. The tariff category called building boards was apparently intended to be a residual one for special-use construction panels that might not fall into either plywood or wood veneer panel categories.

Instead, it has become a loophole category. By simply altering the edge of a plywood sheet, foreign producers are able to get their products categorized as building boards, qualifying for the dramatically lower tariff treatment. In theory, the edgework dedicates the sheet to some unspecified special construction use. In fact, the use of such sheets is no different than plywood sheets with plain edges.

My legislation would revise the building board category to insure that it is used only for special-use panels, and not for plywood. This revision makes the U.S. tariff schedule for these products conform more closely to the international code, which contains no building board category at all. Maintenance of a building board category in the U.S. code would only frustrate efforts to insure internationally recognized tariff categories, and continue to damage our own wood products industry.

While the tariff on plywood is a flat 20 percent, the so-called building boards, used as plywood, are exported subject to a tariff of 1.9 cents per pound plus 3.4 percent. The plywood industry estimates that this schedule equals a flat 10 percent tariff. Under the U.S. tariff schedule, even that will continue to decrease dramatically.

While the volumes imported from Canada under this category represents only a portion of plywood products marketed in the United States, the volume jumped an alarming 74 percent in 1982. My greatest concern is, as the tariff schedule decreases, the practice of exporting plywood under the building board category may spread to all forms of plywood exported by Canada to the United States. Such a practice would be devastating to our industry.

Mr. Speaker, the wood products industry has been and remains committed to free and fair international trade, despite its losses due to numerous unfair trade practices by foreign competitors. For example, the industry strongly supports further mutual tariff reductions through negotiations with our trading partners to reduce artificial international trade barriers. The legislation I am introducing should not be regarded as protectionist or a reversal of the industry's free trade position. Rather, this bill brings the U.S. tariff schedule into closer conformity with international standards, restoring equal treatment of plywood products in the U.S. market for both foreign and domestic producers. For this reason, the legislation has the specific support and endorsement of the American Plywood Association, which represents both small and large U.S. plywood producers.

I am hopeful, Mr. Speaker, that the Committee on Ways and Means will promptly seek Executive comment on this proposal and include it in the group of miscellaneous tariff bills that it recommends favorably to the House for passage before the end of this Congress.●

N. F. PLUNKETT, JR., DRIVER OF THE YEAR

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ERDREICH. Mr. Speaker, I am proud to bring to the attention of the House of Representatives someone whom I represent whose established safety record on our Nation's highways has earned him the title of "Driver of the Year" by the American Trucking Association.

Mr. N. F. Plunkett, Jr. of Midfield, Ala., has been a driver for Chevron U.S.A. of Birmingham since 1947. He has compiled an accident-free safety record spanning 37 years and 2.7 million miles. His safety record places him among an elite group of Chevron's more than 1,000 drivers. Only seven other drivers have 30 consecutive years of accident-free driving, and he is one of three drivers with 35 years of driving without a preventable or nonpreventable accident.

The "Driver of the Year" is chosen by a panel of national safety experts from among nominations of State drivers of the year. The State trucking associations select their nominees from 12 State drivers of the month during a calendar year.

Mr. Plunkett gained valuable driving experience between 1943 and 1947, when he joined the U.S. Army and hauled supplies in England and then crossed the English Channel to transport gasoline to General Patton's tank force as they moved through France and Germany.

An advocate of strict enforcement of the 55 m.p.h. speed limit to reduce speeding by all vehicles, Mr. Plunkett cites defensive driving as the best way to avoid potentially serious accidents.

In fact, he was selected as State Driver of the Year for an act of heroism last fall when he rescued a trucker whose tractor-trailer veered off the highway and over an embankment, staying with the injured driver until the highway patrol and an ambulance arrived on the scene.

Mr. Plunkett is only the second Alabamian to be honored as National Driver of the Year since the American Trucking Association began the awards program in 1948, and it is a proud moment for me to have someone in my home district who has achieved such an outstanding accomplishment.

As we continue in our efforts to assure the safety of Alabamians and people across the country on our highways, I am certain that my colleagues in Congress join me in commending Mr. N. F. Plunkett, Jr., the American Trucking Association's national "Driver of the Year."●

THE FEDERAL DEBT RECOVERY ACT OF 1984

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MOODY. Mr. Speaker, today several of my colleagues and I introduced the Federal Debt Recovery Act of 1984. This legislation would authorize various Federal agencies to contract with private law firms to help curb the the massive debt owed to the Federal Government.

The need for this legislation is clear. The General Accounting Office (GAO) recently reported that "debts owed the Government are enormous and growing each year, with billions of dollars delinquent." According to the Office of Management and Budget (OMB), some $40 billion in nontax, delinquent debts are owed to the Government. With the annual Federal deficit nearing $200 billion, recovery of these debts becomes essential for the health of our Nation's economy.

The original Debt Collection Act of 1982 allows, among other things, the Federal Government to charge interest and penalties on delinquent debt, to report delinquent debtors to credit bureaus and to contract with private debt collection agencies to handle some of their cases. However, this law does not provide for the use of private law firms to assist in collecting debts. My bill would fill this gap by allowing the Attorney General to contract with private law firms expressly for collection purposes.

The Senate is expected to act on a similar measure soon. In hearings held by the Senate Committee on Government Affairs last spring, no opposition to this concept was expressed. The bill is expected to be reported by the full committee shortly.

Tens of thousands of cases, potentially worth millions of dollars to the Federal Government, could be litigated as a result of this legislation. The Department of Justice simply does not have the capacity to handle the massive number of cases which the executive agencies—such as the Department of Education, Veterans' Administration, Small Business Administration, and Farm Credit Administration—refer to it. In addition, there are serious questions as to the cost-effectiveness of the Department of Justice litigating debt collection cases. For example, according to Justice statistics, one department's debt alone represents 22.8 percent of the debt caseload, but the dollar volume on this caseload represents only 3.8 percent of all loans referred.

Federal agencies must have the ability to utilize private law firms directly for litigation services. To date, debt collection agencies have only collected 3 percent of the claims referred to them. Threats of succeeding litigation would substantially magnify their chances of success. A standard contingency fee arrangement would provide law firms with a ready incentive to carry out their debt collection services seriously.

Specifically, the bill would give the Department of Justice the authority to contract with law firms for collection services, including litigation. The head of a Federal agency would thereafter be able to forward cases directly to the law firm which has been engaged, thus expediting collection. However, the Attorney General would retain the authority to terminate a contract if it is found not to be in the public interest. Debtors would be further protected as law firms would have to abide by the Fair Debt Collection Practices Act.

Billions of dollars are being lost due to the time constraints imposed by the statute of limitations. These debtors should not be allowed to avoid paying the money they owe to the Government. Collection of these moneys would reduce the Federal deficit and protect the future of these lending programs.●

TWENTY-ONE DRINKING AGE SUCCESSFUL IN NEW JERSEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, the bill H.R. 3870, which would establish a drinking age of 21 nationwide, is now awaiting Rules Committee action to schedule the bill for consideration by the House. A very timely report from my own State of New Jersey confirms the experience of other States that raising the drinking age to 21 saves lives and reduces drunk driving. I am inserting an article in the RECORD here describing the New Jersey evidence.

The evidence from the States is in. However, as the Presidential Commission on Drunk Driving found, there is a need for Federal action to achieve uniformity. The patchwork of different State drinking ages simply induces teenagers to drink and drive. H.R. 3870 will stop this, extending the New Jersey experience nationwide and ending the deadly traffic across State lines.

[From the Newark Star Ledger, Mar. 8, 1984]

TEEN ROAD CARNAGE DROPS SHARPLY IN FIRST YEAR OF HIGHER DRINKING AGE

(By Vincent R. Zarate)

Teenaged drunk driving deaths were down significantly last year when the legal drinking age was increased to 21.

Motor Vehicles Director Clifford Snedeker said yesterday that preliminary figures show 38 traffic deaths involving drivers in the 18 to 20 age group were "positively identified" as being caused by drunk drivers. That total, he said, was 29 less than in 1982 when the legal drinking age was 19.

Snedeker also reported that drunk driving convictions of those in the 18 to 20 age group dropped.

"More people are aware; less people are drunk when they drive, and although all the facts and figures aren't in yet, there is every indication that increasing the drinking age to 21 has had a favorable impact," Snedeker said.

Besides the age increase, Snedeker said rigid enforcement of that law as well as road checks and public awareness of the drunk driving laws and the steep penalties contributed to the decrease.

"I don't think the higher drink age is the sole reason for the encouraging" drop in the numbers of teenagers killed in car accidents involving drunk drivers, said Snedeker.

"But," he added, "it definitely has to be considered as a contributing factor along with the significant role played by the public's growing awareness of the dangers of drinking and driving and the increased enforcement efforts at all levels of government."

Snedeker said, "Our highway safety people have been drumming away for years about the dangers of drinking and driving and the public is finally getting the beat."

The motor vehicles director reiterated that last year marked the first time since 1963 that highway deaths in New Jersey dropped below 1,000. He said 929 lives were lost on New Jersey roadways last year, a drop of 133 from 1982 and 264 less than in 1981.

The reduction in overall traffic deaths is a "further indication that the united efforts of all the various citizen groups, the government and law enforcement agencies is finally catching the attention of the motoring public," Snedeker stated.

On the issue of teenage drunk driving in general, Snedeker said the preliminary statistics show that raising the drinking age to 21 is producing favorable results.

He reported that drunk driving convictions for 18 to 20 year olds dropped 25 percent in 1983 from 1982 and the latest figures are well below the numbers posted in 1980 and 1981.

Drunk driving convictions of those under 21 dropped from 4,466 in 1982 to 3,421 in 1983. In 1981 there were 4,053 drunk driving convictions involving 18, 19 and 20 year olds. In 1980, the total convictions for this age group stood at 4,017.

Snedeker said another encouraging development is that drunk driving convictions of 16 and 17 year olds also dropped.

He said the number of drunk driving convictions for 16 and 17 year olds was 103 in 1983, or 107 less than in 1982. That he said resulted in a "dramatic 51 percent drop."

Snedeker said that at this time there are "no comparable downward trends apparent for any other age group."

The total drunk driving convictions for all age groups in 1983 also dropped from the 1982 level but did not record a decrease as significant as the teenage one.

The number of drunk driving convictions for all age groups was 32,598 in 1983, a decrease of 802 from the year before.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor a "Voice of Democracy Contest" for high school students. Students are asked to write an essay and the winning contestant from each State is brought to Washington, D.C., for the final judging as a guest of the VFW.

This year the theme was "My Role in Upholding Our Constitution." The winning essay from Alaska was written by Teresa Lee Kelley of Eagle River, Alaska. Teresa was born in Seattle, Wash., and attends Chugiak High School where she is a senior. Her father is Dave Kelley, a State service officer and her mother is Gene Kelley, a housewife. Teresa hopes to attend the University of Alaska in Anchorage next year.

I would like to, at this time, insert Teresa's essay, one which I feel is a very special one. I am proud that she is a student from Alaska.

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Teresa Kelley)

The rockets red glare, the bombs bursting in air. Two small hands gripped the window ledge, pulling a toddler's face up high enough to peer through the glass, the morning sun reflected a red glow from a childs wagon left on the front walkway. Smoke could be seen rising up from the rooftops a few blocks away. Sirens began winding up, small explosions were heard in the distance. As the explosions came nearer, shrill whistling sounds could be heard, bursts of smoke and shrapnel began scattering through the yards. People began leaving their homes to seek refuge elsewhere, even in the canefields, but there was no safe place to go!

The mother stood at the widow embracing the child, trying to comfort the both of them. The father slipped down the stairs and reached out to touch the both of them just before he rushed out the door. His footsteps quickened as he turned to the sidewalk that lined the houses in the newly built housing area just outside the gates of Pearl Harbor. It was Sunday morning, 1941!

The child was my mother, the mother and father were my grandparents.

In 1970, another small child sat gazing intensely at the bright glowing lights of red, yellow, blue, and green, they seemed magical on the Christmas tree. She ran her fingers over the bows and ribbons adorning the gifts under the tree. She couldn't read the tags yet, but she knew which ones were for dad. The girl turned to her mother and asked, "Are we going to send dad his presents, or keep them under the tree for him?" "Just a minute" mom said as she rose from her chair, turned, stepped over our dog Wiz, and rushed to the kitchen table where the tape recorder was setting and pushed the record button down. "Now say that again so dad can hear you." This was our nightly ritual, talking to dad, telling him all our thoughts and what we had done each day and sending him the messages. Dad was in Viet Nam.

We kept the tree up longer that year than we ever did before, it was February, and the presents for him, waited under the tree. Dad did come home! The little girl was me.

You see, I believe I was born into the great pattern of Americanism. It was never planned, it could have happened to anyone, but it was me. I stand with all the pieces before me; family strength, unity, love of God, country and patriotism. It is the duty of my generation to place and maintain all the pieces that "establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessing of liberty for ourselves", and our country.

The Constitution was written to maintain our heritage in a period when our country's leaders felt it was time to organize and establish a master plan to protect their children, country, my ancestors, my family, your family, and all generations to be born under the Flag of the United States.

My role in upholding the Constitution?

I feel I have already taken a big step, in realizing that my involvement today is my future, and may it be with my family, my school, my community, or my country, this will someday be, my childrens heritage.

The commitment of our founded Constitution will be passed down through time and people, of and for them, as it was written, and as it was intended.

History books depict major decisions and events drawn out over conference tables by leaders, statesmen, generals, or maybe even presidents, but I believe it will be people like myself, assuming the responsibility for home, community and country, that will continue to make us great, and when the time comes, I will be ready.●

MIDDLE EAST CRITICAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from the March 9, 1984, edition of the Oxnard Press-Courier to the attention of my colleagues. It eloquently describes the importance of continued, resolute American commitment to peace in the Middle East.

George Shultz is not the first American secretary of state to stub his toe trying to act as a peacemaker in the Middle East, and doubtless he won't be the last. Indeed, conflict in the region seems so intractable that many Americans must wonder: Why bother trying at all?

Here are two reasons as fresh as today's newspaper:

A new Syrian-Israeli war, increasingly possible now that peacemaking efforts in Lebanon are failing, could escalate into a superpower confrontation that might prove difficult to control.

The bloody Iran-Iraq war, currently in its fourth year, threatens any day now to provoke an obligatory military response by the United States, Britain and France if the Iranians try blocking the Strait of Hormuz.

The rising tensions between Syria and Israel seems especially worrisome. First, the presence of an estimated 7,000 Soviet military personnel in Syria heightens the risk of direct Soviet intervention if Moscow's client were to begin losing any new war.

Second, Syria's arsenal now reportedly includes Soviet SS-21 missiles. Although the missiles are almost certainly armed only with conventional warheads, they could still be used with devastating effect against Israeli cities.

The protracted Iran-Iraq bloodbath presents its own catalog of horrors, plus posing the threat of a larger war. Casualties on both sides are said to number in the hundreds of thousands in a brutally grinding struggle that is as senseless as it was avoidable.

Iraq's socialist dictator, Saddam Hussein, started the war by invading Iran; partly to resolve a century-old border dispute and partly because he feared (no doubt correctly) that Iran's fanatical Ayatollah Khomeini, a Shiite Moslem, was stirring revolution among Iraq's Shiite majority.

But for the last two years, the bilious Khomeini has spurned every Iraqi peace offer. The ayatollah says he will settle for nothing less than Husseins' overthrow as a first precondition for ending the war.

That can only tempt the increasingly desperate Hussein to try stopping Iranian oil exports, a step the Iranians promise will trigger their own closing of the Strait of Hormuz at the entrance to the Persian Gulf.

And that, in turn, would no doubt bring in nearby American, British and French naval units rightly committed to preserving freedom of the seas and, more specifically, the oil lifeline that sustains Western Europe and Japan.

Isolationist impulses run deep in the American psyche. The alien tangle of hatreds that is the Middle East must seem to many Americans a veritable advertisement for the wisdom of minding only "our own business." But, then, that is just the point. What happens in places such as Lebanon and the Persian Gulf does involve vital American interests, however much some might wish it were not so.

George Shultz cannot afford to stop searching for the three hallmarks of American policy in the Middle East and elsewhere: Security, stability and peace.

And Americans cannot afford to stop supporting that activist foreign policy, least of all in the powder keg of the Middle East.●

SALVADORAN ELECTIONS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RUDD. Mr. Speaker, 2 years ago, an estimated 80 percent of eligible voters in El Salvador, about 1.5 million voters, went to the polls to elect a constituent assembly despite the violent left's attempt to harass and intimidate them. Leftwing groups, knowing they had little, if any popular support, did not bother to participate in the 1982 elections.

This Sunday, Salvadorans will again go to the polls, this time to cast their votes in their presidential election. Guerrilla groups have again indicated their intention to disrupt the elections, and to continue their bloody war against the Salvadoran people regardless of the outcome of the balloting.

Few Americans are aware that prior to the Communist guerrilla insurgency, El Salvador had the most industrious, best managed, and productive private sector in Central America. Today, Salvadorans are seeing their farms, their bridges, roads and businesses—their entire infrastructure—destroyed by terrorists seeking to impose their will by violence and intimidation.

Too often, we tend to criticize our friends for not making progress fast enough in the area of human rights and make excuses for our enemies who have no intention of insuring human rights.

Today, I rise to urge my colleagues to recognize the growing involvement of the Soviets, the Cubans and Nicaraguans in the lives of our friends in El Salvador and prevent disaster in the region. We cannot turn our heads. If we fail to come to the aid of our allies in El Salvador in their time of need, we will surely deliver El Salvador to communism, and not only deny Salvadorans any hope of human rights reform, but also allow communism a greater foothold in our own backyard.●

COMMISSION ON SECURITY AND ECONOMIC ASSISTANCE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LIVINGSTON. Mr. Speaker, on February 21, 1984, President Reagan welcomed the members of the Carlucci Commission on Security and Economic Assistance and received our report on the role of foreign assistance in U.S. foreign policy. He noted that well-administered assistance programs serve our national interest and promote national security. He therefore also agreed with our concern over the significant decline in support for foreign assistance.

I commend my colleagues' attention to the full text of the remarks of the President and Secretary of State Shultz on this occasion, as contained in the following release from the White House:

REMARKS OF THE PRESIDENT AT THE PRESENTATION OF THE COMMISSION ON SECURITY AND ECONOMIC ASSISTANCE REPORT

Secretary SHULTZ. Mr. President, I want to thank you for giving us a chance to present to you a copy of the report on the Commission on Security and Economic Assistance.

I think this is an extremely important report on a subject of tremendous moment. I asked Frank Carlucci to be chairmen of it, and Larry Silverman, Lane Kirkland, and Cliff Warden to be co-chairman, and many others to take part. It's notable that nine of the Commission members are from the Congress. You can see that by looking around. They served as members and members ex officio, joined in very strongly in the discussions.

Others on the Commission, many whom are sitting here, are representatives of business, of labor, of private voluntary organizations, the university world, and others professionally interested in our foreign policy. And they produced a thoughtful and bipartisan statement.

The last time there was a comprehensive review of our security and economic assistance program was in 1970. I think we all know, Mr. President, that there has been profound changes since then in the world out there that we're working with. There are countries in the family of free nations today who can point to our security assistance as a key ingredient in their struggle to remain free. And we can similarly point with pride to many countries where our assistance is promoting economic development and is essential for that end.

Our efforts in science and technology have contributed to such successes as the Green Revolution. Still, Mr. President, as you are only too aware, threats to the security of friendly countries are around us throughout the world. Some are military in nature, others stem from their inability to meet the aspirations of their peoples. So it is very much in the interest of the United States, and this report emphasizes this, to help these countries grow into free, open, and self-sustaining societies.

Mr. President, I have reviewed this report and talked with Frank and other members of the committee a great deal about it and I commend it to you. It's the collective insight of a most knowledgeable and distinguished group of people, and its recommendations will help us design a more effective program. In fact, they already have done that. As we were working through the budget process, as you know, we had the benefit of seeing these recommendations evolve. So we will have an improved program grounded in our national interest and meriting the full support of the American people.

I think among the things that they call for that's especially important and welcome, we've been trying to do, is to emphasize the importance of a close integration between the security assistance and security needs that we're trying to serve and the problems of economic development and the political aspirations of the countries that we're working with. We can see that all around the world and, most notably, it sounds like a refrain of the bipartisan Kissinger Commission—the same kind of emphasis.

A number of the recommendations in this report are already being carried out. We are asking in your fiscal '85 budget—or you are—for more resources. We propose some new initiatives in Africa and in the Caribbean Nation, with particular emphasis on reform in economic policy and private sector growth. We've sought greater flexibility in the terms of military assistance where circumstances warrant, and we're increasing our emphasis on training, science, and technology, and institutional development. And we want to make all of this go by working with the Congressional leadership in a bipartisan spirit to put across this very important program of foreign assistance.

The Commission has made a number of other major concerns, recommendations, and we're reviewing them and giving everything a great deal of thought.

Mr. President, finally, I'd like to thank very much Frank Carlucci, who is one of those enduring public servants. I first knew him when he was running the Poverty Program. I got him to come over and help me run the Office of Management and Budget. He worked with Cap over in HEW and had a great hand in the CIA and then in the Defense Department. He's no sooner in the private sector when we call him back. And when you say, "Frank, there's something important for you to do to serve your country.", he says, "Yes." And that's the kind of public servant that we really need in the private sector or public sector.

So I want to thank Frank, and also all the other members of the Commission. But Frank gave it the leadership and I appreciate it very much.

Frank also has the copies of this report and so here is a copy, Mr. President, of this report. And just so the Vice President doesn't fail to read it, I want to give him one. (Laughter.) I understand he's a very influential guy around here. (Laughter.)

The PRESIDENT. Well, George, I thank you very much. And many thanks to you, Frank Carlucci, and to all the people who put this together.

When economic misfortune creates instability or external threats endanger our friends, our response can make a difference between peaceful development or chaos and violence. And that's why we put such emphasis on our own defense and on foreign service programs.

The Commission's concern regarding the significant decline in support for foreign assistance is well-founded. Our assistance program is not an end in itself. Yes, we seek to help people build better lives, economic freedom across the whole spectrum of human needs and aspirations. Americans can be proud of our tradition of helping others in need. Whether it be humanitarian aid in response to natural disasters, economic support in struggling countries, or security assistance to friends threatened by external aggression, America has always been there.

Economic and security assistance are not just a moral duty. They also serve our national interest. When conceived and administered well, assistance programs strengthen our foreign policy and enhance the security of our nation. By promoting economic development in needy countries we bolster the vitality and security of the free world. Well conceived assistance programs create stronger partnerships, establish mutual confidence, and make for a safer world.

When our friends face threats to their security investors shy away and economic growth weakens. So we must work hard to provide the right balance of both economic and military assistance. The key to success, as it is with all elements of our foreign policy, rests in our ability to forge a bipartisan consensus.

This Commission has searched for reasonable ways to better use our scarce resources and to generate greater Congressional and public support for foreign assistance programs. It's now up to all of us to take advantage of what the Commission has done. We will—if we go forward in the same spirit, strengthen our national security and offer the promise of a safer, brighter future to millions of people all over the world.

I thank all of you very much for being here, and again, I thank the Commission for their fine work. Sometimes when the going is rough and sometimes when we wonder with our own problems whether we can keep on doing this help, maybe we should all read the words again of a former prime minister some years ago of Australia. And I can't quote him exactly, although I have the quote in a drawer upstairs, but where he said he wondered if the smaller nations of the world had ever thought where they would be if it were not for this United States so willing to come to their aid and to help where ever help was needed. And it was a beautiful tribute delivered very sincerely by someone saying what maybe sometimes we forget about ourselves and something that should be a great source of pride to all of us.

So, again, I thank you all very much. Frank, thank you. (Applause.)●

CLARENCE M. MITCHELL: CHAMPION FOR EQUALITY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HAWKINS. Mr. Speaker, I would like to extend my deep condolences on the passing of Clarence M. Mitchell, who truly was one of the great humanitarians of our time.

Through his effective and trailblazing talents he helped to win passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. Over the course of his distinguished career he continually sought alternatives to the social, economic, and political deprivations experienced by many Americans.

Firmly committed to the ideal of equality under the law, Clarence Mitchell epitomized the best America can produce. His tireless advocacy of civil rights will not be forgotten as we continue to move ahead toward the realization of better social and economic opportunities for our citizens.

Clarence Mitchell's modest and unassuming style represents the essence of the true public servant. His personality reminds me of a passage I have quoted several times, and has special meaning now:

The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out, in all seasons, work for the practical realization of a better world. Those who have the stamina to persist and remain dedicated—those belong the leadership.

Clarence Mitchell left us with a legacy which opened doors for all Americans. His inspiring leadership will be sorely missed by all us.●

TWENTY-FIVE YEARS OF SERVICE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RICHARDSON. Mr. Speaker, I want to share with my colleagues some of the outstanding achievements and contributions that KNME-Television in Albuquerque, N. Mex., has made to its many listeners throughout the "Land of Enchantment." All this year KNME-TV, part of the nationwide public broadcast service, has been celebrating its 25th anniversary.

KNME-TV signed on May 1, 1958, at 6:35 p.m. with a broadcast of University of New Mexico Prof. Edith Buchanan's freshmen English class. The station began broadcasting from a converted sorority house 6 months after the Federal Communications Commission granted the construction permit. Eleven years later, the station moved into its present home at 1130 University Boulevard, NE., in Albuquerque. Back in 1958, the broadcast week was 2 hours per day, 4 days per week in black and white. Today, KNME averages 18 hours per day, 7 days per week in full color.

Originally, KNME offered only instructional programing; since then, the station has expanded its services to include the arts, public affairs, music, drama, and consumer information while retaining an emphasis on educational programs. KNME-TV serves metropolitan Albuquerque, northern New Mexico, southern Colorado, and Arizona.

Mr. Speaker, throughout the years KNME has been a leader in bringing to the public informative and innovative television programing. In 1960, a Ford Foundation grant made it possible for KNME to buy its first videotape equipment. Until that time, all local broadcasts were live. That very year, TV-5 received national recognition from the National Safety Council for a locally produced program examining New Mexico's traffic fatality toll. The national recognition was just the beginning of a tradition of award-winning locally produced programing. In 1961, KNME was named the national educational television (NET) station of the year for science programs. Those science programs were hosted by the colorful Dr. George Fishbeck. One year later, Joyce Marron, host of KNME's "TV Kindergarten" was awarded McCall magazine's Golden Mike Award for outstanding achievement by a woman broadcaster. A new KNME tradition was started in 1968, when the station began live coverage of the New Mexico State Legislature. In 1974, KNME brought local government closer to its listeners by presenting live coverage of the Albuquerque City Council and the Bernalillo County Commission meetings. New Mexicans were able to watch the inauguration of three Governors on TV-5. The first University of New Mexico Lobo basketball games were broadcast by KNME in 1977.

Mr. Speaker, KNME's tradition of journalistic excellence continued in 1978, when the station broadcast portions of the first New Mexico trial to be covered by cameras in the courtroom. The KNME documentary "Doing Time" about the New Mexico State Penitentiary won two regional Emmy Awards in 1980. Ironically, a few months after the film was originally broadcast, the conditions the documentary reported led to the bloody riot at the prison. PBS' "The MacNeil/Lehrer Report" used portions of "Doing Time" in a report presented nationally. For KNME 1981 was an exciting year—a team of experienced journalists led by host Hal Rhodes, delighted New Mexico audiences with the premiere of the station's public affairs series, "The Illustrated Daily." Just 1 year later—"The End of an Acquifer" a documentary produced by the staff of the "Illustrated Daily," won an American Film Institute Award. The film, about the impending depletion of the Ogallala Acquifer, also was a runner up for the Corporation of Public Broadcasting's best local documentary award.

Mr. Speaker, KNME continued to be one of the most watched PBS stations in the country during 1982-83, ranking in the top 10 nationally in per capita viewership. KNME-TV has lived up to its goal of providing programs of public interest for all the people of New Mexico at all levels of education—programs that not only entertain but also reflect the community itself. As KNME-TV concludes its silver anniversary year of celebrations, I hope my colleagues will join with me in recognizing the station's many years of providing quality television programing to New Mexicans and in offering our best wishes for continued success in the future.●

CONGRESS MUST REVIEW CONRAIL SALE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, the House voted loudly and clearly recently to insure congressional review of any sale of Conrail. It is clear to me, as the following article from Business Week points out, that the Department of Transportation is intent on a hasty sale of Conrail before the election.

Indeed, DOT is so intent on a quick sale that DOT officials are even negotiating with a former substantial owner of the Penn Central, the Alleghany Corp. This former Penn Central owner has offered DOT $400 million for the physical facilities of Conrail, after the taxpayers paid Penn Central over $2 billion for the property conveyed to Conrail, along with an over $3 billion investment in Conrail's physical plant to overcome the deferred maintenance left by Penn Central.

As the saying goes, haste makes waste. DOT's haste to sell Conrail will only result in the waste of billions of taxpayers' dollars. It is for this reason that congressional review and approval of a Conrail sale is crucial.

The Business Week article follows:

THE UNIONS BALK AT A QUICK SALE OF CONRAIL

It should, as the railroaders say, be an easy switch. On one side is the federal government, anxious to disengage itself from Consolidated Rail Corp. On the other are a number of potential buyers—most recently Alleghany Corp., which is loaded with cash and eager to hook on to a major acquisition. But Conrail's workers control the switch.

The unions can clearly dictate the terms of the sale. For the past three years, Conrail's union workers—who last year made an offer to buy the railroad—have been receiving wages 12 percent below those at other railroads. Some other would-be buyers are insisting, as a condition of their offer, that these lower wages be maintained.

Because they believed they were making progress toward becoming Conrail's owners, the unions, which are negotiating with other railroads for a new national agreement that will take effect in June, had held off making demands on Conrail. But now they say they will include Conrail in the national agreement. By demanding both wage parity and payment of $400 million in deferred wages, labor is in a position of materially affecting the price of any offer. This means that any buyers must come to terms with the unions.

QUICK REJECTION

Already, Alleghany has approached the unions, after talks with the Transportation Dept. Union officials say they will reject an Alleghany package that includes a plan to continue wage deferrals in return for employee stock participation. "We know the [wage] deferral kept Conrail alive for three years," says United Transportation Union President Fred A. Hardin. "We would expect Conrail to resume paying the national level and to pay the deferrals back like any other loan."

Alleghany may continue the discussions anyway. It has $767 million in cash and stock on hand from the January sale of Investors Diversified Services Inc. to American Express Co., and it makes no secret of its desire to acquire a major company. Although Alleghany refuses to comment on Conrail, Theodore E. Somerville, Alleghany vice-president, says: "We've said in our proxy statement that we want to be engaged in a noninvestment business company within one year of the IDS sale."

Speeding the negotiating timetable is the November election. Both Deputy Transportation Secretary James H. Burnley IV and Federal Railroad Administrator John H. Riley want a sale nailed down in time to fulfill a 1980 campaign promise. Transportation Secretary Elizabeth H. Dole said recently: "It is time to return Conrail to the private sector."

Transportation's strategy has been to try to generate private investor interest, particularly among other railroads, in the now-profitable system. Conrail has done its bit by streamlining its system and reporting record profits. Its latest earnings report shows a $313 million profit for 1983, a 79.7 percent increase over 1982's record profit of $174.2 million.

CHERRY-PICKING

The purchase price is still wide open. So far two giant Eastern rail systems, Norfolk Southern Corp. and CSX Corp., have begun formal studies of Conrail. The smaller Chicago & North Western Transportation Co. also appears interested in buying the sprawling Northeastern system, although most observers are skeptical of its ability to make a serious offer.

But Conrail's unions do not want to be acquired by another railroad. They want to be sure that Conrail is not chopped up, that protections are laid down by Transportation or Congress against "cherry-picking" the best routes and abandoning the rest, and that a buyer compensates workers for past and future wage deferrals. The unions do not believe they will achieve these goals if Conrail merges with another rail line, especially an Eastern road.

"Hell will freeze over before we do business with an Eastern railroad," says one labor source. Union officials calculate that such a transaction would cost their members 20,000 to 30,000 jobs.

So far, Transportation has rejected the alternative of a public stock sale as too complex and time-consuming. And it considers the employees' offer of $500 million in cash far too low. Predicts Brian M. Freeman, the unions' financial adviser: "What this deal probably will come down to is a public (stock) sale with significant employee participation."●

VOICE OF DEMOCRACY

HON. HARRY M. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. REID. Mr. Speaker, 36 years ago the "Voice of Democracy Scholarship Program" was instituted to encourage our Nation's young people to express their understanding of—and appreciation for—democracy. During the past 22 years, under the sponsorship of the Veterans of Foreign Wars, more than 5 million students have participated in the essay competition. Because of the valuable awareness this experience creates—it is a great pleasure for me to share this year's winning Nevada essay, "My Role in Upholding Our Constitution," written by 17-year-old Dorothea Elaine Deley:

The other day I was helping my younger sister with her geography. She asked me, "How many countries are in America?" I attempted to explain the concept of states and countries and then continents, but I was only frustrated by my sister's lack of comprehension. The geography of America seems so familiar to us, but so confusing to the younger children. As my sister is expanding her knowledge of geography, so too am I expanding my appreciation of the constitution by fully learning my responsibilities in upholding this great document.

At first thought, the Constitution of the United States seems so remote from my life. However, as I read through it, I began to comprehend what this document is saying. More importantly, what this document has accomplished.

The constitution is not truly appreciated by many Americans simply because they are not aware of what the constitution expresses. My most obvious responsibility in upholding the constitution is to be familiar with it and realize what an amazing impact it has had on America. Our entire governmental system relies on the constitution. Our country would be completely different if our constitution had been written any other way. I honestly feel that I am very privileged to live in a country that has given me so much freedom. I wish I could somehow express my gratitude to the forefathers of this country for their accomplishments. They created a document that has initiated the evolution of the most beautiful country on earth. There is no denying the appeal of America. Every year thousands of people try to immigrate to our country, so they too can share in all the privileges.

Another responsibility I feel I have in upholding the constitution, is abiding by it. It would be utterly impossible for our country to survive if everyone did just what he or she pleased. All states need a form of law regulating what its citizens do, in order to keep peace and control. The constitution exists as the foundation upon which we build the laws of our land. And it also provides for the Supreme Court to interpret its application. Perhaps some people are angered at all the rules and regulation we live under. I, on the other hand, am very grateful there is a judicial system. Just imagine how chaotic a country we would live in without it. The truth is, the constitution is responsible for our legal system. The great authors of this document had some very useful insight.

When thinking of the constitution, the first thing that enters my minds is the Bill of Rights and the freedom they have given me. However, these rights are meant for everyone. This is where my third responsibility in upholding the constitution lies. I feel that each American is equal, just as the constitution explains. Therefore, each citizen should be treated the same, with the same rights. And we, as individuals, should treat others with respect and consideration. The reason our country is so popular is due to its fairness and equality. I feel it is my duty to

treat others kindly. The constitution protects everyone's rights. Therefore, it is my responsibility not to abuse anyone's rights. This responsibility of mine is the most significant one. It reassures me that kindness still prevail, since we continue to live under the constituion.

The constitution of the United States has had a great impact on the shaping and maintaining of our country. I am very pleased I was given this opportunity to share my newly found insight on the constitution. My eyes were opened to the extensiveness of our government and legal rights. Most importantly, however, it taught me three responsibilities I have in upholding it; I need to appreciate this precious document, I need to abid by it, and finally, I need to respect the right of others.

I will continue to teach my younger sister about America, but not just geography lessons. Now, for her, as well as for others, I will able to serve as an example of a responsible American citizen who intends to uphold the constitution.●

HARRY S. TRUMAN CENTENNIAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SKELTON. Mr. Speaker, on March 6, 1984, the House Subcommittee on Consumer Affairs and Coinage passed H.R. 3614, a bill to designate a National Gold Medal in honor of President Harry S. Truman. As Chairman of the Special Joint Committee on the Truman Centennial, I testified on behalf of this bill. The vice-chairman, the Honorable MARK HATFIELD, also testified at the subcommittee hearing. At this point in the RECORD, I would like to enter our testimony.

TESTIMONY OF HON. IKE SKELTON

Mr. Chairman, thank you for this opportunity to testify before your Committee on H.R. 3614, a bill which I introduced to authorize the awarding of a special gold medal to Margaret Truman Daniel, daughter of President Harry S Truman, in recognition of his outstanding public service to the United States. This bill has received overwhelming bi-partisan support amongst my colleagues in the House as evidenced by the 221 members who have joined me as cosponsors of this legislation.

Harry Truman was an All-American President. He was reared in rural Missouri, graduated from public schools, worked a farm, served his country in the Army, and owned a small business. Upon assuming public office he proved to be an extraordinary statesman. As Jackson County Judge in Missouri, he oversaw the building of the first paved roads around Kansas City. During his service in the Senate he was instrumental in writing major pieces of legislation, including the Civil Aeronautics Act of 1938 and the Transportation Act of 1940. He also proposed and served as chairman of the Senate Special Committee to Investigate the National Defense Program which was estimated to have saved taxpayers billions of dollars on war contracts. But it was upon assuming the Presidency, that Harry Truman achieved his zenith. President Truman left his unmistakable mark on the character of our nation with modesty, courage, and commonsense in making crucial decisions in domestic and foreign affairs. It was under Truman's guidance that World War II was brought to a close, the United Nations was ratified, Soviet expansionism was stymied, and the State of Israel was first recognized. On the domestic front, Truman presided over the turbulent task of postwar reconversion of the economy from wartime to peacetime production. He obtained passage of the landmark Employment Act of 1946, the National Housing Act of 1949, secured control of nuclear weapons in civilian hands, introduced legislation that would become the forerunner of Medicare, unified the Armed Forces into the Department of Defense, created the Council of Economic Advisers, the National Security Council, and the Central Intelligence Agency, ordered the racial desegregation of the armed services, and set the agenda for the civil rights reforms of the 60's.

Any one of these would be a significant accomplishment deserving of Congressional recognition upon President Truman's centennial. But, together they portray an image of a truly great American leader. The Congressional Gold Medal would be a fitting tribute to this man who really understood the meaning of public service, and devoted his life to this nation. I urge the committe to favorably report this bill.

TESTIMONY OF SENATOR MARK O. HATFIELD

Congress should not designate national gold medals lightly. They should be reserved for individuals who rise above the ordinary and provide exceptional leadership, valor, or contributions to our national life. When President Franklin Delano Roosevelt died on April 12, 1945, the country wondered whether or not his successor, Harry S. Truman, had the "stuff" necessary to provide exceptional leadership in extraordinary times. President Truman's background, and even his appearance, were unpromising. He was the son of a mule-trader, and he didn't have a college education. In expressing himself, his language was likely to be blunt and earthy, riddled with adjectives from his farming and World War I artillery-man background. He looked more like a haberdasher or a bookkeeper than a statesman. But, perhaps worst of all, everyone knew that he had spent 20 years in politics with the help of "Big Tom" Pendergast, who was viewed as a political "boss" in the worst sense of that term.

Harry Truman became the 33rd President of the United States of America at one of the most critical junctures in American history. World War II still had to be won, and plans to establish the United Nations organization had just been started. The unlikely Missouri Democrat rose to the needs of the day and met the challenges of his Presidency with a courage, determination, and imagination that few thought possible, becoming a symbol of strength for this country in the process.

Shortly after coming into office, President Truman was faced with one of the most far-reaching decisions ever faced by one man—whether or not to use the atomic bomb. Some may question the wisdom of the decision that he made, but we know that President Truman's decision to use the atomic weapons was made with a sincere hope that it would end World War II, save thousands of American lives, and bring peace. Perhaps President Truman's deep desire to create a lasting peace is best exemplified by his action of replacing the model of a heavy gun on his desk with the replica of a shiny new plow, after Japan's surrender.

President Truman faced other great challenges throughout his years in the White House. The President and his Administration had to lead the country through the reorganization of its economy from a wartime to a peacetime basis. Many war-torn countries needed large relief programs. Western nations faced communist subversion and aggression in a cold war that divided the world. President Truman showed his ability to make decisions without hesitation—one of his key strong points—and he met these challenges with visionary and far-reaching programs such as the Truman Doctrine, the Marshall Plan, the Point Four Program, and the North American Treaty Organization.

When Communist North Korean troops invaded American-supported South Korea in 1950, President Truman was faced with what he later said was the most difficult decision of his Presidency. If he sent armed forces to intervene without waiting for U.N. action, he risked the possibility of starting World War III with Russia. But if he delayed, help might be too late. After the United Nations demanded that the North Koreans withdraw, President Truman sent U.S. planes and ships to South Korea's aid. That same day, the United Nations approved sending troops of other nations to join the South Korean and American units. President Truman showed prudence in waiting as long as he felt he could, and his efforts preserved South Korea's independence.

In addition to his forceful action in the fact of foreign and domestic crises, President Truman is remembered for his individuality and impressive personal qualities. Although he entered upon his duties with a humble spirit, he was by no means "rattled" by the complexities of his job. In speaking with him, there was a reassuring feeling that he was competent: a President with character and common sense.

Former President Lyndon B. Johnson said at Harry Truman's death: "A 20th Century giant is gone. Few men of any times ever shaped the world as did the man from Independence." President Nixon said, "Our hopes today for a generation of peace rest in large measure on the firm foundation that he laid." I concur with our two former Presidents in their assessment of President Truman. It is with great pleasure that I support legislation to commemorate the centennial of his birth by designating a national medal in his honor.●

STATEMENT BY MARTIN GALVIN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LENT. Mr. Speaker, I note that on March 15, 1984, the Irish Prime Minister Garret FitzGerald addressed a joint session of Congress. My good friend, Peter King, the comptroller of Nassau County, N.Y., has requested that in the interest of fairness the statement of Martin Galvin, national publicity director of the Irish Northern Aid Committee, be submitted as an extension of remarks in the CONGRESSIONAL RECORD:

The remarks follow:

STATEMENT BY MARTIN GALVIN

1. As Americans, we urge our elected representatives in the United States Congress to consider our response to the address of Garret FitzGerald.

2. Few Americans wish peace and freedom for all of the people of Ireland as fervently as do the members and friends of the Irish Northern Aid Committee. Our commitment and concern has been demonstrated, not merely on St. Patrick's Day, but daily throughout the past fourteen years.

3. Yet violence and terrorism cannot be ended by self-serving condemnations of those who in reality are victims of British violence and terrorism, engaged in a patriotic defense of their own land. Nor can reconciliation be achieved in an environment wherein the British systematically implement religious discrimination in employment, housing and political patronage to foster divisions among Irish people. Nor can Garret FitzGerald realistically expect to promote peace by abandoning a substantial segment of Irish people in the service of personal political interests, or by misrepresenting those who forthrightly labor to secure national freedom and peace in Ireland.

4. An ironic yet tragic spectacle is now unfolding. There is indeed much to be said, by any true representative of the Irish people. FitzGerald presides under a Constitution which claims sovereignty over all of Ireland. The vast majority of Irish people support this claim. Yet British hegemony is enforced over six Irish counties, by 30,000 British forces that include the British Army, Royal Ulster Constabulary and Ulster Defense Regiment. The litany of suffering imposed by these forces upon unwilling Irish subjects grows daily. The impact wrought by institutionalized religious discrimination within the artificial polity is also deeply felt. The conflict waged between British forces and the Irish Republican Army has claimed more than 2,500 lives. Thousands more have been imprisoned or wounded. FitzGerald will speak to the legislative body of a nation which can exert significant pressure upon the British to withdraw. He will speak in a land whose population includes a substantial number of Irish-Americans with a proven concern and affinity for Ireland. Surely any true representative of the Irish people would welcome such a platform, to voice the suffering and national aspirations of fellow Irish men and women compelled to remain under British rule.

5. Garret FitzGerald will not use this platform to voice such fundamental concerns. He will be silent about the murders, under investigation by an international tribunal, in which British forces acted as death squads. He will ignore the murders of Irish children by British plastic bullets. He will not be concerned with the hundreds of thousands of gunpoint interrogations of innocent Irish people on Irish streets. He will not be troubled by the hundreds of thousands of gun-point invasions of Irish homes. FitzGerald will turn a blind eye to regligious discrimination. Such matters can be suffered in silence by those Irish unfortunate enough to live within the British-held area. FitzGerald will not raise his voice against British rule in Ireland.

6. Instead FitzGerald will turn to those in America who will never abandon that segment of Irish people held by the British. FitzGerald will denounce Irish Northern Aid and its charitable efforts. He will denounce the Irish Republican Army and its struggles for Irish freedom. FitzGerald will use every propaganda fiction deemed serviceable. He will attempt to depict the IRA as Marxists-Leninists, although even the British concede that such a label is utterly false. The IRA have rejected any alliance with the Soviet Union or non-democratic economic systems. FitzGerald will pontificate that the IRA is a miniscule band of criminals without popular support. It is a fiction belied by the ability of the IRA to continue its fight against a massive British presence, and by the 103,000 Sinn Fein voters in the six counties. FitzGerald will intone that IRA Volunteers are criminals or terrorists, a slander refuted by the deaths of ten young Irish patriots on hunger strike. Criminals do not die such deaths for the freedom of their country.

7. It will be an ironic spectable for the British, who finance and arm 30,000 occupation troops bringing violence to Irish soil, then witness an Irish official who is intimidated from raising his voice against their presence. It will be tragic for those victimized by FitzGerald's role as a pro-British apologist and his policy of national treason.

8. FitzGerald is prepared to sacrifice the Irish of the six counties. In so doing, he serves as a pro-British apologist, who distorts the nature of the conflict in order to undermine those who truly work to achieve freedom and the conditions of peace.

9. FitzGerald proposes a forum which has no possibility of bringing progress. It invites those who support British violence against the Irish people by British troops or Loyalists. It then hypocritically excludes Sinn Fein the emerging leading party of Irish Nationalists in the North, because it supports the right of the Irish people to defend themselves against British terrorism. The Forum offers no inducement for a British withdrawal or for surrender by Loyalists of their privileged status as the beneficiaries of sectarianism. It has already been rejected by Loyalist political leaders, who refuse even to attend, and consequently by the British who have said its proposals will not be accepted without consent of Loyalists.

10. FitzGerald's words will also stir an emotional response among those of whom his criticisms are directed. It will be a very different response from that intended. FitzGerald will not be acting in the interests of the Irish people. He will be representing his own vested political stake in preserving the truncated Ireland without which he would be divested of political power. He is prepared to morally betray fellow Irish men and women entitled to his support.

11. A series of messages have been sent by Irish-Americans to the Dublin government. The election of Michael Flannery as Grand Marshal of the St. Patrick's Day parade last year, and the election of Michael O'Rourke as Honorary Grand Marshal for 1984 are only the most publicized of many such messages. These are messages of support of those afflicted by British occupation forces. These are messages of opposition to British rule in Ireland, but also messages of indignation at the Dublin government's role in collaboration with the British. FitzGerald today assumes the role of the latter-day John Redmond, the then leading Irish representative to Westminster, who denounced the leaders of the 1916 Easter Rising, as an unrepresentative band of pro-Germans and criminals and thus eased the way for the execution of Irish patriots.

12. Violence has little to do with monies collected in America. It has everything to do with the arms and monies contributed to 30,000 uniformed British terrorists on Irish soil by British taxpayers. Indeed, given the degree and intensity of suffering inflicted upon Irish people by British Army terrorists, we can be thankful that the Irish Republican Army in its struggle against British occupation, has, with a few tragic exceptions chosen not to emulate the British by striking at innocent civilians.

13. Irish Northern Aid is comprised of Americans why fervently wish to see peace and freedom for all of the people of Ireland. Irish Northern Aid recognizes that peace can only come about when British colonial rule and religious discrimination are replaced by a free Irish nation guaranteeing religious liberty. A portion of our funds are contributed to the needy dependents of Irish political prisoners through recognized Irish charities. The remainder is expended here to educate Americans about British rule as an abiding source of conflict. It is this program of publicity and education which has engendered the wrath of Margaret Thatcher. Not one penny of INA monies has ever gone to armaments. However, Irish Northern Aid does morally support the struggle of the Irish Republican Army to free Ireland from British Army terrorism.

14. On March 17, 1976, Liam Cosgrave, who then headed the Dublin government, addressed the assembled members of the United States Congress. Cosgrave assailed the members of the Irish Northern Aid Committee for their outspoken opposition to British colonial rule in Ireland, and for their financial support for the families of Irish political prisoners. His speech reiterated remarks uttered in December 1975 by then British Prime Minister Harold Wilson. In the eight years which have since passed, the political fortunes of both have fallen. Irish-American support for Irish national freedom remains sufficiently strong to warrant repeated denunciations from British Prime Minister Thatcher and Dublin government head Garret FitzGerald. So long as Irish people are denied freedom in Ireland by British occupation, Irish-Americans will continue to labor to secure a British withdrawal, national freedom, religious equality—the basic pre-conditions of peace.●

THE SANTUARIO: A CULTURAL CENTER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RICHARDSON. Mr. Speaker, the Santuario de Guadalupe is a living landmark and the center of Hispanic cultural activities in Santa Fe, N. Mex. The Santuario is a historic church museum, an art gallery, and a performance space used by various cultural groups each year. The Santuario is a place where the people of Santa Fe can come together to celebrate the Spanish heritage and tradition that is so much a part of New Mexico. The Santuario's many cultural activities are administered by the nonprofit Guadalupe Historic Foundation.

Mr. Speaker, Virginia Castellano's strong cultural feelings led her to take on the directorship of the foundation

and to fight for the preservation of Santuario. I would like to share with my colleagues a recent article that ran in, "The New Mexican", a daily newspaper in my congressional district which outlines the dedication involved in Ms. Castellano's work to keep an important national historic treasure alive.

The article follows:

[From the New Mexican, Feb. 26, 1984]

WOMAN KEEPS CULTURE ALIVE FOR THOUSANDS

(By Judy Wiley-Williams)

When Virginia Castellano was a little girl, she stood at the altar at Santuario de Guadalupe, a flower girl gazing up at the Virgin Mary.

Today, her good business sense, strong cultural feelings and love for preservation keep the 500-year-old *santuario* alive for thousands.

Castellano is executive director of the Guadalupe Historic Foundation, which owns the church. She and an assistant work in a sandalwood-scented room at the back of the building, where a friend's art mixes new and old in a warm display.

Tucked in a room toward the back is a library dedicated to Bishop Lamy, where red velvet and old wood mingle textures. A history room leads the way to the chapel. The chapel is leading a new life.

As Castellano unfolded the tale of her involvement with the santuario, a flamenco dancer tapped across the space where the altar stood many years ago.

"I had just finished at the College of Santa Fe and I knew some of the board of directors of the foundation," Castellano said. "They asked me to temporarily take care of the place, until they could find a director."

As the grant applications came in and Castellano's business management training took over, she realized she was holding her life's dream in the palm of her hand.

"It's true when I saw it, it was timing and luck. I had been living in Denver. I finally made my move out of Santa Fe. I was getting more familiar with my identity, taken out of my environment to a predominantly Anglo atmosphere."

She was mistaken for an Italian, forced to insist "I'm Spanish!" before a preservation instinct took hold. Add a touch of appreciation for tourism and that's where Castellano is today.

"If I were to summarize it, it would be preservation," she said. "Preservation of our traditional arts, the language, our identity in Santa Fe. They're so curious about us, our culture."

Some 37,000 people a year satiate their need to know about the Spanish as they walk through Santuario de Guadalupe. The number doubled after Castelano took over.

A shining black concert grand piano is one reason for the influx. The beautiful instrument sounds unearthly in the small chapel, its tones drifting up to the high ceiling. Nationally recognized classical artists have begun to perform in the santuario.

"It's diversified our role as a concert performing center," Castellano said. "We're renting it out to pay for maintenance."

The performances are functional, but they give Castellano a chance to reverse roles, bringing culture to her people as well as sharing Spanish culture with others.

"Our family was poor," she said. "We were from the barrio and we never experienced classical arts. I'm trying to develop a Spanish audience because they haven't been involved as much with the classical arts."

Flamenco dancers, Native American performers, violinists, singers all have brightened the chapel with their performances. Many more will come through the doors.

The future is good for the old building, mostly because of a woman who cares. Castellano recently organized a drive that increased foundation membership from 150 to 250.

Asked whether there was anything she'd rather do, Castellano looked puzzled, as if the thought had never occurred to her.

Then her enormous blue eyes widened.

"I'd like to expand," she said. "I'd like to have more of a national recognition."●

SOLID WASTE IMPORTATION BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, today I am introducing legislation which would allow States much greater control over the solid waste disposal. My bill would give States the authority to prohibit, or otherwise regulate, the importation of solid waste generated in another State. Under my bill, this authority would include the right to establish disposal fees—also known as tipping fees—which are higher for out-of-State solid wastes than for wastes generated within the State.

Mr. Speaker, my amendment is necessary for two basic reasons. First, because of a 1977 Supreme Court ruling—New Jersey against City of Philadelphia—which held that solid waste is an article of commerce—and therefore, its interstate transportation cannot be regulated by State—it is necessary that Congress act affirmatively to allow State to exercise a greater measure of control. This is particularly appropriate since current Federal law essentially places all solid waste management problems on the doorstep of the States. Even if the RCRA reauthorization bill, H.R. 2867, is enacted, the Federal involvement in solid waste problems will be extremely limited.

The second reason this bill is necessary is that many States, including my own, are facing a solid waste disposal crisis of immense proportions. Landfills have either reached their capacity or have contributed to serious environmental problems—such as ground water contamination—and must be closed down. Because of the not in my backyard syndrome, as well as genuinely valid environmental hazards, the task of siting new landfills or resource recovery facilities is difficult.

Since States must confront the reality of significantly diminished disposal capacity, it is imperative that Congress give States authority to address this problem rationally; successful solid waste management plans are virtually impossible if neighboring States can, without restriction, transport their garbage into your State. This is not a trivial problem—the good people of the city of Philadelphia generate garbage like everyone else and they send a great deal of it to the Kinsley landfill which happens to be in my district. In fact, 8 to 9 percent of all the garbage disposed of in New Jersey comes from Philadelphia.

My amendment would allow States to control their own destinies in this area and would create important incentives for each State to exercise more responsibility for their own solid wastes.

For all of these reasons the legislation I am introducing today deserves your support.●

BUSINESSMAN'S VIEW OF EL SALVADOR

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. WEBER. Mr. Speaker, I would like to call the attention of my colleagues to a report recently prepared by Mr. Frank Graves, a Minnesota businessman, on the current situation in El Salvador. Mr. Graves has had extensive dealings in Central America, and on my behalf, he traveled to El Salvador on a fact-finding mission. He exposed himself to a broad spectrum of people, and returned to the United States with a hopeful feeling for the future of democracy in El Salvador. I have reprinted the first of a two-part report in the RECORD with his permission, and I urge my colleagues to carefully consider Mr. Graves' observations. I believe his report is a valuable source to all Members of Congress as we begin to debate the Central American foreign aid package for 1985 and we await the El Salvadoran election results.

Thank you, Mr. Speaker.

REPORT ON TRIP TO EL SALVADOR

INTRODUCTION AND SUMMARY

I visited El Salvador in the company of Mr. L. Francis Bouchey, President Council for Inter-American Security of Washington, DC, and Mr. Steve Baldwin, Executive Director of Students for a Better America (formerly Deputy Director, College Republican National Committee) also of Washington. We were in El Salvador from Sunday, January 8, 1984, through Wednesday, January 11, 1984.

The purpose of the trip was to update my knowledge of the country (I had not been there since the middle seventies) and to gather first-hand information and impressions about the situation as a basis for this report to Congressman Weber. I was generally interested in the state of mind of the Salvadoran people, their feeling about the

guerillas, and U.S. involvement. I was particularly interested in determining the current status of the following which have become the focus of controversy in the United States.

The military situation and the National Action Program.

Human Rights and the administration of justice.

The Land Reform Program.

I can summarize my impressions by saying there is both good news and bad news.

The good news is—

The military is making progress and the war against the Soviet-Cuban Nicaraguan-Axis backed guerillas can be won provided it has adequate U.S. support. U.S. military advisors are doing an outstanding job.

The Salvadoran people are very anti-communist. We found no indication of any softness for the guerilla cause. The campesinos in the areas where the guerillas are strong are passive as a means of self preservation. Whatever support they give the guerillas is a result of fear . . . not sympathy. It seems safe to conclude that our State Department estimate that 3 percent of the population supports the insurgents is generous.

There has been considerable improvement in respect for human rights and a reduction in the incidence of violations as a result of pressure from the United States.

Presidential elections will be held on schedule March 25, 1984, and there seems to be general interest in them. At this point the contest seems to be between former President Napoleon Duarte, candidate of the center left PDC (Christian Democrat Party) and the former President of the Constituent Assembly Roberto D'Aubisson who is the candidate of the conservative ARENA (National Republican Alliance). My impression is that Duarte's image in the U.S. is considerably better than it should be and D'Aubisson's is somewhat worse than it should be.

The bad news is—

There is considerable disillusionment with the nature of United States support, particularly among knowledgeable groups such as business leaders, political leaders, land owners, and leaders of nationalist groups. These are the kinds of people we might expect would welcome, understand and appreciate U.S. support. They in fact want U.S. aid but they feel, on the one hand it is tentative, and on the other it comes with too many strings attached.

As to its tentativeness, they sees present levels of military help as insufficient to be decisive but enough to allow them to hold their own against the insurgents. They worry about the propaganda war being waged in the U.S. and are afraid their real war might be lost here despite the fact they know they can win it in El Salvador given the right support.

As to the second point, they are angered and to some degree humiliated by the conditions we place on the aid we give them. They understand and agree with our general objectives—the democratization of country, full respect for human rights, etc.—but they resent our dictating how these things are to be achieved. They point out that they know their society better than we do and they therefore should have a part in determining how the general objectives will be accomplished. They are disappointed in President Reagan and Ambassadors Hinton and Pickering because the new administration has not corrected the blunders of the Carter-Robert White era. Incidentally, disrespect for President Carter and Ambassador White is open, universal, and passionate.

The insurgents are gaining strength, not so much in numbers (they are still estimated to have only between 5 to 10,000 men under arms) but in improved organization, training and in experience with the techniques of guerilla warfare. They continue to receive weapons and supplies from outside . . . from the Pacific up the Lempa River Valley, and in the east, overland and by air through Honduras. Their recent successes in destroying the Cuscatlan Bridge and overrunning the El Paraiso military base though not decisive, have given them confidence and important propaganda victories. Apparently they believe they are winning the propaganda war in the U.S. and hope to maintain a military stalemate in the field until the U.S. forces a coalition government on El Salvador.

The national economy is suffering because agricultural and industrial productivity is down. This is in part the results of insurgent depredations against the economic infrastructure; i.e. agricultural producers, processing plants, warehouses, highway bridges, communication and power grids. Regrettably it is also in significant part the result of the unfortunate land reforms the U.S. forced on the country, the nationalization of commodity exports (coffee, sugar, cotton) and the nationalization of the banks. These actions destroyed the base of private capital which financed production and economic expansion, and politicized and weakened the credit institutions at the time they were most needed.

If the trend toward a weakening economy continues, El Salvador will become a progressively greater economic liability to the United States. We will then be reaping what we helped sow when we forced the substitution of a disproven socialistic agricultural system for a successful, if not perfect, free enterprise system.

THE MILITARY SITUATION

Substantial improvements have been made in the organization, training, command and control of the Salvadoran Army as a result of the support it has received from the U.S. Our Military Advisory Group is clearly doing a fine job. I was very proud of our people after meeting and talking to them and watching them work.

The Salvadoran Army has had a poor reputation. It is said that it was an eight hour a day, five days a week operation. It had an unwieldy organization with twenty-seven different commands reporting directly to the Estado Mayor (Defense Headquarters). The officer corps was an exclusive club in which its members were comfortable without much competition. (The military school only graduated 25 new officers per year). Unlike the Guatemalan Army, it had little combat experience so it had not developed a current tactical doctrine. In short, it was not prepared when the guerillas began to operate in the country.

There were inevitable set backs as the army began to confront the enemy and its leadership came to realize it needed help. Consequently, it has been receptive and has begun to rely heavily on our advisory group.

Today the command organization has been trimmed down to six Brigade Headquarters, plus the Air Force and Navy, reporting to the Estado Mayor. All headquarters at all levels are manned in every staff position twenty four hours a day. Changes in personnel assignments have been made and "they now have good men in the right slots." Operational communications and control is improving. In short it is in better shape to carry out its mission and its battlefield performance is steadily improving.

There have been similar improvements in the Navy which has the job of interdicting the re-supply of arms and supplies to the guerillas by sea. It has developed new tactics using converted patrol boats which now serve as mother ships for high speed inflatable boats manned by a few heavily armed men which patrol close to shore in shallow waters. More important is the fact that the naval units are now paying attention to their mission. Recently there was a scandal over the fact that navy units were pirating the catches of shrimp fishermen and selling them for profit. The officers responsible have been relieved and the operation is back on track.

The army has organized two kinds of battalion sized units. The Casadora (Hunter) Battalions are small (345 men) units which are assigned within each Brigade operating area. Their mission is to block guerilla routes of communication, hunt down and destroy guerilla units.

There are also normal sized (1,200 men) mobile battalions which operate as a general reserve and go where they are needed. Two of these units have developed fine reputations for their combat skills and aggressiveness. One is the Bayosa Battalion which was trained at Fort Bragg and the Atlacatl Battalion which was trained by U.S. Special Forces personnel in El Salvador. It is said that the guerillas have developed great respect for these units and avoid confrontation with them when possible.

It was clear in talking to U.S. Mil Group personnel that good progress has been made in shaping the Salvadoran Army into a more competent force, and they expect steady improvement in its performance. The successful guerilla raid on the El Paraiso Base was characterized as "the low point" which had a profound effect on the Salvadoran military leadership. The implication was that they will not let it happen again.

While the situation has improved thanks to U.S help a number of problems remain. The Salvadoran Army needs more of everything . . . machine guns, radios, and radio batteries are especially in short supply, according to one of the U.S. officers. While on the field trip to the Fourth Brigade area, we saw for ourselves that they also needed decent boots, ammunition magazines, magazine pouches, canteens, first aid similar individual equipment. The troops we saw were armed with German G3 automatic rifles which we were told were good except that there is some difficulty in adjusting their sights. The implication was that U.S. M16s would be better.

There is also a need for more sophisticated materiel. There are enough 105 mm artillery pieces for example but not enough ammunition for them.

There are not enough helicopters for rapid troop deployment and for medical evacuation. The Salvadorans have 21 helicopters. Only 14 were operational at the time we were there as seven were down for maintenance. There are only 18 qualified pilots however. There is a plan to train 27 more provided funds are made available. Once they have the pilots they can operate additional helicopters (if they get them) which are badly needed to improve tactical effectiveness.

Trained medical personnel are also in short supply. This includes everything from medical corpsmen in the combat units up to surgeons for rear area hospitals.

The strength of the army is currently at 25,500. There are plans to increase this force to 30,000.

One often reads that the "armed forces" of El Salvador number 40,000 to 50,000. It should be noted that this figure includes the following para military organizations:

The Treasury Police.

The Hacienda Police (national police).

The National Guard.

The Civil Defense Forces.

The Civil Defense Forces are municipal organizations, locally hired, which serve as a combination town police and anti-guerilla defense force. The National Guard has the responsibility for providing security to the railroad, bridges, and key installations. The Cuscatlan Bridge which was attacked and destroyed by guerillas on New Years Eve was guarded by the National Guard for example.

While these para military forces are occasionally used as infantry against the guerillas, they lack the competency of the army. They are not as well trained, organized, or led. They are often political and these are the units that are suspected to be the source of right wing death squad activists. It must be emphasized here that the U.S. Military Advisory Group does not work with these organizations. It is prohibited from doing so by the Foreign Assistance Act of 1974. It should also be noted that the Salvadoran Army's record on human rights violations is relatively clean—and improving—due in great part to the influence of the U.S. Advisors. If similar U.S. support could be provided for the para military organizations, there would be dramatic improvement in both their performance and in their human rights record.

A summary of the military situation would not be complete without some mention of the guerillas themselves. Their numbers are estimated to vary between five and ten thousand, and there probably is some fluctuation as they move in and out of the country from sanctuary "refugee" camps in Honduras. They operate as a unified command under the banner of the Farabundo Marti National Liberation Front (FMLN), a coalition of dissident groups forged by Fidel Castro. Their top commander, whose name is Vllalobos, is a native of Morazan, a mountain province in the east of the country.

The guerillas are well armed with Soviet AK47, and U.S. M16 rifles said to have been supplied from weapons captured in Viet Nam. Originally, some were trained in Nicaragua, and perhaps in Cuba, but now they have developed a training capability of their own and train their people in remote camps in El Salvador and in Honduras.

The Salavadoran Army knows where these camps are. When we asked why they didn't attack them from the air, we were told that they are afraid of killing civilians accidentally and then being accused of human rights violations. In the past such attacks have illicited shrill accusations, of "brutality" and "murder of women and children" from the guerilla propaganda network in the United States and in Europe. These outcries have successfully generated the desired knee-jerk reaction in the U.S. Congress which has dutifully expressed its outrage, threatened to cut off funds and brought intimidating pressure to bear on the Salvadoran Army. The consequence is that its leaders are very reluctant to do what obviously must be done. They should not be allowing the guerillas any safe bases, but are doing just that because of their fear of a U.S. reaction.

One U.S. advisor told us that bombing is relatively inaccurate compared to gun ships armed with the "gatling gun," which would be the preferred weapon for use against guerilla bases. However the Salvadorans only have two helicopters, and no airplanes, so equipped so they haven't the capability for mounting effective air operations against these bases.

The guerillas have two operational objectives. The first is to cripple the national economy. They do this by constantly attacking and attempting to disrupt the nation's economic infrastructure . . . bridges, communications and power grids, radio stations, buses, trucks, warehouses, coffee and sugar processing plants, plantations, farms, etc.

Their second objective is to win a few highly visible victories, such as the destruction of the Cuscatlan Bridge and "overrunning" El Paraiso. These "victories" are not militarily decisive but they are important because they make the headlines and nourish the perception that the Salvadorans are helpless and incapable of defending themselves. This of course is far from true and the Salvadoran people know it, but we don't in the U.S. and we tend to conclude what the guerillas want us to.

The FMLN has a propaganda arm, known as the Revolutionary Democratic Front (FDR) with its headquarters probably in Mexico City. The FDR's function is to publicize the guerillas in the U.S., Mexico and in Europe in a sympathetic way, and to run front organizations such as CISPES and the Solidarity Committees with El Salvador, Nicaragua, etc. (We have them in Minnesota). These front organizations concentrate on schools, churches, colleges, and "humanitarian groups," in an effort to persuade concerned people that the guerillas are "the good guys."

The fact is that the guerillas are not the good guys and they do not have the support of the people. They know they cannot win a military victory. However, they are counting on a protracted, expensive, and debilitating campaign which will exhaust the Salvadorans and grow progressively more expensive for the U.S. taxpayers. In the end, they apparently believe, we will grow tired of it all and force a negotiated settlement and a coalition government on the country. If that happens, history will repeat itself and we will have another Czechoslavakia, Laos, or Nicaragua, with El Salvador controlled by an alien totalitarian regime.

Obviously the way to frustrate their plan is to end the war decisively and relatively soon. There is every reason to believe that the Salvadoran Armed Forces can win this war without the help of outside troops, provided they are given the necessary weapons, logistical and training support.

I asked Col. Stringham, the Commander of the U.S. Military Group, what message he would like to send to Congressman Weber. His answer was a plea for the end of what he called "Salami Slice Funding." He is never sure what funds will be available to him and as a consequence he cannot develop a comprehensive plan for decisive victory. Instead he has been forced to develop three plans for the three levels of funding that seemed possible. The first he called a "Kamikaze Plan" based on minimum funding of 25 million dollars. This plan would buy ammunition, radio batteries, and training . . . enough to survive.

The second level he called the "White Knuckle Plan," at the 44 million dollar level, which was contingent on an improved human rights performance. It would allow for an enhanced capability through additional equipment and more sophisticated training support. The third plan was the optimum plan, at 64 million dollars, which, I inferred, would permit them to plan for a decisive campaign.

To sum up—the Salvadorans are doing as well as might be expected given present levels of support. They are better than holding their own militarily, but cannot win. They will do better with more support and will decisively defeat the guerrillas given enough.

It seems to me that, now that we know the Salvadoran Army is responding well to our training and has proved itself on the battlefield, we are courting disaster not to provide them with the resources they need for victory—that means an expanded advisory group, and the weapons, equipment and logistical support necessary to do the job. We cannot afford to lose this war! An early victory will not only help El Salvador but, more importantly, will enhance the prestige and restore respect for the United States in the hemisphere and in the world. It will also be a devastating blow to the image of the inevitability of marxist expansionism.

LAND REFORM

The Carter Administration forced the land reform package upon the junta which governed the country after the ouster of President Romero. In March of 1980, troops seized 376 large farms and agribusinesses. These were operations with holdings larger than 500 hectares (1,250 acres). The seizures included the land, farm equipment, buildings, homes, and the contents of the homes.

The owners of this property were compensated with 20 year 6 percent bonds valued at assessed value for tax purposes . . . lower than real value. Some cash compensation was to be paid for equipment, but apparently this was not done uniformly. The compensation bonds are trading today at 45 percent of face value which is a fraction of market value.

The value of the property seized is estimated to be 300 million dollars. The owners and stock holders of the corporations which owned and operated these enterprises controlled an important part of the investment capital which fueled the engine of the free enterprise economy. That capital base no longer exists, the former landowners are facing economic ruin and the national economy is floundering as a result.

That was Phase I of the land reform. Phase II was to deal with the break up of the medium-sized farms of 100 hectares (250 acres) or more. Happily, the constitutent assembly recognizing the disaster wrought by Phase I, has amended the constitutional provision of this reform, so that it applies only to 300 hectares (600+ acres) which leaves a very small number of farms to be dealt with under Phase II. It further delayed implementation for a period of two years to allow the owners to dispose of their "excess" acreage on their initiative.

Phase III of the land reform is being implemented, however. This is the "Land to the tiller" program. It provides that anyone that rents land to till may claim title to it. This program is also having negative consequences. First, land owners who cannot work their land (women, invalids, and elderly people for example) are refusing to rent their land with the consequences that it is going out of production and the people who might have rented it don't have a livelihood. Both consequences affect the national economy negatively.

Second, there has been a proliferation of fraud in which people make false claims of having rented land. The "courts" are said to always side with the claimant against the owner and there is no appeal. On the other-side of that coin some owners are moved in self defense, to evict tenants which under certain circumstances can be done legally. However, here again the "courts" always side with the tenant against the owner on the assumption that all evictions are illegal.

The hypocracy of Phase III lies in the fact that the tenant retains title to the land he claims only so long as he works it. He cannot sell it or pass it on to his children.

The large farms which have been seized have been converted into what is called cooperatives in which the workers own the land in common and are supposed to share in its profits. The problem is there are no profits!

There are no profits because of another "reform" which nationalized the exportation of agricultural commodities; specifically coffee, sugar, and cotton. This plan in effect transferred the profits from the producer to the government. For example . . . the world price for coffee is now about $155 CWT but the growers are forced to sell to the government at $40 CWT—which is roughly the cost of production. Hence, no profit to the producer and a situation that kills incentive and discourages efficient farming and healthy competition.

It is clear that these reforms have destroyed productivity. U.S. Embassy personnel claim that coffee and sugar productivity is up but admits that cotton is down badly. The Salvadorans who are knowledgeable about agriculture say that this claim may be true today but that it will change with time. They point out that cotton is grown on an annual cycle and requires immediate technical expertise to produce efficiently. Since that expertise is not really available to the small "reformed" farms, despite the theoretical support of government agronomists and technicians, production is down.

They further point out that coffee trees produce on an on-going basis. They require careful tending; fertilizing, insect control, pruning, and proper shade control. If they don't get this care, the yield begins to drop over a period of time. These things are not being done correctly on many cooperatives and as a consequence production will drop and continue to decline.

As if these reforms did not do enough damage, the banks, both commercial and savings, were nationalized at about the same time. Thus credit institutions were politicized and substantially weakened, at the very time when credit is needed most. The credit system is in a shambles. Obtaining credit today depends more on having friends in the right places than your record as a borrower.

Clearly the land reforms have been a disaster for the agricultural community and for the Salvadoran economy. It is understandable that there is great disappointment, bitterness, shock, and resentment for the United States among the land owners, stockholders of agribusiness corporations, and the thousands of people whose livelihood depends upon efficient agricultural production. With friends like us, they don't need enemies!

The United States of America, the champion of free enterprise, forced a socialist system on a tiny ally that was doing well, if not perfectly, under a free enterprise system of its own. We did this because we thought we could head off the threat of a social revolution, which was a greater possibility in the minds of liberal bureaucrats in Washington than in El Salvador. Their rationale apparently was "let's beat Castro to it so he'll take the pressure off and we can all be friends." This of course was criminally naive at best or consciously subversive at worst, because anyone who knows the Soviet-Cuba-Nicaraguan Axis' record is aware that it is interested in social reforms only to the extent that they support its objective; the strategic isolation of the U.S.

Clearly, these reforms were wrong but the unhappy fact is that we and the Salvadorans are stuck with them. Most knowledgeable people agree that to reverse them and return to the pre-1980 status would compound the present turmoil and alienate El Salvador further. We must therefore start from where we are and find ways to modify the reforms in a way that will stimulate healthy competition and allow the profit incentive to reassert itself.

The best place to start might well be that the U.S. provide the necessary funds, in a government to government loan, to compensate the land owners and agribusiness stockholders for the confiscated property. Early settlement of this problem would not only help restore Salvadoran confidence in the United States because it would help to offset a fundamental injustice, but it would also stimulate the national economy to the point that it would lower the amount of U.S. economic aid necessary to keep El Salvador afloat.●

THE DEFENSE BUDGET AND MEETING HUMAN NEEDS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HAWKINS. Mr. Speaker, this body will soon be focusing its attention on the Federal budget and what our national priorities will be for the coming fiscal year. Once again we will hear from those who beat the drums for increased real growth in the defense budget and from those who are calling for cuts in selected weapons systems.

Central to any budget deliberation on the "guns and butter" issue must also encompass a discussion about the direction of our national economic policies. It is inconsistent to be an advocate for a strong national defense if you are not prepared to discuss the means to achieve vigorous economic growth and price stability to complement a military build up.

The Federal budget is the vehicle for national economic policy. Thus, we must not just talk about itemized defense expenditures, but we must also examine, and discuss in the larger context, our overall short- and long-range economic objectives.

We must also engage in a greater effort to scrutinize the Federal defense budget. It is organizationally contradictory to run a fine tooth comb through budget proposals for employment and training programs and then only provide a cursory review of the Federal defense sector, which is in great need of institutional reform, particularly in the area of procurement policy. It was once said that our Nation suffered from a "crisis of confidence," a term which perhaps can be applied to the fragmented and disjointed way we review the defense budget.

A recent analysis of the defense budget provided an interesting look at a process called stretchout, which produces short-term savings, but in the end increases long-term costs. An excerpt from the analysis reads:

A stretchout occurs when DOD or Congress extends—or "stretches out"—the procurement schedule for a new weapon. DOD plans to buy fewer weapons each year, for a longer number of years. This makes the weapons appear cheaper on paper in the short run, but generally makes them more expensive, in fact. By building fewer weapons at a time, contractors lose economies of scale, driving up the price per weapon. Stretchout-induced overruns often become part of a vicious cycle: A cash shortage leads to stretchouts, which increase prices, which cause a new cash shortage, which leads to another round of stretchouts, and so on.

Another major problem is simply a case of poor cost estimating for major weapons systems. This was illustrated by a House Government Operations Committee report which found that the average weapons systems ended up costing 50 percent more than the estimate made by DOD when the weapon entered full-scale development, and 100 percent more than the estimate made when the weapon first underwent exploratory development.

Poor DOD cost estimating was further highlighted by testimony from Army Under Secretary James Ambrose who told a Senate committee:

. . . it almost seems to be an institutional phenomenon that these projects start with gross underestimates by both government and contractor, usually followed by modest growth in estimates in the early phases, and then experiencing sharp increases toward the end of development and in the early production phases.

Mr. Speaker, as we begin the budget debate we must stop and thoughtfully evaluate our national priorities, both from a fiscal and a humanistic viewpoint. How can we as a nation tolerate enormous defense spending and administrative procurement abuses, and on the other hand say we cannot fund a jobs program for long-term unemployed or increase funding for basic human support programs? To what extent is our national defense policy a pressing priority when our social and moral fabric is threatened from within. Every Member in this body supports an adequate national defense system. However, many do so on the basis that basic human needs will not be neglected or compromised, and that budget policy will be formulated

through a sensible determination of existing human conditions.

Another vital aspect of the defense budget discussion centers around whether military weapons expenditures are a true reflection of our foreign policy and military objectives. To what extent are the choice of weapons systems based on narrow private or internal department organizational demands, leading to purchases which are unnecessary and wasteful?

The current policy of attempting to prevent nuclear war by preparing for nuclear war is a tragic and mindless national position, which can only serve to increase the paranoia level between the world's superpowers. When evaluated from a global perspective, military spending and nuclear arms escalation clearly suggest that the current perilous trend must be reversed. Here are some sobering statistics on world military budgets:

Every minute 30 children die for want of food and inexpensive vaccines and every minute the world's military budget absorbs $1.3 trillion from the public treasure.

The world's stockpile of nuclear weapons represents an explosive force over 5,000 times greater than all the munitions used in World War II.

The cost of a single new nuclear submarine equals the annual education budget of 23 developing countries, with 160 million school-age children.

A greater effort must be mounted to avert the nuclear arms race, which continues to drain our national treasury, injures public morale, and allows social needs to go unmet. The danger and futility of the nuclear arms rivalry is highlighted by the late Gen. Omar Bradley:

> Even the ingenuity of our scientists may be unable to save us from the consequences of a single rash act or a lone reckless hand upon a switch of an uninterceptible missile. Missiles will bring antimissiles, and antimissiles will bring antimissiles. I do not understand why we do not make greater, more imaginative use of reason and intelligence in seeking accord and compromise that will make it possible for mankind to control the atom and banish it as an instrument of war.

Mr. Speaker, it is time to reexamine our budget priorities. We need to aggressively pursue arms reduction initiatives and move away from the abyss of nuclear destruction. We must closely scrutinize our defense procurement procedures and aline our choices of military weapons systems with reasoned diplomatic and strategic goals. We must awake to the realization that a full employment economy benefits all our citizens and all government economies. The roller-coaster performance of the U.S. economy over the last two decades has weakened our human infrastructure, neglecting our most treasured resource—the energy and talent of the American people.●

THE BUDGET DEFICIT—THE MORTGAGE BANKERS' VIEW

HON. THOMAS A. DASCHLE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DASCHLE. Mr. Speaker, as part of my continuing attempt to become aware of the differing perspectives on what the results of prolonged record Federal budget deficits will be to various sectors of the economy, I would like to insert the following article into the RECORD. It is the February 29, 1984, edition of Weathervane, an analysis of future economic performance prepared by the economics department of the Mortgage Bankers Association.

As a segment of the economy which is highly sensitive to actions which may drive up interest rates, the mortgage banking industry has a unique perspective on the deficit problem. I find it discouraging that its current analysis indicates that, if substantive deficit reduction is not quickly taken, in their words, "the current real estate recovery soon will be aborted." I urge my colleagues to examine this analysis and, more importantly, focus on the deficit problem that is behind this gloomy prediction.

The article follows:

FEBRUARY 29, 1984.

Debate on the economy continues to be focused on the huge and growing federal budget deficit. As the inevitable clash between public and private sector borrowing requirements draws nearer, we must once again review the progress to date on the deficit problem and the implications for continued economic growth.

Early this month President Reagan released his proposed fiscal year 1985 budget with projections to 1989. This document included no major tax or spending changes, leaving the FY 1985 budget deficit near $180 billion, a level slightly less than the FY 1983 result of $194 billion. Although we had hoped for a meaningful attack on the deficit in the budget plan, the political limitations present in an election year prevent the kinds of steps that almost everyone agrees are needed. The President did call for bipartisan consultations to achieve a $100 billion deficit reduction over the next three years, but even this effort would be feeble compared to the measures needed.

According to Administration estimates based on very optimistic assumptions, the result of the current budget plan would be a federal budget deficit of $123 billion in FY 1989. The Congressional Budget Office has published its own analysis of the Administration budget plan based on more reasonable assumptions, and it projects the FY 1989 deficit to be $326 billion. At this level the deficit would exceed 6 percent of the gross national product, the same share it absorbed in 1983. The result would be absolutely no progress on deficit as a share of GNP by 1989, in spite of the assumption that economic growth would be uninterrupted by recession for an unprecedented seven consecutive years.

Fortunately, key Congressional leaders and Council of Economic Advisors Chairman Martin Feldstein have continued to work for near term action to reduce the budget deficits. Although the official bipartisan group does not appear to be producing results, Republican and Democratic groups are moving forward with bills to rein in the budget shortfall. Senator Robert Dole is working in the Finance Committee on a bill that would shave $100 billion from the deficits over three years, although there are some elements of the bill that would adversely affect real estate investment. Senators Pete Domenici and Mark Hatfield have drafted a proposal that would reduce the fiscal gap by $150 billion by 1987, accomplished partly by holding defense spending growth to 5 percent in real terms. Democrats in both the House and the Senate are contributing to the formulation of an improved budget, proposing more defense cuts and tax increases than currently are acceptable to the Administration. In the House Ways and Means Committee, Chairman Rostenkowski has a bill that would raise $50 billion in three years. Although the current efforts in the Congress have not yet coalesced into a single proposal, we are hopeful that Congress is moving toward a consensus on deficit control that can be enacted.

While Congress and the Administration contend with less than adequate budget measures, the economy is burning its way toward the point where the Federal Reserve will be forced to control inflation by increasing interest rates. This risk is much more apparent now than it was in January. It now appears that the perceived slowing of economic growth reported for December was caused by abnormally cold weather. The economic data for January and early February suggest that the economy is growing at a 6 to 7 percent annual pace, leading Federal Reserve Chairman Paul Volcker to describe the deficit problem as a "loaded gun" and to call for additional deficit reductions in his Congressional testimony last week.

As a result of the still excessive and unsustainable pace of economic expansion, interest rates have moved upward over the past month. Six month treasury bill yields are above 9.9 percent, up from 9.3 percent in January, putting upward pressure on the commercial bank prime rate. Long term treasury bond yields are now above 12 percent, after staying in the 11.7 percent area for the past three months. Consumer and producer prices increased at 7.4 percent annual rates in January, significantly ahead of their recent growth rates.

The Federal Reserve has taken note of the excessive growth persisting in the economy. When interest rates were pushed up in early February, the Fed did nothing to offset the rise, although such action could have been justified by technical factors related to the implementation of contemporaneous reserve accounting by depositories. If economic growth continues to quicken through March, the Fed is very likely to adopt a slightly more restrictive monetary policy at the next Open Market Committee meeting on March 26th. The result would be rising interest rates by May. This effect would be compounded, if the financial markets do not see some chance of Congressional budget progress by early next year. Investors already are expecting continued high interest rates, but if they begin to discount for rising rates, the current real estate recover soon will be aborted. Our hopes of a dip in interest rates until mid-year now appear to be overly optimistic. The key

questions now are, when will rates move up again and how high will they go.

DR. WARREN MATTHEWS,
Senior Economist.●

CHANGING NEEDS OF THE FAMILY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mrs. JOHNSON. Mr. Speaker, a top priority of a number of minority members of the Select Committee on Children, Youth, and Families, on which I serve, is tax policy as it impacts the family structure. As the Congress readies itself to consider another major tax proposal, I believe the time is ripe to consider the suggestions of the authorities who have witnessed the changing needs of the family and the family structure. There are a number of other Federal initiatives which have been suggested to increase parental involvement with children and youth, particularly fathers. I commend to my colleagues' attention the following comments submitted for the hearing record by the child development unit of the Harvard Medical School's Children Hospital following a recent select committee hearing on paternal absence:

CHILD DEVELOPMENT UNIT,
HARVARD MEDICAL SCHOOL,
Boston, Mass., December 29, 1983.

Congresswoman NANCY L. JOHNSON,
Select Committee on Children, Youth, and Families, Washington, D.C.

DEAR CONGRESSWOMAN JOHNSON: At the hearings of the Economic Security Task Force of the House Select Committee on Children, Youth and Families on "Paternal Absence and Father's Role," you and several of your colleagues requested specific, succinct policy recommendations to increase and sustain father involvement with children and youth. Different vehicles (i.e., tax incentives, tax deductions, federal regulations, funding for new programs) can be used to implement the varying policy goals outlined in my written testimony of 11/10/83. Each vehicle may reach different subgroups of people. Based on my testimony and on discussions with Mr. James Levine of the Fatherhood Project, I am now suggesting some preliminary federal initiatives which need more careful analysis to determine which methods would most effectively reach the intended recipients:

(1) Tax incentives to employers to encourage the provision of short term paid parental leave to fathers as well as mothers at the time of childbirth.

(2) Through federal regulations, tax incentives, or other inducements, the encouragement of employers to change sick day benefits to personal leave benefits allowing fathers to stay home to care for ill children or to be absent for half days to take ill children for medical care.

(3) To establish demonstration programs (through direct grants) aimed at providing parent education and support to fathers as well as mothers, to study the effectiveness of these programs in reaching and involving fathers, and to use that as one basis for allocating funds for parent education programs.

(4) To establish demonstration programs (through direct grants) for school age children (elementary and high school) that provide training in childcare and child development as part of the curriculum for boys as well as girls.

(5) To change the health insurance plan reimbursement incentives so that counselling and human service consultations (for fathers as well as mothers) are reimbursed on an equal basis with medical/technical diagnostic procedures. (For further information, see the Report of the Select Panel for the Promotion of Child Health, to the U.S. Congress and the Secretary of HHS, Vol. I, pages 14, 322.) During stress, access to such services may be critical to preventing the withdrawal of fathers from their children.

(6) To provide incentives to employers to provide or facilitate access to quality child care.

(7) To establish as research priorities for appropriate federal agencies the study of:

(a) the degree of paternal involvement in preschool and school settings, and the effects of outreach programs on sustaining father involvement with school age and adolescent children.

(b) the impact of parental shift work on children, on the quality of child care and on the risks to child health and development.

(8) Increased funding for federal work training programs to provide meaningful job security for all employable men.

Sincerely,

MICHAEL W. YOGMAN, M.D.,
Assoc. Chief, Division of Child Development, Children's Hospital, Assistant Professor of Pediatrics, Harvard Medical School.●

EXIT POLLS AND MEDIA PROJECTIONS OF ELECTION RESULTS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PATTERSON. Mr. Speaker, my own serious concerns and those of many of my colleagues on both sides of the aisle with the devastating effects of east coast exit polls on west coast voters on general election days has long been known. Such activities have prompted our colleague, DON EDWARDS, to introduce House Resolution 395 to limit exit polls and media projections of election day results until polls throughout the country are closed.

I urge all Members of the House to endorse this measure to prevent the circumstances occurring in 1982 from happening again this November. The voting rights of each and every American must not be inhibited because the media is anxious to predict the outcome of elections long before polls, in many parts of the country, have closed.

It is also discouraging that by virtue of their living in one time zone rather than another, American voters can be discouraged from casting their ballots. Predictions based on exit polls are often made prematurely, and with severe consequences in the number of people who actually show up to vote.

An idea expressed by Don Maclean in a March 9 article appearing in Roll Call, the newspaper of Capitol Hill, strikes me as something that deserves far wider circulation.

(By Don Maclean)

Maybe one of the reasons that less than half of the registered voters actually vote in Presidential elections has nothing to do with apathy. Perhaps it is just a case of the voters feeling redundant after having been polled to death prior to any major election.

It is not bad enough that we have pre-election polls, in which "experts" sample something like 1,300 people out of 50 million votes to be cast and predict a trend. That's been around for several generations and I can actually remember when some candidates thought that even those polls were unfair.

"When the polls say that somebody is leading, it becomes a self-fulfiling prophecy!" That was the cry then, and in my opinion, it had a lot of merit. But objections to polls preceding an election by years, months and days have been so outdistanced by other violations of the so-called secret ballot that those petty objections now seem laughable.

The usual poll spaced by several weeks has been supplemented by the "rolling poll," which tests the voters' opinions every day, right up to an election. Most of the above, of course, have been print media excesses. It took the TV networks to provide the real disencentives to voting.

The networks, in their usual efforts to create news, have had no compunctions about releasing on the morning of an election the results of a poll taken the day before showing that Bloggs-or-whoever is a lead pipe-cinch to win. It is little wonder that Bloggs' voters and those inclined to vote for Bloggs' opponent are inclined not to stop on the way to work, or take time off, or stop on the way home to vote. After all, ABC, NBC, CBS and countless others have told them that the election has already been decided.

Probably, it all balances out. The number of Bloggs supporters who fail to vote because they think their vote won't be needed possibly is balanced by the anti-Bloggs voters who decide that all is lost, so why bother? The networks no doubt conclude that, in this case, no harm has been done, that the outcome has remained the same and that Democracy has been served.

The fact that millions of Americans have been persuaded or intimidated out of their birthright—the right to vote—seems not to bother the networks. They continue to operate on the presumption that freedom of the press transcends all other rights.

And now we have the ultimate poll, and the ultimate disincentive to vote—the "exit" poll, in which voters are ambushed by the media as the voters leave the polling places and are badgered into saying for whom they voted. Actually, your vote is nobody's business but your own, and it is a fact that husbands and wives have been known to lie to each other about it, just to keep peace in the family.

Which makes me think that it would be a worthwhile trick to play on nosy TV reporters if, when interviewed on leaving a polling place, people simply lied about their vote. I

know that I intend to do that in Arlington next November if I am braced by a pollster on leaving the voting booth. If something like this should occur nationwide, a monumental failure of the exit poll prediction might end the practice forever. Since it seems unlikely that exit polls can be legislated out of existence, then perhaps citizens should take matters into their own hands. (There is no penalty for lying to a pollster; it's not perjury or anything like that, although I am sure that pollsters would like us all to think so.)

But if exit polls are allowable, then can entrance polls be far behind? In the rush to be first with the results, I guess it is only a matter of time before the networks start quizzing voters on their way into the voting places. "Here we are, in Maine, at 8:10 a.m. on election day, November 6, and voters interviewed on their way to vote at the little red schoolhouse show a definite trend toward Reagan. Based on this—even though it is only 7 a.m. in Texas, 6 a.m. in Denver and 5 a.m. in California and the rest of the country is not even awake, CBS can now predict the outcome and this election is over! Thank you and good night, ah, rather, good morning."

Next, perhaps they will start ambushing East Coast voters as they leave their houses on election morning. "Are you folks on your way to vote? If so, for whom will you vote?" If this is done properly, and proves to be accurate, then people may not even have to vote on the East Coast, either. They can just tell the pollster, skip voting and simply go on to work, content in having decided the election without any waste of time.

Finally, we could have a "Beddy-bye poll," in which registered voters could be awakened at 3 a.m. and asked . . .●

NORMAN LEAR: A VITAL FORCE IN TELEVISION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RICHARDSON. Mr. Speaker, George Bernard Shaw once said:

Few people think more than two or three times a year. I have made an international reputation for myself by thinking once or twice a week.

Well, Norman Lear, the noted television producer, has also made an international reputation for himself not only by thinking for himself, but by getting millions of others to think for themselves as well.

Norman Lear is now back on television with a new series called "a.k.a. Pablo," the story of a young Hispanic comedian and his family. I suspect that many Americans will at least be thinking once a week when watching Lear's new production.

As a Hispanic who is proud of his heritage, and as a member of the Congressional Hispanic Caucus, I am well aware that there has been considerable apprehension in the Hispanic community about this program. Many are holding their breath hoping for the best. Some are fearful that Hispanics and their culture may be depicted in an unflattering light. Time will tell, of course, about how well the program is received by Americans, as a whole, and by Hispanics, in particular. But I believe Norman Lear is, as before, on the right track.

In an excellent article on Norman Lear by Tom Shales which appeared in the March 4, 1984, edition of the Washington Post, Norman Lear says of "a.k.a. Pablo": "The heart of the show is dealing indirectly with everybody's need for connection and belonging."

On that basis, the show ought to be a hit. But as Norman Lear points out, television shows rarely survive based solely on their current content, but on how much they contribute to the networks' coffers.

In any event, Hispanics, long ignored by the networks, are now back on prime-time television thanks to Norman Lear. Let us hope that existing prejudice toward Hispanics will be lessened as a result of Lear's efforts.

I am reminded of Oliver Wendell Holmes' reflection on prejudice when he stated, "The mind of a bigot is like the pupil of the eye; the more light you pour upon it, the more it will contract."

So I salute Mr. Lear for his efforts to let a little light in, and I commend this excellent article to all my colleagues in the Congress.

PERFECTLY LEAR: THE MAN WHO CHANGED TELEVISION BRINGS A MESSAGE FOR THE 1980'S

(By Tom Shales)

Television can't be all bad if Norman Lear is coming back to it, and he is. The producer and writer who set the agenda for TV in the '70s with "All in the Family," "Maude," "Mary Hartman, Mary Hartman," "The Jeffersons" and "One Day at a Time" officially ends a five-year absence from series TV this Tuesday night on ABC, when his new comedy, "a.k.a. Pablo," makes its ebullient debut.

Lear has projects under way at other networks, too, and tonight he appears on a taped NBC special as one of the first seven inductees into "The Television Academy Hall of Fame," which honors broadcasting trailblazers, living and dead. Lear is the only living honoree born after 1920; he will be 62 in July. "I felt like the kid on the block," he says of the event; he still has the zip and bravado of the kid on the block, too. Lear's citation praises him for, among other things, "paying much more than lip service to the values that made America great."

During his absence from weekly TV, Lear added to his empire, acquiring Embassy Pictures and renaming his domain Embassy Communications. He has a mansion in manicured Brentwood, Calif., an attractive activist family and millions in income from reruns of his hit shows. You'd think that this man would need the aggravation of weekly TV like a hole in the hot tub.

But he *does* need it. That's part of what makes Norman Norman. When he returned to work in Embassy Television's little corner of the Universal lot there was a palpable aura of nervous danger. *Norman* was back.

"From my point of view, I didn't leave anything," Lear says. "There's a thing on my wall, it's Aristotle's definition of happiness. 'The exercise of your vital abilities along lines of excellence in a life that affords them scope.' I thought that was the best piece of philosophy I'd ever read. I would assess my vital ability to be communicating, and that's one-on-one or writing and then getting that out to 30 million people via television or 20 people in a little theater, whatever it is."

Putting together People For the American Way, a group formed to counter what Lear sees as threats to freedom by the Moral Majority and others of that ilk, was "an enormous exercise in communicating," Lear says. He compares it to making a miniseries. The effort included a poorly rated TV special, "I Love Liberty."

On this particular morning in Washington, after a Capitol Hill huddle with Mark Hatfield, whose reelection bid Lear will support this year, Lear meets with Tony Podesta, executive director of People For the American Way. When they part Lear gives Podesta a big hug. Not a Hollywood hug; a sincere hug. Lear is a hugger. If he could, he would hug the whole world. And expect to be hugged in return.

"I looked at motion pictures, and spent a few months there because we had in the interim bought Embassy," Lear says, "and I liked that well enough but I'm too impatient after years in television. It takes four to six years to get any movie going—any movie going—and that's an exercise in patience, not vital abilities. Patience is not my vital ability. Where else but in television can you have an idea as a dramatist that you're excited about on the first of October and then share it with 30 million people in the middle of December?"

For good luck, Lear did the opening studio-audience "warm-up" for the first two taped episodes of "Pablo." He hadn't walked onto a TV soundstage for this purpose in six years. "It felt exactly the same," he says. "I thought, 'Oh, wait—this man at 61 is walking a little differently, his voice sounds a little different, something is different.' But it didn't feel different.

"It felt terrific."

Television, however, is not the same. It has grown more breakneck and cutthroat, and network executives have leaner and hungrier looks. ABC ordered only six episodes of "Pablo," Lear notes, "despite the fact that it's supposed to be a big deal that I was coming back to television and everything else. Five years ago that would have been 13 shows. Four years before that it might have been 22 shows. Now it's six. And you know that if it's not rating well, the decision to jettison the whole show is probably made after two or three ratings come in. So God forbid anything should be an acquired taste. There's no chance for the public to acquire a taste because they yank it so quickly. There are no villains at the networks; that's just the name of the game."

Lear sees this mania for instant success as symptomatic of a national attitude, not just a television predicament. "As a result of America's fixation with, and obsession with, short-term thinking, suffers," he says. "In every business, we innovate less and experiment less because of the need not to diminish a current profit statement but to have one that exceeds the last. Wherever we look.

"The pressure is to deliver quickly. Television is very, very interesting in terms of its profile in this sense. Since ratings relate directly to dollars, when we look at television we are looking at a medium that the country observes in terms of how it makes

money half-hour by half-hour. No other industry in America, if you look at ratings as dollars, is watched as closely in terms of how many dollars it's making. Half hour by half hour, seven days a week, 18 hours a day. I mean, that's an incredible statistic. So to those network program executives, the need to deliver a winner Tuesday night at 8 o'clock is the paramount thing on their mind. And that's antithetical to risk-taking and innovation."

Lear reiterates that he does not see "villains" in those executive suites, many of them occupied by baby moguls many years Lear's junior. But still . . .

"I think we now have a generation of network program executives that were weaned on television; it may be the first generation weaned 100 percent on television," Lear says."My fear about these young people who were weaned on television and now are responsible for all those choices is that they don't know human behavior from television behavior, because they have seen so much television behavior.

"So, that's a change."

Upon being elected to the TV Hall of Fame, this is what Norman Lear said about the future of television:

"My hope for the future of television is that it will take itself as seriously as it is taken, that the time will come when all of us, all of us including networks, will look to our creative and our human instincts to create and to program, instead of following the dictates of flow charts, and research and overnight ratings, and the pursuit of instant success."

They cheered that. And Norman looked surprised by the cheers. He shouldn't have been.

Not everyone will cheer Lear's return to television. Because his domestic comedies threw out the burnt-pot-roast plots for social realism, Lear was regularly attacked by one pressure group or another. When Maude had an abortion, a good deal of hell broke loose. The Rev. Jerry Falwell is among those who have characterized Lear as a corrupter of American decency, and People For the American Way has made a point of citing Falwell in its warnings about imperiled civil liberties.

Lear does not like to talk about those who hate him.

"Falwell has called me the greatest enemy of the American family in our generation," he says after a contemplative pause, "and I find that just too difficult to take seriously. It seems to me that the bulk of what we've done is a celebration of family. They're all families that hang together, they all love one another, they go through the ordeal of life but they come out on the other side of that ordeal connected. Together. And so it's hard to take these people seriously. I don't think there are that many. That's a hardcore far-right with religious-moralistic overtones."

Lear sees "a.k.a. Pablo" as another affirmation of family and its importance in American and human life. Superficially the story of a young Mexican-American comedian (played by Lear discovery Paul Rodriguez)—a character not modeled after Freddie Prinz, Lear says—"Pablo" is really the story of how the young man's success affects his large family in good ways and bad. In a time when meanstreak comedies seem to be proliferating ("Buffalo Bill," "Empire"), Lear's positivism is refreshing.

"The heart of the show is dealing indirectly with everybody's need for connection and belonging," Lear says. "My feeling is that everybody is going to want to be a member of that family. Who wouldn't want to be surrounded by 15 people who cared for you that much? All of us, four billion people walking the face of the planet, are aching for that. And some few have it. And here they are.

"I think there's a great hunger—everybody uses the word 'nostalgia'—for the past. The greatest part of that hunger is for that large family. We read a good deal about the disintegration of the nuclear family and so forth. Quite true. When I was a kid, the vestige of that large family still existed. We had maybe a dozen huge events that mirrored the size of the family. And then, in my lifetime, that vanished. And the telephone and the airplane that were supposed to have made the world smaller, really made the world a helluva lot larger.

"Because you dip in and out of each other's lives by plane. So Thanksgiving is an afternoon, where 30 years ago, or 50 years ago, if you had to travel three days to get there, you spent four days before you traveled three days to get home again. Now we dip in and out and it's over. In the Mexican culture, they still have large families; they're still intact. They may live across the street or down the street, some of them, but they're basically together a great deal."

Lear says the program will also be about that much-investigated topic of the '80s, The Media (shudder when you say that, pardner). Paul Rivera, a.k.a. Pablo, goes on "The Merv Griffin Show" in one episode and makes jokes about members of his family. He's a huge hit until he gets home and finds not all members of the family amused. He returns to the show to apologize and is goaded into getting laughs at his family's expense all over again.

"And he gets a little merciless," Lear says. "Because I've wondered for years, all of those Phyllis Dillers and Joan Riverses and Alan Kings talking about wives and children—what do the wives and children and husbands feel about all of this? And what gives these comedians the right to make specious and sometimes derogatory jokes about members of families, and what's happening at home through all of that?"

"Pablo" went through a long gestation before making it to production. At one point it was actually considered as a vehicle for the footloose Suzanne Somers, who was under contract to Embassy. If it had been "a.k.a. Suzanne," or whatever, it would have been a show about a woman who played a dumb blond on TV but knew this was compromising her womanhood in real life. This never came about, but then when Lear saw Rodriguez performing in a club, he said to himself, as he now recalls it, "Oh boy, what an opportunity to do that show!" He is just the sort to say "oh boy" to himself.

Another Lear project has even more to do with mass media: "Good Evening, He Lied," a series in development for NBC about a young Harvard MBA who arrives at a sleepy TV station determined to rev it up into competitive hysteria. At any cost. Also in development at NBC is Lear's "P.O.P.," which stands for P. Oliver Pendergast, a character to be played by the Oscar-nominated Charles Durning. Pendergast, says Lear, is "another hunk of my father that wasn't in Archie." Not that Lear's father was a bigot; just that some of Archie Bunker's mannerisms were taken from Lear's memory of his own dad. Durning will play "an utterly charming, mildly larcenous salesman who could sell s--- on a stick for lollipops, which was my father's favorite way of describing himself," Lear says.

A two-hour Lear movie, "Heartsounds," from a 1981 novel by his first cousin's wife Martha W. Lear, will star Mary Tyler Moore and James Garner, be shot in May and air next season on ABC. And Lear is also peddling what he calls a "bawdy restoration comedy" titled "The Education of Harry Bellair," written by playwright Terrence McNally ("The Ritz") and originally developed for Showtime, a pay cable network, but not picked up for production. CBS recently said no to it as well.

Lear has commitments for two CBS projects but he's still angry with the network for the clumsy and rude way it canceled "Archie Bunker's Place" last season. Carroll O'Connor, the brilliant actor who made Archie a national institution, wanted to continue with the program and entreated Lear to return and revitalize it personally. "I could not say no to my company and to Carroll, and we did have a plan, a new way to go," says Lear.

Wedding bells for widower Archie? "No. A May-December romance, a younger woman coming into his life. But no, they were not going to get married; that was the network plan. The network thought that that's what should happen and I convinced them otherwise. But they really didn't let us know they were not going to pick it up. They allowed me to talk with them and give them thoughts and they had already decided they were not going to go with it. CBS didn't handle it well."

A Lear show on ABC seems a little incongruous. He hasn't been represented on that network since the short-lived "Hot l Baltimore" in 1975. Lear says ABC executives were alarmed that, except for an opening teaser scene, the title character of "Pablo" does not appear until the very end of the first act of the premiere. They pleaded with him to adjust that.

"One could have made a lot of mistakes listening to them," Lear says. "By the same token, any of them can raise questions or register complaints that make you think a little deeper, and suddenly, as a result of somebody's innocent question or idle remark, you change something and make it infinitely better. That happens all the time."

A good man. A fair man. A rich man. But a man who hasn't lost links with the real world in which people work, struggle and worry about making ends meet. Lear's ends are in no danger of not meeting, but then he doesn't seem the worrying type anyway. He is not worried about possibly tarnishing his golden reputation with new shows that people may compare unfavorably to the old. He'll take his chances. "Of course it crosses my mind," he says, "but if you're sufficiently busy, you don't think about it. And I am sufficiently busy."

The sufficiently busy Norman Lear, his parallel furrows of facial wrinkles allying themselves for a confident smile, also declares, "I wake up every morning of my life hopeful, and I believe in the possible." Norman, you are quite a guy. Consider yourself hugged.

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THE CONTINUING HUMAN RIGHTS VIOLATIONS IN EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BARNES. Mr. Speaker, thankfully, deliberate death squad murders in El Salvador appear to be down—at least for the time being. I know that we all applaud the efforts of our Government and our Ambassador in El Salvador to get the Salvadoran Government to dismantle the death squads, and we all hope that the situation will continue to improve.

However, progress on this front must not blind us to the fact that the principal form of human rights violations in El Salvador continues unabated—and almost unnoticed. I am referring to what Orville H. Schell, in a recent New York Times article that I will insert following my remarks, calls deliberate attacks on civilians by the Salvadoran Army, and the army's use of free-fire tactics in guerrilla-controlled zones and conflict zones. Mr. Schell is chairman of the Americas Watch Committee, a leading human rights organization, and past president of the New York City Bar Association.

Our State Department has been engaged in an unfortunate attempt to portray this continuing, deliberate targeting of civilian noncombatants by the army as indistinguishable from the unavoidable killing of civilians as a by-product of war. But the distinction is clear, and El Salvador's leading human rights monitoring organization, the human rights office of the Archdiocese of San Salvador (Tutela Legal), has been making it carefully and credibly for the past several years.

It is inconceivable to me that our Government would fail to support Tutela Legal's efforts to document, bring to light, and curb these serious human rights abuses by the Salvadoran Armed Forces. I know that my colleagues all join me in the hope that the White House and the State Department will become as vocal in their condemnation of this activity as they have recently become about the death squads.

The article referred to follows:

SALVADORAN SLAUGHTER

(By Orville H. Schell)

The State Department is attempting, once again, to persuade Congress that the human rights situation in El Salvador is improving. The department has a new approach: It involves discounting the deaths of hapless peasants killed by the army in its campaign to quash the guerrillas. No one who cares about human rights can accept this sinister accounting.

Seizing upon the Spanish word "masas," which is used by the Salvadoran guerrillas in a propagandistic effort to suggest that the masses support them, the State Department is claiming that peasants who support the guerrillas account for most of the civilian deaths now being recorded by human rights groups.

A cable from the United States Embassy in San Salvador, which the State Department is circulating on Capitol Hill, says that such peasants' "intermingling with and support of the armed insurgents makes them something more than innocent civilian bystanders." Accordingly, the cable seems to suggest, killing them is legitimate. If the deaths of all those labeled in this way by the State Department were subtracted from the figures recorded by human rights groups, it might indeed appear that the human rights situation is improving.

So far, the principal body to challenge the State Department is the Roman Catholic Archdiocese of San Salvador. The archdiocese's human rights office, Tutela Legal, takes testimony from the families of victims and from eyewitnesses to killings. It does not use the word 'masas': It contends that whether civilians support the guerrillas is generally not something that can be determined after they are dead—and, anyway, that it is immaterial.

What matters, according to the archdiocese, is the circumstances in which they are killed. If they take part in hostilities, their deaths are not recorded as human rights violations. If they are unfortunate enough to get killed in the crossfire, their deaths are not recorded as human rights violations. But if testimony from witnesses makes it clear that they died in deliberate attacks on civilians, or that they died because the Salvadoran armed forces use free-fire tactics in guerilla-controlled zones and conflict zones, their deaths are recorded as human rights violations. The Salvadoran guerrillas may call them 'masas'—and the State Department may call them 'masas'—but to the archdiocese their deaths are violations of human rights.

Until late 1983, the State Department tried to exculpate the Salvadoran armed forces of responsibility for civilian deaths by blaming most killings on "right-wing death squads." Following the arrival of Ambassador Thomas R. Pickering in San Salvador in the fall of 1983, the State Department finally began to acknowledge that these death squads were linked to the Salvadoran armed forces, and it began to exert significant pressure to stop their killings. A high point of this effort was a Dec. 11 meeting in San Salvador between Vice President Bush and 31 top Salvadoran military commanders, in which Mr. Bush threatened that United States military aid would end unless death squad activity were curbed.

The effects have been felt, making it clearer than ever that the death squads are connected to the security forces. According to the archdiocese, killings and "disappearances" by nonuniformed death squads have now declined to a dozen or so a week—a staggering number in any rational setting but the lowest weekly figure in more than four years in El Salvador. On the other hand, deliberate killings of civilian noncombatants by the uniformed armed forces have not been affected. These continue to run at about 100 each week.

Plainly, it will be very difficult to curb the uniformed forces. Many of their killings involve efforts to punish civilians who are suspected of having provided food to the guerrillas—willingly or not—or who may have failed to disclose the guerrillas' whereabouts to the armed forces. To use the familiar metaphor of guerrilla warfare, the Salvadoran armed forces have been unable to catch the fish, so they are trying to dry up the ocean. Killing civilians is one way that they hope to prevail.

By contending that only death squad killings count as human rights violations and that anything goes as far as killings by the uniformed forces of El Salvador are concerned, the State Department may succeed in persuading Congress that the human rightrs situation has improved. In the process, however, it will put the United States into the position of apologist before the world for yet another set of Salvadoran horrors.●

SALUTING KENNETH E. SILSBY, AN OUTSTANDING 4-H LEADER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Ms. SNOWE. Mr. Speaker, I want to call attention to a very special program taking place in Washington saluting the important role volunteers play in the success of one of our best known youth service organizations.

Calling it a "Salute to Excellence," the National 4-H Council is bringing together its top volunteer leaders from each State, the District of Columbia, and Puerto Rico.

During the week, the group will attend workshops and seminars aimed at helping them gain new skills and inspiration to stimulate volunteer activities among adults in their States.

Each of these 52 4-H leaders will return to their home States with a $1,000 grant from R. J. Reynolds Industries Inc., to implement their own plan—developed here this week—to increase voluntarism and strengthen 4-H programs.

Among 4-H leaders in my home State of Maine, the name of Kenneth E. Silsby is well-known. He has been active in 4-H Club work for 14 years. He has served as president of the 4-H County Leaders Association for 4 years, and has been a delegate to the National 4-H Volunteer Leaders Forum in Washington and the Northeast Regional Volunteer Leaders Forum. He has been particularly active and successful in fundraising for the Pine Tree 4-H Foundation.

He currently serves as leader of the Union River Valley 4-H Club in Aurora in Hancock County. The club has 16 volunteer adult leaders, ample evidence of Ken's abilities to generate enthusiasm among adults in working with youth.

Married and a bookkeeper with the Union River Electric Cooperative Inc., Ken also finds time to raise our famous Maine blueberries.

Voluntarism—the great American virtue of giving something of one's self to helping others—has served our Nation well and has given a very spe-

cial character to our national as well as our local life.

Volunteer groups like the 4-H exist because of the time and dedication of leaders like Ken Silsby. Today, we salute them and wish them our best in efforts to generate additional interest in the volunteer spirit.●

SOVIET JEWRY

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MICA. Mr. Speaker, it is imperative that the U.S. Congress supports the cause of Soviet Jewry. We must focus international awareness on the struggle of Jews behind the Iron Curtain. We must uphold the provisions of international human rights agreements such as the Helsinki accords, which guarantee an individual's right to freedom of religion, cultural practices and emigration. We must raise these human rights issues at every appropriate international and political forum and hold Soviet authorities accountable for their despotic policies.

Jews living in the U.S.S.R. today are engaged in a daily struggle for survival. The Soviet Union actively participates in programs to silence all the cultural activities of Jews and other minorities. Never before in the history of the Soviet Jewry movement has the emigration rate been so low. In 1979 over 51,000 Soviet Jews emigrated while in 1983 just over 1,300 were granted exit visas.

In September, I officially committed myself to speaking out to help gain spiritual, intellectual, and physical freedom for Israel Achildiaev and his family, now denied the right to leave the Soviet Union. Over 4 years ago the Achildiaev family submitted applications for exit visas to Israel. Although Israel Achildiaev's parents were told they could leave, Israel and his young family were refused exit visas. No explanation was given.

The parents of Israel Alchildiaev arrived in Israel on April 26, 1979, to join family living there since 1940. Although letters inviting rest of the Achildiaev family were sent to the Soviet authorities as instructed, the family was denied exit visas. No explanation for this refusal has yet been forthcoming from Soviet officials.

Israel Achildiaev, his wife, and two young children, are victims of Soviet persecution and intransigence. The Soviet Government has waged a relentless crusade against human rights and dignity. The repression and harassment of Soviet Jews stuns our conscience and moral sensibility. We will not stand aside quietly while Soviet Jews and other members of the Russian community are systematically persecuted.●

CIVIL AERONAUTICS BOARD FUNDS NEEDED

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DASCHLE. Mr. Speaker, as my colleagues know, the Civil Aeronautics Board (CAB) has the authority to operate until January 1, 1985. However, the current appropriation runs out on August 1, 1984, thus leaving a 2-month gap between fiscal years 1984 and 1985. A supplemental appropriation of $3 million has been requested which, if approved, would allow the CAB to operate until October 1, 1984. Beginning in October the fiscal year 1985 appropriation will fund the CAB until they go out of business on January 1, 1985.

The CAB provides many extremely important functions in assuring quality air service. They include consumer services such as handling consumer complaints, baggage problems and denied boarding situations.

One of their most important responsibilities and a function which is of particular importance to rural States like South Dakota, is determination of essential air service. In South Dakota, the cities of Sioux Falls, Huron, Brookings, Mitchell, Yankton, and Pierre are served by Mesaba or AAA Airlines, airlines which receive subsidies so that essential air service can be provided. Four of those cities, Huron, Brookings, Mitchell, and Yankton, have only subsidized air service. Nationwide, 130 towns and cities receive subsidized air service.

If the funding for the CAB is allowed to lapse some cities may be vulnerable to the loss of their airlines because there will be no payments to carriers providing essential air service. Furthermore, some cities may see a reduction in their level of essential air service affecting such things as number of flights per day or passenger seats guaranteed.

I strongly urge that Congress approve this supplemental request as soon as possible. A break in service could be a major detriment to States which benefit from the Civil Aeronautics Board's many responsibilities including essential air service.●

MINISERIES DISTORTS CHARACTER OF J. EDGAR HOOVER

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RUDD. Mr. Speaker, last November, the National Broadcasting Co. (NBC) aired a miniseries entitled "Kennedy" which grossly distorted the character of one of this Nation's most dedicated public servants, J. Edgar Hoover.

Mr. Hoover became Director of the Federal Bureau of Investigation in 1924. It was a time when Americans firmly believed that criminals should be punished, not coddled by a liberal judicial system.

I had the opportunity to serve as a special agent under J. Edgar Hoover for 20 years, and I must say that I never had anything less than the very highest respect for him. His life and career were dedicated to upholding the laws of this country and protecting against communism which he correctly understood as a threat to the liberty, freedom, and respect for the individual which Americans value so highly. He demanded no less from special agents of the FBI.

Ignoring this record, which would be a credit to anyone, NBC in its miniseries made vague, unsubstantiated, callous suggestions that Mr. Hoover was soft on organized crime, that he hated women, and that he was racist.

Mr. Speaker, I know from my own observations that nothing could be further from the truth. It is unthinkable that these accusations should be made. The portrayal of J. Edgar Hoover in this series should bring shame to those who produced it.

I commend to may colleagues a December 1983 Accuracy in Media report which addresses the wrong committed against Mr. Hoover by this miniseries. I insert the report in the RECORD at this point:

NBC TRASHES J. EDGAR HOOVER

The producers of the mini-series, "Kennedy," which aired November 20-22 by the NBC, have said that their docudrama was thoroughly researched and is mostly true history. Tom Shales, of the Washington Post, described the series as "the latest delivery of toxic waste from NBC." Shales was upset by the portrayal of Kennedy as "a man with a lot of ambition but without an agenda." Noting that the producer, the writer and the directors were all residents of Britain, he questioned whether this was the proper group to do a portrait of America's first Irish-Catholic president.

The CIA was portrayed as bumbling and incompetent, bearing all the blame for the failure of the Bay of Pigs invasion. The "thorough research" that was supposed to have backed up the documentary evidently failed to turn up the fact that Kennedy's decision to cancel most of the air strikes that were to destroy Castro's small airforce caused the plan to fail. Only half of Castro's planes were destroyed, leaving him with command of the air and sealing the doom of the invading brigade. This political decision dismayed the CIA and the military, but in the NBC version of history, they were made the scapegoats.

HOOVER: DARTHER THAN VADER

If John F. Kennedy came off looking less than heroic, and the CIA incompetent, J. Edgar Hoover was made to appear Satanic—Darther than Vader, in the words of Tom Shales. Peter Farrell, TV critic of the Portland *Oregonian* had said that he couldn't believe that the producers had wanted to

portray the late FBI director in such an extreme way, as a man with such a dirty diseased mind. Producer Andrew Brown told him that the performance was just what they wanted.

The characterization of Hoover was a vicious caricature. Heavy use was made of lighting from below to give Hoover an eerie, Boris Karloff look. The accompanying music added to the malevolent, sinister atmosphere. The actor's movements were deliberate and controlled, until he flew off the handle at some insignificant slight, implying mental imbalance. He portrayed a Hoover obsessed by sex as something evil, a racist who called blacks "niggers," a homosexual, and a blackmailer, who used the FBI to gather information he could use to control presidents.

All of this was laid out in a scene in which Joseph Kennedy, JFK's father, was shown warning his son against J. Edgar Hoover. The elder Kennedy said: "He's a crook and he doesn't like women—our women. He won't even touch a woman, and women don't like him. You better be careful, Jack. Hoover will try and wreck everything. He's not only a crook, he's a fag. And he knows a lot about us, Jack. He's made that his business."

At the same time, Hoover is portrayed as despising Joseph Kennedy. He is shown saying, "Joseph Kennedy. I know about this man . . . who in some truly great society would be disqualified from being the father of the President."

This is all false. J. Edgar Hoover and Joseph Kennedy held each other in high esteem. In his book, "The FBI Pyramid," W. Mark Felt, a former associate director of the FBI, reprints a letter to J. Edgar Hoover from Joseph Kennedy dated October 12, 1955, which Hoover had framed and hung on his office wall until his death 17 years later. The relevant portion of it read:

"DEAR EDGAR: I want to thank you for your most kind and generous remarks.

"I think I have become too cynical in my old age but the only two men that I know in public life today for whose opinion I give one continental both happen to be named Hoover—John Edgar and one Herbert—and I am proud to think that both of them hold me in some esteem . . . .

"I listened to Walter Winchell mention your name as a candidate for President. If that should come to pass, it would be the most wonderful thing for the United States, and whether you were on a Republican or Democratic ticket, I would guarantee you the largest contribution that you would ever get from anybody and the hardest work by either a Democrat or Republican. I think the United States deserves you. I only hope it gets you.

"My best to you always.

"Sincerely,

"JOE."

The two men continued their friendship over the years that followed. Lee Teague, a retired senior FBI official, says that he frequently served as a liaison between the two, and he testifies to the warm regard that they felt for each other. NBC's falsification of the relationship between these two men is indicative of the falsity of the entire portrayal of Hoover.

MAKING HOOVER A FAG

In addition to having Joseph Kennedy directly call Hoover "a fag," the NBC series labored hard to buttress this accusation by portraying Hoover as a man who had no regard for any woman but his mother. Never is he shown saying anything favorable about women. He tells his agents that one of President Kennedy's girl friends "isn't a person, she's a file." Jackie Kennedy is never mentioned, and Robert Kennedy's wife, Ethel, is referred to by Hoover only as "the wife." Hoover never appears in a scene with a woman.

On the other hand, there are several labored efforts to suggest that he had a strong Oedipus complex. One of the more ridiculous of these combined the mother reference with a suggestion that Hoover was an admirer of "Bull" Connor, the Birmingham, Alabama police commissioner whose harsh treatment of black civil rights demonstrators had made him an anathema. He is shown saying to his agent: "Today is Mother's Day. Did you know that? And the Birmingham police commissioner, 'Bull' Connor, has rightly allowed his men the freedom to be with their mothers."

At another point, Hoover is shown having Christmas dinner with a subordinate. He abruptly admonishes his guest. "Don't forget to call your mother." Confronting Bobby Kennedy with information about John Kennedy's sexual exploits, NBC has the FBI director inexplicably declare. "I would have enjoyed a family, but I shared the best years of my life with mother.

Hoover was a confirmed bachelor, and he lived with his mother until her death in 1938, when he was 43 years old. He was very close to Clyde A. Tolson, who was, in effect, his chief of staff at the Bureau. His enemies would have liked to have proved that this was a homosexual relationship, but there is no evidence that this was the case. Mark Felt says that he never saw any sign of homosexual tendencies, nor did any of his colleagues at the Bureau.

Hoover himself explained his celibacy, saying. "I was in love once when I was young, but then I became attached to the Bureau. What wife would have put up with me then?" Mark Felt writes that Hoover was married to his job. The Bureau and his home were his all-consuming interests. He was not the woman-hater that NBC made him out to be Ralph de Toledano points out in his biography. "Edgar Hoover," that he was friendly with "many of the reigning sirens of the period. Dorothy Lamour included." He was gracious and charming with ladies on social occasions. He had a female housekeeper and a very loyal secretary, Helen Gandy, who worked for him until his death.

Hoover insisted that his agents maintain high moral standards. Agents were disciplined for marital infidelity, and homosexuality was simply not tolerated. On the other hand, he liked to go to night clubs and to the race track, placing modest bets on the horses. He had a sense of humor, and he even played practical jokes on his friends. He extolled conventional morality, and he was definitely not an admirer of the jet-set morality of the Kennedy brothers, an attitude that a great many people would have shared had the reporters who covered the White House told all that they knew. NBC has chosen to portray dislike of sexual promiscuity as a kind of mental illness.

MAKING HOOVER A BIGOT

The NBC series attributes highly offensive racist statements to Hoover, sandwiching them between scenes of sickening racial violence. Hoover is painted as the epitome of a bigoted red-neck. He is portrayed as referring to blacks as "niggers" addressing agents as "boy," something he never did, according to those who knew him.

After a scene in which freedom riders are shown being beaten and their bus set afire, Hoover is shown saying. "That bus will find no driver. No bus. Those niggers will stay there. The people will show them that they can't parade themselves, taunting the law. But if it's violence they want, good, men. We'll show them. They won't find one single employee to drive the bus. Any bus. Agitators, Communists. Why does no one listen? They will. They will."

Hoover is shown making this complaint to Bobby Kennedy: "The trouble is we are wasting our time using the FBI to investigate too many occasions where nigger women get themselves raped." Kennedy expresses shock, and says: "Then secure evidence for conviction. Now, you only have five Negro agents out of 5,000."

HOOVER. I will get evidence of Negroid agitation.

KENNEDY. Then produce it. And there will be more Negro agents.

HOOVER. Not while I'm director, Mr. Kennedy.

We demonstrated in our critique of June 3, 1982 attack on Hoover by ABC that the charge that Hoover was a racist was without foundation. This was covered in the August-II AIM Report. We summed up the impressive evidence saying, "It is incredible that a man such as J. Edgar Hoover, who led the battle against the racism of the Ku Klux Klan, a host of neo-Nazi groups in the years before and during World War II—and who opposed the relocation of Japanese-Americans, which was supported by such current heroes of the media as Franklin Roosevelt and Earl Warren—can be portrayed as a bigot."

As for employment policies, Hoover insisted that the same standards be applied to all regardless of race or sex. Pressed by Attorney General Ramsey Clark to lower the FBI's entrance requirements in order to get more minority employees, Hoover responded: "I won't appoint a man to the FBI because his uncle is a powerful senator. And I won't appoint a Negro just because he's a Negro. There are Negroes now in the FBI, and they got their jobs like everyone else—by careful examination of their qualifications, the same examination that any other applicant receives. There has been no case of a Negro who was qualified being turned down. There never will be. But I do not intend at this time or any other time to bring into the FBI any man, regardless of his race or creed, if he does not measure up to the FBI's standards."

KING AND THE COMMUNISTS

The NBC docudrama totally distorts the record in dealing with the reason why the FBI put Martin Luther King, Jr. under electronic surveillance, with Robert Kennedy's authorization. Attorney General Robert Kennedy signed written authorization for the surveillance in October 1963, because he had seen convincing evidence that Martin Luther King, Jr. had broken his word and was still consulting two advisers known to have been Communists. One of these was Stanley D. Levison, who had been identified as an important Communist by Jack Childs, a highly trusted member of the Communist Party hierarchy who was secretly working for the FBI. Levison, a successful businessman, was reputed to have played a central role in establishing businesses to earn or launder money for the Party. Childs had identified Levison in February 1954 as his own nominal boss and as the interim admin-

istrator of the Communist Party's most secret funds.

All of this was spelled out in detail in David Garrow's book, "The FBI and Martin Luther King, Jr.", published in 1982. We covered it in some detail in the August-II 1982 AIM Report. Here is how the allegedly carefully researched NBC docudrama dealt with Stanley Levison.

KING (to Bobby Kennedy). Do you believe what Hoover is saying about Mr. Levison? This man is my friend, my family's friend, and has been for five years. This man has helped us. He has advised us on our legal rights. This man is helping Negroes.

KENNEDY. Why don't you let Mr. Levison speak for himself?

LEVISON. What Martin is saying is true. I have made my advice available to him. I've raised funds for the Southern Christian Leadership Conference. I have been with Negroes when it mattered. Now, you name some other white man who can make that statement.

KENNEDY. I know all that. Hoover says you're a Communist. Why?

KING. Go on. Say it. Are you a Communist?

LEVISON. I have never been a Communist. You asked Harry Belafonte about me, didn't you?

KENNEDY. Yes, I did.

KING. Hoover is trying to discredit the movement.

KENNEDY. Suppose he leaks what he claims to be evidence of your communist sympathies?

LEVISON. I have no communist sympathies.

Soon after this, Bobby Kennedy reports to the President. He tells him that he is certain that Levison is not a Communist. He says "Hoover is out to wreck any progress with the Negroes . . . and get King's neck." The truth is that King had been warned by Robert Kennedy and his top aides, Burke Marshall and John Seigenthaler, to discontinue his association with Levison. He had also been told by President Kennedy personally that Levison and his protege, Jack O'Dell, were Communists. "You've got to get rid of them," the President said.

NBC is guilty of deliberate falsification in portraying Levison as a man innocent of any communist sympathies, ignoring the well-documented record to the contrary.

MAKING HOOVER SOFT ON THE MAFIA

Another grave distortion in the docudrama is the portrayal of Hoover as soft on organized crime, resisting Robert Kennedy's entreaties that the Bureau give attention to the mafia. It shows Kennedy and Hoover arguing about this. Hoover acts like a petulant schoolboy summoned to the principal's office. When Kennedy complains that an FBI report does not include the major mobsters, this dialogue follows:

HOOVER. We mention Capone. (Al Capone had been jailed on charges of income tax evasion in the 1930s). My bureau really has no jurisdiction over organized crime.

KENNEDY. That is simply not true.

HOOVER. I met with Costello. (Presumably the mobster). There is no organized mafia. I don't mind retiring. I have my pension.

KENNEDY. I am not asking you to retire. I am asking you to recognize the existence of organized crime and to do something about it. And, I want you to know this, too. Legal wiretaps will be limited to major crimes.

HOOVER. (suddenly fearful). You want to abolish my weapon?

FBI surveillance of the mafia began in 1956—almost five years before Bobby Kennedy took office—after the big meeting of mafia heads in Appalachia, Mark Felt, who was special agent in charge (SAC) of the Salt Lake City district, which included Nevada, said those years were spent working hard to get information on the "skimming process" at casinos and mob ties to gambling. Bobby Kennedy, to his credit, helped push laws through Congress in 1962-4 which assisted the FBI in their work, mostly in the relaxing of wiretap laws. Hoover would have never said anything as patently stupid as "There is no organized mafia." One fight the two men did have, Felt says, was over Kennedy's demand that FBI agents be released to his personal task force on organized crime. Hoover refused, pledging cooperation, but insisting that the agents go through the local special agent in charge.

NBC'S "NETWORKISM"

J. Edgar Hoover was honored in life and in death as no other civil servant in this country has ever been. His body lay in state in the Capitol rotunda, and he was given an impressive state funeral. He had taken over the Federal Bureau of Investigation in 1924, when he was only 29 years old. It was a small ineffective agency in bad repute. He built it up into one of the most effective and respected law enforcement agencies in the world. He served as its director for 48 years. Martha Mitchell once cracked. "When you've seen one FBI Director you've seen them all."

Hoover had his faults. He was criticized for being a martinet, for making his agents put in "voluntary" overtime, for enforcing standards of conduct upon them that were unreasonable. Nevertheless, he is held in high esteem by the vast majority of the men that his tough code of conduct affected the most—the special agents who served under him. The 8,000-member Society of Former Special Agents of the FBI has denounced the vicious NBC portrayal of him, saying that they look upon Mr. Hoover as "the foundation of the worldwide esteem of the FBI as a premier and model law enforcement agency."

J. Edgar Hoover cannot sue for slander from the grave. He left no family who can rise to defend his good name. NBC and the numerous big corporations whose advertising dollars paid for this despicable character assassination, parading as a true portrayal, must be held to account. This is "networkism" at its very worst.

WHAT YOU CAN DO

1. Write to Thornton F. Bradshaw, Chairman of the Board of RCA, the parent of NBC, asking that he explain why this slanderous portrayal of Hoover was aired and asking that he take action to right the wrong.

2. The companies that advertised on the program are listed in the Notes from the Editor's Cuff. Since this was an entertainment program, they were permitted to screen it in advance. Ask them how they can possibly justify associating their names with this scurrilous broadcast.●

FUNDS WITHHELD: FOOD AND NUTRITION PROGRAM

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. OWENS. Mr. Speaker, I rise to share a concern with my colleagues. Low-income mothers in New York City, as well as the rest of the country, are dependent upon child care which is provided through our licensed day care, Head Start, and family day care centers. The providers, in turn, depend upon the Department of Agriculture food and nutrition program to provide adequate food for the 54,000 children in New York City alone.

For some inexplicable reason, the checks from the Department of Agriculture stopped coming last October. The explanation that I have gotten so far is "computer problem." While we all know that computers can fail and that they can require maintenance and repair, what I cannot understand is how or why it took from October until February to repair the problem and get the money out to child care providers so that children could be adequately fed. The only explanation that comes readily to mind is the suspicion that it benefited the cash flow picture for the Department of Agriculture and that the Treasury benefited by holding the money rather than paying it out. One can hardly marvel at the creative financial schemes involved while children's food money was being withheld.

The time has come for each of us to focus on these little maneuvers which have caused people so much pain. If the agencies with "computer problems" would proceed with their missions, in this case to feed children, then the problems would soon be resolved. Each episode of delayed payments may seem small, but they mount up to a lot of pain for the little people who must bear the burden. In this case, the people were little indeed. They were 54,000 of our children.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWRY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. CONTE. Mr. Speaker, let me take this opportunity to commend my colleagues the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. FASCELL) for sponsoring this special order today. It is important that Members of Congress and governments throughout the world recognize the plight of Soviet

Jews and participate in activities such as the "International Day of Concern for Soviet Jewry." Today, more than ever, Jews in the Soviet Union face a daily struggle for their basic human rights. We must never let this tragedy continue unnoticed.

Anti-Semitism is on the rise in the Soviet Union. The change in Soviet leadership from Brezhnev to Andropov did not improve the lot of Jews in Russia or their ability to leave that country. This blatant discrimination is demonstrated not only by the severe reduction in total Jewish emigration but in outright harassment. Many refuseniks are subject to repeated questioning by authorities; they are fired from their jobs and forced to leave their professions. Students are expelled from universities and professional institutions without cause. Oftentimes when a Jew decides to emigrate, he or she is treated as a nonperson.

Over the past several years, there has been a drastic reduction in the number of Jews allowed to emigrate from the Soviet Union. Since 1979, the Soviet Government has reduced emigration by 98 percent. Last year only 1,314 Soviet Jews were allowed to leave that country, and the future does not look promising.

Flagrant violations of internationally recognized agreements like the Helsinki Final Act and the Universal Declaration of Human Rights must not go unnoticed. Soviet oppression of Jews and other ethnic and religious minorities is contrary to a fundamental principle on which this country is based: the freedom of religion. As Americans we cannot stand by and let this oppression continue. For this reason, congressional inquiries into individual cases are very important.

Let me take this opportunity to share with my colleagues and with those Soviet officials reading these proceedings the details of two refusenik cases. I have been personally working to obtain the release of these two individuals.

Convicted of trumpted-up charges based on false allegations, Mr. Viktor Brailorsky is just completing a sentence of internal exile. Since 1972, the Brailorsky family has applied for permission to leave the Soviet Union. The Government gave Mr. Brailorsky permission to emigrate in 1976. His family, however, was denied permission to leave. Given the treatment his family could receive if he left without them, Brailorsky declined to emigrate. In this case, Soviet authorities denied the Brailorsky family's request for an exist visa based on a claim that Irina, his wife, had access to secret information. She was far from privy to secret information. Irina Brailorsky was a computer scientist at Moscow university. In fact, she received clearance to leave from the rector of the university. I strongly urge that this family be allowed to emigrate, and I have communicated this to Soviet officials in Moscow and to the Ambassador in Washington.

The second case involves a woman of great courage and determination. Since 1971, Ida Nudel has been seeking to emigrate and join her sister, Elena Fridman, in Israel. Mrs. Fridman, her husband and son, were allowed to emigrate to Israel in 1972, leaving Ida in Russia without family. Ida Nudel was denied permission to leave with her sister allegedly because she had access to unspecified secrets in her job as a food industry cost accountant. After years of fighting for permission to emigrate, a frustrated and angry Ida Nudel hung a banner out her apartment window proclaiming "KGB—Give Me My Visa," 3 weeks after this display she was convicted of malicious hooliganism and sentenced to 4 years of internal exile in Siberia. She spent a portion of that time living in barracks that housed hardened male criminals and was forced to sleep with an axe under her pillow for protection. Her work on the behalf of all Soviet refuseniks has had a great personal cost.

During this time, her sister has led an unrelenting fight to secure the emigration of Ida. I just received a letter from Elena this week. In this letter, she explained Ida's plight and her current condition. According to Elena, the Soviet authorities are obvious bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida. Most importantly, she stressed the importance of the repeated American pressure and concern for her safety. I will submit the full text of Mrs. Fridman's letter at this point in the RECORD:

MARCH 5, 1984.

Hon. SILVIO CONTE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONTE: The depth of your concern for my sister, Ida Nudel, and your commitment to help reunify our small family was again evidenced for me when I recently received a copy of the letter you and 69 of your colleagues in the United States House of Representatives wrote to Mr. Yuri V. Andropov on April 27, 1983 pleading for the release of my sister. The date of that letter was significant as it marked Ida's 52nd birthday.

I write to you at this time in anticipation of the upcoming international conference of the Congressional Wives for Soviet Jewry scheduled to take place in Washington D.C. at the beginning of April, knowing that many of Ida's and my friends will participate and hoping you will share this report with those participants with whom you have contact.

Having legally completed her sentence of four years of internal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal resident permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she had received in Siberia which had helped sustain her spirit. Since arriving in Bendery, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu: No Such Addresss." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendent at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she had previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local deputy police chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to here home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks earlier.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Shebanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the by-laws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616-IX-19/V 1977. Paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Congressman Conte, I have come to know you as a friend of Ida's, as someone very concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued

help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely yours,

ELENA FRIDMAN.

Mr. Speaker, these cases represent thousands of others that go relatively unnoticed. Only a few of these names are familiar: Anatoly Shcharansky, Aleksandar Paritsky, and Andrei Sakharov. Our vigil for Soviet Jewry in the Congress must continue not just once a year but until there is freedom for these refuseniks. At this point in the RECORD, I will include letters that I have sent to various Soviet officials concerning the cases of the Lipchin family, the Yuzefovich family, and Nadezhda Fradkova. I am also submitting for the RECORD a letter sent to the new Soviet leader Konstantin Chernenko emphasizing the importance of this issue to many in the Congress. I hope the Soviet Government realizes that increased emigration of Soviet Jews is a necessary step toward improved relations between the United States and Russia.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1984.

His Excellency KONSTANTIN U. CHERNENKO,
Secretary General, Communist Party of the Soviet Union, Kremlin, Moscow, RSFSR.

DEAR MR. SECRETARY GENERAL: As you assume your new position as preeminent leader of the Soviet Union, we urge you to make a risk-free but important gesture of your interest in improving relations between your country and the United States and its allies. We urge you to ease the repression of Soviet Jews who seek to emigrate from your country or practice their religion.

In the past, leaders of both of our countries have expressed interest in improving U.S.-U.S.S.R. relations, and we believe the time is ripe for such an undertaking. As you certainly know, the American people's concern over the plight of Soviet Jews has been an important determinant of the nature of support in Congress for detente between our two nations. Many members of Congress have closely monitored your government's treatment of Soviet Jews.

Many of us consider the Soviet Union's record in recent years on this issue to be appalling. Last year only 1314 Soviet Jews were allowed to emigrate, while thousands of families were denied exit visas. This sharply contrasted with the high level of emigration in 1979 when 51,320 Soviet Jews were allowed to emigrate.

In addition, during 1983 we were greatly concerned to receive reliable reports of increasing government-sanctioned anti-semitic activity. During this time, as members of Congress we raised our voices in support for the plight of Anatoly Shcharansky, Andrei Sakharov, Josef Begun, Lev Elbert and countless others who have been denied their fundamental freedoms.

It seems clear to us that easing the repression of Soviet Jews who simply wish to practice their religion and to emigrate, as is provided for under Soviet Constitution, the Helsinki Final Act, the Universal Declaration of Human Rights and other agreements to which the U.S.S.R. is a party, would not harm the security of your government and would greatly enhance the security of the entire world. We believe that such a gesture would make a positive impression on the opinion of the American people concerning your government's sincerity in its expressed desire for improved relations with the U.S. Moreover, we are confident that President Reagan would interpret your gesture as a meaningful one and would recipricate in a manner which would yield tangible benefits to your people's sense of national security.

For the sake of the well-being of Jews in the Soviet Union and in the interest of better relations between our two nations, we urge you to consider the issue we have raised in the context of current Soviet policies to religious minorities. We welcome hearing your views on this most important and sensitive issue.

Sincerely yours,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

His Excellency KONSTANTIN U. CHERNENKO,
Secretary General, Communist Party of the Soviet Union, The Kremlin, Moscow, RSFSR

DEAR MR. SECRETARY GENERAL: I would like to take this opportunity to urge your government to act swiftly to allow Tzalo and Mikhailovna Lipchin of Leningrad to emigrate to the United States to be united with their only son, Leonid. Tzalo also wishes to be rejoined with his sister, Alma Rothberg, whom he has not seen since 1925.

The Lipchins are elderly pensioners who have been waiting since September of 1979 to be rejoined with their only son. They have been refused repeatedly the right to emigrate on the grounds that Tzalo learned state secrets when he was employed by a navigational computer manufacturer. This work involved partnership with a French firm, thereby, negating the "secrecy status" of his work. It is clear that this is simply a pretext to deny the Lipchins exist visas.

According to reports, this elderly couple has been constantly harassed and Mikhailovna is suffering from a heart condition. In light of this situation, I ask that you show compassion toward this family and allow them to reunite with their relatives in the United States. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. ANATOLY DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Union of the Soviet Socialist Republics, Washington, D.C.

DEAR AMBASSADOR DOBRYNIN: I would like to take this opportunity to urge your government to act swiftly and to allow Tzalo and Mikhailovna Lipchin of Leningrad to emigrate to the United States to be united with their only son, Leonid. Tzalo also wishes to be rejoined with his sister, Alma Rothberg, whom he has not seen since 1925.

The Lipchins are elderly pensioners who have been waiting since September of 1979 to be rejoined with their only son. They have been refused repeatedly the right to emigrate on the grounds that Tzalo learned state secrets when he was employed by a navigational computer manufacturer. This work involved partnership with a French firm, thereby, negating the "secrecy status" of his work. It is clear that this is simply a pretext to deny the Lipchins exit visas.

According to reports, this elderly couple has been constantly harassed and Mikhailovna is suffering from a heart condition. In light of this situation, I ask that you show compassion toward this family and allow them to reunite with their relatives in the United States. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. ANATOLY DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Union of Soviet Socialist Republics, Washington, D.C.

DEAR AMBASSADOR DOBRYNIN: I would like to take this opportunity to urge you to allow Leonid and Ekatrina Yuzefovich and their children, Mark, Miriam, Ilana, and Ariel, to emigrate to Israel.

The Yuzefovich family has repeatedly been denied an exit visa. Even though Ekatrina and Leonid have many relatives in Israel, the family was refused an exit visa because of "state secrecy". This could only be a reference to Leonid's army service, however, while in the service, Leonid never worked with any classified information and did not have a security clearance.

The release of the Yuzefovich family would be a positive step to improvement of relations between the U.S. and U.S.S.R. I request that you show compassion toward this family and allow them to be reunited with their relatives in Israel. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Mr. SERGEI P. BURENKOV,
Minister of Health,
Rakhmanovsky Pereulok 3,
Moscow, RSFSR, U.S.S.R.

DEAR MR. BURENKOV: I am writing to you on behalf of Nadezhda Fradkova. Ms. Fradkova has applied to emigrate to Israel and been denied an exit visa.

To protest here denial of an exit visa, Nadezhda began a hunger strike on December 24, 1983. According to reliable sources, Ms. Fradkova was forcibly taken under guard from her apartment to Leningrad Hospital No. 9 by Soviet officials two months ago. She is still being held there in isolation and is being brutally force fed.

I find these actions deplorable and in violation of internationally recognized agreements such as the Helsinki Final Act and the Universal Declaration of Human Rights. I urge you, Mr. Burenkov, to ease the restrictions to Nadezhda Fradkova and allow her to emigrate to Israel. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.●

VFW VOICE OF AMERICA CONTEST WINNER

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HARTNETT. Mr. Speaker, it is with great pleasure that I submit to you for printing in the CONGRESSIONAL

RECORD, the winning entry in the Voice of Democracy contest from my home State of South Carolina. The author of this fine speech is Miss Diana Denise McDaniel of Charleston, S.C. I would like to applaud Miss McDaniel and the contest's sponsor, the Veterans of Foreign Wars and its Ladies Auxiliary for the hard work that was necessary to make this annual contest a success.

The winning entry follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Diana Denise McDaniel)

"For we must consider that we shall be a city upon a hill, the eyes of all people are upon us." In this quote John Winthrop, a former governor of one of the thirteen original colonies, described the world's reaction to America's Modern Nationalism. Modern because it combined several separate entities under a general free and democratic government. It all started as a dream. One foggy night in May 1787, a group of distinguished gentlemen met on the second floor of Philadelphia's Independence Hall. Their job? To plan our future. Yes, these gentlemen were the framers of our constitution and the ones who made our dream a reality. But will America remain that great nation on that hill? The country that is not only admired and respected, but envied for its organization of law before its organization of government? It will if we believe in and live by our heritage. The future rests with us! As a nation, there are three major principles of the constitution we should maintain. First is equality. As Americans we all have equal rights to have and enjoy in peace and security whatever our constitutional laws provide for us. Next is justice. The constitution provides for the Judicial branch of government where every American can have equal justice under the law. The third is freedom! Glorious freedom, long may she reign. The constitution gave Americans something that no other country had ever had before, the right to life, liberty, and the pursuit of happiness . . . the freedom to dream, to innovate, and to excel, with the satisfaction of achievement. Now one may ask himself, what is my role in upholding this constitution? What may I do personally to preserve that great charter of American civilization? I believe it is my duty to maintain and obey the laws established for us to insure a harmonious union. As a people we deplore war and pray for peace, but we must keep our powder dry. Therefore, I believe it is my duty to defend my country, even with my life if need be. Most important, I believe that I should have faith in our great nation and hope for its future . . . Then may I proudly climb that hill, and stand tall in that city and tell the world: I am an American! Yes, I am an American. And I shall know that the eyes of all the people are upon ME!●

VIRGINIA COUNTY CELEBRATES 350th ANNIVERSARY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SISISKY. Mr. Speaker, in the year of 1984 many milestones will be reached. There will be many innovations, many leaps in technological fields. There will be birthdays, and there will be anniversaries.

It is in reference to a very special anniversary and milestone for which I submit this statement, Mr. Speaker. For the county of Isle of Wight in Virginia, is celebrating its 350th anniversary this year.

Mr. Speaker, in order to fully understand the significance of a 350th anniversary, we need to get a mental picture of Virginia in 1634. The Colony of Isle of Wight was one of the first eight counties, or shires, created by the Virginia General Assembly in 1634. The colony at that time was confined primarily to sites along either side of the James River and outposts on the eastern and western shores of the Chesapeake Bay. In all, there were fewer than 5,000 settlers in the entire colony that had begun at Jamestown less than 30 years earlier.

Isle of Wight had several settlements by then, and was recovering from the Indian massacre of 1622, which had taken the lives of many of its first inhabitants. Indians, in fact, still lived in the southern parts of the county, but a fairly merciless push against America's original residents had decimated their ranks following the massacre.

While there were relatively few Englishmen here at the time, their numbers were increasing rapidly. The colony's population grew from 2,500 people in 1630 to 4,914 in 1635. With Tidewater's first population boom thus underway, the general assembly saw a need for local order and voted to create eight counties based on the English county system with which the settlers were familiar.

Information on Isle of Wight County is, at best, sketchy. This lack of information is understandable. Our ancestors in the early 1600's were more concerned with who married whom and who settled where, than they were with writing what we now consider interesting history. But their accounts have provided us with an image of what Virginia was like during its early years.

Mr. Speaker, I am enclosing an article of interest from the Smithfield Times, a local paper in Isle of Wight County. In this article, the point is made that 1984 is more than an anniversary celebration for a single county. It is the anniversary of the basis of local government that is used today throughout Virginia and the United States. I commend it to you:

THIS BIRTHDAY WORTH REMEMBERING

(By John Edwards)

Isle of Wight's decision to do something special for its 350th anniversary is a sound one. For a county undergoing rapid change, there is unquestionably a need to create pride in our common heritage and to move into the future with a firm understanding of where we have been.

But 1984 should become more than just an anniversary celebration for a single county, because the decision made in 1634 by the General Assembly had considerably more significance than that. What the Assembly decided was that the system of county government which had worked so well in maintaining order and protecting the rights of Englishmen would be attempted in the New World. With that idea in mind, they created the basis for local government that today is used throughout the Old Dominion and the United States.

Thus, 1984 should be celebrated not only as the anniversary of a county but as the birth of local government as we know it in this country. And make no mistake about it. Local government is "where the action is" today. Washington and Richmond may try, but they can never competently direct the education of our children. They cannot posibly know who needs social services or health care. Those governments have experts who understand solid waste disposal, but they certainly can't make sure that trash dumpsters are emptied the day after Christmas or on weekends. When a road needs paving, property needs zoning or construction needs inspection, it is local government which must take on the job.

Local government has never been as "glamorous" as state or federal government, and yet when crises develop in our lives, it is local government to which we often must turn for help. It's a major force in our lives, and its founding thus deserves recognition not only here but throughout the Commonwealth.

This reporter feels it would not be stretching the significance of the 1634 General Assembly action to declare a statewide celebration next year. Local General Assembly representatives should [and we understand they will] be asked to carry appropriate resolutions to Richmond commemorating the decision to create county government.

Beyond that, a regional commemorative event could be held at Jamestown, where the 1634 Assembly met, marking that event. Such a celebration, if properly planned, could well draw national attention, because the impact of the county system has certainly been felt throughout the country's history.

Such an observance would in no way deminish the effort to hold a meaningful celebration of Isle of Wight's 350th anniversary. In fact, it would make such a celebration even more meaningful and a greater source of pride for county residents, giving them a feeling of belonging to a tradition which began here and has spread across the face of the nation.

As for local celebrations, the possibilities are so numerous as to be mind boggling. Local history and culture could and should be emphasized during the year in the county's schools. A modern county history is badly needed and a historian to tackle that project could be sought. Either a major festival or "mini" festivals celebrating elements of the county's heritage could be undertaken and the possibilities for cultural activities are so numerous that they certainly would have to be screened carefully just to allow enough time for the best to be held.

In all, it's probably one of the most exciting things that could happen to this county in many years, and it offers county residents the opportunity to share an experience they will talk about for years.●

THE KINDNESS/KASTENMEIER APPROACH TO BANKRUPTCY COURTS

HON. ROBERT W. KASTENMEIER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. KASTENMEIER. Mr. Speaker, the bankruptcy court amendment to H.R. 5174 in today's RECORD is very simple. It gives Federal district courts broad jurisdiction over bankruptcy matters. Existing bankruptcy judges would assist the district courts in these cases, much like magistrates now help the district court handle criminal and civil cases. The bankruptcy judges would be able to enter final judgments in the 95 percent of the cases that do not require involvement by an article III judge. In the remaining 5 percent of bankruptcy cases, the bankruptcy judge would enter a proposed judgment. The district court, after reviewing the record but without holding a second hearing, could promptly enter the final judgment.

ADVANTAGES OF THE BILL

The advantages of this approach over Chairman RODINO's bill are many.

First, it does not require an enormous increase in the number of lifetenured judges. Chairman RODINO's bill would increase the number of article III judges by 35 percent. Moreover, this increase would be irrevocable. Article III judges can be removed only by impeachment.

Second, my amendment would not disrupt the current system of bankruptcy litigation. The bankruptcy courts would retain broad jurisdiction to handle all necessary aspects of a bankruptcy case. The courts would operate under familiar procedures. My amendment functions much like the emergency bankruptcy rule under which the courts are now operating. The amendment would also retain the current bankruptcy judges. In contrast, Chairman RODINO's bill would involve a difficult transition period. For more than 2 years, lameduck nontenured bankruptcy judges would exercise the same powers the Supreme Court held unconstitutional in Marathon.

Third, creation of separate article III bankruptcy courts would make bankruptcy practice even more difficult for the average lawyer and citizen. The proponents of article III bankruptcy courts are almost exclusively bankruptcy specialists. The rest of the bar, including the American Bar Association, opposes the article III bill. It is quite apparent that the effect of H.R. 5174 would be to turn the bankruptcy courts into a private club, with which the bankruptcy bar is familiar and in which others are outsiders.

Fourth, article III bankruptcy courts are unnecessary. They are not required by the Supreme Court's Marathon decision. The otherwise able lawyers who favor article III bankruptcy courts contend that they cannot understand the Marathon decision and that only an article III court is free of constitutional doubts. That is simply not so.

Marathon held only that judges who were neither appointed under article III nor subject to control by an article III court could not decide suits that were not integral to a bankruptcy case. Marathon expressly approved prior Supreme Court cases that allowed nonarticle III judges to perform other tasks.

The powers that bankruptcy judges would perform under my amendment conform exactly to those previously upheld by the Supreme Court. Their powers in Marathon-type suits are identical to the powers of magistrates, which the Supreme Court upheld in *United States* v. *Raddatz*, 447 U.S. 667 (1980), and approved in Marathon. The bankruptcy judges' powers in proceedings that are central to the bankruptcy case are like those of the administrative agency, upheld by the Supreme Court in *Crowell* v. *Benson*, 285 U.S. 22 (1932), and also approved in Marathon.

Fifth, creation of an article III Bankruptcy Court would give bankruptcy cases more preferential treatment than other types of Federal suits. The proponents of an article III Bankruptcy Court have expressly stated that bankruptcy cases should not be heard by the district courts because they would have to wait in line with other cases. Bankruptcy cases are not more important than criminal, civil rights, antitrust, and other Federal cases. Although bankruptcy cases must be handled quickly, that can be accomplished under my amendment without creating a large, new article III court.

Sixth, if bankruptcy filings decline, there would be strong pressure to allow article III bankruptcy judges to decide other types of cases. The danger in this is that the bankruptcy judges may not be qualified to decide these cases. Chairman RODINO's bill expressly urges that the current bankruptcy judges be appointed as article III judges. These judges were chosen without regard for their fitness to hear criminal, civil rights, and other cases that require broader social and legal experience.

Seventh, the arguments of the article III proponents also suggest that the 475 U.S. magistrates should also be given article III status. That would result in a 73-percent increase in the number of article III judges. We cannot create an infinite number of article III judges. In keeping with the modern trend of streamlining litigation, the Congress should use less expensive nonarticle III judicial officers whenever possible.

I can understand why the proponents of an article III bankruptcy court want their own separate, specialized tribunal that is not subject to control by courts representative of the general legal community. What I cannot understand is why Congress would want to fulfill this desire.

I would now like to address some questions about H.R. 3257 that have frequently been raised.

Question: Would my amendment resurrect the jurisdictional disputes that plagued practice under pre-1978 law?

Answer: No. The two evils of the jurisdictional provisions of pre-1978 bankruptcy law were numerous disputes as to whether proceedings were properly in bankruptcy court or State court, and delayed judgments in those matters that had to be tried in State courts. My amendment eliminates both these evils.

My amendment provides a single, prompt forum for almost all bankruptcy litigation. The district courts would have the same broad jurisdiction in bankruptcy matters as under Chairman RODINO's bill. The only difference between the bills is that under my amendment the bankruptcy judges would make recommendations to the district court, rather than enter final judgments, in about 5 percent of bankruptcy matters.

My amendment authorizes bankruptcy judges to decide all core bankruptcy proceedings, subject only to traditional appellate review. This jurisdiction in core bankruptcy proceedings is broader than the summary jurisdiction of the bankruptcy courts under pre-1978 law. Core proceedings include all those in which the right to relief is created by Federal law, whether or not the proceeding concerns property in the possession or constructive possession of the trustee. A survey performed in the Ninth Circuit Court of Appeals suggests that 95 percent of the proceedings conducted by bankruptcy judges are core proceedings.

The district courts will be able to handle expeditiously the 5 percent of bankruptcy proceedings that arise under State law. My amendment authorizes the bankruptcy judge to conduct a hearing and enter a proposed judgment in State law cases. The district court may enter a final judgment after reviewing the transcript. The district court need not conduct a second hearing. The parties may also consent to have the bankruptcy judge enter judgment in such proceedings, without waiving their right to appellate review. Similar consent provisions have been upheld by all of the courts of appeal to address the issue. State law suits would be transferred to State court only if a prompt decision could be obtained there.

My amendment would also eliminate most jurisdictional disputes. First, the distinction between core bankruptcy matters and those arising under State law is clearer than the old summary-plenary dichotomy. The Federal courts are used to distinguishing between matters arising under State law and those arising under Federal law. My amendment makes this process even easier by expressly identifying virtually all core proceedings.

Second, there is little incentive to litigate whether a matter is a core proceeding. The major reason for disputing jurisdiction under pre-1978 law was that a party who owed money to the estate might thereby postpone paying the obligation. Matters outside the summary jurisdiction of the bankruptcy judges generally had to be tried in State court, which generally entailed long delay. Under my amendment, having a proceeding determined to be one arising under State law would not enable a party to escape swift judgment. The matter would be heard by the bankruptcy judge, unless a State court would decide the case promptly. The bankruptcy judge would enter a proposed judgment, which could be made final by the district judge with little delay.

Question: Is the Kastenmeier amendment constitutional?

Answer: Yes. The amendment is very different from the statute struck down in Marathon and is constitutional under prior Supreme Court cases that were cited with approval in Marathon.

My amendment is entirely consistent with the Supreme Court's opinion in Marathon. Marathon held only that: First, bankruptcy judges were not true adjuncts of the district courts because the district courts had no control over them; and second, a separate nonarticle III court could not properly decide State law claims that were not integral to the core bankruptcy function of restructuring debtor-creditor rights.

Marathon cites with approval prior Supreme Court decisions upholding statutes under which the adjuncts were subject to closer control by article III courts. The powers accorded to bankruptcy judges under my amendment conform to those approved in those prior Supreme Court decisions.

The powers the bankruptcy judge may exercise depend upon whether the proceeding arises under State law or Federal bankruptcy law. The Supreme Court stated in Marathon:

> [W]hen Congress creates a statutory right, it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. 458 U.S. at 83.

Congress may assign less power to an adjunct in the adjudication of rights that are created by Congress.

The powers that bankruptcy judges exercise under my amendment in suits arising under State law are identical to those exercised by magistrates. The bankruptcy judge conducts the hearing and submits a recommendation to the district court. The powers accorded magistrates were upheld by the Supreme Court in *United States* v. *Raddatz*, 447 U.S. 667 (1980), cited with approval in Marathon. Where the parties consent, the bankruptcy judge may enter a binding judgment. Identical consent provisions have been upheld by each of the four courts of appeals to address the issue.

Bankruptcy judges may lawfully exercise broader powers in core bankruptcy proceedings, which arise under Federal law. The bankruptcy judges' powers in such proceedings under my amendment are functionally identical to those upheld by the Supreme Court in *Crowell* v. *Benson*, 285 U.S. 22 (1932). In such proceedings, the bankruptcy judge may enter a binding judgment, subject to review by the district court on appeal. Crowell stated that the ability of an article III court to review questions of law in such proceedings satisfies the requirements of article III. Indeed, H.R. 3257 may be more clearly constitutional than the statute in Crowell because bankruptcy judges are subject to closer control by the district courts than was the agency in Crowell.

Core bankruptcy proceedings properly include all those integral to the restructuring of debtor-creditor rights, even those that involve incidental questions of State law. Marathon expressly states that "bankruptcy adjudications themselves, as well as the manner in which the rights of debtors and creditors are adjusted, are matters of Federal law" 458 U.S. at 84, n. 36. The Supreme Court previously held in *Katchen* v. *Landy*, 382 U.S. 323 (1966) that State common law actions become transformed into Federal bankruptcy matters when brought in proceedings integral to a bankruptcy case.

It is not important that bankruptcy proceedings do not involve "public rights." Jurisdiction must be confined to public rights only where Congress attempts to create a separate article I court. My amendment establishes bankruptcy judges as adjuncts to the district court. Nor is it important that the district court does not review de novo the bankruptcy judge's findings in core bankruptcy proceedings. Marathon stated that de novo review was necessary only in suits arising under State law, and that Congress could assign broader powers to an adjunct in the adjudication of Federal statutory proceedings.

There are serious questions, however, about the constitutionality of Chairman RODINO's bill. The existing bankruptcy judges would exercise the same powers held unconstitutional in Marathon until their successors are appointed. The bill provides that this transition period would last for more than 2 years. There are no prior decisions that justify this violation of the requirements of article III. The Supreme Court decision to stay the effective date of Marathon is a very different matter from upholding the reenactment, even for a limited period of time, of provisions previously found unconstitutional. The legality of the transition provisions of H.R. 5174 rests on the cynical assessment that the courts would wink at this constitutional transgression.

Question. Would the Kastenmeier amendment result in the appointment of less qualified bankruptcy judges?

Answer. No. Elevating the bankruptcy courts to article III status would not greatly increase the quality of applicants. Few of the leading bankruptcy lawyers have expressd any interest in becoming article III bankruptcy judges. This is probably because the work of a bankruptcy judge, even under an article III bill, is very routine.

At the same time, Presidential appointment would decrease the pool of applicants realistically eligible to be chosen. As with district and circuit judgships, only those applicants active in the President's party are likely to be chosen.

Presidential appointment works well for district and circuit judges, because many qualified lawyers are willing to serve, the range and importance of issues to be handled makes it appropriate to consider a potential judge's political philosophy, and the large impact and high visibility that an individual judge can have induces the President to choose a well-qualified candidate. The same conditions do not exist with respect to bankruptcy judgeships. There is not a huge pool of obviously qualified candidates, and the President does not have as strong an incentive to choose the best qualified of those candidates.

The bankruptcy judges chosen by the courts of appeals under my amendment would probably be at least as good as those produced under Chairman RODINO's bill, because the courts of appeals would be more likely to choose the best-qualified candidate regardless of political affiliation.

Question: What State law issues must be decided by an article III judge?

Answer. Only those State law issues that are not integral to the core bankruptcy function of restructuring

debtor-creditor rights need be decided by an article III judge. I shall call such issue marathon-type claims. State law issues that arise in the course of restructuring debtor-creditor rights may be decided by a bankruptcy judge. These are core bankruptcy proceedings. Approximately 95 percent of all proceedings may be decided by a bankruptcy judge either because they involve wholly Federal law questions or because the State law issues involved are merely incidental to core bankruptcy proceedings.

Chairman RODINO contends that 80 percent of all bankruptcy proceedings must be heard by an article III judge because they involve some question of State law. This argument is misconceived because it fails to recognize the difference between those proceedings that truly arise under State law, and those arising under Federal law that involve only incidental questions of State law.

The Marathon decision carefully notes that the State law issue there was not part of core bankruptcy proceedings. The decision states explicitly that core bankruptcy proceedings are matters of Federal law:

> Of course, bankruptcy adjudications themselves, as well as the manner in which the rights of debtors and creditors are adjusted, are matters of federal law. 458 U.S. at 84, n. 36.

Prior Supreme Court decisions support the conclusion that what would otherwise be a matter of State law changes its character when tried as part of the core bankruptcy function of restructuring debtor-creditor rights. In *Katchen* v. *Landy*, 382 U.S. 323 (1966), the Court held that what would ordinarily be an action at law is transformed into an equitable proceeding when it arises in core bankruptcy proceedings:

> [A]lthough petitioner might be entitled to a jury trial on the issue of preference if he presented no claim in the bankruptcy proceeding and awaited a federal plenary action by the trustee, . . . when the same issue arises as part of the process of allowance and disallowance of claims, it is triable in equity. The Bankruptcy Act, passed pursuant to the power given to Congress by Art. I, § 8, of the Constitution to establish uniform laws on the subject of bankruptcy, converts the creditor's legal claim into an equitable claim to a pro rata share of the res . . . . *Id.* at 336 (citation omitted).

The logic of the article III cases also suggests that bankruptcy judges may exercise broad powers in all core bankruptcy proceedings. Whether an adjunct may exercise broad powers or only limited powers depends upon whether Congress has the power to make substantive law over the matters to be adjudicated. Congress may not modify indirectly, through influence over the adjunct, those rights it cannot modify directly.

In this respect, State law rights arising in core bankruptcy proceedings are functionally equivalent to congressionally created rights, because Congress has the power to modify State law rights in bankruptcy proceedings. Unlike the States, Congress may impair the obligations of contracts through the bankruptcy clause. Indeed, the very purpose of bankruptcy is to modify the rights of the debtors and creditors, and the bankruptcy code authorizes the bankruptcy court to abrogate or modify State-created obligations in many ways.

A study performed in the Ninth Circuit Court of Appeals concluded that approximately 95 percent of all matters before the bankruptcy court are core proceedings.

Question: May the parties consent to have State law suits decided by a bankruptcy judge?

Answer: Yes. If this were not true, then the U.S. magistrates system, which is partly based upon consent, would also be unconstitutional. Chairman RODINO, in fact, supported the constitutionality of the Reform Act of 1979. Nothing has occurred since to justify a change in view. Rather, since 1979 four circuit courts of appeal have considered the constitutionality of consent jurisdiction for magistrates and each of them has upheld it. This view is also the firm position of the U.S. Department of Justice.

Chairman RODINO claims that the parties to a bankruptcy cannot constitutionally consent to jurisdiction, and that an agreement to have a non-life-tenured bankruptcy judge hear a case is the functional equivalent of waiving jurisdiction. This view has been rejected by the courts of appeals. This view also fails to understand how my amendment will work. Jurisdiction is vested by statute in the district court. Thus, the parties are stipulating only that a specific officer within the court exercise that jurisdiction. Just as criminal defendants can waive their constitutional right to a jury trial, parties to a bankruptcy proceeding can waive their right to have a case heard by a district court judge.[1]●

[1] Traditionally, the bankruptcy laws have included a provision that, once a reference has been made to a bankruptcy judge, the parties to the proceeding are deemed to have consented to the bankruptcy judge's determining the matter unless a timely objection has been made. Sec. 157(b) does not include an express provision to this effect. However, no change in the traditional concept is intended or expected. *Cruz* v. *Hauck*, 575 F.2d 322, 330-331 (5th Cir., 1975), cert. denied, 424 U.S. 917 (1976), see also, *Hill* v. *Duriron Co., Inc.*, 656 F.2d 1208, 1213 (6th Cir., 1981); *First Iowa Hydro Elec. Coop.* v. *Iowa-Illinois Gas & Electric Co.*, 245 F.2d 613 (8th Cir., 1957); *Magna Leasing, Inc.* v. *Staten Island Mall*, 428 F. Supp. 1039 (S.D.N.Y. 1977).

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. TORRICELLI. Mr. Speaker, today I join with my distinguished colleagues in this special order to mark the International Day of Concern for Soviet Jews. The tragic plight of the Jewish refusenik community in the Soviet Union and that country's complete disregard for fundamental freedoms make a mockery of human dignity, justice, and religious expression. Until the Soviet Government respects the spirit of human rights for Soviet Jews, our denouncement of this tyranny must never cease.

In 1975, when the Soviet Government signed the Helsinki accords, there was hope that the process allowing Soviet Jews to emigrate would be accelerated. Unfortunately, Jewish emigration from the Soviet Union has steadily declined in recent years, from 51,320 in 1979, to 1,314 in 1983. The Soviet authorities claim that all those wishing to leave the country have already done so. But at least 50,000 refuseniks, with the knowledge that newly enacted laws may result in their dismissal from jobs or even imprisonment for doing so, have recently applied for exit visas.

The tragic but widely reported cases of Andrei Sakharow, Lev Elbert, Ida Nudel, and Anatoly Shcharansky, who today has just completed his eighth year of a 13-year prison sentence for expressing his views and wishing to emigrate to Israel, are representative of the Soviet treatment of hundreds of thousands of Soviet Jews. Harassment, persecution, and oppression must be coped with daily by the Soviet Jews. Hebrew classes have been banned. Many Jews have been indiscriminately jailed for participating in religious ceremonies. Correspondence between Soviet Jews and their brethren abroad has been severely restricted. And most recently, a massive propaganda effort has been initiated against Jews, including the publication of a flagrantly anti-Semitic book, "The Class Essence of Zionism," and the establishment of the Anti-Zionist Committee of the Soviet Public. It is all too clear that it is the Soviet intention to uproot and eliminate the Jewish identity.

Mr. Speaker, as Members of Congress, we must call upon the new leaders of the Soviet Government to demonstrate compassion and a willingness to work toward world peace and humanity. A symbolic and important gesture toward this important goal would be to grant Soviet jews their freedom. We cannot rest until this dream becomes a reality.●

CONGRESSIONAL SALUTE TO HON. JON P. SPINNANGER OF NEW JERSEY, 1984 OUTSTANDING CITIZEN OF THE YEAR OF POMPTON LAKES CHAMBER OF COMMERCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ROE. Mr. Speaker, on Saturday, March 24 the residents of Pompton Lakes, my congressional district, and State of New Jersey will join together in testimony to an esteemed businessman, community leader, and good friend, the Honorable Jon P. Spinnanger, former mayor of Pompton Lakes, N.J., whose distinguished public service to the borough of Pompton Lakes and its surrounding communities has earned him the highly coveted Outstanding Citizen of the Year Award of the Pompton Lakes Chamber of Commerce. I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation to Jon Spinnanger for all of his good deeds and share great pride in the success of his achievements with his good wife, Judy, and their children, Debbie and Jeff, on this milestone of achievement in their family endeavors.

Mr. Speaker, the Pompton Lakes Chamber of Commerce is one of our Nation's most prestigious affiliates of the U.S. Chamber of Commerce. Their masthead reads, "where the historic past meets the progressive future," and their organization has surely served the business community of Pompton Lakes with distinction. Jon Spinnanger has also distinguished himself in the community and has been selected by them as this year's honoree for his outstanding record of responsible service to the people of the community.

It is important to point out that in recognition of his distinguished public service to the people of the borough of Pompton Lakes, the Honorable Mayor Charles C. Romain, Jr., proclaimed the week of February 27 through March 3, 1984, as Jon P. Spinnanger Week in the borough of Pompton Lakes. This tribute by the mayor and residents of his community where he had served as councilman during the years 1972-74 and as mayor 1976-83 was observed and commemorated by our people in recognition of Jon P. Spinnanger's "pride in Pompton Lakes" with best wishes for his continued good health and success. The proclamation reads as follows:

PROCLAMATION HONORING JON P. SPINNANGER

Whereas Jon P. Spinnanger has faithfully served the Borough of Pompton Lakes, County of Passaic, State of New Jersey, spanning the years of Nineteen Seventy-two through Nineteen Eighty-three, and

Whereas Jon P. Spinnanger served as Councilman for three years during Nineteen Seventy-two through NIneteen Seventy-four, and

Whereas Mayor Spinnanger, as Chief Executive of the Borough of Pompton Lakes served in this capacity for the period of Nineteen Seventy-six through Nineteen Eighty-three, and

Whereas many projects under his term as Mayor, with Bi-Partisan support, have come to fruition, in the form of a New Fire House, Municipal Building, Lake Projects and more too numerous to list: Now, therefore, be it

Proclaimed that the week of February 27th through March 3rd be and is hereby designated as Jon P. Spinnanger week in the Borough of Pompton Lakes. Be it further

Known that all residents are encouraged to recognize Jon P. Spinnanger's "Pride in Pompton Lakes" and wish him many more years of Good Health and Success.

Whereunto I have this 22d day of February, 1984 set my hand and Seal.

CHARLES C. ROMAIN, Jr.,
Mayor.

Mr. Speaker, Jon Spinnanger was born in Brooklyn, N.Y. and raised in New Jersey. He attended local elementary and secondary schools in our State and is a graduate of Fairleigh Dickinson University. Jon has been with the New Jersey Bell Telephone Co. for 17 years and is presently manager of government relations for the company. In February 1977 he was the receipient of New Jersey Bell's Good Citizen Award for the quality of his leadership and sincerity of purpose in the community on behalf of people's needs.

Jon is most assuredly a highly personable and competent public administrator. As chief executive officer of Pompton Lakes he has been in the vanguard of municipal officials with the New Jersey Conference of Mayors (NJCM). He was a member of the Board of Directors of NJCM unitil he was elected a vice president for 1981-82. Mayor Spinnanger was elected president of the NJCM for 1982-83. A highlight of his term in office was his personal membership drive during which he brought in a great many new members. In his present capacity as immediate past president, Jon Spinnanger takes time from his many responsibilities at New Jersey Bell to continue his active participation on the board of directors and has also accepted the position of chairman of the membership committee for 1984.

His personal commitment to the economic, social and cultural enhancement of our community has been a way of life for him. Among his many affiliations in service to the people, he is member, Legislative Advisory Committee, New Jersey Utilities Association; member, New Jersey Alliance for Action; member, League of Municipalities and has conducted several symposiums at the league's conventions; member, Board of Directors of SEED (Society for Environmental and Economic Development); New Jersey Industrial Development Association; World Trade Council; Board of Directors, Paterson Regional Development Corp.; member and organist, Pompton Lakes Elks Lodge 1895; member, Make Jersey Work; member, Pompton Lakes Chamber of Commerce; trustee, Pompton Lakes First Aid Squad; secretary-treasurer, Italian Earthquake Victims Relief Fund—1981; and Lakeland Solid Waste Management Authority.

Mayor Jon Spinnanger has brought great honor and prestige to the borough of Pompton Lakes with his good works and we are particularly proud of his compassion, dedication and untiring efforts on behalf of our young people. In 1983 he received the esteemed "Good Scout of the Year" Award of the Passaic Valley Council, Three Rivers District of the Boy Scouts of America. He was counselor for New Jersey Boys State and participated in a highly rewarding program for these young people at Rider College in June of 1982 and 1983.

Jon was district chairman of the Passaic Valley Council, Three Rivers District, Boy Scouts of America; past president, Morristown Lions Club; past president and still active member, Newark Central Lions Club.

Mr. Speaker, it is appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. As we gather together on March 24 with the Pompton Lakes Chamber of Commerce in tribute to Jon's leadership endeavors and personal commitment dedicated to service to people, we do indeed salute a great American—the Honorable Jon P. Spinnanger of Pompton Lakes, N.J.—1984 Pompton Lakes Chamber of Commerce Outstanding Citizen of the Year.●

GERRY ADAMS RESPONDS TO REMARKS OF PRIME MINISTER GARRET FITZGERALD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DELLUMS. Mr. Speaker, several of my constituents forwarded to me remarks from Mr. Gerry Adams in response to the remarks by the Honorable Garret FitzGerald before a joint session of Congress on March 15.

I understand that Mr. Adams' remarks are controversial, but they represent the views of a significant constituency.

HONORABLE MEMBERS OF CONGRESS FROM GERRY ADAMS, PRESIDENT OF SINN FÉIN IN REPLY TO GARRET FITZGERALD

1. I call your attention for the plight of that substantial segment of Irish people whose concerns will not be voiced by Garret FitzGerald. Those whom Garret FitzGerald has ignored demand your consideration ur-

gently. To them, violence, terrorism and the litany of suffering are not detached intellectual concepts or impersonal statistics, but an abiding part of daily life for ourselves, our families and our friends.

2. I raise this plight as one of many Irish men and women not only ignored but abandoned and sacrificed. I do so in my capacity as one elected by the people of West Belfast, on an abstentionist platform, to the British Parliament and to the British Stormont Assembly, as well as the President of Sinn Féin. I refer to the plight of more than half a million Irish nationalists living in the British-held portion of Ireland, and do so supported by patriotic Irish men and women in the twenty-six counties, who will never abandon fellow Irish citizens to British hegemony.

3. It would be difficult under any circumstances for Americans to fully grasp the terror of life for the Irish under British rule. Today, British forces in Ireland, including the British Army, Royal Ulster Constabulary and Ulster Defense Regiment, number 30,000. These British occupation forces saturate a small area whose total population is approximately 1.5 million. Britain has divided the people of the six counties by a carefully fostered system of religious discrimination in employment, housing and political power. These divisions ensure that the weight of the British occupation forces will be doubly visited upon Catholics of the region, who are presumed to be Nationalist—politically opposed to the British.

4. British occupation forces and pro-British Loyalist paramilitaries have callously murdered hundreds of innocent Irish civilians. (Indeed, the figures published by Garret FitzGerald's New Ireland Forum place the figure at eight hundred and seventy five.) Most of these were not even political activists. An international tribunal including representatives from the British and Irish Council of Civil Liberties are currently investigating numerous instances wherein the British forces acting as death squads summarily executed unarmed Irish people. An important feature of the tribunal's investigation is the manner in which the judicial system has been harnessed to shield those guilty from legal redress.

5. It is one thing to consider such murders from the vantage point of Congress, three thousand miles removed from Ireland. It is another to view such murders from the perspective of Garret FitzGerald, carefully distanced by partition and his place within the twenty-six county establishment. It is quite a different matter to view such murders, as friends or relatives of the victims and as part of the community against whom such actions are part of a strategy of British terrorism.

6. British forces daily conduct gunpoint interrogation of Irish people on Irish streets and conduct thousands of gunpoint invasions of Irish homes. The targets of such encounters are generally taunted by the British about those who have been murdered during similar encounters.

7. Under British law, terrorism is defined as the use of violence to instill fear for political purposes. The reality is that the British Army, Royal Ulster Constabulary and Ulster Defense Regiment are terrorists systematically inflicting violence to instill fear for the political purpose of enforcing submission to British rule.

8. British Army terrorism is coupled with sham legal procedures. Interrogation without charge is permitted for up to seven days. Brutality has been used to extract confessions. Juries have been abolished and verdict is rendered by a judge who is a prominent member of the British establishment, prepared to impose long terms of imprisonment on little or no evidence. Most recently, when the outcry about torture to extract confessions grew too strong, the British resorted to show trials. One individual, accused of an offense, is given immunity in exchange for evidence against as many as thirty people. There is no corroboration of such testimony, which would immediately be dismissed under American law. In several cases, people have agreed to be informers, then reversed themselves and admitted that they had been offered money and bribes for perjured testimony against individuals suggested by the British. For example, Robert Lean last autumn escaped from British custody and admitted that he had been given scripts setting forth perjury about people he had never met. Still, such testimony is sufficient for convictions and sentences such as those in the infamous Christopher Black case wherein 30 people were sentenced to a total of 4,000 years.

9. These sham legal procedures have made the British legal system for northeast Ireland a virtual conveyor belt for the disposal of Irish Nationalists, rather than a guarantor of justice.

10. Torture in the infamous H-Blocks of Long Kesh led to the hunger strike deaths of ten heroic Irish patriots in 1981. Brutal strip searches in Armagh Women's Prison are conducted to exert phychological and physical torture upon Republican prisoners there.

11. Religious discrimination is also an inherent part of British rule. Unemployment among Catholics is more than double the rate of unemployment for Loyalists. Legislation such as the Fair Employment Act is passed for cosmetic purposes in Westminster and America, with the reality of sectarian discrimination undisturbed. Discrimination in housing is also implemented. And the poverty, arising from the area being one of the poorest in Western Europe, is again doubly visited upon Nationalists.

12. These elements are not accidents of history. Ireland was always one nation even under British administration, until divided by a Government of Ireland Act passed in 1920. It was a response to the 1918 British general election in which more than three-fourths of Irish voters had voted for a free and independent Ireland. Partition was only enforced by violence.

13. The six-county area consisted of two-thirds of Ulster. It was simply the largest area that the British could hold. Moreover, the allegiance of part of the population was based upon the practice of sectarianism, wherein Loyalists supported British rule solely in exchange for an ascendancy status in employment, housing and political patronage. Sectarianism is therefore basic to the system of British rule. It is sectarianism which has prevented reconciliation betweeen different religious groupings in the North. So long as British forces prop up Loyalists in an above-equal status, Loyalists will oppose a diminution of such status and a position of equality in a united Ireland.

14. One could catalog the outrages inflicted by the British in order to perpetuate British rule indefinitely. Suffice it to say that foreign rule of any sort would be unacceptable to the people of Ireland. Yet, British rule with its basis in military occupation and British Army terrorism, economic exploitation, religious discrimination and torture, is simply intolerable.

15. The nature of British rule has led inevitably to armed resistance against British occupation troops. It is a resistance which began nearly fourteen years ago when peaceful civil rights marches and demands for an end to religious discrimination in voting, employment and housing were brutally attacked by Loyalists and the Royal Ulster Constabulary, followed by the re-introduction of British troops with internment without charges or trial, the torture of internees and murder of civil rights marchers on Bloody Sunday.

16. Today, the struggle for Irish freedom continues. Sinn Fein believes that so long as British rule exists in Ireland, the inherent evils of sectarianism, British Army terrorism and torture will continue. Sinn Fein therefore supports the right of the Irish Republican Army to struggle to end British occupation and to establish the conditions for peace, freedom and religious equality for all of the people of Ireland.

17. Sinn Fein seeks an irrevocable declaration of intent by the British government to withdraw at a specified time from Irish soil, coupled with formal recognition of Irish national self-determination and immediate amnesty for all Irish political prisoners. Such a solution would remove the British prop for sectarianism in Ireland and allow an interim period for all Irish people to establish a national government based upon the interests of the Irish people rather than British colonial interests. Only such a thirty-two county Irish nation can guarantee religious equality and human rights for all and only such a society can provide the conditions of peace.

18. The role of the Dublin government, as symbolized by Garret FitzGerald, has been a tragic one. In the interim period of nearly half a century between the imposition of partition and the outset of the present conflict, the Dublin government did little more than pay lip service to our plight. With the Loyalist attacks on civil rights marchers and the resulting period of national struggle, even that ceased. The Irish Free State abandoned the people of the North, even though its own constitution recognizes the national territory to be the entire island of Ireland. Indeed, the Dublin government began to collaborate with the British by imprisoning Irish Republicans in Portlaoise and by sending forces to help close the border to Irish Freedom Fighters.

19. The basis of this policy of national betrayal is obvious. The Irish Free State politicians have distanced and detached themselves from fellow Irish citizens. Their primary concern is their political place within the establishment and the economic interests they represent. Re-unification simply meant additional problems, the uncertain prospects of election in a 32-county nation, and a social revolution designed to end British economic imperialism. The sufferings of Irish people in the North became a price that the Free State establishment was willing to pay.

20. The Forum is an extension of this attitude. The Forum began by excluding Sinn Féin, whose five elected representatives to the Assembly should have been entitled to participation. Sinn Féin would have participated. We were excluded ostensibly because we support the right of the Irish people to engage in armed struggle against the British. This was described as "not renouncing violence". Loyalists such as former Ulster Defense Regiment Major Ken Maginnis, Ian Paisley—founder of the "Third Force"—and others who support British violence against

Irish people were deemed acceptable. Sinn Féin was in reality excluded because it would have put forward a principled demand for Irish national freedom and exposed the reality of continued British rule under proposed solutions such as joint sovereignty or confederation.

21. There has been, of course, an adamant stance taken by the British and Loyalists that the Forum will not lead to any change of status for the six counties. No Loyalist politicians have even participated. The Forum therefore can contribute nothing to the cause of peace in Ireland, save to contribute the cosmetic appearance of movement where none in fact exists.

22. Today, Garret FitzGerald stands in the United States. He attacks not the British, whose 30,000 occupation forces impose hegemony on Irish soil, and who foster sectarianism. Instead, he attacks one of the strongest allies of the Irish people—Irish-Americans. Irish-Americans, through their financial support to Irish political prisoners and moral support for an end to British rule, have immeasurably advanced the cause of national freedom in Ireland.

23. He misrepresents the Republican Movement. He will claim that we have no support, although 103,000 Nationalists voted for us in the most recent elections, and Sinn Féin is clearly emerging as the leading political party for Irish Nationalists in the North.

24. He will claim that we are Marxist-Leninists, although Sinn Fein is adamant in its rejection of the Warsaw Pact or a Soviet alliance, as we would adamantly object to an Irish involvement with NATO. Sinn Fein believes in a democratic social system, designed to undo Bristish economic controls and promote the economic interests of the Irish people. Radical reform along socialist lines is necessary to accomplish this goal, but we support a democratic, social and economic system consistent with historic Irish traditions. We reject a state-dominated Marxist-Leninist model.

25. Thirdly, Sinn Fein does not wish to take over the Irish Free State by armed struggle. The Irish Republican Army has stated that it is fighting to secure a British withdrawal. Once that withdrawal is secured, and democracy restored, then the society which emerges is a matter for the Irish people working as one national unit.

26. Fourthly, Sinn Fein is not sectarian. We wish a nation which can guarantee full civil and religious liberty for all Irish people regardless of religious or other differences.

27. America is a land established through armed resistance to the British. America's founders supported liberty and religious equality for all. Today, Irish people in the British-held colony of Ireland fight for national freedom and religious equality. Today, as Irish people suffer under British colonial rule imposed by British Army terrorism, Garret FitzGerald stands before you and serves as a pro-British apologist, defending his vested interests within the Irish Free State establishment rather than his country's. It is a tragic spectacle which angers, and engenders more support from all who truly wish peace and national freedom for all of the people of Ireland.●

IN RECOGNITION OF MRS. JESSIE A. JACOBS UPON THE CELEBRATION OF HER 100TH BIRTHDAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ROYBAL. Mr. Speaker, as chairman of the Select Committee on Aging, and as a Representative of the State of California, I rise in recognition of fellow Californian Mrs. Jessie A. Jacobs, who today is celebrating her 100th birthday.

Born in Merced County, Calif., in 1884, Jessie Thiercof married Herbert A. Jacobs and assumed the dual role of office assistant to her husband, a pioneer representative for Levi Strauss & Co., and mother of their two children, Herbert Jr. and Janet.

This petite and vibrant lady embodies the pioneering spirit of California. As an American who has experienced the San Francisco earthquake, two World Wars, and the Great Depression, Mrs. Jacobs has provided a deep sense of purpose and direction to her daughter, Janet Levy, former director of the California Department of Aging and a gerontologist for the past 25 years. I for one have had the pleasure of working with Janet and have experienced, first hand, the profound effect that her mother had in developing Janet's sense of responsibility and sensitivity.

Mrs. Jacobs is the proud grandmother of four and great-grandmother of eight. Last, but certainly not least, she is a Californian of distinction, whose will and wisdom have inspired those lucky enough to have had the honor to know and love her.

Mr. Speaker, I am sure my distinguished colleagues will agree that this fine lady and her legacy are not only an asset to California but to all of America.●

CONGRESSIONAL ACTION NEEDED ON EL SALVADOR MURDERS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ADDABBO. Mr. Speaker, our country was founded on the principle of justice for all under the law. We protect the rights of the accused, but when a crime is committed our legal system goes to work to track down and prosecute the offenders with the full power of truth and justice behind it. Such is the way of democracy; such is the way of a responsible government. The Government of El Salvador is not presently acting as a responsible government. Its judicial system seems incapable of the most rudimentary legal proceedings. We have reached the point where it appears that we can no longer realistically hope that El Salvador will bring the murderers of nine American citizens to justice. It is time for us to take matters into our own hands.

Last week in the House of Representatives I introduced a resolution calling for a congressional investigation into the deaths of these Americans. Although we cannot apprehend and prosecute the murderers ourselves, we have an obligation to bring the truth about these brutal acts before the court of world opinion, and, in so doing, help prevent the ongoing slaughter of tens of thousands of Salvadoran civilians who are victims of the same regime that took the lives of our citizens. Although a congressional investigation would focus on the murders of Americans, the rights and dignity of the citizens of El Salvador are also at issue, and demand our attention.

A number of people and several organizations have closely scrutinized the Salvadoran judicial system over the last few years. Many of the reports based upon these investigations include first-hand instances of the Salvadoran judicial system in action. Recommendations for future action may vary, but there is nearly unanimous agreement that the Salvadoran system of justice has collapsed. One report, submitted to the Association of the Bar of the city of New York by a mission of lawyers who visited El Salvador to study the administration of justice there, outlines five major points:

First, inadequate training of lawyers and judges.

Second, insufficient staff and resources for prosecuting criminal offenses.

Third, widespread corruption throughout the legal system.

Fourth, intimidation of and physical violence against judges, jurors, prosecutors, lawyers, and witnesses.

Fifth, a general conviction within the society that both the rich and the military are beyond the reach of the law.

Looking at the specifics of the murder cases now entrusted to the Salvadoran judicial system reinforces these findings point for point: Witnesses are not questioned or protected, evidence is lost, jurors are threatened, trials are postponed for the most miniscule reasons, lawyers resign, leads are not followed-up. There is no doubt in my mind, and in the minds of countless Americans, that the Government of El Salvador will not prosecute perpetrators openly and without reservation unless world opinion and other reasons force them to do so.

This situation is compounded when we consider that over the last 4 fiscal years alone, the United States has thrown well over $1 billion to a government which has violated every human rights principle on the books. And despite congressional attempts to instill integrity into the El Salvadoran judicial system by placing conditions on military assistance to insure progress in the murder investigations, the administration comes back time and time again with requests for additional funds.

It is important to recognize that conditions placed on military assistance are targeted at a sector of Salvadoran society which effectively represents the "law of the land." Several U.S. Congressmen and Senators have visited El Salvador in recent months and report evidence that leading Salvadoran officials organize and direct the "death-squads." It has been alleged that Minister of Defense Eugenio Vides Casanova was directly responsible for ordering a coverup in the slaying of Maura Clarke, Ita Ford, Dorothy Kazel, and Jean Donovan, the four American churchwomen killed in 1980. Casanova's cousin is reported to have ordered the murders.

An investigation by retired Federal Judge Harold Tyler, prepared for the U.S. Department of State, also implicates the Salvadoran Defense Minister in these murders. The report was classified after presentation on the grounds that it could affect the judgment in the case of the five former national guardsmen accused of the crime.

These charges are not new, yet the Government of El Salvador has resisted all attempts to investigate the role played by military higher ups. In fact, it has resisted all attempts to charge any military personnel with commission of a crime and has never actually brought a member of the military to trial. We would not tolerate this at home; there is even less reason to tolerate it in El Salvador.

A congressional investigation by the Committee on Foreign Affairs would bring all the facts to the American people. The committee could take such steps as are necessary and appropriate in order to determine the facts surrounding the murders of the Americans. Findings and conclusions would be presented to the people of the United States. The committee would also make recommendations regarding future conditions on military assistance for El Salvador. Finally, this document would be presented to the President who would be asked to transmit a copy to the Salvadoran Ambassador to the United States.

Much of the information needed to conduct a thorough investigation already exists. Aside from those reports already mentioned, there are FBI files and records of other law enforcement agencies. Along with the Tyler report, much of this data is being withheld from the families of the victims and their lawyers. It is also being withheld from the American people.

The American people have a right to know their Government does not fund assassins and a corrupt foreign judicial system. We, as a nation, also have a very fundamental obligation to uphold our commitments to justice and human rights. If El Salvador cannot do the job, then we must. Our commitments demand that we pursue the facts in these cases to the best of our ability and present our findings to our people and the world. This is why I have asked the House to direct the Committee on Foreign Affairs to take on this mission.

I introduced my resolution on March 7 at the direct request of over 60,000 people. A few weeks ago I was presented with a petition circulated for 2 years by the Roman Catholic Diocese of Brooklyn, the diocesan sisters' senate, the diocesan priests' senate, the New York unit of the Leadership Conference of Women Religious, the Maryknoll sisters, and the families of the four slain churchwomen. These concerned Americans recognize the need for a congressional investigation and are hopeful that Members of the House, regardless of political persuasion, will take up their call for action and do what is right to insure that justice is done.●

CLARENCE M. MITCHELL, JR.

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. MATHIAS. Mr. President, today two of the major newspapers in the Nation paid richly deserved editorial tribute to the late Clarence M. Mitchell, Jr. The conclusion of both editorials is that Clarence Mitchell changed the world for the better. Many aspire to that goal but few attain it. It is meet and right to praise those who do.

I ask the full texts of the Baltimore Sun and Washington Post editorials on Mr. Mitchell be printed in the RECORD.

The editorials follow:

[From the Baltimore Sun, Mar. 20, 1984]

CLARENCE M. MITCHELL, JR.

The greatest laws of this era—the civil rights laws that guide Americans on how they are to treat one another as human beings—stand as a monument to Clarence M. Mitchell, Jr. As director of the Washington office of the National Association for the Advancement of Colored People, this outstanding Baltimorean was instrumental in turning around the U.S. Senate on the issue of race. Quite fittingly, he accomplished this immense task by bringing his own human qualities to bear.

In the late Fifties and most of the Sixties, the Senate was under the control of Southern committee chairmen who sought to uphold segregation in the face of a burgeoning civil rights movement. These were courtly lawmakers, well schooled in the parliamentary rules that allowed them to beat back demands for equal treatment.

Outside the Senate, the Rev. Martin Luther King., Jr., and other black leaders were fighting through sit-ins, marches, demonstrations, songs and oratory. Live theater was their way of teaching white America what had to be done. The national mood was created that proved indispensible to a breakthrough in the Senate.

Mr. Mitchell rightly decided his technique had to be different. He had to be lawyer, lobbyist, parliamentarian, strategist, negotiator and even psychoanalyst. In dealing with Northern senators eager to compromise, Mr. Mitchell badgered and pushed in friendly fashion to hold them in line. But the Southern senators were key. Mr. Mitchell decided to win over the likes of Richard Russell, Allen Ellender and Sam Ervin by appealing to their better natures—to that hard kernel of goodness he sought in everyone.

This was not spectacular work. It was not the stuff of headlines. It was a cozy ride on a Senate subway car with Russell Long or careful plotting with Mike Mansfield to make sure Everett Dirksen got enough credit for compromises worked out behind the scenes. Such were Mr. Mitchell's popularity and success that, in the end, he became known as the "101st senator."

While Mr. Mitchell was making national history in Washington, he was patriarch of one of Baltimore's most powerful political families. His brother, Parren Mitchell, sits in Congress; his son, Clarence III, in the Maryland Senate; his son, Michael, in the Baltimore City Council. His wife, Juanita Jackson Mitchell, has long been a towering civil rights activist in her own right.

This newspaper published Sunday columns by Mr. Mitchell after his retirement from the NAACP in 1979. In one of those columns, Mr. Mitchell told about a memorial service for Medgar W. Evers on the 20th anniversary of his assassination. At the end of the service, one of Mr. Evers' grandchildren touched his tombstone and said: "Wake up, Grandpa, I want to thank you for giving me a better world than you had when you were with us."

Americans can thank Clarence Mitchell, who died Sunday at age 73, for giving us a better world.

[From the Washington Post, Mar. 20, 1984]

CLARENCE M. MITCHELL, JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide

range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.●

MRS. FRANCES LONG

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HEFNER. Mr. Speaker, I rise today to congratulate a dedicated public servant and a dear friend from my home county, Mrs. Frances Long, who is retiring as director of the Cabarrus County Department of Social Services.

Mrs. Long has served the Cabarrus Department of Social Services since 1955. She has been director since 1964. During her nearly 30 years of service there have been many changes in the various social service programs. Under her competent direction, these services have been administered in an innovative manner, making her department one of the most responsive and well-run social service agencies in the State.

The citizens of Cabarrus County will long remember and appreciate the hard work of this dedicated public servant. We wish her well in her retirement.

I would like to commend to the attention of my colleagues the well-written and interesting article on Mrs. Long's tenure which appeared in the Concord Tribune on January 15, 1984.

The article follows:

[From the Concord (N.C.) Tribune, Jan. 15, 1984]

FRANCES LONG EAGER (BUT RELUCTANT) ABOUT RETIREMENT

(By Virginia Trull)

When Frances Long steps down as director of the county's social services department, she will leave an agency she has served for almost 30 years.

Mrs. Long was set to retire Dec. 31, when her term officially ended. She was eager to begin taking some time for herself and visiting family, but was equally reluctant to leave the agency without capable leadership.

The dilemma has Mrs. Long staying in her position as director of Cabarrus County Department of Social Services until a successor can be found, hopefully by late February or early March.

How does she view retirement?

"I feel good about it," said Mrs. Long, sitting behind a paper-stacked desk. "I would have left in December, but I don't want to walk out and leave this agency that I love and have worked with for so many years without leadership."

What qualities would her successor need to possess?

"One of the main things this job requires is that someone work hard at it, give it all you have," she said. "We have a good staff here and they're going to need the support of someone who has their best interest at heart."

A lot of change, physical and internal, has occurred since Mrs. Long succeeded Farrell White in 1964 as director. And even more has happened since she first came to DSS, then called the Public Welfare Department, in 1955.

"There's always some change, but that's progress."

Twenty years ago, there wasn't a Medicaid program, day care services for children or homemakers services. There were foster homes, she said, "but we never have enough."

Chore services and homemakers services, both oriented to enabling older or handicapped citizens to remain in their own homes and communities by providing a little extra help, have been implemented and strengthened during her term. So as adult day care.

Where has the most change occurred?

"Child welfare has probably advanced more and had more changes for the better," Mrs. Long said. "We were one of the pilot counties in North Carolina for the permanency planning program.

"We try to work with them (the parents) to get whatever they need to get the family reunited. Our ultimate goal is, of course, to reunite that family if at all possible.

"If you can't do it, you get the child released through the court and find a family that will love and support the child," she explained.

That program has proved to be quite successful.

Protective services for abused and neglected children has grown rapidly also, to the point that DSS workers are on a night-time beeper system to handle the calls.

"It's a busy, busy area," Mrs. Long said. "You have to move immediately. People are more conscious of what neglect and abuse is and are reporting it."

Have the clients changed much in 20 years?

Overall, no, but Mrs. Long, said there had been a change in the ages of children being placed.

"When I first came here, you had everybody wanting a baby. Now, we have older children being placed. Those are the things that really make you feel good.

"We are dealing now more with the entire population. We do so many things besides the welfare programs," she said. "Then, I think we dealt mainly with people that were in poverty. Now, poverty isn't really the question."

What's new at DSS?

Transportation, nutrition and adult services are the newest ideas at the social services' office—the county-based agency provides transportation for the elderly and handicapped and daily nutritious meals at six county sites.

Another new investment is a full-time fraud investigator, who Mrs. Long said has saved the county more money than the salary she is paid. "It makes people aware that we are checking into these things and they do have to be accurate about what they tell us," she said.

In 20 years, DSS has implemented several new programs, improved on numerous services and provided assistance to much of Cabarrus County. What would Mrs. Long like to be remembered for?

"I would hope that perhaps it would be that we have strengthened our services and that we have been concerned about people enough to give them our very best. That contributes to a good program."

Is there anything that didn't come through?

While most everything has come through all right, Mrs. Long was a little disappointed on two occasions—when county commissioners would not approve an agency-operated day care center and when efforts to organize a county senior center didn't materialize.

She added that the need for a day care center has lessened with the certification of several county centers; however, the need for a senior center is still strong.

"I think we definitely need a public transportation system in Cabarrus County," Mrs. Long said. "I would also like to see a senior center in this county. A senior center is a big cure for a lot of the problems senior citizens have." She explained that such a center would benefit a great number of Cabarrus Countians, which has over 14,000 people age 60 and older.

What are her plans for retirement?

To spend time with her daughter and grandchildren in Pennsylvania and keep active in county affairs.

"Right at this point, I'm not sure what I plan to do. I want to stay in this area. I have an idea that I will be interested in any projects for senior citizens or children less fortunate than others.

"There is so much to do. I would be very unhappy with myself if I did that (overextended myself) and then didn't do any good. I want to do things that are reachable, attainable and beneficial."●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. SEIBERLING. Mr. Speaker, I am pleased to participate in today's special order calling attention to the plight of Soviet Jews, and I commend the gentleman from New York (Mr. KEMP) and the gentleman from Florida (Mr. FASCELL) for organizing this effort to demonstrate congressional concern.

Jewish emigration from the Soviet Union has declined precipitously in recent years, from a high of 51,320 in 1979 to a low of 1,218 last year. This is a discouraging trend which, I suspect,

reflects the continuing deteriorating of relations between the United States and the Soviet Union.

I am particularly discouraged by recent reports of widespread crackdowns by Soviet authorities on the efforts of Soviet Jews to engage in their religious and cultural activities, as well as their efforts to emigrate from the Soviet Union to Israel. Sadly, we in Congress have little direct leverage with which to persuade the Soviet leadership to abandon its campaign of harassment and intimidation.

What we can do is to call attention to the cases of individual refuseniks in the hope that international attention will help ameliorate the treatment they are receiving. As part of this year's Washington visits by members of the Student Coalition for Soviet Jewry, I was asked by one of my constituents to call attention to the plight of Vladimir Samuilovich Kislik, a refusenik from Kiev in the Ukraine.

Vladimir Kislik first applied for permission to emigrate from the Soviet Union in December 1973. Although he is, by training, a metallurgical engineer, he has been forced since 1974 to engage in menial occupations unrelated to his training. Mr. Kislik has been beaten, harassed, and threatened by the KGB for his efforts to emigrate. In 1976 his telephone was disconnected after he spoke with his son Maxim, who had emigrated to Israel.

In 1980, Vladimir Kislik was warned that he would face a prison sentence if he did not stop meeting with Western visitors and other refuseniks. On July 4, 1980, Mr. Kislik was sentenced to 15 days imprisonment for "malicious hooliganism." In 1981, he was sentenced to 3 years in a labor camp, again for "malicious hooliganism." Today, he is purportedly working as a quality controller in a factory in Zhdanov, and must report to the police three times each day. All this for publicly expressing his desire to leave the Soviet Union and join his son in Israel.

Mr. Speaker, I call the sad situation of Vladimir Kislik to the attention of my colleagues in the hope that the publicity will help improve his lot.

Beyond protest, however, it seems to me that there is something else we can do to ease the situation of Jews in the Soviet Union: we can start restoring the various channels of contact that were broken off after the Soviet invasion of Afghanistan. I refer to the student exchanges, cultural exchanges, and other avenues of contact between the people of our two countries. An easing of these restrictions would, I believe, inevitably pave the way to an easing of Soviet internal restrictions. Surely it is worth trying.

Although it was important to take actions to show our sense of outrage over Afghanistan, a continued cutoff of communications will not end the Soviet invasion, and may even make ending it more difficult. Besides, it is time we moved to improve our ability to deal with Soviet-American relations across a broad front, ranging from the treatment of Soviet Jews to curbing the nuclear arms race.

Such an approach does not mean a lessening of protest against the denial of basic human rights, but rather accompanying it with positive steps to facilitate better relationships. In that way, we may advance not only the cause of Soviet Jews, but of all humanity.●

AMERICAN CONSERVATION CORPS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. MATHIAS. Mr. President, I wish to draw the attention of my colleagues to a resolution recently approved by the Prince Georges County Council in support of legislation, H.R. 999, to establish the American Conservation Corps. In addition, I want the Senate to be aware of Dorothy Gilliam's column in the March 19, 1984 edition of the Washington Post which calls for the creation of an urban conservation corps to combat the joblessness and despair of the great number of idle youths who desperately want to work. These items are indicative of the strong grassroots support for the creation of a national youth conservation corps to enhance and rehabilitate our Nation's public lands and to provide productive jobs and work experience for unemployed young people.

I am optimistic that the full Senate will have a chance to debate and vote on this important legislation in the near future. At that time I urge my colleagues to give this measure prompt and favorable consideration.

The texts of the Prince Georges County Council resolution and the Post column follow:

County Council of Prince Georges County, Maryland

RESOLUTION CONCERNING YOUTH UNEMPLOYMENT

For the purpose of recommending favorable action on H.R. 999 establishing a new American Conservation Corps and recommending to the Governor the establishing of a State Conservation Corps.

Whereas, unemployment among youth continues to exceed 20 percent despite signs of economic recovery; and

Whereas, such high and continuing umemployment is not only a waste of human resources, but is damaging to morale and the future productivity of young people; and

Whereas, in the 1980's the need for work to conserve, protect, and restore America's natural resources, parks, and blighted neighborhoods is even greater than it was in the 1930's; and

Whereas, H.R. 999 to establish a new American Conservation Corps, with an annual authorization of $300 million, has passed the House of Representatives and awaits action this fall by the Senate.

Now, therefore, be it resolved by the County Council for Prince George's County, Maryland, that the Council applauds the support given by Senators Mathias and Sarbanes to this initiative, and urges prompt action on enactment of H.R. 999 or a similar measure, and an appropriation of the full $300 million authorized.

Be it further resolved that the Prince George's County Council urges support of this effort by Governor Hughes and further asks his support in promptly establishing a Conservation Corps for the State of Maryland, as the needs are urgent and the benefits of previous programs have fully demonstrated their value.

[From the Washington Post, Mar. 19, 1984]

FIX

(By Dorothy Gilliam)

The young man declared, "I ain't nothing but a guinea pig. . . . I'm poor and I'm black." But behind the too-ready excuse for failure was a simple cry for help from a "tough" young man from the city's Ward 7 in far Northeast, where drug abuse is a growing problem. He was begging for a constructive alternative to a situation in which drug abuse and joblessness seem intertwined.

The scene was the District Building one night last week. The occasion was a drug and alcohol abuse hearing conducted by council member H. R. Crawford (D-Ward 7). Crawford blames "frustration" among young, black job-seekers for increased drug and alcohol abuse.

As I thought about what the city could do to help the unemployed put their lives onto a more positive track and attack our dangerous and growing problem of unemployment and wasted human potential, it struck me that the time may have come for the city to reach back a half-century for an old idea. Is it time for an urban version of the old Civilian Conservation Corps right here in the capital city?

The hard-core jobless could fix streets, put sidewalks in place, clean out sewers, fix potholes and curbs, and even plant trees. Our own University of the District of Columbia has the technical and engineering staff that could help train the workers, in cooperation with the city's Department of Public Works and the Department of Employment Services.

The need to improve the city's infrastructure jumps out during a casual stroll around the city. Besides broken curbs and potholes, there are places where there are no sidewalks. If we are becoming a "subway society," the city must make sure there are footpaths where Metro users can walk to and from the stations.

Later, I asked Crawford if he thought the time had come for an urban equivalent of the old CCC in the District, a program that could build on and complement the 19-year-old Job Corps effort that has been aimed at teen-aged dropouts.

"I think that's fantastic . . . . I think the hard-core unemployed want something like that. It was quite obvious to me that the young were not asking for a handout but were asking us to emphasize their problems and give them some help. I want to do something constructive. They are asking government to consider them . . . . I'd like to work

on some demonstration effort to put kids to work at meaningful employment."

Last week, the Metropolitan Council of Governments (COG) noted that the metropolitan area had an increase of 23,300 jobs from 1982 to 1983, almost all of them outside the city. Meanwhile, District unemployment is roughly three times as high as in the outlying areas, with an estimated 36,000 people out of work.

Nationally, unemployment figures show shockingly high jobless rates for those who are between 16 and 24 years old. For black youths, the jobless rate is a staggering 50 percent on the average. Experts who survey inner-city black and Hispanic youths report that these youths know little about how to get and hold jobs—from the simple ability to answer questions about themselves to understanding what is expected on the job.

Businessmen should be happy about this kind of program in the city because it would increase the return on their investments. And seeing improvements in the city's infrastructure, they are less likely to complain about increased taxes.

Meanwhile, the unemployed would be developing skills that could be marketed. One day, they might even get around to taking the boards off city-owned houses. The elimination of this tragic waste of human capital would be a gain for all.

Such a project would not be devoid of problems. Negotiations would have to be instituted with organized labor. A training component would be necessary. An investment of several million dollars would be needed, but a politically skillful mayor might be able to persuade the federal government to pick up part of the tab.

The voices are begging for help. Will we turn a deaf ear?●

THE FOREIGN SERVICE AMENDMENTS OF 1984

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mrs. SCHROEDER. Mr. Speaker, I bring before the House today a bill to amend the Foreign Service Act of 1980, title 5 of the United States Code, and the Hostage Relief Act of 1980.

This bill makes a number of needed changes to the Foreign Service Act. Among these changes are:

Better mechanisms to make the demands of the Foreign Service and the demands of family and children more compatible. We cannot continue to operate the Foreign Service as if no member had any family commitments.

A stronger grievance mechanism. The current grievance system is far too limited in scope and far too dependent on the cooperation of management. The amendments provide Foreign Service personnel with stronger internal grievance procedures to protect their rights.

Retirement benefits for former spouses who were not covered by the Foreign Service Act of 1980. My amendment will not reduce the retirement benefits of persons who were divorced before the effective date of the 1980 act, but it will entitle their former spouses to the same benefits as those who were so covered. This affects some 200 former spouses, some of whom are in the most destitute circumstances.

The bill also makes permanent law to provide compensation to Federal employees who are held hostage, as happened in Iran. After the Iranian hostage episode ended, we passed temporary legislation to provide medical, educational, and tax benefits for the hostages and their families. The recent kidnappings of Americans in Beirut and El Salvador are evidence of the dangers faced by civilian employees abroad. Since the taking of American hostages is, regrettably, still a fact of Foreign Service life, we need permanent legislation to provide compensation to such individuals.

I include the section-by-section analysis of the bill in the RECORD:

SECTION-BY-SECTION ANALYSIS OF FOREIGN SERVICE AMENDMENTS OF 1984

Section 1. Title—Foreign Service Amendments of 1984.

TITLE I—AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980

Section 101. Inspector General. Section 209 of the Foreign Service Act of 1980 is amended to make the Inspector General of the Department of State and the Foreign Service subject to the Hatch Act.

Section 102. Reports on Competence of Nominees for Chief of Mission. Section 304 of the Foreign Service Act of 1980 is amended to require the Secretary of State to make available to the public the President's report to the Senate Committee on Foreign Relations regarding the competence of nominees for chief of mission.

Section 103. Limited Appointments. Section 309 of the Foreign Service Act of 1980 is amended to restrict limited appointments of noncareer Foreign Service personnel to situations in which the Secretary of State certifies in writing that there is no career Foreign Service member who is available to meet the specific needs of the appointment. The total number of limited appointments cannot exceed one percent of the total number of members of the Foreign Service. Also, a career member of the Foreign Service may receive a limited appointment as a remedy for a grievance filed under chapter 11.

Section 104. Employment of Family Members. Section 311 of the Foreign Service Act of 1980 is amended to require the Secretary of State to give preferential consideration to qualified family members of Foreign Service personnel for employment in positions not customarily assigned to career members of the Service. Current law provides for equal consideration, but spouses of Foreign Service personnel remain reluctant to join their spouses at overseas posts because of the lack of employment opportunities.

Section 105. Salaries of Chiefs of Mission. Section 401 of the Foreign Service Act of 1980 is amended to make clear that the salary provisions of this section are applicable only to chiefs of mission appointed by the President by and with the advice and consent of the Senate. Persons appointed to perform the functions of chief of mission would not receive the statutory salary of an ambassador.

Section 106. Salaries of the Senior Foreign Service. Section 402 of the Foreign Service Act of 1980 is amended to provide that salaries for members of the Senior Foreign Service shall be set in accordance with the rankings and recommendations of selection boards. Section 602 of the Foreign Service Act of 1980 is amended to authorize selection boards to recommend adjustments to the basic salary rates of members of the Senior Foreign Service.

Section 107. Performance Pay. Section 405 of the Foreign Service Act of 1980 is amended to provide that members of the Senior Foreign Service shall receive pay adjustments in accordance with the rankings of the selection boards in section 602.

Section 108. On-Call Pay. Chapter 4 of the Foreign Service Act of 1980 is amended to provide on-call pay to Foreign Service communications personnel who must be available for duty outside regular duty hours to receive incoming cables. This amendment provides that Foreign Service personnel who are scheduled to be on-call outside regular duty hours shall be paid 10 percent of the rate of overtime pay for the hours they are on-call.

Section 109. Assignment to Foreign Service Positions. Section 502 of the Foreign Service Act of 1980 is amended to require that positions designated as Foreign Service positions shall be filled only by members of the Foreign Service unless the Secretary of State certifies in writing that no member of the Service is available who has the necessary qualifications for that position.

Section 110. Eligibility for Promotions. Section 601 of the Foreign Service Act of 1980 is amended to provide that a member of the Foreign Service whose maximum time in class expires shall be ineligible for promotion, even though the member remains in the Service.

Section 111. Retirement for Expiration of Time in Class. Section 607 of the Foreign Service Act of 1980 is amended to allow career Foreign Service personnel to remain in the Service under limited appointments despite the expiration of the individual's time in class if the individual has reached a salary class from which no effective opportunities for promotion exist. If an individual whose maximum time in class has expired is within one year of retirement under chapter 8, the Secretary of State shall extend the individual's appointment for a period not to exceed one year.

Section 112. Retirement Benefits. Section 609 of the Foreign Service Act of 1980 is amended to provide that an individual separated involuntarily from class FS-1 or higher will receive an immediate annuity; an individual separated involuntarily from classes FS-2 and lower will receive severance pay.

Section 113. Separation for Cause. Section 610 of the Foreign Service Act of 1980 is amended to extend to separation for cause proceedings the judicial review provisions now applicable to grievances.

Section 114. Special Contributions to the Foreign Service Retirement and Disability Fund. Section 805 of the Foreign Service Act of 1980 is amended to simplify the calculation of the amount owing by a member for a previous refund of contributions from the Foreign Service Retirement and Disability Fund. At present, amounts owing for such refunds are determined by taking into account the differing contribution rates previously in effect under the Fund during the period covered by the refund. The proposed change would adopt the current formula of

the Civil Service Retirement and Disability Fund, under which the amount owing is simply the amount of the previous refund.

Section 115. Elections Concerning Survivor's Annuities for Former Spouses. Section 806 of the Foreign Service Act of 1980 is amended to allow a Foreign Service member and his or her former spouse to elect by spousal agreement to reduce a survivor annuity. At present they must elect the maximum survivor annuity or none. This change would permit such an agreement to be made within 12 months after the divorce becomes final.

Section 116. Retirement for Disability or Incapacity. Section 808 of the Foreign Service Act of 1980 is amended to fix the minimum disability annuity for members who become disabled in the Service. The minimum is currently based on assumed service to age 65, or to a total of 20 years whichever is less. This amendment would change the specified age to 60 to conform with other Civil Service disability provisions. Section 808(b) of the Act requires a disability annuitant whose disability has not been declared permanent by the Office of Medical Services to undergo an annual physical examination up to the age of 65. This amendment would reduce the age to 60.

This amendment also makes statutory an amendment made by Executive order 12289 of February 14, 1981, pursuant to the Omnibus Reconciliation Act of 1980. The provision excludes individuals who are receiving military retired pay or veterans' compensation from the guaranteed minimum disability annuity provision which will continue to apply to individuals who receive military retired pay on account of service-connected disabilities received in combat or caused by an instrumentality of war.

Section 117. Death in Service. Section 809 of the Foreign Service Act of 1980 is amended to provide that the minimum survivor annuity for members who die in service is based on assumed service to age 60, not 65 as in current law.

Section 118. Lump-Sum Payments. Section 815 of the Foreign Service Act of 1980 is amended to require that members be separated from the Service for at least 31 consecutive days and meet related requirements to be eligible for a refund of their contributions to the Foreign Service Retirement and Disability Fund. This amendment also makes clear that a former spouse who remarries prior to age 60 is ineligible for a share of the lump-sum payment, just as rights to an annuity are cut off in such circumstances.

Section 119. Missing Spouses and Former Spouses. Chapter 8 of title I of the Foreign Service Act of 1980 is amended by creating a new section 828. This amendment would expand current law to cover additional types of elections when it is established that a spouse or former spouse is missing. It would also authorize payment of benefits otherwise due to the missing person to the participant, if alive, or to a spouse or other former spouse.

Section 120. Travel and Related Expenses. Section 901 of the Foreign Service Act of 1980 is amended to allow storage of household goods in conjunction with reassignment beyond the current three month limit. This amendment also changes the maximum payment for a child's travel expenses to cover travel between the post of the Service member and the residence of the child.

Section 121. Health Care. Section 904 of the Foreign Service Act of 1980 is amended to require the Secretary to waive limitations on payment for an individual's health care when it has been determined that an illness, injury, or medical condition was caused or materially aggravated by the individual's service abroad.

Section 904 is further amended to provide that the spouse of a member of the Foreign Service may elect, upon divorce, to participate in a federal health benefits plan by paying a sum equal to the agency and employee share of the health plan premium. The former spouse must have been covered under a health benefits plan as a member of the family of a Foreign Service member immediately prior to the divorce in order to be eligible, and must notify the Office of Personnel Management of such election within 31 days after the date of the final divorce. The Director of the Office of Personnnel Management is required to take all steps practicable to notify former spouses of their right to make this election. An individual who is a former spouse on the date of enactment of this subsection has six months to notify the Office of Personnel Management of an election to participate in a health benefit plan.

Section 122. Grievances. Section 1101(a) is amended to include violation of a collective bargaining agreement within the definition of a grievance. The amendment further provides that a proposed disciplinary action may be challenged prior to implementation. A termination of a limited appointment of a career candidate is made grievable. Former spouses are included among those persons who may file a grievance concerning former members.

The grievance chapter is amended to ensure the availability of employees of other government agencies as representatives in grievance proceedings. The amendment provides that witnesses who are members of the Foreign Service or are employed by other government agencies shall be granted administrative leave to participate in grievance proceedings.

Section 1104 is amended to reduce from ninety to sixty days the time available to resolve a grievance at the Department level before a grievance can be filed with the Foreign Service Grievance Board. This amendment applies to grievances filed on or after the date of enactment of this Act.

Section 1105(a) is amended to make ineligible for membership on the Foreign Service Grievance Board a current or former consultant to or employee of the Department. Further, the Board chairperson shall be selected by secret ballot vote among the Board members.

Section 1105(b) is amended to create a new striking procedure for use in the event of inability to agree on nominees for appointment to the Board.

Section 1105(e) is amended to authorize the Board to appoint an executive secretary.

Section 1106 is amended to allow the Board to reconsider a decision on its own motion, or upon the petition of a party, including an exclusive representative appearing in the proceedings. The requirement of newly discovered matter or previously unavailable material evidence is deleted.

Section 1107(b) is amended to provide the Board with the authority to direct the Department to pay reasonable attorney's fees and costs to the grievant to the same extent and in the same manner as may be required under section 706(k) of the Civil Rights Act of 1964. Section 1107 is further amended to permit the Board to recommend appropriate relief for a meritorious grievance.

By amendment to section 1107(d), the Secretary may refuse to implement the Board's recommendation only if implementation would adversely affect the foreign policy or national security of the United States.

Section 1108 is amended to empower the Grievance Board to require production of any material in agency records unless the head of such agency personally certifies that disclosure of the record would adversely affect the foreign policy or national security of the United States.

Section 1110 is amended to preclude an agency appeal of a Board decision except where the Secretary of State certifies that the order would adversely affect the national security of the United States. The amendment also provides for the award of attorneys fees in cases on appeal on the same basis as awards of attorneys fees at the administrative level.

Section 2104 is amended to preserve access to the Grievance Board for those persons mandatorily converted under section 2104 of the Foreign Service Act of 1980. Complaints regarding employee status or benefits resulting from such conversion are treated as a grievable continuing condition.

Section 123. Conversion Period. Section 2104(b) of the Foreign Service Act of 1980 is amended to extend for a period of one year the current three year period for conversion of nonworldwide available Foreign Service employees (known as Foreign Service Domestic) to Civil Service positions at the United States Information Agency.

Section 124. Report on the Senior Foreign Service. Section 2402 of the Foreign Service Act of 1980 is amended to require the Secretary of State to submit an annual report to the Congress on the Senior Foreign Service conforming with the requirements in Title 5 for the Senior Executive Service.

Section 125. Annuities for Certain Former Spouses. Section 2403(e) of the Foreign Service Act of 1980 is liberalized. The rights of a former spouse to an annuity under existing section 814(a) and to a survivor annuity under section 814(b) are extended to individuals who are former spouses on the date of enactment of this amendment. The annuity will be paid out of amounts in the Foreign Service Retirement and Disability Fund. Payment of this annuity will not cause the amount of an annuity payable to any other individual under chapter 8 to be reduced.

This amendment repeals section 2109 of the Foreign Service Act of 1980; however, such repeal will not affect any spousal agreement entered into under that section before this amendment takes effect.

TITLE II—AMENDMENTS TO TITLE 5 OF THE UNITED STATES CODE

Section 201. Relocation Expenses of Employees. Section 5724a(a)(3) of title 5, United States Code, is amended to allow flexibilility in the reimbursement of an employee's lodging and subsistence expense upon a transfer.

Section 202. Transportation Expenses of Employees Assigned to Danger Areas. Section 5725(a) of title 5, United States Code, is amended to include as eligible for danger pay an employee for whom a separate maintenance allowance has been granted under section 5924(3) of title 5.

Section 203. Overseas Differentials and Allowances. Section 5922(b) of title 5 is amended to clarify that differentials as well as allowances are authorized to be paid.

Section 204. Education Allowances. Section 5924(4) of title 5 is amended to permit payment of educational allowances for children of employees being transferred or

newly assigned to a Foreign Service post with inadequate schooling for the entire school year, even if the member of the Service does not depart the United States until after the beginning of the school year. This amendment also permits educational services to be provided for pre-school age handicapped children. This amendment would also permit post-secondary educational travel for dependents not only for undergraduate college education, but also at other institutions such as nursing, technical, and vocational schools which are not considered colleges.

Section 205. Advances of Pay. Section 5927 of title 5 is amended to permit an advance of pay when the employee is reassigned to the United States from a post in a foreign area.

TITLE III—AMENDMENTS TO THE HOSTAGE RELIEF ACT

Section 301. Definitions. Section 101 of the Hostage Relief Act of 1980 is amended to make the Act permanent legislation by eliminating the January 1, 1983, termination date. This amendment authorizes the Secretary of State to define hostage periods by publishing the beginning and termination dates of such incidents in the Federal Register. The amendment also clarifies the intent to cover hostile actions resulting from the presence and political visibility of United States operations abroad, in cases where U.S. Government buildings may not be directly involved.

Section 302, Special Saving Fund. Section 102(a) is amended to permit allotment of pay and allowances to a savings fund for those who remain in a captive status for 30 days or more.

Section 303. Medical and Health Care. Section 103 is amended to make clear that medical benefits under the Act are intended to supplement, not duplicate, existing government medical or health benefits.

Section 304. Education and Training. Section 104(a) is amended to authorize, rather than require, educational benefits for the family of hostages to be paid. Amendments to sections 104(a) (2) and (3) permit the overall benefit package to be tailored to particular hostage situations. Section 104(b) is amended to make clear that educational benefits for benefits for hostages are intended to supplement, not duplicate, other benefit programs.

Section 305. Benefits of the Soldiers' and Sailors' Civil Relief Act. Section 105 of the Hostage Relief Act is amended to extend the civil relief provided to federal employees by that section to all individuals with property rights in the United States who are placed in captive status abroad during a hostage period.

Section 306. Repeals. The amendment repeals sections 106, 201, 202, 206, and title III of the Hostage Relief Act of 1980. Section 106 provided hostage benefits to a Peace Corps volunteer and has served its purpose. Section 201 exempted federal salaries and allowances earned by the Iranian hostages during their captivity from federal income taxes. Section 202 exempted from federal income taxes during certain years all income of any Iranian hostage who died as a result of captivity. Section 206 called for a study of tax treatment of hostages. The due date for the study has passed. Title III of the Act related solely to the Iranian hostage crisis, and is obsolete. All provisions except subsection (d) of section 205 are repealed.

Section 307. Additional Hostage Benefits. A new section is created authorizing the President to provide additional hostage benefits to federal civilian and military personnel who were taken hostage during the Iranian hostage period or who may be taken hostage in the future. The amount and method of payment will be prescribed by regulation. The effective date for this section will be January 1, 1985.

Section 308. Savings Provision. This section makes clear that the provisions of the Hostage Relief Act being repealed by these amendments remain valid for individuals now covered by those provisions—the Iranian and other eligible former hostages and their families. Such former hostages with valid claims may continue to be granted benefits under the provisions proposed for repeal.

TITLE IV—MISCELLANEOUS AMENDMENTS RELATING TO FOREIGN AFFAIRS AGENCIES

Section 401. Use of Government Vehicles and Taxicabs. The State Department Basic Authorities Act is amended by repealing section 11. This section duplicates the authority in section 28 of the Basic Authorities Act for a Chief of Mission to authorize use of Government-owned vehicles for transporting employees and their families for reasons of safety or other advantage to the Government.

Section 402. Expenses of Arbitration. A new section 11 of the State Department Basic Authorities Act is created to make permanent the Department's authority to use appropriated funds for the expenses of arbitration and other dispute resolution proceedings under international agreements and contracts.

Section 403. Subsistence Expenses. Section 32 of the Department's Basic Authorities Act now provides for additional per diem for (1) security officers required to accompany principals of the Department and Foreign dignitaries and (2) other employees who are required to spend extraordinary amounts of time in travel status, and who thereby incur additional expenses. The proposed amendment would extend this authority to officers of the United States Information Agency and the United States International Development Cooperation Agency in like circumstances.

Section 404. Inspector General of the United States Information Agency. This amendment makes the Inspector General Act of 1978 expressly applicable to the Inspector General of the United States Information Agency. Section 3(c) of that Act is amended to make clear that the USIA Inspector General is subject to the provisions of the Hatch Act.

Section 405. Conforming Amendments Regarding the United States Information Agency. All references to the "International Communication Agency" appearing in the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and the Internal Revenue Code are changed to "United States Information Agency."●

WOMEN WORKERS MUST BE INCLUDED IN ECONOMIC PLANNING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. STARK. Mr. Speaker, we have long been aware of the disadvantaged, unequal position of American women in our economy. Sex discrimination has dominated the American workplace in the form of low status, dead-end jobs, unequal pay for equal work and promotion passovers. Despite all our efforts—and our progress—to eradicate such discrimination, the problems still exist, making working women especially vulnerable to the changes the economy is undergoing as we move away from an industrial/manufacturing base to a service/information base. The problems this transition poses for women workers have been detailed in a new report by the National Council on the Future of Women in the Workplace. I would like to share some of the findings with my colleagues.

The report found that while women have been and will continue to be the major source of new workers, they will continue to dominate occupations where technological advances are most likely to eliminate jobs. In the textile industry, for example, 150,000 jobs have been lost to automation and foreign competition. About 62 percent of textile jobs are held by women. The report also points out that women make up the majority of bank tellers, keypunch operators, stenographers, and insurance clerks—dead end, low wage positions already losing ground to automation. Moreover, high-tech jobs are not going to fill the gap. The report estimated that only 4 percent of new jobs created between now and 1990 will be in areas such as robotics and computers. Instead, the fastest growing category of jobs includes janitors, waiters, and waitresses, clerical positions, and cooks—low-paying jobs with little chance for advancement.

The report's scenario becomes even more ominous because American working women can least afford to lose their jobs. The median wage of full-time working women is $12,172; for men it is $20,682. Of those women working full time, only 4 percent earn more than $25,000 per year, while 12 percent or men working full time earn more than that amount. In the same job categories, the gap between earnings of men and women is tremendous: The 1980 median income for men in clerical occupations was $17,821; for women it was $10,940. Among sales workers, women had a median income of $9,906 while the figure for men was $20,330. For women operators of machinery, excluding transportation, the median income was $9,497 while men earned a median of $15,598.

We must act now to implement retraining, education, and relocation programs to help women safeguard themselves in the face of economic change. Women make up nearly 45 percent of the American work force—we cannot afford sustained high unemployment rates among nearly one-half of our workers. Instead, we must initiate a special effort to retrain, fur-

ther educate, and help relocate American women workers to help them obtain well paying jobs with the chance for advancement.

In addressing these issues, I hope the Public Assistance and Unemployment Compensation Subcommittee, on which I serve, will take up my bill, H.R. 3501, when considering reforming the unemployment insurance system. The proposal seeks to help unemployed Americans obtain new jobs through retraining, education, and relocation assistance programs. In so doing, displaced women workers could receive the above assistance before exhausting their regular unemployment benefits. To women workers, for whom high-paying, promising jobs have never been a way of life, such programs could be a lift up on the ladder to economic independence and equality.

To get America moving toward a new economic structure, and to insure that American women do not pay for economic progress with their chance for equality in the marketplace, we must act quickly. H.R. 3501 could very well be part of the solution to this looming dilemma.●

CONGRESS SHOULD ACT TO PRESERVE WORKERS' CONTRACT RIGHTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONKER. Mr. Speaker, the recent Supreme Court decision allowing businesses to break their union contracts upon filing for bankruptcy is a terrible blow to the millions of workers in America who seek a decent wage and fair working conditions.

Last month's ruling, which gave approval to the rising practice of businesses filing for bankruptcy in order to break union contracts, comes in direct contradiction with existing labor laws. The Court's National Labor Relations Board against Bildisco & Bildisco decision grants businesses the right to temporarily abrogate their union contract, upon filing for reorganization under the chapter 11 laws, before receiving bankruptcy court approval to do so.

It was never the intention of Congress to enact a law which fostered union contract repudiation when it passed the 1978 Bankruptcy Reform Act. The reform legislation was designed to ease the requirements for bankruptcy filing in order to provide a greater opportunity for businesses and individuals to recover from extreme financial hardship. The contract repudiation provisions were based on existing judicial precedent which required Bankruptcy Court approval of any changes in contract status.

Instead, what we have seen in instances like the Continental Airlines bankruptcy case, is a calculated effort by firms to get out of union contracts negotiated in good faith by their employees. In essence, last month's Supreme Court decision has legally sanctioned union busting.

I am pleased to join Congressman RODINO in supporting his bill, H.R. 4908, which seeks to remedy this intolerable situation by restoring the balance that was the intention of Congress in the 1978 reform legislation. Recently, H.R. 4908 was incorporated into the urgent Bankruptcy Court legislation as H.R. 5174, and this new measure is expected on the House floor this week.

The provisions of H.R. 5174 would make it clear that failing businesses cannot unilaterally break their contract with unions without the approval of a Bankruptcy Court. The bill recognizes the urgency that failing businesses face and requires that a hearing be held within 7 to 14 days of chapter 11 filing. It also requires the court to judge whether continued observance of contract provisions will cause loss of jobs and failure of the business as the standard for determining the necessity of contract repudiation.

Under H.R. 5174, a realinement between businesses and their union contracts would still be possible when the economics of the situation are extreme. This realinement, however, must go beyond mere labor concessions. Labor should not have to bargain itself into extinction.

Recent labor management negotiations have been marked by extraordinary concessions extracted from labor. Faced with continued unemployment and the callous economic policies and antiunion initiatives of the Reagan administration, labor has accepted pay cuts and reductions in benefits. They are no longer in a position to negotiate on an equal footing with management.

What is not needed, at this time, is more bargaining leverage for businesses. In his dissenting opinion on the Bildisco case, Justice Brennan points out the inequality that unilateral contract abrogation establishes in collective-bargaining negotiations. To conclude that management will use this as anything other than a sword to hold over labor's head during contract negotiations, would be naive.

The real issues underlying the Supreme Court's decision, strike at the heart of labor/managment relations. For too long an adversarial atmosphere has characterized the interaction between labor and management in many businesses around America. After years of being denied the opportunity to participate in defining the policies and goals of business, labor has sought compensation in wages and benefits at the bargaining table. But contract negotiations occur without a true appreciation of the financial health of the company or confidence in the practical knowledge of the employees. What is absent from this equation is a commitment to a shared recognition that what is good for the workers is good for the firm, and vice versa.

I hope my colleagues in Congress will join me in supporting the labor contract provisions of H.R. 5174, legislation which resolves a very unsatisfactory decision and redresses a great injustice to workers in America.●

DEMOCRACY IN CENTRAL AMERICA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to an editorial that was recently published in the Romeo Observer in my home district.

In the coming weeks, we are going to face some difficult questions concerning the role of the United States in Central America. We all share the common goal of desiring a peaceful and democratic future for the region. Yet, we as a nation will not be able to contribute to that goal without a more thorough understanding of the preconditions for democracy and of the true needs of the people of Central America.

The following article speaks directly to this issue. It reminds us that we must seek first to understand the problems of these countries before we attempt to impose our own solutions.

[From the Romeo Observer, Feb. 15, 1984]

DEMOCRACY . . .

Perhaps you remember an experience like this: as a kid, during the doldrums in the middle of the summer, a few of the gang would decide to establish a club. First step was to clean out the corner of someone's shed for a place to meet. The next step was to elect officers and establish some bylaws. That's the American way, isn't it? After having accomplished these basics, there often was little else to do because no one had really thought through the purpose of the organization.

I suspect this compulsion to organize and elect is part of the American heritage. We look upon this process as an end in itself rather than as one modest tool which might help in achieving a stable national economy for a given country. We have taken control of Grenada and can hardly wait until that little island holds elections. Our government is panting until they hold "free" elections in Nicaragua, El Salvador and perhaps other Central American countries.

In order to understand the role of democracy and elections in the scheme of things, we must recognize some fundamentals about this form of government. Our notions about how things work or should work politically, socially and economically are based

upon impressive evidence, our own national experience. What we fail to remember is that our situation was and is almost unique in the world; only Canada, Australia and New Zealand would closely fit our model.

At the time of the American Revolution, the 13 colonies had a tradition of local self government going back a century. The economic and social system was well established. A complete national infrastructure was in place. We had shipyards to build ships, smithies to build wagons and the tools of trade and agriculture. We had cities, roads, communications. There were people of wealth willing and able to invest in enterprises. A handful of people occupied the edge of a huge North American continent which was super-wealthy in resources: forests, excellent soils, minerals, all the elements needed to make a nation function.

In modern parlance, the British Crown simply skimmed the colonial economy through taxation. Their control of the colonies was minimal consisting mostly of attempts to limit manufacture of certain items so that England would have openings for exports. But smuggling largely offset this effort. People on the frontier felt no British presence. When the Revolution was over, it was business as usual with the colonial fabric continuing in place as it had been for generations.

In must be noted that a political democracy can exist only within an economic democracy. There are only a handful of nations mentioned above. Another handful, western European nations plus Japan operate with more governmental intervention but we would still call them democracies. All the rest of the world is something else. The seeds of democracy which we cast about in an effort to clone our system fall on an inhospitable environment. They don't sprout.

More definitions. Economic democracy means private enterprise and capitalism. Private enterprise presumes the existence of enterprise or at least possibilities of same. Capitalism requires the existence of capital and the ability and willingness to invest it. No capital, no capitalism.

Using the benchmarks and yardsticks mentioned above, let us look at the chances of exporting our democracy to the various hot spots which concern this nation at the moment, beginning with Grenada. The major product for export by that little island is nutmeg and the Russians were a major customer, presumably to help their economy, but no longer are. They compete with a different kind of nutmeg from the East Indies and to regain their share of the market might take a long time. They also export cocoa and bananas.

Tourism is down the list as a revenue producer. This island can be reached from the States only by flying direct to a nearby island and then hopping a local plane or boat. It is off the beaten track and has not amounted to much as a destination except for a few hardy souls. Our government suspects that the Cubans were building the new long runway for military purposes but the fact is that it can bring the direct flight of planeloads of tourists and improve revenues. No big runway, no big bunch of tourists.

Grenada is controlled today by our soldiers and military police plus some police from neighboring islands. (If the Russians were in charge, we would call it a police state. But our army and police wear white hats.) Our government is trying to induce private enterprise to invest in that small country. If that effort is successful, it may solve their 25 percent unemployment problem. But it will leave the assets of that country in the hands of foreigners, not an ideal situation. But the chances of a vitalization of the economy are only fair, at best. Assuming a fair economic recovery following the violent transition of government, that nation will remain weak, democracy will be fragile. Economic difficulties including continued unemployment invites suggested solutions by political leaders through various experiments or, perhaps, alliances with other, larger countries. The little island of Grenada will remain "independent" only if Uncle Sam provides the handout necessary to survive.

Nicaragua. That country experienced a revolution five year ago in which the ruling Somoza family was tossed out. The Somoza family was a billionaire bunch but their investable assets were in banks in Miami or Switzerland or wherever. The Somoza family owned the national airlines, the shipping lines, trucking, warehousing, the cement factory and most every other major industry. The few other people of wealth left also, taking their money with them.

The government, following the revolution, had in hand multi-billion dollar enterprises but no capital to set them in motion, continue production and, most important, meet the payroll. Leaders in the United States have no scenario for dealing with such a situation. And there is no really good solution. I suspect that the Nicaraguans, being nationalists like everyone else, would have resisted a massive infusion of foreign investment which would put their industrial network in the control of foreigners. The government chose instead to control the people by force and try to get the economy going under difficult circumstances. Having no capital available in the country, capitalism was not an alternative.

The wealthy families of El Salvador continue to operate the farms and factories which they can control and at the same time are trying to retain a feudal society through their death squads in the closing years of the 20th century. All capital which might be available for new investment is in Miami banks or elsewhere and the economy runs on a day-to-day basis. If, by some miracle, a freely elected government with an alternative program realistically trying to deal with the situation were to come into power, it would be faced with a shutdown of most of the remaining enterprises and the complete lack of capital to start things up again. Democacy is a fine thing but you can't eat it. Mass unemployment and other miseries invite immediate and radical solutions.

We went through this 25 years ago in the Cuban Revolution. All the leadership, the professionals, the skilled people fled. Castro was left with a country which was broke. No capital. He made overtures to the United States for help and we refused. He turned elsewhere.

Americans tend to believe that democracy came down like a bolt from the blue and generated all of our prosperity and the good life. Not so. Democracy depends for its existence upon a solid foundation of skills, markets, purchasing power, surplus funds (capital) ideas, inventions, all the elements which make private enterprise possible. Nothing destroys democracy quite as much as economic misery. We should not expect democracy to flourish without a solid economic foundation.●

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. OBERSTAR. Mr. Speaker, on March 15, I was absent during the record vote on final passage of H.R. 3020, Small Business Act amendments. As a supporter of this legislation, I was pleased by the overwhelming 386-to-11 vote in favor of passage.

For the record, had I been present, I would have voted "aye."●

MICHAEL BONGIOVANNI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, on Saturday, March 24, one of the truly outstanding business and civic leaders of New Jersey, Mr. Michael Bongiovanni, will be honored with a special award.

Mr. Bongiovanni has been named to receive the National Lifeline Achievement Award of the Cooley's Anemia Foundation. His lifetime of service and commitment to his community and his country, in addition to his many achievements in the business world, truly qualify Mr. Bongiovanni for this prestigious award.

His 37 year career with the Squibb Corp. has been one of ongoing achievements and advancement. From his first year with Squibb as an award-winning sales representative to his current position as vice president, Michael Bongiovanni has always distinguished himself with his talent, energy, and dedication.

His standing within the pharmaceutical industry led to service as chairman of the National Pharmaceutical Council as well as the chairmanship of the American Foundation for Pharmaceutical Education.

There is no question as to the value of Michael Bongiovanni's contributions to the pharmaceutical industry, but there is another, and equally important, dimension to his career—public service. His devotion to serving his country and his community was demonstrated early in his adult life and has never flagged. After establishing a distinguished academic record in college, he proved himself time and again in combat during World War II. As an Air Force officer, Mike participated in 67 combat missions. He was awarded the Air Service Medal seven times, the Purple Heart and Distinguished Flying Cross twice each, and received a Presidential citation for service and bravery.

Michael Bongiovanni's service to his community is amply demonstrated by his ongoing involvement with so many worthy institutions and causes. He has served, with distinction, as a trustee for Rutger's University, Rider College, and the Princeton Medical Center.

The awarding of the Annual Cooley's Anemia Lifeline Achievement Award to Michael Bongiovanni is a truly fitting honor for an individual who has given a lifetime of service and commitment to help so many others.●

DARIEN BOOK AID PLAN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. McKINNEY. Mr. Speaker, on September 12, 1961, over 20 years ago, one of my distinguished Connecticut Republican predecessors, the Honorable Abner W. Sibal, stated in the CONGRESSIONAL RECORD, that "one of the keys to peace between nations is mutual understanding." He added: "Official exchanges between governments all too often obscure the true moods and feelings of the people those governments represent. These statements are as pertinent today as they were then, perhaps more so. Citizens of the United States have ideas, interests and concerns which are synonymous with citizens of other countries throughout the world. The opportunities for people of different cultures to interact and exchange ideas should be increased.

As an example, a relatively few Americans have had the opportunity to visit or communicate with the Russians on a person-to-person basis. A constituent of mine once wrote:

> Among those of us who have been fortunate enough to travel to the Soviet Union, the vast majority have returned with the conviction that Russians and Americans need to get to know each other, to communicate the differences between our systems of government and perhaps even to make the important effort to see how the world looks from the other's point of view.

This is precisely the aim of a dedicated group of women in my district who established the Darien Book Aid Plan, Inc. This nonprofit organization has sent thousands of American books and magazines overseas since its formation in 1949.

To date over 20 tons of books and magazines, all donated, have been packed in 70 pound cartons and shipped to the U.S. Information Agency (USIA) offices in 146 countries. Upon arrival the materials are distributed to individuals, libraries, schools, and colleges. In addition, the group fill personal requests for reading matter. Recently, a man from Hungary wrote that he had read about the earthworm industry in the United States. "I would like some books on it," he said, adding wryly, "though I know if it is successful here, it too will become nationalized." The Darien Book Aid Plan found two books on the subject for him.

The workshop is manned 3 hours each day by volunteers, and the lobby is open 24 hours a day for donations. The volunteers also schedule appointments for day care, community and correctional centers, VISTA volunteers, and any nonprofit groups to come and select books. Books are supplied to the Peace Corps. The volunteers have sent reading material—approximately 232,965 pounds since 1976—to distribute within Peace Corps jurisdictions around the world. These books have proved to be of immeasurable importance to Peace Corps individuals in many countries including China, Morocco, Honduras, and the Philippines.

In 1961 former Congressman Sibal rose to recognize the achievements of the Darien Book Aid Plan to that date. I would now like to take this opportunity to join with my colleagues in a salute to this organization on their 35th anniversary of service. All nations need to understand each other better through cooperation and open exchange of ideas. I am proud that the Darien Book Aid Plan has made such positive steps toward peace and understanding.●

MR. PRESIDENT: DO NOT REWARD JORDAN FOR ATTACKING U.S. POLICY: CANCEL PROPOSED ARMS AID TO JORDAN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LENT. Mr. Speaker, I rise to register the strongest possible protest against President Reagan's proposals to sell 1,613 ground-to-air (Stinger) missiles and launchers to Jordan and to give $220 million in U.S. military materiel to equip a Jordanian mobile force for use in the Persian Gulf area.

The administration proposals raise very serious threats to the security of Israel, and to our own security, and threaten serious harm to the national interest of the United States.

The administration offers of arms aid to Jordan were harmful enough when initiated, but now, in the light of King Hussein's recent harsh attacks on U.S. Middle East policy, they become damaging to the extreme. In a March 15, 1984, interview with the New York Times, and on a subsequent TV appearance on "Face the Nation," Hussein harshly and falsely accused the administration of using a double standard in its Middle East policy and charged that the United States has forsaken its position as a nation that stands by its word and its commitments. He further accused the United States of succumbing to Israeli dictation. Hussein then presumed to threaten the United States and this Congress. He declared that if Congress refuses the military aid proposed for Jordan, Jordan would be entitled to get weapons from anywhere and anyone else in the world.

Well, Mr. Speaker, my response to that is: Let King Hussein try. Would he feel freer and more secure in the embrace of the Soviets? I doubt it. It is a fact, Mr. Speaker, that the United States has bent over backward to assist King Hussein. Indeed, he would not be in power today had it not been for strong and continuous U.S. backing. To now denounce and threaten the Nation which has saved and sustained his rule is the height of folly for King Hussein. The United States must not bow to this ill-concealed threat of blackmail and reward Hussein for attacking the United States.

Mr. Speaker, I have written a personal message to the President urging him in the strongest terms to withdraw both the proposed sale of Stinger missiles and the offer to give Jordan $220 million in arms aid to a Jordanian mobile force. I hope he will act positively in this matter. But we in the Congress have a responsibility in this situation as well.

I now turn to you, my colleagues, to urge each one of you to bend every effort to prevent these harmful deals from taking place.

Join with us in cosponsoring and supporting H.R. 5140 which would prohibit the sale of Stinger missiles to Jordan, and join with us in voting against any effort to supply new arms to Jordan for a mobile force.

In supporting these two actions you will be furthering the national interests of our country; you will be helping to prevent a weakening of Israel's security and you will be improving the prospects for a stable peace in the Middle East.●

MRS. BERNICE WOOD HONORED

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I am very pleased to have the opportunity to announce that Mrs. Bernice Wood, of Flora, Ill. in my congressional district, has been elected president of the International Association of Rebekah Association, Independent Order of Odd Fellows and Rebekahs. This prestigious worldwide fraternal organization constitutes one of the oldest and largest organizations of its

kind in the world, whose members reach out to their fellow man in times of adversity, need, and distress, with compassion and concern, to sustain the young and the old, the sick, the distraught, the infirm, and the disadvantaged.

Mrs. Wood is an excellent choice as a representative of these values. She has resided in Illinois all of her adult life devoting much of her time and talents to civic, fraternal, and volunteer service work.

She and her husband, Clark, own and operate a building construction company in Flora, and also have sporting goods store there. She also has her own real estate corporation, and was formerly a teacher in the school system of Clay County.

We are very proud that her colleagues have recognized her leadership by electing her to this very important position.●

TRIBUTE TO JOSEPH M. POLLARD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MOORHEAD. Mr. Speaker, today I rise to pay tribute to a friend of the California congressional delegation, Joseph M. Pollard, who will retire this month as legislative representative for the Los Angeles County Board of Supervisors.

After 28 years of dedicated service to the people of Los Angeles County, it is with mixed emotions that Joe's friends celebrate his retirement. We are happy that Joe and wife, Doris, will be moving to the beautiful California community of Lake Tahoe but we are not happy about his pending departure from Capitol Hill.

We have all come to know Joe as a unique individual who would never take credit for all he has done to represent and promote the best interests of the residents of Los Angeles County nor would he boast about his successes in maintaining the quality of life and service for his fellow southern Californians.

All of us who have known him, both past and present Members of Congress, have developed a deep respect for Joe. He is a man of persuasion, firmness, and loyalty. He has always acted with the utmost integrity in representing the positions of the members of the board of supervisors to the Members of this body.

If I may, I would like to give a brief Pollard biography. His early years were spent in Searcy, Ark., where he attended the Morris School for Boys. The family later lived in Memphis, Tenn., where Joe received his high school degree from the Christian Brothers College High School.

Joe then moved to Lancaster, Calif., where he received an associates in arts degree at Antelope Valley Junior College. Joe's first job was driving a bus for Polaris Flight Academy. Then he took a sales job with Shell Oil where he stayed for 5 years before moving to V. S. Lawrence Oil Co.

In 1956, Joe became the administrative assistant to Supervisor Warren M. Dorn. In this position, he traveled throughout the 2,200 square miles of Los Angeles County representing Mr. Dorn, the people of the fifth supervisorial district, and the county.

Ten years later, he assumed the responsibility for representing all the people of Los Angeles County as the director of the Washington office. Since 1966, he has faithfully maintained contact with the Members of Congress, congressional committees and staffs, and effectively performed all those duties such a demanding position requires. I might add, that as a host for numerous official receptions and functions, Joe has always been warm and accommodating.

A few years ago, Joe was asked to relocate in California and to assume additional responsibilities as the board's representative not only to the Federal Government but to California State government as well. He succeeded in this endeavor with the same skill and vigor that characterized his stay in Washington. However, there comes a time when each of us must say "enough." Joe has earned a retirement that we trust will be fruitful and rewarding. He has also earned our affection and gratitude. We will miss the touch of home his visits brought to us. We will miss the easy, informed manner with which he discussed issues of importance. We will miss this man who has become such a good neighbor to the Capitol Hill community. We all hope Joe will come back to visit from time to time. As a friend and former public servant, he will always be welcome.●

BANKRUPTCY AMENDMENTS ACT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MRAZEK. Mr. Speaker, this week we will have before us what is clearly one of the most significant pieces of legislation that we have addressed so far in this session, H.R. 5174, the Bankruptcy Amendments Act.

This act is significant because it addresses a range of difficulties existing under the Bankruptcy Reform Act of 1978. Today, I would like to address just one of the issues this legislation attempts to resolve, the use of bankruptcy proceedings to abrogate negotiated labor agreements.

Prior to the recent Supreme Court decision in the case of the National Labor Relations Board against Bildisco and Bildisco, bankruptcy reorganization was to be used solely for the purpose of providing a business with a means to restore order to their financial dealings without having to resort to liquidation.

In the case of Bildisco, bankruptcy was used for the purpose of circumventing the National Labor Relations Act and the Railway Labor Act, and to unilaterally renege on a negotiated labor agreement.

The Supreme Court in the Bildisco case has stated that a company may terminate a labor agreement if such an agreement presents a burden to the reorganization under bankruptcy proceedings. Further, the Court held that a firm may dissolve such a contract immediately upon filing for bankruptcy, prior to review by a bankruptcy court judge.

In effect thousands of workers may be denied their due process, and have their lives thrown into chaos without the protections of the National Labor Relations Act or the Railway Labor Act.

Mr. Speaker, the legislation coming before us will address these problems in two ways:

First, it will prohibit a firm from terminating a collective bargaining agreement until such termination has been reviewed by a bankruptcy judge. This provision will provide an essential guarantee to working men and women who depend on the wages and benefits they have negotiated in good faith.

Second, the bill sets up more stringent criteria than that outlined by the Supreme Court. The business must clearly show that the existing contract would be such a hindrance to reorganization that reorganization would fail unless the contract was terminated; or that the jobs involved would be lost unless the contract was terminated.

These criteria restore the essential understanding that Congress had in mind when it created the bankruptcy code. Bankruptcy laws should never be used as a ruse by anyone, including firms that would use this process to achieve ends not consistent with a fair collective bargaining agreement.

Mr. Speaker, I would like to add one additional point. Since the event which originally brought about the Supreme Court review of the Bildisco case, a number of companies have used bankruptcy proceedings to terminate negotiated labor agreements. Certainly, the most publicized of these cases, and the one that originally brought this issue to my attention, is the case of Continental Airlines.

In my opinion, the Continental Airlines case is the most obvious instance

of subverting the bankruptcy laws solely for the purpose of circumventing the protections provided working men and women by the Congress under the National Labor Relations Act and the Railway Labor Act. It is unfortunate that this legislation does not address that case.

I would hope that when this matter is reviewed by the courts, that passage of this legislation will send out a clear signal that this Congress takes seriously both the bankruptcy code as well as the National Labor Relations Act and the Railway Labor Act. I would hope that the higher standard included in this legislation would be applied in the review of each case currently before the courts.●

MESSAGE FROM HONDURAN EMBASSY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the action of the majority members of the Subcommittee on Western Hemisphere Affairs has caused great concern and consternation among our allies in Central America. Those members of the committee, in effect, rejected the long hours and hard work of the Bipartisan Commission on Central America and turned their backs on our allies in the region and our own security interests as well. They said they wanted to send a signal, a message about their views on U.S. policy in the region.

The Government of Honduras has made clear its concerns about the subcommittee's actions in a letter from Honduran Ambassador Juan Agurcia. I urge my colleagues to read with careful attention the message the Government of Honduras is sending us.

EMBAJADA DE LA
REPUBLICA DE HONDURAS,
Washington, D.C., March 5, 1984.

Hon. ROBERT J. LAGOMARSINO,
Foreign Affairs Committee, House of Representatives, Washington, D.C.

DEAR SIR: With instructions from the Government of Honduras, I take this opportunity to address you with reference to the Western Hemisphere Affairs Subcommittee mark-up of March 1, 1984, presented for discussion and approval by the Foreign Affairs Committee, which contains provisions of particular concern for us. I refer to Section 902—Restrictions on the Introduction of United States Armed Forces into Honduras—and Section 908—Fund for Reconstruction and Development of Central America.

The Government of Honduras believes the proposed restrictions on the introduction of United States Armed Forces into Honduras will seriously undermine the stabilizing effect the United States military presence has had in Honduras and the region as a whole through joint maneuvers and military training programs, which are perceived as a show of your country's resolve to help and protect friendly democratic nations from foreign assisted aggression and subversion.

The restrictions approved by the Subcommittee would constitute, in my government's view, the renouncement of the fundamental position of the United States as principal allied defendor of democratic advancement in the region in the face of a massive military buildup in Nicaragua and sustained leftist insurgent activities in next-door El Salvador, which have already caused severe economic disruption in Honduras during recent years.

The elimination of military exercises and adequate military training programs in our country would significantly and adversely affect our capacity to defend our territory and our free institutions, to resist the manifestly strong attempts being made by all those who oppose our growing free system, and the ability to insure the security base so urgently required by both our countries—the United States and Honduras—and those others who are presently making a special effort towards representative government and social progress.

Regarding the terms under which 500 million dollars could be appropriated for programs of reconstruction and development of the five regional countries mentioned, including Honduras, let me say that my government since early 1982 has stood firmly in the forefront of the States mentioned in proposing strong and clearly defined measures leading to a comprehensive peace agreement based on the principles outlined in the Subcommittee's provisions. Under these provisions, the unanimity required for a regional peace agreement and development plan is contingent on the full and perfect accord of all points to be negotiated, resolved and approved by all the parties involved.

For any one country to differ or disagree on any single condition, regardless of its imperative need of inclusion to insure regional stabilization, security, democracy and development, would result in failure to reach an agreement, which means that the peoples of all the nations concerned would be subjected to the effects of a denial of any additional U.S. assistance, vital to the solution of Central America's economic, social and political problems.

In my government's estimation, the stringent conditionality clauses voted by the Subcommittee would not serve the purpose of reaching a peace agreement in Central America, but rather would tend to delay the possibility of reaching a consensus on the principal issues involved in negotiating a covenant. Moreover, the complex situation now prevailing in Central America would at best indicate any negotiating process as a long-term affair. In the meantime, the requirement for positive action is immediate if we are to avoid destructive consequences in our regional conditions.

In short, my government strongly believes that the conditions proposed instead of promoting and encouraging "the implementation of a comprehensive Central American regional agreement for peace and cooperation", would further destabilize the region by allowing our already hard-pressed economies to deteriorate even more, in the face of rising popular demands and expectations.

Sincerely,

JUAN AGURCIA,
Ambassador.●

GALE BARTOW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SKELTON. Mr. Speaker, I bring to the attention of this body Mr. Gale Bartow, of Blue Springs, Mo. Mr. Bartow is finishing a hard, yet fruitful year as president of the American Association of School Administrators. He is known in my district for bringing the R-4 school district up to model standards on the national level. Now he is known on the national level for his hard work and public relations abilities in his role as president of the AASA.

Blue Springs, and the entire Fourth Congressional District of Missouri have good reason to be proud of Gale Bartow. An article recently appeared in the Blue Springs Examiners which expresses all of our admiration and gratitude to Mr. Bartow. I ask that it be reprinted at this point in the RECORD:

BARTOW A SUCCESS

(By Kim Sexton)

Blue Springs was in the national spotlight last weekend because of Dr. Gale Bartow.

The Blue Springs School District superintendent and president of the American Association of School Administrators presided at the annual AASA convention, which was concluded Monday in Las Vegas.

Although Bartow's term does not officially end until later this month with ceremonies in Memphis, his convention participation marked, for all practical purposes, the end of a glorious year for him and this community.

Bartow, who has become well-known for guiding R-4 to model status, and his sparkling personality and tremendous public relations ability, spent an exhausting five days conducting a successful convention for more than 17,000 of America's best administrators of educational institutions.

Most Blue Springs Board of Education members, who granted Bartow half-time off to serve as AASA president, assisted him with receptions he held for delegates. They had every reason to be proud for sharing his talents so he could apply some of his successful techniques for the benefit of education across America.

Blue Springs High School band students, under the expert direction of Doug Watts, performed for appreciative delegates. Many commented that the local band was the best they had heard.

"Partnerships: The Key To Excellence," was the convention theme. Many friends of education were honored, and the importance of good relationships between education and other fields, such as business, were stressed.

Bartow's favorite partner and wife, Irene, presided at a Partners luncheon. She wondered how many in the large audience had learned where Blue Springs is located. Nearly half of the delegates raised their hands.

Bartow had given and received a lot in the last year. So has this community.●

A TRIBUTE TO DON HUNSUCKER

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate my good friend, Don Hunsucker, who is being honored as Labor Leader of the Year on March 29, 1984, at the annual dinner of the Central Labor Council of Fresno and Madera Counties, AFL-CIO.

Don is certainly deserving of this honor. Aside from being president of the United Food and Commercial Workers Local 1288, Don is also vice president of the United Labor Council and a vice president of the California State Federation of Labor.

Don's contributions to the working men and women of central California have been significant. He began his career in retail trade. In 1967, he went to work for Retail Clerks International Association, and within a few years became a special representative, organizer.

In 1973, he came to Local 1288 as a business representative, and once again rose quickly to the office of administrative assistant in 1974. Within 4 years of coming to Local 1288, he became president in 1978. Quite an accomplishment.

Past offices which Don Hunsucker has held include vice president, California Labor Federation, AFL-CIO, and vice president, Southwestern States Council of the United Food and Commercial Workers Union.

Congratulations, Don, on your accomplishments and best wishes for continued success.●

MRS. BETTY WASHKO HONORED AT TESTIMONIAL DINNER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HARRISON. Mr. Speaker, on Sunday evening, March 25th, Coal Township, and indeed, all of Northumberland County, will join together in paying tribute to a remarkable lady. On that evening, the Coal Township Democratic Committee will sponsor a testimonial dinner honoring Elizabeth Washko for over 50 years of dedicated service to her church, her community, her union, the Amalgamated Clothing Workers of America, and, yes, to the Democratic Party.

Betty Washko was born in Shamokin to the late Mary and Paul Komara, who had come to this country from Czechoslovakia. In 1932, she married the late baseball umpire, John Washko, in St. Mary's Church in Shamokin. To that happy union, two daughters were born, Theresa Kelly, now of Harrisburg, Pa., and Betty Gasper, now of Avnell, N.J. Succeeding generations have given Betty 11 grandchildren and 5 great-grandchildren.

Early in her life, Mrs. Washko was employed by the Tanen Shirt Co., also known as the Bangor Shirt Co. In 1945, she was selected for special training, in Poughkeepsie, N.Y., as a union organizer and business agent. In 1947, she was employed by the Arrow Shirt Co., a division of Cluett, Peabody and Co., and continued with that firm until her retirement in 1971.

Betty was an organizer for the United Fund, when it began in 1960, spearheaded the March of Dimes campaign, and has served as vice president of the Fairview Fire Co. Auxiliary.

Over the years, she has also been an officer of local 129 of the ACWA; she organized a choral group for that local in 1960, and has served as a delegate to the Pennsylvania Joint Board and a member of the finance committee.

And, Mr. Speaker, just as politics is part of the great American tradition, so it has been a vital part of Betty Washko's life. For over 54 years, she has been an elected committeewoman in Coal Township. In 1944, she represented the ACWA at the Democratic National Convention in Chicago. From 1971 to 1976 and, again, from 1980 to 1984, she served as cochairman of the Coal Township Democrats. For a time in 1975, she served as chairperson of that committee.

In recognition of her many services, the Coal Township Democratic Committee voted, on January 24, 1984, to make Betty Washko an honorary lifetime member.

And so, Mr. Speaker, it will be an honor for me on March 25th, to join with the entire Northumberland County community in paying tribute to an outstanding lady. Her community service began in 1940, when she was a member of the U.S. war bond drive; her union service began shortly after and, for 22 years, she was a shop chairlady for the ACWA. And during all of the time, during her working life, she has been a dedicated wife and mother, a pillar of her community, active in her party and her union, and an inspiration to the thousands of people who have known and loved her over the years.●

CONGRESSIONAL SALUTE TO HON. JOSEPH S. GIRESI OF NEW JERSEY, ESTEEMED CATERER, DISTINGUISHED CITIZEN, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ROE. Mr. Speaker, on Sunday, March 25, the residents of the cities of Garfield and Paterson, my congressional district, and State of New Jersey will join with the Garfield Co-Ordinating Senior Citizen Council in testimony to an outstanding citizen and good friend, Hon. Joseph S. Giresi, whose many good deeds on behalf of our people have earned him the respected and esteemed title of "Man of the Year" among his friends and peers for his standards of excellence in working to improve the quality of life for the people of our community, State, and Nation.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Joe Giresi upon receiving this citation of merit for his leadership endeavors and share the pride of his good wife Marie and their children: son Joseph, Jr., and daughter-in-law Diane, son George, daughter Lynda, and son-in-law Anthony Giampapa, son Thomas, and daughter-in-law Diane; and grandchildren: Arthur and Melissa Giresi, and Anthony Giampapa, on this milestone of achievement in their family endeavors.

The pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream—that is the success of the opportunity of America—and the mark of distinction in our society of the self-made man. The aspirations and success of Joseph S. Giresi in the mainstream of America's catering industry does indeed portray a great American success story.

His professional expertise for the past 3½ decades in the highly skilled trade of a caterer is applauded by all of us. For 20 years he has been entrepreneur of Garden State Caterers and for the last 15 years his distinctive catering has been conducted under the name of The Cotillion in Garfield, N.J. He has climbed the ladder of success in the great American way in a tradition that serves as a shining example to all of us with the warmth of inspiration and hope that is ever present in our land of opportunity. His sons have joined him in his business establishment which speaks well for this family business of distinction in our community.

Mr. Speaker, there is much that can be said of Joe Giresi and his lifetime

of achievements in service to people and professional expertise in his chosen field of endeavor. Our Man of the Year has resided in the city of Paterson, N.J., for the past 31 years and has brought a lifetime of personal commitment to the economic, social, and cultural enrichment of both the city of his residence, Paterson, and to the city of his industry, Garfield. He is a member and trustee of St. Gerard's Roman Catholic Church, Paterson, and has been a major architect and founder in establishing the kitchen facility there in the St. Joseph's Community Center.

Joe is the adviser and honorary coordinator of the Garfield Senior Citizen Council. He enjoyed serving as an active participant in the arrangement and construction of the Garfield Volunteer Ambulance Corps. It is interesting to note that he was honored by the Garfield Kiwanis as their Man of the Year in 1974 for his leadership endeavors in the management and building of the Garfield Girls Club. He received the P.B.A.'s Silver Card Award in 1979 for coordinating and being responsible for the construction of the Garfield Police Pistol Range.

We are particularly proud of Joe's compassion, dedication, and untiring efforts on behalf of our young people. As one of the directors of the Garfield Day Nursery and the Margaret Muscarelle Child Development Center, he served as building coordinator and was directly responsible for securing the funds needed to build the new center in Garfield known as the Garfield Day Nursery for children. He is currently working on a project in the city of Paterson with Monsignor Puma for the relocation and establishment of a house for wayward women.

Joseph Giresi has been a staunch supporter and active participant in many civic and community improvement programs. He has received awards and citations from many prestigious organizations for his personal assistance and outstanding contributions to the success of their accomplishments in responding to the needs and concerns of our people. He is especially proud of the citations of merit that he received from the Garfield Fire Department, Lodi Fire Department, and Garfield Junior Boilermakers, to mention just a few.

It is also important to note that he was honored in 1974 by the Garfield Golden Age Club and Senior Citizens as their Man of the Year.

Mr. Speaker, this is just a brief outline of Joseph Giresi's good works and affiliations that will be particularly cited by his friends on March 25. As we reflect upon the history of our great country and the good deeds of our people who have made our representative democracy second to none among all nations throughout the world, I appreciate the opportunity to call your attention to this distinguished gentleman and seek this national recognition of all of his good deeds. I know that you will want to join with me and the officers and members of the Garfield Co-Ordinating Senior Citizen Council in honoring this year's recipient of their award of excellence.

We do indeed salute a highly compassionate individual, good friend and great American, the Garfield Co-Ordinating Senior Citizen Council's Man of the Year—Hon. Joseph S. Giresi of Garfield and Paterson, N.J.●

PACIFIC AND ASIAN AMERICAN CENTER FOR THEOLOGY AND STRATEGIES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MINETA. Mr. Speaker, I rise today to share with you the statement of the Pacific and Asian American Center for Theology and Strategies (PACTS).

I hope that my colleagues will take into consideration the PACTS opinion and think about it as immigration reform legislation comes before us.

The statement follows:

Pacific and Asian American churches throughout this nation are deeply disturbed by the reintroduction of the Simpson-Mazzoli Immigration Reform Bill (H.R. 1510) before proper consideration has been given to the new immigration bill proposed by Representative Edward Roybal. We stongly urge you to withdraw the Simpson-Mazoli Bill. We recommend instead a new round of Congressional hearings to thorougly gather testimony and evidence from the public.

Only last October, Speaker Tip O'Neill, Jr. withdrew this bill because there was "no constituency" in favor of the bill but, rather, widespread opposition from minorities, churches and all those concerned with civil liberties. Yet, in a stunning turnaround, House leaders are again pushing early passage of this unpopular piece of legislation. There have been no fundamental changes in provisions of H.R. 1510 nor shifts in public opinion during the past four months. Why then, is there now a change of heart among House leaders?

The Roybal plan is a far better attempt to establish a dialogue which may lead to a fair and just long-term immigration policy. So far, such a public forum has not existed. Since its inception by the President's Select Commission on Immigration Reform, the Simpson-Mazzoli bill has been distorted by purely political considerations during and after the 1979-80 election year as well as being flawed by exclusionist sentiments against newcomers from Asia and Latin America.

Our organization, PACTS, has been monitoring immigration and refugee legislation for a network of over 500 Asian and Pacific American churches and national church bodies. In January 1982, we were the first group to deliver a petition to Senator Alan Simpson expressing opposition to the elimination of the Fifth Preference by over 3000 persons from Hawaii to New York. We hope that such outpourings of public disapproval will not have to be again mobilized during the second session of this Congress.

Thank you for your kind consideration and support. With best wishes, we are

Respectfully yours,

Rev. NORMAN FONG,
Chairperson.

YOICHI SHIMATSU,
Coordinator, Immigration Project.●

CLARENCE M. MITCHELL, JR.

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PERKINS. Mr. Speaker, I am sure my colleagues in the House are as distressed as I am to learn of the passing on March 18 of Clarence M. Mitchell, Jr., the former chief Washington representative of the NAACP.

In my judgment, Clarence Mitchell was as responsible as anyone in America for the passage of civil rights legislation in the 1960's.

He was often called the 101st Senator, but I think his influence was much broader than that. Clarence Mitchell was in truth "a majority of one."

It was my honor to make his acquaintence in 1949 in my first days in Congress, when we were engaged in the struggle to pass fair employment practices legislation.

He was a man of rare character and intelligence, and possessed an innate courtesy and persuasiveness that dissolved many obstacles in the way of civil rights progress in this country. Decency and honor shown from the man like the rays from a lantern.

We were friends for 35 years and I have been in his debt for his advice and helpfulness to me and to the Committee on Education and Labor many times.

I mourn the loss of the public man and of the private friend.●

HOW TO STOP SYRIA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. KOSTMAYER. Mr. Speaker, as we continue to grapple with the issue of our involvement in Lebanon and what the future has in store, I recommend the contribution to this debate of our colleague, Representative JAMES H. SCHEUER of New York. Whether you agree or disagree with Congressman SCHEUER's viewpoint, we cannot any longer deny the very major role Syria has played and will continue to play in the Middle East. This article

originally appeared in the March 14, 1984, New York Times:

HOW TO STOP SYRIA

(By James H. Scheuer)

WASHINGTON.—Syria has won the day in Lebanon. And its Soviet allies are delighted. It's all over but the killing.

With or without President Amin Gemayel, there will be a puppet regime in Beirut. The Syrian Army will control the strategically important and economically rewarding Bekaa Valley and—with the possible exception of an Israeli-controlled buffer zone in the south—Syrian proxies will control the rest of the country. To get the Israelis out of the south, the Syrians will continue to make conciliatory noises, promising eventual withdrawal if Israel pulls out unconditionally. Even an optimist should realize that such vague promises are not commitments but strategems.

Our setback in Lebanon directly results from our having undercut the Israelis during the first crucial weeks in June 1982 after they went into Lebanon and had the Palestine Liberation Organization and Syria on the ropes. By public and private pressure, we ultimately forced the Israelis out as President Gemayel's protectors and eventually had to replace them with marines. The price has been lost American lives and the developing de facto partition of Lebanon.

But it is already too late for Lebanon to survive as an independent country, and recriminations will not change the situation. If America is to profit at all from the debacle, it must realize that Syria's hostility toward us—its bombing of our embassy in Beirut, attacks against our marines, duplicitous diplomatic dealings—is more a result of historical ambition than slavishness to Soviet goals in the Middle East. A confluence of Syrian and Soviet interests does exist, but the Syrians have their own agenda: a tenacious dream of a Greater Syria—the historical ambition shared by every modern Syrian regime regardless of political or religious persuasion.

The ambition for Greater Syria does not end in Lebanon. In Syria's view, it encompasses all of Jordan and all of Israel. Now that the first phase—the political annexation of Lebanon—is being accomplished, we can ignore only at our peril Syria's preparation for the next phase: intimidating and controlling Jordan.

In 1970, Syrian tanks were about to invade Jordan when Israel threatened retaliation and stopped them in their tracks. A similar situation arose in 1980. Both times, only the threat of Israeli intervention succeeded as a deterrent. Since then there have been numerous Syrian-inspired assassination attempts against King Hussein and several murders of Jordanian diplomats in the Middle East and Europe.

Can there be any question about the danger to the West of Jordan's being pulled into a Syria-Soviet orbit? That could put Soviet missiles and "advisers" on the Red Sea at Aqaba, on the borders of Saudi Arabia, within easy striking distance of the Persian Gulf.

The Jordanian Army, even if armed to the hilt by America, is no match for the Syrians. Nor are the quaking Saudis. Iraq is mired in its war with Syria's ally Iran. Egypt, even in the unlikely event that it would fight to save Jordan, could be easily diverted by Syria's Libyan friends. Our dispatching a symbolic contingent of marines would be as meaningless in Jordan as in Lebanon, and dispatching a sizable force would be unacceptable to the American people. For Israel, a Syrian-controlled Lebanon and Jordan means mortal danger.

Who will have to stop Syria? Although Syria is far better armed today than 14 or even four years ago, thanks to Soviet largesse and backing from "moderate" Arab states, only the Israelis can serve as a deterrent. Israeli deterrence can be credible only through a meaningful American commitment to its strength. It is in America's interest that the United States-Israeli Strategic Cooperation Agreement be more than just words on paper. It must not become last in the easily manipulated Pentagon bureaucracy; it must assume muscle and sinew and be implemented in a way that is readily obvious to Syria, the Soviet Union and all the countries in that region.

Syria, unlike any other Arab state, has followed a consistent policy based on specific territorial ambitions in Lebanon, Jordan and ultimately Israel. And, unlike the United States, Syria has shown itself willing to apply whatever military and political force is necessary to achieve these goals.

Washington has elevated Damascus to the level of major player in the Middle East. If we lose sight of its historical ambition for a Greater Syria, we are destined to be outmaneuvered again and again. The Strategic Cooperation Agreement with Israel gives us an opportunity to put American policy back on a consistent track, a track that recognizes the compatibility of our self-interest with Israeli strength and security.●

PLANNING FOR COAL'S (AND THE NATION'S) FUTURE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MURTHA. Mr. Speaker, the recent uncertainty in the Middle East should serve as a sharp reminder to us all that America remains dependent on foreign oil sources for its energy needs, and that our hope for energy security remains an unfulfilled goal.

In no area is this truer than coal. Despite the endorsements of three different Presidents, we are far from realizing full potential of coal.

In the 12th Congressional District, unemployment among coal miners is at depression levels; throughout all of western Pennsylvania, unemployment in the coal fields rests at 48 percent.

It is important over the next few months that we take three steps to keep alive the promise of coal.

First, once again this year the Energy Department budget calls for sharp cutbacks in coal research and development. As a member of the Interior Appropriations Subcommittee, we have been holding hearings on this program, and once again this year I will be offering amendments to restore vital funding for key coal programs. Last year's funding level recommended by the Energy Department showed a 90 percent cut from 1981; but we were able to restore most of the funding. This year's cuts represent 52 percent in coal liquefication, 59 percent in surface coal gasification, 68 percent in fuel cells, and 41 percent in the MHD development program; again, I am confident we can restore most of these cuts and that remains a priority for me.

Second, I am glad to join with Congressman DOUG WALGREN in cosponsoring a bill authorizing a new 5-year commitment to coal technology with recommendation for $775 million of spending over those years, covering $75 million in basic coal research; $200 million for science and engineering progress; and $500 million for engineering development. This would provide work in at least 13 key coal development areas where we can make progress that will lead to clean, efficient ways to use the coal we mine to produce energy.

Despite all the years that coal has been used for a fuel, there is still a great deal to learn about new technology, and through developing these processes, we can reduce the oil we import and use our own energy resources.

Third, we must continue the work to develop a strong American synthetic fuels industry. Using coal and other alternative fuels, this represents not only a step toward energy security, but can provide jobs and the purchase of American supplies during construction and operation that can be a vital boost to the American economy.

The major change in America's energy situation since the gas lines is to take the story off the front page and the nightly news. We have not solved the energy problem, we have chosen to forget about it.

But somewhere down the road it is inevitable that we will again face shortages of fuel, skyrocketing prices, and be back sitting in gasoline lines. Then, again, we will ask ourselves why we did not take the steps necessary to avoid the dilemma.

Progress in these three areas can take a giant step toward using American energy resources, putting our coal miners back to work, and avoiding those kinds of energy problems.●

TRIBUTE TO CLIFFORD W. HENDERSON

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LOWERY of California. Mr. Speaker, I am honored to call to the attention of Congress the achievements and distinguished career of a true aviation pioneer, Mr. Clifford W. Henderson of San Diego County, Calif.

His contributions to aviation have guided the path of progress in a variety of ways. In fact, Mr. Henderson has

often been the reason progress was made in a number of fields related to aviation. A list of his works would fill many pages, yet there are some noteworthy accomplishments which would have not gotten of the ground without his initiative, vision, and support. Clifford is one of a handful of pioneers who have helped to create aviation as an industry, sport, business, and public service.

Under his guidance and leadership, Los Angeles Municipal Airport took its first step into history from a deserted barley field in 1928 to the world class model known as Los Angeles International. Clifford Henderson was the first director of the airport. Continuing in industry, Clifford produced an international aircraft exposition for the United States Aviation Chamber of Commerce at the International Aircraft Exposition in St. Louis in 1931.

By then, aviation was beginning to spread its wings as a sport and Clifford excelled in its promotion. Beginning in 1924, he produced one of the first around the world flights by the Army Air Corps originating from California. In 1928, he produced the first national air races in Los Angeles. Among the contestants was another aviation pioneer, Charles Lindbergh. Other contributions included the organization of the Cleveland International Air Races in 1929, and the Chicago International Air Races at the World's Fair in 1933. Still leading the pack, he organized the Vincent Bendex trophy classic and the Thompson Closed Course Classic. And perhaps his best contribution to the sport came when he organized what has now become an annual international event, the Powder Puff Derby for women pilots.

It does not take long for excellence and leadership to be recognized, Mr. Speaker, and in the case of Mr. Henderson, the awards began at an early age and have come from the corners of the aviation world. The honors and citations have praised his intellect and courage for more than 50 years. Included among some of the more noteworthy are:

The Order de L' Etoile Noire du Benin" from the Governor General of Dakar in 1943.

A citation from the American Legion for his outstanding contribution to the progress of aviation.

The Southern California Aviation Council citation as an "Outstanding Citizen."

Election to the Hall of Fame of the OX 5 Club of America.

Outstanding Service Award from the University of Southern California Institute of Aerospace Safety and Systems Management.

Election to the American Hall of Aviation History and the recipient of the International Hall of Aviation Personality Award.

And most recently the President of the United States has seen fit to recognize Clifford and commend him for his achievement in the field. The President's letter said in part, "* * * yours is a lifetime of accomplishment, breakthroughs and progress."

Mr. Speaker, in recognition of the more than 65 years of unselfish contribution, dedication and commitment that Clifford W. Henderson has given to the aviation industry, please join me in honoring and calling the attention of the Congress and the American people to the life of a true aviation legend.●

TRIBUTE TO JOE POLLARD

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DREIER of California. Mr. Speaker, it is a pleasure for me to pay tribute to the work of a fine public servant, Mr. Joe Pollard. Joe is retiring after more than 25 years of service to the community of Los Angeles County.

Joe began his career as an assistant to Supervisor Warren Dorn. For the past 18 years Joe has focused his efforts in Washington, working as the legislative representative to the Los Angeles County Board of Supervisors. In this role he has coordinated the efforts of Federal and local legislators to meet the needs of our constituencies. Los Angeles County is the home of over 8 million people—an area more populous than many of our States. Responding to the needs of this population has not been an easy task. In all of his actions Joe has considered the best interests of our community, and has worked closely with Federal representatives and Los Angeles residents alike. I have no doubt that his dedication will be greatly missed by his colleagues in Washington as well as in California.

Working with Joe has been a pleasure. I join his many friends in wishing him and his wife, Doris, much happiness in their retirement.●

CLARENCE MITCHELL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ADDABBO. Mr. Speaker, I am deeply saddened by the death of America's 101st Senator, Clarence Mitchell. He was a leading civil rights activist, and also a good friend, and the brother of my colleague, PARREN MITCHELL. On his behalf, I would like to submit this obituary which appeared in the New York Daily News:

CLARENCE MITCHELL

BALTIMORE.—Clarence Mitchell, Jr., 73, a lawyer instrumental in the passage of the 1965 Voting Rights Act, died last night at Maryland General Hospital following a heart attack.

Mitchell, the brother of Maryland Democratic Rep. Parren Mitchell, was dubbed the 101st senator because of his longtime work as head of the National Association for the Advancement of Colored People's Washington bureau. Mitchell was also the chief lobbyist in the passage of the 1965 Voting Rights Act.

Mitchell received the Medal of Freedom, the highest civilian honor, from President Jimmy Carter and served as a member of the U.S. delegation to the United Nations under President Gerald Ford.

Mitchell practiced law with the Baltimore firm of Mitchell, Mitchell and Mitchell.●

NONEXCLUSIVE CABLE TV FRANCHISES MORE COMPETITIVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PAUL. Mr. Speaker, I would like to share with my colleagues a letter I received from the mayor of Kearney, Nebr., concerning competition in cable television systems.

Congress cannot legislate competition; it can only put obstacles in the way. H.R. 4103 is such an obstacle. This legislation would give legitimacy to exclusive cable franchises. There cannot be exclusivity and competition at the same time.

I believe the message embodied in the following letter speaks for itself. I hope my colleagues will take a few moments to read it.

CITY OF KEARNEY,
Kearney, Nebr., February 28, 1984.

Honorable RON PAUL,
U.S. Representative,
Longworth House Office Building,
Washington, D.C. 20510.

DEAR CONGRESSMAN PAUL: A sincere thank you for your recent letter regarding your opposition to H.R. 4103. I find it truly refreshing to hear from a member of Congress that believes in less government regulation and actually stands by that conviction.

Your comments promoting competition in the cable TV industry are right on target. Kearney, a community of 22,000 citizens, granted its first non-exclusive cable TV franchise in 1966. Through time the system became dilapidated, service deteriorated and channel selection limited. This cable system was finally purchased in February, 1981, by TeleCommunication, Incorporated (TCI), the largest cable TV system in the nation. Through the purchase of the system, TCI promised the City Council the entire city would be wired and the system upgraded. Improvements to the existing system were not forthcoming until April, 1983, when the City Council granted a second non-exclusive franchise to Kearney Cablevision. Once the second franchise was issued, TCI withdrew their rate increase and started upgrading their facilities. Competition has continued providing our citizens with better cable TV service at competitive rates. I firmly believe that by granting the additional non-exclusive franchise, competition was born which

spurred better cable TV service for our citizens.

Congressman Paul, I agree with your analysis that competition will provide the best cable TV system to our citizens. I thank you again for your opposition to H.R. 4103. Your convictions to the principal of less government regulations and more free enterprise is to be commended.

Sincerely yours,

JUSTUS DOBESH,
Mayor.●

THE SALE OF STINGER ANTIAIRCRAFT TO JORDAN

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MRAZEK. Mr. Speaker, in recent remarks Jordan's King Hussein has rejected negotiations with Israel, and criticized the role of the United States as a mediator of peace in the Middle East. The statements highlight the precarious and highly volatile state of our relationship with the Jordanian State.

In the widely reported New York Times interview last week, King Hussein rejected a U.S. role as a broker of peace in the region. During subsequent interviews he has reiterated these views, concluding that he sees no hope for peace in the Middle East.

King Hussein's condemnation of U.S. policy in the Middle East is particularly shocking coming at a time when the administration has announced plans to sell Stinger antiaircraft missiles to Jordan and equip a rapid deployment force for use in the Persian Gulf. Under the administration's most recent plan, Jordan would receive 315 launchers and 1,613 missiles at a cost of $133 million.

Despite King Hussein's repudiation of U.S. policy in the Middle East, the administration persists in its plan to sell the Stinger antiaircraft missiles to Jordan. According to this morning's Washington Post, the President has refused to drop the sale based upon his promise to King Hussein. Yet such a short-term promise means little when it is considered alongside our more vital long-term strategic and military needs in the region.

Mr. Speaker, the sale of Stinger weapons would do little to advance the cause of peace in the region and would, more likely, create a serious national security threat to our only democratic ally in the region, Israel. King Hussein has proven once again that his friendship hinges on a delicate and tenuous balance. In the interest of long-term peace in the Middle East, I urge the President to drop his plan to sell the Stinger antiaircraft missiles to Jordan.●

FIRST FEDERAL SAVINGS & LOAN OF PHILADELPHIA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BORSKI. Mr. Speaker, First Federal Savings & Loan Association of Philadelphia marked their 50th year of service on February 20, 1984. In honor of this achievement, I want to share with the House a brief history of First Federal.

The year was 1934. Franklin D. Roosevelt was President of the United States and the Nation was struggling desperately to break out of the depression. In an effort to solve some of the very serious problems with the banking system, the Federal Government had established the Federal Home Loan Bank Board to encourage thrift and economical homeownership.

Around this time, Samuel A. Green of Philadelphia decided to organize a Federal savings and loan association. With deposits of $7,546 from nearly 200 friends, he started First Federal of Philadelphia and was granted the first charter for a Federal savings and loan in Pennsylvania of February 20, 1934.

The first office of First Federal was located at 1330 Point Breeze Avenue where, 11 years earlier, Daniel B. Green—now chairman of the board—was born. The creation of First Federal was the culmination of many years of work by Samuel A. Green in banking, and building, and loans. In fact, his interest started from the first day he arrived in Philadelphia from his native Hungary in 1905 when his father made him treasurer of one of the oldtime credit unions. He qualified for the job because he was the only one who could write.

In 1919, he organized the Roosevelt Bank in South Philadelphia, and remained as its chairman until it merged into the present Fidelity Bank in the 1950's. He was the manager of six building and loan associations during the 1920's. The success of these institutions was an important factor in his securing the first charter for a Federal savings and loan in Pennsylvania. Today, First Federal has grown to 11 branches with assets of over $800 million. In 1957, First Federal built a four-story headquarters and branch bank at Castor and Cottman Streets in northeast Philadelphia.

Beginning on April 20, 1984, and continuing for 50 days, First Federal will conduct a series of events and activities to celebrate its 50th anniversary. All of these activities will be geared to community participation. Mr. Speaker, I am pleased to note this important occasion and the many achievements of First Federal Savings & Loan Association.●

CHARLES R. DREW CENTER

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FOGLIETTA. Mr. Speaker, today I rise to pay tribute to the Charles R. Drew Community Mental Health and Mental Retardation Center of Philadelphia. This nonprofit corporation serves over 5,000 residents of Philadelphia each year and is deserving of our recognition today for its important contributions as a member of the Philadelphia health care community. The Charles R. Drew Community Mental Health and Mental Retardation Center provides a myriad of services ranging from crisis intervention to outreach and community education programs. Established in 1979, this center was designed not only to meet the needs of mentally retarded individuals and their families, but also to help persons deal more effectively with the long-range problems associated with developmental disabilities. In addition, at a time when our daily lives are complicated by stress and imposed pressures, the Drew Center helps clients to reduce and eliminate potentially difficult and trying situations by counseling and offering advice on how to cope with emotional and psychological problems.

Yet another program developed by the Drew Center is Gateway, which assists individuals in making the successful transition from the hospital to community life. Preventive outreach is another facet of the Drew Center's commitment to community service. Contact, a quarterly newsletter, acts as a liaison with community groups and other service agencies and was developed in an effort to help educate the public.

Obviously, the Charles R. Drew Community Mental Health and Mental Retardation Center provides us with a shining example of public service, and the dedication of the center's employees and volunteers to improving health care in Philadelphia is particularly admirable. Especially worthy of recognition, the Drew Center embodies a noble approach to health care, as every effort is made to insure that no individual is turned away or denied service because of an inability to pay. For these reasons, the Charles R. Drew Community Mental Health and Mental Retardation Center is deserving of our thanks and admiration for its outstanding record of service to the Philadelphia community.●

THE QUESTION OF SMOKING IN AIRCRAFT CONTINUES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. YOUNG of Florida. Mr. Speaker, yesterday, the Civil Aeronautics Board (CAB) defeated a proposal to ban smoking on short flights, but it did agree to prohibit all smoking on planes having 30 or fewer seats and cigar and pipe smoking on all flights. The Board also upheld a rule that prohibits smoking when airplane ventilation systems are shut down and kept the requirement denying airlines the ability to place a nonsmoking section between two smoking sections.

As a longtime advocate for the rights of nonsmokers, I shared my support for these proposals in testimony I submitted to the CAB on February 27, 1984. I applaud the CAB's decision yesterday and their efforts to protect nonsmokers from breathing undesired smoke. However, we cannot forget that these important protections could be shortlived without legislation.

Since the 92d Congress, I have introduced legislation requiring the Department of Transportation to prescibe regulations for the separate seating of nonsmokers aboard planes, trains, and buses traveling in interstate commerce. Because I continue to believe that the nonsmokers of America have rights, too, I have reintroduced H.R. 4955, the Nonsmoker Relief Act. I have also cosponsored legislation (H.R. 4395) which would codify existing CAB regulations and aircraft practices governing the protection of nonsmokers' health and safety aboard commercial aircraft. Both measures attempt to continue the role our Government has played in insuring the basic right to clean air on airlines and all forms of public transportation.

As we know, the CAB will cease to exist at the end of this year. Without legislation in place to designate which Government agency should handle smoking and other consumer-related regulations, protections like these which mean so much to so many could die with the Board. Because I am concerned about that possibility, I recently addressed the House Public Works and Transportation Subcommittee on Aviation during their hearings on the sunset of CAB.

The Aviation Subcommittee is continuing to review the elimination of the CAB and I urge them to consider the serious role this Congress will play in the near future. Without laws in place to provide for a fair and orderly transition, the American public will continue to fear the possibility of changes that could curtail or even eliminate the protections we all enjoy today. It is our responsibility to insure that the next breath we take is not filled with smoke, and I urge my colleagues on the Aviation Subcommittee to include language similar to H.R. 4395 or H.R. 4955 in any legislation they consider that would transfer the authority of the CAB.●

EL PASO'S HISPANIC STUDENTS: NO LONGER CAMPUS "TOURISTS"

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I want to take this opportunity to point out that the University of Texas at El Paso is known for more than its nationally ranked basketball team. Over the year, a dramatic turnaround has taken place in the composition of the student body, and for the first time in its 71-year history, Hispanic students are the largest group on campus. As the following article from the Chronicle of Higher Education—March 12, 1984—points out, this change reflects the desire of Hispanics to improve their economic and social standing through education.

The article follows:

[From the Chronicle of Higher Education, Mar. 14, 1984]

EL PASO'S HISPANIC STUDENTS: NO LONGER CAMPUS "TOURISTS"

(By Charles S. Farrell)

Jose F. Avila says the alienation he encountered as a freshman at the University of Texas at El Paso in 1961 was overwhelming.

The university had only a few Hispanics at the time, and the El Paso native says, "I felt like a tourist in my own town. I didn't feel like I belonged."

He left the university, but after a three-year hitch in the Air Force, a more confident and worldly Mr. Avila returned to his studies able to cope successfully with the culture shock he had experienced earlier.

Now dean of students at the university, Mr. Avila has witnessed a dramatic turnaround. This year, for the first time in the university's 71-year history, Hispanic students are the largest group on the El Paso campus, making up about 48 per cent of the total of 15,630 students. White students are about 46 per cent of the total, with blacks and "others" making up the rest. The increased Hispanic presence at Texas-El Paso is reflective of the fast-growing Hispanic population nationally and the desire of Hispanics to improve their social and economic standing through education.

The 1980 census found about 14.6 million Hispanics in the United States—not counting the 3.2 million residents of Puerto Rico, who are American citizens.

The number of Hispanics is expected to increase dramatically in the next decade, particularly for those of the college age. Some predict that by the end of the century, Hispanics could outnumber blacks in the United States.

But some educators, such as Rafael J. Magallan, executive director of the Hispanic Higher Education Coalition, say that while more Hispanics than ever are going to college, a lack of opportunities, along with other barriers, continues to prevent a more proportionate Hispanic participation in higher education.

In 1980, the last year for which figures are available, Hispanics constituted 6.5 percent of the U.S. population but only 4.2 percent of the approximately 9.3 million college undergraduates. In contrast, blacks, who were about 11 percent of the total population, were 10.1 percent of all undergraduates.

Only about 30 percent of the Hispanics who enter college complete their studies, compared to 61 percent of whites and about 40 percent of blacks.

However, while problems remain, more colleges and universities are beginning to shoulder the responsibility of addressing the needs of Hispanic students, particularly in the Sun Belt states, where the greatest population increases among Hispanics have occurred, says Mr. Magallan, whose organization advocates policies designed to improve the opportunities in higher education for Hispanics.

While Hispanics are found in every state, 85 per cent are concentrated in nine states; Arizona, California, Colorado, Florida, Illinois, New Jersey, New Mexico, New York, and Texas. California alone is home to about 31 per cent of all Hispanics in the United States; another 20 percent live in Texas.

HISPANIC LABEL RESISTED

El Paso, located in the far western corner of Texas, a short distance from New Mexico and just across the Rio Grande from Mexico, has been a crossroads between the Anglo north and the Latin south for more than 385 years. The state university at El Paso—a city in which 63 per cent of the residents are of Mexican-American descent—shows a strong Hispanic influence.

Students dress with Hispanic flair. Conversations outside the classrooms are mainly in Spanish. Buildings on the campus have the hacienda style of many homes in El Paso.

But, while the Hispanic presence at the university is increasing markedly, there is resistance to calling it "Hispanic."

"I don't think we should have an ethnic identity," says Haskell M. Monroe, Jr., the president. "We're accepted as an institution that sees our primary role as servicing the region centering around El Paso."

Several factors have led to the increase in the number of Hispanics at the university, says Roberto E. Villarreal, director of Chicano studies. World War II spurred Hispanic interest in a college education, he says, as young Hispanics inducted into the services got to travel extensively and see many of the social problems that plagued the country. "Many of the parents of the kids here now decided something was wrong, and they had to educate themselves or see that their children were educated," he says.

The civil-rights movement led to additional awareness and concern about educational opportunities for minority-group members, he says, and Hispanics began to realize that college could and should be a reality.

A certain amount of cultural ideology had to be surmounted in order to improve Hispanics' access to college, Mr. Villarreal says. Many Hispanics come from working-class communities, and they failed to see what benefit four years, or even two years, of ad-

ditional schooling could provide when there was an immediate need for family income.

But as more Hispanics go to college, earn degrees, and get higher-paying jobs, the resistance is wearing down. Gradually, the notion of college has become more attractive, Mr. Villarreal says. "Hispanics, little by little, are making more contact with the idea that without a higher education, you're not going to get anywhere."

There has also been a change regarding the role of Hispanic women, Mr. Villarreal says. Once their place considered to be only in the home; now they are being encouraged to pursue an education.

Among Texas-El Paso's Hispanic students, women outnumber men—reflecting a national trend, according to Mr. Magallan.

Improved counseling and preparation in high school have also helped increase the Hispanic presence in higher education, as has a greater awareness of where to get financial aid.

For the most part, though, college for Hispanics remains a first-generation phenomenon. And unlike blacks, who historically have had their own institutions to turn to for a college education, outside Puerto Rico only three institutions, Boricua College and Hostos Community College, both in New York City, and Saint Augustine Community College in Chicago, have been established in the United States to serve Hispanics.

Couple that with a national shortage of Hispanic faculty members and administrators to serve as role models, and many Hispanics continue to feel a certain alienation from college.

But at Texas-El Paso, the large Hispanic influence that envelops the university has made it what many consider an ideal setting for students who might otherwise feel alienated and retreat, much as Mr. Avila, the dean of students, did during his first encounter with college.

Mr. Avila encourages Hispanic students who want to go to colleges where there are few Hispanics to do so, but he warns, "The cultural adjustment, particularly for first-generation students, can be particularly bad. It is not easy to leave a Mexican-American family, because there are a lot of ties.

"It is less traumatic for them to come here," he says. "It is close to home, for one thing, and it is less expensive. The idea is to get started in college close to the things you know and love."

600 MEXICAN CITIZENS ENROLLED

Nearly 85 per cent of all students at the university are from El Paso County, and about 600 Mexican citizens attend the university.

The university is doing a good job accommodating Hispanics because it is accustomed to having Hispanics around, Mr. Avila says. "That makes for less social pressure and less culture shock." Many elementary courses are offered in Spanish to help overcome language difficulties.

But Mr. Avila adds, "Our Hispanic graduates are ready for American society. We might soften the culture shock, but they are exposed to American society. This is the best of two worlds, because here they can maintain their cultural identity."

President Monroe says one of the primary reasons many Hispanics go to Texas-El Paso is that "they know the university offers a welcome to them and genuinely wants to serve their needs. This is an ideal situation for Hispanic students, becasue it provides them with a sense of security. El Paso is an oasis in the desert."

He agrees with Mr. Avila that, while cultural identity is important, "we produce graduates who participate fully in whatever area they choose."

Mr. Monroe boasts that the Hispanic graduation rate at the university is 62 per cent, exceeding the proportion for white students and for Hispanic college students nationally. The high rate, in part, is due to the security and encouragement offered, Mr. Monroe says. "We offer a good example of young people succeeding without regard to economic or ethnic background," he says. "We hope we are out front nationally in regard to ethnic cooperation and success."

Students seem to agree.

The campus' Hispanic ambiance is "an attraction, definitely a plus," says Kenny Tarango, a senior from El Paso who is majoring in industrial engineering. So is the institution's low cost, he says. (It is under $400 per academic year.)

Mr. Tarango, who is vice-president of the student association, says the atmosphere at the university is "very relaxed, because a person's color or last name doesn't matter. You're not viewed as a token. There may be advantages to going other places, but I doubt if you get the support other places that you get here."

Hispanics should seize opportunities to go to predominantly white colleges, he says, "but you get more of a chance to develop here. The role models you see on campus say something about staying home. This has given me a chance to develop as a person and be involved."

"It is really hard to discriminate against Hispanics here," says Ralph Zubiate, a sophomore from El Paso majoring in journalism. "That makes for a lot of opportunities. At UTEP you get along not because you're Hispanic or in spite of being Hispanic. You are just a student."

At the same time, Mr. Zubiate says, he can maintain his cultural identity, something that probably would be lost at most colleges. "You're exposed to it here. The more I'm exposed, the more pride I have in my background."

GETTING AWAY FROM BIAS

Juanita Sauceda, a sophomore computer-science major, transferred from another university because of the prejudice she encountered. She says she is much more at ease at Texas-El Paso.

Ms. Sauceda, who has three older sisters, is the first in her family to go to college, the first child that her parents "expected" to go to college. "They said, 'You've got to set an example for the rest of the children.' They're realizing the need for an education. They want something better for us. They don't want us to go through what they had to go through."

The university has followed through on her parents' desires, she says. "The emphasis here is you need to be someone."

Part of that emphasis comes from the 39 Hispanic faculty members, out of a total of 439. But there is agreement that while 39 is a substantial number compared to other universities, it is not enough, considering the composition of the student body.

"They are not nearly as many as we want," President Monroe says, "but it is difficult to bring them here." Relatively few Hispanics hold doctoral degrees, and the demand is high for those who do.

For example, Mr. Monroe notes, "Texas-El Paso hired one-third of the Hispanics who received a doctorate in statistics in the country last year. And we were lucky to get him," Mr. Monroe says.

Nationally, only about 1.5 per cent of all faculty members are Hispanics. Hispanics have increased their enrollment in graduate schools, but the numbers are still small. In 1980, Hispanics received only 2.1 per cent of the master's degrees and 1.4 per cent of the doctorates.

But an educational revolution among Hispanics is under way, Mr. Monroe says, and he expects things to improve. "It takes time," he says, "but there is more understanding and more awareness as you see more Hispanics succeed. There are many indications that we are in the midst of rapid change. Hispanics are becoming more aware of their role in the community and the United States. This should result in higher Hispanic enrollment and graduation."

FACING HISPANIC REALITY

Pat Mora, assistant to the vice-president for academic affairs, says that as the Hispanic population in the country increases, more and more colleges must face the reality that Texas-El Paso has had to face: "how to deal with Hispanics."

A Hispanic presence should be viewed as an institutional strength, Ms. Mora says. "You have to view high Hispanic enrollment as a resource," she says. "The question now is, How do you best prepare that resource for a country that is going to need them all over? You have to go past the point of accepting the demographics as a reality and view the reality as an opportunity."

Hispanic educators say Texas-El Paso is doing well in providing educational opportunities for Hispanics.

"The university is unique in doing what it has done so far," Mr. Magallan says. "It needs to be lauded and applauded loudly because most colleges do much more poorly."

But for opportunities for Hispanics to continue to improve, even better preparation and counseling in high school are needed, Mr. Magallan says, so that more students will see the need to attend college and be academically prepared to do so.

He also suggests:

Improved access to financial-aid information.

Additional recruitment efforts.

Improved college-admissions tests.

Pilot programs for admissions and retention.

Improved links between two-year and four-year institutions.

Better efforts at incorporating Hispanic needs and cultures into curricula.

"We have to improve the educational pipeline for Hispanics," Mr. Magallan says, "because there is so much leakage at all levels. A lot of talent is being lost. It is improving for some, but the numbers are not coming through. In some cases, it is getting worse—and that is the scary part."●

RABBI ZVI KESTENBAUM: MINORITY SMALL BUSINESS CHAMPION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Rabbi Zvi Kestenbaum, executive director of the Opportunity Development Association (ODA) of Brooklyn, upon his selection

by the U.S. Small Business Administration as Minority Business Advocate of the Year for 1983 from New York State.

For the last 9 years Rabbi Kestenbaum has devoted his considerable energy to expand business and job opportunities in the Chassidic community in the New York metropolitan area. ODA is based in Williamsburg, a neighborhood in Brooklyn, with a set of unique characteristics and problems.

Most of them are refugees from Eastern and Central Europe who survived the Holocaust. They came to the United States to rebuild their shattered communities and to maintain their way of life.

The Chassidics are ultra-Orthodox Jews who adhere strictly to Jewish law. Their dedication to tradition sets them apart from the community at large and exposes them to anti-Semitism and other forms of discrimination in many walks of life including the marketplace.

The Chassidic community in Williamsburg is poor. Data show a persistent pattern of poverty, youth unemployment, aging housing stock, and other indices of distress.

The Federal Government recognized the status of the Chassidic community in 1975 when the Opportunity Development Association was established with funds provided by the Minority Business Development Agency, U.S. Department of Commerce, and Community Services Administration. The Small Business Administration provided its first loans to ODA's clients in 1975. Rabbi Kestenbaum has been at the forefront of ODA's efforts from the beginning.

Since its establishment ODA has become a full-service community organization, providing management and technical assistance; loan assistance; assistance in obtaining procurement contracts through the 8A program to Chassidic businessmen; vocational education to Chassidic youth; housing counseling; energy conservation; and a home attendant program for disabled individuals, among other programs. ODA also opened a primary health care facility in Williamsburg that has become the largest on-site WIC program in New York State.

These programs reflect ODA's belief that improving the business climate must encompass a multifaceted approach to the community's problems.

Rabbi Kestenbaum is the driving force behind ODA. He is a tireless and indefatigable advocate for the Chassidic community, working closely with other community leaders; local, State, and Federal officials; and representatives of Federal agencies to improve business conditions.

Rabbi Kestenbaum richly deserves this award because he has, through his personality and will, made ODA an extraordinary resource for his community. It is impossible to imagine any one man doing more to advance the cause of minority small business than he has.●

JOJOBA TAX SHELTER ELIMINATED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. STARK. Mr. Speaker, farm syndicates dealing in jojoba beans are outraged these days. The IRS has the gall to issue a regulation in November which clarified what most people already knew: The farm syndicate rules which require capitalization of expenses under section 278(b) apply to jojoba growers.

In case you are not up on the latest tricks in tax shelters, jojobas are beans which grow on bushes in arid climates and produce an oil used in shampoos and cosmetics and as an industrial lubricant. The jojoba plant takes 5 or 6 years to produce oil for marketing purposes. It takes 3 years to determine if the plants are female and bear beans. It takes then another 3 years for the plants to mature to a stage when they can produce the oil which can be marketed as a substitute for sperm whale oil.

During those first 6 years, the jojoba produces something better than even sperm whale oil. The jojoba syndicate provides a mechanism to shelter outside income by providing investors with a deduction for 6 years in a row before there is any income from the venture. At least, this is what the investors had argued.

Actually, the Tax Reform Act of 1976 provided that, when a crop grown by a farming syndicate is the type of crop which takes years to develop from planting to market stage, the investors must capitalize the costs of planting, cultivating and maintaining the crop until there is a commercial crop or yield. The section expressly covers fruits and nuts. Because the jojoba is the seed of a fruit and is inedible, the jojoba investors are claiming that section 278(b) does not apply to them.

I think they are wrong. The IRS issued a regulation last November making it perfectly clear the capitalization requirement covers jojoba growers. But while investors have petitioned this Member of Congress chanting "Save the Whales," somehow I cannot help but hear "Save the Shelter!"

And I am just not about to come to the rescue of people who have made a point of and profited from end-running the Tax Code.

To remove any possible shade of ambiguity, any doubt, that the capitalization requirements apply to jojoba syndicates, I am introducing a bill today to amend section 278(b) of the Internal Revenue Code to include inedible fruits as well as edible fruits.

The text of the bill follows:

H.R. 5199

A bill to amend the Internal Revenue Code of 1954 to clarify that the farm syndicate rules of section 278(b) apply in the case of inedible fruits and nuts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 278 of the Internal Revenue Code of 1954 (relating to certain capital expenditures of farming syndicates) is amended—

(1) by striking out "a grove, orchard, or vineyard in which fruit or nuts are grown" and inserting in lieu thereof "a grove, orchard, vineyard, or other tract of trees, bushes, shrubs, or vines in which fruit or nuts (whether or not edible) are grown", and

(2) by striking out "grove, orchard, or vineyard" in paragraphs (2) and (3) and inserting in lieu thereof "grove, orchard, vineyard, or other tract".

(b) Subsection (c) of section 278 of such Code is amended by striking out "grove, orchard, or vineyard" and inserting in lieu thereof "grove, orchard, vineyard, or other tract".

(c) The amendments made by this section shall apply to amounts paid or incurred after March 20, 1984, in taxable years ending after such date.●

SPECIAL SERVICES PROGRAM AT AQUINAS COLLEGE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SAWYER. Mr. Speaker, I would like to affirm my confidence in the special services program at Aquinas College, located in Grand Rapids within my district, to fulfill the legislative requirements of TRIO funding. This program supports Aquinas College in its unique approach to continuing education, making a quality education possible to eligible participants within a career-oriented environment.

The special services program for continuing education students, one of a very few programs of its kind designed for adult returning students, helps participants build personal and academic skills through personalized instruction and intensive counseling. The program serves to retain students for degree completion and returns them to the Grand Rapids community fully prepared for useful and practical careers. It therefore serves the educational needs of disadvantaged adults within my district and retools them for long-term productivity within their society.

Funding provided to programs like the special services program at Aquinas College is clearly a productive investment.●

THE TRUTH ABOUT THE DEFICIT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, President Reagan has been incorrectly accused by the press of causing the large increase in the deficit through his tax cuts and defense buildup. The belief that the administration's original economic projections underestimated the deficit and overestimated the future growth of the gross national product has no basis of fact. The administration projected a balanced budget by 1984 only because the Office of Management and Budget (OMB) foresaw additional budget reductions which were not embodied in the proposal. Without these additional savings the nominal GNP growth and deficit estimates were placed in line with those of major private forecasters. The fact is that three-fourths of the recent increased deficit was caused by the economic recession and that the OMB had problems delivering additional budget cuts. However, the press has failed to deliver anything other than fiction about the deficit. I urge my colleagues to read Mr. Roberts' comments which will clarify the fiction surrounding the issue of the deficit.

[From Business Week, Jan. 23, 1984]

TOO MUCH FICTION ABOUT THE DEFICIT

(By Paul Craig Roberts)

The Reagan Administration's projections of large multiyear budget deficits have proven to be a boon to the President's political opponents. The deficits have been incorrectly attributed to Reagan's tax cuts and defense buildup, and erroneous reports to this effect threaten the success of Reagan's attempt to rebuild the economic and military prowess of the U.S. A detailed look at the origin and source of the budget deficits will provide a useful background for the public debate that will begin later this month when the President releases his new budget proposals.

It is widely believed that the Administration's original economic projections in March, 1981, were responsible for a rosy forecast that underestimated the deficits by overestimating future growth of gross national product. This belief has no basis in fact, and it is difficult to understand how a country with a free press can be so misinformed.

MISCONCEPTIONS

When the Administration issued its original projections, major private forecasters, such as Data Resources Inc. and Chase Econometrics, were predicting equal or higher GNP growth. The mix between the real and the inflation components of growth was different, with private forecasters predicting more inflation and less real growth than the Administration. But because nominal GNP forms the tax base, tax revenues are determined primarily by the level of nominal GNP.

Another misconception is that the Reagan Administration based its deficit projections on the Laffer Curve, predicting that cutting tax rates would raise revenues. The Administration never based any economic forecast or deficit projection on the Laffer Curve, a fact that can easily be established by anyone with enough energy to examine official Administration forecasts and statements of goals. If the Administration had relied on the Laffer Curve, there would have been no need to define its budget goal in terms of reducing government spending to 19.3% of GNP by 1984.

The Administration was able to project a balanced budget by 1984 in its original forecast only because the Office of Management & Budget projected additional spending reductions that it was not prepared to identify in 1981. When these "additional savings to be proposed" (which the OMB failed to deliver) are taken out of the original budget projections, the Administration's deficits fall between those of Chase and DRI.

In summary, the nominal GNP growth and deficit estimates were in line with those of major private forecasters, and the Administration is not guilty of the charge that it covered up deficits with a glowing forecast of economic growth. Indeed, in 1981, when the Administration was accused of rosy forecasting, the charge was based on the belief that the tax cuts would cause more inflation than was projected. Had this charge been true, the deficits would never have materialized, since higher inflation would have raised tax revenues.

The deficit dilemma arose because the recession caught almost every forecaster, including the Federal Reserve Board, by surprise. During 1981 the Fed was convinced by mainstream economists that fiscal policy was too expansionary and would produce higher inflation no matter how hard the Federal Reserve applied the monetary brakes. Administration critics greatly overestimated the expansionary force of the tax cut, causing the Fed to ignore Treasury's warnings during the latter half of 1981 that the money supply was dangerously below target and was leading the economy into recession.

SHARP DECLINE

It is indisputable that the economic recession, together with the additional budget cuts that the OMB promised but failed to deliver, accounts for three-fourths of the traumatic increase in the deficits between the Reagan Administration's original projections in March, 1981, and the latest official forecast in July, 1983. The sharp decline in money supply growth during 1981 caused both real GNP and inflation to decline dramatically relative to all forecasts. The unexpected collapse in real GNP and inflation resulted in substantially lower federal revenues and higher federal borrowing, pushing up interest payments on the debt. The OMB's empty promise of "additional savings to be proposed" accounts for a $160 billion deficit increase in the 1983-86 period.

In an attempt to shift the burden of balancing the budget to the Treasury through higher taxes from the OMB through spending control, Martin S. Feldstein, chairman of the Council of Economic Advisers, and OMB Director David A. Stockman have made unfounded claims of success in curbing discretionary spending—that is, total spending excluding defense, Social Security, medicare, and interest on the debt. Such claims are inconsistent with the OMB's published budget numbers. Discretionary spending for the 1983-86 period is $378 billion higher in the midsession 1983 budget than in the original budget in 1981. The only progress the Reagan Administration made in reducing federal spending was the 1981 reconciliation bill, and some of the cuts gained in that bill have since been given back.●

IN REMEMBRANCE OF THE HOLOCAUST

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RATCHFORD. Mr. Speaker, on April 29 the Westport-Weston Clergy Association will gather for a service of commemoration for the victims of the Holocaust. I very much regret not being able to be with the association on that day, but am honored by the invitation.

Four decades ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide. The magnitude of this crime is hard to grasp—the numbers of the victims, the resources of an entire government which were put to such a use, the thousands of human beings who planned and carried out the slaughter, and the populations and world leaders who either did not have the will to grasp the horror of what was occurring, or simply refused to act.

There is a danger in the very senselessness of the destruction of European Jewry. The immensity of it tempts us into believing that such a holocaust is too fantastic ever to recur. The Pol Pot government's massacre of 2.5 million Cambodians, and Idi Amin's slaughter of 300,000 Ugandans are compelling evidence of the potential for history to repeat itself.

Every spring, as we honor the 6 million innocent victims of the Holocaust, I believe we do them, and ourselves, the best possible service. We honor their memory, and in so doing we renew our own. Many nightmares are best forgotten. This one must never be.●

A TRIBUTE TO DIXIE JOHNSON AND HER GIRL SCOUT TROOP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SKELTON. Mr. Speaker, it is with great pride that I acknowledge Dixie Johnson and her Girl Scout troop of six in their efforts to make the Truman Stamp Ceremony held

November 18 in Lamar, Mo., a memorable one.

In this great country of ours, there is a tendency to only give credit to those who stand in the limelight day after day. Well, today I would like to turn that light on Mrs. Johnson and her troop because they exude a spirit fundamental to the strength of America. In doing the somewhat tedious task of setting up 150 plus chairs, taking them down again and cleaning up the grounds afterward, Mrs. Johnson and her troop were the silent force that helped make the stamp ceremony pleasant for everyone. No one stood and applauded them in their efforts afterward, but that was fine because they performed those tasks unselfishly and out of respect for Mr. Truman. I am sure he would have been proud and I ask my colleagues to join with me today in congratulating Mrs. Johnson and her troop in a job well done.●

MARYLAND'S WOMEN BUSINESS OWNERS DAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DYSON. Mr. Speaker, it is with great pleasure that I rise today to draw the attention of my colleagues to a recent proclamation designating March 9 to 10 as Women Business Owners Days in the State of Maryland. This proclamation coincided not only with Women's History Week, but also with a 2-day conference for present and prospective women business owners in the District of Columbia/Maryland/Virginia areas that was held in Washington, D.C., this past weekend.

This conference was a recognition of women business owners as the fastest growing segment of the small business community, sponsored by the U.S. Small Business Administration, the Capitol Area Chapter of the National Association of Women Business Owners, and the U.S. Department of Commerce. The theme of this conference was "Building A Bright Future Together," and it was a huge success. Over 1,000 attended and it offered nationally recognized women as keynote speakers, including Maureen Reagan.

I would like to recognize, support and applaud the role of women in Maryland's economy. Over 47,000 sole proprietorships are owned by women in our State, with business receipts totaling $618 million. A recent study by the U.S. Small Business Administration shows that 27.4 percent of businesses in Maryland are owned by women. Nationally, women are going into business five times faster than men.

This past week, we celebrated as a nation the contributions of women to American history. We should also pay tribute to the millions of women that are now contributing to the continuing success of our Nation through their business endeavors. I salute the women of this country, and especially the business women of Maryland.

Thank you.●

HOUSE NEEDS TO SETTLE DOWN TO WORK

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. CHENEY. Mr. Speaker, I cannot let another week begin in the House without rising to point to the calendar, to the repeated urgings of House Republicans, and the need for this body to settle down to work to meet the pressing needs of all Americans.

Mr. Speaker, this House has been in session for 9 weeks. Tuesday and Wednesday we take up the first major legislation we have considered in the 69 days since we convened. We will debate and decide H.R. 1652, vital amendments to the Reclamation Safety of Dams Act. We will finally consider H.R. 3, the Bankruptcy Court Act, to try to rebuild the structure of Federal bankruptcy courts, rather than watching them go out of existence entirely as a result of Supreme Court actions.

But the American people know well, Mr. Speaker, that those are but two of the major issues facing this House. Two issues in 69 days. Under the schedule the House Democratic leadership has set for us to confront America's most pressing needs, Mr. Speaker, it is obvious that the House and its Democratic leaders are not getting paid on a piecework basis.

Where is the immigration bill, Mr. Speaker? What action toward solving the deficit problem can the Democratic leadership show? Other than a thick stack of stale campaign speeches lamenting the problem and blaming everyone but themselves?

Where, Mr. Speaker, is the expression of commitment from those Democratic leaders that their whopping tax increase plans will not go for even more new Federal spending programs?

Where during the last 69 days have we seen a Democratic commitment to cut excessive Federal spending? Where have those Democratic leaders uttered a single commitment to bring a balanced budget amendment speedily through the committee process?

Will they let it be aired and considered on the floor, and by the American people?

Mr. Speaker, some 80 percent of the American people favor prayer in the public schools. Where is the Democratic leadership commitment to let this issue be discussed?

To refresh your memory, Mr. Speaker, when the Founding Fathers wrote the Constitution, they did not create a unicameral legislature. They created two bodies, both the House and the Senate, Mr. Speaker. They did not create the other body as an artifice behind which House leaders could hide. They called for action by both Houses in amending the Constitution.

Mr. Speaker, it does no good to claim the House cannot act without the Senate. In giving both Houses a role, the Founding Fathers were expressing in their refined way, Mr. Speaker, a 20th century boxing axiom: "You can run, but you can't hide."

Mr. Speaker, the House Republican Policy Committee, of which I am chairman, has adopted policy statements on a number of these issues. In each case, the Policy Committee has called on the Democratic leadership to allow the American people a voice in this, "the people's House."

It would be good, Mr. Speaker, if the House Democratic leadership would pause at the start of the day's session for a few minutes' quiet reflection on what the Constitution asks us to do for our country, not for ourselves or even our political parties in a campaign year.

Mr. Speaker, copies of three major Policy Committee statements follow:

THE HOUSE REPUBLICAN POLICY COMMITTEE,
Washington, D.C., March 6, 1984.

STATEMENT No. II-1

The House Republican Policy Committee calls on Members to sign discharge petition No. 8 quickly bringing the school prayer amendment before the House.

It has been 22 years since the U.S. Supreme Court restricted prayer in this nation's public schools. And it has been 13 years since Congress voted on the issue. Fearful of losing, the Democratic leadership of the House has kept every school prayer proposal bottled up since that time.

The American people overwhelmingly support such an amendment. President Reagan has endorsed it. The U.S. Senate has shown its willingness to debate the issue.

The House Republican Policy Committee calls on all Members to sign the discharge petition now, and overriding the controls of the House Democratic leadership and bringing this issue before the House for full debate and consideration.

STATEMENT No. II-2

The House Republican Policy Committee urges the House Democratic leadership to bring the immigration reform bill (H.R. 1510) immediately before the House.

Since the House Democratic leadership shelved the bill last year for partisan reasons, an estimated 400,000 aliens have entered the United States illegally.

While the House Democratic leadership has held this legislation captive for a year, job opportunities of working American citizens have been threatened.

Our understaffed border patrol is overwhelmed, our immigration adjudication

system is beset with unconscionable delays, and our undocumented population lives furtive lives—fearing exploitation and discovery. Many people wait abroad for years to join relatives in the U.S. at the same time others flout our laws.

H.R. 1510 is the vehicle for the first major immigration law reform to face floor action in a generation. It is the product of long work and extensive hearings by the House Judiciary Committee. The U.S. Senate approved similar legislation last year and in the last Congress. The time for partisanship is past. The time for House action is now.

This legislation would be law today if the House Democratic leadership had not decided to play partisan politics last year.

The House Republican Policy Committee calls for immediate consideration of H.R. 1510.

STATEMENT No. II-3

The House Republican Policy Committee urges the Democratic leadership of the House to bring H.J. Res. 496 through committee and before the House so that a constitutional amendment pressing the federal government to operate on a balanced budget may be fully considered.

Time and again, Congress has shown that it cannot be trusted to exercise self control of spending. Despite free-flowing campaign rhetoric about fiscal integrity and responsibility at election time, deficits continue to grow year after year.

President Reagan has endorsed the balanced budget amendment. The American people are demanding action to stop fiscal imbalance. Lack of restraint within Congress will result in restriction in unpredictable form being imposed from outside, if necessary, through a constitutional convention. Already 32 of the 34 states required have passed petitions calling for a balanced budget amendment to the U.S. Constitution.

The House Republican Policy Committee calls on the House Democratic leadership to use its full powers to bring this matter to the floor for quick consideration.●

RECEIPT OF THE JOHN F. KENNEDY AWARD BY THE HONORABLE EDWARD P. BOLAND, MARCH 20, 1984

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. CONTE. Mr. Speaker, yesterday afternoon, all of western Massachusetts turned out to line the streets of the city of Holyoke in exaltation of the Irish heritage. While thousands participated in this special "wearing of the green," one man was singled out to receive the St. Patrick's Day Parade Committee's coveted John F. Kennedy Award, given annually to a person of Irish descent who has distinguished him or herself nationally in his or her field.

This year the committee gave long due tribute to the Representative of the Second Congressional District of Massachusetts, EDWARD P. BOLAND, by bestowing upon him this high accolade. First elected to the 83d Congress, EDDIE has been a model representative for the cities of Springfield and Chicopee and the surrounding towns. His work on the Appropriations Committee as chairman of the Subcommittee on Housing and Urban Development, and his more recent assumption as chairman of the Select Committee on Intelligence have made him a national leader as well.

EDDIE has been a friend whom I have been proud to call my neighbor since I was first elected to Congress, and I appreciate this opportunity to share his recent tribute with my colleagues.

I would like to submit for the RECORD a clipping from Eddie's hometown newspaper the Springfield Union about this prestigious award.

BOLAND RECEIVES KENNEDY AWARD

(By Debra M. Gorham)

HOLYOKE.—U.S. Rep. Edward Boland, D-Springfield, was honored in prayer, song and feast Saturday as the 1984 John F. Kennedy National Award winner.

In a ceremony at the Kennedy Memorial at Appleton Street, Boland told the crowd that the memorial was the "best in the country."

He said the marble and stone which made up the memorial honored Kennedy's strong character.

"The man for whom this award is named had the power of faith and the power of love," he said.

"Death has no dominion over that memory," he said.

"What the St. Patrick's Day Parade Committee does in this town makes his memory live on," he said.

At the Bishop's Mass at St. Jerome's Church Saturday night, the Most Rev. Joseph Maguire, Bishop of Springfield called Boland a man of power and faith.

"He is a man for others," Maguire said. Because he listens with his heart as well as his mind, he stands with pre-eminence among the great men of this country.

"He never forgets the little people; he is part of them, one of them," he said.

Parade President Peter Brady said Boland justly deserved the award given in honor of an American of Irish descent who has excelled in his chosen field.

"He has served the public for 50 years. He is a good husband, a good father, a good man and a good Christian," he said.

Boland told the large crowd gathered that the praises of Bishop Maguire "were the kindest remarks I've received yet."

"It's the first time I've been canonized from the altar," he said.

"It's been 20 years and four months since November 1963 and yet you gather in hundreds of numbers today and thousands of numbers tomorrow to pay tribute to the first Irish-American president of the United States," he said.

"This has a great deal of meaning to those of us whose forebears came from Ireland," he said.

Boland was feted again at the bishop's reception at Holyoke Community College Saturday night where more than 700 people gathered in his honor.●

PERSONAL EXPLANATION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SUNDQUIST. Mr. Speaker, I regret that because of a previous commitment that required me to be downtown on Thursday, March 15, I was unable to record my vote on H.R. 3020, the Small Business Authorization. Had I been present, I would have cast my vote in favor of this legislation. As a matter of fact, I was particularly pleased to see how overwhelmingly the bill passed.●

PRAY, LET ME WORK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. TORRES. Mr. Speaker, too many people in this Nation remain unemployed. It has taken the Reagan administration almost 4 years of misguided economic programs to bring the unemployment rate back to the 1980 level. Unemployment continues to hurt millions of Americans. We must not allow the Reagan administration to cut programs that retrain the unemployed, such as the Job Training Partnership Act. We must support new legislation such as the Youth Incentive Employment Act that would help the Nation's teenagers to find jobs.

Above all else, we must never forget the despair and anguish that joblessness brings. Mr. Speaker, I have received an essay from a constituent of mine who has been unemployed for 3 years. Mr. John W. Andre, of Baldwin Park, Calif., writes about the pain that unemployment brings. For Mr. Andre, it is a tragic catch-22: the longer he stays unemployed, the more unemployable he becomes. I hope we will listen to Mr. Andre and support the programs that can help him.

PRAY, LET ME WORK

"To work is to pray." So states the motto of the Benedictine Monks. Though no monk, I have been unable to "pray" in this manner for over three years. That is how long I have been without work.

It is a condition I have found undignified and painful. Undignified because I must, almost literally, beg for work. Painful because of the ceaseless rejection I have received. And both because I am unemployed.

As one of the long-term unemployed, I am generally thought of as a failure. As such, no employer will hire me because they apparently prefer to consider only those candidates who are demonstrably successful. After more than three years of such unreasoning intransigence, I am understandably frustrated. No, I am downright mad!

Newspaper classified advertisements, private employment agencies, and the considerable efforts of my friends and relatives have proven ineffective. Even self-initiated inquiries to a number of very carefully selected employers were unsuccessful. Apparently, my work experience and education are to blame.

Deplorably, my past employment appears to be altogether inappropriate. It spans a decade, is rather poorly paid, and will not fit conveniently into any conventional career pattern. Worst of all, it stands upon an unmarketable education.

Because I earned both baccalaureate and master's degrees in history, it seems that I am forever branded a teacher. Forgotten is the fact that history is a literary genre, demanding of even its poorest practitioners a not inconsiderable skill in written communication. Ignored is the additional fact that most historical research now requires using records and information resources and techniques of ever increasing diversity. Of these, the vast majority have current uses for other purposes.

That my education and experience appear worthless is exasperating because I owe much of my command of language, records and information resources knowledge, and skill in research techniques to them both. These abilities are highly marketable, but mine were gained differently. Seemingly, only those who acquire these proficiencies through acceptable patterns are deemed competent in their exercise. This approach may be proven, but it is not foolproof. There are always situations where the unacceptable is valuable and the inappropriate necessary.

Understandably, I am annoyed by what I consider an inordinately long and unreasonably difficult work search. To have work is a right and not a privilege to be granted. Work is now an essential part of life and must be considered a coequal necessity with food, clothing, and shelter. Admittedly, unemployment will never disappear. It is a part of the work cycle, but certainly nothing approaching the three years and more I have endured ought to be allowed.●

TRIBUTE TO MEADE ESPOSITO "KING" OF KINGS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BIAGGI. Mr. Speaker, it is a distinct personal honor to pay tribute to a great American and my very dear friend, Meade Esposito. After 16 years as chairman of the Kings County (Brooklyn) Democratic Party, Meade has decided to step aside. Personal considerations motivated this decision, chief among which was a desire to spend more time with his family. The retirement of this powerful and effective leader ends a remarkable career in New York politics. Yet, his influence and impact will remain. This is why Meade Esposito has been called a political institution, a legend, a treasure.

I have had the good fortune to know Meade for 20 years, and I have, therefore, the benefit of a very personal perspective. He is a man whom I respect like few others and for whom I have a deep and abiding affection. There are many attributes that particularly distinguish Meade, foremost among them is his loyalty and his genuine belief that a man's word ought to be the currency of his realm. Those principles, among others, make him the compassionate and powerful personality that he is.

In addition to my very close personal association with Meade, I have worked with him on a professional and political level. I served in the House of Representatives over the same 16-year period that Meade served as Democratic Party chairman. Although we represented different boroughs, we worked together on issues and programs affecting the entire city of New York. It was during these 16 years that I came to fully appreciate Meade, the politician.

The attributes of loyalty and honor that distinguish Meade as a friend have served him well in politics as well. He has stood like an oak tree firmly planted in the path of the Democratic Party. At times he stood firm on the tradition and policy of Democratic Party politics. However, true to his leadership and the ability to adapt to changing times the tree would bend to accomplish the overall good. His ability to withstand the dramatic and forceful movement of the sixties, and the peoples' demonstrations of the seventies that reverberated in the White House to the detriment of two Presidents, are a tribute to the strong roots planted by his years of fruitful service to the people and the party he loves so dearly.

Meade always says proudly that he came from the old school of politics. And proud he should be for the old school, in my opinion, is the best school.

The old school stresses personal contact with people over computers and mailing lists. Throughout his 77 years of life, and more than 60 years in politics, Meade has put this belief into practice. This is no small feat, since Brooklyn is the largest borough in all of New York and a place that has more Democrats than many States in the Union. Meade knows that there is no substitute for that personal touch whether it be a handshake, a letter, or a phone call. To him there is no problem too inconsequential; no person too insignificant. As a result, Meade has developed a knowledge and appreciation of Brooklyn and its people that is unmatched by anyone. He knows thousands of people there by name. This concern and affection is reciprocated by the residents of Kings County.

His Runyonesque personality has captured the attention of all who have met him. Meade is, in fact, a favorite of the press who consider this colorful politico, "good copy." Among the many articles written about him, few can match the comprehensiveness of a 1976 New York Times Magazine article written by Hendrik Hertzberg. Hertzberg observed that:

> The Esposito personality comes as something of a tonic. He is blunt, warm and earthy. He is very good company.

Meade's style and personality were at their best when he addressed a group of students at Harvard University about urban politics. I dare say the textbook analysis of politics paled in comparison to Meade's explanation of the way it really is. The rousing and boisterous ovation said it all. This wellspring of political knowledge has lectured at Sarah Lawrence and will soon speak at Columbia University. I would venture to say that those students who hear him are enriched beyond words by the experience.

What made Meade the man—the politician? A man such as this is not born, but molded by life's experiences. It all began in Brooklyn. Meade, like so many other Americans of the era, struggled to survive during the Great Depression. He married at 18 and became a father a year later. It was during this time that Meade developed his great interest, if not passion, for politics.

His political career began at 18 when he founded the Progressive Democratic Club. He recalled those early days in the Hertzberg article:

> We rented a little place on Fulton Street near Eastern Parkway. We awakened a lot of Italians to the possibility of political activity.

Involvement in the formal political structure of Brooklyn came in 1958 when he ran, albeit unsuccessfully, for district leader in Canarsie. Meade ran a strong and vigorous campaign that few forgot. Two years later he was victorious in another bid for the job.

The same magazine article observed:

> The rock on which the whole structure of Meade Esposito's political power is built is the Thomas Jefferson Democratic Club at Conklin Avenue and 93d Street in Canarsie. Politicians all over town agree that it is one of the most active and effective clubs in the city.

The article continued, "the real business of the club is service." A review of the cases which Meade and the Democratic Party tried to help every day ran the gamut from lost jobs to lost social security checks, from references to referrals. They were handled personally. In many ways, Meade and his club were what we now call ombudsmen.

The influence of this man transcended the borders of Kings County. He has been an important figure on the State and national political scenes as well. Meade enjoyed a very close relationship with Gov. Nelson A. Rockefeller. A New York Daily News article

dated October 23, 1983, made reference to the relationship:

Rockefeller according to Esposito was a "man's man, a doer."

They got along so well, Esposito revealed that Rocky once asked him to become a Republican. "He told me: 'I'll make you state chairman' ", Esposito said.

Esposito treasures his association with Rockefeller as much as he does the Picasso lithograph "of an owl on a settee" which the governor gave him. He estimates the print, a limited edition, is now worth "about $40,000."

"After he gave it to me, he asked me how my wife liked it," Esposito said "I told him, Hey she didn't like it. It spoils her color scheme."

The importance of the Democratic chairman did not escape knowledgeable people at the White House. I recall a private luncheon during a Presidential election year that demonstrates not only how important Meade's political influence was, but his wit as well. Among those attending the luncheon were former President Jimmy Carter, Meade, and the Bronx County Democratic leader, Stanley Friedman. President Carter was there seeking support from Democratic leaders. Stanley Friedman readily assured the President of his endorsement. When the President turned to Meade requesting a similar commitment, Meade responded:

Mr. President, the trouble with Stanley Friedman is that he hasn't learned how to pirouette. I have learned to tap dance on a charlotte russe without disturbing the cherry.

The high regard in which Meade is held transcends not only borders but political parties as well. My esteemed colleague and dear friend Senator ALFONSE D'AMATO said, Meade Esposito is a true public servant, an individual who has deserved bipartisan acclaim for his kindness, his humanity, and his good deeds.

As Meade makes this transition in his life, he can do so with a great sense of satisfaction and accomplishment. While Meade may have yielded the formal reins of office, he will continue to be a dominant force on the New York political scene. I know that I will continue to seek his advice and counsel as I have so often in the past.

Of course, as he moves from the constant demands of politics, the people who will benefit the most will be his family. While they share the feelings of pride in Meade's achievements, I know that they are eagerly awaiting the opportunity to spend more time with him. I would like to pay tribute to his wonderful family, especially to his beloved wife of 60 years, Ann. This wonderful partnership of love and purpose is truly something special. When people ask Meade when he got married, he will answer, "I was married when I was three." The fact is Ann and Meade Esposito are two wonderful people who care for each other today as much as they did when they were bride and groom.

Meade and Ann head a multigenerational family. Their daughter, Phyllis Zito, has three children: Dr. Gary Zito, Bob Zito, a lawyer, and Anita Hansson. In addition, the Espositos are great grandparents three times over. This entire family is close knit. They are united in love and respect for Meade and Ann. I have always said that there is no better reward to a man in life than to have a good and supportive family; Meade has been blessed a hundredfold.

To pay tribute to Meade is simple. To do justice to his remarkable life and career is more difficult. The words of Abraham Lincoln can truly be said to be the theme of Meade's life:

Let us have faith that right make might, and in that faith let us to the end dare to do our duty as we understand it.

Those of us who know and respect Meade as a good, honest, and decent man must grapple with the words to honor him. As time passes, the tales of his era will grow, and those who come after will be told about how Meade did this and did that—and with every retelling a modern Paul Bunyan will be born.●

THE EMERGENCY PETROLEUM INDUSTRIES STABILITY ACT OF 1984

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. CONTE. Mr. Speaker, yesterday I introduced H.R. 5175, the "Emergency Petroleum Industries Stability Act of 1984". This bill imposes a 9-month moratorium on mergers involving the 50 largest oil companies. Bigger is not necessarily badder, but I feel strongly that we need time to assess the impact that the huge, unanticipated consolidations now taking place in the oil industry are having on the economy and the national interest.

With the Federal Trade Commission's approval of the $10 billion Texaco-Getty merger in January, the largest corporate merger in U.S. history, the clear signal given to the oil industry was that the hurdle to such consolidations presented by the antitrust laws may not be as difficult to clear as had been originally perceived. As evidence of that, the reign of the Texaco-Getty merger as America's all-time largest consolidation seems destined to be short lived, given Standard Oil of California's bid to acquire Gulf for an unprecedented $13.4 billion.

The sheer size of these mergers, and the speed at which they are occurring, present a number of important concerns for review. Just 2 weeks ago, hot on the heels of the proposed Socal-Gulf merger, Mobil bid $5.7 billion for the acquisition of Superior Oil. When will it stop, or, more importantly, should it stop? Is a concentrated, uncompetitive oil industry the unavoidable result of the current merger mania? Are our antitrust laws, as written, sufficient to evaluate the appropriateness of these unparalleled consolidations? Are our current antitrust laws being adequately enforced by justice and the FTC? Most importantly, what will be the long-term impact on the American consumer, and on the employees of targeted companies?

These questions are but the tip of the proverbial iceberg with respect to the many disturbing aspects associated with the current merger craze. What of the increase in hostile takeover attempts? The Socal-Gulf merger is the direct result of an unwanted acquisition effort, and Texaco was forced to fight off an anticipated hostile takeover just weeks after gaining Federal approval of its merger with Getty. Are these hostile takeovers a desirable trend in what is nothing more than a necessary restructuring of the oil industry, or are they a blatant attempt by already wealthy investors to maximize short-term profit at the expense of the long-term health and stability of the oil industry? If they are the latter, the moratorium is especially important, because there are indications that hostile takeover attempts are likely to increase. The Wall Street Journal has identified a number of attractive targets, including such well-known firms as Pennzoil, Phillips Petroleum, Occidental, and Kerr-McGee. My bill would preserve, for the time being, the independence of these important companies in the marketplace.

There is also the matter of the huge amounts of money needed to carryout these mergers. Is investment capital being tied up inappropriately by the tremendous credit lines required to finance these mergers? Some reports have suggested that the $29 billion involved with the Texaco, Socal, and Mobil mergers represents 13 percent of the available credit. If that is true, perhaps the more fundamental issue that must be addressed is should the Federal Government get in the business of restricting the tremendous amounts of capital needed for these mergers, or should that be left to the marketplace and the forces of free enterprise?

A related concern is that as capital dries up, there will be a correlative decline in exploration for new sources of energy reserves. It should be remembered that these huge consolidations do not provide a single new gallon of oil for our energy reserves, but merely shift ownership and management of existing reserves from one company to another, larger one. Given the stabilization and reduction in worldwide oil

prices, our supply of domestic crude reserves is already declining steadily (from 33.5 billion barrels in 1977 to 27.4 billion barrels in 1982), and the consumption of capital required for these mergers may contribute to this alarming trend. As evidence of this, it has been reported that Cities Service's exploration budget was slashed by 63 percent after it was acquired by Occidental, and Mesa Petroleum has halved its exploration budget to help finance its acquisition bids. I am increasingly concerned that when the merger wave has crested, the only thing getting drilled will be the American people, and the only thing being pumped will be huge profits from the pockets of consumers.

Finally, there is the troubling matter of tax incentives that encourage merger activity. On a philosophical level, it seems to me that tax incentives which encourage consolidation are anathema to the values inherent in a truly competitive, capitalist system. But beyond that, I am concerned that tax dollars are being used, albeit indirectly, to finance multibillion dollar mergers. For example, the marginal tax rate for a corporation is 46 percent. Since corporations can deduct interest expenses on loans incurred to finance mergers and acquisitions, the effective interest rate on the loan is really only one-half of the rate charged by the banks. If, as the oil industry maintains, these mergers should be left to the irresistible forces of the free market system, then they should be left totally to that system and taxpayer dollars should not be used to subsidize the interests of private enterprise.

These are but some of the many issues associated with big oil mergers that demand our immediate attention. There are a number of proposals now before Congress, and others that are being considered, that address many of these concerns. I know, for example, that my good friend and colleague, the chairman of the Judiciary Committee (Mr. RODINO), and others have been working on a number of ideas in this regard. What is needed now is time—time to assess these proposals and the impact on the economy of these multibillion dollar mergers before the merger race overheats and it is too late to take effective and responsible action. The legislation I introduced yesterday would provide us with that necessary time.

H.R. 5175 institutes a moratorium on mergers involving major energy concerns. Those concerns are defined as companies which hold 100 million barrels or more of energy reserves, or which had an average net production exceeding 100,000 barrels per day. This definition will encompass the 50 largest oil companies, which control the lion's share of existing domestic oil reserves. By some estimates, these corporations control as much as 99 percent of domestic production. During the moratorium period, the Departments of Justice, Treasury, Interior, Energy, and the FTC would be required to prepare reports for Congress on various aspects of mergers, acquisitions, and the creation of royalty trusts.

The moratorium period would begin on March 19, the day the bill was filed, and end 9 months after enactment. Since the prohibition is on acquisitions, the Texaco-Getty merger would not be affected since that consolidation has already received Federal approval. The bill would, however, prohibit conclusion of the Socal-Gulf and Mobil-Superior deals since those acquisition attempts had not received Federal approval on March 19 and, therefore, were not yet completed.

In recognition of unanticipated hardships that may arise during the moratorium period and cripple an individual company, the legislation contains a failing company proviso. This provision permits a merger to take place during the moratorium period only if it can be shown that either of the firms involved would cease to be financially viable in the absence of the merger. This is one of the standard exceptions to prohibitions on otherwise anticompetitive mergers currently contained in the antitrust laws.

Although the oil industry has been deregulated, oil is a commodity that is an integral component of our economy, and a stable domestic oil supply is vital to our national defense capabilities. I believe, therefore, that it is not only appropriate, but essential that we put the brakes on this onrushing tidal wave of big oil mergers. We must have time to assess fully the long-term impacts and ramifications of this trend, and to determine if changes in our antitrust laws are required.

The original trust-buster, Teddy Roosevelt, once said:

> We demand that big business give people a square deal; in return we must insist that when anyone engaged in big business honestly endeavors to do right he shall himself be given a square deal.

The time is now for us to assess the cards being played by big oil in the multibillion dollar oil merger game. It is as much our responsibility today as it was when Teddy Roosevelt made those famous remarks to insure that, after the oil cards are shuffled, the deck will not be stacked and the people will be dealt a square deal.●

UPHOLDING THE CONSTITUTION

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ST GERMAIN. Mr. Speaker, I am proud to submit the following speech for publication in the CONGRESSIONAL RECORD. It was written by Rebecca Segaloff, of my district in Providence.

As a citizen of the United States of America, I play a multifaceted, important and fundamental role in upholding its constitution. Along with the privileges and rights that vital document accords me, go responsibilities, both implicit and explicit, passive and active. To shirk the responsibilities is to risk losing the rights.

In this country we have freedoms, and our fate, luckily, is not that of Byron's "Prisoner of Chillon" who was among those to whom "the goodly earth and air are banned and barred" and who "suffered chain and courted death." It is basically the constitution that upholds these freedoms. In actively exercising my own rights and freedoms such as my right to vote and freedoms to speak freely and to practice any religion I choose, I am indirectly reinforcing the constitution. Speaking out against some actions of the United States or of its leaders does not undermine the government. On the contrary, by exercising my freedom of speech, I am strengthening the United States as a democracy and place of individual liberty, in which two opposing views may co-exist.

Ultimately, voting, as well as campaigning for any candidates, referendums or amendments I support, will also play an important role in my upholding the constitution. Participating in the political process to one's fullest capability helps the system to thrive. Implicit in the constitution is this responsibility; for without a healthy political system the government itself is unstable.

In addition, I as an individual can best uphold our constitution by never denying anyone else his basic, individual rights. As Lincoln said, "Those who deny freedom to others deserve it not for themselves . . . and cannot long retain it." It is our constitution which helps us retain our freedom. A very important part of my role in upholding our constitution is to remember that although I may disagree one thousand percent with the Neo-Nazis and the Ku Klux Klan, for example, and find each thoroughly offensive, I must allow them to demonstrate within the structures of our constitution. Sacrificing anyone's, and therefore everyone's, freedoms of speech and assembly would have far worse consequences than allowing these groups to exercise their constitutional rights. A Hitler-like dictatorship will never arise in a free society as a result of these groups; however, totalitarianism is a likely result of denying these basic and vital freedoms granted us by our constitution.

The Constitution of the United States has been amended, extended, interpreted and re-interpreted. The interpretations of this document reflect the times and the biases of men, but its actual words are timeless. If I feel these words are misinterpreted or ignored, I have both the opportunity and the obligation to appeal the error, if necessary, even to the Supreme Court. The United States is a nation of "Laws not men." These

famous words do not mean that we are a nation without compassion or humanity, but rather that a leader lacking these qualities is restricted and confined. Laws, however, cannot change themselves; People must change them. If something, like the Equal Rights Amendment, is newly relevant or applicable, the constitution can be amended and grow. This flexibility, coupled with its built-in checks and balances, makes our constitution an amazingly durable document.

As an upholder of the constitution I must be strong enough to refuse to succumb to pressures which, by denying me or others their individual rights, debilitate our constitution. It is my duty as well as that of every other citizen, to keep the constitution a functioning safeguard against violations of basic, individual rights. To have this tangible documentation of our rights is of vital importance. If I relax, comfortable in the knowledge of my rights, they may be forgotten, ignored and trampled over. To prevent such devastation of our fundamental freedoms is what I see as my role in upholding our constitution.●

SALUTE TO DOLORES O'CONNELL

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Ms. MIKULSKI. Mr. Speaker, on Sunday, March 11, 1984, I attended a surprise salute to Dolores O'Connell, given to her by her community.

She is an extraordinary woman. She is a devoted wife, mother, grandmother of 16, and great-grandmother of 2.

She worked in the business world where she was employed by Schreiber Bros. and later worked on several political campaigns.

Dolores has been a tireless volunteer with a long list of accomplishments. She was the secretary to the "Matthew T. Hogan" Memorial Fund Committee that raised funds and established the first eye clinic in Baltimore County; worked to improve the services of Baltimore County's Board of Health in the facilities leased in the Parkanna Medical Center; fought the county for ballfields on Rose Avenue for the recreation council; was involved in planning and development of the Southwest Area Park; and initiated and accomplished a project to have fencing along Baltimore-Washington Parkway to keep children from crossing the dangerous highway.

I presented her with a Congressional Certificate of Merit and she received many awards and citations, all of which were well deserved.

In this age where people are busy focusing on their own advancement, it is an inspiration to have a person like Dolores O'Connell who worries about others.●

LATEST IMPRISONMENT OF VALERY MARCHENKO

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FASCELL. Mr. Speaker, I have just been informed that Ukrainian human rights activist Valery Marchenko was sentenced on March 14 of this year to 10 years labor camp and 5 years internal exile, the maximum term under Soviet law, for alleged anti-Soviet agitation and propaganda. Mr. Marchenko is a journalist, philologist, and translator of Azerbaijani, Turkmen, and English literature. His scholarly articles and translations have been published in a number of major Ukrainian journals. Perhaps more relevant, however, is his authorship of a number of important samizdat documents, including appeals in defense of Soviet political prisoners, and an autobiographical sketch ironically entitled "My Fair Lady," in which Marchenko describes his betrayal at the hands of an attractive Aeroflot stewardess working for the KGB.

In June 1973, his human rights activity brought him to the dock for the first time, where he was accused of attempting to undermine and weaken the Soviet regime, specifically for having written samizdat material on the effect of Soviet rule in Ukraine, and for having distributed Ivan Dzyuba's famous treatise on the Soviet treatment of ethnic nationalities. As a result of this trial, he was sentenced to 6 years labor camp and 2 years internal exile, during which time his health was seriously impaired by the neglect and mistreatment prevalent in Soviet penal facilities.

In a letter to United Nations Secretary General Kurt Waldheim, Marchenko described the prison authorities' refusal to provide him with medical treatment, and the lack of a proper diet for prisoners. When he returned from exile in 1981, he attempted to secure permission through legal channels to travel abroad for treatment of his chronic kidney disease. This permission was denied three times on various pretexts, despite clear provisions for such treatment according to Soviet law. In July 1983, his apartment was searched and various letters and documents were confiscated. Arrested in October 1983, he now faces 15 years of labor camp and exile.

Given the precarious state of his health, it is not an exaggeration to say that his life may be threatened by the brutal conditions of camp, and the only slightly less primitive conditions in which Soviet political prisoners find themselves in exile. Only recently, the Soviet newspaper Sovetskaya Rossiya described the difficulties encountered by residents of Moscow in obtaining medicine at local pharmacies. How much decent medication can we expect that Valery Marchenko, a dangerous state criminal in the eyes of the Kremlin, will receive behind the barbed wires of the Gulag, or in the far reaches of Siberia, should he survive to serve his exile term?

Mr. Speaker, from the time that Valery Marchenko was released from his first term of exile in 1981, his only crime seems to be the desire to travel abroad for medical treatment. Under these circumstances, it is difficult to see anything else in this latest sentence than an attempt to further punish him for his previous human rights activities in Ukraine. We have heard so much about changes for the better in the Soviet Union as a result of recent changes in Kremlin leadership. This latest example of repression of an ailing human being does little to encourage such hopes.●

TANIA ZELENSKY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to the tragic case of Tania Zelensky. Ms. Zelensky was a young woman, a U.S. citizen born in the United States, who was beaten to death by a misguided individual, solely because of her Russian heritage.

Her death stands as a sobering testimonial to the painful cost of our geopolitical conflicts, and our failure to seek a greater understanding of the plight of peoples on both sides of the Iron Curtain.

I am inserting for the RECORD a copy of a letter written by Tania's father to Aleksandr Solzhenitsyn, and Mr. Solzhenitsyn's reply:

NOVEMBER 9, 1983.

MR. ALEKSANDR I. SOLZHENITSYN,
Cavendish, Vt.

DEAR MR. SOLZHENITSYN: On October 24, 1983, in Pittsfield, in the heart of Vermont not far from your place of residence, our beloved daughter Tania Zelensky was brutally murdered.

She was killed by a local resident. According to those who knew him, he was a gentle, hard workingman with a college education. He loved animals and nature and had many relatives and friends. As reported by the local press, his motive for the murder, according to his own admission, was Tania's Russian descent and his suspicions that she was a "Russian spy." Furthermore, according to the papers, remarks made by the County State's Attorney indicate that the direct cause for the slaying may have been the events in Beirut which took place on the eve of Tania's death.

On that day, terrorists, possibly supported by the USSR, staged an attack on a U.S. military compound, which resulted in the

deaths of over two hundred of our Marines. According to other accounts in the press, Tania's killing was motivated by a "violent act of patriotism."

Evidently, in this person's mind, the Soviet Union and Russia represent equivalent concepts, and all Russians, including Americans of Russian descent (Tania was born in the USA) are inherently communists.

The burden of guilt for the senseless and tragic identification, which equates two such mutually exclusive and incompatible entities, does not lie with the wretched killer alone. The full measure for moral and perhaps even legal responsibility to the American people for the creation of the fertile ground which breeds this kind of identification, rests with the news media and with many political leaders of this nation. Day in and day out they combine and interchange the intrinsically divergent terms: "Russia/USSR, Russian/Communists, Soviet/Kremlin," inevitably leading to the destructive conclusion: Russians equal communists. At times this occurs due to ignorance, but often is used in full consciousness with a definite, evil purpose in mind.

This brutal, fanatic act cut short a young life so full of boundless energy, ceaseless search, love for all people, love for her country and a fervent hope for the liberation of the land of her ancestors. Tania once wrote: "Greetings, Earth! Greetings, Thy people! My name is Tania Zelensky. Oh, how I love you all!"

Not I, not I alone should cry with my weak voice for the world to hear of her innocent blood spilled so senselessly. It is not for me to be the lone voice crying in the wilderness about this fatal equation of doom, the evils of which are many and they forcefully transgress all levels of personal tragedy.

Not knowing how to eradicate evil, some powerful institutions as well as separate individuals continuously sow the seeds of hatred. Instead of denouncing the oppressors, they denounce the oppressed. Should this distorted attitude prevail, the very first victims of communism, the Russian people, will become victims once more; victims of a hostility that is both misdirected and irrational.

My brother, let us prevent this! I ask you: Who, if not us? When, if not now?

Countless exiled Russians tried, with little success, to explain the simple truth which still remains incomprehensible to the west: "The Soviet Union is not Russia, Russians are not communists." All of their efforts fell upon deaf ears and the sinister misconception remains intact.

Until Tania's death, their efforts seemed the only conceivable plan of action. But now, seeing the futility of such conduct, new means must be implemented in order to prevent this monstrous wrong from occurring again.

With this message, I am enclosing a copy of the letter received from the tiny village where Tania was killed. It was signed by all who were not absent; people of all ages and trades . . . farmers, lumberjacks, carpenters, merchants, office workers, and teachers. This letter speaks for itself and points the way to a new path to follow.

The time has come, when not just Russian exiles, but all Americans in general, must act to put an end to this thoughtless identification of Russian people with communism.

Inspired by your word, the people will raise their own voices with a call to end all unjust linking of Russians to the murderous deeds of the Soviets.

The success of such action will deliver an irreparable blow to communism, because the greatest asset for the Soviets has always been the world-wide illusion of unity between them and the Russian people.

Does it really pay for America to foster this illusion?

With love and respect,

EUGENE ZELENSKY.

NOVEMBER 11, 1983.

Mr. EUGENE ZELENSKY,
Sea Cliff, N.Y.

DEAR MR. ZELENSKY: I am shocked by the circumstances of the death of your daughter, Tania Zelensky. Let her name become the pillar that will mark the final limit to which human brutality can reach. The prolonged years of irresponsible labeling through the misleading substitution of concepts by newsmen and many politicians produced a blindness in an ordinary American which resulted in the murder of an innocent woman. This is how the printed word breeds hatred towards a people and not to a system.

I wonder when Americans will finally realize that it is the Russians who are the very first victims of communism and that they have already lost tens of millions of lives to its vicious jaws? But what should one do and whose voice may sound loud enough to be heard in this country? The hope rests with the kindness of the American people and their support, the likes of which you encountered in the Pittsfield community.

My soul reaches out to you with sympathy for your irreplaceable loss.

ALEKSANDR SOLZHENITSYN.●

TRIBUTE TO LOUIS C. GIBSON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. EDWARDS of California. Mr. Speaker, on March 22 the many friends of Louis C. Gibson will gather to pay tribute to him upon retirement from the Postal Service. I want to share with my colleagues some of the highlights of Mr. Gibson's many years of civic involvement.

Louis C. Gibson was born in Columbia, S.C. on August 21, 1916. A graduate of Booker T. Washington High School, he received a bachelor of science degree from Benedict College in 1938. Upon graduation, he worked for an insurance company until being inducted into the Army in 1943. He served tours of duty in England and France during World War II, was stationed in Korea during the Korean conflict, and did another tour of duty in Europe at SHAPE Headquarters in Paris. He attained the rank of master sergeant—and the nickname "Sarge"—prior to his retirement on May 31, 1964, after 20½ years of service.

Louis Gibson moved to San Jose, Calif., in 1952. In 1953, he married his wife, Rosalie. Although "Sarge" and Rosalie have no children, they have a multitude of godchildren throughout the United States.

Upon retirement from the military, "Sarge" worked in the insurance business for a time. For the past 14 years, he has worked as an equal employment opportunity counselor for the U.S. Postal Service.

"Sarge" joined the Antioch Baptist Church in 1952. He has served as financial secretary, deacon, and as chairman of the deacon board. He also chaired the resource division, was president of the all-states of the church, and is a past chairman of the south coast area of the American Baptist Churches of the West. He has also served on the National Board of the American Baptist Churches, and on the board at Pilgrim Haven, a retirement home for American Baptists.

In addition to his considerable involvement in his church, "Sarge" has taken part in many other community activities. A life member of the NAACP, and th 1983 NAACP citizen of the year, he has served as a NAACP board member and treasurer for over 15 years. He has also served on the board of the Afro-Community Services Agency, as chairman of the minority adoption agency of Children's Home Society, as treasurer for the Iola Williams Committee, and as a member of the Mount Bonnell Lodge No. 2.

"Sarge" has touched the lives of many people in San Jose, and all who know him have great respect, admiration, and love for him. Over the years he has freely given his time, energy, and talents to different organizations and causes. His is truly an example of civic participation worth emulating.

Upon his retirement, he is returning to his birthplace, where he and Rosalie plan to spend their retirement years. All of his many friends, coworkers, and godchildren join in wishing them both every happiness.●

NICARAGUA'S U.N. VOTING RECORD

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, the State Department's report on voting practices in the United Nations was recently released to Congress laying bare the views and policies of all U.N. members. The report includes countries' percent coincidence with U.S. votes during the 38th General Assembly and provides a breakdown of the 10 most important votes affecting U.S. interests. As the study states in its introduction:

Because a General Assembly acts on so many diverse issues, the voting record of a U.N. member tells us a good deal about a country's orientation in world arenas: where it stands, with whom it stands, and for what purposes.

Nicaragua's voting record in particular reveals some interesting facts and shows a disparity between that country's words and deeds. The Sandinista regime, a member of the so-called nonalined movement, has argued repeatedly that it is not bound to the dictates and policies of the Soviet Union. This, despite the fact that Nicaragua voted with the U.S. fewer times (14.1 percent) than the average Warsaw Pact country (14.2 percent). Among the 34 countries in the Americas which includes the Caribbean, only Cuba voted with the United States fewer times (10.2 percent).

Looking beyond this statistical indictment of Nicaragua's U.N. record, an analysis of the 10 key issues reveals the degree to which Nicaragua has become a puppet of the Soviet Union. On none of the 10 votes did the Nicaraguan representative vote with the United States. While he was present to vote against Israel's membership in the United Nations and to condemn the United States by name for supporting Israel, he was curiously absent when the vote was taken calling for an investigation into the Soviets' use of chemical weapons in Southeast Asia. Furthermore, Nicaragua voted to "deplore armed intervention in Grenada" yet abstained when a vote was held calling for the immediate withdrawal of Soviet troops from Afghanistan. Finally, in perhaps the most blatant illustration of Nicaragua's adherence to the Soviet line, the Nicaraguan representative abstained during the Security Council vote to condemn the shooting down of the Korean airliner.

Mr. Speaker, I recognize that a country's U.N. record is only one aspect of its policies and attitudes. Nevertheless, Nicaragua's record is very disturbing and flies in the face of the Sandinistas' portrayal of themselves as the innocent victims of "Yankee aggression." I would argue that the Sandinistas have brought a lot of their current problems on themselves by allying too closely with the Soviets and Cubans evident in their performance in the United Nations.●

JAMES JOSEPH McGINLEY RETIRES FROM DEPARTMENT OF PUBLIC WELFARE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to James Joseph McGinley, Holiday Poconos, Albrightsville, Pa., who is retiring from the department of public welfare with 39 years and 2 months service.

Over these many years, Mr. McGinley has been not only an exemplary public servant, he has been a friend of those in need. He lent a helping hand, a compassionate ear, a word of wisdom and advice.

And so, his family, neighbors, and friends join together now in saying to James Joseph McGinley, "Well done," and in wishing him many happy years in a well-earned retirement.●

AMERICA'S DISADVANTAGED NEED ASSISTANCE

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FORD of Tennessee. Mr. Speaker, all over America people are lining up for food. Among those standing in line for the soup kitchens and the emergency food centers across the country are the recently unemployed whose benefits have run out, the elderly on low and fixed incomes, and women heads of households with children who have also been affected by cuts in nutritional programs at their schools.

Many of these people receive food stamps, but by the middle of the month they are out of food. This forces many to go days without eating. Churches and charities are feeding countless numbers of people across the country. Hardest hit are the areas where housing and utility costs have risen dramatically over the past few years.

Today, I joined several of my colleagues in cosponsoring a bill introduced by Congressman TED WEISS, to increase the cap on the excess shelter deduction for food stamp recipients. By allowing a more realistic deduction, an average family may be eligible for an additional $15 per month in food stamp benefits. Currently, those who pay in excess of 50 percent of their net income for shelter, including utilities, may deduct the amount over 50 percent up to $125, from the net income figure used to calculate food stamp benefits. The bill would increase the excess shelter deduction to $175 in fiscal year 1985.

In addition, the bill would decouple child care from the excess shelter deduction. The Congressional Budget Office has found that 75 percent of all child care costs incurred by food stamp recipients cannot be deducted under the present coupling formula. A seperate child care deduction, capped at $160 per household, per month, would greatly benefit the working poor and provide an incentive to the unemployed food stamp recipients to seek work or job training. This new formula would also help to offset the effect of the social services block grant which eliminated the title XX set-aside for subsidized day care.

I urge the Members of the House to join me in cosponsoring this important legislation. Because of rapidly rising housing and utility costs, the current $125 cap on excess shelter is not adequate. Under the current administration's policies, the poor people of America have suffered the disastrous effects of repeated cuts in the food stamp program. Since food stamp benefits average only 46 cents per meal, it is not surprising that individuals living in areas with high housing and utility cost would run out of food before the end of the month. The challenge of reducing hunger in America is a real one. The response of the administration and the Congress must equal that challenge.●

4-H LEADER RUTH PATELSKI HONORED

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I am pleased to report to the Congress that one of my constituents, Ruth Patelski of Annapolis, Ill., has been selected for a high honor. She will be recognized as an outstanding Illinois 4-H volunteer leader at the "Salute to Excellence" program this week at the National 4-H Center in Washington.

President of the Deerhaven Supply, Inc., Mrs. Patelski is the organizer and leader of the Pathfinders 4-H, which has 30 members, and a clowning club with 15 members. During 6 years of active participation as a 4-H volunteer, she served as chairman of a State Leader Forum; workshop teacher for adult and youth leaders at a number of conferences and forums; a resource leader for the county general projects committee; committee member for State 4-H leadership development and the support committee for natural resources curriculum development.

All of us are proud of Ruth Patelski and the thousands of 4-H volunteers who give unselfishly in service to their Nation and communities.●

ZIVILI DANCE COMPANY OF CENTRAL OHIO CELEBRATES 10TH ANNIVERSARY

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. KASICH. Mr. Speaker, this week the internationally acclaimed Zivili dance company of central Ohio celebrates it 10th anniversary. Founded in 1973 by three women of Croatian desecent, Zivili is the only fully professional dance troupe in America which performs exclusively the dance and

music of Yugoslavia. The company is comprised of 40 dancers, singers, and musicians from the Columbus area.

Zivili means "To Life" and the troupe's performances pulsate with that theme. Members of Zivili are in constant demand throughout the Midwest, and performed at the 1982 World's Fair in Knoxville as well as at Walt Disney World's EPCOT Center in Florida. A highlight of its 10 years in existence was a tour of Yugoslavia in 1980. One critic commented during that tour that "Zivili is well worthy of praise, especially because they have performed our folk songs and dances most correctly, down to the smallest detail."

The Zivili company deserves much credit for its role in promoting cultural understanding between the peoples of the United States and Yugoslavia. I hope my colleagues will join me in wishing the company many more years of success in bringing entertainment and friendship to residents of our country and countries overseas.●

SENATE—*Wednesday, March 21, 1984*

(Legislative day of Monday, March 19, 1984)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious, Mighty God, God of Abraham, Isaac, and Israel, God of Jesus, the apostles and the church, God of the nations, Lord of history, Father of us all, the Senate has worked its will. After hard study and great debate under intense pressure, the Senate of the United States has spoken. Thou art still on the throne. Thou hast not abdicated.

Give us the grace to accept this judgment in the confidence that Thou dost work in everything for good to them who love Thee and are called according to Thy purpose. Forbid, Lord, that we should allow the Senate action to divide us, aware that to divide and conquer is the relentless strategy of the spiritual adversary. Help us to seek the "unity of the Spirit in the bond of peace" and to love one another, which is the clearest evidence of our discipleship. In the name of Him who forgave His enemies as He hung on a cross. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

COMMENDATION OF THE CHAPLAIN

Mr. BAKER. Mr. President, once again, I commend the Chaplain on his prayer. It sounded to me as though he is trying to reassure the Lord. But I am sure that was only the impression of one who was on the losing side of that issue.

SENATE SCHEDULE

Mr. BAKER. Mr. President, the agriculture bill is finally the pending business, and I wish to thank Senators who made it possible to lay down that measure last evening.

I do not know how long it will take us to complete action on that bill, but preliminary indications I have are that it will take most of the day.

Senators are reminded that at 1 o'clock today we will turn to the consideration of the veto message, and at 2 o'clock the vote will occur.

After that vote, the Senate will resume consideration of the farm bill.

I do not expect today to be a late day, but it will be a full day, and there certainly will be one vote, and there may be other votes.

After the farm bill is disposed of, it is the intention of the leadership to proceed to the consideration of the supplemental appropriations bill, the Public Law 480 bill, so-called.

There may be other matters that can be cleared for action in the course of the day, and other announcements will be made if that is the case.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask unanimous consent that the time remaining to the two leaders may be reserved for their use at any time during the day.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I do now reserve the remainder of my time, and I ask unanimous consent that it may be in order to suggest the absence of a quorum, without it being charged against the special order time allocated on yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

WHAT WOULD HAPPEN IN A NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, the first question for every U.S. Senator today—the question we cannot take for granted, is: "What would happen in a nuclear war?" This question goes right to the heart of the challenge that dwarfs every other problem that faces this Federal Government. Many Americans and many Members of Congress have never really faced up to that question and its full implications. There is no way we, as U.S. Senators, can avoid it. Why is consideration of this question so critical? Here is why: Until we face up to the full final and all-consuming consequences of nuclear war, we simply cannot appreciate how we must make this issue our dominant concern, our No. 1 priority. Unless we think hard and long about it, we cannot understand how a nuclear war could and probably would end everything this country stands for.

First, it could end the life of most Americans.

Second, the survivors would suffer such a catastrophic and complete destruction of our economy and the necessities of life that they would have to surrender the freedom that most Americans hold dearer than life itself to have any chance at survival.

Third, many of the survivors of a nuclear war would suffer one of the most agonizing afflictions mankind can endure. They would suffer this affliction with virtually no hospital or medical facilities, without drugs to ease the pain, without medicines to heal the affliction.

What affliction am I talking about? I am talking about the single biggest killer and mutilating agent of a nuclear war—heat and fire. Several millions would die of concussions in the first moments of a nuclear attack. Tens of millions—the great bulk of all casualties—would die or suffer intensely painful mutilation from the intense, excruciating heat and the fires that would consume cities, suburbs, and sweep into the countryside. Anyone who has ever suffered serious burns knows how deliriously agonizing those burns can be, until the doctor or the hospital provides relief. In a nuclear war the doctors, as generally urban dwellers, and nurses and other skilled medical personnel would be among the first to perish. Hospitals with all the lifesaving and pain-easing materials and equipment would largely disappear.

Until fairly recently, most analyses of what would happen in a nuclear war stops with the catastrophe that I have described. Now we know it would be worse—much worse. International scientists have concluded that even a relatively small nuclear war would

bring conditions on this Earth more destructive to human life than any that existed for the past 50 million years.

Here is why: The intense heat generated by nuclear attack would literally set cities—in fact, entire metropolitan areas—on fire. The smoke and soot from these fires would blot out the Sun, not just in the cities but throughout the planet.

For many weeks the survivors would have to stagger around in the dark. As little as 1 percent of the Sun's rays might pierce the intense smoke. That would mean weeks of pitch blackness. That darkness would be accompanied by a bone-paralyzing cold, far deeper than most Americans have ever experienced. Even in the summer, temperatures would drop to 13 below zero Fahrenheit. Most of us do not grasp what this cold would mean. We have, since childhood, found that we could always get warm by simply moving into a warm, sheltered, and heated building. Now, Mr. President, after a nuclear war, the subzero cold would persist for months. Homes and buildings would offer no refuge from the cold. Heat-providing utilities would be among the first urban facilities to disappear. Transportation would totally die. No coal or oil or other heating fuel could move. Our homes and buildings would be icy tombs, cold graves into which people would stumble to freeze to death.

So once again, Mr. President, why is this question of what would happen in a nuclear war so critical? Because unless American citizens, and especially those of us who determine the military and foreign policies of this Federal Government begin to understand the monster with which we are dealing and the terrible consequences involved, we will not be moved to take the kind of actions we must take, however risky; and costly, and painful and however sharply they may differ from policies we have followed in the past.

The Common Cause Guide to Understanding Nuclear Arms Policy titled "Up in Arms," rightly poses this question, "What Would Happen in a Nuclear War?" Before all others, I challenge our colleagues in the Senate to think about that question, dwell on it, then come on the floor of this body with their own version of the answer to this question.

AN INTERRUPTED LIFE: THE DIARIES OF ETTY HILLESUM

Mr. PROXMIRE. Mr. President, Etty Hillesum had ideas. She had ideas about literature, she had ideas about love, and she had ideas about man's inhumanity toward man. Forty years after she was gassed at Auschwitz, we learn of Etty Hillesum's ideas about life through her recently published diaries and letters.

These diaries provide us with a personal insight into the tragedy that struck down millions of Jews not long ago. This Dutch woman knew of the impending doom for European Jews. She writes in her diaries:

> I must admit a new insight into my life and find a place for it; what is at stake is our impending destruction and annihilation, we can have no more illusions about that . . . I work and continue to live with the same conviction and I find life meaningful—yes meaningful—although I hardly dare say so in company these days.

In the March 11 issue of the Washington Post, Susan Jacoby explains to us the passions and excitement of this brave 29-year-old woman, the things she loved, and what made life meaningful to her during a time of horror and sorrow.

It brings to mind the diaries of another young Dutch Jew, Anne Frank, whose thoughts were published to worldwide acclaim.

These writings are a grim reminder of a past we seem to ignore, or choose to forget. But we cannot let the ideas of Etty Hillesum or Anne Frank go ignored. Their dreams should not provoke sentimentality, not pity, but instead a determination to prevent the shattering of future dreams, a determination to stop another mass murder, another genocide.

This was the spirit in which the Genocide Convention was created 38 years ago. Have we forgotten, Mr. President, our allegiance to the cause of human rights? Have we forgotten the pain and horror experienced during the Holocaust?

Ninety-two nations have not forgotten. Seven U.S. Presidents had not forgotten. The Senate Foreign Relations Committee did not forget. Numerous human rights organizations, the American Bar Association, and the American Civil Liberties Union have not forgotten. The list of Genocide Convention supporters goes on and on.

Mr. President, we must resolve to send a signal to the world that the United States has not forgotten the doom, destruction, and death inflicted during the Holocaust. We must make a statement in support of the creative talents of Etty Hillesum. We must do what we can to prevent another genocide, another shattering of hopes, dreams, ambitions, and creativity.

Passage of the Genocide Convention is a logical step. It is ours to approve.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. PRYOR) is recognized for not to exceed 15 minutes.

FEW CREDIBLE ANSWERS

Mr. PRYOR. Mr. President, I am pleased to release today the unclassified version of a report by the General Accounting Office that examines in detail the quality of the Defense Department's joint test and evaluation program. Its conclusion, unfortunately, is that the program provides "few credible answers" to the question of how well military services will perform jointly in combat.

Almost 2 years ago—shortly after I first proposed the creation of an Office of OperTest and Evaluation at the Department of Defense—I wrote the General Accounting Office and asked a series of questions about DOD's joint testing activities.

I made this request, as I said in my letter of May 17, 1982, because I was concerned about spending $1.6 trillion in 5 years with little information about how well the weapons we were purchasing would work. I thought the Congress needed information. My questions were specific, the answers are disturbing.

Most military encounters, obviously, involve more than one service. The Congress has often spoken of the interrelationships that ought to be developed among programs and urged cooperation.

In 1971, DOD established a joint test and evaluation program to determine how well the services can perform their missions and roles under combat conditions. This GAO report examines that program.

Initially GAO found that few staff members are assigned to JT&E functions; no institutional memory exists and a library was established only as a result of GAO's request for documents; the budget is modest; no long-range plan exists; and only two tests during its 12 years of existence were initiated by the Joint Chiefs of Staff.

The conclusion is inescapable that the joint test and evaluation activities have been given neither the resources nor the priority to provide significant information about how well the services would perform in combat. This conclusion must be apparent to the Defense Department which, despite a specific request from GAO, declined to comment on the report.

I hope that this carefully documented and researched report will help bring changes in this very disturbing situation.

Mr. President, I commend GAO and the individuals who prepared this report. It was a difficult assignment and they have performed well. The Congress and the taxpayers owe them a debt of gratitude.

I might add, Mr. President, that I sensed throughout this study by the General Accounting Office very little, if any, help or cooperation by the Department of Defense in gathering or even commenting on the facts the General Accounting Office submits in this report.

Last year the Congress took an important step by establishing the Office of Director of Operational Testing and Evaluation. I proposed this legislation and with the strong support of Senator KASSEBAUM, Senator ROTH, Senator NUNN, and many others, we were successful in this effort. We wanted information, good or bad, about the weapons that taxpayers were buying. Despite opposition from the administration, and hostility from the weapons developers inside and outside the Pentagon, we prevailed.

Our job is not over. As GAO said:

Organizational independence is only a necessary condition; it is not in and of itself sufficient for achieving quality and usefulness. . . .

I agree. Good testing requires resources and emphasis. It also requires independence. And only continued congressional vigilance will assure real improvement in this area.

DOD has faced honest, independent testing like it would face hostile forces on the battlefield. The military-industrial complex has worked overtime—and the taxpayers will be billed for overtime, no doubt—to fight independent testing.

Delay, distract, and redefine have been its hallmarks. First, delay: Selection of a director who must be confirmed by the Senate and delay implementation of the law though the statute specified an effective date of November 1, 1983—5 months ago.

Next, distraction: Distract attention away from the fact that the statute is being subverted through internal written guidance that effectively dismantles and dilutes the Office's authority.

Finally, Mr. President, redefinition: That is an old trick in the Department of Defense. Redefine the terms of the statute in a way that defies logic, legislative history and precedent in order to serve the needs of weapons developers.

I am sorry the Pentagon has chosen this course of action. It is not only unwise, it is not in the national interest. However, I will serve notice that a coalition exists for change, real change from the business as usual, revolving door, cost overrun, foreget the taxpayer mindset at the Pentagon. That coalition will prevail.

We have two lessons before us. First, as GAO says, we have much more to do to assure that our fighting personnel have weapons that work. Second, as we know now, a test of will is taking place and we in the Senate and across the Nation must persevere to make our national security a reality and to make our weapons work.

Mr. President, I ask unanimous consent that the digest of the report (GAO/PEMD-84-3) be printed in the RECORD following my remarks.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

[Digest]

COMPTROLLER GENERAL'S REPORT TO HON. DAVID PRYOR, U.S. SENATE

(How well do the military services perform jointly in combat? DOD's joint test-and-evaluation program provides few credible answers.)

In 1971, the U.S. Department of Defense (DOD) established a joint test-and-evaluation program (JT&E). The primary purpose of the JT&E program is to find out how well the military services can perform their missions and roles in joint operations under combat conditions. JT&E is separate and apart from the testing programs of the individual armed services. The Air Force, Army, and Navy programs focus primarily on their single service operations, whereas JT&E focuses on joint operations involving more than one of the armed services.

Senator David Pryor asked GAO to review the JT&E program to ascertain whether it has produced credible information about how well military operations involving more than one of the armed services can be performed. Senator Pryor asked GAO several specific questions about the operation and management of the JT&E program and the quality and usefulness of the tests. To answer these questions, GAO (1) examined the history, organization, and management of the JT&E program, (2) reviewed the 13 JT&E's that were completed between 1972 and 1981, and (3) analyzed 3 of these JT&E's in depth for their systemic strengths and weaknesses. The judgmental selection of the 3 tests was based on the following criteria. First, only recently completed tests were considered. Second, tests were sought that would illustrate several types of JT&E, differing in purpose, requestors, and the participation of the armed services. This digest summarizes GAO's observations on the overall management of the JT&E program and on the quality and usefulness of the 3 tests that were analyzed. The final section summarizes GAO's responses to the questions posed by Senator Pryor.

JT&E PROGRAM ORGANIZATION AND MANAGEMENT

The JT&E program was established in 1971 following the recommendations of a blue-ribbon panel that such an activity be established at a higher-than-service level in DOD. In accordance with DOD Directive 5000.3, the office of the Director for Defense Test and Evaluation (DDT&E) is responsible for the JT&E program. This office reports to the Under Secretary for Defense Research and Engineering, the weapons-developer organization for the Office of the Secretary of Defense (OSD). Few staff members are assigned to JT&E functions: approximately seven persons in the office of the DDT&E spend less than 30 percent of their time on JT&E. They are, with one exception, career military officers on rotation for two or three years from their services. They are not chosen primarily for their testing expertise. (pp. 7–8)

Although the Defense Test and Evaluation office has primary responsibility for the JT&E program, it has limited resources (staff, funding, test equipment, and facilities) for conducting JT&E's. Because of this constraint, the DDT&E arranges for a lead military service and a joint test director from one of the armed services to manage each test under the auspices of the DDT&E. Thus, the military services actually conduct the tests and then prepare the joint-test reports. There is no institutional memory in the DDT&E office. GAO found it difficult to find documents or persons who knew about past JT&E's. In response to a request from GAO, DDT&E staff members located documents and provided them to GAO and to the Defense Technical Information Center; by September 1983, the DDT&E office had assembled a microfiche library on JT&E. Funding for the JT&E program ranged from an estimated $3.8 million for fiscal year 1972 to a budgeted $50 million for fiscal year 1984. (pp. 8–10)

Planning for JT&E is done year to year; there is no long-range plan for selecting the subject of a test or for conducting JT&E's. The office of the Joint Chiefs of Staff (JCS)—which is responsible for joint military operations—the military services, and all other DOD offices are invited annually to submit nominations for JT&E. Through 1983, 30 JT&E's had been initiated, a majority (22 of 30) at the request of organizations within OSD. GAO found that only 2 of the 30 tests that have actually been initiated were submitted by the JCS. In commenting on the seemingly small number of requests for JT&E, JCS staff representatives told GAO that the JCS has favored joint military exercises rather than testing and evaluation for obtaining information on joint military capabilities. (p. 11)

Recent legislation, the Department of Defense Authorization Act of 1984 (Public Law 98–94), provides for the establishment of a new test-and-evaluation organization in DOD that will report directly to the Secretary. As of December 1983, JT&E had not become a responsibility of this new office, and it is unclear how this recently enacted legislation will influence the organization or the management of the JT&E program. GAO believes that the findings and observations about the program presented in this report will be useful to DOD in its deliberations on how best to implement the new legislation. (pp. 7–8)

THE THREE CASE STUDIES

The IIR Maverick joint test

The Imaging Infrared (IIR) Maverick joint operational test and evaluation was undertaken in 1977 in order to assess the operational feasibility of attacking tanks and other ground vehicles with the IIR Maverick air-to-surface missile under battlefield conditions. From the test results, the joint test force (JTF)—the group that conducts JT&E's—concluded that the heat-seeking IIR Maverick has "impressive capabilities" and that it "should meet its operational requirements." (p. 30)

GAO found that, although the IIR Maverick test was completed in a very timely manner, its overall technical quality was poor. Contributing significantly to the shortfalls in quality were (1) the omission of important issues from the test design, (2) unrealistic test conditions, and (3) problems in analysis and reporting. (pp. 71–72)

For example, when providing close air support, pilots in combat normally find it necessary to distinguish between enemy and friendly ground forces so that they will not fire their missiles at friendly troops. In this test, however, no friendly ground forces were used. Thus, the task of distinguishing friendly forces from enemy forces was an omitted issue. (pp. 38–39)

Some of the test conditions were unrealistic. For example, four better-than-average pilots flew all the test missions in mostly excellent weather, in one small target area with the same clues for finding targets on every pass. This controlled test environment did not represent the range of battlefield conditions that would be encountered in

actual combat while employing the IIR Maverick. (p. 71)

Analysis and reporting problems also were evident in this test. For example, the JTF did not establish and use formal criteria for deciding what test data to use in the analysis and what data to discard as flawed. This may have introduced bias into the conclusions about what the test results showed. In addition, the JTF did not fully report test results that indicated the weapon's technical and operational problems. Examples of such unreported problems include the fact that pilots were overloaded with work when missions were flown on totally cloudy days, problems of hitting targets when there was little difference between the temperature of the target and the temperature of its background, and problems the pilots might have in surviving enemy defenses. (pp. 71–72)

DOD used the IIR Maverick test results as support for its decision to develop the missile. GAO believes that the test results did not establish the operational efficacy of the missile system under the range of conditions that the system can be expected to encounter in combat. In addition, the test results can potentially be misused because of the JTF's incomplete and inaccurate reporting. Some of the useful test data were not reported. These unreported data revealed the difficulties of operating the missile system under certain battlefield conditions in the test scenario. (pp. 72–74)

The TASVAL joint test

The purpose of the 1979 JT&E called "Tactical Aircraft Effectiveness and Survivability in Antiarmor Operations" (TASVAL) was to address many of the complexities of conventional close air support in a central European conflict. This test was intended to provide data on how effectively close air support aircraft—specifically, Army helicopters and Air Force fixed-wing aircraft together—could assist ground forces. DOD anticipated that the results would be helpful in determining what aircraft to buy and how to combine them in combat operations. (p. 75)

Although this test was an ambitious undertaking, with more than 100 players, GAO found that the quality of TASVAL was poor for several reasons. These include (1) the omission of important issues from the test design, (2) unrealistic test conditions, and (3) shortcomings in the analysis. (pp. 98–99)

For example, the time that aircraft pilots need to respond to a request for close air support is likely to influence combat effectiveness. Earlier joint testing had made information on response time available, but TASVAL did not take into account the differing response times of fixed-wing aircraft and helicopters; instead, it assumed that both aircraft would arrive at the battlefield at the same time. The important issue of variable response time was omitted from consideration. (pp. 81–82)

Although some of the test conditions were realistic, such as having both enemy and friendly forces on the ground, others were unrealistic. For example, the terrain and the climate of the California test site were unlike those of central Europe, so that the test results cannot be used to estimate combat capability in a central European conflict, which was the purpose of the test. Another example is that, although close air support is affected by battlefield visibility, factors that would normally affect battlefield visibility, such as smoke and fire, were not simulated. (pp. 82–83)

Analysis problems also affected the quality of TASVAL. The overall effectiveness of helicopters compared to that of fixed-wing aircraft could not be ascertained because certain features of the test were not considered in the analysis. For example, the numbers of flights at different times of day were not equivalent for the two types of aircraft. For another example, estimates of aircraft effectiveness and survivability were taken from mathematical models, the assumptions of which were not verified. (pp. 86–87)

The JTF reported specific conclusions for each test objective, but no overall conclusions were stated on the appropriate combination of aircraft and the type of aircraft needed in close air support operations. The test was conducted in order to obtain the latter information. Army and Air Force officials reported, however, that TASVAL has been useful for its tactics, training, and testing lessons. (pp. 100–01)

From the shortcomings GAO identified in its review, GAO found that the TASVAL test results are of doubtful utility for estimating the effectiveness of close air support aircraft in central Europe. In addition, the test results were not timely. The Secretary of Defense requested that the test results be available by September 1978, but the JTF report was not published until May 1980. (p. 100)

The ACEVAL joint test

ACEVAL, or the Multiple Air-to-Air Combat JT&E, was conducted in 1977 in order to determine how the outcome of air combat is related to the numbers of friendly and enemy aircraft engaged under various conditions. It was the first major operational test that was highly instrumented for recording the data necessary for evaluating air-to-air combat performance. (p. 102)

As in the two previous cases, GAO believes that the quality of this test was poor. Contributing to the shortfalls in test quality were the same three problems: (1) the omission of important issues from the test design, (2) unrealistic test conditions, and (3) problems in reporting. (pp. 123–24) For example, the basic measure of air combat effectiveness is the degree to which overall mission objectives are accomplished. A mission objective might be to defend an airbase. In ACEVAL, the mission objective was omitted. The aircrews had no objective to attain in the test. This produced test results that are reflective more of the aircrews' gamesmanship than of what they might do in combat. (p. 110)

In ACEVAL, some of the test conditions were unrealistic. For example, aircrews in the test were allowed to fly from the test area into a "safe" area near the test range whenever conditions seemed threatening or unfavorable. Aircrews in real combat cannot always assume that they are moving into undefended or battle-free areas. Thus, the ACEVAL results may be biased in that they do not reflect the range of conditions that aircrews might reasonably be expected to encounter. (p. 110)

In addition, various reporting problems were found in the ACEVAL report. For example, recommendations were made for hardware improvements in air-to-air missiles that have no basis in the test data. (pp. 114–15)

ACEVAL was proposed for completion in 1976, but this date slipped to 1979. The test was relevant to the requestor's need in that it provided empirical information on the outcome of air-to-air combat, but the test results precluded generalization to all air-to-air combat. Nevertheless, the data have been used for building mathematical models for predicting the outcomes of large-scale air-to-air combat. The JTF advised against this and GAO concurs with the JTF's reservations. (pp. 124–26)

ACEVAL's results have been used more appropriately in further studies of air combat tactics and in improving testing. The most significant achievement of this test is its demonstration of the feasibility of instrumenting a highly complex test of air-to-air combat. (p. 126)

SUMMARY OF GAO'S RESPONSES TO SENATOR PRYOR'S QUESTIONS

GAO's review of 3 joint tests identified a number of shortcomings in the quality of JT&E and a number of areas in which management attention is needed. To respond to Senator Pryor's specific questions about the JT&E program, GAO drew upon its examination of the 3 JT&E's and its review of the management and organization of the JT&E program.

How independent is the DOD organization that is responsible for conducting JT&E from other DOD organizations that have vested interests in JT&E results?

The office responsible for the joint testing and evaluation of DOD's weapon systems has not been independent of organizations with vested interests in JT&E results, since it reports to the same DOD office that is responsible for weapon-system development. In addition, joint tests have been managed, carried out, and partially funded by the individual services, which have vested interests in the results. The Congress, in recent legislation, has provided for the office of a Director of Operational Test and Evaluation that is to report directly to the Secretary of Defense, but the JT&E program has not yet been placed under this new office. It is not yet clear how the legislation will affect the organization of the JT&E program or alter JT&E's dependence on the cooperation of the services for resources and capabilities. (pp. 127–28)

Who requests joint tests and evaluations and why?

Most of the 13 JT&E's that were completed between 1972 and 1981 were requested by organizations within the Secretary's office. The JCS and the services have been infrequent requestors of joint tests. Without much involvement from the JCS, however, the primariy purpose and the greatest expected usefulness of the JT&E program are jeopardized, since the information that it produces is intended to contribute to the decisionmaking of the JCS about joint military operations. In only 3 tests did two or more services perform their missions and roles in joint combat operations. The reasons for conducting JT&E's are multiple. Most of the 13 completed tests had more than one objective, but all focused primarily on the operational aspects of hardware, equipment, or testing techniques rather than on the ability of military personnel to use weapon systems jointly. (pp. 128–29)

Are JT&E problems defined to include critical operational issues?

Factors important in judging operational effectiveness were omitted from each of the 3 JT&E's analyzed in depth by GAO. Omissions are sometimes not acknowledged in official JTF reports. Although JT&E is a complex process that obviously can never include all issues, those missing from the 3 joint tests were clearly integral, in GAO's opinion, to the main questions being addressed. Not acknowledging the tests' limitations harms both the quality and the usefulness of their results. (pp. 129–30)

Do the design and implementation of joint tests generate reliable and valid data about the operation of weapon systems, their limitations, and the concepts of their employment?

GAO cannot make a judgment about the reliability of the test data from the 3 JT&E's—that is, about whether each test was controlled sufficiently for repeated testing under the same planned conditions to yield roughly the same results. However, a valid test result accurately predicts combat performance. GAO believes that the validity of the 3 JT&E's can seriously be questioned. Unrealistic test conditions, together with problems of analysis and reporting, are the primary reasons why the validity of the results of the 3 JT&E's is questionable. (pp. 130-32)

Do the joint test-and-evaluation results that are reported accurately reflect the data that are collected?

A major step in data analysis is that in which raw data that have been collected in the field are converted into test results (such as a percentage of targets hit). Although GAO found that JT&E reports of test results are usually accurate reflections of the data that were collected, GAO found that the data were often not qualified with respect to the tests' constraints. In some instances, the data were not given appropriate prominence in the test reports; in other instances, key data were omitted entirely from the reports. (pp. 132-33)

Do the conclusions and recommendations that are reported accurately reflect the test-and-evaluation results?

Drawing conclusions and recommendations from test results is the last step in the data-analysis process. The conclusions and the recommendations in the joint test reports are not always supported by the test results. Some of the results provide no support for the conclusions that have been drawn, and some of the results lead to conclusions that differ from those stated in the JTF reports. For example, the IIR Maverick report contains the conclusion that, in general, the pilots detected targets easily, but the test results indicated that the pilots had difficulty under certain weather and battlefield conditions. In some instances, the JTF's recommendations propose modifications to missiles and electronic equipment, among other things, that were not tested. (p. 133)

Do the reports of the results address the concerns of the people who requested the JT&E's?

GAO's analysis shows that the 3 case study JT&E reports sometimes addressed the concerns of the requestors and sometimes did not. Where the reports were not responsive to the concerns of a requestor, the problem could generally be traced to the omission of critical issues from a test design or to the establishment of test conditions that were unlike a projected combat situation. (pp. 133-35)

How are JT&E results used?

The requestors made little use of the 3 tests that GAO examined. However, the Congress rather than the requestor of the IIR Maverick test—the Defense Systems Acquisition Review Council—used part of the IIR Maverick test results, both reported and unreported, to deny the Air Force funds for producing the missile. The Air Force and the DDT&E, rather than the requestor of the ACEVAL test—DOD's program analysis and evaluation office—used the ACEVAL test results for computer model data in order to simulate air combat under different conditions using missiles with different capabilities. The ACEVAL results have also been cited on both sides of the debate about whether the U.S. weapons-acquisition strategy should emphasize quality or quantity. The appropriateness of either use seems questionable, given the test that was performed. (p. 136)

If the quality and usefulness of joint tests and evaluations are flawed, what are the possible reasons?

The reasons for the threats to JT&E's quality and usefulness are complex and difficult to isolate. However, GAO believes that reasons for some of these threats may lie in the organizational features of the JT&E program. These include its organizational placement in the office of the Director for Defense Research and Engineering, its limited staff size, the failure to choose its staff members for their testing expertise, its limited budget, its dependence on the services for resources, and the absence of a strategic plan that sets priorities. (pp. 136-38)

RECOMMENDATIONS TO THE SECRETARY OF DEFENSE

GAO's finding that only 3 of the 13 JT&E's that were completed between 1972 and 1981 focused on joint operations indicates either that DOD does not perceive a need for JT&E information in making decisions about the combinations and structures of forces and the roles and missions of the services or else that DOD does perceive a need for JT&E data in addressing these issues and the JT&E program has not been responsive to this need. GAO recommends that the Secretary of Defense ascertain DOD's need for joint tests that focus on the joint operations of the armed services. The JT&E program should be continued if the Secretary concludes that DOD has such a need. (p. 139)

If the Secretary of Defense determines that DOD does need the JT&E program, GAO recommends that the Secretary take the further steps that are necessry to (1) insure that priorities be established for conducting JT&E's, (2) endow the JT&E program with enough independence, permanence of expert staff, and control of resources to allow the program to conduct and report on joint tests and evaluations that both are high in quality and provide relevant information to their requestors and other users, and (3) require the JT&E program director to develop routine procedures that will insure that thorough records of test data, test results, and their use are maintained. (p. 139)

With regard to the implementation of these recommendations, GAO believes that the recently enacted legislation establishing an office of Operational Test and Evaluation in DOD may provide an opportunity to reduce the problems of JT&E's quality and usefulness that are shown in this report. If JT&E were to become a part of this unit—which, under the legislation, is to be independent of other DOD offices and agencies—then the organizational placement of the JT&E function might no longer pose a potential threat to test quality. However, JT&E's organizational independence is only a necessary condition; it is not in and of itself sufficient for achieving quality and usefulness, because it cannot automatically provide expertise, resources, user focus, or the coordination that is needed between service operations people and test analysis if JT&E's are to be sound. (p. 139)

AGENCY COMMENTS

GAO asked DOD to comment on a draft of this report. DOD elected not to comment.

Mr. PRYOR. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend past the hour of 10 a.m., with statements therein limited to 2 minutes each.

The Senator from Maryland.

WAR POWERS ACT

Mr. MATHIAS. Mr. President, the fall out from the withdrawal of the U.S. Marines from Lebanon included attempts to pin the blame on the War Powers Act. In the disappointment and frustration of the moment, such a complaint is as predictable as it is irrational. It is hard to imagine any military action left undone that would have changed the outcome except for major escalation in the number of troops and the level of hostilities. An escalation of diplomatic and political effort which might have made a difference was not tried, but was fully permissible under the act.

The Congress has, however, been unfortunately silent under the lash of criticism. It is characteristic that the first voice raised in defense and national response was Jacob Javits, the once and always Senator from New York. Since Senator Javits was the principal author of the War Powers Act, his words are of special significance.

I ask unanimous consent that Senator Javits' article, "Congress Crucial War Role," which appeared in the New York Times on March 16, 1984, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 16, 1984]

CONGRESS CRUCIAL WAR ROLE

(By Jacob K. Javits)

America has suffered a serious disappointment in Lebanon, raising questions about our decision to station marines in Beirut. It would, however, be a grave mistake to seek to use this as a reason for excluding Congress from a role in such decisions. Yet Secretary of State George P. Shultz has virtually suggested that.

The fact is that restraint on the President's power to commit troops to the equivalent of war is incorporated in the War Powers Resolution of 1973. That act gives a vital measure of security to our people, a crucial check on the use of our armed forces. It requires, in effect, a collective judgment by both the President and Congress before we take steps that could lead us into war. United States involvement—direct or indirect—in military activities in Central America, in the Persian Gulf and perhaps tomorrow in other places makes this a particularly vital question now.

We had every right to hope that this Administration would comply with the War Powers Resolution. Certainly, the agree-

ment between the President and Congress to send marines to Lebanon for 18 months seemed to indicate that it would. But the President raised questions about this compliance even in signing the measure, reserving his alleged right to commit our armed forces in other international crises. And now we find that this may have been more than just a legalistic reservation: It may have been a statement of policy. This is a critical question, which should not be swept under the rug or left in limbo.

On March 2, Mr. Shultz—for whom I have great respect—told the Senate Appropriations Subcommittee on Foreign Operations that the invocation of the War Powers Resolution "totally took the rug out from under our diplomatic effort" in Lebanon. He questioned "whether that piece of legislation is the most desirable way to structure the interaction between the legislative and executive branches for dealing with issues involving force." And he called for a review of the resolution.

Changing history often calls for a review of legislation. But Mr. Shultz's charges do not, I believe, give adequate consideration to either the nature of the President's power as Commander in Chief or the importance of Congressional participation in decisions about the commitment of troops abroad. It is the latter that should disturb the American people most.

Let us remember that the Constitution gives Congress—and Congress alone—the power "to declare war." Yet, until the resolution came along in 1973, there was practically no means by which the people could restrain the President's power as Commander in Chief to commit the nation to war by committing troops.

In fact, subsequent events in Lebanon very much justified the invocation of the War Powers Resolution. To begin with, the time limitations in the resolution committing marines to Lebanon were more than justified. A multinational force was indeed a proper instrument to help bring about the removal of all foreign forces and foster national reconciliation. But the marines' participation in such a force have been limited to six months. Many in both the House and the Senate were inclined to impose such a limit, but they agreed to accept a limit of 18 months in order to win the President's agreement. This now looks like a mistake.

In fact, six months would have been just the right amount of time: We could have withdrawn in an orderly fashion in November after President Amin Gemayel convened the first meeting, in Geneva, to effect a national reconciliation. Instead, we waited to withdraw until civil war broke out again in early February and our pullback was widely seen as a success for the Syrians.

Besides, a less equivocal accord between Congress and the Administration might have assured a much happier outcome. In this, too, the quibbling over the time limit was very destructive. As soon as it became clear that the Geneva conference had failed and the Lebanese Army began to disintegrate along religious factional lines, Congress' latent resentment—the residue of the Administration's reluctance to cooperate fully on the War Powers Resolution—boiled over. Subsequent arguments over the imprecise definition of the marines' mission rocked the country and added to our inability to deal effectively with the situation by bringing our power to bear on the Syrians.

What does this experience teach us? It demonstrates that in crises like Lebanon, solid alignment and willing cooperation between the Administration and Congress is vital to effective policy. The War Powers Resolution, rather than being a drag on our policy, can be a great source of strength. It is not necessary for a great power to win all battles. It is only necessary to show the ability to act with national unity and effectiveness.

NEED A LIFT?

Mr. STEVENS. Mr. President, in its continuing efforts to help young Americans, the American Legion has again published a document entitled "Need a Lift?" which is in its 33d edition. Their publication is one of the best career and scholarship informational handbooks available today. This handbook is available for general distribution through the American Legion "Education Program, Americanism and Children and Youth Division," Indianapolis, Ind. 46206, for nominal fee of $1, but the information it contains will be helpful to students, parents, and school counselors.

I feel it is very important for students to have as much information as possible about scholarships and I ask unanimous consent that sections IV and V of this handbook be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

SECTION IV: SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS

1. U.S. Department of Education provides for the largest and most commonly applied for financial aid programs that are processed by the college's financial aid office. These programs are listed in the following paragraphs. You may obtain copies of the forms that apply to you from postsecondary schools and high schools. You may also receive the "Student Guide: Five Federal Financial Aid Programs, 1983-84" by writing to Student Guide, Department DEA-84 Public Documents Distribution Center, Pueblo, Colorado 81009.

a. College work-study program (CWSP). This program provides employment to students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The financial aid administrator sets the student's work schedule. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Guaranteed student loan program provides loans to students for educational expenses available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. The family income must be less than $30,000 or if over $30,000 the student must demonstrate financial need. Students are eligible for Federal payment of interest charges of 9 percent on their loans during school years, during a 6-month grace period, and during authorized periods of deferment. You must pay a 5-percent origination fee when you borrow the money.

Loans must be repaid. Repayment normally is over a 5-10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payments will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted during any period in which the borrower is attending a participating institution on a full-time basis, is engaged in approved graduate fellowship or a course of study under a rehabilitation training program for disabled individuals, up to 3 years if temporarily totally disabled, up to 3 years while serving in the U.S. Armed Forces, the Commissioned Corps of the Public Health Service, Peace Corps, VISTA, or a comparable organization; or for a single period not exceeding 12 months if seeking and unable to find full-time employment, or up to 2 years while serving an internship required for professional practice.

Undergraduate students may borrow up to $2,500 per year, to a total of $12,500. Graduate students may borrow up to $5,000 per year to a total of $25,000 (including loans made at the undergraduate level). See Table II for the address of your state's agency.

c. National direct student loan program (NDSL). If you are a college student enrolled at least half time in a regular program of study at a participating school, and in need of financial assistance to continue, you may borrow for your college expenses. Aggregate loans may not exceed $12,000 for a graduate student including under-graduate loans; $6,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $3,000 for any other student. Repayment of the loan begins six months after a borrower ceases to carry at least one half the normal academic work load and is to be repaid within 10 years. Thereafter, interest of 5% will begin at the time the repayment period begins. Thereafter, should a borrower start to teach in a designated school located in a poverty area, or in a Headstart Program, or in a public or other non-profit elementary or secondary school for handicapped children, cancellation of the loan up to 100% is possible. Also for a member of the Armed Forces of the U.S. who serves in an area of hostilities, cancellation up to 50% is possible. Rates of cancellation may be obtained from the institution's financial aid office.

d. Parent loans for undergraduate students (PLUS). These PLUS loans are available to provide additional funds at 12 percent interest. Like GSL's, they are made by a lender such as a bank, credit union, or savings and loan association. Parents of dependent undergraduates or graduates may borrow $3,000 per year. Independent undergraduates may borrow $2,500 per year. All borrowers must begin repaying a PLUS loan within 60 days, unless the borrower is entitled to a deferment. All borrowers must begin paying the interest within 60 days. The negotiation of each loan is between the student and the lending institution. Students who desire more information or wish to initiate a loan should discuss the matter with their lender and the financial aid administrator at their school. (See Table III).

e. Pell Grant program. Formerly called the Basic Grant Program. This program makes funds available to eligible students attending participating colleges, communi-

ty/junior colleges, vocational schools, technical institutes, hospital schools of nursing, correspondence schools and other participating postsecondary institutions. In 1983–84 award period (July 1, 1983–June 30, 1984), you may apply for a Pell Grant if you are an undergraduate student and are enrolling on at least a half-time basis. Awards in 1983–84 will depend on program funding. During the 1982–83 award period, individual awards ranged up to $1,800. To apply for a Pell Grant, you may complete the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid. Check with the Financial Aid Administrator at the school you plan to attend to see if they require the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, or the Student Aid Application for California (SAAC). You do not need to fill out the "Application for Federal Student Aid" if you will fill out any of these forms. You may also contact the Office of Student Financial Aid at the institution in which you plan to enroll or your high school guidance counselor. It is very important that you fill out the form you use as accurately as possible. If you fill out the form carelessly or inaccurately, you will be required to provide more accurate information before the U.S. Department of Education will tell you whether you are eligible for a Pell Grant.

f. Supplemental educational opportunity grant (SEOG) program. This grant program is for students with financial need and does not have to be paid back. You are eligible to apply if you are enrolled at least half-time as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. Graduate students are not eligible. If you receive an SEOG, it cannot be more than $2,000 a year.

g. Teacher exchange program. Under the Mutual Educational and Cultural Exchange Act of 1961, the Government offers opportunities for qualified American educators to work in elementary and secondary schools abroad and in some instances, institutions of higher education in the United Kingdom, Canada, Denmark, Switzerland, Italy, Germany and France. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars for teachers of Italian, the classics, German, Portuguese, Korean and World, Asian or Middle Eastern History and area studies; three years for a summer seminar for social studies supervisors, curriculum directors, teacher educators and school administrators responsible for curriculum development. Evidence of good health and emotional maturity and stability also is required. The Government provides round-trip transportation to some countries for those selected to participate but no transportation is provided for dependents or for teachers going to Canada, Great Britain, Italy or Switzerland. A maintenance allowance, paid in the currency of the host country is based upon that country's cost of living. For teachers going to Canada, France, Germany, Italy, Great Britain or Switzerland, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round-trip transportation, tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual recruitment date is October 15. Application forms can be obtained from and then submitted to the Teachers Exchange Program, Office of International Education, U.S. Department of Education, Washington, D.C. 20202.

2. U.S. Department of Health and Human Services also administers programs of assistance for students enrolled in health professions programs.

Information on these programs may be obtained from the Health Resources and Services Administration, Bureau of Health Professions, 5600 Fishers Lane, Rockville, MD 20857 or the Office of Financial Aid at the school you plan on attending.

a. Exceptional financial need scholarship program for first-year students is for students with exceptional financial need. Purpose of the program is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the Trust Territory of the Northern Mariana Islands. Scholarships will cover (1) cost of tuition for school year and other reasonable educational expenses plus a stipend of $530 per month for 12 consecutive months; (2) no service obligation accompanies the scholarship.

b. The health education assistance loan (HEAL) program is similar to the Guaranteed Student Loan Program of the U.S. Department of Education. Students of medicine, osteopathy, dentistry, podiatry, veterinary medicine and optometry, may borrow up to $20,000 a year and a total of $80,000. Pharmacy students, who are eligible only after completion of 3 years of training, and students in schools of chiropractics, health administration, clinical psychology or public health. Students may borrow up to $12,500 per year and a total of $50,000. For students to take part in the program, their school must have an agreement with the Secretary.

Maximum Interest—final regulations published 1/27/81. Replaces 12% per annum on the unpaid balance of the loan, with the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the previous quarter plus 3.5 percentage points, rounded to next higher ⅛ of 1%. The loan principal is repayable over a 10–25 year period starting 9–12 months after completion of training. However, payments of principal are not required during periods of up to 4 years of internship and residency training or up to 3 years of service in the Armed Forces, National Health Service Corps, Peace Corps or Volunteers in Service to America (VISTA). Deferments are also made during periods of full-time study. At HHS's discretion, borrowers may enter into agreement with HHS for repayment of loans, plus interest, at a rate of not more than $10,000 a year for each year of service in NHSC or in private practice in a health manpower shortage area. Minimum service period is 2 years.

c. The health professions student loan program.[1] Under this program, Federally supported loans are available at participating schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry and veterinary medicine for students who need assistance to pursue a full-time course of study at the school. The amount of the loan depends upon the student's need as determined by the school; however, the maximum amount per academic year is the cost of tuition plus $2,500 or the amount of the financial need of the student, whichever is less. The loan is repayable over a 10-year period beginning one year after the student ceases to pursue a full-time course of study at a health professions school. During the repayment period, interest accrues on the total loan at the rate of 9%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps (up to three years each). Repayment may also be deferred during periods of advanced professional training, including internships and residencies. Obligations to repay the loan will be cancelled in the event of death, or permanent and total disability. If a student fails to complete health professions studies, any outstanding loans made for the costs of such studies may be repaid by the Federal Government if the student is in exceptionally needy circumstances, is from a low-income or disadvantaged family and cannot reasonably be expected to resume studies within two years. If an individual agrees to practice medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, or veterinary medicine for at least two years in an area which has a shortage of his profession, the Federal Government will repay 60% (at the rate of 30% each year) of the outstanding principal and interest on the loan(s), and an additional 25% for a third year of practice in such an area.

d. National Health Service Corps scholarship program is a competitive program of the U.S. Public Health Service for students in programs of medicine, osteopathy, denistry and other selected health disciplines.

Over 13,200 students have received from 1 to 4 years of scholarship support since the inception of this service—conditional scholarship program in 1973. Benefits include a monthly stipend and payment of school tuition and fees. Funds for the 1983–84 school year have been appropriated by Congress only for awards to continue current NHSC scholarship participants. Should funds become available, competitive awards to current and former "Scholarship Program for First-Year Students of Exceptional Need" will be made. For each year of support, recipients are obligated to serve one year in full-time clinical practice of their professional serving populations in federally-designated areas of Health Manpower Shortage Areas of the U· ited States. The minimum service obligation is 2 years. From Washington, D.C. and surrounding counties, call 436-6540. From Maryland, Alaska and Hawaii, call collect (301) 436-6453 or write, giving name, address and health discipline being studied. Calls received during office hours (8:30 a.m. to 5:00 p.m., Monday through Friday, Eastern Time) will reach a scholarship Counselor who can offer further assistance.

3. Other U.S. Department of Health and Human Service Programs are:

[1] Medical and osteopathy students who will graduate after June 30, 1979, are eligible only if they demonstrate exceptional financial need.

a. Commissioned officer student training and extern program (COSTEP). College students who have successfully completed a minimum of one year of study in medical, dental or veterinanry school prior to assignment, and students who have completed a minimum of two years of a baccalaureate program prior to assignment in dietetics-nutrition, engineering, nursing, pharmacy, therapy, sanitary science or medical record administration are eligible to participate in the COSTEP program. COSTEP assignments fall into two major categories: Medical and Hospital Services. Research and Public Health Practice. Successful candidates are commissioned as reserve officers in the Commissioned Corps of the Public Health Service and called to active duty during vacation period. Applications must be received (1) not later than October 1 for positions during the period January through April; (2) no later than February 1 for positions during the period May through August; (3) not later than May 1 for positions during the period September through December. For further information write: COSTEP, Commissioned Personnel Operation Division OPM/OM/PHS-Room 4-35, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-6324.

b. Professional nurse traineeship program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various field of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend and tuition and fees as set by the participating training institution not to exceed $5,040. Trainees are selected by the training institutions. Further information and a list of participating institutions are available from the: Division of Nursing, Bureau of Health Professions, Health Resources and Service Administration, Room 5C-26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

c. Nursing student loans program. Federally supported loans are available through participating schools of professional nursing for students who need assistance to pursue full-time or half-time courses of study. Amount of an individuals loan depends on the general availability of student aid funds and on need as determined by the student's school; however, no loan may exceed $2,500 per academic year, and no student may receive more than to total of $10,000 for all years in loan assistance. The total loan is repayable over a 10-year period beginning nine months after the borrower completes or discontinues his other nursing studies. During the repayment period, interest accrues on the total loan at the rate of 6%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps and also during periods of advanced professional training in nursing. Obligation to repay the loan will be cancelled in the even of death or permanent and total disability. Moreover, under agreement with the Secretary for Health and Human Service, for at least two years of professional employment in an identified area of nursing shortage, up to 60% all nursing education loans, regardless of their source, may be repaid; up to 85% for three years. Contact the Director of Student Financial Aid at the school(s) he is attending or plans to attend.

d. Social security benefits for college. The U.S. Social Security Administration provides benefits to assist Social Security beneficiaries and their dependents who plan to attend or continue their college education. Normally, eligibility is limited to unmarried dependents who continue their education on a full-time basis beyond the age of 18 until they reach the age of 22. However, the Budget Reconciliation Act of 1981 reduced and/or eliminated social security benefits for students who will be attending postsecondary educational institutions commencing in the Fall of 1982. Under these new Federal guidelines, social security benefits will be provided only to those students who were enrolled full-time in an institution of higher education before May 1982 or were on the social security rolls as a high school or college student before September 1981. Those children who became eligible for benefits after that date will receive payments only until July 1982, even if they are now enrolled in college. Students who meet this eligibility criteria may continue to draw benefits until April 1985 or their 22nd birthday—whichever comes first—provided these students remain unmarried and maintain full-time enrollment status. These benefits, however, will be subject to the following reductions: students will receive 25 percent less in the academic year beginning September 1982; 50 percent less as of September 1983 and 75 percent less as of September 1984. All payments will be eliminated after April 1985 as will annual cost-of-living increases. Benefits no longer will be provided for the months of May, June, July and August.

4. The U.S. Department of Interior Administrators Programs:

a. Indian tribal grants and loans. Over 45 Indian tribes have established their own Grant and Loan Programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Dept. of the Interior, Bureau of Indian Affairs, Washington, D.C. 20245, or through the Tribal Headquarters.

b. Indians higher education grant program. A Higher Education Grant Program for students who are ¼ or more degree Indian, Eskimo, or Aleut of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree. Must demonstrate financial need by the institution they are or will be attending.

B. ASSISTANCE FOR UNDERGRADUATES ONLY

Aid Association for Lutherans (AAL) (for under-graduates only) awards at least 400 ALL-COLLEGE SCHOLARSHIPS annually, 200 of which are renewable and 200 nonrenewable scholarships. AAL also awards at least 25 renewable nursing scholarships annually through the competitive nursing scholarship program. Each applicant must be a high school senior owning an AAL certificate of membership and insurance in his or her own name. The CEEB SAT must be taken no later than December of the high school senior year. The American College Test (ACT) will also be accepted. Individual stipends for the renewable scholarship, range from $500 to $1750 and are renewable for three additional years or until requirements for a baccalaureate degree are met, whichever is earlier. The 200 nonrenewable awards are for $500. Financial need is not considered until winners have definitely been selected. Competitive Nursing Scholarships are renewable for three additional years or until an Registered Nurse (RN) Certificate is obtained, whichever is earlier. Renewal is based on satisfactory academic progress and continuing AAL membership. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Service/Sponsored Scholarship Programs befor November 30. Applications may be secured by writing: Member and Family Benefits, Aid Association for Lutherans; Appleton, WI 54919. AAL scholarship assistance is available to AAL members at Lutheran colleges, universities and seminaries participating in other AAL scholarship programs. For more details, contact the institution's financial aid office.

Aid Association for Lutherans (AAL) will be awarding up to 50 Vocational/Technical School Scholarships annually. Up to a maximum of 25 scholarships will be awarded to persons who graduated from high school in previous years. Applicants must own an AAL certificate of membership and insurance in their own name. Persons of any age may apply for their scholarships provided they will have completed high school or have a GED, and have a well-defined career goal related to their intended course of study. They must be enrolled or planning to enroll in an accredited vocational/technical institute or community college on either a full or half-time basis with the intent of completing requirements for a vocational diploma or an associate degree. Individual award amounts are $500 for full-time attendance and $250 for half-time attendance. Awards will be renewable for up to one year for full-time studies after the initial year and up to three half years after the initial half year, or until a degree/diploma is earned, whichever is earlier. Completed Vocation/Technical Scholarship Program applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs before November 30. Applications may be obtained by writing: Member and Family Benefits, Aid Association for Lutherans, Appleton, WI 54919.

The Allstate Foundation provides nursing education scholarships annually to approximately 300 young persons. Funds are awarded through various schools of nursing and through some constituent leagues for nursing. (Consult your constituent league (Addresses are available from Allstate Foundation, Allstate Plaza, Northbrook, IL 60062) or the director of the school of nursing where you have been accepted.) Scholarships provide funds to meet tuition charges in hospital and college schools of nursing. Nursing scholarships are available for American Indian students administered by the American Indian Nurses Association, 231 South Peters, Norman, OK 73070. The Allstate Foundation also provides 15 scholarships annually each with a total value of $3,200 to deserving members of the Chicago Boys Clubs. Winners of these scholarships, valued at $800 a year for each of four years, are chosen by the Chicago Boys Clubs at 304 West Randolph Street, Chicago, Illinois. Allstate also provides Human Care Services Awards at George Williams College, 555 31st Street, Downers Grove, IL 60515.

American medical technologists' scholarship program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling, in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled

or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. May 20 is the filing deadline for applications and supporting documents from AMT, 710 Higgins Road, Park Ridge, IL 60068.

The American Society for Metals Foundation for Education and Research sponsors $500 undergraduate scholarships for students in metallurgy that are attending colleges or universtities and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy, motivation, achievement, potential and scholarship. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program. For further information, write: American Society for Metals, Metals Park, OH 44073.

The Clairol loving care scholarship program, a $50,000 annual program, is the only nationwide company-sponsored fund for women 30 or over who are continuing a post-secondary education to achieve career goals. Grants up to $1,000 are awarded for full or part-time study. There are no restrictions regarding marital status. Information is available by writing: Business and Professional Women's Foundation, 2012 Massachusetts Avenue, NW, Washington, D.C. 20036.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are awarded on the basis of scholastic ability, financial need and interest in private club management. Information on high school, college or university training in preparation for a club industry position can be obtained by writing: the Club Managers Association of America, 7615 Winterberry Place, Washington, D.C. 20034.

Educational communications scholarship foundation provides a minimum of 50 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of aptitude test scores, grade point averages and leadership activities. Semi-finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid, but this is not a major factor. Applications must be submitted by June 1, and may be obtained in most high school guidance offices or write direct to: Educational Communications Scholarship Foundation, 721 N. McKinley Rd., Lake Forest, IL 60045.

The Education Council for the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 25 years for studies in printing management, printing technology and graphic arts education. For the school year beginning 1983–84, the Council has 50 new scholarships available in the fields of printing management, engineering and teaching. Applications must be filed by January 15. Inquiries for summary of applications made available by the Graphic Arts Industry may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213 ATTN: NSTF.

The Elks Foundation scholarship awards, for 54 years, have made it possible for many students to attend college. For the 1983–84 school year, $1,208,750 in scholarships were awarded to 1,291 students ranging from $750 to $5,000. Any student in the graduating class of a high school or its equivalent who is a citizen of the U.S. and resident within the jurisdiction of the Benevolent & Protective Order of Elks, may file an application. Scholarship, leadership and financial need are the criteria by which applicants will be judged. Application blanks should be obtained from an officer of the local Elk Lodge or the Secretary of the State Elks Association and must be filed on or before February 10 with the Secretary or Lodge Foundation Chairman of the B.P.O. Elks Lodge in the city in which the applicant is a resident.

Entomological Society of America annually awards one $1,000 undergraduate scholarship sponsored by Bio Quip Corporation. Portions of the award are paid at the beginning of each semester or term. Students from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field (Biology, Zoology, etc.) and show an interest in the Science of Entomology. To apply, send two letters of recommendation; the first letter should be from someone acquainted with your scientific qualifications and experience and the second one from one who could attest to your need for financial assistance. Application deadline is June 12 each year. To submit an application or for further information, write: Entomological Society of America, 4603 Calvert Road, College Park, MD 20740.

The Harry S Truman memorial scholarship program, enacted by Public Law 93–642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years neither shall they exceed the cost of tuition, fees, books, room and board, or $5,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in public service. The institution's nominations must be forwarded to the Foundation by December 1. Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, D.C. 20006.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at The Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships and one for the Columbian Squire, may be used at a Catholic college of student's choice. Final filing date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 05607.

National achievement scholarship program for outstanding Negro students, a compensatory activity, created in 1964, is conducted by National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (as described in the following paragraphs). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, over 600 Achievement Scholarships worth about $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, a number of awards are named in each of several U.S. geographic regions, proportionate to each region's Negro population.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. Every Finalist is considered for one of the scholarships, and all winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement recommendation of the student's school.

Three types of Achievement Scholarships are awarded annually: About 350 are National Achievement $1,000 Scholarships that are single-payment awards allocated to winners on a regional representation basis; about 17 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $1,000 and $8,000 over the four college years; and about 100 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The PSAT/NMSQT Student Bulletin gives requirements students must meet to be eligible to participate in the Achievement Program and also lists sponsor organizations that currently provide support for Achievement Scholarships. A copy can often be obtained from the student's high school. Questions should be directed to: National Achievement Scholarship Program for Outstanding Negro Students, One American Plaza, Evanston, IL 60201, (312) 866-5100.

The National Association of Secondary School Principals and the National Honor Society estimates that they will provide $250,000 in scholarships in the amount of $1,000 each to high school seniors who are members of the National Honor Society. Application is made through local chapters in February. Awards are announced in May. Scholarships may be used in any accredited college, university or school offering a degree. Applications are mailed to chapters in late December. Also available is the Century III Leaders Program which provides 102 $1,500 scholarships and 102 $500 awards (2 each per state and D.C.) and one $10,000 national award to high school seniors who are selected by their schools. For informa-

tion, contact the school principal in September or write to: The National Association of Secondary School Principals, 1904 Association Drive, Reston, VA 22091.

National merit scholarship program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 5,000 Merit Scholarships, valued at about $18 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. Every Finalist is considered for one of the scholarships, and all Merit Scholars are chosen from the Finalist group. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements and the endorsement and recommendation of the student's school.

Three types of Merit Scholarships are awarded annually: at least 1,500 are National Merit $1,000 Scholarships that are single-payment awards allocated to winners on a state representational basis; over 1,500 are corporate-sponsored four-year Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award, and that are worth between $1,000 and $8,000 over the four college years; and about 2,000 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSP, One American Plaza, Evanston, IL 60201, (312) 866-5100.

National Presbyterian College scholarships are offered by the United Presbyterian Church U.S.A. to qualified Presbyterian young people entering as college freshmen any of the participating United Presbyterian church-related colleges in the fall of each year. There are approximately 100 awards ranging from $100 to $1,400. There are honorary awards with no stipend where no need is shown. To qualify, applicants must be members of the United Presbyterian Church U.S.A. Applications are available after mid-August and the filing deadline is December 1. Information may be secured by writing: National Presbyterian College Scholarships, Vocation Agency, United Presbyterian Church U.S.A., 475 Riverside Drive, New York, NY 10115.

The national scholarship service and fund for Negro students (NSSFNS) maintains free college counseling and referral service for Black and other minority and low-income high school students, and also sponsors Student-College Interview Sessions in New Orleans, Louisiana; Detroit, Michigan; Houston, Texas; Atlanta, Georgia; Cleveland, Ohio; Chicago, Illinois; Richmond, Virginia; Boston, Massachusetts; Philadelphia, Pennsylvania (Philadelphia Area Office (PAO), 1616 Walnut Street, Suite 809, Philadelphia, Pennsylvania 19103) and New York City for all minority and low-income students with college representatives. Additional cities may be added or deleted each year. There is a limited scholarship fund for NSSFNS counselees. For further information, write: NSSFNS, 1501 Broadway, New York, NY 10036 or NSSFNS-SERO, 965 Martin Luther King, Jr. Drive, N.W., Atlanta, GA 30314.

National 4-H Council, through 60 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,000. The majority are open only to current 4-H members who have won state honors in specific 4-H projects. Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members now enrolled in college. Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, agricultural business, economics and marketing. For further information on eligibility requirements, write to State 4-H Leader at the State Land-Grant University. A list of these leaders may be obtained from the National 4-H Council, 7100 Connecticut Avenue, Washington, D.C. 20015.

RCA Corporation maintains one or more undergraduate scholarships at more than 30 colleges and universities. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are available in the fields of physical science, engineering, broadcast journalism, industrial relations, business economics, telecommunications and procurement/materials management as specified at each institution. The selection of scholars is made by the college or university in each case and students already enrolled should apply to the Scholarship or Financial Aid Officer for further information. Also, up to 25 2-year vocational/technical career scholarships are awarded to children of employees. Graduate fellowships are maintained in journalism, electrical engineering, electronics and physics at seven universities and are open to any qualified graduate student enrolled at the institutions which select the fellow and administer the grants. RCA also supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students.

The Railroad Retirement Act provides monthly benefits for children who are students of deceased railroaders who were insured under the Act of Death. Dependent grandchildren of deceased railroaders may also be eligible if both natural parents are deceased or disabled. To qualify, you must be single and attending a public or private accredited high school, vocational school, college or university on a full-time basis. Benefits continue until age 22 or until the end of the school semester after you attain age 22. Children who are students of retired railroad workers cannot qualify for benefits directly. However, a retired worker's benefit may be increased under a special guarantee provision of the Railroad Retirement Board Office. The address can be found in the telephone directory or by asking at any post office.

Samuel Robinson Scholarships are for undergraduate students enrolled in one of the United Presbyterian-related colleges. No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminister Shorter Catechism, and write a 2,000-word original essay on an assigned topic related to the shorter Catechism. Amount of Award: $500. Deadline: April 14. For further information, contact the financial aid officers at the United Presbyterian-related colleges or United Presbyterian Church, 475 Riverside Drive, New York, New York 10115.

Science Talent Search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and the Westinghouse Educational Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Institute in Washington, D.C. Awards include 10 scholarships of one $12,000, two $10,000, three $7,500 and four $5,000. The remaining 30 finalists each receive Westinghouse Science Awards of $500. State Science Talent Searches are conducted currently with the National Competition in 40 states and the District of Columbia. Entry deadline date is December 15. Detailed information is available from Science Service, 1719 N Street, N.W., Washington, D.C. 20036.

The Shell Companies Foundation, Incorporated support scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students. Further information on both programs can be obtained by writing the National Merit Scholarship Corporation, by contacting high school guidance counselors and principals or writing Two Shell Plaza, P.O. Box 2099, Houston, TX 77001.

Soroptimist International of the Americas Youth Citizenship Award of $1,000 per Soroptimist region and a finalist award of $1,500 offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concept of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For further information, contact Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, PA 19103.

Student Opportunity Scholarships. These scholarships are for young persons of limited opportunities, members of racial/ethnic groups who are related to the United Presbyterian Church in the U.S.A. Must be entering college as an incoming freshman and apply to the college for financial aid. Amount of Award: $100 to $1,400. Those eligible should write between January 15 and March 15 to: Student Opportunity Scholarships, United Presbyterian Church in the U.S.A., 475 Riverside Drive, Room 430, New York, NY 10115.

The Westinghouse Educational Foundation sponsors five merit scholarships annually.

1. The Westinghouse Family Scholarship—five $10,000 and fifty $1,500 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The Science Talent Search—forty awards. The student should request his science teacher to write to Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H Electric program—4-H club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—three $1,000 scholarships awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47th Street, New York, N.Y. 10017.

5. National achievement scholarship program for outstanding Negro students—five $1,000 scholarships. Information may be obtained through the National Merit Scholarship Corp., One American Plaza, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search, The Bertha Lamme and The National Achievement Scholarship Program require that the applicant be in his or her last year of high school and applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years; and (3) must require financial assistance to attend college. Applications are available by writing to Western Golf Association, Golf, IL 60029.

C. ASSISTANCE FOR GRADUATES AND UNDERGRADUATES

The American Dental Hygienists' Association Foundation offers the following scholarships: (1) certificate scholarship program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, will be entering the final year of the curriculum in the fall and have a minimum grade point average of 3.00 (on a 4.00 scale); (2) post certificate dental hygiene scholarship program to students who have a minimum grade point average of 3.00 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university. If a Baccalaureate Degree sought is not in Dental Hygiene, evidence of a Dental Hygiene Certificate or qualification for the Dental Hygiene Certificate within the current academic year must be provided; (3) graduate dental hygiene fellowship program to students who can provide evidence of acceptance as a full-time Master's or Doctoral degree candidate in a university program, are graduates of a certified associate dental hygiene program, baccalaureate program, and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 3.00 (on a 4.00 scale). The scholarships may range from $300 to $1,500, depending on need. Deadline for applications is March 15. Information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Foundation Research grant program make research grant funds available for licensed dental hygienists who submit a completed research grant application according to the specified guidelines. The purpose is to provide financial assistance to baccalaureate, master's, doctoral candidates and practicing dental hygienists to implement research. All proposals and applications due by June 1 of every year and awards are made in October of the year in usual amounts up to $1,000. Further information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Institute of Architects. Scholarships are available for the first professional degree candidate, for a graduate student in architecture, to enable them to pursue an original investigation into human needs and requirements in low-income housing. A fellowship is available for better communications, better research community and the practicing architect. Graduate scholarships available for one academic year to study health facility design. Finally, a scholarship program is available for students from minority or disadvantaged backgrounds. For further information write Director, Education Programs. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

ASMT Education & Research Fund, Inc. Medical technology students, who have completed the first semester of their sophomore year, may apply for a $3,000 Fisher Scientific Company Undergraduate scholarship. This scholarship will be paid in equal installments to one recipient for the junior and senior year in college. The Specialty Scholarship is available for graduate students. Scholarships are also offered by the Fund for interested students continuing their advanced education in certain specialty fields. The application deadline is March 1. The Fisher and the Graduate Specialty Scholarship applications are available from the ASMT Education & Research Fund, 330 Meadow Fern Dr., Houston, TX 77067.

The Diuguid (pronounced "do-good") fellowship program. Administered by the Council of Southern Universities, makes funds available to "mature women" (any woman over 21 may apply) for one year of formal study. Special consideration is given to women whose career and professional goals have been deferred because of marriage, children, etc. Applicants must live in the south and submit application by January 1. Grants range from $3,600 to $8,000. Contact: Executive Dir., Council of Southern Universities, Inc., Emory University, Sociology Building, Atlanta, GA 30322.

The Dow Jones Newspaper Fund, Inc. is an organization to encourage talented young people to consider careers in journalism. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism/mass communications, general information on where jobs are and how to find them. It also lists more than $3 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students majoring in journalism/mass communications. Single copies of the Guide are available at no charge to interested individuals. Bulk orders are also available at $.50 per copy. The Fund operates two editing internship programs: the Editing Internship Program open to all college juniors and the Minority Internship Program open to minority students who are seniors or graduate students who will attend graduate school at the end of the internship. The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as a copy editor on a daily newspaper. The Fund also sponsors Urban Journalism Workshops that are designed for inner-city minority high school students, the Teacher Fellowship Program for inexperienced high school journalism teachers attend summer publications workshops, and the Special Awards Program which ends in the naming of the High School Journalism Teacher of the Year. The Fund also operates with the cooperation of the Associated Society of Newspaper Editors, the Editor-in-Residence Program which sends professional newspeople to colleges and universities. For information on these programs, as well as a copy of the Journalism Career and Scholarship Guide, write the Dow Jones Newspaper Fund, P. O. Box 300, Princeton, NJ 08540.

Institute of Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology; 21 freshman, sophomore, and 35 junior and senior scholarships of $500 to $2,000; 26 graduate Fellowships up to $6,000. Deadline: Graduate Fellowships—February 1; Junior and Senior Scholarships—February 1; Sophomore Scholarships—March 1; Freshman Scholarships—January 15. Booklet, IFT Scholarship Fellowship Program and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle St., Suite 2120, Chicago, IL 60601, or from Department Head of approved institution.

The International Chiropractors Association provides funds directly to student ICA Chapters for their distrubution of scholarships and educational assistance to students desiring to pursue chiropractic as a career. Upon request, ICA will send a list of Chiropractic Colleges. Write to the International Chiropractors Association, Commission on Education, 1901 "L" St., NW., Suite 800, Washington, D.C. 20036.

Kappa Kappa Gamma Fraternity annually offers scholarships to female citizens of the U.S. or Canada who are juniors or seniors in college of graduate students working towards a degree in the field of rehabilitation. Applicants must have completed two years of study on a campus where there is a chapter or be a graduate student. Scholarships for both members/non-members are granted to assist in preparation for work with the mentally retarded, physically handicapped, socially deprived, emotionally disturbed and the aged. Awards are for $300-$1000. Graduate fellowships are also offered for members and non-members with high academic standing in fields other than rehabilitation. The same qualifications are required as with the rehabilitation scholarships. Deadline is February 15 and details are available by sending self-addressed stamped envelope to Kappa Kappa Gamma Fraternity Headquarters. P.O. Box 2079, Columbus, OH 43216.

The Material Handling Education Foundation, Inc. awards scholarships varying in number and amounts, to students enrolled in accredited program(s) that includes an emphasis in material handling through direct and related courses and through independent study. Also, to be eligible, students must be beyond their second year of a Bachelor's program or beginning graduate study, U.S. citizens and maintaining at least a "B" average. The application deadline is February 1 and they are available from faculty members at approved institutions.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members each year in the following categories: Undergraduate, Advanced Undergraduate, Graduate and Technical/Vocational Scholarships. Deadline date is April 1. Information and forms may be secured from: Civil Air Patrol Unit Commanders or from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. A large number of state congresses have such programs and others are encouraging scholarship grants at council and local levels. Awards are made possible by fees received for honorary state life memberships, memorial gifts and/or voluntary contributions from PTA's. Most are for teacher training education, but for some are for family life education guidance and counseling instruction, librarianship, teachers of exceptional children and in-service teachers' summer term work. Special fellowships offered. Inquiries sent to National Office at 700 North Rush Street, Chicago, IL 60611, and are forwarded to the inquirer's state congresses.

National Institute for the Foodservice Industry administers the following scholarship programs for students who are interested in a management career in the food service industry including hotel, restaurant and institutional management:

1. H.J. Heinz Company scholarship program:

A. Junior/Community College Scholarship Award. For high school graduates enrolled or planning to enroll in a program leading to an associate degree in food service management at a junior/community college. Three scholarships at $1,900 each awarded annually. Basic amount of $950 per year is given for two years. Winners are expected to find summer employment related to food service management.

B. Senior College Scholarship Award. For students completing their second year in food service education in a four-year institution or those in a two-year program who wish to continue at a four-year institution. Seven sholarships at $2,600 each are awarded annually. Basic amount of $1,300 is given for two years. Winners are expected to find summer employment related to food service management.

C. Graduate Degree Fellowship. One fellowship at $2,000; one fellowship at $1,200; and, five fellowships at $1,000 each are awarded on a competitive basis to teachers and administrators enrolled in academic programs leading to a master's or doctorate's degree to improve skills in teaching or administering food service career education.

2. Golden Plate scholarship program—Sponsored by International Food Service Manufacturers Association—offers approximately 100 awards to students enrolled or planning to enroll in a food service program in a junior/community, senior college or graduate school. The amount of each scholarship is $750. Awards are for one academic year.

Deadline filing date is April 1. Further information and applications may be obtained from: National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, IL 60606.

Nurses' Educational Funds sponsors the American Nurses Association (ANA) and is an organization which grants scholarships to registered nurses pursuing further study through degree programs. Men and women who are members of ANA and who qualify for these awards study in nursing programs accredited by the National League for Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is January 15 preceding the fall for which award is made. Write for application forms or additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019.

The Rotary Foundation scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals who have been employed in a technical or professional field for at least 2 years. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own and they provide for all school fees, room and board, round trip airfare between home city and place of study and expenses for limited travel during the year. Applications are due March 1. Contact your local Rotary Club for details.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to enter college, already in college and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 3098, Tulsa, OK 74101.

The Society of Naval Architects and Marine Engineers annually awards both undergraduates and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada.

1. Undergraduate Awards, normally $1,000 each, are to be applied for by contacting one or more of the following schools directly: University of California (Berkeley); University of Michigan (Ann Arbor); Massachusetts Institute of Technology (Cambridge); State University of New York Maritime College (Fort Schuyler) and/or Florida Atlantic University (Boca Raton, FL). These are the only five schools where undergraduate awards are available.

2. Graduate Awards, which usually cover the cost of tuition at the college selected, are to be filed with the Society no later than February 1. Applications for graduate awards and information can be obtained by writing to: Mr. Robert G. Mende, Secretary and Executive Director, The Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, New York 10048.

D. ASSISTANCE FOR GRADUATES ONLY

The American Association of University Women Educational Foundation awards approximately 70 fellowship annually ranging from $3,500 to $7,000 (up to $10,000 for postdoctoral fellowships) to women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Awards are also made to women for postdoctoral research and for the final year of study in the fields of law, final year of MBA, dentistry, medicine, osteopathic medicine, veterinary medicine and architecture. Applications are available after August 1 of each year. Deadline for application is December 15 except for MBA which is February 1 and for further information, write to: the Director of Educational Foundation Programs, AAUW, 2401 Virginia Avenue, NW., Washington, D.C. 20037.

The American College of Hospital Administrators, through its educational fund, has a limited number of scholarship loans to assist worthy students to continue their professional education and training toward careers in hospital administration. Loans are available to students, accepted by, or presently enrolled in a graduate program in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration, and acceptable to the American College of Hospital Administrators. Applications must be endorsed by the University Program Course Director prior to submission to the College's Special Scholarship Committee. For further information contact the American College of Hospital Administrators, 840 North Lake Shore Drive, Chicago, IL 60611.

The American Congress on Surveying and Mapping administers two fellowships for graduate students interested in continuing their education. The awards are: (1) Keuffel and Esser Fellowship in Surveying and Cartography—$2,500; (2) Wild Heerbrugg Geodetic Fellowship—$4,000. Deadline for all applications is January 15 and for further information and application, contact Education Director, American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, VA 22046.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 ($2,000 for the first year and $2,000 for the second year) and additional scholarships of $2,000 ($1,000 for the first year and $1,000 for the second year). These scholarships cover freshmen and sophomore years of medical training. Awards are based on scholarship (minimum of three years undergraduate college or university), financial need, good moral character, acceptance to the entering first year class at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Deadline May 1 for receipt of applications. The National Osteopathic Foundation, individual Colleges of Osteopathic Medicine and other osteopathic state organizations administer loan funds. For information write: Education Department, American Osteopathic Association, 212 East Ohio Street, Chicago, IL 60611.

The Daniel and Florence Guggenheim Foundation offers Fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space

flight and flight structures. The fellowships provide stipends ranging up to $5,000 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. (The Fellowships are open to women as well as men.) The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, the Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia.

Dental Laboratory Technology Scholarships are available on complete information application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee if the student satisfactorily completes the first year and funding is available. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 East Chicago Avenue, Chicago, IL 60611.

Dental Scholarships for Minority Students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon re-application and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be entering their first year of dental school and application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend. Write: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 E. Chicago Avenue, Chicago, IL 60611.

Dental Teacher Training Fellowships are available through a program established by the American Fund for Dental Health to develop more dental school teachers. The majority of the recipients under this program take a two year course beyond dental school leading to a master's degree. Deadline is February 1. For information write: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 E. Chicago Avenue, Chicago, IL 60611.

Foreign area programs of the Social Science Research Council and the American Council of Learned Societies offers a limited number of fellowships for doctoral dissertation research in social science and humanistic fields related to certain foreign areas. Since the purposes for each of these programs reflect the distinctive needs and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, NY 10158.

The Institute of International Education offers American college graduates approximately 700 scholarships for study in 50 foreign countries, about 500 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31. Further information and application forms are available from the Institute of International Education, Division of Study Abroad Programs, 809 United Nations Plaza, New York, N.Y. 10017, or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston and San Francisco.

The Knights of Columbus Bishop Charles P. Greco Graduate Fellowship, established in 1973, for members, their wives, sons, and daughters and for the widow and children of a deceased member. These fellowship are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of his program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $550 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance up to $2,000. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06597.

The National Easter Seal Society has limited scholarships available. Specific information may be obtained from the Scholarship Coordinator, National Easter Seal Society, 2023 Ogden Avenue, Chicago, IL 60612, or call (312)-234-8400.

National Medical Fellowships, Inc., awards scholarships to members of the four under represented minority groups, who have been accepted by or are attending accredited schools of allopathic accredited schools of medicine in the U.S. Applicants must be U.S. citizens.

Most NMF awards are based on financial aid/need and are awarded to first- and second-year medical students. Special merit awards are given to outstanding juniors and seniors.

Applications should be requested from The Scholarship Program, National Medical Fellowships, 250 West 57th Street, New York, NY 10107. All NMF applications are available in February. The deadline from entering medical students in August 15 and from currently enrolled students is April 19.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $4,000 for study at an accredited college or university in the field of natural resources conservation. Research which is carried out as part of a research program, may be considered within this fellowship program. The deadline is December 31. Information available Sept. Write to: The Executive Vice President, National Wildlife Federation, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

Section V: Other Private and State Sources of Loans

The following loans represent funds available through private sources. Information on sources of Guaranteed Student Loans for each state is found in Table II.

The American Optometric Association has provided funds to establish a special reserve with the United Student Aid Funds. This enables optometry students to borrow money from financial institutions at a low interest rate. USAF guarantees the loan, supported by the AOA reserve. USAF is a nonprofit corporation which endorses low-cost loans made by participating hometown financial institutions to deserving students. In order to qualify for the loans, the AOA student member must be in good academic standing, pursuing a Doctor of Optometry degree and be beginning his first, second, third or fourth year of graduate study at an accredited college of optometry. He must have demonstrated a definite need for financial assistance to meet educational expenses. An eligible student may borrow up to $5,000 per academic year under all guaranteed student loan programs or $25,000 for an entire academic career including undergraduate and graduate study. For further information and application form, write: The American Optometric Association, 243 North Lindbergh Blvd., St. Louis, MO 63141.

Pickett and Hatcher Educational Fund makes loans to financially needy undergraduate students who are residents of the Southeastern portion of the United States (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia) are enrolled full-time in colleges and universities offering broad liberal arts education. Loans are not available to students in vocational schools or business colleges. The loans may include amounts required for fees, tuition, room and board, up to $2,100 for an academic year, with the total amount borrowed not to exceed $8,400. Loans will bear interest of 2% per annum while in college and 6% after a student leaves college or ceases to take as much as one-half of a normal student loan and monthly payments on principal amount to at least ten percent of the borrower's income or 1/12 of 10% of total amount borrowed, whichever amount is larger. Deadline: July 1. For more information and application forms write at least 9 months prior to school year: Pickett and Hatcher Educational Fund, P.O. Box 8169, Columbus, GA 31908.

The United Student Aid Funds programs bring together public spirited financial institutions throughout the United States (which make low-cost educational loans) and selected elementary, secondary, collegiate and professional schools (which provide part of the reserve funds). Loans at cost or below are available to parents and students approved by the participating schools. Loans to undergraduate students are available up to $2,500 yearly to a maximum of $12,500; loans to graduate students are available up to $5,000 yearly to a maximum of $25,000; with a 7% or 9% simple interest rate (based on a loan outstanding as of January 1, 1981). Students with a family income of less than $30,000 are eligible to participate in this loan program while families with incomes in excess of $30,000 must qualify for eligibility to participate in this loan program. For further information, contact United Student Aid Funds, Inc., 8085 Knue Road, P.O. Box 50827, Indianapolis, IN 46250.

TABLE II.—SOURCES OF INFORMATION ON THE GUARANTEED STUDENT LOAN PROGRAMS AND STATE SCHOLARSHIP PROGRAMS

Alabama: Alabama Commission on Higher Education, 1 Court Square, Suite 221, Montgomery, AL 36197.

Alaska: Alaska Commission on Postsecondary Education, 400 Willoughby Avenue, Pouch FP, Juneau, AK 99801. GSL and State Aid: (907) 465-2962.

Arizona: GSL: Arizona Educational Loan Program, 301 E. Virginia Avenue, Phoenix, AZ 85004; (602) 252-5793. State Aid: Arizona Commission for Postsecondary Education, 1937 W. Jefferson, Phoenix, AZ 85009; (602) 255-3109.

Arkansas: GSL: Student Loan Guarantee Foundations of Arkansas, 1515 W. 7th St., Suite 515, Little Rock, AR 72201; (501) 371-2634. State Aid: Dept. of Higher Education, 1301 W. Seventh Street, Little Rock, AR 72202; (501) 371-1441, ext. 56.

California: California Student Aid Commission, 1410 Fifth Street, Sacramento, CA 95814. GSL: (916) 323-0435. State Aid: (916) 445-0880.

Colorado: GSL: Colorado Guaranteed Student Loan Program, 7000 N. Broadway, Suite 100, Denver, CO 80221; (303) 427-0259. State Aid: Colorado Commission on Higher Education, 1550 Lincoln St., Room 210, Denver, CO 80203; (303) 866-2748.

Connecticut: GSL: Connecticut Student Loan Founation, 25 Pratt Street, Hartford, CT 06103; (203) 547-1510. State Aid: Connecticut Board of Higher Education, 61 Woodland Street, Hartford, CT 06105; (203) 566-2618.

Delaware: GSL: Delaware Higher Education Loan Program, c/o Brandywine College, P.O. Box 7139, Wilmington, DE 19803; (302) 478-3000, ext. 201. State Aid: Delaware Postsecondary Education Commission, Carvel State Office Building, 820 French Street, Wilmington, DE 19801; (302) 571-3240.

District of Columbia: GSL: Higher Education Assistance Foundation Loan Program of Washington, D.C. (HELP-DC), 1030 15th Street, N.W., Suite 1050, Washington, DC 20005; (202) 289-4500. State Aid: Office of State Education Affairs, D.C. Dept. of Human Services, 1331 H Street, N.W., Suite 600, Washington, DC 20005; (202) 727-3688.

Florida: Florida Student Financial Assistance Commission, Knott Building, Tallahassee, FL 32301. GSL: (904) 487-1800. State Aid: (904) 488-6181.

Georgia: Georgia Higher Education Assistance Corporation, 2082 East Exchange Place, Suite 200, Tucker, GA 30084. GSL: (404) 393-7241. State Aid: (404) 393-7253.

Hawaii: GSL: Hawaii Education Loan Program, 1314 S. King St., Suite 962, Honolulu, HI 96814; (808) 536-3731. State Aid: State Postsecondary Education Commission, 124F Bachman Hall, Univ. of Hawaii, 2444 Dole Street, Honolulu, HI 96822; (808) 948-6862.

Idaho: GSL: Student Loan Fund of Idaho, Inc., Processing Center, P.O. Box 730, Fruitland, ID 83619; (208) 452-4058. State Aid: Office of State Board of Education, 650 W. State Street, Room 307, Boise, ID 83720; (208) 334-2270.

Illinois: GSL: Illinois Guaranteed Loan Program, 102 Wilmot Road, Deerfield, IL 60015; (312) 945-7040. State Aid: Illinois State Scholarship Commission, 102 Wilmot Road, Deerfield, IL 60015; (312) 948-8550.

Indiana: State Student Assistance Commission of Indiana, 219 North Senate Avenue, 1st Floor, Indianapolis, IN 46202. GSL: (317) 232-2366. State Aid: (317) 232-2351.

Iowa: Iowa College Aid Commission, 201 Jewett Building, 9th and Grand, Des Moines, IA 50309. GSL: (515) 281-4890. State Aid: (515) 281-3501.

Kansas: GSL: Higher Education Assistance Foundation, 34 Corporate Woods, 10950 Grand View Drive, Suite 270, Overland Park, KS 66210; (913) 648-4255. State Aid: Board of Regents-State of Kansas, 1100 Merchants National Bank, Topeka, KS 66612; (913) 296-3517.

Kentucky: Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South West Frankfort Office Complex, Frankfort, KY 40601. GSL and State Aid: (502) 564-7990.

Louisiana: Governor's Special Commission on Education Services, 4637 Jamestown Street, P.O. Box 44127, Baton Rouge, LA 70804. GSL and State Aid: (504) 925-3630.

Maine: State Dept. of Educational and Cultural Services, Div. of Higher Education Services, State House Station 23, Augusta, ME 04333. GSL and State Aid: (207) 289-2183.

Maryland: GSL: Maryland Higher Education Loan Corporation, 2100 Guilford Avenue, Baltimore MD 21218; (301) 659-6555. State Aid: Maryland State Scholarship Board, 2100 Guilford Avenue, Baltimore, MD 21218; (301) 659-6420.

Massachusetts: GSL: Massachusetts Higher Education Assistance Corporation, 330 Stuart Street, Boston, MA 02116; (617) 426-9796. State Aid: Massachusetts Board of Regents of Higher Education, Scholarship Office, 330 Stuart Street, Boston, MA 02116; (617) 727-9420.

Michigan: GSL: Michigan Department of Education, Box 30047, Lansing, MI 48909; (517) 373-0760. State Aid: Michigan Dept. of Education, P.O. Box 30008, Lansing, MI 48909; (517) 373-3394.

Minnesota: GSL: Higher Education Assistance Foundation, 1600 American National Bank Building, Fifth and Minnesota Streets, St. Paul, MN 55101; (612) 227-7661. State Aid: Minnesota Higher Education Coordinating Board, 400 Capitol Square, 550 Cedar Street, St. Paul, MN 55101; (612) 296-3974.

Mississippi: GSL: Mississippi Guarantee Student Loan Agency, 3825 Ridgewood Road, P.O. Box 342, Jackson, MS 39205; (601) 982-6663. State Aid: Mississippi Post-Secondary Education Financial Assistance Board, P.O. Box 2336, Jackson, MS 39205; (601) 982-6168.

Missouri: GSL: Missouri Department of Higher Education, P.O. Box 1438, Jefferson City, MO 65102; (314) 751-3940. State Aid: Missouri Department of Higher Education, P.O. Box 1437, Jefferson City, MO 65102; (314) 751-3940.

Montana: GSL and State Aid: Montana University System, 33 South Last Chance Gulch, Helena, MT 59620; (406) 449-3024.

Nebraska: Cornhusker Bank Building, 11th and Cornhusker Hwy, Suite 304, Lincoln, NE 68521; (402) 476-9129. State Aid: Nebraska Coordinating Commission for Postsecondary Education, 301 Centennial Mall South, P.O. Box 95005, Lincoln, NE 68509; (402) 471-2847.

Nevada: GSL: Nevada State Department of Education, 400 West King Street, Carson City, NV 89710; (702) 885-3108. State Aid: University of Nevada Reno, Rm 200 TSSC, Reno, NV 89509; (702) 784-4666.

New Hampshire: GSL: New Hampshire Higher Education Assistance Foundation, 143 North Main Street, P.O. Box 877, Concord, NH 03301; (603) 225-6612. State Aid: New Hampshire Postsecondary Education Commission, 61 South Spring Street, Concord, NH 03301; (603) 271-2555.

New Jersey: GSL: New Jersey Higher Education Assistance Authority, C. N. 543, Trenton, NJ 08625; (609) 292-3906. State Aid: Department of Higher Education, Office of Student Assistance, 4 Quakerbridge Plaza, C. N. 540, Trenton, NJ 08625; (800) 792-8670 (within NJ), (609) 282-4646.

New Mexico: GSL: New Mexico Educational Assistance Foundation, 2301 Yale S.E., Bldg. F, Albuquerque, NM 87106; (505) 277-6304. State Aid: Board of Education Finance, 1068 Cerrillos Road, Santa Fe. NM 87503; (505) 827-2115.

New York: New York State Higher Education Services Corporation, 99 Washington Avenue, Albany, NY 12255. GSL: (518) 473-1574. State Aid: (518) 474-5642.

North Carolina: North Carolina State Education Assistance Authority, P.O. Box 2688, Chapel Hill, NC 27514. GSL and State Aid: (919) 549-8614.

North Dakota: GSL: Bank of North Dakota, Student Loan Division, 700 Main Street, Drawer 1657, Bismarck, ND 58501; (701) 224-5656. State Aid: North Dakota Student Financial Assistance Program, 10th Floor, State Capitol, Bismarck, ND 58505; (701) 224-2960.

Ohio: GSL: Ohio Student Loan Commission, P.O. Box 16610, Columbus, OH 43216; (614) 466-3091. State Aid: Ohio Board of Regents, 3600 State Office Tower, 30 East Broad Street, Columbus, OH 43215; (614) 466-7420.

Oklahoma: Oklahoma State Regents for Higher Education, 500 Education Building, State Capitol Complex, Oklahoma City, OK 73105. GSL and State Aid: (405) 521-8262.

Oregon: Oregon State Scholarship Commission, 1445 Willamette Street, Eugene, OR 97401. GSL: (800) 452-8807 (within OR), (503) 686-3200. State Aid: (503) 686-4166.

Pennsylvania: Pennsylvania Higher Education Assistance Agency, 660 Boas Street, Harrisburg, PA 17102. GSL: (800) 692-7392 (within PA), (717) 787-1932. State Aid: (800) 692-7435 (within PA), (717) 787-1937.

Rhode Island: Rhode Island Higher Education Assistance Authority, 274 Weybosset Street, Providence, RI 02903. GSL and State Aid: (401) 277-2050.

South Carolina: GSL: South Carolina Student Loan Corporation, Interstate Center, Suite 210, P.O. Box 21487, Columbia, SC 29221; (803) 798-0916. State Aid: Higher Education Tuition Grants Agency, 411 Keenan Bldg., Box 11638, Columbia, SC 29211; (803) 758-7070.

South Dakota: GSL: South Dakota Education Assistance Corporation, 105 First Avenue, SW, Aberdeen, SD 57401. State Aid: Department of Education and Cultural Affairs, Richard F. Kneip Building, Pierre, SD 57501; (605) 773-3134.

Tennessee: Tennessee Student Assistance Corporation, B-3 Capitol Towers, Suite 9, Nashville, TN 37219. GSL and State Aid: (800) 342-1663 (within TN), (615) 741-1346.

Texas: GSL: Texas Guaranteed Student Loan Corporation, Chapion Tower, Suite 510, Austin, TX 78752; (512) 835-1900. State Aid: Coordinating Board, Texas College and University System, P.O. Box 12788, Capitol Station, Austin, TX 78711; (512) 475-8169.

Utah: GSL: Utah Education Loan Service, 1706 Major Street, Salt Lake City, UT 84115; (801) 487-4448. State Aid: Utah State Board of Regents, 807 East South Temple, Suite 204, Salt Lake City, UT 84102; (801) 533-5617.

Vermont: Vermont Student Assistance Corporation, Champlain Mill, P.O. Box

2000, Winooski, VT 05404. GSL and State Aid: 1-(800) 642-3177 (within VT) (802) 655-9602.

Virginia: GSL: Virginia State Education Assistance Authority, 6 North Sixth Street, Suite 300, Richmond VA 23219; (804) 786-2035. State Aid: State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th Street, Richmond, VA 23219; (804) 225-2141.

Washington: GSL: Washington Student Loan Guaranty Association, 500 Colman Building, 811 First Avenue, Seattle, WA 98104; (206) 625-1030. State Aid: Council for Postsecondary Education, 908 East Fifth Avenue, Olympia, WA 98504; (206) 753-3571.

West Virginia: GSL: Higher Education Assistance Foundation, Higher Education Loan Program of West Virginia, Inc., P.O. Box 591, Union Building, Suite 900, 723 Kanawha Boulevard East, Charleston, WV 25322; (304) 345-7211. State Aid: Board of Regents, P.O. Box 4007, Charleston, WV 25304; (304) 347-1211.

Wisconsin: GSL: Wisconsin Higher Education Corporation, 137 East Wilson Street, Madison, WI 53702; (608) 266-2897. State Aid: Wisconsin Higher Educational Aids Board, P.O. Box 7858, Madison, WI 53707; (608) 266-2897.

Wyoming: GSL: Higher Education Assistance Foundation, American National Bank Building, 20 Street at Capitol, Suite 320, Cheyenne, WY 82001; (307) 635-3259. State Aid: Wyoming Community College Commission, 1720 Carey Avenue, Boyd Building, Fifth Floor, Cheyenne, WY 82002; (307) 777-7763.

American Samoa: GSL: Student Financial Assistance, U.S. Department of Education, 50 United Nations Plaza, Rm 250, San Francisco, CA 94102; (415) 556-0137. State Aid: Department of Education, Government of American Samoa, Pago Pago, American Samoa 96799; (Overseas) 633-4256.

Commonwealth of the Northern Mariana Islands: GSL: See American Samoa. State Aid: Department of Education, Commonwealth of the Northern Mariana Islands, Saipan, Mariana Islands 96950; (Saipan) 9812-9311.

Guam: GSL: See American Samoa. State Aid: University of Guam. UOG Station, Mangilao, Guam 96913; (734) 2921.

Puerto Rico: GSL: Higher Education Assistance Corporation, P.O. Box 42001, Minillas Station, Santurco, Puerto Rico 00940; (809) 726-2525. State Aid: Council on Higher Education, Box F-UPR Station, San Juan, Puerto Rico 00931; (809) 751-5082/1136.

Trust Territory of the Pacific Islands and Wake Island: GSL: See American Samoa. State Aid: Office of the High Commissioner, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950; (Saipan) 9870.

Virgin Islands: Board of Education, P.O. Box 9128, St. Thomas, Virgin Islands 00801. GSL and State Aid: (809) 774-4546.

USAF, INC.: (800) 382-4506 (Indiana only); (800) 428-9250 (Other States); United States Aid Funds, Processing Center, P.O. Box 50827, Indianapolis, IN 46250.

GREEK INDEPENDENCE DAY

Mr. SARBANES. Mr. President, March 25 marks the 163d anniversary of the beginning of the Greek War of Independence which led to the overthrow of nearly 400 years of Turkish Ottoman rule. This fight for freedom, sparked by the heroic and brave Greek patriots in 1821, was another inspiring chapter in the continuing human struggle for dignity and self-determination.

This important anniversary also provides us with the opportunity to commemorate the historic friendship between American and Greek peoples, which is based on the fundamental values of political and individual freedoms. This shared commitment to liberty was given even greater meaning during both world wars when America and Greece stood together as strong allies to defeat the forces bent on destroying democracy.

The historic friendship between the United States and Greece was further solidified by the thousands of Greek immigrants who came to America early in this century, and who continue to add to our Nation's rich diversity. These new Americans, their children and their grandchildren, have made enormous contributions to our Nation as evidenced by many Greek Americans who are prominent today in the fields of business, the arts, education, and government. Equally as important is the Greek-American community's preservation and perpetuation of the traditional values of hard work, education, and love of family and church. These ideals have been preserved through the centuries, often by great sacrifices, and are alive and vibrant in America today.

March 25 is also an important day in the Greek Orthodox Church, which celebrates the Feast Day of the Annunciation. This day of holy reverence gives Greek Americans the opportunity to rededicate themselves once again to Christian Orthodox ideals.

The close friendship, therefore, established 163 years ago between the resurgent Greek democracy and the young American republic has served as an inspiring example to all those seeking integrity and equality among nations. Unfortunately, the years since 1974 have been shadowed by the presence of Turkish occupation forces on Cyprus, and in November by the Turkish attempt to partition Cyprus permanently, further threatening the stability of the Eastern Mediterranean and the integrity of the North Atlantic Alliance. It is my deepest hope that the coming year will see an end to such actions and see the promotion of the full political and economic unity of the Republic of Cyprus. It is, then, in this spirit of hope and determination that we celebrate Greek Independence Day.

We are especially mindful on this day of the special kinship between America and Greece, a relationship founded on the highest ideals of democracy to which man can aspire and bound together by the friendship and mutual admiration of two freedom loving peoples.

TRIBUTE TO PATTERSON HIGH SCHOOL

Mr. SARBANES. Mr. President, it is my great pleasure to commemorate the 50th anniversary of Patterson High School in Baltimore City, Md. For half a century, Patterson has succeeded in educating thoughtful, responsible and productive individuals who continue to form an enlightened and intelligent citizenry.

Under the leadership of Principal Frank Thomas and his outstanding faculty, Patterson High School can boast of an excellent educational curriculum in addition to an exceptionally broad program of extra curricula activities. The sports and music programs are among the best in Maryland. Patterson can be very proud of its alumni, counting among them lawyers, doctors, judges, professional ball players, Olympic athletes, and authors, including a Pulitzer Prize winner.

It has always been my firm belief that there is no greater endeavor than the training and education of our Nation's young people. Offering the opportunity for a complete education, and developing the potential for success in this increasingly complex and technical world, are among the most important challenges facing our society today. As one who has responsibilities in the public domain, I am extremely pleased to have the opportunity to salute the success of Patterson High School, which, for 50 years, has exemplified the best of our educational system.

ELECTRONIC SURVEILLANCE BY LAW ENFORCEMENT AGENTS

Mr. LEAHY. Mr. President, recently, a question has arisen of whether law enforcement agents may, as a matter of law, secretly and without a warrant or court order employ electronic surveillance of wire communication that does not involve the "aural acquisition" or information when they are investigating domestic matters unrelated to foreign intelligence.

This is a matter of great concern resulting from our present communications revolution. Today, vast amounts of data and information are transmitted in digital form via wire and microwave radio transmission. The extent to which Federal law governs the acquisition of this information by Federal agents, local law enforcement officials, or private citizens is in doubt.

Therefore, on January 26, 1984, I wrote to Attorney General William French Smith to request the Department of Justice's written views on the question. I am now in receipt of those views and wish to share them with my colleagues. Accordingly, I ask unanimous consent that my letter, with attachments, and the Department's re-

sponse of March 9, 1984, be printed in the CONGRESSIONAL RECORD.

In its reply to my letter, the Justice Department takes the view that title III of the Omnibus Crime Control and Safe Streets Act of 1968 does not require a warrant for nonaural acquisition of a communication, and the Foreign Intelligence Surveillance Act of 1978 only requires a court order for nonaural acquisition of communications by wire or where a reasonable expectation of privacy exists. In that regard, the Department notes that:

This rapidly developing area of communications which range from cellular non-wire telephone connections to microwave-fed computer terminals, distinctions, such as (whether there does or does not exist a reasonable expectation of privacy) are not always clear or obvious.

What this means, is that the law may allow a vast amount of information transmitted partly by wire and partly by microwave, to be acquired by the Federal Government without a warrant or court order. The restrictions on the private acquisition of this type of information may be even fewer.

In my view, it is important for the Congress to examine thoroughly these matters with a goal of more thoughtfully and fully protecting personal privacy from Government and private intrusion.

I have asked Senator MATHIAS who chairs the appropriate Judiciary Committee subcommittee to hold hearings in this matter, and he has agreed to schedule them in the near future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., January 26, 1984.

Hon. WILLIAM FRENCH SMITH,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR ATTORNEY GENERAL SMITH: Recent newspaper and magazine articles have focused public debate on the question of whether federal government law enforcement agents may, as a matter of law, secretly and without a warrant or court order employ electronic surveillance of wire communication that does not involve the "aural acquisition" of information. (See, e.g., enclosed published materials.) Such communication would include, but would not be limited to, digital communication and any form of "pen register" or "touch tone decoder" device which is used to acquire from the contents of a wire communication the identities or locations of the parties to the communication, but which has been held to be outside the protections of the Fourth Amendment as well as the coverage of Chapter 119 of Title 18 of the United States Code (Chapter 119).

From published articles it would appear that the Deputy Assistant Attorney General for the Criminal Division has expressed some public views on this subject. According to reports he has indicated that as a matter of policy, in many cases the Department would advise seeking a warrant or court order. However, he did not appear to conclude that there was currently a statutory requirement for a warrant or court order to conduct electronic surveillance involving nonaural acquisitions.

On the other hand, there has been reported a contrary view of a Senate expert that the Foreign Intelligence Surveillance Act of 1979 (FISA) criminalizes the conduct of all such wiretaps—whether for domestic law enforcement or foreign surveillance—if conducted without warrant or court order. The argument is based on the provisions of section 109 of FISA, 50 U.S.C. 1809. That section makes it an offense to engage in electronic surveillance under color of law except as authorized by statute. The argument maintains that the nonaural electronic surveillance at issue falls within the definition of electronic surveillance in FISA and that Chapter 119 does not specifically provide a statutory exception for nonaural communication even though that section by its own terms does not make nonaural interception subject to that chapter's legal requirements.

In light of these inconsistent views of current statutory requirements, an attorney from my staff contacted the Department of Justice to ascertain whether the views of the Department were correctly reported and if not, what were those views. Apparently, the matter is currently under consideration, and the Department's answer is expected shortly. I currently am reviewing this question and would very much appreciate receiving the Department's written views on this question as expeditiously as possible.

Thank you for your attention to this matter.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, D.C., March 9, 1984.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEAHY: The Attorney General has asked me to reply to your letter of January 26, 1984, concerning the Department of Justice's views on the question whether federal law enforcement officials may, as a matter of law, conduct warrantless electronic surveillance of wire communications when the surveillance does not involve the aural acquisition of the contents of such communications.

As you know, Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. Sections 2510-2520 (Title III) does not govern the electronic and mechanical interception of wire and oral communications unless the interception accomplishes "the aural acquisition of the contents" of the communication. 18 U.S.C. Section 2510(4). As the legislative history of Title III makes clear, that statute "protect[s] the privacy of the communication itself and not the means of communication." S. Rep. No. 1097, 90th Cong., 2d Sess., 90 (1968), reprinted in [1968] U.S. Code Cong. & Admin. News, pp. 2112, 2178. The Supreme Court has recognized that interceptions that do not secure the "aural acquisition" of the contents of a communication, and thus do not "overhear" the substance of a conversation, are not within the scope of Title III. *United States* v. *New York Telephone Co.*, 434 U.S. 159, 166-168 (1977).

Nonaural interceptions of wire communications, while not within the purview of Title III, may, in certain instances, be regulated by the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. Sections 1801-1811 (FISA). Although the procedural provisions of FISA apply to electronic surveillance within the United States for foreign intelligence, and not for domestic law enforcement purposes, the definitional and criminal penalties provisions of the act appear to have a broader applicability. The procedural requirements of FISA specifically attach only to electronic surveillance, as defined in that act, when the surveillance is employed for the purpose of obtaining foreign intelligence information, but the criminal penalties section of FISA is nowhere limited to the intelligence gathering function. That section states that a person is guilty of an offense if he intentionally engages in "electronic surveillance" under color of law except as authorized by statute. 50 U.S.C. Section 1809(a)(1). An affirmative defense is provided for law enforcement officers who engage in electronic surveillance pursuant to a search warrant or court order. 50 U.S.C. Section 1809(b).

Since FISA requires a court order, but not a warrant, Congress presumably would not have made the defense applicable to law enforcement officers acting pursuant to both court orders and warrants had it not intended that the criminal sanctions apply to electronic surveillance beyond the foreign intelligence gathering area. Support for this position is found in the House Conference Report on the bill that eventually became FISA wherein it was noted that House amendments to the bill "provide for separate criminal penalties in this act, rather than by conforming amendments to Title 18, for any person who intentionally engages in electronic surveillance under color of law except as authorized by statute. A defense was provided for a defendant who was a law enforcement or investigative officer engaged in the course of his official duties and the electronic surveillance was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction." House Conf. Report No. 95-1720, 95th Cong., 2d Sess., 33 (1978), reprinted in U.S. Code Cong. & Admin. News p. 4062 (emphasis added). We would conclude, therefore, that a court order or warrant must be obtained whenever a surveillance technique employed in a domestic criminal investigation falls within FISA's definition of "electronic surveillance."

We do not believe, however, that 50 U.S.C. Section 1809 constitutes a statutory prohibition against all warrantless electronic surveillance involving nonaural acquisitions of communications because FISA's definition of "electronic surveillance" does not apply to all such communications. "Electronic surveillance," as defined in FISA, includes:

(1) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

(2) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States;

(3) the intentional acquisition by an electronic, mechanical, or other surveillance

device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States; or

(4) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

50 U.S.C. Section 1801(f). All the definitions of "electronic surveillance" quoted above, except for subsection 1801(f)(2) limit the term by making it applicable when there exists "a reasonable expectation of privacy." Subsection 1801(f)(2) applies more broadly to a "wire communication," which is defined as "any communication *while it is being carried* by wire, cable, or other like connection." 50 U.S.C. Section 1801(1) (emphasis added).

As you probably know, however, many long distance calls today are transmitted partly by wire and partly by radio communication, and it appears that a warrant is not required for the nonaural interception of the radio or microwave portion of a combined wire-radio transmission. This is so because the radio or microwave portions of such communications are not governed by Section 1801(f)(2). They fall within either Section 1801(f)(1) or 1801(f)(3), both of which define "electronic surveillance" in terms of an individual's expectation of privacy in the communication intercepted. As the Senate Report explains:

Because most telephonic and telegraphic communications are transmitted at least in part by microwave transmissions, subdefinition [2] is meant to apply only to those surveillance practices which are effected by tapping into wire over which the communication is being transmitted. The interception of the microwave radio transmission is meant to be covered by subdefinition [3] . . . or by subdefinition [1] . . . S. Rep. No. 604, 95th Cong., 2d Sess., 33 (1977), reprinted in [1978] U.S. Code Cong. & Admin. News, pp. 3904, 3934.

Thus, the question whether a warrant or court order is legally required to conduct a nonaural interception of the radio portion of a hybrid wire-radio communication is, in our view, dependent upon whether there exists a reasonable expectation of privacy on the part of the individual whose communications are to be intercepted. If there exists such an expectation, a search warrant or court order is clearly necessary. If however, the individual can claim no such justifiable privacy expectation in the communication, neither FISA nor the Fourth Amendment prohibits the warrantless interception of that communication. See *Katz* v. *United States*, 389 U.S. 347 (1967); *Smith* v. *Maryland*, 442 U.S. 735, 740-741 (1979).

In this rapidly developing area of communications which range from cellular nonwire telephone connections to microwave-fed computer terminals, distinctions such as that set out above are not always clear or obvious. Consequently, while we do not believe that there is currently a statutory requirement that a court order or search warrant be obtained in all instances involving nonaural interception, it is the policy of the Department of Justice to obtain such an order or warrant when nonaural electronic surveillance techniques are employed and our analysis indicates there is a reasonable expectation of privacy.

We hope that this letter has clarified the Department's position with respect to the current legal requirements for nonaural interceptions. However, if we can be of any further assistance, please do not hesitate to contact me.

Sincerely,

STEPHEN S. TROTT,
Deputy Assistant Attorney General, Criminal Division.
JOHN C. KEENEY,
Assistant Attorney General, Criminal Division.

[From the New York Times, Dec. 19, 1983]

LOOPHOLE IN LAW RAISES CONCERN ABOUT PRIVACY IN COMPUTER AGE

(By David Burnham)

WASHINGTON, Dec. 18.—Telecommunications experts are expressing concern that the Federal wiretap law does not make it a crime for anyone, whether private citizen, law enforcement officer or foreign spy, to intercept the millions of messages transmitted around the United States each day by computer.

The experts, who are in Congress, the American Telephone and Telegraph Company and the American Civil Liberties Union, say the importance of the loophole in the 1968 law has been greatly magnified in recent years with the increasing use of computers for storing and transmitting personal, business and Government information.

"THREAT" OF BIG BROTHER

Three Congressional panels are considering whether the law should be rewritten to reflect the computer age. A major concern, both in Congress and among the experts, is whether the loophole gives local, state and Federal law enforcement officers an opportunity to conduct computerized electronic surveillance without the court approval required for wiretaps.

There is no evidence of widespread exploitation of the law by officers. But John Shattock, director of the national office of the civil liberties union, said: "The issue here is the privacy of communications against secret Government surveillance. The threat here truly is Big Brother, not a group of little kids."

Some fear that any change in the current law, unless it is done carefully, could inadvertently increase or decrease the power of law enforcement officers.

The wiretap law forbids the monitoring of conversations except for law enforcement officers who have obtained a warrant from a judge. In the age of the computer, however, more and more messages, including those expressed by the human voice, are broken down into "digital bits" in their transmission.

But because of the way the 1968 law is written, the interception of these bits is not a crime and the police are free to intercept them without warrants.

Most electronic surveillance is passive, making it impossible to measure how much the loophole is being exploited, whether by the authorities, by industrial spies, by organized crime figures trying to make a killing in the stock market, by international spies seeking Government data or by curious individuals with a personal computer.

But in recent months a number of computerized data banks in Government and industry have become the targets of long-distance telephone attacks by amateur computer experts working from their home computers. In addition, indictments have charged foreign computer concerns with attempting to purchase sensitive details about the products of American companies.

More seriously, perhaps, several years ago the Carter Administration announced that it believed the Soviet Union was using antennas believed to have been set up on its grounds in Washington, New York and San Francisco to intercept digital information being transmitted in microwaves by businesses and Government agencies.

The Carter Administration took limited technical steps to prevent the Russians from obtaining sensitive Government data and ordered the National Security Agency to help private corporations improve their security. But it never took any formal legal action against the Russians or formally asked Congress to amend the law.

CONCERN IN BUSINESS

H. W. William Caming oversees privacy and corporate security matters at A.T.&T. "As we enter the year made famous by George Orwell's book, 'Nineteen-Eighty-four,' computer crime is on the rise and may well constitute a major crime threat of the 1980's," he said in a recent interview. "We therefore are encouraged by and vigorously support current efforts in Congress and the states to enact suitable legislation concerning computer crime. We believe that such legislation should include provisions making it a crime to secretly intercept nonvoice communications."

A.T.&T. is not the only company concerned about the wiretap law. In response to an inquiry, Satellite Business Systems, a major new data communications company jointly owned by International Business Machines, the Aetna Life and Casualty Company and Comsat, agreed that some experts believed there was a "potential loophole" in current law and that, to the extent this was so, "legislation to make clear that such unauthorized interception is prohibited would be useful."

The 1968 wiretap law makes it a Federal felony for a third party to intercept the conversations to others by placing an electronic listening device, or a "bug," on a telephone or other place such as an office.

The only exception is that Federal, state and local law enforcement officers may use wiretaps in the investigation of certain crimes but only with the approval of the senior prosecutor of a particular jurisdiction and a special warrant from a judge.

WHAT THE LAW SAYS

The law does not apply to computer tapping because Congress defined the word "intercept" as the "aural acquisition" of information. In the opinion of a Federal appeals court, the General Accounting Office and privacy experts such as Alan F. Westin of Columbia University, this wording means the wiretap law does not prohibit the interception of computer transmissions because no sounds are involved.

"Advancing telecommunications technologies which involve nonaural interception techniques are being used more and more," the G.A.O. said in a report to the Senate in 1980. "Therefore, modern telecommunications are becoming less likely to be protected against unauthorized interception by current statutory provisions."

In an age when more than a third of the nation's households are hooked into cable television systems, millions of people are doing their banking by computerized tellers and their mailing electronically as well, the

limitations of the current law have become increasingly obvious.

David Watters, a telecommunications engineer who has served as a consultant in both government and private industry, said the changing technology may mean it also is not a crime to record certain telephone calls secretly. "There hasn't been a test case brought to court on this question yet," he said, "but increasing numbers of telephone calls are being transmitted from point to point in the digital language of computers, and the logic of the 1968 law would suggest that such calls could be intercepted without penalty."

Two House Judiciary subcommittees, one headed by Representative Don Edwards, Democrat of California, the other by Representative Robert W. Kastenmeier, Democrat of Wisconsin, and a Senate Judiciary Committee headed by Senator Charles McC. Mathias Jr., Republican of Maryland, are considering the possibility of rewriting the wiretap law.

Representative Kastenmeier, whose subcommittee on courts, civil liberties and the administration of justice is to hold hearings on the question next month, said such matters as how much statutes should protect against actions like the unauthorized interception of electronic mail take on great importance in this modern technological age.

"The implications of the ability of the new technology to go beyond such definitions in terms of invading personal privacy make consideration of this important issue by the subcommittee most urgent," he said.

PROBLEMS IN REWRITING LAW

Drafting a new law to close the gap in the old one, however, presents complex legal and philosophical problems.

In the past, when Congress has sought to limit the access of law enforcement to banking and medical records, the Justice Department has fought for the widest possible access.

A Congressional change in the law to require a warrant from a judge for interception of computerized information, would represent a diminution of officers' independent authority.

In 1979 the Supreme Court ruled that local authorities in Maryland did not violate the Fourth Amendment rights of Michael Lee Smith, a Maryland resident, when they did not obtain a search warrant before placing a device on his telephone to record the numbers be dialed.

A majority of the Court held that such information could be collected by the police without a warrant because Mr. Smith could not have a reasonable expectation that the numbers he dialed were private. But three Justices dissented, arguing that the numbers were just as deserving of legal protection as the substance of what Mr. Smith said.

ELECTRONIC MAIL

Electronic mail systems offer similar opportunity to gain information about a person's dealings with others, according to testimony before a House subcommittee in October by Willis H. Ware, a member of the Rand Corporation and a leading privacy expert.

As opposed to traditional mail, electronic mail systems, "in addition to the message content," he said, contain "information relating the addressee to the sender.

In principle, such information could be used to establish relationships among people, such as organized groups or circles of acquaintance. Obviously, such information could be of high interest to the law enforcement community, but the legal umbrella of protection over such information is confused and probably incomplete."

Experts agree that, depending on how Congress revised the wiretap law, it could lead to significant broadening in the mandate of Federal law enforcement agencies and possible changes in the expectation of confidentiality in such broad areas of concern as medical records.

"The privacy questions raised by the new telecommunication age represent the single most important issue facing Congress today," said Mr. Shattuck, the A.C.L.U. director. "Because computers are now essential to the operations of hospitals, of law firms and even of newspapers, a sloppily drafted law could give the Federal Government greater search powers than it ever has had in our history."

JUSTICE DEPARTMENT'S VIEWS

John Keeney, the deputy attorney general in the Justice Department's Criminal Division, said Justice Department officials believed changing the wiretap law was not the way to attack computer crime.

"Our current feeling is that the 1968 wiretap law should not be changed, that there would be simpler ways to take on computer crime," he said. he added that study groups in the Justice Department, the Commerce Department and the Department of Health and Human Services currently were working on drafting a law to control computer crime.

He also acknowledged that Federal law enforcement officials were not now legally required to obtain a warrant before making a computer search. But he said it was Justice Department policy "that when in doubt, get a warrant."

G. Robert Blakey, now a professor at the Notre Dame Law School, was on the staff of the Senate Judiciary Committee in the late 1960's and is considered the key draftsman of the 1968 law.

"We made a conscious, explicit decision not to include the question of machine-based data in the law," he said. "There had been considerable national debate about wire tapping and bugging, but that wasn't the case concerning surreptitious access to machine data. We always contemplated data processing as a very important issue that should be taken up at a later point."

COMPUTER COMMUNICATIONS VULNERABLE AS PRIVACY LAWS LAG BEHIND TECHNOLOGY

(By Ronald Brownstein)

When Citicorp vice president Richard W. Coughenour wants to send a memorandum to one of the bank's employees, he turns to a compact device on the corner of his desk that looks like a cross between a computer and a telephone. The machine, called a Displayphone, has the typewriter-like keyboard and video display screen of a computer and the touch sensitive key pad of a fancy telephone.

Coughenour hits a touch pad labeled EZmail and the machine dials the number to connect him with Citicorp's internal electronic mail system, the electronic tones softly tolling as the Displayphone runs through the digits. When the number is dialed, Coughenour hits a touch pad labeled connect and the screen lights up with commands. First it asks him to enter his mailbox number. Then it asks for his password.

To send a memo, Coughenour hits a touch pad labeled compose and pulls out the small keyboard from under the pad. He types out the message and hits the touch pad labeled send.

From his office at the tip of Wall Street, the message skitters across the bank's private fiber optic cables to Citicorp's Park Ave. office. From there, if it is traveling to a Citicorp office outside New York City, the message rides a microwave relay to a private earth station in New Jersey where it is transmitted 22,300 miles up to a satellite on which Citicorp owns space. From the satellite, the message returns to another Citicorp earth station and then along public or leased phone lines to the recipient's computer. All in a matter of seconds.

Although the message is easy to send, it is also easy to steal. With a large enough antenna, it is not difficult to intercept microwave transmissions.

Is anybody listening in? "I don't doubt it," said Coughenour, a former Air Force intelligence officer who runs Citicorp's mail services. "The Russians have a big mission at the United Nations and all that equipment on the roof; that's not all there to get Home Box Office. I don't wonder if (some of our competitors) are pointing some stuff at us too."

The information may be vulnerable in a legal sense as well. While the laws governing wiretapping clearly protect spoken communications—essentially, ordinary telephone calls—many experts are concerned that no law makes it a crime to eavesdrop on communications between two computers, even though the information that passes between them is often highly sensitive.

The fuzziness of the laws protecting computer-to-computer communications is only one area where new computer or communications technologies, or merely new and aggressive applications of existing technologies, have exposed gray spots in the nation's laws governing privacy. "Our laws have not kept pace with the technology," said attorney Ronald L. Plesser, former general counsel of the Privacy Protection Study Commission, which studied the nation's privacy laws for Congress in the mid-1970s. "The technology has been expanding so quickly that the laws written for one level of technology quickly become obsolete."

Generally, the privacy implications of these technological changes have not received much political, legal or social attention. "We're not even giving it serious, practical consideration," said University of Illinois political economy professor David F. Linowes, who chaired the privacy commission.

But with the arrival of George Orwell's nightmare year of 1984, these blind spots in the law and the general issue of privacy are beginning to receive increased scrutiny. New York Times reporter David Burnham has reignited a debate on the potential threat to privacy posed by the use of computers with a controversial new book, The Rise of the Computer State. Robert W. Kastenmeier, D-Wis., who chairs the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, has begun a wide-ranging series of hearings on the state of civil liberties, including the impact of new technology on privacy. Several other committees are examining the laws safeguarding computer information. Universities and other organizations across the country, such as the Smithsonian Institution, are holding conferences on Orwell, technology and 1984. And the American Civil Liberties Union is planning a major conference on privacy.

Many of these forums will be used to criticize the Reagan Administration's policies on release of government information, classification of government documents and law

enforcement. But most of these groups are also examining a different issue: where has new technology outflanked the privacy laws?

ELECTRONIC MAIL

A new technology almost entirely unaddressed by existing law is electronic mail. For years, communications experts have considered electronic mail—generally defined as the electronic transfer of written information—to be a tool of tremendous potential. Electronic mail allows an executive such as Coughenour to send messages instantly to employees around the world, far faster than by any courier service.

But the potential of electronic mail has largely been unrealized. Private electronic mail services did only about $40 million worth of business in 1983, and the few companies with their own internal systems, of which Citicorp is considered a leader, sent about an equivalent number of messages, estimates Kenneth G. Bossomworth, president of International Resource Development Inc., an electronic mail consulting firm. Growth has been slow because the electronic mail systems have generally required both the sender and recipient of a communication not only to have computers but also to subscribe to the same system.

Industry observers expect that electronic mail will take off with MCI Communications Corp.'s entry into the business. In September, MCI launched an electronic mail service that allows anyone with a computer terminal, or even an electronic typewriter, to send a message to anyone else in the United States. If the recipient does not have a terminal, the message is printed nearby and delivered either by courier or the U.S. Postal Service.

MCI is predicting rapid growth for the system: from 80,000 users today to 200,000 by 1985. And industry experts are inclined to agree. "The MCI entry will transform the industry's revenue picture," said Bossomworth.

With the proliferation of computer terminals in the home and the office, electronic mail could eventually siphon off a significant chunk of both mail and telephone business. In 1982, the congressional Office of Technology Assessment calculated that ultimately at least two-thirds of the Postal Service's annual volume of 110 billion pieces "could be handled electronically." By 1990, the office estimated, more than 23 billion messages could be sent through electronic mail or electronic funds transfer systems. The report predicted that conventional mail volume is likely to peak in the next decade and then decline.

Though the economic prospects for electronic mail may be starting to clear up, the laws covering it remain cloudy in two basic areas: unauthorized entry into such systems and requests by law enforcement officials for access to the records of people's communications held by electronic mail networks, such as MCI. The legal uncertainty underscores the major privacy concern of electronic mail's potential customers, who are worried about competitors reading their internal communications. "The fear [among possible users] is that somebody will get access to the system's central computer and get access to their messages," said computer consultant Walter E. Ulrich, who chairs the new Electronic Mail Association's committee on privacy.

Prosecutors have complained that while existing laws can be used against criminals who use computers to commit fraud, no law clearly makes it a crime to break into a computer system to look around or destroy information. Some legal barriers are in place. About 20 states have laws addressing unauthorized computer break-ins, and some experts note that if someone sought unauthorized entry into a computer system by misrepresenting himself as an authorized user he could be prosecuted under the federal wire fraud law.

But the electronic mail industry, among other computer users, would like clearer protection. The wire fraud law "was not designed for the problem of trespassing against someone's intellectual or electronic property," said Jack Greenberg, general counsel for GTE Telenet Communications Corp. Telenet runs a private electronic mail system used by 130 companies that was broken into repeatedly last summer, most notably by a group of Milwaukee teenagers using home computers.

Rep. Bill Nelson, D-Fla., and Sen. Paul S. Trible Jr., R-Va., have introduced identical bills (HR 1092, S 1733) that would make it a federal crime to "take something of value" from a computer or to damage the information in it. Nelson's bill has also been incorporated into legislation pending before the Judiciary Subcommittee on Crime that addresses credit card fraud. Both the Nelson and Trible bills, though, still would not make it a crime to enter a computer system and look at the data in it. An aide to Nelson said the bill's sponsors did not believe that should be a federal crime.

While Congress slowly considers these proposed legal barriers to computer break-ins, electronic mail companies have been beefing up their technical defenses. In October, the Defense Department split the 15-year-old ARPAnet, an electronic mail network run by the Advanced Research Projects Agency, into separate systems for military and unclassified civilian research to further limit access to military secrets. Unlike other systems, the new MCI mail will not allow users to pick their own passwords—which are often no more sophisticated than the name of the user's spouse. Instead the new system assigns passwords that are randomly generated.

The electronic mail operators have also installed systems to prevent would-be intruders from programming their own computers to repeatedly try possible passwords until one clicks. Usually, the systems disconnect a user after three unsuccessful attempts at the proper password. After three such disconnections, the MCI system is programmed to notify the firm's security department.

Citicorp's system has similar security protections. But no system is immune to penetration, said Coughenour, who noted that break-in attempts occur "all the time." The ultimate defense, he said, can only be to keep sensitive information out of the electronic mail system. "Users of the system understand it and know what to put on it," he said. Anyone breaking into Citicorp's electronic mail, he said, would find information of "only minimal" business value.

Even less clear than the law on breaking into an electronic mail system are the legal standards for access by law enforcement officials. For investigators, electronic mail records could be an extremely valuable source of information. "Electronic mail is tremendously attractive to people who are engaged in investigations," said attorney Plesser. "I think law enforcement officials are going to become more and more interested in electronic mail records."

Certainly electronic mail networks will contain a wealth of data about the communications of their users. Telenet holds in its computers for anywhere from one day to two weeks copies of messages sent through the system. MCI plans to hold copies of the messages for six months, in case questions arise about billing or customers accidentally erase their messages.

Just the fact that MCI's computer capacity will enable it to hold the messages it transmits for six months makes "some customers nervous," said Marilyn M. Mouly, vice president for marketing of MCI Digital Information Services Corp., the subsidiary that runs MCI's electronic mail system. "When you mail a letter with the Post Office, they don't Xerox it. Generally people see us as carrying messages, not keeping a copy."

There are clear rules on when ordinary mail sent through the Postal Service can be opened. Most correspondence can be opened only after a search warrant is obtained. When law enforcement officials want the Postal Service to tell them from whom a specific individual is receiving mail, they request a mail cover from the chief postal inspector. Under regulation, the inspector is supposed to approve requests only for the investigation of a felony, the location of a fugitive or a national security investigation. In 1983, the Postal Service approved 6,892 mail covers, up 56 percent from a decade ago. Postal Service officials say these same rules would apply to mail sent through the Postal Service's electronic mail system, known as E-COM.

But the rules for access to privately transmitted electronic mail have not been established. "There is little, if any, legal protection for message information in the hands of private organizations," said Rand Corp. computer security expert Willis H. Ware in recent congressional testimony. In an interview, Ware said he was aware of no law that would prevent a private firm from releasing electronic mail records to police agencies—or anyone else—merely upon their request.

Both Telenet and MCI said they would not release the information to law enforcement officials on request alone and would require a search warrant or a subpoena. But those are voluntary decisions subject to change, and some in the industry would like to see clear legal standards. "It certainly is a gray area of what kind of protection a company has from federal government intrusion," said computer consultant Ulrich.

Similarly, there are no laws governing requests by police officials for the records of the traditional courier services, such as Federal Express. Federal Express attorney Elizabeth McKanna said the firm generally would require a subpoena before releasing records, but in some cases, such as the investigation of a bank robbery, might not. "It certainly is not illegal for us to provide them with information," she said.

ELECTRONIC BLINDSPOTS?

Also in dispute among experts in the field is whether any law protects an electronic mail transmission or any other communication between two computers, from unauthorized interception while it is in transit.

Two laws govern the interception of telecommunications. Title III of the 1968 Omnibus Crime Control and Safe Streets Act bans the private interception of wire or spoken communications and establishes a process for approval of wiretaps by law enforcement officials. To wiretap a suspect, a federal law enforcement official must obtain the approval of the Attorney General and then a federal judge after demonstrating

that there is "probable cause" that the suspect has committed or is about to commit one of a list of specified crimes. Approval is granted only for 30 days or less, and the law allows the judge to require reports on the investigation. These standards are much tougher than the rules governing search warrants or other investigative tools. The second law, the 1935 Communications Act, makes it illegal "to intercept any radio communication and divulge or publish" the contents.

The problem for computer communications arises from the definition of intercept in the crime control law. Though it bans unauthorized interception, the law defines that as "aural acquisition of the contents of any wire or oral communication"—that is, the interception of a voice communication that could be understood by the human ear, as a wiretapper listening to an ordinary phone call would do. But computers utilize non-aural communications that transmit data through a series of digitized bits that cannot be understood by the human ear. For that reason, they are not covered by the law.

No one is accusing the Justice Department or FBI of abusing this provision of the law. Deputy assistant attorney general for the Criminal Division John C. Keeney said in an interview that he has not seen any requests to intercept computer transmissions. But computer users and civil libertarians are concerned that the potential for abuse remains unless computer transmissions are given the same legal protections as telephone conversations.

G. Robert Blakey, a law professor at the University of Notre Dame, who was the principal author of Title III and several other major crime bills when he was an aide on the Senate Judiciary Committee, said that the exclusion of computer communications was not an oversight. "Did we intend to exclude machine-based data? Yes we did," he said in an interview. Congress was worried about wiretaps, whose use had been severely limited by two Supreme Court decisions in the mid-1960s, not about computer privacy, Blakey said. "Congress wasn't prepared to step into computer privacy, and that's the reason we put that word ['aural'] in there," he said. " 'Aural' is a neat little word. It simply confines the bill to the consensus that was there" in Congress at the time.

The Justice Department agrees that computers are not covered and that federal officials would not have to go through the extended Title III process to intercept communications between two computers. In a 1978 case, U.S. v. Seidlitz, the U.S. Court of Appeals for the 4th Circuit also ruled that non-aural communications were not protected by Title III.

That much seems clear. What is unclear is whether law enforcement officials have to go through any legal process before intercepting computer transmissions.

One answer comes from the courts' rulings on pen registers, devices that record the numbers dialed on a phone, but not the contents of the conversation themselves. In the mid-1970's, American Telephone & Telegraph Co. (AT&T) asserted that the FBI had to receive a Title III authorization before the company would install pen registers. The FBI argued that an ordinary search warrant was sufficient. In December 1977, a sharply divided Supreme court ruled, 5–4, that because the pen register was intercepting non-aural communications (the tones that indicate the number dialed) and legislative history made clear Congress intended to exclude pen registers, the FBI did not need a Title III warrant. In two subsequent cases, the Supreme Court and a federal appeals court have held that law enforcement officials did not even need a search warrant to install a pen register. Nonetheless. H. W. William Caming, AT&T's senior counsel on privacy issues, said the firm will not cooperate with pen register requests without a warrant.

But the signals captured by pen registers may be different from other computer transmissions. Because the caller knows that records of the numbers he dials will routinely be held by the phone company for billing purposes, he does not have the same expectation of privacy for that information as he does for the contents of his conversation.

In a transmission of information between two computers, though, the parties would have a reasonable expectation of privacy, several experts said. Legally that expectation puts the communication under the 4th Amendment's protection against unreasonable search and seizure, these experts argue. "In a computer-to-computer transmission, there is a reasonable expectation of privacy, and any interception would be violative of a person's civil rights if done by law enforcement officials without a search warrant," said Caming.

Moreover, a Senate expert on surveillance maintained that the 1978 Foreign Intelligence Surveillance Act, which covers national security wiretaps on foreign agents, limits the ability of federal law enforcement officials to tap non-aural communications. One section of the foreign intelligence law prohibits any federal wiretapping not specifically authorized by statute, he argued; and Title III, because it does not mention non-aural interception, does not specifically authorize it. The foreign intelligence law provides a defense against that ban if law enforcement officials have obtained a court order or search warrant. Other experts, such as Caming, dispute that interpretation of the foreign intelligence law and maintain that it has no bearing on domestic wiretaps.

Justice Department official Keeney said that "if you are going to make any sort of invasion or intrusion, get a court order." It would be his "guess," he said, that law enforcement officials seeking to intercept computer transmissions would not necessarily need a search warrant—which requires probable cause—but a court order, for which they would have to meet a lesser standard of proof.

But Keeney said he could not make a blanket statement that all interceptions of computer transmissions would require even a court order. "I'm not ready to go that far, no," he said. "You're dealing with a question of expectation of privacy. In some of these areas, there is no expectation of privacy. If you're putting something in the airwaves that almost anyone can pick out, there is no expectation of privacy."

PRIVATE WIRETAPPING

The same kind of uncertainties arise over the laws prohibiting the private interception of computer transmissions. Again, it is clear that Title III's ban on private wiretapping does not protect computer communications, since they are non-aural. But does any other law apply?

Many experts are concerned that there are no clear federal laws prohibiting the private interception of computer transmissions. Other laws could be stretched to cover that situation, said AT&T's Caming: someone intercepting computer transmissions might be prosecuted under the federal wire fraud laws, or under computer protection statutes in the states that have them, and could even face civil liability for the theft of trade secrets. "But," he said, "that is not as strong a deterrent as a specific federal law."

An attorney for a private data transmission company said that the 1934 Communications Act, which bars the unauthorized interception of radio communications, could protect some of these messages. Before 1968, this law had established the rules for interception of both wire and radio communications, but Congress removed wire communications from its scope with the passage of the crime control act.

Computer messages, though, like other telecommunications, often go through several steps to completion: along local phone wires, through microwave relays and off satellites. The attorney argued that the 1934 act's ban on intercepting radio communications would make it illegal to intercept computer communications during the microwave or satellite, though not the wire, portions of their journey.

At least two appellate court decisions cast doubt on that interpretation. In a 1973 case, the U.S. Court of Appeals for the 9th Circuit ruled that when any part of a communication is carried by telephone wires, the entire communication is covered not by the Communications Act but by Title III. In a 1975 case, the U.S. Court of Appeals for the 5th Circuit rejected the argument that long-distance calls carried over microwave relays were covered by the Communications Act.

AT&T's view, said Caming, is that both the microwave and satellite portions of a telephone communication fall under Title III's definition of a wire communication.

Blakey, though, argues that it is erroneous to assume that courts would come to these same conclusions about the coverage of the Communications Act if faced with a private interception of computer transmissions. In defining wire and radio communications, the courts have generally been looking for ways to allow evidence obtained by law enforcement officials to be used over the objections of defendants who maintain that it was illegally collected. It is not likely, Blakey maintained, that the courts would allow private wiretappers to use those definitions to slip through a blind spot in the law and escape punishment. Wiretappers would face liability under either the wire fraud statute or the Communications Act, he said.

Nonetheless, Blakey, like many other experts in this area, said he would "applaud any effort by Congress to take a look at the specific protections" available for computer communications. Several legislators already are. Kastenmeier's staff has been looking at the issue, and Sen. Walter D. Huddleston, D-Ky., a member of the Select Committee on Intelligence, has indicated he would support legislation to protect non-aural communications.

Whatever the state of the law, catching private wiretappers is not easy. No one has a good estimate of the amount of private wiretapping that is going on, said computer security expert Ware.

Although it is technically easy to intercept microwave transmissions, most would-be wiretappers are deterred from seeking to tap the phone company's network that way because of the high cost of sifting through the mass of messages flowing through the microwave links to find the ones they want.

(That is not a problem if the wiretapper is looking for the messages of a single company, such as Citicorp, that are carried along a private network.) Usually private wiretappers seek to intercept messages by breaking into local phone lines near the subject, say security experts.

The Carter Administration, which was concerned about the Soviet Union's intercepting microwave transmissions with equipment in its offices in New York, San Francisco and Washington, undertook a series of steps to increase the security of government communications and pushed private companies to protect their communications through encryption, or encoding of the information. Only about 100 companies, mainly financial institutions worried about embezzlers sending phony messages to transfer funds, encrypt their data communications, said a government official.

Firms have resisted encryption because it costs more to send an encrypted message. Citicorp uses a simple encryption for its electronic mail and a much more sophisticated system for its electronic funds transfers, whose security is of far greater concern to the bank. Those transfers cost twice as much to send as the electronic mail messages.

To some extent, new telecommunications technology itself will offer greater protection against interception. More messages are being sent through packet switching technology, which breaks up a communication into separate pieces and routes each piece along whatever space is free on many different communications paths. The result is that a single message may travel on several different paths, and the bits of information following each other on any single path may be unrelated.

AT&T is changing its current system under which a phone conversation follows on the same communications path as the tones that indicate which phone number has been dialed. That system allows wiretappers to program their computers to look for a specific phone number and then begin recording. Under the new system, which is already in place in half of the interstate network, the tones will travel along a different path from the communication itself. Neither of these offer insurmountable problems to the most sophisticated wiretappers—such as the Soviet Union—but they do make the job harder, communications experts say.

COMPUTER MATCHING

Another area where privacy laws are fuzzy is the use of computer matching, a technique used by government investigators to find fraud. Matching takes many forms, but generally it entails the computer comparison of two lists to find anomolies that would indicate fraud.

In Massachusetts, for example, state welfare officials have compared recipient roles for welfare, medicaid, food stamps and other benefit programs against account records in the state's banks to find beneficiaries with more than the legal limit in assets. The Health and Human Services Department (HHS) has matched welfare rolls against lists of federal employees and compared the employee lists with the list of those who have defaulted on student loans. The department's Project Spectre compares medicaid and medicare death files to social security payment records to uncover payments to people who have died.

In one case, during the final months of the Carter Administration, a regional HHS office in Sacramento analyzed its enforcement records to compile a portrait of what it called a "welfare queen" and then ran that profile against a list of county welfare recipients. Those who met the characteristics were singled out for further investigation, though because of staff limits, the office actually investigated only a few of those identified.

Over all, an HHS official estimated, the federal government has undertaken 2,000-3,000 matches, many of which are repeated regularly.

Supporters say that matching is a cost-effective and efficient way to uncover possible fraud in federal programs without creating an undue invasion of privacy. "Of course we have to match." said former privacy commission chairman Linowes. "You have a need for law enforcement, for proper administration in government. You just can't say one thing is completely wrong in most cases."

Critics say that even if each individual use can be justified, the cumulative uses of computer matching can constitute a serious invasion of privacy. Public opposition quickly grounded plans discussed by the Johnson Administration to create a national data bank that would have centralized all the data held on individuals by the government. Matching, said John H. Shattuck, national legislative director of the American Civil Liberties Union (ACLU), accomplishes the same end "through the back door."

Some critics say that matching undermines 4th Amendment protections, since the records of all individuals in a program are searched, not only those for whom program administrators have reason to suspect of a crime. Others, such as Sen. William S. Cohen, R-Maine, worry that in the rush to find waste and fraud, the privacy implications of the growing use of matching are being overlooked.

"As you look at each case, you can make a reasonable case for an exemption from our privacy law," Cohen said in an interview. "I'm trying to say we need to stand back and take a broader view. . . . There is another pressure [besides looking for fraud], more constitutional, more indigenous to our society, which is not being felt at this time: the need to protect privacy in our technological society."

The Massachusetts case demonstrates both the advantages and hazards of matching. In one instance, the state terminated the medicaid benefits of an elderly woman in a nursing home because she possessed assets over the limit. But it was later revealed that her major holding was a funeral bond, which is permitted under the rules. Since then, the state has made procedural changes in the match program that have alleviated many of the concerns of advocates for benefit recipients. And the state estimates it has saved at least $5 million by finding 2,000 benefit recipients with assets over the legal limit.

The law governing the use of federal records is the 1974 Privacy Act. The act generally prohibits the dissemination of government records outside of the agency that collected them. But because of a concession made to get the bill through, the law allows agencies to exchange records for "routine use." That is defined as a purpose "compatible" with the one for which the records were originally collected.

The routine use exemption has become the legal basis for matching. Matching critics say that the intent of the privacy law was to prevent records from being passed between government agencies on a regular basis. "I don't think there was anything more clearly thought about than that," said James H. Davidson, a former Senate aide who helped draft the law. "That is what the Privacy Act is about." When the Carter Administration proposed its first match of federal employees against welfare rolls, the Civil Service Commission initially resisted on the ground that such use of employment records would violate the act.

But eventually, the commission backed down. And Shattuck said that whatever the intent of the Privacy Act's drafters, the language of the statute makes it virtually impossible to challenge a match in court. "I think any match that uses information that is not clearly in the public domain is a violation of the Privacy Act," he said. "Unfortunately, the act is written in such a way as to make that extremely difficult to prove in a court of law."

Christopher C. DeMuth, administrator of the Office of Management and Budget's (OMB) office of information and regulatory affairs, which is charged with ensuring federal compliance with the Privacy Act, agreed that the law does not offer clear guidance on what matches might be inappropriate. Congress, he said, "had to settle for a formulation that is sometimes attacked as too nebulous." But he said the fears about matching have proven unfounded. "The fears that these matches would be used as fishing expeditions have not come to pass," he said in an interview. "The matches have been quite narrow and related to highly plausible concerns about fraud and abuse."

With budget cuts forcing welfare program administrators to trim benefit rolls, few legislators have expressed much concern about the privacy implications of matching. The House Government Operations Committee recently criticized OMB for not monitoring agency compliance with the Privacy Act. Cohen held hearings in December 1982 on matching and is planning hearings on matches conducted by the Internal Revenue Service, including the use of mailing lists purchased from private firms to look for tax evaders and the growing use of IRS data for nontax purposes such as aiding in the collection of student loans. Recently, the National Senior Citizens Law Center won a case in the U.S. District Court for the District of Columbia stopping a proposed Social Security Administration program that would have required recipients of supplemental security income benefits to disclose their tax returns.

But over all, said Cohen, there is "not a whole lot of interest" in the subject among his colleagues. "The potential for abuse is there," he said, "although it does not seem imminent to most individuals."

That assessment does not surprise Robert Ellis Smith, who has been watching these issues for almost a decade as publisher of the Privacy Journal. "I think legislation often gets enacted by anecdote," he said. "And the anecdotes are often more compelling on the side of access."

CONTROLLING RECORDS

For records held by the federal government, the Privacy Act establishes minimum standards that allow individuals to see and correct their own records. But for the vast majority of records held by private firms. there are no laws. Congress has passed legislation placing some limits on the use of records held by banks, credit bureaus and educational institutions. And last year, as part of cable television legislation, the

Senate voted to limit the use of information about subscribers without their consent. Similar provisions are contained in the House version of the bill, which has passed the House Energy and Commerce Subcommittee on Telecommunications, Consumer Protection and Finance. In full committee, it is likely that efforts will be made to revise those standards to reflect objections from the cable industry and advertisers who sell products on cable.

But generally, Congress has paid little attention to the central thrust of the privacy commission's study in the mid-1970s. The commission argued that basic principles were needed to govern data collection and use of information about individuals held by institutions and to ensure that individuals could see and correct information about themselves. Since that report, only the legislation governing bank records, which is considered weak by many privacy experts, was enacted. Another major proposal dealing with medical records failed.

Like the issues of electronic mail and protection of computer transmissions, the use of privately held records has not yet attracted sustained political attention, "Our concepts involving information privacy haven't even begun to be addressed," said former privacy commission chairman Linowes. "We don't have a public policy on information protection and privacy."

Such a policy would not require limiting the advance of computer and communications technology. Linowes and other experts argue, but would establish principles of law. "The technology makes it easier both to collect and disseminate personal information without the person's knowledge," said Richard M. Neustadt, who worked on privacy issues as an associate director of the domestic policy staff in the Carter Administration and is now the senior vice president of Private Satellite Network Inc. "But that's nothing new. We've had personal records existing in file cabinets for a long, long time. All the computer does is put more records in and make it easier to get at.

"What we're seeing is old problems made more complicated, more real. But they are solvable. I think you can have your cake and eat it too, if we write some good rules about this stuff. Unfortunately, there doesn't seem to be much interest in doing that in Washington now."

A SALUTE TO CHEVRON, U.S.A.

Mr. MATSUNAGA. Mr. President, I rise today to join my colleagues in recognizing the support of Chevron, U.S.A., Inc., for the minorities health fair program. This program was initiated by the National Health Screening Council for Volunteer Organizations, Inc. (NHSCVO). It was established in 1981 with funding from Chevron, U.S.A., to address the particular health needs of various minority goups: Blacks, Hispanics, Asian/Pacific Islanders, and Native Americans. Health fair participants are offered four major services: health screening, health education, counseling and referral, and followup services.

NHSCVO is a private, nonprofit organization which exists to help communities provide comprehensive, low-cost health fairs. During the past 9 years since the formation of NHSCVO, the national health fair programs have become the largest and most adaptable health education and health promotion program in the Nation. NHSCVO currently coordinates five programs, all sharing common goals and a basic health fair model while targeting a different population. The five are: health fair week program (underwritten by a local sponsoring team), older American health fair program (sponsored by the Prudential Foundation), student health fair program (Atlantic Richfield Foundation), national health education program (CIBA-GEIGY Corp.), and the minorities health fair program (Chevron, U.S.A.).

In 1984, more than 130,000 volunteers and health professionals will be providing services to over 1 million people through these five programs. The value of health services provided in 1983 has been estimated at $130 million and the value of the health education and promotion activities at $200 million.

In my State of Hawaii a most successful NHSCVO-assisted campaign was undertaken last year through the cooperative efforts of the major sponsors, television station KHON (TV-2), Chevron, U.S.A., and the Hawaii State Department of Health. Numerous other organizations, agencies, and businesses lent a hand. For example, as an incentive for health fair attendance, Aloha Airlines donated airline tickets which were given as prizes to lucky winners of drawings at the health fair sites. Twelve thousand residents on Kauai, Oahu, Maui, and the big island of Hawaii participated in the health fairs. While 80 percent of these Hawaii residents had seen a physician in the preceding 2 years, the results of the health screenings showed that 27 percent had abnormalities in weight, 12 percent in blood pressure, and 20 percent in vision. Screening of this type is not intended to be a substitute for a complete physical examination by a personal physician. These tests, however, can assist in educating individuals about potential health problems.

Now in its third year, the minority health fair program continues to grow. Last year, there were over 60,000 participants who benefited from the free health services extended at minority health fair sites throughout the country. This program is designed with maximum flexibility in order to respect cultural attitudes and to meet specific health concerns of minorities. When available, specific screening tests are offered where there is an unusually high incidence of a particular disease or condition.

Mr. President, I would like to commend Chevron, U.S.A., for assisting NHSCVO in reaching out to minority communities in order to provide them with vital health services. I extend my best wishes and those of my colleagues for the continued success of the national health fair programs and the minority health fair program in particular. It was my privilege to present a plaque honoring Chevron, U.S.A., containing the following resolution;

The resolution follows:

Whereas the minorities health fair program of the National Health Screening Council sponsored by Chevron, U.S.A., Inc., will provide free health education and health screening to thousands of minority citizens without cost to the Federal Government;

Whereas these much needed services would not be made possible without the financial support of Chevron, U.S.A., Inc.;

Whereas Chevron's sponsorship of the minorities health fair program is an indication of its concern and sensitivity to the health needs of the various minority groups throughout the country;

Whereas Chevron's involvement is an excellent example of the business sector's role in helping the government meet its commitment to disease prevention and health promotion: Now, therefore, be it

Resolved, That the Congressional Black and Hispanic Caucuses, the Senate Select Committee on Indian Affairs and Asian/Pacific American Congressional representatives commend Chevron, U.S.A., Inc., for its continued financial support and outstanding commitment to the minorities health fair program of the National Health Screening Council for Volunteer Organizations, Inc.

Signed by: Senators Matsunaga, Inouye, Andrews, Melcher, DeConcini, Goldwater, and Gorton.

CLARENCE M. MITCHELL, JR.: FREEDOM FIGHTER

Mr. MATSUNAGA. Mr. President, a year ago this month I rose to speak in this Chamber on the remarkable career of Mike M. Masaoka, champion lobbyist for the American ideal who has been an advocate of racial justice on this Hill dating back to 1941. My remarks were prompted by the issuance of the report of the Commission on Wartime Relocation and Internment of Civilians in World War II. Today I rise to note the passing of another such champion whose life's work, in the words of a Washington Post editorial, "profoundly changed and uplifted the Nation."

For one who wrought such a transformation he was little known in the country at large despite the honors a grateful Nation bestowed upon him. Nevertheless, his imprint was upon every significant piece of civil rights legislation since World War II. Indeed, his civil rights achievements antedated the postwar period of legislative accomplishments in this field; he also was instrumental in advancing racial justice through Executive orders, such as the historic desegregation order for the Armed Forces under President Truman. Later he was credited with guiding to passage the Civil Rights Act of 1957. During the next decade he performed similar service for the 1961

act establishing the Civil Rights Commission, the Civil Rights Act of 1964—writing its key section on equal employment opportunities, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. He received our Nation's highest civilian honor, the Presidential Medal of Freedom, and represented our Government at the United Nations.

These great accomplishments and honors made little change in the man himself. Quiet and unassuming, he had lived in the same inner-city neighborhood for the past 40 years. His strength of character and personal dignity sprung from the discipline of a strong family background and the trauma of observing, as a newspaper reporter, a lynching in Maryland in 1933. He had an activist's credentials: he had walked picket lines and provoked arrest for challenging a racial barrier to the main entrance of a South Carolina railroad station in 1956. But it was as a negotiator and calm, persistent advocate for racial justice that he made his mark in our country's recent history. He balanced the moral force of his case with a generous spirit toward his foes and, over time, this combination proved his cause to be undeniable. In this way he advanced the welfare of black and white people alike.

In a professional sense Clarence Mitchell, Jr., came late to the practice of law. He earned his degree in 1962. In a larger sense his entire adult life was given over to the rule of law from the day he observed that lynching. For he knew that law must reflect moral value to have meaning and force. In office corridors and hearing rooms he applied his brain and tongue so that the ideals of justice would take the form of "hands and feet." He was a freedom fighter with a generous heart and a persistent will and America is a far better place because of these qualities which he brought to bear in such a great cause.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of H.R. 4072, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 4072) to provide for an improved program for wheat.

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, I anticipate that about 10:30 a.m. this morning the leadership on this side will put a unanimous-consent request as to the management of this measure, but I will not do it at this time so that Members who may have an interest in that will have an opportunity to come to the Chamber if they wish.

I suspect that the managers on both sides now wish to make their opening statements, and I encourage them to do so.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. JEPSEN. Mr. President, the Agricultural Programs Adjustment Act of 1984 is very important legislation, and I am pleased to be designated as the temporary floor manager of the bill for the majority.

The chairman of the Agriculture Committee, the Senator from North Carolina, is unavoidably detained. He has asked me to manage this bill on an interim basis. In fact, Senator HELMS is now chairing an important hearing at the Agriculture Committee.

It has been a custom in the Agriculture Committee under the chairman's leadership to share responsibility for the floor management of legislation. This allows various members of the committee to have an opportunity for sharing in the leadership.

So, I am pleased to have this responsibility and look forward to working with the distinguished ranking minority member, the distinguished Senator from Kentucky (Mr. HUDDLESTON), of the Agriculture Committee, and other Senators, in moving this important bill to enactment.

Mr. President, today the Senate is considering legislation to make needed changes in our farm commodity programs. These changes will provide cash-flow and credit assistance to farmers. They will expand exports of U.S. agricultural commodities and, simultaneously, they will save the American taxpayer between $2.5 billion and $3 billion over a 4-year period.

H.R. 4072, as amended by the Senate Agriculture Committee, will freeze target prices for the 1985 crops of feed grains, upland cotton, and rice at the 1984 levels, and will reduce the wheat target price. The legislation provides for paid diversion programs on the 1984 and 1985 crops of wheat, and on 1985 crops of the other commodities if they are in surplus. The bill is part of a package that calls for increased funding of Public Law 480 and USDA export credit programs. The bill provides for modifications in several Farmers Home Administration loan programs that are designed to target available Federal funds to farmers most seriously burdened with the consequences of the devastating 1983 drought.

The bill had its origin in a series of meetings held over the last 2 weeks at the instigation of the distinguished Senator from Kansas (Mr. DOLE) in an effort to provide for more effective participation in the 1984 wheat program. But the scope of the meetings quickly grew to making necessary adjustments in other commodity programs. This was possible because of the participation of the administration, members of the committee, and a number of interested Sentors who do not serve on the committee but who have a strong interest in farm programs.

The net result of this legislation will be to improve the operation of the farm programs and establish improved farm policy with very substantial savings. It has been a truly bipartisan effort.

The Senate should act without delay to approve this legislation. It is very timely. Farmers across America are making preparations for spring planting of the 1984 crops, and winter wheat producers will be harvesting their 1984 crop within a few months. These producers need the opportunity to sign up for the revised programs offered in this legislation as soon as possible.

Mother Nature cannot wait for Congress to discuss these issues forever. Congress must act now, if these programs are to be in place in time for the 1984 wheat harvest.

Members of the Agriculture Committee are to be commended for their cooperation in reaching bipartisan agreement on this legislative package. Now the full Senate should follow their lead by approving this legislation quickly.

Mr. President, Government farm programs simply cost too much. Farmers themselves tell me that they are concerned about the escalating costs of commodity supports and other Government programs. Outlays for Government price supports have gone from around $3 billion in 1981 to $19 billion in 1983. This is far above the costs envisioned when the 1981 farm bill was passed, and responsible adjustments such as we propose today will ultimately benefit both the farmer and the taxpayer. And, I might add, farmers are also taxpayers.

This legislation is the product of considerable negotiation and compro-

mise. It includes the freeze in target prices proposed by the administration along with changes in the wheat program proposed by the Senators from Kansas and Oklahoma. It includes drought assistance proposed by myself and my good friend and colleague from Iowa, Senator GRASSLEY, along with the farm credit proposals of the distinguished Senator from Kentucky, Senator HUDDLESTON, and the distinguished chairman of the Senate Agriculture Committee, Senator HELMS. And, most important for all of us, it calls for increased efforts to expand exports of American farm products.

TARGET PRICE FREEZE

On December 9, 1982, the Secretary of Agriculture testified before a subcommittee of the Senate Agriculture Committee in support of a freeze in target prices on wheat, feed grains, upland cotton, and rice.

Target prices for these crops were adopted as part of the Agriculture and Food Act of 1981. The minimum target prices were set at levels which increased each year in accordance with projected changes in economic conditions. In other words, the price levels were escalated each year to compensate for inflation, increases in farmers' production costs, and so forth.

It should be noted that the proposed target prices are minimums, not maximums. The Secretary of Agriculture is authorized to increase the target price level further if justified by economic conditions.

Economic conditions have changed significantly since Congress adopted escalating target price levels in 1981. Efforts by President Reagan and Congress to reduce inflation have been more effective than had been anticipated. According to the U.S. Department of Agriculture, cost estimates for the major grains and cotton indicate that per acre costs increased only slightly in 1983 from 1982 levels.

Specific costs of production vary widely among farmers and among regions. However, the prices which farmers pay for production inputs provide some indication of costs. According to USDA, in 1982-83 the rates of price changes for the inputs which typically account for the largest share of a farmer's production costs slowed noticeably from their 1977-81 average rates. Fertilizer and fuel prices actually decreased or remained steady in 1982 and 1983. The rate of increase in machinery prices has slowed dramatically even in terms of list prices. Substantial price discounting has slowed the rate of increase even more than indicated by changes in list prices.

With production costs stabilizing, the large escalation of target prices is no longer reflective of true economic conditions in the marketplace. In fact, such large escalation can become an artificial incentive to generate surplus production which is not in the best interests of farmers and should be avoided.

Farm program costs have escalated to record levels in the past few years. Recent estimates place outlays to support farm programs at $21.1 billion for fiscal year 1983, although a substantial portion of the outlays are loans which are supposed to be repaid. Not only have the costs of farm programs increased dramatically in recent years, they have far exceeded the original intent of Congress. In the report which accompanied the Agriculture and Food Act of 1981, the committee expressed hope that the deficiency payments resulting from target prices would never be needed. In fact, very large payments have been made, far in excess of what was originally envisioned by Congress.

By insuring a minimum return to eligible farmers in a particular year, target prices at reasonable levels can be very helpful to farmers. This legislation will maintain minimum target prices at their 1984 levels—slightly below in the case of wheat—the highest levels in history.

With these facts in mind, the Senate Agriculture Committee in June 1983 adopted the administration's proposal to freeze target prices at 1983 levels. At the same time, the committee mandated that $600 million of the savings from the target price freeze be earmarked for export assistance. This compromise proposal was offered by myself and Senator HUDDLESTON and was adopted as an amendment to H.R. 2733, an unrelated House-passed bill. Unfortunately, it was impossible to bring that measure before the full Senate for a vote.

In President Reagan's fiscal year 1985 budget submitted to Congress on February 1, 1984, the proposal was made to freeze the 1985 target prices at the 1984 levels.

The Senate Agriculture Committee adopted this proposal on March 8, but at the same time provided for additional payment programs to farmers along with increased efforts to expand exports. For feed grains, upland cotton and rice, the minimum 1985 crop target price will be the same as the 1984 level of $3.03 per bushel of corn, $0.81 per pound of cotton, and $11.90 per hundredweight of rice.

1984 AND 1985 WHEAT PROGRAM

When the target price proposal was first considered by Congress, Secretary Block indicated that a more generous wheat program would be offered if a target price freeze was enacted. That same principle has held true throughout our deliberations.

The legislation which we are now considering will freeze the wheat target price at $4.38 per bushel for 2 years, and will make changes in the 1984 wheat program to increase participation and more effectively reduce grain surpluses.

Last fall Senator DOLE made several proposals to improve the wheat program in an effort to move the target price legislation forward. Earlier this year, Senators BOREN, BOSCHWITZ, MELCHER, and others also made proposals to adjust the target price level and the wheat program accordingly.

On March 1, 1984, during consideration of the Export Administration Act, the Senate adopted by a vote of 62 to 22, an amendment by Senator BOREN which expressed the sense of the Senate that certain changes should be enacted. The legislation before us today contains a wheat target price, paid diversion, and payment-in-kind payment rate identical to those proposed by Senator BOREN.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those Senators who voted for the Boren resolution.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The Senators who voted for these changes in the wheat program were: Senators ABDNOR, ANDREWS, BAUCUS, BENTSEN, BIDEN, BINGAMAN, BOREN, BOSCHWITZ, BUMPERS, BURDICK, BYRD, CHILES, COHEN, DANFORTH, DECONCINI, DENTON, DIXON, DOLE, DOMENICI, DURENBERGER, EAGLETON, EAST, EVANS, GORTON, GRASSLEY, HATFIELD, HECHT, HEFLIN, HEINZ, HELMS, INOUYE, JEPSEN, JOHNSTON, KASSEBAUM, KASTEN, KENNEDY, LAXALT, LEAHY, LEVIN, LONG, MATSUNAGA, MCCLURE, MELCHER, MITCHELL, MURKOWSKI, NICKLES, NUNN, PACKWOOD, PRESSLER, PROXMIRE, PRYOR, RANDOLPH, RIEGLE, SARBANES, SASSER, SIMPSON, SPECTER, THURMOND, TOWER, TSONGAS, WALLOP, and WILSON.

Mr. JEPSEN. Mr. President, these Senators endorsed changes in the wheat program which would hold the target price at $4.38 per bushel for both 1984 and 1985, and provide a 10-percent paid diversion both years.

The Agriculture Committee adopted these changes in the wheat program. In addition, the wheat program adopted by the committee provides that the payment rate on the paid diversion would be required to make advance payments of 50 percent of the diversion payments to the producer as soon as practicable after he or she signs up for the program, a practice which USDA typically has followed in recent years.

H.R. 4072, as amended by the committee, also provides for a 20-percent acreage reduction program in both years. A 10- to 20-percent payment-in-kind diversion program for the 1984 crop with compensation-in-kind based on 85 percent of the farm program yields, and haying and grazing of acreage diverted from production under the 1984 wheat program at the option of each State. For equity purposes, I feel this should be extended to the Corn Belt and I will have an amendment at an appropriate time.

These changes will improve participation in the wheat program and help to control our burdensome surpluses.

FEED GRAINS, UPLAND COTTON, AND RICE

Changes in the commodity programs should not be done piecemeal. If we are going to change the announced programs and achieve savings, then changes should be made for all the crops which have target prices. The committee action, as recommended by the administration, was comprehensive in that it dealt not only with wheat, but feed grains, cotton and rice as well.

The remarks which follow only apply to feed grains, upland cotton, and rice. Their situations are similar.

In the case of these three commodities, the 1984 target price and the 1984 programs as announced will not be altered by the committee action. This is true even though there are substantial savings which would result from reducing the target prices below the 1984 levels. However, for these spring-planted crops it is quite late to be implementing a new program with lower target prices for 1984, which could result in lower participation. During the 3 days of intense negotiations with Secretary Block and OMB Director Stockman. I, along with my colleague Senator GRASSLEY, argued strongly against any changes in the 1984 FEED grains program. For corn farmers, we are on the eve of the planting season in the Midwest. It would have been very unfair to change the 1984 corn program this late in the game. Secretary Block himself stated that, as a farmer, he recognizes the problems inherent in changing the 1984 programs at this point.

As a result, the 1984 target prices will receive the full escalation required under existing law. However, the committe action will freeze those target prices at the 1984 levels for the 1985 crops, which produces significiant savings.

In return, the committee required that paid diversion programs be implemented in 1985 if the crops are in surplus. The Department of Agriculture would estimate the carryover—that is, the total inventory of the crop at the end of the marketing year—and would implement a paid diversion if the carryover exceeds certain levels provided in this measure. Other program provisions would be similar to the wheat program in that the paid diversion payment rate would be the same as the 1983 level and that 50 percent would be paid to the producer at time of signup.

Specifically, on the 1985 crop of feed grains, this measure freezes the target price for corn at $3.03 per bushel, instead of $3.18 per bushel as in current law. It also provides that if corn carryover on October 1, 1985, is estimated to exceed 1.1 billion bushels, the Secretary of Agriculture shall provide for a total acreage cutback of 5 to 20 percent, through a combination acreage reduction program and a paid diversion, with not less than 5 percent of the acreage cutback to be achieved through a paid diversion and any reduction over 15 percent to be equally divided between paid diversion and acreage reduction programs. The paid diversion payment rate will be $1.50 per bushel for corn.

On the 1985 crop of upland cotton, the bill freezes the target price at 81 cents per pound, instead of 86 cents as in current law. H.R. 4072 as amended provides that if upland cotton carryover on August 1, 1985, is estimated to exceed 4 million bales, the Secretary shall provide for a total acreage cutback of at least 25 percent, through a combination acreage reduction program and a paid diversion, with at least 5 percent of that cutback to be achieved through a paid diversion, and specifies a paid diversion payment rate of 25 cents per pound.

For the 1985 crop of rice, the bill freezes the target price at $11.90 per hundredweight, instead of $12.40 as in current law. It provides that if rice carryover on August 1, 1985, is estimated to exceed 25 million hundredweight, the Secretary shall provide for a total acreage cutback of at least 25 percent, through a combination acreage reduction program and a paid diversion, with at least 5 percent of that cutback to be achieved through a paid diversion, and specifies a paid diversion payment rate of $2.70 per hundredweight.

EXPORT ASSISTANCE

The legislation now before the Senate calls for several vital steps to be taken to boost farm exports. The Reagan administration has made a commitment to take these actions administratively as soon as practicable after this legislation is enacted.

Title V of H.R. 4072 as amended by the Senate Agriculture Committee expresses the sense of Congress that these additional actions should be taken. Such actions include increases in funding for Public Law 480, direct export credit programs, and export credit guarantees.

I urge my colleagues to consider what this package would accomplish. It will provide additional funding to ship American surpluses and help the needy overseas. It will send a more accurate price signal to farmers through the target price mechanism, and it will save the taxpayer substantial amounts of money.

These savings are important, if we are to preserve the support of the public for all farm programs. Adoption of this proposal will show the taxpaying public that those in agriculture are willing to bear a fair share of spending cuts.

At the same time, we can support our farmers through the marketplace, rather than through an income transfer from the Government. This action will send a signal to competitive exporting nations around the world that we intend to stand by our farmers in seeking world markets. It will help us to regain and retain our competitive edge in farm exports.

Export promotion efforts to stimulate increased foreign demand for U.S. agricultural products will help reduce our current massive surpluses, strengthen domestic prices, and ultimately increase farm income.

That is what farmers prefer—not Government checks, but higher prices in the marketplace.

The best way to strengthen the farm economy is through the market mechanism. I remind my colleagues that agricultural exports are vital to the economic health of our farmers and indeed, our Nation.

Today, more than a quarter of U.S. farm income is derived from agricultural exports, nearly double the amount of a decade ago. About a third of harvested acres in the United States are devoted to exports.

Agricultural exports are vital to our Nation's balance of trade. U.S. agriculture has a trade surplus of about $23.7 billion while nonagricultural trade shows a deficit of nearly $60 billion. In fact, American agriculture can help in a big way to pay our foreign oil import bill. A farmer can turn the energy used on the farm from one barrel of oil into enough crops to purchase 10 barrels of foreign oil.

The U.S. exports more than three-fifths of its wheat, half its soybeans and rice, and more than a third of its corn and cotton. Farm exports account for a fifth of total U.S. export earnings.

More than a million people in the United States work in jobs related to farm exports, and more than half of them are in nonfarm industries. Every dollar's worth of U.S. commodities sold overseas generates an additional $1.05 in economic activity in such areas as transportation, financing, warehousing, and production of supplies sold to farmers. In fiscal year 1982, for example, the $39.1 billion in farm exports created about $30 billion worth of additional business in the nonfarm community. This business would not have existed without those exports.

Over the past decade, the United States has been the world's largest exporter of agricultural products and commodities. The U.S. accounts for only a fraction of the world's population—yet it supplies nearly 90 percent of the soybeans, 55 percent of the feed grains, more than 45 percent of the wheat, 40 percent of the cotton, and 20 percent of the tobacco and rice moving in world trade. The value of these exports increased from approxi-

mately $7 billion in 1970 to about $43.8 billion in fiscal year 1981, and the volume has more than doubled in that same period.

U.S. AGRICULTURAL EXPORTS DECLINE

Despite the many benefits of international trade in farm products in the United States, agricultural exports have begun to decline. The value of U.S. agricultural exports in fiscal year 1983 was $34.7 billion, a decline of almost $5 billion from the 1982 level and almost $9 billion from the 1981 level.

There are a number of reasons for the decline in U.S. agricultural exports. The world recession, weak foreign currencies, the massive debt of many potential importers, the residual effect of the grain embargo imposed by President Carter in 1980, and very favorable weather conditions worldwide are all causal factors. These are exacerbated by record production and large surpluses, which combine to provide less than normal incentive for importing nations to secure reserves of foodstuffs.

However, in addition to these factors, continued heavy and often unfair competition for world markets from other exporters is clearly a causal element in the decline of U.S. agricultural exports.

Both Congress and the executive branch have undertaken a number of initiatives in the past few years to promote increased sales of U.S. farm products abroad. First, Congress and the Secretary of Agriculture have adjusted U.S. domestic farm policies and programs to operate within market forces of supply and demand, most recently through the payment-in-kind, PIK, program.

The U.S. Department of Agriculture has also intensified efforts to expand farm exports in order to boost domestic commodity prices. In addition to its traditional export promotion programs, which include the cooperator, export incentive and credit programs, the Department and Congress have continually sought to end unfair foreign trade practices through the prescribed procedures of international law, and specifically through the processes provided for under the General Agreement on Tariffs and Trade.

Additionally, in 1982, during Committee consideration of agricultural programs in the budget reconciliation process, Senator HELMS offered an amendment directing that $175 million to $190 million of Commodity Credit Corporation, CCC, funds be used in each of fiscal years 1983 through 1985 to counter the price and credit subsidies of other countries. That amendment was adopted by the committee and approved by the full Senate.

In conference with the House of Representatives, this language was revised to provide the $175 million to $190 million for export activities of the CCC in general. President Reagan signed the Omnibus Budget Reconciliation Act of 1982 on September 8, 1982.

On October 20, 1982, Secretary of Agriculture John Block, announced a blended credit program for financing U.S. agricultural exports. The program used $100 million of the Helms amendment funds as interest-free direct credits, which were then blended with $400 million of CCC credit guarantees of private lender financing at market interest rates. The total package provided interest rates at levels competitive with subsidizing countries, so as to encourage potential purchasers to buy U.S. products.

The blended credit program has proven highly successful. By the end of 1982, all the funds had been allocated to eight countries to finance the purchase of 2.5 million tons of U.S. corn, wheat, soybean meal, vegetable oil, and cotton.

As part of the Agricultural Appropriations Act for Fiscal Year 1983, Congress directed that not more than $500 million is to be used for CCC direct export credits.

On January 11, 1983, President Reagan announced the use of an additional $250 million in interest-free direct credits to be blended with credit guarantees to finance at least $1.25 billion in blended credit export sales.

In addition, on January 17, 1983, Egypt signed an agreement with the United States to buy 1 million metric tons of U.S. wheat flour over the next 12 to 14 months. The Department of Agriculture is providing enough CCC-owned wheat to enable U.S. suppliers to sell and deliver wheat flour at the agreed-upon price of $155 per metric ton. Credit guarantees will also be used. This action will utilize surplus U.S. wheat to meet the competition from subsidized French wheat flour sales to Egypt.

Despite these and other efforts to increase U.S. agricultural exports, the value of sales continue to decline. Additional export promotion efforts are needed.

The target price adjustment is expected to help rectify the current domestic surplus supply situation by providing farmers with the correct economic signal to cut back on overproduction. At the same time, however, the committee believes that certain actions should be taken to strengthen market prices. In keeping with a market oriented farm policy, market prices will best be strengthened through increasing agricultural exports.

PUBLIC LAW 480

H.R. 4072, as amended by the Senate Agriculture Committee, expresses the sense of the Senate that the President should request an additional appropriation of $325 million for the Public Law 480 program over the next 2 years. The increase would be in addition to the President's February 1984 request for $90 million, and would be divided into $150 million in fiscal year 1984 and $175 million in fiscal year 1985.

Public Law 480, also known as the Agricultural Trade Development and Assistance Act of 1954, was signed into law by President Eisenhower. In 1984, we will be celebrating the thirtieth anniversary of the Public Law 480 program.

Public Law 480 programs support the economic, humanitarian, and foreign policy objectives of the United States by providing assistance to alleviate hunger and malnutrition, by promoting economic progress within developing countries, and by expanding international trade and developing markets for U.S. agricultural commodities.

Title I of Public Law 480 provides for concessional sales of agricultural commodities to friendly countries. Agreements under title I may provide for either dollar credit with up to a 20-year repayment period or convertible local currency credit with up to a 40-year repayment period. The grace period for dollar credit agreements may be as long as 10 years. Specific downpayments in dollars may be required under both types of agreements. Minimum interest rates under both types of financing are set by law at 2 percent during the grace period and 3 percent thereafter. The terms of the sales agreements are determined on a case-by-case basis.

Although the Commodity Credit Corporation finances the sale and export of commodities under title I, actual sales are made by private U.S. suppliers to foreign importers, Government agencies, or private trade entities. The Commodity Credit Corporation finances sales by paying suppliers directly through the U.S. banking system for the portion of their sale not covered by the required downpayment. The Commodity Credit Corporation then collects the amount provided for in the agreement from the importing country in accordance with the specified repayment terms.

The title II food donation program aims to alleviate hunger and malnutrition of people in the poorest countries of the world. Women, infants, preschool children in maternal child and day care centers, older children in school feeding programs, and adults in food for work projects are priority recipients of title II food aid. Administered jointly by the Department of Agriculture and the Agency for International Development, title II activities are carried out by three types of operating agencies: First, nonprofit U.S. voluntary agencies; second, intergovernmental organizations, and third, recipient governments. Voluntary agen-

cies serving as cooperating sponsors include Catholic Relief Services, Cooperative for American Relief Everywhere, Church World Service, Lutheran World Relief, American Joint Distribution Committee, Seventh Day Adventist World Service, and the Cooperative League of the USA. Intergovernmental organizations are the World Food Program, and U.N. International Children's Emergency Fund.

The International Development and Food Assistance Act of 1977 added new title III provisions to Public Law 480 establishing a food-for-development program. This program gives special emphasis to improving the access of poor people to food and enhancing in other ways the quality of their lives. Its overall goal is to increase the access of the poor in the recipient country to a growing and improving food supply through activities designed to improve the production, protection, and utilization of food, and to increase the well-being of the poor in the rural sector of the recipient country.

Title III offers recipient countries two special provisions. The first stipulates that the funds generated through the local sale of Public Law 480 title I commodities be used to support programs of agricultural development, rural development, nutrition, health services, or population planning. The title I repayment obligation to the Commodity Credit Corporation is forgiven if it is determined that the local currencies or the commodities themselves have been used in support of those programs. The second special provision offers multiyear commitments of up to 5 years, provided commodities are available for programing through Public Law 480 and the recipient country has made progress under the agreed upon development plan.

Title III requires that of the annual aggregate value of title I agreements, not less than 15 percent is to be under title III in fiscal year 1980 and each fiscal year thereafter. However, the President may waive the minimum requirement if he determines that there are an insufficient number of projects which qualify for this assistance and the reasons for the waiver are reported to Congress.

To qualify for assistance under the title III program, a country must first, demonstrate a need for external resources to improve its food production, marketing, distribution, and storage system; second, meet the eligibility criteria of the International Development Association for development loans; third, have the ability to use the resources made available through the sale of food commodities; and fourth, undertake self-help measures to expand and improve production, storage, transportation, and distribution of agricultural commodities. As is the case for title I, no commodity will be shipped unless at the time of exportation adequate storage facilities are available to prevent spoilage and waste, and the commodities will not create a significant disincentive to domestic production in the recipient country.

Public Law 480 has been a highly successful program. Korea provides just one example of how this has worked.

From 1956 through 1981, the United States provided a total of $1.6 billion worth of title I assistance to Korea. At the time it started receiving title I assistance, Korea was suffering serious economic disruption from prolonged war. Per capita income was about $100 annually, the agricultural and industrial sectors were very weak, and exports in the late 1950's totaled only about $20 million annually. Today annual per capita income is $1,500, and Korea has a highly developed rural and industrial sector, with annual exports amounting to over $18 billion.

In the beginning, Public Law 480 provided Korea with critically needed food imports, mainly wheat, rice, and corn, on highly concessional terms. This assistance helped conserve scarce foreign exchange needed for agricultural and industrial development, and provided critically needed local currency to support recovery efforts. AID and Public Law 480 assistance helped support programs in the rural sector to bring about significant improvements in transportation, rural electrification, extension services, and credit programs for farmers, and to increase rice production.

It is now apparent that the U.S. investment in Korea through Public Law 480 program will bring many returns for U.S. farmers. With help of this program over the years, Korea now has developed into a mature commercial market, and is our fifth most important customer of agricultural products. Contrasted to the $1.6 billion provided through Public Law 480 title I over nearly 25 years, Korea now purchases nearly $1.5 billion annually in U.S. commercial agricultural exports.

The increases in Public Law 480 funding called for in this bill should continue the traditional proportions of a 2-to-1 ratio of title I to title II. In fact, if the total Public Law 480 funding is increased further, I believe that the emphasis should be on those programs which develop commercial markets for U.S. farm products.

AGRICULTURAL EXPORT CREDITS AND CREDIT GUARANTEES

Credit availability is an important factor in expanding U.S. agricultural exports. Since 1956, the U.S. Department of Agriculture has operated commercial agricultural export credit programs through the CCC. From 1956 through 1980, the U.S. Department of Agriculture offered direct export credit whereby the CCC made loans to foreign purchasers of U.S. agricultural commodities. Over $9 billion worth of U.S. agricultural commodities were exported under the direct credit programs.

During the Carter administration, direct export credit programs were discontinued due to budget constraints. The U.S. Department of Agriculture stopped requesting budget authority for direct credit programs in fiscal year 1980. Instead, it relied on loan guarantees because they are not likely to require direct Federal outlays. Under the guarantee programs, loans are made by U.S. banks at commercial rates of interest with the CCC guaranteeing repayment in the event of default by the foreign purchaser. The Department earmarked $1.6 billion for export credit in fiscal year 1982 and $4.8 billion in fiscal year 1983. However, many foreign customers have stated that they prefer the direct credit programs to the credit guarantees.

President Reagan reestablished the principle of direct export credit through the blended credit program which blends interest-free direct credit, GSM-5, with credit guarantees of private lenders, GSM-102. Since the program's inception in October 1982, blended credit has been approved to finance the sale of more than 7 million tons of U.S. corn, wheat, rice, cotton, soybeans, and other products.

While the export credit guarantee programs are indeed useful, they do not take the place of direct export credit programs. There is heavy competition in foreign markets today. Many competitors of the United States in the international market offer their exporters direct credit with interest rates often far below the rates available to U.S. exporters of agricultural commodities. Interest on private loans under the guarantee program is often 2 to 4 percentage points higher than the Federal cost of borrowing. Such a high interest rate reduces the attractiveness. The lack of direct credit places exporters of U.S. agricultural commodities at a disadvantage and is a deterrent to expanding U.S. farm exports.

Direct credit offered by the Commodity Credit Corporation should act as a quick stimulus to exports. In a time of sluggish economic growth, many potential importers currently do not have the money to buy needed agricultural commodities. If CCC direct credits were made available to these countries, purchases of U.S. farm products would likely increase.

Moreover, direct credit is one of the best tools available for developing commercial markets in less-developed countries. Many of these countries are experiencing balance of payments

problems and have limited foreign exchange and thus, are likely to be viewed by many banks as too great a credit risk. Yet, it is the developing country markets that show the strongest potential for future growth in agricultural exports.

Export credit guarantees have also been used aggressively by the Reagan administration as a cost-effective means of providing export financing. Through the guarantees, the private sector provides the actual financing and the Government does not have to make an initial outlay.

S. 2304, introduced by Senators BOSCHWITZ, BOREN, PRYOR, and myself, would significantly increase the level of export credit guarantees for fiscal year 1984, along with other provisions. On February 23, 1984, Senator BOSCHWITZ conducted a hearing in the subcommittee which he chairs on foreign agricultural policy, and guarantees. Support was also expressed for the provision in his bill which provided funding for the intermediate credit programs and established intermediate credit guarantees.

Intermediate credit is designed to bridge the gap between the 40-year, concessional terms of Public Law 480 financing, for example, and the 3-year terms of CCC direct credit. The specific authority for intermediate credit was contained in the Agricultural Trade Act of 1978, which amended the Food for Peace Act of 1966. It provides for credit of 3 to 10 years for certain purposes, such as the purchase of breeding animals or the construction of improved handling facilities in a foreign customer's country.

The intermediate credit programs—GSM-201 and GSM-301—have had almost no use at all. S. 2304 would require that certain limited amounts of Commodity Credit Corporation funds would be used for these programs.

H.R. 4072, as amended by the Senate Agriculture Committee, includes several of the concepts of export initiatives contained in S. 2304. It calls for an increase in export credit guarantees of $500 million in 1984 and $1.1 billion in 1985.

As I stated at that time, an additional amount of $100 million would be made available for the direct export credit programs of the CCC, such as GSM-5. An additional $50 million would be made available for either direct credit programs or Public Law 480. Senator BOSCHWITZ has clarified that these amounts could be used for the intermediate direct credit programs, as well as short-term direct credit.

The importance of credit is illustrated by the example of Korea. The Republic of Korea has requested $150 million of export credit guarantees for the purchase of U.S. cotton. Korea is an important market, as I related earlier. The Department of Agriculture is urged to give full consideration to providing such credit as is useful in financing such sales.

American export credit programs should be used aggressively to develop markets for U.S. farm products.

FARM CREDIT—EMERGENCY AGRICULTURAL CREDIT ASSISTANCE

Mr. President, the provisions in this bill dealing with agricultural credit are a reasonable approach to providing needed assistance to farmers facing financial difficulty because of last summer's drought.

The distinguished Senators from Kentucky and North Carolina have been working for several months to put together a fiscally responsible credit package that provides substantial help for hard pressed producers. We have accomplished that goal with this legislation.

Other Senators, notably Senator GRASSLEY and myself, contributed to this effort through the inclusion of several provisions which address particular problems farmers are experiencing because of the drought. Provisions of S. 2379, the Drought Assistance Equity Act introduced by myself and Senator GRASSLEY, are included in this bill.

We have also incorporated many of the provisions of S. 24 dealing with the rescheduling of operating loans and the interest rate on those rescheduled loans as well as providing for additional economic emergency loan funds. Also, this bill increases the limit on insured and guaranteed farm operating loans a borrower might receive and mandates that at least 20 percent of farm ownership and farm operating loans go to low income limited resource applicants.

Other provisions in this bill would facilitate the submission of disaster declarations, but are contiguous to declared counties. If enacted, this bill would protect the value of farm assets used for collateral purposes against adverse fluctuations which occur during a major agricultural natural disaster. Also, producers will have an additional 2 months in which to submit disaster loan applications.

The bill will allow producers in counties without a formal disaster declaration but which are contiguous to a declared disaster area, to submit applications to determine eligibility for production loss loans. In many cases, countywide crop losses are not sufficient to warrant a disaster declaration, but individual producers in those counties may incur significant losses due to severe weather. If a neighboring county has received a disaster declaration, this legislation would extend the same consideration for submission of production loss applications to producers in the county contiguous to the declared county as if their county had received a declaration. Of course, these applicants would have to meet the applicable eligibility requirements to receive emergency disaster loans.

Currently, farmers experiencing a crop loss due to a natural disaster have 6 months in which to submit applications to the Farmers Home Administration. Under the bill, this time period would be extended to 8 months. This extension would insure that all farmers have adequate time to evaluate their crop losses and to file the necessary documentation for loan assistance.

The committee bill would protect the value of farm real estate, equipment and livestock used as collateral for Farmers Home Administration loans against the sharp depreciations which often accompany a massive crop failure. The bill would require that the Secretary value the assets based on the higher of the value of the assets on the day before the governor of the State in which the farm is located requests assistance under the emergency loan program or the Disaster Relief Act of 1976 for any portion of such State or the value of such assets 1 year before such day. Unfortunately, many farm failures occur after significant crop losses and other difficulties brought on by natural disasters. A surplus of land, equipment or livestock on the market brings down the value of collateral for all farmers, diminishing their ability to raise necessary capital. This provisions will partially insulate the value of this collateral, for purposes of emergency loans, against the economic upheaval in the agricultural community following a natural disaster and widespread crop failures.

The bill would require that, with respect to the court-ordered economic emergency loan program operated from December 22, 1983, through September 30, 1984, the Secretary must make at least $310 million in insured economic emergency loan funds available to eligible borrowers during the remainder of this fiscal year. Also, the Secretary is granted the discretionary authority of making additional insured obligations totaling not more than $290 million. This credit will provide necessary funds for many farm borrowers who are not eligible for other FmHA loan programs or who may need loans in amounts above the individual limits of these programs.

The bill would increase the limitation on individual indebtedness under the FmHA farm operating loan program from $100,000 to $200,000 in the case of insured loans and from $200,000 to $400,000 in the case of guaranteed loans. This increase is reflective of the increased annual operating costs in modern agriculture. Many small, family farms find they need more than $100,000 of credit each year and this provision addresses that need.

Under current law the repayment period for consolidated or rescheduled FmHA farm operating loans cannot exceed 7 years. Under the committee bill, this repayment period would be extended to a maximum of 15 years. This additional time will allow FmHA greater flexibility to assist financially troubled borrowers to restructure their debt service to maintain viable operations.

In order to further assist farm borrowers, the bill would require that for insured farm ownership, farm operating, and disaster emergency loans that are deferred, consolidated, rescheduled, or reamortized by FmHA, the interest rate will be the lower of the rate of interest on the original loan or the current rate of interest. This provision will assist FmHA borrowers having difficulty making repayment by allowing an interest rate on rescheduled or consolidated loans to no higher than the original rate of interest. Currently, borrowers may find that the current interest rate on a consolidated or rescheduled loan is higher than their original rate of interest. This will insure that these borrowers are provided with the lowest interest rate of the current or original rate of interest.

The committee bill requires that at least 20 percent of the insured farm ownership and farm operating funds be made available to low income, limited resource borrowers. These borrowers have little equity and less repayment ability than borrowers under the regular programs and are therefore in need of the subsidized interest rates available under these programs. Limited resource borrowers in the farm operating loan program currently receive loans at 7.25 percent interest rates while limited resource farm ownership loans carry interest rates of 5.25 percent. The requirement that at least 20 percent of the authorized funds be made available to low income limited resource borrowers will insure that an adequate amount of this money will go to these applicants.

Furthermore, FmHA farm borrowers must be notified of the limited resource loan programs and how applications may be submitted for such loans. It is the intent of this provision that this notification may be accomplished during the normal course of loan making and servicing contact with each borrower.

These credit provisions will assist many FmHA borrowers experiencing difficulty because of last summer's drought or other economic pressures in the agricultural community during the past several years. The enactment of this legislation will provide much needed assistance to these borrowers to avoid liquidation and regain financially stable farm operations. I was disappointed that one provision of S. 2379, the Drought Assistance Equity Act, was not accepted during markup. This commodity equity provision could be a great help to drought-stricken farmers and I will have more to say about this at the appropriate time.

Mr. President, the bill reported by the committee will allow farmers to improve the financing of their farming operations, control overproduction, and have the opportunity to make a profit in the marketplace. Beyond that, this legislation will bring target price levels into better balance with farmer's costs and save the American taxpayer nearly $3 billion over a 4-year period, according to the congressional budget.

Mr. President, I ask unanimous consent that a letter from Mr. William G. Lesher, Assistant Secretary for Economics, Department of Agriculture, with attachments, concerning the budgetary impacts of H.R. 4072, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 13, 1984.

HON. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN HELMS: Attached per your request is an assessment of the budgetary impacts of H.R. 4072. The material includes an overall summary assessment of the budgetary impacts attributable to the provisions in H.R. 4072 for commodity programs, export assistance and drought and credit assistance. Additional supporting material with assumptions and detailed background are provided for each of these major areas.

I know there is a great deal of interest in the budgetary implications of the proposed legislation and I have attempted to provide a straightforward and concise review of assumptions and impacts.

Sincerely,

WILLIAM G. LESHER,
Assistance Secretary for Economics.

IMPACTS OF COMMODITY PROGRAM PROVISIONS

[In billions of dollars]

	CCC outlays			Comparison to current law	
	Current law	President's budget	H.R. 4072	President's budget	H.R. 4072
Wheat:					
Fiscal year 1984	3,151	3,151	2,898		−253
Fiscal year 1985	2,506	2,440	3,049	−66	+543
Fiscal year 1986	3,022	2,953	2,354	−69	−668
Fiscal year 1987	2,944	2,031	2,166	−913	−778
Fiscal year 1984–87	11,623	10,575	10,467	−1,048	−1,156
Fiscal year 1985–87	8,472	7,424	7,569	−1,048	−903
Corn:					
Fiscal year 1984	−1,720	−1,720	−1,720		
Fiscal year 1985	1,068	1,068	1,311		+243
Fiscal year 1986	2,901	1,426	1,992	−1,475	−909
Fiscal year 1987	4,169	2,634	2,572	−1,535	−1,597
Fiscal year 1984–87	6,418	3,408	4,155	−3,010	−2,263
Fiscal year 1985–87	8,138	5,128	5,875	−3,010	−2,263
Cotton:					
Fiscal year 1984	517	517	517		
Fiscal year 1985	710	710	798		+88
Fiscal year 1986	739	552	657	−187	−82
Fiscal year 1987	895	522	521	−373	−374
Fiscal year 1984–87	2,861	2,301	2,493	−560	−368
Fiscal year 1985–87	2,344	1,784	1,976	−560	−368
Rice:					
Fiscal year 1984	380	380	380		
Fiscal year 1985	344	344	364		+20
Fiscal year 1986	313	286	373	−27	+60
Fiscal year 1987	293	275	288	−18	−5
Fiscal year 1984–87	1,330	1,285	1,405	−45	+75
Fiscal year 1985–87	950	905	1,025	−45	+75
Total for 4 commodities:					
Fiscal year 1984	2,328	2,328	2,075		−253
Fiscal year 1985	4,628	4,562	5,522	−66	+894
Fiscal year 1986	6,975	5,217	5,376	−1,758	−1,599
Fiscal year 1987	8,301	5,462	5,547	−2,839	−2,754
Fiscal year 1984–87	22,232	17,569	18,520	−4,663	−3,712
Fiscal year 1985–87	19,904	15,241	16,445	−4,663	−3,459

SUMMARY—OUTLAY IMPACT OF H.R. 4072

[In millions of dollars]

	Fiscal Year					
	1984	1985	1986	1987	1984–87	1985–87
Commodity program provisions:						
Current law estimate	2,328	4,628	6,975	8,301	22,232	19,904
Impacts of H.R.4072:						
Corn		+243	−909	−1,597	−2,263	−2,263
Wheat	−253	+543	−668	−778	−1,156	−903
Cotton		+88	−82	−374	−368	−368
Rice		+20	+60	−5	+75	+75
Total, impact of commodity program provisions	−253	+894	−1,599	−2,754	−3,712	−3,495
Export Assistance:						
Public Law 480	+150	+175			+325	+175
Direct credit		+150	−44	−43	+63	+63
Export guarantees[1]	(+500)	(+1,100)			(+1,600)	(+1,100)
Total, impact of export assistance[2]	+150	+325	−44	−43	+388	+238
Drought and credit assistance:[3]						
Emergency disaster loans:						
Loan level[4]	(+465)	(+200)	(+200)	(+200)	(+1,065)	(+600)
Outlays[5]		+23	+30	+34	+87	+87
Economic emergency direct loans:						
Loan levels[4]	(+250)				(+250)	
Outlays						
Total, impact of credit		+23	+30	+34	+87	+87
Grand total outlay impact of H.R. 4072	−103	+1,242	−1,613	−2,763	−3,237	−3,170

[1] Represents guaranteed credit level.
[2] Higher exports generated by Public Law 480 and export credit cause lower outlays for CCC loan activity. However, any reduction in CCC outlays due to higher commodity price caused by export initiatives are assumed to be offset with possible rescheduling or defaults that might occur with such export programs.
[3] No estimate has been made of the impact of several FmHA operating loan provisions. These provisions are likely to increase loan demand, but any increase in aggregate loan levels to accommodate the additional demand will require adjustments in appropriations. Such upward adjustments in the lending level are not assumed.
[4] Loan level does not increase USDA outlays since loans are sold to Federal Financing Bank. However, Treasury borrowing will increase even though it is off-budget.
[5] Outlay for loan programs reflect interest subsidies.

COMPARISON OF COMMODITY PROGRAM PROVISIONS

Program provisions	Units	1983–84	Current services			President's budget			H.R. 4072		
			1984–85	1985–86	1986–87[1]	1984–85	1985–86	1986–87[1]	1984–85	1985–86	1986–87[1]
WHEAT											
Acreage reduction program (ARP)	Percent	15	30	30	30	30	30	30	20	20	30
Paid land diversion (PLD)	do	5							[2]10	[2]10	
Payment rate	Dollars per bushel	2.70							2.70	2.70	
Payment-in-kind (PIK)	Percent	10–30				10–20			10–20		
Payment rates as percent of yield	do	95				75			85		
Loan rate	Dollars per bushel	3.65	3.30	3.30	3.30	3.30	3.30	3.30	3.30	3.30	3.30
Target prices	do	4.30	4.45	4.65	4.85	4.45	4.45	4.45	4.38	4.38	4.38
CORN											
Acreage reduction program (ARP)	Percent	10	10	15	20	10	15	20	10	10	20
Paid land diversion (PLD)	do	10								[2]5	
Payment rate	Dollars per bushel	1.50								1.50	
Payment-in-kind (PIK)	Percent	10–30									
Payment rates as percent of yield	do	80									
Loan rate	Dollars per bushel	2.65	2.55	2.55	2.55	2.55	2.55	2.55	2.55	2.55	2.55
Target prices	do	2.86	3.03	3.18	3.33	3.03	3.03	3.03	3.03	3.03	3.03
COTTON											
Acreage reduction program (ARP)	Percent	20	25	30	30	25	30	30	25	20	30
Paid land diversion (PLD)	do	5								[2]5	
Payment rate	Cents per pound	25								25	
Payment-in-kind (PIK)	Percent	10–30									
Payment rates as percent of yield	do	80									
Loan rate	Cents per pound	55	55	55	55	55	55	55	55	55	55
Target prices	do	76	81	81	81	81	81	81	81	81	81
RICE											
Acreage reduction program (ARP)	Percent	15	25	35	35	25	35	35	25	20	35
Paid land diversion (PLD)	do	5								[2]5	
Payment rate	Dollars per hundredweight	2.70								2.70	
Payment-in-kind (PIK)	Percent	10–30									
Payment rates as percent of yield	do	80									
Loan rate	Dollars per hundredweight	8.14	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Target prices	do	11.40	11.90	12.40	12.90	11.90	11.90	11.90	11.90	11.90	11.90

[1] ARP assumptions for the 1986 crops are the same for the 3 comparisons.
[2] 50 percent advance payment. Implementation for corn, cotton, and rice are based on 1984–85 carryover exceeding 1,100,000,000 bushels, 4,000,000 bales and 25,000,000 cwt, respectively.

Export Assistance Summary of Assumptions for Export Package

ADDITIONAL FUNDING

Fiscal year 1984: Plus $500 million GSM-102; plus $150 million P.L. 480 (over and above $90 million supplemental).

Fiscal year 1985: Plus $50 million GSM-310; plus $100 million GSM-5; plus $1.1 billion GSM-102; plus $175 million P.L. 480.

PUBLIC LAW 480 ASSUMPTIONS

1. Allocation between Titles I and II: Fiscal year 1984, Title I, $100 million; Title II, $50 million. Fiscal year 1985, Title I, $130 million; Title II, $45 million.

2. Freight costs: 12 percent of Title I; 34 percent of Title II.

EXPORT CREDIT ASSUMPTIONS

1. Country and commodity allocations to be determined. The allocations will depend on the commodity supply and demand situations in the United States and the importing country as well as the need to meet competition and expand markets.

Drought and Credit Assistance

Emergency Disaster: Reflects a 25-percent increase in anticipated program levels, primarily for extension of eligibility to counties contiguous to disaster areas. Outlays reflect interest subsidies based on a 5-percent interest rate on loans and a cost of borrowing of about 10 percent.

Economic Emergency: Reflects a one-time shift of $250 million from guaranteed to insured loans. No outlay impact because there is no interest subsidy. Loans are sold to Federal Financing Bank which offsets the impact of the loan disbursement. Federal Financing Bank outlays increase to the extent of borrowing to support its loan purchases.

Operating Loans: Several provisions of H.R. 4072 are likely to increase the demand for FmHA Farm Operating Loans, such as the increase in loan limit on insured farm operating loans from $100,000 to $200,000. Any increase in loan levels would require appropriation action.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, I commend the distinguished Senator from Iowa for his part in helping bring this legislation to the floor, and the distinguished chairman of the Agriculture Committee, the Senator from North Carolina, Mr. HELMS, who at this moment is conducting another very important hearing in the Agriculture Committee relating to food stamps. That is the reason for his absence from the floor at the present time.

Mr. President, H.R. 4072, as amended by the Agriculture Committee, will make adjustments in the wheat, feed grain, upland cotton, and rice programs and provide much-needed credit assistance to our Nation's farmers.

This is important legislation that will make the farm programs more effective and reduce outlays under those programs.

Also, during the discussions that led to the committee's decision to consider—and subsequently to approve—substantial amendments to the bill, the administration agreed to take several actions to help farmers increase export sales.

We must strengthen our agricultural export markets if our Nation's farmers are to share in the economic recovery, and the administration's proposed export initiative will do much to accomplish this.

Therefore, I urge the Senate to approve this legislation.

PURPOSE OF THE LEGISLATION

The reported bill is designed to address the high costs of the farm programs while making improvements in the programs to increase producer participation. In addition, the bill includes a number of provisions that will eliminate deficiencies in the Federal farm credit programs.

I am pleased that the proposal before the Senate makes no changes in the 1984 commodity programs, except for wheat, and counterbalances target price freezes in 1985 with authority for paid diversion programs and a commitment from the administration that export assistance will be increased.

Some concern has been expressed about modifying the target prices established in the 1981 farm bill. I agree that we should endeavor to help our Nation's farmers who have experienced dismally low levels of farm income over the past few years, depressed prices in 1981 and 1982, and the drought of 1983.

However, the target prices established under the 1981 farm bill were set at a time when inflation was at a high level and was expected to continue at a high level. Inflation has moderated and the target levels should be adjusted to reflect that fact.

I believe the changes proposed in H.R. 4072, as reported, will reduce costs under the commodity programs without reducing their effectiveness for farmers.

CREDIT ASSISTANCE

Key components of the committee bill are the provisions in title II which will provide our farmers significant credit assistance. The major provisions of title II were offered by me as an amendment during the committee's markup of H.R. 4072. The provisions are taken, in the main, from bills I introduced during the first session of this Congress—S. 24 and S. 1949.

Credit remains a serious problem for farmers, and the threat of foreclosure is the most demoralizing aspect of the recession in the agricultural economy.

During the last 2 years, over 15,000 farmers with Farmers Home Administration loans have been forced to liquidate their operations for financial reasons.

Federal credit programs need to be adjusted immediately to prevent additional foreclosures against farm operators who are experiencing temporary financial difficulty through no fault of their own.

The credit portion of the committee bill addresses this issue in several ways.

It specifically requires the Department of Agriculture to make the natural disaster emergency loan program available to farmers not now being assisted by that program.

Although the law already contains broad eligibility criteria that require FmHA to make natural disaster emergency loans available based on individual production losses without regard to county disaster disignations, the Farmers Home Administration continues to use the county designation system, a system that effectively withholds assistance from some eligible farmers.

The committee bill addresses the administrative aspects of this matter by requiring the Farmers Home Administration—If the agency continues, for administrative purposes, to use the county designation procedure rather than consider individual applications on a case-by-case basis—to make emergency loans available based on individual losses to persons in counties contiguous to designated counties.

I will point out that Congress amended the law in 1978 to make natural disaster emergency loans available based on individual losses regardless of whether or not a farmer lives in a designate county. This bill does not alter the revisions made in 1978. Therefore, nothing in the bill should be construed as limiting access to the program by individual farmers, regardless of where they reside.

The committee bill makes other improvements in the natural disaster emergency loan program and mandates the immediate allocation of an additional $253 million in funding for the economic emergency direct loan program.

Under the bill, the administration will have the same authority it has today to make a much larger amount of direct loan assistance available through the economic emergency loan program than is currently budgeted. It is my hope that the administration will provide more direct loans without waiting for passage of this legislation. Further, I want to stress that the $253 million in additional direct loan funds mandated in the bill is a minimum, and I believe our Nation's farmers may well need more than that amount.

The committee bill also makes improvements in the FmHA farm operating loan program and insures better credit terms for farmers forced to reamortize or reschedule their FmHA farm loans.

The bill provides that loans that are rescheduled or reamortized be done so at the current or original rate of interest, whichever is lower. In cases where loans with different interest rates are consolidated, blending the interest rates—taking into account the outstanding principal of each loan to be consolidated—is an alternative that should be considered by the agency.

Finally, the committee bill requires the Farmers Home Administration to make loans available under the low-income limited-resource farmer programs. It is the committee's intention that the agency fully use the funds allocated for these programs.

To facilitate this, the bill requires the Farmers Home Administration to take steps to notify borrowers of the availability of these programs. Press releases, signs in county offices, inserts into scheduled mailings and servicing notices, and individual meetings with borrowers are all appropriate ways for the Farmers Home Administration to provide notificaiton to borrowers of the existence of these programs. In an case, the purpose of the notification provisions of the bill is to insure that all Farmers Home Administration farm borrowers, as well as new applicants, be given the opportunity to participate in the limited-resource farmer programs if they qualify.

Some of the improvements contained in the credit portion of the bill could be accomplished administratively. In fact, I have urged, and continue to urge, the administration to take steps administratively, under existing law, to address farm credit needs.

Certain aspects of this credit package must be accomplished through legislation. Therefore, adoption of the committee-reported bill by the Senate is essential to insure that the Government farm credit programs are strengthened sufficiently to meet the current needs of our Nation's farmers.

COMMODITY PROGRAMS

The bill would adjust the target price of wheat for both the 1984 and 1985 crops. For the 1985 crops of feed grains, upland cotton, and rice, target prices would be held at the same level as provided in current law for the 1984 crops.

The bill establishes the target price for wheat at $4.38 per bushel for both the 1984 and 1985 crops. Without enactment of this bill, the target price for wheat would rise to $4.65 per bushel next year—more than $1 a bushel above projected market prices.

Because of the substantial excess supply of wheat in prospect with respect to both the 1984 and 1985 crops, the bill directs the Secretary of Agriculture to establish a paid land diversion program in conjunction with an acreage limitation program for both years. The smaller harvest of wheat under the acreage reduction programs can lead to higher market prices and lower Federal outlays.

The bill changes the terms of the acreage reduction program for the 1984 crop of wheat previously announced by the administration. The announced program requires that 30 percent of a participating farmer's base acreage be diverted from production without compensation. Under the provisions of the bill, the same percentage of the farm base acreage must be diverted from production in 1984, but the farmer would receive compensation for 10 percent of the base acreage diverted.

For 1985, participating wheat farmers will have to limit their plantings of wheat to the acreage base for the farm reduced by a total of up to 30 percent—up to 20 percent unpaid and 10 percent paid.

For both crops, one-half the diversion payment would be made to the farmer as soon as practicable after the diversion contract is signed. The diversion payment rate—for both the 1984 and 1985 crops of wheat—will be not less than $2.70 per bushel.

The target prices for the 1985 crops of feed grains, upland cotton, and rice will be set at the levels established for the 1984 crops—$3.03 per bushel of corn, $11.90 per hundredweight of rice, and 81 cents per pound of upland cotton.

There could be acreage reduction programs for the 1985 crops of these commodities depending on the estimated ending inventories—the carryover stocks—of these commodities after the 1984 crops are marketed. If estimated stocks will be excessive, acreage reduction programs, including paid diversions, will be put in place for participating producers.

The 1985 feed grain program must include at least a 5-percent paid diversion if carry-over stocks of corn are estimated by the Secretary of Agriculture to exceed 1.1 billion bushels at the end of the 1984 marketing year. The Secretary could also require that up to 10 percent of each farmer's feed grain base acreage be diverted from production without payment. If the Secretary determines that more acreage must be diverted, he could require that an additional 5 percent of each participating farmer's base acreage be set-aside from production. The acreage set-aside in excess of 15 percent must be equal parts paid and unpaid. The diversion payment rate for corn will be not less than $1.50 per bushel.

The carry-over trigger levels are 25 million hundredweight for rice and 4 million bales for cotton. If the cotton trigger level is reached, the upland cotton program for 1985 would include an acreage reduction provision under which at least 25 percent of each participating farmer's base acreage would be diverted from production, with at least 5 percent of that a paid diversion. The rice program would have a similar acreage reduction provision. The diversion payment rates would be 25 cents per pound of cotton and $2.70 per hundredweight of rice.

EXPORT ASSISTANCE AND PUBLIC LAW 480

The administration has agreed to take several actions to expand overseas use of U.S. agricultural products, as a complement to the commodity provisions of the committee bill. These steps are described in the bill, and the sense of Congress is expressed that they should be taken.

Under the administration's export initiative, the amount of agricultural export credit guarantees available under the GSM-102 program will be increased in fiscal years 1984 and 1985.

The additional allocation of export credit guarantees will be $500 million in fiscal year 1984 and $1.1 billion in fiscal year 1985. This additional allocation for agricultural export credit guarantees will bring the total available in fiscal year 1984 to more than $4.5 billion and will set the fiscal year 1985 level at $4.1 billion. These higher program levels have been advocated by many farm groups who argue that adequate export credit guarantees must be available if the United States is to maintain foreign markets.

Also, the administration will use an additional $100 million in fiscal year 1985 for direct agricultural export credits. Such direct export credits have been used in the blended credit program of the past 2 years. The added direct credits could be used for blended credit or for other purposes, such as an intermediate-term credit program that would extend the payback period for loans.

Further, the administration will support additional funding for the food-for-peace—Public Law 480—program. The additional funding will amount to $150 million in fiscal year 1984 and $175 million in fiscal year 1985.

Finally, the administration has agreed, in addition to the specific proposals I just described, to seek further funding for Public Law 480, or to allocate funds for direct export credits, in fiscal year 1985 so that $50 million in supplemental funds are made available for agricultural exports in 1985.

CONCLUSION

H.R. 4072, as reported by the Agriculture Committee, will make needed adjustments in programs of vital importance to our Nation's farmers.

I think that it is unfortunate that the administration has waited until the 11th hour before entering into serious negotiations with Congress concerning changes in the farm programs. This delay has made rapid action on our part imperative.

I urge my colleagues to join me in supporting passage of the committee bill today.

Mr. PRESSLER. Mr. President, I rise in support of H.R. 4072, the Agricultural Programs Adjustment Act of 1984. I also want to commend the leadership and everyone else involved in putting this package together and getting it to the Senate floor. I participated in the 4 days of meetings with Secretary Block and OMB Director Stockman and believe that this package is a good compromise. We must now act on the measure as quickly as possible so that farmers will know what the program will be for 1984 and 1985.

Farmers in my State and around the country are facing very tough economic times. This legislation is not the answer to all farmers' concerns, but it is an important first step to help our farm economy improve. The export promotion provisions should help to increase farm exports again and allow farmers to rely on the market for their price, rather than on Government farm programs. The changes in the farm credit program will also help many farmers weather the tough economic times they have been experiencing.

Finally, the changes in the wheat diversion program will help to reduce production further and boost domestic market prices. The announcement of the 1985 program will also help farmers to plan their future. This will help to stabilize the farm economy. The wide swings in farm programs that we

have experienced in recent years have not been good for long-term farm planning.

I urge my colleagues to join me in support of this measure and move it on to the House of Representatives and the President as quickly as possible.

Mr. GORTON. Mr. President, I rise in support of H.R. 4072, the Agricultural Programs Adjustment Act of 1984. It addresses several critical problems confronting our farm programs and American agriculture.

The cost of our farm programs has increased dramatically in recent years, largely as a result of huge agricultural surpluses. Those surpluses were encouraged by steadily escalating target prices, which were built into the law because inflation was erroneously expected to continue at a vigorous rate through the mid-1980's. The freezing of the target prices of wheat, feedgrains, upland cotton, and rice in this bill should discourage overproduction, reduce our current wheat surplus, and produce substantial budget savings.

In addition to addressing the problem of excess supply, H.R. 4072 also seeks to expand demand for our agricultural commodities. Late last year, I encouraged the Office of Management and Budget (OMB) to increase the level of GSM-102 agricultural export credits above the $3 billion level they had set. After considerable cajoling, OMB agreed to increase that level to $4 billion. I believe the increases in both GSM-102 credits and GSM-5 direct loans provided in H.R. 4072 are entirely warranted. They will help us market our agricultural products more effectively in an increasingly competitive international marketplace.

I also applaud the increased funds for Public Law 480 food aid. I hope that these funds will be directed primarily at the appalling famine in Africa.

The increased funds and liberalized credit for Farmers Home Administration (FmHA) loans will help alleviate serious financial difficulties for many American farmers.

I am concerned about the hidden but real fiscal problem caused by expanding the use of Federal loans and guaranteed credit. I believe, however, that the budgetary impact of the modes expansion of Federal credit in this bill is clearly outweighted by the budget savings of the Bill's target price provisions.

I urge my colleagues to support this important reform in our Federal farm programs.

UNANIMOUS-CONSENT REQUEST—H.R. 4072

Mr. BAKER. Mr. President, I indicated earlier this morning that at about 10:30 a.m. I would propose a unanimous-consent request with respect to the further consideration of the farm bill. I believe that our cloakrooms on both sides have had an opportunity now to notify Senators.

I see a number of Senators in the Chamber who have a particular interest in this measure. The best way to get the ball rolling, I think, is simply to put the request, which I will now do.

Mr. President, I ask unanimous consent that during the consideration of Calendar No. 704, H.R. 4072, an act to provide for an improved wheat program for wheat, it be considered under the following time agreement: 30 minutes on the bill to be equally divided between the chairman of the Agriculture Committee and the ranking minority member, or their designees; 20 minutes on all amendments in the first degree; 10 minutes on all amendments in the second degree; 5 minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate; and that the agreement be in the usual form, with the following exceptions:

That the agreement be qualified as follows:

A Melcher amendment dealing with the wheat target price program;

A Pryor amendment dealing with compensation to farmers for losses due to the grain elevator bankruptcies—1985 rice and cotton;

A Dixon amendment to prohibit Farmers Home Loan employees who review loan applications from acquiring interest in the land for which the loan applies for 3 years;

A Nunn amendment to allow a farmer who is heavily in debt to SBA or Farmers Home Loan Board to get out of farming and into timber, paying off a new loan with timber sales without the loss of his lands;

A Baucus amendment to increase a target price for wheat in 1985 from $4.38 to $4.45;

A Bumpers amendment in the second degree dealing with emergency disaster loans;

And, a 1-hour first-degree amendment dealing with the changes to the bill's paid diversion rates.

Mr. President, since the request is that the management of this bill be in the usual form that would exclude—I wish Senators to understand this; I am sure they do—any other amendments except those which are qualified.

I put that request.

Mr. JEPSEN. Will the majority leader yield?

The PRESIDING OFFICER. Does the majority leader yield to the Senator from Iowa?

Mr. BAKER. Mr. President, the Senator reserves the right to object, and he is entitled to.

Mr. JEPSEN. Mr. President, I reserve the right to object and ask the majority leader to yield for a question.

Mr. BAKER. Yes, Mr. President, may I make one further addition? I further ask unanimous consent that, if the bill has not been disposed of in 3 hours, it be returned to the calendar. That is a part of the request as well, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. BYRD. Yes, Mr. President, at the moment, reserving the right to object.

The PRESIDING OFFICER. Does the Senator from Iowa reserve the right to object?

Mr. JEPSEN. The Senator from Iowa is reserving the right to object, yes, Mr. President, and asking the distinguished majority leader to yield for a question.

Mr. BAKER. Mr. President, I shall be happy to yield for a question.

Mr. JEPSEN. The Senator from Iowa has two amendments, one that was placed in the RECORD initially with regard to the commodity equity provision with regard to the drought. Is that included in the request?

Mr. BAKER. No, Mr. President, it is not, but it would qualify if it is germane, I assume. I should be glad to add that to the list if it qualifies.

Mr. JEPSEN. It does qualify as germane. I ask the majority leader if he would add two amendments to the request: One on commodity equity, which has been around since day 1, and also an amendment relating to commodity setaside acres.

Mr. BAKER. I add that to the request, Mr. President,

Mr. PRYOR. Reserving the right to object, Mr. President, the majority leader a moment ago, if I heard right, indicated that the Senator from Arkansas had one amendment dealing with grain elevator bankruptcies. Is that correct?

Mr. BAKER. Yes, Mr. President, that is correct.

Mr. PRYOR. Let me say to the distinguished majority leader that I do have, actually, two amendments. One deals with the rice issue, a rice amendment; the other would be the amendment that the distinguished majority leader referred to, the grain elevator bankruptcy amendment.

Mr. BAKER. I thank the Senator. I amend my request to include two amendments by the distinguished Senator from Arkansas as he describes them.

Mr. PRYOR. I thank the majority leader.

Mr. BUMPERS. Mr. President, further reserving the right to object on behalf of my colleague and myself, I would like to state we feel the amendment on rice cannot be properly presented in 20 minutes. I think we could probably do it in 40, but I would like to reserve 1 hour and we shall do our best to finish it before that 1 hour ends.

Mr. BAKER. Mr. President, I revise my request to provide 1 hour for the rice amendment.

Mr. BUMPERS. Further reserving the right to object, the majority leader also stated that an amendment by this Senator was an amendment in the second degree dealing with disaster loans. It is an amendment in the first degree.

Mr. BAKER. Mr. President, it was noted on my calendar as an amendment in the second degree. I apologize for that and amend my request to describe it as an amendment in the first degree.

Mr. BUMPERS. The majority leader's question is if this is not completed in 3 hours, it will be returned to the calendar?

Mr. BAKER. That is the way this request was formulated, Mr. President. I do not insist on that part. If that is objectionable to the Senator, I shall be happy to revise that.

Mr. BUMPERS. Mr. President, I am not too crazy about this bill. I would like to see it go back on the calendar to stay, but I was curious to see if we were going to keep driving away or if the majority leader has something else of an urgent nature.

Mr. BAKER. Mr. President, I must say that with all the amendments we have now delineated, we cannot complete that in 3 hours, and I delete that from the request.

Mr. BYRD. Reserving the right to object, Mr. President, and I shall object if the Chair puts the question, I want to be heard on a matter.

Mr. HEFLIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Does the Senator from Alabama reserve the right to object?

Mr. HEFLIN. Reserving the right to object, Mr. President, I have an amendment dealing with cotton that is not on the list. I have discussed it in detail with both the majority and minority on the Senate Agriculture Committee, as well as with the Department of Agriculture. I think it is germane, but in order to eliminate any problem that could arise as to germaneness, I would like to add it.

Mr. BAKER. Mr. President, will the Senator tell me if it is a first-degree amendment the Senator will propose?

Mr. HEFLIN. It would be a first-degree amendment.

Mr. BAKER. Mr. President, may I amend that request to qualify the Heflin amendment as a first-degree amendment?

Mr. MELCHER. Reserving the right to object, Mr. President, what we have here is a sort of request that is an impossible request for any final disposition of the bill, because there is no way of taking up a dozen amendments and voting on them and disposing of them in 6 hours, let alone 3 hours.

Mr. BAKER. Let me say, Mr. President, I agree with the Senator, and I deleted that sentence from the request.

Mr. MELCHER. I thank the majority leader. That has been deleted.

Mr. President, still reserving the right to object, there are some of us in the wheat country who are going to have to have some recognition that this 1985 crop will be a little bit different from what it is in the bill. I had an amendment in the committee to raise the target price for that 1985 crop year from, instead of being $4.38, to being $4.45. In the confusion of the meeting, Dr. Lesher, representing the administration, when he answered the question on how much it cost, said $350 million, maybe $0.5 billion. That was not accurate. Now I have a letter from him dated March 15 that says the cost for 1 year would be $120 million.

This is going to take a little understanding, not just by myself and Senator HELMS and Senator HUDDLESTON, who got copies of Dr. Lesher's letter; it is going to take some understanding of all the committee members, perhaps of the Senate. I think it might take a little bit of time to work some of this stuff out this morning, and I think we could perhaps arrive at an agreement where we would not even have to vote; we could just have it accepted and go on from there on our particular problem on that 1985 crop year for wheat.

I think I understood the Democratic leader to say that if the request is changed in the form on whether or not it goes back to the calendar after 3 hours if it is not disposed of, that will be objected to. Do I understand the Democratic leader correctly?

Mr. BYRD. I beg the Senator's pardon?

Mr. MELCHER. If the form of the request is that it is going to go back on the calendar if that portion is deleted, if the bill is not disposed of in 3 hours, would the Senator object?

Mr. BYRD. As I understand it, Mr. President, the distinguished majority leader removed that request. I do not have any problem.

Mr. MELCHER. The Senator does not have any problem?

Mr. BYRD. I do not have any problem, Mr. President.

Mr. MELCHER. I think we cannot work out this wheat deal in 20 minutes, 30 minutes, or an hour right now. I think it would be better to thrash it out ahead of time. I have been around here and willing to do it with the leaders of the committee and the floor managers of the bill, and I think maybe we can do so. I hope the majority leader can withhold that request for a short time.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. BAKER. Mr. President, let me say this: As I advised the minority leader, the leadership on this side would like to ask the Senate to recess at 10:50 a.m. There is no secret about it: The President is coming here to address the Republican caucus on a matter of importance. I think it will accommodate Senators who wish this if we just recess now with this request pending and when we come back, we can pick up where we left off. Let me assure Members, I have no desire to cut anybody out and it may be we would be better off, but I would like to leave this unanimous-consent request pending and ask unanimous consent that the Senate stand in recess until 12:10 p.m.

Mr. BYRD. Will the Senator withhold that?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. Mr. President, let me state what my problem is: I have not seen in writing the entire request. That is no fault of the majority leader; we have been sort of piecing it together. I want to make very sure—this is no problem, I can vote on this request as stated right now. But I want to make very sure there is not any little loophole in there. I am certainly not casting any animadversions of the majority leader in saying that. He does not intend to leave a loophole.

I want to be sure on all these time agreements that there is no loophole in which another matter or matters entirely nongermane to this matter can come in. That is all.

Mr. BAKER. Mr. President, let me say one thing. Let me clarify that. I believe that "in the usual form" with the stated exceptions takes care of that, but to make it abundantly clear I make my request so that no nongermane amendments in the first or second degree will be in order.

Mr. BYRD. That helps, Mr. President. The majority leader is correct as to the term "usual form," but if there are a majority of votes on a given item that can overturn the Chair, it is just too bad.

Mr. BAKER. That is right. That is in the nature of the institution.

Mr. President, I would really like to ask the Senate to recess at this point and the request will be pending when we return. I can assure Senators that we will make every effort to have everybody back on the floor when we resume consideration of the unanimous-consent request.

RECESS UNTIL 12:10 P.M.

Mr. BAKER. Mr. President, my request is that the Senate now stand in recess until 12:10 p.m.

There being no objection, the Senate, at 10:51 a.m., recessed until 12:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

Mr. WARNER. Mr. President, I see no Member seeking recognition. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. BAKER. Mr. President, I have only been on the floor for a moment, but I venture the inquiry of Members who are present if they know now outright that they are going to object, because if they are, there is no point in trying to work the thing out.

Mr. JOHNSTON. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. JOHNSTON. Mr. President, I was prepared to go along with the unanimous-consent request when it was a matter of a quick 3-hour bill with a terminal limit on it and only germane amendments allowed because I recognized there was an emergency. Indeed, last week, I had specifically agreed. But since it has taken a different tack, I will have to object to the request.

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BAKER. I yield.

Mr. METZENBAUM. Mr. President, the Senator from Ohio was here before when this matter was talked about and was on the floor seeking recognition.

I understand the concern of the Senator from Louisiana which I share.

I wonder if there is not some way of coming to a resolution of the matter by agreeing that if there is a unanimous-consent agreement in connection with the farm bill, that if it has not been concluded within 1 day, 2 days, 3 days, whatever the majority floor leader would decide, at that time it would be set aside in order that we might take up the supplemental appropriations bill which it is my understanding the floor leader intends to go to as the next matter.

I do not think there is any secret about the fact that both the Senator from Louisiana and the Senator from Ohio are seeking a vehicle on which to attach an amendment to permit the Senate to address itself to the subject of oil mergers.

Mr. BAKER. Mr. President, I understand that, and indeed, I talked to the Senator from Louisiana and have a clear understanding of that situation, and I am sure the Senator from Ohio recalls that, in the initial request, there was a 3-hour time limitation, but the Senator from Arkansas and perhaps others indicated that they would not be agreeable as long as that was in there.

If we can put together an agreement that has a different provision, 6 hours, 10 hours, or what-not, or for the remainder of this day, or whatever seems to be agreeable, I am perfectly happy to amend it, but I think what is happening is that we are going to spend a lot of time trying to craft this on the floor when we could be getting on with the debate on the bill itself.

So let me suggest to Senators that I am perfectly willing, indeed eager, to try to work out this unanimous-consent agreement, but maybe the best thing would be to simply withdraw it at this time and let the staff on both sides see if they can reword the request and see if we can find common ground that will permit me, say, at 2 p.m. this afternoon, to renew a request for some agreement of some sort.

Mr. METZENBAUM. The Senator from Ohio was not actually suggesting that he be recognized, and I am not involved in that part of the issue, but if the matter is brought to the floor without any limitation on debate and any time agreement, if the debate with respect to the agriculture bills is not concluded, as of Monday or Tuesday, or whatever the floor leader would decide, which is certainly his prerogative, at that time the Senate would set the matter aside and turn to the supplemental appropriations bill. I am just throwing that out as an idea and ask the floor leader if he will give that consideration.

Mr. BAKER. Mr. President, I thank the Senator. I may say, parenthetically, that it is the hope of the leadership on this side that we can reach the supplemental either yet today or tomorrow.

Mr. President, for the time being, I withdraw my request. May I say to Members that it would be my present intention to renew some sort of request, if we can put one together, at about 2 o'clock this afternoon.

The PRESIDING OFFICER. The unanimous-consent request of the majority leader is withdrawn.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2808

(Purpose: To limit mergers and acquisitions of companies with substantial energy reserves for 6 months in order to provide a time period for Congressional review, and to establish a Special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts to study oil company mergers and acquisitions and to report back to Congress within 120 days)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for himself, Mr. METZENBAUM, and Mr. RUDMAN, proposes an amendment numbered 2808.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

"SEC. . (a) MERGER LIMITATION.—Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof) to acquire control of a substantial energy reserve holder through a purchase of voting securities or assets or a merger after February 28, 1984, and prior to 180 days following the date of enactment of this section.

"(b) LIMITATION ON ROYALTY TRUST OWNERS.—

"(1) Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof, or person acting in concert therewith) who, within the twelve months prior to enactment, had an interest in a royalty trust—

"(A) to acquire, directly or indirectly, by purchase, trade or otherwise any voting securities of, or

"(B) to solicit any proxy, consent or authorization with respect to voting securities of,

any substantial energy reserve holder during the period beginning on February 28, 1984 and ending 180 days after the date of enactment of this section if after such acquisition that person would own, directly or indirectly, or have the power to vote, directly or indirectly, more than five percent of the outstanding voting securities of any such substantial energy reserve holder.

"(2) Any person holding any voting security in violation of paragraph (1) shall be required to divest himself within 30 days after enactment of this section of any voting securities acquired after February 28, 1984.

"(c) DEFINITIONS.—For purposes of this section, the term—

"(1) 'merger' includes mergers, consolidations, or acquisitions whereby one person purchases, directly or indirectly, the voting securities of any person and thereby acquires control or a majority of the assets of another. This section does not apply to mergers for which preliminary approval has been received prior to February 28, 1984 from the Federal Trade Commission and the purchase of controlling stock has taken place, regardless of whether such stock is held in a separate account pending final Federal Trade Commission approval;

"(2) 'person', 'affiliate', and 'control' shall be defined as such terms are defined in the Securities Act of 1933, as amended (15 U.S.C. 77a-77bbbb) and the rules and regulations thereunder;

"(3) 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the re-

quirements of the Financial Accounting Standards Board Statement Number 69; and

"(4) 'royalty trust' means any entity substantially all the assets of which consist of ownership of a nonoperating interest (including a royalty interest or a net profits interest) of one or more oil or natural gas producing properties.

"(d) ENFORCEMENT.—Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that any person has engaged in, is engaged in, or is about to engage in, any acts or practices constituting a violation of this section, the aggrieved person may bring an action in the appropriate district court of the United States to enjoin such acts or pratices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

"(e) ESTABLISHMENT OF COMMISSION.—There is established a special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts.

"(1) MEMBERSHIP.—Membership shall consist of two members selected by the Speaker of the House of Representatives, two member selected by the Minority Leader of the House of Representatives, two members selected by the Majority Leader of the United States Senate, two members selected by the Minority Leader of the United States Senate, and one member selected by the President of the United States.

"(2) STUDY REQUIREMENTS.—The Commission shall study the impact of oil industry mergers, acquisitions and royalty trusts on—

"(A) concentration in the oil and gas industry;

"(B) competition at all levels of the oil and gas industry, including, but not limited to, the effects on independent refiners, marketers and retailers of petroleum products;

"(C) exploration, development and production of oil and gas resources owned by the United States;

"(D) federal revenues from exploration, development and production of oil and gas resources owned by the United States;

"(E) the capacity and incentive of companies aggressively to develop domestic oil and gas resources;

"(F) oil imports, particularly from the Organization of Petroleum Exporting Countries;

"(G) the possibility that foreign interests may acquire a greater ownership interest in domestic energy concerns; and

"(H) domestic credit markets and interest rates.

"(3) REPORT.—The Commission shall report its findings to the Congress within 120 days after enactment of this provision. The report shall include all relevant documentation and data determined by the Commission to be necessary to provide a basis for such findings.

"(4) MISCELLANEOUS PROVISIONS.—

"(A) All federal departments and agencies shall make available, upon request, to the Commission such information as the Commission deems necessary to prepare the required report. Any person who has obtained possession of information under this paragraph shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States with respect to such disclosure.

"(B) The Commission shall hold such hearings and meetings as it deems necessary to collect and evaluate information and make its findings. All such hearings and meetings shall be open to the public unless a majority of the commission votes in open session to close such hearings and meetings.

"(C) Commission members may receive travel and per diem expenses for each day such member is engaged in the work of the commission. Travel and per diem reimbursement shall be up to a daily rate in accordance with the Federal Travel Regulations.

"(D) The expenses of the Commission established by this subsection, including such sums as may be necessary to hire staff and complete its report, shall be paid from the contingent fund of the Senate.".

Mr. JOHNSTON. Mr. President, this is the oil merger amendment that we have heard something about on this floor before.

Mr. President, I rise as a friend of the oil companies, well known as such. I have indeed supported the oil companies, both major companies and independents, in virtually every merger designed to increase exploration that those companies have proposed to this Senate. Some of those things have been enacted, some have not. But, Mr. President, it is very clear that I am a friend of the oil companies and certainly a promoter of exploration for the oil companies.

I rise today, however, because pending mergers and proposed mergers and rumored mergers would have the direct opposite, diametrically opposite, effect of that legislation which I and other producing-State Members have proposed, because it would cut down on the amount of exploration which has transpired.

Mr. President, the distinguished fiancier and economist, Felix Rohatyn, recently stated that the merger mania, the rash of mergers now transpiring, is bound to drive up interest rates. Indeed, Mr. President, within days after he spoke, the prime interest rate has increased by a full one-half of 1 percent.

It is not difficult to see why that increase has come about. It is, in large measure, I submit, Mr. President, because there are now $29 billion-plus of pending mergers, which represent some 13 percent of the total credit available to Americans. And anytime that much additional money is borrowed, is put into the stock market to run up the price of pending oil stocks, then, without question, Mr. President, the prime rate is going to go up. Mr. Rohatyn was correct.

Mr. President, what began as a gentle breeze in 1980, when Shell Oil acquired Belridge Oil Co., and picked up momentum as a gale force wind in the years 1980 to 1983 when U.S. Steel acquired Marathon for $5 billion, Du Pont acquired Conoco for $7 billion, and Occidental Petroleum acquired Cities Service for $5 billion, all within that period of 3 years, what started as a gentle breeze ripened into gale force winds and is now an absolute hurricane, Mr. President.

Within the last 6 weeks, we have seen $29 billion of oil mergers proposed: Texaco-Getty at $10.1 billion; Socal then announced Gulf just a couple of weeks ago at $13.2 billion; followed in rapid order by Mobil's proposed acquisition of Superior for $5.7 billion.

As I say, Mr. President, this represents 13 percent of the credit available to all Americans after the Federal Government takes out its share for retiring the deficit.

Mr. President, on March 14, the distinguished firm of Salomon Bros. Inc., put out a sheet entitled "Mega Mergers: the Incredible Shrinking Oil Industry."

Mr. President, I have great respect for Salomon Brothers. They are a distinguished firm, Wall Street firm. They have, in fact, been involved in many of these mergers and have, indeed, a great financial interest in the mergers.

What they say is:

During the past several months, many oil companies have been mentioned as takeover targets. In this report, we discuss nine such involuntary merger candidates and attempt to identify and measure the risks and rewards to investors in each situation.

In order of attractiveness, those firms are as follows: Unocal, Kerr-McGee, Amerada Hess, Phillips, Murphy Oil, Louisiana Land, Sun Oil, Pennzoil, and Superior Oil.

They go on to say, Mr. President, that the total cost of the firms presently being considered, as they say, "We conclude that these nine takeover targets would be worth $44 to $51 billion if they were merged with other oil firms."

So, Mr. President, we have Salomon Brothers telling us very clearly what is going to happen if we do not do something to slow down the merger mania; $44 to $51 billion of additional mergers wait in the wings—as, indeed, we have seen in the last 6 weeks $29 billion of mergers—unless the U.S. Senate steps in and does something about it. It is indeed no wonder, Mr. President, that interest rates are being raised by this merger mania.

Now, the incredible thing is, Mr. President, that the Congress of the United States has allowed the taxpayers of the United States to underwrite these mergers. The top corporate rate is 46 percent. So when a company that is making billions of dollars borrows billions of dollars in order to take over another oil company, then the taxpayer underwrites that to the tune of 46 percent.

So if we can take the present pending mergers of $29 billion, you can assume that almost half of that is underwritten interest. In other words, if you borrowed $29 billion, you can deduct $29 billion over a period of years from your tax return as that interest is being paid back. Forty-six per-

cent of it is attributable to the taxpayer.

Mr. President, the amendment which we propose would propose a 6-month moratorium on the top 50 oil companies—that is, those with 100 million barrels a day or more of worldwide production—and provide that for a period of 6 months, commencing on February 28 and for 6 months after the bill is passed, no one can acquire these top 50 companies.

It also provides that anyone with a royalty trust or formerly with a royalty trust or an affiliate of a royalty trust cannot acquire or solicit a proxy for more than 5 percent of the top 50 oil companies.

This obviously is designed to deal with the situation of the outstanding solicitation from the Pickens-Mesa group, which is a royalty trust organization. A royalty trust, as I think my colleagues know, is a form of liquidation of the assets of an oil company.

We also provided that anyone who either acquires or holds such voting stock in violation of these provisions must divest himself of those voting securities, and we also provided for a study of the matter by a commission to be appointed by the Speaker of the House, the minority leader of the House, the majority and minority leaders of the Senate, with one member appointed by the President; the idea being that the study should be controlled independent of the administration along the model of the Linowes Commission on Coal.

Mr. President, it is not difficult to say how the oil companies will look the day after the merger mania is complete. The merger mania is well underway now. It is certainly not complete; $29 billion are presently pending and another $44 billion to $51 billion, according to Salomon Bros., wait in the wings as prime candidates. But it is easy to see that what these companies will look like the day after.

First of all, there will be fewer companies. There will be bigger companies. They will have much bigger debts. For example, in the SoCal-Gulf merger, the price of Gulf stock has been written up from less than $40 to $80 over a period of a few weeks, the difference representing additional debt which these two companies will have to pay. Of course, the debt will first have to be paid before any exploration can be done.

In the case of each of these mergers, you have a writing-up of the price of the stock, the assumption of a great amount of debt service, and consequently an inability to perform as much exploration as they presently have.

We have dramatic evidence of that in at least two situations. After Boone Pickens created his royalty trust for the Mesa group, they reduced exploration by 75 percent. After the Occidental Petroleum-Cities Service merger, they reduced exploration by 63 percent.

Mr. President, in addition to having less exploration, you have the inflationary effect upon the economy which is already being felt with the one-half percent of rise in the prime interest rate as predicted by Felix Rohatyn, and eventually you are going to have further inflationary pressures put on the economy by increasing the money supply.

It is very easy to see what in effect is happening, Mr. President. We are taking money from oil and oil exploration and putting it in the hands of those who would not use it for oil or oil exploration.

Mr. President, at a time when domestic reserves are down some 17 percent over a period of 10 years, when some 59 percent of our future crude oil must be discovered offshore, when some 39 percent of future gas must be discovered offshore, when the major oil companies are the only ones who can be in that expensive and risky business of going offshore, then it hardly seems justified that we should be subsidizing the takeovers and combinations and mergers of major oil companies in order that we can have fewer companies burdened more with debt.

What our amendment does, Mr. President, is to allow for a period of 6 months while we can take a look at the question. I do not have any magic solution as to what the Congress ought to do. The Congress might, after a period of 6 months, decide that nothing ought to be done; that we ought to let the additional $51-odd billion of mergers go through; that it is in the national interest to have fewer, bigger oil companies doing less exploration and having their debt underwritten by the taxpayers.

I rather doubt that that is so, Mr. President, but it could be so. There is a whole range of responses that the Congress could take to this problem.

First of all, they could look on the tax side and determine that at a time when we have a $200 billion deficit, when Americans are being asked to do with 3 billion fewer school lunches, when we are cutting back on the highway program, when we are cutting back on the school scholarship program, the BOEGS program, all of the other programs for education, when we are cutting back on nutrition programs, when we are going to have to be cutting back on national defense programs, it hardly seems appropriate to me that we should not take a look at subsidizing the takeover of oil companies when you are dealing with these kinds of megabucks that are involved in these oil company takeovers.

Whether or not that is the appropriate response, I do not know. We might deal with only hostile takeovers, predatory takeovers, as some would call them. But it is clear, Mr. President, that Congress, at this time, is flying blind on a question which fundamentally affects the energy future of this country.

Mr. President, if, in fact, the stock of Gulf is not worth $39 or whatever the price was it was selling at some weeks ago but is now worth $80, then it will be worth $80 in 6 months. We will be doing nothing to the stockholder to deprive his stock of value by delaying this matter while we look at it for 6 months. But if we fail to act, it is clear the the country irrevocably will have lost the ability to look at the question of merger mania.

Mr. President, I hope my colleagues will recognize the seriousness of this problem and vote for this amendment.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. What is the pending question, Mr. President?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Louisiana.

Mr. DOLE. Does it relate to agriculture?

The PRESIDING OFFICER. It is an amendment to H.R. 4072.

Mr. DOLE. I wish we could stop punishing the American farmer with these sideshows on oil mergers and demands for another nickel for one thing or another. Yesterday was National Agriculture Day, and it was our hope, coming from farm States, that we could move ahead with this legislation and pass it today. I know Senators can offer nongermane amendments, and I do not quarrel with the Senator from Louisiana. But I hope we can table this amendment quickly and get on to the farm bill.

There are a lot of farmers who are concerned about the very thing the Senator from Louisiana is concerned about, but they are more concerned about staying on the farm. We believe we have crafted a package, with Democrats and Republicans working together, that will benefit the American farmer.

We have been trying for 6 months to make some changes in agricultural policy, but we have given every Senator a virtual veto because we have not stayed on the floor and filed cloture and tried to break a filibuster.

It would be my hope we would file a cloture motion on the farm bill today—and I have not discussed this with the majority leader—and try to move ahead. We are talking about wheat, cotton, rice, and feedgrains. We are talking about diversion payments to wheat producers. In the State of Texas they will start cutting wheat late in May.

In the State of Kansas, and I think in most States, the great majority of

wheat producers would like to have this program. Here we are again being blocked by a nongermane amendment that has nothing to do with agriculture, except it is going to kill the bill if it is adopted. I am certain that is not the intent of the Senator from Louisiana, but I do hope we can move on with the so-called commodity bill, which provides more money for Public Law 480, more money for export credits, and more money for wheat producers, corn growers, cotton and rice producers. In the view of a bipartisan group of us, Democrats and Republicans, it is a big step in the right direction. But it is very late. The signup for the wheat program expired last Friday, on March 16. We have been promised by the Secretary of Agriculture that if we in fact would make some changes, then he would reopen the program signup period.

Mr. President, it is my hope that at some early time, we could table the nongermane amendment. I hope the farm block would stick together in doing that.

Mr. BENTSEN. Mr. President, will the Senator yield for a comment on that?

Mr. DOLE. I am glad to yield.

Mr. BENTSEN. Let me say to the Senator from Kansas that I want to be sure we have adequate time to debate this issue being presented by the Senator from Louisiana. I know all the old juices start flowing when we talk about oil companies. Debate sometimes is quite lengthy.

I am frankly concerned about this type of legislation because it will go a long way toward providing unwarranted protection to firms which are incompetently managed. If you want to buttress the kind of moats that some of these managers are building around their companies with staggered directorships, buying a regulated company or accumulating big debts so they cannot be taken over—then this proposal is for you. But if you are really concerned about improving the marketplace and an efficient allocation of resources, then you ought to oppose this kind of proposal. I will not continue now. But I do think we ought to have time to discuss the proposal at length. And I frankly want to be part of that discussion. It is bad economics. It is bad law. And it is bad public policy.

Mr. DOLE. I thank the Senator from Texas. I share the views expressed by the Senator. This measure ought to be out here on its own. We have asked the Treasury, the Joint Tax Committee, and our own staff to take a look at mergers from the tax standpoint to see if they are motivated by tax incentives or some other incentive. That review is just barely underway. It seems there is a lot of information we ought to have. I hope we do not further burden an already overburdened piece of farm legislation, trying to help the family farmer, by becoming tied up in the big oil merger business.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOLE. Yes, Mr. President, I yield.

Mr. JOHNSTON. Mr. President, let me say to my distinguished friend from Kansas, as he knows, I have twice given consent to let the farm bill go through—last week in order to meet the Friday deadline for the wheat signup. I was certainly willing to do that because that was going to be a quick fix and I understood the need for that. I was willing as of this morning to let the time agreement go by on the farm bill as well when it appeared that we were going to have a 3-hour time agreement with nongermane amendments. But when this farm bill became, as it was perfectly clear it was, a Christmas tree for nongermane amendments and a matter of lengthy debate which would extend for a long time, I think the Senator would agree with me that it is appropriate that this matter, which is very time-sensitive, be considered.

My question of the distinguished Senator from Kansas is, as chairman of the Senate Finance Committee, is it really appropriate, once you let these companies use present tax laws to acquire other companies, once you let SoCal, for example, borrow $13.2 billion to acquire Gulf and rely upon that 46 percent tax writeoff on the interest—does he really think the Finance Committee could come in after that and say, "No, we are going to change those rules on you now that the merger has already gone through"?

Mr. DOLE. I am not certain we could change the rules on something that has gone through. I am suggesting that in keeping with the concern expressed by the Senator from Louisiana and the Senator from Ohio and others, we ought to see if there are built-in incentives that may not be economic incentives. But there is also the larger question of the farm bill, as I see it, and we have just barely started that.

The point the Senator from Kansas would like to make is I come from a wheat-producing State. I certainly do appreciate the attitude of the Senator from Louisiana. He did indicate he would not hold up the bill if we could get some agreement. But we could now be entering into a full-fledged debate. I have been notified that Senator STEVENS is concerned, much as Senator BENTSEN is concerned, about this question. He would like to be here and participate in the debate.

In my view, with all the problems the leadership has with different bills beginning to back up, we are in effect in danger of choking the commodity bill to death. We have only so much time. If there is going to be a full-fledged debate on oil merger policy, then I think the farmer is the one who will get sunk in the process. It is my hope we could work out some other arrangement.

Mr. JOHNSTON. Mr. President, I would certainly agree to a time agreement on this amendment.

Mr. DOLE. I am not certain the Senator from Texas would agree to a time agreement or the Senator from Alaska (Mr. STEVENS). It is my understanding we go off this bill at 1 o'clock and then go on the veto message until 2 o'clock. Maybe we can work out some agreement in the hour.

Mr. President, I yield to the Senator from Ohio to make a statement.

Mr. METZENBAUM. Mr. President, I think the Senator from Kansas hits upon a very important point. I think indeed, this is a matter of concern to the farmers of this country. It is a matter of concern to all others in the country, because what we are talking about is permitting oil companies, to merge, eliminating competition from the marketplace, or causing less drilling to occur in this country and, as a consequence, playing into the hands of the OPEC nations and causing prices to rise. There is no secret about the fact that if you do not have free competition working, if you do not have more drilling occur, the net result is bound to be that the OPEC nations will be the source from which we shall be obtaining the product.

That means that prices will go up. That means that farmers will pay the price. It means that city dwellers as well as farmers will pay the price. We shall be looking to Saudi Arabia, Kuwait, Abu Dhabi, Oman, Iran, and all of the other nations that supply us with oil if we permit SoCal to gobble up Gulf, if we permit Mobil to gobble up Superior. Today, we learned that there is another effort to pick up another oil company—I think it was Quaker Oil. What we are talking about is less and less drilling but more and more drilling in the board rooms located on Wall Street.

In addition to the impact that would occur if we permit these mergers to go through, we have to recognize the impact upon the American economy. Again, we hit the American farmer and we hit the average American, because we are going to drive up interest rates, without any question whatsoever.

As the distinguished Senator from Louisiana has already pointed out, we are taking a hunk of the available dollars, the dollars that are out there to be borrowed, and we are going to use those, $13 billion of them, for SoCal to go out and buy up Gulf. Wall Street investment advisers, with no exception, have been wailing and talking

about and indicating their concern about how Federal borrowing to finance deficits pushes interest rates higher, but in the same vein, when oil companies gobble up the available dollars that are out there to be borrowed, then it means interest rates are going to go higher. We live in a world of the law of supply and demand. If there are only so many dollars to be borrowed and the oil companies have the economic clout to be able to go in and get those dollars, then the average homeowner or the farmowner is going to have more trouble borrowing money and he is going to be paying more. All that our amendment does, that of Senators JOHNSTON, RUDMAN, and myself—we do not say absolutely they should not be permitted to occur.

What we say is, there ought to be a 6-month holding period. What is so terrible about stepping back for 6 months and permitting us to take a look at what the impact is going to be on the energy security needs of this country? What is so terrible about looking at what the impact will be if we permit these mergers to go forward on the whole question of Federal revenue? And what is so terrible about waiting 180 days to look at the overall picture of market concentration during that period?

Mr. SYMMS. Will the Senator yield for a question?

Mr. METZENBAUM. Without losing my right to the floor and on the assumption that the question would not take more than 1 minute to ask, because we are running against the clock, I yield.

Mr. SYMMS. I will be very brief. I thank my colleague for yielding.

As to the assertion about the impact on the credit markets, if one person buys a stock, does not one other person sell a stock?

Mr. METZENBAUM. Oh, yes.

Mr. SYMMS. Well, then, is it not just a transfer of ownership rather than this credit of which the Senator speaks, because someone sold the stock, they have the money to deposit in the bank, and then maybe the bank in fact loans it out to some other customer? But are we really not giving an unclear picture? Is there not a stock market out there, one person buying, one person selling, transferring ownership or transferring dollars back and forth; one person's liquidity becomes someone else's credit?

Mr. METZENBAUM. No; I do not think I agree. I think we are talking about dollars that are in the banks that are available for borrowing purposes.

Mr. SYMMS. Let us say that one person sells his stock for $1 billion or $1 million, or whatever it is; he gets the cash and you get the stock, and he deposits the money in the bank. I think the Senator is talking about something which does not give a clear picture of what really goes on in the markets.

Mr. METZENBAUM. I appreciate the question, and I will now respond.

Mr. SYMMS. I thank my colleague.

Mr. METZENBAUM. The fact is that the dollars do not flow that way. If you take that $13 billion and use it to buy the stock of the Gulf Oil Co. stockholders, that money may wind up in any one of a thousand places. It may be used to buy other stocks. It may be used to buy jewelry. It may be put in Swiss bank accounts. It may be used to buy fancy automobiles. It may be used to buy a new home. It may have some very worthwhile purposes.

But I am talking about the impact upon the dollars available to be borrowed. There is absolutely no assurance that that $13 billion is going back into the banks and then is going to be available for the Senator's constituents and my constituents and every other Senator's constituents to buy a home, to borrow and get a mortgage. There is no assurance it is going to be available for borrowing to purchase an automobile or borrowing for the payoff on the farm. You have no assurance of that. You have $13 billion that is available for borrowing. Some of it may go back to the banks but a whole lot of it may not. As a consequence, those dollars are not available to be borrowed. Therefore, the demand continues just as great for the borrowings, but the supply is that much less. The net result is, you add another half a point to the interest rates. That is what has happened within the last few days.

Mr. JOHNSTON. Will the Senator yield?

Mr. METZENBAUM. May I finish.

There has been a shortage of available dollars for the purpose of borrowing, and so the banks have raised the prime rate from 11 percent to 11.5 percent. Now, with these moves and these dollars being withdrawn from the banks, the price could very well go up to 12 percent or 12.25.

For a question, I yield to my colleague from Louisiana.

Mr. SYMMS. It may go up, but I do not think the Senator has answered my question. I am sorry, but I cannot see that the Senator has answered my question. There is a transfer here of stock. We have a stock market.

Mr. METZENBAUM. Sure.

Mr. SYMMS. OK. One guy sells, one guy buys. The Senator said that.

Mr. METZENBAUM. No, one guy does not. No, one guy does not buy and one guy sell. What happens is that——

Mr. SYMMS. There are trillions of dollars worth of transactions——

Mr. METZENBAUM. Not one guy is buying.

Mr. SYMMS. That the Senator is talking about.

Mr. METZENBAUM. What we have here is SoCal borrowing $13 billion. That is not one guy. That is a tremendous corporation going to the bank and borrowing it and buying the stock. It is not like Senator SYMMS selling stock and somebody else buying it or vice versa. It is not that kind of transaction at all.

I yield to the Senator from Louisiana for a question.

Mr. JOHNSTON. If I may just get in on this question, the difference is that Gulf Oil is selling at about $38 or $40 and along comes Boone Pickens and makes an offer at $65, and he is using the Gulf assets, in effect mortgages those Gulf assets, in order to leverage his buy. The money he would borrow he would be able to deduct from his tax return.

Mr. SYMMS. The little old lady in tennis shoes——

Mr. JOHNSTON. Just a minute. Mr. President, I do not yield at this point. And then before his offer is executed, along comes SoCal, using the same method, which bids $80, again leveraging its offer with Gulf assets and SoCal will also, for the debt service it pays back on $13.2 billion, be able to have the taxpayers subsidize the money it borrows. So it is not like the Senator and I selling some stock for $40 which is trading at $40.

Sure, that is a quid pro quo operation. This is where the price of the stock gets written up over 100 percent in a matter of weeks where the Boone Pickens group—a great example of free enterprise and a great guy—is going to make $780 million in the process.

The other arbitragers are going to get even more than that. It is a merger mania. If I may quote from the Salomon Bros. report——

Mr. METZENBAUM. If the Senator from Louisiana will yield; I do not wish to preclude him; he had the floor, and I am happy to yield to him for a question—I see my good friend from Utah——

Mr. JOHNSTON. I will withhold. I thank the Senator.

Mr. METZENBAUM. Wanting the floor. I wanted to be courteous to my friend from Idaho.

Mr. President, I see the Senator from Utah has a question, and I am happy to answer him if that is the purpose of his rising. But before doing so, since I know this debate is going to be cut off momentarily and I do not want to lose my time to address this issue, but I did not want to be rude to my colleagues, I ask unanimous consent that at the conclusion of the vote in connection with the overriding of the veto, the Senator from Ohio be recognized to continue the debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METZENBAUM. Did the Senator from Utah wish to make inquiry?

Mr. HATCH. I have a couple of questions.

It is my understanding that SoCal would borrow $13.2 billion from more than 60 commercial banks. Is that the same understanding of the Senator from Ohio?

Mr. METZENBAUM. That is my understanding.

Mr. HATCH. It is also my understanding that this $13 billion transaction may seem large in absolute terms——

Mr. METZENBAUM. I am having trouble hearing the Senator.

Mr. HATCH. It may seem large in absolute terms but when compared to the $30 trillion gross transactions undertaken in the equity market this year, it is less than one-third of 1 percent, as I understand it. I think the Senator from Idaho—I just want to ask this question—has a good point. There are over a quarter of a million stockholders in Gulf alone who will get whatever is paid for those shares and presumably will put that money back into the market. Maybe it will not all go back into stocks but it will certainly be back in the market. Does the Senator differ with that?

Mr. METZENBAUM. The Senator from Utah and the Senator from Idaho make the same point. There is no question that when SoCal buys its stock, the $13 billion is not going to disappear from the face of the Earth, but it is going to disappear from the banks' coffers. It is not going to be available as far as those 60 banks are concerned for further borrowings to other people in our society.

Mr. SYMMS. Who says that the shareholder will not deposit it back in the banks which are in the business of lending money?

Mr. METZENBAUM. The Senator from Idaho is correct; some may. I have said that some may go back, but there is a great proportion of it which will not go back. And even if it goes back, even if it is redeposited, there is not an opportunity on the part of the bank to lend it out on a dollar-for-dollar basis because they have their reserves and other considerations that have to be taken into account.

So the point is I do not think anybody can logically argue that taking $13 billion of borrowings from the banks is not going to have a positive impact as far as increasing the cost of money in this country or decreasing the amount of dollars available for borrowing. I think that is irrefutable, because you certainly cannot assume that the more you borrow does not have some impact on the bank. I point out that that is exactly what is being said in the papers today.

I think I read in the Washington Post that the reason they raised the prime rate was that there was a shortage of borrowing dollars available, and the law of supply and demand works, and you push up the rate a little, and there is a little less demand.

WATER RESOURCES RESEARCH ACT OF 1984—VETO

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the hour of 1 p.m. having arrived, the Senate will now proceed to the consideration of the President's veto message on S. 684, which the clerk will report.

The legislative clerk read as follows:

Veto message on S. 684, an act to authorize an ongoing program of water resources research and for other purposes.

(The text of the President's veto message is printed on page 2710 of the CONGRESSIONAL RECORD of February 21, 1984.)

The PRESIDING OFFICER. Time for debate on the question of reconsideration is limited to 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Environment and Public Works, or their designees.

Who yields time?

Mr. EXON and Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. The Senator from Vermont asks the distinguished Senator for what purpose he wishes me to yield.

Mr. EXON. I request 4 minutes to speak against the President's action.

Mr. STAFFORD. I wonder if the distinguished Senator will wait until Senator MOYNIHAN, who has control of half the time, is recognized. Is that agreeable?

Mr. EXON. That is perfectly all right.

Mr. STAFFORD. I can assure the Senator that he will have time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

The Senate will be in order.

Mr. STAFFORD. Mr. President, I ask unanimous consent that during the consideration of the veto of S. 684, the following members of the staff of the Committee on Environment and Public Works be permitted on the Senate floor during the debate and subsequent vote: Bailey Guard, Hal Brayman, John Yago, Dick Harris, Tom Skirbunt, Mark Haynes, Michael Brown, and Lee Fuller.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. STAFFORD. Mr. President, I support the motion to override the veto of S. 684.

Until recently, we considered this bill, the Water Resources Research Act, an important item of legislation, but hardly a controversial one.

It passed the Senate twice last year on consent, once in its original form, then once in a compromise form that included some provisions from a companion House bill.

Not one word of opposition to S. 684 was uttered in the Senate during that consideration.

Many Members of Congress in both Houses worked long and hard on this legislation. They believe, as do I, that S. 684 offers a balanced and responsible water research program for the future.

S. 684 reforms and strengthens the existing Federal program in support of water resources research.

The existing water research program, centered at the water research institutes located in each State, serves as a catalyst to attract State and private dollars into needed research projects. If Federal leadership and support is withdrawn, other forms of support for these programs seem certain to decline or vanish.

Water shortages, ground water depletion and degradation, flooding, water conservation, and irrigation efficency are just a few of many serious national concerns where sound water research should prove useful.

What is important is this: S. 684 supports the values of this program, but it moves responsibly toward a program with tighter controls.

Congress knows the value of water research. It has financed the research institutes located in every State each year, despite administration efforts to cut out funding.

Assuming that will continue, it needs to be accomplished under the tighter cost-sharing formulas embodied in S. 684.

Much of the money in S. 684 will be matched by recipients. The non-Federal matching requirement for the institutes will be gradually scaled upward over the 5 years as a result of S. 684.

That is in line with the administration's philosophy.

It is a position that I support.

Mr. President, I wish to express my thanks and commendation for his leadership on this issue to the distinguished Senator from South Dakota (Mr. ABDNOR). As the chairman of the Subcommittee on Water Resources, he has worked hard to develop a strong and responsible water research program. He deserves much credit, as does the Senator from New York (Mr. MOYNIHAN), who is the ranking Democrat on the subcommittee.

Mr. President, I join Senator ABDNOR and others in urging that the Senate vote to override the veto of S. 684.

Mr. President, I yield to the distinguished Senator from South Dakota (Mr. ABDNOR).

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. I thank the Senator for yielding. Also, I appreciate the

Senator from New York allowing me to speak at this time.

Mr. President, I particularly thank the chairman of the Committee on Environment and Public Works for his cooperation in working out this compromise legislation.

I, too, urge that the Senate vote to override the veto of S. 684.

Mr. President, as my colleagues in the Senate know, the words I have just spoken were not uttered with ease; as a matter of fact, they were said with considerable reluctance. Few Members of the Senate have greater respect than I do for the views of President Reagan. My colleagues know that I have supported our President consistently, and I have voted with him on most occasions. Yet, there are times when everyone must disagree, and this is one of those times.

The President's veto of S. 684 is wrong.

S. 684 is sound legislation. It should become law, and I intend to vote to override the President's veto.

I urge my colleagues to join with me in that vote.

In his veto message, the President made this statement:

> The water research that S. 684 would promote can be characterized as mostly local or in some cases regional in nature * * * The States and private industry should be fully responsible for financing research necessary to deal with their own particular problems and needs.

I disagree with that assessment.

The water research work to be undertaken under S. 684 involves work on national problems, water problems that affect every region of this Nation. A Federal role in water resources research is as sound as a Federal role in the construction of a highway project or a dam or any of a number of components of this Nation's infrastructure.

What is equally important is that this bill—which passed the Senate on unanimous consent—does not perpetuate the same old program. It takes existing law, then makes significant strides toward a tighter, better managed program. A program that is more focused on the goal of augmenting the water resources of our Nation.

How have we tightened the law?

We have cut both the spending and the scope of the program.

The most effective technique in S. 684 has been to gradually increase the non-Federal share for the water research institute program, and to insist that a significant portion of the non-Federal share be provided in cash.

We have insisted that the research have a national character, and that each institute work with its State water resources agency to assure development of a coordinated program for the State.

We have also encouraged the development of regional programs and institutes.

Does that mean this bill is concerned only with local problems?

No. The largest sum authorized in S. 684 is allocated to a program of matching research grants under section 105. The bill specifies that each and every grant involve work that is in the national interest. Such a requirement underscores the national character of this bill.

To clarify further these points for my colleagues, I would like to note several points where the bill affects existing law:

Both S. 684 and existing law provide matching grants to the water research institutes that exist in each State.

Unlike existing law, S. 684 gradually raises the non-Federal level of responsibility required from the institutes, eventually requiring a contribution of two non-Federal dollars for each Federal dollar. By asking more from non-Federal interests than is required under existing law, S. 684 moves responsibly toward a sound allocation of Federal resources.

S. 684 continues the partnership in water research grants, generally on an equitable 50–50 cost-sharing basis with non-Federal interests.

S. 684 authorizes $36 million a year. This compares with a program level of $53,500,000 in the most recent fiscal year of the existing program.

President Reagan, of course, has not asked for money to finance the institute program or other aspects of this law. Yet Congress continues to appropriate money to this important program. I have supported that decision, as have most of my colleagues. Congress has declared its support, its commitment to continuing a water research program. With that as a reality, do we continue the program under the old rules, or do we tighten the standards for such support? S. 684 tightens those standards. It creates a true sharing of responsibilities.

S. 684 is a sound bill. It is one that should become law. Twenty of my Republican colleagues in the Senate have joined with me in urging that we override this veto.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., March 6, 1984.

DEAR COLLEAGUE: We are writing to you to ask for your vote to override the President's veto of S. 684, the Water Resources Research Act of 1983.

It is always difficult to oppose a President of one's own party when he vetoes legislation. Nevertheless, we believe President Reagan made the wrong decision on S. 684. We believe this is responsible legislation. We believe it should become law. S. 684 strengthens current law in several ways:

S. 684 provides matching grants to the water research institutes that exists in each state. S. 684 uses existing non-Federal institutions for needed water research; this is federalism at its best.

S. 684 gradually increases the non-Federal level of responsibility required from the institutes, eventually requiring a contribution of two non-Federal dollars for each Federal dollar. By asking more from non-Federal interests than is required under existing law, S. 684 assures a sounder allocation of Federal resources.

S. 684 continues the partnership in water research grants, generally on an equitable 50–50 cost-sharing basis with non-Federal interests.

S. 684 authorizes $36,000,000 a year. This compares with program authorizations totalling $53,500,000 during the most recent fiscal year of the existing program.

While President Reagan has not sought to finance water research programs, Congress has continued to appropriate money to meet these needs. Congress should recognize that reality. Yet we also need to tighten the standards for such support.

By overriding the veto of S. 684, the Senate will achieve those goals.

We hope that you will join us in voting to override the veto of S. 684.

Sincerely,

Senators Robert T. Stafford, Jake Garn, James A. McClure, Steve Symms, Mark O. Hatfield, Orrin G. Hatch, Rudy Boschwitz, Malcolm Wallop, John Warner, Chuck Grassley, Paul Trible, James Abdnor, Dave Durenberger, Gordon Humphrey, Slade Gorton, Frank H. Murkowski, Ted Stevens, Barry Goldwater, John Heinz, Larry Pressler, Alfonse D'Amato.

Mr. ABDNOR. Mr. President, I wish to say that my colleague from New York, the ranking minority member of the committee, Senator MOYNIHAN, has been a tremendous help in formulating this bill. I appreciate his support.

Mr. President, I urge the Senate to override the veto of S. 684.

Mr. MOYNIHAN. Mr. President, I rise in support of the proposal to override the veto, and I wish first simply to express the great appreciation of this Senator for the kind remarks of our revered chairman, the senior Senator from Vermont. It has been his practice to see that the Committee on Environment and Public Works, which has bipartisan purposes and national purposes, should act as such a committee, and invariably it has done so under his leadership.

This bill was reported from our committee unanimously and adopted by the Senate unanimously, and that should make an impression on the Office of Management and Budget where the decision we are dealing with today was made. As my dear friend and chairman of the subcommittee knows, we worked to adjust this program in terms that the Office of Management and Budget indicated it desired, and we reduced a program that had been authorized at $53.5 million to $36 million. We provided that the cost sharing for the State institutes,

54, 50 plus 4 territories, were raised to a 2-to-1 ratio. More I think we could not have done without abdicating a role we have played for 20 years.

I would not have to say to the chairman of our subcommittee what an enormous return there has been on Federal research in agriculture. This year's economic report speaks of this. It also speaks, and this should be better understood, of the role of publicly supported research in certain areas.

It would not be profitable for any individual, firm, or farmer to carry out the agricultural research the Federal Government has sponsored because the results would never be confined to the one farm profitably, or if dispensed universally, there would be no return.

There is a public principle involved here and with water it is the same, and I wish to speak more at length to the prospect of what is appropriately public in the research area. But the distinguished Senator from Nebraska, who can speak to both problems, agriculture and water, is on his feet, and I am happy to yield 4 minutes to him for his remarks. I look forward to them.

Mr. EXON. Mr. President, I thank my friend and colleague.

Mr. MOYNIHAN. Mr. President, if the Senator will withhold for 1 moment, corresponding to the "Dear Colleague" letter signed by 20 members of the majority in behalf of the override of this veto, there is a similar letter sent by our ranking minority member, Senator RANDOLPH, and myself, signed by 17 members of the minority, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., March 2, 1984.

DEAR COLLEAGUE: We would like to enlist your support in an effort to override the President's veto of S. 684, the Water Resources Research Act of 1983. This legislation would bring great benefits to the nation for a small investment. The bill would give new direction in a fiscally responsible manner to scientific research on water resources funded by the Federal government.

S. 684 authorizes matching grants to the 54 state water resources research institutes. These institutes conduct basic scientific research on a myriad of topics ranging from groundwater pollution to water conservation. Under the bill the proportionate non-Federal contribution would gradually increase, until each Federal dollar is matched by two non-Federal dollars. S. 684 also provides grants on a competitive basis to other universities and organizations for research on national and regional water problems.

The authorized funding levels—$36 million annually—would be significantly lower than the $53.5 million authorized in the most recent fiscal year of the existing program. The higher proportions of non-Federal cost sharing would ensure efficient utilization of the limited funds.

Unlike President Reagan, we believe in the value of a partnership between the Federal government and the states in pursuing new solutions to the nation's water problems. We urge you to join us in voting to enact S. 684.

Sincerely,

Senators Daniel Patrick Moynihan, Max Baucus, George J. Mitchell, Jennings Randolph, Quentin N. Burdick, Dennis DeConcini, Jeff Bingaman, Lawton Chiles, Gary Hart, Walter Huddleston, Tom Eagleton, Lloyd Bentsen, Paul E. Tsongas, John Glenn, Frank R. Lautenberg, Wendell Ford, John C. Stennis.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Thank you, Mr. President.

I thank my friend and colleague from New York for his courtesy and the chairman of the committee for his wise action.

Mr. President, I am pleased to lend my support to the Senate's efforts to override President Reagan's veto of the Water Resources Research Act of 1983. I salute the actions and the statements by the chairman of the committee, by the ranking minority member, and by the chairman of the subcommittee, my good friend and colleague from South Dakota.

I am encouraged that a significant number of my colleagues on the other side of the aisle who share the same political party as the President also recognized the importance of this measure and question the wisdom of the President's veto. This is, to use the term frequently employed by the President, a true bipartisan effort to arrest this administration's latest blow to agriculture.

The University of Nebraska's Water Resources Center at the Institute of Agriculture and Natural Resources is a part of the nationwide network of 54 State water resource research institutes at land grant colleges which conduct basic scientific research on important issues ranging from ground water pollution to water conservation.

This program, which the President has attempted to kill with the stroke of a pen, represents a valuable partnership between the Federal Government and the States in pursuing new solutions to the Nation's water problems.

In the Midwest, water resource research efforts are important to the needs of efficient and environmentally effective agricultural production. Federal funds channeled through the University of Nebraska's Institute have supported the State's efforts in improving ground water data collection, research, and study to inventory our resources and needs. Federal funds channeled through the Institute have supported research to improve our State's ground water quality. Federal funds channeled through the Institute have supported efforts to address our State's increasing concerns about the availability and management of water for individual needs, municipal needs, agricultural needs, and environmental concerns.

The President's veto of the Water Resources Research Act has threatened the ongoing future of these important activities.

There is a demonstrated need for additional research to improve data collection. There is a demonstrated need for additional research in water quality improvement efforts. There is a demonstrated need for research in ground water recharge as a significant answer to the water needs of agriculture. There is a demonstrated need for research to develop new technologies and to refine existing practices in water management.

The President's veto of this important research support measure represents a devastating blow to water research in Nebraska.

The small investment which the Federal Government makes under the program addresses significant regional issues and reaps substantial benefits for the Nation, justifying the appropriate "partnership" relationship with State and Federal entities in this regard. In addition, this bill gradually increases the State's required contribution to the program from $1 to $2 for every Federal dollar, adding an improved fiscal responsibility to this important activity.

The Nation's future certainly rests upon the progress which is made through the Water Resources Research Act and I urge my colleagues to support the override of the President's veto of this measure.

Mr. President, I am placing into the RECORD materials which describe the Nebraska Water Resources Center and list many of the significant research reports which the center has published to share with my colleagues here in the Senate. I ask unanimous consent that this material be printed in the RECORD immediately following my remarks on S. 684.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEBRASKA WATER RESOURCES CENTER

The Nebraska Water Resources Center is one of the six divisions of the University of Nebraska Institute of Agriculture and Natural Resources (IANR). The mission of the Center is threefold: (1) to foster and coordinate research on water problems of Nebraska, the surrounding region, and the nation; (2) to provide education and training opportunities for students, faculty, state agency personnel and others; and (3) to disseminate water-related information to the public.

RESEARCH

The Water Resources Center assists researchers in obtaining financial support for

their investigations, and also integrates university training and water research programs with the needs and efforts of federal, state and local agencies. This year, the Center administered a research program involving 22 projects with total funding of approximately $1.2 million.

One major thrust this year has involved water resources policy alternatives. In its role in the State Water Planning and Review Process, the Center continued its involvement in several interagency task forces addressing a variety of water policy issues. The task force on water use efficiency is led by Center personnel.

Other current major research thrusts are: water quality enhancement; soil, water and energy conservation practices; irrigation scheduling (water use efficiency); and water development financing.

EDUCATION AND TRAINING

Education and training activities represent an important component of the Center's overall program. Each year the Center sponsors an interdisciplinary water resources seminar as a forum where water problems and issues can be discussed by students, faculty, special interest groups, state and federal agency personnel and others. During the 1983 spring semester, the seminar topic was "Water Law and Policy in the Great Plains—Implications for Nebraska." This seminar provided an overview of water law and policy in Nebraska, Kansas, Colorado, Wyoming, South Dakota and Arizona to help students and others understand possible implications of these policies for Nebraska.

This year the Center was also instrumental in development of the Maurice A. Kremer Lecture Series on Water Resources. The lecture series will provide a forum to increase awareness of current and future water issues and for discussion of alternatives aimed at the wise management of one of Nebraska's most valuable resources. The first set of lectures in 1983 in being presented by retired State Senator Maurice A. Kremer. Thereafter, well-known state and national water resources experts will be invited to present the lectures.

PUBLIC INFORMATION

Conferences and publications provide an effective means of disseminating water-related information to the public. In March of this year, the Water Center assisted in coordinating the annual Nebraska Water Conference in Lincoln. "Moving Forward With Water Management" was the theme of this year's conference, which was highlighted by a keynote address by Garrey Carruthers, Ass't Secretary of the U.S. Department of the Interior for Land and Water Resources. In addition to an extensive session devoted to national and regional water policies related to the Pick-Sloan Program, the conference also featured presentations on water legislation, groundwater protection, and water use and conservation; a session of future water use efficiency and management; and a panel discussion by several State Senators addressing current water issues.

IRRIGATION SCHEDULING IN NEBRASKA—A RESEARCH SUCCESS STORY

PROBLEM

Agriculture is the mainstay of Nebraska's economy. There are about 48 million acres of land in farms in Nebraska, accounting for 98 percent of the state's total land area. An estimated 11 percent of all income earned in Nebraska is from agriculture, compared to just 3 percent nationwide.

Approximately 7.2 million acres were irrigated in Nebraska in 1979. The U.S. Geological Survey has indicated the average water application of non-scheduled irrigation is 20 inches/year. This intensive irrigation has resulted in declining ground water levels in several locations across the state. Some locations show more than a 20-foot drop. Excessive water application also leaches some of the nitrogen below the root zone of the crop. Sandy soils with low water holding capacities are more subject to nitrate leaching than finer textured soils with high water holding capacities. Nitrate contamination of the ground water is a serious problem—particularly in the central Platte River Basin.

Some 6.2 million acres require energy for pumping water from wells, streams and reservoirs. 3.6 million acres are irrigated with surface systems, and 2.6 million acres utilize a sprinkler system. The static pressure required to operate the system with a lift of 100 feet results in total lifts of 120 and 275 feet of water for the surface and sprinkler irrigation systems, respectively. Irrigation management programs are needed to operate and manage an efficient irrigation system.

RESEARCH FINDINGS

Irrigation scheduling involves determination of the "how much" and "when" of water application to the crop. With scheduling, the soil profile (root zone) is only partially refilled by irrigation water, allowing room for rainfall should it occur. With this procedure, nitrate-nitrogen is not moved below the root zone. However, sufficient moisture is maintained to prevent stress to the plant. In various research projects, proper irrigation scheduling techniques were applied to certain fields resulting in a savings of 7.3 inches per acre per year with no reduction in crop yield. This represents a 25-35 percent savings in water pumped and energy saved. The key to saving nitrogen, water and energy is irrigation scheduling.

IMPACTS

Without irrigation scheduling, the estimated cost of irrigation for Nebraska is near $300 million with water requirements of about 12 million acre-feet (or 3.9 trillion gallons per year). Additional data show that the amount of nitrate leaching may vary from 5-10 pounds of nitrogen per inch of excess water applied. If irrigation scheduling were extended to all irrigated acres in the state, a reduction in irrigation water used of 4.4 million acre-feet and a direct energy savings of $123.6 million could result. Proper fertilizer management can save another $55 million.

USERS

The Agricultural Engineering Department, University of Nebraska Institute of Agriculture and Natural Resources has developed this technology, including computer assisted scheduling models (AGNET) and educational materials (Irrigation Scheduling Handbook) to the point where the methodologies and procedures involved in irrigation scheduling can be used on a broad basis. With the help of County Extension agents and private consultants trained by personnel from the Department of Agricultural Engineering, irrigation scheduling is becoming a reality in Nebraska. A 1980 survey disclosed that 1.6 million acres were managed under various methods of scientific scheduling. This represents a 700 percent increase in the last four years (200,000 acres in 1977 to 1,600,000 acres in 1980).

COSTS

As irrigators began to feel the pinch of rising energy costs and citizens became aware of lowering water tables and degradation of their water quality, water researchers in Nebraska were prepared. Years of basic research in soil-plant-water relationships laid the foundation. In the last eight years, over $1 million has been spent on applied research to formulate and demonstrate irrigation scheduling and management techniques. Another $500,000 developed the training program to transfer this technology to the user—the on-farm irrigator.

Of the estimated $1.5 million invested in this research program, the Office of Water Research and Technology, through the Nebraska Water Resources Center at the University of Nebraska, contributed about 20 percent (approximately $400,000). These funds catalyzed the research and resulted in funding from other sources to implement the program. The Old West Regional Commission and the Bureau of Reclamation funded approximately 40 percent of this effort. The State of Nebraska contributed another 40 percent of the research effort and continues to provide support through the Institute of Agriculture and Natural Resources.

Irrigation scheduling is only one example of programs developed through research which will play an important role in maintaining the overall agricultural productivity of the nation, develop technology to increase profit margins, conserve our natural resources, and protect our environment.

Problem: How to save water by irrigation scheduling in Nebraska. Intensive research irrigation has resulted in declining groundwater levels across the State. Excessive water application also leaches some of the nitrogen below the root zone of the crop.

Research Findings: Irrigation scheduling involves determination of the "how much" and "when" of water application to the crop. With scheduling, the soil profile (root zone) is only partially refilled by irrigation water, allowing room for rainfall should it occur. Proper irrigation scheduling techniques applied to certain fields resulted in a savings of 7.3 inches per acre per year with no reduction in crop yield. This represents a 25-35 percent savings in water pumped and energy saved.

Users: Nebraska and other irrigators in the Nation.

Costs:

Federal	$1,200,000
State	800,000
Total	2,000,000
Benefits	2,679,000,000
Benefit cost ratio	1340 to 1

Impacts: Without irrigation scheduling, the estimated cost of irrigation for Nebraska is $300 million with water requirements of about 12 million acre-feet. If irrigation scheduling were extended to all irrigated areas in the State, a reduction in irrigation water used of 4.4 million acre-feet and a direct energy savings of $123.6 million could result. Capitalized benefits are about $2,679,000,000. Proper fertilizer management can save another $55 million. This method has recently been applied to crops in Illinois and produced similar results.

NWRC IRRIGATION SCHEDULING PROJECTS

	Federal	Non-Federal
OWRT matching grants:		
B-024-NEB—Improved Water and Fertility Management for Irrigation Systems, Fischbach and Watts	$65,750	$66,000
B-033-NEB—Irrigation Management—A Mechanism for Saving Energy and Water, Fischbach and Watts	96,240	97,000
B-037-NEB—Improved Water and Fertility Management for Irrigation Systems—Phase II Fischbach and Watts	68,456	69,000
B-054-NEB—Water Conservation Through Limited Irrigation of Corn and Grain Sorghum in the Great Plains, Watts	135,400	135,600
	365,846	367,600
OWRT annual allotment projects:		
A-031-NEB—Protection of a Unique Ecological Area Through Improved Irrigation and Fertility Management, Fischbach and Watts	11,467	
A-050-NEB—Regionwide Irrigation Scheduling by Local Evapotranspiration Measurement Trimmer	13,000	
A-057-NEB—Improvement of Irrigation Scheduling Techniques for Corn with Variable Corn Maturity Range, Plant Population and Water Supply Availability, Watts	15,721	13,516
	40,168	13,516
Other contracts and grants:		
Bureau of Reclamation—Irrigation Scheduling—Training and Technology Transfer, Fischbach	533,000	
Old West Regional Commission—Management of Irrigated Agriculture With a Limited Water and Energy Supply, Gilley	173,000	
Old West Regional Commission—Energy Reduction through Improved Irrigation Practices, Splinter	121,000	
	827,000	
Total	1,233,014	381,116

ALTERNATIVE ENERGY SOURCES: A RESEARCH SUCCESS STORY

As a result of a project funded through the Office of Water Research and Technology which involved the application of enzyme technology to detect and remove specific pollutants (whey) in dairy plant effluents, a process is being developed in Nebraska for fermenting lactose into alcohol. Lactose, the primary constituent of whey, is an easily fermentable sugar which can be converted into alcohol. Accordingly, all the wasted whey and lactose represent a loss of a potential energy source. These factors, plus the rising costs of energy and gasoline, have increased interest in the fermentation of whey to industrial alcohol for use in Gasohol—a 10 percent alcohol-90 percent gasoline mixture.

In this process, first developed through a project funded by OWRT, approximately 400 pounds of whey would yield one gallon of alcohol. One million gallons of alcohol can be produced from 570 million gallons of whey which is annually wasted in Nebraska, based on a 70 percent efficient conversion process. It has been estimated that a gallon of alcohol from whey can be produced at a cost of 88 cents to 90 cents. Another process developed from this project involves fermenting whey and grain mixtures to alcohol. The whey replaces a part of the water required in the preparation of grain mash. The amount of corn which is otherwise required is reduced in proportion to the quantity of whey sugar to corn starch in the process. Alcohol production from corn permits the substitution of whey for up to 15 percent of the corn requirement.

A feasibility study is currently underway to utilize the Nebraska whey or whey-grain fermentation process for a 21,000,000 gallon alcohol plant in Wisconsin. Based upon the savings of 15 percent corn requirement, it is estimated that the total savings may exceed $5 million a year or nearly 14 cents per gallon of alcohol.

The federal costs for this research effort amounted to $45,000.

EXAMPLES OF EFFECTIVE RESEARCH RESULTS—1982

(1) Water and Energy Conservation Using Reduced Pressure and Tillage Systems:

Two of the most important problems facing irrigated agriculture are energy consumption and limited water supplies. Irrigation with groundwater requires large amounts of energy to pump water from wells. In Nebraska, for example, over 50 percent of all energy consumed by production agriculture is used to pump water from wells.

Unfortunately, conventional center-pivot systems require large amounts of energy to develop the relatively high pressures required for proper sprinkler operation and uniform water distribution. A significant savings in energy could result if the pressure requirement can be lowered. However, lowering the pressure on center-pivot systems may create additional problems. As the pressure is reduced, the radius of water distribution of the individual sprinklers is reduced, decreasing the area over which the same amount of water is applied. This increases the potential runoff of the applied water. Depending on the slope and type of soil, this runoff water may also increase the soil loss.

Two possible ways to reduce the potential for surface runoff and soil erosion under reduced pressure center-pivot systems are: (1) increasing surface storage, and (2) increasing the infiltration rate of the soil. Both of these may be accomplished through use of reduced tillage practices.

Project B-048-NEB shows that reducing the pressure of center-pivot irrigation systems can save significant amounts of energy. However, improper site selection of some types of systems can create irrigation management problems such as increased runoff, soil erosion and nonuniformity of applied water. Adoption of modified tillage systems can greatly reduce the runoff problem.

Mathematical models of the water application characteristics of center-pivot systems and soil infiltration were used in this project to develop criteria for proper site selection of reduced pressure center-pivot systems. These criteria provide a means of determining the feasibility of using the various sprinkler packages as a function of soil intake families.

Results from this project show that there is a potential to reduce the energy consumption of center-pivot systems through pressure reduction. However, because of runoff, not all the systems should be converted to low pressure. It would appear from preliminary analyses that approximately 75 percent of the systems can be converted to low pressure if the necessary soil surface storage can be created by artificial means. The savings would be equivalent to approximately 89 million gallons of diesel fuel per year. Because of the financial savings from reduced pressure, most of the systems which can be satisfactorily operated at lower pressure will be rapidly converted.

(2) Improvement of Irrigation Scheduling Techniques:

One of the major keys to improved management of irrigation, especially for center-pivot sprinkler systems, is the scheduling of irrigation—the determination of when to irrigate and how much to apply. Through proper scheduling the irrigator is in a better position to control water so as to avoid either excessive or deficient applications and the attendant economic losses.

There are a number of different irrigation scheduling methods having varying degrees of sophistication and requiring varying amounts of time, effort and cost. The approach that seems well adapted to center-pivot systems requires the calculation of a field water balance for each individual system. In making the balance, meteorological data are used to predict potential evapotranspiration which is then multiplied by a crop coefficient to estimate actual daily evapotranspiration for annual crops.

One of the shortcomings of this method has been the lack of crop coefficient curves which adequately describe the progression in growth of the crop being scheduled. One must always make a prediction as to when "full cover" will be achieved so that the proper position on the curve can be estimated during the first half of the growing season. This is not a simple matter because both the maturity range of the crop and daily weather conditions affect the progression of the crop through its growth stages. After the full cover date, the crop coefficient is given directly as a function of time. The number of days between full cover and crop maturity depends greatly on the maturity class of the crop variety and the weather.

In Project A-057-NEB, crop coefficient functions were developed for three corn maturity ranges. Functions were presented using accumulated growing degree days as the independent variable instead of the currently used scheme of percent time from planting to full cover and days after full cover.

The crop coefficients developed are now being incorporated in the AGNET irrigation scheduling computer program offered by the University of Nebraska. The crop coefficients will be made part of the information disseminated to farmers and commercial schedulers at the University's Irrigation Scheduling Short Courses held each year. This information should have direct impact on the scheduling of irrigation on two million or more irrigated acres in Nebraska and will also find use outside of the state.

NWRC ADVISORY COMMITTEE

A list of the Warner Resources Center current advisory committee is attached.

EXAMPLES OF EFFECTIVE RESEARCH RESULTS—1980

ARTIFICIAL RECHARGE

A major research effort of the Water Resources Center over the last six years has been the study of the physical feasibility of artifically recharging groundwater aquifers. During the last year the legal and economic aspects of artificial recharge were also investigated. This effort began in 1974 with project A-028-NEB ("Recharge Simulation Model") funded for $13,300. Since then, investigations of artificial recharge have grown with funding from the Old West Regional Commission, U.S. Geological Survey, Nebraska Natural Resources Commission, Water Resources Center and additional funding from OWRT (project A-065-NEB). In six years, approximately $750,000 has been spent on this effort.

This research program is particularly important to Nebraska (and other states in the High Plains region) because large withdraw-

als of groundwater for irrigation are causing progressive declines of groundwater levels in some areas of the state. Water is being removed from the ground faster than it is being recharged. This six-year study has provided a basis for future management decisions on the technical, economic and legal feasibility of various artificial recharge schemes.

Results from these investigations have shown that artificial recharge is technically feasible and would enable some water storage underground during the off-season for later use. However, the economic and legal issues are not as clear. The economics study seems to indicate that single-purpose recharge projects to augment irrigation supplies will nearly always be economically infeasible. However, the benefits of recharge are clearly substantial enough to merit their consideration as part of appropriate multi-purpose water projects. Recharge benefit calculations indicate that water costs for irrigation from a multi-purpose project would most likely range from $5 to $10 per acre-foot. In contrast, recent studies indicate that single-purpose project water would cost at least $30 per acre-foot. For the major groundwater decline areas of the nation (High Plains), a study by Manbeck (principal investigator on A-028-NEB) is probably the best indication of likely costs, and it suggests a range of from $57 to $90 per acre-foot.

Because storing water underground is a relatively new water management technique, considerable legal uncertainty surrounds recharge projects. The development of recharge policies and appropriate management tools are an important option. The legal portion of this artificial recharge study indicates that the legal rights and duties associated with storing water under land not owned or controlled by the recharge entity are unclear. In addition, liability for damages caused by such storage has not been established. Other issues involved in the acquisition of water for recharge projects include federal and Indian reserved water rights, interstate water transfers and environmental impacts.

EUTROPHICATION—ALGAE CONTROL

Within the last 20 years, the Army Corps of Engineers has constructed many flood control lakes throughout the Great Plains states. These lakes frequently receive large amounts of organic and inorganic nutrients (nitrates and phosphates) from runoff waters containing agricultural materials such as fertilizers and animal wastes. The continuous introduction of these nutrients results in a progressive increase in lake productivity, exemplified by the tremendous proliferation of blue-green algae. This reduces the value of these lakes for purposes such as recreation.

Currently, three projects funded by OWRT are studying different ways to control blue-green algae. Research on this problem actually began in 1974 with project A-033-NEB and has continued with projects A-043-NEB, A-056-NEB, A-063-NEB, A-067-NEB. Substantial progress has been made under projects A-033 and A-056-NEB toward the biological control of blue-green algae blooms. Actual bloom-causing strains of blue-green algae have been isolated—Anabaena, Microcystis, Oscillatoria and Aphanizomenon. In addition, a range of microbial agents has been discovered and isolated which attack these specific types of blue-green algae. Tests have been conducted in small enclosures on a lake in eastern Nebraska, and it appears that more of the biological control agent is needed to kill the blue-green algae in the field than under laboratory conditions. The results of this project offer potential for regulating blue-green algae blooms to help preserve the recreational value of the lakes in the Salt Valley Watershed in Nebraska.

RESEARCH SUPPORTED BY NEBRASKA WATER RESOURCES CENTER, FISCAL YEARS 1965–84

[OWRT only]

Project No.	Fiscal years supported— 1965	1966	1967	1968	1969	1970	1971	1972	Project title
A-001-NEB	X	X	X	X	X				Energy sources for evapotranspiration in the plains region—Rosenberg.
A-003		X	X	X	X				Engineering phases of land treatment related to increasing water-use efficiency and storage efficiency of rainfall—Wittmuss.
A-004		X	X	X	X	X			Input-output analysis of water use for Nebraska industries—Epp, Baker.
A-005		X	X	X	X				Internal water status of plants—Eastin, Sullivan, Kinbacher.
A-006		X	X						Mechanics of bank seepage in natural streams during flood flows—Sarpkaya.
A-007		X	X	X	X	X			Brackish water purification by biological fuel cell-powered electrodialysis—Scheller.
A-008		X	X	X	X				Water-quality practices in Midland Meat packing plants—Fisher, Baker.
A-009			X						Eminent domain—Harnsberger.
A-010			X	X					Surface properties of teflon film in saline water processes—Tao.
A-011			X	X	X	X			Utilization of the storage potential of river valley aquifers—Marlette, Directo.
A-013					X	X			Conjunctive use of ground and surface waters—Harnsberger.
A-014						X	X	X	Eutrophication of small reservoirs in the Great Plains—Hammer, Hergenrader.
A-015						X	X	X	Physiological and biochemical response of plants to different internal water potentials—Kinbacher, Sullivan.

Project No.	Fiscal years supported— 1970	1971	1972	1973	1974	1975	Project title
A-015-NEB	X	X	X				Physiological and biochemical response of plants to different internal water potentials—Kinbacher, Sullivan.
A-016	X						Economic and technical aspects of the use of mathematical models in State water resources planning programs—Viessman.
A-017	X	X	X				Evaluation of methods for improving water-use efficiency through simultaneous determination of field evapotranspiration and photosynthesis—Rosenberg.
A-018		X					Nebraska droughts: A study of their past chronological and spatial extent with implications for the future—Lawson.
A-019		X					A survey of the woody phreatophytes of the Republican River in Nebraska—Rand.
A-020		X	X				Concurrent growth of bacteria and algae in a closed vessel—Reilly.
A-021		X	X	X			Hydrologic models for poorly defined drainage areas—Viessman.
A-022			X				Aerobic treatment of feedlot runoff water—McGhee.
A-023		X	X				A simulation of the effects of dynamic water-pricing policies—Gysi.
A-024		X	X	X	X		Mobility and deactivation of herbicides in soil-water systems—Lavy.
A-025		X	X	X	X		Water quality models for urban and suburban areas—Andersen.
A-026				X	X	X	Biophysical control of water loss—Sullivan, Kinbacher and Eastin.
A-027				X	X		Practical treatment of feedlot runoff water—McGhee.
A-028				X	X	X	Recharge simulation model—Manbeck.
A-029				X	X	X	Disposal of cattle feedlot runoff on agricultural land—Wittmuss.

Project No.	Fiscal years supported— 1973	1974	1975	1976	1977	1978	Project title
A-030-NEB	X	X	X				Biological control of Sphaerotilus natans and other related species in wastewaters—Thompson.
A-031	X						Protection of a unique ecological area through improved irrigation and fertility management—Fischbach, Watts.
A-032	X	X	X	X			Seasonal water use of irrigated pasture grasses under permanent-set irrigation—Nichols.
A-033		X	X	X			Biological control of blue-green algae—Martin.
A-034			X				Upflow filtration of oxidation pond effluent—McGhee.

Project No.	Fiscal years supported— 1973	1974	1975	1976	1977	1978	Project title
A–035			X	X			Investigation of laser raman spectroscopy for analysis of water quality—Ullman.
A–036		X	X				Water quality study of nonpoint source of agricultural runoff—Andersen.
A–037			X	X	X		Detection of a potential health hazard in recreational and other surface waters—O'Dell.
A–038			X	X	X		Computer modeling to maximize water use efficiency and reduce energy in irrigation—Gilley.
A–039			X	X	X	X	Mapping model for determining land suitable for irrigation—Hoffman.
A–040			X	X	X	X	Application of enzyme methods to the determination of pollutants in water—Shahani.
A–041				X	X		Waste water treatment and reuse by the soil-plant system—Gilley.
A–042				X	X		Groundwater recharge model and field project implementations—Manbeck.
A–043				X	X	X	The production of mucilage of diatoms in McConaughy, Pawnee, and Yankee Hill Lakes, and the role of this material in the aquatic environment—Rosowski.
A–044				X	X	X	Physiological aspects of plant water use efficiency—Sullivan.

Project No.	Fiscal years supported— 1977	1978	1979	1980	1981	Project title
A–045–NEB	X	X				Nitrogen losses from sprinkler-applied nitrogen fertilizer—Hergert.
A–046	X	X	X			Corrosion in water distribution systems—Johnson.
A–047	X					Nitrogen source differentiation through carbon isotopes—Spalding.
A–048		X	X			Development of a multiobjective screening model for water resources planning in Nebraska—Dauer.
A–049		X				Analysis of seasonal persistence of climate in Nebraska—Lawson.
A–050		X	X			Regionwide irrigation scheduling by local evapotranspiration measurement—Trimmer.
A–051		X	X			Impact of an introduced fish species (Morone Americana) on the fisheries resources of Nebraska—Ballinger and E. J. Peters.
A–052			X	X	X	Analysis of legal and institutional arrangements affecting water allocation and use in Nebraska—Aiken.
A–053			X	X	X	Ferrate ion: potential uses in advanced wastewater treatment—Carr.
A–054			X	X	X	Variability in crop physiological and morphological characteristics controlling water-use efficiency and grain yield—Eastin, et al.
A–055			X			Empirically derived probability estimates of drought parameters for the Western United States back to 1700 A.D.—Lawson.
A–056			X	X	X	The biological regulation of bloom-causing blue-green algae—Martin.

Project No.	Fiscal years supported— 1977	1978	1979	1980	1981	Project title
A–057–NEB			X	X		Improvement of irrigation scheduling techniques for corn with variable, corn maturity range, plant population, and water-supply availability—Watts.
A–058			X	X		Public attitudes of Nebraskans toward water policy—Welch.
A–059		X				Comparison of evapotranspiration rates in the Platte River in Nebraska: 1938 v. 1978—Nagel.
A–060		X				Surface and ground water study of the White River, Dawes County, Nebraska—Agenbroad.
A–061				X	X	Distribution of mineral nitrogen under native range and cultivated fields in the Nebraska Sandhills—Hergert.
A–062				X		Herbicide loss from treated fields in water and sediment runoff as affected by center pivot irrigation system and tillage treatment—Leavitt.
A–063				X	X	Reduction in development of bloom-forming blue-green algae by nutrient enrichment to maintain desirable prebloom dominants—Rosowski.
A–064				X	X	Automation of a sprinkler irrigation system by the utilization of real time weather information—Weiss.
A–065			X			An economic evaluation of the feasibility of artificial grond water recharge in Nebraska—Supalla.
A–066				X	X	Measurement of actual transpiration of native grass stands as a component of Nebraska sandhills ground water hydrology—Harrison.

Project No.	Fiscal years supported— 1981	1982	1983	1984	1985	Project title
A–067–NEB	X	X	X			Enhancement of water quality in Nebraska farm ponds by control of eutrophication through biomanipulation—Hergenrader.
A–068	X	X	X			Parasite communities as indicator systems for predicting the effects of surface-water management options on the biota of Prairie Rivers—Janovy.
A–069	X	X	X			Increased water conservation and percolation through improved tillage practices—Wittmuss.
A–070		X				Analysis of tax incentives for intensive irrigation development in the Nebraska sandhills—M. Baker.
A–071		X	X			Investigation of surface water for contamination with pseudorabies virus in runoff from quarantined Nebraska swine production areas—C. Kelling.
A–072		X	X			Mathematical modeling of ground water systems—J. Dauer.
		X	X			Changes in distribution of mineral nitrogen under native range and cultivated fields at the Nebraska Sandhills Agriculture Laboratory—Hergert.
		X				Implication of temporal variations and vertical stratification of ground water nitrate-nitrogen in the Hall County special-use area—Spalding.
		X	X			Scheduling irrigation with a high-speed center pivot to reduce heat and moisture stress in corn—Blad.
		X	X			Field measurement of evaporation and transpiration for irrigated corn, sorghum, and soybeans—Martin.
		X				Maximizing water-use efficiency of limited irrigation plus natural precipitation-using conservation cropping systems—Klocke.

Project No.	Fiscal years supported— 1970	1971	1972	1973	1974	1975	1976	1977	1978	Project title
B–003–NEB	X	X								Animal waste utilization for pollution abatement (technology and economics)—Cross.
B–004		X	X							Influence of fertilizer practices on environmental quality (phase I)—Olson.
B–007		X	X							Conjunctive use of ground and surface waters—Harnsberger.

Project No.	Fiscal years supported— 1970	1971	1972	1973	1974	1975	1976	1977	1978	Project title
B-010		X	X							Ecological impact of surface-water impoundments in the Great Plains Area—Cowan.
B-012		X	X	X	X					Animal waste utilization for pollution abatement (phase II)—Cross.
B-016			X	X						Dynamic model for urban hydrologic systems—Surkan.
B-021				X	X	X				Pollution of irrigation waters by plant pathogenic organisms—Steadman.
B-022				X	X					Influence of fertilizer practices on environmental quality (phase II)—Olson.
B-024					X	X	X	X		Improved water and fertility management for irrigation systems—Fischbach, Watts.
B-026					X	X	X			Alternatives in area management of ground water—Fischer.
B-028					X	X	X			A regional model for predicting Great Plains evapotranspiration—Rosenberg.
B-030						X	X	X		Herbicide transport in soils under center pivot irrigation systems—Lavy.
B-031						X	X	X		Validation and implementation of a simplified steamflow simulator—Surkan.
B-032							X	X	X	Pollution of irrigation reuse water by plant pathogens—Steadman.
B-033						X	X	X	X	Irrigation management—a mechanism for saving energy and water—Fischbach, Watts.

Project No.	Fiscal years supported— 1977	1978	1979	1980	1981	1982	1983	Project title
B-037-NEB	X	X	X					Improved water and fertility management for irrigation systems (phase II)—Fischbach.
B-044		X	X	X				Remotely sensed crop temperature for water resources management—Blad.
B-045		X	X	X				Economic evaluation of ground water policy alternatives in the Northern Great Plains—Supalla.
B-048			X	X	X			Water and energy conservation using center-pivot irrigation and reduced tillage systems—Gilley.
B-052				X	X	X		Conservation of soil, water, and energy through reduced tillage systems—Dickey.
B-054				X	X	X		Water conservation through limited irrigation of corn and grain sorghum in the Great Plains—Watts.
B-057					X	X	X	Tillage practice effects on water conservation and the efficiency and management of surface irrigation systems—Eisenhauer.
14-34-0001-1465						X	X	Irrigation scheduling procedures with limited water for improved water-use efficiency for corn ans soybeans—G. Meyer.

Mr. EXON. Mr. President, I yield back any remaining time with my thanks to the Senator from New York.

Mr. MOYNIHAN. Mr. President, might I just pursue for a moment the centrality of water research to so much of what we do.

First, I made the point of the necessary public character of work of this kind. The Senator from Nebraska spoke of the university center developed there in the high plains, the relatively arid parts of the Nation. In my State of New York, which is well enough supplied with water but other problems such as the quality of water supplies are of great local concern, the center is at Cornell.

Now, meaning no disparity to any other institution, the University of Cornell is a world institution; it is a world-class institution. It does not do research on local problems, as the President's veto message would suggest is the case. It is concerned with the most fundamental of man's needs.

I have said on this floor before that you can live without oil and you can even live without love but you cannot live without water. And through the history of the world, it has been the change in water supplies that have fundamentally changed economies and civilizations. The world is still with the bones of civilizations that never learned to manage their water supplies.

As I look around the world—we will, in a very few days, be dealing, I hope we will be dealing, with the relief programs for Africa that are primarily concerned with the desert area known as the Sahel. It was not a desert area as much as 100 years ago and intensifies with every passing year. It is a water problem and water management.

I have once served as our Ambassador to India where the monsoon is life or death for 600,000 persons and where the deforestation of the Himalayas is producing a situation in which the monsoons hit those mountains as if they were up against a pane of glass and come rushing down on to the Indo-Gangetic Plain and seeping in floodwaters out into the Bay of Bengal and the Arabian Sea, as the case may be, altogether transforming the agriculture potential of the South Asian Continent.

We are talking about something fundamental to farming. I must say, and I do not wish to become in any way acerbic, but as the President's economic report for this year points out, in fiscal 1983, Federal Government outlays for farm price and income support totaled $18.9 billion, an increase of $12.3 billion in 2 years. They have added $12.3 billion in farm price supports in 2 years, to which, say the council, must be added $9.4 billion worth of payment in kind, PIK, commodities. So you have something like $20 billion in additional expenses for agriculture, passed on without the slightest compunction, and here we are denied $36 million to maintain a 20-year program of research in water supplies without which agriculture is impossible in perhaps half, I would not be surprised if half our Nation did not need work on its water systems as conceived in these programs to maintain its agriculture system.

It makes no sense, Mr. President, and particularly it makes no sense to have such an unacceptable idea of research as to think that it can be cut off as casually as this way and picked up some other time, perhaps when the PIK program is down from $9.4 billion to $9.365 billion and we could pick up the remaining for this program.

Research is 15-, and 20-, and 30-year parameters. Research that does not deal with growth over long times and changes over long times is not productive any longer. The kind of work that can be done in 2 years and 3 years has been done. That is why these institutions at 20 years are just beginning to mature and why we should support them.

I see that our distinguished colleague from Minnesota has come to the floor. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, I am happy to yield 6 minutes to the most able Senator from Minnesota, a valuable member of our committee.

Mr. DURENBERGER. I thank my colleague, the chairman, and I thank my distinguished colleague from New York, whose leadership on this issue over the years is well known. I particularly thank my colleague from South Dakota. South Dakota is a State that benefits from being close to Minnesota. Right now it is benefiting a great deal by the fact that a lot of people are leaving our State to find jobs in my colleague's State. One of the things we share a common concern about, however, is the state of our natural resources, and, in particular, a concern about the role the National Government is going to play in preserving those natural resources.

The issue that is being forced upon the Senate today, it seems to me, is not the type of issue that our constituents, if they were in the gallery listening, would expect us to be debating. We have, someone tells me, an unending string of $200 billion budget deficits stretching out as far as the eye

can see. We had the President of the United States spending an hour with some of us today discussing what we are going to do about those deficits.

With all that burden on us, it seems rather absurd that this body should find itself mired even for an hour, to say nothing of the hours of staff time that have been consumed in the last several weeks, in a debate over an effort to override the President's veto, as my distinguished colleague from New York pointed out, of a $36 million program.

But, as the debate is making clear, the issue is extremely important and it deserves the attention that we are giving it today.

If this is a debate over how to reduce the deficit, I would accord nothing more than an asterisk with a question mark to the proclaimed budget savings from the veto.

The fact of the matter is that if the President's veto is not overridden, spending for the water resource research activities will remain at the historical level of $54 million, $18 million more than would be authorized in S. 684.

Quite simply, if we fail to override the veto, spending will not go down, it will remain at a higher level. So the question before the Senate is not one of spending, but of priorities and approaches to water resource research policy. And it is here where the strongest arguments in support of a veto override can be found.

This country has operated without a water resource research policy for far too long, and today is as good a day as any for Congress to assert itself. And let met stress that the policy questions raised by the veto are much more significant than the spending questions. For the first time, the principle of cost sharing would be made a part of our water resource research institutes, leading over time to greater responsibility of the institutes for the research undertaken, without a corresponding reduction in the water resource research conducted on issues of national importance.

Mr. President, S. 684 was passed by unanimous voice votes in both the House and the Senate. The bill was the result of almost 3 years of work by Congress, including hearings, compromises, amendments, and thoughtful work.

Mr. President, if there is anyone who is unfamiliar with water resource research programs, I would like to provide my own brief view of this history. I am sure it has been done before I got here by others more expert than I, but I guess it bears some repetition.

Since 1964, the Federal Government has cooperated with the States in supporting a water resources research institute at a land grant university in each State and four other jurisdictions. These institutes have acted as a catalyst for water research nationwide, creating a healthy network of R&D information and expertise, offering research opportunities to graduate students and university investigators. With the passage of Public Law 95-467 in 1978, the institute programs and the national R&D program for improvement of saline and impaired water were brought together in an effort to respond to the increasing need for investigations aimed at solving critical national water problems.

Benefits from the work done by the institutes are impossible to calculate accurately. However, a study done in 1980 cited 26 outstanding projects funded with a total of $3.5 million in Federal funds. These projects received non-Federal funding of $4.8 million, for a total R&D cost of $8.3 million. The estimated benefits in direct monetary terms were $6.2 billion. Even if those estimated benefits are overstated, they clearly far exceed the cost to the Government and represent a sound investment for the public.

Over the past few years, my State of Minnesota has developed an excellent water resource research center. The WRRC uses its funds to finance water-related research by graduate students under direction of qualified faculty researchers, thereby increasing faculty effectiveness. Projects for funding are selected by a panel that includes State agency and university persons. WRRC itself has no faculty, only a halftime director and a secretary. All research is done in departments such as public health, civil engineering, forestry, agricultural and applied economics., geology and geophysics, geography, soil science, agricultural engineering, and limnology. WRRC currently finances five projects which they hope to continue for 2 to 3 years before selecting new ones. Projects are not confined to the University of Minnesota. Qualified researchers in any State or private college in the State can send proposals. Over the years, the WRRC has supported projects at Gustavus Adolphus, Concordia, Bemidji, Mankato, and St. Cloud, as well as at university branches at Morris and Duluth.

As for the President's veto, I think the Secretary of the Interior has passed along some poor advice; S. 684 does not contain a "new" program for water-related technology development. Instead, it authorizes a much smaller technology development program than was contained in previous legislation. And the type of research undertaken is exactly the type of research this country needs. In 1983, the University of Minnesota WRRC conducted extensive research on:

Developing water use efficiency for crops; onsite biodegradation of organic pollutants in contaminated soils and ground water; tracking agricultural and industrial pollutants through a Karst hydrologic system; and effects of acid precipitation on Minnesota lakes.

These studies are the first in a series on water resource problems that will be with us for the rest of our lives. The President's advisers are wrong to say that these are State or regional problems—they are urgent national problems that we just do not know enough about. If the Senate fails to override the veto, studies on these subjects in every State, not just Minnesota, will come to an end, and with it the Federal Government's responsibility for national water resource problems.

And so, Mr. President, I urge my colleagues to vote to override the veto of S. 684. From both fiscal policy and water resource policy perspective it makes sense, and will let our constituents know that the Senate takes this country's water resource problems seriously. I hope the vote will be as unanimous to override as it was in its original passage.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I yield myself 2 minutes in which I might just make a response to the distinguished Senator from Minnesota, if he can tarry just a moment.

I was not aware that it was the advice of the Secretary of the Interior that led to this veto. I am genuinely appalled to think it might be. Any American schoolchild at the turn of the century in my State of New York, say, if they were given a geography book, as they would be—they were taught geography—and open it up, they would see a map of the United States.

At just about the western fringes of the State of Minnesota would begin a vast area that would make its way to the Rocky Mountains, and it would be labeled "The Great American Desert." That is what it was called. That is what it remained until the Bureau of Reclamation, begun by Theodore Roosevelt, an impeccably Republican President, and the U.S. Government brought water to those regions. Those regions have become the most productive agricultural areas of the world.

Are we forgetting our history? Are we losing our sight? The idea that this is research work, first-rate hydrauligists do not do research work. They do science. They know who else is doing this science. They do their own. They do not replicate. They do not overlap. It is called science.

In this economic report, the President's economic adviser suggests that the return on agricultural research by the Federal Government over time has been 50 percent per year. Even the PIK program does not give you 50 percent a year. I mean 50 percent a year return. Consider what we are dealing with and ask whether we ought to change.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STAFFORD. Mr. President, how much time does the distinguished Senator from New Hampshire wish?

The PRESIDING OFFICER. The Senator from Vermont has 11 minutes and 20 seconds left on that side; 14 minutes and 27 seconds on the other side.

Mr. STAFFORD. This Senator will yield the time which he wants. Five minutes, I will be glad to yield 5 minutes to the able Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

Mr. HUMPHREY. May I first ask the floor managers what is the administration's rationale for vetoing this bill in the first place?

Mr. STAFFORD. The floor manager, the chairman of the committee, is unable to advise the able Senator from New Hampshire why this bill was vetoed since it had passed both the House and the Senate unanimously, but will state what the veto message says.

The veto message essentially said that while the research accomplished by the State institutes has been valuable, the institutes are capable of standing on their own, and the S. 684 research is essentially regional or local, and therefore should not be supported by the Federal Government.

I would say to my friend, that the speakers thus far generally, and this Senator in particular, found these reasons unacceptable.

Mr. HUMPHREY. I find it unfortunate that we have so few vetoes. I want to encourage the President to be far more liberal in his use of the veto than he has been thus far because this body, and the body on the other side of the Capitol, and the Congress as a body, has been grossly irresponsible on the spending side of things. We have just had a very serious meeting with the President this morning. We were talking, at best, about a $15 billion reduction in fiscal year 1985, and that is supposed to be a downpayment on deficits that are in the range of $170 to $180 billion. It is far too little and far too late it seems to me.

So I want to encourage the President to be much more liberal and enthusiastic in his use of the veto. We need someone around here to apply some discipline. However, at the same time I have enormous respect for the expertise and the opinions of the chairman of the Committee on Environment and Public Works.

I am going to follow his lead, and that of the overall leadership of the majority party on this matter regrettably. I would not want the President to take that as a sign that his veto messages are in vain. To the contrary, I would welcome them by the score. But it does seem in this particular instance the President has been badly advised. So I will support the leadership in the attempt to override this veto.

Mr. President, S. 684 is legislation which is clearly of national benefit. The system of 54 State water research institutes, which S. 684 will extend, is a national asset which must be strengthened and preserved. To help my colleagues understand the value of this system, I would like to speak just a moment about one of its parts with which I am most familiar—the New Hampshire Water Resource Research Center.

The New Hampshire center was one of the first 14 institutes established under the Water Resource Research Act of 1964. Since that time it has been an integral part not only of the University of New Hampshire but also of the regional and national water resources community.

Research priorities for the center are periodically and carefully set, taking into consideration national, regional, and State water research needs and the capabilities of the center itself and those of the university. History shows how the center's priorities have changed to reflect changing national and regional water resources research needs.

In the mid-1960's, pollution problems and other water quality concerns such as lake eutrophication were emphasized. Water quality research continued to be a priority in the early 1970's, but increasing emphasis was placed on water supply, ground water management, conflicting uses of water resources and economic and legal issues. In the mid-1970's, land use planning and community planning became appropriate research topics. In the late 1970's and more recently the range of problems research has broadened to include ground water contamination, minimum flow management, conservation, water quality and quantity interaction and acid precipitation effects.

Specific research projects carried out by the center have been interesting and varied. They have included:

A study on the problem of aquatic plant proliferation in New Hampshire lakes—a serious problem in many areas of the country;

An examination of factors which affect transpiration from hardwood trees—the findings make an important contribution to our knowledge of the effects of land management practices on water availability;

An evaluation of the effects of sewage sludge application on soil water content and vegetation in a northern hardwood forest—a study of obvious value for many communities with sludge disposal problems;

The development of an improved method for removing toxic metals from water during the treatment process—this important work was continued under a separate grant from the National Science Foundation;

A study of the existence and effects of toxic-blue green algae in freshwater ecosystems—work that helps us better understand a serious problem in many lakes and ponds;

A comprehensive study of water law in New Hampshire—the resultant two volume compendium serves as an important reference for those inside and outside of the State who are concerned with New Hampshire water law; and

An examination of pathogens in a special composting project which will help wastewater treatment engineers in their efforts to safely dispose of sewage sludge.

Mr. President, the unquestionable value of these and many other research projects, when added to the center's contribution to the university community still do not equal the sum total of the center's worth. Perhaps the most important aspect of the New Hampshire Water Resources Research Center is the output of students who have become knowledgeable in one or more aspects of water resources and study methods. Between 1964 and 1980 250 graduate and undergraduate students were directly involved in the research program. The center estimates that 75 to 80 percent of these students continue to work in water-related fields upon graduation. Many work in business and consulting firms, while others have chosen careers in Government service, teaching, and research. Several have chosen further academic training. These are the people who will help solve the water resources problems of tomorrow. The relatively small amount of Federal funds spend on their training more than pays for itself in future benefits.

The center's contribution to the university community, the valuable research it performs, and the young people it helps train and educate add up to a class act—a performance which deserves our continued support. Those involved with or who have come in contact with the New Hampshire Water Resource Research Center and any of the 53 other State institutes should have no doubts as to the value of this national asset. I have no doubts either—I therefore urge my colleagues to vote to override the veto of S. 684.

I thank the chairman for yielding time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I am not going to add to what I said at the outset of this debate at the

present time. The Senator from Vermont understands that he has about 8 minutes remaining. I hope that any Members of the Senate who wish to make statements, or to have statements entered in their behalf in the RECORD, will make that known to us on the floor promptly so that time will not run out before that can be done.

I would remind Members that a vote will occur, and it will be a rollcall vote, constitutionally required, at 2 o'clock.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I say that there is slightly more time on our side than that of the distinguished chairman, and if he should need any, he need only ask me on this matter, as on any other.

Mr. President, I would return to this question of the veto message which really is discouraging. It is almost alarming. We have dealt in our committee for a decade now with the whole question of how do we develop a national water policy when we are not going to develop a national water policy, save on a research base, which these centers across the country and the territories are developing.

The statement in the veto message, "The water research that S. 684 would promote" can be characterized as mostly local or in some cases regional in nature.

That is just not true, Mr. President. If it is meant to suggest that it is parochial—regional in nature—yes. The High Plains—that happens to be a region. The former Great American Desert—that happens to be a region. The Colorado River complex—that is a region. The central Arizona project, which involves more than central Arizona—I observe my beloved chairman of the Committee on Intelligence on the floor—that is a region. It is in the interest of the American people that we inquire into their fundamental problems of water.

Water defines the limits of growth in perhaps half the territory of the lower 48 States. I repeat: Water supply defines the limits of growth, both in amount and quality, of about half the region, the territory of the lower 48 States. If that is not worth continuing a 20-year research program at the derisory sum of $36 million, I do not know what is.

I know why this bill was voted, Mr. President: Because the amount of money was so inconsequential, one more veto could be marked up to fiscal austerity with no consequences of any kind except to the next generation.

I repeat: Last year, according to the economic report of the President, the cost of the agricultural programs in the country reached $12,000 per farm. Outlays rose by $12.3 billion plus $9 billion in PIC. Nothing can be done about that, but close down your laboratories; act as if this is not science.

Science does not replicate itself, Mr. President. A reputable scientist does not do what has been done. That is why we are a blessed Nation in this regard today as compared with what we were 60 years ago.

Mr. BINGAMAN. Mr. President, I shall vote to override the President's veto of S. 684, the Water Resources Research Act of 1983.

This bill authorizes matching grants to 54 State water resources research institutes. These institutes conduct basic scientific research on a myriad of projects ranging from ground water pollution to water conservation. S. 684 also provides grants on a competitive basis to other universities and organizations for research on national and regional water problems.

The authorized funding level for this bill—$36 million annually—would be significantly lower than the $53.5 million authorized in the most recent fiscal year of the existing program. There is value in a partnership between the Federal Government and the States in pursuing new solutions to the Nation's water problems.

This bill has special importance for New Mexico. It includes $180 million over the next 5 years for the New Mexico Water Resources Institute at New Mexico State University in Las Cruces. The institute has over $200,000 in State funded research projects currently underway that are jeopardized by the veto.

The bill also authorizes the transfer of title to the city of Roswell the desalinization facility that the city currently leases from the Department of Interior. I am convinced that the desalinization facility represents great potential for water, agriculture, and aquaculture research beneficial to New Mexico and the Nation at large. The direct application of the facility's research will have benefits throughout the State. The Nation will benefit from the technology and expertise gained at the facility.

Since the plant is capable of producing extremely high quality water with as little as 200 parts per million of total dissolved solids, it is hoped that prospective industries whose production is dependent on high quality water will be attracted to the area. Electronics, chemical, and photofinishing are examples of such industries. The expanded industrial base that would result will help create jobs, broaden the tax base, and increase tax revenues for the entire region.

I encourage my colleagues to join me in voting for this most important legislation.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum, which might be charged equally to both sides.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. GOLDWATER. Mr. President, I ask if I may have 3 or 4 minutes.

Mr. MOYNIHAN. Mr. President, may I have the honor to yield to the Senator from Arizona what time he wants?

The PRESIDING OFFICER. The Senator from Arizona is recognized for 4 minutes.

Mr. GOLDWATER. I thank the Senator. I thank the Chair.

Mr. President, this is a very interesting subject to me because I was born and lived in a part of this country whose entire history has been built upon the lack of water. The civilization that I represent is one of a number—No. 6—that have lived in the central valleys of Arizona. The others who have lived there we call the ho-ho-kam. It means in Indian "Those who have gone."

We can fly over the valleys of central Arizona and show you the outlines of canals that were dug by Indians over 3,000 years ago to bring water from distant sources onto the lands that were at one time irrigated and farmed. When the Reclamation Act was passed in 1906, we began reclaiming our deserts. The original investment in what we call Theodore Roosevelt Dam was $11 million. I doubt that it could be replaced today for less than $300 or $400 million.

This one dam has been augmented by dams built with the farmers' money or, you might say, the residents' money, putting up money for bonds to build the dams. That is not entirely true, because two other smaller dams to prevent flooding have been built into this very large system of dams, which now totals nine.

This investment, a total investment of Federal Government bonding money by the farmers, would probably total around $122 to $150 million. Yet, last year alone, the Federal income taxes paid out of the one county, Maricopa County, that benefits the most from this project or projects, totaled over $0.5 billion.

So, as I stand up to talk about water, I talk about the use of water that has produced a great profit, probably a profit exceeding any other investment in the United States by the Federal Government. We naturally are very convinced about this, and I think people have to live in that environment and really understand it. Many new residents moving to central Arizo-

na have come from parts of this country where the problem of water is not too little but way too much. They live out there thinking that we have the same problem—namely, too much water.

I hate to say it, in a way, but I am rather glad to know that progress does bring progress across the board. As the central valleys of Arizona once were deserts, having become green with the agriculture that produced more crops per acre than any other acres in the United States, they are now turning into acres of industrial use. Every acre of industrial use turns two-thirds of the water back. So, in effect, as we grow industrially and as we have become the fastest growing industrial State in the Nation, many, many thousands of acre-feet of water are turned down for the use of the general public.

My good friend from New York mentioned the central Arizona project. That is a project that has been under consideration for many, many years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STAFFORD. I yield 2 more minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank the Senator.

I wind this up by saying under the central Arizona project, we plan to reclaim land, more land. We plan to irrigate more land. That is not going to happen. By the time we get water through our aqueducts out there, it will be used almost 100 percent by local consumption. That is the use for drinking and use in industrial plants. We can pay that back now on the basis of $1,000 per acre-foot, which is much, much better than $10 per acre-foot, which, I have to admit, is pretty cheap water.

So, Mr. President, I do not think the President was well advised on this veto. He is a westerner; he understands the value of water. I hope that we can override the veto and, at the same time, inform our President that, while we highly respect him and his judgments, he should remember that his early bringing up was on Federal water.

Mr. GARN. Mr. President, I rise today to urge my colleagues to support my good friend from South Dakota, Senator ABDNOR, in his effort to override a veto of S. 684—the Water Resources Research Act of 1983. It is not often that I must disagree with the President of the United States on issues of this nature, but today is one of those days. With all due respect to the President, I believe the advice he received on this measure was shortsighted and the veto of this bill to be a mistake.

There are many reasons why I believe this to be true. S. 684 is a constructive piece of legislation that preserves the idea of a Federal, State, and university level partnership in the area of water research. Such a partnership has a solid record of achievement in many States throughout the country and should be allowed to continue. I am especially pleased to say that this partnership has been very effective in my own State at Utah State University.

With a minimal, but necessary $115,000 annual Federal contribution, Utah State University and the State of Utah operate a $4.6 million cooperative water research program that offers international leadership and expertise in the field of basic water research. Not only has the laboratory at Utah State been a pioneer in the international field, but it has done so using the water philosophy Brigham Young used over 100 years ago when the vast desert of the Great Basin was made to blossom. The research at Utah State University has contributed innovations that have revolutionized irrigation technology in the arid West and around the world. There are many additional areas of research taking place at Utah State that I wish to submit with the statement for the record. Examples include the following:

First, hydrologists elsewhere developed techniques for estimating reservoir yield and assessing water supply availability through drought. The cooperative program sponsored a project that applied these techniques to Great Salt Lake levels and provided the basis for economic evaluation of the State lake level control options. In turn the idiosyncrasies of the lake data raised new scientific issues and led to developing new techniques that can now be applied elsewhere.

Second, Utah is now going through an extremely wet period. Mountain soils that have been dry for generations have become saturated and begun sliding. Debris flows have been transformed from curiosities to disasters. The Utah center recognized the need for better understanding of these flows as long ago as 1980 and worked through the cooperative program with inputs from prominent hydraulics researchers from other parts of the country to develop the basic equations for describing these flows and the methods for their solution. We now have a first step to defining debris flow hazards for the design of engineering control structures and for warning people occupying lands below.

Third, the efficient allocation of water for food production requires a thorough understanding of how crop productivity is affected by the methods and rates of water delivery to the root zone and of the quality of the water applied. Each Western State has been studing these relationships for years, but arrangements available through the cooperative program were used to set up a common experimental design so that data could be easily compared across State boundaries and all could profit from coodinated experiments. Data collected in four Western States were used to form general models for estimating crop production from water amounts and quality. These can now be used to allocate limited irrigation water for greater crop production.

Fourth, salinity is the curse of western water use. Every diversion from a stream or aquifer leads to consumptive use and leaves the water returned to the streams or ground a little saltier. Development projects bring water into contact with salt-bearing underground formations and add to the problem downstream. The Bureau of Reclamation is conducting a number of studies on the overall situation, but the national cooperative program in Utah provided the means to probe the details in some Utah situations. These models are now being used to quantify salt pickup and compare alternative salinity control designs.

Fifth, many small communities protect the downstream environment by employing waste stabilization lagoons, but the adoption of more stringent discharge standards a few years ago meant that this treatment would no longer be sufficient. In the average State, about 100 communities had no treatment method that they could afford and were too small to fund research. The cooperative program identified the problem and funded exploratory research that developed intermittent sand filtration as a low cost technique. A $13,600 project began a $600,000 EPA research program and culminated in results that helped thousands of small towns collectively save many times that amount in waste water treatment costs.

Sixth, Utah has vast energy resources that require water for development and the water can only be obtained by taking it from agriculture. The energy industries study water availability, suitability, and disposal. Federal agencies study management implications from the national perspective. State agencies fit needs into water development plans. However, many problems never get studied because they fall between the cracks or require basic studies for developing new methods. Applications of the cooperative program in Utah have been able to use national expertise to protect State interest with respect to such topics as the relationship between air pollution control and water quality, the conversion of agricultural water rights to energy uses having different time and quality requirements, bargaining between farm communities and energy companies to protect the local viewpoint, and how to manage water transfers to maximize the economic benefit. Such answers have gone a long way to ease former con-

cerns overcoming severe water shortages in their part of the State.

Mr. President, the State of Utah is normally the second driest in the Nation and will, out of necessity, always remain committed to an ongoing water research program. Yet, even an aggressive State program like Utah's cannot meet our critical national water needs of the future alone. The beauty of this program has been that with a minimum of dollars from Washington, shared water research has been fostered and promoted by institutions throughout the Nation. Research at the university level is best when information is shared among institutions. This is especially true in the water research area where many States share each other's common needs.

The language contained in S. 684 continues the tradition of shared water research. The bill also provides the taxpayer with a fair deal and return for his tax dollar. By reducing the cost of the Federal portion of the program from $53.5 million annually to $36 million annually over a 5-year period, S. 684 is fiscally responsible. Congress has shown its desire to fund the program every year over the objections of the administration. It makes good sense to enact a streamlined, more cost-effective program than to continue under the more loosely defined, less fiscally sound provisions of the former authority.

The bill promotes competition, shared research with increased productivity and significant incentives for increased State participation. For example, whereas the allotment to each institute under present law does not have to be matched by State funds, the new allotments would require a graduating non-Federal-Federal match ranging from a 1-to-1 match for fiscal years 1985 and 1986, a 3-to-2 match in fiscal years 1987 and 1988, and a 2-to-1 match for fiscal year 1989. S. 684 would continue the research grant program under its existing 1-to-1 match basis.

Mr. President, I believe these are compelling reasons to override this veto. Every one of the improvements in the program as outlined in S. 684 are truly consistent with the President's philosophy; it includes program cost reductions, Federal, State, and university partnership, incentives for greater State participation, and an emphasis on solving national water problems as criteria for the awarding of research grants.

I will repeat what I said earlier—the President has been given some very poor advice. The Congress has expressed its desire and will continue to fund the program. It only makes good sense that we take this opportunity while it is given to us and adopt this modest, streamlined legislation which significantly improves the existing program. I urge my colleagues and those who would normally support the President to recognize that an error has been made and that this legislation deserves to become law.

Mr. STAFFORD. Mr. President, I yield 2 minutes to the distinguished Senator from South Dakota.

Mr. ABDNOR. I thank the Senator for yielding.

Mr. President, in his veto message, the President said, "The water research S. 684 would promote can be characterized as mostly local or, in some cases, regional in nature."

I think that statement has been clearly proven wrong. As a matter of fact, by far the biggest single sum of money in this legislation calls for $20 million a year in matching grants for water research with a requirement for research of national importance.

This requirement prerequisite for receiving the money. And that is the good thing about this legislation. We are stipulating that the dollars have to be used specifically for research which is national in scope. That is important.

Mr. President, the future of water resources in this country is a real issue for today and the future. You do not have to read the newspapers to know that one of the greatest problems down the road for this country is water. Already we have fights and disputes over water going on between States, because water is something for which there is no substitute.

We are researching solutions to a future energy crisis. We have programs underway in synfuels, and so forth. Well, what would we do if we ran out of water?

This is important. Research conducted under S. 684 will study water shortages, ground water depletion, water conservation techniques, irrigation efficiency, and numerous legal questions. This is what the research money is going to be used for. We need to acquire this knowledge and expertise, and the only way to get it is through research.

As important as every dollar is, some things have to have a higher priority than others. Knowing the importance of water and what it means to this Nation tells me this is a program for which we must make some allowance. This is far too important to ignore, and that is why I for one am asking my colleagues to join with me in voting to override the veto of this legislation.

Mr. STAFFORD. Mr. President, how much time remains to the majority?

The PRESIDING OFFICER. Fifty-two seconds.

Mr. STAFFORD. I thank the Chair.

I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I have one concluding remark just to set the balance to this discussion.

My good friend, the chairman of the subcommittee, has noted the problem of the shortage of water, which is certainly a very distinct aspect to about half of our country, including areas such as Florida nowadays which has more people than water supply.

There are other areas of the country on so-called sole source aquifers. Sometimes an entire city is drinking from what can be described as one well. The whole of the four counties on Long Island drink from a sole source aquifer. The water which they drink today fell as rain 50 years ago. If ever that water becomes impure—and it can with not any great effort—with the long leadtime before you learn about it, that area becomes uninhabitable. The thought would never occur to anybody today, but it is things such as that which the research we are supporting studies, learns about, anticipates, and hopefully prevents.

I thank the Chair.

Mr. HATFIELD. Mr. President, it is never easy to openly oppose the directive of your President, particularly when that President is a member of your own party. However, I feel that President Reagan's veto of S. 684, the Water Resources Research Institute reauthorization bill, was based on ill-advised assumptions. The Institute funding bill involves a $36 million annual expenditure nationwide of Federal funds to States. The States in turn match those funds to finance water research programs which provide ongoing analyses of the problems facing water resources—from ground water pollution to water conservation. The research accomplishments achieved by this program in the State of Oregon have attracted other research funds from both the private and public sectors.

The vetoed reauthorization included a formula which would gradually reduce the Federal match rate in this program over the 5-year funding period. This program historically has been a partnership between the States and the Federal Government in funding research that not only benefits the individual States' water resources, but also enhances the national pursuit of new solutions to our Nation's water problems.

It should be further noted that the $36 million authorized by S. 684 represents a significant reduction in the Federal funding level of the program. For the most recent fiscal year, $53.5 million was provided.

Finally, programs, such as those funded by Water Resources Research Institute, which seek to provide solutions to those problems that can eventually destroy the livability of our planet, must not be eliminated in such a shortsighted manner.

The condition of our water supply is one of the most critical issues that will

face us in the years to come. It is imperative that we maintain support for programs which strive toward the preservation of this lifegiving natural resource.

The approach of S. 684 is consistent with budget-reduction goals in that it:

Reduces funding from the previous fiscal year; and

Works toward a further reduction in the Federal match in the next 5 years.

It is inconceivable that the administration would request and encourage Congress to appropriate $256 billion to fund the further production of nuclear weapons, which serve only to further destabilize our national security, while programs aimed at improving the ongoing quality of human life are shoved aside in the name of deficit reduction.

The past effectiveness of the Water Resources Research Institute program deserves congressional praise and reaffirmation by approving its reauthorization.

Mrs. HAWKINS. Mr. President, I must speak in support of S. 684 today because I recognize the need for a strong Federal-State partnership in the effort to resolve the complex water quality and water supply questions that face our constituents today.

The Water Resources Research Act of 1983 is a responsibly drafted program that acknowledges not only the Federal Government's role in water research, but also the need to lessen financial burdens on the Government during this time of fiscal crisis. Under the proposed funding formula, the States matching contributions to this program will increase each year.

Since 1964, this program has been used very effectively in Florida. Some of the long-term research efforts that evolved out of this program in my State have dealt with water management law, and the eutrophication of lakes and streams. Upcoming work is expected to concentrate on drought preparedness strategies, and the effect of pesticides upon ground water supplies. Anyone who was involved in recent efforts to untangle the many concerns surrounding the use of the pesticide EDB knows how serious a problem ground water contamination presents to millions of Americans.

Mr. President, my colleagues may wonder how a State like Florida can have any concerns about water. The State is surrounded by water, it has more than 10,000 lakes of over an acre in size, it is the fourth wettest State in the United States, and it has more water in its underground aquifers than all of the Great Lakes combined. However, the big question is now to manage and maintain the quality of all this freshwater in the face of phenomenal population increases—43 percent in the 1970's, which brought our number to a little over 10 million, and projected increases of another 62 percent by the year 2010. Water quality was cited by the Florida State Legislature as the State's No. 1 concern in early 1983.

The State of Florida, and its universities, are willing to cooperate with the Federal Government to solve today's and tomorrow's water problems. I urge my colleagues to support S. 684 in order to maintain this vital State-Federal partnership in research.

Mr. THURMOND. Mr. President, after carefully considering the merits of this Water Resources Research Act, and the objections outlined by the President in his veto message, I believe the President was ill-advised in his decision. Accordingly, I shall vote that this bill become law, the objections of the President notwithstanding.

S. 684 continues a highly effective State-Federal partnership which, over the years, has stimulated substantial water resources research. The State water resources institutes have largely been created through a matching of Federal seed money and local funding. While these institutes have made noteworthy strides in recent years, in my judgement, this is not the type program which can be said to be the exclusive responsibility of the States. To the contrary, I believe a limited Federal role, in partnership with the States, is appropriate in this area.

Water resources issues are increasingly becoming regional or national concerns. In efforts to effectively and efficiently develop water resources, one State will likely affect an adjoining State's interest in the same water supply. Accordingly, it is entirely appropriate that our National Government provide a program to partially fund, guide, and help coordinate the States' efforts in this field.

Mr. President, while I strongly support the President's policy on federalism and reduced spending, I believe that this program is a proper recipient of Federal funds, and I believe this particular veto should not be sustained.

Mr. RANDOLPH. Mr. President, I join with Chairman STAFFORD of the Committee on Environment and Public Works; Senator ABDNOR, chairman of our Subcommittee on Water Resources, and Senator MOYNIHAN, ranking member of the Subcommittee on Water Resources, in urging that the Senate pass, notwithstanding the veto of the President S. 684, the Water Resources Research Act of 1983. This legislation would continue in a more modest way a very important research and grant program relating to the development of our Nation's precious water resources. This bill would provide a more fiscally responsible manner of funding scientific research on water problems.

The legislation authorizes matching grants to 54 State water resources research institutes. These institutions, all at major universities, conduct research on a number of topics involving water, both from a pollution and development perspective.

While the President has been opposed to continuing this small program, the Congress has through the appropriations process been providing funding annually. The bill recommended by the committee and passed by the Congress addresses some of the concerns of the administration and provides a program that is better federalism. A greater responsibility for funding of these institutes must come from the States and other non-Federal interests. This will result in a sounder allocation of resources.

Mr. President, a program which authorizes $36 million as opposed to prior program authorizations in the neighborhood of $53.5 million is more austere, yet it will allow basic research involving one of our most valuable natural resources—water. I urge my colleagues to vote to override the President's veto of S. 684.

Mr. DECONCINI. Mr. President, I congratulate my colleagues, Mr. ABDNOR and Mr. MOYNIHAN, for sponsoring this veto override action on S. 684. S. 684 is responsible legislation which will assure continued quality research in our Nation's water resources. Mr. ABDNOR, who worked long and hard on developing S. 684 and Mr. MCNULTY, our colleague in the House who put forth a tremendous amount of effort to move the companion bill through the House, believe as I that Federal support for research by our Nation's water professionals at land-grant universities is our only hope to assuring the availability of credible information about our water supplies. While this administration proposes to eliminate Federal assistance to the States for research into regional and national water problems, I do not believe we can expect the States or the private sector to shoulder the full burden for research into our Nation's water resources. The work being conducted through our water resource research institutes is critical to the continued growth and well-being of our country. Water shortages, contamination, overabundance, and associated problems will continue to plague cities and towns across the Nation—we are just beginning to make progress in expanding our knowledge into the causes of some of these problems. Technology is being developed to help us overcome some of the most severe health-related water dilemmas. I believe the progress we have made is largely the result of research that has been conducted through our water resource institutes in each State. While the private sector and the States have an important role to play in the continued research of water resources, the work done by the institutes receives finan-

cial support from the States and the resulting information is shared with all water resource professionals in and out of government. It supplements efforts being made in the private sector and provides a base of information from which to promote and expand further research.

At the University of Arizona in Tucson, research was conducted on the feasibility of utilizing treated sewage effluent for irrigation purposes. The institute found on this particular project that the use of effluent from sewage treatment plants favorably contributed to the growth of many crops without adverse affects. This research was completed at a cost of only $19,700, a modest amount of money for valuable knowledge that can be applied nationally.

S. 684 seeks to restructure our existing water resource research institute program. Its annual authorization level is less than that under existing law and the legislation requires a greater financial commitment from the States for Federal matching grants. It reemphasizes the need for a Federal-State partnership in water resource research. The bill is a sound and cost-effective approach to meeting our research needs. I cannot believe the President fully understood the purpose of our existing water resource research institutes and how S. 684 will assure continued State and private support for the research. If he did, I do not believe he would have vetoed this bill which has strong bipartisan support not only in the Congress but at the State and local levels as well.

I am voting to override the President's veto. This is an important and responsible piece of legislation crafted by very bright and capable individuals like Mr. ABDNOR and Mr. MCNULTY. I urge my collegues to likewise consider the long-term effects of this bill and vote today to override the President's veto.

Mr. HATCH. Mr. President, with the specter of the dificit facing us, it is extremely difficult to urge this body to override the Presidential veto of a bill the administration feels will produce unnecessary spending. I am well aware of my own remarks urging my constituents and others to recognize that the Federal Government does not have a limitless source of funds for every project, no matter how well-intentioned it may be.

In some ways, we seem to be a spoiled Nation. We were spoiled by abundant, cheap energy for many years. Even now, after two critical periods of shortage, we are still complacent in our attitude toward energy. We were also spoiled by abundant, cheap, clean water; but now it is being said that water may very well be the crisis of the 1980's. That is difficult to believe now that my own State is facing such a surplus of water in many areas this year, we must remember that just a few years ago we faced a serious drought.

We must never forget that, while energy is necessary to maintain our standard of living, water is vital to our very survival. The only way to avoid or minimize the water crisis which may be pending before us is water research. In such research not only is the quantity of water significant but so also is the quality.

An outstanding water research program has been developed on the basis of research program funding of approximately $4.6 million annually. The contribution of $115,000 that Utah now receives from the national cooperative program is but a small part of this total amount. Why then is the national cooperative program so necessary? Even with this expenditure of funds, Utah cannot conduct all of the research vitally necessary for the State and the Nation.

The national cooperative water resource research program permits an exchange of ideas. It minimizes duplication of effort and, in the final analysis, can actually save funds. We receive a great return on this investment in cooperative effort. I must add my voice to those who urge that this body override the Presidential veto of S. 684.

Mr. MURKOWSKI. Mr. President, I must vote to override the President's veto of S. 684. I do not cast this vote lightly.

This Nation is facing very serious water problems in the years ahead. These problems are not confined to the arid West. I know that each of my colleagues is becoming increasingly aware of the water problems in their own States just as I have become more aware of the water problems in my State. Ground water depletion in Alaska is becoming an increasingly serious problem in areas of the State that receive more than 60 inches of rainfall annually. It is my guess that Alaskans will be able to deal with that problem thanks to research already undertaken by scientists in arid Western States. My point is simple: Water problems are not purely regional problems that are best faced at a regional level. There is a Federal role to be played.

The water resources research program is a well-conceived, proven program which benefits every American in every region of the Nation. The provisions in S. 684 insure strict standards and employ a grant formula which guarantees local cost sharing.

Let us not fool ourselves, Mr. President. After all is said and done, Congress is going to fund water research. If we fail to override this bill, we will lose the standards and protections embodied in the bill which insure that the Federal contribution will be utilized in the most efficient manner possible. For that reason, Mr. President, I must reluctantly vote to override the veto.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. I thank the Chair.

As has been so eloquently said, the quality of water is the major issue in some parts of the country like my own where we have enough running around on the surface, but we have to make the most strenuous efforts, the most far-reaching research to have the quality water that can be used for human consumption.

Mr. MOYNIHAN. And Lake Champlain.

Mr. STAFFORD. Exactly right, and Lake Erie and Lake Ontario. But that balances the question of quantities of water which is so important in the West.

In conclusion, I do not enjoy urging that the Senate override the President of my own party, but am compelled to do so in this instance.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. MOYNIHAN. Mr. President, may I yield the remainder of my time to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes and 53 seconds.

Mr. STAFFORD. I thank my distinguished colleague from New York.

In conclusion, I regret the necessity of urging the Senate to override the veto in this particular instance. About 20 of our colleagues on the Republican side have signed a letter with Senator ABDNOR and myself urging the override: JAKE GARN, JIM MCCLURE, MARK HATFIELD, ORRIN HATCH, RUDY BOSCHWITZ, MALCOLM WALLOP, JOHN WARNER, PAUL TRIBLE, DAVE DURENBERGER, who spoke earlier; GORDON HUMPHREY, who spoke earlier; SLADE GORTON, FRANK MURKOWSKI, TED STEVENS, BARRY GOLDWATER, who spoke so eloquently; JOHN HEINZ, LARRY PRESSLER, and ALFONSE D'AMATO.

Mr. President, I am prepared to yield the floor, and I thank my gracious colleague for yielding time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAKER. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays are automatic.

Mr. BAKER. I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I believe I have 1 minute left, and I see the distinguished Senator from Washington on the floor. I am happy to yield to him.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute and 22 seconds.

Mr. EVANS. Mr. President, I will try to do it in 1 minute and 22 seconds.

Mr. President, I rise now to state the reasons why I cannot support the Water Resources Research Act of 1983 and why I will vote to sustain the President's veto.

Last week I spoke on the Senate floor regarding the immediate need to pass an effective deficit reduction program. In the next couple of weeks we will begin consideration of this matter. Why can we not start now—with Senate bill 684—to curtail spending.

Assuming that this program is fully funded, a vote to sustain would provide a 5-year savings of $83 million. This fact, coupled with the need to adequately address our future water need, leads me to vote to sustain.

Let me further explain.

This bill recognizes a problem. The problem, simply stated, is that we do not have a comprehensive water research effort in place. And yet Senate bill 684 represents a meager attempt to deal with what may become our next domestic crisis.

First, it is narrow in scope in that its focus is on institutions rather than regional water research needs.

Second, it is duplicative in approach in that it funds water research efforts presently carried on elsewhere within the Federal Government.

Third, it is limited in direction in that it gives us no goals which we, as a nation, must meet if we are to face up to our future water needs.

Mr. President, I am not against water research, but I am for a more reasoned piece of legislation. The future use of water is too important to do otherwise. Let us accept nothing less than a more comprehensive approach.

I recognize that this is a chance for everyone to jump on the President's veto since every State and four territories are involved in the distribution of money under this program. We need to do more than have independent research from each one of 50 States and 4 territories but, rather, to concentrate our efforts to do more regional and national research. I believe a better bill can be crafted, one which will cost us less money and will do a better job. If we all believe, as I suspect everyone in this Chamber does, that we ought to begin the job of deficit reduction, then now is the time to start with a proposal which affects every single State and which means that we can all say we gave at the office.

I yield back the remainder of my time.

The PRESIDING OFFICER. The hour of 2 p.m. has arrived.

The question is, Shall the bill (S. 684) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are mandatory under the Constitution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The yeas and nays resulted—yeas 86, nays 12, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—86

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Baucus	Hart	Murkowski
Bentsen	Hatch	Nunn
Biden	Hatfield	Packwood
Bingaman	Hawkins	Pell
Boren	Hecht	Pressler
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Chiles	Inouye	Sarbanes
Cohen	Jepsen	Sasser
Cranston	Johnston	Simpson
D'Amato	Kassebaum	Stafford
DeConcini	Kasten	Stennis
Denton	Kennedy	Stevens
Dixon	Lautenberg	Symms
Dodd	Laxalt	Thurmond
Durenberger	Leahy	Trible
Eagleton	Levin	Tsongas
East	Long	Wallop
Exon	Matsunaga	Warner
Ford	Mattingly	Weicker
Garn	McClure	Wilson
Glenn	Melcher	Zorinsky
Goldwater	Metzenbaum	

NAYS—12

Armstrong	Dole	Nickles
Baker	Domenici	Proxmire
Cochran	Evans	Specter
Danforth	Lugar	Tower

NOT VOTING—2

Mathias	Percy

The PRESIDING OFFICER (Mr. KASTEN). On this vote, the yeas are 86 and the nays 12. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The Senate continued with the consideration of the bill.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio was to be recognized.

Mr. BAKER. I apologize. I was not aware of the order. I yield.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, what we have before us at the present time is an amendment that nobody wishes to drag out as far as its consideration is concerned. In fact, speed and movement are very much at issue.

The PRESIDING OFFICER. Will the Sentor suspend? The Senate will be in order. The Senate will be in order.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, as we all know, there has been a rush to conclude a number of oil mergers. The purpose of this legislation is to give us a chance to pause, to take a look and decide for ourselves as congressional policy whether or not it makes sense or does not make sense to go forward at this point. We are talking about a 6-month moratorium.

There is no argument about it, as the distinguished Senator from Louisiana has pointed out, they now have sort of a hit list, companies that are subject to possible mergers or takeover attempts. The question is, can you or can you not say, "Wait, we will stop for a sufficient period of time to determine whether or not that should or should not be permitted?"

But we do not have the luxury of time because every day while we sit here we know that the pending SoCal-Gulf and Mobil-Superior mergers involving $19 billion are moving forward. We know the delay of even 2 weeks could permit a number of these mergers to be finalized. But, worse than that, there are seven other companies that might soon be acquired.

So, therefore, I think it calls upon us in the Senate and in the Congress to act as promptly as humanly possible.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is a fact that I feel very strongly, many of us do, that the SoCal-Gulf merger should be brought to a halt, that the Mobil-Superior merger should be brought to a halt, and I know that I feel that, if it were possible, the Texaco-Getty merger ought to be undone.

But there are many who feel, and I recognize their feeling, that the matter ought to be prospective only. The question of whether or not the present language is not prospective is a rather interesting one. Is it retroactive? Retroactive action means undoing that which has already been done, but no money or stock has changed hands.

All we have is an agreement subject to Government approval. And, unless something has changed, Congress is still part of that Government. As we all know, the FTC could stop these mergers at this point, and no one would claim that was retroactive. There is nothing more retroactive than for Congress to do so. But there

are some strong feelings in the minds of some that in spite of that a lot of people are looking forward to the conclusions of these transactions, and that it would be better to call a halt to those that have not as yet been signed rather than those that have already been signed.

Mr. President, I want to amend my amendment. I, therefore, ask unanimous consent in behalf of myself and Senator JOHNSTON that I be permitted to modify the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Point of order, Mr. President.

Mr. BENTSEN. Mr. President, I would like to discuss this at the appropriate time.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. JOHNSTON. A point of order, Mr. President. Do we not have the right to amend our amendment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. METZENBAUM. I will yield without losing my right to the floor. For the purpose of offering the amendment, I ask unanimous consent that I may yield to the Senator from Louisiana, for the purpose of modifying the amendment.

Mr. BENTSEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. METZENBAUM. I yield to the Senator for a question.

Mr. JOHNSTON. My question is, do not the rules permit the mover of an amendment to modify his amendment without unanimous consent, should the mover ask to modify the amendment?

Mr. METZENBAUM. What was the question?

Mr. JOHNSTON. The question is, do not the rules permit the mover of an amendment to modify that amendment without unanimous consent?

Mr. METZENBAUM. I have been advised by the Parliamentarian that the original author of the amendment may do so but I, as a cosponsor, do not have that right.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. METZENBAUM. Without losing my right to the floor, I yield to the Senator from Utah.

Mr. HATCH. Mr. President, I believe we want to discuss what the Senator's amendment is, the amendment of the distinguished Senator from Louisiana. I want to speak to that amendment. My understanding is that the majority leader will move to table the amendment at about 3:30.

Mr. President, let me just say this, if I can, with the indulgence of the distinguished Senator from Ohio: I am really concerned about what is going on here, and I am going to have a chance to address it. I believe the distinguished Senator from Texas wants a chance to address it. I do not see any reason why the Senator could not modify the amendment, ultimately, before the motion to table.

Mr. BENTSEN. Mr. President, I understood we were going to have an opportunity to discuss the amendment. After that, we would be quite willing——

Mr. METZENBAUM. Mr. President, I might say to my good friend from Texas, certainly we would all agree that before any action is taken with respect to a decision, the Senator from Texas should be afforded the opportunity to speak to the amendment. But what we are saying is that we should be allowed to change it so that the Senator from Texas will not be addressing a moot question.

Mr. BENTSEN. Mr. President, let me say that the Senator from Ohio has had an opportunity to discuss the amendment before us. I think we should have the opportunity to do the same thing. I believe that is the understanding.

Mr. METZENBAUM. Mr. President, I am about to ask unanimous consent for an entirely different purpose, and I want my colleagues to understand it. The Senator from Connecticut, Senator DODD, has a visiting group of 10 Brazilian senators who are here.

Therefore, Mr. President, I ask unanimous consent that the Senator from Connecticut be recognized for the purpose of suggesting the absence of a quorum for the sole purpose of introducing to our colleagues in the Senate the Brazilian senators, with the understanding that immediately upon the conclusion of the quorum call the Senator from Ohio would continue to have the floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Ohio? Hearing none, without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, the Senator from Connecticut wishes to offer some remarks in advance. I include in my unanimous-consent request that he be permitted to do so.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Thank you, Mr. President. Let me thank my colleague from Ohio, and my colleague on the floor. I know there are other matters that they wish to address.

VISIT TO THE SENATE BY SENATORS FROM THE FEDERAL SENATE OF BRAZIL

Mr. DODD. Mr. President, I have the honor to introduce to the Senate of the United States a delegation of Senators from the Federal Senate of Brazil. They have come to this country for a 10-day visit in order to conclude an agreement, already negotiated and approved by the President of their Senate, with the Center for the Study of Democratic Institutions, which provides for a continued exchange process involving Members of their Senate and this body.

As we all know, Brazil has been deeply involved in the process of democratization, a process that will be deepened significantly following next year's Presidential election in that country. We in the U.S. Senate of both parties fully support this process, which can only strengthen the already-strong friendship between our two countries, this delegation's presence in Washington testifies to the comparable support within Brazil both for mutual efforts to affirm commitments to democracy in our two countries and, specifically, to the keen interest on the part of our Brazilian counterparts for a direct and close association with the Members of this body. I know that I speak for you all in welcoming them to the United States and to this Chamber.

In the coming weeks, the Center for the Study of Democratic Institution's new president, Prof. Allen Weinstein, formerly acting president of the National Endowment for Democracy, which we funded at our last session, will be discussing with the bipartisan leadership of the Senate the first delegation to be sent to Brazil at the request of the Brazilian Senate. We know from similar exchanges with other legislative bodies what an important role they play in solidifying the relationships among legislative leaders from democratic countries, and I compliment both the Center and our Ambassador in Brazil, Diego Ascensio, for having taken the lead in initiating this process.

I will introduce into the RECORD a copy of the agreement signed between the Center and the Brazilian Senate and a copy of a letter from Senator Moacyr Dalla, President of the Brazilian Senate, to Professor Weinstein which confirms the Brazilian Senate's wholehearted commitment—and his own—to the success of this exchange.

It is my privilege to present to you the President of the Brazilian Senate delegation, Senator Odacir Soares Rodrigues, and his colleagues: Senator Joao Castelo Ribeiro Goncalves, Senator Helio Mota Gueiros, Senator Joao Calisto Lobo, and Senator Carlos Alberto de Souza.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I would note the absence of a quorum under the conditions outlined by my colleague from Ohio.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I am not certain whether or not there has been any change of views, but again I ask unanimous consent that I be permitted to send an amendment to the desk to modify the pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. HATCH. Objection.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2810

(Purpose: Prospective only limit on mergers and acquisitions of companies with substantial energy reserves for 6 months in order to provide a time period for Congressional review, and to establish a Special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts to study oil company mergers and acquisitions and to report back to Congress within 120 days)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk in behalf of myself, Senator JOHNSTON, and Senator RUDMAN. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. JOHNSTON, and Mr. RUDMAN, proposes an amendment numbered 2810.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

The amendment will be stated.

The assistant legislative clerk resumed the reading of the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"SEC. . (a) MERGER LIMITATION.—Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof) to acquire control of a substantial energy reserve holder through a purchase of voting securities or assets or a merger after March 21, 1984, and prior to 180 days following the date of enactment of this section.

"(b) LIMITATION ON ROYALTY TRUST OWNERS.—

"(1) Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof, or person acting in concert therewith) who, within the twelve months prior to enactment, had an interest in a royalty trust—

"(A) to acquire, directly or indirectly, by purchase, trade or otherwise any voting securities of, or

"(B) to solicit any proxy, consent or authorization with respect to voting securities of,

any substantial energy reserve holder during the period beginning on March 21, 1984 and ending 180 days after the date of enactment of this section if after such acquisition that person would own, directly or indirectly, or have the power to vote, directly or indirectly, more than five percent of the outstanding voting securities of any such substantial energy reserve holder.

"(2) Any person holding any voting security in violation of paragraph (1) shall be required to divest himself within 30 days after enactment of this section of any voting securities acquired after March 21, 1984.

"(c) DEFINITIONS.—For purposes of this section, the term—

"(1) 'merger' includes mergers, consolidations, or acquisitions whereby one person purchases, directly or indirectly, the voting securities of any person and thereby acquires control or a majority of the assets of another. This section does not apply to purchases or acquisitions of voting securities, or assets, or mergers for which both persons (or in the case of a tender offer, the acquiring person) filed, prior to March 21, 1984, a premerger notification pursuant to section 7A of the Clayton Act, as amended by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a);

"(2) 'person', 'affiliate', and 'control' shall be defined as such terms are defined in the Securities Act of 1933, as amended (15 U.S.C. 77a-77bbbb) and the rules and regulations thereunder;

"(3) 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the requirements of the Financial Accounting Standards Board Statement Number 69; and

"(4) 'royalty trust' means any entity substantially all the assets of which consist of ownership of a nonoperating interest (including a royalty interest or a net profits interest) of one or more oil or natural gas producing properties.

"(d) ENFORCEMENT.—Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that any person has engaged in, is engaged in, or is about to engage in, any acts or practices constituting a violation of this section, the aggrieved person may bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

"(e) ESTABLISHMENT OF COMMISSION.—There is established a special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts.

"(1) MEMBERSHIP.—Membership shall consist of two members selected by the Speaker of the House of Representatives, two members selected by the Minority Leader of the House of Representatives, two members selected by the Majority Leader of the United States Senate, two members selected by the Minority Leader of the United States Senate, and one member selected by the President of the United States.

"(2) STUDY REQUIREMENTS.—The Commission shall study the impact of oil industry mergers, acquisitions and royalty trusts on—

"(A) concentration in the oil and gas industry;

"(B) competition at all levels of the oil and gas industry, including, but not limited to, the effects on independent refiners, marketers and retailers of petroleum products;

"(C) exporation, development and production of oil and gas resources owned by the United States;

"(D) federal revenues from exploration, development and production of oil and gas resources owned by the United States;

"(E) the capacity and incentive of companies aggressively to develop domestic oil and gas resources;

"(F) oil imports, particularly from the Organization of Petroleum Exporting Countries;

"(G) the possibility that foreign interests may acquire a greater ownership interest in domestic energy concerns; and

"(H) domestic credit markets and interest rates.

"(3) REPORT.—The Commission shall report its findings to the Congress within 120 days after enactment of this provision. The report shall include all relevant documentation and data determined by the Commission to be necessary to provide a basis for such findings.

"(4) MISCELLANEOUS PROVISIONS.—

"(A) All federal departments and agencies shall make available, upon request, to the Commission such information as the Commission deems necessary to prepare the required report. Any person who has obtained possession of information under this paragraph shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States with respect to such disclosure.

"(B) The Commission shall hold such hearings and meetings as it deems necessary to collect and evaluate information and make its findings. All such hearings and meetings shall be open to the public unless a majority of the commission votes in open session to close such hearings and meetings.

"(C) Commission members may receive travel and per diem expenses for each day such member is engaged in the work of the commission. Travel and per diem reimbursement shall be up to a daily rate in accordance with the Federal Travel Regulations.

"(D) The expenses of the Commission established by this subsection, including such sums as may be necessary to hire staff and complete its report, shall be paid from the contingent fund of the Senate.".

Mr. BAKER. Mr. President, I do not know whether it will untie this knot or

not, but it might facilitate the consideration of this measure if all the parties knew the legislative schedule.

It is my hope that we can deal with this most urgent farm bill quickly—today, if possible. That may be a forlorn hope; there are still things that have to be dealt with, but I believe the managers on both sides believe we can do this bill pretty promptly without this amendment.

Now, Mr. President, it is the intention of the leadership on this side, after the disposition of the farm bill, to ask the Senate to turn to the consideration of the supplemental appropriations bill, the so-called Public Law 480 bill.

I do not know whether that helps Senators or not, but that will be the next order of business of the Senate, immediately after the disposition of this bill.

The calendar arrangement would be this: If we can pass the farm bill today, it is the hope of the leadership on this side that we can get to the supplemental yet this afternoon solely for the purpose of laying it down and making it the pending business.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BAKER. I would be happy to.

Mr. JOHNSTON. Mr. President, the majority leader knows it was my intention to let this farm bill go by without attaching this amendment to it. Indeed, I agreed to a unanimous-consent request to let that happen last week. I was prepared to do so this morning. The only reason not to do it this morning was that I had heard this bill was going to break down into many days of protracted amendments, and that was the reason I objected this morning.

However, the distinguished Senator from Kentucky (Mr. HUDDLESTON) tells me that he thinks he can pass this bill today; that he needs to pass it today, and a number of other members of the farm belt I know want to vote for this bill. I know Senator DOLE is anxious to vote for our merger amendment if we just do not put it on the farm bill. Maybe he is not anxious yet, but I am sure he will be when he hears all the argument.

In any event, Mr. President, we have spoken among ourselves, the sponsors of this amendment—Senator RUDMAN, Senator METZENBAUM and I—and we are willing to do that with the understanding that the majority leader does in fact intend to bring up a vehicle for this at the earliest possible time.

Mr. METZENBAUM. I think the Senator from Louisiana does mean the supplemental appropriations bill?

Mr. JOHNSTON. Yes, that is correct.

Mr. President, may I say that when we do pull this amendment down and introduce it on the supplemental appropriations bill, it will be the prospective only amendment. It is not because we think that the $39 billion of pending mergers ought to go through but, rather, because there are certain equities which our colleagues have pointed out on the pending mergers and also because there are certain votes there as well. We understand how to count. So to put everyone on notice, next week or tomorrow on the supplemental we will offer a prospective only, 6-month moratorium on mergers. Therefore, Mr. President——

Mr. METZENBAUM. Will the Senator from Louisiana, before he takes action, deal with a question?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. Mr. President, I yield to the Senator from Ohio.

Mr. METZENBAUM. When the Senator talks about prospective, he means prospective from March 21, 1984, and if there are three new mergers between now and getting an opportunity to offer our amendment, the Senator from Louisiana is not indicating that those would not be affected?

Mr. JOHNSTON. The Senator makes a good point. To be specific, the amendment we will offer will provide that anyone who has filed under Hart-Scott-Rodino by March 21 will not be affected. That includes SoCal-Gulf, that includes Mobil-Superior, and, of course, Texaco-Getty. They will not be affected by our amendment. They will be able to do their deed without our interference.

Mr. BAKER. Mr. President, I yield to the Senator from New Hampshire.

Mr. RUDMAN. I thank the majority leader.

Mr. President, I concur with the suggestion of the majority leader, and I am pleased that my friends from Louisiana and Ohio concur as well.

We believe that this is very time sentitive. It is the reason why the Senator from Louisiana was so concerned this morning. I believe we will have a chance for a full and complete debate.

Also, in light of the circumstances and evidence of the last few days, I believe the fact that we will be offering a prospective-only amendment is of significance.

I thank the majority leader for his cooperation.

Mr. BAKER. Mr. President, I yield to the Senator from Utah.

Mr. HATCH. Mr. President, I am concerned about retrospective moratoriums concerning mergers. It is not only the SoCal-Gulf merger and it is not only the Mobil merger that anybody is trying to protect. We are trying to protect the free market from interjection—and very harmful interjection—of Government into the free market process.

Prospectivity does not alleviate or reject or even do away with the argument that this amendment is bad public policy. It is not any particular merger that anybody wants to protect. We all have to be concerned about mergers. That is what we have the FTC for, that is what we have the Justice Department for, and that is why we have laws in this country. They are very tough on mergers that are anticompetitive or monopolistic.

I hope our colleagues will understand that this is not a protection of these big mergers but an argument in protection of the free market system.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BENTSEN. Mr. President, it is interesting to me that this body shows great respect for how the marketplace works. I do not want the interference of Government into that marketplace. But what we are seriously considering is the presentation of something that is going to put a moratorium on it. In an attempt to protect entrenched management, you are building a moat around them. It is time we started thinking about the stockholders of this country and not just management.

I agree with the Senator that we should have a full and spirited debate on this matter.

Mr. BAKER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. BAKER. Then, the Senator from Louisiana can withdraw his amendment as a matter of right. I will yield to him for that purpose, but before I do, there are other Senators who wish to speak. The Senator from South Dakota does and the Senator from Idaho does.

First, I yield to the Senator from Louisiana so that he may do the deed if he wishes, and then I will yield to the Senator from South Dakota and then the Senator from Idaho.

Mr. JOHNSTON. Mr. President, on behalf of myself, the Senator from Ohio, and the Senator from New Hampshire, we withdraw the amendment—the first-degree amendment and the second-degree amendment as well.

The PRESIDING OFFICER (Mr. DANFORTH). The amendment is withdrawn.

Mr. BAKER. Mr. President, I yield to the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wish to state that I have been part of the movement on the farm bill—the wheat portion in particular—and very much appreciate the fact that we have tried to work out modifications in the farm program. However, the signup deadline was last Friday. So it is important we approve this measure quickly. I want to work on this matter. I want to work on many matters with my colleagues, but I want to impress upon the Senate how urgent action on

the farm bill is. We reached agreement last night among all the commodities, and it would be tragic if that agreement were to fall apart.

Mr. BAKER. Mr. President, I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I take this time to thank the Senator from Texas for the statement he made with respect to this matter. I also associate myself with the remarks of the Senator from Utah.

This is not a measure that deals with any specific merger. It is not a question of grandfathering one or several before we move. It is a question of what should be done with respect to energy policy in this country, as well as business and economic policy.

I look forward to the debate when we will have it on a revised amendment, if it is revised; and at that time, I will more fully express my views with respect to the impact on the energy markets and energy industry of this country.

Mr. BAKER. Mr. President, I thank all Senators for their cooperation, especially the Senator from Louisiana, the Senator from Ohio, and others who have participated in this colloquy. I think it is the right decision.

It is now the fervent hope of the leadership that we can get on with passage of the farm bill, and I hope we can do so promptly.

If the managers are here and available, I urge them to go ahead with consideration of this measure. While they reposition themselves and turn their attention to wheat instead of oil, I suggest the absence of a quorum.

Mr. BUMPERS. Mr. President, will the majority leader withhold that and allow me to speak a minute?

Mr. BAKER. I yield to the Senator for that purpose.

Mr. BUMPERS. I thank the majority leader.

Mr. President, I want to remind the Members of this body that in 1979 we voted on the windfall profits tax. I have gone back and researched the RECORD, and when this matter comes up again, I want to read some of that RECORD. Some Members can brace themselves for it, because the principal argument for voting against a windfall profits tax was that it would take away from the oil companies money they desperately needed to explore; that if this country was going to become energy independent—and that phrase was used time and time again during that debate—we would have to give the companies the money to go out and find oil. The commitment was that there was plenty to be found, and all they needed was the resources to find it.

Now, when I pick up the Wall Street Journal and Business Week, I find that the reason for the mergers is that they can buy oil for $4 a barrel and cannot find it for that. As a matter of fact, they cannot find it at all, as some of us said at the time.

So we will be quoting from the RECORD in 1979 on the justification for both decontrol and the windfall profits tax.

I thank the majority leader for yielding.

Mr. BAKER. I thank the Senator from Arkansas.

Mr. President, once again, it is my hope that the managers of the agriculture bill are prepared to come to the floor and present their case. It is also my hope that we can dispose of this bill promptly.

In any event, it is the intention of the leadership on this side to ask the Senate to proceed to the consideration of the supplemental appropriations bill immediately after the disposition of the wheat bill, which I hope will be this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the distinguished chairman of the committee is in conversation with the Secretary of State.

As the majority leader has indicated, we are back on the committee bill, and I believe it is the hope of the distinguished chairman of the committee, Senator HELMS, and of Senator HUDDLESTON that anybody who has amendments will offer the amendments.

If anybody intends to delay the bill further, we should find out. We have delayed time and time again for the past several months. It seems to me that we have now reached the point where we should go ahead and pass this farm bill. Every day, we punish another farmer somewhere, or a thousand farmers, or a hundred thousand farmers.

There are a number of reasons to pass this bill: to provide additional cash flow, drought assistance, additional credit for spring planting. It saves about $2.6 billion through fiscal 1987, according to official CBO estimates, and about $3 billion according to USDA. I do not know how much of that represents actual savings. The bill would cut surpluses, freeze target prices, add food aid, and expand exports. That is doing quite a bit.

It would seem to me that, after going on and off for a period of months, we should decide to complete action on the bill and not give every Member of this body veto power over what we do.

The farmers in the State of Kansas do not understand why the rest of us are not more effective; why one Senator can stand up and say, "I am not going to let you pass the bill."

There are ways to pass the bill. Cloture can be invoked, and I suggest that we are nearing that point. We should pass the legislation either quickly by agreement or by cooperation, or agree we are not going to do it that way and proceed by filing a cloture motion.

I am not certain there are any amendments. Maybe there are no amendments. If so, we can go to third reading.

Is the commodity bill pending?

Mr. PRESSLER. Let us go to third reading.

Mr. DOLE. I think there are a few amendments. I would not want to rush anyone. We would not want to pass this legislation too fast.

I know the Senator from Montana has talked about an amendment. The Senator from Alabama I know has an amendment.

Do we have a list of all the amendments proposed or contemplated?

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, I ask unanimous consent that I might yield to the distinguished Senator from South Dakota without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I yield.

Mr. PRESSLER. Mr. President, I wish to state very briefly how imperative it is that we act on this bill today.

Many of us have met with the Secretary of Agriculture, with David Stockman, with our colleagues, and we all worked together to come up with a program to increase participation in the wheat program. I am a Member of this body who goes out of his way to accommodate other Members whenever I can.

We thought we had reached an agreement last night on this matter and I hope that we can proceed because the signup date was last Friday, and wheat planting is underway in many parts of the United States. The farmers are making their plans. They quite correctly are angry at the indecision of Washington. I speak as one who has accommodated many of my colleagues on matters that are important to them in efforts try to work out agreements. I hope we can quickly act on this important bill.

We have an agreement on this matter, and I will consider the amendments carefully, but I believe we should move forward as quickly as possible, and I urge that we do so.

Mr. DOLE. Mr. President, I just wondered if we have a list of amendments.

I know the Senator from Montana, my good friend, Senator MELCHER, has an amendment. We are trying to find

out frankly whether or not the Senator from Montana is going to hold up the bill any longer, or whether he is going to let us move ahead, offer amendments, and vote them up or down.

I think it would be very helpful to those of us who are interested in this bill if we knew precisely what the Senator from Montana has in mind.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. MELCHER. Mr. President, I am well aware of the very meritorious desire of the Farm-Belt Senators to move with this bill, and I happen to agree with that.

I am trying to work out an arrangement where something could be accomplished in a small way for the 1985 wheat crop that would be acceptable to the Senate, and I think perhaps we are at a point where, rather than just trotting out an amendment and arguing it for a while and then having a vote, we might be better off arriving at what would be acceptable to the Senators involved from the Wheat Belt and have it in that form and then present it.

I was unsuccessful in having a small amendment approved in the committee, as my friend from Kansas recalls. We seem to be at opposite sides, though I am sure we are really not. As it worked out, as he will recall, there was the 7-cent additional for the target price for the 1985 crop, and in order to move the bill at that time the Senator from Kansas said it would hasten things if we just substitute the full provision which left wheat frozen at $4.38 for both 1984 and 1985 crops, and attempting to find out whether we can accept that amendment or somewhere near that amendment for the 1985 crop and keeping in mind that wheat does take a little bit more off of the target prices both in cents and in percentages than the other crops that are involved for 1985.

Of course, wheat also takes some off the 1984 crop. That is now provided under statute.

I think perhaps as the day progresses, perhaps we might arrive at an accommodating figure and it will not take any time at all to just offer the amendment and have it accepted.

Mr. DOLE. Mr. President, I am aware of the desire of the Senator from Montana to add to the target price, but there are others who wish to add to other commodity target prices.

I see the Senator from Arkansas is on his feet, and I listened to him indicate yesterday that he wishes to offer an amendment for rice, but that he did not want to hold up the bill. He would offer the amendment and we would vote on it.

What we need to determine is the position of the Senator from Montana, who has been quite successful in holding up this or similar legislation for several months. We have let one Senator veto farm legislation on this floor, and it has been my hope that we could work out a compromise.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. MELCHER. I thank the Senator for not only yielding but for that very marvelous compliment which I doubt is really deserved by myself, that I am the one holding up this wheat package. We have come a long way improving the situation for the wheat farmers for both 1984 and 1985, because all that was proposed for consideration by the administration was that we just knock out the target prices back to about $4.30 for both years. So we have come quite a ways since then.

I do not think I deserve all the credit for that, because the Senator from Kansas has been most diligent as have other Senators, both Senators from Nebraska, the Senators from South Dakota, my colleague from Montana, Senator BAUCUS, the Senators from Minnesota, and the Senators from Oklahoma have all been most diligent in attempting to get more understanding from the Department of Agriculture and from the White House on the plight of the wheat farmers.

I thank my friend from Kansas for indicating that my holding up the action on wheat has brought this fine result. But I do not think I really deserve all that credit, but I do thank him.

Mr. DOLE. I say to the Senator from Montana that the facts speak for themselves. Because of repeated delays, farmers in the State of Kansas have long ago planted their 1984 wheat crop. In fact, they are about ready to harvest it, as they are in Texas and other places. Meanwhile, we are still talking about opening up this year's program, and every day is critical. The signup period expired last Friday.

It seems to me we should stop playing games with each other and with the farmer. Either we are going to pass this legislation or we are not going to pass this legislation. It just takes one Senator at this point to stand up and say we are not going to pass it.

I think there is a lot of concern in farm States. I was in my State over the weekend. Frankly, they find it difficult to believe that we are still working on this legislation. I said we cannot get unanimous consent. That is meaningless to them. They cannot put that in the bank. All they want to know is when we are going to pass the bill.

I have tried not to get bogged down in procedure. It really puts the leadership in a bind if we cannot find out what Members have in mind. And if in fact the Senator from Montana is not going to let us pass the bill, unless he gets more target prices, then he should say so and we will know how to proceed.

If we do not know, I assume the leadership's patience is going to wear thin and we may not have the farm bill on the floor much longer. If the Senator from Montana does not object, I hope that he will bring up the amendment or it will be up to the leadership to file a cloture motion.

It seems to me that farmers deserve final action, not just one Senator objecting because he did not get 5 cents more for this or that. It is difficult to know how to proceed, and I hope we can figure out some solution to the dilemma.

I yield to the majority leader.

Mr. BAKER. Mr. President, I want to measure my words carefully because I do not wish them to sound hostile. But I am sure all Senators will understand that they are said simply because the leadership has a heavy responsibility to try to arrange the affairs of the Senate so that they serve the purposes of public policy.

The Senator from Kansas is absolutely right in the sense that a decision has to be made on where we are going. I hope we have been patient. I believe we have been patient, I think, long enough.

The range of options that I am confronted with its fairly small. Either we can continue, it seems endlessly, to work out our problems and have unanimous consent for a method to dispose of this measure or to do it without unanimous consent, to simply drive to conclusion, or we can file cloture and have a vote on Friday, or the leadership can ask the Senate to go to something else.

I hope that suggests to the Senate that the Senate must bear the responsiblity of these choices with the leadership. We are late already in dealing with the farm issue. Much of the farm community is not only being discommoded but injured by our failure to deal with this issue, or they will be shortly.

We should have had this done, through the House and the Senate and on the President's desk, last Friday. The Secretary of Agriculture extended the sign-up date so that the most grievous part of the damage at least was avoided.

We also have the supplemental appropriations bill which has Public Law 480 money in it for food relief around the world, as well as an urgent provision for funds for El Salvador to support our Central American policy. And that is urgent.

It is not a happy choice that we have, Mr. President, either to stay on this indefinitely and postpone the consideration of the supplemental until we finish, if ever—and it has not been 30 minutes, I guess, that I made a rep-

resentation to the Senator from Louisiana and the Senator from Ohio that we are going to go to the supplemental right after this and clearly indicated the preference of the leadership that we do that even today or tomorrow—or that we move to something else and then acknowledge that we are unable to meet the challenge that is before us to help the farmer or that we file cloture.

Mr. President, that is not a happy list of choices, but we are to the place now I believe where we have got to decide something. I am prepared to file cloture. I am prepared, if need be, to ask the Senate to go to the supplemental. I am not prepared to go on indefinitely with this debate.

I urge Senators—I urge Senators—to consider the consequences of further delay in foreign policy and in agricultural policy. I urge Senators to consider the damage that may be occasioned if we do not get on with the business at hand.

I have in my hand a unanimous-consent request which I am advised now by staff appears to be cleared on all sides, with the single exception of a Melcher-Baucus amendment dealing with wheat target prices. I urge Senators to consider filling in that last blank and arranging a sequence so that we can finish this bill.

But I must say, in all candor, that if we cannot do that or if we cannot have a reasonable assurance we are going to finish this bill soon, the leadership, I believe, has no choice except either to go to some other measure or to file cloture on this bill.

Once again, Mr. President, I hope these remarks do not sound hostile—they are not meant to be—nor threatening, which is beyond my power, but rather convincing in the sense that they bear the scrutiny of logic.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I have been working for a number of days and I finally worked out some degree of accommodation on the issue of cotton with officials of the Department of Agriculture. Therefore, I did not raise an objection to the proceeding, I stand willing to move forward relative to this bill.

However, I did have two amendments that I wanted to offer pertaining to wheat; however I realized that if these amendments were offered both would probably be defeated, given the discussion with Secretary Block and other officials of the Agriculture Department. I would like to mention two points pertaining to the southern wheat growers that I think is important and I think that now maybe we are beginning to focus on and understand. I believe the Secretary of Agriculture, after our numerous discussions on these issues, has a better understanding of these points. I am hopeful that when farm legislation and farm policy is determined in the future, these issues will be addressed.

In my home State of Alabama, the second crop now in terms of acreage, is wheat. This growth in wheat acreage has occurred in recent years. In the State of Mississippi, which has a similar situation to Alabama and a similar history, there were approximately 600,000 acres of wheat in 1981. By 1982, wheat acreage had grown to over 1 million acres.

In Alabama there were around 500,000 acres of cropland devoted to wheat in 1981, by 1982 it had grown to nearly 900,000 acres.

In the South we have a longer growing season. Because of that longer growing season, various farming techniques, and research, it is possible to grow two crops on the same land during one growing season. We call this double cropping.

The usual pattern of double cropping is a crop of soft winter wheat that is planted in the fall and harvested in the spring. Then another crop can be planted in the stubble and the residue of the wheat. This has been primarily soybeans. But double cropping is no longer limited to soybeans, particularly in the southern part of Alabama where grain, sorghums, peanuts, corn, in some instances, and cotton have been the double crop. Therefore, any acreage reduction program applied to further double-cropped land has meant that the farmer would not only have to take out of production the land devoted to wheat but in addition the second or the double crop.

This has a peculiar effect upon Southern agriculture. It is a double dose of supply management or of production curtailment. It affects their pocketbooks, their well-being and their family.

Today in Alabama, about 70 percent of the acreage planted in wheat is followed by another crop. If wheat comes out of production, another crop is coming out of production. In effect, for each 1 acre that you are removing in the West from wheat production there is an equivalent of about 1.7 acres in the South removed from production.

The amendment that I would have offered—and that I have discussed with the Secretary of Agriculture provided that no payment be made to the wheat farmer, who has a history of double cropping, for that second crop that comes out of production. There would be no cost to the Government, no cost to the taxpayer.

This was discussed when the PIK bill was before the Senate Agriculture Committee last year.

The uniqueness of double cropping is the conservation measures accompanying this practice. Farmers plant or drill the second crop seeds into the residue or stubble of the wheat, therefore preserving the topsoil. Conservation tillage is being advocated by those in the conservation field.

The language of all of the wheat reduction acreage program states that the land to be taken out of wheat has to be devoted to conservation practices. It seems to me that where you have conservation tillage being followed, that this is a conservation practice—a conservation practice of the highest order.

Because of the growth of wheat acreage in 1982, and the PIK program in 1983, we in the South suffered. There was a peculiar provision that prohibited the 1982 acreage from being considered in the PIK program in 1983.

This year the base acreage will be the 1982 and the 1983 years, but they will be based on what went into the PIK program or what did not go into the PIK program. This is a disadvantage to southern agriculture and to the southern wheat grower.

I hope that, as we move forward, we realize that the structure of this wheat bill is such that if these amendments were adopted the whole bill would probably be defeated. I am not offering these amendments, but I think that they raise serious issues. They raise issues that ought to be addressed. They are unique, and particular to the area of our country.

I am willing to move forward on this bill and I, therefore, will not offer these amendments. I do not want to slow up the progress of this bill. I realize that wheat is being planted and it is important that, if we are going to move, we ought to move as rapidly as we can.

I do feel that the area pertaining to southern agriculture, particularly southern wheat growers, has not been properly addressed. The Department of Agriculture has not addressed this issue, has not recognized it, and has not been sensitive to this issue. It is an issue that should be given careful consideration in the future, because it is a unique situation and it is causing undue hardship on a section of our agricultural economy.

I thank the Chair for recognizing me and for yielding the time on this subject.

At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I understand that my friend and colleague from Montana has decided something additional is needed to be added to wheat in order for him to consent to a timeframe to be established before the discussion of the farm bill that is now before us. I should like, if I may, to engage the Senator from Montana in something of a colloquy.

I feel that is a very familiar stand, talking to my friend from Montana, because we have been here on a couple of occasions—once on a similar bill, once also on the PIK bill—when he has held up those pieces of legislation. This is a piece of legislation that I think has quite uniform support in the agriculture community and perhaps through the effort of our colleague from Alabama, which I thought was well placed, the Senator from Montana now feels he also has to have something for wheat. I implore the Senator from Montana to yield his position so that we can move forward.

While wheat has received perhaps something of a cut in the target price, on the other hand, it has received a higher diversion price, a diversion which will continue for a couple of years.

I ask the Senator from Montana, we have gone this route several times now. I know that he has the interest of the agriculture community very much at heart, as I do also, as he well knows. I ask him here, as we engage in debate on the floor, I ask him very respectfully, that he desist, that we have indeed moved forward quite a good distance in getting something that the agriculture community wants.

I was not privileged to be here a little earlier when he debated the issue, but apparently, the difference is so slight that, really, the time has come for us to agree. If we make yet another exception to this bill, up will pop a Senator who will want another penny or two for corn, and perhaps we will see yet another Senator who will want more for rice or for cotton. I see my friend from Alabama poised to leap once again.

So I implore the Senator from Montana to desist from holding up the progress on this bill. I think it is in the interest of the agriculture community. We are going to be considering a farm bill next year, and we can make additional decisions at that time.

Mr. MELCHER. Will the Senator yield?

Mr. BOSCHWITZ. I yield to the Senator from Montana.

Mr. MELCHER. I thank my friend, the Senator from Minnesota, for bringing up these points. He and I agree on attempting to do a little better for wheat, particularly that 1985 crop. It is a question of whether anything can be worked out. I do not want to delay anything, but we could be discussing all of these 15 amendments that are going to be offered.

Let me point out a couple of things about wheat, Mr. President. The $3.65 loan rate effective for the 1983 crop will be reduced to $3.30 for the 1984-85 crop, according to Secretary Block, and on out as far as they can project. In wheat selling, that becomes the basic market price for wheat. Wheat is in surplus—it looks like it is going to be and is already.

At $3.30 a bushel, wheat is competitive as a feed grain with corn. As I understand, the farm market price is around $3.15 per bushel.

Mr. BOSCHWITZ. As the Senator knows, 2 out of 3 bushels of wheat are in surplus. If we are going to make a meaningful impact or a broader impact, I should say, that loan rate is significant.

Furthermore, as the Senator knows, in the event the farmer joins the program, he is protected not by the loan rate but by the target price. As a result, the target price gives the farmer in Montana, or Minnesota, or Alabama, or wherever else protection that he needs. The loan rate will help us discourage some of our friends in Argentina, Australia, and other countries from planting additional acres that will cause all this to be without meaning, as he and I so well know. Of course, it will cause world production to rise and create problems for our producers.

Mr. MELCHER. Mr. President, will the Senator yield for a comment?

Mr. BOSCHWITZ. I yield again.

Mr. MELCHER. I think he touched on exactly the basic point; $3.30 is so low, the wheatgrower in the future will go broke. So the safety net features that are provided in the target price, as has been mentioned, the payment for part of the diversion, are simply there to keep the wheat producers in business. But I think it is worth noting that wheat in the marketplace now has found itself in the unfortunate position of being the crop that has taken the most drastic drop.

There are two points to be considered here. As a matter of export policy, it does not make much difference whether we have our loan rate at $3.65 or $3.30 or somewhere in between. The same amount of wheat will be exported from this country. When we have it too low, we are helping, really, the countries that are buying from us, indirectly subsidizing those sales. I do not think China, Korea, Japan, or the Soviet bloc really need that subsidy.

But that is really beside the point, Mr. President. What we are trying to work out here this afternoon is whether there can be some accommodation on the 1985 crop for the target price. If that accommodation can be reached, of course, as far as I am concerned, and we are willing to take time on our proposal, it could be disposed of. While the Senator is right, if we belabor it, maybe other people are going to want something more for their crops. But it has been my purpose to try to reach accommodation early on and not belabor that point.

Mr. BOSCHWITZ. I thank the Senator for commenting. I yield the floor.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. There is an old adage that ways when in doubt, vote no. I am prepared to do that.

Before I do, however, may I inquire of the distinguished Senator from Montana, is there any possibility that we can obtain a time limitation on his amendment at this time?

Mr. MELCHER. I wonder if the majority leader would yield to me?

Mr. BAKER. Yes, Mr. President.

Mr. MELCHER. I would say I would be very hopeful that in a few minutes there will be a very short time agreement.

Mr. BAKER. Mr. President, I am aware of the complications other Senators have. I am encouraged by the remarks the Senator made. The action I am about to take will not in any way jeopardize our opportunity to get that time agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I should like to add to my comments on the market price of wheat in relationship to corn. We are at a point where wheat on the farm is selling at a price competitive with feedgrain, and while I will never discourage anyone from having wheat as part of their ration for either cattle or hogs or poultry, I should like to point out that wheat in general throughout the world is related to human food, and we should not treat that lightly.

While we, in this country, have a surplus of wheat that is plaguing us, the supply and demand projected for the future for wheat in food products for humans is one that we should note is bullish for wheat producers. Wheat is being consumed in greater amounts throughout the world, in countries

that 30 years ago, a generation ago, knew nothing about wheat, and we would like to have the opportunity to provide wheat as a stable supply from this country in trade throughout the rest of this century and on into the 21st century.

It is growing in demand for food consumption abroad, and the price that we have on it, which seems to indicate that we will actually sell more abroad if we have it cheaper, does not necessarily work out to be an accurate projection. We are the greatest producers of wheat throughout the world and, of course, we do export more than any other country.

I think it has been a very sad situation over the past couple of years for wheat producers. I think the situation that they are facing now begs of us to pay some attention to a little more encouragement for the price support mechanisms for the 1985 crop. It is for that reason that I persist in the effort to improve the situation for wheat producers for that 1985 crop and give them a little hope.

Mr. President, I yield the floor.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute to H.R. 4072, an act to provide for an improved program for wheat.

Senators HOWARD BAKER, TED STEVENS, JOHN EAST, BOB DOLE, RUDY BOSCHWITZ, JESSE HELMS, JAMES ABDNOR, ALAN J. DIXON, STEVE SYMMS, THAD COCHRAN, PETE WILSON, ROGER JEPSEN, PETE V. DOMENICI, FRANK H. MURKOWSKI, NANCY L. KASSEBAUM, CHIC HECHT, WILLIAM ARMSTRONG, ORRIN HATCH, CHUCK GRASSLEY, DAN QUAYLE, DON NICKLES, and LARRY PRESSLER.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk another cloture motion and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 4072, an act to provide for an improved program for wheat.

Senators HOWARD BAKER, TED STEVENS, JOHN EAST, BOB DOLE, RUDY BOSCHWITZ, JESSE HELMS, JAMES ABDNOR, ALAN J. DIXON, STEVE SYMMS, THAD COCHRAN, PETE WILSON, ROGER JEPSEN, PETE V. DOMENICI, FRANK H. MURKOWSKI, NANCY L. KASSEBAUM, CHIC HECHT, WILLIAM ARMSTRONG, ORRIN HATCH, CHUCK GRASSLEY, DAN QUAYLE, DON NICKLES, and LARRY PRESSLER.

Mr. BAKER. Mr. President, petitions have just been filed for a cloture vote on Friday on, first, the substitute, and then on the bill itself.

Now, as far as the leadership on this side is concerned, I would be perfectly happy to have that vote tomorrow instead of Friday, which generally is more convenient to Members.

May I inquire of the minority leader if there is any prospect that a unanimous-consent agreement vote on Thursday instead of Friday might be considered on his side?

Mr. BYRD. Mr. President, in response to the majority leader, we certainly will shop around and see. I personally have no objection.

Mr. BAKER. All right. Mr. President, what I am about to do next, I have also advised the minority leader and the managers of the bill. Let me first say that under the provisions of the rule, the vote now will occur on Friday, absent contrary arrangements by unanimous consent, on whatever is then pending.

Mr. HUDDLESTON. Will the majority leader yield for a question?

Mr. BAKER. Yes, I yield.

Mr. HUDDLESTON. With cloture filed, is it required that it be voted upon on Friday?

Mr. BAKER. Yes, Mr. President, unless by unanimous consent it is changed. And I would very much like to change that to Thursday, if we can, to accommodate the convenience of the maximum number of Senators.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

Mr. BAKER. Mr. President, I now move that the Senate proceed to the consideration of House Joint Resolution 492, Calendar Order No. 709, the so-called supplemental appropriations bill.

The PRESIDING OFFICER. The question is on——

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold that momentarily?

Mr. HELMS. Yes.

Mr. BYRD. I am apprised of the fact that some Senators had nongermane amendments and if cloture is invoked, those amendments would not be in order.

I guess what I am saying is that if the majority leader would be willing to proceed to debate those amendments, having some time for debate on them, if we go to the supplemental or we spend a lot of time discussing the motion to proceed and then cloture is invoked on the farm bill, some of the Senators who have nongermane amendments would be shut out from debating them or offering them.

Mr. BAKER. Mr. President, I understand that. That is, frankly, a good point and one that I would not wish to dispute. I have no desire to cut off Senators who have legitimate amendments and are willing to debate them in a reasonable period of time.

I withdraw my motion, Mr. President, but let me say this—will the Chair please acknowledge that?

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BAKER. I thank the Chair. Now, let me say, Mr. President, that I do not think we ought to spend more than today on those, and sometime in the morning, I would propose to make the motion that we proceed to the supplemental appropriations bill. But I am perfectly willing to devote the rest of the day and stay as long as Senators may wish to try to dispose of amendments that might be cut off if cloture is invoked. Once again, I hope the minority leader might be in a position to agree to a unanimous-consent request that the vote on cloture occur on Thursday instead of Friday.

Mr. BYRD. We will shop around on that. I thank the majority leader for his consideration of that problem.

I think that Senators who have nongermane amendments which would not be in order in the event cloture is invoked would, if at all possible, want to call them up this afternoon and debate them.

Mr. BAKER. I thank the minority leader for bringing that to my attention.

I point out that in the unanimous-consent request that we shopped and did not get, we had a number of amendments with 10 minutes on a side.

I join the minority leader in urging Senators to come to the floor and offer their amendments if they are not germane, because what I am about to say is not a threat but, rather, a statement.

It is the intention of the leadership on this side tomorrow morning, once again, to move to the consideration of the supplemental appropriation bill.

Mr. President, I am prepared to yield the floor or to suggest the absence of a quorum.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from North Carolina.

Mr. HELMS. Mr. President, I inquire of the Senator from Montana if he

would be willing to call up his amendment and discuss it and have a vote on it. This may clear the air toward a unanimous-consent agreement. Would the Senator be willing to do that?

Mr. MELCHER. Mr. President, will the chairman yield?

Mr. HELMS. I yield.

Mr. MELCHER. Yes, we are ready to offer the amendment.

Mr. HELMS. I yield the floor, Mr. President.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. KENNEDY. Mr. President, will the Senator from Montana yield?

Mr. MELCHER. I yield.

Mr. KENNEDY. Mr. President, I wish to raise a matter with the majority leader for a moment. I appreciate the notification that we have received about consideration of House Joint Resolution 492, the Public Law 480 supplemental appropriation bill.

As the majority leader understands, there are funds in that supplemental for El Salvador. The majority leader also knows there is an important election in El Salvador on Sunday next, March 25.

I just wish to indicate to the majority leader my opinion, and that of a number of other Members of this body, that the March 25 Presidential election should take place without the Senate interfering in any way by adopting a position on the emergency aid supplemental. This view may be disputed by some Members. But I do want to indicate that a number of Senators wish to speak on that issue prior to the time of the election itself.

I want to make that clear to the majority leader. I recognize the leader has to make judgments and decisions based on a number of factors.

I speak for a number of Members on this side, and I have already notified our leader. The issue of emergency aid to El Salvador requires full debate and discussion, which would certainly carry us past the March 25 Presidential election. I am aware that there is a runoff possibility. And I recognize that at some point there will have to be some consideration of what this body will do.

I understand that the Foreign Relations Committee will consider on Tuesday next the administration's total aid request for El Salvador, by which time we will have the benefit of knowing the outcome of the March 25 election. It appears to me the much wiser course would be to follow the normal process of the Senate and permit the Foreign Relations Committee first to consider this proposal.

I appreciate having the opportunity to mention this to the leader for his consideration.

Mr. BAKER. Mr. President, there is no secret that many in this Chamber, especially on the Democratic side, want to postpone consideration of the El Salvador question until after the election.

I disagree with the Senator from Massachusetts that that is restraining from meddling in the election in El Salvador. On the contrary, what we are doing is saying, "We are going to let you run out of money and take no action until after the election." I think that is a very positive interference or at least a very positive signal to the people who will participate in the election in El Salvador.

The fact of the matter is that this money, which was requested by the administration to continue our support for the Government and people of El Salvador, was included by the Appropriations Committee on this bill. We have known for a very long time that there would be an effort to defeat that, to delete these funds, or to delete consideration of this bill. I do not agree with that, and it is my effort to try to see that this bill is addressed by the Senate and that that money is provided for the consideration of our policy in El Salvador.

The Senator from Massachusetts is perfectly within his rights to discuss this matter as long as he is capable of doing so, but I am perfectly within my rights to try to get the Senate to act on it, and, Mr. President, I shall do that.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that when we do have an opportunity to debate this, the majority leader and those who support that particular proposition will be able to provide better evidence than they have to date about such a need. The case has not been made. If the majority leader and others favor that kind of aid and assistance—additional bullets and guns—they will have to debate it on the floor of the U.S. Senate.

I respect the position of the majority leader. But it is striking to me to hear people say that providing guns and bullets is not interference while not providing them is interference. I think that is putting the cart before the horse.

We will have an opportunity to debate that particular issue which will be of great interest to the American people.

I will be glad to yield to the Senator from Rhode Island for a question, if he so desires.

Mr. PELL. I thank the Senator from Massachusetts. Is he aware of the fact that my own view is the same as his? As he points out, there are other Senators concerned.

There is another point involved, and that is the question of the relevance of the committee system. This matter is not being considered by the Foreign Relations Committee and should be, before it is passed by what might be called the politburo, the Appropriations Committee.

I have long felt that there is a gradual erosion of the committee system.

Another point the Senator is aware of is the Alice in Wonderland idea that not to give guns is to interfere. It is exactly as the situation with respect to Greece, when it was said to me at the time that to withdraw assistance from Greece was to interfere and to give assistance to Greece was not to interfere. It is an Alice in Wonderland argument, and I agree with the Senator from Massachusetts.

Mr. KENNEDY. I want to ask the Senator from Rhode Island a question. As the ranking minority member of the Foreign Relations Committee and with your knowledge and understanding of this particular issue, are you convinced that the emergency assistance package, proposed by the Reagan administration to a government which still has not brought to justice the murderers of four Catholic nuns killed 3 years ago, is so essential that we have to act in the next 3 days or risk El Salvador going down the drain? I would be interested in hearing from the ranking minority member of the Foreign Relations Committee about the urgency and the need for that particular aid request.

Mr. PELL. In reply to the Senator from Massachusetts, I say that the administration, itself, has said that the weapons are no longer needed to secure the election. Whether there is going to be 3 days or 1 month and 3 days, in my opinion, will make very little difference.

I also suggest to the Senator from Massachusetts that while they have not identified the murderers of the churchwomen, I have a strong feeling that the Government there knows their murderers.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield for a question.

Mr. CRANSTON. I think it is essential that we not act in the next 3 days, until we know what happens in that election; and I applaud the effort the Senator from Massachusetts is making to prevent us from voting before these days pass by.

Mr. KENNEDY. I thank the Senator from California and the Senator from Rhode Island.

At the appropriate time, I will certainly welcome the opportunity to enter into full debate and discussion of this aid request for El Salvador. This is a critical issue.

Mr. BAKER. Mr. President, I think we sort of defined the issues. Everyone has the opportunity to express those issues in whatever terms he wishes. Let me put my 2 cents worth in.

I think what we are seeing right now is whether we are going to continue our policy in El Salvador and Central America or let it collapse. If it collapses, if there is an effect on that election by the refusal of this Congress to face up to the question of continuing the program which is already in existence, then I hope the debate will properly illuminate who is responsible for that.

Mr. President, I will make that motion at an appropriate time on tomorrow.

Mr. KENNEDY. Mr. President, as the Members of this body know, we have expended $1.2 billion so far. Before anyone attempts to assign blame for who lost El Salvador, I think it is appropriate that we have the kind of full debate, discussion, and dialog needed to understand what the policy has been and what the policy has not been with regard to that particular country. We must try to shape and fashion the responsible policy that will bring negotiations for peace and an end to violence in El Salvador.

I wish to note that 40 percent of the weapons used by the guerrillas at the present time are guns that were originally provided by the United States to the Salvadoran Army.

Before we continue to fuel the battle in El Salvador, pitting brother against brother and family against family, there will be an opportunity for full debate and discussion. I will look forward to participating in that discussion.

Mr. BAKER. Mr. President, once again I think the issue is joined, and the question here is going to be whether or not, as the distinguished Senator from Massachusetts and others have said, the debate on this motion to proceed extends past the time for the election in El Salvador. That is a fair burden of the remarks that have been made here, and that is the fair decision that has been made on the other side, I believe, that there will not be action taken by the Senate because under the rules of the Senate you can stop that action being taken until after the elections this Sunday.

I have no quarrel with any Senator doing what he wishes to do, but I also insist that we all accept responsibility for what we do do.

Mr. President, I am prepared to go on with this if we wish, or I am prepared to let Senators offer their nongermane amendments to the farm bill. But at some point, either tonight or in the morning, there will be a motion to proceed as I made and withdrew voluntarily a little while ago.

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. PELL. Would the Senator not agree that this whole matter is precipitated by bringing the vote up prior to the election, within 3 days of the election. That if it had not been brought up at this time, it would have had no effect on the election since the administration itself has said it will not interfere with the election?

Mr. BAKER. Mr. President, in answer to my friend from Rhode Island, let me say, first of all, it was not brought up 3 days before the election; it was brought up as a formal request by the administration many days ago to be added by the Appropriations Committee to one of two supplemental appropriation bills. That was 10 days or 2 weeks ago. It was not just on the brink of the election. We have all known this was coming at some time and for a long time now, for many days, I have been on notice by many Members of this body that "We are not going to let you vote on that." That was literally said to me. Maybe so; maybe not.

Mr. President, it is not a question of first impression. The question of whether or not we are doing something brand new here should be resolved by the fact that last year in the continuing appropriations we specifically authorized funds that are requested in this supplemental appropriations bill.

Mr. President, I am prepared to go on or stop as the case may be, but I suggest that at some point Members who have nongermane amendments to the farm bill should come to the floor and deal with them. It is the intention of the leadership to stay as long as necessary today, but we are not going to stay all night, and I urge Senators to come to the floor and offer those amendments.

SEVERAL SENATORS addressed the Chair.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, out of general courtesy and comity of the Senate, I yielded to my friend from Massachusetts, and that started this debate over El Salvador. I now have regained the floor. I might state that when I yielded to my friend from Massachusetts, I did not stipulate that I would retain my right to the floor. So we have had this exchange.

But if there are those listening within the sound of my voice in the galleries or throughout the offices who wonder why it is difficult to talk about America's most basic industry, agriculture, I think they have heard it. We are supposed to fit into the scheme of things here in the Senate a debate on agricultural policy whenever it suits the purpose of everyone else.

Something was said by my friend from Kansas a few moments ago about holding up consideration of a farm bill. There has not been held up consideration of a farm bill in this Senate this year.

What was proposed last year was that we take up the administration request to reduce the target prices for wheat for the 1984 and 1985 crops to $4.30 per bushel, even though the law says for the 1984 crop it be $4.45 and for the 1985 crop, the target price would be $4.65.

It has been stated here numerous times by my friend from Kansas that we should get on with that business of reducing those target prices.

The question that wheat farmers ask and the question that those of us from the Wheat Belt, including my friend from Kansas, would ask is, if you are going to give up something, what is in the program for wheat producers? We have found out that the House thought when they passed the Foley bill, and my colleague from Montana, Congressman MARLENEE, had a part in that also, that they had found a solution, but that was not considered in the Senate last year. It was not blocked by anyone as far as I know. It certainly was not blocked by this side of the aisle as far as I could tell. It was decided to let it go over into this year.

When we got to discussing with the Department of Agriculture the possibility of doing something about a wheat program in January and in February, the Department started uttering some remarks through Secretary Block to the effect that we must consider the other crops also.

So now we are finally here where we are about ready to take up the amendments to the package that has been put together in the past couple weeks which does involve four basic commodities, wheat, rice, corn, and cotton.

The amendment that I shall offer on behalf of myself and my colleague from Montana, Senator BAUCUS, and Senators EXON and ZORINSKY from Nebraska is a germane amendment. A cloture motion has nothing to do with denying the right to offer germane amendments.

The request for consideration of this bill was not to the effect to have unanimous consent that nongermane amendments would not be considered. That request would have been certainly acceptable to me and I suspect to almost every member of the Agriculture Committee and perhaps most of the Senate, almost all of the Senate.

But I do not quarrel with the majority leader's move to file a cloture motion. I think it is perhaps wise because we found that the first amendment that was offered to this package was indeed a nongermane amendment dealing with oil mergers, nothing per se to do with anything in the bill, and while farmers are interested in what happens to the price of oil and are interested also in the effects of oil mergers, it really is the type of amendment

that we do not need to be considering on this particular bill.

The majority leader correctly states, since that cloture motion is filed, we wish to get a vote on that cloture motion tomorrow. Those who might offer nongermane amendments are best advised to get to the floor immediately and if someone does appear with a nongermane amendment——

Mr. BUMPERS. I do not have a nongermane amendment, but I do have a germane amendment I wish to get in.

Mr. MELCHER. I am going to offer mine.

Mr. BUMPERS. I am sorry. Mine is a nongermane amendment, I am told.

Mr. MELCHER. Let me lay down my amendment, might I say to my friend from Arkansas. And then would it be agreeable to the chairman of the committee and the ranking minority member of the committee that it be set aside temporarily for the introduction of the amendment by the Senator from Arkansas.

Mr. HELMS. Of course.

Mr. MELCHER. I will lay down our amendment.

I want to just make this point clear. This amendment deals with the target price for 1985 wheat. This amendment that was offered in committee was defeated there.

At the time it was defeated, the administration, through the statement of Assistant Secretary for Economics, Bill Lesher, said the cost of the amendment would be somewhere between $350 million, perhaps a half billion dollars. Now that statement was an inaccurate statement as it affects the cost of this amendment, but was an answer to another question dealing with what it cost in the farm bill before us now for paid diversion for wheat. So the question was answered inaccurately on the basis that the question was not properly understood.

Let me state the correct answer for the cost to the amendment that I shall offer.

The estimated outlays associated with the increase of the 1985 crop wheat target price from $4.38 to $4.45 we estimate will mean in fiscal year 1986 outlays an increase by approximately $120 million. This estimate assumes that all other provisions of H.R. 4072 would be in place and that no other substantive program changes are made. It does not allow for any increase in wheat program participation that might occur as a result of the higher target price.

The letter, a very short letter, is signed by William Lesher, Assistant Secretary for Economics.

AMENDMENT NO. 2812

(Purpose: To modify the target price for the 1985 crop of wheat)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself, Mr. BAUCUS, Mr. EXON, and Mr. ZORINSKY, proposes an amendment numbered 2812.

On page 5, line 20, strike out "and $4.38 per bushel for the 1984 and 1985 crops" and insert in lieu thereof "$4.38 per bushel for the 1984 crop, and $4.45 bushel for the 1985 crop".

Mr. MELCHER. Mr. President, this is a 7-cent-per-bushel increase, a very modest increase over what is in the bill for the 1985 target price for wheat and only affects that 1 year. The cost, according to Dr. Lesher, for that 1 year would be $120 million.

Mr. ZORINSKY. Will the Senator from Montana yield?

Mr. MELCHER. Yes.

Mr. ZORINSKY. If the $120 million figure is representative of the additional cost between the proposed legislation from the administration of $4.38 a bushel to $4.45 a bushel, then the actual savings to the administration in the second year from $4.65 a bushel going down to $4.45 bushel is far greater than the cost of $120 million, is it not?

Mr. MELCHER. Yes, the Senator from Nebraska is absolutely correct. The savings for the 20-cent decrease from $4.65 to $4.45 is $340 million. In other words, instead of saving $460 million from the pockets of the wheat producers for the 1985 crops, we will be saving $340 million. The Senator is absolutely correct.

Mr. President, I ask unanimous consent that my amendment be temporarily laid aside so the Senator from Arkansas can offer his amendment.

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, let me say to the Senator from Montana that this Senator not only does not criticize his efforts to defend a position that he wishes to take, he admires the tenacity of the Senator from Montana. We have worked together on the Agriculture Committee since I have been a member of it. I appreciate his diligence and his hard work.

Having said that, let me say a word, if I may, Mr. President, on behalf of Dr. William Lesher, Bill Lesher. Similarly, I worked with Bill; all of us have. I know of no finer, more dedicated public servant than he.

The context in which the statement was made or response to a question was made should be considered in the light of the physical limitations of the agriculture hearing room in the Russell Building. On the occasion of this markup, we had wall-to-wall spectators and lobbyists and staff people. The acoustics are not good. The various representatives are asked questions and they must compute as quickly as they can.

I know the Senator from Montana would not imply, and he has not implied, in fact, that Dr. Lesher gave an inaccurate response to his question purposely. Dr. Lesher is a good man. We all admire him. I just wanted the RECORD to reflect that Bill Lesher is a very competent and dedicated public servant.

Mr. President, I do not object to the unanimous-consent request. As a matter of fact, I fully agree with it. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I would like to say a few words about the amendment offered by my colleague, the senior Senator from Montana, Mr. MELCHER. This is a very important amendment. Let me say why.

During the last several months, the Senate, along with the Secretary of Agriculture, has made great strides in striving for an agreement on the various commodities that this bill deals with. It has been a long and torturous process. It has been difficult, but I think we have made some progress, and it has been progress on a bipartisan basis.

Just a few weeks ago on this floor, the majority leader very kindly agreed to set aside several hours so that we could discuss the farm bill.

Following the agreement, we began to hammer out some kind of agreement which we thought would enable American farmers to go forward as best they can under difficult circumstances. And consistent with the very difficult budget problems and other problems we have facing our country.

There have been many behind-the-scene negotiations. There have been many efforts to try to find a consent agreement where we can get a farm bill through the Senate, through the Congress, and signed by the President so that the farmers in our country are in a better position to know what farm program they will operate under over the next 2 years. Because if there is no bill, farmers in our country, whether wheat, cotton, corn, or rice farmers, are going to be up in the air again, even more than they are now about next year's programs, about what the future holds for them, with very many questions and very few answers.

Nevertheless, I think the amendment offered by my senior colleague, Senator MELCHER, and myself addresses a part of the bill to help correct what we regard to be a major deficiency.

The deficiency is this: Under current law, target prices for wheat are scheduled to go up to $4.45 in 1984 and $4.65 per bushel for 1985. We recall several months ago the administration tried to have the Senate freeze the target price for wheat for 1984–85 at $4.30 per bushel, much below the scheduled $4.45 for 1984 and the scheduled $4.65 for 1985. We fought that, and I tip my hat to my colleague from Montana who led the charge to prevent that

target price freeze, that would have affected other commodities as well, from going through.

We are now at the point where the administration has finally agreed to raise the freeze from $4.30 up to $4.38 for 1984; agreed to a 10-percent paid diversion, and agreed to include some export provisions which have come a long way from where they were just several weeks ago. But the difficulty is that the same target price, $4.38, is also scheduled to go into effect for next year, 1985.

There is no one here who thinks that the cost farmers have to bear in 1985 is going to be the same as the cost that farmers have to incur in 1984. No one. The amendment therefore says, "OK, just go up a little bit, address 1985. Raise target price for 1985, from $4.38 to $4.45 basically to account for inflation, to account for the cost increases that the farmers are going to have to incur." It is a fairness amendment. It is an equity amendment. It is an amendment which recognizes that in all probability the cost that farmers are going to have to face and that wheat farmers are going to have to face in 1985 will be more; at least 7 cents more than 1984. That is what this amendment is about.

So I strongly encourage my colleagues who have in a very good-faith effort worked together on both sides of the aisle, to accept this amendment. For 1983, next year, let us just take into consideration the cost wheat farmers are going to incur and raise the target price of wheat just 7 cents from 1984 to 1985.

The Senator from Montana pointed out it is not very costly. The Senator from Nebraska pointed out the gigantic savings that will be incurred because it is so much lower, $4.45 compared with the present law which would be $4.65, a 20-cent savings in target price. That to me is another reason why it is a fair amendment.

Again, I encourage Members on both sides of the aisle to continue on the bipartisan basis we have had in the past, the cooperative basis that we have had in the past, to fashion out this agreement.

With that I want to again thank my colleague, Senator MELCHER, for ably presenting this amendment and helping us reach this agreement.

I yield the floor, Mr. President.

AMENDMENT NO. 2813

(Purpose: To amend the farm disaster emergency loan program to require the Secretary of Agriculture to base single enterprise production loss determinations on actual production only, and to prohibit the Secretary from including production determinations from sources such as PIK or land diversion program participation)

Mr. BUMPERS. Mr. President, I call up my amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself, Mr. EAGLETON, and Mr. EXON, proposes an amendment numbered 2813.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the Committee amendment, insert the following new section:

SEC. . Section 1970 of title 7, United States Code, is amended by adding the following language at the end of the section: "For the crop year 1983 and later crop years, the Secretary shall base single enterprise production loss determinations on actual production only, and shall not include projected production determinations from payment-in-kind or land diversion program participation."

Mr. BUMPERS. Mr. President, I am offering an amendment today that the Senate adopted on November 10 of last year. It is a very simple amendment that is easy to understand. It would prohibit the Secretary of Agriculture from including projected production determinations from payment-in-kind or paid diversion lands in making farm disaster emergency loan determinations. I offered this amendment last November to the continuing appropriations bill, and it was accepted without even a vote.

In conference, the language of my amendment was retained, but unfortunately it was not made legally binding on the Secretary. The conferees said merely that they expected that the Secretary of Agriculture would comply. On November 18, Senators HATFIELD, STENNIS, EAGLETON, and I wrote to the Secretary of Agriculture pointing out the importance of the expectation of the conferees and asking the Secretary to comply with the intent of Congress. Deputy Secretary Lyng responded in a very noncommital way so I wrote again on February 10, 1984. I ask unanimous consent that Secretary Block's March 5 letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1984.

Hon. DALE BUMPERS,
U.S. Senate, Dirksen Office Building, Washington, D.C.

DEAR SENATOR BUMPERS: This is in response to your letters concerning the use of Payment-In-Kind (PIK) acreage in determining production losses for Farmers Home Administration (FmHA) emergency (EM) loans.

When farmers signed up for the PIK program, they made a management decision to take a certain number of acres out of production. The economic benefits of PIK were guaranteed and received regardless of any disaster.

The operator voluntarily participated in the PIK program and received benefits to compensate him/her on the acreage not planted. The normal year's yield for acreage removed from production is used when calculating the operator's income for a normal year and the disaster year. This method insures all acreage is considered in the determination of loss.

The Consolidated Farm and Rural Development Act (CONACT), as amended, specifies that EM loans be made available to eligible farmers who suffered qualifying production losses. PIK acres must be included to determine if the farmer has, in fact, suffered an overall production loss in a single enterprise.

Disaster designations for counties suffering at least a 30 percent reduction in a single enterprise have been made without consideration for PIK acreage. Individual loss calculations for farmers in the designated counties take into consideration PIK acres to determine farmers' actual production losses as required by the CONACT.

We assure you that this method does not diminish the operator's legitimate loss on the acres in production.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr. BUMPERS. As you can see, Secretary Block believes that including PIK acres and diverted acres do not diminish the farmers' legitimate loss. He is, in essence, thumbing his nose at the expectation of the conferees on the supplemental appropriations bill.

Mr. President, every Member of this body is aware that last year natural disasters devastated much of our farmland in this country. It is estimated that these disasters wrecked havoc to the tune of $10 billion. Governors across the country requested that a total of 1,760 counties be declared disaster counties, and declarations have been issued for 1,554 counties. Mr. President, there are only 3,168 total counties in the whole country, so 50 percent of these have been declared disaster counties. I think you can see the magnitude of the nationwide loss here.

Mr. President, in order for a farmer to qualify for a disaster loan from Farmers Home, he has to prove that he lost 30 percent of his crop. Historically, the FmHA policy was to compute a farmer's production losses as a result of natural disasters against his actual acres planted and grown, and for years no level of loss was required before EM program benefits could be tapped. There were only two criteria: First, that an individual producer could not obtain credit elsewhere to cover disaster caused losses; and second, that the farmer was located in a county that had been designated as eligible for disaster loan assistance. Because of program abuses, Congress in 1975 changed this policy when it amended the Consolidated and Rural Development Act to require that an applicant seeking financial assistance

based on production losses must show that a single enterprise which constitutes a basic part of his farming, ranching, or aquaculture operation has sustained at least 20 percent loss of normal per acre or per animal production as a result of the disaster. The loss level was increased to 30 percent by the Omnibus Budget Reconciliation Act of 1981.

So, after the 1981 amendment was adopted, it was reasonable to expect that a farmer would be eligible for a disaster loan if he lived in a county that qualified and if he lost 30 percent of his actual production. In my judgment, this was the clear intent of Congress. Last year, however, FmHA decided to treat diverted acres—that is acres diverted under PIK, diversion, and set-aside programs—as having produced a normal yield for purposes of determining the 30-percent loss. In other words, in order for a farmer now to qualify for disaster relief, he has to show not only a 30-percent loss on the crop that he actually grew, but he also has to include the PIK, diversion, and set-aside lands that he did not plant. This policy is extremely unfair, as you can see from the following example:

Let us assume that a farmer had 200 acres that he normally planted corn or wheat on. Assume that he set aside half of this land and put it into the PIK program. Assume further that when last summer's drought came along, he lost fully 50 percent of the crop on the 100 acres that he planted. If this loss had occurred before the FmHA policy change last year, he would clearly have qualified for disaster assistance, having lost 50 percent of his crop. Again, the threshold has been 30 percent. Under the new policy, however, he would not qualify because even the lands he did not plant would be counted in computing his production loss. In other words, all 200 acres would be counted, and a 50-percent actual loss on the 100 acres planted translates into only a 25-percent loss on the entire 200 acres. As you can see, this is below the 30-percent threshold. In my judgment, this policy is illegal, inequitable, and patently unfair. It goes completely against congressional intent.

Mr. President, 86 million acres were set aside last year under the PIK progam and were not planted. The farmers in my State and all across the country did not know on the front end that if they set aside PIK lands, or chose not to plant acreage under another diversion or set-aside program, they might be adversely affecting their eligibility for disaster relief in the event of a natural disaster.

The Department of Agriculture clearly changed the rules in the middle of the game and it is simply unfair to the farmers. It is simply a policy choice made by the Secretary for the sole purpose of saving money, ignoring completely the policy choice in favor of treating farmers fairly and compassionately, made by Congress when it set up the disaster program. The Secretary is simply trying to crowd out as many farmers as he can and make them ineligible, and all this in the face of $10 billion in devastation suffered by our farmers because of natural disasters.

Mr. President, there was absolutely no precedent for using projections of production on set-aside land in calculating production losses. The Department of Agriculture came with this completely out of the blue, and we should reverse this unfair and unprecedented policy choice today by legislation.

Arkansas is divided into nine FmHA districts, five which are principally pasture and livestock districts, and four which are principally row crop districts. For the week ending December 2, 1983, before the impact of using PIK calculations in determining losses was fully impressed upon county supervisors:

PASTURE DISTRICTS

EM applications: Anticipated, 4,039; received, 707; rejected, 20; approved, 149; on hand, 538.

ROW CROP DISTRICTS

EM applications: Anticipated, 4,564; received, 261; rejected, 10; approved, 6; on hand, 245.

By February 17, 1984—before the counties were redistricted—the impact of requiring PIK projections in loss calculations was widely known. County supervisors across the State were told to reassess the number of anticipated loans. The greatest reassessment was in the row crop counties.

PASTURE DISTRICTS

EM applications: Anticipated, 3,038; received, 1,709; rejected, 194; approved, 891; on hand, 624.

ROW CROP DISTRICTS

EM applications: Anticipated, 2,689; received, 1,503; rejected, 465; approved, 223; on hand, 815.

EM applications anticipated dropped 1,875—primarily because of the rule changes. The 465 rejections are also primarily because of the fact that PIK land was used in the calculations of loss.

I should make it clear that I am pleased that the pasture counties deserve EM assistance, because they were hard hit also. But the row crop counties are being forced to shoulder a great burden. Farmers were encouraged to enter PIK then were penalized when a disaster hit.

Mr. President, through January 30, 1984—and these are the latest figures I could get—FmHA had received 30,387 disaster loan applications. Of this number, only 7,185 had been disposed of; of this number, 2,676 were closed, 2,592 were rejected, and 1,917 were withdrawn or expired. This means that 22,830 applications are still in the process of being considered by FmHA; 9,533 have not been processed at all but are still pending; 9,650 are in the process of being determined, and 3,647 have been approved but the files have not been closed. So, Mr. President, the passage of this amendment would still have an impact. As I mentioned, over 22,000 applications are still in the process of being considered by FmHA.

Mr. President, I could talk all day, but the proposition is very simple: Congress never intended to include set-aside lands in determining the losses sustained by a farmer. It is palpably unfair to say to a farmer, "You have to prove you lost 30 percent of a crop that you never even planted, and the reason you did not plant it is that the Government asked you not to."

That is unfair, Mr. President. The Senate has spoken on this. We adopted the same amendment on the continuing resolution last year, and I sincerely urge my colleagues to adopt it again. I sincerely hope that the floor manager will see fit to adopt this and we can approve it unanimously again.

Mr. HELMS. Mr. President, I am sorry, we cannot accept the Senator's amendment.

Mr. BUMPERS. I am sorry, Mr. President, I said I hope that the Senate would adopt this resolution again.

As the Senator knows, we adopted this same amendment back in November of last year.

Mr. HELMS. Has the Senator requested the yeas and nays?

Mr. BUMPERS. I was hoping my amendment would be accepted.

Mr. HELMS. No, Mr. President, it cannot.

Mr. BUMPERS. Then, yes, Mr. President, I shall request the yeas and nays. I am willing to do that now if we are not going to debate it further.

Mr. HELMS. As the Senator wishes.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I inquire of the distinguished Senator from Arkansas if he would be willing to lay aside his amendment and let me inquire if there is a nongermane amendment that some Senator wishes to call up.

Mr. BUMPERS. This Senator certainly has no objection to that with one caveat: If another amendment is offered—this is a nongermane amendment, and the Senator can understand that I do not want to get trapped with this amendment pending if cloture is invoked. I would like to get this voted on before cloture is voted, so if we could get a nongermane amendment called up, I would have no objection on the condition I have stated.

Mr. HELMS. Very well. The Senator is fully protected by the rules of the Senate and by the assurance of the Senator from North Carolina that he will be protected. He is entitled to that and he will get it as far as I am concerned.

Mr. President, I inquire if there is another Senator on the floor who has a nongermane amendment?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2814

(Purpose: To insert a new provision in the bill to prohibit Farmers Home Administration employees who review applications for loans for the purchase of land from acquiring an interest in such land for three years after the application is reviewed)

Mr. ZORINSKY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ZORINSKY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It would require unanimous consent to set aside the pending amendment.

Mr. ZORINSKY. I ask unanimous consent to set aside the pending amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, Mr. President, provided that it becomes the pending business immediately after the disposition of the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection to that unanimous-consent request as modified by the Senator from Arkansas?

Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY), on behalf of Mr. DIXON, Mr. PERCY, Mr. HUDDLESTON, Mr. MELCHER, Mr. JEPSEN, Mr. BENTSEN, and Mr. BOREN, proposes an amendment numbered 2814.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, after line 5, insert the following new section:

"CONFLICTS OF INTEREST

"SEC. 607. Section 336 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended by—

"(1) designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

"(2) inserting after subsection (a) (as designated under clause (a) of this section) the following new subsection:

"'(b) No officer or employee of the Secretary who acts on or reviews an application made by any person under this title for a loan to purchase land may acquire, directly or indirectly, any interest in such land for a period of three years after the date on which such action is taken or such review is made.'.".

Mr. DIXON. Mr. President, we all know that even the appearance of a conflict of interest on the part of a public official erodes confidence in a public agency.

Such a situation presently exists in my home State, and the potential is there for similar developments in other States. The Decatur Herald & Review, a major newspaper in Illinois, has revealed allegations of serious abuses by Farmers Home Administration officials relative to farm loan programs.

In a series of articles, the newspaper indicated that some Farmers Home Administration employees have purchased farmland after first acting in their official capacity for the agency and turning down loan requests from farmers who intended to purchase the same land.

This is a practice we can neither condone nor tolerate.

Along with Senators PERCY, HUDDLESTON, MELCHER, JEPSEN, BENTSEN, and BOREN, I am today offering an amendment that would bring this abuse to a quick stop. Our amendment prohibits Farmers Home Administration employees who act upon, or review, an application made by a farmer for the purchase of a particular parcel of real estate, from purchasing any interest in that parcel for 3 years.

Mr. President, Farmers Home Administration is the lender of last resort for many farmers. This agency's decision oftentimes determines the financial future of farmers—that is, whether they continue productive lives or face bankruptcy. Any kind of activity by agency employees that does not keep the farmer's interests up front and above board, destroys the American farmer's confidence.

The last thing the American farmer needs at this time is to lose confidence in the very public agencies that were established to help solve the critical problems in American agriculture.

Mr. President, I urge my colleagues to support this amendment.

Mr. HUDDLESTON. Mr. President, I support the amendment offered by Senator DIXON to prohibit Farmers Home Administration employees from engaging in certain practices that are conflicts of interest or that appear to be conflicts of interest.

Senator DIXON's amendment would prohibit Farmers Home Administration employees who act on or review applications for loans to finance the purchase of land from acquiring that land, either directly or indirectly, for a specified period of time.

I have no objection to FmHA employees owning and working on farm operations provided that this outside activity does not interfere with their employment responsibilities.

However, Federal employees should never be permitted to involve themselves in financial transactions resulting from administrative decisions made in an official capacity. Even if such transactions are made in good faith by all parties, the mere appearance of a conflict of interest is intolerable. This is especially true during this time when so many farmers are facing severe financial problems and must rely on FmHA for assistance.

I understand that the administration does not object to this amendment and I commend Senator DIXON for his initiative.

● Mr. JEPSEN. Mr. President, I fully support this amendment to restrict Farmers Home Administration employees who review loan applications from acquiring those properties that are denied the FmHA loans.

When local farmers visit the FmHA office to seek financial aid they need to feel certain that their application and personal circumstances are handled with the utmost propriety and with strict confidence. Farm borrowers need to know that their personal circumstances are not a Federal employee's ticket to future prosperity from land acquisition.

This amendment does not restrict a Federal employee from engaging in farming or farm operations. It does insure, however, that Federal employees will not profit from others misfortune or mismanagement.

Presently the Federal Government restricts former employees from working in their previous or a similar job for a period of 2 years following their resignation and/or retirement from a specific position. This provision was enacted when it became apparent that former employees were leaving Federal jobs only to be rehired as consultants for their previous positions at much higher salaries. Thus, the restriction on a former employee's

future work was essential to maintain public confidence in those who choose to serve the public and consult with Federal officials.

This amendment insures a similar type of confidence in employees who deal with a most critical component of the farmer's operation—financial management for future planning.●

Mr. ZORINSKY. Mr. President, as I have been told, this amendment has been cleared on both sides of the aisle and I would ask the chairman on the majority side if he concurs in this amendment?

Mr. HELMS. Mr. President, if the Senator will yield——

Mr. ZORINSKY. I most certainly do yield to my colleague from North Carolina.

Mr. HELMS. I thank the Senator—we have considered this amendment and in fact we support it. I appreciate the efforts of the distinguished Senator from Illinois and the able Senator from Nebraska.

This amendment addresses a problem which exists in the loanmaking procedures of the Farmers Home Administration which has the potential of serious wrongdoing by unscrupulous public officials. This amendment will correct this situation so that there cannot be even the appearance of conflicts of interest on the part of Farmers Home employees who reject certain real estate loan applications. As I say, I strongly support the amendment and I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2814) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ZORINSKY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, under the same conditions that exist with reference to the amendment by the Senator from Montana and the Senator from Arkansas, I ask unanimous consent that we proceed to the amendment by the distinguished Senator from Georgia (Mr. NUNN).

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank my colleague from North Carolina.

I thank the Chair.

AMENDMENT NO. 2815

Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. WARNER), and the Senator from Georgia (Mr. MATTINGLY).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself, Mr. COCHRAN, Mr. WARNER, and Mr. MATTINGLY, proposes an amendment numbered 2815.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After Line 5 on page 25 insert the following:

"SEC. 607. Notwithstanding any other provision of law, the Secretary of Agriculture, in his discretion, is authorized to develop and implement a program for the amortization of delinquent Farmers Home Administration loans from future revenues generated by timber crops planted and managed on lands previously used to produce commodities or pasture and subject to existing Farmers Home Administration liens. The Secretary is required to submit a report to Congress within 180 days after the date of enactment of this Act outlining the feasibility of such program and the plan for its implementation.".

Mr. NUNN. Mr. President, this amendment grows out of a bill, S. 2148, I introduced earlier this year that was assigned to the Agriculture Committee. I know the staffs on both sides of the aisle have been looking at that bill. This part of the bill is being broken out today after extensive consultations with the Department of Agriculture. My staff has had consultations with the staff of Under Secretary Naylor and the Assistant Secretary for Forest Services, Mr. Crowell. They have talked to Deputy Under Secretary Jim Johnson. We have gotten very favorable comments on the amendment which is a product of that negotiation with the Department of Agriculture. I propose this amendment on behalf of Senator COCHRAN and myself. It is a simple amendment but a very significant amendment to expand the flexibility provided to the Farmers Home Administration in dealing with a large number of farm borrowers now in serious economic distress.

Mr. President, farmers are going out of business at an alarming rate. In Georgia alone, 341 Farmers Home Administration borrowers discontinued farming in fiscal year 1983 and 176 farmers filed bankruptcies.

The nationwide delinquency rate for FmHA borrowers is now 28 percent for operating loans and 40 percent for emergency disaster loans. Our Southeastern farmers—and I think this includes almost all the Southeastern States—have experienced even more difficult times. In Georgia, 46 percent of all FmHA operating loans are delinquent and 70 percent of emergency disaster loans are delinquent. Over $500 million in FmHA loans are in some stage of delinquency in Georgia.

In addition, FmHA is becoming a major agricultural landholder. Through voluntary liquidation, bankruptcies, and foreclosures by private lienholders, FmHA acquired 1,683 farms in fiscal year 1983. Another 759 were sold by FmHA, leaving the total inventory of FmHA held farms at 1,891 on October 1, 1983. This inventory totals over 400,000 acres valued at approximately $435 million.

While precise figures are not available, the estimates indicate that where liquidations or bankruptcies occur and where FmHA acquires farms which are later sold the Federal Government is often recovering no more than 60 to 70 percent of the funds loaned. In many cases, much less is recovered. Thus, not only are the farm borrowers losing out because of the disastrous economic conditions but FmHA and the American taxpayer are losing as well.

Further, Mr. President, the rapid increase in farm failures has reduced the value of farm land, as much as 40 to 50 percent in some areas, and reduces the equity of those farmers and borrowers who remain.

In short, if the Farmers Home Administration sold the land they now own and if FmHA foreclosed on the loans that are delinquent and that land became available, we could very well have a depression in large parts of the rural areas of our States in the Southeast and I think to some extent this is also true in other parts of the country.

To protect the interests of borrowers, lenders and the entire agricultural community, additional flexibility must be provided to FmHA to deal with this problem. I applaud the Agriculture Committee for including in this bill provisions to give FmHA more flexibility to reamortize and reschedule existing loans. These provisions, including a stretch out in the length of loans from 7 to 15 years and an increase in the operating loan limits from $100,000 to $200,000, will be more helpful and are similar to the bill Senator COCHRAN and I introduced last year.

Mr. President, the amendment Senator COCHRAN and I are offering today would provide an additional tool to FmHA to assist distressed borrowers and to protect the Government interest in the funds already loaned.

Our amendment provides the Secretary of Agriculture the discretionary authority to establish an agricultural reforestation program which will give a delinquent borrower the chance to regain the equity in this land and the Federal Government the chance to recover the funds already loaned.

Mr. President, the Department of Agriculture has already begun a study regarding the feasibility of such a program. This amendment would provide

the Secretary of Agriculture with the authority to implement such a program and would require the Secretary to submit a report to the Congress within 180 days outlining the potential for such a program and the plan for its implementation.

The purpose of this program is to allow a delinquent FmHA borrower to be able to save his farm. Without a long-term reamortization program many additional FmHA borrowers, particularly in the southeastern United States will be forced into foreclosure or bankruptcy. The program I believe the Secretary should implement would allow the Farmers Home Administration and a delinquent borrower to enter into a long-term agreement under which the borrower would plant and manage timber on his land which had previously been used to produce commodities or pasture. The borrowers' existing FmHA loans would be rescheduled in accordance with the terms of the agreement. FmHA would hold a lien against the timber with the proceeds of timber harvesting going to retire the indebtedness of the rescheduled loan.

Mr. President, a typical example might be a delinquent borrower in Mississippi or North Carolina with 525 acres of land and an existing debt of $600,000. Because of his delinquent debt and the chances of recovery this farmer may be in danger of losing his farm. Under the reforestation program, however, this borrower could reach an agreement to keep his home and perhaps a few acres surrounding the home, get a job in town to provide income for his family, and plant the remaining land in timber. The Department of Agriculture would provide the borrower with assistance in planting trees and would then advise the borrower on the management of the timber. Of course, we already have State agencies that are very much involved in that kind of advisory consultation program. The revenue from the thinning and harvest of the timber would go to pay off the rescheduled loan. The management plan on the timber might include thinning at 15 and 25 years with final harvest in 35 years. The specific terms and length of the agreement could be set on a case-by-case basis. Preliminary USDA estimates indicate that the harvest of such timber could produce as much as $2,000 per acre or a $1,000,000 return. This would be more than enough to repay the rescheduled loan and in some cases would leave revenue unrestricted for the use of the farmer or his family, and at least would preserve the land and not require its foreclosure or sale at this time.

Mr. President, this would be a case-by-case program. Not all farmers would not be able to fit under this program. It certainly does not envision covering every contingency. But this type of program would provide the added benefits, which are very important, of increased timber production at a time when various experts predict that we may experience a shortage of softwood timber by the year 2000. The Southeast United States is being looked upon more and more as the future timber-growing area of this country and even the world.

I think it is enormously important not only to the people in our section of the country but also to everyone who may be buying a home or using lumber products in the years to come that we increase this supply, certainly when it makes sense in getting land out of production now and not forcing farmers into absolute bankruptcy.

The conversion of cropland to timber would also make a major contribution to our soil conservation efforts. This important benefit of my amendment should not be overlooked. Also, it makes sense from the Government's point of view of collecting the maximum amount of money from the loans now outstanding. In addition, this program would help reduce excessive acreage in crop production in a manner less costly than previous crop reduction programs—for example, the PIK program.

So, from every point of view, including reforestation, conservation, and reduced crop production, it seems to me that this program, if properly envisioned and properly managed, makes a great deal of sense.

Mr. President, I urge the adoption of our amendment to the committee bill. This program is needed to help stem the tide of farm foreclosures, liquidations, and turnover of land in the Southeast where the economic plight of many farmers is still very shaky, to say the least.

Mr. ZORINSKY addressed the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Nebraska.

Mr. ZORINSKY. Mr. President, I commend the Senator from Georgia for developing this innovative proposal to assist Farmers Home Administration borrowers facing foreclosure.

As I understand the amendment, the Secretary of Agriculture would be provided discretionary authority to carry out a long-term conservation program that will take acreage out of agricultural production and turn it over to the production of trees with the income generated used to make loan payments on FmHA loans.

The program is designed to assist farmers who have been unable to repay their FmHA loans and are faced with foreclosure and loss of their land. This program offers a possible alternative to foreclosure that would allow farmers to retain their land.

Further, the amendment requires the Secretary to study the feasibility of such a program and provide a report to Congress, within 180 days after the date of enactment, regarding his plan for implementing the program.

I believe the proposal offered by the distinguished Senator from Georgia has the potential to achieve significant reductions in soil erosion while helping to reduce agricultural surpluses. For that reason, the administration should seriously consider implementing the program authorized by this amendment.

I urge my colleagues to join me in supporting this amendment.

Mr. President, this has been cleared on the majority side of the aisle, and we certainly support adoption of the amendment.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. ZORINSKY. I yield.

Mr. NUNN. Mr. President, I ask unanimous consent that the name of the senior Senator from Mississippi (Mr. STENNIS) be added as a cosponsor of the amendment.

I do not know of anybody in this body who has worked as diligently and with as much effectiveness as has the Senator from Mississippi in looking down the road as to the challenge in forestry and the incentive needed for having forests in our Southeast United States. I am proud to have him as a cosponsor of this amendment, which moves us a little further down that road.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. NUNN. I yield.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks and for asking unanimous consent that my name be added as a cosponsor.

In the work that was done by the Senator from Georgia and by my colleague from Mississippi, they have hit upon a very live problem, and that is the situation that the farmers have faced. The Farmers Home Administration has done what it could, but it needs the benefit of this amendment.

In the forestry matter, we are proud that in the Southeast United States we do have a growing season and a rainfall that are very valuable to the Nation and cause timber to grow fast and to be of good quality.

I am delighted to be a cosponsor of the amendment, and I hope the Senate will adopt it and that the Department of Agriculture will pursue the matter with vigor.

The PRESIDING OFFICER. Without objection, the name of the Senator from Mississippi is added as a cosponsor of the amendment.

The question is on agreeing to the amendment.

The amendment (No. 2815) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ZORINSKY. Mr. President, I ask unanimous consent, under the previous conditions of laying aside the amendment of the Senator from Montana and the amendment of the Senator from Arkansas, to take up the amendment of Senator HUDDLESTON of Kentucky, and then that those two amendments become the pending business after the disposition of the amendment of Senator HUDDLESTON from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Thank you, Mr. President.

AMENDMENT NO. 2816

(Purpose: To add a provision to the bill to establish a pilot program for the acquisition and donation, by the Commodity Credit Corporation, of ultra-high temperature processed milk)

Mr. ZORINSKY. Mr. President, I send an amendment to the desk on behalf of Senator HUDDLESTON for himself, Mr. HELMS, and Mr. BOREN.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY), for Mr. HUDDLESTON, for himself, Mr. HELMS, Mr. BOREN, and Mr. JEPSEN proposes an amendment numbered 2816.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, after line 17, insert a new section 502 as follows:

"ACQUISITION AND DONATION OF ULTRA-HIGH TEMPERATURE PROCESSED MILK

"SEC. 502. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by—

"(1) inserting '(a)' immediately after 'Sec. 416';

"(2) striking out 'section' each place that word appears and inserting in lieu thereof 'subsection'; and

"(3) adding, at the end thereof, a new subsection (b) as follows:

" '(b) To prevent the waste of dairy products acquired by the Commodity Credit Corporation through price support operations, the Corporation, on such terms and under such regulations as the Secretary may prescribe, shall carry out a two-year pilot program under which the Corporation shall barter or exchange such dairy products, to the extent they are available, for 40,000 metric tons (consisting of 20,000 metric tons in each year of the pilot program) of ultra-high temperature processed fluid milk. Such barter or exchange shall be effected on the basis of competitive bids submitted by domestic processors. The processed milk acquired by the Corporation under this subsection shall be available for donation through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, an the Corporation may pay, with respect to such processed milk donated under this subsection, transporting, handling, and other charges, including the cost of overseas delivery. Any donations under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. The pilot program shall be implemented by the Corporation as soon as practicable after the enactment of the Agricultural Programs Adjustment Act of 1984 and shall be operated for a period of two years after its implementation. Upon completion of the pilot program, the Secretary shall submit a report to Congress on its operation.'.".

Mr. ZORINSKY. Mr. President, the purpose of the amendment is to establish a 2-year pilot program under which the Commodity Credit Corpration will acquire, through barter or exchange, 40,000 metric tons of ultra-high temperature processed fluid milk for donation to needy persons outside the United States; 20,000 tons will be acquired in each of the years in which the program will operate.

The ultra-high temperature processed milk will be acquired from processors through barter or exchange agreements under which the Commodity Credit Corporation will exchange surplus dairy products in its stocks for this product.

Mr. President, I believe this amendment has been cleared on the side of the majority.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, it has indeed been cleared, and I appreciate the efforts of the distinguished Senator from Nebraska.

Mr. President, as of the beginning of this month, our Government had in storage 405 million pounds of butter, 810 million pounds of cheese, and 1.4 billion pounds of nonfat dry milk. While this product sits in caves and incurs storage costs, millions of children in the world face malnutrition. Although section 416 of the Agricultural Act of 1949 provides the Secretary of Agriculture with the authority to distribute surplus dairy products to foreign nations, getting milk to needy children has not been an easy matter.

All too often, countries in need of our surpluses have insufficient or inadequate water supplies to reconstitute the nonfat dry milk which we give them for local use. However, with this amendment, we may be able to get fresh, healthy, and natural milk to needy children in poorer countries, and at the same time begin a market development process.

Specifically, this amendment would expand current section 416 authority to require the Secretary to conduct a 2-year pilot program under which surplus dairy commodities would be bartered in exchange for ultra high temperature (UHT) milk. Under this provision the Secretary would acquire up to 40,000 metric tons of UHT milk from processors for donation to needy people in foreign countries under the 416 program.

UHT milk is fluid milk that needs no refrigeration and has a shelf life of up to 5 months. UHT milk's special characteristics are the result of a heat treatment process which renders milk sterile. It is then placed in containers via an aseptic filling process and is packaged in hermetically sealed containers.

A variety of countries could make use of UHT milk including Somalia, Senegal, Mali, Haiti, El Salvador, Honduras, and Peru. Because of its unique properties, UHT could be especially useful to those people currently suffering from the serious food shortage and drought in Africa. And while it is true that transportation costs may be more for UHT than for nonfat dry milk, it must be incurring no cost, simply trading surplus product which is costly to store. Further, unlike nonfat dry milk, there is no waste to UHT, and no requirement of available clean water.

UHT milk holds much promise for developing new export markets for our milk producers, and using our tremendous surplus to help the hungry. The pilot program provided for by this amendment will, at little cost, allow the Secretary and the Congress to determine the possibilities of using UHT milk in the section 416 program on a large scale. I encourage my colleagues to lend their support.

● Mr. HUDDLESTON. Mr. President, under my amendment the pilot program for ultra high temperature processed milk will be operated only to the extent that surplus dairy products are available to the Corporation after its stocks have been provided to nonprofit school lunch and other child-feeding programs, and to needy persons and charitable institutions, as bonus commodities or otherwise, under the current provisions of section 416 of the Agriculture Act of 1949.

The amendment will help to reduce the Commodity Credit Corporation's surplus stocks of dairy products, which are expensive to store and may otherwise spoil. It also will help alleviate the problems of malnutrition in various areas of the world by providing undernourished persons, through donations, a milk product which is ideally suited to their needs.

Some 300 to 400 million people in the world suffer from severe and life-threatening malnutrition, and approximately 1 billion persons suffer some degree of hunger. This situation

represents a human tragedy of the greatest magnitude.

On a global scale, the world can produce enough food to feed itself. Unfortunately, however, barriers to the distribution of food prevent the world's abundance from reaching many millions of people. Some of the barriers are in the processing of agricultural products.

When agricultural products are distributed in an unprocessed form, frequently the recipients do not have the means or the ability to further process or, in the case of milk, reconstitute the product. Conversely, many food products, including milk, cannot be shipped in forms ready for human consumption. This is because of their short life and the distance they must travel to their destination.

Currently, nonfat dry milk is being shipped to remote areas of the world through the food for peace program and other programs. Many countries, however, have insufficent or inadequate water supplies to reconstitute the nonfat dry milk for local use. This is a problem that, until recently, had few solutions.

A product now available in the United States offers a solution to this problem. Ultra high temperature processed milk—UHT—is fluid milk that needs no refrigeration and has a shelf life of up to 5 months. It can become an important source of nutrients to millions of malnourished women and children in countries which do not have adequate and reliable supplies of food. Among the countries which could make use of UHT milk are Somalia, Senegal, Haiti, Honduras, Peru, and Zimbabwe.

Of these, Somalia is particularly important. It is in the middle of a serious food shortage and drought; it has few reconstitution facilities for nonfat dry milk and little refrigeration capacity. Yet, it badly needs fluid milk and other supplemental food to feed both its citizens and over 700,000 Ethiopian refugees in camps throughout the country.

The special characteristics of UHT milk are developed by a heat treatment process which renders milk commercially sterile. It is then placed in containers through an aseptic filling process and is packaged in hermetically sealed containers. It is this combination of processing which allows the milk to be stored for extended periods of time.

This modern technology could help extend the bounty of U.S. dairy farmers to people in the most remote and poorest parts of the world. Therefore, opportunities for the donation abroad of UHT milk should be fully explored through a pilot program conducted by the Commodity Credit Corporation.

Although the costs for transporting UHT milk will be higher than the cost of transporting nonfat dry milk, this should not be a determining factor because UHT milk is needed in areas where water for reconstitution of nonfat dry milk is not available or is contaminated.

Under the pilot program established by this amendment, surplus Government supplies of nonfat dry milk, butter, and cheese would be exchanged for UHT milk to be made available for immediate donation for use in overseas programs. The Commodity Credit Corporation currently has available 408 million pounds of butter, 819 million pounds of cheese, and over 1 billion pounds of nonfat dry milk.

It is difficult to quantify the volume of surplus dairy products which would be used to purchase UHT milk. The Commodity Credit Corporation would ask for bids. A processor would base its bid on the amount of surplus nonfat dry milk or other surplus dairy products that it would accept for producing a certain quantity of UHT milk.

It is important to note that the UHT milk shipped to needy countries would be removed from the U.S. market, and this would serve to reduce the amount of additional milk going into Commodity Credit Corporation stocks.

Also, milk not used in the pilot program would end up being purchased by the Commodity Credit Corporation in the form of butter, nonfat dry milk, or cheese. Thus, some of the additional expenses associated with UHT milk would be offset by lower overall processing expenses for milk entering Government supplies as surpluses.

While providing tremendous benefits to needy people throughout the world, my amendment would reduce these surplus stocks.●

Mr. HELMS. Mr. President, I urge adoption of the amendment.

Mr. ZORINSKY. The minority side concurs.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2816) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, with the same condition prevailing as to the amendments which have been laid aside, I ask unanimous consent that we proceed to an amendment to be offered by the distinguished Senator from Alabama (Mr. HEFLIN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2811

(Purpose: To modify the the acreage limitation and paid diversion program for upland cotton)

Mr. HEFLIN. Mr. President, I call up an amendment that has already been filed at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. HEFLIN) for himself and Mr. BOREN proposes an amendment numbered 2817.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 19, strike out "four million" and insert in lieu thereof "three million seven hundred thousand".

On page 14, line 1, strike out "con-" and everything that follows through the period on line 6 insert in lieu thereof the following: "consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.".

On page 15, line 9, insert immediately before the period the following: ": *Provided*, That if the Secretary estimates that the quantity of upland cotton on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed (I) four million one hundred thousand bales such rate shall be established by the Secretary at not less than $0.30 per pound, and (II) four million seven hundred thousand bales such rate shall be estimated by the Secretary at not less than $0.35 per pound".

Mr. HEFLIN. Mr. President, this amendment has really three aspects. It would strike the inventory carryover trigger of 4 million bales, and substitute in lieu thereof 3,700,000 bales.

And then on page 14, line 1, it would provide that if there is an acreage limitation program and a land diversion program, the total reduction for the paid diversion program would amount to the difference between the total reduction for the farm and the 20-percent reduction under the acreage limitation proposal.

It further provides that the diversion payment rate would not be less than 25 cents a pound, if carryover inventory exceeds 3.7 million bales. If the carryover inventory exceeds 4,100,000 bales, then the rate the diversion payment rate would be estab-

lished by the Secretary at not less than 30 cents per pound, and that if the carryover inventory figure of 4,700,000 bales is reached, then the rate would be established by the Secretary at not less than 35 cents per pound.

We discussed in detail with Department of Agriculture officials, including the Secretary of Agriculture, these provisions and an agreement was reached. I believe both the minority and the majority of the committee is agreeable to accepting this amendment.

Mr. HELMS. Mr. President, the Senator's amendment has been discussed with me and with the Department of Agriculture. I find it acceptable, and I urge its adoption.

Mr. ZORINSKY. Mr. President, the minority side concurs with the Senator from North Carolina that it should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment (No. 2811) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEVERAL SENATORS addressed the Chair.

Mr. STENNIS. Mr. President, will the Senator yield the floor to me?

Mr. HEFLIN. I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator for the very fine work he has done on this amendment. I know the facts well enough to know that he hit the nail right on the head where the real trouble is. I think his proposed remedy is very modest and very, very apt and well put. He thinks in those terms.

I have the privilege of living within 15 or 18 miles of Alabama, and I know what the problems are there in that area, at least, and I know what the people are up against when they have to cope with nature and other things in connection with growing cotton and all other commodities.

He is alert to it, and I commend him highly. He has had some good help also.

I thank the Senator very much.

Mr. HEFLIN. I appreciate the remarks of the distinguished Senator from Mississippi.

I wish to further state, relative to cotton, that Senator COCHRAN and I, along with others, have discussed with the Secretary of Agriculture the export credit guarantee program.

There is some additional money that is contained in this bill for 1984. We feel that after our conversations, a portion of that money will be used to bring about the market development, maintenance, and expansion not only for cotton, but for other U.S. agricultural commodities and products. In 1985 there is additional export credit guarantee funding in other legislation. This additional money will also be used to assist in the development, maintenance, and expansion of international markets for the U.S. agricultural food and fiber commodities.

It would be used in such a manner to bring the market price for the commodities mentioned in this bill to a level that would minimize the deficiency payments under the target price program and to minimize the expenditure of Government funds on paid diversion programs mentioned in this act.

I also feel that under this legislation and other legislation that the Department of Agriculture, along with other officials, will endeavor to bring about an increase in export sales of cotton. Hopefully by doing so, the carryover inventory which triggers a paid diversion program will not be reached and that there will not have to be any Government expenditures. We feel that if the Secretary of Agriculture will wisely use the additional money under this export credit guarantee program that they can bring about an increase in export sales, keep carryover inventories down to prevent a paid diversion. Furthermore, it is hopeful that increased exports will keep market prices to a level that would also prevent deficiency payments.

We feel that the export sales will play a vital roll in returning commodity market prices to equilibrium.

There are certain countries that have had an excellent repayment history particularly with cotton. It is my understanding there has never been a default by any country that has received the benefit of the export credit guarantee program relative to the purchase of cotton. There has been really no Federal money spent at all relative to that program. Loans have been repaid. We feel that this is a good history. If we can maintain that history, we can expand the market.

It is an incentive to the Department of Agriculture to use this export credit guarantee program in a manner to prevent the use of other Government funds to pay the other elements of this program. I appreciate the cooperation that has been given to me by all concerned.

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment on wheat target prices.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2817

(Purpose: To make technical corrections in the act)

Mr. HELMS. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It would take unanimous consent to set aside the two pending amendments.

Mr. HELMS. I thank the Chair. That must be done under the rules.

The PRESIDING OFFICER. Is there objection to setting aside the two amendments? Without objection, it is so ordered.

The clerk will report the amendment of the Senator from North Carolina.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and Mr. HUDDLESTON, proposes an amendment numbered 2817.

Mr. HELMS. Mr. President, I ask unanimous consent that futher reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 13, insert "not more than" immediately before "20".

On page 9, line 13, insert immediately after "prescribe" the following: "that are in no event more restrictive than those in effect for that part of the 1983 crop of wheat planted before January 11, 1983".

On page 21, lines 5 and 6, strike out "that has been designated by the Secretary as having" and insert in lieu thereof "where the Secretary has found that farming, ranching, or aquaculture operations have".

On page 22, insert the following between lines 7 and 8:

"(d) The amendments made by this section shall be applicable to disasters occurring on or after May 31, 1983.".

On page 23, line 14, strike out "farms" and insert in lieu thereof "farm".

On page 23, line 15, strike out "year" and insert in lieu thereof "years".

Mr. HELMS. This amendment simply corrects several typographical errors in the bill, makes a conforming change, and clarifies the committee's intent with regard to several other provisions.

The amendment clarifies that if the Secretary places any conditions on haying and grazing of the 1984 crop of wheat as requested by a State committee, the conditions must be no more restrictive than those in effect for that part of the 1983 crop of wheat planted before January 11, 1983.

The amendment also clarifies that the emergency loan provisions in section 602 of the bill shall be effective with respect to disasters occurring on or after May 31, 1983. It was the committee's intent that these provisions would cover the 1983 drought, and this change would make that clear.

The amendment has been cleared on both sides, and I urge its adoption.

Mr. President, I suggest the absence of a quorum.

Mr. PRYOR. Mr. President, will the distinguished Senator from North Carolina withhold that request in order for me to propose an amendment at this time, or would he rather I wait?

Mr. HELMS. Mr. President, if the Senator would forbear. I wish to check the parliamentary situation with respect to one amendment, then we will proceed. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, is the pending amendment the technical amendment?

The PRESIDING OFFICER. It is.

Mr. HELMS. Mr. President, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina (Mr. HELMS).

The amendment (No. 2817) was agreed to.

Mr. HELMS. Mr. President I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2818

(Purpose: To require the Secretary of Agriculture to conduct a grain loan program to compensate those farmers who lost grain due to a grain elevator bankruptcy which occurred between the date of the Soviet grain embargo and the date of enactment)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself Mr. BUMPERS, Mr. BOREN, Mr. EXON, Mr. BAUCUS, Mr. HUDDLESTON, and Mr. FORD, proposes an amendment numbered 2818.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the substitute reported by the committee, add the following new title: "Title VII."

SEC. 701. This Act may be cited as the "Grain Storage Compensation Act of 1983.

SEC. 702. As used in this Act, unless the context clearly requires otherwise—

(1) the term "depositor" means the owner or holder of a scale ticket, a warehouse receipt, or other original source document issued by a warehouse for grain who resides in a State and who is entitled to possession of payment for the grain represented by such ticket, receipt, or other document;

(2) the term "grain" means barley, corn, cotton, dry edible beans, flaxseed, grain sorghum, oats, rice, rye, soybeans, sunflower seeds, wheat, and any other commodity which is commonly classified as a grain and traded at, or stored in, a warehouse;

(3) the term "insolvent" has the same meaning given to such term under section 101(26) of title 11, United States Code;

(4) the term "Secretary" means the Secretary of Agriculture;

(5) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Somoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific;

(6) the term "surplus commodities" means agricultural commodities owned and held by the Commodity Credit Corporation that are not obligated for any other purpose under any other provision of law; and

(7) the term "warehouse" means every building, structure, or other protected inclosure in which any agricultural commodity is or may be stored.

COMPENSATION FOR INSOLVENCY OF WAREHOUSES

SEC. 703. (a) Subject to subsection (b), in any case in which a depositor has sustained a loss of grain, the loss of such grain was the direct result of the insolvency of a warehouse in which the grain was stored, and the insolvency occurred at any time during the period beginning on December 1, 1979, and ending on the date of the enactment of this Act, the Secretary shall transfer to such depositor, in accordance with this Act—

(1) surplus commodities of the same type as the lost grain in such amount and quality the Secretary determines sufficient to compensate such depositor for such loss;

(2) if the Secretary determines that there are insufficient quantities of grain to meet the requirements of clause (1), surplus commodities other than such grain in such amount, type, and quality the Secretary determines sufficient to compensate such depositor for such loss.

(b) To be eligible to receive such compensation under this Act, a depositor must enter into a contract with the Secretary under which the depositor agrees—

(1) to transfer to the Secretary in no more then ten equal annual installments agricultural commodities in such amount, type and quality as the Secretary determines equal the amount of compensation received by the depositor under this Act; and

(2) to comply with such other terms and conditions as the Secretary determines necessary to effectuate the purposes of this Act or to facilitate the administration of this Act, or both.

NOTICE OF COMPENSATION

SEC. 704. (a) Within sixty days of the date of the enactment of this Act, the Secretary shall publish—

(1) in the Federal Register a notice containing a list of the warehouses throughout the United States which became insolvent during the period described in section 3; and

(2) in a newspaper of general circulation in the area of each warehouse which became insolvent during the period described in section 3 a notice containing the name of such warehouse.

(b) The Secretary shall include in each notice described in subsection (a) a summary of the compensation program provided for in this Act, including a summary of the eligibility requirements described in section 5(a).

PAYMENT OF COMPENSATION

SEC. 705. (a) To be eligible to receive compensation under this Act, a depositor must, within sixty days after the date of publication of the notice described in section 4(a)(2), file a written application for such compensation with the depositor's local office of the Agricultural Stabilization and Conservation Service. The application must describe the type and quantity of grain lost as a result of the insolvency of a warehouse described in section 3.

(b)(1) Within thirty days of the receipt of an application described in subsection (a), the Secretary shall determine if a depositor qualifies for compensation under this Act.

(2) If the Secretary approves an application for compensation under this Act, the Secretary shall, at the earliest practicable time, transfer to such depositor surplus commodities, or title to such commodities, in accordance with section 3.

(3) If the Secretary denies, in whole or in part, an application for compensation under this Act, the depositor shall have the right to appeal administratively such denial.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 706. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. PRYOR. Mr. President, I submit this amendment this afternoon on behalf of my colleague from Kentucky, Mr. HUDDLESTON, and also Senators BUMPERS, BOREN, EXON, BAUCUS, and FORD.

This amendment is fairly simple, Mr. President; it is similar to a bill I introduced last year, S. 596. S. 596 would have essentially expanded the existing payment-in-kind (PIK) program to allow farmers who had lost grain in a bankrupt grain elevator to participate in the program. My reason for introducing the bill was that if the purpose of PIK was to lower Goverment-owned stocks of grains, then why should not these men and women—who had worked all year only to see their crop lost through no fault of their own—be entitled to receive some of the Government-owned commodities?

Mr. President, in the bill as introduced, and this amendment, we are not attempting to set up some kind of wild, new entitlement program that goes into perpetuity. The amendment only applies to elevator bankruptcies that occurred between the date of the Soviet grain embargo in early 1980 and the date of enactment of this bill or this amendment.

Therefore, it is for a definite period of time.

It is not a continuing program. It is not a handout. It is not a bailout.

I might say, Mr. President, that this amendment would have a positive effect on some 3,600 farmers—and

only 3,600 farmers—across America who had their grain stored in elevators at the time of the grain embargo decision, and who have lost a year's crops in many instances through no fault of their own. I would say, Mr. President, further, that grain elevator bankruptcies where these farmers are residents are in the States of Arkansas, Tennessee, Louisiana, Texas, Missouri, Kentucky, Iowa, Indiana, North Dakota, South Dakota, Montana, Idaho, Washington, Minnesota, and Illinois.

Very briefly, Mr. President, this amendment provides that the Secretary of Agriculture shall conduct what will be called a grain loan. Under this program, a farmer who has lost grain due to an elevator failure in the time period set out above, can file a written application for a grain loan. If he can establish that he suffered the loss, and the amount of the loss, then the Secretary must make him a loan, inkind. In other words, if he lost 10,000 bushels of soybeans, then he will receive that much out of CCC stocks. The amendment provides that if there are not sufficient quantities then the Secretary has the authority to substitute, as long as the total loan is what the farmer originally lost.

In order to receive the inkind loan from the Government, Mr. President, the farmer must agree to pay it back inkind over a 10-year period.

I would like to reread that section or that clause or that sentence, Mr. President.

In order to receive the inkind loan from the Government, Mr. President, the farmer must agree to pay it back inkind over a 10-year period. Therefore, in the end there is no cost to the Government, and we have saved on storage costs for all of the commodities involved.

Mr. President, since introducing the legislation many people have said we cannot bail these people out—that this is an open-ended program, and that what is really needed is some meaningful bankruptcy reform. I can answer all of these allegations, and in the end, I do not see how we can refuse to pass this bill. First, I have supported efforts, primarily by the distinguished Senator from Kansas (Mr. DOLE) to amend the Bankruptcy Act.

In fact, it seems like we are passing the Bankruptcy Act in the Senate about once a month, and the problem has been in the House of Representatives.

It only covers a rather short period of time. And finally, it is not a bailout. It is a helping hand from the Federal Government to the men and women who have grown the crops. It speaks to equity and is an attempt to rectify a great wrong caused by a Government policy embargo. Can you imagine how someone feels when they work an entire year, only to find that year's labors all for naught due to the actions of another person? That is what is going on, and this bill will only give them a 10-year loan to try and help them get back on their feet.

Mr. President, I urge my colleagues not to turn their backs on these farmers. We are at the point in rural America where we are losing people who have been farming for generations. We lost most of the bad producers several years ago. The last few years, we have begun losing the backbone of our agricultural economy. If this amendment could be agreed to, it would at least give them some hope that they might be able to pull out of it. If it does not, many of them will only farm this year and then quit.

Mr. President, it certainly seems ironic to me that we can come to this Chamber and talk about sending food abroad to aid people in other countries; and we can debate whether or not to send additional millions to El Salvador, yet we cannot seem to help the very men and women who work on our farms, who have lost an entire year's production through no fault of their own.

We are asking for this grain loan this year, and this is a loan that these individuals, upon signing that application, will gladly repay inkind over a 10-year period.

Mr. President, I hope we can adopt this amendment. I would urge our colleagues to help us in providing this very small bit of relief to some very, very deserving people.

Mr. President, on this issue I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MATTINGLY. Mr. President, it has come to my attention that there are a couple of problems which have arisen in implementing the peanut program reforms which were adopted as part of the 1981 farm bill. I would like to ask the distinguished chairman of the Agriculture Committee if it is not his understanding that one major thrust of that legislation was to encourage farmers who hold peanut quotas to actually grow the peanuts or to sell the quota to someone who would produce the crop?

Mr. HELMS. Mr. President, that is correct.

Mr. MATTINGLY. Then, Mr. President, I would ask the Senator from North Carolina if he would consider it contrary to the intent of this provision for a person who has actually grown his peanuts for 2 out of 3 years to have his quota taken away simply because he grew them not on his own farm, but on the farm of an immediate family member—say his father's farm—which the quota holder happened to manage and operate?

Mr. HELMS. Mr. President, it was not the intent of Congress—in my opinion—for a person who actually grows his own domestic quota peanuts from continuing to produce those peanuts. I would agree that the situation you describe would be contrary to the spirit of the 1981 act.

Mr. MATTINGLY. Mr. President, this problem stems from the method used by ASCS in keeping farm records. It is possible for a farmer to actually grow peanuts on each of two farms and yet not technically be shown as the operator on both. So, the situation I am describing occurs because the quota holder produced his peanuts on a farm owned by an immediate member of his family, but which had a different serial number listed with ASCS. I feel very strongly that this result is not what Congress intended when the 1981 reforms were adopted, and I would ask Senator for his opinion?

Mr. HELMS. Mr. President, I would reiterate that the intent of the provision in the 1981 act is that those farmers who actually produced their own domestic peanuts in 2 out of 3 previous years should not lose their quotas.

Mr. MATTINGLY. Mr. President, I would then inquire whether the Senator may have any opinion regarding the ability—or inability—of the Department of Agriculture to examine this situation closely and perhaps make administrative adjustments to restore the right to grow quota peanuts to at least persons such as I have described who have been actually producing their peanuts while actually operating two or more farms of immediate family members?

Mr. HELMS. Under the statute the Secretary of Agriculture is directed to make reductions in the poundage quota "* * * insofar as practicable and on such fair and equitable basis as the Secretary may by regulation prescribe." The Secretary has used this authority in the past to make reductions in a manner he determined to be more equitable. Whether the Department would feel that it could handle the situation you mention administratively, I cannot say. I certainly would encourage the Department to seriously consider this matter and handle it administratively if they can.

Mr. MATTINGLY. Mr. President, another situation involves a similarly inequitable and unfair interpretation of the 1981 reforms. The act, as we have discussed, encouraged those quota holders who did not wish to actively engage in producing domestic peanuts to sell the quota to someone who would. What I understand now is that farmers who bought someone's quota for 1983 and actually produced the crop are having the quota canceled even though the person selling the quota had produced it on the farm to which it was assigned in 1982. They are told that their investments are

worthless because the seller did not grow the crop in both 1981 and 1982—an especially difficult requirement since the legislation was adopted long after the 1981 crop of peanuts had been harvested. Would the Senator comment on this situation?

Mr. HELMS. Mr. President, my understanding is that ASCS advised quota holders prior to planting in 1982 that the quota must be produced by the same operator or on the same farm 2 out of 3 years. However, it would seem to me that if the intent was to encourage the transfer of peanut quotas over to persons who wanted to actually grow the crop, then we should allow the seller's 1982 history to also transfer to the buyer for purposes of the 2-out-of-3-year test.

Mr. MATTINGLY. Mr. President, I had drafted a simple amendment addressing these two limited areas which the able Senator from North Carolina has been so kind in discussing with us here today. It would have recognized these two narrow categories of farmers who are being harshly and unfairly deprived of peanut quota poundage when they had been doing what the essence of the statute required—producing their own peanuts. However, Mr. President, after discussing this matter with the chairman, I would say that I also am concerned about the target price reforms pending here today. S. 4072 contains many important features which should not be jeopardized by adding amendments in areas not already addressed by the committee bill. Thus, it is not my intention to offer my amendment on this vehicle. I would ask the Senator, however, if he would not agree that the matters discussed here today warrant prompt attention from the Department of Agriculture. I would also ask if he would agree that we might seek some opportunity for timely consideration of my amendment in the event the Department cannot solve the problems administratively?

Mr. HELMS. Mr. President, I appreciate the concerns of the Senator from Georgia regarding the instances he has outlined. I also thank the Senator for refraining from offering his amendment to the measure before us because that amendment—or any amendment—would seriously impair our chances of enacting this important legislation. I will work with the Senator and our colleagues, with members of the peanut industry and with our counterparts on the House side in an attempt to resolve these problems in the best interests of all those involved with the peanut program.

Mr. HEFLIN. Is it the understanding of the Senator from North Carolina that State and county ASCS committees determine types of cover and other appropriate conservation practices for conservation use acres?

Mr. HELMS. Yes. I feel that State and county ASCS committees can make determinations, similar to 1983 conservation use acreage criteria, based on sound conservation procedures and not in any way disrupting the integrity of the program.

Mr. HEFLIN. Would such an arrangement be satisfactory?

Mr. HELMS. I understand that procedures in some States, who understand the practical application, say it is efficient and thus would not require a program change for 1984.

Mr. HEFLIN. How can we be sure that these procedures will be continued in 1984?

Mr. HELMS. We have a commitment from Secretary of Agriculture Block that his department will mandate that county ASCS committees will decide which conservation practices will be implemented in 1984, as was done in 1983.

Mr. President, I feel obliged to protect the interest of Senator DOLE and others who are interested in this amendment. I would comment only that this amendment would require the Secretary of Agriculture to make interest-free loans for surplus Commodity Credit Corporation owned and held commodities to those persons who stored grain in the warehouse and subsequently became insolvent. Mr. President, I am not certain, it is not clear in my mind, how well the provisions of this amendment would mesh with the provisions of the Bankruptcy Act. This is a subject that I want some Senators to discuss at the proper time.

So in light of all of that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have consulted with both managers. I have sent word to the minority leader who is now here on the floor that it looks like we have about pumped the well dry of those things we can do without a vote today. A number of amendments have been disposed of. I think it is time to go out.

I will ask the Senate to come in early in the morning so that we will have ample time to deal with these matters. It will be the intention of the leadership sometime tomorrow to try to get to the supplemental appropriations bill again, as I indicated earlier. But there will be no haste in that. There will be every opportunity within reason for Members to deal with this matter.

I yield to the Senator from Arkansas.

Mr. PRYOR. May I propound a question to the majority leader? What would be the pending order of business once we go into session?

Mr. BAKER. Mr. President, assuming we go into morning business now, when we return tomorrow, the pending business will be the farm bill. The pending question will be the amendment of the Senator from Arkansas.

Mr. PRYOR. Mr. President, when we resume business tomorrow, the amendment of the Senator from Arkansas will be the pending question.

Mr. BAKER. Mr. President, yes, that would be the pending question. Mr. President, if no one has anything else at this moment——

Mr. LEAHY. Mr. President, this Senator is not too sure that he understands what is happening. If the majority leader would bear with me a moment, there is a cloture petition that has been filed on this bill. The Senator from Vermont has an amendment which I think would be considered nongermane except that it does go to and is a piece of farm legislation. I had hoped to get the amendment up. Is the majority leader planning to ask to accelerate the time for cloture so as to have a vote tomorrow rather than Friday?

Mr. BAKER. I would like to, but the preliminary reading is I will not succeed in that. Based on what I know now, I do not think the Senator is in much danger. I would like to get a vote tomorrow but it looks like it is going to be Friday.

Mr. LEAHY. I have no objection to the Senator getting a vote any time he wants, provided I have time to get my nongermane amendment up, debated, and voted on.

Mr. BAKER. Mr. President, I plan to come in early in the morning. I cannot promise the Senator that, because I do not know what the Senate will do nor what Senators will do, but it is the intention of the leadership to ask the Senate to come in tomorrow at 9 o'clock.

The reason for that is so that any matters that are not disposed of can be disposed of before we attempt to get the supplemental appropriation bill up or get to the cloture motion.

Mr. LEAHY. I thank the Senator.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 6 p.m. in which Senators may speak for 2 minutes each, except the two leaders, against whom no time limitation will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ACHIEVEMENT OF AMBASSADOR TAMBS

Mr. HELMS. Mr. President, earlier today, Secretary Shultz came by to discuss a matter of mutual interest. I took the occasion to tell the Secretary that I was very, very proud of U.S. Ambassador Lewis A. Tambs. Yesterday, Ambassador Tambs announced that the U.S. Embassy in Columbia, South America, had participated with the Colombian Government in bringing about the world's biggest drug bust last week. Ambassador Tambs said that the raid had resulted in the seizure of $1.2 billion worth of cocaine at a cocaine processing plant in Colombia which was being guarded by Communist guerrillas.

Mr. President, I should point out that this was not just the biggest drug bust in the world. The amount of cocaine seized was 13.8 tons—that is tons, Mr. President. That is equivalent to the DEA estimates for one-quarter of all the cocaine consumed in the United States last year. This discovery will have an enormous impact upon cocaine availability in this country.

Ambassador Tambs is to be congratulated for the role which he and his Embassy staff played in bringing about this raid. Without taking away from the serious effort put forward by the Government of Colombia, it must be said on the public record that Ambassador Tambs played an active role in assisting the Colombian Government in this enforcement action.

Ambassador Tambs is not a career Foreign Service officer, but he was able to bring fresh insight and fresh energy to the task of drug enforcement which we share in common with Colombia. As chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee, which has been holding extensive hearings on the origin and movement of drugs in the Western Hemisphere, we have worked very closely with the Ambassador. I know of the long hours and hard work which preceded the success of this raid.

There is a tendency in professional circles to belittle the work of our noncareer Ambassadorial appointments, but Lewis Tambs is evidence of the excellence which President Reagan has sought out in appointing noncareer Ambassadors. Ambassador Tambs is a distinguished academician, with a long list of scholarly credits. But he also had a long career as an engineer and businessman on the ground in Latin America, and knows the countries and the culture intimately. This knowledge and experience has paid off.

His success is no criticism of the career service, but it does demonstrate that our diplomacy benefits from a wide variety of inputs.

Mr. President, I am also impressed with the good will and cooperation of the Colombian Government in this operation. We have been following the work of the Colombian Government closely in the drug hearings of the Western Hemisphere Subcommittee. Colombia has had an aggressive enforcement program, despite the difficulties of a small budget and an ongoing war with Communist guerrillas. In 1982, Colombia destroyed more marihuana in its enforcement program than the United States did.

Mr. President, it is noteworthy that Colombia is one of the best examples of a democratic government in South America, with free elections and a free press. It has gone to extraordinary lengths to reach conciliation with the Communist guerrillas. Yet here we have proof positive of the guerrillas' response: The Communists are not interested in democracy or reconciliation. They want to overthrow a freely elected government, and they are doing it by undermining the United States with drug shipments.

Both the Colombian Government and Ambassador Tambs are to be congratulated for their work.

Mr. President, I have some unclassified State Department cables and memoranda giving background on the drug seizure, as well as three articles from the New York Times, the Washington Times, and the Washington Post, giving further details. I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[Telegram]

RELATIONSHIP BETWEEN THE FARC AND NARCOTICS TRAFFICKERS

The FARC is the largest, oldest, best-equipped, best-trained, and potentially most dangerous subversive group in Colombia. It has approximately 2,000 active members with a support infrastructure which could push its numbers to 5,000 or higher. Basically a rural movement, half of its some 25 fronts operate in those areas where coca and marijuana are cultivated.

The relationship between the FARC and the narcotics traffickers, which has probably existed for some time, appears to have been sanctioned by the FARC's national directorate in May 1982 at the FARC's seventh conference. According to a FARC deserter. There was a FARC plan to take over the country. Each front had a specific responsibility with the groups in Guaviare and Vaupes to operate in conjunction with the narcotics traffickers for money and arms. Since this time and possibly before, the FARC has been collecting protection payments from coca growers in their operating territory, often demanding ten percent of the profit. One front reportedly obtained 3.38 million dollars per month in taxing the coca industry. The XIII Front, located in the south of Huila, and the SIV in Putumayo, specifically have been active in dealing with coca traffickers obtaining arms and ammunition through them. At one time, Rigoberto Lozano Perdomo, alias "Joselo," was commissioned in Caqueta to maintain direct control over narcotics trafficking and to collect the corresponding quotas.

According to one report, believed to be dated in 1983, the FARC approved the expropriation of 50,000 pesos per Hectare (US dols 666.67 at 75:1) and 45,000 pesos (US dols 600.00) for a processed kilo of cocaine from the traffickers. As a quid pro quo, the FARC lets the coca growers go about their business and often warns them of the arrival of anti-narcotics police or military patrols. The guerrillas also control enough strategic points along certain rivers so that unmolested travel by the police has become impossible. The FARC also guarantees a number of clandestine airfields vital to the drug trade. Thus, the basic benefit that the coca growers derive from their relationship with the FARC is clearly protection.

The benefit to the guerrillas is basically financial, obtaining enough money to buy the latest in weapons which are likely procured through the traffickers and shipped into Colombia on returning drug flights. According to one observer, the FARC has also benefitted by taking advantage of the transient laborers, who attracted to the coca zones are then recruited by the FARC. While most of the information available to the embassy deals with the FARC exacting payments for protection in the "llanos," we do receive occasional reports that the FARC is also extorting money from the marijuana traffickers along the north coast, particularly in the Magdalena department.

One high-level Colombian Government official commented privately that the FARC front in the Guaviare region had reaped approximately 99 million U.S. dollars from their coca crops. Thus, we can be fairly certain that wherever a FARC front operates and trafficking is carried on, some arrangement exists between the two groups. In addition, the FARC to a lesser degree has engaged in the cultivation of coca.

In November 1983, the army discovered next to an abandoned FARC camp in southern Colombia, 90 hectares of coca and a laboratory to process the alkaloid. The FARC, long identified as the armed wing of the Communist Party, is represented in the PCC central committee by its top leadership. At the seventh national conference, the PCC represented by Hernando Hurtado, central committee member, reportedly agreed to the above-mentioned FARC plan for taking over Colombia which incorporated the arrangement with the traffickers. Thus, with the PCC endorsing the FARC/NARC connection, it seems likely that the PCC is also benefitting financially from the FARC/NARC arrangement.

Captured documents reveal that the FARC has orders to assist the PCC in its political efforts to gain better representation in the Government. With additional information, it may be possible to draw a parallel with what is happening in Colombia to the activities of the Burmese Communist Party, who, according to Mathea Falco's 11 December article in the "New York Times magazine," controls half of Burma's opium cultivation and uses drug money to buy black market weaponry and equipment in neighboring Thailand.

The extent to which the FARC and the PCC support guerrilla groups in neighboring Central American countries can only be guessed. However, we believe that the FARC and other subversive groups have aided their Marxist/Leninist sympathizers through direct financial aid or through volunteers who fight and train troops with money obtained through the extortion of traffickers. The Soviet Union, while maintaining a low profile in Colombia, neverthe-

less, must be aware of FARC/PCC/NARC connection, and through its failure to condemn such activity, gives its tacit approval.

The Cuban connection vis-a-vis the Colombian subversive group, the 19th of April Movement (M-19), was well-documented in the 1981 case of Jaime Guillot Lara. We doubt that Cuba has given up this lucrative business which not only provides a source of capital but also provides the means to subvert, corrupt and undermine the American public and other democratic countries. It would not be surprising. Then, if the FARC, which experts control in those areas where coca is principally produced, deals directly or indirectly through the Communist Party with Cuba in this venture.

EMBASSY OF THE
UNITED STATES OF AMERICA,
March 16, 1984.

MEMORANDUM

To: The Ambassador.
From: NAU/DEA—Messrs. Bernal/O'Connor.
Subject: Updated summary of NatPol/SANU raid in Caqueta Cocaine Processing Center.

Background: On March 10, combined task force consisting of SANU/Army raided cocaine processing site located in Northern part of Department of Caqueta along the Taurare River (ONC Map Sheet L-26: Coordinates: N 00 01.41/W F2 45.11.

NatPol has located approximately ten different processing sites consisting of 44 wooden structures with five runways in a fifty kilometer diameter area. Operation is still in process as additional aircraft have been located and other sites discovered. Note: All the information thus far is based on repetitive reporting and on-the-scene observations by Embassy advisor.

Seizures: Cocaine HCL, 6,000 kgs. Cocaine Base, 1,500 kgs.

Arrests: Total of 40 arrests including one pilot.

Aircraft: Cessna 206 Stationaire II (2), GOC-HK-3064-HK-3007; Cessna 411—Twin-engine (1), USG-N-3271R; Titan—Twin-engine (1), Pilatus Porter STOL (1), Bolivian Reg.; Unknown light aircraft (1), Hughes 500-D Helicopter (1), GOC-HK-2704X.

Total aircraft (7).

Weapons and Ammo: Sub-machine guns: Uzi, 5; Shotguns, 4; Rifles, San Cristobal, 2; Rifles, M-1, 3; Carbines M-2, 2; Sub-machine gun-Ingram, 1; Pistols, luger, 2; Grenades, cannister-CNchemical, 2; Magazines (assorted), 10; Mortar base-plate (unk cal), 1; Assorted ammo-all calibres.

Vehicles: Automobiles, 2; Tractors, 4; Motorcycle 1.

Other: Approximately ten processing sites 10,800×55 gallon drums of fuels and assorted precursor chemicals; Military uniforms approximately 27; Other clothing and personal items; Appliances; Generators; Long tables with heating lamps.

Comment: Col. Jaime Ramirez Gomez and his Deputy (LCol. Gilibert) have been at the site supervising on-going operations since Wednesday. Some NatPol general staff officers flew to site early morning of 16 March. NAU Advisor Adkins reports that while inspecting Bell 212 (AOG for power section failure) he personally inspected one of the lab sites where approximately 3,000 kilograms of cocaine base were being processed. NOTE: Bell 212 suffered power section problem while involved in the on-going operations. Colombian Air Force has since provided a UH1H-(Huey) and a DC-3 for logistics support. Unconfirmed reports indicate that other arrests/seizures in the area have been made by NatPol/SANU.

[From the New York Times, Mar. 21, 1984]

COCAINE VALUED AT $1.2 BILLION REPORTED SEIZED IN COLOMBIA

WASHINGTON, March 20.—The Colombian police attacked an isolated jungle cocaine processing plant guarded by Communist guerrillas 10 days ago and seized 13.8 tons of cocaine with a street value of $1.2 billion, the United States Ambassador to Colombia said today.

"It's the largest drug raid ever in the world," the Ambassador, Lewis A. Tambs, said. "Never has anyone been found with that much cocaine."

He added: "It's the largest success we've had. It's the largest drug arrest ever by any standard—money value, product, the amount seized. We got about one quarter of the estimated annual consumption of cocaine in the United States."

(A spokesman for the Justice Department's Drug Enforcement Administration confirmed the seizure. "It was by far the largest seizure ever, any time, any place," the spokesman, Robert H. Feldcamp, said. The Drug Enforcement Administration estimates that 50 to 52 tons of cocaine were consumed in the United States last year, the bulk of it originating in Peru or Bolivia but processed in Colombia.)

Mr. Tambs told reporters that Colombian policemen, accompanied by a United States Embassy observer, swept down on the jungle camp in aircraft on March 10. They beat off a guerrilla counterattack and arrested 40 people, including an unidentified American pilot.

The raiders destroyed 10 cocaine processing laboratories in the well-equipped secret complex on the banks of the Yari River in Caquetá Province in the south of the country, the Ambassador said.

He said the seized cocaine, including both cocaine base and refined cocaine, totaled about 12,500 kilos, or 13.8 tons, with an estimated street value of "about 1.2 billion U.S. dollars."

The cocaine operation, Mr. Tambs said, had functioned under the protection of the armed wing of the Colombian Communist Party, which United States officials called "the largest, oldest, best-equipped, best-trained and potentially most dangerous subversive group in Colombia."

A cablegram from the United States Embassy in Bogotá identified the guerrillas as members of the Fuerzas Armadas Revolucionarias Colombias, known by the initials FARC.

The cablegram said the guerrilla band's longstanding ties to the narcotics traffic were formalized by the group's national directorate in May 1982.

And it cited estimates from a man it described as a deserter from the group that the guerrillas levied a 10 percent protection payment on coca growers, with one faction alone obtaining a reported $3.38 million a month from the arrangement.

EQUIPPED FOR NIGHT LANDINGS

Mr. Tambs said the cocaine processing factory had operated for about two or three years. The site contained 44 wooden structures and runways, some equipped with lights for night landings, he said.

Seven aircraft, including two twin-engine planes and a helicopter, also were seized, he said, along with six submachine guns, seven rifles, four shotguns, 27 guerrilla uniforms and enough food to sustain 80 people for six months.

One of the aircraft is registered in the United States and its ownership is being checked, Mr. Tambs said.

Alfred Laun, the press spokesman at the Bogotá embassy, was reached by telephone and gave this description of the operation:

"There were long tables with many very powerful lamps to be used in drying the processed cocaine rapidly. There were at least three airstrips where the planes could come in from Bolivia and Peru with the coca paste and then could fly it out to the states after it was processed.

"There were showers, there was a little commissary for the employees there, all the creature comforts right out in the middle of the jungle."

Mr. Tambs said the raiding party of about 40 men met armed resistance as their aircraft landed on one airstrip and said they were later attacked by a band of about 100 guerrillas.

The Ambassador said he knew of no casualties on the Government side.

CUBA GUN TRAFFIC REPORTED

BOGOTA, COLOMBIA, March 20.—Smugglers' planes are hauling cocaine out of Colombia and returning loaded with Cuban weapons for leftist guerrillas, the Defense Ministry said today.

The Colombian military said last month that leftist guerrillas and drug traffickers were working together in a drugs-for-guns deal that threatened Colombia's democracy.

The ministry quoted Defense Minister Gustavo Matamoros as saying in a speech Monday, "Everyone knows that the planes leave Colombia with cocaine and that they return with weapons from Cuba."

[From the Washington Times, Mar. 21, 1984]

COLOMBIANS SEIZE COCAINE IN WORLD-RECORD DRUG BUST

Police in Colombia attacked an isolated jungle cocaine processing plant guarded by communist guerrillas and seized 13¾ tons of cocaine base and refined cocaine, with a street value of $1.2 billion, U.S. Ambassador Lewis Tambs said yesterday.

"It's the largest drug arrest ever by any standard—money value, product, the amount seized. We got about one quarter of the estimated annual consumption of cocaine in the United States," Mr. Tambs said.

Mr. Tambs said that on March 10 a raiding party of about 40 Colombian police accompanied by a U.S. Embassy observer met armed resistance as their aircraft landed on one airstrip, and beat off a counterattack by a band of about 100 guerrillas. They arrested 40 persons, including an unidentified American pilot. The raiders destroyed 10 cocaine processing laboratories.

The ambassador said he knew of no casualties on the government side.

The U.S. Embassy in Bogota identified the guerrillas as members of the Fuerzas Armadas Revolucionarias Colombias, known by the initials FARC. The embassy dubbed them the "Narc-FARC Connection."

"The site contained 44 wooden structures containing long tables with powerful lamps used to dry the processed cocaine rapidly," said Alfred Laun, the press spokesman at the Bogota embassy. "There were at least three airstrips, some equipped with lights, where planes from Bolivia and Peru could bring in the coca paste and fly it out to the states after it was processed."

Seven aircraft, including two twin-engine planes and a helicopter were seized, he said, along with six submachine guns, seven rifles, four shotguns, 27 guerrilla uniforms and enough food to sustain 80 people for six months.

One of the aircraft is registered in the United States and its ownership is being checked, Mr. Tambs said.

"The guerrillas were serving as camp protectors and as camp guards," Mr. Tambs said. "They took a percentage of the profits."

Mr. Tambs said he has been told a mopping-up operation is still underway in the area, with additional aircraft and other sites being discovered.

[From the Washington Post, Mar. 21, 1984]

COLOMBIAN POLICE NET 13.8 TONS OF COCAINE

Police in Colombia attacked an isolated jungle cocaine-processing plant guarded by communist guerrillas and seized 13.8 tons of cocaine with a street value of $1.2 billion, U.S. Ambassador Lewis Arthur Tambs said yesterday.

"It's the largest drug raid ever in the world," Tambs said. "Never has anyone been found with that much cocaine . . . . We got about one-quarter of the estimated annual consumption of cocaine in the United States."

Drug Enforcement Agency spokesman Robert H. Feldkamp called it "the biggest seizure of its type anywhere, any time . . ."

He said the previous record was 3,800 pounds of cocaine, seized in Miami in March, 1982.

Tambs told reporters that Colombian police, accompanied by a U.S. Embassy observer, swept down on the jungle camp in aircraft on March 10. They beat off a guerrilla counterattack and arrested 40 persons, including an unidentified American pilot.

The raiders destroyed 10 cocaine-processing laboratories in the well-equipped secret complex on the banks of the Yari River about 700 miles south of Bogota, the ambassador said.

He said the seized cocaine, including cocaine base and refined cocaine, totaled about 13.8 tons with a street value of about $1.2 billion.

The massive cocaine operation, Tambs said, had functioned under the protection of the armed wing of the Colombian Communist Party, which U.S. officials called "the largest, oldest, best-equipped, best-trained and potentially most dangerous subversive group in Colombia."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the amendment of the House to the bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ST GERMAIN, Mr. MINISH, Mr. LAFALCE, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. WYLIE, Mr. BETHUNE, and Mr. SHUMWAY as managers of the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 200. Joint resolution designating March 21, 1984, as "National Single Parent Day."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:14 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 936. An act for the relief of Mountaha Bou-Assali Saad; and

H.R. 1652. An act to amend the Reclamation Safety of Dams Act of 1978, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 936. An act for the relief of Mountaha Bou-Assali Saad; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1652. An act to amend the Reclamation Safety of Dams Act of 1978, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2817. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on the 13 positions (grades 16, 17, and 18) allocated by statute to the Administrative Office of the U.S. Courts as of December 31, 1983; to the Committee on Governmental Affairs.

EC-2818. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report that the Department of the Navy intends to exercise a provision for the exclusion of a clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-2819. A communication from the Under Secretary of Defense (Research and Engineering), transmitting, pursuant to law, the report of Independent Research and Development and Bid and Proposal Costs for the period ending September 30, 1983; to the Committee on Armed Services.

EC-2820. A communication from the Under Secretary of Defense (Research and Engineering), transmitting, pursuant to law, detailed data from the annual report on Independent Research and Development and Bid and Proposal Costs for fiscal year 1983; to the Committee on Armed Services.

EC-2821. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1985 for the purchase or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

EC-2822. A communication from the Secretary of Housing and Urban Development, transmitting, notice that a report on the impact of the housing assistance set-aside for nonmetropolitan areas, due on March 1, 1984, will be submitted by April 30, 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-2823. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Quality of Highways and Bridges"; to the Committee on Environment and Public Works.

EC-2824. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the International Development Association, and for participation by the United States in the Inter-American Investment Corporation; to the Committee on Foreign Relations.

EC-2825. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the Stockpile Report to the Congress for the period April through September 1983; to the Committee on Armed Services.

EC-2826. A communication from the Secretary of the Army, transmitting, pursuant to law, a report stating that the unit cost threshold has been breached on a major defense acquisition; to the Committee on Armed Services.

EC-2827. A communication from the Assistant Secretary of Defense (Manpower, Installations, and Logistics), transmitting, pursuant to law, a report on the experience of the Department with conversion to contractor operation of commercial functions previously performed by DOD personnel; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Harry W. Shlaudeman, of California, to be Ambassador at Large.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Harry W. Shlaudeman.

Post: Ambassador at Large.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Carol, none.

3. Children and spouses names: Karl, Katherine, Harry, none.

4. Parents names, none.

5. Grandparents names, none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. Richard L. Prillaman, U.S. Army, age 55, to be placed on the retired list; Gen. Donald R. Keith, U.S. Army, age 56, to be placed on the retired list; Lt. Gen. Richard H. Thompson, U.S. Army, to be general; Maj. Gen. Benjamin F. Register, Jr., U.S. Army, to be lieutenant general; Maj. Gen. David K. Doyle, U.S. Army, to be lieutenant general, and in the Naval Reserve there are 10 permanent promotions to the grade of commodore (list begins with Jack S. Smith). I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Navy there are 21 permanent appointments to the grade of ensign and below (list begins with John R. Agne). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of March 12, 1984, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 2454. A bill to amend section 1407(h) of title 28, United States Code, to permit the consolidation of related, multidistrict civil antitrust actions for both pretrial and trial purposes; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2455. A bill for the relief of Marina Kunyavsky; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 2456. A bill to establish a Commission to study the 1932-33 famine caused by the Soviet Government in Ukraine; to the Committee on Foreign Relations.

By Mr. MCCLURE (for himself and Mr. SYMMS):

S. 2457. A bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System and to release other forest lands for multiple-use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 2458. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. EXON) (by request):

S. 2459. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Armed Services.

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S.J. Res. 263. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 357. Resolution to commemorate the distinguished career and life of Mr. Jack Dempsey; to the Committee on the Judiciary.

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. BOREN, Mr. ZORINSKY, Mr. HELMS, Mr. ABDNOR, Mr. EXON, Mr. DIXON, Mr. SASSER, Mr. BURDICK, Mr. ANDREWS, Mr. MELCHER, and Mr. LEAHY):

S. Con. Res. 99. Concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

S. 2454. A bill to amend section 1407 (h) of title 28, United States Code, to permit the consolidation of related, multidistrict civil antitrust actions for both pretrial and trial purposes; to the Committee on the Judiciary.

PERMITTING CONSOLIDATION OF MULTIDISTRICT ANTITRUST CASES FOR TRIAL

Mr. DECONCINI. Mr. President, I am introducing a bill today which would provide the judiciary with an important procedural tool for comprehensive management of large and complex antitrust cases and which would help to solve many of the problems that participants in such cases continually face.

The Multidistrict Litigation Act, 28 U.S.C. section 1407, presently permits civil antitrust actions to be transferred to a single district court for pretrial proceedings. It also permits parens patriae cases brought under section 4C of the Clayton Act (15 U.S.C. 15(c)) to be consolidated in one district court for trial as well as pretrial purposes. The bill I am introducing today simply makes this consolidation procedure available for trial in private antitrust suits as well as in parens patriae cases. Consolidation in a single district court would not be mandatory, however; if, in particular cases, separate trials were appropriate, the Judical Panel on Multidistrict Litigation would retain its present power and discretion to order such a result. All this bill would do would be to grant the judicial panel the authority to order a single, consolidated trial when that would be the most efficient and just procedure.

This bill makes good commonsense. It permits a case to be tried once in a single district court, rather than having the parties face multiple trials in several States following coordinated, consolidated pretrial proceedings. This procedure would conserve judicial resources in the trial of multidistrict cases. Furthermore, it would avoid the current dilemma of forcing plaintiffs and defendants who have conducted all of their pretrial proceedings before one judge to disperse and face a series of trials in different States, risking inconsistent adjudications and duplicative recovery.

The decision to consolidate would be discretionary with the multidistrict litigation panel, which is composed of seven judges experienced in multidistrict litigation. If the judicial panel believes that parties would be prejudiced by consolidation for trial, it can refuse to order a consolidated trial. This decision would be made through consideration of a variety of discretionary factors.

The Judiciary Committee has previously had an opportunity to consider the consolidation question when it was included as an amendment to the bills

introduced during the 96th Congress to overturn the Illinois Brick decision. While those bills were extremely controversial as they related to the rights of indirect purchasers, both opponents and proponents testified in favor of trying multiple actions arising from the same set of facts in a single forum. This procedure has firm support from many segments of the legal community as well as the business community.

Finally and quite importantly, Mr. President, this proposed procedure creates no costs whatsoever to the U.S. Government while it provides our citizens with swifter and fairer resolution of complex cases.

Mr. President, I urge my colleagues to study this proposal and give it their support. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1407(h) of Title 28, United States Code, is amended by striking out "section 4C of" and inserting in lieu thereof "section 4 or 4C of".

By Mr. BRADLEY:

S. 2456. A bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine; to the Committee on Foreign Relations.

COMMISSION ON THE UKRAINE FAMINE ACT

Mr. BRADLEY. Mr. President, today I am introducing the Commission on the Famine in Ukraine Act which would establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine. This proposal is identical to legislation introduced in the House last fall (H.R. 4459).

The world knows little about this catastrophe, but only one famine has ever been recorded as more destructive of human life. From 5 to 7 million persons perished in the Ukrainian famine. Certainly the deaths of so many people in any disaster is a horrible occurrence and a cause for great concern. However, the Ukrainian famine possesses a unique characteristic in that it resulted from man-made causes and not natural causes.

The Stalin-led Soviet Union artifically created the famine to crush the will of the nationally conscious Ukrainian peasantry which would not succumb to Soviet domination nor the Soviet wishes to collectivize agriculture throughout the country. To achieve their political aim, the Soviets seized and exported the bulk of the Ukrainian grain crop of 1932-33. Soviet authorities even established border checkpoints to prevent the starving people from leaving the Ukraine, and to prevent others from bringing food in. These actions, ordered by Stalin, resulted in mass starvation.

Because the Soviets intentionally created the famine, Stalin took great measures to conceal it. The movement of people in the Ukraine and surrounding areas was closely controlled. Even the accounts of the famine that did leak out to the West failed to persuade many of its existence or severity. Unfortunately, the attitude of some members of the American press in the face of American's Great Depression contributed to the coverup. Even today the Soviet Government denies that this tragedy ever took place, further obstructing an accurate account of the famine.

As a result of Soviet concealment of the event, most Americans are not even aware of the famine. History has largely forgotten the millions who suffered and died. Eli Wiesel, a survivor of the concentration camp at Auschwitz, one said, "Memory is our shield, our only shield," to protect mankind against a repetition of the slaughter. It is my sincere hope that this legislation will preserve the memory of those who died by giving this forgotten Holocaust a secure place in history.

The legislation I am introducing would create a commission to gather evidence and study the famine. The purpose of the study would be to expand the world's knowledge of the famine, and provide the American public with a better understanding of the Soviet system by revealing the role the Government had in the Ukraine famine. Within 3 years of the formation of the Commission, the results of the study will be sent to Congress and later published for the benefit of educational institutions, libraries and the general public. The Commission would then be disbanded.

I urge my colleagues to join me in support of this bill. Mr. President, I ask unanimous consent that the text of the bill and a memorandum of the Soviet famine be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Ukraine Famine Act".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the "Commission on the Ukraine Famine" (in this Act referred to as the "Commission").

PURPOSE OF THE COMMISSION

SEC. 3. The purpose of the Commission is to conduct a study of the 1932-1933 Ukraine famine in order to—

(1) expand the world's knowledge of the famine; and

(2) provide the American public with a better understanding of the Soviet system by revealing the Soviet role in the Ukraine famine.

DUTIES OF THE COMMISSION

SEC. 4. The duties of the Commission are to—

(1) conduct a study of the 1932-1933 Ukraine famine (in this Act referred to as the "famine study"), in accordance with section 6 of this Act, in which the Commission shall—

(A) gather all available information about the 1932-1933 famine in Ukraine;

(B) analyze the causes of such famine and the effects it has had on the Ukrainian nation and other countries; and

(C) study and analyze the reaction by the free countries of the world to such famine;

(2) provide interim reports to the House of Representatives and the Senate as the Commission deems necessary;

(3) provide upon request any available information about such famine to Congress, the executive branch, educational institutions, libraries, news media, and the general public;

(4) submit to Congress a final report on the results of the famine study no later than three years after the organizational meeting of the Commission held under section 6(a) of this Act; and

(5) publish the results of the famine study for the use of Congress, the executive branch, educational institutions, libraries, and the general public.

MEMBERSHIP

SEC. 5. (a) The Commission shall be composed of twenty-one members, who shall be appointed within thirty days after the date of enactment of this Act, as follows:

(1) Four members shall be Members of the House of Representatives and shall be appointed by the Speaker of the House of Representatives. Two such members shall be selected from the majority party of the House of Representatives and two such members shall be selected, after consultation with the minority leader of the House, from the minority party of the House of Representatives. The Speaker also shall designate one of the House Members as chairman of the Commission.

(2) Two members shall be Members of the Senate and shall be appointed by the President pro tempore of the Senate. One such member shall be selected from the majority party of the Senate and one such member shall be selected, after consultation with the minority leader of the Senate, from the minority party of the Senate.

(3) One member shall be from among officers and employees of each of the Departments of State, Education, and Health and Human Services and shall be appointed by the President, after consultation with the Secretaries of the respective departments.

(4) Twelve members shall be from the Ukrainian-American community at large and Ukrainian-American chartered human rights groups and shall be appointed by the chairman of the Commission in consultation with congressional members of the Commission, the Ukrainian-American community at large, and executive boards of Ukrainian-American chartered human rights groups.

(b) The term of office of each member shall be for the life of the Commission.

(c) Each member of the Commission who in not otherwise employed by the United States Government shall be paid the daily equivalent of the rate of basic pay payable for GS-18 of the General Schedule for each

day, including travel time, during which he or she is performing duties of the Commission. A member of the Commission who is an officer or employee of the United States Government or a Member of Congress shall serve without additional compensation. Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) Not later than sixty days after all members have been appointed to the Commission, the Commission shall hold an organizational meeting to establish the rules and procedures under which it will carry out its responsibilities.

(b) The Commission shall hire experts and consultants in accordance with section 3109 of title 5, United States Code, from the academic community to assist in carrying out the famine study. Such experts and consultants shall be chosen by a majority vote of the Commission members on the basis of their academic background and their current involvement in research on the Ukraine famine. No person shall be otherwise employed by the Federal Government while serving as an expert or consultant to the Commission.

(c) The Commission shall have a staff director, who shall be appointed by the chairman.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission or any member it authorizes may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission or any such members may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States as any designated place of hearing within the United States.

(2) The subpoenas of the Commission may be issued by the chairman of the Commission or any member designated by him and may be served by any person designated by the chairman or such member. The subpoenas of the Commission shall be served in the same manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(3) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished as a contempt of the court.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(c) The Commission may obtain from any department or agency of the United States information that it considers useful in the discharge of its duties. Upon request of the chairman, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may appoint and fix the pay of such personnel as it considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter 53 of such title, relating to classification and General Schedule pay rates. No individual so appointed may receive pay in excess of the maximum annual rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Commission may solicit, accept, use, and dispose of donations of money, property, or services.

(f) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) The Commission may procure by contract any supplies, services, and property, including the conduct of research and the preparation of reports by government agencies and private firms, necessary to discharge the duties of the Commission, in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

SEC. 8. The Commission shall terminate sixty days after the report of the Commission is submitted to Congress under section 4(4) of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SOVIET RUSSIAN GENOCIDE IN UKRAINE—50TH MOURNFUL ANNIVERSARY OF THE MAN-MADE FAMINE

APRIL 1983.

His Excellency JAVIER PEREZ DE CUELLAR,
Secretary General, United Nations, United Nations, N.Y.

YOUR EXCELLENCY: This year of 1983 marks the 50th anniversary of the Famine Holocaust in Ukraine, which was brought about by the Soviet Russian government in Ukraine, resulting in the death by starvation of over 7 million Ukrainian men, women and children.

On behalf of the Ukrainian Congress Committee of America, we appeal to you and to all members of the illustrious body which is the United Nations to take cognizance of this horrendous crime of genocide, inflicted upon the Ukrainian nation fifty years ago.

In 1932-1933 Ukraine was especially selected by the Kremlin to be punished for its aversion to and hostility toward Communism and the godless regime imposed by Communist Russia after its conquest of Ukraine in 1920.

Ukrainians outside Ukraine are marking this mournful anniversary but the Ukrainians in Ukraine, known now as the "Ukrainian Soviet Socialist Republic" (Ukrainian SSR), are forbidden to even mention this dastardly crime against humanity. Although Ukraine is a charter member of the United Nations, its delegations as well as its puppet government in Kiev, regrettably are not true and genuine representatives of the Ukrainian people. They are mere instruments of an alien power—Communist Russia.

Half a century ago the Ukrainian people—the peasantry, workers and intellectual classes—paid the supreme sacrifice through the heinous crime of genocide because they refused to accept the collective yoke of the Moscow-imposed "dictatorship of the proletariat" and the thinly disguised Russian imperialist government, and because they fought for their national freedom and independence.

THE ORIGIN OF THE MAN-MADE FAMINE IN UKRAINE

In 1929 Stalin, the uncontested master of the Communist Party, decided to transform the USSR into an "industrialized state" in the shortest possible time and at whatever cost in human and material resources. To begin with, the Kremlin collectivized the agriculture by harsh coercive means, against the will of the overwhelming majority of the population.

This enforced collectivization evoked massive resistance on the part of the Ukrainian people, especially the Ukrainian farmers, for whom the principle of private property and individual endeavor were deeply embedded. The Soviet Russian government decided to break the resistance of all Ukraine through sheer naked force, the sort of force which only a totalitarian government has at its disposal.

As early as the fall of 1932 the first shadows of famine fell upon Ukrainian villages, and the people began to glean already harvested fields. Their diet soon disintegrated to that of potatoes, beets and pumpkins. Then a strange phenomenon occurred. From the breadbasket that is Ukraine, hungry people began traveling in evergrowing groups to neighboring countries, especially Russia proper, where the state robbery of food was far less than in Ukraine.

In the spring of 1933 people began to die. When the time for spring plowing and planting came around the peasants stowed the seeds in their pockets to take home to their children. Others, famished beyond self-control, chewed them on the spot. When the little grain that was planted ripened, the hungry people ate the heads of the wheat.

DRACONIAN DECREES OF KREMLIN

In order to break the resistance of the Ukrainian people to enforced collectivization, the Kremlin dispatched thousands upon thousands of NKVD agents, Red troops and special Communist agitators to plunder Ukrainian villages, confiscate all grain and kill people indiscriminately. Some of the Bolshevik leaders openly warned Stalin of the impending hunger catastrophe in Ukraine. For instance, Nikolai Bukharin, leading Bolshevik theoretician and author of "Historical Materialism," wrote on Stalin's collectivization:

. . . We consider the form of the collectivization which is now being implemented to be a military-feudal form of exploitation of the peasants . . .

But in answer, the Central Committee in Moscow issued the following decree:

. . . It is forbidden in the time of the ripening of the wheat and during the harvest to walk or travel in the field roads and

paths. Every day after the termination of work, the guards will see to it that no one remains in the fields. Every night patrols will be sent into the fields to watch the roads and fields for wheat thieves:

. . . The Central Executive Committee of the Council of People's Commissars decrees: As a means of judicial repression for the stealing of collective property the highest degree of social defense shall apply—execution by shooting and confiscation of all possessions . . .

In the summer of 1932 a number of high Communist officials were sent into Ukraine to supervise local officials in the harvest campaign. One of them, Pavel Postyshev, castigated Ukrainian nationalism and called the Ukrainian "government" to "correct the errors of the past years. These errors are by no means of an objective nature, but stem from the so-called sentimentality that guided the local organs at the time of the surrender of the wheat by its producers . . ."

August 7, 1932 the "government" of the Ukrainian SSR, in blind obedience to orders from Moscow, enacted a draconian law, which stated:

(a) The ownership of the kolhosps (collective farms) and cooperatives (including crops in the field, community surpluses, cattle, co-op stores, warehouses, etc.) is to be considered as that of the state, and the guard over all such is to be increased;

(b) The penalties for thievery on kolhosps and co-op property are to be increased in the interest of social protection—execution by firing squad and confiscation of all possessions; and where leniency may be deemed advisable, loss of personal freedom for at least ten years with confiscation of all possessions . . .

Furthermore, in order to shut off starving Ukraine from other parts of the USSR, various measures were adopted to make movement all but impossible for the Ukrainians. Train tickets were sold only to those who had written permission to travel.

Likewise, Moscow forbade the publication of statistics on the natural population growth; physicians certifying the cause of death were forbidden to name the "natural" cause of death—starvation. The word holod (hunger or famine in Ukrainian) was decreed a "counterrevolutionary rumor," and no one valuing his or her own life or the lives of relatives dared to use it publicly.

Peasant resistance was fierce and widespread, and there were bloody, short-lived uprisings; there were assassinations and murders of so-called "village correspondents" who, as spies for the GPU, informed on recalcitrant peasants.

The 1932-1933 "famine action" in Ukraine was neither accidental nor unplanned. Stalin and the Central Committee purposely estimated high yields for the still unharvested grain.

From those unrealistically high estimates the party established maximal supply quotas. Soviet official sources indicated that the Soviet government took from the peasants in Ukraine the following proportions of the harvest (after the allotment for seeding): in 1928—17.6 percent; in 1929—27.3 percent; in 1930—30 percent, and in 1931—more than 40 percent.

When the collective farms and the few remaining private holdings were inevitably unable to meet their quotas of grain and other agricultural products, the farmers were accused of stealing, hoarding, sabotage, and so forth.

Then, as punishment, the authorities confiscated all the food that could be found, leaving the peasant families to face certain death from hunger.

This was a conscious and deliberate famine holocaust of the Ukrainian people with overriding political objectives. The overall and full responsibility for this great tragedy of the Ukrainian people rests irrevocably with the Kremlin and its leaders.

YOUR EXCELLENCY

The Soviet Russian government flatly denied the existence of the 1932-1933 famine in Ukraine (although in 1921 Moscow acknowledged the natural famine at that time in the USSR, even admitting the American Relief Administration headed by Herbert Hoover).

But despite the tight Iron Curtain censorship, the Western world quickly became aware of the catastrophe in Ukraine. For instance, Theodore Cardinal Innitzer, Archbishop of Vienna, made an appeal to the world's conscience, calling for universal assistance to the starving people of Ukraine. And Dr. Ewald Ammende, secretary general of the Congress of European Minorities, at the meeting of the Congress held September 16-19, 1933, in Bern, Switzerland, raised the question of the famine in Ukraine, asking the governments of the world to donate food and medical supplies. He was followed by the Prime Minister and Foreign Secretary of Norway, John Ludwig Mowinckle who raised the matter of the famine in Ukraine at the meeting of the Council of the League of Nations (September 29, 1933). The Soviet government rejected any *demarche*, even failing to reply to innumerable inquiries from abroad, including that of the International Red Cross.

Extensive reports about the unprecedented famine in Ukraine appeared in the American, Canadian, British, French, Belgian and German press. For instance, Malcolm Muggeridge, the noted British journalist who was an enthusiastic supporter of the USSR until his trip to the Soviet Union, wrote:

"In the course of my recent trip to Ukraine, I gradually realized that there a merciless war is being waged by the Soviet government against the peasants. The battlefield is truly ruined, but the struggle is going on. One can see, on the one hand the millions of peasants dying from hunger, and on the other hand, the soldiery of the GPU, implementing the orders of the proletarian dictatorship. They have thrown themselves upon Ukraine as famished vultures. Everything that is edible is either taken away or destroyed. They have executed and deported millions of peasants, sometimes entire villages. Thus, they have succeeded in transforming the richest country in the world to a desert, full of melancholy . . ."

One of the most forceful accusations of Communist Russia for her attempt to destroy the Ukrainian nation as such came from the above-mentioned Dr. Ewald Ammende, who in addition to being secretary general of the Congress of European Minorities, was also secretary of the Inter-Congressional and International Aid Committee for the Starvation Districts in the USSR. In his German-language report, "Muss Russland hungern?" (Must Russia Go Hungry?), he wrote:

"An important role in the hunger problem is played by the national factor, which is not solved to this day. In the USSR, as once in Czarist Russia, there exist the state people (Russians), who wage a struggle against the other nationalities, above all the Ukrainians and Byelorussians. The purpose of this struggle is to impede their independence aspirations. I must say with determination, clearly and openly, that on the basis of the present great differences and antagonisms with respect to the Ukrainian people, Russia aspires directly toward the extermination of a great part of the present generation in Ukraine . . ."

But there were also foreign journalists and "tourists" who somehow failed to detect any famine in Ukraine or in other republics of the USSR. As a rule, these were given Potemkin-like "guided tours." This was especially true of former French prime minister Edouard Herriot, who was invited by the Soviet Russian government on a "goodwill tour," and who was taken to specific places in Ukraine, where he "saw no starvation."

The Kremlin in those two fateful years of 1932-1933 was working strenuously for a number of pressing objectives, such as diplomatic recognition by the United States; admission to the League of Nations; "non-aggression pacts" with a number of European states; improvement of trade relations with foreign countries, and so forth. So it needed a "clean image" and for that purpose it used some spineless Western correspondents to air Soviet Russian views and propaganda.

THE DEATH HARVEST

Ukrainian and foreign specialists estimate over 7,000,000 to 10,000,000 Ukrainians died in this deliberate, man-made genocidal death harvest. The figures are simple enough. The official population census, according to the December 1926 census was 29,494,800. Thirteen years later (January 16, 1939) the census was 30,960,200. If one projects the average natural increase before collectivization (2.36 percent) he can readily estimate that Ukraine (within the Ukrainian SSR, not counting the Kuban region, the Crimea and the Ukrainian ethnic territories in the Voronezh and Kursk areas) lost at least a total of 7,500,000 persons between the two censuses.

(At least two high officials of the Ukrainian SSR gave their estimates of the hunger victims in Ukraine to an American Communist visitor, Adam T. Long: Mykola Skrypnyk, Commissar of Education, gave the figure of famine victims at 8,000,000, and Volodymyr Balytsky, chief of the Ukrainian GPU in Kharkiv, provided the figure of 8,500,000.)

YOUR EXCELLENCY

This year the Ukrainian American communites, as well as those other Ukrainians and their descendants in the free world, are observing the 50th anniversary of the ghastly and inhuman tragedy inflicted by the Soviet Russian government on the Ukrainian people as political punishment for their opposition to Moscow's domination.

ACTION IN U.S. CONGRESS

On April 14, 1983 the Hon. Gerald B. H. Solomon, U.S. Congressman from New York, introduced in Congress a special Resolution, H. Con. Res. 111, subtitled To Commemorate the Ukrainian Famine of 1933, which reads as follows:

Whereas over seven million Ukrainians in the Ukrainian Soviet Socialist Republic, which was created as the result of direct aggression by the Russian Communist military forces against the Ukrainian National Republic in 1918-1920; and

Whereas the Soviet Russian government, having full and complete control of the entire food supplies within the borders of the Union of Soviet Socialist Republics, nevertheless failed to take relief measures to check the disastrous famine or to alleviate the catastrophic conditions arising from it,

but on the contrary used the famine as a means of reducing the Ukrainian population and destroying Ukrainian national, political, cultural, and religious rights; and

Whereas the Soviet Russian government targetted the Ukrainian people for destruction as a whole by directing special draconic decrees against Ukrainian peasants as "an enemy class," against the Ukrainian intelligentsia as "bourgeois Ukrainian nationalists," and against the Ukrainian Autocephalic Orthodox Church as "a remnant of the old prejudicial 'opiate of the people' "—committed on the gigantic and unprecedented scale the heinous crime of genocide, as defined by the United Nations Genocide Convention; and

Whereas numerous appeals from prominent organizations and individuals throughout the world, such as the League of Nations, the International Red Cross, and several groups of parliamentarians from the United Kingdom, Switzerland, Belgium and Holland who earnestly appealed to the Soviet Russian government for appropriate steps to help the millions of starving Ukrainians, went unheeded by the Government of the Union of Soviet Socialist Republics; and

Whereas intercessions have been made at various times by the United States during the course of its history on behalf of citizens of countries persecuted by their governments, indicating that it has been the traditional policy of the United States to take cognizance of such destruction of human beings as the famine holocaust in Ukraine in 1933; and

Whereas on May 28, 1934, some six months after the formal recognition of the Union of Soviet Socialist Republics by the United States, Congressman Hamilton Fish, of New York, introduced in the House of Representatives a resolution (H. Res. 399, 73d Cong., 2d sess.) calling for international condemnation of the Union of Soviet Socialist Republics for its genocidal and barbarous destruction of the Ukrainian people:

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that the President of the United States shall take, in the name of humanity, immediate and determined steps to—

(1) issue a proclamation in mournful commemoration of the great famine in Ukraine during the year 1933, which constituted a deliberate and imperialistic policy of the Soviet Russian government to destroy the intellectual elite and large segments of the population of Ukraine and thus enhance its totalitarian Communist rule over the conquered Ukrainian nation;

(2) issue a warning that continued enslavement of the Ukrainian nation as well as other non-Russian nations within the Union of Soviet Socialist Republics constitutes a threat to world peace and normal relationships among the peoples of Europe and the world at large; and

(3) manifest to the peoples of the Union of Soviet Socialist Republics through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and national independence.

YOUR EXCELLENCY:

In submitting this Memorandum to you, we wish to bring to your attention this crime of but fifty years ago that was inflicted upon the Ukrainian people, because like crimes are being perpetrated by the Soviet Russian government in Ukraine today as well. The harsh fact is that Moscow has not changed its policies since 1933.

What we wish to convey above all is that genocide is still being practiced in the Soviet Union. In Ukraine, the Kremlin has been arresting and trying hundreds of Ukrainians, especially intellectuals, of whom many have been sentenced to severe terms of imprisonment and slave labor servitude. These Ukrainian patriots are not criminals—unless their crime is to have defended whatever rights they are given under the Soviet constitution: the use of their mother tongue, freedom of press and assembly, freedom of religion and the enjoyment of human rights as enunciated in the Universal Declaration of Human Rights, adopted by the U.N. General Assembly on December 10, 1948. Their "crime" is to resist and fight against insidious Russification, a policy which the Kremlin has been pursuing relentlessly not only in Ukraine, but in all other non-Russian nations as well, the total number of victims outnumbering the ethnic Russians. Their "crime" is to aspire to freedom and national independence.

We appeal to you, Sir, to make the contents of this Memorandum known to all the subsidiary agencies of the United Nations, including those representing the USSR and the Ukrainian SSR, in order to throw into bold relief the true image of these two members of the illustrious world organization.

In doing so, you will perform an outstanding service to the cause of human freedom and human rights everywhere in our world.

UKRAINIAN CONGRESS
COMMITTEE OF AMERICA.

By Mr. McCLURE (for himself and Mr. SYMMS):

S. 2457. A bill to designate certain national forest system lands in the State of Idaho for inclusion in the National Wilderness Preservation System and to release other forest lands for multiple-use management, and for other purposes; to the Committee on Energy and Natural Resources.

IDAHO FOREST MANAGEMENT ACT OF 1984

● Mr. McCLURE. Mr. President, today I am introducing, along with Senator SYMMS, the Idaho Forest Management Act of 1984. This legislation, which our colleagues, Representatives CRAIG and HANSEN, are introducing in the House of Representatives, is a delegation effort to resolve some major land-management issues in Idaho.

We are blessed in Idaho with an abundance of natural resources. The Gem State is the most heavily forested in the Rocky Mountains. We have more than 16,000 miles of rivers and nearly 2,000 natural lakes. We have an abundance of minerals such as gold, silver, copper, iron, lead, and zinc. Our natural resources provide outstanding recreational opportunities as well as an economic foundation for our communities, including jobs and taxes.

The majority of these resources occur on Idaho's vast public lands. The output of goods and services from these lands is determined through management practices established either by Federal legislation or administrative regulation. Out of Idaho's 53-million-acre land base, more than 33.5 million acres is owned by the Federal Government. More than 20.5 million of that is national forest land of which approximately 12 million acres is roadless. The legislation I am proposing today would increase the current wilderness system in Idaho from 3,878,733 million to 4,404,797 million acres. This means that, if this bill is enacted, approximately 37 percent of Idaho's roadless national forest land will be designated wilderness. Idaho has, and will continue to have after passage of this legislation, the largest wilderness system in the lower 48 States.

Over the years, I've hiked through much of the wild back country of Idaho and fished some of the best streams and lakes in the Nation. Like most Americans, I treasure these experiences and feel real gratitude in knowing that my grandchildren will have ample opportunity to enjoy them as well. Whether they prefer the solitude of a wilderness setting or the convenience of a roaded recreation area, Congress has provided such opportunities for generations to come.

Of course, it is just as important to note that these public lands also provide a resource base for the traditional Idaho industries of timber and mining, cattle ranching, and energy development. Some of Idaho's most avid backpackers are lumberjacks and miners by trade. Their livelihoods as well as their recreational pursuits are in large part dependent upon national forest resources.

Last week I received petitions signed by 3,839 Idahoans from around Salmon, Idaho, which has a population of only 3,300. The petition these people signed states the following:

We the undersigned do hereby petition the Congress to resolve the RARE II issue as soon as possible, so that the timber industry in Lemhi and Custer Counties can get back to work. We believe the Forest Service should be able to administer these "roadless areas" for the best use under a multiple use and sustained yield program.

The letter attached to these petitions also stated: "the locally concerned environmental community did not object to this petition, in fact many of the signers were members of these environmental groups."

This is just one example of where a sawmill has shut down due in part to a lack of Forest Service timber. This particular mill employed 120 people and had been producing lumber for 34 years. In order to continue production, the mill must depend on logs provided by national forest roadless areas. This is currently a very unreliable source of raw materials and legislation is required to stabilize the situation.

For 20 years now, the Forest Service has been studying and evaluating roadless areas for potential wilderness designation. The first roadless review

and evaluation was begun in 1972. The second such review (RARE II) occurred in the late 1970's. And in 1979, the administration, under President Carter, made its recommendations to Congress on which lands out of 62 million acres nationwide should be designated wilderness. Since that time, several wilderness bills have been enacted, including the designation of a 2.2-million-acre wilderness in central Idaho. However, based on a 1982 court decision which determined that the review under RARE II was not sufficient, the Forest Service is now undergoing RARE III. Not only is this a costly, repetitive, and time-consuming exercise, but it threatens the economic stability of timber-dependent communities throughout Idaho and the West.

The Idaho Forest Management Act will bring a degree of certainty to the management of these roadless areas that is so desperately needed at this time. The Idaho delegation has worked for more than 1 year to prepare this legislation, and it has been a complex and time-consuming process. Last summer, the Senate Committee on Energy and Natural Resources held four field hearings in Idaho Falls, Boise, Coeur d'Alene, and Lewiston to gather testimony. Some of the testimony that was presented called for no more wilderness. Others, however, would designate nearly all of the remaining roadless areas as wilderness. Still others proposed a cut in the existing amount of wilderness.

In July 1983, my office sent questionnaires to 220,000 households in Idaho asking them to select one of four proposals which most closely reflected their own position. These proposals recommended from zero to 4.5 million acres of additional wilderness; 53 percent of those responding recommended no new wilderness in Idaho.

After careful consideration of testimony, thousands of pieces of written correspondence, resource statistics, as well as professional polls and our questionnaire, the Idaho delegation has finally put together a bill.

We feel this legislation considers the needs of both current and future generations. It also strikes a balance between the economic requirements of the State and the desire to set aside lands for nondevelopment. It proposes an additional 526,064 acres of wilderness, and addresses the future management of those roadless areas not designated wilderness.

Although the Idaho delegation supports this legislation in its present form, we realize there may be alterations as it moves through Congress. I want to make it perfectly clear that in introducing this bill today, I am not closing any doors. As a matter of fact, I view it as just the opposite, that is of doors opening.

We in Congress are often faced with the difficult task of developing consensus and equity out of an array of diverse and opposing viewpoints. Such complex issues often take years to resolve. I believe the time has come for Congress to finalize and pass legislation dealing with the future management of roadless forest lands across the Nation. I am more encouraged than ever before that a fair and equitable resolution of this issue is possible in 1984. Over the past year, as I became more and more deeply involved in Idaho forest management legislation, I realized that much of the controversy surrounding this issue is based on semantics and perceptions rather than fact.

For example, there are those who claim that wilderness has no value, that it is simply the unnecessary and unwarranted lockup of land for a single use. This is not true. Wilderness designation provides for activities such as hiking, horseback riding, camping, fishing, and hunting, and general enjoyment of scenic, scientific, and educational features. It is not frivolous or wasteful to preserve certain natural resources for the benefit of present and future generations of Americans.

Another term which is often misrepresented is multiple-use management. Some people would have us believe that multiple-use management means development. This is not true. Instead, it encompasses a variety of uses from roadless recreation and wildlife habitat to timber harvesting and minerals exploration. Multiple-use management is the continuous evaluation of national forest resources in order to best serve multiple-use sustained-yield objectives. It encourages wise resource uses and optimum product outputs in order to meet the identified needs and articulated desires of the American people. Even wilderness designation is the result of multiple-use management.

The Idaho delegation supports multiple-use management and, therefore, our bill provides for the continuing review of the wilderness characteristics of roadless lands after the year 2000. The delegation feels it is critical to our State's economic stability that once a forest plan is adopted that it be implemented with minimal delay or change. All Idahoans are dependent, in one way or another, upon our national forests and the goods and services they provide. From our public school system, which is supported by Forest Service timber receipts, to our outfitters and guides, who introduce the rest of the world to Idaho's back country, we depend on implementation of these planned activities.

Sometime ago, I came across an article in the Wall Street Journal which addressed the wilderness issue and the different philosophies behind it. The author, Vermont Royster, is considered by some to be the most famous newspaperman in the country. I was impressed with the way his article bridged the gap between wilderness and nonwilderness advocates. It is imperative that we in Congress also bridge this gap in order to reach an equitable resolution of this matter. I'd like to share with you a portion of Royster's article in the hopes that it will motivate some recognition of the poet that exists on both sides of this issue.

> Poets, to be sure, have always found romance in wilderness, and perhaps today's environmentalists are poets at heart. But is there not also a touch of the poet in those who look at barren land and see it plowed with growing fields of grain? Or in those who dig the Earth in search of oil to fuel homes and factories or give electricity to light the night? Yet to hear some people talk, it's a sacrilege to cut down a single tree * * * It's wicked to drill through frozen tundra or clear forest land for man's habitation.
>
> For my own part, I would like to see some untamed land kept to remind us of Eden lost, where those who will may visit to escape our concrete cities and the maddening crowd. Our spirit as well as our flesh needs its respite. Still, we, the human species would never have moved out of the Mesopotamian valley to spread ourselves over the whole Earth except that we tamed wilderness for man's use * * * Only thus were we able to be fruitful and multiply.

In closing, I would like to reemphasize my commitment to diligently pursue the resolution of this issue before the end of the year. We in Congress right now have the unique opportunity to establish tracts of pristine wilderness across the Nation for the benefit and pleasure of this and future generations. We are also faced with the serious responsibility of providing the Forest Service with the legislative direction and stability they require in order to most effectively perform the very important task of managing our national forest system.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Idaho Forest Management Act of 1984.

TITLE I—FINDINGS, PURPOSES AND WILDERNESS DESIGNATION

SEC. 101. (a) The Congress finds that—

(1) certain areas of undeveloped national forest lands in the State of Idaho possess outstanding natural characteristics giving them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the national forest system of Idaho have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's

share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the national forest system in Idaho have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of the Act.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands in Idaho for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people;

(2) withdraw, subject to valid existing rights, National Wilderness Preservation System lands in the State of Idaho, including those so designated by this Act, from operation of the general mining and mineral leasing laws in order to protect the physical characteristics and wilderness values which motivated the Congress to include these lands within the System;

(3) require appropriate inventory to assess and document the minerals potential of National Wilderness Preservation System lands in the State of Idaho in order to enhance the data base; and

(4) insure that certain national forest system lands in the State of Idaho be made available for uses other than wilderness in accordance with applicable national forest laws and planning procedures and section 302 of this Act.

The lands referred to in paragraph (4) may be managed for a wide variety of uses, depending on their unique characteristics, including but not limited to fish and wildlife protection management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, timber harvesting, watershed and vegetation management, energy and minerals exploration and development, and other uses.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890), and to end the dispute regarding the RARE II studies of the Forest Service lands, subject to valid existing rights, the following national forest system lands in the State of Idaho, comprising approximately five hundred and twenty-six thousand sixty-four acres and generally depicted on maps appropriately referenced, are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Panhandle National Forest which comprise approximately thirty-three thousand six hundred acres as generally depicted on a map entitled, "Selkirks-Canyons Wilderness-Proposed", dated March 1984, and which shall be known as the Selkirks-Canyons Wilderness;

(2) Certain lands in the Panhandle National Forest which comprise approximately fourteen thousand six hundred and seventy-eight acres as generally depicted on a map entitled, "Salmo Priest Wilderness-Proposed", dated March 1984, and which shall be known as the Salmo Priest Wilderness;

(3) Certain lands in the Panhandle National Forest which comprise approximately ten thousand nine hundred and sixty-eight acres as generally depicted on a map entitled, "Scotchman Peaks Wilderness-Proposed", dated March 1984, and which shall be known as the Scotchman Peaks Wilderness;

(4) Certain lands in the Panhandle and Clearwater National Forests which comprise approximately thirty thousand five hundred and seventy-eight acres as generally depicted on a map entitled, "Mallard Larkins Wilderness-Proposed", dated March 1984, and which shall be known as the Mallard Larkins Wilderness;

(5) Certain lands in the Clearwater National Forest which comprise approximately one hundred and twenty-four thousand five hundred acres as generally depicted on a map entitled, "Kelly Creek-Hoodoo Wilderness-Proposed", dated March 1984, and which shall be known as the Kelly Creek-Hoodoo Wilderness;

(6) Certain lands in the Payette National Forest, which comprise approximately one hundred and nine thousand acres as generally depicted on a map entitled, "North Lick Creek Wilderness-Proposed", dated March 1984, and which shall be known as the North Lick Creek Wilderness;

(7) Certain lands in the Sawtooth National Forest which comprise approximately one hundred and forty-five thousand nine hundred and seventy acres as generally depicted on a map entitled, "White Clouds Wilderness-Proposed", dated March 1984, and which shall be known as the White Clouds Wilderness; Provided that the mining and mineral provisions of the Wilderness Preservation Act (78 Stat. 890) shall apply to these lands in lieu of Sections 10, 11, and 12 of Public Law 92-400 (86 Stat. 614-15).

(8) Certain lands in the Caribou National Forest, which comprise approximately fifteen thousand seven hundred and seventy acres as generally depicted on a map entitled, "Worm Creek Wilderness-Proposed", dated March 1984, and which shall be known as the Worm Creek Wilderness;

(9) Certain lands in the Challis National Forest, which comprise approximately forty-one thousand acres as generally depicted on a map entitled, "Borah Peak Wilderness-Proposed", dated March 1984, and which shall be known as the Borah Peak Wilderness.

(b) The previous classification of the following is hereby abolished: the Mallard Larkin Primitive Area.

SEC. 103. (a) As soon as practicable after the enactment of this Act, the Secretary of Agriculture shall file the maps referred to in this Act and a legal description of each wilderness area designated by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be reference to the effective date to this Act.

TITLE II—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

SEC. 201. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and that no further review and evaluation of the wilderness potential of any lands is to occur in the State of Idaho except as set forth in this Act; and

(2) The Congress has made its own review and examination of all national forest roadless areas in Idaho whether inventoried or not through the RARE II process and the environmental impacts associated with alternative allocations of such areas.

SEC. 202. (a) The Congress hereby determines and directs that, without passing on the question of the legal and factual sufficiency of the RARE II final environmental impact lands in states other than Idaho, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Idaho.

(b) National forest system lands in the State of Idaho—

(1) not identified by section 102 as additions to the National Wilderness Preservation System; or

(2) not heretofore designated by Act of Congress as components of the National Wilderness Preservation System, shall be managed for multiple uses other than wilderness, until and unless otherwise directed by an Act of Congress. Such lands shall be deemed, for purposes of all current and future land management plans which are approved before December 31, 2000, and which are required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to have been given adequate consideration as to their suitability for inclusion in the National Wilderness Preservation System.

(c) Unless expressly authorized by Congress, the Secretary of Agriculture shall not conduct, pursuant to the Wilderness Act, any statewide roadless review and evaluation of national forest system lands in the State of Idaho for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

TITLE III—MISCELLANEOUS PROVISIONS GRAZING IN WILDERNESS AREAS

SEC. 301. (a) The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in the State of Idaho in order to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act.

STATE WATER ALLOCATION AUTHORITY

SEC. 302. (a) As provided in section 4(d)(7) of the Wilderness Act of 1964, nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Idaho water laws. Notwithstanding any provision of the Wilderness Act of 1964 or this Act, the State of Idaho and the holders of water rights in said State shall have the right to exercise all water rights.

(b) As provided in section 4(d)(8) of the Wilderness Act of 1964, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Idaho

with respect to wildlife and fish in the national forests in Idaho.

(c) Within areas designated as Wilderness within this Act, the Forest Service is directed to utilize whatever sanitary facilities are necessary, including but not limited to vault toilets which may require service by helicopter, to insure the continued health and safety of the communities serviced by the watersheds in Wilderness areas in the State of Idaho; furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist or which may be necessary in the future to prevent the degradation of the water supply in Wilderness Areas within the State of Idaho.

PROHIBITION OF BUFFER ZONES

SEC. 303. No protective perimeters or buffer zones around any wilderness areas are necessary or authorized to protect any wilderness areas within the State of Idaho. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up the boundary of the wilderness area.

MINERAL RESOURCES

SEC. 304. In furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall continue to make assessments of the mineral potential of national forest wilderness areas in the State of Idaho, on a recurring basis, using environmentally compatible methods, in order to expand the data base with respect to the mineral potential of such lands.

DISPOSITION OF EXISTING MINERAL RIGHTS IN THE WHITE CLOUDS WILDERNESS

SEC. 305. (a) In this section, the term "mineral interest owner" shall mean the owner of valid unpatented mining claims located prior to August 22, 1972, or the owner of patented mining claims situated within the White Clouds Wilderness as designated by this Act. Upon application of any mineral interest owner the Secretary of the Interior (hereinafter in this Section referred to as "the Secretary"), in consultation with the Secretary of Agriculture, shall, within six years after receipt of said application:

(1) exchange any federally owned minerals of approximately equal value in any state for the interests of the mineral interest owner; or

(2) grant to the mineral interest owner, its successors and assigns a monetary credit of approximately equal value to the interest of the mineral interest owner; or

(3) upon the voluntary surrender and relinquishment by said owner of said interest, make a payment to the mineral interest owner equal to the amount of funds expended by the mineral interest owner on such claim or claims prior to the date of enactment of this Act; or

(4) exercise any combination of the options enumerated in (1), (2), and (3) above.

(b) For purposes of carrying out an exchange, a grant of credit or a payment under subsection (a), not later than three months after the receipt of said application, the Secretary shall initiate negotiations with the mineral interest owner. The parties to such negotiations shall make good faith efforts to reach agreement within six years of the receipt of said application.

(c) Upon the election of the mineral interest owner to accept a monetary credit provided for in subparagraph 305(a)(2), and upon voluntary surrender and relinquishment by said owner of said mineral interests, the Secretary shall extend to the owner, its successors and assigns, a monetary credit to be used against that portion of payment, bonus payments, rental or royalty payments due into the Treasury of the United States and retained by the federal government on any mineral, oil, or gas lease or other federal property held by the mineral interest owner, its successors, or assigns. Such credit shall be used over a period of years with not more than ten percent of the credits to be used in any one year.

(d) In order to protect wilderness values from unnecessary disturbances, the owner of any unpatented mining claims located within the White Clouds Wilderness as designated by this Act shall not be required to perform assessment work for such claims which would otherwise be required by law if such owner files a notice of intention to hold such claims pursuant to 43 U.S.C. 1744 (a)(1).

LANDING OF AIRCRAFT

SEC. 306. The landing of aircraft, where this use has become established prior to the date of enactment of this Act shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture deems desirable: *Provided*, That the Secretary shall not permanently close or render unserviceable any aircraft landing strip in regular use on national forest lands on the date of enactment of this Act for reasons other than extreme danger to aircraft, and in any case not without the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of backcountry airstrips.

INVENTORY OF STRUCTURES WITHIN WILDERNESS AREAS

SEC. 307. (a) Within two years from the date of enactment of this Act, the Secretary shall cooperate with the Secretary of the Interior and with agencies and institutions of the State of Idaho in conducting an inventory of the ranch, homestead, trapper and other cabins, and structures within areas designated as wilderness in section 102(a) of this Act and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a report on—

(1) the location of these structures;

(2) their historic significance, if any;

(3) their present condition;

(4) recommendations as to which of these structures should be:

(a) stabilized;

(b) restored;

(c) maintained; or

(d) removed;

(5) the estimated cost of such stabilization, restoration, maintenance, or removal; and

(6) the suitability of any of these structures for inclusion in the National Register of Historic Places.

(b) Until such time as the study under this subsection is completed and the required report submitted to the Committees, the Secretary shall not knowingly permit the destruction or significant alteration of any historic cabin or other structure on national forest land within the areas designated as wilderness in section 102(a) of this Act.●

By Mr. GORTON:

S. 2458. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1985

● Mr. GORTON. Mr. President, I am introducing today legislation to authorize programs of the National Bureau of Standards (NBS) for fiscal year 1985.

The National Bureau of Standards is an agency with an extremely broad mission, relevant to nearly every national problem area and every economic sector. Many of us take for granted the measures, standards, and technologies developed at NBS which affect us daily.

For example, scientists at the Bureau have developed an ultrasound device for identification of tumors which is significantly cheaper and safer than the most advanced X-ray instruments available today. The water-driven turbine dental drill, which allows teeth to be excavated for filling much more quickly and less painfully, was developed at NBS. In my home State of Washington, as well as in States across the Nation, NBS scientists provide standard research materials and calibration services to industries, laboratories, and universities.

Mr. President, we have examined closely the administration's proposed budget for fiscal year 1985 for the Bureau. There are substantial budget decreases, as well as several new initiatives. In the National Engineering Laboratory, both the Center for Building Technology and the Center for Fire Research are proposed for elimination. In addition, the Institute for Computer Sciences and Technology is proposed for drastic reductions.

There are also new initiatives proposed at the Bureau, including development of cold neutron research on materials and the first stage of purchase of a supercomputer to be used by both NOAA and NBS.

We have scrutinized carefully those proposed changes and assessed their impact on the future of the Bureau. The bill which I am introducing today reflects our evaluation of the Bureau's programs and includes, among other programs, the restoration of the Centers for Fire Research and Building Technology, and of funding in full for the Institute for Computer Sciences and Technology. I might note that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation has received over 40 letters in support of these programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1985".

AUTHORIZATION FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are authorized to be appropriated for fiscal year 1985 to the Secretary of Commerce to carry out activities performed by the National Bureau of Standards the sums set forth in the following line items:

(1) Measurement Research and Standards, $56,840,000.

(2) Engineering Measurements and Standards, $23,102,000.

(3) Computer Science and Technology, $10,000,000.

(4) Center for Fire Research, $5,827,000.

(5) Core Measurement Research for New Technologies, $12,125,000.

(6) Technical Competence Fund, $8,563,000.

(7) Central Technical Support, $15,186,000.

(b) Notwithstanding any other provision of this or any other Act, of the total amount authorized for fiscal year 1985 under subsection (a)(2) of this section, not less than $3,969,000 shall be available for "Building Research".

EXCESS FOREIGN CURRENCY

SEC. 3. In addition to the sums authorized to be appropriated by section 2 of this Act, there are authorized to be appropriated to the Secretary of Commerce $600,000 for fiscal year 1985 for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 4. In addition to the sums authorized to be appropriated by sections 2 and 3 of this Act, there are authorized to be appropriated to the Secretary of Commerce $3,371,000 for fiscal year 1985 for the activities of the Office of Productivity, Technology, and Innovation.

SALARY ADJUSTMENTS

SEC. 5. In addition to the sums authorized to be appropriated by sections 2, 3, and 4 of this Act, there are authorized to be appropriated to the Secretary of Commerce for fiscal year 1985 such additional sums as may be necessary to make any adjustments in salary, pay, retirement, and other employee benefits which may be provided for by law.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

COST RECOVERY AUTHORITY

SEC. 7. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278b(f)) is amended—

(1) by striking "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a) of this section, and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

COMPENSATION OF DIRECTOR

SEC. 8. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. 274) is amended by adding at the end thereof the following: "The director shall be compensated at the rate now or hereafter in effect for level IV of the Executive Schedule, pursuant to section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5316 of title 5, United States Code, is amended by striking the following item:

"Director, National Bureau of Standards, Department of Commerce.".●

By Mr. WARNER (for himself, and Mr. EXON) (by request):

S. 2459. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT FOR FISCAL YEARS 1985 AND 1986

● Mr. WARNER. Mr. President, by request, for myself and the junior Senator from Nebraska (Mr. EXON), I introduce for appropriate reference a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security Programs Authorization Act for Fiscal Years 1985 and 1986."

TITLE I—NATIONAL SECURITY PROGRAMS OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $426,400,000.

(2) For weapons activities, $3,496,754,000.

(3) For verification and control technology, $73,700,000.

(4) For materials production, $1,493,590,000.

(5) For defense waste and byproducts management, $358,700,000.

(6) For nuclear safeguards and security, $58,000,000.

(7) For security investigations, $34,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For naval reactors development:

Project 85-N-101, general plant projects, various locations, $2,000,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $165,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $6,000,000, for a total project authorization of $110,000,000.

(2) For weapons activities:

Project 85-D-101, general plant projects, various locations, $31,600,000.

Project 85-D-111, general plant projects, various locations, $32,200,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, $56,600,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $4,700,000.

Project 85-D-104, test devices assembly building, Los Alamos National Laboratory, Los Alamos, New Mexico, $800,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $3,000,000.

Project 85-D-106, hardened radiography facility, Site 300, Lawrence Livermore National Laboratory, Livermore, California, $800,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $4,500,000.

Project 85-D-113, power plant and steam distribution system, Pantex Plant, Amarillo, Texas, $4,500,000.

Project 85-D-114, safeguards vaults, Y-12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $5,800,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 85-D-122, safeguards and site security upgrade, Mound Facility, Miamisburg, Ohio, $2,700,000.

Project 85-D-123, safeguards and site security upgrade, Phase I, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats Plant, Golden, Colorado, $1,000,000.

Project 85-D-125, tactical bomb production facilities, various locations, $10,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000, for a total project authorization of $22,000,000.

Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $5,600,000, for a total project authorization of $6,200,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,500,000, for a total project authorization of $7,200,000.

Project 84-D-105, safeguards and security upgrades, Phase I, Los Alamos National Laboratory, Los Alamos, New Mexico, $10,100,000, for a total project authorization of $15,100,000.

Project 84-D-106, security system upgrade, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000, for a total project authorization of $3,800,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $34,900,000, for a total project authorization of $58,400,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $60,700,000, for a total project authorization of $80,000,000.

Project 84-D-113, antisubmarine warfare/standoff weapon warhead production facilities, various locations, $15,000,000.

Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, $21,100,000, for a total project authorization of $45,200,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $10,000,000, for a total project authorization of $11,500,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $11,700,000, for a total project authorization of $13,200,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, $40,000,000, for a total project authorization of $47,000,000.

Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, $6,800,000, for a total project authorization of $7,600,000.

Project 84-D-120, explosive component test facility, Mound Facility, Miamisburg, Ohio, $16,900,000, for a total project authorization of $20,000,000.

Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, $11,200,000, for a total project authorization of $21,200,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $21,400,000, for a total project authorization of $29,000,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $8,000,000, for a total project authorization of $15,500,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, $2,700,000, for a total project authorization of $3,700,000.

Project 83-D-124, standard missile-2 (SM-2) warhead production facilities, various locations, $9,000,000, for a total project authorization of $11,000,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $17,000,000, for a total project authorization of $24,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $175,100,000, for a total project authorization of $580,500,000.

Project 82-D-111, interactive graphics systems, various locations, $6,800,000, for a total project authorization of $20,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $16,500,000, for a total project authorization of $28,700,000.

Project 82-D-146, weapons production and production support facilities, various locations, $10,000,000, for a total project authorization of $60,030,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, $16,800,000, for a total project authorization of $27,200,000.

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, Albuquerque, New Mexico, $3,500,000, for a total project authorization of $45,650,000.

Project 81-D-115, Missile X warhead production facilities, various locations, $20,900,000, for a total project authorization of $125,000,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $1,400,000, for a total project authorization of $7,800,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, $4,900,000, for a total project authorization of $8,600,000.

Project 79-7-0, universal pilot plant, Pantex Plant, Amarillo, Texas, $3,800,000, for a total project authorization of $15,900,000.

(3) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $1,000,000.

(4) For materials production:

Project 85-D-131, general plant projects, various locations, $32,000,000.

Project 85-D-132, plant engineering and design, various locations, $2,000,000.

Project 85-D-136, components protection system, 100-N area, Richland, Washington, $3,300,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, $2,500,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $6,000,000.

Project 85-D-142, U_3O_8 fuel tube facilities, fuel preparation area, Savannah River, South Carolina, $8,000,000.

Project 85-D-145, uranyl nitrate to oxide conversion facility, Savannah River, South Carolina, $1,800,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, $200,000, for a total project authorization of $5,800,000.

Project 84-D-134, safeguards and security improvements, Plantwide, Savannah River, South Carolina, $14,900,000, for a total project authorization of $26,900,000.

Project 84-D-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, $8,000,000 for a total project authorization of $12,400,000.

Project 84-D-137, facility security systems upgrade, Idaho Fuels Processing Facility (IFPF), Idaho National Engineering Laboratory, Idaho, $8,000,000, for a total project authorization of $10,000,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, $4,100,000, for a total project authorization of $9,500,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $2,150,000, for a total project authorization of $8,650,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, $11,500,000, for a total project authorization of $19,000,000.

Project 83-D-180, facility storage modifications, various locations, $6,500,000, for a total project authorization of $15,800,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV and V, various locations, $72,800,000, for a total project authorization of $304,634,000.

Project 82-D-128, plant perimeter security systems upgrade, Idaho Fuels Processing Plant, Idaho National Engineering Laboratory, Idaho, $400,000, for a total project authorization of $5,400,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $1,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $28,800,000, for a total project authorization of $65,800,000.

(5) For defense waste and byproducts management:

Project 85-D-156, general plant projects, interim waste operations and long-term waste management technology, various locations, $25,645,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $700,000.

Project 85-D-159, new waste transfer facilities, H Area, Savannah River, South Carolina, $11,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, $2,000,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $3,155,000, for a total project authorization of $53,155,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $238,000,000, for a total project authorization of $440,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $61,100,000, for a total project authorization of $404,200,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, $22,500,000;

(B) for weapons activities, $271,350,000;

(C) for verification and control technology $2,000,000;

(D) for materials production, $128,660,000;

(E) for defense waste and byproducts management, $35,771,000; and,

(F) for nuclear safeguards and security $4,700,000.

TITLE II—GENERAL PROVISIONS REPROGRAMMING

SEC. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress, unless the Secretary of Energy (hereinafter in this title referred to as the "Secretary") transmits to the appropriate committees of Congress a full and complete statement of the action proposed to be taken with respect to the program and the facts and circumstances relied upon in support of the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,200,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project.

(b) In any case in which the total estimated cost for such planning and design exceeds $1,000,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

SEC. 210. (a) The remedy against the United States provided by sections 1346(b) and 2672 to title 28, United States Code, or by sections 741-752 or 781-790 of title 46, United States Code, as appropriate, for injury or loss of property or personal injury or death shall apply to any civil action for injury or loss of property or personal injury or death due to exposure to radiation based on acts or omissions by a contractor in carrying out a contract in the conduct of the United States atomic weapons testing program. This remedy shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of such a contractor shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any such civil action or proceeding and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

(b) A contractor against whom a civil action or proceeding described in subsection (a) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(c) The provisions of this section shall apply to any action now pending or hereafter commenced which is an action within the provisions of subsection (a) of this section. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding pending on the date of enactment of this section is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or 2 years from the date upon which the claim accrued, whichever is later, to file an administrative claim and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28.

(d) For purposes of this section, "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). "Contractor" also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or its predecessor agencies).

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1986

SEC. 301. There are authorized to be appropriated to the Department of Energy to be available not earlier than October 1, 1985, such sums as may be necessary for fiscal year 1986 for programs set forth in this Act.

DEPARTMENT OF ENERGY,
Washington, D.C., March 13, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes." This bill would authorize specific appropriations for FY 85 and those appropriations which might be necessary for FY 86. The total amount proposed in title I for FY 85 is $7,785,575,000 of which $5,941,144,000 is for operating expenses, $464,981,000 is for capital equipment, and $1,379,450,000 is for construction projects.

Title II sets forth general provisions that would govern reprogramming of funds, general plant projects, construction projects, fund transfers, construction designs, availability of funds, and pay cost adjustments.

Section 210 would clarify the status of certain contractors that operate or operated Government-owned facilities relating to atomic energy national defense activities and are in litigation arising from those activities. Recently many suits have been

brought against those contractors, alleging that exposure to radiation from the United States atomic weapons testing program resulted in personal injury or death.

Under the Federal Tort Claims Act (FTCA), the United States is not liable and cannot be sued for acts of independent contractors providing goods or services to the United States. The contractors operating nuclear weapons testing facilities for the Department of Energy or its predecessor agencies, or those participating in the atomic weapons testing program, however, are unique. They are not typical of contract suppliers of commercially provided goods or services. Only the Government sets the policy, makes the decisions, and controls activities and circumstances regarding atomic weapons research, development, and testing. Consequently, these contractors were utilized by the United States as instruments of national policy to assist in this entirely governmental task.

Furthermore, the Government reimburses these contractors for any liability arising out of their assistance in the weapons program, including the costs of litigation. Accordingly, section 210 would cause all litigation involving the atomic weapons testing program, including suits now filed against contractors, to be maintained against the United States under the substantive and procedureal requirements of the FTCA.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

THEODORE J. GARRISH,
General Counsel.●

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. PACKWOOD, the names of the Senator from Maine (Mr. MITCHELL), the Senator from Oklahoma (Mr. BOREN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mrs. HAWKINS), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 707

At the request of Mr. RIEGLE, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 707, a bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States.

S. 815

At the request of Mr. HATFIELD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 815, a bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. D'AMATO) was added as cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 2247

At the request of Mr. DECONCINI, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. GLENN), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of S. 2247, a bill to provide for the payment of certain burial benefits for veterans who were former prisoners of war.

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2266

At the request of Mr. CRANSTON, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2299

At the request of Mr. DOLE, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 2299, a bill entitled "the Antifraudulent Adoption Practices Act of 1984."

S. 2358

At the request of Mr. PROXMIRE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2358, a bill to prohibit the U.S. Synthetic Fuels Corporation from making new awards of financial assistance before the comprehensive strategy (as set forth in the Energy Security Act) is approved.

S. 2363

At the request of Mr. PACKWOOD, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Maine (Mr. COHEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SARBANES), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 2363, a bill entitled "the Sex Discrimination in Education Reform Act of 1984."

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2395

At the request of Mr. DENTON, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 2395, a bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence.

SENATE JOINT RESOLUTION 201

At the request of Mr. HATFIELD, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Joint Resolution 201, a joint resolution to provide for the designation of the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week."

SENATE JOINT RESOLUTION 212

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 212, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or meditation.

SENATE JOINT RESOLUTION 227

At the request of Mr. CRANSTON, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Maine (Mr. COHEN) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Ohio (Mr. METZENBAUM), the Senator from Maine (Mr. MITCHELL), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and out-

standing contributions to world literature and human rights.

SENATE JOINT RESOLUTION 247

At the request of Mr. HUMPHREY, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

SENATE JOINT RESOLUTION 255

At the request of Mrs. HAWKINS, the names of the Senator from Illinois (Mr. PERCY), the Senator from North Dakota (Mr. ANDREWS), the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. WALLOP), the Senator from Indiana (Mr. QUAYLE), the Senator from Iowa (Mr. JEPSEN), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of Senate Joint Resolution 255, a joint resolution to designate the month of May 1984 as "Older Americans Month."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress that funding levels for Federal foreign language and international education and exchange programs should be maintained or increased.

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

SENATE RESOLUTION 315

At the request of Mr. PRESSLER, the names of the Senator from Utah (Mr. HATCH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Resolution 315, a resolution relating to the funding of college work-study programs.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE CONCURRENT RESOLUTION 99—CLASSIFICATION OF AGRICULTURAL LOANS

Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. BOREN, Mr. ZORINSKY, Mr. HELMS, Mr. ABDNOR, Mr. EXON, Mr. DIXON, Mr. SASSER, Mr. BURDICK, Mr. ANDREWS, Mr. MELCHER, and Mr. LEAHY) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 99

Whereas high agricultural production costs, the severe drought of 1983, and low prices for some commodities have combined to greatly reduce the income of many agricultural producers and to subject these producers, through no fault of their own, to severe economic hardship and, in many cases, to temporarily impair the ability of such producers to meet loan repayment schedules in a timely fashion; and

Whereas a policy of adverse classification of agricultural loans—that is, designating such loans as problem loans—by bank examiners under these circumstances could trigger a wave of farm foreclosures and similar actions that would depress land values and the value of agricultural facilities and equipment; and

Whereas liquidations of agricultural assets on a broad scale would have a devastating effect on farmers and the banking industry, and on rural United States in general: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Federal bank regulatory agencies should ensure that examiners, in carrying out their duties, exercise caution and restraint in making adverse classifications with respect to agricultural loans. Examiners should give due consideration not only to the current cash flow of agricultural borrowers under financial stress, but also to factors such as loan collateral and ultimate repayment ability. Further, regulatory agencies should continue this policy for so long as the condition of the agricultural economy and the effects of natural disasters temporarily impair the ability of agricultural borrowers to meet scheduled loan repayments.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Comptroller of the Currency and the Chairman of the Federal Deposit Insurance Corporation.

● Mr. HUDDLESTON. Mr. President, the severe drought of 1983 and low prices for some commodities have combined to greatly reduce the income of many farmers and to subject many of them, through no fault of their own, to severe economic hardship. As a result, many farmers are temporarily unable to meet their loan repayment schedules in a timely fashion.

This situation has created a serious problem for many of our Nation's banks which have portfolios containing large numbers of agricultural loans. In regard to such banks, as bank examiners carry out their responsibilities, a disturbing number of agricultural loans are being classified—in other words, designated as problem loans.

Since the number of classified loans in a bank's portfolio is used as a measure of the bank's financial condition, no bank wants to be in a position of carrying a relatively large number of classified loans for an extended period of time.

Therefore, I am concerned that a policy of adverse classification of agricultural loans by bank examiners could trigger a wave of foreclosures and similar actions that would further depress land values and the value of agricultural facilities and equipment.

A broad-scale liquidation of agricultural assets would have a devastating effect on farmers and the banking industry, and on the rural economy in general.

For that reason, I am introducing this resolution stating that it is the sense of Congress that the Federal bank regulatory agencies should insure that examiners, in carrying out their duties, exercise caution and restraint with respect to the classification of agricultural loans and give due consideration not only to the current cash-flow of agricultural borrowers under financial stress, but also to factors such as loan collateral and ultimate repayment ability.

Further, the resolution calls for regulatory agencies to continue this policy for so long as the conditions of the agricultural economy and the effects of natural disasters temporarily impair the ability of farmers to meet scheduled loan repayments.

I urge my colleagues to join me in sponsoring this resolution.●

SENATE RESOLUTION 357—COMMEMORATING THE CAREER AND LIFE OF JACK DEMPSEY

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 357

Whereas Mr. Jack Dempsey was one of America's most beloved sports heroes;

Whereas Mr. Jack Dempsey exemplified the fighting attitude of one of the great eras of this country, the Roaring Twenties, with his never-say-die attitude;

Whereas Mr. Jack Dempsey was one of the very few American heroes whose accomplishments outside of his field of endeavor outstripped even his accomplishments within that field;

Whereas Mr. Jack Dempsey, through his unrivalled generosity, left an indelible imprint on all Americans, not just those interested in sports:

Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that Mr. Jack Dempsey be commended for his activities;

And, that we should rightfully commemorate his accomplishments.

And, further, that it is the sense of the Senate that these sentiments be transmitted to his beloved widow, Mrs. Deanna Dempsey in the appropriate manner.

● Mr. D'AMATO. Mr. President, I rise to ask this body to honor one of America's greatest sports legends, the late Jack Dempsey. A legend in the boxing ring as well as in everyday life, Jack Dempsey's rise to heavyweight champion made him an example of the American spirit throughout the "Golden Age of Sports," the 1920's.

Like other legendary sports figures of that era, such as Babe Ruth, Bobby Jones, and Johnny Weissmuller, Jack Dempsey's style and accomplishments in his sport were revolutionary. Dempsey's aggressive "bob and weave" style ended the era of stand-up defensive style boxing forever and turned boxing into a top drawing spectator sport.

Winning the heavyweight crown for the first time in 1919, Dempsey retained the title until 1926. But his loss did not affect his popularity with the American public. Jack Dempsey remained a hero because he found success in his failures, an accomplishment endearing to many people who viewed Dempsey's rise to champion as representative of the every day battles of most ordinary Americans.

His life before becoming champion also adds to the legend his name carries. The son of an impoverished midwestern family, a miner at 13, a veteran of hobo jungles at 19, and heavyweight champion of the world at 24, Jack Dempsey's struggle is a true symbol of the American dream.

His legend is further supported by his unfailing kindness outside of the ring. From his restaurant on Broadway, Jack Dempsey played the role of host to the city of New York, as well as of a gentle, charitable man, always willing to help the unfortunate and the needy.

Touted as the greatest fighter of the half century in 1950 and inducted into the Boxing Hall of Fame in 1954, Jack Dempsey is still remembered as one of the greatest fighters of all time. But his legend is incomplete without mention of his kindness out of the boxing arena. Jack Dempsey was perhaps one of the last true heroes, a man who represented something far greater than succeeding financially, in fact, a very symbol of success in all aspects of his life: A symbol which I hope this body will help preserve so that it can continue to inspire and guide those in the world of sports, as well as all people hoping to succeed everywhere.●

AMENDMENTS SUBMITTED

IMPROVED WHEAT PROGRAM

JOHNSTON (AND OTHERS) AMENDMENT NO. 2808

Mr. JOHNSTON (for himself, Mr. METZENBAUM, and Mr. RUDMAN) proposed an amendment to the bill (H.R. 4072) to provide for an improved program for wheat; as follows:

At the appropriate place in the bill insert the following:

"SEC. . (a) MERGER LIMITATION.—Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof) to acquire control of a substantial energy reserve holder through a purchase of voting securities or assets or a merger after February 28, 1984, and prior to 180 days following the date of enactment of this section.

"(b) LIMITATION ON ROYALTY TRUST OWNERS.—

"(1) Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof, or person acting in concert therewith) who, within the twelve months prior to enactment, had an interest in a royalty trust—

"(A) to acquire, directly or indirectly, by purchase, trade or otherwise any voting securities of, or

"(B) to solicit any proxy, consent or authorization with respect to voting securities of,

any substantial energy reserve holder during the period beginning on February 28, 1984 and ending 180 days after the date of enactment of this section if after such acquisition that person would own, directly or indirectly, or have the power to vote, directly or indirectly, more than five percent of the outstanding voting securities of any such substantial energy reserve holder.

"(2) Any person holding any voting security in violation of paragraph (1) shall be required to divest himself within 30 days after enactment of this section of any voting securities acquired after February 28, 1984.

"(c) DEFINITIONS.—For purposes of this section, the term—

"(1) 'merger' includes mergers, consolidations, or acquisitions whereby one person purchases, directly or indirectly, the voting securities of any person and thereby acquires control or a majority of the assets of another. This section does not apply to mergers for which preliminary approval has been received prior to February 28, 1984 from the Federal Trade Commission and the purchase of controlling stock has taken place, regardless of whether such stock is held in a separate account pending final Federal Trade Commission approval;

"(2) 'person', 'affiliate', and 'control' shall be defined as such terms are defined in the Securities Act of 1933, as amended (15 U.S.C. 77a-77bbbb) and the rules and regulations thereunder;

"(3) 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the requirements of the Financial Accounting Standards Board Statement Number 69; and

"(4) 'royalty trust' means any entity substantially all the assets of which consist of ownership of a nonoperating interest (including a royalty interest or a net profits interest) of one or more oil or natural gas producing properties.

"(d) ENFORCEMENT.—Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that any person has engaged in, is engaged in, or is about to engage in, any acts or practices constituting a violation of this section, the aggrieved person may bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

"(e) ESTABLISHMENT OF COMMISSION.—There is established a special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts.

"(1) MEMBERSHIP.—Membership shall consist of two members selected by the Speaker of the House of Representatives, two members selected by the Minority Leader of the House of Representatives, two members selected by the Majority Leader of the United States Senate, two members selected by the Minority Leader of the United States Senate, and one member selected by the President of the United States.

"(2) STUDY REQUIREMENTS.—The Commission shall study the impact of oil industry mergers, acquisitions and royalty trusts on—

"(A) concentration in the oil and gas industry;

"(B) competition at all levels of the oil and gas industry, including, but not limited to, the effects on independent refiners, marketers and retailers of petroleum products;

"(C) exploration, development and production of oil and gas resources owned by the United States;

"(D) federal revenues from exploration, development and production of oil and gas resources owned by the United States;

"(E) the capacity and incentive of companies aggressively to develop domestic oil and gas resources;

"(F) oil imports, particularly from the Organization of Petroleum Exporting Countries;

"(G) the possibility that foreign interests may acquire a greater ownership interest in domestic energy concerns; and

"(H) domestic credit markets and interest rates.

"(3) REPORT.—The Commission shall report its findings to the Congress within 120 days after enactment of this provision. The report shall include all relevant documentation and data determined by the Commission to be necessary to provide a basis for such findings.

"(4) MISCELLANEOUS PROVISIONS.—

"(A) All federal departments and agencies shall make available, upon request, to the Commission such information as the Commission deems necessary to prepare the required report. Any person who has obtained possession of information under this paragraph shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States with respect to such disclosure.

"(B) The Commission shall hold such hearings and meetings as it deems necessary to collect and evaluate information and

make its findings. All such hearings and meetings shall be open to the public unless a majority of the commission votes in open session to close such hearings and meetings.

"(C) Commission members may receive travel and per diem expenses for each day such member is engaged in the work of the Commission. Travel and per diem reimbursement shall be up to a daily rate in accordance with the Federal Travel Regulations.

"(D) The expenses of the Commission established by this subection, including such sums as may be necessary to hire staff and complete its report, shall be paid from the contingent fund of the Senate.".

SOLID WASTE DISPOSAL ACT AUTHORIZATION

KASTEN AMENDMENT NO. 2809

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill (S. 757) to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; as follows:

SEC. 9. (a) RESEARCH, DEVELOPMENT AND DEMONSTRATION PERMITS.—Section 3005 is amended by adding the following new subsection at the end thereof:

"(h) RESEARCH, DEVELOPMENT AND DEMONSTRATION PERMITS.—(1) The Administrator may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposed to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under this subtitle, including demonstrations to prove the efficacy of a technology to specific waste streams from individual generators. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits—

"(A) shall provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than three hundred and sixty-five operating days, and shall not be renewable;

"(B) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the administrator deems necessary for purposes of determining the efficacy and performance capacities of the technology or process and the effects of such technologies or process on human health and the environment; and

"(C) shall include such requirements as the Administrator deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, financial responsibility, closure, and remedial action), and such requirements as the Administrator deems necessary regarding testing and providing of information to the Administrator with respect to the operation of the facility.

The Administrator may apply the criteria set forth in this paragraph in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

"(2) For the purpose of expediting review and issuance of permits under this subsection, the Administrator may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements established in the Administrator's general permit regulations except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures established under section 7004(b)(2) regarding public participation.

"(3) The Administrator may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment."

● Mr. KASTEN. Mr. President, today I am submitting an amendment to the Resource Conservation and Recovery Act to encourage the development of new methods for treating hazardous wastes.

The improper disposal of hazardous wastes poses an extremely serious threat to the health and safety of the American people. The adoption of the Resource Conservation and Recovery Act (RCRA) and the Superfund legislation were landmarks in Federal legislation to protect public health. Both of these acts have resulted in better management of solid and hazardous wastes.

The all-too-common action known as "midnight dumping," where toxic chemicals have been indiscriminately dumped, is being controlled by RCRA and Superfund. Rigorous standards have been developed for the disposal of hazardous wastes. Unfortunately, the job is not yet done.

A large volume of toxic waste is now disposed of in landfills. In actuality, these materials are not disposed of, but stored in these landfills. While today's landfills are far superior to unregulated dumps, these materials are not disposed of. Hazardous wastes in secure landfills are better managed than those in uncharted dumps, but they are still a problem.

In order to further improve the management of hazardous wastes, we need to encourage the development of new management techniques. We need to encourage the development of new technology to reduce hazardous materials to a usable product or inert form.

The amendment I am offering today encourages the use of new and innovative treatment technologies. Specifically, it allows the Administrator of the Environmental Protection Agency (EPA) to issue permits for research, development, and demonstration facilities. These facilities may operate for 365 days.

In drafting this amendment, I have worked closely with representatives of environmental and industry groups. In addition, I have conferred with the EPA about the necessity for this provision, and possible administrative problem. All of these groups have been very favorable about this amendment.

Mr. President, I ask at this time that the text of my amendment be printed in the RECORD so that it is available for other Senators to review.

Finally, I ask the amendment be held at the desk so that it may be called up during the Senate's debate of the reauthorization of RCRA.●

IMPROVED WHEAT PROGRAM

METZENBAUM (AND OTHERS) AMENDMENT NO. 2810

Mr. METZENBAUM (for himself, Mr. JOHNSTON and Mr. RUDMAN) proposed an amendment to amendment No. 2808, to the bill H.R. 4072, supra, as follows:

In lieu of the language proposed to be inserted, insert the following:

"SEC. . (a) MERGER LIMITATION.—Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof) to acquire control of a substantial energy reserve holder through a purchase of voting securities or assets or a merger after March 21, 1984, and prior to 180 days following the date of enactment of this section.

"(b) LIMITATION ON ROYALTY TRUST OWNERS.—

"(1) Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof, or person acting in concert therewith) who, within the twelve months prior to enactment, had an interest in a royalty trust—

"(A) to acquire, directly or indirectly, by purchase, trade or otherwise any voting securities of, or

"(B) to solicit any proxy, consent or authorization with respect to voting securities of,

any substantial energy reserve holder during the period beginning on March 21, 1984 and ending 180 days after the date of enactment of this section if after such acquisition that person would own, directly or indirectly, or have the power to vote, directly or indirectly, more than five percent of the outstanding voting securities of any such substantial energy reserve holder.

"(2) Any person holding any voting security in violation of paragraph (1) shall be required to divest himself within 30 days after enactment of this section of any voting securities acquired after March 21, 1984.

"(c) DEFINITIONS.—For purposes of this section, the term—

"(1) 'merger' includes mergers, consolidations, or acquisitions whereby one person purchases, directly or indirectly, the voting securities of any person and thereby acquires control or a majority of the assets of another. This section does not apply to purchases or acquisitions of voting securities, or assets, or mergers for which both persons (or in the case of a tender offer, the acquiring person) filed, prior to March 21, 1984, a premerger notification pursuant to section 7A of the Clayton Act, as amended by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a);

"(2) 'person', 'affiliate', and 'control' shall be defined as such terms are defined in the Securities Act of 1933, as amended (15 U.S.C. 77a–77bbbb) and the rules and regulations thereunder;

"(3) 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the requirements of the Financial Accounting Standards Board Statement Number 69; and

"(4) 'royalty trust' means any entity substantially all the assets of which consist of ownership of a nonoperating interest (including a royalty interest or a net profits interest) of one or more oil or natural gas producing properties.

"(d) ENFORCEMENT.—Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that any person has engaged in, is engaged in, or is about to engage in, any acts or practices constituting a violation of this section, the aggrieved person may bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

"(e) ESTABLISHMENT OF COMMISSION.—There is established a special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts.

"(1) MEMBERSHIP.—Membership shall consist of two members selected by the Speaker of the House of Representatives, two members selected by the Minority Leader of the House of Representatives, two members selected by the Majority Leader of the United States Senate, two members selected by the Minority Leader of the United States Senate, and one member selected by the President of the United States.

"(2) STUDY REQUIREMENTS.—The Commission shall study the impact of oil industry mergers, acquisitions and royalty trusts on—

"(A) concentration in the oil and gas industry;

"(B) competition at all levels of the oil and gas industry, including, but not limited to, the effects on independent refiners, marketers and retailers of petroleum products;

"(C) exploration, development and production of oil and gas resources owned by the United States;

"(D) federal revenues from exploration, development and production of oil and gas resources owned by the United States;

"(E) the capacity and incentive of companies aggressively to develop domestic oil and gas resources;

"(F) oil imports, particularly from the Organization of Petroleum Exporting Countries;

"(G) the possibility that foreign interests may acquire a greater ownership interest in domestic energy concerns; and

"(H) domestic credit markets and interest rates.

"(3) REPORT.—The Commission shall report its findings to the Congress within 120 days after enactment of this provision. The report shall include all relevant documentation and data determined by the Commission to be necessary to provide a basis for such findings.

"(4) MISCELLANEOUS PROVISIONS.—

"(A) All federal departments and agencies shall make available, upon request, to the Commission such information as the Commission deems necessary to prepare the required report. Any person who has obtained possession of information under this paragraph shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States with respect to such disclosure.

"(B) The Commission shall hold such hearings and meetings as it deems necessary to collect and evaluate information and make its findings. All such hearings and meetings shall be open to the public unless a majority of the commission votes in open session to close such hearings and meetings.

"(C) Commission members may receive travel and per diem expenses for each day such member is engaged in the work of the commission. Travel and per diem reimbursement shall be up to a daily rate in accordance with the Federal Travel Regulations.

"(D) The expenses of the Commission established by this subsection, including such sums as may be necessary to hire staff and complete its report, shall be paid from the contingent fund of the Senate.".

HEFLIN AMENDMENT NO. 2811

Mr. HEFLIN (for himself and Mr. BOREN) proposed an amendment to the bill H.R. 4072, supra, as follows:

On page 13, line 19, strike out "four million" and insert in lieu thereof "three million seven hundred thousand".

On page 14, line 1, strike out "con-" and everything that follows through the period on line 6 and insert in lieu thereof the following: "consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.".

On page 15, line 9, insert immediately before the period the following: ": *Provided*, That if the Secretary estimates that the quantity of upland cotton on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed (I) four million one hundred thousand bales such rate shall be established by the Secretary at not less than $0.30 per pound, and (II) four million seven hundred thousand bales such rate shall be established by the Secretary at not less than $0.35 per pound".

MELCHER (AND OTHERS) AMENDMENT NO. 2812

Mr. MELCHER (for himself, Mr. BAUCUS, Mr. EXON, and Mr. ZORINSKY) proposed an amendment to the bill H.R. 4072, supra, as follows:

On page 5, line 20, strike out "and $4.38 per bushel for the 1984 and 1985 crops" and insert in lieu thereof "$4.38 per bushel for the 1984 crop, and $4.45 per bushel for the 1985 crop".

BUMPERS (AND OTHERS) AMENDMENT NO. 2813

Mr. BUMPERS (for himself, Mr. EAGLETON, and Mr. EXON) proposed an amendment to the bill H.R. 4072, supra, as follows:

At the appropriate place in the committee amendment, insert the following new section:

SEC. . Section 1970 of title 7, United States Code, is amended by adding the following language at the end of the section: "For the crop year 1983 and later crop years, the Secretary shall base single enterprise production loss determinations on actual production only, and shall not include projected production determinations from payment-in-kind or land diversion program participation."

ZORINSKY (FOR DIXON) (AND OTHERS) AMENDMENT NO. 2814

Mr. ZORINSKY (for Mr. DIXON) (for himself, Mr. PERCY, Mr. HUDDLESTON, Mr. MELCHER, Mr. JEPSEN, Mr. BENTSEN, and Mr. BOREN) proposed an amendment to the bill H.R. 4072, supra, as follows:

"CONFLICTS OF INTEREST

"SEC. 607. Section 336 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended by—

"(1) designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

"(2) inserting after subsection (a) (as designated under clause (a) of this section) the following new subsection:

"'(b) No officer or employee of the Secretary who acts on or reviews an application made by any person under this title for a loan to purchase land may acquire, directly or indirectly, any interest in such land for a period of three years after the date on which such action is taken or such review is made.'.".

NUNN (AND OTHERS) AMENDMENT NO. 2815

Mr. NUNN (for himself, Mr. COCHRAN, Mr. WARNER, Mr. MATTINGLY, and Mr. STENNIS) proposed an amendment to the bill H.R. 4072, supra, as follows:

After line 5 on page 25 insert the following:

"SEC. 607. Notwithstanding any other provision of law, the Secretary of Agriculture, in his discretion, is authorized to develop and implement a program for the amortization of delinquent Farmers Home Administration loans from future revenues generated by timber crops planted and managed on lands previously used to produce commodities or pasture and subject to existing Farmers Home Administration liens. The Secretary is required to submit a report to Congress within 180 days after the date of enactment of this Act outlining the feasibility of such program and the plan for its implementation.".

HUDDLESTON (AND OTHERS) AMENDMENT NO. 2816

Mr. ZORINSKY (for Mr. HUDDLESTON) (for himself, Mr. HELMS, Mr. BOREN, and Mr. JEPSEN) proposed an amendment to the bill H.R. 4072, supra; as follows:

On page 20, after line 17, insert a new section 502 as follows:

"ACQUISITION AND DONATION OF ULTRA-HIGH TEMPERATURE PROCESSED MILK

"SEC. 502. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by—

"(1) inserting '(a)' immediately after 'SEC. 416.';

"(2) striking out 'section' each place that word appears and inserting in lieu thereof 'subsection'; and

"(3) adding, at the end thereof, a new subsection (b) as follows:

"'(b) To prevent the waste of dairy products acquired by the Commodity Credit Corporation through price support operations, the Corporation, on such terms and under such regulations as the Secretary may prescribe, shall carry out a two-year pilot program under which the Corporation shall barter or exchange such dairy products, to the extent they are available, for 40,000 metric tons (consisting of 20,000 metric tons in each year of the pilot program) of ultra-high temperature processed fluid milk. Such barter or exchange shall be effected on the basis of competitive bids submitted by domestic processors. The processed milk acquired by the Corporation under this subsection shall be available for donation through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Corporation may pay, with respect to such processed milk donated under this subsection, transporting, handling, and other charges, including the cost of overseas delivery. Any donations under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. The pilot program shall be implemented by the Corporation as soon as practicable after the enactment of the Agricultural Programs Adjustment Act of 1984 and shall be operated for a period of two years after its implementation. Upon completion of the pilot program, the Secretary shall submit a report to Congress on its operation.'.".

HELMS (AND HUDDLESTON) AMENDMENT NO. 2817

Mr. HELMS (for himself and Mr. HUDDLESTON) proposed an amendment to the bill, H.R. 4072, supra; as follows:

On page 6, line 13, insert "not more than" immediately before "20".

On page 9, line 13, insert immediately after "prescribe" the following: "that are in no event more restrictive than those in effect for that part of the 1983 crop of wheat planted before January 11, 1983".

On page 21, lines 5 and 6, strike out "that has been designated by the Secretary as having" and insert in lieu thereof "where the Secretary has found that farming, ranching, or aquaculture operations have".

On page 22, insert the following between lines 7 and 8:

"(d) The amendments made by this section shall be applicable to disasters occurring on or after May 31, 1983.".

On page 23, line 14, strike out "farms" and insert in lieu thereof "farm".

On page 23, line 15, strike out "year" and insert in lieu thereof "years".

PRYOR (AND OTHERS) AMENDMENT NO. 2818

Mr. PRYOR (for himself, Mr. BUMPERS, Mr. BOREN, Mr. EXON, Mr. BAUCUS, Mr. HUDDLESTON, and Mr. FORD) proposed an amendment to the bill H.R. 4072, supra; as follows:

At the end of the substitute reported by the committee, add the following new title:

"Title VII"

SEC. 701. This Act may be cited as the "Grain Storage Compensation Act of 1983".

SEC. 702. As used in this Act, unless the context clearly requires otherwise—

(1) the term "depositor" means the owner or holder of a scale ticket, a warehouse receipt, or other original source document issued by a warehouse for grain who resides in a State and who is entitled to possession of payment for the grain represented by such ticket, receipt, or other document;

(2) the term "grain" means barley, corn, cotton, dry edible beans, flaxseed, grain sorghum, oats, rice, rye, soybeans, sunflower seeds, wheat, and any other commodity which is commonly classified as a grain and traded at, or stored in, a warehouse;

(3) the term "insolvent" has the same meaning given to such term under section 101(26) of title 11, United States Code;

(4) the term "Secretary" means the Secretary of Agriculture;

(5) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Somoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific;

(6) the term "surplus commodities" means agricultural commodities owned and held by the Commodity Credit Corporation that are not obligated for any other purpose under any other provision of law; and

(7) the term "warehouse" means every building, structure, or other protected inclosure in which any agricultural commodity is or may be stored.

COMPENSATION FOR INSOLVENCY OF WAREHOUSES

SEC. 703. (a) Subject to subsection (b), in any case in which a depositor has sustained a loss of grain, the loss of such grain was the direct result of the insolvency of a warehouse in which the grain was stored, and the insolvency occurred at any time during the period beginning on December 1, 1979, and ending on the date of the enactment of this Act, the Secretary shall transfer to such depositor, in accordance with this Act—

(1) surplus commodities of the same type as the lost grain in such amount and quality the Secretary determines sufficient to compensate such depositor for such loss;

(2) if the Secretary determines that there are insufficient quantities of grain to meet the requirements of clause (1), surplus commodities other than such grain in such amount, type, and quality the Secretary determines sufficient to compensate such depositor for such loss.

(b) To be eligible to receive such compensation under this Act, a depositor must enter into a contract with the Secretary under which the depositor agrees—

(1) to transfer to the Secretary in no more than ten equal annual installments agricultural commodities in such amount, type and quality as the Secretary determines equal the amount of compensation received by the depositor under this Act; and

(2) to comply with such other terms and conditions as the Secretary determines necessary to effectuate the purposes of this Act or to facilitate the administration of this Act, or both.

NOTICE OF COMPENSATION

SEC. 704. (a) Within sixty days of the date of the enactment of this Act, the Secretary shall publish—

(1) in the Federal Register a notice containing a list of the warehouses throughout the United States which became insolvent during the period described in section 3; and

(2) in a newspaper of general circulation in the area of each warehouse which became insolvent during the period described in section 3 a notice containing the name of such warehouse.

(b) The Secretary shall include in each notice described in subsection (a) a summary of the compensation program provided for in this Act, including a summary of the eligibility requirements described in section 5(a).

PAYMENT OF COMPENSATION

SEC. 705. (a) To be eligible to receive compensation under this Act, a depositor must, within sixty days after the date of publication of the notice described in section 4 (a) (2), file a written application for such compensation with the depositor's local office of the Agricultural Stabilization and Conservation Service. The application must describe the type and quantity of grain lost as a result of the insolvency of a warehouse described in section 3.

(b)(1) Within thirty days of the receipt of an application described in subsection (a), the Secretary shall determine if a depositor qualifies for compensation under this Act.

(2) If the Secretary approves an application for compensation under this Act, the Secretary shall, at the earliest practicable time, transfer to such depositor surplus commodities, or title to such commodities, in accordance with section 3.

(3) If the Secretary denies, in whole or in part, an application for compensation under this Act, the depositor shall have the right to appeal administratively such denial.

AUTHORIZATION OF APPROPRIATIONS

SEC. 706. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to receive testimony on the report of the Commission on Fair Market Value Policy for Federal Coal Leasing. This oversight hearing will be held on Thursday, April 5, beginning at 11 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing

before the Subcommittee on Public Lands and Reserved Water to consider S. 2125, the Arkansas Wilderness Act of 1983. The hearing will be held on Friday, April 6, beginning at 10 a.m. in room SD-628 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Due to the number of witnesses expected to testify, oral testimony will be limited in time; witnesses will be placed in panels.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 21, to hold an oversight hearing on the food stamp program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 21, at 10 a.m., to hold a hearing to consider the international narcotics control authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 21, at 2:10 p.m., to consider the nomination of Harry Shlaudeman to be Ambassador at Large.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 21, to hold an executive session to consider the Armed Services Committee recommendation to the Budget Committee on the fiscal year 1985 defense funding level.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services and the Subcommittee on Military Construction of the Committee on Appropriations be authorized to hold a joint hearing during the session of the Senate on Wednesday, March 21, to consider S. 2364, fiscal year 1985 military construction.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Sea Power and Force Projection of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 21, to hold an open hearing to be followed with a closed hearing on Navy research and development matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 21, at 10 a.m., to hold an oversight hearing on the report of the Commission on fair market value policy for Federal coal leasing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Wednesday, March 21, at 2 p.m., to hold a hearing to consider S. 1329 (sections 201 and 204), to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 21, at 2 p.m., to hold a hearing to consider the nominations of Ruth Peters and Frieda Waldman to be members of the Board of Governors of the U.S. Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 21, in order to hold a hearing on commodity fraud investment schemes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 21, to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 100 CLUB OF SOUTHERN ARIZONA

● Mr. DECONCINI. Mr. President, each day police officers and firefighters around the country risk their lives protecting the citizens of our country. Three citizens from the city of Tucson have formed an organization to provide financial aid to the dependents and families of public safety officers—police, sheriff, and fire—who are killed in the line of duty. This group, called the 100 Club of Southern Arizona, should be congratulated for their efforts on such a worthwhile cause.

At this point, I wish to insert in the RECORD, the following article on the 100 Club which appeared in the Tucson Citizen, Friday, August 5, 1983, and the club's articles of incorporation.

The material follows:

ARTICLES OF INCORPORATION OF THE 100 CLUB OF SOUTHERN ARIZONA, INC.

(A nonprofit corporation)

1. The name of the corporation is the 100 Club of Southern Arizona, Inc.

2. The corporation is organized for the purpose of raising money to provide benefits for families of public safety officials who are killed in the line of duty, as well as for any other purpose for which nonprofit corporations may be organized under the laws of the State of Arizona.

3. The corporation initially intends to raise money in order to provide benefits for the families of public safety officials killed in the line of duty.

4. The initial statutory agent for the corporation is: Mark Rubin, 33 N. Stone, Suite 1100, Tucson, Ariz. 85701-1489.

5. The initial board of directors shall consist of three Directors. The persons who shall serve as Directors until such time as their successors are elected and qualified, and their respective addresses, are as follows:

Samuel Winchester Morey, 6860 N. Calle Mechero, Tucson, Ariz. 85718.

Jay Joseph McCall, 1665 West Hudson Drive, Tucson, Ariz. 85704.

Mark Rubin, 33 N. Stone, Suite 1100, Tucson, Ariz. 85701-1489.

The number of persons to serve on the board of directors shall thereafter be fixed by the bylaws.

6. The initial directors are also the incorporators of the corporation.

7. The corporation shall have all of the powers granted nonprofit corporations under the laws of the State of Arizona; however, notwithstanding anything herein to the contrary, the corporation shall exercise only such powers as are furtherance of the exempt purposes of organizations set forth in the sub-section of section 501(c) of the Internal Revenue Code of 1954, under which the corporation chooses to qualify for exemption, as the same now exists, or as it may be amended from time to time.

8. In the event of a dissolution of the corporation, no member shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the corporation from any source, after the payment of all debts and obligations of the corporation, shall be used or distributed exclusively for purposes encompassed by section 501(c) of the Internal Revenue Code of 1954 as the same now exists or as it may be amended from time to time.

9. The principal place of business of the corporation shall be located at: 5671 North Oracle Road, Suite 108, Tucson, Ariz. 85704.

In witness whereof we have hereunto set our hands this 1st day of August, 1983.

SAMUEL W. MOREY.
JAY JOSEPH MCCALL.
MARK RUBIN.

State of Arizona, County of Pima.

Samuel Wincester Morey, Jay Joseph McCall, and Mark Rubin, being first duly sworn upon their oath depose and say: That they are the incorporators aforementioned; that they have read the foregoing articles of incorporation and know the contents thereof and that they have executed the same for the purpose therein stated.

SAMUEL W. MOREY.
JAY JOSEPH MCCALL.
MARK RUBIN.

Subscribed and sworn to before me this 1st day of August, 1983, by Samuel Winchester Morey.

GAIL ZIMMERMAN,
Notary Public.

My commission expires: December 9, 1983.

Subscribed and sworn to before me this 1st day of August, 1983, by Jay Joseph McCall.

GAIL ZIMMERMAN,
Notary Public.

My commission expires: December 9, 1983.

Subscribed and sworn to before me this 1st day of August, 1983, by Mark Rubin.

GAIL ZIMMERMAN,
Notary Public.

My commission expires: December 9, 1983.

CONSENT TO ACT AS STATUTORY AGENT

I, Mark Rubin, having been designated to act as statutory agent, hereby consent to act in that capacity until removal or resignation is submitted in accordance with the Arizona revised statutes.

MARK RUBIN,
Statutory Agent,
the 100 Club of Southern Arizona, Inc.

[From the Tucson Citizen, Aug. 5, 1983]

GROUP WILL HELP FAMILIES OF DEAD POLICE, FIREFIGHTERS

A citizens group has formed to provide financial aid to dependents of police and firefighters who are killed on duty, or who die and leave dependents in financial need.

Called the 100 Club of Southern Arizona, the organization is open to all Southern Arizona residents. Businesses, associations and other organizations may become sponsors. Active membership fees are $250 a year and sponsorship fees are $1,000 a year.

Organization officials say that tax-supported life insurance for Tucson police and firemen killed on duty amounts to one year's salary, and is $10,000 for Sheriff's Department personnel. Survivors of Rural Metro Fire Department members receive $10,000.

Additionally, if an officer is killed in the line of duty while enforcing a federal law, his survivors are eligible for a $50,000 federal grant, said Tucson police officer Jon M. Heiden, secretary of Fraternal Order of Police Lodge 1.

However, there is an immediate need for cash aid, said police spokesman Officer Michael Walsh, who said that it takes time to get the federal money. Other financial aid is needed, because survivors immediately face burial costs, plus other household bills, Walsh said.

According to the group's bylaws, the club may provide $2,500 immediately to the spouse or other survivor of an officer killed during duty. The club also can defray any indebtedness up to $20,000, including home mortgage and funeral costs, and give each surviving child a $100 U.S. Savings Bond each Christmas until age 18. It also can establish a trust fund for surviving children, when both parents are deceased or absent, and can provide financial help for children to attend college or take vocational training.

For deaths of officers not on duty, the club may provide $2,500 immediately to spouse or survivor and a $100 U.S. Savings Bond each Christmas for five years for each surviving child.

The group is patterned after one started in Detroit in 1952, after the killing of a police officer. The incorporators are Samuel Winchester Morey, Jay Joseph McCall and Mark Rubin. Membership applications are available at 5671 N. Oracle Road, Suite 108, Tucson, 85704.●

THE HEROIC EFFORTS OF MELVIN WALLACE

● Mr. DECONCINI. Mr. President, today I am proud to have the opportunity to relate to the Senate the heroic efforts of a Roosevelt, Ariz., man, Melvin Wallace. On May 26, 1983, Mr. Wallace risked his life to save the lives of four others, including two small children. While stopped at an intersection on State Road 88, Wallace witnessed a pickup truck pass with its brakes on fire. The truck was carrying a large camper and pulling a boat.

Familiar with the area, Wallace maneuvered his vehicle through dangerous curves and steep grades and placed his vehicle in front of the truck, which was traveling at approximately 40 m.p.h. Through his heroic action, he was able to bring the runaway truck to a halt. After insuring the safety of the occupants, Mr. Wallace poured water on the burning brakes of the truck; then left to get help from a local garage. Mr. Wallace's courage should not go unnoticed. I ask that the certificate of appreciation given to Mr. Wallace by the Arizona Department of Public Safety be printed in the RECORD.

The certificate follows:

STATE OF ARIZONA

DEPARTMENT OF PUBLIC SAFETY

CERTIFICATE OF APPRECIATION

This Certifies That Mr. MELVIN WALLACE, whose performance and acceptance of civic responsibility has assisted in the Department of Public Safety mission, is hereby awarded this certificate in recognition of the assistance rendered.

In witness whereof, hereunto is affixed my signature at Phoenix, Arizona.

Issued this 23rd day of January 1984.

RALPH M. STEAD,
Director,
Department of Public Safety.●

SCHOOL PRAYER

● Mr. PELL. Mr. President, the Senate has just concluded nearly 3 weeks of extensive debate on the school prayer constitutional amendment. The debate on this proposal reinforced my deep conviction of the strength of feeling and sincerity that are shared by the supporters of this amendment. The debate also convinced me, after a great deal of consideration, that the question of vocal prayer in the public schools presents so many unresolved problems and complications that the only proper course for the Senate is to defeat this amendment.

In stating my opposition to Senate Joint Resolution 73, I want to stress my longstanding support for a voluntary moment of silent prayer in the schools. I regret the absence of voluntary prayer from so many of our schools today, and during the debate on this matter last week I voted in support of the substitute amendment of my colleague from Illinois, Senator DIXON, which would have clarified the right to a voluntary moment of silence of meditation in the schools, as well as insuring equal access to school facilities for vocal prayer meetings before and after school hours in the same way that school property may now be used for other voluntary activities. Because of the uncertainty which presently exists due to conflicting court decisions, the Dixon substitute amendment would have been a constructive step toward encouraging wider use of the voluntary moment of silent prayer.

The choice before the Senate, however, involved a constitutional amendment which will necessarily involve the Government in the process of sanctioning and selecting organized, recited prayer in the schools. This step, in my view, would dangerously breach the tradition of Government neutrality toward all religions which has permitted the development of a diverse and pluralistic society characterized by religious peace and tolerance. For over two centuries our society has

been well served by the practice of official Government neutrality toward religion.

In that regard, I would point out that the great majority of religious leaders in our society today agree that organized, recited prayer in the schools represents a danger to religious liberty and a threat to our traditional constitutional protection of religious minorities. In addition, many religious leaders agree that a daily rote recitation of a school-sponsored prayer contributes little to the advancement of religion. Moreover, in our diverse society, recited prayer which does contain depth and meaning for some will inevitably be offensive to others. Excusing young children with the courage to dissent from organized prayer will not—as so many observers have pointed out—spare them from the inevitable opprobrium of peers and teachers.

Religion does not need, and should not have, the sponsorship or support of Government. The Supreme Court decision barring official prayer in public schools does not prevent students from engaging in whatever silent prayers are prompted by their individual consciences or the teachings of their parents. I would have preferred to see the Senate clarify that right to individual silent prayer or meditation. Failing that, I believe it would be a dangerous mistake for the Senate to adopt an amendment that opens the door for Government to sanction and select vocal prayers written by and for particular religious groups. For that reason, I voted against Senate Joint Resolution 73.●

LARGEST COCAINE SEIZURE MADE IN COLOMBIA

● Mr. CHILES. Mr. President, I want to congratulate the Colombian National Police for their efforts in bringing about the largest cocaine seizure ever made by any law enforcement agency in the world.

It has just come to light that on March 10, 1984, 13.8 metric tons of cocaine, worth approximately $1.2 billion on the street, were confiscated by Colombia's police force in one of the biggest drug raids ever made. A U.S. Embassy observer was right along with them on their attack on a huge cocaine processing complex located in Caquetá Province, an area close to Ecuador and Peru.

These brave law enforcement officers and the Government of Colombia should be saluted for this magnificent helping hand they have given the American people in our fight against drug trafficking.

Here is a case where the aid moneys we have expended overseas were certainly cost beneficial. Last year, we gave Colombia $3.5 million for international narcotics control which makes efforts like the March 10 raid, intelligence gathering, and eradication programs possible.

Back in 1979, I sought and obtained additional funds for fighting the importation of drugs from Colombia, $16 million was finally added that year and it helped establish a 1,200-man special antinarcotics unit with the Colombian National Police. The commander of that special unit was in charge of the unprecedented raid we applaud today. That first appropriation of $16 million also paid for training the Colombian customs personnel, training their air force, and providing aircraft and equipment for narcotics control activities.

In this one operation, an amount was seized that equals one-fourth the annual cocaine consumption in the United States. Taking one-fourth of the cocaine off the market with one blow at the source is exactly the result I had in mind when urging the Senate to increase the aid for international narcotics control in Colombia.

Foreign aid often times is criticized; but you can see that when such aid is used in efforts like the one before us, you cannot argue with the expenditure; $3½ million to Colombia this year has now been repaid 300 times over by taking $1.2 billion dollars' worth of cocaine out of the dealers' pockets and out of the drug traffickers' underground economy.

The more we can see the drug flow stopped at the source, the less we will have to spend in law enfocement in this country. Money can be saved which would otherwise be needed for overcrowded courts, prisons, and drug programs set up to combat the devastating effects drugs have on our society.

It is imperative that we acknowledge the good work of Colombia and encourage more such efforts in the future and in other Latin America countries.

Mr. President, I ask to include in the RECORD the March 21, 1984, New York Times article entitled "Cocaine Valued at $1.2 Billion Reported Seized in Colombia." It is an exciting story about an important lesson on the effective use of law enforcement funding.

The article follows:

[From the New York Times, Mar. 21, 1984]

COCAINE VALUED AT $1.2 BILLION REPORTED SEIZED IN COLOMBIA

WASHINGTON, March 20.—The Colombian police attacked an isolated jungle cocaine processing plant guarded by Communist guerrillas 10 days ago and seized 13.8 tons of cocaine with a street value of $1.2 billion, the United States Ambassador to Colombia said today.

"It's the largest drug raid ever in the world," the Ambassador, Lewis A. Tambs, said. "Never has anyone been found with that much cocaine."

He added: "It's the largest success we've had. It's the largest drug arrest ever by any standard—money value, product, the amount seized. We got about one quarter of the estimated annual consumption of cocaine in the United States."

[A spokesman for the Justice Department's Drug Enforcement Administration confirmed the seizure. "It was by far the largest seizure ever, any time, any place," the spokesman, Robert H. Feldcamp, said. The Drug Enforcement Administration estimates that 50 to 52 tons of cocaine were consumed in the United States last year, the bulk of it originating in Peru or Bolivia but processed in Colombia.]

Mr. Tambs told reporters that Colombian policemen, accompanied by a United States Embassy observer, swept down on the jungle camp in aircraft on March 10. They beat off a guerrilla counterattack and arrested 40 people, including an unidentified American pilot.

The raiders destroyed 10 cocaine processing laboratories in the well-equipped secret complex on the banks of the Yari River in Caquetá Province in the south of the country, the Ambassador said.

He said the seized cocaine, including both cocaine base and refined cocaine, totaled about 12,500 kilos, or 13.8 tons, with an estimated street value of "about 1.2 billion U.S. dollars."

The cocaine operation, Mr. Tambs said, had functioned under the protection of the armed wing of the Colombian Communist Party, which United States officials called "the largest, oldest, best-equipped, best-trained and potentially most dangerous subversive group in Colombia."

A cablegram from the United States Embassy in Bogotá identified the guerrillas as members of the Fuerzas Armadas Revolucionarias Colombias, known by the initials FARC."

The cablegram said the guerrilla band's longstanding ties to the narcotics traffic were formalized by the group's national directorate in May 1982.

And it cited estimates from a man it described as a deserter from the group that the guerrillas levied a 10 percent protection payment on coca growers, with one faction alone obtaining a reported $3.38 million a month from the arrangement.

EQUIPPED FOR NIGHT LANDINGS

Mr. Tambs said the cocaine processing factory had operated for about two or three years. The site contained 44 wooden structures and runways, some equipped with lights for night landings, he said.

Seven aircraft, including two twin-engine planes and a helicopter, also were seized, he said, along with six submachine guns, seven rifles, four shotguns, 27 guerrilla uniforms and enough food to sustain 80 people for six months.

One of the aircraft is registered in the United States and its ownership is being checked, Mr. Tambs said.

Alfred Laun, the press spokesman at the Bogotá embassy, was reached by telephone and gave this description of the operation:

"There were long tables with many very powerful lamps to be used in drying the processed cocaine rapidly. There were at least three airstrips where the planes could come in from Bolivia and Peru with the coca paste and then could fly it out to the states after it was processed.

"There were showers, there was a little commissary for the employees there, all the creature comforts right out in the middle of the jungle."

Mr. Tambs said the raiding party of about 40 men met armed resistance as their air-

craft landed on one airstrip and said they were later attacked by a band of about 100 guerrillas.

The Ambassador said he knew of no casualties on the Government side.●

"GOODIE" SAYS WHAT SHE THINKS

● Mr. SYMMS. Mr. President, we live in a future-oriented society. All too often, we worry about matters that will take care of themselves. All too often we forget the past, our beloved parents, grandparents, and great-grandparents, whose hard work and commonsense perspective created a society that can now employ more than 100 million men and women. All too often we forget that previous generations made our current standard of living possible. And all too often we have forgotten the historic role women have played in building America.

The memory of the pioneer is still very close to the hearts of Idahoans. And I am not just talking about Lewis and Clark—I am talking about the heroic enterprise of men and women as late as the twenties, thirties, and forties. Throughout this time, Idaho women made a vigorous contribution to the taming of the West. I hope that some future historian will someday chronicle this great human adventure.

Mr. President, in this spirit, I would like to recognize Florence (Goodie) Westacott, Lela Burns, and Maurine Cherrington who represent the best things about Idaho, the West, and the contribution that women have made in building America. I ask that the following article by David Johnson in the March 9, 1984, edition of the Lewiston Tribune be printed in the RECORD.

The article follows:

GOODIE IS 94—HISTORY WEEK SALUTES ELDERLY WOMEN

(By David Johnson)

"I want to live to be an outrageous woman who never is accused of being an old lady."—Untitled poem from "Country Woman"

Moscow.—Florence (Goodie) Westacott is 94 today. And Thursday at the University of Idaho, Goodie, as she's been called since birth, sketched her biography in terms of what it was like to be old when she was young.

"At that time, if you were 94, you were in the closet with the door shut," said Westacott.

Not so today, Westacott and two other women, Lela Burns, 75, and Maurine Cherrington, 79, agreed. The three were featured guests at the UI Women's Center Thursday noon as part of National Women's History Week.

With a wealth of knowledge and experience among them, Westacott, Burns and Cherrington told a small audience that looking to the future is the key to aging gracefully.

"Getting old is brand new all the time," said Burns, who has returned to take classes at UI because "I needed to learn some more."

"Don't be a loner," Cherrington said. " A loner has an awfully lonely life."

"I think we have so many good opportunities * * * it's a matter of choice," Westacott said.

The gathering represented the second part of a Women's Center oral history program on women aging. Those attending asked questions for almost an hour as the three women tapped their memories and talked about today and tomorrow.

Burns and Cherrington are both widows. Westacott never married.

"Marriage was in the offering and you could either take it or leave it," Westacott said. "So I left it." She lived alone until a back injury about two years ago left her in a wheelchair.

"I can't walk. So I talk," said Westacott, who now lives at Moscow's Good Samaritan Village, where she's affectionately known as the "Cookie Queen."

"Goodie is very well liked at Good Samaritan," Cherrington, who also lives at Good Samaritan, told the audience.

"What are you saying over there about me?" Westacott asked good naturedly. "I think I'll hire you to toot my horn."

All three women have college degrees. Cherrington, who remains active in a number of groups including the UI's Faculty Women's Club, has a teaching degree and has taken a number of courses. She came to Moscow from Iowa with her late husband in 1928 and has been involved in the community and university ever since.

Burns has a master's degree and was working towards a doctorate. "I got pretty close, but you know my children needed the money." Today, Burns said she's not pursuing a degree, just more knowledge.

"I like to be able to be free enough to study and pursue the parts of the courses I think will be most helpful," Burns said. She lives at the UI Alumni Center while taking classes and travels at other times.

Westacott received a degree in home economics and taught school in Kent, Wash., where she lived until moving back to the Moscow area after her accident. She was born in Garfield and college, she said, was something her father decided she'd attend.

"He had a stick in his hand and he said, 'Goodie, college is for you'." So she attended college and "learned how to make gravy, biscuits and what have you."

The women were asked if they could remember when they won the right to vote. Cherrington and Burns said they had the right by the time they came of age. Westacott, however, recalled the day when her father again made the decision.

"I remember when we got the vote and my father said, 'You have it. Now do it'." So she did.

The three women said aging is really something to look forward to, instead of fearing.

"Live ahead," Burns said. "You don't have to live what was past and gone."

Cherrington said she plans to stay active in volunteer work and can't wait to vacation in Mexico starting next week.

Burns also plans to travel and continue to take classes at the university.

As for Westacott, she's got an urge to write a cook book based on how people cook with instant mixes and modern conveniences. "I'm going to title it 'The Dump System'," she said.

"Live it up and take care so you'll have a good old age," said Burns as the three women finished their talk and got on with the rest of the day.●

BANKRUPTCY REFORM AND COLLECTIVE BARGAINING PRESERVATION ACT OF 1984

● Mr. KENNEDY. Mr. President, tomorrow I shall introduce legislation to clarify congressional intent regarding the circumstances under which a collective bargaining agreement may be rejected in a proceeding under chapter 11 of the Bankruptcy Code.

Last month, the U.S. Supreme Court in NLRB against Bildisco and Bildisco (February 22, 1984) ruled that a bankruptcy court must permit a debtor-in-possession to terminate a collective bargaining agreement where the agreement is burdensome to the company and the equities balance in favor of rejecting the contract. In addition, by a 5-to-4 vote, the Court said that a company in reorganization may unilaterally breach its collective bargaining agreement as soon as it files a chapter 11 petition.

In reaching this decision, the court refused to adopt the standard for rejection of a labor contract established in 1975 by the second circuit in *Brotherhood of Railway and Airline Clerks* v. *REA Express Inc.* (523 F.2d 164, 167-169 (CA2), cert. denied, 423 U.S. 1017 (1975)). There the second circuit held that, in order to terminate an agreement, the debtor-in-possession had to first demonstrate that reorganization would fail unless rejection of the contract was permitted. The strict standard enunciated in REA Express was the generally accepted rule when Congress was considering the new Bankruptcy Code in 1978 and the one which those of us working on that legislation fully intended to be applied in the future.

The legislation I shall introduce tomorrow would overturn the holding in Bildisco and provide a new and exclusive method for the rejection of a collective bargaining agreement in a chapter 11 reorganization case.

First, consistent with congressional intent at the time we amended the law in 1978, the bill would reestablish the essence of the REA Express standard. A bankruptcy court could not reject a labor contract unless the debtor-in-possession establishes that the jobs covered by the collective bargaining agreement would otherwise be lost and the financial reorganization would otherwise fail.

Second, the bill would prohibit unilateral action to terminate or modify the collective bargaining agreement by a debtor-in-possession. Labor contracts are the result of free collective bargaining between management and employee representatives and there is no justification for permitting one party to break an agreement without having first satisfied a neutral third party that all the other prescribed avenues of relief have been pursued and been found wanting.

Accordingly, the bill requires the trustee to petition the bankruptcy court and demonstrate that each of the tests spelled out in the bill have been satisfied before the court can approve the trustee's request to reject the agreement.

Third, the bill rejects the balancing of equities standard enunciated by the Supreme Court in Bildisco and reestablishes the primacy of the collective bargaining process. Under the bill, a trustee would be required to show that he has met and conferred in good faith with employee representatives by demonstrating that he has proposed modifications of an existing labor agreement and considered those modifications made by employee representatives. The bankruptcy court could then consider a motion to reject the agreement and could approve that motion once satisfied that, absent rejection, financial reorganization would fail.

This legislation restores the balance between the bankruptcy laws and national labor policy which Congress intended in 1978 when we reformed the Bankruptcy Code. It retains the necessary flexibility for businesses facing severe economic difficulty, which the bankruptcy laws contemplate, while at the same time recognizing the legitimate rights of workers and the importance of the collective bargaining process. I urge my colleagues to join me in supporting this legislation.

I submit for the RECORD a copy of the proposed bill.

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bankruptcy Reform and Collective Bargaining Preservation Act of 1984".

SEC. 2. Section 365(a) of title 11, United States Code, is amended by striking out "and 766" and inserting in lieu thereof. ", 766, and 1113".

SEC. 3. Section 503(b)(1)(A) of title 11, United States Code, is amended by inserting before the semicolon at the end thereof the following: ", except that such wages or salaries covered by a collective bargaining agreement to which section 1113 of this title applies shall only be measured at the rate prescribed for such services in such agreement".

SEC. 4. (a) Title 11 of the United States Code is amended by inserting after section 1112 the following new section:

"§ 1113. Rejection of collective bargaining agreements

"(a) For purposes of this section 'collective bargaining agreement' means a collective bargaining agreement which is covered by title II of the Railway Labor Act or the National Labor Relations Act.

"(b) The trustee may reject or assume a collective bargaining agreement under this title only if and after the court approves the rejection or assumption of such agreement.

"(c) The court, only on the motion of the trustee, may approve the rejection of a collective bargaining agreement under this title only after notice to all parties in interest and a hearing.

"(d)(1) The trustee shall—

"(A) meet and confer in good faith with the authorized representative of the employees who are subject to a collective bargaining agreement: and

"(B) provide such authorized representative with the relevant financial and other information.

"(2) The trustee may file a motion for the rejection of a collective bargaining agreement under this title if—

"(A) the trustee has proposed modifications in such agreement to such authorized representative deemed necessary by the trustee for successful financial reorganization of the debtor and preservation of the jobs covered by such agreement;

"(B) the trustee has considered but rejected as inadequate for successful financial reorganization of the debtor and preservation of the jobs covered by such agreement alternative proposals for modifying such agreement made by such authorized representatives; and

"(C) a prompt hearing on rejection is necessary to successful financial reorganization of the debtor.

"(e) The court, upon motion of the trustee to reject a collective bargaining agreement, shall hold an expedited hearing to determine whether such agreement may be rejected under this title, not less than 7 days and not more than 14 days after the filing of such motion, or within such additional time as the court, for cause, within such 14-day period fixes. Such hearing shall be completed no later than 14 days after the commencement of such hearing, or within such additional time as the court, for cause, within such 14-day period fixes.

"(f) The financial information relevant to determining whether a collective bargaining agreement may be rejected under this title shall be made available, under such conditions and within such time as the court may specify, to the authorized representative of the employees who are subject to such agreement.

"(g) The court may not approve the rejection of a collective bargaining agreement under this title unless—

"(1) the trustee has complied with subsection (d) of this section; and

"(2) absent rejection of such agreement, the jobs covered by such agreement will be lost and any financial reorganization of the debtor will fail.

"(h) No provision of this title shall be construed to permit the trustee unilaterally to terminate or alter any of the wages, hours, terms and conditions established by a collective bargaining agreement.".

(b) The table of sections of chapter 11 of title 11, United States Code, is amended by inserting after the item relating to section 1112 the following new item:

"1113. Rejection of collective bargaining agreements.".

SEC. 5. The amendments made by this title shall take effect on the date of the enactment of this Act.●

AURELIO PECCEI: GLOBAL HUMANIST

● Mr. PELL. Mr. President, it is with a very real sense of grief and loss that I inform my colleagues of the death last week of Aurelio Peccei, a dear friend and a prominent Italian industrialist, whose global vision leaves a profound impact on the social and political thinking of the last third of this century.

Aurelio Peccei was a successful businessman who rose to the highest levels of the corporate world, serving as chairman of Fiat-Argentina and vice chairman of Olivetti at the time of his retirement in 1973. But in addition to being a practical man of affairs, he was an idealist and a humanist with a transcending concern for the survival of civilization. His sensitivity was borne of experience, for he had known at firsthand the brutality of fascism and had participated in the Italian resistance movement of World War II.

It was this unique combination of practical and humane impulses, together with his extraordinary breadth of vision, which caused Aurelio Peccei to ponder the finite limits of global resources and the resulting world problematique or predicament of mankind. In 1968, he decided to provide an institutional setting for this concern by founding the Club of Rome, a group of 100 industrialists, scientists, economists, and civil servants from both sides of the Iron Curtain and from the Third World countries, to contemplate the interrelated global problems of population growth, food production, resource depletion, and environmental degradation. I am proud to be a member of that group, and in that connection, to have known and worked with Aurelio Peccei.

In 1972, the Club of Rome attracted international attention with its celebrated report entitled "The Limits of Growth," a computerized forecast of world economic collapse based on continued patterns of population growth and industrial production; 3 years later, the club issued a more optimistic report entitled "Mankind at the Turning Point," which showed that collapse could be averted by pursuing a range of alternative public policies affecting food exports, capital investment, energy prices, and export aid.

Some Senators may remember that it was just 10 years ago, on May 6, 1974, that Aurelio Peccei joined us for a luncheon here at the Capitol, when he impressed on us the need to consider these problem from a global viewpoint and not simply from a national viewpoint. And his global viewpoint came increasingly to encompass the developing nations of the Third World.

Everything that has happended in the intervening years has served to confirm and reinforce the wisdom and the vision which Aurelio Peccei brought to his time. He was one of the very few truly creative thinkers of our era, in that he distilled the central problems of this half-century through the force of his own intellect, and made the rest of us see the world from a new perspective. He has an honored place in a small pantheon of 20th cen-

tury innovators that includes Constantine Doxiades, who conceived a whole new system of urban settlements together with the science of ekistics; and Buckminster Fuller, who conceived a whole new architectural system for enclosing human habitation and workspace.

The impact of Aurelio Peccei's ideas was so compelling that associations for the Club of Rome have sprung up in many countries around the world, including the United States. So I know that I speak for global community when I say that one of the giants of our time has departed.

Mr. President, I ask that the obituary that appeared in the New York Times on March 16 be printed in the RECORD.

The obituary follows:

AURELIO PECCEI, ITALIAN EXECUTIVE AND FOUNDER OF A FORUM, IS DEAD

(By Walter H. Waggoner)

Aurelio Peccei, a leading Italian industrialist whose concern with world growth problems led him to found an international organization to consider the future of mankind in 1968, died of a heart attack Wednesday at a private clinic in Rome, where he lived. He was 75 years old and had presided over the club since its establishment.

Mr. Peccei was a top executive of the Fiat Company and of Olivetti & Company when he decided to invite about 25 of Europe's leading scientists, industrialists and economists to ponder what he considered problems of population growth, industrialization and depletion of food supplies and natural resources.

The group was called the Club of Rome because Mr. Peccei lived in Rome and founded it in Rome. It is not associated with the group of industrialized nations that is referred to by the same name.

Mr. Peccei's Club of Rome, now limited to 100 members from around the world, was generally regarded as a benign gathering of intellectuals until 1972, when it produced its memorable report, "The Limits to Growth."

Using computer trend-measuring facilities and a research team at the Massachusetts Institute of Technology, the report forecast a disastrous collapse of society within 100 years unless steps were taken to establish a "world equilibrium" in which both population growth and industrial output were curbed.

The report's "doomsday" predictions were attacked as unduly pessimistic by, among others, Dr. Herman Kahn, head of the Hudson Institute, the research organization, who believed that "a modicum of intelligence and good management" could enable economic growth to continue without disaster.

Since the report, the Club of Rome has sponsored a series of more limited studies and conferences on the subjects of the report.

The attention given to the club by both supporters and critics prompted Mr. Peccei to say in an interview in October: "They think that we are wiser than we are, know more things than we actually do."

Since the club's founding, he said, "every indicator in the world has worsened except for one, human awareness."

"And that is fundamental," he went on. "People now understand that we are in a mess, that sacrifices have to be made."

PESSIMISM AND OPTIMISM

"I am a pessimist when I see how things are," he said in the interview. "I am an optimist when I see that there are ways in which things can be changed."

Dr. Barry Commoner, the American environmentalist and educator who is director of the Center for the Biology of Natural Systems at Queens College of the City University of New York, said that Mr. Peccei had had "a very useful impact in raising the social conscience of the Italian businessman and played an important role in establishing links between the academic community and the Government."

Mr. Peccei was born in Turin and was educated at the University of Turin. He joined the Fiat company in 1930 and founded the Fiat establishment in Argentina in 1953, serving as chairman of that operation until 1973. He was also a managing director and a vice chairman of Olivetti from 1964 to 1973.

Mr. Peccei was the author of "The Chasm Ahead," published in 1969, "The Human Quality" (1976) and "One Hundred Pages for the Future" (1981).

He is survived by his wife, Marisa, two sons and a daughter.●

AMBASSADORS SHOULD NOT BE LOBBYISTS

● Mr. GARN. Mr. President, there has been some attention paid in the press to the efforts of several countries to use their embassies to lobby Senators and Representatives on the Export Administration Act reauthorization legislation. I have been the focus of such lobbying as much as any one else has. There are several aspects of this effort that I find disturbing.

First of all, I do not believe that it is the practice of our Government to direct our Ambassadors to lobby the members of foreign parliaments on specific pieces of legislation, and it seems to me inappropriate for the Ambassador of a nation that is here by our courtesy to take an active part in the political deliberations of the host nation.

Second, the steps being urged by these Ambassador-lobbyists would significantly prejudice our national and economic security were they adopted. We are urged to decontrol our trade with countries that have agreed with us to control certain exports, notwithstanding the fact that these countries continue to be conduits for the transfer of sensitive goods and technology to the Soviet bloc. We are urged in strong terms to refrain from what is called the extraterritorial reach of our export controls, without regard to the fact that the sale of high technology by other countries to our adversaries has a significant extraterritorial effect upon the United States by weakening our security and dramatically increasing our defense costs. Nor is it pointed out that adoption of such a measure would encourage our business to move their operations overseas.

It may interest my colleagues to know, Mr. President, that we are told in these ambassadorial communications that the Senate made a big mistake by passing legislation that would give the President the right to deny access to the U.S. market—not to anyone else's market, just our own—to individuals or companies that have chosen to sell sensitive goods and technology to the Soviet Union. I do not believe that the United States has any obligation to keep its markets open to those that would endanger our national security by transferring controlled goods and technology to our potential adversaries. Perhaps the complaint over this provision is an indication that it is likely to be effective.

Mr. President, I do not believe that such lobbying efforts by embassies that are here at our courtesy should be encouraged. I believe that it is inappropriate with their mission and, at least with regard to this Senator, likely to have little positive effect. I find it, moreover, ironic that these Ambassadors have chosen to complain about the alleged extraterritoriality of our law by using their office to interfere in our political deliberations. I would urge them to make their views known through customary channels. This administration has faithfully communicated to the Congress the views of other countries on important issues, and I am confident that it will continue to do so to the same degree that other foreign ministries communicate our views to their parliaments.●

DEFICIT REDUCTION: FACT AND FICTION

● Mr. CHILES. Mr. President, last week the White House announced it agreed on a deficit reduction package with the Republican leadership in Congress. The President said the deficits would be cut by $150 billion by 1987, and it all sounded very encouraging.

But after months and months of resistance by the White House, I was a little cautious about taking this sudden reversal at face value. It struck me that it sounded a little bit like buying a used car. The first thing you want to do before signing on the dotted line is take the car to an independent mechanic to make sure everything the salesman told you checked out.

So I did the equivalent with the White House plan. I took it to some objective economists for an examination. And I am sorry to say the showroom claims do not match the facts of the plan.

The Congressional Budget Office tells me the so-called deficit reduction actually increased deficits—all the way up to $198 billion by fiscal 1987. Moreover, even in 1985, the year President Reagan said this February the deficit would be $180 billion, the CBO tells us

the deficit will actually be $1 billion higher.

While the White House claimed military spending would grow at levels $40 billion below their original estimates, CBO shows military spending increasing—increasing—by $4 billion over the next 4 years.

My skepticism grew with my disappointment. So I asked Charles Schultze, a senior fellow at the Brookings Institution, to review the deficit reduction plan. And I got in touch with David Jones, the top economist at Aubrey G. Lanston & Co. Their combined analysis is very disturbing.

I asked Mr. Schultze if the deficit reduction plan would really bring down interest rates to the levels forecast by the administration. He sent me a two-page letter, and all of it is well worth the reading. But to give you just one key sentence, Mr. Schultze said, "I see no way in which they—interest rates—could fall to the low levels incorporated in the administration's forecast."

Mr. Jones' view basically characterized the White House plan as too little and too late. Noting that much of the alleged deficit reduction comes in later years rather than right away, Mr. Jones observed:

> The seriousness of the huge Federal budget deficit cannot be overemphasized—particularly in the current recovery when huge Federal borrowing demands required to finance this deficit are clashing as never before with recovery-induced increases in private demands * * *.

And he called the deficit reduction package, "more show than substance."

Mr. President, I am frank to say I am encouraged by the White House plan, not for what it does—it does not do enough—but for where it might lead—to some serious and effective deficit reduction. We will have to do better, and we will have to use reliable estimates. It is going to hurt some. But it will hurt a lot worse if we fail to act.

I ask that the series of letters referred to in my statement be printed in the RECORD.

The letters follow:

AUBREY G. LANSTON & CO., INC.,
New York, N.Y., March 19, 1984.

Hon. LAWTON CHILES,
Ranking Minority Member, Budget Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR CHILES: The President's surprise announcement last Thursday evening (March 15) that he was in agreement with Congressional Republican leaders on additional Federal deficit-cutting measures provided at least a momentary glimmer of hope for the financial markets. However, it is important to note that after a brief rally in late trading last Thursday prices of Government securities declined sharply on Friday (March 16) more than erasing the gains occasioned by the President's sudden announcement.

After a closer look, many financial market participants found the President's most recent deficit-cutting plan wanting in at least two important respects. First, there was a strong suspicion that the deficit-cutting package was overstated. The agreement between the President and Congressional Republican leaders may in fact—once allowance is made in particular for the minimal meaningful cuts in defense spending—amount to a total of less than $100 billion over the coming 3 fiscal years rather than $150 billion as claimed. Serving to limit the defense spending cuts is the fact that the President apparently continues to be unwilling to give up any major new weapons systems. A major additional complication is that the President has apparently extracted a promise from Republican Congressional leaders that they would not consider any further defense cuts beyond the President's timid proposal, thus making it a floor rather than a ceiling for budget negotiations. Also, the new plan's economic and interest rate assumptions are too optimistic.

A second deficiency in the President's new deficit-cutting agreement is that it is "back loaded". That is, the proposed deficit cuts for the first year (fiscal 1985) are only $11 billion (from $180 billion to $169 billion) with larger cuts scheduled for fiscal years 1986 and 1987. Yet, it is in precisely the next year or so, in the early phases of the current recovery while strong upward economic momentum persists, where the deficit cuts should instead be the largest. Much of the credibility of the new deficit cutting plan is thus lost owing to the concern that in the event that the economic expansion might falter in fiscal year 1986 or 1987, the larger proposed cuts in Federal spending, and increases in taxes, would almost certainly be reduced or rescinded.

The seriousness of the huge Federal budget deficit can not be overemphasized—particularly in the current recovery when huge Federal borrowing demands required to finance this deficit are clashing as never before with recovery-induced increases in private demands (consumer, mortgage, and business). It is no mere coincidence that stock and bond prices began a sharp decline as soon as it became clear around mid-January that the President was reluctant to take major deficit-cutting initiatives in this election year. In the eight succeeding weeks, for example, 30-year Treasury bond prices have plummeted by nearly six points pushing the current yield on these bonds up to 12.41% from 11.69%, and the stock market's Dow Jones Industrial average has fallen more than 100 points. It should also be noted, in this respect, that recent day-to-day fluctuations in prices of Government securities have moved remarkably closely in line with alternating deficit-cutting optimism or pessimism coming out of Washington.

It is critically important for Congress to promptly seize the deficit-cutting initiative and to improve upon the President's latest deficit-cutting proposal—which, unfortunately, appears to be more show than substance. Ideally, Congress should come up with a deficit-cutting plan which reduces the fiscal 1985 deficit by at least an additional $50 billion, rather than the lesser amount agreed upon by the President. Moreover, Congress should specify a package of combined defense and nondefense spending cuts, together with tax increases which totals more than $150 billion, preferably $200 billion, over the coming three fiscal years. If such a package were forthcoming, it could promptly reduce the 30-year Treasury bond rate by as much as 1-2 percentage points below where it otherwise would be.

Only in this way can the excessive anti-inflation burden currently being borne by the Federal Reserve be lightened. Without a major shift towards Federal government fiscal restraint, the Fed will, in all likelihood, move soon to tighten bank reserve pressures with a view to slowing the currently excessive and potentially inflationary pace of economic activity. The initial impact of such a Fed tightening move would be of course, to push interest rates higher, and, eventually, to limit the availability of funds for private borrowers. These financial strains would, in turn, eventually depress spending in such interest-sensitive sectors as housing and business spending on new plant and equipment.

Sincerely,

DAVID M. JONES.

THE BROOKINGS INSTITUTION,
Washington, D.C., March 16, 1984.

Hon. LAWTON M. CHILES, Jr.,
U.S. Senate,
Washington, D.C.
(Attention: Gary Schinasi.)

DEAR SENATOR CHILES: You asked my views on the following questions:

1. Would adoption of the budget reduction plan proposed yesterday (March 15) by the White House and Republican Congressional leaders be likely to produce moderate interest rate declines to the level assumed in the CBO economic forecast—T-bill rates falling to 8.2 percent by 1987?

2. Would such proposals be likely to reduce interest rates to the much lower levels incorporated in the Administration economic forecasts—T-bill rates falling to 6.2 percent by 1987 (and 5 percent by 1989).

Tentative estimates of the budget deficit, and CBO economic assumptions, kindly furnished by your staff, suggest that adoption of the proposals announced yesterday would reduce CBO's baseline budget deficits to about $180 billion in 1985 and 1986 and $195 billion in 1987. Budget deficits in the latter two years would amount to about 4¼ percent of GNP—a reduction of about ¾ to one percentage point. Apart from recessions and the Vietnam War, budget deficits in the past several decades tended to average ½ to 1½ percent of GNP.

Predicting interest rates is a hazardous enterprise, but let me do my best.

First, to lay the background, what would happen to interest rates with no budget reductions—i.e., with the CBO baseline budget in effect over the next three years? Given the CBO economic growth assumptions, it is almost certain that interest rates would rise above their already high levels over the next several years, probably by substantial amounts. Up until now, high interest rates and an overvalued dollar have attracted a large inflow of foreign capital into the United States. Foreigners have financed a sizeable part of the deficit, helping to take some of the pressure off interest rates. But that state of affairs will not continue. The huge balance of payments deficits we are now running will turn the dollar downward, gradually the flow of foreign savings into the United States will shrink, and this will lead to a chain of events in which the Fed will have to push interest rates higher in order to prevent renewed inflation.

Second, if the budget were reduced in the amount proposed by the White House (lowering the deficit from 5 to 4¼ percent of GNP) some of the rise in interest rates would be prevented. But I seriously doubt that a reasonably growing and noninflation-

ary economy—as envisioned in the CBO and Administration forecasts—would support a budget deficit equal to 4 percent of GNP without some further rise in interest rates, taking into account the international developments noted in the last paragraph. So I doubt very much if the proposal could lead to even the modest decline in interest rates envisioned by the CBO in its forecasts. And, of course, I see no way in which they could fall to the low levels incorporated in the Administration's forecast.[1]

Third, if the financial markets took enactment of the $150 billion three-year deficit reduction as a sign that Congress was prepared to take further substantial actions after the 1984 election, then some immediate reduction in long-term interest rates might occur.

The main problem with this scenario is that enactment of the White House proposal would, for all practical purposes, just about exhaust all the room for deficit cutting except for a large general tax increase. And so in 1985 the Congress would have very little leeway to maneuver and to bargain, and would be left with the very difficult political job of enacting sizable general tax increases accompanied by no spending cuts. If the markets figure this out, any initial relief on interest rates may not last for long.

Cordially,

CHARLES L. SCHULTZE,
Senior Fellow.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 19, 1984.

Hon. LAWTON CHILES,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR SENATOR: I am enclosing the estimates that you requested in your letter of March 16, 1984.

Sincerely,

RUDOLPH G. PENNER.

CBO BASELINE AND POSSIBLE DEFICIT REDUCTION PLAN

The following two tables show the aggregate budget levels and change from the CBO baseline projections for the possible deficit reduction plan specified in the letter from Senator Chiles to Rudolph G. Penner, dated March 16, 1984 (attached). CBO's baseline economic and technical estimating assumptions were used for these calculations. Consequently, the estimates for the deficit reduction plan do not incorporate possible dynamic budget effects resulting from the impact of the changed budget plan on the economy.

Estimates for the additional budget savings that are under consideration by the Senate Finance Committee are not yet available. Therefore, the revenue increases and the additional reductions in entitlements for the plan assume the targets specified in the attached letter. Also, the estimates for the credit union bill and the one-year freeze of nondefense discretionary budget authority are preliminary and subject to change.

[1] A sharp recession in 1985 and 1986 could, of course, pull down interest rates, but that is not forecast by either CBO or the Administration.

TABLE 1.—CBO BASELINE PROJECTIONS AND POSSIBLE DEFICIT REDUCTION PLAN

[By fiscal year, in billions of dollars]

	1984	1985	1986	1987
CBO baseline:				
Revenues	663	733	795	863
Outlays	852	930	1,012	1,109
Deficit	189	197	217	245
Possible deficit reduction plan:				
Revenues	666	743	810	883
Outlays	852	924	994	1,081
Deficit	186	181	184	198

TABLE 2.—POSSIBLE DEFICIT REDUCTION PLAN, 1984–87

[By fiscal year, in billions of dollars]

	1984	1985	1986	1987	Total 1984–87
CBO baseline deficit	189	197	217	245	
Revenues:					
S. 2062 as reported	−1	−5	−7	−9	−22
Additional revenues [1]	−2	−5	−8	−11	−26
Subtotal, revenue increases	−3	−10	−15	−20	−48
Outlays:					
Defense		3		1	4
Entitlements:					
S. 2062 as reported [2]	−1	−3	−4	−5	−12
Additional Finance Committee [1]		−2	−5	−7	−14
Credit union bill [3]		−1			−1
Farm programs: H.R. 4072 as amended in Senate Agriculture Committee	(*)	1	−1	−3	−3
Nondefense discretionary: 1-year freeze of budget authority-outlay effect (3)		−3	−4	−6	−13
Net interest: Debt service savings from lower deficits	(*)	−1	−4	−8	−12
Subtotal, outlay reductions	−1	−6	−17	−27	−52
Total deficit reductions	−4	−16	−32	−47	−100
Plan deficits	186	181	184	198	

[1] Assumed targets, as specified in Senator Chiles' letter of Mar. 16, 1984.
[2] Assumes pay increases of 3.5 percent for Federal employees in 1985–87.
[3] Preliminary, subject to revision.

Note: Details may not add to totals because of rounding.

Attachment: Senator Chiles letter of March 16, 1984 from Rudolph G. Penner.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 16, 1984.

Hon. LAWTON CHILES,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request, the Congressional Budget Office has computed the nominal and real growth rates associated with the defense budget authority specified in your letter. Nominal defense budget authority increases at an average annual rate of 12.1 percent from a 1984 base of $264.1 billion. Assuming the Administration proposals for federal pay raises and CBO assumptions for defense purchases inflation, the real growth averages 5.6 percent annually; substituting the Administration's assumptions for defense purchases inflation yields average annual real growth of 7.1 percent. The attached table provides estimates for each year.

Should you so desire, we would be pleased to provide further information on the estimates.

Sincerely,

RUDOLPH G. PENNER.

NOMINAL AND REAL GROWTH IN DEFENSE BUDGET AUTHORITY

[By fiscal year]

Item	1985	1986	1987	Average growth 1985–87
Budget authority (billions)	$299.0	$333.7	$372.0	NA
Nominal growth (percent change)	13.2	11.6	11.5	12.1
Real growth (percent change):				
CBO assumptions	6.9	5.0	4.9	5.6
Administration assumptions	8.3	6.5	6.4	7.1

Note: 1985 growth is measured from a 1984 base of $264,100,000,000. Real growth calculations assume administration proposals for Federal pay raises.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE; FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS; AND FOR CONSIDERATION OF PENDING BUSINESS AT 10:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, a special order be awarded to the Senator from Wisconsin (Mr. PROXMIRE) of not more than 15 minutes in length, to be followed by a period for the transaction of routine morning business until no later than the hour of 10:30 a.m. in which Senators may speak for not more than 2 minutes each; and that at 10:30 a.m., the Senate turn to the consideration of H.R. 4702, which is the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE VISIT OF PRESIDENT MITTERAND TOMORROW

Mr. BAKER. Mr. President, for the information of Senators, at 3:30 p.m. tomorrow, the Senate will hear an address by the President of France, President Mitterand. The leadership on this side urges Senators to come to the Chamber by 3 p.m. so Senators may assemble to proceed as a body to the Hall of the House of Representatives at 3:10 p.m. for the purpose of attending the joint meeting, which begins at 3:30 p.m.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. BAKER. Mr. President, in connection with the joint meeting tomorrow, I ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with the

committee on the part of the House to escort the President of France into the House Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Now, Mr. President, on tomorrow the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) will be recognized on special order, to be followed by a period for the transaction of routine morning business to go no later than 10:30 a.m. At 10:30 a.m., the Senate will resume consideration of the pending business, which is H.R. 4072. Senators should be reminded that cloture motions have been filed in respect to this bill and the substitute accompanying it, and that in the event cloture is invoked nongermane amendments will not be in order.

Sometime during the day tomorrow it is the intention of the leadership on this side to attempt to proceed to the consideration of the supplemental appropriations bill dealing with Public Law 480 funds. It is also the hope of the leadership on this side that we may be able to negotiate by unanimous consent an order for the cloture vote to occur on Thursday instead of Friday.

Mr. President, I have nothing else.

Mr. RANDOLPH. Mr. President, may I ask the majority leader a question?

Mr. BAKER. Yes.

Mr. RANDOLPH. What is the program for Friday that would involve rollcalls of importance on subject matter before the Senate?

Mr. BAKER. Mr. President, may I say to my friend and colleague and my former chairman that I wish I could answer with greater certainty, but I cannot at this moment. I anticipate we will be in on Friday to vote on cloture at least once, unless we arrange by unanimous consent to do that tomorrow. If cloture is invoked, then I would anticipate there may be other proceedings on the farm bill. If cloture is not invoked, the Senate will resume consideration of either the supplemental appropriations bill, if it has been reached, or perhaps the motion to proceed to it if it has not.

I know that is an unsatisfactory answer and I understand the reason for the Senator's inquiry. I can assure him I will try to give him a better answer when I can, but that is as good as I can do at the moment.

Mr. RANDOLPH. I thank the majority leader very much. He is always very helpful.

Mr. BAKER. I thank the Senator from West Virginia.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, the minority leader has indicated to me he has no further requirement for time tonight. I see no other Senator seeking recognition. I now move, in accordance with the order just entered, the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 5:47 p.m., recessed until tomorrow, Thursday, March 22, 1984, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 21, 1984:

DEPARTMENT OF STATE

Harry E. Bergold, Jr., of Florida, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John F. Scruggs, of Virginia, to be an Assistant Secretary of Health and Human Services, vice Thomas R. Donnelly, Jr.

DEPARTMENT OF JUSTICE

Daniel Raul Lopez, of California, to be a Commissioner of the U.S. Parole Commission for a term of 6 years, vice Benjamin J. Malcolm, term expired.

EXECUTIVE OFFICE OF THE PRESIDENT

John P. McTague, of California, to be an Associate Director of the Office of Science and Technology Policy, vice Ronald B. Frankum.

SECURITIES INVESTOR PROTECTION CORPORATION

James W. Fuller, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1986 (reappointment).

IN THE ARMY

The following-named officer to be placed on the Retired Reserve list in the grade indicated under the provisions of title 10, United States Code, sections 1370 and 1374:

To be lieutenant general

Lt. Gen. LaVern E. Weber, [redacted], age 60, U.S. Army.

HOUSE OF REPRESENTATIVES—*Wednesday, March 21, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have created our world with wonders great and small. From mountains high to valleys green Your glorious bounty is everywhere present. Above all, You have created the human community where people can live together and share in the common aspirations of humankind. Help us, we pray, to learn to appreciate the good gifts You have freely given, and so live each day in the spirit of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 200. Joint resolution designating March 21, 1984, as "National Single Parent Day."

REREFERRAL OF H.R. 4813, SOLID WASTE DISPOSAL ACT AMENDMENTS, TO COMMITTEE ON ENERGY AND COMMERCE AND COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4813) to amend the Solid Waste Disposal Act to provide for the cleanup of hazardous waste sites which present a threat to human health and the environment, to provide a fund to finance the cleanup, to establish the standards which apply to such cleanup, to establish a viable Federal-State partnership in the cleanup program, to permit public participation in the cleanup process, to provide Federal rules regarding liability for damages and cleanup costs, to provide emergency assistance and health effects studies for residents of affected communities, to permit public participation in the cleanup process, and for other purposes, originally referred to the Committee on Energy and Commerce be jointly referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO FILE REPORT ON H.R. 5154, NASA AUTHORIZATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight tonight to file a report on the bill (H.R. 5154) to authorize appropriations for the National Aeronautical and Space Administration for research and development, space flights, control and data communications, construction of facilities, and research and program management, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, I simply ask the gentleman from Florida whether or not this has been cleared by the minority?

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, it has.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may be permitted to sit tomorrow while the House is under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to ask the gentleman the same question, whether this has been cleared with the gentleman from Kansas (Mr. WINN)?

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, this has been cleared with the minority.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT FRIDAY, MARCH 23, 1984, TO FILE REPORT ON H.R. 7, SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1984

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight on Friday, March 23, 1984, to file a report to accompany H.R. 7, the School Lunch and Child Nutrition Amendments of 1984.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to ask the gentleman from Kentucky whether this has been cleared with the gentleman from Illinois (Mr. ERLENBORN), the ranking Republican on the committee?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONGRATULATIONS TO C-SPAN ON ITS FIFTH ANNIVERSARY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, this week, C-Span celebrates its fifth anniversary of live televised coverage of the U.S. House of Representatives. During the past 5 years, C-Span's coverage has increased significantly; it has grown from an 8-hour to a 24-hour service available on two channels.

With this growth has come a wealth of information for C-Span viewers. C-Span's programs provide insight and information about the workings of our Government, primarily with its gavel-to-gavel coverage of House floor debates. Other programs concentrate on public affairs events in the Nation's

Capital including coverage of the National Press Club newsmaker luncheons, the Washington Press Club's "Salute to Congress" dinner, and live coverage of key caucuses in major States during the primary election season.

Think for a moment of the value to history—what a priceless treasure if today we could hear the actual debates of Webster, Clay, Calhoun, and others who made American history.

To me, the real test of C-Span's value, however, is that in my wide travels around this country I meet people who tell me they watched the House floor in action on a particular subject on C-Span. This opportunity for the public to watch at first hand its Congress in action and hear the exact words of its chosen Representatives as those words are spoken represents in my opinion a magnificent public service provided by C-Span and fully justifies the reason for its existence.

It gives me great pleasure to congratulate C-Span and its president, Brian Lamb, for the network's good work and to wish it continued success.

EXPENSIVE BIG OIL "SHELL GAME"

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the TV series "Dallas" is small potatoes compared to what we see happening with big oil in America. By taking advantage of windfalls in the Reagan 1981 Tax Act, big oil companies are literally devouring each other. Already this year, three oil companies have bid a total of $29.1 billion to purchase competitors. Standard Oil bid $13.2 billion to acquire Gulf, the largest merger in American corporate history; Mobil bid $5.7 billion for Superior and Texaco bought Getty for $10.1 billion. These merger bids constitute nearly twice the amount the entire domestic oil industry spent exploring for new oil and gas in 1982. And their appetites are consuming up to 13 percent of private capital available to finance business ventures.

Even worse, these mergers do not make the United States energy independent. No new oil will be discovered. No new jobs are created. Oil wells simply change hands, resulting in larger and fewer companies, charging higher prices.

My colleague from Ohio, JOHN SEIBERLING, has introduced legislation (H.R. 5042) to rein in these oil mergers. The oil companies may not like it, but consumers do, especially consumers like those in my district who have been battered by constantly rising energy costs.

Let us put America first and develop new energy sources for our people rather than be plagued by this expensive corporate shell game that hides behind the U.S. Tax Code.

VERBAL BOLOGNA, NOT REAL BOLOGNA

The SPEAKER. Does the media star of the Republican Party desire time?

Mr. WALKER. I ask unanimous consent to proceed for 1 minute, Mr. Speaker.

The SPEAKER. What has the gentleman got in his hand?

Mr. WALKER. Mr. Speaker, this is a demonstration of what I have. I am not certain I am going to be able to use it under the rules.

The SPEAKER. If the gentleman does not think so, why is he trying?

Mr. WALKER. I will explain that in my speech, but I certainly would not want to violate the rules.

The SPEAKER. Without objection, the Speaker recognizes the gentleman and will be watching carefully.

Mr. WALKER. I thank the Speaker, and I know that the Speaker always watches very carefully everything that I do.

Mr. Speaker, I noted, by the way, in the article in the Washington Post this morning that you have been noting that we have been communicating with the country on C-Span, so we know you are watching us and we appreciate it.

The SPEAKER. We appreciate your actions, too.

Mr. WALKER. Mr. Speaker, we have to be amused by an article in this morning's Washington Post, but I am pleased to see that two of my distinguished colleagues have gone on record supporting one of the major industries in my congressional district.

If we take everything they had to say, fold it between two pieces of bread, slap on a little mustard, we have the biggest bologna sandwich in history. The Lebanon bologna industry in my district is going to be forever grateful.

□ 1210

Mr. Speaker, what I have here is a real live Lebanon bologna, and I noticed in the rules, in reading the rules, that I probably would not be able to show that. What we are allowed to show on this floor is "verbal bologna" but not real bologna.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me state that I read the story this morning in the Washington Post, and I was reminded of H. R. Gross of Iowa, Dr. Hall of Missouri, Mr. Bauman of Maryland, and yourself. You are entitled to be their heir and chief objector. I think it was a great tribute, and we at times enjoy the gentleman's humor.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much, and I thank the Speaker for his indulgence. You see, Mr. Speaker, I did not violate the rules. I kept it in the bag.

PROPOSED CONSTITUTIONAL AMENDMENTS ON VOLUNTARY SCHOOL PRAYER, BALANCED BUDGET AND LINE-ITEM VETO

(Mr. HUNTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for amendments to permit voluntary school prayer, a balanced budget, and line-item veto. The Chair has ruled some weeks ago that in order to make these requests we must have the clearance of both the Republican and Democrat leaderships. The request has been cleared by the Republican leader, and gentleman from Illinois (Mr. MICHEL), and I would now yield to a spokesman from the majority leadership for appropriate clearance to bring up any or all of these issues.

Mr. Speaker, I hear no response, and that should make it clear to the American people who stands in the way of these important issues—the Democrat leadership of the House.

Mr. Speaker, I might say that I heard the distinguished majority leader speaking of the great debates that were engaged in by Webster, and Clay, and Calhoun, and I would submit that if this House would take on the difficult issues, the tough issues, perhaps we would have an opportunity to hear some great debates, but certainly those gentleman did not wait, they did not hide and did not wait for another body to take on the tough issues hoping that they would not pass them. I am referring, of course, to the school prayer amendment that was debated in the other body and voted on recently.

THE IRAQI-IRANIAN WAR—WORLD WAR I REVISITED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, U.S. News & World Report in their current issue refers to the war between Iran and Iraq as "World War I revisited in its intensity and carnage." As this war and its atrocities continue, I am compelled to speak about those in our Nation and the world who have become silent hypocrites.

Think back to the days when voices were raised in moral indignation over the Shah of Iran and his policies. Think back to the intensity of those condemnations, and how they contributed to his ultimate demise.

Now as we enter the fifth year of an unprecedented reign of terror by Ayatollah Khomeini I ask, Where are those voices? Why are they silent as the number killed in this war approaches 200,000 with more than two-thirds coming from the blood of Khomeini's own people?

Why are they silent as we read of young boys aged 9 and 10 being dragooned into the army, sent into combat, with no training, being captured or killed—all so Khomeini can save his "regular forces" for bigger battles to come?

Why are they silent—as this despot has more than 400,000 troops poised for a full-scale invasion of Iraq?

I do not quarrel with those who speak out against injustice and tyranny. However credibility is measured in large part by a consistent application of principle. For those who remain silent against Khomeini, this to me demonstrates inconsistency, an abandonment of principle, and above all hypocrisy.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3755, SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-627) on the resolution (H. Res. 466) providing for the consideration of the bill (H.R. 3755) to amend title II of the Social Security Act to provide for reform in the disability determination process, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 5174, BANKRUPTCY AMENDMENTS OF 1984

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 465 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 465

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5174) to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of sections 303(a)(4) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except an amendment to strike out title I of the bill and to insert a new text, printed in the Congressional Record of March 20, 1984 by Representative Kastenmeier of Wisconsin, and if offered by, Representative Kastenmeier or Representative Kindness of Ohio, and all points of order against said amendment for failure to comply with the provisions of sections 311(a)(4) and 401(b)(1) of the Congressional Budget Act are hereby waived. Said amendment shall not be subject to amendment but shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent of the amendment and the chairman of the Committee on the Judiciary or his designee, and said amendment shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. SENSENBRENNER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 50]

Ackerman	Boland	Coelho
Addabbo	Boner	Coleman (MO)
Akaka	Bonior	Coleman (TX)
Albosta	Borski	Conable
Alexander	Bosco	Conte
Anderson	Boucher	Conyers
Andrews (TX)	Boxer	Cooper
Applegate	Breaux	Coughlin
Badham	Brooks	Craig
Barnard	Broomfield	Crane, Daniel
Bartlett	Brown (CA)	Crane, Philip
Bateman	Brown (CO)	Crockett
Bates	Broyhill	Daniel
Beilenson	Burton (CA)	Dannemeyer
Bennett	Burton (IN)	Darden
Bereuter	Campbell	Daschle
Berman	Carney	Daub
Bethune	Carper	Davis
Bevill	Carr	de la Garza
Biaggi	Chandler	Dellums
Bilirakis	Chappell	Derrick
Bliley	Chappie	DeWine
Boehlert	Cheney	Dickinson
Boggs	Clinger	Dicks
	Coats	Dingell
	Dixon	Lehman (FL)
	Donnelly	Leland
	Dorgan	Lent
	Dowdy	Levin
	Downey	Levine
	Duncan	Levitas
	Dwyer	Lewis (CA)
	Dymally	Lewis (FL)
	Dyson	Lipinski
	Early	Livingston
	Edwards (AL)	Lloyd
	Edwards (CA)	Loeffler
	Edwards (OK)	Long (LA)
	Emerson	Long (MD)
	English	Lott
	Erdreich	Lowery (CA)
	Erlenborn	Lowry (WA)
	Evans (IA)	Lujan
	Evans (IL)	Luken
	Fazio	Lundine
	Feighan	Lungren
	Ferraro	Mack
	Fiedler	MacKay
	Fish	Madigan
	Flippo	Marlenee
	Foglietta	Marriott
	Foley	Martin (IL)
	Ford (TN)	Martin (NC)
	Fowler	Martin (NY)
	Franklin	Martinez
	Frost	Matsui
	Fuqua	Mavroules
	Gaydos	McCain
	Gejdenson	McCandless
	Gekas	McCloskey
	Gephardt	McCollum
	Gibbons	McCurdy
	Gilman	McDade
	Gingrich	McEwen
	Glickman	McGrath
	Goodling	McHugh
	Gore	McKernan
	Gradison	McNulty
	Gramm	Mica
	Gray	Michel
	Green	Mikulski
	Gregg	Miller (CA)
	Guarini	Miller (OH)
	Gunderson	Mineta
	Hall (OH)	Minish
	Hall, Ralph	Moakley
	Hall, Sam	Molinari
	Hamilton	Mollohan
	Hammerschmidt	Montgomery
	Hansen (UT)	Moody
	Harkin	Moore
	Hatcher	Moorhead
	Hawkins	Morrison (WA)
	Hayes	Mrazek
	Hertel	Murphy
	Hightower	Murtha
	Hiler	Myers
	Hillis	Natcher
	Holt	Nelson
	Hopkins	Nichols
	Horton	Nielson
	Howard	Nowak
	Hoyer	O'Brien
	Hubbard	Oakar
	Huckaby	Obey
	Hughes	Olin
	Hunter	Ortiz
	Hutto	Oxley
	Hyde	Packard
	Jacobs	Panetta
	Jeffords	Parris
	Jenkins	Pashayan
	Johnson	Patman
	Jones (OK)	Patterson
	Jones (TN)	Pease
	Kaptur	Penny
	Kasich	Pepper
	Kastenmeier	Perkins
	Kazen	Petri
	Kemp	Pickle
	Kennelly	Porter
	Kildee	Price
	Kindness	Pursell
	Kolter	Quillen
	Kostmayer	Rahall
	Kramer	Rangel
	LaFalce	Ratchford
	Lagomarsino	Ray
	Latta	Regula
	Leach	Reid
	Leath	Richardson
	Lehman (CA)	Rinaldo
		Ritter
		Roberts
		Robinson
		Rodino
		Roe
		Roemer
		Rogers
		Rostenkowski
		Roth
		Roukema
		Rowland
		Roybal
		Rudd
		Russo
		Sabo
		Sawyer
		Schaefer
		Schneider
		Schroeder
		Schulze
		Schumer
		Seiberling
		Sensenbrenner
		Sharp
		Shaw
		Shelby
		Shumway
		Sikorski
		Siljander
		Sisisky
		Skeen
		Skelton
		Slattery
		Smith (IA)
		Smith (NE)
		Smith, Denny
		Smith, Robert
		Snowe
		Snyder
		Solarz
		Solomon
		Spence
		Spratt
		St Germain
		Staggers
		Stangeland
		Stenholm
		Stokes
		Stratton
		Studds
		Stump
		Sundquist
		Swift
		Synar
		Tallon
		Tauke
		Tauzin
		Taylor
		Thomas (CA)
		Thomas (GA)
		Torres
		Torricelli
		Traxler
		Udall
		Vander Jagt
		Vandergriff
		Vento
		Volkmer
		Vucanovich
		Walgren
		Walker
		Watkins
		Waxman
		Weaver
		Weber
		Weiss
		Wheat
		Whitehurst
		Whittaker
		Williams (MT)
		Winn
		Wirth
		Wise
		Wolf
		Wolpe
		Wortley
		Wright
		Wyden
		Wylie
		Yates
		Yatron
		Young (AK)
		Young (FL)
		Young (MO)
		Zschau

□ 1230

The SPEAKER. On this rollcall, 363 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4338

Mr. ROE. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4338.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3795

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3795, the Wine Equity Act.

The SPEAKER. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

BANKRUPTCY AMENDMENTS OF 1984

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), and pending that, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PEPPER. Mr Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on House Resolution 465.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, House Resolution 465 provides for consideration of H.R. 5174, the Bankruptcy Amendments of 1984. The resolution provides 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

□ 1240

Mr. Speaker, this is a modified closed rule, allowing only one amendment to be offered to H.R. 5174. This amendment is an amendment to strike out title I of the bill and substitute a new text, if printed in the CONGRESSIONAL RECORD of March 20 as it was by Representative KASTENMEIER and if offered by either Representative KASTENMEIER or Representative KINDNESS.

The amendment made in order would address the constitutional status of bankruptcy court judges by providing that they be appointed by the judiciary, and serve in the limited capacity of adjuncts to Federal district court judges.

Under the rule this amendment shall be debatable for 1 hour to be equally divided and controlled by the person offering the amendment and by the chairman of the Committee on the Judiciary or his designee. The amendment shall not itself be amendable, and shall be considered as having been read.

The rule also waives points of order under several provisions of the Congressional Budget Act against consideration of the bill and the Kastenmeier-Kindness amendment. First, it waives section 303(a)(4) of the Budget Act against consideration of the bill. Section 303(a)(4) prohibits consideration of new entitlement spending authority prior to adoption of the first budget resolution for the fiscal year in which the spending becomes effective. This waiver is needed because the bill provides new salary and retirement benefits for bankruptcy judges commencing in fiscal year 1985. Because of the need to expedite the bill and we all are aware of the fact that on the 31st of March the existing law relative to bankruptcy expires so there will be no legal procedure of adequate character available for the handling of bankruptcy cases if Congress did not take appropriate action by the end of March of this year.

Because of the need to expedite the bill, and in view of the very small amount of new spending involved—estimated by the Congressional Budget Office to be in the neighborhood of $1 million during fiscal year 1984—the Rules Committee decided to grant a waiver in this case.

In addition, the rule waives points of order under section 402(a)—requiring authorizations to be reported by May 15 preceding the fiscal year for which they are effective—against the bill. The waiver is necessary because the new bill that is the subject of the rule, H.R. 5174, has not been reported by the Committee on the Judiciary. Apart from the emergency nature of the bill, the waiver was granted because the predecessor bill, H.R. 3, was duly reported by the Committee on the Judiciary on February 24, 1983.

Next, the rule waives section 311(a)—prohibiting consideration of spending authority that would cause the ceilings set in the most recently agreed to budget resolution to be exceeded—against the Kastenmeier-Kindness amendment.

This waiver was needed because the amendment provides new retirement benefits for judges that could become effective during the current fiscal year. These benefits, if enacted, would cause the existing congressional spending ceiling established in House Concurrent Resolution 91 to be breached. Again, the Rules Committee decided to grant the waiver because of the emergency nature of the legislation and the relatively small amount of spending authorized by the amendment.

Finally, the rule waives section 401(b)(1)—prohibiting new entitlement authority effective before October 1—against the amendment. The waiver was required because the amendment's new retirement benefits become effective upon enactment of the bill, possibly before October 1, beginning of the next fiscal year. As I have said before, the need to expedite this bill and the minor amount of spending involved persuaded the committee to grant the waiver.

Mr. Speaker, H.R. 5174 resolves three vitally important issues in the complex area of Federal bankruptcy law. First, as we all are aware, the Supreme Court has declared the current bankruptcy court system unconstitutional, throwing the fate of hundreds of thousands of litigants in doubt. H.R. 5174, through either the Rodino article 3 approach or the Kastenmeier-Kindness adjunct approach, will provide a constitutional solution to the problem of the status of Federal bankruptcy judges. I want to stress that timely passage of these provisions is critical to an orderly resolution of the 600,000 pending bankruptcy cases because the temporary "model rule" promulgated by the U.S. Judicial Conference, under which bankruptcy cases have been proceeding since last year, will expire as I said on March 31.

In addition, H.R. 5174 contains provisions improving the law regarding individual bankruptcies. It provides that prospective bankrupts be made aware of the advantages and disadvantages of different bankruptcy procedures, and be able to make an informed and fully voluntary choice regarding which procedure to pursue. In addition, the bill allows a bankruptcy judge, on his own motion and not at the suggestion of any party, to dismiss a chapter 7 petition if he finds that it is a substantial abuse of Federal bankruptcy law. The bill also assists farmers who have stored grain in elevators whose owners become bankrupt.

Members will recognize those two provisions as included in what we call the Synar amendment.

Finally, the bill legislatively overturns part of the recent Supreme Court case, National Labor Relations Board versus Bildisco and Bildisco, which allowed companies filing bankruptcy petitions to unilaterally abrogate their labor management contracts without any review of the merits of the petitions by a bankruptcy court. In place of this excessive freedom on

the part of companies, the bill substitutes a fair and balanced procedure under which the bankruptcy court itself will adjudicate the merits of a company's claim that its financial situation requires abrogation of collective bargaining agreements.

Mr. Speaker, H.R. 5174 is an important and urgently needed bill, and I emphasize again that the bankruptcy law of this country under which bankruptcy cases are being handled will expire on the 31st of this month and on that account and on account of the importance of this measure, and the fair opportunity, I think, it gives the House to work its will on this subject, I ask every Member of this House to help bring about a prompt and I hope favorable consideration of this rule and then the legislation that will be offered thereunder.

Mr. Speaker, I yield 30 minutes for purposes of debate to my able friend from Mississippi (Mr. LOTT).

The SPEAKER pro tempore (Mr. HAYES). The gentleman from Florida (Mr. PEPPER) has consumed 10 minutes.

The gentleman from Mississippi Mr. LOTT is recognized for 30 minutes.

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I talk about the rule, it is I think appropriate in this instance to talk a little bit about the history of what brought us to this day and this particular rule. This matter is up against a deadline of March 31, but it did not have to be up against this deadline.

This issue could have been handled last year, 6 months ago, or 1 year ago.

□ 1250

But it has languished before the Rules Committee in one of the most irresponsible and abusive ways that I have ever seen in dealing with a very crucial problem for the people of America that have to go to the bankruptcy courts to get some financial relief.

Let me just go a little bit over the history. The Supreme Court ruled invalid part of the Bankruptcy Act dealing with the bankruptcy court judges in June 1982 in the Marathon case. There was a deadline of December 25, 1982, for action on this bankruptcy court question.

Since December 25, 1982, we have been working under an interim system for the bankruptcy courts. And I might say it has been working pretty well. There have been a number of court decisions that have impacted on and upheld that interim system. But that is what we have been working under since 1982 because the Congress had not addressed the constitutional question that the Supreme Court raised in the Marathon case.

The Judiciary Committee reported H.R. 3 in February 1983. Where have they been since February 1983? This bill, H.R. 3, came to the Rules Committee in March 1983, but there it has been languishing ever since.

Why? Because apparently the leadership here in the House was determined that it would be brought to the floor only the way the chairman of the Judiciary Committee wanted it and that was H.R. 3 without having to deal with the so-called Synar consumer bankruptcy reform, without the Kastenmeier-Kindness approach to the bankruptcy court solution, without anything else, because supposedly it was not germane.

And yet, when this rule does come to the floor, how much in this thing is germane and how much of it is not germane? How much of this package that we have had dumped in our laps here today, how much has it really been considered by the Judiciary Committee? Have there even been hearings on the labor part of it that would propose to reverse the unanimous Supreme Court decision? No, they have not had hearings.

After languishing for a year all of a sudden we finally move it. And how do we move it? In this great big beautiful package. What made this really start moving, frankly, was the Bildisco case and all of a sudden, even though there had been objections for over 1 year by the leadership of the Judiciary Committee about attaching Synar's consumer bankruptcy reform, all of a sudden it is embraced and is a part of the package. As a matter of fact, the Synar bill is now the horse that is pulling this cart, instead of the one that had been blocking it earlier as a damnable piece of legislation that should not be acted upon. Now it is in there.

I just have to ask, why have we waited so long and gotten up against this deadline? I do not think there is a defensible answer. I think it has been totally inexcusable the way it has been delayed and held up in the Rules Committee. And then when we finally get it brought to the floor of the House, it is bundled up in a nice big package with a closed rule. The package includes the so-called Rodino bankruptcy court reform change on the constitutional question with regard to the bankruptcy judges. It includes the so-called grain elevator reform. It includes the Synar package and it includes the labor amendment as a part of a closed rule. No amendments are in order, with one exception, even by members of the Judiciary Committee who have some very well thought out important amendments that should be considered. One of them, of course, by the gentleman from Ohio (Mr. KINDNESS) that would have addressed another question that is of great importance in this country and that is the need for additional district and circuit court Federal judges. We have a tremendous need in districts all across America. Not in 1 month, not in 1 year, right now.

And yet, the Rules Committee refused to make that in order as a part of the Kastenmeier-Kindness package that would be brought to the floor.

The gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the committee, had two amendments: One to reduce salaries and another to deal with the pension benefits of bankruptcy judges.

Mr. HYDE of Illinois had a very important amendment dealing with fungibility.

If we are going to have these bankruptcy judges with lifetime tenure, all the benefits of being Federal judges, but without all the responsibilities, should we not at least consider an amendment by Mr. HYDE that would allow them to do some of these other Federal court jurisdiction issues? That is not in order. Certainly the gentleman from Illinois, a very respected lawyer, a very respected member of the Judiciary Committee, should have his chance. But no, he is out.

Mr. SAWYER from Michigan, a member of the Judiciary Committee, has an amendment.

Mr. MCCOLLUM, Mr. BARTLETT, Mr. FROST, Democrats, Republicans, all of them closed out.

We want this thing wrapped up in a nice neat package. The only thing that is in order, other than the closed package, is one amendment to be offered by Mr. KASTENMEIER that would provide an alternative solution to the bankruptcy court question. That is in order. Thank goodness for that little point. But it is an important one.

I would urge my colleagues to look very carefully at the Kastenmeier-Kindness alternative. I think clearly it is a better approach. I ask initially and I will ask at the end of the debate, how many of my colleagues want 227 additional lifetime, tenured judges to deal with bankruptcy? Now even genuine Federal judges; 227 additional, lifetime, tenured, article 3, judges?

I do not know about my colleagues, but I know how my constituency feels about that particular point. I would urge my colleagues to give favorable close consideration to the Kastenmeier-Kindness appoach.

I have to say that I have seen some unusual, inexcusable, indefensible rules around this House before, but this has got to be in the competition for taking the cake.

I would urge my colleagues to oppose this closed rule, even though at least Kastenmeier was made in order.

Even the Washington Post today condemns this rule. And ends by

saying: "The best course for House Members today is to reject the rule and hold out for an open debate;"—an open amendment process at least by members on the Judiciary Committee.

Can we not at least do that? No.

"In the long run," says the Washington Post, "That's the fastest and fairest way to proceed," to defeat this rule and come back with an open one.

I think at this point I would like to yield to some of my other colleagues who are concerned about this rule and that serve on Judiciary and related committees like Education and Labor that will talk about the fact that we are taking some very, very serious steps here without Members really being fully knowledgeable about all the ramifications for the bankruptcy courts, the labor law, as well as the consumer amendments.

Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Committee on the Judiciary, the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, 1 year ago the chairman of our Committee on the Judiciary requested an open rule on an article 3 bankruptcy court bill that he and I had sponsored, H.R. 3.

This procedure would have allowed a number of worthy and germane amendments to be considered, amendments that we had considered on the full Committee on the Judiciary. That request by our chairman was fully consistent with our normal procedure and certainly in accord with the expectations of members of our committee at that time.

And now today we are confronted with quite a different situation. A closed rule permitting but one amendment, the article 1 alternative to title 1 of this bill. Other significant amendments, with strong committee support and sound legislative history, cannot be offered.

This is especially ironic that while germane and seriously intended amendments are frozen out, this 2-day-old legislative package, now before us, includes an amendment limiting the use of chapter 11 bankruptcy proceedings to repudiate labor contracts.

On this issue, unlike the consideration of H.R. 3, the committee record is an absolute blank. Neither the Monopolies Subcommittee nor the full committee has expended a moment's time on this matter. Any yet, Mr. Speaker, it reverses a 9-to-0 opinion of the U.S. Supreme Court.

Mr. Speaker, the requested rule is an affront to sound legislative practice and ignores the rule of comity which should govern all our daily relationships as Members of this body.

I therefore ask that it be rejected.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, well, once more, we are dealing with a very important, sensitive, complicated issue in a most extraordinary fashion.

□ 1300

The party that prides itself on being the Democratic Party somehow shies away from debate, from discussion. Even though it has the overwhelming numbers of votes on its side, it refuses to permit a debate, a discussion, deliberation, on some very important issues.

This is an exercise, to coin a phrase, of raw legislative power. And I should like to ask the chairman of my committee, the Judiciary Committee, Mr. Chairman, I would like to ask you a question.

I wonder when, in his memory, has he ever recommended that this body reverse a 9-to-0 Supreme Court decision without a hearing, a single hearing, in either body, in either Chamber, no hearing, a 9-to-0 decision. Tomorrow it will be 1 month since that decision was announced. We here today are going to reverse that decision. Boy, that is democracy, that is the legislative process played out with mind boggling speed.

Does the chairman recall that ever happening in American history, that we reverse a 9-to-0 decision within 1 month, without any hearing?

Now, I know the objections to signing discharge petitions. It erodes the committee process. God forbid you should erode the committee process unless because of the labor implications in the proposal you choose to do it right away, instanter, without any hearings, without any deliberation, without anything. It is an embarrassment to the legislative process. It is an embarrassment to those people who belong to this body and love this institution and call it the greatest deliberative body in the world. This is not. This is an exercise in muscle, muscle, muscle. And I congratulate you for wielding it so brutally.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS), a cosponsor of the amendment that was made in order.

Mr. KINDNESS. Mr. Speaker, the last thing I would want to do is come down here to the well and appear to be ungrateful. I am grateful that at least that part of H.R. 3257 that is going to be allowed to be considered today will indeed be considered. I am grateful. I am grateful like a lot of people in the Soviet Union are grateful that they are still alive, like a lot of people in the Soviet Union are grateful that they have not been shipped to Siberia. But I am grateful.

I think it is appropriate for us to remember some of the comments of my colleague from Illinois, for example, and others that will follow, who point out that we are involved in a process today in considering this rule which goes to the very question of the integrity of the House of Representatives.

Now, to vote for this rule all you have to do is give up your intellectual integrity. That is all. Not your moral integrity. No, no, I did not say that. Not your moral integrity. Your intellectual integrity. Some might say your moral integrity, but I do not agree with them.

I believe that if we took this rule debate seriously and employed our intellects we would have to say, "No, this is not right." Under our Constitution, our representative form of government, we owe ourselves, as well as the people of the United States, more than this.

This rule should be defeated. The debate on this extremely important subject should be open, should be a process which is deliberative and not railroaded.

I ask that we all vote against the rule. I know it will not happen that way. But for those who vote for the rule, consider your intellectual integrity.

Mr. PEPPER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, the issues raised by the proposed Rodino labor amendment are complex ones, involving the interrelation of national labor policy as expressed in Federal labor laws, and business rehabilitation policy as expressed in the bankruptcy laws.

A legitimate question to be addressed in the House debate on the rule is whether or not a policy issue of this complexity should be addressed in hasty fashion, without the benefit of congressional hearings. There is nothing in the Bildisco decision that demands a hurried, emergency response from Congress. The issue is important enough, and complex enough, that it should be handled independently and not created as a portion of a compromise package on bankruptcy reform.

In NLRB against Bildisco and Bildisco the Supreme Court clarified the law applicable to companies which seek to reject their collective-bargaining agreements in connection with reorganization proceedings under chapter 11 of the Bankruptcy Code. By a vote of 9 to 0 the Supreme Court ruled that the language of section 365(a) of the Bankruptcy Code applies to collective-bargaining agreements. Before the Supreme Court, all of the parties in the Bildisco case—the company, the union, and the NLRB—conceded this point. This decision does not mean that a debtor may treat a collective-bargaining contract as simply any other contract for goods or services. The Supreme Court noted that because of the special nature of collective-bargaining agreements, the rejection of such agreements must be

judged by a somewhat stricter test than the test applied to the rejection of other contracts by the debtor. The Court unanimously agreed on a "balancing of equities" standard.

The Court specifically rejected the union's argument that the debtor be required to show that the reorganization will fail unless rejection is permitted. The Court held that such a strict standard is fundamentally at odds with the flexibility and equity built into the chapter 11 reorganization procedure which seeks to accommodate a variety of competing considerations.

In recognizing the basic policies underlying the Bankruptcy Code, the Court was careful not to ignore the importance of the policies which support labor ways. The Court emphasized that the debtor remains under a duty to bargain with the union under section 8(a)(5) of the National Labor Relations Act. Too, the Court noted that national labor policies of avoiding labor strife and encouraging collective bargaining generally require that employers and unions reach their own agreements on terms and conditions of employment free from governmental interference. Thus the Court directed, before a bankruptcy court can act on a debtor's petition to modify or reject a collective-bargaining agreement, the bankruptcy judge must be persuaded that reasonable efforts to negotiate a voluntary modification have been made and are not likely to produce a prompt and satisfactory solution. Where such efforts at negotiation do not resolve the problem, the bankruptcy judge is to apply the "balancing of equities" standard.

The bankruptcy court's approval of a contract rejection does not terminate the bargaining relationship and does not extinguish employee rights. Where a bankruptcy court has weighted the equities and has decided to permit rejection of the union contract, the employees still retain fundamental rights including the right to strike. If the rejected contract contained a "no strike" clause, that provision is no longer applicable.

Rejection of the collective-bargaining agreement does not terminate the relationship between the union and the debtor-in-possession. The debtor still must recognize the union as the bargaining representative and must negotiate with that union in good faith with respect to the terms and conditions of employment. The continued existence of these rights serves to deter any business which improperly seeks to use bankruptcy proceedings simply to rid itself of a union.

The Court split 5 to 4 on the question of whether or not the debtor commits an unfair labor practice when it unilaterally rejects or modifies the collective-bargaining agreement after filing of a reorganization petition but before the contract rejection has been approved formally by the bankruptcy court.

The majority held that unilateral rejection of the contract before a formal ruling by the bankruptcy court is not an unfair labor practice. It reasoned that from the time chapter 11 petition is filed until the debtor formally accepts the contract, the contract is not an enforceable contract with the meaning of the National Labor Relations Act. Accordingly, the debtor need not comply with section 8(d) of the NLRA prior to seeking bankruptcy court permission to reject the agreement.

While a debtor remains obligated to bargain in good faith under NLRA over the terms and conditions of a possible new contract, it is not guilty of an unfair labor practice by unilaterally breaching a collective-bargaining agreement before formal bankruptcy court action.

In conclusion, I do not believe this rule should be burdened with the Bildisco case. That case should be discussed only after adequate hearings have been held.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the able gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I rise not to criticize the rule but rather to amplify what the chairman of the Rules Committee has already said about what is at stake here in terms of how the rule is constituted and to add, hopefully, clarification.

The basic proposition here is jurisdiction of the bankruptcy courts and how it will be constructed, that is, how it will be put together. This issue has actually been before us since the fall of 1982 in Rules Committee. I think the problems have been such that it has been understandable why this issue has been in the Rules Committee so long.

This rule, a modified closed rule, makes in order three nongermane but substantial substantive amendments to the Bankruptcy Code dealing with consumer credit, grain elevator, and collective-bargaining agreements. Those three. It is my purpose to state that the amendment I will offer, which is in order, will not affect those three substantive amendments.

□ 1310

My amendment solely goes to the proposition put forward by the chairman of my committee, formerly known as H.R. 3, as the structure of the courts. I say this for purposes of clarification, so it would not be assumed that they are either advanced or prejudiced by virtue—those substantive amendments—by virtue of my offering my amendment. The advocates of those amendments should know that whatever the vehicle, whether it is the gentleman from New Jersey's (Mr. RODINO) concept, or the one we offer as an alternative, that the vehicle, the basic vehicle will be retained for moving it to the Senate.

I will have more to say later on that issue; this comment is for clarification only. I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I support this rule; it is not perfect, none of us are perfectly consistent in this world. If I had my druthers, every rule would be a completely open rule, but that just does not happen, and some of my colleagues who have complained about this rule have in the past supported closed rules and modified closed rules. We do what we have to do to get legislation through this Congress.

Make no mistake about it, we have an emergency here. The bankruptcy courts in this country cease to be operative as of March 31 in the constitutional fashion. That means that debtors, and creditors, and farmers, and all sorts of other people who rely on the bankruptcy courts will be left in great jeopardy.

We need to act. It has not been done to date; I wish it would have, but this is the vehicle to make the action occur. On March 25, 1983, about 1 year ago, the gentleman from New Jersey (Mr. RODINO) went to the Judiciary Committee and requested an open rule on H.R. 3, which affected the court system. Nothing happened to that bill, largely because it was involved with other substantive pieces of legislation, some of which I support.

In the meantime, deadline after deadline has passed; and even though the Supreme Court is given a brief reprieve, chaos reigns throughout the bankruptcy court system of America, where people are in limbo not knowing if the orders of bankruptcy judges and district judges are legal or not.

Now we have this bill before us, and it is imperative that this bill pass by March 31 of this year. If you look at this bill, it takes care of the constitutional problems with respect to the judges; it provides grain elevator bankruptcy relief for the hundreds of thousands of farmers in this country who are facing very, very severe times with respect to low prices; it deals with debtors and creditors rights in Mr. SYNAR's bill that desperately needs to be clarified.

If this rule goes down, we have continued chaos, continued confusion in the courts, and the debtors and creditors of this country will be missing the kind of certainty that this bill provides.

I would urge the Members to vote for this rule. You will have the opportunity to vote on a key amendment of-

fered by Mr. KASTENMEIER, so let us proceed with the approval of this rule.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this rule. I will have more to say on the bill itself, but let me just talk about the rule. There are four parts to this bill; four bills are combined into one. Only one of them has ever been considered by any committee; that is No. 1. The original H.R. 3, to make article 3 judges out of the present article 1 bankruptcy judges.

The one amendment that is made in order by the rule was only in part made in order. To make that amendment work, namely with article 1 judges, 76 more district and appellate judges are needed to cover the work that has been assigned to them. That was stricken by the rule, so that is not allowed to be considered.

The worst part is the part that follows: H.R. 1800, the so-called consumer credit amendment sponsored by Mr. SYNAR, which I cosponsored, was never submitted to the subcommittee of which I am a member; never considered by the committee. Instead, a private markup, if you will, was held between the majority members of the subcommittee and the private creditor interests involved, Sears, et al. They marked it up and put it in and made it a part of this bill with neither the subcommittee nor the full committee ever getting a look at it. That is no way to do business.

Then the Bildisco case, unanimous by the Supreme Court on the application of standards for rejection of labor contracts by a receiver in which Justices Marshall and Brennan both concurred, is stricken down by a bill drafted solely by the majority counsel of the Judiciary Committee, Mr. Alan Parker. This bill was never shown to a member of the committee. Never was an hour of hearing held. This bill was then made part of this larger bill and was covered by a rule that does not even permit the Members of this House to offer an amendment or have a vote on it.

It may be a palatable bill if a word or two is changed. Instead of requiring a finding as an absolute fact that all jobs could be lost and the reorganization would fail absent a rejection, if the word "likely" is used it would be helpful. We are not given that option however. Mr. Parker, the counsel, is reversing on this bill the nine members of the Supreme Court on a unanimous decision without an opportunity in this House to amend it.

The Washington Post editorial today, and I rarely agree with them, ends up saying:

> The best course for the House Members today is to reject the rule and hold out for open debate. In the long run, this is the fastest, and, by the way, the fairest way to proceed.

I urge the rejection of this rule as being the worst abomination and short circuiting of committees and subcommittees that I have seen in the 7½ years I have been a Member of this House.

I yield back the balance of my time.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am certain that all the Members here have, at one time or another, as they have driven down the highways seen the sign for truck scales. They know what the purpose of those truck scales are; they are to weigh the trucks to see if they are overweight for the surface on which they are driving, and I am sure people have known of truckers, a very small number of them, who have avoided those scales because they know that they would not pass muster if they had to pass over their scales. That is exactly what is happening here.

We have attached an overweight provision to this bill that has never had 1 minute of hearing in our particular subcommittee or committee. Now, it maybe a trivial matter; all it does is overturn a unanimous 9-to-0 Supreme Court decision. A decision which included the votes of Justice William Brennan and Justice Thurgood Marshall.

Now, it seems very strange that on this very same floor in this very same well we have some of the advocates of this rule, time and time again who have told us we cannot deal with questions of Supreme Court decisions because we cannot tamper with it. We have to deal with it carefully. We have to make sure that we do not overstep our bounds.

What happened on the 22d of February? The Supreme court came down with their Bildisco decision, and now, barely 4 weeks later, we are rushing to judgment on that very question.

Now, there are other parts to the bill that were attached to the essential core bill, and those have been referred to: The grain elevator question; the consumer bankruptcy question, but those things have been dealt with in prior Congresses. Those questions which these compromises seek to resolve have been discussed repeatedly over the last 6 years.

Both the House and the Senate passed bills containing many of the same issues two Congresses ago, but they failed to agree on a bill because of a squabble over a retirement plan for bankruptcy judges. We have visited this issue before; we have been concerned about this issue before. As a matter of fact, in the last Congress, the Senate passed another bill containing those provisions, and the House Judiciary Committee held hearings which resulted in 1,100 pages of print, but it did not report a bill.

Nonetheless, that has been discussed. In contrast, we have not received 1 minute on this Bildisco case, and it is a very serious question. We are asked here to deal with overturning the Supreme Court on a very crucial question: What is the proper relationship between the labor laws of the United States and the bankruptcy courts? Do you, by your actions, want to make sure that reorganization is no longer available to corporations that have as a major part of their debt an executory contract dealing with their employees? What you may very well be doing is forcing those companies never to reorganize but to become insolvent and, therefore, have no jobs available for their workers.

Now, that may be throwing yourself on the sword of virtue, but it does very little for those particular employees. No one can completely tell what this is going to do because this provision goes beyond overturning the Supreme Court decision; it goes beyond that particular standard that was articulated by the unions themselves.

I would ask the Members not to vote for this rule; bring this back clean, and let us have a chance to look at it anew.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1320

Mr. SENSENBRENNER. Mr. Speaker, this rule ought to be voted down because it masks an outrageous pay and pension increase for bankruptcy judges and does not allow an amendment to be offered striking either or both of those sections.

The bill that is before us will increase the salary of bankruptcy judges to $69,500 per year. That is not a bad salary when one considers that as of December 31, 1981, a little more than 2 years ago, these folks were making $53,500 per year.

But irrespective of how outrageous the pay raise is, the pension increase is absolutely shameful. Under the present civil service retirement law, a 70-year-old bankruptcy judge with 10 years of service would receive a pension of $7,955 per year. Under this bill, if the judge takes senior status, that would go up to $69,500 per year in pension. Compare that to a $17,400 per year pension for a Member of Congress who retires with 10 years of service.

Shame on you for proposing a rule that hides this.

Mr. PEPPER. Mr. Speaker, we have two speakers left. If the gentleman from Mississippi (Mr. LOTT) would like to finish, I would like them to conclude, if I might.

Mr. LOTT. With the committee chairman's indulgence, we do have four or five other speakers, so at this time, Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. I thank the gentleman for yielding this time to me.

Mr. Speaker, we have a crisis in our bankruptcy courts, and we have had a crisis there for quite some time, since the Supreme Court ruled that the then-existent bankruptcy structure for courts was unconstitutional. We have been dealing with this for many months, and we have failed to get it out on the floor for a vote until now.

We are at the 11th hour, because of a date that runs out in just a couple weeks on a law that was passed in 1978. It is shameful that this body has not acted before now and that the leadership has not brought us an opportunity, despite all the problems that have existed and the debates that may go on about those problems.

We have a crisis in the consumer bankruptcy area that would be addressed in this bill in some fashion or another, but we really have not had the kind of orderly process that this body should take in developing the relief that is needed in that area and the kind of open debate that the public has every right to expect in this body.

I have supported initially H.R. 3, and although I would vote for it if necessary to get a bankruptcy court bill passed, I much prefer the Kindness-Kastenmeier substitute for the court solution, and I support the consumer bankruptcy changes, including the grain elevators, but I cannot support this rule.

This rule is not only just a closed rule; this rule is a basic gag rule in order to allow a certain labor contract dispute settlement decision of the U.S. Supreme Court to be overturned without the process of this body undertaking any major discussion of it at all, other than the brief time allotted on the floor today, and it is enveloped in the bill as a package, not allowing any amendments to address that particular problem.

There are those who say we have to pass this rule; that it is the only way we can solve the consumer and court crisis in the 2 weeks or so allotted. I say that is ridiculous. If we defeat this rule, those powers that be are going to have more pressure on them than they have ever had to bring out a rule and a bill that is going to allow us to orderly discuss and amend in a manner which reflects credit on this body instead of this railroad process.

I urge my colleagues to defeat this rule and give us the opportunity to pressure the bringing out of a fair and objective rule to let everybody debate and vote on the issues in full.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think that one of the things that has impressed me most about this debate is the failure of the majority party to come up with one single speaker who has gotten up and defended the process that has been used to craft this bill in the back rooms of the House and bring it to the floor without the committee process.

What is at stake here today is not the question of whether we are going to go ahead with a closed rule. We have done that before. Sometimes that is necessary. But this is not. This is a disgrace.

I would ask that those on the majority side ask themselves the question: Are there a few privileged Members around this House who can override the committee process and override your right to debate and question witnesses, can override the hearing process, and most of all, override the democratic process that is supposed to prevail in this country today?

This is a sad, sad moment. When I was privileged to be elected to this House of Representatives just 3 short years ago, I never thought that I would come to the floor with such contempt of what is going on here today. It is an absolute outrage.

Do not be fooled or hoodwinked into the question of whether we are voting on the issue that was put into the bill. We are voting on the very process that has held this democracy together over 200 years. That is what we are talking about. We are talking about the abuse of raw power, and let us not be fooled about it.

So I call upon those of you who stand in the well of this House day after day protecting the civil liberties of the people of this country, I call upon you now to stand up and be counted and say, "Yes, I am going to be overridden by the abuse of a few."

Mr. PEPPER. Mr. Speaker, I yield 4 minutes to the able gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to assure my friend from Florida that I have no intention of being overridden by the raw power of a few, and I support the rule.

The notion of an open rule with full amendment is one of those virtues like chastity, which gets a lot of selective adherence here on the floor of the House. My good friend from Michigan said that he had never seen a rule anything like this. I like him a lot, and I know he is a good Member, but apparently he was not looking the day Gramm-Latta came to the floor. That was a bill on which we might as well have put the committees out to pasture for all that they were allowed to deal with a great number of substantive changes in the law, and that was not drafted in the back rooms of the House; that was drafted in the front room of the White House.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Not on my very limited amount of time. We can talk about this later.

Mr. Speaker, the question of whether or not we have an open rule is an important one. I would be prepared to adopt an amendment to the rules now that says we can always have amendments, but I had people on the other side vote against me on social security in that tight package from the President. That was worked out by 15 people over there in a closed room somewhere on social security. It made vast changes in social security, and that was a closed rule. I voted against it.

If there are people in the House who are always for an open rule, fine, they can get up here and say it, but the willingness of Members to alternately support closed rules and then denounce them as tyranny seems to me a little bit too much to take.

I wanted to get up because my good friend from California talked about this bill being overweight, and that is certainly a subject on which I am a great authority, as you could have read in the paper today. He said that we are overturning the Supreme Court. Of course we are, on a matter of statutory interpretation.

My friend from California knows the difference between constitutional decisions of the Supreme Court and matters of statutory interpretation.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Not on my limited amount of time.

No, I do not think Justice Marshall or Justice Brennan would be offended that some of us who do not think the Court should have its authority stripped away over the Constitution choose to amend a statute after they have interpreted it. We are dealing here with the Court having said, "This is what we think the law means," and it is now up to Congress to say, "No, we do not want it to mean that; we want it to mean the other."

I would say, with regard to the Bildisco case, obviously that law as it is before us now is not going to become the final draft, we are going to have to go to conference with the Senate on this. There will be some changes. No one thinks that it is going to go in that particular form, but it is important that we make some change because the interpretation the Supreme Court gave in 1984 of that recent change in the law I do not believe was intended.

□ 1330

I do not believe that Members thought, when they voted in 1978, they were practically changing the labor law. People said, "Well, the poor unions and the poor workers will be thrown out of work and they won't be able to change the contract." Yes, they will, if they want to bargain about it. We are not saying that contracts are forever unchangeable; we are saying that they are bargainable items.

We want to make the heretical statement that in this day and age today employees in an American company who have an already signed contract have to be negotiated with and have to reach an agreement if they decide that economic necessity forces them to change it.

I happen to think that the various pieces of this bill make up a very good one. There will be an amendment offered. The gentleman from Wisconsin said, "Well, you won't even allow an amendment to deal with the pension and pay of these judges." There is going to be an amendment that would abolish these judges. An amendment will be offered by the gentleman from Wisconsin and the gentleman from Ohio on the other side to say that there will not be any of these judges at all. Now, no one argues, I hope, that we are going to do away with the judges in that amendment, but leave their pensions.

I am against the amendment, but Members who agree with the gentleman from Wisconsin who do not like the proposed pay and pension standards can vote for the amendment of the other gentleman from Wisconsin and the gentleman from Ohio, and there will not be any such judges. Not that I think President Reagan, or President Mondale, or President Hart is going to appoint a 70-year-old man as a judge just so he can get senior status, just as an example. I do not think that is likely to happen, but if Members are afraid of that, they can vote against it.

Mr. Speaker, I am not a great fan of closed rules, and I have voted against some. We have a good package here, and I think consistency says that we can vote for this closed rule and this good package of legislation.

● Mr. PORTER. Mr. Speaker, we have waited almost 1 full year for the House leadership to allow legislation to restructure our bankruptcy court system to reach the House floor. Ten days before the system collapses, a hastily arranged "compromise" is brought to the floor with an unacceptable rule. Mr. Speaker, I stand to condemn this attempt to force-feed unpalatable legislation to House Members.

I remind my colleagues that the urgent business at hand is to resolve the issues relating to the constitutionality of the bankruptcy courts which emerged as a result of the June 4, 1982, Supreme Court decision, Northern Pipeline Construction Co. against Marathon Pipeline Co. The Bankruptcy Code reform provisions of the bill which we are considering today, all contained in title II, do not need to be addressed immediately.

As cosponsor of H.R. 1800, which is almost entirely embodied in subtitle A of title II of H.R. 5174, I recognize the need for fine tuning the consumer bankruptcy laws enacted in the 1978 Bankruptcy Reform Act, and addressing other pertinent Bankruptcy Code issues.

These Bankruptcy Code revision proposals, however, should be dealt with independently of the bankruptcy court restructuring initiatives. The package presented to this body today holds bankruptcy law reform measures hostage to court-restructuring legislation.

In addition to being considered separately, code reform proposals should be debated openly. H.R. 5174, as offered today, includes one highly controversial code reform proposal on which hearings have never been held. In his testimony before the House Rules Committee yesterday, the gentleman from New Jersey (Mr. RODINO) admitted that the collective bargaining amendment in title II of this bill has no legislative history.

It is senseless and irresponsible to consider a major revision in the Bankruptcy Code, a revision which seeks to overturn a 9-to-0 Supreme Court decision, without hearings and without debate. This provision, handcrafted by the gentleman from New Jersey (Mr. RODINO) tampers with a very sensitive portion of the code. While it is important that the code not be abused to allow unfair avoidance of otherwise enforceable contracts, it is equally important that all jobs be protected, and that companies have the flexibility to avoid total liquidation.

Regarding title I of the bill, three members of the Judiciary Committee, the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. SAWYER), and the gentleman from Wisconsin (Mr. SENSENBRENNER), each have worthy amendments which are not being allowed to be considered.

These amendments, which deal with the fungibility of bankruptcy judges, pay equality with other Federal judges, and salary and pension equity, were all rejected by the House Rules Committee yesterday. Instead we are offered black and white proposals, one providing article III status for bankruptcy judges, and the other providing article I status.

Again, a compromise has been negotiated which does not incorporate all views, and the Members of the House are presented with opposing, closed options.

Mr. Speaker, if H.R. 5174 is rejected in its entirety today, it will be the result of a back-door compromise combined with an unworkable rule. If the measure is accepted, it is only because Members succumbed to the pressure of an impending deadline.

It is a shame that the many constructive alternatives which have been proposed in the past will not be debated and brought to a vote today. If, however, we reject this rule and send it back to committee, there is still time to craft a new, more equitable compromise for this House to consider.●

Mr. LOTT. Mr. Speaker, may I inquire, does the chairman of the committee have only one speaker left?

Mr. PEPPER. Mr. Speaker, I will conclude myself, but before that, I have one speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

I have just one brief point, Mr. Speaker, with regard to the comments by the gentleman from Massachusetts (Mr. FRANK). I handled the rule in 1981 on the budget, and if my colleagues will remember, the reason Gramm-Latta was made in order was the tyranny of the rule. We had to first defeat a rule that cut off our opportunity to offer our alternative, and the rule was what made that whole process possible Let us not forget that, because we have a similar rule right here.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, our consideration of this rule on H.R. 5174 is an affront to democtatic legislative procedures. It is an affront to the committee process and it is an insult to all Members.

Often I have spoken of the arrogance of power. With the procedures we are confronted with today, that term is way too mild. But, the procedures do demonstrate the tragic inadequacies of the leadership of this House.

Since H.R. 3 was reported out by the Judiciary Committee over 1 year ago, it has been languishing before the Rules Committee. Just yesterday, the Rules Committee took it up. Instead of dealing with a rule for H.R. 3, the Rules Committee decided it would write its own legislation, as directed by the Democratic leadership.

How did the Rules Committee do this? Strangely, that committee wrote its own legislation through the fiction of making in order a last minute introduction of a bill by the chairman of the Judiciary Committee. Included in that last minute legislation were issues never discussed previously in official activities by the Judiciary Committee.

Nonetheless, because many Members from both sides of the aisle favor a certain provision—the consumer credit provision—those in the leadership found a way to include an extraneous and highly controversial provision—the collective bargaining aspect—to appease their special interests.

Rather than allowing its special interest to expose its proposals to the light of day, the leadership has tucked away that proposal in the darkness of night. Is the leadership of this House afraid of its own constituency?

Even worse is the procedure that precludes the House from amending or striking any provisions of this bill, other than one provision. This, ladies and gentleman, is not the way a democratic process operates. It is more characteristic of the way some of those countries operate from the Eastern block that I have observed from the ILO.

The provision in H.R. 5174 with which I am mainly concerned is termed "Subtitle C—Amendments Relating to Rejection of Collective Bargaining Agreements in Bankruptcy," which may still be, or may not be, section 275 of the bill. This provision overturns a unanimous decision of the Supreme Court in a case entitled *N.L.R.B.* v. *Bildisco and Bildisco, Debtor-in-Possession,* 52 USLW 4269, decided on February 22, 1984.

It is strange that the leadership is unable to move a bill for over a year, but is able to overturn a 9-to-0 Supreme Court decision in less than 1 month—a complicated Supreme Court decision at that.

It is my contention that the bankruptcy legislation is controversial as it exists. It should not be encumbered by nongermane amendments even more controversial and which have not been considered in the usual hearing and markup process.

Deliberate and reasoned consideration is necessary rather than a rush to a vote on political expediency in this election year. Hearings are essential to clarify the press accounts which have misinformed the unwary. Time is needed to make sure that the Supreme Court decision is understood by the Congress, by unionized workers, and by the public in general.

Mr. Speaker, I include at this point, immediately following my remarks, the text of the Washington Post editorial of today entitled "Debating Bankruptcy":

[From the Washington Post, Mar. 21, 1984]

DEBATING BANKRUPTCY

This afternoon, the House will take up bankruptcy legislation under deadline pressure and a severely restricted rule. The bill is designed to keep the bankruptcy courts going after March 31. They have been in a state of limbo since a Supreme Court decision last year invalidated part of the 1978 Bankruptcy Act.

The bill—introduced only Monday—deals with three main issues: the terms and duties of bankruptcy judges, the rights of the consumer credit industry and the status of collective bargaining agreements in bankruptcy. On the union contract question, in particular, the rule allows no separate vote, so members will be forced to choose a bill with this provision or no bill at all. It's not going to work.

The labor provision is not the kind of noncontroversial measure that can be passed without hearings, committee reports, floor debate and a vote. The proposal would overturn a Supreme Court decision in the case of *NLRB v. Bildisco,* decided only last month. In that case the court held unanimously that labor contracts that were a burden to a bankrupt employer and could not be adjusted at the bargaining table could be abrogated in the course of a bankruptcy reorganization. The House bill provides that such a contract could only be rejected to prevent the complete failure of the employer's financial reorganization.

Congress may well choose to amend the Bankruptcy Act to give special protections to labor contracts, but that would be a mistake. The point of reorganization in bankruptcy is to save the debtor and, in turn, the jobs of those who work for him. If a union contract is enforced inflexibly and the company goes under, the workers will have made a point and lost their jobs. The House rule will deny members the opportunity to vote on this important policy question.

The best course for House members today is to reject the rule and hold out for open debate. In the long run, that's the fastest and fairest way to proceed.

Mr. LOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong opposition to the rule because of the provisions in the bill concerning the rejection of collective bargaining agreements in chapter 11 reorganization procedures. The addition of these provisions by the Rules Committee, without the normal consideration by the committee of jurisdiction, illustrates the excessive zealousness which has thus far characterized this issue.

This is even more troubling because the amendment has been offered as a response to a little understood, widely misrepresented Supreme Court decision—NLRB against Bildisco and Bildisco. While a careful review of that decision may ultimately convince us that it should be overturned, I do not believe we should legislate upon the basis of the mythology that has been presented by the press and interest group mailings.

Myth No. 1: The Bildisco decision abandons the longstanding Federal policy of protection and encouragement of collective bargaining.

The Federal policy favoring collective bargaining is inherently recognized—and, indeed, underscored—by the Bildisco decision which holds that a higher standard must be applied to labor contracts than to other executory contracts.

To reject any other kind of contract, a business must merely satisfy the business judgment test—which requires a mere showing that rejection of the contract will benefit the estate. The Bildisco decision holds union contracts to a stricter test: The employer must show that the collective bargaining agreement "burdens the estate, and that after careful scrutiny, the equities balance in favor of rejecting the labor contract."

This bill applies an even more stringent test—one which was rejected by all nine Justices of the Supreme Court—that goes beyond "protection and encouragement of collective bargaining." The amendment elevates collective bargaining agreements to a status whereby all other interests—including those of the nonunionized employees and those of the other creditors and their employees—are virtually ignored.

This bill requires a showing that, in the absence of rejection of the contract, the jobs covered by the agreement will be lost and any financial reorganization of the debtor will fail.

What does that mean? In plain English, it means that before even looking at the collective bargaining agreement, the employer has to cut everyone else to the bone.

Consider an employer who, for example, has 40 percent of his employees represented under a collective bargaining agreement. It means he has to cut the wages, salaries, and benefits of the other 60 percent of his employees to the bare minimum before rejection of the labor contract can even be considered. It also means that other creditors would have to make the maximum sacrifices—which could have serious effects on their employees—both unionized and nonunionized.

I ask my colleagues: Does our national policy of protecting and encouraging collective bargaining go so far as to exclude—indeed injure—the interests of those workers who have chosen not to organize?

Myth No. 2. The Bildisco decision has opened the door to union busting by giving employers new way to avoid having to deal with unions.

The Court is not saying there is no longer a union—granted procedures will be different.

What is seldom noted about the Bildisco case is that, even if rejection of the collective bargaining agreement is allowed, the workers are still represented by the recognized union and the employer is still bound under Federal law to bargain in good faith with that union to establish a new collective bargaining agreement. Meanwhile, the unions' most effective bargaining tool—the right to strike—is not diminished in any way, shape, or form.

But what is even more ludicrous about this union busting myth is that, as any businessman will tell you, it is absurd to assume that a business will file a chapter 11 reorganization simply

to rid itself of a union or to try to cut labor costs to enhance profits.

Last October, when the Labor-Management Relations Subcommittee—on which I serve as ranking minority member—held hearings on the airlines' bankruptcies, I asked the senior vice president for planning of Eastern Airlines, Mr. Morton Ehrlich, whether Eastern would be "sitting in clover" if it filed a chapter 11 and abrogated its labor contracts.

His response:

No, of course not. It is one of the most dread prescriptions that you could ever look for. . . . We do not want to do it. We simply do not. Even the mere threat of bankruptcy is affecting our bookings. . . . So as soon as the financial integrity of an airline is jeopardized, and is unfortunately made public because we're a public company, it does terribly damaging things to our revenue base and our booking space.

Virtually any company in any other industry would have similar fears. The damage to reputation, creditworthiness, and confidence, in addition to subjugation of the company's business to the bankruptcy court, provide plenty of legal and economic disincentives to a healthy company thinking about filing chapter 11 simply to rid itself of a union.

Myth No. 3: The Bildisco decision makes rejection of a labor contract too easy by allowing abrogation of the contract without having to obtain prior bankruptcy court approval.

This myth ignores the fact that the employer who files a chapter 11 and immediately abrogates his labor contracts does so at his own risk. The Supreme Court merely held that this is not an "unfair labor practice." If, in fact, the employer cannot ultimately meet the test for rejection, the bankruptcy court will disapprove the rejection and the employer will be liable for retroactive wages and benefits.

Granted, this is an imperfect solution—for both the employer and the employees. But what is the alternative? There is sense to having an expedited hearing.

This bill hardly offers a reasonable alternative. In the first place, it requires a hearing by the bankruptcy court within 7 to 14 days. Even a delay of such a short length can be fatal to some companies. For example, when it filed, Continental Airlines reportedly had only 8 days of cash left, given its existing contracts.

But, even with the requirement of an expedited hearing, the bill says nothing about how soon the bankruptcy judge must rule. And, one must ask, how could we reasonably require such an expedited ruling when one considers the massive quantities of information which must be distilled before making a just ruling. Consider the Continental Airlines case, in which the chapter 11 filing occurred last September and now—6 months later—there still has been no decision by the bankruptcy court.

By locking the employer into the collective-bargaining agreement until the bankruptcy judge has ruled, are we not creating a strong likelihood of an overly hasty ruling by the judge? I wonder if those who support these provisions have considered the possibility that a lot of bankruptcy judges—who are institutionally inclined toward survival of the company—will err in favor of rejection without carefully considering all of the facts, simply to relieve the pressure on the company.

In conclusion, Mr. Speaker, I am perfectly willing to take a careful look at the Bildisco decision and, if need be, provide statutory modifications. I am simply saying that, because of the erroneous misconceptions surrounding this issue, I do not believe that this body is adequately prepared to legislate on this matter. In the absence of hearings and the normal legislative process on the implications of the collective-bargaining provisions, the rule should be defeated.

The balancing of the Federal labor and bankruptcy laws should not be done on the basis of an editorial cartoon.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding this time to me, and I especially commend my colleague, the gentleman from Texas (Mr. SAM B. HALL, JR.), of the Committee on the Judiciary for his explanation before this House of what is wrong with that section of the bill that repeals the Bildisco decision. Just as someone said yesterday, that H.R. 1800, the consumer protection part of this bill, is the horse that drives the carriage; in fact, the unfair labor provision in substance is the millstone around the neck of bankruptcy reform.

I think this House, before we look at the vote on the rule, ought to look a little bit at the merits or demerits of what is proposed. The Bildisco decision, which is current law, thanks to 14 judges all the way up voting for it in a 9-to-0 Supreme Court decision, is not unfair to workers; it is fair to workers.

Mr. Speaker, what the Bildisco decision does is to require the bankruptcy court will weight the equities and balance the equities of all parties involved. The Bildisco decision would say we have to balance the equities of union employees with the equities of nonunion employees and with those employees of unsecured creditors.

The Rodino bill would reverse that and would say first that you have to fire your nonunion employees and then you have to cause your creditors to fire their employees before you can even look at the terms of a union contract.

Mr. Speaker, that is not fair. What is in this bill does not go back to law in effect prior to Bildisco. In fact, it would codify a brandnew law that is different from Bildisco, that is different from REA, that is different from the old Kevin Steel Products case, and that is different from 4908, and we should reject this labor terminating section by rejecting the rule.

Mr. PEPPER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I rise in support of and urge adoption of this rule.

There has been some dissatisfaction expressed with the rule proposed for bringing this legislation to the House floor. I concede that it may not be ideal, but neither has the process and the progress of this legislation been ideal. However, under the circumstances, I think it is fair. It is the product of long and tough negotiations among competing interests. It is a tolerable accommodation of those competing interests. I thus urge its support.

H.R. 5174 itself is the result of negotiation and compromise. With the exception of the title that would create a constitutionally sound bankruptcy court system, I certainly have my own misgivings. I would have preferred to deal solely with the court issue today—or 1 year ago for that matter—and left consideration of the other portions to a later time. But it is clear that was not to be. I, therefore, agreed to this compromise, because I saw no other way to resolve the court issue.

□ 1340

Let me remind you that on March 31 the interim emergency rule expires, the current courts of bankruptcy cease to exist, and no bankruptcy judges are authorized to serve on any court. The Nation must have a workable bankruptcy court system of sound constitutionality before March 31. By that I mean passed and enacted—signed into law—by the 31st of March.

Once the 31st goes by—Humpty Dumpty will have fallen off the wall and all the Members of Congress and all the lobbyists will not be able to put him back together again.

I have heard grousing about this bill being drafted at the 11th hour in the dark of night, allowing insufficient time for study. In response, I point out that the component parts of this bill have been around for months, if not years. And I have circulated to the Members a detailed letter that outlines the major provisions of this bill.

I truly wish the process could have been otherwise. What we are doing

here raises questions about our commitment to and our confidence in the committee system. I recognize, however, that some of the issues addressed in this bill have the support of powerful special interest groups. Being a realist, I see no alternative under the circumstances and under the time constraints but this compromise to resolve the court issue.

The rule we seek is a fair one; the legislation we propose is a reasonable compromise solution to a variety of bankruptcy issues. I urge adoption of the rule and passage of H.R. 5174.

And as a matter of fact, addressing the Bildisco case, I would like to point out to the Members who take issue with that, that the Solicitor General of this administration's Department of Justice took the position, which we now codify, when he argued before the Supreme Court in the NLRB versus the Bildisco case that the REA Express case standard was the proper standard, because it acknowledged Federal labor policy, while at the same time preserving the basic principle of bankruptcy rehabilitation.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. PEPPER. Mr. Speaker, I yield 1 additional minute to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I thank the gentleman for yielding.

To address that issue, I would merely like to say in closing that what the bill would do is to merely clarify what the Congress thought was the standard in 1978 and merely codify what the most courts have ruled in these cases which have considered the rejection of collective bargaining agreements under bankruptcy. That standard is the REA Express case standard, which is supported by the Solicitor General of this administration.

Mr. LOTT. Mr. Speaker, I recognize that none among us are as pure as driven snow. We have all supported, at various times and for various reasons, modified closed rules or even closed rules, but the closed rule in this instance gives the use of the closed rule a bad name. This is the worst I have even seen.

Let me ask a series of questions. No. 1, why are we at this 11th hour? Heaven knows we have been pleading on this side of the aisle and the other side of the aisle for months to let the Rules Committee take this issue up, to let us bring it to the floor, let us debate it, let everybody have their vote, and let us conclude the issue. We could have acted in a very responsible way and in a way probably that the chairman of the Judiciary Committee would have wanted us to act.

No, we did not do that. We are up against this 11th hour because the leadership of the Judiciary Committee, and I guess of the whole House, did not want it to come to the floor before now.

Why is it a closed rule? Why is it a closed rule even as to amendments from members of the Judiciary Committee, very legitimate, responsible amendments, sponsored by and supported by members of both parties and of all philosophical persuasions?

Why is there no district court amendment, when everybody knows the Senate has already acted on this issue and everybody knows that we need them. We put them off until January 1985, so it would not be a Presidential question.

Answer those questions, and I think you will vote no on this rule.

Then what would happen? We could pass a bill that would extend for a year the interim process now in effect, or we could go back to the Rules Committee this afternoon and be back here tomorrow, when truthfully we do not have anything to do anyway, on a bill that provides some opportunity for reasonable amendments.

Vote no on this rule. It is an abomination.

The SPEAKER pro tempore. All time of the gentleman from Mississippi (Mr. LOTT) has expired.

The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, great emphasis has been put by some of the speakers upon the fact that this is a closed rule. The rule does make in order only the Kastenmeier amendment as an alternative to the Rodino bill; but the gentlemen have failed to observe that at the end of this rule it says, "without intervening motion except one motion to recommit."

Under rule 16 of the House, clause 4, under a motion to recommit to be made by the minority, they can put any germane provision in the motion to recommit they want to put in it. They have complete blank authority to knock anything out, to revise, offer a substitute, amend it in any way they wish to. They are authorized to have 10 minutes debate on that. That will come after the House has acted upon the amendments that are offered on the floor.

So let us not say this rule does not give the House any opportunity to change what even may be done by the House. Remember, it says, "without intervening motion except one motion to recommit." That is a privilege the minority has. So they can offer any amendment, any substitute, any variation, any modification that is germane that they wish to offer.

With this bill, Mr. Speaker, we are up against the pressure of time. It has not been easy for the leadership of this House, with the concurrence of the Rules Committee, to try to get this bill and this situation in a status where the House can work its will and make the choices it wishes to make.

This bill does offer the House that opportunity to choose between the Kastenmeier bill and the Rodino bill and give people who have amendments that they have an opportunity to offer them.

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. PEPPER) has expired.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 166, not voting 25, as follows:

[Roll No. 51]

YEAS—242

Ackerman	Dicks	Hubbard
Addabbo	Dingell	Hutto
Akaka	Dixon	Jenkins
Albosta	Donnelly	Johnson
Anderson	Dorgan	Jones (NC)
Andrews (NC)	Downey	Jones (OK)
Andrews (TX)	Durbin	Jones (TN)
Anthony	Dwyer	Kaptur
Applegate	Dymally	Kastenmeier
Aspin	Dyson	Kennelly
AuCoin	Early	Kildee
Barnard	Eckart	Kolter
Barnes	Edwards (CA)	Kostmayer
Bates	English	LaFalce
Bedell	Erdreich	Lantos
Beilenson	Evans (IL)	Lehman (CA)
Bennett	Fascell	Lehman (FL)
Berman	Fazio	Leland
Biaggi	Feighan	Levin
Boehlert	Ferraro	Levine
Boggs	Flippo	Levitas
Boner	Florio	Lipinski
Bonior	Foglietta	Lloyd
Bonker	Foley	Long (LA)
Borski	Ford (MI)	Long (MD)
Bosco	Ford (TN)	Lowry (WA)
Boucher	Fowler	Luken
Boxer	Frank	Lundine
Brooks	Frost	MacKay
Brown (CA)	Fuqua	Markey
Bryant	Garcia	Martinez
Burton (CA)	Gaydos	Matsui
Byron	Gejdenson	Mavroules
Carper	Gephardt	Mazzoli
Carr	Gilman	McCloskey
Chappell	Glickman	McCurdy
Clarke	Gonzalez	McDade
Clay	Gore	McGrath
Coelho	Gray	McHugh
Coleman (TX)	Green	McNulty
Conte	Guarini	Mica
Conyers	Hall (IN)	Mikulski
Cooper	Hall (OH)	Miller (CA)
Coyne	Harkin	Mineta
Crockett	Harrison	Minish
D'Amours	Hawkins	Moakley
Daniel	Hayes	Mollohan
Darden	Hefner	Moody
Daschle	Hertel	Morrison (CT)
de la Garza	Horton	Mrazek
Dellums	Howard	Murphy
Derrick	Hoyer	Murtha

Natcher	Rostenkowski	Tallon
Neal	Rowland	Thomas (GA)
Nelson	Roybal	Torres
Nowak	Russo	Torricelli
Oakar	Sabo	Traxler
Obey	Scheuer	Udall
Olin	Schneider	Valentine
Ortiz	Schroeder	Vento
Ottinger	Schumer	Volkmer
Owens	Seiberling	Walgren
Panetta	Shannon	Watkins
Patterson	Sikorski	Waxman
Pease	Simon	Weaver
Penny	Sisisky	Weiss
Pepper	Skelton	Wheat
Perkins	Slattery	Whitley
Pickle	Smith (FL)	Whitten
Price	Smith (IA)	Williams (MT)
Rahall	Smith (NJ)	Williams (OH)
Rangel	Solarz	Wirth
Ratchford	Spratt	Wise
Ray	St Germain	Wolpe
Reid	Staggers	Wortley
Richardson	Stark	Wright
Rinaldo	Stokes	Wyden
Ritter	Stratton	Yates
Rodino	Studds	Yatron
Roe	Swift	Young (MO)
Rose	Synar	

NAYS—166

Archer	Hightower	Patman
Badham	Hiler	Petri
Bartlett	Hillis	Porter
Bateman	Holt	Pritchard
Bereuter	Hopkins	Pursell
Bethune	Huckaby	Quillen
Bilirakis	Hughes	Regula
Bliley	Hunter	Ridge
Breaux	Hyde	Roberts
Britt	Jacobs	Robinson
Broomfield	Jeffords	Roemer
Brown (CO)	Kasich	Rogers
Broyhill	Kazen	Roth
Burton (IN)	Kemp	Roukema
Campbell	Kindness	Rudd
Carney	Kramer	Sawyer
Chandler	Lagomarsino	Schaefer
Chappie	Latta	Schulze
Cheney	Leach	Sensenbrenner
Clinger	Leath	Sharp
Coats	Lent	Shaw
Coleman (MO)	Lewis (CA)	Shelby
Conable	Lewis (FL)	Shumway
Coughlin	Livingston	Shuster
Craig	Loeffler	Siljander
Crane, Daniel	Lott	Skeen
Crane, Philip	Lowery (CA)	Smith (NE)
Dannemeyer	Lujan	Smith, Denny
Daub	Lungren	Smith, Robert
Davis	Mack	Snowe
DeWine	Madigan	Snyder
Dickinson	Marlenee	Solomon
Duncan	Marriott	Spence
Edwards (AL)	Martin (IL)	Stangeland
Edwards (OK)	Martin (NC)	Stenholm
Emerson	Martin (NY)	Stump
Erlenborn	McCain	Sundquist
Evans (IA)	McCollum	Tauke
Fiedler	McEwen	Tauzin
Fields	McKernan	Taylor
Fish	McKinney	Thomas (CA)
Franklin	Michel	Vander Jagt
Frenzel	Miller (OH)	Vandergriff
Gekas	Molinari	Vucanovich
Gibbons	Montgomery	Walker
Gingrich	Moore	Weber
Goodling	Moorhead	Whitehurst
Gradison	Morrison (WA)	Whittaker
Gramm	Myers	Winn
Gregg	Nichols	Wolf
Gunderson	Nielson	Wylie
Hall, Ralph	O'Brien	Young (AK)
Hall, Sam	Oxley	Young (FL)
Hamilton	Packard	Zschau
Hammerschmidt	Parris	
Hansen (UT)	Pashayan	

NOT VOTING—25

Alexander	Edgar	McCandless
Annunzio	Forsythe	Mitchell
Bevill	Hance	Oberstar
Boland	Hansen (ID)	Paul
Collins	Hartnett	Savage
Corcoran	Hatcher	Towns
Courter	Heftel	Wilson
Dowdy	Ireland	
Dreier	Kogovsek	

□ 1400

The clerk announced the following pairs:

On this vote:

Mr. ANNUNZIO for, with Mr. CORCORAN against.

Mr. MITCHELL for, with Mr. HARTNETT against.

Mrs. COLLINS for, with Mr. PAUL against.

Mr. TOWNS for, with Mr. HANSEN of Idaho against.

Mr. BOLAND for, with Mr. DREIER of California against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McCANDLESS. Mr. Speaker, I was unavoidably detained during rollcall No. 51, the vote on the rule for the consideration of H.R. 5174, the Bankruptcy Amendments of 1984. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. Pursuant to House Resolution 465 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5174.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article 3 of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, with Mr. FOWLER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 1 hour and the gentleman from New York (Mr. FISH) will be recognized for 1 hour.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill would remedy the constitutional problem in the bankruptcy court system and make certain changes in the bankruptcy law relating to personal bankruptcy, grain storage facility bankruptcy, and the rejection of collective-bargaining agreements in chapter 11 bankruptcy cases.

On June 28, 1982, the Supreme Court decided the case of Northern Pipeline Construction Co. against Marathon Pipe Line Co., holding that the jurisdiction conferred on the bankruptcy courts could not be constitutionally exercised, because bankruptcy judges were not given the protections set forth in article 3 to insure the impartiality of the adjudication process and the separation of the three branches of Federal Government—tenure during good behavior and guarantee against salary reduction while in office. The constitutional defect found by the Court was the term of office of the judges. Under the separation of power structure of the Federal Government, judges who adjudicate private rights or State law claims must be tenured.

This bill contains, with two changes, the provisions of the article 3 bankruptcy court bill, H.R. 3, which was favorably reported by the Committee on the Judiciary on a vote of 24-6. The two changes in the bill concern a change in the effective date of the Presidential appointment power to January 21, 1985, and a technical amendment to insure that the salaries of magistrates are not sharply reduced on April 1, 1984, because of a glitch that exists in current law.

This bill would solve the constitutional problem presented by Marathon with the least cost and the least change in the bankruptcy court system enacted by Congress in 1978.

The bill would establish a clearly constitutional bankruptcy court. It would leave the present separate bankruptcy court system in place and convert the existing 241 14-year-term bankruptcy judge positions to 227 tenured positions, in order to comply with the principles set forth in Marathon. In other words, the bill merely changes the term of offices of the judges.

The importance of the interests affected by, and, indeed, the dramatic stakes of Federal bankruptcy cases are daily brought to our attention. Whether the case be of the size of ITEL Corp., Wickes, Sambo's, or Braniff, or a grain elevator bankruptcy affecting a farming community, or litigation between a consumer and a creditor in a personal bankruptcy case, the need for independent judges of the highest caliber and unified bankruptcy jurisdiction to efficiently resolve all claims in a bankruptcy case is evident.

Contrary to bogus arguments that have been made, this bill does not create a new court; it does not authorize additional numbers of bankruptcy judges or supporting personnel over the present numbers. It does not change the jurisdiction of the bankruptcy courts. The jurisdiction of the bankruptcy courts under this bill would be the same as under the 1978 law. The bill restates the 1978 law. The only change is the length of the

term of office of the bankruptcy judges.

More than one-half of the text of article 1 of this bill merely reenacts the 1978 law. It is simply a restatement of the bankruptcy court provisions of present title 28 of the United States Code.

A change from 14-year-terms to tenured positions will make little difference in terms of actual length of judicial service on the bankruptcy courts. The average length of service of other article 3—tenured—Federal judges is 15 years—a difference of 1 year.

Only an article 3 bankruptcy court will definitely meet the constitutional requirements of the Marathon case. Any other approach is subject to serious constitutional doubt. Why risk another unconstitutional system, when a constitutional one is a simple matter of changing the term of office? Had the judges been tenured as this body wanted in 1978, the constitutional issue would not have arisen. Our original judgment was right all along.

Proposals to create an article 1 bankruptcy court and a system of fragmented jurisdiction would be unlikely to withstand constitutional scrutiny by the Supreme Court.

Such proposals attempt to guess at what limitations on the jurisdiction of an article 1 court might be constitutional, but the guesses made in the legislation find no support in the Marathon decision. These article 1 approaches would be subject to the same constitutional infirmities as the Marathon case found in the 1978 act.

An article 1 approach would only result in new constitutional challenges to the bankruptcy system. This system needs constitutional certainty.

Of equal importance—although it is often masked or ignored by the proponents of an article 1 bankruptcy court—Federal bankruptcy policy mandates an article 3 bankruptcy court.

Those who propose that the Congress should codify some form of the "limp-along" interim emergency rule, or other convoluted procedural system, would reverse the central bankruptcy policy decison made, after a decade of study, by the Congress in the 1970's. The primary impetus for—and single most important reform of—the 1978 law was the consolidation of bankruptcy proceedings in a single forum with jurisdiction over all matters necessary to resolution of a bankruptcy case.

Simply stated, a jurisdictional hodgepodge costs creditors money. Unitary jurisdiction was sought and supported by all those concerned. The Commission of the Bankruptcy Laws of the United States—a congressional commission which included Federal district judges—the American Bankers Association, the National Bankruptcy Conference, the National Commercial Finance Conference, the Commercial Law League, the Department of Justice, and many other organizations—including the Judicial Conference of the United States—all recommended unified jurisdiction.

As a bankruptcy policy matter, there was agreement about that then, and there is agreement about that now.

An article 1 court with splintered jurisdiction would reverse that critical reform. It would resurrect all the problems of divided jurisdiction and create totally new, doubtful jurisdictional boundaries. This convoluted procedural system would spawn costly litigation over abstruse jurisdictional issues and promote delay, diminishing the assets of the bankruptcy estate and creditors' recoveries. Federal bankruptcy policy requires an article 3 bankruptcy court with unified jurisdiction.

Contrary to the myth raised by some, an article 3 bankruptcy court would not elevate bankruptcy judges to the level of district court judges. As under present law, bankruptcy judges under the bill would not be paid the same as district court judges, would not have the same jurisdiction as district court judges, could not be assigned to other Federal courts as district court judges may be, and would not have the same personnel and facilities as district court judges. There are a variety of article 3 judges in the Federal judiciary now, and they receive different pay and have different jurisdiction.

The House should not adopt a proposal that would only result in new constitutional challenges to the system and the likelihood of a "Marathon II." Any attempt to do anything less than what we know is constitutional would be unwise.

This bill provides the only clearly constitutional solution to Marathon.

This bill also established the only system which maximizes creditors' recoveries in bankruptcy, minimizes judicial duplication of effort, and promotes the chances of successful financial reorganization.

Subtitle A of title II of this bill represents a compromise worked out with the consumer credit industry on pending legislation relating to consumer bankruptcies. The provisions are fair to both creditor and debtor interests, while serving to curb potential abuses of the bankruptcy laws.

Subtitle B of title II of this bill would make amendments relating to grain storage facility bankruptcies. The delay that inevitably occurs in a grain elevator bankruptcy case while the court resolves the competing claims of ownership, and protects the interests of farmers and other claimants, creates special problems for the family farmer. Grain held by a bankrupt grain elevator may represent a major portion of an individual producer's marketable assets.

This bill would require a bankruptcy court to prevent unnecessary, harmful delay in the disposition of grain and the proceeds of grain. The bill would add a new section—section 557—to title 11 of the United States Code to provide that, on the request of the trustee or any entity that claims an interest in grain or the proceeds of grain, the bankruptcy court is required to expedite the procedures for the determination of interests in and the disposition of grain, by establishing a timetable generally not to exceed 120 days.

The bill would provide a priority for individual farmers engaged in the production of grain against a grain storage facility to the extent of $2,000 for each individual producer, and would make various other changes relating to grain storage facility bankruptcies.

Subtitle C of title II of this bill clarifies congressional intent with respect to the limited circumstances under which a collective-bargaining agreement may be rejected in a bankruptcy case under title 11 of the United States Code.

At the time that the 1978 bankruptcy law was under consideration by the Congress, the law being applied on the question of the conditions required for the rejection of union contracts in bankruptcy was the standard set forth by the Court of Appeals for the Second Circuit in *Brotherhood of Railway and Airline Clerks* v. *REA Express, Inc.*, 523 F.2d 164, 167-169 (CA2), cert. denied, 423 U.S. 1017 (1975). The Congress was fully aware of the strict standard for rejection established in REA Express and believed it was simply continuing that standard when it enacted the 1978 law. Indeed, most lower courts applied the standard of REA Express in interpreting the 1978 law.

This administration's Solicitor General argued before the Supreme Court, in the case of NLRB against Bildisco & Bildisco, U.S.—February 22, 1984—that the standard applied in REA Express properly accommodates the policies of the labor and bankruptcy laws.

Despite the position of the Solicitor General that the Supreme Court should adopt the strict standard for bankruptcy court approval of the rejection of a collective-bargaining agreement in Bildisco, the Supreme Court affirmed a less stringent standard for the rejection of labor contracts in bankruptcy. The balancing-of-the-equities standard adopted by the Supreme Court would give no special weight to collective-bargaining interests and the concerns underlying the national labor policy.

This bill would require the bankruptcy judge to apply the standard used in the second circuit REA Ex-

press opinion in determining whether to approve a request for the rejection of a collective-bargaining agreement under the bankruptcy laws. Under this standard, the collective-bargaining agreement would not be subject to rejection in a chapter 11 case, unless the jobs covered by the collective-bargaining agreement would otherwise be lost and any financial reorganization of the debtor would fail. As the Solicitor General of the Department of Justice stated:

[T]he Second Circuit standard insures that collective bargaining agreements are rejected only when necessary to accomplish the bankruptcy goal of avoiding collapse of the business, not simply because an employer prefers to operate without the restrictions of the collective bargaining agreement.

This bill clarifies the Congress intent to incorporate the second circuit standard for the rejection of a union agreement in a chapter 11 reorganization case and presents a proper balance between bankruptcy and labor policies.

Mr. Chairman, this bill is a fair bill. I believe it is important to recall that, back in 1978, the Judiciary Committee reported a bill which this House adopted providing for article 3 judges after it had exhaustively studied the question of possible constitutional challenge, and therefore provided for tenured or article 3 judges. It was right then, and unfortunately, because we had to compromise with the other body, we are in this position where the Marathon case then decided that those judges that were provided for under the compromise agreement that were not tenured were in violation of the Constitution because they failed to have tenure.

We are addressing that. We are saying: Do not make the same mistake we made in 1978. Let us have a sound constitutional system by providing for article 3 judges against which there can be no constitutional challenge.

The CHAIRMAN. The gentleman from New Jersey (Mr. RODINO) has consumed 18 minutes.

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. chairman, while I find considerable fault with the egregious provisions concerning labor contracts, I rise in support of this legislation today. Not only does this legislation remedy the constitutional problem in the bankruptcy courts system, but it includes long-awaited changes in the bankruptcy law relating to personal bankruptcy.

The bankruptcy court system has essentially been in a state of flux since 1982 when the Supreme Court ruled that the bankruptcy courts established under the 1978 act were unconstitutional. The Supreme Court ruled that the jurisdiction they exercised was too broad to be held by judges who did not possess article 3 protections against political interference. Since 1982, Congress has been unable to agree on an appropriate solution. Consequently, by 1983 there was a backlog of more than 700,000 bankruptcy cases. The uncertainties surrounding the bankruptcy courts have impeded orderly economic movement and the disposition of the judicial process. H.R. 5174 provides a solution to this problem, and, therefore, deserves your support.

There can be no doubt about the need for reform of our consumer bankruptcy laws. I am convinced that the present Bankruptcy Code is being abused. I have, therefore, been a long-time supporter of bankruptcy reform legislation.

Since 1978, bankruptcies have continued to rise dramatically at an annual rate of about 450,000, or 200 percent of the rate for the 12 years prior to the enactment of the code. Some experts believe that as much as $1 billion of the $6 billion scheduled in bankruptcy annually is unnecessarily discharged and can be paid by debtors without undue hardships. This $1 billion is being paid by other consumers through higher prices and limitations on credit availability. Even when you consider factors such as high-interest rates, inflation, and increased unemployment, these statistics are overwhelming.

Furthermore, economic conditions cannot account for the high number of debtors who have chosen to discharge all their debt in a straight chapter 7 bankruptcy when they could have completed repayment of such debts under chapter 13. While I believe Congress made a number of important changes which afforded consumers the ability to obtain a fresh start when facing unintended financial difficulty when they agreed to the 1978 act, I am afraid that with the 1978 changes Congress also unintentionally created incentives for individuals to invoke straight bankruptcy where other options may be available.

The changes incorporated in H.R. 5174 are badly needed and will go a long way toward curbing the increasing number of unnecessary chapter 7 straight bankruptcy filings and toward guaranteeing the continued availability of unsecured credit to the average American consumer. The facts that this bill contains needed changes to the Bankruptcy Code and the solution to the bankruptcy courts merits our support.

Mr. Chairman, I commend the gentleman from New York for his leadership.

Mr. FISH. I thank the gentlewoman.

Mr. Chairman, we have before us this afternoon a bill with four major parts. The basic issue is restructuring the bankruptcy courts. Title I of H.R. 5174 provides life tenure for bankruptcy judges, which I firmly believe is essential in order to place our system of bankruptcy adjudication on a firm constitutional basis. This is what the administration is asking us to do. I was delighted that a policy statement, issued yesterday by the Executive Office of the President, states that the administration would oppose amending H.R. 5174 to limit tenure for bankruptcy judges. The administration endorses lifetime article 3 appointments as the basis for a more certain constitutional course.

Subtitles A and B of title II of this bill, the consumer finance and grain elevator amendments, have been worked out to the satisfaction of all who have legitimate interests. They should not present a problem here today. However, subtitle C, relating to rejection of collective-bargaining agreements in bankruptcy most assuredly will present problems. Without any hearings whatsoever, without a single moment's consideration by the Monopolies Subcommittee or the full Judiciary Committee, the labor amendment has found its way into this bill. It is no less shocking that it would reverse the 9-to-0 Supreme Court decision in the Bildisco case on which the ink is hardly dry. I am confident that many Members will have much to say on this point.

The near-term issue for us is the single amendment offering an alternative to the first title of the bill—the constitutional issue.

The Supreme Court clearly told us in the Marathon decision that the unified jurisdiction entrusted to the bankruptcy courts in 1978, one of the major achievements of the Bankruptcy Reform Act, must be exercised by judges having the protections prescribed by article 3 of the Constitution. Nothing less than this will assure the independence of those men and women appointed to exercise the broad judicial powers of the United States.

Those who would trim or trifle with this constitutional requirement do so at their peril. A grant of unfied jurisdiction cannot be sliced up into small pieces, or passed around between article 1 and article 3 courts. It was made indivisible by the Congress in the interest of effective, efficient, and economical bankruptcy adjudication 6 years ago. It was felled by the Supreme Court's decision in the Marathon case. It is restored by the grant of life tenure in title I of H.R. 5174.

If we choose the so-called article 1 solution, we will once again place at risk the structure and integrity of our entire system of bankruptcy adjudication. It would mean that we choose to run away from the constitutional

issue. It would be a tragic and unnecessary mistake leading to a second Marathon decision.

Title I of H.R. 5174 does not create a new bankruptcy court system. That was done by the 1978 Bankruptcy Reform Act. Since October 1979 the resulting court has been functioning very successfully as an independent entity within the Federal judicial system. It was 6 years ago that Congress made the determination that the district courts lack the physical caseload capacity, the judicial interest, and, above all, the essential expertise to handle bankruptcy cases in the expert and expeditious manner required for the conservation of assets, the payment of creditors and the rehabilitation of debtors. Title I does not disturb that careful conclusion of the 95th Congress that bankruptcy cases are best dealt with by a specialist court independent of the Federal district court system.

Nor does title I change the jurisdiction of the bankruptcy courts. It was the Reform Act, the culmination of 6 years of independent study and congressional deliberation, which abolished the essential weakness of the pre-1978 system, the bifurcation or division of bankruptcy cases among many courts. This archaic structure imposed an enormous burden in duplicative, costly, and wasteful litigation which undermined both the rehabilitative and preservation-of-asset objectives of the bankruptcy law. That is now a relic of the past. Let us keep it that way.

The number of judges is unchanged by title I. Their salaries are modestly increased but remain below the level of district court judges. After 10 years of service, judges of the new court are eligible for judicial retirement benefits. Each court is given its own court reporter. But these elements represent a modest cost. There are no new courtrooms, libraries, word processors equipment, or American flags.

In sum, the specter of title I as a radical and costly reform simply does not square with the facts. As was stated in the report of the Judiciary Committee, which voted 24 to 6 in favor of an article 3 bill, this legislation "meets the requirements of the Constitution, promotes the policy goals of an expeditious and effective bankruptcy system, and creates the least displacement in the present system."

□ 1430

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. I thank the chairman of my committee for yielding me this time.

Mr. Chairman, I want to, at the outset, express my regret that I must, on this issue, differ so profoundly with the chairman that I have worked with for so many years and in so many good causes; but on this question, we do differ.

I would like to describe to the House how it is we arrived at this point in a concise style. Some reference has been made to the history of it. There was a Bankruptcy Commission made up of many noted people, particularly concerned with bankruptcy, who did recommend an independent bankruptcy system in the seventies. They did not, as a matter of fact, recommend article 3 status for the judges. The Judiciary Committee, the subcommittee dealing with it, did in fact decide, and I would not say in this connection they were wrong, that for a separate and independent bankruptcy system to work that these judges would have to be article 3.

When the bill was presented to the House in 1977, it was turned down. The House voted no, we will not create 200 or more article 3 judges. My friend and colleague, the gentleman from California (Mr. EDWARDS) who handled the bill, using his very great charm, prevailed ultimately in months to come, the House to change its point of view, and it did.

But in conference, the Senate refused to grant this article 3 status, as they do today, to these bankruptcy judges. So, we came out of conference, I was not part of that conference, with a mixed bill, a bill that created an independent court with article 1 status. This was the source of the problem ultimately in the Marathon case.

While these judges, in the interim period, attempted to exercise full judicial powers, the Supreme Court correctly said they could not. The difference I have with my chairman is that I do not believe the Supreme Court's decision mandates, because of the failing of these article 1 bankruptcy judges, that we make them all lifetime judges. That is not what they said by implication or otherwise. As a matter of fact, they said that what you have done is take from the district courts the jurisdiction and try to invest jurisdiction in article 1, limited judges, and that in terms of constitutional issues and State issues, not core bankruptcy issues, was impermissible. That is what the majority said in the Marathon case.

As a result, the option is to correct that by precisely doing what the Court, by inference, suggests: Make these bankruptcy judges adjuncts to the district judges we presently have. That is what the substitute does. It cures that by vesting jurisdiction in the district courts from whence it came. We do not create 227 lifetime judges that cannot be removed for incompetence or anything else. Article 3 judges may be impeached, and impeached alone; this is part of our problem.

As my colleague from Wisconsin points out, the costs, the enormous costs of the change in terms of retirement, and while my colleague from New York (Mr. FISH) just suggested, there are no courtrooms in this bill. No new courthouses, no new trappings for these new lifetime article 3 judges. Believe me, they will come down the line. What you have made, you have created a separate judicial system; a second bureaucracy. You have 513 district judges here, and what you said, is we create another system of lifetime judges, 227, to be appointed by the next President, whoever it is, and that that would be an independent system, competing, in fact, with the other system.

This, Mr. Chairman, we cannot afford. I urge, in due course, the adoption of my amendment.

□ 1440

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Chairman, as a member, and a proud member, of the Committee on the Judiciary, I have always taken pride in the fact that we hold ourselves out as lawyers to the House. We are members of a profession that deals with the law and the law's nuances. So of all committees in this Chamber, we ought to be most concerned about legislative history.

It is not our vocation, it is not our profession, to be merchants of obfuscation. We should be shedders of light. We should be turning lights on, not turning them off. We should be most concerned about what the legislation means that we pass. Yet, we are the most egregious offenders against orderly procedure. We dodge, we duck, we evade, we avoid, as only lawyers can. We avoid providing a sound, authentic basis for legislative history, that unique resource most relied upon by the courts to plumb the legislative intent of this learned body.

Now, at least where the equal rights amendment was concerned, we held hearings. Of course, we never filed a committee report, and I caution anybody not to hold their breath waiting for the Committee on the Judiciary, lawyers to the House, to file a report concerning the findings of that august committee, because they are having difficulty figuring out what we really mean, what the basic standards of review are.

But I do not want to digress except to say that somehow we lawyers to the House seem not to want to shed any light on what is appropriate legislative history.

On this issue, equally important if not as pervasive, the issue of whether or not collective bargaining contracts

will be sacred and unassailable, in a class by themselves, or whether they will rank along with other claims before a bankruptcy court, this is an important policy decision. But no hearings have been held on it, no hearings discussing what the consequences are of codefying the REA standard or the Bildisco standard; just a rush to judgment.

It is improper. It certainly belies our pretense and our posture to be lawyers to the House.

What the Rodino bill does, it seems to me, in setting up these judges, bankruptcy judges is what they are, as article 3 judges, giving them lifetime tenure and all that implies, is make these judges designated hitters; that is to say, we are going to confine these lifetime Federal judges, with tenure and all that implies, to hearing only bankruptcy matters, and those matters arising out of those bankruptcy issues. They dare not, they cannot, they legally will not be able to sit in a criminal case should the court desperately need a Federal judge to hear such a case. Is it not odd? We mandate that so many items of litigation go to the head of the list, that shall have preferential treatment on the calendar, and then we are very reticent, depending on who is the White House, to provide enough Federal judges to hear these cases.

Now we are going to create article 3 judges. Why not authorize them, at an appropriate time, when a certificate of necessity is filed by the judge of the court seeking this judge, this fill-in judge who can hear the case and dispose of it and move the calendar along and administer justice. Have we not been told justice delayed is justice denied? Why do we want to delay and thus deny justice?

Why do we not move the litigation along? Why do we want to delay it?

Let us make these judges fungible. Such an amendment I would have wanted to offer, but the rule forecloses me from offering it. So these article 3 lifetime judges may only hear bankruptcy matters, no matter how urgent another matter is; that the chief judge of the bankruptcy court says, "I can spare this man. I certify in writing." The judge of the other court wants the judge to hear the case. He so certifies. But no, this law we are passing hobbles, restricts, and handcuffs these article 3 lifetime judges only into hearing bankruptcy matters.

If that is so, then I cannot support article 3 judges. I will support the Kindness-Kastenmeier bill, which makes a lot more sense, as long as these judges are not fungible, because to do otherwise is just foolish and senseless and a poor use of scarce resources.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

Mr. FISH. Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, I do want to join the gentleman in deploring the fact that a fungibility amendment is not permitted under this rule. I think fungibility makes eminently good sense in terms of judicial economy, efficiency, and flexibility.

It makes such good sense that it was in the bill reported out of the committee, as the gentleman will recall, in 1982.

Some may argue that we can attend to this fungibility issue when and if a bankruptcy judge surplus becomes acute. My response to that is that now is the time to look ahead. The track record that brings this to this floor today tells me that fungibility may await congressional action for years beyond the point at which it becomes clear that it is needed, and all this time judicial resources will be needlessly wasted.

Mr. HYDE. I just cannot imagine a time in history when a 9-to-0 decision of the Supreme Court is sought to be legislatively reversed within a month of its announcement without any hearings at all. This is an incredible procedure that the managers of Amtrak ought to pay attention to.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. SYNAR).

Mr. SYNAR. I thank the gentleman for yielding this time to me.

Mr. Chairman, 1 year ago I introduced H.R. 1800 because I believed that middle and lower income citizens in this country were being denied needed credit. I firmly believed that moderate changes in the Bankruptcy Code could help restore the confidence in the business community so that these working men and women could improve their lives by the responsible use of credit.

One year ago I introduced H.R. 1800 because I believed farmers needed protection from special problems that they faced when grain elevators went bankrupt and their produce was tied up in the proceeding.

My personal interest in the bankruptcy reform in this country was triggered by visiting with literally hundreds of retailers and small businessmen throughout eastern Oklahoma, by visiting with Oklahoma farmers and ranchers and bankers and credit union people who were involved in the credit system. We have literally heard from thousands of people throughout the United States who are concerned about bankruptcy reform in this country and the need to make some moderate changes.

I heard all of these people complain about the abuses that we have in the bankruptcy system today. They said that because of these abuses, the costs have risen so high that many of those people in that middle and lower income bracket have found that credit is unavailable, and what credit is available is too expensive to get.

I am pleased that over 250 Members of the U.S. Congress found that we indeed did have problems with our Bankruptcy Code in this country and have joined me with the introduction of H.R. 1800.

□ 1450

Our pending legislation deals in four key areas. First and foremost, it allows the bankruptcy judges the authority to dismiss bankruptcy filings that would otherwise constitute substantial abuse of chapter 7 of the Bankruptcy Code. This power is reserved to the judge only.

Second, the compromise which we have worked out would make sure that debtors are aware of their rights and obligations under all chapters of the Bankruptcy Code and would make sure that bankruptcy attorneys advise their clients fully.

Third, the compromise solves the problems of "loading up" and the abuse of our Federal exemptions, and it makes the code's treatment of "preferences" and reaffirmations more fair. These were issues that we dealt with in our original H.R. 1800 and which were worked out in the compromise.

And fourth, the compromise requires that our bankruptcy courts determine the ownership of grain stored in a bankrupt grain elevator within a 120-day timetable and establishes other protections of our farmers' rights.

Mr. Chairman, a lot of work has been accomplished through this compromise, and I want to take this opportunity to thank the distinguished committee chairman, the gentleman from New Jersey (Mr. RODINO), for his outstanding work. I want to thank the 251 Members who have joined with us in the cosponsorship of this important consumer bankruptcy reform, but, most of all, I want to thank the original 11 cosponsors of H.R. 1800 for their tireless efforts and without whose hard work we would not be here today. They are: the gentleman from Massachusetts, Mr. BARNEY FRANK; the gentleman from Louisiana, Mr. GILLIS LONG; the gentleman from Mississippi, Mr. TRENT LOTT; the gentleman from South Carolina, Mr. BUTLER DERRICK; the gentleman from Missouri, Mr. DICK GEPHARDT; the gentleman from Florida, Mr. BILL MCCOLLUM; the gentleman from Michigan, Mr. HAL SAWYER; the gentleman from Pennsylvania, Mr. BILL GRAY; the gentleman from California, Mr. VIC FAZIO; the

gentleman from Missouri, Mr. BILL EMERSON; and the gentleman from Nebraska, Mr. HAL DAUB.

This is one of the broadest philosophical groups of Members that has ever been put together in the House, representing both Republicans and Democrats, who are concerned about making credit available to people in middle and lower income brackets.

In conclusion, Mr. Chairman, let me say this: Credit is important to America. Credit provides the opportunity for Americans to improve themselves. It is a cornerstone of our economic system, and it will be the cornerstone of whatever economic recovery we have in this country. I believe that the consumer bankruptcy reforms that we have in this bill will go a long way toward reestablishing a balance in our credit system. I say to my friends and fellow colleagues that it is good law, and I commend it to their consideration.

Mr. Chairman, at this time I would like to engage in a colloquy with our committee chairman, if I may.

Could the gentleman explain what rights are reserved to the debtor and trustee under section 521(2)(C)?

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the chairman of the committee.

Mr. RODINO. Mr. Chairman, this section is designed to make it clear that the newly imposed duty on the debtor to act promptly with regard to property which is security for a creditor's claim.

Mr. Chairman, this section is designed to make it clear that the newly imposed duty on the debtor to act promptly with regard to property which is security for a creditor's claim does not affect the substantive provisions of the code which may grant the trustee or debtor rights with regard to such property. For example, the debtor may have the right to exempt such property under section 522 of the code, and this right is not affected by the new provisions. Similarly, the trustee in bankruptcy may have the power to avoid the creditor's security interest on the property pursuant to the lien avoidance, preference, and fraudulent conveyance provisions of sections 544, 547, or 548 of the code. Such rights are not affected by these new provisions.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. SYNAR) has expired.

Mr. RODINO. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oklahoma (Mr. SYNAR).

Mr. SYNAR. Mr. Chairman, as I understand this amendment, it is designed to deal with the practice called stacking—that is, where a husband and wife both are debtors, and one exempts property under State law, and the other elects property set forth in the list of Federal exemptions. The new provision prevents this, and requires both debtors to elect either State or Federal exemptions.

Mr. RODINO. The gentleman is correct. Under present law, when a husband and wife file, each may separately exempt property, and each may exempt property under State or Federal law exemptions. The amended section still permits each debtor to exempt property under section 522. However, although the debtors will have two exemptions, they will each have to elect either Federal exemptions if permitted or State exemptions; if they cannot agree, each will be deemed to elect Federal exemptions.

Mr. SYNAR. Finally, Mr. Chairman, as I understand the present code, section 522(d)(3) allows a debtor to exempt household goods and personal items up to $200 in value. There is no limit on the number of items. How does this amendment affect present law?

Mr. RODINO. In this way, the debtor will still have an exemption for household goods and personal items of $200 per item. However, the amended section will limit the total of exempted household and personal goods to an aggregate value of $4,000.

Mr. SYNAR. Mr. Chairman, I thank the committee chairman very much.

Let me say in closing, very simply, that we have waited for over 18 months for some type of reform in consumer bankruptcy. This will be the only opportunity during this session of Congress to do it. I would hope that all my colleagues will consider that as we vote on final passage this very important piece of legislation.

Again, Mr. Chairman, I thank the gentleman from New Jersey (Mr. RODINO), the 251 other Members who have helped us in this bill, and particularly those 11 original cosponsors.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, I would like to start by indicating that the gentleman who just spoke in the well, the gentleman from Oklahoma (Mr. SYNAR), is, I think, to be congratulated for his efforts, along with those who have worked with him in the attaining of this stage in the development of what had started out as H.R. 1800, of which I am a cosponsor and which I support. As far as the grain elevator bankruptcy amendments that are included in this bill are concerned, I think if there were no other way to get them to the House floor for consideration and a vote, at least I am glad they are here.

I would, however, have to mention in passing that another part of this bill gives me a great deal of concern. Those concerns have been expressed on the part of Members already today during debate on the rule, and they are with regard to the collective bargaining agreement amendment on page 83 of the bill that is before us, H.R. 5174.

There is in subsection (e), beginning at about the middle of page 83, the language that has been represented as telling us that in reorganization proceedings in bankruptcy where a collective bargaining agreement is in question, there would be a prompt hearing. There is no such guarantee of a prompt hearing, because if we read the language in subsection (e) on page 83 of the bill, it states that "The court, upon motion of the trustee to reject a collective bargaining agreement, shall hold an expedited hearing"—it sounds great up to now—"to determine whether such agreement may be rejected under this title, not less than 7 days and not more than 14 days after the filing of such motion, or within such additional time as the court, for cause, within such 14-day period fixes."

It could be any time, any period of time, any indefinite period of time, and the hearing has to be similarly completed within 14 days after it starts or such additional time as the court, for cause, within such 14 days fixes.

Well, that could go on for years. What happens during that period of time? During that period of time wages are paid and salaries are paid under the collective bargaining agreement as administration expenses of the estate. In other words, the estate could go bust. The employer could go completely bankrupt and not be able to reorganize. The jobs of those people would be lost in that event.

I do not think that is a very good result. That is one reason why we should have had hearings on this part of the bill.

I am also surprised by how many of our distinguished colleagues are ill-informed about the content or the meaning of the Marathon decision that has been discussed here today or they are avoiding the development of understanding of the real Marathon decision. Marathon only dealt with a case which was not a part of the core bankruptcy proceedings, the core bankruptcy case, and which dealt with rights arising under State law.

The court also spoke about rights arising under the Constitution, of course. But that case happened to involve rights arising under the State law. It was not a part of the core bankruptcy proceeding. Here we have that part that belongs in the bankruptcy court.

We reached out, this Congress reached out in 1978 and sought to spread the jurisdiction of the bankruptcy courts, setting them up as separate bankruptcy courts, incidentally, and not really under the district court

judges, and said that these article 1 judges who would be established by this can hear these cases that are out here in State court jurisdictions.

□ 1500

We reached too far, and some argued in 1978 we were reaching too far, for article 1 judges to hear those cases.

Marathon says we reached too far, but that does not mean you have to make the judges article 3 judges. There is a different solution to the Marathon question. The question as presented by Marathon is do you make the jurisdiction right or do you make the judges article 3 judges?

One answer is, OK, let us go with article 3 judges. That is expensive. That is the Rolls Royce choice. Let us try a tuneup instead. The tuneup is to correct the flaw, and it is a very narrow flaw, in the 1978 enactment of the Bankruptcy Code revision.

The judges need not necessarily be lifetime judges, provided they operate under the direction and control of article 3 judges, just as magistrates do in our Federal court system today; however, most of the cases, the proceedings that arise in bankruptcy matters, 95 percent apparently from a selective survey do not have to be heard under State law in that manner.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FISH. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, I thank the gentleman.

There will be some more time, not very much time, to discuss the amendment that will be proposed by the gentleman from Wisconsin (Mr. KASTENMEIER), which I strongly support, which would allow for the second kind of an answer to be given to the question raised by the Marathon case.

Let us not take the costly alternative that cannot be changed in the future. Let us take the reasonable alternative. Let us correct what the Congress did not do correctly in 1978.

Let us allow article 3 judges to be in control of those adjuncts of the court who will hear the matters, such as the Marathon matter, and we will have a perfectly constitutional system. If the Chief Justice of the Supreme Court, the American Bar Association and many others can find that the approach that will be offered by the gentleman from Wisconsin (Mr. KASTENMEIER) is constitutional as well as workable and it is really a continuation of what is going on or something very close to what is going on in our bankruptcy court system today, let us do it the way that makes inexpensive sense.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I want to thank my distinguished chairman.

Mr. Chairman, of particular importance in this package of bankruptcy amendments, are those which relate to personal bankruptcies. These reforms, which have been proposed by my good friend Congressman MIKE SYNAR, seek to eliminate the abuse of the bankruptcy system by debtors who are not suffering economic hardship—an abuse which has occurred with alarming frequency in recent years. At the same time, these reforms will retain that relief for those who truly deserve a new start—the people for whom the system is meant to work.

Since 1979, when the present bankruptcy codes were enacted, personal bankruptcies have run 200 percent higher annually than they had in the 12 preceding years.

It has been estimated that as much as $1 billion of debt is unnecessarily discharged annually under the present bankruptcy system. As a result, consumer credit has become expensive and difficult to obtain. Consumers, especially those of middle and lower income groups, are paying dearly for the laxity we have introduced into our bankruptcy laws.

The personal bankruptcy reforms in this bill represent a balanced and fair approach to correcting this situation. They will go a long way toward curbing the abuses in the system without injuring those who truly deserve help.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank the gentleman from New Jersey (Mr. RODINO) for giving me this time and for also including in his bill parts of H.R. 1800.

Also, I would like to thank the gentleman from Oklahoma (Mr. SYNAR) for his work in the consumer bankruptcy area and for introducing H.R. 1800, which, as I mentioned, is included in this legislation before us this afternoon.

Mr. Chairman, for the last couple of years in going home, I have been getting many complaints from owners of small businesses about the large number of persons taking bankruptcy. It was pointed out to me that a number of these persons taking bankruptcy had good jobs. They could pay their obligations, but it was the easier route to go chapter 7 and take bankruptcy and not worry about their debts.

I would like to read part of a letter from a friend of mine who is a minority person and has a small business in my State:

I would like to take this opportunity to again express my concerns about the number of bankruptcies that are taking place in our country and how these bankruptcies have affected small businesses. We have been in business for over 40 years and we have never seen as many people taking bankruptcy and starting right over in business, as we have seen in the last two years. We have been the victim of over $20,000 in losses through bankruptcies during this period.

As one bankruptcy official told me when we went to Louisiana to try to collect for some products we had sold, he looked at me and told me that, that court was there to assist the people that were going bankrupt and not to assist the people who were still in business and when I explained to him how these bankruptcies were affecting our business, his remark was, the profitable thing to do today is to go bankrupt.

This letter was written to me by Mr. Charles Young, president of Young Management Co., Meridian, Miss.

Well, something is wrong when the bankruptcy laws encourage people to take bankruptcy and then a small businessman goes before the courts and they tell him, "We can't help you at all."

H.R. 1800 does not go far enough, but it will make some of these corrections and I certainly support that section of the bill.

Mr. FISH. Mr. Chairman, I yield 9 minutes to the distinguished gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I want to reluctantly, because I resent so much the rule and the manner in which this bill was put together and the rule which has been approved, say I support the bill.

I again reiterate that it is certainly in my opinion and will remain in my opinion, one of the most outrageous manners in which a bill was put together. However, for those who may not be thoroughly advised, we enacted a new bankruptcy law in 1978 and we gave to bankruptcy judges a much broader power than they then had. Up to that point in time, any time a really contested matter arose, the bankruptcy judge to refer it out, either by authorizing a plenary action in the State courts or pass it on up to the U.S. district judge to decide, since his authority was largely limited to doing ministerial acts. It had proved very inefficient; so the 1978 act in a much broader way enlarged those powers so it could be more efficiently handled in one court and it was recognized as a great improvement.

It is interesting to note that in the 1978 act formulation, the House provided that they would be article 3 judges. The distinction is that article 3 judges are appointed by the President, confirmed by the Senate. They hold basically life tenure and their salary cannot be reduced during their term in office. They were given in the original House bankruptcy bill article 3 status so they could wield this much broader judicial authority, rather than strictly ministerial authority.

The Chief Justice acting at the behest of the Judicial Conference,

made up of Federal judges who are article 3, did not like this. There is a certain status among judges, like being an article 3 as opposed to being just an article 1, who can be removed or their salaries lowered. It is much like in the Army the difference may be between an officer or an enlisted man.

This was kind of like inviting a group of enlisted men; namely, bankruptcy judges, in to eat at the officers' mess, namely, the district judges. It was not a happy thing; so the Chief Justice went over and appeared and testified before the Senate urging that they take out the article 3 designation and go back to article 1.

The Senate responded and the House eventually bowed to the Senate during the conferences and then when the bill came to the Supreme Court, they declared the whole bill unconstitutional, because these judges were article 1 and not article 3. To wield the power they had to be article 3.

Fortunately, the Chief Justice dissented on that 5-to-4 opinion and, of course, the Chief Justice would still like to see them article 1 instead of article 3, as would the Judicial Conference, and I might submit, for the same reason.

But looking back at the saying of old Burt Lance, you know, "when it ain't broke, don't fix it," here the only thing wrong with the 1978 act, which everybody liked, it was streamlined, effective, efficient, was that the judges were not article 3.

Now, H.R. 3 in its original form and as has prevailed in this bill, does that simple little thing. It makes them article 3.

Now, I have heard statements made here that it is the Cadillac way of doing it, it adds 227 judges. Well, that is pure hogwash.

The Kastenmeier amendment keeps all 227 bankruptcy judges in office and they are paid $65,800 a year and are appointed for terms of 14 years.

□ 1510

H.R. 3, or this bill, would just turn the same 227 judges into article 3 judges. It would not particularly increase their pay. It would not give them new offices or anything else.

Furthermore, in order to carry out the Kastenmeier-Kindness approach, they would have to then appoint 76 additional U.S. district judges who are article 3's. So you would have the 227 plus 76.

That has been knocked out of this bill which means that with that approach they are going to be shorthanded in the district courts. But there is certainly nothing money-saving about the Kastenmeier-Kindness bill.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. Sure I yield.

Mr. KASTENMEIR. The 76 judges which were not made in order by this rule are not there to handle bankruptcy cases, although that is one possible justification.

Mr. SAWYER. I assumed that was why they were included in the bankruptcy amendments.

Mr. KASTENMEIER. No. They were the ones who were recommended years ago by the Judicial Conference of the United States for additions to the Federal judiciary incrementally, as they do every period of years. And those are the precise number we put, with I think one addition because of caseload in the Kindness-Kastenmeier bill, title II, which was removed.

Mr. SAWYER. If I may reclaim my time, in any event there is no big money-saving. There are 227 article 3 judges or 227 article 1 judges, depending on whether your amendment passed or not. The point has been made about life tenure. Statistics indicate that the average article 3 judge appointed serves for 15 years. The bankruptcy judges now under article 3 are already serving 14 years. So you are adding maybe on the average 1 year to the term, laying the problem at rest. They are not going to get different courtrooms.

We should go on the old adage, "If it ain't broke, don't fix it." The act was working beautifully. We make this one change and it is done.

Now, as far as the consumer credit amendments go that the gentleman from Oklahoma (Mr. SYNAR) spoke to, as he mentioned, I was 1 of the 11 original cosponsors and those were badly needed amendments, I think they belong in the act.

As to whether the so-called Bildisco or labor amendment that was written in the backroom, if you will, without benefit of either subcommittee or full committee and inserted into the bill, I can swallow that because I have to. These others are very essential amendments, and this bill will have to go to conference with the other body where at least there is a possibility that some of the wording that I think could be distinctly improved in that backroom drafting can be accomplished possibly in committee.

So, recognizing the essentiality of this bill, I urge that we support it and I urge that we support particularly the bill's article 3 provisions as opposed to the somewhat Mickey Mouse, if I may say that, with due respect for the people involved, provisions of the Kindness-Kastenmeier amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield to the Mickey Mouse gentleman?

Mr. SAWYER. I yield to the gentleman from Ohio.

Mr. KINDNESS. The gentleman from Michigan stated earlier that the Supreme Court ruled the whole bill, referring to the 1978 revisions of the Bankruptcy Code, unconstitutional. Would the gentleman care to modify or correct that statement?

The Marathon decision did not deal with all of the broad sweep that the gentleman encompasses in that statement, but only with a noncore bankruptcy proceeding which arose under State law.

Mr. SAWYER. Yes, that is correct, except the only real significant modifications now—there were some others—but the significant one was the expansion of the powers of the Judiciary in bankruptcy so that they did not have to go through this crazy procedure of referring out to State or other courts anything that really was controversial or adversary in the proceedings. That was knocked out, which in effect, in my opinion at least, effectively destroyed the principal purpose and principal aim of the 1978 act.

Mr. KINDNESS. If the gentleman would yield further, I think the gentleman has missed the point entirely. If the gentleman would stop to consider more closely what the Marathon decision did deal with rather than that broad sweep, it is only the noncore bankruptcy matters that were dealt with there; and would the gentleman care to respond to that point?

Mr. SAWYER. As I say, the main thrust of that 1978 act was to expand what was primarily an administrative handling of bankruptcy by what we used to call bankruptcy referees, but which then became as bankruptcy judges, into giving them the ability to dispose of all of the issues that arose out of a bankruptcy so it could efficiently be handled in effect in-house with one judge. And the Supreme Court basically decided that to exercise those broad judicial powers they had to have the protection of a tenure in office that could not be tinkered with by Congress or the President, or have their salaries reduced, so they had the independence of the judiciary.

Mr. KINDNESS. I thank the gentleman for his response, but I think that he does not state the case.

Mr. RODINO. Mr. Chairman, I yield the gentleman in the well (Mr. SAWYER) 2 minutes in order to comment on some observations that he made.

Will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New Jersey.

Mr. RODINO. I would like to first of all compliment the gentleman for pointing out that when the question of costs are addressed it is truly a red herring because I believe the gentleman was present when a representative of the Judicial Conference talked about additional costs. We then confronted him with an estimate from the Congressional Budget Office which showed that the cost impact of the bill in the first year after enactment

would be approximately half a million dollars. The cost impact in the second year after enactment is estimated at $3 million.

So I commend the gentleman for addressing that question and debunking the fact that the costs that are suggested here are going to be exhorbitant and that the statement there is going to be a substantial increase is not substantiated.

Mr. SAWYER. The chairman will perhaps remember that one of the people that appeared before us and testified from the Judicial Conference said it was going to cost like $1 billion a year or some ridiculous figure. We asked him how in the name of heaven he arrived at anything like that and he said well, we would have to have two-story courtrooms and they would have to have two or three research assistants, and they would have to have all of these other things because that is what district judges have to have.

We pointed out to him that was purely the figment of his imagination. They did not have to have anything that we did not appropriate for them, and we did not intend to give them anything more than what they have now, except to make them article 3 judges.

Mr. RODINO. As a matter of fact, if the gentleman will yield, there is nothing, no provision in the bill which would indicate that they are entitled to anything more than they have now.

Mr. SAWYER. That is correct. That was the point that I was making when it is said and the statement is made that we are going to have these 227 article 3 judges. They are going to be the same 227 judges that would be there otherwise, who are drawing the $65,800 a year, and the only difference is they are article 3 instead of article 1.

Mr. RODINO. I want to thank the gentleman.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LUNGREN).

Mr. FISH. Mr. Chairman, will the gentleman yield to me?

Mr. LUNGREN. I yield to the gentleman from New York.

Mr. FISH. I would just like to add to what the chairman of the full committee just said in terms of cost here. Not only are the costs very minimal but the costs of failing to reconstitute a constitutional court would be enormous, both economic and in social costs.

Mr. LUNGREN. One of the things that we have not been able to focus too much on in dealing with this overall bill is precisely the nature of the Bildisco decision with respect to the 9-to-0 judgment. There are basically two parts to the Bildisco decision. The first part dealt with the standard to be applied. The second part dealt with the necessity for some judicial determination prior to the actual dispensing, if you will, of the collective bargaining agreement.

The second part was a 5-to-4 decision, and one which I think we ought to visit, and one we ought to discuss, and one we ought to deal with. The first part, however, was the standard.

□ 1520

And there were statements made during the discussion of the rule that somehow the court was merely interpreting what the law was and, therefore, they were not going beyond that in any sense when they talked about the standard. I would just like to say for the record that Justice Brennan, in his concurring and dissenting opinion, joined by Justice White, Justice Marshall, and Justice Blackmun said this: "This test," referring to the standard "properly accommodates the policies of the National Labor Relations Act and the Bankruptcy Code and I therefore join parts 1 and 2 of the Court's opinion."

In other words, in the words of those concurring Justices, thereby making up the balance of the 9-to-0 opinion, the proper standard to be applied is the one they found in the Bildisco decision and that is proper because it accommodates both the needs of the National Labor Relations Act and the Bankruptcy Code.

Second, I would refer to a letter from the National Bankruptcy Conference; that is a group made up of perhaps the most eminent scholars, practitioners in the bankruptcy field, addressed to the chairman of the Committee on the Judiciary a week ago, in which they refer to the standard and their concern about the standard and their suggestion that we ought not to change the standard as it applies in the Bildisco case.

They go on to say in this letter signed by Mr. Lawrence King that it would permit rejection, this is their standard, "if the court finds that on the balancing of the equities the need for rejection outweighs the burden of assumption. The Conference fears that a stricter standard," that would be the standard incorporated in here in this bill, "would be difficult if not impossible to apply in a chapter 11 case, particularly in the early stages."

In other words, we may be venturing into uncharted waters in hopes of trying to do something on behalf of the workers that would be affected and, in fact, doing something that will provide them with the wonderful opportunity of no longer having jobs. This is because if the standard is so high that a particular company does not have the opportunity to reorganize, but must continue on for a short period of time until they actually find themselves in insolvency; those jobs are no longer protected, no matter what the applicable rate of pay would be.

And I am concerned about a number of these things because normally as we come here on the floor we have the opportunity to review the committee report which gives us some sort of legislative history as to what is meant by the language of the bill. We have a committee report but unfortunately the committee report only refers to one part of the three parts of this bill.

And therefore I would hope that perhaps we could get some things on the record in terms of the interpretation of what it is we are doing here.

In that regard I wonder if I could address a few questions to the chairman of the committee that may be able to clear up some of the things that we have in this bill.

Mr. Chairman, a unanimous Supreme Court on page 16 of the Bildisco decision held that the debtor in possession is obligated to pay for the reasonable value of employees services, which depending on the circumstance of a particular contract, may be, not must be or shall be, but may be what is specified in the contract; that is the collective bargaining contract.

In section 276 of the bill before us it has different language. It specifies that these same services "shall," that of course, is mandatory language; "shall only be measured at the rate prescribed for such services in the collective bargaining agreement."

Now my question is this: Is this not a significant substantive change in the law in that it will now mandate that the rate of pay that will be forthcoming during that period of time will be that already contained in the collective bargaining agreement as opposed to the standard now which says that it may be imposed if circumstances would so dictate?

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman.

Mr. RODINO. I thank the gentleman.

Are we talking about just before rejection?

Mr. LUNGREN. Absolutely.

Mr. RODINO. Under present law employees may only be entitled to the reasonable value of their services rendered to a bankruptcy estate.

The CHAIRMAN. The time of the gentleman (Mr. LUNGREN) has expired.

Mr. FISH. Mr. Chairman, I yield to the gentleman from California (Mr. LUNGREN) 2 additional minutes.

Mr. LUNGREN. Mr. Chairman, I yield further to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman. Currently reasonable value of services rendered presumptively is measured at rates set forth in the union contract. But case law may

permit a debtor in possession to rebut this presumption with evidence of lower wages paid by other employers in the industry.

The bill would provide that employees subject to a collective bargaining agreement are to be paid the contract rate for services rendered and, the effect of this provision to make an already existing presumption an irrebuttable presumption; it insures that employees are paid the contract rate for services actually rendered to a bankruptcy estate.

This result we believe is fair.

Mr. LUNGREN. In other words, there is a significant change in what already existing law is.

Mr. RODINO. If the gentleman reads it that way, I do not read it that way.

Mr. LUNGREN. It is a change, is that not correct?

Mr. RODINO. We do not believe so.

Mr. LUNGREN. Well, when you indicate that Congress intended to adopt the REA Express case when it adopted the 1978 Bankruptcy Code, are we saying that we embraced a standard which has never been adopted outside the second circuit? In other words, does legislative history show that we specifically adopted the second circuit determination of the case that has not been adopted in any other circuit?

Mr. RODINO. If the gentleman will yield further, well, the point is that the trustee is not allowed to unilaterally terminate a contract. He has got to comply with the contract.

Mr. LUNGREN. I understand, but that was not dealt with in the REA Express.

Mr. RODINO. What is that?

Mr. LUNGREN. That was not dealt with in the decision in the REA Express case.

Mr. RODINO. Well, that is an entirely different issue.

Mr. LUNGREN. Well, one last question, the chairman has referred specifically several times to the Solicitor General's comments before the Court and in fact sent out a "Dear Colleague" referring to two different quotations.

But as I read it, neither quote contains any reference by the Solicitor General including an element of proof which you list in proposed section 113(g)(2). That is that the moving party, usually a company under chapter 11, must establish that absent rejection "the jobs covered by such amendment will be lost."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FISH. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. LUNGREN. Let us put that as succinctly as possible. In the bill we have before us as part of the criteria, there is a standard that the jobs covered by such amendment will be lost.

My question is this: The Solicitor General makes no reference to that additional element in the criteria and therefore the Solicitor General's arguments cannot be utilized suggesting that he believes the administration's position is in agreement with the gentleman's total standards as contained in this bill; is that correct?

Mr. RODINO. No; I do not, because I think what the gentleman is suggesting is that that is an additional element, and it is not.

Mr. LUNGREN. Well, is the gentleman contending that the REA Express case requires this showing, proof that is, of the loss of jobs as part of the criterion under the establishment of the REA Express case?

Mr. RODINO. There was a reference to many of the items. The Court referred to:

Save a failing (business) in bankruptcy from collapse;

Save a (business) from complete collapse and liquidation;

The enterprise, and with it the employment of its workers, may fail;

It will not be able to continue in operation at all;

Unless the agreement is rejected, the (business) will collapse and the employees will no longer have their jobs;

Preclude financial reorganization of the (business) and thus lead to its demise.

And I think that all of this was used in that decision.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I would like to address myself to the part of the bill that would overturn the Bildisco decision.

□ 1530

Mr. Chairman, the Bildisco case was decided by a unanimous Supreme Court concerning a case that originated under the National Labor Relations Act. On only one of the issues before the Court was the Court divided.

The Court made three basic decisions in the Bildisco case:

First, an executory labor contract can be set aside in a chapter 11 (reorganization) proceeding on a showing that the labor contract "burdens the estate" and that "the equities balance in favor of rejecting the labor contract";

Second, financially troubled employers may reject labor contracts prior to a reorganization ruling by the bankruptcy courts; and

Third, the financially distressed employer does not commit an unfair labor practice when it rejects its labor contract after it files for reorganization under chapter 11.

Those rulings may appear harsh and unfair to labor at first glance. When the reasoning behind those rulings and alternatives are considered, those decisions clearly are fair, compatible with existing law and policy, and rational in all respects.

It should be remembered that the stigma of filing for bankruptcy, whether chapter 7 (liquidation) or chapter 11 (reorganization), is not an attractive option. Bankruptcy, though, has been a fact of life for both business and individuals for some time.

Action under the Bankruptcy Code by a debtor to reject or abrogate executory contracts is a longstanding practice. It has only recently become controversial as the recession and deregulation have prompted more bankruptcy filings, particularly as deregulation has affected competitive labor costs. This has come about because those highly regulated and visible industries have recently been subject to deregulation; consequently, forcing new competition, often nonunion. These new companies have created jobs without the high wages and salaries formerly passed on to the consumer by the recently regulated companies. While these jobs are being created, the old regulated companies need time to meet this new competition, and possibly face financial distress. When that distress time comes they need time and flexibility to reorganize in order to save the company as well as the jobs in those distressed companies.

As to the standard used for setting aside an executory labor contract in a reorganization proceeding, the unanimous Bildisco Court rejected a more lenient test—the "business judgment" test—than the standard adopted. The "business judgment" standard is the traditional test used to authorize rejection of an ordinary executory contract, for instance contracts for goods and services. The Court also rejected a more stringent test urged by organized labor, the REA Express [1] test, a test enunciated by the second circuit in a case arising under the Railway Labor Act. That test would allow the labor contract to be set aside only if the alternative were liquidation. In rejecting the REA Express test, the court concluded that it was "fundamentally at odds with the policies of flexibility and equity built into chapter 11."

The test the Court adopted, in a 9-to-0 decision, was a "balancing of the equities" standard. The Court stated that rejection of a collective bargaining agreement should be permitted "if the debtor can show that the collective bargaining agreement burdens the estate, and that after careful scrutiny, the equities balance in favor of rejecting the labor contract." This standard requires that the debtor has made reasonable efforts to negotiate a voluntary modification and that those ef-

[1] *Brotherhood of Railway Employees* v. *REA Express, Inc.*, 523 F. 2d 164, cert. denied, 423 U.S. 1019 (C.A. 2, 1975).

forts are not likely to produce a prompt and satisfactory solution.

By adopting the "balancing of the equities" standard, the Court applied a stricter test than is applied to other executory contracts and considered the success of the reorganization to be the primary goal. Focusing on the success of reorganization and the flexibility needed to achieve reorganization, it is clear that the Court intended that jobs and benefits be saved, if possible, with all creditors sharing to some degree sacrifices to meet that objective. Under the strict REA Express standard, it could be expected that most, if not all, jobs and benefits would be lost. Furthermore, under the strict REA Express test, organized labor would not have to suffer equally with other workers or creditors.

The Court also allowed rejection of the labor contract prior to bankruptcy court judgment. Great latitude is needed in making decisions under reorganization, and a debtor-in-possession has until the reorganization is confirmed to decide whether or not to reject the labor contract. Again, the Court majority stressed successful reorganization as the primary objective stating that the "fundamental purpose of reorganization is to prevent a debtor from going into liquidation, with an attendant loss of jobs and possible misuse of economic resources."

In allowing rejection of the contract after filing, but prior to judgment, the Court noted that if the debtor-in-possession continues to receive benefits from the other party to an executory contract pending its decision to reject or assume the contract, the debtor-in-possession is obligated to pay for the reasonable value of those services. In other words, the financially troubled employer must continue to pay reasonable wages and other benefits.

In deciding that an employer who files under chapter 11 does not commit an unfair labor practice when it rejects its labor contract, the Court concluded that recovery may be had only through administration of the claim in bankruptcy. Certainly, if the employer filed for reorganization under the Bankruptcy Act when not facing financial distress and only to avoid a labor contract, the decision of the Court would have been different. But, when an employer is financially distressed, the National Labor Relations Board cannot enforce the labor contract through the pretense of an unfair labor practice once the filing of a petition in bankruptcy has occurred. To rule otherwise may result in liquidation, rather than reorganization. This ruling has not relieved the debtor of the obligation to bargain over terms and conditions of employment during reorganization, nor does it preclude the union from withholding its labor if dissatisfied with the terms offered.

Organized labor has criticized the Supreme Court's decision. The AFL-CIO's special counsel stated: "The ruling obviously enhances the opportunity for union busting." Prior to the Court's ruling, our Subcommittees on Labor-Management Relations and Labor Standards held a joint oversight hearing on bankruptcy and collective bargaining. It was there asserted that Continental Airlines acted immorally, if not illegally, in filing for bankruptcy and rejecting its collective bargaining contracts. Since the Court's ruling, organized labor has asserted that the bankruptcy law is used for "union busting."

These claims just do not accord with the facts. Subsequent to our oversight hearings, a bankruptcy judge found that Continental had lost $521.9 million over a 5-year period and ruled that Continental had no acceptable alternative if it expected to keep the airline flying—"the Court further finds that there was no intent or motive to abuse the purpose of the Bankruptcy Code."

Furthermore, while there were 5,765 filings for bankruptcy reorganization in 1980, ballooning up to 17,608 in 1983, testimony at our oversight hearing produced allegations of only two instances of findings that an employer filed strictly for the purpose of escaping a labor contract. In those two instances, before Bildisco, the bankruptcy court refused to approve the petition. This is certainly not a wholesale abuse of the bankruptcy law to "bust" unions.

Mr. Chairman, the proposal to overturn Bildisco is as dangerous to the welfare of workers as it is to financially distressed employers. The proposal to "reverse" Bildisco is that, and much more.

In the first instance, Congress, in 1978, noted the differences in collective bargaining under the Railway Labor Act and the National Labor Relations Act and set forth that difference in the statute. The REA Express test was decided under the policies of the Bankruptcy Act as they related to the Railway Labor Act.

The bill we are considering, H.R. 5174, would now apply the Railway Labor Act REA Express test to all collective bargaining contracts, even contracts under the National Labor Relations Act. While Congress 6 years ago recognized the difference of collective bargaining under those two labor acts, the bill before us now would not recognize the difference.

Furthermore, the "balancing of the equities" test under Bildisco would be replaced in H.R. 5174 by a test more stringent than the REA Express test. The new test would be that labor contracts could not be rejected unless "any financial reorganization of the debtor will fail" and adds an additional test that "jobs covered by such agreement will be lost." REA did not include this second test. This type of standard assures organized labor that labor contracts could not be set aside in reorganization, even when excessive labor contracts initiated the reorganization filing. It would appear that the proposed standard would encourage filings under chapter 7 liquidation, and therefore, all jobs would be lost.

Additionally, the proposed amendment would make labor contracts enforceable after filing and until rejected by a bankruptcy court. The REA Express Court did not require prior Court approval for rejection of contracts. When the proponents of H.R. 5174 contend they only want to apply the more stringent REA Express test, why do they then go beyond REA and require prior Court approval for rejection?

Under H.R. 5174, it appears debtors-in-possession cannot move to reject, only trustees. In explanation of this language, Chairman RODINO has explained that both trustees and debtors-in-possession can move to reject the contract. However, the actual language of the bill confines the rejection process only to trustees. What sort of mischief can be achieved, or is being achieved without the benefit of usual hearings and markup?

A provision that allows rejection only after the bankruptcy court has ruled removes the flexibility that a financially distressed employer needs to reorganize its business. It also removes any incentive for bargaining by organized labor, and permits those organized to escape from sharing in any sacrifices needed to get the employer back on its feet. The expedited procedures called for in H.R. 5174 for bankruptcy court rulings offer no relief, since a union may delay its perusal of the offered financial information and there is no time limit imposed on the judge to issue a decision on rejection. Even if reasonable time limits could be set, those limits may be too long for an employer in a crisis situation. The Continental Airlines case is an example. Continential had only about 8 days until it would have gone into liquidation.

There are other ways H.R. 5174 goes beyond overturning Bildisco. For instance, H.R. 5174 gives administrative priority to wages and salaries while the REA Express standard did not. H.R. 5174 incorporates the National Labor Relations Act's standard of good faith bargaining by employers, but inconsistent with the National Labor Relations Act does not require that same standard for the representative of the employees.

From all I have testified to, it is obvious that there are misinterpretations of: First the Bildisco case; second, labor law; and third, bankruptcy policy, all complex and difficult issues

to understand. Let me illustrate just one instance of misinterpretation: Chairman RODINO's factsheet accompanying his "Dear Colleague" letter announcing the introduction of the bill stated that the Bildisco decision does not give special weight to collective bargaining interests. However, that is exactly what Bildisco did. Labor contracts under Bildisco are subject to a more stringent "balancing of the equities" test than are other executory contracts, subject only to the business judgment test.

It is because of wide differences of opinion and interpretation that we should not act in haste. We should act only after following the usual House proceeding of hearings and markups. We should act in a democratic manner. We should not have the wrong conclusions foisted upon this country's industry or labor.

In summary, I urge this House to reject H.R. 5174 overturning Bildisco because:

First, the Bildisco case involved highly technical areas of both bankruptcy and labor law;

Second, Bildisco also involved complicated policy accommodations between bankruptcy and labor law;

Third, bypassing the hearing process in an attempt to overturn Bildisco only does the Congress and the public a disservice;

Fourth, despite press accounts to the contrary, there are no known "union busting" abuses of the reorganization procedures of the Bankruptcy Act;

Fifth, Bildisco sets a higher standard for rejection of union contracts in reorganization than the standard for other executory contracts, subordinating the interests of other creditors;

Sixth, the present proposal, H.R. 5174, goes beyond overturning Bildisco, discourages reorganization, and will in effect cause more filings for chapter 7 liquidations; and

Seventh, a careful reading of the Bildisco case will convince you that the Supreme Court's decision was in the best interest of maintaining jobs and other benefits for union workers.

In my opinion, the Supreme Court balanced the policies of the Bankruptcy Act, enabling a debtor to restructure his business to be able to continue operating, against the goals of the National Labor Relations Act, stability in collective bargaining, in a manner that attempts to insure the employer's economic survival, consequently saving jobs and other benefits for all workers.

The main reasons this bill should be defeated are because: First, most of my colleagues have never heard of Bildisco; some have only heard of the case in the last day or two, and none of us knew of it until 1 month ago; and second, the language of the bill was only available to all my colleagues in the House late yesterday afternoon.

This is not the way to legislate.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I rise in strong support of H.R. 5174 and hope that it will be quickly approved this afternoon.

I doubt that any of us in this body is in complete agreement with every word in this bill. I would wager that is true for Chairman RODINO, and I know it is with me. I also know that we are coming up on a deadline on the 31st of the month which will effectively close down our bankruptcy courts and that action is needed now. The article 3 solution incorporated into H.R. 5174 and its predecessor, H.R. 3, had broad support in the Judiciary Committee from both sides of the aisle. It is generally recognized as the most clear cut answer to the problem presented to us when the courts found the last bankruptcy court structure to violate constitutional requirements.

With regard to the substantive provisions included in title II, again, they reflect compromises and deal with highly charged questions: Consumer bankruptcy, the treatment of collective-bargaining agreements, and grain elevator bankruptcies. Others will no doubt speak at length on the consumer and collective-bargaining provisions of the bill. Suffice it to say that I, for one, am convinced that this legislation strikes a reasonable balance on both of those points.

As chairman of the Ad Hoc Subcommittee on Grain Elevator Bankruptcies of our Committee on Agriculture, I would like to go into some detail with regard to the provisions of subtitle B of title II which deal specifically with the grain elevator bankruptcy problem. Serving on both the Agriculture and Judiciary Committees has given me the opportunity to fully examine this problem and to determine just what needs to be done to address it.

First let me raise and then respond to a question which has come up from a number of Members of this body. They ask: Why should we give special considerations to farmers over other creditors in grain elevator bankruptcies? In response, I would point out a number of factors which put farmers in a unique situation vis-a-vis their elevators in these cases:

No. 1, it can be extremely difficult to maintain the quality of stored grain for prolonged periods of time; that makes the asset in question unique.

No. 2, as those of us farm country know all too well, grain markets fluctuate greatly and quickly. That makes the timing of a sale critical to the return a farmer receives on his investment. Clearly, that is not the case with most creditors.

No. 3, farmers often have little or no choice as to what elevator they are going to use. That is not the case for other types of creditors which might be involved in these cases.

No. 4, the priority provided under the bill extends only to farmers as bailors. That basically means that they had grain stored at the elevator and nothing more. So what happens to them in a bankruptcy when the grain is gone is very similar to what an individual would encounter if he had taken his car to a garage, the garage went bankrupt and, in the process, had sold or in some other way gotten rid of his car. Clearly, instances like that warrant special consideration.

No. 5, I would point out that, as is the case with other priorities in the Bankruptcy Code, this priority is limited to $2,000.

I hope those five points clarify the legitimate need for special consideration of farmers' claims in these bankruptcies.

Beyond that, I would stress to my colleagues that it is not unusual; in fact, it is almost commonplace given the economic situation facing our farmers today, for an entire season's, if not an entire lifetime's work product to be stored in an elevator and tied up or lost—in a bankruptcy.

To address this problem, subtitle B of title II of the bill before us makes a number of modifications in the Bankruptcy Code to reflect the particular problems and circumstances inherent in a grain elevator bankruptcy. Let me go through each of them for you:

STATUS OF FARMER CLAIMS

The bill adds a new listing to present priorities used to determine the division of the assets of the bankrupt. According to the bill, individuals engaged in the production or raising of grain, who had grain stored in the elevator and were not able to fully recover that grain due to shortages, have their claims met seventh, at the end of the existing list of priorities, and before general, unsecured creditors. Current law does not accord farmers any special status in the division of the assets of the estate if they suffer a loss due to grain shortages; they must have their claims satisfied in the same manner as general, unsecured creditors which generally means their claims are prorated along with other claims. The bill provides that the special priority applies only to the first $2,000 of an individual farmer's claim.

RECLAMATION OF GRAIN FROM THE BANKRUPT

If a producer deposits grain with a warehouse while the warehouse is insolvent, the farmer has the right to reclaim that grain within 10 days of deposit upon making a written request. The court can deny this common-law right only if it protects the producer with a lien.

EXPEDITING THE DETERMINATION OF OWNERSHIP OF STORED GRAIN

The bill establishes a 120-day timetable for the determination of interests in and the disposition of grain and the proceeds of the grain. The timetable is activated by the court's own motion, a motion of the trustee, or a motion of any entity with an interest in the grain. Several procedures and determinations may be expedited under the timetable, including a claim of ownership, a proof of claim, a request for relief from a stay of action, a request for determination of secured status, and requests for determinations of whether the grain is the property of the estate, may be turned over to the estate, or may be used, sold, or leased. The timetable may also apply to the disposition of the grain, including the sale, abandonment, or distribution of the grain. The court may extend the timetable beyond the 120-day limit if it finds that the case is especially complex and the interests of the claimants entitled to the grain or grain proceeds will not be materially injured.

GOVERNMENTAL REPRESENTATION IN THE PROCEEDINGS

The bill gives any State or Federal regulatory agency which has authority over the liquidation or operation of a grain storage facility the right to appear and be heard regarding the expedited determination of interests in and disposition of the grain. In addition, the bill provides that the court must notify such agency of any request for an expedited determination and that the trustee must consult with such agency before taking action affecting the status of the grain.

LIMITS ON TRUSTEE'S FEES

The bill provides that the trustee may recover from grain and the proceeds of grain only fees necessary to cover the costs of preserving or disposing of the grain and may not recover from grain or its proceeds any other costs.

WAREHOUSE RECEIPTS

The bill states that a warehouse receipt, scale ticket, or similar document constitutes prima facie evidence of the validity and amount of a claim of ownership of grain, so long as this determination does not conflict with applicable State law.

Before I wrap this up, I do want to respond to a point raised by my colleague from Missouri, Mr. EMERSON, who served with me on the Ad Hoc Subcommittee on Grain Elevator Bankruptcies and who has been very interested in seeing this problem resolved. He expressed a concern that the use of the term "person" in the definition of producers might preclude family farmers who have incorporated their farming operations from being protected under this provision. Let me assure him that I have discussed this with others on the committee and it is definitely our intention to include bona fide family farmers who might have incorporated in the term "person" in that definition. What is not intended, however, is for this protection to extend to large corporate farming operations which extend far beyond a family farming operation.

In closing, let me remind my colleagues that legislation similar to this bill has passed the Senate without dissent five times in the recent past. That in itself should allay any concerns of controversy about these provisions. I also think it points up the strong concern across rural America about this problem and the need to resolve it quickly. In H.R. 5174, we have a workable reasonable solution to the problem. It goes far enough to effectively help farmers who find themselves in this situation while still preserving the basic concepts of the Bankruptcy Code.

Reaching this point has taken a long time, but it has resulted in a good bill. I urge each of you to lend the bill your support and the grain elevator provisions in particular.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. FIEDLER).

□ 1540

Ms. FIEDLER. Mr. Chairman, I am deeply concerned about the fact that the provision, which would have directly affected Continental Airlines, has been struck out of the existing bill. I wonder if the chairman could answer a question regarding why the change was made that would have affected those bankruptcies, those chapters 11's, currently in process. Specifically, my concern is Continental. Why was the change made in the bill that would permit Continental to be covered?

Mr. RODINO. There was no change insofar as Continental is concerned. The matter that we addressed was merely to clear up what we feel the Court failed to recognize, and that was the clear intent of the Congress to set the kind of standard that we believed was the law in 1978, in which the courts had already ruled. We are not addressing any specific case.

Ms. FIEDLER. I understand that. But it was my understanding that, under the original language of the bill, it would have been retroactive to cover those cases currently in process, which would have included Continental.

Mr. RODINO. It is not our intent. This bill is prospective.

Ms. FIEDLER. One of the staff was just telling me that they believe that there was language up until just a few days ago in the original bill.

Mr. RODINO. It was not the intent of the language, I can assure the gentlewoman.

Ms. FIEDLER. I just wanted to express my concern about it, because I have a number of communications from Continental employees who have really suffered some serious problems, cases where there was commitment for medical care coverage that was unpaid by the company, commitments where U.S. savings bonds were in fact taken out of employees' wages and where those were totally lost, and a number of different cases involving disability and medical care. So that the changes in this bill, hopefully, will not permit those kinds of things to take place in the future. But I do want to express, based on the information that has been presented to me, that I did understand this bill originally, would have affected that particular case, and I regret very much that the language does not permit it to affect cases in process at this time.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. PASHAYAN).

Mr. PASHAYAN. Mr. Chairman, there has been some considerable discussion throughout this measure on the labor portion of the bill. It is something I have made it my business to attend to. I should like to ask the chairman of the committee a couple of questions. I think there has been some difficulty in arriving at what some of the language means, and I have got two or three questions here for the chairman, and I want to talk about the legislative intent of the bill as would be represented by the chairman of the committee.

My first question is: Is it the legislative intent of the bill, the legislative intent, to codify a standard that is more strict than the standard in the REA Express case?

Mr. RODINO. That was not our intent some concern has been expressed that this bill requires the court to find that the jobs will be lost and the reorganization will fail.

Mr. PASHAYAN. No more or no less?

Mr. RODINO. No more or no less.

Mr. PASHAYAN. All right. I have another question for the chairman of the committee, then.

Is it the legislative intent of you and your committee that the court, within the 14-day period, will issue its decision on the motion to reject the labor contract, if at all possible within that 14-day period? I mean short of some extraordinary circumstances.

The key word here I am asking you is: Is it your intent that the court will issue a decision, except for some extraordinary event, within 14 days?

Mr. RODINO. The answer is "yes."

Mr. PASHAYAN. The answer is "yes."

Would you explain why you used the language in the bill that did not explicitly say that, please?

Mr. RODINO. Let me explain it this way: There has been some concern as to the speed with which the bankrupt-

cy court will decide the request for rejection. I want to make sure that we lay that concern to rest. Congress generally does not, as a matter of comity, prescribe a court's docket. However, a court clearly should take Congress requirement for expeditious treatment of an issue in its effort to render a quick and correct decision.

Mr. PASHAYAN. I have a third and final question for the chairman: In the event there is a conference on this bill and on this portion of the bill, and that the chairman has now expressed what the legislative intent of his committee is in bringing the bill to the floor, is the chairman flexible to consider other language in a conference, in the event that there is a conference, that would achieve the legislative intent as you have described it?

Mr. RODINO. Let me respond to the gentleman in this way: In the event there is a conference, certainly those matters would be taken into consideration.

Mr. PASHAYAN. I just wanted to say that, although I too say that I join my colleagues very fervently in feeling strong objection to the manner in which this has been brought to the floor, I wanted to get to the substance of the bill.

Mr. RODINO. I want to assure the gentleman that we are not inflexible.

Mr. PASHAYAN. Well, I appreciate that. Not inflexible to achieve the legislative intent that you describe, which is not to go beyond the REA Express case. I voted against the rule, with my colleagues, because I do object to the procedure that the leadership has chosen to use on this. But as far as the substance of the bill goes, and based on the word of the chairman as he has given it to our colleagues today, I am convinced that this bill has equitable measures in it, and I should like to ask the Members on my side of the aisle to consider seriously what the chairman has said what the legislative intent is, that he has proclaimed that he is flexible in achieving that legislative intent in the language in a conference, if this bill should go to conference, and I should like to invite the Members on our side of the aisle to consider this aspect of the bill, at least, favorably and not to reject the bill on this ground. Now, I know there are other grounds, and I am not speaking of those grounds.

I do not have to say that banks, businesses, universities, and other institutions receive legal protection from Congress. Likewise Congress must offer labor as an institution legal protection. The men and women—our working taxpayers—who build this country have every right to form into a union and to bargain collectively. The contract that protects agreements made for the wages of labor and other benefits must have legal protection against their being breached, and for a balance between labor and management and their investors.

Prior to the Bildisco case, there were two standards. In Bildisco, the Supreme Court chose the middle ground.

Under the bill Congress would make that standard more strict, but not more strict according to the word of the chairman of the committee, Mr. RODINO, than the standard of the REA Express case.

I urge the Congress, especially my colleagues on my side of the aisle, to support the bill and thereby accord the working men and women of the country, who choose of their free will to deal through their labor union, a legal protection for that institution to the vitality of that institution.

The CHAIRMAN pro tempore (Mrs. BOGGS). The time of the gentleman from California (Mr. PASHAYAN) has expired.

Mr. FISH. Madam Chairman. I yield 1 additional minute to the gentleman from California (Mr. PASHAYAN).

Mr. KINDNESS. Madam Chairman, will the gentleman yield?

Mr. PASHAYAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Madam Chairman, I think the gentleman is earnestly concerned with this part of the bill, and I understand that. But there is no committee report, there is very little upon which to base legislative intent in this case. This provision of this bill is bound to be involved in litigation. The courts are going to have to construe it with very little by way of understanding of legislative intent other than what is said on this floor by the very few people who are here, and that is not going to establish it.

Mr. PASHAYAN. I appreciate that. But, as the gentleman knows, the courts can look for legislative intent in two or three sources. One source certainly is the committee report. Unfortunately, there were not committee proceedings on this. I object to that. That is why I voted with you all against the rule. But, on the other hand, since there is no report, the court for legislative intent would then look to remarks on the floor.

Now, the chairman of the committee has assured us that the legislative intent—and that is the word I used in both questions to him—was to achieve the REA case standard, which has been expressed in many phrases within that case, no more than that, and he has said that he is flexible in achieving different language in a conference, if there should be a conference, to achieve no more than that.

Mr. KINDNESS. I should hope we live that long.

I thank the gentleman.

Mr. FISH. Madam Chairman, I yield 4 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Madam Chairman, I rise in opposition to the labor agreement termination provision, subtitle c.

This section should not be considered in connection with H.R. 5174. It has no substantive relationship to the bankruptcy courts legislation and should be rejected, if for no other reason, to avoid bogging down this emergency bill to reconstitute the bankruptcy court system. Clearly, the linkage is strained as there is no natural relationship between H.R. 5174 and a provision dealing with the authority of debtors in chapter 11 bankruptcy to terminate labor agreements.

This provision would reverse a unanimous Supreme Court decision, NLRB against Bildisco, handed down less than 1 month ago, but is offered today without the benefit of any legislative hearings on the complex labor and bankruptcy law issues the decision addressed.

Every court—14 judges—hearing the case—all the way to the Supreme Court came to the same conclusion as was held 9-to-0 in Bildisco. This includes Justices Brennan and Marshall. We are now asked to approve a provision that would overturn this judicial unanimity with no hearings and not even a separate vote on the issue.

Even the Washington Post this morning saw the issue clearly: "The labor provision is not the kind of noncontroversial measure that can be passed without hearings, committee reports, floor debate and a vote."

Members should also be aware that the Rodino labor provision in the bill before us is different from the one he has advocated in H.R. 4908. Not only is Mr. RODINO intent on reversing the decision without benefit of hearings, the method by which he effects the reversal continues to change—still without hearings and public comment.

Support of this labor section would be the worst form of rushing to judgment and will reflect poorly on our ability to carefully consider issues of importance and complexity through the committee structure.

There has been a good deal of misinformation about the Bildisco decision itself, which this labor subsection would repeal. The AFL-CIO is circulating a legislative alert that significantly misstates the Bildisco decision; this needs to be set straight before we proceed too far into debate. The union alert suggests that Bildisco allows contract rejection simply upon a finding that a labor agreement "burdens the estate." The explanation ends there. Nothing is mentioned about the rest of the Supreme Court's test wherein all interests must be balanced and considered by the bankruptcy court. We should be suspicious about the soundness of a provision when its chief advocates find misrepresentation and omission of key information necessary.

PROBLEMS WITH RODINO LABOR PROVISION

Beyond the inappropriateness of linking the ill-considered labor contract issue with H.R. 5174, there are serious policy flaws in the Bildisco repeal provision.

Most important, the Rodino labor provision is at odds with the debtor rehabilitation goals of chapter 11 of the Bankruptcy Code.

Since there is unanimity that collective-bargaining agreements are executory contracts for purposes of bankruptcy, and thus can—under some standard—be rejected by the debtor, the most pertinent question becomes: What standard for termination is most compatible with chapter 11 reorganization?

I believe the Bildisco "balancing of the equities" standard applied by the bankruptcy court—taking into account the interests of all parties in interest—best serves the ultimate goal of chapter 11 reorganization.

Before arguing why the Bildisco test is compatible with chapter 11 but the Rodino amendment is not, two important points must be made. Mr. RODINO has suggested that Congress believed it was continuing the termination standard he advocates, derived from the REA Express case of the second circuit, when it rewrote the Bankruptcy Code in 1978. The REA test was neither the only one articulated by the courts prior to the 1978 rewrite or the test implicitly adopted by Congress in the new Bankruptcy Code.

The Supreme Court expressly rejected the argument that Congress adopted the REA Express standard simply because the House Judiciary Committee Bankruptcy Act report referred to both the REA case and another case, Kevin Steel Products, which established a rejection test similar to Bildisco. In the Court's words, "Congress cannot be presumed to have adopted one standard over the other without some affirmative indication of which it preferred."

Second, Chairman RODINO has said that, and I quote him:

> The balancing-of-the-equities standard adopted by the Supreme Court would give no special weight to collective-bargaining interests and the significant concerns underlying the national labor policy.

Even a not-too-careful reading of the opinion indicates the reverse. On page 9 of the opinion, the Court clearly stated:

> We agree with these courts of appeal that because of the special nature of a collective-bargaining contract, and the consequent "law of the shop" which it creates, a somewhat stricter standard should govern the decision of the Bankruptcy Court to allow rejection of a collective-bargaining agreement.

Let me now address the question of why Mr. RODINO's codification of the REA termination test is inconsistent with the purpose of chapter 11.

First, the debtor must prove through extensive evidentiary proceedings that the jobs covered by the labor agreement will be lost and that his financial reorganization will fail unless the contract is terminated.

The debtor would have to be in too poor a financial condition to benefit from contract termination by the time he could satisfy this test. The time within which the evidentiary proceedings could drag on—either by delay or because of the evidentiary difficulties the test would present to the debtor—is indefinite. Financial reorganization under this test—Mr. RODINO's test—would largely be a joke. Chapter 11 filings, and the preservation of jobs, would plummet. Chapter 7 liquidations would be the only viable alternative for almost all debtors. This result, increased incentives for debtors to liquidate, cannot be seen as compatible with chapter 11 reorganization. This test is unfair to workers who want to keep their jobs in the long run because it subordinates all the myriad interests in a chapter 11 proceeding—the impact of both successful rehabilitation as well as liquidation—to the one issue of whether it can be proven that contract rejection is essential to prevent liquidation.

Bildisco, conversely, encourages reorganization and recognizes that, in the words of a February 27 New York Times editorial, "Jobs Can Be Preserved Only if a Company Continues To Operate."

The Bildisco standard provides the bankruptcy court the flexibility to give the debtor relief while it can still be used to aid reorganization. The Bildisco test allows the bankruptcy court to determine whether "the equities balance in favor of rejecting the labor contract" after the debtor presents evidence that the contract burdens the estate and threatens successful rehabilitation. This is not an easy standard to satisfy. The Court specifically held that rejection shall not be permitted without a finding—fully supported by a determination by the court on the record—that successful rehabilitation would be served by such action.

Further, the Bildisco Court requires the bankruptcy court, before approving rejection, to "be persuaded that reasonable efforts to negotiate a voluntary modification have been made and are not likely to produce a prompt and satisfactory solution."

Finally, we should all take a moment to remind ourselves of what protections currently accrue to labor contracts under existing law. Under current law:

No contract rejection can take place without justification;

Any rejection is subject to court approval;

The union can participate in court proceedings to argue against rejection;

If the court rules against the debtor, he is liable for failure to meet his contractual obligations;

Even where rejection approved, the union is still recognized, the debtor must engage in good faith bargaining, and the union retains the right to strike.

Let us not be misled that labor contracts have suddenly become threatened. In fact, Bildisco does not do anything to change the law that has existed since at least 1975.

Based on these arguments, I urge you to reject Mr. RODINO's amendment and allow the appropriate committees to begin a considered, careful review of this complex area where bankruptcy and labor law meet in order to determine what, if anything, needs to be done in light of the Bildisco decision.

□ 1550

Mr. FISH. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. I thank the gentleman for yielding me this time.

Madam Chairman, I rise in support of H.R. 5174, the Bankruptcy Amendments Act. This legislation is needed to correct several provisions of the current Bankruptcy Code.

Passage of this bill, for example, will ensure that fairness to the interests of all affected parties is maintained when a business files for reorganization under chapter 11 of the Bankruptcy Code. Recent chapter 11 filings have evoked widespread concern about fairness. But it is the current language of chapter 11, rather than business, which is to blame. A decision handed down just a short time ago by the Supreme Court starkly reveals some of its most flagrant shortcomings.

In National Labor Relations Board against Bildisco & Bildisco, a unanimous Supreme Court held that the language of chapter 11 of the Bankruptcy Reform Act of 1978 is insufficiently explicit and cannot prevent a party to a collective-bargaining agreement from unilaterally terminating that agreement upon filing for reorganization. On another crucial issue in that case, a split court ruled that provisions of the National Labor Relations Act are not enforceable against a business once it has filed for a chapter 11 reorganization.

In the wake of that decision, PETER RODINO our distinguished colleague from New Jersey, introduced a bill (H.R. 4908) the text of which is included in H.R. 5174. The chapter 11 provisions in this bill would require only that a business receive an affirmative finding from a bankruptcy court before dissolving a collective-bargaining agreement. This procedure will ensure that the interests of all affected parties are carefully weighed and

that the termination of a collective-bargaining agreement is essential to the successful reorganization of the business and the preservation of jobs. These provisions also specify that the National Labor Relations Act will continue to govern the relations of a business and its employees, until a bankruptcy court has ruled that a collective-bargaining agreement may be voided.

Mr. Chairman, requiring a business to seek a bankruptcy court's approval before it may dissolve a collective-bargaining agreement will not impede the ability of that business to reorganize. Successful reorganization may very well hinge upon whether or not a collective-bargaining agreement is abrogated. If it is necessary to reject such an agreement in order to save the business and preserve jobs, then the agreement will be vacated. But it is only fair that the decision not be made without first evaluating the best interests of all affected parties, not the least of which are the business'.

The proper venue for judiciously considering the frequently conflicting interests of a financially troubled business and its employees is not some smoke-filled board room or a dimly lit labor hall. The only place where impartiality has a fair chance to reign is a bankruptcy court. I, therefore, will support this legislation and urge our colleagues to do so too.

Mr. FISH. Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman for yielding this additional time.

Madam Chairman, I ask for this time in order to clarify the record with regard to part of the proceedings which have occurred within the last 20 minutes or so.

The gentlewoman from California (Ms. FIEDLER) had asked a question with regard to whether the Continential Airlines case might have been covered by the provisions of H.R. 4908, introduced by the gentleman from New Jersey (Mr. RODINO), along with others on February 22, the day that the Supreme Court acted in the Bildisco case, and whether the provisions differ as to the effective date and what it applies to in the bill that is now before the House, H.R. 5174.

I just need to take the time to point out that in H.R. 4908, introduced on February 22, 1984, section 4(b) read:

The amendments made by this Act shall not apply with respect to any collective bargaining agreement rejected under title 11 of the United States Code before the date of the enactment of this Act.

This means the case could have applied, or the provisions of H.R. 4908, could have applied, would have applied, to the Continental case.

On page 84 of the bill before us today, H.R. 5174, in subtitle d, section 299b, the language reads:

The amendments made by this title—

Which is the collective bargaining agreements portion of the bill—

shall not apply with respect to cases under title 11 of the United States Code, commenced before the date of the enactment of this Act.

Therefore, the bill before us today would not affect the Continental case. So let the record be clear on that. Whether it was error in drafting, or whatever it was, that was the way H.R. 4908 used to read; that it would have affected the Continental case.

"BILDISCO" GIVES TROUBLED EMPLOYERS CONTRACT FLEXIBILITY

(By Charles P. O'Connor)

In a decision of unquestioned significance to labor-management relations, the Supreme Court unanimously held that an employer that has filed for reorganization under Chapter 11 of the Bankruptcy Code may obtain a rejection of its collective bargaining agreement. Further, in a portion of the opinion that five justices joined, the Court held that the employer may unilaterally alter the terms of its collective bargaining agreement during the time between when it has filed for reorganization and when it obtains the bankruptcy court's permission to reject that contract without running afoul of the midterm modification prohibitions of § 8(d) of the National Labor Relations Act (NLRA).

The case, NLRB v. Bildisco and Bildisco,[1] is being hailed by most employers as vindicating the principle of flexibility for a company that is undergoing reorganization, and as providing a hefty bargaining tool for economically troubled management. Unions, on the other hand, are criticizing the decision as a complete repudiation of the protection accorded to labor agreements by the NLRA.

Perhaps this sort of rhetoric should be of little surprise. Regardless of one's position in the underlying debate, the Court's decision will enhance the bargaining leverage of companies that are on the threshold of bankruptcy and are seeking substantial labor cost concessions from the union prior to filing for Chapter 11. Over the long term, however, the potential for abuse of the bankruptcy system stemming from the decision may be sufficient to goad Congress into action by providing a balanced legislative solution to this vexing labor-management controversy.

Additionally, although the decision is a highly visible one, it does have its limits, and for a variety of reasons, should not cause a flood of Chapter 11 proceedings. Bildisco does not necessarily give the employer a blank check to modify a collective bargaining agreement regardless of whether it ultimately obtains rejection of the agreement. Moreover, the Chapter 11 reorganization process remains expensive and one that severely curtails the independence of a debtor company. In short, it would be a mistake to view the Bildisco decision as one that allows the rejection of expensive labor contracts in bankruptcy without a downside risk.

The facts underlying the case have been reported previously,[2] and thus will be summarized only briefly to put the discussion in perspective. Bildisco & Bildisco was a New Jersey partnership engaged in selling and distributing building supplies. The company had a collective bargaining relationship with International Brotherhood of Teamsters Local 408 and had signed a collective bargaining agreement that ran from May 1979 to April 1982.

On April 14, 1980, the partnership filed for reorganization under Chapter 11. The bankruptcy court subsequently appointed the incumbent management as debtor in possession. Both before and after the Chapter 11 filing, Bildisco committed several breaches of the collective bargaining agreement. In the summer of 1980, Local 408 filed unfair labor practice charges with the National Labor Relations Board (NLRB) against the company as a result of the contract breaches. In December 1980, Bildisco petitioned the bankruptcy court to allow it to reject the labor contract. The court granted the petition in mid-January 1981.

The Teamsters local appealed the bankruptcy court's decision to permit rejection to the district court. That court affirmed the rejection, though it did so without articulating a particular legal standard. Local 408 then appealed the district court ruling to the 3rd Circuit.

PETITION, APPEAL CONSOLIDATED

Simultaneously, the NLRB proceedings had concluded with a summary judgment against the company. That judgment decreed that Bildisco's prepetition and postpetition contract breaches were "refusal to bargain" unfair labor practices in violation of §§ 8(a)(1), (5) of the NLRA.[3] The NLRB subsequently petitioned the 3rd Circuit to enforce its order. The court of appeals consolidatd the NLRB's petition and the Local 408 appeal for review of the decision in bankruptcy.

The 3rd Circuit affirmed the district court's decision to permit rejection of the collective bargaining agreement.[4] It held that collective bargaining agreements are executory contracts subject to rejection under § 365(a) of the Bankruptcy Code. The court then articulated a "balancing the equities" standard for the bankruptcy judge to apply in weighing the merits of a rejection petition. It rejected Local 408's argument that the company must demonstrate a failure to permit it to reject the collective bargaining agreement would be fatal to its reorganization effort.

The court then turned to the NLRB order and denied the petition for its enforcement. Initially, the court concluded that the NLRB was incorrect in finding that the debtor in possession was the same entity as the prepetition company. The court found that the special, fiduciary responsibilities of the debtor company distinguished it from the prebankruptcy entity. Moreover, the court held that the rejection of the contract relates back to the date immediately prior to the filing of the petition for reorganization. Under this reasoning, the collective bargaining agreement is simply not in effect against the debtor employer, subsequent to the date that it files for reorganization. Therefore, the court concluded, the postpetition entity cannot be liable for postpetition modifications of the collective bargaining agreement. The court sustained the NLRB's conclusion that the company's preorganization petition breaches of the agreement were unfair labor practices.[5]

Both the Teamsters Local 408 and the NLRB petitioned the Supreme Court for certiorai. The Court granted the petitions in January 1983 and heard oral arguments in October 1983. On Feb. 22, 1984, the Court rendered its decision in favor of the company.

Footnotes at end of article.

UNANIMOUS HOLDING FOR REJECTION

The Supreme Court addressed three distinct issues in its ruling. It ruled unanimously on two points; that collective bargaining agreements were executory contracts under the Bankruptcy Code and that the "balancing the equities" legal standard governs a court in considering a petition to reject such agreements. The Court split five to four regarding the ability of the debtor in possession to modify the bargaining agreement during the time that the rejection petition is pending.

The Court's holding that a company can reject a labor contract resolves an issue of statutory interpretation. Section 365(a) of the Bankruptcy Code permits the debtor in possession to seek the bankruptcy court's approval for rejection of an "executory contract."[6] Due to the fact that performance is due from both signatories, a collective bargaining agreement is certainly an executory contract.[7] Further, according to the Court, there is no suggestion in the language of the Bankruptcy Code that the term "executory contract" does not include collective bargaining agreements. While §1167 of the code expressly exempts most railway employee labor contracts subject to the Railway Labor Act from §365(a), no provision in the code excludes agreements subject to the NLRA from its coverage.[8] This failure to grant an exemption to contracts subject to the NLRA indicates that Congress intended §365(a) to apply in this situation.[9]

According to the Court, the bankruptcy court then should permit rejection of a collective bargaining agreement subject to §365(a), but only if the debtor in possession can show that the agreement both burdens its estate and that the equities balance in favor of rejection. In short, the normal standard for rejection of an executory contract under §365(a) is the so-called business judgment rule.[10] The Court recognized, however, that the unique status of collective bargaining agreements must result in a somewhat different standard for rejection from that applied to other commercial contracts.[11] But it concluded that the alternative standard should not be so strict as to be at odds with the flexibility and equity built into Chapter 11. In particular, the Court concluded it would not apply a standard that requires that the debtor show that its business will fail absent rejection.

PROCEDURAL LIMITATION INTERPOSED

Finally, in further recognition of a perceived congressional intent to afford collective bargaining agreements a special status in reorganization proceeding, the Court interposed a procedural limitation on the ability of either party to require action on a rejection petition. In a portion of the unanimous opinion that did not receive a great deal of recognition in the initial news reports concerning the Bildisco decision, the Court mandated that labor and management attempt to negotiate an accommodation in the terms of a collective bargaining agreement prior to the bankruptcy court being required to act on the petition for rejection. The Court stated as follows:

Before acting on a petition to modify or reject a collective bargaining agreement, however, the Bankruptcy Court should be persuaded that reasonable efforts to negotiate a voluntary modification have been made and are not likely to produce a prompt and satisfactory solution. The NLRA requires no less. Not only is the debtor-in-possession under a duty to bargain with the union under §8(a)(5) of the NLRA, [citation omitted] but the national labor policies of avoiding labor strife and encouraging collective bargaining, [citation omitted] generally require that employers and unions reach their own agreements on terms and conditions of employment free from governmental interference. [Citation omitted]. The Bankruptcy Court need step into this process only if the parties inability to reach an agreement threatens to impede the success of the debtor's reorganization. If the parties are unable to agree, a decision on the rejection of the collective-bargaining agreement may become necessary to the reorganization process. At such point, action by the Bankruptcy Court is required, while the policies of the Labor Act have been adequately served since reasonable efforts to reach agreements have been made. That court need not determine that the parties have bargained to impasse or make any other determination outside the field of its expertise.[12]

"REASONED FINDING" MANDATED

In addition the Court instructed bankruptcy judges that in applying the balancing of equities test, the bankruptcy judge "must make a reasoned finding on the record why it has determined that rejection should be permitted." The bankruptcy judge must state on the record how the interests of debtor, creditors, and employees have been balanced. Specifically.

The Bankruptcy Court must consider the likelihood and consequences of liquidation for the debtor absent rejection, the reduced value of the creditors' claims that would follow from affirmance and the hardship that would impose on them, and the impact of rejection on the employee. In striking the balance, the Bankruptcy Court must consider not only the degree of hardship faced by each party, but also any qualitative difference between the types of hardship each may face.[13]

The requirement that labor and management make a reasonable effort to negotiate a voluntary modification as a precondition to the bankruptcy court acting on a petition for rejection combined with the requirement that the bankruptcy court state on the record how it balanced the equities should provide a healthy incentive to the collective bargaining parties to resolve their differences in a traditional labor-management negotiating mode and more importantly should curtail the ability of bankruptcy courts to permit summary rejection of collective bargaining agreements over the near term until Congress acts.

The Court has provided the bankruptcy judge with a substantial piece of leverage in order to keep labor and management at the table attempting to negotiate a solution. Further, the Court has ensured that subsequent judicial review of the bankruptcy judge's determination will be made on a record which would permit the reviewing court to understand how the bankruptcy judge actually balanced the equities rather than the short form summary conclusion by which the bankruptcy court permitted Bildisco to reject its collective bargaining agreement with Local 408 without articulating either the standard applied in the rejection decision or the factors that the bankruptcy judge determined to have tipped the scales in favor of rejection.

SHARP SPLIT APPEARS

Joined by Chief Justice Warren E. Burger and justices Lewis F. Powell, Jr., John Paul Stevens, and Sandra Day O'Connor, Justice William H. Rehnquist concluded that the debtor in possession does not commit an unfair labor practice when it unilaterally rejects or modifies a collective bargaining agreement before the bankruptcy court approves its rejection petition. In reaching this holding, the majority first dismissed the controversy over whether the postpetition debtor is a distinct entity from the prepetition debtor. According to Rehnquist, the point of the Bankruptcy Code is that it provides companies with special powers in order to effect a proper rehabilitation. Thus, it is not necessary to decide whether the debtor is an alter ego or a successor employer for the purposes of assessing its powers under the Bankruptcy Code. For the Court's purposes, "it is sensible to view the debtor-in-possession as the same 'entity' which existed before the filing of the bankruptcy petition, but empowered by virtue of the Bankruptcy Code to deal with its contracts and property in a manner it could not have done absent the bankruptcy filing."[14]

The majority then put forth two rationales to support its holding that Bildisco is not liable for the unfair labor practice charges. First, in Chapter 11 proceedings a debtor has much more latitude to seek acceptance or rejection of a contract than a trustee has in a Chapter 7 liquidation. Holding the debtor liable for unfair labor practices pending the petition for rejection would undermine this latitude, and hence, the statutory scheme.[15]

Second, in finding a unilateral modification pending rejection to be a violation of the NLRA, the board's action has the effect of requiring adherence to the terms of the agreement until rejection is approved. Section 365(g)(1) of the Bankruptcy Code, however, provides that a rejection constitutes a breach of the contract that relates back to the date immediately preceding the filing of the petition in bankruptcy.[16] This relation-back process has the effect of breaching the contract provisions as of the date that the debtor files for bankruptcy rather than as of the date that the bankruptcy court approves the petition to reject the contract. Moreover, even if the debtor continues to receive benefits under the contract, the employees may recover their claims only through the administration of the bankruptcy estate.[17]

Thus, in the majority's view, "the filing of the petition in bankruptcy means that the collective bargaining agreement is no longer immediately enforceable, and may never be enforceable again." Since the NLRB's action rests on the principle that the contract is enforceable, its position would obviously run counter to the provisions of the Bankruptcy Code.[18] According to the Court, between the date that the debtor files for reorganization and the date that it formally assumes the contract, the collective bargaining agreement is simply not enforceable in the context of the mid-term modification prohibitions of the NLRA.

COMPETING INTERESTS NOT BALANCED

In dissent, Justice William J. Brennan, Jr. joined by justices Byron R. White, Thurgood Marshall, and Harry A. Blackmun, strenuously argued that the Court's decision to exonerate the debtor of unfair labor practices committed during the pendency of its petition for rejection ignored important aspects of both the NLRA and the Court's own opinion by neglecting to balance the competing interests of the NLRA and the Bankruptcy Code. In Brennan's view, several aspects of the reorganization process suggest that the terms of the contract are "in effect," as those words appear in §8(d),

while the rejection petition is pending. Thus, §8(d) does apply to the parties until the contract is rejected.[19] Significant to the dissenting justices is the fact that no provision of the Bankruptcy Code renders §8(d) inapplicable.[20]

Moreover, according to Brennan, nothing in the Court's opinion demonstrates that the power to modify pending rejection is vital to a successful reorganization. According to the dissent, the very basis of §8(d)'s prohibitions on unilateral modifications is a congressional judgment that such modifications are antithetical to labor peace. In the dissenting justices' view, the Court's holding, which permits the employer to modify a contract unilaterally, acts to deprive the parties of their system of self-government.[21] Consequently resolution of the parties' disputes will be left to "the relative strength . . . of the contending forces" rather than to peaceful negotiations.[22]

DECISION IS NO SURPRISE

Much of the rhetoric directed by unions at the Court concerning this decision is probably misplaced. The holding that a collective bargaining agreement is an executory contract, for example, and is thus capable of rejection under §365(a) should raise little controversy. While the AFL-CIO opposed this view in its amicus brief, all of the parties in Bildisco conceded the point during oral argument. The combination of § 365(a) and the exemption for Railway Labor Act agreements in § 1167 of the Code demonstrates that Congress could have constructed specific language to exempt all labor contracts, but simply did not.

Similarly, the holding that a rejection should be permitted after a showing that the agreement is burdensome and that the equities favor the employer is a reasonable approach to balancing the policies of the Bankruptcy Code and the NLRA. The "but for" test sought by the petitioners is simply too difficult to apply and does not adequately reflect the need for flexibility in the reorganization process. On the other hand, if strictly enforced by the reviewing courts the "balancing of the equities" test maintains an appropriate rejection standard by recognizing that labor agreements differ from commercial contracts. Most important is the procedural requirement that the bankruptcy court must satisfy itself that good faith collective bargaining negotiations have failed prior to acting on a rejection petition. Strict adherence to this requirement should serve to protect the rights of the employees.

DIVISIVE ASPECT

The most divisive aspect of the decision is the holding that the company may unilaterally alter the terms of its agreement while its petition for rejection is pending without violating the NLRA. This is an area of honest disagreement between labor and management. First, it is not altogether clear that the holding is limited to the situation where the company seeks rejection of the agreement. The Court's holding could be interpreted to mean that the midterm modification prohibitions of § 8(d) simply do not apply after the petition for reorganization is filed.[23] Other aspects of the Court's opinion, though, suggest that the holding of § 8(d) inapplicability is limited to the situation in which the debtor subsequently seeks rejection.[24]

Second, the Court's holding that § 8(d) is inapplicable is based largely on the point that § 365(g)(1) relates a rejection back to the date prior to the filing of the bankruptcy petition. Such an interpretation appears to be consistent with the past judicial history regarding § 365(g)(1).[25] However, as Brennan convincingly argues, there is very little support in the actual language of § 365 or its legislative history for an extension of the relating-back principle to include the effect of voiding labor contracts.

In all likelihood, the controversy will come to rest in Congress. Rep. Peter W. Rodino, Jr. (D-N.J.), chairman of the House Judiciary Committee, introduced a bill in the House—on the same day that the Court announced its decision—to amend the Bankruptcy Code so as to eliminate the interpretation of the Bildisco decision.[26] The Rodino bill would require the employer to petition the bankruptcy court in order to reject a contract. It also would require the court to hold a hearing within two weeks of the date of the request. Finally, the bill would permit the court to reject the contract only if the reorganization would fail in the absence of rejection.

OVERREACTION POSSIBLE

The bill, though, may justifiably take a back seat to other efforts to restructure the Bankruptcy Code before the appropriations authority for the bankruptcy courts expires on April 1, 1984. Moreover, from a substantive vantage point, the bill has the appearance of overreaction. The Rodino bill seeks to modify Bildisco by requiring the courts to apply a more stringent test for rejection of a labor contract. The portion of the opinion that formulates the more flexible rejection test, though, is eminently defensible on both statutory and policy grounds. This test is supported by a unanimous Court. Brennan notes that the test "properly accommodates the policies" of the Labor Act and the Bankruptcy Code. The policy clash does not appear until the Court interprets the effect of the NLRA during the time that the rejection petition is pending. While the Rodino bill does address this clash in an adequate manner, its basic flaw is that it seemingly fails to recognize the more equitable policies underlying the unanimous judgments in Bildisco.

IMPACT MAY BE MINOR

Even if Congress fails to act to modify the reach of Bildisco, the impact of the decision upon labor-management relations may be more narrow than organized labor anticipates. The vast majority of unionized employers in this country are not in the sort of financial condition in which Chapter 11 presents a viable option. Moreover, the decision does not limit labor's use of the strike weapon against a particularly recalcitrant company. Most lower federal courts, for example, hold that the Norris-LaGuardia Act does not permit a bankruptcy court to issue an injunction against a strike of an employer that has sought the protections of Chapter 11.[27] Thus while the opinion may provide a narrow group of financially strapped employers with some increased bargaining leverage, it should not result in a radical power shift from labor to management.

The most prevalent concern appears to be that Bildisco will lead to Chapter 11 filings in situations in which the balance sheet would not otherwise warrant it. To the extent the increase in bankruptcies (from 7,564 in 1979 to 31,334 in 1980, according to the March 4, 1984, issue of The Washington Post) is attributable to the lack of an insolvency standard or threshold for utilizing the bankruptcy procedures, there should be no area of disagreement between responsible management and responsible unions. To the extent that companies can resort to creative bankruptcy filings simply to escape the results of prior collective bargaining agreements, responsible management must recognize that not only do unions and employees suffer, but creditors, customers, suppliers and investors also are equally at risk. As the Journal of Commerce noted in October 1983:

In the capitalist system, an obligation is an obligation, a contract is a contract and bankruptcy is—or should be—what happens when a company literally is about to fail. A contract should not be abrogated because one party fears something might happen or thinks his employees make too much money.

Hopefully, despite recent comments to the contrary, there is still a substantial stigma attached to filing for Chapter 11 in terms of a company's credit rating, customer and supplier relationships, and the opinions of present and potential investors. Moreover, a Chapter II filing involves a substantial amount of expense and restricts the freedom of management to make major business decisions unilaterally. The bankruptcy judge becomes the ultimate CEO. However, if these disincentives are not sufficient to deter irresponsible or contrived bankruptcy filings, then it is time for the Congress to take a hard look at the inclusion of a threshold financial standard in order for a company to avail itself of the bankruptcy procedure. In this area, the debate between the business community and organized labor may end up to be much more narrow, or indeed nonexistent, than the comments from both groupings concerning Bildisco would lead one to believe.

In sum, Bildisco is an important decision with serious implications for the balance of power in labor-management relations. In and of itself, it may not be the harbinger of a host of Chapter 11 filings. Moreover, it should serve as the catalyst to energize the Congress into action in the bankruptcy area—action that is long overdue.

FOOTNOTES

[1] NLRB v. Bildisco and Bildisco, — U.S. —, 52 U.S.L.W. 4269 (U.S. Feb. 21, 1984).

[2] See O'Connor, "Labor, Bankruptcy Laws Conflict During Chapter 11," Legal Times, Jan. 10, 1983, p. 22.

[3] Bildisco and Bildisco, 255 NLRB 1203, 1205 (1981).

[4] In re Bildisco, 682 F.2d 72 (3d Cir. 1982).

[5] Id. at 84.

[6] Bildisco, 52 U.S.L.W. at 4271.

[7] Id.

[8] Id. (The § 1167 exemption for RLA contracts does not appear to protect the bargaining agreements of airline employees. Brotherhood of Railway, Airline and Steamship Clerks v. REA Express, Inc., 523 F. 2d 164 (2d Cir. 1975), cert. denied, 423 U.S. 1017, 1073 (1976)).

[9] Bildisco, 52 U.S.L.W. at 4272.

[10] Id.

[11] Id.

[12] Id. at 4272-73.

[13] Id. at 4273. For a list of the factors typically considered by bankruptcy courts in determining whether or not a collective bargaining agreement should be rejected see O'Connor, "Labor, Bankruptcy Laws Conflict During Chapter 11," Legal Times, Jan. 10, 1983, p. 28.

[14] Id.

[15] Id.

[16] Id.

[17] Id. at 4274.

[18] Id.

[19] Id. at 4277 (Brennan, J., concurring and dissenting).

[20] Id. at 4276, 4279 (Brennan, J., concurring and dissenting).

[21] Id. at 4280 (Brennan, J., concurring and dissenting).

[22] Id. (Brennan, J., concurring and dissenting).

[23] Id. at 4276, 4280 (Brennan, J., concurring and dissenting).
[24] Id. at 4274-75.
[25] Id. at 4274.
[26] H.R. 4908, 98th Cong., 2d Sess., 130 Cong. Rec. H780 (daily ed. February 22, 1984) (statement of Rep. Rodino).
[27] Bordewieck and Countryman, "The Rejection of Collective Bargaining Agreements by Chapter 11 Debtors," 57 Am. Bankr. L.J., 293, 329-30 (N. 99) (1983) and cases cited therein.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAEFER).

Mr. SCHAEFER. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to ask a question of the distinguished chairman, if I might. Pertaining to pending bankruptcy cases, what differences are there, if any, between the bill before the House today, H.R. 5174, and the committee bill, H.R. 3; and what happens to bankruptcy cases that are now pending on the date of enactment?

I yield to the chairman for purposes of his reply.

Mr. RODINO. There is no difference; they just are transferred to the new court.

Mr. SCHAEFER. In other words, am I to assume that the new bankruptcy courts would have original jurisdiction over all bankruptcy matters?

Mr. RODINO. That is correct.

Mr. SCHAEFER. I thank the chairman, and I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I thank the gentleman for yielding me this time.

Mr. Chairman, this legislation is certainly the most important legislation that has been considered in this House since the tax and spending legislation in 1981. As a former credit executive, a member of both secured and unsecured bankruptcy committees in my practice, as well as in my private business work, as a practitioner of bankruptcy law and before many a bankruptcy judge in court, I particularly want to take this time to commend our colleague, Mr. SYNAR, for his work on the consumer provisions.

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I think that part of the bill is the most important proconsumer legislation that this House has considered. I am as well pleased with basically the progress we are making on courts, and indeed want to give my colleague, the gentleman from Missouri (Mr. EMERSON), credit for the work he has done to help improve the status which I think this bill does of grain owners who have grain stored in elevators across this country when, indeed, bankruptcy does occur.

I want my colleagues to know that the reason I am most concerned about this bill is because of the sections or provisions known as H.R. 1800. There is no question but that the 1978 law was construed so loosely that at least $1 billion, and perhaps, some say, as much as $6 billion, was being unnecessarily discharged on an annual basis.

Mr. Chairman, this is money that could be paid back without hardship to the debtor. Allow me to underline that point. We are talking about billions being discharged that could have been paid back. We are not talking forcing bankrupt individuals to come up with money that they do not have; we are not talking about reducing the positive effect and intention of the bankruptcy law. We are talking about a system that is fair to all and one where debts that are freely undertaken are required to be repaid when the debtor does in fact have the capacity to do so without an undue burden.

I have compared this unnecessary discharge to shoplifting. The result is the same. The honest consumer is forced to pay a premium for what he or she purchases that includes the cost to the retailer of the loss incurred. Make no mistake, the money we are talking about is coming out of the pocket of the consumer, not some profitable or anonymous company and its shareholders, but the honest consumer. The same one who must make up the cost for the shrinkage that retailers experience because of shoplifting must also make up the cost of discharged debts.

The basic problem with the 1978 law and that we seek to correct in H.R. 1800 is that fact that credit is granted on a prospective basis, that is one's future earnings are considered in providing the credit. All we are asking is that when debts are discharged, the same analysis be allowed instead of the current process whereby a snapshot of sorts is taken of the debtor's financial position. This morning while discussing the article 3 controversy with an attorney in Omaha, I was advised that he was representing a creditor in an instance where the debtor was a doctor with an income of close to $750,000 a year but who was experiencing some temporary setbacks in the cattle business. While this individual certainly had the capacity to pay back his debts, it was far more convenient to discharge them in bankruptcy.

This is the kind of thing we are talking about. We are not trying to limit the ability of someone from getting a fresh start, that is what the bankruptcy laws are for and I support that. What we are seeking is a law that does not allow for abuses the cost of which must fall on the backs of the consumer, who I suggest does not typically earn $750,000 a year. The breadth of support for this legislation should assure all Members that this legislation is not a Trojan horse that will frustrate debtors while providing the creditor the power to force the last dollar out of a helpless creditor. There is no criticism of that nature directed at this legislation. This is a good law and is a long overdue law.

Regardless of the outcome of this particular vehicle, I greatly hope that the House will accede not only to the people's wishes but that of a majority of its own Members and pass this consumer bankruptcy legislation before more billions are unfairly discharged onto the backs of the honest consumer.

Mr. FISH. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York (Mr. FISH) is recognized for 4 minutes.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am pleased to yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding time to me.

Mr. Chairman, in 1980, in my home district of Missouri, one of the most highly publicized grain elevator bankruptcies in the Nation occurred. I refer to the James Bros. Ristine Elevator in New Madrid County, Mo. That is one sad chapter in a long and sad story. I am talking about a matter of the gravest importance, not just for my district, but for all of rural America. Ultimately, I am talking about whether farmers can feel confident when they place the grain for storage in warehouses, and about the reliability of the entire system of grain warehouses.

I think a brief background of the grain warehousing business would be informative.

The transaction between a farmer and the warehouseman is ordinarily a bailment. The farmer delivers his grain to the warehouse under a contract of bailment, and the warehouse gives the farmer-depositor a receipt as evidence of the farmer's ownership of the grain. Under this contract, the warehouseman, bailee, agrees to redeliver the bailed property to the farmer, bailor, on demand and in the same condition in which it was originally received. Of course, since the grain is a perishable, commingled mass, what the farmer actually has is the right to receive grain of the same quality and quantity as he delivered. In return for fees paid by the farmer, it is the warehouseman's duty to protect the grain and provide whatever treatment is necessary to avoid deterioration so that the grain is redelivered on demand in the same condition in which it was delivered.

Grain is, of course, the product of a farmer's labor which he can sell for cash or use as collateral. The purpose of the contract of bailment in lieu of an outright sale of the grain is to allow the farmer to defer selling his grain and to make marketing decisions. By placing his grain in storage, the farmer retains ownership of the

grain and therefore retains the right to determine when the grain is sold.

Storing the grain under a contract of bailment also allows the farmer to borrow against the grain. The contract of bailment does not preclude the farmer from using his receipt as collateral; in fact, this is a common practice. Borrowing against the grain allows the farmer to realize immediate cash and also to retain ownership for investment purposes and for later sale.

At this point, an important distinction must be observed. The simple bailment situation is to be contrasted with the delayed-pricing contract. In the bailment, as I have said, title to the grain does not pass to the warehouseman. This is to be contrasted with the situation in the delay-pricing contract, where there is an actual sale in which title passes from the farmer to the warehouseman. So the distinction is that under the bailment, title of the grain remains with the farmer.

The James Bros. were licensed by the State of Missouri to operate warehouses at five separate locations in southeast Missouri. Those warehouses issued several hundred receipts to farmers who had deposited grain. A substantial portion of the grain stored in the Missouri warehouses had previously been put up by farmers for loans from the Commodity Credit Corporation.

On August 8, 1980, the James Bros. voluntarily surrendered possession and control of the grain located in their Missouri warehouses to the Missouri Department of Agriculture. The department immediately conducted an audit which showed that, except for insignificant discrepancies at two warehouses, enough grain was on hand at each warehouse to meet the obligations under the outstanding receipts.

Three days later, the James Bros. filed bankruptcy petitions in the U.S. Bankruptcy Court for the Eastern District of Arkansas. Venue was proper since the James Bros. also had six grain warehouses in Arkansas that were included in the bankruptcy.

The next day, the Missouri Department of Agriculture filed separate receivership actions in the respective Missouri circuit courts where the five grain warehouses were located, and each circuit court appointed the director of the department as the receiver. The receiver immediately took possession of the warehouses.

The trustee's plan immediately became apparent. The trustee sought and obtained an order from the bankruptcy court authorizing him to force the farmers to deliver and sell to the trustee as yet undelivered grain which had been under contract to the warehouses. This order also authorized the trustee to resell the grain so purchased. Thus, the trustee and the bankruptcy court intended to compel specific performance of these purchases and sell contracts while, at the same time, they refused to honor valid receipts for stored grain.

Mr. Chairman, the bankruptcy statutes which allowed this situation to occur are the same statutes we are operating under today. During the first session of this Congress, an Ad Hoc Subcommittee on Grain Elevator Bankruptcies was appointed by the chairman of the Agriculture Committee to hold hearings and to make recommendations on how to revise the Bankruptcy Code and to deal with this problem.

Mr. GLICKMAN, the distinguished gentleman from Kansas, was the chairman of that subcommittee and I was the ranking minority member. I want to pay special tribute to Chairman GLICKMAN for his outstanding cooperation in pursuing these Bankruptcy Code changes as they relate to grain elevator insolvencies. Congressman SYNAR, as the leading sponsor of H.R. 1800 has likewise been splendid in his cooperation in seeing grain elevator insolvencies tended to.

The recommendations of that ad hoc subcommittee were transmitted to the Judiciary Committee, and have been incorporated into the omnibus bankruptcy legislation we are considering today. I would like to explain just what the language in this bankruptcy package will do as it relates to grain elevator insolvencies.

The bill adds a new listing to present priorities used to determine the division of the assets of the bankrupt. According to the bill, individuals engaged in the production or raising of grain, who had grain stored in the elevator and were not able to fully recover that grain due to shortages, have their claims met seventh, at the end of the existing list of priorities, and before general, unsecured creditors. Current law does not accord farmers any special status in the division of the assets of the estate if they suffer a loss due to grain shortages; they must have their claims satisfied in the same manner as general, unsecured creditors which generally means their claims are prorated along with other claims. The bill provides that the special priority applies only to the first $2,000 of an individual farmer's claim.

If a producer deposits grain with a warehouse while the warehouse is insolvent, the farmer has the right to reclaim that grain within 10 days of deposit upon making a written request. The court can deny this common-law right only if it protects the producer with a lien.

The bill establishes a 120-day timetable for the determination of interests in and the disposition of grain and the proceeds of the grain. The timetable is activated by the court's own motion, a motion of the trustee, or a motion of any entity with an interest in the grain. Several procedures and determinations may be expedited under the timetable, including a claim of ownership, a proof of claim, a request for relief from a stay of action, a request for determination of secured status, and requests for determinations of whether the grain is the property of the estate, may be turned over to the estate, or may be used, sold, or leased. The timetable may also apply to the disposition of the grain, including the sale, abandonment, or distribution of the grain. The court may extend the timetable beyond the 120-day limit if it finds that the case is especially complex and the interests of the claimants entitled to the grain or grain proceeds will not be materially injured.

The bill gives any State or Federal regulatory agency which has authority over the liquidation or operation of a grain storage facility the right to appear and be heard regarding the expedited determination of interests in and disposition of the grain. In addition, the bill provides that the court must notify such agency of any request for an expedited determination and that the trustee must consult with such agency before taking action affecting the status of the grain.

The bill provides that the trustee may recover from grain and the proceeds of grain only fees necessary to cover the costs of preserving or disposing of the grain and may not recover from grain or its proceeds any other costs.

The bill states that a warehouse receipt, scale ticket, or similar document constitutes prima facie evidence of the validity and amount of a claim of ownership of grain, so long as this determination does not conflict with applicable State law.

I would like to say to my colleagues that there are some minor differences in this language and the language contained in the bill I introduced to deal with this problem. This language is, however, a vast improvement over the statutes under which we are now operating.

I commend the Members of Congress who have worked with me for so long on grain elevator bankruptcy legislation and I ask the Members of the House to support these long-needed changes in the bankruptcy statutes as they apply to grain elevators.

Finally, Mr. Chairman, I strongly support the provisions of H.R. 1800, of which I am a cosponsor, contained in this measure. I feel those provisions have been very adequately addressed by the gentleman from Oklahoma (Mr. SYNAR), and the gentleman from New York (Mr. FISH), and the gentleman from Nebraska (Mr. DAUB). I associate myself with their remarks as they relate to consumer bankruptcy.

I have serious reservations about the status of judges, as contained in this bill, and question our rewrite of labor law as this bill does. I do not think this is a good way to legislate, but I do conclude that there is more good than bad in this comprehensive legislation and until the rules of the House can be reformed to permit more open procedures, fairer procedures, I am stuck with the rules as they exist, and hope that the other body will angle for significant improvements when they meet this body in conference on this subject.

Mr. FISH. Mr. Chairman, I would like in conclusion to address three matters to the chairman of the full committee for clarification.

Mr. Chairman, it is important, I think, to clarify legislative intent relative to the bill's use of the term "trustee" in the labor amendment. Footnote 2 in Bildisco notes that a company under chapter 11, or the "debtor in possession," is "not fully interchangeable with the term trustee in bankruptcy under the Bankruptcy Code."

Would the chairman agree that, for purposes of the labor amendments to this bill, the two terms are identical and that either the trustee or the debtor-in-possession could reject a collective-bargaining agreement pursuant to this bill?

Mr. RODINO. If the gentleman will yield, yes, the gentleman is correct, and under chapter 11 of the Bankruptcy Code a debtor in possession generally exercises the rights and is obligated by the duties of a trustee. Thus, the provisions of chapter 11 refer not only to the trustee but include the debtor-in-possession as well.

Mr. FISH. I thank the chairman.

Second, would the chairman agree that the discovery provisions of the labor amendment are not intended to go beyond existing law; that they are intended merely to reflect current discovery procedures?

Mr. RODINO. If the gentleman will yield further, that is correct. They are not intended to go beyond present law.

Mr. FISH. Finally, is it the chairman's position, as the author of subtitle C of title II, that he does not go beyond the test for rejection as stated in REA Express?

Mr. RODINO. That is correct as well.

Mr. FISH. I thank the chairman.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, as you know, the Nation is desperately looking toward Congress to solve the problems which have arisen as a result of the Supreme Court's Marathon and Bildisco rulings. At the same time, it is clear that Congress needs to make some changes to the Bankruptcy Code to address abuses which have occurred in the personal bankruptcy area.

Although I am a cosponsor of H.R. 3, I could not support a rule which denies Members of this House the opportunity to fully address the other major bankruptcy issues which this legislation encompasses. By not allowing debate and amendments to the sections dealing with consumer bankruptcy and labor contracts, we are closing off debate on important areas which have not been fully reviewed by the House Judiciary Committee.

Mr. Chairman, I support the thrust of H.R. 5174. It is critical that this Congress move expeditiously to make certain that the bankruptcy court system remains functional by creating tenured positions for bankruptcy court judges. Unless Congress acts immediately, the bankruptcy courts will be immobilized by the end of this month.

I am, however, very concerned over the fact that H.R. 5174 incorporates language which would essentially overrule the Supreme Court's decision in the Bildisco case without the measure having been considered by the Judiciary Committee. By not allowing amendments to this section of the legislation, the rule effectively cuts off all debate on this important issue. Clearly, this is no way to legislate.

Thank you.

Mr. ALBOSTA. Mr. Chairman, I want to express my support for the consumer bankruptcy, collective bargaining, and grain elevator provisions contained in H.R. 5174, the Bankruptcy Amendments Act. I believe it is very important that we address these different reforms now to correct problems which have occurred in the past.

While fully supportive of providing opportunities to people to start their financial lives over again, I also recognize the need to prevent abuses of these opportunities. The consumer bankruptcy provision, taken from H.R. 1800 which I cosponsored, requires that outstanding financial obligations be met in a fair, responsible way, and protects other consumers, who have been paying their bills, from having to carry the burden of other's abuses through higher credit costs and more restrictive credit arrangements. This provision promotes fairness for all consumers and requires that those who can meet their debts, do.

Concerning labor contracts, I am pleased to say that I was among the first to cosponsor H.R. 4908, the provisions of which are included in H.R. 5174. The Supreme Court's decision in NLRB against Bildisco & Bildisco demonstrated the need to clarify the conditions under which labor contracts could be broken after a business declares bankruptcy; H.R. 5174 responds to that need. This provision would allow collective-bargaining agreements to be broken in a chapter 11 case only when the jobs covered by the agreement would otherwise be lost and any financial reorganization would fail. Additionally, permission from a bankruptcy court must first be granted before a contract could be broken.

Business has an obligation to honor collective-bargaining agreements just as workers have an obligation to honor their part of the agreements. H.R. 5174's provision provides the safeguards which are needed to insure that business respects the contracts which working men and women agreed to in good faith, and builds upon the trust between business and labor which is essential to productive working relationships.

The Bankruptcy Act we are considering today also deals with an important problem which affects farmers who store or sell their commodities to grain elevators. In the last few years with the many sharp swings in commodity prices, more grain elevator bankruptcies, once a rare occasion, have unfortunately occurred more frequently in many farm communities around the country.

I believe that farmers who store grain in an elevator should not be penalized if the elevator goes bankrupt. Likewise, farmers, who in good faith sell their yearly produce to an elevator, should also not be placed in the position of having to go bankrupt themselves because the elevator is now in the hands of a bankruptcy trustee.

One long-term answer is a grain elevator insurance program similar to the type of insurance that depositors have in commercial banks today. This type of system would go a long way to successfully resolving the problem. Unfortunately, Congress has not acted on legislation to create a grain elevator insurance program even though I and other Members of the House have introduced this legislation.

The bankruptcy legislation up today will begin to deal with the problem of farmers' grain located in insolvent grain elevators. It does not go far enough but it is better than the present law which provides no special protection to farmers. The bankruptcy bill will require that farmers' grain stored or sold in a bankrupt elevator must be returned to the farmer within 120 days of when the request is made for the grain by the farmer. It also places the farmer in a higher position than general unsecured creditors to receive money owed to him by a bankrupt elevator.

This provision is just a start in reforming the bankruptcy laws so that they will deal realistically with bankrupt grain elevators. Farming is a unique business and we need to make

sure the Federal Government does not burden our hard-working, industrious farmers because of unfair bankruptcy laws.

In conclusion, I urge my colleagues' support of the above provisions.

● Mr. MATSUI. Mr. Chairman, the House is debating legislation today which may be one of the most important measures considered this session. The bill, H.R. 5174, which Chairman RODINO carefully assembled over the past few weeks, addresses a wide variety of problems in Federal bankruptcy laws. I am a cosponsor of this vitally important bill.

Our overriding concern is to establish a constitutionally valid bankruptcy court so as to comply with the Supreme Court's 1982 decision in Northern Pipeline Construction against Marathon Pipeline Co. If we do not act by March 31, the present courts of bankruptcy cease to exist and the terms of all sitting bankruptcy judges will expire.

In my judgment, the solution proposed by H.R. 5174 represents the most constitutionally sound approach. The bill provides for the appointment of bankruptcy judges pursuant to article 3 of the Constitution. It simply provides the article 3 protections of life tenure and no diminution of salary for persons appointed to the bankruptcy court. It does not, however, alter the present jurisdiction of the bankruptcy courts, create a new court, increase the number of bankruptcy judges, or their supporting staff.

Given that on September 30, 1983, over $92 billion in assets were tied up in bankruptcy proceedings, any disruption in the court system could prove devastating to creditors and debtors alike. We must reach some agreement before the March 31 deadline otherwise sheer chaos will prevail.

In addition to arriving at critical solutions to these jurisdictional problems, H.R. 5174 addresses serious inequities in the bankruptcy laws. These changes pertain to consumer bankruptcies, grain elevators, and the termination of labor contracts in bankruptcy proceedings.

I particularly applaud Chairman RODINO's sensitivity to balancing the needs and interests of creditors and debtors. The bill preserves the bankruptcy process for those with legitimate needs, while at the same time, it curbs abuses of the bankruptcy laws.

The recodification of the 80-year-old bankruptcy law achieved by this Congress in 1978 was so sweeping, however, that inevitably there have been areas not properly adverted to which have resulted in abusive practice about which financial lenders have legitimately complained. Those defects in the 1978 enactment have been objectively considered and responsibly addressed by the sponsors to the end that this bill achieves a fair balance of both social and economic policy for lenders and borrowers.

The bill also gives needed clarification to the standard which a court may use in determining whether to abrogate a collective bargaining agreement in a chapter 11 case. A recent Supreme Court decision overruled the use of a more stringent standard for rejection of such contracts established by the 1975 Second Circuit Court of Appeals REA Express opinion. The Supreme Court instead affirmed a decision by the Third Circuit Court of Appeals which permitted the termination of collective bargaining agreements if it is burdensome to the estate and the equities balance in favor of rejecting the labor contract.

H.R. 5174 would require the bankruptcy judge to apply the standard used in the second circuit in ascertaining whether to approve a request for rejecting a collective-bargaining agreement. Under this standard, the collective-bargaining agreement would not be subject to rejection in a chapter 11 case, unless jobs covered by the collective-bargaining agreement would otherwise be lost and any financial reorganization of the debtor would fail. This section of the bill would insure that the bankruptcy laws are not used to unfairly change the terms of a worker's employment and provides for the proper balance between bankruptcy and labor policies.

In closing, I strongly urge my colleagues to adopt this necessary legislation. The challenge is before us. If we fail to meet it, we certainly have abdicated our responsibilities as lawmakers.●

● Mr. ACKERMAN. Mr. Chairman, today we have been discussing the nature and structure of the bankruptcy process. We have provisions in the legislation before us to address the very real problems of various groups—labor unions, farmers, creditors, and debtors. However, there is one group, often adversely affected in bankruptcy proceedings, that has heretofore gone unmentioned in this debate. The people I speak of are tenants, those who rent rather than own their homes. They are the same people who all have too often received short shrift from our laws.

As I am sure you are aware, if a corporate landlord files for a chapter 11 proceeding, the court need only take into account the interests of the creditors. The rights of the renters are ignored. This denial of justice literally leaves tenants "out in the cold"—there is absolutely no assurance that the apartment dwellers will receive heat, electricity, or hot water. Leaky roofs go unrepaired; housing code violations go uncorrected.

When a tenant signs a lease, the landlord has a contractual obligation to guarantee that the apartment is inhabitable. In most cases, the rental agreement calls also for the landlord to provide heat; in many instances, gas and electricity are also included. In return, of course, the tenant pays rent. Mr. Chairman, this lease—guaranteeing a livable apartment in return for rent—is no less a valid contract than any of the legal obligations the landlord has to the creditors.

In these cases, there is other recourse for the aggrieved tenants, in State and local courts. But often, by the time these cases come up in those jurisdictions, the apartment building has changed hands. The tenants' action is drawn out, and their problems continue.

To alleviate this condition Federal statute must be changed so that the bankruptcy court is required to consider the legal rights of the tenants in any proceeding involving a residential building. The landlord's obligation to the tenants must be upheld just as surely and completely as the obligation to the creditors.

Mr. Chairman, although the rule under which we are considering this bill today prohibits me from offering an amendment at this time to address this concern, I intend to pursue this matter through future legislation. I have discussed this critical problem with the distinguished chairman of the Judiciary Committee, and I am hopeful that an appropriate remedy can be brought to this floor in the near future.●

● Mr. GRAY. Mr. Chairman, I rise in support of H.R. 5174, the bankruptcy amendment of 1984.

I am pleased to join my colleague, the distinguished chairman of the House Committee on the Judiciary, Mr. RODINO, and others, in supporting this most vital legislative proposal.

This legislation, which is important to working people and farmers, as well as the business community, would make certain long-needed changes to the current bankruptcy system, in relation to personal bankruptcy, grain elevator bankruptcy, the rejection of collective bargaining agreements under chapter 11, bankruptcy, and most importantly, remedy the constitutional problem of bankruptcy judge jurisdiction.

This legislation represents a comprehensive approach toward correcting many of the problems in the current bankruptcy system, while at the same time insuring the future viability and constitutionality of bankruptcy judges.

Mr. Chairman, it is my belief that the four major components embodied in this legislation are both fair and equitable, and I urge each of my colleagues to support its passage.●

● Mr. KOLTER. Mr. Chairman, this bill presents the House with an opportunity for restoring discipline to this Nation's Bankruptcy Code.

Since the Bankruptcy Reform Act of 1978, there has been a noticeable increase in the number of individuals who filed for personal bankruptcy under chapter 7. In fact, the number of personal bankruptcies in the last 5 years as reported by the administrative office of the Federal court system have risen from over 179,000 in 1978 to over 450,000 in 1982. Undoubtedly, poor economic conditions were a factor, but I would contend that the option of choosing between chapters 7 and 13 also played a significant role.

It has been estimated that debts unnecessarily forgiven under chapter 7 proceedings cost lenders about $1 billion every year. Lending institutions in turn, pass that huge sum on to other consumers through higher prices and restricted credit availability.

The skyrocketing number of personal bankruptcies indicates that we must reexamine our policy. I want to make it clear that provisions of this bill do not preclude an individual from filing for chapter 7. The bill does, however, permit the courts to determine the best means of appropriately resolving a bankruptcy case. By including this provision in H.R. 5174, Congress is taking a positive step in restoring discipline to a component of the bankruptcy system that has been out of balance for several years.

Perhaps of even greater concern is the recent misuse of the bankruptcy laws to unilaterally abrogate collective bargaining agreements. Such abuse threatens to destabilize the entire labor relations system that has been created over the last 60 years.

The recent Supreme Court decision in NLRB against Bildisco & Bildisco, February 22, 1984, and the effect this decision will have on industrial relations presents the issue in starker terms than ever: the Court ruled that a company may abrogate its collective bargaining agreement even if the labor costs associated with that agreement do not directly threaten the financial health of the company.

Two rulings were made in the Supreme Court's decision of NLRB against Bildisco. First, a unanimous Court declared that a bankruptcy judge may permit an employer in chapter 11 proceedings to reject its collective bargaining agreement upon showing that it is burdensome and that the overall interests of all concerned parties favor rejection. Before a bankruptcy court may approve rejection, however, it must be satisfied that the employer has made a reasonable attempt to obtain the union's voluntary agreement to labor cost reduction. Second, a 5-to-4 majority ruled that it is not an unfair labor practice for an employer in bankruptcy to make unilateral changes in a labor contract even before receiving the bankruptcy court's permission to reject.

This decision creates a fundamental inequity in relations between labor and management which has the potential to create turmoil in our economy. Our Nation's labor laws are written in order to create stability; neither labor, nor management is permitted to repudiate a collective-bargaining agreement in midcontract. It is illegal for labor unions to strike in midcontact even if, for instance, inflation has wildly exceeded their expectations and has severely cut into their collectively bargained wages. It must also be illegal for management to abrogate labor agreements in midcontract unless the contract itself would force the company to go out of business.

By applying different standards to companies than are applied to their workers, the Bildisco decision has established an environment of instability that poses a threat not only to every labor agreement in this country, but to our commercial well being.

The legislation before us today would establish a reasonable standard for bankruptcy judges in deciding whether or not to approve an employer's request to have a labor contract rejected.

This bill would return to the standard established by the Court of Appeals for the Second Circuit in *Brotherhood of Railway and Airline Clerks* v. *REA Express, Inc.* 523 F. 2D 164, 167-169, (CA2), Cert. Denied, 423, U.S. 1017 (1975). In that standard the collective bargaining agreement would otherwise be lost and any financial reorganization would fail.

As a result of the Supreme Court's Marathon Pipeline decision, no judges have been appointed to fill the void left when the term expires on April 1. It is on April Fool's Day that we will be faced with the virtual collapse of our entire Federal bankruptcy system.

In place of a joke will be harsh reality, perhaps the most cruel joke ever perpetrated on American society. The Marathon decision has, without question, radically impaired the jurisdiction Congress intended the judicial system to have in these urgent matters.

Without the article 3 bankruptcy court, any proposed system will constantly be subjected to constitutional challenges. At this time, it is perhaps instructive for us to remember what our predecessors in the Congress wrote in the Wagner Act, the bedrock of labor law in the United States. In the Wagner Act, Congress encouraged the practice of collective bargaining—not bankruptcy—to resolve disputes between labor and management.

Congress has repeatedly stated, not only in the Wagner Act but also on numerous other occasions, its intense desire to encourage the system of collective bargaining to resolve disputes in the workplace. In light of this incontestable fact, I would like to request that the rest of my colleagues unite behind the original intent of collective bargaining and the true meaning of contract negotiations by supporting H.R. 5174, so that we may take a positive step toward discipline and alleviating crisis.●

● Mr. LONG of Louisiana. Mr. Chairman, I rise in support of the legislation we are considering here today. First, I would like to commend the chairman of the Judiciary Committee, Mr. RODINO, and other Members of the House who are experts in bankruptcy matters, for their willingness to sit down together and work out a reasonable compromise. It is through their leadership and cooperation that the House has an opportunity today to address three or four of the major issues facing our bankruptcy system.

The House has a chance to consider two alternative approaches to the bankruptcy court reform issue. We need to make this decision as rapidly as possible. Our bankruptcy court system faces chaos when the interim emergency rule, under which the bankruptcy courts have been operating since the Supreme Court decision in the Marathon case, expires on March 31, 1984.

In addition to the question of the constitutional requirements for our bankruptcy courts, the House also will have the opportunity to consider other important aspects of Federal bankruptcy policy. It is the issue of consumer bankruptcy reform to which I would like to address my remarks.

A substantial amount of study and effort have gone into drafting these consumer bankruptcy reforms. The provisions are the product of careful negotiations and accommodations by all affected parties. They reflect a consensus viewpoint of a variety of groups outside the Congress, including both consumer interests and the credit industry. During the last Congress, several hearings were held on the consumer bankruptcy and grain elevator legislation in the House Judiciary Committee. An additional nine hearings have been held in the Senate. Together, I believe that more than 100 witnesses, representing in excess of 80 different viewpoints, testified or submitted their views on this legislation to the Senate and House Judiciary Committees.

The bill being offered today builds upon those hearings, upon the consumer bankruptcy legislation unanimously passed last April in the Senate, and upon the learning of the consumer bankruptcy bills pending in the House, including Chairman RODINO's proposal and that of Mr. SYNAR, to which over 250 House Members are cosponsors.

The substance of this legislation is designed to prevent the continuation of the dramatic rise in the number of

consumer bankruptcies filed each year in this country. Reliable studies, including that of the GAO in July 1983, have demonstrated that approximately $1.5 billion per year in debts are unnecessarily discharged in personal bankruptcy proceedings. Forty-two percent of debtors discharging all debts had similar income levels and asset and debt characteristics as those repaying their debts through a chapter 13 repayment plan. These unnecessary filings have resulted in a curtailment of unsecured credit for many of those in our society and increased the cost of that credit to others. The consequences are particularly harmful to the young, to low-income families, minorities and those who do not own a home or otherwise have sufficient collateral to secure a loan. Unnecessary bankruptcies have also been especially hard on small businesses since they are less able than larger enterprises to absorb these losses.

This bill would restore balance to our consumer bankruptcy laws by making a number of important changes. It requires, for example, that debtors be apprised of their alternatives and rights under the different chapters of the Bankruptcy Code. It will also help prevent the practice of loading up on luxury goods in anticipation of bankruptcy by creating a presumption of nondischargeability for debts aggregating more than $500 incurred within 40 days prior to a debtor's filing in bankruptcy. Similarly, extensions of credit under open end credit plans obtained within 20 days of a petition and aggregating more than $1,000 are presumed to be nondischargeable. H.R. 5174 would also address the problem of frequent repetitive filings and grant a court the ability to dismiss a straight bankruptcy proceeding if it finds that the granting of relief would be a substantial abuse of the law. Moreover, the exemptions provisions of the Code will be revised to prevent abuses such as the simultaneous use of exemptions by joint debtors.

Where a debtor is represented by counsel, court review of reaffirmation agreements will no longer be required and strict provisions are contained in the bill to insure that no undue hardship will result and that the agreement is voluntary and a result of informed judgment. Court approval will be required where a debtor is not represented by counsel and in all cases, the debtor will have the right to rescind the agreement within 60 days.

The bill also provides for the collection and compilation of statistical data relating to consumer bankruptcies which will assist us in our oversight of the bankruptcy system. Such information will allow Congress to determine whether the system is effectively performing its function or whether additional reforms are needed.

Several changes in chapter 13 of the Bankruptcy Code are made by H.R. 5174. For example, if a debtor or codebtor does not respond within 20 days to a creditor's request for relief, the automatic stay provided for in chapter 13 will expire. Individuals will be required to file a statement of intent with regard to the disposition of property securing a debt within 30 days of filing a bankruptcy case, or before the meeting of creditors, whichever is earlier. In addition, payments under chapter 13 repayment plans must begin within 30 days of filing of the plan. Another feature of these changes will enable a debtor, trustee or unsecured creditor to modify a repayment plan, if need be, to increase or reduce payments or extend or reduce time. I believe that these and other minor changes will streamline procedures under chapter 13 and protect the rights and interest of all the parties affected.

Consumer bankruptcy reform is long overdue. Although I have only been able to discuss the most significant elements of this bill today, I believe this worthwhile measure goes a long way toward resolving the serious problems posed by the unfortunate and harmful effects of unnecessary bankruptcy related losses.●

● Mr. BIAGGI. Mr. Chairman, I rise today in support of H.R. 5174, a major bill which would prevent the collapse of our Nation's bankruptcy court system at the end of the month, and one that would make our bankruptcy laws stronger and more effective in achieving their intended purpose.

Since the Supreme Court ruled that all decisions made by the special bankruptcy judges would be declared unconstitutional after March 30 if certain changes in the system were not made, this bill is essential just to keep the courts functioning. However, provisions in this bill would also address another very serious matter—the ability of companies filing for bankruptcy to cancel their labor contracts without court approval.

As New York's ranking member on the House Education and Labor Committee, I am strongly opposed to the recent Supreme Court decision of NLRB against Bildisco, which permits companies filing for bankruptcy to break their labor contracts with employees even when the labor contract was not the reason for the firm initiating bankruptcy proceedings. Under this decision, a company may unilaterally disregard its collective bargaining agreements as soon as it files for bankruptcy, but before any court considers whether such action is justified.

In addition, the company involved could ultimately obtain court approval for such action by simply proving that the labor contracts it cancels are somehow burdensome.

Simply put, bankruptcy laws are designed to assist financially troubled companies get back on their feet. They are not designed to allow mismanaged and unscrupulous companies an easy escape from labor contracts bargained in good faith. The welfare of a company's employees deserves the utmost consideration during bankruptcy proceedings. The Supreme Court, in ruling on NLRB against Bildisco, ignores this fact. There is no reason companies should be allowed to nullify labor contracts that do not threaten the financial viability of the firms.

H.R. 5174 would overturn the Supreme Court's decision by prohibiting a company in bankruptcy from cancelling a labor contract without court approval. Further, to obtain court approval, a company would have to prove that failure to cancel a labor contract will result in the loss of jobs and the inability of the firm to reorganize under bankruptcy proceedings. These provisions were originally part of a separate bill I had cosponsored, H.R. 4908.

Commenting recently on the NLRB against Bildisco, the New York Daily News said:

> It's a throwback to the dark days of the 1930s when management and labor viewed each other as opponents. Great progress has been made in eliminating bully-boy tactics over the years. Companies in difficulty—Chrysler and Eastern Airlines, for instance—have worked out new wage and benefit arrangements with their unions through the collective bargaining process. That's the sensible way.

I agree. Today, we have an opportunity to undo the harm caused by the NLRB against Bildisco decision, as well as to reaffirm our continued support for the basic employee protections provided by our Nation's labor laws and the collective bargaining process.

Our labor laws are designed to permit a company to break collective bargaining agreements only as a last resort, and then only with court approval. Management should not and must not be allowed to run roughshod over the rights of workers. As a ranking member on the Education and Labor Committee I have seen far too many human casualties from arbitrary and capricious decisions made by big business.

In fact, the problem was graphically illustrated by a plant closing that recently took place in my own district. United Technologies, one of our Nation's largest corporations, announced in November 1982 that they would close their Otis Elevator plant in Yonkers, N.Y. Otis had existed in Yonkers for more than 130 years and had endured far worse economic times than today. However, despite the fact that Otis had received over $14 million in Federal, State, and local funds for expansion purposes, United Technol-

ogies took over in 1975 and proceeded to gradually phase out the entire operation, including a total work force of some 1,200 persons. That is the type of big business mentality that we are trying to protect our Nation's workers from today by the passage of H.R. 5174.

Frankly, this bill seeks to achieve a much needed balance of power between the employer and the employee. It does not allow either side to have total power over the other. It works for everyone. By voting for H.R. 5174, we are voting for the fair and responsible treatment of our Nation's working men and women.●

● Mr. DE LA GARZA. Mr. Chairman, I rise in support of H.R. 5174. One of the important aspects of this bill is the inclusion of amendments relating to grain storage facility bankruptcy. I appreciate greatly the cooperation of the distinguished chairman of the Judiciary Committee, Mr. RODINO, in agreeing to include these amendments in the bankruptcy bill. As you know, this matter has been of great concern to the Committee on Agriculture and to the farm community. Early last year I appointed an ad hoc subcommittee on grain elevator bankruptcy to conduct oversight hearings and make recommendations concerning the problems caused by the financial failure of grain warehouses.

The ad hoc subcommittee was chaired by DAN GLICKMAN who also is a member of the Judiciary Committee and consisted of the following members of the Agriculture Committee: TOM DASCHLE, CHARLES STENHOLM, HAROLD VOLKMER, BILL EMERSON, ranking minority member, and COOPER EVANS. The ad hoc subcommittee made a number of recommendations, including recommendations for changes in the Bankruptcy Code, many of them which are included in H.R. 5174.

I would like to commend the work done by DAN GLICKMAN in his dual capacity of chairman of the ad hoc subcommittee and as a member of the Judiciary Committee in helping to achieve the compromise that we have before us today. Congressman GLICKMAN has told us that the sections of H.R. 5174 relating to grain elevator bankruptcy include provisions which deal with many of the major problems confronting farmers when they have stored grain in elevators which become bankrupt.

In summary, the grain elevator section of the bill includes the following provisions:

First, a provision under which farmers who had stored grain in a bankrupt elevator would be given priority status, along with several other groups of preferred claimants, in collecting unsecured claims of up to $2,000 from bankrupt elevators. At present, a farmer in such a case has no priority over other holders of unsecured claims.

Second, a provision setting up time limits to prevent undue delays in procedures under which farmers would prove their ownership of grain in bankrupt warehouses. The bill limits the time for these procedures to no more than 120 days in general, although it would allow courts to extend the time where necessary.

Third, a provision designed to further help protect farmers' interests by requiring bankruptcy trustees to consult with State and/or Federal agricultural regulatory officials who have jurisdiction over the debtor warehouse before taking any action in disposing of grain in a bankrupt elevator. Also, these State and Federal agencies would be allowed to participate in bankruptcy court proceedings involving elevators by providing information or comments on any issue relating to stored grain or the proceeds of grain sales.

Fourth, a provision under which a farmer's warehouse receipt or scale ticket, or any similar document issued as evidence of title to grain, would be considered as bona fide proof of ownership in any case where this did not conflict with the U.S. Warehouse Act and any applicable State law.

I urge the Members to join me in support of this legislation.●

● Mr. ROTH. Mr. Chairman, we have a significant piece of legislation before us today. The time to act on it is now.

The bankruptcy amendments address a host of difficulties in the current bankruptcy laws. We all know about the state of constitutional confusion facing the bankruptcy judges. Their authority to handle bankruptcy cases will soon expire if Congress does not move swiftly. Without constitutionally valid bankruptcy judges, over 700,000 bankruptcy cases would be handed over to already overburdened Federal courts.

Of special interest to me and my constituency are the provisions for reforming the consumer debtor bankruptcy laws. Serious reform is needed to curb the increasing number of abuses and protect the rights of consumer debtors who truly need a fresh financial start. Honest consumers and business people should no longer bear the burden of higher prices, greater credit security requirements, and tighter, more costly credit that result from unnecessary creditor losses.

Other provisions dealing with grain elevator bankruptcies and collective bargaining agreements deserve close attention and serious discussion. This is the time to resolve the inequities, clarify congressional intent, stop legal chaos, and restore stability to our bankruptcy courts. Congress must no longer drag its heels. Time is running out.●

● Mr. BROWN of California. Mr. Chairman, the legislation we are debating today, the Bankruptcy Amendments Act, is of grave concern to me. The severity of the recent recession has exacted its toll on businesses and employees alike. Many responsible companies and unions have acknowledged their mutual plight and have acted to prevent mutual calamity. Contracts have been renegotiated and efforts made to save both companies and jobs.

Unfortunately there were a few unscrupulous employers who, rather than taking the more responsible course, opted to abrogate their contracts with employees by filing chapter 11 bankruptcy under the more lenient provisions of the bankruptcy code reforms. Some companies were so brash as to begin operating again, without labor contracts, only a few days later. The code reforms were never intended to be used in so arrogant a manner.

Today we have an opportunity to correct these abuses. The Bankruptcy Amendments Act, H.R. 5174, incorporates an important bill which I cosponsored, H.R. 4908. This segment authorizes judges to bar companies filing for bankruptcy from abrogating their contracts with organized labor. The bill overturns the Supreme Court decision in National Labor Relations Board against Bildisco & Bildisco and applies only to bankruptcy cases which are initiated after its enactment.

This legislation makes it clear that the bankruptcy code was never intended to be used by companies to nullify labor contracts which were bargained in good faith. Enactment of this bill will insure that the courts will decide which actions, including setting aside labor agreements, are permissible and necessary under bankruptcy law. The bankruptcy code should not provide immunity from labor laws and allow a company to ignore its valid, collectively bargained contracts with its employees.

Changes in the bankruptcy law enacted by Congress in 1978 made it easier for corporations with substantial debts to file for bankruptcy, and through chapter 11 of the Code, to reorganize the company. While these changes were intended to aid those who legitimately needed protection, some corporations have abused the law in order to break their labor contracts.

Upon filing for chapter 11 reorganization, these unscrupulous employers have immediately and unilaterally broken their collective bargaining agreements. The fact that a bankruptcy court may later review the equities of unilateral repudiation of labor contracts offers little comfort to a worker faced with less income and fringe ben-

efits, and no seniority and grievance-arbitration protection.

In addition, under the Supreme Court's decision in NLRB against Bildisco & Bildisco—Feb. 22, 1984, when Court review finally comes, in practical terms all the corporation needs to show is that paying union wages and benefits is a burden on the effort to reorganize. When is any expense not a burden?

To correct this corporate abuse of Federal bankruptcy laws, H.R. 5174 provides that no employer can unilaterally reject a collective-bargaining agreement upon filing for chapter 11 reorganization. Instead, the employer would first be required to request the permission of the bankruptcy court to reject the labor contract. The legislation requires the court to begin a hearing on this request within 14 days.

In addition, the legislation establishes a reasonable standard, consistent with the national labor policy favoring industrial peace and stability, for bankruptcy judges to use in deciding whether an employer's request to reject a collective bargaining agreement should be granted. The bill provides that a collective bargaining agreement can be rejected if the court finds that the jobs covered by the agreement would be lost and the company's efforts at financial reorganization will fail.

This was the standard in effect at the time Congress enacted bankruptcy law changes in 1978 under the leading case of Brotherhood of Railway & Airline Clerks against REA Express Inc.—second circuit, 1975. Nothing in the bankruptcy law changes made by Congress in 1978 was intended to overrule REA Express. The bankruptcy amendments of 1984 reestablish Congress original intent by making it clear that employers seeking to reject collective bargaining agreements must meet this standard.

The economic recession created hard financial times for both individuals and businesses. Many employers and unions have responded to these conditions by negotiating new collective bargaining agreements. However, some employers would rather use chapter 11 of the bankruptcy law to evade the collective bargaining process mandated by the National Labor Relations Act and the Railway Labor Act.

Congress did not intend chapter 11 bankruptcy reorganization to serve as a haven for this corporate abuse. Workers who bargain with their employers are entitled to rely on management's good faith. If corporations are allowed to break their collective bargaining agreements simply by filing for bankruptcy, the entire collective bargaining process is threatened. Workers and their unions must abide by those contracts and expect their employers to do the same. I believe that the legislation before us represents a fair solution to a variety of serious problems which have plagued this Nation's bankruptcy system and merits your support.●

● Mr. FAUNTROY. Mr. Chairman, I urge my colleagues to support H.R. 5174, the Bankruptcy Amendments Act and particularly that provision which overturns the Supreme Court decision, NLRB against Bildisco, which permits a company to reorganize its business under chapter 13 of the bankruptcy code to abrogate its collective-bargaining agreements with its employees.

It is essential that we act in order to make it very plain that the bankruptcy code was not intended to, and should not be used by, companies to break labor contracts which were entered into under good faith collective bargaining. H.R. 5174 will assign to the courts the decision as to what steps, including setting aside labor contracts, are lawful and needed under the bankruptcy law. The bankruptcy code should not be distorted to overturn labor laws and allow a company to ignore its contracts with its employees. This legislation would permit a company to terminate its labor contract only when the court determines that such a step is necessary to prevent the company from failing in any attempt at reorganization. No disruption of present processes or new standards are applied through this legislation to any cases already in bankruptcy proceedings.

In 1981, President Reagan sent a message to management when he destroyed the Air Traffic Controllers Union which stated that the Government would no longer seek a balance between management and labor. That message further stated that it would be open season for corporations to demand give-backs in the nature of reductions in salary, fringe benefits, and working conditions. He has also undermined the Occupational Safety and Health Administration by reducing its ability to work for healthy and safe work environments. In the present climate in which labor unions are under attack by extreme right wing interests, it is crucial that we pass this bill.

Mr. Chairman, it is necessary that we enact this legislation into law. Passage is also necessary if we are to maintain the necessary balance between labor and management which has enhanced our Nation's ability to maintain its democratic framework.●

● Mr. VENTO. Mr. Chairman, today the House will consider H.R. 5174, a bill to reestablish a constitutionally sound Federal bankruptcy court system. Additionally, this legislation also addresses reform of our consumer bankruptcy law and also provides clarification of the law relating to companies which file for chapter 11 bankruptcy and which seek to unilaterally abrogate their existing collective bargaining agreements. The need to pass this legislation is imperative. The rights of literally thousands of debtors, creditors, and workers are at stake.

In 1982, the Supreme Court held that bankruptcy court system created by Congress under the 1978 Bankruptcy Reform Act (Public Law 95-598) was unconstitutional. The Court's opinion in Northern Pipeline against Marathon was a clear message to Congress to reestablish a bankruptcy court system in which our bankruptcy judges would be afforded article 3 status. It is important to recall that the Court stayed its order in the Marathon case to allow Congress time to restructure the bankruptcy courts. But unfortunately these reform efforts did not reach the full House for consideration until this late hour. The Judicial Conference intervened and issued the interim rule under which the bankruptcy courts have been able to function during these past months. This interim rule is due to expire on March 31. After that date, the bankruptcy courts will cease to exist and all pending cases will be thrown into judicial limbo.

The bill sponsored by the chairman of the Judiciary Committee, Mr. RODINO, is the only bill which meets all of the constitutional deficiencies which were identified by the Supreme Court in 1982. Under this bill, 227 article 3 judges would be appointed for life by the President with the advice and consent of the Senate. Furthermore, the current bankruptcy courts would retain their jurisdiction during the transition period prior to the appointment of these judges. While there are other alternatives which have been put forward in this debate as to how our bankruptcy judges should be appointed and what their status should be, it is clear that it would be pointless for this House to pass legislation which would reestablish a constitutionally defective bankruptcy court system. H.R. 5174 would break this impasse and would provide the surest means of reestablishing a court system which would survive judicial scrutiny.

While I support the important bankruptcy court provisions in this legislation, I must also note that I am concerned with the substantive changes in consumer bankruptcy law which are contained in this bill. When Congress passed the 1978 Bankruptcy Reform Act, we made it quite clear that personal bankruptcy petitioners deserved a fresh start to achieve personal financial solvency.

Mr. Chairman, it may be said for the vast majority of consumers who have had to resort to the legal extreme of declaring personal bankruptcy that such action in bankruptcy carries a stigma for those who must ultimately

resort to this legal remedy. It is, in essence, a mark on the financial record of the individual. The deep economic recession which has ravaged this country during the past 3 years has caused enormous economic hardship for literally millions of honest and hard-working Americans who have always taken their financial responsibilities seriously. These people do not deserve to be singled out for harsh treatment under our Federal bankruptcy law. While we must prevent any flagrant abuse of our bankruptcy laws, we must also be fair. The provisions in H.R. 5174 which require written notice informing debtors of all forms of relief available under law and which require debtors to indicate to the court that they have been informed and are aware of alternative relief are significant and are useful in assuring that all consumers will have adequate information at their disposal before deciding upon a particular course of legal relief.

Finally, Mr. Chairman, I commend Mr. RODINO for his outstanding efforts in protecting the collective bargaining rights of all American workers by clarifying the circumstances when an employer may be released from existing collective bargaining agreements under a chapter 11 bankruptcy petition. Last month, the Supreme Court ignored its own precedents and the decisions of numerous lower Federal courts when it held that a company reorganizing under chapter 11 of the bankruptcy code could unilaterally abrogate its labor contracts if those contracts were merely "burdensome" to the company. The Court also held that a company could simply disregard its contracts after filing for bankruptcy but before a hearing could be held before the bankruptcy court. This decision, in National Labor Relations Board against Bildisco & Bildisco, creates a new and dangerous imbalance in the collective bargaining process. Over 50 years of American law, from the Wagner Act to the most recent decisions of the National Labor Relations Board, make it abundantly clear that collective bargaining contracts are to be accorded special consideration. The National Labor Relations Act indeed prohibits the unilateral modification of a collective bargaining agreement. H.R. 5174 would restore balance and justice in the collective bargaining process by prohibiting any unilateral termination or modification of a collective bargaining agreement by companies involved in chapter 11 proceedings and provides that these contracts could only be abrogated if the court finds that the jobs covered by the agreement would otherwise be lost and importantly, that any financial reorganization would fail. Where the jobs, salaries and wages, health and life insurance benefits, fringe benefits, and pension rights of every worker are at stake, no lesser standard is justified.

I urge my colleagues to join me in supporting this important legislation.●

● Mr. FRENZEL. Mr. Chairman, this bill, H.R. 3, would not be before this House at all if the Judiciary Committee had carried out its duties. It had plenty of time to bring us a remedial bill to solve the problems of the bankruptcy. Instead, the committee was immobilized by partisan politics. In my judgment, the committees efforts to avoid giving the President a few extra judicial appointments have been a national disgrace.

My own judgment is that current bankruptcy judges, some, or most of whom will be appointed to an enhanced status, do not deserve article 3 status. But at this late date, Congress is left with few alternatives. Of the poor choices that are left to us, I prefer the Kindness amendment. If that fails, I would then support the structure provided in the original bill.

The Synar amendment, which has already been added to the bill by those wonderfully subjective judicial experts on the Rules Committee, ought to be passed. Adding the Synar language in the Rules Committee is another gross perversion of the orderly process of this House. However, because of the terrible mismanagement of the House by its majority leadership, there is no other way for the House to consider it.

I support the Synar amendment, but reject the process that brings it to us. There is no committee report. There has been no markup. Our procedures have been violated. My vote against the rule is based at least partly on this violation of our procedures. It is sloppy; it is unbusinesslike; it is partisan.

But, by far the worst part of this bill is the amendment by the gentleman from New Jersey (Mr. RODINO) to reverse the Bildisco decision by the Supreme Court. It comes to us without testimony, without hearings, without markup, without committee report, and without shame.

The sponsor, and the Rules Committee have substituted their wisdom for the evidence that might have been provided by bench, bar, affected companies, affected unions, financial institutions, creditors of all sorts, and the public. I do not fault the sponsor's enthusiasm to respond to his friends in the big unions, but I do believe it is asking too much of this House that it vote on a complicated matter of law without the careful consideration normally provided by our regular procedures.

Whenever the House acts in this arrogant and misguided fashion, it makes mistakes that must be undone in the future. Perhaps the urge to rush the House to an untimely judgment is a signal that our Judiciary Committee will pass no more bills this year.

I believe there is a real question about the second half of the Bildisco decision which was a close vote on the Court. If we were given the normal processes, and no surprises emerged from the testimony, I would probably vote not to allow labor agreements to be set aside until such action was approved in a bankruptcy court. Since we don't have the information that our regular procedures provide, I can only vote against voting in the dark.

On the principal Bildisco question—where the Court voted 9-to-0—of whether a company's labor agreements can be abandoned at all. I would again be guided by information developed in the hearing process. But, at this moment, it is hard to see why a labor agreement is superior to all other claims on the business.

The bankruptcy procedure is an extreme one. If it cannot do the job of keeping the business going, perhaps there is no need for the bankruptcy law at all. The idea, as I understand it, is to keep the business going, and keep jobs in being, by asking those with claims against the company, to accept less than 100 cents on the dollars. To demand the full claim for one interested group, organized employees, would frustrate the intent of the law.

In any case, I have cast a procedural vote against the rule, and I intend to cast another against the bill.●

● Mr. ANTHONY. Mr. Chairman, I would like to voice my strong support for two provisions of H.R. 5174, the Bankruptcy Amendment Act.

These provisions were originally a part of H.R. 1800, the Consumer Debtor and Agricultural Produce Bailment Bankruptcy Amendments Acts. The current law regarding consumer bankruptcies allows many individuals with substantial incomes to unnecessarily discharge their debts under chapter 7, rather than a rearrangement under chapter 13. Current policy places an undue burden on our small businesses, which cannot continue to absorb the losses resulting when their customers declare bankruptcy. I believe the consumer reforms in H.R. 5174 will resolve a number of the problems currently posed for small businessmen.

Another area of great concern to me is the law regarding grain elevator bankruptcies. Farmers often have an entire year's work tied up in grain elevator bankruptcies for which they bear no responsibility. Existing law treats farmers as unsecured creditors, and they are, therefore, paid only after other secured creditors. H.R. 5174 will give farmers needed and deserved priority to claims against a bankrupt elevator's assets.

I urge my colleagues to consider the importance of these provisions when voting on H.R. 5174.●

● Mr. BROWN of California. Mr. Chairman, our Nation has suffered greatly during the latest and most severe recession since the Great Depression. Many consumers, falling behind on their debts took advantage of the bankruptcy reforms enacted by Congress in 1979. These changes were made to avoid the stigmatization of bankruptcy, but were never intended as an easy way out of an individual's financial obligations. For the most part, the Bankruptcy Code has been used legitimately and fairly, but a select minority has abused the system, adding undue costs to other consumers and businessmen. A study reported by the Chamber of Commerce of the United States shows that at least $1 billion of the $6 billion discharged each year through personal bankruptcies could be paid by debtors without hardship. This abuse of the system requires serious reform.

Changing the Bankruptcy Code to insure that those who can pay, do pay, is essential. Honest consumers and businessmen can no longer be asked to bear the burden of increased prices, greater credit security requirements, and tighter, more expensive credit that can result from unnecessary creditor losses.

The Bankruptcy Amendments Act permits courts to dismiss consumer bankruptcy cases filed under chapter 7, the provision of the Bankruptcy Code which permits debtors to eliminate their debts permanently by liquidating all their current assets for distribution to creditors, even if the liquidation does not fully reimburse all creditors. H.R. 5174 permits a judge to dismiss a chapter 7 filing if the court determines that granting relief under this provision would constitute a "substantial abuse" of the bankruptcy laws because the debtor could, in fact, pay off his debts under chapter 13. Chapter 13 allows a debtor to pay all or a portion of the debt over several years under a court-approved repayment plan that is based on the debtor's income-earning potential.

The Congress historical efforts to encourage fully informed voluntary proceedings in bankruptcy are continued through this legislation. The bill would require the clerk of the bankruptcy court to give written notice of each form of debt relief available under Federal bankruptcy laws. A bankruptcy petition filed by a consumer would be required to provide that the petitioning individual is aware of each form of relief available under the Bankruptcy Code. Or, if the consumer is represented by an attorney, an affidavit signed by the attorney is required stating that the client had been advised regarding each form of debt relief.

This legislation is needed to curb the increasing number of abuses of our bankruptcy system and to protect the rights of consumer debtors who truly need a fresh financial start. One of the principal problems faced by those seeking to use our bankruptcy laws is that many are unaware of their options under those laws. According to the National Bankruptcy Commission, this is one of the principal reasons why many consumers who can pay their debts seek a complete discharge under chapter 7 instead of a repayment plan under chapter 13. This legislation addresses this problem and provides a solution to that search for a delicate balance between discharging the debtor who needs significant relief to begin a fresh and productive economic life free from the burden of crippling debt, and the debtor who abuses the Bankruptcy Code to "load up" with consumer goods in anticipation of filing a bankruptcy petition, thereby penalizing both the creditor and other consumers who pay the costs of the irresponsible discharge of debt by others.

I commend my colleague, Representative RODINO and all the members of the Committee on the Judiciary for the considered and difficult effort that was necessary to create this legislation to answer the need for reform in our bankruptcy system. Congress has the opportunity today to enact significant reforms, and it is an opportunity we should seize.●

● Mr. BOSCO. Mr. Chairman, I want to take this opportunity to voice my strong support for the provisions of H.R. 5174 which outline the circumstances under which a company may abrogate a previously negotiated labor contract when it files for reorganization under chapter 11 of the Bankruptcy Code.

The recent Continental Airlines bankruptcy case is a graphic illustration of the necessity for statutory protection from unscrupulous management bent on the use of chapter 11 to break labor unions. If we do not apply the strictest of tests, such as that contained in H.R. 5174, other companies will follow Continental's lead and use chapter 11 as a convenient method to void labor contracts; honest, hard-working men and women will be forced to pay the price for back-room corporate decisionmaking.

The treatment Continental Airlines employees have received since the corporate takeover by Texas Air Corp. is appalling. The chapter 11 filing and union-busting is the culmination of 3 years of deceit and half-truths perpetrated against the loyal employees of Continental. Employees were promised that when Texas Air Corp. took over the company and the "New Continental" airlines was formed, it would not move its corporate headquarters out of California to Houston, Tex. Employees were told that there would be no layoffs, that the Texas Air takeover was not an attempt to raid the assets of Continental Airlines, and that Texas Air's only interest was to once again make Continental a healthy, thriving airline. All of these arguments were advanced in an effort to stop employees from taking over the airline through the use of an employee stock ownership plan (ESOP). Six thousand jobs were at stake and the ESOP might have been able to breathe new life in the airline.

As the pilots, flight attendants, machinists, ticket agents, and other employees knew at the time, the Texas Air takeover and subsequent creation of the new Continental was nothing more than a corporate move to destroy the union and raid the assets of a once proud airline.

The final chapter of the Continental takeover now rests with the bankruptcy courts. I only regret that the strict test applied in the REA Express case cannot be used retroactively to benefit Continental employees. Nevertheless, I am hopeful that passage of H.R. 5174 will send a strong signal that Congress never intended chapter 11 to be used as a mechanism for the convenient dismantling of labor contracts entered into in good faith.●

Mr. RODINO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except an amendment to strike out title I and insert a new text printed in the CONGRESSIONAL RECORD of March 20, 1984, by Representative KASTENMEIER, and if offered by, Representative KASTENMEIER or Representative KINDNESS, which shall not be subject to amendment, shall be considered as having been read, and shall be debatable for not to exceed 1 hour, to be equally divided and controlled by the proponent of the amendment and the chairman of the Committee on the Judiciary or his designee.

The text of the bill, H.R. 5174 is as follows:

H.R. 5174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bankruptcy Amendments of 1984".

TITLE I—AMENDMENTS RELATING TO BANKRUPTCY COURT

SEC. 101. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY COURTS

"Sec.
"151. Creation and composition of bankruptcy courts.
"152. Appointment of bankruptcy judges.
"153. Tenure and residence of bankruptcy judges.
"154. Salaries of bankruptcy judges.

"155. Chief judge; precedence of bankruptcy judges.
"156. Division of business among bankruptcy judges.
"157. Times and places of holding court.
"158. Vacant judgeship as affecting proceedings.
"159. Appellate panels.

"§ 151. Creation and composition of bankruptcy courts

"(a) There shall be in each judicial district a bankruptcy court which shall be a court of record known as the United States Bankruptcy Court for the district.

"(b) Each bankruptcy court shall consist of the bankruptcy judge or judges for the district in regular active service. Justices or judges designated and assigned shall be competent to sit as judges of the bankruptcy court.

"(c) Except as otherwise provided by law, or rule or order of court, the judicial power of a bankruptcy court with respect to any action, suit, or proceeding may be exercised by a single bankruptcy judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other bankruptcy judges.

"§ 152. Appointment of bankruptcy judges

"The President shall appoint, by and with the advice and consent of the Senate, bankruptcy judges for the several judicial districts, as follows:

"Districts

Districts	Judges
Alabama:	
Northern	4
Middle	2
Southern	2
Alaska	1
Arizona	4
Arkansas:	
Eastern	1
Western	1
California:	
Northern	7
Eastern	4
Central	12
Southern	3
Colorado	4
Connecticut	2
Delaware	1
District of Columbia	1
Florida:	
Northern	1
Middle	2
Southern	3
Georgia:	
Northern	4
Middle	2
Southern	1
Hawaii	1
Idaho	1
Illinois:	
Northern	8
Central	2
Southern	1
Indiana:	
Northern	2
Southern	4
Iowa:	
Northern	1
Southern	1
Kansas	3
Kentucky:	
Eastern	1
Western	2
Louisiana:	
Eastern	2
Middle	1
Western	2
Maine	2
Maryland	2
Massachusetts	4
Michigan:	
Eastern	4
Western	2
Minnesota	4
Mississippi:	
Northern	1
Southern	2
Missouri:	
Eastern	3
Western	3
Montana	1
Nebraska	1
Nevada	2
New Hampshire	1
New Jersey	5
New Mexico	1
New York:	
Northern	2
Southern	7
Eastern	6
Western	3
North Carolina:	
Eastern	2
Western	1
Middle	2
North Dakota	1
Ohio:	
Northern	8
Southern	7
Oklahoma:	
Northern	1
Eastern	1
Western	2
Oregon	4
Pennsylvania:	
Eastern	3
Middle	2
Western	3
Puerto Rico	2
Rhode Island	1
South Carolina	1
South Dakota	1
Tennessee:	
Eastern	2
Middle	2
Western	2
Texas:	
Northern	3
Southern	3
Eastern	1
Western	2
Utah	2
Vermont	1
Virginia:	
Eastern	3
Western	2
Washington:	
Eastern	1
Western	4
West Virginia:	
Northern	1
Southern	1
Wisconsin:	
Eastern	3
Western	1
Wyoming	1

"§ 153. Tenure and residence of bankruptcy judges

"(a) The bankruptcy judges shall hold office during good behavior.

"(b) Each bankruptcy judge, other than a bankruptcy judge of the United States Bankruptcy Court for the District of Columbia, shall reside in the district or one of the districts for which he is appointed.

"(c) If the public interest and the nature of the business of a bankruptcy court require that a bankruptcy judge should maintain his abode at or near a particular place for holding court in the district or within a particular part of the district the judicial council of the circuit may so declare and may make an appropriate order. If the bankruptcy judges of such a district are unable to agree as to which of them shall maintain his abode at or near the place or within the area specified in such an order the judicial council of the circuit may decide which of them shall do so.

"§ 154. Salaries of bankruptcy judges

"Each bankruptcy judge shall receive a salary at an annual rate of $69,500, subject to adjustment under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361) and section 461 of this title.

"§ 155. Chief judges; precedence of bankruptcy judges

"(a)(1) In any district having more than one bankruptcy judge, the chief judge of the district shall be the bankruptcy judge in regular active service who is senior in commission of those judges who—

"(A) are sixty-four years of age or under;

"(B) have served for one year or more as a bankruptcy judge; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no bankruptcy judge meets the qualifications of paragraph (1), the youngest bankruptcy judge in regular active service who is sixty-five years of age or over and who has served as bankruptcy judge for one year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no bankruptcy judge in regular active service who has served as a bankruptcy judge for one year or more, the bankruptcy judge in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided in subparagraph (C), the chief judge of the district appointed under paragraph (1) shall serve for a term of seven years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge of the district.

"(B) Except as provided in subparagraph (C), a bankruptcy judge acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge has been appointed who meets the qualifications under paragraph (1).

"(C) No bankruptcy judge may serve or act as chief judge of the district after attaining the age of seventy years unless no other bankruptcy judge is qualified to serve as chief judge of the district under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b)(1) The chief judge shall have precedence and preside at any session which he attends.

"(2) Other bankruptcy judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) A judge whose commission extends over more than one district shall be junior to all bankruptcy judges except in the district in which he resided at the time he entered upon the duties of his office.

"(d) If the chief judge desires to be relieved of his duties as chief judge while retaining his active status as bankruptcy judge, he may so certify to the Chief Justice of the United States, and thereafter, the chief judge of the district shall be such other bankruptcy judge who is qualified to serve or act as chief judge under subsection (a).

"(e) If a chief judge is temporarily unable to perform his duties as such, they shall be performed by the bankruptcy judge in

active service, present in the district and able and qualified to act, who is next in precedence.

"§ 156. Division of business among bankruptcy judges

"(a) The business of a bankruptcy court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.

"(b) The chief judge of the bankruptcy court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

"(c) If the bankruptcy judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders.

"§ 157. Times and places of holding court

"(a) The bankruptcy court at each designated place shall be deemed to be in continuous session on all business days throughout the year.

"(b) Each bankruptcy court may establish by local rule or order schedules of court sessions at designated places of holding court other than the headquarters office of the court. Such schedules may be pretermitted by order of the court.

"(c) Bankruptcy court may be held at any place within the district served, in any case, on order of the bankruptcy court, for the convenience of the parties, on such notice as the bankruptcy court orders.

"§ 158. Vacant judgeship as affecting proceedings

"When the office of the bankruptcy judge becomes vacant, all pending process, pleadings, and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

"§ 159. Appellate panels

"(a) If the circuit council of a circuit orders application of this section to a district within such circuit, the chief judge of the circuit shall designate panels of three bankruptcy judges to hear appeals from judgments, orders, and decrees of the bankruptcy court of the United States for such district. Except as provided in section 293(b) of this title, a panel shall be composed only of bankruptcy judges for districts located in the circuit in which the appeal arises. The chief judge shall designate a sufficient number of such panels so that appeals may be heard and disposed of expeditiously.

"(b) A panel designated under subsection (a) of this section may not hear an appeal from a judgment, order, or decree entered by a member of the panel.

"(c) When hearing an appeal, a panel designated under subsection (a) of this section shall sit at a place convenient to the parties to the appeal.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5 of such title the following new item:

"6. Bankruptcy courts ..... 151".

SEC. 102. Section 291(b) of title 28, United States Code, is amended by inserting "or bankruptcy" after "to hold a district".

SEC. 103. Section 292(b) of title 28, United States Code, is amended by inserting "or a bankruptcy court" after "to hold a district court".

SEC. 104. Section 292(d) of title 28, United States Code, is amended—

(1) by striking out "either",

(2) by inserting "bankruptcy court," after "in a", and

(3) by inserting a comma after "district court".

SEC. 105. (a) Section 293 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(b)(1) The Chief Justice of the United States may designate and assign temporarily a bankruptcy judge of one circuit for service in a bankruptcy court in another circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

"(2) The chief judge of a circuit may, in the public interest, designate and assign temporarily a bankruptcy judge of the circuit to hold a bankruptcy court in any district within the circuit.

"(3) No bankruptcy judge may be designated and assigned for service in a court other than a bankruptcy court.".

(b) The heading of section 293 of title 28, United States Code, is amended to read "Judges of other courts".

(c) The item relating to section 293 in the table of sections of chapter 13 of title 28, United States Code, is amended to read:

"293. Judges of other courts.".

SEC. 106. Section 294(d) of title 28, United States Code, is amended by adding at the end thereof the following: "A retired bankruptcy judge may be designated and assigned only to a bankruptcy court.".

SEC. 107. Section 295 of title 28, United States Code, is amended by striking out "or district" and inserting in lieu thereof ", district, or bankruptcy".

SEC. 108. Section 331 of title 28, United States Code, is amended—

(1) in the first paragraph by striking out "and a district judge from each judicial circuit" and inserting in lieu thereof ", and a district judge and a bankruptcy judge from each judicial circuit,",

(2) in the second paragraph—

(A) by striking out ", except that" and all that follows through "three years", and

(B) by inserting at the end thereof the following: "The bankruptcy judge to be summoned from each judicial circuit shall be chosen by the circuit and bankruptcy judges of the circuit at the annual judicial conference of the circuit held pursuant to section 333 of this title and shall serve as a member of the conference for three successive years, except that in the year following the effective date of this sentence the circuit and bankruptcy judges in the first, fourth, seventh, and tenth circuits shall choose a bankruptcy judge to serve for one year, the circuit and bankruptcy judges in the second, fifth, eighth, and eleventh circuits shall choose a bankruptcy judge to serve for two years and the circuit and bankruptcy judges in the third, sixth, ninth, and District of Columbia circuits shall choose a bankruptcy judge to serve for three years.", and

(3) in the third paragraph—

(A) by striking out "or the district judge" and inserting in lieu thereof "or the district or bankruptcy judge", and

(B) by striking out "or district" and inserting in lieu thereof ", district, or bankruptcy".

SEC. 109. Section 332(a) of title 28, United States Code, is amended—

(1) in paragraph (1)(C)—

(A) by inserting "and bankruptcy judges of the circuit" after "district judges of the circuit", and

(B) in clause (i) and clause (ii) by striking out "the number of district judges" each place it appears and inserting in lieu thereof "the aggregate number of district and bankruptcy judges",

(2) in paragraph (3) by striking out "circuit and district" and inserting "circuit, district, and bankruptcy" in lieu thereof,

(3) in paragraph (4) by striking out "circuit and district" and inserting in lieu thereof "circuit, district, and bankruptcy", and

(4) in paragraph (5) by adding at the end thereof the following: "No more than one bankruptcy judge from any one district shall serve simultaneously on the council, unless at least one bankruptcy judge from each district within the circuit is already serving as a member of the council.".

SEC. 110. (a) The fourth paragraph of section 372(a) of title 28, United States Code, is amended by striking out "or district" and inserting in lieu thereof ", district, or bankruptcy".

(b) Section 372(b) of title 28, United States Code, is amended by striking out "or district" and inserting in lieu thereof ", district, or bankruptcy".

(c) Section 372(c)(6)(B)(vii) of title 28, United States Code, is amended by striking out "and any removal of a bankruptcy judge shall be in accordance with section 153 of this title".

SEC. 111. The table of sections of chapter 17 of title 28, United States Code, is amended by striking out the item relating to section 375.

SEC. 112. (a) Section 376(a)(1) of title 28, United States Code, is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively,

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) a bankruptcy judge, as defined by section 377(i) of this title;",

(3) by striking out "or" before "(iii)", and

(4) by inserting before the semicolon at the end thereof ", or (iv) in the case of a bankruptcy judge, as defined by section 377(i) of this title, the date of the enactment of the Bankruptcy Amendments of 1984".

(b) Section 376(a)(2) of title 28, United States Code, is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) in the case of a bankruptcy judge, as defined by section 377(i) of this title, retirement pay received after retirement from office under section 377;".

SEC. 113. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 377. Bankruptcy transition judges

"(a) A bankruptcy judge who is not appointed under section 152 of this title to the bankruptcy court after the date of the enactment of the Bankruptcy Amendments of 1984 shall be eligible to retire and to receive retirement pay under subsection (c) of this section after attaining the age of sixty years, if such judge—

"(1) continues in service until such judge's successor is appointed or until June 30, 1986, whichever occurs first;

"(2) serves as a bankruptcy judge for at least eight years; and

"(3) advises the President in writing, not later than sixty days after the date of the enactment of the Bankruptcy Amendments of 1984, that such judge is willing to accept appointment under section 152 of this title.

"(b) Any bankruptcy judge who becomes permanently disabled from performing the duties of the office shall retire.

"(c)(1)(A) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under this subsection and who retires under subsection (a) of this section shall receive retirement pay for any period at a rate equal to 2½ per centum of such judge's average pay multiplied by the sum of such judge's—

"(i) years of creditable service; and

"(ii) years of service as a bankruptcy judge occurring after the date such election is made;

except that the rate of such retirement pay shall not exceed 80 per centum of the rate of salary payable to such judge on such judge's last day of service, as described in subsection (a)(1).

"(B) For purposes of this subsection 'average pay' means the largest annual rate resulting from averaging a judge's rates of basic pay in effect over any three consecutive years of such service in the aggregate, with each rate weighted by the time it was in effect.

"(C) For purposes of this subsection 'creditable service' has the meaning given such term in section 8332 of title 5, United States Code.

"(2) A bankruptcy judge who elects under subsection (d) of this section to receive retirement pay under this subsection and who retires under subsection (b) of this section shall receive retirement pay for any period at a rate—

"(A) equal to the rate of salary payable to such judge immediately preceding the date his retirement commences, for a comparable period, if before such retirement such judge serves as a bankruptcy judge not less than ten years; or

"(B) equal to 50 per centum of the rate of salary payable to such judge immediately preceding the date his retirement commences, for a comparable period if before such retirement such judge serves as a bankruptcy judge less than ten years;

except that the rate of such retirement pay shall not exceed the rate of salary payable to such judge on such judge's last day of service, as described in subsection (a)(1).

"(3)(A) Such retirement pay shall begin to accrue on the day following the day on which such bankruptcy judge becomes eligible to retire under subsection (a) or (b) and shall continue to accrue during the remainder of the life of such judge.

"(B) Retirement pay accruing under this section shall be adjusted under section 154 of this title and paid in the same manner as the salary of a United States district judge.

"(4) In computing the rate of retirement pay under this subsection, that portion of the aggregate number of years of service which is a fractional part of one year shall be eliminated if it is less than six months, or shall be counted as a full year if such part equals or exceeds six months.

"(d)(1) A bankruptcy judge may elect to receive retirement pay under subsection (c) of this section by filing notice of such election in writing with the Director of the Administrative Office of the United States Courts. The Director shall transmit to the Office of Personnel Management a copy of each notice filed under this paragraph.

"(2) Such election may be made by a bankruptcy judge only during such judge's term of office.

"(e) In the case of any bankruptcy judge who files an election pursuant to subsection (d) of this section to receive retirement pay under subsection (c) of this section—

"(1) no annuity or other payment shall be payable in any period during which such election is in effect to such judge under the civil service retirement laws with respect to any service performed by such judge (whether performed before or after such election is filed and whether performed as a bankruptcy judge or otherwise);

"(2) no deduction for purposes of the Civil Service Retirement and Disability Fund shall be made from retirement pay payable to such judge under subsection (c) of this section or from any other salary, pay, or compensation payable to such judge for any period during which such election is in effect;

"(3) for purposes of section 376(a) of this title, such judge shall be deemed to have notified, on the date such election is filed, the Director of the Administrative Office of the United States Courts of such judge's intention to come within the purview of section 376 of this title; and

"(4) notwithstanding section 8342 of title 5, United States Code, the lump-sum credit of such judge computed under section 8331(8) of title 5, United States Code, shall be transferred from the individual account of such judge in the Civil Service Retirement and Disability Fund to the individual account of such judge in the Judicial Survivors' Annuities Fund. Any surplus moneys in such judge's account in the Judicial Survivors' Annuities Fund resulting from such transfer shall be retained in such account and administered under section 376 of this title.

"(f) A bankruptcy judge who desires to retire under subsection (b) of this section shall furnish to the Director of the Administrative Office of the United States Courts a certificate of disability signed by the chief judge of the circuit in which such bankruptcy judge is serving.

"(g)(1) A bankruptcy judge who files an election under subsection (d) of this section to receive retired pay under subsection (c) of this section may revoke such election at any time before the first day on which retirement pay would begin to accrue with respect to such judge but for such revocation.

"(2) Any revocation under this subsection of an election shall be made by filing notice of such revocation with the Office of Personnel Management. The Office of Personnel Management shall transmit to the Director of the Administrative Office of the United States Courts a copy of each notice filed under this paragraph.

"(3) In the case of a bankruptcy judge who revokes under this subsection an election made under subsection (d) of this section—

"(A) for purposes of this section, such judge shall be treated as not having filed such election;

"(B) for purposes of section 376 of this title—

"(i) such judge shall be treated as not having filed an election under subsection (a)(1) of such section; and

"(ii) subsection (g) of such section shall not apply with respect to such judge, and the amount credited to such judge's account under subsection (e) of such section and subsection (e)(5) of this section, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31, of each year to the date on which the revocation is filed, shall be returned to such judge; and

"(C)(i) for purposes of the civil service retirement laws, no credit shall be allowed for service as a bankruptcy judge or otherwise unless with respect to such service such judge deposits in the Civil Service Retirement and Disability Fund the amount required by the civil service retirement laws; and

"(ii) if such judge deposits the amount so required, then the Administrative Office of the United States Courts shall deposit in the Civil Service Retirement and Disability Fund an amount equal to the amount it would have contributed to such fund but for the effectiveness of the election made by such judge under subsection (d) of this section to receive retirement pay under subsection (c) of this section. Upon such deposit, service as a bankruptcy judge shall be treated as service with respect to which deductions and contributions had been made during the period of such service.

"(h) Except as otherwise provided in this subsection, the provisions of the civil service retirement laws, including the provisions relating to the deduction and withholding of amounts from basic pay, salary, and compensation, shall apply with respect to service as a bankruptcy judge, together with other service as an officer or employee to whom such civil service retirement laws apply, as if this section had not been enacted.

"(i) For purposes of this section, the term 'bankruptcy judge' means a bankruptcy judge referred to in section 147(a) of the Bankruptcy Amendments of 1984.".

(b) The table of sections for chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"377. Bankruptcy transition judges.".

SEC. 114. Section 451 of title 28, United States Code, is amended—

(1) by striking out "including" and inserting in lieu thereof ", bankruptcy courts," in the paragraph beginning with "The term 'court of the United States' ", and

(2) by inserting "bankruptcy courts," after "district courts," in the paragraph beginning with "The term 'judge of the United States' ".

SEC. 115. (a) Section 456(b) of title 28, United States Code, is amended—

(1) by striking out "and" the last place it appears, and

(2) by inserting ", and the United States Bankruptcy Court for the District of Columbia" after "United States District Court for the District of Columbia".

(b) Section 456(d) of title 28, United States Code, is amended—

(1) by inserting "and each bankruptcy judge" after "each district judge", and

(2) by inserting "or bankruptcy court, as the case may be," after "a district court".

(c) Section 456(g) of title 28, United States Code, is amended by striking out "or district" and inserting in lieu thereof ", district, or bankruptcy".

SEC. 116. Section 457 of title 28, United States Code, is amended by striking out "of district courts" and inserting in lieu thereof "of bankruptcy courts, of district courts,".

SEC. 117. Section 569(a) of title 28, United States Code, is amended by striking out "of the district court" and inserting in lieu thereof "of the bankruptcy court, of the district court,".

SEC. 118. Section 571(b) of title 28, United States Code, is amended by striking out "and district" and inserting in lieu thereof ", district, and bankruptcy".

SEC. 119. (a) Section 602(b) of title 28, United States Code, is amended by striking out "section 604(a)(15)(B)" and inserting in lieu thereof "section 604(a)(16)(B)".

(b) Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraph (17) as paragraph (18).

(2) in paragraph (10) by striking out "paragraph (17)" each place it appears and inserting in lieu thereof "paragraph (18)",

(3) by redesignating paragraphs (15) and (16) as paragraphs (16) and (17), respectively, and

(4) by redesignating paragraph (14), as added by section 3(c) of the Court Interpreters Act (Public Law 95-539; 92 Stat. 2043), as paragraph (15).

(c) Subsection (f) of section 604 of title 28, United States Code, as added by section 225(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2665), is redesignated as subsection (i).

SEC. 120. Section 610 of title 28, United States Code, is amended by striking out "and district courts" and inserting in lieu thereof ", district courts, and bankruptcy court".

SEC. 121. Section 620(b)(3) of title 28, United States Code, is amended—

(1) by striking out "referees,", and

(2) by striking out "commissioners" and inserting in lieu thereof "magistrates".

SEC. 122. Section 621(a)(2) of title 28, United States Code, is amended by striking out "one" and inserting in lieu thereof "two".

SEC. 123. Section 631(c) of title 28, United States Code, is amended—

(1) by striking out "of the conference, a part-time referee in bankruptcy or" and inserting in lieu thereof "of the conference,", and

(2) by striking out "magistrate and part-time referee in bankruptcy," and inserting in lieu thereof "magistrate and".

SEC. 124. Section 751(d) of title 28, United States Code, is amended by striking out "commissioners" and inserting in lieu thereof "magistrates".

SEC. 125. (a) Title 28, United States Code, is amended by inserting after chapter 49 the following new chapter:

"CHAPTER 50—BANKRUPTCY COURTS

"Sec.
"771. Clerks.
"772. Other employees.
"773. Reporters.
"774. Power to appoint.
"775. Salaries.

"§ 771. Clerks

"(a) Each bankruptcy court may appoint a clerk who shall be subject to removal by the court.

"(b) The clerk may appoint, with the approval of the court, necessary deputies, clerical assistants, and employees in such number as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies, clerical assistants, and employees shall be subject to removal by the clerk with the approval of the court.

"(c) The clerk of each bankruptcy court shall reside in the district for which he is appointed, or within twenty miles of his official station. The bankruptcy court may designate places within the district for the offices of the clerk and his deputies, and their official stations.

"(d) A clerk of a bankruptcy court or his deputy or assistant shall not receive any compensation or emoluments through any office or position to which he is appointed by the court, other than that received as such clerk, deputy, or assistant, whether from the United States or from private litigants.

"(e)(1) The clerk of each bankruptcy court shall pay into the Treasury all fees, costs, and other moneys collected by him, except uncollected fees not required by Act of Congress to be prepaid.

"(2) He shall make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by the Director.

"§ 772. Other employees

"Bankruptcy judges may appoint necessary other employees, including law clerks and secretaries, subject to any limitation on the aggregate salaries of such employees which may be imposed by law.

"§ 773. Reporters

"(a)(1) Each bankruptcy court of the United States shall appoint one or more court reporters.

"(2) The number of reporters shall be determined by the Judicial Conference of the United States.

"(3) The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.

"(4) Each such court, with the approval of the Director of the Administrative Office of the United States Courts, may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be performed promptly by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference.

"(5) If any such court and the Judicial Conference are of the opinion that it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination and fix the salary for the performance of the duties combined.

"(b)(1) Each session of the court and every other proceeding designated by rule or order of the court or by one of the judges shall be recorded verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to regulations promulgated by the Judicial Conference and subject to the discretion and approval of the judge. The regulations promulgated pursuant to the preceding sentence shall prescribe the types of electronic sound recording or other means which may be used and shall be the same as the regulations promulgated under section 753(b) of this title. Proceedings to be recorded under this section include (A) all proceedings in cases had in open court unless the parties with the approval of the judge shall agree specifically to the contrary and (B) such other proceedings as a judge of the court may direct or as may be required by rule or order of court as may be requested by any party to the proceeding.

"(2) The reporter or other individual designated to produce the record shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

"(3) The reporter or other individual designated to produce the record shall transcribe and certify such parts of the record of proceedings as may be required by any rule or order of court unless they have been recorded by electronic sound recording as provided in this subsection and the original records so taken have been certified by him and filed with the clerk as provided in this subsection. He shall also transcribe and certify such other parts of the record of proceedings as may be required by rule or order of court. Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings, attach to the transcript his official certificate, and deliver such transcript to the party or judge making the request.

"(4) The reporter or other designated individual shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

"(5) The transcript in any case certified by the reporter or other individual designated to produce the record shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records certified by the reporter or other individual designated to produce the record.

"(6) The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.

"(c) The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts.

"(d) The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporters. Such records shall be inspected and audited in the same manner as the records and accounts of clerks of the district courts, and may include records showing—

"(1) the quantity of transcripts prepared;

"(2) the fees charged and the fees collected for transcripts;

"(3) any expenses incurred by the reporters in connection with transcripts;

"(4) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and

"(5) such other information as the Judicial Conference may require.

"(e) Each reporter shall receive an annual salary to be fixed from time to time by the Judicial Conference of the United States. All supplies shall be furnished by the reporter at his own expense.

"(f) Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. The reporter shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or an appellate judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to pay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

"(g) If, upon the advice of the chief judge of any bankruptcy court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such bankruptcy court pursuant to subsection (a) of this section is insufficient

to meet temporary demands and needs and that the services of additional court reporters for such bankruptcy court should be provided the judges of such bankruptcy court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, then the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for the providing of court reporters to serve such bankruptcy court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the bankruptcy court, will best serve the needs of such bankruptcy court. The authority to make contracts under this subsection shall be available only to the extent and in such amounts as are provided in advance in appropriations Acts.

"§ 774. Power to appoint

"Whenever a majority of the bankruptcy judges of any bankruptcy court cannot agree upon the appointment of any officer of such court, the chief judge shall make such appointment.

"§ 775. Salaries

"The salary of an individual appointed or employed under section 771(a) or 773(a) of this title shall be the same as the salary of an individual appointed or employed under section 751(a) or 753(a) of this title, respectively. The salaries of individuals appointed under section 771(b) of this title shall be comparable to the salaries of individuals appointed under section 751(b) of this title.".

(b) The table of chapters of part III of title 28, United States Code, is amended by inserting after the item relating to chapter 49 the following new item:

"50. Bankruptcy courts ..... 771".

SEC. 126. Section 957 of title 28, United States Code, is amended by inserting "or bankruptcy court" after "district court".

SEC. 127. (a) Chapter 83 of title 28, United States Code, is amended by inserting after section 1292 the following new section:

"§ 1293. Bankruptcy appeals

"(a) The courts of appeals shall have jurisdiction of appeals from all final decisions of bankruptcy appellate panels established in section 159 of this title and from all final decisions of bankruptcy courts for districts to which the application of section 159 of this title is not ordered.

"(b) A court of appeals shall have jurisdiction of an appeal from a final judgment, order, or decree of a bankruptcy appellate panel or, notwithstanding section 1482 of this title, from a final judgment, order, or decree of a bankruptcy court of the United States if the parties to such appeal agree to a direct appeal to the court of appeals.".

(b) The table of sections of chapter 83 of title 28, United States Code, is amended by inserting after the item relating to section 1292 the following new item:

"1293. Bankruptcy appeals.".

SEC. 128. Section 1294 of title 28, United States Code, is amended—

(1) by striking out "district and territorial" and inserting in lieu thereof "district, bankruptcy, and territorial",

(2) by striking out the period at the end thereof and inserting a semicolon, and

(3) by adding at the end thereof the following new paragraphs:

"(5) From a panel of a bankruptcy appellate panel to the court of appeals for the circuit in which the appellate panel is so established;

"(6) From a bankruptcy court of the United States to the court of appeals for the circuit embracing the district in which the bankruptcy court is located.".

SEC. 129. (a)(1) Section 1364 of title 28, United States Code, as added by section 705(f)(1) of the Ethics in Government Act of 1978, is redesignated as section 1365.

(2) Section 705(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288d(a)) is amended by striking out "section 1364" and inserting in lieu thereof "section 1365".

(b) Section 1364 of title 28, United States Code, as added by section 172(c)(1) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 and redesignated as section 1364 by section 6(b)(1) of the Jury System Improvement Act of 1978, is redesignated as section 1366.

(c) The table of sections of chapter 85 of title 28, United States Code, is amended—

(1) in the item relating to section 1330 by striking out "Action" and inserting in lieu thereof "Actions", and

(2) by striking out the three items relating to section 1364 and inserting in lieu thereof the following new items:

"1364. Direct actions against insurers of members of diplomatic missions and their families.
"1365. Senate actions.
"1366. Construction of references to laws of the United States or Acts of Congress.".

SEC. 130. Chapter 85 of title 28, United States Code, is amended—

(1) by striking out section 1334, and

(2) in the table of sections relating to such chapter by striking out the item relating to section 1334.

SEC. 131. Section 1360(a) of title 28, United States Code, is amended by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 132. (a) Title 28 of the United States Code is amended by inserting after chapter 89 the following new chapter:

"CHAPTER 90—BANKRUPTCY COURTS

"Sec.
"1471. Jurisdiction.
"1472. Venue of cases under title 11.
"1473. Venue of proceedings arising under or related to cases under title 11.
"1474. Venue of cases ancillary to foreign proceedings.
"1475. Change of venue.
"1476. Creation or alteration of district or division.
"1477. Cure or waiver of defects.
"1478. Removal to the bankruptcy courts.
"1479. Provisional remedies; security.
"1480. Jury trials.
"1481. Powers of bankruptcy court.
"1482. Appeals.

"§ 1471. Jurisdiction

"(a) Except as provided in subsection (b) of this section, the bankruptcy courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the bankruptcy courts, the bankruptcy courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Subsection (b) of this section does not prevent a bankruptcy court, in the interest of justice, from abstaining from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11. Such abstention, or a decision not to abstain, is not reviewable by appeal or otherwise.

"(d) The bankruptcy court in which a case under title 11 is pending shall have exclusive jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of the case.

"§ 1472. Venue of cases under title 11

"Except as provided in section 1474 of this title, a case under title 11 may be commenced in the bankruptcy court for a district—

"(1) in which the domicile, residence, principal place of business, in the United States, or principal assets, in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one hundred and eighty day period than such domicile, residence, principal place of business, in the United States, or principal assets, in the United States, were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1473. Venue of proceedings arising under or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the bankruptcy court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the bankruptcy court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the bankruptcy court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such proceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the bankruptcy court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against the representative of the estate in such case in the bankruptcy court for the district where the State or Federal court sits in which the party commencing

such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the bankruptcy court in which such case is pending.

"§ 1474. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the bankruptcy court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against property, or to require turnover of property of an estate, may be commenced only in the bankruptcy court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the bankruptcy court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.

"§ 1475. Change of venue

"A bankruptcy court may transfer a case under title 11 or a proceeding arising in or related to such case to a bankruptcy court for another district, in the interest of justice and for the convenience of the parties.

"§ 1476. Creation or alteration of district or division

"Cases or proceedings pending at the time of the creation of a new district or division or transfer of a county or territory from one division or district to another may be tried in the district or division as it existed at the institution of the case or proceeding, or in the district or division so created or to which the county or territory is so transferred as the parties shall agree or the court direct.

"§ 1477. Cure or waiver of defects

"(a) The bankruptcy court of a district in which is filed a case or proceeding laying venue in the wrong division or district may, in the interest of justice and for the convenience of the parties, retain such case or proceeding, or may transfer, under section 1475 of this title, such case or proceeding to any other district or division.

"(b) Nothing in this chapter shall impair the jurisdiction of a bankruptcy court of any matter involving a party who does not interpose timely and sufficient objection to the venue.

"§ 1478. Removal to the bankruptcy courts

"(a) A party may remove any claim or cause of action in a civil action, other than a proceeding before the United States Tax Court or civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the bankruptcy court for the district where such civil action is pending, if the bankruptcy courts have jurisdiction over such claim or cause of action.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order under this subsection remanding a claim or cause of action is not reviewable by appeal or otherwise.

"§ 1479. Provisional remedies; security

"(a) Whenever any action is removed to a bankruptcy court under section 1478 of this title, any attachment or sequestration of the goods or estate of the defendant in such action shall hold the goods or estate to answer the final judgment or decree in the same manner as they would have been held to answer final judgment or decree had it been rendered by the court from which the action was removed, unless the attachment or sequestration is invalidated under applicable law.

"(b) Any bond, undertaking, or security given by any party in an action prior to removal under section 1478 of this title shall remain valid and effectual notwithstanding such removal, unless such bond, undertaking, or other security is invalidated under applicable law.

"(c) All injunctions, orders, and other proceedings in an action prior to removal of such action under section 1478 of this title shall remain in full force and effect until dissolved or modified by the bankruptcy court.

"§ 1480. Jury trials

"(a) Except as provided in subsection (b) of this section, this chapter and title 11 do not affect any right to trial by jury, in a case under title 11 or in a proceeding arising under title 11 or arising in or related to a case under title 11, that is provided by any statute in effect on September 30, 1979.

"(b) The bankruptcy court may order the issues arising under section 303 of title 11 to be tried without a jury.

"§ 1481. Powers of bankruptcy court

"A bankruptcy court shall have the powers of a court of equity, law, and admiralty.

"§ 1482. Appeals

"(a) Bankruptcy appellate panels established in section 159(a) of this title shall have jurisdiction of appeals from all final judgments, orders, and decrees of bankruptcy courts.

"(b) Bankruptcy appellate panels shall have jurisdiction of appeals from interlocutory judgments, orders, and decrees of bankruptcy courts, but only by leave of the panel to which the appeal is taken.".

(b) The table of chapters of part IV of title 28 of the United States Code is amended by inserting after the item relating to chapter 89 the following new item:

"90. Bankruptcy courts ..... 1471".

SEC. 133. Section 1656 of title 28, United States Code, is amended by inserting "or in a bankruptcy court" after "a district court".

SEC. 134. Section 1827(i) of title 28, United States Code, is amended by striking out "referee in bankruptcy" and inserting in lieu thereof "bankruptcy judge".

SEC. 135. Section 1869(f) of title 28, United States Code, is amended by inserting "chapter 6 of title 28, United States Code," after "chapter 5 of title 28, United States Code,".

SEC. 136. Section 1962 of title 28, United States Code, is amended by inserting "or bankruptcy court" after "district court".

SEC. 137. Section 1963 of title 28, United States Code, is amended—

(1) in the first paragraph by inserting "or bankruptcy court" after "district court" the first place it appears,

(2) in the first sentence of the first paragraph by inserting "with the clerk of the district court or the bankruptcy court, whichever is appropriate" before the period at the end thereof, and

(3) by adding at the end thereof the following new undesignated paragraph:

"An order of discharge or an order of confirmation in a case under title 11 which has become final may be registered in any other district by filing in the office of the clerk of the bankruptcy court of that other district a certified copy of the order and when so registered shall have the same effect as an order of the bankruptcy court of the district where so registered and may be enforced in like manner.".

SEC. 138. Section 2107 of title 28, United States Code, is amended—

(1) by inserting "or the bankruptcy court" after "district court", and

(2) by striking out the last paragraph.

SEC. 139. Section 2109 of title 28, United States Code, is amended by inserting "or from a bankruptcy court" after "from a district court".

SEC. 140. (a) Chapter 153 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2256. Habeas corpus from bankruptcy courts

"A bankruptcy court may issue a writ of habeas corpus—

"(1) when appropriate to bring a person before the court—

"(A) for examination;

"(B) to testify; or

"(C) to perform a duty imposed on such person under this title or title 11; or

"(2) ordering the release of a debtor in a case under title 11 in custody under the judgment of a Federal or State court if—

"(A) such debtor was arrested or imprisoned on process in any civil action;

"(B) such process was issued for the collection of a debt—

"(i) that is dischargeable under title 11; or

"(ii) that is or will be provided for in a plan under chapter 11 or 13 of title 11; and

"(C) before the issuance of such writ, notice and a hearing have been afforded the adverse party of such debtor in custody to contest the issuance of such writ.".

(b) The table of sections for chapter 153 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2256. Habeas corpus from bankruptcy courts.".

SEC. 141. Rule 1101(a) of the Federal Rules of Evidence is amended by inserting "the United States bankruptcy courts," after "the United States district courts,".

SEC. 142. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "March 31, 1984" and inserting in lieu thereof "June 30, 1986, or until such judge's successor is appointed", and

(B) by striking out "under section 201 of this Act" and inserting in lieu thereof "under section 151 of title 28, United States Code,", and

(2) in subparagraph (B) by striking out "during the transition period" and inserting in lieu thereof "between October 1, 1979, and June 30, 1986, inclusive,".

(b) Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out "and (o)" and inserting in lieu thereof "and (n)".

SEC. 143. Section 2(a) of the Act of November 8, 1977 (Public Law 95-157; 91 Stat. 1266), is amended by inserting "and a bankruptcy court" after "district court".

SEC. 144. (a) Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 4682), is amended by striking out "shall take effect on April 1, 1984" and in-

serting in lieu thereof "shall not take effect".

(b) Section 402(e) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out "April 1, 1984" and inserting in lieu thereof "the date of enactment of the Bankruptcy Amendments of 1984".

SEC. 145. (a) Section 406(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2686), is amended—

(1) by striking out paragraph (2), and

(2) in paragraph (1)—

(A) by striking out "(1)",

(B) by striking out "During the transition period, the" and inserting in lieu thereof "The",

(C) in subparagraph (A)—

(i) by striking out "(A)" and inserting in lieu thereof "(1)", and

(ii) by striking out "section 201 of this Act" and inserting in lieu thereof "section 151 of title 28, United States Code,", and

(D) in subparagraph (B) by striking out "(B)" and inserting in lieu thereof "(2)".

(b) Section 406(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2686), is amended by striking out "section 201 of this Act" and inserting in lieu thereof "section 151 of title 28, United States Code,".

SEC. 146. Sections 404, 405(a), 405(b), 405(c), 407(c), 409, and 410 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 147. (a) The offices of bankruptcy judges for which appointments are authorized, by laws in effect immediately preceding the date of the enactment of this Act, to be made in a judicial district shall constitute the bankruptcy court of such judicial district during the period beginning on the date of the enactment of this Act and ending on June 30, 1986 (hereinafter in this title referred to as the "transition period").

(b) The bankruptcy courts established in subsection (a) shall be deemed to be the bankruptcy courts for purposes of—

(1) this title,

(2) the Acts amended by this title,

(3) title 28 of the United States Code, as amended by this title, other than sections 152, 293(b), 294, 295, 331, 372, and 451 of such title 28,

(4) title 11 of the United States Code, and

(5) the Acts amended by the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549).

(c) During the transition period and in addition to cases and proceedings commenced during such period, all cases under title 11 of the United States Code and all proceedings arising under title 11 of the United States Code or arising in or related to a case under title 11 of the United States Code pending on the date of enactment of this Act shall be heard by the bankruptcy courts established in subsection (a) as though such cases and proceedings had been commenced in such courts.

SEC. 148. (a) Judges of the bankruptcy courts established in section 147(a) of this Act shall have the title United States bankruptcy judges.

(b) During the transition period United States bankruptcy judges may exercise the jurisdiction and powers conferred by title 28 and title 11 of the United States Code on bankruptcy courts.

(c) Notwithstanding section 34(a) of the Bankruptcy Act as in effect on September 30, 1979, and section 404(b) of the Act of November 6, 1978, as in effect before the date of the enactment of this Act, the term of office of a United States bankruptcy judge who is serving on the date of the enactment of this Act in a bankruptcy court established in section 147(a), or who is appointed to such court under the authority specified in subsection (d), expires on the date such judge's successor is appointed under section 152 of title 28, United States Code, as added by section 101 of this Act, or on June 30, 1986, whichever occurs first.

(d) Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act and ending on January 20, 1985, matters relating to the office of United States bankruptcy judges and to United States bankruptcy judges shall continue to be governed by sections 34, 35, 36, 40a, 40b, 40d, and 43 of the Bankruptcy Act as in effect on September 30, 1979.

(e) During the period beginning on January 21, 1985, and ending immediately preceding the effective date of section 154 of title 28, United States Code, as added by section 101 of this Act, the levels of salaries of United States bankruptcy judges who are serving on January 21, 1985, in the bankruptcy courts established in section 147(a) are continued at the levels in effect on January 20, 1985, subject to adjustment under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361) and section 461 of title 28, United States Code.

(f)(1) During the transition period an appeal from a judgment, order, or decree of a United States bankruptcy judge shall be—

(A) if the judicial council of the circuit in which the bankruptcy judge sits so orders for the district in which the bankruptcy judge sits, to a panel of three bankruptcy judges appointed in the manner described in section 159 of title 28, United States Code, as added by section 101 of this Act,

(B) if no panel is appointed under subparagraph (A) for the district in which such bankruptcy judge sits, to the district court for such district, or

(C) if the parties to the appeal agree to a direct appeal to the court of appeals for such circuit, to such court of appeals.

(2) During the transition period the district courts of the United States shall have jurisdiction to hear appeals from the judgments, orders, and decrees of bankruptcy courts.

(3) During the transition period a panel referred to in paragraph (1)(A) shall be deemed to be a bankruptcy appellate panel referred to in section 1293 of title 28, United States Code.

SEC. 149. (a) On July 1, 1986, there shall be transferred to the appropriate United States bankruptcy court established in section 151(a) of title 28, United States Code—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending, at the end of June 30, 1986, in the bankruptcy courts established in section 147(a) of this Act, other than cases, and matters and proceedings in cases under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which a general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending at the end of June 30, 1986, in the bankruptcy courts established in section 147(a) of this Act.

(b) On July 1, 1986, there shall be transferred to the appropriate bankruptcy appellate panels established in section 159 of title 28, United States Code, appeals from final judgments, orders, and decrees of the bankruptcy courts established in section 147(a) pending at the end of June 30, 1986, in the panels appointed under section 148(f)(1)(A).

SEC. 150. (a) Notwithstanding section 152 of title 28, United States Code, as added by section 101 of this Act, and except as provided in subsection (b) of this section, bankruptcy judges who are appointed after the effective date of such section 152 shall be appointed to succeed bankruptcy judges continued in office under section 148(c) of this Act as follows:

(1) One bankruptcy judge shall be appointed under section 152 of title 28, United States Code, for each judicial district specified in such section.

(2) Only after the bankruptcy judges described in paragraph (1) have been appointed may other bankruptcy judges be appointed under such section 152.

(b) Subsection (a) shall not apply with respect to the appointment of a bankruptcy judge to fill a vacancy in office created by the death or retirement of a bankruptcy judge.

SEC. 151. For purposes of sections 153, 154, 293(b), 294, 295, 331, 372, and 451 of title 28, United States Code, as added by this Act, bankruptcy judges appointed under section 152 of title 28, United States Code, in the transition period shall be deemed during such period to be appointed to the bankruptcy courts established in section 151(a) of title 28, United States Code, as added by section 101 of this Act, and such sections shall apply to such judges during such period.

SEC. 152. The Supreme Court may issue such additional rules of procedure, consistent with Acts of Congress, as may be necessary for the orderly transfer of functions and records and the orderly transition to the new bankruptcy court system created by this title.

SEC. 153. (a)(1) Whenever the President is authorized to fill a vacancy that occurs in a bankruptcy court of the United States, the President shall nominate as a bankruptcy judge to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the President should consider for appointment under section 152 of title 28, United States Code, to the bankruptcy court all qualified incumbent bankruptcy judges who hold office under the laws in effect immediately preceding the date of the enactment of this Act.

(b) The Attorney General of the United States shall assist the President by evaluating potential nominees and by recommending to the President for consideration for appointment persons who are qualified to be bankruptcy judges. Such potential nominees shall include all incumbent bankruptcy judges who hold office under the laws in effect immediately preceding the date of the enactment of this Act.

(c) Before transmitting to the President the names of the persons the Attorney General deems best qualified to fill any existing vacancy, the Attorney General shall have determined that—

(1) public notice of such vacancy has been given and an affirmative effort has been made, in the case of each such vacancy, to identify qualified candidates, without discrimination as to race, color, sex, religion, or national origin,

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they may be members,

(3) such persons possess, and have a reputation for, integrity and good character,

(4) such persons are of sound physical and mental health,

(5) such persons possess and have demonstrated commitment to equal justice under law,

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons' demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

SEC. 154. (a) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title".

(b) The rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 155. (a) Except as provided in subsection (b) and subsection (c), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Section 152 of title 28, United States Code, as added by section 101 of this Act, shall take effect on January 21, 1985.

(c) Sections 151(a), 153, 154, and 159 of title 28, United States Code, as added by section 101 of this Act, shall take effect on July 1, 1986.

TITLE II—AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE

Subtitle A—Amendments Relating to Personal Bankruptcy

SEC. 201. Section 109 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of this section, no individual may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if—

"(1) the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case; or

"(2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.".

SEC. 202. Section 342 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "There shall be given", and

(2) by adding at the end thereof the following new subsection:

"(b) Prior to the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give written notice to such individual that indicates each chapter of this title under which such individual may proceed.".

SEC. 203. Section 349(a) of title 11, United States Code, is amended by inserting before the period at the end thereof "; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(f) of this title".

SEC. 204. Section 362 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) An individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages.".

SEC. 205. Section 521 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively,

(2) in paragraph (1) by inserting "a schedule of current income and current expenditures," after "liabilities,", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) if an individual debtor's schedule of assets and liabilities includes consumer debts which are secured by property of the estate—

"(A) within thirty days after the date of the filing of a petition under chapter 7 of this title or on or before the date of the meeting of creditors, whichever is earlier, or within such additional time as the court, for cause, within such period fixes, the debtor shall file with the clerk a statement of his intention with respect to the retention or surrender of such property and, if applicable, specifying that such property is claimed as exempt, that the debtor intends to redeem such property, or that the debtor intends to reaffirm debts secured by such property;

"(B) within forty-five days after the filing of a notice of intent under this section, or within such additional time as the court, for cause, within such forty-five day period fixes, the debtor shall perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph; and

"(C) nothing in subparagraphs (A) and (B) of this paragraph shall alter the debtor's or the trustee's rights with regard to such property under this title;".

SEC. 206. (a) Section 522(b) of title 11, United States Code, is amended by striking out "Notwithstanding" and all that follows through "either—" and inserting in lieu thereof the following: "Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate the property listed in either paragraph (1) or, in the alternative, paragraph (2) of this subsection. In joint cases filed under section 302 of this title and individual cases filed under section 301 or 303 of this title by or against debtors who are husband and wife, and whose estates are ordered to be jointly administered under Rule 1015(b) of the Bankruptcy Rules, one debtor may not elect to exempt property listed in paragraph (1) and the other debtor elect to exempt property listed in paragraph (2) of this subsection. If the parties cannot agree on the alternative to be elected, they shall be deemed to elect paragraph (1), where such election is permitted under the law of the jurisdiction where the case is filed. Such property is—".

(b) Section 522(d)(3) of title 11, United States Code, is amended by inserting "or $4,000 in aggregate value" after "item".

(c) Section 522(d)(5) of title 11, United States Code, is amended to read as follows:

"(5) The debtor's aggregate interest in any property, not to exceed in value $400 plus up to $3,750 of any unused amount of the exemption provided under paragraph (1) of this subsection.".

(d) Section 522(m) of title 11, United States Code, is amended to read as follows:

"(m) Subject to the limitation in subsection (b), this section shall apply separately with respect to each debtor in a joint case.".

SEC. 207. (a) Section 523(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking out "or" at the end thereof,

(2) in subparagraph (B) by inserting "or" at the end thereof, and

(3) by adding at the end thereof the following new subparagraph:

"(C) for purposes of subparagraph (A) of this paragraph, consumer debts owed to a single creditor and aggregating more than $500 for 'luxury goods or services' incurred by an individual debtor on or within forty days before the order for relief under this title, or cash advances aggregating more than $1,000 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within twenty days before the order for relief under this title, are presumed to be nondischargeable; 'luxury goods or services' do not include goods or services reasonably acquired for the support or maintenance of the debtor or a dependent of the debtor; an extension of consumer credit under an open end credit plan is to be defined for purposes of this subparagraph as it is defined in chapter 41 of title 15, United States Code;".

(b) Section 523(d) of title 11, United States Code, is amended to read as follows:

"(d) If a creditor requests a determination of dischargeability of a consumer debt under subsection (a)(2) of this section, and such debt is discharged, the court shall grant judgment in favor of the debtor for the costs of, and a reasonable attorney's fee for, the proceeding if the court finds that the position of the creditor was not substantially justified, except that the court shall not award such costs and fees if special circumstances would make the award unjust.".

SEC. 208. (a) Section 524(a)(2) of title 11, United States Code, is amended by striking out "or from property of the debtor,".

(b) Section 524(c) of title 11, United States Code, is amended—

(1) by striking out paragraph (2),

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively, and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) such agreement contains a clear and conspicuous statement which advises the debtor that the agreement may be rescinded at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of rescission to the holder of such claim;

"(3) such agreement has been filed with the court and, if applicable, accompanied by a declaration or an affidavit of the attorney that represented the debtor during the course of negotiating an agreement under this subsection, which states that such agreement—

"(A) represents a fully informed and voluntary agreement by the debtor; and

"(B) does not impose an undue hardship on the debtor or a dependent of the debtor;

"(4) the debtor has not rescinded such agreement at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of recission to the holder of such claim;" and

(4) by amending paragraph (6), as so redesignated, to read as follows:

"(6)(A) in a case concerning an individual who was not represented by an attorney during the course of negotiating an agreement under this subsection, the court approves such agreement as—

"(i) not imposing an undue hardship on the debtor or a dependent of the debtor; and

"(ii) in the best interest of the debtor.

"(B) Subparagraph (A) shall not apply to the extent that such debt is a consumer debt secured by real property.".

(c) Section 524(d)(2) of title 11, United States Code, is amended by striking out "subsection (c)(4)" and inserting in lieu thereof "subsection (c)(6)".

(d) Section 524 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Nothing contained in subsection (c) or (d) of this section prevents a debtor from voluntarily repaying any debt.".

SEC. 209. Section 525 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "Except",

(2) by inserting "the" before "Perishable", and

(3) by adding at the end thereof the following new subsection:

"(b) No private employer may terminate the employment of, or discriminate with respect to employment against, an individual who is or has been a debtor under this title, a debtor or bankrupt under the Bankruptcy Act, or an individual associated with such debtor or bankrupt, solely because such debtor or bankrupt—

"(1) is or has been a debtor under this title or a debtor or bankrupt under the Bankruptcy Act;

"(2) has been insolvent before the commencement of a case under this title or during the case but before the grant or denial of a discharge; or

"(3) has not paid a debt that is dischargeable in a case under this title or that was discharged under the Bankruptcy Act.".

SEC. 210. Section 547(c) of title 11, United States Code, is amended—

(1) in paragraph (5) by striking out "or" at the end thereof,

(2) in paragraph (6) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(7) if, in a case filed by an individual debtor whose debts are primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $600.".

SEC. 211. (a) Section 704 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), and (9), respectively, and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) ensure that the debtor shall perform his intention as specified in section 521(2)(B) of this title;".

(b)(1) Section 1106(a)(1) of title 11, United States Code, is amended by striking out "704(4), 704(6), 704(7), and 704(8)" and inserting in lieu thereof "704(5), 704(7), 704(8), and 704(9)".

(2) Section 1304(c) of title 11, United States Code, is amended by striking out "section 704(7)" and inserting in lieu thereof "section 704(8)".

(3) Section 15103(f) of title 11, United States Code, is amended by striking out "704(8)," and inserting in lieu thereof "704(9),".

(4) Section 151301(b)(1) of title 11, United States Code, is amended by striking out "and 704(8)" and inserting in lieu thereof ", 704(7), and 704(9)".

SEC. 212. Section 707 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The court may" and

(2) by adding at the end thereof the following new subsection:

"(b) After notice and a hearing, the court, on its own motion and not at the request or suggestion of any party in interest, may dismiss a case filed by an individual debtor under this chapter whose debts are primarily consumer debts if it finds that the granting of relief would be a substantial abuse of the provisions of this chapter. There shall be a presumption in favor of granting the relief requested by the debtor.".

SEC. 213. Section 1301 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Twenty days after the filing of a request under subsection (c)(2) of this section for relief from the stay provided by subsection (a) of this section, such stay is terminated with respect to the party in interest making such request, unless the debtor or any individual that is liable on such debt with the debtor files and serves upon such party in interest a written objection to the taking of the proposed action.".

SEC. 214. Section 1302(b) of title 11, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) perform the duties specified in sections 704(2), 704(3), 704(4), 704(5), 704(6), 704(7), and 704(9) of this title;";

(2) in paragraph (2) by striking out "and" at the end thereof,

(3) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

(4) by adding at the end thereof the following new paragraph:

"(4) ensure that the debtor commences making timely payments under section 1326 of this title.".

SEC. 215. Section 1307(c) of title 11, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) failure to commence making timely payments under section 1326 of this title;".

SEC. 216. Section 1322(b)(1) of title 11, United States Code, is amended to read as follows:

"(1) designate a class or classes of unsecured claims, as provided in section 1122 of this title, but may not discriminate unfairly against any class so designated; however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims;".

SEC. 217. Section 1325 of title 11, United States Code, is amended—

(1) in subsection (a) by striking out "The" and inserting in lieu thereof "Except as provided in subsection (b), the",

(2) by redesignating subsection (b) as subsection (c), and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

"(B) the plan provides that all of the debtor's projected disposable income to be received in the three-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.

"(2) For purposes of this subsection, 'disposable income' means income which is received by the debtor and which is not reasonably necessary to be expended—

"(A) for the maintenance or support of the debtor or a dependent of the debtor; or

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.".

SEC. 218. (a) Section 1326 of title 11, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and

(2) by inserting before such subsections the following new subsection:

"(a)(1) Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed.

"(2) A payment made under this subsection shall be retained by the trustee until confirmation or denial of confirmation of a plan. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan. If a plan is not confirmed, the trustee shall return any such payments to the debtor, after deducting any unpaid claim allowed under section 503(b) of this title.".

(b) Section 15103(f) of title 11, United States Code, is amended by striking out "1326(a)," and inserting in lieu thereof "1326(b),".

SEC. 219. Section 1329(a) of title 11, United States Code, is amended by striking out "At" and all that follows through "modified to—", and inserting in lieu thereof the following: "At any time after confirmation but before the completion of payments under a plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to—".

SEC. 220. The Supreme Court shall prescribe general rules implementing the practice and procedure to be followed under section 707(b) of title 11, United States Code. Section 2075 of title 28, United States Code, shall apply with respect to the general rules prescribed under this section.

SEC. 221. Rule 2002 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

"(n) In a voluntary case commenced under the Code by an individual debtor whose debts are primarily consumer debts, the clerk, or some other person as the court may direct, shall give the trustee and all creditors notice by mail of the order for relief not more than 20 days after the entry of such order.".

SEC. 222. Official Bankruptcy Form No. 1, referred to in Rule 1002 of the Bankruptcy Rules, is amended—

(1) by inserting after paragraph (5) the following:

"(6) *If petitioner is an individual whose debts are primarily consumer debts.* Petitioner is aware that [he or she] may proceed under chapter 7 or 13 of title 11, United States Code, understands the relief available under each such chapter, and chooses to proceed under chapter 7 of such title.

"(7) *If petitioner is an individual whose debts are primarily consumer debts and such petitioner is represented by an attorney.* A declaration or an affidavit in the form of Exhibit 'B' is attached to and made a part of this petition.", and

(2) by inserting after Exhibit "A" at the end thereof the following new exhibit:

"EXHIBIT 'B'

"If petitioner is an individual whose debts are primarily consumer debts, this Exhibit 'B' shall be completed and attached to the petition pursuant to paragraph (7) thereof.

"[CAPTION AS IN FORM NO. 1]

"FOR COURT USE ONLY

"Date Petition Filed

"Case Number

"Bankruptcy Judge

"I, , the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

"Executed on

"Signature

Attorney for Petitioner".

SEC. 223. Section 408(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687(c)), as amended by the Act of November 28, 1983 (Public Law 98-166; 97 Stat. 1071), is amended by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1986".

SEC. 224. Section 1103(b) of title 11, United States Code, is amended by striking out "A person" and inserting in lieu thereof "An attorney or accountant".

Subtitle B—Amendments Relating to Grain Storage Facility Bankruptcy

SEC. 250. Section 507(a) of title 11, United States Code, is amended by adding at the end thereof the following new paragraph:

"(7) Seventh, allowed unsecured claims of individuals engaged in the production or raising of grain, as defined in section 557(b)(1) of this title, against a debtor who owns or operates a grain storage facility, as defined in section 557(b)(2) of this title, for grain or the proceeds of grain, to the extent of $2,000 for each such individual.".

SEC. 251. Section 546 of title 11, United States Code, is amended—

(1) in the first sentence of subsection (c) by striking out "The" and inserting in lieu thereof "Except as provided in subsection (d) of this section, the",

(2) by redesignating subsection (d) as subsection (e), and

(3) by inserting after subsection (c) the following new subsection:

"(d) In the case of a seller who is a producer of grain sold to a grain storage facility, owned or operated by the debtor, in the ordinary course of such producer's business (as such terms are defined in section 557 of this title), the rights and powers of the trustee under sections 544(a), 545, 547, and 549 of this title are subject to any statutory or common-law right of such producer to reclaim such grain if the debtor has received such grain while insolvent, but—

"(1) such producer may not reclaim any grain unless such producer demands, in writing, reclamation of such grain before 10 days after receipt thereof by the debtor; and

"(2) the court may deny reclamation to such a producer with a right of reclamation that has made such a demand only if the court secures such claim by a lien.".

SEC. 252. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 557. Expedited determination of interests in and disposition of grain

"(a) This section applies only in a case concerning a debtor that owns or operates a grain storage facility and only with respect to grain and the proceeds of grain. This section does not affect the application of any other section of this title to property other than grain and the proceeds of grain.

"(b) In this section—

"(1) 'grain' means wheat, corn, flaxseed, grain sorghum, barley, oats, rye, soybeans, dry edible beans, or rice;

"(2) 'grain storage facility' means site or physical structure regularly used to store grain for producers, or to store grain acquired from producers for resale; and

"(3) 'producers' means persons engaged in the production or raising of grain.

"(c)(1) Notwithstanding sections 362, 363, 365, and 554 of this title, on the court's own motion the court may, and on the request of the trustee or an entity that claims an interest in grain or the proceeds of grain the court shall, expedite the procedures for the determination of interests in and the disposition of grain and the proceeds of grain, by shortening to the greatest extent feasible such time periods as are otherwise applicable for such procedures and by establishing, by order, a timetable having a duration of not to exceed 120 days for the completion of the applicable procedure specified in subsection (d) of this section. Such time periods and such timetable may be modified by the court, for cause, in accordance with subsection (f) of this section.

"(2) The court shall determine the extent to which such time periods shall be shortened, based upon—

"(A) any need of an entity claiming an interest in such grain or the proceeds of grain for a prompt determination of such interest;

"(B) any need of such entity for a prompt disposition of such grain;

"(C) the market for such grain;

"(D) the conditions under which such grain is stored;

"(E) the costs of continued storage or disposition of such grain;

"(F) the orderly administration of the estate;

"(G) the appropriate opportunity for an entity to assert an interest in such grain; and

"(H) such other considerations as are relevant to the need to expedite such procedures in the case.

"(d) The procedures that may be expedited under subsection (c) of this section include—

"(1) the filing of and response to—

"(A) a claim of ownership;

"(B) a proof of claim;

"(C) a request for abandonment;

"(D) a request for relief from the stay of action against property under section 362(a) of this title;

"(E) a request for determination of secured status;

"(F) a request for determination of whether such grain or the proceeds of grain—

"(i) is property of the estate;

"(ii) must be turned over to the estate; or

"(iii) may be used, sold, or leased; and

"(G) any other request for determination of an interest in such grain or the proceeds of grain;

"(2) the disposition of such grain or the proceeds of grain, before or after determination of interests in such grain or the proceeds of grain, by way of—

"(A) sale of such grain;

"(B) abandonment;

"(C) distribution; or

"(D) such other method as is equitable in the case;

"(3) subject to sections 701, 702, 703, 1104, and 1302 of this title, the appointment of a trustee or examiner and the retention and compensation of any professional person required to assist with respect to matters relevant to the determination of interests in or disposition of such grain or the proceeds of grain; and

"(4) the determination of any dispute concerning a matter specified in paragraph (1), (2), or (3) of this subsection.

"(e)(1) Any governmental unit that has regulatory jurisdiction over the operation or liquidation of the debtor or the debtor's business shall be given notice of any request made or order entered under subsection (c) of this section.

"(2) Any such governmental unit may raise, and may appear and be heard on, any issue relating to grain or the proceeds of grain in a case in which a request is made, or an order is entered, under subsection (c) of this section.

"(3) The trustee shall consult with such governmental unit before taking any action relating to the disposition of grain in the possession, custody, or control of the debtor or the estate.

"(f) The court may extend the period for final disposition of grain or the proceeds of grain under this section beyond 120 days if the court finds that—

"(1) the interests of justice so require in light of the complexity of the case; and

"(2) the interests of those claimants entitled to distribution of grain or the proceeds of grain will not be materially injured by such additional delay.

"(g) Unless an order establishing an expedited procedure under subsection (c) of this section, or determining any interest in or approving any disposition of grain or the proceeds of grain, is stayed pending appeal—

"(1) the reversal or modification of such order on appeal does not affect the validity of any procedure, determination, or disposition that occurs before such reversal or modification, whether or not any entity knew of the pendency of the appeal; and

"(2) neither the court nor the trustee may delay, due to the appeal of such order, any proceeding in the case in which such order is issued.

"(h)(1) The trustee may recover from grain and the proceeds of grain the reasonable and necessary costs and expenses allowable under section 503(b) of this title attributable to preserving or disposing of grain or the proceeds of grain, but may not recover from such grain or the proceeds of grain any other costs or expenses.

"(2) Notwithstanding section 326(a) of this title, the dollar amounts of money specified in such section include the value, as of the date of disposition, of any grain that the trustee distributes in kind.".

(b) The table of sections of chapter 5 of title 11, United States Code, is amended by

adding at the end thereof the following new item:

"557. Expedited determination of interests in and disposition of grain.".

SEC. 253. Section 901(a) of title 11, United States Code, is amended by inserting "557," after "553,".

SEC. 254. Rule 3001 of the Bankruptcy Rules is amended by adding at the end thereof the following new subdivision:

"(g) To the extent not inconsistent with the United States Warehouse Act or applicable State law, a warehouse receipt, scale ticket, or similar document of the type routinely issued as evidence of title by a grain storage facility, as defined in section 557 of title 11, shall constitute prima facie evidence of the validity and amount of a claim of ownership of a quantity of grain.".

Subtitle C—Amendments Relating to Rejection of Collective Bargaining Agreements in Bankruptcy

SEC. 275. Section 365(a) of title 11, United States Code, is amended by striking out "and 766" and inserting in lieu thereof ", 766, and 1113".

SEC. 276. Section 503(b)(1)(A) of title 11, United States Code, is amended by inserting before the semicolon at the end thereof the following: ", except that such wages or salaries covered by a collective bargaining agreement to which section 1113 of this title applies shall only be measured at the rate prescribed for such services in such agreement".

SEC. 277. (a) Title 11 of the United States Code is amended by inserting after section 1112 the following new section:

"§ 1113. Rejection of collective bargaining agreements

"(a) For purposes of this section 'collective bargaining agreement' means a collective bargaining agreement which is covered by title II of the Railway Labor Act or the National Labor Relations Act.

"(b) The trustee may reject or assume a collective bargaining agreement under this title only if and after the court approves the rejection or assumption of such agreement.

"(c) The court, only on the motion of the trustee, may approve the rejection of a collective bargaining agreement under this title only after notice to all parties in interest and a hearing.

"(d)(1) The trustee shall—

"(A) meet and confer in good faith with the authorized representative of the employees who are subject to a collective bargaining agreement; and

"(B) provide such authorized representative with the relevant financial and other information.

"(2) The trustee may file a motion for the rejection of a collective bargaining agreement under this title if—

"(A) the trustee has proposed modifications in such agreement to such authorized representative deemed necessary by the trustee for successful financial reorganization of the debtor and preservation of the jobs covered by such agreement;

"(B) the trustee has considered but rejected as inadequate for successful financial reorganization of the debtor and preservation of the jobs covered by such agreement alternative proposals for modifying such agreement made by such authorized representatives; and

"(C) a prompt hearing on rejection is necessary to successful financial reorganization of the debtor.

"(e) The court, upon motion of the trustee to reject a collective bargaining agreement, shall hold an expedited hearing to determine whether such agreement may be rejected under this title, not less than 7 days and not more than 14 days after the filing of such motion, or within such additional time as the court, for cause, within such 14-day period fixes. Such hearing shall be completed no later than 14 days after the commencement of such hearing, or within such additional time as the court, for cause, within such 14-day period fixes.

"(f) The financial information relevant to determining whether a collective bargaining agreement may be rejected under this title shall be made available, under such conditions and within such time as the court may specify, to the authorized representative of the employees who are subject to such agreement.

"(g) The court may not approve the rejection of a collective bargaining agreement under this title unless—

"(1) the trustee has complied with subsection (d) of this section; and

"(2) absent rejection of such agreement, the jobs covered by such agreement will be lost and any financial reorganization of the debtor will fail.

"(h) No provision of this title shall be construed to permit the trustee unilaterally to terminate or alter any of the wages, hours, terms and conditions established by a collective bargaining agreement.".

(b) The table of sections of chapter 11 of title 11, United States Code, is amended by inserting after the item relating to section 1112 the following new item:

"1113. Rejection of collective bargaining agreements.".

Subtitle D—Effective Date of Title

SEC. 299. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) The amendments made by this title shall not apply with respect to cases under title 11 of the United States Code commenced before the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: Strike out title I of the bill and insert in lieu thereof the following new title:

TITLE I—BANKRUPTCY JURISDICTION AND PROCEDURE

SEC. 101. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Nothing in this section prevents a district court in the interest of justice or in the interest of comity with State courts and respect for State law, from abstaining from hearing a particular proceeding arising in or related to a case under title 11. Upon the timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commended, and can be timely adjudicated, in a State forum of appropriate jurisdiction. Any decision to abstain made under this subsection is not reviewable by appeal or otherwise. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, as such section applies to an action affecting the property of the estate in bankruptcy.

"(d) The district court in which a case under title 11 is commenced or is pending shall have jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of such case, and of all of the property of the estate.".

(b) The heading for section 1334 of title 28, United States Code, is amended to read as follows:

"§ 1334. Bankruptcy cases and proceedings".

(c) The table of sections of chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings".

SEC. 102. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business in the United States, or principal assests in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such pro-

ceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against representative of the estate in such case in the district court for the district where the State or Federal court sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the district court in which such case is pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.".

(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.
"1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11.
"1410. Venue of cases ancillary to foreign proceedings.".

SEC. 103. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1452. Removal of claims related to bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision not so remanding, is not reviewable by appeal or otherwise.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1452. Removal of claims related to bankruptcy cases.".

SEC. 104. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY JUDGES

"Sec.
"151. Designation of bankruptcy courts.
"152. Appointment of bankruptcy judges.
"153. Salaries; character of service.
"154. Division of business; chief judge.
"155. Temporary transfer of bankruptcy judges.
"156. Staff; expenses.
"157. Procedures.
"158. Appeals.

"§ 151. Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or special session of the court, except as otherwise provided by law or by rule or order of the district court.

"§ 152. Appointment of bankruptcy judges

"(a)(1) The United States court of appeals for a circuit shall appoint bankruptcy judges for the judicial districts established in chapter 5 of this title which are located within such circuit. Each bankruptcy judge shall be appointed for a term of fourteen years. Bankruptcy judges shall serve as judicial officers of the United States district courts established under Article III of the Constitution.

"(2) Whenever a majority of the judges of any court of appeals cannot agree upon the appointment of a bankruptcy judge, the chief judge shall make such appointment.

"(3) The judges of the district courts for the territories shall serve as the bankruptcy judges for such courts. The United States court of appeals for the circuit within which such a territorial district court is located may appoint bankruptcy judges under this chapter for such district if authorized to do so by the Judicial Conference of the United States under this section.

"(b) The Judicial Conference of the United States shall determine from time to time the number of official duty stations of bankruptcy judges and places of holding court, after considering the recommendations submitted by the Director of the Administrative Office of the United States Courts after consultation with the judicial council of the circuit involved.

"(c) Each bankruptcy judge may hold court at such places within the judicial district, other than the official duty station of such judge, as the business of the court may require.

"(d) With the approval of the Conference and of each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

"(e) A bankruptcy judge may be removed during the term for which such bankruptcy judge is appointed, only for incompetence, misconduct, neglect of duty, or physical or mental disability and only by the judicial council of the circuit in which the judge's official duty station is located. Removal may not occur unless a majority of all the judges of such council concur in the order of removal. Before any order of removal may be entered, a full specification of charges shall be furnished to such bankruptcy judge who shall be accorded an opportunity to be heard on such charges.

"§ 153. Salaries; character of service

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title, to be paid at such times as the Judicial Conference of the United States may determine.

"(b) A bankruptcy judge may not engage in the practice of law and may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Conference may promulgate appropriate rules and regulations to implement this subsection.

"(c) Each individual appointed under this chapter shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of the office of bankruptcy judge.

"§ 154. Division of businesses; chief judge

"(a) Each bankruptcy unit having more than one bankruptcy judge by majority vote promulgate rules for the division of business among the bankruptcy judges to the extent that the division of business is not otherwise provided by the rules of the district court.

"(b) In each district court having more than one bankruptcy judge, the district court shall designate one judge to serve as chief judge. Whenever a majority of the judges of such district court cannot agree upon the designation as chief judge, the chief judge of such district court shall make such designation. The chief judge of the bankruptcy unit shall ensure that the rules of the bankruptcy unit and of the district court are observed and shall ensure that business of the bankruptcy unit is handled effectively and expeditiously.

"§ 155. Temporary transfer of bankruptcy judges

"(a) A bankruptcy judge may be transferred to serve temporarily as a bankruptcy judge in any judicial district other than the judicial district for which such bankruptcy judge was appointed, upon the approval of the judicial council of each of the circuits involved.

"(b) A bankruptcy judge who has retired may, upon consent, be recalled to serve as a bankruptcy judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference of the United States, subject to the restrictions on the payment of an annuity in subchapter III of chapter 83 of title 5.

"§ 156. Staff; expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director of the Administrative Office of the United States Courts determines to be necessary.

"(b) Upon a determination by the judicial council of the circuit involved that the number of cases and proceedings pending within the jurisdiction under section 1334 of

this title within a judicial district so warrants, such judicial council may authorize, with the approval of the Director of the Administrative Officer of the United States Courts, the bankruptcy judges for such district to appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.

"§ 157. Procedures

"(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

"(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

"(2) Core proceedings include, but are not limited to:

"(A) matters concerning the administration of the estate;

"(B) allowance or disallowance of claims agains the estate or exemptions from property of the estate;

"(C) counterclaims by the estate against persons filing claims against the estate;

"(D) orders in respect to obtaining credit;

"(E) orders to turn over property of the estate;

"(F) proceedings to determine or set aside preferences;

"(G) motions to lift or modify the automatic stay;

"(H) proceedings to set aside fraudulent conveyances;

"(I) determinations as to the dischargeability of particular debts;

"(J) objections to discharges;

"(K) determinations of the validity, extent, or priority of liens;

"(L) confirmations of plans;

"(M) orders approving the sale of property not resulting from claims brought by the estate against persons who have not filed claims against the estate; and

"(N) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship.

"(3) The bankruptcy judge may determine, on the judge's own motion or on timely motion of a party, whether a proceeding is a core proceeding under this subsection or is a proceeding that is otherwise related to a case under title 11. A determination that a proceeding is not a core proceeding shall not be made solely on the basis that its resolution may be affected by state law.

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

"(d) The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

"§ 158. Appeals

"(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. And appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving.

"(b) An appeal to a district court under subsection (a) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts.

"(c) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees of the district courts entered under this section.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5, the following new item:

"6. Bankruptcy Judges.".

SEC. 105. The salary of a bankruptcy judge in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made under section 153(a) of title 28, United States Code, as added by this Act.

SEC. 106. (a) Notwithstanding section 152 of title 28, United States Code, as added by this Act, the term of office of a bankruptcy judge who is serving on the date of the enactment of this Act shall expire eight years after the date such bankruptcy judge was last appointed to such office or was continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), whichever event occurred later.

(b) Notwithstanding section 153(a) of title 28, United States Code, as added by this Act, and notwithstanding subsection (a) of this section, a bankruptcy judge serving on a part-time basis on the date of enactment of this Act may continue to serve on such basis for a period not to exceed two years from the date of enactment of this Act.

(c) Notwithstanding section 152 of title 28, United States Code, as added by this Act, a bankruptcy judge whose term of office is extended by this section shall be deemed, during such term of office, to be appointed under such section 152 as a judicial officer of the district court involved.

SEC. 107. Section 372(c)(6)(vii) of title 28, United States Code, is amended by striking out "section 153" and inserting in lieu thereof "section 152".

SEC. 108. (a) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankrupcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361). as adjusted by section 461 of this title".

(b) The maximum rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 109. Section 957 of title 28, United States Code, is amended by striking out "district".

SEC. 110. Section 1360 of title 28, United States Code, is amended—

(1) by striking out "or Territories";

(2) by striking out "or Territory" each place it appears; and

(3) by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 111. Section 1930 of title 28, United States Code, is amended by striking out "clerk of the bankruptcy court" each place it appears and inserting in lieu thereof "clerk of the court".

SEC. 112. Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out "and (o)" and inserting in lieu thereof "and (n)".

SEC. 113. Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out "shall take effect on April 1, 1984" and inserting in lieu thereof "shall not take effect".

SEC. 114. Sections 404, 405(a), 405(b), 405(c), 406, 407, and 409 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 115. (a) On the date of the enactment of this Act there shall be transferred to the appropriate district court of the United States—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), other than cases, and matters and proceedings in cases under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which a general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687).

(b) On the date of the enactment of this Act, there shall be transferred to the appropriate district court of the United States appeals from final judgments, orders, and decrees of the bankruptcy courts pending immediately before such date in the bankruptcy appellate panels appointed under section 405(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2685).

SEC. 116. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) by striking out "or under section 404(d) of the Act adding this paragraph".

(2) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) who is serving as a United States bankruptcy judge on the date of the enactment of the Bankruptcy Court Amendments of 1984.".

(3) in subparagraph (B)—

(A) by striking out "transition period" and inserting in lieu thereof "period beginning on October 1, 1979, and ending on the date of enactment of the Bankruptcy Court Amendments of 1984.".

(B) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new subparagraph:

"(C) who is appointed as a bankruptcy judge under section 152 of title 28.".

(b)(1) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "and a bankruptcy judge" before the period.

(2) The matter relating to bankruptcy judges in the table set out in section 8334(c) of title 5, United States Code, is amended—

(A) by striking out the following item:

"7..... After January 1, 1970.".

and

(B) by inserting in lieu of item stricken by subparagraph (A) the following new items:

"7..... January 1, 1970, to December 31, 1983.

"8..... After December 31, 1983.".

(c) Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) A bankruptcy judge who is separated from service, except by removal, after becoming sixty-two years of age and completing ten years of service as a bankruptcy judge is entitled to an annuity.".

(d) Section 8339(n) of title 5, United States Code, is amended by striking out and before April 1, 1984.".

SEC. 117. The adjustments in the retirement provisions made by this Act shall not be construed to be a "new government retirement system" for purposes of the Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (Public Law 98-168).

SEC. 118. Section 105 of title 11, United States Code, is amended—

(1) by deleting the word "bankruptcy" wherever it appears therein: an

(2) by adding at the end thereof the following new subsection:

"(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.".

SEC. 119. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 120. (a)(1) Whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court of the United States, such court of appeals shall appoint to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the courts of appeals should consider for appointment under section 152 of title 28, United States Code, to the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment.

(b) The judicial council of the circuit involved shall assist the court of appeals by evaluating potential nominees and by recommending to such court for consideration for appointment to each vacancy on the bankruptcy court persons who are qualified to be bankruptcy judges under regulations prescribed by the Judicial Conference of the United States. In the case of the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, such potential nominees shall include the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment and the judicial council determines that such judge is qualified under subsection (c) of this section to continue to serve.

(c) Before transmitting to the court of appeals the names of the persons the judicial council for the circuit deems best qualified to fill any existing vacancy, the judicial council shall have determined that—

(1) public notice of such vacancy has been given and an affirmative effort has been made, in the case of each such vacancy, to identify qualified candidates, without discrimination as to race, color, sex, religion, or national origin.

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they may be members.

(3) such persons possess, and have a reputation for, integrity and good character.

(4) such persons are of sound physical and mental health.

(5) such persons possess and have demonstrated commitment to equal justice under law.

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

SEC. 121. (a) This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 465, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. RODINO) will also be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, today the House takes up an issue which perhaps irrevocably will affect the quality of our judicial system for generations to come, for although the matter comes before us designated in shorthand as bankruptcy, the truth is that it is the Federal courts and the integrity of the Federal court system.

The amendment that I offer is very simple. It gives the Federal district courts broad jurisdiction over bankruptcy matters. The existing bankruptcy judges would assist the district courts in these cases, very much like magistrates now help district courts handle criminal and civil cases.

These bankruptcy judges would be able to enter final judgments in about 95 percent of the cases that do not require an involvement by an article 3 judge. In the remaining 5 percent of bankruptcy cases, the bankruptcy judge would enter a proposed judgment and the district court, after reviewing the record but without holding a second hearing, could promptly enter a final judgment.

My distinguished colleague, the gentleman from Ohio (Mr. KINDNESS), sponsored H.R. 3257, a bill I was very happy to cosponsor, and from which this amendment is drawn. Mr. KINDNESS will subsequently describe in detail how the system will work. I would like to set out now the important reasons why this amendment is good for the Federal courts.

The advantage of this approach over that offered by my distinguished chairman are many.

First and foremost, it does not require an enormous increase in the number of life-tenured article 3 judges. Chairman RODINO's bill would add 277 article 3 judges, an increase of 35 percent. Now, much has been said about whether these are existing judges or article 3 judges, and there is not that much difference, but there really is, Mr. Chairman.

These judges, very much like Federal judges, become part of the judicial system in a way that is irrevocable. Once we have created them, we may not extinguish them. They have a lifetime appointment. We can remove them not for lack of capacity, competence, incompetence, but indeed on grounds of impeachment alone. While this bill, as such, may not require all the trappings and the courtrooms and the new courthouses that some believe will come, nonetheless they would be issues in years to come. This would give a President 227 lifetime appointments, the largest number of article 3 judgeships ever given a single President in our history.

Those who might support this idea because of partisan considerations, I should point out these judges would be appointed by the next President, whoever that might be.

Bipartisan support to my amendment is attracted, quite aside from the problem of what President will be making 227 appointments, by the fact that they are made at all. The most fundamental problem with the bill before us to which this amendment is made is that it would radically restructure the Federal court system by granting the powers and privileges of article 3 status to bankruptcy judges.

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Creation of this new judicial structure is both unwise and totally unnecessary. It is certainly not required by the Marathon decision which held that only a narrow class of matters taken up in some bankruptcy cases could not be decided by an article 1 judge. Those who say that Marathon requires article 3 life-tenure judges are just simply wrong.

As I stated earlier, the mechanics of my proposal are already at work and have been upheld by both courts at the district and circuit levels. The Supreme Court has declined to hear these cases, indicating that they see no problem.

My amendment would give jurisdiction, general jurisdiction, in bankruptcy cases to article 3 Federal district judges who would refer these cases to existing bankruptcy judges acting under supervision of the district court. This type of solution is at work in other areas of the judicial system, as expressly approved by the Supreme Court in Marathon. The solution offered by my amendment has been at work in the last 18 months under the emergency bankruptcy rule known as the model rule and has been upheld by five circuit courts of appeal and 24 district courts. It has proven successful. Nothing need be changed. Congressional enactment of the model rule is the purpose of my amendment, and that is all that is necessary.

This amendment would not disrupt the current system of bankruptcy litigation. The bankruptcy courts would retain broad jurisdiction to handle all necessary aspects of a bankruptcy case. The courts would operate under procedures with which they are familiar. The rules would remain the same.

The bill also retains the current bankruptcy judges. In contrast, I believe the committee chairman's bill would involve a very difficult transition period, compared to our amendment, which makes the jurisdictional nexus in the district courts effective immediately upon enactment. But in the bill before us we go through a transition period lasting from January 21, 1985, to July 1, 1986, a period during which these appointments would be achieved. In the meantime, we would have the very judges operating under a system which Marathon says was inadequate, was faulty. Indeed we would have chaos.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The time of the gentleman from Wisconsin (Mr. KASTENMEIER) has expired.

Mr. KASTENMEIER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, I want to address this question because the implications, I think, of my chairman's basic court-structured proposal with respect to bankruptcy has two flaws: No. 1, we have a transition period under which we do not have article 3 judges from now to next January. We could not possibly have them on board. It is not contemplated precisely by the terms of the bill. It has to be assumed that the Court would wink at the fact that these people have no more standing than indeed the judges did in the Marathon case. As a matter of fact, we even have the existing interim period expiring on April 1. This is not true in my amendment.

But second, there is a legislative consideration. The Senate has adopted a different approach, an approach very similar to that offered by the gentleman from Ohio (Mr. KINDNESS) and myself and implicit in this amendment. If we adopt this amendment, which I hope the House will do, at least we will have a form of how to achieve with the Senate a resolution of the question. They are both on the same track. If we do not, if we insist on H.R. 3, the bill that my chairman has proposed, that is on an entirely different track. It bears no relationship to the jurisdiction provided in the Senate bill, and if my chairman is as steadfast as he has been in the past insisting on his version, and as perhaps the chairman of the Senate Judiciary Committee will be in his, we will have an impasse and we will have solved nothing. I say this because I think this is the reality we have to deal with. At least by adopting this amendment, we have a chance to resolve the question.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, Caldwell Butler, the gentleman from Virginia, who is no longer in the House of Representatives, and I were the authors of the 1978 act, and I want to make it very clear to the Members of the House that in the 1978 bill passed in the House of Representatives provided for article 3 judges—exactly what the Rodino bill would do today. So I say to Members voting for the Rodino bill today that the bill overwhelmingly reported by the Committee on the Judiciary is reaffirming House action that was taken in 1978.

That was an important reform that was made of a very convoluted bankruptcy system. The 1978 bill did away with the "bankruptcy ring," it streamlined the system into one court so that all problems relating to bankruptcy would be expeditiously handled by one court. It encouraged greater distributions to creditors. It was a great improvement over the old system.

Mr. Chairman, as my good friend, the gentleman from Wisconsin (Mr. KASTENMEIER) stated, when we went to conference with the Senate, because of the way the Senate felt about it and because of very active lobbying by the Chief Justice of the U.S. Supreme Court, we did have to compromise. We ended up with article 1 judges. We knew there was going to be some trouble down the road, but the rest of the bill was so good that we decided to go along with it.

So along came Marathon, and the system has been declared unconstitutional. Now, once again, like in 1977 and 1978, I find myself in opposition to my good friend and most distinguished colleague, the gentleman from Wisconsin (Mr. KASTENMEIER)—and there is no Member for whom I have more respect in the House of Representatives—and again with the Chief Justice of the U.S. Supreme Court, who again is lobbying very hard against what we are standing for here today.

Once again, H.R. 5174 does not create a new bankruptcy court. The court system is still there; it is right there. There are 241 bankruptcy judges now, and under the bill they will be reduced to 227 article 3 judges. Yes, they are tenured judges, but they are not fungible. They are going to be doing just bankruptcy work, and, in addition to that, under the 1978 act and under the substitute of the gentleman from Wisconsin (Mr. KASTENMEIER), the judges have 14-year terms, and historically life-tenured judges last about 15 years. So we are not talking about judges being there forever.

The amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Ohio (Mr. KINDNESS) totally reverses the great reform of 1978. It does away with this consolidation. We no longer will have one court to which litigants can refer and get all the work done in one court. They are going to have to go bouncing back and forth from district courts to bankruptcy courts. An article 1 court, with splintered jurisdiction, would reverse all the reforms that we made in 1978. It resurrects all the problems of divided jurisdiction and creates totally new doubtful jurisdictional boundaries.

Contrary to the myths raised by some, an article 3 bankruptcy court would not elevate bankruptcy judges to the level of district court judges. As

under present law, bankruptcy judges would not be paid the same as district court judges, would not have the same jurisdiction, could not be assigned to other Federal district courts as district court judges may be, and would not have the same personnel and facilities as district court judges.

□ 1620

There are a variety of article 3 judges in the Federal judiciary now and they receive different pay and have different jurisdiction. The district judges and the appeals court judges would still have the status that they are entitled to and that they are guarding so carefully.

Mr. Chairman, I think that there is an especially undesirable part of the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Ohio (Mr. KINDNESS) and that takes away from Congress the power of Congress to designate the number of judges to be appointed.

The amendment gives to the Judicial Conference of the United States this congressional power. It is an open-ended authorization by Congress to the Judicial Conference to create as many bankruptcy judges as they want.

This is something that the Judicial Conference has wanted for a long time and I really do not think we ought to give this congressional power away as lightly as that.

With all respect to the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Ohio (Mr. KINDNESS), I urge that this amendment be defeated.

Mr. KASTENMEIER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. KINDNESS), and would ask whether the gentleman would yield to me in turn.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding the time and would yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I take this time only to respond to a comment made by my distinguished friend, the gentleman from California.

This House does not have the capability of appointing any article 3 judges. We do not appoint magistrates; indeed, nor does the Senate. The judges that are appointed, the bankruptcy adjuncts under our scheme, will be appointed by the circuit judicial councils of the court of appeals. These bankruptcy judges will be the professionals. They will not be selected on the basis of political appointment. I think that is one of the superior attributes of the proposal. I just wanted to say that.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for clarifying that point, which needed to be clarified; but hey, let us face it, the bill that is before us, H.R. 5174, with respect to what it does with courts is unconstitutional. The court has already ruled it is unconstitutional. We cannot have it operative for a year plus before we go to the system of article 3 judges that is proposed to be employed.

Now, how far can we go into this debate without understanding that what we have before us is clearly unconstitutional?

I just thought maybe everybody was asleep and it is time to wake up and realize that. We cannot do it. The court has already said that.

Well, anyway, let us consider what would happen under the amendment to H.R. 5174 offered by the gentleman from Wisconsin (Mr. KASTENMEIER). In my experience, when the family car has been running reliably but needs a few minor repairs, you go ahead and make the repairs. You do not go out and buy the most expensive import you can find. Buying a Rolls Royce is seldom a very realistic alternative to a tuneup.

The Kastenmeier-Kindness amendment is essentially a legislative enactment of the emergency bankruptcy rule, the model rule that has been in effect, under which the bankruptcy courts have been operating. It has been ruled constitutional by five circuits now, every place where the question has been raised.

The Supreme Court has passed up the opportunity to review those cases. The Supreme Court apparently does not think there is a conflict on it.

So what is wrong? Nothing is wrong with that. The red herring is being trailed across this debate today about the unconstitutionality of the approach of the amendment of the gentleman from Wisconsin (Mr. KASTENMEIER). It does not make any sense. It comes from those who are saying, "Let's continue for a year plus with an unconstitutional bankruptcy court system."

The bankruptcy court that our amendment would establish is simple. It is workable. It is constitutional. It is a proven vehicle. It is not that new Rolls Royce, but it is a proven vehicle with new spark plugs and points and with the timing perfectly adjusted.

First, let me tell you how simple our amendment is. Our amendment will cause no disruption of the court system. All bankruptcy cases will remain as now within the jurisdiction of the district courts. The bankruptcy judges will, as now, help the district judges decide those bankruptcy cases. The existing bankruptcy judges can be retained. The bankruptcy judges will not have to be guaranteed life tenure because they will, as now, function under the control of the district court. Future appointments will be made, as now, by the judiciary.

The only changes contemplated by our amendment are to add the endorsement of the Congress to the emergency rule, the model rule under which the court has been operating, extend the normal bankruptcy judge term from 8 years to 14 years and provide for appointment by the court of appeals, rather than by the district courts.

Bankruptcy judges will be able to decide the great majority of bankruptcy cases with no more district court involvement than Chairman RODINO's article 3 judge bill requires.

The district court may refer all bankruptcy matters to bankruptcy judges. Bankruptcy judges will be able to enter a final judgment in much the same way as an article 3 judge would in all proceedings integral to the core bankruptcy functioning of restructuring the obligations of the debtor and his creditors.

A survey performed in the ninth circuit found that 95 percent of bankruptcy matters are core proceedings. In the remaining 5 percent of the cases, the bankruptcy judge will act much like a magistrate.

The bankruptcy judge will conduct the trial, make a recommendation to the district court; the district court must review the transcript before entering judgment; but as under the Magistrates Act, the district judge need not conduct a second trial, and where the parties consent, the bankruptcy judge may enter a judgment as in a core bankruptcy proceeding.

As now, all judgments entered by a bankruptcy judge will be subject to appellate review by the district court, and as now, final judgments entered by the district court will be subject to review by the court of appeals.

In short, our amendment will work very efficiently, very much as the system is operating now.

The bankruptcy judge can decide 95 percent of the cases and the remaining 5 percent will require only limited involvement by the district court.

Our amendment is also very workable. You have been told that it will resurrect or bring up again all of the flaws of the old Bankruptcy Act. This is simply not so.

It is important to keep in mind what the Marathon case did and what it did not decide, because it has been bandied about so much here today. Marathon was concerned with a very limited kind of proceeding. It was not concerned with all bankruptcy proceedings. It was not concerned even with all bankruptcy proceedings involving questions of State law in some way. It was concerned only with State law issues that did not arise in the core bankruptcy function of adjusting debtor-creditor rights.

I will call this type of case a Marathon-type suit. Marathon did not decide that Marathon-type suits or other bankruptcy matters could never

be handled by a nonarticle 3 judge. Marathon did decide that Marathon-type suits could not be decided by an article 1 court or by adjuncts that were not subject to control by the district courts.

Marathon did not decide, however, that such proceedings could not be handled by adjuncts if those adjuncts were subject to control by the district court, as would be the case under the amendment that is now before this committee.

Marathon also did not decide that adjuncts could not exercise broader powers in core bankruptcy proceedings. To the contrary, Marathon expressly approved of prior Supreme Court cases that upheld the use of adjuncts to the courts.

The Marathon case stated that the powers a bankruptcy judge could exercise in Marathon-type suits are covered by the Raddatz case, where the Supreme Court upheld the provisions of the Magistrates Act that permits the magistrate to conduct hearings and make recommendations in disputes concerning constitutional rights. Our amendment follows the requirements of that case precisely.

In Marathon-type suits, the bankruptcy judge will exercise the same powers as the magistrate.

Because the treatment of such proceedings conforms exactly to the Raddatz case, there can be no doubt as to its constitutionality.

□ 1630

I would point out that it is contended by Chairman RODINO, for example, that our amendment does not treat State law questions properly, contends that 80 percent of all bankruptcy proceedings must be heard by an article 3 judge because they involve so many questions of State law. That argument wholly misrepresents the Marathon decision.

Marathon did not state that all questions of State law must be decided by an article 3 judge. Do not let that point be impressed upon you because it is wrong.

I think the core bankruptcy proceedings are the matters for you to keep in mind. If you, as has happened on the floor earlier today, if you pin the people down who are against our amendment to what it is they are talking about, they talk in vague generalities and they do not distinguish between core bankruptcy proceedings and noncore proceedings.

The Marathon decision dealt only with noncore bankruptcy proceedings that arise under State law, outside of the bankruptcy estate, outside of but related to the bankruptcy estate.

But to summarize, our amendment is an effective, well-thought-out alternative to H.R. 5174 or title I thereof. Simply it will keep the bankruptcy courts functioning exactly as they are now. It is constitutional while providing the needed legislative authorization for them to continue functioning. It is efficient. All bankruptcy matters will be handled by a single forum. Ninety-five percent of the bankruptcy matters will be handled by the bankruptcy judges alone; while the alternative, the bill that is before us, is clearly unconstitutional. It has been ruled to be so and it would be in that condition for at least a year.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

Mr. RODINO. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, earlier in this debate I expressed my strong support for title I of H.R. 5174. It is the one resolution of the crisis in bankruptcy adjudication which is constitutionally sound. The time has now come to discuss the constitutional risks we would be taking with the article 1 alternative offered as an amendment.

In the words of Mr. KASTENMEIER, that alternative is based on a belief that the fundamental problem posed by the Marathon decision is determining which cases are required to be heard by a life-tenured judge. This presumption has led to the erection of a remarkale jurisdictional edifice, first by the creators of the interim rule and then by the authors of the article 1 alternatives introduced in the House and Senate. Bankruptcy jurisdiction vested in article 3 district courts is passed through to an adjunct system of bankruptcy courts.

The article 1 approach provides a system of wholesale referrals of bankruptcy cases from the district courts to the bankruptcy courts. These may include related cases involving State law and the adjudication of private rights. But Mr. Chairman, Marathon held such cases must be decided by an article 3 court. This is the first major constitutional flaw with the article 1 approach.

But the bankruptcy judges lack the attributes required by the Constitution for those exercising the judicial power of the United States, tenure of office during good behavior, and protection against reduction in salary. Cases pending in the bankruptcy court may be recalled by the District court on its own motion or by motion of a party. The parties may, however, consent to a bankruptcy judge handling any type of proceeding. Orders, judgments, and decrees of the bankruptcy court would be final and binding unless appealed to the district court for review. This costly and time consuming procedure is what we have today under the interim rule. The difficulty with the interim rule, and with the House and Senate bills which would codify it, is that they all assume that article 1 bankruptcy judges can enter final judgments affecting State law and private rights. It also assumes implied consent of the parties, by failing to object to jurisdiction, can support the entry of a bankruptcy court judgment even in a Marathon type matter involving the application of State law. This assumption is simply not constitutionally sound. Consent of the parties I would suggest cannot give jurisdiction where it does not exist. That rickety structures in which article 1 decisions are allowed to masquerade as article 3 adjudication are bound to come crashing down. Soon thereafter we will again be gathered together here on the House floor to resolve a constitutional crisis in bankruptcy adjudication arising from a case properly entitled Marathon II.

Even if it were possible to draw a line in such a way as to prevent article 1 bankruptcy judges from considering matters beyond their jurisdiction, reserving those for article 3 judges, such an effort is based upon a misunderstanding of the Marathon decision. The Court held that the unified bankruptcy court jurisdiction cannot be severed or sliced up piecemeal. When the power to decide matters arising under State law was held unconstitutional, the entire grant of jurisdiction fell. The answer is not to bifurcate or trifurcate bankruptcy cases and hope for the best. The answer is to constitutionalize the forum and keep the jurisdiction unified.

Let me briefly make several other points.

It is a simple fact that the expertise of our bankruptcy judges must be applied to article 3 concerns during the preponderance of their working hours. The statistics suggest that only a small percentage of bankruptcy cases contain State or Federal ancillary issues. But those issues—not only in chapter 11 business reorganizations but also in chapter 7 and chapter 13 consumer bankruptcy cases—consume the bulk of the time of every active bankruptcy judge. I invite Members to spend a day in bankruptcy court to see for themselves.

The authors of the amendment argue that the phase-in period for the appointment of article 3 judges only serves to perpetuate uncertainty. My response is that once Congress enacts an article 3 court system, the uncertainty will end overnight. The Supreme Court in Marathon, as well as other cases, has recognized that a delay to allow the establishment of a permanent constitutional system is permissible. The Court has twice stayed its order ruling the system unconsitutional in Marathon. It is pragmatic; it is waiting for Congress to act.

It is suggested that the cost of establishing an entire new court system of article 3 life-tenured judges is substan-

tial. This is demonstrably false and I urge the skeptical to read the CBO cost estimate in the committee report on H.R. 3.

It is suggested that this bill will lock us into a fixed number of judges which may prove excessive after changes in the economic cycle. I would suggest that the number of sitting bankruptcy judges can be adjusted by Congress as circumstances require, or by making them fungible.

Some argue that we do not need another specialized court. But the specialized bankruptcy court system has been in existence for many years. The need for it will be readily apparent to anyone who has ever ventured to peruse title 11 of the United States Code.

Finally, it is pointed out that six courts of appeal have upheld the interim rule which the article 1 alternative would codify and that the Supreme Court has four times refused to review those rulings. I note first that a number of bankruptcy and district courts have found the rule unconstitutional, and I am not greatly surprised that the appellate courts have been slow to find fault with the rule which they themselves promulgated.

I would be even less surprised if the Supreme Court of the United States has been able to avoid the issue in the absence of a conflict among the circuits while anxiously awaiting congressional resolution.

If we adopt the article 1 alternative as our permanent solution here this afternoon, the Supreme Court will have no choice but to confront the issue head on. And I am morally certain that they will then hold that an article 1 jurisdictional charade does not meet the constitutional requirements for a bankruptcy court system independent of the political process.

Mr. Chairman, my response to these criticisms must not obscure the positive value of an article 3 resolution of the crisis we face as embodied in title I of the legislation before us.

Basically, this legislation does very little more than extend life tenure to the judges of a bankruptcy court system which was massively reformed in 1978 and which has since performed with singular efficiency, economy, and effectiveness. This is not the time for Congress to turn its back on this major achievement.

□ 1640

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the distinguished minority whip, the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. If I might, I would like to emphasize a couple of the points that the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Ohio (Mr. KINDNESS) have already made, but because I think there is still some questions in Members' minds, I would like to ask some specific questions and get your response.

What is different, Mr. KASTENMEIER, between the bankruptcy judges under the 1978 act and what your bill proposes for these bankruptcy judges?

Mr. KASTENMEIER. Well, it is virtually identical to the model rule currently in effect, where jurisdiction is vested in the district courts and the bankruptcy judges act as adjuncts of those district courts.

Our difference is that we have, apart from this transition period which terminates at the end of next week, we do not constitute the bankruptcy judges as article 3 lifetime tenure judges. We do not create a separate judicial bureaucracy, a separate system.

Mr. LOTT. But as one of the most respected lawyers in this body and as a member of the Judiciary Committee, the gentleman is satisfied—I take it—as is the Chief Justice of the United States, that this system under the Kastenmeier-Kindness bill is a constitutional system?

Mr. KASTENMEIER. I am indeed. As I stated before, at least five circuits have upheld the model rule which is the basis for our jurisdiction.

Mr. LOTT. And the gentleman would codify, in effect, the interim system that is now being used and seems to be working pretty well?

Mr. KASTENMEIER. Yes.

Mr. LOTT. I thank the gentleman. I would like to make two or three points to my colleagues.

First of all, it has been alleged here that the lifetime tenure of judges is something like 14 years. I understand that it is 19 years. But I think a more telling statistic is that seven Federal judges still sitting were first appointed by President Franklin Roosevelt. So while some of them may not serve but 7 years or 14 years, some of them are going to serve forever.

And I want to emphasize, again, a crucial point: If you support the Rodino article 3 approach, you are making 227 lifetime-tenured bankruptcy judges, full pensioned Federal judges without the responsibility of Federal judges. I am telling you, it is going to be a good job. I think I may apply. You are going to make as much as a Member of Congress, and as a Federal judge you are going to get a tremendous pension system, and you are going to have, as cases are already down, basically, part-time work.

Now, my colleagues, do you want 227 more Federal judges? I just do not believe that is what this body or the American people want. Frankly, I think it will wind up cluttering the system more, instead of helping resolve the problems that we have in bankruptcy proceedings.

Mr. Chairman, I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. I thank the gentleman.

I note that the gentleman's amendment at section 104(a) creates a new section 157 in the Bankruptcy Code. That new section at paragraph (d) provides that, and I quote:

> The district court may withdraw in whole or in part any case or proceeding referred under this section on its own motion or on timely motion of any party for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of a proceeding requires consideration of both title 11 and other laws of the United States, regulating organizations or activities affecting interstate commerce.

My question is this: The language "activities affecting interstate commerce" is very broad language. What kinds of situations or circumstances does the gentleman intend to cover here? Or will this language become an escape hatch through which most bankruptcy matters will be removed to a district court?

Mr. KASTENMEIER. I thank the gentleman for his question.

This language is to be construed narrowly. It would, for example, mean related causes which may require consideration of both title 11 issues and other Federal laws including cases involving the National Labor Relations Act, civil rights laws, Securities and Exchange Act of 1934, and similar laws.

Now, for example, some question arises: Would this affect existing cases involving asbestosis victims against manufacturers? The answer is no. Those are essentially State issues. They are related to the core bankruptcy and will be determined by the bankruptcy judge; they will not be recalled on that basis.

Mr. KRAMER. I thank the gentleman for his response and his courtesy and the answer to the question.

Mr. KASTENMEIER. Mr. Chairman, I yield 1 minute to my colleague the gentleman from Texas (Mr. SAM B. HALL, Jr.).

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

I have received a letter from a U.S. district judge in Texas stating that by reason of the Marathon case that some bankruptcy cases, about 5 percent of them, can only be decided by a life-tenured article 3 judge. I understand also that the Administrative Office of the U.S. Courts filed a report which substantiates that figure.

Is that a correct statement?

Mr. KASTENMEIER. The gentleman is correct. The Administrative Office of the U.S. Courts, and also the Ninth Circuit, which is the largest circuit in the country, which conducted its own survey have both confirmed

that only 5 percent would require that sort of action or attention.

Mr. SAM B. HALL, JR. I thank the gentleman.

Mr. RODINO. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I have been listening with some interest here to most of the argument, participated briefly here and there in it.

Some of these statistics are very, very misleading; such as the recent 5 percent that has been bandied about here. It is true that many, many, many of the bankruptcy cases, and that is in particular the assetless, or the small asset/wage earner situation, is mostly handled and can be handled in great bulk by an article 1, a magistrate or an administrator.

The problem arises in perhaps 5 percent of the cases to which the gentleman from Texas alludes in which you have major national reorganizations going on, such things as Penn Central, involving a rail transportation system of virtually the whole East; much of the country; or Continental Airlines, Braniff Airlines, major international things; Grant Stores, Sambo's; many, many, many, who knows? We almost had Chrysler Corp. Who knows what may loom on the horizon? Virtually everything that needs to be there, all the major decisions, have to be done by an article 3 judge.

Now, if you say so many of these cases can be handled so simply, namely the great bulk of them being wage earners and small asset people, look at the numbers you are looking at and you will find out that the 5 percent is overwhelming.

□ 1650

Just for an example. There are right now pending in the Federal courts 5,160 copyright patent and trademark cases, 5,160 in the Federal courts. There are 2,197 antitrust cases pending in the Federal courts and there are 9,496 labor cases pending in the Federal courts.

Bear in mind those three categories, patent copyright and trademark, antitrust, labor suits, add up to about 16,000 cases in total.

There are 700,000 bankruptcy court cases pending.

So if you take and consider, assume it is 5 percent, that is 35,000 bankruptcy cases that need a Federal judge. Whereas, there are only 16,000 of those other category cases combined pending.

So, the fact that there are many, many of these cases are small cases, when you look at the number of 700,000 pending and a filing of approximately 362,000 annually, thank heavens only 5 percent of them need an article 3 judge or we would never, with any amount of judges we are talking about here, ever be able to touch the problem.

When we consider the volume here it is like picking the volume of cases that are in West Virginia and saying they have these horrendous case volumes, but a lot of them are black lung cases and so on that can be processed fairly rapidly. And, very fortunately, that is true in bankruptcy.

But when you look at what is left, just take the 35,000 cases that require article 3 judges, and look at the magnitude of them, there are very few Federal district court cases that reach the magnitude of national impact of some of these major reorganization cases.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield for the purpose of correcting his figure.

Mr. SAWYER. I yield to the gentleman from Ohio (Mr. KINDNESS) to give me a figure.

Mr. KINDNESS. I thank the gentleman for yielding.

The 700,000 figure that the gentleman is referring to is not the pending cases, but the cases filed. And 340,000 is the present level. It has passed the crest.

Mr. SAWYER. No, it is 700,000 that is pending and 362,000 is the annual filing.

Mr. Chairman, I think my figures are correct, because I just checked them with the court administration office before I came here.

In any event, on this the problem is that the difference we are talking about is not adding 227 judges, which I have heard about all over here. We already have 227 judges. They are right now sitting bankruptcy judges and the idea under the Kastenmeier amendment is that all of the work that has to be done on the bigger league in handling the things will have to be handled by district judges, U.S. district judges, because they cannot handle them, because they are only article 1.

And yet, the gentleman from Wisconsin says but we do not need any more district judges because of going this route. Well, somebody has got to do this work and I do not know why he had the 76 additional article 3 judges in, but if he does not, we already have a shortage of article 3 judges and if we limit down our bankruptcy judges to where they cannot handle the reorganizations and the bigger questions, somebody has got to pick up that work.

We had a little bill called the pretrial services go through one of our subcommittees and we had the U.S. probation officers come in and say, "Heck, we will handle that. We can handle it with no additional men."

The next thing we know they are in requesting about 400 additional men all over the country because they cannot handle it.

That is going to be the same problem here. Here we can do a very simple thing. We can make the 227 sitting judges, appointed for 14-year terms, with salaries of $65,800, we can have them made article 3 judges and solve the whole problem and go on running as we are.

I say the basic reason you are getting opposition from the Judicial Conference and the Chief Justice, embarrassing as it might be, it is purely a status problem. They do not want any more article 1 judges. They do not want, as they view it, the enlisted men coming and sitting in the wardroom. And that is the simple problem.

The practical problem is to do it the way the chairman's bill proposes and process it that way. All these boogeymen that are being thrown up all over are just simply that.

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. McCOLLUM. Mr. Chairman, we have been discussing for some time now the amendment that I am rising to support, and I am very proud to, the amendment of the gentleman from Wisconsin.

The issue has been largely dealt with on the basis of constitutionality. I do not doubt for a minute the sincerity of the chairman of the committee and those others of my good colleagues from the Judiciary Committee who stood here in this well or up at their podium rostrum and declared their personal conviction that the proposal of the gentleman from Wisconsin would be unconstitutional.

But I have been on the committee, I have studied the issue, I have read the decisions, I have listened to it, and I have personally come to the conclusion that this amendment is perfectly constitutional and that the system of the court that would be structured under it is sound and would be upheld.

It is supported by the Chief Justice of our Supreme Court. It is supported by the American Bar Association. And it should be supported by this Congress.

There is no sense in unnecessarily creating over 220 lifetime Federal judges. It does not make any sense to be as a citizen, as a taxpayer, as a legislator, as an attorney. It makes no sense whatsoever to do that.

We do not have to do that. We can adopt the amendment that the gentleman from Wisconsin (Mr. KASTENMEIER) is proposing today. We can solve the problem of the bankruptcy courts expeditiously without the hassle of having to wait for the intervening time to go in between. And then we can get on with the business that we should have done today, and we cannot because of the rule, and that is to get to those lifetime judges we are going to ultimately have to appoint to the full district court bench, some 57 or so or more, as recommend-

ed by the Judicial Conference, that are long overdue for otherwise overworked district court judges in other areas, that are being overburdened even more by the current overload of the bankruptcy system.

I urge my colleagues very strongly to adopt the Kastenmeier amendment that is before us now and get on with the business of straightening out this bankruptcy mess that has been long overdue.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I rise in opposition to the amendment, reluctantly, offered by the chairman of my subcommittee, but on this I think he is in error.

I think the gentleman from Michigan, who spoke one before me, best summarized this when he said that we have a case where the existing Federal judges with life tenure appear not to want to share that with other judges. I do not quite understand why they feel that way. It is not as if life tenure is a fixed pot and if somebody takes it out it is going to lessen theirs.

I have listened in committee, I have listened in informal conversations with members of the judiciary to the arguments against the committee position. And I have not found very many of merit.

One argument is that the committee bill creates 227 judges, whereas the other presumably does not. Neither one, as I can see it, creates any new judges. The judges are there. They are deciding bankruptcy matters.

The question is, under what circumstances should they be there. Under the Marathon decision in which the Chief Justice was a dissenter, so that his statement on this ought not to be taken as indicative of what the court is going to do, the Marathon decision says if you do not have life tenure judges, as called for in the article 3 of the Constitution, they are not real judges. And they cannot do what real judges do. There will be questions that they cannot decide.

So in a certain number of bankruptcy cases, you will have some part of the case before the bankruptcy—I was going to say bankruptcy judge, but since those opposed to this bill say we are making judges, presumably these bankruptcy people are not judges—so they are the bankruptcy something. We are going to have these bankruptcy somethings and people will go before them for some of their case, but they will not be able to argue the whole case because some of it will have to go before the article 3 judge.

□ 1700

That does not seem sensible. The Supreme Court said no, if you want to have the whole case decided at the district level, at the trial level, you have to have a life-tenured judge.

That is all the committee bill does. It says, OK, we want these cases preserved whole.

Now, what is the harm?

I have heard from some of the judges that they do not like the notion that bankruptcy judges should also be judges. It is almost as if there is something kind of infra dig about the whole bankruptcy question and they do not want to share that status.

Beyond that, I cannot understand what the arguments are. I do not understand what the objection is to saying that one judge will be able to hear the whole case. We have not been told any harm that is going to be done by it. We have been told somehow that it is a mistake to give them life tenure. I do not understand why. I do not think the kind of cases that are being decided in the bankruptcy courts, Federal cases involving labor contracts, involving asbestos, as we now hear, why they should not be given the same full treatment as any other case. And I am pleased to know, on this one at least, that the administration position appears to be the same. This is not an ideological issue. I think it is a kind of commonsense one.

I have here the statement of administration policy, which was submitted to the House Rules Committee. The gentleman from Mississippi, the minority whip, did not mention it, but I do not think it would have jeopardized your chances to get one of those bankruptcy judgeships if you had mentioned the administration position. And the position is that the administration supports the badly needed bankruptcy legislation and will work toward improving H.R. 5174 in conference. The administration would oppose amendments that provide limited tenure for bankruptcy judges. Bankruptcy judges appointed for life provide a more certain constitutional course.

We have here a very sensible statement from the administration and from the committee which simply is saying that since the court has ruled that only article 3 life-tenured judges can decide certain kinds of cases, we do not want to bifurcate bankruptcy cases, we want the bankruptcy courts to exist as regular courts. It creates no new judges. It is simply the most rational way of handling the problem which was created by the Marathon decision.

So I would hope that the amendment would be defeated and we would adopt this system.

Mr. RODINO. Mr. Chairman, I would like to inquire of the Chair how much time I have.

The CHAIRMAN. The gentleman from New Jersey (Mr. RODINO) has 7 minutes remaining, and he has the right under the rule to close.

The gentleman from Wisconsin (Mr. KASTENMEIER) has 5 minutes remaining.

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CROCKETT).

Mr. CROCKETT. Mr. Chairman, as a member of the Judiciary Committee, I feel extremely reluctant to disagree with my honorable chairman, and I think this is perhaps the first time that it has been necessary for me to do so. But as a former judge, I have serious reservations about the provisions in H.R. 5174 concerning the restructuring of the bankruptcy court system.

I question whether the appointment of more than 200 new article 3 judges, with all of the attendant privileges, including lifetime tenure, by the President would result in anything other than a new permanently irreducible court system dominated by conservative white male appointees insensitive to civil rights and labor issues and to the needs of poor and minority citizens.

I am mindful of the past record of the current administration. And while I am aware that these appointments will not be made until after the inauguration of a new President, and while I do not assume that the present occupant of the White House will be there, I still have to be conscious of that eventuality. And when I consider the Reagan record of judicial appointments and the extreme reluctance to appoint women and minorities in any representative numbers to the Federal judiciary, all of which has been well documented, that gives me considerable pause, and therefore I could not in good conscience vote to grant such extended authority to thus dominate the construction of a new bankruptcy court system.

I believe that the judicial need is for more full-fledged article 3 district court judges to help move the backlog of district court litigation, not the upgrading of the salary and the tenure of bankruptcy court judges.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, like many of my colleagues on Judiciary, I sat and listened to a lot of testimony over a long period of time from the academic community, from experts in bankruptcy, from judges, from a lot of sources, and determined that the article 3 approach was the right approach.

I thought my colleague from Michigan, HAL SAWYER, did a good job of summing up the practical consequences.

It is a red herring to suggest that it is going to cost any more money or that we are going to incur additional pension obligations. We are going to

have that notwithstanding what we do, because we are going to have to have judges to take care of the bankruptcy workload which is in the billions of dollars, some $90 billion of back cases. So it comes down to a couple of questions.

How do we proceed? Well, we have not only studied the issue whether article 3 or article 1 status is desirable in this Congress, but we have studied it in past Congresses. That question regarding the bankruptcy court system did not arise with the Marathon Pipeline decision. The Congress examined the issue in the 94th, 95th, 97th, and 98th Congresses, and in both the 94th and 95th Congresses the House reviewed the constitutional issues surrounding the bankruptcy courts and concluded that an article 3 bankruptcy court was constitutionally required.

We went to conference with the other body, and in that conference we were required to take a compromise which ended up in the declaration that the decision was unconstitutional, that in fact there were certain issues that had to be decided by bankruptcy courts which required an article 3 bankruptcy judge to decide that issue.

The Kindness approach I think is a retreat. The unified jurisdiction sought and achieved in 1978 in the Reform Act provided for an efficient bankruptcy system to be vested in one forum. The gentleman's amendment would divide the jurisdiction between the district court and the bankruptcy court and in fact would provide for six jurisdictional repositories: First, the bankruptcy court alone; second, the district court acting alone; third, a magistrate on referral by a district judge; fourth, the bankruptcy judge as special master on referral by a district judge; fifth, a bankruptcy court judge sitting as a magistrate on referral by a district judge; and sixth, the State courts.

Under this proposal the district court would direct some traffic and the bankruptcy court would direct some. Litigants not only would not know which forum they would get, they would even have trouble deciding really who would make the decision. This proposal is called unified jurisdiction I suppose because the six branches of jurisdiction would all grow out of one jurisdictional tree, the district court. But, then, as one commentator has noted, the Hydra has only one body.

It is a retreat. We are moving in the wrong direction, and I would urge my colleagues to support the legislation, including the article 3 approach.

Mr. KASTENMEIER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this amendment, introduced by my good friend, Congressman BOB KASTENMEIER.

The solution, proposed in this bill, to the unconstitutionality of the present bankruptcy jurisdiction scheme is drastic and costly. Its creation of hundreds of new life-tenured judgeships is an overreaction to the holding by the Supreme Court in the Marathon case. It is opposed by the Judicial Conference of the United States, the American Bar Association, the American College of Trial Lawyers, and the American Judicature Society.

Instead, this amendment presents a reasonable and sound solution to the jurisdictional problems in the Bankruptcy Code. It cures the constitutional defects by insuring that issues which require adjudication by life-tenured article 3 judges will be handled by the district court judges. Yet, it avoids the effect of freezing into place hundreds of new article 3 judges which will handle mainly, if not entirely, routine bankruptcy issues.

I urge my colleagues to support this amendment.

Mr. KASTENMEIER. Mr. Chairman, I yield myself the balance of the time to speak in support of the amendment and to say to my colleagues that the unified jurisdiction we talked about is inherent only in the Kindness-Kastenmeier approach. That jurisdiction will be vested in the district court, as it has been throughout the 200 years of our history. If we want a bifurcated system, 513 article 3 district judges, on the one hand, 227 article 3 bankruptcy judges in another court system, not the same system, on the other hand, we will have a bifurcated system, and what will happen is that there will be one system of Federal justice for the insolvent and another system of justice for the insolvent.

We do not need to take that approach. We do not need to create 227 lifetime judges. And if we do, we can never retreat from that system. Unlike Humpty Dumpty, that is one egg that will not crack, because once you have created such a system, you can never retreat from it.

Mr. Chairman, I urge my colleagues to support my amendment. It is the one amendment that has a chance of succeeding with the other body so that we in fact can resolve the question that has confronted us ever since 1982.

Mr. Chairman, I yield back the balance of my time.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. I thank the gentleman for yielding time to me.

Mr. Chairman, on February 22, 1984, the Supreme Court, in National Labor Relations Board against Bildisco & Bildisco, ruled that trustees of bankrupt companies can unilaterally reject a negotiated collective bargaining agreement. This decision, if left unchallenged, would destroy the sanctity of the collective bargaining process and return labor relations to the days before the historic Wagner Act.

Fortunately, this bill, in subtitle C of title 11, would reverse the Supreme Court decision and prevent bankrupt corporations from unilaterally rejecting or altering collectively bargained agreements. A bankruptcy court could approve the rejection of a contract, but only under very limited circumstances. The trustee would be required to first negotiate in good faith with the union and provide the union with relevant financial and other information. The court could approve the rejection of the contract only if the trustee has complied with this obligation and if the court believed that absent rejection, the jobs involved would be lost and any reorganization would fail. I should note that in my experience, labor has generally been willing to make sacrifices which may be needed to save jobs, if management negotiates in good faith and provides labor with an honest appraisal of the company's financial situation. For example, this process of good faith negotiation has worked with Conrail, which is now profitable, in large degree due to labor sacrifices.

I have been particularly concerned about the issue of the effect of bankruptcy law on labor contracts because the Railway Labor Act, which governs labor relations in both the railroad and airline industries, is in my subcommittee's jurisdiction. We are all familiar with Continental Airlines' recent flagrant abuse of the bankruptcy and labor laws by rejecting its contract, negotiated under the Railway Labor Act.

It is my understanding that the provisions of subtitle C of title 11 of this bill would not apply to the Continental case because section 299(b) of the bill provides that the:

> Amendments made by this title shall not apply with respect to cases under title 11 of the United States Code commenced before the date of the enactment of this act.

However, the existing section 1167 of title 11 already provides that—

> Notwithstanding section 365 of this title, neither the court nor the trustee may change the wages or working conditions of employees of the debtor established by a collective bargaining agreement that is subject to the Railway Labor Act * * * except in accordance with section 6 of such act * * *.

Since the Continental collective bargaining agreement is subject to the Railway Labor Act, Continental's rejection of the agreement is clearly illegal under the current law. Thus, since section 1167 clearly governs the Continental situation, the amendments in the bill only apply to future cases.

Mr. RODINO. Mr. Chairman, the question we have got to decide here is whether we are going to make the same mistake we made in 1978 when, listening to the voice of those in the other body, this body retreated from the position of the Judiciary Committee and for the parties of the House, which provided for article 3 judges. We foresaw what occurred under the Marathon case. That is, that untenured judges would be considered unconstitutional.

Why do we want to risk the possibility of having a trifurcated system which is going to be challenged time and again. I am not the only one that raises these questions; but listen to Vern Countryman, the professor at Harvard Law School, an expert in this area, who says:

I have gone very carefully through the bill—

meaning the bill which is the amendment proposed by the gentleman from Wisconsin—

And I can virtually guarantee that it would not survive a constitutional challenge. The basic problem is that the people who drafted the bill obviously do not know anything about a bankruptcy proceeding and do not know anything about the kind of disputes that arise in a bankruptcy case.

Since they are trying to define something in their bill that they do not understand, their definitions do not work. I can guarantee that bill will only produce 3 more years of litigation and another ruling of unconstitutionality in the Supreme Court and Congress will have to face up to the problem again.

Then listen to the testimony before our committee of the Deputy Attorney General.

The Deputy Attorney General testified that—

Only an article 3 approach will provide the workable and constitutional solution that is essential to the continued integrity of the bankruptcy system. Grave constitutional doubts would surround any further temporizing with an article 1 solution and would cast a shadow on all bankruptcy cases.

In our judgment a legislative proposal that simply offers an opportunity for more litigation to test its constitutional validity is no solution at all.

That, Mr. Chairman, is the crux of the problem. Do we support a system that is going to be subject to challenge or one that is certain by providing article 3 judges that have tenure as the Marathon case decided. That is the issue, and for that reason, we should reject the amendment of the gentleman from Wisconsin and the gentleman from Ohio.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASTENMEIER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 161, not voting 22, as follows:

[Roll No. 52]

AYES—250

Albosta	Hall (OH)	Owens
Andrews (TX)	Hall, Ralph	Oxley
Applegate	Hall, Sam	Packard
Archer	Hamilton	Parris
Aspin	Hammerschmidt	Pashayan
AuCoin	Hansen (UT)	Patman
Badham	Harrison	Penny
Barnard	Hatcher	Perkins
Bartlett	Hefner	Petri
Bateman	Hertel	Pickle
Bates	Hightower	Porter
Bennett	Hiler	Pritchard
Bereuter	Hillis	Pursell
Bevill	Holt	Ray
Billrakis	Hopkins	Richardson
Bonior	Huckaby	Roberts
Bonker	Hunter	Robinson
Breaux	Hutto	Roemer
Britt	Hyde	Rogers
Brooks	Jacobs	Rose
Broomfield	Jenkins	Rostenkowski
Brown (CO)	Jones (NC)	Roth
Broyhill	Kasich	Rowland
Bryant	Kastenmeier	Russo
Burton (CA)	Kazen	Sabo
Burton (IN)	Kemp	Schaefer
Campbell	Kildee	Schroeder
Carney	Kindness	Sensenbrenner
Carr	Kogovsek	Sharp
Chandler	Kolter	Shaw
Chappell	Kostmayer	Shelby
Chappie	Kramer	Shumway
Cheney	LaFalce	Shuster
Clarke	Lagomarsino	Sikorski
Coats	Latta	Siljander
Coelho	Leath	Skeen
Coleman (MO)	Lent	Skelton
Coleman (TX)	Levin	Slattery
Conable	Lewis (CA)	Smith (IA)
Conyers	Lewis (FL)	Smith, Denny
Coughlin	Livingston	Smith, Robert
Courter	Loeffler	Snyder
Coyne	Long (MD)	Solomon
Craig	Lott	Spence
Crane, Daniel	Lowry (WA)	St Germain
Crane, Philip	Lujan	Staggers
Crockett	Lundine	Stangeland
Dannemeyer	Lungren	Stenholm
Darden	Mack	Stump
Daschle	MacKay	Sundquist
Daub	Madigan	Swift
Davis	Marriott	Tallon
de la Garza	Martin (IL)	Tauzin
Derrick	Martin (NC)	Taylor
Dickinson	Martin (NY)	Thomas (CA)
Dicks	Mazzoli	Thomas (GA)
Dingell	McCain	Traxler
Dixon	McCandless	Udall
Dorgan	McCollum	Vander Jagt
Duncan	McCurdy	Vandergriff
Eckart	McEwen	Volkmer
Edwards (AL)	McNulty	Walker
Edwards (OK)	Michel	Watkins
Emerson	Miller (CA)	Weaver
English	Miller (OH)	Weber
Erlenborn	Molinari	Wheat
Evans (IA)	Mollohan	Whittaker
Evans (IL)	Montgomery	Whitten
Fiedler	Moody	Williams (MT)
Fields	Moore	Winn
Flippo	Moorhead	Wise
Ford (MI)	Morrison (WA)	Wolf
Franklin	Murphy	Wolpe
Frenzel	Myers	Wright
Frost	Natcher	Wyden
Fuqua	Nelson	Wylie
Gaydos	Nichols	Yates
Gekas	Nielson	Yatron
Gingrich	Nowak	Young (AK)
Gonzalez	O'Brien	Young (FL)
Goodling	Oberstar	Young (MO)
Gramm	Obey	Zschau
Gray	Ortiz	
Gregg	Ottinger	

NOES—161

Ackerman	Gejdenson	Mrazek
Addabbo	Gephardt	Murtha
Akaka	Gibbons	Neal
Anderson	Gilman	Oakar
Andrews (NC)	Glickman	Olin
Annunzio	Gore	Panetta
Barnes	Gradison	Patterson
Bedell	Green	Pease
Beilenson	Guarini	Pepper
Berman	Gunderson	Price
Biaggi	Hall (IN)	Quillen
Billey	Harkin	Rahall
Boehlert	Hawkins	Rangel
Boggs	Hayes	Ratchford
Boland	Horton	Regula
Boner	Howard	Reid
Borski	Hoyer	Ridge
Bosco	Hubbard	Rinaldo
Boucher	Hughes	Ritter
Boxer	Jeffords	Rodino
Brown (CA)	Johnson	Roe
Byron	Jones (OK)	Roukema
Carper	Jones (TN)	Roybal
Clay	Kaptur	Sawyer
Clinger	Kennelly	Scheuer
Conte	Lantos	Schulze
Cooper	Leach	Schumer
D'Amours	Lehman (CA)	Seiberling
Daniel	Lehman (FL)	Shannon
Dellums	Leland	Sisisky
DeWine	Levine	Smith (FL)
Donnelly	Levitas	Smith (NE)
Dowdy	Lipinski	Smith (NJ)
Downey	Lloyd	Snowe
Durbin	Long (LA)	Solarz
Dwyer	Lowery (CA)	Spratt
Dymally	Luken	Stark
Dyson	Markey	Stratton
Early	Marlenee	Studds
Edgar	Martinez	Synar
Edwards (CA)	Matsui	Tauke
Erdreich	Mavroules	Torres
Fascell	McCloskey	Torricelli
Fazio	McDade	Towns
Feighan	McGrath	Vento
Ferraro	McHugh	Vucanovich
Fish	McKernan	Walgren
Florio	McKinney	Waxman
Foglietta	Mica	Weiss
Foley	Mikulski	Whitehurst
Ford (TN)	Mineta	Williams (OH)
Fowler	Minish	Wirth
Frank	Moakley	Wortley
Garcia	Morrison (CT)	

NOT VOTING—22

Alexander	Hansen (ID)	Schneider
Anthony	Hartnett	Simon
Bethune	Heftel	Stokes
Collins	Ireland	Valentine
Corcoran	Mitchell	Whitley
Dreier	Paul	Wilson
Forsythe	Rudd	
Hance	Savage	

□ 1730

The Clerk announced the following pair:

On this vote:

Mr. RUDD for, with Mrs. SCHNEIDER against.

Mrs. KENNELLY and Messrs. MARLENEE, McDADE, and DOWDY of Mississippi changed their votes from "aye" to "no."

Messrs. HYDE, KOLTER, KOGOVSEK, CARR, TRAXLER, and KRAMER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the

chair, Mr. FOWLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, pursuant to House Resolution 465, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. In its present form, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill, H.R. 5174, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON S. 979, EXPORT ADMINISTRATION ACT AMENDMENTS OF 1983

The SPEAKER laid before the House the following resignation as a conferee.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1984.

Hon. THOMAS P. O'NEILL,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: As you may know, for reasons of ill health, I will be unable to return to Washington this week.

While I appreciate the opportunity to serve on the House-Senate Conference Committee on the Export Administration Act, I feel I will not be able to execute this responsibility.

Therefore, I ask that my name be removed from the list of House Conferees.

I appreciate your consideration in this matter.

Warmest regards.

Sincerely,

ANDY IRELAND.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. As a replacement conferee on S. 979, the Chair appoints the gentleman from Pennsylvania (Mr. GRAY) only for consideration of subtitle 3 of title III, and subsection 343(c), of the House amendment, and modifications thereof committed to conference. The gentleman from Pennsylvania (Mr. GRAY) is a conferee.

The Clerk will notify the Senate of the change in conferees.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 493, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services, for the fiscal year ending September 30, 1984, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, NATCHER, TRAXLER, MCHUGH, CONTE, and Mrs. SMITH of Nebraska.

MAKING IN ORDER ON TUESDAY NEXT OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 517, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it be in order on Tuesday next or any day thereafter to consider the joint resolution (H.J. Res. 517), making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development, in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 517, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the joint resolution (H.J. Res. 517) making an urgent supplemental appropriation for the Department of Housing and Urban Development for fiscal year 1984.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1740

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following announcement: that the business of the day has been completed.

Tomorrow the House will consider some commemorative resolutions, a rule from the Rules Committee and a veto of the President that will be sent over from the other body.

Also tomorrow afternoon the Congress will enjoy the pleasure of receiving the Honorable President of France in joint meeting. So we trust that all Members will be present tomorrow afternoon to honor and pay their respects to the President of France.

Mr. LOTT. Mr. Speaker, I would like to inquire first of all what is the rule that is scheduled to come up as the next order of business.

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, tomorrow we expect to act upon two propositions. First, to adopt a rule on H.R. 3755, the Disability Insurance Amendments for 1983, not to consider that legislation tomorrow but to adopt a rule; then to act on a veto override with respect to S. 684, the water resources research bill on which the other body has voted to override.

Those are the two pieces of legislation which we expect to have under consideration and votes tomorrow prior to a recess at 2 p.m. at which time we will then return and receive the distinguished guest, the President of France, Mr. Mitterrand.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3795

Mr. HILER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3795.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

SHELTER FOR THE HOMELESS

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, our President has on occasion said that those who were sleeping in the streets were doing so by choice. In a New York Times article, which I submit herewith, the sad story is told of a woman, nameless she happened to be, who was a part of a homeless group in New York City driven out of the Union Station when the station was closed at 1:30, by the police. She was found in the 17-degree cold the next morning, dead, leaning up against a wall.

I am sorry, Mr. Speaker, that in our rich America situations like that occur. I think we need shelter housing, and I am hoping that this House will initiate legislation that will set the pattern upon which we can begin to erect in America some shelter that affords protection and warmth for the homeless of this land.

Mr. Speaker, the article to which I referred is as follows:

[From the New York Times, Mar. 19, 1984]

NEW YORK OFFICIALS SIDETRACK BURIAL OF A NAMELESS WOMAN

It began as the story of a woman waiting for a resting place. No one could say what her name was in life, and so in death she was caught between those who insist on accurate record-keeping, and those who believe that even the nameless people who sleep in the streets are entitled to a decent burial.

It started 48 days ago, when the woman died in the cold outside Grand Central Terminal. Her body was taken to the New York City Medical Examiner's mortuary.

After an autopsy, she might have been sent to be buried with the indigent, the friendless, the other unknowns, on windswept Hart Island in Long Island Sound, where the city has its potter's field.

But the white-haired woman in her 60's had some friends. They do not know who she was, but they did not want her to end up there.

SHE KEPT TO HERSELF

"We wanted to do something," said 32-year-old Peter Dyer, one of the homeless people who gather each night in Grand Central. "I would see her almost every night on one of the benches in the waiting room. She kept to herself. She never really talked or had any conversations with anyone.

"But she'd often hover near us at night, before the police started their rounds, moving us out of the building for the night. What's going to happen to her? She was a part of us, and we needed to try to do something for her. We wanted to see her get a nice, decent burial."

The morning the women died, Feb. 1, Mr. Dyer went to the Coalition for the Homeless, which agreed to help.

CONCERN FOR POSSIBLE RELATIVES

"I contacted a funeral home," said Lori Bloustein, a volunteer worker for the Coalition, "and they agreed to bury her for us. I paid them by check and they were ready to get her body and bury her. But they came back and said they needed a release form with her name on it for the Medical Examiner's Office, along with the Report of Death Certificate.

"Well, we don't know her name. No one knows her, and I didn't want to use Jane Doe. I wanted to give her some dignity in the end and keep her out of potter's field."

Without a name, the city said it could not release the woman's body for burial outside potter's field, in case a family member should someday come looking for her.

Despite a detailed official search, no one has found out who she was.

A month after her death, her case was referred to the Corporation Counsel for a ruling, which reviewed it for two weeks.

"This is the kind of matter we want to help with, and we want to resolve it quickly," Doron Gopstein, the chief assistant corporation counsel, said.

Mr. Gopstein said he had sent a letter to the Coalition outlining the conditions under which the city could release the woman's body. The chief condition, he said, was that the Coalition be willing to bear the expense of moving the remains should relatives claim them.

A response from the Coalition was awaiting receipt of the letter.

REMEMBRANCES OF A COLD NIGHT

A woman know only as Margaret spoke of the night when she and the woman who died, as well as all the other homeless people in Grand Central, were forced from the building by Metro-North train police. The terminal closes every morning after the last train leaves at 1:30 A.M. and does not open again until 5:30 A.M.

The temperature fell to 17 degrees that night.

Several hours after the station closed, Margaret said she found the woman slumped against a wall on the street. "I came out from getting coffee and she was there, on the sidewalk," she said as she sat on a bench in the terminal's waiting room. "I thought she was sleeping, but she had taken her shoes off, and her coat was off.

"She must have known that was the worst thing she could have done. It was so cold that night. Later, we realized that she had cleaned up sometime that day. Her clothes were clean and her hair was washed. I think she wanted to die. She must have finally felt that life was no good anymore and she had nothing left. She just went out that night to die."

ARMS RACE IN SPACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, I have requested this time to discuss an issue of deep concern to me—the developing weapons race in space. One year ago, on March 23, 1983, the President shocked Americans when he delivered his "Star Wars" speech calling for a massive new defense program aimed at developing weapons in space. Even after 1 year, the strategic and budgetary implications of this decision have not yet been fully explored. In an effort to begin to examine these issues I have requested this special order on the arms race in space and I am pleased that my colleagues with similar concerns are joining me in this effort.

The threshold events in the course charted by the President are represented by the commitment of the Department of Defense to proceed with testing and procurement of antisatellite weapons (ASAT's), and by the increased emphasis placed on research on space-based ballistic-missile defense systems embodied in the President's strategic defense initiative. ASAT's, by destroying satellites in oribit, threaten the national technical means by which we verify compliance with arms control agreements, monitor military activities world-wide, and conduct vital communications functions. Deployment of space-based ballistic-missile defense systems would violate the 1972 Anti-Ballistic Missile (ABM) Treaty, perhaps the most effective and vital treaty in existence.

Mr. Speaker, the United States has a 20-year commitment to the peaceful uses of space. The 1963 Limited Test Ban Treaty prohibit nuclear weapons testing and explosions in space. The 1967 Outer Space Treaty prohibits the placement in orbit around the Earth of any objects carrying nuclear weapons or any other kinds of weapons of mass destruction. The 1972 ABM Treaty prohibits the development, testing or deployment of ABM systems which are sea-based, air-based, space-based, or mobile land-based. The ABM Treaty also instructs the United States and the U.S.S.R. not to interfere with the national technical means of verification of the other country; ASAT's are explicity designed to do just this. These treaties have all contributed to preserving space for peaceful purposes.

I should make explicitly clear that there are two distinct and different kinds of military activity in space. The first includes intelligence collection by remote sensing, weather satellites, communications satellites, and other so-called force-extending activities. The second I call the weaponization of space, in which ABM systems, space mines, antisatellite weapons, and other offensive military devices are deployed in space.

The military forces of both the United States and the Soviet Union have long depended on space for communications, early warning, intelligence, weather, navigation, reconnaissance, and arms treaty verification. These systems lend security and efficiency to our military operations. They have contributed significantly to maintaining peace by denying the element of surprise or advantage in a first strike. In a properly balanced

overall space program, I can continue to support such military uses of space. In fact, I have supported for many years the concept of an international peace-keeping satellite system that would be used to monitor worldwide military activity, including arms build-up, troop movements, and all other aggressive military actions.

Space is clearly vital to our national security. But putting antisatellite weapons or other weapons in space is not necessarily going to enhance our national security. The emerging competition in space weapons, for example, threatens the delicate intelligence apparatus I described earlier, and is destined to increase the likelihood of a nuclear exchange between the superpowers. Ironically, the United States depends more heavily on space than the Soviet Union.

The Soviet Union has twice indicated a desire to resume negotiations on banning antisatellite weapons, but the U.S. position was made clear recently in a statement by Richard Perle, Assistant Secretary of Defense for International Security Policy, before the Senate Armed Services Committee that the United States has no intention of resuming these negotiations. It is a mystery to me why we cannot even approach the Soviet Union to determine if they are serious about their proposal. I can only assume that the administration's intent is to proceed with the ASAT weapon, and has no interest in arms control in space.

"Star Wars," the President's proposal to render nuclear weapons obsolete, may have intuitive appeal; the thought of an orbiting security blanket of lasers and particle beam weapons intercepting incoming missiles is comforting. However, a careful analysis reveals that the exotic space weapons of ballistic-missile defense are vulnerable, unpredictable, and fantastically expensive. Senator GOLDWATER, not noted for dovish sentiments, was quoted recently—Washington Post, March 9, 1984—as saying that the strategic defense initiative sought by Reagan could prove to be "the biggest project this country has ever been asked to fund." He went on to say "We're facing a threat far more destructive than anything the Soviets might throw at us—the deficit."

Earlier examination of ballistic-missile defense (BMD) led to the conclusion that it would actually prompt a buildup of weapons on the other side. After building its own BMD to counter the U.S. system, for example, the Soviets would be expected to methodically set about building up their stockpile of nuclear weapons to blast through any shield Pentagon dreamers devise. Instead of 100 missiles aimed at any given U.S. city, for example, there could be 200, or 300. Or perhaps they might adopt an even simpler strategy of sending a few dozen decoy missiles over with every real one.

These facts were discussed during plans for the development of an anti-ballistic-missile (ABM) system in the 1960's and led the United States and the Soviet Union to ratify the Anti-Ballistic-Missile Treaty in 1972. The text of the treaty states that effective measures to limit antiballistic missile systems would be a substantial factor in curbing the arms race in strategic offensive arms, and that each party therefore agrees not to deploy ABM systems for a defense of the territory of its country. Negotiated and ratified under the Nixon administration, the ABM Treaty has provided the framework for the control of nuclear weapons ever since. President Reagan's "Star Wars" proposal is an irresponsible and dangerous threat to this treaty.

For these reasons, I plan to introduce a House joint resolution next week which calls on the United States to maintain its commitment to the ABM Treaty and to refrain from activities which could undermine the treaty. Ambassador Gerard Smith, the negotiator for the ABM Treaty said in a speech recently that the "tilt toward a defensive strategy is inconsistent with arms control and would destabilize the strategic balance." The President's initiation of a 5-year, $25 billion research program on ballistic-missile defense, with projected total costs of at least $500 billion, and possibly as much as $1 trillion or more, could lead to a reversal of the U.S. strategy relying on survivable retaliatory forces to deter aggression.

"Star Wars" would fundamentally challenge the concept of avoidance of nuclear war by threat of retaliation. I see no credible or compelling reasons to feel confident with changing this strategy. I do not like the fact that we live in a world in which we survive by fear of retaliation. But it certainly has advantages over a world in which fear of a first strike is foremost in our minds.

Intended or not, a U.S. ballistic-missile defense will be viewed by the Soviets as part of a first-strike system. A United States preemptive strike would reduce the number Soviet retaliatory missiles a BMD system would have to contend with, and thus would provide advantage to the United States by striking first. I do not believe that the United States has a first-strike policy, but we cannot be sure that the Soviets would not adopt such a policy when they get their own ballistic-missile defense, and we would certainly suspect them of having such intentions. The abrogation of the ABM Treaty for the pipe-dream of people defense is not worth the risk. Ironically, the promise of people protection by means of a BMD system would result in exposure of the American public to the unpredictable paranoia of the Soviet Union.

Weapons in space, including ballistic-missiles defense systems, will not protect the American people from nuclear war. Instead, they would destabilize the United States-Soviet strategic relationship. In peacetime, ballistic-missile defense would fuel the offensive arms race, and would yield no strategic value, at great cost. During times of crisis it will aggravate the pressures to engage in a preemptive first strike. And it perpetuates a myth that nuclear war can be waged, and won.

Mr. Speaker, I urge my colleagues in the upcoming debates on the Department of Defense authorization legislation, on the defense appropriations legislation for fiscal year 1985, and in the overall consideration of the budget in the coming years to seriously consider the strategic and budgetary impact of the arms race in space. It will lead us nowhere, except down a rathole.

At this time I would like to insert an excellent editorial on this subject for inclusion in the RECORD.

Thank you, Mr. Speaker.

[From the Los Angeles Times, Mar. 15, 1984]

APPROACHING HIGH NOON IN SPACE

SATELLITE WEAPONRY MAY CROWD OUT BUSINESS DEVELOPMENT

(By William Rosenau)

Outer space is becoming our new Old West—a vast area untamed and full of opportunity. More and more American corporations are recognizing that billions of dollars can be made in this unregulated environment. But, like the Old West, outer space also is threatened by gunslingers and desperadoes: The United States and the Soviet Union are now initiating an antisatellite weapons race. Without a treaty banning these systems, space will be like a frontier town without a marshal—full of danger and inhospitable to investment.

During the last decade we have come to rely on satellite technology for civilian benefit—in telecommunications, weather forecasting and so forth. Now we are beginning to understand the potential for multibillion-dollar manufacturing enterprises in outer space. Recently the National Aeronautics and Space Administration identified 250 customers interested in having that agency launch satellites.

Alluring as this new economic frontier is, it is jeopardized by the growing military use of space.

The superpowers have long employed satellites for surveillance, command and control, and for treaty verification. But the stability of space is threatened by an all-out anti-satellite weapons race, and by the probability that the Reagan Administration also will try to develop space-based anti-ballistic-missile weapons. The simple fact is that the militarization of space could make an already high-risk environment even riskier for private investment.

Since the early 1960s the American business community has been keenly aware of the commercial possibilities of space. American Telephone & Telegraph, after conclud-

ing that a satellite would be cheaper than new transatlantic telephone cables, launched its Early Bird in 1965. Now commercial satellite communications have become a multibillion-dollar enterprise.

Materials processing in space is another area of extraordinary potential growth. According to Congress' Office of Technology Assessment, silicon crystals for Semiconductors, and biological substances such as interferon, can be produced far more efficiently in the low-gravity environment of space than can on Earth.

The potential for space manufacturing has already resulted in business deals. GTI Corp., McDonnell Douglas and Johnson & Johnson's Ortho Pharmaceuticals have entered into a joint-endeavor agreement with NASA, under which the companies are investing heavily in research on space-based drug production.

These companies accept that space is a high-risk, long-term investment environment. What most of them do not mention—at least not publicly—is that an extraterrestrial arms race, in which hundreds of sophisticated weapons might be deployed, could make space inhospitable to commercial enterprise.

The immediate worry is anti-satellite (ASAT) technology. Both the United States and the Soviet Union have had ASAT capabilities since the 1960s, though the deployment of these interceptors was halted in the early 1970s. Now a new ASAT rivalry is under way, one that will be far more menacing than its predecessor.

High-orbit navigation, communications, and early-warning U.S. satellites remain invulnerable 22,000 miles above the Earth. The rather primitive Soviet interceptor, mounted atop a ground-based SS-9 booster, is capable of destroying only low-orbit satellites (about 1,200 miles high). The U.S. model is far more advanced. Launched by an F-15 aircraft, it would be able to threaten some Soviet high-orbit communications and early-warning satellites.

Apart from the threat to peace, a space arms race presents a scenario for business that is not comforting. One can imagine a Soviet ASAT firing "warning shots" on commercial space vehicles, for example—or even an attack replicating the Korean Airlines Flight 7 tragedy.

The more likely threat to business is probably more indirect, for instance in creating interference with communications. Telecommunications companies have said that it is not economically feasible to protect their satellites against Soviet ASATs, but apparently they would accept the chance of losing one of their orbiters. To companies involved with materials processing, the astronomical cost of building and operating laboratories in space may not be worth the risk in a tense environment populated with ASATs.

The dangers are easier to comprehend when one considers space-based anti-ballistic missile systems (ABMs). One such scheme, known as the "High Frontier," envisages 432 orbiting battle stations, each armed with 40 to 50 non-nuclear warheads. These battle stations, with the aid of infrared sensors, would destroy Soviet missiles soon after launch. Even if feasible—and most scientists are skeptical—such ABMs would be extremely provocative and would violate the cornerstone of arms control, the 1972 ABM Treaty.

Equally troubling for business—and of more immediate concern—is the economic impact of a military space race. Only a trickle of technology-sharing between military space research and the private sector has characterized these two separate efforts in the past. According to the Office of Technology Assessment, "the sensitive and highly classified nature of military and intelligence space systems has made it difficult to transfer technology from these programs to the civilian sector." A full-throttle military competition in space, with the Department of Defense dominating the space research and development infrastructure, could mean the end of U.S. dominance in commercial space technology.

What are the alternatives to this troubling prospect? Arms control. We are at an early stage of the ASAT race. Now is the time to negotiate. A treaty limiting the future testing and deployment of ASATs would help to ensure that space remains a stable environment, both for military satellites used in intelligence and communications and for private enterprise. Even if one sets aside the business reasons, and ASAT treaty makes sense militarily: The United States is far more dependent on satellites for national security than is the Soviet Union. An ASAT ban is an achievable, verifiable and desirable goal.

Furthermore, both superpowers need to restate their commitment to the ABM treaty and forgo the perilous, if not quixotic, pursuit of "Star Wars" technology.

Some members of the business community may fear that a treaty banning ASATs will open the door to other, less welcome forms of government interdiction. Stabilizing the vast commercial promise of space by establishing a peaceful regime, however, is surely the height of business prudence. The sensible, compelling course of space arms control can and should be pressed upon the White House by its corporate friends.

Unless a treaty banning ASATs is negotiated soon, modern-day gunslingers in Moscow and Washington may make further commercialization in space too risky even for the most intrepid pioneers.

□ 1800

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, the President showed unrestrained optimism in his "Star Wars" speech of 1 year ago Friday. I wish I could share his optimism on weaponizing space, but after an intense examination of the issues I find I cannot. Instead, I must conclude, that the course he advocates for both antisatellite weapons and spaced based defenses will only lead to a new unconstrained, dangerous and costly extension of the arms race.

In the near term, the ASAT is the most pressing issue. The Soviets have tested an ASAT system, but it is primitive; does not threaten the majority of our satellites in high orbit, including all our strategic warning assets; and is susceptible to wide range of countermeasures. The system we are developing on the other hand is a major advancement over the Soviet system. It would not have to enter orbit before making an interception. It would threaten a wider range of Soviet satellites, and could be modified to attack those satellites in higher orbit. The stated military justification for the program is contradictory and unconvincing.

If we go ahead with our system the Soviets will no doubt seek to leapfrog ahead of us and the race will be on. Its result will be systems that threaten both sides early warning assets and bring to reality the prospect of a "blinding" first strike. I can think of nothing more destablizing.

The Soviets have indicated a willingness to negotiate on the issue and have asked us to come back to the talks we suspended in 1979 following the Afghanistan invasion. They have suspended testing of their system and submitted a draft treaty at the United Nations. It is consistent for us to argue that the Soviets should return to the start and INF talks despite their objections when we refuse to negotiate an ASAT agreement.

Administration officials content that an ASAT Treaty could not be verified. I do not think that we can reach such a conclusion before we even sit down to talk. The Federation of American Scientists and others have outlined ways to address verification issues centering on testing controls. Certainly it behooves us to give an arms control solution an honest effort before we proceed on the ASAT program. That is why I have introduced a resolution calling upon the President to resume ASAT negotiations and to seek a mutual test moratorium.

On the longer term issue of space based strategic defenses I cannot share the conclusion that such an effort will make nuclear weapons obsolete. Much more likely it will only open an new element of the arms race that will be extremely dangerous and prohibitively expensive. Cost estimates range as high as $1 trillion dollars, and the President is seeking over $25 billion in the next 5 years just to see a little better whether more R&D makes sense.

Again this is an area where I believe it is more productive to seek an arms control solution through an updating of the ABM Treaty that has served us so well, in order to address the grey areas so important to the administration. Telling the Soviets we intend to break the treaty only invites them to beat us to the punch with extremely negative security implications.

□ 1810

Again, I want to compliment my friend, the gentleman from California, who has been at the lead of this very important issue. I think it is important for us not to make the same mistakes we have made in the past and kind of back into major new areas of the arms race.

I am reminded—I know my good colleague, the gentleman from Ohio, has spoken to this many times, as well—

about the way we made our decision on MIRV'ing our land-based missile forces and how we now regret having made that decision.

So I would hope that we could address this issue in advance and look at both of these issues. I want to tell the gentleman that, as a member of the Defense Appropriations Subcommittee in the House, I know many of my colleagues are also concerned about this new dimension in the arms race.

So I hope that we can work together in the days ahead to make certain that this body, this House, and the American people understand this new dimension to the arms race and the dangerous implications of letting it go on without very thoughtful consideration at the start.

I appreciate the gentleman yielding to me.

Mr. BROWN of California. I am very grateful for the gentleman's participation. His participation, of course, is particuarly important since he does serve on the Appropriations Committee and the Military Appropriations Subcommittee, and that will be one of the key arenas in which this debate will take place.

It seems, of course somewhat strange that in this period in which we are seeking so diligently to find ways to reduce the budget deficit that we should be embarking upon such a highly speculative and tremendously expensive program which runs contrary to our own security interests.

I very much appreciate the gentleman's contribution.

Mr. DICKS. If the gentleman will yield for one brief moment, I am reminded of a question I asked of the former Chief of Staff of the Air Force, Lew Allen. I asked him to sum up the question of how he felt about the so-called perfect nuclear defense or space-based lasers, and he said: "They are castles in the sky." And he treated it as if it were totally preposterous on the face of it.

And I must tell the gentleman that in some of our hearings before our subcommittee, and almost at the same time the President was making his announcement, top level officials of the Department of Defense were saying that this was totally unrealistic and that they would never make this kind of an initiative. So somehow out of the White House, in the President's speech, came this major new initiative. I do not think, frankly, that it was very well thought out in terms of its presentation, and I do not think the top-level officials of the Defense Department were, frankly, consulted in advance about it. I have heard from many people of their great skepticism that they have about this entire approach.

The gentleman is correct. If there is one area where we have got to restrain spending, and we all know it is defense, then obviously new starts, new major initiatives should be very carefully considered, particularly ones that are this expensive and this susceptible to serious criticism.

I also want to compliment my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), who is here on the floor, as well, who has been providing real leadership on this issue, and I look forward to working with all of you on this matter.

Mr. BROWN of California. I appreciate the gentleman's comment.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

MR. BROWN of California. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I want to compliment the gentleman for his leadership on this issue. I also want to state at this time what a pleasure it is to serve with the gentleman on the Agriculture Committee, where his leadership has been a great help to us as we address the problems of agriculture. And I would like to commend the gentleman for arranging this special order and to commend those others who are participating in it so that we might expand our discussion of this year's defense budget and, more specifically, the merits of the President's proposed strategic defense initiative—SDI—or, as many of us refer to it, the "Star Wars" program.

Since entering office, President Reagan has dedicated himself and his administration to the complete refurbishment and revitalization of all elements of U.S. defense capabilities. While I am sure we all would agree that our Nation's defense capacity should not be second to any other world power, I am equally sure that many of us question the sanity of this unprecedented peacetime buildup of U.S. defense capacities.

The President has maintained that the purpose of this effort is sound. He has told us that his efforts will secure "deep reductions" in both the United States and Soviet nuclear arsenals. Further, he has told us that "Star Wars" will "give us the means of rendering nuclear weapons impotent and obsolete." Ah, what a wonderful world it would be if such were the case. What a wonderful world indeed, if the President and his magicians in the SDI Program Office at the Pentagon could wave their magic wands and make all of the world's nuclear weapons disappear but we know this will not happen. We live in a real world, not that of fantasy where Hollywood special effects can always insure that the good guys win and those in the "evil empire" learn their lesson.

Mr. Speaker, let us face the facts about this administration's dedication to arms control and bettering the prospects for world peace. The facts are plain and simple. This administration has refused to negotiate a comprehensive test ban treaty—a goal sought by every U.S. President since Dwight D. Eisenhower. This administration has refused to negotiate a treaty banning the production and testing of antisatellite weapons—ASAT's. And now, this administration, threatens to scrap one of the few truly effective arms control agreements that have been negotiated between our Nation and the Soviet Union—the ABM Treaty of 1968—through its pursuit of fantasy.

Mr. Speaker, I have no objection to our Nation's carrying out vigorous research into ballistic missile defense such that we shall not be surprised by a Soviet "outbreak" of new technology that would give them a decisive edge in nuclear weapons systems. At the same time, I see no reason for us to rush ahead, spending approximately $2 billion this year and as much as $24 to $28 billion over the text 5 years on technologies that have no defined mission or on technologies than many experts consider to be of dubious value in crisis environment.

In my mind, the "Star Wars" program will do little to enhance U.S. national security. Further, I believe this effort to be a portent of a renewed, more vigorous and significantly more destabilizing round of the nuclear arms race. The United States is signatory to treaties banning the military use of space, as well as to treaties requiring us to negotiate a comprehensive test ban treaty—a treaty that if implemented would enhance our national security more, at less cost, than the pursuit of the strategic defense initiative—I say it is time to return to the agenda that has been established by our commitment to those treaties. I say, we in the Congress retain the ultimate responsibility to prevent the fantasy of "Star Wars" from becoming the gruesome reality of yet another aspect of the arms race. We must, this year, move to stop this insanity before the insanity destroys us.

Mr. Speaker, I include for the RECORD an article from the Baltimore Sun of March 14, 1984:

[From the Baltimore Sun, Mar. 14, 1984]

STAR WARS: WHAT'S THE RUSH?

(By T. A. Heppenheimer)

FOUNTAIN VALLEY, CALIF.—Since President Reagan gave his "Star Wars" speech last March, urging that America look ahead to an anti-missile defense in space, there has been a flurry of activity. Two White House groups have recommended that $18 to $27 billion be spent on these programs by 1990. The Joint Chiefs of Staff have agreed to a unified military command for space. Senator Malcolm Wallop (R., Wyo.) has been pushing for a system of 24 laser battle stations in orbit at a cost, in his estimates, of $28 billion.

On the other side, leading independent experts such as Richard Garwin and Kosta Tsipis have argued that these systems won't work and can be easily fooled by countermeasures. Mr. Garwin has argued that scientists working on these new weapons would

be eager for promotions and would be unwilling to tell their superiors that the systems won't work: "This government has very few experienced, technically sound people of independence at all."

Whom should we believe? The technologies are arcane and highly classified; the advocates and critics can often be accused of grinding their own axes. Is there any independent, open basis on which one can judge? The answer is yes. "Star Wars" technologies share much in common with the very large laser systems used in fusion research, and much about these lasers is publicly known. Laser fusion provides a "window" onto the world of Star Wars, a means for assessing the claims and promises.

Fusion is the energy source of the sun and stars. In this process, nuclei of hydrogen isotopes slam together and fuse, releasing atomic energy. One approach to achieving it in the laboratory is to prepare fusion fuels as frozen gases within a pellet, a tiny but elaborate sphere having multiple layers of various materials. This pellet then is hit with an intense burst of light from a powerful laser. The laser energy then compresses the fusion fuel to a hundred times the density of lead, while heating it to several times the temperature in the center of the sun. Under these conditions, the fuel explodes in a burst of neutrons and gamma rays.

Laser fusion has been pursued for years at the nation's weapons laboratories, Los Alamos and Livermore. Many of the physicists and program directors who now are active in Star Wars work had earlier spent years working on laser fusion. These include George Keyworth, President Reagan's science adviser; the physicist Edward Teller; and Lowell Wood, a protege of Mr. Teller who has directed much of the Star Wars work at Livermore.

The first question then is: Are the Soviets so far advanced in Star Wars technology that the United States must launch a crash program to keep pace, or even to catch up? Certainly one would think so, from reading aerospace magazines. The influential Aviation Week and Space Technology has strongly advocated Star Wars systems since 1977, frequently pointing to alleged Soviet advances. But laser fusion offers a very different perspective.

A measure of laser advances is how powerful a pulse can be gotten using the fewest possible rows of laser amplifiers. All large lasers are built with such amplifier rows, which boost the energy in the laser pulse. This energy is measured in kilojoules; a kilojoule is somewhat more than the energy in a baseball that is clearing the stands for a home run. In a laser this energy comes off as a silent, intensely brilliant pulse of light, all in no more than a billionth of a second.

The most powerful U.S. laser, now nearing completion, is at Livermore and is called Nova. It will probably achieve 50 kilojoules, with 10 amplifier rows; each row thus is to deliver five kilojoules. At Los Alamos, the Antares laser has just been completed. It is expected to achieve 40 kilojoules, with two rows. For lasers that have been built and well tested, the record is with Livermore's Novette laser. It has delivered eight kilojoules with two rows, or four per row. Thus, America's big lasers are in the range of four to twenty kilojoules per row.

In the Soviet Union, the counterpart is called Del-fin. It has been built under Nikolai Basov, who shared the 1964 Nobel Prize in physics for helping to invent the laser. Del-fin has 108 rows, yet is rated at only four kilojoules, or 0.04 per row. This is only one-hundredth as good as in the America lasers. And even this performance has been hard-won. A few years ago, a technician installed some optical components in Del-fin, backward. This caused that laser to blow up in a test; it took two years to rebuild.

In short, we are far ahead of the Soviets in big lasers, not the other way around. We also can ask how well understood is this technology; how reliable are the predictions of performance in new systems. The Novette laser, currently operating at Livermore, features laser technologies that have been in use for over 10 years. It has delivered eight kilojoules. But it was designed to achieve 20 kilojoules, and as late as 1982 the official lab reports were predicting that Novette would reach this goal.

What does this mean for laser fusion? Lowell Wood knows: "There are three categories of people who don't tell the truth: liars, damn liars and laser builders. Laser builders lie an awful lot, not only about what they can do, if you shower them with gold—they're like alchemists in that respect—but about what they have done. For instance, a laser builder will say, 'My laser puts out such-and-such a power.' Well, you say, can you reproduce it? Or was that the one shot that destroyed your laser system?"

In none of this, then, is there reason to think that the nation needs a crash program for Star Wars. We have a large lead in advanced lasers, and we can well afford to go ahead prudently. We can take the time to explore opportunities for arms control, even for a treaty banning space weaponry. We can also take time to explore this new technology in depth, to learn what versions of Star Wars may be most significant for the future. But none of this technology is so well proven today that we could commit in confidence to developing these battle stations.

Laser weapons may in time become very important. But from the perspective offered by laser fusion, the proper course for now appears to be one of research. Any commitment to develop Star Wars weapons for actual deployment would be hasty, ill considered and premature.

T.A. Heppenheimer, associate fellow of the American Institute of Aeronautics and Astronautics is the author of the newly published "The Man-Made Sun" (Little, Brown).

Mr. BEDELL. I thank the gentleman again, and I commend him for his leadership.

Mr. BROWN of California. I thank the gentleman from Iowa for his keen interest in this subject. I am well aware of the work that he has done on the matter, and I trust that I will be working with him this year in order to help keep us from making this drastic mistake.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts (Mr. MOAKLEY), who has taken such an active interest in this area of arms control.

Mr. MOAKLEY. Mr. Speaker, I want to commend my colleague from California, GEORGE BROWN, for initiating this special order so that we may discuss the dangers of an arms race in space.

Let there be no mistake—if we do not act now to negotiate a treaty to ban all space weapons, then this and future generations will be saddled with a new arms race that will be far more costly and destabilizing than anything we have grappled with to date.

We should not be fooled by those who proclaim that "space guns," "antisatellite weapons," and "star wars technology" will protect our people from nuclear war. They are wrong.

All of us here in this Chamber want to see the day when this planet can be free from the threat of total nuclear annihilation. But that day will not come by building new and exotic space weaponry. In fact, the construction of space weapons will only increase the likelihood of accidental or intentional nuclear war.

To be specific, the Reagan administration is anxious to deploy a new, highly sophisticated U.S. antisatellite weapon. The administration, however, seems to ignore the fact that both the U.S. and U.S.S.R. depend on satellites for a variety of important security functions such as treaty verification and reconnaissance.

These satellites are truly peacekeepers. To place weapons in space that might endanger these satellites will turn every computer malfunction and mechanical breakdown into a pretext for war. It is far more sensible for the administration to—right now—make an attempt to ban these weapons.

To be specific, again—the Reagan administration seems determined to construct a space based ballistic missile defense system, under the pretext that it will somehow protect the United States from a Soviet nuclear attack. What the administration presents as a solution to our strategic paradox would, in fact, only exacerbate the problem.

It should be noted that a space-based ballistic missile defense system could cost hundreds of billions of dollars, and would not provide any protection from bombers or cruise missiles. Beyond this many of the world's leading scientific minds have informed us that such a missile system can be foiled by easy and cheap countermeasures.

Thus if we go ahead with the administration, it is likely that years of research, and hundreds of billions of dollars, will yield us extravagant weapons that do not work. Indeed whose only effect is to precipitate a new and dangerous arms race in space.

And what will the Soviets do while we build a grandiose war fighting capability in space? They will match us weapon for weapon dollar for dollar. Neither side will gain superiority, or win such a race.

It is a matter of great embarrassment to me that initiatives aimed at preventing a space weapons race are

being killed by the White House and not the Kremlin. In fact the Soviets have proposed a treaty to ban space weapons and an ASAT test moratorium during this past year. Granted these proposals may leave a lot to be desired and it is entirely possible that they may be nothing more than a propaganda ploy, but the only way to determine this is to agree to go to the negotiating table.

The United States has nothing to lose and everything to gain if we would actively pursue negotiations with the Soviets aimed at banning space weapons.

I urge my colleagues to join me—and 127 Members—in cosponsoring my legislation, House Joint Resolution 120 calling for immediate negotiations to ban all space weapons. We are on the verge of an irreversible space weapons race. Let us stop it before it gets off the ground.

Mr. Speaker, for the benefit of my colleagues, I insert in the RECORD an enlightening article by Charles Doe—which appears in the Air Force Times March 26 edition.

CRITICS CONTINUE ATTACK ON "STAR WARS" PLAN

(By Charles Doe)

WASHINGTON.—President Reagan has lowered his sights a bit since he astonished the world and a good many of his own subordinates a year ago with an ambitious plan to counter Soviet ballistic missiles in space.

Defense officials who worked out a unified research program to implement the President's "Strategic Defense Initiative" now acknowledge that even if it achieves its demanding technical goals, the plan is unlikely to do away with strategic nuclear weapons or to assure the protection of civilian populations against them well into the next century.

Nor is the Soviet Union entirely without options for countering a U.S. defense shield in space, the officials admit. Possible countermeasures include efforts to tear one apart as fast as it is erected, a sort of celestial replay of "The Dukes of Hazzard."

As the space defense proposal, more popularly known as "Star Wars," made its debut in the fiscal year 1985 budget hearings, it was received with significant skepticism by several conservative senators who ordinarily are strong supporters of defense spending.

They worry about the cost of the research program, which is estimated at $24 billion over the next five fiscal years. Even when that money is all spent, they note, the United States still will be years away from deciding what, if any, space-based systems it actually will develop. That decision will come in the early 1990s.

Although the $2 billion Defense and Energy Department requests for the program in FY 1985 are only about $250 million (16 percent) higher than projected earlier for comparable programs, the amount grows rapidly. It doubles in FY 1986 and reaches more than $7.5 billion in FY 1989.

"This is probably the biggest project this country has ever been asked to fund," Sen. Barry Goldwater (R-Ariz.) complained to a table full of top Pentagon civilians at a recent Armed Services Committee hearing here. Witnesses included Research Undersecretary Richard DeLauer, Policy Undersecretary Fred Ikle, and Director of the Defense Advance Research Projects Agency Robert Cooper.

"We're facing a threat far more destructive than anything the Soviets might throw at us: the deficit," Goldwater told them. It is expected to remain constant at an annual rate of $180 billion or more for the next several years.

There also is concern that the "Star Wars" program probably will not, within any meaningful time frame, fulfill the great expectations raised by President Reagan's speech of March 23, 1983. That speech set "the ultimate goal of eliminating the threat posed by nuclear missiles" by "rendering these nuclear weapons impotent and obsolete."

Sen. Sam Nunn (D-Ga.) asked the Defense officials when they thought that might happen. "I'm getting long in the tooth," answered DeLauer, who is 65, "so I can say that within my lifetime I don't envision that."

"Sometime in the next century, when you would have a combination of arms control agreements and defenses," said Ikle, "but that would be another world."

"We see nothing in our technology basket that would make it possible for us to say today that there would be a time certain in the future when we could do away with all of our strategic offensive forces," admitted Cooper.

Similarly, Cooper said, protection of the American civilian population or that of its allies could not be made the primary mission of a space-based defense system with any realistic prospect of success. "In order to . . . guarantee the population of the United States that they would be safe from the threat of ballistic missiles," said Cooper, "we would have to build a perfect defense system, no leakers. We don't see the combination of technology that we have today guaranteeing that . . ."

What civilian protection any space-based defense did provide, the officials said, would derive from its primary defense of the military installations that are more likely to be targets of a Soviet attack. The role of a space defense in bolstering overall deterrence also would help, of course. "If deterrence is enhanced," said DeLauer, "people are protected." That, Nunn noted, also is true of nuclear deterrence as it already exists today.

Nunn warned that the public support vital for such a long-term program could be undermined if people came to believe they had been misled about what it could achieve.

"If the American people believe they are supporting a program based on doing away with offensive weapons . . . ," said Nunn, "then, when they wake up and find that's not what we're doing, that we're going to go full force with both offensive and defensive (weapons), they may have a change of heart."

"If we're talking about an eight- or nine-year program before we even reach a point of decision making," Nunn said, "we've got to have support from this administration, the next administration and the administration after that, Democratic and Republican, liberal and conservative."

Moscow, which does not have to worry about public support, already has its own version of "Star Wars," and DeLauer warned that the USSR is about 10 years ahead of the United States. A secret briefing given to the senators, however, apparently did not convince all of them that the Soviet effort was much more effective than the much smaller American one. That was apparent from the follow-up questions which senators of both parties asked in subsequent open session probably ahead of us. From a scientific standpoint of understanding the phenomena, I'd say our position is probably as good as their position. It's a mixed bag."

DeLauer also was candid about possible Soviet countermeasures if the United States ever decided to deploy a strategic defense system in space. "What if they just kept preventing us from doing it?" he asked. "That's not hard to do if you're deliberate about it. We can do it, and they can do it . . . if the guy wants to build something in your back yard and you both have access to it, it could be very, very difficult."

Ikle felt that was "unlikely because of the confrontation it would produce." Other analysts have noted, moreover, that considerably more passive countermeasures were available. Soviet offensive missiles, for example, could be coated with a surface that deflects such space-based weapons as laser rays or inhibits their burning effect.

The Soviet countermove Ikle considers most likely would be a greater reliance on low-flying strategic bombers or cruise missiles, which are much less vulnerable to attack from space. Since such "air-breathing" systems take longer to reach their targets, he said he would regard any such evolution as a favorable trend toward strategic stability. However, it also would require the United States to deploy much more extensive and costly continental air defenses besides any it put in space.

Like the continental antiaircraft missiles that the United States abandoned years ago, past attempts to defend against ballistic missiles had concentrated on intercepting the warheads toward the end of their flight. Such "terminal defense" of the target area had to counter a great many incoming warheads precisely when time to do so was running out.

It would have made much more theoretical sense to attack the strategic warheads much earlier in their 30-minute trajectory over the pole, of course, but there was no way of doing so. Now technology is changing that. Orbiting satellites already keep constant watch over missile launch areas. Refinements of such sensors, and of the computers that read their data, could make it possible to identify individual warheads and target them throughout their flight.

New means of counterattacking the speeding warheads also are at hand. Laser rays generated by chemical reaction, for example, provide inexhaustible "ammunition" that would focus on and sear targets with the speed of light. Particle beams, which strike like lightning, provide an alternative weapon against targets that will not burn.

Rail guns fire electronic particles that strike like bullets. Super-cooled infrared sensors guide missiles so accurately to collision with their targets that no warhead is needed. Most of these systems would have to be based in space, although lasers also could be fired from the ground and directed to targets elsewhere in space by more economical orbiting mirrors.

The potential diversity of these weapons means that any attempt to engineer countermeasures into each warhead would be a costly proposition. The attacks, moreover, would continue throughout the flight, progressively filtering out the attackers and easing the job of subsequent defenders.

The defense would be most effective if the attacking missile could be intercepted in its

initial period of flight, the "boost phase" when the rocket and its warheads are still mated. Because of the great heat generated by the rocket motor, a rising missile is easiest to detect by heat-seeking infrared sensors. The thin-skinned rocket engine, moreover, is the most vulnerable part of the missile. If it is burned by a laser ray, for example, the warhead and its load of reentry vehicles also are out of business.

Even after the payload has separated from the booster, it remains a lucrative target as long as its multiple warheads remain clustered on the same carrier or "bus." A counterattack now, whether by a beam weapon or projectile fired from a hovering space vehicle, could knock out as many as 10 warheads for the price of one.

The problem becomes much more complex after the warheads separate, however. Now each one must be tracked and destroyed individually, a task made more difficult by decoys and chaff that also have been scattered. In the vacuum of space, current sensors are unable to distinguish decoys from the real thing. Sensor combinations that compensate for each other are likely to be needed.

This problem is reduced again, though, when the warheads reenter the atmosphere and the decoys slow at a different rate than the real warheads. The terminal defense, probably a ground-based missile system guided by infrared sensors now takes over a job that hopefully is greatly reduced.

The space-based systems that make such a scenario theoretically possible, of course, also are the ones that are the most challenging to develop. Although remarkable progress has been made in the relevant U.S. research programs that already exist, their directors never have underestimated the formidable odds of such feats as precisely focusing a laser beam across thousands of miles of space on a small target going thousands of miles an hour.

On the very day that President Reagan gave his "Star Wars" speech last year, for example, Maj. Gen. Donald Lambertson, USAF, head of the Pentagon's directed energy programs, told Congress that he could not recommend that spending on space-based laser programs be accelerated. Since then, DeLauer and Cooper, among others, repeatedly have cautioned against exaggerated expectations.

There was a similar suggestion in Goldwater's remarks to some of those same engineers as they testified in favor of the new initiative. "I think you'd be better off," he said, "• • • to go back in the corner and talk about this for a long time and we'll give you the money if we can get it • • • I have a hunch you'd much rather have it that way too.

"I've always believed the best defense is a good offense," Goldwater said, "and it's going to be that way for a hell of a long time."

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Mr. BROWN of California. I thank the gentleman from Massachusetts for his contribution.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I want to commend the gentleman from California (Mr. BROWN) for requesting this special order today to discuss the administration's space defense plan, and for his leadership in this issue.

Mr. Speaker, I was talking to one of my sons last night, who is in his early thirties, and he said, you know, Dad, we may be confronted now with our last opportunity to prevent an arms race that will take another generation before it can be brought under control, if it ever can. Indeed, maybe that opportunity has already been lost. We have to proceed under the assumption that it has not been lost, and that is why we are here tonight.

Mr. Speaker, over the last 3 years our relations with the Soviet Union have taken a precipitous turn for the worse. The United States and the U.S.S.R. boxed themselves into a corner at the START and INF negotiating tables, and apparently unable to back down from untenable positions, have been unable even to revive the negotiations. This is a grim situation indeed, when both sides continue to modernize their strategic nuclear forces.

We are today seemingly unable to control the nuclear arms race here on Earth. Unfortunately, the Reagan administration seems determined to push ahead with plans to move the arms race into space. The administration's fiscal year 1985 defense budget calls for a total of more than $2 billion in space-related activities. I am not persuaded that the administration's figures are even accurate. A recent analysis of the defense budget by the Federation of American Scientists suggests that a more accurate figure would be $3.9 billion in fiscal 1985, since the President has apparently made some significant omissions from his tally of the cost of this year's space defense initiative. For example, the Federation notes that the administration's total fails to count $200 million for satellites and radar that could be used to aid an antisatellite system, $165 million for the antiballistic missile test range at Kwajalein Island, $154 billion for development of a tactical ABM system, $226 million for development and procurement of the F-15 antisatellite (Asat) weapon, and $122 million for space surveillance and battle management systems.

While the exact cost of the space defense initiative this year may be subject to interpretation, one fact is clear: The President's so-called "Star Wars" initiative is going to cost the Nation's taxpayers hundreds of billions of dollars over the next few years. More important, we do not know if the space defense systems will work, or even if they will add to our deterrent capability. Hans A. Bethe, one of this country's most distinguished scientists, recently testified before the House Armed Services Committee on the many questions surrounding proposed space defense systems. Dr. Bethe is professor of physics emeritus at Cornell University, and is the 1967 Nobel Prize winner for physics. As Dr. Bethe testified:

The projections one can make from our present scientific knowledge unambiguously show that the directed energy technologies required for an effective population defense are, in almost their entirety, far beyond the current state of the art. At best, many years would be required to transform the concepts that have been proposed into working weapons.

Just as important, even the development of a reasonably successful space defense system, whatever the cost, could be overcome with relatively cheap countermeasures. In effect, the United States may be committing itself to spend hundreds of billions of dollars on a space defense system which will be easily overcome. Such a development would be enormously destabilizing, since we are going to have to divert funds from other parts of the defense budget to support the inordinate costs of the strategic defense initiative. As Dr. Bethe noted:

A host of highly effective countermeasures against these far-off weapons are already known today. The Soviet Union will, without a doubt, adopt some of these countermeasures. A more ominous Soviet reaction should be anticipated: a large buildup of offensive forces that would culminate in a far greater nuclear threat to our own population, and in a strategic balance between the superpowers that would be much more unstable in a crisis situation.

Dr. Bethe's testimony is a thoughtful and disturbing analysis of the dangers of proposed ballistic-missile defense or people protection proposals. I ask unanimous consent to insert it in its entirety in the RECORD at this point.

STATEMENT OF HANS A. BETHE, NOVEMBER 10, 1983

(Biography: Hans A. Bethe, Professor of Physics Emeritus, Cornell University. Chief of the Theoretical Physics Division of the Manhattan Project through-out World War II. Member of the President's Scientific Advisory Committee (1957-60), and a Member of its Strategic Military Panel (1957-69). Winner the Nobel Prize for Physics in 1967 for his discovery of the nuclear reactions which are at the source of the sun's energy.)

I am grateful to the House Committee on Armed Services for holding this hearing on the very important topic of Ballistic Missile Defense (BMD). During the 1960's I devoted a very considerable effort to BMD research and to advising the government in this subject. I continued to have an active interest in BMD in my capacity as a consultant to the Los Alamos and Livermore Laboratories. I therefore wish to express my appreciation to the Committee for affording me this opportunity to express my views.

Everyone would like to escape from the dreadful threat of mutual assured destruction. The People Protection Act, which is before this Committee, seeks to achieve this goal by endorsing the President's call for a defense that would not only protect our citizens against nuclear attack, but would even "render nuclear weapons obsolete". To that end it proposes a far-reaching reorganization or government that would create new civilian agencies and new military com-

mands charged with the mission of developing and deploying space-based directed energy weapons. In so doing it would profoundly alter the very foundations on which our national security rests.

Before launching the Nation on this new path, Congress must address itself to some fundamental questions. In particular:

1. Does current scientific knowledge provide us with tangible evidence that an effective defense of civilians against nuclear missiles can be created?

2. What would be the most probable Soviet response to the initiatives called for by the People Protection Act?

As we shall see, the projections that one can make from our present scientific knowledge unambiguously show that the directed energy technologies required for an effective population defense are, in almost their entirety, far beyond the current state of the art. At best, many years would be required to transform the concepts that have been proposed into working weapons systems. On the other hand, a host of highly effective countermeasures against these far-off weapons are already known today. The Soviet Union will, without a doubt, adopt some of these countermeasures. A more ominous Soviet reaction should also be anticipated: a large buildup of offensive forces that would culminate in a far greater nuclear threat to our own population, and in a strategic balance between the superpowers that would be much more unstable in crisis situations.

THE PROSPECTS FOR BMD TECHNOLOGY

The trajectory of an ICBM from its launch site in the Soviet Union to its target in the United States can be divided into three reasonably distinct portions: boost phase, mid-course, and re-entry. The task of a BMD therefore divides into three corresponding, and quite distinct, missions.

The exhaust flame from a booster gives a signal that can be seen by our early warning satellites in stationary orbits 23,000 miles above the earth. Furthermore, the flame serves as an aim point. On the other hand, the booster burns for at most 5 minutes. As we shall see, several types of beams generated by space-based directed energy weapons can only attack the booster after it emerges from the atmosphere, so that for them the time available for boost-phase interception is actually of order a minute or so. By using more powerful boosters the Soviets could shorten this time, and probably reduce it to zero.

After the missile leaves the atmosphere and boosting is over, it transforms itself from one object into many: up to ten or more separate warheads, and, if there is an opposing BMD system, scores of decoys that have essentially the same radar and infrared signatures as warheads. An attack of 1,000 missiles would therefore present the mid-course defense with the task of identifying several thousand warheads in a swarm of as many as 100,000 virtually identical objects. The offense can compound the difficulty of this task by setting off nuclear explosions whose fireballs would produce an intense background of infrared radiation against which the defense could not see the incoming warheads and decoys. In consequence, the very best that mid-course BMD could hope to accomplish is the interception of a small portion of the attacking warheads.

Many of the decoys cannot re-enter the atmosphere, so the terminal defense is principally concerned with real warheads. But these warheads must be destroyed or disabled as they are raining down on our cities. While reasonably effective terminal defense of hard missile silos is feasible because such a defense need not be near-perfect, there is no known technique for terminal defense of population centers and other soft targets.

There is therefore a broad consensus that defense of our population is only conceivable if the BMD system can intercept missiles in the boost phase with high efficiency. For that reason we shall now explore what the laws of geometry and physics can tell us about the prospects for boost phase BMD.

A booster can only be attacked from space, and there are just three options under consideration for placing weapons there: on satellites in a low orbit, on satellites in a geostationary orbit at 23,000 miles altitude, or on missiles that are "popped-up" from the ground when the attack is detected.

In comparing low versus geostationary satellites as BMD stations, three factors must be borne in mind. First, a geostationary platform would always be above Soviet launch sites, whereas the rotation of the earth causes each low orbit platform to be out of view of the launch sites for about 98% of the time. Second, the distance between the ABM weapon and its target is about ten times larger for a geostationary platform. Because all beams diverge as they propagate from their source, this means that a given weapon will deposit about 100 times less energy per unit area at the target if the weapon is placed on a geostationary as compared to a low orbit platform. Third, it costs about twice as much to put a given payload into a geostationary as compared to a low orbit.

The most promising device for low orbit BMD is the chemical laser. Indeed, of all the technologies under discussion, this is the only one where prototypes exist that even begin to approach the specifications required for BMD. A baseline cost for such a BMD system can be computed by assuming optimum focusing of the laser beam, requiring that these satellites at any time can see the Soviet missile sites, and that 1,000 boosters are to be attacked just once. An essential ingredient in such our calculation is the hardness to be expected for Soviet missiles; for this we accept the rather low figure of 20,000 joules per square centimeter reportedly used by the Fletcher Committee (See Aviation Week, October 24, 1983, p. 51). This sequence of highly optimistic assumptions leads to a figure for the total fuel required by the lasers. The cost simply of placing this fuel and the lasers into orbit is about $100 billion. The full cost of the system would be much higher, since we have not estimated the cost of R & D, production of the laser platforms, and of the enormous command and control system that would be needed.

A chemical laser in geostationary orbit could not achieve the focusing required for targetting over such large distances. The only technique that one can glimpse on the horizon with the required characteristics is the excimer laser, which produces a beam in the near ultraviolet. At this time no lasers of this type with anywhere near the necessary power output nor on-time exist. If one makes the extravagantly optimistic assumption that a 25 megawatt continuously-operating excimer laser can be built, and that it can be focused as well as the best existing laboratory lasers, one can again compute the cost of placing enough fuel into orbit to handle 1,000 enemy missiles. This comes to $80 billion, and as before, does not count R & D, construction, or command and control.

Since the technology of short-wavelength lasers is still in its infancy, it is not even possible to estimate the cost of actually developing and deploying such a system.

It is obvious that space-based systems are vulnerable to attack, and for that reason "pop-up" from the ground might appear to be an attractive alternative. But the earth is round, and that means that a popped-up weapon launched, for example, from Western Alaska would have to reach an altitude of 2,000 miles before it could even see a Soviet booster rising out of Western Siberia. By the time the pop-up reaches such an altitude, its target would no longer be in boost phase. Hence, pop-up cannot provide a comprehensive boost-phase defense. If the attack does not occur as a sharp synchronized pulse, pop-up could be used to intercept the stragglers. This capability would be optimized by a very rapid pop-up, but this would place the payload under very great stress due to the high acceleration. To make high acceleration achievable, the device should have low weight and, above all, a very compact power source; therefore, the X-ray laser pumped by a nuclear explosion would seem most suitable. On the other hand, the soft X-rays produced by such a device would not inflict much damage since they cannot penetrate into the interior of the materials used for booster skins; all that they would do is to slightly deform the skin, and one can readily devise structures that would protect the payload. Furthermore, soft X-rays cannot penetrate the atmosphere, so that an appropriately shortened boost phase could make the X-ray laser useless, even if it were to be popped-up from foreign soil (say, England or Pakistan) closer to the Soviet missile fields. We, therefore, conclude that pop-up does not appear to be a promising technique for boost phase interception.

Aside from lasers, particle beam weapons have also received a good deal of attention. In contrast to soft X-rays, they could penetrate into the interior of a missile and damage the sensitive devises on which its proper functioning depends. Only electrically charged particles can be accelerated, but such charged particles are deflected by the earth's magnetic field, and would be exceedingly difficult to aim at a rapidly moving target. For that reason it would be advantageous to combine the accelerated charged particle with electrons so as to produce a neutral beam, say of hydrogen atoms. But one can readily show that the neutralizing electron would be stripped off again in the very high reaches of the atmosphere, and the beam would thereupon be fanned out by the magnetic field. This consideration leads to the conclusion that a neutral particle beam cannot intercept boosters below about 100 miles, the altitude at which boost phase normally ends for a solid fuel missile. It should also be added that the technology for a neutral particle beam accelerator suitable for stationing in orbit is not remotely in sight.

The preceding discussion paints the most optimistic picture possible—it ignores a host of technical difficulties that must be overcome even if the Soviets play dead, so to say, as well as a wide variety of countermeasures available to the Soviets.

It would take us too far afield to discuss the foreseeable technical hurdles in detail, and we therefore confine ourselves to a list of rather obvious questions that remain to be addressed:

Can the booster itself be accurately targetted when only its exhaust flame is actually observed?

Can one ascertain that a target thousands of miles away has been successfully intercepted?

Can the very large mirrors that many of these devices depend on be put into orbit in such a manner that they will retain the extreme degree of perfection that such accurate aiming requires?

Can these mirrors reflect the very intense beams needed to damage missiles without suffering damage that will destroy their ability to adequately focus the beam?

Can the beam dwell on a small portion of the target for 5 or more seconds, during which time it moves 25 miles or more?

Will it become possible to build lasers at the extreme power levels required, and which can also be turned on and off repeatedly on command?

How is the "softwarer package" that controls this whole system to be written?

And above all, can one ever determine how well this horrendously complex array of satellites, lasers, and computers will perform under the conditions produced by a nuclear exchange, when it can never be tested realistically beforehand?

THE SOVIET RESPONSE

A wide spectrum of countermeasures would be available to the Soviets. If the Soviets wish to respond in a manner that is not overtly belligerent during peacetime, they could make their boosters more powerful so as to shorten the boost phase, equip the booster with a "skirt" that protects it, and start an attack by exploding nuclear weapons far above their missile fields so that the fireballs would swamp the infrared sensors on which all boost phase interception schemes are totally dependent.

But such a relatively benign Soviet response is highly unlikely. We enjoy a very considerable and persistent lead in many of the technologies on which space-based BMD would depend: microelectronics, ultrahigh speed computing, manipulation of optical beams, etc. For that reason the Soviets are certain to perceive a massive U.S. effort towards a comprehensive BMD system as highly threatening, whatever our true intentions may be. Indeed, public pronouncements by Mr. Andropov and private communications among high-level scientists involved in these matters show that this is already the Soviet perception. The most likely scenario is therefore one in which the Soviets would announce that we have unilaterally scuttled the ABM Treaty, and that they are no longer bound by existing SALT constraints on their offensive forces. According to a report in the Washington Post of October 18, 1983, it is also the consensus of the Fletcher Committee that the most probable Soviet response would be a build-up of their offensive strategic forces. Small wonder, since that is the cheapest and surest way to thwart BMD.

Such a Soviet build-up would in all likelihood be designed not only to overcome our BMD, but also to maximize the threat against us. They could build up a very large number of soft or even fake silos, which would cost relatively little. Some of these silos could be filled with ICBMs, others with cheap fakes that only have boosters but no warheads, guidance, etc. An attack could then commence with a large proportion of fakes that have the same booster flares as ICBMs so as to exhaust the fuel of our boost phase interceptors. A still cheaper, and perfectly viable Soviet option, would be to simply station a large number of fake and true ICBMs above ground, and to assume a launch-on-warning posture.

In addition to a build-up of offensive forces, the Soviets could mount threats to our space-based BMD platform by placing so-called space mines in their vicinity. These are small satellites filled with conventional explosives that accompany their would-be victim, and detonate on command. One could, of course, envisage equipping our BMD platforms with sensors, weapons and targetting facilities to defend against space mines, but in view of the inherent fragility of space systems, that would inflate their cost, not to mention their complexity and unreliability. The laser mirrors are also very vulnerable, since small imperfections will render them useless. For example, one could ruin the mirrors by projecting sand against them from a satellite.

CONCLUSIONS

As we have seen, the technologies required for a defense of our population against nuclear-armed ballistic missiles are far beyond the state of the art, and in most instances are unlikely ever to work effectively. In contrast to this, countermeasures that are cheap and already known to work exist in abundance.

There are those who draw a parallel between the President's call for defenses that would render nuclear weapons obsolete, and an earlier Presidential commitment to landing a man on the moon. There is no such parallel. When the Apollo program was launched, the fundamental principles of the technologies on which the lunar landing depended were understood and under control. It was possible to make a fairly accurate computation of both the funds and time required for completion of the mission. And the moon was not populated by a nation bent on frustrating that mission.

If it is really our objective to reduce the exposure of our population to nuclear weapons, we must avoid a commitment to global BMD, for that will produce precisely the opposite result: a large expansion of nuclear forces aimed against us, combined with a vastly complex defensive system whose performance will remain a deep mystery until the tragic moment when it will be called into action. It is difficult to imagine a more unstable and hazardous confrontation. And it is also puzzling why anyone should believe that that is the road to a less dangerous world, for a direct, cheap, and safe road is known to exist: negotiated and verifiable deep, deep cuts in strategic offensive forces, and non-nuclear deep, deep cuts in strategic offensive forces, and non-nuclear alternatives to our excessive reliance on nuclear weapons.

The current debate on space weapons breaks down into two main questions: First, what do we gain by destroying satellites in orbit, and second, whether we want to develop and deploy weapons which may someday permit us to shoot down ballistic missiles.

My time today is limited and, having briefly discussed the latter question, I would like to focus on the first, and more immediate danger confronting us.

The United States is already well on the way to operational deployment of its F-15 ASAT, a small rocket designed to intercept and destroy Soviet observation and targeting satellites. Last year, I offered an amendment to the defense authorization to prohibit flight tests of the U.S. ASAT weapon until expressly authorized by Congress.

Although my amendment was defeated, the Congress did adopt the Tsongas amendment, offered in the other body, which prohibits tests of the U.S. ASAT against objects in space until the President certifies to Congress that the United States is endeavoring to negotiate a ban on Asat deployment with the Soviets, and that such tests are absolutely vital to U.S. national security.

The Tsongas amendment is evidently causing the administration some problems, since there is no way I see that the administration can certify that it is endeavoring to negotiate with the Soviets. Indeed, Arms Control and Disarmament Director Adelman has testified before Congress that the President has no interest in such negotiations.

Perhaps even more telling is an article in the March 20, 1984, Washington Post headlined "High Pentagon Officials Opposing U.S. Actions on Arms Control." The article details efforts by senior officials at the Department of Defense, most notably Richard Perle, to torpedo the prospects for arms control initiatives by the administration. According to the article, the administration and the Soviet Union have been focusing their attention on issues such as chemical weapons, antisatellite weapons, and ratification of the Threshold Test Ban Treaty. However, according to the article, Mr. Perle "has managed to block any U.S. initiative on antisatellite weapons and ratification of the threshold treaty, citing difficulties in verifying Soviet compliance in these areas."

I ask unanimous consent to insert the full text of the article at this point.

[From the Washington Post, Mar. 20, 1984]

HIGH PENTAGON OFFICIALS OPPOSING U.S. ACTIONS ON ARMS CONTROL

(By Walter Pincus)

Senior Pentagon officials, led by Assistant Secretary of Defense Richard N. Perle, are fighting to delay or prevent administration initiatives in several secondary areas of arms control, including some where Soviet leader Konstantin U. Chernenko has called for movement by the United States.

"Perle wants to stop the process because of what he believes are the pitfalls of negotiating with the Soviets," a top administration official said last week, "and because he fears real changes may be coming and he wants to head them off." Pentagon officials cited concern that election-year pressures could lead the White House to enter negotiations without adequate preparations. Chernenko has called for movement by the United States in three areas of non-strategic weapons to prove its sincerity on arms control issues. He cited progress in eliminating chemical weapons, negotiations to ban antisatellite weapons and ratification of the

1974 U.S.-Soviet treaty barring underground nuclear weapons tests larger than 150 kilotons.

Both the United States and the Soviet Union have focused attention on these areas since Moscow's negotiators walked out of the Geneva talks on medium-range and strategic nuclear weapons in December following deployment of American Pershing II and ground-launched cruise missiles in western Europe.

Perle, however, has managed to block any U.S. initiative on anti-satellite weapons and ratification of the threshold treaty, citing difficulties in verifying Soviet compliance in these areas. He has slowed movement on the chemical treaty and in development of a new U.S. position at the Vienna talks on conventional troop reductions in Europe. The developments:

A draft treaty to eliminate chemical weapons, which Secretary of State George P. Shultz said in January would be presented "in coming months," is still in interagency meetings, awaiting the Pentagon's plan for verification.

Perle called "inadequate" the verification provisions in a draft prepared by the Arms Control and Disarmament Agency.

The threat of the Defense Department blocking the treaty was considered so great by other officials that the White House late last month told Defense Secretary Caspar W. Weinberger in a memo that "it was the president's intention" to produce a draft treaty, according to a Pentagon official.

An interagency study chaired by the Pentagon and recently delivered to the White House has determined there are "insurmountable problems" in verifying a ban on anti-satellite weapons, Perle said last week. As a result, the administration is not expected to propose entering negotiations to ban these weapons "at this time" Perle said.

Another top Reagan official said, however, that congressional pressure may force the president to take some limited action in this area.

An effort by ACDA Deputy Director David F. Emery several months ago to reconsider administration opposition to the threshold-ban treaty, was quashed by another Pentagon study which confirmed, according to Perle, that the "treaty as drafted is unverifiable." Last year, the Soviets turned down a U.S. request to reopen the verification provisions on this treaty.

Negotiation of conventional troop reductions in Europe is the one area where the Defense Department has agreed to an initiative. At first, the Pentagon opposed a State Department proposal that was close to a position offered last year by the Soviets. Subsequently, the Pentagon prevailed over the State Department in determining the manner in which initial troop reductions would be counted, a complex approach which congressional sources said would guarantee a Soviet rejection and may not even have the support of U.S. allies in the talks.

Last week, Perle discussed his views before two Senate panels. On Wednesday, he told the Senate Armed Services Committee that "arms control without Soviet compliance is nothing more than an exercise in unilateral disarmament."

He said there is a "possibility of . . . agreements in the future" but ruled out "ineffective agreements based upon wishful thinking that we have negotiated in the past, and which some propose today."

Mr. Speaker, the Reagan administration is having enough trouble finding ways to talk with the Soviets as it is. It is deeply disturbing that one man, or even a few people in the Defense Department are able, apparently with ease, to block very modest efforts to break down some of the walls this administration has managed to erect between itself and the Soviet leaders. Moreover, at least as far as ASAT flight tests go, the verification issue is a sham—a shield being used to obscure the fact that the administration has no interest in these negotiations.

Last year, during debate on an amendment I offered to ban Asat flight tests, I inserted into the RECORD a detailed study on ASAT verification by Mr. John Pike of the Federation of American Scientists. That study concluded that:

The launch (of the Soviet Asat) is readily observable to the Defense Support Program early warning satellites. Once in orbit the satellite is tracked by a variety of ground-based radars and cameras. The intercept maneuvers are readily distinguishable from the activity of other satellites. The telemetry stream from the Asat is subject to monitoring by ground and space-based sensors. *Because of its unique characteristics, testing of the Soviet Asat could be readily verified.* (Emphasis added.)

Mr. Pike went on to discuss the prospects for verification of a ban on ASAT deployment. In part, his study concluded that:

A ban on the deployment of a significant and militarily useful Asat force could be verified with a high degree of confidence. This is not to say that the Soviets would not be able to hide a small number of F/LV launched Asat's. But the actual combat potential of such cheating would be very small—the ability to destroy one or two satellites in low orbit over a period of a few days. (Emphasis added.)

Verification should thus not be an insurmountable issue in banning flight tests of the United States and Soviet ASAT systems. Surely this very modest effort should be made before the ASAT race gets out of hand.

Once we have deployed the F-15 ASAT, prospects for any agreement limiting or banning further deployment of these weapons will be very remote. The Soviet ASAT is crude in comparison to our system. If we deploy ours, what possible incentive will the Soviets have to agree to the status quo? I suspect instead that they will redouble their efforts to develop an ASAT on a par with ours. And then we, of course, will use the more sophisticated Soviet ASAT as justification for deployment of still another ASAT. Indeed, this year's defense budget includes funds for research and development on a new high altitude ASAT, designed to put all Soviet satellites at risk, not just the ones in low orbit.

We must keep in mind that the only purpose of an ASAT weapon is to attack satellites. Our ASAT cannot protect our observation satellites from Soviet attack; their ASAT cannot protect their satellites from our attack. Deployment of ASAT weapons, therefore, poses a direct threat to the means used by both the United States and the U.S.S.R. to monitor arms control agreements and to detect launches of ICBM's by the other side.

Once we take the step to directly threaten the security of monitoring satellites, we will have taken a long step toward being forced into a posture of launch on warning, greatly increasing the risk of accidental nuclear war, and stepping up pressure to develop and implement a decapitating first-strike capability.

The weight of evidence suggests that if we fail to pause in the pursuit of the deployment of space weapons, we are committing ourselves to a course which will jeopardize national and global security. A space weapons race is a race which neither we nor the Soviets can win, and which everyone is bound to lose. At stake are unknown costs and the future of global peace. This is precisely why the President must get moving on the difficult path of insuring the continued peaceful use of outer space.

What is particularly frustrating is that there is credible evidence suggesting that the Soviet Union really wants some movement from the United States on space weapons negotiations. In 1981, for example, the Soviets submitted a draft treaty to the United Nations to prohibit the stationing in space of weapons of any kind. Last year, the Soviet leadership indicated that it was willing to negotiate an ASAT ban with the United States. Less than 1 year ago, Soviet Foreign Minister Andrei Gromyko called on the United States and the U.S.S.R. to sit down and hammer out the details of a treaty prohibiting the deployment of space weapons.

Undoubtedly there may be bugs in these proposals which would have to be ironed out. But is that any justification for refusing even to open such negotiations? The salient fact is that the Reagan administration has muffed every opportunity to proceed with these desperately needed negotiations, under the dubious argument that verification is too problematic even to agree to negotiations.

That is bad enough. But the President has pushed ahead on an even more dangerous path—ballistic missile defense. For example, the administration continues efforts to perfect technologies like the "Excalibur" X-ray laser battle station.

The Union of Concerned Scientists recently released a short briefing paper on these technologies which I think would be of interest to Members, and I ask unanimous consent to insert it in the RECORD at this point;

THE NEW ARMS RACE: STAR WARS WEAPONS

On March 23, 1983, in a televised address to the nation, President Reagan called on

"the scientific community which gave us nuclear weapons" to turn its talents toward the goal of freeing the world from the threat of nuclear war. He called for the development of defensive technologies that would provide the means of rendering nuclear weapons "impotent and obsolete."

Such a prospect is alluring, but can it be achieved? Is it possible to develop a technical fix to the arms race? These questions cannot be answered with certainty, yet it appears that the goal set out by President Reagan is not attainable. Insurmountable technological and political obstacles will prevent us from developing an effective "shield" against nuclear weapons. Most important, even the effort to build and deploy these "defensive technologies" could spur a dangerous new phase of the arms race.

THE STAR WARS VISION

The Soviet Union now has approximately 7,500 strategic nuclear weapons with which it could destroy America. The United States in turn has some 9,500 such weapons to deter the Soviets from ever initiating a nuclear attack. Due to their unprecedented destructive power, these arsenals set the framework for what is commonly called "mutual assured destruction" (MAD): If one side launches its weapons, the other will retaliate, and both sides will be destroyed. This precarious "balance of terror"—though flawed in many ways—has helped to maintain stability between the superpowers for more than three decades.

The president, a group of his advisors, and a handful of others now lay claim to a "vision of the future" in which exotic new weapons offer an escape from MAD. Through the deployment of anti-ballistic missile (ABM) systems on earth and orbiting in space, they believe that the U.S. could effectively intercept and destroy Soviet nuclear weapons launched against the U.S. or our allies. In this way, they suggest, we would no longer need to threaten the Soviet Union with a devastating retaliatory attack.

The futuristic technologies that evoke this hope for an ABM defense involve the use of "directed energy," with lasers and particle beams being the principal candidates. Briefly, the following are the major proposals for using directed energy for defensive purposes.

I. Chemical lasers: The DARPA triad

A laser is a device that creates a beam of energy composed of a single wavelength of radiation. The beam can take the form of visible light or invisible radiation like X-rays or infrared radiation. There are many different laser devices, and different forms of laser beams generated, yet all possess one thing in common: They have the potential to inflict damage to a distant target at the speed of light. This feature makes the laser beam an obvious candidate for a weapons system.

To create a laser of sufficient strength to act as a weapon system would require large inputs of energy, which has been a problem in development efforts. One energy source being tried is that of highly reactive chemicals. The Defense Advanced Research Projects Agency (DARPA) is attempting to develop a space-based chemical laser weapon. One of its programs, called TRIAD, is comprised of three separate research projects: ALPHA, developing the laser itself; TALON GOLD, developing the means of picking out and tracking fast-moving distant targets, because an effective laser weapon needs near-perfect accuracy over great distances; and LODE (Large Optics Demonstration Experiment), developing a very large, durable, lightweight mirror to focus and aim large lasers.

If and when the three parts of the TRIAD are perfected, they would be integrated into an operational laser battle station and placed into orbit via the space shuttle. Dozens, perhaps hundreds, of these orbiting battle stations would have to be placed into space to ensure that enough of them were strategically positioned at all times to target Soviet ICBM fields. Proponents of TRIAD claim that if the Soviets initiated a nuclear attack against the United States, these weapons would detect the missiles and start shooting them down.

II. Excalibur: The X-ray laser

Lasers can also be generated by other sources of energy. One such alternative is being pursued under the code name "Excalibur" at the Lawrence Livermore National Laboratory. It involves the use of small nuclear explosions to "energize" a laser.

When a nuclear device is detonated, massive quantities of X-rays are produced. Scientists working on Excalibur are trying to harness these "clouds" of X-rays for the purpose of attacking enemy ICBMs. They believe this could be done by "pumping" the X-rays through lasing rods to produce focused X-ray energy beams. If these beams were produced in space, they could, theoretically, be targeted against Soviet missiles in flight.

The proponents of Excalibur call for a "pop-up" deployment scheme. When an enemy missile attack appeared imminent, the U.S. would launch dozens—perhaps hundreds—of X-ray laser battle stations into space atop missile boosters. Each U.S. battle station would track rising Russian ICBMs with its 40-50 laser rods. This tracking would be done with information gathered by U.S. military satellites. The sensor equipment aboard these satellites would have to distinguish real missiles from decoys, and transit the data to ground stations for processing. Ground-based computers would make an immense number of calculations needed to plot the Soviet ICBM flight trajectories, and would transmit that information back to the computers on board the battle stations. When the laser turrets were all aligned, the command would be given, the nuclear device in each weapon would explode, and the X-ray beams would deliver crippling blows to their targets. After this occurred, the battle stations would themselves be destroyed by the nuclear blasts.

III. The high frontier

The High Frontier proposal, first presented by the Heritage Foundation in 1982, calls for a multi-layer approach to strategic defense. Two layers would be space-based, and a third would be ground-based. The first layer would consist of 432 orbiting battle stations, each armed with 40-50 non-nuclear kill devices. These weapons would be equipped with infrared sensors to home in on Soviet missiles and destroy them by direct collisions. The second layer would involve directed-energy battle stations similar to TRIAD and Excalibur.

In the High Frontier plan, the first two layers would "thin out" the Soviet attack, leaving fewer weapons for the third layer—a ground-based system—to contend with. The ground-based layer would consist of weapons surrounding U.S. missile silos, for example, swarms of projectiles or rocket-powered interceptors that would be launched to destroy the incoming ICBMs.

IV. Particle beams

The particle beam is another form of directed energy now being pursued by the U.S. Department of Defense for possible ABM applications. Particle beams differ from lasers in that they are composed of streams of atomic or subatomic particles rather than light waves. To create such an energy beam, particles are injected into a large machine called a particle accelerator that accelerates the particles to nearly the speed of light. If formed into a narrow beam, these particles could deliver a damaging blow to a target.

The advocates of particle beam weapons offer deployment schemes similar to that of TRIAD. The weapons would be fashioned into orbiting battle stations and placed "on patrol" in outer space. At the sign of a Soviet ICBM launch, these space-based particle accelerators would generate and direct beams of energy to disable the Soviet missiles.

V. Orbiting mirrors

Another ABM plan now being proposed envisages enormous mirrors placed in space to target and focus laser beams generated on the ground. Such mirrors would be stationed permanently in orbit, or 'popped up" (as with Excalibur) upon warning of an attack. As many as 100 ground-based laser stations would be dispersed across the continental United States. When a command to attack was given, the mirrors would be aimed, the laser beams would be transmitted into space and bounced off the mirrors to intercept the enemy ICBMs. If everything worked according to plan, the missiles would be destroyed, and the U.S. would escape from the damage the Soviet ICBMs would otherwise inflict.

FLAWS IN THE STAR WARS VISION

Space-based ABMs are now being considered at high levels of the U.S. government. These various schemes are alluring, but would they work? None of these systems has been built, and all face enormous technical hurdles. In fact, as the following list suggests, the technologies needed for these proposed space weapons may never exist.

For laser weapons to be effective against ICBMs, they would require targeting capabilities far beyond anything ever accomplished. The lasers would have to maintain near-perfect accuracy long enough to inflict damage upon targets traveling at more than 10,000 miles per hour, up to 3,500 miles away. A senior Pentagon weapons designer compared this targeting challenge to that of "being on top of the Washington Monument, shooting a rifle, and hitting a baseball on top of the Empire State Building."

No mirror ever built comes even close to meeting the requirements necessary for an ABM laser weapon. The mirror might have to be 40 to 50 feet across, whereas the largest laser mirror built to date is less than six feet in diameter. The mirror would have to withstand enormous temperature changes. Anything short of perfect reflection would result in destruction of the mirror by the laser itself.

A successful anti-ballistic missile defense would require immense battle-management capabilities. Hundreds of space weapons, each capable of delivering hundreds of energy beams or non-nuclear kill devices, would have to be aimed at some 1,000 targets in the course of only five to eight minutes. (After this short period, the enemy missiles would begin releasing their multiple warheads and the number of targets would

increase by a factor of up to ten.) Computers capable of accomplishing this sort of massive, instantaneous data processing do not exist.

Kill verification would be extremely difficult. Several seconds could pass before an attacked missile strayed from its anticipated trajectory. In a situation where targeting and retargeting must occur with lightning speed, time would be of the essence. The weapon would be of little value if target destruction could not be assured.

Since the ABM weapons would have only a few minutes to identify the target and execute an attack, human participation would be eliminated from the process. Automatic weapons would require an entirely new generation of "smart" technologies, machines with "artificial intelligence" capability to engage in a space warfare mission independently. As a research analyst for the U.S. Department of Defense has observed, "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system."

Particle beam ABMs would face additional obstacles. Building a particle accelerator small enough for deployment in space may not be possible. Finding a suitable energy supply for such a weapon will be difficult. The actual physics of particle beams, moreover, may not allow them to be aimed effectively in space.

As formidable as these technological obstacles may be, one might assume that they could still be mastered. Three or four decades ago, few would have believed that we would place astronauts on the moon. Some space-weapons advocates claim that President Reagan's call for these exotic ABMs is analogous to President Kennedy's call to put a man on the moon. The fallacy of this comparison is obvious. The moon did not try to defy our attempt to conquer it with technology. The Soviets will.

THE SOVIET RESPONSE

The U.S.S.R. will not sit idle while the United States develops a means to render its nuclear arsenal ineffective. Immediately following President Reagan's call for futuristic defense systems, Soviet leader Yuri Andropov responded sharply: "The Soviet Union," he said, "will never allow them to succeed." The Soviets will develop countermeasures to ensure the effectiveness of their nuclear weapons. Indeed, the United States, anticipating Soviet development of such ABMs, is working on at least six countermeasures of its own: (1) warheads that fly erratically toward their targets; (2) warheads that confuse radar tracking abilities by releasing clouds of metal from their tips; (3) decoys that behave like warheads and thus work to saturate the defense; (4) hardened and reflective materials that would blunt the effect of lasers; (5) rotating missiles that would disperse laser beam energy; and (6) warheads that emit smokescreens as a shield against lasers.

In addition to such countermeasures as these, the Soviets could also be expected to shift a larger portion of their arsenal towards terrain-hugging cruise missiles, low-flying bombers, and depressed-trajectory ballistic missiles—none of which could be destroyed by space-based ABMs. In fact, the Soviets are in the process of building weapons with such evasive capabilities. Likewise, the U.S. could expect a massive Soviet build-up of offensive weapons as a hedge against an ABM defense.

DEFENSE OR OFFENSE?

All the proposed ABM systems described above would have inherent offensive anti-satellite (ASAT) capabilities that would be highly destabilizing. Satellites are extremely fragile systems that would be much easier to shoot down than enemy missiles. For this reason, the deployment of space-based ABM systems by the United States and the Soviet Union would create an unprecedented threat to the command, control, and intelligence satellites of each country.

Fearing that its enemy could destroy its "eyes and ears" in the skies, each side would adopt hair-trigger postures that increase the risk of nuclear war. If a military satellite (or, for that matter, one of the orbiting battle stations) suddenly stopped functioning, it could be interpreted as the beginning of an attack. A computer malfunction, a collision with a piece of space junk, or a faulty instrument reading on earth might be mistaken as an act of war. Because these systems would be functioning autonomously, World War III could be initiated without anyone knowing it.

Even the mere prospect of ABM deployment could spark hostilities. The imminent deployment of ABMs could tempt an enemy to attack suddenly and decisively to disarm its opponent. Suppose the Soviets believed the U.S. was about to develop a defensive "shield" against nuclear weapons. In a moment of crisis, seeing that their offensive arsenal might be neutralized in the event of war, the Soviets might launch a first-strike attack before it was "too late." Failure to do so, in the view of some military leaders, might mean "submission" to the U.S. The U.S. could be expected to think along similar lines in response to a Soviet ABM defense.

The fact that these ABM systems would be less than 100 percent effective also creates a first-strike incentive. The nation that launched first would have the advantage of contending with the enemy's diminished retaliatory nuclear forces.

VIOLATING THE ABM TREATY

In 1972, the United States and the Soviet Union signed a treaty that explicitly outlawed ABM systems of the type that are now being explored by the U.S. government. To proceed with space weapons would require the abrogation of this treaty, even though most arms control analysts believe the ABM Treaty to be the single most important achievement of U.S.-Soviet negotiations over the past two decades. The ABM Treaty laid the foundation for all subsequent talks to reduce the offensive arsenals on both sides. If the ABM Treaty is abandoned, any incentive to scale back offensive weapons will be undermined. Both sides will want massive offensive arsenals to ensure penetration of their opponent's defense.

When the superpowers decided to forgo an ABM competition, they did so with the understanding that such ABM systems: (1) would fuel an offensive arms race; (2) would make a first strike more probable; (3) may not work; and (4) would be very costly. These arguments remain as valid today as they were in 1972.

The ABM space weapons would also be tremendously expensive. According to one ABM advocate, a comprehensive space-based defense program would require a $200 billion investment, and an additional $50 billion in annual maintenance costs. In 1982, the Pentagon estimated that a "damage denial" system would cost about $500 billion. Considering the number of battle stations projected in some of these schemes—and the fact that hundreds of space shuttle trips might be required to place them in orbit—it is obvious that the cost of these weapons would be astronomical—easily in the hundreds of billions of dollars.

We all wish that the "balance of terror" that looms over us could be wiped away. Raising false hopes about the promise of a technological panacea, however, will not end the nuclear arms race. If anything, the quixotic pursuit of "Star Wars" technology will drive the arms race to a new level of intensity, adding a new and dangerous dimension to the U.S.-U.S.S.R. rivalry. The only hope for a lasting and durable peace between the superpowers is persistent arms control that builds on the successful negotiations of the past.

Deployment of the Excalibur device, which draws its power from the detonation of a nuclear device, would almost certainly require the abrogration of the ABM treaty and the Limited Test Ban Treaty. It is this issue which the Congress must confront in the months ahead—whether we are prepared not only to go on with the administration's strategic modernization program and its ASAT program, but whether we are prepared to push ahead with the development of new technologies of dubious purpose and uncertain performance, whose deployment will almost certainly set the cause of arms control—and world peace and stability—back, perhaps forever.

Mr. Speaker, it is time for the Congress to draw the line. We have gone along on faith long enough. If we do not slow the push for deployment of space weapons, I am afraid that we will have committed ourselves to a new, destabilizing, dangerous, and prohibitively costly arms race—one from which we may never recover.

I ask unanimous consent to insert these remarks, articles, and editorials from the Los Angeles Times, the New York Times, and the Baltimore Sun pointing out the danger and the folly of the administration's plans for an arms race in space.

The articles follow:

[From the Los Angeles Times, Jan. 16, 1984]

AN ARMS RACE IN SPACE IS LUNACY—WE CAN KEEP AHEAD IN TECHNOLOGY WITHOUT BAITING MOSCOW

(By Ernest Conine)

Any day now the Pentagon is expected to carry out a preliminary test of an anti-satellite missile system. The Administration should think long and hard before proceeding with follow-up tests scheduled for later this year and next—tests which could take the U.S.-Soviet anti-satellite competition beyond the point of no return.

The history of arms control during the last 20 years is, in part, a story of missed opportunities. Both the United States and the Soviet Union, in reaching for short-range advantage, have at times taken steps that accelerated the arms race and harmed their own long-range interests.

On the U.S. side, the most dramatic example of strategic myopia is the decision in the 1960's to put multiple warheads on intercontinental ballistic missiles. What the plan-

ners unfortunately neglected to take into account was that in the long run MIRV's favor the Soviets, whose huge missiles can carry more warheads than ours.

The most glaring examples of shortsightedness, however, are on the Russian side.

Moscow seems genuinely disturbed by the prospective deployment of American-made Pershing 2 missiles in West Germany that can reach Soviet targets within 10 or 12 minutes. But what on earth was the Kremlin thinking about when it began installing SS-20 missiles pointed down the throats of West European political leaders back in the 1970's? How could they have imagined that there would be no Western response?

The 1972 SALT I treaty drastically limited the actual deployment of anti-ballistic missile systems, but imposed no prohibition on research and development work. As the authors of a study by the liberal-inclined Brookings Institution said last week, the Soviet ABM effort since 1972 has been far more energetic than ours, with the result that a "significant disparity" now exists.

Most experts agree, though, that the United States is far ahead in most relevant technologies. The Russians, by their actions, are likely to succeed only in provoking an ABM race that they cannot win.

Then there is the killer satellite issue.

Both major powers, but especially the United States, depend heavily upon satellites for weather information, military communications, photo reconnaissance, early warning of an enemy attack, and verification of compliance with arms control pacts.

It follows that each side is tempted to develop means of poking out the eyes and ears of the enemy in case of war.

The United States and the Soviet Union both fielded systems having anti-satellite capabilities during the 1960's. This country eventually dismantled its anti-satellite network—which involved the use of nuclear explosions in space—on grounds that on-going competition in anti-satellite weapons, or ASATs, was not in the U.S. interest.

The Soviet Union, unfortunately, was unwilling to let well enough alone. It continued sporadic testing of killer satellites, ultimately forcing the United States to renew its program.

U.S.-Soviet negotiations looking toward a ban on anti-satellite weapons were held in 1978 and 1979, but were suspended after the Soviet occupation of Afghanistan. Both countries have meanwhile continued their anti-satellite programs.

As things stand the Soviet Union has an operational anti-satellite system and we don't. The United States is moving to rectify the supposed imbalance by testing and installing an ASAT system of its own.

In fact, however, the ground-launched Soviet ASAT is vastly inferior to the U.S. system, which would use a fleet of F-15's to launch non-explosive missiles into the path of Russian satellites.

As Kurt Gottfried of Cornell said recently, "The Soviets have been both foolish and reckless to spend some 15 years nurturing a clumsy threat against a rather small portion of our satellites. Their major accomplishment has been to provoke us into building a far more sophisticated system."

The first U.S. flight test will merely test the launching system. In the next test the ASAT missile will be fired toward a point in space, but not at a specific target. Then will come the actual attempts to hit and destroy an orbiting satellite.

Critics warn that, while the initial test isn't very important, the follow-through tests may end whatever possibility there is of heading off a killer satellite race in space.

Last fall Soviet leader Yuri V. Andropov offered a moratorium on further ASAT testing by either side. This was a transparent attempt to preserve the Soviet edge in this field.

However, the existing Soviet advantage is not very important. Moscow's present killer satellite is effective only in low-altitude orbits; it can't reach the higher orbits where the more vital U.S. military satellites are deployed. But of course that deficiency could be overcome in time.

Furthermore, since the United States is far more dependent on military satellites than is the more "backward" Soviet Union, common sense tells you that a stop-where-you-are ban on ASAT weapons would be in our interest.

The Administration is bothered by the difficulty of verifying Soviet compliance with an anti-satellite ban, and indeed Russian cheating could be a problem. It is especially crucial to develop means of detecting Soviet testing or deployment of lasers as ASAT weapons. However, monitoring of any Soviet activity in this or other ASAT technologies would be easier with an agreement than without one.

Many defense scientists argue that, in any event, the best safeguard against Soviet killer satellites is not an ability to respond in kind. Instead, they say, we should upgrade the survivability of U.S. military satellites through shielding, maneuverability and movement to higher orbits.

Since we have more to gain from avoiding an anti-satellite arms race than do the Soviets, it is not at all clear that the Russians are genuinely interested in an effective anti-satellite moratorium or ban. Once the United States has demonstrated a superior system, however, we may never have a chance to find out because the Russians will then stall negotiations until they have a chance to play catch-up.

From the U.S. viewpoint, it seems to make sense to work for a moratorium on further tests, meanwhile continuing research on lasers and other technologies to avoid being caught short by a Soviet breakthrough. We would have nothing to lose and, conceivably, a great deal to gain.

This is a case where we might be better off to quit while we are still not quite ahead.

[From the New York Times, Mar. 2, 1984]

EARTHLY FOLLY IN SPACE

(By Tom Wicker)

Last Jan. 21, the U.S. Air Force sucessfully tested the two-stage rocketry of a new anti-satellite weapon (ASAT). That signaled, said the Union of Concerned Scientists, "a United States commitment to a dangerous new phase of the arms race which, if continued, could only decrease U.S. security."

Is that arms race in outer space really necessary? Can't it be headed off by a treaty with the Soviet Union, banning weapons in space? Yes, say numerous scientists and arms control experts, a treaty is feasible and far less risky than an arms race in space.

But "senior Administration officials" told Walter Pincus of The Washington Post that an interagency study had concluded that an agreement banning ASAT's would be impossible to verify. And Dr. George Keyworth, the President's science adviser, said recently on the television program "From the Editor's Desk":

"If we could conceive of a treaty with the Soviet Union that was truly verifiable . . . that would be one issue. It's an almost impossible thing to do in space . . . I find it difficult to envision."

The Administration's conclusion is so sharply at variance with the judgment of independent authorities that it gives rise to the suspicion voiced by the National Council of the Federation of American Scientists in its November 1983 "Public Interest Report":

"It is difficult to avoid the impression that the Administration is simply not interested in an arms control option in this area and intends to proceed with deployment, regardless of the alternatives and consequences."

The federation's detailed report asserts, among other things:

The primitive Soviet ASAT can only attack satellites in low earth orbit and from a total of eight launching pads; it has an unimpressive testing record and at best would require "several weeks" to destroy the 18 U.S. satellites now within its range.

This multiton weapon is launched atop a modified SS-9/SS-18 missile "about the size of three buses parked end to end," so that its deployment can be easily verified, a test launch could not be concealed, and the ASAT itself, once in orbit, could be readily tracked by ground-based radar and cameras.

To the limited extent that this weapon represents a real threat, its further deployment and testing would be easily verifiable; and while the Russians might build and possess more of these weapons than a treaty allowed, that would do them no good if they could neither test nor deploy them without detection.

Possible Soviet ASAT development in the future presents no greater verification problems. A space-based laser, for example, would be identifiable by its huge mirror and distinctive configuration; and while a few "space mines" might be disguised as satellites and orbited without detection, the huge "space mine field" needed to destroy all or most American military satellites could not be deployed clandestinely.

If there is a verification problem, the federation believes, it's with the far more sophisticated U.S. system—an 18-foot rocket with a heat-seeking, non-nuclear warhead. Carried aloft by an F-15 fighter and launched at high altitude, this weapon can take out a Soviet satellite up to about 1,000 miles high.

Once this easily concealable and transported ASAT is fully tested and operational, the Russians could have little confidence in their ability to verify a ban on its deployment; at that point, they probably would withdraw the draft treaty they've already offered at the United Nations and proceed—in the old familiar pattern—to match the superior U.S. weapon.

That's why now's the time—before the U.S. ASAT's heat-seeking warhead has been proven in tests scheduled later this year—for the U.S. to accept the Soviet challenge put by Yuri Andropov last August for a moratorium on ASAT testing. Negotiations for a treaty banning such weapons could then follow. But the Reagan Administration appears dead set against this course.

The main reason probably is not the Soviet threat, minor as it is, or the utility of the U.S. ASAT, targets for which the federation believes limited, or even the desire to outdo the Russians; rather, the Administration's cherished Space Defense Initiative (the so-called "Star Wars" missile defense) includes ground-based laser and space-based surveillance systems, both technically ASAT weapons. Thus a treaty banning ASAT's

probably would ban important segments of the Star Wars scheme.

Fortunately, the Air Force cannot proceed with the crucial test of the U.S. ASAT—pitting it against a target in space—until the Administration certifies to Congress that it is engaged in a "good faith" effort to negotiate ASAT limitations with the Soviet Union. Since not even token negotiations are now planned, Mr. Reagan's ability to evade this requirement of the 1984 Defense Authorization Bill may well determine whether outer space, too, will be engulfed in earthly folly.

[From the Baltimore Sun, Mar. 29, 1983]

A DANGEROUS DREAM

(By Gerard Smith)

WASHINGTON.—It is not at all certain that the defensive anti-ballistic-missile (ABM) system of President Reagan's vision can be realized. What is certain is that the start of such a super program will have a destabilizing effect on the present nuclear balance which depends on the mutual vulnerability of the superpowers to massive retaliatory attack.

This stability has two aspects: Arms race stability and crisis stability. Arms race stability is a condition the United States has been pressing for in which both sides feel they have sufficient strategic forces and that spiralling force buildups are not needed. Crisis stability is said to exist if a nation during a crisis does not feel that it must attack first lest its forces be destroyed by the adversary's preemptive strike—the so-called "use 'em or lose 'em" phenomenon.

Going for major ABM systems will prejudice arms race stability by causing a new arms competition in defensive systems and by accelerating the present competition in offensive systems as the two sides mount new weapons designed to penetrate the defensive screens.

And if ABM systems are deployed, future crises will be more dangerous as both sides come to believe that they may be immune to retaliation if they launch an attack. The president admits this and explicitly recognizes that if the superpowers had both offensive and defensive weapons, a more dangerous situation would develop. But how could such a development be avoided? By unilaterally decommissioning offensive forces? By Soviet-American agreements? Neither alternative seems at all likely.

So the president's vision, which on its face seems to promise a more humane and moral approach to deterrence of war, is a dangerous dream.

A main reason for the 1972 (SALT I) treaty limiting ABMs to minimal levels was a common recognition by the United States and the Soviet Union that with anti-ballistic missiles unlimited both aspects of strategic instability would arise: There would be escalating arms races in defensive as well as offensive missiles and during crises the risk of nuclear war would increase as the rivals believed they could protect themselves from attacking missiles.

The issue of treaty stability should also be faced. Arms control agreements especially should be considered as long-lived arrangements on which the parties can rely in planning and programming for the foreseeable future. Although all modern arms-control treaties contain termination clauses exercisable if a party's supreme interests are jeopardized, the presumption should be that such treaties once ratified are to last indefinitely. It is one thing to have research programs as we now do for insurance against a Soviet technological breakthrough in defensive systems; it is quite another for an American president to announce a major quest to develop the technological basis for systems presently banned by international law.

The president's dream foreshadows a first step onto the slippery slope leading to abandonment of the existing limits of 100 anti-ballistic missiles for each side—a number which has no military or psychological significance.

Starting a new defensive program, the end of which must entail the abrogation of the most promising strategic arms control agreement to date, will also hurt current efforts in the Strategic Arms Reduction Talks (START) at Geneva to limit offensive systems. Coming on top of our nation's failure to ratify three present arms control treaties signed by American presidents, it will raise even more serious doubts than now exist as to our commitment to the whole process of international control of strategic weapons.

But has not the president assured us that his vision is consistent with the ABM Treaty commitments? Unless the effort he is calling for fails in its early years, it won't be long before the treaty is terminated because its provisions ban the very systems the president envisions. And if they involve space basing, treaty limits restrict the parties to paper studies and laboratory experiments. Moving from research to development of space-based systems is now outlawed.

Visionary scientists even now are pressing for an ABM system involving laser beams driven by nuclear explosions in outer space. To test such a system would violate the Limited Test Ban Treaty of 1963 as well as the ABM Treaty. And to deploy it would also violate the Outer Space Treaty.

Some officials seem to rely on an airy expectation that when the ABM Treaty begins to pinch it can be amended. Maybe so. But what possible significance would remain in agreed ABM Limitations which permitted the United States and the Soviet Union to have the vast defensive screens contemplated by the president to protect many nations?

In considering switching to a defensive posture and strategy the president recognizes that the vital interests of our allies around the world will be at stake. If the United States alone were protected that would mean the end of alliances. (A Soviet defensive screen could neutralize the offensive strategic forces of Great Britain and France!) But the idea of designing and constructing protective screens over Europe and Japan as well as all of North America boggles the mind.

And protection must also be effective against bombers and cruise missiles and other delivery vehicles developed in the future.

The president prefaced his vision by reporting that our military leaders, the chiefs of staff, view the future as bleak. This chilling statement may signal a healthy recognition by the Pentagon that more weaponry is no longer the sovereign remedy for improving the nation's security. Perhaps a deeper commitment to arms control agreements may follow.

The chiefs of staff apparently did not have an opportunity to give careful consideration to the proposed new program and the administration makes no claim that the Pentagon recommends it or that the National Security Council has ever debated it.

Before embarking on this vast new weapons program our security managers would do well to pause and consider if it would not be more prudent and safer to modernize existing strategic forces, to plan on continuing to honor existing treaty commitments and try to extend them by safeguarded agreements rather than to bet the nation's future on most uncertain and far off new weapons systems.

The day may come when after years of experience with agreements limiting strategic arms the United States and the Soviet Union will have developed enough confidence in each other's intentions to retain only residual offensive forces as insurance against unforeseen contingencies. If that fortunate condition were ever reached, it might be fair to speculate that the superpowers would be disposed to cooperate in developing defensive systems as protection against attack by a third party. That utopian projection is the only case I can think of where it would be wise to try to make the president's dream come true.

(Gerard Smith, former director of the U.S. Arms Control and Disarmament Agency was the chief U.S. negotiator in discussions with the Soviets that led to the SALT I, or Strategic Arms Limitation Talks, agreement in 1972.)

Mr. BROWN of California. Mr. Speaker, I want to commend the gentleman for his extensive and very thoughtful analysis of this situation. He demonstrates his usual mastery over a complex subject and I very much appreciate his contributions.

Mr. Speaker, I am pleased to yield to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Speaker, I want to thank my colleague and commend him for taking this time on an extremely important subject.

When the first man set foot on the Moon, he called it a giant step for mankind. He was an American, and as an American the first thing uttered about this quintessential act of exploration was in effect a dedication of that still fantastic national achievement to the entire human family.

What we are here to talk about is whether space will continue to be a scientific frontier, as we set out to make it in the name of all the people of the Earth, or whether space will become, as some wish, the new high frontier of weapons. If the former, then we talk about something of the highest nobility in the human spirit, something that speaks for the ability of our species to endure on Earth and to pursue great dreams.

If the latter, then we are talking about the triumph of something truly base in the nature of men, something that points toward the risk of our eventual self-extinction.

It should be the policy of our Government to seek by every possible means to avoid what could be called the weaponization of space but it is not.

It should be the policy of our Government to vigorously press negotiations upon the Soviet Union to seal off

military competition in space but it is not.

Our Government desires to acquire an antisatellite capability. It rejects offers of negotiations on grounds that the subject of such a negotiation is apriori impossible to verify. I believe that verification is in this case merely a pretext. There is substantial reason for thinking that.

In my view, the real motivation is purely and simply the desire to exceed the prior Soviet accomplishment in this area. Our Government desires to throw the resources of the United States behind programs designed to lead to the creation of whole new families of weapons designed to attack objects in space from the ground, objects in space from other objects in space, and possibly even objects on the ground from space.

This effort, the so-called strategic defense initiative amounts, in my view, to nothing less than a lunatic fantasy. I use those words advisedly. It is a fantasy in which new weapons in space will somehow undo the consequences of hostility to arms control here on the ground.

The answer to the deadly nuclear arms race lies not in outer space, but here on Earth and within ourselves.

Our Government desires to transfer operation of space shuttles to the uniformed services. It also proposes to construct a huge permanent space station, which may be an excellent idea that I will support; however, if its capacities are made available to the military, it could indeed move us into a new and deadly form of military competition.

None of this is to say that we are without cause to worry about Soviet programs and motives. The Soviets have insisted on developing an Asat capability, over the repeated protests of past administrations.

Secrecy shrouds critical elements of the Soviet space program. The future of their already large and rapidly growing ability to put tonnage into orbit may well involve actions as irresponsible as the development of their ASAT. It would be folly to stand here and speak as if we in the United States can, alone and by ourselves, solely through unilateral gestures, protect the peace of outer space; but Mr. Speaker, unless we make that effort, the effort assuredly will not be made, and the future will be sealed; and until we get an administration which makes up its mind to take the lead on this subject, then leadership belongs by default to the U.S. Congress, which has the power to define and limit the uses to which the resources of this country are put in space.

Therefore, I welcome this special debate as an essential and timely initiative and hopefully the beginning of an ultimately successful effort to assure that the record of American activity in space continues to show dedication in the first instance to the interests of all mankind.

I thank my colleague for yielding me this time.

Mr. BROWN of California. Mr. Speaker, I want to thank my colleague, the gentleman from Tennessee, for his excellent statement. I look forward to continuing to work with him in securing a proper outcome to this debate.

Mr. Speaker, the gentleman from Georgia indicated a desire to participate briefly.

However, in the meantime, I would be happy to recognize the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I appreciate the gentleman yielding.

I know the gentleman from Georgia did want to discuss the subject a little bit. We do have some special order time which is coming up immediately after this in which we may discuss the issue at somewhat more length and the gentleman from California may wish to do that.

The gentleman from Georgia is arriving. Perhaps the gentleman from California wants to yield to him.

Mr. BROWN of California. Mr. Speaker, I am pleased to yield to the gentleman from Georgia and I want to commend him for his interest both in the space program and his interest in a new approach to military thinking, strategy, and tactics, and I welcome the gentleman's contribution to the discussion.

Mr. GINGRICH. Mr. Speaker, I want to thank the gentleman from California for yielding.

I just raise one underlying concern I have and that is that as a former history teacher, if in the 1930's we had adopted the same set of questions that sort of dominated this evening's special order and if the British had decided that Giulio Doulet was correct in arguing that the bomber would always get through, they would not have developed radar, which was a more difficult technological lead for the state of the art in the 1930's and what we are trying to do now, they would not have developed the Royal Air Force command and control system on the ground and they would not have had control of waves of high performance fighters.

All of those were theoretically impossible as late as 1934.

I guess the only thing that troubles me—I respect deeply the sincerity and the commitment of the various gentlemen who have very eloquently talked this afternoon—is that the least dangerous gamble, it seems to me, is to at least have a research level investment in defense.

I raise real questions about our ability to know what could or could not happen in this area before we try it, based on the history of the 1930's, when defensive strategies were widely debunked and in fact ended up being extraordinarily important in the survival of freedom in Great Britain; so I would be delighted to yield back to my good friend, the gentleman from Tennessee, if he wants to say something.

Mr. GORE. Mr. Speaker, will the gentleman yield to me for a response on that?

Mr. BROWN of California. Certainly, I am happy to yield to the gentleman from Tennessee.

Mr. GORE. My colleague, the gentleman from Georgia, knows, and this is not just hot air and fluff, my colleague knows the respect I have for his judgment.

I honestly believe that in this case the strategic defense initiative, or in the vernacular, "Star Wars" is really way off base. I believe it for a number of reasons.

● Mr. ECKART. Mr. Speaker, I commend the gentleman from California for bringing this issue to the floor for a full discussion. It has been a year since President Reagan unveiled his strategy for developing "star wars" weaponry. The administration is seeking $25 billion for a 5-year research program to determine the feasibility of deploying ballistic missile systems and space-based weapons. We are about to launch an arms race in space that is costly, and of questionable value, and we have yet to review its ramifications and consequences.

Let us talk about who pays for star wars and how much it will cost. The 1985 budget request of $1.8 billion for research on the ballistic missile defense is twice what we are spending now for this purpose. And that sum is but a downpayment on a 5-year, $25 billion research effort for weapons systems that will cost over one-half of a trillion dollars. According to the President's own Under Secretary of Defense, Dr. Richard DeLauer, the cost of space weapons will be staggering.

Let us talk about what all this money is going to buy. Particle beams and chemical lasers, antisatellite and satellite defense systems, swarm jets, and unimaginable contraptions that are geared to gaining military superiority in space. It is, as one of our colleagues has succinctly noted, a high-tech, quick-fix, space weapons fantasy.

We need to look at the ramifications of star wars on our national defense strategy and we do need to pursue research in this area. In a time when severe problems have been pointed out in our conventional military readiness, do we want to abandon some part of our current programs to finance major space initiatives of questionable feasibility? The critical question is whether

the new systems in space add more to our security than the capabilities given up on Earth will subtract.

We are talking here about weapons that will not actually be produced until the next century. We are talking about systems that could threaten the national technical means that we now use to verify arms compliance and monitor military activities. They want us to pay today and jeopardize our current security for weapons systems they cannot promise will ever be delivered.

While the administration tends to view space as a potential field for one giant, ballistic video game, we here on this floor must be responsible for insuring that mankind can still derive the peaceful benefits of exploring this mysterious frontier. The introduction of weapons into space may very well curtail future commercial and scientific endeavors.●

● Mr. WIRTH. Mr. Speaker, this week marks the first anniversary of President Reagan's now famous "Star Wars" speech. On that occasion the President called on the United States to embark on the development of strategic defense technologies that would render nuclear weapons obsolete.

The possibility of developing and deploying a system that would render our Nation invulnerable to nuclear attack is, on the surface, immensely appealing. However, the reality of embarking on such a monumental initiative is at best speculative and highly dangerous. To consider President Reagan's missile defense proposal, the Congress and the American people need to ask hard and thoughtful questions of this administration. I am afraid the President and his advisers in their zeal have not asked those questions, nor considered the answers that follow.

In the short time I have today, Mr. Speaker, I would like to pose some of the questions central to this national debate on defense policy and suggest some answers. Certainly a cardinal issue must be the question of whether a completely effective defense against nuclear attack is technically feasible. Second, and no less important, is the question whether this system would be desirable in political or strategic terms.

Within this framework is the extremely important question of cost. Although actual long-range figures remain hypothetical, the President's initiative calls for a 5-year $25 billion research program, with projected total costs of at least $500 billion. Dr. Richard DeLauer, the Under Secretary of Defense, has stated that the costs associated with a space-based missile defense will be staggering, but impossible to estimate now. Such pronouncements from a major advocate of the space defense initiative [SDI] lead me to conclude that such an enormous and ever-expanding program with highly speculative benefits should not be placed on the back of an American public, already burdened with huge deficits.

A corollary, and no less important concern, is how would the deployment of ballistic missile defenses affect the stability of the United States-Soviet nuclear balance? President Reagan's speech of last year promotes this system as purely defensive in nature. Just as certain is the vulnerability that the Soviet Union will feel if such a system is developed by the United States. The mutually assured destruction principle [MAD] which has existed between the superpowers will evaporate. The lack of a similar system deployed at the same time as our own would necessarily render the Soviet offensive threat a force, but not a deterrent. The potential invulnerability of first strike weapons such as the MX, which President Reagan considers vital, would cause great anxiety in the Soviet Union and could produce a miscalculation that could be disastrous.

We must ask ourselves if this scenario were reversed would we feel their system was purely defensive in nature and would we feel more secure? The answer is abundantly clear and extremely frightening. We must not consider such an investment without also considering the perceptions of the Soviets and their counterstrategy. One theory is that developing offensive countermeasures to destroy a defensive system would be infinitely cheaper and more practical than an SDI itself. Furthermore, any SDI systems space-based assests would remain highly vulnerable to destruction thus making the entire system ineffective. It seems apparent the deployment of such a system would lead to an action-reaction arms race in defensive and offensive systems. Such an escalation would not, in my opinion, enhance U.S. security.

A major concern in any discussion of the SDI proposal centers on whether the deployment of such a system represents a weakening of our commitment to arms control. Sadly, my conclusion is, yes. It is unrealistic to assume that after spending hundreds of billions to find an effective system, that it would not be deployed. Deployment of an SDI would violate the 1972 Treaty on the Limitation of Anti-ballistic Missile Systems—the ABM Treaty. This treaty has been a singularly successful arms control agreement. Proposing to build and deploy an ABM system will effectively destroy this agreement and undoubtedly fuel an arms race in offensive and defensive systems. Ironically, a U.S. ABM system will create a Soviet offensive missile buildup response directly counter to the Reagan administration's stated arms control policy in START which calls for a progressive "build down" of nuclear forces. The spiral of reaction and response will dwarf any prior arms race propelling our mutual insecurities into space. The development of space based assets for an ABM system will forfeit any chance to restrict the deployment of antisatellite (ASAT) weapons.

Mr. Speaker, we must base our defense policy and our desire for a world free of the threat of nuclear war on present realities. Now is the time to enter into serious arms negotiation rather than embark on an enormously expensive, destabilizing space-weapons race. Let us commit ourselves to the long and difficult task of confronting our mutual fears rather than promoting the expansion of our threats into space.●

● Mr. MAVROULES. Mr. Speaker, I thank my colleague from California, GEORGE BROWN, for organizing this special order so that we may continue the flow of debate on defense spending and arms control.

Today, we gather to address the possibility of a space-based defense system, just 2 days prior to the anniversary of the administration's proposal for a new strategic defense initiative that would include exploring means to deploy weapons in space.

During World War II, it may have been possible to develop an effective air defense against Nazi bombings that only a small percentage of the Nazi air fleet could penetrate.

But something has drastically changed the nature of warfare since World War II, and the administration's proposal for a strategic defense program unfortunately demonstrates that we have not come to adjust our thinking properly to this change.

With today's weapons, war is no longer winnable. Even space-based weapons that could succeed in knocking out 90 percent of the Soviet ballistic missile force would do no good. The remaining 10 percent of their force would be enough to endanger the entire planet. Nuclear annihilation would go through our defenses like flour passes through a sieve.

In addition, the administration proposes production of antisatellite weapons capable of knocking out not only Soviet killer satellities in space, but surveillance satellites as well. Instead of increasing our defenses, antisatellite weapons increase the risk of nuclear confrontation. Both nations rely on surveillance satellites for communication. By threatening to wipe out the adversary's communication, we increase the likelihood of a crisis or accident in times of high international tension.

The administration defends its proposal by claiming that because the Soviets are researching and developing space weapons technology, such a de-

fense initiative on our part is necessary for deterrence.

But perhaps we should expand upon another type of deterrence. Today, deterrence has fallen victim to the vicious cycle of the nuclear arms race. New rounds of the arms race have gone beyond the deterrence of mutually assured destruction that has guided our policies in the past. In today's world, a more effective deterrence would be an arms control agreement that would place equal ceilings on nuclear arsenals and an agreement to uphold the principles envisioned in the ABM Treaty.

The strategic defense initiative proposal has the potential of costing this Nation up to $500 billion, at least. Before we embark on such a project, we must weigh the costs.

I ask that we think carefully before taking the first, dangerous step. Now, not tomorrow, is the time to face the facts of whether or not such a program is desirable.

I commend to my colleagues the following article that appeared in the Boston Globe, and again thank Congressman GEORGE BROWN for spurring this debate today.

[From the Boston Globe, Nov. 24, 1983]

THE "STAR WARS" STAMPEDE

"Star wars" technology intrigued President Reagan last winter after he heard a reference to it in the National Security Council. This led to Reagan's speech proposing an intense national effort to build a defensive shield in space. Recently Administration officials and aero-space industry spokesmen have been touting this technology as a defensive "high frontier." They obviously hope to shift attention away from the effects of nuclear war, dramatized Sunday in an ABC television film, to soften up the public to accept massive "star wars" funding in the 1985 budget and to give the impression that President Reagan is forward looking on arms control.

Fascination with gadgetry runs the danger of blinding Americans to the realities. Robert Bowman, former head of the Air Force advanced weapons program, believes with most arms control experts and many scientists and former Defense Department officials that the U.S. space effort is about to cross a disastrous Rubicon. In a recent New York Times interview he said of the various "star wars" schemes.

"All have staggering technical problems. All are likely to cost on the order of a trillion dollars. All violate one or more existing treaties. All are extremely vulnerable. All are subject to a variety of countermeasures. All could be made impotent by alternative offensive missiles and therefore would be likely to reignite the numerical arms race in offensive weapons. All would, if they worked, be more effective as part of a first strike than against one. Most importantly, all would be extremely destabilizing, probably triggering the nuclear war which both sides are trying to prevent."

A "star wars" race will hugely inflate the cost of defense while undermining the stability of the U.S.-Soviet balance.

As much as $5 billion per year is forecast for exotic weapons such as X-ray lasers, which in theory would channel a nuclear blast in space into pinpoint bursts of energy to destroy incoming warheads like a giant nuclear-powered porcupine.

More immediate—and equally harmful to the US-Soviet nuclear balance—is the impending race to build weapons that can knock out surveillance satellites in space. The Soviets years ago tested a crude "space mine," but the United States is about to leapfrog to a far more efficient system involving a homing rocket launched from a high-flying fighter plane.

The technical flaw with ideas for defensive shields in space is that they can all be easily foiled by new varieties of offensive systems, or cheaply swamped by increasing the number of attacking warheads. Against satellite killers, on the other hand, the argument is not technical but logical.

Surveillance satellites are easy-to-hit sitting ducks. They are also crucial eyes and ears which give commanders on both sides the confidence to summon the restraint not to shoot first in a crisis. If these systems were made acutely vulnerable, paranoia would mount. Few events would be more likely to trigger a spasmodic ballistic missile launch by US or Soviet commanders than the sudden loss of space surveillance "assets."

If ballistic missiles had been banned in 1956, the United States would face no military threat today capable of injuring the US civilian population. If multiple-warhead missiles had been banned in 1971, the threat of a "disarming first-strike" attack, which for years has been the main force driving the arms race, would never have arisen. If cruise missile development had been halted once the "verification" implications of small sneaky, hard-to-count systems were realized, the arms control nightmare associated with cruise would not be at hand today.

In the case of space weaponry, the Reagan Administration is about to repeat the familiar error of mortgaging future security to systems that take the arms race in new directions and ultimately make the threat worse. Americans must break out of their infatuation with technology and think about its consequences instead. The wish for a "high frontier" is a delusion. Weaponizing space would be unforgiveable folly.●

● Mr. SHANNON. Mr. Speaker, almost exactly 1 year ago, March 23, 1983, President Reagan made the speech in which he called on scientists to develop space weapons, which he believed would render nuclear weapons obsolete. His idea, since described as the "Star Wars" approach, was that the United States should spend billions of dollars to build interstellar catcher's mitts, defensive technologies designed to intercept nuclear weapons before they reach U.S. soil.

Since that time, numerous private and governmental groups have examined the "Star Wars" concept. In general, they have concluded that it is not even clearly possible, in technological terms, and that it would cost at least $500 billion to implement. More importantly, it seems certain to escalate a new and costly weapons race, one that could cause the kind of destruction in space that we can already inflict on our own planet. Finally, this approach is a clear violation of the only strategic arms treaty that has been ratified by the United States and the U.S.S.R., the 1972 Treaty on the Limitation of Antiballistic Missile Systems (the ABM Treaty).

Mr. Speaker, I believe that such a venture is misguided at best, and counterproductive to the goal of nuclear arms reductions at worst. It has serious technological, financial, and legal problems that make consideration of this proposal prohibitive. I wish to insert into the RECORD a copy of an article that appeared in the Boston Globe on October 16, 1983. The article, "A War in the Stars?" by Fred Kaplan, outlines the history of the "Star Wars" concept and the major issues and problems that surround it. It is a fair summary of those issues and problems, and I commend it to my colleagues. I am also inserting into the record a letter to the editor of the Boston Globe from our colleagues, Congressman JOE MOAKLEY and Senator PAUL TSONGAS, which outlines the congressional response to the "Star Wars" proposal. My colleagues urge the administration to stop and think before it is too late, and an arms race in space is initiated. I strongly agree with this view. Finally, I insert the editorial from the Boston Globe of November 16, 1983, in its special edition on strategic defense. It represents a concise treatment of the issue.

I want to thank my colleague GEORGE BROWN for all his efforts to raise this important issue, and for organizing this special order today.

The editorial follows:

[From the Boston Globe, Oct. 16, 1983]

A WAR IN THE STARS?

REAGAN TEAM PRESSES OUTER SPACE ARMS PLAN

(By Fred Kaplan)

WASHINGTON.—Some time very soon (the date is classified), the United States will test a new weapon system that promises to burst through a new threshold in the arms race—a race for military supremacy in outer space. It is a race that will be unimaginably expensive; it will be almost impossible to turn back once it has commenced; and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

The new weapon seems deceptively harmless at first glance: a 12-by-13-inch cylinder, loaded with telescopes and infrared sensors, attached to a two-stage rocket small enough to fit under an F15 jet fighter. The drama—and potential danger—lies in what this small package is designed to do. It's called a Miniature Homing Vehicle (MHV), and the idea is to fly the F15 almost vertically to the edge of the atmosphere, then fire the MHV into outer space, where it will home in on—and kill—an enemy satellite.

If the first few tests of the MHV system succeed, we may find ourselves propelled, almost inexorably, toward a new era of military conflict. Maj. Gen. John H. Storrie, director of space for Air Force Plans and Operations, told a House committee last March: "Space is a place; it is not a mission. We are going to continue to do the things in space that we do in the atmosphere and on the ground and on the seas"—that is, to prepare to fight and win wars. A study signed last year by the Air Force Chief of Staff, titled "Air Force 2000," calls for "space su-

periority," which requires "the capability to destroy hostile space systems."

Already, both the United States and the Soviet Union—especially the United States—depend on space for a wide variety of military missions. Most of what we know about the Soviet military, especially about their nuclear weapons, comes from satellites. A great deal of military communications, command-control networks, navigational aids and other support systems are also channeled through satellites. Moreover, Maj. Gen. Bernard Randolph, director of Air Force Space Systems, has testified that a "major" objective of U.S. space plans is "to *expand* our military capabilities in space."

But, critics say, the more we rely on military platforms in space, the more incentive the Soviets will have to develop their own advanced anti-satellite (ASAT) weapons, thus making our military command network increasingly vulnerable.

"Right now," according to Paul Stares of the Brookings Institution, "if we lose our space systems, we'd be hurt but not crippled. But if we continue to increase our dependence on space systems, then we're just digging a hole for ourselves." There's one way out of this hole—and that is to negotiate an ASAT arms-control agreement with the Russians. Yet after our forthcoming ASAT tests, this may be impossible. Air Force officials have testified that it will take only six hours to install an MHV ASAT system on an F15 fighter anywhere in the world, at a cost of only $632,000 per plane. Says Stares, "There's no way the Russians could have confidence that every F15 isn't carrying an ASAT. What are we going to do? Paint the F15 different colors if it has an ASAT mission?"

An unfortunate element in all this is that right now may be the best time for getting ASAT arms-control negotiations under way. To see why requires a brief digression into history.

U.S. FIRST WITH ASAT SYSTEM

The United States was the first to develop an ASAT system. From 1963 to 1967, the U.S. Army tested some of its Nike-Zeus ABMs as satellite killers. From 1964 to 1968, the U.S. Air Force fired Thor missiles at deactivated satellites in outer space in what was called the "Squanto Terror" tests (or, in a lower key, "Program 437"). This program was kept alive until 1975.

Not until 1968, well after the Air Force had declared Program 437 "operational," did the Soviets start up their own ASAT program. The Soviets' system is substantially more unwieldy than either the U.S. programs of the 1960s or our forthcoming MHV plan. Their scheme was to launch a "killer satellite" into an orbit that crosses an enemy satellite and then to blow up the killer, destroying the enemy spacecraft with shrapnel.

Over the next 14 years, the Soviets conducted 20 tests. They have used two different types of guidance systems. One directs the killer-satellite by shining a radar beam on the target. The other is more passive, with infrared systems that seek out the target by the heat it generates.

According to John Pike of the Federation of American Scientists, the Russians tested the radar-seeker version 14 times, most recently in 1981, of which 10 were successes. However, more recently, they tested the passive infrared-seeker version six times—and all six were duds.

Even the 10 successes had their limitations. They were all conducted at low altitudes, whereas most U.S. satellite—including all early-warning satellites—are stationed at very high altitudes. They were also conducted within very narrow angles or inclinations (from 60 to 66 degrees), making it difficult to approach even the low-altitude American satellites. Stephen Meyer of MIT concludes, "They've really never had a test of what it would be like going against a real U.S. target."

From 1977 to 1981, the Soviets stopped testing ASATs. Over part of that period, the United States and the USSR held three sets of talks on negotiating an ASAT arms-control agreement. Then came the Soviet invasion of Afghanistan and the death of SALT II—and the ASAT talks faded away.

Last August, Soviet leader Yuri Andropov announced a moratorium on all ASAT testing, and Foreign Minister Andrei Gromyko submitted an ASAT arms-control proposal to the United Nations, with terms that seem to indicate seriousness.

One obvious reason for Andropov's offer is a realization that the United States is about to come out with a new ASAT system that will probably be much more successful than the Soviet model. Indeed, Administration officials have dismissed the idea of negotiations precisely because Andropov has proposed them. The reasoning: His fear of our ASAT only confirms that it can give us an edge in the arms race.

But this is shortsighted, and not just because it lessens the likelihood of an arms-control treaty. If the United States goes ahead and tests its new ASAT weapon, the Soviets will undoubtedly break the moratorium and resume their own testing—and probably develop a better weapon than the one they have now. This will provoke us to upgrade our system. And the race will be on.

From here, any number of scenarios can be imagined: The United States or the USSR (or both) develops an ASAT that can potentially strike satellites at high altitudes as well as low altitudes, thus endangering the all-important early-warning satellites. The other side then develops a system—perhaps involving laser weapons—that can attack this new ASAT system. Or perhaps he develops a space-based battle station that can defend the satellites in the same way, say, that a task force of escort ships defends an aircraft carrier. Then the other side builds weapons that can attack the defenders. And on it goes.

Indeed, this scenario is precisely what some people have in mind. Although the US Miniature Homing Vehicle program dates back to 1978, its most ardent supporters view it as a wedge into the whole panoply of space weapons—some on the drawing boards, some as yet only sparks and glimmers in the minds of technocratic enthusiasts—that falls under the rubric of "Star Wars."

REAGAN 'VISION OF FUTURE'

The Star-Wars advocates tasted their first dose of legitimacy last March, when President Reagan told a nationwide TV audience of his "vision of the future." He held out the "hope" that a network of anti-ballistic missiles (ABMs), space lasers and battle stations—based on decades of research—would "intercept and destroy [Soviet] strategic ballistic missiles before they reached our own soil or that of our allies."

For years, a fringe element—led by Sen. Malcolm Wallop (R-Wyo.) in Congress, Edward Teller and retired Gen. Daniel Graham in the military-scientific community and several others in various bureaucracies and think-tanks—has been keen on moving the arms competition into space. A very small group within the Air Force, recently reorganized into a Space Command, believes that space can be "The New High Ground" (as Thomas Karas calls it in his book that chronicles this community), from which the US can reign supreme in all other arenas of warfare.

Reagan's speech, which was heavily influenced by talks with Teller, gave this group the legitimacy it has long sought. Almost at once. "Beltway bandits" (as Washington's Rt. 128-like ring of consulting firms is popularly termed) and others put in contract bids to study "the military utility of space." More important, the subject became a high-priority issue inside the national-security bureaucracy.

Over the summer, three major outside studies were commissioned on the subject. At this moment, an interagency group—consisting of officials from the State Department, the Pentagon, the National Security Council and the Arms Control and Disarmament Agency—is drawing up evaluations of those studies to present to the President within the next month.

Officials involved in the studies and the interagency meetings say that nobody now knows how to go about even beginning to build a Star-Wars system. Says one Pentagon official, "At this point we have no consensus on what it all means . . . I don't think we have the kind of answers that we could base any sort of policy on."

In any case, officials are discovering technical problems that may be insurmountable. A ground-based laser wouldn't work through clouds. Even Gen. Randolph of Air Force Space Systems told a House committee last spring that a space-based laser would require 10 megawatts of power (some say much more) and would weigh 150,000 pounds—well beyond the transport capacity of the Space Shuttle. To provide even "a thin ABM capability," he said, we would need 50 to 100 of these systems. Furthermore, they must have perfect accuracy: He likened the mission to pointing a beam "from the Washington Monument to a baseball on the top of the Empire State Building and hold[ing] it there while both of you are moving."

Then there's the cost. Air Force studies estimate it as $500 billion. An analyst on one of the government-sponsored study groups puts it as high as $1.2 trillion.

And that probably would not be the end of it. Officials and analysts point out that the Russians could "spoof" any space-based ABM system much more cheaply than it would take us to build one. Just a few techniques: Cover the surface of a missile with a mirror that reflects the laser beam; jam the communications between the space system and the ground-control station; shoot it down with a laser beam yourself. As one official puts it, "If it can shoot down a ballastic missile, why can't it shoot down its twin brother?"

"THIS IS THE PRESIDENT'S PROGRAM"

Still, the interagency group will not advise Reagan to abandon the Star-Wars idea. "This is the President's program," says one skeptical official. "We can't tell the President that he's got a nutty idea." Instead, they will probably recommend that the military spend the next several years doing research on whether these problems can be overcome. Even this will cost quite a bit of money.

For example. Robert S. Cooper, director of the Defense Advanced Research Projects

Agency (DARPA), testified last spring that the "Space Laser Program Plan," which will merely "bring us to a point where we can make reliable planning estimates of weapon development costs and schedules," will cost $900 million. Other basic research of this sort could cost as much as $4 billion a year—maybe more—for several years; and even then, nobody will know very much more than before.

All of which leads some analysts to wonder whether it is sensible to start treading down this seemingly endless road to begin with. Though the ASAT program and the Star-Wars scheme have different origins, the road to the latter can begin with the former. In fact, the kind of technology needed for advanced ASAT systems—tracking mechanisms, sensors, beams and so forth—is quite similar to the technology needed for shooting down ballistic missiles. And the logic of the ASAT/counter-ASAT arms race provides a grand opportunity for the Star-Wars brigade to bring in their programs through various side or rear entrances if they end up getting locked out of the front door.

The Reagan Administration, however, is drawing no connections between ASAT and Star Wars. There is an interagency group dealing with Star Wars and another dealing with ASAT—but they are composed of different people and the two never meet. Similarly, the group concerned with ASAT is contemplating various arms-control ideas, but, according to officials, no one has seriously considered delaying the ASAT test until after these ideas have been fully explored.

In short, an historic opportunity to halt a whole new age in the arms race is being neglected, indeed scorned.

It wouldn't be the first time. In 1970, to cite just the most recent parallel, the United States deployed the Minuteman III intercontinental ballistic missile. It incorporated new technology called MIRVs (Multiple Independently targetable Reentry Vehicles), which allowed one missile to carry several warheads, each of which could be guided to separate targets.

Before MIRVs, a first-strike destroying the other side's land-based missiles was impossible: One missile could hit only one enemy missile; if one side built extra missiles, the other side could counter by building more too. However, with MIRVs, a single missile could (theoretically) destroy several enemy missiles. Thus, if the United States and the USSR acquired MIRVs, both sides would be at once capable of destroying the other's land-based missiles and vulnerable to such an attack themselves.

Some U.S. officials favored proposing a ban on MIRVs during the Strategic Arms Limitation Talks. But this was rejected because others felt MIRVs gave us a strategic edge over the Russians. Four years later, the Russians deployed their own MIRVs, and now the same people who opposed a MIRV ban a decade ago decry the Soviet MIRVs, which they claim have made our Minuteman missiles vulnerable. The most interesting strategic arms-control proposal of recent years—offered by Rep. Albert Gore Jr. (D-Tenn.)—calls for getting rid of MIRVs. But it's probably too late.

Henry Kissinger told reporters in 1974, "I would say in retrospect that I wish I had thought through the implications of a MIRVed world more thoughtfully in 1969 and 1970 than I did." Kissinger was dissembling: His former NSC aides say that MIRVs were thoroughly studied, that Kissinger knew exactly what their implications were from the beginning, but went ahead with them anyway—to gain a strategic edge.

It's the same with the upcoming ASAT test and indeed all the growing political pressure for at least elements of the Star Wars plan. Even more than before, the Administration is failing—even refusing—to think through the implications before the world changes in ways they may later regret.

[From the Boston Globe, Nov. 16, 1983]

STAR WARS MENTALITY THREATENS THE PEACE

We commend Fred Kaplan for his excellent article ("A war in the stars?." Oct. 16) documenting the growing hazard of an arms race in space. Mr. Kaplan points to the urgent need for efforts to prevent a plunge into such a costly and destabilizing race—a plunge from which there is likely no return.

While the article correctly depicts the Reagan Administration as heading pell-mell toward development of Star Wars weapons, it omits another side of the story. There is the drive in Congress to avoid United States action that would foreclose the possibility of a bilateral ban on space weapons or unravel arms control agreements now in effect.

As a first step, Congress late last summer passed an amendment requiring the President to certify that the United States is endeavoring in good faith to negotiate with the Soviets a mutual and verifiable ban on antisatellite weapons before proceeding with the testing of such weapons.

This amendment also bars the testing of antisatellite weapons unless not so doing would pose irreparable harm to United States national security.

Further, Congress is exploring other ways to restrain the Administration from rushing into Star Wars weapons. These efforts have broad bipartisan support.

In the House a resolution calling on the President to resume bilateral negotiations aimed at banning all space weapons is backed by 124 members. Hearings on the resolution were held on Nov. 10. And more than 100 congressmen have signed a letter urging President Reagan to propose to the Soviets a bilateral moratorium on the testing of antisatellite weapons in space.

A Senate resolution unanimously approved by the Foreign Relations Committee also provides for a test ban and negotiations toward a comprehensive treaty to prevent the arms race from spilling over into space. The resolution is awaiting floor action.

If the testing of antisatellite weapons proceeds as the Administration desires, the prospects for negotiating a treaty to prohibit them will be greatly impaired. Once the weapons are tested and refined, the momentum to deploy and stockpile them will be great, and the problems of treaty verification will become enormously complex.

By leaving the Soviets free to develop and deploy their own antisatellite weapons rather than binding them by treaty, we risk compromising our early warning and communications satellites, on which we rely far more for our national security than they rely on theirs.

Not only does the President's program mean the introduction of weapons into space, but even more alarming is his grandiose plan for an allegedly foolproof defensive screen in space against Soviet nuclear missiles. Costing up to $28 billion for the first five years of research alone, this misguided plan would threaten existing arms control treaties and could launch a highly destabilizing race to mount defensive weapons in space.

A Senate amendment passed on Nov. 4 would mandate a public report from the Administration confronting the grave implications of the proposed ballistic missile defense system.

So it is critical that the Administration understand the dire consequences of a headlong rush toward an arms race in space. There are many of us in Congress who see an urgent need to compel the Administration to stop and think before it is too late.

Sen. PAUL E. TSONGAS,
Rep. JOHN JOSEPH MOAKLEY.

Washington, D.C.

[From the Boston Globe, Nov. 24, 1983]

THE 'STAR WARS' STAMPEDE

"Star wars" technology intrigued President Reagan last winter after he heard a reference to it in the National Security Council. This led to Reagan's speech proposing an intense national effort to build a defensive shield in space. Recently Administration officials and aero-space industry spokesmen have been touting this technology as a defensive "high frontier." They obviously hope to shift attention away from the effects of nuclear war, dramatized Sunday in an ABC television film, to soften up the public to accept massive "star wars" funding in the 1985 budget and to give the impression that President Reagan is forward looking on arms control.

Fascination with gadgetry runs the danger of blinding Americans to the realities. Robert Bowman, former head of the Air Force advanced weapons program, believes with most arms control experts and many scientists and former Defense Department officials that the U.S. space effort is about to cross a disastrous Rubicon. In a recent New York Times interview he said of the various "star wars" schemes.

"All have staggering technical problems. All are likely to cost on the order of a trillion dollars. All violate one or more existing treaties. All are extremely vulnerable. All are subject to a variety of countermeasures. All could be made impotent by alternative offensive missiles and therefore would be likely to reignite the numerical arms race in offensive weapons. All would, if they worked, be more effective as part of a first strike than against one. Most importantly, all would be extremely destabilizing, probably triggering the nuclear war which both sides are trying to prevent."

A "star wars" race will hugely inflate the cost of defense while undermining the stability of the U.S.-Soviet balance.

As much as $5 billion per year is forecast for exotic weapons such as X-ray lasers, which in theory would channel a nuclear blast in space into pinpoint bursts of energy to destroy incoming warheads like a giant nuclear-powered porcupine.

More immediate—and equally harmful to the U.S.-Soviet nuclear balance—is the impending race to build weapons that can knock out surveillance satellites in space. The Soviets years ago tested a crude "space mine," but the United States is about to leapfrog to a far more efficient system involving a homing rocket launched from a high-flying fighter plane.

The technical flaw with ideas for defensive shields in space is that they can all be easily foiled by new varieties of offensive systems, or cheaply swamped by increasing the number of attacking warheads. Against

satellite killers, on the other hand, the argument is not technical but logical.

Surveillance satellites are easy-to-hit sitting ducks. They are also crucial eyes and ears which give commanders on both sides the confidence to summon the restraint not to shoot first in a crisis. If these systems were made acutely vulnerable, paranoia would mount. Few events would be more likely to trigger a spasmodic ballistic missile launch by U.S. or Soviet commanders than the sudden loss of space surveillance "assets."

If ballistic missiles had been banned in 1956, the United States would face no military threat today capable of injuring the U.S. civilian population. If multiple-warhead missiles had been banned in 1971, the threat of "disarming first-strike" attack, which for years has been the main force driving the arms race, would never have arisen. If cruise missile development had been halted once the "verification" implications of small sneaky, hard-to-count systems were realized, the arms control nightmare associated with cruise would not be at hand today.

In the case of space weaponry, the Reagan Administration is about to repeat the familiar error of mortgaging future security to systems that take the arms race in new directions and ultimately make the threat worse. Americans must break out of their infatuation with technology and think about its consequences instead. The wish for a "high frontier" is a delusion. Weaponizing space would be unforgiveable folly.●

● Mr. COUGHLIN. Mr. Speaker, a major and potentially very dangerous expansion of the arms race may be about to begin. The decisions we make during the next few months could determine whether outer space will continue to be used for peaceful purposes only or whether we will embark on an unlimited weapons competition with the Soviet Union in space.

Two developments raise important questions about the future uses of space: The continued development and testing of a U.S. antisatellite weapons systems—ASAT—and the acceleration of research on space-based ballistic missile defense systems, the so-called strategic defense initiative.

Last year the House Appropriations Committee agreed to delete $19.4 million for initial procurement of a new U.S. antisatellite weapon. Unfortunately, the Senate provided these funds and a conference committee took the Senate position. Nearly $200 million was also approved in fiscal year 1984 for ASAT research and development and $350 million has been requested for ASAT's in the fiscal year 1985 budget.

In opposing ASAT procurement last year, I felt the House position was a sound one calling for negotiations with the Soviets to ban ASAT's while stopping short of initiating actual procurement of our own sophisticated ASAT system. The Soviet Union has expressed interest in resuming ASAT talks suspended in 1979 and it seems that now is the time to get serious.

Proceeding now with U.S. procurement of a functioning ASAT will certainly trigger the Soviets to launch a crash program to improve their own primitive antisatellite system. A new weapons race will have begun and the opportunity for an ASAT ban may be lost. Once again, I urge that we make the negotiation of such a ban a very high priority.

There is no need at this time for the United States to have an ASAT system. The Soviet antisatellite capability is technologically primitive and unreliable, posing at most a potential threat to only a small number of low-orbit U.S. satellites. It does not threaten the high-orbit U.S. communication, navigation, and early warning satellites that are essential to our widely dispersed strategic forces. Continuing the ASAT competition could, however, push the Soviets to develop a capability to destroy our most vital satellites.

The Air Force has estimated that an operational ASAT system would cost $3.6 billion but the GAO predicts the cost could run to the tens of billions of dollars. I would point out that this is tens of billions we do not have.

The second major development is the potential militarization of outer space centers on the proposed strategic defense initiative, popularly known as the "Star Wars" research and development program. A relatively small ongoing research program on the use of lasers, particle beams and other advanced technology for space-based defensive systems was highlighted in a speech by President Reagan a year ago and since then has been given a high priority by the administration. The fiscal year 1985 budget requests $1.8 billion—double the fiscal year 1984 level—for ballistic missile defense as part of a 5-year $24 billion research effort on weapons that, if they work, could cost as much as half a trillion to produce. The technology would not be usable until the next century at the earliest.

The arguments against the strategic defense initiative range from its astronomical cost to its destabilizing effects on the present balance of power based on mutual deterrence to the impact on existing arms control agreements such as the ABM Treaty.

Taken together, I believe these arguments make a persuasive case against any crash research program aimed at a space-based missile defense system. At the same time, I believe it would be prudent to continue with some research in this area while aggressively pursuing more stabilizing weapons systems and arms control agreements with respect to outer space.●

● Mr. STARK. Mr. Speaker, I want to commend Mr. BROWN of California for having the foresight to request and conduct this special order on the Reagan administration's space weapons program and plans.

I will not beat around the bush. The Reagan administration's strategic defense initiatives budget request, and the other space weapons programs buried in the Pentagon's budget, represent a major shift in the direction of our strategic security policy. But the administration's space weapons funding requests are not billed as such.

In fact, we are being asked to approve funding for the first year of a $24 to $28 billion 5-year program, but we are not being told what the ultimate purpose of the program is.

Last March the President stated his desire to pursue a missile defense program that would render ballistic missiles impotent, and nuclear weapons obsolete. He put forth a vision of a leak-proof defense against Soviet ballistic missile attack. After the virtual technical impossibility of such a defense was pointed out by numerous technical experts, administration talk of the leak-proof defense was muted. What followed was the Hoffman report, which argues that a limited missile defense is desirable, that it would enhance deterrence. This concept is now coming under attack from many, including myself today.

Leak-proof defense? Limited defense? What are we being asked to support? And what is the strategic rationale for whatever it is we are considering?

Well, in official forums the administration's spokespeople tell us that we should spend over 20 billion tax dollars just to determine if the various space weapons technologies proposed are feasible. We are asked to spend $24 to $28 billion to see if we can do something before we decide if it is a good idea to do something.

I want to see a national debate now over the merits of space-based missile defense in terms of this country's national security interests. I want this administration to be honest with us about its interest in space-based missile defense.

I have expressed my concerns about pursuing a leak-proof defense in a New York Times op-ed article of February 1. Let me make several points concerning the Hoffman report recommendation.

A limited defense against ballistic missiles is, by nature, unsuited to the protection of our people, our cities. Not only will a limited ballistic missile defense allow hundreds—perhaps thousands—of nuclear warheads to strike targets in the United States, but it will probably be useless against bomber aircraft and cruise missiles.

If a limited missile defense is incapable of protecting people from nuclear attack, what is it capable of protecting? Hard targets, missile silos, command and control centers. There are thousands of these targets which must be hit with relatively accurate warheads to insure their destruction. The argument goes that a limited defense

can enhance deterrence by increasing Soviet uncertainty about their ability to destroy our land-based missiles and our command and control facilities.

First of all, this sounds an awful lot like the window of vulnerability theory, the concept the Scowcroft Commission killed in a hit and run race to the christening of the MX missile. Second, if increasing Soviet strategic planning and decisionmaking uncertainties helps enhance deterrence—and I suppose that it does—are there not easier, cheaper, and more effective ways to achieve this? Do we have to spend hundreds of billions of tax dollars on a space-based ABM of dubious feasibility? The answer is clearly no.

I want to put forth just one way to enhance deterrence by increasing Soviet planning uncertainties: Conclude and ratify a verifiable Comprehensive Test Ban Treaty. Of course, the Reagan administration has refused to reopen CTB negotiations. But the conclusion of a CTB would be vastly preferable to the deployment of a space-based missile defense system.

A CTB treaty would end all explosive nuclear testing by the superpowers. This would increase Soviet and American uncertainty in planning counterforce attacks by reducing the confidence in each warhead in their respective arsenals. The uncertainty of both sides would increase with each year the treaty was in effect, thus enhancing deterrence more and more as time goes on.

A CTB Treaty would be far easier to achieve than the deployment of an ABM system. And it can be done now, not 10 to 20 years from now.

A CTB Treaty would be far cheaper than a space-based ABM. Instead of spending several hundred billion tax dollars on the President's "Star Wars" fantasy, we would spend less money than we do now by no longer conducting nuclear tests.

Better, easier, cheaper. What more can responsible policymakers ask for?

Let's get serious about national security. Let's conclude a Comprehensive Test Ban Treaty, and scrap this talk of "Star Wars" and ridiculous expenditures.●

● Mr. KASTENMEIER. Mr. Speaker, we are approaching the first anniversary of the unveiling of President Reagan's "Star Wars" proposal to develop a massive space-based antiballistic defense system.

Although the Reagan administration, which is now in its fourth year, has still not found an effective policy for arms control, it insists upon injecting dangerous and destabilizing new elements in an accelerated arms race by expanding the frontiers of the arms competition between the United States and the Soviet Union to outer space.

The deployment of killer satellites, charged particle beams, orbiting laser battle stations and other weaponry in outer space will open a whole new age in the arms race. With the advent of such space weaponry technology, I fear that the human race will be playing with a fire of awesome potential for destruction.

We are at a crossroads in history. We can support what will eventually be unimaginably expensive budget requests for the President's "Star Wars" weapons systems or we can seize the opportunity now to cut off one of the dangerous hydraheads military technology keeps on growing. The choice should be obvious.

The United States and the Soviet Union have a chance to stop the very dangerous development of space-based weapons systems. The deeper we get into the valley of arms confrontation, the more obvious it should be that solutions to the arms race do not lie in more destructive weapons systems. Last year, the late Soviet President Andropov proposed that the two superpowers agree to a ban on space weapons. The Reagan administration should now come forward and push for immediate talks on a treaty to ban weapons in space. Politically, such a treaty makes sense since Ronald Reagan needs all the help he can get in convincing other nations and people here at home that he is serious about arms control. This would be a great opportunity to show his sincerity.

Mr. Speaker, although military planners are taking for granted the strategic value of space and its ultimate military exploitation, it should be understood that we are not going to make ourselves any safer on Earth by moving weapons into space.●

● Mr. LEACH of Iowa. Mr. Speaker, the concept of weapons in space has long been a staple of popular entertainment, but as with many things, as it has become more and more a reality, it has become less and less amusing. Today, former fantasies such as bombs which cozy up to enemy satellites and then explode and projectiles which take aim at targets with their radar and then crash into them at fantastic speeds are already with us, while superhigh energy laser beams and streams of destructive subatomic particles are not far around the corner. Buck Rogers is no longer science fiction. Yesterday's comic book fantasia is today's reality. If the United States and the Soviet Union do not pull back from the madness of the arms race, we will soon see weapons of destruction in space which the creator of "Buck Rogers" could never have imagined.

Security in the nuclear age implies being technologically second to none. Yet the issue is more than merely a technological one. We have the potential to use space and space technology to further the peaceful enterprises of mankind. We also have the potential to use these things to continue and escalate the arms race, and bring much closer the possibility that we will, through misplaced intention or error, reduce ourselves and our planet to so many piles of ash.

Ironically, if one side appeared on the verge of establishing a foolproof defense system, incentives for the other to launch a preemptive strike would increase. Rather than enhancing global stability, the development of an invulnerable antimissile umbrella could precipitate the ultimate in brinkmanship. Strategic breakthroughs in an era where weapons themselves are of civilization-destroying proportions destabilize the nuclear balance and thus generate "Strangelovean" calculations that defy normality and, potentially, morality.

A maginot line mentality which refuses to recognize that there is no shield mightier than the nuclear sword undercuts any rationalization for arms control. It lead not only to questioning of the desirability of seeking future arms agreements, but to a reappraisal of past ones.

One of the foremost principles of arms control is that it is far easier and more manageable to make agreements prohibiting what has not taken place than to attempt to restrict weapons or troop deployments which have become a standardized part of a particular country's arsenal or which are current de facto military situations. In this regard, the Antarctic Treaty of 1961, which banned the militarization of the Antarctic continent and which was the earliest of the post-World War II arms limitation agreements, stands out as a classic example.

Likewise, SALT I restrictions on ABM systems were successfully developed precisely because they were agreed upon before, rather than after, significant deployment. The logic that led to the SALT I agreement prevails today. Security is better enhanced by arms control than by arms races.

Arms control is not only the profoundest issue of our age, but of any age. What distinguishes Americans and Russians today from any other group of people ever to inhabit the Earth is that through our governments we have the capacity to destroy life itself. What also distinguishes us is the time sensitivity of decisions confronting our leaders. Today a mistake may not be retractable, and a decision may not be reversible. Nuclear weapons cannot be toyed with; nor can spacemanship be played like a video game. Unlike Earth-based systems, which can be dismantled with ease, space-based systems once put in orbit are likely to remain forever a fact of life, or death.

Einstein once remarked that unleashing the power of the atom has changed everything except our way of thinking. Time is running out on our

ability to control space-age weapons. If "Star Wars" is to remain fiction, the Earth must be protected from holocaustal weapons systems. It is incumbent on statesmen of all countries to work to insure that space is explored, not exploited.●

● Mr. DELLUMS. Mr. Speaker, I would first like to thank my colleague from California, Mr. GEORGE BROWN, for requesting this special order. The rapid escalation of the arms race is clearly out of control, and now as the administration pushes for its contagion into space, the world grows closer by the minute to annihilation.

As Mr. BROWN's resolution forcefully points out, the need to maintain our commitment to the ABM Treaty of 1972 is paramount. To abrogate this treaty would be to take yet another leap backward in any serious attempt at arms control, and a giant leap forward toward armed conflict, at a time when national leaders look to a military solution for the world's social, economic, and political problems, and dozens of wars are raging around the world.

The "peaceful use of space" has been a guiding principle for policy planners for decades. Now, as if from the back lots of a Hollywood set, we enter the high-tech era of a star wars mentality.

Chemical lasers in space; ground lasers with mirrors in space; X-ray lasers; soft X-rays delivered to targets; particle beams; kinetic energy of moving projectiles; microwaves; and electromagnetic pulse. Any technology that could be contemplated at this point is so far off in reality, if in fact any of it can become reality, that it will take literally billions of dollars to research and develop. Perhaps as important, it will mean diverting much of our best scientific talent at all levels of research for years to come.

Even the most optimistic scientists who have become enamored of such a project would not dare to suggest that a 100-percent effective system could ever be built. Since this is the case, and given that a full-scale exchange would mean the launch of thousands of warheads at targets all over the United States, even a 1-percent failure would surely mean the complete decimation of our country. This would hardly render nuclear weapons "impotent and obsolete" as the President cheerily suggests.

Instead, such a system, beyond all of the prohibitive costs involved in its design, deployment, and maintenance, would then drive the race for even more accurate offensive weapons to defeat the BMD system that the Soviets would surely deploy.

Having said all of this, any system which could be devised, would still be vulnerable to even the simplest and cheapest antisatellite technology.

The noted Massachusetts Institute of Technology scientist, Dr. George Rathjens, was formerly chief scientist and Deputy Director of the Defense Department's Advanced Research Projects Agency, and was Special Assistant to the Director of the U.S. Arms Control and Disarmament Agency. He was also the Director of the Institute for Defense Analyses' Systems Evaluation Division. I would like to share with my colleagues a statement by the highly qualified Dr. Rathjens.

The statement follows:

STATEMENT BY GEORGE RATHJENS

The two most noteworthy speeches on ballistic missile defense, in my memory, have been those of Secretary of Defense Robert McNamara in September 1967 and President Ronald Reagan in March 1983.

It had been alleged that McNamara was opposed to deploying a large scale ABM system for the defense of the population because of the cost, then estimated to be $40 billion. In reply he said:

"Let me make very clear that the $40 billion is not the issue. If we could build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend not $40 billion, but any reasonable multiple of that amount that was necessary. The money in itself is not the problem: the penetrability of the proposed shield is the problem. . . . Were we to deploy a heavy ABM system throughout the United States, the Soviets would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage.

"It is futile for each of us to spend $4 billion, $40 billion or $400 billion—and at the end of all the spending, and at the end of all the deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now.[1]

President Reagan, in contrast, has proposed that "we embark on a program to counter the awesome Soviet missile threat with measures that are defensive . . . [claiming that] current technology has attained a level of sophistication where it's reasonable for us to begin this effort . . . to give us the means of rendering . . . nuclear weapons impotent and obsolete." [2]

What is the explanation for these seemingly contrasting views of two men who had access to the best technical expertise in the country? In fairness it must be noted that McNamara was talking of near-term deployment, whereas President Reagan was speaking of a long-range R&D program. Still, the differences run deeper than that.

McNamara's conclusion was based on two critical assumptions: that defensive efforts could be offset by improvements in the offense at a cost favorable—or at least not significantly unfavorable—to the offense; and that one had to expect the offense to make such efforts in response to measures undertaken by the defense. From President Reagan's remarks we must infer that he believes that one, or both, of these assumptions is not likely to hold some decades from now.

It was easy to show in 1967 that McNamara's first assumption was reasonable, especially if the objective of the defense was to ensure that the destruction of cities and populations was kept to a low level, less than, say, 25 percent. Indeed, on being polled, all of the men who had served as science advisers to Presidents Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson and all who had served as directors of defense research and engineering agreed essentially with McNamara's assessment. Even if the defense worked perfectly and if the offense used the most conservative tactics—exhaustion of interceptors—to defeat it, the advantage would lie with the offense: it could add warheads to its forces at a cost less than that to the defense of adding interceptors plus associated radar and computer capacity. And, there were the possibilities that the defense might fail catastrophically—something not to be dismissed lightly, considering the impossibility of realistic simulation and debugging before first use—or that the offense might offset the effects of the defense's expenditures by means less costly than exhaustion (for example, by using decoys or high-altitude explosions to black out radars).

Has the balance in technology shifted to favor the defense? Is it likely to do so on the time scale President Reagan had in mind? Developments in three areas merit comment.

Fifteen years ago the problems of tracking and discrimination in the event of an attack involving many warheads and penetration aids seemed formidable, among other reasons because of problems in programming and data processing. Data-handling capability has improved so greatly that we can now expect not only to handle these problems much more easily, but to do it with equipment compact enough to be carried in aircraft or on space vehicles. Second, developments in compact infrared sensor technology raise the prospect of using sensors and processors so based for midcourse intercept. Third, there has been the work on highpowered lasers, including the X-ray laser driven by a nuclear explosion. But it should be said that although the infrared work is promising, coping with possible countermeasures is a relatively unexplored, but potentially very difficult, problem area—one not likely to be dealt with in a few years. And, although the laser work has had great press coverage, it is unlikely to be the key to solving the BMD problem, given that discrimination, coping with countermeasures, and system integration—not target kill—have been the most serious obstacles to BMD at high altitudes.

Thus, notwithstanding some impressive developments, it is most doubtful that a nationwide defense can be built that cannot be offset by improvements, at a lesser cost, in the adversary's offensive capabilities. This will be so especially if the objective of the defense is to "render nuclear weapon impotent and obsolete," as the president suggested. Readers will, of course, understand that this implies virtually 100 percent confidence in 100 percent effectiveness, and that a defense of such effectiveness is fundamentally different in kind from one that would be able to destroy only 99 to 99.9 percent of an attacking force. Defense at the 100 percent level is likely to be much more difficult and expensive. More to the point, defense that was anything less than 100 percent effective would not come close to meeting the president's objective: we would still have to live

[1] "Text of McNamara Speech on Anti-China Missile Defense and U.S. Nuclear Strategy," New York Times, September 19, 1983.

[2] "Address to the Nation," Weekly Compilation, pp. 447-48.

in the shadow of nuclear weapons.[3] In fact, more is required to meet the president's objective. Even if we could build a 100 percent effective BMD, there would still be the problem of interdicting delivery of nuclear weapons by other means, particularly by cruise missiles. Although Secretary of Defense Caspar Weinberger has said that we would build a system to do that too,[4] he has offered no suggestion as to how it might be done.

What of the possibility that McNamara was wrong in his second assumption—that the Soviet Union would react to a U.S. defensive effort by an offsetting upgrading of its offensive capabilities? Much that has happened since 1967 suggests that other factors in addition to the action-reaction phenomenon are important in the arms race, but there is little reason to believe that either superpower would passively accept development by its adversary of a substantial defensive capability if it could be easily offset, and there, is a great deal of evidence, at least on the U.S. side, to suggest the contrary. We have developed penetration aids for aircraft and missiles in order to get through Soviet air defenses and hypothesized ballistic missile defenses, and the need to penetrate such defenses has been an important impetus to our multiple independently targetable reentry vehicle and air-launched cruise missile programs.

How, then, is President Reagan's speech to be explained? Confronted with the enormity of relying on the threat of nuclear retaliation as the ultimate response to Soviet "threats," in particular to Soviet nuclear capabilities, he has understandably, and rightly, recoiled, as have so many before him. But what are the alternatives? Those who truly understand the nature of nuclear weapons and the virtual impossibility of a truly perfect defense against a determined adversary have tended to focus their hopes on arms control and disarmament and ultimately on political solutions. to U.S.-Soviet problems. But those with little understanding of technology, including those who have been poorly or inadequately advised, are more likely to see hope in "technical fixes," particularly if they see the Soviet Union as such a source of evil as virtually to preclude political accommodation. We have here the likely explanation for President Reagan's speech. It is more likely—and a more charitable explanation—than that he spoke as he did out of political expediency, fully understanding that the hope he was holding out was a false one, or at least one for which there was no foundation.

It is doubtful that there are many informed persons who fully believe in the president's, and Secretary Weinberger's, vision of an impenetrable defense. But what of less effective nationwide defenses? Might not a 50 or 90 or 99 percent effective defense be feasible and worth buying, or at least worth trying to develop? The answer is, regrettably, probably not. There are at least three points to be made.

First, it should be understood that it is, indeed, truly regrettable that such a defense is not in the cards. There have been many suggestions, perhaps most notably by Henry Kissinger, that some in the arms control community would prefer a world of mutual assured destruction to one where defense had the upper hand.[5] Such views reflect a misreading of the ABM debate of 1968-70 and of current attitudes. Nearly all of those who have opposed BMD deployment by the United States have done so not because they were happy about a mutual hostage relationship but rather because they believed, with McNamara, that technology—and the fragility of cities and industry—favored the offense, and that defensive efforts would be offset—indeed, perhaps be more than offset—by the adversary's improvement in offensive capabilities. It would be a better world if the balance were otherwise—if an improvement in offensive capabilities could be negated at a significantly lower cost by an incremental improvment in defenses—just as it would also be a better world if we could abolish poverty and injustice.

Second, defense at the high end of the range mentioned (99-99.9 percent effective, perhaps even at the 95 percent level) would be of interest if feasible. But such defense, although much less demanding than a perfect defense, would still be plagued with many of the same problems and is probably also beyond reach, considering that a determined adversary, such as the Soviet Union, can allocate substantial efforts to negating defenses.

Third, defense at much lower levels of effectiveness would not be very interesting even if feasible and if not offset by the adversary's improving offensive capabilities. Given the present and projected levels of offensive forces, the United States and the Soviet Union could each be destroyed as a going society even if each could intercept 50-90 percent of the adversary's offensive warheads. Indeed, defense at such levels of effectiveness might not mean any reduction in damage at all, given that each side, even if it did not upgrade its offensive weapons, would likely allocate them differently than it would if its adversary had no defense. And, if there could be no assurance that defense could reduce damage significantly, would it be politically or militarily useful? Could either side feel more secure—would either behave differently in crises—if it had such a defense than if it did not? It seems unlikely.

In sum, then, the hope and the prospects for a population defense that would be both feasible and attractive have to be regarded as poor. Worse, the attempt to acquire such defense is likely to prove pernicious; and President Reagan's Star Wars speech has not been helpful. Although we are not likely to see the development of a technology that could provide even a moderately effective nationwide defense, much less an impenetrable one, we are likely to see an intensification of research and development. If it goes badly, we will have simply wasted money—probably a few billions. But it if goes well, there will be additional unfortunate consequences. First, there will be an impetus to abrogate, denounce, or modify the ABM Treaty. If that happens, both the United States and the Soviet Union will almost certainly make somewhat greater efforts than they otherwise would to improve offensive capabilities as a hedge against possible ABM deployment. Second, BMD-related R&D by the United States will stimulate similar work by the Soviet Union, and the work by each may contribute to the realization of improved antisatellite capabilities. This could be to the detriment of both, particularly the United States.

Finally, there is the question of more practical defenses, particularly the defense of ICBM silos and perhaps other hardened military targets. The earlier U.S. attempt—that with Safeguard in 1968-71—suffered from two rather serious flaws: considering that Soviet counterforce capabilities were very limited at the time and for several years thereafter, the decision to deploy was at least five years premature; and the defense was poorly matched to the job, something not surprising considering that the components has been designed for a different purpose, the defense of cities. But the experience with Safeguard should not prejudice our assessment of current and future hard-site defense proposals.

Such proposals should be measured against three criteria. First, there must be some scenario(s) for use that are sufficiently plausible and worrisome to justify deploying a defense and, incidentally, modifying, abrogating, or at least jeopardizing the ABM Treaty. Second, defense should compare favorably with other means of ensuring the survival of the assets to be defended. And, third, cost-exchange considerations should be favorable: deploying a defense that could be offset by the adversary's making much smaller investments in offensive capabilities would obviously be a somewhat dubious proposition. As noted, Safeguard failed the second and the third tests (as well as the first, in the author's opinion). It proved to be possible to increase the "hardness" of many of the Minuteman missile silos, thereby increasing survivability with greater assurance and at lower cost than could have been done with Safeguard. And because the defense of each Minuteman wing was to have depended on a single expensive and relatively vulnerable fire-control radar (the missile site radar), the costs to the Soviet Union of crippling the defense would have been quite low.

But defense of hard missiles, or other hard targets, is a much easier task than defense of industry and population, particularly if relatively high levels of loss (50-90 percent) or a relatively low-confidence defense is acceptable, as may well be the case. The argument is made elsewhere in this volume. Here, I will simply assert that I do not believe it can be shown that all plausible hard-site defense systems will necessarily fail the second or third tests cited above.

There remains the question of the plausibility and seriousness of scenarios that are usually envisaged when the case for such defenses is made. The most common is the massive disarming attack against ICBMs, possibly, but not necessarily, coincident with attacks against bomber bases and in-port submarines.

There can no longer be much doubt that the accuracy/yield combinations available to the USSR are, or soon will be, good enough so that single-shot kill probabilities against the "hardest" U.S. missile silos will be very high. This, however, is a far cry from having a high-confidence disarming capability against U.S. ICBMs, given the possibilities of gross malfunction of some missiles and of failures in command and control, possibilities that cannot be lightly dismissed in executing a plan that can never have

[3] There are other implications that might be noted. With defense in the 99 to 99.9 percent effectiveness range, one would expect a vigorous defense-offense competition inasmuch as there would likely be a widespread perception that an increase (or decrease) in numbers of warheads that could be intercepted could be of great political and perhaps military significance; and civil defense would seem very worthwhile, at least at the 99.9 percent level, whereas it would not be with defenses that were 100 percent (or 50 to 90 percent) effective.

[4] Interview on "Meet the Press." March 27, 1983.

[5] Henry Kissinger, White House Years, pp. 215-217; and in remarks made by him in Brussels in Survival (November/December 1979), p. 265.

been adequately rehearsed or debugged. And, even if the Soviet Union could destroy nearly all U.S. ICBMs and some bombers and submarines as well, could it be confident that the United States would not retaliate with some of its residual force? Certainly not. The scenario has to be seen as incredible. It is hard, then, to see much of a case for defense of the ICBM force.●

● Mrs. SCHROEDER. Mr. Speaker, the Reagan administration has proposed a 20-year, high-tech boondoggle of research and development intended to produce the ultimate in nuclear fantasies.

Our intention to develop a "Buck Rogers" defense will not compel the Soviet Union to sue for peace, nor stop building its own offensive weapons, nor accept the permanent superiority of our technology. Instead it will only further drive the arms race.

Advocates of star wars claim that they can create a network to stop 90 percent of the Soviet missiles in attack. The Soviets would probably launch at least 3,000 missiles—does it not make you feel safer to know that only 10 percent or 300 nuclear bombs would reach our beloved shores? Imagine, it would only take 100 megatons or 1 percent of the U.S. nuclear arsenal to destroy the human race through a nuclear winter.

Scientists allied with the administration question whether an ABM defense could really protect people. However, there is a strong sentiment in the Pentagon for ABM's to protect our own land-based missiles. It is a possibility that much of the proposed ABM research in reality will search for ways to guard the MX—adding to the heavy cost of this controversial weapon.

Star wars may not ever shoot down an enemy missile, but it could shoot down any existing or future arms control agreements.●

● Mrs. ROUKEMA. Mr. Speaker, I am pleased to participate in today's special order on the arms race in space and commend my colleague, Mr. GEORGE BROWN, for calling attention to this very costly new defense system aimed at developing weapons in space.

When I sought election to the Congress in 1980, I endorsed the need for a strong national defense because of my sincere belief that our defense capabilities had so deteriorated that we could not effectively deter international aggression and defend our vital national interests. President Reagan has played an essential, commendable leadership role, the first in many years, by drawing public attention to the long-neglected needs of our national security. He pledged to the American people that he would close the window of vulnerability in our defenses. It is to the President's credit that he has been working hard to make good on that pledge.

A few weeks ago I spoke to my colleagues on the need to call attention to our defense priorities and the way in which we spend our defense dollars. I warned that only through thoughtful analysis of the facts can we restore our military security, establish a credible defense posture and enhance the value we derive from the growth in defense allocations.

I believe that those of us who campaigned on this issue have a particular obligation to review, with the greatest care, each and every defense proposal.

I repeatedly warned against the astounding growth of a new set of what I call defense entitlement costs, for which the bills will come due throughout the coming decade and beyond. Defense entitlement means that, once new weapons systems are initiated, they take on a life of their own, just like many of the runaway Great Society programs, which were created in an earlier decade but paid for by today's taxpayers. Once set in motion, these elaborate, often staggeringly expensive weapons programs force expenditures in future years that can easily get out of control. In the process a new constituency is formed for each weapons program with a vested interest in its perpetuation—regardless of its defense value.

The result when an expensive weapon becomes seemingly entitled to funding is not only an increase in the Nation's deficit, but also encouragement of waste on the part of the Defense Department.

A perfect example of such a defense entitlement is the proposed strategic defense initiative consisting of a ballistic-missile defense system and antisatellite weapons (ASAT). Last year, the Defense Department estimated that this weapon would cost $3.6 billion, but a General Accounting Office (GAO) report cautioned that the total cost of developing the weapon "may be in the tens of billions of dollars." The fiscal year 1985 request for space defense is $481.7 million.

We seem to be at a crossroads in our use of outer space. The U.S. civilian space program has been a source of great national pride. Benefits derived from space have enhanced our economy and broadened our scientific understanding in many fields. However, unless we are careful, that peaceful record of space exploration could easily be eclipsed by a military-oriented approach to space which might well turn out to be a Pandora's box.

In addition to the devastating fiscal impact of the Asat weapon system, continued development of antisatellite capabilities could actually jeopardize our security by eroding international stability, and undermining the possibility for reaching future arms control agreements.

Both superpowers are working on antisatellite weapons. While the United States abandoned its nuclear explosion ASAT system in the mid-1970's, the Soviet Union has been testing a nonnuclear orbiting killer satellite since 1968. The United States has now developed a far more sophisticated ASAT, a rocket interceptor fired from a F-15 fighter plane. (The Defense Monitor, Vol. XII, No. 7.)

We cannot ignore the fact that deployment of a ballistic missile defense system would almost certainly be in violation of the 1972 Anti-Ballistic Missile Treaty. This treaty, widely considered to be the best arms control agreement in existence, has prevented an arms race in both offensive and defensive space systems. I propose that a more responsible course of action would be a strong reaffirmation of our commitment to the ABM Treaty. Once the ASAT is fully tested and implemented, the opportunity to ban antisatellite weapons or any space weapons, may well be lost.

The military rationale is dubious. Strong doubts exist about the technology and strategies even within the armed services. For example, Robert S. Cooper, Director of the Defense Advance Research Projects Agency has argued in congressional testimony that the United States needs an antisatellite weapon to counter the Soviet ocean surveillance—yet the Navy has taken a different position. In testimony last year before the House Appropriations Subcommittee on Defense, Vice Adm. Gordon R. Nagler, Director of Command and Control in the Office of the Chief of Naval Operations, disputed Mr. Cooper's claim and argued instead that the Navy has other ways of countering the threat posed by Soviet ocean reconnaissance satellites.

Mr. Speaker, clearly, it is in the best national security and fiscal interest of the United States to avoid an arms race in space before it is too late. To repeat, I am convinced that continued development of antisatellite capabilities, however well-meaning, threatens to jeopardize our security, erode international stability, and undermine the possibility of reaching future arms control agreements. We simply cannot afford the bills for every new weapons system requested by the Pentagon. An arms race in space is a perfect example of the procurement explosion which, if left unchecked, could hurt our defense readiness later in the decade. We cannot afford it; we do not need it; and I believe there are a great many places in the defense budget where the money could be better spent.●

● Mr. LEVINE of California. Mr. Speaker, we are entering a dawn of a new space age, one which places us at a unique point in history. The moral and practical choice before us is clear. Either we pursue a space program which identifies international mutual interests and complimentary projects with the Soviet Union, or we challenge the Soviets to compete in a space arms race which will further threaten the

security of both our nations and of the world.

In order to broaden communications and seek out areas of common interest between ourselves and the Soviets, I intend to introduce a joint resolution which calls on the United States and U.S.S.R. to renew their participation in cooperative space ventures. A similar resolution has already been introduced in the Senate. Our resolution declares that the President should:

First, renew the 1977 agreement between the U.S. and U.S.S.R. on space cooperation for peaceful purposes, which expired in 1982.

Second, initiate talks with the Soviet Government and with other governments interested in space activities, to explore opportunities for cooperative East-West ventures in space as an alternative to an arms race in space, including cooperative ventures in such areas as space medicine and space biology, space rescue, planetary science, and manned and unmanned space exploration.

Third, submit to the Congress at the earliest possible date, but not later than October 1, 1984, a report detailing the steps taken in carrying out the above-mentioned paragraphs.

When Congress created NASA in 1958, it authorized that agency to pursue policies to foster greater international cooperation and the peaceful application of knowledge gathered through joint space ventures. This policy of promoting international space cooperation was reinforced in 1967, when the United States and U.S.S.R. and over 100 nations signed the Treaty on Outer Space which prohibits the deployment of nuclear weapons in space, and emphasizes that the use and exploration of outer space should be carried out for the benefit of all nations.

Our two countries have a successful history of working together in planetary exploration, space biology, and joint manned and unmanned missions. These cooperative projects have not only expanded our knowledge of outer space, but have created a continuous and open line of communication between ourselves and the Soviets. Many of this Nation's leading scientists have endorsed our resolution on the grounds that the United States has obtained impressive technical and scientific benefits from space cooperation with the Soviets.

Dr. Thomas Donahue, President of the Space Science Board of the National Academy of Sciences, has written that "in the case of planetary exploration program our experience in the past is that planetary science as a whole benefited greatly from the period of open exchange and cooperation with our colleagues in the U.S.S.R."

Donald "Deke" Slayton, the former astronaut and participant in the 1975 United States-Soviet Apollo-Soyuz project, has claimed that mission was "recognized by the citizens of both countries as peaceful, prestigious, and beneficial. Those objectives were accomplished very successfully in 1975 and I believe are worth continuing to pursue in 1983 and beyond."

At a time when both countries are working toward deployment of antisatellite and other space-based weapons, it is absolutely imperative that we continue to maintain an open dialog with the Soviets regarding future space policy. I am interested in seeing the United States and the Soviet Union pursue a new kind of space policy, one which focuses on the cooperative exploration and exploitation of space, rather than a military course which escalates a new arms race, and undermines prospects for successful arms control negotiations. The initial peace cooperation agreement was negotiated and signed by President Nixon in 1972, and was renewed by President Carter in 1977. The Reagan administration allowed the treaty to expire last year.

Rather than fuel misguided competition between the two nations, joint space activities focus attention on peaceful missions which serve the scientific interests of both countries. Given the costs of planetary missions and space exploration in general, space cooperation makes good economic sense. In preventing duplication of experimentation, space cooperation can enhance the efficiency and cost effectiveness of our own space program. Renewing this treaty would in no way hamper our ability to continue to work separately on our own space projects. The 1972 space cooperation treaty makes no reference to specific information that must be shared by both countries.

Joint cooperation between the U.S. and U.S.S.R. culminated in 1975 when three American astronauts in an Apollo spacecraft linked up in Earth orbit with two Soviet cosmonauts in a Soyuz spacecraft. Borne out of the 1972 space cooperation treaty, the Apollo-Soyuz mission was a great international success on many fronts. Scientists from both nations were thrust into a multiyear working relationship which called for constant communication, and an open sharing of ideas, equipment, manpower, and technology. In 1973, the Soviets admitted for the first time an American delegation to the previously top secret Soviet mission control center for the purpose of coordinating communications and tracking. The following year, American astronauts visited the Soviet launch site at Tyuratam and Soviet cosmonauts trained in Houston. Before the project was concluded, the Soviets and Americans had negotiated and signed 133 documents, an unprecedented achievement.

In 1977, the Soviet Academy of Sciences and NASA agreed to study the "objectives, feasibility, and means of accomplishing joint experimental flights of a long-duration," utilizing the long orbital capacity of the Salyut space station and the reusable shuttle space vehicle. The two nations also pledged to continue to cooperate in a wide range of space science and space applications activities and agreed to resolve problems of international law on the peaceful use of space. For the next several years, the United States and U.S.S.R. continued to make important gains in space cooperation. For example, American scientists provided radar maps of Venus produced by a Pioneer spacecraft to help Soviet scientists select landing sites. In return, the Soviets shared data from these missions with American scientists.

There has also been significant cooperation and continuing exchange of data with the Soviets regarding various biological experiments. Three satellites carrying test animals were sent into space by Russians in 1975, 1977, and 1979. The United States participated in these missions by providing the experiments and received in return the results of the experiments. Because the United States did not have a biosatellite program, and therefore could benefit at minimum cost from the Soviet life sciences program, American participation in this program was especially beneficial to the United States.

Our Government's own analysts have recently reconfirmed the contention that United States-Soviet space cooperation has significantly benefited our space program. In its final report to Congress on the scientific benefits of our space agreement with the Soviets, the State Department wrote that the "overall value of the scientific and technical information clearly favored the United States. For example, visits to the Soviet Union clearly benefited the U.S. scientific community involved with planetary exploration, especially since these visits coincided with the receipt of data and results during and after the March Soviet Venus lander mission."

The State Department report also pointed out that "in the biomedical area, the United States continued to receive raw data from Soviet CAT scans of cosmonaut crews involved in long-duration manned spaceflight for subsequent processing and reduction. Such data are unique in light of the current short-duration focus of the U.S. manned spaceflight programs using the space shuttle."

As a result of the policies of the Reagan administration, official space cooperation between the two nations has been greatly curtailed. Discussion of future cooperation in the field of

planetary science was canceled last year by the Reagan administration. Working groups established under the 1972 space cooperation agreement to arrange for joint ventures in space meteorology, environmental studies, lunar and planetary exploration, and space biology and medicine have disbanded. Instead, the two space powers have begun to enter the most threatening and destabilizing period in the history of space development.

I fear that full deployment of an American Asat system will launch an arms race in space. The new phase of arms competition is particularly dangerous and destabilizing because the weapons involved could ultimately threaten our reconnaissance satellites and may eventually threaten the nerve centers of our strategic arsenal—the early warning, and communications satellites that alone can insure that an accident or miscalculation does not deteriorate into global holocaust. Unless we guarantee the protection of our satellites, international weapons verification will become less credible, and the move toward meaningful arms control will be less feasible.

As part of a larger scheme to improve our defense capabilities, the President has suggested that we develop new defensive space weapons systems which would enable us to launch missiles at oncoming nuclear missiles rendering them "impotent and obsolete." Unfortunately, the President's view that an antiballistic shield would somehow discourage the U.S.S.R. from developing new weapons systems is completely unrealistic.

History has taught us that the arms buildup of one superpower inevitably provokes the other superpower to compete militarily. By now we should have learned this lesson. I am disturbed by the prospect of developing a space antiballistic system because the Soviet Union would be sure to shift its nuclear warheads to delivery vehicles which could not be detected—using cruise or submarine launched missiles—or it would be directly challenged to develop a space-based defensive missile system of its own. The Reagan star wars initiative will inevitably generate a new arms race, reversing the policies of previous administrations to preserve space as a sanctuary for peaceful use and exploration.

Rather than engage in a costly and destabilizing space arms race, the two space powers should attempt to work more closely together. Space cooperation can provide both countries with valuable, new scientific information at a reduced cost. It is my hope that once we and the Soviets begin to address officially the notion of cooperation in space, our attention will be drawn to our mutual interests and the need to protect them. If we continue simply to prepare for war and anticipate conflict, I do not know how long we can continue to avoid confrontation. If we are committed to preserving peace, then we must find an alternative to the present military course of space development. The alternative not only serves the interests of the two space powers, but all of humankind.●

The SPEAKER pro tempore. The time of the gentleman from California (Mr. BROWN) has expired.

Mr. GORE. Mr. Speaker, can we extend this by unanimous consent?

The SPEAKER pro tempore. Under the rules, that is not feasible.

Mr. GINGRICH. Mr. Speaker, if I might just make a comment, after the gentleman from California (Mr. PATTERSON) who is going to go next speaks briefly, I think we have some time on our side for anyone who wishes to stay, because we are grateful and we will yield time as appropriate.

Mr. BROWN of California. I appreciate the contribution of both gentlemen. I will remain briefly to further the debate.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1650

ORDER OF BUSINESS

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that I be recognized out of order on my special order for 5 minutes today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SINGLE PARENTS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PATTERSON) is recognized for 5 minutes.

Mr. PATTERSON. Mr. Speaker, today is Single Parents Day. We in Congress so declared it, and it was a nice gesture on our part. But single parents have a tough time. They have to juggle child care, home responsibilities along with work responsibilities and often the two conflict with one another.

Sixty percent of single mothers with children under 6 years of age work outside the home today. Nearly one in four children under age 10 live in a single-parent household today; 11 million children under age 13 today, right now, tonight, have no supervision while their parent is at work.

Many, many parents cannot find affordable day care for their children. It is not that they do not care for their children, but they do not have the funds to pay for that care.

I have introduced a proposal, H.R. 4465, which gives employers a tax credit for 50 percent of child care assistance that the employer pays for on behalf of its employee dependents for up to $1,200 per year per dependent. This bill will make child care more affordable, more accessible and more safe. It will result in a positive family development. And from the employer's point of view it has already shown in those instances where larger employers have provided day care on their premises, it has already shown more worker productivity, reduced absenteeism, reduced tardiness, improved employee morale, lower employee turnover.

My attention personally was drawn to this very great need last year when a tragedy occurred in my home district in Orange County, Calif. Little Patrick Mason, a 4-year-old boy, left at home alone by his single working mother, who was a minimum wage earner, was killed in a tragedy. She could not afford child care. She wanted off welfare, which she had recently done to go back to work at a minimum wage. And because she felt she could not take the expense right then for child care, that child died needlessly.

I say let us end the era of the latchkey child. You know, the latchkey child. That is the one you see in your neighborhood, maybe right down your street. They have a little chain around their neck and a key on the end of it. That is the house key, and that is often the signal that there is no one at home when the child goes home after school.

I urge my colleagues, I challenge my colleagues to stand up and support H.R. 4465, to stop the tragedy of the Patrick Masons and their parents wherever they might be, and the potential for this tragedy is out there tonight, 11 million of them, right now, tonight.

After all, if our children are really our most precious product, our most precious resource, let us prove it.

Let us prove it by putting our national policy where our fancy rhetoric is. We say they are precious and they are so important. Let us prove it, for our children who are truly our Nation's future.

ORDER OF BUSINESS

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that I may proceed out of order with my special order for 5 minutes tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

HIGHWAY DONOR STATE BLOCK GRANT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, when Congress passed the Surface Transportation Assistance Act of 1982, the so-called nickel gas tax, 10 States retained the status of donor States, contributing so much more to the highway trust fund than they received, that a special provision of the bill had to be added simply to bring these States up to an 85-percent floor—our State was getting $61. The nickel tax more than doubled each State's contributions to the highway trust fund. The 85-percent minimum allocation provision, therefore, brought a larger percentage of funds back to a donor State like Ohio, but the State continues to lose as much money as it ever did. In fact, the 10 donor States that would benefit from this bill absorb a collective annual loss of hundreds of millions of dollars to the Federal Government.

To correct the inequities in highway funding experienced by the 10 donor States identified in section 157 of the Surface Transportation Assistance Act, I am today introducing the donor State highway block grant. This bill will not add any new taxes and it will not add to the Federal budget deficit.

The highway trust fund works on a pay-as-you-go basis. It has three major funding sources: The $0.09 a gallon gas tax, the truck tax and the interest earned from the highway trust fund. This bill would distribute the highway portion of the interest earned from the highway trust fund—about $1 billion a year—and distribute it among those States that contribute most compared to what they receive in Federal highway funds. In no case will any donor State receive more than 100 percent of its contribution and in no case will any other State lose any funds.

An essential provision of the 1956 Highway Trust Fund Act, the Byrd amendment, requires the highway trust fund to remain solvent. No legislation can be passed unless it meets this requirement of fiscal soundness. The donor State highway block grant meets this criterion. In the event this bill becomes law, the highway trust fund will still remain solvent through 1987. This will permit Congress to consider a new highway bill in 1986, when the Surface Transportation Assistance Act expires, without any sense of panic or urgency over the provisions of the Byrd amendment.

The Interstate Highway System is very nearly complete. A generation ago it was in the national interest to build our magnificent highway network. States like Ohio understood this and contributed billions over the years to national projects such as our Interstate System. Now the transportation priority of the country is visibly shifting from construction to one of maintenance, repair, and where necessary, replacement of already existing roads and bridges. Many of those States with the greatest capital investment needs are also those that contribute most to Federal highway programs relative to what they receive. Not surprisingly, those States are also ones with the highest unemployment levels in the country. These include the five Great Lakes donor States of Michigan, Indiana, Illinois, Wisconsin, and my own State of Ohio. A recent SRI study of this region, commissioned by Ameritrust Corp., points out the devastating economic impact on these States of a collective loss to the Federal Treasury of more than $30 billion. A lot of that money leaves the region in the form of highway funds.

The other five donor States—Arkansas, California, North Carolina, Oklahoma, and Texas—each have specific and pressing transportation needs of their own brought about by disasters, expanding population, and other factors. These needs could be fulfilled by applying the principle of this legislation—a dollar back for a dollar contributed.

Quite simply, the original highway distribution formulas which served the national need a generation ago, are no longer in the national interest. The means exist to simply and responsibly correct the anomolous donor State status that unnecessarily penalizes and damages certain States. This is an issue that can be summed up with a single word, "fairness." The donor State highway block grant will help us keep up with changing times by introducing fairness into the distribution of Federal highway funds, without penalizing any other State, without adding taxes and without adding to the Federal budget deficit. I urge my colleagues to consider this legislation carefully, whether you represent a donor State or not, and I join the 22 original cosponsors of this bill in urging understanding and support for this legislation.

On February 29, 1984, the Joint Economic Committee released its study, "Hard Choices—A Report on the Increasing Gap Between America's Infrastructure Needs and Our Ability To Pay for Them." The report included highway needs as well as others, such as sewers and water treatment plants.

The five States identified as having the greatest total needs are New York first, followed by California, Texas, my own State of Ohio, and in fifth place, Indiana. Of these five States with the greatest total infrastructure needs, four are highway donor States. They would all become eligible to receive additional funds—funds contributed by the citizens of their States—if the donor State highway bill becomes law.

The Joint Economic Committee report also has another category—a listing of infrastructure funding shortfalls in order of ranking. The State with the greatest gap between its infrastructure needs and the available capital to fund those needs, is my own State of Ohio. Right behind Ohio are New York, California, Indiana, and New Jersey. Three of those States—Ohio, California, and Indiana—are highway donor States.

The current formulas that take money from States like Ohio with the greatest infrastructure needs without sending a equal share back is like taking blood from a seriously ill patient. I am introducing the donor State highway bill to stop this hemorrhaging.

The following shows the needs of various States:

JOINT ECONOMIC COMMITTEE ON INFRASTRUCTURE

Total needs (includes highways, bridges, sewers, water treatment, etc.):
1. New York, $107.4 billion.
2. California, $80.5 billion.
3. Texas, $70.1 billion.
4. Ohio, $62.4 billion.
5. Indiana, $52.0 billion.

Funding shortfall:
1. Ohio, $44.7 billion.
2. New York, $34.2 billion.
3. California, $32.3 billion.
4. Indiana, $28.0 billion.
5. New Jersey, $15.1 billion.

Mr. Speaker, I urge my colleagues to support the highway donor State block grant.

□ 1900

And of these States, four of them, four out of five are donor States; they are getting less than the dollar that their taxpayers contribute. And they would all become eligible under my legislation to receive the additional funds.

So what we are saying by this joint economic report is that indeed, among the States that are the donor States, that pay more into the trust fund than they receive, we are finding that they are among the States that have the greatest need, like my own State of Ohio.

And so my legislation simply takes the interest on the highway trust fund and distributes some of that into the 10 donor States.

Now, Mr. Speaker, I would like to yield to my friend from Ohio.

Mr. McEWEN. I thank the gentlewoman for yielding to me.

Mr. Speaker, today I am joining my friend and colleague, Representative

MARY ROSE OAKAR, in introducing legislation that would correct inequities in the allocation of Federal highway funds.

When Congress passed the Surface Transportation Assistance Act of 1982—the so-called nickel gas tax—a number of States, Ohio being but one, benefited from the 85-percent floor provision. While this provision guaranteed no State would lose more than 15 percent of its contribution to the highway trust fund, this same law also increased the gas tax by 125 percent.

The net result of these two actions did not necessarily reduce the multimillion-dollar losses experienced by highway donor States. Rather, it assured that such multimillion-dollar losses did not double when the gas tax doubled.

The legislation we are introducing today helps rectify the severe inequity that remains in the allocation of Federal highway funds. It rectifies this inequity in a fiscally sound approach which leaves the principal, that is, the taxes contributed to the highway trust fund by all 50 States, intact, and which does not alter any existing formula used to allocate highway funds based on need. this bill does not increase taxes, nor does it add to the Federal deficit. Further, this bill does not reduce any State's allocation from the highway trust fund in either fiscal year 1985 or fiscal year 1986.

This bill takes the interest earned by the highway trust fund highway account, an account containing billions of dollars, thanks in part, to the excessive tax burden, and, hence, excessive generosity, of the highway donor States, and uses this interest to supplement the 85 percent minimum provided by STAA.

To the extent the highway trust fund has billions of dollars in cash on hand in excess of outlay requirements, this bill applies the interest earned by investment of this excess cash to help remedy the loss of revenue suffered by States which contribute most to and get the least in return from the highway trust fund.

This bill does not guarantee that highway donor States will get all their highway taxes back.

The funds provided by enactment of this bill would be distributed within donor States by mutual agreement of local elected officials and their Governor. This approach assures that contributions to the highway trust fund, that is, highway user fees, are returned to highway users in the form of eligible projects that are most important to them.

There is currently, in the highway trust fund, a balance in excess of outlay requirements which is so large it earns over $1 billion a year in interest. Even as outlays increase in response to authorizations incorporated in the Surface Transportation Assistance Act and the interstate cost estimate passed recently, the highway portion of the highway trust fund will earn over $900 million in interest in both fiscal year 1985 and fiscal year 1986. Surely, with this large a return on investment of excess over outlay requirements, some action to rectify inequity in the Federal highway program is appropriate, justified, and overdue.

We have taken great care to prepare a fiscally sound remedy to this problem, a remedy which is fair, and which does not jeopardize any State's highway allocation in coming fiscal years.

Mr. Speaker, it is my hope that all Members can join in this bipartisan effort to bring back into balance the distribution of Federal funds for highways. I urge my colleagues to support this legislation.

Ms. OAKAR. My friend from Ohio is a key member on the committee that would hear this legislation. He has been very, very helpful in assisting the needs of the entire State of Ohio and for that reason and for his great work on the issue of transportation, I am especially pleased to have his support for the bill and his great work on public works issues in general.

I thank the Speaker.

ARMS RACE IN SPACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, it would be my intention, at least in the initial part of my special order here, to proceed with the discussion that the gentleman from California led us in a few moments ago on the floor with respect to space-based defense systems. I think what we heard from the gentleman from the other side was most valuable and I think that some of us from our side of the aisle may also have something to contribute to that issue.

But to try to provide some continuity here, the gentleman from Tennessee had proceeded to try to make a point at the end of the gentleman from California's time and so I now would be glad to yield to the gentleman from Tennessee to continue with the point that he had begun.

Mr. GORE. I appreciate my colleague's courtesy. Thank you very much. I was about to say that I agree with my colleague from Georgia that it would be wrong for the United States to completely stop research into a new scientific area with potential for defense breakthroughs.

I think if my colleague will look at the budget for the prior year, the amount budgeted for activities consistent with the space defense initiative was very large and very generous. And in moving or supporting a proposal to cut out the so-called "Star Wars" aspect of this initiative, I would want to retain a base level of research that was capable of protecting us against a scientific breakthrough on the other side with dramatic implications.

What I do think is really wrong, and even dangerous, and I really mean this, is the extra increment that moves us rapidly toward putting one of these platforms out there and sending a message to the Soviets that we are going full blast for this technology.

Now what is being discussed, after all, is $26 billion over the next 5 years just for research, not even for research and development; just for pure research.

Now that kind of activity is consistent with the President's stated intent to put a laser platform out there that is going to shoot down missiles and so forth.

Now let me just briefly tell you the reasons why I think it is probably really a bad idea.

No. 1, the technology almost certainly cannot strike at the new cruise missiles that both nations are going to develop. Second, it will have a very difficult time getting at the depressed trajectory missiles that both nations are learning to fire.

So even if it worked, even if it worked, it would not work against all of the weapons that could be fired at us, and the great growth area now is in cruise missiles.

Second, the platform, itself, and essential ground stations which are necessary for the operation of the platform, are both highly vulnerable to knockout blows or suppression attacks.

Third, the cost is so astronomical that when you look at the extremely low probability that it will give us much in the way of protection, and then you look at the destabilizing aspects of it, and look at the cost, it seems to me that it is truly a bad idea.

But I would agree with my colleague that a base level of research should be continued.

Mr. WALKER. I thank the gentleman and I would be glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I would like to ask the gentleman from Tennessee and any of his colleagues who would like to join in just for a second, I would like to divide this, from my standpoint, into three different issues; one is technical feasibility, we can get to that in a minute; the second is the doctrinal issue of defense, whether or not in fact one should focus on defense; but let me go to the third level, which is a foreign-policy level.

You mentioned it is destabilizing. Can you expand briefly, I know you commented earlier during the gentleman from California's time, but if the gentleman from Pennsylvaina would not object, if you could succinctly

state, from the Soviet Union viewpoint, why you think they would find it destabilizing?

I think it would be helpful to us in the next phase if the gentleman from Pennsylvania (Mr. WALKER) would permit.

Mr. WALKER. I would be glad to yield to the gentleman from Tennessee.

Mr. GORE. I again, and I appreciate my colleague's courtesy and I would be glad to do so, although I think that instability and destabilizing developments have to be viewed in the context of the relationship between the arsenals on both sides and not just from the standpoint of one nation or the other.

We are at a stage in the arms race where we are moving away from the old ball called mutually assured destruction.

We are now in an era of counterforce weaponry; highly accurate, targeted on the missiles of the other side instead of the countervalue targets of the other side, and it is theoretically possible for the Soviet Union to gain a madman's advantage of sorts by launching attack against our land-based missiles.

It is still irrational for us to really suppose they are going to do that, but the geopolitical advantages which that capability may confer upon them gives rise for concern in the United States.

Now, what we are seeing under development including the space defense initiative, or the "Star Wars" idea, and the antisatellite missile system, and other weapons, taken together, form the potential to move both nations into a relationship where the aggressor could realistically hope to gain some kind of advantage from a first strike.

Just to bring it back to the context of my colleague's question: If one nation actually had a system that would knock down ballistic missiles from the other side, then that other nation might gain more grounds for fearing that its intended use was as part of a first strike.

□ 1910

Now that is madness for the Soviet Union to ever suppose that we would do anything like that. I would hope they know us better than that. However, madness is not unknown in the realm of geopolitics or in the realm of nuclear strategy.

The President himself responded to this concern by saying: "Well, once we develop it, we will give it to them."

Now, is that realistic really to spend what may be, which really may be, hundreds of billions of dollars. They do not have an estimate on what will be. It will almost certainly see $50 billion for the first prototype, will probably exceed much more than. Is it realistic to suppose that we are going to spend that amount of money, say $100 billion, and then turn to the Soviets and say: "Here, you can have it for nothing."

That really strains credulity.

Mr. WALKER. If I may reclaim my time to suggest to the gentleman that I think what the President meant was that we would be glad to share the technology with them, not give them all of the parts of them, but tell them how to build their own system and we might even be willing to sell it to them, in the best entrepreneurial spirit, it might be something that we might be willing to sell to them.

Mr. GORE. The President said give.

Mr. GINGRICH. If the gentleman will yield to me, I want to pursue this. I think there are few more clarifying debates going to take place in the next decade on our attitude toward the planet and toward our survival as a species than this one.

Let me say, first of all, to my very distinguished friend from Tennessee, that you cannot have it both ways.

If, in fact, as the gentleman said earlier, cruise missiles and depressed trajectory missiles and other kinds of countermeasures make it a relatively porous defense, then the Soviets have relatively inexpensive alternatives which allow them to sidestep the use of heavy ICBM's and normal trajectory submarine-launched missiles.

If, as the gentleman said earlier, the system both in space and on the ground will be relatively easy to knock out, then the Soviets will not be afraid of it.

On the other hand, it seems to me, and I just want the gentleman to clarify this as a serious dialog for a second—I am not trying to score debating points—if the system in fact is technically so flawed it cannot work, the Soviets will not be afraid of it. On the other hand, if the system is technically so powerful it will work, the Soviets may be afraid of it.

You cannot have both debating lines and claim both sides. I think the gentleman has to make a choice. If you want us to believe the system will fail and therefore is not going to frighten the Soviets, or the system will work and therefore the Soviets are going to be afraid of it. You cannot ask us to vote against it on both grounds. It is not fair.

Mr. GORE. If our courteous intermediary will continue to yield, I do not think they are inconsistent at all because the chief detriment to this proposal that I see is that it moves both nations closer to a relationship in which the nation striking first would perceive a real advantage.

The definition of instability, the definition I would give in this day and age, is the creation of a relationship where the fear of a first strike dominates and where the nation striking first has a perceived advantage.

Now if the system worked just against ICBM's, it would simultaneously fail to give us the kind of invulnerability and protection that we want, that many want out of that and which would be wonderful if it was feasible and it would also give rise to a greater concern on the part of the Soviets that their defensive capabilities, their military capabilities, put it that way, were not capable of fulfilling the role that they want them to fulfill.

If, at the same time, they could render our system moot by a first strike, then that again points in the same direction because both nations would simultaneously develop a greater fear of a first strike. That is the direction in which I think this technology is moving us.

Mr. WALKER. I thank the gentleman for his comments.

The thing that strikes me though that still is unanswered in the question of the gentleman from Georgia is the fact that we are attempting still to have it both ways. Either the system works or it does not work. And if the system indeed works and does provide us with a defensive shield to ICBM's, then at least we have taken away some of the hair-trigger problem which is in the present system that we are pursuing, the mutually assured destruction scenario, which the gentleman says is moving on to a counterforce kind of argument, but, nevertheless, we still are faced with that kind of a negotiating pattern over the next several years, that both sides may freeze, they may even reduce some, we would hope so, but we are still faced with the idea of the first strike and that the first strike is on a hair trigger and it involves relatively few minutes for a decision to be made.

The one thing which the so-called "Star Wars" technology gives to you, if it gives you a shield from some of that, and makes your enemy rely on cruise missiles or depressed trajectory weapons, it gives you a great deal more time in which to make decisions.

Certainly the cruise-missile technology is a technology which because of the blessings of geography is one which is far slower, it requires a delivery system, which is more readily observable and we certainly have more time to react to a potential threat based upon a cruise-missile technology being used against us than we do a massive strike from ICMB's.

Mr. GORE. Sea-launched cruise missiles can be mounted aboard submarines or surface ships and brought very close into the shores of our country. Since we are a country with our population clustered along both seacoasts in a proportion that is quite large, we are inherently more vulnerable to those weapons than the Soviet Union is.

My point is this, that when Soviet ships are brought in close to shore, sea-launched cruise missiles will have a very short time on target. So it does not necessarily have that characteristic.

Mr. WALKER. The gentleman is absolutely correct. However, the gentleman's argument ignores the point that tracking submarines and making certain that we have some idea of the movement of submarines does give us an opportunity to monitor potential threats far more so than the activity that might be connected with the launching of ICBM's.

So at least our chance of being able to make policy decisions in a reactive mode would seem far better than the present situation in which there is a heavy reliance by the Soviet Union on the use of ICBM technology.

Mr. GORE. If the gentleman will yield again, fishing vessels can be equipped with sea-launched cruise missiles.

This is another reason why I believe that sea-launched cruise missiles should be a part of the negotiations underway between the two countries.

Mr. WALKER. The gentleman is absolutely correct, but, however, if we are to believe everything that is being said by the freeze forces about our ability to technologically examine and verify from outer space with our space satellites, we know dog-gone well that if someone is loading cruise missiles aboard a fishing boat, we certainly are going to be able to observe that. And if that fishing boat ends up off our shore, we have got some reason to think there is a problem there. And that is certainly easier to monitor than monitoring ICBM's which are set in silos is precisely this gentleman's point.

Mr. GORE. I appreciate that. I do not want the gentleman to go too far down what I sincerely believe is a deadend on this, but cruise missiles are not inherently more verifiable than ICBM's.

□ 1920

In fact, this is a separate but, I would argue, closely related subject, and it is a reason why we should have negotiations with the Soviet Union on sea-launched cruise missiles.

Now, we offered. They said, "We will negotiate on everything below 600 kilometers." They already have some below 600 kilometers. They have a primitive class of weapons. But my point is this: The "Star Wars" plan will not get at these new kinds of missiles.

Now, my colleague earlier said: Choose one or the other, either it will not work, or it is destabilizing.

I honestly believe that it is both. But if forced to choose, I would say that the chief detriment of the plan, the threshold problem with it, is that it almost certainly will be so vulnerable and so limited in its application to the whole range of missiles that its usefulness to us would be far, far out of proportion to the astronomical cost. I think that is the threshold objection. But even if it did work, then I think the other problems would be enough to eliminate it.

May I say just one other thing, briefly? Here is really what I want to say: We are in a terrible mess—civilization is. How are we going to back away from the precipice? There is really no disagreement here in this Congress about the fact that in our generation we have got to find a way to get out of this mess. We have really got to do it.

Now, what I am saying is this: This technological proposal poses a fundamental question, it seems to me. Are we going to invest our hopes and dreams for survival in an infinitely more expensive and more complex new technology, with 1,000 unanswered and troubling questions? Or are we going to head in another direction and recognize what I believe to be the truth, and that is that the answer to this riddle and the solution to this most important of all problems we face is an agreement between the two countries that changes and redefines the relationship between the arsenals to eliminate the possibility of either nation gaining an advantage from a first strike through a combination of arms control and weapons procurement?

I argue as strongly as I know how to do—not raising my voice, but as strongly as I know how to argue—that it is a false hope for us to seek an end to the arms race in an upward spiral of the technological competition, taking it into outer space. I believe as strongly as I can possibly tell you that this is a fundamental error not only for our country but for mankind. We have to change the way we think about the nuclear arms race, and the answer lies within ourselves and in negotiations between the two countries, not in this upward spiral of technology.

Mr. WALKER. I thank the gentleman, and I appreciate the sincerity of the viewpoint he has taken. I think some of us would argue, however, that one of the real hopes of the future, if you want to be optimistic rather than pessimistic about the future, lies in the kinds of defensive posture that this Nation has struck in the past which has generated such optimism for past generations, and that is the idea of a defensive shield. We had a defensive shield for many years in this country of the oceans.

The fact is that we may be able to technologically create such a shield again against the horrors of the present.

I would say to the gentleman that any negotiated agreement has one problem with it, and that is a negotiated agreement ultimately has as its base the whole mutually assured destruction theory, that so long as you have in place the weapons of destruction, you have at that point, then, a negotiation which says that the level may be reduced, but nevertheless the philosophy is the same.

I think that is a rather pessimistic view of the future and a route of pessimism that takes us down. I would rather be more optimistic that the capability of man is such, and particularly the capability of mankind in freedom-loving nations is such, that we can provide ourselves with the kind of defense that does not have us rely upon destruction as our ultimate defense. And that is the reason why I think some of these alternatives need to be looked at.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. GINGRICH. I would like to make a comment. I think the gentleman is, as always, very eloquent, and I think that by pursuing this for a couple of minutes it may be more fruitful than some of the debate we often have on this floor.

Listening to the gentleman a minute ago I could not help but think back to Jean Jaures who was the great socialist pacifist leader just before World War I in France, who said, correctly, that a major war would be horrible, that it would be terrible, that France should not fight it.

I could not help but think back to similar leaders in Britain between the wars, who, having learned the lessons of the Somme and of Gallipoli, said, correctly, that there has to be a way out of the madness.

But a friend of mine has come up with a formula which I think is the great crisis of our species, and I think the gentleman from Tennessee does put the issue at the right level.

How does civilization get out of the technological boxes we are finding ourselves building to kill ourselves?

And the two dilemmas I would pose to the gentleman from Tennessee, though, are the two great symbols of World War II—Auschwitz and Hiroshima. Hiroshima because it is the threat of annihilation; Auschwitz because it is the threat of tyranny.

You talk about the world being destabilizing. I was reminded of Secretary Harold Brown, Jimmy Carter's Secretary of Defense and John F. Kennedy's and Lyndon Johnson's Secretary of the Air Force, who said—and Harold Brown has not been accused by anyone on the right as being a conservative—"When we build, the Soviets build; when we stop building, the Soviets build."

And the problem we face is, we do live in a dangerous world. If it were

1935 or 1937 and this debate were in the House of Commons, you would be exactly right to get up and say this is madness. Of course, it is madness. It is the human condition, the human condition in a world where, if you saw last week's stories, there are now some reasons to believe the Soviets are supplying the Iraqis with chemical weapons, that the Iraqis are using chemical weapons on the Iranians. For the first time we have absolute, uncontrovertible proof, based on what is being said in Sweden where they are treating the victims, that there are Iranians who have been hit with chemical warfare. That is madness. I agree it is madness.

Since we agree the world is mad, the question, then, I think the gentleman from Pennsylvania would say, is: What should one do?

And let me just very briefly, if I might, remind you of one of the key lessons of history. I appreciate the gentleman's distinction between fundamental research and what we will call for this evening "developmental research." But let me suggest to you that, had the British followed that procedure in the 1930's, had they followed what the Italian Doulet developed as the doctrine for bombers as an offensive force, had they believed that it was impossible to build a successful defensive system, they would have lost the battle of Britain to the Luftwaffe, Hitler would have dominated the Continent, and the world would be so far different from what we know that it is literally unthinkable.

Now, it was still horrible. The blitz was terrible. London was in terrible shape. Offensive bombing did work, if you look at Hamburg, or Dresden, or Tokyo, even before we got to inventing the atomic bomb and now the hydrogen bomb.

But the question I would raise is this: Historically, there is every reason to believe that sooner or later somewhere someone may use weapons of horror, because in all of history someone horrible comes along and they do horrible things. Reasonable people, by definition, would follow the gentleman from Tennessee. But history teaches us that there are moments when there are unreasonable people. The thing I like, and I think the gentleman from Pennsylvania began to hit on it precisely, the thing I really like about the President's "Star Wars" proposal is that it raises a defensive possibility of stopping horror, it raises the possibility, for example, not of a spasm strike. I understand that if the Soviets launch a heavy ICBM, you probably cannot stop enough of them, but it raises, first of all, the chance that if there is a mechanical malfunction on either side, a one-missile situation, it raises the possibility that there is a secondary power, whether it is a Libya, or whether it would be a China, or whether it would be an India—tragically, I think we are going to see more nuclear powers in the next 30 years—you would have a system.

It also does raise the possibility, which I am, frankly, disappointed that our friends on the left have not picked up on, because it does seem to me that Ronald Reagan gave us an opportunity to very aggressively pursue that one line at the end of his speech.

Maybe what we should be doing is more aggressively saying, "All right, how are we going to cooperate with the Soviets? What are we going to do to get them involved?"

I will tell you, I think as long as the Russians are paranoid—and I think their history gives them a reasonable ground to be paranoid—they are going to take the position that they want to be able to launch a first strike, their doctrine calls for the ability to fight a winnable nuclear war, and I think that there is no other explanation of the SS-18's and the constant buildup, except that capacity, and they are going to project on us their biases. So you are right. We already live in a highly unstable world.

But I wonder what would happen if in fact we were to be pressured in the White House to include the Soviets in this developmental program rather than pressuring the White House not to try to be defensive. And I, for the life of me, think that, psychologically, you are greatly misreading the American people if you think you are going to be able to convince them that we should not buy a defensive system.

□ 1930

I think the gut instinct of the American people is that they are somehow safer if we go ahead with this research and development program at the developmental level, and I think that they are not going to understand the argument that it is better to be naked in the face of a potentially dangerous enemy.

Mr. WALKER. I yield to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Let me say several things: First of all, I am not content to accept your comparison of my statement with the gentleman who said in frustration at World War I, don't fight it, don't fight it.

I think my colleague knows that I do not take a position even remotely resembling those who would say we have to unilaterally get rid of our weapons or disarm or whatever. The gentleman knows that I have fought very hard to make certain that our country is strong enough to insure the greater likelihood of success in negotiations.

My plea of earlier, what I said earlier was that the answer lies in the way we think about nuclear war and in the way the Soviets think about nuclear war. Those thinking processes are profoundly affected by the relationship between the arsenals. You talk about their view of the future and their doctrine. I think they probably have a range of opinions, not much of a range, because they do not have free debate. I do think, however, that we have an opportunity to shape their view of the future to some extent.

My colleagues talked about the two symbols of World War II, Hiroshima, and Auschwitz. There was another symbol of World War II, not as powerful because history rendered it virtually irrelevant, that is the Maginot Line. A technological achievement to build an impenetrable defense against the awesome weaponry of the day: the armored tanks. That effort failed. It did not prevent war; it did not prevent the armored assault. I think this is likely to be in the same category.

I want to make one other point. My colleague from Pennsylvania made a very basic statement which I think deserves some discussion. That is that the logic of arms control as we now know it, rests upon a return to mutual assured destruction. Is that not a hopeless, depressing goal to set for oneself?

In many ways of course, it is, and any prospect of moving toward just a balance of terror, which we have now. We really have it now. It is something that we want to instinctively break out of. We want to get this oppressive fear off of us, just find some way to get rid of it.

What I am saying is not that we have to go back to mutual assured destruction forever. What I am saying is that if we have a hope to make it as a species, we have a greater chance of doing so by fundamentally changing the way we and the Soviets look at the arms race. To the extent that we increase the advantages associated with a first-strike, spiral the weaponry upward, and I know I am making some value judgments in my characterizations here, but to the extent that we buy into a continuation and an acceleration of this arms race, in hopes that it will provide security.

I believe that moves us much farther away from the dramatic change in thinking which has to take place. I do think that if we reestablish credible deterrence and eliminate the fear of a first-strike on either side, we have a chance to dissipate this fear of a first-strike, which drives the arms race forward, and we have a much better chance of accomplishing this change in the way we think about nuclear war and the way the United States and the Soviet Union together seek to achieve peace.

We may not make it as a civilization or a species. I think we will, but I think that is the direction that hope lies in rather than this alternative of putting our hopes in this new technological incarnation of the arms race.

Mr. WALKER. The gentleman certainly makes a very articulate point, as he always does. This gentleman though still feels very strongly that we still operate under the gentleman's contention from an awfully pessimistic point of view about the future. That in fact we are saying that the end result of all those negotiations is still that balance of terror.

Mr. GORE. No; I do not think so.

Mr. WALKER. It is still the ability to destroy one another as the base because what we are negotiating into the freeze or negotiating downward are still offensive weapons. What I think we are saying is that we may be better off, in order to change the mindset on both sides; to begin a concentration on defensive weapons that lowers the capability of offensive weapons, and that ultimately renders them useless if the technology works as well as some of us think it may.

There have been many, many times in the history of mankind when one technology has rendered another useless, and that has been true in the military field. I would say to the gentleman that his example, the Maginot Line, is a very valid one. But the fact is that no one directly attacked the Maginot Line either. They went around it because the Maginot Line did not spread and did not cover the whole territory.

Mr. GORE. Just as this does not affect cruise missiles.

Mr. WALKER. Well, the gentleman is correct, but in providing a defensive capability you get the amount of defense of the shield that you build. If, in fact, we are able to build a shield that does protect us against the ICBM's, does protect us against that balance of terror, we may have to technologically look for solutions to the cruise missile problem. We may have to go the route that the gentleman suggests of negotiations on those weapons where technology does not allow us an adequate defense.

That is certainly within the realm of possibility; certainly something that we want to achieve. But the question here is whether or not we ought to rule out forever the idea that we will even look at the possibility of a defensive shield. Because so much of the discussion that I have heard here previously this evening, and so much of the discussion that I have heard previously on this issue, indicates that space is a place that we ought to reserve for only pursuits of a nonmilitary nature.

If in fact space does offer us the potential of protecting our country against the devastation that the balance of terror presently gives us, I do not know that we ought to completely rule it out. I do not know that we ought to be so cavalier as to say that we will put all of our trust in a piece of paper that we sign with tyrants. That is not necessarily the kind of protection that most Americans think is credible.

Many Americans, it seems to me, would think it far more credible that we use our technology in order to defend ourselves wherever that might present itself. That is part of our argument here. It seems to us that a whole option is being canceled out by those who oppose the direction in which the President wants to move. It seems irresponsible to me in the light of the technology that we think we know about to cancel out that option completely.

I yield to the gentleman from Tennessee.

Mr. GORE. I appreciate my colleague's courtesy. I am going to have to go. I will look forward to reading the rest of your special order this evening.

I do not think we necessarily have to look forward to condemning ourselves to an eternal continuation of the balance of terror. What I meant to say earlier was I think that our best chance to move away from that and get out of it is to eliminate the fear of a first strike and to at least temporarily reestablish credible deterrence on both sides, which I think offers our best temporary hope.

The potential the gentleman talks about for the use of outer space, there is the potential, which I hope my colleagues who I know are very sincere in promoting what they believe to be the best interests of this country, I hope my colleagues will look long and hard at the potential that the weaponization of space has for dramatically escalating the arms race.

I honestly believe that we are in grave danger of pushing the arms race into a new cycle that will make it infinitely more difficult for us to avoid a catastrophe at some future time.

I respect my colleague for taking this time, and for the debate that will continue after I leave and I appreciate the interchange of ideas.

Mr. WALKER. I thank the gentleman.

I would simply say to the gentleman that from our viewpoint though, it is an infinitely different question to suggest that the arms race is now going to become a defensive arms race rather than an offensive arms race. That a credible defense is a far different kind of matter than a credible offense.

□ 1940

Today, under the systems that are being developed, we are developing purely offensive systems. We are suggesting that space may offer the chance for a credible defensive system, and that in the long term that is something that the American people may wish to have as one of the options available to them.

The problem with relying on the idea that we are going to change the thinking through negotiations is the fact that the American people then end up trusting, as the means for their defense, the piece of paper that is signed with the tyrants in the Soviet Union versus a technological system that might have some chance of keeping some incoming missiles from striking American cities.

I think if that is the option, many Americans would opt for a technological system that has some hope of preventing the kind of destruction that Americans witnessed in the movie "The Day After."

I thank the gentleman.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I was listening to the debate and I thought it was just an excellent debate on this subject. I thought I would come over and add my 2 cents to the debate.

It occurred to me when the gentleman from Tennessee spoke of the Maginot Line and analogized that to projected space defenses that it was not a correct analogy. In fact, the Maginot Line represented technological stagnation and really an acceptance by the military minds of the time of a fortress mentality, so to speak, with regard to armored warfare. It was not breaking off into bold new directions or looking for new technology; it was really a stagnation of technology, and we see what occurred there.

It also occurred to me in listening to the debate that the deterrence can be established by building defenses as well as by building new ICBM's. In listening to the comments by the gentleman from Tennessee about the need to negotiate with the Soviets and to change our mentality, it would seem that we have changed our attitude toward the Soviets and toward arms control and toward our need to be strong several times in the last several decades.

This is the score on the arms race between 1972 and today. This is not paper numbers or paper airplanes or treaties or allocations or licenses to build. These are real weapons. Since 1972, the Soviets have built and placed and aimed at the United States and the Western democracies 758 missiles, ICBM's. That is SS-17's, SS-18's, and SS-19's. We have in place zero missiles. That is since 1972.

Since 1972, the Soviets have built 200 strategic bombers which are capable of carrying some 26,000 pounds of nuclear weapons and dropping them on downtown Omaha. There is some disagreement about whether or not

these Backfires are truly strategic bombers because the pilots presumably would have to recover in Cuba or Central America, rather than flying back to the U.S.S.R. I would suggest that probably their flight plan would not include going back to the U.S.S.R. anyway. So they are truly capable, long-range bombers.

We have built zero strategic long-range bombers. So the score with regard to bombers since 1972 is 200 to zero.

In the area of strategic submarines, ICBM-carrying submarines, the Soviets have built 38 since 1972. They have them in the water right now. They have missiles that are targeted on America and her allies. We have built three. So in the area of strategic submarines, the score is 38 to 3.

So once more the score with regard to missiles, 758 to nothing; with regard to bombers, 200 to nothing; with regard to submarines, 38 to 3. These are not classes; these are real weapons.

I would suggest that at some point it was important for the United States, whether it was under Jimmy Carter's leadership or Ronald Reagan's leadership, or whoever, it was necessary at some point to reevaluate our position and to reevaluate the arms race that then existed. It was a one-way race. The Soviets were building rapidly. We were doing nothing, and they seemed to have no desire to reciprocate whenever we cut a weapon system.

For example, in 1976 Jimmy Carter killed the B-1 bomber, and he let Breshnev know that he expected reciprocal action. Today we see the reciprocal action. The reciprocal action was that the Soviets secretary began development of their B-1 bombers, and thanks to Aviation Weekly, that heretofore secret picture of the Soviet B-1 bomber was displayed, I think, on the front page of that magazine, another American secret that came out in Aviation Weekly magazine.

They built their B-1 bomber. That was their good-faith response to what we had done. So I think the American people could fairly ask the question: If we are going to talk about negotiations, if we are going to talk about changing our attitude toward the arms race and toward strategic weaponry, is it not a fact that we have changed our attitude; that we did in the SALT Treaties give the Soviets a license to build?

The limits we gave the Soviets in the SALT Treaty were limits far beyond what they already had. We knew they would build up to those limits, and they went ahead and built. As Henry Kissinger said in a speech to NATO, we expected them to build and we thought this would bring stability, but lo and behold they have continued to build and they have shown no desire whatsoever to taper off to come around, to say, "Now we have stability, now we have parity."

So I think the American people asked a fair question in 1980 and I think that question is yet unanswered: When are the Soviets going to show some sign that they are willing, in fact, to negotiate and to stop building strategic weapons. I think that is a question that, if the gentleman from Tennessee were still here, he should answer before he asks the United States to eliminate the development of our new strategic program.

Mr. WALKER. I think the gentleman makes a good point and it raises the question about whether the negotiations that we enter into and the treaties that we produce after long talks do, in fact, increase stability, or whether or not they end up being destabilizing as well.

The gentleman, of course, cites some statistics which indicate that past agreements may have ended up being destabilizing in the area of arms control in and of themselves. But I think it is also important to recognize that the President's proposal for space-based weaponry was based upon the idea that maybe we ought to break out of all of this and take a look at other options, rather than simply meeting that threat with new offensive weapons of our own. The President has suggested modernization of many weapons as a part of that, but he has also suggested now that there may be another route that we want to follow, and that is the route of space-based weaponry that would be a defensive system that would render moot much of the investment that our adversaries have made over the last several years.

That, it seems to me, is one of those questions that we need to ask ourselves, whether or not we would not be acting in our own best interest to come up with systems that say to the Soviets: "All that building that you did over the last several years may have been for naught, because we have the technology able to cancel out much of what you have done. In so doing, you may bring about a new attitude with regard to arms negotiations."

At that point, the Soviet Union, which has relatively little money to invest in weaponry, even compared to ours, because their economy is basically smaller, they have to put a much larger percentage of their GNP into all the weaponry that they build, if they feel that technologically we are able to render useless much of what they put in place over a decade, they may find themselves far more willing to negotiate with us based upon their own self-interest.

I think that, given that, that is another reason why we ought to look toward this new technology as one of the ways in which we might change the attitude of the Soviet Union which, as the gentleman from California puts out, has not been an attitude that has changed very much over the last two decades.

Mr. HUNTER. If the gentleman will yield further, I think he has hit all the nails on the head.

Deterrence can be manifested in a defensive system just as easily as it can be manifested in an arms buildup, and we are not going to eliminate those heavy ICBM's that rest right now in Soviet silos.

As the gentlemen from the other side of the aisle have stated many times, they have a lot of those weapons, enough to devastate America several times over.

□ 1950

The only way to really inject deterrence probably into this confrontation is to build defensive systems.

I think what really is repugnant to the American people is the proposition that it is against the law for the United States to defend itself, which is essentially what we are talking about when we talk about the ABM Treaty. We cannot defend ourselves, the old mad doctrine, the doctrine of mutually assured destruction that evolved in the 1960's is based on America's vulnerability as well as the vulnerability of the Soviet Union and the Soviets, of course, have done a lot more since that doctrine was initiated, in the way of civil defense and defensive system than we have, because they do not want to be vulnerable.

I think it is asking a great deal of the American people for them to continue to be vulnerable to the horrors of nuclear war, based on their faith that somehow the Soviet leadership is going to come around.

I thank the gentleman for allowing me to put my thoughts in here.

Mr. WALKER. Mr. Speaker, I thank the gentleman, because I think he makes a point, that one of the great violations of human rights in the world, whether it be the rights of human beings in the Soviet Union that basically live under tyranny and have human rights denied to them, or whether it be human rights of the people in the United States who live under freedom, but are impacted on by the violation I am about to mention, and that is the violation of the sanctity of their homes, their property, and everything else, by being made a pawn of nuclear terror. Under the present system, it is the men and women of both nations, it is the men and women of the world who have been made pawns of nuclear terror. They are the ones who are targeted. They are the ones who will suffer the most if and when the world explodes in a pattern of mutually assured destruction.

If we can promise through new technology that those people will no longer be held hostage, that they will

no longer be the pawns in a nuclear confrontation, then it seems to me that we have increased human rights significantly for all peoples who potentially would be wiped out in a nuclear confrontation; so that one of the great hopes of advanced technology, be it space-based technology or other kinds of technologies that can protect us from attack is that people instead of being held hostage to a mutually assured destruction argument, would become once again free from that kind of balance of terror.

I would hope that that is not an option that we will cavalierly set aside in the near future in the decisions that we make in this Congress.

Mr. Speaker, I am glad to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just wanted for my part to make what I think are the really key points about where we are at as a country.

First of all, many of our friends on the left are going to say, well, it will not work or it cannot work, that the odds are against its working.

Let me just say that Arthur Clark, the very famous engineer and science fiction writer, the man who first invented the communications satellite some 20 years before it went up in the air, invented what he called "Clark's Rule." Clark's Rule said that if you go to a very important and famous senior scientist and you ask him if something will work and he says yes, he is almost certainly right; but if you go to the same senior scientist and you ask him will something work and he says no, you have no way of knowing whether or not he is right.

When Clark wrote that in a little essay, he cited people as famous as Vannevar Bush, for example, who told us 6 years before the first ICBM that you could never have an ICBM, and 8 years before the first hydrogen bomb that you could not have a hydrogen bomb. He happened to be wrong in both cases, although he was the most distinguished scientist of his generation in the United States.

My point is this. Historically, if you have to choose between gambling that you may be able to build a successful defense and gambling that you cannot build a successful defense, a peace loving country is far better off gambling that you can build a successful defense.

Mr. WALKER. In a free country we might indicate, too, that certainly countries that want to maintain freedom have a particular obligation to take the risk that defense can work.

Mr. GINGRICH. Well, my friend is exactly right. Democracies seldom start wars. Democracies seldom invade Afghanistans. Democracies seldom occupy Poland and Czechoslovakia. Democracies do not provide chemical weapons to the Iraqis or the North Vietnamese.

The reality is that we are going to share this planet for a long time with a totalitarian police state that is willing to use terror.

Does the world become safer if we can defend ourselves against a limited nuclear strike? Does the world become safer from Soviet blackmail? Do we have a greater range of options?

Furthermore, I would make this point. The Soviet Union cannot successfully compete in the short run in space, in high technology, in computers, and probably in lasers. It certainly cannot compete if you link all those together in a system.

It is enormously to our advantage to compete with the Soviets in what they are bad at, not what they are good at. We do not want to try to build one tank for every Soviet tank. We do not want to provide one infantryman for every Soviet infantryman. What we want to do is take the things they cannot do and do them so well that they have no choice except to negotiate.

My question for my friends on the left is, if we do not do something that genuinely threatens the Soviet ability to compete, why would you think they are going to negotiate? There is no evidence at all that the Soviets ever give up anything for free; but if in fact they think we are making enormous strides, just as the effort to build the antiballistic missile system in the late sixties put tremendous pressure on the Soviets to negotiate détente with Nixon, I suspect that the effort to build a space-based defensive system in the eighties is going to put considerable pressure on the Soviets.

I want to thank my friend, the gentleman from Pennsylvania, for having this particular colloquy.

Mr. WALKER. Mr. Speaker, I thank the gentleman. I think he makes an excellent point.

After all, one of the things that we would hold out as a hope is the fact that the Soviet Union would see it in their own self-interest to come to the bargaining table and to begin the pattern of reducing the levels of offensive arms.

One of the things that will certainly bring them to the table would be the belief on their part that we were building a system that rendered those offensive weapons useless. That would certainly bring about the change in attitude that our friend, the gentleman from Tennessee, mentioned earlier as being one of the great hopes.

It seems to me if you want to be an optimist about the future, if you want to start with some optimistic view of the future of mankind, of the future of freedom, of the future of this country, you have to start by basing it on the kinds of things that the gentleman talks about where our strengths are and insofar as we can utilize those strengths to project us into that future, we will be a stronger nation, far better able to negotiate with our adversaries than otherwise.

Mr. Speaker, I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I appreciate the gentleman yielding.

I just want to thank the gentleman for taking out this special order and taking the time to discuss this very important subject. I wish all Members of the House could get together and discuss this subject in the scenarios when we are putting together the defense budget or the defense appropriations bill.

I would like to say one word about my friend, the gentleman from Pennsylvania, before he concludes this special order.

I noticed our friend, the gentleman from Pennsylvania, took a few shots in the Washington Post today from some of the Members in this House who complain that somehow he gives them a bad time on the House floor.

I would simply say that the gentleman from Pennsylvania has saved the American taxpayers a lot of money and he has done them a great service. He has debated a lot of important issues that are important to Americans on this House floor. I want to commend the gentleman as a friend and as a man whose good sense and great good humor which is very important to maintain if you are going to try to accomplish something in this House has been a real service to the House of Representatives. I want to thank and applaud the gentleman from Pennsylvania as being one of the most important Members in the House of Representatives.

Mr. WALKER. Well, I thank the gentleman. I am glad the gentleman commented on the article in this morning's Washington Post.

I would say to the gentleman that in total it was a pretty good article for the Washington Post and yes, indeed, they say that I get excited. It is not true, as some people have said, that I once yelled, "You lie," at a fortune cookie; but the fact is that the article is pretty good. It is only the first couple paragraphs that I will not be able to let my mother see.

Mr. BROWN of California. Mr. Speaker, would the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I just wanted to concur with the comments of the gentleman from California (Mr. HUNTER). I have always appreciated working with the gentleman from Pennsylvania.

I recognize the fact that there are some in this body who may feel that he is a little obnoxious, shall we say, at times. I say that in the best of spirits, because there was a period of

about 8 years during the sixties when practically everybody here thought I was obnoxious, because I thought I was trying to get their conscience activated a little bit. I found that I did not achieve my goal until I left this body, though, in 1970. While I would not wish that on my friend, the gentleman from Pennsylvania, I do want to express my own feelings that the gentleman has always been cooperative and understanding and there is no question but what he is one of the most intelligent and fluent Members in his command of almost any subject that comes on the floor. I want to express my genuine appreciation to the gentleman.

□ 2000

Mr. WALKER. I thank the gentleman very much, because I have certainly enjoyed working with the gentleman on the Committee on Science and Technology. And the accolades that he gives me I would return in kind because the gentleman has been, in the area of particularly space and science, has been one of the real leaders on that committee, and I have enjoyed working with the gentleman on some of the issues of space commercialization and some of the things we have worked on recently where I think the gentleman's leadership of some years past is coming to fruition right now.

I, too, enjoy working with the gentleman and I thank him for his remarks.

Mr. Speaker, at this point I would yield back the balance of my time.

THE BANKRUPTCY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk about the bankruptcy of this House as it relates to the bankruptcy bill.

In future years political scientists will study the use of political power in this House in the last 3 days because it is one of the finest exercises of insider power that we have seen in my lifetime. The liberal Democratic leadership introduced a bill which did not reach Republicans until 4 o'clock on Monday, and which in fact was introduced on Monday, H.R. 5174, which says here in the House of Representatives, March 19, 1984, Mr. RODINO introduced the following bill which was referred to the Committee on the Judiciary, which is in fact not quite true because this bill promptly, on the following morning, went to the Rules Committee, never having been seen by Judiciary, never having had any hearings, never having been marked up by the subcommittee, never having been reported out by the committee. Then on the 20th, the day after it was introduced as a baby bill, only 1 day old, it was in fact promptly approved by the Rules Committee and sent to the House floor today, when as a 2-day-old bill it was passed by the House.

It was passed under peculiar circumstances, with a very carefully drawn rule which took care of the Continental Airlines lobbyists, who do not have to worry because they earned their job and they earned their pay, and Continental Airlines employees who had lobbied the hardest to insure that this bill would pass were in fact cut out because the powers that be in the liberal Democratic leadership cut a deal and decided that they could not pass this bill if it included Continental Airlines, and so it does not.

Furthermore, this was not a simple bill. Let me read the title of this bill so that everyone can understand how complex this topic was.

To provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

I would suggest that political scientists in the future will look on the machine rule by which this was drafted, shipped, packaged, delivered, as probably of the quality that former Mayor Daley of Chicago would have admired. This was a job done on behalf of lobbyists, on behalf of special interests, with marching orders drafted largely by the AFL-CIO, with some additional minor tunes sung by lobbyists, by Continental Airlines, and in at least some instances I have been told by members of the Judiciary Committee with specific additional supplements by lobbyists for major corporations such as Sears, Roebuck.

Now, I do not know personally what happened. We have heard a lot of talk recently about Ed Meese and his problems with disclosure. I think if it were possible to walk through who talked to who, which staff met with which lobbyist, where this bill was drafted, who commented on the bill and how it was put together in the last 2 weeks, the American public would be astounded at who in fact had ultimate impact on this piece of legislation.

This bill is not, frankly, in the core of it, brand new. Far from being brand new. The core of H.R. 5174 originally came out on February 24, 1983. That is right, almost 13 months ago. It came out of a committee. It had really been reported by the Judiciary Committee. It was actually printed up in a document which had a committee report, and in the back had page after page of dissenting views.

In fact, this was handled originally like a real bill, going to a real Congress, being dealt with by real Congressmen. But what happened to that? This bill languished in the Rules Committee, the elephant graveyard of bills that should not be allowed to see the light of day, and this bill, for 13 months, sat in the Rules Committee while the crisis bill—what crisis, you may ask—well, the crisis of the fact that the U.S. Supreme Court had ruled that bankruptcy judges were not legal, that as of March 31, 1984, bankruptcy judges would no longer be allowed to hear bankruptcy hearings.

If today is the 21st, and 10 days from now bankruptcy judges are no longer going to be able to hear bankruptcy hearings, why would a bill which was reported out on February 24, 1983, be held up for 13 months?

The reason is simple. The liberal Democratic leadership wanted to blackmail the administration into cutting a deal to insure that everybody got what they wanted on the bankruptcy judges.

Lo and behold, while waiting, the Supreme Court made a decision about 1 month ago that affected labor unions. And the Supreme Court decision, which was 9 to 0, offended the labor unions.

I happen to think the Court went too far. I happen to agree in principle that that was worth looking at and considering the override. But I thought, frankly, when I cosponsored the original Rodino bill on that topic that we would go to hearings, that experts would come in and testify, and that the subcommittee would get to work its will, that the full Committee of the Judiciary would get to work its will, that it would then come to the Rules Committee in due process.

In fact, given the speed with which bankruptcy had worked, I thought it might take 5 years or 6 years. It took less than 1 month.

So let me go back through this for a moment because I think that when political scientists look for doctoral dissertation topics, when students of political science look for cases to study about the raw use of power, that this particular 3 days will be seen as a classic.

What happened? Apparently the Judiciary Committee chairman, the gentleman from New Jersey (Mr. RODINO) decided to lump everything together into an omnibus special interest package. He then assigned his staff to draft a bill which no one saw until it was put in as part of H.R. 5174.

He then apparently conferred with the liberal Democratic leadership, and they agreed that they would introduce it late on Monday, go to Rules on Tuesday morning, come out of Rules late on Tuesday, go to the floor on Wednesday, and my understanding is

they were originally going to bring it up again on Thursday so that we would take the rule up on Wednesday in the House and we would take the bill up on Thursday. But then apparently late yesterday they looked at the schedule and realized that President Francois Mitterrand of France is coming tomorrow and they did not want to have a long fight with the President of France being here. So apparently they decided they would go in session 3 hours earlier today and wrap it all up in one easy day.

Now, this is not an obscure, minor issue. As I said earlier, this is the entire bankruptcy court system of America, reform of bankruptcy laws so badly written in 1978 that in fact the Supreme Court made a ruling precisely the opposite of what the Congress thought it intended in 1978, reform of the bankruptcy law in such a way that nobody fully understands what it means and, in fact, in a colloquy on the floor this afternoon the gentleman from New Jersey (Mr. RODINO), chairman of the committee, admitted they might well have to technically clean it up in conference because they are not sure that what they wrote is right.

Now, this is as clear an example of the bankruptcy of the leadership in dealing with bankruptcy as we are going to have. And this is an example of raw power that was magnificent. It was the old-time politics that Speaker Cannon would have loved. It was the kind of absolute crushing power through total domination of the Rules Committee that the progressive rebellion of 1910 attempted to change.

□ 2010

It was a reassertion of the ability basically of two men to decide everything, the Speaker of the House and the chairman of the Judiciary Committee. And so where are we as a country? Well, the Judiciary Committee under the chairmanship of Mr. RODINO of New Jersey, has in it a constitutional amendment to permit voluntary prayer in school for our children.

Approximately 81 percent of the American people want that. Is it going anywhere? Probably not, because the liberal Democratic leadership does not want it to.

The Judiciary Committee under the chairmanship of Mr. RODINO of New Jersey has in it the criminal reform code packages which would make the streets safer, which would take drug dealers out of circulation, which would allow our children to grow up with a slightly better chance of not being mugged, murdered or turned into drug addicts.

Is it going to come out? Probably not, because the liberal Democratic leadership does not want it to.

The Judiciary Committee, under the chairmanship of the gentleman from New Jersey (Mr. RODINO) has in it the constitutional amendment to require a balanced Federal budget. Is it likely to come out? Probably not because the liberal Democratic leadership does not want it. Is that difficulty institutional? Is it impossible for the Congress to work? Is the House in fact too large and complex a body? Absolutely not.

We have absolute proof in this bill that when the liberal Democratic leadership wants to deliver for their special interests, and their allies, when they cut a deal and want to keep it, that within 48 hours they can deliver; 48 hours, almost as fast as the declaration of war after Pearl Harbor. Because after all, like Mr. Mondale, they are responsive to their special interests groups. And they are the same special interest groups.

In a sense, big labor should feel very good this week. It found that it did all right in Illinois, and it found that it did all right in the House because big labor has allies. Just as the machine in Illinois is alive and well, the machine in the House is alive and well.

But for those 70 percent of the American people who would like to have a balanced budget amendment, the liberal Democratic leadership cannot quite hear them.

Or those 81 percent of the American people who would like for their children to be allowed to pray in school, the liberal Democratic leadership cannot quite hear them. For those victims of crime, those people who tonight will lock their house and be a little afraid, or for those mothers and fathers who are going to worry about their children and whether or not they are going to become drug addicts, there is nobody here to listen because the liberal Democratic leadership does not care.

I think that this has been both an awesome and a frightening display of raw political power, the brutal strength which is capable of driving things through, no matter how outrageous. It has been a tremendous display of the power of one particular special interest group, big labor; it has been a tremendous display of the capacity of the old guard of the liberal Democratic leadership to still run the House when it wants to badly enough, but it is also going to slap in the face a good government.

It has been a slap in the face of the legislative process, it has been a slap in the face of every single Judiciary Committee member except the chairman, Mr. RODINO of New Jersey; it has been a slap in the face of every Republican who did not participate at all in this process.

I think finally it has been a slap in the face to the American people who have asked, for example, for some 13 years to be allowed to have a vote on voluntary prayer in school.

I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think the gentleman is targeting a point which has been a concern of many Members of this body since the opening day of this Congress, and particularly the opening day of this session.

Because the kind of thing that the gentleman describes is not just a matter of one incident; it is a part of a pattern. All of this took place because one committee; namely, the Rules Committee, is stacked so unfavorably against the minority that the minority is not even called into the negotiations whereby this kind of process takes place.

There was no need for the Judiciary Committee to act; they were totally taken out of the picture, no Republican participated in those negotiations. There was no need for any Republican to participate in the negotiations of cramming this through the Rules Committee because the Rules Committee is stacked more than 2 to 1 against the Republican Party.

And so therefore the machine has locked in its ability to precisely the kinds of things that the gentleman describes. And then in addition, it locks in other kinds of perks for itself which assure its survival within the kind of power base system that was in operation on the bankruptcy bill, with the use of proxy voting in what I would better term ghost voting, they are able to vote their people whether they are in the room or not.

So thereby it allows those stacked committee ratios to be used against the minority consistently, time and time again.

And then finally, by having a process around here whereby we can change our remarks and change what is stated on the House floor in, in fact, in many of the committees as well, we even end up not documenting precisely what it is we are doing for the American people in the way that it takes place.

So, the machine is able to protect itself by literally changing the tenor of the debate when that suits their own best interests. And so what we have is a totality of operation here; which ends up preserving the right of the majority, the right of the machine, the right of a few powerful men, the right of the special interests to do as the gentleman has described in 48 hours bring forth a special interest-laden bill.

I thank the gentleman.

Mr. GINGRICH. I thank the gentleman from Pennsylvania.

And on his point about ghost voting in terms of the use of proxies, what we had in H.R. 5174 was a ghost committee, the ghost committee chaired by Mr. RODINO of New Jersey produced a

bill promptly upon order and sent it to the very real Rules Committee which then sent it to the ghost House of Representatives which had no choices.

Ultimately we were reduced to a series of maneuvers, and frankly it is a very sad state. I would say in my limited 5 years in this House the last 3 days were both the most interesting and dynamic example of boss rule that we have seen and they were also the low point of this House in the last 5 years.

That, in fact, if you admire sheer brute power, the liberal Democratic leadership displayed it eloquently. If, on the other hand, you believe in legislative process in which the duly elected 435 Members of this House have some ability to work together with decency and integrity then this has to be in my brief 5 years here the most disgusting, the most despicable, the most undesirable example of how to pass a bill.

I cannot imagine any serious political science professor, studying the processes of the last 3 days, I cannot imagine Common Cause, looking at this system and not making it the cover story of their next issue, because this was the clearest example of boss rule we have seen in the House of Representatives since Joseph Cannon was deposed in 1910 by the progressive rebellion.

I just want to bring everyone's attention to exactly how this is done and to the travesty of a bill which is after all 84 pages long; being introduced March 19, reported out of the Rules Committee on March 20 and passed by the House under a very closed rule on March 21.

It is, in fact, precisely everything we should be saying should not be happening in the United States of America, in a free country, in the people's House.

Thank you, Mr. Speaker, I yield back.

THE NEED TO GIVE BANK CUSTOMERS ACCESS TO THEIR OWN MONEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, the dispensing of financial services on a reasonable and equitable basis should be the goal of all depository institutions, whether chartered by the Federal Government or State governments.

New York State has taken the lead in trying to establish a rational criteria for the clearing of checks and to assure that consumers have access to their funds as soon as possible. The State is trying to eliminate the long delays—sometimes running into weeks—which have frustrated consumers throughout the Nation.

Mr. Speaker, once again the Federal financial supervisory system is running laps behind in protecting the American consumer.

The New York Times reports today that the Federal Home Loan Bank Board, acting through its general counsel, has informed the federally chartered thrifts in that State they need not comply with a new State law designed to give consumers quicker access to their deposits. The FHLBB points to the age-old preemption of Federal law for institutions chartered by the Federal Government.

Mr. Speaker, I do not argue with this principle of law, but I do question why the Federal Home Loan Bank Board, and other Federal supervisors, have not led the way in eliminating or reducing the onerous—the outlandishly long—delay required before most checks are cleared and credited to a customer's account. In some cases, the delays—technically the float—stretch into weeks. A frustrating experience, and at times an experience that results in severe problems for consumers, particularly low and middle income families who do not have the luxury of waiting weeks for their money.

While the depository institutions hold the deposit uncredited, the customer writes checks—many of which get marked "insufficient funds" and socked with a $10, $15, $20 fee. All the while the financial institution refuses to post the deposit, which is often hundreds of dollars in excess of the insufficient fund items. On the one hand, the institution has use of the "float"—a proficient item—and at the same time collects a little extra in the form of returned check fees from the customer. An all-win solution for the institutions; a sure loser for the customer.

Mr. Speaker, over the years I have tried repeatedly to call attention to this problem in hopes that we would see some action by the supervisory agencies in support of the consumer. The Federal Reserve, in a meeting last month, did come up with a draft letter addressing some aspects of the case and making some attempt to coordinate an approach with the other agencies.

While I welcome the Federal Reserve's limited response to my efforts, it is simply not enough. New York State has moved in a definitive fashion to reduce the delay in availability of funds, and the only answer from the Federal agencies has been to trot out the preemption issue.

Mr. Speaker, again I acknowledge the legal scholarship, but I deplore the lack of creativity, the lack of action, the lack of concern which could make the preemption issue moot in this instance.

Mr. Speaker, it is my intention to hold hearings on April 4 and 5 to determine means by which the consumer can get early access to his funds whether he happens to bank at a federally chartered or a State chartered insitution. It is my intention to draft legislation which will give the consumers relief and which give the Federal supervisory agencies specific instructions on the availability of funds.

Once again, we are forced to provide a wake up call for the Rip Van Winkles of the financial supervisory system.●

BIELARUSIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on March 25, 1918, 66 years ago, the Bielarusian people established their own government and proclaimed their independence, and I am privileged to join with all freedom-loving people in commemorating this special day in man's historic struggle for freedom and human dignity, and this important date in the distinguished history of Bielarus.

In commemorating this 66th anniversary of the declaration of independence of Bielarus, the Bielarusian Coordinating Committee of Chicago will hold a solemn observance at the Regency Inn, 5419 West Diversey Avenue, in Chicago, at 12:30 p.m., on Sunday, March 25, and I send my greetings to all those participating in this important commemoration.

The Bielarusian Coordinating Committee of Chicago is also sponsoring an exhibit at the Richard J. Daley Center in Chicago, from March 19 through 31, in conjunction with this commemoration, which includes various Bielarusian memorabilia, craft, and art items, a stamp collection, cross-stitch embroidery, dolls, and Easter eggs, as well as pictures portraying Bielarusian culture and landscape.

Sadly, Bielarus has been almost completely cut off from the rest of the world by the heavy presence of the Soviets, who have attempted to systematically assimilate the Bielarusian people, and wipe out their past, their culture, and their language. Nevertheless, the courageous men and women of Bielarus continue to stand up to the Communists and oppose these efforts.

The Bielarusian Coordinating Committee of Chicago has issued a statement regarding the cruel occupation of Bielarus by the Soviets, and the numerous human rights violations committed by the Communists, and that statement follows:

STATEMENT REGARDING HUMAN RIGHTS VIOLATIONS IN BIELARUS/BIELARUSIA BY MOSCOW

Bielarus, which is one of the fourteen non-Russian republics in the Soviet Union,

is one of the most isolated and unaccessible nations in the world. Despite membership in the United Nations and large size (Bielarus is bigger territorially and populationwise than the three Baltic States combined together), Bielarus has not yet acquired recognition. Her story has yet to be told. It is not the fault of the Bielarusian people that the Free World knows so little about them. Soviet Russia, on one hand, suppresses all necessary information about them. The West, on the other hand, shows very little interest in them. This is a very tragic situation indeed because so little attention has been given to the Bielarusian people and their sufferings.

Despite the fact that very scanty information reaches the West from Bielarus, some valuable data can still be obtained through personal contacts with persons who visit Bielarus, with those who visit here, occasionally a letter will shed some light, and on other occasions the Soviet Bielarusian press reveals something. Though the facts are authentic, it is impossible to reveal the names, and especially the locations, in order to protect the innocent ones against their imprisonment.

There is no open organized opposition in Bielarus today to Soviet violations of human, civil, religious and national rights. That does not mean that the people agree and support the Soviet government. It also does not mean that they do not suffer or that their sufferings are minimal as compared with those in the Baltic Republics or the Soviet Jews. From the latest reports we have learned that people in Bielarus live in great and constant fear and dissatisfaction. Any criticism against the system puts one behind bars or in a phychiatric asylum. Some individuals, who dared to challenge the system and spoke their convictions, have been prosecuted and dealt with very harshly.

The following cases of dissent and human rights violations in Bielarus have been documented and are worthy of our attention:

(1) Presently there should be some eighty cases in Bielarus. The most notorious case is that of Michai Kukabaka (Mikhail Kukobaka according to Russian records). He is a 46-year old Bielarusian prisoner of conscience, whose only crimes are his desire to express his opinions and practice his religion freely. Kukabaka was first arrested in 1970, was rearrested and held in prisons, labor camps and special psychiatric hospitals ever since. Presently he is confined to strict regime labor camps at Elets. He is yearning to gain freedom and leave the Soviet Union forever. He needs our help and I know that it can be extended to him. The Amnesty International in England is working on his behalf and even Prime Minister Margaret Thatcher has shown interest in him. We also want our United States Government to speak on his behalf, urging the Soviet Union to release him from imprisonment and allow him to leave the Soviet Union.

(2) Moscow violates religious rights of the Bielarusians. Bielarus has 10,000,000 inhabitants today. Out of this number 7,000,000 are Orthodox, 2,500,000 are Catholics and the rest are Baptists, Methodists, Lutherans, Evangelicals and Jews. None of the aforementioned are allowed to worship freely. The Bielarusian Orthodox are completely dominated by the Russian Orthodox Church. The hierarchy and the priests are mostly Russian and the sermons are said in the Russian language. There are no religious publications in the Bielarusian language. The Russian Orthodox Church, the tool of the Russian Soviet KGB, is working toward assimilating the Bielarusians into the Russian nation.

The Catholics are not allowed a higher hierarchy or seminaries in Bielarus. There are only 25 Catholic priests in Bielarus today and some of them are very old and ailing. As soon as a priest dies, his parish closes down and no replacement is allowed.

Only children of pre-school age are allowed to attend church with their parents. School children, who attend church, are taken away from their parents or are subjected to corporal punishment. Teachers, if caught attending church service, are relieved of their employment. Despite the terror, parents still see to it that their children get baptized secretly and secret religious marriages are performed at nighttime. The most active resistants of the religious persecution in Bielarus are the Bielarusian Baptists of whom there are 100,000. It has been estimated that some 60 Bielarusian Baptists are imprisoned today.

The churches, which had been closed a long time ago, are being renovated now and made into museums, club houses and other civic facilities.

The church structures, which still exist as churches, are government property and cannot be photographed inside or out without the permission of the Soviet government.

(3) The Soviet government practices letter censorship. A letter sent to relatives in Bielarus from the United States during the Soviet invasion of Afghanistan asking among other things, "If any of the village boys had to go to war," was never received by the addressee. Letters written in the Bielarusian language often do not reach their destination in the West, but those written in the Russian language never fail to arrive.

(4) Moscow deprives the Bielarusian people of their national rights. The Bielarusian patriots everywhere are very unhappy that Moscow, without their approval, introduced them to the world under the Russian name—Belorooseeya. This name was transliterated into English as Bielarusia. The Bielarusians feel that they should be known to the outside world under their own original name—Bielarus, pronounced Bye-lahroos. "Those of you who are free should promote our original name" plead the Bielarusian Soviet patriots.

Bielarusian children have been deprived of an education in their native tongue. All schools utilize the Russian language in the curricula, with the exception of some in the countryside. However, the latter are also being replaced with Russian schools. As soon as some Russian official is sent to supervise a collective or state farm, the Bielarusians must go along with the wishes of the Russian. Upon his insistence the Bielarusian curricula in the school in his particular area is dropped and replaced with the Russian language of instruction.

There are no post cards, posters or slides with Bielarusian motifs and no Bielarusian-English and English-Bielarusian dictionaries for the use by the Bielarusians in the Soviet Bielarus and in the West. We have been told that such dictionaries are ready for publication, but that Moscow will not give permission to print these.

(5) Moscow imposes Russian culture on the Bielarusian people. A recent visitor to Soviet Bielarus was shocked to find that in Minsk, the capital of Bielarus, all books, magazines, records and musical notes are all Russian and nothing Bielarusian was in sight. She wanted to buy notes of Bielarusian songs and music for different instruments. The people spoke the Russian language everywhere and it seemed to her that Russians succeeded in russifying the Bielarusian cities.

Mr. Speaker, I take this opportunity to join Americans of Bielarusian descent in the 11th Congressional District of Illinois which I am honored to represent, and all over this Nation, as they celebrate this 66th anniversary of Bielarusian independence, and I share their hope that one day the courageous people of Bielarus can enjoy the blessings of freedom and national self-determination.●

H.R. 5084, THE HAZARDOUS AIR POLLUTANTS AMENDMENTS ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, on March 8, I introduced legislation to reduce the exposure of all Americans to some of the most toxic and potentially carcinogenic substances in our environment. H.R. 5084, the Air Pollutants Amendments Act of 1984, will provide a broad framework for combating and eliminating many of the airborne toxic substances we have already so aggressively set out to eliminate from our communities' land and water.

Two years ago, Congress, the administration, and virtually every industry in the country deadlocked over administration-supported legislation to turn the clock back on a decade of progress in cleaning up the air Americans breathe.

As one who participated in months of gruelling markup sessions in the House Energy and Commerce Committee, I can tell you that it was the most powerful and best organized attack on a major environmental law that I have seen since I was first elected to the House.

The 1982 debate was a debate over the past—an attempt to reverse decisions Congress and administrations of both parties made to protect public health in 1970, when the present Clean Air Act was passed, and in 1977, when it was revised and strengthened.

What got lost in that debate was a decade of new research—new information on health threats Americans face which were almost unknown 14 years ago.

Since 1970, we have made enormous progress in reducing the most common pollutants from our air and water—in the case of air, carbon monoxide, nitrogen oxides and, in parts of the country, sulfur dioxide.

What we did not know then was that although these were the pollutants found in our air in the largest quantities, they were not the only ones pre-

senting serious dangers to public health.

Beginning in 1976, Congress began to focus its attention in a variety of legislation from the Resource Conservation and Recovery Act (RCRA) to the Superfund bill of 1980 on the health dangers posed by the vast array of substances, many of them manmade, which studies have revealed to be potent carcinogens, causes of birth defects and causes of a number of debilitating illnesses.

New York's Love Canal and, much later, Missouri's Times Beach, focused attention on the serious health threats posed to surrounding communities by hazardous waste contamination.

For most of us, those are problems other people face—serious health threats from which we want to be protected, but not a threat we are directly exposed to because most of us do not live next door to a hazardous waste dump.

But in reality, every American who lives in a major metropolitan area is exposed to one or more of the hazardous substances we are so deeply concerned about keeping out of our land and our water.

We breathe them.

Millions of pounds of hazardous substances, including known and suspected carcinogens, are emitted into the Nation's air each year. They come from factories—oil refineries, chemical plants, steel mills, and others—and, worst of all, from cars. Among them are:

EDB (ETHYLENE DIBROMIDE)

The parts-per-billion amounts of EDB found in grain products over the past few months have created a national outcry and spurred action by both the Federal Government and a number of States. But late-1970's estimates by the National Institute of Occupational Safety and Health showed that 304,000 pounds of EDB are released into the air annually in the United States. Most of this comes from the production and use of leaded gasoline, to which EDB is added to reduce lead buildup in auto engines.

CARBON TETRACHLORIDE

Like EDB, this chemical is used as a grain fumigant, as a general industrial degreasing agent and in the manufacture of other chemicals. It has been found by the Federal Government to cause liver cancer in a variety of animals and the Food and Drug Administration has banned its use in all consumer products since 1976; 65 million pounds of carbon tetrachloride are emitted into the air each year, exposing an estimated 19 million people to this potent carcinogen.

ETHYLENE DICHLORIDE

The national toxicology program—a program for the study of toxic substances established by Congress within the Department of Health and Human Services—has cited evidence that ethylene dichloride produces lung, liver, lymph, stomach, mammary, and circulatory cancers in animals. It is used primarily as a chemical production intermediate substance and as a component of leaded fuel. Over 7 billion pounds of ethylene dichloride were produced in the United States in 1976, and EPA estimates that annual air emissions exceed 3 million pounds. The FDA is attempting to eliminate its residues in foods; the Occupational Safety and Health Administration has adopted exposure standards for workers; and water emissions are to be regulated under the Clean Water Act.

Each of these is a dangerous, clearly carcinogenic substance which many Americans breathe daily. But the Environmental Protection Agency has not taken the first step—designating them as "hazardous" under the Clean Air Act—toward limiting our exposure to them. And these are only three examples.

Congress first directed EPA to study and reduce emissions of hazardous air pollutants in the 1970 Clean Air Act. Since that time, the agency has made virtually no progress, despite rapidly mounting scientific evidence, in bringing even the most dangerous pollutants under control.

Although EPA named 37 air pollutants in 1971 as high priorities for study as potentially hazardous air pollutants, the agency has issued final emissions standards for only four. Three others have been officially listed as hazardous air pollutants, but no standards have been set. Most of these are wending their way through EPA's process under court order.

It is well past time for Congress to make clear to the agency that 14 years of delay is enough. Americans cannot continue to be exposed through the 1980's to the scores of toxic substances emitted into the air which we already know are hazardous to their health.

The legislation I have introduced outlines a comprehensive approach to reducing those emissions.

In 1982, the House Energy and Commerce Committee adopted an amendment, sponsored by Mr. FLORIO and Mr. TAUZIN, dealing with hazardous air pollutants by a narrow 22 to 20 margin. H.R. 5084 builds on that amendment, but sets a broader framework covering both industrial sources of hazardous air pollutants and automobiles, light-duty and heavy-duty trucks—additional provisions critical to Denver and other metropolitan areas.

In summary, H.R. 5084:

Requires EPA to complete its health studies and issue final decisions on whether 35 air pollutants are hazardous to public health by January 1, 1988;

Enforces that timetable by providing that substances for which the Administrator misses a decision deadline shall be automatically listed as hazardous, triggering the setting of standards. This was the centerpiece of the Energy and Commerce Committee's amendment in 1982. EPA would be forced to begin developing emissions standards until the Agency completes its decision process. Administrator Ruckelshaus has already testified, however, that because many of these substances have been under study by the Agency for so long, EPA can meet the schedule incorporated in the bill.

Requires EPA to set national emissions standards for each pollutant at a level which will "protect public health with an ample margin of safety." A number of industries have argued for amendments which would allow EPA to consider economic issues in setting national standards. That approach would undermine the basic purpose and framework of the Clean Air Act, and would allow far weaker emissions standards than those necessary to prevent long-term exposure of millions of Americans to the most dangerous of air pollutants.

Allows EPA to set a temporary interim emissions standard for 6 years where the technology is not yet available to achieve the national health-based standard. At a minimum, the interim emission standard would require any plant to achieve the lowest level of emissions achieved in practice by any other similar plant.

Requires both new and existing industrial plants to obtain permits on a case-by-case basis, and achieve a better emissions level than required by the interim standard if technologically feasible.

The bill also, for the first time for a number of pollutants, requires the Administrator to establish a program and standards to reduce hazardous air pollutant emissions from autos and trucks:

The bill specifically designates auto and truck emissions of lead, EDB, diesel particulates and benzene as hazardous air pollutants, and requires the Administrator to develop a program to reduce emissions of these substances. EPA is authorized to study and regulate other substances it may find to be hazardous as auto and truck emissions which require further study as of today.

Revises Administrator Ruckelshaus' recent decision to delay the 0.2 grams per mile diesel particulate emissions standard for autos. The bill requires the standard to be met for model year 1986 rather than model year 1987, cutting the delay to 1 year.

Sets more stringent diesel particulate emissions for light-duty trucks. Particulate emissions from new trucks would be required to be reduced to

0.26 grams per mile in model year 1986 and to 0.08 grams per mile in model year 1988.

Establishes a 0.25 grams per mile standard for heavy-duty trucks to take effect in model year 1989.

Finally, the bill would ban the sale of leaded gasoline on January 1, 1987; 4 percent of American children between 6 months and 5 years of age—675,000 children—have blood lead levels at which there is clear evidence of functional impairment of the central nervous system, which manifests itself in learning disabilities; 86 percent of the lead in our atmosphere comes from automobiles. There is no excuse for further exposing our children to this serious hazard.

Banning the sale of leaded gasoline carries an additional health dividend: it is the most effective means of rapidly reducing Americans' exposure to EDB. Eighty-five percent of the Nation's annual EDB production is for use as an additive to leaded gasoline. Most of the worker exposure to EDB comes in production of EDB for fuel use.

Mr. Speaker, the prospects for passing new clean air legislation this year are not yet clear, although the recent progress in the Senate Environment Committee and the strong support H.R. 5084 has drawn in the House may improve those prospects.

Whenever we pass new Clean Air Act amendments, it is critical that Congress strengthen provisions on hazardous air pollutants. The bill introduced on March 8 is a first step in meeting that need.

Mr. Speaker, I would like to thank my 41 colleagues who have joined me as cosponsors of this vital legislation. Those Members' names follow: Mr. WAXMAN, Mr. OTTINGER, Mr. FLORIO, Mrs. COLLINS, Mr. SCHEUER, Mr. MARKEY, Mr. WYDEN, Ms. MIKULSKI, Mr. LELAND, Mr. WALGREN, Mr. ECKART, Mr. RICHARDSON, Mr. SIKORSKI, Mr. BATES, Mr. UDALL, Mr. D'AMOURS, Mr. DIXON, Mr. BERMAN, Mrs. BOXER, Mr. LEVINE of California, Mr. MARTINEZ, Mr. FAZIO, Mr. MATSUI, Mr. DYMALLY, Mr. MILLER of California, Mr. STARK, Mr. DELLUMS, Mr. LANTOS, Mr. MITCHELL, Mr. BONIOR of Michigan, Mr. HAWKINS, Mr. VENTO, Mr. FAUNTROY, Mr. BARNES, Mr. EDWARDS of California, Mr. RANGEL, Mr. FRANK, Mr. WEISS, Mr. GEJDENSON, Mr. MINISH, and Mr. WEAVER.●

NATIONAL HOME CARE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing a resolution to designate the week beginning November 25, 1984, as "National Home Care Week." This resolution recognizes the valuable contributions made by the many home care groups and their workers in caring for the sick in our society. Congress gave approval to a similar resolution last year, and I look forward to the support of my colleagues for this measure. Identical legislation sponsored by Senator HATCH has already been approved by the Senate.

More and more, Mr. Speaker, it is being recognized that institutional health care settings are not appropriate in meeting the needs of all of the sick. Many of these individuals could remain at home and in their communities if necessary support and health services were readily available. This has been the case in many areas, and many patients have been properly cared for and attended to through services provided by home health care groups.

It is important that we recognize and pay tribute to the services provided by persons involved in home care organizations. This alternative mode of health care has proven to be a more compassionate approach which offers patients greater independence and seeks to address their individual needs. In addition, home health care organizations have shown that they can provide quality, cost-effective health care using new and innovative approaches. Such advances can be of particular benefit as we seek to constrain overall health care cost.

Other dilemmas, such as the growth in the size of the elderly population over the next decade will require the development of an effective long-term health care system to care for our Nation's elderly. It is projected that by the year 2000, citizens 65 years and over will increase by 35 percent. In caring for the elderly and disabled, services provided by home care groups will be an integral part of any system designed to meet their needs.

I trust that my colleagues will join with me in commending home care groups for their dedication and service. They have played a very important role in our Nation's health care system, and the assistance they have provided deserves the national attention which can be generated through the adoption of this resolution. I urge your support.

Following is the text of this resolution:

H.J. RES. 525

A bill to designate the week beginning November 25, 1984, as "National Home Care Week"

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than four thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 25, 1984, hereby is designated "National Home Care Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

WEAPONIZATION OF SPACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 15 minutes.

● Mr. DICKS. Mr. Speaker, this Friday is the first anniversary of the President's famous "Star Wars" speech calling for creation of a space based strategic defense system which he claimed would make nuclear weapons obsolete. I certainly wish I could share the President's unrestrained optimism on this program, but after a careful examination of the issues I find I cannot.

One year after the President announced his call for a fundamental change in U.S. strategic policy is an extremely appropriate time to seriously discuss the implications of such a course. In my view the question we must ask is do we want to enter into an unconstrained, dangerous, and costly arms race in space without first making a sincere effort to reach an arms control agreement that will prevent it. As one Member of the House, I answer with a resounding no.

There are two separate, but closely related issues before us, one short term, one long term. In the near term, do we want to deploy an antisatellite system? In the long term, do we want to invest billions in an effort to achieve a foolproof defense against nuclear weapons?

The Soviets have tested an ASAT weapon that is launched from modified SS-9 boosters, an extremely large missile that is the predecessor of the SS-18 booster. All Soviet tests have used launchers from only two sites. The highest altitude reached by the Soviet interceptor is 1,400 miles, and thus it is not capable of threatening the majority of our satellites, including all our early warning and attack assessment satellites in geosynchro-

nous orbit. The homing device they have successfully tested is subject to relatively easy countermeasures. A more sophisticated combined optic and infrared homing device has only had 4 successes in 13 tests. The Soviet system must go into one or two orbits before it intercepts the target satellite, and must wait up to 24 hours until the Earth turns to bring the target's orbit above the launch site. The bottom line is that the present Soviet system is relatively primitive and is not capable of achieving a timely comprehensive attack on even those relatively few satellites within its range.

This situation will not exist forever however. In an unconstrained Asat environment the Soviets will no doubt go forward until they have developed more sophisticated systems that will threaten all our assets and be a real threat to national security.

The U.S. system under development is quite different from the Soviet system, and much more advanced. It utilizes a booster adapted from the SRAM with a miniature homing vehicle. It would be launched directly into space without having to go first into orbit from F-15 aircraft. It is far smaller than the 150-foot Soviet system and thus would be difficult to verify once it is beyond its testing phase. It could be based anywhere F-15's could be based. It would threaten the wider range of Soviet satellites in low orbit, and it could be modified to threaten geosynchronous targets by adding a three-stage booster that could still be launched from the F-15. Clearly, the U.S. system is a leapfrog beyond a direct response to Soviet capabilities. It will no doubt provoke an effort for the Soviets to leapfrog us without an arms control agreement.

The fiscal year 1985 budget request includes $83 million in procurement and $143 million in RDT&E for the ASAT program under the curious title of space defense. The initial operational capability is planned for fiscal year 1987. The decisions we make this year will be pivotal in deciding whether we go full speed ahead, damn the implications with this system, or whether we opt to proceed more cautiously while we seek mutual controls on ASAT's.

In seeking to justify this program the Pentagon has offered conflicting roles for the system. On the one hand they argue that it is needed as a deterrent against use of the Soviet system. On the other hand they argue that it is needed to destroy satellites that threaten United States and allied assets. Specifically they want to shoot down reconnaissance satellites that can assist in targeting naval vessels.

Curiously, however, the Navy is not arguing strongly for ASAT. In fact, Vice Adm. Gordan Nagler, director of command and control in the office of the Chief of Naval Operations, disputed this argument and stated that the Navy has ways of countering the threat posed by Soviet ocean reconnaissance satellites in testimony before the Defense Appropriations Subcommittee last year. Possible defensive countermeasures to these satellites include electronic devices to send false radar signals, corner reflectors to simulate the radar cross section of a carrier battle group and emitters that could be placed in unmanned ships to simulate the radar pattern of an aircraft carrier.

The real danger with ASAT's lies with the development of more advanced systems that could threaten early warning assets. This would result in the threat of a strike to blind the enemy that would render any defense ineffective. Air Force Chief of Staff Gabriel testified before our Defense Appropriations Subcommittee just this month that he would not advise proceeding with such an advanced system. But Secretary DeLauer has already stated that such an advanced system is under development. Without arms control restraints, the pressures on both sides to go forward will no doubt prove irresistible.

The Soviets have indicated their interest in renewing the negotiations which the United States broke off in 1979 as a response to the Afghan invasion. They have submitted a draft treaty to the United Nations. While it is not acceptable in its present form, observers regard it as a major step forward from the Soviet position of 1979 with real promise for negotiation give and take. It is especially inconsistent for the United States to argue that the Soviet should return to the START and INF talks while we refuse to resume ASAT negotiations.

The administration is tasked with providing the Congress with a detailed assessment of its arms control plans regarding ASAT by March 31 as a result of direction in the fiscal year 1984 defense appropriations bill. While we all hope it will be a positive response, statements thus far from involved defense officials indicate a categorical rejection of an arms control effort. The justification for this rests on arguments of difficulty with verification. The Federation of American Scientists has examined the verification issue in great detail and has issued a report which outlines ways that an Asat treaty could be verified. It centers on curbs on ASAT testing that are readily observable, and which are essential to either side having any confidence that the system would perform as planned.

This is not to say that verification issues would not present negotiating challenges. But the only way we will know whether they can be resolved, and how serious the Soviets really are about ASAT controls, is to sit down with them and argue the issues out. This Nation has never been one that has shied away from a task just because it appeared difficult. That is why I have introduced a resolution calling upon the President to resume ASAT negotiations and to seek a mutual test moratorium.

Let me now turn to the long-term issue, that of establishing a strategic defense program that in the words of the President "make nuclear weapons obsolete." We all wish this could come true, but an examination of the issues involved indicates that a perfect system could never be developed and that the effort to do so would be prohibitively expensive, over $25 billion in the next 5 years just to see if more R&D makes sense, and would provoke a new element of the arms race as offensive forces sought to overwhelm defenses and countermeasures are deployed. At a minimum the ultimate cost would be in the hundreds of billions and quite likely more than $1 trillion. This would be a significant drain of resources and scientific talent from conventional military requirements as well as social and economic programs. In the end we could well wind up less secure.

All scientists agree that to be effective a defensive system would have to be space based and go after attacking missiles in the boost phase. Such space-based systems would ironically find their worst enemy to be the very ASAT systems this administration wants to develop. A wide range of other countermeasures are also available to render such systems ineffective. They would not be able to defeat in any event bombers and cruise missiles coming in at extremely low trajectories.

Former Air Force Chief of Staff Lew Allen summed up his assessment of the dream of a perfect nuclear defense through space-based lasers as castles in the sky.

The administration is justifiably concerned about possible Soviet violations of the ABM Treaty, and their R&D effort in this area. Some observers have argued they are 10 years ahead of us. Our response should be first to seek an updating of the ABM treaty to resolve these grey areas and to fully cover emerging technologies. It makes little sense to effectively tell the world that we intend to break out of the ABM Treaty, and in so doing give the Soviets a perfect excuse to break out first. We should adhere to ABM and work to insure its effectiveness rather then ignore it and resort to classical defense as some Defense Department officials have advocated.

A level of effort research and development program to guard against breakout is supportable in this area, but a massive acceleration in the absense of an effort to maintain the success of negotiated agreements on this issue is not.

The bottom line in judging space-based strategic defenses is what response it will produce. The President hopes it will lead the Soviets to throw up their hands and say "we give up, the arms race is over." Far more likely, and far more dangerous, is a response that accelerates their offensive developments. We need only look to our own response to increasingly effective Soviet bomber defenses. They have not led us to abandon manned penetrating bombers. Quite the contrary we are proceeding with two expensive new bomber programs to counter them. The same is true with each new step of the arms race.

Let us quit dreaming about castles in the sky and get back to Earth and strive to reach mutual agreements that can really protect our security.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SILJANDER) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, on March 26.

Mr. GINGRICH, for 60 minutes, on March 26.

Mr. WEBER, for 60 minutes, on March 26.

Mr. WALKER, for 60 minutes, on March 27.

Mr. GINGRICH, for 60 minutes, on March 27.

Mr. WEBER, for 60 minutes, on March 27.

Mr. WALKER, for 60 minutes, on March 28.

Mr. GINGRICH, for 60 minutes, on March 28.

Mr. WEBER, for 60 minutes, on March 28.

Mr. WALKER, for 60 minutes, on March 29.

Mr. GINGRICH, for 60 minutes, on March 29.

Mr. WEBER, for 60 minutes, on March 29.

(The following Members (at the request of Mr. DASCHLE) to revise and extend their remarks and include extraneous material:)

Ms. OAKAR, for 5 minutes, today.

Mr. PATTERSON, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. LEVINE of California, for 5 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. DICKS, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCANDLESS, to enter a personal explanation immediately following the vote on rollcall No. 51.

Mr. ALBOSTA, to revise and extend his remarks during general debate on the bill, H.R. 5194.

Mr. PORTER, to revise and extend his remarks immediately preceding the vote on House Resolution 465.

(The following Members (at the request of Mr. SILJANDER) and to include extraneous matter:)

Mr. COUGHLIN.

Mr. VANDER JAGT.

Mr. GEKAS.

Mr. FISH.

Mr. PHILIP M. CRANE in two instances.

Mr. WEBER.

Mr. GREEN.

Mr. RITTER.

Mr. WHITEHURST.

Mr. RUDD.

Mr. MCCAIN.

Mr. WINN.

Mr. PARRIS.

Mr. PORTER.

Mr. DAUB.

Mr. COATS.

Mr. TAYLOR.

Mr. RINALDO.

(The following Members (at the request of Mr. DASCHLE) and to include extraneous matter:)

Mr. MAZZOLI.

Mr. ADDABBO.

Mr. RANGEL.

Mr. HERTEL of Michigan in two instances.

Mr. PEASE.

Mr. FEIGHAN.

Mr. WAXMAN.

Mr. VENTO.

Mr. HAWKINS.

Mr. LUNDINE in two instances.

Mr. WYDEN.

Mr. BRYANT.

Mr. HOYER.

Mr. NATCHER.

Mr. HAMILTON.

Mr. YATES.

Mr. CLAY.

Mr. CONYERS.

Mr. PEPPER.

Mr. LEHMAN of Florida.

Mr. BOUCHER.

Mr. TORRICELLI.

Mr. SMITH of Florida.

Ms. KAPTUR.

Mr. HARRISON.

Mr. FORD of Tennessee.

Mr. VOLKMER.

Mr. LEVITAS in two instances.

Mr. FLORIO.

Mr. BROWN of California.

Mr. OTTINGER.

Mr. LAFALCE.

Mr. BIAGGI.

Mrs. SCHROEDER.

Mr. TORRES.

Mr. FORD of Michigan.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 200. Joint Resolution designating March 21, 1984, as "National Single Parent Day."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on Tuesday, March 20, 1984, present to the President, for his approval, a bill of the House of the following title:

H.R. 4194. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Thursday, March 22, 1984, at 11 a.m.

EXECUTIVE COMMUNICATIONS. ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2955. A letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to extend through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

2956. A letter from the Auditor, District of Columbia, transmitting various reports by his office, pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2957. A letter from the Secretary of Education, transmitting a report on the program audits of 321 projects funded by authority of part A of the Indian Education Act of 1972, pursuant to Public Law 95-561, section 1149(a); to the Committee on Education and Labor

2958. A letter from the Member, Federal Council on the Arts and the Humanities,

transmitting the eighth annual report on the arts and artifacts indemnity program for fiscal year 1983, pursuant to Public Law 94-158, section 8; to the Committee on Education and Labor.

2959. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend programs under the Head Start Act, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

2960. A letter from the Administrator, Energy Information Administration, transmitting the 1983 annual report on the Administration's activities, pursuant to FEAA, section 57(a)(2) (90 Stat. 1139; 91 Stat. 572); to the Committee on Energy and Commerce.

2961. A letter from the General Counsel, Department of Energy, transmitting notification of a meeting related to the international energy program; to the Committee on Energy and Commerce.

2962. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the services performed by full-time U.S. Government personnel as of September 30, 1983 for which reimbursement is provided under section 21(a) or section 43(b) of the Arms Export Control Act, pursuant to AECA, section 25(a) (95 Stat. 1557); to the Committee on Foreign Affairs.

2963. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2964. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to amend the Government in the Sunshine Act, pursuant to 31 U.S.C. 1110; to the Committee on Government Operations.

2965. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2966. A letter from the Executive Director, Marine Mammal Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2967. A letter from the Secretary of the Interior, transmitting a notice on leasing systems for the Navarin Basin, sale 83, scheduled to be held in April 1984, pursuant to the act of August 7, 1953, chapter 345, section 8(a)(8) (92 Stat. 640); to the Committee on Interior and Insular Affairs.

2968. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, pursuant to 31 U.S.C. 1110; to the Committee on Interior and Insular Affairs.

2969. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1985, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2970. A letter from the Deputy Administrator for Veterans' Affairs, Veterans Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide uniform allowances to Veterans' Administration law enforcement personnel, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Veterans' Affairs and Post Office and Civil Service.

2971. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide a partial exemption for the International Trade Commission from the Paperwork Reduction Act, in connection with the requirement to obtain Office of Management and Budget clearance for each questionnaire proposed for investigations and research studies under section 332 of the Tariff Act of 1930, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Ways and Means and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 466. Resolution providing for the consideration of H.R. 3755, a bill to amend title II of the Social Security Act to provide for reform in the disability determination process (Rept. No. 98-627). Referred to the House Calendar.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 5119. A bill to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes (Rept. No. 98-628). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 5154. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; with amendments (Rept. No. 98-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 517. Joint resolution making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development (Rept. No. 98-630). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEDELL (for himself, Mr. HARKIN, Mr. EVANS of Iowa, and Mr. LEACH of Iowa):

H.R. 5206. A bill to authorize the imposition of additional duties on swine and pork products of Canadian origin in order to offset competitive advantages resulting from any Government subsidy that may be provided to Canadian swine producers; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 5207. A bill to revise the laws pertaining to limitation of liability for maritime claims, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BOSCO:

H.R. 5208. A bill to amend the Older Americans Community Service Employment Act to exclude payments received for employment under such act by veterans from income for purposes of determining benefit levels of nonservice-connected disability pensions; jointly, to the Committees on Education and Labor and Veterans' Affairs.

By Mr. CARR:

H.R. 5209. A bill to amend the Internal Revenue Code of 1954 to provide that the total amount paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. COLEMAN of Missouri, Mr. OWENS, Mr. PERKINS, Mr. PENNY, Mr. WILLIAMS of Montana, Mr. HARRISON, Mr. ACKERMAN, Mr. GUNDERSON, Mr. JEFFORDS, Mr. KILDEE, Mr. MURPHY, and Mr. KOGOVSEK):

H.R. 5210. A bill to amend title II of the Higher Education Act of 1965 relating to library assistance; to the Committee on Education and Labor.

By Mr. LEVITAS:

H.R. 5211. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Education and Labor.

H.R. 5212. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Education and Labor.

H.R. 5213. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Energy and Commerce.

H.R. 5214. A bill to terminate certain authority of the judicial branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; jointly, to the Committee on the Judiciary and the Permanent Select Committee on Intelligence.

By Mr. LUNGREN (for himself and Mr. HYDE):

H.R. 5215. A bill to amend title 18 of the United States Code to prevent certain profiteering from Federal crime; to the Committee on the Judiciary.

By Ms. OAKAR (for herself, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. ANTHONY, Mr. BRITT, Mr. CROCKETT, Mr. ECKART, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. FORD of Michigan, Mrs. HALL of Indiana, Ms. KAPTUR, Mr. MCEWEN, Mr. NEAL, Mr. ORTIZ, Mr. PEASE, Mr. PURSELL, Mr. STOKES, Mr. VANDERGRIFF, Mr. WILLIAMS of Ohio, and Mr. WILSON):

H.R. 5216. A bill to amend title 23, United States Code, to provide for the allocation of interest earned on tax revenues paid into the highway trust fund among those States that receive less from the highway trust fund than their highway users pay in highway trust fund taxes; to the Committee on Public Works and Transportation.

By Mr. PERKINS:

H.R. 5217. A bill to impose a moratorium on certain actions of the Interstate Com-

merce Commission; jointly to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. SCHUMER:

H.R. 5218. A bill to provide that any funds appropriated for fiscal year 1985 or fiscal year 1986 to the Department of Defense for procurement under the B-1B bomber program shall be transferred to the Secretary of Education to be used for grants to State and local educational agencies for the hiring of additional elementary school teachers; jointly to the Committees on Appropriations, Armed Services, and Education and Labor.

By Mr. SIMON:

H.R. 5219. A bill to amend the Clayton Act to protect against the growth of monopoly power of major petroleum companies, and for other purposes; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H.J. Res. 522. Joint resolution to designate August 27, 1984, as "National Religious Liberty Day;" to the Committee on Post Office and Civil Service.

By Mr. DICKS (for himself, Mr. GORE, Mr. ASPIN, Mr. MCHUGH, Mr. FAZIO, Mr. PRITCHARD, Mr, FOLEY, Mr. HOYER, and Mr. COUGHLIN):

H.J. Res. 523. Joint resolution calling upon the President to seek a mutual and verifiable ban on weapons designed to attack objects in space; to the Committee on Foreign Affairs.

H.J. Res. 524. Joint resolution calling upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space; to the Committee on Foreign Affairs.

By Mr. PANETTA (for himself, Mr. CONABLE, Mr. PEPPER, Ms. SNOWE, and Ms. KAPTUR):

H.J. Res. 525. Joint resolution to designate the week beginning November 25, 1984, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.J. Res. 526. Joint resolution designating the week of May 27, 1984 through June 2, 1984 as "National Animal Health Week"; to the Committee on Post Office and Civil Service.

By Mr. DONNELLY (for himself and Mr. FOLEY):

H. Con. Res. 276. Concurrent resolution expressing the sense of the Congress that the participants of the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland; to the Committee on Foreign Affairs.

By Mr. RUDD (for himself, Mr. FASCELL, Mr. BLILEY, Mr. LANTOS, Mr. PHILIP M. CRANE, Mr. LIVINGSTON, Mr. SILJANDER, Mr. SMITH of New Jersey, and Mr. YATRON):

H. Con. Res. 277. Concurrent resolution calling upon the Secretary of the Treasury to end the current delay in fully enforcing existing law, 19 U.S.C. 1307, regarding the ban on importation of "goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions . . ."; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

348. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to adopting the Province of Taiwan, Republic of China, as a sister state; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. BIAGGI and Mr. MARTINEZ.

H.R. 1249: Mr. RUSSO.

H.R. 1942: Mr. WON PAT, Mr. HOWARD, Mr. GARCIA, and Ms. KAPTUR.

H.R. 2099: Mr. KOSTMAYER.

H.R. 2847: Mr. BERMAN.

H.R. 2927: Mr. BEDELL.

H.R. 2981: Mr. GEKAS.

H.R. 3105: Mr. LANTOS, Mr. MITCHELL, and Mr. WHEAT.

H.R. 3282: Mr. MICA, Mr. SPRATT, Mr. MCKERNAN, and Mr. RANGEL.

H.R. 3434: Mr. WALGREN, Mr. WYLIE, Mr. WISE, Mr. BADHAM, Mr. LAGOMARSINO, Mr. HAMMERSCHMIDT, Mr. WHITTAKER, Mr. WILLIAMS of Ohio, Mr. EDGAR, Mr. SCHULZE, Mr. LEWIS of California, Mr. KINDNESS, Mr. NIELSON of Utah, Mr. SMITH of New Jersey, Mr. KOGOVSEK, Mr. PORTER, Mr. COUGHLIN, Mr. BEVILL, and Mr. PASHAYAN.

H.R. 3581: Mr. NICHOLS.

H.R. 3811: Mr. ERDREICH, Mr. KILDEE, Mr. CONYERS, Mr. GILMAN, Mr. TAYLOR, Mr. ENGLISH, and Mr. LENT.

H.R. 4074: Mr. LEWIS of Florida and Mr. TALLON.

H.R. 4110: Mr. HAWKINS.

H.R. 4214: Mr. RIDGE.

H.R. 4243: Mr. HUCKABY, Mr. FRENZEL, Mr. EDWARDS of California, Mr. RICHARDSON, Mr. COELHO, Mr. VANDERGRIFF, Mr. FAZIO, Mr. MILLER of California, and Mr. FLIPPO.

H.R. 4284: Mr. HUCKABY.

H.R. 4285: Mr. HUCKABY.

H.R. 4286: Mr. HUCKABY.

H.R. 4440: Mr. FAZIO and Mr. SAVAGE.

H.R. 4475: Mr. LELAND, Mrs. LLOYD, Mr. OBERSTAR, Mr. OXLEY, and Mr. ROE.

H.R. 4571: Mr. EVANS of Iowa and Mr. MORRISON of Washington.

H.R. 4648: Mr. LONG of Maryland.

H.R. 4659: Mr. WON PAT, Ms. FERRARO, Mr. SCHUMER, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. RATCHFORD, and Mr. WHEAT.

H.R. 4786: Mr. BEVILL, Mr. CORCORAN, Mr. PHILIP M. CRANE, Mr. DAUB, Mr. FRANK, Mr. IRELAND, Mrs. JOHNSON, Mr. LELAND, Mr. NICHOLS, Mr. OLIN, Mr. SENSENBRENNER, Mr. WOLPE, Mr. WON PAT, and Mr. WYDEN.

H.R. 4831: Mr. GLICKMAN.

H.R. 4832: Mr. DONNELLY, Mr. BORSKI, Mr. ACKERMAN, Mr. MITCHELL, Mr. DE LUGO, Mr. ECKART, Mr. BATES, Mr. CONTE, and Mr. GARCIA.

H.R. 4876: Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BEVILL, Mr. EDGAR, Mr. FAZIO, Ms. FERRARO, Mr. FRANK, Mr. GARCIA, Mrs. HALL of Indiana, Mr. HERTEL of Michigan, Mrs. JOHNSON, Mr. LELAND, Mr. LEWIS of Florida, Mr. LUKEN, Mr. MARRIOTT, Mr. MAVROULES, Mr. MOLLOHAN, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. OWENS, Mr. SABO, Mr. SCHUMER, Mr. WEISS, and Mr. WOLPE.

H.R. 4917: Mr. BLILEY, Mr. KINDNESS, Mr. LAGOMARSINO, and Mr. MOORHEAD.

H.R. 5006: Mr. PRICE, Mr. LOEFFLER, Mr. CRAIG, Mr. HUGHES, Mr. WON PAT, and Mr. HORTON.

H.R. 5008: Mr. ECKART, Mr. WOLPE, and Mr. MADIGAN.

H.R. 5044: Mr. CLINGER, Mr. LUKEN, Mr. MCCLOSKEY, Mr. HARRISON, Mr. APPLEGATE, and Mr. RICHARDSON.

H.R. 5078: Mr. BOSCO, Mr. BEVILL, Mr. ROE, Mr. PENNY, and Ms. KAPTUR.

H.R. 5084: Mr. FAUNTROY, Mr. BARNES, Mr. EDWARDS of California, Mr. RANGEL, Mr. FRANK, Mr. WEISS, Mr. GEJDENSON, Mr. MINISH, and Mr. WEAVER.

H.J. Res. 151: Mr. HARTNETT, Mr. ARCHER, and Mr. LIPINSKI.

H.J. Res. 204: Mr. SHELBY, Mr. DERRICK, Ms. OAKAR, Mr. DELLUMS, Mr. MARTIN of New York, Mr. BRITT, Mr. BARTLETT, Mr. GREEN, Mr. SABO, and Mr. FEIGHAN.

H.J. Res. 272: Mr. MONTGOMERY, Mr. SAM B. HALL, Jr., Mr. HAWKINS, Mr. ROE, Mr. CLARKE, Ms. KAPTUR, Mr. MCCAIN, Mr. BATES, Mr. WON PAT, Mr. GONZALEZ, Mr. MCNULTY, and Mr. NICHOLS.

H.J. Res. 332: Mr. BONIOR of Michigan, Mr. BRITT, Mr. BROYHILL, Mr. CHENEY, Mr. COELHO, Mr. CORCORAN, Mr. CROCKETT, Mr. CORRADA, Mr. DE LA GARZA, Mr. DOWNEY of New York, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HORTON, Mr. LAGOMARSINO, Mr. LANTOS, Mr. MARTIN of North Carolina, Mr. MAZZOLI, Mr. MONTGOMERY, Mr. RAHALL, Mr. SNYDER, Mr. VANDER JAGT, and Mr. WILSON.

H.J. Res. 432: Mr. LIVINGSTON.

H.J. Res. 499: Mr. BROYHILL, Mr. LUKEN, Mr. DOWDY of Mississippi, Mr. SHUMWAY, Mr. SPRATT, Mr. DAUB, Mr. HUGHES, Mr. RICHARDSON, Mr. TOWNS, Ms. FERRARO, Mr. MCKERNAN, Mr. HORTON, Mr. LEVIN of Michigan, Mr. BARNES, Mr. WEISS, and Mr. MINETA.

H.J. Res. 508: Mr. AKAKA, Mr. CHAPPELL, Mr. JENKINS, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MCCAIN, Mr. ROE, and Mr. SMITH of Florida.

H. Con. Res. 227: Mr. MCKERNAN, Mr. LUNGREN, Mr. MACK, Mr. QUILLEN, Ms. SNOWE, Mr. BEREUTER, Mr. COATS, Mr. PETRI, and Mrs. ROUKEMA.

H. Con. Res. 236: Mr. TOWNS, Mr. DELLUMS, Mr. ADDABBO, Mr. RICHARDSON, Mr. LUNDINE, Mr. HARRISON, Mr. BERMAN, Mr. PATTERSON, Ms. OAKAR, Mr. BROWN of California, Mrs. JOHNSON, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. BEDELL, Mr. LANTOS, Mr. LEVINE of California, Mr. BATES, Mr. LUKEN, Mr. KOGOVSEK, Mr. AUCOIN, Mr. WEISS, Mr. FROST, Mr. SPRATT, Mr. HOWARD, Mr. NEAL, Mr. ZSCHAU, Mr. PANETTA, Mr. GORE, Mr. HORTON, and Mr. DWYER of New Jersey.

H. Con. Res. 265: Mr. BARNES, Mr. CROCKETT, Mr. DELLUMS, Mr. DOWNEY of New York, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRANK, Mr. HAWKINS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. LELAND, Mr. LEVINE of California, Mr. MARKEY, Mr. MILLER of California, Mr. MITCHELL, Mr. MOAKLEY, Mr. OBERSTAR, Mr. OWENS, Mr. SAVAGE, Mr. STOKES, Mr. TOWNS, Mr. WALGREN, and Mr. WEISS.

H. Con. Res. 270: Mr. MCCAIN, Mr. FRANK, Mr. LAGOMARSINO, Mr. HILER, Mr. MOLLOHAN, Mr. DAUB, Mr. ROE, Mr. HUNTER, Mr. SENSENBRENNER, Mr. DREIER of California, and Ms. OAKAR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsores were deleted from public bills and resolutions as follows:

H.R. 3795: Mrs. LLOYD.

H.R. 3795: Mr. HILER.

H.R. 4338: Mr. ROE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

328. By the SPEAKER: Petition of the city commission, Miami, Fla., relative to deportation proceedings against certain foreign nationals; to the Committee on the Judiciary.

329. Also, petition of the city commission, Miami, Fla., relative to certain Haitians seeking refuge in the United States; to the Committee on the Judiciary.

330. Also, petition of Mr. William E. Batch, Salem, Ohio, relative to the introduction of certain legislation; to the Committee on the Judiciary.

331. Also, petition of the city council, Elizabeth, N.J., relative to the pollution of the New Jersey waterways; to the Committee on Public Works and Transportation.

332. Also, petition of O'Connor & Hannan, attorneys at law, Washington, D.C., relative to prohibitions against antitrust and discriminatory practices in the transportation industries; to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

LEGISLATION NEEDED TO PUT U.S. PORK PRODUCERS ON EQUAL FOOTING WITH CANADIAN PRODUCERS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. BEDELL. Mr. Speaker, today I am joined by Mr. HARKIN, the chairman of the Subcommittee on Livestock, Dairy, and Poultry, and Mr. EVANS of Iowa, and Mr. LEACH, in introducing legislation designed to put U.S. pork producers on an equal footing with their Canadian counterparts by neutralizing the substantial subsidies which we believe the Canadian Government extends to its pork producers.

The measure would require the Secretary of Agriculture to determine if the Government of Canada or any of its Provinces provide a subsidy to swine producers. If such a finding is made, then the Secretary of the Treasury is required to impose additional duties on swine and pork products of Canadian origin in order to offset competitive advantages resulting from the Government subsidies.

According to the U.S. Department of Agriculture (USDA), Canada is virtually the only supplier of live hogs and pork imported by the United States. The balance of trade in live hogs and pork products has shifted dramatically in favor of Canada since 1979, and that country is not expected to relinquish this lead in the foreseeable future.

In a report written by USDA's Foreign Agriculture Service, entitled "Canadian-U.S. Pork Trade: Trade Balance Favors Canada in Near and Medium Term," the author, William J. Mills, concludes that the major factors behind the substantial increase in Canadian pork production—and the corresponding increase in Canadian exports of live hogs and pork to the United States—are the subsidy programs of the Federal and Provincial Governments, and in particular the Governments of Quebec, Ontario, Manitoba, and Alberta.

Canadian pork producers have taken advantage of their Government's subsidy programs and the virtually unrestricted access to U.S. markets which they enjoy to sharply increase their exports to the United States. For example, according to USDA, Canadian frozen pork imports to the United States increased from 9,000 tons in 1976 to 31,000 tons in 1982; chilled pork imports jumped from about 2,000 tons in 1977 to 91,200 tons in 1982; ham imports went from 14,900 tons to 47,100 tons during the period 1973 to 1982; and U.S. imports of live hogs climbed from 43,000 head in 1977 to 295,000 head in 1982.

Furthermore, according to the USDA report, many of the live hogs brought into the United States are trucked to one slaughtering facility in Iowa.

Mr. Speaker, I think that it is asking too much of U.S. pork producers—at a time when they are suffering from depressed hog prices and negative feeding margins—to stand aside and let subsidized Canadian hogs and pork products flow in an unrestrained manner into the United States. American producers can compete with producers anywhere as long all sides play by the same rules and no one is given an unfair advantage over the other. However, such is clearly not the case where Canadian pork exports are concerned.

The USDA report by Mr. Mills states that under the subsidy program operated by the Canadian Government—which includes a mandatory minimum support price—hog producers were paid C$46 million in 1980 and C$100 million in 1981. In 1981, the program paid an average of C$1,793 to each producer.

In addition, from January 1, 1981, through mid-1982, the Canadian Provincial Government paid out some C$50 million. In those Provinces, accounting for most of the exports to the United States—Ontario and Quebec—the subsidy provided from January 1, 1980, through June 1982, amounted to C$7.41 and C$6.52 per hog, respectively.

On top of these per-head subsidies, the Canadian Government also extended very liberal credit terms to pork producers. According to the USDA report, the Federal Government allowed hog producers a C$4,000 grant and a C$200,000 loan with interest at 2.5 percent on the first $15,000 and 8.5 percent on the balance. To many of the pork producers in my district who are being squeezed by record high real rates of interest, this advantage offered their Canadian competitors is not, I am sure, viewed as an insignificant edge.

The purpose of the legislation I am introducing today is to neutralize any artificial advantage which Canadian producers have over U.S. hog farmers, and to assure that we have the opportunity to compete in a fair international market.

Mr. Speaker, I have spoken to the cosponsor of the bill, Mr. HARKIN, about the possibility of holding hearings on the matter at the earliest possible date in the Subcommittee on Livestock, Dairy, and Poultry, and I am hopeful that a hearing will be scheduled in the very near future.

I believe that the adoption of this legislation will once again inject a degree of competitiveness in our pork trade with Canada, and I urge its prompt consideration.

The text of the legislation follows:

H.R. 5206

A bill to authorize the imposition of additional duties on swine and pork products of Canadian origin in order to offset competitive advantages resulting from any government subsidy that may be provided to Canadian swine producers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of this Act—

(1) The term "entry" means the entry, or withdrawal from warehouse for consumption, into the customs territory of the United States.

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "swine product category" means the following categories, identified by 5-digit item numbers in the Tariff Schedules of the United States (19 U.S.C. 1202) as in effect on January 1, 1984:

(A) Live swine, provided for in item 100.85.

(B) Meat (fresh, chilled, or frozen) of swine, provided for in item 106.40.

(C) Sausages of pork, fresh, provided for in item 107.10.

(D) Sausages of pork, other than fresh, provided for in item 107.15.

(E) Pork, prepared or preserved, not boned, provided for in item 107.30.

(F) Pork, prepared or preserved, boned, provided for in item 107.35.

(G) Extract of pork meat, provided for in item 107.80.

SEC. 2. (a) As soon as practicable after the date of the enactment of this Act, the Secretary shall determine if the Government of Canada (or any Provinces thereof) grants or otherwise provides a subsidy to producers of swine in that country, which is greater than the level of subsidy provided by the Government of the United States to swine producers in the United States.

(b) If the determination of the Secretary under subsection (a) is affirmative, the Secretary shall determine, with respect to articles of Canadian origin within each swine product category—

(1) the excess benefit accruing to Canadian producers or processors of articles in the category as a result of the subsidy; and

(2) the amount of duty (if the article is currently duty-free) or of additional duty (if the article is currently dutiable) that must

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

be imposed on the entry of those articles in order to offset that benefit.

SEC. 3. (a) The Secretary shall certify the rates of duty determined under section 2(b) to the Secretary of the Treasury.

(b) There is imposed on the entry, on and after the date on which the certification is made under subsection (a), of articles within each swine product category that are a product of Canada the duty so certified with respect to that article. The Secretary of the Treasury shall take such action as may be necessary or appropriate to collect the duties.

(c) Any duty imposed under subsection (b) shall be—

(1) in addition to any other duty or fee imposed on the entry of articles, in swine product categories, that are the product of Canada; and

(2) shall be treated as a regular customs for all purposes of the customs laws, including drawback.

SEC. 4. The Secretary shall terminate the imposition of duties under this Act on articles of Canadian origin in swine product categories during any period regarding which the Secretary determines that the Government of Canada is not providing any subsidy to producers of swine in that country.●

CENTRAL AMERICAN AID—A WASTE

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. LUNDINE. Mr. Speaker, I wish to call the attention of the House to an article in the RECORD written by Prof. Walter LaFeber of Cornell University and published in the New York Times on Sunday, February 26, 1984. This editorial pertains to the President's proposal to send more than $8 billion to Central America over the next 5 fiscal years.

I believe that Professor LaFeber's editorial brings out some of the strongest arguments against the President's proposal in a most lucid and convincing manner. I firmly agree that this aid package should be scaled down and that alternative methods need to be examined to deal with the ever worsening crisis in Central America, and in particular with the civil war in El Salvador.

I am sure that my colleagues will find Professor LaFeber's piece to be as enlightening as I did and I hope that all of us will heed the warnings given by Dr. LaFeber when the time comes for us all to vote on aid to Central America.

ITHACA, N.Y.—President Reagan is asking American taxpayers to give $8.4 billion for economic assistance to Central America over the next five years. It would be a waste of immense sums. Ironically, it would also strengthen precisely the forces that the President wants to destroy.

The problem in the proposal is not "slippage" or corruption in Agency for International Development programs. Nor should the debate be about attaching aid to human rights principles. The history of the region offers no evidence for hope that the Salvadoran, Honduran and Guatemalan military regimes will care about human rights when their existence—or even their personal wealth—is at stake.

The issue is more fundamental: whether to continue a policy that has failed. In 1981, the United States sent about $150 million in economic aid to El Salvador, where several thousand defeated revolutionaries struggled to survive. About $12 million went to Guatemala, were the economy flourished and a brutal but united army maintained order at the point of a bayonet. Nearly $50 million went to our main regional ally, Honduras. Some $19 million traveled through the Central Intelligence Agency to help counterrevolutionaries, or "contras," who vowed to establish a government inside Nicaragua for the overthrow of the Sandinista regime.

Since 1981, aid to these nations has multiplied several times. The result: 10,000 Salvadoran revolutionaries now control large parts of the country; the Guatemalan economy has declined and the country has endured two military coups; Honduras is suffering its gravest economic crisis in 50 years; and the defeated contras now admit that they have no hope of establishing a government.

The Reagan response is to multiply the aid program again. The Administration resembles the shirt salesman who loses $10 on each item he sells but is confident he can avoid ruin by doubling his sales.

El Salvador is the centerpiece of the President's policy and the best example of failure. He proposes a quarter-billion dollars of economic aid for fiscal 1985, with more to follow. But the Salvadoran Planning Minister, Manuel Antonio Robles, recently acknowledged that the dollars continue to go to a few wealthy people—"the same entrepreneurs as always." Many of those "entrepreneurs" live in Miami and use secret bank accounts to support Roberto d'Aubuisson—long linked to the right-wing death squads—as he campaigns to win next month's presidential election. Thus the irony: As the Administration works for a victory of moderate, reformist candidates, United States dollars enrich the extremists who make such reform impossible.

In the past three years Central Americans have put into overseas real estate and banks an estimated $15 billion—nearly twice the amount the Administration proposes to invest in the next five years. The dollars that do remain are even less productive. The Salvadoran Army has begun to draft engineers, agronomists and other highly trained professionals draining their skills from the productive economy.

After three years of increased United States aid, unemployment has climbed to between 30 percent and 40 percent in El Salvador. Last month the former Economy Minister Jorge Sol declared that the aid has obviously had "very little effect on poverty." In Honduras, United States economic aid since 1981 has doubled to more than $100 million annually and military assistance has increased at several times that rate. Yet half the workforce is unemployed.

More than anything else, Central American "development aid" serves as conscience money for members of Congress who appropriate many other dollars for the real thrust of President Reagan's policy—the use of military force. Yet the war is destroying the region's economies, and victory looks increasingly less likely without the direct intervention of United States forces.

What's happening in Central America is a tragedy, a waste of money on the rich and the brutal. United States military efforts in El Salvador, Honduras, Guatemala and northern Nicaragua are undermining all hopes for a negotiated peace. The Costa Rican Central Bank president, Carlos Castillo, now estimates that the entire region needs $23 billion merely to recover 1980 income levels. That is nearly three times the amount that Mr. Reagan proposes, and the figure rises with each day of continued war. One of the many virtues of a negotiated solution would be that when the fighting stops, regional and West European nations can share the burden and the hope of building a more equitable Central America.●

SOVIET JEWRY

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Ms. FIEDLER. Mr. Speaker, I rise today to join with my colleagues in marking the International Day of Concern for Soviet Jews. Today also marks the eighth anniversary of the arrest of Anatoly Shcharansky. While he and others, like Ida Nudel, languish in Soviet jails, other Jews are cut out of the mainstream of life and even branded lunatics for the "heinous" crime of wanting to leave the Soviet Union and Aliyah.

In my 4 years in Congress, I have contacted the various Soviet leaders hundreds of times on behalf of our brothers and sisters enslaved behind the Iron Curtain. The treatment of a group of Soviet people in callous and sometimes barbarous ways only because of their religion is an affront to the civilized world.

That is why I sometimes marvel at people here in the safety and security of the United States who would have us trust the Soviets. Their treatment of the Jewish community is but a small example of the way they regard human life. Their adventurism and saber rattling should be a warning to us all that without the strength of the United States and our allies, the Soviet way of doing things would be the standard for the world.

So, Mr. Speaker, I believe it is important that we in Congress maintain the eternal vigilence for our Jewish brethren inside the Soviet Union. For without us, who knows what their fate would be.●

THE HUMAN DEFICIT IN HEALTH CARE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HAWKINS. Mr. Speaker, within the context of reordering our Nation's economic goals, as mandated by the Humphrey-Hawkins bill, we must

focus on the health and well-being of every American citizen. This includes Americans of all races. Under the existing national economic policies we appear to be embracing a posture of being "penny-wise and pound-foolish." Our economic policies are obviously askew with regard to limiting adverse impacts on the health and well-being of America's greatest resource—her citizens. Unfortunately, we have focused too heavily on supply side economics, and overlooked the consequences of not striking an adequate balance in establishing our national economic policies.

As evidenced in a report recently released by the Department of Health and Human Services, entitled "Health in the United States Today, 1983," our economic policies have impaired most of the progress we had made in the area of health. The study reveals that we are moving in the wrong direction. And rather than face these problems head on, this administration would prefer to appoint a task force to study and restudy important issues. The HHS study states that the average life-span for white women is 78.7 years; black women, 73.8 years; white males, 71.4; and black males 64.8. The study further states that for every 1,000 infants 1 year and younger, the mortality rate for whites is 11, and 21.4 for blacks. The study clearly outlines the health disparities that exist between races in this country. These startling facts will continue to be statistical statements on the health of Americans, unless we fashion our economic policies in such a way that we address this problem.

Washington columnist Alfreda Madison, a member of the White House Press Corps, wrote an article which describes the health care disparities and characterizes how the administration's economic policies have divisively shored up racial disparities.

I am submitting the column in hopes that my colleagues will realize how important it is that we adopt policies that are not only sound, but balanced with regard to health care concerns.

The article follows:

[From the Washington Informer, Mar. 8-14, 1984]

HEALTH DISPARITIES STUDY IS A SMOKESCREEN

(By Alfreda L. Madison)

An excuse for doing anything about blatant problems is to appoint task forces, give them long periods of time to research the already known facts and require them to restate these often in some camouflaged manner. These are then reported to congressional committees for extensive hearings, which may later hit the floor of both Houses, where floor arguments are pursued and, depending on the affected people, the issue is quite likely to die.

The recent Health and Human Services report, entitled "Health in the United States Today, 1983," revealed already known startling facts. The average life span for white women is 78.7 years; Black women, 73.8 years; white males, 71.4; Black males, 64.8. For every 1,000 infants one year and younger, the mortality rate for whites is 11.0; for Blacks, 21.4.

HHS Secretary Margaret Heckler is setting up a task force to determine the cause of the health disparities. It will report its findings in one year. This task force will be composed of inter-departmental people and with working groups outside the department.

Numerous reports have revealed that racial health disparities exist because of difference in the quality of life which stems from inferior health care available to environmental and occupational hazards. Seventy-five percent of all waste-sites are in predominantly Black communities.

Death from cancer among Blacks is four times that of whites. Lead poisoning afflicts Black children three times the rate of white children. This is largely due to the dilapidated run-down houses in which they disproportionately live. Blacks have a 20 percent higher death rate from work-related disease than whites. DDT contamination of Blacks is three times that of whites. This is because dumps and toxic industries often are closer to Black areas than whites, and certainly city sanitation is more lax in Black communities.

The Reagan Administration has shown great insensitivity to the health and occupational hazards of Blacks. It has blocked the adoption of standards of 116 occupational carcinogens. Ethylene oxide is a carcinogen used to sterilize hospital equipment. Exposure to certain types of ethylene oxide contributes to cancer symptoms, and since a large number of hospital employees are Black, they are disproportionately exposed to the chemical. A meeting between the chemical manufacturers and the Occupational, Safety and Health Administration resulted in the withdrawal of federal regulations over the chemical controls.

The insensitivity of President Reagan is exemplified in the cutting of environmental funds. The lead-screening program has been cut by 25 percent.

There is a shortage of doctors in minority communities. This is greatly due to the fact that only about three percent of these health-care professionals are Blacks and Hispanics. Yet, this Administration has led the fight to abolish medical student scholarship programs that will benefit minority students.

While this Administration has accepted the goals of reducing infant mortality, its methods for accomplishing these are counter-productive. Funds have been cut for nutritional and pre-natal health care.

Marian Wright Edelman, director of the Children's Defense Fund, reports that many infant deaths are due to babies weighing under 5 and one-half pounds at birth. Three fourths of infant deaths during the first month of life and half of deaths in the first year result from low birth weight.

HHS already has several studies which show that infant deaths are reduced when pregnant women receive adequate pre-natal care. A 1982 California study showed that among women who were provided comprehensive pre-natal care, low birth weight deaths were cut in half. Under these conditions, the low birth weight deaths were the same for Blacks and whites.

Edelman says, "The problem is not unknown facts, but inaction. Black babies are more likely to die because Black mothers are more likely to be poor and simply cannot afford the pre-natal care that would help solve the problem."

Medicaid programs aid the infants and children of the poor. Only about half of the nation's poor is reached by medicaid. One of the reasons for this lack is because these children live in two-parent families. Even though the father is unemployed, medicaid funds are cut off.

It is estimated that for every $1 spent on pre-natal care, from $5 to $10 are saved on expenditures for sick and handicapped babies. It costs only $1,500 for pre-natal care and delivery services for a pregnant woman, while the cost is $1000 a day for neonatal care for premature babies. Pre-natal care failure for the birth of these babies, costs run from $20,000 to $40,000.

Margaret Heckler needs no study task force. All that's needed is a serious look at Black unemployment, underemployment, poor housing and unavailability of health care—information that is already available to her. So the one-year task force study smokescreen excuse should be abrogated immediately.●

RESOLUTION CONDEMNING SLAVE LABOR IN THE SOVIET UNION

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. RUDD. Mr. Speaker, it is one thing to pass a law here in this body, and it is quite another to enforce it. I am today, introducing a concurrent resolution calling on the Secretary of the Treasury to enforce what has been the law of the land for over 50 years.

In response to the horrible labor conditions existing in many exporting countries in Africa and the Caribbean, the Congress incorporated into the Tariff Act of 1930, section 1307, which states:

All goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced labor . . . shall not be entitled entry at any of the ports of the United States, and the importation thereof is hereby prohibited.

Currently, the United States, through its purchase of over $220 million of goods each year from the Soviet Union, is a de facto accomplice to a system of slave labor that is without equal in this world for brutality and indecency.

In a September 1983 report from the Directorate of Intelligence, the U.S. Central Intelligence Agency indicated that there were over seven categories of goods imported into the United States from the Soviet Union which were made from slave labor. These include, but are not limited to, wood products, electronic products, glass, automotive, mined ore, and clothing.

The International Society for Human Rights estimates that over "four million human beings are sub-

mitted to this practice (slave labor) daily in the Soviet Union."

The existence of slave labor in the Soviet Union is an indisputable fact. The Commission on Security and Cooperation in Europe estimates that over half—about $130 million per year—of Soviet good brought into this country are made from slave labor.

Slave labor, and its use in production of goods exported to the United States, is in direct violation of the Tariff Act of 1930, yet our Government has not acted to stop this trade. Almost 5 months ago, the U.S. Customs Service circulated an internal recommendation to begin enforcement of this law, with particular attention to be paid to goods imported from the Soviet Union. But today, the goods from the Soviet Union made with slave labor are still flowing into the United States.

This body is on record, not once, but at least twice in opposing slave labor, and, in particular, slave labor in the Soviet Union.

On November 17, 1983, this body unanimously adopted a resolution condemning slave labor in the Soviet Union.

This resolution that I am introducing today takes the next logical step in urging the Secretary of the Treasury to enforce our own laws so we no longer are a part of this horrible practice.

I urge my colleagues to cosponsor this resolution and help pass it through this body.●

WASHINGTON REPORT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PEASE. Mr. Speaker, when asked about defense spending on my recent constituent questionnaire, 44 percent of the respondents wanted to cut defense spending. Does this mean that my constituents do not favor a strong national defense?

No, my guess is that my constituents do believe in a strong national defense, they feel we already have one, and they see massive defense spending hikes as unnecessary.

This is the topic I addressed in my most recent weekly newspaper column. It follows.

WASHINGTON REPORT

(By Don J. Pease, U.S. Congressman, 13th District)

When asked about defense spending on my recent constituent questionnaire, 13 percent of respondents wanted to spend more on defense, 41 percent wanted to spend about the same, and 44 percent wanted to cut defense spending.

Does this mean that 13th District citizens don't favor a strong national defense?

No, my guess is this. Constituents do believe in a strong national defense, they feel we already have one, and they see massive defense spending hikes as unnecessary.

If that is the reasoning of 13th District residents, I agree with them, and I think they are right in the belief that the U.S. already has a strong national defense. We need to maintain our strong position, but we don't need to waste money on overkill.

The Center for Defense Information last year put out some comparisons which show how the U.S. stacks up militarily against the Soviet Union.

The figures show the U.S. ahead of the Soviet Union on six out of nine measures of strategic military strengths.

The Soviet Union has 1,400 land-based intercontinental ballistic missiles (ICBMs) to our 1,050. The Soviet missiles are bigger and can "throw" more warheads per missile. Thus, the Soviets have more nuclear weapons—5,200 to 2,100—on ICBMs.

The third category of Soviet superiority is the number of strategic (nuclear weapon) submarines. The Soviets lead 62 to 33.

But turning to the U.S. areas of superiority, the Center for Defense Information notes that U.S. submarines carry far more nuclear warheads than Soviet submarines. The U.S. lead is 5,000 to 1,700—a three-to-one margin. Further, the U.S. has nearly 3,000 submarine-based nuclear weapons always at sea compared with only 300 for the Soviets.

In total nuclear weapons, the U.S. leads 30,000 to 20,000. In total strategic nuclear weapons, the U.S. leads 9,800 to 7,200.

In terms of nuclear weapons aimed at the adversary's homeland, the U.S. leads 12,000 to 8,000. In strategic bombers, the U.S. is ahead 360 to 145. In nuclear weapons carried on bombers, the U.S. leads by 2,700 to 300.

Another valid comparison is between the North Atlantic Treaty Organization (NATO), the U.S. and its allies, and the Warsaw Pact, made up of the Soviet Union and its allies.

The Warsaw Pact has a slight advantage (175 to 140) in diesel attack submarines and a two-to-one (63,000 to 29,000) advantage in tanks, but NATO has stressed anti-tank weapons and has some 400,000 of them.

NATO is ahead in number of troops (5.9 million to 4.8 million); helicopters (12,400 to 4,500); and major surface warships (500 to 300).

Experts will argue on both sides of the defense equation, of course. Some say the Soviets are building up their forces at a faster pace than we are.

But when the U.S. has 12,000 nuclear weapons aimed at Russia and the Soviet Union has 8,000 nuclear weapons aimed at us, it seems to me that security lies not in massive additions to our arsenal. We need to be careful and selective in our military spending increases.●

LIMITATION OF SHIPOWNER'S LIABILITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. BIAGGI. Mr. Speaker, yesterday the President signed the Shipping Act of 1984 and hailed it as the cornerstone of his maritime policy. That act, which was developed in the subcommittee I chair, was the product of a lengthy bipartisan cooperative effort involving the Congress, the executive branch, and all facets of the ocean shipping industry and the people it serves. It is that kind of effort that must continue if we are to retain a healthy American merchant marine.

Mr. Speaker, today I am introducing a bill that I hope will result in another significant step in the continuing effort to clarify and update the laws affecting our merchant marine. This bill concerns the subject of the limitation of liability of shipowners. It addresses the problems that exist in the present laws on this important part of our maritime law.

The United States adopted its first maritime limitation of liability statute in 1851 as a device to protect our fledgling maritime industry when there was little, if any, insurance coverage available for most maritime endeavors. The law was also designed to place the American shipowner on an equal footing with his protected foreign competitors. The law has remained the same since 1851 except for a 1936 amendment that provided a post accident fund of $60 a gross ton for personal injury and death claims. This amendment was the direct result of the *Morro Castle* disaster that took 134 lives and left an estimated $20,000—the salvage value of the vessel—for distribution in settlement of all claims. Recently, the House passed legislation that increases the limitation fund figure to $420 a gross ton. This, however, is intended to be an interim measure until we are able to enact a more complete revision of the law.

It is generally conceded that the present law on the subject of limitation of liability is outmoded. This is particularly true when the present law is applied to a major marine disaster such as the total loss of a vessel like the *Ocean Ranger, Poet, Marine Electric*, and most recently, the drilling vessel *Glomar Java Sea.*

Many of the conditions in the shipping industry that included Congress to pass the 1851 statute no longer prevail. The trend in the case law has been to sharply restrict the granting of limitation. This is a recognition of the law's increasing obsolescence and unfairness toward injured parties.

The bill I am introducing was developed by the Maritime Law Association and is patterned after the "Convention on Limitation of Liability for Maritime Claims, 1976." This convention was not agreed to by the United States because the claims limits in it were too low. The bill I am introducing raises those limits considerably.

I understand that other proposals to amend the limitation of liability laws are being developed. While they may take a different approach, I believe we

all have the same objective; namely, to provide a clearer basis in law for the settlement of maritime claims, one that will insure fair and proper compensation for seafarers and their families and one that will not put American shipowners at a competitive disadvantage.

I want to make it clear that I have not taken a position as to which approach is best designed to achieve the objectives I outlined. We intend to have comprehensive hearings and afford all interested parties an opportunity to present their views.

There is no doubt that revision of the limitation of liability laws will be a challenge that is certain to raise controversy but it is a challenge that we intend to meet. I believe we will be able to arrive at an equitable solution that will insure full and fair compensation of those who may be injured or of those families who lose a loved one, without unduly burdening the competitiveness of our merchant marine.●

REPUBLIC STEEL AND LTV CORP. MERGER

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. FEIGHAN. Mr. Speaker, I am delighted to hear that the Justice Department has approved, at long last, the proposed merger between Republic Steel and the LTV Corp. Frankly, I do not understand what kind of thinking made the Justice Department's Antitrust Division oppose the job-saving merger in the first place. Even the Secretary of Commerce called their initial decision a world-class mistake.

Today, with a decision allowing the merger's go-ahead, the Justice Department has recognized the difficult reality of international competition. The American steel industry is no longer the ever-dominant force it once was. Unless it is given the ability to compete with state-subsidized foreign competitors, our industry will never regain its position as the leader in the production of quality steel.

President John F. Kennedy said that:

Our task is not to fix the blame for the past, but to fix the course for the future.

That has to be our task today. It includes making every effort to build a steel industry that is vibrant, competitive, and putting Americans back to work. That is why I will continue to work for legislation insuring that foreign competition is taken into account when the Justice Department determines the legality of proposed mergers.●

NATIONAL RELIGIOUS LIBERTY DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, in the midst of the debate surrounding school prayer in our public schools, I am today introducing legislation that designates August 27, 1984, as "National Religious Liberty Day."

It was on this same day in 1640 that one of the earliest of our fathers of American liberty, Roger Williams, and the citizens of Providence, R.I., signed the Plantation Agreement at Providence. In this monumental document, the people of Providence covenanted "to hould forth liberty of conscience." Williams stated, "God requireth not an uniformity of religion," and held that all individuals and religious bodies—pagans, Jews, Catholics, and Protestants—were entitled to religious liberty as a natural right.

A fundamental precept upon which our country is founded holds that man has certain inalienable rights, one of which is the freedom and the right to practice whatever religion one is so inclined to practice. Our Founding Fathers firmly believed that man had a strong and binding relationship with God.

Innumerable references to God are present in our day-to-day lives. The face side of our coins say, "In God We Trust." The Mayflower Compact, the Declaration of Independence, the Pledge of Allegiance, and the national anthem all state our belief in the free exercise of religious views and liberty. This body to this day begins each session with an opening prayer.

Up until the 1960's the citizens of the United States were free to practice their faith in every place in this Nation. However, the Supreme Court in the early 1960's effectively banned prayer in our public schools. This posture by our National Government has eroded the fundamental concept upon which our forefathers came to America. Persecuted in Europe, our Founding Fathers arrived on our shores seeking the free exercise of religious beliefs.

In an effort to remind us all of this fundamental precept upon which Providence, R.I., was founded and upon which our Constitution is based, I am introducing this bill to establish August 27, 1984, as "National Religious Liberty Day." It is only fitting that we recognize and commemorate the birth of religious freedom in America. I urge my colleagues to join me in this tribute to our first amendment right.●

PLYMOUTH-WHITEMARSH HIGH BAND TO TAKE PART IN FESTIVAL PARADE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. COUGHLIN. Mr. Speaker, I am pleased to pay tribute to Plymouth-Whitemarsh High School's Marching Colonials Band which will take part in the prestigious Cherry Blossom Parade in Washington, D.C., on April 7, 1984.

The award-winning Marching Colonials, from my 13th Congressional District in Pennsylvania, have a proud history as one of the Commonwealth's finest marching bands. Representing the Colonial School District, the band began its tradition of outstanding performance in 1968 when it started to compete in marching band parades and field competitions.

Since then, the Marching Colonials have won three national and State titles for band competition. They have competed in Canada, Delaware, Florida, Maryland, New Jersey, New York, and West Virginia, in addition to numerous school and civic performances.

During the past season, under the guidance of their director, Ed Stimson, the band has compiled five first, two second, and two third place victories in competition. The Marching Colonials placed third out of a possible 76 high schools bands from five States in the Group III Tournament of Bands Championship. Their drum major is Diana Brown and assistant drum major is Eddie Stimson.

The Marching Colonials applied last spring to the National Cherry Blossom Festival Parade Committee. After an audition tape and a list of honors were sent to the committee, the band was selected as one of 25 from across the Nation to take part in the Cherry Blossom Parade.

Along with proud parents, fellow students, school officials, and community representatives, I am proud to salute the Marching Colonials of Plymouth-Whitemarsh High School.●

POLITICAL DOUBLE STANDARD

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. McEWEN. Mr. Speaker, a recent editorial in the Dayton Journal Herald newspaper raises the question of a political double standard when it comes to criticizing our foreign policy. Liberals attack the administration's charges of Soviet treaty violations as embarassing or simplistic, but have no

qualms about making outlandish statements regarding our role in Central America.

Let he who is perfect in this House cast the first political charge. I commend the following article to the attention of my colleagues:

[From the Journal (Dayton) Herald, Feb. 29, 1984]

DOUBLE STANDARD APPLIES IN CURRENT POLITICAL DEBATE

Why is it considered unseemly and ill-mannered for one side of a political debate to raise awkward questions while the other side can raise all kinds of ruckus and call it just part of the process?

We raise the question because squads of the liberal leadership elite have worked overtime to condemn the Reagan administration's "shrill rhetoric" against the Soviet Union. The President is called "an ideologue" who has no foreign policy except anti-communism.

"Clearly," the message from these self-appointed tastemakers goes, "we need some refinement in our dealings with the Soviets. We want a president who says grand and inspiring things about peace instead of embarrassing, simplistic charges about evil empires."

But the let's-be-ladies-and-gentlemen-about-this rules don't apply in other debates. There's Central America, for instance, where the most outrageous and simplistic charges can be loudly brought against the administration and those it supports with no hint of embarrassment.

The civil war in El Salvador—so we're loudly informed—is the U.S. government's fault, particularly the Reagan administration's. Death squads are Uncle Sam's evil empire. We support only corrupt, repressive regimes. The good guys are identifiable because they are always anti-American in general and anti-Reagan in particular.

This hit home recently while we were studying a report from Washington by Elizabeth Drew in the *New Yorker* magazine, once a publication of some balance and excellence but lately given over to the extreme left of the Democratic Party. Here's a snippet of the article in the magazine's standard long paragraph style:

"Some Administration members who do favor arms control worked very hard to play down the Administration's report, issued in mid-January, of alleged Soviet violations of arms-control agreements. They saw the report as an effort by some members of the bureaucracy to wreck arms control. Some of the alleged violations are ambiguous, and there is a strong difference of opinion within the Administration about their seriousness; in previous Administrations, complaints about violations were dealt with quietly, through an established international mechanism. Moreover, the subject of compliance is a highly technical one, understood by few within the government. I am told that Caspar Weinberger, the Secretary of Defense, frequently tells the President that 'the Soviets are cheating on the treaties we have with them, as you know.' This is something that the President is quite inclined to believe."

What if we turned that into an analysis of Central American policy:

"Administration members who favor arms control worked very hard to play down the report, recently issued, of human rights abuses in El Salvador. They saw the report as an effort by some members of the bureaucracy to wreck democracy in El Salvador. Some of the alleged violations are ambiguous, and there is a strong difference of opinion within the Administration about their seriousness; in previous Administrations, complaints about violations were dealt with quietly, through an established international mechanism. Moreover, the subject of compliance is a highly technical one, understood by few within the government. I am told that Rep. Tony Hall, D-Ohio, frequently tells House Speaker 'Tip' O'Neill that 'the Salvadorans are cheating on human rights, as you know.' This is something the Speaker is quite inclined to believe."

You can imagine the uproar. "Why, that's unfair and irresponsible. Have those right-wingers no sense of decency? Whatever happened to objectivity?"

Indeed.●

PROJECT EXTEND

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. LUNDINE. Mr. Speaker, on Saturday, April 28, the Charles E. Westcott American Legion Post No. 173 of Bath, N.Y., will have the formal dedication ceremonies for their Project Extend. I want to take this opportunity to extend my congratulations to all the Legionnaires on their successful campaign to keep the Bath National Cemetery open.

Project Extend commenced under the direction of William K. Kastner, who at the time was the commander of the American Legion Post in Bath and is now the director of Steuben County's veterans' service. This successful campaign by the Legionnaires to purchase an additional 6 acres of land adjacent to the cemetery has saved the Bath National Cemetery from certain closing. Through this purchase this historic cemetery will remain open for an additional 25 to 30 years.

Through the efforts of these Legionnaires and of the entire community, New York veterans, who served our Nation unselfishly, will have an appropriate and honorable resting place.●

A WIN FOR WILLMAR 8

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. SIKORSKI. Mr. Speaker, as John Kennedy noted in his Profiles in Courage, it is lonely being a leader and it requires courage. Yet time and again, we are reminded that the potential for leadership exists in all good citizens.

The "Willmar 8," Glennis TerWisscha, Irene Wallin, Doris Boshart, Terrin Novotny, Sandi Treml, Shirley Solyntjes, Sylvia Erickson and Jane (Harguth) Groothuis, are such leaders. They are modern symbols of our continuing struggle for human rights and progress. The strike of these bank employees over low pay and lack of promotion potential caused them much personal hardship and ultimately their jobs. In 1978, they lost their drawn-out court proceedings against the Citizens National Bank of Willmar, which was sold.

Recently, however, a neighboring bank in Willmar entered into a contract with a union representing the bank employees. This led to immediate pay raises and the implementation of salary schedules for employees, and is the first such agreement in Minnesota.

It was the courageous action of the Willmar 8 which made this possible. Their example makes us all feel good.

The following editorial celebrating the Willmar 8's efforts is from the St. Paul Pioneer Press, March 2, 1984.

A WIN FOR WILLMAR 8

The eight Willmar bank employees who lost their two-year labor battle with the Citizen's National Bank of Willmar in 1978 should feel proud of the positive influence their much-publicized strike had on a historic labor contract reached this week with a neighboring bank.

The United Auto Workers union (UAW), which has organized banks in other states, came to terms with the First American Bank & Trust Co. of Willmar. Under the agreement, the first in Minnesota, bank employees will receive immediate raises, and more importantly, work under a salary schedule that is no longer arbitrary.

Courageous members of the Willmar 8 lost their heroic battle and also lost their jobs. Nevertheless, their strike over low pay and lack of promotion was not in vain; it created nationwide publicity and generated widespread sympathy for the plight of bank employees everywhere.

That growing awareness paved the way for the type of contract agreements reached in other states, and now in Willmar itself. As First American Bank & Trust Co. President Sy Foss pointed out, the contract "was good for the bank and the employees."

It should also lift the spirits of the Willmar 8.●

MISSILE SALE TO JORDAN MAY BE REVERSED

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. WYDEN. Mr. Speaker, I know that many of us, on both sides of the aisle, are relieved by the news this morning that prospects are very good that President Reagan will decide to reverse his decision to sell over 1,600 Stinger surface-to-air missiles to Jordan.

It is in this bipartisan spirit that I was joined by my House colleagues from Oregon, LES AUCOIN, JIM WEAVER, DENNY SMITH, and BOB SMITH, in a letter to President Reagan

asking him to cancel the sale. I am grateful to my colleagues for their help in this effort and relieved that the President changed his mind.

The text of the letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1984.

President RONALD REAGAN,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are writing to you in a bipartisan spirit to ask that you reconsider your decision to sell Stinger surface-to-air missiles to Jordan and Saudi Arabia.

Each of us has been encouraged by your continued support of the Camp David peace process, and we stand ready to help in your efforts to forge a lasting peace within this framework. We believe that to reward Jordan and Saudi Arabia for their intransigence would be counter-productive. In much the same way that we withheld advanced technology from Egypt before President Sadat joined in the peace process, we should not encourage King Hussein's rejection of your initiatives.

Furthermore, because of the small size, weight and mobility of the Stinger missile, we fear that it could easily fall into the hands of terrorists and potentially be used on innocents in the region. We believe there is more to be gained by first bringing Jordan and Saudi Arabia to the negotiating table with the other interested parties before increasing the amount of arms sold to the Arab nations.

Each of us believes that whenever possible, politics should end at our waters edge. And it is in this spirit that we write to you and ask that you cancel this sale.

Thank you for your consideration of our request.

Sincerely,

LES AUCOIN,
RON WYDEN,
JIM WEAVER,
DENNY SMITH,
BOB SMITH.●

IN HONOR AND MEMORY OF CLARENCE M. MITCHELL, JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. RANGEL. Mr. Speaker, I was deeply saddened to learn of the recent death of Clarence M. Mitchell, Jr. I extend my deepest sympathies to his entire family and especially to his brother, our respected colleague, Congressman PARREN J. MITCHELL.

Clarence Mitchell was one of those rare people who totally committed himself to the betterment of his people. As an attorney and a lobbyist for civil rights, Mr. Mitchell stood out as a man of courage and sheer drive. But this drive was expressed in a quiet, modest manner. He never advocated violence or separatism, only dignity and justice for all. His way was that of one who knew what was right, and went after it with a will that could not be stopped.

The accomplishments of Clarence Mitchell were made behind the scenes. He preferred the conference table to the podium, and achieved as much by this method as any of the better-known fighters for civil justice. His influence on events was done via executive orders, face-to-face negotiations, and effective lobbying. We can all admire a man who did so much, but asked for so little in return. This was the style and the character of Clarence Mitchell.

None of us should forget the example of Clarence Mitchell. He was a great and courageous man, Mr. Speaker, and an American who sought to make this country a land of opportunity and equality for all citizens. His life was good one, and his memory will endure.●

LA TRIBUNA DEL POPOLO CELEBRATES ITS 75TH ANNIVERSARY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, I would like to take this opportunity to give special recognition to La Tribuna Del Popolo as it celebrates its 75th anniversary. Today called the All New Italian Tribune, this family-run newspaper has upheld the traditions of Italian heritage enhancing and enriching the lives of its readers.

Vincenzo Giuliano and his wife Maria founded the Tribune of the People in Chicago. They dedicated the newspaper to the working people, who like the paper's founders were fellow immigrants. From the start, the Guiliano's newspaper helped these people communicate about themselves and their jobs.

Upon the request of many Detroit Italians the Giuliano's moved to Detroit in 1909 and for the first 4 years became partners in La Tribuna Italiano Del Michigan with Rev. D. R. DeCarlo, a Presbyterian minister.

La Tribuna Italiano Del Michigan focused on the needs of the Italian community. Published predominately in Italian, it featured short stories by Italian authors, and community and social news. It also included numerous aids for citizenship, for example, a bilingual sample of a naturalization questionnaire appeared in every issue.

This family-based newspaper always showed great concern for the image of Italians in America. As a result of this concern and other personal touches, La Tribuna was very popular. Prompted by the success of La Tribuna, a Catholic sponsored newspaper, La Voce Del Popolo, was founded in 1910. This paper was primarily religious-based, while La Tribuna was secular and activist.

Vincenzo and Maria Giuliano were the backbone of La Tribuna Italiano Del Michigan from its founding in 1909 till their deaths in 1962 and 1963. During their 53 years of active leadership, Vincenzo was the editor-manager and Maria the primary source of articles, reporting on the majority of local news stories.

Edward M. Baker, Maria and Vincenzo's grandson, took over the tradition of La Tribuna Italiano Del Michigan upon the death of his grandparents.

In 1970, La Tribuna merged with La Voce Del Popolo and became La Tribuna Del Popolo.

Today Edward Baker and his wife Marlene carry on the tradition Maria and Vincenzo Giuliano worked so hard to establish and maintain.

Mr. Speaker, I would like to give special recognition to La Tribuna Del Popolo for 75 years of dedication and service to the Italian community in Michigan.●

TRIBUTE TO DONALD J. KELLER, OUTSTANDING 4-H VOLUNTEER LEADER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. GEKAS. Mr. Speaker, today, I would like to honor Mr. Donald J. Keller, who is being recognized as Pennsylvania's outstanding 4-H volunteer leader.

Mr. Keller is an administrative assistant at Selinsgrove Center in Selinsgrove, Pa., where he works with the mentally handicapped. He is a resource leader for three 4-H clubs, where he teaches the subjects of electric energy, entomology, photography, small engines, and wildlife appreciation.

Mr. Keller has been an active volunteer leader for 25 years, and was instrumental in the formation of the Snyder County 4-H Foundation. During the 1960's, Mr. Keller started a 4-H gardening club program for the mentally handicaped residents at Selinsgrove Center, and last year Mr. Keller received the annual Snyder County Extension Recognition Award.

Mr. Keller's enormous contribution to his community cannot be measured in terms of material gain, but instead by the spiritual benefits we all derive from such selfless examples as his. Mr. Keller's admirable dedication to teaching and assisting his fellowman is a great inspiration to all of us.●

JENNIFER KUBANEK—A REAL WINNER IN ALL WAYS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. VANDER JAGT. Mr. Speaker, like most of my colleagues I have placed many statements in our CONGRESSIONAL RECORD. None gives me greater pride or honor than a reprint of a recent speech by Jennifer Lyn Kubanek, of Manistee, Mich. Miss Kubanek was the Michigan champion in the Voice of Democracy contest, sponsored each year by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. Like all contestants, Jennifer spoke on the national theme, "My Role in Upholding Our Constitution." I can fully understand, after reading over Jennifer's speech, why it was No. 1 in our State of Michigan. I was particularly touched when she stated:

Thus, my role in upholding our Constitution is like that of a caretaker, I must put the laws defined in the Constitution into practice in my life so that the spirit of the first Americans will thrive even today.

I can well appreciate the pride that her mother and father, Karen and Thomas Kubanek, hold for this marvelous accomplishment. I suspect that her younger brother, Jason, shares that pride fully. Jennifer, a sophomore at Manistee Catholic Central High School, hopes to pursue a career as an interpreter. I do not think there is any question that she will be a super one. She has, in her speech, interpreted so well the meaning, the strength, and the beauty of our Nation's Constitution.

I would be remiss, however, if I did not also add my continuing words of commendation to the Veterans of Foreign Wars for its constant involvement and sponsorship of this annual contest, which has provided national scholarships to so many. In this past year, more than a quarter of a million students participated, from some 8,000 schools under the guidance of 4,000 VFW posts and 3,500 auxiliaries. So, in congratulating Jennifer Kubanek, I add my gratitude to the Veterans of Foreign Wars as well.

Jennifer Kubanek's winning speech follows:

1983-84 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM, MICHIGAN WINNER, JENNIFER KUBANEK

MY ROLE IN UPHOLDING OUR CONSTITUTION

To build a solid house, one must have blueprints. To build a solid nation, one must have a constitution. Being a kind of "backbone" for our country today, the constitution is a very important document that sets guidelines for the government system and its citizen's lives.

Returning to the initial comparison of a house and a nation, once a house is built, someone must care for it to keep it's structure strong. Likewise, someone must also care for, and keep the laws of the constitution "alive," which will keep our country strong. Thus, my role in upholding our constitution is like that of a caretaker, I must put the laws defined in the constitution into practice in my life so that the spirit of the first Americans will thrive even today.

I must not only practice the laws of the constitution, but also have an understanding of the rights granted to me. The rights to bear arms, to choose the religion of my choice, and to speak freely are a few of the many rights granted me in the constitution. More than seven-thousand amendments have been considered by Congress over the years, yet only thirty-two of these were ever submitted to the states. A mere twenty-six amendments were actually ratified. Thus, realizing the amount of scrutiny each amendment received before becoming a part of our constitution, I must appreciate these freedoms, and make certain they are not abused. As a supporter of this document, I must accept and understand the fact that other Americans have the same rights as I have. This way, I will be less likely to unlawfully violate another's rights.

In my opinion, pride in my country is one of the key roles, on my part, in upholding the constitution. Pride is a bonding force that will hold people together. If I have a great deal of pride in my country and its constitution, this feeling may spread to others, thus forming a kind of bond between all people living in the United States. A strong pride in one's country and its ideals will almost guarantee the existance of the country. In this day and age when war is a very real issue, it is necessary that everyone fulfills this role, because it will ensure that the freedoms we are so grateful for, can remain.

The British statesman, William Gladstone, described the constitution as "The most wonderful work ever struck off at a given time by the brain and purpose of man." From this statement we can see that the constitution certainly is a marvelous document holding great meaning for today's American citizen. If a foreigner can see the greatness of our constitution, we too must see this greatness and uphold its ideals to the fullest extent.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. WAXMAN. Mr. Speaker, the deterioration of the life of the Jews in the Soviet Union over the past year is a source of sorrow and indignation to the American people on this International Day of Concern for Soviet Jews and the seventh anniversary of the arrest and imprisonment of Anatoly Shcharansky.

Though Yuri Andropov ruled barely 15 months as the Soviet Communist Party leader and head of state, his government's campaign of repression against Soviet Jews was unparalleled since the worst years of Stalin's dictatorship.

Soviet officials reported last year that family reunification for Soviet Jews was "essentially completed," and the number of visas issued was the lowest in 10 years. Those of us who have had the opportunity to spend time with refuseniks in the Soviet Union know that great numbers of Jews live from day to day with the hope that they will be reunited with their loved ones abroad. American organizations estimate that 300,000 Jews want to emigrate.

One of the most frightening developments in the last year was the creation of the official Anti-Zionist Committee to spread vicious propaganda about the activities of the Israeli Government and its supporters. It is responsible for some of the most revolting propaganda ever generated by the Soviet Government against Jews. Older Jews remember vividly how similar committees were formed by Stalin to collect information on Jews and to publish smear attacks against them.

The Soviet Jews with whom I have spoken live in almost constant terror of their government, but their faith and their passion for freedom give them the strength they need to continue their struggle. There is no evidence to indicate that Mr. Andropov's successor, Konstantin Chernenko, will ease the stepped up attacks against Jews, so we have no choice but to expect the worst. It is more important than ever for Soviet Jews to know that free people in this country and in the rest of the world have not abandoned them.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. FISH. Mr. Speaker, I would like to join with my colleagues who came to the floor on March 15, to display our solidarity with Jews of the Soviet Union. I would like to pay tribute to the thousands of Soviet Jews who are seeking their right to emigrate, to practice their religion freely, and to study their history, language, and culture.

March 15 also marked the eighth anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky. Anatoly Shcharansky is a man who symbolizes the spirit and courage of Soviet Jews who seek to live free from persecution and oppression. He has been a refusenik since 1973, captive in a country that does not allow the basic human rights of freedom of thought and religion. He has been harassed and persecuted and he has gone on a hunger strike for freedom.

In 1975 I had the occasion to meet Anatoly Shcharansky in Moscow. We

spoke of the conditions under which he lived, of his desire to emigrate, and of what actions on the part of the United States would be helpful to the cause of Soviet Jewry.

I have met with my counterparts in the Supreme Soviet, interceded in Geneva on behalf of prisoners of conscience, greeted the refugees as they await transport to their final destination in a transit center for Soviet Jews in Austria. I have also witnessed the arrival of Soviet Jews at Lod Airport in Tel Aviv for resettlement in Israel. You can imagine the joy in their faces as they disembark in a Jewish homeland—a place to seek refuge from persecution and finally to be allowed to pursue their lives in a course of their own choosing.

What can we do? Fluctuations in Soviet Jewish emigration depend on Soviet relations with the United States at the time and on world pressures. During periods of détente, many Jews emigrated. We all know that the numbers are declining—from a high of 51,320 in 1979, during détente, to a low of 1,314 last year—and there is no relief in sight this year.

With the invasion of Afghanistan, the Olympic boycott, and the grain embargo, emigration has plummeted to new lows. The Soviet Union uses Jews as pawns. So, we must create an atmosphere in which it behooves the Soviet Union to loosen up their repressive policies, and open up their doors closed to emigration. We must have greater contacts with Soviet officials at all levels of government—renewed communication on issues will increase opportunity to raise matters of human rights and emigration. Tying negotiations for grain and technology to increased emigration is another avenue to explore.

Continued efforts such as this special order to publicize and emphasize the situation in the Soviet Union, continued contact with the prisoners of conscience to keep their hope alive during their struggle, continued and renewed efforts are necessary to prompt the Soviet Union to uphold the letter and the spirit of the Helsinki accords and other international human rights agreements that they have endorsed.●

BUY AMERICA

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. APPLEGATE. Mr. Speaker, during recent congressional consideration of H.R. 4957, the interstate cost estimate bill, a colloquy occurred in the other body on a related highway matter and I would like to express my disagreement with an assertion made during that colloquy.

When Congress passed the conference report to the Surface Transportation Assistance Act of 1982 (STAA), it was the understanding of the House conferees that the 1978 Buy America statute was to be amended in a number of areas, including elimination of the $500,000 project threshold exemption for Federal highway projects in the 1978 law.

When Congress considered the STAA of 1982, it was viewed as a jobs bill. Among other considerations, the purpose of eliminating the $500,000 threshold exemption was to increase the number of jobs in the United States created by this Federal highway authorization and funded by the 5-cent increase in each gallon of gasoline. It is significant to remember that over 60 percent of all Federal highway projects authorized by the STAA fall under the $500,000 threshold.

The House passed the STAA with an amendment to the Buy America statute which included eliminating this $500,000 threshold. The conference report on this legislation also included this change, and the threshold was eliminated effective the date this bill was signed into law—January 6, 1983. Any conferee who misunderstood the conference report was simply asleep at the switch.

At this time, I would like to reiterate my commitment to the current Buy America provision in its entirety as passed by the Congress in December 1982 and I intend to vigorously oppose any efforts to weaken this provision.●

SCHOOL PRAYER

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, it is not often that I come across sentiments which so closely reflect my own personal thoughts on the issue of prayer in our public schools. The Miami Herald article which follows, however, expresses my own views on this most controversial and impassioned issue, and I would like to share the Herald's comments with my colleagues:

PRAYER IN SCHOOL

Religion inspires and sustains many people. Sometimes, though, it divides them—especially when church and state mix in a pluralistic society.

Sectarian violence from Beirut to Belfast confirms the genius of the Framers of the U.S. Constitution. They discussed whether to establish a religion but decided to keep church and state separate.

America's Founding Fathers were a mixed lot. There were pious New England Puritans and worldly Southern planters. Their ranks included deists, agnostics, and Unitarians. Undeniably, though, most of this nation's founders regarded themselves as Christians. Had they chosen to do so, they could have imposed some version of Christianity as a state religion.

They didn't. They opted instead for the language of the First Amendment, which effectively erected a wall of separation between organized religion and the Federal Government. The 14th Amendment extended that separation to the states.

The American system has worked well—for church and for state. Polls show, for instance, that more Americans worship regularly than do the residents of those nations where established religions left churches complacent, even lazy.

American society has benefited as well from separation of church and state. Although the United States has one of the world's most heterogeneous populations, it has been spared the sectarian violence that has plagued many other nations.

Now there's a move afoot to breach the wall of separation that has served the nation so well. The U.S. Senate currently is debating several proposed Constitutional amendments on school prayer. Many sincere but misguided Americans support such proposals.

The aim of the amendments is to reverse the widely misunderstood U.S. Supreme Court decision barring state-mandated prayer in public schools. Nothing in that decision prevents pupils and teachers from engaging privately in prayer during school hours. It merely precludes politicians from mandating prayers for school use.

The divisiveness of these proposed amendments is illustrated in the differing positions taken by American churches. The National Council of Churches and several major denominations oppose them: evangelical groups and several other denominations support them.

If the fervor of the Senate's deliberations is any indication, this divisive debate may be repeated in every state capitol should one of the amendments obtain the necessary two-thirds vote of Congress and be sent to the states for ratification. If it should be ratified, moreover, this divisive scenario could be reenacted yet again as school boards, state legislatures, and other authorities struggle to devise state-mandated observances religious enough to satisfy believers but bland enough not to offend.

If senators are wise and courageous, they will refuse to inflict this upon the nation. They will lay aside the schoolprayer amendments and set about solving problems that are more properly the Government's province.●

SLAVE LABOR IN THE SOVIET UNION

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. RUDD. Mr. Speaker, it is one thing to pass a law here in this body, and it is quite another to enforce it. I am today introducing a concurrent resolution calling on the Secretary of the Treasury to enforce what has been the law of the land for over 50 years.

In response to the horrible labor conditions existing in many exporting countries in Africa and the Caribbean, the Congress incorporated into the

Tariff Act of 1930, section 1307, which states—

. . . all goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced labor . . . shall not be entitled entry at any of the ports of the United States, and the importation thereof is hereby prohibited.

Currently, the United States, through its purchase of over $220 million of goods each year from the Soviet Union, is a de facto accomplice to a system of slave labor that is without equal in this world for brutality and indecency.

In a September 1983 report from the Directorate of Intelligence, the U.S. Central Intelligence Agency indicated that there were over seven categories of goods imported into the United States from the Soviet Union which were made from slave labor. These include, but are not limited to, wood products, electronic products, glass, automotive, mined ore, and clothing.

The International Society for Human Rights estimates that over "4 million human beings are submitted to this practice (slave labor) daily in the Soviet Union."

The existence of slave labor in the Soviet Union is an indisputable fact. The Commission on Security and Cooperation in Europe estimates that over half (about $130 million per year) of Soviet goods brought into this country are made from slave labor.

Slave labor, and its use in production of goods exported to the United States, is in direct violation of the Tariff Act of 1930, yet our Government has not acted to stop this trade. Almost 5 months ago, the U.S. Customs Service circulated an internal recommendation to begin enforcement of this law, with particular attention to be paid to goods imported from the Soviet Union. But today, the goods from the Soviet Union made with slave labor are still flowing into the United States.

This body is on record, not once, but at least twice, in opposing slave labor, and, in particular, slave labor in the Soviet Union.

On November 17, 1983, this body unanimously adopted a resolution condemning slave labor in the Soviet Union.

This resolution that I am introducing today takes the next logical step in urging the Secretary of the Treasury to enforce our own laws so we no longer are a part of this horrible practice.

I urge my colleagues to cosponsor this resolution and help pass it through this body.●

A FEDERAL CHARTER FOR THE WOMEN'S ARMY CORPS VETERANS ASSOCIATION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. WHITEHURST. Mr. Speaker, on February 28 of this year I introduced H.R. 4966, to grant a Federal charter to the Women's Army Corps Veterans Association, and I am pleased to take this opportunity to share with my colleagues a little of the history and background of this outstanding organization.

WOMEN'S ARMY CORPS VETERANS ASSOCIATION

History: Veterans and active members of the Women's Army Corps met in Chicago, Illinois in 1946 to organize a Women's Army Corps Veterans Association. On May 14, 1946 the Chicago-WAC Veterans Association was formed and on July 26, 1946 they were chartered as a general non-profit corporation in the State of Illinois.

Efforts began to recruit members in other cities and by August 1947 with 150 members, the first meeting was held to establish a National Organization. (Chapters within the Association were not to become officially formed until 1953.) On May 11, 1951, with a membership of 600, the National Certificate of Incorporation was notarized for signatures and on May 14, 1951 it was received for the record in the Office of the Recorder of Deeds in the District of Columbia.

Statistics (As of June 1983): There are a total of 36 Chapters and of these, 6 are located in Florida, 4 are located in California, 3 are located in New Jersey, 2 are located in each of the following states: Michigan, Missouri, Ohio and Texas, and in the following states we have 1 Chapter in each one: Alabama, Arizona, Arkansas, District of Columbia, Illinois, Louisiana, Massachusetts, Maryland, Minnesota, Mississippi, New Mexico, Pennsylvania, Virginia, Washington, and Wisconsin.

The total membership is 3,042 and of these 1,868 are members within Chapters and 1,174 are Members-at-Large. Of the 1,868 members: 218 are in Chapters in Florida with the largest Chapter in Miami with a total of 59, followed by a Chapter in West Melbourne with 44 members; 279 are in Chapters in California, the largest Chapter is Los Angeles with a total of 123 members, followed by a Chapter in San Diego with 64 members; 101 are in Chapters in New Jersey with the membership being equally divided among the 3 Chapters; 107 members are in the two Detroit, Michigan among the Chapters; 77 are in Chapters in Missouri with the largest Chapter in St. Louis; 76 are in Chapters in Ohio with the largest Chapter in Columbus with 47; 45 are in Chapters in Texas with the largest Chapter in Dallas with 33; The largest single Chapter is Anniston, Alabama with a total of 234 members, followed by 143 members in Chicago, Illinois, 79 members in Arlington, Virginia, and 77 members in the District of Columbia. The other Chapters range in membership from 10 in Biloxi, Mississippi to 69 in Twin Cities, Minnesota.

Of the 1,174 Members-at-Large, the largest cluster is 126 in California, followed by 90 in Florida, 60 in Texas, 50 in New Jersey and 50 in New York. Members-at-Large are located in areas where there is not a sufficient number of members to form an active chapter (of at least 6).

The association: They hold a National Convention annually where the business of the Association is conducted. The National Officers are elected for a period of one year but traditionally have held office for two successive terms. Elections are held at each National Convention and any member who feels qualified for any of the positions is encouraged to do so.

Accomplishments: As early as 1948 members of this Association participated in volunteer work at Veteran Administrative Hospitals. Today, volunteers serve in thirty VA Hospitals and Nursing Homes where veterans are patients. In the past five years alone members have donated over 85,000 hours of volunteer services; made donations totaling well over $10,000 and donated an unmeasurable amount of time, effort and personal cost in providing personal gifts to the patients.

Throughout the years they have received recognition from the United States Government in the form of a Congratulatory Letter for their 35th National Convention, from President Reagan in 1981 to an invitation from the White House in 1980 to attend a reception held in honor of the Veterans Administration's 50th Anniversary, from President Carter. In 1977, a few of their members carried their "colors" in the Inaugural Day Parade and then acted as hostesses at one of the Hospitality Rooms set up for the distinguished guests.

Most recently, 1983 was a very active year. On May 28, 1983 the National President placed a wreath at the Tomb of the Unknown Soldier under full military honors, from the Old Guard of Fort Myer, Virginia. She also presented to the Memorial Display Room at Arlington Cemetery, a plaque as a tribute to the Unknowns. This distinction of presenting the plaque is limited under policies of the Department of the Army to only those organizations whose primary purpose and objectives are to commemorate military service.

In 1983, Congress established a Women's Advisory Committee to the VA to look into medical care for women veterans. Of the 17 members selected, 4 are from this Association, one of which is the Chairman (Col.-Retired, Lorraine Rossi.)

Also, in 1983 the first Pallas Athene Awards were given to the outstanding women in Military Science Cadets in ROTC. The students are selected by ROTC Headquarters at Fort Monroe, Virginia and an award is given to the top student in each of the four ROTC Regions. The purpose of this award is to pass on the heritage of the Women's Army Corps by providing each student with a historical record of the WAC and presenting them with a bronze medallion of the WAC Symbol—the Pallas Athene.

In August of 1983, at the National Annual Convention held in Dallas, Texas, the membership voted to include the women of the United States Army Reserve and the Army National Guard as members with full benefits and privileges. This expansion in the eligibility for membership has led to active recruiting by all of their members and they look forward to a continued growth for many years to come.

The information which has been presented is only a highlight of the countless projects that have been taken over the years. It is only through the donation of

many hours of volunteering and the dedication of all of their members that success has been brought to this Association. It is truly hoped that 1984 will bring a Federal Charter for this fine organization, and I urge my colleagues to join me in this effort.●

BASKETBALL COACH ED GAYESKI ACHIEVES 700TH CAREER WIN

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HARRISON. Mr. Speaker, all of us rejoiced this past season when the dean of Pennsylvania basketball coaches, Ed Gayeski, of Northwest Area High School, achieved his 700th career win.

Ed has been the varsity basketball coach at Northwest Area and its predecessor, Shickshinny High School, for 33 seasons. He also serves as department chairman of physical education and athletic director at Northwest.

Ed Gayeski is a graduate of Newport High School and in 1936 was a member of its State championship basketball team as well as its regional baseball championship team. He obtained his bachelor of science degree from Scranton University and his master's from New York University. He served in the U.S. Air Force for 3½ years during his early tenure at Northwest. He also coached for 11 seasons at St. Stanislaus Institute.

In his career, Coach Gayeski's teams have won 13 league championships, 13 district championships, and 19 tournament championships. His teams reached the eastern finals seven times and his 1983 basketball team won all of its 33 games as well as the class PIAA class A State championship. His lifetime high school coaching career record is 690 wins to 1,089 losses. And this past season, he went well over the magic 700 number to become the winningest coach in Pennsylvania history.

But, Mr. Speaker, my tribute to Coach Gayeski goes beyond his athletic ability. I want to speak today about the profound impact he has had on the lives of the boys who have worked with him for this past one-third of a century. He has been their mentor both on and off the court. He has given them firm guidance, wise counsel, and a great deal of inspiration.

And so it was a tense and worried time in Northwest Area last December because, after Coach Gayeski won his 699th high school game on December 21, when news quickly spread that he would be entering the Lancaster General Hospital to undergo heart surgery. He had not been feeling well the last several months and had just undergone stress tests at the Wilkes-Barre General Hospital. The doctors advised him to interrupt his coaching career to undergo surgery immediately. His son, a doctor himself, concurred in that advice and so with his 700th win within sight, Coach Gayeski displayed the courage he had preached to his players all these many years.

It was fitting of the man that, in leaving, he said: "If I am not back, I wish them the best of luck. They have climaxed my coaching career by putting me on top."

But, Mr. Speaker, I am happy to say that Coach Ed Gayeski came back quickly, safely, and soundly. He achieved his 700th win and has finished the year in stride and in style.

And so it is my pleasure, today, to rise to pay tribute to Coach Ed Gayeski and to wish for him many more years of coaching, teaching, leading, and inspiring our young people.●

KENTUCKY VOICE OF DEMOCRACY WINNER, MAIKO CHAMBERS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. NATCHER. Mr. Speaker, for 36 years the Veterans of Foreign Wars and its ladies' auxiliary have conducted the Voice of Democracy contest. This year more than 300,000 secondary students participated, competing for the five national scholarships awarded as top prizes. The winning contestant from each State was brought to Washington, D.C., for the final judging as a guest of the VFW.

The winning speech from Kentucky was delivered by Maiko Chambers, a 17-year-old young lady who attends Bullitt Central High School in Shepherdsville, located in the Second District, which I have the privilege to represent.

It is with great pleasure that I submit Maiko's essay, entitled. "My Role in Upholding the Constitution," for insertion into the CONGRESSIONAL RECORD:

MY ROLE IN UPHOLDING OUR CONSTITUTION

"Some men look at the world and ask, 'Why?' I dream of things that never were, and ask, 'Why not?' " When Robert F. Kennedy said these words, he symbolized the glory of America and the promise lady liberty heralds. He was a grand spokesman for the beliefs Americans shared, and hopefully share today. Each and every one of us must share the responsibility of leading our nation, lest the American promise of liberty, justice, and opportunity wither and be denied to posterity. We need to do more than idly watch our surroundings undergo changes. We need to reach beyond the present to the potential which has created the greatest nation to the history of man. Now, I must decide my role in upholding our Constitution.

But before I am able to do so, it is necessary to reflect upon the achievements of my predecessors. They had a dream—deemed impossible or revolutionary by many, but so real and so right to them. Thomas Jefferson, writing those immortal lines, "We hold these truths to be self-evident, that all men are created equal;" Henry David Thoreau, daring to question the wisdom of our foreign policy; Harriet Tubman, believing that every man, regardless of race, should be free; Jack Anderson, exposing the corruption of Watergate—all of these individuals exemplify the foundation of our ideals: freedom, America's soaring eagle. Within the folds of her wings, we find security, guidance, and a guarantee of justice. From the hardened talons we receive the true strength as exhibited by the men and women of service. Although I am young, I recognize my privilege to live in this land. Not all people are as fortunate as we; and this dangerous insecurity has caused wars and conflicts between nations throughout history. However, America's greatest danger lies not in external enemies but in internal complacency and apathy. We cannot become too comfortable in our freedom, for then we are vulnerable to having them taken from us. We must constantly reaffirm our role in defending the Constitution and the America it symbolizes. Our rights assured under the Bill of Rights, such as freedom of assembly and freedom of religion, are precious, but equally precious are those rights that the spirit of the United States implies. We can question and criticize until we reach the truth. We are at liberty to be different, to be innovative, to allow our creativity to blossom. We have the absolute, undeniable right to become anything we desire and relish our freedoms, as long as the rights of others are not infringed upon.

It is important to exercise these freedoms. And even though I have just begun to take my place in society and not been called upon to demonstrate my support, there are ways that I, as a young citizen, can uphold our Constitution. If it is but to listen to a classmate expressing a different viewpoint with courtesy and an attempt at understanding, I will preserve the freedom many seek. Even obeying laws that I disagree with strengthens rights and liberties. And not judging a neighbor by his race or religion, but as an individual will ensure me and every person that true justice is real and possible. My specific role in upholding our Constitution is unkown to me now. But as I learn more and become involved in the facets of the Constitution, I will remember the message of Judge Learned Hand. His words encapsulate the worth and importance of our Constitution: "The spirit of liberty is the spirit which is not too sure that it is right; it seeks to understand the minds of others (and) weighs their interests alongside its own without bias; the spirit of liberty is the spirit of Him who, nearly two thousand years ago, taught mankind that lesson it has never learned but has never quite forgotten, that there may be a kingdom where the least shall be heard side by side with the greatest."

Our Constitution is not a storm shelter in which men and women can find refuge from the storms of life. It is a living document that cannot be manipulated. It is an inner force which can give them strength to face those storms and consequences with confidence and faith in their dreams. Our Constitution and the freedoms it embodies have the miraculous power to lift ordinary men and women to greatness.●

A BILL TO CONVEY FOREST SERVICE LAND TO CRAIG COUNTY, VA.

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. BOUCHER. Mr. Speaker, this week I am introducing legislation which will authorize the U.S. Forest Service to convey a single parcel of land within the Jefferson National Forest to Craig County, Va. The full text of the bill follows my statement.

The 52-acre parcel on which Craig County currently operates a municipal landfill has been identified as "excess" property by the Department of Agriculture. Totally surrounded by private land, this parcel is not useful to the Forest Service's programs or objectives. It is, however, crucial to the Craig County residents who rely on this tract for adequate solid waste disposal.

Fully 55 percent of the land area of Craig County, Va., is owned by the Forest Service, and this extensive Federal ownership severely limits the other options available to the county for the provision of this basic service to its residents. I am of the view that this fact and the nature of the parcel itself argue for a Federal sale at a reasonable price to the governing body of Craig County. I am, therefore, hopeful that my colleagues will view this measure favorably.

H.R. 5183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture shall, upon receipt by the Secretary of an amount equal to the fair market value of the real property described in subsection (b), convey by quitclaim deed to Craig County, Virginia, all right, title, and interest of the United States in such described real property.

(b) The National Forest System land referred to in subsection (a) is located in Craig County, Virginia, and is described as: Tract J-26A, containing 52.00 acres, acquired from G. W. Layman and F. H. Dame by deed dated February 17, 1936, recorded in Book 2, page 35, Craig County, Virginia, the recordation date being March 9, 1936.

SEC. 2. Title to any real property acquired by Craig County, Virginia, pursuant to the first section of this Act shall revert to the United States if Craig County, Virginia—

(1) attempts to convey or otherwise transfer ownership of any portion of such property to any other party;

(2) attempts to encumber its title to such property; or

(3) permits the use of any portion of such property for other than public purposes.●

PEPPRA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. CLAY. Mr. Speaker, on Thursday March 15, 1984, I introduced the Public Employee Pension Plan Reporting and Accountability Act of 1984 (PEPPRA) with more than 100 cosponsors, including my distinguished colleagues on the Education and Labor Committee, JOHN ERLENBORN and Chairman CARL PERKINS and my distinguished colleague on the Ways and Means Committee, CHARLES RANGEL, chairman of the Oversight Subcommittee. This bipartisan legislation establishes minimum reporting, disclosure and fiduciary standards for State and local pension plans. The basic thrust of the legislation remains unchanged from the legislation that the Committee on Education and Labor reported out in the 97th Congress as H.R. 4928 and 4929.

In a manner similar to the approach used last Congress, we introduced two companion bills H.R. 5143 and H.R. 5144. They are identical in their first three titles. One bill, H.R. 5144, however, contains an additional title amending the Internal Revenue Code to exempt State and local plans from certain of the present code requirements. Since the amendments to the Internal Revenue Code fall within the jurisdiction of the Ways and Means Committee, we encourage that committee to give those amendments expeditious consideration.

The overall goals of the legislation are to protect the interests of participants, beneficiaries, and the general public in the operation of public employee pension benefit plans, and to encourage State and local governments to examine their pension problems and implement necessary remedial measures themselves.

The need for this legislation has been demonstrated repeatedly and convincingly in numerous hearings over the past 6 years since the Committee on Education and Labor completed its study mandated under the Employee Retirement Income Security Act of 1974 (ERISA) and published the results in the March 15, 1978, "Pension Task Force Report on Public Employee Retirement Systems." Serious deficiencies exist among some public employee retirement systems at all levels of government regarding the extent to which important information is reported and disclosed to plan participants, public officials and taxpayers.

We believe strongly that plan participants and taxpayers have an absolute right to know what is being done with their money. Whether that information is available now is dependent solely on whether the State or the particular retirement system voluntarily decides to make that information available.

We know that some States do act responsibly to provide full disclosure. That is why our proposed legislation is targeted to cover only those States which have failed to act. It exempts from the Federal requirements, and, of course, Federal regulation, any State that meets the minimal PEPPRA reporting and disclosure requirements. The Governor of a State has only to certify to the Secretary of Labor that the State law provides substantially equivalent reporting and disclosure requirements and pension plans located in that State will continue to be subject to State, not Federal, law in that area.

Adoption of the reporting and disclosure standards in this legislation is essential to protect the rights and interests not only of plan participants and their beneficiaries but also of taxpayers at large. The reporting and disclosure practices of many State and local plans fall far short of the standards established for private plans. Public employees and taxpayers of the States and localities are no less entitled to access to important financial and benefit information than their private sector counterparts.

Moreover, since the Federal pension plans are already subject to ERISA-type financial reporting standards as a result of Public Law 95-595, there is no reason that States and localities should not be held to a similar standard.

In addition, a uniform Federal standard of fiduciary conduct is urgently needed for public employee retirement systems to protect plan participants from the wasting of plan assets and plan mismanagement. Under the proposed legislation, fiduciaries are required to act prudently and to hold and use plan assets for the exclusive benefit of plan participants. This is the same standard that Congress adopted for private pension plans. Certainly no less should be expected and required of those individuals involved in the management and disposition of public funds than is expected and required of fiduciaries in the private pension community.

This legislation is designed to be a catalyst for informed State and local evaluation of pension obligations. State and local legislators and taxpayers must understand fully the financial obligations facing their governments and work together to achieve fiscally sound pension plans capable of providing promised benefits. Such an understanding can only be achieved when there is complete and regular disclosure of certain financial information, including the ongoing expenses and income of the plan and the invest-

ment performance of plan assets. Effective disclosure activates local political processes, so that whatever problems exist are more likely to be taken care of at the State and local level.

I urge my colleagues to join us in support of the Public Employee Pension Plan Reporting and Accountability Act.●

WILL ELECTIONS BECOME OBSOLETE?

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. BRYANT. Mr. Speaker, the evidence is clear. Exit poll data and election victory projections broadcast by the television networks to millions of Americans have had a profound influence on the outcome of elections. Each of us is aware of the importance of a single vote or a handful of votes in a close election. If just one voter is persuaded not to cast his or her ballot—as many certainly have been—then television projections have perverted the electoral process.

The issue is not a first amendment question, as some in the broadcast media would have us think. It is a question of responsibility. No one, I trust, would argue that the television news media—which has the lucrative privilege of using without cost a part of the public's broadcast spectrum—should be prevented from reporting what has happened. What is at issue is whether it is a responsible exercise of the broadcaster's privilege to report what may happen as a foregone conclusion which intimidates voters.

I suggest that it is not too much to ask that broadcasters refrain from declaring or projecting election victory projections until the polls have closed and every potential voter has had the opportunity to cast a ballot.

Among the most perceptive commentaries I have seen on this subject is the following column by Russell Baker which appeared in the New York Times:

[From the New York Times, Mar. 7, 1984]

FAREWELL TO AN ANTIQUE

(By Russell Baker)

Here's a depressing thought for everybody who likes things the way they used to be:

Elections are probably obsolete. The highly advanced state of public-opinion polling technology has already made most elections unnecessary, and when Americans finally accept this radical change in their political institutions the old-fashioned polling place will eventually go the way of the buggy whip and horse collar.

The co-called "exit poll," collected from a small sample of voters leaving their polling places, now makes it possible to know who's won an election hours before the voting ends.

In 1980 most news organizations knew by lunchtime on Election Day that Ronald Reagan had been elected, though the majority of votes had not yet been cast. Exit polling told the story.

To preserve the fiction that everybody's vote matters, news organizations cautioned their reporters against announcing the results until the voting booths closed on the East Coast. In fact, the result was known to President Carter the day before, when not a single vote had yet been cast. His own polltaker gave him the bad news after studying the latest samples.

What we have here is a startling illustration of advancing technology's power to change the way we live, and in this instance it is a hard change to accept. After two centuries of believing that mass participation at the polls was essential to democracy's success, a nation is bound to feel upset by news that most people might as well stay home.

This explains the anger of Congressmen who have been berating the television networks for announcing election results before the polls close. American politicians have grown up believing with Yogi Berra that the game isn't over until it's over; the notion that it's really over by lunchtime maddens them.

As a result, they are toying with foolish ideas, like legislating against television's right to publish the results before the polls close, or asking the TV industry to behave like a good guy by voluntarily withholding its information until the night is well advanced.

The television people have responded timidly. There is the usual malarkey about television's obligation to tell the people what they need to know as soon as information becomes available. Coming from an industry that habitually tells the people only a tiny fraction of what they need to know (22 minutes per day on the network evening news shows), this is hardly persuasive.

The case television should be arguing is that technology has created a new reality and the nation might as well face it, instead of pretending it doesn't exist. Like the atom bomb, the science of polling with small samples is here to stay; yearning for the good old days and ways is to be mired in sentimentalism.

Let's look at the positive side:

First, there are financial gains in being rid of the old-fashioned mass election. No longer will we have to spend millions to accommodate the entire electorate at hundreds of thousands of polling places, since the same outcome can be obtained by polling only a few thousand sample people.

In some elections the result would be so clear on Election Eve, as in the Carter-Reagan affair, that there would be no necessity at all for anyone actually to vote. Constitutionally, though, this is probably out of the question.

The most sensible arrangement would provide for a small number of polling places to operate on Election Day.

These would be placed in areas that pollsters know to be effective for obtaining the most accurate exit polls. Ideally, voting might be limited to sample people whose statistical profiles give the pollsters the measurements they need to achieve accuracy.

These sample people can probably be selected well ahead of Election Day and notified of their obligation to vote. This would make it unnecessary for anyone not designated as a sample person to go to the booths.

Since politicians would have an appeal only to a relative handful of sample people, the present outrageous cost of political campaigning could be dramatically cut.

Of course, if by lunchtime the exit polls showed an extremely close election, like the Kennedy-Nixon vote of 1960, the nation might be uneasy about leaving the outcome up to sample people. To avoid discontent in such cases, it might be wise to provide for an old-fashioned mass runoff election a month later.

This may be a bit cumbersome, but it will become an increasingly rare necessity as polling technology reaches new heights of refinement. And it will. Far-fetched, you say? Not at all. The future is here, and it works, and will go on working—unless sample people start lying to the exit pollsters.●

PARRIS SUPPORTS STRONG NATIONAL DEFENSE

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PARRIS. Mr. Speaker, there has been a great deal of discussion recently in the press and in this body regarding defense expenditures. I think several points should be made as the House debates the defense budget.

There is no doubt that great strides have been made in restoring America's defenses in the Department of Defense appropriations bills for fiscal years 1982, 1983, and 1984. However, there is much that still needs to be done.

While we have debated the administration's modernization program—and fortunately the Congress has passed many important parts of the President's requests—the number of American land- and sea-based ballistic missiles and strategic bombers has actually declined since 1981. The reason for this trend is that we are presently retiring older weapons systems faster than we are replacing them with the modernized systems this Congress appropriates money for. It is reassuring that as the new systems come on line, our defenses will be equipped with the latest technology, but to those who say that we are stockpiling nuclear weapons in greater and greater numbers, I would reply that the facts suggest otherwise.

Further, I must point out that, while time does not permit me to discuss whether or not it was prudent for Congress to do so, we have cut every Reagan defense budget request sent to Capitol Hill. We have cut his requests by $36 billion in current dollars over 3 years.

Finally, outlays for national defense for the previous 2 fiscal years and the estimated outlays for the current fiscal year based on the fiscal year 1984 defense appropriation are as follows in current dollars: $187.4 billion, $210.5 billion, and $237.5 billion. Outlays for social security and medicare,

one category of domestic spending, during those 3 years have been consistently higher than the defense outlays: $202.5 billion, $223.3 billion, and $240.2 billion.

The increase in outlays for defense spending between fiscal year 1981, the last year the previous administration had authority over the budget, and the current fiscal year was $77.7 billion. The increase for social security and medicare over the same period was comparable: $61.5 billion. So it is inaccurate to say that we have diverted funds from the elderly and sick to pay for defense.

I encourage my colleagues not to cancel the investment we have made in the past 3 years in America's freedom. Let us complete the task of insuring the security of America and the free world.●

NELLO CARRAZONI IS HONORED AT AMERICAN LEGION TESTIMONIAL DINNER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HARRISON. Mr. Speaker, on April 14, 1984, the Department of Pennsylvania of the American Legion will gather in my home city of Wilkes-Barre to pay tribute to one of its most distinguished comrades. This is the evening on which we will all honor Nello Carrazoni, Department of Pennsylvania Commander, on his many years of service to his community, his country, and the American Legion.

Nello is a veteran of both World War II and the Korean conflict. He served in the submarine branch of the U.S. Navy and, to this day, proudly remembers his time of service to his country.

Upon returning to civilian life, Nello became an employee of the Department of Defense as a quality assurance representative in the field of electronics. He served in that capacity for 32 years, until he retired in 1979. But, of course, he did not retire. Instead, he utilized all of what had been his working day to the service of the American Legion. In 1983, he culminated an outstanding Legion career with his election as department commander.

His Legion activities are simply too numerous to mention. But it must be pointed out that he was commander of his home post, 741, in the Miners Mills section of Wilkes-Barre for two terms. He was commander of his home district, 12, from 1960 to 1962. He was central section vice commander of the American Legion in 1970, central section adjutant in 1978 and chairman of the central section's membership drive from 1971 through 1979.

He also served as chairman of the State's most important and responsible committees; for two terms as chairman of its Americanism Committee, for one as chairman of its Community Service Committee, for two terms as chairman of its Oratorical Committee and for three as chairman of Keystone Boys State, which has done so much to mold character and instill respect for democratic traditions in thousands of young men.

If I may be permitted a personal moment, Mr. Speaker, I would point out that I got my start in politics at the American Legion Boys State in 1956. At that encampment, held at Lock Haven State Teachers College, I was chosen as one of Pennsylvania's two representatives to Boys Nation and so came here, to Capitol Hill, in my first official capacity. It was through the American Legion Oratorical Contest that I first met Nello Carrazoni and spent a good many happy hours traveling on the road with him from one contest to another.

So this testimonial dinner to Nello Carazzoni will be for me, Mr. Speaker, a very real coming home. I will be coming home to the American Legion Department of Pennsylvania which sponsored so many of the activities which I remember from my youth. And I will be coming home to an old friend, to one who I can truly say guided me along the path to an interest in government and a respect for politics, to a profound appreciation of our system of government and to a realization that, as Daniel Webster told us, "Eternal vigilance is the price of liberty."

This dinner will not be for me alone or for Nello Carrazoni alone. Approximately 1,000 Legionnaires, from all over Pennsylvania, will gather in Wilkes-Barre that evening to salute their State commander, thank him for his many services to the American Legion and wish him many, many more years of happy and fruitful service to God, man, and country.

It is my honor, Mr. Speaker, to bring Nello's outstanding career to the attention of my friends and colleagues in the House and, at the same time, to pay tribute not only to this outstanding American but to his wife, Rosemary and his daughter, Mary Jo, whose loyal support and encouragement have made possible everything that he has done.●

WE DO NOT NEED BINARY CHEMICAL WEAPONS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PORTER. Mr. Speaker, during my tenure in the House, I have been an advocate of a strong national defense, and I have supported sensible and cost-effective means to modernize and upgrade our armed services.

There is, however, one weapons system that I do not believe is essential for the defense of our Nation—chemical weapons. Last year, the Congress engaged in an extended debate on the merits of ending our 14-year moratorium on the production of chemical weapons. The debate reached such heights that even in the wake of the Korean airline incident, Members—including the late Clem Zablocki, the distinguished chairman of the Foreign Affairs Committee—sought to defeat the conference report on the DOD authorization to protest the inclusion of funding for binary chemical weapons. The fight continued in the Appropriations Committee, which by a 28-to-22 vote agreed to my amendment to delete funding for the production of binaries, and on to the floor, where my instruction to conferees to hold the House position against funding binaries was accepted. In my judgment, the House's opposition to the production of binary chemical weapons has been repeatedly and clearly established.

Mr. Speaker, I have no qualms with 91 percent of the Defense Department's 1985 chemical weapons request. I fully support the request for chemical protection programs and for demilitarization. I am happy to know that U.S. protection program will emphasize the development and improvement of protective equipment and supplies, including medical items. It is equally important—as Secretary Weinberger states in his fiscal 1985 report to the Congress—that the United States continues to upgrade training and chemical weapons field exercises. In the past, we have been woefully deficient in such training exercises. It appears as if this dangerous trend is being reversed.

This leaves the most controversial 9 percent of the chemical weapons request: Chemical retaliatory programs. If my understanding is correct, since U.S. chemical weapons doctrine precludes first use of our chemical stockpile, chemical weapons are most necessary to force enemy troops into protective clothing in order to drastically downgrade their effectiveness. But, Mr. Speaker, current U.S. stockpiles of unitary chemical weapons can achieve that military objective. On September 27, 1983, the DOD issued a report on the status of the current unitary stockpile stating that it—

> Is our best estimate that at least 50—plus or minus 10 percent—of the agent should still be present in 1990, and at least half of the 155 millimeter 8-inch artillery munitions should meet the army standards for being fully usable with respect to agent.

The report goes on to say that "we do not expect metallurgical degrada-

tion to be a serious problem." The report concluded by saying that:

In general the components of the munitions appear to be in good shape, except for rare instances of imperfections in the brazed joints * * * these appear to be related to manufacture, rather than aging.

In other words, the United States, presently—without any resort to a new generation of chemical offensive weapons—has the ability to force an enemy force into protective gear.

There is another important consideration for this committee: The hope of a chemical weapons treaty. Military men generally agree that chemical weapons are immoral weapons, and if forced into battle, would prefer a chemical-free environment. Recent newspaper accounts have reminded us of the horrors of chemical weapons as the Iraqis have unleashed their chemical arsenal against the invading Iranian force. But in the weeks preceding these ominous reports of the use of poison gas, there were hopeful accounts that the Soviets would offer a treaty in Geneva that would include provisions for some sort of onsite verification. Although I have not seen the specifics of the treaty proposal, I believe that the United States should fully utilize this opportunity to find some verifiable means to ban chemical weapons from the arsenals of both of our countries.

Providing authority for the production of binary chemical weapons after a 15-year moratorium could undermine Ambassador Field's efforts in Geneva, and would provide the Soviet disinformation system with enough propaganda to claim the high moral ground on chemical weapons. Would anyone here like to see the headline: "Soviets Propose Ban on Chemical Weapons: U.S. Congress Authorizes New Nerve Gas System." By denying funds for the production of unneeded binary chemical weapons, the Congress would show the world that the United States wants to avoid a costly and dangerous further arms race and does not subscribe in any way, except as a defense and a deterrent, to the production or use of these weapons.

Today I think we will hear from the administration that it does not seek funding for the production of binary chemical weapons. Nowhere in the request is $1 to assemble a binary round. Rather, the request is to prepare for the production of binary chemical weapons, including the Bigeye bomb. However, in practical terms there is little difference between this request and requests of previous years. I recall that last year the administration had to withdraw its request for the Bigeye after serious mechanical flaws were found in the bomb. Now, we are told that these design flaws were corrected and that the system is ready to go. Well, Mr. Speaker, I am hopeful that your committee will not recommend funding for either the Bigeye—whether it is ready or not—or for any other binary munition.

By way of summary, Mr. Speaker, there are many arguments over the technical merits of the proposed binary program. For me, these are less persuasive than the fundamental argument that the United States has an existing stockpile of chemical weapons that would force enemy troops into protective clothing, a capability which will be credible well into the 1990's. Second, I believe that authorizing funding for binary chemical weapons in a time when we may be on the doorstep of a treaty to ban all chemical weapons would send a terrible signal to our allies and would provide the Soviets with propaganda leverage. Third, since 1969, the United States has enjoyed world support for denouncing the use of chemical weapons by other nations. We should preserve this advantage.

Finally, we should consider including binary chemical weapons on any laundry list of possible areas where the Congress can trim the defense budget as a means of obtaining a deficit reduction package. I can think of no better first downpayment on the deficit than eliminating the funding request for the production of, or the preparation for the production of, binary weapons. Though initially a small sum when compared to aggregate budget totals, the total cost of the program as it is developed and modified could become substantial. Elimination of this funding request will help trim the defense budget while sending the proper signal to the world that the United States will continue to stand behind our 15-year commitment not to produce chemical weapons. For the information of my colleagues, I have appended a copy of the fiscal 1985 chemical weapons request.

Fiscal year 1985 chemical weapons program—summary of $1.126 billion request

	In millions
1. Retaliatory capabilities	$163
RDT&E	31
O&M	6
Military Construction (Johnston Island)	21
Procurement of production capacity	42
Procurement of long-lead munitions ($40 million for the Bigeye and $13 million for the 155mm)	10
2. Demilitarization	150
RDT&E	8
O&M	96
Military Construction (Johnston Island)	46
3. Protective measures	813
RDT&E	382
O&M (protective clothing and equipment)	167
Procurement (durables)	141
Military Construction	33
War reserve stocks	90

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INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HUGHES. Mr. Speaker, March 15, 1984, marked "International Day of Concern for Soviet Jews." On March 15, a saddened world also noted the eighth anniversary of the arrest of refusenik Anatoly Shcharansky, who remains incarcerated. Shcharansky's crime, for which he was sentenced to 13 years imprisonment, was advocating human rights, including the right to religious belief, as accorded by the Helsinki agreement.

Many Soviet Jews are seeking to emigrate to lands where they can practice their faith. However, never before in the history of Soviet Jewry have emigration figures been so low. In November 1983 the count for that year was only 1,218; in contrast, the total for 1979 was 51,320. The situation for Soviet Jews has become bleak.

Unfortunately, along with the decreased emigration figures, there has been an increase in the number of arrests and in Government harassment of Soviet Jews who wish not only to emigrate, but merely to meet together and practice their religion. The Soviet Government's systematic abuse of its Jewish citizens has now become an integral part of daily life.

Anatoly Shcharansky was only 29 when he was arrested and imprisoned under the asserted label of being a CIA agent. The entire free world knows that this brave young man was not a spy. His only crime was his desire to move to a home with his new wife, Avital, in a land where they could freely practice their faith and customs, and raise their children in an atmosphere of freedom.

Avital escaped to Israel; Anatoly was detained in the Soviet Union. In his quest for religious freedom, Shcharansky had become too vocal for the Soviet Government. Government authorities saw he had become a threat—in a repressive society, such threatening actions are dealt with mercilessly.

The authorities, fearing further unrest, not only attempted to quiet Anatoly Shcharansky's vocal pleas, but decided to use him as an example to intimidate other Jews. Shcharansky was given a cruel and unusual punishment. Not only was he denied the right to emigrate, but he was separated from his wife, sentenced to 13 years in prison, and forbidden from communicating with family.

Anatoly Shcharansky has not been quieted, however. His pleas have led to worldwide support for his cause. I believe it is our responsibility to respond to these cries of injustice. We must actively protest repression and blatant disregard of human rights. Free people of all nations must illustrate to the Government of the Soviet Union that basic human rights must not be denied, and that harassment or imprisonment of dissident citizens will not stop their legitimate claim to freedom.●

GREEK INDEPENDENCE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, on March 25, the Republic of Greece will celebrate its declaration of independence as a free nation; and I would like to join with my colleagues and with Greek nationals everywhere in that celebration. I commend Congressman MICHAEL BILIRAKIS of Florida for giving us this opportunity to do so.

In 1821, shortly after our own War of Independence, Greece began its struggle for freedom from her Turkish masters, ending nearly 500 years of slavery and oppression. In most of the 163 years that have followed, she has retained that freedom, through several constitutions and various forms of government and through several major wars—including two World Wars fought on her continent.

The Greek people, spirited and independent minded, have blossomed in their freedom and have contributed the benefits of their unique culture to the world, just as their ancestry of classical antiquity created the foundations of our civilization. In addition to sharing with us music, art, literature, and culture, they have contributed economically and strategically to the Western World. As a member of the North Atlantic Treaty Organization and the European Economic Community, Greece is one of our country's strongest allies and closest friends.

The people of the United States supported the Greek struggle in 1821 and continue to do so today. We join with Greeks everywhere in celebrating their liberty and looking toward a secure and peaceful future for their nation and for all nations.●

MARIO MORENO "CANTINFLAS"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. ORTIZ. Mr. Speaker, there are many ways of influencing people's actions—some more successful than others—but perhaps the most effective method is through humor because it gives us the opportunity to laugh at ourselves. Humor lets us examine our foibles and shortcomings dispassionately. It brings together people of different cultures, races, and beliefs and breaks down the barriers that divide and stereotype us.

There is no greater master of humor than Mario Moreno, known to the world as the inimitable Cantinflas, the most popular and beloved comedian in the Spanish-speaking world. In his role as the humble porter and slum dweller, his costume has become his trademark: Baggy trousers held up by a rope, a long undershirt, a battered felt hat, a handkerchief around his neck, and a ragged overcoat. His mannerisms and his effrontery make him a lovable, high-spirited character who pokes fun at authority figures and spoofs time-honored traditions, such as the bullfight, which is normally exemplified by ceremony and ritual. Because of his style and characterizations, he is often called the Mexican Charlie Chaplin, but Chaplin himself proclaimed Cantinflas the world's greatest comedian. No performer could receive higher tribute than the praise of the great Chaplin. These two are indeed the creme de la creme.

Cantinflas is loved and admired for his delightfully impetuous method of causing chaos during a skit, and then as if he had no idea what the commotion was all about, popping up and asking "Que tal?" He is forever trying to help someone else, though one look at him tells you that Cantinflas needs help more. His character is super simpatico—he creates an empathy between the audience and himself. His comic antics have caused more laughter and tears than any other comedian.

Cantinflas, or more appropriately Mario Moreno, would be loved by the world even if his performances were his only accomplishment. But he has done far more than merely bring joy to his audiences. He has instilled several generations of Hispanics and Latin Americans with pride in their race and culture.

I remember vividly as a youngster seeing his films and watching him perform in the bullring, where he teased and bewildered the bull with his antics, but never killed him. I felt immense pride in his theatrical accomplishments, particularly when he broke into the Anglo film industry by starring with David Niven in "Around the World in 80 Days." He was an inspiration to those of us who lived in the barrios and attended segregated schools because he had broken new terrain for all of us. This all occurred before the civil rights movement focused attention on the accomplishments of this Nation's minorities and stimulated pride in our ethnic origins. Through his films and his personal accomplishments, Mario Moreno demonstrated that Hispanics could make a valuable contribution to society.

Mario Moreno has reached the four corners of the world with his films but he has achieved immortality in the Diego Rivera mural in Mexico City which honors the heroes of Mexican history. He holds center court in the mural, just as he does on the screen.

In his native Mexico, Mr. Moreno is so well regarded that his social improvement program begun in 1972 has raised tremendous private donations to build housing projects, hospitals, and clinics. One project now has over 130 buildings, serving the poor and the elderly.

All the fame and fortune that he has earned portraying Cantinflas has been put to good use helping his fellow man, and has consequently earned him accolades and awards for his tireless efforts. He is the biggest philanthropist in show business and gives half his income to charities. Although he receives thousands of requests each year to perform, he only accepts about 10 invitations a year and only for those benefiting children.

He came to Corpus Christi, Tex., in 1953 to raise funds for the Ada Wilson Hospital, which serves crippled children from south Texas and northern Mexico. Arriving in his own plane, he brought big name Mexican attractions and raised $12,000, an enormous sum in those days for a hospital with no other resources. It is my pleasure, and indeed an honor, to have Mr. Moreno return to Corpus Christi to help raise funds for the Bilingual Theater Co. His appearance is eagerly awaited by young and old alike, and I know they will not be disappointed.

Cantinflas—how to describe him? Of all the adjectives one could apply, perhaps "immortal" is the best. His character, dignity, humor, and generosity are his legacy for future generations. The world has been enriched by the humor and spirit of the great Cantinflas, Mario Moreno.●

ACADEMIC LIBRARY AND INFORMATION TECHNOLOGY ENHANCEMENT ACT

HON. WILLIAM D. FORD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. FORD of Michigan. Mr. Speaker, today I introduced the Academic Library and Information Technology Enhancement Act. This bill addresses several immediate and future problems facing libraries in institutions of higher education. The two most essential accomplishments of the bill are the development of a needs test for determining funding levels for college libraries and the creation of a program to provide grants to enhance the use of and research into technology as it can be applied to information sciences.

The bill I have introduced will amend and extend title II of the Higher Education Act of 1965. That title has been the backbone of Federal financial assistance to college and university libraries for nearly two decades. First proposed in 1963 by President John F. Kennedy, as part of his major recommendations for stimulation of higher education institutions in this country, it has been the only direct source of Federal support for academic libraries since its inception and it has served those institutions well. However, as in all areas of education and information, there has been an enormous expansion of resources for and demands upon libraries in the last 20 years. Therefore, changes in the legislation are necessary and, in fact, critical if the Federal Government is going to adequately meet their growing needs.

Part A of title II, college library resources, provides grants to institutions of higher education for the purposes of purchasing books, periodicals, and other related library materials. There is, however, a major flaw in the way money is currently allocated under the program. All institutions receive the same amount of funding regardless of size or need. Until the 1981 Omnibus Budget Reconciliation Act, even the Nation's largest academic research libraries such as Harvard's were entitled to the same size grant as a small and struggling community college. In the Reconciliation Act the 100 academic research libraries were declared ineligible to receive awards under title II but over 3,500 other institutions still remained eligible. Because of the lack of targeting of funds toward needy institutions, the Appropriations Committees have steadily reduced the amount of money available for title II A over the last 10 years with repeated warnings that the program would eventually lose all funding if a method of targeting moneys was not developed. Eventuality became reality in the fiscal year 1984 Appropriations Act.

While it is true that some universities that did not need Federal resources to purchase library materials received awards, it is equally true that other institutions relied heavily upon the grant and without it may face accreditation problems in the area of materials acquisitions. Although many sincere efforts have been made to develop a way of targeting funding, all have failed to achieve consensus among higher education institutions and librarians. Because of the emergency created by the lack of funding for title II A, Representative TOM COLEMAN, the ranking minority member of the Subcommittee on Postsecondary Education, and I have worked closely with the library community and the American Council on Education during the past 2 months to develop the needs test that is included in section 3 of this bill. The method of targeting funds that we have developed has been discussed and agreed upon by all segments of the higher education community.

In order to avoid any misunderstanding about what is included in the needs test, let me briefly explain its components. The first part of the test examines the higher education institution to determine how it fares financially in comparison to other institutions of similar size and program. Institutions which have limited resources also have needy libraries. In order to demonstrate need an institution must show that its general expenditures per student are low in comparison with other institutions, a high percentage of its institutional budget is used for student aid and the growth of the library budget compared to changes in student enrollment is low.

While at first blush it may appear that the percentage of an institution's budget that is used for student aid is unrelated to need, past experience has shown that needier institutions attract needier students and very often spend more of their budget to help those students than do other schools. By percentage of institutional budget we mean that portion of the institutional operating budget that is utilized as the institutional matching share for Federal or State student aid programs authorized as grants or loan programs operated by the institution and salaries for fellowships paid to students as a part of their academic program. Tuition waivers, tuition assistance to faculty, and athletic scholarships would not qualify as institutional aid.

The needs test also includes an examination of the institution's library needs. The specific items that are included in the examination is the amount of the library's acquisition budget that is used to purchase periodicals, the number of hours the library is open with professionally trained staff available to assist students, the existence of a serious deficiency in basic reference materials, and a citation of a library deficiency in an accreditation review. In terms of the purchase of periodicals, we intended that for those subscriptions that are multiyear the costs be prorated to give an annual rate of payment. In those cases where a library is cited for deficiency in an accreditation review, if the citation is related to a lack of financial resources, the library should receive the maximum $10,000 award.

As another requirement, libraries are required to maintain or develop access for students to academically oriented data bases. It is important that the institutions show a continuing commitment or the formulation of a plan to provide for students local availability to remote publicly available bibliographic or other similar data basis, it is acceptable for institutions to have agreements with other libraries and institutions in the area to provide such access as long as the agreements between the institutions remain in effect.

The maximum grant possible is $10,000 but the amount the institution receives should be determined by both the amount of need shown by the needs test and the number of students who will benefit by the award. For example, if two institutions are equally needy but one enrolls 500 students and the second enrolls 2,000 students, the latter institution should receive the larger grant.

The other major change from current law in the bill is the elimination of the current part D and its replacement with a grant program to allow institutions to acquire computer equipment that will allow them to participate in networks for sharing library resources if they can demonstrate that they cannot purchase such equipment with their existing resources. The new part D also provides for a competitive grant program to allow institutions or groups of institutions to conduct research or demonstration projects in utilizing technology to enhance library or information sciences. The allowable uses of grants under the new part D is very similar to grants now authorized under part B of title II. Therefore, section 224 of the current law is repealed and the proportion of part B funds to be used for library career training is increased to two-thirds. With the increase in the percentage of funding going to library training, we would hope that the Secretary would enter into both grants and contracts as is provided for in the law rather than restricting funding only to contracts. There is a need for both types of financing mechanism and both should be employed.

Finally, it needs to be made clear that libraries, consortia of libraries, or

multitype library systems are all eligible to apply for grants under the act. In every case the use of the term "institution" should not be considered to prohibit applications from multiple libraries. We are aware that some libraries have had difficulty maintaining effort on a fiscal year basis. Therefore, it is acceptable under this act for institutions to show maintenance of efforts on an academic year basis.

This is a sound bill which has very wide bipartisan support. I urge my colleagues to join me in cosponsoring this significant piece of legislation. For your information a section-by-section analysis of the bill follows:

SECTION-BY-SECTION ANALYSIS—ACADEMIC LIBRARY AND INFORMATION TECHNOLOGY ENHANCEMENT ACT

Section 1. Section 1 establishes the title of the Act as the Academic Library and Information Technology Enhancement Act.

Section 2. Section 2 amends the authorization levels of Title II of the Higher Education Act as follows:

For Part A, College Library Resources, $12,500,000 for fiscal year 1985, $13,750,000 for fiscal year 1986, $15,125,000 for fiscal year 1987, $16,637,500 for fiscal year 1988, and $18,301,250 for fiscal year 1989;

For Part B, Library Training, Research and Development Grants, $5,000,000 for fiscal year 1985, $5,500,000 for fiscal year 1986, $6,050,000 for fiscal year 1987, $6,655,000 for fiscal year 1988, and $7,320,500 for fiscal year 1989;

For Part C, Strengthening Research Library Resources, $12,500,000 for fiscal year 1985, $13,750,000 for fiscal year 1986, $15,125,000 for fiscal year 1987, $16,637,500 for fiscal year 1988, and $18,301,250 for fiscal year 1989;

For Part D, College Library Technology and Cooperation Grants, $5,000,000 for fiscal year 1985, $5,500,000 for fiscal year 1986, $6,050,000 for fiscal year 1987, $6,655,000 for fiscal year 1988, and $7,320,500 for fiscal year 1989.

Additionally, $75,000 is authorized for a study by the National Commission on Libraries and Information Sciences on the effectiveness of Part A of the Act.

Section 3. Section 3 amends Section 211(a) of the Higher Education Act to require that institutions receiving grants under Title II A must be eligible and must assure the Secretary that their libraries are participating in consortia with other libraries and that they will maintain or develop access to academically related data bases for their students.

In order to qualify as an eligible institution, the institution must demonstrate need through the following criteria:

Low general expenditures per student;

A high percentage of institutional budget used for student assistance; and

A small growth in the library budget for the preceding three years.

The institution's library is also expected to show need in one or more of the following areas:

A small budget for periodical subscriptions;

Length of time the library is open with professional staff on duty;

The existence of a serious deficiency in basic reference materials; and

Citation of a library deficiency by an accreditation review.

The amount of the award is to be determined by the Secretary by taking into consideration the need that is evidenced as well as the number of students who will benefit from the award.

Section 3 also requires that the National Commission on Libraries and Information Sciences conduct a study on the effectiveness of the needs criteria in directing funds to institutions with needy libraries.

Section 4. Section 4 amends Part B of Title II of the Higher Education Act to redistribute funding so that two-thirds of the appropriated funds goes to the Library Career Training program and one-third goes to Research and Demonstration Grants. Section 224, Special Purpose Grants is deleted.

Section 5. Section 5 repeals the current Part D of Title II, The National Periodical System, and inserts in lieu thereof a new Part D, College Library Technology and Cooperation Grants. The Secretary is authorized to make grants for the following purposes:

Installation, acquisition, maintenance, or replacement of technological equipment, if the institution demonstrates need;

Establishing and strengthening joint-use library facilities for consortia of colleges who demonstrate need;

Allowing public and private non-profit institutions to provide library services to higher education institutions;

Research and demonstration grants to meet special national or regional needs in utilizing technology to enhance library or information sciences.

The Secretary is directed to make awards in each of the categories. Institutions may use up to three years to expend the funds. The minimum grant is $15,000 with a 33% matching requirement.

Section 5 also amends the title of Title II to read "Academic Libraries and Information Technology Enhancement." It further amends the purpose of the Act to include providing technological and research assistance for libraries.●

LONG BEACH YMCA AND THE WALKER FAMILY: A WINNING COMBINATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. ANDERSON. Mr. Speaker, on March 24, the YMCA of Greater Long Beach will celebrate its centennial at the Hyatt Regency. On this auspicious occasion, Gus Walker, 83, chairman of the board of Farmers & Merchants Bank, will accept a tribute to the Walker family for their five generations of volunteer service to the local Y. I want to take this moment to pay special recognition to Gus and to the members of his family, who have so generously contributed their time to an organization that has played such a crucial, steadfast role in our community.

Back in 1884, when Long Beach was known as Willmore City, the YMCA was formed. During the following 100 years, the YMCA formed a special partnership with the community as a whole and has since expanded into five community branches and a mountain camp whose membership is fast approaching 40,000.

During this flourishing period, no family played such a vital role as the Walkers. Their involvement dates back to 1899, with C. J. Walker serving as an original member of the Y's board of directors. C. J. became president of the association in 1919 and served admirably for the next 13 years. C. J.'s brother, Charles Z. Walker, also served as president, from 1951-56. Charles' son, Charles Jr., is currently serving as a member of the YMCA metropolitan board of directors. And finally, Gus Walker, who will accept the award on behalf of his entire family, first attended camp at the YMCA in 1911 and has maintained a life-long relationship even since. Through their extraordinary generosity, in both time and money, the Walkers continue to be one of the Y's strongest backers, for which we are all grateful.

Mr. Speaker, my wife Lee joins me in saluting Gus Walker and the members of his family for their invaluable support for the Long Beach YMCA that has enabled it to become such a vital part of our community. We wish them all the best in their future endeavors.●

POST-TRAUMATIC-STRESS DISORDER

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. FEIGHAN. Mr. Speaker, all of us have become aware lately of the tragic emotional after shocks striking our Vietnam-era veterans. Post-Traumatic-Stress Disorder—or PTSD—is afflicting many of these young and vital men, dragging them into depression, alcoholism, drug abuse, and even violence.

In my own northeast Ohio area, some 5,700 Vietnam veterans may be suffering from the quiet desperation and bitter loneliness of PTSD. But bureaucratic and legislative inertia is blocking the start of effective treatment programs.

Earlier this month, my own district was shocked from complacency when a young man plagued by PTSD took his own life. I commend to my colleagues the following editorials written by Jim Parker of the Cleveland Plain Dealer and Virgil Dominic of WJKW-TV in Cleveland.

Their message is simple, Mr. Speaker. Our Vietnam veterans are hurt, and they are crying for help. We cannot afford to ignore their plea.

The material follows:

[From the Plain Dealer, Mar. 3, 1984]

TRAUMA ON HOLD

(By Jim Parker)

Maybe it was just one of those things, something no one could have done a thing about. Maybe. But a time comes when maybe just won't work anymore.

Thursday, Raymond A. Burt, 32, sent shock waves though a TV station when he wandered in asking to talk to a reporter.

Told to return the next day—whether it was a brush or whether station management intended to use the time to find a reporter is unclear—Burt produced two handguns, threatened suicide and began an incoherent ramble: problems with a girlfriend, someone out to get him, kill him, and police couldn't protect him, drug dealers, pimps.

About two hours of that and Burt put a bullet into his brain, making good his only threat.

Yep, police said, he was a Vietnam veteran and had received psychological treatment from the Veterans Administration and privately.

Burt is dead, and whatever drove him to it may never be known. An uncle believes he died because of post traumatic stress disorder (PTSD), an emotional malady that often ends in violence.

For most of the day yesterday I had resisted the urge to strip some bureaucratic hide and had actually started a column on the subject of baseball stat freaks and how their day is on the horizon. Then Bill called.

Bill is 31 and has been diagnosed as suffering service-connected PTSD. Recently, he was scheduled by the VA for pre-admission screening, a requisite for participation in some future PTSD-treatment program planned at the Brecksville Veterans Hospital.

Then he was told the screening had been canceled. The program was on hold.

"I don't know what is going on out there, but I'm so damned tired of the VA I don't know . . . how much more of this I can take," Bill said. "They aren't doing anything for any of us, man."

Last July, The Plain Dealer devoted considerable space over five days to publish the results of a project that occupied two reporters for six weeks.

The stories portrayed the afflicted veterans, what their lives had come to, the suicides, homicides, drug and alcohol abuse, the wife and child abuse, the divorces, isolation, desperation and the waste.

A lackadaisical attitude on the part of many VA officials, from Cleveland to Washington, was examined and offered to partly explain why there wasn't any place locally for victims and their families to receive real help.

Not long after the series, Cleveland Regional VA officials announced there would be a program in Brecksville. A study committee was appointed to come up with a plan.

Rep. Edward F. Feighan, D-19, of Lakewood, introduced legislation allocating $1 million annually to finance the proposed program and called on the VA central office to development national treatment policy.

That was July, August and September. Now it is March, and there is no PTSD ward at Brecksville. There is no national treatment policy.

In January, an eight-bed program was opened on Ward 51-B as a good-faith gesture until a special 20-bed ward for PTSD treatment could be opened.

The ward was primarily staffed with well-meaning, dedicated people with very little idea of what they were to do. It is scheduled to be closed later this month.

So, for the 25,000 or so Ohio veterans who may be affected in some degree by PTSD, there is still nothing. Wait, they are told. Wait until a qualified director can be brought in, until he or she can assemble a qualified staff, and the director and staff can begin screening patients.

What's another six or eight months after 10 or 15 years? What's another suicide or two? Another dozen jail terms? Another 100 or so divorces? So if your kids have been afraid of you this long, it's probably permanent and no need for haste, eh, guy?

And, hey, if you are tired of looking longingly at other people, wishing you could be like them, or tired of their looking at you and wondering what's wrong, well, it's probably too late for that, too.

And sleep? Looks like you would be used to going mostly without it by now.

When the VA gets around to it, when the people charged with bringing you back into the mainstream get off their backsides, those of you left will get whatever they have managed to put together on such short notice.

In the meantime, keep the faith, right? And when dealing with these people from your Veterans' Administration, please keep your eyes off that soft flesh on the lower throat where the pulse moves the skin.

EDITORIAL PRESENTED BY MR. VIRGIL DOMINIC, MARCH 10, 1984

P-T-S-D—Post Traumatic Stress Disorder—is an emotional ailment that strikes Vietnam veterans. It results from combat fatigue, and can, years later, lead to depression, withdrawal, and—often times—violence.

Last week, we were tragically touched by this disorder when a distraught Vietnam veteran committed suicide here at TV 8.

It's estimated that up to 57 hundred vets in northeastern Ohio may suffer from P-T-S-D, yet little is being done to assist them. Local VA officials promised last summer to open a P-T-S-D ward in Brecksville, and Representative Ed Feighan introduced a bill in Congress to help pay for the million dollar project.

Today, eight months later, there's still no ward. The VA says it hasn't been able to find qualified personnel, but promises to have it open by fall. Meanwhile, Congressman Feighan's bill is buried in a subcommittee, with little hope of being acted upon soon.

The VA and Congress should stop dragging their feet. They have known about P-T-S-D since 1980, yet have done little. The benefits of helping our veterans in northeastern Ohio far outweigh the costs involved.●

MARKING MARCH 21 AS AFGHANISTAN DAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. RITTER. Mr. Speaker, for Americans, spring begins today, March 21. We also need to remember that March 21 traditionally marks the beginning of the New Year in Afghanistan, and that for several years we in the United States have been observing this day as Afghanistan Day. We do this in order to focus attention on the continuing struggle in Afghanistan between the occupying Soviet forces with those of their puppet, Babrak Karmal, and the Afghanistan resistance, or mujahidin, who are seeking to free their homeland from the outside invader.

While other wars and national liberation struggles get a great deal of media attention, the war in Afghanistan often seems forgotten. We may see in the press occasional battle reports from unfamiliar sounding provinces and towns, or tales of brutal Soviet massacres in small villages such as Istalef. But many of us really do not comprehend the nature of the struggle there and the heroic feat that the Afghan people have accomplished in preventing the Soviet Union from subjugating Afghanistan. The courage and determination of the Afghan people have sustained a battle for freedom and independence which is waged truly for us all.

I would therefore like to have noted that on March 21, the Afghan New Year, in the House of Representatives of the United States of America, there was an awareness of what this day means for the Afghan people and of what the struggle of the Afghan resistance represents. We in the United States pay tribute to Afghan courage and to the Afghan cause. Our 1984 New Year's wish for Afghanistan is a free Afghanistan.●

CRIMINAL JUSTICE SUBCOMMITTEE HEARING SCHEDULE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. CONYERS. Mr. Speaker, I recently put in the RECORD (March 6, 1984, page 4692) the schedule of hearings for the Subcommittee on Criminal Justice through the end of April. Because of witness availability and for other reasons, that schedule has had to be adjusted. Here is a revised schedule:

Thursday, March 22, hearing on H.R. 3498 and related bills to help crime victims (10 a.m.; room B-352, Rayburn House Office Building).

Wednesday, March 28, hearing on H.R. 5150 The Federal Officials Protection Act of 1984 (10 a.m.; room 2237, Rayburn House Office Building).

Thursday, March 29, hearing on H.R. 4162 relating to fine collection procedures (10 a.m.; room B-352, Rayburn House Office Building).

Monday, April 2, hearing on H.R. 3498 and related bills to help crime victims (10 a.m.; room B-228, U.S. Courthouse, 231 W. Lafayette, Detroit, Mich.).

Wednesday, April 4, hearing on sentencing reform bills (10 a.m.; room 2226, Rayburn House Office Building).

Thursday, April 5, hearing on H.R. 4826 relating to recording a telephone conversation without the consent of all parties to that conversation (10 a.m.; room B-352, Rayburn House Office Building).

Wednesday, April 11, hearing on sentencing reform legislation.

Thursday, April 12, hearing on sentencing reform legislation.

Wednesday, April 25, hearing on banking records bill.

Thursday, April 26, hearing on receiving stolen bank property, bank bribery, and bank fraud.●

THE NUCLEAR OPTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 21, 1984, into the CONGRESSIONAL RECORD:

THE NUCLEAR OPTION

Nuclear power in the United States is at a crossroad. In recent months, the industry has suffered setbacks ranging from bond defaults to plant cancellations. Public Service Indiana's shutdown of the half-finished facility at Marble Hill is but one example of an industry in turmoil. If current trends continue, nuclear power soon could cease to be a credible option for America.

Several factors lie behind the current trends. Safety concerns intensified after the Three Mile Island accident. The operating record of existing plants frequently has not been good. Building new plants has turned out to be harder and more costly than the experts had thought. Legal battles with environmentalists and necessary changes in design have delayed construction. Utilities have had trouble raising the capital to finance their projects. In addition, vigorous conservation after the oil shocks of the 1970s has lowered our demand for electricity.

Despite its problems, many of the experts believe that nuclear power still may play a significant role in America's future. They base this optimistic prediction on several factors. First, nuclear plants both here and abroad have operated more successfully and cost-effectively than is generally realized by the public. Second, the United States needs supplies of energy that are domestically based and are not subject to disruption by political upheavals abroad. Third, our use of electricity is bound to increase as the recovery continues. Fourth, there are problems with other ways of generating electricity: oil and natural gas are expensive, and supplies are limited and vulnerable to cutoff; solar and wind energy have promise, but they may not become major sources of electricity for some time to come; coal could yield much more electricity, but worries about acid rain and the buildup of carbon dioxide in the atmosphere cannot be ignored. Given all these considerations, it may not be wise to dismiss the nuclear option out of hand.

However, with no new orders for nuclear plants since 1978 and with more than half the public calling these plants "dangerous," it is clear that changes will have to be made if the industry is to survive. Topping the list should be the safety of today's plants. Safety concerns of regulators lead to costly retrofits and design changes, while those of environmentalists lead to costly work stoppages and delays in proceedings. What can be done to quell the fears?

First, the Nuclear Regulatory Commission (NRC) must enforce the highest standards of safety in the operation of plants. Mismanagement has been a major factor in erratic operation and has fueled speculation that human error could result in a catastrophe. Confidence cannot be regained unless people believe that regulators will put an end to mismanagement and keep another Three Mile Island from happening.

Second, plants must be built better. Walls riddled with air pockets or supports installed backwards are totally inexcusable in this kind of construction and cannot be allowed. The NRC must intensify enforcement of construction standards, and an overhaul of the whole construction process must be considered. Possibilities include turning construction over to a single experienced company rather than a swarm of subcontractors, opting for smaller plants whose parts are made more easily at the factory, and developing a few standardized plant designs (as France and Canada have done) to minimize the problems arising from custom designs.

Third, we need more public discussion of the problems and benefits of nuclear power and more candor on the part of the industry. The industry should be more open about the possibility of accidents, the difficulty of storing nuclear waste, and slower growth in our consumption of electricity. It should get out of the habit of sweeping critics' concerns under the rug.

It is possible that these steps alone may not be enough to restore public confidence in the industry. In the final analysis, we may have to redesign plants to be inherently safe. Several such projects are in the works. One of the more interesting is the Process Inherent Ultimately Safe (PIUS) reactor invented in Sweden. Instead of depending upon mechanical systems or human control to stop a meltdown of the reactor's core, the PIUS reactor has its core at the bottom of a huge pool of water, which is kept out of the core by normal operating pressure. If a problem comes about, the core floods naturally. Various aspects of the design need to be perfected and tested, but the PIUS reactor is a good example of second-generation technology that could go a long way to revive public confidence in nuclear power. Safety is this technology's primary characteristic.

Some American efforts to design inherently safe reactors should be mentioned. The Department of Energy is working on integrated fuel cycles—plants in which spent fuel is reprocessed in adjoining buildings and then reused in the reactors. The goal is to eliminate transportation of fuel to and from reactor sites. Work is also being done on the high-temperature gas-cooled reactor (HTGR), a few of which are already in operation. This reactor's temperature rises very slowly if the flow of coolant is interrupted, so operators have several hours to diagnose and correct a problem, compared to only minutes in the conventional reactor. A significant effort is also being made to develop a smaller HTGR that, because of its size, would cool itself by natural, rather than mechanical, processes. Again, the safety mechanism would be built in.

There are many good reasons for us to try to keep our energy options open. Among those options are solar photovoltaics, wind mills, and processed forms of coal. Seeing whether a new generation of inherently safe nuclear reactors can be developed is one step that should be taken before we close the nuclear option for good.

(Note: Much of the information contained in this newsletter was taken from a report of the Office of Technology Assessment entitled, "Nuclear Power in an Age of Uncertainty.")●

AMERICAN ASSOCIATION OF HOMES FOR THE AGING HONORS REPRESENTATIVE WAXMAN AND SENATOR HEINZ

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PEPPER. Mr. Speaker, I would like to call to the attention of my colleagues an event which occurred last week that deserves our attention—the 12th Annual Spring Conference of the American Association of Homes for the Aging (AAHA), held here in the Nation's Capital on March 15 and 16.

AAHA is the national representative of over 2,200 nonprofit health related and housing facilities for the aged, providing direct services to more than 500,000 older persons across the country. Its members include independent housing facilities, nursing homes, continuing care retirement communities—many of which offer outreach and community services—as well as 36 State affiliates and an additional 800 students, lawyers, and other professional associates. All of its member facilities are nonprofit and are sponsored by religious organizations, private foundations, government agencies, unions, and fraternal and community groups.

As nonprofit entities motivated, founded, and existing solely for the purpose of providing services to individuals, AAHA members are committed to quality care that recognizes the total person, to community involvement by the homes as a way of enhancing the quality of life of its residents, and to insuring a continuum of care appropriate to individual needs at a reasonable cost.

On Thursday, March 15, two of our highly deserving colleagues received AAHA's Distinguished Service Award. Both Senator JOHN HEINZ, of Pennsylvania, who chairs the Special Committee on Aging, and Congressman HENRY WAXMAN, of California, chairman of Energy and Commerce's Subcommittee on Health and Environment, were honored for their leadership and efforts on behalf of America's elderly.

As chairman of the influential Health and the Environment Subcommittee and a member of the Select

Committee on Aging's Subcommittee on Health and Long Term Care, Congressman HENRY WAXMAN has emerged in recent years as a most powerful force in the formulation of national health policy.

The American Association of Homes for the Aging has worked closely with HENRY WAXMAN on numerous occasions and nowhere was that cooperation more evident than last year in the much-publicized controversy over revision of nursing home survey and certification regulations. Chairman WAXMAN crafted a compromise with the administration under which AAHA and other groups have been working with the Health Care Financing Administration to identify regulation changes which will ease unnecessary burdens on providers while maintaining critical resident protections. As part of the Waxman compromise, the National Academy of Sciences Institute of Medicine is also conducting a comprehensive 2 year study of ways to improve our Nation's approach to nursing home regulation.

And currently, Congressman WAXMAN is leading the fight, supported by AAHA and other Washington-based groups, to block an extension of a 3-percent reduction in the Federal medicaid share.

For his leadership and efforts promoting causes benefiting the elderly, Congressman HENRY WAXMAN is a recipient of AAHA's Distinguished Service Award.

In the conference's keynote address, "The Future of Health Care in America: Social Service or Industry?" Dr. Arnold Relman, editor-in-chief of the New England Journal of Medicine, helped frame the proceedings when he discussed the increasing consolidation and corporatization of long-term care; a concern of particular importance to those who seek to promote and encourage nonprofit services for the aged.

Again, I urge my colleagues to take note of the Spring Conference of the American Association of Homes for the Aging. The association's ceaseless efforts and dedication to our aging citizens merits our recognition and support.●

AFGHANISTAN FREEDOM FIGHTERS CONTINUE STRUGGLE

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. McCAIN. Mr. Speaker, today, March 21, marks the beginning of the New Year for the people of Afghanistan. March 21 is also the day Afghans celebrate the rebirth of their nation.

For over 4 years, however, a brutal Soviet occupation has rendered any celebration of Afghan independence meaningless. Over 100,000 Soviet troops are attempting to subjugate the Afghan nation; 25,000 Afghans have been taken to the Soviet Union for indoctrination; a quarter of the country's population has fled tyranny to take refuge in Pakistan; tens of thousands of their relatives have been killed by the invaders; Herat and Istalif have taken their place alongside Guernica and Pnomh Penh in the annals of 20th century terror.

Yet, in the face of such horror, 100,000 Afghan guerrillas remain to fight their would be conquerors. Despite their lack of adequate weaponry and experience in fighting a modern army, the freedom fighters have scored a number of impressive victories. As the various resistance groups coordinate their attacks, they will no doubt continue their success in battling the Soviet forces.

We cannot, however, expect the Afghans to continue their struggle without increased aid from other nations, including the United States. I am a cosponsor of House Concurrent Resolution 237, which calls on the President to render effective material aid to the freedom fighters. We cannot ask the Afghan people to fight Mig's with 60-year-old rifles. Increased economic aid to the freedom fighters is also required. The Soviet policy of migratory genocide, of forcing vast numbers of people from their homelands through a scorched earth policy, must not be allowed to succeed.

I have been to Peshwar; I have seen the suffering wrought to the Soviet invasion. Afghanistan is not a far away country in which we have no interest. The Afghan people are on the frontline of freedom. Today we honor those freedom fighters for their valor and courage in the struggle against totalitarianism. For 4 years they have battled the largest and most technologically advanced empire on Earth.

The United States is deeply committed to the Afghan cause. John Kennedy once said that, "The most powerful force in the world is man's desire to be free and independent." I have seen the true face of communism and I know the strength generated by the desire to be free and independent. I have no doubt that the Afghan people will be victorious in their fight against the Soviets, and I hope that a year from now we will be able to gather in Kabul to celebrate the renewal of Afghanistan's independence.●

TRIBUTE TO SCOTT ZELKO

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HARRISON. Mr. Speaker, on April 17, 1984, an outstanding young man from Conyngham, Pa., will be awarded the highest distinction in Boy Scouts.

Scott Zelko will receive the "Eagle Scout Court of Honor" at a ceremony to be held in his honor. Scott is a member of Scout Troop 207, Conyngham, Pa. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, Scott is so duly honored.

Mr. Speaker, I join with Scott's family and friends in paying tribute to this outstanding young person.●

TED SMITH OF SPRINGFIELD, MO., WINS VFW HONOR

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. TAYLOR. Mr. Speaker, it is with a considerable amount of pride that I bring to the attention of my colleagues the essay written by my constituent, 15-year-old Ted A. Smith of Springfield, Mo., which earned him second place honors in the Veterans of Foreign Wars "37th Annual National Voice of Democracy Scholarship Program."

Ted won the right to compete in the national contest by virtue of his first place wins in the local, district, and Missouri State contests.

He is a fine young man—the president of his class at Glendale High School, a member of the national honor society and student council. He is active in his church and many extracurricular activities at the school.

The essay follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

One sunny day in the mid-eighteenth century, a Mr. Rip Van Winkle went walking in the hills. He grew tired as he walked, and so he laid down under a large tree to rest. When he awoke twenty years later, everything had changed. America was no longer a group of thirteen colonies under British rule. It was a new nation called the United States of America. This new nation was full of new ideas about government and liberty, and it set about to write these ideas down. The result: the United States Constitution. When it was written, the constitution was full of brand new ideas. But, times and attitudes changed, and the constitution had to change along with them if it was going to remain as effective as it always had been.

Our world around us is still changing, and so my role in upholding our constitution is to help it to change with the time. To further explore my role, we must first examine the history of change in the constitution and our current problems. Only then can we establish what my role in upholding our constitution is.

The constitution has evolved over the last two hundred years to parallel the changes

taking place in the culture and ideology of the United States. Two examples of this can be found in the Fifteenth and Nineteenth Amendments, which together give all citizens, regardless of race or sex, the right to vote. When the constitution was written, it was not the custom to allow blacks or women to vote, and so this was not a part of the original constitution. But society's ideas and attitudes changed, and people demanded that first blacks, and later women, be allowed to vote. And so, through amendments, changes were made to keep up with the ideas of the American people, and the constitution was made stronger.

America, and the ideas of Americans, are still changing. And, Alvin Toffler tells us in Future Shock that these changes are occurring at an ever faster rate. An example of the changes confronting the constitution can be found in a person's right to privacy. In the Fourth Amendment, the constitution guarantees that no unwarranted searches and seizures can be made. But now the government is equipped with high-technology listening and surveillance devices. These devices can be used without the person who is being searched knowing what is happening. Thus, the government or any branch of it can search our homes virtually unchecked, and the constitution makes no provisions regarding these electronic searches. The problems arising today, however, are not purely technological ones; there are also moral and attitudinal changes taking place in our society. Our constitution must keep abreast of all these changes, both technological and social.

It is my role in upholding our constitution to help it to deal with these problems and keep up with the changing time. The first step in fulfilling this role is to know the constitution. I have studied extensively for two years in school, and to graduate, I must pass a competency test over our state constitution. I must not only know the constitution but I must also know the problems that these changing times present for it. I try to learn more about these by participating in Student Congress and by speaking extemporaneously on current events and problems at High School speech contests. The background reading required to participate in these events has kept me well-informed about our world today.

By knowing the constitution and problems facing it, I can form opinions and views on the issues. Once these opinions are formed, I try to share them through discussion in class as well as participating in debate and student government. But, since these issues are so important, the discussions must examine all sides of every issue, and so I try to keep an open mind at all times. These exchanges of ideas help prepare for participation in the decision-making process as an adult. This is my role in upholding our constitution, in keeping it current: knowing the constitution itself, the problems facing it, and sharing my conclusions from this knowledge.

Changes in the needs of a society always have and always will occur. We have dealt with these changes effectively in the past, and this has made our constitution great. But the problems and changes now confronting us are arising so quickly and are of such magnitude, that we must know the constitution, the problems, and exchange our views with open minds or our constitution will fall behind. When Rip Van Winkle awoke, he was confused and disoriented. In short, he had no place in the changed society in which he found himself. We must not let our constitution suffer a similar fate. We, and the constitution, cannot fall asleep for one minute, much less twenty years.●

ECONOMIC DEVELOPMENT: COOPERATION AT EVERY LEVEL

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. BROWN of California. Mr. Speaker, on Friday, March 30, I am sponsoring a business town hall meeting on the economy in my congressional district. The program will include an assessment of the national economy and, specifically, its impact on the California counties of Riverside and San Bernardino. Initiatives which help the economic reach the unemployed and underemployed will also be featured.

We all realize that a sustained economic recovery will require coordinated, cooperative efforts by private industry and government at all levels. I am pleased that my own conference has outstanding representatives from each, including the Lt. Governor of California, Leo McCarthy, who also serves as chairman of the State Economic Development Commission. We can all learn new ways to work together, on a nonpartisan basis, for the common good.

As a cosponsor of the Federal Enterprise Zones Act, H.R. 1955, I was pleased to note that yesterday California Gov. George Deukmejian signed into law State enterprise zones legislation. California now joins 21 other States with similar provisions which offer tax and other incentives for businesses opening and expanding in areas of high unemployment and poverty. Specifically, businesses moving into designated enterprise zones will receive tax credits on wages paid to local employees, income tax exemptions on investment outlays and the opportunity to carry forward operating losses for tax write-offs. The State Department of Economic and Business Development will select up to 19 enterprise zones over the next few years.

Evidence from other States which have enacted enterprise zone legislation indicates that it has been successful. Over 20,000 jobs have been created, saved, or pledged by companies in those zones. In addition, over $450 million in new investments have been committed. These results are only the beginning.

Unfortunately, at the Federal level, this concept has become embroiled in partisan politics. For many of us, the latest recession has brought home the devastation of our Nation's cities, and underscored the economic plight of our rural communities. It is not a condition which inspires pride in our country or hope for the future. But instead of devising cohesive policies to resolve these problems, we bicker among ourselves. We should be critically analyzing many proposals, including State enacted enterprise zones, realizing that no one program will resolve all our economic problems.

The Federal Enterprise Zones Act, H.R. 1955, does not address every city, every community, nor every problem, but it does propose a viable alternative, and an addition to other community development programs such as the Urban Development Action Grant and Community Development Block Grant. This experimental approach to a pressing problem tempers ingenuity with caution. By beginning slowly—25 designated areas per year for 3 years—this experiment will have time to develop and grow; time to succeed on its merits. And because it is experimental, we must be sure to have excellent but diverse enterprise zone designees.

Many Members of Congress, many civic leaders, many members of the private sector, have spoken about their spiritless communities: Communities with high unemployment, lost population, and no employment opportunities; communities with no sign of economic growth and no hope; communities without future. These communities must be among our priorities, but there are other communities equally distressed.

My own district in southern California is expected to be among the fastest growing areas in the Nation in the 1980's. By the year 2000, its population will more than double; employment will barely keep pace. Despite rapid growth, the economy in our area is changing; unemployment has been consistently higher than both the national and State averages. The city of Ontario, for example, has suffered a great deal of unemployment and job loss because of plant shutdowns. The General Electric Plant and Kaiser Steel Mill have curtailed or eliminated roughly 10,000 jobs. Another city in my district, San Bernardino, which would qualify as a designee under current legislation, has adopted geographical boundaries for potential designation for an enterprise zone. San Bernardino is one of three cities in California under study as designation models for an enterprise zone.

The Inland Empire, as my district is commonly referred to, is striving to meet the needs of its residents with the limited resources available to it. An enterprise zone within the region will primarily help those long-term residents who have traditionally been bypassed by economic growth. It will enable these residents to develop needed skills, enriching their lives, their community, and their nation.

Enterprise zones should not be considered a panacea. Their limited number and scope prevents them from

having far-reaching effects. Nor can we ignore the proven results of existing programs in education, job training, and research and development, to name a few, which are all too often inadequately funded. At the same time, other programs to help the disadvantaged or new businesses must be improved for greater efficiency.

Our economic problems can be resolved, and, in fact, must be resolved. By working together, we enhance our opportunity to succeed. Real economic recovery at all levels of our society is our ultimate goal. And its ultimate success will depend upon whether it can stand the test of time. I ask my colleagues, my fellow citizens, and my friends to join me in this most laudable of objectives.●

HONORING JIM KELLY, MAYOR OF THE CITY OF SOUTH EL MONTE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. TORRES. Mr. Speaker, I would like to call to the attention of my colleagues an individual I have come to know and work with over the past few years. Jim Kelly, mayor of South El Monte, Calif., has dedicated his career to improving the welfare of his neighbor and his community.

Jim was born on April 15, 1930, in Cleveland, Ohio. He has lived in the Los Angeles area since 1948, specifically in the South El Monte area since 1954. Jim served in the U.S. Navy from 1950 to 1954. On December 4, 1951, Jim married his lovely wife, the former Margaret Miller. They are parents of five children, Kathy, Sharon, Pattie, Jimmy and Margie and grandparents of six grandchildren Christina, Christy, Joseph, Jennifer, Cheryl, and Brian.

Since arriving in the Greater Los Angeles area Jim has worked in the food service industry. He began his career with the Bowie Pie Co. in 1948 and worked for the company until 1955. After leaving the Bowie Pie Co., Jim took a position with the Arden Farm Ice Cream Co. until 1964. Currently he is working for the Balian Ice Cream Co. as a commercial salesman.

Mr. Speaker, Jim's service to his community has spanned nearly two decades. He has been both an appointed official to various boards and commissions and has served on the City Council of South El Monte. In 1965 Jim served as the annexation chairman of South El Monte, 1 year later he served as the street lighting chairman and in 1967 he was chairman of the South El Monte City Clean-up Campaign. From 1966 to 1968 and again from 1972 to 1974 Jim served as a city parks and recreation commissioner. Beginning in January 1974 he served as a city planning commissioner until December 1975. In March 1976 Jim was elected by the residents of South El Monte to serve on the city council. In April 1980, Jim was elected major of the city of South El Monte and was reelected in April 1982.

Jim has also served as a member of the board of directors of the Mid Valley Manpower Consortium and president of the board of directors of the Mid Valley Community Mental Health Council. Jim has also been a delegate to the Los Angeles County Sanitation District, a delegate to the League of California Cities and a delegate to the Rapid Transit District City Selection Committee.

Jim has been active in community organizations and the Teamsters Union. He has been a Scout Master for the Boy Scouts of America for the past 11 years, president of the Holy Name Society, Epiphany Church, member of the South El Monte American Legion Post 407, and member of the South El Monte Sister City Steering Committee.

Mr. Speaker, Jim is retiring next month as the mayor of the city of South El Monte. I ask my colleagues to join me in thanking Jim for his dedicated service, for his work to improve the quality of life of others and for a job well done.●

AT&T BELL LABORATORIES A KEY PLAYER IN TELECOMMUNICATIONS INDUSTRY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. RINALDO. Mr. Speaker, AT&T Bell Laboratories is a key player in the competitive struggle within the increasingly important telecommunications industry. Its president, Ian M. Ross, recently addressed the Conference on U.S. Technology Policy, airing his views on the strength of their R&D effort and on the impact of regulation on competitive.

I would like to share with you several quotes from Mr. Ross' talk:

AT&T Bell Laboratories will not fall victim to any "tyranny of the quarterly report" when it comes to meeting requirements for sustained support of promising long-term research.

AT&T is in the business for the long haul, and knows full well the important needs and contributions of long term research.

We must retain the character and qualities for which Bell Labs is so well known: Our emphasis on excellence and individual creativity, our leadership in anticipating and creating change, our strong commitment to the synergistic coupling of science and technology, and our long record of bringing the benefits of new technology to the customer. All of this will remain, and, in fact, be strengthened.

Excellent industrial R&D labs have served this country well. We, at AT&T Bell Laboratories, expect to continue to be a major contributor.

In matters of patents, licenses, and the sharing of scientific and technical information, Bell Labs will be guided as we have in the past, by the best interests of the country.

Microelectronics is a technology that after more than two decades of remarkable progress is still advancing exponentially and promises to continue on this path for many years to come.

I see the possibility of our reaching chips containing 100 million components per square centimeter of silicon, and perhaps, by the turn of the century, a billion components on a chip about the size of today's 10-cent postage stamp.

Today, at Bell Labs, we have reached the point where we can transmit via our latest laser and optical fiber 1 billion bits of information per second over a distance of 75 miles.

It was technology which made it possible for others to enter the once-monopoly marketplace without the necessity of a massive initial investment.

I can only repeat the need to move toward leveling the playing field on the competitive side of the industry, so as to allow full and fair competition.

The idea behind divestiture was simply this: Separate the local exchange portion of the business, which is considered to be a natural monopoly, from those parts of the business which public policy now says should operate under competition. It is the best available solution to a very complex problem.

If we've all learned one thing from the experience of the industry in the past 15 years, it's that regulation and competition don't mix.

In long-haul communications, AT&T is more tightly regulated than other common carriers with respect to the routes it must serve and the prices it must charge.

Only when the market is truly competitive . . . will the Nation receive the full value of the changes it has made in this vital industry.●

GREEK INDEPENDENCE DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SMITH of Florida. Mr. Speaker, Sunday, March 25, is an important day in the history of democratic nations. On this day in 1821, Greece declared its independence from the oppressive Ottoman rulers thereby bringing nearly 500 years of slavery and cruelty to an end.

This date marks the rebirth of the nation where democracy first began. The long Greek tradition of democracy, freedom, and independence is an example for all people in the free world. The democratic traditions found in Greek history serve as a symbol of freedom and liberty for all

those living under repressive and Communist governments.

I join with my other colleagues in congratulating the Greek people on their fine heritage and independence on this important day.●

THE DEATH OF CLARENCE MITCHELL, JR.

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. YATES. Mr. Speaker, I was saddened this week to learn of the death of Clarence Mitchell, Jr., in Baltimore. Although he was never elected to public office, Clarence Mitchell was a public servant in the truest and noblest sense of the term. His contributions to decency and civil rights in this country are simply monumental, and if anyone ever left the world in better condition than when he entered it, Clarence Mitchell was that man. We were very fortunate to have had him among us, and I extend my most sincere condolences to PARREN, my dear colleague and friend, and to all the Mitchell family.●

THE PLIGHT OF SHMUEL ZALMONSON

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. LEVITAS. Mr. Speaker, today, once again, I speak on behalf of a Soviet Prisoner of Conscience whose name is Shmuel Zalmonson and who, at this moment, is in a criminal prison near Yelgava, 40 miles from Riga.

What crime did Shmuel Zalmonson commit? That is a difficult, if not impossible, question to answer. Perhaps it was because he chose to defend his family at the time his sister Sylva, brothers Wulf and Israel, and his brother-in-law, Edward Kuznetsov, were arrested, and disregarding his own personal safety, he responded to the needs of his family. Thereby, he came under scrutiny of the KGB and was warned more than once to "stop activities on behalf of his family." Shmuel staged hunger strikes and wrote petitions to the authorities in behalf of his relatives. He did it openly and honestly. Is that a crime?

Shmuel worked as a construction laborer, and his job consisted of applying a type of lacquer to the floors of industrial buildings. This new procedure proved effective; Shmuel was asked to apply the process in many different areas, and was paid more than the average worker. The lacquer was deemed to be harmful to the health of those using it; therefore, since there were no state-established prices covering the work Shmuel did, extra payment was awarded Shmuel without question.

In February 1976, Shmuel was arrested and charged with taking part in a conspiracy with his employers in order to misappropriate state property, according to section 89-4 of the criminal code of the Latvian SSR.

Following his arrest, the court in a complicated procedure established its own prices covering the procedure Shmuel used. The court then calculated how much surplus money Shmuel was paid, based on the prices they established after his arrest.

One of Shmuel's employers was arrested and charged with stealing 4,400 rubles. His former employer admitted stealing the 4,400 rubles, and admitted not sharing the funds with Shmuel. Even so, the court insisted on crediting the additional rubles to Shmuel. All factors contributing to the fact that Shmuel was paid more because of hazardous work and that his former employer had admitted that Shmuel was not involved in the theft of the 4,400 rubles were ignored completely by the courts, and Shmuel received a sentence of 10 years. Again I ask: "For what crime was he sentenced?"

Shmuel was arrested, charged, and imprisoned because he did not heed the KGB warning to "cease activities" on behalf of his family. Shmuel was not a criminal. The ominous and ever-present hand of the KGB reached out to punish Shmuel for having strong family ties, for defending his family, and to warn others of what could befall them if they protested the treatment of Jewish prisoners.

Through the years Shmuel has been in prison no one in the United States has received mail from him. Each month, mail from the United States goes out addressed to Shmuel. According to reports from his father—living in Riga—the mail is not received by Shmuel, but is being deliberately withheld by the prison authorities. This is a flagrant violation of the Helsinki agreement, and it is another tactic to inflict further mental torture on prisoners.

In this Chamber we have spoken out so many times on behalf of the Soviet Prisoners of Conscience or, as the Soviets refer to those who wish to emigrate from the Soviet Union and refuse to give up trying—the refuseniks—and, although it becomes discouraging as one learns how few are the number who are allowed to emigrate, we shall continue to fight for these people who are prisoners in their own country; who are tortured and harassed for voicing the slightest difference of opinion with the established government for practice of their religion or study of their culture; who lose their jobs for no reason; who are confined to mental institutions for no reason; and who are forced to go into hiding—we could go on and on—we must find a way to break down the walls of this flagrant and vicious disregard for human rights.

We will continue to speak out, and today I ask each of you to join me as we ask the Soviet Union for the release of Shmuel Zalmonson. He is not a criminal; he is a man who wants to emigrate from the Soviet Union and join his family in Israel. Let him go.●

CONGRESS AND ACID RAIN IN 1984

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. OTTINGER. Mr. Speaker, the following article recently appeared in Adirondac magazine. It was written by New York Attorney General Robert Abrams with assistance from David R. Wooley, Assistant Attorney General.

The article is about the acid rain debate in Congress. But it is not so much a dispassionate attempt to analyze the political process that we are going through, but an underlying plea that something be done to stop the damage acid rain is causing.

I am joining Attorney General Abrams today in a lawsuit against EPA. If Congress cannot act, we must attempt to force EPA to clean up the sulfur in our air through the existing regulatory process.

ACID RAIN AND THE CLEAN AIR ACT

The debate over acid rain controls has altered dramatically in the past six months. Several authoritative reports from the scientific community have served to put aside the arguments of those who favor a "study only" bill and of those who still believe that we do not know the origin of our acid rain. Rather, the debate has shifted to the question of: (1) how large of an emission reduction can be passed by Congress; (2) how should the costs of the emission reductions be allocated; and, (3) by what means shall the emission reductions be achieved.

Another dimension of the issue has also changed markedly. The time is getting very short. Many believe that the chances of passing a comprehensive acid rain bill are greatest prior to the 1984 elections. There is an urgent need for clean air proponents to settle upon a formulation of acid rain controls and to coordinate efforts to push it through the committees and on to the floor of the House and Senate.

Nevertheless, it seems that each week brings news of yet another formulation for balancing environmental and economic factors and achieving an inter-regional compromise capable of passage. Indeed, the proliferating host of alternative cost and emission reduction allocation schemes is itself becoming a block to passage of a comprehensive acid rain bill in 1984.

The supporters of acid rain control must realize that time is of the essence and that any protracted debate over these issues will only play into the hands of those who

oppose acid rain controls. It is time for flexibility and compromise to break the log-jam that has prevented action on acid rain.

For these reasons I have publicly urged the supporters of acid rain control [1] and public officials of the Northeast to rally around one particular bill known as the Sikorski/Waxman (HR. 3400). In my view, this bill provides a financially and technically sound plan for achieving dramatic reductions in acid rain. Moreover, this bill proposes a series of sensible and equitable compromises on the difficult issues of cost allocation and economic dislocation, each of which significantly enhance chances of passage.

In the five years I have been Attorney General, I have participated in and witnessed numerous attempts to pass national legislation addressing this problem. Unfortunately, all prior efforts fell victim to disputes among various regions of the country with understandable concerns over effects on coal mining employment and the effect of emission control costs on electric utility rates.

Two critical aspects of the Sikorski/Waxman bill address these concerns and have made it the best vehicle for passage by Congress. The first relates to the question of how the acid rain reduction is to be achieved. Large scale reductions of sulfur dioxide emissions (the chief cause of acid rain) can be achieved either by use of technological controls (i.e., scrubbers) by shifting to lower sulfur fuel, or a combination of the two. Although fuel switching is generally the less expensive option, heavy reliance on it would result in a dramatic dislocation of coal production and jobs from one region to another.

The nation as a whole has a significant interest in avoiding this sort of economic disruption, and we must be sensitive to the impact on large numbers of coal miners whose jobs would be jeopardized.

For this reason, and because chances of passing a bill without provisions to minimize job dislocation are low, I have supported the bill's requirement that a large percentage of the total emission reduction goal be achieved through technological controls.

The other major issue addressed by the Sikorski/Waxman bill is the thorny problem of allocating cost. Traditionally, the northeastern states have paid high prices in order to preserve clean air only to have these efforts defeated by pollution generated by the low-cost power production of midwest industry and utilities. It has, therefore, been argued that the most equitable means of correcting this imbalance is to require the polluters to pay the entire cost of emissions control.

Other considerations, however, necessarily temper this position. We in New York need these emission reductions as soon as possible, especially because some of the effects of acid rain are irreversible. Only a 12 million ton emission reduction will fully protect our people and their environment. The fulfillment of this urgent need has been blocked by concern over electric rate increases in the midwest. Since passage of strong acid rain controls is unlikely without some type of cost sharing provision, I have concluded that the limited [2] cost sharing mechanism contained in H.R. 3400 should be supported.

Several recent analyses have shown that the effect of this cost sharing proposal will not be great in any one state.[3] Recent polls show that New Yorkers are overwhelmingly in favor of comprehensive acid rain control even if it means an increase in their electric bills.

My office has consistently fought for the utility consumer by opposing unjustified increases in electric rates and will continue to do so. Nevertheless, I believe the environmental and health benefits to be derived from obtaining a major acid rain reduction quickly are so important that the cost sharing mechanism of this bill is acceptable.

The one drawback to the Sikorski/Waxman bill is that its pollution reduction goal may be too small. The bill calls for an 8.7 million ton reduction in sulfur dioxide emissions.[4] Several scientific reports, however, show that a 12 million ton reduction from current emission levels is needed to prevent most of the damages of acid rain. For this reason, I have endorsed the suggestion of Congressman Ottinger to increase the emission reduction goal of the bill. Here again, however, the press of time may determine whether this objective is achievable in this Congress.

I urge all to recognize the urgency of the present situation regarding acid rain legislation. Each individual should make an effort in the next few months to contact their Representative and Senators and to urge them to take an active role in moving a comprehensive bill through Congress.●

[1] New York and its people suffer heavily from acid rain. Its effects include respiratory problems such as chronic bronchitis, contaminated drinking water supplies, the elimination of fish populations, as well as harm to plants, buildings and monuments. In upstate New York, the fish populations of 212 lakes and streams have been irrevocably eliminated by acid rain.

Acid rain is a problem to which my office has devoted substantial efforts in administrative proceedings and federal court cases.

Unfortunately, our experience in the Courts and Administrative agencies under the existing Clean Air Act has been disappointing. Even our success in the area of tall stack regulation underscores the slowness of the existing law to achieve meaningful acid rain reductions. Recently my office has initiated new litigation against EPA to try to force it to use its current authority and duties to impose greater pollution controls. We will continue to press these efforts. If the Congress is unwilling to act, perhaps the courts will. It is clear, however, that the quickest and most certain means of correcting the problem is through a comprehensive acid rain amendment to the Clean Air Act.

[2] The cost sharing provision calls for a portion of the costs to be paid out of a trust fund created from revenues of a nation-wide tax on the generation of electricity. It is a limited cost sharing proposal, because midwestern states would still have to pay for large parts of the emission control costs which are not covered by the trust fund. A more detailed description of this and other provisions of the bill is contained in written testimony I presented to the Senate Committee on Environment and Public Works (Washington, D.C. November 15, 1983) and the House Subcommittee on Health and the Environment (New York, New York, December 1, 1983).

[3] A Congressional Office has reported that a one mil per kilowatt hour tax (as proposed in H.R. 3400) would increase rates by only .8 percent in New York (or about $.40 to $.60 per month for the average residential customer. Office of Technology Assessment An Analysis of the Sikorski/Waxman Acid Rain Control Proposal, June 21, 1983.

[4] The language of the bill calls for a ten million ton reduction, but expected growth in SO2 emissions will reduce the effect of the bill by 1.3 million tons by the mid-1990's. The bill also calls for a 4 million ton reduction in nitrogen oxide emissions. This provision is important and deserves support, but, it will only help prevent future emission increases and will not serve to reduce the current level of such emissions.

WELCOME TO FOURTH DISTRICT CONGRESSIONAL STUDENT PROGRAM

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. COATS. Mr. Speaker, it is my privilege to welcome the following members of the fourth district congressional student program from Indiana to Washington, D.C., this week:

David A. Blackwood, Howe Military Academy; Diane App, Heritage High School; James Crody, Hamilton Community Schools; Deborah Koher, West Noble High School; Mark King, Angola High School; Andrea Stoltie, Garrett High School; Steven Lengacher, Eastside High School; Daniel Hauschild, Condordia Lutheran High School; Scott Metzger, DeKalb High School; Mark Szkudlarek, Bishop Dwenger High School; Jane Greathouse, North Side High School; Jacqueline Lomont, Woodlan High School; John Robinson, Northrop High School; Dan Byler, Westview High School; Todd Springer, Snider High School; Eric Bittner, Bellmont High School; Edward Lehman, Elmhurst High School.

Wendy Walter, Churubusco High School; Phil Achleman, Adams Central High School; George Foley, Prairie Heights Community High School; Jill Patee, East Noble High School; Carl Lavoncher, Homestead High School; John Emshwiller, Bluffton High School; Barbara Bearss, South Adams High School; Jeff Bradley, Leo Junior/Senior High School; Karen Donahoo, Bishop Luers High School; Emily Bradley, Norwell High School; Stacy Atkin, Carroll High School; Gerard Gallagher, Paul Harding High School; Steve Ringler, Lakeland High School; John Carroll, Whitko High School.

Jasen Shrock, Central Noble High School; Susan Amick, Wayne High School; Holly Skees, Blackhawk Christian School; Barb Bradley, Freemont High School; Matthew Miller, Huntington North High School; Julie Davis, Columbia City Joint High School; Shari Poinsette, South Side High School; Mark Shaffer, New Haven High School; Wallis Shoppy, Grace Christian School; Stephanie Spencer, Faith Christian Academy. And special thanks to chaperones Rex and Kris Bercaw of Auburn, Ind.

Each year every high school in my district has the opportunity to select one student to participate in the program. A nonpartisan board of directors chooses the participant out of numerous applications. I wish to congratulate these students and commend their spirit and zeal. Throughout this week they will have occasion to view the

Government in action by observing many aspects of the democratic process.

My special thanks to Senators RICHARD LUGAR and DAN QUAYLE for their cooperation in meeting with these fine young people. I also wish to thank my colleagues, Minority Whip TRENT LOTT, Representatives PHIL SHARP, BILL ARCHER, JOEL PRITCHARD, VIN WEBER, TONY HALL, and OLYMPIA SNOWE for taking time from their schedules to meet with and speak to these students.

Mr. Speaker, I believe that this congressional student program provides an excellent opportunity to these outstanding young men and women to explore Washington, D.C., and discover the city both at work and at leisure. They will be able to frequent the wonderous sites in and around this celebrated city as well as observe the men and women who serve this great country in their natural habitat. I hope that participation in this program will foster their active participation in Government in the future.

Again, Mr. Speaker, it is with delight that I welcome these students to our Nation's Capital.●

AFGHANISTAN DAY COMMEMORATION

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. WINN. Mr. Speaker, today has been designated as this year's Afghanistan Day commemoration around the United States. Every year since the December 1979 Soviet invasion of that country, Congress has recognized the valiant efforts by Afghan freedom fighters, the mujahidin, to regain their freedom. More than 4 years after the Soviet invasion the Afghan resistance shows no sign of weakening and no loss of popular support. The popular insurgency continues and the mujahidin effectively deny the Soviets significant military successes.

Resistance operations have become more effective in both urban and rural areas. Cooperation has increased among the resistance groups, and nearly 85 percent of the country's area remains under resistance control. Periodic sweeps by Soviet regime forces through an area typically hold it for only a short period. When the troops leave, the mujahidin regain control.

U.N.-sponsored negotiations among the concerned parties have not yet made significant progress, largely because Moscow refuses to set a timetable for withdrawal of its occupying forces. The Soviets appear committed to a long-term strategy of wearing down resistance, gaining control of urban areas, and remodeling the Afghan political and social structure in its own image. Although there are still more than 100,000 Soviet troops active in Afghanistan, that strategy has yet to produce significant results due to the fierce independence of the Afghan people.

U.S. policy goals for Afghanistan remain the same as they have been since the brutal Soviet invasion. We seek the earliest possible settlement to withdraw Soviet forces and end the agony of the Afghan people. Such a settlement must include three basic requirements: an independent and nonalined Afghanistan, self-determination for the Afghan people, and the return of Afghan refugees with safety and honor. May this day, Afghanistan Day 1984, mean a renewed commitment to these goals.●

COMMENDING PEGEEN FITZGERALD AND THE MILLENIUM GOLD

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. GREEN. Mr. Speaker, I rise today to pay tribute to a woman who began her career as a radio personality 47 years ago, but who has since evolved into a New York institution. Entertainer, humanist, philanthropist, Mrs. Pegeen Fitzgerald has devoted her life toward perpetuating a tradition of public service and kindness.

Mrs. Fitzgerald and her husband Ed began cohosting their radio show in 1937 on WOR. Broadcasting live from their home, the Fitzgeralds were always entertaining, enlightening, and topical, offering insights into both local and national affairs as well as providing varied and interesting viewpoints on events of everyday life. The diversity of her programing resulted in a vast following of loyal fans from all walks of life.

Mrs. Fitzgerald has also been at the forefront of the fight to prevent cruel treatment to animals. She is presently the leader of Millenium Gold, an organization founded in 1910 by George Bernard Shaw and other ethical vegetarians devoted to fighting cruel and inhumane treatment of animals, and to putting an end to heartless and unnecessary animal experimentation.

I take great pride in paying tribute to a woman so devoted and so kind. Rarely does an individual touch the lives of so many people and animals.●

TRIBUTE TO MAYOR PAUL AMICO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. TORRICELLI. Mr. Speaker, it gives me great pleasure to inform my distinguished colleagues of a very special dinner in Secaucus, N.J., on Saturday, March 24. Over 900 people will be gathering to honor and pay tribute to the mayor of Secaucus, Paul Amico.

Mayor Amico's service to his community has been unmatched. Before becoming mayor in 1953, he owned and operated the famous Paul's Diner on Route 3 and spent several years serving on the city council. During his 21 years as mayor, the residents of Secaucus have witnessed a remarkable transformation of their city. Once considered only a small agricultural community, Secaucus in now a prosperous industrial city, including several corporate headquarters and a population of 12,000. Because of the growth and development during Paul Amico's tenure as mayor, Secaucus is now in an excellent fiscal position and its citizens pay the lowest taxes in Hudson County and among the lowest in New Jersey.

In addition to its excellent economic progress, Secaucus has undergone numerous outstanding civil improvements with Mayor Amico in office. He has been instrumental in the development and construction of several projects such as a new high school, a municipal swimming pool and the Elms senior citizens project, just to name a few. Upon completion of the new sewage treatment system in Secaucus, it will be the only modern secondary treatment facility in the county. Indeed, Mayor Amico has left his mark on Secaucus.

As a very active septuagenarian, Mayor Amico personifies what is best about America: Hardworking, gracious and willing to help others and improve the community. I am sure that I am speaking for all of Secaucus and those of us who will be honoring him Saturday evening when I extend my appreciation to Mayor Amico for all that he has done.●

THE MARYLAND TERPS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HOYER. Mr. Speaker, these past few weeks have been glorious ones for University of Maryland Terrapin basketball fans. Only 2 weeks ago, I had the opportunity of witnessing the ascendancy of this fine team to

their rightful place as the 1984 Atlantic Coast Conference basketball champions. And just this past weekend, this magnificent and well-oiled machine rolled over West Virginia University in a romp to go into the National Collegiate Athletic Association regionals.

Both the ACC championship and the first game of the NCAA's were amazing performances, ripe with the drama of athletic accomplishment at its very best. The Maryland team proved their dynamic qualities in the ACC tourney, in the last game fighting back from behind and turning the last final minutes into a classic portrait of power, teamwork, and execution.

The powers of the starting five, Len Bias, Ben Coleman, Adrian Branch, Herman Veal, and Jeff Atkins, were further enhanced by the performances of Keith Gatlin, Mark Fothergill, Jeff Baxter, Pete Holbert, Terry Long, and Charlie Driesell. In fact, sophomore Len Bias was named most valuable player of the entire tournament, chalking up 26 points, making 12 of 17 shots from the field in the last game.

It has been 29 long years since the Terrapins last achieved this prestigious position in Atlantic Coast Conference baskeball. But not only did Maryland win the basketball championship, it also took top honors in ACC football. This is only the fifth time in league history that the same school has achieved this accomplishment.

For Coach Charles "Lefty" Driesell, the ACC championship was a long-awaited prize. It is the first tournament victory for the left-hander, after 15 years as head coach. While his Terrapin teams have been in the finals five times, four times they lost by three or fewer points. Somewhat ironically, Lefty took the championship from Duke University, his alma mater. As a matter of fact, in 1954, Lefty played 8 minutes in two games in the first ACC tournament, so he is no stranger to this prestigious ritual.

Clearly the members and supporters of this team have worked long and hard for this ACC honor, and all are to be commended for the fine victory they have achieved in Greensboro.

But Terp fans now dream of greater glory: the NCAA championship.

Certainly they are well on their way with that fine victory over WVU. In fact, the Terps beat West Virginia with the largest margin of victory in NCAA history. But heavy traffic lies ahead—the fighting Illini, cochampions of the Big Ten this year, are looming on Thursday, and past that, the victors of the Louisville/Kentucky battle.

But at this pause in the action, I would like to take a moment to congratulate the Maryland Terps and Lefty Driesell, and to reiterate our support for this team as it moves toward a national title. They are an outstanding group of young men who have shown us the beauty and elegance of the sport of collegiate basketball, and have shown us the dedication and hard work that is needed to produce such a quality team.

Mr. Speaker, we wish them good luck over the coming days, and, again, commend them for their fine efforts this season.●

LONG BEACH YMCA: A CENTENNIAL CELEBRATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. ANDERSON. Mr. Speaker, on March 24, the YMCA of Greater Long Beach, Calif., will observe its 100th anniversary with a formal dinner at the Hyatt Regency followed by a dance at the convention center. On this special occasion, I would like to pay special recognition to the Long Beach YMCA, as well as to those who have so generously contributed their time to this organization that has played such a vital, steadfast role in our community.

Back in 1884, when Long Beach was known as Willmore City, the YMCA was formed. During the following 100 years, the YMCA brought together the city's youth, business community, schools, churches, service clubs, and the Navy into a durable partnership aimed at improving the quality of life in the community. The Long Beach YMCA has witnessed many changes during those 100 years, including the development of the Long Beach Harbor, the phenomenal growth of the port, and the burgeoning aerospace and high technology industries, as Long Beach has rapidly expanded to become the sixth largest city in California.

The Greater Long Beach YMCA has now expanded into five community branches and a mountain camp, whose membership is fast approaching 40,000, and now offers parent-child programs, sports leagues, high school clubs, adult fitness and activities for seniors. As more women have gone into the work force, the Long Beach "Y" has been there to provide pre- and after-school programs and child care to meet the special needs of working mothers.

Mr. Speaker, my wife Lee joins me in paying special tribute to the YMCA of Long Beach which, thanks to the dedication to its supporters, has come to play such a significant part in our community and all of our lives.●

TRIBUTE TO BIG BROTHERS AND BIG SISTERS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to a very unique and wonderful group of people.

They are the Big Brothers and Big Sisters, volunteers all, who serve as friends and role models to children from single parent families.

Little brothers and sisters range in age from as young as 5 up to 17. Most of them are between 5 and 14 when they first enter the program.

Their basic need is to share a good friendship with an adult—to have someone to look up to, to do things with and to learn things from. Their lives will be molded and, in many ways, determined by the hours they spend with these previously unknown volunteers who give of themselves to help their adopted "kid brother" or "kid sister."

Volunteers are usually asked to serve for 1 year and usually see their adopted brother and sister about once a week. There is no schedule involved. The point is that the older and younger person learn to work together, and to be together, on their own time and in their own way. The activities they share are usually the everyday type of things, from planned recreation to just going shopping.

What is valuable is that the Big Brothers and Big Sisters give of themselves, give a piece of what they are to someone who needs help, guidance, inspiration, and—perhaps most important, Mr. Speaker—just someone to be there with them.

And so it is my honor today, Mr. Speaker, to rise in tribute to the Big Brothers and Big Sisters who work in this volunteer program which is sponsored by "The Bridge," an activity of the Catholic Social Services of Wyoming Valley. And, if I may inject just a note or personal pride, I would add that I have been a director of Catholic Social Services for many years. It has been my honor to share in their work just as it is my honor, today, to pay tribute to their volunteers.●

THE RIPPLE EFFECT OF BANKRUPTCY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mrs. SCHROEDER. Mr. Speaker, the declaration of a bankruptcy is not just a glitch in the books; it is not just a shift of a dollar sign here or there.

Each time a company files for bankruptcy, hundreds and sometimes thousands of employees and customers are affected. We have all seen what a bad name Continental has given to bankruptcy.

One provision of the bankruptcy reform legislation before Congress is an attempt to provide a check and balance against abuse of the bankruptcy laws. The provision would require a hearing a bankruptcy court before a company unilaterally abrogates a collective-bargaining agreement.

Bankruptcy should not be taken lightly by companies. There are unintended and unplanned for repercussions that only a bankruptcy court can foresee and oversee. In Continental's case, the repercussions are still being felt by many.

They include:

The loss of tickets purchased by customers and the subsequent loss of confidence by the flying public. I introduced legislation late last year to restore that confidence by making ticketholders preferred customers in a bankruptcy proceeding.

The loss of business by the travel agencies and credit card companies who were left with worthless ticket charges. The lost business for these people added up to an estimated $42 million.

Continental employees who, while still working for the "old" Continental, were participating in the U.S. Government savings bond program. These people agreed to have deductions taken from their paychecks to be used for the purchase of savings bonds. These people, many now unemployed, have neither their savings bonds nor the money that was deducted to buy the bonds. Both the employees and the Treasury lose out.

Many employees who were terminated by Continental lost out on their health benefits. Some were pregnant mothers, some were employees with Continental for over 30 years.

Those who were laid off had tremendous difficulty applying for unemployment compensation. In the States where Continental operated but had not kept up with contributions to the unemployment compensation trust funds, the employees had more than usual difficulties applying for and receiving compensation.

Certainly all the contracting companies, from telephone companies to maintenance firms, were left holding the bag once Continental filed a chapter 11 bankruptcy petition. The subsequent loss of work forced many of these firms to reduce work force, thereby adding to the ripple effect.

Bankruptcy is meant as a last-ditch effort to save a faltering company. That company may not take into consideration the ripple effect when it decides to file for bankruptcy. But someone should. And that is why the Rodino provision makes sense for the future of bankruptcy law.●

COLLEGE OF ST. FRANCIS BUCKS NATIONAL TREND

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. O'BRIEN. Mr. Speaker, you do not always have to go far from home to find a real success story. In my hometown of Joliet, the College of St. Francis in enjoying remarkable growth and prosperity—and at a time when many of the Nation's private colleges are faced with financial difficulties and declining enrollments. St. Francis is, indeed, an institution of educational excellence. I would like to share with my collegues this article, which recently appeared in the Chicago Tribune.

The article follows:

SMALL JOLIET COLLEGE CAN OFFER A GOOD LESSON IN GETTING AHEAD

(By Jean Latz Griffin)

Tucked in the middle of Joliet's blue-collar West Side is a small Catholic college that has bucked a national trend of declining enrollments and made a terrific comeback.

A decade ago, the College of St. Francis had so few students, only 450, that there was talk of shutting it down. Today, enrollment includes nearly 1,000 on-campus students.

It also includes more than 2,500 undergraduate and graduate students who were added through a satellite program that offers courses at 110 sites in 17 states. And the enrollment includes men. In 1971, St. Francis broke a 50-year tradition of admitting women only. It has gone from no male students to a 40 percent male enrollment.

The growth shows no signs of slowing down. This fall, when private colleges in Illinois showed a meager 0.8 percent increase in head count, St. Francis chalked up a 12.5 percent increase in on-campus enrollment, including a 14 percent increase in its freshman class, the highest of any small, private college in Illinois.

Two-thirds of the nation's private colleges have seen their freshman classes shrink between 1981 and 1982, according to a survey by the National Institute of Independent Colleges and Universities.

Higher education leaders say the college's growth is phenomenal. "Such consistent growth over the past decade is extraordinary," said Julianne Still Thrift, executive director of the National Association of Independent Colleges and Universities.

Much of the credit for the increase in male students, college officials say, goes to sports coach Gordon Gillespie, whose 32-year career has earned him membership in five halls of fame.

Financial growth has been equally strong, and the college has operated in the black for 10 years.

Students say they like St. Francis' emphasis on teaching rather than research. "I was at De Paul, and I came here for a weekend and fell in love with the smallness and the warmth," said student government President Lucy Orlow of Chicago, a junior majoring in management and marketing.

"When I was sick and missed several of my statistics classes, my teacher brought her newborn baby and toddler to my room and spent hours working with me."

Thomas Kennedy, a sophomore journalism major from Wilmington who came to St. Francis on a basketball scholarship, said he found it hard to believe the teachers were so friendly. "I thought they were phony," he said. "I wanted to say, 'I'm already here. You don't have to keep being nice to me.' Then I realized they were for real."

But the "niceness" of St. Francis was accompanied by drastic administrative changes.

On the advice of creditors, President John Orr in 1974 called a moratorium on tenure, and three years later asked the faculty to abolish it. The request was approved, allowing those with tenure to keep it, but putting new faculty members on three-year rolling contracts.

Under the system, good instructors each year receive three-year contract extensions. If their work falters, they get a two-year contract. If there is no improvement, they get a one-year contract as a signal to find another job.

Orr's strong medicine was "almost universally accepted" by the faculty, said history professor Irvin Oesterreich, who has been at the college since 1960.

Orr also expanded a fledgling degree-completion program for nurses into a profitable, low-overhead service that uses moonlighting university professors in 17 states to teach courses leading to a bachelor's degree in health arts for registered nurses.

"This has made us a national college," said Edward Herbert, who heads the satellite program.

"It's amazing how many people around the country know about the College of St. Francis, but how few people in Joliet know it has expanded beyond the rather prim, private school for girls they remember."

The satellite program recently received high marks from the North Central Association of Colleges and Schools, which said St. Francis' "success is an indication of the responsive chord [it] has struck, clearly in tune with the educational needs and requirements of our times."●

AFGHANISTAN DAY: AN OCCASION OF GROWING CONCERN

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. DAUB. Mr. Speaker, as we commemorate the occasion of Afghanistan Day, let us reflect for a moment on its purpose. Why did Congress create Afghanistan Day? Because this Congress saw the need to heighten public awareness and reflect upon a concern which is seldom mentioned—the struggle of the people of Afghanistan against their Soviet oppressors.

Today we must ask why Afghanistan is so far from the minds of many Americans; why the plight of the Afghan people is so poorly publicized in the American media. It is not because we, as Americans, do not care—

we value those precious freedoms for which the Afghan people fight.

I would like to thank our President for his interest and compassion for the plight of the people of Afghanistan—that this administration sees the value of increased U.S. aid and support for Afghan freedom fighters is commendable.

But until the American people and people of other free nations raise their voices, and until the media step up their coverage of the Afghan struggle the people of Afghanistan will continue their uphill fight virtually alone, while the Soviet war machine grows bolder in the face of seeming worldwide indifference.●

PHILADELPHIA INQUIRER REPORTS NEW JERSEY PANEL RECOMMENDS FEDERAL REGULATION OF BOXING

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. FLORIO. Mr. Speaker, I would like to call my colleague's attention to an article that appeared in the Philadelphia Inquirer on March 20 concerning the New Jersey Commission of Investigation's recent report which called for greater Federal supervision of professional boxing.

This report offers one more piece of irrefutable evidence that the various States and localities, as well as the national and international boxing organizations, simply cannot establish and enforce uniform health, safety, and other regulations over professional boxing.

It was this concern which led me to propose legislation last year that would have established a Congressional Advisory Commission on Boxing. The Commission would make legislative recommendations to the Congress with respect to the establishment of minimum uniform Federal standards for professional boxing events held in the United States.

While Congress has avoided regulating sports, it has done so largely because other major sports industries have developed mechanisms which perform a self-regulating function. For example, national commissions have established uniform standards and conditions under which football and baseball are played and promoted.

The regulation of boxing, on the other hand, is best described as a "non-system." Each State determines the extent to which it will or will not regulate boxing. Many States do not have a statewide governing body at all. And most importantly, there is no central data source to which the States can turn in order to obtain comprehensive fight and injury records on boxers.

Currently 43 States have athletic commissions which regulate both amateur and professional boxing. Two States, Florida and Ohio, regulate boxing through county commissioners. Five States, Georgia, Oklahoma, South Carolina, Wyoming, and Colorado do not have any form of boxing regulations.

As we have seen all too frequently in the last few years, boxing can be a deadly sport. I fear that, without minimum national health and safety standards, the number of serious and fatal injuries will only grow.

Yet, when the boxing legislation came to the floor last summer, it was defeated amid cries that it would lead to direct Federal regulation of boxing and other professional sports. I think my colleagues will find that the States know their limitations and are seeking, not resisting, Federal help in reducing the danger of professional boxing.

At this time, Mr. Speaker, I request permission to insert the text of the article from the Philadelphia Inquirer of March 20.

N.J. PANEL: REVAMP BOXING RULES

(By Joseph A. Slobodzian)

TRENTON.—Calling current state regulations of professional boxing "slipshod, erratic and antiquated," the New Jersey Commission of Investigation yesterday called on the legislature for an immediate restructuring of those regulations.

The 72-page interim report on the commission's "Investigation on the Inadequate Regulation of Boxing" describes a hopelessly undermanned state agency whose workload from boxing has increased almost six times over what it was six years ago, when casino gambling came to Atlantic City. Casinos are the major promoter of boxing in the state.

It is a system, the report said, in which boxers often are licensed for fights on the very night of a fight, with only cursory medical examinations; in which background and criminal-record checks are "superficial if made at all," and in which the state's share of the gate is often only partly remitted.

Although the commission, a standing agency that works through the attorney general's office, reported that it found that "no criminal or evil motivation exists" for the failures of the Office of the State Athletic Commissioner (OSAC). It added that "the pattern of numerous and repetitive violations certainly reflects the inadequacy of the regulatory structure."

The commission report said that "lawbreaking and rule-bending by OSAC offer probably the most compelling evidence of the need for federal regulation of professional boxing, given the inability of the various states and of national and international boxing organizations to establish and enforce uniform regulations and procedures."

Deputy state athletic commissioner Robert W. Lee was on vacation yesterday and could not be reached for comment. Lee, 50, an OSAC employee since 1978, was nominated March 13 by Gov. Kean to succeed Athletic Commissioner "Jersey Joe" Walcott, who retired Jan. 31 at age 71.

Among the report's recommendations:

Administration. The current athletic commissioner with broad discretionary powers should be replaced by a three-member, part-time State Athletic Commission backed by an advisory board of physicians and strong legal guidance from the attorney general's office. "Instant licensing" of boxers immediately before a fight and 11th-hour substitution of boxers should be banned.

Taxation. The staggered system of taxation, where different fights are taxed at different rates, should be abolished and the state should take a flat 10 percent of the gate receipts. The state Division of Taxation should collect the tax "at the source" rather than wait for the casinos and promoters to remit it.

Boxer safety. A rigorous series of pre-licensing, pre-fight and post-fight physicals should be required, including a urinalysis to detect drug abuse. Doctors—not referees—should determine when a fight should be stopped. "Cut men," the paramedics who help boxers during a fight, should be licensed.

Conflicts of interest. State boxing officials should not be allowed to belong to the boxing sanctioning organizations, because of the conflict between promoting boxing and regulating it. Lee, for example, is also president of the United States Boxing Association and the International Boxing Federation.

Although there perennially are bills in the legislature to tighten regulation of professional boxing, they have not been successful, and the reports recommendations are certain to be opposed by the casinos and the fight industry.

Lee testified before the commission that, if the OSAC were to enforce all of its current regulations, "we wouldn't have any more boxing."

According to the report, OSAC revenues went from $74,000 in 1978, when the casinos came to Atlantic City, to $437,300 last year. Tax collections from ticket sales went from $17,600 to $203,900, and revenue from television broadcasts of fights went from nothing in 1978 to $147,300.●

BRAVE MEN OF THE MUJAHEDEEN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, as the Soviet occupation of Afghanistan has dragged on, it has been well-documented that numerous atrocities are being committed by the Soviets in their attempt to subjugate the Afghan people. There can remain no doubt that they have resorted to the use of chemical warfare, torture, murder, and indiscriminate destruction in order to accomplish their goal. But in spite of such horrible deeds and against overwhelming odds, the Afghans have continued their fight to remain independent. They set an example both for us and for the oppressed people in other Soviet bloc countries as well.

Many people expected the Mujahedeen to capitulate after a period of token resistance. Others have scoffed at reports from Afghanistan that claimed victory after victory for the

rebels. But few scoff now, 4 years after the Soviet invasion, and even fewer predict a surrender by the Afghans in the near future. But how long can the resistance continue without our real and continued support? These brave men are willing to give their lives for freedom, but they do so in vain unless we begin to do more than just pat them on the backs several times a year and demand that the Soviets leave.

Today as we recognize the efforts of the brave Afghan freedom fighters, I believe that rather than merely offer moral support and encouragement, we must dedicate ourselves to provide real and material assistance, too. These freedom fighters stand in need of weapons, ammunition, clothing, food, and medicine in order to continue their heroic struggle, and it is our right and our responsibility to do all in our power to provide this assistance.

I sincerely hope that all of us here in the House can pledge in our own hearts and minds to support the brave men of the Mujahedeen not just spiritually but substantively as well.●

COMMEMORATION OF AFGHANISTAN DAY, MARCH 21, 1984

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. LEVITAS. Mr. Speaker, in December 1979, the Soviet Union invaded Afghanistan without provocation and with no warning. Since that time we in the U.S. Congress have recognized the valiant efforts of Afghan freedom fighters to regain their freedom. In 1982 President Reagan proclaimed March 21 as Afghanistan Day. Today, March 21, 1984, I wish to again call attention to the courage and bravery of the Afghan people.

Many believed that the Soviets, using over 100,000 troops and an arsenal of sophisticated military weapons, would have little difficulty in defeating the Afghan people. However, the opposite is true. Today, the freedom fighters continue to control over three-fourths of their country; even as the Soviets resort to cruel and inhumane tactics to erode the morale of the general population and the freedom fighters; such as the deliberate torture and killings of noncombatants.

The Soviets also have been lashing out at the Pakistani Government for outside interference, via their country, of the United States and China; naming us as the perpetrators who are arming the bandits of Afghanistan.

However, sadly, from one-fifth to one-fourth of the population of Afghanistan has been forced to leave the country and go into exile in other countries; and there are about 3 million Afghan citizens living temporarily, they hope, in Pakistan, with about 1 million having fled to other countries. These refugees would like to return to the country of their birth, Afghanistan, to live in peace and freedom among their own people.

Today, March 21, is the day the people of Afghanistan observe the start of the new year—the nation's rebirth.

Gentlemen, let us today, as people who cherish the rights and privileges of freedom, join in our hearts with the Afghan people and continue to support their cause and continue to recognize the struggle that these valiant people are making against the oppression of a formidable, relentless, ruthless, and cruel enemy.

We once again pray for the freedom of all Afghan people.●

AFGHANISTAN COMMEMORATION DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. PORTER. Mr. Speaker, today we are commemorating the infamous day in 1979 when the Soviet Union invaded Afghanistan.

In late August of last year, I visited an Afghan refugee camp in Pakistan and observed firsthand the horrors of the Soviet invasion of Afghanistan. I met many people who have suffered extreme hardship as a result of the invasion and the constant Soviet aggression. The Soviets have utilized every conceivable nonatomic weapon in their arsenal against these people in a concerted effort approaching the threshold of genocide. The Soviets have destroyed their food, contaminated their water, killed their livestock, burned their homes, disrupted their medical care, poisoned their air, and leveled their villages.

The aim is to terrorize and crush the Afghan people into submission, eliminate the nationwide base of support for the resistance, and consolidate the Soviet grip on this highly strategic territory, which is the key to many of Moscows future ambitions in south Asia and the Arabian Sea. In spite of all these nearly insurmountable obstacles, the brave people of Afghanistan are still fighting very effectively for their freedom.

The bravery and valiant effort of the Afghan freedom fighters to regain their freedom and maintain the Afghan culture has not gone unnoticed. I commend these remarkable people and support their cause. I will work to encourage our Government to assist the people of Afghanistan to regain their freedom. For it is in our national interest and that of all other free nations to end this unprovoked aggression against a peaceful free people.●

COMMENDING NBC FOR MISSING CHILDREN PROGRAMING

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity to commend the National Broadcasting Co. for a responsible and a humanitarian contribution to the United States of America, by initiating programing on missing children. Missing children are the greatest fear of every parent and threaten the security of our children and families. They are the anguish of this Nation.

Last fall, after NBC's nationwide broadcast of "Adam," the true story of a kidnaped child, the network aired pictures of 55 missing children. As a result, 15 children who were missing were reunited with their families.

I cannot think of any greater service that the television media could provide than facilitating the return of a missing child. By publicizing the disappearances of these children, NBC has affected the lives of these children and their families forever. They have also highlighted a problem that plagues our national justice system; as there are no national agencies in place handling these matters at this time.

NBC has decided to schedule a weekly series featuring reports on missing children in five cities: New York, Los Angeles, Washington, Chicago, and Cleveland.

While NBC is doing its part to sharpen the public's awareness of this problem, we, in Congress, must also take some immediate steps to coordinate national efforts on behalf of missing children. As a cosponsor of the Missing Children's Act of 1982, I supported the use of the FBI's central computer in searches for lost children and in developing a new file to centralize information on the unidentified bodies of children and adults.

But more action is needed. Currently, I am cosponsoring an amendment to this act which would magnify the help that can be offered to parents in their frantic searches for missing sons or daughters. This legislation would authorize $10 million in seed money for action in several areas. It would help set up a national toll-free telephone line for gathering tips about the whereabouts of missing children. It would also establish a national resource center giving technical help to State and local governments while spreading the word about successful new approaches; and to help public and nonprofit agencies launch research, demonstration, or service pro-

grams, such as stranger awareness instruction for youngsters or voluntary fingerprinting efforts. The bill would require periodic studies of this national tragedy. In addition, it provides for a 3-year renewal of the U.S. juvenile justice and delinquency programs, which help support 200 centers for runaway youths. These centers provide important aid and prevention efforts.

The subject of missing children has fallen into a gray area in our justice system. For too long it has been "a jurisdictional no man's land across State lines and bureaucracies." It is time we change course and begin to deal with this problem by establishing the proper channels in our national system.

Mr. Speaker, NBC has begun a national television campaign that has highlighted a serious problem. It is time for this Congress to move ahead to the next step and support the legislation which will put this national system into place. As a parent, I know there is nothing more precious than my children, and the safety of my family. Let us help other Americans to enjoy this same security. Let us protect the American family.●

MENTAL RETARDATION AWARENESS MONTH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Ms. KAPTUR. Mr. Speaker, several organizations in Ohio's Ninth District have set aside March as Mental Retardation Awareness Month. Their efforts are aimed at promoting the image of persons with mental retardation as "people first" with basic human needs for acceptance, understanding, love, companionship, and opportunities to develop and contribute to their community. The object of this campaign is to educate our citizens in the prevention of mental retardation and the socialization of persons that are mentally retarded.

Significant strides have been made in establishing programs for the education, training, care, and housing of those with developmental disabilities. In just one county in my district, almost 1,500 adults and children with mental retardation are served by a variety of schools, workshops, and infant stimulation programs. Encompassing numerous goals, these programs seek to encourage greater independence on the part of mentally retarded persons, to provide multiple services for area businesses and to assist these citizens by providing job placement opportunities.

A report recently published by the National Council on the Handicapped proclaimed that "people with disabilities have an absolute right and responsibility to participate fully and equally in society and to maximize their quality of life potential in manners of their own choosing. Optimal solutions require individual initiatives by all persons and effective partnerships among individuals, families, communities, nonprofit organizations, the private sector, and government at all levels." I am proud that these organizations in the Ninth District have chosen this month to heighten the public's awareness of the special needs of persons with mental retardation. I commend such efforts to increase the understanding and acceptance of this segment of our population. Their actions have gone a long way in moving persons with mental retardation into full partnership in our community and in creating an atmosphere conducive to the development of citizens who will contribute to our society. I know my colleagues join me in saluting these organizations.●

AFGHANISTAN DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. GEJDENSON. Mr. Speaker, today we honor the courageous people of Afghanistan, who, 4 years after a brutal invasion, still withstand one of the most modern military machines in the world.

Over the last 4 years, the conflict in Afghanistan, far from being the quick takeover first envisioned by Soviet military and political leaders, has turned into a protracted guerrilla war. Because the Afghan freedom fighters constitute a guerrilla movement, strongly supported by the population, the war has taken a high toll of civilian casualties as the Soviet Army attempts to eliminate that base of support. The appalling terror tactics applied in this attempt to subjugate the Afghan people have been documented by human rights groups including Amnesty International and the Paris based group, Medecins sans Frontieres (Physicians without Borders). These tactics include the torture and summary execution of prisoners, the burning of crops and villages, and, most barbaric of all, the use of booby-trapped toys, meant to injure children. This last measure is clearly meant to instill terror in the most brutal manner possible, through attack on the clearly innocent and defenseless.

Under these conditions, Afghanistan has become a nation of refugees; recent estimates indicate that 1 in 3 Afghans is now a refugee. They have fled the embattled countryside, many to Pakistan and Iran, some inward to Kabul, where they are more easily controlled by Government forces. This depletion of the population can only have a destructive effect on the freedom fighters who depend on their support. But despite the horrifying conditions, Afghan fighters have for over 4 years held the forces of the largest and one of the most advanced standing armies in the world in a costly and protracted war. It is difficult to grasp the degree of courage and dedication such a feat requires. We, who value freedom and peace, must be certain that their continuing struggle and prolonged suffering not be allowed to fall into obscurity in the eyes of the world, but that it be remembered and honored everywhere.●

CLARENCE MITCHELL, JR.

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. FORD of Tennessee. Mr. Speaker, the death of Clarence Mitchell, Jr., brings great sorrow to me and to those who knew and respected his lifelong dedication to equality and civil rights. Clarence Mitchell was a giant, who stood tall among his people. His efforts and commitment to the goals of equality have, over the years, blazed a trail which provides a path for thousands, including myself, to travel.

As a young reporter for the Baltimore Afro-American newspaper, Clarence Mitchell decided to spend his life improving civil rights for black people after witnessing a lynching in 1933. A graduate of Lincoln University in Chester, Pa., he continued his education by obtaining his law degree from the University of Maryland.

Clarence Mitchell used his knowledge of the law to work quietly in the halls of Congress to bring about social change. He was so effective in helping to pass civil rights legislation, that he was often called "the 101st Senator." During the early 1950's, he worked hard to pass the 1946 Civil Rights Act. He was also one of the leading forces in the fight to establish the Civil Rights Commission in 1961. He was recognized as the author of the title VII provision in the 1964 bill which required equal employment opportunity. He lobbied heavily for passage of the 1965 Voting Rights Act and the 1968 Fair Housing Act.

My friend, Clarence Mitchell, was one of the founders of the Leadership Conference on Civil Rights. He was labor secretary of the National Association for the Advancement of Colored People and a director of the NAACP's Washington bureau. He was appointed as a representative to the United Nations by President Ford and

was a member of the board of regents of the University of Maryland.

Because of his love for his fellowman, his leadership, and his achievements, President Carter awarded him the Nation's highest civilian honor, the Presidential Medal of Freedom.

Clarence Mitchell was a rare individual who unselfishly gave of himself so that others might live to experience the freedom and equality this country was founded upon. He provided an avenue to all people to grow and prosper. Clarence Mitchell will be greatly missed, but his legacy has given us a torch which will continue to light the way, on the path of freedom, which many have taken, and many more will take in the future.

Clarence Mitchell was a great American and his deeds will live on, through us, forever.●

150TH BIRTHDAY OF SAMUEL LANGHORNE CLEMENS

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. VOLKMER. Mr. Speaker, in 1985, we will mark the 150th birthday of Samuel Langhorne Clemens, one of America's favorite humorists. Clemens, who wrote under the pseudonym of Mark Twain, has been celebrated as one of the premier figures in American literature.

Twain's writing made famous the spirit of adventurous youth. His most beloved characters and works centered around his boyhood along the Mississippi River.

His works capture the irreverence of folksy, no-nonsense Missouri, poke fun at pomposity and reflect the enterprising souls of people trying to succeed. His most famous book is "The Adventures of Tom Sawyer," about the boy loved worldwide for getting other children to do his chores. Twain's characters, Tom and Huck, Becky, Aunt Polly, Injun Joe, and Jim are an important part of the cultural heritage of America.

His works have been translated into more than 50 languages, attesting to the universal appeal of his stories. Films and plays of his works have been produced in numerous countries. His acerbic aphorisms are quoted daily by writers, journalists, speakers, comedians, and others.

The sesquicentennial of Mark Twain's birth will be celebrated worldwide in 1985. The headquarters for this birthday party will be Hannibal, Mo., the Mississippi River community where Twain spent his boyhood. While Twain lived in different parts of the country during his lifetime, his early childhood and adolescent years in Hannibal provided him with the basic themes of his work. It is appropriate that Hannibal will serve as the center site for the celebration.

Planning has begun, spearheaded by a city commission of 15 Twain enthusiasts. Events include an ongoing riverfest featuring riverboats and sternwheelers, exhibits and races, a film festival, a book fair, seminars with well-known American writers and humorists, outdoor concerts and plays, rehabilitation of parts of the historic district, performances by local, State, and nationally known entertainers.

All of this will culminate in a gala finale on November 30, 1985, the 150th anniversary of Twain's birth date.

The world is invited to attend this 7-month celebration. Although all of America lays claim to Twain, his boyhood home of Hannibal is where the heart of his writing begins. I urge my colleagues to join with me in wishing the best to Hannibal as the city plans this major celebration and extend to the Nation an invitation to come and take part in this celebration of American spirit and laughter.

BIG BAND SOCIETY OF DELAWARE VALLEY TO SET UP BIG BAND HALL OF FAME

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. CARPER. Mr. Speaker, it is my honor today to rise in recognition of a distinguished group of Delawareans dedicated to preserving a precious piece of Americana—the big band sound.

With the passing of time, the big band era is slowly but surely being lost to posterity. Throughout the 1930's, 1940's, and 1950's, nationally renown big bands thrilled audiences coast to coast. The bands of Glenn Miller, Jimmy and Tommy Dorsey, Harry James, Artie Shaw, and Sammy Kaye, to name but a few, created a dynamic sound that became an indigenous American art form.

A group of my constituents, Mr. Speaker, is determined not to let the big band sound disappear. The Big Band Society of Delaware Valley, a Delaware chartered, nonprofit, fraternal organization, is devoted to perpetuating big band music and the entertainment values of a bygone era.

The society's first priority is to establish a Big band Hall of Fame designed to "accomplish the lasting preservation of the big band era for posterity as an integral segment of our national arts heritage."

Naturally, the society would like to locate the Big Band Hall of Fame in the heart of the greatest little city in this country: Wilmington, Del. Wilmington would be an ideal location for such an enterprise. Strategically located between Baltimore and Philadelphia, and situated within easy driving distance of New York and Washington, Wilmington would provide the Hall of Fame with a convenient and accessible headquarters.

The Big Band Hall of Fame would be a fine addition, not only to the great city of Wilmington, but to the cultural landscape of this country. The infectious music of Glenn Miller and his brethren would be preserved for future generations of Americans. The Big Band Society of Delaware Valley and its president, Mr. Richard E. Kyle, deserve our thanks and praise for taking on this most worthy project.●

TIME TO MAKE PERMANENT THE CHARITABLE CONTRIBUTIONS DEDUCTION FOR NONITEMIZERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. MAZZOLI. Mr. Speaker, Mr. Speaker, prior to 1982 only taxpayers who itemized their tax returns—usually those from higher income brackets—were able to take a tax deduction for their charitable contributions.

In 1981 Congress ordered the charitable deduction to be available to nonitemizers. Unfortunately, this provision is due to expire in 1986. It should become a permanent part of the Tax Code, and I urge my colleagues to join me in supporting H.R. 1315, legislation which would make the deduction permanent.

It has been estimated that allowing nonitemizers to deduct for their charitable contributions could generate over $5 billion a year for nonprofit organizations across the Nation who are involved in humanitarian and other community aid programs. That amount could help to make up for the Federal cutbacks in programs to help the poor, the elderly, the disabled, the sick—the list goes on and on.

But just as importantly, it encourages charitable giving at all income levels—not just among the wealthy—and it broadens the base of support for charitable programs within the community.

There appears to be broad bipartisan support for the measure. I hope it can be brought out of committee and voted on in a timely fashion. The need for voluntary giving to charitable organizations is greater than ever these days. This legislation is one way to encourage such giving.●

RECOGNITION FOR THE CITY OF NORWALK, CALIF., ANNUAL MAYOR'S PRAYER BREAKFAST

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. TORRES. Mr. Speaker, on Wednesday, March 28, the annual Norwalk Mayor's Prayer Breakfast will be held at the Masonic Lodge in Norwalk, Calif.

This annual prayer breakfast was established in 1975 by local residents and members of the Norwalk City Council. Since 1975 over 4,000 Norwalk residents and business leaders have attended this annual gathering.

This year's event will be hosted by Norwalk Mayor Margaret "Peg" Nelson. The guest speaker will be Los Angeles Rams linebacker George Andrews. Previous guest speakers have included Actor/Singer Pat Boone, Los Angeles Dodgers Manager Tom Lasorda, Los Angeles Sheriff Sherman Block, Actress Rhonda Fleming and Lt. Comdr. Stephen Harris of the U.S.S. *Pueblo.*

Mr. Speaker, I ask my colleagues to join me in extending best wishes to Mayor Nelson the other members of the city council and the residents of Norwalk for a successful event.●

TRIBUTE TO AFGHAN FREEDOM FIGHTERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. BIAGGI. Mr. Speaker, this day has been designated as Afghanistan Day in the United States. At this time I would like to pay tribute to the thousands of Afghans who are fighting to regain their freedom.

In December 1979, the Soviet Union invaded Afghanistan in an attempt to impose a Marxist dictatorship on the Afghan people. Despite the deployment of over 100,000 troops and the use of sophisticated military hardware, the Soviets have been unable to subjugate the Afghan people. Upon the violation of their soil by Soviet troops, the spirit of the Afghan people was stirred and a desire for freedom propelled the formation of a resistance movement that has refused to submit to the Soviet Red Army. Many of these courageous freedom fighters have lost their lives over the past 4 years in this heroic struggle. The fact that these freedom fighters have endured this struggle and continue to fight on against Soviet tyranny is a testament to their great dedication and commitment to freedom.

Much to the dismay of the Soviet leaders, the mighty Soviet Army has been unable to defeat the Afghan freedom fighters. The Afghan freedom fighters have harnessed the awesome power of the human spirit, and the Soviets are beginning to understand that military brutality is not enough to deprive a strong-willed people of their freedom. Despite limited resources and limited manpower, the Afghan freedom fighters carry on their struggle, a struggle that must not go unrecognized by those in the free world.

By honoring these hardy freedom fighters we here in Congress display our unbending support for their cause and our deep concern over the continued suffering of the Afghan people and the threat to world security posed by the Soviet military presence in Afghanistan.

We must not relent in our support for the Afghan freedom fighters. Our continued support for the cause of freedom and justice in Afghanistan sends out a signal of hope to all those living under the yoke of Soviet-sponsored oppression who seek freedom and self-determination.●

LOWRY MEDICARE REFORM

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1984

● Mr. LOWRY of Washington. Mr. Speaker, the medicare trust fund is in peril for it could go bankrupt within the next decade. But every time a hospital is sold, medicare rules allow the hospital to increase its charges to medicare, even though no improvements are made in patient services or in the hospital's facilites. A New York Times editorial has described this medicare policy under the heading, "Medicare's Whirring Money Machines." A recent GAO report shows how it costs medicare millions of dollars. And the Congressional Budget Office has identified its reform as a way to produce $830 million in medicare savings over the next 5 years.

Why does the sale of a hospital cost medicare money? Under existing medicare rules, the owner of a hospital is allowed to bill medicare for a portion of certain capital-related expenses. These include depreciation, interest on borrowed money, and a fair return on the owner's investment in the hospital if it is a for-profit facility. (The latter is also known as a "return on equity.") The portion of these expenses billed to medicare is determined according to the hospital's medicare patient population.

When the hospital is sold, the new owner is allowed to revalue the hospital's facilities and equipment, that is, to step up their value to a new level. This level is usually the purchase price of the hospital, which is, in turn, used to determine how much medicare will reimburse the hospital for depreciation, interest expenses and a return on equity. The effect of this revaluation is that medicare can end up paying for the asset a second time at a higher price. This is a costly and unjustifiable expenditure of medicare funds.

Last year the GAO issued a report, requested by Congressman GRADISON, which helped to bring this issue to the public eye. The report showed how the purchase of one major hospital chain by another resulted in significantly increased costs for medicare. Because the hospitals changed hands, medicare permitted the new owner to revalue its acquired assets. This increased the depreciation and interest costs of the purchased hospitals by $55 million. After examining the books of two hospitals involved in the merger, the GAO concluded that the sale had increased medicare's costs by $26 and $21 per patient day respectively, although no improvements were made to the facilities or to the services provided to patients.

The GAO audit demonstrated how extremely costly hospital acquisitions can become for medicare. It showed how, within a short period of time, a set of hospitals had been sold and then resold, each time being revalued upward, and each time adding to medicare's costs. It pointed to the failure of the Health Care Financing Administration, which administers medicare, to enforce existing regulations governing the extent to which interest and return on equity costs are allocated to medicare when hospitals are sold. And it pointed to the inefficiencies encouraged by a system of reimbursement which requires medicare to pay for marketplace transactions which produce no change in the quality for quantity of patient services.

More recently, the Congressional Budget Office has identified medicare's capital reimbursement policies as an area for potential medicare savings. Specifically, CBO estimates that we could achieve a 5-year savings for medicare of $750 million, and an $80 million savings to medicaid, by disallowing revaluation for assets acquired in fiscal year 1985 and after, and by restricting the ability of hospitals to charge medicare for the increased costs of interest and return on equity resulting from hospital sales.

On March 20, I introduced legislation to change the way in which medicare reimburses hosptials for capital-related costs that result from the sale of hospital assets. Under my bill, medicare would no longer allow a hospital to revalue an asset upon its purchase for purposes of reimbursement. It would, in addition, strictly limit the amount medicare pays for the increased costs of interest and return on equity resulting from the sale. It does

this by limiting reimbursement for these expenses to the net-book value of the asset, which is defined as the value of the asset on the date prior to the change of ownership less accumulated depreciation. In sum, the bill is designed to insure that costs to medicare do not increase just because the hospital has changed ownership. It does not affect, however, other forms of transfers of assets such as stock mergers or consolidations. These would remain subject to existing regulations.

This bill is not intended as a comprehensive solution to the capital costs issue. I hope that such a solution may be shaped before October 1986, when capital costs are scheduled to be brought under the DRG prospective payment system. Instead, this bill is meant to provide a short-term way of saving medicare funds in a manner that will not reduce benefits or increaase cost-sharing for beneficiaries. Some of the largest hospital chains have indicated that they expect to spend many billions of dollars acquiring facilities over the next few years. My bill is unlikely to curb this acquisition fever since its driving force seems to be the accelerated depreciation provisions of the 1981 Economic Recovery Tax Act. However, unless we place a moratorium on revaluations for purposes of medicare reimbursement, medicare will end up paying millions of dollars for sales which will produce no change in patient services. My bill will provide this moratorium. I urge my colleagues to support this measure.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 22, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 23

10:00 a.m.
Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Donald D. Engen, of Virginia, to be Administrator, Federal Aviation Administration, Department of Transportation.
SR-253

Finance
To hold hearings to examine the current status of the trade deficit.
SD-215

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dennis R. Patrick, of the District of Columbia, to be a Member of the Federal Communications Commission.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 2436, authorizing funds through fiscal year 1989 for the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Finance
Savings, Pensions, and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 2096, proposed Residential Mortgage Investment Act of 1983.
SD-215

2:00 p.m.
Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Labor and Human Resources
To hold oversight hearings on U.S. relations with the International Labor Organization.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.
SD-192

* Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 2171, to revise the patent law to establish uniform policies and procedures for patent rights in inventions developed with Federal assistance.
SD-226

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.
SD-124

Appropriations
Interior and Related Agencies Subcomittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the

Bureau of Indian Affairs, Department of the Interior.
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Commerce, Science, and Transportation
To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SD-106

9:30 a.m.
Appropriations
Defense Subcommittee
To hold open/closed hearings to review Salt II violations.
SD-192

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.
SR-328A

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine the current situation and prospects of the international debt.
342 Cannon Building

10:30 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal criminal code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.
SD-342

Rules and Administration
To resume hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.
SR-301

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.
SD-138

Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Select on Indian Affairs
To hold hearings on S. 2403 and H.R. 3259, bills to declare that the United States holds certain lands in trust for the Pueblo de Cochita in New Mexico.
SD-562

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine catastrophic health care insurance for the elderly.
SD-538

1:30 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review National Airport's scatter plan.
SD-106

Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on U.S. participation in the international energy program.
SD-366

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

*Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253

*Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-232A

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the

Public Health Service Act, focusing on title X (family planning).
SD-430

11:00 a.m.
Energy and Natural Resources
To resume oversight hearings to review the report and recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Select on Intelligence
Budget Subcommittee
Closed business meeting, to consider proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

APRIL 6

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings on North American gas reserves and resources.
SD-366

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2125, proposed Arkansas Wilderness Act of 1983.
SD-628

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

Environment and Public Works
Transportation Subcommittee
Business meeting, to consider proposed legislation authorizing funds for the Federal aid highway program of the Department of Transportation.
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

Veterans' Affairs
To hold hearings to review veteran's health programs.
SR-418

10:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m
Commerce, Science, and Transportation
Surface, Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the strategic petroleum reserve, and the naval petroleum reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act, and the Adult Education Act.
SD-430

APRIL 23

1:30 p.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to examine the impact of occupational disease.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SD-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
SD-407, Captiol
Environment and Public Works
Business meeting, to consider proposed legislation authorizing funds for the Federal aid highway program of the Department of Transportation.
SD-406
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1816, to require the labeling of textile fiber and wool products as to country of manufacture.
SR-253
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on S. 1858, making a technical correction to the legislative veto provisions of the Self-Government and Governmental Reorganization Act of 1973 (Home Rule Act).
SR-385

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume oversight hearings on the Federal food stamp program, and the Child Nutrition Act (Public Law 89-642).
SR-232A
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-562

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138
Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings to examine the impact of occupational disease.
SD-430

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

MAY 2

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommitee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
S-138

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. Territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold hearings on veterans' compensation programs.
SR-418

MAY 15

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S.1405, proposed Federal Neutrality Act of 1983.
SD-226

JUNE 6

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation, and a proposed construction resolution.
SR-418

CANCELLATIONS

MARCH 22

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Headstart programs.
SD-562

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services.
SD-116

APRIL 3

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

APRIL 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, March 22, 1984*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, Your love is manifest in the magnificence of the world, and in the deeds of faithful people. Send Your spirit in our lives that we will not be content with accepting the discouragements of the past or the frustrations of the moment, but will dedicate ourselves to all that is right and good and true. May we, in some small measure, radiate with the spirit of Your love and thus bring life and light to what we do and to the people we meet.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate having proceeded to reconsider the bill (S. 684) entitled "An act to authorize an ongoing program of water resources research, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message also announced that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, later today, we will consider the rule for consideration next week of H.R. 3755, the Social Security Disability Benefits Reform Act.

As a cosponsor of this bill, I consider its passage critical if we are to rectify an injustice directed at hundreds of thousands in our Nation. For several years, this administration has conducted a full-scale purge of the social security disability rolls. They have operated with a callous mentality presuming people to be ineligible.

I recognize that Government has a responsibility to review those programs where Federal funds are provided. However I also recognize the difference between review and this type of arbitrary procedure which cuts off benefits first and reviews later.

Clearly, the end has not justified the means. Of an estimated 470,000 persons terminated from the program, almost one-third, or 160,000, have had their benefits fully restored after an appeal. Another 120,000 cases still have appeals pending. Another 100,000 cases have been ordered reopened by Federal district courts. That is 380,000 out of 470,000 cases that have or could be reversed.

Government to be most effective must combine efficiency with compassion. However, in this sad saga of disability review, we have seen the false pursuit of efficiency result in the total abandonment of compassion. I urge support of the rule and H.R. 3755, for it offers a real remedy.

UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE WOMEN WIN NATIONAL BASKETBALL CHAMPIONSHIP

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, I am pleased to announce that today has been proclaimed "University of North Carolina at Asheville Women's Basketball Day" by the city of Asheville, N.C.

Last Saturday, the UNC-A womens' basketball team defeated the University of Portland at Cedar Rapids, Iowa, to claim the National Athletic Intercollegiate Association basketball championship.

The Lady Bulldogs were led by captain and all-American Sheila Ford, who is the first woman in collegiate history to score 2,000 points and grab 2,000 rebounds.

The UNC-A women finished their season with a record of 32 wins and 5 losses. Although they were seeded 9th in a field of 16 teams, they snapped the 47-game winning streak of No. 1-ranked and two-time tournament winner Southwestern Oklahoma University on their way to the title.

This victorious season is a tribute to Head Coach Helen Carroll, who is leaving coaching after this school year; to Athletic Director Ed Harris; and to University of North Carolina at Asheville's Chancellor William Highsmith. Coach Carroll's career has been distinguished by a commitment to academic and athletic excellence and fair sports competition.

I am proud of the manner in which the UNC-A women's basketball team has represented the 11th District of North Carolina and wish to congratulate all members of this outstanding basketball team on their championship season.

PLAYING POLITICS WITH AFRICAN FOOD AID?

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, 2 weeks ago, the House voted in a bipartisan spirit, 374 to 29, to appropriate $150 million in emergency food assistance to Africa. Both the U.S. Department of Agriculture and the U.N. Food and Agriculture Organization agree on the urgent need for emergency food aid to the 24 African nations most severely affected by the drought.

Further, both of these organizations agree that over 75 percent of Africa's food needs, almost 1 million tons of grain, must be received by June of this year to help avert disaster. In order for this to happen, to allow for the 3-month lagtime in processing this aid, the President must sign emergency food aid legislation this month.

Now, however, it appears that this emergency legislation has become embroiled in the administration's requests for $93 million in supplemental military aid to El Salvador and $21 million to the Nicaraguan contras. Regardless of where each Member stands on these proposals, all of us agree that these proposals must have the benefit of a thorough debate, especially in light of the fact that this body rejected the covert Nicaraguan aid on two separate occasions last year by solid margins.

Furthermore, over $20 million in military aid is already available to El Salvador this year. If El Salvador is in such desperate need of emergency military aid, why can not the Government push for an early verdict in the trial for those accused of killing the American nuns in 1980, a trial which has continued to be dragged out without hope of resolution, on which this aid was made contingent by this Congress.

Clearly, the aid proposals for El Salvador and the Nicaraguan contras must receive a full and open airing. Let us avoid at all costs allowing this

emergency assistance to Africa to become the victim of partisan wrangling over this administration's Central America policy. We must not let the people of Africa down, people who are now in such desperate need of our help.

COMMISSION ON ISSUES OF RELIGION AND CONSCIENCE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the people of this Nation have strong personal views on abortion, prayer in the schools, tuition tax credits, and several other similar religious and conscience issues. As these issues have recently begun to be sloganized and misused in the rhetoric of the 1984 campaigns, it has become increasingly evident and obvious that this is a dangerous way to proceed in a pluralistic society. It is a destructive course of action for a nation which greatly values liberty and diversity. It is for this reason that I am urging my colleagues to join me in calling for the appointment of a nonpartisan, independent commission to study and report on issues of religion and conscience.

To remove these emotion-laden and very divisive issues which are growing in intensity each day from the 1984 partisan campaigns, this Commission on Issues of Religion and Conscience should be requested to issue a report on the results of its study and review on, or shortly after, December 1, 1984.

Partisan, political debates on religious and personal conscience issues dishonor the memory of the Framers of our Constitution. The current, massive effort to bully and stampede the American people into a hastly mutilation of the Constitution must be resisted. We owe a great debt to Jefferson, Adams, and the other early disciples of tolerance. Those who call for constitutional change must not be ignored. But, instead of election-time rhetoric, the careful deliberation of a broad-based, nonpartisan commission should provide the vehicle for the channeling of this new dissent and widespread pressure for constitutional change.

Issues of religion and conscience are inappropriate in a partisan campaign because they are so very personal and emotional; and because such issues have not yet reached a stage where a national consensus exists even on the rules for debate. It should not be difficult for us to understand why it is easy to escalate hostility and hard to find agreement when the discussion begins with both parties calling each other murderers, blasphemers, or worse. The bloody, and seemingly endless, conflicts in both Lebanon and Northern Ireland are based on religious disagreements. To avoid an America seething with religious hatred we must resolve to end the partisan use of these issues which harden positions, mask areas of mutual agreement, and work against the development of a consensus which could become part of our national life.

America was founded by groups seeking escape from religious persecution. Our country is much older now and the world is more complex, but these times are not so difficult that we should rush into change without appropriate deliberations. In a stampede, a people, like a herd, is both destructive and easily divisible. We must not allow this to happen.

It is my hope that all of my colleagues will join me in this call for the appointment of a nonpartisan Commission on Issues of Religion and Conscience.

LOOPHOLE OF THE WEEK

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, do you think the average American taxpayer knows that he or she is subsidizing business executives who purchase a Rolls-Royce or a Mercedes-Benz?

The 1981 Reagan Tax Act was a bonanza for luxury car lovers. The "Loophole of the Week" is "luxury cars written off as business expenses."

Yes, America; ordinary taxpayers shoulder up to half the cost of luxury cars purchased by wealthy business executives. By using accelerated depreciation and investment tax credit provisions, a buyer of a $109,000 Rolls-Royce can receive up to $65,000 in tax savings over 3 years. Not bad. It is thus no surprise that Rolls-Royce dealers gladly use tax breaks as an advertising lure.

The problem is not merely one isolated purchase of a yellow Rolls-Royce. In fact, Uncle Sam could save about $1 billion over the next 4 years by limiting business tax writeoffs to the average cost of an American car, roughly $10,000 in 1982.

Average American taxpayers cannot use tax breaks to purchase their standard, essential automobiles. They surely should not have to subsidize a business executive's purchase of a luxury car. Let us think about the person driving the standard Chevy, not the person driving the luxurious Rolls-Royce.

THE COMPROMISE BUDGET

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, we have been reading about the President's new, so-called, compromise budget. It is important to understand that the President has compromised only with the Republicans. The President has not talked with the Democrats in the budget summit which he requested. He has not even met one time with the Democrats. That is not a compromise; that is purely partisan.

It is also necessary to understand that in the President's budget spending for the Pentagon will not be cut as he says. Rather, it will continue to grow. Not one weapons system is cut; not one tank, not one ship, not one bullet is cut back from this year's production.

Yes; all of us want to compromise. A good beginning would have been for the President to show up for at least one meeting, with both the Democrats and Republicans, meeting at the budget summit. He should have attended and he should have talked about real savings in spending, including savings in the Pentagon.

THE TRUTH-IN-SAVINGS ACT

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, as tax time nears every year, the newspapers abound with advertisements for individual retirement accounts at rates of interest that look too good to be true. Advertisements for interest rates of 16, 17, even 25 percent are not uncommon. The fact is that 25 percent interest rates are too good to be true.

Today, I am introducing legislation that will go a long way toward eliminating the confusion caused by these misleading advertisements. The Truth-in-Savings Act is a simple consumer information bill that will guarantee consumers the information they need to make informed decisions about how to invest their savings dollar.

The bill will make banks and savings and loans responsible for presenting their advertisements for savings accounts in a clear fashion that the average saver can understand. This will remove the need for consumers to decipher the confusing claims.

Since the Federal Government insures these deposits, it is not unreasonable to ask that banks, savings and loans, and other depository institutions refrain from the use of misleading claims in their advertisements.

The Truth-in-Savings Act will help to remove the fine print from financial advertising. It will not cost the Federal Government nor the financial institutions any money. It will give Americans a fair shake, not a shakedown.

A TRIBUTE TO SGT. JAMES T. (TINY) MARTIN OF THE CAPITOL POLICE FORCE

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, I want to take this time to inform my colleagues that our good friend, Sgt. James T. (Tiny) Martin, of our Capitol Hill Police Force, is in Wyman Park Hospital in Baltimore.

He has served us faithfully on the force for almost 15 years, and we really miss seeing him at his post on the Capitol steps. He is certainly a dedicated public servant, diligent in his duties, and a friend to all of us.

Over the years, he has received several commendations for his work, and I am sure each one of us remembers an occasion when he was helpful.

Mr. Speaker, I know the Members join me in wishing Sergeant Martin a speedy recovery.

We miss him.

THE UTAH FEDERAL AND STATE LAND MANAGEMENT IMPROVEMENT ACT OF 1984

(Mr. HANSEN of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Utah. Mr. Speaker, I am today introducing the Utah Federal and State Land Management Improvement Act of 1984, a bill which has accurately been referred to as Project Bold. If enacted, this bill will solve one of the greatest causes of conflict in Federal-State relations in the West. It could also be a means whereby our Nation can achieve greater independence in critical energy and natural resources. Most importantly, this bill will allow the economies of Western States to grow.

When Utah became a State, it, like most Western States, was granted widely scattered sections of public lands. These sections of land were to be used for the support of the public schools in Utah. Most of these sections are located in national parks, military and Indian reservations, etc. These scattered sections have been extremely difficult to manage.

After 3 years of intensive discussions throughout the State, Utah Gov. Scott Matheson developed his Project Bold proposal. It calls for the blocking of State lands into manageable parcels by legislation, not piecemeal exchange. That proposal is the basis of the bill I am introducing today.

I sincerely hope that all groups interested in improving the management of our public and State lands, and the wise development of our natural resources, will support this major piece of legislation.

SOVIETS ACCUSE UNITED STATES OF ANTI-SEMITISM

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, I must bring to the attention of the Members an article that appeared in the Washington Post last week, and I want the Members to listen to this because it is absolutely mind boggling.

The Soviet Union accused the United States of practicing anti-Semitism and said that discrimination against Jews "has struck its deep poisonous roots" everywhere in American society.

"Not a week, perhaps, passes without arsons, demolitions of synagogues, and desecration of Jewish cemeteries in this or that area of the U.S.A., without fascistic thugs daubing swastikas on houses where Jews live, or without threats of physical violence against Jews—the citizens of 'free America,'" the official news agency Tass said.

Mr. Speaker, I do not understand how anyone in the Soviet Union can print such a report. The Soviets have failed to live up to the agreements of the Helsinki accords, they have violated every human rights agreement they have ever signed, and it is about time that those people in the Soviet Union tell the truth to the Soviet people and obviously to the people of the world. This is an absolute outrage.

FURTHER MESSAGE FROM THE SENATE

A further message, by Mr. Sparrow, one of its clerks, also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

CALIFORNIA AND MONTANA NEARING INITIATIVE VOTE ON CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I would like to bring to the attention of the Members of the House the fact that the secretary of state of California at Sacramento yesterday notified my office that we have qualified a measure to appear on the ballot in November of this year which will permit the citizens of California to vote to decide whether or not we, in California, choose to make California the 33d or 34th State in the Union requiring that the Congress of the United States propose a constitutional amendment to the States for their consideration which will mandate a balanced budget.

Such an amendment is pending now in the—well, it is buried in the Rules Committee of our House, and that is House Joint Resolution 243. I would hope that the leadership of this House will permit that proposed constitutional amendment to come to a vote before we conclude our work this year in order to avoid a confrontation with the Constitution.

Mr. Speaker, there is an initiative also being circulated in the State of Montana, I am told, which will appear hopefully on the ballot in November, and it will be unwise to have the 33d and 34th States of the Union adopt this proposal and the Congress not act. I would not want to have this House in a position of being at variance with our Constitution.

CHILD DISAPPEARANCES CONTINUE TO BE A PRESSING PROBLEM

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, the disappearance of a child is the most traumatic thing that can happen to a family.

Each year, over 50,000 children disappear from their homes. Between 4,000 and 8,000 of these children are later found dead. Very often they have been tortured and murdered.

A major problem in locating missing children and identifying bodies is the lack of coordination between Federal and local law enforcement agencies. Child disappearances have too often been treated as a purely local affair, even though it is a simple matter to take an abducted child across State or local borders.

Two years ago, Congress passed the Missing Children Act. This act was designed to improve Federal recordkeeping in order to help in the search for children who have run away from home or who have been abducted.

The Missing Children Act was a start, but we need to do more. This is why I have been working to include new provisions in the upcoming Juvenile Justice Act reauthorization to provide for Federal training of local officers for improved handling of child disappearances, for a hotline that informants will be able to call if they think they know the whereabouts of missing children, and other provisions.

Mr. Speaker, our children are our future. When they are stolen from us, we must do everything possible to find them. Accordingly, this new legislation is long overdue.

□ 1120

CAPPING THE MERGER MANIA IN THE OIL INDUSTRY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, in 1959, a freshman Congressman from Massachusetts rose to address this body. He warned that the oil industry—once armed with import restrictions—would soon have the consumer on "bended knee."

Mr. Speaker, I am here again today with a similar warning. If the current merger mania is allowed to continue, the oil industry will again force the consumer to bended knee. The monopoly game being played by big oil is not the Milton-Bradley version, but the real-life version. Go around the board, gobble up as many big oil companies as you can, and then pass "go"—not to collect $200 but billions of dollars—that is right—I said billions.

It is an instant replay of the monopoly game played by big oil at the turn of the century. I can see Rockefeller, Mellon, and the rest wringing their hands now, wishing that they, too, could play in today's version.

We must act now before the merger wave crests, and the only thing getting drilled is the American people, and the only thing getting pumped is huge profits from the pockets of consumers.

I urge my colleagues to support my 9-month moratorium bill, H.R. 5175, so that we may have the time to responsibly address this madness.

A SLEAZY OPERATION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, tell me if this scenario sounds familiar. A man appears before a congressional committee to testify. Later, some of his testimony does not seem to square with the facts.

It is learned that money changed hands. Later, favors were supposedly performed. There are memory lapses, incomplete recollections, reversals. Someone describes the whole thing as a "sleazy operation."

Sound familiar? Well, guess again. I am not talking about the persecution of Edward Meese. I am talking about a real sleazy operation—the attempt by former Ambassador Robert White and the Reagan haters of this Congress to undermine America's foreign policy in El Salvador.

On February 2, White testified before our Foreign Affairs Committee that he had evidence implicating the Reagan administration in the work of the infamous Miami six. He told of Salvadoran exiles who were allegedly funding the death squad activities of Roberto D'Aubuisson.

But now the truth is out. Mr. White admits he may have misquoted a report. The so-called credible witness to Government atrocities turns out to have been paid for his testimony.

It is a funny thing though, Mr. Speaker. When Mr. White spread his poison in our committee, few bothered to even question it. Some welcomed him as a hero. The media printed his slander, never bothering to check it for facts. If they had, Mr. Speaker, they would have learned, as I did, that one of the Miami six was dead, and the other two had never even met.

One grand inquisitor of Ed Meese says he has 200, 300, or 400 questions about Meese's personal integrity. Really? And not one single question about Mr. White's treachery?

When Mr. White testified, I demanded he do so under oath. Well, Mr. Speaker, maybe the House should consider prosecuting him for perjury.

What is good enough for a faithful White House servant is more than good enough for a sleazy operator like Mr. Robert White, Mr. Speaker.

AN ECONOMIC REVIVAL

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, the President issued his report on the state of small business this week and like the rest of the economic good news we have heard lately it has gone too little noticed.

The flash GNP report that came out this week brought forth more good news that many of the seers of doom can handle. The fact of the matter is that this country is in the middle of an economic revival that has outperformed the expectations of most economists. It was only a year ago that we had to endure a series of predictions of gloom and a demand for higher taxes and Government created jobs in order to cure the economic troubles that this administration had inherited.

Now today we stand amidst a recovery that has produced 500,000 jobs in the last month alone. A recovery that has benefitted every sector of America that is willing to compete in the marketplace and small business is certainly the central thrust of that effort. It is hard to believe that there were Members of this body who were willing to spend billions to create a handful of jobs at a very high cost when all that was really necessary was to unleash the productive might of the American businessman and woman.

Small business has done very well in this recovery and now in the expansion but we owe great debt to those millions who hung tough and today are able to take advantage of the most desirable economic climate in many years.

UNITED STATES AND COLOMBIAN COOPERATION IN MASSIVE DRUG BUST

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I rise today to call special attention to the enormous drug bust which was carried out earlier this week in a remote section of Colombia in South America.

Colombian police, working in cooperation with the U.S. Drug Enforcement Agency and the American Embassy there, seized nearly 14 tons of cocaine in the raid—roughly equivalent to one-fourth of the annual consumption of cocaine in the United States.

To say the least, this massive seizure is going to put a serious dent in the cocaine industry in America.

Beyond that, however, this successful raid is clear proof that the most effective way to control drug trafficking in the United States is to eliminate the drugs in their source countries, before they can enter our borders.

We cannot wage an effective war against drugs in this country without a comprehensive Federal policy which emphasizes crop eradication and enforcement in source countries.

Five countries alone—Mexico, Peru, Bolivia, Colombia, and Jamaica—are known to supply almost 100 percent of the cocaine, up to 90 percent of the marihuana and one-third of the heroin crossing U.S. borders.

It is imperative that this administration and Congress step up their efforts to enter into formal agreements with these countries to support their crop eradication and enforcement efforts, and to help curtail the production of drugs.

In the meantime, I wish to commend the Government of Colombia, the Drug Enforcement Agency and FBI as well as other participating agencies for carrying out what is far and away the largest drug bust in history. They deserve our congratulations and thanks for a job well done.

LOOPHOLE OF THE WEEK—R&D EXPENSES AND FOREIGN INCOME (1.861-8 REGULATIONS)

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, as part of our effort to call attention to tax loopholes, I would like to draw your attention to a tax loophole—a moratorium on R&D source allocation rules—that

would expire if the proposed 2-year extension in the Senate Finance Committee tax bill were rejected in conference by the House.

The moratorium gives multinational corporations the advantage of saying that some of their American income is foreign income. Once they have put the foreign label on that American income, it can escape U.S. tax. Foreign income can be tax free, but the foreign tax credit should never let taxpayers eliminate U.S. tax on the income they earn here in America.

What happens when the fruits of American research leave America? If a multinational company invents a new product in a laboratory in Ohio, it can use that product in its foreign manufacturing plants. Nonetheless, this moratorium proposal subtracts all the expenses of the Ohio laboratory from American income—income that the United States should tax. Under this proposal, none of the research expenses reduce foreign income that may already be tax free, even though the company uses the research from the laboratory to produce tax-free foreign income. That does not make sense.

Some say that this moratorium is necessary because foreign countries tax our U.S. companies too much. Even if that is true, we cannot give away our tax base just because other countries' taxes are too high.

This rule came into the law at the last minute during consideration of the 1981 tax bill.

Treasury estimates that 85 percent of this revenue loss benefits 24 companies on the Fortune 100 list. These 24 companies are big multinationals with foreign plants. These beneficiaries are not small high-tech companies that operate only in the United States.

Companies that operate only in the United States do not care about this issue. The taxpayers who most want R&D expenses to reduce U.S. income are the taxpayers who have shifted their manufacturing operations to foreign countries.

I urge my colleagues to keep their eye on this provision in the Senate tax bill and to insure that the House rejects it in conference.

REAGAN ADMINISTRATION CROSSES ANOTHER LINE IN CENTRAL AMERICA

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, the Reagan administration has crossed another line in Central America. U.S. military planes have begun flying over El Salvador, performing intelligence missions for the Salvadoran Armed Forces in their war against the guerrillas.

This is an alarming escalation of U.S. participation in Central American warfare, but it will not be the last.

General Gorman, President Reagan's commander in Central America, has already requested that U.S. planes attack the Salvadoran guerrillas.

And the Reagan administration plans to put U.S. combat troops in Honduras on the border with El Salvador, where the greatest guerrilla concentrations are.

Our Central America policy is going out of control. We are headed for war.

And we are not talking about another Lebanon. We are talking about another Vietnam.

It is time for us in Congress to change this course before it is too late. President Reagan is following a policy of military escalation in response to diplomatic failure, and we all know where it leads.

If we cave in to the White House this time, they will be back soon asking for more money, more guns, and more American boys to feed a policy that ends only in destruction.

WASTE, FRAUD, AND ABUSE HAS BECOME THE MOTTO OF THE REAGAN ADMINISTRATION

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, one of the loudest noises now going on in Washington is the silence that is emanating from the White House about the activities of the Attorney General-designate, Mr. Meese. There is a growing pattern in which members of this administration have shown an appalling insensitivity to the rules of propriety which ought to govern public officials.

There is a glaring contrast between the rhetoric of this administration and the attack the administration has made on waste and fraud and abuse, and the President's apparent willingness to tolerate an almost endless list of acts on the part of high administration officials that constitute fraud, waste, and abuse.

Mr. Speaker, when this administration took office, they told us that fraud and waste and abuse were going to be their target. Now it appears that it has become their motto.

INDIVIDUAL TRAINING ACCOUNT ACT AND NATIONAL TRAINING INCENTIVES ACT

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, changes in our economy and in the skills required of our work force are inevitable. Last month, my colleagues, Mr. DURBIN and Mr. BOEHLERT, introduced the Individual Training Account Act—an important bill that deserves the support of this House. Last week, I introduced the National Training Incentives Act, a bill that will promote job training in a new and forceful manner, and which is cosponsored by Mr. DURBIN and Mr. BOEHLERT and 23 of my colleagues.

Mr. Speaker, these proposals, the product of much bipartisan work by the House Wednesday Group and the Northeast-Midwest Congressional Coalition, represent the cutting edge of a new job training policy.

My bill provides a 25-percent training tax credit similar to the existing R&D tax credit, and so is broad based and stimulates on-job training programs which labor and management agree we must encourage. In addition it lets individuals withdraw money from their IRA's to pay for retraining.

The legislation proposed by my colleague from Illinois complements my bill by establishing self-financing individual training accounts to be used for retraining displaced workers.

Mr. Speaker, I believe these two proposals represent a potential for enhancing our country's economic strength and competitiveness through a work force, trained to meet the demands of progress. I invite my colleagues to join us in cosponsoring these two important measures.

OPPOSE AID TO EL SALVADOR

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, on Sunday, the people of El Salvador will be called upon to vote for President. Campaigning in that election ended today.

But for an election to be meaningful, a condition of law and order must be present, in which the losers can protect their supporters and in which the winners need not fear for their lives or the lives of their supporters. Yet, in El Salvador today, a climate of terror and fear persists. The apparatus of violence remains in the hands of the Salvadoran military and the rightwing death squads, and will continue to be exercised in defiance of the civilian leadership, should Mr. Jose Napoleon Duarte be elected, or in cooperation with Mr. Roberto D'Aubuisson, should he be elected.

Why, under these conditions, does this administration move with such haste to push through Congress additional military assistance to the Government of El Salvador when we do not know who will administer that aid and when the human rights conditions Congress set for the existing military assistance have not even been met?

The people of Minnesota whom I have talked with all throughout the State in the last several months, and who turned out in large numbers at the precinct caucuses Tuesday evening, have expressed their abhorrence of continued military assistance to a government that does not meet minimum standards we have set for human rights.

ACROSS-THE-BOARD BUDGET FREEZE FOR FISCAL YEAR 1985

(Mr. DENNY SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNY SMITH. Mr. Speaker, I am introducing a resolution today calling for an across-the-board budget freeze for fiscal year 1985.

This is the third time in 3 years I have come before you to urge that we freeze spending in its tracks. I am convinced that an across-the-board freeze on spending is the only fair and politically doable plan the Congress can adopt to get the deficit down and keep our country on the road to economic recovery.

Had we frozen spending at the 1981 level in 1982, we would be looking at a balanced budget this year.

What could be more fair, more simple than asking every American, every Federal agency to take no more next year than they are currently getting to help straighten out our budget mess?

A balanced budget is a promise that this Congress cannot walk away from. It is a promise we must keep to the American people counting on us to stop talking, and start voting for less Federal spending.

I invite my colleagues on both sides of the aisle to step forward today and join me in supporting an across-the-board budget freeze.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that today when the Houses meet in joint meeting to hear an address by the President of the Republic of France, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

WATER RESOURCES RESEARCH ACT OF 1984—MESSAGE FROM THE SENATE OF THE UNITED STATES

The SPEAKER laid before the House the following message from the Senate of the United States:

The Senate having proceeded to reconsider the bill (S. 684) entitled "An Act to authorize an ongoing program of water resources research, and for other purposes," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

WATER RESOURCES RESEARCH ACT OF 1984—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (S. DOC. NO. 98-24)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the Senate of the United States:

I am returning herewith without my approval S. 684, an act "To authorize an ongoing program of water resources research, and for other purposes."

Title I would authorize appropriations totalling $36 million annually for the fiscal years 1985-1989 for a variety of water resources research activities throughout the nation, including a new, separate authorization of grants for the development of water technology, which is not an appropriate Federal activity.

Title II would convey desalting test facilities that are no longer in Federal use to Wrightsville Beach, North Carolina, and Roswell, New Mexico. The Administration has supported these conveyances. I would be pleased to sign a bill that provides only for them.

For some twenty years, the Federal Government has provided "seed money" for the type of water research that would be authorized by Title I. This Federal support has produced a number of successful State water research institutes. I believe that these State institutes are now at a point where further Federal involvement in their research activities is not necessary. They can stand and continue to succeed on their own.

Moreover, the water research that S. 684 would promote can be characterized as mostly local or in some cases regional in nature. The focus of such research will of course vary from State to State because water problems and needs often differ by region. The States and private industry should be fully responsible for financing research necessary to deal with their own particular problems and needs.

If we are to truly succeed in reducing Federal spending we must sort out those responsibilities which are appropriately Federal from those which can be more effectively and fairly implemented at the State and local level.

Accordingly, I feel constrained to disapprove S. 684.

RONALD REAGAN.

THE WHITE HOUSE, *February 21, 1984.*

□ 1140

The SPEAKER pro tempore (Mr. KILDEE). The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the Senate bill, the objections of the President to the contrary notwithstanding?

The gentleman from Arizona (Mr. UDALL) is recognized for 1 hour.

Mr. UDALL. Mr. Speaker, I yield 30 minutes to the gentleman from New Mexico (Mr. LUJAN).

Pending that, I yield 4 minutes to the chairman of our subcommittee which produced this legislation, the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, Just 6 short months ago, the cover story in one of our principal news magazines, U.S. News & World Report, was devoted to water.

As that article pointed out, since the beginning of the century, our population has increased about 200 percent while per capita water use has increased from 500 to 800 percent. In 1980, water use had reached some 2,000 gallons a day for each man, woman, and child in the United States—a 220-percent increase from 1970.

The article went on to quote experts who believe that water will be the crisis of the eighties.

When it passed the Water Resources Act of 1983, the Congress recognized that the crisis referred to in the U.S. News & World Report article was a matter of national concern affecting, in one way or another, every region and every State.

The water problems which we face now, and will face in the future, can only be solved through a cooperative effort involving the States, local communities, the private sector, and the Federal Government.

It is unfortunate that there are those in the administration who fail to recognize the seriousness and scope of our water problems. As a result, the President has returned to the Congress, without his approval, legislation which, in the House, was sponsored by more than 70 Members from all regions of the country. Legislation, Mr. Speaker, which would give Federal support to a truly cooperative program of water resource research, designed to develop a program of basic research on methods of conserving this vital resource in all regions of the country. Legislation which represents a compromise in funding levels below that approved by this House by voice vote and which is fiscally responsible.

This is not solely a Federal program, nor a Federal responsibility. Nor does the legislation which has been returned suggest that it is. The legislation requires a substantial contribution from the State institutes estab-

lished at the land grant colleges and universities. In the first 2 fiscal years, each Federal dollar must be matched on a 1-to-1 basis; in the second 2 fiscal years, each Federal dollar must be matched on a 1½-to-1 basis; and in the last fiscal year of authorization, on a 2-for-1 basis.

Mr. Speaker, I have read the President's now famous letter to Senator LAXALT in which he announced the water policy of his administration. That letter was written in January, Mr. Speaker, and in it, the President made some statement which I applaud. He said, for example:

> Providing enough high quality water where and when it is needed is a never-ending process.

And—

> We are rebuilding the Federal-State partnership so that we can resume water development efforts to avert water crises in the coming decades.

The President also called for a cost-sharing of water resource programs and projects.

I find the attitude suggested in the President's January letter difficult to reconcile with his veto of the Water Resources Research Act.

This bill gives the President exactly what he stated to be necessary only 2 months ago—a Federal-State partnership effort to avert water crises in the coming decade, with each bearing a fair share of the cost of that effort.

Finally, Mr. Speaker, I would say that I find the President's message somewhat puzzling. The message says that the water research which the bill would promote can be characterized as mostly local or regional in nature. I disagree. The mere fact that research is done locally does not mean that its benefits are only local. For example, many areas of this Nation, from California to Florida and New York, are dependent upon ground water. Research which is done in California to stem the depletion of this important resource would benefit Long Island as well as areas of Nebraska, Texas, Georgia, and many other places in the Nation.

This is, Mr. Speaker, a good bill. It is not a Republican bill, it is not a Democratic bill. It is not a western bill, it is not a eastern bill. It is a nonpartisan national bill and should become law.

Mr. UDALL. Mr. Speaker, I wish to advise my colleagues that I have a very large number of requests for time, and in light of the situation with which we are faced, only having 30 minutes, I am not going to be able to honor many of those requests.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of overriding the veto of the President on this bill, S. 684.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. LUJAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to discuss title II of this bill, a title which would, in part, direct the Secretary of Interior to convey all right, title, and interest of the United States in two tracts of real property which make up the Roswell test facility to the city of Roswell, N. Mex.

These two parcels of property, one about 7 acres in size and the other about 6 acres in size, were originally conveyed to the United States by the city of Roswell in 1961 and 1968 respectively. They have been used since those dates as a Federal water desalting test facility as part of our saline water program. The buildings on the site as well as the testing equipment were constructed at a cost of about $3 million. Only a minor fraction of that cost would be recovered if the Government were to dispose of the facility at auction.

The city of Roswell wants to put these buildings to use for municipal purposes. S. 684 imposes on the city of Roswell the requirement that the city will maintain and operate the facility primarily for desalinization research until 1988. This is agreeable to Roswell as in the requirement in S. 684 which provides that this property will revert back to the United States should it be used for other than a public purpose during a period of 15 years from the date of conveyance.

This will be fair and equitable to both the United States and the city of Roswell and for that reason I support enactment of S. 684 into law.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in support of the passage by the House of Representatives of the Water Resources Research Act over the objection of the President. As an original cosponsor of H.R. 2911, the version of this legislation sponsored by the gentleman from Arizona (Mr. MCNULTY), I strongly support the renewed authorization for water resources research provided by this measure. I compliment the gentleman from Arizona for his continuing forceful and effective leadership on behalf of water resources research which is so critical to our Nation.

Mr. Speaker, the legislation now being considered by the House will enable the continuation of the important research activities of water resources research institutes such as the Water Resources Research Institute which is located at South Dakota State University. There are many examples of the benefits of the research which has been conducted by water resources research institutes, but I will cite only two of the many possible examples which underscore the importance of the passage of this legislation.

Scientists in South Dakota studied the problem of inefficient water use and reduced crop yields which resulted from unreliable irrigation scheduling. A method to accurately estimate soil moisture depletion was developed which provided an improved basis for water management decisions. The estimated value of the benefits of this research in South Dakota is $3,000,000 and the benefit cost-ratio for this research is 84 to 1. South Dakota investigators examined the problem of the use of low quality irrigation water. The results of this research have been utilized by water management specialists, irrigators, and conservationists in the Northern Great Plains to prevent land losses due to sodium hazards. The economic value of the direct benefits of this research are $1.6 million for a benefit cost ratio of 9 to 1 and the secondary benefits of the research have a value of an additional $4.8 million.

This legislation authorizing the continuation of the research activities conducted by water resources research institutes should be supported. It represents a sound and economic investment in our future.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. I thank the chairman.

Mr. Speaker, I rise with a similar request that my colleagues vote to override this veto.

In this bill is a twin tract of land similar to the one that my colleague described from Roswell, N. Mex,. and that is a tract at Wrightsville Beach, N.C., that was used for a water desalinization plant.

That plant has been abandoned and, just like the city of Roswell, the city of Wrightsville Beach hopes to use that for municipal purposes under the same agreement that was worked out for Roswell, N. Mex.

This is a showpiece of bipartisanship, this whole bill; it is necessary, it is very prudent, legislation and I urge my colleagues to vote to override the President's unnecessary veto.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. MOODY), a member of our committee.

Mr. MOODY. I thank the chairman.

Mr. Speaker, I also rise in strong support of the veto override.

These moneys are rather minor relative to the vast benefits which accrue from the water research institutes and their programs.

I think, that the responsibility for these programs is indeed Federal because the benefits go far beyond State

and regional lines, and I think it is very important to have this legislation. I urge my colleagues to vote to override the President's veto.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. MOLLOHAN).

□ 1150

Mr. MOLLOHAN. Mr. Speaker, yesterday, the Senate voted overwhelmingly to override the President's veto of S. 684, the Water Resources Research Act, which passed both Houses of Congress without opposition last year. I hope my colleagues in this Chamber will today affirm the action of the Senate.

The President, in vetoing this measure, claimed that he believed it was a program more properly handled by the States. I am afraid that the President is ignoring the national aspect of this program, which is participated in by Federal and State governments and universities for responding to national as well as local water research needs.

Supporters of the bill anticipated the President's cry for more local involvement when they changed the program to provide for increasing State payments over time so that ultimately there will be two State dollars for each Federal dollar. Even this was not enough.

This legislation is not a budget buster. In fact, the final bill included $24 million less in funding than the original version. This was a 40-percent decrease in funding—certainly, we thought, enough to satisfy all reasonable budget reduction requests. Instead, the measure was vetoed.

I can appreciate the President's interest in increasing local involvement. This program, however, is of both a local and a national nature. We decided over 10 years ago that protection of our environment was primarily a matter for the Federal Government, in cooperation with the States. It is therefore appropriate that the water resources research bill be a joint program.

In my State of West Virginia, I am proud of the work performed by West Virginia University under this program. WVU has produced valuable research on acid mine drainage, an issue critical to a State whose economic lifeline is coal mining. WVU and other water resource institutes have made major research contributions, but much work remains to be done. If we eliminate this program now, we are harvesting the crop before it has had time to mature.

I am equally proud of West Virginia's commitment to protecting our environment. Even during the recession, a period that has been particularly challenging to West Virginians, we have maintained this commitment in the face of the many increasing and legitimate claims on State's budget. To ask my State to pick up even more of the burden in this case, is simply asking more than what is fair. This is an example of local research on a national issue and it is entirely fitting that the Federal Government continue to participate as a partner in this endeavor.

We reduced the level of funding. We increased State participation. Congress went more than half way to meet the President's objections. I urge my colleagues to join with me in overriding the President's veto of this legislation.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, we have before us the President's veto of the water resources bill, and I have to tell you I have mixed emotions about it.

This legislation contains some funding for research in my district, and of course that always represents a difficult choice.

However, I have to say I agree with the President's contention here that it is time that a good share of the responsibility for this type of research be shifted to the States and private industry.

If we are to reduce the Federal deficits as the Governors of the 50 States have been hammering us to do then, no amount is too small no area too sacred to tap.

This legislation does provide for additional spending, some through a matching grant program even though these grants have not been funded since 1981, I suspect they most certainly will be at some point in time.

The Federal Government has been assuming the bulk of responsibility in this area for 20 years. There is reason to assume its time for change. This is a good time and a good place to facilitate that change.

I know the States, as anxious as they are for us to cut Federal spending, will welcome the opportunity to tailor water resources research and development to their specific needs.

There is another point that has to be made here about this House and some institutional problems we have right here.

We fail miserably when tested on our responsibilities of oversight. We do not watch over the manner in which Federal funds are disbursed once we authorize and appropriate. If we did, the deficit would be much lower.

If we spent less time boasting about what we have done and more time to better understand the results of what we do we would probably find a good many areas like this one where the States and the private sector can assume a greater share of the load.

After 20 years of financing water resources, is not it about time we all took a closer look at the program?

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Mrs. VUCANOVICH).

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong support of S. 684, the Water Resources Research Act.

The bill continues congressional support of programs that provide Federal assistance to universities, State agencies, and private foundations involved in water resources research. The programs were initiated in 1964 and over the years, the State institutes have played an important role in generating basic research in water related problems and providing training to students in the field.

The U.S. Geological Survey recently published a national water summary which I think highlights a very important issue which should influence our vote today. We as a nation, face serious water problems that range from flooding and shortages to acid rain and groundwater contamination. The State institutes fullfill a vital need for water research and serve as an important element in our search for solutions to our water problems.

I would like to emphasize that the bill does not provide for outright grants. A good portion of the funds will be matched by the recipients.

I firmly believe that we have received a very generous return on our investment in water related research and urge my colleages to follow the other body's lead and join me in voting to override the President's veto of S. 684.

Mr. UDALL Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I rise to support S. 684 and the override of the President's veto of this important legislation. As a cosponsor of the campanion bill, H.R. 2911, I am well aware of the value of the Nation's water research institutes, and I am anxious to see their activities continue.

The Office of Management and Budget has advised the President that the research carried out by water research institutes is not an appropriate Federal activity. In offering this advice, OMB has demonstrated what I believe is a recurring and troubling misjudgment on the part of this administration. OMB displays shortsighted vision in continually underestimating the contribution of research to our economic well being, our educational programs and our world leadership role in a variety of scientific and technical areas.

It is particularly unfortunate that this poor judgment could disrupt a valuable program to protect our Nation's critical water supplies. Since 1964, the

water research institutes, based at land grant colleges throughout the country, have conducted research on the most pressing water quality and water supply problems. Using the university network and both Federal and non-Federal resources, the institutes have provided systematic mechansim for addressing a myriad of water problems. S. 684 would continue the constructive partnerships which have been forged under the program, scaling down the Federal contribution and providing new direction and oversight.

Mr Speaker, I commend the gentleman from Arizona (Mr. MCNULTY) and the Members of the other body for acting to sustain this valuable program. I urge my colleagues to vote for the resolution of override.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. MCNULTY), who authorized the companion House bill.

Mr. MCNULTY. Mr. Speaker, this is a good law, We deserve to continue good efforts that are farsighted and useful and intelligent and cost effective, efforts that have been around for the last 20 years.

This bill had over 75 sponsors when it began. A third of them were from the Republican side of the aisle. The matter is without a trace of partisan scent.

I would urge everyone in the name of commonsense, and frugality at the same moment, to vote in favor of the override.

Mr. UDALL. Mr. Speaker, I have no further requests for time except for a quick closing statement that I would like to make myself.

Mr. LUJAN. Mr. Speaker, we have about four speakers on this side, and first I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Speaker, I want to urge the override of the President's veto on Senate 684. I have a parochial interest, and that is admitted.

This involves the transfer of a desalinization experimental unit in the city of Roswell, N. Mex., to that city and to various other institutions that have contractual agreements to continue the experimentation on desalinization of brackish waters, a very vital process for our State because we have a serious water problem, just as many other States have, but particularly those States in the West.

In connection with that, I do want to give my strong support to the Water Institute concept in the bill because the Federal Government has long decided that this area of water policy development should belong to each State. To do that, many States have developed water resource experimentation centers and facilities and have supported them for some time.

We in Western States, who have large percentages of federally owned lands, feel that it is essential that the Federal Government does contribute something to water research in these States because it is our responsibility to provide vast amounts of water to Federal installations within those States.

So I urge a strong support for the override based on these considerations. Also to move the transfer of these two desalinization plants, one in Roswell, N. Mex., the other one at Wrightsville Beach, N.C. Incidentally, these received meritorious mention in the President's veto message.

I still want to emphasize that I strongly support the entire bill, along with the transfers of these two water facility experimental stations.

□ 1200

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON of Washington. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in reluctant support of the override of the President's veto of the Water Resources Research Act (S. 684). Although I enthusiastically support the administration's effort to reduce the budget deficit and to return more responsibility to the States, in this instance I believe that the savings achieved through the elimination of the water resource program cannot compare to the value of the water research being conducted because of this program.

One of the criticisms that has been leveled at the water resources research program has been that the research programs are geared to the needs of the individual States and are therefore not an appropriate activity of the Federal Government. While it is undoubtably true that many of the research projects do focus on State water problems, there are many projects that address water problems shared by a particular region and others that can be applied at the national level. The studies conducted by the Washington State Water Research Center provide a good example of the far reaching effects of water research that at least superficially appears to benefit Washington State alone. A number of studies sponsored by the center have focused on the problems affecting fish runs in the State as a result of poor water quality and water management techniques. An understanding of these problems and the solutions to them will not only help the effort to increase the salmon fishery in Washington State but will also help to reduce the conflicts over this resource that involve several States, Indian tribes, and foreign countries.

Another benefit of the water research program is that it provides students with the practical training that our Nation needs if it is to successfully avoid a water crisis in future years. There is little doubt that a wide range of water problems will confront the United States during the next decade. We must begin to deal with these problems now rather than wait until they reach the crisis stage and this is not possible without scientists and researchers properly trained in water research.

Although the benefit of the work being done at the 54 water research centers funded through the water resources research program is difficult to quantify, I have no doubt that the cost/benefit ratio is a positive one for the United States. I urge my colleagues to join in insuring that this important program can continue.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. I thank my colleague for yielding.

Mr. Speaker, to be able to argue that this issue is vetoed on the grounds of budgetary considerations is a false argument, at best. I say that because if we had treated all Federal spending programs the way we have viewed this one, in a frugal and responsible manner, we would not be dealing with a $185 billion deficit in fiscal year 1985 considerations. If we had treated all other programs that the Federal Government has become involved in as we have treated this program, to turn progressive responsibility back to the individual States who could be, in large part, the beneficiary of the end product of these kinds of research programs, then, once again, we would not have the current budget crisis that we are under and trying to deal with today.

I strongly support the efforts of my colleagues in the override of the President's veto, not only because we have acted responsibly, from a budgetary standpoint as it deals with this issue, but because we also recognize a major national overriding issue, and that is to assure that decades and centuries ahead we will have quality water and that that water will be the result of States and the Federal Government recognizing that it is the cooperative effort that will produce this most important commodity for the citizens of this Nation for this Nation in general.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman from New Mexico for yielding me this time.

Mr. Speaker, we often hear on this House floor something talked about in terms of the Reagan deficits, and when it is talked about from the other

side that it is not Ronald Reagan who accumulates deficits, it is this Congress with its spending, often the retort to that is, "Well, if he really was against the spending that we do here, what he would do is veto the bills."

Well, that is precisely what he has done here. He has vetoed a bill that he says is too much spending in light of $200 billion deficits.

Now, I would agree with all of my colleagues who have spoken here today. This is a worthwhile program. Water research is something that is very, very important for the future. Ground water contamination is one of the great environmental challenges of the next 50 years. But I would say to my colleagues that we cannot have it both ways. Every program we bring to this floor is worthwhile to someone; every program is vital to someone; every program has good intentions behind it. We cannot go on saying that they are Reagan deficits because he is not vetoing bills and then also come out, when he casts one of those vetoes, cast our vote a different way and say, "Well, we do not agree with him on this one."

Along the line, somewhere, we have got to assume some responsibility. Now, I know that is a tough thing to do in Congress; we do not like to have responsibility here, we do not like to be accountable, we do not like to have anybody line us up on a vote where we can be held accountable. But I will say to my colleagues that here is a vote where you are going to be held accountable for deficits. I think the President will have every right to point to Congress here and hold them accountable on this vote of whether or not they are voting to expand deficits.

So I would say to my colleagues that here is a chance to cast a vote, be it a worthwhile program or not, on whether or not you are going to support the President in his effort to do something about the $180 billion deficits.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I want to congratulate the gentleman on a very sensible, logical statement. Mark Twain said everyone complains about the weather but nobody does anything about it. We complain about the deficit endlessly, relentlessly. Speaker after speaker complains about the Reagan deficit. Well, the President has done something about it. Now it is our turn. The buck is now passed back to us. Now, we cannot really do anything about the weather, but we can do something about this deficit.

This is a great program. Another time, another place, when we can afford it, we ought to. But what is more important? Where is your set of priorities? What is your agenda?

Now, if the people who speak and assail the deficit are unwilling to take this small little step, this gesture, toward fiscal sanity, then there is an element of hypocrisy, not to say intellectual dishonesty, in continuing to complain about the deficit and refusing to support the President in this veto.

So it would seem to me that if one wishes to be consistent, not to say intellectually honest, one ought to support the President and sustain his veto.

Mr. WALKER. I thank the gentleman, and I hope my colleagues will vote to sustain the veto.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume, just to close by saying that we did, as a matter of fact, consider the effects on the budget with this bill. It started out with $60 million. We went down to $36 million with this bill.

Being fiscally conservative and fiscally responsible does not mean that you have to zero out every program. It means that you look at every program fairly and honestly and come to a determination as to whether that program should be continued, and if it should be continued, how much you fund it for. We considered that. We decided in committee and in this House that the program should be considered and, in addition to that, took the additional step of saying maybe $60 million is too much, while it could be used, but let us do our part to the reduction of the deficit by bringing it down from $60 million to $36 million.

Mr. UDALL. Mr. Speaker, I yield such time as he may require to the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of S. 684, just as I rose when this legislation was passed, without objection, by the House on October 31, 1983.

Needless to say, Mr. Speaker, we should not be here today repeating accolades for a program whose merits cannot be overstated. As far as I know, there has been only one dissenting voice raised against this legislation since it began its journey through House and Senate committees. That lonely voice has made it necessary for us to meet again to consider this needed and reasonable water resources bill.

We face a critical and worsening water resource problem in this country. Much of the blame lies with shortsighted hazardous waste policies and with wasteful water use practices. However, knowing how to use our water resources efficiently may be the biggest shortcoming of our national water management strategy. Research on water management techniques is a critical first step in addressing this major problem.

The growing water crisis in this country is not just a local, State, or regional problem. Nor are the solutions, made possible by this program, only local in effect.

In my State of Delaware, work of national and international significance is being funded through the water research program. This project could open the door to cultivation of food crops on millions of acres of previously uncultivatable land worldwide. Research at the University of Delaware has focused on the seashore mallow, a plant which grows well where water supplies are too salty to irrigate conventional crops. This grain, rich in protein and highly unsaturated oil, could rival customary crops in yield and value. The impact of this research could have great impacts on domestic and international food cultivation, especially in areas where food is desperately needed but other crops cannot be grown.

The Delaware experience, though far-reaching in its significance, is only a part of this program which supports equally valuable research in all 50 States and Puerto Rico. The economic benefits of this work are astounding. A 1980 study shows that for 26 selected projects, direct monetary benefits were $6.2 billion on a total R&D investment of $8.3 million. Only $3.5 million of that money came from Federal coffers. This program is clearly a good Federal investment at a time when spending choices must be carefully made.

I would like to thank my colleague from Arizona, Mr. MCNULTY, and the members of the Interior Committee for the years of hard work and compromise that went into developing and perfecting this legislation.

I ask my colleagues to show their appreciation in the most meaningful way possible—vote to override this veto.

Thank you.

● Mr. FRENZEL. Mr. Speaker, on the question of whether to override the President's veto of S. 684. This House has heard extensively from all the Members where districts are beneficiaries of this relatively small amount of Federal spending. We did not hear today from the people who have to pay the bill.

There is another side to the argument. First, no amount of spending is too small. Ben Franklin said if we take care of the pennies, the dollars will take care of themselves.

These activities can be financed privately or by the States. At a time of terrible deficits it is our duty to reduce expenses which can be handled locally.

I know this bill will be overridden. It is the old pork barrel, and pork always

passes even when Members wring their hands about the deficit.

The President is right on this one. We ought to reduce expenses whenever possible. If not here, where?

I shall support the veto.●

● Mr. CONTE. Mr. Speaker, I rise in support of this attempt to override the President's veto of S. 684, the Water Resources Research Act.

It is always difficult to oppose a President of your own party, especially when he vetoes legislation. I believe, however, that the President should have approved S. 684. This well-balanced legislation authorizes an important and the only basic water research program.

Most water research programs sponsored by the Federal Government are designed to meet a specific need of a Federal agency. Located in every State, these water resource institutes conduct basic scientific research aimed at local and regional needs.

In my own State, for example, the Water Resources Research Center at the University of Massachusetts, coordinates the acid rain monitoring project. This program, staffed by hundreds of volunteers across the State, has documented the extensive aquatic damage due to acid rain. When the Congress is asked by the administration to fund additional research, it does not make sense to scrap a well-run program already gathering this important scientific data.

I am also concerned about our willingness to spend billions of dollars on traditional water projects while research needs go unfunded. Before we finance these multibillion-dollar boondoggles, let us take a long range look at alternatives and cost-effect innovations.

Mr. Speaker, this is a modest bill designed to fill a void in our national water research program. This legislation continues the unique partnership between the Federal Government, the States, and universities. At the same time, the Federal commitment is decreased while more responsibility is given to the States and the private sector.

Mr. Speaker, I urge my colleagues to vote in favor of this veto override.●

● Mr. ALBOSTA. Mr. Speaker, I rise to strongly urge my colleagues to support an override of the President's veto of S. 684, the water resources research authorization. This bill is a reasonable compromise which recognizes two needs: Reducing the Federal deficit and supporting these beneficial water research programs. We cannot expect the State water research institutes to become self-sufficient overnight, but we are moving in a good direction with the formula contained in S. 684 which gradually increases the amount of non-Federal matching dollars to 2 to 1 by fiscal year 1989. Additionally, the $36 million in this bill is $17.5 million less than was last authorized for the program.

We should not look upon these water research programs as solely of value to the individual States: Although a study may be conducted in only one State, it is unrealistic to assume that only one State benefits from the data collected and knowledge gained. Those findings are not jealously guarded by each State, as the President would have us believe, but rather shared with the network of water research institutes. In this way, future research is based on other States' past findings, thereby benefiting us nationally.

One example of the diverse research carried out by this program is that in Michigan, where cost-effective alternatives for waste water treatment in small communities of the Great Lakes region were studied. This study proved the effectiveness of disposing nutrient-rich waste water on lands to increase crop production. While this finding has certainly been of importance to Michigan since agriculture is the State's second largest industry, other States and the USDA and EPA have used the results.

Federally funded water resources research programs have a proven, successful record. I urge my colleagues' support of this veto override so that these nationally beneficial programs may continue.●

● Mr. LEHMAN of California. Mr. Speaker, I would like to join my colleagues and ask that the House override the President's veto and pass S. 684.

As we all realize, water is the lifeblood of this Nation and water research has been vital to the continued development of this important natural resource.

S. 684 authorizes an ongoing water research program in each State at a land grant university or other educational institution. These matching funds or competitive grants are being utilized for the study of a variety of water problems ranging from ground water pollution and supply to water conservation and development.

As my colleagues in California and the West realize, water problems know no political or geographic boundaries. The research program which this act authorizes provides a necessary and important mechanism to develop a broad and comprehensive approach to this Nation's water problems.

Cooperation in this area is vital and I encourage you to join me in insuring that the Federal Government continues to provide the necessary support for this program.●

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume just so that I may make two or three quick points.

The gentleman from New Mexico (Mr. LUJAN) is right. We made every attempt to compromise this bill. We have met the President more than halfway. This was a $60 million authorization—this popular, needed, necessary and valuable program. We cut it from $60 million approved by the House bill to $36 million. With this compromise with the Senate we cut $24 million from the program.

□ 1210

So we have done our share on the budget deficit problem with this legislation. Beyond that, the cost sharing formula is now and has been a 1-to-1 match; we changed the law so that ultimately it became a 2-to-1 match. The locals will have to put up $2 for every $1 of these Federal dollars.

So we have done our part in trying to be responsible with the budget. Mr. Speaker, this program has borne its share. There was not a single dissenting vote when the bill came out of the Interior Committee, and it passed the House by a voice vote without a single person wanting to be identified as opposing the bill.

Mr. Speaker, we have a good bill here; it should be in the law. It is necessary for the whole country. It is a national bill dealing with a national problem, and the vote on this question, the pending question, is yes, to override the veto.

Mr. UDALL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

Members will record their votes by electronic device.

The vote was taken by electronic device, and there were—yeas 309, nays 81, not voting 43, as follows:

[Roll No. 53]

YEAS—309

Ackerman	Boxer	Coyne
Addabbo	Breaux	Craig
Akaka	Britt	Crockett
Anderson	Brooks	D'Amours
Andrews (NC)	Brown (CA)	Daniel
Andrews (TX)	Brown (CO)	Darden
Annunzio	Broyhill	Daschle
Anthony	Bryant	Daub
Applegate	Burton (CA)	Davis
Aspin	Byron	de la Garza
AuCoin	Campbell	Dellums
Barnes	Carney	Derrick
Bateman	Carper	Dicks
Bates	Carr	Dingell
Bedell	Chandler	Dixon
Bellenson	Chappell	Donnelly
Bennett	Chappie	Dowdy
Bereuter	Clarke	Downey
Berman	Clay	Duncan
Bevill	Clinger	Durbin
Biaggi	Coelho	Dwyer
Boehlert	Coleman (MO)	Dymally
Boggs	Coleman (TX)	Dyson
Bonior	Conte	Early
Bonker	Conyers	Eckart
Borski	Cooper	Edgar
Boucher	Coughlin	Edwards (AL)

Edwards (CA)	Lent	Rinaldo
Edwards (OK)	Levin	Roberts
Emerson	Levine	Rodino
English	Levitas	Roe
Erdreich	Lewis (FL)	Roemer
Evans (IL)	Lipinski	Rose
Fascell	Livingston	Roth
Fazio	Lloyd	Rowland
Feighan	Long (LA)	Roybal
Ferraro	Long (MD)	Russo
Fish	Lowry (WA)	Sabo
Flippo	Lujan	Sawyer
Florio	Luken	Schaefer
Foley	Lundine	Schulze
Ford (MI)	MacKay	Schumer
Ford (TN)	Markey	Shannon
Fowler	Marlenee	Sharp
Frank	Martin (NC)	Shaw
Franklin	Martin (NY)	Shelby
Frost	Martinez	Sikorski
Fuqua	Matsui	Sisisky
Garcia	Mavroules	Skeen
Gaydos	Mazzoli	Skelton
Gejdenson	McCain	Slattery
Gephardt	McCloskey	Smith (FL)
Gibbons	McCurdy	Smith (IA)
Gilman	McGrath	Smith (NE)
Glickman	McHugh	Smith, Denny
Gonzalez	McKernan	Smith, Robert
Gore	McKinney	Snowe
Gray	McNulty	Solarz
Green	Mikulski	Spence
Guarini	Miller (CA)	Spratt
Hall (IN)	Mineta	St Germain
Hall (OH)	Moakley	Staggers
Hall, Ralph	Molinari	Stangeland
Hall, Sam	Mollohan	Stark
Hamilton	Montgomery	Stenholm
Hammerschmidt	Moody	Stokes
Harkin	Moore	Stratton
Harrison	Morrison (CT)	Studds
Hatcher	Morrison (WA)	Swift
Hawkins	Mrazek	Synar
Hayes	Murphy	Tallon
Hefner	Murtha	Tauzin
Hertel	Myers	Thomas (GA)
Hightower	Natcher	Torres
Hopkins	Neal	Torricelli
Horton	Nelson	Towns
Howard	Nichols	Traxler
Hoyer	Nowak	Udall
Hubbard	Oakar	Vandergriff
Huckaby	Oberstar	Vento
Hughes	Obey	Volkmer
Hutto	Olin	Vucanovich
Jacobs	Ottinger	Walgren
Jeffords	Owens	Watkins
Jenkins	Panetta	Waxman
Johnson	Parris	Weaver
Jones (NC)	Pashayan	Weiss
Jones (TN)	Patman	Wheat
Kaptur	Patterson	Whitehurst
Kastenmeier	Pease	Whittaker
Kazen	Penny	Whitten
Kennelly	Pepper	Williams (MT)
Kildee	Perkins	Williams (OH)
Kogovsek	Pickle	Wirth
Kolter	Price	Wise
Kostmayer	Pursell	Wolpe
Kramer	Rahall	Wright
LaFalce	Rangel	Wyden
Lantos	Ratchford	Yates
Leath	Ray	Yatron
Lehman (CA)	Reid	Young (AK)
Lehman (FL)	Richardson	Young (MO)
Leland	Ridge	Zschau

NAYS—81

Archer	Evans (IA)	Kindness
Badham	Fiedler	Lagomarsino
Bartlett	Fields	Latta
Bilirakis	Frenzel	Leach
Bliley	Gingrich	Lewis (CA)
Broomfield	Goodling	Loeffler
Burton (IN)	Gradison	Lott
Cheney	Gramm	Lowery (CA)
Coats	Gregg	Lungren
Conable	Gunderson	Mack
Courter	Hiler	Martin (IL)
Crane, Daniel	Hillis	McCandless
Crane, Philip	Holt	McCollum
Dannemeyer	Hunter	McDade
DeWine	Hyde	McEwen
Dickinson	Kasich	Michel
Erlenborn	Kemp	Miller (OH)
Moorhead	Roukema	Tauke
Oxley	Seiberling	Taylor
Petri	Sensenbrenner	Thomas (CA)
Porter	Shumway	Vander Jagt
Pritchard	Shuster	Walker
Quillen	Smith (NJ)	Weber
Regula	Snyder	Winn
Ritter	Solomon	Wolf
Robinson	Stump	Wylie
Rogers	Sundquist	Young (FL)

NOT VOTING—43

Albosta	Hansen (ID)	Paul
Alexander	Hansen (UT)	Rostenkowski
Barnard	Hartnett	Rudd
Bethune	Heftel	Savage
Boland	Ireland	Scheuer
Boner	Jones (OK)	Schneider
Bosco	Madigan	Schroeder
Collins	Marriott	Siljander
Corcoran	Mica	Simon
Dorgan	Minish	Valentine
Dreier	Mitchell	Whitley
Foglietta	Nielson	Wilson
Forsythe	O'Brien	Wortley
Gekas	Ortiz	
Hance	Packard	

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Mitchell and Mr. Minish for, with Mrs. Schneider against.

Mr. Ortiz and Mr. Mica for, with Mr. Paul against.

Messrs. YATRON, CHAPPIE, KOGOVSEK, SLATTERY, BENNETT, and LEWIS of Florida changed their votes from "nay" to "yea."

So, two-thirds having voted in favor thereof, the Senate bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KILDEE). The Clerk will notify the Senate of the action of the House.

□ 1230

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 493, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3755, SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 466

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3755) to amend title II of the Social Security Act to provide for reform in the disability determination process, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of sections 311(a), 401(b)(1), and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of sections 311(a) and 401(b)(1) of the Congressional Budget Act of 1974 are hereby waived. No amendment to said substitute shall be in order. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. MOAKLEY. Mr. Speaker, House Resolution 466 provides for the consideration of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

This is a modified closed rule making in order only the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. No amendment to the amendment in the nature of a substitute is in order and the substitute shall be considered as having been read.

Under the provisions of the rule, points of order against consideration of the bill for failure to comply with three sections of the Congressional

Budget Act of 1974 are waived. In addition, two sections of the Budget Act are waived against consideration of the amendment in the nature of a substitute. Finally, the rule provides one motion to recommit with or without instructions.

House Resolution 466 waives section 311(a) of the Budget Act against consideration of the bill and the committee amendment in the nature of a substitute. Section 311(a) prohibits consideration of any measure containing new spending authority in excess of the appropriate levels in the most current budget resolution. The waiver is necessary because both the bill and the amendment in the nature of a substitute would provide new entitlement authority by modifying the standards of review for the payment of disability insurance benefits. If enacted, this new entitlement authority would cause the existing ceiling in House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984, to be breached. Moreover, although House Concurrent Resolution 91 exempts from points of order legislation which exceeds the overall spending ceiling if the reporting committee is within its section 302(a) allocation of new spending authority, both the bill and substitute would cause the Committee on Ways and Means to exceed its 302(a) allocation.

The rule also waives section 401(b)(1) of the Budget Act against consideration of the bill and the amendment in the nature of a substitute. Section 401(b)(1) prohibits the consideration of a measure with new entitlement authority which is to become effective before October 1 of the calendar year in which the bill is reported. This waiver is necessary because the bill and the substitute both extend certain supplemental security income disability benefits as of the date of enactment. While the social security disability program is exempt from the provisions of the Budget Act, the SSI program is not.

Finally, Mr. Speaker, points of order under section 402(a) of the Budget Act are waived. This section requires that an authorization be reported by May 15 preceding the fiscal year in which it is to be effective. The waiver is necessary because section 304 of the bill authorizes expenditures for an advisory council on the medical aspects on disability which is to become effective immediately upon enactment.

Mr. Speaker, over the past year and a half as my colleagues are aware there has been something of a crisis in the social security disability program. In 1980 a law was passed which was designed to provide better oversight for the disability program. Unfortunately, there has been an unintended result. Thousands of individuals have had benefits discontinued as a result of a review process which in my opinion has been unfair to disability recipients.

Mr. Speaker, H.R. 3755 is designed to deal with the problems that have been encountered in the review process for social security disability. H.R. 3755 would make several changes in the standards for determining disability which would apply prospectively, In order to reduce the cost of the bill, no individual whose benefits were terminated prior to the date of enactment would be automatically reinstated.

For those beneficiaries reviewed after the date of enactment, however, the Social Security Administration would have to demonstrate a medical improvement in the condition of these individuals. In addition, the bill allows those who appeal termination of benefits to continue receiving benefits until a final decision is reached by an administrative law judge. These benefits would be subject to repayment if the initial termination decision was upheld.

The bill also provides for a temporary moratorium on the reviews of mentally impaired beneficiaries and for a face-to-face review process. Finally, H.R. 3755 requires the Social Security Administration to obey or appeal Federal circuit court decisions with respect to the review process.

Mr. Speaker, H.R. 3755 is a very important bill to thousands of Americans. The rule provided for the bill allows the House to deal with this very important matter quickly. I urge my colleagues to support the rule so that we may proceed to the consideration of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I urge a vote for this rule and a vote for this bill.

This bill is necessary to put a halt to the abuse and indignity that the Social Security Administration has inflicted on American citizens who are disabled and in need of help from their Government.

What has been happening to these people is a disgrace. I will not speculate about what has been going on in other Members' districts, but in my district we have people who are thrown off the disability rolls who are permanently and totally disabled for any gainful work. They come to my office in tears with their dignity in tatters and their confidence shattered.

I am talking about truly disabled people who need our help. They go to their doctors and they have statements that they remain totally and permanently disabled. But then they go to a social security doctor, and the social security doctor looks at them, gives them sometimes only minutes, and then the doctor tells them they are able to go back to work.

These people are being treated like cattle and it is a disgraceful situation. And as long as I am a Member of Congress I will take up for these people and I will champion their rights.

Nobody is arguing that we should not take every care to be certain that those who receive disability benefits deserve them. The review process was undertaken in an effort to be sure that funds remain available to all those who need them, and are not bled dry by those who do not need them.

The review process is not the problem. The problem is, once again, a bureaucratic one—the rules, regulations and guidelines that were issued to implement a necessary procedure. It is bureaucratic mistakes that we correct in this bill.

Now, I want to say that I commend the distinguished chairman of the Social Security Subcommittee, the gentleman from Texas (Mr. PICKLE), and the other members of the subcommittee. They have done the right thing and they have a good bill. This bill was reported by the full committee in September of last year. It has been delayed because it was included as a title to the tax bill which has not yet been brought to the House floor. But because time is running out for these people, it is imperative that we pass this legislation now.

Let us pass this bill so that these fine disabled people can at least continue to receive their benefits they need so desperately. Let us in Congress force the Social Security Administration to be fair and decent to the people who depend on us to represent them.

□ 1240

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Subcommittee on Social Security of the Committee on Ways and Means, the Honorable gentleman from Texas, Mr. JAKE PICKLE.

Mr. PICKLE. Mr. Speaker, I want to thank the gentleman from Massachusetts for yielding me this time. I certainly want to thank the chairman of the committee, the gentleman from Florida (Mr. PEPPER), and the gentleman from Tennessee (Mr. QUILLEN) for bringing this rule.

Mr. Speaker, I rise in support of the rule. H.R. 3755 is of vital importance to the social security disability insurance system. We must take immediate action to restore order to the procedures used in conducting disability reviews of people on the social security disability rolls.

In the past 3 years nearly half a million beneficiaries have been notified that they were no longer qualified to remain on the disability rolls. This represents nearly 20 percent of the people on the disability rolls when this process began. I am sure every

Member has had pleas for help from disabled constituents back home.

The problem is not the disability reviews themselves. Review of the disability rolls on a periodic basis is necessary and good. These recent reviews have, in fact, removed from the rolls many people who can work and who no longer meet the definition of disability in social security law.

The problem is rather the guidelines and procedures under which these reviews are performed. These harsh procedures have worked great hardship both on those who benefit from, and those who must administer this program.

These disabled people have been forced to appeal to retain their benefits and over 160,000 have been reinstated. Indeed, nearly two-thirds of those who appeal their cases are reinstated. Although they are reinstated, they can hardly be described as successful, because the process of appeal is lengthy, stressful, and often expensive. Thousands of those who are reinstated have endured substantial hardship.

Because of this mass of litigation, the Federal courts have held on numerous occasions that revised procedures must be used in conducting these reviews. Today 20 States are operating this national disability program under court-ordered guidelines which SSA opposes and has refused to apply to the other States.

In addition, the Governors in nine States have declared their own moratorium on the processing of disability terminations under the SSA guidelines.

The bottom line is that today the program is operating in a state of administrative uncertainty and chaos.

This bill does not attempt to liberalize the disability program. It provides revised rules and procedures to restore order and humanity to the process for conducting these reviews.

It achieves this goal by implementing several reforms. The key provisions are the medical improvements standard for terminations, the face-to-face evidentiary hearing, the payment of benefits during appeal, and the application of uniform procedural standards for disability determinations under the Administrative Procedures Act.

This bill is strongly supported by a wide variety of disability advocacy groups. It has the support of the State agency administrators and it closely parallels solutions recommended by the National Governors' Conference.

There is a cost to this legislation: CBO estimates approximately $300 million per year in the first 3 years, with an expenditure of $57 million in 1984. But, this is a worthwhile expenditure, and it does not endanger the social security trust funds. The Office of the Actuary at the Social Security Administration, has, in estimating the impact of the bill on the disability trust fund, determined that the fund will remain in actuarial balance.

I would remind Members that there will be a terrible cost if we do not pass this bill. The money we save will be money from the pockets of people on our disability rolls today; people in every State and terrritory who have been declared totally disabled and whose conditions have not improved. This is the cost I urge you to keep in mind as we consider the rule today, and as we consider the bill on Tuesday.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Massachusetts (Mr. SHANNON), a member of the Subcommittee on Social Security, who has helped the Committee on Rules get the bill to the position it finds itself in now.

Mr. SHANNON. Mr. Speaker, I want to thank my colleague, the gentleman from Massachusetts, for yielding and for his leadership in the Rules Committee in bringing this rule to the floor of the House.

I want to thank the chairman of the subcommittee, the gentleman from Texas, for the great leadership he has given on this issue, in particular, and on the social security issue in general over the last couple of years.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I would be happy to yield.

Mr. PICKLE. The gentleman ought not to be immodest at this point. He is a coauthor of this legislation and has taken a very strong initiative in bringing it to fruition, so we compliment the gentleman from Massachusetts.

Mr. SHANNON. Mr. Speaker, I thank the gentleman very much.

This legislation contains urgently needed reforms designed to address the ongoing crisis in the social security disability insurance review program.

I urge the House to approve this rule so that we can advance this legislation as soon as is possible.

The flaws in the current program have been documented over and over again in congressional hearings, in the media, and in the neighborhoods and homes of America. Almost half a million disabled Americans have had their lives seriously disrupted by the disability review process over the past 3 years.

While the idea of reviewing beneficiaries to insure they are still entitled to benefits is a sound one, in hundreds of thousands of cases the current review process has failed to accurately determine the ability to work and disabled workers have been wrongly removed from the rolls. Of those beneficiaries who have chosen to appeal a decision to terminate their benefits, almost two-thirds, or roughly 160,000 disabled workers had their benefits restored.

While there has been some disagreement on how best to address this national crisis, few would deny that a serious problem does exist.

This legislation is a balanced compromise response to this crisis. It neither liberalizes the disability program nor repeals the provision in current law requiring reviews of disability beneficiaries.

The intent of this legislation is to improve and clarify the standards and procedures used in assessing an individual's ability to work.

During the months in which the Social Security Subcommittee and the full Ways and Means Committee worked on this legislation, a number of concerns were raised about the cost of the bill and some of its provisions. In several instances, the bill was modified in response to the concerns.

When the bill was voted on last year by the full Ways and Means Committee, it received strong bipartisan support. I hope that it will receive similar support when it reaches the House floor.

While there is a cost to this legislation, there will be costs if we fail to adopt it as well. There will be administrative costs, because thousands of disabled workers will continue to be wrongly terminated and will have no option but to flood the appeals process. There will be costs because the SSDI program will remain in total chaos, with many States being ordered by the courts to use guidelines which differ from social security policy.

□ 1250

Most importantly, there will be the continued human cost of lost dignity, ruined lives, and shattered confidence among the disabled.

As Members of the House well know, it was the intention of the Ways and Means Committee that this legislation would be taken up on the House floor last fall. Regretfully, that did not happen.

But if this bill was needed then it is urgently needed now. The temporary halt in terminations ordered by Secretary Heckler last year was ended in February and cases are now being processed. The provision continuing benefit payment during an appeal of a termination expired last December, so individuals who are terminated in the coming weeks will not have protection during the appeal unless we act now.

Meanwhile, the entire disability program is in chaos with 20 States operating under court ordered guidelines which differ from the Social Security Administrations national guidelines, and with some 9 other States having chosen on their own to halt terminations until changes are made.

These problems will continue to escalate until Congress acts favorably on H.R. 3755. I would urge the approval of this rule so that we can advance this legislation as soon as it is possible.

This is not just responsibility; it is a moral responsibility to make sure that the disabled people of this country are adequately taken care of.

I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman from Massachusetts for yielding and I want to commend the Committee on Ways and Means and the Committee on Rules for expediting the consideration of this matter here in the House.

I would like to extend special thanks and congratulations to the gentleman from Texas (Mr. PICKLE) and the gentleman from Massachusetts (Mr. SHANNON) for their work on this important legislation.

This legislation is urgently needed to correct a cruel injustice in the way we administer the social security disability insurance program. Since March 1981, over 470,000 people have received initial notices that their benefits would be terminated; of these, 190,000 have been removed from the rolls. Yet, 160,000 have been restored on appeal and 120,000 cases are pending hearing. Nearly 24 percent of recipients whose benefits were initially terminated are mentally disabled, although this category constitutes only 11 percent of SSDI recipients.

Three cases from my congressional district dramatically illustrate the need for protective legislation. An unmarried 30-year-old man with no relatives in the vicinity was receiving SSDI because he was suffering from severe heart disease. His benefits were terminated. Benefits were restored after appeal to the administrative law judge level but the young man died the following day. There was no doubt in the minds of anyone familiar with the case that the stress caused by this wholly unnecessary ordeal contributed to his death.

A construction worker and his daughter met with me to explain their case. After the man, suffering from cancer, had his benefits cut off he sent his appeal documents to the ALJ office. After having finally reviewed his file—without requiring a hearing—the ALJ ruled to restore benefits. Although my staff and I did everything we could to expedite the process, the man was without benefits for 8 months. He died 3 days after his first check arrived.

In 1971 a man was granted benefits for a disabling combination of psychological and physical illness. He was dumped from the rolls in 1982 and has been caught in the appeals process since then. He has a wife and four children. I have seen his most recent medical evaluation documents. He is diagnosed as suffering from primary degenerative dementia with severe somatic involvement.

Certainly it is important that the social security system and the disability program weed out those individuals who are not eligible. But we ought not to do that by denying to those people who are disabled their rightful and deserved benefits.

This legislation gets at that problem correctly. It improves, specifies, and refines the methods and the standards by which disabilities will be determined, especially in one particularly vulnerable area, mental illness. It improves the process so that the truly disabled will continue to receive their benefits and not be terminated wrongfully.

For these individuals for whom it is most difficult to effectively pursue the appellant process this bill insures that they will not be subjected to that process wrongfully.

This is important legislation for the protection of disabled people. We ought to act quickly on this legislation.

I hope that the rule passes easily and that the legislation is passed so that it can be moved forward.

I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I will not belabor the point because the previous speakers have already covered this very, very adequately.

However, I do wish to commend the Ways and Means Committee and the subcommittee that brought this out because this helps correct a serious tragedy that we have in our Nation today.

Corrective legislation, as has been pointed out, should have taken place last year. But unfortunately it did not. This does now allow for the proper appeals system to go forward in these disability cases for people to receive justice as they should receive it, and that due process of law come to pass without hardship on the people being cut off wrongfully.

I again commend the committee and I urge the passage of this rule.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PICKLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 40, not voting 53, as follows:

[Roll No. 54]

YEAS—340

Ackerman	Emerson	Lantos
Addabbo	English	Latta
Akaka	Erdreich	Leach
Andrews (NC)	Erlenborn	Leath
Andrews (TX)	Evans (IL)	Lehman (CA)
Annunzio	Fascell	Lehman (FL)
Anthony	Fazio	Leland
Applegate	Feighan	Lent
Archer	Ferraro	Levin
Aspin	Fiedler	Levine
AuCoin	Fields	Levitas
Bateman	Flippo	Lewis (FL)
Bates	Florio	Lipinski
Bedell	Foley	Livingston
Beilenson	Ford (MI)	Lloyd
Bennett	Ford (TN)	Loeffler
Bereuter	Frank	Long (LA)
Berman	Franklin	Long (MD)
Bethune	Frost	Lott
Bevill	Fuqua	Lowery (CA)
Biaggi	Garcia	Lowry (WA)
Boehlert	Gaydos	Lujan
Boggs	Gejdenson	Luken
Bonior	Gekas	Lundine
Bonker	Gephardt	MacKay
Borski	Gibbons	Marlenee
Boucher	Gilman	Martin (IL)
Boxer	Gingrich	Martin (NC)
Britt	Glickman	Martin (NY)
Brooks	Gonzalez	Martinez
Brown (CA)	Goodling	Matsui
Broyhill	Gore	Mavroules
Bryant	Gradison	Mazzoli
Burton (CA)	Gray	McCloskey
Byron	Green	McCollum
Campbell	Guarini	McCurdy
Carney	Gunderson	McDade
Carper	Hall (IN)	McEwen
Carr	Hall (OH)	McGrath
Chandler	Hall, Ralph	McHugh
Chappell	Hall, Sam	McKernan
Chappie	Hamilton	McKinney
Clarke	Hammerschmidt	McNulty
Clay	Harkin	Michel
Clinger	Harrison	Mikulski
Coelho	Hatcher	Miller (CA)
Coleman (MO)	Hawkins	Miller (OH)
Coleman (TX)	Hayes	Mineta
Conable	Hefner	Moakley
Conte	Hertel	Molinari
Cooper	Hightower	Mollohan
Corcoran	Hillis	Montgomery
Coughlin	Holt	Moody
Courter	Howard	Morrison (CT)
Coyne	Hoyer	Morrison (WA)
D'Amours	Hubbard	Mrazek
Darden	Huckaby	Murphy
Daschle	Hughes	Murtha
Davis	Hutto	Myers
Dellums	Hyde	Natcher
Derrick	Jacobs	Neal
DeWine	Jeffords	Nelson
Dicks	Jenkins	Nichols
Dingell	Johnson	Nowak
Dixon	Jones (NC)	Oakar
Donnelly	Jones (TN)	Oberstar
Dorgan	Kaptur	Obey
Dowdy	Kasich	Olin
Downey	Kastenmeier	Ottinger
Duncan	Kazen	Owens
Durbin	Kemp	Oxley
Dwyer	Kennelly	Panetta
Dyson	Kildee	Parris
Early	Kindness	Pashayan
Eckart	Kogovsek	Patman
Edgar	Kolter	Patterson
Edwards (AL)	Kostmayer	Pease
Edwards (CA)	LaFalce	Penny
Edwards (OK)	Lagomarsino	Petri

Pickle	Shelby	Towns
Price	Shuster	Traxler
Pritchard	Sikorski	Udall
Pursell	Sisisky	Vander Jagt
Quillen	Skeen	Vandergriff
Rahall	Skelton	Vento
Rangel	Slattery	Volkmer
Ratchford	Smith (FL)	Vucanovich
Ray	Smith (IA)	Walgren
Regula	Smith (NE)	Watkins
Reid	Smith (NJ)	Waxman
Richardson	Smith, Robert	Weaver
Ridge	Snowe	Weber
Rinaldo	Snyder	Weiss
Ritter	Solarz	Wheat
Roberts	Solomon	Whitehurst
Robinson	Spence	Whittaker
Rodino	Spratt	Whitten
Roe	St Germain	Williams (MT)
Roemer	Staggers	Williams (OH)
Rogers	Stark	Wirth
Rose	Stenholm	Wise
Roth	Stokes	Wolf
Roukema	Stratton	Wolpe
Rowland	Studds	Wortley
Roybal	Sundquist	Wyden
Russo	Swift	Wylie
Sabo	Synar	Yates
Sawyer	Tallon	Yatron
Schulze	Tauke	Young (AK)
Schumer	Tauzin	Young (FL)
Seiberling	Taylor	Young (MO)
Sensenbrenner	Thomas (GA)	Zschau
Shannon	Torres	
Sharp	Torricelli	

NAYS—40

Anderson	Dickinson	Moorhead
Badham	Frenzel	Nielson
Bartlett	Gramm	Perkins
Bilirakis	Gregg	Porter
Bliley	Hiler	Schaefer
Brown (CO)	Hopkins	Shaw
Burton (IN)	Hunter	Shumway
Coats	Kramer	Smith, Denny
Craig	Lewis (CA)	Stangeland
Crane, Daniel	Lungren	Stump
Crane, Philip	Mack	Thomas (CA)
Daniel	McCain	Walker
Dannemeyer	McCandless	
Daub	Moore	

NOT VOTING—53

Albosta	Foglietta	Ortiz
Alexander	Forsythe	Packard
Barnard	Fowler	Paul
Barnes	Hance	Pepper
Boland	Hansen (ID)	Rostenkowski
Boner	Hansen (UT)	Rudd
Bosco	Hartnett	Savage
Breaux	Heftel	Scheuer
Broomfield	Horton	Schneider
Cheney	Ireland	Schroeder
Collins	Jones (OK)	Siljander
Conyers	Madigan	Simon
Crockett	Markey	Valentine
de la Garza	Marriott	Whitley
Dreier	Mica	Wilson
Dymally	Minish	Winn
Evans (IA)	Mitchell	Wright
Fish	O'Brien	

□ 1310

Mr. HUNTER changed his vote from "yea" to "nay."

Mr. SKEEN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this 1 minute for the purpose of receiving the schedule for the balance of the day and for next week.

Mr. Speaker, I am happy to yield to the distinguished majority whip, the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. I thank the distinguished Republican whip for yielding.

Mr. Speaker, with the conclusion of the adoption of this rule, there will be additional legislation by unanimous consent dealing with certain commemorative days to be considered.

The Chamber will be cleared at 2 o'clock this afternoon, preparatory to the visit of the President of France. The House will be convening at about 3:30 for the purpose of receiving President Mitterand in joint session.

There is no legislative business scheduled for tomorrow; and the House will not be in session.

On Monday, the House will meet in pro forma session at noon.

On Tuesday, the House will meet at noon. There are no bills for consideration under suspension, however.

Instead, H.R. 3755, the Disability Insurance Amendments of 1983, will be considered. It has a modified rule with 1 hour of debate, and that rule has already been adopted.

On Wednesday, March 28, the House will meet at 3 p.m. and consider H.R. 4797, the NASA authorizations for fiscal year 1985, subject to a rule being granted.

On Thursday and Friday, March 29 and 30, the House will meet at 11 a.m. and consider House Joint Resolution 517, the urgent supplemental appropriations for the Department of Housing and Urban Development; H.R. 4841, U.S. Coast Guard authorizations for fiscal years 1985 and 1986, subject to a rule being granted; and H.R. 4706, authorizations for maritime programs for the fiscal year 1985, subject to a rule being granted.

These announcements are made subject to the usual condition that conference reports may be brought up at any time and a further program may be announced later.

Mr. LOTT. Could I inquire about the immigration bill? There had been some indication 2 weeks or more ago that it was hoped that issue would come before the Rules Committee and could be taken up by the whole House in the last week of March or the first week of April.

Do we have any indication when that might happen?

Mr. FOLEY. I am told that the matter may be brought up before the Rules Committee as early as next week. I do not have any further information on what the schedule might be.

Mr. LOTT. Could the gentleman tell me what we might anticipate on a budget resolution? There had been some indication that that might come up around the 27th or the 28th of March. It is not on the schedule. Do we have any idea when it will be scheduled?

Mr. FOLEY. I think probably the following week.

Mr. LOTT. The following week. The first week in April, then.

Mr. FOLEY. The first week in April.

Mr. LOTT. And the gentleman does not anticipate at this time the likelihood of a Friday session next week.

Mr. FOLEY. We do not anticipate the likelihood of a Friday session; the gentleman is correct.

Mr. LOTT. I thank the gentleman.

ADJOURNMENT TO MONDAY, MARCH 26, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

JAMES ROOSEVELT: THERE YOU GO AGAIN

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, last October, I rose before this body to make my colleagues aware of the efforts of a former Member to play upon the fears of our senior citizens.

I am sorry to report that James Roosevelt—a Member of the House of Representatives for 11 years—has again sent a letter to millions of Americans implying that unless they join his organization, the National Committee to Preserve Social Security and Medicare, "rich and powerful forces" will destroy their social security and medicare.

The Social Security Administration has already written to Mr. Roosevelt, asking that he remove misleading, and in certain cases, false statements, from his letter. Also, the Postal Service has requested that Mr. Roosevelt change the letter's envelope because the logo

implies that the letter is from a Government agency, is a "time dated legal document" and may contain information about an individual's benefits. Mr. Roosevelt has not yet complied. I urge him to stop stonewalling. Better yet, just stop.

To solicit membership in his organization, Mr. Roosevelt is using tactics designed to frighten the elderly and disabled—the very individuals he claims to help. James Roosevelt, shame on you.

□ 1320

RESOLUTION OF INQUIRY REGARDING INVOLVEMENT IN EL SALVADOR

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, last summer, when I was in El Salvador, I sat across the table from the Treasury Police Chief Nicholas Carranza, and I asked him about the death squads, about human rights abuses, about murders that never came to trial. Right down the line, Carranzas stonewalled. He looked me straight in the eye and told me there were no abuses, no government killings, no trial delays. I did not know then that Carranza had a hand in shaping the death squads and picking the targets. I did not think then that he might be on the CIA payroll when involved in these activities. Now we have good reason to believe that this is the case. And we have a responsibility to uncover the whole story and stop the suffering of the Salvadoran people fed by U.S. dollars. Today, I have filed a resolution of inquiry asking the CIA to turn over to Congress documents pertaining to Carranza and D'Aubuisson. It is time for the CIA to come clean, time for the American people to see where their money is going, time to take a close look at our involvement in El Salvador in light of these new developments.

VOLUNTEER FIREFIGHTERS RECOGNITION DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 136) to recognize "Volunteer Firefighters Recognition Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighters, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation being considered.

● Mr. COURTER. Mr. Speaker, I rise in support of Senate Joint Resolution 136 and House Joint Resolution 330 which would give the volunteer firefighters a day of recognition on August 18, which they so richly deserve.

I represent a State, New Jersey, which is very dependent on these very brave individuals. These firefighters give their time to protect more than 900 communities in the State of New Jersey. This is just a small example of how important these firefighters are to the entire Nation. Not only are they first to respond to calls in a particular community but they also protect many acres of farmland and forests. In addition, they perform excellent support in times of disasters.

Their time is given freely without regard to personal injury and time spent away from their families. These are personal sacrifices which I think we need to recognize and this legislation at least points out the importance of the role our firefighters play in our everyday lives.

It is interesting to note that volunteer firefighters comprise the bulk of the firefighting force in this country. This certainly impacts the importance of this great group.

I feel that it is only fitting and proper that we at least give them a day of recognition and I urge prompt consideration of the bill.●

Mr. WOLF. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 136

Whereas over 80 per centum of the firefighters in the United States are volunteers who selflessly protect our lives and property;

Whereas three hundred and thirty-seven volunteer firefighters have lost their lives in the line of duty during the past five years, with sixty-eight such deaths occurring in 1982 alone;

Whereas volunteer firefighters expose themselves to physical risks, including long-term health risks such as coronary disease, with no financial remuneration;

Whereas fire departments comprised only of volunteers protect a large percentage of the rural townships, hamlets, and farms within the United States; and

Whereas firefighters attached to such departments spend time and energy, in addition to that spent fighting fires, to provide fire prevention instruction and other services to their communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 20, 1983, is designated as "National Volunteer Firefighters Recognition Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HALL of Indiana: Page 2, line 3, strike "August 20, 1983" and insert in lieu thereof "August 18, 1984".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. HALL).

The amendment was agreed to.

Mr. DOWNEY of New York. Mr. Speaker, on July 27, 1983, I introduced a bill in the House of Representatives which would set-aside a special day to honor America's nearly 1 million volunteer firefighters. The bill has already passed in the Senate and has received the bipartisan support of 221 of my House colleagues. It has been endorsed by the International Association of Firefighters, the National Fire Protection Association, and the National Volunteer Fireman's Council.

Since the days of the bucket brigades, volunteer firefighters have protected our lives, our homes, and our businesses. Today, they battle industrial blazes as well as domestic grease fires. They teach fire prevention in our schools—and they still rescue the tree-bound family cat.

The commitment of our volunteer firefighters does indeed embody the quintessentially American spirit of the good neighbor. And it is this spirit which has been a major force in our spectacular national growth.

Volunteers, either as informal groups of neighbors or organized companies, provided the only protection against fire in this Nation until the 1850's. Volunteer fire departments like the Union Company, founded in 1736 by Benjamin Franklin, were benchmarks of progress and the spread of civilization.

Today, this spirit continues. By 1979 estimates, 4 out of 5 of America's firefighters are volunteers. In the past 5 years 395 of these brave individuals have died in service to their communities, with 58 such deaths occurring in 1983 alone. This is service above and beyond the call of duty and any possible recompense.

Finally, linking our frontier past with the present, a large portion of America is still protected by all volunteer departments.

For these reasons, and to promote both fire safety and voluntarism generally, I beleive we should encourage the Nation to recognize the bravery, self-sacrifice, and devotion to community of our volunteer firefighters.

The SPEAKER pro tempore. The Clerk will report the amendment to the preamble.

The Clerk read as follows:

Page 1, paragraph 2, strike "three hundred and thirty-seven" and insert in lieu thereof "three hundred and ninety-five"; strike "sixty-eight" and insert in lieu thereof "fifty-eight"; strike "1982" and insert in lieu thereof "1983".

The SPEAKER pro tempore. The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARKINSON'S DISEASE AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 432) designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation being considered.

● Mr. WAXMAN. Mr. Speaker, I rise in support of House Joint Resolution 432. This joint resolution would designate the week of April 8 to April 14, 1984, as Parkinson's Disease Awareness Week.

Parkinson's is a devastating neurological disorder affecting the centers of the brain which control movement. Its most common symptoms include tremors, rigidity, and bent posture. In advanced stages the Parkinson's patient is expressionless, often sits motionless for long periods of time, may take up to 2 hours to eat a simple meal and had extreme difficulty in speaking intelligibly.

Very little is known about the causes of Parkinson's disease, but recent research breakthroughs offer great promise of better understanding its cause and most effective treatment. Although drug and exercise therapies have been developed which relieve some of the symptoms of Parkinson's disease, there is no treatment to halt the destruction of nerve cells. Since Parkinson's is not contagious and no official statistics on its incidence are kept, we do not even know for certain how many Americans are afflicted. Estimates range from a few hundred thousand to over 1 million.

We do know that the incidence of Parkinson's disease increases with age, and that as our population ages Parkinson's will become more common. We know that it affects men and women of all social and economic classes.

House Joint Resolution 432 is intended to promote greater public awareness about Parkinson's. During the week of April 8–14, local Parkinson's organizations will be working with television, radio, and print media to help educate the public about the symptoms of Parkinson's, what is currently known about treatment, and the direction of health research. These efforts deserve broad support.

I am pleased to join with 220 of our colleagues in support of this joint resolution.●

● Mr. UDALL. Mr. Speaker, I rise today in support of House Joint Resolution 432 offered by Mr. WAXMAN of California designating April 8 through 14 as "Parkinson's Disease Awareness Week." This resolution will be the first important step in a national campaign to improve and broaden the public's awareness and understanding of Parkinson's disease.

Parkinson's disease is a progressive disorder which affects the centers of the brain which control body movement. An estimated 1½ million people in the United States have Parkinson's disease. It strikes 1 in 100 Americans over the age of 60, a startling statistic. Yet it remains a relatively unknown and misunderstood affliction.

Until recently very little was known about the causes or the proper treatment of this disorder. However, as a result of intensive research and major breakthroughs in drug therapy, most Parkinsonians now live full, active, and productive lives.

It can be difficult to cope with Parkinson's disease, both for the Parkinsonian and the family. I know, I have Parkinson's. The general public has many misconceptions about the disorder, as do many patients. These misconceptions hamper diagnosis and treatment. As National Chairman of the American Parkinson Disease Association, I have received many letters from frightened Parkinsonians who are unsure of how to cope with their newly diagnosed disease. However, with proper diet, regular exercise, and medication they can live full lives.

Through the dedicated efforts of groups like the American Parkinson Disease Association and the Parkinson's education program, the public is gaining a better understanding of this affliction. There are now 182 active support groups across the Nation and 17 information and referral centers at major hospitals and universities providing Parkinsonians with information, emotional support, and professional aid.

You can help our efforts by voting to designate "Parkinson's Disease Awareness Week." I urge you to support this resolution.●

Mr. WOLF. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 432

Whereas Parkinson's Disease is a progressive and as yet incurable neurological affliction that affects one out of every one hundred citizens over the age of sixty and whose cause is still unknown;

Whereas with improved methods of diagnosis, the onset of the disease is now being diagnosed as early as the age of forty and younger;

Whereas with earlier diagnosis and the aging of our entire population, more and more of our citizens will be afflicted with Parkinson's Disease;

Whereas it is important to educate the public about the need for research into the cause and cure of this disabling disorder; and

Whereas only public awareness of the terrible toll taken by this neurological affliction can spur Federal, State, and local government agencies, and the private sector to establish the programs necessary to find a cure, improve treatment, and help those afflicted and their families to cope with this disabling disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week", and to call upon Federal, State, and local government agencies, and the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PHOTO WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 250) declaring the week of May 7 through May 13, 1984, as "National Photo Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER, pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objec-

tion to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 250

Whereas photography is the prime visual recorder of human events of any dimension, preserving memories, emotion, and sentiment for virtually all the American people;

Whereas photography is an established and growing art form communicating the beauty and diversity of America and its people both within the land and abroad;

Whereas photography is an important contributor to communication, meteorology, justice, medicine, geographic exploration, astronomy, agriculture, and many other fields of science, technology, and inquiry; and

Whereas photography is, and has long been, an indispensible tool in preserving the history of the Nation and the changing panorama of American landscape and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 7 through May 13, 1984, be declared to be the first annual "National Photo Week". The President is authorized, since "National Photo Week" is to be a time dedicated to increasing the American public's appreciation and understanding of photography and to improving individual skill in photography so that the benefits thereof may be appreciated and used on the broadest possible scale, for the greatest number of people, to issue a proclamation to aid in the celebration of said week.

The SPEAKER pro tempore. The gentlewoman from Indiana (Mrs. HALL) is recognized for 1 hour.

Mr. CARR. Mr. Speaker, will the gentlewoman yield?

Mrs. HALL of Indiana. I yield to the gentleman from Michigan.

Mr. CARR. I thank the gentlewoman for yielding.

Mr. Speaker, I would like to inform the House that this Senate resolution is a companion to House Joint Resolution 510 which I introduced last week. House Joint Resolution 510 already has, in a short week, 77 cosponsors. People in the House understand the role that photography has played both in our commercial life, our artistic life and in the process of government through the medium of motion pictures, video cameras, and still photography.

I was surprised to learn that Congress has never honored formally the invaluable contribution that photography has made to the quality of our life. I think it is entirely appropriate that the House should agree with the Senate joint resolution, and I thank the gentlewoman for her help in this matter.

The SPEAKER pro tempore. The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain special order requests now, up until the time of 2 o'clock.

MINING EXTENSION SERVICE

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, the minerals resources of the United States, along with the mining industry, will play a vital role in the economic future of our great Nation. Coal is our only future energy source which we have in abundance, and our other minerals are the basis for the products we manufacture.

If our Nation is to remain competitive in a worldwide minerals economy, new technology and research information must be quickly and efficiently disseminated to our mine operators and miners. Our small mines, in particular, do not have the resources to develop necessary, new technology. Yet they must have access to useful and up-to-date information.

To insure our minerals industry can remain competitive with other countries, I am today introducing legislation which will create a national mining extension service pilot program which will help mine operators across the country keep their competitive edge. This pilot program will provide the opportunity to explore the feasibility of a national program without requiring large Federal appropriations.

Our Nation's economy depends on our minerals industry and we must insure it remains sound. I believe the low-cost mining extension service pilot program will be the first step in that direction.

Mr. Speaker, the bill follows:

H.R. 5238

A bill to establish a national mining extension service pilot program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mining Extension Service Act of 1984".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress makes the following findings:

(1) The vast domestic coal and mineral resources of the United States will play a significant role in the Nation's economic future.

(2) In order to preserve the United States competitive position in a worldwide minerals economy, new technology and research information must be quickly and efficiently disseminated to mine operators.

(3) In order to continue decreasing the incidence of injuries, illnesses, and fatalities in mines of all sizes, useful and up-to-date health, safety, and training information must be disseminated to mine operators and miners.

(4) Many small mines do not have adequate resources to develop technology or training programs on their own, but they must have access to useful and up-to-date information if they are to remain a viable part of the minerals industry.

(5) The few State mining extension services in operation today are limited in scope.

(6) A national mining extension service could be a flexible system which does not necessarily require new brick and mortar investments if properly coordinated with other existing facilities, including possibly the national Agricultural Extension Service.

(7) The tasks and functions of national mining extension service representatives should be determined by the needs of the mine operators and the mines they serve.

(8) It is in the national interest for the Federal Government to create a national mining extension service to disseminate useful and practical mining information and encourage its application in the mining industry.

(9) A pilot mining extension service could be implemented to evaluate the potential of the concept and to determine its cost effectiveness before consideration of an expanded national program. The possibility of combining such mining extension service with the existing Agricultural Extension Service should be explored, and cost sharing with universities or States involved in the pilot program shoud be encouraged.

(b) The purposes of this Act are as follows:

(1) To establish a national mining extension service pilot program to indicate the feasibility of an expanded national program.

(2) To determine if a national mining extension service would help—

(A) increase production and productivity, allowing the Nation's mining industry to remain competitive in the worldwide minerals market;

(B) decrease the incidence of injuries, illness, and facilities for improved health and safety; and

(C) insure the availability of adequately trained miners.

(3) To determine the feasibility of combining a national mining extension service with the national Agricultural Extension Service.

ESTABLISHMENT OF PILOT PROGRAM

SEC. 3. The Secretary of Labor shall establish and carry out a national mining extension service pilot program as provided in this Act. The program shall be administered by the Assistant Secretary of Labor for Mine Safety and Health.

PILOT PROJECTS

SEC. 4. The Secretary of Labor shall issue grants for the establishment and operation for a period of at least two and not more than four years of two national mining extension service pilot projects, one to be located in a coal mining region of the United States and one to be located in a region of the United States where minerals other than coal are mined.

(b) Each of the pilot projects referred to in subsection (a) shall be established at or in connection with a State or a university with experience in operating an extension service. Such existing extension service need not be a mining extension service, but any entity to whom grants are issued under this section for the operation of a pilot project must have a multidisciplinary resource base adequate to support a mining extension service program. Among the resources required of such an entity shall be technical programs, skills, and knowledge with respect to mine health, safety, and productivity, including mining engineering, mineral processing, mineral economics, mining education programs, research and evaluation support, and computer science support. Such entity must also have easy access to the national Agricultural Extension Service.

PURPOSES OF EXTENSION SERVICE

SEC. 5. The purposes of the national mining extension service pilot program established under this Act shall be as follows:

(1) Prepare and distribute mining information reports and bulletins.

(2) Cooperate with and assist associations, agencies, and special committees having an interest in mining and miner training.

(3) Promote, organize, and conduct seminars and workshops with respect to mining health, safety, and productivity.

(4) Work with Federal agencies, State agencies, and academia in identifying new technology which, when introduced in the mines, could solve current health and safety problems or increase productivity.

(5) Determine how the needs of small mine operators can be met and whether cooperative efforts between small mines could help meet such needs.

(6) Determine how a national mining extension service could be integrated with the national Agricultural Extension Service.

(7) Determine if a national mining extension service can be cost effective and if not, what other method would be most cost effective in accomplishing the purposes of the extension service.

STAFF

SEC. 6. (a) Each pilot project established under this Act shall have two full-time field agents and no more than five full-time administrative and support staff (or the equivalent part-time staff).

(b) The functions of the field agents referred to in subsection (a) shall be as follows:

(1) Assess the needs of the local mining community with respect to increasing the production and productivity of the local mining area.

(2) Assess the needs of the local mining community with respect to decreasing the incidence in mines of injuries, illness and fatalities.

(3) Assess the needs of the local mining community with respect to increasing the availability of adequately trained miners.

(4) Work closely with the local mine operators and miners to encourage cooperative communication and to establish the field agents as trusted consultants and facilitators.

(5) Provide assistance in the form of mining and educational expertise to schools and mining companies which develop or use miner training programs.

(6) Identify problems which will require research and insure that appropriate research agencies and organizations become aware of such problems.

(7) Help introduce to the local mining community new technology which can increase productivity or improve health and safety in the mining industry.

REPORTS AND DURATION

SEC. 7. (a) Not later than 90 days after the end of the first year of operation of any national mining extension service pilot project established under this Act, the entity to which grants have been issued for such project shall submit to the Congress a report evaluating such first year of operation of the project.

(b) Not later than six months after the end of the second year of operation of such project, such entity shall submit to the Congress a final report containing recommendations with respect to the implementation of a nationwide mining extension service, including an estimate of the annual cost of such a program and an evaluation of the advisability of combining such program with the existing national Agricultural Extension Service.

(c) At any time after the end of the second year of operation of any pilot project under this Act, the Congress may, by concurrent resolution, terminate such project.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 8. There is authorized to be appropriated for the fiscal year ending September 30, 1985, to the Secretary of Labor for the purpose of this Act $950,000, to remain available until expended.

INDIVIDUAL TRAINING ACCOUNT ACT

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, plans to revitalize the Midwest's and the Nation's economy can succeed only if our country's work force has the advanced skills for tomorrow's jobs.

Being competitive in foreign and domestic markets is the key to the Midwest's and our country's renewed growth and economic vitality. This requires not only the modernization of industrial plant and equipment and diversification of the economic base but the updating of workers' skills.

Unfortunately, much more emphasis has been placed on investment in physical plant than on investment in human capital; we have not invested to the extent we should in human capital. Congress has done little to help workers to acquire new skills to keep them employable and expand their job opportunities.

The results of this imbalance are seen in the high unemployment and continued layoffs in Ohio and much of the Midwest. Ohio's unemployment rate is running 20 percent higher than the national unemployment rate. In February, the national unemployment rate was 7.8 percent. For Ohio, it was 9.3 percent. Hundreds of thousands of workers remain out of work because their skills are no longer suited for the jobs of today and the future.

New skills are demanded not only for new jobs but for many old jobs that are based on new manufacturing processes and technologies.

The main problem: how do workers get the means to pay for training and retraining when they need it?

Last January, I toured the Polaris Joint Vocational Center in Middleburg Heights, Ohio. I was struck by the fact that many unemployed workers were unable to receive needed training simply because they could not afford the $1,000 tuition.

We do not have a means as many country's do to train our unemployed.

The Northeast-Midwest Congressional Coalition set up last fall its task force on employment and training to develop legislation to deal with this problem.

The task force, which I cochair with SHERRY BOEHLERT, introduced last month the National Individual Training Account Act (H.R. 4832).

The ITA bill is just the type of innovative, result-oriented program that is required if we are to revitalize our Nation's economy and give our workers a new future. It is essential if obstacles to retraining are to be eliminated.

Key points of the ITA bill:

It would establish a flexible, simple system aimed at helping displaced workers by providing funds for retraining and, if necessary, limited relocation expenses.

It would use vouchers, like the highly successful GI bill.

It would be modeled after the popular individual retirement accounts. Workers and employers would both contribute equal amounts to special accounts that would be tax free if used for training.

It would be self-financing.

It would be voluntary with both a worker and employer having to agree to participate.

It would be tied to the worker and not the job. Workers could use their ITA to pay for training while receiving unemployment compensation to which they are entitled.

It is intended to provide workers with a safety net. When they need to receive retraining, the money will be there to pay for it.

The ITA bill is a top priority item for the Northeast-Midwest Coalition.

It is a straight-forward idea that needs to be implemented. It needs Members' active support if it is to be adopted. It is in everybody's interest.

Only with the ITA can workers be assured that they will be able to pay for training and retraining that will

bring them new jobs and a future. This is critical for Ohio and our country's economic well-being.

I urge Members to cosponsor the bill.

□ 1330

THE PEOPLE'S AGENDA AND THE NEED FOR REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I can assure the Chair that we can stay within the timeframe that the Chair has designated and finish up our special order within that timeframe.

Mr. Speaker, I take the special order in order to take a look at this legislative week, particularly as the week is in reference to an agenda for the American people that we began defining at the beginning of this session.

We said at the beginning of this session that there are issues across this country that a vast majority of the American people agree with. There are issues like the balanced budget. Issues like fiscal discipline through a line item veto. Issues like school prayer. Issues that, for one reason or another, are not getting to this House floor.

There are issues where the day-to-day concern of the American people are involved and are not being addressed in this House; issues such as crime. We felt very strongly that these are issues that deserved a vote in Congress. We set out at the beginning of this session to explain to the American people why they were not getting the votes in the House of Representatives. Why the system that has been developed here, a system that includes lying and distorting the CONGRESSIONAL RECORD, lying through, and distorting the CONGRESSIONAL RECORD. Using ghost voting in committees. Stacking committee ratios against the Members of the minority party. Why these things are used as a way in which to deny the American people the agenda that they desire.

Having seen that process in action, hoping that the American people somehow understood why the issues of major concern to them do not get to the House floor, this week we began to see that having pressured toward an agenda for Americans, that indeed we are beginning to see some action in the Congress, at least in some portions of the Congress.

The other body this week did address the school prayer issue, and while it did not win in that body, it did receive a majority of the votes. Eighty-five percent of the American people approximately say they agree with voluntary prayer in schools. Only 56 percent of the Senate said that they agree with voluntary prayer in schools. I would submit that that discrepancy is something that the American people may want to address come election time in November. They may want to take a look at that vote. It is just as important that we have a vote in this body. That we have a vote on that issue in this body so that the American people can make a judgment when they go to the polls this November on how their Member of the House spoke on the issue of school prayer.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Pennsylvania for yielding.

I think the gentleman has raised a very important point. Although the vote on the school prayer amendment in the U.S. Senate did not receive the required two-thirds necessary to pass, the important point is that the issue was brought to the floor of the Senate, was debated for all to see, and now all 100 Senators are on record on that.

That seems to me, if I can remember from my civics textbooks, to be the way this institution is supposed to operate. When there are major public policy issues on which the American people are divided, in this case divided 80 to 20 in favor, those issues are supposed to be debated publicly by the people's Representatives and then those Representatives go on record with their votes and justify their votes to their constituents in the next election.

We now have that situation in the U.S. Senate by a vote of 56 to 44 and people can judge their representatives. The problem is in this body, the people do not have the opportunity to judge their Representatives on that issue or a whole series of other issues that the gentleman from Pennsylvania has outlined. Why? Because the Democratic leadership of the House of Representatives continues to use their power and the power of the rules not just to get the outcome they want on issues, but literally to prevent issues from ever surfacing in what is supposed to be the peoples' House.

So, I think the gentleman from Pennsylvania has raised a tremendously important point, and I thank the gentleman for yielding.

Mr. WALKER. Well, I thank the gentleman.

It is important to understand that what we have talked about since the beginning of this session is opening up the legislative process. Now, it seems to me that the great reforms of the legislation process that have taken place since the beginning of this Republic, have always aimed in the direction of taking what has become a tyrannical control of the legislative process and reforming into a more open process that included the American people in the decisionmaking even more.

What we are seeing is tyranny of the House in the modern day. Basically what we are saying is that we need to have the kinds of reforms that assure a vote on issues of major concern. That is what we do not see here.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I think that the historical point that the gentleman makes is tremendously valuable about the tyranny of the House. It is nothing unusual for this institution to become somewhat rejudified, if you will. If you go back into the early part of this century, of course, there was a great reform movement aimed at the power of what was termed then, "King Caucus," when the caucus was too powerful and the institution has become unresponsive to the will of the people for that reason.

There are more recent examples as well. One of the things I continue to be interested in is the use of the Calendar Wednesday technique that we have tried to initiate in this session of Congress whereby committee chairmen can bring matters to the floor through the use of the Calendar Wednesday procedure. Of course, our liberal friends object to that rather strongly.

During the 1950's and early 1960's it was liberal Members of this body that used the Calendar Wednesday mechanism to bring to the floor of the House civil rights legislation that had been bottled up and was being prevented from being acted upon. If you go back even just 10 years ago, as the gentleman, I am sure, remembers. After the 1974 election, a group of younger, liberal Members on the other side of the aisle challenged, and I believe successfully dumped three committee chairmen because they felt that in that way the system had become unresponsive and tyrannical.

I am not passing judgment on any of those movements. I am only saying that this is an institution like any other institution, and the people that are in charge of that institution can err because they are human, and they can abuse power, because we know that people abuse power, too. That seems to be precisely the situation that we are in today.

The people who run this institution, the Democratic leadership of the House of Representatives, are abusing their power to prevent action on the peoples' agenda.

I thank the gentleman for yielding.

Mr. WALKER. Certainly the corruption of power, as outlined by Machiavelli many years ago fits this body as well as other institutions of government: That absolute power in fact corrupts absolutely. We see that happening in terms of what has taken place.

There has been one-party control of this House of Representatives for almost 30 years at the present time. During that period of time, they have put things into place which were done for maybe all the right reasons at that time. They were done for reasons of efficiency; they were done for reasons of legislative effectiveness. But then, they have built upon those rules that they put in place in a way which put too much power in the hands of a few. Today we see those few people wielding power in a manner which is not corrupt in an ethical sense, but is certainly corrupt in a political sense. That is the problem that we see here. We see bills brought to the floor that are basically decided upon in a dark room by a few people and then thrust out onto the House floor without any hearings, without any consideration. We are told, take it or leave it, we are giving it to you under a closed rule, and you will either buy this or leave it.

We have bills coming out here that have had absolutely no minority input into them. Where the hundreds of thousands of Americans, millions of Americans in fact, are disenfranchised in the process of writing the bill that is ultimately brought to the floor, and then we are given no chance whatsoever to even add amendments to that bill that has been written for us by a band of a few people. That is just unacceptable in the people's House. That means that of the 435 Members of Congress, maybe 425 of them are being left out of the process. That is unacceptable. It was unacceptable when Uncle Joe Cannon found his power stripped; it is unacceptable today. It is a progressive movement that says that you open up the House of Representatives.

It seems to me that one of the things that you might want to do is open up some of the committee processes around here. We have got committees here that basically meet hidden away where 2-to-1 plus 1 votes are controlled by a few people, and yet, the television cameras cannot fit into the room to understand and see what is going on. Or where meetings are taking place to decide the spending patterns for this country in rooms small and cramped where backscratching is taking place; where deals are being cut; where arms are being twisted, and yet the American people are frozen out of the process because no one can observe it. That is wrong, and the American people know it is wrong. They feel a great distrust of this institution. It shows up on poll after poll and it is time that we bring about reform.

We are suggesting that this week is an example of why you have to have those reforms. We have a vote on school prayer in the other body; we cannot get a vote on school prayer in this body. We have a vote on bankruptcy reform in this body on a bill that was precisely 2 days old when it was brought to the House floor. It had been subjected to no hearings in the Judiciary Committee; was passed out of the Rules Committee on an armtwisting kind of pattern, and was brought to this House floor. It is a totally unacceptable, downright despicable kind of legislative performance.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

The gentleman has touched on a point that needs to be developed somewhat further because this is really a classic case of how you can influence the Democratic leadership of the House of Representatives, and by the same token, how you cannot.

On the one hand, we have the school prayer constitutional amendment, that has been in committee in the House of Representatives for 22 years. It was voted on once 13 years ago, not because it was reported out of the committee through the normal procedures, but because it was pulled out of the committee through the mechanism of a discharge petition.

Twenty-two years in committee, one vote 13 years ago over the objections of the House leadership, and the committee chairman.

□ 1340

That is how they deal with the school prayer issue that has the support of over 80 percent of the American people and that was, of course, the law of the land for 180 years until that Supreme Court decision in 1962.

On the other hand, as the gentleman pointed out, we have an example this week of how you can influence the Democratic majority and get your item on the floor of the House. A short time ago the Supreme Court ruled, in what they called the Bildisco decision, against organized labor on the question of labor contracts when a company goes into chapter 11, in other words, bankruptcy, and they basically ruled against labor, saying that a company that goes into chapter 11 in essence can, indeed, abrogate those labor contracts.

The very afternoon that the Supreme Court rendered that decision, the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO), introduced a piece of legislation designed to rectify that situation in the eyes of organized labor.

Without passing judgment on the issue, is it not interesting that the school prayer amendment can languish in that committee for 22 years, never being reported out, but the very day, a matter of hours after the Supreme Court rules against the organized labor special interests, bam, the committee chairman has a bill introducted and here now, this week, without a single hearing in subcommittee, without a single hearing in committee, that language to reverse the Bildisco decision in essence is tacked onto the bankruptcy legislation and railroaded through the House of Representatives without even a voice vote.

It says if you are big labor, you have a way of getting your interest represented in the House of Representatives through the Democratic leadership.

Mr. WALKER. We want to correct the gentleman's statement, if he will yield just a moment.

There was a voice vote on it. There was not a record vote on it.

Mr. WEBER. There was a voice vote, not a recorded vote.

Mr. WALKER. We have a voice vote, but not a recorded vote.

Mr. WEBER. I thank the gentleman for correcting that.

But the point is, of course, that if you are organized labor and are interested in having your voice heard in the House of Representatives, it is not tough at all. You just call up the committee chairman and he takes care of you within hours. But if you are parents or students or teachers who are concerned about the erosion of religious liberties by a court decision, you have to wait 22 years. You never have your concerns heard on the floor of the House of Representatives. Your concerns are bottled up in the committee and tucked away for nearly a quarter of a century.

I think that is what frustrates the American people about this institution.

Mr. WALKER. The gentleman makes a very, very good point, because what has happened here is, as this has become a more closed society and as the legislative process has retreated into the hands of a few individuals, as the American people have lost control of the process, as the Representatives themselves have been frozen out of the decisionmaking process, the special interests have gained more control.

Mr. WEBER. That is right.

Mr. WALKER. And the special interests have become more and more greedy. Over the period of the last 20 years, we have seen special interest power in this town grow, we have seen big business, big government and big labor exert more and more control in this place, wrenching tax dollars away from working families in the country and putting them into all manner of programs.

People across the country ask, "Why is this taking place?" Well, the reason why it is taking place is that special interests have learned one thing: In an institution where there is very, very little in the way of public input, the special interests have a chance to have

a lot of input, and that was obvious in the case that the gentleman cites: That here big labor had something that they needed on their agenda. They had one person that they could go to who would introduce the bill immediately, a few people met in a back room, moved that bill to the House floor right away, it came out here under a closed rule because the Committee on Rules is stacked 2 to 1, and we passed it through here.

That special interest power, working through this body that is supposed to be the people's body, the people have lost control here. The people need to regain control to break the back of special interests.

So, insofar as you are willing to endorse the kind of majority leadership that we have in this body, the kind of thing that has taken place over the last few years, what you are really saying is that the special interests of this country should be the power and the American people should be ignored.

I find that totally unacceptable. I think it is horrid that what we have going on in this country is a special interest power that is unmatched in the history of the country. I do not know how long we can go on having real democracy in this country when big, powerful special interests control what was traditionally supposed to be the people's voice in the institution of Government.

Mr. WEBER. If the gentleman will yield further, of course, the gentleman has made a very important point in emphasizing that this special interest dominance of the Democratic House of Representatives is best carried out through the committee process, which is somewhat removed from the view of the average person.

Many people might say, "Well, is not the committee process simply a microcosm of the House of Representatives itself?" Of course, as we have pointed out in the past, and the gentleman from Pennsylvania has taken the lead in pointing this out, that is not the case at all.

First of all, the representation of the two parties in the committees is not the same as the representation of the two parties in the House of Representatives. As the gentleman has pointed out, the Democratic leadership has stacked those committees so that they have a higher percentage of the members of the committees than they do of the membership of the House of Representatives as a whole. So there is not proportional representation. The representation in the committees does not reflect the votes cast by the average Americans every 2 years for the House of Representatives. That is the No. 1 problem with the committee system, the No. 1 way in which the Democratic leadership has stacked the deck in committees.

Second of all, of course, they utilize the mechanism of proxy voting, otherwise known as ghost voting, so that Members do not even need to show up in committees, do not need to go to hearings, do not need to show up for the votes. You can sit in committee all day long, arguing as well as you might, and when the vote comes the committee chairman can pull out his proxies and, even if he is all alone there in support of a bill, and a dozen Members may be lined up opposed to it, he wins the day because he casts all the proxy votes. Members often do not even specify what the proxy vote is to be cast for; it is just a general proxy and the chairman of the committee has the opportunity to exercise it.

That is a second way in which the committee system is stacked, if you will, against the general interest.

And, of course, the third way is that although these are not secret meetings, technically defined, they are far removed from the public view. The public has a better sense of what goes on here on the floor of the House of Representatives by far than what goes on in committees. Of course, in the most crucial committees of this House of Representatives, there seems almost to be a real attempt to make it difficult for the press to cover them.

I was talking this morning to a member of the press who pointed out to me that in the Committee on Rules, perhaps the most powerful committee of the House of Representatives and certainly one of the most powerful, there are only six chairs for members of the press. Of course, as the gentleman from Pennsylvania knows, that is a very small and crowded room. So it is not technically closed, but in every way possible, committee activity is made difficult for the general public to watch and understand and follow; whereas, activity here on the floor of the House is far more open to the general public, relatively speaking in terms of the public knowing what is going on.

That is why what the gentleman from Pennsylvania has been doing over these several years now, an attempt to bring these issues to the floor of the House, is so important.

Mr. WALKER. The gentleman is correct, and I think it is well to point out, as he has pointed out, what happens in this proxy voting process.

The special interest powers in this country understand proxy voting better than the American people do. The American people believe that if they send their Representative to Congress that that Representative is going to go to these meetings of the committee that they are on and they are going to sit there and they are going to listen to the debate and they are going to cast their vote. So they believe that their interests are really being represented as these votes take place in these meetings.

That is not what takes place, and the special interests know it. The special interests know that if you can convince a guy who is not even going to be in town that day to give his proxy to his chairman to cast his vote a certain way, that you do not even really need him. As a matter of fact, it is better not to have him there because he might hear an argument that would go against what you are telling him, so if he is not even there to listen to the discussion, that is even better; you have his vote and you have it on a sheet of paper and he can be in Timbuktu and the chairman is still going to vote it. If you have the committee stacked in the first place, every one of those ghost votes is just as good as though the person were actually there. So that really stacks the whole process in favor of special interests because the special interests understand how this in-house process works as compared to how the American people think it works, and the American people are right. They know how it should work. It is just fact that it does not work that way here.

We have come upon, then, a very, very serious situation in the House on many of these agenda items. We have not talked about the crime issue, but it seems to me that that is another good example. We have people being murdered, people being robbed, people having to lock themselves away in their homes, particularly elderly citizens who literally have to put dozens of locks on a door to protect themselves from the crime that is right outside that door.

□ 1350

You have all of these things happening. People are fearful of the crime problem in this country, and yet we cannot get action on a crime package.

Now, why were we told that the President's crime package, when it arrived from the other body and came into the House Chamber, was "dead on arrival"? It was proclaimed by one of the distinguished leaders on the other side as being "dead on arrival" in the House of Representatives. Why?

Well, there is an explanation they give for that. It is too multifaceted; it is in many pieces. It has to go various places in order to be considered. And so, therefore, the package is dead on arrival, although we would like to consider parts of it.

Well, that did not hold water when we got to the bankruptcy bill. There they were able to pull it together.

The chairman's labor bill; they were able to pull together H.R. 1800 that covered some commercial credit things; they were able to pull the judge bill together; they were able to pull all of these things together in a

bill that they wrote in 48 hours. They could pull all of that together, but when it comes to crime, when it comes to protecting the American people against murderers and rapists and thieves and drug dealers, and so on, when it comes to that, we cannot quite get that package together. Despite the fact that it was passed in toto in the other body, we in the House of Representatives cannot quite get there.

Well, that has to be disturbing. It has to be disturbing to anybody who feels that their children are threatened, their parents are threatened, or their grandmother is threatened by the crime that is plaguing virtually every community in this country. It is a shocking performance, and it is the kind of thing that is just unacceptable in the people's branch of the Government.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, the gentleman makes a very important point. The crime bill is an excellent example.

Here is a piece of legislation, reform of the U.S. Criminal Code, that has been in the works for 18 years and was passed through the U.S. Senate by a vote of 91 to 1 after that 18-year process finally culminated, and yet the package as such is pronounced "dead on arrival" when it gets to the Democratic House of Representatives.

But I think the point that the gentleman made that really needs to be driven home is, as we point out, that the average person feels fairly frustrated with Government. The people do not understand why Government cannot act on their basic concerns. But here in the House of Representatives we have erected an elaborate system of defenses for the average Member, if he wants to use them, that in essence enables him to go home and play a shell game with his constituents.

His constituents can say, "Why haven't you done anything on the balanced budget constitutional amendment?" And he would say, "Well, of course, it has to go through committee first, and we couldn't bring anything to the floor that hasn't gone through committee. I am all in favor of it, but if it hasn't gone through committee first, of course that doesn't work."

They ask about something like the Bildisco decision, why a particular Member may have voted with the labor interest groups instead of in the interests of his constituents. And he says, "Well, I would have liked to, of course, but the rules didn't permit us a separate vote on that issue."

That is a second dodge. Either it is in committee or the rules do not permit it.

And then, of course, there is the excuse of the schedule. Early in the committee system or early in the year we are always told, "Well, the committees are too busy and we don't have an opportunity to consider legislation on the floor early in the session because the committees are out there working frantically." Then later in the session they say, "Well, it's too late now. Now we have a crowded legislative agenda."

So through a whole variety of techniques, the average Member of this body is able to go home, if he wishes to do so, and play a shell game with his constituents and thereby avoid personal accountability for any of the decisions that are not made here that the average person thinks should be made here.

Mr. WALKER. Mr. Speaker, the gentleman, of course, is correct. And a constituent will ask, "Well, why don't you sign the discharge petition which is at the desk to bring the balanced budget amendment to the floor and to bring the school prayer amendment to the floor?"

Then his explanation is, "Well, of course, we don't want to confront the committee chairmen on this. The committee charimen have to have some power to control the schedule, and so on, and while I am personally going to that chairman and push him to bring it to the floor, I don't feel that it is responsible for me to sign a discharge petition that would actually have some effect on bringing it to the floor."

There is one dodge after another. There are times when people bring to me letters that they get from Members of Congress telling them why they cannot be with them, that they are really with them on the issue, but they cannot see it getting voted on in the House of Representatives. And the letters are almost silly in their content because anybody who understands the process knows that what it is is a dodge for not doing anything. And as the gentleman says, it is a dodge for not being held accountable.

The most important thing in Government, in my mind, is accountability, and accountability stems from being able to vote for people. The most accountable people should be those that you vote for, and so, therefore, the more people you can vote for as a part of the governmental process, the better off the people are because they have a chance then of throwing those people out. But if the vote is a phony vote, then that is a problem, too, because if you do not really have the issues to address or if somebody is using the power of the frank and the various powers we have as Members of Congress to basically distort the picture as to that amendment, then the vote is not really a real vote either, and that is disappointing.

That is the reason why the American people should insist that these issues be voted on. Good heavens, I do not care how the Members vote. I think a Member can vote his conscience. I would hope they vote their districts. Any way they want to vote, that is fine, but they ought to vote. We ought to have that accountability, and the American people ought to have that record with which to judge whatever the final product of that Member's service is.

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, you, of course, undermine democracy when you have this kind of a shell game going on in the House of Representatives, because then you break down the fundamental link that needs to exist, which is the link between the vote that the average person casts and the behavior of his Members of Congress.

In a democracy, presumably the vote that a person casts for his or her Member of Congress bears some relationship to that person's wishes regarding the major issues of the day. But when that Member of Congress is protected from ever having to vote on those issues once he gets here, you have broken that vital link, and so the people's House of Representatives becomes less reflective of the will of the American people than it would be if you had rules that permitted the process to be more responsive.

Mr. WALKER. Mr. Speaker, many Members of Congress chafe under the idea that certain interest groups will vote for them or against them based upon one vote they cast in the Congress or one series of votes they cast on a particular issue in the Congress, and I understand that attitude. It really is not fair to evaluate a legislator's record on only one series of issues. That is not the way that you ought to vote. It ought to be on the totality of the record.

But I would say that we have somewhat brought that upon ourselves when we in fact refuse to vote on some of these things that the American people want to see voted. They do not have the totality of the record on which to react, and so, therefore, they react on those few things that are of particular concern to them. If in fact we were voting on the issues the American people say they are genuinely interested in, that the vast majority of them have a concern about, then I think we would be able to have a vote in the voting booth based upon a broader range of that legislator's record.

But we have committed ourselves to a special interest kind of pattern in the House of Representatives, and, therefore, it should not be too surprising to us that the people then also vote those special interests, which is a shame. I think that distorts democra-

cy and distorts representative government, and it should be ended. But it can only be ended when we reform this body so that it is truly more representative of the American people and is truly a place where the American people's voice is heard on a daily basis, not just on an irregular basis.

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, we are running very short on time here. Just before concluding, I just want to say that the Washington Post this week ran a fine editorial or a fine article on the efforts of the gentleman from Pennsylvania, and I would just like to add my voice to those words and say that I think the gentleman from Pennsylvania, more than any other Member of this body, is doing precisely what a Member ought to do if he indeed wants to open up the process of government, if he indeed wants to make the House of Representatives responsive to the will of the people.

I am glad that the Post is beginning to recognize the efforts of the gentleman from Pennsylvania. I realize that some of our friends on the other side of the aisle may chafe a little bit under his relentless pressure, but I want to tell him that I admire him, I thank him for what he is doing, and I an sure his constituents in Pennsylvania are proud of him, too.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Minnesota. His kind words are in some contrast to some of the words uttered by Members on the other side of the aisle, and so on, but I understand that they sometimes do chafe under activities that do not necessarily go along with their steamrollers, and that is the way it sometimes has to be.

But I would say that this Member from Pennsylvania certainly could not try to carry out some of the actions that he does without the cooperation of the gentleman from Minnesota and others. So I thank him very much for his remarks, and I particularly thank him for his support in many of the efforts that we have had underway here on the House floor.

With that, Mr. Speaker, I yield back the balance of my time.

THE GRACE COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I feel compelled to make a few observations on the President's private sector survey on cost control, popularly known as the Grace Commission.

This White House study aroused suspicion almost as soon as teams of high-paid business executives—with supposed immunity from conflict of interest laws and the Federal Advisory Committee Act, intended to protect the public from secret proceedings—began looking into virtually every facet of the Federal Government.

The Subcommittee on Investigations of the Post Office and Civil Service Committee held hearings over a 6-month period in a frustrating attempt to discover the methods and scope of this unusual effort.

When the President signed the Executive order establishing the survey, he said unequivocally that the investigation would be restricted to procedural issues and would not attempt to make policy recommendations.

It was clear after the first day of hearings that the survey was going far beyond its announced scope of looking into process and management inefficiencies.

It was clear to us nearly a year and a half ago, and it should be clear to just about everybody now, that this group never intended to confine its study to waste and mismanagement—that from the very beginning it was concerned with policies and programs.

In its final report, the Commission claimed its ideas could save billions over a 3-year period. The Commission refused to say which 3 years. Those 3 years, according to the Commission, could be as distant as the 21st century.

That shortcoming aside, the total figure could not stand up under careful analysis.

Two very respected analytical organizations—the Congressional Budget Office and the General Accounting Office—put their experts to work on the $298 billion Grace said it could save.

A joint study by CBO and GAO says, at best, auditors could document only $97 billion in savings from the columns of figures provided by the Grace Commission.

Now, if we were really talking about savings of $97 billion a year by getting rid of waste and using better management techniques, that would indeed be extremely significant. There is no question that nearly $100 billion is a lot of money.

But we are indeed talking about something quite different, as CBO and GAO pointed out.

The trouble is that most of the Commission's ideas have absolutely nothing to do with improved management. They are blatant proposals for cutting social benefits. What is more, says GAO, the proposals for the biggest savings simply do not have merit.

One example deals with a purported $30 billion savings in medicare and medicaid. What the Commission proposes is limiting growth of payments of these two programs to the annual change in the gross national product. Clearly, with medical technology swiftly advancing at a time when there are more old and poor people, this would result in a reduction in service.

Unmistakably, this is a policy issue of the highest priority. Certainly it is not a proper role for a Presidential commission that gave assurances it would refrain from getting into issues that the Congress must resolve.

In another recommended saving, the Commission proposed further cuts in food stamps and child nutrition. This, it said, would save the taxpayers $3 billion.

I would like to point out to my colleagues that Congress already has rejected similar cuts.

It does not require genius to cut funds—if you do not care where the cuts are to be made. Any household can achieve budget savings by giving the kids less food, fewer clothes, fewer trips to the dentist, and less money for educational advantages.

What the Grace Commission produced is not a prescription for reducing the budget but a calculated plan to cut and eliminate programs. It is a cruel hoax. Sadly, it misleads the public into believing that the huge deficits rolled up by the present administration could be wiped out by more prudent management of Federal funds.

The Grace Commission said that $75 billion could be saved over the magical but unspecified 3-year period for civil service pay and retirement programs. Using the Grace data, the congressional auditors said the figure would be only about $13 billion. And the changes required would take congressional action.

When the Grace Commission's task force on personnel management report was released nearly a year ago, it was carefully analyzed by the Post Office and Civil Service Committee staff. It was found that in the retirement area alone the report exaggerated 1984-86 savings by 600 percent.

Recommendations for changing the way Federal pay is set, which Grace claims would save $11.1 billion, actually would cost millions, and perhaps billion, of dollars.

Surely we should not attempt to make public policy on a report so riddled with error and false information.

When the report on personnel management was released, after a careful review, I called it a piece of statistical chicanery.

In more polite language, it seems GAO and CBO have reached the same conclusion.●

NAACP CELEBRATES DIAMOND JUBILEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, this evening I will have the privilege of celebrating with the Newark branch of the NAACP the diamond jubilee anniversary of the NAACP, our Nation's oldest civil rights organization.

It is an honor to join in tribute to the NAACP, a group started by 60 persons, black and white, that today is a half-million strong. For 75 years, it has been in the forefront of the struggle for human rights, equal rights, and civil rights, to the benefit of all Americans, not just black Americans, but Americans of all colors and all backgrounds. It was a leader in the battle when its causes were not popular, when its adversaries were extremely hostile. Largely through its efforts, the Nation was forced to focus on the injustices so many of our fellow citizens were made to suffer, on the indignities they had to bear, on the hardships that suffocated them.

With its relentless prodding, the NAACP helped bring about legislative changes that brought the ringing promises of the Constitution—equality, justice, the blessings of liberty—closer to reality for all our citizens. And the NAACP, and its many great leaders over the years, accomplished this with dignity, with cool reason and an impassioned belief that our system of government and our institutions could right the wrongs in our society and preserve equal justice for all under law.

Because of that belief, the NAACP chose to fight the battles against bigotry in the Congress and the courts, even when less patient groups counseled militancy. The NAACP's superb record of court victories and legislative triumphs bears witness to the wisdom of this approach.

In short, the NAACP throughout its history has been an eloquent and effective voice for those who had been voiceless; it has forced resolution of ugly problems our society for so long sought to hide—problems in housing, education, health, employment, voting; it has helped end centuries of deprivation of basic rights to minority citizens.

Through all my years in Congress, it has been personally rewarding to me, as a member and then as chairman of the House Judiciary Committee, to have worked closely with the NAACP in writing legislation that has moved us along the path of racial justice. And I look forward to the NAACP's continued, invaluable support as we resist efforts to turn back the clock and as we push forward to gain further advancements.

Mr. Speaker, the Newark Branch is itself 70 years old this year. Like its parent, it is very much a healthy, robust and growing organization. Last year, for instance, the Newark branch's membership increased to 3,000, a growth of 25 percent over 1982. For this increase, I want to commend the branch's membership chairperson, Susie McGhee.

The branch officers and all those who assist them are also to be commended for their splendid efforts in registering voters this year and for their work in the areas of education and economic development for Newark. These officers include:

Bobie Cottle, president; John D. Woods, first vice president; Dorthea Lee, second vice president; Daisy Stokes, secretary; Dolores C. Carter, assistant secretary; and Mamie Hale, treasurer.

I look forward very much to joining with all these people, with Benjamin L. Hooks, NAACP executive director, who will be the guest speaker, and with all friends and supporters of the NAACP in the celebration of the 75th anniversary of America's oldest champion of civil rights.●

COLOMBIAN DRUG BUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SMITH) is recognized for 5 minutes.

● Mr. SMITH of Florida. Mr. Speaker, network news Tuesday night showed pictures of Colombian police raiding a major cocaine processing plant in the jungles of Colombia.

According to published reports, this raid seized nearly 14 tons of cocaine base and cocaine with a street value of $1.2 billion. These drugs are estimated to equal 25 percent of the cocaine used in this country alone.

The raiding party arrested 40 people, including an unnamed American pilot and destroyed 10 cocaine processing labs in this cocaine city in the Colombian interior. In addition, seven aircraft were seized plus a small arsenal of weapons.

I want to extend my congratulations to the Colombian Government and the personnel who participated in this raid. They did a marvelous job.

I also want to emphasize what this raid means. This camp was protected by Colombian FARC Communist guerrillas—the so-called M-19 group. As if any further evidence was required, this raid proves what many of us already know—the connection between cocaine dealers and antidemocratic guerrilla movements in South America.

The evidence obtained in this raid should not be discounted by the Governments of Peru, Bolivia, and neighboring countries. It proves that cocaine is not a North American problem. It also represents a serious threat to the political and social fabric of the growing countries. Narcodollars may be providing short-term economic benefits to the growing countries, but they pose a long-term threat to political stability because this money is used by guerrillas to undermine democracy in the region.

I hope that the Colombian Government will continue to attack cocaine-processing facilities within its borders. Furthermore, it should undertake eradication of the coca plants themselves. Not to do so hurts Colombia, South and Central America, and the United States.●

COMMITTEE ON FOREIGN AFFAIRS TO REQUEST RULE ON INTERNATIONAL SECURITY AND DEVELOPMENT ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, the Committee on Foreign Affairs has requested an appearance before the Committee on Rules to obtain a rule on H.R. 5119, the International Security and Development Act of 1984. It is my expectation that we will ask for a rule involving a time limitation on floor consideration of the bill.●

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 493

Mr. WHITTEN submitted the following conference report and statement on the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

CONFERENCE REPORT (H. REPT. No. 98-632)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $90,000,000, of which $90,000,000 is hereby appropriated; and in addition not to exceed $90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergen-

cy food assistance, or any country for use in assisting in emergency food assistance to Africa, as authorized by Sec. 101(b) of Public Law 98-107. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

And the Senate agree to the same.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
BOB TRAXLER,
MATTHEW F. MCHUGH,
SILVIO O. CONTE,
VIRGINIA SMITH,
Managers on the Part of the House.
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
JOHN C. STENNIS,
WILLIAM PROXMIRE,
TOM EAGLETON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

Amendment No. 1: The conference agreement provides $90,000,000 for title II assistance to Africa under the Public Law 480 program. The agreement also provides that up to $90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency assistance, or to any country for use in assisting in emergency food assistance to Africa. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency needs. Authority to sell at competitive prices, as authorized by the Corporation Charter, is contained in section 101(b) of Public Law 98-107 and provides as follows:

Provided further, That, hereafter, in order to restore and maintain United States share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture.

The Committee will expect the Corporation to fully utilize all of the authorities in its Charter to facilitate the movement of commodities through commercial channels, including special financing arrangements, barter, and other special terms and conditions.

Low income home energy assistance was not an item of conference since both the House and Senate versions of House Joint Resolution 493 are identical for this program, at the level of $200,000,000.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
BOB TRAXLER,
MATTHEW F. MCHUGH,
SILVIO O. CONTE,
VIRGINIA SMITH,
Managers on the Part of the House.
MARK O. HATFIELD,
TED STEVENS,
THAD COCHRAN,
JOHN C. STENNIS,
WILLIAM PROXMIRE,
TOM EAGLETON,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARR) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. LUNDINE, for 60 minutes, on April 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCAIN) and to include extraneous matter:)

Mr. GREEN.
Mr. DANNEMEYER
Mr. SHUMWAY in two instances.
Mr. MOORHEAD.
Mr. GEKAS.
Mr. ERLENBORN.
Mr. EMERSON.
Mr. SMITH of New Jersey.
Mr. LENT.
Mr. GILMAN in two instances.
Mr. WEBER.
Mr. CORCORAN.
Mr. BADHAM.

(The following Members (at the request of Mr. CARR) and to include extraneous matter:)

Mr. OTTINGER in three instances.
Mr. MARKEY.
Mr. BORSKI in two instances.
Mr. RODINO.
Mr. FRANK.
Mrs. KENNELLY.
Mrs. BOXER.
Mr. REID.
Mr. HAWKINS.
Mr. EDGAR.
Ms. KAPTUR.
Mr. MATSUI.
Ms. OAKAR.
Mr. EDWARDS of California.
Mr. MACKAY.
Mr. BARNES in two instances.
Mr. TALLON.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week"; to the Committee on Post Office and Civil Service.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day March 21, 1984, present to the President, for his approval, joint resolution of the House of the following title:

H.J. Res. 200. Joint resolution designating March 21, 1984, as "National Single Parent Day."

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess until 3:15 p.m., and bells will be rung 15 minutes before reconvening.

There was no objection.

Accordingly (at 2 o'clock p.m.), the House stood in recess until 3:15 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 15 minutes p.m.

APPOINTMENT AS MEMBER OF THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 94-118, the Chair appoints the gentleman from Washington, Mr. FOLEY, as a member of the Japan-United States Friendship Commission to fill the existing vacancy thereon.

RECESS

The SPEAKER. Pursuant to the order of the House of February 27, 1984, the House will stand in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 16 minutes p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF FRANCE

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Malloy) announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking

the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of France into the Chamber: The gentleman from Texas (Mr. WRIGHT); the gentleman from Washington (Mr. FOLEY); the gentleman from Florida (Mr. FASCELL); the gentlewoman from New York (Ms. FERRARO); the gentleman from Illinois (Mr. MICHEL); the gentleman from Mississippi (Mr. LOTT); and the gentleman from Michigan (Mr. BROOMFIELD).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of France into the Chamber: the Senator from Tennessee (Mr. BAKER); the Senator from Alaska (Mr. STEVENS); the Senator from South Carolina (Mr. THURMOND); the Senator from Texas (Mr. TOWER); the Senator from Maryland (Mr. MATHIAS); the Senator from West Virginia (Mr. BYRD); the Senator from Hawaii (Mr. INOUYE); the Senator from Rhode Island (Mr. PELL); and the Senator from Maine (Mr. MITCHELL).

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 3 o'clock and 37 minutes p.m., the Doorkeeper announced the President of the Republic of France.

The President of the Republic of France, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and a pleasure, to present to you His Excellency, Francois Mitterrand, the President of the Republic of France.

[Applause, the Members rising.]

ADDRESS BY FRANCOIS MITTERRAND, PRESIDENT OF THE REPUBLIC OF FRANCE

(President MITTERRAND addressed the joint meeting in French. The English translation of his address follows:)

President MITTERRAND. Mr. Speaker, thank you for your words of welcome. I know that beyond my person they are addressed to France, and therefore I am even more touched by them. On the first day of my official visit to your country, at a time when we have so many things to accomplish together in a world filled with "sound and fury," I wanted to come to the Capitol to pay tribute to the great American democracy, to its founding fathers and those who have followed in their footsteps, to the ideals and the ties that so closely bind the United States and France.

I myself served in my country's parliament for more than 35 years, and thus I appreciate the honor shown me in being invited to address you, the representatives of the American people, members of this Congress whose prestige extends far beyond the borders of your country. Congress, a strong and confident symbol of the legislative power, is an essential element in a constitution that has already succeeded in traversing two centuries, becoming richer over the years; yet it has lost nothing of its original spirit and remains true to its original letter.

From the time of the first voyagers and those who first introduced new ideas, down to our own time, intellectual and material exchanges between our countries have never slowed, mutual curiosity has never died away. Despite fleeting differences or disagreements, our spiritual ties have never weakened. And the best among us, ever quick to seize the rapid march of time as it arrests or changes us, have always been able to read true meaning into the history, already so long, that has brought us together.

Few people can boast of such a firm and deep-rooted friendship as those of America and France. Franklin, Lafayette, Rochambeau, General Pershing, General Eisenhower—these hallowed names stud our history and the struggles we have shared. But how many others, quite unknown, have signed with their blood the pact that binds us? I commemorated our friendship two and a half years ago at Yorktown. It will once again be honored on June 6, when I welcome the President of the United States to the coasts of Normandy for ceremonies commemorating the Allied landings in 1944. There we will celebrate the liberty, the dignity and the human rights that inspired our decisive choices in the past and continue to do so today. May the shared ideals of this past be the foundation for our common future!

May it show us the path in our search for peace!

May it inspire us with the ambition to bring the world economy out of the recession, finally and together!

At this time two great systems, in the East and in the West, continue to face each other whereas two-thirds of mankind is striving to break out of the painful cycle of underdevelopment. In this world in which your country plays the major role, no one—be it friend or foe—can act without taking the United States into consideration. This power gives your decisions a far-reaching importance that reflects the dimensions of your responsibility in world affairs.

France's position is clear: as you know, together with your country, and with 14 others, we formed the Atlantic Alliance. Within this defensive alliance, France pursues its own defense policy which is understood and supported by a large majority of French men and women. Among free countries, an alliance presupposes not only sincerity, frankness and on-going consultations but also the acceptance of different viewpoints. In being true to themselves, the United States and France can understand and respect each other. What is most important is that our two countries be able to rely on one another.

Since the alliance operates in a specific domain, each of us determines the nature of his relations with the others. This is especially the case with the Soviet Union and the countries of Eastern Europe. I often think that geography, though it does not explain everything, determines history and that in the end history, as it emerges, must take the same paths. Look at a map of Europe and you will see where Russia and France lie—neighbors on the same continent, separated by a distance that diminishes as this hurried century rushes forward; yet at the same time customs and systems give the illusion of no longer moving. I repeat at every occasion that the primary guarantee of peace is a balance of forces. This is why we are so committed to maintaining a balance in this same Europe. This is why, when we perceive this balance to have been broken, as was recently the case with intermediate-range nuclear weapons, we do everything in our power to restore it. Let us be firm and clear in words as in deeds. But at the same time let us remain open, let us not be afraid to enter into dialogue with the Soviet Union once the bases and purposes of such talks have been defined in a clear and lasting manner.

What should be the first objective of such a dialogue? Peace, of course, and more specifically bringing the arms race under control. When you think of the waste of resources, of the additional threat posed by so many new armaments, nothing is more urgent than to slow this race. Then, and only then, will we be able to speak of disarmament, bearing in mind that two powers—your country is one of them—have extensive nuclear arsenals, while

three others—including France—have a deterrent force capable of discouraging all attack. It is clear from this where our respective responsibilities lie.

But the problems of war and peace concern not only the major powers. First of all, of course, there is the Middle East, where dialogue must be renewed. When I want to Israel, I spoke in the Knesset. I told the elected officials and leaders of this country, which is our friend, to seek out the paths of a negotiation that would ensure them, as well as all interested peoples, including the Palestinian people, the right to a homeland, to security within sure and recognized borders and to the realization of their legitimate rights.

Many other conflicts, so called "regional" conflicts, have brought destruction and bloodshed to the Middle East, Africa, Asia, and Latin America which are continuing in those regions today. At this point I would like to share with you the analysis of my country which has a special knowledge of some of these regions and which has commitments to them—in Africa and in the Middle East—that we assume with the necessary determination. A case in point for example, is Lebanon—where our soldiers are carrying out their task of peace—and Chad—where France's action has put a stop to ambitious strivings.

But it is my conviction that many of the revolutions and wars in the Third World are rooted first of all in the soil of poverty and in the economic exploitation that exacerbate the traditional confrontations between ethnic groups, religions and parties.

Civil wars are not triggered by external influences alone, even if they may serve foreign interests. Their roots lie deep in the legacy of the past. Thus the peoples of Central America have a long history marked by military oppression, social inequality, and the confiscation of economic resources and political power by a few. Today each of them must be allowed to find its own path toward greater justice, greater democracy and greater independence and must be allowed to do so without interference or manipulation. My country has in the past encouraged sincere action aimed at finding a peaceful solution to conflicts and refusing recourse to force between neighboring countries, and it will continue to do so in the future.

But let us understand that before calm can return we must first reduce the level of misery in the world. It serves no purpose to hammer away at building peace while we allow the underlying causes of war to prosper.

This is why developing a shared prosperity is an urgent priority.

The economic situation of the industrial countries has improved, it is true.

However, this convalescence must not be merely a remission, nor must our progress vanish as quickly as it has come.

I am pleased to note the progress of the United States in this battle against recession and inflation. The strength of your recovery, in spite of certain weaknesses—no doubt the object of debate in this forum—bears witness to your vitality and your dynamic and inventive capabilities.

France, for its part, is beginning to see the results of its own economic policy. Our inflation rate has decreased by 5 points over the past 3 years, and the rise in prices was reduced to an annual rate of 6 percent during the last quarter of 1983. During that same year we reduced our foreign trade deficit by more than half; we anticipate a similar reduction this year. Our budget deficit does not exceed 3 percent of our GDP and the budget for social programs is now balanced.

These initial successes indicate a significant improvement in our economy.

At the same time France is modernizing its industries. We are developing high technology sectors: already half of our electricity is produced by our nuclear powerplants. With its nuclear industry, its telecommunications, its high speed train, its metros, and aeronautic industry, France makes its presence felt in all markets. France owes these successes to some of its large public and private concerns but also to the multitude of small- and medium-sized businessses that are being started all the time, that are innovative and take risks.

When I describe these rapid stages of our national recovery I often have the impression that I surprise my audience, as if they were, in general, more disposed—or more accustomed—to hearing the contrary. I am sure that you will appreciate the fact that today, more than ever in the past 25 years, France is confronting the demands of world competition. It prefers the risk—the noble risk—of modernity to the comfort—the false comfort—of standing still.

This mobilization and dynamism have been encouraged by a variety of reforms. To strengthen social cohesion, we have taken measures for greater fairness and justice. To facilitate adaptation, we have mounted a program of education and job training, and to free up initiative we have—and this may appear paradoxical to many—cut redtape and limited state intervention. Traditionally, as you know, France has been a centralized country and in the past all the decisions were made in Paris. But now locally elected officials have considerable powers. Certainly, we know our weaknesses and are aware of the difficulties that we will have to overcome to bring about a harmonious alliance between economic progress and social progress. At least we have chosen the path of effort for, and receptivity to, the future.

In this way France has unambiguously rejected the temptations of protectionism in all its forms. You see, a country such as France which buys abroad, and in dollars, two-thirds of its energy, is forced to keep its border open. In order to finance these imports we are obliged to export, to meet, each day, the strongest competitors in the most difficult markets.

We welcome fair competition, as do our European partners. The European Community is the world's foremost trading power. It is also the economic entity that is most open to external trade; it is the primary customer of the developing countries and the largest market for the United States.

As you know, there is a traditional topic of discussion between the United States and Europe—trade in agricultural products. Well, Europe buys many more agricultural products from the United States than it sells to your country. Can we be blamed for wanting to find a solution to this situation?

Although in Brussels in the past few days the 10 countries of Europe were not able to solve their differences this should not lead one to believe that there is no future for Europe. Europe is a living entity. It is working. It is trading. It is becoming aware of itself. It will emerge more vigilant from this crisis. In a 2-week period it has just decided to build a new 150-seat Airbus; it has chalked up a new success for the Ariane space rocket; it has drawn up a program for scientific and industrial cooperation in the area of information technologies, the "Esprit" program. If it is raising the question of its political identity and beyond that of its own defense and security, this only goes to demonstrate to what degree opinion is becoming accustomed to new concepts that in the past would not have dared to be presented. No one doubts that such a task is arduous. But great ambitions require a great plan.

Let us speak once again of ourselves, of the United States and Europe, associates in the greatest undertakings of contemporary man, and turn our attention to two threats. The first is monetary instability. What is cause for concern is not so much the level of currencies—whether high or low—but the extent of their fluctuations. Imagine Atlantic tides of 300 feet. The American coast could not withstand them any more than the European coast could. Without a minimum of monetary stability, trading with foreign countries is equivalent to gambling at the race track or playing roulette.

The second threat stems from the rapid and dramatic deterioration of the economic situation in the southern hemisphere. So many nations have no

other resource than to borrow more and more and yet do so not to acquit themselves of debt but merely to service it.

When financial crisis comes on top of economic crisis, the stability of whole continents is at stake, as are the values of the civilization we share.

At Williamsburg last May the heads of state and government agreed to put a halt to protectionism; to define the conditions for improving the international monetary system and the role that a high-level international monetary conference might play . . .; to maintain an adequate flow of resources, in particular public aid to development to the poorest countries.

A year later, not without difficulty, we have made progress toward the first goal. For the other two everything still remains to be done.

As is so often the case in history, economic mutations bring about crises that threaten freedom in all its forms—the freedom to live in one's own fashion under the system of one's choice, but also the freedom not to die of starvation.

To extend throughout the world, against all opposition, the powers of freedom—this is an ambition worthy of our hopes.

Mr. Speaker, I first came to your country 38 years ago. It has been present in my mind ever since. As a child I learned my mother's way of "telescoping" the great men of the Bible, the book from which we took our daily inspiration, with the heroes of your independence, which she saw as harbingers of the eternal message, the simple but sublime principles that give meaning to the life of each individual and justification to all societies: Freedom, law, respect for others and for oneself, a time to dream and a time to act, love of life and acceptance of death. It seems to me today that all that could be summed up in one word: civilization.

Civilization is an idea so rich, so strong, so fragile, so threatened, so often broken and so often betrayed. It is a concept that originated deep in my past and deep in yours, welling up to become a great river here where everything takes on large dimensions. It fills my being as I stand here in this hallowed place to bring you greetings from France.

I feel greatly honored to have had the opportunity to tell you this.

I thank you.

[Applause, the Members rising.]

The SPEAKER. The President of France spoke about one of the heroes of independence. Well, in these hallowed Halls of Congress where the voice of America is spoken, we have a painting of only one non-American on the walls of these Chambers, the Marquis de Lafayette. [Applause.]

At 4 o'clock and 5 minutes p.m., the President of the Republic of France, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 11 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until approximately 4:15 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 14 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, March 26, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2972. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Singapore for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-35), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

2973. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the withdrawal of Transmittal No. 84-31 and Transmittal No. 84-32 concerning the proposed sale of Stinger missile systems and associated missiles and services to the Kingdom of Saudi Arabia and the Kingdom of Jordan (EC2744, 2765 and 2768), pursuant to AECA, section 36(b) (90 Stat. 741; 93 stat. 708, 709, 710; 94 Stat. 31 34; 95 Stat. 1520); to the Committee on Foreign Affairs.

2974. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Singapore for defense articles and services estimated to cost $280 million (Transmittal No. 84-35), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31 34; 95 Stat. 1520); to the Committee on Foreign Affairs.

2975. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to the Philippines for defense articles and services estimated to cost $30 million (Transmittal No. 84-34), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31 34; 95 Stat. 1520); to the Committee on Foreign Affairs.

2976. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Harry E. Bergold, Ambassador-designate to the Republic of Nicaragua, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

2977. A letter from the Comptroller General of the United States, transmitting a list of GAO reports that were issued or released in February 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2978. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a report on the Board's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2979. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title XII of the Merchant Marine Act, 1936, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2980. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated December 14, 1981, submitting a report, together with accompanying papers and illustrations, on Lock Haven, Pa.—phase I general design memorandum. The report is in response to section 101(A) of the 1976 Water Resources Development Act (H. Doc. No. 98-187); to the Committee on Public Works and Transportation and ordered to be printed.

2981. A letter from the Director, Federal Home Loan Bank Board, transmitting the fifth annual report on unfair or deceptive acts or practices by banks or savings and loan institutions, pursuant to 15 U.S.C. 57a(f)(6) (September 26, 1914, chapter 311, section 18(f)(6) (88 Stat. 2197; 93 Stat. 95)); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2982. A letter from the Secretary of Energy, transmitting the first annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to Public Law 97-425, section 304(c); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2983. A letter from the Acting Comptroller General of the United States, transmit-

ting a report on GAO's examination of financial statements of the majority printing clerk, House of Representatives, for the fiscal years ended August 31, 1982 and 1981, pursuant to Public Law 91-510, section 451; jointly, to the Committees on Government Operations and House Administration.

2984. A letter from the Acting Comptroller General of the United States, transmitting a report on GAO's examination of financial statements of the minority printing clerk, House of Representatives, for the fiscal years ended September 30, 1982 and 1981, pursuant to Public Law 91-510, section 451; jointly, to the Committees on Government Operations and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4841. A bill to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes; with amendments (Rept. No. 98-631). Referred to the Committee on the Whole House on the State of the Union.

Mr. WHITTEN: Committee of conference. Conference report on House Joint Resolution 493. (Rept. No. 98-632). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. FORSYTHE, Mr. BIAGGI, Mr. BENNETT, Mr. MCKERNAN, and Mr. ORTIZ):

H.R. 5220. A bill to protect the national defense shipyards of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FOLEY (for himself and Mr. MARLENEE) (by request):

H.R. 5221. A bill to extend through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes; to the Committee on Agriculture.

By Mr. HUGHES (for himself, Mr. SAWYER, Mr. WAXMAN, Mr. HARKIN, Mr. SMITH of Florida, Mr. SHAW, Mr. SENSENBRENNER, Mr. FISH, Mr. WALGREN, Mr. MURPHY, Mr. SCHUMER, and Mr. BLILEY):

H.R. 5222. A bill to amend title 18, United States Code, to make certain robberies and burglaries involving controlled substances a Federal offense; to the Committee on the Judiciary.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H.R. 5223. A bill to exempt restaurant central kitchens from Federal inspection requirements; to the Committee on Agriculture.

By Mr. DELLUMS (for himself, Mr. FAUNTROY, Mr. GRAY, and Mr. SEIBERLING) (by request):

H.R. 5224. A bill to increase the rate of compensation of citizen members of the National Capital Planning Commission from $100 per day to the daily equivalent of the rate established for positions at level V of the Executive Schedule; to the Committee on the District of Columbia.

By Mr. EDGAR:

H.R. 5225. A bill to amend title 38, United States Code, to revise the requirements for reports by the Administrator of Veterans' Affairs to Congress on the adequacy of per diem rates for payments made to States providing domiciliary, nursing home, and hospital care to veterans; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN:

H.R. 5226. A bill to extend and amend programs under the Runaway and Homeless Youth Act, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK:

H.R. 5227. A bill to amend the Immigration and Nationality Act with respect to the grounds for exclusion and deportation of aliens; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself, Mr. CONABLE, Mr. VANDER JAGT, and Mr. FRENZEL):

H.R. 5228. A bill to authorize the acceleration of staged rate reductions proclaimed to carry out trade agreements; to the Committee on Ways and Means.

By Mr. HANSEN of Utah:

H.R. 5229. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JENKINS:

H.R. 5230. A bill to authorize reimbursement from the airport and airway trust fund of air carriers which provide air transportation to individuals by honoring tickets issued by an air carrier who is unable to provide the transportation because it has filed for bankruptcy; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. KILDEE (for himself, Mr. CORRADA, Mr. BATES, Mr. BERMAN, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. BROWN of California, Mr. BRYANT, Mrs. BURTON of California, Mr. CONYERS, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Michigan, Mr. FROST, Mr. GARCIA, Mr. GONZALEZ, Mr. GUARINI, Mr. GREEN, Mr. HANCE, Mr. HAWKINS, Mr. HAYES, Mr. KOGOVSEK, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUJAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. ORTIZ, Mr. OWENS, Mr. PEPPER, Mr. RICHARDSON, Mr. ROE, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SIMON, Mr. SMITH of Florida, Mr. SUNIA, Mr. TORRES, Mr. TOWNS and Mr. UDALL):

H.R. 5231. A bill to reauthorize title VII of the Elementary and Secondary Education Act of 1965, relating to bilingual education; to the Committee on Education and Labor.

Mr. LEHMAN of California (for himself, Mr. ANNUNZIO, Mr. LAFALCE, Mr. NEAL, Mr. SCHUMER, Mr. LUNDINE, Mr. TORRES, Ms. KAPTUR, Mr. EDWARDS of California, Mr. STARK, Mr. MATSUI, Mr. MINETA, Mrs. BOXER, Mr. BERMAN, Mr. DIXON, Mr. DELLUMS, Mr. LEVINE of California, Mr. WISE, Mr. MARTINEZ, Mr. WAXMAN, Mrs. BURTON of California, Mr. HAWKINS, Mr. MOODY, and Mr. BATES):

H.R. 5232. A bill to provide for the uniform disclosure of the rates of interest which are payable on savings accounts; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVITAS:

H.R. 5233. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5234. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5235. A bill to terminate certain authority of the Comptroller General which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on the District of Columbia.

H.R. 5236. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY:

H.R. 5237. A bill to amend the Clayton Act by making unlawful sale of goods below cost where the effect may be to injure, destroy, or prevent competition, and to give private parties the right to recover treble damages if injured by such action; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 5238. A bill to establish a national mining extension service pilot program; to the Committee on Interior and Insular Affairs.

By Mr. PEASE:

H.R. 5239. A bill to amend the Social Security Act to make health insurance widely available to individuals, based on income and assets, under a competitive system; to the Committee on Energy and Commerce.

By Mr. SIMON (for himself, Mr. HAWKINS, Mr. CLAY, Mr. ACKERMAN, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. OWENS, Mr. CORRADA, Mrs. BURTON of California, Mr. GAYDOS, Mr. BOUCHER, Mr. MARTINEZ, Mr. MILLER of California, Mr. HAYES, Mr. ECKART, Mr. HARRISON, Mr. WYDEN, Mr. DIXON, Mr. TOWNS, Mr. PANETTA, Mr. MOAKLEY, Mr. GARCIA, Mr. EVANS of Illinois, Mr. DURBIN, and Mr. UDALL):

H.R. 5240. A bill to amend and extend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDERSON:

H.J. Res. 527. Joint resolution designating the period beginning April 8, 1985, and ending May 6, 1985, as "Bataan-Corregidor Month"; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H.J. Res. 528. Joint resolution to designate the week of June 24, 1984, through June 30, 1984, as "National Safety in the Workplace Week"; to the Committee on Post Office and Civil Service.

By Mr. MARKEY (for himself, Mr. LELAND, and Mr. DELLUMS):

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress with respect to the failure of the Justice Department to enforce the civil rights laws; to the Committee on the Judiciary.

By Mr. SHANNON:

H. Res. 467. Resolution directing the President of the United States to provide certain information to the House of Representatives concerning the CIA and death squads in El Salvador; to the Permanent Select Committee on Intelligence.

MEMORIALS

Under clause 4 of rule XXII,

349. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to voluntary silent or vocal prayer in public schools; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS:

H.R. 5241. A bill for the relief of Mrs. Philip W. Cobb; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 5242. A bill for the relief of Vladimir Victorovich Yakimetz; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. HAWKINS, Mr. FORD of Tennessee, Mr. GAYDOS, Mr. CLAY, Mr. BIAGGI, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADA, Mr. KILDEE, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. MARTINEZ, Mr. OWENS, Mr. HARRISON, Mr. BOUCHER, Mr. ACKERMAN, Mrs. BURTON of California, Mr. HAYES, Mr. ECKART, Mr. PENNY, and Mr. ANDREWS of North Carolina.

H.R. 624: Mr. ANTHONY.

H.R. 658: Mr. MORRISON of Connecticut.

H.R. 953: Mr. DURBIN.

H.R. 1054: Mr. YOUNG of Alaska.

H.R. 1249: Mr. APPLEGATE.

H.R. 1315: Mr. BARNARD and Mr. JONES of Tennessee.

H.R. 1676: Mr. CARR.

H.R. 1883: Mr. CLARKE.

H.R. 1955: Mrs. LLOYD.

H.R. 1991: Mr. BIAGGI.

H.R. 2053: Mr. SCHEUER.

H.R. 2204: Mr. CONTE.

H.R. 2236: Mr. SKEEN and Mr. WYDEN.

H.R. 2791: Mr. KOSTMAYER and Mr. RINALDO.

H.R. 2837: Mr. NOWAK.

H.R. 2852: Mr. WYLIE.

H.R. 2977: Mr. LAGOMARSINO, Mr. MITCHELL, Mr. ANNUNZIO, Mr. KINDNESS, Mr. MADIGAN, Mr. LEWIS of California, Mr. REGULA, Mr. SHUMWAY, Mr. SPENCE, Mr. RAY, and Mr. HILLIS.

H.R. 3282: Mr. FEIGHAN and Mr. OLIN.

H.R. 3465: Mr. OBERSTAR.

H.R. 4066: Mr. CONTE.

H.R. 4092: Mr. MACKAY, Mr. HILER, Mr. TAUZIN, Mr. HUCKABY, and Mr. PETRI.

H.R. 4155: Mr. WALGREN, Mr. WEISS, and Mr. CROCKETT.

H.R. 4162: Mr. VOLKMER, Mr. KINDNESS, Mr. MILLER of California, Mr. KASICH, Mr. BROWN of California, Mr. BEVILL, Mr. MOLLOHAN, and Mr. NICHOLS.

H.R. 4367: Mr. GEJDENSON, Mr. HAYES, Mr. KOGOVSEK, Mrs. SCHROEDER, Mr. SUNIA, and Mr. TORRICELLI.

H.R. 4452: Ms. FIEDLER, Mr. DANNEMEYER, and Mr. MOORHEAD.

H.R. 4453: Ms. FIEDLER, Mr. DANNEMEYER, and Mr. MOORHEAD.

H.R. 4465: Mr. MATSUI and Mr. BROWN of California.

H.R. 4475: Mr. FAUNTROY, Mr. WYLIE, Mr. TOWNS, Mr. BARNES, Mr. HYDE, and Mr. EDGAR.

H.R. 4500: Mr. FIELDS, Mr. WOLF, Mr. MCGRATH, Mr. WORTLEY, and Mr. CROCKETT.

H.R. 4589: Mr. MAVROULES, Mr. MACKAY, Mr. GUARINI, Mr. ECKART, Mr. LEWIS of Florida, Mr. BATES, Mr. PATTERSON, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. MARTINEZ, Mr. PEPPER, Mr. MATSUI, Mr. FRANK, Mr. EDGAR, Mrs. KENNELLY, Mr. MARKEY, Mr. GEJDENSON, Mr. RATCHFORD, Mr. DONNELLY, and Mr. IRELAND.

H.R. 4642: Mr. SOLARZ and Mr. ROYBAL.

H.R. 4713: Mr. PRITCHARD, Mr. HANCE, Mr. GUARINI, and Mr. ANTHONY.

H.R. 4731: Mr. ACKERMAN, Mr. ANDERSON, Mr. BARNES, Mr. BATES, Mr. BERMAN, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mr. CLAY, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. DE LUGO, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. GARCIA, Mr. GAYDOS, Mr. GRAY, Mrs. HALL of Indiana, Mr. HAYES, Mr. HOYER, Mr. KILDEE, Mr. LELAND, Mr. LEVINE of California, Mr. MARKEY, Mr. MARTINEZ, Mr. MILLER of California, Mr. MITCHELL, Mr. MOAKLEY, Mr. MURPHY, Mr. NOWAK, Mr. OWENS, Mr. PERKINS, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. RODINO, Mr. ROYBAL, Mr. SAVAGE, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. TORRES, Mr. TOWNS, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, and Mr. WON PAT.

H.R. 4760: Mr. JEFFORDS, Mr. BATES, Mr. LAFALCE, Mr. BONIOR of Michigan, Mr. MATSUI, Mr. WYDEN, Mr. DURBIN, and Mr. MORRISON of Connecticut.

H.R. 4764: Mr. LELAND, Mr. DEWINE, Mr. PARRIS, Mr. FRANK, Mr. SILJANDER, Mr. SMITH of Florida, Mr. NEAL, and Mr. MCGRATH.

H.R. 4791: Mr. BATES, Mr. HAWKINS, Mr. BARNES, Mr. WORTLEY, Mr. PANETTA, Mr. HORTON, Mr. SPRATT, Mr. DWYER of New Jersey, Mr. WINN, Mr. ROE, Mr. WON PAT, Mr. HANSEN of Idaho, Mr. REGULA, Mr. BEVILL, Mr. MARKEY, Mr. WHITTAKER, Mr. BRYANT, and Mr. LIPINSKI.

H.R. 4833: Mr. EDWARDS of California and Mr. STUDDS.

H.R. 4851: Mr. HIGHTOWER, Mr. STENHOLM, Mr. PICKLE, Mr. RALPH M. HALL, Mr. WRIGHT, Mr. LEATH of Texas, Mr. LELAND, Mr. BROOKS, Mr. RANGEL, Mr. GARCIA, and Mr. GRAY.

H.R. 4908: Mr. WEISS and Mr. SCHEUER.

H.R. 4915: Mr. ALBOSTA, Mr. BIAGGI, Mr. CHANDLER, Mr. DANIEL, Mr. DREIER of California, Mr. GOODLING, Mr. HYDE, Mrs. MARTIN of Illinois, Mr. MARTIN of North Carolina, Mr. PRITCHARD, and Mr. VANDER JAGT.

H.R. 4961: Mr. HILER.

H.R. 4969: Mr. ALBOSTA and Mr. HAMILTON.

H.R. 5000: Mr. PASHAYAN, Mr. EVANS of Iowa, Mr. PARRIS, and Mr. STANGELAND.

H.R. 5011: Mr. D'AMOURS, Mr. CONYERS, Mr. DOWNEY of New York, Mr. DELLUMS, Mr. FAUNTROY, Mr. WOLPE, Mr. FOGLIETTA, Mr. GRAY, Mr. MARKEY, Mr. MCHUGH, Mr. MITCHELL, Mr. DYMALLY, Mr. EVANS of Illinois, Mr. PEPPER, Mr. LANTOS, Mr. SAVAGE, Mr. LELAND, Mr. OBERSTAR, Mr. COUGHLIN, Mr. SUNIA, Mr. BARNES, Mr. LEVINE of California, Mr. EDGAR, Mr. SAWYER, Mr. TORRES, Mr. YATES, Mr. ST GERMAIN, Mr. BRYANT, Mr. SWIFT, Mr. ACKERMAN, Mr. HAWKINS, Mr. MAVROULES, Mr. WISE, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. KASTENMEIER, Mr. WORTLEY, Mrs. BOGGS, and Mr. MACKAY.

H.R. 5017: Mr. CARR, Mr. FOGLIETTA, Mr. GAYDOS, Mr. HOYER, Mr. LEHMAN of Florida, Mr. MARKEY, Ms. OAKAR, Mr. O'BRIEN, Mr. REID, Mr. RODINO, Mr. SOLARZ, Mr. STARK, and Mr. SUNIA.

H.R. 5054: Mr. BATES, Mr. BLILEY, Mr. DAVIS, and Mr. PASHAYAN.

H.R. 5110: Mr. WON PAT, Mr. WALGREN, Mr. STOKES, Mr. HATCHER, Mr. SAM B. HALL, JR., Mr. LEWIS of California, Mr. GUARINI, Mr. SOLARZ, Mr. FAZIO, Mr. RATCHFORD, Mr. FRANK, Mr. MARTIN of New York, Mr. CROCKETT, Mr. ROE, Mr. FORD of Tennessee, Mr. WYLIE, Mr. HYDE, and Mr. UDALL.

H.R. 5158: Mr. APPLEGATE, Mr. FRANK, Mr. MACKAY, Mr. WINN, Mr. MADIGAN, Mr. GLICKMAN, Mr. LUJAN, Mr. DUNCAN, Mr. REGULA, Mr. HAYES, Mr. STENHOLM, and Mr. WALKER.

H.R. 5196: Mr. DAUB, Ms. FERRARO, and Mr. LAFALCE.

H.J. Res. 74: Mr. SPRATT, Mr. LEVINE of California, Mr. MORRISON of Connecticut, Mr. LIPINSKI, Mr. LEVIN of Michigan, Mr. ACKERMAN, Mr. WILSON, Ms. MIKULSKI, Mr. DURBIN, MR. LUNDINE, Mr. DASCHLE, Mr. DIXON, Mrs. HOLT, Mr. HORTON, Mr. MCCURDY, and Mr. MRAZEK.

H.J. Res. 415: Mr. BATEMAN, Mr. BIAGGI, Mr. BRITT, Mr. BROYHILL, Mr. CARR, Mrs. COLLINS, Mr. DICKINSON, Mr. FLIPPO, Mr. FROST, Mr. FUQUA, Mr. GORE, Mr. HEFNER, Mr. LANTOS, Mr. LEACH of Iowa, Mr. MCGRATH, Mr. MAZZOLI, Mr. SHARP, Mr. SIKORSKI, Mr. SMITH of New Jersey, Mr. STANGELAND, Mr. TAUKE, Mr. TAUZIN, Mr. TORRES, Mr. TOWNS, Mr. WEISS, Mr. WINN, and Mr. WORTLEY.

H.J. Res. 452: Mr. DICKS, Mr. ANTHONY, Mr. MURPHY, Mr. NEAL, Mr. FORD of Michigan, Mr. KOSTMAYER, Mr. SAVAGE, Mr. NELSON of Florida, Mr. LEVINE of California, Mr. MINETA, Mr. WILLIAMS of Montana, Mr. LEWIS of California, and Mr. KOGOVSEK.

H.J. Res. 481: Mr. PHILIP M. CRANE, Mr. DAUB, Mr. HORTON, Mr. HUGHES, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. LOWERY of California, Mr. MADIGAN, Mr. MARKEY, Mr. MCNULTY, Mr. MINETA, Mr. PANETTA, Mr. PETRI, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. SOLARZ, and Mr. VANDER JAGT.

H.J. Res. 484: Mr. JEFFORDS and Mr. WAXMAN.

H.J. Res. 488: Mr. MCHUGH, Mr. ROGERS, Mr. SCHEUER, and Mr. THOMAS of Georgia.

H.J. Res. 489: Mr. MOORE, Mrs. KENNELLY, Ms. OAKAR, and Mr. EDGAR.

H.J. Res. 510: Mr. DOWNEY of New York, Mr. TRAXLER, Mr. BATES, Mr. ROE, Mr. HUGHES, Mr. MRAZEK, Mr. BIAGGI, Mr. MCHUGH, Mr. KOLTER, Mr. FISH, Mr. EDGAR, Mr. WOLPE, Mr. LEVIN of Michigan, Mr. WATKINS, Mr. SMITH of Florida, Mrs. BYRON, Mr. KOGOVSEK, Mr. ANTHONY, Mr.

DARDEN, Mr. RAHALL, Mr. MORRISON of Connecticut, Mr. SABO, Mr. MAVROULES, Mr. AKAKA, Mr. DIXON, Mr. FAZIO, Mr. FAUNTROY, Mr. RODINO, Mr. ADDABBO, Mr. WON PAT, Mr. SAVAGE, Mr. SIMON, Mr. MARKEY, Mr. HORTON, Mr. PEPPER, Mr. LONG of Maryland, Mr. MARTIN of North Carolina, Mr. WILSON, Mr. PRITCHARD, Mr. MCNULTY, Mr. FOGLIETTA, Mr. GRAY, Mr. HERTEL of Michigan, Mr. CONYERS, Mr. GRAMM, Mr. GUNDERSON, Mrs. HALL of Indiana, Mr. HAWKINS, Mr. HAMMERSCHMIDT, Mr. NATCHER, Mr. CHAPPIE, Mr. MINISH, Mr. HYDE, Mrs. BOXER, Mr. BILIRAKIS, Mr. WALGREN, Mr. PAUL, Mr. BRITT, Mr. BEVILL, Mr. WEISS, Mr. ALBOSTA, Mr. JEFFORDS, Mr. WHITTAKER, Mr. MARTIN of New York, Mr. BARNARD, Mr. RICHARDSON, and Mr. MILLER of Ohio.

H. Res. 441: Mr. CORCORAN, Mrs. MARTIN of Illinois, Mr. WINN, Mr. BROWN of Colorado, and Mr. HYDE.

H. Res. 448: Mr. MCCAIN, Mr. SMITH of Florida, Mr. KINDNESS, Mr. BLILEY, Mr. NEAL, Mr. WILSON, Mr. BIAGGI, Mr. BEVILL, Mr. BURTON of Indiana, Mr. RUDD, and Mrs. MARTIN of Illinois.

SENATE—*Thursday, March 22, 1984*

(Legislative day of Monday, March 19, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our opening prayer will be delivered this morning by Father Paul E. Coté, chaplain, Colby College, Waterville, Maine. He is sponsored by Senator GEORGE J. MITCHELL.

PRAYER

The Reverend Father Paul E. Coté, chaplain, Colby College, Waterville, Maine, offered the following prayer:

Let us pray.

O God, the source of all wisdom and power, whose statutes are good and gracious, and whose law is truth, guide and direct the Senate of the United States, that by just and prudent laws, our Senators may promote the well-being of all our people.

Almighty God, You have charged us with the task of building on this Earth a home where all peoples may dwell in unity, liberty, and justice. We pray for strength and purpose to make all who serve the public trust accountable to the people, fulfilling roles of service and responsibility, that they may seek justice and protect the weak and lead us in constructing institutions for world peace and mutual aid. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, first, I yield to the distinguished acting minority leader.

Mr. MITCHELL. I thank the majority leader.

COMMENDATION OF VISITING CHAPLAIN

Mr. MITCHELL. Mr. President, I wish to express our pride and gratitude in Maine for the wisdom of Father Coté. He happens to be the chaplain in the college in my hometown, with which I have had a long personal family association.

I have known Father Coté for some time and am very proud and thankful that he could be with us today.

Mr. BAKER. Mr. President, I join the distinguished Senator from Maine in welcoming our guest chaplain for today. He is another in a long and distinguished list of guest chaplains of all faiths from around the country who have occupied this position. We are happy to have him here. We hope that we do not set a bad example for him.

SENATE SCHEDULE

Mr. BAKER. Mr. President, according to the orders entered last evening, after the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) will be recognized on special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business, until 10:30.

At 10:30—or earlier, if there is no need for further time to transact routine morning business—the Senate will resume consideration of the pending business, which is the wheat bill, H.R. 4072, at which time the pending question will be the Pryor amendment, No. 2818, on which the yeas and nays have been ordered.

Mr. President, yesterday, I explored with the minority leader the possibility of arranging a time today to vote on cloture. I have not yet had an opportunity to discuss that with the minority leader again today, but I hope we might be able to set a time certain for that vote today, notwithstanding that it would not ordinarily occur until tomorrow, Friday. In any event, we will continue to work on the farm bill for a reasonable period this morning.

Also, as I indicated yesterday, at some point today I will make an effort to reach the supplemental appropriations bill on motion. I am amply forewarned by the exchange a number of us had on the floor yesterday that it does not appear to be anointed with success; but, in any event, I reiterate that I intend to attempt to do that.

Mr. President, today is Thursday, which is our regular late evening, if necessary. I hope it is not necessary. Almost surely, we will be in tomorrow, and whether it is on cloture or on a motion to proceed or on the supplemental or on the farm bill is a matter that is not yet clear.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF FRANCE

Mr. BAKER. Mr. President, today, the Members of Congress will be privileged to hear an address by the President of France, in the Chamber of the House of Representatives, at 3:30 p.m. Senators are urged to assemble here on the floor at 3:10 p.m., so that we may proceed as a body to the Hall of the House of Representatives for that purpose.

We will return from the House Chamber after the address of President Mitterand and resume the business of the Senate.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

I believe it will be well to recess during that period; and if the minority leader does not object, I now ask unanimous consent that at 3:10 p.m. today, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in order to conserve time, I offer to the minority leader any time I have remaining under the standing order.

Mr. BYRD. Mr. President, I thank the majority leader for offering me the time. I doubt that I will need it, but if I do, I will accept it.

Mr. BAKER. Mr. President, I yield the remainder of my time to the minority leader in case he does need it.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

B-1 VERSUS STEALTH BOMBERS

Mr. BYRD. Mr. President, there have been recent indications that competition for funding may occur between the B-1 bomber program and the Stealth or advanced technology bomber program. An article in the current issue of Aviation Week indicates that some elements of the Air Force would like to extend the B-1B production line beyond the currently projected 100 aircraft, and to procure a second batch of 100 so-called B-1C aircraft.

The article goes on to point out that Secretary Weinberger remains committed to the Stealth bomber. Furthermore, the official Air Force position, according to Vice Chief of Staff, Gen. Lawrence Skantze, remains that applying Stealth technologies to the B-1B would not be as effective as designing the Stealth bomber from scratch.

Mr. President, I have long been an advocate of the Stealth bomber program in that it assures America's ability to penetrate Soviet airspace beyond the present century. This is an important mission and assures the viability of the bomber leg of our strategic triad. It would be unwise, I think, to give up that capability simply in order to keep an ongoing B-1 production line in operation. We cannot afford to willingly compromise the cutting edge of American technological prowess—and I would emphasize that this is true for the full range of our Stealth technology programs, of which the advanced technology bomber is the most prominent example.

I hope that these reports of extending the B-1B line do not presage a change in Air Force and Department of Defense policy in this matter.

I ask unanimous consent that the article, "B-1/Stealth Competition Emerges," from the February 27, 1984, issue of Aviation Week be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

B-1/STEALTH COMPETITION EMERGES

(By Clarence A. Robinson, Jr.)

WASHINGTON.—Competition between the USAF/Rockwell International B-1B and Northrop advanced technology bombers, which has held down costs and maintained development schedules, has surfaced in Congress, pitting one aircraft against another.

Defense Secretary Caspar W. Weinberger cautioned Air Force leaders last week that the Reagan Administration's strategic modernization plan calls for production of 100 B-1Bs and 132 advanced technology stealth bombers.

Weinberger's action was based on reports from members of Congress to the White House that some Air Force officers were seeking to foster continued production of the B-1B with improvements to obtain a second increment of 100 aircraft. The second batch would be called B-1Cs and would apply technology to reduce the radar cross section.

CONTINUED PRODUCTION

What has created the issue of continued B-1 production at the expense of entering production with the stealth bomber is formulation by the services of the Fiscal 1986 program objective memorandums. If more than 100 B-1Bs are to be produced on the line, approximately $500 million would be required in Fiscal 1986 long-lead production funding.

The Air Force already is running into difficulty in funding a number of its priority programs, especially tactical fighter procurement programs and development of the advanced tactical fighter. The Northrop stealth bomber is an approximately $34-billion program. Approximately $4 billion has been invested in the development of the aircraft.

Some USAF officers told Congress that an additional 100 B-1Cs could be procured for approximately $10 billion. If the stealth bomber were kept in development, this would free approximately $20 billion that could be applied to other programs that have high USAF priorities.

Air Force officers said last week that the effort to continue production of the B-1 bomber is not an orchestrated service effort and denied it is an Air Force position.

Weinberger told USAF vice chief of staff Gen. Lawrence A. Skantze that President Reagan fully backs the two-bomber approach and supports the Northrop advanced technology bomber, and that the Air Force is expected to fully support the President's budget and programs.

Skantze said last week that the USAF and Defense Dept. positions fully support a two-bomber program with 100 B-1Bs setting the stage for the stealth bomber. Deliveries are scheduled to begin for the stealth bomber in 1991. He added that stealth technology applied to a B-1B would not be as effective as designing the bomber from scratch.

Defense Dept. officials said the competition between the two bombers has already served to reduce costs and insure that developmental milestones are being met.

"The competition has forced management attention on both bomber programs, both within the companies involved and within the Defense Dept. It also has kept either contractor from overcommitting in terms of cost and performance," one official said.

He added that the benefits of the competition are evident in the B-1B program, which is ahead of schedule and under cost. Rollout of the first production B-1B is scheduled for Sept. 4-6, and the first flight is planned for December. This is well ahead of the contract, which calls for the first flight in April, 1985.

"The advanced technology bomber program also has the same incentive to maintain the schedule and adhere to cost reduction with the B-1C waiting in the wings," a Defense Dept. official said. "Both bomber programs have been substantially influenced by the competition. This is not a sole source approach, and there are no guarantees," he added.

TWO-BOMBER APPROACH

"We told the Congress that a two-bomber approach would foster competition, and it is to be expected that those supporting each of the bombers would want to tell Congress how well the programs are going," the official continued. "It is only to be expected that in their enthusiasm comparisons will be made, but they must be honest comparisons."

Some USAF officers claim that continued production of the B-1 bomber would provide a superior range and payload capability as opposed to the stealth bomber, and they favor the extremely low altitude penetration of the B-1B using terrain following and avoidance radar to survive against Soviet air defenses. The stealth bomber is designed for low-altitude flight but also to operate over the Soviet Union at high altitudes to take full advantage of its capability to absorb and redirect the energy from air defense radars.

Those who favor the continued production of the B-1 bomber claim that the Northrop aircraft was designed during the Carter Administration at a time when the B-1A program had been canceled and President Carter's popularity polls were running better than 50 percent. The only way the Air Force could get any kind of a bomber development program approved was to exploit technology and keep the aircraft's size to approximately that of the Soviet Tupolev Backfire bomber. The range of any new U.S. bomber also was limited to that of the Backfire—approximately 5,000 naut. mi. unrefueled.

Based on these constraints, officials said, the Northrop bomber was initially designed to fly at Mach 0.8, fly 5,000 naut. mi. unrefueled, have a gross takeoff weight of 280,000 lb. and carry a payload of 10,000 lb. Some USAF officers have claimed in congressional meetings that the B-1B can carry 2.5 times the payload of the stealth bomber to a range of more than 6,000 naut. mi. unrefueled. The B-1's internal payload capability is approximately 75,000 lb.

The stealth bomber has in the past few years been scaled up in size, and the internal payload has been increased accordingly. Some USAF officers claim that payload is now approximately 40,000 lb., with the gross takeoff weight of the flying wing bomber at approximately 400,000 lb.

Defense Dept. officials said the stealth bomber and the B-1B now have about the same characteristics in terms of range and payload. "The truth is that we must have both bombers to be effective against the emerging Soviet air defense threat," one official said.

"B-1Bs operating at low altitude for survival will not be able to detect mobile targets because of their altitude. If they have to pop up to acquire a target they become vulnerable. Stealth bombers can operate at high altitude, enabling acquisition of high-value targets that are time sensitive, and it will be all but impossible for air defense radars to skin track them."

Technology for the stealth bomber, which is scheduled to fly in December 1987, has advanced much faster than anticipated and has proved in tests to be more effective than expected, Defense Dept. officials confirmed. Northrop has provided a production facility at its Pico Rivera, Calif., plant "that fully exploits all of the advances in modern production technology. In part, the better than anticipated development of the stealth bomber is based on manufacturing technology," the official said.

Tests with stealth bomber components include those using Soviet radar technology now deployed and in development. Bistatic radar is among the threat candidates tested. Initially, there was some concern that the radar absorbent material used in bomber production might not be effective against a bistatic system. This has not proved to be the case.

In adhering to the B-1B program goals, USAF is anticipating production of 100 bombers at slightly under the $20.5-billion cost of the program established in Fiscal 1981. In managing the B-1B effort, the USAF system program office for the bomber at Wright-Patterson AFB, Ohio, briefs top Defense Dept. officials, including Weinberger, every two weeks.

An independent cost analysis group also tracks program progress and annually reports to Weinberger.

A recent cost analysis study of the B-1B "shows that getting 100 bombers for the $20-billion commitment looks better and better. It also shows that the tendency by prime and subcontractors has been to develop more capability instead of the minimum requirement and to do that within the program cost limitation," a Pentagon official said.

The most recent report to Weinberger by the Air Force on Feb. 16 shows that the B-1B development and production plans are running slightly under cost. Internal cost and schedule data provided by the contractors for the bomber in research, development, test and evaluation include:

Rockwell International—56 percent completion of the $1.36-billion allocation at 3.5 percent under cost while 0.2 percent ahead of schedule with a 20 percent management reserve remaining.

Boeing—41 percent completion of its $481.2-million allocation at 1.5 percent under cost while 4 percent behind schedule with 15 percent of the management reserve remaining.

AIL—53 percent completion of its $177.5 million budget to completion at 2-percent under cost while 1.5 percent behind schedule with 31.9 percent management reserve remaining.

General Electric—79 percent completion of its $169.6-million allocation at 2.5 percent over cost while 3 percent behind schedule with an 8.7 percent management reserve remaining.

One reason that General Electric is lagging in cost and schedule is that the company has invested in production facilities to aid in manufacturing the F101-GE-102 engine that also will reduce production costs later.

In September, General Electric was 9.4 percent behind schedule. That has now dropped to 3 percent, but the payoff will be in cost reduction from an initial estimate of $2.1 billion to $1.4 billion, a $700-million reduction overall.

The production program for the B-1B includes:

Rockwell International—58 percent completion within a $3.45-billion budget to completion at 2.4 percent under cost.

Boeing—40 percent completion within a $314.5-million allocation for lot No. 1 aircraft at 7 percent over cost. Lot No. 2 completion is 13 percent at an allocation of $168.3 million at 4.5 percent over cost.

AIL—58 percent completion within a $293.1-million allocation for lot No. 1 aircraft at 7.8 percent over cost. Lot No. 2 aircraft completion is 6 percent within the $131.6-million allocation at 6.5 percent over cost.

General Electric—70 percent completion within a $99.4-million allocation for Lot No. 1 at 5.5 percent over cost. Lot No. 2 completion is 9 percent within a $255.7-million allocation at 15.5 percent over cost.

Research, development and production costs all center on the baseline for funding, and any overages are more than covered by company and systems program office management reserves, according to Defense Dept. officials. "This makes the B-1B a very attractive program."

Management initiatives being taken to further reduce costs and remain ahead of schedule include supporting AIL rate production of avionics system equipment, assembling a task force to conduct a survey, and delivering aircraft off the line and later backfitting the electronics gear, if necessary. Problems in developing defensive avionics are considered routine.

It is doubtful that the Westinghouse radar system will be delivered on time for the flight-test B-1A aircraft No. 4, or for B-1B aircraft No. 1, scheduled for Mar. 19. Boeing has scheduled hardware workarounds to compensate. These are considered relatively minor problems in the overall program.

Full-scale development hardware will be used for integration testing, and intensive software development will be emphasized.

The integrated flight test plan has been completed for the B-1B, and the bomber basing plan is complete. It calls for 16 aircraft at Grand Forks, N.D., 32 aircraft at Ellsworth AFB, S.D., 16 aircraft at McConnell AFB, Kan., and 26 at Dyess AFB, Tex.

The Air Force and contractor team have identified 44 B-1B production projects for the bomber that will result in an estimated cost reduction of $512 million. The potential for an additional $600-million to $1-billion reduction exists, USAF officers told Weinberger.

Logistical cost savings include $200-300 million in spares, $17 million in engine spares and $240 million in life-cycle costs, with another $148 million possible savings in support equipment areas.

FUEL LINE BREAK FORCES B-1 LANDING

LOS ANGELES.—Air Force/Rockwell International B-1 flight test aircraft landed safely at Edwards AFB Feb. 17 after a 3-in.-dia. fuel line failed in the No. 3 engine nacelle, spraying fuel inside the nacelle and causing an inflight shutdown of the No. 3 engine.

The aircraft, the second of four flight test aircraft from the original B-1 bomber development program of the 1970s, was on its 41st test flight in the B-1B development effort. Rockwell test pilot Merv Evenson, pilot; USAF Maj. Frank Birk, copilot, and Rockwell flight test engineer James Leasure were flying the aircraft on what was scheduled as a 6-hr. flight. The flight had proceeded successfully up to that point, so it was extended an additional 1 hr. The B-1 was on approach to Edwards AFB at the end of that period when the crew initiated a go-around because of other traffic on the Edwards runway. During that go-around the 3-in. fuel line separated from the No. 3 engine on the right wing of the aircraft, spewing fuel at high pressure inside the engine's nacelle. The General Electric F101 engine shut down because of the loss of fuel, and the crew experienced a temporary electrical and communications failure because of the loss of power from the No. 3 generator. The aircraft was landed immediately, and fuel continued to pour from the nacelle until after the aircraft was completely shut down.

The aircraft is expected to fly again this week.

NONCOMPLIANCE BY THE DEPARTMENT OF DEFENSE WITH THE LAW

Mr. BYRD. Mr. President, it is apparent that the Department of Defense does not feel the need to comply in good faith with requests for substantive information from Congress. Secretary Weinberger simply stonewalled Congress this year when it requested prioritization of the defense budget at various levels of real growth. There also is apparently continuing noncompliance by DOD with the requirement we placed in the fiscal year 1984 defense authorization bill (section 1211) regarding an independent Office of Testing and Evaluation in DOD.

The new testing office was established because a widely held belief that the testing and evaluation of new weapons systems is far too controlled by proponents of those systems in DOD who have an advocacy interest in bringing them quickly into production. There is serious concern that impartial, rigid, and appropriate standards for testing and evaluating these very expensive systems are not being used. An expression of that concern was the passage of an amendment, offered by Senators PRYOR, ROTH, and KASSEBAUM, establishing a new independent office in DOD by an overwhelming vote of 91 to 5 on the Senate floor last year. The provision was accepted by the House conferees.

Obviously there needs to be a competent, independent, and tough capability in the Department of Defense to test new systems, a capability which is separate from those offices whose purpose it is to bring new systems into being. The public interest, the American taxpayer, cannot be well served otherwise.

Yet, the Secretary of Defense has not appointed a director of this new office. The fiscal year authorization bill was signed into law by the President on September 24, 1983. The Secretary of Defense still maintains that he is doing everything he can to reduce the staggering amount of waste that is endemic to his Department. Yet, he has not, in nearly 6 months since that provision became law, appointed a director of this important new office. The post requires Senate confirmation.

Furthermore, an important part of section 1211 was the requirement that the new Office of Testing and Evaluation provide an annual report to Congress on its activities. The reporting requirement was drafted so as to contain sufficient details to enable Congress to reach its own conclusions regarding the suitability of new weapons systems before they go into production. The first of these annual reports was delivered on January 26, 1984, and is simply inadequate. It is merely a recitation of the tests that have been conducted over the last year without the necessary details and evaluations for responsible judgments to be made by Congress. This is, pure and simple, noncompliance with the law.

I have joined with a number of other Senators in a letter to Secretary Weinberger that sets forth the information needed by Congress regarding the activities of this new office. In addition, the letter expresses concern that a director still has not been appointed.

I think it is a reasonable letter. I would appreciate the attention of the administration to this matter.

The administration, in the reported revision of its fiscal year 1985 defense budget request, is asking Congress for about a 7-percent real growth increase over fiscal year 1984. But the administration simply chooses to avoid complying with those provisions of last year's authorization bill that it does not like. Senators do not debate and pass legislation providing hundreds of billions of dollars in some lighthearted

fashion. Senators expect the law to be obeyed. Secretary Weinberger has not been provided with an item veto over the legislation which funds his Department.

The attitude of the Secretary toward Congress does not lead me to look upon his request for a overly large defense increase with an open heart. The Defense Department is not a charity organization—it must learn to be far more frugal than it is now. It would help convince me that the Secretary is serious about thriftiness, about cutting back on the outrageous waste he is presiding over, if he would comply with the law.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter addressed to the Secretary of Defense dated March 9, 1984, together with a copy of my floor statement as of Thursday, February 23, 1984.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 9, 1984.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: Section 1211 of the fiscal year 1984 Department of Defense Authorization Act established an independent Office of Operational Test and Evaluation in the Department of Defense. On January 26 you sent to Congress the annual report required by section 1211. Subsection (g)(1) requires an annual summary of the operational test and evaluation activities in the Department for the pervious fiscal year and comments that the Director of the new office considers appropriate on the question of the resources available for operational test and evaluation. Section 1211 sets January 15 as the submission date of the report. Classified copies of the report were sent to the Senate Committees on Armed Services, Appropriations and Government Affairs.

Subsection (b)(5) requires the Director of the new office to analyze the results of operational tests when completed and report to you and the Congress's Armed Services Committees on the adequacy of operational tests and whether the results confirm effectiveness and suitability for combat. Furthermore, subsection (g)(2) of the operational testing provision requires the Director of the independent office to comply with requests for information from Congress or any of its Committees. This letter is in furtherance of that authority.

We have reviewed the report submitted to our Committee on January 26 and find that it is insufficient in scope and detail to be useful to Congress as it considers the adequacy of operational testing in the Department or the operational suitability of the weapons reported to have been tested.

We appreciate that this reporting requirement is new. We are also aware, however, that much of the information needed by Congress—and intended to be included in the report—is available in the Department of Defense. Therefore, pursuant to subsection (g)(2) of the statute, we are requesting a supplement to the January 15 report. We would also appreciate the same information being incorporated into subsequent annual reports. Specifically, we request the following information, which is not incorporated to a useful extent in the document you first sent:

(1) an accounting of the funds expended by each of the uniformed services and by any Department of Defense agency, either singly or jointly, for all operational testing and evaluation for the previous fiscal year;

(2) a description of the funding and program requirements deemed necessary by the Director of Operational Test and Evaluation to correct uncovered operational testing deficiencies in the upcoming fiscal year;

(3) a summary of the operational tests and evaluations for each major acquisition program conducted in the previous fiscal year, including specific data on the results of each of the operational tests (such as the number and nature of targets displayed, hits, misses and a summary explanation of each), and

(4) an assessment by the Director of Operational Test and Evaluation as to the combat suitability of the weapons tested and his judgment whether each exceeds, meets or fails to meet the originally states requirements for combat suitability, and whether the proposed new equipment performs more effectively than the system it is to replace.

If the Department is unable to submit the requested information on a timely basis, such as by May 15 when the Defense Authorization bill is expected to reach the Senate floor, we would find acceptable, on an interim basis, copies of interim and final operational test reports from the tester to the Director of Operational Test and Evaluation for all major defense acquisition programs for requirements 3 & 4 above.

Finally, we are perplexed by the delay, well beyond the November 1, 1983 implementation date, in establishing the independent operational testing office on a functioning basis. It is our understanding that neither an appropriate charter nor a Director, from the required civilian background, has been as yet approved. Continuation of this regrettable situation much longer could not help but influence our judment in reviewing requested budget levels.

Thank you for your attention to this matter.

Sincerely,

ROBERT C. BYRD.

DEFENSE SPENDING

Mr. BYRD. Mr. President, the need for review of both the level and components of our defense budget is urgent.

The submission of the fiscal year 1985 defense budget highlights the problems which the Weinberger Pentagon has refused or been unable to address effectively: an unacceptably high level of waste and an unwillingness to prioritize programs. The administration wants to fund every conceivable weapons system but has not adequately addressed extravagant, wasteful and even fraudulent costing.

The most successful efforts to get at waste in the Pentagon have been created by Congress in the face of active opposition by the administration. This is true in the case of the creation of an independent Inspector General for DOD. It has been the Inspector General which has surfaced the scandals associated with procurement of spare parts, which constitute as much as $13 billion in annual purchases. Reform is clearly needed in this area—a report by the Inspector General pointed out that DOD was simply not using cost-effective procedures and that contracting officials were not paying adequate attention to cost levels. The administration not only opposed the creation of an Inspector General, it has opposed all other attempts to bring reform in Pentagon practices.

Last year Congress passed amendments which required all defense contractors to provide warranties for their equipment, including free spare parts and repairs. DOD is now seeking repeal of this warranty requirement. Further, Congress created an independent testing bureau in DOD responsible for evaluating weapons independently from the company contractors who produced them. Recent reports indicate DOD is not implementing this reform.

In a further effort to get at these problems. I sponsored successful amendments last fall which require the Office of Federal Procurement Policy to conduct fresh and independent reviews of DOD spare parts pricing and end-of-fiscal-year spending practices. DOD's attitude was to actively oppose the reauthorization of the Office of Federal Procurement Policy. Instead of supporting reform, then, the Weinberger Pentagon has fought it every step of the way.

As for the level of the Pentagon budget, the administration has thumbed its nose at the guidelines provided by the Budget Committee last year. If those guidelines were followed the fiscal year 1985 budget should be some $16 billion lower than requested. Indeed, if we use the administration's inflation estimates and the Budget Committee guideline of 5 percent real growth in defense spending, then Congress should cut about $23 billion off the fiscal year 1985 level and another $40 billion from the fiscal year 1986 administration projection. This would translate into a 2-year savings of some $20 billion in outlays, a major chunk of the dangerously high deficits the administration is proposing.

The administration refuses to prioritize its programs.

Senator Inouye and I joined in writing a letter to Mr. Jim Baker asking for the administration's guidance in ways to reduce the defense budget. We requested that we have that information 48 hours before the next meeting, which will take place today at 2 o'clock. We not only did not get the information we requested; we did not even get the courtesy of a response to our letter.

I do not think there is any question but that there will be some reductions in the defense budget. It seems to me that it would be very helpful if we could have the recommendations of the President as to where we should best make those reductions. That is what Senator Inouye and I had hoped to get. In other words, the prioritization of defense programs.

We need that assistance from the President, the Commander in Chief, and I hope it will be forthcoming.

The administration says it wants to negotiate arms reductions with the Soviet Union, and that some of these weapons systems are to be used as bargaining chips. Yet the arms talks are going nowhere. Arms control thus far is a failure under the Reagan administration. We are going forward with building not one, but two new manned bombers, the B-1 and the Stealth.

I have opposed going forward with the B-1 because it will not penetrate Soviet defenses in the 1990's. Second, the cost of that program is going to delay, I am afraid, the progress that would otherwise be made on the Stealth bomber, which we are advised

would penetrate Soviet defenses in the 1990's and beyond.

We are going forward with three new intercontinental missiles—MX and Midgetman which represent two contradictory strategic policies, as well as the new Trident II submarine launched missile. In addition, we are going forward with different kinds of cruise missiles. Pershing II missiles and a variety of shorter range missiles. Now we cannot have everything at once, we must prioritize and the administration must tell us what is most important and what we can best do without. The B-1 bomber is now estimated to cost about $227 million per airplane—we are buying 100 of them, and yet they will not be able to perform their basic mission by the mid-1990's. That-mission will be performed by the Stealth bomber. At some $23 billion in program costs, the American people have a right to know why we need to have the B-1 at all.

In all likelihood, if past experience is to be a guide, they will probably end up costing much more than estimated.

The administration should submit a revised defense budget which would give Congress the appropriate options—namely, alternative levels of spending which would conform to the Budget Committee level of 5-percent real growth, with programs prioritized for our review and selection.

Secretary Weinberger, in testimony this week, stonewalled the Congress, resisting intransigently all suggestions to moderate the defense request or provide us with a list of priorities. He said that it would be "incorrect, dangerous, and wrong" to reduce the defense budget and simply refused to provide a list of suggested cuts. His refusal to cooperate with Congress on defense is unreasonable.

I should say also that we need further assurances that DOD will not obstruct the legitimate and legal requirements imposed on it for reform of the outrageous costing scandals now afflicting DOD, and that are being brought to light through the committee processes and through the press.

Mr. President, I ask unanimous consent to have printed in the RECORD an item from yesterday's Washington Post entitled "Pentagon Report Says Lax Auditing Is Causing Excessive Profits."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENTAGON REPORT SAYS LAX AUDITING IS CAUSING EXCESS PROFITS

(By Fred Hiatt)

Military contractors are making millions of dollars in excess profits because Defense Department auditors are not attentive enough and do not punish companies that overcharge, according to an internal report by the Pentagon's assistant inspector general.

For example, the report states, the manufacturer of Army Blackhawk helicopters used Pentagon audits to persuade the company's subcontractors to lower prices by as much as $40.8 million. But the Army signed its contract with the prime manufacturer, Sikorsky Aircraft, before completing those audits, and thus did not benefit from the lower costs, according to the report.

The case is typical of "minimal or non-existent" attention paid by Pentagon auditors to prices charged by subcontractors, which account for about half of the Pentagon's multibillion-dollar procurement bills, the report says.

In addition, the report says the Pentagon's "soft approach" toward contractors with a history of overcharging "has resulted in unnecessary expenditure of millions of dollars."

Submitted last month by James H. Curry, assistant inspector general for audit policy and oversight, the report examined nine weapon systems worth $5.5 billion. In six of them, prime contractors failed to provide—and Pentagon officials failed to demand—information needed to justify subcontract prices, the report says.

As a result, there can be no assurance that the prices negotiated ". . . were fair and reasonable," the report concludes.

The report is likely to fuel criticism by members of Congress seeking to trim the Defense Department's $305 billion budget request for fiscal 1985. A top Pentagon official last fall urged "that the report be withdrawn" before it could be completed and published.

"This report causes us great concern." Mary Ann Gilleece, deputy under secretary for acquisition management, wrote in a memo in November. "It is replete with nonfactual data. . . . Even draft reports, containing the magnitude of errors such as this one, can cause damage to the department."

Authors of the report said they had corrected several minor errors and noted that it was not intended to be a formal audit. In a response to Gilleece, they said the bulk of their report is accurate.

Upon request yesterday, the Defense Department released the report, Gilleece's memo and the response by the inspector general's office.

The report lauds the Navy for the contract it negotiated for procurement of F14 fighter jets one of the nine weapon systems the report examined. The Navy sent auditors to major subcontractors before negotiating its prime contract and so could calculate what it considered a reasonable price for the plane.

There were no other success stories among the nine systems examined. The report found that:

The Army negotiated a contract to buy Bradley infantry Fighting Vehicles before the prime contractor. FMC Corp., had submitted information about subcontract prices. FMC then negotiated lower prices with its subcontractors, resulting in a $6.7 million "windfall," the report states.

The Pentagon's lax oversight allowed the same manufacturer to continue making parts for the vehicle after subcontractors could have supplied the parts for less, costing the Army more than $5 million.

The contractor purchased $4.2 million of "pivot arm assemblies" from a subsidiary for $470.20 each, for example, after an independent firm offered to supply the part for $323.98 each, according to the report.

An FMC spokesman declined comment yesterday. A spokesman for Sikorsky Aircraft, a division of United Technologies Corp., said he could not comment on the Blackhawk case until he has seen the report.

In another case, the Pentagon rejected suggestions to seek less expensive sources for parts even after a prime contractor suggested such a move.

In 1978, Fairchild Co., prime maker of the A10 attack plane, began suggesting second sources for about 200 high-cost parts that Fairchild had been manufacturing, but Pentagon officials rejected all but two.

Savings on 10 of those parts, had Fairchild's suggestion been accepted, would have been $4.7 million, the report states.

● Mr. LEAHY. Mr. President, I confess that I was angered when I read the Department of Defense classified report to the Appropriations, Armed Services, and Governmental Affairs Committees on the operations of the new Office of Testing and Evaluation.

As an original cosponsor of the legislation establishing an independent Office of Testing and Evaluation in the Defense Department reporting directly to the Secretary of Defense, I had hoped that Congress could cut the sweetheart relationship between weapons testers and program managers. One need not blame the military-industrial complex to understand the very human patron-client connection between those who test and evaluate new weapons programs and those who are responsible for production and deployment of those very same systems. It is very natural, it is understandable, and it is in large part responsible for the staggering cost overruns which are eating up the defense budget, for the lack of reliability and performance of key weapons systems, and for the lack of combat readiness of our Armed Forces.

The purpose of the Office of Testing and Evaluation is to insure that the Secretary of Defense and the Congress, I repeat, the Congress, get objective assessments of the testing and evaluation of new weapons programs. We must learn of performance problems at an earlier stage when it is still possible to cancel or redesign weapons.

As it is, we do not hear of deficiencies until a new weapons program has a constituency in the services, the Department of Defense, defense contractors, and the districts of Members of Congress. History shows it is then too late to do more than try to remedy the problems through massive changes, at the cost of huge cost overruns and usually unreliable equipment for our combat forces.

DOD's first report under the legislation establishing the Office of Testing and Evaluation is, to put it bluntly, a joke and an insult. It is little more than a list of tests conducted on some major weapons programs over the past year. It contains no useful details on the types of tests, what results were obtained, any problems identified, and any corrective steps being taken to resolve them. Furthermore, in defiance of the requirements of the legislation, the report does not indicate what the new Office requires for its proper and independent operation as a source of objective assessments for both the Secretary of Defense and the Congress.

Moreover, in the 4 months since the legislation was enacted, DOD has not yet named a civilian director of this new office. It is operating under the interim direction of a uniformed officer from the Office of the Under Sec-

retary for Research and Development. That is precisely one of the offices from which we want to separate this new Office of Testing and Evaluation.

My distinguished friend and colleague from Arkansas (Mr. BUMPERS) and I immediately circulated to all the members of the Appropriations Committee a letter to Secretary Weinberger protesting this inadequate response to a statutory requirement. I am pleased that several members of the committee, including its chairman, Senator HATFIELD, and my friend, the minority leader, joined us in signing it. Also, members of other affected committees, Governmental Affairs and Armed Services are, I understand, sending their own letters of protests to Mr. Weinberger.

Mr. President, I am delighted at this reaction. We have two very important interests in making clear to the Defense Department that Congress will not accept this unresponsive report. First, we must break the Defense Department of its tendency to ignore or pervert the intention of statutory requirements, particularly in the area of correcting waste, fraud, abuse, and inefficiency. If DOD is not made to understand that we are serious when we enact statutory requirements, this tendency is going to continue and get worse.

Second, Congress had a specific purpose in mind in adding a provision to the fiscal year 1984 defense authorization bill setting up the Office of Testing and Evaluation. There is growing concern on both sides of the aisle in this body that management of the defense budget is losing control of costs and programs.

You can see the concern in a whole series of actions by Congress over the last couple of years: A new Inspector General, establishing warranties, this Office of Testing and Evaluation, and other efforts to improve management and cost control in the Defense Department. Congress is worried that Defense has become too fat, too complacent, too married to vested interests. We are trying to make the Defense Department understand that it must get its house in order, or we will take even more far reaching steps to do it ourselves.

Thank you, Mr. President.●

● Mr. BUMPERS. Mr. President, I was pleased to join my colleagues on the Appropriations Committee in signing the letter to Secretary Weinberger concerning the administration's weak performance in carying out the will of Congress concerning the Defense Department's Office of Test and Evaluation. I am also pleased that members on the Appropriations and Governmental Affairs Committees have written letters on this same matter. The lack of real substance in the first annual report, and the continuing failure to appoint a director to head the office, are cause for real concern.

This administration has loudly proclaimed the need for its $314 billion fiscal year 1985 defense budget. A big portion of this defense budget is for the purpose of new weapons and other items needed by our Armed Forces. In fact, procurement has been one of the fastest growing components of the defense budget under this administration. We in the Senate will disagree from time to time on whether a particular weapon system is needed, or on how many of a certain weapon we should buy. Indeed, that debate is already starting up on this year's budget, and it is quite likely that the President will not receive everything he is looking for on defense. But despite these disagreements, there is no disagreement among us here that whatever we buy ought to work.

The Senate has been concerned for some time about weapons going into production without adequate testing, and last year we did something about it. We required the Secretary of Defense to name a Director of Operational Test and Evaluation and to establish such an office independent of those who are responsible for bringing weapons into production.

I regret to say that the administration's zeal in spending the money which the Congress appropriated for defense last year did not extend to carrying out our intent on the Office of Test and Evaluation. While we in the Senate voted 91 to 5 last fall to establish this office, the Secretary of Defense has yet to appoint a director for this office. Furthermore, the first annual report submitted to Congress in January falls far short of the kind of report that was stipulated in last year's legislation.

With no director to head the office, it should not really be surprising that the quality of the report to Congress was so poor. But that is no excuse—it simply points up the need to appoint a director right away, and at the same time to put the people on the job to update and correct the current report and insure that next year's report is better than the revised version of this year's report.

Mr. President, Congress spoke clearly on this subject last year. Unfortunately, it was necessary for us to speak even more clearly again in the form of these letters. Let us all hope that the Department of Defense finally hears us and acts by appointing a director for the Office of Test Evaluation and by revising the first annual report. Let us also hope that we do not need to speak again on this subject a few months down the road.●

Mr. BAKER. Mr. President, if the minority leader has no further need for time, I yield back the time remaining to the two leaders.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. All time having been yielded back, the Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I understand I am recognized for a regular order for a 15-minute order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Presiding Officer.

HOW MIGHT A NUCLEAR WAR BEGIN?

Mr. PROXMIRE. Mr. President, I have just spoken out on the floor of the Senate on the critical importance for all of us to face the full consequences of nuclear war. I have concluded that any thoughtful person who faces those consequences will conclude that such a war would be the worst catastrophe the human race had ever faced. Once we acknowledge this fact the incentive to prevent that final catastrophe provides the basis for our resolve to take whatever steps are necessary no matter how difficult or painful to prevent a nuclear war. So what steps do we take? First we ask: How might a nuclear war begin? What are the most likely ways? What policies can we follow to prevent the development most likely to lead to nuclear war? The Common Cause Guide to Understanding Nuclear Arms Policy starts its answer to this question by contending that the prospect that has received the most attention and concern—a bolt from the blue—that is a sudden preemptive nuclear attack by one superpower against the other—is the least likely way a nuclear war would start. I agree.

Such an attack would be an act of obvious mutual suicide. The side initiating such a first strike would, indeed, have a big advantage in surprise.

In fact, there would be a double advantage. Much, probably most, of the other superpower's nuclear capacity would be destroyed. The attacking power could disperse its population into the countryside and into fallout shelters. It could also disperse its mobile missile launchers. Its submarines could leave port. Its bombers could be in the air. All of this would be advantageous. But the advantage would be meaningless. Why? Just consider the truly colossal size of the nuclear arsenal of each side. Even if 50 or 60 or 70 percent were destroyed in an extraordinary successful preemptive attack, there would be enough left to absolutely obliterate the other side. And such a nuclear war would not end

in a day or two. It would go on for months.

The Soviets would have a particularly hard time destroying American nuclear power because most of it is deployed at sea or in the air, spread out throughout the world's oceans and air envelope, constantly moving and impossible to track comprehensively. Only a small fraction of this virtually invulnerable mobile nuclear power could utterly devastate the Soviet Union. Similarly, there is no way this country could escape absolute devastation if we should initiate a nuclear strike against the Soviet Union. So we recognize the bolt from the blue as the least likely cause of a superpower nuclear war.

What then would be more likely? The Common Cause Guide sees the prospect of a nuclear war emerging from a steady growing military confrontation between the United States and the Soviet Union, possibly in Europe, more likely in the Middle East. Either country might move into a nuclear war through policies designed simply to provide greater precautions against such a war with the other side seeing each precautionary military move as a threat.

In this connection, the Common Cause Guide quotes Marshall Shulman, director of the Russian Institute at Columbia University, as follows:

> The concern that seems most to be watched for is the risk of escalation from a local conflict and particularly if the separation between nuclear and conventional weapons becomes blurred. If there is an initial conflict and both sides get involved because their interests are involved, there are neither technical nor political checkpoints in the passage from a conventional military engagement up through battlefield nuclears.

Common Cause observes that any use of nuclear weapons and the stress is on any use whatsoever during a crisis would heighten the danger of escalation to full-scale nuclear war.

Mr. President, in answering the question "How might a Nuclear War start?", this Senator would conclude that by far the most likely scenario would come from the instigation of a nuclear war by a nation other than the two superpowers.

On November 15, 1982, about 1½ years ago, the New York Times reported, not on the front page but just back in the paper, an article that is a real blockbuster, one of the most shocking revelations I have read. I do not know why they put it off the front page, but they did. They reported that a U.S. intelligence survey flatly asserted that 31 countries will be able to produce nuclear weapons 16 short years from now, that is by the year 2000.

Mr. President this spread of nuclear weapons is the heart of the nuclear powder keg. Many of these countries have constantly been engaged in hostilities with their neighbors. Obviously the time will come when one or more of these countries will use their nuclear weapons. For instance, Iran and Iraq are at this very moment locked in an extraordinary bloody war. Both are on the U.S. intelligence list as countries which will soon have nuclear weapons. Think of the temptation for whichever of those two countries develop a nuclear arsenal first—to use it.

Even more disturbing, Mr. President, that same November 1982 report by Richard Halloran stated that the Defense Department reaction to the report of nuclear war capability spreading to 31 nations was to step up our tactical nuclear capability. They foresaw U.S. engagement with adversaries other than the Soviet Union which would require small tactical nuclear weapons other than the large strategic missiles aimed at the Soviet Union.

Defense guidance is a classified 5-year plan of strategic direction for the Armed Forces. This document directed the Marine Corps to take the lead in developing a nuclear operations concept for its AV-8B, known as the Harrier or Jump Jet. Defense guidance also called for a continued effort—to reduce the spread of nuclear weapons capability, particularly to nations hostile, or potentially hostile, to U.S. interests.

So, Mr. President, the answer to "how might a nuclear war begin?" is that it might very well come from an escalation of hostility with the Soviets that could lead to some use of nuclear weapons—initially, that nuclear weapons use might be tactical or limited. Above all, the danger of nuclear war comes from the prospect of an entirely different ball game over the next 16 years with more than 30 countries armed with nuclear arsenals and ready, willing and able to begin the last war.

Mr. President, I ask unanimous consent that the article by Richard Halloran to which I have referred from the November 1982 New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 15, 1982]

SPREAD OF NUCLEAR ARMS BY 2000 IS SEEN

(By Richard Halloran)

WASHINGTON, Nov. 14.—A recent United States intelligence survey asserts that 31 countries, many of them engaged in long-standing regional disputes, will be able to produce nuclear weapons by the year 2000, according to military analysts.

The analysts said that because of this, American military forces would have to be prepared to engage in nuclear battles with countries other than the Soviet Union, even though American military planners put most of their attention today on the possibility of nuclear war with the Soviet Union.

Defense Guidance, a classified five-year plan of strategic direction for the armed forces, reflected that appraisal, saying that "a continued effort should be made to reduce the spread of nuclear weapons capability, particularly to nations hostile, or potentially hostile, to United States interests."

But the military planners who wrote the guidance for the signature of Secretary of Defense Caspar W. Weinberger were clearly aware of the prospects for nuclear armaments to spread, saying, "As nuclear capabilities spread, additional measures will be required to protect the United States forces and interests."

LEADING ROLE FOR MARINES

Nuclear engagements with adversaries other than the Soviet Union would most likely require small tactical nuclear weapons rather than the large strategic missiles aimed at the Soviet Union, the analysis said.

In line with that, the guidance instructed the armed services that "Priorities should be directed toward achieving improved survivability, endurance, and communications, command, control, and intelligence capabilities of our tactical nuclear forces."

The guidance particularly directed the Marine Corps to "take the lead in developing a nuclear operations concept for its AV-8B," or Harrier "jump jet."

The military analysts said the intelligence survey was based on assessments of each nation's scientific and technical capabilities, the industrial base, probable access to nuclear materials and financial status.

They said the analysts who worked on the survey paid special attention to the potential of each nation to receive technical and financial help from other nations and particularly to the possibilities for converting peaceful nuclear facilities into producers of weapons.

The United States, the Soviet Union, France, Britain, China, and India have produced nuclear weapons.

ISRAELI PRODUCTION SUSPECTED

In the Middle East, Israel has long been thought capable of producing nuclear weapons and has been suspected of having done so. Among the Arab nations, Egypt, Saudi Arabia and Iraq were named. Other Moslem nations named were Iran and Pakistan.

South Africa was the only sub-Saharan nation on the list, the analysts said.

In Asia, South Korea, Taiwan and the Philippines are candidates as nuclear powers. Japanese scientists have said Japan could acquire nuclear arms within a year of a decision to do so.

Potential nuclear powers in Latin America, the analysts said, are Mexico, Brazil and Argentina.

In Europe, those with the potential for producing nuclear arms include West Germany, Sweden, Italy and Spain. Other Western possibilities included Canada and Australia.

THE KU KLUX KLAN: CREATING THE CLIMATE FOR GENOCIDE

Mr. PROXMIRE. Mr. President, a year and a half ago, the Ku Klux Klan planned to march down the streets of Washington to commemorate a landmark Klan parade in Washington in 1925, in which 35,000 members participated. The 1982 parade was canceled because police feared violence between Klan and anti-Klan demonstrators.

The Klan, still a force in our society, was founded by Confederate soldiers in Pulaski, Tenn., in the aftermath of

the Civil War. Members vowed to uphold "all that is chivalric, noble, generous, and patriotic," a terribly ironic charter for a group that became known for its violent means of enforcing white supremacy.

By the end of Reconstruction, the Klan had attracted a membership of over a half million men and had become a source of terror in the South. Contingents of Klan supporters made sinister night raids into black communities to intimidate the black vote. Sometimes they left a burning cross in their wake. Other times, they resorted to violence: arson, beatings, and murder.

Sadly, Klan terror was effective in keeping blacks away from the polls during Reconstruction. Subsequently, white southerners easily passed into law the "separate but equal" doctrine of segregation, which lasted almost a century.

After World War I, the Klan gained supportive momentum under the leadership of Grand Wizard William Simmons, a former preacher. Two trends added fuel to the Klan's fire: The great World War and the massive influx of European immigrants from 1890 to 1910. Together, these trends produced a fierce nationalism among Americans and, thus, a mood more receptive to the Klan which claimed to be a "pro-American" group, dedicated to preserving racial purity in the Nation.

In the civil rights era, the Klan once again swam into the mainstream. It was suspected of 138 race-related bombings in the South from 1956 to 1963.

The promotion of hatred among racial, ethnic, national, or religious lines, so typified by the campaigns of the Ku Klux Klan, creates the kind of climate in which genocide can occur. Genocide is simply the most appalling crime known to man: it is the complete annihilation of an entire people.

It is interesting, Mr. President, that there are very, very few organizations in this country that oppose the Genocide Treaty. As far as I can tell—and I have looked at this very carefully—there are none that are not considered far out, way out rightwing organizations. The treaty, of course, is supported by virtually every civic and fraternal organization and by every religious group. But it is opposed by the Ku Klux Klan, by the Liberty Lobby, by the John Birch Society, and that is about it. That is about the opposition to it. It has been supported by every administration, Democratic and Republican, every Presidential administration since Harry Truman and I am confident that the Reagan administration will support this treaty within a reasonable time. I certainly hope and pray they will.

At any rate, we must do all in our power to prevent this dangerous climate from taking hold of the United States.

Mr. President, the most important step we can take is to make genocide a crime under international law. I urge my colleagues to act now in favor of the Genocide Convention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m. with statements therein limited to 2 minutes each.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. ABDNOR. Mr. President, today the Senate has the opportunity to pass a group of measures which will improve farm income and aid our struggling farmers. Specifically, the measures improve the 1984 and 1985 wheat programs, make changes in the 1985 programs for feed grains, cotton, and rice, provide more funding for export assistance, and aid farmers who find themselves in financial difficulty by offering more funds for drought relief and other credit programs. I urge my colleagues to support these measures.

As my colleagues are aware, this package was developed during 4 days of intense negotiations between other farm State Senators and me, Agriculture Secretary John Block, and Budget Director David Stockman.

I cannot say strongly enough that everyone who was concerned about this legislation was invited to those meetings. Those who really were sincere in trying to do something to improve this program were able to discuss their concerns. We all gave and took a little bit, trying to reach a compromise acceptable to everyone involved. There were 4 days of those sessions.

I was glad to be a part of the negotiations and feel that we have arrived at a very acceptable compromise.

Changes in the 1984 wheat program are long overdue and badly needed. Producer participation is very low because the program demands a very high nonpaid acreage reduction requirement, something South Dakota's and our Nation's wheat producers simply cannot afford when every acre is needed to generate enough cash to keep their operations solvent.

The 1984 and 1985 wheat programs which we have developed jointly with Secretary Block and Mr. Stockman ease this burden by incorporating a paid land diversion. This provision, coupled with other program modifications, will provide wheat producers with a greater return over their variable costs of production. Although I would have to avoid cutting target prices, I believe we must be realistic and realize that we now have before us a better program for our wheat producers.

According to my calculations, the wheat program which we have developed provides an additional $7.50 per acre over the program as announced by the Secretary. For an 800-acre wheat producer, that is an extra $6,000, and that is nothing to laugh at during tough times like these. Six thousand dollars is darned important to the farmers of South Dakota.

In addition to making changes in commodity programs, the compromise provides for more export assistance funds. We all know that agricultural exports have dropped dramatically in recent years. Markets for American agricultural commodities have been stripped from us by our foreign competitors. Many reasons are cited as to why this has occurred, including the high value of the dollar, unreliability, massive export subsidies given by our competitors, and so forth. The past, however, is behind us. We must now move to learn from the mistakes of the past, vow to never again use agricultural products as a weapon in foreign policy disputes, and boldly intensify our efforts to develop new markets and recapture old ones.

The legislation we have before us would provide an extra $325 million for the Public Law 480 program under which U.S. agricultural commodities are sold or donated to countries in dire need of food. In addition, the legislation would provide an extra $100 million in 1984 for the GSM-5 credit program and an extra $50 million in 1985 for that program or the Public Law 480 program. The compromise also increases the amount of export guarantees which are available to foreign purchasers of U.S. grain by $500 million in 1984 and $1.1 billion in 1985. All these export programs allow grain prices to rise by reducing burgeoning surpluses of grain and moving it out of the warehouse or bin and into the food supplies of foreign nations.

Finally, Mr. President, this legislation provides credit assistance to beleaguered U.S. farmers. South Dakota's farmers and ranchers need this credit assistance desperately. It is no secret that the American farmer is in terrible financial straits. The ultimate solution to this problem, of course, is higher farm prices. This legislation takes steps toward that end, but falls short. It does, however, pick up some of the slack by providing more drought relief funds, increasing the amount of direct, lower interest loans which can be made by the Farmers Home Administration (FmHA) through the economic emergency loan program, and changing some rules and regulations relating to FmHA's proce-

dures for reamortizing and rescheduling loans, and extending the repayment period for operating loans. All in all, these changes are good and should help to ease farmers and ranchers through the credit crunch in which they are caught.

Mr. President, I commend Senator DOLE for his efforts to develop this compromise and thank my colleagues, Secretary Block, and Mr. Stockman for their efforts to make this a workable piece of legislation. Let me point out to my colleagues who criticize Secretary Block and Mr. Stockman that these gentlemen came to each of our meetings in good faith and conceded on many issues in order to improve this program. They were helpful. They were cooperative. I thought all interested Senators would be there to discuss their concerns. Instead, they come to the floor now, after already delaying this bill for 2 weeks, and try to load it up with one amendment after another in order to make themselves look good back home.

It is time to quit fooling around with our farmers and give them a chance. It is time to go into the field. As we talk about this bill now, farmers in the State of South Dakota prepare to go into the fields in a few weeks.

Right now some Senators are playing politics, with each Senator trying to shape this program just the way he would like to see it. This is like waiting for all the bales in the barn to catch on fire before even thinking about getting some water to put it out. Wheat producers in South Dakota can ill afford to see their barn go up in flames while a few Senators tinker with their amendments, thus delaying, or possibly stopping, the opportunity for this Congress to help them.

The least we can do is stick together, cooperate—act in the best interests of farmers—and pass this legislation.

Mr. BAKER. Mr. President, would the Senator yield to me briefly?

Mr. ABDNOR. I would be happy to yield.

Mr. BAKER. I congratulate the Senator from South Dakota, not only for the burden of his remarks, but also the obvious intensity of his emotion on this subject, and for his dedication to passage of legislation for the agricultural community, not only in South Dakota, but elsewhere. I wish to extend to him my hearty congratulations for a well-reasoned statement, with passion naturally delivered. I believe it is effective in determining the outcome of this measure.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 10:40 a.m. under these same terms and conditions.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

EL SALVADOR BRIEFINGS

Mr. KASTEN. Mr. President, a number of my colleagues have expressed an interest in being briefed by the Defense and State Departments on the current situation in El Salvador and the need for the administration's requested $92,750,000 in emergency military assistance.

I have, therefore, arranged for briefings in room S-407 in the Capitol at two different times in order to accommodate Senators' schedules. The first briefing will be at 4:30 this afternoon, the second at 10 tomorrow morning.

The officials conducting the briefing will be Under Secretary for Security Assistance, Science and Technology, William Schneider, Jr., and Lt. Gen. Philip Gast, Director of the Defense Security Assistance Agency.

I would strongly encourage my colleagues to avail themselves of this briefing, as it is a good one, and because they will be able to give the briefing in a classified fashion, the information provided is in some detail.

The PRESIDING OFFICER (Mr. KASTEN). The majority leader is recognized.

NATIONAL PHOTO WEEK

Mr. BAKER. Mr. President, I will not take but just a moment. The minority leader is now on the floor. We have talked privately about this matter.

I do not often ask for things to be done because I particularly as an individual want them to be done. But there is one item on the calendar today which is in that category, and that is the passage of Calendar No. 717, which is a joint resolution to designate the week of May 7 through May 13, 1984, as "National Photo Week."

I would say somewhat facetiously that there are some who seriously claim that I am an amateur Senator, certainly an amateur politican, but that just on the basis of my enthusiasm my first and prime interest is photography. That is not so, but it is close.

Mr. President, given those circumstances, could I inquire of the minority leader if he could see in his heart to clear for action at this time that matter on the calendar.

Mr. BYRD. Mr. President, this is an idea whose time has come. Who better than this distinguished Senator—who is a first-class Senator, first-class politician, and a first-class photographer—should bring this legislation to the attention of the Senate? I am delighted.

I have to say that this man is all three: foremost, a very shrewd politician; foremost, a very fine majority leader; and, foremost, an excellent photographer—excellent.

I am delighted on behalf of 44 other Democrats to give our full consent to taking up this measure at this point.

Mr. BAKER. Mr. President, I am grateful. I am often grateful to the minority leader for his splendid cooperation and great consideration, but never more than today.

Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 717, Senate Joint Resolution 250.

The PRESIDING OFFICER. Without objection, the clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 250) declaring the week of May 7 through May 13, 1984, as "National Photo Week."

The Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, the distinguished majority leader has introduced Senate Joint Resolution 250, declaring the week of May 7 through 13, 1984, as "National Photo Week." I am pleased to be a cosponsor of this resolution which passed the Senate today, because this week in May represents one of the many outstanding talents of the Senator from Tennessee.

Over the years, I have come to appreciate the political, legislative, and personal skills manifested by Senator BAKER, but this resolution brings to mind the artistic talent of an outstanding individual whose interests transcend the narrower political world in which he spends most of his time. HOWARD BAKER is often seen with a camera in hand. His unique perspective of Washington political life, and the city itself, from behind a camera lens, has now become legendary among his colleagues. He has even published a book of Washington photos that is very popular. It is appropriate that the distinguished Senator from Tennessee should introduce such a resolution.

DEVELOPMENT OF PHOTOGRAPHY AS AN ART

When photography first came into being in the early 19th century, it was originally used for portraits and landscapes, and gradually evolved into a visual record of human and historical events. Anyone who has ever seen an exhibit of old photographs from a century ago is impressed with what could be captured through earlier, more primitive techniques.

Photography has now developed into very sophisticated uses, and has made significant contributions to our society and our culture—as well as our records of historical events. It continues to

evolve and grow as an art form, and is only recently being given the kind of recognition it deserves as a form of art.

I commend our distinguished majority leader for his leadership in setting aside this week to be designated as "National Photo Week." I hope he continues to take his camera wherever he goes after he leaves the Senate.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 250

Whereas photography is the prime visual recorder of human events of any dimension, preserving memories, emotion, and sentiment for virtually all the American people;

Whereas photography is an established and growing art form communicating the beauty and diversity of America and its people both within the land and abroad;

Whereas photography is an important contributor to communication, meteorology, justice, medicine, geograhic exploration, astronomy, agriculture, and many other fields of science, technology, and inquiry; and

Whereas photography is, and has long been, an indispensible tool in preserving the history of the Nation and the changing panorama of American landscape and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 7 through May 13, 1984, be declared to be the first annual "National Photo Week". The President is authorized, since "National Photo Week" is to be a time dedicated to increasing the American public's appreciation and understanding of photography and to improving individual skill in photography so that the benefits thereof may be appreciated and used on the broadest possible scale, for the greatest number of people, to issue a proclamation to aid in the celebration of said week.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HENRY M. JACKSON SCHOOL OF INTERNATIONAL STUDIES TO CONDUCT SEMINAR

Mr. STEVENS. Mr. President, I would like to bring to the attention of the Senate a seminar being conducted by the Henry M. Jackson School of International Studies on the potential of Sino-American cooperation. A list of renowned scholars will discuss issues which President Reagan will address during his trip to the People's Republic of China.

Improved relations with the People's Republic of China have important economic and strategic implications for the United States. This forum will provide a better insight into the problems and benefits from future Sino-Soviet relations. I ask unanimous consent to have printed in the RECORD the invitation to attend the seminar which lists the panel participants, and the time and location of the seminar. I hope that my colleagues in the Senate will have the opportunity to join in the discussion.

There being no objection, the invitation was ordered to be printed in the RECORD, as follows:

WE INVITE YOU TO ATTEND

SEMINAR

The United States and China in world affairs—Present agenda, future prospects.

Date: Thursday, March 22—4:00 p.m. to 6:00 p.m.

Place: Room SD-106—Dirksen Senate Office Building, United States Capitol.

SPONSORS

The Henry M. Jackson Foundation.

The Henry M. Jackson School of International Studies of the University of Washington.

The Woodrow Wilson International Center for Scholars.

As President Reagan prepares for his trip to the People's Republic of China a panel of scholars at the forefront of research and policy on China will discuss the issues on the President's agenda and explore the potential for constructive long-term Sino-American cooperation in bilateral and world affairs.

This challenging two-hour seminar, held on Capitol Hill, will be moderated by Professor Kenneth Pyle, Director of the Henry M. Jackson School of International Studies. Short presentations by the scholars will be followed by a period of open discussion to explore topics of particular interest to the participants.

Panel members are:

Michel Oksenberg, Professor of Political Science and Research Associate of the Center for Chinese Studies, University of Michigan; National Security Council staff member 1977-1980.

Elizabeth Perry, Associate Professor of Chinese Politics, Henry M. Jackson School of International Studies, University of Wisconsin.

Dwight Perkins, Director, Harvard Institute for International Development; Professor of Modern China Studies and of Economics, Harvard University.

Nicholas Lardy, Associate Professor of Chinese Economics, Henry M. Jackson School of International Studies, University of Washington.

Mary Bullock, Fellow, the Wilson Center; Director, Committee for Scholarly Communication with the PRC, National Academy of Sciences.

Harry Harding, Senior Fellow (Chinese Foreign Policy), Brookings Institution.

For additional information please call the Henry M. Jackson Foundation 202/331-9400. To reach SD-106 in Dirksen, we suggest you use the Constitution Avenue entrance to the Hart Building.

AMBASSADOR EDWARD L. ROWNY

Mr. TOWER. Mr. President, last week the U.S. Ambassador to the Strategic Arms Reduction Talks (START), Edward L. Rowny, again publicly urged the Soviet Union to return to the negotiating talks in Geneva. I would like to commend Ambassador Rowny for his ongoing efforts to bring about a resumption of the important process of negotiating a strategic arms reduction agreement. I would also like to take this opportunity to speak to Ambassador Rowny's personal qualities and dedication.

Over the years, I have been in close and frequent contact with Ambassador Rowny. We meet several times during each working recess to discuss the status of current negotiations. In addition, he makes himself available to other Members of the Congress, and to the media in an effort to inform the general public. From my contact with Ambassador Rowny, I can attest to his deep determination to achieve an agreement that enhances American security through substantial reductions in nuclear weapons to equitable and verifiable levels.

Recently, some have questioned Ambassador Rowny's commitment to achieving an arms reduction agreement. Perhaps he is being held responsible for the current lapse of the negotiations, but I remind my colleagues that it was the Soviets who chose to walk out of the START talks. Perhaps this false impression is due to his strong disagreement with the provisions of the SALT II agreement. However, I must remind my colleagues that Ambassador Rowny was not alone in his criticism of SALT II.

Indeed, the Senate Armed Services Committee—with bipartisan support—voted against ratification of SALT II. This was done not because the committee members were against arms control, but rather because SALT II was determined to be incompatible with our national security interests. Many other Senators had very serious reservations with SALT II, which led President Carter to withdraw it from consideration.

I can only assume that those who have criticized Ambassador Rowny have not taken the time to get to know the man as I have. I take a great deal of comfort in knowing that Ambassador Rowny is representing the United States in these important negotiations. He has years of experience in negotiating with the Soviets, both in the current negotiations and previously during SALT. He knows the Soviet negotiators personally. He knows they are shrewd, patient negotiators who rarely—if ever—alter their negotiating tactics as a result of external pressures and he is familiar with the pattern of our past failures at arms control.

In today's political climate, pressure on the United States to accept unequitable and unverifiable treaty terms is considerable. In the interest of our national security, however, we must resist such pressure and insist on an equitable and verifiable agreement regardless of the time involved. When

dealing with the Soviets, patience is more than a virtue, it is a necessity. The record of Soviet noncompliance with their arms control commitments reminds us that arms control must not be viewed as an end in itself. I am confident that Ambassador Rowny understands this, and I am confident that he will exert every possible effort to negotiate a treaty that is consistent with our national security objectives. I applaud his tireless efforts, and wish him the very best of luck.

THE RETIREMENT OF COL. BENJAMIN C. MARSHALL, SR. (USAF-RET.)

Mr. GOLDWATER. Mr. President, I rise today to recognize the contributions of Mr. Benjamin C. Marshall, Sr., Security Director of the Senate Select Committee on Intelligence, who will be leaving our staff this month after many years of dedicated public service.

Ben Marshall has served the U.S. Senate in an outstanding fashion since he joined our staff as Security Chief. He was one of the original staff members of the Senate Intelligence Committee, which was established in May 1976. He has served us loyally, and well ever since.

Before coming to our committee, Ben had a long and productive career in the U.S. military. In February 1942, he joined the U.S. Army as a private, eventually rising to the rank of first lieutenant in the field artillery. He then volunteered for flight training, after which he was promoted to captain and flew 36 missions in the European Theatre. Ben received a regular appointment to the grade of captain in the U.S. Air Corps in 1947, flew B–29's, and eventually was jet-qualified in 1955.

His ground jobs included service as the following: Provost Marshall and Security Director in the Strategic Air Command; Director of Security Training at the Strategic Air Command Security Standardization School; Chief, Security Branch, Headquarters Far East Air Force and Pacific Air Force; Director, Security and Intelligence, Manzano Base in New Mexico; Chief of Security, Field Command, Defense Atomic Support Agency; Director, Security Policy Division at Headquarters, U.S. Air Force; Chief of the Industrial Security Program in the Department of Defense; and Director, Security and Law Enforcement Branch of the Office of the Secretary of Defense.

Ben Marshall retired from the Air Force with the rank of colonel in 1971, after over 30 years of service. His awards and decorations include the Air Medal with four clusters and the Air Force Commendation Medal.

Mr. President, it should be clear from this résumé that the Senate Select Committee on Intelligence was very lucky to find a man of Colonel Marshall's background and qualifications to serve as our first Security Director. When our committee was established in the spring of 1976, we received a mandate from the Senate to oversee and authorize the budget for the American intelligence community. Obviously, this task involved the handling and storage of tremendous amounts of highly classified information. Ben Marshall was instrumental in establishing and operating our committee security operation. As such, he was charged with physical, personnel and administrative security.

As well, he conducted liaison with security officials in all the executive branch agencies which we oversee—the Central Intelligence Agency, National Security Agency, Defense Intelligence Agency, State Department, Department of Energy, and others. As well, he coordinated with the Architect of the Capitol, the Senate Sergeant at Arms, and the Capitol Police. This was a big job, a difficult job and a job requiring a great deal of meticulous attention to detail, patience and maturity. Ben Marshall served us with all these qualities over these 8 years, and he has served us well.

Mr. President, from the standpoint of our committee security, Ben Marshall is truly the man who kept the secrets.

On behalf of all the members of the committee, past and present, who have enjoyed their association with Ben Marshall, I want to express my personal thanks to him for his support of our activities over the years. He has shown exceptional dedication, loyalty, integrity, and distinguished service to the Select Committee on Intelligence, to the Senate, and to the Congress of the United States. We are grateful to him for his contributions and we wish him the very best for the future.

DEATH OF CLARENCE MITCHELL—A GIANT FOR CIVIL RIGHTS

Mr. KENNEDY. Mr. President, tomorrow men and women from across this land will gather at the Sharp Street Memorial Church in Baltimore to pay tribute to one of the true giants of civil rights, Clarence Mitchell. His passing last Sunday was a loss that will be deeply felt by all who have championed social justice.

I extend my deepest sympathies to his wife Juanita, to his four sons, Michael, Clarence III, Kieffer, and George, and to his brother Congressman PARREN MITCHELL.

Clarence was not only a friend of mine, but a friend to all of those who worked so hard to make this country a fairer, more decent America. For a generation, he was at the heart of the struggle for social justice. He marched with Martin Luther King, and he marched in the Halls of Congress. And he made an enormous difference.

As a representative of the NAACP, Clarence Mitchell became the conscience of the Congress on civil rights. He was often called the "101st Senator"—and not only by his friends. His humor, persistence and determination never faltered in the face of seemingly insurmountable opposition to each successive piece of civil rights legislation. Every civil rights bill that has been enacted into law over the past generation is a milestone of progress and a monument to Clarence Mitchell's vision, leadership and commitment.

It would take several volumes to record the life and achievements of Clarence Mitchell. I ask unanimous consent that an editorial and two excellent articles from the Washington Post and New York Times, which summarize the rich tapestry of Clarence Mitchell's career, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 19, 1984]

CIVIL RIGHTS CHAMPION CLARENCE MITCHELL, JR., DIES

(By Martin Weil)

Clarence M. Mitchell Jr., 73, a lifelong champion of equality for blacks who played a key role in winning passage of much of the major civil rights legislation of the 1960s, died last night at the Maryland General Hospital in Baltimore.

As the chief Washington lobbyist for the NAACP for nearly three decades, Mr. Mitchell combined conviction, persistence and quite persuasive power. In his ultimately successful quest for the landmark measures of the '60s, he displayed skills and talents that won him the sobriquet of "the 101st Senator."

Both as the NAACP's man in Washington, and as a principal in the Leadership Conference on Civil Rights, which he helped found, Mr. Mitchell was instrumental in passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

A lawyer and a former newspaper reporter whose career was galvanized when in 1933 he witnessed his first lynching, Mr. Mitchell was a leading member of a family that in Maryland, his home state, and in Baltimore, his hometown, symbolized civil rights and the NAACP.

Known as a man of courage and integrity, Mr. Mitchell persisted optimistically through years of resistance and rebuff to seek the common ground and consensus that in time permitted him to witness passage of the bills that helped guarantee equality before the law.

Despite his successes, his name was not nearly so well known to the general public as many of the other principal actors in the social and legislative revolution of the 1960s.

Firmly committed to the goal of full integration of blacks into the American mainstream, Mr. Mitchell shunned the separatist doctrine and militant tactics that might have won him greater visibility.

A modest and unassuming man, whose arena of action was congressional office and

conference room, he neither sought nor attained the broad public recognition to which his accomplishments entitled him.

Before the days in which meaningful civil rights legislation was possible, Mr. Mitchell prompted and promoted advances through executive orders, such as the one by which President Truman demanded the desegregation of the armed forces.

During the Eisenhower administration, Mr. Mitchell was credited with guiding to passage the 1957 Civil Rights Act, the first legislation of its kind in years. He was also recognized among legislative insiders as being instrumental in passage of the 1961 act that set up the federal Civil Rights Commission.

Beyond his work in shepherding to passage the civil rights bills of the '60s, Mr. Mitchell is cited as the author of a key section of at least one of them, Title VII of the 1964 bill, which required equal employment opportunity.

As chairman of the leadership conference on civil rights, Mr. Mitchell employed his lobbying skills in helping to bring about the rejection by the Senate of the nominations to the Supreme Court of Clement Haynsworth and G. Harrold Carswell.

Despite the not infrequent bitterness and strong feelings bound up in the long struggle in which Mr. Mitchell was engaged, he was himself viewed as generous and conciliatory towards his foes, often finding it possible to say a good word about all but the harshest among them.

A man who carried a picket sign to help desegregate Baltimore schools, and who was arrested for going through the main door of a South Carolina railroad station, Mr. Mitchell knew the values of direct action.

But, he said, "you've got to know when to stop picketing and sit down at the conference table."

In 1980 the year he left his leadership conference post, and two years after leaving the NAACP post, Mr. Mitchell received the nation's highest civilian honor, the Presidential Medal of Freedom, from President Carter.

He was also appointed as a U.S. representative to the United Nations by President Ford, and at the time of his death, was a member of the board of regents of the University of Maryland, from which he held his law degree.

Mr. Mitchell was born in Baltimore, where he lived for the last four decades at the same inner-city address. His father, a musician, and his mother, a cashier, enforced daily study hours for their seven children, who included Mr. Mitchell's brother, U.S. Rep. Parren J. Mitchell (D-Md.).

"He was one of the most remarkable human beings I've ever met," Rep. Mitchell said last night of his brother.

Sen. Paul Sarbanes (D-Md.) called Mr. Mitchell "a great champion of justice and human dignity" who was "a powerful force for a better America."

John Toll, president of the University of Maryland, described his death as a "serious loss" for the nation and called him "an inspiring leader" in the work for equality, justice and a better society.

After receiving a bachelor's degree from Lincoln University in Chester, Pa., Mr. Mitchell became a reporter for the Baltimore Afro-American newspaper. The lynching he saw as a newsman in Princess Anne, Md. made him decide on a civil rights career.

After work for the Urban League in the Midwest, he joined the federal government in assignments that included enforcing World War II antidiscrimination orders in shipyards. He was labor secretary of the NAACP from 1945 until becoming director of the Washington bureau in 1950.

In recent years, he and his wife Juanita, the first black woman to practice law in Maryland, were joined by a son, Michael, a Baltimore City Councilman, in the firm of Mitchell, Mitchell and Mitchell. Another son, Clarence III, is in the state legislature.

Survivors include two other sons, Keiffer J., and George D.

[From the Washington Post, Mar. 20, 1984]

CLARENCE M. MITCHELL JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.

[From the New York Times, Mar. 20, 1984]

CLARENCE M. MITCHELL IS DEAD; N.A.A.C.P. LOBBYIST TILL '78

(By Eric Pace)

Clarence M. Mitchell Jr., long the Washington lobbyist of the National Association for the Advancement of Colored People, died Sunday at Maryland General Hospital in Baltimore. He was 73 years old.

Mr. Mitchell's son Michael Bowen Mitchell, a Baltimore City Councilman, said his father died of cardiac arrest after suffering a heart attack at his home in Baltimore.

Mr. Mitchell, a burly veteran of countless legislative skirmishes and undertakings, played a particularly prominent role in passage of the Fair Housing Act of 1968, the last of the landmark civil rights legislation of the 1960's.

He was then acting on behalf of the Leadership Conference on Civil Rights, an organization of 115 church, labor, civil rights and civic groups. He was the chief lobbyist of that organization, and of the N.A.A.C.P., from 1950 through 1978, an epochal era in civil rights.

NIXON NOMINEES DEFEATED

Mr. Mitchell also marshaled civil rights leaders in successful campaigns against the seating, as Supreme Court Justices, of President Nixon's nominees G. Harrold Carswell and Clement F. Haynsworth.

Mr. Mitchell's success as a lobbyist, his admirers said, stemmed largely from his fruitful relationships with Republican as well as Democratic legislative leaders, including John W. McCormack and Everett McKinley Dirksen. He also had good relations with Lyndon B. Johnson as Senator, Vice President and President.

In his civil rights work, Mr. Mitchell believed in working as extensively as possible through existing legislation. "When you have a law," he once said, "you have an instrument that will work for you permanently. But when you branch out on a separate line of direct action, you may wind up with nothing."

So influential did Mr. Mitchell become among Federal lawmakers that he was sometimes called "the 101st Senator." The N.A.A.C.P.'s executive director, Benjamin Hooks, characterized him yesterday as "a legend in his own time," and Senator Paul Sarbanes, Democrat of Maryland, said Mr. Mitchell was "a powerful force for a better America."

Mr. Mitchell became known as a stickler for discipline, respect and courtesy. He used to counsel younger lobbyists to "listen carefully and make no threats," but to stand ready to mobilize public opinion against a legislative opponent in the opponent's home constituency.

Mr. Mitchell came into the national limelight in 1956, when he was arrested for refusing to use a blacks-only doorway to the railroad station in the mill town of Florence, S.C. The case caused a furor.

Other members of the Mitchell family have become prominent in politics. His wife, Juanita Jackson Mitchell, who is a lawyer, is also a widely known civil rights activist. His brother Parren is a Democratic Congressman from Baltimore. Besides Michael, Clarence M. Mitchell 3d is also in politics, as a Maryland State Senator and civil rights activist.

A member of the Maryland bar, Clarence M. Mitchell Jr. once observed: "Success usually comes from action based on facts rather than on vain hopes or groundless fears."

FATHER WAS A CHEF

Mr. Mitchell was born March 8, 1911, in Baltimore, the son of Clarence Maurice Mitchell, a chef at Carver Hall, a popular restaurant in Annapolis, and Elsie Davis Mitchell. He received an A.B. degree in 1932 from Lincoln College in Chester County, Pa., went on to graduate from the University of Maryland Law School. He also did graduate work in Minnesota and at Atlanta University.

After working as a reporter for The Baltimore Afro-American and covering radical violence in Princess Anne, Md., in 1933, Mr. Mitchell in 1937 became executive secretary of the Urban League in St. Paul, Minn.

In 1942, he became assistant director of Negro Manpower Service in the War Manpower Commission, and he went on to take other posts with the Fair Employment Com-

mission, the War Production Board and other Government organizations before joining the N.A.A.C.P. in 1945 as national labor secretary in the Washington office.

After retiring from the N.A.A.C.P. in 1978, he continued to serve it as a consultant, while practicing law in Baltimore.

Mr. Mitchell was named a United States representative at the United Nations General Assembly in 1975, incurring widespread criticism among blacks for publicly defending the former chief delegate, Daniel Patrick Moynihan, author of the controversial "benign neglect" theory for Government treatment of the race issue.

At various times, Mr. Mitchell also served on national and Presidential commissions. He was awarded the Medal of Freedom by President Carter in 1980 and the N.A.A.C.P.'s Spingarn Medal in 1969. He held honorary degrees from six universities.

Mr. Mitchell is also survived by three sisters, Evelyn Mitchell Matthews Ross of Pittsburgh, Anna M. Gittings of Baltimore and Elsie Mitchell of New York; another brother, George A. Mitchell of Baltimore; two other sons, Dr. Kieffer Jackson Mitchell and George Davis Mitchell, both of Baltimore; and 10 grandchildren.

THANK YOU, MR. RANDOLPH

Mr. RIEGLE. Mr. President, I recently came across an article in a publication entitled "LandMarc," which is published by the coal mining industry. In that magazine, an article appeared which touched me in a very special way. Entitled, "Thank you, Mr. Randolph," it highlights—if that is possible in a very short article—the tremendous career and impact that JENNINGS RANDOLPH has had in the four decades that he has been representing West Virginia in the House of Representatives and the Senate.

I commend this article to my colleagues. I ask unanimous consent that the article be printed in the RECORD. It once again serves to remind us all that JENNINGS RANDOLPH will be deeply missed in this body at the end of this session.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THANK YOU, MR. RANDOLPH

(By Karen J. Hoffman)

NOTE.—Just as lightning slices through stormclouds to illuminate the earth below, West Virginia's Jennings Randolph has devoted a lifetime to illuminating his fellow man's understanding of the problems facing his state and his nation. He came to the nation's Capital in a time when voices thundered for powerful actions, and since he cast his first vote to help pass the Emergency Banking Act in a special session of Congress on March 8, 1933, he never has held silent on issues of import to energy development, the building of the nation's highway and air transportation systems or assistance to those in need of a helping hand.

(For 40 years, spanning a half-century, Randolph has represented West Virginia, one of America's leading coal-producing states, as a Congressman (1933-1947) and, since 1958, as a Senator. He has chosen not to run for a fifth Senate term and in January 1985 will conclude what Louisiana Senator Russell Long characterized a "distinguished career in the United States Congress, where he has provided leadership and expertise." Randolph will leave a mark on Congress that should challenge this nation's lawmakers for years to come.)

He is 82 years of age and possessed of an eloquent baritone voice that causes listeners to contemplate the oratorical prowess of Daniel Webster and William Jennings Bryan. Bryan was a close friend of his father, which accounts for his given name—Jennings—and perhaps accounts for his downhome populist style. He talks with his hands, smiles with his hazel eyes and listens with his heart. He has the infectious laugh of a little boy. His combed-back black hair is thinning, but his zest for life is not. He soon will graduate to a "working" retirement.

"I don't understand what retirement means," Senator Jennings Randolph said, raising his strong, workman's hands in a kind of quizzical gesture. Seated behind a desk covered with stacks of mail and government documents, he was both reminiscing and talking of the future. "To most people retirement means you go fishing, you go hunting, you sit in a chair. You can get up at ten instead of seven . . ." He shook his head. "They just can't wait to retire. But for me," he continued, his eyes twinkling, "it's not a question of waiting and working. At a certain time (January 1985) I'll finish this term and, God willing, I'll go on to work and work and work and work.

"That's my whole philosophy."

It is a philosophy he comes by honesty. He was reared "politically" in the hard working atmosphere of the railroad, planing-mill town of Salem, West Virginia, where he was born on March 8, 1902. His grandfather, Jesse, served as Salem's first mayor and founded Salem College, from where Jennings graduated magnum cum laude in 1924. His father, Ernest, was a respected lawyer, cattle buyer/shipper and oil and gas producer. He also ran twice, unsuccessfully, for the United States Congress.

"Fleming Alderson, A-l-d-e-r-s-o-n, beat my father for the nomination the first time he ran," Randolph recalled spelling out the last name, a habit he acquired, no doubt, during his days as a newspaper reporter for the Clarksburg Daily Telegram. But that's another story. "The second time, Poppa lost the election. He said Woodrow Wilson did him in with that 'President Asks For Democratic Congress' headline. Made all the Republicans angry," Randolph said. "Poppa took me to the Democratic Convention in Baltimore in Nineteen Hundred and Twelve (he always gives dates longhand.) I like to say I got my start in politics sitting on my father's knee at that convention. I was brought up politically."

Ernest Randolph was his son's political advisor the first time Jennings ran for public office. It was in 1930 when Jennings was a professor of journalism, speech and public relations and the athletic director at Davis and Elkins College in Elkins, West Virginia, Athletic director? "I lettered in basketball, tennis and track," the Senator explained, abandoning his campaign history for a moment, "Looking at me now you'll say, 'Liar Randolph!' but I participated in the high jump and pole vault. "Oh," he added as an after-thought, "I ran with the relay team, too."

He won the Second Congressional District Democratic primary that first political "race" but lost the election. In 1932, a year after his father's death, Randolph was elected to the House of Representatives for the first of seven consecutive terms. Once asked if there was anything in his life he'd do differently, he told a reporter that he would rather have seen his father go to Congress than himself. Those who have served in Congress with Ernest's son are glad he's been there.

"When I first entered the United States Congress in 1965, Jennings Randolph was already something of a legend in Washington," said New Jersey Representative James J. Howard, chairman of the House Public Works and Transportation Committee. "It has been my good fortune since that time to experience first hand the reality behind the legend. In the span of his illustrious Congressional career, Jennings has written, or exerted a powerful influence on legislation in a wide variety of fields, embracing energy development, protection of our national environment and the development of economic assistance programs to bring jobs and business opportunity to lagging areas of the nation."

Freshman Representative Randolph arrived in Washington, D.C., with Mary, his wife of a few hours, late in the day on Saturday, February 18, 1933. They spent their wedding night at the old Willard Hotel. On Monday morning, the Senator recalled, he went to the original Riggs National Bank to borrow $1,000. "We'd driven to Washington in Mary's little two-door Ford," he said with a fond smile. Randolph had met his future wife a decade before in Keyser, West Virginia, when he stayed at her family's home during a college tennis tournament at Potomac State. "I had to sell my car to pay campaign debts." He got the Riggs' loan and a start on that "illustrious" career.

Randolph's legislative legacy includes authorship of bills as varied as the Randolph-Sheppard Act, which gave blind people the opportunity to operate vending stands in government buildings; to legislation that resulted in the 26th Amendment, giving the vote to 18-year olds; to measures that evolved into the National System of Interstate and Defense Highways. An amateur flyer whose lifelong passion for aviation was born on a sunny summer afternoon when he paid $2 to fly with a barnstormer at the Preston County Fair, Randolph authored the legislation that created the National Air and Space Museum. Since its opening on July 4, 1976, the museum has attracted more than six million visitors, making it the most popular museum in the world.

As Kentucky Representative Carl Perkins wrote of Randolph's career, "A complete catalog of his accomplishments and interests would require a book of substantial heft." But one interest for which he has worked fervently throughout his career is coal—the backbone of West Virginia's, and indeed perhaps even of the American economy. While a House member, Randolph served as the first chairman of the Mines and Mining Subcommittee on Coal.

Wrote Perkins, "As early as forty years ago, Jennings was talking about promoting synthetic fuel made from coal. If the government—and industry—had followed his advice then, we would have been spared the disastrous slump in the mining industry after World War II when cheap oil from other countries was permitted to flow into the United States. But more importantly," Perkins continued, "we would have been spared the shock of the oil crises of the 1970s and our dangerous dependence upon foreign and often unfriendly sources of energy, the lifeblood of our national economy."

The subject of new coal technologies and synfuels development is of paramount importance to the coal industry and the nation, and of considerable disappointment to the man who attempted to get the United States moving toward energy independence long before most Americans were introduced to the cruel vagaries of the world energy market. In listening to Randolph recount his decades-long struggle to awaken the federal government to the need for energy security, one gets the distinct impression that he'd trade all of the scores of awards crowding the walls of his Dirksen Senate Office Building suite for one gallon of honest-to-goodness, economically available, coal-derived synthetic fuel.

"It was my responsibility (*responsibility* only as in, 'I'm an elected representative of coal-rich West Virginia') to develop the first Congressional initiative on new coal technologies in the mid-Forties," the Senator explained after an emotional "No! No, no, no . . ." to the question of whether Congress had fulfilled its obligation to promote synfuels development. "It's been one of the disappointments of my Capitol Hill work, because that program was so soundly based."

In 1944, then-Representative Randolph and Senator Joseph O'Mahoney of Wyoming introduced the Synthetic Liquid Fuels Act. Randolph had demonstrated the feasibility of synthetic fuels in November 1943 by flying from Morgantown, West Virginia, to Washington, D.C., in an airplane fueld with 42 gallons of a liquid coal mixture produced at the Bureau of Mine's Bruceton Laboratory in Pittsburgh. The Synthetic Fuels Act authorized the first federal programs for gasification of coal, liquefaction of coal and lignite, and production of synthetic crude oil from oil shale.

"During the eleven years of the program, under the Synthetic Fuels Act, approximately $82 million in federal funds were expended from the appropriations total of $85.2 million," continued the Senator, who, ironically, was not a member of Congress during most of the time the Act was being implemented. He was one of the Democratic casualties of the election of 1946 in which 156 incumbants were ousted. "I think we shortchanged the people of this country by failing to go forward with that program . . ."

Randolph paused a moment, gazing at the rows of photographs, illustrating his Congressional career, on the wall opposite his desk. "I was not here . . . and I don't want to say I could have stopped them, but when you aren't here on the Hill you can't do too much and I could see the program dwindling, diminishing and then being completely dropped . . . I think that's a sorry chapter in the history of the use of synthetic fuels as a part of the alternative supply of energy with which to fuel America on wings and wheels," he said. "I feel very, very sad about that situation."

Despite the fact that he could secure less than a pint of synthetic fuel after a nationwide search when he recreated his historic synfuels flight on November 6, 1983, almost 40 years after passage of his Synfuels Act, Randolph has good reason to feel proud of his contributions to issues of importance to energy development, especially during his tenure as a Senator. After a hiatus from public life from 1947 to 1958, when he served as director of public relations for Capital Airlines ("I could have gone with American, but I'd have had to live in New York City and I wanted to keep my West Virginia ties," he said), he was elected in 1958 to finish the unexpired term of Senator M. M. Neely. Randolph was sworn in two days after the election, giving him seniority over the Senatorial Class of 1958, which included his West Virginia colleague, Robert Byrd.

"We've been here together for twenty-six years," Randolph said of the Senate Minority Leader.

"Jennings Randolph has been a friend to the coal and other energy industries," Byrd said. "His hard work and contributions on the Senate Environment and Public Works Committee reflect an understanding and concern for the energy industry in West Virginia and nationwide."

That understanding has been manifested in the many energy-related bills he has been instrumental in developing. As a member of the Senate Committee on Environment and Public Works, of which he served as chairman for 1966 to 1980 and on which he currently is the ranking minority member, Randolph can point with satisfaction to his energy issues contributions. With Washington Senators Warren Magnuson and Henry Jackson, he sponsored the National Emergency Petroleum Act of 1973, the first coal conversion bill. "We recognized that coal, as a resource, could have widespread economic impact on the reduction of oil and gas consumption," he explained. "Many of the provisions of that bill were eventually incorporated into the Energy Supply and Environmental Coordination Act of 1974, a law passed as a measure to offset many problems faced by powerplants during 1973 when they were unable, in many areas of the country, to obtain adequate supplies of oil and gas.

In 1975, Randolph introduced the National Petroleum and Natural Gas Conservation Act, aimed at achieving permanent large-scale coal substitution by mandating coal use in a broader range of utility and industrial boilers. He reintroduced the measure in 1977 and it was passed by the Senate and later became one section of the National Energy Act, approved by Congress in October 1978. The measure prohibits utility or industrial boilers built after April 20, 1977, from using natural gas or oil, effectively encouraging the conversion to coal.

And Randolph was a leader in pushing for formation of a national energy plan, first proposing the idea in 1959 in a concurrent resolution to create a joint committee on a national fuels policy. It wasn't until the 92nd Congress, in 1971, that the Senate passed a resolution introduced by Randolph and Jackson to make a comprehensive study of the programs and policies required to meet national energy needs. A formal National Energy Policy Plan finally came to life as part of the Department of Energy Organization Act passed in 1977.

Even with those successes, Randolph remains outspoken on the continuing need for concrete action by the federal government to assure development of the nation's energy resources. "The Reagan Administration, in my opinion, is providing only token support for a viable synthetic fuels industry and has abandoned a vigorous domestic policy based on coal," he said. "Administration leaders seem to be saying that with present oil decontrol and future gas decontrol the energy crisis is over. They are as wrong now as when the Eisenhower Administration stopped the first U.S. synthetic fuels program. They create the international illusion that the world is permanently awash in oil. I emphasize that their reasoning is faulty," he said, slapping his hands together. "Yes, they are wrong."

When asked if Congress has become more or less aggressive, during his long tenure, in promoting development of the country's natural resources, Randolph said Congressional action, as in all human endeavors, runs in cycles. "We have great causes that seem to surface and then they see to vaporize," he said. "Our ability to cope in a positive manner with promoting natural resource development has been affected by the recent advent of thousands of advocacy groups. To have a coherent national energy policy we must reverse the destructive methodology being applied to evaluation of energy sources in the country."

Randolph moved into high gear with a Bryanesque description of how energy issues are mishandled by Congress, the media and the public in general.

"We isolate each energy resource, especially those nationally plentiful, and dissect it in committee hearings, debate and slanted media coverage," he began, pointing his right hand in the general direction of the Capitol. "After potential, and many times manufactured negatives are exposed, the decision is made not to use it as a major energy source because there are too many challenges associated with its development. This has happened with nuclear power. The next target is coal. Then synthetic fuels. Then wood, oil shale, offshore drilling, liquefied natural gas, geothermal and others could be discredited one by one.

"The end result?" he asked with an ironic smile. "No fuel supply on which this Republic can rely as an alternative to conventional domestic oil and gas . . . and increased imports."

The Senator provided some statistics on oil and gas production worldwide to support his argument for the need for a unified national energy policy. The Organization of Petroleum Exporting Countries (OPEC), he said, currently has the capability to produce 35 million barrels of oil per day, with essentially no capital investment. In 1983 OPEC produced less than 15 million barrels per day. United States production, in comparison, is 10 million barrels daily, meaning that OPEC has idle twice the U.S. capability to provide petroleum. And, whereas the U.S. has 580,000 oil and more than 200,000 gas wells, Saudi Arabia alone produces 12 million barrels of oil daily with just 750 wells.

"The difference associated with capital investment needs is conclusive in competitiveness," Randolph explained. "Alternate technologies requiring large capital investment, such as producing synthetic gasoline from coal, have no opportunity for widespread application under these conditions without government support. Our government leaders should recognize this fact now—not later. I fear they will not act for the best interest of America. People of all parties must be realistic citizens. Time runs out on us. . . ."

There are those who feel time is running out on dealing with the problems of acid deposition, thought to be caused by sulfur dioxide and nitrogen oxide from coal-burning utility and industrial boilers. As a Senator from a high-sulfur coal producing state, Randolph obviously is concerned with Congressional efforts to impose costly emission controls to reduce acid deposition. He was asked if the sense of urgency for Congress to take action on the acid rain issue is justified and whether he believes acid rain control legislation will clear the Environment

and Public Works Committee in the current session.

He was thoughtful for a moment. "Responding to crises is nothing new for the Congress," he began. "Because of the nature of our system, we frequently do not act until situations reach a level of seriousness that force their way to our active attention. But this is not bad, because we should not always take early actions that are ill-advised and anticipate circumstances that may not develop.

"Many people believe that action on the acid rain problem is overdue," he continued. "There is substantial evidence that sulfur emissions result in distant problems that must be alleviated. This is true even in West Virginia, where there are occasional reports of damage to our forests, lakes and streams from acid deposition. The problem arises when we try to devise a solution that is both effective and equitable. So far, no such solution has been found. The desire to achieve balance requires that we develop some program to reduce sulfur emissions without disrupting traditional patterns of coal marketing and without adding to the severe unemployment already existing in coal mining areas."

Randolph said it always is difficult and often impossible to predict what will happen in Congress but that it appears unlikely that this Congress can arrive at the compromises needed to produce an acid rain program that can be enacted. "I suggest that if we are going to be able to reach agreement it will be apparent in the early months of the session," he said.

He also expressed his hope that the Congress will "act expeditiously" on Senator James Abdnor's omnibus water resources development bill (S. 1739), which includes provisions for replacement of locks 7 and 8 on the Monongahela River. "It has been eight years since enactment of major water resources development legislation," he said. "With the need so great, I would hope that the Senate can act expeditiously on S. 1739 during the Second Session. However, this legislation will in all probability be referred to the Finance Committee for review of the user charge aspects of Titles V (inland waterways) and X (ports). I would hope this action would not delay this vitally needed legislation."

The Senator said that while S. 1739 is "of vital interest to all of the states, particularly West Virginia will benefit. Replacement of the locks at Gallipolis will benefit movement of West Virginia coal and chemical products on the important Ohio River waterway," he said. "Coal from this region will continue to have effective transportation to market" through this legislation, which "will assure a continuing viable transportation system."

While the chances are good that the Senator will not be in Congress when, and if the acid rain controversy and water resources issues are resolved, he has witnessed the implementation of the Clean Air and Clean Water acts and the Surface Mining Control and Reclamation Act, all of which have greatly influenced the manner in which coal is mined. Throughout Congressional debate on each measure, Randolph's concern was balancing environmental needs with miner safety and coal productivity.

"We have had problems with implementation of the (Surface Mining) Act but I support the Act to help assure that our Appalachian states continue to be safe places to work and to sustain the scenic beauty inherent to our region of the country for people to enjoy," he said. "My major concern as we worked on the Act in 1976 and 1977 was to make sure the environmental objective was accomplished, while guaranteeing the coal industry would continue to increase production. Coal again must be on the 'front burner' of both state and federal Congressional energy agendas. The ultimate question is whether or not West Virginia coal has a long-term future. I am firmly convinced it does, but to what degree it will effect West Virginia's economic future depends on well-reasoned initiatives in education and leadership."

His career has provided a blueprint for those who would assume leadership positions in fighting for resource development. Said Congressman Mollohan, "Senator Randolph has left a legendary trail of outstanding statesmanship in his efforts to make America energy independent through the use of coal."

His leadership also has been instrumental in government actions to better the lot of America's less fortunate citizens. As Senator Wendell Ford of neighboring Kentucky said of his colleague, "We've both been interested in seeing that more attention be paid to development of synthetic fuels. But, certainly, none of us will forget the consistent, behind-the-scenes efforts Jennings has made over the years on behalf of the handicapped."

Randolph is reticent on how he came to be so deeply involved in working with the blind and handicapped. It could be because he had a friend who was blind. It could be because his wife of 48 years, Mary, who died of cancer in March 1981, for years worked in child welfare in West Virginia. More than likely it's simply because Jennings Randolph loves people. Rather than recount his own considerable legislative initiatives on behalf of the handicapped, he told a story of a Bluefield, West Virginia, doctor and the West Virginia District of the Lions Club, of which Randolph served as president in 1931 and in which he still maintains membership.

"I shall never forget Dr. J.E. Blaydes," he began, spelling the name as if it were his own. "He had a reputation for operating a fine eye clinic in Bluefield. I'd studied about work on how to bring partial eyesight back to blind children and the Lions Club had raised $3,000 for transportation from Romney (location of the state's School for the Blind) which is near Cumberland, Maryland, to Bluefield, down in the southwest corner of the state. I went to Bluefield to see him and ask how much it would cost for operations on sixty children. We only had the $3,000 . . .

"I remember Dr. J. E. Blaydes stood and looked me in the eyes and put his hands on my shoulders and he said, 'Mr. Randolph, there won't be a cost of one penny.' He performed some sixty operations and not one penny was paid. More than a third of those children were given legal or partial sight. Seven of them were able to leave the institution and enroll in public school. Isn't that something? I've spoken often of him and his life . . ."

Dr. Blaydes performed those operations in 1931. When Randolph came to Congress two years later, one of his first projects was to research and write legislation for the blind and handicapped. With Morris Sheppard, Senator from Texas and a fellow Lion, Randolph sponsored legislation "whereby blind people are to operate the vending stands inside government buildings." The Randolph-Sheppard Act was signed by President Franklin Roosevelt on June 20, 1936, "the 73rd birthday of the state of West Virginia," the Senator said with unabashed pride. The gross income from the program in fiscal year 1982 was $270 million, with average annual earnings for nearly 4,000 vendors of $16,000.

The Randolph-Sheppard Act set the tone and style for other government programs for the handicapped, including the deaf and the retarded. The Act was the framework on which the standing Subcommittee on the Handicapped was established in the Senate. Randolph served as its first chairman, a fitting tribute to a man who has set an example for Congressional leadership not likely to be lost on those who follow.

"It is difficult to summarize Senator Randolph's accomplishments," said Nick Rahall, Representative from West Virginia's Fourth District, "but his impact on the state of West Virginia and on his colleagues is something we all will not soon forget. He has set a very high standard for public service, and those of us in government must strive very hard to meet it."

During his long career, Randolph has striven toward and met challenges overwhelming the people of his state, region and nation. The creation of the Appalachian Regional Commission and Economic Development Administration programs were initiated in legislation introduced by Randolph in 1965. The Appalachian Regional Development Act provides federal funds for improvement projects for the economic development of a 13-state region encompassing his native West Virginia. He knows no boundaries in his ties to Appalachia and its people.

"I'm not one of those rich Virginia Randolphs," he said with a chuckle when asked if West Virginia's Randolph County was named for his family. "Not even a kissing cousin." He lowered his voice and leaned forward, hands folded and arms on the edge of desk as if he were about to reveal one of those closet-kept secrets all politicians are supposed to have.

"The first time I ran for Congress in Nineteen-Hundred-and-Thirty in Jefferson County, West Virginia," he began, his eyes flickering just a bit, "why, it was fall, you know, apple picking time and I was walking through the orchards and, not stopping the work but calling 'Hello!' and who I am . . . They were boxing applies on the ground. This one man . . . I remember so well. He said, 'Mr. Randolph, we're so glad to meet you and to know you're running for the Congress. But do you realize you're a half mile over in Virginia?' And I replied, 'Well, I know, but I think you all have relatives and friends in West Virginia.' And that's true, you know."

He's had friends and relatives in West Virginia, and America, all his life. And just as younger members of Congress today look at Randolph's career as a blueprint for their own, he, too, remembers those who have influenced his life. He reached to the left of his desk and pulled from a jam-packed office library the books of William Jennings Bryan, complete with the former Populist Presidential candidate's handwritten margin notes. "Bryan was a person I looked up to," Randolph said of his father's famous friend.

So was Michael L. Benedum, "the most noble man ever born in West Virginia," Randolph called him. "He established the Claude Worthington Benedum Foundation that I work on. We work with colleges and hospitals and health clinics and the like. Fifty million dollars a year. He named the foundation for his son, Claude, who was

killed in the first World War, and John Worthington, head of the South Penn Oil Company, who gave him his first Job. Wouldn't name the foundation for himself. The greatness of that man . . ."

One can see a lot of William Jennings Bryan and Michael Benedum in Jennings Randolph. Thunder and lightning. "His grasp of the issues, his genuine consideration for the views of others and his inborn, unfailing courtesy are a constant reminder to all that politics can, indeed, be a great and honorable profession," said Representative Howard.

Certainly, the United States Congress will lose a character of considerable worth when Randolph exercises his decision to leave the Senate. The impending end of his political career prompted comment from another Senator who won't return in 1985. "Many individuals have wondered why I have decided to join Jennings in retirement from the Senate." said Tennessee's Howard Baker, Senate Majority Leader. "The reason is quite simple. I can't imagine and don't want to be in a Congress that doesn't include Jennings Randolph.

"What he has done for West Virginia, her people, and, of course, her coal industry will stand for generations as a testimony to this great man."

PORK IMPORTS

Mr. PRESSLER. Mr. President, today I bring to the attention of my colleagues a growing problem with pork imports from Canada. Last year I chaired a hearing in the Senate Small Business Subcommittee on the family farm exploring the effects on the domestic farm economy of the increase in farm product imports from Canada. The hearing focused on imports of potatoes and other vegetable products. However, Canadian exports of farm products to the United States go far beyond these products.

For example, in recent years, the amount of pork and live hogs exported to the United States by Canada has increase from about 29,000 metric tons in 1977 to 125,000 metric tons in 1982, and imports have continued to increase since then. During this same time, imports of live hogs have also skyrocketed from 43,000 head in 1977 to 295,000 head in 1982. These numbers represent a relatively small percentage of total U.S. pork production, but these imports are directed to specific geographic areas. For example, I recently talked with one of my constituents in South Dakota who said that approximately 15,000 Canadian hogs were being shipped to one packing plant in South Dakota every week. This number of imported hogs in that area has a significant impact on local hog prices.

The rapid increase in pork production in Canada can be attributed to several factors, including grants and subsidized interest programs to encourage hog production, a change in the dairy program to reduce milk production, and support programs for hog production. As a sovereign nation, Canada is, of course, free to make whatever farm program changes it desires, but we cannot allow Canadian programs to take unfair advantage of American producers. The United States has a long history of friendly and open trade relations with our neighbor to the north, but our farmers cannot afford to lose their domestic market to surplus Canadian products. American pork producers and other farmers can compete with anyone on an equal basis, but these Canadian products benefit from various Government subsidy programs. Something must be done to protect our domestic producers from unfair foreign competition.

I have contacted the administration urging them to take action to protect the American farmer from these Canadian imports. Some restrictions need to be placed on pork and live hog imports, as well as several other farm products from Canada. I urge my colleagues to join me in working to protect the interests of the American farmer.

Mr. President, I ask unanimous consent that a table on Canadian pork imports be included as a part of my statement.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—UNITED STATES: IMPORTS FROM CANADA OF PORK PRODUCTS, BY COMMODITY AND TSUSA NO., 1970–82 ANNUALLY

[In metric tons]

Year	Pork, fresh or chilled (1064020)	Ham, cnd, 3 lb and over (1073525)	Fresh pork sausage (1071000)	Bacon, nckd or boned (1073040)	Pork frozen (1064040)	Pork sausage exc fresh (1071500)
1970	1,982	408	133	1,095	23,098	637
1971	2,856	435	84	917	25,369	775
1972	2,663	433	101	986	24,622	979
1973	2,322	865	225	648	24,948	1,088
1974	3,278	315	265	602	18,220	964
1975	2,539	173	328	262	12,339	986
1976	2,163	35	335	177	9,008	980
1977	2,266	34	258	165	9,877	966
1978	10,491	107	256	139	17,271	1,036
1979	28,971	93	292	107	17,165	1,223
1980	64,353	395	499	264	24,160	1,015
1981	61,867	964	554	381	25,088	876
1982	91,165	1,104	430	713	30,909	1,009

Source: U.S. Department of Commerce, Bureau of the Census. Dairy, Livestock and Poultry Division, July 20, 1983.

POSTAL SAVINGS CERTIFICATES

Mr. PRESSLER. Mr. President, for many years the Postal Service issued postal savings certificates. These certificates were much like savings bonds and accrued interest for the holder. In 1966, the Postal Service chose to discontinue the sale of these certificates and to stop paying interest to the certificate holders. The Postal Service turned over the accounts to the Department of the Treasury in 1967 in accordance with Public Law 89-377.

As a result of the discontinuance, most certificate holders cashed in their certificates. However, some people did not. They include an elderly gentleman in my home State of South Dakota who attempted to cash his certificates in May of 1983, and was told by the Department of the Treasury that the account was depleted. His certificates amount to $1,550 in principal and $415.54 of accrued interest. The Department of the Treasury has approved a payment of $1,965.54 to him, but it does not have the funds to make payment on his postal savings account. Those accounts are depleted because, in 1971, the Department of the Treasury divided up the remaining moneys in the postal savings certificate account and gave it away to the States. I am sure the Department felt it was doing the right thing in assuming that most people holding the certificates would have cashed them in by that time.

The fact remains that this man in South Dakota and many others like him are holding postal savings certificates which should be honored by the Federal Government. These certificates were purchased in good faith. The South Dakotan to whom I have referred would like to pay for his nursing home care and I believe his certificates should be honored.

My amendment calls for $1 million to pay the remaining holders of postal

savings certificates. I urge my distinguished colleagues to support this effort to justly compensate these certificate holders.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT BY MR. PRESSLER

At the appropriate place in the bill, insert the following:

CLAIMS BY DEPOSITORS IN POSTAL SAVINGS SYSTEM

For payments of claims by or on behalf of depositors in the Postal Savings System established under chapter 85 of former title 39, United States Code, $1,000,000, to be available until expended, which shall be deposited in the trust fund receipt account of the Treasury entitled "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" and used to pay such claims in accordance with section 1322(c)(1) of title 31, United States Code.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business has expired, I believe.

The PRESIDING OFFICER. The majority leader is correct.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The PRESIDING OFFICER. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will now resume the consideration of the pending business, H.R. 4072, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 4072) to provide for an improved program for wheat.

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, the pending question is the Pryor amendment, is it not?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. I thank the Chair.

Mr. President, there are other amendments on which yeas and nays were ordered last evening that were temporarily laid aside without any provision for their sequence. It is not true that they will be considered in the inverse order to which they were brought to the floor?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. I thank the Chair. What that means is that we shall vote first on Pryor, then on Bumpers, then on Melcher.

Mr. President, I hope we can get on with the business at hand and that we can finish this bill today. That is my wish. Maybe it is a forlorn hope, but I am not sure it is. I think the best thing we can do is try to finish this farm bill today, notwithstanding that cloture motions have been filed and that they will require votes on tomorrow.

Mr. President, once again, I hope we can finish this business during the course of today. I remind Senators that the Senate is scheduled to recess at 3:10 this afternoon in order to go to the Hall of the House of Representatives to hear an address by the President of France. I urge Senators to come to the floor, abbreviate their debate if possible, and get the bill started.

I see a smile on the face of the Senator from Arkansas, and with that encouragement, I yield the floor.

AMENDMENT NO. 2818

(Purpose: To require the Secretary of Agriculture to conduct a grain loan program to compensate those farmers who lost grain due to a grain elevator bankruptcy which occurred between the date of the Soviet grain embargo and the date of enactment)

Mr. PRYOR. Mr. President, I do not know at this point whether to proceed with this amendment, because I do not see the manager on the other side or anyone on the other side of the aisle who has come over anticipating a discussion on this.

Mr. BAKER. Mr. President, the Senator is right. I thought we had the manager here, but we misplaced him. I shall find him now.

Would the Senator like to suggest the absence of a quorum?

Mr. PRYOR. I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

AMENDMENT NO. 2818 (AS MODIFIED)

(Purpose: Modification of the amendment to require the Secretary of Agriculture to conduct a grain loan program to compensate those farmers who lost grain due to a grain elevator bankruptcy which occurred between the date of the Soviet grain embargo and the date of enactment)

Mr. PRYOR. Madam President, I have the pending amendment at the desk. This amendment is offered in behalf of myself, Senator HUDDLESTON, Senator BUMPERS, Senator BOREN, Senator EXON, Senator BAUCUS, Senator FORD, Senator SASSER, and Senator ZORINSKY.

Madam President, notwithstanding the fact that yesterday the yeas and nays were granted on the amendment, I wish at this time to ask unanimous consent that I be given the opportunity to modify this amendment in two places.

I have discussed this briefly with the very distinguished Senator from North Carolina.

One change would be to add a subrogation clause. The other minor change would be to give the Secretary of Agriculture a little more flexibility in determining the loss of the depositor.

With that in mind, Madam President, I propound that unanimous consent request, notwithstanding the fact that the yeas and nays have been ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I thank the President.

The PRESIDING OFFICER. Will the Senator notify the clerk of the modification?

Mr. PRYOR. The modification is being sent to the desk at this time.

The modification is as follows:

TITLE VII: FARM STORAGE COMPENSATION

SEC. 701. This title may be cited as the "Farm Storage Compensation Act of 1984."

SEC. 702. As used in this title, unless the context clearly requires otherwise—

(1) the term "depositor" means the owner or holder of a scale ticket, a warehouse receipt, or other original source document issued by a warehouse for grain or cotton who resides in a State and who is entitled to possession of, or payment for, the grain or cotton represented by such ticket, receipt, or other document;

(2) the term grain means barley, corn, dry edible beans, flaxseed, grain sorghum, oats, rice, rye, soybeans, sunflower seeds, wheat, and any other commodity which is commonly classified as a grain and traded at, or stored in, a warehouse;

(3) the term "insolvent" has the same meaning given to such term under section 101(26) of title 11, United States Code;

(4) the term "Secretary" means the Secretary of Agriculture;

(5) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific;

(6) the term "surplus commodities" means agricultural commodites owned and held by the Commodity Credit Corporation that are not obligated for any other purpose under any other provision of law; and

(7) the term "warehouse" means every building, structure, or other protected enclosure in which any agricultural commodity is or may be stored.

COMPENSATION FOR INSOLVENCY OF WAREHOUSES

SEC. 703. (a) Subject to subsection (b), in any case in which, a depositor has sustained a loss as determined by the Secretary of grain or cotton, the loss of such grain or cotton was the direct result of the insolvency of a warehouse in which the grain or cotton was stored, and the insolvency occurred at any time during the period beginning on December 1, 1979, and ending on the date of the amendment of this Act, the Secretary shall transfer to such depositor, in accordance with this title—

(1) surplus commodities of the same type as the lost grain or cotton in such amount and quality as the Secretary determines suf-

ficient to compensate such depositor for such loss; or

(2) if the Secretary determines that there are insufficient quantities of grain or cotton to meet the requirements of clause (1), surplus commodities other than such grain or cotton in such amount, type, and quality the Secretary determines sufficient to compensate such depositor for such loss.

(b) To be eligible to receive such compensation under this title, a depositor must enter into a contract with the Secretary under which the depositor agrees to—

(1) transfer to the Secretary in no more than ten equal annual installments agricultural commodities in such amount, type, and quality as the Secretary determines equal the amount of compensation received by the depositor under this title;

(2) convey to the Secretary any rights of ownership or possession with respect to the lost grain or cotton for which compensation is received under this title: *Provided*, That, to the extent the Secretary recovers the lost grain or cotton or damages related thereto, the Secretary shall reduce the repayment required under clause (1) to reflect the value of such recovered commodities or damages; and

(3) comply with such other terms and conditions as the Secretary determines necessary to effectuate the purposes of this title or to facilitate the administration of this title, or both.

NOTICE OF COMPENSATION

SEC. 704. (a) Within sixty days after the dates of the enactment of this Act, the Secretary shall publish—

(1) in the Federal Register a notice containing a list of the warehouses throughout the United States which became insolvent during the period described in section 703; and

(2) in a newspaper of general circulation in the area of each warehouse which became insolvent during the period described in section 703 a notice containing the name of such warehouse.

(b) The Secretary shall include in each notice described in subsection (a) a summary of the compensation program provided for in this title, including a summary of the eligibility requirements described in section 703(a).

PAYMENT OF COMPENSATION

SEC. 705. (a) To be eligible to receive compensation under this title, a depositor must, within sixty days after the date of publication of the notice described in section 704(a)(2), file a written application for such compensation with the depositor's local office of the Agricultural Stabilization and Conservation Service. The application must describe the type and quantity of grain or cotton lost as a result of the insolvency of a warehouse described in section 703.

(b)(1) Within thirty days after the receipt of an application described in subsection (a), the Secretary shall determine if a depositor qualifies for compensation under this title.

(2) If the Secretary approves an application for compensation under this title, the Secretary shall, at the earliest practicable time, transfer to such depositor surplus commodities, or title to such commodities, in accordance with section 703.

(3) If the Secretary denies, in whole or part, an application for compensation under this title, the depositor shall have the right to appeal administratively such denial.

SEC. 706. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. PRYOR. Madam President, I see Senator HELMS in the Chamber. I understand that the Senator from Kansas (Mr. DOLE) is going to be involved in this issue, and I guess we will wait for Senator DOLE, if that is the pleasure of the Senator from North Carolina.

Mr. HELMS. Madam President, will the Senator yield?

Mr. PRYOR. I am glad to yield.

Mr. HELMS. Madam President, I say to my friend that Senator DOLE obviously is tied up with a committee, and I have been advised that he is on his way. We are urging him to come to the Chamber.

In the meantime, Madam President, I have a statement in connection with the amendment of the able Senator from Arkansas which I wish to present.

Madam President, I must oppose the amendment offered by the distinguished junior Senator from Arkansas. This amendment would require that the Secretary of Agriculture make interest-free loans of surplus Commodity Credit Corporation owned and held commodities to those persons who had stored grain in a warehouse that subsequently became insolvent. While I sympathize deeply with those farmers who have lost grain as a result of a warehouse insolvency, this proposal is not the way to redress their situation.

This proposal would create a whole new Government program to assist a relatively small group of persons who have suffered a loss. In addition, this program would be open to anyone who stored grain in an insolvent warehouse, whether the person produced that grain or not. I believe that existing Farmers Home Administration and other Government programs can be used to assist the farmers who suffered losses in this situation. Provisions in this bill, for example, mandate that the Secretary provide $310 million for insured economic emergency loans this fiscal year. It is reasonable to assume that some of these funds will be used to assist those in dire economic circumstances resulting from the loss of grain due to warehouse insolvency.

As a result of the 1983 payment-in-kind program, the stocks of many Commodity Credit Corporation surplus commodities have been substantially reduced. Thus, for grains other than wheat, it would be difficult to lend the same kind of grain as was lost in the insolvency. Consequently, the Department would be forced to come up with equivalent amounts of other grain, which may or may not be satisfactory to the person seeking the grain loan. If the grain borrowers objected to receiving substitute grain, the Department might be asked to go into the market and purchase grain so that loans of like grain could be made.

It is not clear how well the provisions of this amendment would mesh with the provisions of the Bankruptcy Act. The farmer whose grain is caught up in bankruptcy proceedings may receive a distribution from the bankruptcy court, giving him all or a portion of the value of his grain, yet this fact is not taken into account in the text of this amendment.

Madam President, the short-term solution to the problem highlighted by this amendment is to use other Government programs already in place to relieve the economic stress caused by losses due to elevator insolvencies. The long-term solution, however, is enactment of S. 445, sponsored by Senator DOLE and others, which would reform the Bankruptcy Act by preserving the rights of farmers and others who store grain in warehouses that become insolvent. The Dole proposals have passed the Senate five times, the last time by unanimous consent. I understand that the House has just taken final action on Senator DOLE's proposals. Thus, while Senator DOLE may have more to say about his elevator bankruptcy bill, it appears that a long-term solution to this problem is near at hand.

In light of these developments, I urge my colleague to withdraw his amendment.

THE GRAIN STORAGE COMPENSATION AMENDMENT

Mr. HUDDLESTON. Madam President, this amendment incorporates many of the provisions of S. 596, the Grain Storage Compensation Act of 1983. That bill was introduced by Senator PRYOR last year, and I was pleased to join him as a cosponsor of the bill.

As I understand it, Senator PRYOR has modified the provisions of his proposal to address issues that have arisen since S. 596 was first introduced, and I commend him for working to achieve these improvements.

The amendment responds to an inequity that has faced a number of farmers in recent years. These are farmers who have put their harvested crops into storage with a commodity warehouse, and then discovered that they cannot get their commodities out of the warehouse because the warehouse has become insolvent and the commodities stored in the warehouse have been seized to cover the warehouse's debts.

The amendment requires that surplus CCC commodities be made available to farmers who have suffered losses because of the insolvency of a warehouse.

Specifically, the amendment provides that, in any case where a depositor has sustained a loss of grain, cotton, or any of a number of other agricultural commodities as a direct result of the insolvency of a warehouse in which the commodity was stored, the depositor will be eligible

for surplus commodities held by the Commodity Credit Corporation in an amount that the Secretary of Agriculture determines sufficient to compensate the depositor for his loss.

To be eligible to receive surplus commodities, a depositor must enter into a contract with the Secretary of Agriculture under which the depositor agrees to pay back the Secretary for the surplus commodities over time. The depositor will be required to agree to transfer to the Secretary, in not more than 10 equal annual installments, agricultural commodities in an amount that the Secretary determines will equal the value of the surplus commodities received by the depositor.

For the bill to apply to a warehouse, the insolvency of the warehouse must have occurred at any time between December 1, 1979, and the date of enactment of this legislation.

The amendment specifies certain other criteria for eligibility for surplus commodities. A depositor who has sustained a loss must file a written application for commodities within 60 days after the Secretary of Agriculture publishes written notification of the compensation program. The application must be filed with the depositor's local agricultural stabilization and conservation service office and must include a description of the type and quantity of commodities lost as a result of the insolvency.

I urge my colleagues to support the amendment.

Mr. PRYOR. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PRYOR. Since the amendment has been modified, is it correct to assume that the amendment, as modified with the two modifications, does have the yeas and nays ordered at this time?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRYOR. I thank the Chair.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I have been looking at the amendment of the distinguished Senator from Arkansas (Mr. PRYOR) and I am sympathetic with what he proposes to do. I am not certain it is very good policy, which is not a requirement either around here. But I just suggest that we passed the bankruptcy bill in this Chamber about five times, and I wish to indicate that finally, not because of anything we have done in the Senate, but because there is another matter that has caught the attention of many of the majority party on the House side, we are getting movement on bankruptcy legislation.

I doubt whether this provision is even germane to H.R. 4072 and, of course, if cloture had been invoked it would not be before the Senate.

It is a matter that I understand the Agriculture Committee does not have any jurisdiction of.

But I again suggest that if we are going to load up what should be some compromise with amendments that are distasteful and opposed by the administration, in this case for good reason, then I think we are in effect threatening final action or final approval of the bill.

Madam President, I would like to express my opposition to passage of the amendment offered by the distinguished Senator from Arkansas, Senator PRYOR, regarding the protection of farmers who have grain or other farm commodities stored in bankrupt elevators. In the first place, this amendment is not germane to any provisions of H.R. 4072, and would only increase the possibility that further amendments would be added when the bill reaches the House. We have already burdened this legislation with a number of items which the administration will have to strain to accept, and I would encourage my colleagues to show some restraint in pressing for their own favorite amendments.

As I understand, the amendment would try to relieve the consequences of grain elevator failures for individuals who have their property stored in bankrupt facilities by setting up the Commodity Credit Corporation as a guarantor of last resort. I am not certain—maybe the Senator from Arkansas knows—the CCC even owns sufficient inventories of the various commodities involved in such bankruptcies to allow it to perform such a role. Even if it does, placing the Federal Government in such a direct and potentially expansive insurance position would only open up new vistas for increased Treasury outlays and bring Washington into one more sector of people's lives in rural America. I am not certain we can afford the additional costs. I am certain it would help a small number of farmers, but we are being faced with a massive Federal deficit, and everyone is making speeches about it, and I just left the committee where we added about $400 million to a bill this morning that we did not intend to do. So I suggest that we have a larger problem, and I do not know how many farmers or their neighbors want another layer of bureaucracy back here and want the Government to get involved in their business.

There is a third reason why I oppose the amendment, as I started to indicate earlier. Up until yesterday, there was no expectation that a comprehensive method for handling bankruptcy procedures would receive congressional approval in the near future. Indeed, the elevator bankruptcy bill which I have sponsored for nearly 3 years, and which has passed the Senate five times with the support of the Senator from Arkansas, has been repeatedly blocked by the chairman of the House Judiciary Committee, Congressman RODINO.

Madam President, I have indicated the House now has something that organized labor very much wants, and suddenly Mr. RODINO very quickly, along with the Speaker, wants to pass the bankruptcy bill. It is a question of who has the priority, whether it is the American farmer or the AFL-CIO.

When the AFL-CIO got interested, that moved many of my Democratic colleagues in the House and they are prepared to move forward.

I would summarize the provisions of the bankruptcy bill as they relate to expediting bankruptcy proceedings:

It would require the Bankruptcy Court to distribute grain that has been stored in a bankrupt elevator to the farmers who own it within 120 days of the filing of the bankruptcy case;

Require the courts to accept valid warehouse receipts or scale tickets as proof of ownership of grain;

Grant a lien against assets of the elevator to farmers who have sold grain to the elevator operator but have not received payment at the time of the bankruptcy filing; and

Bring State regulatory agencies, which have experience in liquidating insolvent elevators, into the bankruptcy proceedings to assist the court and expedite the determination of ownership questions.

Madam President, I am certain the Senator from Arkansas very much supports this amendment, as he has in the past. I understand what he would do is sort of retroactive relief for some farmers. Again, I question whether our Government should try to cover every loss. Where do we draw the line?

I will just read from testimony in the House that the Department of Agriculture gave on S. 596:

> In our view, it is inappropriate to divert CCC stocks, which have been acquired in connection with the administration of the Department's price support and production stabilization programs and are intended for use in carrying out CCC activities, into a program which guarantees not only agricultural producers but virtually everyone else in the grain trade, against losses because of a warehouse bankruptcy. We believe it particularly inappropriate that CCC assets be used to provide compensation for the bankruptcy of warehouses which have not met minimum federal standards by obtaining a license under the U.S. Warehouse Act or entering into a Uniform Grain Storage Agreement with CCC.

There may become changes in the bill since this testimony was given, but

I think the purpose is still pretty much the same.

Madam President, I am not unsympathetic; I am just saying again I hope we can dispose of some of these amendments and pass the bill that many of us sort of agreed upon and then see what happens in the House.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Does the Senator from Kansas yield the floor?

Mr. DOLE. I yield.

Mr. PRYOR. Madam President, I would like to respond to the Senator from Kansas. I am not trying to delay a vote or be an obstructionist. I am simply trying to bring some equity to the lives of some 3,600 farmers across this country who, through no fault of their own, had their grain deposited in grain elevators and suffered a loss due to the elevator's failure. This was as a result of the grain embargo of 1980. This amendment would compensate those farmers with those losses, not by grant, as the distinguished Senator from Kansas alluded to, but, Madam President, by a loan, a payment-in-kind loan, of grain then existing in surplus supply payable to those farmers. Those farmers would have to agree, in a contract with USDA or the CCC, to repay that grain in kind within a 10-year period.

The distinguished Senator from Kansas has talked about policy. I would like to address that, Madam President, because the policy of this country right now seems to be—and I support it—that we are going to take extra grain and surplus grain from our existing CCC surplus and give this grain to foreign countries that are in need. Madam President, I strongly support that. I think that should be the policy of this country. I strongly support the Public Law 480 program that the Senator from Kansas referred to.

But, I would also like to say that when our own farmers are in trouble, through no fault of their own, and have lost a year's crop in a grain elevator, that in many instances were insured and bonded and in many instances were not, I think this country, when we have a surplus, ought to compensate them and try to restore equity as much as we can.

That is all this amendment does. It is a simple amendment. It is not going to increase the deficit of this country 1 cent.

I have worked for the last several weeks with the very distinguished Senator from Kansas, the most able chairman of the Senate Finance Committee, and in the final package yesterday on the deficit reduction proposal I supported Senator DOLE's effort to have a deficit reduction package. I will continue supporting his efforts to reduce the deficit.

But this amendment does not increase the deficit.

Madam President, finally, I would like to say that the distinguished Senator from Kansas talked about another layer of bureaucracy. This amendment will not increase the Federal payroll by 1 cent nor will it increase the personnel of the Federal Government by one employee. It is very simple in its whole policy; it is very simple in its implementation.

I think this amendment certainly not only speaks to equity; I think it will help those farmers who through no fault of their own lost their grain, in many instances a whole year's work, in bankruptcy situations.

Madam President, the distinguished Senator from Kansas has stated that this issue should be handled in a bankruptcy bill. I would just challenge the distinguished Senator from Kansas if he can point back in the last 5 years and see if I have ever opposed any of the bankruptcy bills.

Mr. DOLE. I know the Senator has supported them.

Mr. PRYOR. I have been a strong supporter.

Even assuming we passed the bankruptcy bill, and I am in strong support of bankruptcy reform, if we passed it tonight and it was signed into law tomorrow by the President, that bill is not going to help these 3,600 farmers across America in these dozen or so States to recoup what they lost in these elevator bankruptcy situations due to a policy of this country in 1980—when the embargo was imposed against the Soviet Union on further grain shipments.

Madam President, that is basically my position on this and I am very hopeful that the Senator from Kansas, after hearing that argument, will change his position and be supportive of this amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I do not want to quarrel with my friend from Arkansas. He has been supportive of the bankruptcy legislation and also these deficit reduction measures which have been considered in our committee in the last few weeks. But there are a lot of unanswered questions. I assume that a lot of these farmers who lost have already charged that off through the Tax Code. I am not sure how they will be treated. It seems to me there are a lot of questions that have not been answered. I do not know what the cost of this amendment will be. How many farmers are we talking about? Are we going to set a precedent for anybody who loses money in a bankruptcy proceeding? There are a lot of people who lose money to creditors every day who never recover their money. Why should they not come and have a 10-year loan from the Government? It seems to me that it is certainly a well-intentioned amendment. It may not cost very much. Do we know what the cost is?

Mr. PRYOR. There will be no cost. In fact, in my estimation we will see a lessening of the cost of the USDA programs because we will have fewer dollars to pay out for the storage of grain because that grain will be given back to the farmers who lost money pursuant to the policy of this country in 1980, the Soviet embargo.

Mr. DOLE. Given back or loaned?

Mr. PRYOR. The payment in kind to them will be given in grain. The farmers at that time will sign a contract with the Federal Government and will pay back the grain loan over a 10-year period. For example, assume a farmer lost 10,000 bushels of soybeans. He would get the 10,000 bushels of soybeans out of CCC and will pay back possibly 1,000 bushels a year, whatever was contained in the contract between USDA and that particular farmer.

Finally, on the taxation issue, I would like to say to the distinguished Senator that of these people who have lost money in grain elevators pursuant to the Soviet embargo of 1980, I do not think there are any of those individuals who have to worry about taxation. I do not think they have to worry or we have to worry about any abuse in the code or whether they are paying enough taxes because generally speaking I would say that 95 percent of them did not even pay any taxes in the past 4 years anyway. They have been losing money. We are trying to help them out by giving them a payment in kind, with 10 years to pay back that loan. It will cost no one anything. It should not cost the Government 1 cent. It will not increase the deficit.

Mr. DOLE. I do not suggest there will be abuse, but I am suggesting that this is a loss which could be deducted from their taxes, and farmers do pay taxes. Even bad farmers pay taxes. If, in fact, they take a tax loss and then we come in with a loan program over a 10-year period, I am just suggesting that there ought to be some modification so that you offset one against the other so there is not a double benefit. Again, I am not as familiar with the amendment as the Senator is.

It just seems to me that it is an area that we ought to address in the Judiciary Committee not the Agriculture Committee.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Madam President, I am prepared to offer a motion to table. I would not do that if the Senator from Arkansas, who has the floor, wishes to say anything further, or, if other Senators wish to speak. But I am anxious to get the voting sequence started. We

have a lot of work to do. If there is no other request——

Mr. PRYOR. Madam President, if I may have 1 more minute to close, I would say to the majority leader that with regard to the tax issue, it is my understanding that a farmer, if given, say, 10,000 bushels of soybeans, or payment in kind, and he sold those soybeans, that would be income to the farmer. Taxes would be paid.

So we probably would be generating some revenue from the farmer at that time. I hope that would lay to rest the particular argument relative to the possible or potential abuse under the program.

Finally, I would say, Madam President, that those States that have farmers who are affected under this program are Arkansas, Tennessee, Louisiana, Texas, Missouri, Kentucky, Iowa, Indiana, North Dakota, South Dakota, Montana, Idaho, Washington, Minnesota, and Illinois. I believe the farmers in these States would say that this Congress and this Senate had spoken with a great deal of equity and clarity on this issue. I am very hopeful that this amendment will be adopted.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, if there are no other Senators wishing to speak, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER) to table the amendment (No. 2318), as modified, of the Senator from Arkansas (Mr. PRYOR). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

The PRESIDING OFFICER (Mr. HUMPHREY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—61

Abdnor	Danforth	Grassley
Andrews	Denton	Hatch
Armstrong	Dole	Hatfield
Baker	Domenici	Hawkins
Boschwitz	Durenberger	Hecht
Bradley	East	Heflin
Chafee	Evans	Heinz
Cochran	Garn	Helms
Cohen	Goldwater	Humphrey
D'Amato	Gorton	Jepsen
Kassebaum	Nunn	Stevens
Kasten	Packwood	Symms
Laxalt	Pell	Thurmond
Lugar	Pressler	Tower
Mathias	Proxmire	Trible
Mattingly	Quayle	Wallop
McClure	Roth	Warner
Mitchell	Rudman	Weicker
Moynihan	Simpson	Wilson
Murkowski	Specter	
Nickles	Stafford	

NAYS—34

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Pryor
Bingaman	Hollings	Randolph
Boren	Inouye	Riegle
Bumpers	Johnston	Sarbanes
Burdick	Kennedy	Sasser
Byrd	Lautenberg	Stennis
Chiles	Leahy	Tsongas
Dixon	Levin	Zorinsky
Dodd	Long	
Eagleton	Matsunaga	

NOT VOTING—5

Cranston	Hart	Percy
DeConcini	Huddleston	

So the motion to lay on the table amendment No. 2818, as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. ZORINSKY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2813

(Purpose: To amend the farm disaster emergency loan program to require the Secretary of Agriculture to base single enterprise production loss determinations on actual production only, and to prohibit the Secretary from including production determinations from sources such as PIK or land diversion program participation)

Mr. BAKER. Mr. President, if I may have the attention of the Senate for a moment, first, what is the pending question?

The PRESIDING OFFICER. The amendment of the Senator from Arkansas (Mr. BUMPERS).

Mr. BAKER. I thank the Chair.

Mr. President, it is my hope that there might not be demand for much more time on this amendment. I propose then to move to table the amendment, as soon as it is clear that there is no further need for debate.

I do hope that we can get in one more vote before other matters are going to occur off the floor, and the Senate will probably have to wait. I hope we can get on with the tabling motion in the next 5 minutes or so.

Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, I certainly want to accede to the wishes of the majority leader. This Senator has never been known for brevity, but I am going to be as brief as I can.

Senator BENTSEN is a cosponsor. He wishes to speak on the amendment, and I do not want to deprive him of that opportunity. I think that by the time he finishes, even the Senator from North Carolina will want to vote for the amendment, and it probably will be accepted on a voice vote. [Laughter.]

Mr. BENTSEN. I thank my distinguished friend from Arkansas.

Mr. BAKER. The Senator has put us to a tremendous challenge. [Laughter.]

Mr. BENTSEN. Mr. President, I am pleased to join the distinguished Senator from Arkansas (Mr. BUMPERS) and my other distinguished colleagues in offering this amendment to require the U.S. Department of Agriculture to provide disaster assistance to farmers in a fair and equitable manner. I urge the Senate to adopt this amendment.

Mr. President, this provision was adopted by the Senate last fall as an amendment to the continuing resolution. Unfortunately, it has never been adopted by the USDA.

This amendment will simply require the USDA to determine disaster loan eligibility for farmers under the same procedures that were used for determining county eligibility. This would seem to be a very reasonable and fair way to do things, but USDA has not chosen to do it this way. USDA has ignored acreage enrolled in the payment-in-kind program in determining disaster losses on a county basis. However, they have required that PIK acreage be included in determining disaster loan eligibility for individual farmers.

This double standard has allowed USDA to make many disaster declarations, with attendant publicity, and then refuse disaster aid to the farmers from that county who apply. It is theoretically possible that a county could be declared a disaster area by USDA, but that not a single farmer in the county would be eligible for a disaster loan.

Not only has the Farmers Home Administration changed the rules on individual farmers by including PIK acreage in computing eligibility, but they have also distorted the income actually received by the farmer from the PIK program. Cotton farmers in west Texas who got paid under the PIK program at a rate equal to 80 percent of their farm program yield are having their PIK payments counted as income by the FmHA at a rate equal to 100 percent of the farm program yield. This further restriction is denying disaster loan eligibility to many farmers who were almost, but not quite, cut off by the initial inclusion of PIK payments.

Mr. President, fairness and equity should be a basic part of our Government. But this administration is continually playing tricks with these programs. They are using these programs to generate favorable press releases for the administration, and then when it comes time to deliver the announced help they are snatching it away. These shenanigans, together with the politi-

cal games that were played with the actual announcements of the disaster declarations last year, are making a mockery of the basic purpose of these programs.

A number of us recognized last year that this policy was not only unjust, but was also going to deny disaster loans to many farmers who had suffered severe losses and would need financial help to keep farming. We offered this amendment last fall, and the Senate passed it. The conference report on the continuing appropriations bill addressed this issue as follows:

The conferees expect that the Secretary of Agriculture will not implement or enforce that portion of any regulation, ruling, policy, of administrative determination which allows the inclusion of projected production determinations from payment-in-kind or land diversion program participation, or any source other than actual production, in making a single enterprise production loss determination for the 1983 crop year under section 1970 of title 7, United States Code.

That congressional directive should be clear, but it is clearly being ignored.

Now farmers are going in to FmHA offices all over the country. They are applying for disaster loans, and those applications are being denied. By including PIK acreage, and in the case of cotton by calculating PIK payments to be 25 percent higher than they actually were, FmHA is able to tell these farmers that they do not qualify for disaster assistance. Farmers are learning that disaster declarations are delivered with loud fanfare, but when it comes time to sign the check that promised aid has vanished into a regulatory maze.

As I said last year, these partisan political games must stop. If the Secretary of Agriculture is not willing to use his vast discretionary powers to administer these programs fairly, then the Congress must use its oversight authority to force a correction of these inequities.

I believe that our farm programs should be administered fairly, and that is clearly not the case now. This amendment will restore that necessary equity to our farm disaster assistance programs.

I strongly commend the Senator from Arkansas for his leadership in this matter, and I urge the adoption of this amendment.

Mr. DOLE. Mr. President, I do not fully understand this amendment, but I do understand that we are talking about creating about $7 billion more in loan activity. We are trying to put together some package that would reduce the cost of this total program.

I think if they just say that there should be a review of all the Farmers Home Administration loans, I could support that. But this goes beyond that. No doubt there are some areas that should be changed; but, based on information we have, this would raise total Farmers Home lending up to $7 billion. I cannot verify the figures that were given to me. But if we want to pass the other parts of the bill, we cannot adopt this amendment.

Mr. BUMPERS. Mr. President, I am very pleased that the Senator from Kansas said he cannot verify those figures. We have been trying to get cost estimates in this matter from every Government agency that has even a passing interest in or knowledge of this program. We have been unable to get anybody committed.

I want my colleagues to understand precisely what we are talking about. We have a provision in the Constitution of the United States that says Congress will pass no laws ex post facto. What does that mean? That means that you cannot pass a law making something a crime after the crime has been committed. We do not make laws to fit previous conduct.

Last November, this body adopted this amendment unanimously on a voice vote. It said to the Secretary of Agriculture, "In the future, in determining whether a farmer is eligible for disaster relief, you may not take into consideration the PIK acres that he set aside."

When it went to conference, it was agreed to make that a sense-of-the-Senate resolution, and it said, "Mr. Secretary, we expect you to use the same formula you have always used in determining disaster relief."

Senator STENNIS, Senator EAGLETON, Senator HATFIELD, and I signed a letter to the Secretary saying, "We sincerely hope you will comply with the interests of Congress, what Congress has said they want you to do."

He wrote back a letter saying, "Thank you very much. We will certainly take your views into consideration."

And proceeded to continue the same thing, counting PIK acres.

It is very simple. In order for a county to be eligible for disaster relief, there has to be a 30-percent loss in that county. Then each individual farmer in order to be eligible for loans—we are not talking about anything except loans; we are not talking about grants—but for that farmer to be eligible for a loan, he has to have a 30-percent loss.

So what happens is they declare over 50 percent of the counties in this country disaster counties last year and the farmers started flocking into the Farmers Home Administration offices to get relief. And they said: "Here is the way it works. If you had 200 acres of land and you set 100 acres aside and did not plant it, if you only had a 30-percent loss on the 100 acres you did plant, you are not eligible."

The farmers said: "Why not? The law says 30 percent."

They said: "Yes, but we are going to count in the formula the 100 acres you did not plant. So you had a 30-percent loss on 100 acres you planted, you had no loss obviously on the 100 acres you did not plant, so your total loss is only 15 percent on the 200 acres."

The farmer said: "It hain't never been done this way before. You didn't tell me this before I put my acres in PIK."

They said: "Yes, but this is the new rule. We have to save some money."

The net effect of it is you can have 1,500 counties in this country declared as disaster areas and not one single farmer will be eligible for disaster relief. That is the way this thing works. I have 5,000 applications for disaster relief in my State that have not been processed and many of them will not be eligible because of the craziest administrative rule I have ever witnessed in my 9 years in the Senate.

Farmers in this country are contemplating suicide. They are talking about guns. I have never seen such a depressed group of people in my life.

While I am totally sympathetic to saving money, as the Senator from Kansas has said, what do you say to these people who were planning on loans for disaster relief, and go out and find the Farmers' Home Administration has been told by the Secretary: You cannot give money unless you include the PIK acres, and in effect if you set 50 percent of your acres aside, you have to have a 61-percent loss on the acres you did plant before you are eligible?

No one here believes that is right. No one believes it is equitable.

Senators from the corn States and the wheat States, call your farmers and ask if they are not up against the same proposition that the rest of us are.

Mr. President, I offer this amendment on behalf of my good friends from Texas, Senator BENTSEN, from Nebraska, Senator EXON, from Kentucky, Senator HUDDLESTON, and my distinguished colleague from Arkansas, Senator PRYOR.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. May I have the privilege of cosponsorship?

Mr. BUMPERS. The distinguished Senator certainly may.

I ask unanimous consent that Senator RANDOLPH be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Likewise.

Mr. BUMPERS. And I ask unanimous consent that the Senator from Nebraska (Mr. ZORINSKY) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, may I say one additional word?

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, before we all get carried away here, we all are sympathetic to the farmer. We all get up and talk about the plight of the poor farmer.

One of the reasons the farmers are in such bad shape is that we have added up the deficits, and the farmer's interest rates keep going up.

Before we get into too much sympathy, we have to recall, when the Senator is talking about the crop damage and all this, that in the wheat States the farmer received compensation in kind at the rate of 95 percent for wheat of his former yield on that PIK acreage that year, that that amendment would now exclude. Let us not suggest there was not any payment there.

Plus we have the administrative nightmare of going over thousands and thousands of loans, plus the fact that the PIK program is a very unique program, and it may operate under different circumstances.

I just suggest again if we take the other provisions in this bill and we adopt this amendment, according to the USDA, and again I am not going to quarrel with the Senator from Arkansas—figures can never be verified around this place from any agency in any administration—they are suggesting what it would cost, that they will make about $5 billion in additional loans and the outright subsidy costs because of the 5-percent interest rate would be $1 billion over the 7-year terms of these loans.

We can argue that all day long. Everyone else is paying 11, 12, and 13 percent interest, and farmers are paying 14 percent for operating loans.

It just seems to me that we have to say no, as much appeal as this amendment might have.

Mr. BAKER addressed the Chair.

Mr. BUMPERS. Mr. President, 1 minute, I say to the majority leader.

No. 1, the cost figures cannot be obtained. No. 2, if the cost figures given by the Senator from Kansas are anywhere near correct, let me ask him to offset that and think for a moment about the terrible devastation the farmer suffered, and finally let me remind all Senators from agricultural States what their farmers came and told us last year about the drought and the effect that it had on them. They are just barely hanging by their thumbs. We are not giving anything but loans here and those farmers who are credit-worthy we do not even give them loans except at the going rate.

So, lend a hand. Help these people who are in desperate straits.

There are over 22,000 applications in this country that have not even been processed.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HUDDLESTON. Mr. President, the Department of Agriculture—for purposes of making loss determinations under the natural disaster emergency loan program—has been assuming normal production on acreage set aside under the PIK program. These imaginary crops that the Department includes in making loss determinations effectively attribute more income to a farmer than he has actually realized.

The amendment offered by Senator BUMPERS would require the Department, in making loss determinations, to count only crops that were actually produced.

I will point out that even when a farmer does not incur production expenses on land that is not cultivated, he must still pay the mortgage, taxes, and install soil conservation measures.

It is only fair that the Department of Agriculture should base loss determinations solely on the acreage actually put into production.

Some critics of this amendment will charge that it will be very costly. This is simply not the case.

The cost of FmHA loan programs is arrived at by determining the difference between the cost of borrowing and the interest rate at which the loans are made to farmers—while considering the time required to make loan repayments.

Under the most adverse economic conditions, FmHA budget officials believe that an additional $5 billion in natural disaster emergency loan funds would be made available under the amendment.

Assuming that all of the additional loan funds would be made available at 5 percent interest—in fact many loans would be made at a higher rate—and assuming the Department's worst case scenario that an additional $5 billion would be loaned to farmers and that they would all take the maximum 7 years allowed to repay the loans, based on a Federal cost of borrowing of 11 percent, the maximum cost of the amendment would be $30 million a year or $210 million over 7 years. I believe that the actual cost would be much less.

I urge my colleagues to support the amendment.

I ask that the correspondence between the Department of Agriculture and me and a number of other Senators be printed in the RECORD.

The correspondence follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., January 31, 1984.

Hon. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On November 18, 1983, we wrote to you expressing our deep concern over the decision of the Department of Agriculture to include projected production determinations from the 1983 payment-in-kind and diversion programs in calculating production losses under the Farmers Home Administration natural disaster emergency loan program. Further, we brought to your attention the direction given by Congress on this matter in the conference report on H.J. Res. 413, that you not implement or enforce a policy that includes projected production determinations from the payment-in-kind or land diversion programs in making a single enterprise production loss determination.

Enclosed is the response we received from Deputy Secretary Lyng, which we find wholly inadequate. The decision to ignore the intent of Congress on this matter is certainly not in the best interest of the farmers devastated by last summer's drought. It penalizes those who participated in the 1983 acreage set-aside programs and will serve to discourage future participation in acreage reduction programs.

We urge you to personally review this matter and reconsider the Department's position.

Sincerely,

THAD COCHRAN.
JOHN C. STENNIS.
LLOYD BENTSEN.
WALTER D. HUDDLESTON.
THOMAS F. EAGLETON.
MARK O. HATFIELD.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 30, 1983.

Hon. D. HUDDLESTON,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR HUDDLESTON: This is in response to your letter concerning the 1983 Payment-In-Kind (PIK) program and its relationship to the Farmers Home Administration (FmHA) natural disaster emergency (EM) loan program.

We are well aware of Congress' concern about the PIK acreage and how that acreage will be used in calculating production losses for EM loan purposes. The PIK acreage and the acreage in other land diversion programs are not considered when determining whether a county has suffered a 30 percent reduction in normal income. The only acreage considered in the calculations are those acres actually planted and in production during the disaster year.

Thus, a county that had heavy participation in the PIK program, but also suffered a substantial loss due to a natural disaster, will not be denied a designation. This insures that no individual operator who has suffered a qualifying loss will be denied consideration for an EM loan because of heavy participation in the PIK program by other farmers in the county.

In order to encourage participation in acreage set-aside programs, a major consideration in the development of the program is whether the operator will receive a return comparable to the net return expected, had the land been placed in production. Since the operator received payment comparable to that expected in a normal year from full production on the acreage not planted, the normal year's yield is used for the unplanted PIK acreage for both the normal and the disaster year, when calculating the operation's farm income. This method insures that all acreage is considered in the determi-

nation, but does not diminish the operator's legitimate loss on the acres in production.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., November 18, 1983.

Hon. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: We are deeply concerned about the recent decision of the Department of Agriculture to include projected production determinations from the 1983 payment-in-kind and paid diversion programs in calculating production losses under the Farmers Home Administration natural disaster emergency loan program.

This decision comes at a most inopportune time for farmers. The Department has taken a program designed to provide needed assistance after a natural disaster and reduced its availability considerably. After the worst drought in over fifty years, which seriously affected production in over thirty States, farmers must have access to disaster assistance as intended by Congress and as the emergency loan program was administered in past years.

We call your attention to important language relating to production loss determinations agreed to by the conferees on H.J. Res. 413, which makes continuing appropriations for fiscal year 1984. During the Senate's consideration of the resolution, which was signed into law as Public Law 98-151, an amendment offered by Senator Bumpers to prohibit the Department from implementing this new procedure relating to the calculation of production losses under the emergency loan program was agreed to. Although the amendment was deleted from the resolution, as finally approved by Congress, the joint explanatory statement of the committee of conference makes clear the expectation of the conferees that the program be administered in a manner consistent with the language of the amendment:

Amendment No. 30: Deletes Senate language relating to loss determinations under the disaster program. The conferees expect that the Secretary of Agriculture will not implement or enforce that portion of any regulation, ruling, policy, or administrative determination which allows the inclusion of projected production determinations from payment-in-kind or land diversion program participation, or any source other than actual production, in making a single enterprise production loss determination for the 1983 crop year under section 1970 of title 7, United States Code.

Many farmers in this country are desperately in need of assistance—despite the grain and cotton they may have received under the payment-in-kind program. The department's decision regarding the emergency loan program is, in our judgment, fundamentally unfair to farmers and inconsistent with the intent of Congress.

We, therefore, ask you to comply with the intent of Congress as expressed by the conferees on H.J. Res. 413.

Sincerely,

MARK O. HATFIELD.
LLOYD BENTSEN.
WALTER D. HUDDLESTON.
THAD COCHRAN.
JOHN C. STENNIS.
THOMAS EAGLETON.
DALE BUMPERS.●

Mr. THURMOND. Mr. President, I would like to quickly comment on the amendment offered by the Senator from Arkansas (Mr. BUMPERS).

This amendment will require the Secretary of Agriculture to base single enterprise production loss determinations on actual production only, and it will prohibit the Secretary form including production determinations from sources such as PIK or other land diversion programs. This amendment certainly has a degree of merit. However, during this period of massive Federal deficits, I feel that it is important to look at the budget ramifications posed by this amendment.

Mr. President, It is my understanding that this amendment would cost the Federal Government $1 billion over the next 5 years. That type of outlay would certainly result in a veto of this legislation. This bill is needed desperately by the farm community. It makes several advancements in loan programs administered by the FmHA. These advancements are essential, and to insure that they are signed into law, I cannot support the amendment offered by the Senator from Arkansas.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I appreciate the Senator yielding to me for 30 seconds.

The doctor heals; the lawyer pleads; the miner follows precious leads; but this or that, whatever befall, the farmer feeds us all.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, once again I am not in the business of trying to cut anyone off, but we do need to move on, and I now move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Arkansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—58

Abdnor	Gorton	Pressler
Andrews	Hatch	Proxmire
Armstrong	Hawkins	Quayle
Baker	Hecht	Roth
Biden	Heflin	Rudman
Boschwitz	Heinz	Simpson
Bradley	Helms	Specter
Chafee	Humphrey	Stafford
Cochran	Kassebaum	Stevens
Cohen	Kasten	Symms
D'Amato	Laxalt	Thurmond
Danforth	Long	Tower
Denton	Lugar	Trible
Dole	Mathias	Tsongas
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
East	Mitchell	Weicker
Evans	Moynihan	Wilson
Garn	Murkowski	
Goldwater	Nickles	

NAYS—36

Baucus	Glenn	Melcher
Bentsen	Grassley	Metzenbaum
Bingaman	Hatfield	Nunn
Boren	Hollings	Packwood
Bumpers	Inouye	Pell
Burdick	Jepsen	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
Dixon	Lautenberg	Sarbanes
Eagleton	Leahy	Sasser
Exon	Levin	Stennis
Ford	Matsunaga	Zorinsky

NOT VOTING—6

Cranston	Dodd	Huddleston
DeConcini	Hart	Percy

So the motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 2812

(Purpose: To modify the target price for the 1985 crop of wheat)

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana (Mr. MELCHER).

Mr. BAKER. Mr. President, I expect we will have a vote on that, but it may take a little longer to debate. I would hope the managers of the bill would move on with debate.

If there is a desire to temporarily lay this aside once more and go to some other amendment, that is perfectly agreeable to the leadership on this side. I would urge we try to finish this bill, if it is possible to do so, shortly after noontime today.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, the Senate today is taking up the legislation that freezes target prices for wheat, corn, cotton, and rice at the 1984 levels, provides a 2-year paid land diversion for wheat, and makes various other adjustments in the current farm programs. These changes were reported out of the Senate Agriculture Committee a little over a week ago over my objections. I wanted to make a few points to my colleagues before we do vote on this bill.

These changes were approved in the Agriculture Committee partly under the guise of saving money and reducing the deficit. But the $3.5 billion savings estimated by Office of Management and Budget Director Stockman is based on multiyear projections—projections that extend well beyond the fall elections and into fiscal year 1987. The savings amount to less than $1 billion a year, a minuscule amount compared to the overall Federal budget.

The changes repeal major provisions of the 4-year farm bill passed by Congress and signed by the President in 1981. How can farmers plan if Congress, at the whim of the Budget Director, is constantly changing the rules in the middle of the game? David Stockman's appearances before the Agriculture Committee last week confirmed the common belief among farmers that Mr. Stockman has no understanding of their problems or the current, substantial economic difficulties in American agriculture.

Much has been made of the "carrot" in this bill—advance payments for the 2-year wheat land diversion program. But it is important to remember that legislation is not needed to make this change. The administration can make advance payments under existing law.

The whole point of this bill is the 1985 target price reductions. They are substantial, amounting to 15 cents per bushel for corn and 27 cents per bushel for wheat. They break the commitment made to farmers by the administration and this Congress when we enacted the 1981 farm bill. And they are harmful to agriculture. Advance land diversion payments will in no way compensate for the losses farmers will suffer as a result of these sharp reductions. Unless I misread the attitude of Nebraska farmers, there is no support at this time for further cutting farm income through a target price reduction.

Mr. President, there is no question that the deficit problem this Nation faces is real and immediate. So, too, is the deepening crisis in agriculture.

It is rather curiously unique, the dichotomy that we face wherein, in this hall, we talk about cutting the farmers' budget and saving money by $3.5 billion over a multiyear period when, in another hearing I have to attend this afternoon, we shall be talking about sending $8 billion to Central America, of the same tax dollars that the farmers are expected to send in to provide for those dollars in our foreign policy objectives.

Mr. President, after adjustment for inflation, net farm income in 1984 could be down more than 25 percent from 1983. It will mark the fourth consecutive year farm income has stagnated. Agricultural exports in 1983 declined 11 percent and estimates are they will decline once again in 1984. The prospect for even lower prices at harvest and continued high interest rates are making it hard for farmers to finance production expenses. Existing Federal farm programs offer few incentives to reduce crops. And, with all winter wheat seeded, little increase in participation can be expected from the incentives in this change in existing law.

Mr. President, this is no time to further reduce farm income through a target price freeze. It is no time to attempt to balance the budget on the backs of farmers. To approve the legislation reported out of the Agriculture Committee would amount to callous disregard of the very serious economic problems faced by agriculture today. And it would be tantamount to turning our backs on farmers at a time when they desperately need our help.

Mr. President, I come from a family that raised me with the philosophy that once you shake hands with an individual, that becomes your word and your bond. In 1981, Congress shook hands with the farmers of America that their word was their bond in evolving a 4-year farm bill. Those farmers took that document, took it home, looked at the far-range future, decided what their planning needs were, what their costs of production would be estimated at, and then went to the banker carrying that 4-year farm bill. Bankers of America looked at that 4-year farm bill and said, "Our Government certainly would not change any rules in the middle of a ball game, and this is a valid document upon which to make loans to agriculture."

So, farmers borrowed and bankers loaned based on a commitment, based on a covenant, based on an agreement, and based on the honor and word of the U.S. Government in 1981, when we evolved a 4-year farm bill. Now, here it is, before the expiration date, and Congress went into a room and decided, let us balance this budget and start with the farmers by cutting $3.5 billion off the target prices by freezing them and lowering them.

Senator MELCHER's amendment provides still a saving, as is requested by David Stockman of the Office of Management and Budget and this administration, because what his amendment does is require a $4.45 per bushel target price on wheat in 1985. Had it not been for the abrogation of our commitment to the farmers in the 4-year farm bill, that target price would have gone to $4.65 per bushel in 1985. So Senator MELCHER's amendment is saving vast sums in the budget for this Government. Yet, the administration feels those sums are not enough. Instead of $4.45 per bushel, they are requesting $4.38 a bushel.

I submit to my colleagues that it is a matter of priorities in this Hall, Mr. President. I further submit to them that we can burn down all our cities and save our farms and those cities will spring back up as if by magic; but burn down the farms and grass will grow in the streets of every city in this country.

Four percent of the people of this country engaged in agricultural production of farm commodities are not only feeding this Nation domestically, but also a great portion of the rest of the world. I think our priorities are misspent and misappropriated when we continue to look at agriculture with which to set foreign policy and with which to balance budgets.

I also submit, Mr. President, it is as important as the defense budget. Nobody is really taking big axes to that budget, but they sure turn to agriculture when they look to save $3.5 billion, which is projected over several years into 1987, which the Office of Management and Budget has even admitted in the year 1987 may not even amount to a saving in the budget.

I should like to continue to relate to the seriousness of the problems that we do have in agriculture and why it is imperative that the amendment of the Senator from Montana be considered as seriously as we have considered any amendment, because not only is it an amendment to this target price freeze bill but it is a signal, an indication to the farmers of America and agriculture of whether we are going to embark upon a policy which says we are not concerned about where our food is produced, we are not concerned as to the economic welfare of agriculture, and we just do not give a damn about the future of how many people continue in the farming industry.

I should like to read a letter I received on March 16 from one of my constituents in the State of Nebraska. He writes:

DEAR SENATOR ZORINSKY: I am writing this letter to you out of sheer desperation. First of all, I would like to enlighten you on my particluar situation. I had been born and raised on a farm. After I finished high

school, I helped my father farm till the Korean Conflict. I went to the Service and served two years in the Army. I was then released and I came home and worked with my father farming. He helped me start farming on a 160 acre farm of which I had to pay for part of it. I was married and raised my family on the farm. After 12 years of farming I bought another farm of 160 acres. In 1974, I put down an irrigation system. In 1975, I had a heart attack which required open heart surgery. I had no health insurance because I thought that if and when I would require hospitalization the veteran's hospital was there for me. My conditions were such that the heart specialist would not let me go to the veteran's hospital. Therefore, I had to pay a very large hospital and surgery bill. I worked after recovery for a while but couldn't do very much work. In March of 1983, I had another major heart attack at which time after extensive tests and medication I was released and declared disabled.

What I'm really getting at is this; I have two sons who are farming and ranching. One started in 1979 and the other started in 1981. As you very well know, the business of farming has deteriorated to the point where my sons cannot even get help from the bank to farm this year. One son has applied for an emergency FmHA loan, but was told that no more emergency loans are being accepted. My other son went to the Production Credit Association for help of which he hasn't gotten any help. I have put in just about all my assets in order to help them. Don't get me wrong, these two young men are farming over 1,900 acres and have had a 350 cow-calf herd. They each bought a parcel of land and are leasing the rest; and as you can tell, they work very hard and with the economy, the only thing they've accumulated is more debt. Incidentally, they are using tractors that were new in the 1960's. So you can see they have not gone out and splurged on new big machinery. They have as few pieces of machinery as they can get by on. I have a third son graduating from high school wanting to farm, but can't, so has to go on to school to study computer science.

As I said before, I've mortgaged my farm trying to help these young men get a start by which I have put myself in a vulnerable position. I guess what I am trying to say is that the farmers and the Agriculture of the United States is in great jeopardy. I've worked hard with all my family all my life and as you can see all I have from my farming is poor health, as do many farmers my age.

Many, many young farmers are forced off the farms, I would estimate between 15 to 25 percent this year because of inability to get operating credit. Should we experience another year as we had in 1983, at least 40 to 50 percent more farmers will have to quit because of the credit squeeze.

I hope and pray you can relate our very, very serious situation to the rest of the senators and representatives so that by some means we can save our basic and most valuable resource which is agriculture. As you very well know, the farm population is only three percent of the U.S., but 90 percent of the economy is directly or indirectly dependent upon agriculture. I hope that immediate action on this can be taken because as we know, the livelihood and future of many of our farmers need help very soon, or much land will have to remain idle because no funds will be available to these farmers. By all means the future of America depends upon the success of the Agricultural industry. Incidentally, I am 55 years old and I consider this a poor reward for a life of hard work toward this country. So please let us help these farmers, namely the young farmers, in order for them to have a more rewarding life and a better feeling of true Americanism, and not feel like second-rate citizens.

If you would like more data on this very grave situation which needs immediate action, I would be glad to further inform you. Thank you for taking time to read and observe this carefully.

Respectfully yours,

Mr. President, I have an article from the Des Moines Register dated March 11, 1984, of which I would like to read several paragraphs into the RECORD.

Iowa banks could be carrying more than $1 billion in questionable or bad loans by the end of this year primarily as a result of Iowa's poor farm economy, State Banking Superintendent Thomas Huston predicts.

"In 1975 when I started as bank superintendent, classified loans equaled about 16 percent of capital accounts. In 1983, it was 39.5 percent," Huston said in an interview last week.

While that represents a sharp increase, Huston says Iowa banks generally remain financially strong noting that many of those classified loans are "substandard," loans that are likely to be repaid eventually.

But the banking superintendent, whose family has been farming since 1846 near Columbus Junction, has warned Gov. Terry Branstad and state lawmakers that things could get worse by the end of 1984.

"I'm not an economist because I don't like predicting things. I like facts, and they tell me there is big trouble this year," Huston said.

"There are a lot of people in this state who are terminally ill financially," he added.

Huston's warnings are important because as the state's top bank regulator, he is privy to some of the best and earliest information about the condition of Iowa's farm economy as a new growing season approaches.

Mr. President, I ask unanimous consent that the remainder of the article in the Des Moines Register dated March 11 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Des Moines Sunday Register, Mar. 11, 1984]

FARM ECONOMY CAUSES A CROP OF TROUBLED BANK LOANS

(By Tom Witosky)

Bank regulators are continually in the field conducting audits of state chartered banks. As a result, they also are listening to reports of problems farmers across Iowa are having trying to get operational money for this year.

Branstad and lawmakers, already faced with a state treasury barely in the black, say they are taking Huston's predictions seriously.

"I'm not as pessimistic as Mr. Huston, but he is making an excellent point," said State Representative William Harbor (Rep., Henderson), a grain elevator operator who has discussed the problems with Huston. "It's clear to me that he may not be that wrong, either."

House Speaker Donald Avenson (Dem., Oelwein) said many individual bankers have seconded Huston's assessment. "Some bankers are saying they might have to turn down as much as 25 percent of the operational loan applications" from farmers, he said.

Huston said he has met twice with Branstad and his staff in recent weeks and plans to meet with them again as the planting season progresses.

It was in the wake of these sessions with Huston that Branstad confronted U.S. Treasury Secretary Donald Regan, the superintendent says. The governor, who was in Washington, D.C., attending last month's meeting of the National Governors Association, was critical of the high interest rates farmers must pay.

After the meeting, Branstad accused Regan of being "insensitive" to the plight of farmers, who are entering another growing season facing as much as 14 percent interest on the operational loans.

In dollars, Huston said bank regulators last year classified more than $308 million in loans, or almost 40 percent of all bank capital in the state, in three categories—substandard, doubtful and losses.

Substandard loans are those considered by regulators to have only minor problems and are likely to be repaid. Of all classified loans, substandard ones make up the greatest share.

Doubtful loans and those classified as losses are those for which regulators have little or no hope for repayment, usually forcing banks to write-off and pay for the loans.

Huston says he has little hope the growing tide of questionable loans can be standard in the near future.

"I just can't see anything that is going to turn this around. I don't know what we are going to do," he said.

As a result, he now predicts that classified loans by year's end will equal 60 percent of the capital accounts held by banks. In 1982, all Iowa banks reported capital accounts totaling $2.2 million.

Capital accounts are those financed by bank stockholders with their own investment as well as any profits held over the years of operation.

On average, capital accounts in Iowa banks equal 9.5 percent of total assets, which Huston said is higher than the national average. He said that shows the relative strength of the state's banks.

The $808 million in classified loans is less than 10 percent of all loans, according to 1982 bank figures reported to the Iowa Department of Banking.

Because of those factors, Huston maintains that almost all banks in Iowa remain solid. But, he adds, "I don't care how well fixed you are, you can't take a battering for a long time without getting into trouble.

"High interest means high risk and that is what this state has right now," he said.

"It isn't even the new farmers anymore," Huston explained. "I'm talking about the 50-year-old who has always paid his bills and always got the job done right. Interest rates are killing him and there is nothing he can do about it."

Already, Huston said, a number of banks are facing the reality of writing off a large amount of bad debt.

"It's tough telling a bank with $20 million in assets that they have losses of $500,000 to write off. That's two years of earnings for them," he said.

Huston and others contend there is a three-prong problem attacking even some of the most successful Iowa farmers.

Interest rates, they contend, are now so excessive that the costs of production far outstrip any profit possible from the sale of grain and livestock.

In addition, the interest rates are major factors causing plummeting land values that have cut the net worth of some millionaire farmers by as much as 50 percent.

To recover, some lenders are forcing their borrowers to put some of their land on the market. By doing that, however, it places greater downward pressure on land values.

Now, property once valued at $3,000 an acre in some counties is for sale at $2,000 or even less. And there is little or no market for it.

"With interest where it is, who wants to buy more land?" asked Huston.

Patricia Berry, director of the Farm and Land Institute of the Iowa Association of Realtors, said that multiple listings of Iowa farmland increased during the last two years and are expected to continue rising.

In 1982, there was 169,386 acres put up for sale in Iowa through these real estate brokers. In 1983, that increased to 230,582 acres or almost 25 percent. In addition, listings for January and February 1984 reflect a 27 percent increase when comparing figures for the same period in 1982 and a 6 percent increase from a year ago.

Berry said those figures don't include the amount of land put up for sale by forced auction or land sold without a real estate agent.

The declining land values place many farmers in a bind. Farmers who still owe money on loans which were acquired in the days of higher land values suddenly are staring at reduced equity in the same property. Yet, they still need additional loan money to finance this year's purchase of seed fertilizer, fuel and feed.

Huston said a majority of the state-chartered banks will be confronted with very tough decisions this month, particularly when considering an operational loan for a farmer already heavily in debt.

"The majority of banks will face those kinds of problems one way or another. It has grown the last two or three years, but this will affect just about everyone," he said.

Huston said that no one should be fooled by reports that the recovery in the national economy is having any effect here on the farm industry.

"Things might be better in Michigan, but there is real trouble here, Iowa is in a quagmire that it can't escape. No one should be fooled that Iowa is going to get out of it. High interest rates won't work to help Iowa," he said.

(Mr. EVANS assumed the chair.)

Mr. ZORINSKY. Mr. President, I would now like to conclude with an article from the Lincoln Star newspaper. It is a story about a family that sold its farm after 284 seasons of farming and now they are going out of business.

The story begins with Elmer Stone first seeing his family's new farm.

[From the Lincoln Star, Mar. 9, 1984]

STONE FARM SOLD AFTER 284 SEASONS TO PAY BANK

(By Andrew H. Malcolm)

When Elmer Stone first saw his family's new farm here, he was 3 years old. The president's name was William Howard Taft. And there was no such thing yet as a World War.

Now there is no such thing as an Elmer Stone farm.

This year there is a new dimension to the farm bankruptcy problem. Among the hundreds going out of business are long-established farmers once considered largely immune to catastrophic financial difficulties.

Despite optimistic talk out of Washington about adequate farm credit, three years of high costs and soft commodity prices have eroded farmers' equity so much that substantial operations are threatened. And the failure of men considered leaders by their peers adds to the fears of the remaining farmers.

There are no overall statistics yet. But spot checks indicate continuing high interest rates are taking an unexpectedly heavy toll this year in farm bankruptcies, foreclosures and forced sales.

"I'm booked every day all winter into next month," said Leo Wolf, one auctioneer.

"I've never seen it like this," said Dale Frederickson, a neighbor of the Stones. "It's a bloodbath out here this year."

Page after page of county newspapers around the region are filled with farm sale advertisements: Eugene Shafer, Howard Overton, Ross and Dorothy Reeve, Norm Yates, the Bundy brothers, Dennis and Cindy Stradley and, this week here, Elmer and Mildred Stone.

Work hard on the land, his father taught him, and everything else will work out. Stone's father, Stone and Stone's son did work hard on the land here in central Nebraska.

For 71 years, or 284 seasons, the Stones raised thousands of cattle, mowed tons of hay, milked millions of pounds of milk and harvested thousands of bushels of corn. All the hard work seemed to pay off—until Tuesday morning.

"Elmer," said the loudspeaker voice of Wolf, the auctioneer, "everything's going, that right?"

"You're the boss," said Stone. And within seven hours and 27 minutes all the accumulated property of three lifetimes—the tractors and trucks, the balers and wire, the seeds and the cows, the troughs and the nails, the house and all the family land—was sold, going to the highest bidders to pay the bank.

Hundreds of strangers and neighbors, farmers, gardeners, speculators, small contractors, collectors and the merely curious, picked the Stones' farm clean. Everything went except the crippled calf. Nobody wanted it so Stone's son bought it back for $10.

Mildred Stone, who at the age of 70 was milking cows at dawn until the last day, stood in the yard bundled against the cold and spoke little.

"Oh," she said into hands covered with oft-darned gloves, "there goes the old shovel. Oh, God!"

"The banks are just clamping down all over," said Frederickson, who is worried about his own loan this year. "What do you think's gonna happen to food prices when all the small farmers are gone and the banks and big food companies control the land?"

"It's tougher than it's ever been," said Gary Klein, a loan officer. "We have more delinquent loans. Interest rates stay high. Crop prices are marginal. Land values are falling. These guys lose a little one year and the next they're paying interest on last year's interest. They're pushing a snowball up a hill; it gets bigger and bigger and one day it falls back down on them. And these are very good farmers, shrewd hard workers. The losers are long gone."

One banker, who asked not to be identified because he gets angry calls at home, said this year's typical farm sale involved a father and son who expanded in the late 1970s, according to all the advice of banks and government to get bigger to survive.

Profits were poured into expansion instead of debt retirement and now the burden of 15 percent interest rates is overwhelming farmers who feel lucky to make a 5 percent profit.

"The lenders were perhaps too eager for the business," said the banker, "We told ourselves, 'If we don't make that loan, someone else will.'"

"When you see community pillars like Elmer go," said Norman Marsh, another farmer, "everybody starts wondering about himself. There's a lot of bitterness."

Personally, the toll is great too. The 74-year-old Stone, former chairman of the county hospital board, the school board and the co-op grain elevator, has had two heart attacks.

His 33-year-old son, Steen, whose 15-hour days helped build their farm to around 500 acres and their herd to 125 head, experienced strains in his marriage. And most mornings out in the barn milking about 4 a.m. if he thought too much about the debts, he'd find himself coughing. His 5-year-old son, Nicholas, was silent for two days before his mother, Rogene, discovered the reason: he thought the auctioneer was going to sell Brandy, his dog.

"It's a relief like getting out of prison," said the younger Stone, a university graduate, "I'm mailing 100 resumes to 48 states. I don't care if I never farm one more acre. I know a college degree won't guarantee a job, but I'm no stranger to hard work."

The Stones told friends they wanted no demonstrations or protests. Elmer Stone said all the proceeds, around $80,000 for the machinery and personal belongings plus $385,600 for all the land and buildings, would go toward his $700,000 debt. Mrs. Stone said the bank, which let them keep a cottage in town, had promised to hold them responsible for only half the remainder, at 13 percent annual interest. "But since we can't earn a living now," she said, "I don't know how we'll pay."

An officer at the bank, Commercial National Trust Co. of Grand Island, refused to discuss specifics of the Stone family's loan. To avoid emotional confrontations, the family attorney, Pat Shaughnessy, asked bank officials not to attend the sale.

"They always come all dressed up in their big shiny cars," said one farmer. And his neighbors in their muddy coveralls and baseball caps laughed loudly.

The Stones spent weeks taking inventory and arranging their possessions. While a pale sun tried to melt the frost on bare trees overhead, the auctioneer's rapid-fire banter led more than 400 buyers to bid on fence posts, metal gates, calves, trucks, buckets of nails, chains. A $60,000 self-propelled silage chopper went for $8,100. The first thing to go was a pitchfork for $6.50. The last was a vise for $1.50.

In the late afternoon, by joking, prodding, shaming, even offering bids himself, Wolf, the auctioneer, had moved the price per acre of Stone's 322-acre homestead from

$405 up to $800, still barely two-thirds its estimated worth.

"Elmer, where's Elmer?" Wolf called out to the crowd just before the end, "Elmer, I want you to see Mr. Forbes there before I say, 'Sold!' He's buying your land for $800. OK?"

Stone, who was standing by his wife, said something, "What did ya say, Elmer?" asked the auctioneer.

Stone cleared his throat. "I said," he said, "if that's it, that's it."

Mr. President, these are typical of events taking place on a daily basis in the rural areas of America.

While we may talk back here in Washington about how great the economy is, it is pretty hard to convince the rural areas, specifically the Mr. Stones who have farms in jeopardy as the Stone farm was, that there is a light at the end of the tunnel that they can count on.

I think one of the lights, a small glimmering light, is the amendment that is being offered on the floor today that the Senator from Montana has offered.

On behalf of all the Stone farms and on behalf of all the farmers in this type of an economic position, Mr. President, I beseech my colleagues to support the Melcher amendment in increasing the target price on wheat in 1985 to $4.45 a bushel which will still in effect be 20 cents a bushel less than it would have been had this administration and had this Congress had the guts and integrity and the honor to honor the commitment of the 4-year farm bill wherein these target prices were written.

Mr. President, I will in all probability vote against the final passage of this bill regardless of the outcome of the Melcher amendment, inasmuch as I think it is very important in this day and age, especially, with what is taking place around the world, to once again gain respect for making a commitment to people, whether it be to foreign nations or whether it be to our own citizenry in this great country of ours.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, in a few minutes we will be ready to vote on the amendment that we have offered on the 1985 target prices for wheat. This amendment deals simply with increasing the 1985 target price from $4.38 as is carried in the bill to $4.45.

Now, it is an easily understood amendment. It is an amendment that, in factoring out the savings in reduction of the 1985 target price from $4.65, as is in the current law, down to $4.45 for the 1985 crop, can be represented as a savings of $340 million. The effect of the amendment is to hold that savings on target price reduction for the 1985 wheat crop to just that amount. If the additional 7 cents reduction in target prices is allowed, as is recommended in the bill, down to $4.38, it also follows that that would be an additional savings of $120 million which my amendment would wipe out.

Now, is that prudent? I think we have to view the bill as it affects the other commodities of cotton, rice, and corn in comparison to wheat.

The only commodity of the four in the bill that will have a reduction in the target price for both the 1984 and 1985 crops is wheat. So wheat in itself gets sort of a double whammy in that the bill will lower the target price for both years, 1984 and 1985.

It also should be noted that the Secretary of Agriculture has announced the loan rate for wheat will be reduced from $3.65 per bushel where it was for the 1983 crop to $3.30 for the 1984 crop and subsequent years after that.

So, in effect, the wheat producers of this country are getting a triple whammy: a reduction in the target price for their 1984 crop, which no other commodity is asked to sacrifice; a reduction in target price of 27 cents per bushel for the 1985 crop; and a reduction in the loan rate of 35 cents per bushel for both crop years 1984 and 1985, and carried on into the future, so far as the Department of Agriculture computations and estimates are concerned.

I think that is probably hitting wheat too hard. That is my judgment, and that is why we seek to alleviate some of that hit by reducing the amount of the target price reduction for the 1985 crop.

There has been discussed from time to time—and part of that discussion was yesterday—on a delay of consideration of modifications to the wheat program. That should be brought into proper context and should really be factual rather than some sort of mythical discussion.

The delay of the wheat program was brought about by the actions of the administration and the delay in consideration of the wheat program, modifications for the 1984 and 1985 crop, until just the past several days. Last year, the administration asked us early in the fall to consider freezing the target price for wheat at $4.30 for the 1984 and 1985 crop years. That was not appealing to any of us from the wheat country, and it certainly would have been extremely damaging to wheat farmers throughout the country. So no action was taken by the Senate.

Late in the session last year, the House did act on a target price reduction for those 2 years, for wheat and wheat alone. That bill came from the House with the very number of the bill we are working on now, H.R. 4072. No action was taken by the Senate. The bill was referred to the Senate Agriculture Committee, where it was held during the rest of that session, the remaining days of last year's session of Congress, and began to be discussed afterward, in January and February of this year.

The final action on that, or the definitive action on that, in the committee came only when the administration approached us, in the personages of Secretary John Block and Office of Management and Budget Director David Stockman, not only to consider reducing the target prices for wheat but also for the 1985 crops of cotton, rice, and corn. The committee did that, and that brings us to the point we are at right now.

We have, of course, come a long way from the point of just freezing target prices for wheat for the 1984 and 1985 crop years. The bill before us, as it affects wheat, is much more appealing to wheat producers than had been thought possible and still receive administration endorsement.

To the extent that the Senate Agriculture Committee patiently dealt with Secretary Block and Budget Director David Stockman, to arrive at the point we are at now, there has been some real gain on the part of the committee in its efforts to help wheat producers.

However, I must point out that as it affects the wheat program for wheat producers throughout the country, where we arrived at is exactly what the House passed in their wheat program in the waning days of last year's session. We have not gone beyond that. The amendment I offer would go beyond it in a very modest way—7 cents additional target price for the 1985 crop, bringing it up to $4.45.

There has been some discussion on what will happen to this bill in conference. Adoption of the amendment we have offered will in no way inhibit or delay in conference the agreement by the House to this bill. As a matter of fact, if we are not going to amend this provision as we have offered, what we could do is simply return H.R. 4072, the House-passed wheat bill, to the House exactly as they passed it, without any of the additional commodities being involved.

I do not recommend that. However, it is not because of the additional commodities that have been added to the bill. That particular point does raise problems in the House. There may be problems in conference. If there is a problem with the House accepting this legislation passed by the Senate in

anywhere near its present form, it will be because of the addition to the bill of rice, cotton, and cotton in the 1985 crop. If it were agreeable to the rest of the Senate, I would be perfectly delighted to drop those other three commodities from the bill. I have no quarrel with dropping them. The advantage to dropping them would be the advantage of easier passage in the House. The conference would be quicker. It could be resolved quickly, and we would have a wheat program for 1984 and 1985 laid on the President's desk, and very quickly.

However, there are other provisions in this bill to which I must pay homage, and they deal with food for peace, credit allowances for Farmers Home Administration, and credit allowances for exporting commodities from the United States, in the form of credit extension and blended credits and various means of assisting exports of U.S. surplus commodities.

So those features that have been added to the bill should be retained in the bill, even if they do cause us some problem in conference. I doubt whether they are objectionable to the House. The problem we face over there will simply be created—if there is a problem—by addition to this bill of the rice, cotton, and corn provisions for the 1985 crop.

Mr. President, 1985 is going to be a very significant and critical crop year for agriculture producers. The loss of protection on target prices for various commodities will be felt by then, and I want to address myself principally to the loss of target price protection for the wheat producers in the 1985 crop. That reduction from $4.65 to $4.33—in other words, the 27-cents-per-bushel reduction—is a very significant reduction. Coupling that reduction with the fact that there will be some paid diversion for cooperators in the farm wheat program for next year does not mean they are going to break even with what they give up on target prices and get the same amount of money back on paid diversion.

That will not be the case. They will lose more than they gain on the paid diversion for the 1985 crop.

In light of that, we offer this amendment to be the equalizer effect, and myself and others offering the amendment have attempted to find any means of finding an acceptable method and an acceptable level to have this amendment agreed upon by, first of all, the members of the committee from the Republican side and, second, by the manager of the bill.

So far we have not succeeded and it does not appear that we will succeed to have any agreement at any level for improving the target price for 1985.

I wish that we could find an agreeable level so that 1985 target prices for wheat producers would not be as bad as it is in this bill as recommended, in other words, the loss of 27 cents per bushel in target price protection.

So far, nothing has been acceptable at any level. We waited and anticipated perhaps something less than 7 cents per bushel for the 1985 crop would be acceptable but so far nothing has been found to be acceptable.

So, the 1985 wheat production will be under further stress than should be the case. I hesitate to predict how serious this will be for wheat producers for next year, but let my just state that I fear the consequences of it and I hope that there are other means of helping wheat producers between now and then.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TRIBLE). The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I shall take only 1 minute.

First, I compliment the distinguished Senator from Montana, Senator MELCHER, because, as he has indicated, over the course of the past several months we have been trying to get legislation passed, and I think very honestly, although I have disagreed, his reluctance to let us move ahead may have contributed directly to improvements in the bill. If that is the case, then I compliment the Senator from Montana.

But I do believe we have reached a point that we need to move. Every minute we wait or every day we wait just causes farmers that much more frustration.

Even though we are reducing the target prices in the wheat areas, that does not distress the farmers. They are distressed more about interest rates, Federal deficits, grain embargoes, and things of that kind, high interest rates, high fuel costs.

I might suggest I just had a postal card this morning from Meade, Kans., from a farmer saying go ahead and reduce the target prices but let us get the bill passed.

So I think that is the thing we really need to do.

I wish to thank the Senator from Montana for letting us reach this point, and I also thank the distinguished chairman for his leadership.

Mr. HELMS. Mr. President, the Senator from Kansas is exactly right.

Congress simply must act and act without delay, if these revised programs are to be in place for the 1984 wheat crop. Every day that we delay is that much more inconvenience and that much more burden on the farmers. Winter wheat will be harvested in the South within a few months.

Beyond that, farmers are now preparing for spring planting, and are meeting with their bankers to arrange financing for the spring season. The farm credit provisions of this bill can be of immediate help to hard-pressed farmers who are borrowing money from the Farmers Home Administration.

In North Carolina, an average of 15 percent of the corn is planted by April 4 in a typical year, and 31 percent by April 11. Farmers—and their lenders—cannot afford to wait much longer for Congress to act, or these dates will be upon us. We must move quickly in order for USDA to implement these new provisions in time for the 1984 wheat crop.

Mr. President, I remind my colleagues that this legislation must still go to the House of Representatives before it can go to the White House. These additional steps make it all the more important that the Senate move quickly.

Mr. BAKER. Mr. President, I am prepared now to move to table the amendment. Once again, I have no desire to cut off anyone who wishes to speak, but I believe we have exhausted the debate on this amendment.

Therefore, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Illinois (Mr. PERCY) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—68

Abdnor	Evans	Long
Armstrong	Garn	Lugar
Baker	Glenn	Mathias
Biden	Goldwater	Mattingly
Bingaman	Gorton	McClure
Boschwitz	Grassley	Metzenbaum
Bradley	Hatch	Mitchell
Chafee	Hatfield	Moynihan
Chiles	Hawkins	Murkowski
Cochran	Hecht	Nickles
Cohen	Heinz	Nunn
D'Amato	Helms	Packwood
Danforth	Humphrey	Pell
Denton	Jepsen	Pressler
Dixon	Kassebaum	Proxmire
Dole	Kasten	Quayle
Domenici	Lautenberg	Roth
Durenberger	Laxalt	Rudman
East	Levin	Simpson

Specter	Thurmond	Wallop
Stafford	Tower	Warner
Stevens	Trible	Wilson
Symms	Tsongas	

NAYS—25

Andrews	Ford	Pryor
Baucus	Heflin	Randolph
Bentsen	Hollings	Riegle
Boren	Inouye	Sarbanes
Bumpers	Johnston	Sasser
Burdick	Kennedy	Stennis
Byrd	Leahy	Zorinsky
Eagleton	Matsunaga	
Exon	Melcher	

NOT VOTING—7

Cranston	Hart	Weicker
DeConcini	Huddleston	
Dodd	Percy	

So the motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JEPSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am encouraged to think that we may be coming down the homestretch. I would urge Senators to remain here and try to finish this bill before we recess subject to the call of the Chair at 3:10 p.m. for the joint meeting with the House of Representatives.

Mr. President, in any event I think we can finish very soon and we ought to be able to finish the bill before the recess.

AMENDMENT NO. 2830

(Purpose: To add a provision to the bill relating to surplus food commodities trade and donations)

Mr. MELCHER. Mr. President, I send an amendment to the desk on behalf of myself and Senators ZORINSKY, BAUCUS, HUDDLESTON, and BURDICK, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself, Mr. ZORINSKY, Mr. BAUCUS, Mr. HUDDLESTON, and Mr. BURDICK, proposes an amendment numbered 2830.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the appropriate place in the bill a new title as follows:

TITLE——SURPLUS FOOD COMMODITIES TRADE AND DONATION

SHORT TITLE

SEC. . This title may be cited as the "Surplus Food Commodities Trade and Donation Act of 1984".

FINDINGS AND POLICY

SEC. . (a) Congress finds that—

(1) the Commodity Credit Corporation owns substantial amounts of surplus dairy products and wheat and pays millions of dollars each year to store such commodities;

(2) the amount of dairy products and wheat it is estimated will be disposed of under current domestic Government distribution programs during 1984 and 1985 will be less than the surplus of such commodities that will accumulate during those years;

(3) approximately 1,000,000,000 people (one-fourth of the world's population) currently suffer from malnutrition;

(4) chronic malnutrition results in high death rates, blindness, severe physical and mental damage, reduced motivation, learning, and work capacity, and increased vulnerability to infectious diseases (especially among the young and elderly populations of developing nations), and (in nations where chronic malnutrition is prevalent) hinders national development;

(5) over 100,000 children go blind every year because of malnutrition;

(6) many nations lack the means to acquire sufficient supplies of nutritious foods to combat malnutrition because of the cost of such products and the weak economies of such nations; and

(7) an increase in the quantities of surplus dairy products and wheat provided by the Commodity Credit Corporation to other nations through concessional sales or donation programs, under single year or multiyear agreements, will reduce malnutrition, stimulate development, reduce surpluses that overhang the markets and depress United States farm prices, improve markets for United States exports, and develop trading partners and allies for the United States.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest that efforts be made to increase the quantities of surplus dairy products and wheat that are provided by the United States to other nations by authorizing the Commodity Credit Corporation to undertake concessional sales and foreign donation programs, under single year or multiyear agreements, in addition to those currently being undertaken by the Commodity Credit Corporation.

SALES AND DONATION OF DAIRY PRODUCTS AND WHEAT

SEC. . Effective for the period beginning on the date of enactment of this Act and ending September 30, 1994, section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), as amended by section 502 of this Act, is further amended by—

(1) striking out the last two sentences of subsection (a); and

(2) adding at the end thereof a new subsection (c) as follows:

"(c)(1) To the extent the Secretary of Agriculture determines appropriate to dispose of surplus quantities of dairy products and wheat, the Commodity Credit Corporation shall export dairy products and wheat acquired by the Commodity Credit Corporation through price support operations through (A) sale on concessional credit terms; (B) donation; or (C) any combination of such sales and donations: *Provided*, That such exports may not be made in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available under this section, through donations, to domestic nonprofit feeding programs or agencies. The Commodity Credit Corporation may export dairy products and wheat under this subsection under agreements with foreign governments and public and nonprofit private humanitarian organizations under such terms and conditions as the Secretary of Agriculture deems appropriate. The Commodity Credit Corporation may enter into agreements to provide dairy products and wheat under this subsection in installments over an extended period of time. The Commodity Credit Corporation may exchange its stocks of such commodities for similar products produced domestically that will more nearly meet the needs of importing nations, under this subsection.

"(2) For the purpose of carrying out concessional sales of commodities under this subsection, the Commodity Credit Corporation is authorized to finance the sales and exportation of such commodities and, when requested by the purchaser of such commodities, may serve as the purchaser's shipping agent in arranging the ocean transportation of such commodities.

"(3) With respect to commodities furnished for donation under this subsection, the Commodity Credit Corporation may pay costs for packaging, enrichment, preservation, and fortification of the commodities, and processing, transportation, handling, and other incidental costs up to the time the commodities are delivered free on board vessels in United States ports; ocean freight charges from United States ports to designated ports of entry abroad; transportation from United States ports to designated points of entry abroad (A) in the case of landlocked nations, (B) whenever ports cannot be used effectively because of natural or other disturbances, (C) whenever carriers to a specific nation are unavailable, or (D) whenever a substantial savings in costs or time can be effected by the use of points of entry other than ports; and charges for general average contributions arising out of the ocean transport of such commodities.

"(4) All costs and expenditures incurred in connection with the furnishing of commodities under this subsection shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954. In order to ensure that the provision of commodities under this subsection is coordinated with, and complements, other United States foreign assistance programs, agreements shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954.

"(5) In furnishing dairy products and wheat under this subsection, the Secretary shall ensure that—

"(A) the commodities exported for donation will be used for humanitarian feeding programs that directly benefit needy persons except that any agreement entered into under the authority of this subsection may permit the sale or barter—by the government of the importing nation or by a private voluntary organization or cooperative within the importing nation, or in any nation, for use in assisting needy persons—of the dairy products or wheat furnished in any fiscal year under such agreement. The proceeds of such sales or barter shall be used in accordance with section 201(a) of the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That not more than thirty percent of the total dairy products and wheat provided under this subsection worldwide may be used in any fiscal year for such sale or barter; and

"(B) insofar as possible, (i) any disposition of the commodities is made in such manner as to encourage increased use of commodities and (ii) agreements avoid displacing usual marketings of dairy products, wheat,

or wheat products by the United States or any other nation.

"(6) Section 110 of this Act shall not be applicable to concessional sales made under this subsection.

"(7) The Secretary shall issue such rules and regulations as are necessary to carry out this subsection.".

SPECIAL UNITED STATES AGRICULTURAL TRADE OFFICES

SEC. . Title VI of the Act of August 28, 1954 (7 U.S.C. 1761 et seq.), is amended by—

(1) inserting, before the period at the end of section 605A(a) (7 U.S.C. 1765a(a)), a comma and the following: "and three special United States Agricultural Trade Offices to carry out the program provided for in section 605H of this title"; and

(2) inserting after section 605G (7 U.S.C. 1765g) a new section 605H as follows:

"SEC. 605H. (a) The three special United States Agricultural Trade Offices, established under section 605A of this Act, shall have the special responsibility of assisting in the implementation, in the parts of the world in which they are located, of the program of concessional sales and donation of dairy products and wheat provided for under section 416(c) of the Agricultural Act of 1949. The Secretary shall maintain such offices in operation until September 30, 1994. One such office shall be located in Manila, Philippines, one such office shall be located in Mexico City, Mexico, and one such office shall be located in Dakar, Senegal.

"(b) Not later than March 31, 1994, the Secretary shall assess the effectiveness of the special United States Agricultural Trade Offices established under section 605A and submit to Congress a report of the Secretary's assessment, including the Secretary's recommendation on whether the offices should continue in operation.

"(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

Mr. MELCHER. Mr. President, for the past 10 months or so some of us have been working on amendments to be offered to section 416 of the Agricultural Act of 1949. Section 416 of the Agricultural Act allows for distribution of surplus dairy commodities abroad under very favorable circumstances to those people who are truly malnourished and who are in friendly countries in relationship to the United States.

It is a program that has a great deal of latitude, and, as far as the international charitable organizations are concerned that deal with food distribution abroad, recommendations that they feel are necessary to improve section 416 are incorporated in this amendment.

The organizations I am speaking of include CARE, Lutheran World Relief, Catholic Relief Services, the Cooperative League of the United States of America, Bread for the World, other church organizations, and a whole host of international organizations that participate in food distribution abroad to friendly countries.

It is through their efforts that much of the hunger and malnourishment that the United States can alleviate abroad has become effective.

What they are telling us is to broaden section 416 to include wheat along with dairy products to become available for this type of distribution abroad.

In addition, these organizations tell us that they want multiyear programs, that they want a little more latitude than is available under title II of food for peace or Public Law 480; that they want monetization of the commodities in order to aid in the distribution and reprocessing and educational needs for the proper use of the commodities in these friendly countries.

In addition, there must be some effort in arriving at conditions where the agricultural production in the particular countries involved is improved. This monetization that they request and feel to be very necessary is included in this amendment. The multiyear provisions are included in this amendment.

Also, Mr. President, they want it clear that the farmer can be part of the process. That is included in this amendment. I think that it is fair to say that the amendment is looked on very favorably and strongly supported by the State Department, because the AID people who work with our foreign friends and food distribution programs also agree that amendments to section 416 would make the program much more effective.

Mr. President, it is in this light that we offer this amendment at this time and hope that the Senate will agree to it as a wise step forward.

Mr. President, I ask unanimous consent that Senator BOREN may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, as I understand it, the Senator from Montana will modify his amendment. Is that correct?

Mr. MELCHER. Mr. President, it is my understanding that in order to have it acceptable, the amendment should have some modifications in it. I am willing to do so.

I have a modification before me. Several people on the committee and others in the Senate have been working on amendments to section 416 and we wish to make this a joint effort and a satisfactory effort to all concerned.

Mr. DOLE. I take it if the amendment is modified, it would delete references to concessional financing arrangements; confine section 416 authority expansion to wheat only in addition to dairy; it would not require monetization of section 416 commodities; and would delete mandatory language setting up an agricultural trade office—ATO's—in Manila, Mexico City, and Dakar.

As I understand it, after discussing this with the chairman, there is a 1-page modification. If the Senator from Montana modifies his amendmemt, I would think it would be helpful.

Mr. President, I say to the chairman I think if he modifies his amendment, it will be accepted.

Mr. HELMS. Mr. President, I would want to see the final version.

Briefly, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Does the clerk have the modification?

The PRESIDING OFFICER. The clerk does have the modification.

Mr. HELMS. Has the amendment been so modified?

The PRESIDING OFFICER. It has not been so modified. It requires a request by the Senator from Montana to amend his amendment, to be done by unanimous consent.

Mr. HELMS. I thank the Chair.

Mr. MELCHER. Mr. President, the modification to the amendment that I am going to send to the desk in a moment will incorporate the points that I stressed in my previous remarks. Wheat will be added to section 416, along with dairy products. It will be made clear that monetization will be allowed and that monetization, I repeat, refers to the opportunity for reprocessing or packaging or handling or other charges that are concerned with distribution and utilization of the food. It should be noted that we viewed that this would include some educational needs that would be met and instructions on how to use the food. It should also be noted that we are yet concerned over the opportunity for the monetization to be allowed to cover the provision of some assistance in development of the agricultural production of the countries involved.

The last point we would like to make is that we want to make clear that, under the discretion of the Secretary and the Commodity Credit Corporation, these can be multiyear programs. It is on that basis that I send this modification to the desk, Mr. President, to modify my own amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment was modified.

Amendment No. 2830 as modified is as follows:

Add at the end of Title V a new section as follows:

SEC. . Section 416(a) of the Agricultural Act of 1949 (7 U.S.C. 1431), as amended by section 502 of this Act, is amended by striking out the last two sentences and inserting in lieu thereof the following: "Such dairy products and wheat acquired by the Commodity Credit Corporation may also be donated through foreign governments and to public and nonprofit private humanitarian organizations for the sale or barter, as approved by the Secretary, and direct distribution of such commodities for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities and products thereof so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery. The Commodity Credit Corporation may enter into agreements to provide dairy products and wheat under the preceding sentence in installments over an extended period of time. The proceeds and services realized from the sale and barter of such dairy products and other commodities and products thereof by public and nonprofit private humanitarian organizations shall be used exclusively for such activities as are approved by the Secretary that are consistent with providing assistance to needy people. No portion of the proceeds or services realized from such sale or barter may be used by such organizations to meet their operating and overhead expenses. To ensure that any such donations for use outside the United States complement, and are coordinated with, other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act."

Mr. MELCHER. Mr. President, I think I have adequately described the modification. I hope the Senate can accept the amendment.

Mr. HELMS. Mr. President, the Senator has indeed described the amendment accurately. Not only am I willing to accept the amendment, I endorse it. I commend the Senator on his work.

The PRESIDING OFFICER. Is there further debate?

Mr. ZORINSKY. Mr. President, the minority concurs with the Senator from North Carolina in accepting the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Montana, as modified.

The amendment (No. 2830), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORGANIC FARMING

Mr. LEAHY. Mr. President, the American farmer today faces ever-increasing costs of production, from fertilizer and pesticides to gasoline for his machinery. The cost of financing farm operations has soared.

Too often, conservation measures are abandoned as too expensive as farmers must plant as many acres as possible to keep up with production costs, particularly when farm prices are low.

As a result, soil erosion and other problems with natural resources have increased measurably.

Mr. President, the Department of Agriculture released a report in 1980 entitled "Report and Recommendations on Organic Farming." It found that alternative methods of crop production can save farmers money and improve their overall financial picture. At the same time, these methods can reduce soil erosion, and because of less emphasis on chemical inputs, pollution associated with runoff from fields is significantly lessened.

Interest in organic farming is high. Thirty-eight thousand copies of the report were requested and it was translated into three different foreign languages.

Mr. President, organic farming does not, as some charge, mean a return to the horse and buggy days of agriculture. It is an approach to farming that has its roots in the proud and independent tradition of the family farm which includes preservation of land and a respect for self-sufficiency.

This tradition has a home in Vermont, and I am sure in other parts of the country as well.

Organic farming methods include crop rotation, intercropping, and nonchemical control of weeds and pests.

Mr. President, I have introduced legislation, S. 1128, that would set up 12 on-farm research projects. This hands-on research will provide us with information on the feasibility and practicality of organic farming.

Farmers will be able to watch as these demonstration farms make the transition from chemical-intensive agriculture to organic farming over a 5-year period.

Many variables will be tracked during the study. Soil strength, costs of production, water and energy use, crop yields, and pest control will be among the items scrutinized carefully.

Farmers will be able to visit these farms, to see for themselves whether organic techniques could work on their operations. It is an opportunity they should have.

In addition, the Secretary of Agriculture would be required to conduct an inventory of existing USDA research materials and insure that those dealing with organic farming are available through the extension service. The Secretary would also have to recommend to the Congress areas which may need additonal study.

The general lack of information available on organic farming only underscores the necessity for the research contained in my bill.

This legislation has already passed the House of Representatives. The bill I introduced here in the Senate has been cosponsored by 17 of my colleagues—Senators ANDREWS, BAUCUS, CHAFEE, CRANSTON, D'AMATO, HART, HAWKINS, HUDDLESTON, MITCHELL, SASSER, STAFFORD, ZORINSKY, MOYNIHAN, KENNEDY, SARBANES, LEVIN, and CHILES.

It is supported by the National Governor's Association. I ask unanimous consent that a letter from the distinguished Governors of the States of Montana and North Dakota be entered into the RECORD.

It is also supported by 24 other groups. I ask unanimous consent that a list of these groups appear in the RECORD at this point.

The Des Moines Register, an acknowledged leader in agricultural journalism, contained the following editorial on organic farming nearly 2 years ago. I ask unanimous consent that this article appear in the RECORD.

It is clear, Mr. President, that the time is now to move forward on this needed research. I ask that my colleagues join with me in this positive effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
December 16, 1983.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR LEAHY: We are writing to offer our strong support for S. 1128, the Agricultural Productivity Act of 1983, which you introduced with 12 cosponsors, which is designed to promote more efficient and sustainable methods of farming. We note that the House companion to this legislation, H.R. 2714, recently was reported out of its Committee on Agriculture and could reach the floor of the House for a vote in early 1984.

The U.S. is blessed with one of the most innovative agricultural systems in the world. At the same time, we are faced with soil erosion rates which threaten our future food supply and increasingly limited water resources due to competition and degradation by silt, agricultural and industrial chemicals, and salinization. The consequences of such threats to future productivity are seldom immediately visible because the impacts take decades to assess. Mechanisms for addressing these problems must be created now.

We support the Agricultural Productivity Act because there is a pressing need to develop alternative agricultural cultivation practices that minimize the degradation and loss of our eroding soil declining water resource base and that reduce the dependence of our agricultural producers on expensive and limited forms of energy.

The Agricultural Productivity Act is a positive first step for diversifying our system of farms and building a more sustainable agricultural industry. This legislation would require that our state-federal agricultural research and extension stations develop and promote successful agricultural methods that have been demonstrated to

make more efficient use of our natural resources.

The National Governors' Association is committed to the protection of our natural resource base and we support prompt consideration and enactment of this important and timely legislation.

Sincerely,

Governor TED SCHWINDEN,
Chairman, Committee on Agriculture.

Governor ALLEN I. OLSON,
Chairman, Soil Conservation Task Force.

SUPPORTING GROUPS

National Farmers Union.
National Grange.
National Association of Conservation Districts.
Texas Department of Agriculture.
Center for Science in the Public Interest.
Texas Center for Rural Studies.
Wisconsin Natural Foods Association.
The Rural Coalition.
National Nutritional Foods Association.
Clean Water Action Project.
National Audubon Society.
Friends of the Earth.
National Farmers Organization.
American Farmland Trust.
Soil Conservation Society of America.
Massachusetts Department of Agriculture.
Carolina Farm Stewardship Association.
California Agrarian Action Project.
New York Natural Foods Association.
Center for Rural Affairs.
National Coalition Against the Misuse of Pesticides.
Sierra Club.
Natural Resources Defense Council.
National Sharecroppers Fund.

[From the Des Moines Register, June 17, 1982]

A "NO" TO ORGANIC FARMING

Interest in organic farming is spreading, fed by growing concern over rising farm costs and the depletion of soil and water resources. More farmers and farm organizations are urging the Department of Agriculture to increase research on organic-farming methods.

Worried congressmen have introduced legislation to pump $14.5 million into organic research over the next five years, but Agriculture Secretary John Block has declared strong opposition to the measure and has dispatched top aides to try to undercut it.

Block's excuse is that this is the wrong time to start new programs requiring more federal spending—a shortsighted approach that owes more to bureaucratic bookkeeping than to concern for the fate of American farmers and their productivity.

Block's thinking is all too typical of the Reagan administration, which has backed the continuation of government programs that favor or subsidize big industries while rejecting promising experimental ventures. It happened in energy policy, where the administration bet on the costly nuclear and synthetic-fuels plans of the big power and oil industries while turning away from solar development.

Organic farming attracted considerable interest after a 1980 Agriculture Department report concluded that its techniques are practical for large-scale operations, that organic farming can cut production costs and curb soil erosion, and that a producer doesn't have to be "purist" who forswears all use of chemicals. USDA officials estimate that possibly as many as 40,000 of the country's 2.4 million farms concentrate on organic methods.

Why should the federal government, in effect, refuse to help this group of farmers while continuing programs that aid farmers who rely on chemical fertilizers and pest-killers? Is there to be a caste system in agriculture based on chemical dependency?

Granted, most American farmers probably will continnue to rely on chemicals for short-term financial gains. Yet neither tax money nor government-backed research should be stacked in favor of the agricultural status quo. All farmers, all consumers, have a financial stake in government programs.

The Agriculture Department has an obligation to examine optional farming practices and experimental methods that could save costs and resources. If the Reagan administration won't do that on its own, Congress should see that it does.

Mr. LEAHY. Mr. President, I understand that the distinguished chairman of the Agriculture Committee, Senator HELMS, will give his assurance that a hearing will be held on my legislation before June 15 of this year.

Mr. President, I also want my colleagues to understand that I am serious about pursuing organic farming research. It is, in my view, very important that we begin to look seriously at this method of farming as a way to insure a more sustainable and viable agriculture in the future.

Mr. HELMS. Mr. President, I thank the Senator from Vermont for not pressing this issue today with the assurance that hearings be held on his proposal. I give my pledge to the Senator that hearings will be held prior to June 15, 1984.

HAYING AND GRAZING

Mr. BOREN. Mr. President, I would like to address an inquiry to the distinguished senior Senator from Kansas regarding the intention of the committee with respect to provisions governing haying and grazing privileges under this legislation. As we are all aware, the bill would allow, on a State-option basis, unrestricted haying and grazing of diverted acres for the 1984 wheat crop. It was decided to leave the decision to offer haying and grazing of the 1985 wheat crop to the discretion of the Secretary.

The committee did, however, propose to offer some guidance to the Secretary in making a decision on 1985 haying and grazing, as I understand it, and I would ask the Senator from Kansas to clarify the nature of our concerns in this matter. I believe Senator WILSON also would be interested in your clarification of the committee discussion on this issue.

Mr. WILSON. Yes, and I thank the distinguished Senator from Oklahoma. As I stated in the committee discussion, I have real concerns about unrestricted haying and grazing and prefer the State-option arrangement.

Mr. DOLE. I thank the distinguished Member from Oklahoma, Senator BOREN, and the distinguished Senator from California, Senator WILSON, for raising this timely point regarding our deliberations on the pending legislation, and would be pleased to relate the results of the committee's discussions. First, in recognition of the strong and compelling arguments on both sides of the issue, it was decided to recommend that a State option be provided in the event that the Secretary decides to include haying and grazing among the various terms and conditions for participation in the 1985 wheat program.

We were particularly impressed by the concerns expressed by the distinguished Senator from South Dakota, Senator ABDNOR, and the distinguished Senator from Utah, Senator HATCH, that their livestock industries not be disadvantaged by our decision, and it was the committee's intention to respect these concerns.

Second, as the Senator from Oklahoma himself pointed out during the various meetings last week, much of the concern of wheat producers in his State, and my State, and several other States in the Great Plains area would be satisfied if wheat grazing were allowed during the first 2 weeks of May. Under past programs, grazing has been confined to only the six principal nongrowing months, or through the month of April. However, the feeding cycle of many cattlemen and livestock operators in Oklahoma, Kansas, and other States would be greatly assisted if this period were extended to include the first half of May. It was the intention of the committee to offer this possibility for the Secretary's consideration as he decides the terms and conditions for participation in the 1985 wheat program.

Finally, and at the request of the distinguished Senator from California, Senator WILSON, the committee would urge the Secretary to make any decision that would allow either haying or grazing of 1985 crop wheat, or any combination thereof, contingent on the approval of the ASC Committee in each affected State. This so-called State option is included in the haying and grazing provisions on an on-request basis for the 1984 wheat program, and it was the hope of the committee that the Secretary would continue to honor the State option in 1985 in the event these provisions are included in the program.

On behalf of the Senator from California, I want to make clear his personal opposition to any extension of unrestricted haying and grazing privileges, as expressed on several occasions during the committee's deliberations. It was only through his willingness to accommodate the concerns of other committee members, as well as similar understanding on the part of the Senator from South Dakota, that we were able to work out a compromise on the haying and grazing issue

that is acceptable to certain members of the wheat and cattle industries.

I understand that the distinguished Senator from Utah, Senator HATCH, has a few comments on this matter.

Mr. HATCH. Mr. President, I thank the distinguished Senators from Kansas, California, and Oklahoma for their discussion of the haying and grazing provisions contained in this legislation. As they indicate, the State-option compromise is acceptable to certain members of the wheat and cattle industry. But despite the fact that this represents a compromise, some segments of the industry continue to have concerns over the potential impact this provision could have on the cattle market.

Like all segments of the agriculture community, the cattle industry suffers from price volatility and market uncertainty. In addition, the cattle producer must frequently contend with uncertainty induced by Government programs for other commodity groups. Among these impacts is the volatility introduced into cattle markets by haying and grazing on set-aside acreage.

When wheat producers make their decision to participate in the Government wheat program, the haying or grazing option can encourage or discourage their entrance into the cattle market. Their decision to run cattle is based less upon the economics of the cattle business than it is upon the economics of the wheat program. Cattle markets must continually deal with the uncertainty from year to year of whether or not the grazing option will be allowed and can make no long-range assumptions on the potential impact on their markets.

It is unfortunate that a program intended for wheat producers has such a dramatic impact on other segments of agriculture. But, as the following statement from the Utah Cattlemen's Association indicates, the cattle industry suffers when programs such as this are initiated:

Senator ORRIN HATCH,
Senate Russell Building,
Washington, D.C.:

The new wheat legislation includes provisions for state approved haying and grazing of set-aside acres. This places program participants in a favored competitive position relative to other cattlemen. The serious volatility in cattle marketing caused by 1983 PIK cost the U.S. Cattle industry 1.42 billion dollars and Utah Cattlemen 9.8-14.6 million dollars. The cattle industry is adversely impacted each time a "quick fix" solution is lobbied for by various Ag commodities such as the grain and dairy farmers.

Recognizing the political realities of exclusion of the Haying/Grazing Section, which we would prefer, the Utah Cattle Industry would hope you could put Congress on Notice that:

1. Quick fix PIK programs should not be included in the 1985 farm bill.

2. Government must start reduction of specific farm commodity support prices.

3. The 1985 Farm Bill must support all agriculture rather than supporting some commodities without regard to the negative economic impacts to other commodities.

4. Stop condsideration on issues that tend to polarize Agriculture and the nation. (i.e. Cattlemen vs. Grain Farmers, vs. dairy farmers Western States vs. Corn Belt States, etc.)

5. Cattlemen are going to be very active in the 1985 Farm Bill.

Thanks for your support,
UTAH CATTLEMEN'S ASSOCIATION,
Salt Lake City, UT.

Mr. HATCH. While my cattlemen remain dissatisfied with the compromise language in this bill, I am appreciative that we, at least, were able to get a State-option provision in place for 1984 and urge the conference committee to do everything within its power to keep the Senate language in place if and when this provision is considered with the House.

Thank you, Mr. President.

Mr. HELMS. Mr. President, the distinguished Senator from Iowa (Mr. JEPSEN) desires to make a statement. He has advised me he will return to the floor forthwith. I suggest the absence of a quorum, Mr. President.

Mr. COCHRAN. Mr. President, will the Senator withhold for a moment?

Mr. HELMS. Certainly, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased that this bill being considered today contains provisions to improve farm credit opportunities for farmers who find themselves in difficult situations in obtaining credit because of existing rules at the Farmers Home Administration that have not been changed in many years. Because of that problem, I introduced legislation over a year ago that would have brought up to date some of the operating loan limits, the repayment period permitted by those who have operating loans, the decisions regarding the interest rates to be paid on restructured loans, and other such changes that would have improved the opportunity of farmers who find themselves burdened with heavy debt loads to operate profitably and with proper levels of cash flow.

I am happy that the legislation we have before us refers by its terms to such earlier bills as S. 24 and S. 1949 which I had either earlier introduced or cosponsored, one with the Senator from Georgia (Mr. NUNN) and the other with the Senator from Kentucky (Mr. HUDDLESTON). Those Senators had been active in exploring ways to improve the farmers home loan programs. This is a provision of the legislation, Mr. President, which I think has not received as much publicity as some of the other provisions of the bill, but it is, nonetheless, one of the most important changes that we are making by approving this legislation.

Mr. President, when we go to the urgent supplemental appropriations bill that contains Public Law 480 funding, I intend to offer, with the support of the administration, an amendment to substantially increase the funds available for title II of the Public Law 480 program.

As a matter of fact, if the plan that we are working on now does work out, to be consistent with the conference that is going to be held this afternoon at 4:30 on the energy assistance supplemental, which has added to it some Public Law 480 money, we could have in the urgent supplemental as much as 175 million additional dollars for the donation program and the credit sales program of Public Law 480.

That is going to do a great deal, in my judgment, Mr. President, to help improve the opportunity of American farmers to move these products in international markets.

Mr. ANDREWS. Mr. President, will my colleague yield for a moment?

Mr. COCHRAN. I would be happy to yield.

Mr. ANDREWS. I salute the Senator from Mississippi in what he says. The continued emphasis on Public Law 480 is so important. The Senator from Mississippi is doing an excellent job, and we intend to do everything we can to support him.

We appreciate, those of us in the grain States, the forbearance of our colleagues. It has been a long couple of weeks and none of us got all that we wanted to get in this remedial legislation, but it is a lot better package than exists today. So I hope that we can move it rapidly today, go to conference with the House, and get it passed out so that the farm families in the land and the economy as a whole will benefit from the unique provisions for loans and credit for overseas sales.

I again commend the distinguished chairman of the Agriculture Committee, Senator HELMS, for the great job he did in conjunction with Senator HUDDLESTON on the other side of the aisle. We appreciate it in the wheat country. It is not what we wanted but it is a whale of a lot better than what we have now. It is time to say thanks to our colleagues for their cooperation.

Mr. COCHRAN. Mr. President, I thank the Senator from North Dakota for his comments. I appreciate very much his compliments, but he has really done a great deal to help put this compromise together—and it is a compromise. Certainly, in my judgment, it is going to serve the long-range interests of agriculture in America. I thank the Senator.

Mr. BOSCHWITZ. Will the Senator yield for 30 seconds?

Mr. COCHRAN. I will be happy to yield, Mr. President.

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Mr. BOSCHWITZ. I join with Senator ANDREWS and say exactly as he does. It is a good bill. It is a compromise to be sure. It is not all that we wanted, but it is a good compromise.

I join, too, with the Senator in saying that provisions with respect to export are among the most significant of the bill, and I hope we move on now to third reading and get the bill passed.

Mr. HELMS. Will the Senator yield to me?

Mr. COCHRAN. I will be happy to yield to the distinguished Senator from North Carolina.

Mr. HELMS. I do not want the Senator to lose his right to the floor, but if he will permit me, I would like for us now to adopt the committee amendment and have third reading. Then the Senator may continue with his remarks.

Mr. BUMPERS addressed the Chair.

Mr. PRYOR addressed the Chair.

Mr. COCHRAN. Mr. President, I have the floor; is that correct?

The PRESIDING OFFICER. The Senator from Mississippi does have the floor.

Mr. COCHRAN. I would be happy to yield for a question to the distinguished Senator from Arkansas.

Mr. BUMPERS. I do not have a question.

Mr. COCHRAN. I will be happy to yield for a question to the distinguished Senator from Arkansas (Mr. PRYOR).

Mr. PRYOR. I will ask a question because I wonder, when we adopt this committee amendment, exactly what relationship that is going to have to a pending amendment I have talked about for some time and I understand the managers of the bill knew I was going to offer relative to rice.

Mr. BAKER. Mr. President, maybe we celebrated too fast, I think.

Mr. PRYOR. I think we did celebrate too fast.

Mr. HELMS. I was not aware of the amendment. I am sorry. The Senator is within his rights.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Does the Senator from Mississippi yield?

Mr. COCHRAN. I do not yield any further to the Senator from Arkansas. I have heard about the amendment. We were hoping that we could get it worked out somehow.

Let me conclude my statement and then I will yield the floor for whatever purpose anyone wants to seek recognition.

Mr. PRYOR. Mr. President, I hope the Chair will recognize the Senator from Arkansas when the Senator concludes.

Mr. COCHRAN. Mr. President, it is not my intent to control the floor. I was just in the process of concluding a statement as to the provisions of the bill. Other Senators asked me to yield and so I did.

Mr. President, I know that the changes in this bill are not going to completely solve the farm credit problems facing agriculture today. As a matter of fact, there is pending in the Senate, before the Agriculture Committee at least, legislation which would call on the President to convene a task force on farm credit. My hope is that leaders in the Congress, the administration, and the private sector could come together to try to develop a comprehensive proposal to deal with the farm credit issue. I think that is an issue which is in desperate need of attention, immediate attention. And while we do make some changes in this bill which will help alleviate some problems, there are very serious structural problems that exist. Farmers are having a hard time obtaining credit in many cases. The terms of credit are very difficult to manage in terms of cash flow. Existing sources of credit such as the production credit associations, the Federal Land Bank, traditional banks, insurance companies, and other sources, in my judgment, are just not getting the job done. There are people who are being turned away by those lenders and who are not qualified for the Farmers Home loan program either because of low-loan operating limits or for other reasons.

So I am hopeful we will not stop with the passage of this bill in our effort to find a good solution, a workable solution to the farm credit problem. But I am very grateful to the managers of the bill, Mr. President, for including such provisions as are included from legislation that had either been sponsored or cosponsored by me that I earlier referred to, specifically S. 24 and S. 1949.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, a parliamentary inquiry. If I were to suggest the absence of a quorum, could I be protected when the quorum call is called off to be recognized by the Presiding Officer?

The PRESIDING OFFICER. That would require unanimous consent.

Mr. PRYOR. I so ask unanimous consent, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The Senator from Askansas.

Mr. PRYOR. Mr. President, I think it is time at this point, with regard to this particular agriculture bill that is before the Senate, to talk about a very, very famous recipe for Arkansas rice casserole, six servings. First, one cup of rice, uncooked. Then, Mr. President, one cup of water.

By the way, this is very serious. This is a very fine casserole made with rice.

One can (10½ ounces) of beef consomme. One can (4 ounces), sliced mushrooms, drained. One-fourth cup or one-half stick of butter. One bell pepper, sliced. One jar or 2 ounces of chopped pimento. One onion, diced. One teaspoon of salt.

Mr. President, to properly make Arkansas rice casserole as delicious as it should be, preheat oven to 375° F. Mix together and pour into a 9-by-12 greased baking dish. Cover and bake for 1 hour. And it freezes very, very well.

Mr. MATSUNAGA. If the Senator will yield, do not forget the pineapple, Hawaiian pineapple.

[Laughter.]

Mr. PRYOR. I have several recipes, I say to my distinguished friend from Hawaii, that combine Hawaiian pineapple with Arkansas rice—or Mississippi rice or Texas rice or Louisiana rice or California rice. Because, Mr. President, as we know, those are the five States in this country that grow rice.

We know that every crop in this particular bill has had something working in its favor. The wheat people are taken care of, and I support that. The corn people are taken care of, and I support that. The cotton people, who make up an awful lot of Arkansas farmers, basically are taken care of to some degree, and I support that.

So I come to the Senate, I guess, as someone came to Abraham Lincoln one day and said, "Mr. President, we do not appeal for justice. We appeal for mercy." That is exactly what we are talking about today—five rice States that have watched for 3 weeks this particular so-called farm bill move through the Senate, move through the Agriculture Committee, and yet there has not been one iota of compromise or give and take as it relates to the rice industry.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PRYOR. I yield for a question.

Mr. BAKER. Mr. President, the question I will put is that we are going to recess at 3:10 p.m. The further question I put is that we are going to have to come back here and continue on the farm bill, and Senators should be on notice that that may take a long time.

Mr. PRYOR. I ask a parliamentary question of the Chair. I understand that we will recess at 3:10. My inquiry is this: Does the Senator from Arkansas have the floor immediately when we come back into session, when the joint session has concluded?

The PRESIDING OFFICER. The floor will be open at that time, when we reassemble, and Senators may seek recognition at that time.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be recognized at the time when we go back into session, after the joint session of Congress.

Mr. BAKER. Mr. President, reserving the right to object, I do not plan to object, but I do not plan to decide that right now. I am always a little discomfited when people start reading recipes on the floor. If we are going to have a filibuster on this thing, I have to reserve my rights.

So I object to the request, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. PRYOR addressed the Chair.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the hour of 3:10 p.m. having arrived, the Senate stands in recess subject to the call of the Chair.

At 3:10 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled, at 4:21 p.m., when called to order by the Presiding Officer (Mr. SPECTER).

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, when we recessed to hear the address by the President of France, we were engaged in a colloquy about an amendment offered, or to be offered, by the Senator from Arkansas.

There are certain conversations going on now with respect to the course of such an amendment, whether or not something can be worked out, or how we might arrange a vote. I think a little time might help that. Therefore, I ask unanimous consent that there be a period now for the transaction of routine morning business for the next 15 minutes in which Senators may speak for not more than 3 minutes each, except that no time limitation in that respect would apply to the majority and minority leaders.

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 5 minutes each.

The minority leader is recognized.

STATE VISIT OF PRESIDENT FRANCOIS MITTERRAND OF FRANCE

Mr. BYRD. Mr. President, the Senate has just returned from a joint meeting with the House of Representatives to hear an address by the very distinguished President of the Republic of France, his excellency Francois Mitterrand. I am certain that my colleagues share my admiration and appreciation for the eloquent and statesmanlike remarks of President Mitterrand.

His visit reinforces the importance we attach to an alliance which has weathered the test of time for America—indeed, France is America's oldest ally. The close relationship between our nations began even before our forefathers won America's independence and, as is well know, was crucial in winning that victory. His references to our interwoven histories and experiences as comrades-in-arms strike a deep and responsive chord in all of us.

I welcome also President Mitterrand's sensitivity to the vital role of legislatures in Western political systems—a sensitivity evolving from his 35 years as a Parliamentarian.

I would take particular note, Mr. President, of the very strong commitment that President Mitterrand has made to the strength of the Atlantic Alliance. Last June, he convened the first meeting of NATO to be held in Paris in 17 years—an important symbol of this commitment. This was one of many elements of a process to reestablish France's ties to NATO; a process which has accelerated since President Mitterrand was elected in May 1981. Indeed, I understand that working relationships between U.S. Military Forces and those of France are today as healthy and productive as at any time since World War II.

It has not gone unnoticed, Mr. President, that at the time of greatest challenge to the NATO alliance—the implementation of the decision to deploy Pershing II and cruise missiles in Europe—France stood solidly with the United States. The reaffirmation of that policy this afternoon by President Mitterrand is to be welcomed and commended.

France has shown a distaste for the bullying tactics of the Soviet Union. She has not shrunk from exercising her legitimate rights as a sovereign nation—she did not hesitate to expel 47 Soviets from France as spies last year. She has condemned Soviet actions in Afghanistan and Poland. She is making vigorous efforts to modernize her armed forces and this constitutes an independent and important factor which complicates Soviet military planning.

It has not gone unnoticed, Mr. President, that it was France that stood with us as our key partner in the multinational force arrangements in Lebanon. France, too, had to bear the immense national pain of losing many of her men as a result of terrorist attacks in Lebanon.

As the Paris newspaper Le Monde noted recently: "France is today the European country least affected by neutralism and pacifism."

I congratulate the French President for his realistic attitude toward the world as it exists, and for taking the necessary steps to make the Atlantic Alliance more secure.

On the economic front, President Mitterrand is acting as a responsible and active leader as the current President of the European Economic Community, to achieve equitable reconciliation of disparate European economic interests.

Mr. President, there are, of course, areas of disagreement on various policy matters—and this is the case in some areas of economic policy. When such disagreements occur, they are manageable when approached in an understanding and conciliatory manner by both parties. State visits and interchange between the leaders of our two nations are a vital part of this important process. It is in this spirit that I, together with my colleagues, welcome this visit by President Mitterrand and I wish our guest a successful and enjoyable sojourn across America.

Mr. President, I ask unanimous consent to insert into the RECORD at this point the address by the President of the French Republic.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

ADDRESS BY FRANCOIS MITTERRAND, PRESIDENT OF THE FRENCH REPUBLIC, TO CONGRESS, MARCH 22, 1984

Mr. Speaker, thank you for your words of welcome. I know that beyond my person they are addressed to France, and therefore I am even more touched by them. On the first day of my official visit to your country, at a time when we have so many things to accomplish together in a world filled with "sound and fury," I wanted to come to the Capitol to pay tribute to the great American democracy, to its founding fathers and those who have followed in their footsteps, to the ideals and the ties that so closely bind the United States and France.

I myself served in my country's parliament for more than 35 years, and thus I appreciate the honor shown me in being invited to address you, the representatives of the American people, members of this Congress whose prestige extends far beyond the borders of your country. Congress, a strong and confident symbol of the legislative power, is an essential element in a constitution that has already succeeded in traversing two centuries, becoming richer over the yeas; yet it has lost nothing of its original spirit and remains true to its original letter.

From the time of the first voyagers and those who first introduced new ideas, down to our own time, intellectual and material has never died away. Despite fleeting differences or disagreements, our spiritual ties have never weakened. And the best among

us, ever quick to seize the rapid march of time as it arrests or changes us, have always been able to read true meaning into the history, already so long, than has brought us together.

Few peoples can boast of such a firm and deep-rooted friendship as those of America and France. Franklin, Lafayette, Rochambeau, General Pershing, General Eisenhower—these hallowed names stud our history and the struggles we have shared. But how many others, quite unknown, have signed with their blood the pact that binds us? I commemorated our friendship two and a half years ago at Yorktown. It will once again be honored on June 6, when I welcome the President of the United States to the coasts of Normandy for ceremonies commemorating the Allied landings in 1944. There we will celebrate the liberty, the dignity and the human rights that inspired our decisive choices in the past and continue to do so today. May the shared ideals of this past be the foundation for our common future!

May it show us the path in our search for peace!

May it inspire us with the ambition to bring the world economy out of the recession, finally and together!

At this time two great systems, in the East and in the West, continue to face each other, whereas two-thirds of mankind is striving to break out of the painful cycle of underdevelopment. In this world in which your country plays the major role, no one—be it friend or foe—can act without taking the United States into consideration. This power gives your decisions a far-reaching importance that reflects the dimensions of your responsibility in world affairs.

France's position is clear: as you know, together with your country, and with 14 others, we formed the Atlantic Alliance. Within this defensive alliance, France pursues its own defense policy which is understood and supported by a large majority of French men and women. Among free countries, an alliance presupposes not only sincerity, frankness and on-going consultations but also the acceptance of different viewpoints. In being true to themselves, the United States and France can understand and respect each other. What is most important is that our two countries be able to rely on one another.

Since the alliance operates in a specific domain, each of us determines the nature of his relations with the others. This is especially the case with the Soviet Union and the countries of Eastern Europe. I often think that geography, though it does not explain everything, determines history and that in the end history, as it emerges, must take the same paths. Look at a map of Europe and you will see where Russia and France lie—neighbors on the same continent, separated by a distance that diminishes as this hurried century rushes forward; yet at the same time customs and systems give the illusion of no longer moving. I repeat at every occasion that the primary guarantee of peace is a balance of forces. This is why we are so committed to maintaining a balance in this same Europe. This is why, when we perceive this balance to have been broken, as was recently the case with intermediate-range nuclear weapons, we do everything in our power to restore it. Let us be firm and clear in words as in deeds. But at the same time let us remain open, let us not be afraid to enter into dialogue with the Soviet Union once the bases and purposes of such talks have been defined in a clear and lasting manner.

What should be the first objective of such a dialogue? Peace, of course, and more specifically bringing the arms race under control. When you think of the waste of resources, of the additional threat posed by so many new armaments, nothing is more urgent than to slow this race. Then, and only then, will we be able to speak of disarmament, bearing in mind that two powers—your country is one of them—have extensive nuclear arsenals, while three others—including France—have a deterrent force capable of discouraging all attack. It is clear from this where our respective responsibilities lie.

But the problems of war and peace concern not only the major powers. First of all, of course, there is the Middle East, where dialogue must be renewed. When I went to Israel, I spoke in the Knesset. I told the elected officials and leaders of this country, which is our friend, to seek out the paths of a negotiation that would ensure them, as well as all interested peoples, including the Palestinian people, the right to a homeland, to security within sure and recognized borders and to the realization of their legitimate rights.

Many other conflicts, so called "regional" conflicts, have brought destruction and bloodshed to the Middle East, Africa, Asia and Latin America which are continuing in those regions today. At this point I would like to share with you the analysis of my country which has a special knowledge of some of these regions and which has commitments to them—in Africa and in the Middle East—that we assume with the necessary determination. A case in point for example, is Lebanon—where our soldiers are carrying out their task of peace—and Chad—where France's action has put a stop to ambitious strivings.

But it is my conviction that many of the revolutions and wars in the Third World are rooted first of all in the soil of poverty and in the economic exploitation that exacerbate the traditional confrontations between ethnic groups, religions and parties.

Civil wars are not triggered by external influences alone, even if they may serve foreign interests. Their roots lie deep in the legacy of the past. Thus the peoples of Central America have a long history marked by military oppression, social inequality and the confiscation of economic resources and political power by a few. Today each of them must be allowed to find its own path toward greater justice, greater democracy and greater independence and must be allowed to do so without interference or manipulation. My country has in the past encouraged sincere action aimed at finding a peaceful solution to conflicts and refusing recourse to force between neighboring countries, and it will continue to do so in the future.

But let us understand that before calm can return we must first reduce the level of misery in the world. It serves no purpose to hammer away at building peace while we allow the underlying causes of war to prosper.

This is why developing a shared prosperity is an urgent priority.

The economic situation of the industrial countries has improved, it is true.

However, this convalescence must not be merely a remission, nor must our progress vanish as quickly as it has come.

I am pleased to note the progress of the United States in this battle against recession and inflation. The strength of your recovery, in spite of certain weaknesses—no doubt the object of debate in this forum—bears witness to your vitality and your dynamic and inventive capabilities.

France, for its part, is beginning to see the results of its own economic policy. Our inflation rate has decreased by five points over the past three years, and the rise in prices was reduced to an annual rate of 6 percent during the last quarter of 1983. During that same year we reduced our foreign trade deficit by more than half; we anticipate a similar reduction this year. Our budget deficit does not exceed 3 percent of our GDP and the budget for social programs is now balanced.

These initial successes indicate a significant improvement in our economy.

At the same time France is modernizing its industries. We are developing high technology sectors: already half of our electricity is produced by our nuclear power plants. With its nuclear industry, its telecommunications, its high speed train, its metros and aeronautic industry, France makes its presence felt in all markets. France owes these successes to some of its large public and private concerns but also to the multitude of small- and medium-sized businesses that are being started all the time, that are innovative and take risks.

When I describe these rapid stages of our national recovery I often have the impression that I surprise my audience, as if they were, in general, more disposed—or more accustomed—to hearing the contrary. I am sure that you will appreciate the fact that today, more than ever in the past 25 years, France is confronting the demands of world competition. It prefers the risk—the noble risk—of modernity to the comfort—the false comfort—of standing still.

This mobilization and dynamism have been encouraged by a variety of reforms. To strengthen social cohesion, we have taken measures for greater fairness and justice. To facilitate adaptation, we have mounted a program of education and job training, and to free up initiative we have—and this may appear paradoxical to many—cut red tape and limited state intervention. Traditionally, as you know, France has been a centralized country and in the past all the decisions were made in Paris. But now locally elected officials have considerable powers. Certainly, we know our weaknesses and are aware of the difficulties that we will have to overcome to bring about a harmonious alliance between economic progress and social progress. At least we have chosen the path of effort for, and receptivity to, the future.

In this way France has unambiguously rejected the temptations of protectionism in all its forms. You see, a country such as France which buys abroad, and in dollars, two-thirds of its energy, is forced to keep its borders open. In order to finance these imports we are obliged to export, to meet, each day, the strongest competitors in the most difficult markets.

We welcome fair competition, as do our European partners. The European Community is the world's foremost trading power. It is also the economic entity that is most open to external trade; it is the primary customer of the developing countries and the largest market for the United States.

As you know, there is a traditional topic of discussion between the United States and Europe—trade in agricultural products. Well, Europe buys many more agricultural products from the United States than it sells to your country. Can we be blamed for wanting to find a solution to this situation?

Although in Brussels in the past few days the ten countries of Europe were not able to

solve their differences this should not lead one to believe that there is no future for Europe. Europe is a living entity. It is working. It is trading. It is becoming aware of itself. It will emerge more vigilant from this crisis. In a two-week period it has just decided to build a new 150-seat Airbus; it has chalked up a new success for the Ariane space rocket; it has drawn up a program for scientific and industrial cooperation in the area of information technologies, the "Esprit" program. If it is raising the question of its political identity and beyond that of its own defense and security, this only goes to demonstrate to what degree opinion is becoming accustomed to new concepts that in the past would not have dared to be presented. No one doubts that such a task is arduous. But great ambitions require a great plan.

Let us speak once again of ourselves, of the United States and Europe, associates in the greatest undertakings of contemporary man, and turn our attention to two threats. The first is monetary instability. What is cause for concern is not so much the level of currencies—whether high or low—but the extent of their fluctuations. Imagine Atlantic tides of 300 feet. The American coast could not withstand them any more than the European coast could. Without a minimum of monetary stability, trading with foreign countries is equivalent to gambling at the race track or playing roulette.

The second threat stems from the rapid and dramatic deterioriation of the economic situation in the southern hemisphere. So many nations have no other resource than to borrow more and more and yet do so not to acquit themselves of debt but merely to service it.

When financial crisis comes on top of economic crisis, the stability of whole continents is at stake, as are the values of the civilization we share.

At Williamsburg last May the heads of state and government agreed to put a halt to protectionism; to define the conditions for improving the international monetary system and the role that a high-level international monetary conference might play . . . ; to maintain an adequate flow of resources, in particular public aid to development to the poorest countries.

A year later, not without difficulty, we have made progress toward the first goal. For the other two everything still remains to be done.

As is so often the case in history, economic mutations bring about crises that threaten freedom in all its forms—the freedom to live in one's own fashion under the system of one's choice, but also the freedom not to die of starvation.

To extend throughout the world, against all opposition, the powers of freedom—this is an ambition worthy of our hopes.

Mr. Speaker, I first came to your country 38 years ago. It has been present in my mind ever since. As a child I learned my mother's way of "telescoping" the great men of the Bible, the book from which we took our daily inspiration, with the heroes of your independence, which she saw as harbingers of the eternal message, the simple but sublime principles that give meaning to the life of each individual and justification to all societies: Freedom, law, respect for others and for oneself, a time to dream and a time to act, love of life and acceptance of death. It seems to me today that all that could be summed up in one word: civilization.

Civilization is an idea so rich, so strong, so fragile, so threatened, so often broken and so often betrayed. It is a concept that originated deep in my past and deep in yours, welling up to become a great river here where everything takes on large dimensions. It fills my being as I stand here in this hallowed place to bring you greetings from France.

I feel greatly honored to have had the opportunity to tell you this.

I thank you.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

MARYLAND DAY 1984

Mr. MATHIAS. Mr. President, March 25 is the 350th anniversary of the founding of the Free State of Maryland. The commemoration of an historic anniversary tends to turn our minds to the past, to the people and the deeds being remembered and celebrated.

So it is that we remember George Calvert, a functionary of the Stuart Court who was rewarded for his loyalty with an Irish peerage and might have thereafter been forgotten except for his vision. He saw the value of establishing some spot on Earth, maybe in Newfoundland, maybe in Virginia, where men and women could live together in peace and harmony despite different habits in religious practices.

So it is that we remember Henrietta Maria, who otherwise might only be recalled as the unhappiest woman to sit upon the throne of England. Born a princess of France, daughter of Henry IV, the Catholic convert who thought Paris worth a mass; widow of Charles I, an English king who lost his head in a civil war embittered by religious differences; mother of a Protestant king, Charles II, who may have died a secret Catholic, and of a Catholic king, James II, evicted from his Protestant realm, she epitomized in her life the problems George Calvert sought to escape. Her name was Anglicized to Mary and none more appropriate could have been given to the colony of Maryland.

So it is that we remember Margaret Brent, who was the first to raise her voice in America for women's rights, including the vote. The law was anomalous; Queen Elizabeth could rule the kingdom, but an ordinary woman could not govern her own plot of ground. Margaret Brent sounded the battle cry that has echoed through the years.

So it is that we remember Daniel Carroll who carried forward the Maryland tradition of religious toleration to the point of total separation of church and state. His persuasive arguments against the establishment of religion in the first Congress helped move America toward complete freedom of worship.

So it is that we remember Frederick A. Douglass, born in slavery on an historic plantation on the Eastern Shore, but imbued with the basic ingredients of humanity to such a degree that in a long career he carried the commission of the President of the United States and stood proudly in the presence of Queen Victoria.

So it is that we remember so many who lived throughout the 350 years of Maryland history and by design or happenstance have helped to shape our lives. It is meet and right so to do, for by doing so we bring ourselves to the realization that our actions may have consequences, ofter unanticipated, for the generations that follow us.

When we look back 350 years to the founding of Maryland, we paradoxically find ourselves also looking forward 350 years to the future of Maryland. What will it be like and how will we be remembered?

We are fortunate that the past has given us a benchmark to measure our own lives. It cannot, however, be used as a crutch to ease our passage.

Knowing our own history, we cannot ever be ignorant of the value of vision in projecting human destiny beyond the perceived horizons. We can never be ignorant of the misery engendered by blind sectarian strife, by sex discrimination and by racial prejudice. We are born to knowledge of these things.

Being so armed by experience, we are challenged to fight our battles and skirmishes in the unending struggle of men and women to attain humanity. Sloth and cowardice may go undetected, but the tide of battle will not advance and the lack of progress will blot the page of history. No one has expressed it better than Abraham Lincoln:

> Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the last generation.

So it is that our preoccupation on this 350th anniversary of the founding of Maryland must be with today. Only by discharging our duty today can we acknowledge our debt to the past and fulfill our obligation to the future.

Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The Senate continued with the consideration of the bill.

Mr. PRYOR. Mr. President, we have a very, very distinguished Member of this Senate who has been here for a long number of years. He is probably one of the authorities on procedure, on finance, and comes from one of the great political families of the South. I am speaking of the Honorable RUSSELL LONG.

Most of us in this body also have been privileged to know Mrs. Russell Long, Carolyn Long.

Mr. President, at this time as we are talking about the rice farmers of America, the need to give them at least the same break, and the same opportunity to exist in our agricultural community, I thought that I would be derelict if I did not inform my colleagues about one of the very famous menus in the State of Louisiana.

Mr. President, Carolyn Long's very famous recipe on red beans and rice is: 1 pound dried red beans; one ham bone or left-over ham or bacon drippings; 6 cups of water; 2 pounds of smoked link sausage, cut in 1-inch pieces; 1 teaspoon of salt; one-half teaspoon of hot pepper sauce; 1 teaspoon of Worcestershire sauce; and, Mr. President, I think this is a key ingredient—one large bay leaf, crushed; 2 tablespoons of parsley, chopped; one medium onion, chopped; one clove garlic, chopped; and, the most important part of Carolyn Long's very famous recipe on red beans and rice—three cups of cooked rice.

Mrs. Long tells you in the Congressional Club Cookbook to soak these beans overnight; drain; in a large dutch oven or kettle add all ingredients, except rice, and bring to a boil, stirring frequently to prevent sticking; reduce heat to low and cook slowly for several hours, stirring occasionally. If necessary, add heated water, if beans are not tender or become too dry.

She says as a postscript in this recipe, "If you prefer a thick gravy, mash a few beans and cook longer, and, "very importantly, "serve over rice." This makes eight servings, Mr. President.

Mr. President, from time to time, as Members bring to me the other very famous recipes from our country and our wonderful cooks, friends here in the Senate, I may read some of these into the RECORD so that our colleagues would be aware of these very, very delectable rice dishes.

Mr. BUMPERS. Will the Senator yield?

Mr. PRYOR. I will be glad to yield to my colleague from Arkansas.

Mr. BUMPERS. Mr. President, most people do not realize, first of all, what a nutritious food rice is. There is some medical evidence that people who eat a regular diet of rice very seldom, if ever, have colon cancer.

Here we are in Arkansas producing about 35 to 40 percent of all the rice produced in the United States and we are exporting 60 percent of it.

I am convinced that we in Arkansas are partly to blame for the fact that there just is not enough rice being consumed in this country. One of the reasons is because we have not championed and broadcast the medicinal value of rice, and another, of course, is the fact that we have not gotten on the Senate floor and read enough recipes on how to cook rice.

As a child, I did not even like it. My mother used to fix rice in a way that we could mix cream and sugar with it and we used it for dessert. I never realized you could eat rice without cream and sugar until I had been gone from home and was a college student. I tried it without it and I did not like it. But I had always, as a good, loyal Arkansan, ordered rice in restaurants almost evey time I ate out.

The other thing is I found one time on a trip to Iran that rice can be one of the most tasteful foods ever produced. When I got back from Iran, I told Riceland Foods, which is a rice cooperative in my State that does close to a billion dollars worth of business a year, that we ought to spend more money on national television advertising various recipes. I am convinced that there are a lot of men and women in this country who simply do not know how to prepare rice. We ought not to have to be exporting 60 percent of our rice crop.

I went with a delegation to Iran a few years back. The Iranians will spend as long as 2 days preparing one rice meal. I do not know what all they go through, but I know the final stage is they take a cast-iron pot and they cover the bottom with butter. They pour the rice in. I know it has pimentos, it has peppers, and maybe some other things in it. They pour this all over a butter-covered cast-iron pot. They let it cook for some length of time. This makes a hard crust. When it is done and it is ready to be served, they take it and pour it out on a plate like an up-side-down cake so that the crust is on top.

I have never seen rice produced that way in this country, but I am telling you that was just about the tastiest food I have ever eaten in my life.

Just think what a great contribution Arkansas makes to the world. Here, out of about 3.5 to 4 million acres of rice in the country, over 1.5 million acres of it are produced in Arkansas. We export 60 percent of this country's rice crop. Of all the rice that travels in international commerce, over one-half of it is from the United States. Most people just produce enough for their own needs. We sell rice to the Koreans; we sell rice to the Japanese. Before the Shah of Iran fell, Iran was one of our very best customers.

I had an interesting conversation with the Shah. One day I was sitting in a hotel in Tehran and I got a call that the Shah was going to visit with me. My driver almost wrecked us getting to the palace, he was so excited. I walked in and I thought this was the most palatial room I had ever seen in my life. I had never seen such tapestry and such artwork, such opulence.

I told our then Ambassador, Dick Helms, "This is some layout."

He said, "Senator, this is just the reception room." I said, "Well, I can hardly wait to see where I am going to meet with the Shah."

Well, the little old room we met with the Shah in was about the length of this Senate Chamber. We had a nice long visit, and I told him I was there on a trade mission with some people from my home State to try to sell them more rice and more poultry.

He said, "We like your Arkansas rice but not as well as Iranian rice." I said, "Well, I cannot imagine that. We do not grow anything but long grain rice in Arkansas and I have always heard that long grain rice was by far the tastiest and best."

He said, "You think your rice is long grain. You go into a grocery store in Tehran and look at Iranian rice and you will see long grain rice." He said, "We can put your rice on the grocery shelf right next to ours"—well, I understand we have a deal on an amendment, so I will stop here. [Laughter.]

I yield the floor, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, never have I regretted more having to interrupt the dulcet tones of the Senator from Arkansas. I will say to the Senator in his extolling of rice, did he know that tobacco is a prime source of protein? Progress is being made to develop tobacco as an important food source, and can assure him that we will hear more about that at a later time.

Mr. DOLE. Mr. President, I do not want to get into a quarrel with the rice producers, but we would like to pass a farm bill. We can all talk about the downtrodden farmer and how tough it is. Much of the reason is that the Federal Government has been trying to run his life for the last 30 years. Every time we pass a farm program, he gets a little deeper in the hole.

Mr. President, I wish to have printed in the RECORD figures furnished to me by the Congressional Budget Office on the cost of the rice program. The average direct payment per producer in 1982 in major rice producing States varies from $9,500 in Arkansas to $11,000 in Mississippi, $15,000 plus in California. About 20 percent of this income came directly from deficiency payments.

The average wheat producers received a payment of about $1,500 per

year and the average U.S. farm about $3,200. So I do not want to shed too many tears for the rice producers without at least letting the RECORD reflect that the average rice producer's direct payment in 1982 was $11,240. About 28 percent of these were big rice farmers with more than 1,000 acres and 57 percent in direct payments went to the big farmers with 500 acres or more.

I think everybody wants to represent his constituents, Mr. President. We have just about represented them out to the poorhouse. We have this big, big deficit out there hanging around, and we are all up here saying we have to do more for the farmer. We have done so much for the farmer now he is about to go broke. We have this big deficit, rising interest rates, cattle loans are 14 percent in my State and going up. I think most farmers want to make a contribution to deficit reduction. I do not have many farmers on my doorstep saying spend more money we do not have.

Obviously, Mr. President, we want a farm program, but let us not get into an argument about who can spend more money. If we do, the Federal rice recipe is better than almost any rice recipe I can think of.

Mr. President, I ask unanimous consent to print those figures in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICE FACTS

[By fiscal years]

	1983	1984 est.
Per capita (mills)	229.9	235.2
Domestic outlays (millions)	$992	$1,090
Public Law 480 (millions)	$130	$131
Total rice outlays (millions)	$1,122	$1,221
Per person	$4.88	$5.19
USDA rice inventory [1] (million hundredweight)	24.5	25.0

[1] 9.5 lb per person annually: 263.2 million people could be fed annually out of rice stocks.

AVERAGE DIRECT PAYMENT PER PRODUCER IN 1982 FOR MAJOR RICE PRODUCING STATES

	Amount
Arkansas	$9,527
Louisiana	6,450
Mississippi	11,100
Missouri	1,624
Texas	6,530
California	15,690
Comparison:	
Kansas (average payment per wheat producer)	1,577
United States (average payment per farmer)	3,297

Note.—In 1982 20 percent of rice producers gross income came from rice deficiency payments.
24,027 producers receiving direct payments in 1982.
Average rice producer direct payment=$11,240 in 1982.
27.91 percent of direct rice payments went to rice producers with more than 1,000 acreas in 1982.
57.38 percent of direct rice payments went to rice producers with more than 500 acres in 1982.

Mr. HELMS. Mr. President, I agree with the Senator from Kansas. What I want to do is pass this bill to save the taxpayers $2.5 billion at a minimum. If we do not pass this bill, the taxpayers get soaked for $2.5 billion more.

This bill is not perfect by any manner or means. If I were the only one deciding and could write any legislation I want, it would not be this bill. But it will save $2.5 to $3.5 billion.

I hope the Senator will call up his amendment so we can consider it and then move to third reading.

AMENDMENT NO. 2831

(Purpose: To modify the acreage limitation and paid diversion program for rice)

PRYOR. Mr. President, I do have an amendment I send to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself and Mr. BUMPERS, proposes an amendment numbered 2831.

On page 16, strike out line 24 and everything that follows down through the period on line 3 of page 17 and insert in lieu thereof the following: "per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.".

On page 18, strike out lines 12 and 13 and insert in lieu thereof the following: "at the end thereof ', and at not less than $2.70 per hundredweight for the 1985 crop of rice: *Provided*, That if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed forty-two million five hundred thousand hundredweight, such rate for the 1985 crop of rice shall be established by the Secretary at not less than $3.50 per hundredweight,'; and".

Mr. PRYOR. Mr. President, payment rate for this amendment would increase the paid diversion for the 1985 rice crop from $2.70 to $3.50 if the carryover for 1985 exceeds 42.5 million hundredweight and provide that acreage reduction in excess of 20 percent is in the form of paid diversion.

Mr. President, I hope my colleagues will join us in adopting it. This amendment will provide a better rice program than that now contained in this bill.

Mr. President, I have serious problems with this entire matter, but with this amendment, it would be a better piece of legislation.

Mr. President, I just want to say that after an hour or two of very serious and intricate negotiations, I think we have now worked out perhaps the best proposal that we can that might be accepted by the distinguished chairman of the Committee on Agriculture. I must say, as all of us look at this farm bill, there is not quite enough to satisfy all of us. However, under the circumstances, I think for the rice industry and the rice farmers of our country, this is the best proposition that could be expected at this particular time. So, Mr. President, I am very hopeful that the distinguished chairman of the Committee on Agriculture and other Members of this body will seek to keep at least this proposal in the law, and that it will be ultimately signed by the President.

I thank the very distinguished Senator from Kansas, the very distinguished chairman of the Committee on Agriculture (Mr. HELMS), and all others who participated.

Mr. President, on a personal note, I have not only in my hands but also I have in my office some of the most fantastic cookbooks that deal with nothing but rice and rice dishes. Everything from rice ice cream to rice pudding—just every kind of wonderful dish you can imagine that we Americans should cook with rice so we can eat more rice.

I am very appreciative of those who have worked with us on this amendment and very appreciative of my distinguished colleague from Arkansas (Mr. BUMPERS) who has been so instrumental in forging this compromise.

I yield back the remainder of my time.

Mr. HELMS. Mr. President, it would be an understatement to say that this amendment has been considered. We spent about 2 hours considering it. I say again that my goal is to get a bill which will save the taxpayers $2.5 billion, plus the fact that the best farm program we could enact would be to reduce Federal spending to bring down interest rates farmers and others in business must pay.

I agree with the Senator from Kansas. On that basis, we are willing to accept the amendment.

Mr. PRYOR. Mr. President, I do have one unanimous-consent request. That is that the distinguished Senator from Texas (Mr. BENTSEN) be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, we on this side of the aisle concur in and support passage of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2831) was agreed to.

Mr. PRYOR. I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ZORINSKY. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. BAUCUS. Mr. President, 2 days ago we observed "Agriculture Day." The Senate has the opportunity today to do more than talk about the importance of agriculture. We need to back up our words with action.

I am concerned only with the wheat program. Others here have a primary interest in other commodities—corn, cotton, and rice. I do not know what the best cotton program is or the best rice program. But the wheat program before us is the best we could do. I joined Senator MELCHER in offering an amendment to the wheat program that would improve the program. But my highest priority is that the Senate take action on the wheat program now.

We have already gone beyond the signup deadline for wheat. Plans are being made on speculation of what Congress may do rather than on a firm program being in place.

Wheatgrowers are being asked to make a sacrifice. The proposal before us will lower the 1984 target price from $4.45 to $4.38. In 1985, the wheat target price is scheduled to be $4.65. That is a 27-cent decrease in the 1985 level.

Mr. President, there are a number of benefits in this farm package that I strongly support.

This is a 2-year proposal. Farmers cannot continue to operate when Congress or the Department steps in late in the crop year to make changes in the program.

There is a 10-percent paid diversion for wheat for the next 2 years. I have advocated a paid diversion program many times on the Senate floor as the most effective way to reduce production, and at the same time put operating cash in the farmers hands.

There is an export package that goes a long way in helping U.S. agriculture compete with the European Community and other countries that directly subsidize their exports.

Finally, Mr. President, there are much needed changes in our agricultural credit system of the Farmers Home Administration.

For these reasons, I am willing to support the package before us. Many Senators have said this is not a perfect farm bill. Perfect it is not. But this package represents the best action we can take to help improve the sagging farm economy.

Mr. GRASSLEY. Mr. President, I am pleased that the Senate is finally moving on with legislation that includes additional assistance for farmers caught in last summer's devastating drought. I thank the distinguished majority leader for assisting us in bringing this agriculture package to the floor, and I am grateful for the bipartisan cooperation from my colleagues and from administration officials.

Unlike last year when I objected to considering H.R. 4072, this bill now includes provisions beneficial to other farmers in addition to those from wheat States. Of interest to Iowa are a number of provisions that improve export assistance significantly as well as provide an attractive farm program for 1985.

Of immediate concern, however, are the provisions included that offer additional drought assistance to our farmers. These provisions represent a virtual lifeline for many farmers and therefore are most urgently needed. Time is running out for many farmers who are unable to get sufficient funding for planting their crops. Unfortunately, it is coming too late for many farmers, but it did not have to be that way.

Had drought assistance been considered with the dairy or wheat bills last year, many drought victims could have been spared this dilemma. Many more could have been saved. Moreover, had the Drought Assistance Equity Act been passed last year, the present bottleneck in processing drought assistance applications, which is particularly acute in Iowa, could have been avoided for the most part because this bill contains a provision requiring land values to be set at 1982 levels, instead of utilizing the present system which determine farm assets upon first, market data or prices of comparable properties, second, capitalization, and third, summation of all resources and facilities. The latter is a difficult, time-consuming process, which will be streamlined by our farm asset provision.

My point here is that for every day which passes that Congress does not approve this drought assistance, more farmers will be lost. My colleagues in both the Senate and the House should keep this well in mind. If they are concerned about our Nation's farmers, they will move quickly ahead with this legislation.

Three weeks ago, Senator JEPSEN and I introduced S. 2379, two parts of which have been incorporated into H.R. 4072. First, there is a section which requires that if the Farmers Home Administration uses farm assets as collateral for drought assistance loans, that the value of these assets be set at the higher of their value at the time the Governor of a State requests assistance, or their value 1 year prior to that date.

As many of my farm State colleagues are painfully aware, farm asset values have been plummeting during the last several months. As more farmers are forced to sell all or part of their land and equipment, prices have been forced further and further downward. It has been estimated that Iowa land values have fallen anywhere from 10 to 60 percent.

In response to these falling asset values, lenders have used recent farm sales as a gage for determining the value of assets held by farmers applying for loans. To hedge for possible further deterioration in farm asset values, lenders have subtracted an additional 10 to 30 percent from the current deflated market prices. The net result is that farmers have lost the ability to obtain adequate loans for lack of collateral.

Let me offer an example. Recently I received a letter from a farmer from southeast Iowa who explained what happened to him as a result of the devaluation of his assets. He applied for an FmHA disaster loan and for several weeks was told that his application looked positive, but that it would be necessary to obtain a land appraisal. When the appraisal was finally made, the farmer was told the value of his assets had deteriorated by 50 to 75 percent below the earlier appraisals. This farmer's land was devalued by $900 to $1,200 per acre.

This same farmer was eligible for over $70,000 in drought assistance, based upon his estimated commodity losses. Unfortunately, because his farm assets had been so drastically devalued, he was unable to obtain this loan. Our farm asset valuation provision contained in H.R. 4072, will correct this problem for this farmer and others caught in the same dilemma.

Hopefully, this provision will serve another useful purpose. As I indicated, the problem of devaluation of farm assets is affecting all farmers who seek loans from any financial institution. Because private lenders, PCA's and Federal land banks are trying to protect their own financial houses, they are using these depressed asset values as a gage for lending, as well as implementing a number of other policies aimed a protecting the financials viability of the lending institution. This is forcing more farmers out, thus more farm sales, and the obvious continued plummeting of asset values. There is almost a panic psychology setting in many parts of the country.

By requiring FmHA to hold the line on asset values, it is hoped that other lenders will relax somewhat and offer more flexibility toward their borrow-

ers. It is clear, however that the FmHA can not save all of our farmers and stop falling farm values by itself. It is going to take a concerted effort on the part of all of us, including agricultural lenders. They need to recognize that short-term policies may carry serious long-term implications, and that they must therefore work to help their borrowers through these tough times.

The purpose of the second portion of our drought assistance package is obvious. We are offering what amounts to a 60-day extension for farmers to apply for drought assistance. Many farmers, after seeing their neighbors turned away, did not bother to apply for assistance, not because they did not need the help, but because they were convinced that they would have no better luck than their neighbors. The situation is depressing enough for our drought victims without compounding their misery with a face-to-face rejection by the local FmHA loan officer. This sign up extension will give these farmers another opportunity to apply once this legislation is approved and new assistance is available.

There is a third provision that Senator JEPSEN and I offered with the drought assistance Equity Act that is not included in H.R. 4072, that we still believe has considerable merit. This section deals with the value of the commodity in determining the extent of the losses suffered as a result of the drought. In essence, this provision would require the use of the higher of the average value of the commodity during the 3 months following the designation of the drought or the average value of the commodity during the 12 months prior to that designation. We feel that this provision would set a commodity value that better reflects 1983 prices, and thus, better serves as a basis for determining actual drought losses.

Historically, USDA has used the 3-year average for the commodity. With the passage of the Omnibus Reconciliation Act of 1981, this was changed to the 12-month average of the year prior to the drought. As we have seen during this past year, this new procedure has worked against the farmer. Under the present system, corn, for instance, has been set at $2.29 per bushel, based upon the 1982 average. This is far below what the value would have been under the traditional procedure. It is my understanding, the 3-year average from 1980–82 ran about $2.55 per bushel. Both figures, however, are far below the true figure for 1983.

Now, if this drought assistance program is supposed to compensate for actual losses, then we need to utilize a commodity value that truly reflects the price for the commodity at the time of the drought.

By requiring USDA to use the higher of last year's value or the average value for the 3 months following the drought designation, we assure a more realistic, fair value on losses actually suffered by our farmers.

The principal reservations raised against this provision centered upon concerns with the possible administrative chaos that might occur. Already, FmHA offices are struggling to process pending applications. The fear is that our section would require 1,550 county offices to reopen each and every application which would cause the system to collapse.

Although I understand this concern, it would be my suggestion, that if we were able to obtain this adjustment in commodity valuation, that the FmHA first open those applications that have already been rejected. In Iowa, that would be about 300 cases so far. At the same time, FmHA would continue to process those applications of farmers who have not yet obtained assistance, but they would use the new procedures. Once these two groups are processed, FmHA would then reopen the other applications already approved to determine whether this new provision will enhance their loan level.

Although we would still like to have this commodity valuation provision, there are a number of additional provisions that offer drought relief in this package now on the floor. The $310 million in direct economic emergency loans will be particularly helpful by directing it to those counties hardest hit by the drought. This assistance will be helpful to hard pressed farmers who were unable to obtain adequate relief from the regular drought assistance program.

It is also my hope that USDA releases the remaining $290 million of economic emergency money as direct loans, as opposed to guaranteed loans. The latter carries a higher interest rate and has not been effectively utilized thus far.

Another provision that will instill some fairness in our drought assistance efforts is that which allows farmers residing in counties contiguous to those designated as disaster areas to be eligible for drought assistance loans if they can show the required level of losses from the drought. This will help farmers bordering on disaster counties or those farmers who were hit by a pocket of dry weather. This provision will give these farmers the opportunity to make their case.

Another problem facing many of our farmers is the short repayment period of 7 years for operating loans as presently prescribed by law. The new section of H.R. 4072 that authorizes the rescheduling or consolidating these loans for repayment over 15 years will make these loans much more manageable for a good number of farmers.

There are a number of other good provisions that will help drought victims, including an increase in the size of operating loans and a change allowing more favorable interest rates. In all, there are some very much needed provisions to help our farmers caught in last year's drought. I would like more, we need more. I will work for more through the administration within USDA. But right now, we need to get this legislation passed and enacted into law. We can wait no longer. I urge my colleagues to support H.R. 4072, as amended, and urge the House to move as expeditiously as possible in its consideration of this bill.

Mr. THURMOND. Mr. President, I rise today in support of H.R. 4072, the Agriculture Commodities Program Adjustment Act. H.R. 4072 is a carefully constructed compromise between the administration, the members of the Senate Agriculture Committee, and representatives of the farming community.

Due to the recovering economy and the recent slowing of the inflation rate, some of our major farm programs have become outdated. As a result, Government purchase and storage cost of surplus crops in 1983 demanded a massive increase in Federal outlays for farm programs.

Mr. President, this legislation makes a number of fine tuning changes to correct some of the problems in this area. With respect to the wheat program, this bill calls for a slight reduction in target prices to $4.38 per bushel in 1984 and 1985, instead of the $4.45 and $4.65 levels called for in those 2 years under current law. H.R. 4072 also freezes target prices in 1985 at the 1984 level for feed grains, cotton, and rice. These changes are important and will help lay the foundation for a strong working relationship between the Federal Government and the agricultural sector.

Mr. President, it is also important to note that this legislation makes a number of changes that affect Government farm credit programs, which are of critical importance to many small and financially strapped agricultural producers. This legislation will require the U.S. Department of Agriculture to provide at least $310 million in fiscal year 1984 for insured loans under the economic emergency loan program. This increase from the original $57 million allocation will allow the Farmers Home Administration to continue to make direct loans to farmers under this program in 1984, even though the initial allocation of funds ran out in January.

The bill also raises the existing limits on direct Farmers Home Administration operating loans. Under this bill, insured operating loan limits will be raised from current levels of $100,000 to $200,000, and guaranteed

loan limits will be increased from their present level of $200,000 to $400,000. This is an important and necessary step, inasmuch as these limits have remained unchanged for many years. Due to the effects of inflation over the past 20 years and the increasing size of farm operations, these loan limits are far outdated and have created a major credit gap for farmers.

Mr. President, this bill also gives the FmHA greater flexibility in determining interest rates after reamortization of loans. After rescheduling a loan, the Agency will be able to charge the farmer either the rate of interest for the orginal loan, or the current rate of interest, whichever is lower.

In addition, H.R. 4072 extends the maximum repayment period for FmHA insured farm operating loans that have been consolidated. Whereas these consolidated loans must now be repaid in a maximum of 7 years, the bill will allow stretching out repayment to as much as 15 years from the date of rescheduling.

Mr. President, these are the highlights of the farm credit provisions in this bill, which is desperately needed to help farm borrowers in this country. All of us in this Chamber represent farmers, and I am sure all Senators realize the financial hardships confronting the agricultural community. Harsh weather conditions, low market prices, and high interest rates have forced many farmers into bankruptcy.

This situation cannot be allowed to continue if we are to have a strong and viable farming sector. In my State of South Carolina, agriculture is a $1.5 billion industry, with some 33,000 farms employing 54,000 family members and hired workers. The vast majority of these are "family farmers" trying to exist in their chosen business and rural lifestyle. Certainly they make an invaluable contribution to our economy and free society. Immediate action must be taken to preserve this type of family farming system.

Mr. President, for these reasons, it is essential that the legislation pending today be passed by Congress and signed into law. I congratulate Chairman JESSE HELMS, Ranking Member BOB DOLE, and all other Senators who took part in shaping this bill, and I hope that it can be adopted by the Senate without further delay.

Mr. DOLE. Mr. President, I have just commented on the pending amendment on the wheat target price by the Senator from Montana. At this time, I would also include for the record my statement in support of passage of this bill.

Mr. President, I will be brief for two reasons. First, we are already in the "twilight zone" for the 1984 wheat program—the signup period expired last Friday, and harvest starts in the Southern States in just 2 months. We need to stop the posturing and get on with it.

The second reason is that there is no need for extended debate on this measure. We have all had ample opportunity since the opening days of the 98th Congress in January 1983 to discuss needed changes in 1984 and 1985 farm programs. The overwhelming consensus over 14 months has been that corrections need to be made. The only questions have been "when" and, after several failures, "how." I would submit that the answers to both questions will be provided today, and that they will be "now" and "in spite of ourselves."

CURRENT VERSUS LONG-TERM FARM POLICY

Mr. President, U.S. agriculture is in the throws of trying to decide its future direction. Policy reviews and think tank studies are sprouting up everywhere, all striving to develop a more successful long-term farm program. I certainly wish all of these efforts well, and I am sure they will enrich the process through which we will hopefully set the future course of agricultural policy in the 1985 farm bill.

At the same time, we all recognize the difficulties which the passage of any new farm legislation will face next year. Commodity program costs have soared over the last 3 years as exports have stagnated, surpluses have grown, and farm prices have fallen. Even the PIK program—the most massive land retirement effort in 50 years—only postponed the inevitable confrontation with our fundamental supply and demand imbalance.

THE NEED TO REALLOCATE RESOURCES

In a sense, Mr. President, the legislation now before us is a natural sequel to the short-term benefits of PIK. It takes into account the high cost and controversy of PIK by working under the traditional constraints of the regular farm program passed in 1981. At the same time, it tries to reallocate the financial resources available to agriculture by reducing production incentives and guaranteed income supports and enhancing acreage cutbacks and export credits and donation programs.

This shift in the balance of farm programs is long overdue, and will only begin the process of self-correction demanded by the present and future farm economy. What we truly need is a policy under which U.S. farmers are not forced to bear the full brunt of global economic change, but which does not reward those who make uneconomical production and marketing decisions. We may still be a long way from finding this "golden mean," but the time for charting a new direction and changing farm program structure comes next year. Farmers and agribusiness organizations should take a long, hard look at where American agriculture is headed, and where it wants to be, and be prepared to make a contribution.

NEED TO SHOW FLEXIBILITY

In the meantime, Mr. President, those of us from farm States need to show flexibility in making adjustments in our programs for 1984 and 1985 crops. The indicated changes in this year's wheat program, and the freeze in target prices at 1984 levels for 1985, will neither bankrupt nor provide a windfall to anyone. Nor will they gouge farm programs for the benefit of some other special interest.

LIMITED BUDGET SAVINGS

As a matter of fact, the budget savings from this legislation are, at best, only significant over the long term. Before the addition of the various drought and credit provisions, the package was expected to reduce outlays by about $3.2 billion over fiscal year 1984 through fiscal year 1987, Of this total, fully $2.8 billion are in fiscal year 1987 and reflect assumed increases in target price levels for 1986 crops. Following further changes during markup; and despite USDA savings estimates, this legislation represents more a reallocation of resources among agricultural programs than a major savings to the taxpayer.

POSITIVE PROVISIONS

This is not to say that the legislation does not include several good provisions. The clarification of details for the 1985 programs—particularly for wheat—will be a great relief to farmers who have been plagued by late announcements and last minute changes. The addition of over $2 billion in export financing for farm products for this year and next is also a major achievement. Finally, the increase of $250 million in the Farmers Home Administration's economic emergency insured loan program will be of great value to farmers still suffering the effects of last summer's severe drought.

ACCOMMODATING OTHER CONCERNS

In addition, Mr. President, it may still be possible to accommodate the concerns expressed by some Senators that this bill be improved with respect to commodities produced in their States. I know that Senator COCHRAN and Senator HEFLIN have indicated that the cotton farmers in their area would find the target price freeze more acceptable if some minor adjustments were made. Senator PRYOR and Senator BUMPERS may have a similar concern about rice. I believe sufficient flexibility exists to respond to these and possible other concerns by other Members if appropriate amendments are offered.

At the same time, it will be difficult to pass this legislation through the House if we load it up with amendments that are not directly related to the purposes of the bill. Members of the House Agriculture Committee and

others in that body have already expressed concern that they were not able to participate in the various meetings during which farm State Senators worked out the present compromise with administration officials 2 weeks ago. To add everyone's favorite amendment today would only serve to accentuate this sense of being dictated to. I hope my colleagues will take these concerns into account in making their decisions on amendments offered to this bill.

CONCLUSION

Mr. President, last year the administration implemented the successful PIK program, and tried unsuccessfully to convince Congress to freeze target prices at 1983 levels. Next year, we will try to pass a farm bill—an effort that will undoubtedly reflect both the success of the costly PIK program, and the cost of the failed freeze effort. Today, we must decide whether we can provide a transition from last year that will increase the likelihood that responsible farm legislation can be drafted in 1985. I hope my colleagues will recognize the importance of providing such a transition, and will give their support to passage of this legislation.

Thank you, Mr. President.

Mr. SASSER. Mr. President, I am supporting H.R. 4072 today in large part because of my great interest in title VI of the bill, dealing with agricultural credit. I have been appalled that time and time again under this administration, the Farmer's Home Administration has adopted farm credit policy positions which have aggrevated the current farm credit crisis. Whether it be taking steps to block the release of funds under the economic emergency loan program, or utilizing liquidation procedures that jeopardize a farmer's due process rights, the pattern has been the same. Commercial procedures and budgetary blueprints have taken precedence over the fundamental, primary objective of Farmer's Home; helping financially strapped farmers.

The legislation we are considering today takes steps to rectify many of these misguided policy decisions. A good case in point is the economic emergency program. As my colleagues know, the administration refused to release any money under this program for many months, despite deteriorating farm credit situations and the worst drought experienced in many regions in the past 50 years. A court order was necessary to implement this worthy program. Even in the face of this court order, Farmer's Home kept up the struggle to see that as little money as possible went out under this program, acquiescing in David Stockman's decision to freeze the level of direct loans available under the economic emergency program.

H.R. 4072 takes specific exception with Mr. Stockman's decision by mandating that $310 million in economic emergency funds be made available in the form of direct loans to eligible applicants. This provision guarantees that the economic emergency program will be carried out as originally intended and signifies that the needs of our Nation's farmers will not be held hostage by the budgetary bureaucrats of O.M.B. This particular provision will provide great relief to the many Tennessee farmers who have contacted my office requesting that action be taken on the economic emergency program before the planting season passes so that they can stay in business.

Title VI also makes necessary changes in the administration of natural disaster emergency loans. Perhaps most significant is the provision calling for consideration of such loan applications from otherwise eligible farm operators who are situated in a county continguous to a county which has been declared a disaster area. Such a provision will mean much needed aid to farmers who may have the misfortune of being caught in dire circumstances such as last summer's drought.

While I am not in total agreement with this entire package Mr. President, I do believe it contains important elements that we must enact to stave off economic ruin for many farmers across the country. I am hopeful that we will see some modifications of the sections dealing with rice and upland cotton to better accommodate the needs of these producers. I will support such efforts and also lend my efforts to passage of the overall package before us today.

Mr. BOREN. Mr. President, American agriculture is in a crisis situation. Net cash income for 1984 is estimated to decline by up to 20 percent from the 1983 level. As it appears now, this will be the fourth consecutive year that farm income has remained devastatingly low.

The depressed state of the agricultural economy is exemplified by the current credit conditions. The interest rate on commercial agricultural credit has remained high and more and more farmers, who have always depended upon commercial credit, are being forced to turn to the Farmers Home Administration.

In November, the Independent Bankers Association released a survey which showed that bankers expect over 17 percent of their existing farm loan borrowers will be unable to secure their debt in 1984. Additionally, the farm credit system has reported that combined production credit association loan losses over the last 4 years exceed the combined losses for the preceding 47 years.

At the same time, more and more Farmers Home Administration borrowers are being forced out of business. In the past 2 years, 15,000 farmers with FmHA farm loans have gone out of business due to financial reasons. FmHA has taken possession of 1,683 farms—bringing the number of farms in FmHA inventory to 1,891. Prior to 1981, FmHA had never held more than 260 farms.

Despite the massive acreage limitation program offered by the administration in 1983, commodity surplus levels remain high. 1983-84 wheat ending stocks are estimated to be about 1.4 billion bushels, about twice the level we should have. While 1983-84 ending stocks for feed grains, rice, and cotton are estimated to be much lower than a year earlier, all signs indicate we are headed for bumper crops this year and high 1984-85 carryout stocks.

While out stocks have remained high domestically, our exports have continued to decline drastically. The value of U.S. agricultural exports fell 11 Percent to $34.8 billion in fiscal 1983. Export volume also declined by 8 percent in fiscal year 1983, to approximately 145 million tons. Fiscal 1984 export volume is expected to decline 3 percent to 140 million tons. The United States is expected to export only 1.4 million bushels of wheat this year, a 7-percent decline from last year. The United States share of world wheat trade in the 1983-84 marketing year is expected to drop to 38 percent, down 3 percent. Corn exports were down 1 million tons in 1983. Cotton exports were down 24 percent in fiscal year 1983.

The high level of stocks coupled with declining exports has resulted in devastatingly low farm prices. For example, the average price received in February of this year for wheat was only $3.34 per bushel, 6½-percent below the price received a year earlier. Unless the 1984 program is changed to encourage participation, the price of wheat will fall well below $3 per bushel. Partial costs of production for a bushel of wheat in 1982 amounted to $3.31 per bushel. Assuming a 3-percent inflation rate for 1983 and 1984, the partial costs of production in 1983 was $3.41 and for 1984 we can estimate the partial cost at $3.51. As becomes obvious, a wheat price of $3.34 will not even pay for partial costs, much less the full cost of production.

Mr. President, our farmers are not wanting a handout or a windfall. Rather, they merely want to make enough money to stay in business. And, it is in the best interest of this Nation to keep our family farmers in business. We need family farmers if we are going to insure an adequate supply of food and fiber at reasonable prices in the future.

The agriculture situation remains in a crisis position. We simply must act now if we are to prevent a collapse in

the agricultural sector. I urge my colleagues to support this legislation. It is, by far, not perfect, but it will be an improvement over the current situation.

This legislation will result in increased farm income in addition to reducing Government costs over the next 4 years. I do not believe anyone or any commodity group is completely satisfied with this legislation. This legislation is a compromise and to get anything, everyone had to give up something.

I, personally, believe the package could be more attractive for cotton producers. I believe the trigger level for the 1985 acreage reduction and paid diversion program should have been set at a lower level—around 3½ million bales instead of 4. Also, I believe our cotton farmers would have benefited more with a higher paid diversion program in 1985. Additionally, I believe all our farmers would benefit more if we made more export credit funds available than included in the agreement with the administration.

Mr. President, I found it hard to swallow the reduction in the 1984 wheat target price and freezing the cotton and feed grain target prices at the 1984 level. But, it is simply a matter of economics. For example, by taking a cut in the target price for wheat this year in exchange for a paid diversion component, we increase gross income per acre by almost $8, excluding the additional income derived from the unrestricted haying and grazing provision. The bill will also increase farm income next year by setting up the minimum program requirements for the 1985 crops. Oklahoma farmers tell me that this provision is essential. We simply must have a multiyear program; we must continually attack the surplus problem. We need to provide some stability to our programs. Without stability, it is impossible for our farmers to make any plans.

By providing the minimum program requirements for the 1985 crops now, farmers will have adequate time to make planting decisions that will yield them the greatest profit. We expect our farmers to make well thought out decisions, yet, more often than not, the Government withholds vital information by not announcing the program early enough. Under this legislation, the minimum program provisions are spelled out. The additional provisions will be announced at a later point. The additional provisions of the 1985 wheat program, for example, will be announced by July 1.

Our Nation's agribusinesses will also benefit from the announcement of the 1985 minimum program provisions this early as they will be able to plan their expenditures and purchases.

Mr. President, the wheat section of this legislation is virtually identical to a sense of the Senate resolution, which I offered along with several other wheat State Senators, and which was adopted by the full Senate 2 weeks ago, For both the 1984 and 1985 wheat crops, the bill provides for a 20-percent acreage reduction program with no payment and a 10-percent paid diversion program with a payment rate of no less than $2.70 per bushel. For the 1984 wheat crop, farmers would have the option of setting aside an additional 10 to 20 percent of their base under the payment-in-kind program with compensation based on 85 percent of farm program yield.

Also, under the 1984 program, at the option of the State ASC committees, farmers would be permitted unrestricted haying and grazing on set aside acreage. If a State chooses to do this, it would mean there would be no set date by which cattle must be taken off the acreage. Under the current program, for example, in order to be in compliance with the program, cattle must be taken off the set-aside acreage by May 1 in Oklahoma.

The legislation before us now, if enacted, would allow a State committee to not have such a date. For my home State of Oklahoma, unrestricted haying and grazing is extremely important. It is the only thing that allows Oklahoma farmers to make any money when participating in acreage limitation programs. The inclusion of this provision, alone, will increase Oklahoma farmer participation in the 1984 program by 15 to 20 percent.

Regretfully, Mr. President, we were not able to get this option for the 1985 crop as there are some cattlemen in the Western part of the United States who feel that allowing grazing in the month of May is a subsidy for cattlemen. I would just point out that these same western cattlemen receive a similar subsidy by being allowed to graze their cattle on public lands for a very low fee. We do not have public lands in Oklahoma. Allowing farmers to graze 15 to 30 days beyond the current cutoff date just will not result in Oklahoma farmers having an unfair advantage over other cattlemen. I would hope that in the very least the Secretary would allow grazing through May 15 for the 1985 crop should a State ASC committee choose to do so.

Mr. President, this legislation also includes several provisions relating to Farmers Home Administration (FmHA) farmer programs. The majority of these provisions were introduced by Senator HUDDLESTON and myself last January in S. 24, the Emergency Agricultural Credit Act of 1983. One key provision included in this package is the requirement that the FmHA, when rescheduling or reamortizing farm loans, would base the new loan on the original rate of interest or the current rate of interest, whichever is lower. Under current law, a farmer who is having difficulty meeting his financial obligations applies for rescheduling to bring his payments down to a lower level.

What often happens, though, when the loan is rescheduled, is that the payments actually become higher because the current interest rate is higher than the original rate of interest. Current FmHA regulations require that the current interest rate be used when rescheduling farmer program loans. FmHA officials in my home State of Oklahoma tell me that if they had the option to use whichever interest rate was lower, the majority of FmHA borrowers, who are in trouble this year, would be able to stay in business this year.

Another provision which will provide additional relief to our farm borrowers is the extension of the repayment period for FmHA operating loans that are consolidated or rescheduled. Under this legislation, the repayment period would be extended from 7 years to 15 years. This will allow farmers to spread their payments out over a longer period of time.

As a result of a court order, the Administration announced last fall that $600 million in economic emergency loan funds would be made available through the Farmers Home Administration. In January, the Administration announced that only $57 million of the $600 million would be made available for direct loans. The remainder, $543 million, would be available only in the form of loan guarantees. This decision, by the administration, made this program worthless for the majority of FmHA borrowers. The farmers who are able to find a bank that will loan them money with the FmHA guarantee end up paying a higher interest rate. The interest rates on commercial agricultural credit runs anywhere from 3 to 5 percent higher than the interest rate on FmHA direct loans. As we all know, a 1-percent increase in the interest rate can often lead to the inability to make payments.

This legislation includes a provision that will increase the amount of direct loans made under the economic emergency loan program to no less than $310 million. This provision will result in a greater number of farmers benefiting from this program.

Finally, this legislation includes a sense of the Senate resolution which outlines the steps the administration has agreed to take after the enactment of this legislation to expand agricultural exports. The administration agreed to seek additional appropriations of $150 million for the food-for-peace program (P.L. 480), and provide an additional $500 million for export loan guarantees in fiscal year 1984. For fiscal year 1985, the administration agreed to seek additional appropriations of $175 million for Public

Law 480, and provide an additional $100 million for direct export loans and an additional $1.1 billion for export loan guarantees. Further, the administration agreed to seek an additional $50 million which could be used for either the Public Law 480 program or for direct export credits in 1985.

Mr. President, I believe it is vital that the Congress act now. The administration has made some compromises and we have made some compromises. Generally this package will improve the economic situation of all our farmers. I strongly urge my colleagues to join in supporting this legislation.

DROUGHT ASSISTANCE

Mr. JEPSEN. Mr. President, I had planned on pursuing an amendment on drought assistance.

This amendment is similar to a provision that was included in the Drought Assistance Equity Act, introduced by myself and Senator GRASSLEY.

We have worked very closely with the drought 1983 committee from Davis County, Iowa. Mr. Jerry Kincart was instrumental in this drought legislation.

This provision was not included in the marked up bill as reported out of the Senate Agriculture Committee. However, I can see the handwriting on the wall. All amendments have been defeated.

I am extremely disappointed that this third provision of the Jepsen/Grassley bill is not a part of this agricultural package. This provision would change the formula by which grain is valued for disaster loan assistance. It would calculate grain losses according to the higher of either the average national monthly price in effect for the previous year, or the average monthly price in effect for the 3-month period beginning on the date the disaster began.

In order to meet the needs of drought-stricken farmers, I, along with Senator GRASSLEY, introduced the Drought Assistance Equity Act, S. 2379. Two key provisions of that bill are included in this Agricultural Programs Adjustment Act of 1984.

The first provision requires the Secretary of Agriculture to accept emergency (EM) loan applications from farmers affected by a natural disaster for an additional 60 days. This will lengthen the signup period, allowing farmers to make a better assessment of the production damage caused by a disaster.

The second provision of the Jepsen/Grassley bill that is included amends current law by allowing for two options in appraising real estate for collateral purposes. The bill states that the Secretary of Agriculture shall value the farm based on the date the Governor of the State in which the farm is located requests a disaster declaration for any county of such State, or the value of the farm 1 year before the day referred to above.

This change is desperately needed because FmHA is undercutting loan applicants by determining the value of their real estate and other secured collateral at depressed, post-drought prices.

As evidenced in southern Iowa, as the land values drop, more and more farmers are in a position of having little or no equity to secure further financing and, therefore, must put their property on the market.

This provision will allow a more equitable value-assessment formula for a farmer's most valuable assets, which are land, livestock, and machinery. This will not only benefit the immediate disaster counties, but it will help stabilize the share decline in asset value now being experienced by all farmers.

Credit is the most important life-support system for many of Iowa's drought-stricken farmers. Because of the credit needed by those involved in livestock farming in southern Iowa, the lack of credit in the area will have agricultural as well as social impact. Should we not be able to help solve the credit crunch in this part of the country, a change in farming practices in the region could result. Therefore, these two provisions from the Jepsen/Grassley bill will add an element of flexibility into the disaster-assistance-loan statutes.

I am also pleased that credit provisions included by Senators HELMS and HUDDLESTON are a part of this package.

Again, Mr. President, I want to stress that I was prepared to offer this amendment for commodity equity in disaster loans. I believe that this is a much-needed provision and I am disappointed that it cannot be included in this bill.

Mr. HELMS. Mr. President, I commend the Senator from Iowa for his diligence in working on this bill on behalf of his farmers in Iowa and farmers everywhere. The efforts of Senator JEPSEN and Senator GRASSLEY have been immensely helpful in putting this credit package together that will provide substantial assistance to Farmers Home Administration borrowers having temporary difficulty in repaying their debts.

All of us in this Chamber would support any reasonable proposal that will help keep farmers in business. Certainly, that was our goal in crafting the credit portion of the wheat bill and I think we were successful. I realize many Senators would like to do more at this time, but in consideration of the entire bill, the Agriculture Committee put together the most that we could and not jeopardize enactment.

I believe the Jepsen amendment has merit, but I must honestly state that its inclusion may very well cause us severe difficulties down the road. I know that Senator JEPSEN has made every effort to have his amendment included and I salute his persistence.

Again, I want to commend the efforts of the Senators from Iowa during consideration of this legislation.

Mr. BURDICK. Mr. President, I am going to vote for this bill today. I confess, however, to having mixed views about it.

The basic problem in the farm economy is inadequate farm income. Farmers are going bankrupt out there at higher numbers than at any time in the past 50 years. This bill cuts the wheat target prices in both this year and next year. The cut this year is 7 cents per bushel. But the cut for next year is 27 cents per bushel. Those are dramatic cuts. It is the target price that sets a floor under farm income. And again, farm income is already much too low to prevent major bankruptcies among families who are farming today.

The reason I will vote for this bill is because it contains a better acreage reduction program than the alternative offered by the administration. Farmers are not able to take advantage of the target price unless they are able to participate in the farm program. The acreage reduction program offered by the administration excluded a great number of wheat farmers. These wheat provisions will permit more farmers to participate but at a reduced target price.

Mr. President, we have been through the arguments on this proposal since last July. I do not want to take too much time and prevent other Senators from speaking. Just let me say that this bill is not a solution for the disastrous state of the farm economy. I know of no one who is suggesting it is. It makes the farm program a little better for farmers and for the Government, because it will save money over the longer course for the Government. We all have to keep in mind, however, the larger problem of farm income.

Mr. President, I ask unanimous consent that two letters be printed immediately after my remarks. The first letter is from Wayne Dybing, vice president, First State Bank, LaMoure, N. Dak. The second letter is addressed to Secretary Block and is from Kent Jones, commissioner of agriculture from North Dakota.

Mr. President, thank you for this opportunity to present these views.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FIRST STATE BANK,
LaMoure, N. Dak., March 7, 1984.

Senator QUENTIN BURDICK,
451 Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BURDICK: I'm sure you need not be reminded of the severe economic conditions that face the farmers today. Not only are the farmers in an extreme financial

bind but the local small businessman on main street is probably suffering as much or more.

I have been in the farm financing business now for 20 years, 10 years with the Federal Land Bank system and 10 years with a commercial bank. The situation today is the most critical I have ever seen and based on current conditions there appears to be no relief in sight. During renewal of farm loans this year we are finding that at least 90% of these people have lost equity ranging from $10,000.00 to $100,000.00 with most of them showing in the range of a $50,000.00 net worth loss. I might add that this situation has been happening for the last three years in many cases. I think it is apparent that in 1984 many of these operators will be forced to liquidate their holdings to pay off their debt. This will also cause the fall of many of the small businessmen on main street in the small communities.

The experts say that the economy is heating up and there soon will have to be actions taken to slow the economy. This may be true in the large corporate business sector but any actions of this type taken in the form of higher interest rates, etc. would probably be the crushing blow to force the farm economy into a depression that would make the last great depression look like a picnic. Please don't propose that the solution to the problem is more loans through the Farmers Home Administration for our farmers. Their debt is already overwhelming and they can handle no more. What is needed is better prices for the commodities they sell with a possible forced reduction of interest rates.

I don't propose to be an economist but I think the basic concept of our economy is very elementary. This country's economy will do no better than agriculture over a given number of years. Time is short and some very positive actions must be taken within this year if we want to avoid total chaos nationwide. Our nations leaders have spent too much time wining and dining on cheap food for too long a period.

Thank you for taking time to allow me to voice my opinion and concerns.

Very truly yours,

WAYNE G. DYBING,
Vice President.

NORTH DAKOTA
DEPARTMENT OF AGRICULTURE,
Bismarck, N. Dak., March 7, 1984.

Hon. JOHN R. BLOCK,
Secretary of Agriculture, Washington, D.C.

DEAR SECRETARY BLOCK: I am becoming increasingly alarmed at the great crunch facing farmers and agri-businesses in North Dakota. Recently I held a series of meetings across the state, and the news I received from lenders and from farmers and agri-businessmen is extremely serious. A quick check of the Bankruptcy Court finds the Court dealing with 500 to 600 Chapter 11 filings right now. From the information I've gathered that could very well be just the tip of the iceberg. It's been said that they are poor operators and should be phased out, but in the main, this is just not true. These are farmers and Main Street businessmen who, because of continued drought, high interest rates, high cost inputs, machine parts, diesel fuel and so forth, have been forced into Chapter 11.

Further, we have an extremely high percentage of land for sale all across the state, with no buyers. The result is that land values have plunged drastically, and farm operators who previously were in a comfortable position are now finding themselves in extremely precarious straits with no chance for operating funds.

Mr. Secretary, I have consistently tried to keep from preaching "doom and gloom" through the three years of my service as North Dakota's Agriculture Commissioner, but I feel the time has come to tell it as I see it and to be doubly sure that all people in authority, such as yourself and your staff, are fully aware of the problems.

Also in the bad news department, a large share of the problems facing our farmers is the slowness of FmHA's paperwork. The FmHA is still working its way through the 1983 analyses of its customers, thereby affecting fellow lenders such as PCA, Federal Land Bank, and local lenders who are desirous of helping their customers by working with FmHA for the 1984 crop year.

A spin-off of this log jam is that many farmers are in limbo with their planning, and this has created great stress on these farm families as the time for being in the field with spring work is just around the corner.

Here, hopefully, are some positive steps that USDA can take:

1. When a farmer is in Chapter 11 or near Chapter 11, operating funds are the bugaboo. With all the CCC reserve grain on hand within the state, it seems logical if you allow these farmers verging on Chapter 11 and perhaps in a broader aspect to use this grain for seed on a revolving basis, it would be a giant step in the right direction. The farmer could replace the grain in the fall, bushel by bushel, and it would work quite similar to the present revolving stock grain program you have in place. CCC could be first on the creditor list for that seed, to protect themselves.

2. One of my biggest worries is that, when land values plummet like they're doing, it positions another layer of farmers into Bankruptcy Court. I am earnestly seeking ways to stop the rapid lowering of land values, which would bring some order into the financing of North Dakota's main industry-agriculture. Therefore, I am suggesting that when FmHA forecloses on farmers, the land not be put on the market for a certain time frame—at least one or two years. The land could be leased back to the present farmer, if possible, or to someone else for whatever list price they can get within reason. This would have a strong tendency to shore up land values, and would be helpful to all the North Dakota farmers having land debts.

3. Advance payments could be allowed from the deficiency program and/or any other program you may still come up with.

4. The U.S. exports program should be strengthened so that our exports become more competitive in the world trade market. I think results would be immediate on our market system and, in the short run and in the long run, would benefit our agricultural sector. Huge set-asides may benefit our competitors and not us.

One final note: it has been brought to my attention that farmers in Chapter 11 do indeed receive their federal payments right on schedule but FmHA simply takes those checks and places them in the farmer's folder, and there they sit. There are many thousands of dollars accumulated with no interest benefit to the farmer himself. It makes absolutely no sense for the farmer to be paying every day on what he owes, but not receiving any interest on these government payments which are his also.

I enjoyed having a few minutes with you at the NASDA meetings. I don't envy you your job, but I felt I had to speak out further right now because we seem to be having a much more explosive situation in agriculture than many realize.

Sincerely,

KENT JONES, *Commissioner.*

Mr. JEPSEN. Mr. President, 2 weeks ago may well have marked a watershed in American Farm policy—the beginning of the next generation of farm policy. But perhaps even more than this. America's farmers are the first of our society to make their contribution to the resolution of this Nation's greatest economic challenge, reducing the deficit. I am personally placing all Members of this Congress on notice that they will not be the last. America's farmers recall all too well how they stood alone during the grain embargo of 1980. And as God is my witness, they will never stand alone again.

Negotiations with administration officials David Stockman and John Block began on Monday, March 5. The Administration's original proposal regarding corn was to freeze target prices in 1984 and 1985 at the 1983 level of $2.86 per bushel; 1984 and 1985 target prices were scheduled according to the 1981 farm bill to rise to $3.03 and $3.18 per bushel, respectively.

Mr. Stockman and Secretary Block were quickly informed in no uncertain terms that the previously announced 1984 corn program containing the $3.03 target price was non-negotiable. There was no further discussion of the 1984 corn program; it stands as announced.

Negotiations turned to the 1985 corn program. Representatives of the administration let it be known that a 1985 corn program which included a $3.18 target price would contain a 20-percent nonpaid, acreage reduction program (ARP). Such a program would likely be so unattractive to corn farmers that the $3.18 target price would for all intents and purposes be moot and therefore of little benefit to anyone. While it is arguable that the administration would have gotten away with such a program in 1985, there was, and is, little question in my mind that it would have been announced: The budgetary savings between 20 percent and 10 percent nonpaid acreage reduction programs at a $3.18 target price is $500 million. As a result, estimated per farmer benefits of a 20-percent ARP at a $3.18 target price became our bottom line.

In return for foregoing only a potential 15 cents per bushel in deficiency payments, we secured a guaranteed paid diversion program in 1985 and $2.1 billion of additional export credits and Public Law 480 funds, $650 million of which will be used this year, in fiscal year 1984. Compared to the administration's threatened and perhaps

realized 1985 corn program the new land diversion payments and additional export sales will more than compensate America's corn farmers for a lower target price in 1985. For example, even excluding the benefits of expanded export sales, the guaranteed paid diversion portion of a 20-percent set-aside in 1985 as provided in this compromise will yield enough benefits to corn farmers to cover the losses in deficiency payments associated with the lower target price.

If market conditions dictate a 10-percent set-aside in 1985, one-half of this set-aside must be in paid diversion. Compared to a 20-percent nonpaid set-aside at a target price of $3.28 per bushel, this 1985 program will net the typical Iowa farmer an additional $8,400 at no additional cost to the taxpayer.

Add the essential element of an additional $2.1 billion of export demand enhancement, and we are beginning to put some reason into our farm programs. I am the first to say, however, that last week we came to a short-term resolution, not a long-term solution, to our serious farm problems.

In addition, I would like to point out that for many farmers across the Nation, especially those in drought-stricken counties of Iowa, more help is needed in order to lessen the financial burden these farmers have suffered. For example, southern Iowa suffered its worst drought in 50 years. This part of Iowa is known for its rolling terrain where livestock feeding is the livelihood for many farmers. It has become increasingly clear that more must be done to alleviate the immense hardship being suffered by many farmers and their families due to the drought of 1983.

I spent a considerable amount of time during the August recess examining the effects of the drought. The devastation and financial crisis caused by this natural calamity will take years to overcome. The southern-tier counties of Iowa have suffered varying degrees of natural disaster in the past 3 years, culminating in this past summer's drought. This has resulted in an unprecedented demand for agricultural credit.

However, this demand—and need—for agricultural credit is not being met. In order to meet the needs of drought-stricken farmers, I, along with Senator GRASSLEY, introduced the Drought Assistance Equity Act, S. 2379. Two key provisions of that bill are included in the Agricultural Programs Adjustment Act of 1984. The first provision requires the Secretary of Agriculture to accept emergency (EM) loan applications from farmers affected by a natural disaster for an additional 60-days. This will lengthen the signup period, allowing farmers to make a better assessment of the production damage caused by a disaster.

The second provision of the Jepsen/Grassley bill that is included amends current law by allowing for two options in appraising real estate for collateral purposes. The bill states that the Secretary of Agriculture shall value the farm based on the date the Governor of the State in which the farm is located declared the disaster in any county of such State, or the value of the farm 1 year before the day referred to above. This change is desperately needed because FmHA is undercutting loan applicants by determining the value of their real estate and other secured collateral at depressed, post-drought prices.

As evidenced in southern Iowa, as the land values drop, more and more farmers are in a position of having little or no equity to secure further financing and, therefore, must put their property on the market.

This provision will allow a more equitable value assessment formula for a farmer's most valuable assets, which are land, livestock, and machinery. This will not only benefit the immediate disaster counties, but it will help stabilize the share decline in asset value now being experienced by all farmers.

Credit is the most important life-support system for many of Iowa's drought-stricken farmers. Because of the credit needed by those involved in livestock farming in southern Iowa, the lack of credit in the area will have agricultural as well as social impact. Should we not be able to help solve the credit crunch in this part of the country, a change in farming practices in the region could result. Therefore, these two provisions from the Jepsen/Grassley bill will add an element of flexibility into the disaster assistance loan statutes.

However, I am disappointed that a third provision of the Jepsen/Grassley bill is not a part of this agricultural package. This provision would change the formula by which grain is valued for disaster loan assistance. It would calculate grain losses according to the higher of either the average national monthly price in effect for the previous year, or the average monthly price in effect for the 3-month period beginning on the date the disaster began.

PRICE SUPPORTS HURT CONSUMERS

Mr. PELL. Mr. President, we must cut the cost of Government farm subsidy programs which have skyrocketed to $28 billion this year—nearly 10 times the cost just 3 years ago.

Three years ago, I voted against Senate passage of the farm bill because I believed it was far too generous to the private agricultural industry and unfair to taxpayers and consumers.

At that time, I noted that the bill was bloated by unfair price-support programs and that it was an extravagant measure that was out of step with the times and out of line with our economy.

I continue to believe that it is wrong to ask taxpayers to pay for overblown price-support programs that assure consumer prices will remain high.

Now we have been asked to freeze a few of next year's target prices at current levels and to slightly reduce the target price for wheat. We also are being asked to extend the costly payment-in-kind (PIK) program.

Efforts to freeze or slightly reduce price supports are commendable, but they do not go far enough. If we are serious about reducing the national deficit, we must end these overblown price support programs and we must stop paying taxpayers money for idle farmland and useless crops.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HELMS. Mr. President, there are certain formalities I wish to speak to. I wish to pay my respect to all for their cooperation and help in enacting this legislation, particularly the members of the Agriculture Committee.

I would especially like to commend Senators DOLE, HUDDLESTON, JEPSEN, BOSCHWITZ, COCHRAN, ANDREWS, MELCHER, HEFLIN, and PRYOR for their very substantial contributions.

Mr. President, it has been a difficult period of negotiation. However, we have succeeded not only in providing for improved farm commodity programs but also in placing a new emphasis on agricultural exports in this measure.

The distinguished Senator from Iowa (Mr. JEPSEN) succeeded in getting an amendment adopted when the Agriculture Committee considered target price legislation last summer to earmark $600 million for agriculture exports. That amendment was supported by the National Corn Growers Association. Unfortunately, that measure was prevented from being considered by the Senate.

The Senator from Iowa (Mr. JEPSEN) has insisted on this principle throughout the negotiations, and he deserves great credit for the increases in export funding called for in H.R. 4072.

This bill calls for increases in export credit guarantees of $1.6 billion over 2 years.

Also, the Public Law 480 program will be increased by $325 million over 2 years, as called for under this legislation.

These increases are along the lines proposed in S. 2304, the legislation originally introduced by Senators BOSCHWITZ and JEPSEN.

During our series of meetings, Senator JEPSEN insisted on an increase in direct export credit, which is one of our most effective export tools. This bill calls for an increase of $100 million in direct export credit, plus an ad-

ditional $50 million which is to be used for direct credit or Public Law 480, as Senator JEPSEN has suggested.

I commend him for the leadership he has shown in seeking to increase our farmer's agricultural exports and to improve this bill.

Of course, the bill also provides for a paid diversion program of 5 to 7.5 percent on the 1985 crop of feed grains if stocks are high. In determining the level of corn carryover which would trigger a paid diversion, Senators DIXON and JEPSEN were very much involved.

Senator JEPSEN and his colleague from Iowa (Mr. GRASSLEY) have repeatedly stressed the urgency of enacting legislation to assist drought-stricken farmers in Iowa and across the Nation.

The Senators from Iowa worked closely with the committee on several provisions designed to provide much needed assistance to Farmers Home Administration borrowers hurt by this past summer's drought.

Specifically, the Jepsen-Grassley provisions would allow farmers adversely affected by the drought an additional 2 months in which to apply for FmHA disaster credit assistance. Also, of primary importance to borrowers who need adequate collateral for this year's loans, is their provision which would provide for improved valuation of farm assets.

The Senators from Iowa were especially helpful in working out the details of a comprehensive credit package as an important part of this legislation. Other provisions to assist FmHA borrowers include an additional $250 million of direct economic emergency loan funds for borrowers in need of immediate credit for this year's crop. Also, provisions in this package would allow delinquent FmHA borrowers to reschedule and consolidate their indebtedness at easier rates and terms.

Especially important to many producers who rely on FmHA for annual operating funds, is language which will double the limit each borrower many receive from $100,000 to $200,000 for insured loans and from $200,000 to $400,000 for guaranteed loans.

Mr. President, without the support and diligence of the Senators from Iowa, it would not have been possible to put together these initiatives to provide relief to many producers who have incurred hardship due to last summer's drought. I commend them for their efforts in this regard and know that farmers in Iowa and across the Nation will extend their gratitude for a job well done.

Finally, Mr. President, permit me to extend my special thanks to the staff who worked so conscientiously on this legislative package. I am particularly indebted to the staff of the Committee on Agriculture. We have one of the smallest staffs of any committee of the Senate, but they have a reputation for efficiency and excellence that is exceeded by none other. The majority and minority staffs work closely together in so many ways without regard to partisan distinction. All of them, from the most junior receptionist and secretaries to the most senior professional staff on both sides, have devoted many, many hours to this legislation, and they have earned the respect of all who have dealt with them. I thank them all.

I am ready to vote, Mr. President.

Mr. PRYOR. Mr. President, it was inadvertent a moment ago when I failed to mention the distinguished Senator from Nebraska (Mr. ZORINSKY) who has also very ably helped work out this compromise on the rice amendment. I am very appreciative of him and his staff on this.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Kansas (Mrs. KASSEBAUM) would vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

On this vote, the Senator from New York (Mr. MOYNIHAN) is paired with the Senator from Louisiana (Mr. LONG).

If present and voting, the Senator from New York would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that if present and voting, the Senator from Illinois (Mr. DIXON) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

The PRESIDING OFFICER (Mr. JEPSEN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 78, nays 10, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—78

Abdnor	Armstrong	Baucus
Andrews	Baker	Bentsen
Biden	Grassley	Murkowski
Bingaman	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Hawkins	Packwood
Bradley	Hecht	Pressler
Burdick	Heflin	Proxmire
Byrd	Heinz	Quayle
Chafee	Helms	Riegle
Chiles	Humphrey	Rudman
Cochran	Inouye	Sarbanes
Cohen	Jepsen	Sasser
D'Amato	Kasten	Simpson
Danforth	Kennedy	Specter
Denton	Lautenberg	Stafford
Dole	Laxalt	Stennis
Domenici	Leahy	Stevens
Durenberger	Levin	Symms
Eagleton	Lugar	Thurmond
East	Mathias	Tower
Evans	Matsunaga	Trible
Ford	Mattingly	Tsongas
Garn	McClure	Wallop
Glenn	Melcher	Warner
Gorton	Mitchell	Wilson

NAYS—10

Bumpers	Johnston	Roth
Exon	Metzenbaum	Zorinsky
Goldwater	Pell	
Hollings	Pryor	

NOT VOTING—12

Cranston	Hart	Moynihan
DeConcini	Huddleston	Percy
Dixon	Kassebaum	Randolph
Dodd	Long	Weicker

So the bill (H.R. 4072), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEMENT OF POSITION ON H.R. 4072

Mr. PERCY. Mr. President, I arrived on the floor just after the vote had closed on H.R. 4072, the farm bill.

I made every effort to be on the floor, but was in Illinois on official business today with Secretary Marsh involving a very important decision the Army will be making with respect to the future of the Joliet ammunition plant and, therefore, regret my not being here for the farm bill vote.

But if I had been present, I would have voted aye.

Mr. BOSCHWITZ. Mr. President, I just wish to say that, since it has finally come to pass where we have passed this farm legislation, I firmly believe that the farmers in all parts of the country will benefit because of it.

It took a great deal of negotiations on both sides of the aisle, with the Department of Agriculture and with the OMB, and I wish to thank all of those people who participated in it.

I think we have a bill that will help the farmer. It is slanted to save $3.2 billion over a period of 3 years. It will help the budget as well, and I think that we have made a step forward.

Another very important aspect of it is the 2-year program in most instances, and therefore, farmers will know what they will be able to rely upon as a farming program a little bit in advance.

It is really unfortunate that at the end of March we are talking still about the 1984 crop which has been in the ground for half a year in most instances, but I think we do have some forward-looking legislation at this time, and that will benefit all concerned and the budget as well.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-U.S. Interparliamentary Group during the second session of the 98th Congress, to be held in Washington, D.C., on May 17-20, 1984: The Senator from New Mexico (Mr. DOMENICI), the Senator from Maryland (Mr. SARBANES), and the Senator from New Mexico (Mr. BINGAMAN).

The majority leader is recognized.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, it is my hope that in the next few moments I can make an announcement that will be of major interest to Senators in respect to scheduling of this weekend next, but I need just a moment more to finish the last details on that.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, may I suggest that if there are Senators who have statements they wish to make and morning business to transact, the time for the transaction of routine morning business be until 6:20 p.m. under the terms and conditions heretofore ordered, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. NATCHER, Mr. TRAXLER, Mr. MCHUGH, Mr. CONTE, and Mrs. SMITH of Nebraska as managers of the conference on the part of the House.

The message also announced that the Speaker appoints Mr. GRAY as a manager on the part of the House, only for consideration of subtitle 3 of title III and subsection 343(c) of the House amendment and modifications thereof, in the conference on the disagreeing votes of the two Houses to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, vice Mr. IRELAND, resigned.

At 4:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House having proceeded to reconsider the bill (S. 684) to authorize an ongoing program of water resources research, and for other purposes, returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was resolved that the bill pass, two-thirds of the House of Representatives agreeing to the same.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5174. An act to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5174. An act to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, March 22, 1984, he had presented to the President of the United States the following enrolled bill:

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2828. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Armed Services.

EC-2829. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Armed Services.

EC-2830. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1985 and 1986, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2831. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on railroad financial assistance for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2832. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the disposition of foreign fishing fees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2833. A communication from the Secretary of Energy, transmitting, pursuant to law, the first annual report on the activities

and expenditures of the Office of Civilian Radioactive Waste Management covering the period January 7 to September 31, 1983; pursuant to Public Law 97-425, referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-2834. A communication from the Secretary of Energy, transmitting, pursuant to law, the third biennial report on the continuing investigation of offshore operations and resources; to the Committee on Energy and Natural Resources.

EC-2835. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the list of areas on the National Registry of Natural Landmarks and the areas of national significance included in the National registry of Historic Places which exhibit known or anticipated damage to the integrity of their resources; to the Committee on Energy and Natural Resources.

EC-2836. A communication from the Acting Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, a report on biomass energy and alcohol fuels for the period October 1 to December 31, 1983; to the Committee on Energy and Natural Resources.

EC-2837. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on actions taken under the Powerplant and Industrial Fuel Use Act for calendar year 1983; to the Committee on Energy and Natural Resources.

EC-2838. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to remove the prohibition on charging a user fee for transportation services and facilities at Mount McKinley National Park, later renamed Denali National Park, in Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2839. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Soil Conservation Service Plan for the Turkey-Clay Creek Watershed, South Dakota; to the Committee on Envioronment and Public Works.

EC-2840. A communication from the Secretary of State, transmitting, pursuant to law, a report on U.S. efforts to achieve peace in Central America; to the Committee on Foreign Relations.

EC-2841. A communication from the District of Columbia Auditor, transmitting, pursuant to law, copies of reports entitled "Repayments of Loans and Interest," Allocation of Hotel Occupancy Tax," and "Revenues in Support of the Mayor's fiscal year 1985 Budget Request;" to the Committee on Governmental Affairs.

EC-2842. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission regarding the implementation of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2843. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2844. A communication from the Assistant Secretary of Health and Human Services (Human Development Services), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2845. A communication from the President of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the annual report of the Corporation on implementation of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2846. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2847. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2848. A communication from the Attorney General of the United States transmitting a draft of proposed legislation to assist victims of crime; to the Committee on the Judiciary.

EC-2849. A communication from the chairman of the Securities and Exchange Commission transmitting, pursuant to law, the Commission's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2850. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, the Department's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2851. A communication from the Director of the Federal Labor Relations Authority transmitting, pursuant to law, the Authority's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2852. A communication from the Chairman of the National Labor Relations Board transmitting, pursuant to law, the Board's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2853. A communication from the Executive Director of the Marine Mammal Commission transmitting, pursuant to law, the Commission's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2854. A communication from the Acting Administrator of GSA transmitting, pursuant to law, GSA's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2855. A communication from the national president of the Girl Scouts of the United States of America transmitting, pursuant to law, the 34th Annual Report of the Girl Scouts of the USA; to the Committee on Labor and Human Resources.

EC-2856. A communication from the Secretary of Education transmitting, pursuant to law, a regulation on final funding priorities for the National Institute of Handicapped Research; to the Committee on Labor and Human Resources.

EC-2857. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the National Institute of Handicapped Research; to the Committee on Labor and Human Resources.

EC-2858. A communication from the Secretary of Education transmitting a draft of proposed legislation entitled "Higher Education Amendments of 1984;" to the Committee on Labor and Human Resources.

EC-2859. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the 1985-86 Pell Grant Family Contribution Schedule; to the Committee on Labor and Human Resources.

EC-2860. A communication from the Secretary of Education transmitting, pursuant to law, the 1984-85 Guaranteed Student Loan Family Contribution Schedule; to the Committee on Labor and Human Resources.

EC-2861. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, the Commission's Legislative Recommendations for 1984; to the Committee on Rules and Administration.

EC-2862. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to extend time which amendments to Grain Standards Act remain effective; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2863. A communication from the Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a secret report on 64 SAR's previously reported and on 23 new SAR's; to the Committee on Armed Services.

EC-2864. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, and other authorities to extend certain expiring laws; to the Committee on Armed Services.

EC-2865. A communication from the Director of the Federal Home Loan Bank Board, transmitting, pursuant to law, the Board's fifth annual report on efforts to prevent unfair and deceptive trade practices in the thrift industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-2866. A communication from the Secretary of Transportation, transmitting, pursuant to law, the ninth annual report of the activities of the Department related to administering the Deepwater Port Act of 1974; pursuant to 33 U.S.C. 1519 referred jointly to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-2867. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1985 and 1986 and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2868. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2869. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation

EC-2870. A communication from the Secretary of the Interior, transmitting, pursuant to law, a notice of leasing systems for the Navarin Basin, Sale 83, scheduled to be held in April 1984; to the Committee on Energy and Natural Resources.

EC-2871. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal Govern-

ment Energy Management for fiscal year 1982; to the Committee on Energy and Natural Resources.

EC-2872. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1963; to the Committee on Energy and Natural Resources.

EC-2873. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, the annual report on research and development projects in alternative coal mining technologies; to the Committee on Energy and Natural Resources.

EC-2874. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Energy Information Administration for 1983; to the Committee on Energy and Natural Resources.

EC-2875. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, copies of nine proposed lease prospectuses; to the Committee on Environment and Public Works.

EC-2876. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

EC-2877. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report under the Toxic Substances Control Act for fiscal year 1983; to the Committee on Environment and Public Works.

EC-2878. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual reports on the airport and airway, the black lung disability, the hazardous substances response, the highway, the inland waterways, the nuclear waste, and the reforestation trust funds; to the Committee on Finance.

EC-2879. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 15, 1984; to the Committee on Foreign Relations.

EC-2880. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 13, 1984; to the Committee on Foreign Relations.

EC-2881. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 9, 1984; to the Committee on Foreign Relations.

EC-2882. A communication from the Director of Administration, Department of Energy, transmitting, pursuant to law, a report on two new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2883. A communication from the Chairman of the U.S. International Trade Commission, transmitting a draft of proposed legislation to amend the Government in the Sunshine Act, 5 U.S.C. 552b, to permit the Commissioners of the International Trade Commission to communicate more freely with one another, in private, about matters before the Commission during periods when three or fewer Commissioners have been appointed; to the Committee on Governmental Affairs.

EC-2884. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-118, adopted by the Council on February 28, 1984; to the Committee on Governmental Affairs.

EC-2885. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-117, adopted by the Council on February 28, 1984; to the Committee on Governmental Affairs.

EC-2886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-116, adopted by the Council on February 28, 1984; to the Committee on Governmental Affairs.

EC-2887. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2888. A communication from Judge Kelleher, of the Southern District of Ohio, Eastern Division, transmitting, pursuant to law, acceptance of his appointment as a bankruptcy judge; to the Committee on the Judiciary.

EC-2889. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2890. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2891. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2892. A communication from a member of the National Foundation on the Arts and Humanities, transmitting, pursuant to law, the eighth annual report on the Arts and Artifacts Indemnity Program for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-2893. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend programs under the Head Start Act, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reyes Syndrome Week."

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment, and with an amendment to the title:

S. 2391. A bill to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made, or insured by the Veterans' Administration (Rept. No. 98-366).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 483. A bill to provide for the relief of water users deprived of winter stock water on Willow Creek, Idaho, below the Ririe Dam and Reservoir (Rept. No. 98-367).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Robert R. Breezer, of Washington, to be U.S. circuit judge for the ninth circuit;

Neal B. Biggers, of Mississippi, to be U.S. district judge for the District of Mississippi;

H. Russel Holland, of Alaska, to be U.S. district judge for the District of Alaska;

Edward C. Prado, of Texas, to be U.S. district judge for the Western District of Texas; and

John W. Stokes, Jr., of Georgia, to be U.S. marshal for the Middle District of Georgia for the term of 4 years.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. RANDOLPH, and Mr. STAFFORD):

S. 2460. A bill to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building"; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. RANDOLPH, and Mr. STAFFORD):

S. 2461. A bill to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building"; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 2462. A bill to amend title 11 of the United States Code to clarify the circumstances under which collective bargaining agreements may be rejected in cases under chapter 11 of such title, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 2463. A bill to authorize appropriations of funds for certain fisheries programs, and

for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MATHIAS:

S. 2464. A bill designating February 11, 1985, as "National Inventor's Day"; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 2465. A bill to amend the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself and Mr. DECONCINI):

S. 2466. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. EAGLETON (for himself and Mr. DANFORTH):

S. 2467. A bill to provide for a gold medal honoring Harry S. Truman; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON (for himself and Mr. EVANS):

S. 2468. A bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Wash.; to the Select Committee on Indian Affairs.

By Mr. DENTON:

S. 2469. A bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes; to the Committee on the Judiciary.

S. 2470. A bill to provide for the national security by allowing access to certain Federal criminal history records; to the Committee on the Judiciary.

By Mr. GARN (for himself and Mr. HATCH):

S. 2471. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES (for himself, Mr. DENTON, Mr. GLENN, Mr. KENNEDY, and Mr. NUNN):

S. 2472. A bill to amend chapter 81 of title 5, United States Code, to establish in the Department of Labor a program to pay certain death benefits to survivors of Federal law enforcement officers and firefighters who die in the line of duty, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. 2473. A bill to facilitate the carrying out of the activities and operations associated with the ceremony of inaugurating the President; to the Committee on Rules and Administration.

By Mr. TSONGAS:

S.J. Res. 264. Joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHILES:

S. Res. 358. Resolution commending the Government of Colombia for its major achievement in seizing large amounts of cocaine, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. Con. Res. 100. Concurrent resolution concerning the drilling ship *Glomar Java Sea;* to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL:

S. 2460. A bill to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building"; to the Committee on Environment and Public Works.

EDMUND S. MUSKIE FEDERAL BUILDING

Mr. MITCHELL. Mr. President, today I am introducing legislation to honor our distinguished colleague, a friend and an American statesman—Senator Edmund S. Muskie—by naming the Federal Building in Augusta, Maine, after him.

Twenty-five years ago Ed Muskie took the oath of office to begin service in the Senate. Until his departure to become Secretary of State on May 8, 1980, Ed Muskie was very much a part of this institution. Few Senators in American history compiled the legislative record of our former colleague. Even fewer accomplished so much in so many areas.

Ed Muskie came to the Senate in the middle of his political career. When he arrived, he had already served as minority leader in the Maine Legislature and as Governor for two terms. He came to the Senate in the democratic landslide of 1958, or more correctly, before the landslide.

Ed Muskie was elected to the Senate in the September general election of 1958, the last such election in Maine history. It was his election in Maine that year that set the stage for another application of the slogan, "As goes Maine, so goes the nation," as 17 new Democrats followed him to the Senate that November.

MAINE GOVERNOR

It was as Governor of Maine that many of Ed Muskie's legislative interests were shaped. It was as Governor that he first began to shape Maine environmental laws and work for Federal legislation, that he became deeply concerned about the economic development and growth in the State of Maine—a concern that he maintained throughout his political career, and it was as Governor that he continued to develop the then fledgling modern Democratic Party of our State.

Thus, it is fitting that the Senate consider legislation to inscribe Senator Muskie's name on the Federal building in Augusta, the capital of the State of Maine. Ed Muskie has often talked about his pleasurable years as Governor, of raising his young children in the Blaine House, Maine's Governor's mansion. He has often reminded me, and others, that Governors outrank Senators in matters of protocol. Naming the Federal building in Maine's capital city after Ed Muskie appropriately reflects his affection for that city and its relationship to his political life.

SENATOR MUSKIE

In his Senate career, Ed Muskie continued what he began as Governor. He wrote or helped write the Nation's economic development policy, early model cities and housing legislation, securities industry reform legislation, legislation to preserve our antiquities and to reform the way Government worked, to assert the powers of Congress with respect to the use of force and to restore the power of Congress with respect to the Federal budget.

But his single greatest achievement came in the area of environmental policy. No Federal environmental law, even those enacted since he left the Senate, is without his imprint. For nearly 20 years he crafted, molded and evolved policies to purify our air and water, protect the public health and welfare, protect our beaches and our parks, and assure that our new and modern plants were as clean as possible so the next generation will not have to go through the same excruciating political effort to clean up an ever-dirtier planet.

Ed Muskie did his homework. As a former staff person in his Senate office, I know from personal experience that he did his homework.

Ed Muskie wanted to know the answers to every question, even those that would not be asked because no one else knew the subject matter as well as he. He insisted on understanding the legislation which he managed in committee and on the floor. If Hubert Humphrey had more answers than there were questions. Ed Muskie asked more questions than could be answered. Merely articulating themes and concepts while turning implementation over to staff was not his view of the legislative process.

When Ed Muskie came to the Senate, he wanted to be on powerful committees, such as Foreign Relations and Commerce, and he was assigned secondary committees—Public Works and Government Operations. He converted those assignments into major legislative opportunities. Between 1963, when he became chairman of the Special Subcommittee on Air and Water Pollution of the Committee on Public Works, until he became Secretary of State, he saw enacted no fewer than six major clean air initiatives, five clean water initiatives, and numerous other landmark Federal environmental policy laws. His was the key provision of the National Environmental Policy Act which required the development of the environmental impact statement, now the most common tool to assure that Federal policies are examined, scrutinized and modified to meet environmental objectives.

Many present Members of this body passed through the Committee on Public Works during those years of Ed Muskie's subcommittee chairmanship. They know better than I the time and effort he devoted and required of them—to model what was, almost without exception, consensus, bipartisan legislation. And he was proud of that commitment. He would use it in debate to underscore the basis for his committee's product. For example, in the 1977 debate on the Clean Air Act, he said:

S. 252 is the product of 18 days of hearings and 58 markup sessions since 1975. But this bill is, in a larger sense, the product of a lengthy learning experience we have had with the implementation of environmental laws.

Ed Muskie believed that good legislation was the product of compromise and consensus, not confrontation. Seldom in his career in this body did he seek a fight when a victory could be obtained through debate, discussion and negotiation. But he never ducked a battle. In his book "Journeys," published in 1972, he said:

The legislative process is compromise and without it you can't get anywhere. To work compromises without destroying the integrity of legislation is an art.

Many Members will remember the early evolution of the congressional budget process. You will recall Ed Muskie and Henry Bellmon standing together taking on liberals on school lunch funding and conservatives on military spending to establish the discipline of a budget policy by sharing the sacrifice of their personal political commitments to favored programs.

The congressional budget process worked because Ed Muskie made it work. The War Powers Act was enacted because Ed Muskie labored diligently to achieve a compromise—not one which was entirely to his liking, but one which assured that there would be some congressional control on Presidential war powers.

Such was Ed Muskie's commitment to this body as an institution. He even gave up his long-sought seat on the Senate Foreign Relations Committee to assume the often tedious and more often politically unrewarding task of making that congressional budget process work. And it was not until his final 2 years in this body that he was able to return to the Foreign Relations Committee, where he sat as its most junior member.

SECRETARY OF STATE

Ed Muskie's interest in foreign policy, developed as a scholar and a student of America's international role, led him to the Soviet Union in the 1950's, to Vietnam with Mike Mansfield in the 1960's and to Western Europe for President Carter in the 1970's. In 1971, he visited the Soviet Union and talked for hours with Alexei Kosygin. He led a delegation to China in 1978. From these and other experiences he acquired the knowledge to move easily to the task of Secretary of State.

Crisis brought Ed Muskie to the State Department and the Cabinet. A dangerous, divided, and unpredictable regime in Tehran held 53 Americans hostage; U.S. relations throughout the Middle East, Southwest Asia, and Western Europe were deeply troubled; Soviet troops were brutalizing Afghanistan. The President wanted the experience, authority, intelligence, and insight that were characteristic of Ed Muskie. In taking over at State, he at once had to bring those attributes to bear while also mastering the complicated global problems confronting U.S. foreign policy.

And he did so. It was his leadership and calm control that ultimately brought all the hostages safely home. It was his skilled and confident personal diplomacy—whether at the United Nations or at NATO, with the Soviet leadership or in other individual meetings with his counterparts around the world—that went far to advance the overall stability and rationality of our actions and to reassure people everywhere of the steadiness and purpose of American policy.

SUNSHINE AND SUNSET

He may question the suggestion, but historians may well conclude that Ed Muskie was a leader of a modern age of reform in Washington. In his first act as Senator, he fought Lyndon Johnson on the filibuster—a fight which resulted in his receiving obscure committee assignments as a freshman Senator.

He fought for and led efforts to reform the Senate as hard as he fought for and led efforts to reform the relationships between Federal, State, and local governments. He initiated, in his Intergovernmental Relations Subcommittee, open business meetings and markups and led the effort to change the Senate Rules to open up our entire legislative process. In the Budget Committee, he presided over hearings in the well of the committee rooms, while the press perched behind the dias. He championed government in the sunshine. He promoted efficiency by leading several drives for sunset legislation.

He supported building an adequate staff base and an adequate level of expertise so that Congress could have the information it needed and not be totally reliant on the executive branch. In so doing, he helped improve and protect this institution.

In "Journeys," Ed Muskie wrote eloquently of his view of the Senate:

If I have any criticism of the Senate as an institution, it related to the absence of consistent pressure. Authority and focus are diffuse, and individual members tend to find their own way, without the pressures of party discipline inherent in a parliamentary system or, at least during the Nixon administration, the challenge of persistent leadership from the White House. It is pressure that makes anyone grow, a stimulating climate, and that is as true of political life as of any other life, whether it is plant or animal life or human beings.

In the Senate you could get by with a minimum of effort and pressure, I suppose. I can't think of any senator who would try to loaf his way through this institution, but I can see where it might be possible.

In his Senate career, Ed Muskie never loafed through the process. A local project like an economic development grant to a shoe factory in Skowhegan; a challenge like saving Loring Air Force Base; or a major legislative initiative like the Clean Air Act—all received an intensity of legislative and political effort which tested the skill and capacity of his staff and forced those who disagreed with him to work at an equal or greater pace.

Ed Muskie gained the respect of his colleagues because he worked hard, knew his facts, and listened carefully. He acquired respect, judgment and credibility in part because he had them. Those assets served him well as a Senator and as Secretary of State.

Those are the attributes of statesmanship. Taken together, they are often called wisdom. Today I and many of my colleagues continue to take advantage of Ed Muskie's judgment and wisdom. While he has retired from public life, he continues to be available to any and all of us who seek his perspective, request his counsel, or desire his judgment.

Mr. RANDOLPH. Mr. President, I join with my friend and colleague, Senator GEORGE MITCHELL, in proposing legislation to designate the Federal building in Augusta, Maine, as the Edmund S. Muskie Federal Building.

Ed Muskie and I were both elected to the Senate in November 1958. We were both assigned to the Committee on Public Works, as it was then called. From that time until May 8, 1980, when Senator Muskie left the Senate to serve as Secretary of State under President Carter, we worked closely together on important legislation which came before the committee, now the Committee on Environment and Public Works.

Senator Muskie had an impact on many areas of committee jurisdiction over the years, but his influence was most strongly felt in the area of environmental protection. He was designated as chairman of the Special Subcommittee on Air and Water Pollution when it was first created in 1963. That subcommittee, now the Subcommittee on Environmental Pollution, was responsible for all the legislative efforts which culminated in the roster of major environmental laws now on the books, including the Clean Air Act, the Solid Waste Disposal Act, the Safe

Drinking Act, and the Toxic Substances Control Act.

Senator Muskie chaired the Environmental Pollution Subcommittee for 17 years. His role as subcommittee chairman was one of substance. He worked hard. He studied, he listened, and he learned. Within a relatively short time he became known as one of this country's leading experts in the complicated area of environmental pollution.

As chairman of the full committee from 1966 through 1980, I worked extremely close with Ed Muskie, and came to respect him as a colleague and a friend.

His influence was concentrated not only in this body. He served his State of Maine as Governor from 1955 through 1958 as well as Senator from 1959 until 1980. He served his country as Secretary of State after his departure from the Senate.

Mr. President, I believe it very appropriate that the Federal building serving the city of Augusta, Maine, be designated as the Edmund S. Muskie Federal Building. I urge my colleagues to support this legislation.

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 2461. A bill to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building"; to the Committee on Environment and Public Works:

MARGARET CHASE SMITH FEDERAL BUILDING

Mr. MITCHELL. Mr. President, I am today introducing legislation to honor our former colleague Senator Margaret Chase Smith, for her enduring contributions to the people of the State of Maine and the United States, by naming the Federal building in Bangor, Maine, after her.

Senator Margaret Chase Smith represented the State of Maine with integrity and distiction for 32 years, 8 in the House of Representatives and 24 in the Senate.

Senator Smith is the only woman ever to have been elected to both Houses of Congress. She is the only woman ever to have been elected to four full terms in the U.S. Senate. She is the first woman to have been placed in nomination for President at a national convention of a major political party; in the final ballot at the 1964 Republican National Convention, she received the second highest number of votes. Senator Smith was also the first woman elected chairman of the Congress of all Republican Senators.

I want to take the opportunity to describe what I believe was Senator Smith's most enduring contribution to the public life of this Nation. That contribution consists not of one vote or one speech, but of a lifetime of service which exemplified the best kind of representation an elected official can give.

It is the kind of representation that does not shrink from confronting challenges, and that is not wearied by the daily obligations of office.

Senator Smith's career demonstrated both her ability to speak with rare courage, disdaining the risk of her political future, and also to fulfill, with perseverance, one of the most fundamental, and least-appreciated of Senate duties—the duty to vote. In her Senate career, Senator Smith never missed a single rollcall vote on the Senate floor, a record rarely matched. It was not until I came to the Senate myself that I understood the difficulty of achieving and maintaining that kind of record. But there is no question that the daily responsibilities, unheralded and unsung, are as much a part of representative responsibility as the great debates of our time.

And it is also in the larger sense of representation that Senator Smith's career commands our admiration.

The nature of an elected official's responsibility in a democratic republic such as ours is a matter of disagreement. Does representation imply carrying out the wishes of the electorate? Or does it imply the independent exercise of one's own judgment? Everyone elected to public office has wrestled with that question, for it goes to the heart of our system of government.

It is all too easy, with the abundance of public opinion polls now available, to accept the approach that votes cast, speeches made or not made, issues addressed or avoided should reflect the views of the majority. Some would say that is the most representative form of government. A political career resting on the views of majority public opinion, aside from probably being a successful one, can be defended as a legitimate and conscientious discharge of duty.

It takes courage and a farsighted view of our Nation and its future to stand aside, to consider the implications of popular clamor, and to act against it when it is misguided.

Senator Margaret Chase Smith exemplified that kind of courage and that kind of representation for the people of her State and the entire Nation when she led the effort that ultimately returned civil political discourse to the Senate.

At a time when political debate in the Senate had reached the point of invective and name calling, Senator Smith was joined by six of her colleagues in a declaration of conscience as remarkable for its logic and sense today as it was 34 years ago.

The Senate has been called the greatest deliberative body in the world. Senator Smith's declaration of conscience marks an occasion when that was no exaggeration.

Today's controversies do not, thankfully, involve the witch hunting and smear tactics against which Senator Smith spoke out. But in her appeal to reason, to honor, and to respect for differing views, she spoke to a timeless set of standards for public discourse.

It is often easy, in the heat of partisan debate or the fervor of substantive disagreement, to come to believe that only one view can be right, only one perspective valid, only one ideology respectable. Our national history is a repudiation of that notion. We are and ever have been a pluralistic, diverse, and often argumentative people. Those traits are responsible for the vigor of our civilization and the ingenuity of our political institutions. But at other times, they have been the source of self-inflicted problems.

Senator Smith was speaking at such a time. The postwar threat posed when the Iron Curtain descended across Europe was a real one. But the tactics and methods some chose to fight it were both ineffective and dishonorable. Those tactics ignored the American tradition of liberty of conscience and of speech. They sought to dismiss the American presumption of innocence. They sought to establish a notion of group guilt and guilt by association which is abhorrent to both our legal and our moral tradition.

For a time, those tactics succeeded all too well. Americans were overwhelmed, partly persuaded, partly intimidated into believing that the threats facing the Nation were so massive, so complex, and so immediate that fundamental American principles of fairness could be disregarded.

Senator Smith's declaration of conscience was the first step to rejecting that perception and restoring to our political discourse the fundamentals of honesty, openness, and respect for individual's right.

Senator Smith knew 34 years ago, as we know today, that the United States can be defeated by inner disunity far more surely than by an external threat. She reminded her colleagues in the Senate of that fact at a time when rancor and bitterness in political dialog threatended the very fabric of the insitution of the Senate itself. And her observations remain as valid and as important today as they were then.

That action was not one that had the support of majority public opinion. It took immense courage to speak up against a Member of her own political party, at risk of being personally smeared as so many other victims of McCarthyism were smeared. That, in my judgment, was an example of the kind of representation that we should all strive to provide for those who elected us to serve.

It is a kind of representation which does not avoid difficult and controversial issues, does not back away from confronting them, and dares to break with popular belief when a higher principle is at stake.

Senator Smith's career was marked by that kind of integrity, intellectual rigor, and courage.

In her service in the Senate Armed Services Committee, Senator Smith consistently spoke for and voted for a stronger America without being blind to its changing security needs. Senator Smith's was the deciding vote in the historic 1969 ABM debate, which maintained the ABM system in production. But she did not hesitate, 3 years later, to cast her vote just as clearly for the SALT I Treaty, which limited ABM defenses for the purpose of curtailing the arms race. Senator Smith was guided, not by a rigid, unyielding adherence to hardware, but rather by an unyielding adherence to the national interest.

That is the difference between the kind of representation that blindly follows every up and down of the public opinion polls and the kind of representation that looks behind the immediate popular clamor to the roots of the issue at stake. It is the kind of representation that takes political risks for the sake of enduring principles that rise above temporary political expendience. And that is the kind of representation which our people enjoyed for 32 years while Margaret Chase Smith served in the Congress.

It is all too easy in the rush of everyday business to be guided by the immediate political practicalities and the imperative of election campaigns. But representation which sets the good of the Republic and the endurance of our political system above those immediate demands is rare and difficult. It takes courage and dedication to the greater principles that underly service in the Senate. It cannot be better expressed than in Senator Smith's own words of 34 years ago, when she said:

"I think it is high time that we remember we have sworn to uphold and defend the Constitution." Senator Smith never forgot.

Mr. RANDOLPH. Mr. President, I support the bill introduced by Senator GEORGE MITCHELL, which would name the Federal building in Bangor, Maine, in honor of former Senator Margaret Chase Smith.

Margaret Chase Smith was the only woman to serve in both Houses of Congress, and the only woman to have been elected to four full terms in the U.S. Senate. She was also the first woman to have been placed in nomination for President, at the 1964 Republican National Convention.

Mrs. Smith was first elected to the U.S. House of Representatives in 1940, to fill a vacancy created by the death of her husband, Clyde Harold Smith. She served in that body until she was elected to the Senate in 1948. She represented the State of Maine in the Senate from 1949 until 1972.

Mr. President, I knew Margaret Chase Smith well, having served with her in both the House and the Senate. I worked with her over the years on legislation and programs affecting the State of Maine. I respected her for her diligence and for her integrity.

I believe it appropriate that the Senate now pass legislation naming the Federal building in Bangor, Maine, in her honor, and I urge my colleagues to support the bill introduced today.

By Mr. MATHIAS:

S. 2464. A bill designating February 11, 1985, "National Inventors' Day"; to the Committee on the Judiciary.

NATIONAL INVENTORS' DAY

● Mr. MATHIAS. Mr. President, I introduce a bill that would designate February 11, 1985, as National Inventors' Day. On that day we would honor a group of Americans whose pioneering spirit and creative genius have improved the human condition. Through this commemoration we sound an important theme—our reliance on the individual inventor to maintain our leadership in industry and technology.

It is not coincidental that Americans have been leaders not only in developing many of the world's major innovations, but also in recognizing that inventors are the keystone of a nation's industrial progress. In drafting the Constitution, the Founding Fathers provided civilization's first constitutional protection for intellectual property. They sought to nurture scientific inquiry in the belief that it would make America prosper. And it has.

Today's legislation honors those individuals who have done so much to confirm the wisdom and vision of the men who met in Philadelphia during the summer of 1787. Currently, inventors are found in all walks of American life—in the laboratories of great corporations, in small business establishments, in government research facilities, and in backyard garages. In many cases, their important work is known only to a few colleagues, or to family and friends. Our bill will recognize their inventive effort and its importance to the prosperity and well-being of the Nation. It also recognizes the patent system that provides the incentive and reward which, while it may not be the mother of invention, is surely its godmother.●

By Mr. METZENBAUM:

S. 2465. A bill to amend the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

NATURAL GAS POLICY ACT AMENDMENTS OF 1984

● Mr. METZENBAUM. Mr. President, for more than a year, Americans have looked to the Congress to restore order to the natural gas industry.

But the Senate has been paralyzed by ideological gridlock. The prodecontrol-antidecontrol debate has overwhelmed our efforts to fashion a workable natural gas bill. We have backed and filled, cajoled, and argued, all to no purpose. To date we have failed the American consumer and the natural gas industry.

I believe it is time to move beyond rhetoric and ideology on this issue. In that spirit, I am proposing new legislation that offers the best hope for enacting meaningful natural gas legislation this year.

The measure I am introducing is very simple: It limits the operation of indefinite price escalator clauses and repeals certain fuel use act restrictions and incremental pricing provisions.

I do not pretend that this bill does all I think should be done to correct the problems in the natural gas industry. Far from it. If I had my way, I would prefer the "contracts" bill drafted by Senator DANFORTH and myself last year. But the fact is that major contractual reform will require concessions I am frankly not willing to make. For example, it is clear that the price for substantial take-or-pay relief would be a considerable amount of old gas decontrol. I simply will not make that trade off.

I know that some Senators are continuing the search for a comprehensive natural gas bill, including some form of decontrol. But I think there comes a time when reality should overtake ideology. And the reality is that neither the Senate nor the House will pass sweeping natural gas legislation this year.

So where does that leave us?

It leaves us in the position of searching for legislation which falls far short of what we prefer, but which accomplishes at least part of the job we set out to achieve. The legislation I am introducing is exactly that.

In January 1985 consumers of all classes face massive price increases as a result of uncontrolled operation of indefinite price escalator clauses. These IPE's are timebombs waiting to blow holes in the pockets of every consumer in America. They would cause purely artificial price increases with no relationship to market reality.

The legislation I am introducing would control these IPE's. Under the bill, IPE's, including most-favored-nation clauses, would be prohibited from operating to increase the price of gas above the price paid as of December 31, 1984, plus inflation.

The legislation balances this contract relief with repeal of two sections of current laws that the industry believes have failed—certain provisions of the Fuel Use Act and incremental pricing provisions.

As I said, this legislation is not my first choice, or even my second or third choice. But we are past the time for drawing up wish lists. We have reached the time where we must decide if we will provide some relief—however modest—to consumers and the industry, or whether we will do

nothing. I am convinced this legislation represents the best hope for providing that relief.●

By Mr. D'AMATO:

S. 2466. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

ETHNIC AND MINORITY AFFAIRS BROADCASTING ACT OF 1984

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission.

The FCC, an independent governmental agency, has been an effective steward over the tremendous and rapid advancements in the field of communications. Corresponding with the growth of the communications industry is the growth of the FCC itself. I am concerned, however, that this agency now is becoming too big to respond to special communities and circumstances and too big to assist those such as ethnics and minorities.

Presently, there are no comprehensive services for ethnics and minorities within the FCC. The purpose of my bill is to create a specific FCC department to be a clearinghouse for complaints and suggestions regarding radio and television broadcasting which affects ethnic and racial minorities. Although it is not the intention of this legislation to mandate specific programing or to assist current or potential ethnic and minority broadcasters, this legislation would advocate educational programming and would encourage a more positive public image of ethnics and minorities.

I expect this legislation to cost very little. Even though the FCC now has no comprehensive services for ethnics and minorities, there are many departments within the FCC which have people who specifically handle ethnic and minority matters. This legislation would mostly use existing resources within the FCC to create this Office.

Since the FCC is committed to broadcast deregulation, I believe it is in the best interest of Congress, the administration, and the broadcast industry that we show ethnic and minority communities, which are often the most adversely affected by deregulation, that there is a special Federal Office to assist them and to register their opinions on broadcasting every year. Thus, it is appropriate that we move to establish an Office within the FCC to more effectively deal with these problems.

Mr. President, I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ethnic and Minority Affairs Broadcasting Act of 1984".

SEC. 2. Section 5 of the Communications Act of 1934 is amended by inserting after subsection (d) the following new subsection:

"(e)(1) There shall be established within the Commission an office of ethnic affairs to be known as the 'Ethnic and Minority Affairs Office'. The Ethnic and Minority Affairs Office shall—

"(A) carry out an educational program that—

"(i) promotes educational ethnic and minority programming;

"(ii) encourages the positive portrayal of ethnic groups in radio and television broadcast programming; and

"(iii) demonstrates the importance of such a positive portrayal on the part of the mass media;

"(B) receive complaints and grievances regarding radio and television broadcast programming which unfairly depicts ethnic groups;

"(C) collect, analyze, and prepare information from public and private agencies related to the portrayal of ethnic groups by radio and television broadcast programming, and furnish such information, upon request and without charge, to public and private agencies that serve the needs and interests of such groups;

"(D) conduct an annual conference designed to focus public attention upon the images of ethnic groups and minorities depicted by radio and television broadcasting programming and encourage the participation of such individuals and organizations, public and private, that serve the needs and interests of such ethnic groups and minorities;

"(E) prepare and transmit to the Congress an annual report which details the activities of the Ethnic and Minority Affairs Office, including a compilation of all grievances filed under subparagraph (B); and

"(F) make such information available to the Commission which may be used for reviewing applicants for licensing.

"(2) Not later than ninety days after the date of the enactment of the Ethnic and Minority Affairs Broadcasting Act of 1984, the Commission shall establish the Ethnic and Minority Affairs Office and provide appropriate staff and services for it to carry out its functions under this subsection.".●

By Mr. PACKWOOD:

S. 2463. A bill to authorize appropriations of funds for certain fisheries programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT OF 1984

● Mr. PACKWOOD. Mr. President, I am today introducing a bill to provide a 1 year reauthorization of a number of programs carried out by the National Marine Fisheries Service. This bill is similar to one which I introduced last year, S. 1099, which eventually became Public Law 98-210.

This year's version provides a total of $75,000,000 for the National Marine Fisheries Service to carry out a portion of its duties in the areas of information collection and analysis, fishery conservation and management, and State and industry assistance programs. The balance of the funding needed by the Fisheries Service to carry out these functions is authorized under several cyclical authorizations, the primary one being the Magnuson Fishery Conservation and Management Act.

In additional to providing authorization for the Fisheries Service, the bill also provides for the continuation of several other programs. I will discuss these briefly.

Section 5 of the bill authorizes $1 million to fund a Federal cooperative research program into the severe declines which have occurred in striped bass populations.

Section 6 reauthorizes the fishermen's guaranty fund. This fund is used to make payments to fishermen who suffer losses as a result of seizure of their vessels by foreign nations which make territorial claims not recognized by the United States.

Section 7 extends the authority of the Secretary of Commerce to operate the fisheries loan fund, as provided under the Fish and Wildlife Act of 1954. The loan fund consists of the fees paid by foreign nations which fish in the U.S. 200-mile zone.

Section 7 also extends the authority of the Secretary of Commerce to recruit and train persons who volunteer to assist with programs conducted by the National Oceanic and Atmospheric Administration.

Section 8 extends those provisions of law which enable the Secretary of Commerce to make loans from the fisheries loan fund for the purpose of helping fishermen avoid default on federally backed fishing vessel loan guarantees.

Section 9 provides a 3-year reauthorization for the Deep Seabed Hard Mineral Resources Act. The funding level provided is $1.5 million annually for fiscal years 1985, 1986, and 1987. It is important that we reauthorize this act in order to continue the Federal regulatory structure under which seabed mining activities may proceed.

Mr. President, the programs authorized under this bill are not new, nor are they significantly above the levels which we have provided in the past for these functions. Nevertheless, it is important that Congress once again display its support for these activities, and I hope that my colleagues will support the measure when the time comes for it to be brought back to the floor for consideration by the Senate as a whole.

Mr. President, I ask unanimous consent that the text of the bill be print-

ed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public law 98-210; 97 Stat. 1409) is amended—

(1) in subsection (a), by inserting ", and $28,000,000 for fiscal year 1985" immediately after "1984"; and

(2) in subsection (b), by striking "of 1976".

SEC. 2. Section 3 of such Act is amended—

(1) in subsection (a), by inserting ", and $35,000,000 for fiscal year 1985" immediately after "1984"; and

(2) in subsection (b), by inserting "Magnuson" immediately before "Fishery", and by striking "of 1976". Sec. 3. Section 4 of such Act is amended—

(1) in subsection (a)—

(A) by inserting ", and $12,000,000 for fiscal year 1985" immediately after "1984"; and

(B) by striking "boats" and inserting in lieu thereof "vessels"; and

(2) in subsection (b), by striking "of 1976".

SEC. 4. Sections 2, 3, and 4 of such Act are amended by adding at the end thereof the following:

"(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.".

SEC. 5. Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking "and" after "1983,", and by inserting ", and September 30, 1985" immediately after "1984".

SEC. 6. Section 7(e) of the Fishermen's Protective Act (22 U.S.C. 1977(e)) is amended—

(1) by striking "October 1, 1984" and inserting in lieu thereof "October 1, 1985"; and

(2) by inserting ", other than payment from fees collected or revenues accruing from deposits or investments of such fees pursuant to subsection (c) of this section," immediately after "payments".

SEC. 7. (a) Section 4(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(c)) is amended by striking "September 30, 1984" each place it appears and inserting in lieu thereof "September 30, 1985".

(b) Section 7(c)(6) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(6)) is amended by striking "and 1984" and inserting in lieu thereof "1984, and 1985".

SEC. 8. Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c, note) is amended—

(1) in subsection (a), by striking "September 30, 1984" and inserting in lieu thereof "September 30, 1985";

(2)(A) in subsection (b)(2)(A), by striking "and 1984," and inserting in lieu thereof "1984, and 1985,"; and

(B) in subsection (b)(2)(C), by striking "and 1984" and inserting in lieu thereof "1984, and 1985"; and

(3) in subsection (c)(1), by striking "and 1984," and inserting in lieu thereof "1984, and 1985".

SEC. 9. Section 310 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1470) is amended—

(1) by striking "and" immediately after "1983,"; and

(2) by inserting ", and $1,500,000 for each of the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987" immediately before the period at the end thereof.●

By Mr. EAGLETON (for himself and Mr. DANFORTH):

S. 2467. A bill to provide for a gold medal honoring Harry S. Truman; to the Committee on Banking, Housing, and Urban Affairs.

GOLD MEDAL TO RECOGNIZE THE ACCOMPLISHMENTS OF HARRY S. TRUMAN

● Mr. EAGLETON. Mr. President, today I am introducing a bill to authorize the striking of a special congressional gold medal in recognition of President Harry S. Truman's outstanding public service to the United States. The medal will be presented to Margaret Truman Daniel, daughter of the former President.

On May 8, 1984, our country will celebrate the 100th birthday of Harry S. Truman, our 33d President. The Senate and House will meet in a special Joint Session of Congress to commemorate the great achievements of Harry S. Truman.

Whether Harry Truman was serving his country as a soldier, county judge, U.S. Senator, Vice President, or President, he always provided his best in leadership and dedication. When he first came to the Senate in 1935, he was unknown in circles outside of Missouri. By the time he left the Senate, Harry Truman was well respected as a man of hard work, integrity, and loyalty to his family and country.

Harry Truman's dedication to his country was a constant in his life, and a trait that he instilled in his family and friends. Margaret Truman Daniel, Harry and Bess's only child, shared her father with the Nation as she was growing up, and continues to share him with us today. Margaret Daniel has lent much energy and dignity to the planning of the Truman Centennial, and to the preparations for the opening of the Truman home in Independence in May by the National Park Service. I know that her father would be especially proud of her efforts and her willingness to serve her country.

I believe this bill is a fitting tribute to the Truman family for all the years of public service selflessly contributed by Harry S. Truman. In the year of his centennial, it is time to honor him by striking a gold medal.

Mr. President, the bill that I am introducing today is identical to H.R. 3614, which was passed by the House of Representatives on March 13, 1984. I ask that the text of the bill be printed in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Margaret Truman Daniel, a gold medal of approprite design, in recognition of the lifetime of outstanding public service which her father, Harry S. Truman, gave to the United States, and in commemoration of his one hundredth birthday which will be celebrated on May 8, 1984.

(b) For purposes of the presentation referred to in subsection (a), The Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) There are authorized to be appropriated not to exceed $25,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisons of the first section shall be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.●

By Mr. DENTON:

S. 2469. A bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes; to the Committee on the Judiciary.

ANTITERRORISM ACT OF 1984

Mr. DENTON. Mr. President, today I introduce legislation to protect the internal security of the United States by creating the offense of terrorism, and to provide the Federal Bureau of Investigation with primary investigative jurisdiction over the crime of terrorism.

As my colleagues will recall, President Reagan, in his state of the Union address, spoke of the need for legislation to help combat terrorism. I believe that this bill is an important first step in that direction.

Strange as it may seem, terrorism per se is not a crime in the United States, as it is in many western industrialized nations. Greece, Ireland, Israel, Italy, Japan, the United Kingdom, and West Germany all have enacted legislation to deal with the crime of terrorism. I understand that a new proposal to strengthen the antiterrorist laws of the United Kingdom is under consideration by the House of Commons.

There is a temptation, however, in drafting legislation to deal with the crime of terrorism, to overreact. We must guard against the blind rage that grabs at us when we think of the

deaths of 241 marines at the hands of terrorists in Beirut, or of the terrorist bombing of this very building just 4 months ago. We must be careful that any legislation we pass strikes a balance between the need to punish terrorists for their criminal activities, and the constitutional rights of all Americans, especially the right to express dissent.

In my view, my proposed legislation strikes that important balance. It quite simply defines the crime of terrorism, sets forth penalties for its commission, and gives the Federal Bureau of Investigation primary jurisdiction over investigating criminal activities of a terrorist nature.

The last provision, giving jurisdiction to the FBI, is, I believe, essential. We need a focal point, a "central clearing house," as it were, for terrorist investigations. We need to be able to delineate responsibility for investigating terrorist incidents, if for no reason other than that, when one occurs, there must be centralized command and control of the investigation. The FBI already has the resources and expertise to carry out that function. We just need a clear signal from Congress that the Bureau should put those resources and expertise to work.

I believe that the bill addresses a problem in our society that we must clearly face and resolve as soon as possible. Terrorists must be put on notice that their activities are criminal and simply will not be tolerated by law-abiding Americans. I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "antiterrorism Act of 1984".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that terrorism is—

(1) an offense which results in the killing of innocent persons, the loss of civil rights through intimidation and coercion, and the loss of property;

(2) a crime that has as its goal the furtherance of a political or ideological objective by violent means;

(3) directed against the orderly and democratic conduct and security of all people;

(4) a threat to our national security and our national interests;

(5) a burden on commerce or threat affecting the free flow of interstate commerce;

(6) a threat to the safety of the President of the United States and Vice President of the United States, the Congress, the Supreme Court, and the Government of the United States as a whole; and

(7) a threat to the continued and effective operation of the Government of the United States and of the government of each State as guaranteed by Article IV of the Constitution.

(b) It is the purpose of this Act to—

(1) protect the internal security of the United States by creating the offense of terrorism; and

(2) grant to the Federal Government and the Federal Bureau of Investigation primary investigative jurisdiction over the crime of terrorism.

OFFENSE OF TERRORISM

SEC. 3. (a) Title 18 of the United States Code is amended by adding after chapter 113 the following new chapter:

"CHAPTER 113A.—TERRORISM

"Sec.
"2331. Definition.
"2332. Offense.
"2333. FBI primary authority.

"§ 2331. Definition

"For purposes of this chapter, the term 'terrorism' means the knowing use of force or violence against any person or property in violation of the criminal laws of the United States or any State, territory, possession, or district, with the intent to intimidate, coerce, or influence a government or person in furtherance of any political or ideological objective.

"§ 2332. Offense

"(a) Whoever commits or procures the commission of an act of terrorism within the United States or any State, territory, possession, or district shall be punished (1) by death, if the death of any person results from the commission of the act of terrorism, and if the verdict of the jury shall so recommend, or (2) by imprisonment for a term of years not less than 20, or for life, or for life without possibility of parole.

"(b) Whoever attempts to commit an act of terrorism within the United States or any State, territory, possession, or district shall be punished (1) by death, if the death of any person results from commission of the attempt, and if the verdict of the jury so recommend, or (2) by imprisonment for not less than 10 years nor more than 20.

"(c) Whoever threatens to commit an act of terrorism within the United States or any State, territory, possession, or district shall be punished by imprisonment for not less than 5 years nor more than 10 years.

"(d) In the case of a second or subsequent conviction under subsection (a) or (b), such person shall be sentenced to a term of life imprisonment without possibility of parole, or death, if the death of any person results from the commission or attempted commission of the act of terrorism.

"(e)(1) A person shall be subjected to the penalty of death for any offense prohibited by this section only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under this section for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating factors set forth in paragraph (6) exists. The hearings shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury; or

"(iii) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant.

"(4) The jury, or if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to the existence or nonexistence of each of the factors set forth in paragraph (7).

"(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense—

"(A) he was under the age of eighteen;

"(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(D) he was a principal (as defined in section 2 (a) of title 18 of the United States Code (18 U.S.C. 2 (a))) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(E) he could not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury, or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that the death of another person resulted from the commission or attempted commission of the offense, and

"(A) the defendant has been convicted of another federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was imposable;

"(B) the defendant has previously been convicted of two or more Federal or State offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(C) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(D) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.

"§ 2333. FBI primary authority

"(a) Violations of this chapter shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, notwithstanding any statute, rule, or regulation to the contrary.

"(b) when Federal investigative or prosecutive jurisdiction is asserted for a violation of this chapter, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.".

(b) The table of chapters for part I of title 18, United States Code, is amended by adding after the item for chapter 113 the following:

"113A. Terrorism ..... 2331.".

By Mr. DENTON:

S. 2470. A bill to provide for the national security by allowing access to certain Federal criminal history records; to the Committee on the Judiciary.

ANTI-NUCLEAR TERRORISM ACT OF 1984

Mr. DENTON. Mr. President, I am introducing today the Anti-Nuclear Terrorism Act of 1984, which would amend the Atomic Energy Act of 1954.

This legislation would greatly enhance the security of nuclear-power facilities by granting nuclear-power-reactor licensees access to the criminal history files of the Federal Bureau of Investigation to assist screening possible employees for nuclear plants. It would provide for the conduct of background investigations on any individuals having unescorted access to a nuclear-power facility. The background checks would provide an indication of employee reliability, stability, and trustworthiness.

Currently, only 10 States allow private employer access to the national criminal history records maintained by the FBI. The majority of background checks by nuclear-power-reactor licensees are limited to State or local files, which do not include information on an individual's past criminal record, if any, in other parts of the country. If enacted, the legislation would allow nuclear-power-reactor employers to have access to the national files and thus enable them to obtain more complete criminal histories. That information can be a crucial factor in the determination to grant or deny an individual unescorted access to the facility.

It should be noted that the FBI data in question are protected by the Privacy Act of 1974. Therefore, if information from this data base is provided to the Nuclear Regulatory Commission, then the Privacy Act protections and limits on disclosure will apply.

According to the Nuclear Regulatory Commission, there are 79 U.S. nuclear-reactor plants that produce and are licensed for full power, and 3 that are licensed for fuel loading and low power. In 1982, those nuclear facilities produced 278,034,73 megawatts of electricity. By September 1983, they had produced 207,954,073 megawatts. That is approximately 12 to 13 percent of all the U.S. electrical power.

Nuclear powerplants are vital to the United States for energy, but they can also present a great danger to the environment and human life if they are mismanaged or damaged. Prevention of any mishaps in and around a nuclear powerplant is of the utmost importance.

Recently, the Nuclear Regulatory Commission began to investigate more than a dozen incidents of suspected sabotage by plant employees. The incidents, all reported since 1980, involved critical valves in the wrong position, miswired electrical equipment, and other flaws, all possibly attributable to human error. The Commission report said that there had been 32 possible deliberate acts of damage at 24 operating reactors and reactor construction sites between 1974 and 1982, including the dozen reported since 1980.

For example, at the Salem atomic-power station in southern New Jersey, on May 1, 1982, instrument valves were apparently deliberately mispositioned in a way that knocked out the steam generator feed-water pump that forced the operator to reduce power immediately to keep the reactor from going into emergency shutdown.

Another incident cited by the Nuclear Regulatory Commission occurred at the Beaver Valley Plant near Pittsburgh. A valve normally left in an open position was found shut, and the chain and padlock that secured this valve in the open position were missing. With the valve shut, emergency cooling water would not have been available for high-pressure injection into the core.

The Nuclear Regulatory Commission reported: "Since there were no indications of unauthorized entry to the sites of these incidents, they are thought to have involved insiders." A Commission memorandum issued last year concluded: "The major threat of sabotage to a nuclear plant is associated with the insider."

Those threatening incidents deserve preemptive measures such as screening of the employees of the plants.

The chairman of the House Energy and Commerce Committee, Representative JOHN DINGELL of Michigan, has warned that the national security continues to be seriously threatened by the possibility that terrorists might slip by inadequate security forces to steal nuclear material or blow up nuclear production facilities.

Acts of terrorism are increasing in our country. The acts have the goals of attracting mass attention and encouraging political blackmail. Should a nuclear-power reactor facility ever become a target of terrorists, the consequences could be incomprehensible.

By giving the nuclear-power-reactor operators access to the Federal Bureau of Investigation criminal history files and thus giving the FBI the responsibility for helping to screen individuals having unescorted passage to sensitive and vital areas of the nuclear plant, the legislation that I propose would greatly aid in preventing any sabotage to nuclear powerplants from within. An ounce of prevention is worth a pound of cure.

I introduce the legislation to help insure the safety of nuclear powerplants and to protect the citizens and the environment of the United States. I urge my colleagues to join with me to support the legislation. It is urgently needed to safeguard the security of the United States and the welfare of the American people.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-nuclear Terrorism Act of 1984".

FINDINGS

SEC. 2. The Congress finds that—

(1) the presence of nuclear power facilities and nuclear material in our society represents a potential and grave threat to our national security should terrorists obtain access to such material;

(2) the increasing threat of terrorism directed against the United States is greatly enhanced by insider access to nuclear power facilities and nuclear material; and

(3) the Federal Bureau of Investigation should assist in screening persons who have access to nuclear facilities and material.

NATIONAL SECURITY ACCESS

SEC. 3. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"SEC. 149. Fingerprinting for security clearance.—

"a. Every person in the process of being licensed or licensed pursuant to section 103 or 104b to operate a utilization facility shall require that each individual allowed unescorted access to the facility be fingerprinted. All fingerprints obtained by a licensee as required in the preceding sentence shall be submitted to the Attorney General of the United States through a person or persons designated by the Commission in consultation with the Attorney General for identification and appropriate processing. Notwithstanding any other provision of law, the licensee may receive from the Attorney General the results of such search.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its responsibilities to promote the common defense and security and to protect the health and safety of the public.".

(b) The table of contents at the beginning of such Act is amended by inserting after the item for section 148 the following new item:

"Sec. 149. Fingerprinting for security clearance.".

By Mr. GARN (for himself and Mr. HATCH):

S. 2471. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

UTAH FEDERAL AND STATE LAND MANAGEMENT IMPROVEMENT ACT OF 1984

● Mr. GARN. Mr. President, today, Senator HATCH and I are very pleased to be introducing this landmark public lands legislation for Utah which has the potential to be a prototype for every other public lands State in the country where scattered sections of State land exist. This precedent setting legislation is called Project BOLD in the State of Utah and will provide for the orderly exchange of over 5 million acres of State and Federal lands into consolidated blocks of land replacing the existing checkerboard pattern of land ownership in Utah.

Project BOLD is the brainchild of Utah's Gov. Scott Matheson who has tediously developed this proposal over a period of 3 years. The Governor has worked with all effected user and environmental organizations, county commissioners and other governmental bodies including the Department of the Interior in an effort to achieve a fair package that will benefit the citizens of Utah while maintaining an equitable and fair land base for the agencies of the Federal Government who administer public lands. I commend Governor Matheson for living up to his reputation of being farsighted and promoting the best interests of the State of Utah. I fully support the concept of blocking up scattered State school sections as envisioned on Project BOLD. There remain differences of opinion at home in Utah and within the Interior Department over the best methods of achieving the goal of rational and logical land management of public lands within the State of Utah. I expect the legislative process which we have begun today will allow opportunities for those remaining differences of opinion to be fully aired. I am hopeful and confident that in time, this process will allow us to make changes in this bill if necessary, and to achieve the goals for the people of Utah which I have touched upon and will mention in more detail shortly. I believe the Project BOLD bill being introduced in the House of Representatives and Senate today represents the very best effort to date to achieve rational and logical land management in Utah. I again wish to thank the Governor of my State for his foresight and diligence in developing this package. Under his direction there have already been more public hearings held than on any other issue in recent memory. The Utah public has been fully involved in the creation of the package being introduced today.

Mr. President, I would like to explain now in more detail the reasons for introducing this legislation and what we Utahans hope can be accomplished as a result of its passage. This extensive land consolidation and exchange proposal seeks to satisfy several objectives, including achieving equivalency, and fairness in the value of lands exchanged between the Federal Government and the State and increase revenue from State owned lands—opportunities at both the State and Federal level and improving land management capabilities—and carrying out the exchanges and consolidations to maintain regional diversity of lands and values within the geographical provinces in Utah.

Upon entering the Union in 1896, Utah, like other Western States, was provided with specific square-mile sections among the Federal lands. In Utah, four sections of each 36-square mile township were granted to the State for the support of the common schools and specific land grants were made to 11 other institutions. The school land grant totaled nearly 6 million acres and created the checkerboard pattern of State and Federal ownership across Utah as I mentioned earlier.

The Utah land grant was consistent with Federal land policies of the 1800's. National policy dictated disposition of Federal lands in order to facilitate development of the remote and arid West. The Homestead Act of 1864 and the Desert Land Entry Act of 1877, which provided lands to new settlers, were the legislative basis for the disposal policy. When the Utah Enabling Act was passed in 1894, the State of Utah and the Federal Government expected that public lands eventually would benefit from the taxes created by new private lands as well as the State land grant. This has never happened.

Through the 20th century, Federal land policies have been substantially revised—in 1976, the Federal Land Policy and Management Act (FLPMA), which I oppose, formally recognized a Federal policy of land retention. But while the policies have changed, the basic land ownership pattern established in the 19th century remains with only minor modifications. The State now finds itself with small islands of land surrounded, and in most cases, controlled by the activities of the Federal land managers. The revenues to the school trust have been almost nonexistent, providing only 3 percent of the State school budget in recent years. This current land ownership pattern frequently leads to conflicts between the State and Federal Government over the use of specific lands. Mineral development proposals on State sections have conflicted with surrounding Federal land management objectives, grazing levels on Federal lands have dictated the level of use on interspersed State sections, and State or Federal policies for wildlife or preservation use have been hampered by the neighboring government's contrary objectives.

The logical solution to these conflicts is to accomplish site-specific exchanges which eliminate management conflicts: The State of Utah has attempted to address these problems through individual exchange proposals. Unfortunately, experience with the existing exchange procedures has been singularly unsuccessful—value appraisals are difficult, costly, and time consuming, and the procedural complexities of the process have rendered all but the smallest and simplest exchanges virtually impossible to complete. Under FLPMA, traditional exchange determinations for mineral lands must be based on detailed core drillings to determine the mineral values of the lands in question. Unless significant minerals are present, the cost of determining the value of the lands involved in the exchange will exceed the value of the lands.

Utah's frustration with the existing Federal and State land pattern and administrative exchange processes is shared by the other Western States. It is now my hope that the Congress of the United States will objectively look at what we have to offer and work with us to arrive at a legislative result which solves the long-term management problems I have mentioned here today.

I believe strongly that the State of Utah has successfully made its case and demonstrated the real need for change in our land management configuration. I welcome the opportunity to continue this effort now through the legislative process in the Congress.●

● Mr. HATCH. Mr. President, I join with my distinguished colleague, Senator JAKE GARN, today in cosponsoring a long overdue bill which will enable the State of Utah to block up the individual sections which were set aside for the State at the time Utah was granted statehood. This project has long been referred to as Project BOLD, and it is indeed a bold step.

Anyone who has ever examined a detailed map of the State, which shows how the individual State sections are scattered throughout the State, can well appreciate the impossible task of proper land administration for both the State and Federal Governments. It soon becomes apparent that the purpose for the granting of such sections to the State can never be realized as the situation now stands.

This bill is a starting place from which we can begin a process to block up or bring together all of these sections scattered throughout the State into workable units. In the introduction of this bill, I want to point out clearly that this is not a finished product. It is my hope that this bill can be a focal point for reasonable cooperation among all the different interests which will be brought to bear so that we may develop this bill into a truly effective piece of legislation. We want to achieve a consensus which will appropriately address the goals and concerns of all parties involved.●

By Mr. NICKLES (for himself, Mr. DENTON, Mr. GLENN, Mr. KENNEDY, and Mr. NUNN):

S. 2472. A bill to amend chapter 81 of title 5, United States Code, to establish in the Department of Labor a program to pay certain death benefits to survivors of Federal law enforcement officers and firefighters who die in the line of duty, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL PUBLIC SAFETY OFFICERS' SUPPLEMENTAL DEATH BENEFITS ACT OF 1984

● Mr. NICKLES. Mr. President, the legislation that I am introducing today along with Senators DENTON, GLENN, KENNEDY, and NUNN will amend the Federal Employees Compensation Act (FECA) to provide a $50,000 death benefit to the survivors of a Federal law enforcement officer or firefighter whose death was directly and proximately caused by an outside force in the line of duty. I believe that such a benefit is both necessary and justified.

Every day, these individuals strive to protect the lives and property of their fellow citizens. Frequently, they perform these essential services with little regard for their own safety. Unfortunately, law enforcement officers and firefighters sometimes lose their own lives while saving those of others. Too often, their families are left in financial need. This bill acknowledges the deep commitment of these Federal employees and recognizes the hardships that inevitably follow the loss of one's spouse.

There is widespread support for providing this benefit for Federal law enforcement officers and firefighters. Last year, Senators DENTON and GLENN each introduced measures which addressed this issue, S. 1716 and S. 1163 respectively. Legislation identical to that introduced by Senator GLENN was passed by the House of Representatives in 1983.

The bill that my colleagues and I are introducing today is very similar to S. 1163 which is pending in the Committee on Governmental Affairs. Like S. 1163, this bill will provide a $50,000 death benefit to the survivors of Federal law enforcement officers or firefighters who gave their lives in the line of duty. However, this bill also contains certain technical modifications which will bring its provisions into conformity with FECA.

It is our hope to act on this bill expeditiously. I urge my colleagues to join Senators DENTON, GLENN, KENNEDY, and myself in support of this legislation.●

● Mr. DENTON. Mr. President, I am happy to join my colleague from Oklahoma, the distinguished chairman of the Labor subcommittee, Senator NICKLES, as an original cosponsor of a bill to provide additional death benefits for firefighters and law enforcement officers.

The concept of providing a lump-sum benefit to the survivors of firefighters and law enforcement officials is not a new one. The proposal dates back to the 92d Congress. I introduced a similar bill earlier in the first session of this Congress, as did my colleague, Senator GLENN. The bill that we are introducing today incorporates some of the best features of the various proposals. I am happy to support the improvements in this new bill and I am confident that it is acceptable to all parties.

I urge my colleagues to join us as cosponsors of this legislation that will do so much for the families of those who often give their lives without thought to their own protection.●

● Mr. GLENN. Mr. President, I am pleased to be an original cosponsor of the Federal Public Safety Officers' Supplemental Death Benefits Act of 1984, which is being introduced today. This bill would provide a $50,000 death benefit to the survivors of Federal firefighters and law enforcement officers who are killed in the line of duty.

I commend Senator NICKLES for his support of the $50,000 death benefit, and I appreciate the opportunity to work with him on this measure.

I am supporting this legislation today because of my longstanding commitment to obtain passage of the death benefit bill. The measure we are introducing today is very similar to S. 1163, which I introduced earlier in this Congress. I also introduced a similar measure in the 97th Congress and fought for passage of the death benefit bill in the 96th Congress as well.

I am optimistic about passage of this legislation for several reasons.

First, passage of the bill is a simple question of equity. In 1976, Congress passed the Public Safety Officers' Benefits Act, which provided a $50,000 death benefit for State and local firefighters and police officers in recognition of the fact that these public servants expose themselves to great dangers in their employment, casting aside their personal safety and risking death in order to protect lives and property.

Although Federal firefighters and law enforcement officers face the same dangers as their State and local counterparts, their survivors lack the security of the death benefit when they fall in the line of duty. Our bill would extend the same $50,000 death benefit to the survivors of these Federal officers.

Second, the cost of the bill is negligible, an estimated $250,000 annually. In view of the laudable purpose of the bill and the fact that these Federal officers must daily face the risk of death, we could afford much more.

Third, support for the bill is building in the Senate. In addition to the sponsors of the bill that we are introducing today, there are 14 cosponsors of S. 1163, the similar version that I earlier introduced, and other Senators have indicated an interest in signing on.

Finally, Congress has seen the wisdom and equity of the death benefit bill in the past. The 96th Congress overwhelmingly supported and passed H.R. 5888, providing this death benefit. In the 97th Congress, both the House and Senate passed similar measures with strong bipartisan support; however, the benefit was lost in conference. In this Congress, the House has already passed H.R. 622 by the overwhelming margin of 390 to 33.

H.R. 622 is identical to S. 1163 and is very similar to today's measure.

I ask my Senate colleagues to support the death benefit so that the current inequity can finally be rectified.●

By Mr. TSONGAS:

S.J. Res. 264. A joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month"; to the Committee on the Judiciary.

NATIONAL HEMOPHILIA AWARENESS MONTH

● Mr. TSONGAS. Mr. President, I am introducing a resolution which would designate March 1985 as National Hemophilia Awareness Month.

Hemophilia is a hereditary blood-clotting disorder which affects males almost exclusively. There are at least 20,000 males in the United States that have hemophilia and this estimate does not include the many mild cases which remain undiagnosed.

Hemophilia occurs in 1 out of every 4,000 live male births. The ever-increasing number of Americans affected by this disease necessitates a national recognition of the causes of the disease, the advances made in the research of the disease and the need to focus on the work which remains to be done.

Rapid advances are being made in the treatment of hemophilia. However, victims and physicians face new challenges including the threat of contaminated blood supplies, escalating cost of treatment, and a lack of public education on the causes and treatment of hemophilia. Designating March 1985 as National Hemophilia Awareness Month will go a long way in educating the public about the plight of hemophiliacs. It will encourage research and hopefully lead to a cure.

I urge my colleagues to join me in this effort and support this resolution. I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 264

Whereas hemophilia is an incurable hereditary disorder that prevents proper coagulation of the blood;

Whereas hemophilia, which strikes males almost exclusively, occurs in one of every four thousand live male births regardless of race, nationality, or family economic status;

Whereas hemophilia can lead to disabilities or death for some hemophiliacs;

Whereas, despite recent medical advances in the diagnosis and treatment of hemophilia, many hemophiliacs continue to face unpredictable medical complications due to the disorder;

Whereas, with proper medical treatment and adequate financial assistance, hemophiliacs can live healthy, normal, and independent lives; and

Whereas increased public awareness of the causes and effects of hemophilia will help dispel many common misconceptions concerning the disorder: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1985 is hereby designated as "National Hemophilia Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. PACKWOOD, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1608

At the request of Mr. TSONGAS, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1608, a bill to amend the Fair Labor Standards Act of 1938 to provide persons may not be employed at less than the applicable wage under that act.

S. 1645

At the request of Mr. TSONGAS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1645, a bill to increase the maximum amount a student may borrow under the GSL and NDSL programs.

S. 2217

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 2217, a bill entitled the Tandem Truck Safety Act of 1984.

S. 2237

At the request of Mr. SASSER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2237, a bill to strengthen the Asbestos School Hazard Detection and Control Act of 1980.

S. 2258

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2307

At the request of Mr. BOSCHWITZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2378

At the request of Mr. ABDNOR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2378, a bill to provide authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

S. 2406

At the request of Mr. DIXON, the names of the Senator from Texas (Mr. BENTSEN) and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2406, a bill to amend the Consolidated Farm and Rural Development Act to prohibit an officer or employee of the Department of Agriculture who acts upon or reviews an application for a loan for the purchase of land under such act from acquiring an interest in such land for a period of 5 years after such action or review.

S. 2413

At the request of Mr. DENTON, the names of the Senator from Virginia (Mr. TRIBLE) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 87

At the request of Mr. TSONGAS, the names of the Senator from California (Mr. WILSON), the Senator from North Dakota (Mr. ANDREWS), the Senator from Michigan (Mr. RIEGLE), the Senator from Texas (Mr. BENTSEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. DIXON), the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 87, a joint resolution designating a day of remembrance for victims of genocide.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 206

At the request of Mr. TSONGAS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating the first Sunday of every August as "National Day of Peace."

SENATE JOINT RESOLUTION 236

At the request of Mr. MATSUNAGA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate

Joint Resolution 236, a joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race.

SENATE JOINT RESOLUTION 237

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week."

SENATE JOINT RESOLUTION 245

At the request of Mr. GORTON, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate the week of April 15 through Arpil 21, 1984, as "National Recreational Sports Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. BRADLEY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. INOUYE, the names of the Senator from Nevada (Mr. LAXALT), the Senator from South Carolina (Mr. THURMOND), the Senator from California (Mr. CRANSTON), the Senator from Montana (Mr. BAUCUS), the Senator from Arizona (Mr. DECONCINI), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as Hawaii Statehood Silver Jubilee Day."

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Arizona (Mr. DECONCINI) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. CHILES, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. HUDDLESTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers.

AMENDMENT NO. 2813

At the request of Mr. BUMPERS, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Arkansas (Mr. PRYOR), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of amendment No. 2813 proposed to H.R. 4072, a bill to provide for an improved program for wheat.

SENATE CONCURRENT RESOLUTION 100—CONCERNING THE DRILLING SHIP "GLOMAR JAVA SEA"

Mr. MITCHELL (for himself and Mr. COHEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 100

Whereas on October 26, 1983, the United States registered oil drilling ship *Glomar Java Sea* was reported missing during stormy weather at its drilling site 96 kilometers off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

Whereas no evidence has been found of 46 of the 81 crewmen, including citizens of the United States, or of the lifeboats which, reportedly, were launched from the *Glomar Java Sea*, despite an intensive cooperative search involving United States military search and rescue aircraft and many Chinese and commercial vessels;

Whereas the Government of Vietnam has refused to allow an independent search of waters within 20 miles of the coast into which lifeboats or other debris from the sunken vessel may have drifted; and

Whereas the Chairman of the United States Coast Guard Marine Board of Investigation has indicated that it is possible that surviving crewmembers of the *Glomar Java Sea* drifted onto the coast of Vietnam: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should instruct the United States delegation to the United Nations to request that the Secretary General seek the cooperation of the Government of Vietnam with the Governments of the United States, People's Republic of China, United Kingdom, Singapore, Australia, Canada, and the Philippines in ascertaining the fate or whereabouts of the 46 crewmen of the sunken United States registered vessel *Glomar Java Sea.*

Mr. MITCHELL. Mr. President, today I and my colleague from Maine, Senator COHEN, are submitting a concurrent resolution which would express the sense of the Congress that the President should seek at the United Nations to obtain the cooperation of the Government of Vietnam in ascertaining the fate or whereabouts of 46 crewmen of the *Glomar Java Sea.* This vessel, which encountered a typhoon last October 25, now rests at the bottom of the South China Sea.

Eighty-one men were aboard the *Java Sea* at the time of the storm, including 37 Americans, 1 a resident of Maine, Mr. Russell Reynolds. I have been working closely with Russell's wife, Linda, as her family and other *Java Sea* families attempt to determine the fate of their husbands. Unfortunately, many questions concerning the sinking of the *Java Sea* remain unanswered. Most of these questions probably would no longer exist if the Government of Vietnam had been willing in the week following the storm to permit an independent search of its coastal waters. According to the Coast Guard and others who have examined the tragic incident it is likely the *Java Sea's* survivors and debris drifted into these waters.

In early January, I met with Linda Reynolds and discussed the information she had gathered concerning the *Java Sea's* sinking. Following that meeting, my staff in Washington and Maine conferred with both the Department of State and the Glomar Marine Drilling Corp., both of which, since October 25, had been attempting to ascertain the fate of the *Java Sea's* crew and workers.

When, by the end of January these efforts had yielded no results, I and Senators GOLDWATER and KENNEDY de-

cided to ask the President to become involved. I ask unanimous consent that our letter to the President of January 26, 1984, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 26, 1984.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last October a severe storm swept away the Global Marine Drilling Corporation's vessel *Java Sea* in the South China Sea with 81 people aboard, including 42 Americans. To date, no survivors have been found although the ship carried two escape capsules and four lifeboats, only one of which has been located.

Families of the crew and some officials of Global Marine Drilling Corporation believe that the high winds of the storm drove the lifeboats into Vietnamese waters and that surviving crew members may be held by Hanoi. Vietnam has denied seeing any debris from the wreckage or any survivors.

We are particularly concerned about two of the missing workers—Russell Reynolds, Jr., whose wife and two children live in Kennebunk, Maine, and whose family lives in Newburyport, Massachusetts and Walter Tim Robinson whose wife and two children live in Springerville, Arizona. We urge you to become familiar with the details of this tragedy and to consider (1) making a Presidential request for information to Vietnam or (2) undertaking joint diplomatic action with the other nations which contributed nationals to the vessels crew (China, Singapore, The Philippines).

Without extraordinary action at the highest level, the American families whose men have been lost with the *Java Sea* will continue to live with uncertainty concerning the ultimate fate of their loved ones.

The State Department has been making efforts to secure additional information from Vietnam, but I am advised that nothing has resulted from this effort. In addition, Global Marine is attempting to obtain information with the aid of private voluntary agencies which are active in Vietnam and have better relations with the Hanoi government than does the United States Department of State. The fact that this approach has yielded no results has prompted us to request that you take a personal interest in this tragedy.

With best wishes.

Sincerely,

GEORGE J. MITCHELL,
BARRY GOLDWATER,
EDWARD M. KENNEDY, *U.S. Senators.*

Mr. MITCHELL. Mr. President, the President's Assistant for National Security Affairs, Ambassador Robert C. McFarlane on February 10, responded to our letter for the President. I ask unanimous consent that Mr. McFarlane's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 10, 1984.

Hon. GEORGE J. MITCHELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MITCHELL: The President has asked that I respond to the letter of January 26, 1984 from you and your colleagues, and express to you he has been both aware and concerned about this tragic sinking.

We have been deeply involved in all of the efforts taken to learn the fate of the crew of the *Java Sea.* In addition to an extensive search by United States assets, we have been in direct touch with the Vietnamese through our Embassy in Bangkok requesting their assistance in the search. On several occasions we have asked Hanoi for permission to search as close as 1.5 miles off the Vietnamese coast. They permitted United States aerial searches at specific distances from the coast, generally 20 miles, and advised us that their search of the Vietnamese coast to a distance of 40 miles yielded no information.

After this reply, we requested the Vietnamese to search again on two separate occasions. On December 29, 1983, the Vietnamese replied that they had rendered every possible assistance in the search, but despite best efforts they had discovered neither survivors nor debris. They also pledged that any subsequent discovery of evidence from the ship would be reported immediately.

As suggested in your letter, we have made approaches to third countries to approach the Vietnamese also. They have received basically the same reply.

We have used appropriate intelligence resources to gain information and sensitized our existing refugee screening network to the possibility of information from Vietnam refugees.

A member of my staff has met with Global Marine executives on this matter and is in constant touch. He suggested several international humanitarian organizations that could be of aid and Global Marine is now pursuing these avenues actively.

Despite all of these efforts, we have no evidence to confirm or disprove that there were survivors of the sinking, but any future leads will be pursued fully and vigorously.

Sincerely,

ROBERT C. MCFARLANE,
Assistant to the President for National Security Affairs.

Mr. MITCHELL. Mr. President, the McFarlane response reveals that while Vietnam had not been totally uncooperative, it has repeatedly rejected U.S. requests to examine coastal waters for debris which might be helpful in determining what happened to those members of the crew who did not go down when the vessel sank. According to a recent statement released by Global Marine, only 35 bodies have been located in the sunken wreckage.

Nagging questions remain. At a Coast Guard hearing on the incident, Capt. Walter W. McDougall, chairman of the U.S. Coast Guard Marine Board of Investigation, was quoted as stating that it is "very possible the crew is alive in Vietnam someplace." Surely, this possibility was raised by Captain McDougall because of certain evidence concerning the incident which has become available. This evidence includes nautical information which suggested that survivors in lifeboats or debris likely would have drifted ashore in Vietnam; the fact that two fully supplied lifeboats were launched from the *Java Sea* and have not been located; and that 3 days following the typhoon a British search helicopter received a distress signal giving the identification number of the *Java Sea* from approximately 14 miles off the Vietnamese coast.

The resolution I am introducing today calls on the President to take action at the United Nations on behalf of the American families who desperately long for certainty concerning the fate of their loved ones. The resolution specifically calls on the President to request the Secretary General to seek cooperation of the Government of Vietnam with the efforts of the Governments of the United States and the other affected nations in ascertaining the fate and whereabouts of the 81 crew members of the *Glomar Java Sea.* It is similar to House Concurrent Resolution 268, introduced on February 29, by Congressman BOB WHITTAKER of Kansas.

Mr. COHEN. Mr. President, I am pleased to join today in submitting this important concurrent resolution.

Since the U.S. registered oil drilling ship *Glomar Java Sea* sank in the South China Sea during Typhoon Lex last October 25, the families of the 81 men who were on the ship have lived with uncertainty over their fate. A search effort within the last couple of weeks has succeeded in recovering 30 bodies, with 5 other bodies located but apparently unrecoverable.

But the fate of 46 members of the crew remains uncertain, and the process of identifying those whose bodies have been recovered will take some time. So the families of the 81 crew members, 37 of them Americans, must continue their painful vigil.

The measure we are submitting today will, we hope, give added support to the international search effort which has been underway since the *Glomar Java Sea* went down in the turbulent waters off Hainan Island. It is especially important since two 30-foot lifeboats which were on the *Java Sea* have not been located. It is possible that they, and any individuals who may have been on them, may have drifted into Vietnamese coastal waters.

What the concurrent resolution does specifically is express the sense of the Congress that the President should instruct our delegation to the United Nations to request the Secretary General to seek the cooperation of the Government of Vietnam with the United States, the People's Republic of China, the United Kingdom, Singapore, Australia, Canada, and the Phil-

ippines in ascertaining the fate or whereabouts of the 46 crewmen still unaccounted for.

We have written administration officials, including President Reagan and Secretary of State Shultz, concerning this matter, and we have been assured that our country is doing everything at its disposal to determine their fate. At the conclusion of this statement, I would like to include a letter received from W. Tapley Bennett, Jr., Assistant Secretary of State for Legislative and Intergovernmental Affairs, detailing United States and international efforts. These include both direct contacts with the Vietnamese and ones made through other countries.

"Despite our efforts, we have no independent evidence confirming or disproving that there are survivors of the sinking," Ambassador Bennett told me. "The Vietnamese Government has denied repeatedly that it is holding any survivors. We share your deep concern, and assure you we will vigorously pursue any lead that offers hope of locating survivors."

It is my hope that this concurrent resolution will provide help to the administration in this effort. This measure, and a similar one introduced by Representative BOB WHITTAKER in the House, will, I believe, give a clear demonstration of the commitment and concern which Congress shares with the administration. Vietnamese officials, and those of the other countries who have joined us in trying to learn what happened to these men, will know that we are united in our determination to pursue this goal.

All of us, I know, will not be satisfied until each of these men's fate is accounted for. This is, I recognize, a difficult goal. It took over 4 months before the searchers were able to account for any of them. But we cannot ignore the essential human dimension that is involved.

My special awareness of this human dimension has been through the courageous example of the wife of one of the crew members. Linda Reynolds, of Kennebunk, has been working with my office, and Senator MITCHELL's, since the ship, with her husband, Russell, on board, capsized in the October typhoon.

Mrs. Reynolds, the mother of 2-year-old twins, believes that her husband and other crewmen may have been on the lifeboats and could have made it to the Vietnamese coastal waters. She has shown great determination in her contacts with our offices and with the State Department, as she seeks the answer of what happened to her husband and tries to learn whether he might have survived the typhoon's rigors and made it safely to Vietnam.

My hope is that other Members of this body will join in cosponsoring this concurrent resolution. We must not rest until we can account for all of the 81 men who served on the *Glomar Java Sea*. If there is any possibility that any of these men survived this tragic incident, we must pursue that possibility with every resource and through every channel we have available to us.

I ask unanimous consent that the full text of Ambassador Bennett's letter be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, D.C.

Hon. WILLIAM COHEN,
U.S. Senate.

DEAR SENATOR COHEN: Thank you for your letter of January 19 on behalf of several constituents concerning the search for possible survivors of the *Glomar Java Sea*.

Upon receiving initial reports that the *Glomar Java Sea* was in distress we launched an extensive search by U.S. military aircraft. Thinking the ship or survivors might be drifting toward Vietnam, we requested the Vietnamese Government to assist in the search. Our contacts with Vietnam were carried out directly through its Embassy in Bangkok.

We conducted aerial searches over the high seas off the Vietnamese coast from October 27 through November 4. On several occasions we asked Hanoi to allow our search aircraft as close as 1.5 nautical miles off the Vietnamese coast. In response, the Vietnamese stated they would permit search aircraft to operate between 16 and 18 degrees North Latitude, at specified minimum distances, generally 20 nautical miles from the Vietnamese coast. We consider waters beyond the appropriately delimited territorial sea to be high seas, and, therefore not subject to granting or denial of permission by Vietnam.

We asked the Vietnamese to assist in efforts to locate survivors both during and after our own aerial searches. The Vietnamese Government advised us on November 3 that it had searched the Vietnamese coast and adjacent waters, to a distance of 40 nautical miles between 16 and 18 degrees North Latitude, but found no persons or equipment from the *Glomar Java Sea*. At the request of Global Marine, we asked the Vietnamese on November 8 to search again in case survivors in a lifeboat washed up on Vietnamese shores. We reiterated our request on November 19. We also asked that they extend the search area.

On December 29, the Vietnamese Embassy in Bangkok informed us the Vietnamese Government had rendered every possible assistance in the search. Despite its best efforts it had discovered neither survivors nor debris. The Vietnamese Government also expressed its sympathy for the victims' families. Although their active search efforts have ceased, the Vietnamese added that any subsequent discovery of evidence from the ship would be reported to us immediately. The Vietnamese Government has indicated to other governments that it is still searching, suggesting local authorities have been instructed to remain alert and to report to the government any information about survivors or debris from the *Glomar Java Sea*.

Our efforts to locate possible survivors have included approaches to third countries for assistance. For example, a senior allied diplomat raised this matter with the Vietnamese in mid-December at our request. In addition, we have used appropriate intelligence resources. In mid-December, we broadened the scope of our contacts to obtain information to locate possible survivors. The U.S. Coast Guard Marine Board is currently investigating the cause of the ship's sinking.

Despite our efforts we have no independent evidence confirming or disproving that there are survivors of the sinking. The Vietnamese Government has denied repeatedly that it is holding any survivors.

We share your deep concern, and assure you we will vigorously pursue any lead that offers hope of locating survivors.

Sincerely,

W. TAPLEY BENNETT, JR.,
Assistant Secretary, Legislative and Intergovernmental Affairs.

SENATE RESOLUTION 358—COMMENDING THE COLOMBIAN NATIONAL POLICE FOR LARGEST COCAINE SEIZURE

Mr. CHILES submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 358

Whereas Colombia is the processing and distribution center for up to 75 per centum of the cocaine entering the United States;

Whereas significant and increasing amounts of coca, from which cocaine is derived, are under cultivation in Colombia, and cultivation of coca is estimated to have more than doubled within the past year;

Whereas cocaine production and processing is allegedly functioning under the protection of the Colombian communist guerrilla force, Fuerzas Armadas Revolutionarias Colombianas;

Whereas it is reported that the guerrillas levy a 10 per centum protection payment on coca growers and that one guerrilla faction alone obtains $3,380,000 monthly from these protection fees;

Whereas Colombian officials report that there is evidence showing guerrillas and drug traffickers working together in drugs-for-guns deals that threaten the democratic Government of Colombia;

Whereas Colombian officials have expressed alarm at the increase in domestic abuse of cocaine and are initiating efforts to curb drug abuse within that country;

Whereas since 1980, the United States Government has provided narcotics-control assistance to the Government of Colombia to help establish and maintain an eradication and interdiction program;

Whereas the Colombian National Police has created with the help of United States aid the Special Anti-Narcotics Unit (SANU), whch is a one thousand two hundred man force trained and assigned to disrupt drug trafficking by interdiction, by manually uprooting coca and marihuana plants, and by destroying clandestine laboratories and storage facilities;

Whereas the Special Anti-Narcotics Unit, on March 10, 1984, attacked a huge cocaine processing plant and seized thirteen and eight-tenths metric tons of cocaine worth a street value of $1,200,000,000;

Whereas the amount of cocaine seized in the March 10 raid is estimated to be equal to one-fourth the amount of cocaine consumed annually in the United States;

Whereas the March 10 raid is reportedly the largest drug arrest ever made by any standard, including money value, the type of drug, and the amount seized;

Whereas this raid was directly supported by the use of two Bell-212 helicopters and the twin-engine Otter airplane given to Colombia by the United States; and

Whereas the $1,200,000,000 street value of the seized cocaine represents three hundred times the $3,500,000 international narcotics control aid the United States provided Colombia in 1983: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Special Anti-Narcotics Unit of the Government of Colombia should be commended for its major achievement in seizing large amounts of cocaine on March 10, 1984, thereby reducing the supply of illicit narcotics that pose such a threat to the fabric of United States society; and

(2) the United States Government should continue to cooperate with the Government to assist and encourage efforts to destroy drug producing crops and counter the flow of dangerous drugs to the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Colombia.

Mr. CHILES. Mr. President, I am happy to introduce a sense-of-the-Senate resolution to congratulate the Colombian National Police for their efforts in bringing about the largest cocaine seizure ever made by any law enforcement agency in the world.

It has just come to light that on March 10, 1984, 13.8 metric tons of cocaine, worth approximately $1.2 billion on the street, were confiscated by Colombia's police force in one of the biggest drug raids ever made. A U.S. Embassy observer was right along with them on their attack on a huge cocaine processing complex located in Caquetá Province, an area close to Ecuador and Peru.

These brave law enforcement officers and the Government of Colombia should be saluted for this magnificent helping hand they have given the American people in our fight against drug trafficking.

Here is a case where the aid moneys we have expended overseas were certainly cost beneficial. Last year, we gave Colombia $3.5 million for international narcotics control which makes efforts like the March 10 raid, intelligence gathering, and eradication programs possible.

Back in 1979, I sought and obtained additional funds for fighting the importation of drugs from Colombia—$16 million was finally added that year and it helped establish a 1,200-man special antinarcotics unit with the Colombian National Police. The commander of that special unit was in charge of the unprecedented raid we applaud today. That first appropriation of $16 million also paid for training the Colombian customs personnel, training their air force, and providing aircraft and equipment for narcotics control activities.

In this one operation, an amount was seized that equals one-fourth the annual cocaine consumption in the United States. Taking one-fourth of the cocaine off the market with one blow at the source is exactly the result I had in mind when urging the Senate to increase the aid for international narcotics control in Colombia.

Foreign aid oftentimes is criticized; but you can see that when such aid is used in efforts like the one before us, you cannot argue with the expenditure—$3½ million to Colombia this year has now been repaid 300 times over by taking $1.2 billion worth of cocaine out of the dealers' pockets and out of the drug traffickers' underground economy.

The more we can see the drug flow stopped at the source, the less we will have to spend in law enforcement in this country. Money can be saved which would otherwise be needed for overcrowded courts, prisons, and drug programs set up to combat the devastating effects drugs have on our society.

It is imperative that we acknowledge the good work of Colombia and encourage more such efforts in the future and in other Latin American countries.

Mr. President, I strongly urge my colleagues to join with me in formally applauding the hard, but effective work, that the Government of Colombia has embarked on in recent years to make this hemisphere a safer place, free of drugs, and the criminal element which lives off the profits of those drugs.

AMENDMENTS SUBMITTED

IMPROVED WHEAT PROGRAM

BUMPERS AMENDMENTS NOS. 2819 THROUGH 2822

(Ordered to lie on the table.)

Mr. BUMPERS submitted four amendments intended to be proposed by him to the bill (H.R. 4072) to provide for an improved program for wheat; as follows:

AMENDMENT No. 2819

In the committee amendment:
Strike out titles IV and V.

AMENDMENT No. 2820

In the committee amendment:
On page 14, line 2 strike "5" and insert in lieu thereof "10".
On page 14, line 22 strike "5" and insert in lieu thereof "10".
On page 16, line 24 strike "5" and insert in lieu thereof "10".
On page 17, line 18 strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2821

On page 18, line 12 of the committee amendment, strike "$2.70" and insert in lieu thereof "$3.00".

AMENDMENT No. 2822

In the committee amendment:
On page 16, line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".

PRYOR (AND BUMPERS) AMENDMENTS NOS. 2823 THROUGH 2829

Mr. PRYOR (for himself and Mr. BUMPERS) submitted seven amendments intended to be proposed by them to the bill H.R. 4072, supra; as follows:

AMENDMENT No. 2823

On page 16 of committee substitute, line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2824

On page 16 of committee substitute, line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".
On page 18, line 12, strike "$2.70" and insert in lieu thereof "$3.50".

AMENDMENT No. 2825

On page 16, of committee substitute line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".
On page 18, line 12, strike "$2.70" and insert in lieu thereof "$3.00".

AMENDMENT No. 2826

On page 18, of committee substitute line 12, strike "$2.70" and insert in lieu thereof "$3.00".

AMENDMENT No. 2827

On page 16, of committee substitute strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2828

On page 17, line 18, strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2829

On page 18, line 12 of the committee substitute strike "$2.70" and insert in lieu thereof "$3.50".

MELCHER (AND OTHERS) AMENDMENT NO. 2830

Mr. MELCHER (for himself, Mr. ZORINSKY, Mr. BAUCUS, Mr. BURDICK, Mr. HUDDLESTON, and Mr. BOREN) proposed an amendment to the bill H.R. 4072, supra; as follows:

Add at the appropriate place in the bill a new title as follows:

TITLE—SURPLUS FOOD COMMODITIES TRADE AND DONATION

SHORT TITLE

SEC. . This title may be cited as the "Surplus Food Commodities Trade and Donation Act of 1984".

FINDINGS AND POLICY

SEC. . (a) Congress finds that—

(1) the Commodity Credit Corporation owns substantial amounts of surplus dairy products and wheat and pays millions of dollars each year to store such commodities;

(2) the amount of dairy products and wheat it is estimated will be disposed of under current domestic Government distribution programs during 1984 and 1985 will be less than the surplus of such commodities that will accumulate during those years;

(3) approximately 1,000,000,000 people (one-fourth of the world's population) currently suffer from malnutrition;

(4) chronic malnutrition results in high death rates, blindness, severe physical and mental damage, reduced motivation, learning, and work capacity, and increased vulnerability to infectious diseases (especially among the young and elderly populations of developing nations), and (in nations where chronic malnutrition is prevalent) hinders national development;

(5) over 100,000 children go blind every year because of malnutrition;

(6) many nations lack the means to acquire sufficient supplies of nutritious foods to combat malnutrition because of the cost of such products and the weak economies of such nations; and

(7) an increase in the quantities of surplus dairy products and wheat provided by the Commodity Credit Corporation to other nations through concessional sales or donation programs, under single year or multiyear agreements, will reduce malnutrition, stimulate development, reduce surpluses that overhang the markets and depress United States farm prices, improve markets for United States exports, and develop trading partners and allies for the United States.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest that efforts be made to increase the quantities of surplus dairy products and wheat that are provided by the United States to other nations by authorizing the Commodity Credit Corporation to undertake concessional sales and foreign donation programs, under single year or multiyear agreements, in addition to those currently being undertaken by the Commodity Credit Corporation.

SALES AND DONATION OF DAIRY PRODUCTS AND WHEAT

SEC. . Effective for the period beginning on the date of enactment of this Act and ending September 30, 1994, section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), as amended by section 502 of this Act, is further amended by—

(1) striking out the last two sentences of subsection (a); and

(2) adding at the end thereof a new subsection (c) as follows:

"(c)(1) To the extent the Secretary of Agriculture determines appropriate to dispose of surplus quantities of dairy products and wheat, the Commodity Credit Corporation shall export dairy products and wheat acquired by the Commodity Credit Corporation through price support operations through (A) sale on concessional credit terms; (B) donation; or (C) any combination of such sales and donations: *Provided*, That such exports may not be made in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available under this section, through donations, to domestic nonprofit feeding programs or agencies. The Commodity Credit Corporation may export dairy products and wheat under this subsection under agreements with foreign governments and public and nonprofit private humanitarian organizations under such terms and conditions as the Secretary of Agriculture deems appropriate. The Commodity Credit Corporation may enter into agreements to provide dairy products and wheat under this subsection in installments over an extended period of time. The Commodity Credit Corporation may exchange its stocks of such commodities for similar products produced domestically that will more nearly meet the needs of importing nations under this subsection.

"(2) For the purpose of carrying out concessional sales of commodities under this subsection, the Commodity Credit Corporation is authorized to finance the sales and exportation of such commodities and, when requested by the purchaser of such commodities, may serve as the purchaser's shipping agent in arranging the ocean transportation of such commodities.

"(3) With respect to commodities furnished for donation under this subsection, the Commodity Credit Corporation may pay costs for packaging, enrichment, preservation, and fortification of the commodities, and processing, transportation, handling, and other incidental costs up to the time the commodities are delivered free on board vessels in United States ports; ocean freight charges from United States ports to designated ports of entry abroad; transportation from United States ports to designated points of entry abroad (A) in the case of landlocked nations, (B) whenever ports cannot be used effectively because of natural or other disturbances, (C) whenever carriers to a specific nation are unavailable, or (D) whenever a substantial savings in costs or time can be effected by the use of points of entry other than ports; and charges for general average contributions arising out of the ocean transport of such commodities.

"(4) All costs and expenditures incurred in connection with the furnishing of commodities under this subsection shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954. In order to ensure that the provision of commodities under this subsection is coordinated with, and complements, other United States foreign assistance programs, agreements shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954.

"(5) In furnishing dairy products and wheat under this subsection, the Secretary shall ensure that—

"(A) the commodities exported for donation will be used for humanitarian feeding programs that directly benefit needy persons except that any agreement entered into under the authority of this subsection may permit the sale or barter—by the government of the importing nation or by a private voluntary organization or cooperative within the importing nation, or in any nation, for use in assisting needy persons—of the dairy products or wheat furnished in any fiscal year under such agreement. The proceeds of such sales or barter shall be used in accordance with section 201(a) of the Agricultural Trade Development and Assistance Act of 1954: *Provided*, that not more than thirty percent of the total dairy products and wheat provided under this subsection worldwide may be used in any fiscal year for such sale or barter; and

"(B) insofar as possible, (i) any disposition of the commodities is made in such manner as to encourage increased use of commodities and (ii) agreements avoid displacing usual marketings of dairy products, wheat, or wheat products by the United States or any other nation.

"(6) Section 110 of this Act shall not be applicable to concessional sales made under this subsection.

"(7) The Secretary shall issue such rules and regulations as are necessary to carry out this subsection.".

SPECIAL UNITED STATES AGRICULTURAL TRADE OFFICES

SEC. . Title VI of the Act of August 28, 1954 (7 U.S.C. 1761 et seq.), is amended by—

(1) inserting, before the period at the end of section 605A(a) (7 U.S.C. 1765a(a)), a comma and the following: "and three special United States Agricultural Trade Offices to carry out the program provided for in section 605H of this title"; and

(2) inserting after section 605G (7 U.S.C. 1765g) a new section 605H as follows:

"SEC. 605H. (a) The three special United States Agricultural Trade Offices, established under section 605A of this Act, shall have the special responsibility of assisting in the implementation, in the parts of the world in which they are located, of the program of concessional sales and donation of dairy products and wheat provided for under section 416(c) of the Agricultural Act of 1949. The Secretary shall maintain such offices in operation until September 30, 1994. One such office shall be located in Manila, Philippines, one such office shall be located in Mexico City, Mexico, and one such office shall be located in Dakar, Senegal.

"(b) Not later than March 31, 1994, the Secretary shall assess the effectiveness of the special United States Agricultural Trade Offices established under section 605A and submit to Congress a report of the Secretary's assessment, including the Secretary's recommendation on whether the offices should continue in operation.

"(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

PRYOR (AND OTHERS) AMENDMENT NO. 2831

Mr. PRYOR (for himself, Mr. BUMPERS, and Mr. BENTSEN) proposed an amendment to the bill H.R. 4072, supra; as follows:

On page 16, strike out line 24 and everything that follows down through the period on line 3 of page 17 and insert in lieu thereof the following: "per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.".

On page 18, strike out lines 12 and 13 and insert in lieu thereof the following: "at the end thereof ', and at not less than $2.70 per hundredweight for the 1985 crop of rice: *Provided*, That if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed forty-two million five hundred thousand hundredweight, such rate for the 1985 crop of rice shall be established by the Secretary at not less than $3.50 per hundredweight,'; and".

CENTRAL AMERICAN DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE ACT OF 1984

PELL AMENDMENT NO. 2832

(Ordered referred to the Committee on Foreign Relations)

Mr. PELL submitted an amendment intended to be proposed by him to the bill (S. 2347) to establish a long-term framework to build democracy, restore peace and improve living conditions in Central America, to authorize assistance for the fiscal years 1984 through 1989, and for other purposes; as follows:

On pages 12 and 13 of the bill delete Section 209.

● Mr. PELL. Mr. President, today I am submitting an amendment to S. 2347—the Central America Democracy, Peace and Development Initiative Act of 1984 which I will ask the members of the Foreign Relations Committee to adopt when the legislation is considered in the committee later this month. This amendment is very simple. It deletes from the bill section 209 entitled "Trade Credit Insurance Program." I am sure that once my colleagues on the committee and in the Senate as a whole have had the opportunity to scrutinize this section they will support my amendment.

Section 209 of the bill is a potential $300 million bank bailout. It encourages the U.S. Export Import Bank (Exim) to ignore its own prudential standards when deciding whether to extend insurance or guarantees against nonpayment on trade credits to the private sector of Central America. These prudential standards, mandated by Congress, ordinarily would require that, in the judgment of the Board of Directors of Exim, there is a reasonable assurance that these trade credits will be repaid by the Central American firms which receive them. Section 209 also authorizes appropriations of up to $300 million so that U.S. AID can discharge the obligations that Exim is likely to incur on these risky guarantees and insurance.

I certainly support all legitimate efforts to assist U.S. exporters in making sales abroad, but this provision is not trade promotion; it is simply back door foreign aid. If the administration wants to seek authority for an additional $300 million in aid to the region, it should make this request in a straightforward manner. From my point of view, the bill already contains more than ample authority for economic assistance—over $8 billion.

I do not believe it is wise or prudent to use additional back door methods to provide still more money. This is not what Congress intended when it established Eximbank. If it is the judgment of exporters and experts at Exim, that the situation is so unstable in Central America that it does not lend itself to doing business there, then the administration should not be encouraging U.S. banks and companies to enter into transactions where there is almost a certainty that the American taxpayer will ultimately be asked to foot the bill. I for one would have trouble defending this action against charges by constituents that this is nothing more than a bailout of banks and businesses from bad business ventures. It is for these reasons that I offer my amendment and urge my colleagues to support its adoption.●

COMMISSION ON THE CENTENNIAL REVIEW OF THE CIVIL SERVICE

STEVENS AMENDMENTS NOS. 2833 AND 2834

Mr. BAKER (for Mr. STEVENS) proposed two amendments to the bill (S. 803) to establish the Commission on the Centennial Review of the Civil Service; as follows:

AMENDMENT No. 2833

On page 15, line 18, insert "for the session beginning in 1986" after "first assembles".

On page 16, after line 9, add the following new section:

EFFECTIVE DATE

SEC. 10. This Act shall take effect October 1, 1984.

AMENDMENT No. 2834

On page 11, strike line 6 through line 7 and insert the following:

"(1) three individuals, two of whom to be appointed by the Speaker of the House of Representatives and one of whom to be appointed by the Minority Leader of the House; and".

On page 11, strike line 8 through line 9 and insert the following:

"(2) three individuals, two of whom to be appointed by the Majority Leader of the Senate and one of whom to be appointed by the Minority Leader of the Senate; and".

On page 11, line 11 after the word "Representatives" insert the following: "in consultation with the Minority Leader of the House,".

On page 11, line 12 after the word "Senate" insert the following: "in consultation with the Minority Leader of the Senate,".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on March 29, 1984, beginning at 10 a.m., in Senate Dirksen 562, on S. 2403, a bill to declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 2457, to designate certain national forest system lands in the State of Idaho for inclusion in the national wilderness preservation system and to release other forest lands for multiple-use management, and for other purposes. The hearing will be held on Tuesday, April 3 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. Because of the number of people expected to testify, witnesses will be arranged in panels and oral testimony will be limited in time. Witnesses are requested to supply the subcommittee with 25 copies of their written testimony 24 hours in advance of the hearing as required by the rules of the committee and 50 copies the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON LABOR

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 22, to hold a hearing on S. 2435, termination of overfunded, defined, benefit pension plans, and reversion of assets to the plan sponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 22, at 10 a.m., to hold a markup on the following bills:

S. 563, the Former Presidents' Facilities and Service Act of 1983;

S. 1566, Program Fraud and Civil Penalties Act of 1983;

S. 2300, Civilian Agency Multiyear Contract Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcom-

mittee on Manpower and Personnel of the Committee on Armed Services, be authorized to meet during the session of the Senate on Thursday, March 22, to hold a hearing on military compensation, and fiscal year 1984 DOD.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, March 22, at 2 p.m., to hold an oversight hearing to consider the President's proposed budget for fiscal year 1985 for the Department of Energy's nuclear energy and nuclear waste activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, March 22, at 10 a.m., to hold a hearing on H.R. 3169, a bill to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services and the Subcommittee on Military Construction of the Committee on Appropriations be authorized to hold a joint hearing during the session of the Senate on Thursday, March 22, to consider S. 2364, fiscal year 1985, military construction.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Thursday, March 22, to meet in closed session to receive testimony on the President's strategic defense initiative in review of S. 2414, the fiscal year 1985 Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 22, at 4:45 p.m., to hold a hearing to consider the Peace Corps authorization bill, S. 2321.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs, of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, March 22, to hold a hearing on foreign aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, March 22, in order to consider and act on pending nominations, commemorative resolutions, and the following bills:

The PRESIDING OFFICER. Without objection, it is so ordered.

[Agenda]

SENATE COMMITTEE ON THE JUDICIARY

NOMINATIONS

Attorney General of the United States

Edwin Meese III, of California, to be Attorney General of the United States.

U.S. Circuit Judge

Robert R. Beezer, of Washington, to be U.S. circuit judge for the ninth circuit.

U.S. District Judge

Neal B. Biggers, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

H. Russel Holland, of Alaska, to be U.S. district judge for the district of Alaska.

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas.

U.S. Marshal

John W. Stokes, of Georgia, to be U.S. Marshal for the middle district of Georgia for the term of 4 years.

COMMEMORATIVES

S.J. Res. 259—To designate the week of November 12-18, 1984, as "National Reye's Syndrome Week." (Introduced by Senator Kennedy).

BILLS

S. 914—Firearm Owners Protection Act. (Full Committee).

S. 1841—National Innovation and Productivity Act. (Full Committee).

S.J. Res. 1—Proposing an Amendment to the Constitution with respect to fixing the compensation of Members of Congress. (Subcommittee on the Constitution).

S.J. Res. 5—Proposing an Amendment to the Constitution relating to Federal budget procedures. (Subcommittee on the Constitution).

S. 875—Trademark Counterfeiting Act. (Subcommittee on Patents, Copyrights and Trademarks).

S. 1201—Semiconductor Chip Protection Act. (Subcommittee on Patents, Copyrights and Trademarks).

S. 1538—Patent Law Amendments Act. (Subcommittee on Patents, Copyrights and Trademarks).

S. Res. 48—To refer S. 413 for the relief of James Purvis to the United States Claims Court. (Subcommittee on Administrative Practice and Procedure).

S. 1488—For the relief of Patty Jean Tipton and her husband, Ronald Tipton. (Subcommittee on Administrative Practice and Procedure).

S. 1126—For the relief of Harvey E. Ward. (Subcommittee on Administrative Practice and Procedure).

S. 119—To provide procedures for calling a Federal Constitutional Convention under Article V. (Subcommittee on the Constitution).

S. 139—Public School Civil Rights Act. (Subcommittee on the Constitution).

S. 1135—A bill to consent to the Goose Lake Basin Compact between the States of California and Oregon. (Full Committee).

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, March 22, to receive testimony related to the steel industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOCIAL SECURITY

● Mr. SYMMS. Mr. President, I know my colleagues receive as much mail as I do from elderly constituents who are worried. They are worried sick. The source of their anxiety is, ironically, the very institution that was supposed to have brought tranquility to their "golden years."

Mr. President, the failure of the United States to devise a rational and permanently solvent pension system for our Nation's retirees is tragic. I do not mean inconvenient or sloppy or wasteful. I mean tragic. The social security system is a moral tragedy; billions of dollars of national wealth have been frittered away. If social security was not a direct transfer system, but was handled in a business-like manner, each account drawing interest, then the United States would have amassed the greatest pool of capital in the history of the world—capital for American industry and jobs. I doubt that if America had such a capital pool, Japan would be such a problem for us today.

If we had such a system, the word "security" would mean something. As it is, our elderly rely on a program as secure as it is solvent. And it is about as solvent as a Ponzi scheme. Congress created this problem, and only Congress can solve it.

Mr. President, I ask that an article by Walter Williams in the March 21

edition of the Washington Times be printed in the RECORD.

The article follows:

IS SOCIAL SECURITY A FEDERAL PONZI GAME?

(By Walter Williams)

After a sentence of 10 years in jail on swindling charges, Charles Ponzi was deported to Italy. In 1919, Ponzi devised a get-rich-quick scheme whereby "investors" would give him $250 to get back $375 in 45 days, making just over 500 percent per annum. Of course, Ponzi made millions. His only responsibility was to make sure he had more people paying into his system than he had being paid by his system.

Ponzi's game is great, if you get an early start. But if you enter the game at its tail end, toward its collapse, you wind up on the short end of the deal.

Ponzi was deported in 1934, but he left us a legacy. By 1935, we had a Ponzi game for the entire nation; and this is the subject of Irwin Schiff's new book.

According to Mr. Schiff and the Social Security Administration, for every Social Security recipient in 1950 there were 16 people working and paying taxes. In 1984 there are three workers paying taxes for each recipient. When workers decrease and recipients increase, the Social Security tax must rise. Or there can be a mixed solution: Get more people into the game. Congress recently forced new government employees and all employees of nonprofit organizations and religious groups into the federal Ponzi game. Such a move will only slightly postpone (until current congressmen are out of office) the system's collapse, while increasing the number of victims. There is a virtual guarantee that any worker who is now 35 or younger will pay higher and higher Social Security taxes and never see a Social Security check.

Some of the problems of Social Security were seen in 1937 when a U.S. Court of Appeals held the act to be unconstitutional. However, on May 24, 1937, the Supreme Court reversed the lower court's decision. Two Supreme Court justices McReynolds and Butler, stated the Social Security Act was repugnant to the U.S. Constitution.

There you have it. The court is not going to help. Congress won't help. The White House won't help. That's where Irwin Schiff's book comes in: You help yourself. Mr. Schiff says you should simply drop out of Social Security—and he offers a formula for doing so.

He says, "Social Security taxes withheld from employee wages are 'income' taxes and not taxes on wages." He continues, "Since the Internal Revenue Code does not define 'income' no one can have 'income' that can be subject to section 3101 'income' taxes." Therefore Mr. Schiff says you should give your employer a sworn affidavit stating you have no 'income' that is taxable under IRC section 3101, and he must stop deducting Social Security taxes from your wages or you can sue him.

The government anticipated such an action, so IRC section 3102 was written promising to indemnify employers against lawsuits you bring to stop them from deducting Social Security. Therefore, Mr. Schiff urges your employer to send a letter to Treasury Secretary Donald Regan asking that government pay all costs of litigation if you sue your employer, and indemnify your employer against all losses and claims. Mr. Schiff provides sample letters for both of you.

This columnist does not have a legal background and thus does not know all the consequences and other strategies. But we must end this national Ponzi scheme, steeped in fraud and misrepresentation, which has an unfunded liability in the trillions of dollars. Social Security will not only wreak havoc on the nation economically, it will also cause class conflict whereby young taxpayers are pitted against older people. The Social Security Swindle may not have all the answers, but it is an excellent start for developing the critical mass necessary to rebel successfully against the Social Security system. The government cannot put a million workers in jail.●

NEUROFIBROMATOSIS

● Mr. METZENBAUM. Mr. President, last year, I joined Senator DOLE as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

Neurofibromatosis is a devastating disorder of the nervous system that can affect sight, hearing and balance, create learning disabilities and cause bone deformation and severe spinal curvature.

Its victims live a life of unremitting pain.

I want to call the attention of the Senate to an article that appeared in the January 22, 1984 edition of the Cincinnati Enquirer magazine about Susan Goldfinger, a brave girl of 16 who suffers from this terrible disease. I believe that this article points to the need to go beyond what we have already done with the Orphan Drug Act in creating incentives for research on and treatment of relatively rare diseases like this one. I ask that the text of the article be printed at this point in the RECORD.

[From the Enquirer Magazine, Jan. 22, 1984]

SHE SHALL OVERCOME

(By Dale Keiger)

(At 16, Susan has endured more pain than most people do in a lifetime, and all because of a disease called neurofibromatosis—the incurable NF.)

Susan Goldfinger cannot remember life without the effects of neurofibromatosis. She inherited the disease from her mother and hasn't had the good fortune to escape with only minor manifestations. A surgeon first operated on her when she was two-and-a-half, and 13 subsequent operations have left scars she carefully hides with slacks and long-sleeved shirts.

Because of the disease, at 16 she's a bright kid who can read but not spell, who already knows more about chronic pain than most of us learn in a lifetime, and who sometimes feels alone in a society in which all want to be unique but none different.

Her ailment, though the most common single-gene disorder known, is little understood, little studied and—at present—incurable. First described in writing in 1768, neurofibromatosis (NF) used to be called Von Recklinghausen Syndrome; colloquially, it's called the Elephant Man's Disease (a name its victims hate) after John Merrick, the horribly deformed Briton who suffered one of the most extreme cases on record and was exhibited as a freak called the Elephant Man. The recent Broadway play of the same name, starring David Bowie, and a movie with John Hurt at least brought the disease into the vernacular. People like Susan Goldfinger's parents hope to bring it into the light . . . and the laboratory.

Gerald and Dolores Goldfinger devote almost all of their free time to bringing together NF victims, educating the public about the affliction and lobbying for research support. Gerald is a chemist with General Motors. Dolores, who also has NF, is a support worker for Jewish Family Services and president of the Ohio chapter of the National Neurofibromatosis Foundation [NNFF]. The chapter has about 300 members.

The Goldfingers have two other healthy children, two dogs and a large home in Dillonvale. Their lives were permanently sidetracked 14 years ago when, after misdiagnoses, they finally realized why their daughter suffered from sharp abdominal pains. She had a disease they knew nothing about. They soon learned that nobody knows much about it.

NF is genetic. A parent with NF has a 50 percent chance of passing it to each offspring, and Dolores, unaware that she had it, passed it to Susan. But it's not always inherited: spontaneous mutations also result in NF among children with unafflicted parents, although this doesn't appear to be as common as once thought. The disease can be crippling, disfiguring, or fatal. But it's not always even serious: Dolores has a few blemishes ["cafe au lait spots"] on her body, and that's it. It was accurately described over two hundred years ago, but it's still commonly misdiagnosed today.

This much can be said. NF has many manifestations, the most common being the cafe au lait spots, brown skin blemishes that often are the first warning in infants bearing six or more of them. A disorder of the nervous system, NF results in mutiple fibrous tumors, usually benign, known as neurofibromas.

Tumors may affect a victim's sight, hearing or balance. Learning disabilities can occur. The disease can cause bone deformation, severe spinal curvature and considerable pain. Sometimes the tumors become malignant.

The NNFF's fact sheet notes that no formal system exists for collecting NF statistics, but quotes one anyway: that NF occurs in one of every 3,000 births. Dr. Alvin H. Crawford, director of orthopedic surgery at the Children's Hospital Medical Center, quotes a higher figure, 2.5 cases per 3,000 births.

The Goldfingers' troubles began when they noticed that Susan bore the same birthmarks as her mother. But in Susan's case, the marks were large and began to multiply in the first two years of her life. At two-and-a-half, she began having severe abdominal pains that suggested cystitis, a severe urinary tract infection.

But during tests, doctors found a large abdominal mass; after a biopsy, pathologists couldn't agree, some calling it malignant, another saying benign and none diagnosing the actual problem. Finally, a Chicago pathologist in town for a lecture took a look at her and pronounced a name the Goldfingers had not heard before—neurofibromatosis. Further tests revealed Dolores' case. For her, the disease means "birthmarks." For Susan, it's meant a lot more.

"A lot of time it hurts," she says. "A lot of times it's hard to sleep, and I get irritable and sometimes my schoolwork slides. It

makes me mad, I guess, but I have to accept it. So I do." Articulate and witty, she's accepted it with the eerie grace and equanimity that children seem able to muster when faced with this kind of situation, grace that often eludes adults. "You can't think about it, because if you think about it all the time, it'll just take you over."

One nerve-racking aspect of Susan's particular case is that from time to time she suddenly realizes she has a new source of pain. She's bothered by headaches and pain in her knees, feet, arms and stomach. When her back began to hurt about 18 months ago, her courage began to ebb. "I didn't think I could deal with it." She found a way, though. She's had a lot of practice.

As bad as the physical problems have been, the psychological pain can be worse. She admits her scars bother her a lot; clothing hides virtually all of them, but sometimes clothing has to come off, such as in gym class. She hates gym, tiring easily, fighting poor coordination and dealing with the locker room, but the state makes her take it, so she endures. In her typically forthright manner, she says, "It's a stupid law."

Shyness about appearance doesn't prevent her from pursuing an avid interest in theater. She likes to act and mime, and gives a straightforward explanation: "I can escape myself for a few hours." A cocky hamminess typical in bright teen-agers helps.

School poses other problems. Like many NF victims, Susan has learning disabilities. She reads above her grade level but cannot spell. When she hears a word, she seems blocked from analyzing it phonetically, so that besides being unable to spell it she can't look it up in a dictionary. She can recognize a hard "b" sound, for example, but a "ch" is beyond comprehension. She also wrestles with math. Ask her what she doesn't understand and she replies: "The total concept. It just doesn't register."

She progresses at an excruciatingly slow pace that causes problems with her teachers and leaves her worried she won't be able to attend college.

"My teachers don't really understand," she says, "and that sometimes irks me." As frustration temporarily gets the better of her, she sarcastically calls one of them "the jerk."

Relations with friends can be frustrating, as well. "You discuss it with friends and it turns them off. They're supportive when you need them . . ." She's quiet a moment, and after an unsaid "but" adds, "They don't understand it, so they don't want to deal with it. It's not 'in' to be sick, to have scars, you know."

Other kids sometimes go beyond just a lack of understanding. "A lot of people pitied me. A lot acted like nothing was wrong. But a lot of people out there have to hide their feelings by being cruel. They're insecure with what they are, so to make themselves feel better they have to cap you down." Pulling her dog, Aviva, into her lap, she says, "This helps me here. We've had lots of conversations."

During a conversation, Susan will admit to the pain of feeling different and then, a few moments later, pick herself back up, saying, "I don't feel really different. I don't worry about what people think. If they don't like the way I do it, that's their problem."

The local chapter of the foundation, organized by her parents, helps her combat her sense of isolation. If nothing else, it tells her and other NF patients that they aren't alone. Gerald and Dolores end up doing foundation work every evening, traveling on the weekends for more. They admit their own two children (neither with NF) may sometimes resent the amount of time the NNFF takes, but then the phone rings and it's someone from Arizona who needs somebody to talk to . . .

Susan finds the foundation helpful, but wishes she'd meet someone her age. So far, her contact has been with adults in their 20s and 30s.

But the foundation does more than bring victims together. It also raises money for research and lobbies for helpful legislation, such as the Orphan Drug Act. Signed by President Reagan on Jan. 4, 1983, it provides for the allocation of $4 million exclusively for research into so-called "orphan" diseases, serious diseases rare enough to make it unprofitable for drug companies to expend money on research.

Unfortunately, as in any business, drug companies go where there's money; the first one to patent an anti-cancer drug will make much higher profits than the first to patent a drug that works on NF. So the former gets the research. The same applies to doctors conducting research; they go where the money is, too. Crawford is an exception; he saw a wide-open field and decided to enter.

What disturbs the Goldfingers and many others is that less common ailments get more public attention. Sickle cell anemia, multiple sclerosis, cystic fibrosis, Tay-Sachs and Huntington's chorea are rarer but get more publicity. Publicity translates into donations, especially if a celebrity like Danny Thomas or Jerry Lewis pitches for the cause.

As Crawford notes: "You need somebody with a cause. We just haven't had a savior, or whatever you want to call it." Without taking anything from those battling sickle cell or MS, the Goldfingers would like more attention paid to NF.

"The Elephant Man" attracted attention, of course, but that's a mixed blessings. "It brought out to the public in exaggerated form the manifestations of the disease," Gerald says. "The negative side is that those with NF are afflicted with that image and have to battle that stigma."

Dr. William K. Schubert, president of Children's Hospital Medical Center, cites additional explanations for the lack of NF research. One is its relative rarity. NF may be more common than MS, but it's still not a massive problem like influenza or cancer. The variety of manifestations also causes problems. The disease doesn't confine itself to affecting one part of the body, so it doesn't naturally fall into a particular medical field.

Also, there are no good animal models, Schubert notes. Smallpox could be studied in cattle in a laboratory; the only research subjects available for NF are the patients, which makes controlled experimentation difficult. Geneticists are trying to find the enzyme that triggers the gene mutation leading to the disease, but have not had any success to date.

Although doctors can't yet cure NF, they are developing ways to treat certain manifestations. Congenital bowing of leg bones can be treated in very young children by splinting, bracing, exposure to electromagnetic pulses and bone transplants. Surgical fusion helps arrest spinal curvature. Lasers can get at tumors that cannot be removed by standard surgical techniques. Abnormal tissue growths can be surgically removed for cosmetic purposes. And doctors keep improving their monitoring of the disease.

But to a large extent, people like Susan Goldfinger just have to endure. She admits to being afraid about the future "in my most pessimistic times." She asks inevitable questions. "Why, of all the family, was I chosen? Why anybody? I wouldn't want to wish this on anybody else."

Even so, she has many plans. "Some friends of mine think I should be a rabbi, but I don't think so," she says. "I'd really like to open my own school for kids with learning disabilities, because I know what it's like to be frustrated." As a step in that direction, she's already become a teacher's aide, working with students with learning disabilities. She manages, despite her own problems, to coach them in math. "I had a crash course in teaching it . . . with little dots."

She proceeds with her life, as her parents proceed with theirs, carrying on while waiting for someone to devise better treatment. Dolores doesn't feel guilty about passing the disease to Susan. It was beyond her knowledge and control when it happened. She says, "You can't sit around and say, 'Why me?'" She describes people in the foundation as "people who don't have time for self-pity."

For Susan, self-pity doesn't seem to be much of a problem. The future can be frightening to contemplate sometimes, but that's the way it goes. "I deal with it," she says, shrugging.●

KANSAS HAS "TIGERMANIA": FORT HAYS STATE TAKES THE NAIA BASKETBALL CHAMPIONSHIP

● Mr. DOLE. Mr. President, my home State of Kansas is suffering from a disease that this Senator hopes is incurable: Tigermania.

Now, my colleagues from North Carolina, Texas, and Maryland may object, and those Senate staffers who have been around Washington long enough to root for the Georgetown Hoyas may raise the roof, but the Senator from Kansas has the floor, and as long as he does, the Senate will recognize the No. 1 basketball team in America—the fighting Tigers from Fort Hays State University.

Mr. President, the Fort Hays State Tigers in their typically dramatic manner have won the National Association of Intercollegiate Athletics Basketball Championship Tournament. The final game was played on Tuesday night in Kansas City.

Yesterday was a day to remember in Hays, and we are told that about 1,000 Tiger fans joined in the celebration when the team triumphantly returned to town.

Mr. President, with all deference to any of my colleagues who might disagree, the Senator hopes that we are unanimous in congratulating America's No. 1 basketball team: the Fort Hays State Tigers.●

THE EQUAL RIGHTS AMENDMENT: MYTHS AND REALITIES II (PRIVATE EDUCATION)

● Mr. HATCH. Mr. President, the issue of the impact of the proposed equal rights amendment upon private educational institutions has been a controversial one. I place in the RECORD at this point the testimony of Prof. Jeremy Rabkin of Cornell University on this subject. This testimony was delivered before the Senate Subcommittee on the Constitution.

The testimony follows:

LIKELY EFFECTS OF THE ERA ON PRIVATE EDUCATION

(By Jeremy A. Rabkin)

I believe this subcommittee is performing a great service to the country in attempting a careful assessment of the legal implications of the Equal Rights Amendment. And I feel honored at being asked to contribute to this assessment. I will focus my remarks on the likely effects of the E.R.A. on private education, a problem that has not yet received the careful attention that I believe it deserves.

The language of the proposed Equal Rights Amendment is addressed to the state and federal governments. Many people therefore assume that its effects will be limited to public schools and state universities. This view is certainly mistaken. In fact, because most public educational institutions are already subject to statutory prohibitions on sex discrimination, private institutions may be much more seriously and directly affected by the E.R.A. than their public counterparts. Proponents of the amendment may welcome all the changes it would bring to private education. My own view is that the scale of these changes ought to give us some pause. But I will try to report my analysis of the likely consequences here as impartially as I can.

EFFECT ON DIRECT SUBSIDIES

It is already illegal for educational institutions to practice sex discrimination if they are recipients of direct federal grants. Title IX of the Education Amendments of 1972 prohibits sex discrimination in "any education program or activity receiving federal financial assistance." [1] The language was modeled on Title VI of the Civil Rights Act of 1964, which prohibits discrimination "on the basis of race, color or national origin" in any federally funded program.[2] Title VI was understood at the time of its adoption to embody a constitutional requirement that government not give direct aid to racial discrimination. Title IX was not conceived as implementing a constitutional obligation in regard to sex discrimination, however. Thus, while the prohibition against funding of race discrimination is cast in absolute terms in Title VI, the prohibition in Title IX is subject to numerous exceptions. By constitutionalizing an absolute prohibition of government involvement in discrimination, the Equal Rights Amendment would effectively eliminate these exceptions in Title IX.

At present, Title IX does not apply to admissions decisions in any elementary or secondary school (except for "institutions of vocational education") nor in any private college. In other words, it permits private schools, up to the level of undergraduate college training, to operate as single-sex institutions and still remain eligible for federal funding. It also exempts any school controlled by a "religious organization" to the extent that its prohibition on sex discrimination "would not be consistent with the religious tenets of such organization." By contrast, the E.R.A. would almost certainly prohibit direct federal—or for that matter, state—grants to any single-sex institution. Nor has any commentator argued that it would provide any exemptions for religious schools.

As it is, the Supreme Court has held that the First Amendment prohibits direct government grants to any religious school at the elementary or secondary level.[3] And direct grants to nonsectarian private schools at this level are not very common or very extensive. But the Supreme Court has allowed religious institutions of higher education to receive substantial government assistance [4] and many of these schools may not be able to comply with a requirement of absolute non-discrimination or non-differentiation. These colleges, along with secular women's colleges and any schools that try to maintain a fixed sexual ratio in their student body, may thus face some painful financial sacrifices to retain their established character. But this is only the beginning of the difficulties that E.R.A. is likely to pose for unconventional private schools.

EFFECT ON TAX EXEMPTIONS

Apart from its effects on direct subsidies, the Equal Rights Amendment may have its greatest impact on private schools through its implications for tax policy.

Since 1970 the Internal Revenue Service has been denying tax exempt status to private schools that practice racial discrimination. This policy was initiated in response to a successful 1969 suit by civil rights groups in *Green* v. *Kennedy* and subsequently affirmed by the same three-judge district court in *Green* v. *Connally* in 1971.[5] As this subcommittee is doubtless aware, the Supreme Court emphatically endorsed the I.R.S. policy this spring in *Bob Jones University* v. *Regan*.[6]

Several aspects of the Court's decision in Bob Jones deserve special notice. First, the Court held that recognition as a "charitable" organization—one eligible for tax exempt status—must be withheld from institutions involved in any activity that is "contrary to a fundamental public policy." The tax code need not directly prohibit this activity: it does not expressly prohibit racial discrimination. And this activity need not actually be illegal in itself: no law prohibits Bob Jones University from maintaining the ban on interracial dating that got it into trouble with the IRS. The Supreme Court held that the IRS was nonetheless justified in revoking the tax exempt status of Bob Jones University because, if it had been a state institution, constitutional rulings would plainly have prohibited the school from maintaining a ban on interracial dating. This was enough to prove, as the court saw it, that Bob Jones University was acting "contrary to fundamental public policy."

Now I think it is indisputable that if the E.R.A. is added to the Constitution, it will make opposition to sex discrimination a matter of "fundamental public policy." Following the Court's ruling in Bob Jones, then, it seems inescapable that all single-sex institutions must be denied tax exemptions. Thus the E.R.A. would not only make all-women colleges ineligible for tax exemptions, but also Catholic seminaries, for example—unless they admit women for training to the priesthood.

Indeed, admitting applicants of both sexes would not be sufficient, according to the Bob Jones ruling, unless the institution is oblivious to gender in all its activities. It did not save Bob Jones University, after all, that its ban on interracial dating was rather incidental to its basic educational program—which was, it appears, fully integrated after 1976. Thus it seems inescapable that an institution like Yeshivah University in New York, which does have coeducational programs, must still forfeit its tax exemption if it maintains separate seating for men and women in religious services. That this practice is required by Orthodox Jewish tradition would be of no relevance to the operation of the tax law. In the *Bob Jones* case, the Court emphatically rejected the claim that Bob Jones University had any First Amendment right to exemption from the IRS policy even though its ban on interracial dating derived from the school's understanding of Biblical precepts. The Court insisted that the government's "fundamental, overriding interest in eradicating racial discrimination in education . . . substantially outweighs whatever burden denial of tax benefits places on petitioners exercise of their religious beliefs." [7]

It is tempting to regard these conclusions as simply too absurd or too extreme for the Supreme Court to embrace. The Court would surely try to avoid the onus of ordering Catholic seminaries to admit women candidates for the priesthood or forfeit their tax exemptions. And I would be the first to admit that the Court has often sacrificed logical or doctrinal consistency in the past to avoid unpopular or unpalatable results. Perhaps it would do so here, but one cannot be at all confident of that. To avoid this result, the Court would have to denigrate the E.R.A. itself by maintaining that it had not, after all, made opposition to sex discrimination such a "fundamental public policy" as opposition to race discrimination. Or it would have to repudiate the *Bob Jones* decision—which was hailed on almost every side as expressing the evident, common sense of the law.

The Court did leave itself a possible escape hatch by resting its decision in *Bob Jones* on a statutory interpretation of the tax code rather than voicing direct constitutional standards. This may leave room for Congress to rescue the Court, by amending the tax code to clarify that—the E.R.A. notwithstanding—the "fundamental public policy" against sex discrimination should not extend to religious institutions or to various other private organizations. Yet a Congress which had recently reendorsed the E.R.A. might not feel at all comfortable in enacting such a disclaimer. And I think it is fair to say that many E.R.A. proponents would lobby hard to defeat such an amendment to the tax code—not from any particular desire to deny tax benefits to Catholic seminaries or Orthodox Jewish day schools, but from a general commitment to the notion that tax benefits should not be available to institutions practicing sex discrimination. Even without ratification of the E.R.A., the U.S. Commission on Civil Rights urged as far back as 1975 that the I.R.S. had the authority and the obligation under existing laws to deny tax exemptions to sexually discriminatory schools.[8] Proponents of this view will be greatly fortified in their conviction if E.R.A. is finally added to the Constitution.

In fact, there is already a substantial body of precedent and opinion to support the view that tax exemptions are a form of "state action" and that the constitutional prohibitions against discrimination by the

government must equally apply to all recipients of governmental tax benefits. In the *Bob Jones* case the Court noted that many of the amicus briefs it received—including the one submitted by William Coleman, who was appointed by the Court, itself—argued that, whatever the Court's interpretation of existing tax law, the "denial of tax-exempt status is independently required by the equal protection component of the Fifth Amendment." [9] The Court's reliance on statutory interpretation of the tax code made it unnecessary for it to reach the constitutional issue, but it did not dispute the force of the argument. In fact, the Court's statutory interpretation—which was otherwise rather strained and unconvincing in important respects—seemed to reflect the Court's conviction that any other interpretation of the tax code would render it constitutionally defective.[10] The *Green* court, which first advanced this interpretation of the tax code, stated explicitly that any other approach would raise "grave constitutional issues." [11] In *McGlotten* v. *Connally* another three judge court subsequently provided a direct holding that the Constitution forbids tax exemptions for discriminatory institutions.[12] The *McGlotten* decision was never overruled and its reasoning has indeed been cited with approval be several other courts and a considerable number of scholarly commentators.[13]

Even before the recent decision in *Bob Jones* v. *Regan*, several commentators had already predicted that ratification of the Equal Rights Amendment would require the withdrawal of tax exemptions for single sex schools and for schools practicing any form of sex discrimination.[14] After *Bob Jones*, this seems even more likely—even for religious institutions.

EFFECTS ON OTHER FORMS OF PUBLIC ASSISTANCE

First, it is worth noting that the *Bob Jones* case dealt not only with direct tax exemptions but with tax exempt status generally. Institutions which qualify for tax exemptions under §501(c)(3) of the Internal Revenue Code do not have to pay any form of income tax themselves. But they also benefit indirectly from this classification, because it allows private contributors to these institutions to take deductions on their own taxes for such contributions (under §170). The *Bob Jones* decision, like the IRS policy that preceded it, prohibited deductions for "charitable" contributions to discriminatory schools—thus undermining the fundraising capacity of these schools by depriving would-be donors of a major incentive for making contributions. The E.R.A. would certainly have the same effect on single-sex (or sexually discriminatory) schools if it is held to prohibit their own tax exemptions.

But tax subsidies are not the only form of state assistance threatened by the E.R.A. In *Norwood* v. *Harrison*, the Supreme Court held that states may not provide textbooks to private schools practicing race discrimination.[15] The fact that the books were loaned directly to the students made no difference; nor did it make any difference that the books were available on the same basis to all students at all schools in the state. Moreover, the constitutional ban on participation in this program was extended to religious schools, without any hesitation or qualification. The conclusion again seems inescapable that, if the E.R.A. is ratified, single sex private schools or private schools practicing any form of sexual differentiation would also have to forego the benefits of such programs. This may affect a considerable number of private elementary and secondary schools, since many states have adopted such textbook or equipment loan programs since 1968, when the Supreme Court declared these programs to be a permissible form of state aid to sectarian schools.[16]

At institutions of higher education, state and federal loan and grant programs will probably have to exclude students who attend single-sex or sexually discriminatory schools on the same reasoning. The Department of Education (and before 1979, the Department of Health, Education and Welfare) has indeed maintained that if a college enrolls students who participate in a federal student loan or grant program, the entire college and all its activities must comply with the federal law prohibiting sex discrimination in "any program or activity receiving federal financial assistance." Colleges that did not want to comply with HEW's elaborate regulations on sex discrimination were told that their students could no longer qualify for federal grants and loans.[17] The Supreme Court has not yet endorsed this approach as a proper interpretation of Title IX (the statute involved), but it would certainly have very great difficulty in disavowing the policy under the E.R.A.

If loans to students are threatened, it is hard to see how loans to single-sex institutions themselves can be exempt from challenge. Thus it seems quite possible that such institutions would be forced to withdraw from special library loan arrangements with state universities and other joint ventures with public institutions. Nor is this all.

In *Gilmore* v. *City of Montgomery*, the Supreme Court held that a racially segregated private school could not be given special hours to use the playing fields in a public park, because this would constitute unconstitutional state involvement with racial discrimination.[18] Under the E.R.A., therefore, it would seem that private schools must be excluded from using any public facility—using a municipal auditorium for a graduation exercise or student concert, for example—if the school itself does not observe approved standards of nondiscrimination in regard to sex. Further it would seem that private organizations cannot maintain any link with public schools or state universities if they fail to meet E.R.A. standards of nondiscrimination. Thus, boy scout and girl scout troops may have to be excluded from public school facilities and fraternities and sororities banished from state college campuses (or at least from college owned facilities).

REGIMENTATION VERSUS ISOLATION: THE MORAL BURDEN ON PRIVATE EDUCATION

A few commentators have suggested that, despite its apparent limitation to governmental activity, the Equal Rights Amendment could directly reach all schools, public and private. There are a few strands of constitutional doctrine and a few precedents that can be invoked to support this claim.[19] I think it is very unlikely, however, that the Supreme Court would give broader reach to a constitutional ban on sex discrimination than it has accorded to the existing prohibitions on race discrimination in the Fourteenth and the Fifth Amendments. And the Court has never held that racially discriminatory private schools are per se unconstitutional.

If the Court's approach to race discrimination is any guide, however, the Equal Rights Amendment will impose very considerable constraints on private schools. Schools that are not prepared to forego all forms of government assistance will have to be sexually integrated. This does not simply mean that single-sex schools will have to admit students of the opposite sex. This probably means that from kindergarten to post-graduate training all classes will have to be sexually integrated and all school-sponsored activities as well: gym classes and athletic programs, classes on "health" or on "women's issues" or on religion or on fatherhood, baking clubs and "consciousness-raising" groups and so on and so on. Indeed the implementing regulations for Title IX suggest that even sexually differentiating "dress codes" or counseling services may be considered "sex discrimination." [20] I do not offer these examples to caricature or denigrate the goal of sexual equality and I do not mean to say that there is anything wrong with running schools in this way. The question is simply whether all educational institutions should be pressured to conduct themselves according to such patterns.

The E.R.A. would doubtless permit many single-sex institutions to continue, along with many schools that hold to traditional patterns of sexual separation or differentiation. But it would place great financial strain on such schools and a large number may not survive. It has been estimated, for example, that loss of tax exempt status would cost the average private school (at the elementary and secondary level over 20 percent of its annual income.[21] That exceeds the margin for survival for many schools and those that are able to absorb such a loss will be forced to curtail their programs and limit access (by increased tuition and/or reduced scholarship aid provisions). Private colleges may be even more hard hit and become even less accessible—those that survive. And beyond all the financial blows, unconventional private schools and colleges will suffer the stigma of public quarantine, treated as too tainted, in effect, for any contact or cooperation with public institutions. Those schools that can still attract students under these conditions will surely be driven to embittered isolation.

Now we have done all this to private schools that persist in racial discrimination precisely to express an unyielding abhorence to racist practices. The question again is whether we want to oppose all aspects of sexual separation or differentiation with equally uncompromising condemnation, imposing the same financial penalties and the same moral stigma. My own view is that there is something terribly wrong with a constitution that puts the sexual exclusion of a Catholic seminary or a traditional women's college on the same plane with the racial bigotry of a white supremacist "segregation academy".

I will not here attempt to argue the moral differences between race discrimination and sexual exclusion, however. I will simply record my strong impression that Americans now seem to share this sense that sexual differentiation should not be regarded with the same intolerance as race discrimination. Thus IX, enacted within a year of the original congressional submission of the Equal Rights Amendment, expressed strong opposition to public funding of sex discrimination in education, but the general policy was understood to require exceptions and qualifications. In addition to the original statutory exemptions for religious schools and for most kinds of single sex schools, Congress has added numerous amendments to prevent dogmatic applications of general policy

by civil rights officials. Congress has acted, for example, to exempt school sponsorship of boy scout and girl scout troops, of all-female beauty pageants, of separate mother-daughter and father-son banquets and of social sororities and fraternities. Most people seem to want this flexibility even in public schools and are certainly prepared to tolerate greater diversity along these lines in private education.

The Equal Rights Amendment will almost certainly eliminate such flexibility and greatly reduce such diversity. And this will not be the effect of sloppy draftsmanship by its current sponsors or errant dogmatism by its subsequent judicial interpreters. Many sincere and thoughtful people support the Equal Rights Amendment precisely because they desire the kinds of legal consequences I have tried to sketch out in this statement. Many people do believe that opposition to sexual differentiation, like opposition to race discrimination, must override our traditional regard for religious pluralism and educational diversity. The country as a whole should consider what this means, however, before the Equal Rights Amendment is resubmitted to the states.

FOOTNOTES

[1] 20 U.S.C. § 1681–86.

[2] 42 U.S.C. § 2000d.

[3] *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971), *Meek* v. *Pittinger*, 421 U.S. 349 (1975).

[4] *Tilton* v. *Richardson*, 403 U.S. 672 (1971), *Hunt* v. *McNair*, 403 U.S. 734 (1972).

[5] *Green* v. *Kennedy*, 309 F. Supp. 1127 (1970), *Green* v. *Connally*, 330 F. Supp. 1150 (1971), aff'd sub nom. *Coit* v. *Green*, 404 U.S. 997 (1971).

[6] *Bob Jones University* v. *U.S.*, 51 L. W. 4593 (May 24, 1983).

[7] *Ibid* at 4601.

[8] U.S. Commission on Civil Rights, *To Ensure Equal Educational Opportunity, Vol. III of The Federal Civil Rights Enforcement Effort 1974* (January 1975), p. 153–54.

[9] 51 L. W. at 4600, fn. 24.

[10] The objections to the Court's purported basis for decision are powerfully articulated not only in the dissenting opinion by Justice Rehnquist, but also in the uneasy concurrence by Justice Powell in *Bob Jones*. See also the strong arguments rejecting IRS authority on the basis of existing law in *Bob Jones University* v. *Blumenthal*, 468 F. Supp. 890 (P.S.C., 1978).

[11] *Green* v. *Kennedy*, 309 F. Supp. 1127(1970) at 1136, 1134 and *Green* v. *Connally*, 330 F. Supp. 1150 (1971) at 1165:" . . . it would be difficult indeed to establish that such support can be provided consistent with the Constitution.

[12] 338 F. Supp. 488 (D.D.C. 1972).

[13] *Falkenstein* v. *Department of Revenue*, 350 F. Supp. 887 (D. Or. 1972); *Pitts* v. *Department of Revenue*, 333 F. Supp. 662 (E.D. Wisc, 1971); *McCoy* v. *Shultz*, 73–1 U.S.T.C. 9233 (D.D.C. 1973).

[14] Monica Gallagher, "Desegregation: The Effect of the Proposed Equal Rights Amendment on Single Sex Colleges," 18 *St. Louis University L.J.* 41 (1973); Testimony of Laurence Tribe, Professor of Law, Harvard University, *Tax Exempt Status of Private School*. Hearings Before the Subcommittee on Oversight of the Committee on Ways and Means, House of Representatives, 96th Cong., 1st Session (Feb.-March, 1979), p. 385.

[15] 413 U.S. 455 (1974).

[16] *Board of Education* v. *Allen*, 392 U.S. 236 (1968).

[17] This provision in the Title IX regulation is now before the Supreme Court in *Grove City College* v. *Bell*. In *Hillsdale College* v. *HEW*, 696 F. 2d 418 (1982), the 6th Circuit Court of Appeals invalidated this provision but indicated that it would probably not have done so if the statutory prohibition on sex discrimination were based on constitutional requirements—as would be the case under the E.R.A.

[18] 417 U.S. 556(1974).

[19] The argument could be made that education is inherently a "public function" and that even private schools would therefore be covered by constitutional prohibitions on government. Thus Prof. Emerson noted in his widely cited article on the E.R.A. that in the field of education (along with other fields) "the public character of the function would lead to the requirement that the state assume extensive responsibility." Emerson, et. al. "The E.R.A.: A Constitutional Basis for Equal Rights for Women," 80 *Yale L.J.* 81 (1971) at 907. Alternately, it could be argued that the state has already involved itself so extensively in private education through regulation and accreditation standards that all or most private schools must conform to the same standards as government itself. For a sophisticated analysis of "state action" doctrine—suggesting several routes to this conclusion—see Laurence Tribe, *American Constitutional Law* (Mineola, N.Y.: Foundation Press, 1978), pp. 1157–1171.

[20] See 40 *Fed. Reg.* 24128 et seq. (June 4, 1975) or 34 *C.F.R.* 106.3 et seq.

[21] Testimony of John Esty, Jr., President, National Association of Independent Schools, *Tax Exempt Status of Private Schools*, (Hearings cited at note 14), p. 400. The precise figure offered here is 23 percent of operating budgets for boarding schools and 11 percent for day schools. But the estimate applies only to NAIS members—that is, non-church-related elementary and secondary schools. Mr. Esty, himself, suggests the figure may be much higher for church-related schools at this level and might be still higher for many colleges. Colleges with large endowments would be especially hard hit since the I.R.S. would undoubtedly tax income on these endowments: interest, dividends, capital gains from the endowments would presumably be taxed like the gains fo any other investor. Finally, this figure does not calculate the substantial costs arising from the imposition of local property taxes and state sales taxes.●

TRIBUTE TO CLARENCE M. MITCHELL, JR.

● Mr. MOYNIHAN. Mr. President, I rise to add my voice to those millions of Americans who mourn the death of Clarence M. Mitchell, Jr. The loss of a dear friend, as Clarence Mitchell was to me, is always a source of pain. In his passing, there is a double anguish because of what he meant to our Nation and to the struggle for equality for all races.

He was the Washington director of the National Association for the Advancement of Colored People. For two decades, every civil rights act and every antidiscrimination statute enacted by Congress bore Mr. Mitchell's distinguishing mark. In his long tenure, he was perhaps the most effective legislative craftsman in the field of human rights in the United States.

So deep was his commitment, so broad the respect he earned, that he was not unfairly called "the 101st Senator."

His concern for human and civil rights did not stop at our water's edge. When I became Ambassador to the United Nations in 1975, I asked Mr. Mitchell to join me as a U.S. Representative at the U.N. General Assembly.

His performance was absolutely magnificent. On October 23 of that year, he addressed the U.N. Special Political Committee on the subject of apartheid.

He called it an "odious and abhorrent" system, a characterization which prompted an emotional response from the South African Prime Minister, Balthazar Johannes Vorster.

The Prime Minister challenged Mr. Mitchell to name those persons who, in Mr. Mitchell's previous words, had been detained in his country for their outspoken opposition to apartheid. It was a challenge our Representative met superbly.

He prepared a 6,000-word reply which was accompanied by three pages listing the names of persons, white and nonwhite, in detention for precisely the reason Mr. Mitchell had first claimed. His reply was a meticulously documented, closely reasoned argument that what was legal in South Africa was illegal by the standards of a liberal society.

The response introduced a wholly new method of argument to the General Assembly. We thought of it as the equivalent of a "Brandeis brief" in the American legal system, including as it did economic and social findings which gave a human dimension to the legal arguments contained therein. It was a moment to be cherished. Would that it had been emulated.

Mr. President, there will be no shortage of tributes to this unique man. But I call your attention to one in particular. It was an editorial in the March 20 editions of the Washington Post. Its headline was: "Clarence M. Mitchell, Jr."

As if the name alone should mean something to us all. As indeed it should.

Mr. President, I ask without objection that the Washington Post editorial be printed in the RECORD.

The editorial follows:

CLARENCE M. MITCHELL JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being

mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.●

NEW YORK UNIVERSITY CONFERS HONORARY DEGREE ON KING OF SPAIN

● Mr. SARBANES. Mr. President, an important event took place recently in the history of the relationship between the peoples of the United States and Spain—New York University conferred an honorary degree on the King of Spain, His Majesty Juan Carlos. It is the first honorary degree bestowed by an American University on Juan Carlos, whom New York University President John Brademas, our distinguished former colleague in the Congress, described as this outstanding leader of new Spain. Her Majesty Queen Sophia was present at the convocation.

Dr. Brademas also announced the establishment at New York University of the "King Juan Carlos I Chair in Spanish Culture and Civilization," to honor the King and to deepen the commitment of NYU to Spanish studies. "This Chair, made possible by the splendid generosity of Milton Petrie, a life trustee of New York University, will be occupied by the world's most eminent authorities on Spanish life, history, and culture," he said.

In his remarks at the convocation, Dr. Brademas cited several reasons for the tribute paid to King Juan Carlos I by New York University. We want first to acknowledge the major contributions which the nation of which His Majesty is head of state has made to the history of this hemisphere. It would be obviously impossible even to begin to comprehend the countries of South, Central, and North America without an understanding of their origins in Spain.

We wish as well to salute the significant role that Spanish-speaking peoples play in the life of our own country, Dr. Brademas declared, noting that there are over 15 million persons in the United States today of Spanish descent.

Finally, Dr. Brademas expressed the admiration and respect of the American people for the wise and courageous leadership King Juan Carlos I has given to his people as Spain plays a more important and more visible part in the family of free and democratic nations. At a critical moment in the life of the new Spain, it was the brave and farsighted stance of His Majesty, King Juan Carlos I, that protected the institutions of the new Spanish democracy.

Mr. President, prior to assuming the presidency of New York University, our Nation's largest private university, John Brademas served with great distinction for 22 years as a member of the House of Representatives from Indiana, during the last 4 years of his service as majority whip. In addition to the extraordinary qualities of informed and responsible leadership which he has brought both to Congress and to NYU, Dr. Brademas is also a student of Spanish history and the author of a study of the anarchist movement in Spain.

His remarks upon conferring the honorary degree upon King Juan Carlos I of Spain and the King's response will be of keen interest to Members of the Senate and to all those interested in Hispanic life and culture. I therefore ask to have the texts of their remarks delivered at the December 7, 1983 convocation printed in the RECORD.

The texts follow:

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

Your Majesty, King Juan Carlos I of Spain; Your Majesty, Queen Sofia; Chairman Tisch; Reverend Clergy, Distinguished public officials of both Spain and the United States.

I should like to extend a greeting to the United States Ambassador to Spain, Thomas O. Enders; the Spanish Ambassador to the United States, Gabriel Manueco; the Spanish Minister of Education, Jose Maria Maravall; the Spanish Minister of Culture, Javier Solana; and the Mayor of Barcelona, Pasqual Maragall I Mira;

Members of the board of trustees; Chancellor Oliva; members of the faculty, staff and student body; distinguished guests and friends. . . .

ACKNOWLEDGMENT BY DR. BRADEMAS OF MAJOR CONTRIBUTIONS OF SPAIN TO THE HISTORY OF THIS HEMISPHERE

As president of New York University, I take great pleasure in extending to you all a warm welcome on this historic day in the life of our university.

Today's event is yet another manifestation of the leading role that New York University is playing in American higher education.

There are several reasons that New York University is pleased to honor our distinguished visitor today.

We want first to acknowledge the major contributions which the nation of which His Majesty is head of state has made to the history of this hemisphere.

For it would be obviously impossible even to begin to comprehend the countries of South, Central and North America without an understanding of their origins in Spain.

A second—and related—reason that we wish to honor His Majesty is to salute thereby the significant role of Spanish-speaking peoples in the life of our own country.

If there are over fifteen million persons in the United States today of Spanish descent, some one and a half million of them live in New York City, and we are, therefore, increasingly a country and a community that speak Spanish as well as English.

There is another reason we are pleased to honor His Majesty, the King of Spain, today. It is to mark the great importance that New York University assigns in our teaching and research to Spanish and Hispanic culture and civilization.

Our guest of honor is wholly at home with such a commitment for His Majesty has spoken eloquently of the indispensable role of education and culture in building a world of peace and freedom. That His Majesty should be accompanied today by the distinguished Minister of Education of Spain, Dr. Jose Maria Maravall; and the distinguished Minister of Culture, Dr. Javier Solana, is further evidence of His Majesty's appreciation of the crucial place of international education.

COMMITMENT OF NEW YORK UNIVERSITY TO INTERNATIONAL EDUCATION

This university has had from its founding over 150 years ago an international dimension that rises naturally from its history, location and resources. New York University has long been a place of opportunity, opening its doors to thousands of immigrants and their sons and daughters, and today, a significant percentage of our large, multiethnic student body continues to be drawn from first and second generation families.

Our commitment as a university to international education is evident in our language and area programs—from the Hagop Kevorkian Center for Near Eastern studies to our Department of French Culture and Civilization, our Institute for Hebrew and Judaic studies, and our offerings in German, Italian and Portuguese languages and cultures—and others.

HISTORIC ROLE OF NEW YORK UNIVERSITY IN HISPANIC STUDIES

We take particular pride, however, in the longstanding interest of New York University in Hispanic studies, a field in which we have a wide range of activities. Our department of Spanish and Portuguese offers courses in both these languages and literatures and in Spanish-American and Brazilian literatures as well. Indeed, this university grants the fourth largest number of doctoral degrees in Hispanic literature in the United States.

We have, moreover, welcomed to our lecture halls and classrooms some of the most eminent writers and thinkers of 20th century Spain as well as of Latin America.

Twenty-five years ago, we inaugurated the first North American program of study in Madrid and during these years, we numbered among our faculty in Spain such distinguished writers and scholars as Enrique Tierno Galvan, the present mayor of Madrid; Joaquin Casalduero; Jose Hierro and Carlos Bousoño.

Several years ago we began a summer course in Salamanca, in cooperation with that university of such famed tradition of scientific and humanistic studies.

This year, in collaboration with the University of Barcelona, we established a program of Catalan studies, one of the first of its kind in the United States. Hispanic studies at New York University are further enriched by the work of our Center for Latin American and Caribbean Studies; and I must mention, too, our cooperation with such institutions as the Spanish Institute and the Center for Inter-American Relations.

Earlier this fall New York University took an active part in the celebration of Madrid-New York week, and last spring we joined in heralding Semana Catalana, a week of lectures, music and dance and meetings between leaders of New York City and Barcelona.

Only last month, in fact, I visited Spain to accept, on behalf of the university, a fellowship to be named for Maestro Andres Sego-

via and made possible by a gift from the Spanish firm of Loewe, whose president, Don Enrique Loewe, is also with us this morning. The Andres Segovia fellowship will, through an international competition, make possible studies at our university in the tradition and instrumentation of the classical guitar.

I hope that I shall be forgiven if I add here that a generation ago, I did my own doctoral dissertation on a Spanish revolutionary movement and so I myself have felt a longstanding link with the country whose constitutional monarch we welcome today.

RECOGNITION BY DR. BRADEMAS OF GENEROSITY OF LIFE TRUSTEE MILTON PETRIE AND HIS WIFE CARROLL

This morning I take great pleasure in announcing that, in order to deepen the commitment of New York University to Hispanic studies, and thanks to the splendid generosity of a distinguished life trustee, Mr. Milton Petrie, New York University has created the King Juan Carlos I Chair in Spanish culture and civilization.

I am pleased at this time to recognize Mr. Petrie, and his wife, Carroll, who is a member of the board of our Institute of Fine Arts. To you both, we express our deep appreciation.

This named Chair will be held by the most eminent authorities in the world on every aspect of Spanish life and culture.

The King Juan Carlos I Chair will be a permanent symbol of the friendship that unites our two countries and of the dedication of New York University to the study of Spanish civilization.

But there is yet one final reason we wish today to honor His Majesty and it is to express to him the admiration and respect of the American people for the wise and courageous leadership he has given to his people as Spain plays a more important and more visible part in the family of free and democratic nations.

It requires no elaboration here to say that at a critical movement in the life of the new Spain, it was the brave and farsighted stance of His Majesty, King Juan Carlos I, that protected the institutions of the new Spanish democracy.

For all these reasons then, we welcome this gifted constitutional Monarch and his gracious Queen, Her Majesty, Queen Sofia, to our country, our city and our university.

I should like now to call upon Vice President S. Andrew Schaffer, secretary of the university, to present the candidate for the honorary degree.

Dr. Brademas reads the honorary degree citation:

His Majesty, Juan Carlos I, King of Spain: your Majesty—your presence among us symbolizes ties between Spain and the Americas that reach back nearly 500 years. In the course of that near half a millenium, the language and culture of the Spanish people have in profound ways shaped the history of the Western Hemisphere. We welcome your reaffirmation of these common bonds. We wish as well to salute the significant role that Spanish-speaking peoples play in the life of our own country even as we mark the importance that we at New York University assign in our teaching and research to Spanish culture and civilization.

Your Majesty, yours has been a vigorous voice in the forums of the world for the place of education in the difficult search for peace among nations. "La educacion y la communicacion, la ciencia y la cultura, constituyen elementos idoneos para hacer viable la paz e imposible la guerra." [Education and communication, science and culture, are the very elements which make peace possible and war impossible.] Your Majesty, we are proud also to honor you for your fearless protection of parliamentary institutions at a critical point in the history of your country. As a youth, your Majesty, you were a student at the Institute of San Isidro in Madrid, named for that remarkable man of learning of thirteen centuries ago. He once declared, "Seras rey si obras rectamente; si no obras asi no lo seras." [You will be king if you act justly; if you do not do so, you shall not be.] You have, Your Majesty, as constitutional Monarch of the democracy that is modern Spain, kept faith with the highest expectations of that venerable saint.

Your Majesty, King Juan Carlos I of Spain, you represent a noble culture, one we revere deeply at this university. For the inspired leadership you give your country, for your courageous defense of democratic principles, for your eloquent commitment to education in the service of peace, I take great pleasure in conferring upon you the degree of doctor of laws, Honoris Causa.

REMARKS OF HIS MAJESTY KING JUAN CARLOS I OF SPAIN AT A CONVOCATION AT NEW YORK UNIVERSITY

Mr. President, Professors and Students, Ladies and Gentlemen, first of all, I wish to greet you and to thank you.

My greetings to all of you who, in the unequalled setting of this beautiful and fascinating city, form an exemplary community devoted to the study and progress of jurisprudence, and are committed to one of the most exciting tasks that can be undertaken by men: the attainment of freedom in peace and justice.

My thanks for the distinction which you have awarded me, and which fills me with special satisfaction. This is because, within the social sciences, it is the science of law that most fundamentally influences the lives of citizens and the progress of the international community. Law is, has been and will continue to be, one of the most significant pillars in the fabric of mankind's progress.

Thank you very much, Mr. Chairman, for your kind welcome, and for your generous words.

SPANISH CONTRIBUTIONS TO THE STUDY OF LAW

The Spanish Monarchy, to which I am the heir and for which I provide continuity, has always protected and encouraged the study and progress of law.

I must mention here the outstanding contribution of Alfonso the Wise to the progress of jurisprudence in Spain and the Western world. The "Siete Partidas," a monument to thinking and knowledge, has had a great influence both in my country and in the broader setting of the New World.

As you know, through the work of its Universities, such as Salamanca, Alcalá and Valladolid, and that of its philosophers, such as Vitoria and Suárez, Spain has contributed to the important study of the essence of law, to creating the bases of what would be the future People's Law, to encouraging ideas whose influence on equality and the individual rights of men has been as necessary as it has proved beneficial for my country and for this Continent.

I shall take the liberty of reminding you of the precursory action of so many Spaniards who gave their efforts to establish the legal system that now regulates social life in Latin America.

This was an immense task, which perhaps today is only adequately appreciated by those who study our presence on this side of the Atlantic.

In Latin America, the Crown has always played the role of protector of the weakest and least privileged sectors of society against the abuses and the strength of the powerful.

Many writers of legal treatises have pointed out that the very root of legality is to be found in this search for protection against arbitrariness.

My country, which founded the first universities in the New World, is justly proud of its efforts to assure that the teachings of Law and humanistic ideas should, as soon as possible, constitute the common heritage of all individuals under the Spanish Crown.

Among the laws and customs of territories that today form part of the United States are many precepts of Spanish origin.

However, I do not wish to enlarge too much on the past, although it is always present in our minds, but rather look toward the future.

HIGH PRIORITY OF ADAPTING LEGAL STRUCTURES TO CHANGING SOCIETY

Mr. President, we are living in a dynamic society, which is moving toward fundamental changes. Many of those who are listening to me here will exercise the noble profession of Law in the Twenty First Century. They will have the historic responsibility of crystallizing the cultural heritage they received into new laws, and meeting the new challenges posed by society. It is an extraordinarily complex task, but at the same time an invaluable incentive for any humanistic vocation.

For all of us, professors, students, citizens and rulers, the adaptation of legal structures to a world in which the universal values of freedom, equality and justice prevail, must be a task with high priority. It is a mission that justifies any sacrifice, and must inspire our will and our imagination.

I affirm this in this city, in which the citizens of so many countries are gathered together, which is open and alive to so many cultures, and in which this University carries out a task of exemplary teaching and research.

It also gives me personal pleasure to affirm this in the light of the recent establishment of democracy in Spain, through a legal framework that both admits and encourages change, which is the best guarantee for our coexistence.

In the world in which we live, the protection of public freedoms is the inescapable duty of all these connected with the legal system. This exercise of public freedoms, which is part of tradition and is specified in the constitutions of a large number of countries, is, unfortunately, forgotten in many other parts of the world.

IMPORTANCE OF BRINGING LAW TO THE INDIVIDUAL

At the same time, the danger exists in our society, which is becoming increasingly more complex and diversified, that those social groups least able to assure their own representation may be discriminated against with regard to the protection of their rights.

One of the most important efforts to be made by lawyers of all countries is that of bringing Law to the individual and overcoming a tendency, which is normal in all professions, to isolate themselves through the possession of specific knowledge and the use of a language that is incomprehensible to the ordinary man in the street.

Technological advances also pose a problem that deserves consideration by all jurists. At the present time we see sufficient signs for alarm indicating that the individual appears in many cases to be threatened by the indiscriminate, and in some cases dangerous progress of technology.

In the process of adaptation to these advances, we should not forget that the ultimate goal of Law is to humanize daily life as much as possible.

There is also a challenge to all of us inherent in the structure of society, which burdens individuals with the growing bureaucratization of justice, encourages administrative inertia, and in many cases prevents greater participation by people in the life of their communities.

THE FUTURE OF LAW IN THE UNITED STATES AND THE WORLD

Mr. President, your country constitutes a focus of attention for many parts of the world.

The United States, with its power and its capacity for innovation, has heavy responsibilities in the Western world. This has also been the case for other great countries in the past. But it is even more accentuated today as a result of our modern systems of communication.

Frontiers today are less defined, the universe larger. Very little prevents the advances of a great country like this from being used by other countries.

Therefore, Mr. President, the future of Law in the United States is not a matter of no concern to other nations. And, within this context, the work of this University, which is carried out through research and teaching, acquires a dimension that goes beyond the limits of this institution.

This University, which is located in one of the most influential cities of the country and which occupies a very outstanding place in the defence of democratic values, has in you a select group of scholars undoubtedly able through your work to shape a better world.

In this way you will follow the long and prestigious tradition of this institution, founded in 1831, which has provided the setting for inventions decisive for the contemporary world, such as those of Morse and Edison. This is a tradition in which the social sciences and scientific research combine successfully.

For all these reasons, I am very pleased to be included as one of you through the awarding of this distinction, and I want to thank you for this opportunity. You may be sure that I share your hopes and your efforts to make the world in which we live freer and more just.

Thank you very much.●

INSTALLATION OF ARCHBISHOP JOHN J. O'CONNOR, OF NEW YORK

● Mr. MOYNIHAN. Mr. President, on Monday I was privileged to attend the installation of the Most Reverend John J. O'Connor as Roman Catholic archbishop of New York. Archbishop O'Connor succeeds Terence Cardinal Cooke, who passed away last October after a lifetime of extraordinary service to the 1.8 million Catholics of the archdiocese of New York.

In the course of the majestic installation ceremony at St. Patrick's Cathedral, Archbishop O'Connor evinced not only the seriousness of purpose appropriate to his new duties but also a personal warmth that will surely endear him to all the people of New York.

In his remarks to the 3,000 persons of all religious faiths who gathered in the cathedral, Archbishop O'Connor expressed his desire to "work lovingly by (the) side" of other religious leaders in New York for spiritual unity whenever possible.

As the New York Times reported yesterday:

The Archbishop's address was a medley of humor, anecdotes and admonition. He was thoughtful and introspective in examining his own fitness for the role.

I would like to share with my colleagues, and the many readers of the CONGRESSIONAL RECORD, Archbishop O'Connor's message. I ask that excerpts of his homily at St. Patrick's Cathedral on Monday be printed at this point in the RECORD, along with the accounts of the events in the New York Times.

The material follows:

[From the New York Times, Mar. 20, 1984]

ARCHBISHOP GREETS CITY IN GRATITUDE

Mr. Mayor, how am I doing?

All of you think I meant Mayor Koch; I meant Mayor McNulty of Scranton.

Here we go again.

It's less than 48 hours ago that I left the second-greatest city in the entire world, and my heart was heavy indeed as I left Scranton and the people that I love so much there.

I cried a bit because, after all, this was the first time in history, I think, that a bishop was ever recalled by plebiscite after only eight months.

But I must confess that the sorrow of losing my first love is more than counterbalanced today with the tremendous joy that I feel as I stand before you in this magnificent cathedral in this truly spectacular city and with no disloyalty, Your Eminence Cardinal Kroll, to my beloved home town of Philadelphia, and with no disloyalty to my beloved adopted town of Scranton, now "Ich bin ein New Yorker."

Now, this is an occasion on which it would be very easy to be pompous and to attempt to give an address which would readily outrank what Lincoln did at Gettysburg.

But I want to speak with you as friends; very, very simply, simply to reflect with you on what it means to me to be given the opportunity to serve you, and what the whole concept, indeed, of service means to me.

But first, if the others of you here will forgive me, Las pocas palabras a todos los queridos Hispanos . . . (A few words to all the beloved Hispanics . . .)—now wait I'll forget—you'll throw me off—. . . a todos los queridos Hispanos de la archidiócesis. Yo sé que mi Español suena mal, porque se parece de una gallina o pato. Pero a la vez sé que me perdonarán porque simplemente quiero a todos Ustedes gue Dios quiero y eso es facil de entender en cualquier idioma. Voy a tomar clases de Español y trabajaré mucho para mejorar mi pronunciación. A caso iré también a Puerto Rico por una temporada durante el invierno, naturalmente. En serio, espiritualmente me siento muy unido a todos Ustedes a pesar de mi nombre Irlandés y trataré de hacer todo lo possible para Ustedes como su obispo. Si bien no llego a ser un buen servidor no dejaré de quererlos y ayudarlos. Muchas gracias.

(. . . of the Archdiocese, I know that my Spanish sounds bad, because it sounds like a chicken or a duck. But at the same time, I know that you'll pardon me because I simply love all of you, and God loves you, and this is simple to understand in any language. I am going to take classes in Spanish, and I will work hard to improve my pronunciation. Perhaps I'll also go to Puerto Rico for a while, during the winter, naturally. Seriously, I feel very close to you spiritually in spite of my Irish name, and I will try to do everything possible for you as your Bishop. If perchance I do not succeed in being a good servant, I will never stop loving you and helping you. Thank you very much.)

My niece Eileen taught me that, she's a Spanish teacher. She's here today.

It would be unthinkable for us to proceed further, and particularly to speak of serving you, without paying tribute to that man who walked among you here as the Archbishop of New York, as the military vicar; that man who served you as few people perhaps could with such gentleness, love and kindness; the man whose ring and cross I wear today in his honor.

His spirit pervades this cathedral today, and I hope, therefore, you will consider it appropriate to honor him with a truly joyous ovation, our dear beloved Terence Cardinal Cooke.

I have here some letters selected from the many thousands of the warm and gracious letters that I received from all over the country since it was announced that I would be your Archbishop.

These are all from New York schoolchildren, grades second through fifth. I want to read portions of just a very few.

The first youngster obviously wants to make sure that I don't get carried away with myself. And makes it quite clear that even one's name in The New York Times doesn't guarantee fame, though it gets a lot of attention in a hurry. I'm very happy The New York Times has welcomed me to New York. I welcome The New York Times into my house every morning with my coffee.

The first youngster obviously, as I said, wants to make clear that I shouldn't get carried away with myself. "Dear Bishop O'Connor: Bishop O'Connor. That name I was surprised to hear. Until now I did not know who you were. I'm very curious about your life because I've never heard of you before."

Try that on your ego!

The second letter is from a secondgrader equally unimpressed by my record. "Dear Archbishop O'Connor: Before you had the new job did you have a job? And do you have some children? My mother has one boy and two girls."

That's from Rayco. I can't match that, Rayco.

And next is from a young lad who's clearly dubious about my potential. "Dear Archbishop O'Connor. I have heard about the job you've got. Please try hard."

And another. "Dear Bishop O'Connor, I liked your sense of humor. I would like to welcome you to the Big Apple. Just stay off the subways unless you're wearing armor."

And finally, here's a future 20-game winner for the Yankees, with the fastest-breaking curve ball, I think, that I've ever seen. "Dear Bishop O'Connor, it would be nice to see you on television or in St. Raymond's Catholic School. Soon I will be baptized and be a Methodist. Anthony."

Well, that's real ecumenism.

The second young letter writer wanted to know if I had some children.

Now thank God, by my first wife, the Diocese of Scranton, I had 365,000 Catholics and I was deeply privileged to have a substantial number of those of Jewish, Protestant, Orthodox and other persuasions whom I came to love truly as my own flesh and blood.

Yesterday afternoon at 4 o'clock in this cathedral I was married to the Archdiocese of New York in a ceremony called canonical possession and inherited at least 1.8 million Catholics as flesh of my flesh and blood of my blood, but more, I sincerely pray that many others of you, of all faiths, will permit me to serve you as well. My favorite meditation is a saying of Mother Theresa of Calcutta: Give God permission.

Somehow it seems that in God's mysterious design He has brought each one of us into this world in order to work His wonders through us.

This is our great calling, all of us: To give God permission, to open our minds and hearts so that he can indeed work through us.

It will be my prayer every day of my life as Archbishop of New York that I will never impede any of you in any way from letting God work through you.

I want to conclude with a story I've told before in this cathedral on the occasion of Cardinal Cooke's death.

Herb Epstein is a Jewish haberdasher in Newport, R.I. I've known Herb for a number of years, but until recently I'd lost contact and then one day while Cardinal Cooke was dying, Herb Epstein called me in my office in Scranton, Pa.

He was calling, he said, because I was the only man he knew who might be able to reach the Cardinal. It seems that Herb had contracted cancer and because of this had come in contact with a doctor who he felt might help the Cardinal.

That in itself was not particularly startling; many people were calling for similar reasons, but Herb went on to tell me that he, a practicing Jew, had such tremendous respect for Cardinal Cooke, that he was prepared to believe and accept the notion that God may have permitted him, Herb Epstein, to get cancer in order that he might meet a doctor who could help the Cardinal.

Further, that he could accept all the suffering or the shortening of his own life if Cardinal Cooke's suffering could be alleviated and his life lengthened.

The Epstein story goes to the heart of the meaning of being, as I view it, the Archbishop of New York.

Since my appointment, I've heard and read many references to the alleged power of the Archbishop of New York. It is obviously assumed that the economic, the industrial, the political power of New York itself, with its role as the center of the communications media and other major activities, lend enormous power to the Archbishop of New York.

But this was not the kind of power exercised by the gentle and loving Cardinal Cooke. This is the power of the world, legitimate in its own right within restrictions.

It is not the kind of power that attracted the respect of a Herb Epstein and much of the world to Cardinal Cooke on his deathbed. Indeed I believe it's safe to say that the Cardinal was never so powerful as when he lay helpless and suffering on that deathbed.

It's no secret that he spent his life pleading for the protection of the unborn and preaching the sanctity of all human life, in his own words "From conception until death and at every moment in between." Yet his voice in the full vigor of health, we must confess, never seemed to reach the number of people who were so deeply touched by the letter he dictated from his deathbed and which was published virtually throughout the world.

I quote but one brief paragraph. "The gift of life," he said, "God's special gift is no less beautiful when it is accompanied by illness or weakness, hunger or poverty, mental or physical handicap, loneliness or old age. Indeed at these times human life gains extra splendor as it requires our special care, concern and reverence. It is in and through the weakness of human vessels that the Lord continues to reveal the power of his love."

That's the only power I want.

What can I do but ask for your prayers, ask for your indulgence, your understanding of my weakness, your sympathy with, yes, my stupidity. And your forgiveness for my sins.

I need you very much. I need your strength, I need your wisdom, I need your counsel, above all, I need your love. And, oh how much, how very much I will love you in return.

God bless you!

[From the New York Times, Mar. 20, 1984]

O'CONNOR IS INSTALLED AS ARCHBISHOP

(By Kenneth A. Briggs)

In rites of both majesty and whimsy, John J. O'Connor yesterday took occupancy of St. Patrick's cathedral chair as the eighth Archbishop of New York.

"Ich bin ein New Yorker," Archbishop O'Connor said, echoing President John F. Kennedy, who used German two decades ago to tell a West Berlin crowd, "I am a Berliner." The archbishop drew one of many roars of applause from the congregation of more than 3,000 in the cathedral.

Speaking decisively in a crisp, engaging voice, he also vowed to join a cooperative drive to overcome social ills such as hunger and abortion, and offered compassion to those who disagree with the church's views. Yesterday's ceremony completed the two-day installation of the Archbishop, which began Sunday afternoon as a formal service of canonical possession.

Days before his arrival in New York, Archbishop O'Connor caused debate by comparing the practice of abortion in America to the Nazi Holocaust. At the installation, he appeared eager to dispell any fears that his staunch defense of church doctrine and authority would hamper relations with those who do not share his outlook.

"Whether or not you are of my religious faith or my moral convictions," said the Archbishop, "whether you accept the teaching of the church or reject it on any issue, I see you as sacred persons to be loved, persons of priceless dignity and worth."

He was applauded frequently. He reached out to leaders of other faiths, waded into the pews to greet friends and distributed communion wafers to a long line that included Governor Cuomo and New York's two Senators, Daniel Patrick Moynihan and Alfonse M. D'Amato.

Archbishop O'Connor, who is 64 years old, was the Bishop of Scranton, Pa., when Pope John Paul II named him to replace Terence Cardinal Cooke as head of the Archdiocese of New York. Cardinal Cooke, who died last Oct. 6, was recalled fondly yesterday by his successor.

The new Archbishop's relaxed, informal and breezy manner set the mood for the elaborate service. Playing off the image of pomp and stiffness that has marked such occasions in the past, Archbishop O'Connor punctured such expectations with self-deprecating wit and jaunty asides.

"Mr. Mayor, how am I doing?" the Archbishop said, borrowing the quip from Mayor Koch, who was seated near the front. He hugged fellow prelates and friends, spoke a personal word to representatives of church groups, including nuns and military chaplains, and produced a Mets cap to show he was an impartial fan. He had displayed a Yankees cap the night before at a canonical service in the cathedral.

The ceremony began at 11 A.M. when a procession of hundreds of priests, bishops and cardinals robed in colorful vestments began winding its way around the outside of the cathedral and through the huge doors into the sanctuary.

Members of men's religious orders, among them Franciscans and Benedictines, wore their cowled brown and black robes, while other priests were dressed in an assortment of black cassocks and simple white robes cinctured around the waist.

Dozens of mitred bishops in white and five cardinals with their distinctive red capes stood behind the altar. Behind them were sprays of gladiolus and carnations and at the sides of the altar stood six white candles.

From the rear choir loft the organ thundered, brass instruments pierced the air and the cathedral choir, robed in blue and gold, raised their voices in a variety of sacred music from traditional to modern.

Adding to the pageantry and ecumenical character of the installation were figures from other faiths. Among them were Eastern Orthodox bishops, in black robes, gold pectoral crosses and pillbox headpieces; Protestant clergy in white, blue and black vestments, and rabbis dressed in plain black pulpit gowns.

When the Archbishop appeared at the door, music stopped and he was officially greeted by Bishop Joseph T. O'Keefe, the vicar general of the Archdiocese and Msgr. James F. Rigney, the dean of the cathedral.

They presented him with a cross and with holy water, with which he made the sign of the cross. "May the Lord sustain you and your ministry among us," Bishop O'Keefe said. The archbishop replied by thanking Bishop O'Keefe, who had been administrator of the Archdiocese since the death of Cardinal Cooke, "for all you have done prior to my coming and receiving me so graciously."

Immediately the onlookers broke into the first of many loud, sustained ovations as Archbishop O'Connor, wearing a cream-colored robe ornately embellished in green, gold, red and yellow, made his way slowly down the aisle. Archbishop Pio Laghi, the Pope's personal representative to the United States, read the documents of appointment from the Vatican and escorted Archbishop O'Connor to his cathedral chair at the left of the main altar.

There he greeted his auxiliary bishops, the heads of dioceses throughout New York state and representatives from an assortment of religious groups. The Archbishop responded to each personally, embracing some and making an effort to accommodate individual needs. He reached out for elderly retired prelates and spoke words of encouragement to many. When a blind woman ap-

proached him, he said, "You can see better than I can."

The Archbishop's address was a medley of humor, anecdotes and admonition. He was thoughtful and introspective in examining his own fitness for the role.

"What can I do but ask for your prayers, ask for your indulgence, your understanding of my weakness, your sympathy with, yes, my stupidity," the Archbishop said, "and your forgiveness for my sins. I need you very much. I need your strength, I need your wisdom, I need your council, above all, I need your love. And, oh how much, how very much I will love you in return."

REMARKS MADE IN SPANISH

At one point in his address, the Archbishop broke into Spanish, using some tutoring he said his niece Eileen had given him. The Archdiocese, covering Staten Island, Manhattan, the Bronx and seven upstate counties with a combined Catholic population of 1.8 million, is at least one-third Hispanic by church estimates, and the number is growing.

Archbishop O'Connor also made good on a promise to a 10-year-old namesake, John J. O'Connor of the Bronx, who wrote to the new Archbishop after his appointment. The boy noted he would become an altar boy the same year the Bishop became the Archbishop. Archbishop O'Connor called the boy to the pulpit and placed the Archbishop's mitre on his head, watching it fall over the boy's ears.

The Archbishop also quoted from four other letters he had received from children. Michele, a fifth-grader, said she was "very curious about your life because I have never heard of you before," to which the Archbishop responded, "Try that on your ego." Rayco, a second-grade student, wondered, "Before you had the new job did you have a job? And do you have some children?" Another, Mike said "I have heard about the job you've got. Please try hard and I wish you luck."

Debbie, wishing him well, said, "It took New York practically a month to find the right bishop. Now we know you're the one we need."

John Joseph O'Connor was born in Philadelphia on Dec. 15, 1920. He brings to New York a background of academic achievement, military experience and pastoral service.

For 27 years, until he became an auxiliary bishop in charge of the Catholic chaplains in the armed forces, Archbishop O'Connor was a Navy chaplain.

[From the New York Times, Mar. 20, 1984]

CITY RELIGIOUS LEADERS LAUD O'CONNOR'S CALL FOR NEW UNITY AMONG THEM

(By Ari L. Goldman)

Religious leaders in New York responded with enthusiasm yesterday to the call of Archbishop John J. O'Connor for a new spirit of unity among them, but some noted that differences on some social issues continued to divide them.

Thirty-four religious leaders—some wearing black frocks, others yarmulkes or business suits—made up an ecumenical delegation to the Roman Catholic mass at which the new Archbishop was installed. The Archbishop embraced many as they stepped up to the altar of St. Patrick's Cathedral.

In a homily that followed, Archbishop O'Connor pledged to the religious leaders that he would "work lovingly by your side."

At a brief outdoor news conference after the service, the Archbishop said that, if invited, he would be happy to preach in both synagogues and Protestant churches.

A NEW TREND WELCOMED

The Rev. Richard J. Rice, who represented the United Methodist Church at yesterday's ceremonies, said that the Archbishop's predecessor, Terence Cardinal Cooke, "did not involve himself very much in the ecumenical community." He said he looked forward to working with the new Archbishop to forge "a very strong united religious approach to the concerns of New York City."

In interviews, several other religious leaders said they, too, welcomed the new Archbishop's enthusiasm and good will. Some added, however, that they differed with his opposition to both abortion and the ordination of women as priests.

"I hope that we are not going to begin at the place we differ," said the Rev. Carl E. Flemister, the executive minister of the American Baptist Churches of Metropolitan New York, "but begin with those things which we are in agreement, such as the need to deal with the plight of the poor and the unemployed and the poor relations between racial groups in this city."

REVERSAL OF RETREAT SEEN

Rabbi Sheldon Zimmerman, the leader of Central Synagogue, said there had been a retreat in recent years in efforts toward Catholic-Jewish understanding, efforts begun after the Second Vatican Council almost 20 years ago.

"On the one hand, there has been a real sense of ecumenical activity in the area of human needs and the nuclear arms race," Rabbi Zimmerman said. "But there has also been a lessening of personal ties that bind us that we saw in the early age of dialog."

CLEAR WHERE HE STANDS

"In a number of ways, I think the new Archbishop has shown us that he is willing to improve those ties." the rabbi said.

Rabbi Zimmerman, a Reform rabbi who supports the current abortion laws, noted that Archibishop O'Connor has met with six Orthodox rabbis who shared the Archbishop's opposition to abortion. "It would be a very sad occurence," Rabbi Zimmerman said, "if everything would be seen through this one issue."

The Rev. Stuart Wetmore, the Suffragan Bishop of New York for the Episcopal Church, said that while he disagreed with some of the Archbishop's positions, there was some "advantages" to laying out the issues. "He is making it very clear where he stands," said Bishop Wetmore. "Now I think he is going to be much more aggressively cooperative on the ecumenical scene."

Unlike several of the Protestant ministers, Archibishop Iakovos, primate of the Greek Orthodox Church of North and South America, agreed with the Archbishop of several issues, including abortion. He said ecumenical work was a challenge, and he counseled the Archbishop to go "tactfully, carefully and lovingly."

There were many ecumenical touches in Archbishop O'Connor's homily. He spoke about Herb Epstein, "a Jewish haberdasher in Newport, R.I.," who had called him and recommended a cancer specialist soon after Terence Cardinal Cooke learned he had leukemia. And the Archbishop read a letter from a boy named Anthony, a student at a Roman Catholic school in the archdiocese who wrote, "Soon I will be baptized and be a Methodist."

Anthony is a part of a growing non-Catholic population in the city's Catholic schools, which have been hit with a significant decline in enrollment in recent years.

The Archbishop said "it is imperative that our Catholic schools teach our Catholic faith in pure undiluted form," yet he added, "Within that teaching, there is tremendous room for sensitivity to the beliefs of others."

[From the New York Times, Mar. 20, 1984]

THE RITE DRAWS THOUSANDS INSIDE CATHEDRAL AND OUTSIDE

(By Maureen Dowd)

First came the seminarians. Then the bishops in their miters and flowing white robes. Finally, Archbishop John J. O'Connor turned the corner and came into sight, waving and smiling, as the procession moved up 50th Street toward St. Patrick's Cathedral.

Hazel Muserilli of Norwich, N.Y., teetered on top of a police barricade with her Instamatic camera. "Oh, he's so handsome," she called down to her husband, Angelo, as she clicked away. "This is the biggest thrill. It's almost like seeing the Pope."

Crowds circled the cathedral yesterday, eager to catch a glimpse of the pomp and pageantry and the city's new Archbishop.

"I saw Frank Sinatra at Radio City last night so I thought I'd come here today," said Ann Urban, a file clerk at Memorial Hospital.

Even on such a holy occasion, there was a little larceny in the crowd. Some people looked around in vain, for ticket scalpers. Others spent the morning scheming about how they could sneak into the ceremony. William Riley, a retired postal clerk, and Noreen Cronin, a widow from Jersey City, stood impatiently behind the blue police barriers. Both had arrived early, not realizing that tickets would be necessary. "I'm just conniving how to get by that policeman there," said Mr. Riley.

"I got all the way up to the door before they stopped me inside," said Mrs. Cronin, proudly.

Wanda O'Neill from Elizabeth, N.J. was waving red-and-white streamers on a stick, trying to capture the attention of her nephew, a priest from Scranton marching in the procession. She explained that the nephew, 28-year-old Joseph Bombera, was one of eight priests ordained by Archbishop O'Connor when he was the Bishop of Scranton. "Joe went away to become a dentist and he came back a priest," she said.

Not all the people in the crowd were Catholics. Some just stopped to see what was happening.

"This is an investiture?" asked one woman. "Is that something to do with Merrill Lynch?"

"There's supposed to be some type of Irish day parade here, I think," said William Jordan, an unemployed shipping clerk. Informed that it was the Archbishop's installation, Mr. Jordan did not seem fazed. "That's O.K., I'll stay for a little while. I don't have anything else to do."

The onlookers, many of whom had waited for hours, gave the Archbishop positive reviews on his first day. "He's tall and quite good-looking and he has a lot of charm," announced Marilyn O'Hara of Great Neck, L.I.

The shorter John J. O'Connor in the pulpit yesterday was the freckle-faced Bronx 10-year-old who captured the attention of the new Archbishop when he wrote him a letter of good luck last month and pointed out that they had the same name.

The Archbishop read that letter aloud yesterday during his homily. "I would love to go to St. Patrick's Church just to see you become an Archbishop," the younger O'Connor wrote to the older one. "The day when you become an Archbishop is my granddad's anniversary and the day before my birthday."

The fifth grader at Visitation School received quite a birthday present. Wearing a black and white altar boy's outfit, he stayed close to the Archbishop's side, carried his cross and even wore his miter at one point.

"I never thought it would come out like this," the dazed boy said afterward.

His father, a native of Limerick, Ireland, seemed even more overwhelmed. "It was a privilege and an honor," he said, as he ran to a drugstore to buy more film for his camera. Mr. O'Connor, a bank employee, said he hoped the occasion might even give young John a vocation. "He has a little girlfriend in the Bronx," said the father. "But I'm hoping."

Everyone else began calling him Archbishop yesterday, but Hugh Ward Jr. was still calling him "Uncle Jack."

"It's hard to get used to all the attention Uncle Jack is getting, seeing his name plastered everywhere," said the 30-year-old law student at George Mason University who is the son of Archbishop O'Connor's sister, Mary Therese. "I'm sort of getting tired of it."

At the reception at the Catholic Center that followed the ceremony, the Archbishop's family said the relaxed manner and sense of humor the Archbishop has shown in his first month in the limelight are typical. Mr. Ward recalled one summer vacation when John O'Connor took one of his nephews on his shoulders waterskiing and had a wonderful time capsizing. He also remembered a Christmas a few years ago when the Archbishop so loved his first present, a Dallas Cowboys sweatshirt with Tony Dorsett's 33 on it, that he put it on, hood and all, to open the rest of his presents. "It's the stupid things I keep remembering about him today," Mr. Ward said.

The Archbishop had confided in his family that he was nervous about his new job. "He's a little intimidated," said Mr. Ward. "It's the first time I've ever seen him like that."

By the end of the day, the family seemed to be adjusting to the title of Archbishop and one nephew, Thomas Hamilton, a salesman from Philadelphia, was testing out a new moniker. "Maybe he can be the first Irish-American pope," said Mr. Hamilton, with a proud gleam in his eye.

If the installation had a master tactician, it was the Rev. Ferdinando D. Berardi, the Vice Chancellor of the archdiocese.

Father Berardi was a whirl of activity, directing traffic with his walkie-talkie, pointing bishops here, cardinals there and ecumenical guests somewhere else. "We were afraid of gridlock," said the priest.

The planning for the affair, which brought more than 3,000 people to the cathedral, had begun even before the Archbishop was named.

The seating plan in the sanctuary took weeks to design. Each of the 44 ecumenical guests had to be seated according to rank and title, and preferably, not near other religious leaders with whom they were not on good ecumenical terms. Father Berardi solved the problem of juggling the egos of 100 bishops, 19 archbishops and 5 cardinals by placing them in the procession according to their date of ordination.

"I don't think we offended anybody," the priest said. "It was fun but I'm glad it's over."●

DEDICATION OF BOWEN LIBRARY AT BETHEL COLLEGE

● Mr. LUGAR. Mr. President, today marks the dedication of the Bowen Library at Bethel College in Mishawaka, Ind. The library honors two of Indiana's finest, Gov. Otis Bowen and his late wife Beth.

Doc and Beth Bowen represent the finest Hoosier tradition and I know that this particular form of commemoration will mean a great deal to Doc and to all who have known the Bowens during their long service to the State of Indiana.

There is virtually no aspect of life in Indiana which was not touched, and touched for the better, by the Bowens. The Bowen team contributed richly to the fields of health, business, religion, education, politics, and family life. But more than any specific contribution, the warm and gentle spirit which infused the Bowens' endeavors will remain as a strong model for citizen participation in the life of Indiana.

For this reason, it is especially fortunate that young Hoosiers will have an opportunity at the Bowen Library to learn firsthand of the contributions of Beth and Otis Bowen. In this way, young generations of Hoosiers for many years to come can preserve and deepen what the Bowens have given to us all.●

THE FEMININE FACE OF POVERTY

● Mr. RIEGLE. Mr. President, during the past 3 years of economic uncertainty, many of the residents in my home State of Michigan have learned a painful lesson about the poor and working poor in our country. For many, the faces of the new poor are those of family members, close friends, and neighbors. People, who just a short time before, had adequate financial resources but after the longest and deepest recession since the Great Depression find themselves with no job, exhausted unemployment benefits, depleted savings accounts, and burdened by financial commitments made in more prosperous times.

Recently, Mr. President, the Detroit Free Press carried a series of articles depicting yet another face of poverty. The lead article, entitled "The Feminine Face of Poverty," chronicles the increase in the number of women in poverty, both nationally and in Michigan. In addition, the article describes research which provides keen insights into the feminization of poverty that is being conducted by the Institute for Social Research at the University of Michigan. Also included in the series are five profiles of women which detail the pain and suffering experienced by being both a woman and poor in America.

The increasing incidence of poverty among women should be of concern to every Member of the Senate, and I urge my colleagues to take a few moments to review this article.

I ask that the text of the articles be printed in the RECORD:

[From the Detroit Free Press, Mar. 11, 1984]

THE FEMININE FACE OF POVERTY

(By James Ricci)

The face of poverty in the United States has undergone a radical transformation in the last 15 years. Its mouth is more likely to be lipsticked red, its cheeks are smooth, its ears are apt to dangle earrings.

It is now the face of a woman.

Powerful social, demographic and economic changes have made poverty an increasingly female phenomenon, a specter that haunts women of all ages and every race, including women whose economic background had, in other times, made them relatively immune.

"The one thing that unites women across economic and social lines is their vulnerability to poverty," says Diane Emling, assistant to the director of the Michigan Department of Social Services. "A woman may be comfortable now, but tomorrow she may be divorced, widowed, abandoned. Unless she has a career of her own and a good income of her own, she is vulnerable."

U.S. Bureau of Census statistics clearly tell the tale of women's vulnerability:

Two of every three poor adults in the United States are women.

Nearly half of all poor persons in the country live in households headed by females. Twenty years ago, only a fourth did.

More than a third of all persons living in female-headed families in Michigan are poor. Less than five percent of Michiganians living in male-headed families are poor.

In Detroit, nearly 72 percent of the city's 60,000 poor families are headed by women.

The feminization of poverty took place during the 1960s and 1970s, while the total number of Americans living in poverty was falling drastically, from nearly 40 million to 23 million. The phenomenon—smaller numbers of poor, but larger percentage of them in female-headed households—strongly suggested that poor females and the families dependent on them were the least touched by government anti-poverty programs and the least to hoist themselves out of poverty during economic good times.

Just since the economic downturn of 1980, the total number of poor persons has risen again, to more than 34 million, but the percentage of them in female-headed households has held steady near the 50 percent mark.

A landmark study being done by the Institute for Social Research at the University of Michigan has provided scholars with compelling insights into the nature of feminine poverty. The Panel Study of Income Dynamics, begun 16 years ago, has tracked the actual economic experiences of more than 7,000 American families by means of annual interviews. As census reports provide scholars with static snapshots of the poverty population, the panel study provides them with motion pictures that depict the movement of individuals into and out of poverty and the reasons for that movement.

The study shows convincingly that poverty, for most poor persons, is a shifting, temporary status. Fully a third of those in poverty one year are not poor the next.

However, of those who are persistently poor, two-thirds are in households headed by women, many of them elderly.

Some of the causes of poverty among women are traditional—widowhood, disability, low rates of pay relative to men. Many others, however, are the result of social and economic changes in recent years.

The most common cause of poverty among married women is a decline in the income of a spouse—a particularly visible cause in a state such as Michigan which has yet to recover from massive waves of industrial layoffs in recent years. Such spells of poverty, the panel study suggests, tend to be rather short-lived, existing until the spouse has regained his former earning power.

A sour economy also tends to create poverty among young women who must struggle with unemployment and underemployment after leaving their parents' homes to establish independent lives. Such women, the panel study indicates, often have relatively short spells of poverty, which last only until adequate employment or marriage lifts them above it.

Among non-elderly white women, the greatest povertymaker is divorce, which in Michigan has nearly tripled, from 16,656 cases in 1960 to more than 45,000 in 1980. Typically, divorce results in a woman's being awarded custody of children and child-support payments which are usually inadequate to keep the fatherless family above the poverty level.

"Divorce is a route out of poverty for men and a route into poverty for women," says Greg Duncan, a senior researcher on the Institute for Social Research study. "Not much alimony is paid. The husband gets to keep most of his income and doesn't have to spread it among a wife and children anymore. The economic status of a woman is better preserved through the death of her spouse than through his departure."

The system of child support is "totally inadequate," says Agnes Mary Mansour, director of the Michigan Department of Social Services. "In only 50 percent of cases are mothers awarded any child support at all, and only 50 percent of that figure actually collect the full amount. And the full amount is usually inadequate to keep up with inflation."

A researcher at Harvard University, using the data from the study, suggests that a woman who drops below the poverty line because of divorce will remain there an average of three to five years. Most commonly, after sharpening her employment skills, she will lift herself and her children out of poverty, or will remarry and escape poverty that way.

A rise in out-of-wedlock births has spelled poverty for many young women who often find themselves burdened with several children, unable to work outside the home and lacking the income of a spouse. In Michigan, out-of-wedlock births tripled from 7,200 in 1960 to more than 21,000 in 1977, the last year for which figures are available.

Demographic changes in society also have contributed to the feminization of poverty. With life spans lengthening and females continuing to outlive males, more and more elderly women must confront economic hardship. "You have to remember," says Emling, who has written many of Mansour's speeches on the subject of the feminization of poverty," many of the elderly women do not have pensions of their own. Many of their husbands did not have pensions that could be transferred to the wives when the men died. Many of them never worked and others never qualified for pensions. They're prone to poverty because they didn't really have work histories."

It does not follow that the increasingly high visibility of poverty's feminization will speed its eradication. Its solutions tend to be long-term ones—elimination of sexual wage discrimination, better sex education for teenage girls, reforms of the child-support system. In addition, there is even a certain resistance to facing the problem.

"I must say, some of the feedback I get shows it is a polarizing issue in a state with high unemployment among male heads of households," says Emling.

Mansour agrees. "It's a difficult issue to sell to any legislative body because there are never enough women in that body," she says. "There is no question, as far as I am concerned, that poverty ought to be the No. 1 feminist issue, and that is not occurring to my satisfaction. I don't think it's often enough equated with equal rights and equal opportunities. I am concerned that the women who do have greater opportunity now don't forget a certain population (of women) that is really being left behind."

SHIRLEY CARVER: SHE WANTS A JOB—FOR HUSBAND

Three years ago, Roger Carver's future fell in on him when he lost a good-paying job as a rigger at a tool company in Southfield. He was not the only one buried in the rubble.

"His job was my job," says his wife, Shirley. "I woke him up each day and made his breakfast and packed his lunch. He always gave me his paycheck and I'd cash it and pay all the bills and if we needed something I could just go ahead and buy it. To us, with what he was making then, we were millionaires. Now, because I'm his wife, I just feel I should be going through this with him now."

Her husband's job loss spelled poverty for Shirley Carver, a poverty that persists because of Roger's continued inability to find substantial work in Detroit's still wheezing industrial economy. In his last year of work, Roger earned $26,000. Now the family of four—the couple has two sons, Nicholas, 7, and Brett, 21 months—subsists on $476 a month in special Aid to Dependent Children benefits for the unemployed, supplemented by the $134 a month Shirley earns as a noon-hour aide at Burgess Elementary School. Their total annual income is about $7,300, nearly $3,000 below the federal government's poverty line for a family of four.

Shirley Carver's view of the world, a view that once embraced new clothes for her family, steaks in the refrigerator, and a new Mustang in the driveway, had been radically altered. Clothes now come from rummage sales. Dinner fare is hamburger and chicken. Transportation is a largely brakeless, usually gasless, 1971 Ford Torino that is so deteriorated it is driven only on short hauls to the supermarket.

"We'll go to eat at his mom's house once a week, or to my mom's," says Shirley, 28. "Sometimes his brother brings some food over when he comes to visit. The family buys us soap and toothpaste, things we can't buy with food stamps. And when the foodstuffs run out, they give us food out of their own cupboards. I really don't think we could make it without them."

What resources they have are marshalled to make the $410 monthly payment on their small northwest Detroit house.

Shirley, who once worked in a drycleaning shop and as a secretary in a small factory and has completed a starter course in medical recordkeeping, sees herself as unqualified to hold the sort of job that might lift her and her family out of poverty.

"I really don't have any skills. If I did get a job, it would be for the minimum wage, and if I'm working full-time, we'd lose all benefits—especially the health insurance—we have on ADC. I couldn't be a top-notch secretary. I've never done factory work. I'd like to go to school for computers or more education in the medical field, but I can't afford it."

In any case, she says, she is reluctant to enter the work force full-time at least until Brett is old enough to be in school all day. The short-term answer to her poverty problem, she says simply, is "a job. A job for Roger."

In the meantime, Shirley carries an equal share of the psychological burden of her husband's unemployment. "Roger is around the house so much, I've gotten used to it, and when he leaves home during the day, I feel deserted. I cry and feel angry when he gets back. Yet, I know he needs to get out once in a while. Sometimes I find myself watching what I say around him. I try not to say anything about the way we live now because that sometimes causes a big argument. So I hold a lot to myself. Some nights I go to bed exhausted from walking on eggshells all day long."

SAMUELETTA VINES: THE BILLS GROW AS FAST AS THE KIDS

Plants thrive in the large, bright, sparsely furnished apartment where Samueletta Vines sits rocking and sweet-talking her nine-month-old niece. Caring for growing things is Vines' preoccupation and vocation; it is also the reason she has lived in poverty most of her adult life.

The trap was set early. When Vines was a 15-year-old ninth grader, she dropped out of Detroit Northwestern High School to give birth to her first child. Now 34, she has five children, two of them born of a marriage that lasted five years. That first out-of-wedlock pregnancy, her lack of marketable job skills, the divorce 12 years ago, the continued growth of her family. . . all these have made for an adulthood that has been measured in insufficiencies.

"When the kids were smaller, it seemed to be easier," says Vines, whose children range in age from six to 19, "but now the three older ones eat like adults, forever hungry. And they wear grown people's clothes. The food bill and the clothes bill are murder. Good Lord, I can go into a supermarket and spend $150 for one week's food without even knowing it. With five kids, I could actually wash clothes every day, but in this building you're not allowed to have your own washer or drier, and every load at the laundromat costs 75 cents."

Each month, Vines is given $1,056—$431 in Aid to Dependent Children benefits and $625 in Social Security benefits which 16-year-old Marie and 13-year-old Timothy receive in the name of their late father. The benefits place Vines and her family below the $13,630 the federal government has established as the poverty line for a family of six.

"My sister works, doesn't get much money, but usually has $10 or $15 tucked

away and she'll let me borrow that when I run out at the end of the month," Vines says. "The girl across the hall, she's on aid, too, and we find ways to cut down on expenses. She'll cook one day and I'll cook the next. But it's still tight. Each month, she'll get flat busted and I'll get flat busted."

Now that her youngest child is in school all day, Vines is considering going to school herself. She has a dream of getting off welfare "and maybe moving into a house where the kids could have more room and maybe have a dog." If she can earn $24,000 a year, she figures, she can take care of things comfortably.

"I can sew very well," she says. "I can make just about anything. I want to go to tailoring school and I had plans to start, but my sister had Sydney here and I figured I could sacrifice one more year to help her by baby-sitting so she can keep her job. Really, these are like my early golden years, being able to come and go easily. Before, I always had to stay here with the kids."

Vines, the daughter of a meat cutter, did not grow up on public assistance. She is determined to put her dependency behind her "and not wallow in poverty the rest of my life just because I'm already almost 35." Her greatest concern is that her children not repeat the pattern of her life.

"Sometimes I'm afraid they think being on aid is a way of life, because all their friends are on it, too. I tell them, 'Try not to live like that. Go to school and get a job. Make your own living. Don't be waiting on the state to take care of you.'

"I tell my oldest daughter, 'Don't have sex, but if you're thinking about having it, come to me first and I'll get you the birth control devices you need.' A lot of other mothers think that's like telling a kid it's OK to have sex. But I disagree. I don't want to see her burdened with a child when she's young. She's college material and I don't want to let her opportunity slip away the way I let my opportunity slip away."

Joan Rudnik: A Marriage Ends, Struggle Begins

The first time Joan Rudnik used her food stamps at the supermarket a few months ago, she was astounded by the disdainful looks directed at her by other women in the checkout line. A portly, energetic woman not easily cowed, Rudnik "just looked right back at them," she says, "and said nice and loud so they could all hear me, 'This is what you get when your husband walks out on you and leaves you with kids.' Boy, did they change their expressions. Suddenly, they were all sympathy."

As a married woman for 20 years, Rudnik, 43, shared in her husband's income and did not work outside the home, except for an occasional stint caring for an elderly invalid. During the last year of her marriage, which ended in divorce last fall, her husband earned $34,000.

Now Rudnik, who has a 17-year-old son at home and a 19-year-old daughter working in Texas, must make do with $344 a month in Aid to Dependent Children benefits. By the terms of the divorce, her ex-husband must help with their son's tuition and pay $280 a month in child support. The child support payments, however, do not go to Rudnik but to the Department of Social Services as partial reimbursement for the aid.

Her ADC benefits provide Rudnik with an annual income of about $4,100, well below the $6,480 federal proverty line for a family of two.

"All of a sudden," she says, "it's like the rug's pulled out from under you. There are problems trying to make the house payment. The menu is hot dogs, hamburgers and tuna fish. I get $84 a month in food stamps, but my son's a football player, a big eater, and I could easily spend $70 to $100 a week on food.

"The husbands, they just leave. They've still got their jobs. Hey, they've got nothing to worry about."

Rudnik already has tasted the difficulty she will have lifting herself out of proverty. Her age, her two decades outside the labor market and her lack of a car are serious obstacles. "You go to apply for a job and you say you're 43 and they give you that look: 43 years old!" she says. "They look at you and at some 20-year-old chick and they say, 'Hey, we'll take the young one.' And how can I go way back and say, 'The last time I worked was 20 years ago.'" For now, Rudnik must content herself with an occasional job cleaning house or caring for an invalid. She accepts food rather than money as payment, or has her customer pay an overdue telephone bill for her, so as not to jeopardize her welfare benefits.

Although her descent into poverty was precipitous, she is determined her stay will be brief. She hopes her daughter will come back to Detroit and move in with her, and that her son can work part-time when he gets to college. She plans to take on more housecleaning and homecare jobs as time passes, and to get formal training in health care for the elderly.

"I'm not afraid of work," she says. "I'm open to anything. I'll be a janitor. I'll do anything to keep my house and to keep my family together. Things'll be a lot better. Give me about a year and a half."

Mary Willis: No Work, No Pension, and Nowhere To Turn

For most of her life as a low-paid domestic worker, Mary Willis could almost hear the hound of poverty breathing outside her door, waiting. Now it finally has cornered her, a 67-year-old woman without pension or prospects, in a small but defiantly tidy apartment on Detroit's east side.

"When I was working, it seems like I could make things work pretty good," she says. "Sometimes I only got paid $36 a week plus bus fare, but things weren't as high as they are now. I was managing."

Advancing age and a leg injury which requires her to walk with a cane and a special brace forced Willis to give up working in 1971. Since then, she has had to rely on Supplemental Security Income (SSI) benefits, which amount to $338 a month—about $1,000 a year below the federal government's poverty line of $5,060 for a single person.

After her $150 monthly rent and $20 electricity bill are paid, Willis is left with about $40 a week, supplemented by $28 a month in food stamps, to provide herself with other necessities. Transportation, to such places as the market and the New Rising Star Baptist Church, is a particular problem. Usually, she must rely on neighborhood jitneys, unlicensed taxicabs that do a brisk business among the city's elderly, at a cost of $3 to $5 a trip.

Willis was born in Mississippi and raised in Cincinnati. Her only child was stillborn when she was 16, and her subsequent marriage to a construction worker ended after 18 months when her husband died of tuberculosis. In 1948 the young widow moved to Detroit to find domestic work in the homes of the well-to-do.

A lifetime of cleaning other people's houses has made Willis a confirmed hater of dirt and disorder. Despite her economic circumstances, the apartment where she likely will live out most of the rest of her life in poverty is neat and clean. Clear plastic runners protect the nondescript carpeting. The windows that look out on Mack Avenue glisten in the afternoon sun. Ash from her cigaret is deposited in the exact center of a clean ashtray. Couch, curtains and tabletops are fastidiously free of dust.

What cannot be scrubbed from the apartment, however, is the aloneness that is the hallmark of Willis' life these days. Aside from an occasional visit by one of the half-dozen second cousins she has in the area, entertainment consists of her television which, on a cold winter afternoon, is flickering with the frenzy of a Batman cartoon.

As palpable as the loneliness is Willis' sense that she is utterly helpless to improve her economic situation. Like nearly all the elderly poor, she must cling to a scant hope that government or some other outside force will salvage her.

"I can only hope they give me a little more money for the SSI," she says. "I can't do anything myself. I could make do, I think, on about $500 a month. You know, I pray every morning and thank God for waking me up; I bless my food every time I go to eat. But I also pray for a little more than I have. I pray and ask God to send just a little more my way, if He desires to."

Letitia Johnson: Road to Independence Starts Out With Bumps

Fate has kept 23-year-old Letitia Johnson waiting in the anteroom of a productive adult life, longing "to make something of myself, to get my foot in the door," living the meantime in impatience and poverty.

Like many another young woman who left her parents' home to establish an independent life, Johnson has found she must endure a transition period of deprivation. The deprivation is relieved, however, by a youthful certainty that life will get much, much better.

Johnson was one of seven children born to a Detroit truck driver and his wife. In 1978, ignoring their advice, she dropped out of Central High School to take a minimum-wage job as an aide at a Westland nursing home.

"When I was in high school," she says, "my mind was not on getting anywhere. My grades were low and I got discouraged, so I dropped out. But I couldn't get a decent job. I had no experience, and no skills whatsoever. My father finally told me if I didn't go back to school, I couldn't stay at home."

Johnson, a carefully groomed woman with the physical grace of a fashion model, did return to school and graduated in 1980. But after graduation, the sclerotic Detroit economy could offer her little more than occasional work at a Southfield nursing home and a profound understanding that she must make something more of herself.

In early 1981, she decided to leave her parents' home. "I just got to the stage where I felt I had to try to support myself," she explains. "I was old enough to get a job and, besides, my father was trying hard to take care of the other kids in the family."

The work at the nursing home soon dried up and Johnson was forced to go on General Assistance, which pays her $145 a month—about one-third of what the federal govern-

ment says it takes to keep a single person above the poverty line. She also receives $76 a month in food stamps.

Under General Assistance regulations, Johnson is required to do clerical work twice a week at a Michigan Department of Social Service office downtown. Although she receives no pay, she relishes the work because it appeals to her eagerness to be productive.

This spring, she plans to enter cosmetology school and hopes to land a job in that field so that she can pay for a college education in nursing, the profession of her dreams.

"General Assistance isn't something you want to make a career of. It's just sitting and collecting aid," she says. "I see some things now that my father tried to get me to understand. He always used to tell me to go to school, to get an education, to not get in trouble with boys and have kids. I feel lucky I'm not on welfare taking care of kids, with no high school education. So I'm going to take advantage of this."

Jaw set firmly, Johnson speaks of her optimism: "In five years, I hope to be married and settled down and have a nice job and a husband who works. I am determined. I'm 23 years old and not getting any younger. It's time to start. You all come back in five years and see how I'm living."●

TREATMENT OF SOVIET JEWS

● Mr. BOSCHWITZ. Mr. President, 1 month ago when Constantine Chernenko took over as General Secretary of the Central Committee of the Communist Party of the Soviet Union, our hopes of achieving a better relationship between the United States and the Soviet Union were rekindled.

United States-Soviet relations affect many realms—the nuclear arms race, the power struggle in Europe, regional conflicts in the Mideast and Africa, trade, and human relations. Most of these are complicated and difficult to resolve. They involve complex formulas and technical evaluations of missiles, behind-the-scenes discussions in the capitals of the Third World, or prolonged negotiations and maneuverings.

But the human rights issue, particularly the treatment of Soviet Jews, could be resolved relatively easily. These decisions and actions can be taken unilaterally by the leaders of the Kremlin. They do not need to conduct long negotiations or reach international agreements to treat their own citizens fairly. They do not need a treaty to allow Soviet Jews to emigrate if they desire to do so. They could act unilaterally.

They could, if they wanted to, make it clear to local officials to stop their discrimination and harassment against Soviet Jews. They could lower the procedural barriers to emigration for those who have concluded that the conditions of the Soviet Union are no longer tolerable.

This would be a major step toward improving the climate and helping improve East-West relations. It would not only be a tangible step, it would be a human step to help improve relations between the world's two superpowers.

We are concerned about the situation because it has deteriorated so badly in the past couple of years. In the recent past discrimination against Soviet Jewish citizens has increased and emigration has virtually been brought to a halt.

It is the hope of all of us who support human rights that the declining rate of Jewish emigration in the Soviet Union be turned around. In 1979, 51,320 Soviet Jews left the U.S.S.R. However, in 1983, only 1,315 Soviet Jews were permitted to emigrate. Last month only 90 Jews left the Soviet Union with visas for Israel.

Soviet officials claim that all of those who wish to leave have already done so. They continue to contend that the reunification of Soviet Jews with their families abroad has been completed. This is far from true. We must call upon the Soviet Union to open her gates to allow more Jewish emigration.

While the Soviets closed their gates to emigration, they also made things much worse for those trapped within their country. There has been a new wave of Soviet-state-sponsored anti-Semitism. The Soviet anti-Zionist committee has stepped up discrimination toward Jews. Its aim is to eliminate Jewish cultural, national, and religious identity within the U.S.S.R. Long-term refuseniks have felt increased harassment. Prisoners of Conscience have been the recipients of harsh treatment. For example, Josef Begun recently received 7 years of hard labor followed by 5 years of internal exile for the crime of teaching Hebrew. This discrimination must end. Jewish Soviet citizens must receive equitable treatment.

If the Soviets treat their own citizens so badly, how can we have any faith in their professed efforts to improve relations with people of other nations?

With a new leader in office, the Soviet Union has a renewed chance to improve international relations with the world at large. If they are really interested, they can show it by improving the treatment of their persecuted Jewish minority. It would be a simple and unilateral act of basic human rights and decency.

Thus, we call on the new leader of the Soviet Union to end discrimination against Soviet Jews and let those who wish to leave emigrate.●

SUPPORT CONTADORA DIPLOMACY

● Mr. KENNEDY. Mr. President, a genuine resolution of the conflict in Central America must come from the region itself. Recent history shows that a settlement cannot be imposed by forces outside the region. Such attempts have only fanned the flames of war.

There is a process underway in the region today that holds great promise for making progress toward a secure peace. That process is the Contadora process—led by Mexico, Venezuela, Colombia, and Panama. It is the only path to a peaceful solution of the conflict in Central America.

At a time when conflict in the region is expanding, it is imperative that all states provide full backing to the efforts of this group. Progress is being made. But that progress is inhibited by mixed signals from Washington and skeptical attitudes in certain Central American capitals. I urge President Reagan to step forward now and state in unequivocal terms U.S. support for a Contadora solution. But lipservice is not enough; the administration should take concrete steps to demonstrate its commitment to the Contadora process.

In a recent New York Times op-ed article, former Ambassador Sol Linowitz makes a compelling argument in support of Contadora. Ambassador Linowitz is a distinguished, experienced and knowledgable expert on Latin American affairs. His advice merits our serious attention. In this article, Ambassador Linowitz concludes that:

When it comes to peaceful solutions in Central America, Contadora—despite its limits—is really the only game in town. The United States must lend wholehearted support to Contadora before it is too late.

I ask that the full text of Ambassador Linowitz' New York Times article appear at this point in the RECORD.

The article follows:

[From the New York Times, Mar. 20, 1984]

SUPPORT CONTADORA DIPLOMACY

(By Sol M. Linowitz)

WASHINGTON.—The peace-making effort known as the Contadora process—it is named after the island where representatives from Colombia, Mexico, Venezuela and Panama first met to discuss the crisis in Central America—has not yet achieved much concrete success. It may, however, be the only promising avenue toward peace in the region.

Central America's crisis is deepening. Next week's scheduled elections in El Salvador offer little prospect of ending that nation's civil war. Nicaragua has raised an army 50,000 strong and continues its arms buildup, causing understandable fears among its neighbors. Attacks on Nicaragua by counter-revolutionary groups based in Honduras and Costa Rica are becoming broader and more destructive. Honduras itself faces the danger of being overwhelmed by huge amounts of military aid. Troubling questions are also raised by the United States troops in Honduras on prolonged exercises and by the new United States bases there. Another military coup in Guatemala has done nothing to stop the internal bleeding in that country. Even democratic Costa Rica now fears it may be drawn into the struggle.

Here in the United States, the debate about how we should respond to Central

America's trauma is heating up. Congress is understandably hesitant to endorse the Administration's proposal to increase military and economic aid pending further clarification. The recommendations of the Kissinger commission have failed to achieve a bipartisan consensus.

Last year, a group of some 50 eminent Latin American and North American leaders known as the Inter-American Dialogue met several times to consider hemispheric problems. Its report suggested among other things that the United States should vigorously support an active role by the Contadora countries. That group is reconvening this week and will take a close look at the Contadora process.

It has shown significant promise during the past year. The Contadora foreign ministers have met nine times, including four meetings with Central America's foreign ministers. Last September, they hammered out 21 points of regional consensus to serve as a basis for discussions. In January, they reached agreement in principle to phase down the presence of foreign military advisers and to carry out an inventory of weapons. In recent weeks, working groups on security, political, social and economic aspect of the crisis have been fashioning more specific accords that could be the basis for further negotiations. In short, progress is being made, albeit by fits and starts.

To be effective, a plan for peace in Central America must address four separate but interconnected issues—the struggles within El Salvador and Nicaragua, the efforts of various Central American governments and outside countries to aid insurgents in the region, the growing danger of outright wars among states and, finally, the entanglement of Central America's strife with the East-West conflict. These four problems are intertwined and none can be fully resolved without also facing the others. But a first step toward resolving Central America's crisis would be to recognize that these are also separate questions and to focus on how the Contadora process can be supported in dealing with each one.

It may be, for instance, that Contadora could help forge agreements among the countries of the region to keep it free of strategic military facilities. The Contadora countries might be urged to take the lead in actually reducing the numbers of foreign military advisers in Central America and in monitoring limits on the quantity and quality of weapons introduced into the region. Contadoran countries could be asked to help to demilitarize and inspect border regions in order to reduce tensions.

Contadora's strength is clearly limited. Each of the four countries has its own interests and concerns and its own internal political calendar. The Contadora countries do not see eye-to-eye on all aspects of the Central American problem. And the Central American nations are not equally ready to accept Contadora's good offices, in part because of mixed signals from Washington about how seriously it takes Contadora.

I have learned the hard way that international negotiations can be excruciatingly difficult and frustrating, and the bitter struggles in Central America may be particularly intractable. But commitment, patience, flexibility and political will can sometimes produce meaningful accords even in the toughest situations. And when it comes to peaceful solutions in Central America, Contadora—despite its limits—is really the only game in town. The United States must lend wholehearted support to Contadora before it is too late.●

PILLORING MEESE

● Mr. HATCH. Mr. President, in an effort to place just a small bit of perspective on the nomination of Edwin Meese to be Attorney General of the United States, I would like to place in the RECORD an editorial from March 19, from the Baltimore News-American. This editorial was prepared by the Hearst Newspapers under the direction of its national editor, Joseph Kingsbury-Smith and appeared in a large number of the Hearst Newspapers on that date.

I hope that my colleagues will take several minutes to read the editorial.

PILLORING MEESE

Edwin Meese, President Reagan's close friend and adviser whose Senate confirmation as attorney general has run into difficulties, has paid a high price in personal tragedy and financial problems since he came to Washington to serve his president and his country. Two years ago, his 19-year-old son was killed in a motor accident on the George Washington Memorial Highway while driving to the Meese home in McLean, Virginia.

The financial sacrifice Mr. Meese made to become White House counsellor to President Reagan involved a 50 percent cut in income.

It took 20 months to sell his La Mesa, Calif. home, during which time he paid the mortgages on both his California house and the one he purchased near Washington. His non-reimburseable moving expenses cost $10,000. Since coming to Washington in 1981 his wife has had to go to work to help ends meet.

Now confirmation of his appointment as attorney general is being challenged, mostly by the Democrats, because he helped obtain federal jobs for personal friends who arranged loans for him and Mrs. Meese. Denying that he engaged in any improper acts, he accused his Senate critics of making "false and misleading statements" and "indulging in election year politics."

Perhaps he showed some lack of judgement in the handling of the loans and jobs for friends, but he does not deserve the pilloring to which he has been subjected by extremist liberal columnists who dislike his strong anti-crime and law enforcement attitude, and who, by attacking him, hope to hurt President Reagan's re-election prospects.●

AUTO IMPORTS

● Mr. RIEGLE. Mr. President, 5 months ago it was announced that the Japanese had agreed to limit auto imports for the year from April 1984 to March 1985 to 1.85 million cars. At the time of that announcement, I said that not only was this increase in the limit unacceptable, but also, it was clear that the administration was planning on letting the restraints be totally lifted after that 1 year—in time for the Reagan administration to get through the 1984 Presidential election. If reelected in November, President Reagan would then completely open the floodgates for Japanese auto imports. I am sorry to say that recent comments by Secretary of Commerce Malcolm Baldrige tend to support that prediction.

Last week it was reported that Secretary Baldrige said that he opposes extending the import restraints for another year. Interestingly, he also said that he supported the extension last year because "you don't build up a balance sheet in 1 year."

The fact is that from 1980 to 1982 alone, the industry lost over $5.2 billion. During this time, the American auto industry engaged in an unprecedented modernization retooling program—investing over $40 billion in 5 years to make a competitive, fuel efficient car. At the same time, working capital in the industry decreased over $10 billion while long-term debt increased over $5 billion. And industry analysts predict that from 1985 to 1995, the American auto manufacturers will have to invest another $80 billion just to remain competitive.

The United States is the only major Western industrialized nation without an effective auto policy. Great Britain and West Germany both have tariffs of over 10 percent and Japanese imports are limited to 10 to 11 percent of the market. In France, Japanese imports are limited to 3 percent of the market and in Italy the Japanese are limited to only 2,200 imported cars—less than 1 percent of the market. Canada enforces a tight import policy, with the Japanese being subject to import restraints and commitments to invest in domestic production.

Compare this to the United States. The original voluntary restraint agreement limited Japanese imports to a number expected to represent 16.5 percent of the market. As the economic situation in this country worsened and U.S. sales plummeted, the Japanese share widened to almost 23 percent—more than twice their market share in any major industrialized country. Instead of lowering the restraints, the administration supported increased limits. The limit announced in October will allow Japan to bring in more than 2 million cars, restraining them to over 20 percent of even this year's expected 10 million plus sales market.

While the administration appears willing to blindly pursue free trade, it has been far from aggressive with regard to fair trade. Japanese tax policies, a costly yen-dollar imbalance and an assortment of nontariff barriers continue to make it virtually impossible for the American auto industry to compete with the Japanese on even footing. It is primarily because of this unfair situation that Japanese cars sold in this country start out with a sizable cost advantage and American cars sold in Japan are eventually priced at up to four times what they would cost in this country.

I should like to bring to the attention of my colleagues a letter sent by Lee Iacocca, chairman of the Chrysler Corp., to Secretary Baldrige on the need for a continuation of Japanese import restraints. As Mr. Iacocca says at the beginning of the letter:

The continuation of such restraints is absolutely essential until our Government takes the steps which are necessary to provide a level playing field in Japanese/United States trade relations.

Mr. Iacocca lays out a persuasive case for the continuation of restraints. I hope that the administration and Members of Congress will consider it as we continue to monitor the situation in the auto industry. I ask that the letter be printed in the RECORD.

The letter follows:

CHRYSLER CORP.,
Detroit, Mich., March 14, 1984.

Hon. MALCOLM BALDRIGE,
Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY BALDRIGE: The Dow Jones Wire this morning reports that you stated at a breakfast meeting with reporters that you personally were opposed to renewing voluntary restraints on Japanese car imports to the United States. The continuation of such restraints is absolutely essential until our government takes those steps which are necessary to provide a level playing field in Japanese/U.S. trade relations.

The trade deficit this year is projected to reach $100 billion, of which $15 billion is in the automotive trade account with Japan alone even with a Voluntary Restraint Agreement. Without a Voluntary Restraint Agreement it will jump to $30 billion within two years.

Our government must take action on the unfair trade advantages Japanese automobile manufacturers enjoy. They are the forgiveness by the Japanese government of the 22½ percent commodity tax on cars shipped to the United States and the much publicized, but nonetheless real, yen/dollar imbalance. These two advantages account for $2,000 [1] per car to the Japanese manufacturers on every car they land in the United States.

At Chrysler we are becoming more efficient and more productive every day and our quality is increasing rapidly. We surpass Japanese products in reliability and durability. But with all of this, I cannot compete on a fair basis against Japanese-made cars until you and the other members of the Administration address the $2,000 per car problem.

If the voluntary restraints are not renewed, J. D. Powers Associates, the leading forecasters on Japanese imports, predicts that the Japanese will take as much as 40% of the U.S. total market, with all that means in terms of lost jobs, lost payrolls, lost Federal, state and local taxes ($4 to $5 billion). I need not point out to you that a 40% Japanese market share combined with a normal cyclical downturn in the domestic economy would result in an economic and political disaster for the country. We cannot, therefore, base our policy decision on Japanese restraints in the short term "having a good year" rationale you referred to in your comments. If you can guarantee me all "good years," then I will gladly go along with ending Japanese import restraints.

I would suggest that a better course of action is to keep import restraints in place until we get the required level playing field. It is important to note that this also has a critical beneficial effect of encouraging major Japanese investments in auto facilities and jobs in this country. The Reagan administration voluntary restraint program has had such positive effects already; for example, Honda's proposed new investment in car manufacturing facilities in Ohio, Nissan's car production plans in Tennessee, Mazda's announced intention to invest in car manufacturing in the U.S., and our program with Mitsubishi. These programs in our opinion will disappear if the Voluntary Restraint Agreement is removed while the playing field remains tilted in Japan's favor.

Great Britain sets a limit on Japanese imports at 11% of its market, Germany at approximately 10%; France sets a limit at 3% of its market and Italy restricts them to 2,000 cars per year. Canada has set tight limits on imports until all the Japanese manufacturers make substantial investments. In other words, Mr. Secretary, nearly every nation in the Free World restricts Japanese cars and for good reason.

The original intent of the Voluntary Restraint Agreement was to limit Japanese imports to 16.5% of the U.S. market. We allowed them, however, to set their limit on a numerical unit base rather than on a market-share percentage basis. This mistake should be corrected during the negotiations this year, and I suggest we return to the original intent of a 16.5% market-share limit on Japanese imports until the disadvantages are removed.

I would welcome the opportunity to discuss this with you further in person.

Sincerely,

LEE IACOCCA.●

[1] At 235 yen to the U.S. dollar.

THE PRESIDENTIAL MEDAL OF FREEDOM TO DR. HECTOR P. GARCIA

● Mr. TOWER. Mr. President, on Monday, March 26, the President will award the Presidential Medal of Freedom Award to a distinguished American and Texan, my good friend, Dr. Hector P. Garcia. At this juncture, I would like to publicly commend Dr. Garcia for his tireless and selfless efforts on behalf of mankind that have led the President to bestow upon him this prestigious honor.

I have known Dr. Garcia for many years and have the highest regard for him and his many accomplishments. He is respected by all who know him as a distinguished physician, military officer, and humanitarian. After graduation from the University of Texas at Austin, Dr. Garcia attended the university's school of medicine, graduating in 1940. He is a member of the American Medical Association and the Texas Medical Association.

After completion of his internship, Dr. Garcia began his service to this Nation as an infantry officer during World War II. During his military service, he was awarded the Bronze Star Medal with six Battle Stars. Currently a resident of Corpus Christi, Tex., Dr. Garcia is perhaps best known as the first national chairman and founder of the American GI Forum, a veterans family organization composed primarily of Americans of Hispanic origin in 24 States. He was particularly beneficial in establishing the GI Forum cosponsorship of the SER-jobs for progress national program.

Dr. Garcia has served several previous administrations as an adviser and Presidential representative in various capacities. In 1967, he was appointed as a delegate to the United Nations with the rank of Ambassador. He also served as a member of the U.S. Commission on Civil Rights. In the latter capacity, he was instrumental in promoting the civil rights and contributions of many Mexican Americans.

Indeed, Mr. President, in my view, Dr. Garcia possesses the qualities and record of service to this Nation that exemplify the very ideals embodied by the Presidential Medal of Freedom Award. I am extremely pleased that the President has chosen to honor this great American and Texan for his contributions to mankind.●

AFGHANISTAN DAY

● Mr. PELL. Mr. President, yesterday, March 21, was the day the Afghan people celebrated their New Year. It is fitting, therefore, that we commemorate the people of that country and their heroic struggle for freedom.

More than 2 years ago, on Christmas Day, Soviet forces moved into Afghanistan beginning a brutal war against the people of that country.

Contrary to Soviet expectations, subjugating Afghanistan proved an elusive goal. Today the Soviets exercise effective control over only the capital, their own garrisons, and intermittently over some supply routes.

The Afghan freedom fighters, in spite of internal divisions, now control most of the countryside, have a functioning administration in some provinces, and have demonstrated their ability to strike at will.

That a backward nation of 17 million could so effectively stymie one of the most advanced and powerful military forces in history is a remarkable testament to the heroism of the Afghan freedom fighters.

In our admiration of the determination of the people of Afghanistan to protect their freedom, we must not lose sight of the terrible price the Afghan people have paid. Soviet airplanes have strafed, bombed, and dropped napalm on Afghan villages, killing indiscriminately men, women, and children.

Soviet search and destroy missions have blown up villages, massacred the inhabitants, and burned crops in an effort to deny food and shelter to the resistance. The Afghan landscape is

today littered with the antipersonnel mines dropped by Soviet aircraft.

To escape the hell that is today Afghanistan, more than 3,000,000 Afghans, mostly women and children, have fled to neighboring countries.

I am sure I speak for all Americans in hoping that this New Year will bring a return to independence, freedom, and peace for the suffering people of Afghanistan.●

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

Mr. BAKER. Mr. President, I apologize to the Chair and other Senators for taking a while to proceed to the next item of business of the Senate.

As Members can understand, there has been a matter of some sensitivity, indeed a considerable amount of energy and emotion, on the subject of the supplemental, especially that portion of it dealing with aid for El Salvador. I have had extensive conversations with a number of Senators on both sides of the aisle but principally with the distinguished Senator from Hawaii on this subject and with the minority leader, the Senator from Wisconsin on our side, the Senator from North Carolina, the Senator from Minnesota, and others. I am not trying to involve them in this agreement or this statement but, rather, simply to recite what has been going on. I believe we have an arrangement that is going to serve everybody's best interests.

Mr. President, let me say, to begin with, that I understand the distinguished Senator from Hawaii may offer an amendment to the supplemental appropriations bill when it is pending which will establish a funding level for the El Salvador portion of this bill at about $61 million.

Mr. INOUYE. Will the Senator yield?

Mr. BAKER. Yes.

Mr. INOUYE. I originally intended to submit an amendment which would have reduced the administration request of $92.5 million to $49.25 million, but after discussing the whole package with administration officials and with others, I am now convinced it would be fully justified to increase that amount by $12.5 million to provide extra medical supplies and medical training.

It may interest the Senate to know at the present time the death rate for those who are wounded in El Salvador is 67 percent as compared to 11 percent during World War II. I am certain that all Senators will go along with this.

So the amendment I intend to submit next week will be $61.5 million, which would permit, as the Senator indicated, the military activities to be carried on at the present level until the end of the fiscal year.

Mr. BAKER. Mr. President, I thank the Senator from Hawaii. As Members can imagine, I have taken this matter up with the administration, with the Secretary of State, with the White House, and I believe we can work out an arrangement on this basis so that the administration will support that funding level.

I should like to suggest—I especially invite the minority leader's attention to this—that on this basis then we lay down the supplemental appropriation bill this evening and then go out until Monday; that on Monday we will proceed to take up whatever amendments may be offered by Senators to this bill but not the funding level for El Salvador until late Tuesday or Wednesday.

There is no secret about why we are doing that. It is to suit the convenience of a number of Senators who are principally involved in this matter. I think it is a fair accommodation under the circumstances.

So I hope, with the announcement that the administration will support the funding level in this bill, we will be permitted by unanimous consent to lay this bill down tonight, then to adjourn, again with the boilerplate that I usually submit to the minority leader for his consideration and approval, until Monday.

Mr. INOUYE. If the Senator will yield for a correction, the amount is $61.75 million.

Mr. BAKER. I thank the Senator.

Mr. KENNEDY. Will the majority leader yield?

Mr. BAKER. Yes, I am happy to yield.

Mr. KENNEDY. I think the majority leader has outlined a reasonable way to proceed on this issue as I understand it, and that is to lay down the legislation this evening, which will be formalized in a unanimous-consent request; that the issue of the funding for the El Salvador military assistance program will be debated on Tuesday or Wednesday next.

Do I understand that the majority leader is going to present that program to the Senate shortly?

Mr. BAKER. Yes, Mr. President, the Senator is right.

Mr. KENNEDY. And that the consent request will in no way diminish the opportunity for any of those Members of the Senate, either who are present now or are not present now, from having an opportunity for full debate on the particular amendment which the Senator has mentioned at this time and that there will be nothing in the unanimous-consent request which will prohibit any Member of the Senate from offering an alternative figure or an alternative amendment to either raise or reduce the figure which has been outlined?

Mr. BAKER. Mr. President, the Senator is correct. No effort will be made by me to restrict the opportunity of any Senator to do anything they wish on this bill.

No request will be made. But I wish to announce for the benefit of Senators that I will support the amendment of the Senator from Hawaii, and the Senator from Hawaii, I hope, will do so, and I hope it will have broad bipartisan support. It represents a conscientious and dedicated effort of a number of Senators on both sides to try to resolve this issue on a satisfactory basis.

In answer to the Senator from Massachusetts, nothing I will put will restrict his right or that of any other Senator to offer any other amendment.

Mr. KENNEDY. I just want to express my appreciation for the way the leader has proceeded on this issue. I know that he has strong views on this issue, and I know how he feels about both the amount and the timing of the consideration of a funding amendment for El Salvador.

But I do feel, for some of the reasons I outlined yesterday, and for the basic reason that El Salvador will be facing elections on Sunday, that it is a wiser course of action for this body to make whatever judgment it will make on Tuesday or Wednesday next, when it has the full results of the election, and that we do know whether we will have, as the leader of El Salvador, the ultraright regime, which has had virtually no respect for human rights and human dignity, whether we will have seen the democratic process at work and functioning in that country.

I think the American people and the Senate will be better served in committing the American taxpayers' resources when we have a clearer idea about who will be receiving those resources and what kind of regime we will be supporting.

I want to express my appreciation for the way the majority leader has proceeded on this issue.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I think the majority leader has outlined a very reasonable and, so far as I am concerned, agreeable course of action here. I compliment him and I compliment Senator INOUYE, who I think has made a very acceptable proposition. I will support Senator INOUYE.

This, as I understand it, is the approach that has been worked out in concert with the majority leader and is agreeable to him.

I would not want to commit myself on the bill at this point, because I want to know more about the bill. That does not mean I will not support it, but I do like to leave myself a little wiggling room on that. I do support the amendment which Senator INOUYE has mentioned.

I do not think the majority leader could have done better under the circumstances. I compliment him and Senator INOUYE. I hope the amendment by Senator INOUYE will be adopted by the Senate.

Mr. BAKER. I thank the Senator.

Mr. President, I yield to the Senator from Wisconsin (Mr. KASTEN), who is chairman of the Appropriations Subcommittee in this field.

Mr. KASTEN. I thank the majority leader.

Mr. President, as the majority leader knows, and as the ranking minority member on the Foreign Operations Subcommittee knows, we did prevail, on a 16 to 13 vote, at the $93 million level in the Appropriations Committee. It was a bipartisan vote, although we did not have as much bipartisan support as we would have hoped.

I simply say to the majority leader and to my ranking minority Member that I feel this is a step, especially with the comments just made by the Democratic leader, toward the kind of bipartisan support we need if we are going to solve our problems in Central America.

I hope that with the leadership of the majority leader and with the leadership of the Democratic leader, we will not have a vote that will squeak through, but that the bill will pass by a strong margin.

As the majority leader, the minority leader, and the Senator from Hawaii know, we also have had a number of discussions in the committee on various conditions, veto power of Congress, and so forth. I do not want to ask the Senator from Hawaii to get out in front on any specific kinds of issues, but we do have basic conditions which I attached in the bill along with our $93 million amount which are consistent with the conditions which the Kissinger Commission report established.

I ask the Senator from Hawaii if he is also satisfied with the conditions as they now exist in the bill and would work with all of us to keep those conditions in place for the amendment he intends to come forward with, and which I intend to support, in the hope of developing the kind of bipartisan consensus that I think we need on this issue.

Mr. INOUYE. With the amendment I propose, I am prepared to support my chairman in all the other aspects of the bill.

Mr. KASTEN. I thank the Senator from Hawaii. I look forward to working with him in further developing this bipartisan consensus.

Mr. PELL. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. PELL. Mr. President, I want to make one point. I am very glad, indeed, that we will not be taking up this matter until after at least the first round of elections.

As I mentioned to the Senator from Hawaii, I think he has done a good job in trying to work out a compromise. Some members of the committee, including myself, may not vote for the amounts offered in the amendment. I want to reserve my position and that of my colleagues on the Foreign Relations Committee in that regard.

Mr. BAKER. Mr. President, I think it is clear that we do not have an amendment here that everybody is going to vote for, but I think it is also clear that we have done a very important thing here; and I wish to extend to the Senator from Hawaii, the minority leader, and others my deepest appreciation.

I think that what we are doing in gaining administration support for this amendment at this level, and the support of a number of Democrats, who I believe will support it, is that we have moved back in the direction of a bipartisan position on an important foreign policy issue, which is not to say that we have settled it for all time. We have not. I think we have moved an inch in that direction, and I am happy for it.

Mr. President, once again, I am not trying to limit the opportunity of any Senator to do anything he wants to do to this bill. But I am announcing that I support, and the administration will support, the amendment to be offered by the Senator from Hawaii.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. MELCHER. Mr. President, as the Senator from Rhode Island just said, I also am delighted that arrangements have been made to bring up this matter after Sunday's election, or the first round of the election. However, lest there be a feeling that two-thirds of the $90 million is a very appropriate compromise, a lot of us are wondering, just as a lot of other people in this country are wondering, and perhaps a majority are wondering, what we are spending all that money for in El Salvador.

Personally, I will listen with a great deal of interest as to why it is worth 60 million bucks at this time.

Mr. BAKER. Mr. President, unless some other Senator wishes me to yield at this point, what I propose to do is to provide for adjournment of the Senate and the convening of the Senate on Monday next. After those arrangements are made, it would be my intention to ask the Senate to proceed to the consideration of the supplemental appropriation, with the clear understanding that nothing will be done except to lay down the measure today.

(The unanimous-consent requests relating to Senate procedure on Monday are printed at the conclusion of today's proceedings.)

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 709, House Joint Resolution 492.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with an amendment.

On page 2, after line 17, insert:

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", $545,544,000.

FEEDING PROGRAMS FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Feeding Program for Women, Infants, and Children (WIC)", $300,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $92,750,000: Provided, That this sum shall be available only for assistance for El Salvador, notwithstanding the limitations and restrictions on such assistance contained in section 101(b) of Public Law 98-151: Provided further, That none of the funds appropriated under this heading may be available for obligation or expenditure until the President prepares and transmits to the Congress a report—

"(1) stating his determination that the Government of El Salvador has demonstrated progress toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders;

"(2) describing the progress made in—

"(A) the development of an effective medical evacuation and training system for El Salvador;

"(B) the training of the Armed Forces of El Salvador;

"(C) the quantification of the losses or expenditures in El Salvador of munitions, weaponry, and combat support equipment which has been furnished by the United States; and

"(D) the acquisition and support of tactical communications and the upgrading and

modification of the national strategic communications network; and

"(3) setting forth the rate of usage by the Armed Forces of El Salvador of spare parts furnished by the United States: *Provided further,* That 60 days after the date of enactment of this Act and at intervals of 60 days thereafter the President shall prepare and transmit to the Congress a report on the progress made during the preceding 60 days in achieving the objectives described in the preceding proviso.

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency, notwithstanding any other provision of law, in addition to amounts previously appropriated, not to exceed $21,000,000, to remain available for obligation until September 30, 1984: *Provided,* That $14,000,000 shall be allocated to the Reserve for Contingencies administered by the Director of Central Intelligence and shall be subject to applicable statutory procedures prior to obligation.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated for the fiscal year 1984 to carry out chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 or make available under the Arms Export Control Act may be available under the Arms Export Control Act may be available for Panama on or after any date of disruption or cancellation by the Armed Forces of Panama of the general elections scheduled for May 6, 1984.

SEC. 102. (a)(1) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "65,800".

(2) Notwithstanding any other provision of law, the rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made by a law specifically referring to the rates of pay of such magistrates.

(b) Section 232 of the Bankrupty Reform Act of 1978 (Public Law 95-598, November 6, 1978) is repealed.

(c) Section 634(c) of title 28, United States Code, is amended by striking out "section III" and inserting in lieu thereof "subchapter III".

SEC. 103. Notwithstanding any other provision of law, no funds appropriated to the Department of Defense for operations and maintenance for fiscal year 1984 may be obligated or expended after the date of the enactment of this Act for the construction, modification, or improvement of any military facility in Honduras, other than temporary facilities, unless such funds have been specifically authorized and appropriated for such purpose by legislation enacted by Congress or unless the President determines and provides prior notification to the Committees on Appropriations, Armed Services, and Foreign Relations that an unforeseen emergency exists which requires such construction, modification, or improvement.

SEC. 104. Deferral No. D84-50, submitted to the Congress on February 22, 1984, to defer $14,000,000 in funds provided in Public Law 98-394 for construction of the Cumberland Gap Tunnel and related activities, is hereby disapproved.

So as to make the bill read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $150,000,000, of which $150,000,000 is hereby appropriated and made available through December 31, 1984; and in addition not to exceed $90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa, as authorized by section 101(b) of Public Law 98-107. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", $545,544,000.

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Feeding Program for Women, Infants, and Children (WIC)", $300,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $92,750,000: Provided, That this sum shall be available only for assistance for El Salvador, notwithstanding the limitations and restrictions on such assistance contained in section 101(b) of Public Law 98-151: Provided further, That none of the funds appropriated under this heading may be available for obligation or expenditure until the President prepares and transmits to the Congress a report—

"(1) stating his determination that the Government of El Salvador has demonstrated progress toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders;

"(2) describing the progress made in—

"(A) the development of an effective medical evacuation and training system for El Salvador;

"(B) the training of the Armed Forces of El Salvador;

"(C) the quantification of the losses or expenditures in El Salvador of munitions, weaponry, and combat support equipment which has been furnished by the United States; and

"(D) the acquisition and support of tactical communications and the upgrading and modification of the national strategic communications network; and

"(3) setting forth the rate of usage by the Armed Forces of El Salvador of spare parts furnished by the United States: *Provided further,* That 60 days after the date of enactment of this Act and at intervals of 60 days thereafter the President shall prepare and transmit to the Congress a report on the progress made during the preceding 60 days in achieving the objectives described in the preceding proviso.

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency, notwithstanding any other provision of law, in addition to amounts previously appropriated, not to exceed $21,000,000, to remain available for obligation until September 30, 1984: *Provided,* That $14,000,000 shall be allocated to the Reserve for Contingencies administered by the Director of Central Intelligence and shall be subject to applicable statutory procedures prior to obligation.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated for the fiscal year 1984 to carry out chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 or made available under the Arms Export Control Act may be available for Panama on or after any date of disruption or cancellation by the Armed Forces of Panama of the general elections scheduled for May 6, 1984.

SEC. 102. (a)(1) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "65,800".

(2) Notwithstanding any other provision of law, the rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made by a law specifically referring to the rates of pay of such magistrates.

(b) Section 232 of the Bankruptcy Reform Act of 1978 (Public Law 95-598, November 6, 1978) is repealed.

(c) Section 634(c) of title 28, United States Code, is amended by striking out "section III" and inserting in lieu thereof "subchapter III".

SEC. 103. Notwithstanding any other provision of law, no funds appropriated to the Department of Defense for operations and maintenance for fiscal year 1984 may be obligated or expended after the date of the enactment of this Act for the construction, modification, or improvement of any military facility in Honduras, other than temporary facilities, unless such funds have been specifically authorized and appropriated for such purpose by legislation enacted by Congress or unless the President determines and provides prior notification to the Committees on Appropriations, Armed Services, and Foreign Relations that an unforeseen emergency exists which requires such construction, modification, or improvement.

SEC. 104. Deferral No. D84-50, submitted to the Congress on February 22, 1984, to defer $14,000,000 in funds provided in Public Law 98-394 for construction of the Cumberland Gap Tunnel and related activities, is hereby disapproved.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am told there are two items on today's Executive Calendar that are cleared for action by unanimous consent.

Could I inquire of the acting minority leader if he is in a position to consider at this time the nomination of Harry W. Shlaudeman, to be Ambassador at Large, which is Calendar Order No. 518.

Mr. INOUYE. Mr. President, we are ready to proceed. We have no objection.

Mr. BAKER. I thank the acting minority leader.

There is no other name, and that is the nomination of David K. Doyle, to be Lieutenant General in the U.S. Army.

Mr. INOUYE. No objection.

Mr. BAKER. I thank the acting minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the sole purpose of considering those two nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Harry W. Shlaudeman, of California, to be Ambassador at Large.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ARMY

The legislative clerk read the nomination of Maj. Gen. David K. Doyle to be Lieutenant General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to move to reconsider the votes by which these nominations were confirmed on one motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am told that there may be one other matter cleared for action by unanimous consent.

SENATE JOINT RESOLUTION 263 PLACED ON CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 263, a joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week" and it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. BAKER. Mr. President, this item I understand has been cleared. I inquire of the acting minority leader if he is prepared to consider Calendar Order No. 656, S. 803.

Mr. INOUYE. I am prepared and have no objection.

Mr. BAKER. I thank the acting minority leader.

COMMISSION ON THE CENTENNIAL REVIEW OF THE CIVIL SERVICE

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 656.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 803) to establish the Commission on the Centennial Review of the Civil Service.

The PRESIDING OFFICER. Is there objection to the request of the minority leader?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment, to strike all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Centennial Review of the Civil Service".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Commission on the Centennial Review of the Civil Service (hereinafter in this Act referred to as the "Commission").

POLICY PURPOSE

SEC. 3. (a) It is hereby declared to be the policy of Congress that appropriate terms of Federal employment should be provided to ensure that quality Government services continue to be rendered to the American people, that such terms should reflect the proper treatment and compensation of employees charged with the task of providing such services, and that such terms should incorporate personnel practices that take into consideration the personnel practices which have been successfully applied in the private and public sector or in other governmental institutions.

(b) In carrying out the policy set forth in subsection (a), it is the purpose of the Commission to study the history and development of the civil service system over the past one hundred years since its inception, to study the history and development of the other civil service systems which have been used in governmental institutions in the United States and in other nations, and to make recommendations on methods for ensuring the continued high level of performance of the civil service system of the Government or providing for its further improvement, as the Commission determines appropriate. The Commission shall consider—

(1) methods to improve and expand the training and development of Federal directors, managers, and supervisors in such areas as—

(A) theories and methods of leadership;

(B) planning, appraising, and rewarding work;

(C) effective communication;

(D) time management;

(E) techniques to maximize productivity; and

(F) strategies for maximizing quality and achieving excellence;

(2) pay and benefits for employees under the civil service system, including the pay comparability system, the retirement system, leave policies, health benefits, and life insurance;

(3) Federal personnel practices, including those relating to hiring and retention, training, promotions, and performance appraisal systems;

(4) the labor-management relations system for Federal employees, including collective bargaining, grievance, arbitration, and appeal procedures;

(5) ways to maintain high morale among Federal employees; and

(6) such other matters as the Commission considers appropriate.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of seven members as follows:

(1) three individuals appointed by the Speaker of the House of Representatives;

(2) three individuals appointed by the majority leader of the Senate; and

(3) one individual appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate from among persons who are not affiliated with any political party.

(b) At least one, but not more than two, of the members of the Commission shall be appointed from persons who are not officers or employees of any government and are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) If any member of the Commission who was appointed to the Commission while serving as an officer or employee of any government leaves office or is separated from service as such an employee, or if any

member of the Commission who was appointed from among persons who are not officers or employees of any government becomes an officer or employee of a government, that member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date that such individual leaves that office or is separated from service, or becomes such an officer or employee, as the case may be.

(2) Service as a member of the Commission shall not be discontinued because of paragraph (1) in the case of an individual who has served as a member of the Commission for a period of fifteen calendar months or more before the date on which the applicable change in the employment status of such member takes effect.

(e)(1) Members shall be appointed for the life of the Commission.

(2) Any member appointed to fill a vacancy occurring before the expiration of the Commission for which the predecessor of such member was appointed shall be appointed for the remainder of the Commission's life.

(f) Four members of the Commission shall constitute a quorum.

(g) The Chair and Vice Chair of the Commission shall be elected by the members of the Commission.

(h)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for level III of the Executive Schedule for each day (including traveltime) during which they are engaged in the performance of duties vested in the commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 5. (a)(1) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code.

(b) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) Upon request of the Commission, the head of any Federal agency is authorized—

(1) to detail, on a reimbursable basis, any of the personnel of such agency to the Commission; and

(2) to make any office space of such agency available to the Commission.

to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 6. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit an act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it and may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission considers advisable. Subpenas may be issued under the signature of the chair of the Commission or any duly designated member, and may be served by any person designated by such chair or member. In the case of any failure of a witness to comply with a subpena issued under the authority of this section or to testify when summoned under the authority of this section, the provisions of sections 102, 103, and 104 of the Revised Statutes (2 U.S.C. 192-194) shall apply in the same manner as such provisions would apply if the Commission were a committee of either House of Congress.

(b) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chair or vice chair of the Commission, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORT

SEC. 7. The Commission shall transmit to each House of Congress and the President such interim reports as it considers appropriate, and shall transmit a final report to each House of Congress not later than ten calendar days after the date on which the Ninety-ninth Congress first assembles. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation of administrative action as it considers appropriate. Any recommendations submitted under this section shall be accompanied by provisions specifying the method and period of time over which such recommendations may be phased in without causing undue interruption to the existing civil service system, and provisions describing any employees who would not be covered under such recommendations (or any part thereof).

TERMINATION

SEC. 8. The Commission shall terminate ninety days after submitting its final report pursuant to section 7.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

AMENDMENT NO. 2833

(Purpose: To change the effective and termination dates)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Alaska (Mr. STEVENS) I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of the Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2833.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 18, insert "for the session beginning in 1986" after "first assembles".

On page 16, after line 9, add the following new section:

EFFECTIVE DATE

SEC. 10. This Act shall take effect October 1, 1984.

The PRESIDING OFFICER. The question is agreeing to the amendment.

The amendment (No. 2833) was agreed to.

AMENDMENT NO. 2834

Mr. BAKER. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), I send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of the Senator from Alaska (Mr. STEVENS), proposes an amendment numbered 2834.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, strike line 6 through line 7 and insert the following:

"(1) three individuals, two of whom to be appointed by the Speaker of the House of Representatives and one of whom to be appointed by the Minority Leader of the House; and".

On page 11, strike line 8 through line 9 and insert the following:

"(2) three individuals, two of whom to be appointed by the Majority Leader of the Senate and one of whom to be appointed by the Minority Leader of the Senate; and".

On page 11, line 11 after the word "Representatives" insert the following: "in consultation with the Minority Leader of the House,".

On page 11, line 12 after the word "Senate" insert of following: "in consultation with the Minority Leader of the Senate,".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2834) was agreed to.

Mr. STEVENS. Mr. President, I wish to commend the distinguished sponsor of S. 803, Senator WARNER, for his dedication to redirecting and revitalizing the Federal civil service by energetically moving this bill which establishes a commission to review the civil service.

Ever since the hastily drawn Civil Service Reform Act of 1978 was enacted into law, Federal employees have been burdened with an inordinate number of conflicting policies.

We celebrated the 100th anniversary of civil service last year. We need a thorough review of all aspects of Federal service. This commission will perform that task which will cover the whole gamut of Federal employment.

Again, I commend the senior Senator from Virginia. He has been a friend to Federal employees.

Mr. WARNER. Mr. President, I rise today in support of S. 803, legislation I introduced on March 14, 1983, to establish a Commission on the Centennial Review of the Civil Service. Senator TRIBLE and Senator GOLDWATER joined me as cosponsors of S. 803, and I deeply appreciate the support and assistance they have provided since the time of the bill's introduction.

At the outset of the November 2, 1983 hearings before the Subcommittee on Civil Service, Post Office, and General Services, the distinguished chairman of the Governmental Affairs Committee, Senator STEVENS, concurred with my belief that today's civil service is in dire need of review, and I appreciate his support and guidance. Every aspect of the system deserves our closest scrutiny and constructive recommendation, including:

First, improvement and expansion of training and development for Federal directors, managers, and supervisers;

Second, current pay and benefits including the pay comparability system, retirement, leave policies, health benefits, and life insurance;

Third, personnel practices including hiring, retention, training, promotions, and performance appraisal;

Fourth, labor-management relation systems, including grievance, arbitration, and appeal procedures; and

Fifth, and finally, morale building in the entire area of public service—what combination of elements do we need to instill pride in Government personnel and provide a greater sense of mission and accomplishment.

The findings of the subcommittee hearings, I believe, were both startling and enlightening.

I wonder if my colleagues are aware that in 1981, 78 percent of all Federal senior executives between ages 55 and 59 retired, when only 3 years before, average retirement among that age group was only at 19 percent.

Office of Personnel Management Director Donald Devine has stated that in our civil service, the American people are blessed with probably the greatest concentration of talent of any governmental work force in the world. Indeed, in the 80-year history of the prestigious Nobel Prizes, U.S. civil servants have been selected for these coveted awards seven times, and the staggering number of 66 Nobel Prizes have been awarded to scientists supported by the National Institutes of Health. The U.S. Government cannot afford to lose people of this caliber, and that is what is happening because of constant disparagement, criticism lack of pay comparability, and other attacks.

I am not here today to support bigger Government; I am here to promote better Government. As now proposed, the Civil Service Centennial Commission will be established by Congress, with three members appointed by the Speaker of the House of Representatives and three members appointed by the Senate majority leader. A seventh member will be jointly appointed and must have no political affiliation. Their task will be enormous, but we have the resources to assist them. More than that, it is our duty to our constituents to see that their tax dollars are being utilized in a manner resulting in the best possible public service.

My colleagues, the time is now to initiate this effort. The civil service, as we know it was founded on January 16, 1883, when President Chester A. Arthur signed the Pendleton Act into law. The last 100 years have brought vast changes and huge growth, but only commensurate with the responsibilities Congress and succeeding Presidencies have created and approved.

I ask for your support today to establish this Commission. If your constituents are telling you they are dissatisfied with public service, let us do our part to improve public service. If civil service members in your home States are disillusioned and disheartened in accomplishing their work, let us show that we are interested and willing to address their concerns.

Mr. President, in the Commission on the Centennial Review of the Civil Service, we have a vehicle which has found support among Federal employee unions, Federal management associations, and representatives of the administration. It is my sincere hope that my colleagues here in the Senate will now join in this coalition to make this Commission a reality.

Mr. TRIBLE. Mr. President, I rise in support of S. 803, legislation sponsored by my colleague from Virginia, Senator WARNER. I am pleased to be a cosponsor of this measure to establish the Commission on the Centennial Review of the Civil Service.

We all share a common goal—the operation of the Federal Government by a skilled and productive work force, a Government that provides the best possible service for the American taxpayer.

Today, however, the Federal work force and our taxpayers are not well served. The civil service system is in desperate need of reform. The Senior Executive Service and the merit pay system currently operate as a disincentive to better performance. The most recent pay raise for Federal workers are delayed and major overhauls of the health and retirement programs are being considered. Such uncertainty in Federal employment benefits negatively affects morale and this may lead to poor job performance.

Mr. President, I do not believe Congress can effectively address the problems of the Federal work force on a piecemeal or ad hoc basis. These problems and the variety of proposals seeking to correct them merit independent and systematic consideration. It is for this reason that I support the creation of a bipartisan Commission charged with the duty of investigating, studying, and making recommendations for changes in the civil service system.

Among the issues the Commission would consider would be Government management systems, Federal pay comparability systems, the performance appraisal systems and leave policies. The findings of the Commission and legislative remedies would be submitted for consideration by the 99th Congress.

Mr. President, personnel and management issues must be addressed in a prudent and objective manner. I believe that an independent, bipartisan Commission provides the best means of providing broad and objective recommendations for changes in the civil service system. It will remove such discussion from the politically charged atmosphere which now militates against effective discussion and action.

The findings of the Commission could greatly assist the Congress, the Office of Personnel Management, and Federal employee groups in strengthening the civil service system and insuring that we are able to attract and retain a quality work force that serves our Nation with distinction.

Mr. President, I am proud to support S. 803, and urge my colleagues to join with me in enacting this measure.

Mr. BAKER. Mr. President, I believe there are no other floor amendments. I move the adoption of the committee substitute, as amended.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Centennial Review of the Civil Service".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Commission on the Centennial Review of the Civil Service (hereinafter in this Act referred to as the "Commission").

POLICY; PURPOSE

SEC. 3. (a) It is hereby declared to be the policy of Congress that appropriate terms of Federal employment should be provided to ensure that quality Government services continue to be rendered to the American people, that such terms should reflect the proper treatment and compensation of employees charged with the task of providing such services, and that such terms should incorporate personnel practices that take into consideration the personnel practices which have been successfully applied in the private and public sector or in other governmental institutions.

(b) In carrying out the policy set forth in subsection (a), it is the purpose of the Commission to study the history and development of the civil service system over the past one hundred years since its inception, to study the history and development of the other civil service systems which have been used in governmental institutions, in the United States and in other nations, and to make recommendations on methods for ensuring the continued high level of performance of the civil service system of the Government or providing for its further improvement, as the Commission determines appropriate. The Commission shall consider—

(1) methods to improve and expand the training and development of Federal directors, managers, and supervisors in such areas as—

(A) theories and methods of leadership;

(B) planning, appraising, and rewarding work;

(C) effective communication;

(D) time management;

(E) techniques to maximize productivity; and

(F) strategies for maximizing quality and achieving excellences;

(2) pay and benefits for employees under the civil service system, including the pay comparability system, the retirement system, leave policies, health benefits, and life insurance;

(3) Federal personnel practices, including those relating to hiring and retention, training, promotions, and performance appraisal systems;

(4) the labor-management relations system for Federal employees, including collective bargaining, grievance, arbitration, and appeal procedures;

(5) ways to maintain high morale among Federal employees; and

(6) such other matters as the Commission considers appropriate.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of seven members as follows:

(1) three individuals, two of whom to be appointed by the Speaker of the House of Representatives and one of whom to be appointed by the Minority Leader of the House; and

(2) three individuals, two of whom to be appointed by the Majority Leader of the Senate and one of whom to be appointed by the Minority Leader of the Senate; and

(3) one individual appointed jointly by the Speaker of the House of Representatives in consultation with the Minority Leader of the House, and the majority leader of the Senate in consultation with the Minority Leader of the Senate, from among persons who are not affiliated with any political party.

(b) At least one, but not more than two, of the members of the Commission shall be appointed from persons who are not officers or employees of any government and are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) If any member of the Commission who was appointed to the Commission while serving as an officer or employee of any government leaves office or is separated from service as such an employee, or if any member of the Commission who was appointed from among persons who are not officers or employees of any government becomes an officer or employee of a government, that member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date that such individual leaves that office or is separated from service, or becomes such an officer or employee, as the case may be.

(2) Service as a member of the Commission shall not be discontinued because of paragraph (1) in the case of an individual who has served as a member of the Commission for a period of fifteen calendar months or more before the date on which the applicable change in the employment status of such member takes effect.

(e)(1) Members shall be appointed for the life of the Commission.

(2) Any member appointed to fill a vacancy occurring before the expiration of the Commission for which the predecessor of such member was appointed shall be appointed for the remainder of the Commission's life.

(f) Four members of the Commission shall constitute a quorum.

(g) The Chair and Vice Chair of the Commission shall be elected by the members of the Commission.

(h)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for level III of the Executive Schedule for each day (including traveltime) during which they are engaged in the performance of duties vested in the commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 5. (a)(1) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code.

(b) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) Upon request of the Commission, the head of any Federal agency is authorized—

(1) to detail, on a reimbursable basis, any of the personnel of such agency to the Commission; and

(2) to make any office space of such agency available to the Commission,

to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 6. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it and may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission considers advisable. Subpenas may be issued under the signature of the chair of the Commission or any duly designated member, and may be served by any person designated by such chair or member. In the case of any failure of a witness to comply with a subpena issued under the authority of this section or to testify when summoned under the authority of this section, the provisions of sections 102, 103, and 104 of the Revised Statutes (2 U.S.C. 192-194) shall apply in the same manner as such provisions would apply if the Commission were a committee of either House of Congress.

(b) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chair or vice chair of the Commission, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORT

SEC. 7. The Commission shall transmit to each House of Congress and the President such interim reports as it considers appropriate, and shall transmit a final report to each House of Congress not later than ten calendar days after the date on which the Ninety-ninth Congress first assembles for the session beginning in 1986. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation of administrative action as it considers appropriate. Any recommendations submitted under this section shall be accompanied by provisions specifying the method and period of time over which such recommendations may be phased in without causing undue interruption to the existing civil service system, and provisions describing any employees who should not be covered under such recommendations (or any part thereof).

TERMINATION

SEC. 8. The Commission shall terminate ninety days after submitting its final report pursuant to section 7.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

EFFECTIVE DATE

SEC. 10. This Act shall take effect October 1, 1984.

ORDERS FOR MONDAY, MARCH 26, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, March 26, 1984, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE), for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1 hour, with Senators permitted to speak therein for not more than 10 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in adjournment until the hour of 12 noon on Monday next.

After the recognition of the two leaders under the standing order, there will be a special order in favor of Senator PROXMIRE for not to exceed 15 minutes to be followed by a period for the transaction of routine morning business of not longer than 1 hour in length in which Senators may speak for not more than 10 minutes each.

After the expiration of the time for the transaction of routine morning business the Senate will turn to the consideration of the unfinished business which is House Joint Resolution 492, the urgent supplemental appropriations bill.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 1984

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and, at 7:18 p.m., the Senate adjourned until Monday, March 26, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 22, 1984:

DEPARTMENT OF THE TREASURY

Bruce E. Thompson, Jr., of Maryland, to be a Deputy Under Secretary of the Treasury, vice E. Dennis Thomas, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 1984:

DEPARTMENT OF STATE

Harry W. Shlaudeman, o California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador at Large.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David K. Doyle, [redacted], U.S. Army.

EXTENSIONS OF REMARKS

EXIT POLL PROJECTIONS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mrs. BOXER. Mr. Speaker, I am pleased to enter into the RECORD a speech by Mr. Lawrence Fraiberg, president of Group W Television Station Group. Mr. Fraiberg announces that the Group W broadcasting station has agreed not to release any of their own exit-poll projections until all the polls have closed.

DO THE EYES HAVE IT?—TELEVISION AND PRESIDENTIAL CAMPAIGNS

(By Lawrence Fraiberg)

Given the events of the last few weeks—the New Hampshire primary, the Iowa and Maine caucuses and with Super Tuesday now upon us—it seems appropriate to explore the role of Television and Presidential campaigns.

I want us to think about how television affects campaigns. For the better. For the worse. How we can try to accentuate the positive. And how we can maybe even try to eliminate the negative.

It seems people everywhere are debating Television's proper place in the electoral process. We hear the same questions about TV:

Does it mirror political events, or create them?

Is it the servant of the candidates, or their master?

Is it a forum for serious discussion and debate—or merely fertile ground for media image-makers?

Let us consider how television affects campaigns.

Three things about television seem to dictate the way it affects the electoral process. Television is fast. It's visual. And it's very, very successful.

First: Television is fast. And I'm not talking about its speed in delivering the message: not the fact that the entire world can learn of an event within seconds after it happens. No. I'm talking about the speed of the message itself. The fact that information must be condensed.

Some messages can be communicated in 5 minutes of air time, or even 30-seconds. But there are subjects and issues that can't be done in short intervals—that requires serious examination.

Second: television is visual. That's good, because it gives television an impact greater than any other medium. No other medium can be as effective in communicating certain kinds of actuality. "Don't just read about it. See it. See it now. You are there."

This power has led to some of television's great accomplishments. No other medium could have done half so well with such events as man's walk on the moon—or the funeral of an assassinated president. American television journalism—in times of triumph and grief—has literally brought the nation together. Its visual power has helped us see reality and to go on with our lives—comforted and sometimes even inspired.

But there's a downside here, too. The camera can be a very cold arbiter of who qualifies for the Oval Office.

I'll wager that every candidate in the race remembers what happened after the Nixon-Kennedy Debates. Those who heard the debates on radio thought Nixon had won. Those who saw the debates on television believed John Kennedy was the winner.

Number three. American television is an enormously successful medium. That's a strength. It means—that millions of people watch us, over seven hours a day for entertainment and information. We have clout. And fortunately we are uniquely free of government domination—clout and freedom offer two great advantages. But there also is a downside.

Where does the entertainment leave off; and where does the information start?

In the area of information, television news conforms to the highest journalistic standards. But there's always the danger that television can be seduced by events that appear to be especially dramatic. We have all seen examples of this.

So when we address how television covers Presidential campaigns. I think we have to do whatever is necessary to overcome those limitations and build on the strengths the medium has.

As a matter of fact, I think we could help matters a great deal by doing five specific things.

First, I agree with President Ford—I would drastically cut down coverage of the two major-party political conventions. Most political analysts would agree that these events—which were always giant circuses—but once had genuine significance—have now become obsolete and virtually meaningless. It's been 32 years since a convention actually selected a candidate. After 1952, all they've done is confirm the choices already made by the primaries, the caucuses and the party leaders.

The networks, by giving us gavel-to-gavel coverage, are only accomplishing three things—none of them desirable. A: they're encouraging the parties to put on Barnum & Bailey shows. B: they're further turning off millions of American voters by seeming to confirm the cynical view that politics is second-rate show-biz. And C: they're spending millions of dollars that they could otherwise invest in more indepth political coverage.

Second: Let's continue to find ways to give major Presidential candidates a genuine forum. Let them have the chance to talk sense—really to speak about issues—and not in slogans and one-liners aimed at ten-second clips for the evening news. I'm glad to say that there has been progress in this area. The League of Women Voters has led the way in bringing candidates together.

And I was proud of WBZ-TV—one of our stations—when it produced a January debate among the Democratic candidates on the important "gender-gap" issues. We all need to take more initiatives like that.

Third: As an industry, we should make major effort to produce new program formats that explore campaign issues in a compelling exciting manner. Let's exploit the strengths of our medium.

Television is fast and visual. All right, let's use those abilities in covering political campaigns—in the same creative, innovative way we use them in our other programs.

The public is right to be bored with a lot of political programs. The programs are too often boring. It's up to us to produce good, creative programs dealing with political issues.

We have to do much more to use the visual speed of televison. We have to make our audience stop and listen, and look and think. We have to show them how all those issues are important to them—How they affect their lives.

There's no reason why political analysis on televison can't be as involving, as understandable, and in the best sense of the word, as entertaining as the Super Bowl!

Specifically, I'd like to see, during this campaign, the creation of a series of true issue-analysis programs. Let each network select key issues of the Presidential campaign. Let each network devise one-hour primetime programs to cover these issues. And make those programs entertaining and involving.

Let them use all the resources and intelligence and imagination we see in the best sports coverage and bring to politics the sophistication and style of "60 Minutes." And broadcast those programs, once a week, during the October before the election.

Fourth suggestion: Let's support and lobby—as an industry—for a national uniform 24-hour election day. With such a system, all polls would open and close simultaneously. For example, the East Coast polls could open at 6 pm Eastern Time and close at 6 pm the next day. Meanwhile, the Central-Time-Zone polls would open at their 5 pm—and so on, with the Alaskan and Hawaiian polls opening 1 pm local time.

Changing to this system would produce two large advantages. First: it would more than double the voting opportunity of working men and women. As things stand today. They have only about 20 percent of the voting day available to them. In contrast, 60 percent of a 24-hour voting day would be available.

Second, and even more important. The results of Eastern polls would not affect the voting habits of Westerners.

And that critical problem leads me to my fifth, final, and I suppose my most controversial suggestion. I believe that the television industry should stop reporting exit-poll projections before all the voting is completed.

As many know, in the 1980 campaign, turnout in the Western States fell off by 3 percent after the networks' rush to "scoop the election." Meanwhile, several Western candidates for Congress lost by less than one percent.

The same thing happened last month in Iowa. The networks were announcing winners, only minutes after the voting had even begun.

I can envision an election in which the Presidency itself could turn on a few per-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

centage points in the West. In such a situation, exit polls could actually elect the President.

If anyone here thinks I'm exaggerating the problem, just listen to the words of ABC's Ted Koppel. On election night, 1980, at 10:15 PM, Koppel said: "It's inevitable now that as this night continues, that Democrats are simply not going to bother to vote where the polls are still open. Why should they? It's all over as far as they're concerned."

Ten minutes later—probably after some heated discussion at ABC—Koppel changed his mind. He said: "Voters on the West Coast: there's more than just a Presidential race. Please do vote."

But in a very real, very ominous way, Ted Koppel was right the first time. Television had made millions of American voters feel helpless—superfluous.

Truly, at that moment, the wrong "eyes" had it. Not the affirmative ayes of the American voters. But the self-serving camera eyes of television.

Some people argue that delaying exit-poll projections would be dangerous—a suppression of the news. I don't find that argument very persuasive.

What greater issue of national security exists—than the integrity of the electoral system itself?

Today, Congress is asking us to refrain voluntarily from projecting winners while the polls remain open. If we do not do so, Congress is considering legislation to enjoin us from such activity.

I dislike the entire idea of legislatures meddling in the area of free speech and journalistic enquiry.

I would argue that it is up to US to "head them off at the pass": to show that we can keep our own house in order.

That is why I am announcing today that the news directors of Group W broadcast stations have agreed not to release any of their own exit-poll projections until all polls for that office are closed. If this puts us in an inferior position competitively—then, so be it.

We think the American people will approve—and that our political system will be better served. We call on our colleagues throughout the broadcast journalism to join us in taking this step.

Television bears an enormous responsibility to the citizens of this country. I believe that in many ways we've fulfilled that responsibility in a magnificent fashion. It's just that I also think there remains more work to be done.

Thank you.●

HARD TIMES IN URANIUM ENRICHMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. OTTINGER. Mr. Speaker, over the past 3 years I have watched the steady unraveling of policy direction in the Department of Energy's uranium enrichment program. The program is at a policy crossroads now and Congress will soon have the opportunity to provide new direction through our budget decisions.

Program revenues have been eroded by shrinking demand for nuclear fuel and a flood of cheap enriched uranium from foreign competitors. Simultaneously, rising operating costs and new construction and R&D needs have put tremendous pressures on the remaining revenues.

DOE spending on the enrichment program is limited by the administration and by Congress to what it earns, and borrowing from future year earnings is not permitted. Therefore, the availability of revenues determines the extent of the enrichment program.

With the declining revenue picture for fiscal year 1985, DOE has recognized it will have to reduce expenses. It can cut research and development, or it can cut construction. DOE has chosen to reduce expenditures on R&D while continuing construction on an expensive and unneeded enrichment facility and procurement of obsolete machinery for it.

The current generation technology proposed to be built will produce enriched uranium at approximately twice the cost of existing gaseous diffusion facilities which are themselves outdated and uncompetitive. There is no demand for the nuclear fuel these machines will produce. Nonetheless, $350 million is proposed to be spent on production facilities in fiscal year 1985.

More importantly, by cutting R&D, DOE is forced to make a premature decision on which of the next generation technologies to pursue. Preliminary costs analyses indicate that one of the processes has the potential to reduce costs by a factor of seven.

Mr. Speaker, DOE's budget does not make good sense. We should not waste money on an unneeded and obsolete technology. Laser and advanced centrifuge technologies are the enrichment technologies of the future and they are where our limited resources should be directed. Funds should be shifted away from construction of unneeded current generation facilities and funds should be restored to continue important R&D for new technologies. Funding priorities must be redirected to insure a financially healthy and technically progressive enrichment program.

In the March 9, 1984, issue of Science magazine, Colin Norman provides his readers with an excellent summary of the problems that plague the enrichment program. I urge my colleagues to read it:

HARD TIMES IN URANIUM ENRICHMENT

(By Colin Norman)

The federal government's $2-billion-a-year business enriching uranium for reactor fuel is in such dire straits that the Department of Energy (DOE) will soon be forced to drop one of two major programs aimed at developing an advanced enrichment technology. In mid-1985, it will choose between developing a new generation of gas centrifuges or a process based on lasers to replace the aging facilities that are currently in operation. The losing project will be virtually closed down.

Billions of dollars will ride on the choice. At stake is the future of a massive gas centrifuge plant under construction in Portsmouth, Ohio. Known as the Gas Centrifuge Enrichment Plant, or GCEP (pronounced gee-sep), it has already soaked up some $2 billion in construction funds. If the development of advanced centrifuges is shut off, the plant would be at best marginally economic and may have to be abandoned. On the other hand, if DOE closes out the laser enrichment program, it risks turning its back on a promising technology on which it has already spent several hundred million dollars.

The department had originally wanted to make the selection around 1988, but has decided it can no longer afford to support two $100-million-a-year R&D programs. It will thus be forced to choose before either technology is fully demonstrated.

The accelerated decision is part of a radical overhaul of the enrichment program designed to pull it back from the brink of disaster. Last year, DOE belatedly realized that its customers for enriched uranium were deserting it just as the enrichment program was committed to spending billions of dollars on construction. I can't overemphasize the criticality of what we were facing in 1983. We were in a death spiral. It was a problem as big and as bad as Chrysler," says Shelby Brewer, head of nuclear programs at DOE.

At the root of the problem is the worldwide slump in the nuclear power industry. In the early 1970's, utilities had placed so many orders for future deliveries of enriched uranium that DOE—which then had a worldwide monopoly—closed its order books because it believed its production capacity would soon be exceeded. A $1.5 billion program was launched to expand output from DOE's three existing plants, and in 1977 the go-ahead was given to build GCEP. The Europeans also entered the enrichment business in the 1970's with the construction of two new plants.

Then the bottom fell out of the market for reactor fuel as utilities around the world began to scale back their nuclear construction. DOE found itself with contracts that were "just a handful of paper," as Brewer puts it. It was also locked into long-term contracts with utilities for electricity to operate its enrichment plants, and is now paying huge penalties for power it ordered but no longer needs. Next year alone, DOE will fork over $339 million in penalties to the Tennessee Valley Authority (TVA).

DOE calculates that worldwide production capacity currently exceeds demand by a factor of 2. To make matters worse, many utilities are holding a huge stockpile of enriched uranium that they have been forced to accept under strict take-or-pay contracts, and they are unloading it to other utilities at a substantial discount. There is enough material slopping around in this so-called secondary market to meet current demand for about 3 years.

Some two-thirds of this surplus is of European origin, and the devaluation of European currencies against the dollar has made this cut-price fuel doubly attractive to U.S. utilities. About 18 months ago, DOE was jolted when some of its customers started canceling contracts and going to the secondary market. It received another blow when some utilities also began negotiating contracts with European producers, which are now undercutting DOE's prices in part be-

cause of those huge penalties DOE is paying to TVA.

Suddenly, DOE was faced with the prospect of a rapidly dwindling market just when it was building all that new capacity. Brewer says he was "horrified" when he looked into the program and realized the dimensions of the problem. Some radical surgery was in order.

To try to prevent further erosion of its market share, DOE had recently dropped its prices (although they are still above those of its European competitors) and offered its customers a more flexible contract that permits them to obtain a specified fraction of their requirements from the secondary market. Existing contract-holders have until October to convert to the new contract; DOE will then have a firm estimate of its revenues over the next few years.

Initial response to the new contract has been favorable. In the first month after it was unveiled, Duke Power signed on with orders worth more than $2 billion over the next 30 years, and almost half DOE's customers expressed their intent to convert. But even so, DOE projects that its revenues will drop from $2.1 billion this year to $1.675 billion in fiscal year 1985.

Even under the most favorable assumptions, the revenues are unlikely to cover the cost of the ambitious construction and R&D program that DOE laid out in the 1970's. GCEP alone would have cost nearly $10 billion by the time it was finished in the late 1980's. DOE officials were therefore faced with two alternatives; either scale the program back drastically or try to persuade the Office of Management and Budget (OMB) and Congress to approve an operating deficit for a few years. There was little chance OMB would go along and even less that Congress would agree, so the knives were sharpened.

But more than simple cuts are being considered. When it was first approved, GCEP was envisaged as a massive complex of eight process buildings, each housing thousands of centrifuges. By the early 1980's, it was recognized that the original justification for building GCEP had vanished because DOE's three existing enrichment plants have more than enough capacity to meet projected demand until the end of the century. But construction continued because DOE changed the justification. In essence, it argued that because gas centrifuge technology is much less energy-intensive than the gaseous diffusion process employed in the existing plants, GCEP was needed to replace some of its aging facilities and hold down costs in future years.

Two of GCEP's process buildings and most of the central control and fuel-handling facilities have already been completed, and late last year the first centrifuges were installed. But DOE has now thrown the project into a lower gear. Plans for constructing the remaining six process buildings have been deferred, and DOE is committed to filling only half the first building with current-generation centrifuges. What happens next will depend to a large extent on whether DOE chooses to develop either advanced centrifuges or an entirely different technology based on lasers.

In the early 1980's, DOE began to pour money into the development of an advanced centrifuge with three times the efficiency of the machines now being installed. It also stepped up work on a potentially more efficient process using lasers that had been under development at the Lawrence Livermore Laboratory. DOE was planning to spend about $190 million on the two programs this year, with a full-scale demonstration of both of them expected in the late 1980's.

Funding for both technologies is being reduced, however, and the projects are now being revamped so that a choice can be made in the summer of 1985. If DOE chooses to continue with the advanced centrifuge, the new machines will probably be installed in the two completed process buildings of GCEP. According to DOE estimates, a two-building GCEP equipped with advanced centrifuges would be cheaper to operate than the existing gaseous diffusion plants. But with current-generation machines, such a plant would provide little or no cost savings. Thus, if the laser process is chosen, the future of GCEP would be in doubt.

In view of the fact that some $2 billion has already been invested in GCEP, DOE's technological choice would seem to be heavily skewed toward the advanced centrifuge. "Yes, that will be a factor," says Brewer. "That's life; you have to live with past decisions." But John Longenecker, the head of the enrichment program, points out that the capital cost of building a new laser plant would be roughly equal to the additional cost of completing a two-building GCEP with advanced centrifuges. Thus the money sunk into GCEP has, in effect, put the two technologies on a roughly equal footing.

Longenecker says that the choice will be made not only on the expected capital and operating costs of the two technologies but also on their relative attractiveness to private investors. DOE is hoping to get some private capital into the enrichment program as a first step toward turning the enterprise over to private industry. Exactly how the transition would be accomplished, however, is not clear.

In any case, the real key to attracting any investment into enrichment, whether public or private, will be how successful DOE is in hanging on to its customers, and how long the depression endures in the nuclear industry. From now on, claims Brewer, investment decisions in the enrichment program will depend on the market—an elementary business strategy that, he admits, DOE has not followed in the past.●

VOICE OF DEMOCRACY

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. REID. Mr. Speaker, 36 years ago the "Voice of Democracy Scholarship Program" was instituted to encourage our Nation's young people to express their understanding of—and appreciation for- democracy. During the past 22 years, under the sponsorship of the Veterans of Foreign Wars, more than 5 million students have participated in the essay competition. Because of the valuable awareness this experience creates—it is a great pleasure for me to share this year's winning Nevada essay, "My Role in Upholding Our Constitution," written by 17-year-old Dorothea Elaine Deley:

The other day I was helping my younger sister with her geography. She asked me, "How many countries are in America?" I attempted to explain the concept of states and countries and then continents, but I was only frustrated by my sister's lack of comprehension. The geography of America seems so familiar to us, but so confusing to the younger children. As my sister is expanding her knowledge of geography, so too am I expanding my appreciation of the constitution by fully learning my responsibilities in upholding this great document.

At first thought, the Constitution of the United States seems so remote from my life. However, as I read through it, I began to comprehend what this document is saying. More importantly, what this document has accomplished.

The constitution is not truly appreciated by many Americans simply because they are not aware of what the constitution expresses. My most obvious responsibility in upholding the constitution is to be familiar with it and realize what an amazing impact it has had on America. Our entire governmental system relies on the constitution. Our country would be completely different if our constitution had been written any other way. I honestly feel that I am very privileged to live in a country that has given me so much freedom. I wish I could somehow express my gratitude to the forefathers of this country for their accomplishments. They created a document that has initiated the evolution of the most beautiful country on earth. There is no denying the appeal of America. Every year thousands of people try to immigrate to our country, so they too can share in all the privileges.

Another responsibility I feel I have in upholding the constitution, is abiding by it. It would be utterly impossible for our country to survive if everyone did just what he or she pleased. All states need a form of law regulating what its citizens do, in order to keep peace and control. The constitution exists as the foundation upon which we build the laws of our land. And it also provides for the Supreme Court to interpret its application. Perhaps some people are angered at all the rules and regulations we live under. I, on the other hand, am very grateful there is a judicial system. Just imagine how chaotic a country we would live in without it. The truth is, the constitution is responsible for our legal system. The great authors of this document had some very useful insight.

When thinking of the constitution, the first thing that enters my mind is the Bill of Rights and the freedom they have given me. However, these rights are meant for everyone. This is where my third responsibility in upholding the constitution lies. I feel that each American is equal, just as the constitution explains. Therefore, each citizen should be treated the same, with the same rights. And we, as individuals, should treat others with respect and consideration. The reason our country is so popular is due to its fairness and equality. I feel it is my duty to treat others kindly. The constitution protects everyone's rights. Therefore, it is my responsibility not to abuse anyone's rights. This responsibility of mine is the most significant one. It reassures me that kindness still prevails, since we continue to live under the constitution.

The constitution of the United States has had a great impact on the shaping and maintaining of our country. I am very pleased I was given this opportunity to share my newly found insight on the constitution. My eyes were opened to the extensiveness of our government and legal rights. Most importantly, however, it taught me

three responsibilities I have in upholding it; I need to appreciate this precious document, I need to abide by it, and finally, I need to respect the rights of others.

I will continue to teach my younger sister about America, but not just geography lessons. Now, for her, as well as for others, I will be able to serve as an example of a responsible American citizen who intends to uphold the constitution.●

CAN THE SENATE CAN MEESE?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. OTTINGER. Mr. Speaker, I read each day with growing dismay the outrageous details of Edwin Meese's financial and professional dealings during his tenure on the White House staff. Can there really still be any question what the Senate's decision should be?

Edwin Meese is noted for his love of police work: getting criminals off the street. He enjoyed riding with patrol officers in California to experience the law enforcement firsthand. He took pride in his ability to finger leaders of the anti-Vietnam movement so that demonstrations could be broken up quickly and efficiently by arresting those in charge. Because he viewed the Vietnam protests as unpatriotic, he reported some of these protestors' names to the House Un-American Activities Committee for scrutiny. And finally, he took the credit for arresting 700 California free speech movement demonstrators. Mr. Meese is well versed in the treatment of those who violate the law.

Mr. Meese's incredulity at the allegations being made now that he might have to face the same penal system for his dubious loan and stock transactions defies comprehension. As Anthony Lewis states in his recent New York Times article, there are criminal laws governing the financial dealings of public officials. Mr. Meese, who has so enjoyed his part in law enforcement, must now face up to learning what it feels like on the other end of the stick.

IS THERE NO SHAME?

(By Anthony Lewis)

WASHINGTON.—A number of Federal criminal laws forbid Government officials to accept money or other benefits from outsiders in conflict with their public duties. There now are serious grounds to believe Edwin Meese 3d, President Reagan's nominee for Attorney General, may have violated several of those laws.

The facts about Mr. Meese's curious financial arrangements have been brought to reluctant light in recent weeks. There may still be more surprises, but what is already known engages the conflict-of-interest laws.

Mr. Meese came to Washington and the White House in January 1981. He was not able to sell his previous home in La Mesa, Calif., for more than a year. For 15 months he failed to make his mortgage payments on the house. The bank, Great American Federal Savings and Loan in San Diego, did not foreclose.

In 1982 the White House personnel director, E. Pendleton James, asked a California friend, Thomas J. Barrack Jr., to help Mr. Meese sell the La Mesa house. Mr. Barrack, a real estate developer, quickly found a buyer: a business associate of his. Great American arranged a $240,000 mortgage at a favorable interest rate, and Mr. Barrack himself contributed $70,000—a "loan" that he forgave soon afterward.

Mr. Barrack was appointed Deputy Under Secretary of Interior in December 1982. The chairman of Great American became an alternate delegate to the United Nations, and another officer of the bank was made chairman of the Federal Home Loan Bank Board.

In the middle of 1981 Mr. Meese's tax accountant, John McKean, arranged $60,000 in personal loans for him. Shortly thereafter President Reagan appointed Mr. McKean to the U.S. Postal Service's board of governors. At his confirmation hearing Mr. McKean said he had been recommended for the job by Mr. Meese and Michael Deaver of the White House staff.

When a reporter asked last summer about the $60,000 McKean loans, Mr. Meese replied through a White House colleague that he had made interest payments "in a timely fashion." That was untrue. The General Accounting Office looked into it and found that he had paid no interest until the reporter inquired. The G.A.O. said Mr. Meese should have reported the unpaid interest as a "gift."

In sum, Mr. Meese received substantial financial benefits in loans, gifts and delayed interest payments. And people who gave him those benefits got Federal jobs.

The laws possibly engaged by those facts include Section 201(g) of the Federal Criminal Code, known as the Gratuities Section. It says that any public official who "directly or indirectly" receives "anything of value for himself for or because of any official act performed . . . by him" shall be subject to a fine of up to $10,000 and a prison term of up to two years.

Under that section, an Internal Revenue Service auditor who accepted free golfing trips from the Gulf Oil Company while in charge of a Gulf audit was sentenced to six months in prison and a $5,000 fine. The U.S. Court of Appeals for the Third Circuit, upholding his conviction in 1978, said no specific promise or act by him was required for conviction. It was enough for the jury to find he was aware that the golf trips had been meant in some way, however vague, to influence his actions.

Another relevant section of the Criminal Code is 211, making it a crime to receive "any thing of value in consideration of aiding a person to obtain employment under the United States," even by "referring his name to an executive department. . . ." Sections 208 and 209 punish officials who deal with matters in which they have a personal interest and officials who accept outside payment for performing official duties.

Whether Mr. Meese actually violated any of those criminal laws would depend on, among other things, questions of intent. But in the opinion of some lawyers experienced in these matters, the facts known would lead a nonpartisan prosecutor to investigate with an eye to the possibility of bringing a case.

There is also evidence—striking evidence—that Mr. Meese may have violated a civil statute. The Ethics in Government Act of 1978 requires high-ranking Federal officials to report any outstanding loans of more than $10,000 to them or members of their families. Mr. Meese has belatedly acknowledged that a friend, Edwin Thomas, lent Mrs. Meese $15,000—and that he "inadvertently failed" to report it. Mr. Thomas, too, is now a Federal official.

The kindest way to look at those facts would be to say that Edwin Meese is grossly insensitive to the laws and ethical standards that ought to guide public officials. Can we conceivably want such a man to be Attorney General of the United States? Do the Republicans in the Senate want to make such behavior their standard? Is there no shame?●

INTRODUCTION OF BILL EXEMPTING RESTAURANT CENTRAL KITCHENS FROM ONEROUS AND UNNECESSARY FEDERAL INSPECTION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. DE LA GARZA. Mr. Speaker, today I am introducing legislation that would provide an exemption from routine Federal meat and poultry inspection requirements for restaurant central kitchens that prepare ready to eat food for sale to individual consumers at restaurants owned or operated by the same person. Those central kitchens which cook food to be sold in packaged form would continue to be inspected. Currently, USDA does not inspect kitchens which distribute products to only one restaurant. If the central kitchen distributes food products to two or more restaurants, though, the central kitchen must be inspected.

BACKGROUND

Over the past several decades, new technology has brought about changes in the food service industry. With new equipment and processing techniques, the industry has moved from decentralized meal preparation to centralized feeding systems. This change has been fostered by the rapid increase in fast food feeding operations and the need to compete with them.

In the past, restaurants purchased raw ingredients for their menu items and prepared them on site at each restaurant—decentralized food service system. The quality of the product could vary from one restaurant to another depending on the ingredients, personnel, equipment, and so forth. In addition, these decentralized operations were becoming costly in terms of labor and equipment costs. With the use of standardized recipes and new preparation procedures, the food service industry began to centralize its purchasing and preparation of food products.

The advantage of centralized food service system is that: First, quality, of

menu items are uniform from one restaurant to another, and second, dollar savings are realized by buying in large bulk quantities and reducing food labor costs. The central kitchen can supply its satellite restaurants with either prepared, cooked menu items or raw products for preparing the menu items, or a combination of both.

Restaurants, per se, are exempt from Federal inspection under the Federal Meat Inspection Act and the Poultry Products Inspection Act. Restaurant central kitchens, however, under USDA requirements are inspected on the same basis as meatpacking plants and processing operations, and must meet the same regulatory requirements for sanitation, equipment, and facilities. They must also meet the same labeling requirements.

In March 1983, the Food and Safety Inspection Service of the U.S. Department of Agriculture, published a study entitled "An Analysis of Exemption Provisions of the Meat and Poultry Inspection Laws." Among the various issues studied was USDA's policy on inspecting central kitchens and specifically, the question considered was: "Should central kitchens which distribute meals or entrees to their owned or operated restaurants be exempt from inspection?"

ANALYSIS: CURRENT INDUSTRY COST

Most central kitchens prepare food items which go directly to a restaurant for serving to individual customers. These types of operations are subject to local health inspections, as well as Federal inspection, and the restaurants are required by law to be licensed.

Having a restaurant's central kitchen under Federal inspection is viewed as an additional cost which results in no additional protection to the consumer. The rationale that served as a basis for exempting restaurants from the meat and poultry inspection Acts, in my view, applies as well to central kitchens serving restaurants owned or operated by the same person.

CONCLUSION OF FSIS REPORT

The Food and Safety Inspection Service report concluded:

Central kitchens producing food products for their own restaurants encounter many regulatory burdens when under inspection. These central kitchens were established to insure that uniform quality products are served to their clientele regardless of which restaurant serves the product. With the numerous State and local health codes, Federal inspection of these operations has marginal benefits to the consumer * * *. Exempting central kitchens which provide meat/poultry food products to their own restaurants would eliminate the different inspection policies for central kitchens and caterers, and insure a consistent, fairer policy for both. Other adequate considerations, such as local health and inspection requirements, still insure that consumers would receive wholesome, unadulterated products. However, central kitchens offering their products for resale should remain under inspection.

Last year, USDA estimated there were 40 central kitchens and 65 caterers under Federal inspection. Inspection costs for these facilities were about $397,000—18 staff years. Exempting this small group of central kitchens from USDA inspection would result in considerable savings to the taxpayers of our Nation.

I wholeheartedly agree with USDA's Food and Safety Inspection Service that exempting restaurant central kitchens from Federal Inspection would alleviate regulatory burdens upon the industry and minimize taxpayers' expense while still insuring that consumers receive wholesome, unadulterated, and properly labeled meat, and poultry products. The bill I have introduced also would continue Federal Inspection requirements for central kitchens offering products for resale, as has been recommended in the study of the Food Safety Inspection Service of USDA because the rationale for the exemption does not apply to this type of operation.

Mr. Speaker, it had been my hope that this matter could have been resolved administratively. However, the Office of General Counsel of the U.S. Department of Agriculture has issued a legal opinion that an exemption for restaurant central kitchens from Federal inspection can be brought about only through statutory amendment.

My bill will help bring about this much desired reform. I urge my colleagues to join me in sponsoring the legislation. I wish, at this point, to read the text of the bill, correspondence with the Department of Agriculture on this matter, and the legal opinion of the Office of General Counsel.

H.R. 5223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) is amended by adding the following sentence at the end thereof: "For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat products that are ready to eat when they leave such facility and are served in meals or entrees only to customers at restaurants owned or operated by the same person, firm, or corporation owning or operating such facility.".

SEC. 2. Section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) is amended by adding the following sentence at the end thereof: "For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares poultry products that are ready to eat when they leave such facility and are served in meals or entrees only to customers at restaurants owned or operated by the same person owning or operating such facility.".

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., April 19, 1983.

Hon. C. W. MCMILLAN,
Assistant Secretary for Marketing and Inspection Services, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: It has come to our attention that the Food Safety and Inspection Service has recently completed a study entitled "An Analysis of Exemption Provisions of the Meat and Poultry Inspection Laws," published in March, 1983.

One of the three main conclusions of this study is that central kitchens which supply their own restaurants should be exempt from USDA inspection under the Meat Inspection Act.

As you know, the National Restaurant Association has long contended that inspection of these facilities is duplicative, burdensome, and costly to the consumer, the restaurateur, and to the Department of Agriculture. The Association has pointed out that central kitchen facilities are inspected at state and local levels to assure that their food products are wholesome and free from adulteration and that, in addition, there is no need for a labeling requirement such as that mandated under the Meat Inspection Act for central kitchen facilities. The labeling requirement has always presented unnecessary complications for central kitchens, since their product goes only to their own kitchen outlets to be served to the customer. The only people who see the label on those food products are the employees of the restaurant.

The National Restaurant Association had been working to have central kitchens relieved from the burden of these redundant inspections since they began several years ago, and apparently the Food Safety and Inspection Service agrees with the Association that central kitchens which provide meat/poultry food products to their own restaurants should be exempted.

We are pleased to note your conclusion that this exemption could be accomplished by regulation. Clearly this is the most expeditious and reasonable way to proceed, and we encourage you to do so as soon as possible.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

EDWARD R. MADIGAN,
Ranking Minority Member.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 10, 1983.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your April 19 letter co-signed by Congressman Edward R. Madigan concerning exemption provisions of the Federal meat and poultry inspection laws.

The staff report which you mention, "An Analysis of Exemption Provisions of the Meat and Poultry Inspection Laws," reflects our policy to seek deregulation in those areas where such deregulation is feasible. As you have noted, one of the report's conclusions is that exemption from inspection should be extended to a certain category of central kitchens. The report also suggests that this change could be brought about by rulemaking.

Since the report was issued, and after close consultation and review with the De-

partment's Office of the General Counsel, we have been advised that the goals sought by the National Restaurant Association cannot be accomplished through rulemaking. Rather, statutory change is necessary.

To that end, we supplied committee staff with language that would constitute the Department's position on the appropriate scope of exemptions for various types of central kitchens and catering operations. This was done last year following hearings on H.R. 6062, a bill that would give the Secretary greater discretionary authority in determining the intensity of processing inspection in meat and poultry processing plants. A similar bill, H.R. 2691, has been introduced in this Congress, and we are hopeful that hearings will be held and followed by a mark-up session. Should that occur, the Congress will have an opportunity to make further changes to bring about the exemptions in which you are interested.

We hope this information is helpful. If we can be of further assistance, please let us know.

Sincerely,

C. W. McMILLAN,
Assistant Secretary,
Marketing and Inspection Services.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., May 23, 1983.

To: Donald L. Houston, Administrator, FSIS.

From: Ronald D. Cipolla, Assistant General Counsel, Regulatory Division.

Subject: Central Kitchens.

This has reference to your request for an opinion concerning the applicability of routine inspection requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) to the preparation of meat or poultry products at central kitchen facilities by restaurant chains for distributions to their restaurants.

In March of this year, your agency published an analysis of the exemption provisions of the Federal Meat and Poultry Inspection laws. The final chapter of that study (pages 36–40) deals with the issue of inspection of central kitchens. The drafters of the study conclude that an exemption from inspection for central kitchens which prepare meat and poultry products for sale to individual consumers at restaurants owned or operated by those owning the central kitchen could be accomplished by modifications to the regulations under the Federal Meat and Poultry Products Inspection Acts.

As you know, our office did not review the exemption study prior to its publication. As Mr. Reuben and I advised you at a recent meeting, we support most of the findings contained in the study, but we do not concur in the conclusion that an exemption from inspection for central kitchens can be accomplished merely by changes in the current regulations. To the contrary, we believe that the recommended exemptions relating to central kitchens can be accomplished, in general, only through statutory amendments.

The necessity for statutory amendments to exempt central kitchens from the routine inspection requirements is a position consistently advanced by this office for many years. More importantly, this position has been communicated to members of Congress and their staffs, orally and in writing, by attorneys in this office and representatives of your agency. Additionally, attorneys in this office and representatives of your agency participated last year in a task force involved in the drafting of proposed legislation which, among other things, would have exempted certain central kitchen operations from the routine inspection requirements. Similarly, our office and your agency jointly drafted proposed amendments to the 1981 Farm Bill which would have authorized certain exemptions for central kitchens.

Our position that exemption from routine inspection for central kitchen facilities can be accomplished, in general, only through legislative changes is well-supported by a review of the current statutory provisions and applicable regulations.

The Federal Meat Inspection Act provides that meat or meat food products prepared for commerce in any "slaughtering, meat-canning, salting, packing, rendering, or similar establishment" are required to be derived from livestock (i.e., cattle, sheep, swine, goats, horses, mules or other equines) that receive federal ante-mortem and post-mortem inspection and the articles must be prepared under federal inspection, unless the operations of the establishment are exempted from federal inspection (See sections 3, 4, 6, 10 and 23 of the Act (21 U.S.C. 603, 604, 606, 610 and 623)). Section 301(c)(1) and (3) of the Act (21 U.S.C. 661(c)(1) and (3)) provides, in relevant part, that the Secretary of Agriculture shall designate any state which does not have, or is not effectively enforcing, requirements at least equal to those imposed under titles I and IV of the Act. If a State is so designated, titles I and IV of the Act become applicable to wholly intrastate, as well as interstate, operations and transactions and persons engaged therein in the state. Section 301(c)(2) of the Act (21 U.S.C. 661(c)(2)) provides, in relevant part, that the provisions of said Act requiring inspection of carcasses, parts thereof, meat and meat food product, do not apply to operations of types traditionally and usually conducted at restaurants in any state when conducted at any restaurant for sale in normal retail quantities or service of such articles to consumers at such establishments. This exemption is applicable only to operations of restaurants in intrastate commerce in designated states, and the Act does not require states to provide routine inspection with respect to such establishments. A similar exclusion from routine inspection requirements is applicable to operations of restaurants in interstate commerce in all states based upon this Department's construction of the above-cited provisions of the Act in conjunction with the Opinion of the Attorney General of August 17, 1972 (Vol. 42 Op No. 44).

There is no definition in the Act of the term "restaurant". However, this term is specifically defined in section 303.1(d)(2)(iv) of the federal meat inspection regulations (9 CFR 303.1(d)(2)(iv)). The definition of "restaurant" in the regulations includes "a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph". The regulations do not otherwise define "caterer", but the intent in this regard was to limit the term "caterer" to one who provides food or service for a social affair (*e.g.*, a banquet or wedding) pursuant to sales made (over the telephone or in person) to individual consumers *at the catering establishment.* This interpretation of the term "caterer" is consistent with the provisions of the Act and the dictionary definition of the word "caterer" (See, *Webster's New International Dictionary (3d Ed.) and Webster's Seventh New Collegiate Dictionary.)*

The definition of a "restaurant", in section 303.1(d)(2)(iv) of the federal meat inspection regulations, includes "any establishment where product is prepared only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment". The preparation of meat food products at central kitchens by restaurant chains for distribution to their restaurants for sale would not, in our view, be exempt from inspection under section 301(c) of the Act. These operations are analogous to those performed at centralized facilities by chain stores, *e.g.*, Safeway Stores, Inc., and A & P, for distribution to their stores for retail sale. These activities are such as to make the chain stores, with respect to their central facilities, "packers" within the meaning of the Packers and Stockyards Act. (See, *Safeway Stores, Inc., et al* v. *Freeman*, 369 F. 2d 952 (D.C. Cir. 1966)). Such central facilities have received federal meat inspection service for many years, and, in our view, "at least equal" state inspection service is required under the Act with respect to any such central facilities which distribute products only in intrastate commerce in non-designated states.

The Poultry Products Inspection Act has similar inspection and exemption provisions with respect to the slaughter and preparation of poultry and poultry products by restaurants (See sections 5, 6, 9 and 10 of the Act (21 U.S.C. 454, 455, 458 and 459)). There are, however, additional exemption provisions for small poultry producers in section 15 of the Act (21 U.S.C. 464). Under paragraph (c)(1)(D) of that section, the Secretary could, by regulation, exempt from the inspection requirements the processing of poultry products by a poultry producer or other person solely for intrastate distribution by him "directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers" (21 U.S.C. 464(c)(1)(D)). Under paragraph (c)(3) of that section, the above-exemption is limited to those processing no more than 20,000 turkeys or other poultry during a calendar year (21 U.S.C. 464(c)(3)).

In our view, the exemption provisions contained in section 15(c)(1)(D) of the Act appear to be limited to any person preparing products for sale by him wholly intrastate to other persons, *e.g.* persons operating restaurants, for use in *their* dining rooms or in the preparation of meals for sales direct to consumers. The legislative history of the Wholesome Poultry Products Inspection Act indicates that the Congress intended to so limit the provisions (Cong. Rec., July 29, 1968, pp. S23980–23982). However, even if the provisions were construed to apply to distributions by the producers to restaurants owned or operated by him, the provisions would be very limited in their application to the central kitchen situation. Most central kitchen facilities preparing poultry or poultry products would involve operations apparently too large to qualify for that exemption.

In any event, we assume that your agency would prefer adopting a uniform position with respect to the exemption of central kitchens from both meat and poultry inspection. Accordingly, we believe that the exemption of central kitchens from inspection requirements under the Federal Meat Inspection Act and the Poultry Products In-

spection Act should be accomplished through statutory amendments.●

GREEK INDEPENDENCE DAY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Ms. KAPTUR. Mr. Speaker, on March 25, we will celebrate Greek Independence Day—commemorating this day in 1821, when the Greeks began their long struggle for independence from the Ottoman Empire which had ruled Greece for almost 400 years. It is a glorious day for all Greek-Americans. In my district, there will be a special celebration. I look forward to joining my friends from the Greek community in my district for the occasion.

Independence has a special meaning to all Americans regardless of one's heritage. While we all cherish the freedom that we enjoy here in America, we must always remember the importance of freedom and liberty and human rights in the countries of our ancestors. I know my colleagues in the House of Representatives join me in hoping that all Greek-Americans have a joyous Greek Independence Day celebration.●

PROTECTING SAVAGERY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. OTTINGER. Mr. Speaker, for 3 years, many of us in Congress along with family and friends of the murdered churchwomen in El Salvador have been pressing the administration to insist on a resolution of this case. For 3 years, the administration has avoided, delayed, downplayed, and outright lied about both the circumstances of the murders and its commitment to seeking justice for these women.

Recently, a high-ranking Salvadoran military officer disclosed crucial information regarding the active participation of the Salvadoran military command in ordering and then covering up the murders of the churchwomen. Judge Tyler, in what quickly became a classified report on the murders, also indicated a coverup of the crime. The administration has taken no action on this new information. It has made no further demands of the Salvadoran Government. But it has made demands of the families of the murdered women who are now asking again to see Judge Tyler's report. The administration has demanded in return for the privilege of reading the judge's words, a sworn commitment to become part of the official silence regarding the murders. The families want no part of this sanction, and neither should we.

I heartily agree with Anthony Lewis' depiction of this situation in yesterday's New York Times. There is no place for actions such as these in decent society.

[From the New York Times, Mar. 19, 1984]

IS THERE NO DECENCY?

(By Anthony Lewis)

BOSTON, March 18.—Sometimes the character of a Government—its values, its sense of decency—is exposed by a single small episode. That has just happened to the Reagan Administration.

The episode concerns the four American churchwomen killed in El Salvador in December, 1980. Over the years since then their families have tried to get effective help from the Reagan Administration in pressing El Salvador to act in the case. They have met frustration in the past. Now they have met what would have to be called mockery.

When Congress became impatient at the failure to bring anyone to justice for the murders, the Administration decided to have a distinguished outside investigation of what was going on in El Salvador. Harold R. Tyler Jr., a former Federal judge in New York who had also been a high Justice Department offical in the Eisenhower and Ford Administrations, did the job.

Judge Tyler submitted a report to the State Department last Dec. 2. He told many people that he had deliberately kept out of it anything that could properly be considered secret—so that the report could be made public.

Nevertheless, State Department officials immediately classified the report as Secret. They specifically refused to give it to the families of the murdered women, explaining that to let it out might jeopardize the trial of five former Salvadoran National Guardsmen who have been charged with the murders.

The thrust of the report became known despite the attempt to keep it secret. Judge Tyler found that Salvadoran authorities had conducted a cover-up of the crime. On Feb. 16 a story by Raymond Bonner in the New York Times detailed his findings.

"The first reaction of the Salvadoran authorities to the murder," Judge Tyler wrote, "was, tragically, to conceal the perpetrators from justice." He said the cover-up began within a day or two of the killings.

Judge Tyler found that the present Salvadoran Minister of Defense, Gen. Eugenio Vides Casanova, may have been aware of the cover-up. Since the Tyler Report, a former Salvadoran military official has said that General Casanova directed and continues to direct the cover-up—and that his cousin, Col. Oscar Edgardo Casanova, gave the order the kill the three American nuns and one lay missionary.

With the growing American awareness of a cover-up in the case, the families of the murdered women and their lawyers renewed their request to the State Department for copies of the Tyler Report. Last month their lawyers got a letter from the office of the Department's Legal Adviser. It made a modest proposal.

The proposal was this: The family members and their lawyers could ask for security clearances. If they passed that test, they would have to sign a "non-disclosure agreement"—a copy of which was enclosed with the letter. Then they could come to Washington and read the Tyler Report.

The "non-disclosure agreement" required the families to promise that they would "never divulge" what they read in the report, for the rest of their lives, without prior permission from the State Department. Each family member also had to agree to this clause:

"I hereby assign to the United States Government all royalties, remunerations and emoluments that have resulted, will result or may result from any disclosure, publication or revelation not consistent with the terms of this agreement."

Would they sign? I asked William P. Ford, brother of Sister Ita Ford, one of the murdered nuns.

"No," Mr. Ford said. "I think the agreement is outrageous. It is also an interesting device to silence us. Once they get us into the dark room, we can't say anything without worrying about finding ourselves in some kind of litigation.

"The agreement requires silence for the rest of our lives. That is inconsistent with the stated purpose of not affecting the judicial process in El Salvador, which anyway is an obscene joke. Based on my conversations with people in El Salvador, if this case is going anywhere it is going sideways over a cliff."

The way the Reagan Administration is behaving today in the case of the four churchwomen is consistent with its performance from the start. Three years ago Alexander Haig, the Secretary of State, suggested to Congress that the women had been killed in "an exchange of fire." That was an ugly falsehood about four unarmed women who had been dragged from their car, raped and murdered.

Congress cared enough about those murders to specify last year that 30 percent of U.S. military aid to El Salvador could not be supplied unless and until "Salvadoran authorities have brought the accused to trial and obtained a verdict." The Reagan Administration's answer is to participate in the Salvadoran cover-up, to ask for much more military aid and to offer the women's families insulting terms for learning a small part of the truth.●

THE COST OF MONOPOLIZATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. HAWKINS. Mr. Speaker, a small revolution has been in the making during the past decade in the way we think and talk about our economy. We have witnessed the emergency of strong post-war economies abroad which have caused us to frame economic problems and their potential solutions within a new, international perspective. No longer do we consider expansion in our economy's industrial and service sectors as the sole means to attain full employment. We now look to fine tune our economy and industries to compete abroad in the international marketplace. Furthermore, we no longer expect our traditional industries to thrive, and indeed

survive, by merely entering new markets; rather, we have turned introspective, focusing on new technologies and ways of modernizing at home to maintain our market share abroad.

I embrace much of this revolution. However, many have misdirected the genuine enthusiasm these new economic directives have brought, only to dismiss the fundamental economic principles that have guided free enterprise for the past century. Monopolization, once prohibited as anticompetitive, revered by the private sector, is now praised by the administration.

Financial mergers among our Nation's largest corporations are now commonplace, most of which have occurred due to the administration's hands-off policy. In fact, 9 of the 10 largest mergers in history have occurred during this administration. Unfortunately, the administration has, categorically, ignored the debilitating effects monopolization can have on the economy and consumer. They have dismissed the increased consumer prices, inefficiency, and decreased innovation that results from monopolization. Rather, economic concepts that have limited applicability are categorically and dogmatically applied to defend market concentration.

For example, the notion that economies of scale, demanding that industries possess a greater domestic market share to meet the large capital investment needed to compete abroad, can justify all mergers is patently false. This is an empirical claim that require specific evidence. Yet, the administration rotely responds directly or through its spokesmen at the Department of Justice, that concentration is needed to meet tough economic competition abroad, or that mergers will infuse new blood into a mismanaged and undercapitalized company, thus increasing industrial capacity.

Some of this talk may not sound too bad, but when it is unthinkingly applied to all mergers, disregarding each industry's specific circumstances, the only winner is Wall Street and the consumer is the looser. Possibly former Antitrust Chief William Baxter best summed up this dogmatic attitude when he said, ". . . if it doesn't make economic sense, it doesn't happen." The administration's supposedly foregone conclusion is obviously that if it happens in the marketplace—no matter what it is—then it must make economic sense. No guiding principle to evaluate the effects of market concentration could be more absurd.

As a case in point, consider the merger fever that has hit the petroleum industry in full force. In the past 2 months there were more than $35 billion oil merger transactions proposed. The emerging rational for these mergers does make economic sense, in so far as less competition means more profits for those who control the greatest market share. Clearly, the largest petroleum producers are merely seeking to purchase existing oil reserves from other companies at bargain prices. For the purchasing company this represents a real bargain, but for the consumer, proven reserves in fewer hands will result in less exploration for new oil. Prices will continue to increase in a concentrated and uncompetitive market, competition for new supplies will decrease as companies have consolidated their reserves by merger, and capital needed for research and exploration will have been squandered on aquisition.

The exceptions that might justify increased concentration do not apply to the oil industry. The industry is profitable, finding plenty of excess capital to invest in nonenergy industries after expenditures for energy exploration, and the industry is not noted for gross internal mismanagement. Quite simply, no good can result from these mergers.

The steel industry has been rocked by a similar degree of merger activity. But in this case, there has been sharp decreases in demand, compounded with increasing competition from abroad. Still, the question remains, how will mergers help to revitalize the steel industry—modernize it in light of a more competitive market—and how will this save our Nation thousands of jobs? In these terms, some mergers may be economically beneficial, providing increased concentration does not jeopardize competition. However, many acquisitions have been in unrelated industries, as in the case of United States Steel's buy out of Marathon Oil. In such cases, steel companies are diverting funds needed for reinvestment and modernization in order to temporarily sure up their paper worth. Old facilities in Johnstown, Pa., and scores of towns like it, are never modernized, corporations slowly divest of their now loosing interests in steel, and the good-faith concessions made by labor in exchange for job security are violated.

Mr. Speaker, more often than not the consumer is the looser in today's mergers. Hard and fast figures on consumer losses due to monopolization are hard to come by. Yet, most agree that in select industries increased concentration will only inflate consumer prices and cost the economy jobs and innovation.

If we are to have an economy that works, we have to have an economy that is free to compete. It is indeed ironic that with an administration supposedly committed to free enterprise, a stern voice is desperately needed from this body to restore healthy competition. But then this is the same administration that has brought us $200 billion deficits in the name of balancing the budget.●

RUNAWAY AND HOMELESS YOUTH ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. ERLENBORN. Mr. Speaker, I am pleased today to introduce legislation to reauthorize the Runaway and Homeless Youth Act for 3 additional years. The Runaway and Homeless Youth Act is a small, but effective program which encourages community-based programs to meet the immediate needs of runaway and homeless youth and their families.

Over the past 3 years, more than 600,000 youth have been served through activities supported with runaway and homeless youth funding. This funding has been used for temporary shelter, counseling, a national toll-free runaway switchboard, and aftercare for youth outside the law enforcement and juvenile justice system.

The principal activity under the act is to provide emergency shelter to runaway and homeless youth. Each year, an estimated 733,000 to 1.3 million youths either run away or are pushed out of their homes. The services funded under the Runaway and Homeless Youth Act provide these youths with a safe place to stay while resolving their problems.

Runaway youth centers have been very successful in using the funds under this program to leverage other Federal, State, local, and private resources. They have also been very successful in linking their services with other kinds of services directed at runaway and homeless youth. Currently, there are around 18 cooperative networks and this number should expand significantly during the next 3 years.

The administration bill which I am introducing today would extend the act for 3 years through fiscal year 1987. In addition, the legislation would allow for-profit private organizations to compete for grants and contracts under the program for the first time.

In almost every sector of social and public service, for-profit organizations are capable of providing services comparable to those provided by nonprofit entities at competitive prices. The Federal Government already provides funds for other types of for-profit organizations, including direct payments to for-profit hospitals, home health agencies, and mental health centers. The Department also has had positive experience in contracting for services in the day care and transportation areas.

In proposing to allow for-profit organizations to compete for Runaway and Homeless Youth Act funding, the administration hopes to increase the quality of services available by increas-

ing the competition for the grants. I am confident that allowing for-profit groups to compete on an even footing with nonprofit organizations will result in better services for runaway and homeless children.

I am hopeful that the Committee on Education and Labor will give this legislation prompt consideration. I ask unanimous consent that the text of Secretary Heckler's transmittal letter and the text of the bill be inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, D.C., March 7, 1984.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "To extend and amend programs under the Runaway and Homeless Youth Act, and for other purposes."

The draft bill would extend for three years, through fiscal year 1987, the authorization of appropriations for programs under the Act. The bill would authorize appropriations of $10,504,000 for FY 1985, $10,746,000 for FY 1986, and $10,977,000 for FY 1987.

The draft bill would also amend provisions which restrict participation in programs and activities under the Act to public or nonprofit private agencies or organizations, in order to permit participation in these programs by for-profit entities as well.

We urge that the Congress give the draft bill its prompt and favorable consideration.

The Office of Management and Budget has advised that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

MARGARET M. HECKLER,
Secretary.

Enclosure.

H.R. 5226

A bill to extend and amend programs under the Runaway and Homeless Youth Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. Section 341(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking out all that follows "there is authorized to be appropriated" and inserting instead "$10,504,000 for fiscal year 1985, $10,746,000 for fiscal year 1986, and $10,977,000 for fiscal year 1987.".

ELIMINATION OF BARRIERS TO USE OF FOR-PROFIT ENTITIES FOR PROGRAM PURPOSES

SEC. 2. (a) Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended in the first sentence by striking out "nonprofit private agencies and coordinated networks of such agencies" and inserting instead "private entities and coordinated networks of such entities".

(b) Section 313 of that Act (42 U.S.C. 5713) is amended in the first sentence by striking out "nonprofit private agency" and inserting instead "private entity".

(c)(1) Section 314 of that Act (42 U.S.C. 5714) is amended in the first sentence by striking out "nonprofit private agencies" and inserting instead "private entities".

(2) The heading for section 314 of that Act (42 U.S.C. 5714) is amended by striking out "Private Agencies" and inserting in lieu thereof "Private Entities".●

THE ADDRESS OF ALEXANDER F. GIACCO TO THE DELAWARE STATE CHAMBER OF COMMERCE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. FAZIO. Mr. Speaker, I rise today to commend to my colleagues the remarks of Mr. Alexander F. Giacco, chairman, president and chief executive officer of Hercules Inc., made at a recent meeting of the Delaware State Chamber of Commerce.

As we grapple with the seemingly insurmountable problems of unemployment, deficits, taxes, and the quality of education, Mr. Giacco's views offer a constructive perspective. He details his company's and his State's innovative methods of dealing with the economic realities of the 1980's.

Furthermore, and most importantly, Mr. Giacco underscores the needs of our working citizens. He states that business thrives only in a thriving community where its leaders pursue the common good.

I hope you will take a few minutes to read the following excerpts from his speech:

STATEMENT OF ALEXANDER F. GIACCO

I am glad planning was discussed in the introduction because I have a self-imposed, first law of planning. It holds that we must look at the world as it is—not as we would like it to be.

Looking at the world as it is, there have been three watershed economic events in the last thirty years that have reshaped the world.

First, in the sixties, came a dramatic rise in affluence after decades of depression, war and its aftermath. This massive redistribution of wealth brought forth the world marketplace and Japan, Inc.

Then in the seventies came the oil crisis and much of this affluence was redistributed away from the West and to the OPEC countries. We had to learn to manage down because so many resources were being siphoned off.

It has been the inability of Western institutions to manage down that has led to the deep and rapid recessions in the mid to late seventies and early eighties.

Then in the eighties came the international banking crisis. Those vast petrodollars went to the Third Word in the form of bank loans that may never be repaid.

So great amounts of wealth have flowed from people and institutions in the West to Sheiks in the Middle East, to governments in the Third World, who now owe it to our banks but probably can't repay.

But as the bankers say: A Rolling Loan Gathers No Loss!

The concept of managing down is central to our theme, so I'll describe what I mean.

Because of the wealth transfer of the seventies, brought on by $30 a barrel oil, the world economy as it then existed could not be sustained. Industries and governments have to learn to manage down, that is do a better job with fewer available resources.

That takes time—and willingness. Hence, because we couldn't sustain the world economy, massive recessions began by 1974 and by 1982, nearly 35 million people were unemployed in Europe and the U.S.

Autos, steel and textiles came to a screeching halt. The growth rate of global trade stopped dead in its tracks by '81 and 82.

People turned down thermostats and put on sweaters. That was a kind of private managing down.

The number of autos made each year has fallen significantly. The auto companies sold only two-thirds as many cars in 1983 as in their highest year. The reason they are making a profit is they have been hardnosed and cut costs.

They have learned to manage down. But their problem is only half solved.

They're in a survival mode to gain time to restructure long term. Big steel hasn't been able to manage down and make the transition yet. And may never.

The point is: We have to look at those events which shape economic currents and impact on our own institutions, before we can see the world as it is and how it affects us.

In approaching the subjects of Government, education and business tonight, we began looking for good analogies or examples to use to make our point. And finally, I decided not to pick on autos or steel, but use the example I know best—Hercules.

Hercules' problems of the seventies and early eighties offer an interesting parallel to some of the economic development problems of Delaware.

In 1977, Hercules was downgraded by the financial community. It had been whipsawed by the world economic events we just talked about. Like the others, it needed a new plan.

Fifty percent of our asset and revenue base was commodity petrochemicals, which were producing highly cyclical earnings. Our stock value dropped to $12 a share.

By 1978 we had a plan, and we made two important moves. First, we got hardnosed and cut costs to build an efficient base, and limit our debt. That was the survival plan for the short range. That was managing down.

We made the hardnose moves in 1978 and, then in 1979, something very interesting happened. It was a strong year and because we had cut our costs, our earnings almost tripled over the 1977 base. We even got some national awards.

But when the 1982 down cycle came, we were ready. We were more than half way through the asset redistribution part of our plan by then and had a pretty good year. But, more importantly, we didn't have to let anyone go in that recession. We hadn't gotten smug in 1979. We had stuck relentlessly with our plan and had met our own responsibilities to our employes and stockholders.

When we came out of the '82 downturn, our stock price went up to three-and-one-half times its '77 low.

The reason I've used the hercules example is because Delaware is the corollary. Even the timing is somewhat the same.

And Delaware has the same responsibility right now that Hercules did in '79, to stick to its plan for economic development so its citizens are not penalized by the cyclical whipsawing to which the State has become so vulnerable.

The State had become virtually "off limits" to prospective employers. And the jobs we had were leaving every day.

A consensus developed about that time that something had to be done. We began looking at the world as it really was, and concluded that a new economic development plan had to be developed—because from enough jobs, everything else flows.

It took a crisis to get the tax cut effectuated. People believed Hercules was going to move. And we cut taxes somewhat. But that was basically a symbol to show the direction we're headed. implicit in that symbol was a promise we would continue our economic development efforts by reducing the top rates to below 10 percent, and continue to reduce our dependence on cyclical income taxes as a revenue source with an across the board cut.

We used to end our speeches by saying no new employer had come to Delaware in ten years.

Well, the State put together a hardnosed survival plan—and the signs began to get better.

Today, it seems, we get 10 new employers per year.

What's different is, we got our act together. Political leadership was forthcoming, and working with business leadership, a plan was developed.

Here's what has happened as a result of focusing on the problem and implementing a plan.

Personal income growth in Delaware has risen from 47th to second in the U.S.;

Unemployment is almost two percentage points below the national average;

Our rate of new jobs created is four times the national rate;

Private property values are now increasing at a rate above the national average.

Yet there are still persistent negatives.

Delaware has enjoyed considerable apparent success in recent months, much as Hercules had in '79. But we haven't changed very much. So far, we've completed perhaps half a plan.

Part one was being hardnosed by limiting spending, make it more difficult to raise taxes and reducing our debt.

There are two other institutions I'd like to discuss—education and business—because of their unique importance to the quality of life in our State.

In my judgment the public schools have done a pretty good job in Delaware. The SAT's are among the best in the Nation—and a student here must score higher than any other State to be selected as a National Merit Scholar.

Education's managers have been severely tested in the last several years. They have had to learn to manage down. A long, tough discussion in the Wilmington area ensued, and—22 schools were closed.

So administrators have improved productivity somewhat. But one of the major challenges still ahead of education is to get its teaching productivity up as well. The way we get salaries up in industry is through productivity gains, and public education is going to have to do the same.

Productivity means more value per unit of expense.

Two weeks ago, I was on a panel with Doug Fraser, former head of the United Auto Workers.

He said, "We've come to realize in our union that they just can't pay us much more until our productivity improves.

He said we know we must get rid of the old adversarial relationship and work for the common good. Long-range, he said, our best hope is to satisfy customers, improve the quality of our product, and the profitability of the enterprise.

That was Doug Fraser talking—not Adam Smith!

He sees the world as it really is.

It's not that we cannot afford the cost of education—after all, almost one-third of the people in New Castle County send their children to private school at much higher cost. It is that we cannot afford education's low productivity.

People are willing to pay more for what they consider value. Arguing that we must add more revenue because costs are going up is specious. The only argument that can be made is: people don't buy cost, they buy value. Value goes up through productivity.

In that way society will be able to provide the kind of new money required to make a quantum difference.

Otherwise, I fear education is relegated to modest increases, sufficient only to ameliorate this or that specific problem.

For better productivity, innovation must be forthcoming in the classroom, from television, telecommunications, information systems and computers. And for quality assurance, we must seek innovation in teaching—we have recommended to the governor's task force that it pilot test a new matrix teaching system which is flexible, yet has tight control, and which might help us meet education's new goal—quality assurance.

That brings us to business.

Business in Delaware, along with its organizations like the Chamber and the Roundtable, is a successful institution. And therefore it faces new and heavier responsibilities.

First in the area of job training. Our dynamic, changing world has created a new kind of unemployment problem not faced since before World War II. It is structural unemployment, caused by a lesser need for certain skills. It is the difference between a smokestack and a silicon chip.

We have perfectly productive people unemployed because their skills are obsolete. But their work ethic and their drive to achieve aren't obsolete.

We formed the P.I.C.—the Private Industry Council—last fall to help us make progress in this area. But until the problem is licked, we must keep up the pressure to find and retrain all our productive citizens. The cost to our community will be too great to bear if we are not successful.

Further, to assure that our young people come out of school properly trained—we as business must work with the schools—directly with educators and without a lot of filtration in between. So they know the jobs we have, what we're looking for, and where the job market is going.

One of the problems for business is finding students early enough to get them on the right track.

At Hercules, we have set up a jobs orientation program where several hundred high school students a year visit us for five half days, to observe jobs in administration, clerical, finance, and engineering. We believe too many high school seniors don't know what a real job looks like, or how to decide what to become. And if that's true, it's a problem for business to help correct.

Finally, it can be said of business that its social task is delivering goods and services and providing jobs. As an institution, we're successful in doing that. But there is another task on which our record isn't as clear. Because our employes make up so much of the community, we all have a relevant role in establishing community priorities.

Some years ago, I attended a fundraising victory dinner. The speaker was from Atlanta, a community which had achieved national recognition for its social awareness. He shocked the audience when he argued that while business puts its best people into campaigns for raising money, it neglects the real issue—and that was the need. He said the best people ought to be assigned to assessing the needs of the community so that the available assets would be used to alleviate the most pressing needs not necessarily the historic ones.

We must not lapse back and become reactionary. And we must not pursue the narrow interest. In doing either, we will not only jeopardize the public good but also inhibit our community's growth and progress.●

CALIFORNIA AGRICULTURE LEADS NATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. SHUMWAY. Mr. Speaker, agriculture is a vital element of our Nation's economy and a necessary part of our daily lives. Besides providing commercial customers with an amazing variety of quality foods and fibers, our productive farm sector is the backbone of the rural economy, contributes in a positive way to the U.S. balance of payments in trade, helps us feed the hungry in our Nation and abroad, and employs an extensive research system that improves the quality of life for all Americans. As our Nation celebrates National Agriculture Week, it is a pleasure for me to offer special praise to the sometimes unrecognized growers of California.

California is the largest agricultural producing State in the Union. In fact, 7 of the 10 leading agricultural counties in the United States are located in the Golden State. California accounts for 50 percent of U.S. cash receipts for fruits and nuts, while producing 45 percent of the 22 principle fresh market vegetables and 49 percent of the 9 major processing vegetable crops. All told, California growers and ranchers lead the Nation in the production of 48 crops and livestock products. Moreover, the diversity of California's 250 different commodities is singularly impressive—including familiar crops such as corn, lettuce, and grapes, and less familiar crops like asparagus, nectarines, and kiwifruit. A number of these important crops are listed in the chart below.

My own congressinal district includes portions of three important agricultural areas including the world renowned San Joaquin and Sacramento Valleys. The following paragraphs, prepared by Security National Bank of California, review the agricultural ac-

tivity in each of these regions. In the spirit of increasing the public understanding of various agricultural sectors, I encourage my colleagues to read these brief regional highlights.

MOUNTAIN REGION

California's Mountain region borders the eastern edge of the Central Valley and stretches across the Sierra Nevada to the state boundary while also including Trinity and Siskiyou counties in the northern part of the state. The leading agricultural commodities of this fifteen-county region are cattle and calves, timber, alfalfa hay, and pasture lands.

Total agricultural production in the Mountain region was valued at $404 million in 1981, a $25 million increase over the previous year. Though the $25 million gain represents a 6.6 percent increase over 1980, all of the increase can be attributed to the addition of timber as an agricultural commodity in the 1981 crop reports. The leading counties in total agricultural gross receipts in 1981 were Siskiyou with $136 million and Modoc with $75 million. While none of the Mountain region counties ranks among California's top twenty agricultural counties, several Mountain counties produce significant shares of the state's timber.

SACRAMENTO VALLEY REGION

The Sacramento Valley 10-county region extends from the Sacramento-San Joaquin River delta in central California to Mt. Shasta in the north. Counties included in the region are Shasta, Tehama, Glenn, Butte, Colusa, Sutter, Yuba, Yolo, Placer, and Sacramento. The Sacramento Valley is a major growing center for rice, almonds, livestock, wheat, and prunes. The region's farm revenues for 1981 totaled $1.68 billion, a slight increase over 1980. The Sacramento Valley region placed six of its ten counties in the top 25 agricultural counties in the state in 1981, led by the three top-20 counties—Sutter, Yolo, and Butte.

California's "Rice Bowl" is located in the Sacramento Valley counties of Colusa, Butte, Sutter, Glenn, and Yolo. The Sacramento Valley region produced approximately 95 percent of the state's $419 million 1981 rice crop. The region also produced about 88 percent of the state's prune crop.

SAN JOAQUIN VALLEY REGION

The San Joaquin Valley region is located in the southern half of California's Central Valley. All of the eight counties are major agricultural producers with principal crops in the region including grapes, cotton lint and seed, cattle and calves, milk, almonds, and tomatoes. During 1981, agricultural production in the San Joaquin Valley totaled $7.64 billion, more than all the other regions combined.

Fresno is the leading county in the state and the United States in gross cash receipts to growers. It is estimated that Fresno County's $1.9 billion in receipts in 1981 had an additional economic impact on the county in excess of $5.6 billion. Forty-seven of the top fifty crops in California are produced commercially in Fresno County, illustrating the diverse nature of its agriculture. Tulare County ranks second among California's top agricultural counties with gross receipts at $1.3 billion for the second year in a row. Besides having 40 "million dollar" crops in 1981, Tulare led the state in the production of oranges, olives, hogs, and kiwifruit. Kern County is the third county in the San Joaquin Valley region to top $1 billion in gross receipts in 1981 with $1.1 billion. Other counties included in the region are Kings, Stanislaus, Madera, Merced, and San Joaquin.

AGRICULTURAL COMMODITIES IN WHICH CALIFORNIA LEADS THE UNITED STATES

Commodity	California share, U.S. production (percent)
Ladino clover seed	100.0
Prunes	100.0
Pistachios	100.0
Kiwi	100.0
Almonds	99.9
Olives	99.9
Pomegranates	99.9
Figs	99.9
Dates	99.8
Walnuts	99.0
Nectarines	97.2
Apricots	96.1
Broccoli	91.5
Grapes	90.0
Plums	88.4
Avocados	86.3
Lemons	78.0
Cauliflower	76.5
Tomatoes	75.6
Safflower	75.0
Lettuce	74.0
Strawberries	72.9
Honeydew melons	71.9
Cantaloupes	70.2
Celery	69.0
Peaches	58.2
Lima beans	55.9
Spinach	50.1
Carrots	48.5
Asparagus	48.1
Alfalfa seed	47.4
Pears	42.1
Onions	27.6
Sugar beets	25.7
Flowers and foliage	25.7

Note.—Other commodities in which California leads the Nation in production include: Artichokes, brussels sprouts, casaba melons, cranshaw melons, eggs, garlic, oriental vegetables, persian melons, persimmons, rabbits, fresh market mushrooms, nursery products, and potted plants.●

KEEP THE BAN ON COUNTERINSURGENCY AID

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. OTTINGER. Mr. Speaker, among the many counterproductive proposals of the Kissinger Commission report was one concerning reinstating aid to Central American police. The growing consensus against further military aid to oppressive forces in Central America should certainly extend to this suggestion. I commend to my colleagues' attention the following article by Nicholas Goldberg from the New York Times of February 23:

DON'T AID CENTRAL AMERICAN POLICE

(By Nicholas Goldberg)

Among the recommendations of the Kissinger commission on Central America surfacing again now as proposed legislation is a provision that would lift the ban on United States aid to national police forces in Central America—in short, a revival of 1960's-style counterinsurgency aid. A decade ago, as the Vietnam War was ending and the "Vietnam syndrome" was beginning, Congress passed a law banning United States assistance to the police and internal security agencies of foreign governments. It should stand by its original wisdom in rejecting such programs.

Passed over the objections of numerous Nixon Administration officials, the ban meant the demise of a 12-year-old counterinsurgency agency. Opponents of the agency argued that in training the internal defense forces of nondemocratic countries, the United States was simply performing "a vigilante job for governments with whom their own people are dissatisfied."

Ten years later, the Kissinger commission recommended that the 1974 ban be lifted to help create a "humane anti-guerrilla strategy" in El Salavdor and elsewhere in Central America. The ban, said the report, "dates back to a previous period when it was believed that such aid was sometimes helping groups guilty of serious human rights abuses. . . . That concern is valid, but, however laudable its intentions the blanket legal prohibition . . . has the pardoxical effect, in certain cases, of inhibiting our effort to improve human rights performance."

In other words, the commission reasoned, it is all right for the United States to be associated with thugs and death squads in authoritarian nations, because we may be able to bring them around to our way of thinking. A laudable intention, to be sure. But is that how it has really worked in the past?

John F. Kennedy was the first President to offer significant counter-insurgency assistance to police agencies in "friendly" third world countries. Between 1962 and 1974, the United States Office of Public Safety paid hundreds of American advisers to train approximately one million policemen in 50 countries around the globe, distribute $200 million in arms and equipment to foreign police forces and offer courses to more than 7,000 high-ranking police, intelligence and internal security officers at the International Police Academy in Washington, D.C.

Some of the assistance was fairly innocuous—police academy courses in traffic management and finger-printing technique, for example. But more serious questions were raised when Congress realized that the United States was also teaching courses in "The Threat to Latin America," "Chemical Munitions" and "Planning for Riot Control" to high level officers from such organizations as the Shah's Savak in Iran and Anastasio Somoza Debayle's National Guard in Nicaragua.

Then, as now, the Government's argument was that by teaching foreign policemen about democratic processes and the rights of individuals, we could both forestall left-wing insurgencies and insure "orderly change" in the third world—a much more difficult undertaking.

Unfortunately, it didn't work. From the beginning, Arthur Schlesinger Jr. later admitted, counterinsurgency "moved irresistably towards counterrevolution." Police forces accused of torturing and sometimes murdering political opponents in Latin America and Asia were found to be accepting arms and advice from the United States. America's intentions were called into question. Before long, even the talk about orderly, democratic change began to fade, as the wars against insurgency grew more and more heated.

In fact, if anyone's political views were changed, it was the advisers'. One American involved in helping Uruguay defeat the Tupamaro guerrillas wrote home: "Most Uruguayans appear to accept the occasional rough treatment of suspects as the price of defeating the Tupamaros. Interrogations

are usually conducted . . . in much the same way the Tupamaros do."

There is no reason to believe that a program designed to aid Latin American police forces would be any more successful today in encouraging moderation and promoting orderly change. Human nature has not changed; nor have the regimes that are struggling to keep power in developing nations.

In 1961, President Kennedy's foreign policy adviser Chester Bowles wrote in a secret memo to the President: "We are creating . . . forces capable of seizing power and using it for good and evil. Are we preparing them to use their power to foster, however slowly, the institutions of democratic self-government?" Surely, Henry A. Kissinger and Ronald Reagan know the sad answer to his question.●

OIL MERGERS AND ENERGY POLICY

HON. WILLIAM E. DANNEMEYER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. DANNEMEYER. Mr. Speaker, the Subcommittee on Fossil and Synthetic Fuels and the Subcommittee on Commerce, Transportation and Tourism held a joint hearing all day yesterday on the recent trend toward large mergers in the U.S. oil industry.

I continue to have a number of misgivings about the effect of these mergers on the industry. However, we must not only examine the competitive and financial effects of oil mergers. In addition, we must look beneath them to determine the underlying market forces that are making these mergers so attractive and necessary in the eyes of management.

If we look to the underlying market forces, we cannot exempt ourselves from the review. Congress has put up several barriers to the exploration and development of our domestic energy resources. These barriers include moratoria on Outer Continental Shelf leasing, continued price controls on natural gas and the windfall profits tax.

The energy policy context within which the oil mergers are taking place was recently discussed by G. Henry M. Schuler, director of Energy Security Studies at Georgetown University, in an op-ed piece in the Los Angeles Times. I am inserting this article, together with my opening statement from yesterday's hearing, at this point in the RECORD:

STATEMENT OF HON. WILLIAM E. DANNEMEYER ON OIL INDUSTRY MERGERS

Mr. Chairman, it is certainly most timely that we are holding a hearing today on oil industry mergers. As one who believes very strongly in a rigorously competitive marketplace, the potential undue concentration of resources in any industry is cause for concern. This is especially true in the vital petroleum industry.

Let me say, however, that we must not indict either the companies involved in the pending mergers or federal antitrust regulators before there is a thorough examination of how we in the Congress may have contributed to the "merger mania" that is so much in the news.

As we look at the specific mergers now before the Federal Trade Commission, and their immediate effects, let us not lose sight of the broader energy context within which all of this acquisition activity is taking place.

My interest in oil mergers, as it is in all energy issues, stems from the need for rational development of affordable domestic resources. Whether these mergers help or hinder the development of increased energy will be a major consideration as I continue to study this issue.

We cannot forget that oil companies must search for and develop resources within the constraints placed on them by the Congress as well as by supply and demand in the marketplace. We cannot put moratoria on access to the Outer Continental Shelf, fail to deregulate natural gas prices and put excessive environmental barriers in the way of domestic production, and then blast some companies for drilling on the floor of the New York Stock Exchange.

We must add reserves just to maintain current rates of production. Yet, in 1983 the top 20 oil companies found only 60 percent of the oil they produced. Current offshore restrictions have removed 40 percent of the best acreage, representing an estimated 1.35 billion barrels of oil, from leasing.

A 1980 U.S. Geological Survey analysis of the OCS put discovered recoverable resources of crude oil at 4.7 billion barrels, while discovered resources of natural gas were estimated at 15 billion barrels of oil equivalency. Undiscovered recoverable resources were estimated at 27.9 billion barrels of oil and the natural gas equivalent of 31.5 billion barrels.

If we close off major portions of our domestic resources, and at the same time seek to reduce our dependence on imports, where do we think the increased energy will come from? We have made tremendous advances in conservation, but we still need additional production to meet our needs under the best of circumstances.

As we examine the energy and economic origins of the merger trend, we must carefully protect against anti-competitive effects. Our antitrust laws are predicated on the policy that we do not permit unbridled accumulation of wealth. There is a line beyond which we should not permit mergers and acquisitions to cross. Drawing that line, and judging when it would be crossed, are challenges facing Congress, the executive branch and the courts.

I trust that these hearings will provide us with the opportunity to examine these and other questions in greater detail. I look forward to the variety of views our witnesses will bring to our deliberations today.

[From the Los Angeles Times, Mar. 14, 1984]

OIL MERGERS: A SPECIAL WARNING?

U.S. FIRMS ARE ANXIOUS TO REDUCE RELIANCE ON PERSIAN GULF

(By G. Henry M. Schuler)

As Congress rushes to judge the spate of mergers that has swept the American energy industry in recent weeks, few members contend that these takeovers will result in domination of a highly competitive industry, or that excessive concentration in individual markets cannot be corrected by Federal Trade Commission divestiture. There is discomfort, however, about the size and strength of the merged companies.

In assessing such greater strength, Congress should examine two factors: First, the circumstances that made the acquired companies available, and, second, the circumstances that made the acquiring companies desirous. This will reveal that boardroom concerns about corporate viability are merely a reflection of what should be national concern about energy security. Any assessment of the strengthened companies must weigh the competition risks against the security benefits.

Although most U.S. energy companies remain independently viable, the taken-over companies have been debilitated by battles with stockholders. Getty and Superior were weakened by squabbling within the controlling families, while Gulf was under unrelenting assault by T. Boone Pickens, who wanted to exploit the tax laws by breaking up the company.

So what are the underlying conditions that threaten the nation's energy security and prompt the mergers?

First, the inability of the Organization of Petroleum Exporting Countries to maintain control over international oil markets in the last several years has led to a prevailing energy complacency that seems destined to outlast OPEC's problems. The consumer signals his attitude through a renewed romance with large, high-performance cars; the legislator flaunts his lack of concern by voting against the deregulation of natural gas, an extension of synthetic-fuels funding, the "least-cost approach" to acid rain cleanup, nuclear power, the leasing of offshore areas—and anything else that promises relief from rising oil imports.

But such complacency is no less apparent on Wall Street than Main Street or Capitol Hill, even though disenchantment is measured by stock prices rather than car sales or vote tallies. More like a flock of sheep than a herd of bulls, the investment community has turned against the energy industry. Stock prices have been driven far below underlying asset values, creating dissension among major stockholders.

Those underpriced assets provide an attractive investment opportunity for integrated energy firms interested in long-term growth and survival. But dissension-ridden boardrooms also make them easy prey for outside raiders interested only in disintegration and quick profits. It is important to remember that Gulf, the largest and most contentious of the acquisitions, was not offered the opportunity to maintain its independent existence, but had to choose between takeover alternatives.

If recent takeovers have been facilitated by the depressed stock prices of the acquired companies, they have been prompted by the depleting oil reserves of the acquiring companies. Standard Oil of California, Texaco and Mobil were willing to risk their credit ratings and stock prices because they foresaw a need to secure future oil supplies for ther refining and marketing operations.

Instead of being criticized for looking beyond the next quarter's earnings report, boardroom concern about future viability ought to become Congress' concern about the future security of the nation. After all, our proven oil reserves are no more than the sum total of the reserves held by the individual companies. It is hardly surprising that total proven American crude-oil reserves are currently estimated to last no more than 8½ years!

Of course, additional oil can be found through exploration, and the acquiring companies have been more successful than many in the costly search for it. They have every incentive to continue that search, for the purchased reserves will not last forever and the lead time for developing new discoveries will be long. Still, they know that the search also requires the availability of new acreage, the generation of retained earnings and the acceptance of environmental risk. The newly strengthened companies will be well placed to generate sufficient earnings and mobilize technology for the search in the most promising deep offshore waters.

Nevertheless, the congressional track record in recent years and pending legislation to declare a moratorium on offshore leasing, to reimpose price controls on natural gas and to create new environmental barriers would certainly prompt prudent managements to consider hedging their bets by also trying to purchase oil reserves to feed their refineries and their customers.

The final consideration that may fuel the rash of mergers is the world's persistent vulnerability to supply disruptions and price escalations from Middle Eastern and North African exporters. Those areas still provide about half the oil moving in world trade; the price effects of a disruption would be reflected in higher costs of *all* imports, regardless of source.

As part of the old Arab-American oil consortium, SoCal, Texaco and Mobil have better access to Middle Eastern oil than any other companies. Yet they chose to risk huge debt burdens in order to acquire U.S. reserves instead of relying on imports. Might they understand the true cost of oil imports better than Congress does? Imports are already back to 1973 levels, and the companies are well aware of the political costs when Saudi Arabia's late King Faisal required them to take a stand on Middle East policy as the price of continued access. They know the cost of having to purchase unwanted quantities of overpriced oil under the penalty of denial of future access.

With the Persian Gulf war escalating, loss of American prestige and the threat of Iranian influence on OPEC price policy, is there a special warning in the anxiety of these three companies that know the territory best and are working to reduce their reliance on that area?

We cannot be sure of the answer—but these are the kinds of questions that Congress should be asking as it considers the mergers. Moreover, the very need to ask them suggest that American interests are better served where consolidation has led to strong energy companies in place of companies with beleaguered managements and strife-ridden boardrooms.●

KEY U.S. ENVOY WARNS OF RISK OF SOVIET BLOC INFLUENCE IN REGION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. SHUMWAY. Mr. Speaker, the Los Angeles Times recently carried an excellent interview with John D. Negroponte, the U.S. Ambassador to Honduras. I wholeheartedly agree with the gist of Ambassador Negroponte's statement, and with his admonition that we cannot afford to ignore the growing Communist threat in this very close neighboring region. I also concur with his statement that the United States cannot be compared to the Soviet Union in terms of action taken in Central America for one very simple reason: We have made "support of democracy and reform and constitutional government the cornerstone of our policy toward the region."

I strongly commend this fine article to my colleagues' attention:

[From the Los Angeles Times, Mar. 15, 1984]

KEY U.S. ENVOY WARNS OF RISK OF SOVIET BLOC INFLUENCE IN REGION

(John D. Negroponte, the U.S. ambassador to Honduras, has been called an American proconsul in a country that has become a key factor in Washington's attempt to stem the threat of further revolution in Central America and, at the same time, to strengthen the economies and the military establishments of the region.

Negroponte, 44, is a graduate of Yale University and a career Foreign Service officer who served in Vietnam and as an aide to Henry A. Kissinger at the Paris peace talks. He was questioned on U.S. policy in an interview with Times correspondent Dan Williams in Tegucigalpa, the Honduran capital.)

Question: What is the strategic threat in Central America? What is the real fear for American policymakers?

Answer: I think the problem is regional, but there is an international dimension to it as well, and I don't think the United States can be accused of having introduced it. It is Cuba and the Soviets who have done that.

It is Cuba which has played a key role in uniting and training and organizing the extreme leftist groups throughout Central America. There's a very distinctive pattern that is almost identical in each one of these countries as to how Cuba has organized the extreme leftist parties in the region and motivated them toward adopting violent revolutionary solutions.

And of course Cuba, in turn, is bankrolled—something on the order of 25 percent of its gross national product—by the Soviet Union. So in that sense, the Soviets are involved indirectly in any event in the support of Cuban-sponsored activities in Central America.

There's a second issue, that if Central America were to become indisputably under Cuban—and by implication, Soviet—influence, this should have strategic implications.

Q: What would be that strategic threat?

A: I mean, it's a risk. It's a risk that these countries might make their territories available for strategic purposes by the Soviet Union.

Now, there is one country on the isthmus that is oriented toward the Cuban or Soviet Marxist-Leninist model. If there are two or three, the risk becomes even greater, and you're talking about countries that are literally as close to the continental United States as some place like Alaska or Hawaii. Where we're sitting here is two hours' flying time from Miami by commercial airliner. That's a cause for concern.

If so much of our petroleum supplies comes through the Caribbean, if so much of our support for NATO (the North Atlantic Treaty Organization) would have to go to the Caribbean in the event of some kind of European contingency, at what point does this Marxist-Leninist political influence translate itself into unacceptable strategic influence?

Q: Why not define the point?

A: We have a penchant for wanting absolutely clear-cut answers to those questions. But the fact of the matter is, our adversaries are very skillful at operating in sort of an ambiguous environment. They manipulate the level of threat in just such a way as to keep us arguing with ourselves as to whether or not we should do anything about it.

They are sensitive to our political system; they are observers of our political scene and they know when ambiguity exists and when it doesn't. Therefore, I think they are, at times, quite skillful.

Q: What is the problem with Nicaragua?

A: The principal problem Nicaragua has is with its neighbors. Because it has alined itself with Cuba and the Soviet Union, because it has embarked on the development of a military machine completely disproportionate to any defensive needs and because it has adopted a policy of fomenting revolution beyond its borders, Nicaragua's behavior is very threatening to its neighbors, not only El Salvador, but Honduras and Costa Rica.

So I think our first concern is a regional concern. If El Salvador were to fall into Communist hands, then, with two such states implanted in the isthmus, I think the threat to the other countries in the region would be compounded. That ultimately would impact on the United States.

So the difficulty is not a purely ideological one, it also has to do with practical questions concerning Nicaragua's behavior vis-a-vis the region.

Q: What would Nicaragua have to do to put the United States at ease?

A: I think that's been spelled out pretty well in the Contadora negotiating process, in the sense that the Contadora Group of countries have agreed on a set of 21 negotiating objectives and those 21 objectives spell out the kind of conditions that would have to be accomplished in order to really establish democracy and lasting peace in the region.

But just to cite a few key features, I would mention the restoration of military equilibrium. So that Nicaragua's military strength would not exceed the aggregate strengths of all the other Central American countries combined, as it does now.

The removal of large numbers of foreign military advisers—Nicaragua has got 2,000 Cuban security advisers whereas we are operating under a 55-man limit in El Salvador, just to put those figures in perspective.

And there are viable commitments on the part of all the parties to put an end to arms traffic and stop supporting subversive groups in Central America.

And last but not least, a commitment to the establishment of real pluralistic government.

Q: What are the U.S. options in Central America?

A: I think that we have first of all decided that Central America and the Caribbean are very important to United States interests; that we want to support the democratic processes in the region and that we believe that in order to encourage democracy, we need to dramatically increase our economic and social assistance programs and also increase military assistance, which is vital as a shield to these democratic processes.

Q: In Honduras there is a lot of military activity, a lot of construction during recent military maneuvers. Why?

A: The only military construction, in the sense that it is understood in the United States Congress under our law, is an agreement with the Honduran government to improve two airfields—one in Comayagua, which is about an hour's drive from here, and one in La Ceiba, which is on the north coast.

We signed an agreement with the Honduras government two years ago to spend $21 million for the improvement of those two airfields in exchange for agreement that we would have access to those fields for such purposes as transit, search and rescue, reconnaissance and so forth.

They are both airfields that had been planned by the Honduran government already.

In addition, there were a number of airfields that I might call temporary airfields that were constructed or improved during the exercises, but they are for the most part dirt strips and they were used so that exercise forces could land there and they could give American combat engineering units practice in costructing combat airfields. . . .

I think that the extent of military construction activity has been exaggerated.

Q: In El Salvador, is a leftist or Communist insurgent victory acceptable to the United States under any conditions?

A: Certainly the whole thrust of our policy is to prevent that from happening.

The means that we have been using have been to try and help the Salvadoran government improve its own ability to deal with the situation.

The thrust of our policy has been to help these countries help themselves, rather than to seek some kind of pretext for getting directly—militarily—involved ourselves.

People frequently ask, can it be done by these countries themselves? Can the Salvadoran government cope with the situation? I would just say that we cannot absolutely be certain until we are satisfied that we did our best to give them the necessary help. I think what's been happening up until now is that the Administration had until recently been reluctant to ask for enough to do the job, in terms of assistance to El Salvador.

And even with those limited amounts, Congress was then either cutting drastically or attaching all kinds of conditionality, so that in the end, we were getting only a fraction of what was judged to be really necessary to deal with the situation.

Q: How did this get to a point where this has become so crucial to the United States?

A: It seems to me that if there are unsettled political conditions in areas very close to the United States, those are matters of more immediate concern to us than if they are happening halfway around the globe.

These conditions impact almost directly on our lives, whether it be in the flow of refugees or the flow of economic migrants. These things are just a lot more proximate than if they're happening in some remote part of Asia.

The point is that as neighbors and as friends of these countries and as friends of democracy, there are things we can and should do in order to help alleviate the situations and if we don't do them now, the remedies could even be more costly in the future.

Q: Is Central America the United States' Afghanistan—a place where the U.S. would do anything to keep it from falling into alien hands?

A: If that were true, wouldn't we have behaved differently already?

I am very leery of analogies that seek to compare our behavior to that of the Soviet Union because we have made the support of democracy and reform and constitutional government the cornerstone of our policy toward the region.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. HUGHES. Mr. Speaker, I rise today to express my support for Soviet Jews, Prisoners of Conscience, and Refuseniks—those Soviet Jews who have been waiting for 5 years or more to emigrate from their country in order to find the basic freedoms without which there is no enjoyment of life.

Only a few weeks ago, I joined with many of my colleagues in commemorating the anniversary of the independence days of the Baltic States and Ukraine. As we are painfully aware, however, even while we in the Western World note the anniversary of those days, the citizens of these annexed countries cannot celebrate freedom and independence. Instead, they live under a repressive government that denies them human rights and political freedoms.

Not only does the Soviet regime fear revolution in lands it occupies, but it also fears revolution from within its homeland. Soviet Jews who seek to practice and teach their children religion are persecuted. Those who wish to join their relatives and friends in Israel or elsewhere outside of the atheistic Eastern bloc are denied visas by the Soviet Government. The government hopes to illustrate to other Jews that it is better to denounce Judaism and disregard their deepest convictions than it is to live.

But the Soviet authorities' affronts are not heeded. Like their neighbors in the Baltic States and Ukraine, Soviet Jews have too much heritage to simply forget.

As U.S. citizens, we do not fear physical abuse or verbal defamation for practicing our religious beliefs; we do not fear persecution for participating in religious ceremonies. As Americans, we are encouraged to preserve such heritage, to celebrate and revere the foundations of our spirit.

Vladimir Shachnovsky, a Soviet citizen, only knows persecution for his efforts in preserving his Jewish heritage. Vladimir Shachnovsky is a mathematician who has not been able to find a position in 13 years because of his efforts to keep Judaism alive. He has been one of the leaders of the Soviet Jewish movement since 1968, and as such has been singled out for harassment by the authorities.

Mr. Shachnovsky has been under surveillance since 1971. He has been detained and warned of further harassment if he continues to act as his conscience demands. His telephone has been disconnected, and he has been tried for the crime of parasitism—the authorities know no bounds in trying to undermine Shachnovsky's teaching of Hebrew.

Mr. Shachnovsky, along with many others, continues in his efforts, even though they result in harassment. Such actions are admirable and deserve our highest respect and strongest support.

I urge my colleagues to join with me in support of the noble and untiring efforts of Soviet Jews. As Americans, we are committed to the fight for human rights and religious freedom. I am confident our actions will be noticed, and always hopeful that we may help bring about a change for Soviet Jewry.●

LOOPHOLE OF THE WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Ms. KAPTUR. Mr. Speaker, one unintended effect of the 1981 Tax Act has been to make it easier for business executives to purchase a Rolls Royce or a Mercedes Benz. The average taxpayer should not have to subsidize the purchase of luxury cars by people who can well afford them. I commend to my colleagues the following article which describes the problem and discusses a proposal by Congressman STARK to close this loophole. A version of Congressman STARK's proposal has been incorporated into the tax bill, H.R. 4170. The tax bill version would raise $758 million over 4 years.

The article follows:

[From the Common Cause Magazine, 1984]

RIDING IT OFF—TAX BREAKS IN THE FAST LANE

(By Julie Kosterlitz)

To a lot of people it might have sounded like a great deal. But when California investment planner Ken Nather got the come-on letter from the Rolls Royce dealer, he was outraged.

"Most likely many of your clients already drive the best and are enjoying the prestige and the tax credits," the letter read, "but what about your other clients?"

These other clients, the letter suggested, should consider buying a $109,000 Rolls Royce (plus tax and license)—not simply for the pleasure of owning a car that is practically synonymous with the word "luxury," but because their purchase would entitle them to as much as $65,913 in tax breaks in just three years.

"With these kinds of figures, a luxury car isn't a luxury," the letter continued. "It's a

wise investment and something your clients will enjoy daily."

The enterprising dealer went on to offer Nather a chance at a commission for every client he sent the dealer's way.

Yes, Nather is in the business of helping his clients make "wise investments"—but this was taking things too far. "There's something wrong with the tax law when it allows you to take something like this off your taxes as a business deduction," says Nather. "All of us pay for it."

Under today's liberal tax laws, the government will essentially pay for up to half the cost of a car to be used for business purposes or in producing investment income for those in the highest tax brackets (through what is known as depreciation deductions) and somewhat less for those in lower tax brackets, if the buyer keeps the car for at least three years.

Thanks to the 1981 tax bill, Uncle Sam will also give as much as an additional 6 percent off the cost of the car through what is called an "investment tax credit." (If you take a full 6 percent credit, you are only entitled to 97 percent of the allowable depreciation deductions.) All told, some people pay no more for their Mercedes Benz than the rest of us might shell out for a top-of-the-line Toyota.

The tax laws have turned out to be a bonanza for many well-heeled professionals and business people—such as doctors, lawyers, contractors and real estate agents who luxury car dealers say make up a hefty share of their tax subsidized sales.

The nation's lawmakers probably didn't have your doctor's sports coupe foremost in mind when they designed the tax laws. Both the 1981 tax bill and a host of other changes in tax law over time were meant to create incentives for businesses to invest in new buildings and equipment, to boost the nation's productivity.

Although the term "business equipment" conjures up smelters, lathes, or computers, not BMWs, it can reasonably include automobiles: Just ask any rental car agency if cars are necessary to its business; ask a traveling salesman, or, if you're feeling chatty, a cab driver.

But for other people, what's business and what's pleasure isn't so clear cut. And that's part of the problem. Who hasn't heard of a friend or neighbor who writes off the family car as a "business" expense?

Fudging on one's taxes, of course, is nothing new. But the current tax breaks are so generous as to practically invite abuse. They are also structured in such a way that they make luxury car purchases very attractive for people wealthy enough to lay out the cash initially.

Even if these people do need a car strictly for business purposes, when they buy luxury cars, some argue, personal pleasure is as much a factor as the need to get from place to place. Rep. Pete Stark (D-Calif.), for one, thinks that the pleasure principle sets in when a "business" car costs more than $15,000 and has introduced a bill to limit tax breaks on cars that cost more than that. (The bill would provide for adjustments to the $15,000 threshold to take account of inflation and would exempt trucks and service vehicles such as ambulances and hearses.)

Don't hold your breath waiting for the bill to pass: Tax breaks—even unintended ones—come with built-in fan clubs: in this case, the rich consumers, and the dealers who sell them their cars.

It's not hard to see why the breaks appeal to high income earners. For one thing, most of the tax breaks you get are in the form of deductions. The more you earn, the higher your tax bracket, and hence, the more the deduction is worth.

Furthermore, the more expensive the car, the larger the dollar amount of the subsidy—and hence, the more money lost to the Treasury and the taxpayers who pay into it. Thus, the tax breaks for buying a $21,201 Lincoln Continental are worth nearly triple those for buying an $8,248 Dodge Diplomat. And the tax breaks for buying a Rolls Royce (they cost between $102,000 and $159,000) are worth 12 to 20 times the tax breaks for the Dodge.

If you sell the car after three years, you do have to pay taxes on your proceeds—but even then, it is as though Uncle Sam gave you an interest free loan toward the purchase of your car. Moreover you don't have to pay back the investment tax credit you got when you bought it. On a $50,000 car, that by itself is a cool $3,000. If you convert the car to stricly personal use after three years, under current rules you don't have to pay back Uncle Sam for any of it.

In addition to the tax breaks on the purchase of the car, you are also entitled to deduct the operating and maintenance costs—including gas, oil, repairs, taxes and licenses—for the business use of your car. Naturally, if you buy the car on credit, your interest payments are also a deductible expense.

Appearances to the contrary, putting a Porsche in every garage is not the main purpose of the tax code. But many provisions of tax law end up serving purposes for which they may not have originally been intended. It's not simply that people get creative with the laws; some of the laws themselves are pretty fanciful to begin with.

Take depreciation deductions, for example. Tax law has always recognized that the things you buy for use in your business lose some of their value over time from wear and tear. Thus it has allowed taxpayers to deduct from their income the amount of the value lost each year as a cost of doing business. Historically, the amount of the loss was determined by taking the total value of the purchase and spreading the losses over the "useful life" of the purchase in question. If your purchase could be expected to last five or six years, you deducted the full value of the car over five or six years.

Over time, however, with prodding from business interests, the government decided to speed up the depreciation process in order to encourage new business investment in buildings and equipment. Now, no matter what the "useful life" of your "business" car, you can depreciate it fully in just three years.

Many luxury cars, of course, don't lose their value in three years. A 1981 Mercedes Benz 300D, which costs around $25,000, can be worth 85 percent of its purchase price over three years say dealers, and a $44,000 Mercedes 380SL—thanks to its solid engineering, fancy styling and snob appeal—can actually go up in value during that time.

So a depreciation deduction has become less a concession to the fact that time takes a toll on everything than an outright government subsidy—albeit a roundabout one. The depreciation subsidy, incidentally, is far more generous for longer lasting business investments: A building that lasts for nearly a century can be fully depreciated in a mere 15 years.

Another place where reality and tax law part ways is a provision of the 1981 bill that says no matter when during the year you purchase your business equipment (read BMW), you are entitled to the same deduction as someone who bought it on January 1. "You could take delivery of your car at 9 a.m. on December 31, 1983," says Seymour Fiekowsky, assistant director in the office of tax analysis at the Treasury Department, "and write off 25 percent (the standard depreciation deduction for the first year of ownership), even though you only used it for one day."

That helps account for the year end advertising blitz by a Washington area BMW dealer, touting "The Car That Shelters You From Boredom As Well As Taxes"; and the Virginia Porsche dealer's ad, timed for Christmas, selling "The Ultimate Gift/Tax Credit."

The investment tax credit, like accelerated depreciation, was designed to encourage increased investment in business equipment, and thus spur productivity. For every business investment, the government gives you a credit on your taxes—which amounts to a flat percentage off the price of that investment. "The way to see this is as a grant," says the Treasury's Fiekowsky. "It's as though the government mailed you a rebate check. . . ."

In 1981, President Reagan pushed successfully to increase the credit substantially. The bill nearly doubled the credit available for such business investments as automobiles—from 3.3 percent to 6 percent. That, it was argued, would further boost productivity.

If you don't see the link between tax subsidized luxury cars and increased productivity, you're not alone. "If you're going to invest in factory equipment or buy more widgets, that's one thing," says Nather. "I really don't think buying a Rolls Royce is the same thing."

Unfortunately, the tax break is somewhat undiscriminating about who gets what benefits, causing some to question whether the credit is worth its substantial cost to the Treasury—despite the recession, about $13 billion for all business investment last year. (The IRS does not calculate what percentage of this or any tax break was applied to car purchases.)

"There's no way of gauging how useful the credit is," says Samantha Sanchez who teaches tax law at Catholic University in Washington, D.C. "The government has no idea what the credit buys, or whether it buys any more than anyone would buy anyway [without credit]. Does this in fact do anything for the economy?"

Maybe, maybe not. But is has at least been good news for those in the business of selling luxury cars (many of which are manufactured abroad). According to Bob Hampton, a salesman for Manhattan Motors, a suburban Washington dealership specializing in Jaguars and Audis, nearly 50 percent of his sales are tax subsidized. Other dealers give similar figures.

Do all these people use their cars for business? Not necessarily, says Hampton, but "they usually find a way to make it tax deductible. It depends on how good their accountant is."

The tax breaks, both old and new, are supposed to be prorated—that is, if you use the car only 20 percent of the time for business, then theoretically, you are entitled to tax breaks on only 20 percent of the value of the car. The IRS, however, doesn't even require receipts or other independent documentation of total business mileage—as it does for business entertainment.

Alas, "there are a lot of cases where the line is very blurred," says one former Treasury tax specialist. A look at some of the cases that have ended up in court recently proves his point.

Consider, for example, the Boston psychotherapist who deducted his automobile expenses for group outings he took with his patients—including ski trips, weddings, to the beach, picnics and visits to former patients—on the grounds that these were business trips.

Or take the doctor in North Carolina who claimed that, because he received medical journals and saw a couple of patients a week at his house, his home was really an office and therefore his commuting expenses between his home and his formal office were deductible. (Tax law doesn't normally allow deductions for commuting between home and work, but does allow them for transportation between different places of work.)

Then there was the Missouri truck driver—arrested after a fight with his supervisor and charged with felony assault, reckless driving and speeding—who deducted the automobile expenses he incurred while driving to his trials as business related.

It's hard to imagine the circumstances under which a fist fight with one's supervisor might be thought of as a business transaction—but if the court records are any indication, there's something about sitting down to prepare one's taxes that helps prod the imagination.

The generosity of the tax breaks now available only heightens the temptation to employ creative accounting methods. "The lower you make the cost of owning a car for business use, the greater the temptation to inflate the percentage you claim for business use," says the Treasury Department's Fiekowsky.

While the courts rejected all three of the above claims, they give you an idea of what some taxpayers consider their due.

Naturally, before the IRS can challenge your interpretation of events, it first has to audit you. Right now, the IRS only audits at most 2 percent of the nation's 95 million taxpayers. Not surprisingly, a lot of people are willing to take their chances bending the law.

Even if the IRS does audit you, one thing it will almost never do is second-guess your taste in cars. "They will only challenge you if the expenses are totally out of whack with the income you generated in the course of using that car," says Ernest Acosta, a spokesman for the IRS. That means someone earning $30,000 a year and claiming $50,000 in automobile business expenses might raise an eyebrow or two at the IRS.

In those rare cases where the IRS does question your choice of cars, it doesn't always win. When the IRS challenged a New York securities analyst's chauffered Cadillac as an "extravagent" business expense, the court came down on the side of the New Yorker because "many of his clients were wealthy Europeans and [because of] the generally obnoxious traffic situation in midtown and lower Manhattan." The court thus concluded, "albeit without enthusiasm," that the chauffered Caddy was "ordinary and necessary" for his line of work.

Don't blame the IRS or the courts entirely for the great luxury car giveaway: They are, after all, acting under orders from Congress.

Those orders could change: Late last year, Rep. Pete Stark introduced a bill that would limit the amount of depreciation deductions for everyone to the amount of such deductions allowed on a $15,000 car.

"There are quality automobiles which provide transportation for well under $15,000 today in the United States. The average retail price of new cars . . . was $9,910 in 1982," says Stark. Besides, he argues, "luxury cars provide more than transportation—they provide a certain prestige for the occupant of the vehicle. If a person wants to do that with his own money and with his own personal auto, fine—that is his business."

As chairman of a key House subcommittee on tax matters, Stark is in a good position to help get his bill to the House floor. But like most efforts to close up tax loopholes, the bill is likely to draw flak from those who benefit from the way the law now stands—among them car dealers. Their chief lobby, the National Automobile Dealers Association, has yet to take an official position on the bill, but individual dealers aren't shy about telling you what they think of it.

"The government shouldn't be telling people what kind of cars they can drive," says Charles Harmel, a salesman at Euro Motorcars, which sells Mercedes Benzes and Rolls Royces in the suburbs of Washington. "Then they'll be telling you what kind of house you can live in . . . what size office you can write off."

Harmel argues there's a principle at stake. "It's wrong," he says of Stark's bill. "I sell these people their cars. These people never had anything handed to them on a silver platter. The people who drive Mercedes work damn hard and they support more families downtown than most people."

For him, the matter boils down to nothing more than rank jealousy. People resent those who work hard and are successful. "If you ever make it big in business," he says, "your real friends are the ones that are happy to see you succeed."

Perhaps. But even your real friends may not want to help pick up the tab for your new Mercedes.●

VFW VOICE OF DEMOCRACY CONTEST

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. JONES of North Carolina. Mr. Speaker, each year, the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy contest. The contest theme for this year was "My Role in Upholding Our Constitution." I am proud to state that the winning contestant from the State of North Carolina was Katherine Erwin of Kinston, N.C., which is part of the First Congressional District, which I represent. I would like to insert Katherine Erwin's speech as follows:

MY ROLE IN UPHOLDING THE CONSTITUTION

(By Katherine Erwin)

When I think of the millions of people who have died for this country, for this country's name, and its honor, I wonder why they did so. Did they do it for the beautiful uniforms they got to wear, or did they do it because they thought fighting in a war would make men out of them, or instead did they do it because—as I think there is in all of us—there was a great amount of patriotism and a sense of responsibility in their minds? My grandfather Koehler fought in World War II and died for his country on foreign soil. He was a brilliant man who was capable of accomplishing anything, and he devoted his whole life to his country, even when his country asked the ultimate sacrifice. He didn't go to war for the beautiful uniform, or because he wanted to be a man, but because he knew his country needed him and it was his duty to go. He left his home, his wife, and his child to fight for his country and for what he felt was right. He knew the history of this nation and knew of the work and pride that was invested in this nation. He knew the Constitution and what it meant and what it symbolized, but I don't think that every soldier who has been to war has read the United States Constitution. Instead, I do think every one of them had an idea of its message and what it stands for. They were fighting for that idea just as I will fight for that idea. Except mine is not just an idea; mine is a knowledge just like my grandfather's—a knowledge of the Constitution and what it means to me. As stated in the Preamble: "We the people, of the United States of America, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This instrument was written for us, the children of America, and for the future children of America. But it is not enough that the Constitution and its Preamble exist. These proposed ideas must be carried and kept alive by all of us. I, myself, along with all the other citizens of America, help make up that "us." I must be strong, and defend, and provide for my country in any way that I can. I must not allow people to slander our nation but must have the courage to say, "That isn't right! Who has given you a right to say that? Have you ever been to another country where you can honstly say it's better?"

It is my responsibilty to keep in touch with the affairs of my country and the world. I look forward to the day I am given the privilege to vote. For by voting, I am not only saying that I care, but that I have given thoughtful consideration to my candidate and have chosen. Then it is my candidate's job to carry out what he or she has promised the country.

I feel very strongly that I should learn much more about our country's history, history stemming all the way back to the signing of the Declaration of Independence, to the Civil War, the Women's Movement, to the long reigning presidency of Franklin D. Roosevelt, to the moving occurrences and assassinations of John F. Kennedy and Martin Luther King, Jr., to the present. I also want to read the newspapers and magazines that can give me ideas of the future, what I can count on and what is being tested. I think that by having a greater understanding of what has gone on around my ancestors and myself in regards to what will happen around me now, I will have a better chance of functioning in the world and will be able to think more about my destiny and how it involves my country. I don't think that enough of America's youth takes the time to find out what has happened and what is happening. I think the world is pass-

ing many young people by, but I will not let it pass me by.

These are only a few of the ways that I can help my country and abide by the Constitution, but yet they are important—important to me and to the general welfare of our great country. I only hope that others will hold with the same convictions: that together, we can be strong, that we can maintain and protect our vital document, the Constitution, and that we can preserve our sacred nation, the United States of America!●

POLICY TOWARD JEWS IN SOVIET UNION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I rise today to once again focus the attention of this body on the plight of Jews in the Soviet Union. The reign of the late Yuri Andropov marked the solidification of a shift in policy toward Soviet Jews. Restrictive and oppressive laws were introduced resulting in increased harassment of Jews trying to emigrate or observe their religious and cultural traditions.

Mr. Speaker, emigration declined radically during 1983, reaching its lowest, its most discouraging level since the late sixties. The impact of this policy on the Jewish people—on the individuals who are denied permission to be reunited with their relatives in the West, or who are persecuted by authorities on a daily basis for their beliefs—is heartbreaking, In fact, Mr. Speaker, it is estimated that there are at least 2,800 refusenik families—people who have been refused exit permission more than once—representing at least 9,000 individuals in the Soviet Union today.

Mr. Speaker, this drastic cutback in emigration has been accompanied by increasing manifestations of officially sanctioned anti-Semitism, such as the publication of blatantly anti-Semitic literature, discrimination against Jews in employment and education, prohibitions against teaching of Hebrew and expressions of Jewish culture, and the formation of the Anti-Zionist Committee of the Soviet Public.

These practices, which are in direct violation of the 1975 Helsinki Accords, and the status of Soviet Jews under Yuri Andropov were recently eloquently summarized by Jerry Goodman, the executive director of the National Conference on Soviet Jewry, in an article entitled, "The Year of Andropov." Mr. Speaker, at this time I would like to share this excellent article with my colleagues and ask that it be inserted into the RECORD.

The National Conference on Soviet Jewry has been in the forefront of the crusade to bring the plight of Soviet Jews to the attention of the leaders and citizens of the Western world. Indeed, the efforts of this fine organization were recently commended by President Reagan in a letter to the chairman of the National Conference on Soviet Jewry, Morris Abram. In this letter, the President expressed the commitment of his administration to press for more humane practices in the Soviet Union. I would like to share this letter with my colleagues also, and request that it appear in the RECORD.

[From the Near East Report, Feb. 17, 1984]

THE YEAR OF ANDROPOV

(By Jerry Goodman)

If there were any doubts about the direction Yuri Andropov would take after he came to power, these were swept aside when, after more than a year in power, the solidification of his regime's policy became clear. Restrictive laws were introduced, which resulted in the increased harassment of Jews trying to emigrate or to study and practice their heritage.

The radical decline in emigration, begun during Brezhnev's final years, dropped to its lowest point since the late sixties. In all of 1983, 1,314 Jews left the Soviet Union, whereas in the peak year of 1979, over 4,000 left each month. The creation of an official "Anti-Zionist Committee of the Soviet Public" suggests that authorities may be trying to further erode the claim of Jews to repatriation to their homeland, Israel. With its basically Jewish membership, the existence of the group helps foster a claim of "legitimacy" to Soviet actions, especially in the face of continued Western criticism of emigration practices. The Committee insisted that no more Jews wished to leave, calling evidence that thousands still sought permission "a juggling of figures by Zionist propaganda," an allegation refuted by the statistics. At least 300-350,000 affidavits of invitation sent from Israel were outstanding by 1979.

NEW MEASURES

A new decree rendered visa applications invalid after six months. As a result, applicants must repeat the lengthy procedure at regular intervals, a process guaranteed to wear down many. Vulnerable to dismissal from jobs after submitting documents, Jews trying to emigrate were also threatened by a new "Redundancy Law," which encourages the firing of individuals in managerial positions. Then, a third statute was tightened so that an unemployed person can be tried as a "parasite" after two months, a charge leveled against prospective emigrants in the past who have had to leave their jobs. Jews applying to leave are thus being forced into a no-win trap, as the likelihood of imprisonment increases.

Seven men were imprisoned for activities connected with efforts to emigrate to Israel or to improve Jewish life. The possibility of re-sentencing for others already incarcerated loomed great, with a new law against a vaguely defined "opposition" to penal authorities. Carrying up to five additional years for "especially dangerous recidivists," or those convicted of a "grave crime," it codified a Stalinist practice that had been increasingly applied to political prisoners in recent years. The net effect could be the further stifling of activisim, or the assertion of rights, among such prisoners.

CRACKDOWN

Striking at the core of Jewish tradition, Hebrew was labeled devoid of "cultural" value due to its "exclusively political"—i.e. "Zionist"—nature. Simultaneously, Yiddish, as a sanctioned channel of Jewish expression, was given a slight boost, with the publication of a primer in remote Birobidzhan, and the production of a Yiddish play based on "Fiddler on the Roof." Such moves may be an effort to create the impression that Jewish culture was available, while masking the actual harassment of younger Jewish religious and cultural activists. Overall policy towards cultural activisim was reflected in the public insinuations of inherent Jewish disloyalty. A *Leningradskaya Pravda* article described Jews seeking their roots as a "fifth column in our country," a term used by the oppressive Tsarist Black Hundreds.

ANTI-ZIONIST COMMITTEE

An "appeal" was issued by the Anti-Zionist Committee for a massive propaganda effort aimed at the "political unmasking of Zionism." Lifted from a notorious Tsarist forgery, the drive only thinly masked anti-Semitism by picturing Judaism as the source of "Zionist evil": the Torah and the Talmud were described as works preaching racism, hatred and violence. In a particularly vicious attack, Committee Chairman David Dragunsky dubbed Zionism a "manhating ideology" based on "the ideas and methods of Hitler." Much of the continuing propaganda campaign was drawn from a new book by an old propagandist, Lev Korneyev, entitled *The Class Essence of Zionism*, which seemed to be inspired by the work of a Tsarist anti-Semite who blamed Jews for hostile actions against themselves. Korneyev's writings also borrowed from current neo-Nazi doctrine by arguing that the figure of six million Jews killed in the Holocaust is a "myth of Zionist propaganda."

Together with claims denying the presence of anti-Semitism, the severance of the already fragile relationship with Jews abroad was encouraged. In March, the Committee claimed that "Soviet Jews reject with contempt attempts by Zionist propagandists to interfere in their life," and that "citizens of the USSR who are Jews are an inseparable part of the Soviet people." Not only did this suggest that those who refrain from Jewish activism could be considered "good Jews," but all Soviet Jews were thus warned against having contacts with their dangerous "Zionist" brethren in the West.

U.S. RESPONSE

World response to the tough line taken by the Andropov regime was significant. Nearly 3,000 delegates from 32 countries, including over 500 from the United States, met for a Third International Conference on Soviet Jewry in March, in Jerusalem. President Ronald Reagan, in a message to the Conference, asserted that the plight of Soviet Jewry will remain a key issue at major international forums. After three years the Madrid Review Conference on the Helsinki Final Act, where the U.S. helped develop a strong Western coalition, came to an end. Despite criticism, the meeting was seen as a cautious step forward in protecting human rights, including those of Soviet Jews. In a meeting with Secretary of State George Shultz, Jewish leaders were assured that this Administration remains wedded to securing the basic rights of Soviet Jews, as a primary part of its human rights agenda with Moscow. Congress continued to participate actively, as all 80 new members of the

House joined the 98th Congressional Class for Soviet Jewry. Members of the House and Senate sent forceful letters on behalf of individual Soviet Jews, refuseniks and prisoners of conscience. Visiting Members of Congress were also important in bolstering the spirit of Soviet Jews.

It was certainly a difficult year. The arrival in Israel, however, of long-term Vilnius activist Eitan Finkelstein and his family, after 12 years of refusal, indicated that the doors were not irrevocably closed—a hopeful sign for the future.

It remains to be seen whether the rise to power of Konstantin Chernenko will bolster that hope.

THE WHITE HOUSE,
Washington, February 1, 1984.

Mr. MORRIS B. ABRAM,
Chairman, National Conference on Soviet Jewry, New York, N.Y.

DEAR MR. ABRAM: Thank you for sending me the National Conference on Soviet Jewry report, "1983: The Year of Yuri Andropov—Implications for Soviet Jews." I found the report to be of considerable interest. It is a thorough appraisal of the increasingly grave problems confronted by Soviet Jews.

The issue of Soviet Jewry has been and will continue to be of high priority to this Administration. We are particularly concerned about the dramatic decline in Jewish emigration, and the instances of harassment and arbitrary treatment.

Please be assured that we will continue to pursue every means possible to engender more humane practices by Soviet authorities and to impress upon them the importance we attach to this issue.

Sincerely,

RONALD REAGAN.●

AN ALTERNATIVE TO WAR IN CENTRAL AMERICA: SUPPORT CONTADORA DIPLOMACY

HON. MICHAEL D. BARNES
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. BARNES. Mr. Speaker, last year, a group of 50 eminent Latin American and North American leaders formed a group known as the Inter-American Dialog. The group met and issued a report that called upon the United States to vigorously support the peace process of the Contadora countries—Mexico, Venezuela, Colombia, and Panama. The Inter-American Dialog reconvened last week, and again the leaders from North, South, and Central America struggled with the crisis in Central America. If we had heeded the advice of the Inter-American Dialog at any time during the last year, perhaps the crisis would have subsided. But we have ignored this wisdom, and the crisis is worse than ever.

Former Ambassador to the Organization of American States, Sol Linowitz, is one of the cochairmen of the Inter-American Dialog. He recently wrote two articles which deserve the attention of the Members. Ambassador Linowitz presents a persuasive case that the crisis in Central America is deepening. The military conflict is expanding, and the United States is not doing anywhere near enough to help find a peaceful settlement to the conflict. Ambassador Linowitz argues, and I agree with him, that there can be a peaceful solution to Central America. He says it simply:

And when it comes to peaceful solutions in Central America, Contadora—despite its limits—is really the only game in town. The United States must lend wholehearted support to Contadora before it is too late.

Mr. Speaker, it is very late and if we do not act soon, I fear we will all regret it. So that the Members can see Ambassador Linowitz's comments, I include these two articles in the RECORD.

[From the New York Times, Mar. 20, 1984]

SUPPORT CONTADORA DIPLOMACY

(By Sol M. Linowitz)

WASHINGTON.—The peace-making effort known as the Contadora process—it is named after the island where representative from Colombia, Mexico, Venezuela and Panama first met to discuss the crisis in Central America—has not yet achieved much concrete success. It may, however, be the only promising avenue toward peace in the region.

Central America's crisis is deepening. Next week's scheduled elections in El Salvador offer little prospect of ending that nation's civil war. Nicaragua has raised an army 50,000 strong and continues its arms buildup, causing understandable fears among its neighbors. Attacks on Nicaragua by counter-revolutionary groups based in Honduras and Costa Rica are becoming broader and more destructive. Honduras itself faces the danger of being overwhelmed by huge amounts of military aid. Troubling questions are also raised by the United States troops in Honduras on prolonged exercises and by the new United States bases there. Another military coup in Guatemala has done nothing to stop the internal bleeding in that country. Even democratic Costa Rica now fears it may be drawn into the struggle.

Here in the United States, the debate about how we should respond to Central America's trauma is heating up. Congress is understandably hesitant to endorse the Administration's proposal to increase military and economic aid pending further clarification. The recommendations of the Kissinger commission have failed to achieve a bipartisan consensus.

Last year, a group of some 50 eminent Latin American and North American leaders known as the Inter-American Dialogue met several times to consider hemispheric problems. Its report suggested among other things that the United States should vigorously support an active role by the Contadora countries. That group is reconvening this week and will take a closer look at the Contadora process.

It has shown significant promise during the past year. The Contadora foreign ministers have met nine times, including four meetings with Central America's foreign ministers. Last September, they hammered out 21 points of regional consensus to serve as a basis for discussions. In January they reached agreement in principle to phase down the presence of foreign military advisers and to carry out an inventory of weapons. In recent weeks, working groups on security, political, social and economic aspects of the crisis have been fashioning more specific accords that could be the basis for further negotiations. In short, progress is being made, albeit by fits and starts.

To be effective, a plan for peace in Central America must address four separate but interconnected issues—the struggles within El Salvador and Nicaragua, the efforts of various Central American governments and outside countries to aid insurgents in the region, the growing danger of outright wars among states and, finally, the entanglement of Central America's strife with the East-West conflict. These four problems are intertwined and none can be fully resolved without also facing the others. But a first step toward resolving Central America's crisis would be to recognize that these are also separate questions and to focus on how the Contadora process can be supported in dealing with each one.

It may be, for instance, that Contadora could help forge agreements among the countries of the region to keep it free of strategic military facilities. The Contadora countries might be urged to take the lead in actually reducing the numbers of foreign military advisers in Central American and in monitoring limits on the quantity and quality of weapons introduced into the region. Contadora countries could be asked to help to demilitarize and inspect border regions in order to reduce tensions.

Contadora's strength is clearly limited. Each of the four countries has its own interests and concerns and its own internal political calendar. The Contadora countries do not see eye-to-eye on all aspects of the Central American problem. And the Central American nations are not equally ready to accept Contadora's good offices, in part because of mixed signals from Washington about how seriously it takes Contadora.

I have learned the hard way that international negotiations can be excruciatingly difficult and frustrating, and the bitter struggles in Central America may be particularly intractable. But commitment, patience, flexibility, and political will can sometimes produce meaningful accords even in the toughest situations. And when it comes to peaceful solutions in Central America, Contadora—despite its limits—is really the only game in town. The United States must lend wholehearted support to Contadora before it is too late.

[From the Los Angeles Times, Mar. 19, 1984]

OUR HEMISPHERE IS STANDING AT NEWLY PERILOUS JUNCTURE

(By Sol M. Linowitz)

Last year Ecuador's former president, Galo Plaza, and I were co-chairmen of an Inter-American Dialogue—a group of about 50 business, government, academic, political and church leaders from Latin America, Canada and the United States. Our group included people of different political tendencies, professional backgrounds, cultures and generations—people of responsibility and stature in their home countries. What brought us together was our deep concern about the steady decline of inter-American relations, epitomized in 1982 by the South Atlantic crisis that found the United States and most Latin American countries on opposite sides of a needless war.

We met several times in working groups and plenary sessions over a period of six months. Last April we released a report, "The Americas at a Crossroads," reflecting the results of our discussions. Our report fo-

cused first on Latin America's social, economic and financial difficulties, the worst since the Great Depression. We examined Central America's intense civil wars, and the danger that these might escalate and spread. We reviewed the deep disarray affecting the inter-American system, and analyzed the deterioration of communication and understanding in the Americas. On these and other key issues we presented our analysis, the product of our group's frank and open discussions, and proposed concrete recommendations for action. What we had to say, and the quality and diversity of our group, attracted favorable comment from many quarters.

Since then the scene in our hemisphere has changed dramatically. A number of major developments have occurred—some positive, some negative—that may decisively shape the future on several key issues.

In Central America, civil wars have intensified sharply and casualties have mounted. El Salvador has seen its territory splintered further into areas controlled by the government and by the insurgents. Nicaragua has continued to build an army now 50,000 strong, causing alarm among its neighbors, but it also has suffered substantial military pressure from more than 10,000 armed opponents aided not-so-secretly by Washington. The rest of Central America is feeling increasing pressure from the intense struggles in El Salvador and Nicaragua, and the danger of regional war is rising.

But there is good news, too, for there has been significant movement toward meaningful negotiations in Central America. The Contadora process for promoting a comprehensive settlement has gained strength and credibility, albeit by fits and starts, and most of the nations and groups involved have given some sign that they are interested in serious negotiation. We need to focus very concretely on how to make peace possible in Central America: who needs to do what, and what kinds of steps should be taken first.

With regard to economics, 1983 was the worst in 50 years. Latin America's gross domestic product fell 3.3 percent. Per-capita income is now back at the level of 1976. Urban unemployment has risen sharply, and inflation has skyrocketed. The debt crunch in Latin America is overwhelming, and has necessitated austerity measures so serious that the region's imports have fallen 50 percent in two years. Investment has plummeted, many enterprises have been forced to close, and human hardships have led to riots in several countries. The security of the whole hemisphere is deeply threatened by the economic crisis—as much, I think, as by what is happening in Central America.

Again, however, there is good news. While Latin America's economies have been shaken, political trends in much of the region have been heartening. The most dramatic event of the past year has been Argentina's triumphant return to democracy. Brazil, too, has been moving fast toward a fully functioning democracy, and elections are being held in many other countries in South America. The tide of redemocratization in Latin America is rising rapidly, although the trend will be hard to sustain in the face of severe economic pressures.

The coming year also could be the turning point on other matters. There is, for instance, the deep crisis of the inter-American system. Today it is at its low point in the wake of the Grenada invasion, the bypassing of the Organization of American States in the Central American crisis and on the debt issue, and with the resignation of the organization's secretary general, Alejandro Orfila. The time has come to reconsider the organization's role in fundamental terms.

In facing the hemispheric crisis we need to confront five basic questions:

How can Latin American self-determination and the national security of the United States be reconciled in this country's border region?

How can economic stability, growth and equitable development be restored in the Americas despite Latin America's enormous foreign debts?

How can the trend toward redemocratization and the fuller protection of fundamental human rights be preserved and strengthened in the face of strong economic pressures and local insurgencies?

How, when the inter-American system is so weak, can the commitment be mustered to rebuild hemispheric institutions in order to help solve basic political, economic and security problems?

How can mutual communication and understanding in the Americas be reinforced in a period when the fate of all Americans, from north and south, is so closely linked?

When U.S. leaders rediscover Latin America, as they do from time to time, they often revert to a familiar style: of monologue instead of dialogue, of teaching instead of learning, of preaching instead of shared searching for answers.

At this critical juncture in U.S.-Latin American relations, we can no long afford that old habit. The danger exists that 1984 could be a year of widening wars, deepening recessions, rising social tensions and serious strains on fragile democracies, with hemispheric understanding unraveling further and with the inter-American system deteriorating to the point of uselessness. It is urgent to avoid that course. We must rebuild a hemisphere at peace, strengthen democracy and respect for fundamental human rights, restore equitable economic growth and work together on the common problems that face us all.●

NAACP CELEBRATES DIAMOND JUBILEE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. RODINO. Mr. Speaker, on Thursday, March 22, I will have the privilege of celebrating with the Newark branch of the NAACP the diamond jubilee anniversary of the NAACP, our Nation's oldest civil rights organization.

It is an honor to join in tribute to the NAACP, a group started by 60 persons, black and white, that today is a half million strong. For 75 years, it has been in the forefront of the struggle for human rights, equal rights, and civil rights, to the benefit of all Americans, black and white. It was a leader in the battle when its causes were not popular, when its adversaries were extremely hostile. Largely through its efforts, the Nation was forced to focus on the injustices so many of our fellow citizens were made to suffer, on the indignities they had to bear, on the hardships that suffocated them. With its relentless prodding, the NAACP helped bring about legislative changes that brought the ringing promises of the Constitution—equality, justice, the blessings of liberty—closer to reality for all our citizens. And the NAACP, and its many great leaders over the years, accomplished this with dignity, with cool reason, and an impassioned belief that our system of government and our institutions could right the wrongs in our society and preserve equal justice for all under law.

Because of that belief, the NAACP chose to fight the battles against bigotry in the Congress and the courts, even when less patient groups counseled militancy. The NAACP's superb record of court victories and legislative triumphs bears witness to the wisdom of this approach.

In short, the NAACP throughout its history has been an eloquent and effective voice for those who had been voiceless; it has forced resolution of ugly problems our society for so long sought to hide—problems in housing, education, health, employment, voting; it has helped end centuries of deprivation of basic rights to minority citizens.

Through all my years in Congress, it has been personally rewarding for me, as a member and then as chairman of the House Judiciary Committee, to have worked closely with the NAACP in writing legislation that has moved us along the path of racial justice. And I look forward to the NAACP's continued, invaluable support as we resist efforts to turn back the clock and as we push forward to gain further advancements.

Mr. Speaker, the Newark branch is itself 70 years old this year. Like its parent, it is very much a healthy, robust, and growing organization. Last year, for instance, the Newark branch's membership increased to 3,000, a growth of 25 percent over 1982. For this increase, I want to commend the branch's membership chairperson, Susie McGhee.

The branch officers and all those who assist them are also to be commended for their splendid efforts in registering voters this year and for their work in the areas of education and economic development for Newark. These officers include:

Bobie Cottle, president; John D. Woods, first vice president; Dorthea Lee, second vice president; Daisy Stokes, secretary; Dolores C. Carter, assistant secretary; and Mamie Hale, treasurer.

I look forward very much to joining with all these people, with Benjamin L. Hooks, NAACP executive director, who will be the guest speaker, and with all friends and supporters of the NAACP in the celebration of the 75th

anniversary of America's oldest champion of civil rights.●

VOICE OF DEMOCRACY CONTEST

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. WEBER. Mr. Speaker, I would like to call the attention of my colleagues to a speech recently prepared by Monica Mitteness, a 16-year-old student from Benson, Minn. Each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a voice of democracy contest. This year more than 300,000 secondary school students participated in the contest competing for the five national scholarships which are awarded as top prizes. I hope my colleagues will take advantage of Miss Mitteness' view of her role in upholding our Constitution.

The speech follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

Hello ladies and gentlemen, welcome to American Heritage Tours. I'm your tour guide and today we will be visiting the National Archives Building where we will view the Constitution of the United States and discuss our role in upholding it. The document you see here in this display case is undoubtedly the most important document ever written in, about or for our country. It contains 7 Articles and 26 Amendments.

The story of the constitution began following the Revolutionary War when Americans realized if they were to survive and retain their independence they must bind the 13 small, weak colonies together. Fifty-five chosen representatives from all of the colonies except Rhode Island met and after many disputes and much discussion the Constitution was drawn up and signed in Philadelphia on the 17th day of September 1787. Later in 1791 the Bill of Rights, which are the first 10 Amendments to the Constitution, were added.

At the conclusion of the Philadelphia Convention in 1787 a lady said to Benjamin Franklin, "Well Dr. Franklin what have you given us, a monarchy, an aristocracy or a republic?" Franklin replied, "A republic madam, if you can keep it." What he meant was that the quality of the government would depend not on the constitution but on the quality of its people.

And ladies and gentlemen that is where we fit in. What is our role in upholding the constitution?

I believe my role in upholding the constitution can be summed up in one word—Citizenship. Citizenship to me means full membership in a country. It involves both rights as well as duties. For instance I have the right to vote but it is my duty to respect other peoples religious beliefs, their writings and their thoughts. Another important part of citizenship is participation. It requires an active membership and being ready to serve when your country asks. Trusting your government to the extent that if you see anything you question, you look into it. But most of all it is sharing the love of my country and my countrymen as is so strongly stated in the Preamble of our Constitution.

When the constitution was signed in 1787 white males were the only people allowed to vote. However, in March of 1870 this Article was changed by Amendment 15 which read "regardless of race or color" you could vote. It was further changed again in 1920 when women were given the right to vote and by the 26th Amendment passed in 1971, 18-year-olds now have the right to vote. When I become 18 years of age I will consider the right to vote the most important of my roles.

Another obligation I feel I must accept is that of paying taxes so that my country can remain free, prosper and the nation remain strong. We must all realize that freedom does not come cheap.

Our constitution has provided for the maintenance of a militia. In time of need when asked to defend my country I believe it is necessary that I assume a positive role and respond in some way.

As a result of the constitution we can feel secure in our homes and be protected. If we feel we are being charged unjustly we have the right to trial by jury. By the same token we should be willing to serve on that jury.

Most of us think of the constitution as something from the Revolutionary War but when Ronald Reagan took his oath of office in 1980 he was swearing to uphold the same governmental system that George Washington swore to uphold in 1789.

And now ladies and gentlemen I hope you have enjoyed our short tour of one part of the National Archives Building here in Washington, D.C. As we stand before this case containing the Constitution of the United States written nearly 200 years ago we still find that people are disagreeing with one another as strongly as they were in 1780 but we are one nation and we are still free.●

PERSONAL EXPLANATION

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. ALBOSTA. Mr. Speaker, I was absent during the record vote on the veto override of the Water Resources Research Act. As a supporter of this legislation, I am pleased that the veto was overriden by a large margin.

For the record, had I been present, I would have voted "aye."●

A TRUE FANTASY CONCEALED IN TECHNOCRATESE

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. SIKORSKI. Mr. Speaker, it is maintained by some that there are only two individuals in the world, both working deep in the recesses of the Bank of England, who really understand the intricacies and details of world trade and the international loan situation, and even they disagree. Throughout time, stories with familiar characters and situations have been used to aid in the understanding of difficult or important subjects. The following editorial from the March 5, 1984, edition of the Minneapolis Star and Tribune addresses the complex and important issue of world debt, in the manner of fable or parable—in terms with which we are all too familiar:

A TRUE FANTASY CONCEALED IN TECHNOCRATESE

The harder we tried to study the report, the more our mind wandered. It wandered in fantasy to an island where we and others were settling down to live. Leaning back, eyes closed, we could smell the ocean air, see forests, fields, inland lakes and mountains, hear the surf. Our fantasy island was a shameless escape from a World Bank volume of "World Debt Tables," just arrived. Its 300 pages of numbers and text doubtless had meaning for everyday life. But how to puzzle the meaning out? Surely a short daydream couldn't hurt.

Some families on our island were pretty well off, others pretty poor. We were among the lucky, growing or making most of what we needed and more besides. But some things we couldn't produce cheaply. So we got in the smart habit of buying those items from poorer families that happened to have them. And with money we paid, those families bought what we grew and made. We didn't call it world trade, but it was. A good arrangement.

So good, that we hit on a way to make it better. We wanted more of what the poor folks sold (good clothes, good food, good fuel, good things for the house), and we knew that our kids must sell much more to them. It seemed obvious that for our family's life to improve, the poor people had to be more productive too. To make that happen took cash up front. We had cash. So we started to lend them money to upgrade their workshops and improve their fields, in order to make more of what we would buy, so they could earn enough to buy what we would sell—and enough to pay back the loans as well. We didn't call it international finance, development or growth, but that's what it was. It worked just fine.

Then came trouble. For a few years everything went wrong: bad harvests, sick children, slipshod budgets, feckless spending, quarrels and ill feeling. Almost without our taking notice, the selling and buying started to slip. All of a sudden—that's the way it felt—the loans were in trouble. When loans are in trouble, borrowers and lenders are in trouble together. What to do?

One possibility—not very smart—was to give up on growth and forget development. Let the poor stay poor, let the rich put aside their dreams. For that matter, we rich and our children could resign ourselves to getting poorer. We could do without that income from the poor and without the things they sell. Forget the loans, too. If they can't pay, we won't collect. Every family on the island will be worse off, but none will have to rack its brains figuring out how to get back on track.

Or, we could all rack our brains. We rich could persuade the poor to drop the family rules that discourage their own children from making the products we want to buy, and to stop wasting borrowed money on showy projects that won't earn a nickel. They could convince us to cancel our new rules—the ones that say we must buy the

expensive things our children make, even if other people make them cheaper. They could even ask that we get control of our family budget. And together, with effort, we probably could agree that more careful lending from us to them is a way to keep the previous achievements from going down the drain.

Our wandering mind came back with a jolt to the World Bank report. We started to study its tables and text again. Lo and behold, there was our fantasy carefully concealed in technocratese. There is a way out of the world-debt dilemma. It's not the tough-talk, simplistic way. It's the way of rich and poor racking their brains together.●

AIRLINE PASSENGER CONSUMER PROTECTION AMENDMENT

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. JENKINS. Mr. Speaker, the airline industry has experienced a growing number of bankruptcies in recent months. These have included Braniff, Continental, Pacific Express, Air Vermont, and other smaller carriers. Some of the scheduled air carriers still flying, such as Air Florida, are continuing to experience financial difficulties caused by the economy and by operating in a highly competitive, deregulated environment. Some of these carriers could also wind up in bankruptcy in the months ahead.

The bankruptcy laws are designed to take care of the interests of creditors and will either result in liquidation of the assets of the bankrupt company or in reorganization of the company. There is, however, one class of creditors whose interests are not adequately protected and who should not be asked to assume the business risk of the economic failure of the airline. That class of creditors is, of course, the consumers—the airline passengers who made good faith purchases of tickets, but who were unable to use them because of the subsequent bankruptcy of the airline. Under the bankruptcy laws, the best they could expect would be to occupy the last place on the list of unsecured creditors.

I am proposing an amendment that will protect the interests of passengers left stranded and out of pocket because of the bankruptcy of any scheduled airline. The interests of these thousands and thousands of unfortunate consumers and passengers clearly need some form of protection. Under present law, the passenger is left holding a ticket that other air carriers will not honor because they are unlikely to be reimbursed as an unsecured creditor. The passenger today has no remedy. They may be stranded and penniless thousands of miles from home. In some cases, where the carrier has been reorganized, the passenger may be offered the right to trade the ticket in for a new ticket. But, in many cases the reorganized carrier has reduced operations and may no longer serve the passengers' intended destination. This has been the case for many who purchased tickets from Continental Airlines prior to their bankruptcy petition in late September.

The purpose of this consumer amendment is simple and just. It assures that members of the consuming public holding tickets on a bankrupt scheduled air carrier can have those tickets honored by other air carriers who continue to serve the intended destination. In return, these airlines would be reimbursed for providing the equivalent service by the Secretary of the Treasury from the airport and airway trust fund. Upon reimbursement, the Secretary would acquire the claim of the passenger against the bankrupt airline. As a creditor of the bankrupt airline, the Secretary would seek settlement of the claim in the bankruptcy proceeding. Any settlement achieved would, of course, be paid back into the trust fund.

The amendment has compelling logic. It provides a simple and direct remedy for thousands of members of the consuming public who otherwise are stranded, inconvenienced and who have lost the price of their ticket or tickets. It continues the present policy of providing substitute transportation first and ironing out reimbursement details later, to assure a smoothly functioning air travel system. It consolidates these individuals' claims against the bankrupt airline in a manner in which they may be efficiently pursued in accordance with bankruptcy law and procedure by the Secretary of the Treasury. Other airlines who provide the consumer the service are reimbursed for the current price of their equivalent service from the trust fund which is largely funded by the existing tax on tickets which is paid by airline passengers. The purchaser of the ticket may transfer it to another person in the event that because of the passage of time there is no reason for making the planned trip. The amendment provides a form of consumer insurance which is paid for by consumers who are the passengers on the Nation's airlines.●

VFW VOICE OF DEMOCRACY SPEECH CONTEST WINNER

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. MACKAY. Mr. Speaker, recently the Veterans of Foreign Wars held the 36th national voice of democracy speech contest. This year, the contest was won by Kristen Kuntz, a constituent of mine from my own hometown of Ocala, Fla.

I would like very much to take this opportunity to congratulate Miss Kuntz on her outstanding remarks on the theme of this year's contest, "My Role in Upholding Our Constitution." Miss Kuntz is a senior at Lake Weir High School in my district and hopes to use her first prize scholarship to attend the University of Pennsylvania and pursue a career in psychology.

Mr. Speaker, I would like to insert her fine speech in the RECORD at this point and I commend it to my colleagues:

MY ROLE IN UPHOLDING OUR CONSTITUTION

(Speech by Kristen Kuntz)

The year is 1807. I am an 18-year-old infant, the Constitution of the United States of America. Like any infant, I have a lot of growing to do. I already have twelve more amendments than I had at birth! How big and strong I finally become depends on future generations of Americans, and how strong they become depends on me. I represent the hopes, the dreams, and the hard work of thousands of people . . . and it is not over yet. We still have a long way to go.

It is now 1847. I am a young black slave, a small boy put in the fields to work with the other slaves. I haven't seen my family for months, now—they were moved to a different plantation. But as I work I remember what my mother used to say: "Son, I have faith in the good Lord above. We are gonna be free people one day."

Amendment 13 abolished slavery on December 18, 1865. By 1870, Amendments 13 and 14 had granted the former slaves citizenship and the right to vote . . . but it is not over yet.

It is the year 1946. I am a black custodian, barely able to feed my family. I was a lieutenant in the Air Force during World War II, and people cheered wherever we went. Today, my children can't even attend the big university in the town where we live. Whatever happened to those rights we were granted?

We still have a long way to go.

July 4, 1909. I am a hard-working woman. I work 12 hours a day, six days a week, in a sweat shop. Most of the people who work here in the garment industry are women. The men—my supervisors—laugh when I say, "One day my hard work in this country will pay off. I'm going to vote and be as successful as any of you are!"

Amendment 19 granted women the right to vote on August 26, 1920 . . . but it is not over yet.

It is now 1983. I am a news anchorwoman for a large television network, fired because, according to the men in charge, I'm not young and pretty enough. But Walter Cronkie wasn't young and pretty, either. My lawyer says I will have to go to court for recognition of my civil rights.

We still have a long way to go.

It is 1943. I am an 18-year-old fighting the Japanese on the small island of Guam. I just watched my best friend die—he was only twenty, too young to vote for the people who sent us here, the people who decided his fate.

Amendment 26 granted 18-year-olds the right to vote on July 5, 1971 . . . but it is not over yet.

I am an 18-year-old student. I get up at 5:30 every morning to go to school. After school I work to save money for college, but with inflation I will still have to borrow some. Boys must again register for the draft. Nuclear war could destroy the world if pollution doesn't do it first. The Constitution guarantees our vote, but our future depends on us.

We still have a long way to go.

Clearly, the job of writing new laws will never be over. Putting them into effect takes dedication as well as time.

To the skeletal framework of our Constitution, amendments added muscle; but the heart of the country, its vital force, lies in its people. It is only through exercising our rights that we develop strength. We have been provided with a government that is OF the people and BY the people, not just FOR the people. I think my role, as well as the role of every citizen, is to remember this. Over-indulgence can destroy the heart of a country as well as that of an individual.

As a teenager, I am very conscious of my personal constitution, my physical fitness. As a voter, I believe my role is to exert the same diligence in supporting the Constitution of our country.

All around me I see people going to health spas, watching their cholestrol, and jogging with great determination. And I hear them talk about cheating on their income tax, paying off a politician, and not having time to vote.

The Constitution has grown and matured. I think it is up to us, including my own generation, to do the same.

My role may be as small as that of the slave boy, but I will give it the best I have. I can't afford to do less.

We still have such a long way to go.●

SHUTTLE CREW VISIT

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. TALLON. Mr. Speaker, I had the great pleasure of meeting with the crew of the 10th mission of the space shuttle on Thursday, March 22, here in Washington; one of the crew members, Dr. Ronald E. McNair, hails from Lake City, S.C., in my district. Dr. McNair, a mission specialist on this flight, earned his doctorate in physics from MIT and has studied extensively in the field of laser physics, publishing numerous papers on lasers and molecular spectroscopy.

The shuttle Challenger, making its fourth trip into space, lifted off the pad at Kennedy Space Center on February 3, 1984, and returned to Earth 8 days later on February 11, achieving an historic first landing in Florida. One of the highlights of the mission was the testing of techniques and equipment critical for the successful retrieval and repair of the disabled solar maximum spacecraft currently in low-Earth orbit. Launched in 1980, the solar maximum observatory had been a source of very detailed information about the Sun; for the first 9 months of the planned 2-year mission, the satellite collected spectacular new data regarding solar flares, the tremendous explosions that rock the Sun sending radiation and matter toward Earth. Within hours after a flare erupts, solar matter bombards our planet often interrupting radio communications or causing brilliant auroras. Flares occur most frequently during the Sun's active cycle, which peaks every 11th year. The year 1980 was a peak year and was declared a solar maximum year; the solar maximum mission was launched to study the Sun and its flares during this active period. Although the satellite lost its fine pointing control prematurely, scientists made numerous discoveries and raised many new questions.

The next launch of the shuttle will attempt to repair the solar maximum satellite and extend its mission; a successful repair will restore the $77 million satellite at an estimated one-fourth of its replacement cost and extend the operational life of the observatory for several years.

In preparation for the solar max repair mission, the crew of flight 10 tested gas-powered backpacks (manned maneuvering units) used in untethered space walks, evaluated several pieces of specialized equipment, and simulated maneuvers needed to rendezvous, dock, and stabilize the crippled satellite.

The 10th shuttle mission also successfully deployed two commercial communications satellites although their boosters designed to place them in high geosynchronous orbit malfunctioned. Further, the mission carried on board a shuttle student involvement project regarding the effects of gravity on arthritis and six getaway special canisters.

I am justly proud of Dr. McNair and of the other members of the five-man crew led by Comdr. Vance Brand, and joined by pilot Robert Gibson and the two other mission specialists, Bruce McCandless and Robert Stewart.●

WASTEFUL SPENDING

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. HARKIN. Mr. Speaker, the level of defense spending is of great concern to me. The administration's fiscal year 1985 budget request continues the unprecedented defense buildup of the last several years. The administration has requested $305 billion for the Defense Department in fiscal year 1985, which would mean that national defense would absorb nearly 30 percent of the Federal budget and 7 percent of the gross national product. My concern is whether we can afford such a buildup and whether our industrial capacity can accommodate this growth efficiently.

Throughout the 1970's, discretionary outlays—those expenditures under the direct control of Congress—were about evenly split between defense and all civilian programs combined. In the first year of the Reagan administration, defense went to half again as much as civilian programs. Now the administration proposes to take it to double the level of civilian programs.

We never fully recovered from the damage done to our economy by the Vietnam war. Yet the military budget authority requested for the coming fiscal year is, after inflation, 20 percent above that of the peak year of Vietnam, when 500,000 American troops were engaged in combat.

Sound national defense does not come cheap. But today we are not getting sound national defense. We are getting immense military spending, which is an entirely different thing. The President and the Secretary of Defense would have us believe that reducing defense spending is, by definition, equivalent to reducing America's national security. This is powerful rhetoric, but it is also utter nonsense. The truth is that a prudent trimming of the defense budget would enhance our national security, not degrade it.

I am not suggesting for 1 minute that we can afford to give short shrift to America's national defense. America's defense requirements do not fluctuate in tandem with the ups and downs of the economy or the size of the deficit. But cuts can and should be made in the defense budget.

But when Congress does cut the defense budget it typically does so in a way that permits it to avoid making hard decisions. Instead of considering the merits of various weapons programs, and deleting those that do not make the grade, it makes across-the-board cuts. Spread throughout the defense budget, these cuts almost never result in the deletion of weapons systems. Instead, readiness is generally sacrificed.

Our attraction to flashy new weapons has always been great, and probably greater than prudence would dictate. After $632 billion of the Reagan military buildup, there are 25 percent fewer Army units certified as ready for combat than there were in 1980, according to internal Defense Department documents. During this same period the number of Air Force units which are certified as either fully or substantially combat ready has fallen by 15 percent.

Instead of cutting into force readiness we should delete weapons systems which simply do not enhance our national security. What exactly should we cut from the defense budget? The following weapons are exceedingly

costly and will not strengthen our national security.

First, the Trident II missile, which is scheduled for deployment in 1989. This missile will be incredibly expensive—more than $20 billion above the cost of Trident I. But it will have no more range than Trident I; it will be no more survivable; it would not be a better deterrent. Its only advantage will be in first strike accuracy and payload. On balance, we do not need it. It will simply tighten the hair trigger on the nuclear arsenal of the United States and the Soviet Union.

Second, the MX missile. It has no use other than in a first strike, and it gives the Soviets incentive to beat us to the punch. We are better off without it. Cutting the MX out of the defense budget would save us a total of about $30 billion.

Third, the Pershing II missile. The missile costs nearly $2 billion, and will add no more to our theater nuclear capability than the MX will add to our strategic nuclear capability.

This enormous level of military spending not only has failed to enhance readiness, but it also threatens our economic recovery. If we do nothing to alter our present course, the Congressional Budget Office estimates that the deficit will reach nearly $300 billion annually by the end of the decade. It is clear that budget deficits of this magnitude will preclude sustained economic recovery, which is, in turn, essential for a strong national defense.

Mr. Speaker, the United States cannot afford to have a strong military but a weak economy. No country can. Britain proved this decades ago. Let us not provide the world with another demonstration.●

TRIBUTE TO JOHN PICCOLO

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mrs. BOXER. Mr. Speaker, a distinguished Italo-American citizen of Vallejo is being honored March 25, 1984, for his contributions to his community of Vallejo and, in fact, to the State of California. The California State Senate and State Assembly are joining in honoring him on the 10th anniversary of the establishment of the Sons of Italy Hall which he was instrumental in acquiring for Virgilio Lodge No. 1586 and Beatrice Portinari Lodge No. 1626, of the Order of Sons of Italy in America.

John Piccolo was born in Calabria, Italy, March 15, 1903, the son of Guiseppi and Francesca Piccolo. In Italy he worked in the family olive orchards until coming to America more than 60 years ago to become a U.S. citizen. He married Virginia Intelesano in Baltimore, Md., March 10, 1924, and they moved to California to make their permanent home.

His early years were marked by hard economic struggles but he persevered and after the marriage of their children, the Piccolos retired from their several businesses. Now, Mr. Piccolo is the adviser in family enterprises and shares his wisdom with his 14 grandchildren and 9 great-grandchildren.

He served Virgilio Lodge No. 1586 in many capacities and was president of the lodge during the years 1971 and 1972. He worked tirelessly to establish a home for Vallejo's two great Italian Lodges of the Sons of Italy in America and was successful in seeing his dreams realized with the acquisition of the present headquarters at 621 Carolina Street, a place dear to the hearts of many Vallejoans.

Mr. Piccolo helped many of his fellow Italo-Americans in their business enterprises and is often called upon for his advice and counsel.

Mr. Speaker, I am grateful for this opportunity to call to the attention of my colleagues in the House of Representatives the achievements of this outstanding citizen of my Sixth District, city of Vallejo, Calif., and to record some of the honors being paid to him. ●

LITTON COCHRAN: PASSING ON GOOD WILL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. DUNCAN. Mr. Speaker, Litton Cochran, Jr., is a man who believes that you should give back to a community a portion of what you take out of it. As a successful Knoxville businessman he has done more than his share to pay back the generation which gave him his start.

As a teenager during the Depression, Litton Cochran gained an appreciation for one's duties to the community, and the importance of the community to each individual. From his experiences he adopted the philosophy that it is up to each succeeding generation to pass on the good will of its predecessors. He has passed this on by providing scholarships for the young men and women working in the McDonald's franchise he operates in East Tennessee. He has also headed many civic causes in the city of Knoxville.

The following article, which appeared in the March 4, 1984 edition of the Knoxville News-Sentinel, details the background of Litton Cochran's philosophy and its value to the community. I believe this man's life offers a value into the role each of us can play by passing on a little good will:

THE LEGACY

(By Bob Barrett)

Litton Thomas Cochran Jr. is known, among East Tennessee business and civic leaders as one of a kind.

It is an article of faith among businessmen that it is good business to take part in community affairs and make a civic contribution.

Few have taken that as seriously as Cochran, owner of the McDonald's franchise in the Knoxville area.

It's a moral obligation," he said "How else can I pay back those who helped me?" Cochran also expressed the obligation to return something to the community from which he makes his living.

Cochran's teen years came during the Great Depression. His father was chief storekeeper here for the Louisville and Nashville Railroad.

He grew up just west of the UT campus at 2004 Cornell Ave., in an area later added to the campus. His house "was just about where the Sigma Chi house is now, overlooking the railroad yard," Cochran said.

"When the massive (L&N) layoff came, Dad was the only one of six storekeepers left."

Cochran estimated that only about one family in five had a job after the Depression was in full swing, but everybody helped each other.

"There was one man that did all the haircutting. Others would do plumbing. They were helping each other out. At the grocery store, everybody that had money bought in twos. Then they'd put (the second items) in bushel baskets at the end of the counter.

"And then the groceryman would give us candy to take those and deliver them, He'd put the meat in. That was his contribution.

"But it was the strength of that neighborhood . . . The philosophy of my father and others was that 'You're fortunate that you've got a job and you've got to help others.' This is the way life is."

It was after graduating from Knoxville High School that others gave him a helping hand, helping to mold his sense of obligation to the community.

"I do feel strongly that where you live, where you raise your children, if you're going to take from the community, then you're obligated, morally, to give something back. If it hadn't been for the people who helped me in this town, to go to the university, I couldn't have made it," he said.

Many of the names are widely known in the community.

"I'll never forget the day that I made the decision to go to the university. I had saved a little money and I had a line of clothing.

"During the Depression I had good clothes, but not a lot. I'd earn (some money), and I'd go up to Hall's, who used to be up on Gay Street and I'd buy a good shirt.

"One day (James S. Hall) said, 'Litton, I understand you're going to college. Come back here.' "

Cochran said Hall took him to a corner and told him he wanted him to be "the best dressed fellow on campus. I want you to buy all of your clothes here, and I want to do something for you."

Hall told Cochran he was not to pay for one single item until he was out of school.

"I found out many years later that he had done this for many young men," Cochran said.

Hall never found it out, but Cochran found a way to pay the bill without Hall knowing.

"Then there was (Frank N.) Radcliffe at the YMCA (associate general secretary), who was a kind of father-confessor to me," Cochran said. "I was active with the YMCA, so I'd go down with a problem. I didn't want to worry Dad. I'd sit down with Radcliffe, and he'd listen.

"How are you going to say 'Thanks' to them?" Cochran asked. "The only thing you can do is help the next generation."

He graduated from UT in 1940 and had a chance to go to work for the L&N, but he had already fallen in love with flying.

The Municipal Airport was on Sutherland Avenue then, and he learned to fly there. Flying brought him in contact with his future wife, Josephine Dickinson, a UT student from Harlan, Ky., who was the sister of Jack Dickinson, one of Cochran's flying buddies.

When World War II came along, he became a pilot in the Marine Corps. He retired as a Marine major after being recalled to active duty during the Korean War.

In June 1943, Josephine Dickinson met him on the West Coast and they were married.

They now have two sons, Litton T. "Tom" Cochran III and Phillip D. "Phil" Cochran, both partners in the franchise, and two daughters, Mrs. Karen Cochran Rogers, Birmingham, Ala., and Mrs. Joanne Cochran Huddleston, public relations supervisor for the franchise.

After he returned from the World War II, he found that he loved sales and worked in several positions, eventually becoming manager of the House-Hasson Hardware Co.'s appliance division.

Cochran applied for a McDonald's franchise in 1958 and opened his first unit on Magnolia Avenue in 1960.

In addition to having all of his new units well landscaped, Cochran gave orders 20 years ago that his employees were to pick up litter for a block in each direction around their units.

He does not take credit for that idea, saying it came from Ray Kroc, founder of the McDonald's chain.

The idea of providing a college scholarship for someone at each of his units, however, came from Cochran. And Kroc "loved it."

"That goes back to the people who helped me—trying to pay back those that helped me," Cochran said.

Each unit offers a full year's tuition and fees scholarship, and to date his franchise has donated over $100,000 in scholarships.

"I tell the kids, don't refuse help. Be grateful for it. But when you get a job or a career, have children and get a few dollars ahead, join your alumni association, that's one way to help future generations," Cochran said.

"But the main thing is pay back the generation that helped you. It's that simple, because that's the only way you can do it," he said.

Cochran also has been active at First Baptist Church, where he taught Sunday school and where he is active as a deacon.

Professionally, he served as president of the Sales Executives' Club and was named salesman of the year in 1977 by the Sales and Marketing Executives of Knoxville. He was the Knoxville Restaurant Association's restauranteur of the year in 1962 and was elected the group's president later that year.

He has been actively supporting UT as president of the National Alumni Association, as chairman of the President's Club, as a director of the Knox County Alumni chapter and as a member of the Development Council.

He has served on the boards of Hamilton National Bank and its successor, the failed United American Bank of Knoxville, and was on the board and a member of the management committee of Knoxville International Energy Exposition Inc., developer of the 1982 World's Fair.

His list of civic activities includes serving as a director of the Chamber of Commerce, president of the Tourist Bureau, a member of the library board of trustees, a director of the Easter Seal Society for Crippled Children and Adults and a director of the Presbyterian Hospital Foundation Council for the Patricia Neal Rehabilitation Center.

He most recently was named chairman of the board of directors of the Knoxville Ronald McDonald House for families of hospitalized children.

He is an avid tennis player and never lost an early interest in photography.

In April 1973, Cochran donated a memorial statue to the city in honor of Knox County's Vietnam War dead.

In March 1978 he came back to his first love when he was appointed to the airport authority board.●

WEAPONS IN SPACE: THE HIGH-RISK FRONTIER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. EDWARDS of California. Mr. Speaker, the administration has asked us this year to appropriate $305 billion for defense. Of this amount, it wants $226 million for antisatellite weapons, and at least $2 billion to develop ballistic missile defense systems. This funding is a first step toward an expensive and dangerous commitment.

In relation to the enormity of this year's total defense budget, the spending on these two programs may seem slight. But it is only a beginning.

The administration hopes to have an operational antisatellite weapon by 1987. The procurement costs will be several billion dollars. There are already plans for follow-on weapons, which would be both more complex and more expensive.

The administration wants to spend $27 billion on research on ballistic missile defense between now and 1989. From there, it will still be a great leap to deployment. Pentagon Research Director Richard DeLauer has warned of technical obstacles that would dwarf the Manhattan project and of "staggering" costs. Carter's Defense Research Director William Perry says that the construction of a space-based laser weapon will cost, in the most optimistic view, over $100 billion, and former Defense Secretary Harold Brown has suggested that a fully realized ballistic missile defense "could well become our first trillion-dollar defense system."

At a time when we can barely afford to provide basic social services for our citizens, we must wonder at the rationality of the suggestion that we embark on projects which will ultimately cost several times the amount of this year's defense budget.

We cannot even be confident that this money would buy us security. The development of an antiballistic missile system or an antisatellite weapon would jeopardize the arms control advances of the past two decades, and would run the risk of undermining the strategy of deterrence on which the survival of the world has depended since the advent of the nuclear age. If we are to throw away the ABM Treaty of 1972, and extend the parameters of the arms race, we should not do so for the sake of weapons that will encourage a reliance on first-strike capabilities. If we want to live in a safer world, we should abide by our treaties and limit the arms race.

If any action is to be taken to contain the costs and the risks, now is the time to take it. We must insure that we do not sow the seeds of conflict and danger.

On this subject, I bring to your attention an excellent series of editorials from the San Jose Mercury News.

THE SKY'S THE LIMIT

Public debate often lags behind the reality it tries to affect. By the time issues are commonly understood, the decisions they involve may be made. So it is with much of the Reagan administration's 5-year, $1.7 trillion military expansion.

Recent polls suggest that as many as eight of every 10 Americans now believe we should cut military expenditures, or at most hold them level. For many, projected deficits of $180 billion-plus simply compel greater economy. For thousands, maybe millions of other people, the threat of nuclear war has become a personal concern; they object to the growing arms race on grounds of conscience, and out of deep concern for earth's survival.

Yet in many respects, the arms race runs ahead of this public uneasiness. Weapons like the B-1 bomber and MX missile already are funded—not so much so that their production cannot be limited, but enough that budget director David Stockman could say, in a recent interview, that "Congress and the Defense Department are really fighting on the margins," and that "the battle over increasing defense spending was settled in 1981."

In terms of much of the 1985 defense budget, that is true—as reporter Frank Greve's chronicle of the B1, elsewhere in today's paper, makes painfully evident.

But Stockman's point also can be turned around and aimed at the future: Decisions made this year will control military spending—and the weapons it pays for—in 1986 and beyond. The pragmatic strategy at this point, for people who would limit future deficits and slow the arms race, is to focus on the military programs now entering the pipeline, or now seeking their first serious

procurement funding. And that means weapons designed to fight wars in space.

Those who now protest "the militarization of space" are aiming behind the target, and drawing too wide a bead. For a quarter century, space has been used for passive military purposes: reconnaissance, early warning, communication, verification of arms treaties. Some of these functions actually make the strategic balance more stable.

Both superpowers also have tried to develop ways to shoot down each other's satellites. We began testing anti-satellite weapons in 1959; the Soviet program dates from 1968. But until now, such weapons have been relatively primitive, and they have never been used.

Three weeks ago, however, the United States flight-tested a more threatening anti-satellite weapon, for which the Pentagon wants $226 million in fiscal year 1985. At the same time, Congress now takes up, for the first time, the president's so-called "star wars" proposal, which accounts for $1.7 billion in the fiscal 1985 budget, and whose eventual cost is estimated by a presidentially appointed panel at $92 billion. Others put the cost much higher.

Clearly a great deal of money is at stake. And the nation also is at a crucial junction, between seeking international agreements to prevent the active military use of space, or plunging into a new arms race. It is the nature of our system that the choice will be made piecemeal, in unsung congressional committees where the debate will concern obscure bits of military hardware and research contracts cloaked in jargon. It is not a glamorous process. But the outcome may be awesomely irrevocable.

LAST CHANCE IN SPACE

Flying over Southern California on Jan. 21, a U.S. Air Force F-15 jet fighter fired an 18-foot rocket and wrote a new page in the history of space weaponry. It was the first flight test of a second-generation anti-satellite (ASAT) system.

In future tests, such rockets will carry 11-inch non-explosive heat-seeking warheads, capable of maneuvering into the orbits of targeted satellites; the warhead parks in the path of an oncoming satellite and acts like a fireplug stationed in front of a speeding car: The satellite is destroyed by the simple force of impact.

Initiated by the Ford administration and scheduled to be operational in 1987, the new U.S. ASAT is considerably more sophisticated than anything we or the Soviets have had before. It's compact, it's fast, and it can threaten the U.S.S.R.'s high-orbit communications and early-warning satellites. Its small size also would make it difficult to verify under an arms control treaty that banned such systems or limited their numbers.

Although already operational, the 1968-vintage Soviet "killer-satellite" system is more crude and less threatening. Composed of a booster rocket and an orbiting, exploring, pellet-filled globe, it has a much slower launch time. And it cannot reach our high-orbit satellites.

The asymmetry of the American and Soviet ASAT weapons mirrors the asymmetry of their satellites and our own: They use cheap, replaceable satellites with short space lives; our military satellites are fewer, longer-lived, more expensive and more sophisticated. The obvious conclusion is that if the two sides began shooting down one another's satellites, tit for tat, the United States would have more to lose.

But the loss would not be measured in mere numbers. Take away a superpower's satellites, and you steal its military eyes and ears. Much of the ability to retaliate to an attack would be destroyed—along with the command and control systems that might restrain escalation of a war begun by misunderstanding.

All of this invests anti-satellite weapons with a lethality out of all proportion to their size and cost. Still, the price tag is not negligible. The General Accounting Office places the eventual cost of the new U.S. ASAT at $3.6 billion. In the fiscal year 1985 budget, the Reagan administration seeks $143 million for research and development, and an additional $83 million in procurement funds.

Some of the R&D investment might be justified, were the administration also willing to seek treaties to limit or ban weapons from space. But the Reagan defense strategy actively spurns such agreements.

Some members of Congress, distrustful of a president who would hang our security on weapons alone, this spring will attempt to cut the ASAT budget authority—or at least to tie it to negotiations for a new space treaty. On their efforts may depend mankind's last hopes to preserve space as benign.●

THE UNIVERSAL HEALTH INSURANCE ACT OF 1984

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. PEASE. Mr. Speaker, as many as 25 million Americans have no health insurance today. Perhaps another 20 to 60 million have coverage that is inadequate to pay basic medical expenses or to protect them from major medical expenses. Since access to health care is largely determined by health insurance, a significant portion of our population is unable to obtain medical care when necessary.

Today I am introducing the Universal Health Insurance Act of 1984. In summary, this proposed legislation would make the benefits of private group health insurance available to all.

Under the bill, every citizen and legal resident of the United States would be eligible to enroll in a health insurance program offered by a commercial insurance carrier and sponsored by the Federal Government. The Government's involvement would be limited to setting uniform national benefit standards and contracting with carriers to provide coverage.

Each State would have one or more designated service areas. The Secretary of Health and Human Services would solicit bids from private insurance carriers to offer plans in the service areas. Any plan offered under the bill would be required to include coverage for general inpatient and outpatient hospital services, maternal and postnatal care, diagnostic services, as well as protection against catastrophic medical expenses. The Secretary would recognize the best bid carrier in each service area and guarantee that carrier 60 percent of the business within the service area.

Participants would pay premiums of 6 percent of income for low-option coverage or 8 percent of income for high-option coverage. Income would include all cash receipts as well as the value of assets, less a reasonable exclusion for the primary residence and personal automobiles. The Government would pay the difference between the contracted-for premium and the participant's income-based premium. Thus, the Government would pay only for insurance coverage, not medical treatment and procedures. The insurance companies would deal with medical care providers as they currently do.

For a variety of reasons, there are too many people who do not have access to the many advantages of group health insurance. The price of individual health insurance policies is astronomical, so many families just do without. Consequently, the most efficient and cost-effective forms of health care—preventive and early treatment—are bypassed, and treatment is not sought until an emergency arises, resulting in greater costs for the patient, the health care delivery system, and for society as a whole.

Medical bills can devastate any family in a very short period of time. Protecting against this unhappy prospect is the reason I propose this legislation. It responds to a very great need. The essence of the program is principled fairness. Every person in this Nation should have access to health insurance at an affordable cost.●

MILLERSBURG (PA.) ABWA NAMES BOWMAN WOMAN OF THE YEAR

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. GEKAS. Mr. Speaker, I am pleased to report to the House of Representatives the accomplishments of Germaine S. Bowman, a constituent and friend from central Pennsylvania.

Germaine Bowman has been honored as 1984's Woman of the Year by the Millersburg American Business Women's Association. Her achievements are well-documented by the Upper Dauphin Sentinel article which I respectfully submit for the RECORD. Congratulations to Germaine.

[From the Upper Dauphin Sentinel, Mar. 7, 1984]

MILLERSBURG ABWA NAMES BOWMAN WOMAN OF THE YEAR

MILLERSBURG.—Germaine S. Bowman has been elected Woman of the Year for 1984 by

the Millersburg Charter Chapter of the American Business Women's Association (ABWA). Bowman is active in politics and is presently Dauphin County Jury Commissioner.

Annually, each ABWA chapter elects one of its members for this award. Selection is based on the member's achievements in her field of business, education, community activities and her participation in the Association.

Bowman attended the Lenkerville Elementary School through the eighth grade. At that time, because of a death in her family, she had to stay home and take care of her family. She continued her education through a "28 High School Subjects Self Taught" course by William L. Schaaf, Ph.D. In April 1964, she successfully completed eight courses offered through the Department of Labor and Industry on supervising, and received various supervisory certificates from the Commonwealth of Pennsylvania.

She has a total of 30 years of office experience accumulated by working for and with the Bureau of Motor Vehicles, Pennsy Supply, the Institution District of the Court House, County Home and Hospital, and the Agency of International Rescue Committee.

Bowman was appointed by Judge Lee Swope to fill a vacancy of an unexpired term as a jury commissioner in 1972. She has since been elected by the people of Dauphin County for three consecutive terms. Her duties as Jury Commissioner are to furnish the Dauphin County Courts of Common Pleas with a sufficient number of screened jurors for all trials tried by the jury. She also supervises the minority commissioner.

She is a member of the Valleys United Church of Christ in Halifax where she has served on the pulpit committee and as a deaconist and an elder. She is active in the Dauphin County Republican Party. Bowman has been a member of the Millersburg Charter Chapter ABWA since 1977 and has assisted on the hospitality, auditing, public relations, program, and ways and means committees.

Bowman also is eligible to compete for the 1984 Top Ten Business Women of ABWA and American Business Women of ABWA awards. Announcement of the national award recipients will be made at ABWA's 1984 National Convention, October 17-21, in Detroit, Michigan.

The American Business Women's Association is an educational association dedicated to the professional, educational, cultural and social advancement of business women. Currently, it has over 2,000 chapters and more than 110,000 members throughout the United States and Puerto Rico.●

IRISHMAN OF THE YEAR: JAMES C. BYRNE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to James C. Byrne who will be honored as "Irishman of the Year" at the eighth annual banquet of the Irish Society in Philadelphia on March 31, 1984.

Jimmy Byrne is a native Philadelphian whose grandparents came from County Donegal, Ireland. His family heritage and his strong moral commitment are demonstrated in his many contributions to the Irish community in Philadelphia and his brethren in Ireland.

Jimmy, who owns the Cottage Green Restaurant in Philadelphia, has been successful because of hard work and dedication. He has been devoted to the Philadelphia community as a whole as well as to the Irish community, and he served this country in the U.S. Army.

I congratulate Jimmy Byrne on the honor he will receive for his contribution to the Irish community in Philadelphia. He is a great example of what Americans can be with hard work, dedication, and commitment.●

COMMENDING DR. HECTOR P. GARCIA

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. BARTLETT. Mr. Speaker, I wish to call the attention of my distinguished colleagues to the exceptional record of Dr. Hector P. Garcia who has been selected by President Reagan to receive the Presidential Medal of Freedom Award. As you know, this is the highest honor that a civilian can receive.

Dr. Garcia's outstanding record of accomplishment highlights the contributions of Hispanic Americans to Texas and to the Nation. Dr. Garcia is the founder of one of the two largest and oldest Hispanic organizations in the country, the American GI Forum. He has served both as an Ambassador to the United Nations and as a civil rights commissioner.

As a physician, Dr. Garcia has worked for improved public health and improved sanitation programs that have had a dramatic effect in reducing high mortality rates that were common for Hispanic Americans. He has been actively involved in promoting educational opportunities once denied to Hispanics—opportunities that will continue to open the doors to economic and social improvement for Hispanic Americans. Dr. Garcia also has devoted attention and leadership to expanding participation of Hispanic Americans in the democratic process.

In addition to being an honor for Dr. Garcia, the presentation of the Medal of Freedom to this unselfish leader is an honor for the United States. As a living legend of the Southwest, Dr. Garcia has displayed a lifetime of commitment to the preservation of freedom and the dignity of basic human rights.

I would like to express to Dr. Garcia my congratulations and those of Texas' Third District as he receives this prestigious award for his outstanding record of service and leadership that exemplifies the ideals embodied in the Medal of Freedom Award.●

COSPONSOR LIST FOR H.R. 4915 CONTINUES TO GROW

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. LENT. Mr. Speaker, today I am placing in the RECORD the names of 11 additional cosponsors to my superfund reauthorization bill, H.R. 4915. Since the bill was introduced, 28 Members have joined me in cosponsoring this important legislation. This is an impressive bipartisan list of Members who agree that superfund should be reauthorized this year.

My bill, H.R. 4915, is a "fast-track" reauthorization, designed to provide the superfund program with the resources and statutory reforms EPA and the States need to get the job done. H.R. 4915 leaves for later resolution important but controversial issues such as victims' compensation. This is an issue which deserves careful congressional deliberation, but its inclusion in a superfund bill will, in my view, jeopardize the prospects for superfund reauthorization this year.

I applaud these new cosponsors as well as the 17 original cosponsors for their responsible and progressive position on this vital environmental legislation.

The new cosponsors are as follows: HENRY J. HYDE of Illinois, DAN DANIEL, of Virginia, WILLIAM F. GOODLING of Pennsylvania, JAMES G. MARTIN of North Carolina, GUY VANDER JAGT of Michigan, JOEL PRITCHARD of Washington, DAVID DREIER of California, ROD CHANDLER of Washington, LYNN MARTIN of Illinois, DONALD J. ALBOSTA of Michigan, and MARIO BIAGGI of New York.

I urge my colleagues to join us in working toward reauthorization of Superfund this year. If you are interested in joining us, please contact Claire Whitney at extension 6-3400.●

SITUATION IN WESTERN HEMISPHERE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. BARNES. Mr. Speaker, one of my constituents, Marvin Leibstone of Silver Spring, Md., wrote the following article that appeared in the March 13, 1984, edition of the Baltimore News-American. I submit for the attention of our colleagues Mr. Leibstone's arti-

cle which offers an interesting analysis of the situation in the Western Hemisphere.

[From the Baltimore News-American, Mar. 13, 1984]

GRENADA WAS A SOVIET DAGGER AIMED AT U.S. INTERESTS

(By Marvin Leibstone)

Examination of captured documents now confirms that the Soviet Union was transforming Grenada into a platform for sabotaging U.S. interests in this hemisphere.

Soviet and Cuban control of Grenada began five years ago, after Marxist-Leninist Maurice Bishop ousted eccentric, British-educated, Sir Eric Gairy. It ended last November after the U.S. invasion, when 49 Soviet, 53 Cuban and 15 North Korean advisers were returned to their governments.

In those five years Grenada became a warehouse for Soviet assault rifles, surface-to-air missiles, mortars, artillery pieces and armored personnel carriers; its army of 2,180 was Cuban-trained.

Copies of treaties seized during the invasion indicate that by 1985 Moscow, Havana and Pyongyang would have delivered 7,000 automatic and semi-automatic weapons and 15,000 hand-grenades, six-fold that needed to defend Grenada but standard supply for units fighting the U.S.-backed Salvadoran army. Moscow and Havana also helped build a 9,500-ft. runway at Port Salines capable of accommodating any jet fighter, bomber or transport plane in the Soviet inventory and enabling Cuban aircraft to reach Angola without refueling.

North of this airfield was a Cuban-managed terrorist training camp and half-completed submarine base. And Moscow was considering basing SS 20 intermediate range missiles on Grenada, which accounts for the presence of 15 Soviet rocketry experts.

Ruin for Moscow and Havana began, ironically, with the man each welcomed to power. Maurice Bishop seemed, to Soviet Ambassador Genaidy I. Sazhanev, increasingly soft and incompetent.

After three years of Bishop, 60 percent of Grenada's economy remained free enterprise. In June 1983, Bishop, against Soviet and Cuban advice, visited Washington to repair relations and reaffirm his island's non-alignment status.

Soviet and Cuban diplomats responded by cultivating Bishop's hardline rivals, Deputy Prime Minister Bernard Coard and Gen. Hudson Austin. U.S. intelligence sources believe Ambassador Sazhanev persuaded Austin to stage the October 20 coup. Austin obeyed, but angry Grenadans demanded Bishop's release from house arrest. Bishop was let go and immediately murdered by Lt. Colonel Hubert Lane, a Grenadan trained by the KGB in Moscow.

President Reagan's decision to intervene, however, did not come until neighboring nations asked for assistance. The U.S. deployed under 2,200 troops, hardly dominating numerically the Grenadan military in that lion-over-mouse equation painted afterward by critics.

Why would the Soviet Union and Cuba want Grenada, which is only 344 square kilometers with 121 kilometers of coastline, as a swing-point and base for military operations?

An obvious reason, suggested by the Kissinger commission, began when the Soviet and Cuban manner of supporting Latin American insurrections proved to be a bust. Efforts to damage power centers like Buenos Aires and Caracas failed, in each case Marxist-Leninists losing to a government that obtained U.S. help.

The Carter presidency, however, demonstrated the U.S. would provide emergency military assistance only when its more crucial interests were threatened. Hence Soviet and Cuban support for Nicaragua's Sandinistas, El Salvador's FLMN and the Guatemalan rebels.

In other words, Moscow and Havana, unable to influence Latin America by dominating power centers, went for the weaker underbelly—Cental America and the Caribbean—with Grenada the focal point.

Meanwhile, the region became more and more important to the U.S. which, to soften the impact of future oil price hikes or unexpected interruptions of the flow of Persian Gulf oil, raised its imports of Venezuelan and Mexican crude. Moreover, 44 percent of Alaskan crude was soon reaching refineries near Grenada, via Panamanian pipelines and the Panama Canal. Captured documents show, too, that the purpose of the submarine base was control of the Trinidad Straits, a deep water entrance to the Panama Canal, where 40 percent of U.S. trade passes each year.

In effect, Soviet planners recognized, by 1979, that U.S. strategic dependency had shifted somewhat. If the Soviet Union was to hold the U.S. to the same level of vulnerability imposed by dependence on Mideast oil, it would have to act in Central America.

A boon for Moscow, of course, was the Sandinista takeover of Nicaragua. Soon thereafter, the Kremlin sent Sazhanev to Grenada, where potential air and sea operations could threaten Venezuelan and Mexican oil fields and Panama Canal traffic, and from where Cuba could aid Latin insurgencies. The former commander of U.S. forces in Panama, General Wallace H. Nutting, estimates Soviet MiG flying-time from Grenada to Venezuela or Mexico to be under 20 minutes.

Ambassador Sazhanev, by the way, is a four-star general and military intelligence official specializing in covert operations. He was given full control of Cuban military and intelligence activities affecting the Grenada-Central America relationship.

True, President Reagan thought the safety of American medical students a good reason for sending troops to Grenada. He most certainly thought of signalling Moscow and Havana that their toying with air and sea lanes vital to America's well-being, and continued use of Grenada as a support-base for Marxist-Leninist violence, would not be tolerated.

It is several months since the invasion of Grenada and it is finally clear its purpose was strategic and vital to hemispheric security.●

A BILL TO REVITALIZE U.S. SHIPBUILDING

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. JONES of North Carolina. Mr. Speaker, I am pleased to introduce today a bill to revitalize commercial shipbuilding in the United States. For the period following the Korean war, the United States has fallen from its position as the world's premier shipbuilder to one whose total order book for commercial ships is less than 15 vessels, none of which is destined to serve the foreign commerce of the United States. If our maritime program remains as it is today, it is unlikely that a new U.S.-built ship will be seen in a foreign port in the foreseeable future.

The purpose of this bill is to restructure the Government's involvement in commercial shipbuilding. Present aid programs for the U.S. shipbuilding industry are unfunded. The cost effectiveness of the differential subsidy program has long been called into question, and the need to more effectively support the maintenance of a shipbuilding base is a matter of the highest priority.

When Congress zero-budgeted the construction differential subsidy program as part of the Omnibus Budget and Reconciliation Act of 1981, it was anticipated that the industry, working together with the administration and Congress, could develop a more effective alternative. Three years have passed and, while debate on several proposals continues, nothing new has been put on the table. This bill constitutes a different approach.

This bill recognizes that the national interest requires the maintenance of a shipbuilding mobilization base. It also acknowledges that requiring the subsidized U.S.-flag vessel operator to maintain that base has not granted sufficient work in U.S. shipyards to maintain that base. As a matter of fact, the requirements in the 1936 Merchant Marine Act have, in recent years, been counterproductive for both shipbuilders and ship operators.

This bill provides a 40 percent direct subsidy to shipyards that build vessels capable of being commerically marketed at competitive prices. An eligible yard is one that can build at least three vessels simultaneously. Since Navy contract work constitutes a subsidy of sorts, any yard whose capacity is used more than 60 percent for such work, is ineligible to apply for the subsidy.

When a shipyard comes up with a design and a production plan that it thinks it can market effectively, it notifies the Secretary of Transportation of its intent to apply for subsidy. The Secretary then makes that proposal available to all qualifying shipyards. Each yard can then bid, with the yard or yards offering the lowest price becoming eligible for the 40-percent subsidy.

This bill also encourages shorter delivery dates and lower final costs by splitting the difference gained by such efficiency between the shipyard and the purchaser, for the Government.

If any subsidized operator obtains a vessel constructed under this program, then the operator will be eligible to obtain foreign-built vessels having a

dollar value equal to that spent in the United States; and those foreign-built vessels would continue to be eligible for operating subsidy.

In the first year of operation of this program, the bill proposes an appropriation of $200 million and further proposes that an eligible vessel might include a State Maritime Academy training ship or a Coast Guard icebreaker. Further, in the first year of the program, the limitation on eligibility relating to the amount of naval construction in a shipyard is waived.

This bill is designed to encourage shipyards to develop design and market capability as well as to make more efficient their production management. It does this without placing a burden on any purchaser of these vessels, but acknowledges that the public has a stake in maintaining shipyards and for that reason, a direct subsidy is provided for.●

A TRIBUTE TO MR. B. DONALD GRANT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. MOORHEAD. Mr. Speaker, on April 12, 1984, at the Century Plaza Hotel in Los Angeles, Calif., the March of Dimes will present its prestigious Jack Benny Memorial Award to a giant in the American television industry, Mr. B. Donald Grant.

Past Jack Benny Memorial Award recipients include George Burns, Gregory Peck, Carol Burnett, Jim Hensen, and Lucille Ball. With the addition of Don Grant to the list of honorees, the March of Dimes award will continue to grow in stature.

Born in Baltimore, Md., Don Grant began his highly successful television career in 1958 when he joined the crew of NBC's Today Show. During the next 14 years at NBC, he served in a number of programing executive capacities, including manager of nighttime programs and manager of daytime programs.

In 1972, he joined CBS with the title of vice president, daytime programs, CBS television network. Evolving upward in the corporate chain, Don Grant today is senior vice president, entertainment, CBS broadcast group and president, CBS entertainment.

This division was created in 1977 and has the responsibility for developing new entertainment concepts, new programing and new sources of supply for CBS. In his capacity as president of the division, Mr. Grant has played a major role in the quality and success of current CBS shows.

He has repeatedly demonstrated the qualities of leadership and preception. He is a man of clear insight and enviable energy. From where most of us sit, Mr. Grant is the visionary behind the lense, the power behind the set.

Mr. Speaker, it is a pleasure for me to announce to my colleagues in the House of Representatives the presentation of the Jack Benny Memorial Award by the March of Dimes to Mr. B. Donald Grant of CBS Entertainment.●

FACTS ON NUCLEAR WEAPONS—NOT FICTION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. STARK. Mr. Speaker, the national debate over our country's nuclear weapons policy has been chock full of obfuscation and disinformation. The rhetoric level of this debate has reached new highs, while sane, responsible policy options continue to be ignored in favor of costly escalation. I would like to place in the RECORD a factsheet entitled "Nuclear Deterrence: Words and Facts," published by the Center for Defense Information. It is a straightforward and factual examination of the President's misuse of statistics regarding our strategic nuclear arsenal.

NUCLEAR DETERRENCE: WORDS AGAINST FACTS

THREE YEARS OF UNILATERAL DISARMAMENT

"Look beyond the words and one fact stands out," President Reagan said in his January 16 speech on Soviet-American relations. "America's deterrence is more credible, and it is making the world a safer place." Nine days later, in his State of the Union address, the President declared that, "The United States is safer, stronger and more secure in 1984 than before. We can now move with confidence to seize the opportunities for peace—and we will."

Looking beyond the words, one very interesting fact does stand out: According to Ronald Reagan's own favorite rule of thumb for measuring the U.S.-Soviet nuclear balance of power—nuclear delivery vehicles—the United States has fallen "dangerously" behind while he has been in office. In January 1981, the United States had 2,058 ICBM's, SLBM's and strategic bombers. But, today, that number has fallen to 1,954, for a net loss of 104 strategic delivery vehicles.

How is it that "deterrence is more credible" when the United States has unilaterally disarmed itself of 15 Titan II ICBM's, each carrying 9-megaton warheads; five Polaris missile submarines, each carrying 16 missiles with three 200-kiloton warheads; and 79 B-52D strategic bombers, each of which could carry four large nuclear bombs? This, remember, is the same President who has repeatedly gone on television to warn of Soviet strategic nuclear "superiority," using nuclear launcher numbers to prove his case. If we are inferior, why did he unilaterally cut back 5 percent of our strength?

A MORE MEANINGFUL MEASURE

Look even further beyond the words, however, and you encounter a far more meaningful measure of nuclear strength, one the President is reluctant to use when issuing his dire warnings. Counting deliverable nuclear weapons, the U.S. arsenal has grown from 9,726 strategic nuclear weapons in January 1981 to 10,547 in March 1984, for a net gain of 821 weapons.

Clearly, it is more convenient for Ronald Reagan to compare 2,342 Soviet ICBM and SLBM launchers to 1,692 U.S. launchers than to reveal the fact that U.S. missile launchers and bombers can explode 10,547 strategic nuclear weapons on the Soviet Union while the U.S.S.R. can explode "only" 7,837 nuclear weapons on the U.S.

The weapons accounting for growth in the U.S. arsenal from 1981 to 1984 are Trident submarines with Trident I missiles and air-launched cruise missiles. These weapons were developed and funded under the previous Administration, which candidate Reagan repeatedly accused of weakening America's defenses in the culmination of "a decade of unilateral nuclear disarmament."

U.S. Strategic Forces: January 1981 Versus March 1984

January 1981:	
Launchers: [1]	
ICBM's	1,052
SLBM's	600
Bombers	406
Total	2,058
March 1984:	
Launchers: [3]	
ICBM's	1,037
SLBM's	592
Bombers	325
Total	1,954
Net loss, launchers	104
January 1981:	
Weapons: [2]	
ICBM's	2,152
SLBM's	5,040
Bombers	2,534
Total	9,726
March 1981:	
Weapons: [4]	
ICBM's	2,137
SLBM's	5,344
Bombers	3,066
Total	10,547
Net gain, weapons	821

[1] ICBM's: 550 Minuteman III's, 450 Minuteman II's and 52 Titan II's.

SLBM's: 36 Polaris and Poseidon submarines with 16 tubes each and 1 Trident submarine with 24 tubes.

Bombers: 343 B-52's and 63 FB-111's.

[2] ICBM Weapon's: 550 Minuteman III's with 3 warheads each and 450 Minuteman II's and 52 Titan II's with single warheads.

SLBM Weapons: Five 16-tube submarines armed with single warhead (3-MRV) Polaris missiles, 25 16-tube submarines armed with 10-warhead and Poseidon missiles, six 16-tube submarines armed with 8-warhead Trident I missiles and one 24-tube Trident submarine armed with 8-warhead Trident I missiles.

Bomber Weapons: 2,534 bombs and short-range attack missiles (SRAM's).

[3] ICBM's: 550 Minuteman III's, 450 Minuteman II's and 37 Titan II's (15 Titans retired).

SLBM's: 31 Poseidon and ex-Poseidon submarines with 16 tubes each and four Trident submarines with 24 tubes each (five Polaris submarines retired and 3 new Trident submarines commissioned).

Bombers: 264 B-52G/H's and 62 FB-111's (79 B-52D's retired and one FB-111 lost).

[4] ICBM Weapons: 550 Minuteman III's with 3 warheads each and 450 Minuteman II's and 37 Titan II's with single warheads.

SLBM Weapons: 19 16-tube submarines armed with 10-warhead Poseidon missiles, 12 16-tube submarines armed with 8-warhead Trident I missiles and four 24-tube Trident submarines armed with 8-warhead Trident I missiles (additional 6 Poseidon submarines converted to Trident I missile and three new Trident submarines commissioned).

Bomber Weapons: 3,066 bombs, short-range attack missiles (SRAM's) and air-launched cruise missiles (ALCM's).●

PERSONAL EXPLANATION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. EDGAR. Mr. Speaker, yesterday I was unavoidably absent when the House was considering House Resolution 465, the rule providing for consideration of H.R. 5174, the Bankruptcy Amendments Act. Had I been present, I would have voted in favor of the rule. It allowed consideration of important legislation to restructure our bankruptcy courts, amend consumer bankruptcy laws, and overturn the Supreme Court's Bildisco decision. I strongly support the passage of this vital measure.●

COSTA MESA MAN AND WOMAN OF THE YEAR

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. BADHAM. Mr. Speaker, it is with a great deal of pride that I call the attention of this honorable body to the fine service to the community of Costa Mesa, rendered over the years by Orville Amburgey and Mrs. Joyce Martin, who are being honored on April 11, 1984, by the Costa Mesa Chamber of Commerce as this year's Man and Woman of the Year.

The Costa Mesa Chamber of Commerce established the Man and Woman of the Year Award in 1970, recognizing and honoring those citizens who have volunteered unselfishly their time and talent in making the community of Costa Mesa a better place to live. The 1984 recipients of this distinguished award are truly deserving of recognition.

Mrs. Joyce Martin has been an untiring and dedicated volunteer for many of the city's programs. She has participated in fundraising efforts for the United Way and campaigns to raise funds for the fight against cancer and muscular dystrophy. Mrs. Martin has been president of the Orange Coast College "Friends of the Library" and the Costa Mesa Historical Society. She has also served as the chairwoman of Costa Mesa Beautiful.

Mrs. Martin's dedication and service to the citizens of Costa Mesa covers a broad age spectrum. She has worked at the local Boy's Club and scheduled dances for the youth in the community. She has organized groups of senior citizens for visits to Fairview Hospital to assist the patients of that facility.

Like Joyce Martin, Orville Amburgey is a volunteer in every sense of the word. Much of his activity has centered around the youth of Costa Mesa. Orville is currently serving as the chairman of the Orange March of Dimes 200 Fund Raiser. He was awarded with a certificate and plaque for distinguished volunteer leadership in birth defects prevention.

Orville Amburgey served as a member of the Newport-Mesa Board of Education from 1972 to 1976. He has been an active member of the Costa Mesa High School Boosters for 12 years and is the current president of the general boosters organization. Orville Amburgey is a past president of the football boosters and the past chairman of the cub scout packs in the Mesa Verde area of Costa Mesa. He is also an active member of the Costa Mesa-Newport Harbor Lions Club.

As communications director for the city of Costa Mesa, he is involved in the 911 universal emergency telephone program making the city a leader throughout the United States in implementing the 911 system. Orville Amburgey is also responsible for design and installation of a centralized Public Safety Communications network which is second to none in the United States.

It is clear to see that when Webster's revises their dictionary, the names of Orville Amburgey and Joyce Martin should be included in the definition of "volunteer." It is with a great deal of pride that I bring their record of service before this body. I commend Orville and Joyce on a job well done.●

RESUBMISSION OF H.R. 4509

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. FRANK. Mr. Speaker, on November 18, 1983 I introduced a bill, H.R. 4509, to amend the Immigration and Nationality Act with respect to the grounds for exclusion and deportation of aliens. I submitted this bill so as to provide a framework for discussion when the Immigration Subcommittee meets this spring to discuss this issue. Today I have resubmitted this bill with a few minor changes. These changes involve correcting typographical errors, making appropriate changes in the conforming amendments, and including a provision of current law which was inadvertently dropped in the first version of this bill. Thank you.●

IN TRIBUTE TO CLARENCE M. MITCHELL, JR.

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. MATSUI. Mr. Speaker, on March 19, one of the greatest civil right leaders in American history passed away, and at this time I would like to pay tribute to this tremendous individual.

Clarence M. Mitchell, Jr., used to say "you've got to know when to stop picketing and sit down at the conference table." His philosophy was developed by experience.

Clarence worked with the NAACP since 1945, and served as the director of the Washington bureau since 1950. He helped found, and was a principal in the Leadership Conference on Civil Rights, but he had also carried picket signs to help desegregate schools—and had himself arrested for going through the main door of a South Carolina railroad station.

His integrity and dedication for the cause of civil rights earned him the respect and friendship of those who knew him. President Carter recognized him with the Nation's highest honor, the Presidential Medal of Freedom. President Ford appointed him as a U.S. Representative to the United Nations.

This man leaves behind a long, successful record of accomplishments. Clarence initiated Executive orders such as President Truman's decision to desegregate the Armed Forces. He aided the Eisenhower administration with the formation of the 1957 Civil Rights Act, and was instrumental in the establishment of the Civil Rights Commission.

Clarence Mitchell's willingness to devote a lifetime to the cause of equality will justifiably place this man forever in the pages of American history.●

FREE IDA NUDEL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. MARKEY. Mr. Speaker, recently I received a letter from Mrs. Elena

Fridman of Rehovot, Israel. I had the opportunity to meet Mrs. Fridman last September in Madrid, where I was a congressional delegate to the meeting of the Commission on Security and Cooperation in Europe. Mrs. Fridman informed me firsthand of the tragic situation of her sister Ida Nudel who, after serving a terrible exile in Siberia, was still not able to emigrate and join her family in Israel.

On June 21, 1978, a People's Court in Moscow found Ida Nudel, a small, frail woman of 47 years, guilty of the charges of malicious hooliganism and sentenced her to a term of 4 years of exile in Siberia. She had been convicted for publicly expressing her desire to emigrate from the Soviet Union by hanging a placard on the balcony of her Moscow apartment which read, "KGB Give Me My Visa."

Ida Nudel has first applied for an exit visa in May 1971, along with her sister, Elena Fridman, and Elena's family. At that time, Ida was employed as a accountant at the Moscow Institute of Hydrology and Microbiological Synthesis for Planning and Production. Early in 1972, Ida was fired from her job, which was typical and expected, but shortly thereafter she was refused a visa, although her relatives were given permission to leave the Soviet Union. Ida insisted that her relatives leave without her, since she fully expected to join them shortly, convinced that a bureacratic error had been made. Tragically, such was not the case.

Over the years, Ida Nudel repeatedly applied to leave the U.S.S.R. and was denied each time. The refusals served to reinforce the sense of her Jewish heritage, and she became an active figure in the Jewish emigration movement. She became instrumental to the support and well-being of refuseniks, prisoners, and their family—she became known as the Guardian Angel of Soviet Jewish prisoners of conscience. She maintained a volume of correspondence with prisoners, visited them in camps and prisons, and sent them parcels of food, medicine, and books. Moreover, she represented their interests to camp authorities and government officials. She became a champion of those deprived of their basic human rights guaranteed by international agreements as well as the Soviet Constitution.

Today, in both the Soviet Union and Israel, a significant number of prisoners and former prisoners hold Ida Nudel in loving gratitude. For example, Shimon Grilius, who was prisoner from 1969 to 1974 and now lives in Israel, recalled how the heavy labor in prison camp aggravated a shoulder injury. Given only a brief respite from work and told to resume his labor, Grilius refused his work assignment so that he could save his shoulder.

Expecting punishment and transfer to the severe Vladimir prison for his refusal, Grilius was surprised to be summoned before a male nurse who treated him with uncharacteristic kindness. As Grilius stated:

It turned out that as soon as I had passed on information about my problem to Ida, she made a complaint to the Minister of Health and to the Red Cross. As a result of Ida's efforts, I was never again assigned to that kind of work and was spared from being sent to Vladimir. This was only one of the many kinds of assistance Ida rendered to the prisoners.

Similarly, Alexander Slinin was only 19 years of age when he refused to serve in the Soviet Army because he considered himself an Israeli citizen. He was sentenced to 3 years' strict regime imprisonment, serving in a total of six camps in the Ukraine. After his release, he was able to emigrate and joined the Defense Forces upon his arrival in Israel. He recounts Ida's efforts:

I was still very young at the time, and Ida's letters exerted a great influence upon me. She tried to gain insights into my character from my writing and frequently urged me to behave calmly and with restraint in dealing with the authorities, to avoid unnecessary arguments and consequent punitive action, and to take care of myself as much as possible. She was well aware of the fact that I was hot-tempered and I over-reacted to the warden's actions. She had exceptional powers of persuasion, and I must confess that I followed her instructions and fulfilled her requests. I believe that it would have been very difficult for me to exist without Ida's letters. They were a source of a very special kind of encouragement.

For all her efforts, Ida was subjected to frequent police harassment. She was arrested on a number of occasions and sometimes held in custody for more than 2 weeks at a time. Several times she was physically abused. She was often under house arrest, her apartment was frequently searched, and her personal belongings confiscated. Her exile in Siberia was particularly difficult. She was housed in a barracks where she was the only woman and the only Jew among a large group of criminal offenders and drunks. A former prisoner now in Israel, Alexander Levinson, visited her in exile and described her situation:

Her room in the barracks shocked me. The window panes were shattered. Her front door was marked with recent signs of attempts to smash it in. The lock appeared to have been changed recently. The walls were filthy. The room had virtually no furniture, nor was there any plumbing. The nearest faucet was located in a hallway quite a distance away and it served the entire population of the barracks. The only toilet was in a distant courtyard and its condition was horrible.

After completing her sentence in March 1983, Ida's situation remained bleak. She was denied a municipal residence permit for 6 months and wandered homelessly. Finally, she was allowed a residence permit in the small Moldavian town of Bendery. Even in this place of renewed exile, she is harassed and denied mail and other contacts. In the meantime, her health is poor, and she is clearly suffering from the constant stress imposed by the authorities.

Ida Nudel has suffered enough. She deserves permission to join her family under provisions agreed to by the Soviet Union when they signed the Helsinki Final Act. I take this opportunity to urge the Soviet leadership to grant Ida Nudel an exit visa on the humanitarian grounds of family reunification.●

BATAAN-CORREGIDOR MONTH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. ANDERSON. Mr. Speaker, at the request of the Filipino Community of the Los Angeles Harbor Area and several other organizations, today I am introducing a resolution to designate the period commencing April 8, 1985, and ending May 6, 1985, as Bataan-Corregidor Month.

On April 8, 1942, and on May 6, 1942, American and Filipino troops relinquished control of the Bataan Peninsula and Corregidor, respectively, to the Imperial Japanese, but only after delivering a fatal blow to the enemy's timetable for conquest. The valiant efforts of those American and Filipino soldiers proved a critical importance to the ultimately triumphant Allied forces.

Joining the Filipino Community of Los Angeles Harbor Area in urging congressional passage of Bataan-Corregidor Month are the American Legion, Mayon Post 688; Chapter 17 of the Disabled American Veterans; and the United Veterans Council of Long Beach.

Mr. Speaker, 218 cosponsors of a commemorative bill are needed before it can be considered by the full House. I hope a majority of our colleagues will cosponsor this resolution so it can be passed by this House and then by the Senate.●

OUR SUGAR PROGRAM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. FRANK. Mr. Speaker, one of the great examples of hypocrisy in our National Government continues to be the extent to which professed fiscal conservatives and free-market advocates foist on the American people agricultural policies which drain the

Treasury and drive up the price of food to consumers. One of the most egregious examples of this is our sugar program, with its complex set of anti-consumer and antitaxpayer subsidies and restrictions on growth and trade. A recent editorial in the Boston Globe illustrates how unfair this program is to all but a handful of Americans and I ask that it be reprinted here.

The article follows:

[From the Boston Globe]

CHARLESTOWN SUBSIDIZES OREGON

The 400-job loss in Charlestown with the closing of a sugar plant has loomed for years, the consequence of a wasteful domestic farm subsidy program. Public officials are scurrying around looking for work for the 400 people involved. That is appropriate and desirable, but they should also spend time thinking about how they will address the subsidy question when it comes up again in Congress.

The federal sugar subsidy program has kept farmers in places like Oregon slavishly producing expensive sugar from beets and cane at prices that have fluctuated a few pennies above or below 20 cents a pound. The Reagan Administration, to reduce the costs of the program, imposed severe import quotas on sugar produced in the rest of the world where chronic surpluses have driven the price down to about seven cents a pound.

Sugar produced in the Revere Sugar Co. plant in Charlestown had depended heavily on imported cane and its low cost to remain competitive. High prices of domestic sugar have increasingly driven major users of sugar like the soft drink industry to use substitute, less expensive sugars made primarily from corn. World cane-sugar prices would have kept imported cane competitive even with corn sugar prices, but quotas made supply uncertain.

Sugar subsidy sponsors have contended that they just wanted to prevent the U.S. from being vulnerable to any cutoff of foreign sugar supplies or run-ups in prices that have occasionally occurred in world markets. While one can sympathize with the desire to protect farmers, there is nothing to prevent the farmers from shifting to other crops—including grain crops that are also eligible for federal support programs.

As matters stand, those farmers have lost a goodly portion of their markets, too, to corn substitutes. What did Charlestown lose? About 400 jobs. That's paying the ultimate subsidy of them all.●

MISS BEAUTON LONG

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. EMERSON. Mr. Speaker, once in a great while we come across a person in our midst who has, for all their adult life, been an inspiration to those in their community. Such is the case in my home district in southeast Missouri.

Miss Beauton Long of East Prairie has owned and operated a drug store in its rural community since she graduated from pharmacy school in 1938. Her first store was what she calls a cubbyhole, and she began the business with $100. Through the years her business grew and expanded until she sold her business and retired in 1976.

During her almost 40 years in business Miss Long never forgot those who were less fortunate—never forgot those in her community. Many has been the time she has filled a much-needed prescription without any thought of when or if she would receive payment. She has worked hand in hand with local civic organizations in assisting handicapped children and insuring they receive the finest of medical treatment. And she has helped make sure children in her community received much-needed eyeglasses. Miss Long has always been an inspiration to all who have been around her.

Recently, Mr. Speaker, Miss Beauton Long received a much deserved recognition for her years of loving service. At a banquet sponsored by an area television station, Miss Long received the coveted Missouri Jefferson Award for outstanding service to her community. The letter of nomination, written anonymously, stated Miss Long's "idea of community betterment is betterment of its individual members and especially its children. Her efforts to achieve this goal have spanned many years and taken many forms, most of which are unknown to the community at large." The writer concluded by saying: "All who have come into contact with Miss Beauton have been touched by the finger of God through her."

Mr. Speaker, I join with my friends and neighbors throughout Missouri's Bootheel in saluting Miss Beauton Long and congratulating her on this well deserved and high honor. And I would like to personally thank her for her many years of dedicated service to her community.●

YURIY SHUKHEVYCH DEFENSE WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. GREEN. Mr. Speaker, I rise today to bring to my colleagues' attention the plight of Yuriy Shukhevych, a Ukranian nationalist who has been held captive in a Soviet prison since 1948.

The Ukranian Students Association of Mykola Michnowsky (TUSM) will be observing the week of March 26-31 as Yuriy Shukhevych Defense Week. Mr. Shukhevych was arrested in 1948 at the age of 15. He did not commit any crime. Rather, he was incarcerated for having been the son of Roman Shukhevych, the commander in chief of the Ukranian Insurgent Army (UPA) which fought on two fronts against Hitler's Germany and Stalin's Soviet Union during World War II. Roman Shukhevych continued the struggle for national liberation after World War II and well into the 1950's.

The Soviet Union has told Yuriy Shukhevych that in return for his freedom, he must compromise all his morals by renouncing his father and the Ukranian National Liberation struggle. For his continued refusal to comply, Yuriy Shukhevych has been subjected to both physical psychological torture for more than three decades. His condition is ever deteriorating.

On August 1, 1975, 33 European nations as well as the Soviet Union, the United States, and Canada signed the Helsinki agreement. Included in this agreement are provisions to guarantee basic human rights and to protect human rights of prisoners such as Yuriy Shukhevych. Unfortunately, the Soviet Union continues to violate this agreement and Yuriy Shukhevych is just one more reason that human rights activists around the world must persist in demanding Soviet adherence to the Helsinki agreement.●

JUDICIAL EXCELLENCE: HON. THOMAS A. WHITE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1984

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to the Honorable Thomas A. White, who will be honored with the Irish Society Award for judicial excellence at the eighth annual banquet of the Irish Society in Philadelphia on March 31, 1984.

Tom White has served as a judge of the Philadelphia Court of Common Pleas with distinction since 1977. Born in County Derry, Ireland, he has been very involved in the Irish community in Philadelphia, and has served as president of the Brehon Law Society and president of the Irish Society. He has also been active in many other worthy organizations including the American Legion, the Knights of Columbus, and the Democratic Party.

I congratulate Tom White on the honor he will receive for his contribution to the Philadelphia court system and Irish community. He deserves our appreciation for his continued excellence on the bench and in the community.●

HOUSE OF REPRESENTATIVES—*Monday, March 26, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The law of the Lord is perfect, reviving the soul; the testimony of the Lord is sure, making wise the simple; the precepts of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes; the fear of the Lord is clean, enduring forever; the ordinances of the Lord are true, and righteous altogether.—Psalm 19: 7-9.

Help us, O Lord, to see Your truth in all its manifestations, and encourage us to live that truth in all the avenues of life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4072. An act to provide for an improved program for wheat.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 803. An act to establish the Commission on the Centennial Review of the Civil Service.

The message also announced that the Vice President, pursuant to the provisions of sections 276h-276k of title 22 of the United States Code, as amended, appoints Mr. DOMENICI, Mr. SARBANES, and Mr. BINGAMAN as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 98th Congress, to be held in Washington, D.C., on May 17-20, 1984.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit on Tuesday, March 27, 1984, should the House be reading for amendment under the 5-minute rule at the time.

This request has been cleared, and I understand that there is no objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. LUNGREN. Mr. Speaker, reserving the right to object, I have been informed that we have not had a chance to approve this. Could I ask if the gentleman would withhold for a few moments while we check?

Mr. SYNAR. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from Oklahoma (Mr. SYNAR) withdraws his request.

THREE YEARS OF REAGANOMICS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, we are rapidly approaching the third anniversary of Reaganomics and—if last week was any indication—a meaningful, sustained recovery continues to elude our grasp.

On Tuesday the prime rate jumped to 11.5 percent, with predictions that it will climb to 12 percent by summer. The stock market continued its shaky performance, while the Commerce Department acknowledged that our Nation faces the largest trade deficit in history.

REAGANOMICS: AN ECONOMIC COMPARISON

(Or "So You Think We Are Better Off Now Than We Were Before . . .")

Near the close of the 1980 presidential campaign, candidate Ronald Reagan asked the American people a simple question: ". . . are you better off than you were four years ago?" It was a thought-provoking question, and one that merits being asked again today. The truth is that the performance of the economy during the Reagan Administration has fallen far short of the performance of the economy in the four years immediately preceding.

	1981-83	1977-80
Real gross national product [1] (percent)	+1.3	+3.2
Industrial production [2] (percent)	+0.1	+3.0
Rate of capacity utilization [2] (percent)	75.9	83.4
Plant and equipment expenditures [1] (percent)	+0.8	+14.6
Housing starts [3]	1,282,600	1,761,200
Domestic auto sales [3]	6,253,300	8,486,700
Merchandise trade balance, in billions [3]	−$50.6	−$39.6
Business failures [4]	24,491	8,461
Civilian unemployment rate [5] (percent)	9.0	6.5
Number of persons unemployed [5]	9,889,000	6,742,000
Real disposal personal income, per capita [1] (percent)	+1.3	+1.9
Prime rate [6] (percent)	14.84	10.96
Mortgage rate [6]	14.14	10.51
Municipal bond rate [6] (percent)	10.76	6.59
Federal budget deficit, in billions [7]	$153.0	$48.5
Net private investment, in billions [6] (in constant dollars)	$51.3	$84.3
Farm income [6] (average annual rate of growth) (percent)	−5.7	+1.75

[1] Department of Commerce, Bureau of Economic Analysis.
[2] Federal Reserve Board.
[3] Department of Commerce, Bureau of the Census.
[4] Dun & Bradstreet.
[5] Department of Labor, Bureau of Labor Statistics.
[6] Economic Report of the President, 1984.
[7] Office of Management and Budget.

Note.—Each figure is presented as an overall or annual average in order to offset any differences which would arise due to the variance in the number of years of each administration.

Rather than the economic cure-all promised by its creators, Reaganomics is proving to be little more than a political quick fix, financed over the last 3 years with more than a half trillion dollars this Government did not have.

Mr. Reagan says his economic policies have produced a long-term "sparkling recovery." In fact, Mr. Speaker, for most Americans, Reaganomics will be little more than a election year fizzle.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 473, NATIONAL EYE HEALTH CARE MONTH

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent that my name be stricken from the list of cosponsors of House Joint Resolution 473.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FOSTERING COMPETITION IN SPARE PARTS PROCUREMENT

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, in spite of all the protests about the waste in Federal spending, this Congress has yet to see any real progress on reduc-

ing cost overruns. We have all heard the horror stories of tools and equipment bought for prices hundreds of times their real value. I recently showed the House a small plastic bag containing 31 cents' worth of bolts and washers, the same items for which the Pentagon spent $21,525. The Pentagon's inspector general told Congress last fall that the Pentagon had not made its procurement managers sufficiently price conscious.

That is why I am asking all Members to support a bill now in the Armed Services Subcommittee that would put an end to those horror stories. I am pleased to report that this bill includes the Roth amendment that would help small businesses to compete for Federal contracts. The problem small businesses face today is that they do not have access to the blueprints needed to build and compete for spare parts contracts. The Roth amendment would require the Government to provide that data to all potential competitors. This will put teeth into the legislation by opening the field of competition as wide as possible.

I ask all of you here in Congress to help us pass this legislation so that the American people can be confident that we in Congress will do all in our power to cut waste and fraud.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit on Tuesday, March 27, 1984, should the House be reading for amendment under the 5-minute rule at that time.

This request has been cleared twice through the minority, and I understand that they twice now have indicated they have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LINE-ITEM VETO, BALANCED BUDGET, AND SCHOOL PRAYER CONSTITUTIONAL AMENDMENTS

(Mr. MACK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, during this past weekend I had the opportunity to travel home again to do another town meeting, where I had the opportunity to have some discussion with 350 people who live in my district.

The purpose of the meeting was to talk about what is happening with the economy and what they think should be done. Two of the areas in which we specifically asked them to respond had to do with a balanced budget amendment and a line-item veto amendment. Ninety-four percent of the people who attended that meeting said both of those pieces of legislation should not only be passed but should have the opportunity for full discussion here on the floor.

Mr. Speaker, for a number of weeks, a number of Republicans have wished to offer unanimous-consent requests calling for consideration of an amendment to require a balanced budget, an amendment to require a line-item veto, and an amendment to allow school prayer.

Mr. Speaker, the Chair has ruled that in order to make these requests, or any of them, we must have the clearance of the majority and minority leaderships. As we have said for a number of weeks, the request has been cleared by the minority leadership, by the Republican leader, the gentleman from Illinois (Mr. MICHEL), and I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response, and that should make it very clear to the American people who stands in the way of bringing up a balanced budget amendment, a line-item veto amendment, or a school prayer amendment—and that is the Democratic leadership of this House.

CHANGE IN THE INSANITY DEFENSE RULE AWAITS ACTION BY THE HOUSE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, just a moment ago, another Member cited that this is the third anniversary of Reaganomics. We certainly do not have the time to go into the inconsistencies and inaccuracies of his statement. But I would just like to suggest that this week marks the third anniversary of a tragic event, and that was Mr. Hinckley's attempted assassination of the President.

It is important for any number of reasons, not the least of which is that 3 years after that event still on the floor of the House of Representatives we have not been accorded the opportunity of voting on the question of changing the insanity defense rule. This is something that has been worked on on a bipartisan basis on the Senate side, it has been worked on on a bipartisan basis in the House subcommittee and committee, and yet for 4 or 5 months it has languished without even being given an opportunity for review by the Rules Committee. That is just symbolic of the many different types of crime legislation which have languished in this House for several years.

I would hope, Mr. Speaker, that we might be able to accord it the same courtesy that has been accorded name changes for particular wilderness areas and the planting of more pine trees in a certain part of Oregon. It seems to me that it is the type of legislation that the folks out there expect us to deal with, and I hope we will not have to wait another 3 years until we are given that opportunity.

BIPARTISAN CONSENSUS ON CIA INFORMATION ACT

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, we have forged a bipartisan consensus on legislation to modify the application of the Freedom of Information Act to the Central Intelligence Agency. This consensus is embodied in H.R. 5164, the Central Intelligence Agency Information Act introduced on March 15. I am proud to be a sponsor of this bill with Mr. MAZZOLI, the chairman of the Subcommittee on Legislation of the Intelligence Committee, on which I serve as ranking minority member, with Mr. BOLAND, chairman of the Intelligence Committee, and with Mr. ROBINSON, the ranking minority member of the Intelligence Committee.

The bill is carefully crafted to achieve three purposes.

First, the bill will relieve the CIA from an unproductive FOIA requirement to search and review certain specifically defined CIA operational files consisting of records which, after line-by-line security review, almost invariably prove not to be releasable under the FOIA.

Second, the bill will provide more effective security for the identities and operational activities abroad of individuals who risk their lives and livelihoods to assist the United States by cooperating with the Central Intelligence Agency.

Third, the bill will improve the ability of the CIA to respond to FOIA requests from the public in a timely and efficient manner, while preserving undiminished the amount of information releasable to the public under the FOIA.

I urge my colleagues in the House to give favorable consideration to this legislation in the coming weeks.

□ 1210

CENTRAL STRATEGIC PLANNING

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, a recent Harris Business Week poll of 601 executives, many from the 1,200 large corporations in Business Week's corporate scoreboard correlates directly with the finding of the Joint Economic Committee concerning industrial policy. Last year, several hearings conducted by the Joint Economic Committee, demonstrated an absence of any strong support for a so-called national industrial policy.

Most importantly, this was from witnesses whose views spanned the political and economic spectrum. Responses to the recent Harris Business Week poll show there is a strong aversion to central planning in the United States. Nearly two-thirds of those polled believed that central strategic planning is not feasible in our kind of economy.

The next question in the survey indicates, I believe, the disinclination toward central planning. The Harris poll asked those who thought central planning was infeasible if they thought it would be feasible if all central planning was done in the private sector. In other words, if their natural antipathy toward central planning would be overcome by virtue of the fact that those who would make that decision would be in the private sector. One-third of this group thought it would be feasible, while a strong two-thirds said it was not.

In other words, even if they in the business community were given the opportunity to do the strategic overall central planning, an amazing two-thirds of them said it would not work.

Two important points can be drawn in response to these questions, I believe. The first is the continued overwhelming opposition to central planning even if it is done in the private sector, and second, the question was asked on the presumption that all of the central planning would be conducted in the private sector.

This is important, because none of the industrial proposals being considered in Washington, including those going forward in our committees in the House of Representatives, would allow the private sector alone to do the central planning.

The one predominant feature among all the proposals being considered in Washington is the heavy role that the Federal Government would play directing the direction of our economy.

Among my colleagues in the Congress, I have not heard anyone suggest a proposal that would allow the private sector to have exclusive control over planning the economy; so the second question does not seem to have much direct relevance to the debate as it is currently being discussed here in Washington. In fact, I believe it would be naive to think that Congress would turn over to the private sector the authority and responsibility toward central strategic planning.

The question is useful, however, in indicating the lack of support for the central planning schemes currently being debated here in Washington. Perhaps the best indication of the aversion to central planning, even though it might take place in the private sector, came from the testimony of Dr. Robert Noyse, a recipient and cofounder of the National Medal of Science and cofounder of Intel. He oftentimes is referred to as the major spokesman for Silicon Valley, the one who truly understands what drives high tech in this country and he is often requested to testify before panels, both here on the Hill and off the Hill, both within Government and in academic circles.

On June 30 of last year he told our Joint Economic Committee of a situation where he had advised his wife not to invest in a local high tech startup which later turned out to be the most successful in American industrial history. This firm is called Apple Computer.

Stated Dr. Noyse:

> It is precisely because those of us who should have known better didn't see that opportunity, including if I may say so, the big established computer companies that gave Apple such a big opportunity.

He added in his prepared testimony:

> As a footnote, I might add that I am fortunate that my wife, like most, did not take my advice.

In other words, here we have someone who is known as probably the expert in the area of high tech, who based on his own information, his own inclinations, his own feeling for that area, recommended that one should not invest their money in what turned out to be the most successful high tech startup company in the history of the United States.

Now, that should suggest something about our ability to foresee the future, and that should, it seems to me, give us pause before we decide that any group of Americans collectively can make those infallible decisions that would drive this economy.

As a matter of fact, it seems to me it points up the fallacious aspect of this argument and it undercuts the ability of our economy to respond far more quickly and far better than other economies as we face the unknown future. By that I mean this. If you have a rapidly expanding aggressive economy which allows the spirit of entrepreneurialship to prevail, which allows people the opportunity to succeed, knowing that, yes, they may fail, but gives them the ability to put their own initiative to work, to use their own imagination, the possibilities are the successes that are out there will be captured within that system as opposed to a system which shuts everybody down and puts them all into one capsule and says, like toothpaste, we are going to squeeze all of those ideas so that at one end the right idea will prevail.

The next two questions in the survey were asked on the assumption that some central strategic planning mechanism would be implemented. In other words, even though you do not want it, if it is going to come, how would you react to these questions? Because such an overwhelming dislike for central planning was displayed in the earlier part of the survey, these latter questions in some ways are almost moot. Such questions are analagous to asking people, "Which taxes should be increased by the Federal Government?" Despite the fact that 70 percent of those polled in a recent survey opposed the tax increase and perfer that spending be reduced.

It is clear that two-thirds of the executives polled do not think that central planning in our kind of economy is feasible. Nonetheless, results of these latter questions, based on the assumption that we would adopt some sort of central planning, is informative.

The first question in this set, question D, shows that if there were some central strategic planning mechanism, only 7 percent believe it should be used to make key decisions about resource and capital allocation. Yet, and unfortunately, despite such a low level of support, the House Banking Committee on economic stabilization on February 8 of this year reported out a bill which would provide for a bank for industrial competitiveness—to do what? To use taxpayer funds to provide loans, loan guarantees and purchase capital stock to mature our linkage industries. Only 29 percent in this survey felt that business, labor, and government should get together to agree. Remember that this fairly low response was based on the assumption that there were some central strategic planning mechanisms at work in our economy.

□ 1220

Twenty-seven percent of the executives believed that a central planning mechanism should merely collect data and forecast and then an additional separate 27 percent believed that this mechanism should merely collect data.

Therefore, combining these two responses a clear majority, 54 percent, do not believe that any central planning mechanism should play an active role other than that of collecting data and forecasting.

I believe that our colleagues on the House Banking Committee will find

these responses useful when they begin to mark up the Economic Stabilization Subcommittee industrial policy proposals sometime next month.

The answers to the next question are also noteworthy in light of several various industrial policy proposals which have been debated and considered in this last year.

This question was also based on the assumption that central planning was to be done. Eighty-two percent under these assumptions believe that an existing agency of Government such as the Commerce Department should not conduct such central planning. Seventy-eight percent are opposed to central planning being done by "an independent arm of government set up like the Federal Reserve." Seventy-one percent do not believe that central planning should be done by business only.

This corresponds with an earlier level of opposition by those who believe central planning would be infeasible in our economic system to central planning being done in the private sector.

Notably, if the assumption is accepted that some form of central planning were to be conducted, 61 percent believe it should be done by a tripartite board of business, labor, and government. But if you take away the critical assumption as indicated by the earlier strong aversion to central planning this response again is almost moot.

And believe it or not, if academic experts were to be added to this tripartite board, then nearly 60 percent, 59 percent, would be opposed to such a panel. I believe that all in the industrial policy debate recognize that it has been a debate on what the proper role for Government should be in economic decisionmaking.

And for this reason the most indicative response on the role of Government is the economy came on the last question. Two-thirds see only a minor role for Government or hardly any at all in the decision to help industries. Only 31 percent see a major role for the Government.

Mr. Speaker, I am convinced that any attempt to centralize the decisionmaking process would go against the dynamics and diversity of our economy and people. The conclusion, I believe, was not only borne out by the hearings of the Joint Economic Committee, but also by the recent Harris Business Week survey.

Mr. Speaker, I will include in the RECORD at this point the questions and results of the 1984 survey.

THE BUSINESS WEEK HARRIS POLL

Interviews conducted by telephone between January 24 and 30, 1984, among 601 executives.

A. As you know, a number of so-called smokestack industries in the U.S.—such as the steel, auto, machine tool, textile, shoe, petrochemical, paper, and rubber industries—appear to have long-term structural problems. They have had trouble competing with foreign products here at home, have not had a major infusion of capital and new technology, and were a major source of unemployment in the recent recession. Do you think these industries will continue to be in trouble, even in this period of recovery, or do you think they can be turned around?

	January 1984	March 1983
Will continue to be in trouble	57–1	44
Can be turned around	39–2	51
Not sure	4–3	5

B. In deciding what kind of help might be given to specific industries or companies, some form of central strategic planning could be pivotal. Now, in our kind of economy and system, do you think such central strategic planning is feasible or not?

Feasible, 33–1; Not feasible, 64–2; Not sure, 3–3.

C. If it were possible for all such central strategic planning to be done just by the private sector, would you then find it feasible or not?

Feasible, 31–1; Not feasible, 66–2; Not sure, 3–3.

D. Now, if there were some central strategic planning mechanism, do you think it should made key decisions about resource and capital allocation, or get business, labor, and government to agree on what ought to be done, or just collect data and forecast industry-by-industry efficiency and performance, or just collect data?

Make key decisions about resource and capital allocation, 7–1; Get business, labor, government to agree, 29–2; Collect data and forecast, 27–3; Just collect data, 27–4; Not sure, 10–5.

E. If central strategic planning were to be done, do you think it should be done by (reach each item) or not?

	Should be	Should not	Not sure
An existing agency of government, such as the Commerce Department	15–1	82–2	3–3
A tripartite board of business, labor, and government	16–1	36–2	3–3
A board of business, labor, government, and academic experts	39–1	59–2	2–3
An independent arm of government, set up like the Federal Reserve	18–1	78–2	4–3
Business only	27–1	71–2	2–3

F. In determining which industries or companies receive help, the role of government is important to define. In such areas as tax policy, expert financing, imports protection, and other areas, of course, government now does give help to many industries. Overall, do you see a major role for government in the decision to help industries, a minor role, or hardly any role at all?

Major role, 31–1; Minor role, 49–2; Hardly any, 18–3; Not sure, 2–4.

Mr. Speaker, we ought to also ask ourselves whether industrial policy helps small business or in fact would it actually hurt it.

That is a question that a lot of people have been asking themselves lately and it is a question that was raised recently in a February 6 Business Week article. One of the major concerns that I and others have about the primary industrial policy proposals currently being considered in Congress is that it would only benefit big government, big labor, and big business.

In other words, it would be elitist by its very nature. Indeed, on February 9 I inserted into the Extension of Remarks section, page 2610, of the CONGRESSIONAL RECORD, a Washington Post editorial which stressed the point that it is the big businesses which "can respond most quickly to the daily requirements of the Government bureaucracies."

It is, no doubt, the large companies which have greater resources to devote to regulatory demands and requirements imposed by Washington. For this very reason, small companies, which are responsible for creating most of the jobs in this country, would be put at a disadvantage to big businesses.

In this same Extension of Remarks I inserted a chart which showed that if industrial policy is to be enacted for its job growth potential, experience with the proposal in other countries shows that it has failed miserably in this important area.

The record shows that the United States without a so-called national industrial policy created more jobs during the last decade, some 20 million jobs, that is a 25-percent increase during that time period, than any other Western industrial nation that has an industrial policy.

That is an extremely important point for us to think about because the impetus for a national industrial policy in large measure comes from a perceived need to do different things with the economy to create more jobs. And while that is a worthy goal, it seems to me we ought not to be ignorant of the facts. We should not just legislate on emotion, we should legislate on fact. Emotion is important but oftentimes emotion can overcome the very goals that we are seeking. And the fact of the matter is and it has to be repeated again and again because it is rarely mentioned these days, the United States over the last 10 years did a better job of creating jobs in our economy than any other major industrial country on the face of the Earth. We outstripped these countries tremendously. In some of those countries that have a national industrial policy, as a matter of fact, they had a net loss of jobs in the last decade, while we were increasing our jobs by almost 25 percent.

Now while we might agree, and I think we would readily agree that we need to do more to create an environment such that more jobs are created than even we have had in the past, we should be very, very cautious to adopt policies which have failed in the pursuit of job growth in other countries and abandon those types of things that have created jobs in such large numbers in this country.

The February 6, 1984, article appearing in Business Week, which I insert into the CONGRESSIONAL RECORD today, highlights the concern that industrial policy would impose greater burdens on small businesses. The attitude behind industrial policy proposals is perhaps best summarized by Felix Rohatyn, a leading proponent of an industrial development bank.

The article points out that Rohatyn says that smaller companies, suppliers to the large companies, would be "carried along by the industrial revitalization that would take place."

However, representatives of small- and medium-sized businesses, which are relegated to subordinate status in the central decisionmaking process, do not share this outlook. William Dolle, president of a medium-sized machine toolmaking company, feels that under an industrial policy the "little guys like us will get nothing."

Likewise, John M. Albertine, head of the American Business Conference, which is a group of businesses that have grown rapidly in the last number of years, not large businesses, but small to medium businesses, thinks that "many companies would just get the 'crumbs' from funds that go to big industries."

Perhaps the best indication of the priorities for industrial policy is the proposed makeup of the various economic cooperation councils, which relegate small business to a level equal to that of public interest groups. By paying lip service to small business, the creators of industrial policy had hoped to make a case with the small businessman or woman, but have obviously come up far short. As the Business Week article points out:

And indeed the Democrats, who have seized on industrial policy as a campaign issue, have so far failed to come up with a national strategy to aid small and medium sized companies.

In fact, after studying the industrial policy proposal for almost a year and having had the opportunity to have chaired several hearings on industrial policy for the Joint Economic Committee, I think the Economic Cooperation Council is misnamed. I think a more descriptive and appropriate name would be the Council on Political Clout and the Bank for Industrial Competitiveness could be called the Bank on Political Clout. John Albertine makes the point in the article that "Those who don't have a lot of political clout will be largely ignored by the process."

□ 1230

Evidently, Mr. Speaker, no one is going to fool the small businessmen and women of this country, and that in itself is a very positive sign.

Another thing that we ought to keep in mind as we address ourselves to the siren song of national industrial policy is the fact that with this tremendous amount of job growth which has taken place in the Nation in the past decade, most of it has come from small- and medium-sized companies. Some studies have shown that if you take the Fortune 500 or the Fortune 5,000, literally no new net jobs have been created in those companies. The tremendous amount of growth that we have seen has come in the small business to medium size business, with, really, the greatest emphasis in the small business community. That suggests that anything we do which takes the possibility of capital, which takes the possibility of investment, which takes the possibility of ever increasing small business, will really be taking away the greatest potential that we have for job creation in this country.

Those who suggest that this will not happen, that Government that comes together in Washington with some sort of council will do better than all of those small entrepreneurs, all of those men and women around this country, evidently have not learned the lesson of the Vietnam war. I thought the lesson of the Vietnam war was that the best and the brightest are not all in Washington; and if they are, they do not always make the best and the brightest decisions.

Yet here we are, in an economic sense, saying "Look, the only thing we need to do to take care of the problems we have is create a little bit more central planning, we will bring the best and the brightest here in Washington, D.C., and they can do a far better job of determining what is good for the people back home than the people back home."

It sorts of turns on its head the very concept of a representative democracy. We are here in the House Chamber, the Chamber of the U.S. House of Representatives, and "representative" means that we represent the people, their hopes, their aspirations, their dreams, their concerns. We are sent here to take care of the difficulties that they find in dealing with Government, in assisting them with those things that they cannot do individually or they cannot do so well at the local government level or they cannot do so well in private institutions and churches and families, and so forth.

But here we are being told that all we have to do is allow a council to be created, will collect all of this meaningful data, will come together and somehow out of that we will arrive at the proper decisions so that here in Washington, D.C., we can decide what is best for Littleton, Colo., or Long Beach, Calif., or Dallas-Fort Worth, or many, many other communities around this country. In some ways I think Members of Congress, instead of taking some needed trips around the world at times to find out some of the concerns around the world that we have to vote on, ought to be required once every 2 years to drive across this country and stop in small communities around the United States and find out how diverse, how vast this country is and how no group of people here in Washington, D.C., could possibly anticipate the concerns, the needs, the desires, the aspirations of all of the American people, and would then again remember how difficult it is for us to foresee what the difficulties are or what the problems are in every town and hamlet in America.

It is tough enough to decide what the problems are. It is even more difficult to apply the proper solutions to those problems, and I think it is the height of arrogance for us to suggest that, once we are vested with the cloak of being a Member of the House of Representatives or the U.S. Senate, or once we come to Washington, D.C., and somehow sit on the banks of the Potomac and smell the fumes that emanate from this area, that we are somehow better and brighter than those people who sent us here. I think we ought to reject that, and I think we ought to recognize the fact that the small businessmen and women of this country are not being fooled is something we ought to apply to ourselves.

Mr. Speaker, at this point I include in the RECORD the article from Business Week of February 6, 1984:

WOULD INDUSTRIAL POLICY HELP SMALL BUSINESS?

So far, proposals for an industrial policy to restructure American industry have focused on big companies and big industries. Some experts, however, believe that the real payoff to an industrial policy must come through revitalizing the thousands of smaller companies that serve the surviving giants of smokestack America. But figuring out how to do this—and convincing the owners of these smaller companies that they can benefit—is proving a difficult challenge.

William L. Dolle Jr., for example, president of Lodge & Shipley Co., a Cincinnati machine toolmaker, has seen his sales decline from $52 million in 1981 to less than $20 million last year. The Japanese are taking over the market for his chief product, computer-controlled lathes. Yet when asked about an industrial policy to help his company, he says: "Little guys like us will get nothing."

FROZEN OUT

And indeed, the Democrats, who have seized on industrial policy as a campaign issue, have so far failed to come up with a national strategy to aid small and medium-size companies. Yet these companies are being frozen out of the private capital market, some experts say, because they are competing against glamorous high-tech concerns that promise high returns. If they do not survive, unemployment could rise sharply, causing political and social turmoil. So even though these companies may be earning low rates of return right now, some economists say they should be helped on social grounds.

A key element of most industrial policies is an investment bank patterned after the old Reconstruction Finance Corp. (RFC)

started by Herbert Hoover in 1932. But that bank would focus only on big industries and big companies. The leading proposal for such a bank comes from a group headed by investment banker Felix G. Rohatyn, former Du Pont Co. Chairman Irving S. Shapiro, and AFL-CIO President Lane Kirkland. Rohatyn sees smaller companies benefiting primarily from "trickle-down." He says that smaller companies—suppliers to the large industries—would be "carried along by the general industrial revitalization that would take place."

The Rohatyn-Shapiro-Kirkland proposal would create an Industrial Development Board whose members, appointed by the President, would represent business, labor, and government. The board would work with a few industries to develop competitive strategies, and the bank—the Industrial Finance Administration—would supply funds to carry them out. The IFA would have $5 billion in government funds to lend or invest, with its assistance contingent on an equal amount coming from the private sector. Small companies could jointly ask the board to act on a shared problem, such as tax treatment, but there would be no direct assistance.

Gar Alperovitz of the National Center for Economic Alternatives disagrees with this approach. He thinks that any new RFC-type bank should be required to earmark some of its government funds for small industrial companies. "Small businesses could provide jobs in depressed areas, lead in innovation, and strengthen decentralization of our elephant-dominated economy."

Those who want to help small businesses point to the success of the original RFC in the 1930s. That bank channeled funds to smaller companies directly. Jesse H. Jones, its autocratic and highly respected chairman, operated in relative freedom and could place his loans pretty much where he wished. For example, the RFC lent several million dollars to Botany Worsted Mills, in Passaic, N.J., and saved a plant that employed 5,000 people. In that instance, Jones insisted that Botany tighten up its management as a condition of the loan. Not all the RFC loans were of that size, however: Jones once boasted that he had made a loan for $500.

But the 1980s are not the 1930s. During the Depression, the RFC was the only game in town for small business, says Clark Nardinelli, an economist at Clemson University. Private banks were reducing loans and building cash assets. Now private banking and venture capital are vibrant, and a host of federal assistance programs already exists.

DRAWING THE LINE

Money set aside for small business could create enormous administrative difficulties. Frank S. Swain, chief counsel for the Small Business Administration, says that the SBA has different size criteria for different industries and spends inordinate amounts of time just "hassling out tough questions such as where you draw the line on size."

Furthermore, many companies need changes that go far beyond the expertise of investment bankers, says Robert A. Pritzker, president of Marmon Group Inc. He doubts that an RFC-like bank could identify potentially profitable small businesses. Pritzker has made a career of buying up "nuts-and-bolts" companies and turning them around. "But I'm not an investment banker—I'm an engineer," he notes.

And many people think that such a bank—however designed and staffed—would end up dispensing funds to only politically powerful companies. John M. Albertine, head of the American Business Conference, a lobbying group of medium-size businesses, thinks that many companies would just get the "crumbs" from funds that go to big industries. "Those who don't have political clout will be largely ignored," he says. Evidence exists to support this view. In 1983, 10 exporters received 80% of the Export-Import Bank's direct loans.

Whether real or imagined, these objections are pushing some politicians and economists to suggest other, more modest, ways that an industrial policy could help keep smaller, old-line businesses alive. The most popular idea is state funded investment banks—mini-RFCs. Already 13 states have started such institutions, says Larry Ledeber, an economist with the Urban Institute. Some of them invest in a variety of industries while others concentrate on high tech.

"It's easier in the smaller microcosm of a state to bring the private sector into a coherent partnership with state and local government," says Belden H. Daniels, a Cambridge (Mass.)-based consultant in economic development. He cites a Massachusetts partnership between the state and the insurance industry. In return for favorable tax treatment, a pool funded by the insurance companies makes higher-risk loans. A 1978 loan of $5 million, says Daniels, helped keep Wang Laboratories Inc. on its feet when it was a struggling company with less than $150 million in sales.

A FACTORY SERVICE

Another approach for channeling capital to smaller businesses is to create a secondary market for industrial loans, proposal supported by Representative John J. LaFalce (D-N.Y.) and Senator Edward M. Kennedy (D-Mass.). The plan would create a government-backed institution that would insure, package, and resell industrial loans, playing a role similar to that of the Government National Mortgage Assn. in housing finance. This would enable companies to obtain financing at lower interest rates than they can get on their own.

Capital is not the sole problem for small companies. Often companies need to modernize, which takes knowledge of new technology. LaFalce and Kennedy propose a "factory extension service" that would link universities and businesses. It would be modeled after the Agriculture Dept's Extension Service, which informs farmers about new products and techniques.

These proposals may help smaller business. But if the current economic expansion falters, the push for supplying capital to smaller companies through a national RFC may get wider support.

Mr. Speaker, as I mentioned before, there are currently pending in Congress several proposals that intend to create a so-called Economic Cooperation Council or Council on Industrial Competitiveness as a part of a grand industrial policy package. The purpose of this centralized planning council is, of course, to reach a consensus and then direct the course of the United States industrial and economic policy.

It seems to me that we ought to ask the very important question: Who will make up such a council? Because that is a very interesting question that raises some important and, I believe, well-founded concern.

As could be expected, the "foxes" in charge of this "henhouse" will be representatives of big labor, big business and big government. For those of us who have dared to inquire as to how the interests of the individual American are to be represented in this scheme, industrial policy proponents have acquiesced in a familiar manner. In a deft political move to stifle any objections and mollify the public, the braintrusts backing this council of omniscient economic market bureaucrats have, in the name of egalitarianism, made provisions to include, of course, the ever faithful "public interest" in this council.

Apparently their hope is that public at large is never informed as to how the "public interest" is represented here in Washington.

Well, Mr. Speaker, a recent survey indicates the monstrous dimensions of this "public interest" misnomer. Of all of the amorphous terms and clouded lexicon that pervade and terminally muddle industrial policy proposals, one buzzword that has been clearly defined is the selective bureaucratic definition of "public interest."

I think it is interesting to note that the survey of public interest groups by S. Robert Lichter and Stanley Rothman, published in the April/May 1983 edition of Public Opinion magazine, will give us an idea of who is out there purporting to represent that so-called "public interest."

Lichter and Rothman explained that their "goal was to better understand an influential leadership group and the dymanics of the new liberalism it represents."

As the Lichter-Rothman article and the Wall Street Journal editorial of June 13, 1983, that I will shortly insert in the CONGRESSIONAL RECORD, point out, it would be exceedingly difficult to find a legitimized group more cohesively dissonant with mainstream American political thought than public interest groups.

Lichter and Rothman conclude that "in their quest to represent the public interest, they"—that is the public interest groups—"often deviate from the outlook and perspectives of the general public."

Again we see the idea of the best and the brightest rearing its ugly head.

The logic of placing representatives of a group that appears to advocate the complete upheaval of American economic institutions and ideals—51 percent propose a move toward socialism—on a council created to catalyze the resurgence of our free market economy absolutely eludes me.

The scenario of this select intelligentia walking hand in hand with chosen elites from big business, big labor, and big government to rearrange the priorities and, in the process, destroy the

impetus for a healthy free market economy is very alarming indeed.

One of the most revealing features of industrial policy is the way it has been deliberately designed. What is important is not as much who are included to serve on these councils, but who are also excluded.

There is no doubt in my mind that only leaving room at the bargaining table for big business, big labor, big government, and representatives of the so-called public interest, is overlooking and preventing the participation of many important elements of our economy.

Those who carry the political clout in Washington do not have to worry about proposals like this. For the rest, however, industrial policy means that more control over the policies that affect you will slip away.

Industrial policy represents a misguided and undemocratic attempt to interfere with the free market process and substitute the selected interests of powerful special interest groups for the greatest resource of economic guidance presently available, that is, the American people.

Mr. Speaker, when I talk about the public interest, I, of course, recognize that there are those who sincerely believe in the public interest and that as a term overall it is probably ambiguous enough. As a matter of fact, there is a particular appeal to it.

The fact of the matter, however, is that the public interest has taken a life of its own in terms of its own interpretation.

Basically, it has to be defined by those who participate in it. And the interesting thing is that the public interest groups primarily are of one philosophical bent.

Now, that is their ability, that is their right. If they want to be involved on one side of the political spectrum or the other, they have the right, as every other American citizen does. But the fact of the matter is that many people, hearing the notion "public interest," immediately assume that they do not have a philosophical bent, that they are objective or bipartisan, as the case may be, and that, therefore, it might make some sense to have those who are within the public interest represented on particular boards.

The reason this is extremely important is that the current proposal before the House of Representatives, which will be marked up by the House Banking Committee, includes not only representatives of business, labor and the Government, but, as a result of my testimony before the committee, they allow one person to be on there—and I believe it is a 16-member panel—one person to represent small business.

□ 1240

But they also require people from academia and those who have been active in special interest groups. That is the term that is used in the legislation itself. That is why it is extremely important that we might look at what that means. That is why the public opinion survey is so extremely important.

Let me just give you a taste of what the predominant philosophy is in these public interest groups. They were asked, they were given a group of public figures and groups and asked with whom they identify. This is the approval rating given of these various individuals and groups. No. 1 was Ralph Nader, with 93 percent; No. 2 was EDWARD KENNEDY with 93 percent; No. 3 was John Kenneth Galbraith with 90 percent; No. 4 was Gloria Steinem with 89 percent; No. 5 was Andrew Young with 86 percent; No. 6 was the Sandinistas with a 50-percent approval rating; No. 7 was Fidel Castro with a 34-percent approval rating; No. 8 was Milton Friedman with a 15-percent approval rating; in other words, he is approved by less than half of those who approve of Fidel Castro. No. 9 was Margaret Thatcher with a 14-percent approval rating; No. 10 was Jeane Kirkpatrick with a 14-percent approval rating; No. 11 was Ronald Reagan with a 5-percent approval rating.

In other words, the predominant philosophy of those who make up the "special interest" to which we are to seed our ability to make industrial policy, believe that Fidel Castro is seven times better than Ronald Reagan in terms of approval. The Sandinistas are 10 times better, and the Moral Majority out of this group of 12, in last place with a 2-percent approval rating.

Now, as I said, these people have every right to decide who it is they think are the proper people to lead these countries and of whom they approve and whom they disapprove. I would challenge anyone to suggest that if you gave that same list of people and groups to an average group of Americans, a cross-section of Americans, you would find that 5 percent of them approve of Ronald Reagan, while 34 percent of them approve of Fidel Castro, or 50 percent of the Sandinistas.

The fact that one of these people on this group, Mr. KENNEDY, was unable to get the nomination of his own party would suggest that 93 percent of the American people do not approve of him in terms of his basic philosophy or his ability to make decisions for the rest of America.

That, I think, we must look at very, very closely. Are we in fact going to have a situation in which the best and brightest, so-called, are going to make decisions that heretofore have been made by American citizens in small hamlets, small towns, medium-sized towns, large towns, in all 50 of the States and in the territories across this entire globe, or are we going to believe that those decisions can best be made at the local level?

Now, I am not a Pollyanna, Mr. Speaker, I do not suggest that somehow we have a 19th-century laissez-faire economy operating in the United States at the present time, nor do I wish us to go to that sort of situation. In fact, I rather doubt historically whether we ever had that type of situation in the world. But that is not the point; the point is, Where do we go from here? Is the future to be charted by those who wish to have those decisions made more and more by a smaller and smaller circle of individuals who somehow curry political favor, who come to Washington, D.C., and make the decisions for the rest of us?

It might be instructive for us to look at what happened in the past. We had the Reconstruction Finance Corporation that came into existence during the New Deal. There is some question as to how successful it was during that period of time, and whether in fact it was helping to get us out of the doldrums of the Depression, or whether in fact the unfortunate truth is that World War II provided the economic impetus for us to get out of it.

I think you can say without contradiction that the U.S. Congress ridded itself of the Reconstruction Finance Corporation because of what it came to represent. That was an elitist-type body, making decisions more and more on a political basis rather than an economic basis.

Many have suggested that if someone believes we can set up some sort of committee or commission or council in Washington, D.C., and that committee, commission, or council is going to be somehow isolated and insulated from political considerations, they have not been in Washington, D.C., very long.

As a matter of fact, when you look at the history of the Reconstruction Finance Corporation, you find that in the early fifties it was making loans to people who wanted to start roadside snake farms for sale to other people. They even extended a loan to a couple of enterprising people who wanted to start a roulette wheel in the back of a hotel room in Las Vegas. Now, those may be worthy goals for some people, but I doubt that the American people should be required to have their money go there.

The last point I would like to make, Mr. Speaker, is this: The economy is a very complex mechanism. No one has all the answers, that is true. In fact, I dare say no one has all the questions. But the one overwhelming, recurrent factor in all considerations of national industrial policy, is that it does not create any new wealth; it does not make the pie any larger; it does not

say to others come and partake in the pie that will become ever larger and larger so that all Americans can have part of the American dream.

What it says is basically the pie is already as big as it is ever going to get; you cannot make it any bigger, so we are going to have to redistribute parts of the pie, and for those of you who may have parts of the pie now, you are going to get a smaller slice, and for those of you who are now just coming to the table to eat, you are going to have to deal with a smaller pie than anybody has had before, or a piece of the pie that anybody has ever had before. As Jack Albertine has suggested, "If you happen to be small business, you don't get to eat at the table, you will be able to pick the crumbs up off the floor as they are pushed away from those already at the table."

That is a defeatist attitude. What we ought to do is pursue policies that increase the size of that pie, that expand that pie so that the American dream can be part and parcel of every man, woman, and child in America. So that they can go so high and so far as they wish and their talents will take them. That means us embarking on a policy of creating an atmosphere where initiative is not stifled, but encouraged; where inventiveness, where risk-taking, where the ability to succeed drives many, many different people around this country. People that I probably would suggest in some circumstances I do not think could make it, but I am not the one to judge, nor is any other Member in the House of Representatives or the Senate to judge or in the White House, for that matter. These people should be given an opportunity to do as others have that have gone before them, to rise and fall on their own merits.

I do not say that we do not take care of those who cannot help themselves, that is not the debate. We will always have a social policy which says that we have an obligation to help our neighbors, both privately and through governmental policy. But we are talking about what is the cutting edge of the dynamics of the economy. How is that economy going to move as we continue on into the 21st century.

Mr. Speaker, I would ask that the Lichter-Rothman article from Public Opinion, April-May, 1983, edition and the Wall Street Journal editorial be placed in the RECORD.

Lastly and finally, Mr. Speaker, I would hope my colleagues will seriously look at the question of national industrial policy, as I have suggested in testimony before. I think it has been over the last year and a half the fad of the year, the economic fad of the year, the bloom is off the rose, so to speak on part of it, such that some people who still pursue it, are calling it all sorts of other things. So it shall not be recognized, but I would hope that we would seriously look at it. I hope we would not make the mistake of trying to duplicate the Japanese experience that never existed; that some think, gives us reason for a national industrial policy. That we would not duplicate the actions that have taken place in West Germany and France and other countries who followed a definite national industrial policy which has failed in comparison to ours to create the jobs that are necessary for the men and women of this country now and in the future.

[From the Wall Street Journal, June 13, 1983]

VERY INTERESTING

If you had to guess, which group in American life would you suppose cast its votes in the last four presidential elections in the following manner: 90% for Humphrey in 1968; 96% for McGovern in '72; 93% for Carter in '76; and 92% for Carter or Anderson in 1980? Democrats? The candidate's staff? His relatives? Sixth-graders?

It turns out that there is one significant group in America displaying such remarkable intellectual cohesion. These are the members of what call themselves "public interest groups." Their taste in presidents and other political affinities are revealed in a fairly amazing survey conducted by S. Robert Lichter and Stanley Rothman, published in the April/May issue of Public Opinion magazine. They surveyed the leaders or senior staffers of 74 "public interest" groups, including Common Cause, the American Civil Liberties Union, the Environmental Defense Fund, Public Citizen, the Children's Defense Fund, Congress Watch and the Center for Law and Social Policy.

"The public interest," Messrs. Lichter and Rothman remind us, was defined by Walter Lippmann in 1955. "The public interest," he wrote, "may be presumed to be what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently." This, we would guess, comports exactly with the self-definition of the people who profess to the fashionable name. But the Lichter-Rothman survey makes it evident that the left-wing values and goals of many of these groups are about as representative of the mainstream public and its interests as the most far-right group one can find in polling data.

Some 90% of this group's members define themselves as "left of center." About 94% believe that government ought to redistribute income, and 51% believe the U.S. should move toward socialism. They rank the most influential groups in America as: business, media, military, government agencies, unions, religion, intellectuals, blacks, consumer groups and feminists. Their preferred ranking would be: consumer groups, blacks, intellectuals, feminists, unions, media, government agencies, business, religion and the military.

Finally, America's professional—and in many instances, government-funded—defenders and definers of what is in the public's interests were asked to register their approval of the following: Ralph Nader, Edward Kennedy, John Kenneth Galbraith, Gloria Steinem, Andrew Young, the Sandinistas, Fidel Castro, Milton Friedman, Margaret Thatcher, Jeane Kirkpatrick, Ronald Reagan and the Moral Majority. Actually, the preceding list is the exact ordering of the survey's approval rankings. The Sandinistas got 50%, the president of Cuba received an approval rating of 34% and the president of the U.S. got 5%.

[From the Public Opinion, April/May 1983]

WHAT INTERESTS THE PUBLIC AND WHAT INTERESTS THE PUBLIC INTERESTS

(By S. Robert Lichter and Stanley Rothman)*

Ralph Nader was probably the first soldier in the modern public interest army. He was bright, ascetic, and dedicated, a prototype for the hordes of college volunteers who eagerly marched behind him. With missionary zeal, they took on all that they thought was evil in society. It wasn't very long before the campuses and the capital were filled with Nader-like groups, each having a Nader-like mission. Thus was born the public interest movement.

"Public interest" is a term that is widely used but rarely explained. It's been around since the nineteenth century, yet only a few brave souls have attempted definitions. Walter Lippmann, writing in 1955 before the label became interlocked with the movement, explained it as follows: "The public interest may be presumed to be what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently." [1]

If men frequently fail to see, think, and act according to these lofty standards, there are those who attempt to do it for them—the public interest groups. They have taken on the entire American citizenry as a constituency, and the task they set for themselves is equally catholic. They are there to speak for all the people, whose voices would be otherwise drowned out, to accomplish "the purposes we all share and must pursue together." [2] They have names like "Common Cause," "Public Citizen," and "Consumer Federation of America." They counterpoise their interests to the selfish or the vested interests; they profess to advocate the public interest "with the same persuasiveness that others advocate special interests." [3]

The term "public interest" may not be new, but the movement is. It arose in the 1960s when the social and political atmosphere changed, bringing new alignments, new codes of behavior, and new definitions. Life had been much simpler in the 1950s. Those were the days when political labels were fewer, but clearer. At one end of the spectrum stood liberals, who supported New Deal social programs; at the other end stood conservatives who opposed them. In general, liberals were working class and Democratic; conservatives were middle class and voted Republican. People with college educations on the whole were much less enthusiastic about New Deal social programs than were those with high school or grade school educations. Then things turned topsy-turvy. The political landscape burst into bloom, yielding up such neologistic hybrids as the new right, the new left, the new or "neo" conservatives, and "neo" liberals. The old liberal and conservative labels were still

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* S. Robert Lichter is assistant professor of political science at George Washington University and Stanley Rothman is Mary Huggins Gamble professor of government at Smith College.

[1] Walter Lippmann, "Essays in the Public Philosophy," (Boston: Little, Brown & Co., 1955), p. 42.

[2] John Gardner, "In Common Cause" (New York: W. W. Norton & Company, Inc.) 1973, p. 16.

[3] Ibid, p. 18.

around, but they bore little resemblance to their 1950s homonyms.

According to Everett Ladd,[4] what was "new" about liberalism and conservatism was that they'd switched classes. In the new order, the lower middle class is the more conservative, and the upper middle class the more liberal. And education tends to be a liberalizing, not a conservatizing, influence. The two groups both adhere to the Democratic party, but to different "wings." The upper status new liberals constitute a burgeoning "intelligentsia." Their concerns include matters of economics privilege and privation, but they center on newer social, cultural, and "life style" issues. It is no accident that the new liberalism and the public interest movement arose at almost the same time. The latter is the purest political expression of the former.

The public interest movement brings together established consumer and civil rights groups with the new Nader groups and other organizations working for governmental and social reform. In little over a decade, it has helped redirect the public agenda to encompass such diverse concerns as voting reform, consumerism, environmentalism, and the right to uphold "deviant" attitudes and life styles.

As part of a larger study on leadership and social change, we surveyed leading members of the public interest movement about their backgrounds, their social, economic, and political outlooks, and their aspirations for American society.[5] Our goal was to better understand an influential leadership group and the dynamics of the new liberalism it represents.

DOING WELL BY DOING GOOD

There are two prongs to the public interest movement—the formal lobbying organizations and an informal network of attorneys based in public interest law firms, universities, foundations, and government. We created separate lists of key individuals in both sectors. For the organizational sample we selected presidents and boards of directors of major public interest groups, relying on such sources as Public Interest Profiles, Washington Five, and the Encyclopedia of Associations. For the legal sample we consulted such works as the Ford Foundation's Public Interest Law: Five Years Later and the Council for Public Interest Law compendium, Balancing the Scales of Justice. We also relied on the invaluable assistance and expertise of Ms. Nan Aron, executive director of the Alliance for Justice, a national association of public interest organizations. We restricted the list to those individuals affiliated with groups based in the Washington, D.C. and New York metropolitan areas.

We randomly selected equal numbers of individuals from each sector to obtain a total sample of 157. These individuals represent a cross section of the public interest elite, including leaders or top staffers of seventy-four organizations such as the American Civil Liberties Union, Center for Law and Social Policy, Children's Defense Fund, Common Cause, Congress Watch, Consumer's Union, Critical Mass, Environmental Defense Fund, Public Citizen, and Women's Legal Defense Fund, as well as major public interest law firms.

[4] Everett Carll Ladd, "The New Lines Are Drawn," *Public Opinion*, July/August 1978.

[5] This study is directed by Stanley Rothman and Robert Lichter under the auspices of Smith College, George Washington University, and the Research Institute on International Change at Columbia University.

The social and personal backgrounds of this group, shown in table 1, approximate the "ideal type" of the new liberal. Most are white males, although the group includes a substantial minority of women (31 percent). Most were raised in big cities on the east coast in the comfortable circumstances of the upper middle class. Fifty-six percent recall that their family income was above average while they were growing up, four times the proportion who remember below average economic conditions. Moreover, a majority of their fathers were educated professionals, and 40 percent of those fathers held a postgraduate degree.

TABLE 1.—*Social and personal backgrounds*

Background	*Percent*
White	97
Male	69
From metropolitan area	71
From northeast corridor	60
Father voted Democrat	64
Father's occupation professional	52
Father held a postgraduate degree	40
Attended "highly selective" college	45
Social science major	53
Holds postgraduate degree	89
Family income $50,000+	58
Political liberal	90
Raised in Jewish religion	47
Current religion "none"	41

Their parents were politically aware and tended toward liberal and Democratic sympathies. Forty-nine percent say their fathers were liberal, and 63 percent apply the liberal label to their mothers. (Only about one-quarter of the general population describe themseves as liberal.) Sixty-four percent say their fathers identified with the Democrats and 71 percent link their mothers to that party. Moreover, the parents usually communicated their political beliefs to their children. Fully half recall frequent political dicussions at home, three times the proportion who seldom or never talked about politics.

Public interest leaders are overwhelmingly young, highly educated, well-paid professionals, with secular and liberal outlooks and Democratic voting habits. Their average age is thirty-nine, and a majority are in their thirties, which means that many experienced firsthand the social and political ferment that swept across college campuses during the 1960's. Most were interested in social issues even then; a majority majored in the social sciences, including one in three who studied political science.

Their academic credentials are most impressive. Seventy-two percent went to private colleges or universities, and 45 percent attended highly selective schools. In fact, on a widely used measure of college selectivity that rates colleges from "one" (lowest) to "seven" (highest), the median rating for the entire group is a startling 6.17. Most went on to law school or other postgraduate training, and most continued in high quality programs. Currently 78 percent are lawyers, and only 11 percent lack some postgraduate degree.

In light of their impressive educational credentials, it is not surprising that public interest leaders are very well paid. Indeed most have done well by doing good (although many could undoubtedly do even better in corporate law firms). Despite their relative youthfulness, 35 percent earned over $50,000 in individual income in 1981; 58 percent exceeded $50,000 in family income. Among business leaders, the subjects of one of our earlier studies, 57 percent had family incomes exceeding $50,000. Inflation might help account for the public interest elites' comparatively greater monetary success, but it should not be forgotten that they are much younger than most business leaders.

If many public interest leaders are following family traditions of upper status liberalism, they depart from their parents in one respect—they have moved toward a more secular orientation. Ninety-five percent had a religious upbringing, including 47 percent in the Jewish faith, 29 percent as Protestants, and 17 percent as Catholics. Currently 41 percent profess no religious affiliation, 35 percent still consider themselves Jews, 13 percent Protestants, and 8 percent Catholics. Moreover, these affiliations are usually only nominal. Eighty-four percent say they seldom or never attend religious services.

Like their parents, the vast majority of public interest leaders regularly vote Democratic; nearly all consider themselves liberals. Since 1968, no Republican presidential candidate has received more than 4 percent of their votes, as table 2 shows. Their strongest support went to George McGovern, who garnered 96 percent of their ballots in the face of the 1972 Nixon landslide. In the other three elections, they supported third party candidates more often than Republicans. In their ideological self-evaluations, 90 percent place themselves left of center, 8 percent in the middle of the road, and only 2 percent to the right of center. Among the general public, by contrast, 21 percent describe themselves as left of center, 43 percent in the center, and 36 percent to the right of center (Gallup, September 1982).

TABLE 2.—*Presidential voting record 1968-80*

	Percent
1968:	
Nixon	2
Humphrey	90
1972:	
Nixon	4
McGovern	96
1976:	
Ford	3
Carter	93
1980:	
Reagan	2
Carter	80
Anderson	12

Note.—Up to 8 percent voted for minor party candidates.

PROFILE OF THE NEW LIBERAL

Everett Ladd argues that the new liberal rejects traditional bourgeois values, cultural norms, and older codes of behavior. The new liberal supports "a new morality" and endorses alternate life styles. He seeks government action in the service of social change. He is critical of the United States and its international role, hence he is reluctanct to support military spending.

As table 3 shows, every element of this description fits the public interest elite. They agree almost unanimously that the government should substantially reduce the income gap between rich and poor people, and that government bears the responsibility to guarantee jobs for all and to insure a good standard of living. They are equally vehement in rejecting the Reagan administration's position that government should ease its regulation of business. Moreover, substantial minorities dissent from some economic propositions that are practically articles of faith for most Americans. Thirty-seven percent support government takeovers of big corporations, and 29 percent reject the capitalist dictum that people with more ability should earn more.

The liberalism of public interest leaders shades into profound dissatisfaction with the American social and economic order, a feeling not shared by the public. In fact, their alienation was one of our most striking findings. Forty-eight percent agree that our institutions should be completely overhauled, and a majority (51 percent) believe the country would be better off if we moved toward socialism. Three out of four believe the very structure of our society causes alienation, and over 90 percent say our legal system favors the wealthy. Only 30 percent see the private enterprise system as fair to workers. A mere 18 percent accept the basic credo of American capitalism that hard work will lead to financial success. Only about half the public interest leaders believe the system can be salvaged.

TABLE 3.—*Attitudes on social issues*

[Percent agreement]

Economics:	
Government should redistribute income	94
Government should guarantee jobs	80
Government should take over big corporations	37
Government should guarantee a good standard of living	80
Less regulation of business is good for U.S	18
People with more ability should earn more	71
Political alienation:	
U.S. institutions need complete overhaul	48
Structure of U.S. society causes alienation	75
U.S. legal system favors wealthy	92
In America, hard work leads to financial security	18
Private enterprise is fair to workers	30
U.S. should move toward socialism	51
Foreign policy:	
More forceful with U.S.S.R	9
CIA overthrows sometimes necessary	26
Goal of U.S. foreign policy has been to protect business	74
U.S. military should be the strongest in the world	3
Disavantaged groups:	
Women should get preference in hiring	79
Blacks are denied education to advance	83
Blacks lack motivation to advance	3
Black gains come at white expense	3
Blacks should get preference in hiring	85
Poor people are victims of circumstance	77
Sex and morality:	
Woman has right to decide on abortion	95
Homosexuality is wrong	12
Homosexuals shouldn't teach in schools	8
Adultery is wrong	55
Energy and environment:	
Environmental problems are not serious	5
We should halt nuclear energy development	68
Nuclear plants are safe	7

Their profound dissatisfaction with the system makes them staunch supporters of affirmative action for disadvantaged groups. They overwhelmingly agree that poor people are victims of circumstances beyond their control and that blacks lack not the motivation but the educational opportunity to climb up the economic ladder. To speed their advances, 85 percent support preferential hiring practices for blacks, and nearly as many (79 percent) would extend that assistance to women.

THE LIBERAL BENT

Public interest leaders' rejection of traditional values extends to the realm of sex and morality. Ninety-five percent are prochoice on abortion. Only one out of eight regards homosexuality as wrong, and even fewer would restrict a homosexual's right to teach in public schools. They are more evenly split on the issue of extramarital sex; 55 percent agree that adultery is wrong.

If there is one issue that unites this group, it is environmentalism. Protection of the environment provides the raison d'être for many of the groups we sampled, so it is no surprise that virtually all reject the contention that our environmental problems are not serious. Most also view nuclear energy as a threat to the human and natural environment. Over two-thirds want us to halt nuclear energy development immediately, and over 90 percent regard nuclear power as unsafe.

The public interest elite are also critical of America's world role, and take a decidedly dovish stance. Three out of four believe that the primary purpose of our foreign policy has been to protect private business. By contrast only one in four believes the CIA should ever be empowered to undermine foreign governments. They vehemently reject appeals for a defense buildup. A minuscule 3 percent agree that our military should be the strongest in the world, regardless of cost, and only 9 percent call for more forceful dealings with the Soviet Union if that might increase the risk of war.

We asked public interest leaders to rate ten leadership groups in terms of the influence each wields over American life. Then we asked how much influence they believed each group *should* have. As table 4 shows, they see American society as dominated by the traditional "power elite" of business, the military, and government, along with the news media. At the bottom of the heap are the new contenders for influence—intellectuals, blacks, consumer groups, and feminists. If they could, public interest leaders would alter this pecking order according to the principle that "the last shall be first." They would deplete the influence of traditional elites like business, religion, and the military, and vastly expand the role of today's outsiders. And they would place consumer groups (that is, themselves) at the very top rung. It is worth noting that they see unions as residing in the middle of the pack and are content to leave them there.

TABLE 4.—RANKS OF INFLUENCE AMONG LEADERSHIP GROUPS

Perceived influence	Preferred influence
1. Business	1. Consumer groups.
2. Media	2. Blacks.
3. Military	3. Intellectuals.
4. Government agencies	4. Feminists.
5. Unions	5. Unions.
6. Religion	6. Media.
7. Intellectuals	7. Government agencies.
8. Blacks	8. Business.
9. Consumer groups	9. Religion.
10. Feminists	10. Military.

HEROES AND GOATS

Thus far we have examined the public interest elite's value choices and policy preferences. But since policies are made by people, we asked them to assess some highly visible individuals and groups in the current political environment. Table 5 shows that their idols lean to the left and their bêtes noires to the right. Not surprisingly, the garland goes to Ralph Nader, progenitor of today's public interest movement. But close on his heels are Senator Edward Kennedy, liberal economist John Kenneth Galbraith, feminist Gloria Steinem, and Atlanta Mayor Andrew Young, all with approval ratings of 86 percent or better. (Nader edges out Kennedy on the basis of a 56 to 49 percent "strong approval" rating.) These liberal leaders are followed by Nicaragua's Sandinistas, of whom 50 percent approved and 39 percent disapproved, with the remainder unsure. (No more than 3 percent were unsure about any other person or group.)

TABLE 5.—*Approval of public figures and groups*

	Percent
1. Ralph Nader	93
2. Edward Kennedy	93
3. John Kenneth Galbraith	90
4. Gloria Steinem	89
5. Andrew Young	86
6. Sandinistas	50
7. Fidel Castro	34
8. Milton Friedman	15
9. Margaret Thatcher	14
10. Jeane Kirkpatrick	14
11. Ronald Reagan	5
12. Moral Majority	2

A majority disapproved of all other individuals listed. Cuban Premier Fidel Castro captured a 34 percent approval rating, more than twice that given any conservative figure. Only about one in seven approved of conservative economist Milton Friedman, U.N. Ambassador Jeane Kirkpatrick, or British Prime Minister Margaret Thatcher. (At about the time of our survey, Mrs. Thatcher was voted "most admired foreign leader" in the U.S. News & World Report annual poll of American leaders. This leadership group obviously feels differently.) Pulling up the rear are Ronald Reagan and the Moral Majority, with approval ratings of only 5 and 2 percent, respectively. In fact, 90 percent strongly disapproved of both, a proportion double that attained by any other figure.

It would be hard to imagine more consistent results. Public interest leaders approve of liberals and disapprove of conservatives across the board. They are much more critical of the conservative leaders of their own country and of its closest ally than they are of leftist leaders in Latin America. So their assessments of political personalities are consonant with their views on the issues, and all echo their liberal perspective.

Finally, beyond specific ideas and values, we were interested in the broader intellectual milieu of the public interest elite. Where do they get their ideas, or at least the information to support them? To find out, we asked them to assess the reliability of a dozen information sources, including major media and journals of opinion on both the left and right. The results are shown in table 6. According to this group, America's most reliable source of information is the Public Broadcasting Service. This may reflect a shared cultural and ideological style. In our study of the media elite, PBS personnel were well to the left of other journalists,

and one staffer called public broadcasting "the Peace Corps of the 1980s." The Times placed second, followed by the New York Review of Books, the Nation, and the New Republic. Our subjects consider these last three journals of the left more reliable than such mainstream news magazines as Time and Newsweek. They place leading conservative journals at the bottom of the scale.

TABLE 6.—RELIABILITY OF INFORMATIONAL SOURCES

1. PBS.
2. New York Times.
3. New York Review of Books.
4. The Nation.
5. The New Republic.
6. Newsweek.
7. Time.
8. TV Network News.
9 U.S. News & Wold Report.
10. Public Interest.
11. Commentary.
12. National Review.

What do these findings tell us about the leadership of the public interest movement? At the top, it is primarily a movement of young lawyers who were raised in comfortable circumstances and cosmopolitan environments, studied at elite schools, and gravitated toward the power centers of New York and Washington.

As principal upholders of today's new liberalism, the public interest elite represent an emerging political tradition born of our rapid transition to a post-industrial society. As such, in their quest to represent the public interest, they often deviate from the outlook and perspectives of the general public. This alienated yet influential group represents a paradox. For, despite their rejection of much of America's social and economic order, their very existence attests to the vitality of our pluralist political system.

□ 1250

COMMUNICATION FROM THE HONORABLE LAWRENCE COUGHLIN OF PENNSYLVANIA

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Honorable LAWRENCE COUGHLIN, of Pennsylvania.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L(50) that I have received a civil subpoena issued by the United States District Court for the Eastern District of Pennsylvania. In consultation with the General Counsel to the Clerk of the House, I have determined that compliance with the subpoena, as modified by consensual agreement, is in conformity with the privileges and precedents of the House of Representatives.

Sincerely,

LAWRENCE COUGHLIN.

AMENDMENTS TO SUBSTANTIVE BANKRUPTCY LAW CONTAINED IN H.R. 5174

● Mr. RODINO. Mr. Speaker, H.R. 5174 would amend the bankruptcy law relating to personal bankruptcy, grain storage facility bankruptcy, and the rejection of collective bargaining agreements in chapter 11 bankruptcy cases.

PERSONAL BANKRUPTCY AMENDMENTS

No evidence of widespread abuse of the bankruptcy laws by consumer debtors was presented to the House Judiciary Subcommittee on Monopolies and Commercial Law.

While personal bankruptcy filings increased in 1979 and 1980, filings decreased in the past 2 years according to statistics complied by the Administrative Office of U.S. Courts.

The recent decrease in personal bankruptcy filings highlights the cyclical nature of bankruptcy. Historically, personal bankruptcy filings have increased and decreased along with ups and downs in the general economy.

A 1983 General Accounting Office report found that less than 6 percent of the 2-year increase in personal bankruptcy filings could possibly be attributed to the 1978 changes in the bankruptcy law. The remaining 94 percent was explained by factors that traditionally have forced people into bankruptcy: unemployment, inflation, illness, marital discord. Two of the chief reasons were found to be the overextension of credit and threats against debtors by creditors. In fact, 73 percent of the individuals questioned by the GAO reported that they sought relief from their debts because of creditor actions or threats of such action.

An 8-year study of creditor practices by the Federal Trade Commission reached the same conclusions as to the cause of default. Even creditors who testified before the FTC uniformly agreed that consumers rarely took out loans with no intention of repaying.

A recent survey by the National Credit Union Administration also illustrated debtors' good-faith efforts to pay off loans. That report indicated that 50.4 percent of all credit union loans discharged in bankruptcy had been refinanced at least once. The study also found that debtors think long and hard before petitioning for debt relief: Loans discharged in bankruptcy had been delinquent an average of 9.3 months, while loans voluntarily written off as uncollectible had been delinquent an average of 11.8 months, a difference of only 75 days.

Strong evidence that debtors do not run to bankruptcy courts at the first sign of financial trouble is also found in credit industry-financed studies. In volume II of a creditor-sponsored study conducted by the Purdue Credit Research Center in 1982, economists found that 20 percent of the debtors questioned had sought credit counseling before bankruptcy and that 92 percent had tried at least one alternative to bankruptcy, such as consolidation loans, selling assets, and arranging different payment schedules. A study by Andrew Brimmer & Associates found that 48 percent of the debtors questioned used credit-counseling services before filing for debt relief and that 68 percent attempted compromises and financial counseling with their creditors.

Bankruptcy losses have not increased substantially since passage of the 1978 Bankruptcy Code. Loss figures, like bankruptcy filings, go up and down with the economy. Loss figures since passage of the 1978 code are generally less than loss figures during the 1974 recession.

For example, the annual reports of one major finance company state that its net chargeoffs from all sources were 1.23 percent of average customer receivables in 1966, 1.97 percent in 1974, and 1.17 percent in 1982. Bankruptcy chargeoffs are a mere fraction of these amounts.

A study prepared by the Board of Governors of the Federal Reserve System found that finance companies' loss figures exceeded those of banks and other consumer lending institutions. But it also found that the profits of these institutions were roughly equal. One person testified in hearings before the subcommittee that this is because "finance companies are volume lenders, whose profits depends on the quantity, not quality, of their loans."

The GAO report stated that:

[e]xamination of the available data for 1980 and 1981 showed that as a percentage of total credit outstanding, bankruptcy losses ranged from .1 percent to 1.28 percent.

Subtitle A of title II of H.R. 5174 represents a compromise worked out with the representatives of the consumer credit industry. It represents a melding of provisions from H.R. 1800 and H.R. 1147. The bill also contains some new provisions which are not contained in pending legislation.

The provisions are fair to both creditor and debtor interests, while serving to curb potential abuses of the bankruptcy laws.

The bill would place a ceiling on the total amount of personal and household items that can be exempted by a debtor, and on the unused amount of the Federal real property exemption which debtors may apply to personal property. It would discourage debtors from loading up on luxury goods in anticipation of filing for bankruptcy. It would encourage chapter 13 repayment plans that provide for a meaningful level of payment and insure that chapter 13 payments commence within 30 days of the filing of the plan.

The bill would permit a bankruptcy court, on its own motion in its equitable powers and not at the request or suggestion of any party in interest, to dismiss a chapter 7 bankruptcy case commenced by an individual whose debts are primarily consumer debts if the court finds that the granting of

relief would be a substantial abuse. This provision would not create a future income test.

The Congress historical efforts to encourage fully informed, voluntary proceedings in bankruptcy are continued through this legislation. The bill would require the clerk of the bankruptcy court to give written notice of each form of debt relief available under the Federal bankruptcy laws. A bankruptcy petition filed by a consumer individual would be required to provide that the petitioning individual is aware of each form of relief available under the Bankruptcy Code and that the consumer chooses a chapter 7 liquidation. In cases in which the consumer is represented by an attorney, the petition also would be required to be accompanied by an affidavit signed by the attorney stating that he advised the client regarding each form of debt relief.

In cases in which a debtor is represented by an attorney during the course of negotiating a reaffirmation agreement, the bill would no longer require court review of the reaffirmation agreement. Instead, the agreement would be filed with the court, and accompanied by an affidavit of the attorney that represented the debtor during the course of the negotiations which states that the agreement is fully informed, voluntary, and does not impose an undue hardship. It is contemplated that debtors' attorney generally are in a position as good as or better than the court to protect debtors from burdensome agreements.

The bill would state that an individual injured by any willful violation of a stay provided by section 362 of the Bankruptcy Code shall recover actual damages including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages.

This private right of action is an additional right of individual debtors, and is not intended to foreclose recovery under already existing remedies.

Several provisions in the bill would streamline certain procedures that apply to creditors seeking to preserve their rights and interests in a bankruptcy case. It would require an individual to file a statement regarding his intent to retain or surrender property securing a consumer debt within 30 days after the commencement of a bankruptcy case, or before the meeting of creditors, whichever is earlier, and to comply with this statement within 45 days. The bill would terminate the automatic stay provided if chapter 13 of the Bankruptcy Code is a debtor or codebtor does not respond within 20 days to a creditor's request to proceed against the codebtor under title 11 United States Code section 1302(c)(2). The bill would prohibit the trustee from recouping certain preferential transfers from creditors, and would make other amendments in the personal bankruptcy law.

GRAIN ELEVATOR BANKRUPTCIES

Subtitle B of title II of H. 5174 would make amendments relating to grain storage facility bankruptcies. The depressed farmers of America need relief from the difficulties posed by the financial failure of a grain storage facility. The volatile nature of the market for grain and the vigilance needed to preserve and protect the condition of stored grain present unique problems for producers whose grain is stored or sold to a facility which files for bankruptcy relief.

The delay that inevitably occurs in a grain elevator bankruptcy case while the court resolves the competing claims of ownership, and protects the interests of farmers and other claimants, creates special problems for the family farmer. Grain held by a bankrupt grain elevator may represent a major portion of an individual producer's marketable assets.

The bankruptcy law, of course, does not cause grain elevator insolvencies and cannot restore missing grain to an elevator, where there are shortages. Thus, bankruptcy legislation cannot wholly remedy the problem of grain elevator insolvencies. Grain elevators must also be required to meet financial and operating standards necessary to prevent inadequately capitalized or improperly managed facilities. Various legislative proposals pending before the Committee on Agriculture would assist in preventing elevator failures and in eliminating the severe shortages of grain that often exist in grain warehouse insolvency cases. An Ad Hoc Agriculture Subcommittee report on grain elevator insolvencies makes sound recommendations for preventative legislation in this area. These amendments to the bankruptcy laws represent a remedy to the bankruptcy aspect of the problem of grain elevator failures.

This bill would require a bankruptcy court to prevent unnecessary, harmful delay in the disposition of grain and the proceeds of grain. The bill would add a new section (section 557) to title 11 of the United States Code to provide that, on the request of the trustee or any entity that claims an interest in grain or the proceeds of grain, the court shall expedite the procedures for the determination of interests in and the disposition of grain, by shortening applicable time periods to the greatest extent feasible and by establishing a timetable generally not to exceed 120 days.

The procedures that may be expedited under this new section 557 include the filing of a response to a claim of ownership, a proof of claim, a request for abandonment, a request for relief from the automatic stay provided in section 362(a) of the Bankruptcy Code, as well as a response to a request for a determination of secured status or a determination as to whether grain may be sold.

The new section 557 also would provide that any governmental unit that has regulatory jurisdiction over the operation or liquidation of an insolvent grain elevator (for example, a State agricultural agency or the U.S Department of Agriculture) has a right to appear and be heard in a grain elevator bankruptcy case on any issue relating to grain or the proceeds of grain. In addition, the bill would require the trustee in such cases to consult with a government unit that has regulatory jurisdiction before taking any action relating to the disposition of grain in the possession of the debtor or the bankruptcy estate.

The new section 557 would further provide that the trustee may recover from grain and the proceeds of grain the reasonable and necessary costs and expenses attributable to the preservation or disposition of grain or the proceeds of grain, but may not recover from such grain or grain proceeds any other costs or expenses.

The bill would provide a priority for individual farmers engaged in the production of grain against a grain storage facility to the extent of $2,000 for each individual producer.

The bill would provide that a seller who is a producer of grain sold to a grain storage facility is entitled to reclaim grain from a bankrupt grain storage facility if the producer makes written demand for reclamation within 10 days after the debtor received the grain. A bankruptcy court could deny this common-law right of reclamation provided under the Uniform Commercial Code only where the court secures the producer's claim with a lien.

Finally, the bill would amend the bankruptcy rules to clarify that a warehouse receipt, scale ticket, or similar document constitutes, to the extent not inconsistent with State law, prima facie evidence of the validity and amount of a claim of ownership of grain.

COLLECTIVE BARGAINING AGREEMENTS

Subtitle C of title II of this bill clarifies congressional intent with respect to the limited circumstances under which a collective bargaining agreement may be rejected in a bankruptcy case under title 11 of the United States Code.

At the time that the 1978 bankruptcy law was under consideration by the Congress, the law being applied on the question of the conditions required for the rejection of union contracts in bankruptcy was the standard set forth by the Court of Appeals for the Second Circuit in *Brotherhood of Railway and Airline Clerks* v. *REA Express, Inc.*, 523 F.2d 164, 167-169 (CA2), cert. denied, 423 U.S. 1017

(1975). The Congress was fully aware of the strict standard for rejection established in REA Express and believed it was simply continuing that standard when it enacted the 1978 law. Indeed, most lower courts have applied the strict standard of REA Express in interpreting the 1978 law.

This administration's Solicitor General argued before the Supreme Court, in the case of *NLRB* v. *Bildisco & Bildisco*, —— U.S. —— (February 22, 1984), that the standard applied in REA Express properly accommodates the policies of the labor and bankruptcy laws. The Solicitor General stated in his brief to the Supreme Court that:

[I]t is essential that there be a stringent standard for rejection of a collective bargaining agreement in a bankruptcy proceeding in order to give appropriate recognition to the policies of the [National Labor Relations Act]. Those policies include encouragement of collective bargaining and protection of employee interests, both of which may be seriously impaired as a result of rejection. The Second Circuit has achieved an accommodation between the labor laws and the bankruptcy laws that gives appropriate recognition to the former by requiring a threshold showing that a business is likely to fail absent rejection. Congress implicitly approved that accommodation when it approved the Bankruptcy Code in 1978.

Despite the position of the Solicitor General that the Supreme Court should adopt the strict standard for bankruptcy court approval of the rejection of a collective bargaining agreement in Bildisco, the Supreme Court affirmed a less stringent standard for the rejection of labor contracts in bankruptcy. The Court approved the third circuit's decision that a trustee or debtor in possession may terminate a collective bargaining agreement where the agreement is burdensome to the estate and the equities balance in favor of rejecting the labor contract. The balancing of the equities standard adopted by the Supreme Court would give no special weight to collective bargaining interest and the significant concerns underlying the national labor policy.

The bill would codify the same standard as was applied in the REA Express decision. The court in the REA Express opinion used various formulations to express the standard. No single phraseology was used by the court. It alternately referred to "collapse," "loss of jobs," "demise," and "liquidation."

The bill would provide that a bankruptcy court may not approve the rejection of a collective bargaining agreement under the bankruptcy laws by a chapter II debtor in possession unless, absent rejection of such agreement, the jobs covered by such agreement will be lost and any financial reorganization of the debtor will fail. This language would insure that the REA Express standard is codified.

A finding that the jobs will be lost is not an additional finding. Whenever a reorganization effort fails, the jobs are lost.

The REA Express standard was the prevailing standard under the Federal bankruptcy laws even prior to 1978. Most lower courts applied the standard of REA Express in interpreting the 1978 Bankruptcy Code. The second circuit standard has worked well. When the third circuit court of appeals created the new "balancing of the equities" test in the Bildisco case, as the first Court of Appeals to reject the REA Express standard, it ignored the longstanding experience of successful financial reorganization under the second circuit standard.

The standard in REA Express properly balances the competing policies of the labor laws and the bankruptcy laws. The policy of the bankruptcy law is to encourage successful financial reorganization of a financially troubled business and save jobs which otherwise would be lost if the business were to collapse. The policies of the National Labor Relations Act and of the Railway Labor Act include encouragement of collective bargaining and protection of employee interests.

Labor policies are impaired as a result of the rejection of a union contract in a bankruptcy setting, unless bankruptcy court approval of a request for rejection rests upon a showing that rejection is necessary to prevent failure of the business and to preserve the jobs covered by the contract. Requiring a trustee or debtor in possession to show that rejection is necessary for successful reorganization is consistent with Federal bankruptcy policy. Under this standard, a business that truly needs financial relief would be permitted to reject the collective bargaining agreement.

As the Solicitor General of the Department of Justice stated in his brief to the Supreme Court:

[T]he second Circuit [REA Express] standard ensures that collective bargaining agreements are rejected only when necessary to accomplish the bankruptcy goal of avoiding collapse of the business, not simply because an employer prefers to operate without the restrictions of the collective bargaining agreements.

Any lesser standard would subvert these important labor policies.

The balancing of the equities test may sound like it balances competing labor and bankruptcy policies, but in reality it ignores the policies of the Federal labor laws.

As the Solicitor General stated in the Bildisco case:

Under [the Bildisco] standard, it appears likely that most collective bargaining agreements could be rejected. Presumably, most debtors-in-possession could establish that a labor contract imposes some burdens on the estate and deprives it of assets that could be used for other purposes. Under the balancing-of-the-equities prescribed by [the Third Circuit Court of Appeals], no special weight is given to collective bargaining interests; instead, interests of creditors are weighted equally with interests of employees.

Thus, the balancing of the equities test falls far short of a fair balance between the policies of the labor and bankruptcy laws. It inquires only whether the rejection of a union contract would be helpful to a successful financial reorganization, rather than whether rejection is necessary to the reorganization effort.

In reality, the balancing of the equities test amounts to no test at all. In practice, the balancing of the equities test treats collective bargaining like any other agreement, This approach renders the policies contained in the Federal labor laws meaningless whenever a company files a petition for chapter 11 reorganization. The Congress did not intend to sanction this enormous loophole to the labor laws when it enacted the 1978 code.

The bill clarifies the Congress intent to incorporate the second circuit standard for the rejection of a union agreement in a chapter 11 reorganization case and presents a proper balance between bankruptcy and labor policies.●

EMERGENCY HOME MORTGAGE ASSISTANCE LOAN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, last May the House of Representatives passed, on an emergency basis, because it was an emergency, the Emergency Home Mortgage Assistance Loan Act, and it has been ever since, as I have said before, languishing in the Senate where a determined administration and its supporters in the Senate are determined to kill it.

At that time, our debate here divided the membership principally into those, and it turned out to be the majority because we passed the bill by a majority of at least 115, which is substantial as these issues go, so the House was divided into two main camps, the one, the majority, believing the testimony brought out in the successive hearings that the Subcommittee on Housing and Urban Development, of which I have the honor to be chairman, had brought out over a 1½-year period of time, and the others who offered as the argument, one, a specious and untruthful one, that this plan provided an expenditure program known as entitlement, which it was not, is not, and never has been. As a matter of fact, it was just a bare little lifeline extended to hundreds of thousands of plain American families trying to hold onto the ownership of their homes.

At that time, I said that either they were right and we were wrong, or we were right and they were wrong. We cannot have it both ways. Either there is a need, a continuing need now, or there is not. Either there was an emergency then or there was not.

I think that the overwhelming, preponderant majority of the Members of the House at the time we entered and initiated the debate were not sure, but after hearing the debate, the presentation of the facts, and their ability to stand up, not be rebutted successfully by the opponents, who mostly predicated their opposition on ideological bases more than the ad hoc type of determination that this type of debate ought to bring forth.

Today my contention is that, if anything, the picture has worsened, that many, many Americans and families have lost their homes. We have since then, on the subcommittee level initiated and sustained a course of hearings on the homelessness situation, which again, thanks to our subcommittee, became a matter of temporary priority before the Congress, and also during the harsh winter months of last year and this year became an item of interest, at least passing to some, except the President, who still maintains that the homeless are homeless by choice. That is the only reason they are homeless.

I invited the President about 1½ or 2 months ago, in a letter, to join some of us and visit the one shelter which, after the subcommittee bludgeoned GSA and other administrative agencies to provide the old Federal City College building for this business of sheltering the homeless at least temporarily. Finally, after about 4 or 5 weeks of pushing and mauling and shoving and kicking, we finally got them, late in December, even though by that time some very unfortunate incidents had happened on the streets of Washington, including Americans dying on the streets.

One is a concomitant of the other, because for the first time, as our hearings brought out, those on the streets wandering aimlessly seeking a roof at least temporarily were not the usual bums or hoboes and ne'er-do-wells that we had been accustomed to as sort of scrap heap Americans, but we found young married couples, healthy, at least temporarily, but obviously not able to endure healthily for long under the conditions when they appeared before the committee, young, virile, wanting, willing, and able to work, and not able to get it.

They were not homeless by choice. Some of them had just lost their homes. Others were up to 1½ years ago plain, normal, average working, producing Americans and heads of households who had left their own immediate family with relatives while they sought employment and had drifted somehow or other into this part of the country.

We also visited other States, at least I did. Our funding limitations of the subcommittee, contrary to the general impression that Congress wallows in money, prevented us from having the hearings that I had visualized formally as a subcommittee in every region of the country. We did mange to have three, but I myself visited, as chairman, seven of the various regions of the country and saw for myself, including my own district, the city of San Antonio.

Today the situation is as bad or worse, because as brought out most unfortunately, in a callous way, by the Wall Street Journal last Wednesday, March 21, an article on page 5 headed, "Delinquent Mortgage Payments Rose 8 Percent in the Fourth Period but Analysts Call It a Blip." So human beings now are blips, callously referred to as unhappy statistics that contradict this fictitious aura of recovery, the great myth that we have recovery, with 200,000-plus steelworkers still unemployed in what I call the Rust Belt, with farm homeownership as well as farm tenant occupancy of family farms reduced now to the alltime low of 6 percent just within the last year and a half.

This reference to blips, analysts call it a blip. More homeowners were behind in their mortgage payments in the fourth quarter of 1983 than in the third quarter, but analysts said was just a blip in an otherwise strong economy.

□ 1300

The fact is that I read into the RECORD also last week and the week before last the statistics gathered over the last 2 years, the last available statistics not on delinquency of mortgage payments, but an actual foreclosures, that is, homes actually foreclosed upon and taken away by judicial decree from their rightful owners. That is very sinister in what it reflects, and it is on the rise again. Foreclosures reached an alltime high, an outpeak from the depression period high last year and over the last year and a half.

So what are we talking about when we say that the most representative body closest to the people in our country overwhelmingly recognizes the situation and wants to do something by way of a modicum, just a very small lifesaving line we are trying to extend? And it is not even as generous as the old Homeowners Loan Corporation of the Depression, where at least at that time the leaders in and out of the Congress and the Presidency had faith in the American people, had faith in the average household head. After all, if we do not have that in America, we have nothing.

We can delude ourselves with the aura of strength, with the misperception that because we have sophisticated weaponry we are a strong nation, that because we are still considered to be the wealthiest nation, though that may be hollow at this point, we can afford to forget the basic interests of the hardcore origin of the strength of American life, which is the family unit. A family that has no roots with the soil is a family that has no attachment to the cause of that soil, and, therefore, we should not be surprised if American after American finds it difficult to visualize the conflicts presented by the congressional leadership, and following the majority, as well as its Presidents, who come and say at the same time that the overwhelming, preponderating majority of this House that voted against—and, fortunately, they were a minority in the House vote—but the overwhelming, preponderating majority of those in Government say in that that the American family cannot be trusted to pay back even at 10 percent, which certainly was absent during the Depression HOLC, and then turn right around and a few weeks later vote for lending to the impoverished foreign nations that cannot even pay the interest payments on either their public or private debts, their private debts now being the bulk owed our principal American bankers who in turn have sold out. They are in control.

Our big oligarchic banking corporate community is in control of the destiny of this country. The decisions are not being made in this Congress, they are not being made in the White House, they are being made in the plush offices of the Wall Street lawyers of these firms and in the councils of the mighty, these great behemoths of wealth or, as Franklin Roosevelt called them, because I think they are entitled to that designation now, these "great malefactors of great wealth." They have sold out the American people once again. They did it after World War I, as I brought out last week. It has been done once again.

And here the Congress, the majority, went along with $8.4 billion of taxpayers' money demanded by a President as a priority, saying that it was an absolute must, a President that was willing to come and make deals in order to get the $8.4 billion for what is known as the IMF, the International Monetary Fund.

Some of us in vain tried to point out, what kind of perverted priority is that where we say that we will have more faith in those foreigners that cannot pay even interest than we have in our American families?

After all, if we lend it to an American, the history of the Depression shows that they paid back the Home Owners Loan Corporation, paid back,

and it made money for the U.S. Treasury. But then you had the same voices of opposition by the faithless ones who had no faith in the average American family because their faith is in perserving the wealthy, the powerful. There is where their allegiance is.

What I am saying is that those wealthy powerful do not have allegiance to the American national interests, the greatest interests of the greatest need of those great American people. After all, that is our source of everything. It is the whole thing around which we exist, and it has been so forgotten and the transfer of power has been so subtle that it has been difficult to try to speak out.

I know that some of us have. And I here pay my respects to the late Wright Patman, chairman of the committee I have belonged to since I came here 22½ years ago. I was one of those who joined him, and immediately before his death I was the only one still joining him. We were predicting, but never in our wildest imaginations thinking, that the wholesale robbery of the American people would be so despicable, so cold, so callous, so absolutely all-consuming to the point of confiscation, with the interest rates being part and parcel of this big ball of wax.

It is all interrelated. The contradictory situation is reflected by even the Wall Street report that so callously refers to this great human anguish. Maybe it is because these fellows sit up in their offices and do not go out. They have no exposure to the American people, any more than the President does. The President has not rubbed elbows with an average, ordinary working American in 22 years. His associates have been the multimillionaire class. He wears $22,000 boots, and there is no way that I know that I can persuade any of my colleagues or anybody from that class that does not bother to go out and talk to the people and see what is happening out there and see what the real condition is.

When you go out and do the grocery shopping, when you try to see how you can help your son or daughter purchase a home today, which is literally not possible, not for the average American, when you see that, then I do not think you would write headlines with this word, "blip," referring to anguish in human situations, such as that which is happening right now in Pueblo, Colo.

I have in the record presented as of last year and again this year the petition of over 3,000, which represents better than half of the work force in Pueblo because of the shutting down or a practical shutting down of the steel mill there more than 1½ years ago, and the fact that homeownership was being lost at the rate of 100 a month at the time we were trying to get emergency action on an emergency basis, with this mere glimmer of hope that by giving a little line of credit, this temporarily displaced Americans from employment would be able to keep at least a roof over his head.

□ 1310

I have kept my association with Pueblo, Colo., and I want to advise the House that at this point those who have not irretrievably lost their homes, and that is the overwhelmingly preponderant number, are in court now only because they were able to raise a fund through the unemployed members of the Steelworkers Union to help them at least try to get some legal delay in order to see what could happen to enable them to maintain that roof over their heads. At this point, it is a continuing crisis. At this point, it is a rising crisis, because foreclosures are always preceded by delinquent mortgage payments, of course.

But what is the interrelationship here? Why is it that I feel almost to the point of bitterness? I have tried all through my life never to reach that point. One cannot as a human being, accept the acid of revenge or bitterness without suffering and I have been blessed with mostly tempered feeling, but I am now because I see that the people depend on us and that means the Senate and the House. They are going to find an outlet with their elected President. He is bitterly opposed to this kind of legislation. He says there is no need. He says that this is the kind of thing that has been wrong, anyway, for 30 years; but the people must have an outlet somewhere. They are not going to get it in the Supreme Court, and if they cannot find it in the Congress, we are going to have one of the reenactments of the scenes that have occurred over a threshold in the course of our history in the form of a government that we have lived under now since 1789.

Always our beautiful system has responded. After World War II and the civil rights cause, the Congress did not respond. It could not. It is a pluralist body, any more than it could to the mortgage problem.

The Congress has failed yet to enact a national comprehensive so-called mortgage policy. The reason for that, it is a highly sectionalistic and divisible element and the Congress is a pluralistic body of 535 Members; but neither was the Presidency able to and it did not accept President Eisenhower's dispatch of troops to Little Rock. But force, as always, is no answer.

The Presidency could not within its limitations, the Congress would not and the Supreme Court finally did.

But today the avenues for redress of these very serious issues rising and churning from the midst of our population are not being answered. There is no response from either of the three branches of our Government. Our history shows that when we have that, something is going to happen—in my opinion, undesirable social disorder. There is no question of that in my mind.

I feel that it is always to be lamented that that should happen; yet things can be done to prevent it.

There is such a thing as anticipatory action. There is no question in my mind that the Senate has responsibility to at least confront the issue, debate it. Do not bury it, debate it.

Last December I held out on the deal that was made. I do not like deals. I do not believe in hostage taking one way or the other in real life or in legislative life.

What happened was that the President's IMF bill was held hostage to other bills, such as housing; but even my allies on the majority side would not demand of the Senators that they include our emergency home assistance plan as part of the package; but even then I think it was wrong and is wrong for a body such as the Senate that is considered to be the most deliberative body in the world to refuse to look at a bit of legislation that the House of Representatives passed overwhelmingly.

Then I will abide by the decision. If a majority of the Senators want to go out and tell the American people that they are going to turn their backs on a good, solid American head of the household in this desperate effort to hold on to possession of his home, then let it be. Let it go on record; but at least let us go on record.

I appeal to the Senate leadership and the majority of the Senators to at least discuss it and do something one way or the other.

Accompanying that same Wall Street Journal report on the mortgage delinquency is another one that says, "VA Raises the Ceiling on Mortgages to 13 Percent." That means that your home mortgage, such as we use in order to house America, the greatest miracle known to any nation, was a miracle performed by America when it has faith in its own and that was that in 40 years' time, America was housed like no other country.

In 1940 at the beginning of what Mr. Reagan says was a 30-year period that followed where everything wrong, was being undone, in 1940 over 65 percent of the American homes were substandard, inadequate. By 1980 it was only 6½ percent, with twice as many inhabitants, and that many more households in the Nation.

What made it possible? It was made possible because the leaders then at least had the responsibility to seek to begin at home. In other words, charity does begin at home. And even though the Depression was raging—we talk about a deficit today, I can evoke the smells and the sounds and the fright

and the psychology of fright of the Depression period. I am a child of the Depression. I wish I had the power to describe it in words, but I cannot and nobody can; but we should remember, we should know, we should realize what did work and the FHA—which was based on what? It was based on an allocation of credit resources on the part of our national financial leaders to the question of housing and the faith that on a fixed term 30-year mortgage, it would be paid, and that there was the desire and the passion for homeownership which every American knows is deeply rooted in every average American's heart was going to be there and it was, so that in a 40-year span we housed America.

Today we have reverted to the 1929 situation, the 5-percent balloon. That is what it amounts to. They have all kinds of gimmicks, reverse payments, buildup of mortgage payments; then all of a sudden they sock that homeowner, as they are finding out this year, and he is going to have a crisis, or she.

But why? Because we have greater faith in the debtors to our banks whose interest this administration is irretrievably committed, as has been shown by action after action, not only by the Treasury Department, by the agreements, some semisecret, between the President and the Federal Reserve Board Chairman.

I would like to tie in one and the other, as I have in the last three instances that I have addressed the House.

I would like to offer for the record at this point from the New York Times Sunday issue, section 3, the business page, one of the best compilations of the subject matter, entitled "The New Crisis for Latin Debt. Bankers Resist the Pleas of the Biggest Borrowers To Trim Interest Payments. Huge Repayments Stunt Growth"—referring to the Nation.

It has a very good summation of the amount and the dismal picture of the bubble that is about to burst around our heads.

□ 1320

And also tied in with what I said before.

William Graham Sumner, who was addressing himself in a similar period of stress, said these memorial words:

> Who then is he who provides it all. Go and find him. And you will have once more before you the forgotten man. The forgotten man is delving away in patient industry—unless he is unemployed—supporting his family, paying his taxes, casting his vote, supporting the church and the school, reading his newspaper, and cheering for the politican of his admiration. But he is the only one for whom there is no provision in the great scramble and the big divide.

The big scramble and the great divide today is between these dinosaurs, big corporations that are also interlocked with the banks, struggling for more and more growth with no production of one job, not one produce of any kind for the Nation's good or consumption, just merely struggling for the sake of struggling. Possession. One giant trying to knock over the other. Exxon, DuPont. But in the process tying up billions and billions and billions of dollars of banking resources that the primary purpose for which the banks were chartered to provide those resources for the engines of production, the small businesses who need to inventory at reasonable, not injurious, not extortionate rates of interest such as flagellating our business community today, also causing small business to go out in such record numbers that again we are outpeaking the Depression numbers or statistics.

But why? I had one businessman ask me the other day, "I thought it was illegal to charge more than a certain rate of interest." And I had a hard time explaining to him that maybe that was so at one time. As a matter of fact, this was uppermost in Abraham Lincoln's mind, the same eternal struggle we have had in this Nation since the beginning of the Nation. I have brought it out ad infinitum on the House floor for 20 years, when I first spoke out on the subject matter. It is ironic that at that time and especially in 1966 the first so-called credit crunch, we were worried about going over 6-percent interest. Who would have dreamed? I am sure that the Honorable Wright Patman has turned over 60 times in his grave that we would be flagellated, that we would be robbed blind, stolen, at 21 percent prime interest rate. The prime interest rate now for a small businessman. And I mean small, not by Washington standards. Small businessman in Washington are big enough to have lobbyists. And that by my standards in San Antonio is big business, not small business. But small businesses, the little tailor guy, has a little tailor shop. The little mechanic who has a little auto repair shop and is trying to keep up with the modern mechanisms and equipment which is very costly that he must have, computers or some kind of electronic device. And he wants to go to that bank and borrow just $1,500. There is no one I know in this country who can borrow at less than 16½, 17½ percent. That is robbery. That is extortionate. That is thievery. It is wrong. And the Congress has a responsibility that it has abdicated for years. As a matter of fact, it has been the silent partner of these pickpockets and thieves, because that is what they are. And we have become the money changers in the temple of American democracy. Should we be surprised that we have Americans going homeless in greater numbers and good solid American folk for whom we must work and for whom we must dedicate our representation to preserve and help them keep their dream and their identification with the soil and the country, their home.

I ask and I plead and I plead and I beg the Senate, please act upon the Home Mortgage Assistance Emergency Act.

Mr. Speaker, the articles I referred to follow:

[From the Wall Street Journal, Mar. 21, 1984]

DELINQUENT MORTGAGE PAYMENTS ROSE 8 PERCENT IN FOURTH PERIOD BUT ANALYSTS CALL IT A "BLIP"

(By Cathy Trost)

WASHINGTON.—More homeowners were behind in their mortgage payments in the fourth quarter of 1983 than in the third quarter, but analysts said it was just a "blip" in an otherwise strong economy.

The Mortgage Bankers Association of America termed the 8% rise in delinquent loan payments "worrisome" but said 80% of those were just 30 days or fewer overdue. The slight 0.08 percentage point increase in the more serious category of tardy loans—those 60 days or more overdue— wasn't big enough to "warrant heightened fears of a future increase" in loan foreclosures, the association said.

Optimism was bolstered by a fourth-quarter decline in new foreclosure proceedings. But that 0.01 percentage point drop to 0.21% occurred even as home loans in the process of foreclosure edged up by the same slight amount to 0.67%. The association linked the rise in loans in the process of foreclosure to continuing high unemployment in some parts of the country.

According to the association, 5.66% of nine million home loans surveyed were at least 30 days past due in the fourth quarter of 1983, up from 5.26% in the third quarter. It was the first increase since the first quarter of the year, when delinquencies were a record 5.84%. In the year-earlier fourth quarter, the rate was 5.7%.

Payments that were overdue 60 days or more increased to 0.92% in the fourth quarter from 0.87% in the third. For 90 days or longer, the rise was to 0.86% from 0.83%.

"I think we have to look at the numbers in the context of where the trend has been going—which is down—and where the increases came from," said Mark J. Riedy, the association's executive vice president.

Delinquency rates increased in all regions, with the Northeast and North Central states taking the lead. But there was regional disparity. New York and Michigan both had declining rates in the fourth quarter, but such Northern industrial states as Illinois, Ohio and Pennsylvania showed steeply rising rates.

Mr. Riedy said the outlook for the housing market was good through 1984 because of the continuing strength of the economic recovery, but he warned that the rise in overdue loans shows "the fragility" of the recovery "in such a high-interest-rate environment."

[From the Wall Street Journal Mar. 21, 1984]

VA RAISES CEILING ON MORTGAGES TO 13 PERCENT

WASHINGTON.—The government raised the maximum interest rate on federally backed Veterans Administration mortgages to 13%

from 12½%, the first change in the rate since November.

The increase follows boosts in other interest rates. The prime, or base, bank lending rate was raised ½ point to 11½%. And the average rate on 30-year conventional mortgage loans, which aren't backed by the government, has climbed an average ½ point to just under 14%. Analysts said the higher VA rate "recognizes the realities of the marketplace."

The rate applies to single-family homes guaranteed by the VA. The rate on graduated-payment loans increased to 13¼% from 12¾%.

Last Nov. 1, the VA interest was reduced to 12½% from 13%. This latest increase marks the first time the VA rate has been changed since congressional action late last year freed the Federal Housing Administration's interest rate from government control. The rate on homes insured by the FHA is negotiated by buyers and lenders in the market, but the VA rate continues to be set by the government.

[From the New York Times, Mar. 11, 1984]

THE NEW CRISIS FOR LATIN DEBT—BANKERS RESIST THE PLEAS OF THE BIGGEST BORROWERS TO TRIM INTEREST PAYMENTS

(By Alan Riding)

RIO DE JANEIRO.—When Mexico's new Government slashed public spending and reduced real wages last year, it won accolades from Western bankers eager to believe that austerity was the answer to Latin America's debt crisis.

Today, that confidence has been shaken. The austerity measures demanded by the International Monetary Fund and the big American and European banks have helped to thrust both Mexico and Brazil into recessions that are eroding their capacity to meet future debt obligations. And the newly elected Governments of Argentina and Venezuela seem determined not to pay a similar price to appease their creditors.

So a new Latin debt crisis is brewing, probably more perilous and certainly more political than in the recent past. This time the issue is whether Latin America's four biggest debtor nations can achieve economic recovery and political stability while continuing to make huge interest payments on their foreign debt.

Last year Brazil, Mexico, Argentina, and Venezuela persuaded Western banks to postpone the repayment of principal coming due on their $260 billion in debts. Now they are arguing ever more insistently that by continuing to honor their interest payments—which totaled more than $20 billion last year—they are being forced to destroy their economies and assume the risks of major political upheavals, which, in turn, would eventually force them to default.

"We're living a bizarre and dangerous charade," one American banker in the region remarked. "We're trying to pretend that everything is O.K. with debt repayment, that we're coming out of the woods, and we're losing precious time."

No one knows when the new crisis might erupt, destroying the complacency that has built up concerning the debt issue—or what precise shape it will take. But the lines are being drawn. The debtor nations insist that they must be granted additional loans and easier repayment terms, with interest payments either suspended or sharply reduced.

In contrast, the creditors—both the banks and the governments of the major industrial nations—believe they did enough for their Latin debtors last year by agreeing to postpone the payments of principal coming due on the foreign debt and by providing some new loans. They insist that they cannot possibly alter interest terms on the foreign debt without sustaining huge losses. That argument meets with little publicly expressed sympathy in Brazil, the world's biggest debtor, with $93 billion outstanding. Says Nogueira Batista Jr. of the Getulio Vargas Foundation, an economics studies institution: "The international banking market, which in the past benefited so much from loans to Brazil, will now have to prepare itself to accept emergency solutions and take losses."

Some bankers are betting that Argentina, with $44 billion in foreign debt, will provide the first test of the new Latin determination to reduce interest payments. The test might come this month. Argentina will be 90 days past due on some $3 billion in interest payments when the quarter ends on March 31. If it doesn't reach an agreement to pay these arrears, at least in part, by that date, then United States banking regulations would force some major American banks to list the debts involved as "nonperforming loans." That would reduce the banks' first-quarter earnings by millions of dollars and undoubtedly raise a new uproar over default.

Some American market analysts are even girding for the worst by lowering the first-quarter earnings estimates for Manufacturers Hanover, Citicorp and other big banks. Manufacturers and Citicorp are the two biggest American bank lenders to Argentina, with nearly $3 billion in loans outstanding, and they have fallen behind in collecting millions in interest on the loans. Indeed, no interest has been paid by Argentina since last October and that nation's recently-installed president, Raúl Alfonsín, says he'll continue the moratorium until June 30 while he works out economic policy.

That doesn't perturb Walter Wriston, chairman of Citicorp, who holds that the big four Latin debtors are on the road to recovery and have the wealth to keep up debt payment. Argentina "is so naturally rich, but it has not enjoyed superb management over the years, starting with Peron and Evita uno and dos," he said in a speech last week. "But they are people of good will."

But in Latin America, fear of default and of the wrath of the banks is losing ground to other preoccupations. The change was described in a recent report from the Latin American Debt Commission of the Americas Society, a New York-based organization of United States corporations with operations in the region. "In virtually every Latin American and Caribbean country," the report said, "there are major pressures to turn inward, to reject cooperation with the I.M.F., to turn their backs on existing obligations and to look to solutions which stress a higher degree of protectionism and state control."

The Latin nations together owe Western banks about $310 billion, but Brazil, Mexico, Argentina and Venezuela account for the bulk of this amount, and much of their $260 billion in debt is short-term loans made in recent years. In their effort to repay, the big four debtors are, for the first time in years, sending more money back to the banks and other creditors than they are receiving in new financing from abroad. Last year, in fact, debt repayment forced them to export a total of $10.8 billion in capital, and that contributed to the economic contraction in each of the countries. The big four say this contraction is intolerable.

Not only in Latin America, but also in the United States, politicians, economists, bankers and academics gather frequently at seminars to discuss new approaches to the Latin debt problem. But in practice, no new idea has been tested; both creditors and debtors continue to deal with the debt through traditional methods that have prevailed since the creation of the I.M.F. after World War II to help Western nations remain solvent. Those traditional measures are essentially a combination of emergency credits and austerity measures that makes money available through slashes in public spending, wage freezes, import restrictions and currency devaluations.

Yet, what began 18 months ago with Mexico's currently collapse as a cashflow problem that seemed addressable in the traditional way has now evolved into a far more complicated repayment issue that not only distorts economic policy and aggravates social tensions, but also threatens political stability.

"No responsible government can idenfinitely impose measures that reduce growth, employment and social programs," the Americans Society Commission said. "Extremist movements of the right and left are likely to attempt to take advantage of unrest resulting from prolonged austerity measures."

Consequently, in Latin America, the financial crisis and ways of alleviating it are being viewed increasingly through a political prism. The region's central bankers are still more interested in good credit rating in New York, but their influence is waning in many capitals. That is particularly the case with Argentina, where the elected civilian Government inherited a shattered economy from an unpopular military regime and is now determined to consolidate the country's new democracy by reviving economic growth, even if this meets with the disapproval of foreign bankers.

Mr. Alfonsin has resisted austerity measures required by the I.M.F. and that has meant he hasn't been able to draw on an I.M.F. standby credit that would help to meet the interest payments. They would be about $6 billion in arrears by the end of the year, if the payment moratorium were to continue.

In Mexico, a severe slump has so far brought no serious social unrest, despite an austerity program that has cut subsidies for food and power, contributed to unemployment and held down real wages, and devalued the peso to limit imports. The cutbacks, plus oil earnings, have allowed the country to keep up with interest payments on its $89 billion debt, payments that totaled nearly $11 billion last year. But President Miguel de la Madrid Hurtado is under strong political pressure to stimulate the economy prior to midterm congressional elections next year.

Brazil's debt crisis has become very political. Last year, food riots and sackings of supermarkets and grain silos reflected growing popular irritation with Government austerity measures, including a new law limiting wage increases in a country with more than 200 percent annual inflation. But, unlike Mexico, Argentina and Venezuela, each governed by civilians elected with strong mandates, Brazil's lame-duck military Government, to be replaced by a civilian regime next year, seems too weak to confront the country's creditors with strong demands for easier terms for repaying its $93 billion debt.

Until recently, the pressure on the creditor nations was defused because the debt shocks had come in stages. Further, in each case—first Mexico, then Brazil and, most recently, Argentina and Venezuela—it was possible to identify specific, correctible reasons for their problems.

Mexico, for example, had borrowed heavily to sustain an overvalued currency and a high growth rate. Brazil's fate was attributed to its commitment to huge mining, hydroelectric and industrial projects that required billions in construction loans, but took too long to produce revenue to pay the debt. The cost of the Falklands war became the explanation for Argentina's crisis, while Venezuela's refusal to devalue the bolivar during last year's Presidential election campaign aggravated its problems by encouraging imports that used up available foreign currency.

As a result, the countries' creditors, supported by the I.M.F. and, less visibly, by the Reagan Administration, were able to focus on tough domestic solutions that would make debt repayment possible—solutions, in short, that fell entirely on the shoulders of the debtors. Now they are protesting that the burden should be shared more equitably by the creditors—the banks and governments in the industrial world. The argument is that the debt crisis stems from their activities, too, specifically from sharply higher interest rates, the weakening of commodity prices, the growing protectionism of the industrial world that keeps out Latin products and the vagaries of the world oil market.

"No matter how much we contort ourselves or the population goes hungry, we will not be able to produce many dollars to help the banks," wrote Celso Furtado, a leading Brazilian authority on development issues.

For the moment, Mexico has accepted the solution of continual postponements of principal payments while maintaining interest payment. Principal payments for Mexican debts maturing between August 1982 and December 1984 were postponed last year and, within a few months, Mexican Finance Ministry officials will begin negotiating postponement of debt obligations due in 1985. The debts rescheduled last year are to be repaid after 1987, but bankers predict a further rescheduling then.

Brazil, on the other hand, is accused by the I.M.F. and the creditor banks of shying away from austerity measures that it agreed to as as a means of keeping up with interet payments, which totaled $9.7 billion last year and are expected to be nearly $11 billion in 1984. Yet, with the country entering its fourth year of recession and having recorded an unprecedented 211 percent inflation rate and a 4 percent drop in its gross domestic product in 1983, economists of all political hues argue that bigger doses of the austerity medicine will not work.

Brazil's outgoing economic team has avoided addressing the interest question in public, promising to meet its obligations this year through a $9 billion trade surplus. But in practice, it appears to be adopting the tactics of passive resistance, signing quarterly letters of intent with the I.M.F. that include an array of austerity commitments that the Government routinely fails to honor. These commitments made possible a large reschedule of principal payments in January, through the signing of a $28 billion package that includes new bank money, renewal of trade credit and postponement of debt payments. Yet this deal disguised the fact that Brazil will once again export capital this year. That is, it will pay out about $6 billion more in interest than it will receive in new loans. Last year, the outflow was $3 billion.

Venezuela's new President, Jaime Lusinchi, last month ordered a sharp devaluation of the bolivar, increased domestic oil prices and promised to encourage foreign investment in an attempt to revive the economy. But, bolstered by Venezuela's relatively high foriegn exchange reserves, largely from oil exports, he also pledged that his program of austerity with growth would not be dictated by the I.M.F. Venezuela refused to work out an austerity program with the I.M.F. last year and could not reach agreement on rescheduling its debt.

Almost all principal payments have been suspended since February 1983 and the country owed about $800 million in interest at the end of last year. Venezuela's main problem is the structure of its debt: $22 billion of the $34 billion total is due to be repaid this year. But its interest burden is lower than that of the rest of the region and it has more than $6.5 billion in reserves. In contrast to others, Venezuela should have no trouble keeping up interest payments, if maturing debt principal can be rescheduled.

Latin American economists invariably stress, as a solution for their problems, the need for open markets for the region's exports and for higher and steadier commodity prices. But the spotlight soon returns to the interest question: The outflow of capital, they say, must be reversed through capitalization of interest payments now in arrears—treating it as if it were principal—and through lower interest rates, which currently range one to two percentage points above the London Interbank Offered Rate, now about 10.4 percent for 90-day loans.

To date, the region's creditors have refused to discuss a change in the rules, with American banks arguing the United States banking regulations prohibit them from making such arrangements and European banks not wishing to go it alone. The initiative to reduce interest payments would have to come from governments, bankers explain, adding that, during an election year, the Reagan Administration is reluctant to become involved.

LABOR'S AMBASSADOR IN WAR AND PEACE: JOSEPH D. KEENAN

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. PRICE. Mr. Speaker, in times of deepest peril, the Nation depends for its survival on its most patriotic citizens.

Many patriots have come from the ranks of the American labor movement and workers.

For the past 40 years, one individual within the U.S. labor movement stood out for his dedication to the national interest—Joseph D. Keenan.

When Hitler's armies invaded the lowlands and Denmark in the spring of 1940, the United States moved slowly but firmly under the leadership of President Franklin D. Roosevelt from a period of total military unpreparedness into a period of broad defense and military mobilization.

In 1938, only 188,000 soldiers were authorized for the Regular Army. By 1945, over 13 million Americans were in arms and the United States and its allies had emerged victorious from the greatest World War in history.

Starting in June 1940, to assure this outcome, thousands of factories, camps, cantonments, and cities had to be built from scratch. Many books have described the Herculean efforts involved. But few authors have depicted the role of the building and construction unions in this transformation of the Nation's preparedness for war.

A new book, a portrait of the life and career of Joseph D. Keenan, "Labor's Stand-Up Guy," provides special insights into the role that labor played both in mobilizing the Nation's defenses and in transforming post-war America. It focuses on the critical responsibilities of Keenan in such episodes as the wage stabilization agreement that prevented strikes in World War II, the building of the atomic bomb, and later, the Korean war. While this book is far from definitive, it opens new ground for defense and military scholars and researchers to pursue concerning labor's role in assuring U.S. military strength.

As the United States of America was transformed from the interwar era of the Great Depression and rampant isolationism into the contemporary period of advanced technology and global interests, its labor movement, doubling in size and assuming major influence during wartime, came to play a strategic role in shaping national public policy.

For the most part, though, labor's role, especially that of the AFL in this national transformation both in wartime and beyond, has been untold either by historians, social scientists, or seen by key union figures themselves.

By all accounts, one figure whose career in the labor movement reflects labor's impress on this national transformation was Keenan. International secretary emeritus of the International Brotherhood of Electrical Workers his achievements still far surpass his fame. Born in Chicago 4 years before the 20th century began, for almost 60 years, extraordinary circumstances in his life thrust him into leadership and advisory roles in some of the century's more important events.

In the process, Joe Keenan was far more than a bystander to history. He became a main actor in such efforts as the creation of the modern labor movement; the war production drive of the Second World War; the making of the atomic bomb and the opening of the nuclear era; U.S. efforts to revive democracy in Germany after the fall of Hitler; formation of labor's League for Political Education—now the AFL-

CIO's Committee on Political Education (COPE), of which he was the founding director; the campaigns of Presidents Truman, Kennedy, and Johnson for the White House, and the civil rights revolution. In the process, Keenan became and remains an authentic folk hero.

As he stepped into these varied activities, Joe did not consider himself a planner or a theoretician charting the way; he was merely a man who could get things done. Close observers believe that his efforts, though unsung, were crucial in achieving vital national goals, for example, in forging the no strike pledge of labor which reduced the Nation's work stoppages in World War II; restoring German unions to democracy after 1945; and, inspiring the AFL as it successfully plunged into the whirlpool of post-war U.S. politics.

Keenan's name now produces little response either in Chicago or Washington beyond the halls of labor which he did so much to construct; but, to those who are knowledgeable about the modern labor movement, he remains one of the half-dozen major figures within its ranks.

In his preface to the book on Joe Keenan, the Honorable W. Averell Harriman says that Keenan received the two highest awards that a President can bestow on a civilian—the Medal of Merit and the Medal of Freedom, because in his life and in his service to the Nation, he represented the hopes and aspirations of the average American writ large.

On comment on Keenan's career illustrates the impression he left on his comtemporaries. According the Gen. Lucius D. Clay, head of U.S. command in post-war Germany, "The re-establishment of trade unions along democratic lines had to come within. That this almost impossible reform did occur came about in a large part, if not entirely, from the work of Joe Keenan."

This book does not attempt to fill a scholarly and journalistic vacuum on either labor's role or on Keenan personally. Nor is it even a full-scale biography; rather, the author simply has tried to tell Joe's story primarily as seen by himself and by others directly related to his career. However, since so little written information was available on a prominent labor figure like Keenan the book should fill a gap and serve to remind scholars and journalists that labor's side of the story in important events of the past four decades has scarcely been looked at, let alone told.

The author of this book on Mr. Keenan, Francis X. Gannon, is a consultant to the Secretary General of the Organization of American States and a former adviser to the late Senator Hubert H. Humphrey. A writer on political and international affairs, he has worked in various capacities for the U.S. labor movement. Mr. Gannon holds a Ph. D. in political philosophy from the Catholic University of America and works with nonprofit agencies including CARA, a national Catholic research center, where he is chairman of the Executive Committee of the Board; the Coolfont Foundation, Berkely Springs, W. Va.; and JACS (Joint Action in Community Service), a citizens' coalition assisting the Job Corps.

Mr. Speaker, I commend this book highly to the Members of this body. It conveys the message that our national survival is as dependent on men and women of integrity and valor as it is on our military might. Joseph D. Keenan, whom I have known for years, is now at age 88—still a model of the activist citizen for all Americans. This book tells why this is so, and I congratulate Joe, his family, his associates from Chicago, the International Brotherhood of Electrical Workers, and the AFL-CIO for the great honor and distinction he and they have brought to the working American.●

COMMITTEE ON BUDGET MAY AUTHORIZE REQUEST FOR MODIFIED CLOSED RULE ON FIRST CONCURRENT RESOLUTION ON THE BUDGET 1985

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to Democratic Caucus Rule 35, I would like to take this opportunity to advise my colleagues that the Committee on the Budget may authorize me to request a modified closed rule for the consideration of the first concurrent resolution on the budget for fiscal year 1985.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. LUNGREN) to revise and extend his remarks and include extraneous material:)

Mr. LUNGREN, for 60 minutes, today.

(The following Members (at the request of Mr. ALEXANDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, March 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LUNGREN) and to include extraneous matter:)

Mr. BEREUTER.

Mr. RINALDO.

Mr. PRITCHARD.

(The following Members (at the request of Mr. ALEXANDER) and to include extraneous matter:)

Mr. FRANK.

Mr. ANDERSON in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. BROWN of California in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. JONES of Tennessee in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. LEATH of Texas.

Mr. FOGLIETTA.

Mr. HEFTEL of Hawaii.

Mr. D'AMOURS.

Mr. LANTOS in four instances.

Mrs. KENNELLY.

Mr. SCHUMER.

Mr. UDALL.

Mr. ORTIZ.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 803. An act to establish the Commission on the Centennial Review of the Civil Service; to the Committee on Post Office and Civil Service.

SENATE JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to a joint resolution of the Senate of the following title:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 27, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2985. A letter from the Comptroller General of the United States, transmitting his report on the withholding of $30 million in budget authority provided for grants for the education of immigrant children, which the President previously has not reported to the Congress, pursuant to Public Law 93-344, section 1015(a) (H. Doc. No. 98-188); to the

Committee on Appropriations and ordered to be printed.

2986. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the second volume of the Department's "International Narcotics Control Strategy Report," pursuant to FAA, section 481(e)(1) (97 Stat. 1053); to the Committee on Foreign Affairs.

2987. A letter from the Director, Defense Security Assistance Agency, transmitting notification that on March 19, 1984 the Department of Defense provided defense articles, services and training to Chad under the authorities of P.D. 83-8 and P.D. 83-9, pursuant to FAA, section 506(b)(2) (93 Stat. 702); to the Committee on Foreign Affairs.

2988. A letter from the Secretary of State, transmitting the third report on the activities of the multinational force and observers to implement the treaty of peace between Egypt and Israel, pursuant to Public Law 97-132, section 6; to the Committee on Foreign Affairs.

2989. A letter from the Secretary of the Interior, transmitting the Department's comments on the report and recommendations of the Commission on Fair Market Value For Federal Coal Leasing; jointly, to the Committees on Appropriations and Interior and Insular Affairs.

2990. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the reports on the following trust funds: Airport and airway, black lung disability, hazardous substance response, highway, inland waterways, nuclear waste, and reforestation, pursuant to IRC section 9602(a) (95 Stat. 1638), Public Law 96-510, section 223(b)(1), Public Law 95-502, section 203(c), Public Law 97-425, section 302(e)(1), and Public Law 96-451, section 303(c)(1); jointly, to the Committees on Ways and Means, Education and Labor, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Mar. 22, 1984, the following report was filed on Mar. 23, 1984]

Mr. PERKINS: Committee on Education and Labor. H.R. 7. A bill to make permanent certain of the authorizations of appropriations under the National School Lunch Act and the Child Nutrition Act of 1963; with amendments (Rept. No. 98-633). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Mar. 26, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4900. A bill to authorize appropriations for fiscal year 1985 for the operation and maintenance of the Panama Canal, and for other purposes; with amendments (Rept. No. 98-634). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4706. A bill to authorize appropriations for fiscal year 1985 for certain maritime programs of the Department of Transportation, and for other purposes; with amendments (Rept. No. 98-635). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SOLARZ (for himself, Mr. ECKART, Mr. FAZIO, Ms. FERRARO, Mr. FRANK, Mr. GEJDENSON, Mr. GREEN, Mrs. KENNELLY, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LONG of Maryland, Mr. MATSUI, Mr. MORRISON of Connecticut, Mr. OTTINGER, Mr. SCHEUER, Mr. SCHUMER, Mr. SIMON, Mr. WAXMAN, Mr. WEISS, Mr. WIRTH, and Mr. WOLPE):

H.R. 5243. A bill to establish a commission to identify, designate, preserve, and protect cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of U.S. citizens; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself, Mr. HANSEN of Utah, Mr. DANNEMEYER, Mr. ROBERTS, Mr. MARLENEE, Mr. GREGG, Mr. BROWN of Colorado, Mr. BLILEY, Mr. KINDNESS, Mr. BROYHILL, Mr. DAUB, Mr. DEWINE, Mr. PACKARD, Mr. ZSCHAU, Mr. KRAMER, Mr. GINGRICH, Mr. CRAIG, Mr. HYDE, Mr. LUJAN, Mr. OXLEY, Mr. SCHAEFER, Mr. SILJANDER, and Mr. YOUNG of Alaska):

H. Res. 468 Resolution calling for an across-the-board freeze on Federal spending in fiscal year 1985; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 or rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 991: Mr. PEASE, Mr. FIELDS, Mr. SABO, Mr. HAWKINS, Mr. YOUNG of Missouri, Mr. TORRES, Mr. SMITH of Florida, Mrs. LLOYD, Mr. BOLAND, Mr. STOKES, Mr. BROWN of California, Mr. BATES, Mr. YOUNG of Alaska, Mr. SCHEUER, Mr. BERMAN, Mr. FROST, Mr. LEHMAN of Florida, Mr. BONIOR of Michigan, Ms. KAPTUR, and Mr. EVANS of Illinois.

H.R. 1147: Mr. WEAVER.

H.R. 4392: Mr. HUGHES and Mr. RICHARDSON.

H.R. 4522: Mr. DURBIN.

H.R. 4590: Mr. FRANK, Mr. DANIEL, Mr. HEFNER, and Mr. OWENS.

H.R. 4772: Mr. DANIEL, Mr. MCNULTY, Ms. SNOWE, and Mr. ROBINSON.

H.R. 4813: Mr. BONIOR of Michigan and Mr. MACKAY.

H.R. 4877: Mr. AKAKA, Mr. DICKS, Mr. EDWARDS of Alabama, and Mr. HARRISON.

H.R. 5068: Mr. MRAZEK.

H.R. 5140: Mrs. BOGGS, Mr. BORSKI, Mr. CARR, Mr. COELHO, Mr. CORCORAN, Mr. D'AMOURS, Mr. DWYER of New Jersey, Ms. FERRARO, Mr. FORSYTHE, Mr. FRANKLIN, Mr. FROST, Mr. HERTEL of Michigan, Mr. HOYER, Mr. LEVINE of California, Mr. LUKEN, Mr. MCGRATH, Mr. OTTINGER, Mr. PANETTA, Mr. RATCHFORD, Mr. ROE, Mr. SHANNON, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. WEAVER, Mr. WEBB, Mr. LEVIN of Michigan, Mr. HUGHES, and Mr. MORRISON of Connecticut.

H.J. Res. 272: Mr. MOLLOHAN, Mr. MARKEY, Mr. VENTO, Mr. REID, Mr. DUNCAN, Mr. DONNELLY, Mr. BONIOR of Michigan, Mr. DOWDY of Mississippi, Mr. RICHARDSON, Mr. WHITTAKER, Mr. HUTTO, Mr. MARTINEZ, Mr. BEVILL, Mr. BROOKS, and Mr. EMERSON.

H.J. Res. 415: Mr. ASPIN, Mr. BARNARD, Mr. BURTON of Indiana, Mr. DOWNEY of New York, Mr. DYSON, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mr. HUTTO, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LAFALCE, Mr. MCCLOSKEY, Mr. MARKEY, Mr. OBERSTAR, Mr. PATMAN, Mr. ROWLAND, Mr. SABO, Mr. SIMON, Mr. TALLON, Mr. TRAXLER, Mr. UDALL, and Mr. WOLF.

H.J. Res. 446: Mr. SYNAR, Mr. OWENS, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. WOLPE, Mr. PRITCHARD, Mr. SWIFT, Mr. SIMON, Mr. FRENZEL, Mr. SHUMWAY, Mr. WYDEN, Mr. ADDABBO, Mr. BARNES, Mr. BARTLETT, Mr. COELHO, Mr. CROCKETT, Mr. DASCHLE, Mr. FAUNTROY, Mr. FRANK, Mr. GREEN, Mr. HORTON, Ms. KAPTUR, Mr. LENT, Mr. LEVIN of Michigan, Mr. PRICE, Mr. ROBERTS, Mr. STOKES, Mr. HEFTEL of Hawaii, Mr. MARTIN of North Carolina, Mr. PEPPER, Mr. PANETTA, Mr. HUGHES, Mr. WAXMAN, Mr. BOLAND, Mr. BROWN of California, Mr. CARR, Mr. BONER of Tennessee, and Mr. FORD of Tennessee.

H.J. Res. 487: Mr. BADHAM, Mr. BIAGGI, Mr. BOLAND, Mr. BORSKI, Mr. BROWN of Colorado, Mr. DINGELL, Mr. EVANS of Iowa, Mr. GRAMM, Mrs. LLOYD, Mr. HEFNER, Mr. MAVROULES, Mr. MCKINNEY, Mr. OBERSTAR, Mr. OLIN, Mr. TALLON, Mr. TOWNS, and Mr. WOLF.

H.J. Res. 491: Mr. FAUNTROY, Mr. FORSYTHE, Mr. JEFFORDS, and Mr. SISISKY.

H.J. Res. 514: Mr. BRYANT, Mr. GEJDENSON, Ms. MIKULSKI, Mr. DWYER of New Jersey, Ms. OAKAR, and Mr. DICKS.

H.J. Res. 521: Mr. LEATH of Texas.

H. Con. Res. 9: Mr. DANIEL B. CRANE.

H. Con. Res. 261: Ms. FERRARO, Mr. BATES, Mr. OBERSTAR, Mr. BEDELL, Mr. RAHALL, Mr. DOWNEY of New York, Mr. SPRATT, Mr. SCHEUER, Mr. RICHARDSON, Mr. BERMAN, Mr. FOGLIETTA, Mr. DIXON, and Mr. DURBIN.

H. Res. 450: Mr. FORD of Michigan, Mr. MINISH, Mr. SISISKY, Mrs. KENNELLY, Mr. REGULA, Mr. MARKEY, Mr. WOLPE, Mr. MINETA, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. DYSON, Mrs. SCHNEIDER, and Mr. MATSUI.

H. Res. 458: Mr. LUNDINE, Mr. WEISS, Mr. DWYER of New Jersey, Mr. MOAKLEY, Mr. ACKERMAN, Mr. KOSTMAYER, Mr. SCHUMER, Mr. FEIGHAN, Mr. WEAVER, Mr. KOGOVSEK, Mr. BORSKI, Mr. MCCLOSKEY, Mr. EDWARDS of California, Mr. SCHEUER, Mr. STOKES, Mr. HAYES, Mr. BATES, Mr. LENT, Mr. DURBIN, Mr. EDGAR, and Mr. LEVIN of Michigan.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 473: Mr. O'BRIEN.

SENATE—*Monday, March 26, 1984*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Whosoever will be chief among you, let him be your servant.—Matthew 20: 27.

Father in Heaven, we thank Thee for the unsung heroes of the Senate—the men and women who work behind the scenes but without whom the Senate could not function. We thank Thee for those who keep records, do research, write speeches, handle mail, answer telephones, operate computers, deal with irate people who demand to see busy Senators, respond to constituents who expect the impossible.

We thank Thee, Lord, for those who provide security, food service, operate the subways, and the elevators, for police who work outside in all kinds of inclement weather, for those who maintain buildings and grounds. Help them to know that they are appreciated and bless them with their families who often sacrifice for the sake of the work. In the name of Him who "came not to be served but to serve and to give His life as a ransom for many." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. STEVENS. I thank the Chair.

AWARD OF U.S. MEDAL OF FREEDOM TO SENATOR HOWARD BAKER

Mr. STEVENS. Mr. President, the majority leader is not present this morning. He is at the White House with the President where he is being presented the U.S. Medal of Freedom for his distinguished service and contributions in the field of Government.

This award is the highest civilian medal and is presented in the most unique and special of circumstances.

Mr. President, it is my opinion that the Senate, Republicans and Democrats alike, is proud of the Senate majority leader, HOWARD BAKER. Time and time again he has found the legislative common denominator where none seemed possible. Patience, courtesy, and accommodation have been the foundation of his approach as the majority leader. Preparedness and foresight that he has exhibited as majority leader have provided a model for all Senators to emulate.

Having had the privilege of serving in the leadership with the Senator from Tennessee since 1977, I have become aware of his real leadership capability. At the time that he and I became the leader and assistant leader, we were in the minority. Senator BAKER was the minority leader. In 1981 he began his service as majority leader, and the experience he had as minority leader has served him well.

Senator BAKER has been the vocal conscience of the Senate Republican majority, yet never has Senator BAKER forgotten what it means to serve in the minority and the importance of the minority views here in the U.S. Senate.

I applaud President Reagan for having selected our majority leader, HOWARD BAKER, for this Medal of Freedom, and I hope that I speak for the Senate as a whole in extending our congratulations to the majority leader for his historical contribution to the Senate and to the U.S. Government as a whole.

Mr. BYRD. Mr. President, will the acting majority leader yield?

Mr. STEVENS. Yes, I yield.

(Mr. MATTINGLY assumed the chair.)

HOWARD BAKER RECEIVES THE MEDAL OF FREEDOM AWARD

Mr. BYRD. Mr. President, I want to add my support for what my friend the able majority whip, Senator STEVENS has already said. Our mutual friend, the distinguished majority leader, Senator HOWARD BAKER, is receiving the U.S. Medal of Freedom this morning in a ceremony at the White House. I want to commend the President for choosing to award this highest recognition of civilian achievement to Senator BAKER.

The Medal of Freedom was established by President Truman in 1945 to salute meritorious service in the military or in advancing our national security. President Kennedy expanded the criteria in 1963 to recognize those who have made a meritorious contribution to world peace or cultural or other significant public or private endeavors. Senator BAKER is just such a man.

As majority leader for the past 3½ years and leader of the Republican Senators for the past 7½ years, Senator BAKER has proved himself to be fair, cognizant of the needs and important role of the minority party in this great institution, and a congenial colleague to us all. He has been remarkably capable in synthesizing vastly differing viewpoints on a variety of difficult issues facing our Nation and in facilitating the Senate's working its will.

I know I speak for all my colleagues on this side of the aisle in repeating what I have said so many times before—HOWARD BAKER is my close friend and I applaud him for this recognition of his distinguished service.

Mr. THURMOND. Mr. President, will the distinguished acting majority leader yield?

Mr. STEVENS. Yes.

Mr. THURMOND. Mr. President, I wish to associate myself with the remarks of the acting majority leader concerning Mr. BAKER receiving the Medal of Freedom. I do not know of any man who has served in the Senate who deserves this medal more. He is a man of integrity, a man of ability, a man of dedication.

Those are his hallmarks.

Senator BAKER works long hours, and he works strenuously. He has been very patient in dealing with Senators. He has performed his task in a very skillful and wonderful manner.

I am very pleased to speak these few words in his behalf, as I feel that he is one of the most worthy Senators with whom I have served in my 30 years in the Senate.

Mr. STEVENS. I thank the President pro tempore.

CHARLIE HOUSER OF ALASKA

Mr. STEVENS. Mr. President, last New Year's Eve, the Nation lost a dedicated public servant in the line of duty. Charlie Houser, BLM's Congressional Affairs Officer, died following injuries sustained in a helicopter crash while on a field assignment in the Grand Canyon.

Charlie began his career with BLM in Washington, D.C., 22 years ago as a GS-1 messenger in the mail room. He was quickly recognized for his high quality of work and earned three promotions during his first year of service. Special permission was required from the Civil Service Commission for his third promotion.

In 1964, he was promoted to a GS-5 Procurement Assistant and worked his way up to Chief of the Branch of Office Services over the next 3 years. His hard work was rewarded in 1972 when he was transferred to the old Cooperative Relations Division as a Congressional Liaison Specialist. Three short years later he became the Bureau's first black congressional liaison officer.

Charlie's remarkable career with BLM spanned more than two decades.

He was always quick to respond to congressional inquiries and was even quicker with his characteristic smile and good humor. We shall miss Charlie Houser, and I know my colleagues join with me in expressing our deepest sympathies to his widow, Lionella, and the rest of the Houser family.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, following the recognition of the two leaders under the standing order, there will be one special order in favor of the Senator from Wisconsin (Mr. PROXMIRE). The Senate will then have a period for the transaction of routine morning business, not to exceed 1 hour in length, during which Senators may speak therein for not longer than 10 minutes each.

Consideration of the urgent supplemental appropriations bill, House Joint Resolution 492, will resume following that period for routine morning business.

Mr. President, the leadership is hopeful that we will be able to dispose of the supplemental by midweek so that we can get to other urgent items, such as the reconciliation bill.

Rollcall votes are possible today, but I cannot announce specifically what they may be on.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

ACID RAIN DEVELOPMENTS

Mr. BYRD. Mr. President, I recently read a very fine report and interview conducted by the Charleston, W. Va., Gazette-Mail, an interview with Ann Bartuska, who holds a doctorate in forestry from West Virginia University. She conducts acid rain research at North Carolina State University under a contract from the Environmental Protection Agency.

The interview occurred after her participation in an acid rain forum at the University of Charleston. The forum was sponsored by the Kanawha Garden Club.

The scientist was interviewed by W. E. Chilton III; Don Marsh; and James A. Haught of the Sunday Gazette-Mail. I found this interview to be interesting. May I say that I would recommend that Senators read the participant's responses to the questions asked of her.

I also call attention to another interview reported in the same newspaper, an interview that was had with Consolidation Coal Co. executive Stephen Young. Mr. Young is a former president of the West Virginia Coal Association. He was another participant in the Kanawha Garden Club Acid Rain Forum. Mr. Young was likewise interviewed by Messrs. Chilton, Marsh, and Haught.

Mr. President, I ask unanimous consent that both these interviews appear in the RECORD at this point and in the order in which I have alluded to them.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sunday Gazette-Mail, Mar. 4, 1984]

RESEARCHER DISCUSSES ACID RAIN DEVELOPMENTS

(Pennsylvania-born Ann Bartuska, who holds a doctorate in forestry from West Virginia University, conducts acid rain research at North Carolina State University under a contract from the Environmental Protection Agency. After participating in an acid rain forum at the University of Charleston sponsored by Kanawha Garden Club, she was interviewed by W. E. Chilton III, Don Marsh and James A. Haught of the Sunday Gazette-Mail.)

CHILTON. There's some scientific evidence that acid rain dates back hundreds of years and highly acidic cores have been taken from icebergs. Does this rebut or refute the argument that present-day pollutants are causing acid rain?

BARTUSKA. No, it doesn't refute it. We know that there has been an acidic environment for a long time. Growth processes of the forest are naturally acidified processes. Soil-development is a naturally acidic process. The whole southeast has acid soils, and it has nothing to do with acid rain, it's just normal development. Any volcano that spews forth SO_2 (sulfur dioxide) emissions is going to result in acidification. What has happened more recently is a very dramatic increase in acidity that is clearly related to anthropogenic, man-made causes.

You can't put a finger on any one source. It's not utilities necessarily; it's not smelters; it's not the power plant down the street. But we know there was an upswing in SO_2 emission within a certain date, and we have seen an increase in acidity since that date. When the Clean Air Act was initiated there was a decrease in SO_2 emissions and we've seen a concomitant decrease in acid rain. So there is some tie with anthropogenic causes, but there are certainly a lot of natural sources as well.

CHILTON. The soils in much of Canada and the northeastern United States are the kind that are susceptible to acidification, as you pointed out. Is this an argument against a costly acid rain control program?

BARTUSKA. The control programs recently proposed would control only SO_2 emissions, and we don't know enough about what other things are going on, such as nitrous oxides producing nitric acids resulting in added acidification. We don't know enough about heavy metals.

The susceptible areas of the Northeast are naturally acidic because of organic acids, but they have very different responses to nitrate deposition and higher heavy metal deposition. The current control program will not control those two pollutants.

CHILTON. What about Canada? They're screaming about our sulfur emissions, but are they cleaning up their own act? There's a huge iron ore plant at Sudbury.

BARTUSKA. Sudbury has been turned off. The government shut the plant down. But interestingly enough the acidity didn't change afterward within the local area. That was a real surprise from the scientists' standpoint.

HAUGHT. Mr. Young said there has been no appreciable increase in acidity in the past 25 years. Is that correct?

BARTUSKA. There's evidence that shows a decrease in pH (increase of acidity) in rainfall from the 1950s to 1970s. What we've seen recently is that that pH is going back up in the Northeast and it's going down in the Southeast. So there are changes.

HAUGHT. Going up means it's improving?

BARTUSKA. Right. And that coincides with the Clean Air Act.

HAUGHT. Then why the urgent clamor for reform if it's reforming itself?

BARTUSKA. Possibly because it's not reforming enough. But I strongly feel that a lot of statements being made today by the media and by politicans and by groups like the Sierra Club and Audubon Society are based on reports by scientists four years ago. Well, four years ago we implemented a $55-million-a-year research program federally. We now know different things than we did four years ago. We have new hypotheses. We have answered some questions to the point where we don't think it's acid deposition or sulfate deposition. So there's a gap between how fast the scientists have progressed, versus what people are still using to make their decisions.

HAUGHT. In other words, scientists have backed off from positions of four years ago?

BARTUSKA. Yes, they've changed them because we have new evidence.

MARSH. But the government of Canada and the government of the United States, the U.S. Senate and the House of Representatives all agree there's an acid rain problem. They just disagree on what to do about it. Are they all misinformed and don't understand the scientific data?

BARTUSKA. I think they're becoming more informed, but they are still selective in what they hear. I was up at a briefing with (EPA chief William) Ruckelshaus right before his Feb. 2 statement. At that time the most current arguments were put forth and there still is some backing off from that. So there is a lag between what we knew or conjectured and what the scientists are now presenting.

MARSH. I went to a meeting in October at which Ruckelshaus spoke. He said acid rain was one of the great problems; it's going to be worse; something must be done. So between October and February he learned—

BARTUSKA. He has learned a lot. He has learned that we don't know very much. He knows now that, instead of thousands of acidified lakes in the Northeast, only 216 in the Adirondacks that we know of actually have been acidified in recent times, within the last 20 years.

CHILTON. And you don't know what caused the acidification? Or you do know? Or you partially know?

BARTUSKA. We partially know. Most of us feel that it's a combination of processes. There's no doubt there's acidic deposition. There is not doubt that the pH of rainfall is lower than it was historically. What we don't know is what is that doing. Do you want to base the emission control program on 216 acid lakes where no fish are surviving—not dead lakes, just no fish—or do you want to wait and learn more about the relationship between SO_2 emissions and nitrous oxide emissions and acidic deposition for fish and for lakes and for forestry?

I think we're seeing more forestry emphasis because we know that trees have died and are dying. We're not saying it's an acid deposition phenomena but it's probably an atmospheric deposition of metals and nitrates and sulfates and hydrogen ions. What we've learned is that it's much more complex, and just addressing SO_2 is not the only answer.

MARSH. I'm taken aback. A serious debate is going on in Congress over a $14 billion pollution bill that is disrupting the coal mining industry across the country—and they're doing it on now-failed knowledge?

BARTUSKA. I heard a presentation in August that still used the same numbers that were used three years ago: "thousands of lakes in the Adirondacks are dead or dying." We know that's not true because we don't know the extent of dead or dying lakes, acidified lakes. The fact that Ruckelshaus and Reagan have proposed additional research for 1985—

MARSH. After David Stockman suggested that states with many electoral votes would be affected—

BARTUSKA. Well maybe—but every scientist who was brought to Washington to meet with Ruckelshaus said there's not enough evidence to go out and start emission controls.

CHILTON. I take it you feel that you're neutral? In other words, you're not being underwritten by the coal industry, you're just an academician, a scientist?

BARTUSKA. I feel that I'm neutral. Our program was established in 1979 by the Environmental Protection Agency to act as their research management organization because they didn't have the expertise to do it. They solicited proposals and N.C. State responded and we got a contract to manage deposition research for EPA for five years.

They have certain things they want to know, such as forest productivity, and we decide who gets funded and how long they're funded and for how much. So we are in effect underwritten by EPA but we're also underwritten by USDA and by some local utilities and by other industry. So, we do have that kind of funding, but I think we're neutral. We have too many scientists who we're funding who are producing too much data to try to be biased.

HAUGHT. You haven't been offered a six-figure salary by a coal company, have you?

BARTUSKA. No, I just listen to my scientists. I think we're learning a lot. What I'm presenting comes as a surprise perhaps to you, but it's not a surprise to people who have been having these conversations for the last year. We're $55 million and three years ahead of where we were four years ago.

CHILTON. A certain amount of hysteria develops in political organization, and that's true on the right and on the left. But why would a Sierra Club, which has a good track record, be so off base on this?

BARTUSKA. I don't know. I think there have been certain scientists who have been very vocal. It's a sad state of affairs because the best scientists are the ones who are the most quiet, but they are also the ones who are producing the data that indicates it's not a simple problem. The most vocal ones are the ones who are most heard, and I think they are the least responsible.

MARSH. What's causing the government of Canada to issue formal protests to our government?

BARTUSKA. Well, Canada has seen extensive acidification of their lakes, a lot of fishkills, forest damage. Now we're seeing a lot more forest damage in this country and I think forestry is becoming more of an important argument for control than the lake acidification has been.

HAUGHT. If they shut down the Sudbury plant and the acidity didn't drop, is it possible the U.S. could put the $14 billion scrubber system in all the coal-fired plants of the Midwest and it wouldn't change acid rain in the Northeast?

BARTUSKA. My gut reaction is that it would change. I don't think it would be as major a change as is being predicted, because that doesn't deal with the whole problem. It doesn't deal with local sources and with nitric acids.

HAUGHT. And car exhausts?

BARTUSKA. Scrubbers are primarily for SO_2 control. Car exhaust is definitely a source of nitrous oxides.

CHILTON. If you were the chief gauleiter in this country in this business and could dictate what was going to be done, what would you dictate? Just more study?

BARTUSKA. Honestly, I would say more study for another two years and then we'll have another review. I would put more effort into understanding the pollutant interactions, throwing in ozone, SO_2 and nitrous oxides in our studies, because I think we'll find out that there is more of an interaction effect than a single-pollutant effect.

CHILTON. In other words, instead of going for scrubbers, it might be necessary to go for the exhaust of automobiles?

BARTUSKA. No, I wouldn't say that.

CHILTON. Do you think there's still going to be a need to put in scrubbers?

BARTUSKA. Not necessarily scrubbers—SO_2 control. It doesn't have to be scrubbers.

CHILTON. OK, how do you control SO_2?

BARTUSKA. Low-sulfur coal is one option.

CHILTON. OK, how do you control SO_2?

BARTUSKA. It may not produce enough SO_2 to be of concern.

CHILTON. Well, one thing you have to say for Sierra Clubs and such outfits, they have no selfish interest. The people who belong to the Sierra Club don't get any monetary return for their opposition to pollution. They're pure of heart, which we cannot say about utilities and coal companies.

Thank you very much, Ms. Bartuska.

[From the Charleston (W. Va.) Gazette-Mail, Mar. 4, 1984]

ACID RAIN BILL NOT NEEDED, COAL OFFICIAL CONTENDS

(Consolidation Coal Co. executive Stephen Young, former president of the West Virginia Coal Association, another participant in the Kanawha Garden Club acid rain forum, also was interviewed by Chilton, Marsh, and Haught.)

MARSH. Do you think there is a need for an acid rain control bill?

YOUNG. I certainly don't think there's any demonstrated need.

MARSH. You don't agree that, in the Northeast, forests and lakes are being damaged by acid rain?

YOUNG. Well, the number of lakes that have been acidified total about 219 out of 25,000 lakes examined—and 206 of those are on the Adirondacks Park in New York state. Those 206 lakes represent only 4 percent of the surface area of the lakes in the Adirondacks Park. Data show that the lakes are not becoming more acidified. In fact, trend studies show that from 1972 to 1982, emissions fell by 22 percent. In the same period of time the use of utility coal went up 40 percent, from 349 million tons to 549 million tons.

We're at a place under the Clean Air Act where almost all of the nation's 3,000 counties have achieved compliance with the federal standards for SO_2. So, contrary to what some would lead you to believe, there is no crisis.

Therefore we think the president's approach, which in essence validates the approaches taken by Senators BYRD and RANDOLPLH and Congressman RAHALL and the other three West Virginia congressmen, MOLLOHAN, WISE and STAGGERS, who are cosponsors of Rahall's bill, validates this position on acid rain. Their position is that we have to have a better understanding of the problem before we start throwing billions of dollars after it.

MARSH. Even Rahall in our delegation, which obviously is interested in protecting coal mining, doesn't say there is no acid rain problem.

YOUNG. Oh, I didn't say there's not a problem. What I said was there is no acid rain crisis that should be dealt with with legislation in 1984.

MARSH. Why is Canada lodging diplomatic protests against the United States, thinking that something is happening to its lakes because of sulfur emissions?

YOUNG. Well, almost all the Canadian lakes that have been acidified lie within 180 miles or so of the Sudbury plant, which has been notorious as the greatest SO_2 polluter in the North American continent.

MARSH. How much SO_2 are we putting out in this country?

YOUNG. About 24 million tons annually.

CHILTON. Well, clearly, if we cut down that 24 million tons, this wouldn't be bad, would it?

YOUNG. Of course it would not be a bad thing to cut down on the tonnage

CHILTON. Another thing: isn't it true that West Virginia's rate of emissions into the air is much better than Ohio's?

YOUNG. I don't think you can put it in those terms. You can say that there is a lot more SO_2 going in the air in Ohio than any other state. But you can also say the emissions density in the state of Ohio, the pollution per acre of land, is less than it is in Massachusetts. The National Academy of Sciences has said that the closer a source of emission is to the problem, the greater its impact. Reputable scientists say that, if you really want to do something about New England, it's four times more effective to clean up a million tons of SO_2 up there as to clean up a million tons in Ohio or West Virginia. In other words, you'd have to clean up 4 million tons in Ohio to have the same effect in New England. There's plenty of local pollution in New England.

The National Academy of Sciences report says, if you would reduce all the pollution in the Eastern United States by 50 percent, you could expect to see 50 percent improvement in the acid rain fallout.

But authorities at Massachusetts Institute of Technology have done a study on effectiveness of the proposed plans and they have said that you would achieve an improvement of about 4 one-hundredths of a pH value by reducing the emissions by 45 percent, roughly what the Senate bill would do. To attain a real meaningful improvement in the pH scale, you would have to cut out virtually all SO_2 and nitrous oxide emissions in the immediate areas of the Northeast. All of them. Our own studies show that 45 percent of all the pollution in the Adirondacks comes from New York state and the New England states, 30 percent

comes from Canada, 25 percent comes from the Midwest.

You generally think that winds blow from the west and the concept has been, and it is incorrect that the tall stacks and utility plants put that garbage in the air and it lands 12,000 kilometers away up in the Adirondacks. The truth is, pollutants from power plants in the Midwest generally did not go beyond 185 to 375 miles.

CHILTON. Well, if the stack were only 6 inches tall, all of the pollution would go into the immediate neighborhood. So the tall stacks, let's not kid ourselves, are there for a very good reason: So that the people down below aren't going to be raising holy hell. Is that a fair statement?

YOUNG. That's a fair statement, except that the tall stacks do not affect meteorology beyond a couple of hundred miles.

CHILTON. But it's dispersing, and part of it gets further out and does get up into the Adirondacks.

YOUNG. Well, I wouldn't think it would be that far.

HAUGHT. Wouldn't Americans be justified in being skeptical of coal company research findings since the tobacco industry has been telling us for years that its own researchers find no connection between smoking and lung cancer and heart disease—which contradicts the research of government agencies?

YOUNG. It's not a parallel situation. The main body of scientific knowledge right now is split over whose hypothesis is correct as to what is going on in the lakes and forests in America. There are many credible scientists on both sides who are advancing theories. The National Academy of Science clearly states that more research has to be done before we can have a definitive body of knowledge to pursue.

MARSH. Congressman Waxman of California says acid rain is causing severe problems, and he wants the bill to cut SO_2 emissions 50 percent. I didn't think anyone questioned the damage of acid rainfall. I thought even Reagan agreed that there was a problem with acid rainfall. And I thought that everybody agreed that sulfur emissions were causing it.

YOUNG. We've been following this matter very closely and we're trying to talk from facts. The facts show that there is acidification of some 200 lakes in New England and New York. The causes of the acidification of some of these lakes may well be acid rain—but the truth of the matter is there have been very credible alternative hypotheses advanced which show that the soil in that area, which is far more acidic than the rain, could play a very large factor in the acidification of some of these lakes. The humus and acid bogs associated with some of these may play a factor larger than what's coming down out of the skies.

At the Senate hearing Feb. 15 a senior vice president from International Paper Co., testified. He said that his company is the largest landowner in America with over 600 million acres of property including 1.6 million acres in the Northeast. He said, for example, the conifer litter in the forests in Maine has a 3.2 pH, which is 10 times more acid than 4.2 pH rain. The average rainfall in the Northeast probably has a pH of 4.4. An increasing body of scientific knowledge says the unaffected rain in the Northeast would be about pH 5 without any interference from man-made sources whatsoever.

The environmental community has said that you wouldn't expect to find rain falling at a neutral 7 because there's CO2 (carbon dioxide) in the atmosphere and it dissolves in the air and creates carbonic acid. So you would expect just from that mere chemical phenomena that you have a rain of 5.6.

CHILTON. The lower the number, the worse it is?

YOUNG. Right

CHILTON. Does Europe have an acid rain problem?

YOUNG. Yes. Europe has a problem which is associated either with industrial pollution and/or acid rain. The jury is still out on that. Their levels of pollution are somewhat heavier, for example, near the Black Forest in Germany where there has been significant effects on trees.

CHILTON. What sort of effects?

YOUNG. Trees experience a premature death and unhealthy state in the roots and other conditions. This has been examined by a number of scientists who have advanced two hypotheses: One is that acid rain has liberated aluminum in the soil which has affected the hair roots of the trees and that's where their interchange is with nutrients, so the trees have been sick. The other hypothesis is that something in the air is either affecting the tree at the leaf or in the bark and its probably industrial pollution. It may be something like ozone or heavy metals or something other than SO_2.

MARSH. Steve, if the 50 percent, 12 million ton emission standard were to become law, how many jobs would be lost in West Virginia?

YOUNG. Well, the United Mine Workers has estimated that about 10,797 jobs would be lost in West Virginia.

MARSH. Would that be more severe in the northern higher-sulfur coalfields than in the southern lower sulfur coalfields?

YOUNG. Yes, it would be.

HAUGHT. But some coal groups say we would actually gain jobs, because low-sulfur coal in Southern West Virginia would be in demand, which would boost operations there.

YOUNG. Well, they're saying that for the same reason the American Gas Association seems to see an opportunity here to sell more gas to power plants and the people who made methanol say "We have a clean-burning fuel," and went to the Senate hearing shouting their advantages. Some people would clearly benefit if high-sulfur coal was forced out of the marketplace to be replaced by their own low-sulfur coal. But that's an oversimplification of the science of coal because there are many low-sulfur coals which will not fit into high-sulfur boilers.

Low-volatile metallurgical coal from Raleigh, Nicholas, Greenbrier, Mercer, McDowell, Wyoming counties—those coals won't fit in the boiler. On the other hand, midvolatile sulfur coals are marketable in many of the high-sulfur coal boilers, but there are other boiler problems in using some of those coals.

HAUGHT. Isn't Consolidation mostly involved with high-sulfur coal in the northern fields?

YOUNG. Well, that's true, but we've got a good position in low-sulfur coal as well. We have many mines in Southern West Virginia, some mines in low-sulfur coal in Virginia and Tennessee as well.

MARSH. What is going to happen, do you think, after the election?

YOUNG. Well, acid rain is a political problem right now. If it's dealt with as a scientific problem, they'll decide whether or not there's a crisis and whether or not they can wait on research. After there is documented research, then people can make a judgement on what to do about it. It's not just: Shall we close these mines and put these people out of work and put other coal in there? Ultimately, the question is whether it's a good idea to burn coal in America.

MARSH. Well, thank you, Mr. Young.

Mr. BYRD. Mr. President, I have no further need for my time. I see no Senator who indicates that he wishes to have a portion of it. I therefore yield it back.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

CAN DETERRENCE OFFER SECURITY?

Mr. PROXMIRE. Mr. President, how about it? Can our massive nuclear arsenal maintain such a curtain of fear for the Soviet Union that it will desist from using nuclear weapons against us anywhere and on any occasion? There is one simple but inadequate answer. That answer: It has worked so far. For more than 30 years, the Soviet Union has had the power to use its nuclear arsenal to destroy the only other super nuclear power on Earth—and pave the way for the Communist world revolution it preaches. Why has not the Soviet Union used this power? Because of deterrence. Because it fears that if it did, the United States would have sufficient nuclear power left to utterly devastate the Soviet Union.

The Soviet Union knows the United States has this colossal nuclear power. So why can we not place continued and full reliance on deterrence? Because the time may come any day that the Soviets conclude that the risk the United States will retaliate under certain circumstances will be small enough to warrant their use of nuclear weapons. What are these circumstances? Why would the United States not retaliate? The most predictable and universal characteristic of mankind, as of sovereign nations, is the instinct to fight back when attacked—provided the means are available for fighting back. And provided one other ingredient is present. A person or a nation might not fight back even if that person has the means to inflict terrible damage on the adversary, provided the adversary can still carry on with an even more devastating counterattack.

So, will deterrence work? Will the Soviets continue to believe that if they attack the United States with nuclear weapons, the United States will retaliate? Unfortunately for us, the answer can not be certain. The Soviets can never be sure we will retaliate. The cir-

cumstances may be so serious for the Soviets and, in their judgment the likelihood that the United States will retaliate so slight, that they will decide to use nuclear weapons. So we can never be sure deterrence will continue to work.

What will make deterrence likely to work or unlikely to work? On what will effective deterrence depend? It will depend on two elements. First, it will depend on the reaction of whoever happens to be President of the United States at the time. He and he alone can make the decision to push the button. So the effectiveness of deterrence depends on the Soviets' judgment of Presidential will to press the nuclear button.

If the Russians should launch a nuclear attack using tactical nuclear weapons to suppress a growing and successful revolt in any of their satellite countries, would we use military forces and would we use nuclear weapons of any kind to assist the revolution on the verge of success against the U.S.S.R.? In that hypothetical situation, the Soviets might assume the risk of U.S. retaliation would be acceptably low. But suppose the Soviets should have smashing initial successes in an invasion against countries of Western Europe. Would we retaliate with nuclear weapons against the Soviet Union?

We now have an array of tactical nuclear weapons. We are constantly enhancing and increasing those tactical weapons. These weapons offset the Soviet numerical advantage in conventional weapons—that is, tanks, planes and troops—in Europe. They represent a deterrence—not a deterrence against the Soviet use of nuclear weapons but against a Soviet conventional attack against Western Europe. We have spent billions on these weapons and if they have any purpose other than to deter a conventional Soviet attack on Western Europe, what is it? But, again, that deterrence can only work if the U.S.S.R. believes we will use those tactical nuclear weapons to defend Europe.

Conceivably, the Soviets might go farther than in any of the suppositions I have offered. Depending on the President, his record and his pronouncements, the Soviets might even consider it a worthwhile risk to institute a "surgical strike" with nuclear weapons to take out three targets in the United States: our land-based missiles, our strategic air bases and our submarine bases. They might spare Washington, New York, and all of our cities. They might confine the strike entirely to prime military targets. Obviously, they would, in the process, kill hundreds of thousands—perhaps millions of Americans. If a President decided to strike back, he would be sealing the death warrant of at least 100 million Russians and 100 million Americans. He would also be jeopardizing the life of every human being on Earth in view of the likely climatic effects—the nuclear winter—that would follow such a catastrophic all-out nuclear war. Knowing all this, would a President press that button? No one really knows. If the Russians knew—and I mean really knew—that he would press the button, deterrence would work.

If they had to guess, it could easily go either way. So, yes, deterrence has indeed, worked for 30 years. But will it work for another 30 or even for another 10 or 1? We will have to live with the terrible fact that no one knows. Life on Earth could literally end any day.

One expert who contends that our reliance on nuclear deterrence has seriously deteriorated is Leslie Gelb, the national security correspondent of the New York Times. I call attention to Mr. Gelb because he is highly respected, he speaks with great authority, and I believe many, many people believe he is as competent as anyone writing on this subject today. Here is what he wrote quite recently:

> The U.S. and the Soviet Union are now on the threshhold of decisions that could make nuclear war seriously thinkable for the first time. In 10 to 15 years, new technologies being developed and tested could, if deployed, fundamentally and irretrievably undermine the basic philosophy that has been the center of both sides' nuclear strategy—mutual deterrence.

Mr. President, that statement is so significant, particularly coming from a competent, highly respected correspondent, that I want to repeat it. Leslie Gelb has written in the New York Times of March 4 the following:

> The U.S. and the Soviet Union are now on the threshold of decisions that could make nuclear war seriously thinkable for the first time. In 10 to 15 years, new technologies being developed and tested could, if deployed, fundamentally and irretrievably undermine the basic philosophy that has been the center of both sides of nuclear strategy—mutual deterrence.

That means that we could be living, are living, in a period that could be as dangerous as mankind has ever lived in within the next 10 to 15 years.

Mr. President, I ask unanimous consent that the article in the New York Times of March 4, 1984, entitled, "Is the Nuclear Threat Manageable" by Leslie Gelb be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Mar. 4, 1984]

IS THE NUCLEAR THREAT MANAGEABLE?

(By Leslie H. Gelb)

A new and heightened fear of nuclear war seems to be gripping Americans and Europeans. It is there in a movie about accidental war, in a television movie about Armageddon itself, in peace marches and the nuclear-freeze movement, in the superpowers' placing their missiles closer to the other's homeland, in all likelihood that nuclear strategy will emerge as a major issue in this year's Presidential campaign.

The new fear is grounded in the Administration's talk about being prepared to fight and win a nuclear war, and in the concern that Soviet leaders share this view. "Fight" and "win" are new words in the lexicon of governmental nuclear strategy, and the concepts are fed by the deterioration in Soviet-American relations, by the large and powerful Soviet land-based missiles, and by the projected deployment of America's comparable MX missiles.

But while these developments are worrisome, they have not changed the basic reality of the nuclear age, which dawned 40 years ago: In a nuclear war there are only losers. Soviet and American leaders know this and have gone out of their way ever since the Cuban missile crisis of 1962 to avoid direct confrontation.

However, the United States and the Soviet Union now are on the threshold of decisions that could make nuclear war seriously thinkable for the first time. In 10 to 15 years, new technologies now being developed and tested could, if deployed, fundamentally and irretrievably undermine the basic philosophy that has been the center of both sides' nuclear strategy—mutual deterrence.

If the go-ahead is given to deploy these new technologies, a Soviet or American military planner could, before the end of this century, be able to make all of the following statements to his leaders for the first time:

"We can blind all their satellites, destroy their capital in five or six minutes, before they can react, and, with a few well-placed nuclear airbursts, we can knock out their whole communications network and make them sightless and headless.

"With new pinpoint-accurate missile warheads, I can guarantee that we can destroy virtually every missile in a silo, every submarine in port, and every bomber on an airfield.

"That will leave our adversaries only with missiles in their submarines at sea, and we are now able to locate and neutralize this ultimate retaliatory threat.

"Almost all of their few remaining missiles can be destroyed by our missile defense system.

"We may suffer a few million casualties, but our adversary will be thoroughly and finally defeated. And if we don't do it to him now, it is he who will be able to win by striking the first blow."

Nothing will ever be this simple, of course. Who is to say whether Moscow or Washington would reach this stage first? And how is one to foresee what the very competition to develop these technologies may lead to? But the overriding question for leaders in Moscow and Washington is: Can they manage these mounting nuclear threats?

In the past, revolutions in nuclear technology came singly; now they are coming in one overwhelming package. The first revolution was from atomic weapons to far more devastating nuclear weapons. The second was from single-warhead to multiple-warhead missiles. But neither changed the basic idea that nuclear war could not be won. The revolutions on the horizon threaten that idea.

The American public is clearly worried that these new forces cannot be managed. A variety of recent opinion polls shows that a substantial plurality of Americans believe a

nuclear war will occur within the next few years.

A range of strategic experts interviewed said nuclear war was very remote, but not remote enough for comfort. When a group of mostly middle-of-the-road experts met not long ago in Colorado and were asked to rate the chances of a Soviet-American nuclear war before the end of the century, most responded that it was "unlikely"—1 chance in 20 or 1 in 50, either of which is greater than the risk of an adult male's being killed in an automobile accident over the same period.

It is as if people suddenly sensed a breakdown of the strange nuclear logic described so powerful by Winston Churchill. "It may well be," he said, "that we shall, by a process of sublime irony, have reached a stage in this story where safety shall be the sturdy child of terror, and survival the twin brother of annihilation."

Ever since the Soviet Union joined the nuclear club with the United States in the early 1950's, this logic has created a kind of nuclear peace. Were it not for the fear of nuclear war, chances are that Moscow and Washington would have clashed militarily many times—over Berlin or Korea or the Middle East. While nuclear weapons have helped to prevent war between the superpowers because of their threat of mutual annihilation, their existence has, paradoxically, also inhibited the peaceful settlement of disputes. Given the awesome power of these weapons, the superpowers could not fight and they did not have to compromise. Tensions were rarely reduced by diplomacy, but were held in check by fear.

The new and spreading anxiety today stems from the perception that this essential fear of nuclear holocaust is somehow being eroded.

And so it is, to some degree, by the evolution of nuclear doctrine, which is the way Soviet and American leaders think and talk and organize to deter nuclear war. Official language now stretches the meaning of deterrence to being prepared to fight, control and even win nuclear exchanges. It is a very fine line between deterrance and actual war fighting in thought and deed, and the superpowers seem to be approaching that line.

The barriers to nuclear war are also being besieged by the deterioration in Soviet-American relations. Nuclear war would not occur in a vacuum. The conditions for conflict and confrontation exist now, and practically nothing is being done by either side to mitigate them.

But while thoughts and circumstances are necessary, they are not sufficient grounds for actually starting a nuclear war. The thoughts have been there before and the conditions were worse in the early 1950's and 1960's. Yet, there was no physical way at that time of winning a nuclear war at a cost planners considered acceptable.

That is what could change, in theory at least, before the end of this century. All the technological pieces of a "winning" puzzle could be in place by then: antisatellite weapons, missile warheads with improved accuracies antisubmarine warfare capabilities and defense against ballistic missiles.

However remote the possibility of nuclear war—and the consensus among strategic thinkers is that is it and will remain extremely remote—it is becoming less remote all the time. Not now, but based on decisions being made now, this new technology could contribute to the dangerous illusion that nuclear wars can be fought much like an old-fashioned artillery duel—limited, controlled, prolonged, with a winner and a loser.

But not all the changes in doctrine are bad and not all the new technology is destabilizing. The first order of business is to sort out what it is about nuclear doctrine that is sensible or risky, to build in some perspective about Soviet-American relations, and to try to evaluate what advances in technology might help to keep the peace and which might undermine it.

DOCTRINE AND WAR PLANNING

Doctrine has been the main area of combat for nuclear theoreticians of all persuasions. What our leaders say publicly and in classified papers supposedly reveals what they would do with their fingers on the nuclear trigger in a crisis.

The Reagan Administration essentially has carried forward the doctrines or strategies used by Administrations over the last two decades. Differences with past Administrations are much less different than many critics have charged. But they are different enough—particularly with respect to asserting that nuclear war, once begun, can be controlled and won—to have raised some basic questions about what is really on the minds of Administration officials.

Doctrine or strategy is generally divided into two levels. One is declaratory policy—what leaders say publicly to adversaries, allies and their own people. Along with forces actually deployed and under development, doctrine is a way of deterring and adversary by spelling out what would presumably be done to him if he attacked. The second part of doctrine is actually operational war planning—a variety of procedures for making decisions, selecting targets and dealing with a range of contingencies. These, too, are sometimes made public through press leaks. It is usually a more detailed version of the public statements.

The Reagan declaratory policy is quite consistent with past official rhetoric: It calls for maintaining a military balance, emphasis on deterrence, the necessity of having flexibility or options between doing nothing and responding massively. But the secret war plans of the Reagan Administration seem to carry thinking somewhat beyond previous Administrations in emphasizing actual war fighting and winning as necessary both for deterrence and for defense, should detereence fail.

An opportunity to look at these secret plans presented itself when the Defense Guidance, a key Pentagon planning document approved by Defense Secretary Caspar W. Weinberger, was leaked to the news media.

Under the general heading of "Wartime Strategy," the paper read: "Should deterrence fail and strategic nuclear war with the U.S.S.R. occur, the United States must prevail and be able to force the Soviet Union to seek earliest termination of hostilities on terms favorable to the United States."

Among the main requirements for doing this, never fully revealed before, were the following:

"Deployment plans that assure United States strategic nuclear forces can render ineffective the total Soviet military and political power structure through attacks on political/military leadership and associated control facilities, nuclear and conventional military forces, and industry critical to military power. These plans should also provide for limiting damage to the United States and its allies to the maximum extent possible."

"Forces that will maintain, throughout a protracted conflict period and afterward, the capability to inflict very high levels of damage against the industrial/economic base of the Soviet Union and her allies, so that they have a strong incentive to seek conflict termination short of an all-out attack on our cities and economic assets."

"United States strategic nuclear forces and supporting C³I"—command, control, communications and intelligence—"capable of supporting controlled nuclear counterattacks over a protracted period while maintaining a reserve of nuclear forces sufficient for trans- and postattack on our cities and economic assets."

According to Reagan Administration officals, these precepts were embodied in another secret document, National Security Decision Document 13, approved by the President. Three ideas stand out: developing the capability to strike military targets, being able to control and fight a prolonged battle, and having the power to prevail.

The idea of placing first priority on hitting military targets (enemy forces, lines of communication and airfields) rather than population centers is not new at all. But it has been a perennial red flag for liberal critics of nuclear strategy. To them, it smacks of a war-fighting mentality going beyond an interest in pure deterrence. As they see it, the decision to blow up weapons and soldiers is easier for leaders to take than a decision to kill civilians and risk mutual destruction of population centers.

The fact, is, however, that once the American strategic nuclear stockpile ran into the thousands of warheads and that envisions any action short of an all-out response makes such responses more thinkable and therefore more likely.

It seems to me that the Reagan Administration and its predecessors have the better of the argument about the need to have choices available. Many critics speak of the relentness march toward nuclear war, but rail against all preparations to fight or end it. They generally acknowledge that the threat of massive retaliation against Soviet cities is mutually suicidal and thus not credible, but they will not countenance planning for limited responses, which, they insist, are dangerously fanciful.

Nuclear doctrine is about how to deter and what to do should deterrence fail. Since the early 1960's every Administration has agreed that meeting threats at the level posed is the most credible way to deter, and that having limited nuclear options is the least worst way to minimize the horrible possibility that any slip in deterrence will lead to Armageddon. Perhaps this does erode the horror of nuclear war, as the critics who favor all or nothing maintain. But as Albert Wohlstetter, one of the founding fathers of strategic nuclear doctrine, recently argued in commentary magazine, whatever may be lost in horror is more than compensated for by gains in credibility and morality. The President must be perceived as having choices in order to deter, and he cannot be left without choices should deterrence fail.

The real issue, it seems to me, is not flexibility and limited nuclear options but the related idea of a controlled and prolonged nuclear war. Here Prof. Thomas C. Schelling of Harvard, another path-breaker in strategic thinking, makes the essential point. "There is an enormous difference," he has written, "between a doctrine that postulates the efficacy of 'fighting limited war' as deliberate policy, and a doctrine of

doing everything possible to provide opportunity, in the event the undesired and unintended nuclear war should happen, to stop it, to slow it down, to bring the destruction to a halt. The former doctrine would reflect hubris, the latter prudence. The former may reflect an obsession with victory, the later only with tragedy."

In the Reagan Administration's apparent belief in being able to actually control a nuclear war once begun and to fight it over a period of perhaps months, doctrine has been carried beyond well-established bounds. Such a belief could induce some leader some day to think he could risk starting a nuclear war because he would be able to stop short of complete catastrophe.

But the Reagan Administration went further still by reintroducing the 1950's idea of actually seeking to win a nuclear war. For the last 20 years, Administrations have used words like "preventing defeat" or "avoiding an unfavorable outcome" to describe their belief that there could be no winners in a nuclear war.

Following the uproar caused by the secret use of the word "prevail," Mr. Weinberger stated that "nowhere in all of this do we mean to imply that nuclear war is winnable. This notion has no place in our strategy. We see nuclear weapons only as a way of discouraging the Soviets from thinking they could ever resort them." Mr. Reagan also issued denials.

Nonetheless, the suspicion lingers that the leaders of the Administration had something in mind in choosing that word. There are officials in this Administration who have written and spoken of the likelihood of nuclear war, and the need for the United States to prepare to fight, survive and win it. How widely this view is shared in the Administration is not clear.

The more charitable explanation, and the one that squares most with my own experience with Reagan officials, is that prevailing to them really translates into the goal of gaining strategic nuclear superiority over the Soviet Union. Many of these officials helped to draft the 1980 Republican Party platform, which calls for achieving overall military and technological superiority over the Soviet Union.

To many on the Reagan team, nuclear superiority is important not because they are sanguine about fighting and winning a nuclear war, but because they believe that this kind of superiority is translatable into diplomatic power and, in the event of a crisis, into coercing the other side to back down.

The idea is highly debatable, and, I believe, not supported by evidence. Soviet agreement to remove its missiles from Cuba in 1962 appears to have been the result of overwhelming and usable American conventional military superiority in the Caribbean and of President Kennedy's willingness to remove comparable American missiles from Turkey. In no other case since both sides acquired nuclear capability did either side back down or make concessions in the face of a nuclear threat.

To argue that Western Europeans are drifting toward neutralism because of Soviet nuclear superiority is also stretching a point. To the extent that Europeans are drifting, it has been coming ever since Moscow achieved nuclear parity at least a decade ago, and is due since then to a combination of Soviet conventional superiority and lack of confidence in American diplomacy.

As for the benefits of nuclear superiority in a state of emergency, former Defense Secretary James R. Schlesinger remarked in an interview: "One should not underestimate the risks leaders will take to win in a crisis." In other words, with so much nuclear punch on both sides, it is in the interests of neither to expect to win a crisis showdown.

Nuclear doctrines prepare leaders to think about nuclear showdowns, but they do not cause the showdowns. That depends on how good or bad relations are between Washington and Moscow.

SOVIET-AMERICAN RELATIONS

Given current frostiness, the possibilities for solving problems seem slim and the possibilities of trouble at least somewhat greater than before.

The Administration does not see it that way. Mr. Reagan, in a speech designed to resume a dialogue with Moscow, insisted that the world was "safer because now there is less danger that the Soviet leadership will underestimate our strength or question our resolve." If it is true that Soviet leaders have been doubting American military power—although my sense is quite the contrary—it is in good part thanks to the fact that Mr. Reagan and his key aides have been publicly asserting American inferiority. As for Moscow's having increased respect for American determination, there is something to that. My impression is that Soviet leaders do take Mr. Reagan more seriously than Jimmy Carter, and they do give him grudging respect for increasing military spending and sending the troops into Grenada. This is, after all, how they play the game themselves. At the same time, they do not think he is a man with whom they can do business.

But trouble spots and tensions are increasing, and as Mr. Reagan himself went on to say, "such activity carries with it the risk of larger confrontations."

Several regional conflicts could trigger global confrontations.

Moscow could decide to strike into Pakistan to root out the Afghan rebel based areas in the hope of putting an end to its long and costly war in Afghanistan. The United States is "secretly" supplying the rebels and has commitments to Pakistan. What happens then?

Either Israel or the United States could strike Syrian forces in Lebanon or in Syria itself. Syria is Moscow's last foothold in the Middle East, it has forces in Syria, and its credibility is very much at stake. Do Soviet leaders sit idly by?

Or what happens if the Russians supply modern fighter aircraft to the Sandinistas in Nicaragua, or if there is a Soviet-backed Vietnamese attack against Thailand, or a serious South African effort to overthrow the Marxist regime in Angola, or American strikes against Iran in the event that that radical Islamic republic pursues its pledge to close oil-supply routes?

None of these are farfetched. The risks of direct Soviet-American confrontation are greater today then ever before; Moscow now has the capability to project military forces beyond its own shores. Until the last few years, only the United States could entertain such notions.

If any local dispute were to grow into a superpower crisis, current atmospherics could be more likely to breed excalation rather than restraint. Everything becomes much more trying when atmospherics are bad. Officials sitting around a table in the Kremlin or the White House will hesitate to suggest compromises for fear of appearing weak. Arms-control negotiations, which are like pulling teeth under the best of circumstances, grind to a halt in tense times.

Compounding military might on both sides enhances mutual fear and perhaps deterrence as well, but it also feeds mutual suspicions, miscalculations and plain stupidity. President Reagan, too, sees that more and more military power and fear are not enough to keep the peace and so proclaimed in his speech that "we want more than deterrence."

TECHNOLOGY AND HARDWARE

The myth is that rapid and large advances in technology have been driving the arms race; the reality is that technology has spent the last 20 years catching up to doctrine.

American leaders wanted choices. They wanted the capability to hit military targets and minimize collateral civilian fatalities as in traditional modern warfare. Technological advances made these ideas practicable. Now, however, the question really is whether technology and procedures for controlling technology are indeed taking us beyond these limited and practical choices and, instead of providing solutions, are becoming the larger part of the problem.

In the last few years, and in the years immediately ahead, seed money has been and will be spent for revolutionary weapons. There are the following: warheads with pinpoint accuracy, missiles that can arrive on target far faster than existing ones, techniques to blow up and blind satellites in the sky, breakthroughs in antisubmarine warfare and defense against ballistic missiles. None of these weapons systems are now operational and the key decisions whether to develop and deploy them will be made in the next few defense budgets. These new weapons go beyond the current mainstays of the American arsenal: the Minuteman land-based missiles, the B-52 bomber, the Poseidon missiles and the Trident submarines.

Morton H. Halperin, one of the pathbreakers in strategic nuclear thinking, established categories for judging whether these new weapons systems would be good or bad or merely wasteful.

The good are those that are relatively invulnerable to attack and not themselves accurate and powerful enough to attack the adversary's military targets first, such as submarine-launched missiles that are now operational. The fact of invulnerability means they can survive an attack and be used to retaliate. Their lack of accuracy and explosive power means they are not threatening to the adversary's retaliatory forces. Such weapons are thus considered to be good, or stabilizing.

The bad, on the other hand, include first-strike weapons that can be launched on target quickly, such as ballistic missiles with high accuracy and high power that are also vulnerable themselves to attack. They thus have to be used first to destroy the adversary's retaliatory capability or face the likelihood that they will be destroyed before they can be used. The bad, in the Halperin scheme, also includes defensive systems that threaten to blunt a retaliatory blow, and thus create incentives for the enemy to attack first.

The wasteful are those systems, such as the B-1 bomber, that contribute little to deterrence but are not threatening, either—and cost a lot.

The goal of the Halperin model is to achieve stability through mutual assured deterrence. This entails doing nothing that

would take away the enemy's capacity to retaliate successfully. As long as each side knows it can gain little or nothing from striking first and also knows it can respond with a devastating blow, there is mutual deterrence.

The alternate model for judging new technology and weapon systems is one subscribed to by most Reagan Administration officials and by outside experts like Mr. Wohlstetter. The Wohlstetter model places greater stress on the need for weapons whose use would be credible (those particularly effective against military as opposed to civilian targets) and save lives should deterrence fail (defensive systems).

By both the Halperin and Wohlstetter standards, a number of new weapons systems are good. These include the new operational Trident submarine, protection of satellite systems (under development), current devices to prevent accidental detonation and theft of warheads, and even existing air-launched cruise missiles that fly slowly to targets.

On another group of new weapons and technologies, the two schools do not see eye to eye completely, but both sometimes recognize the same good and bad elements. These are developing weapons often mentioned in the news, but not likely to revolutionize strategic thinking:

Midgetman, a small, mobile land-based missile. It is not intended to carry a large, first-strike warhead, and its mobility would make it likelier to survive. That is considered a plus by both schools. But both have doubts that any missile confined to military reservations, as these would be, could survive nuclear blasts. If the missiles were allowed off the reservations, protection against terrorists might be a problem.

Cruise missiles based at sea and on land. Slow-flying, like aircraft, they would not threaten in a first strike. Small and mobile, they could ride out an attack and retaliate. But arms-control advocates worry about being able to keep track of and count them.

Low yield, highly accurate warheads. To conservatives, the good news is that such weapons increase the ability to discriminate between military and civilian targets. To liberals that is also bad news, since presumably it would be more thinkable to use them.

Precision conventional weapons to substitute for nuclear weapons. The more accurate guidance becomes, the more long-range conventional weapons can be used in place of nuclear weapons against military targets. But how is the defender to know the contents of each incoming missile until after it explodes? To those who fear war-fighting capabilities, these weapons could provide an easy bridge from conventional to nuclear war.

The two contending schools reserve their most important and usually fiercest quarrels for weapons and technologies that fall into the following categories:

1. Decapitation capabilities and techniques.
2. War-fighting or counterforce capabilities.
3. Antisubmarine warfare.
4. Defense against ballistic missiles.

These are the weapons systems that, if deployed, will revolutionize thinking about whether nuclear wars can be won at an acceptable cost.

DECAPITATION

There are several elements to the idea of decapitation—blinding and destroying the leadership of the adversary in one rapid and coordinated stroke to blunt his response to an attack.

The first is to move missiles within range to strike the White House or the Kremlin and other command centers in a few minutes' time. With the deployment of Pershing 2 missiles to Europe, the United States can have that capability. As of now, the missiles would not reach Moscow, but all it takes is a little more fuel. The Russians have countered by moving their submarines closer to the Atlantic coast of the United States. It is possible for the two sides to agree on some kind of pullback. But as of now, Washington will not consider removing the Pershings and Moscow says it will not even talk about the subject until the missiles are gone.

Warning times could be further reduced by the development of what are called depressed trajectory weapons. Unlike present ballistic missiles, which go out and back into the atmosphere in an arc, these missiles could be propelled to target in virtually a straight line. Negotiations could be started to ban the testing of these weapons, but the Administration has been resistant for reasons that are not clear.

Headquarters become increasingly inviting targets as both the Soviet Union and the United States continue to improve command, control, communications and intelligence, or C^{3}I. This is a particularly complicated and expensive proposition. The Administration plans to spend about $20 billion to do this over the next five years, and this is probably too little to get the job done—if it can be done at all. The advantage is control—the lower likelihood of accidental launch, less need to delegate authority to launch, and greater ability to have escalatory choices. But is it feasible? The system is no stronger than its weakest link. Aboveground radar stations that receive messages from satellites about attacks are highly vulnerable. Many scientists also contend that the whole system could be put out of commission by a few well-placed nuclear airbursts that would set off an electromagnetic pulse that would destroy all electronic and communications networks.

A highly centralized system also presents an attractive target. Hit that and presumably the rest of the system—if it is not on automatic and uncontrolled pilot—could collapse and retaliation could be blunted.

It is not at all clear what the two countries can do to successfully counteract decapitation strategies.

But there are still opportunities to head off another fast-developing decapitation technology, the capability to destroy satellites. Without these eyes and ears, the victim's response to attack would be weak and uncoordinated. As of now, Moscow has a very modest and not very reliable capability to destroy low-flying American satellites and has proposed negotiations to ban all further development and testing. The United States has just begun to test an even better missile launched from an aircraft. Washington has been resisting talks on the ground that it must catch up first and because it argues that various forms of antisatellite weapons—such as electronic interference and lasers—cannot be adequately controlled and verified.

The most important Soviet and American satellites are far out into space, well beyond being destroyed by present weapons. But in a dozen years, military planners think they will be reachable. Very little work is being done in the Administration—or outside—on how to check this situation.

COUNTERFORCE WEAPONS

These are weapons that can hit military targets, such as missile silos and headquarters, swiftly and accurately, with little collateral damage. Thus the name counterforce rather than countercity.

The Halperin and Wohlstetter groups agree that a single worst thing either side can do is to build vulnerable first-strike weapons. Since such weapons could not survive an attack, their only purpose would be to destroy the other side's missiles first.

The two groups also agree that the large Soviet land-based missiles, of which there are hundreds, precisely fit this category. They both would like to see Moscow get rid of these weapons. But Soviet leaders have refused.

Conservative strategists argue that these big missiles have created an American "window of vulnerability." By this convoluted theory, Moscow could use a few hundred of these missiles, each with many warheads, to destroy almost all American land-based missiles, with the loss of a few million American civilians, rather than many tens of millions. This would leave Washington with submarine-launched missiles only accurate enough to hit Soviet cities and not military targets. Fearful of exchanging population blows, according to this theory, Washington would give in.

The theory is deeply flawed. For it to make any sense, Soviet leaders would have to have complete confidence in the following: that their attack would be perfect, despite the fact that such an attack could never be practiced; that American missiles would not be launched before being hit; that the President would regard upward of 20 million instant American fatalities as a "limited" attack, not calling for a response against Russian cities, and that the President would have to give Moscow what it wanted, even though he would still possess vast nuclear and convention military capacity.

Nonetheless, the worry was great enough so that both the Carter and Reagan Administrations tried to convince Moscow to reduce the number of these large missiles in the strategic arms talks. Moscow refused on the ground that these missiles were its only advantage over the United States, that in every other respect, Washington had the advantage.

The answer of the last two Administrations was to build the MX. The argument that prevailed was that the only way to induce the Soviet Union to cut the number of its heavy missiles was to pose a threat to those missiles. And if even that failed, at least the United States would have equality.

Consistent with their principles, it must be said, MX advocates tried to find basing schemes so that the new missile might not be vulnerable. This would reduce the specter of the MX as a first-strike weapon, since if it could survive it could be used in retaliation. But as is well known, none of the dozens of basing plans proved feasible. Nevertheless, the Reagan Administration has gone ahead with development of 100 MX missiles with 10 warheads each, to be deployed in existing vulnerable silos.

Liberal critics are up in arms. They say that the MX in theory would pose a greater threat to Soviet forces than the Soviet large missiles would to ours. This is because 70 percent of Soviet missile warheads are land-based and thus vulnerable, as opposed to about 20 percent for the United States. But the liberals also contradict themselves.

They cannot deny the window of vulnerability for the United States and insist it applies to the Soviet Union. If the Soviet threat to our land-based missiles is not credible, neither is ours to theirs. Either it means something or nothing to both.

A good deal of this debate hinges on a technical capability, namely the certainty of being able to destroy missiles in silos. As of now, leaders in Moscow and Washington apparently believe that the large Soviet missiles and the new MX missiles will have the necessary explosive power and accuracy to do the job. But the accuracies are inevitably called into question because neither side has ever test-fired missiles over the North Pole, the route they would have to travel in an actual attack. However well the winds and gravity over the pole are mapped, some doubts have to remain about predicted accuracies.

But within the next 10 years, as both countries test missile warheads with terminal guidance, these doubts will be removed. Whatever the error in missile flights, these can be corrected by radars and other devices built into the warheads. Neither Washington nor Moscow has made proposals on this matter.

ANTISUBMARINE WARFARE

As the accuracy of missiles improves, mobile missiles and particulary submarines increasingly become the last line of defense or retaliation. If the submarines are put into jeopardy, this might cause one of the superpowers in a crisis to strike first or be left with no response at all.

For the rest of this decade, the United States expects to have high confidence in the survivability of its ballistic missile launching submarines. Soviet capabilities in this area are not considered prepossessing. But present American capabilities are extensive over much of the oceans.

Pentagon scientists anticipate that before the end of the century, submarine invulnerability could disappear. Both sides could put together a package of satellite-tracking, reconnaissance aircraft, underwater sound systems, and attack submarines that could put each other's ultimate retaliatory threat into question.

Both the Halperin and Wohlstetter groups should be interested in curbing this, but neither has done much work on the arms-control aspects. There is also a strong reluctance in the Pentagon to forgo foreseeable American technological advantages.

ANTIBALLISTIC MISSILE SYSTEM

The toughest battle over a new weapons system is yet to come, the one over an ABM system. In 1972, when Moscow and Washington signed the treaty severely limiting antiballistic missiles and associated radars, the hope was that both sides would also sharply limit their offensive capabilities. On the contrary, those capabilities have flowered, and the ABM debate is likely to resume some time this year when Mr. Reagan details his new plans.

Why should something that is defensive, designed to save lives or preserve retaliatory strength, stir the passions?

To liberal strategists, ABM's would totally undermine the logic of deterrence. Their theory and the predominant one so far in the nuclear age has been this: Without the protection of a defense system, offense makes no sense. The absence of defense to shoot down incoming missiles guarantees the victim a devastating retaliatory blow. But if a potential attacker could calculate that he could strike first, knock out most of the other side's weapons, and destroy the remaining ones with missile defenses as they approached, then the whole calculation of nuclear risks is transformed.

Many technicians as well as liberal critics remain convinced that no one has been able to design an ABM system that can work to near perfection. Anything short of perfection, where the system could be blinded by destroying vulnerable radars or satellites or overwhelmed by numbers of incoming warheads, would not be worth the perhaps hundreds of billions of dollars needed to build it. To them, ABM's would give the worst of all possibilities, namely, a system thought to be workable, so that risks based on that belief would be taken, but one that would not work in the end. It might engended the hubris to attack, only to result in the tragedy of horrors when it failed.

Conservatives such as Mr. Wohlstetter find this logic profoundly immoral and irrational. Few, including the special panels Mr. Reagan asked to study the matter, aver that an ABM system can be built before the end of the century that can be sufficiently effective against any large-scale Soviet attack. Most, like Mr. Wohlstetter, make the case on more limited grounds for the present.

Responding to his critics in the December 1983 issue of Commentary, he lists three "more likely circumstances" where nuclear weapons might be used and where ABM's would be imperative.

1. "How, for example, to avoid the general holocaust if a politically responsible Soviet authority, facing disaster in a conventional war, should use nuclear weapons in a confined way on the territory of an ally nominally protected by our nuclear guarantee." It seems a strange case. It is highly novel for anyone to suggest Moscow might be "facing disaster" in a conventional war, given its superiority on its borders. But if Soviet forces were to use tactical nuclear weapons against our NATO allies, for example, I presume the response would be to strike at Soviet forces in Europe with tactical nuclear weapons. That, to me, is believable. It would also put the burden of further escalation, especially escalation to each other's homelands, on Moscow's back.

2. "How to avoid the holocaust if nuclear weapons are seized and used against us by men without the authority to use them." This is the terrorist case, it appears. To guard against this, do we defend only Chicago or Washington or all of our cities with ABM's? Do we expect the terrorists to threaten with a missile or a nuclear bomb in a suitcase?

3. "If the authority over nuclear weapons should be acquired along with a small nuclear force by an unpredictable leader, like Qaddafi." Again, we face the dilemma of what to protect. And if we seek to protect all against someone like the Libyan leader, how would Soviet leaders react? Might they not feel the system could also be used against them, that they needed one, too? Could this not start a dangerous race to get to the "perfect" system first and strike before the other side caught up?

Mr. Reagan himself seemed mindful of the risk of a missile-defense race when he gave his so-called "Star Wars" speech of last March. In it, he unveiled his ideas about strategic defense, and spoke of cooperation with Moscow to avoid a destabilizing race. Fred C. Iklé, Under Secretary of Defense for Policy, picked up on this theme in an interview. "Maybe we could have implicit or explicit coordination with the Soviets," he said. "If you think of this happening over 15 to 20 years, the competition is less tricky to manage. Otherwise, there would be risks."

Mr. Reagan's new military budget finesses the issue for the moment. He does not recommend early deployment of a missile defense system, but an extensive research and development program. The focus is on defending population, not missiles, but it does not now propose building a perfect or "leakproof" system. But those who favor a big ABM system—with space-based lasers to hit Soviet missiles as they are rising, other weapons to attack them in space, and ground-based missiles—have a powerful following inside the Administration, and they say the fight is not over.

The kinds of technologies ordered in the new Reagan budget will almost certainly raise questions about compliance with the ABM treaty. And it is likely that the treaty will come under heavy fire within the Administration as its development program moves forward.

Three conclusions can be drawn from this discussion of new weapons and technology.

First, much of what is being done is good. New submarines, the Stealth bomber, hardened satellites, better protection against unauthorized use and accidents, and so on, are fundamentally stabilizing.

Second, a case can be made that the technologies on the horizon will so change strategic thinking as to make viable a pre-emptive attack in a crisis. That means there will be increasing advantages to striking first, if it is believed the other side is about to strike.

Third, there is time to deal with the new technologies. They will not be matured before the end of the 1990's, and in the case of ABM's, later than that. The most difficult and troublesome decisions will occur in the next few years.

HOW A NUCLEAR WAR COULD START

Some wars in history have been begun by fanatics and madmen, knowing they would perish in the end. But in most cases, wars have started by some kind of deliberate decision to protect or spread values and power and to survive, always to survive. The main contribution of the nuclear age to this calculus of war is to throw into sharp relief the question whether war and survival are compatible any longer.

A group at Harvard—Albert Carnesale, Paul Doty, Stanley Hoffmann, Samuel P. Huntington, Joseph S. Nye Jr. and Scott D. Sagan, all members of Harvard's nuclear study group—writes in "Living with Nuclear Weapons": "Ironically, the enormous horror of nuclear weapons' effects means that modern leaders have the equivalent of a crystal ball showing them the devastation at the end of a major war." Thus far, every time leaders have gazed into that crystal ball they have avoided war and have been extremely careful for the most part to avert even confrontation.

How, they ask, could this crystal ball be shattered? Their answer, and the judgment of most of the professionals who think about these things, is: many ways, none likely at all, but some less remote than others:

All-out surprise attack in peacetime. This is generally considered to be the most remote. The absence of crisis means there would be no special stakes to provoke leaders to take such awful risks. Surprise would be extremely hard to achieve, given the intelligence warning systems on both sides. By everyone's calculation, an all-out attack on military, industrial and civilian targets

would still leave the victim with about 2,000 warheads and bombs. These would be more than enough to hurl the attacking society back into the stone age. For such an attack to be at all feasible, there would have to be an enormous alteration of the current nuclear balance with one side gaining a clear advantage in deployed offensive and defensive technology. There is no reason to believe that will happen.

Accidental war. Contrary to much popular mythology, experts rate as a very low the possibility of war starting this way, and certainly far lower than 10 or 30 years ago. By all testimony, no man or boy computer genius can break into the strategic computer system. It does not operate through public telephone lines. Flocks of geese and a faulty computer chip have triggered alarms. But the rest of the system showed error right away, and no alerts were called. Most nuclear weapons in the field, such as short-range missiles, have permissive action links or PAL's, which prevent firing without proper codes. Not so long ago, very few weapons had PAL's. In submarines and in silos, it takes at least two people to turn the necessary keys—after receiving the codes. If terrorists were to steal nuclear weapons, they would find the warhead swaddled in an almost impenetrable membrane, which, if penetrated, would cause the warhead to lose its potential to explode. Terrorists, of course, could build weapons themselves or buy them from third powers. There are no guarantees against terrorism or accidents, but safety procedures are far better than before. In any event, and as horrible as any explosion would be, it is highly unlikely that the accidental detonation of one or several weapons or detonation by terrorists would set off a Soviet-American nuclear exchange.

Limited nuclear exchanges. These come in several varieties, with conservative strategists attaching low probability but high concern to them, and liberal strategists finding these scenarios Strangelovian and nonsensical. All agree that it would make no sense for either side to attack one or several cities or a few land-based missiles. There would be nothing to gain and a lot to lose.

But conservatives continue to put credence in a scenario whereby in a crisis, the Soviet Union launches attacks against American land-based missiles to denude the United States of forces capable of hitting Soviet missiles and thus to corner Washington into an impossible choice: Either attack Soviet population centers and bring retaliation against American cities, or do nothing. For all the reasons mentioned before—including the necessity that such an attack be virtually perfect in destroying all the land-based missiles and killing relatively few civilians and the virtual impossibility of making such a calculation in the absence of any opportunity to practice—this seems only marginally more plausible than the other limited-exchange scenarios. It is noteworthy that Reagan administration officials who were so instrumental in bringing this case to the center of the strategic debate over the last half-dozen years hardly talk about it anymore.

Nuclear proliferation, third-country exchanges and catalytic war. Proliferation is a problem that worries all strategic experts. They are not especially bothered by Britain, France and China having the capability, but newcomers are another matter. Right now, India has exploded a nuclear device; it is assumed Israel has a secret capability, and that South Africa is close. Many others have the necessary skills to build weapons, but no motivation. The most troublesome cases, where there are skills, high motivation and risk of usage, are Pakistan, Iraq, Argentina, Brazil and Libya.

Promethean power in the hands of nations always on the edge of or engaged in regional war, or in the hands of unstable regimes and fanatical leaders—this poses the greatest risk of nuclear weapons being exploded in anger. If the Libyan strongman Muammar el-Qaddafi were to buy bombs and drop them on the United States, no easy matter, this would be highly unlikely to set off a Soviet-American war. But if Israel at some point in the future were to be on the verge of a serious defeat at the hands of its Arab neighbors and fired off some nuclear weapons as a warning, that could set other events into motion—Soviet response, American counter-threats and so on.

Conventional war escalating to nuclear war. This is the case that worries the experts most for this decade, and they do not regard it as being as remote as the other possibilities. Soviet and American leaders know this, too. They have gone far to stay out of harm's way. Washington doles out military aid to the Afghan rebels; it is all right to help them to sting the Russians, but too dangerous to challenge them outright. Moscow, so far as Washington knows, has told Syria not to expect Russian help if it shoots down more American aircraft. Soviet officials also do somersaults to avoid classifying Nicaragua as a "Socialist state" for fear of committing prestige.

But if this wariness were to break down and Soviet and American conventional forces were to start firing at each other and one side began to lose, the risks of escalation would be enormous. If any Soviet leader contemplated using superior Soviet conventional power to overrun Western Europe, those risks—however small—would probably be enough to dissuade him. Once these two mighty armies embraces to kill, the systems would take over. Forces would be put on alert. Small moves would trigger bigger precautionary responses. The benefits of a pre-emptive strike, out of desperation, could appear to be the least unattractive alternative.

"That is why," explained Mr. Iklé of the Pentagon, "President Reagan is moving to build up American conventional strength and is trying to move away from the idea of a short conventional war." Conventional military power that can be sustained raises the nuclear threshold. Defense experts have agreed on this all along. But increasing conventional manpower, mobility and stocks is far more expensive than developing and maintaining nuclear forces. Seventy-seven percent of the Pentagon budget is for conventional forces and 23 percent for strategic. The proposed military budget for fiscal 1985 is already $305 billion. Our allies are simply not going to spend more on their conventional forces, for all their bleating about the dangers of nuclear war. Absent that, as Mr. Iklé pointed out, "We cannot say that there are no circumstances in which nuclear weapons wouldn't be used; we need the risk for deterrence." That is the tradeoff every American Administration has made thus far. None of the likely Democratic Presidential candidates would do this differently.

CONCLUSION

"My dream is to see the day when nuclear weapons will be banished from the face of the earth," Mr. Reagan stated in his speech on East-West relations. Such pronouncements from the White House and the Kremlin have become ritualistic, but they are not realistic, and for political leaders in democracies to say so out loud would be political suicide, so illusions are reinforced and facts are ignored.

Take, for example, Mr. Reagan's own proposal for deep cuts in strategic arms. That means reducing each side's arsenal of about 7,500 long-range ballistic missile warheads to 5,000 by 1990 at the earliest. It does nothing about bombs or cruise missile warheads, which on the American side at least will increase substantially in the coming years. As for the Russians, they are even more shameless in proclaiming the need for general and complete disarmament, but have proved far less willing than all recent American Administrations to reduce nuclear military might.

It is a political law of nature not to take big steps and make big compromises in the absence of trust. It is equally difficult to agree on something large and dramatic when the subject is as complicated as this one.

Beyond that, the best kept dirty little secret of most strategic experts is that they don't want sharp cuts in nuclear arsenals. What is more, their judgment seems sound. In the absence of many complex agreements on exactly what is to be reduced and banned, reductions in and of themselves could make the situation more dangerous.

Again, take Mr. Reagan's initial proposal. That called for a one-third cut in missile warheads from 7,500 to 5,000 and a one-half cut in missiles from 1,700 to 850, no more than half of which could be land-based missiles. The effect of the proposal was to increase the ratio of warheads to potential targets or missiles from three-to-one to six-to-one. In terms of war fighting, this would have made it easier for planners to argue that a successful first strike might be possible. Or, as the national security expert Paul C. Warnke was fond of saying, "If the Russians had accepted Mr. Reagan's proposal, he would have been forced to reject it himself." As it was, Mr. Reagan substantially altered his proposal himself, for this and other reasons.

"A lot of strategic weapons are not necessarily bad and fewer are not necessarily good," remarked Representative Les Aspin, a Wisconsin Democrat who is a strong proponent of arms control. "It depends on what remains and what is eliminated."

Nuclear weapons will not go away for decades to come, if then. That is the reality. The probabilities are that they will not be fired off by accident or in anger for some years to come, at least. Leaders can still clearly see nothing but mutual doom in that crystal ball.

But the possibilities of nuclear war in this century are there and growing.

In nuclear doctrine, it is necessary to have choices between massive retaliation and surrender. But it is risky to assume, as current doctrine would have it, that once a war begins it can be controlled. And it is downright dangerous to believe there can be meaningful winners and losers, as some strategists in this Administration believe. These most recent trends in strategic thinking are highly questionable.

But what has to be understood now is that the future could be different, that the nuclear peace of the last 40 years could be transformed into a nuclear nightmare. What is in the offing is not simply another weapons system or two, not just another phase of the old arms race, but a package of technological breakthroughs that could rev-

olutionize strategic capabilities and thinking.

To be sure, there is time before all of these technologies mature into reliable weapons systems. But not much time.

Meanwhile, arms-control talks between the United States and the Soviet Union are getting nowhere. The two sides have not even been negotiating with each other for months. And when those negotiations resume this year or next, it must be remembered that they deal only with reducing and limiting numbers of nuclear weapons, not with the broader technological problems described here.

Most lamentable, there seems to be a habit of mind developing among Soviet and American officials that the problems cannot be solved, that technology cannot be checked, a kind of combination of resignation and complacency. They have gotten used to both the competition and the nuclear peace. Mankind may not survive on that alone.

AMNESTY INTERNATIONAL CONTINUES ITS HUMANITARIAN EFFORTS

Mr. PROXMIRE. Mr. President, the name Amnesty International has become synonymous with a compassionate concern for human rights. This humanitarian organization has worked diligently to end persecution, false imprisonment, torture, and murder throughout the world. By investigating and publicizing incidents of human rights violations, they are able to bring international pressure to bear on those responsible. Often this is enough to secure the release of the victim—sometimes it is enough to save a life or even hundreds of lives.

This month, Amnesty International released a major new report on the worldwide use of torture. What was their conclusion? How much torture is conducted in the world today? They found torture is systematically used as an instrument of state policy in as many as one-quarter of the nations of the globe. Beatings, electric shocks, and other practices too gruesome to mention are regularly employed to extract information and confessions from countless innocent people. The civilized person recoils in horror from the brutalities recounted in this slim volume.

The release of this report marks the beginning of a long-term campaign by the worldwide human rights movement to expose and end the use of torture. It also represents another in a long list of courageous and effective strategies employed by Amnesty International to save lives. Through techniques such as the urgent action network, which quickly relays information on the status of mistreated prisoners so that the international community can urge his or her release, Amnesty International has saved countless lives and fostered a sense of cooperation and urgency in defense of human rights throughout the globe.

Mr. President, I am sure that all of my colleagues agree with me that the efforts of Amnesty International are vital and commendable. The atmosphere of heightened awareness and sense of community that extends from their work is essential to the effective defense of human rights. The value of exposure and consequent international pressure is constantly reaffirmed as victim after victim is released due to the work of Amnesty International.

The United States has a clear obligation to contribute to this atmosphere of awareness and cooperation. Our country was founded on the principle of human rights. Our effectiveness as a defender of these rights depends on our unambiguous reassertion of this principle at every opportunity.

For these reasons, Mr. President, I despair at our reluctance to ratify the Genocide Convention. This treaty, which has been pending in the Senate for more than 30 years supported by President after President and declares the serious mental or physical harm of a racial, ethnic, or religious group to be an international crime, has remained unsigned by the United States since its inception after World War II. Without America's imprimatur on this basic humanitarian document, we leave ourselves exposed to charges of hypocrisy and insincerity in our calls for a respect for human rights.

Amnesty International has demonstrated the power of exposure and international pressure in securing the release of victims of brutality and torture. Our contribution to that pressure is vital, and each day that the Genocide Convention remains unsigned diminishes the strength of our contribution. I urge my colleagues to take action on the Genocide Convention soon; lives depend on it.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 10 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

SALUTE TO THE JAPAN-AMERICAN STUDENT CONFERENCE

Mr. MATSUNAGA. Madam President, this summer marks the 50th anniversary of an exceptional cross-cultural program, the Japan-American Student Conference. Each summer 90 students from Japan and the United States engage in a stimulating exchange of ideas. They all receive an intensive introduction to the values and behaviors of another culture. Over the past five decades, the Conference has proven to be an extraordinary program for cultural understanding, and today I salute the founders, participants, and sponsors who have insured both the survival and excellence of this program.

Many features distinguish the Conference from the exchange programs which have proliferated in recent years, but two attributes in particular merit special attention. The first unique quality has to do with the origin and operation of the program.

The Conference was conceived and completely planned by a group of Japanese students, and the founders were a group who formed themselves in 1934 to reverse the deteriorating conditions in relations between the United States and Japan.

Impatient with the frugal efforts of the two Governments, they assumed the role of responsible peacemakers. An initial mission of four student emissaries visited American college campuses in early 1934, and the program mushroomed to an American delegation of nearly 100 who participated in the first Conference held in Japan that summer.

Although fiscal realities have compelled students to relinquish the program operations to former participants, the students still completely plan and stage the actual Conference. Such resourcefulness and independent initiatives are not only gratifying, they are an important reminder that our young people can indeed identify a problem and tackle it with an energy and freshness too often lacking in those with more experience.

Yet another notable feature of the program is its content. Unlike most exchange programs which emphasize lessons in cultural understanding and language fluency, the Conference goes further by engaging the participants in intense discussions of the critical, often controversial, issues of the day. The students do acquire an overview of the other culture, but of greater importance, they must confront what may be significantly different viewpoints and thinking processes. While such an encounter may be more stressful than the usual tour of the Jefferson Memorial or the Imperial Palace, the clash of ideas can lead to a level of understanding that is essential for international cooperation. The Conference builds leaders for tomorrow, and from this particular experience, these leaders gain a knowledge and skill in intercultural communication which

will eventually prove beneficial to the people of both nations.

We read and hear often of the "big" projects in cultural understanding which absorb large sums of money, attract much publicity, but often produce little that is of substantial benefit. It is often the quiet, unassuming programs such as the Japan-American Student Conference which effect the significant advances for human relations.

I call upon my colleagues in the Senate to join me in commending the Japan-American Student Conference and those who are responsible for its continuance and to join them in devoting greater effort toward promoting international tolerance and understanding.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant, to 22 U.S.C. 276, as amended, appoints the Senator from Arizona (Mr. DECONCINI) as a member of the Senate delegation to the Interparliamentary Union Conference to be held in Geneva, Switzerland, April 2 to 8, 1984.

Mr. MATSUNAGA. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

EVERYDAY HARASSMENT OF SOVIET JEWS

Mr. PERCY. Mr. President, recently I received a copy of a complaint filed with the Soviet Procurator last year in Gorky. It was lodged by Mrs. R. L. Mintz, whose nephew, Leonid Volvovsky, is active in Jewish affairs in Gorky.

Looking for "evidence" that could be used to charge Mr. Volvovsky with activities against the Soviet state, the KGB searched his aunt's apartment on the same day they also ransacked his. Mrs. Mintz is old and infirm, and could not rest or take the medicine she requires while the KGB officers rummaged at length through her personal possessions. In the end they took a sackful of books, pictures, and papers having nothing at all to do with either her nephew or the security of the Soviet state.

There was no point to the treatment Mrs. Mintz received. Indeed, a consistent and horrifying feature of Soviet policy in this area is its inherent pointlessness. Mrs. Mintz' story shows brutality to be a casual, common, everyday routine in the Soviet Union.

Mr. President, I ask unanimous consent that the full text of Mrs. Mintz' official complaint be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

JUNE 4, 1983.

Procurator, R.S.F.S.R. Director of Public Prosecutions (for investigation and inquiry of the organs of the Ministry of the Interior).

Copy: Procurator for Investigations in the Gorky Region.

From: Mintz, R.L., Gorky Automobilnaya Street, Dom 20, Flat 102.

Complaint concerning the illegal actions of Senior Investigator of the Regional Procuracy of Gorky, V. Turin, and his accompanying assistants.

2nd June 1983. Physically straining, I did my exercises, got washed, put drops in my eyes, and went to take my sandals in for repair. They said I should come for them by one o'clock in the afternoon. Then I bought some sour cream, and put the bag with it on the table. There was a knock at the door. With the chain on, I asked: "Who is it?" He shoved forward a document: Senior Investigator Turin. "You must be mistaken," I said. "No," he answered. I opened the door, and six men burst in. I explained that I was not feeling well: for several days I had had high blood-pressure. Whatever they were looking for, we did not have and could not have had. Please go ahead, have a look, I said, but because I had not eaten breakfast and was so tired, I could not follow which books and whatever else they were confiscating. I was alone, my head was spinning, there was an unbearable pain in the back of my head. On that day, even before the search, I had scarcely been able to telephone the Polyclinic to ask for an appointment with a doctor. They told me that there were no vacancies left, neither with the physiotherapist nor with the therapist—they said that they had too few doctors!

So the search started. Wherever they found books—in the writing-desk, in the bookcase, where the folders were—they rummaged through them all. Private papers, which were in order in folders, and could not have had any bearing on whatever they were looking for—they examined. Then Turin's assistants began ransacking the bathroom, where there was nothing except household items—these they threw everywhere. Then, without me, they examined what was in a suitcase in the hall. I still haven't checked to see if everything is still in order in the case, because my head up till now has been painful, and my general state is terrible. On the evening of the 2nd of June I learned that, simultaneously with our search, there was one at Lenya's wife's flat (the Volvovsky's). They took all the literature: journals, books, etc.—in which there was nothing and could not have been anything such as investigator Vorob'ev assumed, namely, items and documents containing fabrications discrediting the Soviet state and social system. Everything they took from us, and from the flat of Lenya's wife, was simply: interesting books, journals, personal papers. They amassed from us almost a full sack, and I thought: "Is it really possible that encyclopedias (4 volumes), the Talmud, papers, rolls of film and pictures, colorful pictures with panoramic views, none connected in any way with the Soviet Union, can in some barbaric manner or another relate to valuable cultural items?"

During the search I needed to take heart medicine and to lie down on the couch, on which the witnesses, who were reading "Israel Today," were sitting. They took this journal. Of course this journal is interesting to read, as we read translations from English, French, Spanish and so forth; but there was nothing anti-Soviet in it. The journal portrays life in Israel. Not knowing how to express this, I just longed that they would leave and give me a chance to lie down quietly.

When they gave me a copy of the inventory of what they had taken, I did not sign it, because it was impossible to make out what was written on the copy. I gave it to one of them, another helper of Turin, and asked him to read even a single line—the response was silence. Then they wrote another one, but I was already on the couch, had closed my eyelids, and was not in a state for anything, especially reading; I only wondered why there was so much in the sack. Without a doubt, they must have taken literary works, not only Lenya's books, but also mine and my sister's. It was completely immaterial in what language they were written, not even important if there was a single line in them against the Soviet Union. Why had they taken them?

In such a rude manner they had checked all the bags, photos, and even savings-books. They had shoved their filthy dirty hands into a box of Matzos—after all, it's only food! They even opened and checked a small gold watch in its little box, which my relatives had given me as a present on my 50th birthday. And now I am 74, and my head aches terribly, even when I write these few lines. They did everything they wanted, paying no attention to me. How it was that I didn't have a hemorrhage I myself am amazed! I said to them: "I feel so bad, if you want you can hit me on the head and carry everything away, because there are no witnesses—you yourselves are the masters here."

I'm sad for the books, which you can't buy anywhere, but the main thing is that I am certain that because there was nothing here, and could not be anything here which they would have liked to find, this fact probably saved my life. I have not written everything about this search. If I were to describe it in detail, you would receive an interesting booklet on how not to carry out a search.

An outrageous injustice! They promised to return things after checking. What could they possibly return?—when they so carelessly threw things from the table into the sack, like potatoes or forks with cabbage on them.

How offensive it all is! Perhaps this is what they aimed at—they achieved their goal. Up till now the insult has not passed. Everything aches, and I can't comprehend that all this is possible. For what purpose such injustice?

They went sometime after one o'clock. I had strength to get up from the couch and to go for the sandals. The master had already locked up his kiosk and left, but at my shout he returned, opened up the kiosk, and gave me the sandals. Thanks be to him. At 3 o'clock I came home, hungry and worn out, and at last could lie down.

On the next day, 3rd June 1983, I went away to a cousin's, where they looked after

me the whole day. I was so unwell, they tried to persuade me to have an ambulance called, although I begged them not to. Having swallowed all types of tablets, I had an attack of high blood pressure. 4th June they called a doctor; then I asked them to change the call, as a doctor would only come at the end of the day, and I could not wait so long, not knowing whether I should take any more tablets. At 12 o'clock I had a pressure of 130/60—this is very low. If I had taken more tablets, I could have died. I stopped taking medicine and am now at 150/75. But I'm frightened of ambulances, of injections, since the death of Geogri Lykich, who received an injection given in an ambulance which lowered his pressure to 50, and they could no longer save him.

But why did I write all of this when I was going out of my mind and trying to forget? How many more details I could tell: the contented smirking face of Turin (although he had nothing to be happy about), the gloomy silent faces of the witnesses, the curious faces of the assistants from amongst whom only one of them, Denisov, gave his surname before leaving. The rest were incognito. What were they afraid of?

Therefore I request you to instruct investigator Turin and his assistants to return everything that they took from us.

R. L. MINTZ.

MERIDIAN HOUSE

Mr. PERCY. Mr. President, a recent story in the Washington Times indicates how the private sector and government institutions can work together to strengthen our relations with the peoples of other countries. Meridian House in Washington, D.C., extends a bond of friendship to diplomatic and other families arriving here in the Nation's Capital. It promotes better international relations and better human relations. Former Ambassador John Jova and his wife Pamila are always on the job for America in guiding the splendid work of Meridian House. I commend the news article to my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Washington Times, Mar. 14, 1984]

MERIDIAN HOUSE SPREADS ITS WELCOME MAT

(By Richard Levine)

If a diplomat needs a baby sitter, a call to Meridian House International takes care of the problem.

That may not seem globally important, but diplomats need a night out as the rest of us do, an who knows what such relaxation will do for the comity of nations.

That's one of the things that Meridian House International (MHI), a non-profit corporation, does with its $7.1 million annual budget.

It also puts on art shows, concerts, seminars and other cultural and educational events.

MHI oversees a national network of volunteer hosts for official foreign visitors to the United States in such diverse places as New York, Los Angeles, Chapel Hill, N.C. and Ephrata, Wash.—over 80 communities in all.

"We are a gateway to America," says John Jova, MHI's head.

Whatever else Washington is, it is also a city of diplomats—a changing population of 2,762 have that status; 1,000 new diplomats arrived last year alone. Working closely with the Office of Protocol, MHI sends out volunteer emissaries to greet each new diplomatic family.

"We are, sort of, a welcome wagon," says Maria Chanin Tobar, who runs THIS—The Hospitality and Information Service—one of the five main arms of the MHI mission.

This, having its own protocol, sends out its own volunteer president, Polly LeFaivre, to visit the ambassadors' wives.

One particular visit was recalled by Ms. Chanin Tobar:

"She was from the Middle East, and she was very young. She was in this gorgeous house, and she had these candelabras and wonderful antiques and rugs; the house was just amazing—it was absolutely gorgeous.

"There was this huge silver dish with a cover on top, which they thought could have been for a pheasant or something. It was time to pour the coffee. There came a maid, very dressed—perfectly.

"She lifted the cover on the tray. Underneath, there were Twinkies all cut up, and very nicely placed on cupcakes liners.

"It was so sweet, because here was this nice young wife who wanted to be so American, but sort of do it in the manner to which she was accustomed."

Mr. Jova, often referred to as the nation's "cultural ambassador," is a man who looks and acts ambassadorial, and, in fact, for many years was an ambassador for the United States.

MHI's president is an American, born of Spanish-Cuban parents, who might have been an engineer like his father if he could have mastered math and physics. Instead he was influenced by a grandfather ("a distinguished international type") who was a diplomat, and multilingual.

He studies Romance languages and literature and political science, and when he was graduated from Dartmouth College in the height of the Depression he went to work for United Fruit Company, harvesting bananas in Guatemala.

Even now, he looks back on the presence of United Fruit in Latin America as beneficial.

"It was a constructive influence, no question but that it was. It brought technological know-how, such as accounting, to relatively small farms, and this was the beginnings of industrial development. The pay was 10 cents an hour, but even that was better than others were getting. United Fruit gave employment and trained people." That experience, which he calls a kind of Peace Corps because of the work with both the government and native people, was extremely educational and a stepping stone for what became a career for him in the foreign service.

He served in Basra, Iraq—near where fighting is now going on—Morocco, Portugal and in Washington, and then was, in succession, ambassador to Honduras, Chile and Mexico, under appointments from Presidents Johnson, Nixon and Ford.

On the walls of his spacious office are the laurels that Mr. Jova has collected, including the Grand Cross of the Order of Isabel la Catolica, the highest decoration given to foreigners by the government of Spain; and the State Department's Wilbur J. Carr award for "more than a quarter of a century of unusual dedication and distinction."

There are others, including more personal tributes to his service—gifts and letters from people in many of the countries in which he served.

And there is a wonderful, larger-than-life bronze bust, the gift of a Mexican sculptor, Gabriel Ponzanelli:

"He did it for me. He said he was going to do this, and I thought that's one of those nice things you hear people say. But what was my surprise, just a year and a half ago—I left Mexico almost seven years ago—suddenly, the Mexican embassy called up and said they've got this big, bronze bust . . .

"You know gratitude and friendship are short-lived in this world and when you have somebody remember you years after you've left, it is something that is very gratifying—and that is one of the rewards of my career."

Mr. Jova thinks that Meridian House itself, located on Crescent Place off 16th Street NW, is a wonderful meeting place for diplomats. It is an architectural jewel, an 18th-century French townhouse, 3½ stories high, and rich in such decorative touches as finely crafted brass doorknobs and window openers, small, original paintings over each door and linden trees imported from France on the large rear terrace.

The house, which is on the National Register of Historic Places, was built in the 1920s by Irwin Laughlin, an American diplomat who once was ambassador.

"You get a spiritual delight just being in it, I find," says Mr. Jova. "The design of this house and the spaces are a philosophic approach to life. It is a wonderful doorway to the United States."

NCIV (National Council for International Visitors), another of the five MHI branches, is headed by Dr. Alan M. Warne, and its scope is truly incredible. Because of the nature of the system, it is impossible to count the foreign visitors served in some way by the NCIV network, but Dr. Warne's rough estimate is a half million a year. It serves foreign visitors identified by the United States government as important leaders or persons who will be leaders in their countries in the fields of government, journalism, business and industry.

According to Dr. Warne, there first arose a widespread interest in people-to-people exchange programs following World War II. In 1961, NCIV was created to give form and coordination to the disparate volunteer groups that had formed in local communities so that visitors could move from place to place with ease and efficiency.

NCIV also provides guidance and training to local volunteers, but it leaves the actual trips and tours to each locality.

Dr. Warne says the trips are government-sponsored but free of government influence, and sees this design as its strength.

Visitors might have some negative experiences, but, collectively, the experiences are positive, he says. And, although the program is not solely for America's friends, Dr. Warne says, "We never met a communist who was a better communist for having been here."

"The trips are one step removed from the government," he says, "And are that much more healthy. The control mechanism [for what visitors see and hear] is in hands of local volunteers who have been doing this for many years. I am not telling them how to program their visits."

He says the nation should be proud that the United States government has enough faith in itself and in its systems to "turn people loose—foreign visitors—with our private citizens. Private citizens are able to tell

foreign private citizens what they like and what they don't like about this country.

"It's the truest form of diplomacy. We get persons together without a hidden agenda. They can see who we are as a people as opposed to what our foreign policy is. From a management point of view, I suppose it could be done more effectively, but it works well because it is unstructured and uncontrolled.

"People worry too much about fine tuning. But the cumulative effect is of trust building, and this is the most important thing. Visitors do leave the United States with an honest impression."

He estimates that 750,000 volunteers are involved in international exchange programs, a well-balanced cross section of people from all occupation groups and political persuasions, but who tend to be better educated, more affluent and well-traveled than the average American.

According to the State Department 44 current foreign chiefs of state or heads of government came to the United States through this program since 1960. "That is why we must be as nice as possible to them and try to understand their points of view," said Mr. Jova.

In addition, there were 3,215 other participants holding prestigious positions in all fields in their countries, including 499 in cabinet level positions in government.

It is easy to see that the influence of MHI is broad, from leaders to potential leaders, adults to children.

"If you confine yourself to just receiving the upper crust, people who are already interested in foreign affairs, that's very important, but you are not going to reach the future unless you reach children and youth," says Mr. Jova. "The main thing at Meridian House is the unusual circumstance where we combine in one institution so many facets of international life, helping foreign visitors, orientations, hospitality, children's programs; bringing international affairs to children and to the intellectual life and cultural life of the city."

He recalls, a few years ago, after a lecture by Beryl W. Sprinkel, under secretary for monetary affairs in the Treasury department, a diplomat coming to him and saying, "I had no idea how grave was the debt problem until I heard Dr. Sprinkel speak at Meridian House. For the first time I realized that the debt problem facing my country and Latin America and the world was one of the big problems of the world."

So, the work goes on at all levels. All last month, while an exhibit of original drawings of the famous Babar children books were on display, MHI held periodic readings for Washington schoolchildren, with such stellar interpreters of elephant antics as Mrs. George Bush, Mrs. Caspar Weinberger, Joe Washington of the Redskins, Mrs. Marion Barry and Mrs. Walter Washington.

MHI receives $7.1 million from the federal government each year—$3.1 million for actual programs it runs for visitors and $4 million which passes through as per diem expense money for the visitors, according to Patricia Johnson, vice president for development. In addition it raises $700,000 a year from contributors, a long list of corporate and individual supporters, including Coca Cola, IBM, Dr. and Mrs. Armand Hammer, and Mrs. Hubert Chanler, the daughter of the original owners of Meridian House when it was a residence.

Since 1968, the principal fund-raising event has been an annual ball preceded by dinners at several embassies. This year, the charge will be $200 a person. More than 450 persons usually attend; last year they included United States officials, members of Congress and the ambassadors of 21 nations.

"This is an extension of 30-odd years in the foreign service," says Mr. Jova.

"Who knows? What I am doing now may be more important and more meaningful than when I was an ambassador abroad."

Meridian House International, with 106 staff members, is actually an institution of five separate but related programs:

THIS (The Hospitality and Information Service)—with two paid staff workers and more than 300 volunteers, THIS helps diplomats adjust to Washington. It finds the baby sitters, veterinarians, ballet lessons, gourmet grocers. Recently it helped a Scandinavian woman rent a mobile home for a cross-country trip.

IVIS (International Visitors Information Service) assists in international tourists and official visitors at centers at the two airports and in the city and provides language intercepting and hospitality services for a number of visitor exchange programs.

WIC (Washington International Center) is contracted by the Agency for International Development to provide orientation programs for AID-sponsored foreign students in this country. There were 3,345 of them last year.

VPS (Visitor Program Service) is under contract to develop tours throughout the United States for foreign visitors sponsored by the United States Information Agency—1,454 of them last year.

NCIV (National Council for International Visitors) is a coordinating unit between 42 national agencies that send international visitors to communities throughout the nation and 92 community-based groups that act as hosts to these visitors.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984, PUBLIC LAW 480 PROGRAM

The PRESIDING OFFICER. The Senate will resume the consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate resumed consideration of the resolution.

Mr. HATFIELD. Mr. President, I am going to propound a unanimous-consent request that I have cleared on both sides of the aisle. What it proposes to do is have a committee amendment to House Joint Resolution 492 be considered as agreed to provided no points of order are waived thereon and that the measure as amended be considered as original text for the purpose of further amendment.

The point is simply that, rather than having to go the second round, if that is objected to, of amendment by amendment, this gives flexibility to those who have other amendments besides the committee amendments. It waives no rights. People have the same opportunity to offer amendments as they would in the second option. I ask unanimous consent that that be done.

I urge that that the unanimous-consent request be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I have an opening statement to make, but let me indicate first that there are a number of amendments that I understand are desired on the part of Members, at least to be offered for consideration. I urge those Members who have amendments to come to the floor and give us an opportunity to take them up.

I am aware that on the Nicaragua and the El Salvador amendments, it is the desire of a number of Members that they not be taken up today, perhaps not even tomorrow. It is hoped that they can be disposed of on Wednesday. In the meantime, I would like to consider a number of other amendments that are floating, as we call it, around, or at least have an opportunity to consider them.

Mr. President, we have before us today, House Joint Resolution 492, a measure generally referred to as the Public Law 480 urgent supplemental. A cursory glance at this joint resolution, however, reveals that this measure contains a number of extraneous items and provisions, wholly unrelated to food assistance to Africa. As chairman of the Committee on Appropriations, I believe I owe my colleagues an explanation regarding the extraordinary metamorphosis of this simple urgent supplemental.

About a month ago, the administration transmitted two urgent supplemental budget requests: $200 million for energy assistance to low-income households hard hit by the severe winter, and $90 million for emergency food relief for African nations devastated by a drought.

The House of Representatives originated and passed two urgent supplemental joint resolutions for these items on March 6. In recognition of the critical need for quick action on these measures, I, with the concurrence of the ranking minority member of the committee, Mr. STENNIS, sought to have both placed immediately on the Senate Calendar, rather than referred to committee. Our request to expedite consideration of these measures was objected to, and as a consequence they were referred to the committee on March 7.

Mr. President, on March 8 the committee met to report both House Joint Resolution 492 and House Joint Reso-

lution 493. At that time we were confronted with highly controversial supplemental requests for additional military assistance to El Salvador and further support of rebels opposed to the Government of Nicaragua. The committee subsequently reported the low-income energy assistance resolution without amendment, reserving the African drought relief as a possible vehicle for these nongermane riders.

Mr. President, I would like to make clear that it was my profound desire to avoid any amendments on these measures, and to pass both of them expeditiously. It is still very cold in a number of states, and many of these states are completely out of funds to help low-income households pay their utility bills. The tragedy of widespread hunger and starvation in African nations plagued by drought, aggravated in many instances by war or civil strife is almost too enormous and horrible to contemplate. But these desperate needs continue unaddressed, unmet, while we debate out procedural and political options.

We finally passed the low-income energy assistance supplemental 2 weeks ago, but because it appeared that the African drought relief supplemental would be delayed by the Central American amendments, we added some food aid money to the first vehicle. Again, I know of no opposition to funds combined in that measure, but althought there is now a conference agreement, the House has not yet agreed to that conference report.

That conference agreement provides $90,000,000 for African food relief, but the balance of that urgent need is funded in the pending measure.

Mr. President, there is no doubt that we could and should have passed both urgent supplementals weeks ago. Unfortunately, we failed to do so. But that is water under the bridge. What we must do now is to redouble our efforts to move this legislation forward, and do so expeditiously.

While I realize that it is perhaps too late to hope that we could remove all our amendments from the pending measure, I urge my colleagues to refrain from adding further complications and obstacles to the rapid consideration of this joint resolution.

Again, Mr. President, the Senator from Mississippi (Mr. STENNIS), our ranking member of the committee, as well as colleagues on both sides of the aisle, have cooperated in an extraordinary fashion to try to move these two supplementals in spite of the political problems that we face and the strong passions and feelings that are present on both sides of each of these issues.

I am very hopeful that this will not become a Christmas tree with all the ornaments which people create to add as amendments because that will delay the whole process.

The House of Representatives has already reintroduced both of the original supplementals and referred them to committee, which could give us a sign that if we get into a typical Senate procedure of adding many amendments, I would have great doubt whether the House would be willing to go to conference on such a bill. Instead, they would probably send us one of the clean versions to reconsider. So really the ball is in our court at this point. I do not think anyone can avoid the responsibility that we have on the Senate side to act expeditiously on this African food aid even though we took $90 million for Public Law 480 in the conference only last week and $90 million for the Commodity Credit Corporation to provide a total of $180 million for the most immediate urgent problems. But we still have a balance of $60 million in food aid in this joint resolution for Africa. This is also urgently needed, and I hope we can act quickly on this measure.

With that, I yield to my colleague from Mississippi.

Mr. STENNIS. Mr. President, the pending measure, House Joint Resolution 492, making urgent supplemental appropriations for the fiscal year 1984, was reported by the Committee on Appropriations on March 14, the same day we had this proposed legislation before us for consideration and markup. As passed by the other body on March 6, House Joint Resolution 492 only provided Public Law 480 funds in the amount of $150 million to provide emergency food assistance to certain African countries due to drought conditions. Our committee adopted and now recommends several amendments. The chairman has already explained these matters and I subscribe to what he has said about them.

I want to especially commend and thank our chairman, the distinguished Senator from Oregon, for the way he handled these difficult matters. The committee met for a full morning session marking up this bill and debating these amendments, particularly those parts of the recommendations dealing with Central America. These are difficult but highly important matters and we had some close votes. But the expeditious processing of this bill by our committee is principally due to the considerable talents of our fine and able chairman. It is a pleasure for me to be associated and to work with him on these appropriation matters, as well as others.

The report accompanying the bill more fully explains the recommended amendments so I will not undertake to explain the recommendations in any detail but will only summarize these recommendations. First, at the time of the committee meeting, the committee concurred in the House provision of $150 million in supplemental funds to provide urgently needed food assistance to several countries in Africa, and also agreed to the House language that up to $90 million shall be available from the Commodity Credit Corporation inventory for sale on a competitive basis or barter to the African countries which require assistance or to any country planning to assist those countries.

The committee's agreeing to the House action occurred before our floor consideration of the other urgent bill which included a floor amendment providing $80 million for food assistance. Late last week, House and Senate conferees agreed to provide $90 million in Public Law 480 assistance and $90 million in Commodity Credit Corporation sales in that other bill. That action, of course, will now require an adjustment in this amount of $150 million as contained in this bill.

In addition, the committee-recommended amendments provide supplemental funding and provisions as follows:

An amount of $545.5 million to fund the child nutrition programs for the remainder of fiscal year 1984, the same amount as requested by the President; $300 million in supplemental funding for the feeding program for women, infants, and children, the WIC program. This amount is more than requested by the President but provides full year funding in fiscal year 1984 of the caseload that was reached at the end of fiscal year 1983; the amount of $92.7 million for military assistance for El Salvador is recommended as requested by the President on an emergency basis; $21 million is provided for the Central Intelligence Agency for operations in Central America, again as requested by the President on an emergency basis.

Several general provisions are recommended including, first, a provision dealing with the termination of military assistance to Panama if the Armed Forces of Panama should disrupt or cancel the May 6 election; second, a provision correcting the law dealing with magistrate pay levels; third, a prohibition on the use of appropriations to the Department of Defense for operations and maintenance for construction modifications; or improvement of military facilities, other than temporary facilities, in the nation of Honduras unless specifically authorized and funded by the Congress; and fourth, a provision disapproving a proposed deferral of $14 million appropriated in the fiscal year 1984 Interior Appropriation Act to initiate construction on the Cumberland Gap Tunnel.

Mr. President, let me say further that the bill in its present form represents a great deal of work above and beyond the call of duty by the chair-

man of the committee and his valued staff members.

Also, we have legislated here in the dark in this respect, and I mention it just for the continuity of my position. I am not the only one. We do not have a recommendation on some of the matters contained in these amendments that are considered major from the regular committee that ordinarily has jurisdiction. For example, the Foreign Relations Committee as I understand had before it an authorization bill proposing the aid for the Central American countries. We have been without their counsel, advice, and work, and that of their valued staff.

I deplore the trend in the Senate where we have continued to go further and further for what I think are the minimum essential considerations of a bill or whatever and we try to avoid the regular authorization committee. But one way or another they get skipped. I do not know why they have not reported on these bills. I imagine there is some disagreement upon them. That is the ordinary cause of delay.

I do not approve of it. Although I practice it some, I do not think we ought to get into a pattern of abandoning reliance on our major committees, which are really the ones that do the most effective work in getting sound legislation worked out. I am not trying to give any lecture about it. I have no personal grievance. But I think it is unwise, unsound, and I think the Senate and the country will pay a terrible price if we abandon these legislative committees to try to handle it all through the Budget Committee and the Appropriations Committee. I say that with all deference to those committee members.

I have nothing further at this time, Mr. President.

Mr. HATFIELD. Mr. President, I thank the Senator from Mississippi for his observations. He is quite right. The authorization committees oftentimes will complain—and rightfully so—about riders and amendments that are offered on Appropriations Committee bills which authorize and appropriate at one and the same time.

The other side of the coin, of course, as the Senator has alluded, is that there are times when the authorizing committees have failed to act; the issue may be of some import or magnitude that there is no option left but to take the authorization and appropriation process and combine them, whether it is on a continuing resolution, as we did last year because of the failure of the Foreign Relations Committee to make decisions and to act upon that question.

As chairman of the Appropriations Committee, I would much prefer to see our work totally and exclusively restricted to that of appropriating funds after the careful hearings, analysis, and consideration that we conduct. But there are those rare occasions when, due to the exigency of time and the failure of the authorizing committee, we have been left no option. I certainly do not seek—and I know the Senator from Mississippi does not—that additional responsibility, but it also might raise an interesting possibility of combining the authorizing and appropriating processes.

That idea has floated from time to time. Of course, the Senator from Mississippi and I would prefer that those authorizing authorities be transferred direct to the Appropriations Committee. It would be more acceptable than if they transferred them in the other direction. But I do think this points up a number of problems both in general legislative procedure and also in how do we best handle an emergency or a crisis problem except by going the route of an appropriation vehicle when the authorizing committee has not been able to muster enough consensus or develop enough agreement to make a decision. We do not seek it. Sometimes it is thrust upon us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nomination on page 3 under the title "Supply Corps Officer," that nomination only.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

NAVY

SUPPLY CORPS OFFICER

The legislative clerk read the nomination of Henry Culberson Amos, Jr.

Mr. STEVENS. Mr. President, this person comes to us highly recommended by the distinguished previous President pro tempore of the Senate, and I urge his confirmation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the majority leader and the minority leader for considering this matter at this time.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I would like to ask my good friend if it would be in order for us to proceed to the consideration of other nominations on the Executive Calendar. I have in mind beginning on page 1, Calendar No. 514 and Calendar No. 516, and continuing through Calendar Nos. 517, 519, 520, 521, 523, and 526.

Mr. BYRD. Mr. President, we on this side of the aisle are ready to proceed to the consideration of the nominations which are calendar numbers as follows: Calendar Order Nos. 516, 519 through 523, running to the bottom of page 3, and, in addition to that, Calendar No. 526 and the nominations placed on the Secretary's desk, if the distinguished assistant majority leader wishes to proceed.

Mr. STEVENS. To the items that the distinguished minority leader has mentioned, I would add the nominations for the Navy and the Public Health Service on page 5.

Mr. BYRD. Yes.

Mr. STEVENS. There is one nomination there that has not been cleared on our side.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask that the Senate go into executive session for the purpose of considering those nominations just referred to.

There being no objection, the Senate proceed to the consideration of executive business.

Mr. BYRD. Mr. President, does the clerk have any difficulty following the nominations?

The PRESIDING OFFICER. Will the acting majority leader restate the nominations?

Mr. STEVENS. Mr. President, I ask that the Chair request the clerk to lay before the Senate Calendar Nos. 516, 519, 520, 521, 523, 526, and the nominations for the Navy and the Public Health Service appearing on page 5.

The PRESIDING OFFICER. The nominations referred to will be stated by the clerk.

The legislative clerk proceeded to state the nominations.

Mr. STEVENS. Mr. President, I wish to thank my good friend from West Virginia, the distinguished Democratic leader, for agreeing to allow me to present this nomination at this time.

Mr. President, I rise to support the nomination of H. Russel Holland of Alaska to be our State's new U.S. district court judge. Before I speak about Mr. Holland's qualifications, I wish to thank the distinguished chairman of the Committee on the Judiciary, Senator THURMOND and other members of the committee for expeditiously scheduling the hearing on Mr. Holland's nomination and the reporting of the nomination to the Senate. I am especially appreciative of the chairman's courtesy because of the considerable time constraints that he and other members of the committee have been operating under in recent weeks.

Members of the Senate, today it is my pleasure to speak to you about Russ Holland, who is the President's nominee to the U.S. District Court for the District of Alaska. The Alaska delegation solidly supports this nomination. Mr. Holland is from Anchorage, Alaska, and he is well known and well regarded as a trial lawyer in our State. Mr. Holland has been a member of the Alaska bar since 1963. He was an assistant U.S. attorney in Alaska from 1963 through 1965. He obtained his education, both undergraduate and graduate, at the University of Michigan.

Mr. President, I can speak from personal experience that Russ' knowledge of the law and his lawyering skills are excellent. More importantly, however, is the judicial temperament I believe he will bring to the Federal bench. Russ feels as I do that judges are better off executing the law rather than rewriting it. I know he would not hesitate to do the best job that he can in balancing the collective interests of our society against those of individuals, but he will at the same time exercise the type of judicial restraint that I believe is now needed in our Federal court system.

Again, Mr. President, it gives me great pleasure to support and ask for the Senate's confirmation of an Alaskan that I, Senator MURKOWSKI, and all of Alaska are very proud of, Mr. Russel Holland.

Mr. President, I ask unanimous consent that the nominations I have specified be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Without objection, the nominations are confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Irving P. Margulies, of Maryland, to be General Counsel.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard L. Prillaman, [redacted].

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Donald R. Keith, [redacted].

The following-named officer under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Richard H. Thompson, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Benjamin F. Register, Jr., [redacted], U.S. Army.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

Jack Stephen Smith.
Burton Orville Benson.
James Merrill Strickland.
Martin William Leukhardt.

UNRESTRICTED LINE OFFICER (TAR)

Albert Eugene Rieder.

AERONAUTICAL ENGINEERING DUTY OFFICER

Clay Wayland Gordon Fulcher.

MEDICAL CORPS OFFICER

James John Cerda.

CHAPLAIN CORPS OFFICER

John Joseph Hever.

CIVIL ENGINEER CORPS OFFICER

David Oliver Smart IV.

THE JUDICIARY

H. Russel Holland, of Alaska, to be U.S. district judge for the district of Alaska.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE NAVY, PUBLIC HEALTH SERVICE

Navy nominations beginning Jon R. Agne, and ending Michael P. Grief, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 12, 1984.

Public Health Service nominations beginning Karen C. Carlson, and ending Roger D. Prock, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 9, 1984.

Public Health Service nominations beginning William P. Castelli, and ending Wayne T. Sanderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 9, 1984.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the various nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask that the President be immediately notified of the confirmation of those nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, during which the distinguished Democratic leader may be recognized therein for as long as he desires to speak. The Senator will present to us another of a series of remarks that he has been making on the history of the Senate. Following the distinguished Senator's remarks, I ask him as a matter of course to put in a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I appreciate the courtesy extended to me by the distinguished assistant majority leader.

I ask the distinguished assistant majority leader if he wishes to provide for other Senators to speak in morning business. In the event Senators should come to the floor, I would be glad to yield the floor at any point at which any Senator wishes to speak or transact business.

Mr. STEVENS. Mr. President, I would be happy to amend that request to add in addition to the recognition of the distinguished Senator from West Virginia that any Senator may speak therein for a period not to exceed 5

minutes, subject to the Senator's yielding to them, of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, again I thank the distinguished assistant majority leader.

Mr. STEVENS. Mr. President, I would also like to add to that unanimous-consent request that the distinguished majority leader be able to yield time to any Senator who wishes to speak to the pending business, which is the supplemental appropriations bill.

Again, when the Senator is making his statement, if he wishes to yield time to a Senator for that purpose, he and the Senator can work out the time agreement as far as I am concerned.

I would hope that the Senator's statement for the RECORD will not be interrupted. I have enjoyed reading them, as I have told my good friend. One of these days, we ought to make them into a book as a real treatise on the history of the Senate.

Mr. BYRD. Mr. President, before the distinguished assistant Republican leader leaves the floor momentarily, I understand that no Senator wishes to talk at this point and that there is no Senator who wishes to proceed with the transaction of the business of the urgent supplemental appropriations.

Am I correct as far as the distinguished assistant Republican leader is concerned?

Mr. STEVENS. Mr. President, that was our information. I say, regrettably because of the number of Senators who are still on their way back to the Capitol, that no one wishes to proceed at this time with calling up an amemdment, including the committee, and, therefore, it is not possible to have other than what amounts to opening statements on the supplemental appropriations bill which is pending before the Senate.

Mr. BYRD. Mr. President, I thank my friend from Alaska. I shall proceed.

When I am finished, I will suggest the absence of a quorum as the Senator has so requested.

Mr. STEVENS. I thank the Senator.

THE UNITED STATES SENATE

THE SENATE IN THE ROARING TWENTIES

Mr. BYRD. Mr. President, it was the humorist Will Rogers who said: "I'm not a member of an organized political party—I'm a Democrat." [1] He made that statement, I hasten to add, during the 1920's, at a period when the party had never been more disorganized and in disarray. As the incumbent party going into the elections of 1920, the Democrats found themselves at a decided disadvantage. They took the blame for all the ills of society in the aftermath of the First World War. The removal of federal controls on the economy had stimulated a period of rapid inflation and of labor unrest; the returning veterans of the war were met with unemployment; there were racial tensions and riots in many cities aimed at black people who had moved there in search of wartime employment; there was a virulent Red Scare that trampled upon American civil liberties. With the president seriously ill and incapacitated, there was a growing sense that the government was no longer in control.

Public opinion shifted away from the reform spirit of the Progressive Era and the New Freedom policies of President Woodrow Wilson. The younger generation, as F. Scott Fitzgerald wrote in his first novel, *This Side of Paradise*, "had grown up to find all Gods dead, all wars fought, all faiths shattered." It was not surprising to find society turning to escapism, and to see the great crusades for progressivism and making the world safe for democracy giving way to bathtub gin, flappers, flagpole sitters, and the other oddities we identify with the "Roaring Twenties."

The Democratic coalition which had dominated national politics for the past decade was disintegrating. As Professor David Burner has described in his book, *The Politics of Provincialism*, "The Republican cause was that of the middling elements in American civilization, in country and city alike, and appealed to a wide range of incomes and occupations, while for decades the Democracy had attracted the extremes—the most aggressively Jeffersonian or populist of the farmers, particularly in the South, and the most powerful of the urban immigrant machines." [2] The postwar issues of Prohibition and immigration quotas further divided the predominantly native, dry, Protestant, rural South from the immigrant, wet, Catholic, big-city Democratic organizations of the North.

Democrats had gotten a foretaste of what was to come in the congressional elections of 1918. After controlling the House for eight years and the Senate for six, they lost their majorities in both. The Senate Democratic margin of 53 to 42 in the 65th Congress was reversed to a Republican majority of 49 to 47 in the 66th Congress. The election of 1920, however, was a Republican landslide, giving that party a 59 to 37 margin in the Senate.

In the presidential race, the Democrats nominated Ohio Governor James Cox, owner of a chain of newspapers, as their candidate. Cox was a solid but colorless political leader. For vice president, the party chose the dynamic young assistant secretary of the Navy, Franklin D. Roosevelt—Teddy's distant cousin. But the team of Cox and Roosevelt never stood a chance. The Republicans nominated the tall, distinguished-looking Ohio Senator Warren G. Harding, also a former newspaper publisher. Party leaders chose Harding in a "smoke-filled room," but the delegates surprised everyone by spontaneously nominating Massachusetts Governor Calvin Coolidge from the floor, as Harding's runningmate. Coolidge had gained national fame for his opposition to the Boston police strike of 1919, and his ringing declaration: "There is no right to strike against the public safety, by anybody, anywhere, anytime." [3]

It is instructive, perhaps, to note that, while many senators have become president, only two in this century have gone directly from the Senate to the White House—Harding and John F. Kennedy. Presidential politics generally has not been kind to United States senators. Those called upon to cast votes on every controversial issue often wind up alienating important segments of the voting population. This was true in the nineteenth century, when men like Daniel Webster, Henry Clay, John C. Calhoun, Stephen Douglas, Charles Sumner, James G. Blaine, and John Sherman, all towering figures in the Senate, were frustrated in their presidential ambitions. Similarly in 1920, there were senators of the stature of William Borah, Hiram Johnson, Robert La Follette, and Oscar Underwood, who chaired committees, shaped legislation, and defined legislation, and who yearned for the presidency. Not by any stretch of the imagination could Senator Harding be included in this group—but Harding received the nomination.

Warren Harding was a self-effacing, kindly, easy-going sort of fellow who fit perfectly into the club-like atmosphere of the Senate in those days. He was an easy man to like, and everyone said he looked like a president. On the campaign trail he promised "normalcy not nostrums," and while his speeches do not make a great deal of sense when read today, they sounded soothing in those turbulent times. Harding's stand on the issues was so vague that he was able to appeal to both supporters and rabid opponents of the League of Nations, to internationalists and isolationists, to wets and drys, to urban and rural areas. Harding and Coolidge walked away with the election, winning by better than a two-to-one margin over Cox and Roosevelt. Both houses of Congress also went overwhelmingly Republican.[4]

The Republican majority was not monolithic. There were still deep divisions within the party. On the right wing stood the "Old Guard," men like majority leader Henry Cabot Lodge—

Footnotes at end of article.

then the longest serving senator; the gargantuan Boies Penrose; Reed Smoot of Utah, inheritor of Nelson Aldrich's mantle as defender of the protective tariff; George H. Moses of New Hampshire; and James E. Watson of Indiana. Opposed to them were the progressive Republicans, a smaller but extremely vocal group which included La Follette, Borah, Johnson, George Norris, and other Western senators. A decade later, Senator Moses scornfully referred to these Western Progressives as "Sons of the World Jackass," and they wore the title as a badge of honor.

The Progressives were not particularly effective in the 1920's—Borah's biographer called him "The Spearless Leader"—and they were more often seen as obstructionists than creative reformers. In agricultural matters, however, they were able to form alliances with Democrats and farm-belt Republicans to enact legislation to aid the beleaguered American farmers. But while they had the votes to pass farm bills, as we shall see, they lacked the strength to override presidential vetoes.

Farmers were one of many interest groups petitioning Congress for aid during the 1920's, along with veterans, labor unions, and others. Instead, it was business that found the warmest welcome in Washington. After two decades of antitrust legislation and government regulation, American business leaders had a clear agenda they expected to achieve under the Republicans. They wanted lower corporate and individual income taxes; they wanted sharp reductions in federal spending; they wanted a relaxation of federal regulations; and they wanted high protective tariffs. During the administrations of Harding and Coolidge, business got what it wanted. As Calvin Coolidge asserted: "The business of America is business."

One of the first acts of the 67th Congress in 1921 was one of its most significant. That was the passage of the Budget and Accounting Act, which created the General Accounting Office and the Budget Bureau in the Treasury Department. Today this is the Office of Management and Budget. Prior to this act, each department and agency of the government had to come separately to Congress for its appropriations. And, as Professor John D. Hicks noted, "Congress tended to vote appropriations and revenues quite independently of each other, trusting that somehow what came in and what went out would about balance." The Budget Act had previously been passed in the 66th Congress, but President Wilson vetoed it. He considered unconstitutional the provision for the Comptroller General of the GAO to be appointed for a fifteen-year term and to be removable from office by Congress rather than the president. Warren Harding had no such objection and signed the bill into law. After this, each presidential administration would submit an annual budget with estimated expenditures and receipts. Harding's first budget under the new law called for expenditures of $3.5 billion.[5]

Also in 1921 the Harding administration proposed a major reduction of federal taxes. This was the work of Andrew W. Mellon, one of the richest men in the nation, who had resigned from some sixty corporate directorships in order to become Secretary of the Treasury. Secretary Mellon was the leading exponent of the "trickle down" theory of government taxing and spending. He thought government was making a fatal mistake in taxing high incomes. Government should leave the producers of wealth alone, Mellon advocated, so they could wisely invest their money, stimulate the economy and increase employment. Mellon incorporated this philosophy into the administration's revenue program, which included repeal of the wartime excess profits tax, sharp reduction on high income taxes, and corresponding increases in such tax surcharges as a tax on bank checks and automobile licenses; in other words, shifting the tax burden from the higher to the middle and lower brackets. One might call this the 1921 version of "Supply Side Economics."

Democrats and Progressive Republicans in the Senate were incensed with these proposals. As Democratic Senator Gilbert Hitchcock of Nebraska argued on the Senate floor:

"There are virtually only two ways in which the revenues of the United States government can be raised. They must either be raised by taxes on consumption or they must be rasied by taxes upon wealth . . . . Apparently . . . the majority who have drawn this bill and who are putting it through the Senate have a settled purpose in this bill not only of relieving the taxes upon the wealth of the country, but in the pending schedule the majority party has determined to relieve the great, prosperous corporation of the legitimate tax upon their profits . . . which is levied in the existing law."

The new taxes, said Hitchcock, would fall unjustly "upon the man of limited means." Or, as Senator La Follette described it: "Wealth will not and cannot be made to bear its full share of taxation." Despite such opposition, and after a long and protracted debate, the Senate passed the "act to reduce and equalize taxation," by a margin of 38 to 24. After final ironing out in conference committee, the bill went to President Harding, who gladly signed it.[6]

The next pillar in the administration's business program was a high protective tariff, to raise substantially the rates reduced by the Democratic Underwood Tariff. Unlike the last Republican tariff, the Payne-Aldrich Act, there was little organized opposition to what became the Fordney-McCumber Act of 1922. One reason for this was the cooption of the farm bloc by the passage of an emergency agricultural tariff in 1921. President Wilson had vetoed an earlier version of this tariff, arguing that it would not affect the real farm problem, overproduction. But representatives from the hard-pressed farm belt pressed for its passage and, when it cleared the Congress a second time, President Harding signed it. Now, during the Fordney-McCumber debate, farm bloc senators could not effectively protest against it. After the passage of this act—which set the highest rates of any tariff up to that time—one farm sympathizer commented:

The farmer's day begins when he is aroused by an alarm clock, and the new tariff bill raises the duty on this item 67 percent. His first act is to throw off the bed covering on which the duty has been increased 60 percent. He jumps from the bed, on which the duty is advanced 133 percent, and dons a summer bathrobe, with the duty up 60 percent and slippers with the duty increased 33 percent.[7]

Mr. President, the real tragedy of the Fordney-McCumber Act was not that it raised the price of consumer goods, but that it caused other nations to retaliate. The 1920's saw the building of tariff walls all around the globe, significantly choking international trade. Tariffs compounded the problems that Europe encountered in rebuilding itself after the First World War, since only by their exports could these nations hope to repay their war debts. As the world's leading creditor, the United States did itself more harm than good in its effort to protect its industry. Farmers, who paid the higher cost for industrial goods, also found that their own agricultural exports were reduced by other nations' trade barriers, further deepening the farm depression in the United States. The tariff also stimulated the growth of industrial monopoly within the United States. It was a great mistake, for which the nation would later pay a heavy price.

The Harding administration and the Republican 67th Congress were eager to remove the federal government from any form of competition with business. Shortly after Harding's inauguration, the War Department announced that it was halting work on the Wilson Dam on the Tennessee River and was accepting bids to sell its Muscle Shoals holdings. Muscle Shoals is a 37-mile stretch of the Tennessee River in northern Alabama, in which the river falls some 134 feet, providing a powerful amount of energy if properly harnessed. During the war, the

federal government had built two nitrate plants at Muscle Shoals for the production of explosives, and these also the government sought to sell. Reformers, led by Senator George Norris of Nebraska, were disturbed at the prospects of turning Muscle Shoals over to private developers. They wanted to tap the natural resources of the Tennessee Valley to provide cheap electricity and low-cost fertilizer to lift the people of that region out of poverty.

In July, the War Department announced that automobile manufacturer Henry Ford had submitted a proposal to lease and develop Muscle Shoals. The administration and the press touted this offer as a great economic leap forward, but Senator Norris, chairman of the Senate Agriculture Committee, had serious reservations. Norris pointed out that Ford had made no offer to continue the government's program of reducing the cost of fertilizer; that Ford was offering $5 million for property the government had spent $106 million to develop; and that he would obtain a 100-year lease on water power generated by government-financed dams. "I am unwilling to give away the birthright of millions of unborn citizens for the enrichment of private corporations at the expense of the taxpayers of America," Senator Norris declared. Through his persistent efforts, Norris was able to block Ford's acquisition of Muscle Shoals, and in 1928 and 1929 the senator successfully shepherded public power bills through Congress. However, both Presidents Coolidge and Hoover vetoed the measures. The Tennessee Valley Authority, as we know it today, had to await a very different president in 1933.[8]

The War Department's effort to unload Muscle Shoals represented but one incident in the Harding administration's effort to divest government property to private developers. A far more famous example of this policy was the Interior Department's leasing of naval oil reserves in Wyoming, at a spot identified by an outcropping of rocks which resembled a large teapot: Teapot Dome. Although conservationists were upset with the government's policy, the transfer of the Teapot Dome oil reserves to the Mammoth Oil Company, the action attracted little attention in the press. It was only after a private citizen in Wyoming wrote to Democratic Senator John B. Kendrick that any hint of impropriety surfaced. Why, the letter writer asked, were the negotiations for Teapot Dome oil held in secret, when the law required public bidding? Senator Kendrick wrote to Interior Secretary Albert B. Fall for an explanation, but received no response. Senator Kendrick then introduced a resolution demanding that the Interior Department provide information on the transfer. This time he received some satisfaction. The Department admitted that the transaction had taken place, and explained that the secret negotiation and closed biddings were necessary to protect national security.

There the matter might have rested. After all, Secretary Fall had only recently been a senator from New Mexico, and as a member of the Senate he had been a close friend of Senator Harding and many other senators. But Senator Robert La Follette was dissatisfied with the explanations Fall's Department had offered and introduced resolutions calling for the Senate Committee on Public Lands to investigate the whole question of leasing naval oil reserves. When the resolutions were adopted, La Follette was the natural choice to head the investigation, but he was busy with other matters and persuaded Senator Thomas J. Walsh, a Democrat from Montana, to take the job. Walsh was a serious-minded, clear-headed lawyer and prosecutor, a perfect choice to head the investigation. When the Interior Department, in a public show of good faith, delivered a truckload of documents relating to oil reserves, a lesser man than Walsh might have given up in the face of the impossibility and the drudgery of the task. Indeed, for over a year and a half, the public and the press heard little about this Senate investigation; it generated no headlines and no glory for its chairman. Even after Walsh was ready to hold public hearings, he found it difficult to make much headway. Secretary Fall appeared in the Caucus Room to deny vigorously there had been any wrongdoing in the oil lands transfers, and to maintain they were simply a matter of good business. Walsh then brought in witnesses to describe the lavish and expensive additions that had recently been made to Fall's New Mexico ranch, but he was unable to link Fall's sudden prosperity to the oil deals. As the *New York Times* observed, "Senator Walsh was up against a stone wall. The wise politicos of Washington believed that he had gone as far as he possibly could go."[9]

At this point in the investigation, it was Tom Walsh and his Senate colleagues who were under attack. The Harding administration was extremely popular, and the press was overwhelmingly hostile to the investigation. Walter Lippmann referred to "that legalized atrocity, the congressional investigation, in which Congressmen, starved of their legitimate food for thought, go on a wild and feverish manhunt, and do not stop at cannibalism." Dean John H. Wigmore of the Northwestern Law School, contemptuously dismissed "the senatorial debauch of investigation—poking into political garbage cans and dragging the sewers of political intrigue."[10]

Just at this point, as the case was on the brink of collapse, Senator Walsh achieved a breakthrough. Edward McLean, publisher of the *Washington Post,* had let it be known that he had lent Fall $100,000 in 1921, which seemed to be the source of Fall's new wealth. I should point out that the *Washington Post* was then a staunchly Republican paper and McLean was a personal friend of President Harding. Senator Walsh wanted to interrogate McLean about this loan, but the publisher was in Florida and pleaded illness as an excuse for not returning to Washington to testify. Undaunted, Senator Walsh boarded a train for Florida. There he was able to ascertain that McLean had indeed lent money to Fall, but that Fall had returned his checks uncashed. Fall, who was also in Florida at that time, refused to answer Walsh's questions about the true source of his income. At last the press scented a real scandal and pursued it with a fury. The investigation became front-page news, and Senator Walsh became its hero rather than its villain.

Further investigation revealed how Fall had gotten his money. He had received large sums from Harry Sinclair, president of the Mammoth Oil Company, which leased Teapot Dome, and from Edward Doheny, whose Pan-American Petroleum Company had been awarded drilling rights in the naval oil reserve at Elk Hills, California. The rest, as they say, is history. Albert Fall went to prison. Another Senate investigation, chaired by Senator Burton J. Wheeler, inquired into the reasons why the Justice Department had not prosecuted Fall, Sinclair, and Doheny. That investigation led to the resignation of Attorney General Harry Daugherty, who was spared a jail term only because of his poor health. Harry Sinclair was cited for contempt of Congress for refusing to answer questions related to his private affairs. This set the stage for a significant Supreme Court decision, *Sinclair* v. *United States* (1929), which upheld the Sinclair contempt citation and the Senate's right to investigate. In a related case, *McGrain* v. *Daugherty* (1927), the Supreme Court also ruled that the Senate had the right to compel private individuals to testify before its committees. These two decisions have provided the legal underpinnings for congressional investigations over the past half century.[11]

A controversial Secretary of the Interior, massive tax cuts, the trickle-down theory, cutbacks in government spending, turning over of government functions to private industry—all this has a familiar ring to it. As Mark Twain once said, history may not repeat itself, but it rhymes.

Scandal and corruption became indelibly linked to the Harding administration—corruption in the Interior De-

partment, the Justice Department, in the Veterans' Bureau. We recall the "Little Green House on K Street" where the "Ohio Gang" hung out, and where the president would journey for an evening of poker. Alice Roosevelt Longworth, daughter of Teddy Roosevelt and wife of House Speaker Nicholas Longworth, described her visits to the White House in the Harding era, where she smelled the cigar smoke heavy in the air, saw the table tops littered with whiskey bottles (despite Prohibition), and found the poker chips spread on the tables. The president was not a bad sort of fellow, she recorded, "just a slob." Historians have echoed her assessment. Although Harding himself was never guilty of corruption, he was victimized by his corrupt friends. Long before the Senate uncovered the truth of Teapot Dome, Harding realized that his administration was collapsing. Depressed and tired, he traveled to Alaska in the summer of 1923, and while on the West Coast he died suddenly.[12]

Harding's death elevated the taciturn New Englander. Calvin Coolidge, to the presidency. As vice president, Coolidge had quietly presided over the Senate. He rarely talked to reporters, and the press had paid little attention to him. Once he became president he continued his reputation as "Silent Cal." Coolidge stepped into the Harding mess, but had been far enough removed from the administration not to be tarred by its scandals. He went about cleaning house, and building his own reputation. In 1924 he easily won the Republican nomination. His election was, however, no certainty. The Republican party, as I have mentioned, was seriously divided. In the 1922 congressional elections, farm state progressives had routed party regulars, and Democrats had increased their numbers in both the Senate and the House. Democrats also hoped to capitalize on the Harding scandals. Unfortunately, the Democrats committed a form a political hara-kiri at their convention in 1924. Deadlocked for 104 ballots in the sweltering heat of a New York City summer, and in their first convention broadcast over the radio, the Democrats finally nominated a reputable, but little-known compromise candidate, John W. Davis of West Virginia. Davis had little hope of healing the deep breaches in the party, between urban and rural, North and South, wet and dry factions, in the short months before the election.

A third candidate also made the race in 1924, and that was Wisconsin's Robert La Follette. Although aging, the old progressive would not slow down. In 1924 he put together a coalition of farmers, labor unions, progressives, and socialists into a Progressive Party, and ran as their candidate for president. Democratic Senator Burton K. Wheeler of Montana was tapped to run for vice president on the ticket. Despite La Follette's enthusiasm and charisma, his third party came in third in the 1924 election. The nation had decided to 'Keep Cool With Coolidge," and gave the president more votes than his two opponents combined. La Follette carried only his homestate of Wisconsin.[13]

The newly elected 69th Congress contained 50 Republicans, 40 Democrats, and 6 "irregulars" who had supported La Follette's candidacy. The regular Republicans were determined to punish these irregulars by expelling them from their caucus and stripping them of their committee assignments. Robert La Follette was their chief target, but death cheated the old warrior and his enemies of one last battle. In June 1925, exhausted from his presidential campaign, La Follette died. Senator Edwin Ladd of North Dakota also died before the caucus could punish him. Voters frustrated the party regulars by electing progressives to replace the two fallen senators. Gerald P. Nye took Ladd's seat, and Wisconsin elected 30-year-old Robert La Follette, Jr. to his father's seat. "Young Bob" and the rest of his family would have preferred to see his more politically aggressive younger brother, Phil La Follette, become senator, but Phil was too young to meet the constitutional age requirement. Thus the Senate had another Robert La Follette.

The Republican caucus stripped the remaining insurgents of their committees, and awarded a contested seat to Iowa to the Democratic candidate rather than permit a La Follette Republican to claim it. When "Young Bob" arrived in Washington that year, Republican leaders struggled over whether to welcome him or exclude him from their caucus. The new senator showed political astuteness by doing nothing. "It has been rather fun to sit tight and watch them squirm in and out of the proposition," La Follette wrote home to his family. Eventually the caucus admitted him and assigned him to three minor committees. But La Follette insisted that his acceptance of these assignments would not bind him to supporting President Coolidge's program, a promise which he faithfully kept.[14]

There was another new personality in the Senate in the 69th Congress worth mentioning; not a senator but the vice president. Unlike "Silent Cal," Vice President Charles G. Dawes was a talker, and what he said stirred people up. When sworn-in in this Senate chamber, Vice President Dawes gave a most unusual inaugural address, in which he launched into an attack on the Senate rules.

Vice President Dawes attacked the rule "which at times enables senators to consume in oratory those last precious moments of a session needed for momentous decisions." He decried the need of presidents to call special sessions to pass legislation blocked by these last-minute filibusters. "Reform in the present rules of the Senate is demanded not only by American public opinion," Dawes rasped, "but, I venture to say, in the individual consciences of a majority of the members of the Senate itself." Members of the democratic minority did not take kindly to this inaugural lecture, which they interpreted as an attack on minority rights. "Dawes showed as little knowledge of the Senate's rules as he did good taste—not quite as little, but nearly," commented the minority leader, Senator Joseph Robinson of Arkansas.

Alas, having said his piece, Mr. Dawes discovered that he could say no more. Vice presidents can preside; they can cast tie-breaking votes; but they can address the Senate only with the Senate's permission. This limitation has frustrated many men temperamentally unsuited for the vice presidency, from John C. Calhoun to Lyndon Johnson, the outspoken Mr. Dawes among them. Needless to say, the rules Charles Dawes found objectionable remained unchanged during his term as vice president.

Vice President Dawes was quite a colorful figure. The nation's first budget director, he was known for his ever-present pipe and his colorful expressions, particularly his peculiar expletive, "Hell'n Maria." After his inauguration, Mr. Dawes presided dutifully over the Senate, but he was in the habit of retiring to his suite at the Willard Hotel every afternoon for a nap. On March 11, he left as usual, having been assured by the Republican leadership that there would be no votes cast that afternoon. The Senate was debating President Coolidge's nominee for attorney general, Charles Warren. But the debate took a sharply negative turn as Democrats and progressive Republicans attacked Warren's connections to the sugar trust. Fearful that Warren's support was eroding, Republican majority leader Charles Curtis decided to call for a vote, which was expected to be close. A hurried call went to the Willard. Up jumped the vice president, who dressed hastily and rushed out to catch a cab for the Capitol. The vote in the Senate was tied at forty to forty, but the vice president was still not there. A Republican senator announced that he would change his vote, as a tactic to enable him to move for reconsideration, but the Democrats immediately moved to table the motion. Suddenly the disheveled vice president burst through the swinging doors into the chamber. But at that moment, Senator Lee Overman of North Carolina, the only Democrat to vote for Warren, rose and changed his

vote, observing that he was "convinced that this side of the house does not want this man for attorney general." Mr. Warren was defeated 41 to 39. Mr. Coolidge, who reputedly enjoyed long naps himself, did not take kindly to the sleeping vice president who had cost him an attorney general.[15]

The next day, Senator George Norris celebrated the vice president's wild ride in rollicking verse, taking some liberties with the familiar stanzas of *Sheridan's Ride:*

Up from the East out into the Day,
Bringing to the Willard fresh dismay,
The affrighted air with a shudder bore,
Like a herald in haste, to the Chieftain's door,
The terrible grumble, and rumble, and roar,
Telling the battle was on once more,
And Dawes full fifteen blocks away.

And wider still those billows of war
Thundered along the horizon's bar;
And louder yet into the Willard rolled
The roar of that Senate uncontrolled,
Making the blood of the listener cold,
As he thought of the stake in senatorial fray,
And Dawes full fifteen blocks away.

But there is a street from the Willard's feast,
A good, broad highway leading East,
And there, through the flush of the fading light,
An auto as black as the steeds of night,
Was seen to pass, as with eagle's flight,
As if it knew the terrible need;
It stretched away with its utmost speed.
Hills rose and fell, but its heart was gay,
With Dawes now only ten blocks away.

Still spring from those swift wheels, thundering on,
The dust, like smoke from the cannon's mouth;
Or the trail of a comet, sweeping faster and faster,
Foreboding to traitors the doom of disaster.
The heart of the auto and the heart of the master
Were beating like prisoners assaulting their walls,
Impatient to answer the fierce Senate calls;
Every nerve of the auto was strained to full play,
With Dawes now only five blocks away . . . .

With steam and with heat the black auto was gray;
By its flash and its light and its red fire's play
It seemed to the whole great Senate to say:
"I have brought you Dawes all the way
From the Willard—
to save the day!"

Hurrah! Hurrah for Dawes!
Hurrah! Hurrah for this high-minded man.
And when his statue is placed on high,
Under the dome of the Capitol sky,
The great senatorial Temple of Fame—
There with the glorious Gen'ral's name
Be it said in letters both bold and bright:
"Oh, Hell'n Maria, he has lost us the fight!"[16]

Indeed, Mr. President, there is a bust of Vice President Dawes in the "great senatorial Temple of Fame." It stands just outside the east door of this chamber, at the entrance to the Reception Room. Mercifully, it does *not* contain the inscription: "He has lost us the fight!"

Despite Mr. Dawes' comeuppance, the issues of filibuster and cloture that he raised were significant ones that deserve a good deal of additional attention. As I mentioned in my last address, it was not until after the filibuster by the "little group of willfull men" against arming the merchant marine in 1916, that the Senate first established a cloture rule. But cloture was—and still is—difficult to invoke. Minorities in the Senate have made full use of the tradition of unlimited debate in frustrating the majority. Professor Lindsay Rogers, in his classic account of *The American Senate,* published in 1926, defended the "freedom of debate," or filibuster, as one of the tremendous advantages the Senate possessed against the growing power of the presidency. "Because cloture is impossible," wrote Professor Rogers, "Senate minorities are able to force some accountability into the rigid irresponsibility of the American system; if not confronted by the weapon of unrestricted debate, party control, untempered by fear of the electorate, could become a party cloak, effectively concealing what the executive desired to conceal. Whatever may be thought of the rightfulness or wrongfulness of the Senate's power over appointments, treaties, and legislation, there can be no question," Rogers concluded, "of its benefit with regard to checking the executive." And remember, the executive at the time this book was published was Calvin Coolidge!

Filibusters were especially prevalent in the "short sessions" of Congress. In those days a new session of Congress began each year on the first Monday in December. The first session could extend as far into the spring or summer as was needed. But the second session, which also began in December, had to finish its business by midnight on March 3. This was the "short session," which long-winded senators could tie into knots and talk any objectionable legislation to death. This situation continued until the 20th amendment went into effect, setting noon on January 3 as the opening date of Congress, giving each session a full year in which to meet, if necessary.

Today we need a three-fifths vote, rather than a two-thirds vote to cut off a filibuster, but we must contend with such new innovations as the "post-cloture filibuster." Many of us, myself included, have participated in filibusters and fought to break them, depending upon the particular circumstances. Professor Rogers believed that the weapon was worth the frustration and delay that it caused and he described it as a major source of the Senate's power. "The trend," he wrote, "may be toward 'Government of the Senate, by the Senate and for the Senate." One thinks this was something of an exaggeration. The president, even "Silent Cal," was still a most powerful figure.[17]

Take, for example, Congress' fight with the president over farm policy in the 1920's. When we talk about the "Coolidge prosperity" of that decade, we need to remember that not all Americans shared in that prosperity. For farmers the 1920's were years of overproduction, debt, and depression. Senator Norris and other farm state legislators asked how long the prosperity of "Big Business" could last "when the fundamental industry of all was languishing." The Coolidge administration, which epitomized laissez-faire government inaction, offered no program to aid farmers, and so the initiative came entirely from Congress.[18]

The congressional solution was the McNary-Haugen bill, so named for its chief sponsors, Senator Charles McNary of Oregon and Representative Gilbert Haugen of Iowa. McNary has succeeded Norris as chairman of the Senate Agriculture Committee. First introduced in 1924, McNary-Haugen proposed a Federal Farm Board to purchase farm surpluses and either hold them off the market until prices rose, or sell them overseas. In 1926 McNary-Haugen went down to defeat in both the House and Senate, but the farm bloc increased its efforts. On February 11, 1927 the Senate passed the bill by a 47 to 39 margin, and the House followed shortly afterward. But on February 25 Congress received President Coolidge's veto message. "The difficulty with this particular measure," Coolidge stated, "is that it is not framed to aid farmers as a whole, and it is, furthermore, calculated to injure rather than promote the general welfare." Coolidge took special exception to the equalization fee the bill would have charged on farmers' products to offset government expenditures in purchasing their surpluses. The president saw this as pure and simple price fixing. "Government price fixing, once started, has alike no justice and no end," Coolidge declared. "It is an economic folly from which this country has every right to be spared." [19]

While there was some validity to Coolidge's objections, particularly his warning that dumping American farm surpluses overseas would lead to retaliation by other nations, Coolidge's economic policies in general showed a major inconsistency. The president objected to special government programs to help the farmer, but he had no objections to helping business. Coolidge was "in reality a devoted partisan of industry," Professor John D. Hicks wrote in his study of the *Republican Ascendency, 1921-1933.* "He saw nothing wrong with a protective tariff—a tax designed to fit the needs of agriculture. . . . Coolidge prosperity was just another name for industrial pros-

perity." Nevertheless, Coolidge's veto could not be overridden. Again in 1928 Congress passed and Coolidge vetoed McNary-Haugen. Help for the farmers would not be forthcoming.[20]

Another area of inactivity concerned the enforcement of Prohibition. The Eighteenth Amendment had been ratified in 1919, with great hope of eliminating the consumption of liquor and drunkenness, but no one anticipated the wave of lawlessness that would follow, as citizens flouted the law and organized crime moved to control the traffic in liquor. Speakeasies blossomed around the country, and even here in the Capitol a bootlegger known as the "Man in the Green Hat" worked his trade, allegedly having offices in the House and Senate Office Buildings. The bootlegger noted that "drys" in Congress—that is, those members who voted for Prohibition—were better customers than "wets"—those who voted against Prohibition. It was not because drys were such hypocrites, he noted, just because there were more of them than there were wets. Prohibition was a dangerous time, as Senator Frank Greene of Vermont discovered one night in February 1924. Senator Greene and his wife were walking on Pennsylvania Avenue, near the Capitol grounds, when they were caught in a gun fight between bootleggers and revenue agents. The senator was shot in the head, and although he recovered, he was left with a severe speech impediment.

The Prohibition Bureau in the Treasury Department proved completely incompetent in enforcing the law. Neither Presidents Harding nor Coolidge recommended the amount of funding the Bureau needed to do its job adequately. Prohibition became one of those issues that politicians talked about endlessly, but did nothing. It contributed only to a general disrespect for the law.

One department of the federal government which stood out in this general atmosphere of laissez-faire was the Department of Commerce. Partly we can explain this by the favoritism shown by the Harding and Coolidge administrations to business, but even more important was the dynamic Secretary of Commerce, Herbert Hoover. Mr. Hoover is one of those figures in American history who has been so caricatured that it is difficult to cut through the myth to find the reality. So many Democratic candidates have campaigned over the years against Herbert Hoover and his economic policies—I have been one of those candidates—that it may come as a surprise that Hoover got his start as War Food Administrator in the Democratic Wilson administration, and that in 1920, many Democrats hoped he would run for president on their ticket. One of Hoover's admirers in those days was the assistant Secretary of the Navy, Franklin Roosevelt. "Hoover is certainly a wonder and I wish we could make him President of the United States," Roosevelt wrote to a mutual friend.[21] But Hoover chose to go with the Republicans, and won a post in the Harding and Coolidge cabinets. There he became the best known and most active cabinet secretary, dabbling in everything.

Although Hoover's beliefs were rooted in "rugged individualism," he held some fairly progressive ideas about government's role in society and the economy. As Secretary of Commerce, he commissioned studies into ways of preventing the cycles of boom and bust and for dealing with economic downturns. Hoover was involved in radio regulation, and supported the Federal Radio Act of 1927 which established public ownership of the airwaves and federal regulation of broadcasters. The commission set up under this act was the forerunner of the Federal Communications Commission. Under Hoover the Commerce Department also became involved in air transportation, when the Air Commerce Act set up an aeronautics branch in the department. Hoover involved himself in labor and agricultural issues as well, claim-jumping in the areas of other cabinet secretaries.[22]

When President Coolidge made his surprise announcement that he did not choose to run in 1928, Herbert Hoover became the front runner for the Republican nomination. The Democrats, after their disastrous convention in 1924, pulled themselves together and nominated New York Governor Al Smith for president. The two vice presidential candiates that year made an interesting pair. They were the Senate's majority and minority leaders: Senators Charles Curtis of Kansas and Joseph Robinson of Arkansas.

Known as the "Happy Warrior," Al Smith had been a popular governor of New York and had built a liberal record, but as a presidential candidate he could not transfer his New York popularity to a national following. His candidacy met a wall of prejudice—he was the first Catholic nominated by a major party for the presidency. He was a wet on Prohibition, and he represented the urban, immigrant masses, all factors which worked against him in Protestant, dry, rural areas of the country, even among members of his own party. By contrast, "Coolidge prosperity" and the general health of the economy worked for the Republicans, sweeping Herbert Hoover into the White House.[23]

As president, Herbert Hoover little resembled his two Republican predecessors. There were elements of a reform presidency in his first months, notably his creation of a National Commission on Law Observance and Enforcement, chaired by former Attorney General George Wickersham, and his support of the Agricultural Marketing Act of 1929, which set up a Federal Farm Board, designed to encourage farmers' cooperatives and to buy and sell some farm goods to raise prices. This was Hoover's answer to the McNary-Haugen bills.

In October, however, President Hoover's fortunes collapsed with the crash of the stock markets. The United States entered into the longest and most severe depression in its history. President Hoover had been in office only a half a year, but he bore the full blame in the public's eye. The crash and depression, however, were the results of the policies of the entire "Roaring Twenties." Andrew Mellon's tax program had poured money back into the hands of wealthy and undoubtedly stimulated the economy and private investing, but the unequal distribution of wealth undermined those efforts. Production outstripped consumption, and supplies mounted on warehouse shelves. The easy credit of the 1920's stimulated consumer buying, but stretched individuals' resources dangerously thin.

Margin buying on Wall Street turned the stock market into a house of cards, liable to fall at the first shock. The federal government's lack of supervision of the markets during those boom years had left the doors open for vast numbers of fraudulent stock deals and unsavory practices, diverting investments from legitimate enterprise to fly-by-night operations. The federal government had abandoned its responsibilities under laissez-faire leadership, and now had to suffer the consequences.[24]

It was appropriate, perhaps, that at the time the stock market was collapsing, the Senate was debating the Smoot-Hawley Tariff, the highest tariff in our history, and the symbol of all that was wrong with our national economic program. President Hoover had called Congress into session for a "limited revision of the tariff," but the legislative process quickly got out of the president's control. Industrial and agrarian representatives in Congress reached mutual agreements on raising each other's tariff rates and engaged in some heavy-handed log-rolling. After the stock market crashed, business looked to the tariff as its salvation. Senator George Norris observed that Washington had filled up with lobbyists clamoring for higher tariffs to protect their industries. The Capitol, he said, was besieged by "hundreds of men, coming on special trains," to plead for one product or another.

After ten months of debate, the Senate passed the Smoot-Hawley tariff by a 53 to 31 vote. Senator Norris called it "one of the most selfish and indefensible tariff measures

that has ever been considered by the American people." "Young Bob" La Follette denounced it as "the worst bill in the history of the Republic." La Follette continued: "As the bill stands today, it is the product of a series of deals, conceived in secret, but executed in public with a brazen affrontery that is without parallels in the annals of the Senate." [25]

Even President Hoover was embarrassed by the Smoot-Hawley tariff. Hoover was a good enough economist to know that building high tariff walls was no solution for a nation suffering from overproduction. Hoover had wanted to strengthen the Tariff Commission instead and let it fine-tune tariff rates, rather than boost rates across the board. A high tariff, he realized, would only stimulate economic nationalism and invite reprisals against the United States. It would hurt rather than help the sagging economy. Still, President Hoover had other legislative matters he wanted Congress to consider, and so he signed the Smoot-Hawley tariff to settle this matter.[26]

The economy did not grow stronger; it worsened. Stocks continued to fall. Businesses failed. Unemployment rose. Homes and farms were foreclosed. Banks closed their doors, taking depositors' entire life savings with them. It was a time of great national tragedy.

In my next address, I shall discuss at length the United States Senate's role in combating the Great Depression, the contrasting solutions offered by two presidents, Herbert Hoover and Franklin D. Roosevelt, and the political fortunes of the Republican and Democratic party. I began my remarks today with Will Roger's witticism on the Democratic party's disarray. I shall conclude by observing that the Depression fused the Democratic party back together again, gave it a new sense of purpose, a new program, a new coalition, and strong new leadership to set about putting the nation back together again.

NOTES TO "THE SENATE IN THE ROARING TWENTIES"

[1] Robert A. Rutland, *The Democrats, from Jefferson to Carter* (Baton Rouge, 1979), 1.

[2] David Burner, *The Politics Provincialism: The Democratic Party in Transition, 1918-1932* (New York, 1968), 6.

[3] John D. Hicks, *Republican Ascendancy, 1921-1933* (New York, 1960), 81-82.

[4] Donald R. McCoy, "Election of 1920," in Arthur M. Schlesinger, Jr. and Fred L. Israel, eds., *History of American Presidential Elections, 1789-1968* (New York, 1971), Vol. III, 2345-2455.

[5] Hicks, *Republican Ascendancy*, 51-52.

[6] *Congressional Record*, 77th Congress, 1st sess., 6740-6741.

[7] George H. Mayer, *The Republican Party, 1854-1964* (New York, 1964), 383.

[8] Richard Lowitt, *George W. Norris: The Persistence of a Progessive, 1913-1933* (Urbana, 1971), 197-216.

[9] Hasia Diner, "Teapot Dome, 1924," in Arthur M. Schlesinger, Jr. and Roger Bruns, eds., *Congress Investigates, A Documented History, 1792-1974* (New York, 1975), 2385-89.

[10] Arthur M. Schlesinger, "Introduction," *Congress Investigates*, xx-xxi.

[11] Diner,"Teapot Dome," 2390-2401.

[12] Alice Roosevelt Longworth, *Crowded Hours* (New York, 1933), 324-5.

[13] David P. Thelan, *Robert La Follette and the Insurgent Spirit* (Boston, 1976), 179-192.

[14] Patrick J. Maney, *"Young Bob La Follette: A Biography of Robert M. La Follette., 1895-1953* (Columbia, 1978), 38-39, 42-43.

[15] Paul R. Leach, *That Man Dawes* (Chicago, 1930), 237-256.

[16] Lowitt, *George Norris*, 279-80.

[17] Lindsay Rogers, *The American Senate* (New York, 1926), 1-8, 161-190.

[18] Lowitt, *George Norris*, 292-3.

[19] *Senate Journal*, 69th Congress, 2nd sess. 221-6.

[20] Hicks, *Republican Ascendancy*, 199-200.

[21] Nathan Miller, *FDR, An Intimate History*, (New York, 1983), 167.

[22] David Burner, *Herbert Hoover: A Public Life* (New York, 1979), 159-189: another especially useful source of information on Hoover is the volume of essays gathered by Senator Mark Hatfield, *Herbert Hoover Reassessed, Essays Commemorating the Fiftieth Anniversary of the Inauguration of our Thirty-First President*, S. Doc. 96-63, 96th Congress, 2nd sess., 1981.

[23] Allan J. Lichtman, *Prejudice and the Old Politics: The Presidential Election of 1928* (Chapel Hill, 1979), passim.

[24] Hicks, *Republican Ascendancy*, 230-233.

[25] Lowitt, *George Norris*, 418-429; Maney, *"Young Bob" La Follette, 74-75.*

[26] Burner, *Herbert Hoover*, 297-8.

(Mr. ANDREWS assumed the Chair during the foregoing remarks.)

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are five items on today's Calendar of Business that are cleared for action on this side by unanimous consent. They are Calendar Nos. 711, 712, 715, 718, and 720.

I inquire of the minority leader if he is prepared to consider all or any portion of these items at this time.

Mr. BYRD. Mr. President, we are prepared to proceed on this side of the aisle.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of these items.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AMATEUR WRESTLING WEEK

The joint resolution (S.J. Res. 224) to designate the week beginning April 1, 1984, as "National Amateur Wrestling Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 224

Whereas the sport of wrestling has been recognized since ancient times as a test of both physical development and mental awareness;

Whereas an estimated one million young people throughout the United States actively pursue the sport of wrestling at the amateur level; and

Whereas those young people involved in amateur wrestling at all levels, as well as parents, families, coaches, officials, and others who support these young athletes, ought to be recognized for their accomplishments and dedication to this demanding sport: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the events of the National Open Greco-Roman and the National Open Free Style Championships serve to focus our attention on the sport of amateur wrestling and our respect and admiration for all those who participate in amateur wrestling; and be it further

Resolved, That the week beginning April 1, 1984, is designated "National Amateur Wrestling Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STUDENT AWARENESS OF DRUNK DRIVING MONTH

The Senate proceeded to consider the joint resolution (H.J. Res. 443) designating the month of June 1984, as "Student Awareness of Drunk Driving Month."

Mr. LAUTENBERG. Mr. President, I am pleased to support House Joint Resolution 443, a resolution designating June of 1984 as Student Awareness of Drunk Driving Month. On February 1, I introduced the Senate version of this resolution with Senators DOLE and PELL. The Senate resolution, (S.J. Res. 222) enjoyed the support of Senators from both parties and from all parts of the Nation.

This resolution applauds our Nation's students and their efforts to combat drunk driving. All across the Nation, students, parents, and teachers have been working to save the lives of their fellow students, sons, daughters, and loved ones.

Students in grade school and high school have joined in this effort. Many of the best programs focus on the influence of alcohol and other drugs in American life, trying to deal with the problem before it becomes acute. Students who are just beginning to form their opinions on whether to experiment with drinking are often those who can benefit most from the education antidrunk driving campaigns provide.

Mr. President, the laws dealing with drunk driving and the legal minimum age for the purchase of alcohol vary from State to State. This resolution is designed to applaud the efforts of students to ameliorate the efforts of alcohol abuse wherever it exists. Our young people have seen too many funerals for their friends and neighbors and they are responding to these tragic losses. I hope my colleagues will take advantage of the events called for by this resolution and join young Americans across the Nation as they focus attention on the tragic consequences of drunk driving.

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL INVENTORS' DAY

The joint resolution (H.J. Res. 271) designating February 11, 1984, "National Inventors' Day," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

GREEK INDEPENDENCE: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

The Senate proceeded to consider the joint resolution (S.J. Res. 247) to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 247

Whereas the ancient Greeks developed the concept of democracy, whereby the power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming a representative democracy;

Whereas March 25, 1984, marks the one hundred and sixty-third anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas democratic ideals have forged a close bond between the people of the United States and Greece; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles upon which the two great nations were founded: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1984, is designated "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I am very pleased that the Senate has passed Senate Joint Resolution 247, and would like to thank the chairman of the Judiciary Committee for expediting this bill to the Senate floor. Senate Joint Resolution 247 designates March 25, which marks the 163d anniversary of the outbreak of the Greek War of Independence, as "Greek Indpendence Day: A National Day of Celebration of Greek and American Democracy." I believe that it is fitting that we have so chosen to honor the many contributions that Greek Americans have made to our society over the years. The contributions that they have made to all walks of life have been of tremendous significance to maintaining a free, open, and vibrant society. It is also an appropriate time to honor the close bonds that have developed between Greece and the United States and the ideals of democracy and independence upon which both countries were founded. The commitment that citizens of both countries have made to these principles has served as an important model for other like-minded people the world over.

NATIONAL REYE'S SYNDROME WEEK

The joint resolution (S.J. Res. 259) to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 259

Whereas Reye's Syndrome is a disease of unknown cause that usually attacks healthy children under nineteen years of age and kills or cripples more than half of the victims within several days;

Whereas Reye's Syndrome is one of the top ten killers among all diseases of children;

Whereas Reye's Syndrome was a misdiagnosed illness of children until recognized as a specific illness in 1963;

Whereas the reporting of cases of Reye's Syndrome is required in only one-half of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the United States;

Whereas national Reye's Syndrome volunteer organizations are established throughout the United States and are supported by thousands of parents;

Whereas such volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's Syndrome research, to encourage coordinaton of the treatment and research efforts by the various Reye's Syndrome treatment and research centers, to establish Reye's Syndrome as a reportable disease in every State, to establish a position for the review of data on Reye's Syndrome patients at the Center for Disease Control, to sponsor a multicenter research study by recognized authorities on Reye's Syndrome, to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness, and to raise funds for research into cause, prevention, and treatment of Reye's Syndrome;

Whereas the public and the Federal Government are not sufficiently aware of the continuous increase in the incidence of Reye's Syndrome; and

Whereas the Governors of several States have declared Reye's Syndrome weeks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 12, 1984, through November 18, 1984, is designated "National Reye's Syndrome Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENVIRONMENTAL PROGRAMS ASSISTANCE ACT

Mr. BAKER. Mr. President, next I propose to ask the Senate to proceed to the consideration of S. 518, Calendar No. 581, if the majority leader is agreeable.

Mr. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 518) to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, today the Senate is considering the Environmental Programs Assistance Act which will make permanent the current senior environmental employment (SEE) pilot project, which was unanimously agreed to by the Environment and Public Works Committee. The Environmental Protection Agency will be authorized to employ and direct the efforts of older Americans to provide monitoring, and regulatory and technical assistance in several environmental programs. The program will be managed by the EPA with guidance from the Department of Labor.

In the pilot project begun in 1976, SEE demonstrated the effectiveness of older Americans employed in jobs relating to the protection of environmental resources. For example, in Arkansas, eight senior citizens conducted an EPA-mandated survey of open dumps within the State; in New Jersey, 21 older Americans were hired to gather followup information for an earlier survey of hazardous waste products generated by State industries; and in California, a project studied the extent to which migrant workers were exposed to dangerous pesticides while on the job. It is a rare occasion when the public derives such benefit from an investment as small as the amount expended for the senior environmental employment pilot program.

Retired, unemployed older workers have a wealth of talent and experience that should and must be used. At a time when Federal assistance for environmental programs is being reduced, additional resources are needed to help implement State and Federal programs.

The Environmental Programs Assistance Act will assist in accomplishing such projects as: Air monitoring and emission testing; pesticides inventory and control; water quality and supply sampling and monitoring; technical libraries and public information projects; carcinogenic surveys and followup; hazardous materials routing surveys; health and screening in rural areas and among migrant workers; and noise abatement and control.

The bill requires that SEE participants not replace existing activities within a State. The participants must augment or improve existing programs. SEE will not displace EPA employees. This criterion in the pilot program has brought about ingenious uses of the senior environmental employment program. This trend will certainly continue should this worthy program be given permanent status.

An example of the original use of SEE is an EPA program which was spurred on by medical findings concerning the hazards of exposure to asbestos. In 1980, the EPA launched a program to help educators check school buildings for asbestos-containing materials.

The national manager of the asbestos control program, John Wilson of EPA, commended the program participants:

The great success of this program springs from each enrollee's unique combination of long work experience and enthusiasm to do what he can do to help people in need. We have thrown these people into some difficult situations, and in all cases they have been able to provide.

The SEE project is already a proven success based upon the pilot program. S. 518 will give the SEE program a 3-year authorization.

This legislation offers us the chance to more fully utilize the experience and energy of our senior citizens, and at the same time to enhance environmental programs.

Mr. President, last year this bill was adopted as an amendment to H.R. 6323, the Environmental Research, Development and Demonstration Act. Unfortunately, H.R. 6323 was vetoed by President Reagan but not because of the senior environmental employment program. Rather, the President had only praise for the objectives of this worthy program

EPA Administrator, Mr. Ruckelshaus, recently wrote expressing his support for passage of this bill before Congress adjourns. I ask unanimous consent that the letter be inserted in the RECORD.

I encourage the Senate to adopt S. 518.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., November 10, 1983.

Hon. JOHN H. CHAFEE,
Chairman, Subcommittee on Environmental Pollution, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to urge the enactment in the 98th Congress of S. 518, a bill introduced by you, which Senators Grassley and Heinz and others have cosponsored. S. 518 would establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding Federal, State, and local pollution abatement programs.

The bill would encourage the training and participation of older Americans in such environmentally-related fields as air monitoring and emission testing, water quality sampling and monitoring, pesticides inventory and control, and hazardous materials routing surveys, among others, all in support of EPA, State, or local environmental programs. To assist in further highlighting areas where such assistance would be needed, the EPA Administrator would be required to submit to the Congress a report within 180 days of enactment, identifying projects which would be consistent with the Act's purposes. The EPA Administrator would also be authorized to make grants or enter into cooperative agreements with public or private insitutions or individuals and to consult with the Secretary of Labor and the Administrator of the Administration on Aging to ensure coordination with similar projects under the Older Americans Act of 1965 or the Job Training Partnership Act. The sum of $250,000 would be authorized to be appropriated for each of four fiscal years to carry out the administrative provisions of the Act.

The Environmental Protection Agency strongly supports enactment of S. 518 before adjournment of the 98th Congress sine die. As you know, in September 1976, EPA and the Administration on Aging, Department of Health, Education, and Welfare, launched a program which provided the basis for a demonstration project utilizing older Americans aged 55 and above to perform vital services for Federal, State, and local environmental agencies to help meet environmentally-mandated responsibilities. This program is known as the Senior Environmental Employment Program (SEE). The demonstration project was extremely successful, and the program was continued on a limited scale.

In recognition of the success of these activities and in order to broaden the scope of the program and to better define the EPA role, proponents of the SEE program included language authorizing specific EPA grant support for the SEE program in S. 2577, the Environmental Research, Development, and Demonstration Act of 1983, introduced in the 97th Congress. As you know, the bill was vetoed by the President for reasons unrelated to this proposed language, but special note was made by the President of the worthiness of the SEE program.

In our view, enactment of S. 518 would give the Agency clear authority to award grants and cooperative agreements for SEE-related activities. To this end, it would provide the means of fostering the continued growth of a program which promises dual benefits. It aids our senior citizens anxious to pursue meaningful and productive work while at the same time enables States and localities to redouble their efforts in improving and enhancing the environmental quality of our nation. I should point out, however, that a specific authorization of funds is not necessary for administration of the program.

There are few opportunities when an Agency head can express virtually unqualified support for pending legislation. I am pleased to be able to do so now in the case of S. 518 and urge that it be enacted in the 98th Congress.

Sincerely yours,

WILLIAM D. RUCKELSHAUS.

Mr. GRASSLEY. Mr. President, early this year, Senators CHAFEE, STAFFORD, HEINZ, SPECTER, PELL, TSONGAS, BRADLEY, DODD, and I introduced S. 518—a bill that has as its purpose the assistance of State and local governments in carrying out environmental protection programs of pollution prevention, abatement and control programs, through grants from the Environmental Protection Agency.

In carrying out this program the act calls for utilizing to the fullest possible extend, the talents of older Americans available for participation in such projects.

Mr. President this is not a new "make work" program. It has been underway since 1976 and known as the senior environmental employment program. It began in September 1976, EPA and the Administration on Aging (AOA), a part of the then Department of Health, Education and Welfare, signed an agreement which provided the basis for the senior environmental employment demonstration project.

The primary objective of the agreement was to demonstrate ways in which older Americans—age 55 and above—could be effectively employed in jobs relating to the prevention, abatement and control of environmental pollution.

To accomplish this, AOA allocated $1 million a year for 3 years for wages and local administrative costs for 10 pilot projects, one in each region. To provide assistance to each region and to the States, EPA and AOA funded a grant to the American Association of Retired Persons (AARP) to plan and develop guidelines for the projects based on directions received from EPA headquarters and regional offices.

The demonstration projects were quite successful and were expanded to provide additional support for programs in a variety of environmental programs and agencies.

Both the demonstration and ongoing projects have shown that programs such as this can help States meet congressional environmental mandates. The Congress has also expressed the hope that the SEE program could be expanded to other areas of public service modeled after EPA's efforts. The fields of public health, consumer protection, recreation and social services hold promise for such a successful expansion. Additional activities could be demonstrated by cooperative programs. For example, EPA and the Department of Energy may enter into a cooperative program such as SEE in order to meet some of their closely related objectives.

Two bills have been introduced in the Congress, one by Senator CHAFEE (S. 518) and the other by the Honorable COOPER EVANS in the House (H.R. 569). These bills will authorize the EPA to establish and manage a senior environmental employment corps to serve senior citizens. The program is designed to provide training and employment opportunities to older Americans while assisting Federal, State and local environmental agencies in their efforts to control pollution and enhance the environment.

More recently, I and Senator CHAFEE have written EPA requesting that three positions—two professional and one clerical—and $250,000 in the fiscal year 1984 supplemental be dedicated to the management of this program.

In closing, Mr. President, a great deal of credit for this legislation goes to Senators STAFFORD and CHAFEE who have persisted as the authorizing chairmen to see that this program can emerge from Congress as law. It will give a strategic cohort of our Nation's elderly a chance to continue their contributions of talent and expertise.

I urge the rapid passage of this bill.

Mr. BAKER. Mr. President, there are no amendments to the bill. Is that correct?

The PRESIDING OFFICER. No amendments have been reported.

AMENDMENT NO. 2845

(Purpose: To insure that agreements entered into in conjunction with certain grants administered by the Environmental Protection Agency are entered into in accordance with prior appropriations acts)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from Iowa (Mr. GRASSLEY).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. GRASSLEY, proposes an amendment numbered 2845.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, after line 7, insert the following new subsection:

"(d) Grants or agreements entered into under this section will be subject to prior appropriations Acts.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2845) was agreed to.

AMENDMENT NO. 2846

(Purpose: To strike the authorization of appropriations for grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control)

Mr. BAKER. Mr. President, I send another amendment to the desk, by the distinguished Senator from Rhode Island (Mr. CHAFEE), for himself and Mr. GRASSLEY, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. CHAFEE, proposes an amendment numbered 2846.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 8, strike all through line 16 and insert in lieu thereof the following:

"ELIGIBILITY FOR FUNDING UNDER OTHER ACTS OF CONGRESS"

SEC. 5. Environmentally related programs as described in section 3 of this Act shall be eligible for funding through title V of the Older Americans Act of 1965, and title IV of the Job Training Partnership Act.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2846) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Programs Assistance Act of 1984".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) protection of the environment is of primary importance to the citizens of the United States;

(2) enforcement of environment protection programs is suffering due to low finding levels; and

(3) there is a growing need for experienced persons to assist State and local governments in carrying out environmental protection programs.

(b) It is the purpose of this Act to assist State and local governments in carrying out environmental protection programs through grants from the Environmental Protection Agency.

ENVIRONMENTAL PROGRAMS

SEC. 3. (a) To carry out the purposes of this Act, the Administrator of the Environmental Protection Agency is authorized and directed to develop a program, through grants or contracts, designed to assist Federal, State, and local environmental agencies in carrying out projects of pollution prevention, abatement, and control.

(b) The program established under this section may include, but shall not be limited to, projects such as—

(1) air monitoring and emission testing;

(2) pesticides inventory and control;

(3) water quality sampling and monitoring;

(4) water supply sampling and monitoring;

(5) technical libraries and public information projects;

(6) carcinogenic surveys and followup;

(7) hazardous materials routing surveys;

(8) health screening in rural areas and among migrant workers; and

(9) noise abatement and control.

(c) The Administrator of the Environmental Protection Agency shall prepare and submit to the Congress within one hundred and eighty days after the date of the enactment of this Act, a report identifying projects which meet the purposes of this Act. The report shall include the organiza-

tional and administrative commitments of the Administrator in carrying out the provisions of this Act.

(d) The Administrator shall consult with affected and interested representatives of State and local environmental agencies for the purpose of developing mechanisms for the successful implementation of this Act.

(e) In carrying out the program established under this Act the Administrator shall utilize, to the fullest extent possible, the talents of older Americans available for participation in projects funded under such program, and shall consult with the Secretary of Labor and the Administrator of the Administration on Aging to ensure coordination with similar projects in effect, or previously in effect, under the Older Americans Act of 1965 or the Job Training Partnership Act.

AGREEMENTS WITH INSTITUTIONS AND INDIVIDUALS

SEC. 4. (a) The Administrator is authorized to enter into agreements with public and private institutions and individuals to develop and maintain an effective program under this Act.

(b) The Administrator is authorized to—

(1) make grants or cooperative agreements with public or private institutions or individuals to carry out the purposes of this Act;

(2) utilize individuals participating in projects established under this Act in assisting the Environmental Protection Agency and State and local environmental agencies; and

(3) provide training to individuals to prepare them to accomplish environmentally related activities.

(c) The Administrator shall not make any grant to, or enter into any agreement with, any State or local environmental agency for the funding of any activities under this Act unless such agency certifies that such activities will not—

(1) result in the displacement of individuals currently employed by the environmental agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(2) result in the employment of any individual when any other person is in layoff status from the same or substantially equivalent job within the jurisdiction of the environmental agency concerned; or

(3) impair existing contracts for services.

(d) Grants or agreements entered into under this section will be subject to prior appropriations Acts.

ELIGIBILITY FOR FUNDING UNDER OTHER ACTS OF CONGRESS

SEC. 5. Environmentally related programs as described in section 3 of this Act shall be eligible for funding through title V of the Older Americans Act of 1965, and title IV of the Job Training Partnership Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

H.R. 3249 PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I say to the minority leader that I am prepared to ask that the Committee on the Judiciary be discharged from further consideration of H.R. 3249 and that the measure be placed on the calendar.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, another measure to be placed on the calendar, if the minority leader will agree, is a bill that I would propose to introduce on behalf of the distinguished Senator from Utah (Mr. GARN), to change a date in the Export Administration Act, which has been cleared on this side for action at this time.

Mr. BYRD. Mr. President, the matter has been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I send to the desk a bill on behalf of the Senator from Utah, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, the bill will be placed on the calendar.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

DEFERRAL OF BUDGET AUTHORITY AFFECTING THE DEPARTMENTS OF JUSTICE AND TRANSPORTATION — MESSAGE FROM THE PRESIDENT—PM 124

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, Committee on the Budget, Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $42,632,000.

The deferrals affect the Departments of Justice and Transportation. The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *March 26, 1984.*

MESSAGES FROM THE HOUSE

At 12:22 p.m., message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 136. Joint resolution to recognize "Volunteer Firefighters Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighter.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 432. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week."

The message further announced that pursuant to the provisions of section 4(a) of Public Law 94-118, the Speaker appoints Mr. FOLEY as a member of the Japan-United States Friendship Commission, vice Mr. Zablocki, deceased.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 432. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March 26, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1870. A bill to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud (with additional views) (Rept. No. 98-368).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 2474. A bill to amend the Tariff Schedules of the United States with respect to the tariff treatment accorded to film, strips and sheets of acrylic plastic materials; to the Committee on Finance.

By Mr. RANDOLPH:

S. 2475. A bill granting the consent of Congress to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DOLE, Mr. MATHIAS, Mr. DECONCINI, and Mr. MITCHELL):

S. 2476. A bill to provide for a pay increase for article III judges subject to salary adjustments pursuant to section 461 of title 28 of the United States Code; to the Committee on the Judiciary.

By Mr. MELCHER (for himself, Mr. HUDDLESTON, Mr. ZORINSKY, Mr. BAUCUS, Mr. EXON, Mr. ANDREWS, Mr. BOREN, and Mr. BURDICK):

S. 2477. A bill to promote the export of Commodity Credit Corporation surplus stocks of dairy products and wheat, to develop markets for United States agricultural commodities, to combat malnutrition abroad, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAKER (for Mr. GARN):

S. 2478. A bill to extend the authorities under the Export Administration Act of 1979 until May 16, 1984; placed on the calendar, by unanimous consent.

By Mrs. HAWKINS (for herself, Mr. EAST, Mr. MURKOWSKI, Mr. HEFLIN, Mr. JEPSEN, and Mr. MATSUNAGA):

S.J. Res. 265. Joint resolution designating the week of April 29 through May 5, 1984, as "National Week of the Ocean"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. DOLE, Mr. MATHIAS, Mr. DECONCINI, and Mr. MITCHELL)

S. 2476. A bill to provide for pay increase for article III judges subject to salary adjustments pursuant to section 461 of title 28 of the United States Code; to the Committee on the Judiciary.

A 3.5-PERCENT SALARY INCREASE FOR FEDERAL JUDGES

Mr. THURMOND. Mr. President, I am today introducing legislation which would give all Federal judges and justices a 3.5-percent salary increase effective January 1, 1984. This bill would give to the Federal judiciary the same pay raise received in January by all other Federal officers and employees, including Members of Congress.

As many of my colleagues will recall, Congress in December of 1981 passed, as part of the continuing resolution for fiscal year 1982 appropriations, a provision requiring express statutory authorization for any increase in judicial salaries. Subsequent to passage of this appropriations rider, the Comptroller General of the United States determined that this provision, section 140 of Public Law 97-92, was permanent legislation, not limited to fiscal year 1982.

This change effectively removed judges from coverage of the Executive Salary Cost-of-Living Adjustment Act of 1975, which had included judges, as well as Members of Congress and high-ranking executive branch officials in the annual payroll comparability adjustments received by other Federal employees. Thus, Federal judges and justices were not allowed the 3.5-percent salary increase received this year by other Federal employees because there was not specific authorization to provide for such an increase. See Decision of the Comptroller General of the United States, File No. B-200923, December 28, 1983, determining that no such specific authorization had been enacted.

This legislation would constitute the required authorization to enable members of the judiciary to receive a pay raise this year. It would not repeal or alter in any way section 140 of Public Law 97-92. Express statutory authorization by Congress would continue to be necessary for any salary increases for the Federal judiciary. In this significant respect, the bill I am introducing today differs from legislation introduced earlier this year by my distinguished colleague from Maine, Senator MITCHELL.

The Mitchell bill would not only give Federal judges a pay raise retroactive to January 1, 1984, but it would also repeal the requirement of specific statutory authorization for judicial pay increases. While I believe that it is fair for judges to receive the same pay increase received this year by all other Federal employees, I am strenuously opposed to changing the existing provision of law which I believe to be sound policy. Repeal of the fiscal year 1982 appropriations rider would definitely steer us in the wrong policy direction.

Rather than including more Federal employees within automatic pay adjustment provisions, we should be including more Federal employees within the requirement that Congress specifically authorize their pay increases. It will be difficult, if not impossible, for Congress to establish any control over Federal spending while automatice pay adjustments and cost-of-living increases in a variety of areas slowly, but steadily increase the costs of Government. Congress should begin by reasserting its control over Federal pay increases, especially for those employees covered by the Executive Salary Cost-of-Living Adjustment Act of 1985, and should face up to the difficult decisions which we were elected to make.

Mr. President, this is one of the reasons that I was a cosponsor and strong supporter of S. 2211, Senator NICKELS' bill to rescind the 3.5-percent pay increase for Members of Congress. At the time S. 2211 was passed by the Senate, I made a floor statement arguing that it would be unreasonable for Congress to accept this automatic pay increase. Unfortunately, the House had not seen fit to take action on S. 2211.

Mr. President, I am in favor of fair and equitable treatment of all Federal employees. That is why I am introducing legislation to give members of the Federal judiciary the 3.5-percent pay increase received by all other Federal workers. I would be strongly opposed, however, to any repeal of the requirement for statutory authorization for such increases. This is a sound principle which should be extended to cover more Federal employees.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill ordered to be printed in the RECORD, as follows:

S. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all salary rates subject to adjustment under the authority of section 461 of title 28, United States Code, shall be paid as of January 1, 1984, in accordance with the recommendations contained in Presidential Message Numbered 74 (H. Doc. No. 98-97), as implemented under section 5305(c) of title 5, United States Code.

By Mr. MELCHER (for himself, Mr. HUDDLESTON, Mr. ZORINSKY, Mr. BAUCUS, Mr. EXON, Mr. ANDREWS, Mr. BOREN, and Mr. BURDICK):

S. 2477. A bill to promote the export of Commodity Credit Corporation surplus stocks of dairy products and wheat, to develop markets for U.S. agricultural commodities, to combat malnutrition abroad, and for other purposes; to the Committee on Agriculture, Nutrition and Forestry.

SURPLUS FOOD COMMODITIES TRADE AND DONATION ACT OF 1984

Mr. MELCHER. Madam President, today, on behalf of myself and Senators HUDDLESTON, ZORINSKY, BAUCUS, EXON, ANDREWS, BOREN, and BURDICK,

I am introducing a bill to amend section 416.

Section 416 of the Agriculture Act is the section dealing with surplus food commodities that can be contributed abroad in food aid to countries that we maintain relationships with and who are in need of food.

So far, under present law, the surplus commodities that can be contributed are all dairy products. I wish to amend that to include wheat. Indeed, in a bill that we just passed last week dealing with agricultural commodities we did include an amendment that I and others offered that adds wheat to dairy products under section 416.

It also permits monetization for apportionment of commodities and allows for multiyear programs.

These corrections in addition to section 416 are badly needed and are advocated by all of the international and charitable organizations that deal with American food products abroad.

Also, the AID people who work for us in the various countries that provide for food have also been advocating these changes.

The bill I am introducing today incorporates all those changes I have mentioned, but also adds a little more definite language under the terms and conditions that these various international organizations have found necessary in order to have successful food aid programs in the countries that they work with.

We may not need this bill, per se, since the most needed corrections from section 416 have already been passed by the Senate. However, I am offering the bill and introducing the bill to make sure that the framework of the goals are firmly before the Senate, and that it be applied as sort of the guidelines while the farm bill just passed last week with that provision in it is in conference.

I am pleased to say that in the House of Representatives the committee that has jurisdiction over food aid matters including Public Law 480 as well as section 416 has been working on a similar provision and it is reported out of committee in their foreign aid bill. That committee is the House Foreign Affairs Committee.

So I think the Senate's action last week was very timely in relationship to the actions taken in the House previously.

ADDITIONAL COSPONSORS

S. 1325

At the request of Mr. McCLURE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Nebraska (Mr. ZORINSKY) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1980, a bill to recognize the organization known as the "Polish Legion of American Veterans, U.S.A."

S. 1992

At the request of Mr. CHAFEE, the name of the Senator from Virginia (Mr. WARNER), was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2116

At the request of Mr. MATSUNAGA, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2116, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

S. 2241

At the request of Mr. DENTON, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 2241, a bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes.

S. 2309

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 2309, a bill to authorize the offer and payment of rewards for information and services concerning terrorist activities.

S. 2338

At the request of Mr. HEINZ, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2352

At the request of Mr. QUAYLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2352, a bill to provide equitable treatment for certain hospitals in high wage areas.

S. 2375

At the request of Mr. WEICKER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2375, a bill to amend the Small Business Act to improve the operation of the secondary market for loans guaranteed by the Small Business Administration.

S. 2413

At the request of Mr. DENTON, the names of the Senator from Colorado (Mr. ARMSTRONG), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mr. BUMPERS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 2413, a bill to recognize the organization known as the "American Gold Star Mothers, Incorporated."

SENATE JOINT RESOLUTION 203

At the request of Mr. HUDDLESTON, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Joint Resolution 203, a joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week."

SENATE JOINT RESOLUTION 217

At the request of Mr. GLENN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 217, a joint resolution to authorize and request the President to designate the week of May 6, 1984 through May 12, 1984 as "Senior Center Week."

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 241, a joint resolution to authorize and request the President to issue a proclamation designating May 6, through May 13, 1984, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from Michigan (Mr. LEVIN), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 245

At the request of Mr. GORTON, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 245, a joint resolution to designate the week of April 15 through April 21, 1984, as "National Recreational Sports Week."

SENATE JOINT RESOLUTION 255

At the request of Mrs. HAWKINS, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Michigan (Mr. RIEGLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), and the Senator from Mississippi (Mr. COCHRAN), were added as cosponsors of Senate Joint Resolution 255, a joint resolution to designate the month of May 1984 as "Older Americans Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE JOINT RESOLUTION 259

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 259, a joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week."

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATIONS

KENNEDY AMENDMENTS NOS. 2835 THROUGH 2843

(Ordered to lie on the table.)

Mr. KENNEDY submitted nine amendments intended to be proposed by him to the joint resolution (H.J. Res. 492,) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture, as follows:

AMENDMENT No. 2835

On page 3, line 6, delete the figure "$92,750,000" and substitute in lieu thereof the figure "$21,000,000".

AMENDMENT No. 2836

At the appropriate place add the following: "The Senate and House Select Committees on Intelligence, in coordination with the Senate Foreign Relations Committee and the House Foreign Affairs Committee, shall conduct a full investigation of death squads in El Salvador and shall report to the Senate and the House of Representatives by May 31, 1984, on the extent of death squad activity, responsibility for organizing, directing and carrying out death squad killings, and progress in prosecuting those responsible for such killings."

AMENDMENT No. 2837

At the appropriate place add the following language: "No funds shall be available under this or any other legislation for military assistance to the Government of El Salvador after May 31, 1984, unless the Salvadoran authorities have brought those national guardsmen charged with murder in the deaths of the four United States churchwomen in December 1980 to trial and have obtained a verdict."

AMENDMENT No. 2838

At the appropriate place in the section entitled "MILITARY ASSISTANCE" of H.J. Res. 492, add the following: No funds appropriated in this bill or other legislation shall be available for military assistance for the Government of El Salvador after May 31, 1984, unless that government has initiated a prosecution of those involved in the murder of two American Labor advisers in 1981.

AMENDMENT No. 2839

At the appropriate place in H.J. Res. 492, insert the following: "No additional funds shall be available under this or any other legislation for military assistance to the Government of El Salvador unless the President certifies to Congress by June 30, 1984, that the Salvadoran Government has agreed to participate in unconditional negotiations with all major parties to the conflict in El Salvador which are willing to participate unconditionally in such a negotiation process, and that upon the beginning of such negotiations, the Government of El Salvador agrees to attend and to negotiate in good faith: *Provided, however,* That this provision shall not take effect unless the opposition forces represented by the FDR/FMLN have agreed by such date to participate in such negotiations and to attend and negotiate in good faith.

AMENDMENT No. 2840

On page 3, at the end of line 15, insert the following: "land reform,".

AMENDMENT No. 2841

At the appropriate place add the following: "No United States ground forces shall be introduced into the territory of El Salvador, Honduras or Nicaragua for the purposes of combat unless:

"(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or

"(2) the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

In either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress."

AMENDMENT No. 2842

At an appropriate place add the following: "No funds appropriated in this or any other legislation may be obligated or expended for the participation of United States Armed Forces in military training exercises in Honduras unless the Congress has authorized the exercises in advance by joint resolution signed by the President of the United States."

AMENDMENT No. 2843

Beginning with line 19 on page 4, delete all through line 2 on page 5.

CENTRAL AMERICA

Mr. KENNEDY. Mr. President, this week, the Senate begins a historic debate on the question of U.S. policy in Central America. The administration has successfully amended House Joint Resolution 492 to include an additional $93 million in military assistance to the Government of El Salvador and an additional $21 million in assistance to the contras in Nicaragua.

Before reaching the merits of this proposed legislation, some comments are in order about the vehicle that the administration has chosen to appropriate this money, and the procedures that the administration has employed to achieve its purposes.

It is indecent that the administration misuses a bill to appropriate money to assist the most desperate millions in Africa—who are now in the midst of one of the most serious famines and droughts in their history—as the vehicle by which the Congress is asked to provide more weapons to the military forces at war in Central America. In order to cast a vote for bread for the people of Africa, it may well be necessary for Senators also to cast a vote for more guns and bullets in Central America.

As for the legislative strategy here, the administration has chosen procedures that short-circuit the legislative process and minimize full consideration of these matters by the duly constituted committees of Congress. I object to the decision to circumvent the authorization procedures by which appropriations are debated and approved in the Senate. Relying on the argument that there is an emergency in El Salvador which requires immediate action by Congress, the administration has bypassed the Senate Foreign Relations Committee, rendering that committee inoperative and irrelevant with respect to this so-called emergency military assistance. By going straight to the Appropriations Committee, the administration has avoided dealing with precisely those Members of the Senate who have spent the most time and energy and effort to become expert on the situation in Central America.

By the same token, the administration's decision to attach its request for additional assistance to El Salvador and for the contras in Nicaragua to this legislation is a blatant effort to end-run the House of Representatives. One can only presume that, when it comes to this military assistance, the administration does not want to consult with its critics in the House of Representatives—but prefers to deal with Republican rubberstamps, and then try to resolve this issue in the relative obscurity of a House-Senate conference committee.

These issues are too important to the future peace of this hemisphere and to the future of U.S. relations with the peoples of Central America for debate to be cut short or for the committees of Congress to be circumvented.

Basic questions need to be stated, debated, and resolved before a single additional dollar of military aid is appropriated for El Salvador. Every time there is a problem in the world, whether in Lebanon or with the Soviet Union, whether in Grenada or El Salvador or Nicaragua, the President rushes toward a military confrontation. All that he seems to understand in foreign policy is more guns, more bullets, and more troops. What ever happened to diplomacy? There has not been a single major successful diplomatic initiative by this administration

anywhere in the world since it took office.

President Reagan's instinctive resort to military force as a substitute for wise diplomacy is the fundamental flaw in American foreign policy, especially our policy in Central America. Everywhere we look, the President is seeking to use superior military power as a substitute for a steady, coherent, and balanced foreign policy, based on America's own best values. The President is resorting to the military and the CIA to rescue a failed foreign policy and enforce short-sighted and short-term solutions. In Central America, President Reagan is moving U.S. combat forces closer and closer to conflict.

I believe that the Contadora process offers a far more realistic way to peace in the region. Everything and anything we do in the region should be designed to strengthen the Contadora process, but the President is pursuing policies that actually undermine and discourage the efforts of the Contadora nations.

Instead of reducing the Sandinistas' reliance on Cuba and the Soviet Union, the policies of the Reagan administration have pushed the Sandinistas into greater and greater dependence upon those two nations.

Instead of challenging the Sandinistas' support at home by pushing for a meaningful electoral process that would include vigorous participation by opponents of the regime, the Reagan administration has pursued a policy that has consolidated support inside Nicaragua for the Sandinistas.

Instead of isolating the conflict in El Salvador so that it does not spread into a regional war, the administration has expanded the conflict to the point where Honduras is now in the verge of being draw into the hostilities. In fact, a regional war throughout Central America may well be just around the corner if President Reagan is permitted to continue his policy of militarizing the conflict.

Instead of carefully limiting the military assistance that we send to El Salvador in the interest of pursuing a negotiated settlement of the conflict there, the administration has given the Salvadoran military a blank check, thereby insuring that the war will rage on.

Instead of keeping U.S. troops out of the conflict, the Reagan administration has organized exercises in Honduras that bring out forces to the very brink of the fighting.

Instead of strengthening the new democracy in Honduras, the administration has pursued policies which have weakened that democratic Government.

I believe we need a new approach that will give diplomacy a chance. In an effort to move the United States in the direction of negotiation rather than confrontation, I intend to work with other Senators to amend this legislation and to develop an effective alternative to the Reagan administration's policies of more guns, more bullets, more war.

First, with respect to El Salvador, we should provide only extremely limited military assistance to the new government until we know who will be running that government. I will offer an amendment to the Inouye amendment to provide sufficient military assistance to last only through the end of May—$21,000,000 instead of $63,000,000. At that time, we will learn who has been elected President of El Salvador, and we will know whether that Government will in fact commit itself to human rights, to land reform, and to the elimination of death squads.

Second, any military assistance that we send to El Salvador should be much more carefully conditioned on progress on human rights and other reforms.

No more funds should be provided to the Government of El Salvador after May 31, 1984, unless there has been a verdict in the case of the four churchwomen murdered in December 1980.

No more funds should be provided to the Government of El Salvador after May 31, 1984, unless a prosecution has begun in the case of the two American labor advisers murdered in January 1981.

No more funds should be provided to the Government of El Salvador after June 30, 1984, unless that Government is willing to conduct unconditional negotiations with opposition forces.

No more funds should be provided to the Government of El Salvador unless there is continued progress in land reform.

No more funds should be provided to the Government of El Salvador unless that Government has in fact made progress in eliminating the death squads.

In addition, we must get to the bottom of the persistent allegations that high Salvadoran officials are deeply involved in the death squads, possibly with the complicity or acquiescence of the CIA.

The members of the Senate and House Committees on Intelligence should be instructed to make a full investigation of these allegations and report to the Congress by May 31 of this year.

With respect to Nicaragua, I am absolutely convinced that U.S. assistance to the contras is both wrong and counterproductive. I will offer an amendment striking that assistance from this legislation. There is no justification whatever for this Congress to ratify Ronald Reagan's secret war against Nicaragua. The Senate should have the courage to stop it now, before it is too late.

Finally, I will offer an amendment to prohibit the use of U.S. combat troops in El Salvador, Honduras, and Nicaragua without advance approval by Congress. As we learned from the failure of the administration's policy in Lebanon, even the War Powers Act gives this President too much leeway to commit American troops to combat where the security of the Nation is not at stake.

In addition, we should amend this bill to prohibit military exercises in Honduras unless the administration has obtained advance approval from Congress. The provocative exercises now underway should be canceled, so that the Senate and the House will have the time to conduct a full review of that policy.

We must halt this rush to military confrontation in Central America. We must change course before we find U.S. soldiers bogged down in a war in Central America that will be bloody, dirty, and ultimately unwinnable. We do not need and we cannot afford another Lebanon in El Salvador.

In our relations with that troubled region of the world, let us return to the spirit of the Alliance for Progress. Let us revive the cause of human rights and human progress. Let us stand for what is best in our own people and our own traditions.

PRESSLER AMENDMENT NO. 2844

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 492, making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; as follows:

At an appropriate place in the resolution, insert the following new language:

Because the United States depends upon satellites for preserving the peace through command and control of United States forces worldwide and through early warning of strategic attack, among other functions;

Because satellites are vital for certification of arms control agreements;

Because the United States and other nations rely increasingly on space-based systems for weather forecasting, communications, natural resource exploration and other important commercial activities;

Because the maximum utilization of space technology for commerce and science is assured only under peaceful conditions;

Because the safety of such important missions including those performed by the space shuttle would be compromised by the threat posed by antisatellite weapons;

Because an uncontrolled space arms race would undermine strategic stability and divert resources needed to maintain strong and balanced defenses; and

Because the present pace of military developments, including weapons tests, will soon reduce the prospects of avoiding the weaponization of outer space;

The Senate and House of Representatives of the United States of America in Congress

assembled, hereby declare That the President should seek agreement with the Soviet Union to—

(1) declare an immediate, mutual and verifiable moratorium of limited duration on the testing in space of antisatellite weapons;

(2) immediately resume negotiations on a mutual and verifiable ban on the testing, production, deployment, and use of any antisatellite weapon;

(3) seek, on an urgent basis, a comprehensive verifiable treaty prohibiting the testing, production, deployment, or use of any space-directed or space-based weapons system which is designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

SEC. 2. Such agreements should not restrict operations in space not involving weapons, such as the United States space shuttle program.

IT IS TIME TO STOP SPACE WEAPONS

● Mr. PRESSLER. Mr. President, today I am offering as an amendment to House Joint Resolution 492, the 1984 urgent supplemental appropriation for the Public Law 480 program, the text of my resolution calling for a ban on weapons in space and on weapons designed to attack objects in space.

My resolution, Senate Joint Resolution 129, was reported by the Senate Foreign Relations Committee over 4 months ago. Although I would prefer to have this resolution considered by itself, it is apparent we are not likely to obtain floor consideration unless it is offered as an amendment to other legislation. Thus, I am offering it as an amendment to House Joint Resolution 492.

Major decisions on the future of U.S. military options in space will soon be made by the administration. If Congress is to play a major role in the development of space weapons policies, it would be more effective for us to act now.

The purpose of my amendment is quite simple. It calls upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space. If adopted by both Houses of Congress, this amendment would send a clear message that Congress desires the following actions on antisatellite and all other weapons in space or directed at space:

First, an immediate, mutual and verifiable moratorium of limited duration on the testing in space of antisatellite weapons;

Second, an immediate resumption of negotiations on a mutual and verifiable ban on the testing, production, deployment, and use of any antisatellite weapon; and

Third, pursuit of a comprehensive verifiable treaty prohibiting the testing, production, deployment, or use of any space-directed or space-based weapons system which is designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects in space.

Mr. President, the following Senators are cosponsors of the original resolution, Senate Joint Resolution 129: TSONGAS, PERCY, PELL, MATHIAS, CRANSTON, LEAHY, BUMPERS, BRADLEY, MURKOWSKI, MATSUNAGA, and KENNEDY.

The Arms Control Subcommittee which I chair has held several hearings over the past 2 years on space weapons and arms control alternatives. As a result of these hearings, the Foreign Relations Committee has adopted without dissent Senate Joint Resolution 129.

We are on the verge of the most expensive weapons research effort in history. We have entered the advanced testing stage of an antisatellite weapon, without first giving arms control talks a chance.

Some may argue that verification in this area is impossible. But experts consulted by the committee believe otherwise. Testing of antisatellite weapons will make verification all the more difficult. It is therefore vital that Congress act now in urging the President to resume space weapons arms control talks which could guarantee U.S. security without a space arms race.

My principal concern is that a space weapons race will add enormously to U.S. defense costs without providing any increment to U.S. national security. The U.S. ASAT weapon will cost "tens of billions of dollars" according to the General Accounting Office. Can we afford such weapons when U.S. taxpayers are already heavily burdened by previously authorized weapons systems?

Beyond ASAT weapons, there are proposals for advanced ballistic missile defense systems which could cost well over a trillion dollars to implement. Let me repeat: well over a trillion dollars. The down payment which has already been requested is a mere $28 billion—more than the present MX system in its entirety. For this $28 billion we would get only basic research—no hardware—just ideas.

I believe from the fiscal perspective alone the United States must give space arms control our very best efforts. We owe it to American taxpayers to provide an effective national defense at the lowest possible cost. We must examine if arms control can provide us a way out of the developing weapons race in space. If we succeed, we will have enhanced U.S. security because the United States gains from a threat-free outer space environment. For our Nation, this benefit would be even greater than it would be for the Soviet Union.

Mr. President, I urge my colleagues to support this amendment, and ask unanimous consent that an article from the Los Angeles Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AVOIDING A CRIPPLING SPACE-WEAPONS RACE

(By Larry Pressler)

In 1969, at the time that the United States entered the strategic arms limitation talks (SALT), the Air Force was about to flight-test a dramatically new weapons technology. This new concept, multiple independently targeted reentry vehicles (MIRV), represented a breakthrough in that each ballistic missile would have the capability to attack several targets. Concerned senators asked that MIRVs be placed on the SALT agenda and that flight tests be canceled in the interim. The Nixon Administration rejected this advice in the belief that MIRVs would provide us with a significant military advantage that the Soviets would be hard pressed to match.

But the Soviets deployed MIRVs much sooner than expected, and now they are a principal cause of American strategic vulnerability.

Today, America is at a comparable juncture with regard to the development of space weapons, and the quest for short-term advantage may lead to similar long-term results. Unless there is a serious negotiating effort, anti-satellite (ASAT) weapons could prove to be the MIRVs of the 1980s.

In the early 1970s, the Soviets deployed an anti-satellite weapon that they have maintained and continued to test. Though this weapon has limited ability to attack large numbers of U.S. satellites, the absence of an American equivalent does make for a strategic imbalance. In the most recent test of this system in June, the ASAT was fired in coordination with launchers of land-based and sea-based strategic weapons, a MIRVed SS-20 theater missile and anti-ballistic missile defenses. This demonstration led some analysts to conclude that the Kremlin views ASATs as an important element for waging nuclear war.

Should current trends in Soviet research continue, the threat to U.S. space interests will not come from ASATs alone. Moscow has an active laser—and particle-beam weapons-development effort that can be deployed in or directed at space. Though this program may not be completed for more than a decade, the Soviets are said to be at least five years ahead of us in the development of these death rays. Taken as a whole, the Soviets now spend three to five times as much as we do on militarizing space.

The United States must take defensive measures against these developments. To begin with, we can reduce risks by stocking backup systems that could be launched if our satellites are threatened. The space shuttle could help put replacement satellites rapidly into position.

Then, too, defense analysts may have wrongly weighed the current vulnerabilities of our space network by understating the weakness of our land-based satellite-control facilities. Given the small number of such locations in relation to the large number of satellites, it could be easier to neutralize our space network from the ground. The plan to add a space-control complex at Colorado Springs is a move in the right direction.

I have far less confidence in military countermeasures in space. Hardening satellites and/or providing them with the capability to maneuver away from an attacker would add significantly to satellite costs and reduce the payload directed at the satellites'

primary mission-and it may not work. Countermeasures invite counter-counter-measures, and escape techniques are futile against beams traveling at the speed of light.

The most desirable remedy to the space-weapons threat is a ban on space weaponry. Arms-control talks aimed at this end have not received the attention that they deserve. The apparent successes on the ground of the yet-to-be flight-tested American ASAT are perhaps the chief cause of the neglect of arms control.

When our version of the ASAT was inaugurated, Washington's primary motive was to draw Moscow into talks aimed at dismantling the Soviet ASAT in exchange for cancellation of the American program. Three rounds of talks were held in 1978 and 1979, but were broken off after the Soviet invasion of Afghanistan, and the United States has made no effort to revive them. Strategic planners are reluctant to bargain away the American ASAT now that it appears that it will be significantly better than the Soviets' deployed weapon.

As in the case of MIRV development, the United States has sought short run advantage. In the long run, the benefits will be meager. Given the current dynamics of the Soviet space-weapons development program, the failure to stop ASATs and other space weapons will surely produce new Soviet deployments. In this race, the United States has far more to lose because we will continue to depend on space systems more than the Soviets will. Oceans separate us from areas that are in our national interest to defend, whereas the Soviet Union is in the heart of Eurasia, meaning that, while land lines provide the Soviets with rapid communications to their military forces, the command and control of U.S. military units is best achieved via satellites. Also, the open nature of our society makes it much easier for the Soviets to monitor U.S. military programs without "overhead" reconnaissance than it is for us to monitor theirs.

Pursuing a space-weapons race makes little sense. We face major deficiencies in our existing force structure. Adding another dimension to the U.S.-Soviet competition would require spreading ourselves even thinner. Besides, avoiding war requires some degree of stability in military developments, and introducing a space-weapons race would undermine the delicate balance of terror as well as the predictability that defense officials require for effective force planning.

The United States has every reason to give space arms control a try. With our ability to quickly test and deploy the U.S. ASAT as a backdrop, the Soviets may now negotiate seriously. Should negotiations fail, we would retain our current space-weapons option.●

S. 518

GRASSLEY AMENDMENT NO. 2845

Mr. BAKER (for Mr. GRASSLEY) proposed an amendment to the bill (S. 518) to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control, as follows:

On page 5, after line 7, insert the following new subsection:

"(d) Grants or agreements entered into under this section will be subject to prior appropriations Acts.".

CHAFEE (AND GRASSLEY) AMENDMENT NO. 2846

Mr. BAKER (for Mr. CHAFEE, and Mr. GRASSLEY) proposed an amendment to the bill S. 518, supra, as follows:

On page 5, line 8, strike all through line 16 and insert in lieu thereof the following:

"ELIGIBILITY FOR FUNDING UNDER OTHER ACTS OF CONGRESS"

SEC. 5. Environmentally related programs as described in section 3 of this Act shall be eligible for funding through title V of the Older Americans Act of 1965, and title IV of the Job Training Partnership Act.".

ADDITIONAL STATEMENTS

THE FEDERAL DEFICIT

● Mr. McCLURE. Mr. President, I rise today to ask my colleagues to seriously look for a solution to the Federal deficit.

It is very clear to me that Congress and the country cannot wait until next year to bring the obese Federal budget under control. We must put the Federal budget on a strict diet before we find ourselves in the poorhouse.

As the Federal Government consumes more and more of the capital resources of the Nation, our economy becomes less and less productive. In order to make ends meet the Government borrows more money. This year alone, taxpayers will be forced to spend $116.5 billion on interest payments just to service the national debt.

A recent CBS News/New York Times poll indicated that 72 percent of the public were not willing to pay 10 percent more in Federal taxes to reduce the size of the Federal deficit. Mr. President, it is very clear that spending must be reduced.

Government spending is bleeding the country dry. Both sides of the aisle know this, and it is no secret to the American people either. The time is now to draw the line and stop the excessive Federal spending that is strangling the economy.

Last month, my good friend from North Carolina, JESSIE HELMS and I introduced a proposal that will effectively reduce the budget by 10 percent with the exception of social security and defense. This is a simple concept that will go a long way in reducing the Federal deficit. According to the U.S. Chamber of Commerce, our amendment would save $38 billion in fiscal year 1985 and would reduce the deficit to $46.77 billion by fiscal year 1989.

It is our intent to offer this amendment when the first concurrent budget resolution reaches the Senate floor. Very simply, it provides that any budget that comes out of this body would be trimmer and healthier. While some have claimed that Federal spending has been reduced as far as it can, it is clear to me that any budget can stand a 10-percent reduction.

Mr. HELMS raised a similar proposal last year during the budget debate. It was late in the session and everybody wanted to go home for the weekend. Nevertheless, it got 41 votes. My good friend from North Carolina then redrafted his proposal and offered the same amendment as a 5-percent reduction. This received 45 votes.

Awareness and the gravity of our situation has increased. I do not believe we can wait any longer. Our amendment is long overdue. We intend to start now and work to enlist the necessary support of our colleagues to obtain passage. We owe the American people what they demand: fiscal responsibility.

We need to help maintain our current economic strength and insure a bright future.●

RURAL DEVELOPMENT

● Mr. LEAHY. Mr. President, we continue to hear about the economic recovery that Americans are enjoying. Well, as usual, rural Americans—29 percent of our Nation's population—are being left behind. The low-wage rates and narrow economic base that characterizes rural America leaves our small towns and cities vulnerable to both short- and long-term changes in economic conditions.

Poverty continues to be disproportionately grounded in rural areas. Thirty-nine percent of the total number of people living below the poverty line make their homes in rural areas, while rural America as a whole represents just 29 percent of the national population.

Due to pervasive low wage rates, even two family incomes cannot guarantee a better standard of living. In facts, two-thirds of all rural households with one family member working full time live below the poverty line, and in 31 percent of rural households, two full-time incomes still does not lift the family above that level.

Mr. President, this is hardly economic recovery. I ask that the following article "Recovery, What Recovery" be printed in the RECORD at this point.

The article follows:

RECOVERY? WHAT RECOVERY?

(By Thomas N. Bethell)

The recession officially ended a year ago. We're having one hell of a recovery. That's the prevailing view among mainstream economists, who think things will keep coming up roses all through 1984. This is nice for President Reagan, because the media will stop hammering him on unemployment (you can see the change on the nightly news shows already) and his opponents will be skittish about attacking

Reaganomics next year. But it's bad news to at least 30 million people for whom the recession still happens to be the central fact of life. For them, an American tragedy is in the making. They are about to become the invisible Americans of 1984.

Ignored by the White House, they will find new friends on Capitol Hill. A year ago, when unemployment was still climbing toward a peak of 10.8 percent nationwide—a level not seen since the Great Depression—the outgoing 97th Congress debated but failed to pass a bill that might have provided a million short-term public-service jobs. This year, the 98th Congress passed a compromise $4.6-billion bill that primarily beefed up appropriations for highway construction and Corps of Engineers projects. Since these kinds of projects employ people, Congress called its legislation an "emergency jobs bill," and the press went along with the joke.

Then, except for agreeing to extend unemployment benefits, Congress turned its back on the jobless. Now that the official unemployment rate has declined to 8.4 percent and appears likely to drop below 8 percent soon, most members of Congress are becoming downright hostile to any proposal of economic aid to the jobless.

This was never more clear than on November 18, when Congress adjourned for the year with the usual flurry of last-minute action on matters considered crucial to the future of the republic. It authorized the extra $8.4 billion that Reagan had promised to the International Monetary Fund, passed a bill regulating traffic on Interstate 66—which serves congressional aids commuting between Capitol Hill and suburban Virginia—and found time to confer citizenship on William Penn, who couldn't make it to the ceremony because he had been dead for 265 years.

Congress also adopted a $249-billion defense appropriations bill, giving its blessing to MX missiles and B-1 bombers despite evidence that neither weapon will improve our security. If the military-spending bill had been shaved by just 5 percent, the money saved—$12.5 billion—would have been enough to support a public-service jobs program capable of putting more than a million people to work painting schools, fixing bridges, building parks, cleaning streets, fighting soil erosion, improving watersheds, operating day-care centers, helping in hospitals, taking food to the elderly, and learning new skills.

A bit more compassion for the jobless and their communities at the expense of a couple of unworkable weapons systems wouldn't have crippled our defenses. And it wouldn't have added a dime to the federal deficit. So the standard objection to big federal jobs programs wouldn't wash. But Congress did not care. It just wanted to go home.

And it did, awarding itself a two-month break while dust began gathering on thousands of pages of proposed legislation—bills debated in 1983 but now probably doomed to stay on the shelf until at least 1985 because of the congressional tendency in election years to produce "nothing but fluff and partisan rhetoric," as House Budget Committee Chairman James Jones (D-OK) put it.

Among the bills abandoned in the rush to adjourn:

The American Conservation Corps Act, which would have created the beginnings of a nationwide program aimed at giving unemployed young people jobs and experience in resources conservation, much as the old Civilian Conservation Corps did for 3 million Americans during the Depression.

The Community Renewal Employment Act, intended to channel $10 billion to thousands of hard-pressed communities for repair and maintenance of roads, water/sewer systems, schools and libraries, clinics, parks and public lands, and public transportation systems, and for such services as health care, emergency food and shelter, and child care. This bill would have created an estimated 500,000 jobs.

The Fair Practice in Automotive Products Act, better known as the domestic-content bill. It would have required foreign car manufacturers to put some American-made parts in the cars they sell here, a move which could have helped ease unemployment among U.S. auto workers, who have watched 215,000 jobs disappear in their industry since 1978 (the recession started early for them and, thanks partly to Congress, it won't be ending any time soon). Auto workers are still suffering from a 27-percent unemployment rate.

The National Employment Priorities Act, a bill requiring companies to give advance notice of major layoffs and plant closings (which have cost 110,000 jobs in California alone since 1980). It would also have provided federal aid to communities abandoned by runaway industries.

The Training Act of 1983, which would have encouraged employers and employees to establish tax-deductible "individual training accounts" (ITAs). An employee could use accumulated ITA contributions for retraining, job search assistance, and relocation expenses.

Advocates of federal housing and community-development programs can take satisfaction from having helped the jobless, at least indirectly, by successfully steering a $15.6-billion housing authorization through Congress. The bill will mean better shelter for several thousand distressed families, and it will certainly create some jobs in housing construction. But it got through Congress only because of skillful last-minute maneuvering by a few key supporters, not because of any widespread congressional concern for the afflicted.

What can we expect in 1984? "A Mount Everest of congressional irresponsibility," predicts Rep. Newt Gingrich of Georgia. He's in a position to know. Like other GOP loyalists, Gingrich—who is personally and philosophically close to Budget Director David Stockman—will spend next year helping the White House churn out its familiar propaganda, stirring fear that the insatiable Democratic lust to "tax and tax, spend and spend" would take us back to the inflationary chaos of the Carter years. Democrats will fight back, of course, hurling equally familiar charges of callous indifference at the White House, but the fracas will be mainly smoke and noise.

In this mindless acrimony, most efforts to pass new legislation will be doomed. And supporters of existing social programs will be kept busy defending against the next round of budget-cutting proposals, which the Administration is preparing to release when Congress reconvenes at the end of January.

HUMDINGER

"Even the most committed pessimists are reluctantly concluding that America is enjoying one humdinger of an economic recovery," President Reagan says. Is he right?

The President, as you may have noticed, has a tendency to oversimplify complex subjects. In the case of the economy, the subject is so complex that there's a huge yawn-factor built into any serious discussion of what's happening. That works to the President's advantage. As House Majority Leader Jim Wright (D-TX) has pointed out, "The President's economic statements date back to when he was on the lecture circuit for General Electric. Imbedded in his mind are the lines he could rely on to get applause."

The old scripts still work. Reagan still gets applause: his public approval rating at the end of November was above 60 percent. But that doesn't make him right. No humdinger, this recovery.

Close inspection shows, first, that the recovery is uneven and, in historical terms, not spectacularly strong. Second, its duration is likely to be comparatively brief—probably long enough to get Reagan reelected, but not long enough to get us through his second term without another recession, because Reagan's unprecedented $200-billion-plus deficits will eventually force up interest rates as government and business compete to borrow money.

Third, this recovery isn't the kind of rising tide that lifts all boasts, to borrow President Kennedy's metaphor. Many boats have been tossed on the rocks by a brutal economic storm which economists, with characteristic blandness, call "structural" unemployment. That adjective refers to the structure of the economy, but the storm does structural harm to small boats, too. This recovery won't repair hull damage, let alone float the most battered boats again.

In human terms, perhaps as many as 50 million Americans have been battered by the recession. Those still being hurt include millions of young people currently coming into the job market for the first time and discovering that nobody needs them. The unemployment rate for the 16–21 age group as a whole is 21 percent, and for black teenagers it's 50 percent. Suppose the average overall unemployment rate drops to 7.5 percent next year. Young job-seekers as a group will still be suffering from a 19-percent unemployment rate, and black teenagers will be enduring a 45-percent rate. Some recovery!

The ranks of the afflicted also include an estimated 3.5 million blue-collar worker who have been laid off since the recession began and who won't be going back to their old jobs no matter how rugged the recovery. Their old jobs are gone. In other words, their job slots don't exist any more, for one or more of four general reasons:

The industry that employed them is shrinking (steel, for instance); the company that employed them went under (as more than 22,000 companies did last year, a failure rate four times as high as in non-recession years); the company is still operating but management has shifted to "out-sourcing," which means it's making widgets in Korea instead of Kalamazoo; or the company is making the same number of widgets but with fewer workers. (Managers call this "enhanced productivity." Workers call it a speed-up).

Sure, many of the workers affected by this kind of unemployment will find other jobs, somehow, somewhere, sooner or later. But many won't. As many as a million workers have three strikes against them: they're victims of structural unemployment, they're at least 50 years old, and their skills are not readily adaptable to other work.

"What do you say, finally, to someone who was a second helper in a blast furnace?" asks Staughton Lynd, the author

and attorney who directs Northeast Ohio Legal Services in Youngstown. "He's not worth a damn outside that kind of steel mill." And that kind of steel mill isn't worth a damn against modern German and Japanese competitors.

That's why as many as 20,000 of the 50,000 unemployed workers in the Mahoning Valley around Youngstown may never find real jobs again. They're old and scuffed and their skills are irrelevant to potential employers, but they're too young to retire. They are, in other words, little boats with big holes in their hulls and no rudders. They need extensive repairs, the kind that can be made only by federal jobs programs of the kind Congress doesn't care about.

What about women? In rural areas, especially, they have been coming into the labor force relatively slowly and relatively recently. The recession has had effect of knocking many of them back out, although the numbers here tend to get jumbled, because it has also had a perverse reverse effect: In this recession, wives of laid-off workers in basic industries have been scrambling out of the house to find whatever's available, at any wage, in any kind of service job.

When that happens, there's a nice clean statistical trade: John is jobless, but Mary has joined the labor force. Maybe statistics don't lie, but if John was dumped from a $13.61-an-hour, 40-hours-a-week union job at a refinery and Mary barely clears the $3.35 minimum wage in a 16-hours-a-week part-time job at a luncheonette, it should be obvious that statistics can be slippery.

Of the approximately 45 million women in the labor force today, about a third have entered it since the recession began, according to estimates by the Bureau of Labor Statistics, and they've been entering at a markedly faster rate than during the immediate pre-recession period. A little arithmetic leads to the conclusion that the employment status of perhaps as many as 5 million women may be especially precarious, mainly because they're working cheap or part-time or lack seniority (and are thus likely to be hit by the next layoff) or all three.

This is the stuff of an economic and social nightmare. We have a civilian labor pool of approximately 112 million Americans, growing by more than a million a year. By official count, 102.7 million are working, and 9.4 million are not. What the President calls a "humdinger" of a recovery appears to be, in fact, a short-time economic trend unlikely to bring the unemployment rate below 7.5 percent before 1987 (using the Administration's own projections)—assuming that the recovery lasts that long. And few, if any, alert economists would bet money on that. Those projections mean that, at a minimum, 8.8 million Americans will be struggling with joblessness four years from now—in "good" times. If, in the meantime, we run into another recession, and unemployment breaks though to new postwar highs (as has happened in each of the past three recessions), we could be talking about 20 million unemployed or underemployed men and women. When you factor in families, that's 50 to 60 million Americans in distress.

We're riding a humdinger? It looks more than a rollercoaster. And just because the little car is moving upward on the tracks right now doesn't mean it isn't going to go down again. Don't forget, we've just experienced "a textbook application of scorched-earth economics," as policy analyst Peter Edelman puts it, "squeezing inflation out of the system by driving people out of work." Painful as that may be, it's only a temporary cure, because not one of the broad, basic causes of economic illness have been addressed by the Reagan administration. It's not hard to list the big ones:

Deficits? Growing. Necessary tax increases? They're being postponed again. Corporate capital? It's still being used for mergers instead of research-and-development, plant-upgrading, and quality-control. We're spending too much public money on unproductive investments (primarily weapons) and too little on investments with high but delayed dividends (education, conservation, community development). Our central cities and small towns are still falling apart. We haven't done anything to control foreign competition or multinationals shopping around the world for cheap labor. Our big banks with big uncollectable loans to Third World countries are, as they say, "exposed." We're trapped in a religious war in the Middle East and we're promoting a barroom brawl in Central America. Another oil embargo could cripple us, and a handful of determined terrorists in Kuwait and Saudi Arabia and a few other hot spots could set that scenario in motion.

This is quite a collection of things that might go *bump* in the economic night. True, the President has had a terrific run of good luck. And it may well see him through the election.

But if you think rollercoasters only go up . . . better hang on tight.

THE TUNNEL AT THE END OF THE LIGHT

More people are working now than were working a year ago. That's the only point the President wants us to keep in mind, and he's getting considerable help from the press. His point is correct, as far as it goes. But it doesn't go far enough. The President is counting on our bad memories and our impatience with details to help him obscure what's happened while he's been in charge.

Remember, the official unemployment rate stood at 7.4 percent in January, 1981, when President Reagan took office. It hovered at approximately that level for eight months, until Reagonomics started taking effect in October, 1981 (the beginning of fiscal year 1982). The official unemployment rate for October reached 8 percent. In November it climbed to 8.4 percent (precisely the same rate Recorded for November, 1983, two years later). By December it had reached 8.9 percent. The climb continued throughout 1982 before peaking at 10.8 percent and starting back down.

Has the unemployment rate dropped with amazing speed? Yes, if you believe the White House and most of the media. No, if you look at the numbers and the calendar, preferably at the same time.

Just listening to all the babble here in Washington when the Bureau of Labor Statistics announced that the November unemployment rate had descended to 8.4 percent, it would be hard to tell whether you were watching the economy or an opening night on Broadway. Here's how the new rate was greeted:

"Remarkable!"—Larry Speakes, White House.

"Remarkable!"—News report, Washington Post.

"Remarkable!"—Editorial, Washington Post.

"Stunning!"—ABC News.

"Stunning!"—CBS News.

"Stunning!"—Associated Press Radio.

"Striking! The strongest economic recovery since World War II!"—Business Week.

"More Americans at work than ever before in the history of our country!"—Ray Donovan, Labor Secretary.

"Will mean happier holidays for millions of Americans!"—USA Today.

For sheer skill in news management, you've got to hand it to the White House. Look at it this way. Could you sell a car that runs on three cylinders, gets seven miles to the gallon, and has no shock absorbers, turn signals, or windshield wipers? Most Washington journalists would buy such a vehicle, apparently, if Ronald Reagan offered it to them. He sells the economy that way—"Shucks, fellas, last year it had four flat tires"—and they buy it. And then they take it on the road, proclaiming to anyone who will listen (and that's a lot of people, if the polls mean anything): "It's a 1984 Reagan. Hey—great car. Four new tires!"

Nevertheless, the simple fact is that the unemployment rate needed about a year to climb from 8.4 percent to 10.8 percent, and it has needed about a year to fall back to 8.4 percent. That does not mean that things will be fine from here on. It does confirm that virtually all of Reagan's term of office has been spent letting unemployment climb high enough to halt inflation by wiping out the buying power of millions of Americans for a relatively long period of time. (For example, a recent Boston College study of a group of laid-off auto workers found that 47 percent of them had exhausted half of their savings and 25 percent had exhausted every last dime.)

With the help of smoke and mirrors, this wretched method of controlling inflation contributes to a process called "building consumer confidence." With inflation temporarily under control, and millions of still-employed Americans adjusting to previously unthinkable circumstances (a 12-percent mortgage on a two-bedroom $90,000 house), consumer spending eventually increases and businesses start rebuilding inventories, which gives manufacturers reason to manufacture something, and makes them feel good.

This is called "recovery". It creates enough of a boom to make money on Wall Street for a small percentage of the citizenry, and it creates a market for magazine articles arguing that the rich must be doing something right, inasmuch as they are still richer than the rest of us. But the term itself is deceptive.

In medical science, "recovery" means that the patient is well. In economics, it means only that he is up and lurching around the room. When the patient is as big and unruly as the American economy, many things could happen next. Maybe the patient will put on his clothes and go home. But maybe he will get tangled in his tubing and fall down the stairs and break every bone in his body. Best to stand back at a safe distance and watch. If only we could.

WHY RURAL PROBLEMS OUTLAST RECESSIONS

This recession was underway early in many parts of rural America and won't end any time soon, because many rural areas still depend heavily on industries susceptible to economic trends that began developing long before this recession hit the nation as a whole. The recovery may mask those trends for awhile, but they're still there. That's why so many rural workers have the vague sense that they're always in a recession.

Coal miners in Appalachia are fighting a runaway industry. With considerable help in recent years from federal coal-leasing

policies, companies have been developing huge strip mines in the West, motivated by forecasts in the 1970s of a vast market for coal in the mid-1980s. It hasn't materialized. Result: intense competition between western surface mines and less profitable undergound mines in Appalachia. Victims: thousands of miners, their families, and their communities.

Textile workers in the Southeast are fighting a runaway industry too. Workers have been battered by more than 200 plant closings in North Carolina alone since the recession began, costing more than 57,000 jobs. But the recession isn't the main cause—the big problem is the use of American capital to finance cheap-labor textile plants abroad. That pattern began before the recession, and recovery won't put a stop to it. Textile workers in other parts of the South must also battle poverty-level wages, another problem that predates the recession and will linger long after.

Timber industry workers have bounced through one recession after another. High interest rates in 1978 knocked housing construction into a slump from which it has never fully recovered. But a greater problem for workers and their communities has been the tendency of the industry to shift its base from the Pacific Northwest and northern Midwest to the Southeast. That means sustained high unemployment in the abandoned regions and a mixed blessing, at best, in the South: work, but not for many people (because the industry is increasingly automated), and coexistence with yet another tough, anti-union industry.

Farming is still the economic backbone of much of rural America but it no longer provides stable employment for large numbers of people. Against a general population increase in rural areas in the '70s, 42 of the 66 counties in South Dakota lost population—an example widely duplicated across the Great Plains. Much of this is due, of course, to mechanization, a process that proceeds without paying much attention to recessions (and accelerates during recoveries). And seasonal farmworkers still bump along on the bottom of the economy in good times and bad.

Economic diversification has generally benefited rural America in recent years, but again the blessings are mixed. Basic industries pay better than the service sector, as a rule. McDonald's is a cleaner place to work than a coal mine, but the hourly wages and benefits are about one-fifth as high. It may sound high-tech to have a job on a computer assembly line in Minnesota, but the work is boring, the supervisors stop-watch your toilet breaks, union organizing is frowned on—and the pay is low.

For these and other reasons, working conditions in rural America can be rough regardless of recessions. Median rural income is about 78 percent of urban. Poverty in America, as tabulated by the Census Bureau and the Department of Agriculture, remains disproportionately rural: only 28 percent of America's people live in rural areas, but 39 percent of America's poor can be found there. Low wage scales mean that in rural areas you can be a full-time breadwinner and still be poor: in 28 percent of the poor families in rural areas, the head of the household works full-time. In 31 percent of the poor families in rural areas, the family remains poor even though two family members work full-time. That's almost twice the percentage for urban families with two wage-earners.

Figures like these mean it's nonsense to believe a short-term recovery can resolve deep, basic problems afflicting millions of people. Rural Americans need long-term planning—at the local, state, and federal levels—and they need the short-term support that many federal programs provided, back in the days when voodoo and vaudeville were not part of economics.

STRUCTURAL STRESS: 'WHO DO YOU PUNCH?'

No matter how you juggle the numbers and the rhetoric, the basic imbalance remains the same. Throughout the rest of the decade, more and more Americans will march into the labor market only to find fewer and fewer jobs that match their skills.

That's a rough but serviceable definition of structural unemployment, a problem that the recovery hasn't solved and won't solve. Martin Feldstein, the as-yet unmuzzled chairman of the Council of Economic Advisers, says structural unemployment accounts for nearly 60 percent of the total. Putting it another way, six out of every ten workers currently laid off can't expect to be called back to their old jobs—and there's not much hope of finding the same kind of work somewhere else.

A new study, Distressed Workers, written by Vanderbilt University economist Daniel Saks under the auspices of the National Planning Association, predicts that large numbers of the structurally unemployed will face chronic unemployment or poverty wages or both throughout the rest of the decade. Regardless of the strength of the recovery, "serious structural problems in the labor market will leave concentrated groups in distress," Saks writes.

Structural employment problems created widespread distress even in what we now think of as the Good Old Days. Saks estimates that 11 million Americans—about 10 percent of the work force—were in economic distress in 1979, before the recession began. Of that number, 4 million could find only occasional work and 7 million were working at poverty-level wages.

Saks describes four categories of workers who will have particular difficulty in the turbulent job market of coming years:

Young would-be workers lacking skills or opportunities to break into the labor market.

Disadvantaged workers whose normal earnings will be too low to lift their families out of poverty.

Dislocated workers who have been accustomed to steady work at good pay but find—while still in their prime years—that those kinds of jobs are disappearing.

Older workers, often with health problems, who have little earning power or retirement income.

Saks notes that because the problems of each group are significantly different, policies must be developed with that in mind. Young people rejected by the labor market need alternative and remedial schools and intensive residential training programs like the Job Corps; disadvantaged workers need income-maintenance programs, including public service employment programs; dislocated workers need individual counseling along with protracted retraining; and older workers need increased opportunities to retire earlier and increased health-care programs.

These approaches would represent a 180-degree change from the direction we've been going under a determined President Reagan and a befuddled Congress. Moreover, although reports like Distressed Workers are valuable, when they get into policy recommendations they tend to understate the complexity of the problems faced by individual workers, even the most resourceful, when they come up against structural unemployment.

Take the case of Ron Bricker. He's a 40-year-old Pennsylvania steelworker who got laid off last April, enrolled at a state-financed job retraining center, and made headlines when President Reagan visited the center and Bricker handed him a resume.

Reagan telephoned Bricker the next day with a job offer from Radio Shack, which had contacted the White House and was prepared to train Bricker as a computer service technician. Administration publicists were ecstatic, not only because they could demonstrate presidential compassion for the jobless but because they would be able to use Bricker as an example: With a lot of gumption and a little help from the Gipper, down-and-out worker in fading industry jumps to computers, rides wave of future. A natural. Perfect for Hollywood.

But Washington County, Pa., isn't Hollywood and the real world isn't so simple. Bricker had been making $13 an hour in his old job, enough to support his wife and son and keep up the payments on a modest but new home. Trained as a computer technician, Bricker began collecting a technician's pay: $6.50 an hour. His take-home pay—$196.50 a week—turned out to be $2 less than he had been collecting in unemployment compensation. Bills began piling up. He fell behind on payments. After two months with Radio Shack, he quit, deciding he'd do better looking for work elsewhere.

"I figured computers were the future," Bricker told an Associated Press reporter, "but the money isn't there."

The steel mill has picked up some orders recently and Bricker has been recalled to his old job. But he expects to be laid off again before long. He doesn't know what will happen after that.

"I'm really bitter about what's going on in this country," Bricker says. "I want to reach out and punch someone, but I don't know who to punch."

He's in good company. Millions of Americans have discovered that they can't trade up in the job market, through circumstances beyond their control, and they don't know who to punch, either. There are no simple answers to the problems they face, but it should be obvious that they need a lot of help. They need a whole battery of public and private programs to help them through the difficult years ahead. They need programs that are carefully planned and thought out, properly coordinated, and, perhaps most important, sustained—programs that aren't switched on and off whenever the mood swings in Washington.

Counting all the members of Congress and the occupant of the White House, there are 536 elected big-thinkers in Washington. If they can't figure out how to help the Ron Brickers of this world, sooner or later the Ron Brickers of this world will figure out who to punch.

REAGAN'S BOX SCORE

49-Year Record: The number of unemployed people reached 12,036,000 in December, 1982, the highest number since 1933.

42-Year Record: The unemployment rate reached 10.8 percent in December, 1982, the highest rate since 1940.

All-Time Record: Initial claims for unemployment insurance reached 703,000 during the week of September 18, 1982, the highest one-week total ever.

All-Time Record: The number of people employed part-time because they couldn't find full-time work reached 6,845,000 in January, 1983, the highest number on record.

All-Time Record: The number of discouraged workers—those who have given up looking for work and are no longer counted among the unemployed—reached an estimated 1,849,000 in the fourth quarter of 1982, the highest number ever recorded.●

THE ROLE OF CONGRESS IN DEFENSE POLICY

● Mr. QUAYLE. Mr. President, I would like to share with my colleagues a statement presented recently by my good friend and chairman of the Armed Services Committee, Senator TOWER. The chairman's farewell statement before the Senate Budget Committee captures both the frustrations and rewards of being involved in the formulation of our country's national security policy. It is the voice of experience, and speaks to the most fundamental relationships between the Congress and executive branch in formulating our defense policy, in setting national priorities within the Federal budget, and in managing efficiently our resources allocated to national defense. Mr. President, for the benefit of my colleagues in the Senate, I ask that Chairman TOWER's statement before the Senate Budget Committee on March 6, 1984, be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR JOHN TOWER BEFORE THE COMMITTEE ON THE BUDGET

A NATIONAL SECURITY AGENDA FOR THE CONGRESS

Mr. Chairman, I appreciate the opportunity to present to this committee, for the third and final time as chairman of the Armed Services Committee, my personal views on our country's future requirements for national defense.

In preparing for this hearing, I had given thought to updating testimony presented over the last 2 years, wherein I outlined many of the current and future challenges to our foreign policy, emphasized the need to continue rebuilding our defense posture, and identified some of the practical and financial pitfalls that prevent efficient execution of the defense program in an unstable defense budgeting environment.

I commend these issues to you once again; they are central and enduring. Clearly, the problem of redressing the current military imbalance with an adversary that still maintains a broader based and more aggressive weapons modernization program is just as persistent today as it ever has been. The foreign, domestic, and economic implications of a widening gap between the relative military capabilities of the United States and the Soviet Union should weigh heavily in our national planning—including that done by this committee—for the foreseeable future. We will do the country a great disservice if we avoid this central problem and its enormous implications for the Nation's future well-being.

On second thought, however, I concluded that these issues will play, unfortunately, an extremely limited role, if any, in the context of the immediate search for a solution to this year's budget impasse. The plain truth is that Congress has not listened to these arguments over the past 2 years, and probably will not seriously consider them in its deliberations on the President's fiscal year 1985 budget. Despite this administration's best efforts to present a defense budget based on visible threats and long-term security requirements, the Congress is determined to consider defense issues only in the context of near-term affordability.

This is an old, but I sense, growing problem, one that is now polarizing the relationship between Congress and the President on the issue of national defense and is frustrating efforts to develop and execute a balanced and stable defense program.

Insofar as the Congress is part of the problem, it must be part of any solution. This has caused me to reflect upon a national security agenda for the Congress that might assist in reestablishing fundamental points of reference for leaders of both branches of Government and of both parties, as we attempt to secure the long-term interests of the United States in a volatile and uncertain world. This agenda has five important elements, from congressional self-examination and reform to consensus building and leadership. We should begin by reviewing the proper role of Congress in setting national priorities and formulating the Federal budget.

REVIEW OUR RELATIONSHIP TO THE EXECUTIVE BRANCH

Holding the power to tax and spend, Congress, of course, has played, and will continue to play, a major role in the Federal budget process. But in more recent years, some in Congress have assumed an almost sanctimonious attitude that I believe vastly inflates our individual and collective competence.

Some have taken to ignoring Presidential budgets—not just parts of them, but whole budgets. Rather than working our will through the committee system, we ask the President to "send us a more realistic budget," or we barter back and forth in highly informal, politicized, and public "negotiations." Members of Congress, even freshman Members, write their own prescriptive budgets for the entire Federal Government.

So, the first priority should be to assess the basic relationship of the Congress with the executive branch. The Congress may decide that these current trends are appropriate. In fact, as the chairman of an authorizing committee, no one has had a greater interest than I have in protecting the prerogative of congressional oversight. However, I suspect that such a review would highlight several key, constitutionally derived limitations.

We are a relatively unorganized group of 535 individuals with no real executive authority, whose collective decisionmaking capabilities are diffused and painfully limited. Our knowledge of, and responsibility for, governing Federal agencies is also limited. Our government was organized to include only one executive branch, and the taxpayers should be paying for only one.

It is a weak government indeed that is ruled exclusively by the lowest common denominator of its legislature and the perpetual acquiescence of its executive. No Senator or Congressman is elected to serve all the people. Before we reject it out of hand, we must acknowlege and respect the need in our form of Government for Presidential leadership, lest we presume to set a course for the Nation substantially at odds with that which he has proposed. A President's statement and agenda of national priorities is not inviolate but, in principle, I believe it should carry more weight than that of any committee of Congress.

After reviewing in general terms our proper role in setting national priorities and formulating the Federal budget, the Congress should turn to an internal reassessment of its increasing involvement in defense and foreign policy.

RECONSIDER CURRENT TRENDS IN CONGRESSIONAL BEHAVIOR

Here again I am concerned about current trends in Congress. When the President convened a bipartisan commission to address social security issues, its results were accepted and enacted into law. While similar commissions have been organized on Strategic Forces and Central American policy, their results and recommendations still face repeated debate and challenge. When we, in Congress, act upon difficult issues such as taxes and social security, we tend not to want to revisit them anytime soon. However, this does not seem to hold true in defense and foreign policy. It is not my view that the work of bipartisan commissions should necessarily be rubberstamped by the Congress. I do believe, however, that the work of such outside experts on important long-term problems in defense and foreign policy deserve as much serious consideration as that given to the resolution of domestic problems.

The area of arms control is another example of how our responsibilities for congressional oversight are taken to the extreme in areas far removed from our immediate constitutional duties. Too few can resist the temptation to publicly advise the President on how to negotiate with the Soviet Union, and propose their own schemes for arms control. In the recent past, more often than not, congressional intrusion has played the foil to U.S. negotiating positions, while the Soviets wait stoically for further U.S. concessions at the bargaining table. Many times, the source of our intrusion in foreign policy is domestic politics; that is, the desire to fulfill the narrow wishes of America's many ethnic minorities, or to enhance one's credibility in the media.

In defense policy, the Congress—occasionally including my own committee—is engaged in too much micromanagement at the expense of the broader review of defense requirements and priorities. Moreover, Congress itself is often the source of the restrictive rules, regulations, and guidelines that prevent the efficient use of taxpayer dollars. The defense authorization and appropriation acts contain over 100 general provisions, many of which tell the Department of Defense what it cannot do to spend defense dollars more wisely.

The provisions of the Davis-Bacon Act require the payment of prevailing wages, usually union rates, for contracting on Federal construction projects. If Davis-Bacon were eliminated, the fiscal year 1985 military construction program, if approved intact, would cost roughly $300 million less than has been requested.

In attempting to protect Federal employees, the Congress also restricts DOD's ability to contract-out for various services. The additional cost to the taxpayers exceeds $500 million in budget authority over a 3-year period.

And, of course, base closures and realignments—correctly viewed as legislative infeasible—are worth billions over time.

In addition, congressional action on individual defense programs can also be a primary cause of increased costs. We have stretched out programs, and even continued those for which there is no longer a valid military requirement, such as the A-10. In some cases, we have promoted dual-sourcing where the real demand is barely sufficient to support one producer, or insisted upon sole-sourcing where competition would be excluded.

Many of these restrictions, and they are almost too numerous to count, amount to congressionally mandated waste. It is also interesting to note that while Congress has never had a stronger grip on defense management than it has today, we have never complained louder about waste, fraud, and abuse. While I will continue to try to seriously address these issues, I will not be moved prematurely by those who decry the Defense Department's so-called waste, fraud and abuse, and so propose enormous cuts in the defense budget, but in fact fail to support the legislative changes necessary to achieve reforms.

Addressing this larger problem head-on—that is, the lack of congressional self-restraint—is perhaps the precursor to a third item on the agenda.

LEGISLATIVE REFORM

After looking back to our constitutional roots and comparing them with current congressional practices, I believe the Congress should be willing to consider legislative reforms, such as a reorganization of the committee system and the congressional budget process, to remove unnecessary layering and overlapping jurisdictions.

This committee has already received testimony from many witnesses on potential changes to the congressional budget process, and I will devote more thought to this issue in the coming months. For now, I can only say that it is getting somewhat embarrassing, in responding to questions about reform of this budget process, to explain that we are so bogged down in the process that we haven't got the time to consider changing it.

Without making reference to any specific proposal for legislative reform, I would clearly be inclined to inject the current system with a greater capacity for institutional leadership and self-discipline. I believe the need for such leadership is clear. During the last 15 years, the average years of service in the Senate has declined from 11.6 to 8.5 years, the lowest average since 1955. The 97th Congress had a greater proportion of Senators serving first terms (56 percent) than any Congress since 1923. The drift of power away from the full committee and towards subcommittees has thus been recently combined with a period of higher turnover and declining experience and longevity among Senators.

In addition, we have too many committees with overlapping jurisdictions. The 92 hearings held by the Armed Services Committee last year accounted for only 54 percent of the Senate hearings in which the Department of Defense presented testimony. I speak with a vested interest, but also, I believe, in the interests of the Senate in arguing that the committees of greatest expertise should be given more exclusive responsibility for recommendations to the Senate. It should also be evident that, except in the review of conference agreements, the Senate need not vote on the same issue more than once a year. Serious consideration ought to be given to whether or not we really need a separate authorization and appropriations process, and whether their consolidation might not result in a reduction in the congressional workload, and in more cohesive and clear statements of legislative intent.

FIDELITY AND LEADERSHIP

If the Senate can reassess its relationship with the executive branch, move away from the current tendencies toward narrow self-interest, and reorganize itself to speak more clearly on issues of national importance, then I believe we would be prepared to offer the kind of leadership for the country that was envisioned in the Constitution.

Senator Russell once asked a colleague about the results of recent elections. The colleague replied that his margin of victory over the years had been steadily climbing, and he was now getting over 85 percent of the vote. Russell responded to the effect that this margin of victory was much too high for a Senator, because it showed that he was doing too much following and not enough leading. The more time we spend in the Senate, he argued, the more leadership we own the Nation.

And so, a fourth item on the national security agenda is the need for Congress, particularly the Senate, to provide greater leadership, and to cultivate among our constituents a greater appreciation for America's role in the world and the broad requirements of our defense and foreign policy.

This will undoubtedly be a considerable challenge. Somewhere along the way, we have failed to impart to the current generation, including many in Congress, an adequate appreciation of international affairs. While many claim to understand the dangers and costs of war, too few are schooled in the balance of diplomatic and military arts required to prevent it. Rather than providing background and insight to America's long-term interests, too many Members return from their factfinding trips abroad with "clientitis," an affliction generally associated with junior Foreign Service Officers.

Leadership and statecraft have a special place in the Senate, but they do not come naturally in our political system. In my view, we must work harder to strike the proper balance between moving the country in the direction our constituents want it to go—frequently toward disengagement and isolationism—and leading the Nation toward where we must go if we are to maintain a global political and military balance of power in the years ahead. This, indeed, is our highest duty.

REBUILD A BIPARTISAN CONSENSUS ON DEFENSE AND FOREIGN POLICY

All these thoughts, Mr. chairman, are focused on what I believe is one of the Nation's highest priorities: Rebuilding a bipartisan consensus on defense and foreign policy.

In foreign policy, the results of our rancorous disagreements are all too obvious. In defense, while the results are less open to public view, they are no less detrimental.

The current impasse on defense is largely the result of contrasting approaches to the strategic problem of how best to meet our international obligations. The administration maintains that these obligations, and the military requirements identified to support them, should provide the basis for the defense budget request. Conversely, the Congress generally seems to argue that domestic politics and available resources should determine "How much is enough" for defense.

In my view, we must soon come to a resolution of these differences. In the last 3 years, the Congress has made major reductions in the defense budget—in fiscal year 1982, a reduction of $7 billion; in fiscal year 1983, $18 billion, and in fiscal year 1984, $17 billion—and it appears as though substantial reductions in fiscal year 1985 are inevitable. We, in Congress, complain about mismanagement and waste in the Pentagon and yet it is these large annual funding changes which make sound program management impossible and cost overruns a certainty.

I would characterize the immediate future of the defense program, in financial and programming terms, as very unstable. The Department of Defense is planning for future increases beyond what appears to be politically feasible; and some in Congress are considering reductions from the President's request well beyond the bounds of prudent risk. In reaching the correct budget figures for fiscal year 1985 and the outyears, I would emphasize four important objectives: Consensus, commitment, stability, and steadiness of purpose.

I hope that we, in the Congress, and the administration can approach this problem with open minds; the administration, sensitive to the need to restore a bipartisan consensus on national defense, and we, in Congress, true to our constitutional obligation to provide for the common defense.

There will always be risks in compromise, but the potential long-term benefits to the Nation could make it well worth the effort.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1984.

In Reply refer to: I-00517/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-35 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Singapore for defense articles and serv-

ices estimated to cost $280 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-35

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Singapore.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$130
Other	150
Total	280

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) description of articles or services offered: A quantity of eight F-16/79 aircraft with government-furnished aeronautical and avionics equipment for installation during production, aircraft spares, support equipment, and training.

(iv) Military department: Air Force (SDA and YFA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending December 31, 1083.

(viii) Date report delivered to Congress: March 22, 1984.

POLICY JUSTIFICATION

SINGAPORE—F-16/79 AIRCRAFT

The Government of Singapore has requested the purchase of a quantity of eight F-16/79 aircraft with government-furnished aeronautical and avionics equipment for installation during production, aircraft spares, support equipment, and training at an estimated cost of $280 million. It is anticipated that these aircraft will remain in the United States for some time after the sale to allow Singapore Air Force personnel to receive training from the United States Air Force.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country which is a continuing force for peace and regional stability in Southeast Asia. Singapore's strategic location astride the narrow entrance to the Strait of Malacca commands the primary route between the Indian and Pacific Oceans, one of the world's busiest waterways. Through this strait passes the bulk of West to East tanker traffic from the oil rich Middle-East. Sale of the F-16/79 to Singapore would support United States' security objectives by improving Singapore's capability to defend itself, promoting closer ties between Singapore and the United States, and permitting Singapore to play a greater role in regional defense.

Recognizing that its small size could make Singapore a target of aggression, Singapore's defense strategy has been to make it clear that an attack would be unprofitably expensive. The F-16/79 will modernize the Republic of Singapore Air Force's (RSAF) aging fighter force and improve its capability to counter the present and projected regional threats. The F-16/79 will provide the RSAF with the opportunity to train a cadre of pilots and technicians in the operation and maintenance of a technically sophisticated aircraft.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Forth Worth, Texas.

Implementation of this sale will require the assignment of six additional contractor representatives to Singapore for 24 months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 22, 1984.

In reply refer to: I-00004/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-34 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Philippines for defense articles and services estimated to cost $30 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST
Director.

TRANSMITTAL No. 84-34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Phillipines.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$20
Other	10
Total	30

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 24 M167A1 20mm towed Vulcan anti-aircraft artillery with associated support equipment, concurrent spare parts, publications, services, support, and training equipment.

(iv) Military department: Army (ULI).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending December 31, 1983.

(viii) Date report delivered to Congress: March 22, 1984.

POLICY JUSTIFICATION

THE PHILIPPINES—VULCAN ANTI-AIRCRAFT ARTILLERY

The Government of the Philippines has requested the purchase of a quantity of 24 M167A1 20mm towed VULCAN anti-aircraft artillery with associated support equipment, concurrent spare parts, publications, services, support, and training equipment at an estimated cost of $30 million.

This proposed sale is consistent with the U.S. Government policy of assisting the Philippines in its force modernization program. Further, the sale will be viewed by neighboring friendly countries as evidence of U.S. interest in maintaining regional peace and stability.

The VULCAN anti-aircraft artillery to be sold is to be used in the modernization of the Philippine air defense forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Electric Company of Burlington, Vermont.

Implementation of this sale will require the assignment of three additional U.S. Government personnel to the Philippines for two weeks and two contractor representatives for one year.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

NATIONAL ENERGY EDUCATION DAY

● Mr. HEINZ. Mr. President, Friday, March 23, 1984, marked the celebration of National Energy Education Day (NEED). This important project promotes the development of energy education programs in our schools and communities. NEED also seeks to develop student leadership skills and participation in energy conservation and education programs.

At a time when this country is still heavily dependent on imported oil, NEED prepares future leaders for the important energy decisions they will be called on to make to secure our energy outlook. As this year's chairman of the 1984 National Energy Education Day Project, I am proud to be associated with this important national effort and congratulate those who have made this day so successful.

Mr. President, I ask that a recent article appearing in the National Science Teachers Association's "Energy and Education" be printed in the RECORD.

The article follows:

GUEST EDITORIAL

(Senator John Heinz, a member of Energy and Natural Resources Committee, is Chairman of the Alliance to Save Energy, a nonprofit coalition of government, business, labor, and consumer leaders dedicated to increasing the efficiency of energy use, located in Washington, D.C.)

In the decade since Arab oil ministers imposed an embargo on oil sales to the United States, our nation has made some progress in increasing the efficiency of our energy use. Oil imports, total energy use, and energy use per dollar of gross national product have all declined since 1973. However, if I were to assign a grade to our endeavors to promote energy-efficiency in our homes, factories, and schools, I would give us an incomplete grade.

The crisis atmosphere that surrounded the first embargo in 1973 and the subsequent oil shocks have been replaced with a disturbing attitude of complacency. Most Americans believe we have done all we can to use energy more efficiently. They think little about paying up to $1.50 for a gallon of gas for their cars.

Can we further reduce our consumption of both foreign and domestically produced sources of energy, while improving our standard of living? As Chairman of the Alliance to Save Energy, my answer is a re-

sounding 'yes,' We must educate the nation to dispel the belief that we have done all we can to promote conservation and efficiency. We've got a long way to go before we can successfully pass the energy test first imposed more than ten years ago.

A recent study by the Alliance, supported by the John A. Hartford Foundation, estimates that commercial and industrial firms—which consume 60 percent of our electrical energy—have invested in only 15 percent of the electricity conservation projects that are economically attractive. These opportunities include reliable, proven technologies such as adjustable frequency drives for motors, high efficiency fluorescent lighting, insulation, and energy management systems.

Another Alliance study, sponsored by the John D. and Catherine T. MacArthur Foundation, showed that capital-intensive basic industries—steel, chemicals, paper, aluminum, petroleum refining—can reduce their total energy costs by 10 percent by investing in conservation projects such as waste-heat recovery, computerized control of industrial processes, and upgrading and reuse of by-product gas. The rate of return on these conservation investments frequently exceeds 30 percent.

There is no shortage of conservation ideas. The problem is that management has not been educated sufficiently about the cost-effectiveness and the need to invest in energy efficiency. In an era of international competitiveness, American business managers cannot continue to overlook cost-cutting investments. They must being to capitalize on "conservation energy."

Homeowners also still have substantial opportunities to reduce their energy bills. For example, Alliance projects have shown that installing a flame retention burner in an oil furnace, or equipping a gas furnace with a device that captures heat before it is lost up the chimney, can cut homeowners' fuel bills as much as 30 percent. These procedures to upgrade the efficiency of home oil and gas furnaces are available, and pay for themselves quickly, but are widely unknown.

As educators and public leaders, we must insure that our youth are prepared to face the energy challenges of tomorrow. I urge you to actively participate in National Energy Education Day (NEED) on March 23, 1984. NEED's goals are to promote the development of energy education programs in all our schools, and to develop student leadership skills and participation in energy conservation and education programs. As Chairman of the NEED project, I am keenly aware of the vital role teachers can play in preparing our future generations of homeowners, business managers, and policymakers for the energy decisions they will be called upon to make.

I would like to take this opportunity to challenge you, as science teachers and community leaders, to aggressively promote in your courses an increased understanding of energy policy issues, and the vital role that energy conservation must play in our energy future. Only by increasing our energy efficiency will we finally be able to pass the energy test.●

SAM TENENBAUM—MAN OF STEEL

● Mr. KENNEDY. Mr. President, when President Kennedy said that an individual can make a difference, he was obviously referring to individuals like my friend, Sam Tenenbaum.

Sam is one of those people whose words and deeds demonstrate his deep compassion and commitment. Where he sees injustice, he attempts to right it. Where he sees indifference, he attacks it head on. He is always generous with his time, and generous in his efforts to help others.

In the February 26, 1984, edition of Columbia, S.C., the State, Jan Collins Stucker focused on Sam and his crusades in an article entitled "Man of Steel." Those of us who know Sam are confident that this iron-willed man with a heart of gold will continue to make a difference for years to come.

I would ask that the full text of this article be printed in the CONGRESSIONAL RECORD.

The article follows:

MAN OF STEEL

(By Jan Collins Stucker)

Samuel Jay Tenenbaum doesn't wait for other folks to do what's needed. When it comes to giving, he's first in line, offering his enthusiam, dedication, funds, whatever will help get the job done.

"He puts his time and energy and money where his mouth is," says Dwight Drake, a Columbia attorney and close friend. "I don't know a soul in the state who spends more time on causes, and it's not in name only. Whatever you're involved in, you can count on Sam being the most committed person in the group."

For years, South Carolina's dismal ranking in primary and secondary education has rankled Tenenbaum. He is convinced the state will not be able to attract progressive, high-paying industries until the schools are considerably better. So when Gov. Dick Riley was looking for someone to raise funds for his current educational campaign, his friend Tenenbaum volunteered.

Tenenbaum, vice president of Chatham Steel Corporation in Columbia, raised not only $85,000 for the campaign's media advertising, he also signed a $43,000 personal bank note to make sure the $100,000 goal would be met.

It's a typical response from the hard-driving, 40-year-old steel executive, who leads the charge on more worthy causes in South Carolina than most people know exist.

The downtrodden and helpless get the lion's share of Tenenbaum's spare time. "There's a fire in me when I see injustice," he says. "The argument against getting involved is that the other person will do it. But I can't accept that. Most people don't do it."

Tenenbaum's parents, Meyer and LaBelle Tenenbaum of Savannah, Ga., hold that point of view and worked to instill it in their children. Mrs. Tenenbaum remembers the time near the end of World War II when she and her husband invited 24 soldiers, stationed at a nearby World War II Savannah military base, for Passover dinner at the family's cramped apartment. They knew none of the GIs, and didn't have enough chairs to seat such a group around their table.

But that didn't faze the elder Tenenbaums. "We often used to do things like that," Mrs. Tenenbaum says. "My husband and his brothers always cared about people, and we didn't want those soldiers to spend Passover alone."

Taking a leaf from his parents' book, Sam Tenenbaum belongs to—or more often heads up—an astonishing number of civic religious, political and arts organizations. He has been chairman of the S.C. Arts Commission since 1981; first vice president of the Columbia Jewish Welfare Federation since 1981; and board member since 1983 of the Governor's Task Force on Critical Human Needs, the Children's Hospital and the Communications Authority Task Force.

He's also on the national council of the American-Israel Public Affairs Committee and serves on the Government Affairs Committee of the Steel Service Center Institute.

Tenenbaum's former affiliations are legion, as well, and include the Urban League, the Anti-Defamation League, the S.C. Democratic Party (he was finance director in 1979) and the S.C. Cambodian Relief Fund.

In 1981, he was named Man of the Year by the South Carolina B'nai B'rith for his many contributions to Jewish causes, which include serving as chairman of the Columbia United Jewish Appeal Annual Drive from 1979 to 1981.

Tenenbaum's wide-ranging activism confuses some people, says Morris J. Blachman, a University of South Carolina professor, fellow Jew and longtime friend. The confusion arises, Blachman thinks, because Tenenbaum "is driven to do these things, but not by the motives that drive most people. He's not seeking more power, more money or political office. He does these things because of his sense of community involvement."

But why do so much? Tenenbaum replies, "One of the basic tenets of Judaism is that we must perfect the world. So I guess my activism is my contribution to making the world perfect. I know I won't be able to do it, of course. But I have to try."

To some, Tenenbaum seems two different men. There's the aggresive, intense, impatient brash dynamo whose zeal and determination to get things done—coupled with his towering ego and seemingly boundless energy—often intimidate the very people he's trying to help.

"He's more like a fullback than a halfback," says Gov. Riley, who often uses his friend's business and fund-raising acumen for administration projects. "He charges and doesn't look up. And if he's tackled, he gets up and goes right on."

Charles T. Ferillo, top aide to Lt. Gov. Mike Daniel and an old friend and political ally of Tenenbaum's, says his friend "can be one of the most bullheaded individuals you'll ever meet. Arguing with Sam can be like speaking into a high wind."

But Ferillo and other friends also speak almost reverently about the other Sam Tenenbaum: the scrupulously honest, enormously generous man who loves people, gives unselfishly of his time and money, is a devoted son and brother, has deeply-held, patriotic values and has a soft, sensitive side he doesn't show most of the world.

Drake still remembers the summer of 1970, when he was a very poor law student and desperately needed money. Tenenbaum gave him a job cutting the grass at Chatham Steel and later upgraded him to cutting steel, "even though Sam didn't need another employee."

That soft heart was evident when Tenenbaum was still a child, his mother says. She loves to tell about the time when Sam, 8, stayed home from School one day to ride one of his pet ducks, laid up with a bad leg, around the neighborhood in a wheelbarrow cushioned with newpapers. Her son was

afraid the duck would get lonely in the back yard, she says.

Today, a physically imposing bear of a man with jet black hair, Tenenbaum plays as hard as he works. After a day of hectic business and civic activities, it's not uncommon for him to rush home and whip up an exquisite gourmet supper for friends, topped off with the best wine, brandy and cigars.

"I love to cook, and I love to eat," he says. He also loves to read (usually devouring four or five books at a time), listen to music, play racquetball and jog, the latter in a not always successful effort to keep off excess poundage.

"He does everything intensely," Drake says and laughs. "I went skiing with him in Austria in 1972, and he nearly worked me to death having a good time, learning everything and seeing everything."

A trip to Israel that Tenenbaum organized in 1981 for 94 South Carolinians, including Gov. and Mrs Riley, had similar overtones. "It was a fabulous trip," recalls one participant. "But we were exhausted by the end, seeing and doing everything we possibly could. There's no sitting around with Sam."

Tenenbaum is aware that his intense, frenetic style puts off some people.

"But it is hard to keep it under wraps," he explains. "I am like a downhill skier. Once the leap has been made, I am full speed ahead.

Tenenbaum's decision to dedicate his fervor to causes stems from being raised a tolerant Jew in the segregated South. Tenenbaum was taught that "other people were inherently as good as I was" by his father, a once-penniless Polish immigrant who became a lawyer and then a successful businessman, and his mother, a college-educated woman from Connecticut. His parents' veiws left an indelible impression, committing Tenenbaum to humanist causes from his earliest days.

Tenenbaum cannot overemphasize the importance of the dual influences of the South and Judaism in his life. "You had the perception that you had to be twice as good as anyone else" to deflect the ever-present discrimination, explains Blachman of growing up in the South. And Tenenbaum says, of growing up in a family where social activism was dished up along with the pabulum, "My family taught me it was a privilege to live in America, and that we have a resulting obligation to contribute to society."

After earning a bachelor's degree in history from Emory in 1965, Tenenbaum headed north. From 1965 to 1967, he attended the University of Minnesota, where he was awarded a master's in American studies in 1967.

Raised in a house where books, music and culture were treasured, Tenenbaum at one time wanted to study medicine. He changed his mind while in college, and in 1967, joined his father's company in Savannah to learn the steel business from the bottom up. In 1970, he was dispatched to Columbia to open the South Carolina branch of Chathem Steel Corporation. At the Columbia branch, Tenenbaum is a fair, shrewd businessman who supervises 45 people.

An older sister, Davida, 42, lives in New York City, where she is an independent art researcher and antique dealer. Younger sister, Karen, 30, is an early childhood development specialist in Los Angeles.

Dinner-table discussions about world events were part of growing up for Tenenbaum and his two sisters. "I guess being Jewish, the world is just part of the agenda," he says.

So was developing a devout commitment to Judaism. Like many Jewish children, Tenenbaum attended Hebrew school three or four times a week, in addition to his regular studies. He attended the local synagogue every Friday night and most Saturday and Sunday mornings, too.

The emphasis in his upbringing on world affairs made him a staunch supporter of Israel and an inveterate letter writer to newspapers about the volatile situation in the Middle East, even though those letters sometimes bring him hate mail.

His interest encompasses the Jewish community in the city, state and country, as well. "He's one of the most active Jews in the city of Columbia," says Howard Kosovske, rabbi of the Tree of Live congregation in Columbia. "You can't understand Sam if you don't understand Judaism."

"I'm as American as anybody else," Tenenbaum says. "Im as Southern as anybody else. I eat barbecue and pecan pie. But being Jewish is very important to me. I put a lot of my time and resources into it."

Since he turned 40 in August, some friends have teasingly told Sam Tenenbaum he's mellowing. It's true the energetic bachelor recently helped design and build a 2,500-square-foot retreat for himself in the Lexington woods. He spends as much time as possible these days in the bold concrete, glass and steel home that was featured last year in the New York Times Magazine and Architectural Record and will be in next month's House and Garden.

He also admits to making more of an effort to "be a little less busy. You do get tired. I want to help so many groups and people that I get overcommitted and can't do a good job. So I'm trying to learn to say no."

He thinks more these days about settling down, marrying and having children. "When you're unmarried and have no children and hit 40, you confront your own mortality," he says. But he adds that his commitment and intensity toward various causes "are probably as great or greater than ever, because there's only so much time."

"It's the quality of life you help make for others that's important in the end," he notes. "My favorite saying by the ancient Jewish sage, Hillel, sums it up."

"Hillel said, 'If I am not for myself, who am I? and if I am only for myself, what am I? I guess I try to live by that."

JOHN FLING: AN EVERYDAY SANTA HELPING OTHERS IN COLUMBIA, S.C.

● Mr. HOLLINGS. Mr. President, it is not often enough these days that we get a chance to read about those Americans who dedicate their lives selflessly to helping others in need before themselves. I was delighted yesterday to read of one such person.

For nearly 40 years, John Fling of Columbia, S.C. has helped the elderly, the blind, and the forgotten in his community provide for the bare essentials of their lives. He has shopped for their groceries, helped pay the rent, driven them to the doctor, and put joy back into their lives when no one else would.

While many talk of doing good, and look to others to do the job, John Fling has truly followed the biblical teaching, "Love thy neighbor as thyself." I wish to commend highly his spirit of community duty and voluntarism. He makes us all proud.

I ask that the March 25, 1984, article in Parade magazine describing Mr. Fling's story be printed in the RECORD.

The article follows:

HOW ONE MAN HELPS OTHERS

(By Sue Anne Pressley)

"Miss Charlotte" Sulton is heard before she is seen, warning her 14 cats (she has another 30 outdoors) in a fond, quavery voice to "stay right there, you little scalawags." Then she peeks through a crack in the door of her small green house—a tiny, arthritic woman 91 years old, eyes swimming hugely behind almost useless glasses. Miss Charlotte, a widow, has glaucoma.

"It's John, Miss Charlotte," John Fling calls loudy, rocking his heels on the creaky front porch.

"It's John." That's all Fling has to say as he makes his rounds through the downtown streets and suburbs of Columbia, S.C.

Each day, through baking summers and frosty winters, Fling looks out for his people—the elderly, the blind, the retarded, the eccentric, the forgotten. He brings food when the refrigerator is empty, rent money when eviction is passively awaited and good times when life seems choked with bad.

John Fling, 62, does not work for a social services agency. He is not the ambassador of a church or civic club. What he does, he does independently, giving away most of the small salary he makes delivering auto parts for a Chevrolet dealership and forgoing the requisite pleasures of American life: He and his wife have no telephone, no television and no car.

Fling's people have a special name for him. They call him the "Everyday Santa."

"What can I do for you today, Miss Charlotte?" asks Fling in his booming Georgia accent, bending close to the red knitted cap covering her head. "What do you need?"

He has brought her 50 pounds of cat food this visit and a steaming-hot chicken dinner. Much as he'd like, he can't bring her what she really wants.

"I wish I could see!" Miss Charlotte says in a high, excited voice, "I'm tired of falling down!

"Sometimes I think I ought to go to a home, but I wouldn't do that to my cats. That wouldn't be fair."

"Yes, Miss Charlotte," Fling says, forsaking his usual jocular manner. "I know."

Later, as he drives away, Miss Charlotte lingers on his mind. "I met her five years ago," he says. "She had run out of food. She told me she had her funeral arrangements all taken care of. I called the funeral home, and they had never heard of her." Fling sighs. "I guess when the time comes, I'll have to take care of her."

It is a cool, gilded late afternoon in early fall as Fling makes his visits in his blue-and-white company truck. The State Capitol is weekend-quiet, its legislators and bureaucrats have all gone home. This could be any city of 100,000 people that concerns itself with commerce and government. John Fling, however, may very well be one of a kind.

It is not his appearance that sets him apart as much as his presence—a cracking sort of energy that leaves one with the impression that he may very well live forever. He looks ordinary enough—tall, robust, silver-haired and bespectacled—dressed

always in a blue cap, blue-and-white work uniform and shiny black lace-up shoes.

His actions, nevertheless, are extraordinary.

As much as an observer can understand, Fling is driven by duty, a touch of ego and, as improbable as it sounds, a philosophy that follows biblical teachings to the letter: "Love Thy Neighbor as Thyself."

This philosophy—which drives him to give at least 40 hours a week to his extra tasks—is firmly tied to his background. He was the 12th of 19 children born to a poor but God-fearing sharecropper and his equally principled wife in Gabbettville, Ga. Fling's family, along with his Depression-era boyhood, leads to a steady patter of jokes.

"If my daddy was going to the store," he says, "a list was not necessary. There was never anything we didn't need." And, "My mother was pregnant a total of 5380 days. When we were ordered to go to bed, we knew another baby was on the way."

"Early in life," Fling continues soberly, "I learned that you share everything in this world. My parents—they gave their lives for us. They did without and did without and did without. Doing for other people gives me a satisfied mind."

He has been drawn especially to the blind, the elderly and the young. "People frown on me sometimes when I help Cambodian and Vietnamese families," he says as he stops beside a sprawling old downtown house. "But I look at the children. Those children are going to be here, and once they're here, they're your neighbors, whether you like it or not. And the Scriptures say you look after your neighbors."

"Now take this family," he says, getting out of the truck. They are a Vietnamese family of eight, U.S. residents for one full week. "The day after they moved in, we were all cleaning up. I looked around, and they were spraying Raid on the windows and Windex on the roaches."

As if on cue, the family runs outside, greeting Fling with wide smiles and a chorus of "Hey, John! Hey, John!"

Ten-year-old Oanh Dao points out her new goldtone watch, a gift Fling slipped onto her wrist during his last visit. Studying it seriously, she announces only five hours ahead of schedule. "It is exactly 12 o'clock."

On this visit, Fling must attend to an urgent matter—school supplies for the three young members of the family, who will be starting school the next day. He counts out $6 from his wallet and leaves amid cries of "Bye, John! Come back soon, John!"

Some of Fling's people wander into his life. Some, he finds. Others, like Edith Lewis, seek him out.

"Can you come by, once a week, at least," she wrote him four years ago, "and see if I'm still alive?"

As Fling pulls into Mrs. Lewis's driveway, her 16 dogs—all sizes, all barking—tumble out the door of her aqua-and-white mobile home. The home would have cost $2000, but Fling wrangled donations and presented it to Mrs. Lewis for a mere $1.

Edith Lewis, 77, an erect woman with long gray hair and finishing-school grace, shivers in the faint chill breeze and watches as Fling unloads 125 pounds of dog food from the truck. Blind old Blackjack, her most faithful dog, stands aloof in the doorway. The others break into a hungry frenzy.

Questioned sternly by Fling, Mrs. Lewis confesses that she herself is in need of food. "I simply haven't been able to get out," she says, swiping a strand of hair from her forehead. She will allow Fling to do her shopping if, and only if, he takes the money for the groceries. Reluctantly, he accepts her $15. Thirty minutes later, he returns, handing her two bags of groceries. The receipt reading $32.35 is crumpled in his pocket. He presses $1 in change into her hand.

As Fling drives off, Mrs. Lewis is putting things away in the broken-down refrigerator in her yard.

"I'm going to have to find her another refrigerator." he mutters to himself and riffles through a stack of about 50 telephones messages left for him at work. Someone needs a ride to the doctor next Thursday. Someone else needs a kerosene heater. Urgent: We need bread and milk. With cooler weather, the pleas for help increase.

It is not uncommon for Fling to take out a loan from his employers to tide over a landlord threatening to evict a jobless mother and her five children. In the last 10 years, he has signed over three cars he owned—old Bel Airs and Impalas in impeccable condition—to people whose jalopies had broken down a final time. His latest truck, which belongs to the company, has already logged 35,000 miles in six months.

He and his wife, Jane—a quiet, sweet-faced woman, the only daughter of a prosperous Austrian immigrant—live in a rent-free apartment owned by Jane's mother. They raised two sons there: Richard, 37, now a sergeant in the Army, and "Little John" Fling, 31, owner of a heating and air-conditioning business.

During their marriage, Jane Fling has spent her time as a frequent visitor to nursing homes and as a quiet crusader on her own religious quest. Educated as a Catholic, she is now a Seventh-Day Adventist dedicated to her prayer meetings and church literature.

"We're opposites," says Fling, stopping the truck outside his home. "I tell people, the only thing we have in common is that we got married on the same day."

Jane Fling swings the door open wide to greet a visitor.

Sunlight, the day's last, slants through the brown-and-orange cotton print curtains at the kitchen window. Jane speaks deliberately about her husband.

"I want him to do what he wants to do," she says. "What he feels is right. He's like this about me—he allows me to do things I want to do. I don't think couples should smother each other.

"See, I don't want a lot of things. What I want most in life is the knowledge of God. Material things like fur coats and wine don't bother me. The Lord gives people different gifts. He gave John the gift of service."

"Yep," says Fling later, as he climbs back into his truck. "If she didn't go along with it, I wouldn't do it."

Fling now directs the vehicle smoothly through the downtown streets of Columbia. This is where, in 1947, he first became involved with the city's needy.

At the time, he helped his father-in-law operate a string of newstands. His charges were some 100 scrappy paperboys who worked to put food on their tables at home. Fling never allowed any of them to run around without a warm coat or a hot meal.

In those years, he was also a deacon in the Baptist chruch. But 15 years ago, when he began driving a bus for the South Carolina Federation for the Blind, he realized, he says, that he could do more for others by making his own independent rounds. Since then, he has collected dozens of awards for his work.

"Agencies, they don't really get involved with me," Fling says shortly. "We have agencies for the handicapped, the blind, the elderly and the retarded. But what agency do you call to pick up food stamps or take you to the grocery store or mow your yard or take your dog to the vet or pick up a sick child at school?

"Who is going to make sure that the blind don't become hermits?"

For if Fling is a savior of sorts to people in tight fixes, he is also an entertainment director for blind people like Loretta and Billy Eubanks, a couple in their mid-30's who were virtual shut-ins before his appearance in their lives a decade ago. The Eubankses have a sighted son, Kevin, 12, who learned as a toddler that a visit by Fling usually meant an excursion.

Routinely, Fling will load up a dozen blind people and their children into a van and trek off to the beach or the mountains for a day. And he has invented a couple of contraptions for pure fun—a jogging pole that allows blind people to exercise and a go-cart with a walkie-talkie rig-up that enables them to zip across a pasture, merrily executing daredevil turns as Fling provides directions.

The sky is a star-studded black as Fling drives into the Bell's Bottoms section of Columbia, an area of mean little houses and shadowed streets. He enters a house of slack faces, 14 persons crammed into two rooms, and goes directly to a little girl on the floor—Lisa—all curly blonde hair, twig-thin legs and uncomprehending eyes. She is a victim of Reye's syndrome, a virus that has left her deaf, mute and isolated. She weighs only 18 pounds. She is 8 years old.

"Does little Lisa have enough baby food?" he asks.

"I mashed some potatoes for her," the child's mother answers, eyes downcast.

The wallet reappears, and Fling produces his last $4.

"You cry," he warns the woman sternly, "and I'm leaving."

It is time to go anyway. Chris, a tall, shaggy-haired boy of 14, stands outside, staring at a box of jigsaw puzzles in the bed of the truck.

"You want 'em?" Fling asks.

Chris nods.

"Well, then," says Fling, hitching himself up into the truck, "go ahead and take 'em."●

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, we are about to complete this day of action by the Senate.

I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, there be a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, following the special order in favor of Senator PROXMIRE, there be a period for the transaction of routine morning business until the hour of 12 noon in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that at the hour of 12 noon the Senate stand in recess until the hour of 2 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, after the Senate resumes session at 2 p.m. tomorrow the unfinished business, House Joint Resolution 492, will be once more laid before the Senate.

It is hoped that good progress can be made on that measure. It is essential that it be passed this week and the leadership on this side hopes that we can accomplish that in time to take up at least one other matter before the week is out.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I have inquired of the minority leader if he has anything further. He does not. I see no other Senator seeking recognition. I, therefore, move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to, and at 4:40 p.m., the Senate recessed until tomorrow, Tuesday, March 27, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 1984:

THE JUDICIARY

Edward Leavy, of Oregon, to be U.S. district judge for the district of Oregon, vice Robert C. Belloni, retiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 26, 1984:

DEPARTMENT OF COMMERCE

Irving P. Margulies, of Maryland, to be General Counsel of the Department of Commerce.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard L. Prillaman, [redacted], age 55, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Donald R. Keith, [redacted], age 56, U.S. Army.

The following-named officer under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Richard H. Thompson, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Benjamin F. Register, Jr., [redacted], U.S. Army.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

Jack Stephen Smith
Burton Orville Benson
James Merrill Strickland
Martin William Leukhardt

UNRESTRICTED LINE OFFICER (TAR)

Albert Eugene Rieder

AERONAUTICAL ENGINEERING DUTY OFFICER

Clay Wayland Gordon Fulcher

MEDICAL CORPS OFFICER

James John Cerda

SUPPLY CORPS OFFICER

Henry Culberson Amos, Jr.

CHAPLAIN CORPS OFFICER

John Joseph Hever

CIVIL ENGINEER CORPS OFFICER

David Oliver Smart IV

THE JUDICIARY

H. Russel Holland, of Alaska, to be U.S. district judge for the district of Alaska.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Karen C. Carlson, and ending Roger D. Prock, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 1984.

Public Health Service nominations beginning William P. Castelli, and ending Wayne T. Sanderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 1984.

IN THE NAVY

Navy nominations beginning Jon R. Agne, and ending Michael P. Grief, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 12, 1984.

EXTENSIONS OF REMARKS

THE PEOPLE OF ARIZONA HAVE A RIGHT TO KNOW WHERE I STAND

HON. MORRIS K. UDALL
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North Third Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y-yes, N-no, and NV-not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

100. H.R. 2066. National Science Foundation Authorization. Brown, D-Calif., amendment to increase by $49 million the bill's $50 million authorization for a new high-technology instrumentation program. Rejected 150-255: Y(2-3-0), May 2, 1983.

101. H.R. 2066. National Science Foundation Authorization. Winn, R-Kan., amendment to delete from the bill a $50 million authorization for a new high-technology instrumentation program. Rejected 150-257: N(3-2-0), May 12, 1983.

102. H.R. 2066. National Science Foundation Authorization. Gregg, R-N.H., amendment to earmark $25 million in high-technology instrumentation funds for elementary and secondary schools. Rejected 150-251: N(3-2-0), May 12, 1983.

103. H.R. 2066. National Science Foundation Authorization. Passage of the bill to authorize $1.34 billion for the National Science Foundation in fiscal year 1984, including $50 million for a new high-technology instrumentation program. Passed 297-111: Y(2-3-0), May 12, 1983.

104. H.R. 2587. Department of Energy Civilian Research and Development Programs. Science and Technology Committee amendment to deauthorize for the continuation or termination of the Clinch River Breeder Reactor Project. Adopted 388-1: Y(4-0-1), May 12, 1983.

105. H.R. 2587. Department of Energy Civilian Research and Development Programs. Mineta, D-Calif., amendment to redirect $5 million of construction funds for a vitreous state laboratory at Catholic University of America. Adopted 261-113: Y(1-3-1), May 12, 1983.

106. H.R. 2587. Department of Energy Civilian Research and Development Programs. Winn, R-Kans., substitute to reduce total authorizations in the bill to $2.97 billion, from $3.29 billion. Rejected 140-228: N(3-1-1), May 12, 1983.

107. H.R. 2587. Department of Energy Civilian Research and Development Programs. Rangel, D-N.Y., amemdment to redirect $5 million for construction of a chemical research center at Columbia University. Adopted 215-150:Y(1-3-1), May 12, 1983.

108. H.R. 2587. Department of Energy Civilian Research and Development Programs. Passage of the bill to authorize $3,288,271,000 for civilian research and development programs at the Department of Energy in fiscal 1984. Passed 230-132: Y(1-3-1), May 12, 1983.

109. H.R. 2733. Critical Agricultural Materials. Brown, D-Calif., motion to suspend the rules and pass the bill to continue, through September 30, 1988, research and development programs on production of guayule rubber, to expand the program to include other agricultural crops that have a potential for producing materials of strategic or industrial importance, and to authorize a total of $50 million for the activities. Motion agreed to 326-96: Y(2-3-0), May 17, 1983. A two-thirds majority of those present and voting (283) in this case) is required for passage under suspension of the rules.

110. H.J. Res. 265. Temporary Extension of Certain Federal Housing Programs. Gonzalez, D-Texas, motion to suspend the rules and pass the joint resolution to continue most of the housing and community development programs of the Department of Housing and Urban Development, the Farmers Home Administration and other agencies through September 30, 1983. Motion agreed to 418-6: Y(4-1-0), May 17, 1983. A two-thirds of those present and voting (283 in this case) is required for passage under suspension of the rules.

111. H.R. 1416. Securities and Exchange Commission Authorization. Wirth, D-Colo., motion to suspend the rules and pass the bill to authorize fiscal 1984 and $111.1 million in fiscal 1985 for the Securities and Exchange Commission. Motion agreed to 322-100: Y(3-2-0), May 17, 1983. A two thirds majority of those present and voting (282 in this case) is required for passage under suspension of the rules.

112. H.R. 2681. Securities and Exchange Act Amendments. Wirth, D-Colo., motion to suspend the rules and pass the bill to make technical changes in the Securities Exchange Act of 1934. Motion agreed to 361-63: Y(4-1-0), two-thirds majority of those present and voting (283 in this case) is required for passage under suspension of the rules.

113. H.R. 2936. Veterans' Appeals Board Expansion. Montgomery, D-Miss., motion to suspend the rules and pass the bill to increase from 50 to 65 the authorized number of members of the Board of Veterans' Appeals in the Veterans Administration. Motion agreed to 423-2: Y(5-0-0), May 17, 1983. A two-thirds majority of those present and voting (284 in this case) is required for passage under suspension of the rules.

114. H.R. 2602. Trade Programs Authorizations. Gibbons, D-Fla., motion to suspend the rules and pass the bill to authorize $21.2 million for International Trade Commission, $627.8 million for the U.S. Customs Service, and $11.9 million for the Office of the U.S. Trade Representative in fiscal 1984. Motion agreed to 380-45: Y(4-1-0), May 17, 1983. A two-thirds majority of those present and voting (284 in this case) is required for suspension of the rules.

115. H.R. 2973. Interest and Dividend Tax Withholding. Rostenkowski, D-Ill., motion to suspend the rules and pass the bill to repeal provisions of 1982 legislation (PL 97-248) requiring banks and financial institutions to begin withholding taxes from interest and dividend income on July 1, 1983. Motion agreed to 382-41: Y(5-0-0), May 17, 1983. A two-thirds majority of those present and voting (282 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

116. S.J. Res. 51. Andrei Sakharov Day. Passage of the joint resoution to designate May 21, 1983, as "National Andrei Sakharov Day" in honor of the 62nd birthday of the dissident Soviet physicist who was exiled to the city of Gorky and refused permission to emigrate. Passed 420-0: Y(5-0-0), May 17, 1983.

117. H.J. Res. 226. Digestive Diseases Awareness Week. Passage of the joint resolution to designate the week of May 22-28, 1983, as "National Digestive Awareness Week." Passed 408-13: Y(4-1-0), May 17, 1983.

119. H. Res. 200. Lavelle Contempt of Congress Resolution. Adoption of the resolution to cite Rita M. Lavelle, former assistant administrator of the Environmental Protection Agency, for contempt of Congress for refusing to testify in response to a subpoena of the House Energy and Commerce Subcommittee on Oversight and Investigations. Adopted 413-0: Y(5-0-0), May 18, 1983.

120. H.R. 2990. Debt Limit Extension. Frost, D-Texas, motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H Res 196) providing for House floor consideration of the bill to raise the public debt limit to $1.389 trillion through September 30, 1983. Motion agreed to 249-171: Y(2-3-0), May 18, 1983.

121. H.R. 2990. Debt Limit Extension. Adoption of the rule (H Res 196) providing

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

for House floor consideration of the bill to raise the public debt limit to $1.389 trillion through September 30, 1983. Adopted 263-156: Y(2-3-0), May 18, 1983. (The bill was subsequently passed by voice vote.)

123. H. Con. Res. 113. MX Missile Development. Adoption of the concurrent resolution to permit use of funds appropriated in fiscal 1983 to develop a basing method for the MX missile and to conduct MX test flights. Adopted 239-186: N(3-2-0), May 24, 1983. A "yea" was a vote supporting the president's position.

124. H.R. 2948. Veterans' Housing Benefits Amendments. Montgomery, D-Miss., motion to suspend the rules and pass the bill as amended to provide financial assistance to unemployed veterans facing foreclosure on home mortgages guaranteed by the Veterans Administration. Motion agreed to 394-23: Y(5-0-0), May 24, 1983. A two-thirds majority of those present and voting (278 in this case) is required for passage under suspension of the rules.

125. H.R. 2807. Meals of Older Americans. Andrews, D-N.C., motion to suspend the rules and pass the bill to increase authorized funding levels for meals served under the Older Americans Act by $6.8 million in fiscal 1982, $16 million in fiscal 1983 and such sums as may be necessary in fiscal 1984. Under existing law, spending ceilings for the program were $93.2 million in fiscal 1982, $100 million in 1983 and $105 million in 1984. Motion agreed to 386-31: Y(3-2-0), May 24, 1983. A two-thirds majority of those present and voting (278 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

126. H.R. 1707. National Traffic Safety Board Authorization. Mineta, D-Calif., motion to suspend the rules and pass the bill to authorize the National Traffic Safety Board to spend $22.6 million for fiscal 1984. Motion agreed to 372-43: Y(4-1-0), May 24, 1983. A two-thirds majority of those present and voting (277 in this case) is required for passage under suspension of the rules. (The House subsequently vacated passage of the bill and passed by voice vote S. 967, a similar Senate-passed bill, thus clearing the measure for the president.)

128. H. Res. 203. Lebanon-Israel Agreement. Adoption of the resolution to support the May 17, 1983, agreement between Israel and Lebanon on the withdrawal of Israeli military forces from Lebanon, and calling on Syria and the Palestine Liberation Organization to withdraw their forces from Lebanon. (Adopted 408-0: Y(5-0-0), May 25, 1983.

129. H.R. 3069. Supplemental Appropriations, Fiscal 1983. Adoption of the rule (H. Res. 209) providing for House floor consideration of the bill to make $4.8 billion in supplemental appropriations for fiscal 1983. Adopted 212-195: Y(2-3-0), May 25, 1983.

130. H.R. 3069. Supplemental Appropriations, Fiscal 1983. Roybal, D-Calif., amendment to reduce the funds in the bill for restoration and expansion of the West Front of the Capitol from $70.5 million to $49 million and allow only restoration, not expansion. Adopted 325-86: Y(2-3-0), May 25, 1983.

131. H.R. 3069. Supplemental Appropriations, Fiscal 1983. Passage of the bill to appropriate $4,809,430,665 in supplemental funds for fiscal 1983. Passed 309-92: Y(3-2-0), May 25, 1983.

133. S. Con. Res. 26. MX Missile Development. Adoption of the concurrent resolution to permit use of funds appropriated in fiscal 1983 to develop a basing method for the MX missile and to conduct MX test flights. Adopted 223-167: N(3-2-0), May 26, 1983. A "yea" was a vote supporting the president's position.

134. H. Res. 177. Disapproving Energy Conservation Deferral. Adoption of the resolution to disapprove the president's proposed deferral of $4,500,000 in fiscal 1983 budget authority for energy conservation programs. Adopted 280-107: Y(3-2-0), May 26, 1983. A "nay" was a vote supporting the president's position.

135. H. Res. 178. Disapproving Fossil Energy Research and Development Deferral. Adoption of the resolution to disapprove the president's proposed deferral of $8,750,000 in fiscal 1983 budget authority for fossil energy research and development programs. Adopted 265-121: Y(3-2-0), May 26, 1983. A "nay" was a vote supporting the president's position.

136. H. Res. 181. Disapproving Mariana Islands Hospital Deferral. Adoption of the resolution to disapprove the deferral of $3.2 million appropriated for the construction of a hospital in the Northern Mariana Islands. Adopted 266-116: Y(3-2-0), May 26, 1983. A "nay" was a vote supporting the president's position.

137. H.R. 3133. Housing and Urban Development Department Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 211) providing for House floor consideration of the bill to authorize appropriations for the Department of Housing and Urban Development and 17 independent agencies through fiscal 1984. Adopted 274-99: Y(3-2-0), May 26, 1983.

138. H.R. 3133. Department of Housing and Urban Development Appropriations, Fiscal 1984. Boland, D-Mass., motion that the House resolve itself into the Committee of the Whole for consideration of the bill to make fiscal 1984 appropriations for the Department of Housing and Urban Development and 17 independent agencies. Motion agreed to 324-2: NV(2-0-3), June 2, 1983.

139. H.R. 3133. Department of Housing and Urban Development Appropriations, Fiscal 1984. Wirth, D-Colo., amendments offered en bloc to increase fiscal 1984 funding levels for the Environmental Protection Agency by $219.7 million. Adopted 200-167: Y(2-2-1), June 2, 1983

140. H.R. 3133. Department of Housing and Urban Development Appropriations, Fiscal 1984. Boland, D-Mass., motion that the Committee of the Whole rise and report the bill back to the House with amendments. Motion rejected 144-225: Y(2-2-1), June 2, 1983. (Rejection of the motion was required under a new House rule in order to attach riders to the bill).

141. H.R. 3133. Department of Housing and Urban Development Appropriations, Fiscal 1984. Dannemeyer, R-Calif., amendment to prohibit the Environmental Protection Agency from using any funds provided by the bill to impose sanctions during fiscal 1984 on any area for failing to attain any national ambient air quality standard established under the Clean Air Act. Adopted 227-136: Y(4-0-1), June 2, 1983.

142. H.R. 3133. Department of Housing and Urban Development Appropriations, Fiscal 1984. Boland, D-Mass., motion that the Committee of the Whole rise and report the bill back to the House with amendments, recommending passage of the bill. Motion agreed to 241-120: Y(3-1-1), June 2, 1983.

143. H.R. 3133. Department of Housing and Urban Development Appropriations, Fiscal 1984. Passage of the bill to appropriate $54,431,088,000 for the Department of Housing and Urban Development and 17 independent agencies in fiscal 1984. Passed 216-143: Y(1-3-1), June 2, 1983.

144. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Walker, R-Pa., amendment to reduce by $1.1 million the bill's funding for the staffs of House committees. Rejected 142-213: N(2-2-1), June 2, 1983.

145. S. 639. Lebanon Aid. Hamilton, D-Ind., motion to suspend the rules and pass the bill to authorize $101 million in military aid and $150 million in economic aid for Lebanon in fiscal 1983 and to require the president to seek authorization from Congress for the expansion of U.S. participation in a multinational peacekeeping force in Lebanon. Motion agreed to 276-76: Y(2-2-1), June 2, 1983. A two-thirds majority of those present and voting (235 in this case) is required for passage under suspension of the rules.

147. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Fazio, D-Calif., motion that the House resolve itself into the Committee of the Whole for consideration of the bill to make fiscal 1984 appropriations for the legislative branch. Motion agreed to 301-10: Y(4-0-1), June 3, 1983.

148. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Gregg, R-N.H., amendment to reduce funding for House committees by $6 million, from $44 million to $38 million. Rejected 133-189: N(2-2-1), June 3, 1983.

149. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Bartlett, R-Texas, amendment to cut $6.9 million from the recommended $67 million for members' expense accounts. Rejected 156-160: N(2-2-1), June 3, 1983.

150. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Hunter, R-Calif., amendment to cut $9.3 million from official congressional mail costs, reducing the amount from $107.1 million to $97.8 million. Rejected 134-173: N(3-1-1), June 3, 1983.●

FRED HUMMEL—PUBLIC SERVICE AWARD WINNER FOR SAN CARLOS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. LANTOS. Mr. Speaker, the Congressional Public Service Award Advisory Committee for the city of San Carlos has chosen an outstanding individual for its 1984 award recipient, and I am proud to share with my colleagues his name and some of his accomplishments.

Fred Hummel, a resident of San Carlos for many years, has been involved in so many community activities that to name them all would be impossible. He has unselfishly volunteered his time to such worthwhile causes as the Boys Club, the Recreation Center for the Handicapped, the Boy Scouts, the PTA, the Junior Chamber of Commerce, San Carlos Art Festivals, the Campfire Girls, and many other special San Carlos events. He is always one of the first to volunteer when his city needs experienced

organizational help, but also has dedicated countless hours to the children in the community when they needed leadership in their activities.

Mr. Hummel is a well-known, well-respected, and much loved member of his community, and I commend the San Carlos Advisory Committee for its excellent choice. Fred Hummel magnificently demonstrates a sincere concern for the well-being of others, and is most deserving of his city's first Congressional Public Service Award.●

ANTISATELLITE WEAPONS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. FOGLIETTA. Mr. Speaker, I would like to submit for the information of the Members of the House an editorial from the Philadelphia Inquirer on antisatellite weapons. The Inquirer has made a number of important points about the dangers of deploying ASAT's. I believe the Inquirer reflects the views of the people of Philadelphia that ASAT's and the entire concept of a "Star Wars" defense is a mistake which will make us more, not less, vulnerable:

ACT NOW TO AVOID SPACE WARS

Soviet leader Konstantin U. Chernenko stirred interest in Washington by calling for "real actions" on nuclear arms treaties by the Reagan administration to signal a "drastic change" in U.S.-Soviet relations.

One action that would benefit both countries would be to move back to the negotiating table on the issue of anti-satellite missiles (ASAT's).

There is strong bipartisan concern in the Congress about the Reagan administration's enthusiasm for deploying new weapons in space. Much of the controversial, administration-backed "star wars" technology for a missile defense system in space is still on the drawing boards. But the development of ASAT's is at a critical stage.

Satellites have become the central nervous systems of the superpowers' military machines. Deploying weapons that threaten to knock out satellites will further destabilize U.S.-Soviet relations by heightening fears of a first strike so devastating that retaliation would be impossible.

The Soviet Union already has a slow, ground-based and rather simple anti-satellite weapon that can attack U.S. satellites in low orbit (about one-third of those in space). But it can't reach the United States' more important early warning and communications systems much higher up. Top U.S. officials have said publicly that America would not have trouble jamming the electronics of the Soviet weapon.

The United States is developing a mobile, swifter and much more sophisticated ASAT weapon, scheduled for its first test against a target in space this fall. At its present development stage it doesn't threaten high-orbit satellites but potentially it could do so.

Three rounds of Soviet-American talks on ASATs came to a halt in 1979 when the United States backed off over the Soviet invasion of Afghanistan.

Congress signaled its unease over current ASAT development by requiring the administration to report March 31 on its "good faith" efforts to negotiate an ASAT ban with the Soviets, before testing against satellites in space.

So far, however the administration seems busier finding reasons not to negotiate than overcoming obstacles to fruitful talks.

Last summer, the late Soviet President Yuri V. Andropov—perhaps reflecting Soviet worries about U.S. capability for a space war—said he would halt Soviet ASAT tests unilaterally so long as planned U.S. tests did not proceed. Of greater interest, the Soviets proposed a draft treaty to the United Nations last autumn suggesting the dismantling of existing ASATs and the banning of new ones.

Pentagon officials opposed the moratorium idea because the Soviets already had a weapon. Now administration officials are saying a comprehensive ban is unlikely because it can't be verified. This is obfuscation. Why raise such problems until there are specific proposals on the table? There are ways to begin addressing the problem short of a comprehensive ban.

The time for a full ASAT ban is rapidly running out. With development of the next generation of ASAT's the fleeting chance may pass. Congress should press President Reagan firmly for evidence of the "good faith" in seeking ASAT negotiations that so far has been lacking.●

JOINT PRATT & WHITNEY-AIR FORCE PROGRAM SAVES TAXPAYERS MILLIONS OF DOLLARS THROUGH SPARE PARTS REJUVENATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mrs. KENNELLY. Mr. Speaker, I would like to draw my colleague's attention to a March 19, 1984, article in the Hartford Courant about Pratt & Whitney and the Air Force's successes in saving the taxpayer money on spare parts. A joint program between Pratt & Whitney and the Air Force has produced two low-cost methods of rejuvenating engine parts. The program has already saved the Air Force millions of dollars in spare parts costs, and the rejuvenation process will also save years of production time. This kind of productive cooperation is to be commended and encouraged:

AIR FORCE SAVES MILLIONS WITH PARTS-REPAIR PROJECT

(By Robert Waters)

The Air Force and the Pratt & Whitney Group, which both came under heavy fire last year during investigations of soaring Pentagon costs for spare parts, are fighting back.

A joint Air Force and Pratt & Whitney program has been under development for several years, producing two low-cost methods of rejuvenating engine parts, making them "as good as new," Pratt & Whitney said Sunday.

The processes already are saving the Air Force millions of dollars in spare parts costs, and these savings are expected to increase as the methods are used more widely, a company official said.

The rejuvenation processes also may save years of production time. Replacing worn-out parts of an engine that is no longer in production can sometimes take more than two years, said Charles Torrey, materials project engineer for Pratt & Whitney's Government Products Division in West Palm Beach, Fla.

"The rejuvenation cost is 10 percent of what it would be to buy a new part, sometimes even less," said Torrey.

As an example of the value of the new processes, Torrey cited the engines that power the SR-71 Air Force spy plane, known as the Blackbird.

First built by Lockheed Aircraft in 1964, the needle-nosed Blackbird has set speed and altitude records.

In 1974, it flew from New York to London in one hour and 56 minutes. A few days later, the Blackbird beat the sun on a flight from London to Los Angeles, covering 5,645 miles through seven times zones in three hours and 47 minutes.

The Air Force reportedly has nine of the Blackbirds still in service.

But the Pratt & Whitney J58 twin jets that powered the secret spy plane to its record performances are no longer being made.

This means that when a J58 engine part wears out, the Air Force must either cannibalize the part from an old engine or tool up to build it from scratch.

Torrey said buying a J58 part called a diffuser case ordinarily would cost about $25,000. He said it also would take at least two years to produce it. But with the new processes, Pratt & Whitney can rejuvenate the worn part in four to eight weeks at a cost of $8,000, Torrey said.

The two rejuvenation processes are aimed at problems known to engineers as blade growth and "creep." These occur when the microstructure of parts, such as turbine blades, breaks down. The parts become deformed or stretched, and then weaken and become brittle, Torrey said.

The two rejuvenation processes are known as HIP (hot isostatic pressing) and thermal/time.

HIP subjects the parts to intense heat and pressure, which slightly soften the parts and remove internal defects. Torrey said. In the thermal/time process, he said, the used parts are heated intensely for periods predetermined by engineers. This returns the microstructure to its original state. Torrey said.

"The parts are as good as new," he said. "We're even rejuvenated some parts twice. We've not found a limit yet, but I suspect there is one."

Torrey said HIP seems to work best for cast, rotating engine parts such as turbine blades and vanes. Thermal/time appears most effective for fabricated parts, such as diffuser cases and transition ducts, which don't move during engine operations.

Torrey said the Air Force and Pratt & Whitney are still experimenting with the processes at the United Technologies Corp. division's Florida plant. He said they first began using rejuvenation in 1975 on J58 parts.

It is also being used now on first-stage turbine vanes of Pratt & Whitney's top-selling F100 engine, which powers the Air Force's F-15 and F-16 fighters. Pratt & Whitney estimates that rejuvenation of F100 parts

alone will result in annual savings of $10 million.●

AN APPROACH TO FULL EMPLOYMENT

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. HEFTEL of Hawaii. Mr. Speaker, we all rejoice in reports indicating that the unemployment rate has dipped somewhat lower. However, I believe that many of us are uneasy about the prospects for more joblessness when the steam runs out of the deficit-propelled economic recovery the Nation is experiencing now. The fact is that the next recession may be even more destructive of employment and of national income than was the recession of 1981–82. No program is in place, or even in sight, to prevent that from happening.

I want to share with the House an interesting approach to full employment which has been advised by Dr. John H. G. Pierson, an economist who has served in the State and Labor Departments and as adviser to the United Nations. Dr. Pierson, who lives in Honolulu during the summer, inexplicably spends his winters in Connecticut and the brief summary of the economic performance insurance he has proposed was printed in the Greenwich News for December 15, 1983.

The article follows:

A NEW ECONOMIC APPROACH TO FULL EMPLOYMENT

To understand "economic performance insurance" or EPI, think of our economic system as driven by two engines: production, which provides the jobs and generates income; and spending (consumption and investment spending), which motivates production and employment by providing a current and prospective market for goods and services. Each engine pumps out to the other and each depends for fuel on what the other pumps out.

All this is familiar, of course. So is the fact that the system doesn't tend to keep running at a full-employment rate automatically, as the classical school of economists assumed.

What is not so familiar is the idea that a balanced circular flow at the full-employment rate, while it won't come about naturally, can nevertheless be created artificially by tuning both engines occasionally so that each reinforces the other with optimum support.

Once they are revved up by stages to the right pitch, neither one can easily get very far out of line, and comparatively minor tuning should then suffice. Furthermore, the system's chronic obstructions and leaks will then be considerably easier to identify and correct; hence a prospect of still less tuning. This in essence is the EPI idea.

EPI would not rely on trying to find remedies after something important has gone wrong, or do the opposite and set about filling prospective gaps glimpsed in forecasts, or pay attention to just one engine and let the other take care of itself.

Instead, EPI would have our government, year by year, prescribe an operating rate for each engine separately. It would equip our system with two throttles, one on each engine. And it would issue standing orders for each throttle to be opened or closed a little whenever that engine would otherwise fail to hold to its prescribed operating rate.

Translating this: the government would annually set an employment level (bottom and top limits) and also a consumer spending rate (bottom and top limits) to be adhered to throughout the next year, would decide in advance on the means to be used—kinds of public works and services to be accelerated or decelerated, the kinds of taxes or transfer payments to be varied—when necessary for keeping the actual trends within the preset limits, and that would designate the agencies responsible for both kinds of contingent action.

(Total spending—the GNP—would not be targeted and held in line, as the analogy might suggest, but consumer spending would be, in order to avoid unsuitable restraints on business or the government itself. Secondly, the top limits on employment and on consumer spending would be a good reason why EPI would help check inflation; others would be the elimination of the costs of cushioning management and labor against recessions, and the psychological dividends from the government's own assumption of due responsibility.)

The EPI regulators should clearly not be submitted to constant strain. In the analogy, engineers should be out on the lines finding ways to improve the flow in both directions and so reduce the need for throttle adjustments at either end. Visualize here the enactment, over time, of tax reforms and other measures that spread purchasing power and boost consumer spending, plus steadfast help to competition and vigilance against monopolistic restrictions, to keep increased spending from lifting prices instead of production and employment.

It has been said that some employer interests are opposed to full employment on any sustained basis. The EPI approach would weaken the opposition, however, because the employment level chosen as corresponding to full employment (the prescribed speed of the first engine) would reflect the judgment of the President, as modified by the Congress in it review of the President's recommendations, concerning the amount of frictional unemployment essential for proper mobility in existing labor-market conditions. Advocates of a 3 percent allowance, or 4 percent, or any higher or lower figure would all presumably have some influence on the final selection.

It is also said that actually guaranteeing full employment would force expansion of the public sector at the private sector's expense, whether intended or not. That would be untrue under EPI, however, because of the method of deriving the guaranteed consumer spending rate (the prescribed speed of the second engine) from the total market estimated to be necessary.

The key quantity subtracted from that needed GNP—along with anticipated private domestic investment, state and local government purchases, and net exports—would be a federal government component made up of items the President and Congress concluded should be in the budget for their own sake, not just to fill gaps. Although the public jobs throttle would at times still have to be opened or closed a little, because of net error in the various advance estimates, what this approach means is that basically all parts of the full employment not public by choice would be reserved to the private domain.●

GRENADA WAS A SOVIET DAGGER AIMED AT U.S. INTERESTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, in the months following the U.S. intervention in Grenada, it has become increasingly more clear that the U.S. military not only executed a successful rescue of American students, but also served a vital strategic purpose in blocking the expansion of Soviet influence in the Caribbean. U.S. forces in Grenada discovered trained, professional Cuban soldiers in unexpected numbers, in addition to huge caches of weapons and ammunition. Documents that were seized also revealed Cuban plans to turn Grenada into a forward base for their exportation of terror throughout the region. Our actions cut short Castro's plans for Grenada and the region none too soon. Within months, Grenada would have been converted into a veritable fortress, a Cuban satellite well-stocked with arms and personnel.

A Soviet controlled, well-armed Grenada would not only have proved dangerous to other Caribbean nations, but would have threatened air and sea lanes vital to America's interests and well-being. As Marvin Leibstone explains in his article entitled, "Grenada Was a Soviet Dagger Aimed at U.S. Interests," the United States could not permit the Soviet Union to turn the sea lanes in the Caribbean into theaters of terrorism and other acts of aggression.

Mr. Reagan's actions reflected an American foreign policy characterized by unswerving resolve and firmness. In the years ahead, it will be of paramount importance to maintain a strong foreign policy especially in the face of rising threats to freedom and democracy throughout the world. It is for this reason that I urge my colleagues to read Mr. Leibstone's article and to once again reflect upon the possible implications had the United States not intervened in Grenada:

[From the Baltimore News American, Mar. 13, 1984]

GRENADA WAS A SOVIET DAGGER AIMED AT U.S. INTERESTS

(By Marvin Leibstone)

Examination of captured documents now confirms that the Soviet Union was transforming Grenada into a platform for sabotaging U.S. interests in this hemisphere.

Soviet and Cuban control of Grenada began five years ago, after Marxist-Leninist Maurice Bishop ousted eccentric, British-educated Sir Eric Gairy. It ended last November after the U.S. invasion, when 49 Soviet, 53 Cuban and 15 North Korean advisers were returned to their governments.

In those five years Grenada became a warehouse for Soviet assault rifles, surface-to-air missiles, mortars, artillery pieces and armored personnel carriers; its army of 2,180 was Cuban-trained.

Copies of treaties seized during the invasion indicate that by 1985 Moscow, Havana and Pyongyang would have delivered 7,000 automatic and semi-automatic weapons and 15,000 hand-grenades, six-fold that needed to defend Grenada but standard supply for units fighting the U.S.-backed Salvadoran army. Moscow and Havana also helped build a 9,500-ft. runway at Port Salines capable of accommodating any jet fighter, bomber or transport plane in the Soviet inventory and enabling Cuban aircraft to reach Angola without refueling.

North of this airfield was a Cuban-managed terrorist training camp and half-completed submarine base. And Moscow was considering basing SS 20 intermediate range missiles on Grenada, which accounts for the presence of 15 Soviet rocketry experts.

Ruin for Moscow and Havana began, ironically, with the man each welcomed to power. Maurice Bishop seemed, to Soviet Ambassador Genaidy I. Sazhanev, increasingly soft and incompetent.

After three years of Bishop, 60 percent of Grenada's economy remained free enterprise. In June 1983, Bishop, against Soviet and Cuban advice, visited Washington to repair relations and reaffirm his island's non-alignment status.

Soviet and Cuban diplomats responded by cultivating Bishop's hardline rivals, Deputy Minister Bernard Coard and Gen. Hudson Austin. U.S. intelligence sources believe Ambassador Sazhanev persuaded Austin to stage the October 20 coup. Austin obeyed, but angry Grenadans demanded Bishop's release from house arrest. Bishop was let go and immediately murdered by Lt. Colonel Hubert Lane, a Grenadan trained by the KGB in Moscow.

President Reagan's decision to intervene, however, did not come until neighboring nations asked for assistance. The U.S. deployed under 2,200 troops, hardly dominating numerically the Grenadan military in that lion-over-mouse equation painted afterward by critics.

Why would the Soviet Union and Cuba want Grenada, which is only 344 square kilometers with 121 kilometers of coastline, as a swing-point and base for military operations?

An obvious reason, suggested by the Kissinger commission, began when the Soviet and Cuban manner of supporting Latin American insurrections proved to be a bust. Efforts to damage power centers like Buenos Aires and Caracas failed, in each case Marxist-Leninists losing to a government that obtained U.S. help.

The Carter presidency, however, demonstrated the U.S. would provide emergency military assistance only when its more crucial interests were threatened. Hence Soviet and Cuban support for Nicaragua's Sandinistas, El Salvador's FLMN and the Guatemalan rebels.

In other words, Moscow and Havana, unable to influence Latin America by dominating power centers, went for the weaker underbelly—Central America and the Caribbean—with Grenada the focal point.

Meanwhile, the region became more and more important to the U.S. which, to soften the impact of future oil price hikes or unexpected interruptions of the flow of Persian Gulf oil, raised its imports of Venezuelan and Mexican crude. Moreover, 44 percent of Alaskan crude was soon reaching refineries near Grenada, via Panamanian pipelines and the Panama Canal. Captured documents show, too, that the purpose of the submarine base was control of the Trinidad Straits, a deep water entrance to the Panama Canal, where 40 percent of U.S. trade passes each year.

In effect, Soviet planners recognized, by 1979, that U.S. strategic dependency had shifted somewhat. If the Soviet Union was to hold the U.S. to the same level of vulnerability imposed by dependence on Mideast oil, it would have to act in Central America.

A boon for Moscow, of course, was the Sandinista takeover of Nicaragua. Soon thereafter, the Kremlin sent Sazhanev to Grenada, where potential air and sea operations could threaten Venezuelan and Mexican oil fields and Panama Canal traffic, and from where Cuba could aid Latin insurgencies. The former commander of U.S. forces in Panama, General Wallace H. Nutting, estimates Soviet Mig flying-time from Grenada to Venezuela or Mexico to be under 20 minutes.

Ambassador Sazhanev, by the way, is a four-star general and military intelligence official specializing in covert operations. He was given full control of Cuban military and intelligence activities affecting the Grenada-Central America relationship.

True, President Reagan thought the safety of American medical students a good reason for sending troops to Grenada. He most certainly thought of signalling Moscow and Havana that their toying with air and sea lanes vital to America's well-being, and continued use of Grenada as a support base for Marxist-Leninist violence, would not be tolerated.

It is several months since the invasion of Grenada and is finally clear its purpose was strategic and vital to hemispheric security.●

GEORGE WILL ON MOVING THE U.S. EMBASSY TO JERUSALEM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. LANTOS. Mr. Speaker, as you know, with a number of my colleagues in the House I have introduced a bill which will move the American Embassy in Israel from Tel Aviv to Jerusalem. That bill now has 207 Members of the House as cosponsors.

I wish to call to the attention of my colleagues a statement made by the distinguished columnist George Will on this issue in a discussion on "This Week With David Brinkley." The issue was raised by Mr. Brinkley at the conclusion of the show. He noted the bill that has been introduced in the Congress, noted that there is a "good deal of controversy about it," and asked, "George, are you in favor of that?" George Will made the following response:

Absolutely. It's not a question of recognizing it. If you went out of Connecticut and K Street and asked passersby the capital of Delaware—which is Dover, by the way—and Vermont—which is, what? Montpelier—and Israel, a lot more people would know Jerusalem as the capital of Israel, regardless of what the U.S. Congress or State Department says about it than would know Delaware or Vermont. Clearly, if Costa Rica, which is I think about the only nation that still has the gumption to stand up to Arab pressure, can have its Embassy in Jerusalem, the United States, in its standing-tall phase, can afford to put its Embassy in Jerusalem, thereby signaling that Jerusalem is the united capital of Israel and so shall remain.

Mr. Will's forthright and principled stance on this issue deserves the attention of all of us considering this issue.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. D'AMOURS. Mr. Speaker, it is with great pride that I share with my colleagues in the House the winning essay in the 1984 New Hampshire Veterans of Foreign Wars Voice of Democracy Contest. This year's New Hampshire winner is Elizabeth Dressler, a 17-year-old senior at Hollis Area High School in Hollis, N.H. Her prize winning essay is entitled "My Role in Upholding Our Constitution."

In her thoughtful essay Ms. Dressler explores the meaning of our Consitution and the Bill of Rights in today's society. She reminds us that our freedoms, while great, did not come easily and require each of us to make a commitment to our Nation to preserve them. She eloquently spells out the responsibilities which accompany our freedoms.

Ms. Dressler lives with her parents Donald and Nancy Dressler, her sister Amy, and her brother Frederick, at 171 Dow Road in Hollis. She enjoys running, piano, crafts, horseback riding and reading, is the treasurer of her senior class and a Spanish Club representative and hopes to attend Harvard University in the fall.

The essay follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Elizabeth Dressler)

The first Amendment of the Bill of Rights in the U.S. Constitution forms the basis of the freedoms we enjoy as United States citizens. It states that "the Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridge that freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." The main concept in a democratic republic such as ours is that of personal freedom. In

Amendments I-X, or the Bill of Rights, we, as American citizens, are guaranteed certain inalienable rights. Aside from the freedoms of religion, speech, and the press, we are also guaranteed the right to a speedy trial, to reasonable fines and bails, and to know the reasons for our arrest. We are also guaranteed certain powers in making decisions concerning the laws we live by. Most importantly, our constitutional rights are never to be denied us; our freedom is protected.

To define my role in upholding the Constitution, is to state what actions I must take in order to protect it should its integrity be threatened. Knowing that the Constitution forms the basis of our democratic form of government, I must defend it against all who would violate its laws, try to destroy its tenets, or amend it improperly. And if, at any time, my right to think or judge issues as an individual is threatened, I must take a stand and fight to preserve this most fundamental freedom, to think for myself.

One of the basic tools at my disposal which I share with all U.S. citizens, and enables me to uphold the Constitution, is my right to vote. Using this tool properly suggests to me the right to assemble with enlightened citizens to discuss important issues to be voted upon. It is up to me to read all I can, listen to all sides, and be well informed on the issues of government so that I may vote intelligently and in the best interests of America. By exercising my right to vote, I am insuring the continuance of our democratic society, thereby achieving the goal of our forefathers, which was, "that the government of the people, by the people, and for the people, shall not perish from this earth."

The principals of freedom, equality, justice, and humanity are defined in the Constitution. The idea of guaranteed freedom is a unique characteristic of this country. Americans must not take their freedom for granted; they must strive to keep an awareness of this freedom alive in America in order to ward off continual threats from within and without. It should be enjoyed, but, at the same time, every citizen should be taught how precious this privilege is. The joy of being able to vote, sing, eat, sleep, and choose as we see fit, is the reward for upholding our Constitution.●

FRESNO METROPOLITAN MUSEUM DEDICATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. LEHMAN of California. Mr. Speaker, on April 8, 1984, the Fresno Metropolitan Museum of Art, History and Science will be open to the public. This is an event of achievement, commitment, and generosity by citizens of the San Joaquin Valley. It will hearld the opening of the only regional museum between the two major metropolitan areas of California, and also marks the realization of many dedicated and hard-working San Joaquin Valley residents.

While initially conceived almost 8 years ago, the museum was officially incorporated just 5 years ago in 1979. Since then, the museum has found itself a home, raised $3.5 million and has become the recipient of several art and history collections which will reflect the unique culture and history of the valley.

Museums offer a unique and special learning experience for young and old alike. No other institution can match the opportunities provided by a museum to enjoy and relive the scientific, historical, and cultural accomplishments of this society.

The spirit of cooperation and enthusiasm which has been the foundation of the project during this entire time, reflects the character, sense of tradition, history, and cultural values of the residents of the entire San Joaquin Valley.

On behalf of the 98th Congress, I would like to offer my congratulations and best wishes to the many individuals who were a part of this entire effort and whose foresight and dedication made this cultural and historical dream a reality. Special recognition should go to Mr. Lewis Eaton, president of the board of trustees and founder of the Fresno Metropolitan Museum and the McClatchy Newspaper Corp., for making available to the museum the old Fresno Bee Building in downtown Fresno. In addition, recognition should be given to the museum board of directors: Anthony Abbata, Elizabeth Aller, Keith Baxter, Brenton Bradford, Jack Cardwell, Delbert Crummey, Robert Duncan, T. Jefferson Ennis, A. B. Ben Ewell, Eleanor MacMichael, Dan Martin, Alice Peters, Elmer Bud Richter, Bruce Wild, and Jack Woolf.

As the policy of the museum states:

The Museum is a public benefit educational institution serving the peoples of Central California. The Museum will be a collecting institution preserving and interpreting the cultural heritage of the Central California region. Its content will include visual arts, written and visual history of the Central California region and the natural sciences of the Central California region in its collection as well as temporary exhibitions of similar content.

The museum will include and develop facilities and organizations supporting these purposes including spacious galleries, collection storage and work areas, shops, a library, and other facilities.

Among the exhibits and making its first U.S. display will be a collection of rare jade objects belonging to the Republic of China's National Museum of History. In addition there will be a collection of photographs from noted naturalist-photographer Ansel Adams and the prototype airplane for Charles Lindbergh's *Spirit of St. Louis*, aptly renamed the *Spirit of Fresno*, as well as displays and exhibitions reflecting the regional culture.●

GORDON CAVANAUGH: HOUSING ADVOCATE FOR THE POOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. FRANK. Mr. Speaker, I was very pleased to see a recent Washington Post article concerning a truly outstanding advocate for the residents of public housing, Gordon Cavanaugh. As the article points out, Mr Cavanaugh's major concern is making public housing work for the people for whom it is home. Being an advocate for the poorest people in our socieity is usually a thankless task, and I am very happy that Mr. Cavanaugh's efforts are being recognized.

I have had the pleasure of working with Mr. Cavanaugh on a number of occasions and can attest to his professionalism, dedication and knowledge of housing programs. He understands the difficult tasks which face public housing authorities and has been very helpful to Members of Congress in addressing these problems.

Mr. Speaker, I insert a copy of the Post article in the RECORD. I commend this article to my colleagues' attention.

LOBBYIST IS DEDICATED TO HOUSING THE POOR

(By Howard Kurtz)

Week after week, Gordon Cavanaugh plies the corridors of Congress on behalf of his clients.

The tall, bearded attorney in the three-piece suit doesn't represent investment bankers or real estate agents or the oil companies. His clients don't have a political action committee; in fact, most of them have never even heard of him. But he is a tireless advocate for the nation's low-income tenants.

"It's not your classic Tommy Boggs lobbying," said Cavanaugh, 55, who represents the Council of Large Public Housing Authorities, a coalition of 35 urban housing agencies.

"I don't go to fund-raisers. I spend a lot of time with congressional staff. . . . There aren't a lot of votes in this for anyone. You're trying to appeal to the decency in congressmen."

Cavanaugh, who headed the Farmers Home Administration under President Carter, was well positioned to become a corporate lawyer after Carter lost in 1980, instead of representing primarily nonprofit groups. But, he said, "I just had no interest in going to a law firm that was just a money-making operation."

Cavanaugh said he enjoyed his stint in government, but he still chafes at the memory of having to deal with "technocrats and pettifoggers, this whole unseen ring of people. All the eternal analysis, asking for demonstrations of almost everything you want to do."

Cavanaugh's pitch for public housing is simple and direct: "This is a program that has never wandered away from serving very poor people."

He was troubled by recent federal audits that blamed some local public housing authorities for mismanagment and neglecting repairs on thousands of vacant units. While conceding that some agencies have been run poorly or gone bankrupt, Cavanaugh argues that public housing in New York and many other cities is remarkably well managed.

"Almost by definition, the program is going to be controversial," he said. "There's a great 'put-it-in-someone-else's-neighborhood' attitude.

"Private real estate can pick its spots, but public housing has been driven into sites that makes its management difficult. A number of projects have turned out badly. There are a lot of factors: bad design, like the 1950s high-rises, late rent payments and neighborhoods where people do not want to live. The units remain vacant, then vandalism sets in. Thieves come and tear out the plumbing and you have to fix it up again."

Public housing, which now gets more than $4 billion a year in federal subsidies, largely paid its own way until 1970. But Congress imposed limits on tenant rents, utility costs soared, and buildings deteriorated to the point that Cavanaugh says it would take $8 billion to $10 billion to repair them.

A graduate of New York's Fordham College and the University of Pennsylvania Law School, Cavanaugh was Philadelphia's housing director and chairman of the Philadephia Housing Authority in the 1960s. When Frank Rizzo was elected mayor, he resigned and moved here to form an advocacy group for rural low-income housing.

After President Reagan took office, some old friends from public housing asked Cavanaugh to do some brief lobbying on a supplemental appropriation. The assignment slowly evolved into a coalition that now represents public housing agencies in 27 cities.

In fighting Reagan administration efforts to cut back on public housing, Cavanaugh has found some unexpected Republican allies. He said that Sen. Jake Garn (R-Utah) and others recognize that "you've got a major investment already, 1.3 million units, and you've got to take care of them no matter what your philosophy is."

What keeps Cavanaugh going? "I got a hangover from the social mood of the '60s," he said. "It sticks with you."●

GREEK INDEPENDENCE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Ms. SNOWE. Mr. Speaker, March 25 commemorates the 163d anniversary of the beginning of Greece's struggle for independence from the Ottoman Turks. After 400 years of foreign domination, and after 11 years of struggle against the despotic rule of the Ottoman Empire, Greece's independence was a cataclysmic event in European affairs; 163 years ago, Europe was composed mainly of autocratic empires and states whose borders had little relation to their composite nationalities. Outside of Britain and France, the ideals of self-determination and national independence were weak.

The astounding accomplishment of the Greek people acted as a catalyst in transforming the aspirations of Europeans. Greece's independence from the Turks was in many ways a greater feat than the other great struggle for national independence 45 years earlier: the American Revolutionary War. Although the Greek people received support from many other countries, particularly the United States, they enjoyed no advantage similar to a protective ocean or the active assistance of an ally such as the French.

During the last 163 years, the ideals of national independence and democracy, which were first expounded by the ancient Greeks, have spread widely throughout Western Europe and much of the world. Greece's achievement of independence helped to spread not only the belief in the inherent right of national independence, but the belief that it is possible for a nation to assert its rights, despite seemingly impossible odds. In Eastern Europe, and elsewhere in the world, there are people still yearning to be free. It is appropriate that we commemorate March 25. This date remains a powerful symbol of the ideals that we hold dear, and upon which this Nation was formed.

I am pleased to support House Joint Resolution 502 to designate March 25 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The finest traditions of our two countries are embodied in this resolution, and symbolized by this day.●

AIRPORT INTERNSHIP PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. LANTOS. Mr. Speaker, I have recently learned of a unique and innovative new internship program for high school students, and I would like to share it with you.

San Francisco International Airport, in conjunction with the San Mateo County Industry Education Council, the San Mateo Union High School District—specifically Capuchino High School—and the San Francisco Unified High School District, are sponsoring a unique 1-year pilot program to encourage interaction between students of California's 11th Congressional District and the airport.

Participating students will have the opportunity to work with management staff at the airport on a one-to-one basis, enabling them to experience actual hands-on training with the departments of engineering, operations, community relations, and business and finance.

The results of this program could be significant for both the students and the airport. The interaction of student and employees of these departments will develop and refine skills necessary for students' future job opportunities, but may also be advantageous to the airport by giving it a firsthand look at potential future employees.

Mr. Speaker, I am proud to see the business community and the educational community in my district working together to find ways in which to improve opportunities for our youth. I commend all involved in this worthwhile project, and hope they inspire others to come up with creative solutions to education and unemployment problems.●

FAMILY REUNIFICATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. BERMAN. Mr. Speaker, I wish to direct my colleagues' attention to the following letter sent by the American Jewish Committee to the Speaker. It outlines that group's deep concerns over H.R. 1510, the immigration legislation, and urges that the Roybal bill, H.R. 4909, be given a committee hearing.

I fully agree with the American Jewish Committee's view that only the Roybal alternative addresses the problem of illegal immigration in a way that takes into account the concerns of minority communities, particularly Hispanics, about job discrimination resulting from sanctions. The legislation recognizes the need for stricter enforcement of labor laws as the more appropriate and reasonable course for discouraging the hiring of undocumented workers. The Roybal bill also maintains our policy of emphasizing family reunification, another area in which ethnic communities have a strong interest.

As a cosponsor of H.R. 4909, I too believe that it should be given a fair hearing before any rule is granted for the consideration of immigration reform legislation. It deserves no less.

The letter follows:

THE AMERICAN JEWISH COMMITTEE,
New York., N.Y., February 23, 1984.

Hon. THOMAS P. O'NEILL,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. SPEAKER: As the House of Representatives takes up the issue of immigration reform this session, the American Jewish Committee considers it imperative that as many groups as possible who will be affected by this legislation have the opportunity to present their views and participate in shaping the final package of proposals that will emerge from Congress.

Because of this need for full and broad participation in the shaping of a new immigration bill, we urge the House to consider seriously the alternative legislation recently

submitted by Congressman Edward Roybal. This new proposal addresses systematically and responsibly the key issues in immigration reform, including continued legal inflow into the U.S., enforcement of the borders and a comprehensive and humane program for legalizing undocumented aliens currently in the country. It also reflects the legitimate concerns of the Hispanic community which must be taken into account in any new immigration legislation. Moreover, in its support for maintaining current procedures for family unification, including brothers and sisters, in the immigration law, the Roybal Bill is sensitive to the needs of the Jewish and other ethnic communities in the U.S. and would preserve policies that have served our nation well.

As we have noted in previous communications to you, the American Jewish Committee believes that immigration reform is necessary and that legislation in this area should be passed by Congress this year. It still seems possible to us for the House to hold the Simpson-Mazzoli Bill in the Rules Committee until the Roybal proposal can be heard and debated at the committee level. If this is done promptly, we believe that a consensus can be reached among the bills under consideration that will attract wide support in the House and result in the passage of a fair and effective immigration reform package in this session of Congress. For this reason, we urge you to assure that the Roybal Bill receives the full hearing it deserves.

We look forward to continuing to work with you on this issue.

Sincerely,

HOWARD I. FRIEDMAN,
President.●

ANOTHER VIEW OF CYPRUS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. BEREUTER. Mr. Speaker, on February 22, 1984, the House Subcommittee on Europe and the Middle East held hearings on international security assistance to Greece, Turkey, and Cyprus. Among the witnesses attending was Prof. Pierre Oberling, Ph. D., department of history of Hunter College in New York.

Professor Oberling is a native of Strasbourg, France, and came to the United States in 1942 to escape Nazi occupation of France. He received his Ph. D. from Columbia University and taught for many years at Hunter College. He also traveled and lived in Greece, Turkey, and Iran and visited Cyprus in 1977. His book, "The Road to Bellepais," on the Cypriot Turks is apparently considered to be a classic on the situation in Cyprus between 1963-74.

This Member would not claim to be an expert in Cypriot history nor on the years of animosity between Greece and Turkey, two of our NATO allies. But, this Member has no reason to distrust the professor's analysis.

Professor Oberling provides us with a different view on the situation in Cyprus; and herein lies my reason for placing it in the CONGRESSIONAL RECORD. There is no question that atrocities occurred on both sides and a peaceful resolution of the Cyprus problem on the basis of a bizonal federated state is absolutely necessary. However, most of us know little of the sufferings of the Cypriot Turks between 1963-74, reported by Dr. Oberling, which underlie the present situation in Cyprus. Therefore, I insert excerpts of Professor Oberling's testimony into the RECORD:

• • • (I)t might be worth our while to look briefly at the major events which have occurred in Cyprus since 1960. When the Cypriot Republic was founded, the Turkish Cypriots hoped that they would live in a kind of Mediterranean Switzerland—a fully independent, bi-communal state in which their rights would be protected, in keeping with the provisions of the new national constitution. But the Greek Cypriots, under the leadership of Archbishop Makarios, who had become the first president of Cyprus, regarded independence as but a stepping stone towards union with Greece (or *Enosis*) and openly sought the complete Hellenization of the island. As Archbishop Makarios put it, "Unless this small Turkish community forming a part of the Turkish race • • • is expelled, the duty of the heroes of EOKA can never be considered as terminated". EOKA was the Greek Cypriot guerrilla organization which had fought against British rule. It was now rearmed to bring about the destruction of the Cypriot Republic and the absorption of the island by Greece.

For the purpose of establishing the legal framework for *Enosis* and neutralizing all opposition to his scheme, Archbishop Makarios first forced the resignation of the distinguished German jurist who was the president of his Supreme Constitutional Court. Then, he prepared a list of amendments to the 1960 Constitution which would have deprived the Turkish Cypriots of both their veto power over legislation and their own municipalities.

When the Turkish Cypriots refused to accept these amendments, Archbishop Markarios illegally fired all of the Turkish Cypriot officials and members of the Cypriot House of Representatives. He also put into effect a plan—the so-called Akritas Plan—to brutalize the Turkish Cypriots into submission. The Turkish Cypriot quarters of the towns and isolated Turkish Cypriot villages were attacked, 364 Turkish Cypriots were killed, 25,000 Turkish Cypriots were forced to flee from their homes, and 103 Turkish Cypriot villages were looted and burned. But the Turkish Cypriots refused to accept defeat.

In 1967, General George Grivas, the old EOKA firebrand, who had returned to Cyprus, launched a new wave of attacks on Turkish Cypriot villages. The Turkish Cypriots were gradually forced to move into small enclaves which were then surrounded by coils of barbed wire and fortifications to prevent supplies from reaching them. The Turkish Cypriots were also forced to form their own administration. Thus, several years before the Turkish intervention, the Greek Cypriots had already divided their own nation into two separate, ethnically distinct zones, each with its own government.

By 1974, the Greek military junta, under the leadership of the ultra-nationalist Colonel Dimitrios Ioannides, had lost patience with Archbishop Makarios, whose attempts to bring the Turkish Cypriots to their knees had consistently failed. Needing an immediate triumph to offset its declining popularity, it organized a coup, the aims of which were the murder of Archbishop Makarios and his replacement by an EOKA thug by the name of Nikos Sampson. Although the Greeks failed in their attempt to assassinate Archbishop Makarios, they succeeded in overthrowing him and in installing Sampson in the Presidential Mansion in Nicosia.

Sampson at once embarked upon a massacre of Archbishop Makarios's followers. At least 700 Greek Cypriots were killed in less than a week. Because Sampson had a long history of violence against the Turkish Cypriot community and had been elected a member of the Greek Cypriot House of Representatives with the slogan "Death to the Turks", his rise to power was looked upon with alarm and dismay by both the Turkish Cypriots and the Turks.[1] It is at this point that the Turkish intervention took place. As Sir Alec Douglas-Home, the former British Foreign Secretary, commented: "Turkey has been provoked beyond endurance". In any case, the Turkish intervention was perfectly legal according to the Treaty of Guarantee, which Archbishop Makarios himself had signed. Its legality has even been acknowledged by a court of law in Athens.

It must be added that the Turkish intervention was by no means the first military intervention in Cyprus since 1960. As early as 1964, the Greek Army had made itself at home on the island. During that year, 9,000 Greek soldiers and 950 Greek officers were secretly landed in Cyprus to help Archbishop Makarios subdue the Turkish Cypriot villagers. Petros Garoufalias, the Greek Defense Minister, later boasted of his skill in carrying out this operation. By 1967, as many as 20,000 Greek troops had been smuggled into the island. Then it must be remembered that George Grivas was a general in the Greek Army. Finally, the Greek Cypriot National Guard, which was commanded by Greek officers and received its orders from the junta in Athens, was, to all intents and purposes, a Greek force.

The Turkish intervention not only saved the Turkish Cypriot population from certain massacre, but it also caused the downfall of the savage dictatorship of Nikos Sampson and put an end to his slaughter of Greek Cypriots. Moreover, it led to the resignation of the much-hated Greek colonels and the reestablishment of democracy in Greece.

Since the Turkish intervention, the Turkish Cypriots have made new lives for themselves in the North. For the first time in their existence they feel safe and free. Therefore, they have strenuously opposed any solution to the Cyprus problem which would lead once more to their dispersal in Greek Cypriot-controlled territory and to the formation of a strong, Greek Cypriot-dominated government. For them there can be only two possible solutions to the Cyprus problem:

(1) The creation of a loose, bi-zonal federation with the Greek Cypriots, and

[1] Later it was revealed by Archbishop Makarios that in 1964 Ioannides, who was then stationed in Cyprus, and Sampson had approached him with a plan to slaughter the entire Turkish Cypriot population. (See Oriana Fallaci, *Interview With History*, Boston, 1976, p. 318.)

(2) The creation of an independent Turkish Republic of Northern Cyprus.

The Turkish Cypriots would have preferred the first of these two alternatives. But the Greek Cypriot Government has consistently refused to negotiate on a realistic basis and, since April 1983, it has refused to negotiate at all. Both Archbishop Makarios and his successor, President Kyprianou, have acted as though the Cyprus problem began with the Turkish intervention of 1974. They have totally overlooked the savage and unprovoked attacks against the Turkish Cypriot community which were launched in 1963-64 and 1967, and they have taken no account of the deep concern which the Turkish Cypriots have acquired for their own safety as a result of these attacks.[2]

In fact, they have displayed such intransigence that they have even drawn fire from officials in their own administration. In April 1976, Glafkos Klerides, the Greek Cypriot Government's chief negotiator at the inter-communal talks, was forced to resign because he could not accept President Makarios's rigid stance in the negotiations. In July 1978, Klerides's successor as chief negotiator, Tassos Papadopoulos, was, in turn, dismissed after he had criticized President Kyprianou for refusing to abide by the Makarios-Denktas Agreement of February 12, 1977, which recognized the principle of bi-zonality as a basis for further negotiation. More recently, in September 1983, Nikos Rolandis, the Greek Cypriot Foreign Minister, resigned when President Kyprianou rejected UN Secretary-General Pérez de Cuéllar's invitation to resume negotiations. A few days later, Rolandis went so far as to accuse President Kyprianou of being "the enemy of Cyprus".

While assuming a tough and unyielding stand in the negotiations, President Kyprianou has tried to force the Turkish Cypriots to bow to his will by means of a policy of economic strangulation. He has imposed a trade boycott upon Northern Cyprus and, arguing that his government is the only legitimate authority in Cyprus, he has spared no effort to discourage or prevent foreign countries from trading with the Turkish Cypriots. Foreign skippers who have used the Turkish Cypriot port of Famagousta have even been imprisoned and fined when later they used the Greek Cypriot ports of Larnaka or Limassol. Because of this boycott, the Turkish Cypriots have had difficulty selling their products abroad and the Turkish Cypriot economy has suffered accordingly. It is this attempt of the Greek Cypriot Government to strangulate the Turkish Cypriot economy which finally convinced President Denktas and his government to seek complete independence, for only by acquiring a formal status can the Turkish Cypriot state trade freely with the rest of the world.

Thus, it is the policies of the Greek Cypriot Government which have led to the creation of the Turkish Republic of Northern Cyprus and not the alleged machinations of the Turkish Government.●

[2] For the psychological wounds inflicted upon the Turkish Cypriots by these attacks, see Vamik D. Volkan, *Cyprus—War and Adaptation:* Charlottesville, 1979.

VFW VOICE OF DEMOCRACY CONTEST

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. ROTH. Mr. Speaker, "My Role in Upholding our Constitution" was this year's theme in the Voice of Democracy contest, which is sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. I am very proud to present the outstanding speech of David Eich, the winning contestant of the State of Wisconsin. David is an active senior at the Appleton East Senior High School and plans to pursue a career in law. I congratulate David, whose eloquent words I gladly share with my colleagues.

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By David Eich)

My Mom makes good pie. The best actually, after Grandma, of course.

I wonder if the stars will be out tonight. And the moon. I wonder if I might blow clouds of breath from my mouth, up in the air, cold all around, but warm inside. High up over the most glamorous city in the nation, I cannot help but ponder on the skyline so lit that like a theater flat hides the most primal link to every piece of pie, every baseball game, and every kiss from Grandma that I ever had. The floodlights glare off the marble, as if all of Washington were a display in a shopping window. The rest of the world saunters by, perhaps window shopping, browsing over the freedoms that no marble can do justice to. Everything patriotic resides among these monuments; After dark the shadows of liberty weaken and fade into the night, but I am always secure in knowing that lights or no lights, marble or no marble, my mind is without constraint. Freedom, I laugh at the word so carefully inscribed in the rock that is the building stone of Washington, amused not by what it means, but rather by the way it is defined for most Americans. Those caught up in taking their security and their livelihood for granted equate freedom with democracy, democracy with the Constitution, and the Constitution with some yellowing piece of paper in some musty but crowded hall in the middle of the nation's capitol. Ha! Let eternity come before that piece of paper saves one man's life, or keeps one man's mind from bondage. And those hallowed Fathers, those heroic creators of our homeland, the legacy they leave is but sand on a beach * * * unless it lives in me. No, I proclaim to my friends, Washington is not the Capitol, the Constitution is not of paper, and freedom is not marble. Just as my heart gives me life, I tell them, it certainly is not the seat of my soul. To uphold a mere piece of paper, one requires but the strength of his arm. Yet to uphold the greatest work in the history of man requires more. If only Americans could come to look beyond the glass, beyond the ink, and into the farmer's kitchen, the milkman's truck; if I could convince them that we are all astronauts, orbiting humanity from the vantage of knowledge. For truly, the price in the shopping window, after sales tax, is only to know.

To know freedom.

To know your Nation.

To know yourself.

Ignorance twists the Constitution. The words lose their meaning amidst illiteracy. I wonder then, can the man who does not understand ever be free? No, for he wears his unawareness like a ball and chain. Oh, he might well see the glitter and the limousines, the black ties and the black stone, but he will be blind to his own claim to glory, freedom. A government is of the people that know, for the people that don't. One who tries to uphold the Constitution without reading it first quickly finds the arm of his rhetoric too feeble, and the yellow sheets come crashing to the floor as if they were leaden. Teach them that the Flat is not cloth, that instead it is the sweat and blood of men. Tell them that no one dies for yellowing paper, but that many have died for the Constitution. Explain to them that the freedom of speech and assumes the ability to speak.

Pick an apple and know that my produce is my own and not that of a state farm, and I have upheld the Constitution. Picket my employer and know that I have the right to assemble, and I have upheld the Constitution. Pray to my own God, and know that I have freedom of religion, and I upheld the Constitution. Strengthen my arms with the muscle of knowledge, and there is not yellow paper heavy enough in all the universe to weigh me down. Of course, no bicep becomes strong without exercise. I must seek to keep my freedoms in shape by using them. I must vote for my candidate, criticize my government, and participate. Only then, after I have upheld my Constitution, can my Constitution uphold me.

The stars are out tonight, and Mom, I'll have another piece of pie.●

THE 40TH ANNIVERSARY OF D-DAY

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. LEATH of Texas. Mr. Speaker, on March 20, the distinguished chairman of the Veterans' Affairs Committee, G. V. (SONNY) MONTGOMERY, introduced House Joint Resolution 521 which proposes that June 6, 1984, be designated as the 40th anniversary of the Allied landings at Normandy, France, during World War II.

I am pleased to join the chairman as a cosponsor of this proclamation to commemorate a date which was not only a stunning military victory, but a reminder to us all that the freedom we enjoy costs and there are many who have made the sacrifice.

During World War II, over 16 million Americans served in the Armed Forces of the United States. During that war there were many battles fought all over the world in defense of freedom. The most crucial battle occurred in June 6, 1944, at Normandy, France, when American and Allied forces joined together to regain a foothold in Europe. The vivid remembrances of this date, I am sure, are

shared by the Members of this body who participated in this and other battles of World War II.

It may well have been the largest battle ever fought in the sense that it included every branch of our Armed Forces, together with international forces. Involved were over 153,000 troops, 5,000 naval vessels, and 11,000 sorties of Allied aircraft. There were many innovations both in weapons and tactics. For example, three divisions of airborne troops, the 82d and 101st of the United States, and the 6th of Britain were dropped inland and seized key points and blocked roads which German reinforcement were prevented from using. The skies were literally dotted with planes, and the sea filled with ships which were transporting well-trained troops to land against a strongly garrisoned and fortified coast.

The beaches were fiercely guarded by the German defenders with the approaches guarded by underwater obstacles. The beaches were heavily mined and strewn with barbed wire, and the high ground above them were commanded by artillery in strategic locations.

Notwithstanding, a quick foothold was gained with cover being provided by a close-in naval force which battered the German defenders. In a short period, the Allies had driven from the air, the once-vaunted Luftwaffe and, the German navy from the sea; and had taken its army by surprise. As the Allied troops moved inland after that first day, the flame of hope was rekindled for freedom-loving people all over the world.

We must never forget the sacrifice made by those who gave their lives or were wounded; 1,465 Americans were killed that day; 3,184 were wounded; 1,928 were listed as missing in action; and 26 were captured.

The successful assault on Normandy provided the basis for the ultimate breakthrough across Europe and paved the way for bringing the war in Europe to a successful conclusion. June 6, 1944, was not only a decisive battle in World War II, but a date that will live in the annals of history as one of the great battles in defense of freedom and the defeat of tyranny.

I urge consideration and approval of the resolution as expeditiously as possible.●

REMI MUYLLAERT—PUBLIC SERVICE AWARD WINNER FOR SOUTH SAN FRANCISCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. LANTOS. Mr. Speaker, a few weeks ago I announced the formation of a new public service awards program for the 11th Congressional District of California. The purpose of the program is to recognize all volunteers by singling out one special individual in each of the communities in my district whose public service has been outstanding. The recipients are chosen by a select advisory committee of respected residents and leaders from each community.

I am proud to announce today that the advisory committee for the city of South San Francisco has chosen Mr. Remi Muyllaert as its 1984 public service award recipient. A resident of South San Francisco since 1954, Mr. Muyllaert has donated countless hours to numerous civic activities in his community. He has actively participated in the Police Athletic League, the South San Francisco Chamber of Commerce, the Elk's Club, the St. Vincent de Paul Society, the Advisory Committee for Colma Creek, the PTA, the South San Francisco Young Men's Institute, and he served on the adult education committee for South San Francisco High School. He has become particularly well-known in the community for his devotion to youth-related programs.

Despite recent health problems, Mr. Muyllaert continues to give of his time and expertise. I wish to commend the SSF advisory committee for its unanimous selection of Mr. Muyllaert as the 1984 Congressional Public Service Award winner. He is truly an inspiration and an outstanding example of dedication to his fellow human being.●

H.R. 2133—AMENDMENTS TO THE SMALL BUSINESS ACT

HON. FOFO I. F. SUNIA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. SUNIA. Mr. Speaker, I rise in support of H.R. 2133, the amendments to the Small Business Act. This bill has received wide public approval. It advocates that Federal departments pay competitive, lower prices.

H.R. 2133 clarifies programs which the Small Business Act now contains. Its cosponsors and I intend that it will increase competition. The Federal procurement process should involve small businesses. This legislation will open up opportunities for businesses which in the past have been unable to bid on contracts for the Department of Defense.

The Small Business Act authorizes the Small Business Administration, the SBA to certify if a business can capably and competently perform a specific Government procurement. The SBA contacts those companies whose low bids contracting officers have rejected because they questioned the companies' ability to perform the contracts. The SBA then offers the companies the opportunity to apply for a certificate of competency. If the SBA grants the certificate, the contracting officers must award the contracts to those companies.

In 1982 the SBA issued a rule which left the referral of a case at the discretion of a contracting officer if the contract had a value under $10,000. I feel that the Small Business Act is clear that no exception should exist to the right of a small business to a referral for a certificate of competency, regardless of the dollar value.

Congress must legislate its intent that access to the certificate of competency should not depend on the anticipated dollar value of the contract. The SBA's program of certificates of competency has proved successful, saves the taxpayers money and provides great benefits to small businesses.●

HONORING DR. HECTOR P. GARCIA, RECIPIENT OF PRESIDENTIAL MEDAL OF FREEDOM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. ORTIZ. Mr. Speaker, when Dr. Hector Garcia was notified of his selection to receive the Presidential Medal of Freedom, his characteristically modest response was, "I'm not worthy of this honor to be considered with such people that I have respect for, both living and dead."

Despite Dr. Garcia's sincere humility, his efforts in fighting for the tradition of freedom so cherished by the country's founders are not simply a footnote in America's history. Recognizing the work of Dr. Garcia illustrates the racial inequities that have been institutionalized in our Nation, the dramatic progress made in correcting these inequities, and the great challenge ahead in maintaining and building upon past achievements.

Dr. Garcia initially became known through his work in safeguarding the rights of Hispanics. On June 16, 1945, Pvt. Felix Longoria was killed in action while serving with the 27th Infantry Division in the Philippines. After a local cemetery in Three Rivers, Tex., refused to accept Private Longoria's remains because of his Mexican descent, Dr. Garcia intervened and arranged to have Private Longoria laid to rest with full military honors in Arlington National Cemetery.

Shortly thereafter, Dr. Garcia founded the American GI Forum of the United States, a national veterans family organization composed primarily of Hispanics who are veterans or active duty service members. Dr.

Garcia founded the forum with the objective of working with Government authorities to eliminate discriminatory practices towards Hispanics as well as enhancing their overall quality of life.

Since then, Dr. Garcia has molded the American GI Forum into a dynamic force in the movement for social and economic equality for Hispanic American citizens. It fact, the forum is often consulted by Federal, State and local governmental officials when considering issues which affect Hispanic Americans and veterans. Under the leadership of Dr. Garcia, the forum established the following aims and objectives:

To develop leadership in the Spanish-speaking population by creating interest in community, civic, and political affairs;

To advance understanding among citizens of various national origins in orders to develop a more enlightened citizenry and a greater nation;

To preserve and advance the basic principles of democracy, the religious and political freedom of the individual, and equal social and economic opportunities for all Americans;

To secure and protect for all veterans and their families the privileges guaranteed to them by the Constitution and laws of the United States; and

To preserve and defend the United States from all enemies through loyalty and service to our country.

The American GI Forum has not been Dr. Garcia's only contribution to this country. Prior to founding the forum, he served in the Army from 1942-46, where he was awarded a Bronze Star Medal and six battle stars. After gaining recognition in his work through the forum, Dr. Garcia was appointed by President Lyndon B. Johnson to the United Nations as a delegate in 1967 and then as a member of the Civil Rights Commission in 1968.

Dr. Garcia has been a friend to me for many years; I am particularly proud to count him as one of my constituents. Not only is he a tremendous help to me in my work as a U.S. Representative, but I can personally attest to the profound influence he has upon the State of Texas and the community of Corpus Christi in the arena of social justice.

In studying his accomplishments, we can all be assured that our system of Government is not static, but can adapt to the dynamics of a changing society. When Dr. Garcia founded the American GI Forum in 1948, few in this country were aware of discrimination against Hispanics and few were committed to improvements. Dr. Garcia brought national attention to the plight of Hispanics, awakening many Americans to the need for comprehensive social reform.

The awarding of the Presidential Medal of Freedom to Dr. Garcia indicates to all Americans the importance of his contribution to the social progress of our Nation. Several years ago, such recognition would not been possible. I join the thousands of people who have learned and benefited from Dr. Garcia's efforts in congratulating him for being selected for this prestigious award. We must all follow his example and work tirelessly in molding a better America for all people, regardless of race, culture or creed.●

HUNGER IN AMERICA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. DOWNEY of New York. Mr. Speaker, earlier this month I wrote to Presidential Counselor Edwin Meese III, inviting him to visit a soup kitchen near his office in the White House so that he could see for himself evidence of hunger in America. Unfortunately, Mr. Meese did not respond to this invitation, as he did not respond to an earlier one.

If Mr. Meese cannot take the time to leave the White House, perhaps he will have a few minutes to peruse the New York State Hunger Watch report, "Profile of 'At Risk' Populations and Service Agencies," which has just been released by the State of New York. He need only read the summary.

There he will find preliminary results from interviews and case studies of 446 individuals in senior citizens centers, emergency feeding programs, and community health centers across New York State. He will find that there has been a steady increase in the demand for emergency food assistance in the past year. He will find that there is, in the words of the report, a "close association between the perception of hunger and low reported caloric intake." In other words, people who claim to be hungry have been found, on investigation of their diet, to have calorically inadequate diets. People, in fact, know when they are hungry. He will also find that the overwhelming majority of pregnant women involved in the study were nutritionally deficient.

Other findings that might prove to be of special interest to Mr. Meese are that Government assistance is not adequate; apparently 52 percent of the people involved in the study who were eligible for food stamps were not getting them. The study also found that Government offices reported no change—some even reported a decline—in caseload at a time when the lines at emergency feeding sites were growing longer.

This is more proof—if more proof be needed—of the increasing hunger problem in America. I wish to commend the New York State Department of Health, the Department of Social Medicine at the Montefiore Medical Center, and all those involved in the Hunger Watch project for their excellent work. Hunger Watch—New York State is a fine example of public and private sector cooperation in the area of human services. It is unfortunate that this effort needs to be expended simply to keep track of the disastrous results of the present administration's assault on social programs.●

H.R. 4718

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. SCHUMER. Mr. Speaker, if our economy is going to prosper and return to full employment, we must insure that sufficient capital is available for new businesses with a potential to grow rapidly. These young entrepreneurial businesses produce most of the new private sector jobs in our economy and generate most of the technological innnovations and new products that we need to compete effectivly in international markets. Unfortunately, these businesses have problems raising the capital they need to develop new innovations and bring them to market.

To launch a new business, most entrepreneurs must fend for themselves, frequently relying solely on personal savings and loans from friends and relatives. Only a select few can meet the stringent criteria needed to tap the venture capital market. Their projects do not hold out the prospect of extraordinarily high profits. Nor do they have a good probability of going public or merging with another corporation. Venture capitalists, in other words, are constantly on the look out for another Apple Computer or Genentech; they are generally not funding the thousands of potential entrepreneurs who have profitable, but not spectacular, job-producing, productivity-enhancing ideas. As a result of this capital market gap, many promising businesses never see the light of day, not because they cannot pass muster in the marketplace, but because financial markets and existing financial institutions are not equipped to provide the vast majority of entrepreneurs with adequate financing at affordable prices and on reasonable repayment terms.

These capital market gaps take many forms. For example, insurance companies and pension funds control billions of dollars which they are usually willing to invest in long-term

projects. However, they generally are not willing to make the large number of relatively small loans needed by entrepreneurs. Banks, on the other hand, have the specialized expertise to evaluate loan applications and the marketing network to service small borrowers. But for a variety of reasons, banks prefer to make short-term loans. Since entrepreneurs require long-term financing, an entrepreneurially oriented industrial policy should try to eliminate this gap by devising ways to combine the banks' ability to originate loans with the willingness of insurance companies and pension funds to provide long-term financing.

Capital availability is only one type of capital gap. Entrepreneurs also need patient capital. New businesses often have a poor cash flow during their startup phase. Only later, when the business is safely down the road to financial solvency, will its cash flow be sufficient to meet its debt service obligations. In view of these financial facts of life, a capital availability program should be structured so that repayment terms better suit the unique financial characteristics of startup companies.

Investment decisions, of course, are best left to individual lenders and stock purchasers. But with some targeted changes in both our financial laws and regulations, I believe we can greatly improve the ability of individual investors and existing financial institutions to service the unique financial requirements of entrepreneurs.

With this in mind, I have introduced H.R. 4718, the National Entrepreneurship Act on February 1, 1984. This legislation should help to insure that existing financial institutions are better equipped to provide adequate financing on affordable terms for new entrepreneurial ventures.

The National Entrepreneurship Act relies exclusively on the market oriented decisions of entrepreneurs and financiers, with a minimum of Government supervision, interference, and redtape, to insure that sufficient long-term, patient capital is available to help young businesses grow more rapidly and create more jobs. In addition, the National Entrepreneurship Act has several other desirable features:

It does not redistribute jobs from one region to another.

Government planners are not forced to pick winners or losers or to distinguish between sunrise and sunset industries.

It does not compete with private capital by offering subsidized interest rates for projects that are already receiving sufficient funding from private sources.

It serves a public purpose but the financing mechanisms are shielded from undue political interference and special interest pleading.

It allows investors to earn high rates of return on successful ventures to compensate for the extra risk of funding entrepreneurial activities.

It will help each State capitalize on its unique talents, skills, industrial structure, and comparative advantage.

The National Entrepreneurship Act has the following titles:

1. SECONDARY MARKET FOR INDUSTRIAL MORTGAGES

Commercial banks specialize in short-term business lending and have the facilities and specialized expertise to evaluate loan applications and to originate and service the large number of relatively small loans required by rapidly growing small businesses. Pension funds and insurance companies are a major source of long-term capital for the U.S. economy but they are not well equipped to originate and service the large number of relatively small loans needed by rapidly growing new businesses. A Government-sponsored secondary mortgage market will purchase industrial mortgages from banks and resell them to pension funds, insurance companies, and other institutional investors who are looking for long-term investment opportunities. It will combine the unique talents and lending activities of commercial lenders with those of pension funds and insurance companies, thereby increasing the efficiency of U.S. capital markets and the amount of long-term capital that is available to finance purchases of plant and equipment. A similar Government-sponsored secondary market for residential mortgages helped increase home ownership and employment opportunities in the construction industry.

2. MATCHING GRANTS FOR STATE VENTURE CAPITAL ROYALTY FINANCE CORPORATIONS

Royalty finance is a form of long-term patient capital whereby an investor's return is based on a percentage of the sales revenues generated by each new product. With royalty financing, a new business can undertake longer term projects because it will not have to start repaying investors until the product or innovation is a commercial success. Massachusetts and Connecticut have had great success with State-sponsored royalty finance corporations which provide grants to new entrepreneurial corporations that cannot obtain funds from traditional sources. The State corporation is repaid from royalties on the new products and these royalties provide a revolving fund for continued and expanded operations. A matching grant program will encourage States to emulate these efforts and help other States expand their existing programs.

PENSION INVESTMENT UNITS

Public and private pension funds have more than $850 billion of assets. However, State and Federal laws often prevent pension fund managers from investing these assets in the securities of new businesses. In addition, many pension fund managers do not have the resources to analyze the investment potential of new businesses whose securities are not actively traded on major exchanges. The Federal Government should make available matching grants to encourage the establishment of State sponsored pension investment units that will recommend changes in State and Federal pension fund regulations and statutes and provide research about the investment opportunities of new entrepreneurial businesses in their States. This will allow pension funds to participate more actively in each State's economic development program. The higher returns from a more aggressive, but still prudent, investment strategy will also help to hold down pension costs for both private- and public-sector employers.

4. LOAN LOSS RESERVE FUND

Banks often view loans to new entrepreneurial businesses as extremely risky. Because these businesses do not have adequate collateral to compensate a bank in the event of a default, they cannot obtain loans to purchase plant and equipment. A loan loss reserve fund, however, will insure banks against losses and defaults on loans to these businesses. The fund will be financed by small payments from banks, borrowers, and the Federal Government. It will be sufficient to compensate banks for losses on any particular loan, although not their entire portfolio. This self-financed insurance fund will encourage banks to lend more aggressively, but it will also require them to act prudently since they will still bear part of the risk of default.

No single piece of legislation can hope to solve all the problems faced by entrepreneurs. But focusing on some of the most pressing financial issues will go a long way toward insuring the success of existing ventures and, more importantly, guaranteeing that potential entrepreneurs who, until now have been shut out of the capital markets, will have an equal opportunity to launch their projects.●

JAMES T. SCHAEFER CITIZEN OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. RINALDO. Mr. Speaker, James T. Schaefer of Union, N.J., is being honored as Citizen of the Year, and I wish to join in a tribute to this fine gentleman and outstanding business leader. The old maxim, "give a job to a busy man if you want to get it done" applies to Jim Schaefer.

In addition to his full time duties as the executive director of the Union Township Chamber of Commerce, Jim Schaefer manages to devote many hours to a myriad of worthy causes—the Ehrhart Gardens senior housing board, which he serves as secretary; the local Juvenile Conference Committee; the advisory board of the Ironbound Boys' Club and Salvation Army Corp. in Newark; the board of trustees of the New Jersey State Correction Department's Youth Corrections Institutions panel; the Three-Ring Federal Credit Union, of which he is vice president; the board planning Union's third senior housing complex, which he serves as president; and the Union Rotary Club.

There have been few local civic celebrations that have not benefited from Jim Schaefer's practiced hand at the helm. He was chairman of the Township's Bicentennial observance in 1976 and cochairman of the group that brought the All-America City banner back from Williamsburg that year. Last year he was secretary of the Township's 175th anniversary celebration committee.

A native of Newark's Ironbound section and the second of 12 children born to the late Charles and Nora Schaefer, Jim enjoyed a long and successful business career that prepared him to juggle all those civic balls without fumbling them. He went to work in 1942 as a teenager for P. Ballantine's brewery.

After a 3-year interruption for service with the Marines in the South Pacific during World War II, he began his climb through the sales and marketing apparatus of what was then one of America's premier breweries. By the time Ballantine had fallen victim to an industry trend toward consolidation that resulted in the disappearance of most regional breweries, Jim had become the firm's public relations and sales promotion director. In that position he played a key role in the company's relationships with the New York Yankees and the football Giants during those teams' halcyon years. He also was responsible for a variety of eye-catching promotions and special events that kept the Ballantine name before the public. The New York City "Street Games," which drew widespread media attention in the early seventies, was a Jim Schaefer brainstorm.

Throughout his years with Ballantine, Jim had been active in such local organizations as the VFW Teener League, the American Legion, the Knights of Columbus and Holy Spirit Church.

Jim and his wife, the former Marion (Vicki) Sobe, are the parents of two grown children. Vicki is a travel agent; Bob, a dean of admissions at Princeton University's school of engineering; and Patti, an employee of the Franklin State Bank Corporate Branch.

Mr. Speaker, it is a pleasure to join with all my fellow citizens in Union Township in saluting this outstanding American and Citizen of the Year.●

TV NETWORKS HESITATE TO PROJECT ILLINOIS ELECTION WINNER

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1984

● Mr. PRITCHARD. Mr. Speaker, perhaps as significant as the actual results from yesterday's Illinois election was the hesitation by the three major television networks to project the winner through voter exit polling.

I hope this new responsibility demonstrated by the networks is not simply an isolated incident caused by the very large voter turnout. I would like to believe that the networks, thanks largely to the efforts of my colleague, Congressman AL SWIFT, now understand the potential damage which projected results can cause, and that this new found restraint will become standard policy through the remainder of election year 1984. As a further comment, I am inserting an article by Mike Royko which appeared in the Chicago Tribune on March 15, 1984.

MAKE MY DAY; TELL A LITTLE LIE

(By Mike Royko)

In 20 years, I've never once asked anything of the readers. I don't ask you to give money to worthy causes, help needy families, donate your vital organs for transplants, or take part in any other journalistic do-good endeavors.

But this one time, I'm asking all of you to join me in a noble cause. It's something that will make you feel wonderful, and—if enough of you do it—will win national respect and admiration for Chicago, Cook County and the State of Illinois.

I'm asking you to lie.

Not a big lie. Not a bad lie. Not something that will later cause you to run to your clergyman, psychiatrist or bartender to get your guilt eased.

This is a good lie, a worthwhile lie, a lie that will put bounce in your step and a giggle in your voice and make you feel wonderful. Let me explain:

Next Tuesday, many of you will be voting in the Illinois Democratic primary. The eyes of the nation will be upon us, as the anchormen love to say.

Some of you will come out of your polling places and be grabbed by exit-pollsters working for one of the networks.

They will ask you who you voted for and why.

Be polite. Talk to them. But lie. Don't give them one honest answer.

If you voted for Mondale, say you voted for Hart. If you voted for Hart, say you voted for Mondale. Or if Glenn is still in the race, say you voted for him.

When they ask you why you voted for Hart, say it is because he is so mature and serious that he reminds you of your grandfather.

Or say you voted for Mondale because he reminds you of Johnny Travolta.

What will this accomplish? You probably know the answer, but I'll tell you anyway.

The pollsters will take your answers and feed them to a computer, which will chew on them, digest them, and finally burp a sheet of paper. The networks' high priests of politics will stare at the numbers, then announce: "I project the winner as . . ."

Even before the polls close and one vote has been counted, the TV anchors will be on the air telling the world how Illinois voted.

And one minute after the polls close, before 1 percent of the vote has been counted, they will be on the air "declaring" the winner of the Illinois primary. Then they'll sit there, looking smug and waiting for the results to confirm their infallibility.

But if enough of you lie, the entire nation will be treated to one of the finest evenings of television viewing since the tube was unleashed.

As the evening wears on and the actual votes are counted, we will see Dan become more and more wild-eyed. We'll see Peter hyperventilating. And even David will look like he is fully awake. And they'll all be stammering about how "goodness, something seems to have gone wrong."

Or maybe they'll scream that the votes should be thrown out on the grounds that they disagree with the exit polls.

There will be chaos in the newsrooms, network executives will try to cut their wrists, and anchormen will have nervous breakdowns before our eyes.

Don't doubt that it can be done. I once saw it happen on a smaller scale.

A few years ago, I was asked to spend an election night at a Chicago TV station talking about the results.

One hour before the polls closed, a meeting was held and one of the polling gurus came in and announced the result of the state's attorney race.

He said: "Bernard Carey has won with 63 percent of the vote. But there is a margin of error, so we are calling it at 57 percent."

All the TV newsmen nodded their heads. I said: "You aren't going to say that on the air, are you?"

"Of course," they said.

"You're nuts," I said. "He not only won't get 63 percent or 57 percent, he might lose."

The polling guru looked at me as if I were something that had come out from under a rock. And a TV whizbang said: "They're never wrong."

So before any votes were counted, they went on the air and declared Carey the winner, as did another station.

And I went on the air and declared that they were all nuts.

By midnight, when the real votes had been counted, the polling guru looked suicidal, the TV whizbangs were sweating through their pancake makeup, and Carey lost with 49 percent of the vote.

"How did you know?" a whizbang asked me.

I explained that because of Chicago's unique political atmosphere, many Chicagoans would not dream of telling a stranger how they voted in an important local election. They have a deep sense of privacy. They also fear a brick through their windows:

Many Chicagoans had simply lied to a stranger that day.

Unfortunately, Chicago, like the rest of the nation, has now become accustomed to

exit polling. Some people probably believe that they are required by law to answer.

So it will take a conscious effort in and beyond Chicago to turn the networks' projections on their ears.

But it can be done. Illinois can be the toast of the nation's TV viewers.

All you have to do is tell a little fib. Then go home, sit back, relax, and watch the anchormen slowly swallow their tongues.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 27, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 28

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.

SD-116

Commerce, Science, and Transportation

To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.

SR-253

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.

SD-106

9:30 a.m.

Appropriations

Defense Subcommittee

To hold open/closed hearings on military implications of Soviet SALT violations.

SD-192

Banking, Housing, and Urban Affairs

To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Labor and Human Resources

Business meeting, to consider S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of the Employee Retirement Income Security Act (ERISA), S. 2311, Health Maintenance Organizations, S. 2308, to authorize funds through fiscal year 1987 for the primary care block grant program, and other pending calendar business.

SD-430

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.

SR-328A

Appropriations

Commerce, Justice, State, and Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and the U.S. Information Agency.

S-146, Capitol

Armed Services

Sea Power and Force Projection Subcommittee

To resume open and closed hearings on S. 2414, authorizing funds for fiscal year 1985 for the Department of Defense, focusing on force projection programs.

SR-222

Foreign Relations

Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.

SD-419

Joint Economic

Economic Goals and Intergovernmental Policy Subcommittee

To hold hearings to examine the current situation and future prospects of the international debt.

340 Cannon Building

10:30 a.m.

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.

SD-342

Rules and Administration

To resume hearings on S. 1675, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.

SR-301

2:00 p.m.

Appropriations

Defense Subcommittee

To continue hearings on military implications of Soviet SALT violations.

SD-116

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.

SD-138

Foreign Relations

Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.

SD-419

MARCH 29

9:00 a.m.

Armed Services

Strategic and Theater Nuclear Forces Subcommittee

To resume open and closed hearings on S. 2414, authorizing funds for fiscal year 1985 for the Department of Defense, focusing on strategic command control and communication programs.

SR-222

9:30 a.m.

Armed Services

Sea Power and Force Projection Subcommittee

To continue open and closed hearings on S. 2414, authorizing funds for fiscal year 1985 for the Department of Defense, focusing on Navy research and development programs.

SR-232A

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.

SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138

Foreign Relations
Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold hearings on S. 2403 and H.R. 3259, bills to declare that the United States holds certain lands in trust for the Pueblo de Cochita in New Mexico.
SD-562

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine catastrophic health care insurance for the elderly.
SD-538

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-124

Foreign Relations
Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.
SD-419

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services and Office of Community Services.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on the Federal Aviation Administration's scatter plan to disburse airplanes departing National Airport over a larger geographical area.
SD-106

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on U.S. participation in the International Energy Program.
SD-366

Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the Medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

Foreign Relations
Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.
SD-419

2:00 p.m.
Foreign Relations
Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.
SD-419

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on OMB circular A-122, to restrict the use of federal funds for lobbying by contractors and grantees.
SD-562

2:00 p.m.
Appropriations
Energy and Water hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalities for trading in securities while in possession of material nonpublic information.
SD-538

* Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-232A

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2457, to designate certain lands in Idaho as wilderness, and to release other forest lands for multiple-use management.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs for the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.
SD-366

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City Loan Program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

11:00 a.m.
Energy and Natural Resources
To resume oversight hearings to review the report and recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Select on Intelligence
Budget Subcommittee
Closed business meeting, to consider proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

APRIL 6

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings on North American gas reserves and resources.
SD-366

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2125, proposed Arkansas Wilderness Act of 1983.
SD-628

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

*Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2201, to convey certain lands in Arizona to the Zuni Indian Tribe.
SR-428A

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses, and for the Prospective Payment Assessment Commission.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

Environment and Public Works
Transportation Subcommittee
Business meeting, to consider proposed legislation authorizing funds for the Federal aid highway program of the Department of Transportation
SD-406

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on U.S. Coast Guard icebreaker operations.
SR-253

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

Veterans' Affairs
To hold hearings to review veteran's health programs.
SR-418

10:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Rules and Administration
To hold hearings on S. 2418, to provide for the construction of the Library of Congress Mass Book Deacidification Facility.
SR-301

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agency Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act, and the Adult Education Act.
SD-430

APRIL 23

1:30 p.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings to examine the impact of occupational disease.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Armed Services
Sea Power and Force Projection Subcommittee
To hold open and closed hearings to discuss strategic cooperation between the United States and Israel.
SD-232A

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SD-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Environment and Public Works
Business meeting, to consider proposed legislation authorizing funds for the Federal aid highway program of the Department of Transportation.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1816, to require the labeling of textile fiber and wool products as to country of manufacture.
SR-253
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on S. 1858, making a technical correction to the legislative veto provisions of the Self-Government and Governmental Reorganization Act of 1973 (Home Rule Act).
SR-385

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume oversight hearings on the Federal food stamp program, and the Child Nutrition Act (Public Law 89-642).
SR-232A
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-562

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138
Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings to examine the impact of occupational disease.
SD-430

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the U.S. Forest Service, Department of Agriculture.
SD-138
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

MAY 2

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138
Veterans Affairs
Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.
SD-138
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for the Head Start program.
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations

HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold hearings on veterans compensation programs.
SR-418

MAY 10

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the impact of drugs on crime.
SD-430

Labor and Human Resources
*Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-124

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-226

JUNE 6

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation, and a proposed construction resolution.
SR-418

CANCELLATIONS

MARCH 28

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MARCH 29

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

APRIL 3

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

APRIL 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

MAY 1

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (Family Planning).
SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, March 27, 1984*

The House met at 12 noon.

Dr. Calvin V. French, pastor, Reorganized Church of Jesus Christ of Latter Day Saints, Washington, D.C., offered the following prayer:

Eternal God, whose hand has been raised in blessing over our Nation from the days of our Founding Fathers, may You continue to look with favor upon Thy servants, for they have been called and are matched against this hour.

Reach into Your storehouse of treasures and bestow upon them the gifts of knowledge and wisdom and discernment to assist them in their deliberations. Quicken them with Thy spirit that they may enact those laws that will preserve and strengthen the Republic.

We pray for this Nation. May we recognize that there are no great or small in Thy sight, but that we are all Thy children.

Remind us daily that our tenure here is brief, but that Thy ways and purposes are eternal.

Father, into this day may we go strong in Thee, and in the power of Thy might. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 271. Joint resolution designating February 11, 1984, as "National Inventors' Day"; and

H.J. Res. 443. Joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 224. Joint resolution to designate the week beginning April 1, 1984, as "National Amateur Wrestling Week"; and

S.J. Res. 247. Joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The message also announced that the Vice President, pursuant to the provisions of section 276 of title 22 of the United States Code, as amended, appoints Mr. DECONCINI as a member of the Senate delegation to the Interparliamentary Union Conference to be held in Geneva, Switzerland, April 2–8, 1984.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 493, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all points of order for failure to comply with clause 3 and clause 4 of rule XXVIII of the House of Representatives be waived against the conference report on the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be permitted to sit this afternoon while the House is in session under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SUPPORT URGED FOR SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, today this House will consider H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. Passage of this legislation is needed to prevent the further inhumane treatment of disabled Americans by the administration.

None of us condone allowing people who are not disabled to receive social security or supplemental security disability benefits. But just as we are repulsed by disability benefit fraud and seek its elimination, we should not permit the administration to terminate disability benefits for literally thousands who are truly disabled.

Under the current administration, more than 470,000 people have lost their eligibility for disability benefits; 160,000 of them have successfully appealed termination of benefits decisions, and an additional 120,000 appeals are pending. At the very least, these data suggest that many persons were summarily purged from the disability rolls and they were callously done so for political expediency.

H.R. 3755 proposes needed reforms. Future terminations of disability benefits would be prohibited unless the administration can demonstrate an individual's medical condition has improved. An individual who receives a preliminary notice that his benefits will be terminated may request a face-to-face hearing before a formal decision is made. And anyone wishing to appeal to termination of benefits decision would continue to be eligible for benefits through the administrative law judge hearing level. This bill also places a moratorium on reviews of mentally disabled beneficiaries until appropriate review guidelines are established.

Mr. Speaker, I urge our colleagues to join me in supporting the passage of this bill.

RESTORING FAIRNESS TO THE SOCIAL SECURITY DISABILITY PROGRAM

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, seldom is the need for congressional action so clear as in the case of the social security disability program.

Extensive congressional hearings, like the one held in my own district, have proven that the current guidelines for this program are unfair.

That unfairness has been recognized by the courts and by the Governors of our States. Twenty-one States, Virginia among them, have been forced to defy Federal guidelines for this program.

The Congress must act if fairness is to be restored to the social security disability program. We must protect those citizens who deserve these benefits. That is why we need the Social

Security Disability Reform Act of 1984. As a cosponsor of this legislation which is before us today, I urge my colleagues to support its passage.

THE MX MISSILE AND THE DEFICIT

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I wish to congratulate the Democratic leadership for its persistence and courage in the fight to make the White House understand that a $200 billion deficit is unacceptable and a threat to economic stability.

No matter what the rhetoric and the insults aimed at making them leave the bipartisan deficit talks, our Speaker and our leader, Mr. WRIGHT, hung in there. Now we are faced with much better options:

The President budged, but barely, on his overkill military budget; the House Democrats have two options both of which reduce the deficit even more. But no matter what option we choose there is one budget buster that needs rethinking—the MX missile.

A weapon which is vulnerable, expensive, already obsolete, and destabilizing. A weapon which not even its backers can justify.

In this year of difficult budget choices, the MX is a boondoggle we do not need.

WEST VIRGINIA JOINS IN FIGHT FOR REFORM OF SOCIAL SECURITY DISABILITY PROGRAM

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Madam Speaker, I also rise in support of H.R. 3755, the Social Security Disability Amendments of 1983, legislation that is vitally needed to safeguard the rights of many West Virginians.

In our State the number of cessations have risen from 588 in fiscal year 1977 to a high of 2,340 in 1983. More than 40 percent of those cut off will have their benefits reinstated. Countless others will never know that they had a right to have them reinstated. My State, West Virginia, has been 1 of 26 States to refuse to continue processing terminations until new standards are established.

We must have this protection, Madam Speaker. Is it too much to ask that we require that the Government show that a person is medically improved before their disability benefits are cut off?

Madam Speaker, I hope we will pass this important legislation today.

□ 1210

DISABILITY INSURANCE BILL DOES NOT GO FAR ENOUGH

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Madam Speaker, first let me compliment the House Committee on Ways and Means and the gentleman from Illinois (Mr. ROSTENKOWSKI) and the gentleman from Texas (Mr. PICKLE) for bringing the social security disability bill to the floor today. I doubt whether there is any district in the United States that has been affected as much as has my congressional district, where thousands of people have been cut off benefits when they were better prepared for the grave than for a job. This bill does not go far enough to correct the situation.

I, and I know many of my colleagues, have called on the Secretary of Health and Human Services, and indeed other responsible officials in this administration to halt the arbitrary cut off of benefits. The committee is to be complimented, but what about the 120,000 appeals that are pending now throughout the country? What about the 190,000 who have been cut off with no further remedy? For these reasons I voted against the rule and I have an amendment to put in the RECORD which would take care of that situation if the final version of this bill in conference contains it.

I think that the 310,000 people should be protected to the extent that the Government should show medical improvement resulting in employability in those instances, especially since people have been cut off the rolls that are not only disabled but helpless to care for themselves. The Ways and Means Committee bill completely ignores situations like this throughout the country.

Mr. Speaker, I wish that the House Committee on Ways and Means had opened up the bill so we could have made a further necessary correction which would let thousands more that are presently being wrongfully deprived could regain their benefits.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2282

Mr. McEWEN. Madam Speaker, I respectfully ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 2282.

The SPEAKER pro tempore (Mrs. BOXER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATION TO GIVE PRESIDENT GREATER CONTROL OVER FOREIGN POLICY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Madam Speaker, today, I am introducing legislation designed to give the President far greater control over the foreign policy of the United States. Specifically, the legislation will make our Foreign Service somewhat responsive to our democratic process.

I am introducing this legislation because I have grown tired of listening to some high level State Department officials criticize the President's foreign policy.

Some of these officials complain about our friendship with countries striving to become democracies, yet, these same officials believe that our foreign policy should be excluded from the American democratic process. These self-appointed guardians of American foreign policy spend most of their time complaining about the lack of democracy in countries who are friendly with the United States and they spend the rest of their time ignoring and avoiding the democratic process in our country. The legislation I am introducing today will bring this State Department hypocrisy to an end.

My bill amends the Foreign Service Act, adding members of the Foreign Service to the categories of management officials and removes the requirements that the Director General of the Foreign Service and the Chairman of the Board of the Foreign Service be selected from the career services. Under the terms of my bill, the chairman will be a Presidential appointee, who reports directly to the President, and will not be on the payroll of any of the foreign affairs agencies under his oversight.

The time has come to apply the principles of democracy to the State Department. At some point, even these guardians will have to respond to the will of the American people.

NAMING VETERANS' ADMINISTRATION MEDICAL CENTER IN POPLAR BLUFF, MO., IN HONOR OF GENERAL PERSHING

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Madam Speaker, today I am introducing legislation to name the regional VA medical center in Poplar Bluff, Mo., in honor of a great American who is one of Missouri's most famous and favorite sons; Gen. John J. "Black Jack" Pershing. Although General Pershing was a

native Missourian he also had close family and professional ties to other States and I am pleased to report that in addition to the entire Missouri House delegation the delegations from Nebraska and Wyoming have joined in cosponsoring this legislation.

I do not think it is necessary to list all of General Pershing's achievements and contributions to our country, because they are largely known and because time alone will not allow it. Suffice it to say that not only was General Pershing the only American to ever be named General of the Armies in his own lifetime he was also an outstanding educator, author, and humanitarian.

I hope this legislation will receive favorable consideration by the House so that we can honor General Pershing in this appropriate and fitting manner in his home State. On behalf of myself and our colleagues who have joined me in this effort I invite all Members of the House to cosponsor this legislation.

HONORING GEN. JOHN J. PERSHING

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, today I rise to join my colleague, the gentleman from Missouri (Mr. EMERSON) in honoring a great American hero, Gen. John J. Pershing, who was a true son of the Midwest. Therefore, the entire Nebraska delegation is honored to support the wish of the gentleman from Missouri (Mr. EMERSON) to name the veterans' hospital after this great military mind and great statesman.

After being stationed at Fort Niobrara, Nebr., Lieutenant Pershing was named professor of military sciences and tactics at the University of Nebraska in the State's capital city of Lincoln. By the time he had completed his services at the university, Pershing had earned a law degree and his ROTC drill units were so successful that they eventually became the founding basis for a national organization, the Pershing Rifles.

When Pershing left Nebraska, his leadership commanded such loyalty and devotion that some of his cadets called upon him to request that he leave behind a pair of trousers. They wanted to cut them up and give each man a bit of the blue pants and gold trim to use as identification patches. These swatches of cloth identified General Pershing's cadets in World War I.

After his success with the American Expeditionary Forces in World War I, some people will remember that Pershing was influenced to use his appeal as a military hero to run for the Presidency. This he did in 1920, using Nebraska as his base of support.

Career, family, and political concerns tied Gen. John J. Pershing to his adopted home State of Nebraska. This is why Nebraskans join the gentleman from Missouri (Mr. EMERSON) in honoring this brilliant strategist, statesman, and intellectual.

I urge your support in renaming the regional veterans' hospital as the "General Blackjack Pershing Regional Veterans' Administration Hospital."

STATUS OF RURAL HOSPITALS UNDER MEDICARE PROSPECTIVE PAYMENT SYSTEM

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Madam Speaker, I want to call to the House's attention the status of rural hospitals under the medicare prospective payment system. At the time the system was being devised, there was concern that hospitals located in rural areas, which experience lower costs, would reap a windfall from the prospective rates and that hospitals located in urban areas would be slighted. In response, Congress added an urban/rural differentiation in the standardized payment amounts. Hospitals have been classified urban if located within metropolitan statistical areas and rural if located outside MSA's.

While there is little doubt that many urban hospitals do incur higher costs, a case may also be made for some of the rural hospitals. For example, a hospital may be located just outside an MSA; the facility may actually participate in the same labor and patient markets; or a relatively large facility offering a wide variety of services may incur higher costs, despite its location outside an MSA. Some rural hospitals are predicting serious financial problems as a result of this situation.

The problem is difficult and complex, and budget neutrality must be observed. The tenents of good public policy demand that solutions target those hospitals which have serious problems without harming the thousands of other hospitals which participate in medicare. Currently, there are several administrative and legislative avenues which are being explored. One such proposal which I oppose is freezing for 1 year the phase-in of national rates. This would only delay, rather than solve the problem, and I believe that the containment of national hospital costs should take precedence.

I would urge Members to examine this matter and its effect on health care in their individual districts.

SOCIAL SECURITY DISABILITY AMENDMENTS OF 1984

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Madam Speaker, I commend the gentleman from Texas (Mr. PICKLE), the gentleman from Illinois (Mr. ROSTENKOWSKI), and the entire Ways and Means Committee for a piece of legislation which I think could be one of those landmark pieces of policy of this entire Congress.

H.R. 3755, the Social Security Disability Amendments of 1984, is one of the most important items of concern to numerous suffering people in my district. This legislation will correct the cruel inequities brought about by the Social Security Administration's harsh and hasty reviews.

We are not seeking to expand the SSD program. We are simply making sure that truly disabled people do not lose their benefits while their cases are being reviewed. And most important, we are seeking to clarify the standards for those reviews in unequivocal terms.

My strong support for this bill comes from review of hundreds of cases in my district, where disabled constituents wait over 2 years for favorable reviews.

Take, for example, the case of an ironworker, injured on the job in 1979. Since that injury, he has suffered from spinal fusions, degenerative bone disorders, and diabetic comas. In September 1982, he first filed for disability. Nearly 1 year later, in August 1983, he received a favorable decision. Then his problems really began. This decision was reviewed and then denied by the Bellmon Review Committee last fall. Finally, in January, SSA notified him that an administrative law judge had reversed the Bellmon Committee, and found him disabled. Yesterday he came into my Evansville office. Recall, Madam Speaker, this was both initially and finally a favorable review. This constituent, who has two children, now has lost his car, has lost his telephone, and has sold his furniture. And he still has not received a check from SSA.

My district offices, like yours, are flooded with frantic phone calls from disabled people who have been receiving benefits for a number of years and who now panic when they learn that these benefits will be cut off while their cases are reviewed.

In the last year, over a half million reviews have been completed. In 44 percent of the cases, SSA determined that these people were now able to work. But in 1980, this figure was 20 percent. Has medical care really improved so much in 3 years? Has work changed? Or did we simply change the rules?

H.R. 3755 rectifies this current tragic situation. This bill defines clear and fair standards for terminating benefits. It states that the beneficiary's condition must have improved to the point where he or she can find gainful employment. Or, the beneficiary must have benefited from vocational education to the point of being able to work.

This legislation does not reward disability fraud. H.R. 3755 is stringent. It will filter out the undeserving from the benefit rolls. H.R. 3755 represents a realistic and compassionate improvement over present policy. It will save time, money, and effort in the review of thousands of cases. It will bring an end to the delay and uncertainty that pervade this program. And it will protect the disabled members of our society who, due to acute mental and physical impairments, cannot find gainful employment and must reluctantly turn to SSA for assistance. I urge passage.

□ 1220

LESSONS LOST

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Madam Speaker, 5 years ago tomorrow, the failure of a single valve and subsequent operator mistakes resulted in the worst commercial reactor accident in history, and, showed that a multimillion-dollar investment could become a multibillion-dollar liability in less than an hour.

Supposedly, the accident at Three Mile Island taught that accidents do happen; that aggressive Federal regulation is necessary; that evacuation plans are a prerequisite to plant operation; that quality assurance and strong management controls are needed to assure safety; and, that there were hundreds of technical safety problems in nuclear reactor designs.

These so-called lessons learned have been lost. The NRC has failed to regulate the industry and has reverted to its pre-TMI business as usual mindset of acting like a lap-dog instead of a watch-dog.

The industry has also forgotten the lessons of TMI, and, is itself to blame for its dark history and dismal future. The reason the Byron plant was refused a license; the reason Marble Hill was canceled; the reason Zimmer abandoned; the reason Grand Gulf was allowed to operate despite over 900 errors in its license application; the reason WPPSS defaulted on public bonds; and, the reason why no new plant has been ordered since TMI is because neither the nuclear industry nor its Federal regulators learned the lessons of TMI.

As a result, the industry has met its maker in the marketplace.

WASTEFUL DEFENSE PROCUREMENT

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRITT. Madam Speaker, we in the Congress are painfully aware of the clear and present danger to the economic health of this country represented by the enormous Federal deficits.

Cutting waste in the Pentagon is one means of reducing the Federal deficit in a way that is beneficial to everyone. The place to start is the Defense Department's procurement system. We have all heard the litany of horror stories about spare parts procurement—$435 for a claw hammer, $1,000 for a $15 plastic cap for a navigator's stool, and on and on.

This is a steel bar from a Navy jet pilot's seat. It keeps the seat from sliding off its track. Small businesses in my district in North Carolina estimate they could manufacture it for about $15. The Defense Department paid $356.

The key to correcting these outrages is increased competitive bidding on Government contracts, especially by small businesses. Experience shows that when items are competitively bid the prices invariably come down.

Currently, small business receives only about 17 percent of Defense contracts. This should be dramatically increased and can be accomplished without sacrifice of quality. The quality of products produced for the Government by small business is as good or better than that produced by larger companies.

The General Accounting Office has estimated that savings of as much as $4 billion might be realized by improving the procurement system and aggressively expanding competition.

Several bills are pending in the Congress which will address the spare parts issue. Given the enormity of the Federal deficit, we must take action to insure that our defense dollars are spent wisely.

EXPORT CONTROL

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Madam Speaker, even as Congress is about to convene a conference on the Export Administration Act, the executive branch has already greatly expanded its authority considerably beyond what is allowed in the current law, and definitely beyond congressional intent.

In January, the executive branch issued a new document which greatly expands the Department of Defense role in licensing procedures, allowing it to review all technology transfers on a case-by-case basis, including both national security and foreign policy matters.

This was followed last month by a Department of Commerce proposed regulation which would greatly curtail the issuance of distribution licenses and could conceivably result in a requirement for licensing of 1 million individual items compared to the 90,000 that are presently issued.

And this has been followed by a new memorandum of agreement between Commerce and Defense which once again greatly expands DOD's role.

Madam Speaker, these new procedures will result in a greatly complicated and inefficient licensing process, and it definitely exceeds the congressional authority. My wish is for the executive branch to withhold implementing its new policies until after the House and the other body have concluded its work in conference on the Export Administration Act.

COMMON DECENCY NEEDED IN DISABILITY REVIEW PROCEDURES

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Madam Speaker, when a woman with epilepsy and diabetes, paralyzed in bed by a stroke, is told that she will lose her only source of income because she should get a job, something is wrong.

Something is wrong when a man who has suffered four heart attacks and a quadruple bypass operation receives a letter giving him 10 days to prove he cannot work.

These are not obscure news stories, but real people from my district, and it is time for a change in our handling of the social security disability review procedure.

No one should be cut off from the disability benefits on which they depend without a face-to-face interview—a cursory computer check is inhumane and insufficient. A recipient also should have the proven capacity to hold gainful employment before disability benefits are terminated—it is a matter of commonsense.

I urge my colleagues to support the legislation before us—it incorporates into law the common decency lacking in current procedures.

TRADE WITH JAPAN

(Ms. FIEDLER asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FIEDLER. Madam Speaker, I rise today to express my very deep concern about what is taking place in the negotiations between the United States and Japan.

A number of months ago I went to Japan. I had the opportunity to go along with some of my colleagues on a bipartisan basis and meet with Prime Minister Nakasone.

□ 1230

At that time, he expressed a serious interest in coming to the trade bargaining table in order to come to agreement with the United States to deal with some of our very serious problems of balance of payments with the Japanese Government.

Today I come here to share my concern about the fact that no meaningful progress has taken place to date and that I believe that the Japanese Government is not dealing in good faith with the American Government, which has provided them with multiple opportunities to expand their economy and strengthen their overall economy, providing jobs and income to their country, often meaning a loss to our own country.

So I am here today to urge our Government to take a strong stand, to tell the Japanese that either they come to agreement, that they negotiate in good faith or that we are going to for the first time in a very, very long time actually do something to have a direct impact on their trade relations with us.

I think we have gone as far as we can and the time has come to let them know we stand firmly behind our point of view.

LET US PASS THE SOCIAL SECURITY DISABILITY BILL

(Mr. DEWINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEWINE. Madam Speaker, the House in just a few moments will take up H.R. 3755, the social security disability bill. I am glad we are getting to this.

One of the first problems that I encountered when I was newly elected last year was when I held office hours back in the district and people would come in and tell me these horror stories.

As my office investigated it, we found they were true. Last week. Congressman LYLE WILLIAMS and I held field hearings in Youngstown and Springfield and listened to more sad, horror stories, stories that are in fact true, of people who have been taken off disability even though they have had two and three doctors say they are disabled; yet the social security doctor says that they can work.

We need to deal with this. I urge my colleagues to vote in favor of this. It is a logical change in the law for us to say very simply: Social Security, the Government, to take someone off disability, they have to prove that there has been an improvement in their medical condition. The burden of proof should be with the Government to prove this change.

I would ask my colleagues to vote in favor of this bill when we consider it in just a few moments.

PRESIDENTIAL ELECTIONS IN EL SALVADOR

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Madam Speaker, I just returned from El Salvador yesterday where I observed the presidential elections along with 30 other Americans. The delegation, composed of 19 Members of Congress, Latin American experts, and interested private sector representatives, was ably led by House Majority Leader JIM WRIGHT and Senator WILLIAM ROTH, acting as cochairmen.

The trip to El Salvador was a highly successful one in that it afforded us the opportunity to observe at first hand the growing democratic process in that strife-torn country. In my visits to the polling booths in San Salvador and out in the countryside, I met with and observed many voters from all walks of life. The lines of people waiting to vote were long but the people were patient, happy for the opportunity to exercise their right to make a real difference in the future of their country.

The guerrillas obviously tried very hard to disrupt the election process, confiscating identification cards, burning ballot boxes, attacking polling places. At the start of the day, 24 polling places had been closed due to guerrilla actions; by the end of Sunday, 48 polling places were closed as guerrilla activities escalated, especially in the outlying rural areas. In spite of this harassment and in some instances, actual danger, it is estimated about 70 to 75 percent of the eligible Salvadoran population turned out to vote. When asked why, most people simply replied, "It is our duty to our country," I would wish that as many Americans would recognize their "duty" and participate in the electoral process in the United States.

The outcome of the elections in El Salvador is still being decided as the counting of ballots continues. I came away from that country impressed with the strong desire expressed by its people to decide their own fate through exercising the right to vote. Obviously not all problems will be solved with this election. There may be a run-off election and of course, there will be continued pressure from the guerrillas, supported in large measure by the Nicaraguan Government, to subvert any future free elections and the overall political, democratic process in El Salvador.

At this time, the United States should be firm in its support for El Salvador. As the full House begins to take up consideration of foreign aid to Central America, I hope my colleagues will join me in providing a level of funding which will insure that countries in Central America, like El Salvador, have the means, politically, economically, and militarily, to develop and strengthen democratic systems.

AGENDA FOR AMERICA REJECTED BY DEMOCRATIC LEADERSHIP

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Madam Speaker, the Chair has ruled that both parties' leaderships have to approve any requests to bring up legislation.

The Republican leadership has approved three requests to bring up a constitutional amendment to require a balanced budget, to bring up a constitutional amendment to permit a Presidential line-item veto, to bring up a constitutional amendment to permit voluntary prayer in school.

At this time, I would like to be able to yield to the Democratic leadership to permit these vital amendments to be brought up. But it is obvious they will not approve.

It should be equally obvious to the American people that it is the Democratic leadership that is bottling up these bills which are so strongly desired by the American people. Thank you.

KEEPING THE BEEF IN A MERGER MORATORIUM

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Madam Speaker, last week I filed H.R. 5175, a bill imposing a 9-month moratorium on mergers involving big oil. Let me make it clear—my bill is a comprehensive moratorium on big oil mergers, with no exceptions—including the proposed Socal-Gulf deal.

According to some reports, certain Members of the other body want to exempt the Socal-Gulf deal from the moratorium. It is special interests at work again.

This week, the Socal-Gulf pacman takes a bite out of the bill—next week

it will be the pacman from Mobil-Superior. When the special interest pacmen get through gobbling up the moratorium bill, it will be the same old question—where is the beef? My bill has some beef, and there will be no exceptions.

Special interest exceptions are just an attempt to water down the moratorium bill—and oil and water do not mix. The proposed Socal-Gulf acquisition is for $13.4 billion, which would make it the largest corporate merger in history. It is exactly the kind of mega-merger that we need time to analyze. The monopoly gusher must be capped now, and it starts with Socal-Gulf.

SOCIAL SECURITY DISABILITY INSURANCE AMENDMENTS OF 1983

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Madam Speaker, I hope this House will support H.R. 3755, the Social Security Disability Act Amendments of 1983, a humane measure aimed at restoring fairness and uniformity to a program which has been riddled with problems over the past 3 years.

Madam Speaker, not a day goes by when I do not receive at least one phone call from a confused—often frightened—disabled individual, or from a friend or relative of such an individual, who is seeking my help because they are in danger of having social security disability benefits terminated. These are individuals who need the help of Congress. They are long-term, mentally or physically disabled citizens, many of whom are elderly or veterans, who have already been deemed eligible for disability benefits and, who, as a result of a change in the law, have been asked to prove their eligibility again.

H.R. 3755 would require the Secretary of Health and Human Services to show that there has been a significant medical improvement or change in residual functional capacity before a disabled individual could be terminated, thus placing the responsibility for showing such a change on the Government, rather than forcing the recipient to "reprove" his or her disability.

I urge my colleagues to act as advocates for the many disabled citizens in their districts who need their support and vote in favor of this measure.

SOCIAL SECURITY DISABILITY—A HORROR STORY

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Madam Speaker, Saturday morning I held a social security disability hearing in Hot Springs, Ark. The chairman of the Social Security Subcommittee, JACK PICKLE was there, Senator DAVID PRYOR was also there representing the Senate Select Committee on Aging. It is a shame that we only had approximately 200 to 250 people show up, but it was well publicized.

If only my colleagues could have been there to hear the horror stories, to hear the ALJ's talk about the harassment, discrimination that has come from the SSA, it would make you want to rebel. If you could have heard two practicing attorneys; one who submitted for the record a 300-page document showing horror stories that he had worked on and similar to cases that have been submitted to our offices, you would come in with open hearts and you would gladly vote for this reform piece of legislation today.

Madam Speaker, when the word "anarchy" is used, something is at fault in the system. Today we have an opportunity to bring reason, balance and strike out against anarchy by passing H.R. 3755.

LET US AVOID EXTREMES—PASS H.R. 3755

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Madam Speaker, the gentleman from Arkansas has rightly spoken just now. I think the American people, when they think of social security and the disability program, want two things: They want not to have goldbrickers on the program; people who are able and who are lying back and riding easy on the taxpayers' backs. And on the other hand, I think the great American spirit and soul wants to have a situation where the downtrodden, where the person who is severely injured or very sick is not thrown to the wolves.

□ 1240

If you go to either extreme you are violating the confidence and the trust of the American people.

The legislation that the gentleman from Texas (Mr. PICKLE) and the gentleman from Illinois (Mr. ROSTENKOWSKI) of the Ways and Means Committee and the gentleman from New York (Mr. CONABLE) and others will present to this body today I think steers the sensible course between Scylla and Charybdis and achieves the purpose of the American people. And I intend to vote for it.

GENERAL LEAVE

Mr. WHITTEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the conference report on House Joint Resolution 493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 493, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Mr. WHITTEN. Madam Speaker, I call up the conference report on the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of March 22, 1984.)

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the conference agreement on House Joint Resolution 493 provides for an appropriation of $200,000,000 for low-income home energy assistance. This item was not an item of conference since it is the same as the House-passed resolution and was agreed to by the Senate.

On March 6 the House passed House Joint Resolution 492 which provided $150 million for title II of Public Law 480 for emergency food assistance to Africa. In testimony before our committee, Under Secretary Amstutz of the Department of Agriculture and Administrator McPherson of the Agency for International Development testified that the administration supported supplemental funding for Public Law 480 to provide aid to 18 African nations where an estimated 4 million people are facing starvation. House Joint Resolution 492 is currently pending in the Senate and has become bogged down with numerous nongermane Senate amendments. In order to meet the emergency which everyone recognizes exists in Africa, funds were pulled out of House Joint Resolution 492 for aid to Africa and added to House Joint Resolution 493.

This course of action was followed to meet these emergency funding requirements.

The agreement also provides that up to $90 million shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency assistance, or to any country for use in assisting in emergency food assistance to Africa. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency needs. Authority to sell at competitive prices, as authorized by the Corporation charter, is contained in section 101(b) of Public Law 98-107 and provides as follows:

Provided further, That, hereafter, in order to restore and maintain United States share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture.

The committee will expect the Corporation to fully utilize all of the authorities in its charter to facilitate the movement of commodities through commercial channels, including special financing arrangements, barter, and other special terms and conditions.

This provision, which was included in the House-passed version of House Joint Resolution 492 and was also reported by the Senate Appropriations Committee, was included to enable CCC to sell at competitive prices since testimony indicated that U.S. commodities are offered for sale in many cases at twice the prices that our competitors offer commodities for sale in Africa. In addition, the language allows CCC to barter surplus commodities for strategic and critical materials which are available in many of the African nations. These strategic and critical materials would then be available for the national stockpile.

Furthermore, by encouraging CCC to participate, commodities can be moved immediately since the Corporation has sample authority to act now. This is essential since testimony before our committee indicated that once supplemental funds are approved, it can take as long as 3 months before the food is actually received in the countries.

Madam Speaker, the conference agreement was unanimous, signed by all conferees, and I urge its adoption.

Mr. CONTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Joint Resolution 493, as passed the House, only contained the $200 million for low-income energy assistance. The Senate added $80 million for Public Law 480 food assistance for Africa.

The conferees agreed to $90 million for Public Law 480, plus language making available $90 million from CCC stocks for sale or barter.

The House originally considered the Public Law 480 funds, in the amount of $150 million, and the CCC language, in House Joint Resolution 492, which passed on March 6 by a vote of 374 to 29.

SCOREKEEPING

The amount remaining to the Committee on Appropriations under the section 302(a) allocation for discretionary budget authority is $2.3 billion. The conference report on House Joint Resolution 493 contains budget authority of $290 million. So even after adoption of the conference report, there would be $2 billion remaining in the committee's allocation.

DUPLICATION

The conference report on House Joint Resolution 493 contains $90 million for Public Law 480 assistance for Africa, and $90 million from CCC stocks for sale or barter.

House Joint Resolution 492, as reported by the Senate Committee on Appropriations, contained the original House language appropriating $150 million for Public Law 480, and making $90 million available from CCC stocks.

The Senate has only adopted the committee amendments to House Joint Resolution 492, and has not yet considered the bill for amendment. During the conference on House Joint Resolution 493, Senator COCHRAN announced his intention to move to amend House Joint Resolution 492 to eliminate duplication between the two resolutions.

This emergency supplemental for low-income energy assistance has had an amazing journey.

Once it was clear that additional funds were necessary to keep the home fires burning, the administration and this House responded firmly, with $200 million in supplemental funds.

But then it got over to the Senate and went around the world in 80 days. It went out the cold flues of the chimneys, through the minefields of Nicaragua, over the airbases of Honduras and El Salvador, and across the drought stricken plains of Africa.

It is back home ready to be enacted, with heat for home and food for abroad.

It is responsive to crying needs, and magnanimous, even if a little late, to them.

I urge support for the conference report.

The critical need for this Africa food assistance is unquestioned. In a letter to me dated February 23, 1984, the Administrator of the Agency for International Development, Peter McPherson, wrote the following:

I share the President's view, as I am sure you do, that the United States has a responsibility to respond quickly and generously to people around the world who are in need of emergency humanitarian assistance. However, unless the President's supplemental food aid request is acted on in the near future, it will come too late in the fiscal year to permit us to order, ship and deliver food on a timely basis. In fact, food must be ordered before June if fiscal year 1984 funds are to be utilized since obligations are incurred only when commodities are actually loaded on ships.

In other words timing is all-important here, and that is why we have brought this bill to the floor as an urgent supplemental.

The needs have been determined through the cooperation of a number of United States and international agencies, including AID Field Missions, the Food and Agriculture Organization of the United Nations, the U.S. Department of Agriculture, the World Food Program, the European Community, other donor nations and, of course, the recipient nations. In recommending the amounts included in the bill, the conferees have attempted to weigh the overall needs with the recipient nations' capabilities for receiving, storing and distributing food commodities. This is not an exact science in Africa by any means, but this is our best estimate at this time.

While our estimates may have to be adjusted in the future, there is no question as to the human disaster which is occurring right now in Africa. Literally thousands of African children and adults are dying every day, and millions more are threatened by starvation or severe malnutrition due to a deadly combination of drought and civil strife. The potential number of people affected, perhaps as high as 100 to 150 million, is staggering.

The United States has traditionally led the way in disaster assistance wherever it has been needed, and I am proud of that record. Enactment of this urgent supplemental is essential to continue that tradition, to assist people who are in desperate trouble, and to encourage other donors to follow our lead.

This request is within the discretionary budget authority ceiling for fiscal year 1984. We should act favorably on this bill as quickly as possible, and I urge the Members to support it.

Mr. WHITTEN. Madam Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 466, and rule XXIII, the Chair declares the House in the Committee of the Whole House

on the State of the Union for the consideration of the bill, H.R. 3755.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3755) to amend title II of the Social Security Act to provide for reform in the disability determination process, with Mr. WISE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 30 minutes and the gentleman from New York (Mr. CONABLE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to present for the House's consideration H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. My remarks will be brief, as many Members wish to speak in support of this badly needed legislation. I would only say that this legislation is critical to the continued functioning of the social security disability insurance program. The massive number of beneficiaries who have lost their benefits over the last 3 years even though they are truly disabled and unable to work, has led to a national outcry for reform. Governors of many States are refusing to administer this program; Federal courts in every circuit have ruled the administration's current standards cruel, inequitable, and contrary to law. This chaotic situation must be brought to an end, and this bill is the only way to restore order to this program.

H.R. 3755 has been forged over the last 18 months under the leadership and close guidance of JAKE PICKLE, chairman of the Social Security Subcommittee. Chairman PICKLE will discuss the bill in detail, and I want to thank him now for the hard work he and his subcommittee have done in developing this legislation.

I would also like to point out that the gentleman from Massachusetts (Mr. SHANNON) has worked very hard in behalf of this legislation and has been a persistent campaigner for it.

Mr. Chairman, this bill is fair, reasonable and even-handed. It does not release SSA from the obligation to review beneficiaries—it simply establishes clear, fair standards under which that review must take place. This legislation is desperately needed, and has widespread support across the country from disabled citizens and their State governments. I urge its approval.

Mr. CONABLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 3755, the Social Security Disability Benefits Reform Act of 1984, which is the result of bipartisan efforts by members of the Social Security Subcommittee.

It was a difficult bill to craft. It has imperfections. I believe it is generally responsive to the problems which surfaced after Public Law 96-265 was enacted in 1980 during the Carter administration.

In order to explain this bill and why it comes up at this time, I think it would be a good idea to put it in historical context.

In October 1972 Congress enacted title XVI of the Social Security Act, the supplemental security income program, converting to Federal rolls those aged, blind and disabled recipients of State administered payments which were based on need.

The conversion became effective in January 1974, and among other things, State recipients were grandfathered into the Federal program. Specifically, this guaranteed that those disabled and blind recipients of State aid would be redetermined under State criteria, not under the more stringent requirements of the social security disability insurance program (title II), which would apply to new applicants.

Late in 1973—responding to concerns that States were loading their disability rolls with general assistance recipients who failed to meet the State disability criteria in 1972—Congress enacted rollback legislation requiring the Social Security Administration to reevaluate, under Federal criteria, those recipients who were first paid disability benefits by the State after June 30, 1972.

In other words, at that point, we were victimized to some extent by State manipulation of the law which resulted in the inclusion of some unqualified beneficiaries under our Federal system.

The impact of the rollback legislation and of the many new applications under title XVI combined to generate overwhelming workloads for the State agencies which administer the disability determination process.

As a result, the Social Security Administration fell far behind in regularly scheduled investigations of those already on the disability rolls.

Further, the new SSI program exerted a subtle but real pressure to pay benefits to needy applicants. Since the standards for title XVI were the same standards used for title II, title II was affected equally.

In 1980, the General Accounting Office reported that as many as 1 in 5 beneficiaries of title II were ineligible under a strict interpretation of the Federal disability criteria. This was not entirely surprising.

It confirmed earlier administration studies. Periodic investigations of continuing disability cases were deemed essential to the integrity of the program and it was estimated that these continuing disability investigations, or CDI's, would save $2 billion annually for the then endangered disability insurance trust funds.

As a result, Public Law 96-265, the disability insurance amendments of 1980, was enacted during the Carter administration.

□ 1250

The new law required, among other things, that SSA review disability cases, excluding the permanently disabled, at least once every 3 years.

The gentleman from Texas (Mr. PICKLE) was instrumental in developing this provision.

The intent of the legislation was meritorious, especially in light of the GAO report, but the results were not what the drafters intended. Not only were ineligible beneficiaries terminated, but some eligible beneficiaries were taken from the rolls, as well. Many, especially those with mental impairments, suffered duress and the economic hardship of interrupted benefits.

Both Congress and the administration have taken remedial steps. Late in 1982 we approved Public Law 97-455, which, on an interim basis, provided for the continuation of benefits during an appeal of an adverse decision. And on June 7, 1983, Secretary Heckler, our former colleague, responded with initiatives designed to alleviate the situation, especially the reviews of those with mental impairments.

H.R. 3755 represents the next step. It makes permanent the provision to pay benefits during an appeal, pending the decision of an administrative law judge as to the continuance of a disability. The bill also establishes clearly a national medical improvement standard and places the burden of proof on the Secretary.

Is it true reform? Well, I certainly will acknowledge that it represents some backing off from our previous view that there were a great many people on the disability rolls who did not belong there. It does establish standards which, of course, will put additional pressure on the Social Security Administration, to which we already have assigned major additional tasks like SSI and black lung. Without giving the agency additional personnel to administer these programs, clearly we are going to see social security overburdened again and we are going to see a growth in the number of people on the disability rolls at additional cost to the taxpayer and addi-

tional pressure on the social security budget.

I think it is inevitable that we are going to have some degree of swinging back and forth of this pendulum.

I must say, Mr. Chairman, we are a long ways from final reform, and much more work is going to have to be done. We are going to have to be vigilant, and insure that a lot of unqualified people are not going onto the rolls. That clearly is not only disadvantageous to the taxpayers but to the other beneficiaries who have a valid claim under the law.

Such reforms as federalizing the system may lie ahead for us. I must say that many conservatives who favored the State administration of this program have come to the conclusion that federalizing it will be more likely to produce uniformity of decisionmaking and greater equity for both taxpayers and claimants.

Other reforms might include eliminating the appeals council and its review practice or creating some kind of a disability or social security court, or establishing medical improvement standards beyond those that are involved in this particular bill.

The administration, which initially worked with the subcommittee to develop the medical improvement standard that Mr. PICKLE has in his bill, now opposes it. I understand some of their concerns. For example, this standard would leave on the rolls some who would not qualify as new applicants.

I am persuaded, however, that those who have come to rely on monthly benefits over the years of benign program neglect do at least deserve due process. Further, I see no other prompt resolution of the chaos created by disparate district and circuit court decisions regarding medical improvement.

You see, similar cases come up in different courts and get different treatment. And thus we have a chaotic situation as to a national standard.

I encourage the administration to come full circle, to take another look at this bill and work with our colleagues in the other body to perfect those administrative features which, in the Social Security Administration's judgment, will be difficult to implement. Frankly, there are going to be problems with this bill, and we should not only provide continuing review of the functioning of this program, but we should encourage the administration, if it does not like the way this bill expresses reform, to go to the Senate and try to develop something better so that we will have an appropriate administration of the program. That would be far preferable, I believe, simply to opposing this bill.

It is appropriate for the administration to work with Congress to resolve those problems. The executive branch, in retrospect, implemented the reviews in ways which were painfully slow to recognize and to respond to the problems which surfaced with respect to some clearly disabled people.

I wish I could assure you this would be the last chapter in the story. The story is not fiction. I expect we will deal with it again when the issue of cost comes up, because the diverse estimates prepared by the Congressional Budget Office and the Social Security Administration in some instances reflect speculation only on the impact of the changes we are enacting.

For instance, the Social Security Administration says over 5 years this will cost $3.4 billion. CBO says it will cost $1.5 billion. That is a rather wide range.

The bill requires the Social Security Administration to conduct studies, to report to Congress on several issues, such as the consideration of subjective pain in the disability evaluation process, which eventually must be debated.

For the present, I feel that H.R. 3755 is a reasonable response to the problems identified in the disability determination process. It is not the final answer. I will support the Social Security Disability Benefits Reform Act of 1984 when the time comes for a vote, and I urge my colleagues to do so also.

The CHAIRMAN. The gentleman from New York (Mr. CONABLE) has consumed 11 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I ask unanimous consent to revise and extend my remarks.

I rise today in support of H.R. 3755 because our social security disability program is in a state of total chaos.

Twenty States are administering this national program under Federal court order.

Nine other States have dropped out on their own.

In the past 3 years nearly half a million disabled beneficiaries have been notified that their benefits will end. Far too often this notice has been sent in error, and corrected only at the beneficiary's expense.

I could speak today of horror story after horror story, but I will not because I am sure that every Member has heard the desperate pleas from disabled constituents back home.

Let me assure the Members that we who serve on the Social Security Subcommittee have heard those pleas from the disabled, and from the Governors, and from those who must administer this program in the States. And for over a year now we have carefully drafted legislation to bring order to the growing chaos.

We have listened to every concerned party, and have produced legislation supported by Members on both sides of the aisle. Legislation supported by our States. Legislation in keeping with Federal court guidelines. And legislation which is supported by every disability group I know of.

This bill does not attempt to liberalize the disability program. It does restore order and humanity to the disability review process. It does so by requiring four key changes: First, a medical improvement standard for terminations; second, a face-to-face evidentiary hearing at the initial review level; third, the payment of benefits through appeal, that is, to the ALJ level; and fourth, the application of uniform procedural standards for disability determinations.

On each desk, on both sides, there is a printed outline of this bill showing section by section in essence what it does, and I invite the Members to get a copy so that they be more familiar with the bill.

These are reasonable and responsible changes. Arrived at while working in cooperation with the administration. As a result when the Committee on Ways and Means first reported this bill last fall it did so without opposition from the administration.

This spring, during the budget process, the administration suddenly announced that it could not support any disability legislation.

First, they argued that the bill was too expensive.

There is a cost to this legislation. CBO estimates approximately $350 million per year in the first 3 years. But, this is a worthwhile expenditure, and it does not endanger the social security trust funds. The Office of the Actuary has determined that the fund will remain in actuarial balance.

I remind the Members that there will be a terrible cost if we do not pass this bill. The money we save will be money from the pockets of people on our disability rolls today; people in every State and territory who have been declared totally disabled and whose conditions have not improved. This is the cost I urge you to keep in mind as you vote on this bill.

Second, we were told that the administration's internal reforms offered last June would solve the problem. If this were true, we would not be facing a crisis today. For over 3 years this problem has only grown worse. Congress must provide leadership, not wait for bureaucratic action.

Finally, just last Saturday, the administration leaked word to the press of a possible 18-month moratorium on any further disability terminations. This proposal confirms, beyond a doubt, that the reforms offered by the administration in the past are not working. If they were, such a lengthy suspension of these reviews would be uncalled for.

The proposed moratorium also belies the administration's budgetary objections. If it is too expensive to keep a few more people on the rolls, it must surely be even more expensive to keep everybody on the rolls.

But most importantly, a moratorium solves nothing, it only makes the problem worse.

It allows those who should be terminated to go on drawing benefits while leaving the truly disabled in a state of continued uncertainty.

Finally, we must question the wisdom of letting the administration choose whether or not to enforce our laws. If the Secretary can suspend one provision of the law today, why not some other provision tomorrow? Why not just suspend the whole disability program?

Congress must not endorse this move toward lawlessness. The disabled, like all Americans, have a right to the prompt adjudication of their claims in accordance with the law.

In conclusion let me say again, that in response to the growing crisis our subcommittee has worked on this legislation for over a year. We have worked openly with every interested party in an effort to craft the best possible bill. We have achieved broad support and have overcome every substantive objection. The time for study has passed. Now we must act. Legislation now is the only answer to this problem.

□ 1300

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, first let me compliment the distinguished gentleman from Texas for bringing the bill to the floor. All of us know it is a tremendous improvement, but in the case of many severely disabled persons, medical improvement, although clearly demonstrated, may not bring that person to the point that he can engage in any gainful activity. Yet, the legislative guidelines in this bill would seem to provide places for cutting such an individual off the rolls.

I would like to ask the gentleman if he could clarify that for me.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PICKLE) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. I would just like to ask the gentleman from Texas if the chairman of the subcommittee could be more specific with respect to the intent of the term "medical improvement"; if that would cut the individual off when he was unable to work.

I yield to the gentleman from Texas for his response.

Mr. PICKLE. No. We are simply trying to say there ought to be a standard determined whether the man or woman is able to work. We are saying in effect that if there has not been medical improvement, you cannot terminate that individual from the rolls.

Now, there are provisions in there that if there has been medical advances in medical therapy or medical science, or if the original finding of disability was in error, or if it was by fraud, then that person could be removed.

In essence, we are trying to say for the first time there is a medical standard, and you cannot remove that person unless it can be shown that there has not been medical improvement.

Mr. PERKINS. Mr. Chairman, I appreciate the time given me by the distinguished chairman of the Social Security Subcommittee, the gentleman from Texas (Mr. PICKLE). I appreciate even more his efforts to redress the mistake made by Congress initially in the broad authority given to review social security disability cases in the passage of H.R. 3236 in 1980.

As we know, that process of review was seized upon by the present administration to throw off of the rolls hundreds of thousands of disabled persons since 1981.

Much of this activity, I believe, has been generated by the public belief that there are many undeserving persons receiving disability benefits. This public perception, in my judgment, has come about by the national debate surrounding the Federal budget and by highly publicized incidences of individuals receiving benefits to which they were not entitled. In the process of reducing the cost of the disability benefits program, we have made a lot of families suffer.

Since 1981, 160,000 of the disabled that were notified they were being terminated have been restored to benefits in the legal review process, either by hearings before administrative law judges or by appeals to the courts. At least 120,000 are yet to be processed and 190,000 have been removed. Of the 190,000 that have been removed, we have no way of knowing how many were unjustly removed.

Throughout the many years that I have been in Congress, I have periodically visited every community in my district and have talked to thousands of people and visited thousands of families. It has been my experience that disabled persons, almost without exception, who can find and who can perform work are most anxious to do so.

What I feel we have accomplished in our efforts to reform the disability benefits program is to place insurmountable burdens upon the disabled in establishing benefits and to maintain those rights.

Maybe I fear this more intensely than some of my colleagues because I do represent a large rural and mining area. Because of the isolation of most of the communities in counties that I am privileged to represent, health, medical, and nutrition services have been inadequate or nonexistent for decades. This means that household, farm, and mining injuries often result in aggravated and lifelong disabilities. Just as this isolation has made prompt treatment and rehabilitation difficult, it makes establishing a claim more difficult. For this reason, I believe that the people in rural areas such as I represent are more harshly treated by the administrative procedures required to establish and maintain rights to benefits.

Let me cite to you a few of the cases from my area which involve disability benefit recipients who were notified since 1981 that they were being terminated:

One man has rheumatic heart disease, involving both the aortic and mitral valves. Both of these valves have been surgically replaced. His heart rhythm continues to be that of atrial fibrillation. He has been denied education training because there is no employment potential for such a totally disabled person. He is now in the hospital, having suffered another heart attack in February.

This man suffered a disabling heart attack in 1977, followed thereafter by open heart surgery. He is physically unable to complete a simple stress test lasting 10 minutes.

A number of doctors know this man to be progressively becoming more disabled because of a lung disease. This cancer patient requires constant supervision and medical attention. He lacks the strength and mobility to seek any type of employment.

This woman's disability is based upon a multitude of disabling disorders: respiratory, nervous condition, severe arthritic changes, and inner ear difficulty which causes frequent vertigo.

This man suffered severe physical irremedial injuries, making it impossible for him to work in his trade as a plumber. The Social Security Administration has acknowledged that he is physically unable to pursue his plumbing work or any other career. Because he is only 33 years old, however, his benefits have been terminated.

This man suffered a spinal injury in 1972, totally disabling him. His condition has remained the same since he first became entitled to benefits.

This man suffers a multiple disc disease of the spine and has almost no use of his right hand; is unable to stand for more than an hour at a time.

Doctors have concluded that this man is permanently and totally disabled because of numerous medical problems, the most significant being emphysema, chronic peptic ulcer, coal workers' pneumoconiosis chronic obstructive pulmonary disease, and chronic bilateral otitis media.

This 46-year-old man has chronic low back pain, peptic ulcer, arteriosclerotic heart disease, degenerative disk disease, lumbosacral joint cervical syndrome.

Yes, I commend my colleague, the gentleman from Texas (Mr. PICKLE) and the committee for their efforts to redress some of the injuries occasioned by the harsh administration of this program, but I do not believe that it goes far enough in making it possible for the disabled to secure their rightful benefits. It excludes from remedial treatment that large group of persons who have suffered the most during the last 3 years. This caused me to vote against the rule precluding amendments, for I had hoped to broaden the scope of the bill, to provide a remedy for all of those who had been caught in the administration's dragnet. The measure before us is limited to those reviews issued after December 31, 1984. This will be of absolutely no benefit to thousands of deserving individuals who have been unjustly removed from the rolls—many of them, even though having been restored, have suffered greatly.

My amendment would have made the provisions of this bill which remedy the abuses in the disability review system applicable to all cases decided during this administration. Unfortunately, under the rule, my amendment cannot be offered. It is yet possible that the Senate will perfect this measure by making its provisions applicable to all those who have been aggrieved.

The text of my amendment had I been able to offer it follows:

AMENDMENT TO H.R. 3755, AS REPORTED OFFERED BY MR. PERKINS

On page 20, lines 14 and 15, strike out "which are issued after December 31, 1984," and insert in lieu thereof the following: which are issued on or after January 1, 1981. Any determination that an individual is not under a disability which was made by a State agency (or the Secretary of Health and Human Services) under or in accordance with title II or XVI of the Social Security Act on or after January 1, 1981, and before the date of the enactment of this Act shall be redetermined by such State agency (or the Secretary) as soon as possible after the date of the enactment of this Act, applying section 221(d)(2) of the Social Security Act as amended by this section.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. PERKINS) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. I thank the gentleman for yielding me this time.

Mr. Chairman, by approving this bill, we can go a long way toward putting an end to the abuse and the indignity that is now being inflicted on disabled Americans across this country.

It has been 3 years since we first began hearing of the tragic and destructive results of the reviews of the disabled, 3 years in which half a million disabled Americans have had their lives seriously disrupted.

The bill we are considering today is urgently needed for hundreds of thousands of disabled workers like Damien Ivanof, who was terminated from the rolls even though he suffers from epileptic seizures, which make it impossible for him to work and for Judy Fittery, who lost her benefits even though damage to her spine leaves her in excruciating pain much of the time. These two people were among the first disabled workers to be wrongly terminated from the rolls. They found out firsthand how flawed the standards of procedures now being used by SSA are, and they committed themselves to working to fix a good system that had gone awry.

It has been through the courage and persistence of people like them and other disabled people in Massachusetts and across the country, that Members of Congress on both sides of the aisle have come to know just how destructive and unfair the implementation of these reviews has been.

The desperate and urgent call for reforms is now supported by every disability organization across the country, by labor and elderly organizations, by the Governors, and by key Members of Congress.

The legislation before us today is the result of months of work by the Social Security Subcommittee and the Ways and Means Committee under the leadership of Chairman PICKLE and Chairman ROSTENKOWSKI. It is a carefully crafted compromise bill which received strong bipartisan support in the committee.

I regret to say that there are some people who remain opposed to these reforms.

After 3 years of human tragedies, the time to act has come.

This crisis will not be solved by posturing.

It will not be solved by playing politics with the lives of the disabled.

It will not be solved by calling for more studies.

It will not be solved by starting and halting and starting again moratoriums on the reviews of the disabled almost at random.

It will not be solved by trying to reduce the deficit by throwing disabled workers out into the streets.

This crisis will end only after we have acted to correct and to clarify the standards and procedures used by the Social Security Administration in determining ability to work.

The disabled workers who have come from Massachusetts for this floor debate are committed to a fair and just disability program. I share that commitment, and I urge all of my colleagues to support this vital legislation.

This is not just a political responsibility we have, it is a moral responsibility to the disabled people of this country.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I believe the sad story of what the Government of the United States, under the direction of this administration, has done to the disabled people of this country covered by the disability program since mid-1980, is the cruelest, most sordid story in the history of our country.

In about mid-1980, the Congress, in an honest desire to get off the rolls of the disabled those who were not deserving of being there, authorized an examination of those rolls every 3 years. The administration immediately took advantage of that authority of Congress. They determined not only to carry out the suggestion of Congress that they see who might be properly removed, they determined to purge the rolls of the disabled of this country.

As a matter of fact, they arbitrarily, before there had been any physical examinations of these disabled people, they resolved that they were going to get rid of about 30 percent of the people that were on the rolls.

Mr. Chairman, who were those people that were on the rolls? They were people put there by disability commissions or committees of the several States of this country. They were not usurpers; they were not transgressors; they were there by the law of the several States from which they came. They had been adjudicated by a competent tribunal of a State as being disabled and unable to do any meaningful work for a least a year from the date they were allowed to become a part of those on the disabled program.

□ 1310

So what did the administration do? They proceeded in many cases without any examination, going entirely on paper facts or paper evidence. They began to disgorge the rolls of the disabled of this country until, at the present time, they have taken off 470,000 people. Those are not figures; those are human beings.

In many instances those people had no ability to work, no capacity to earn, no adequate income to sustain themselves, and in desperation many of them have taken their own lives.

Finally, we know that from the country there came a remonstrance that we could not ignore, and Congress then began to take a hand in this matter. I want to pay great tribute and commendation to the distinguished gentleman from Texas, Mr. PICKLE, for taking the lead in this matter and determining that these people are going to have some kind of fair protection against that kind of cruel treatment on the part of the Government of their country.

Now, Mr. Chairman, not only have 470,000 been taken off of the rolls, but they have so worded the regulations in respect to new entry to those rolls that there has been a very sad decrease in the number of people becoming eligible for this program.

For example, in 1980 there were 883,000 people who were awarded eligibility for this program. They get, incidentally, an average of a little over $400 a month if the are found to be eligible for this service. That was in 1980, 883,000. But under the stringency of these regulations promulgated by the same Government institutions that kicked 470,000 off of the rolls, they have reduced the rolls from 883,000 in 1980 to 680,000 in 1983.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's reference to me and our subcommittee, but I want to say that no man in America has shown greater care or concern for the elderly or for the disabled than the gentleman in the well. His help and his concern about this legislation has been invaluable to us and we thank the gentleman.

Mr. PEPPER. I am very grateful to my distinguished friend, the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Florida (Mr. PEPPER) has expired.

Mr. PICKLE. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida.

Mr. PEPPER. I thank the gentleman for yielding me this additional time.

So, my colleagues, this bill that is before the House now provides some additional protection. These people cannot be kicked off of the rolls until an administrative law judge has heard their case and determined upon the evidence whether they are entitled to stay on there or not.

Not only that, my friends, but I want to say one other thing. We have had hearings before our Committee on Aging where we were told by two administrative law judges that if a judge in his record showed that he had reversed at least half of the cases that were appealed to him, they began to circulate the rumor around, "Well, you know, we have too many of these judges. We do not need all these judges that we have. We can save money by getting rid of some of these judges." Nothing these two judges said was anything more than an attempt to intimidate those judges, because two-thirds of the cases that were appealed were reversed by the judges.

So I ask my colleagues to support this legislation and help these helpless people.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, it has now been 3 years since we learned of the serious problems surrounding the Reagan administration's continuing disability reviews being conducted on behalf of the Social Security Administration. We are all too familiar with the terrible stories of literally thousands of physically and mentally impaired individuals who had their disability benefits summarily cut off. In their zeal to cut Government spending, the Reagan administration apparently threw commonsense out the window in 1981. The social security disability insurance program today, as a consequence, is in complete chaos as numerous States have sued the Social Security Administration over its disability review guidelines or have acted on their own initiative to impose moratoriums on further disability reviews until fair and legal guidelines are adopted. In March 1982, I introduced H.R. 5684 in the 97th Congress because it was apparent that the Reagan administration was not going to follow a commonsense approach. Many of the provisions in the legislation before us today are similar. It is unfortunate that the Congress did not react more timely but rather thought mistakenly that the Reagan administration would respond to the courts and the overwhelming sentiment of the Congress. The administration has at every turn frustrated orderly resolution of the disability review process. That persists today with their opposition to this measure H.R. 3755. In my own State of Minnesota, it took a Federal court order from Judge Earl Larson to reinstate the disability benefits of some 14,000 mentally impaired persons who had their benefits cut off. Federal judges in other jurisdictions have taken similar actions in an effort to convince the administration to come to its senses and to obey the law.

I ask Secretary Heckler now and those in and out of the current administration who are responsible for this bureaucratic nightmare; would it not have been easier and would it not have been right for you to have admitted that these problems existed and to have worked with Members of this House who have been working for years to solve these problems? Instead, the administration demonstrated faint acceptance of the problems which were apparent and later announced that it would not support any legislation to restore order and fairness to the disability review process. Mr. Speaker, I commend Mr. PICKLE and Mr. SHANNON for their leadership in writing this legislation and for insuring that it reached the House today. I am pleased to be a cosponsor of this measure. I am sure that they will agree with me when I say that the time to pass H.R. 3755 is long overdue.

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Chairman, the Social Security Disability Benefits Reform Act of 1984 (H.R. 3755), makes important and necessary changes in the Social Security disability program.

The most important change included in this bill is the establishment of a specific statutory standard to be followed by the agencies when reviewing social security disability cases.

According to this new standard, benefits could only be terminated when the beneficiary has experienced medical improvement in his or her condition of such nature as to make him or her able to perform substantial gainful activity.

If this standard is properly implemented, only those who are really able to work will be terminated from the disability rolls. I am concerned about the large amount of disability pension benefits which are terminated in an unfair manner. These large number of reviews are bringing great worries and uncertainty to social security beneficiaries.

Another important change is the provision for a face-to-face evidentiary hearing at the initial determination level.

This will provide the beneficiaries with the opportunity to state their cases personally before an agency officer. Under current law, beneficiaries are only given the opportunity to a face-to-face hearing when they come before an administrative law judge. This happens after the beneficiaries have received two prior decisions against them at the initial and reconsideration level. This bill also includes a section which makes permanent a temporary protection previously enacted by Congress allowing beneficiaries whose benefits had been ceased to elect to continue receiving benefits until an administrative law judge renders a decision on their case. This provision is of great importance since it will eliminate the hardships suffered by thousands of beneficiaries whose benefits have been wrongly terminated.

On behalf of my fellow American citizens residing in Puerto Rico, I urge all my colleagues to support H.R. 3755 and to vote for it.

Mr. CONABLE. Mr. Chairman, I now yield 2 minutes to the gentleman from Ohio (Mr. GRADISON), a valued member of the committee.

Mr. GRADISON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I support H.R. 3755 and I compliment my subcommittee chairman, the gentleman from Texas, for his perseverance in getting a reform measure to the floor.

H.R. 3755 makes necessary reforms in the administration of the social security disability program. Many of these reforms were initiated administratively by the Secretary of Health and Human Services in June 1983 and molded into statutory form by the Social Security Subcommittee last summer. I am hopeful these initiatives will make significant strides toward reestablishing the integrity of the disability program and ending beneficiary trauma.

Perhaps most importantly, the bill attempts to establish a uniform guideline for determining when a person's disability status should be continued. In particular, a person could only be terminated from the rolls if medical improvement is found.

However, it is not completely clear how the medical improvement standard will be implemented. The report language reads that if the person has improved enough to do their old job, then they could be terminated from the rolls. But despite extensive consideration by the subcommittee, the statutory language is vague. The resulting ambiguity between report and statutory language could allow either continued disability or termination status for persons who can do their old jobs.

If people capable of working at their old jobs are allowed to collect benefits, then Congress will have taken disability policy for a full pendulum swing: From the lax standards of the 1970's, to harsh administration begun with the 1980 disability amendments, and back again to the standards that are too lax. The only fair place for the pendulum to rest is in the middle, where only those who deserve to receive benefits, and all those deserving, do receive benefits.

This bill may be our last chance to achieve uniform standards of disability determination throughout the State-Federal system of disability adjudication. If it fails to create fair and consistent guidelines, then our next step might need to be to federalize the administration of the program.

Mr. CONABLE. Mr. Chairman, I now yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, as one of the original cosponsors of H.R. 3755, I rise in strong support of this legislation. I also want to thank some of the leaders in bringing this bill to the floor: the gentleman from Texas (Mr. PICKLE), the gentleman from Massachusetts (Mr. SHANNON), the gentleman from New York (Mr. CONABLE), the gentleman from Ohio (Mr. GRADISON), and the members of the Ways and Means Committee for their efforts in bringing this bill to the floor today.

We face a crisis in the social security disability program. Since the so-called continuing disability reviews began in March 1981, 470,000 recipients have had their benefits terminated. By December of last year, 160,000 of those beneficiaries had been restored to the rolls on appeal, and 120,000 appeals are still pending.

On top of that, Federal district and circuit courts have ordered the Social Security Administration to reopen adverse decisions in over 100,000 cases. Twenty-six States have stopped following Federal disability regulations by order of their Governors or Federal courts, and many States are refusing to terminate the benefits of any disability recipient. It is ridiculous to argue—as some have—that further reforms are not necessary.

The issue in this program is one of balance: How do we in Congress balance the competing needs of taxpayers, who do not want their money going to people who are not disabled, with the sick in our Nation, those who cannot speak for themselves? We took an important first step in December of 1982, by enacting temporary reform legislation.

Today, that "balance" is missing. What we need now is a voice of reason to get it back. H.R. 3755 is that voice of reason. We have already heard the provisions of that bill, and there is no need to repeat them, but I can safely say that it addresses the problems created by Federal court concerns over lack of a medical improvement standard, and the State concerns on terminations of benefits prior to a face-to-face appeal.

This bill, most importantly, answers the concerns of disability recipients. The committee bill gives them some help; but more importantly, it gives them some hope. It is time now for the entire House to work together toward the important goal of fairness in the disability program. It would not be an easy task, for nothing worth winning is easily gained. But H.R. 3755 responds to the needs of the disabled. What greater task than that? What nobler challenge for which to work?

Mr. CONABLE. Mr. Chairman, I now yield 1 minute to the gentleman from Ohio (Mr. REGULA).

□ 1320

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, today, I rise in support of H.R. 3755, the social security disability amendments, and I would like to encourage my colleagues to do the same.

Over the last 2½ years there have been many problems which have plagued the social security disability insurance (SSDI) program and its recipients.

In 1979, the General Accounting Office (GAO), a nonpartisan agency, conducted an investigation which they believed showed 20 percent of those persons receiving social security disability insurance were not "truely" disabled and, therefore, under the statutes, not actually eligible for those benefits.

In response to the GAO report which stated the SSDI program was being misused, Congress enacted the Social Security Disability Amendments of 1980. One major provision of these amendments mandated that the Social Security Administration (SSA), beginning in 1981, review the status of everyone on the social security disability rolls who was not classified as permanently disabled.

These amendments, passed under the previous administration, caused unjust and inhumane financial, emotional, and physical hardships which can never be amended. Because the casework was so overwhelming, major errors of termination were made.

Nationally, through December 1983: Approximately 475,000 people have been notified that they could lose their benefits; 190,000 of them lost their benefits after exhausting appeals; 160,000 were restored on appeal; 150,000 are still pending; and in the State of Ohio alone we had, as of December 1982, 120,260 workers on the disability insurance rolls—4.6 percent of national cases.

During fiscal year 1983 the CDR rate in Ohio was 10,477 continuances and 7,894 cessations; roughly 43 percent of the decisions. For the first 3 months of fiscal year 1984—October 1, 1983 through January 27, 1984—there were 968 continuances under the CDR and 127 cessations under CDR—for approximately 11.6 percent.

Even though a number of these erroneous terminations have been overturned, the corrections were not easy to come by—the national average processing time of the initial application for reconsideration during February 1984 was 38.1 days. On top of that delay, the workload for the already overburdened appellate courts was further increased. The average national processing time for ALJ hearings in fiscal year 1983 was 184 days. Some of those terminated recipients had to

wait as long as a year before they were able to receive a hearing before an administrative law judge (ALJ).

During the interim, many of these people lost their homes and cars and suffered a serious deterioration in their health due to stress and the loss of their medicare insurance coverage.

The level of reinstatement reinforced the realization of the necessity to reexamine the disability review process and make immediate changes where and when they were needed.

The current administration took many good steps to accomplish this task. In May 1982, the SSA undertook administrative reforms to ameliorate the CDR process and respond to congressional and State criticism. SSA expanded the definition of "permanently disabled" which resulted in 125,000 more persons being exempted from the 3-year CDR process, bringing the total of those exempted to more than 800,000 or 27 percent of the SSDI roll.

In October 1982, SSA initiated face-to-face interviews at the start of every review which, it is estimated, exempted an additional 3 to 5 percent of the cases from further action.

On June 7, 1983, Secretary Heckler announced a series to further reform of this review process. It was estimated that these reforms would result in an additional 200,000 recipients—during the next 2 years—being exempted permanently from having their eligibility questioned. Those individuals included those aged 55 and over—reduced from age 59—with muscular, lung, or circulatory disorders, and the mentally handicapped—IQ 70 or lower—who suffer from at least one other disability.

The Secretary also eliminated the computer profile used to determine who will be first in the continuing disability investigation. Instead of processing a CDR on a categorical basis such as age or the amount of benefit received, the CDR would be conducted on a random sampling to eliminate any bias which may have occurred.

With these and other steps this administration took to correct bias and the inhumane reviewing of disability cases, we were well on our way to creating a good system for the disabled of our country.

However, this was not enough. Many of the problems which are, at the moment, inherent in this program, must be alleviated with legislation and not administratively. For that reason, I, along with many of my colleagues on both sides of the aisle, became an original cosponsor of H.R. 3755.

This legislation, which enjoys bipartisan cosponsorship, will insure that the disabled will receive a fair and adequate review process. It insures that they will not be rejected from the social security disability rolls because they have many "minor" disabilities which in and of themselves are not classified as an eligible disability. Now, these disabilities will be taken as a total. A realistic view of the person will be used to determine his or her eligibility. Other areas which this bill addresses are pain, medical improvement, face-to-face hearings, benefits on appeal, uniform standards, and nonacquiescence.

I am pleased we have finally been able to bring this legislation to the floor for action. It has been delayed too long and I hope all my colleagues will vote in favor of H.R. 3755.

Mr. PICKLE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYBAL), chairman of the Select Committee on Aging.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 3755, the Social Security Disability Amendments of 1984. These reforms establish fair and more equitable guidelines for determining whether a person should continue to receive disability benefits. I commend the two gentlemen from Texas, Mr. PICKLE and Mr. ARCHER, for shaping legislation which is acceptable to almost all who have been concerned with this issue. The gentleman from Massachussetts, Mr. SHANNON, the gentleman from Tennessee, Mr. FORD, and other Members of the Ways and Means Committee are also to be complimented for their efforts.

During the last year almost every member of the Select Committee on Aging participated in at least one of our seven disability hearings. These hearings concentrated on how the Federal courts and the States have reacted to the stringent policies forced on State disability agencies by the Federal Government. Last October 20, I inserted into the RECORD the first comprehensive list of the effects of these court orders and State actions. Since that time, the rebellion among the States and the tone of court orders have grown stronger, as hundreds of thousands continue to suffer unjustly.

Over the last 2 years there have been a series of administrative and legislative changes. All of them have proven to be inadequate. It is clear that the only way to reestablish some national uniformity in the disability process is to enact legislation which establishes a fair process which will be upheld by the courts and supported by the Governors. This legislation before us mandates such a review process.

Although I preferred the bill as originally conceived by Chairman PICKLE, and would have added other strengthening amendments, I recommend H.R. 3755 to my colleagues as an adequate response to most of the major concerns expressed in our hearings. I am pleased that 23 of the 60 cosponsors of the bill are members of the Aging Committee.

I also commend the Nation's Governors and courts for acting courageously and correctly to halt further reviews pending national reforms. The strong actions of the States and courts should impress upon the other body the need to enact each of the major provisions of the House bill. Failure to do so will not produce the measure of fairness required by the courts and advocated by the National Governors' Association. Therefore, I urge the passage of this bill and urge also that our conferees insist on all of the House provisions.

Although I support these disability reforms, I wish we were doing more. I am disappointed that the reapplication and reinstatement rights of all previously terminated beneficiaries are not better protected. Although the bill does protect beneficiaries during future reviews, it does little to redress the past injustices which have been well documented by the media and congressional hearings. In addition, the moratorium on reviews should include those with physical impairments.

We have also missed an opportunity to give the Secretary of HHS more administrative flexibility to carry out the reviews than currently exists under the automatic 3-year review requirement. We should also delete the separate, more severe definition of disability established for disabled widow(er)s. To encourage return to paid employment, we should provide better vocational rehabilitation and eliminate the work disincentives which keep some disabled persons on the disability rolls. In addition, there are stronger ways to assure the independence of administrative law judges than are contained in this legislation.

I also have three comments to direct to those who are concerned with the alleged costs of this bill. First, even with these amendments, the review process will have reduced benefit payments by approximately $2.12 billion by the end of fiscal year 1985. This is almost 10 times the $218 million in benefit savings projected when the Congress created the review process in 1980. Second, nothing can be more costly than the current chaotic situation in which a growing number of States are refusing to conduct any reviews while the courts are ordering a reopening of previous decisions. Third, the original baseline assumptions upon which the social security actuaries made their cost projections were predicated on the unrealistic assumption that there will be additional reductions in the total number of disability beneficiaries. In fact, in last year's trustee's report, the actuaries project there will be fewer people receiving disability benefits in the year 2000 than there were in 1980 despite the growth in the U.S. population. It is unfortunate that the policy choices of last spring's financing amendments and of the current disability provisions

are predicated on the assumption that simply maintaining current beneficiary levels shows up as an increase in benefit costs.

Mr. Chairman, I conclude these remarks with a summary of the status of the disability review process among the States. Currently, 33 States have either court-ordered or self-imposed moratoria on further terminations or have otherwise significantly altered the determination process.

Seventeen Governors or other State officials have imposed a moratorium on terminations pending congressional action. In addition, two State legislatures are in the process of legislating a moratorium on the terminations and two others have implemented their own revised guidelines for assessing cardiovascular diseases.

In the last 4 months there have been three major Federal court orders which require the Social Security Administration to reopen previous decisions and to make a new finding based on a medical improvement standard. In Colorado, the Trujillo against Heckler order is retroactive to December 1980. In North Carolina, the Hyatt against Heckler order is retroactive to March 1981. In nine Western States, the Lopez against Heckler order is retroactive to 1981. Nationwide, the courts have ordered SSA to use a medical improvement standard and to retroactively reinstate benefits to over 100,000 beneficiaries pending review under this standard. The administrative costs for implementing these court orders exceeds $100 million, and since the courts require retroactive reinstatement of the former beneficiaries, any marginal benefit savings will be more than offset by the administrative costs of the initial termination and reinstatement actions.

Currently, there are approximately 43,000 disability cases pending in district court, and the backlog is growing at the rate of 2,000 a month. To date, the administration has yet to win a single decision which affirms their policy of failing to use a medical improvement standard.

Mr. PICKLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I take this opportunity to congratulate the chairman of the subcommittee for an excellent bill.

Mr. Chairman, like the knock at the door in the middle of the night, the continuing disability investigation system has struck fear in the hearts of millions of truly vulnerable Americans. H.R. 3755 seeks to end this reign of terror and instead bring sense and sensitivity back into the system. The reforms contained in this bill will end the quest for blood money and yet still weed out those who would seek to cheat the system.

Equally important, I would urge my colleagues to support H.R. 3755 so that severely disabled SSI recipients, despite their impairments, will be able to work under the special benefits program.

The special benefits program, known as section 1619 benefits, expired December 31, 1983. While the administration has continued the program for 1 year under its demonstration authority, this is obviously not an adequate solution. This bill will extend the program through June 30, 1986. In this way new, severely impaired SSI recipients will be able to seek employment and those on the program will not have to live in fear of being reinstitutionalized or forced to stay at home because they cannot afford their attendant care without assistance.

To use the words of one quadraplegic who testified before the Public Assistance Subcommittee, "For God's sake, let us keep working. I don't believe that, on our own, we can eliminate a $200 billion deficit, but I do believe that by allowing us to support ourselves, we can help in our own way."

Mr. CONABLE. Mr. Chairman, I now yield 2 minutes to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 3755, the Social Security Disability Benefits Reform Act.

Massive administrative confusion and personal tragedy have resulted from the implementation of the 1980 Amendments to the Social Security Act which were signed into law by President Carter. Since March 1983, when the continuing disability reviews began, 470,000 beneficiaries have been terminated. By December 1983, 160,000 were restored on appeal, 120,000 appeals were still pending. Moreover, the Federal courts have ordered the Social Security Administration (SSA) to reopen the adverse decisions in over 100,000 cases.

It would be difficult to imagine any Member who has not heard from dozens of constituents who have been dropped from the rolls with only cursory reviews and despite the fact that they had not experienced any improvement in their health. For many, the loss of disability insurance benefits resulted in mortgage defaults, bankruptcies, and other serious financial hardships. The loss of medicare caused many people's health to further deteriorate. In response to these hardships, emergency legislation was passed at the close of the 97th Congress which (among other things) continued financial and medical benefits through the administrative law judge decision. This temporary solution was designed to give Congress time to pass comprehensive legislation. On December 7, this emergency provision expired. Comprehensive reform should not be further delayed.

The seriousness of the problems with the disability program is clearly evidenced by the fact that 30 States have actually stopped following Federal guidelines by order of their Governors or Federal courts. Although the administration in late January notified eight Governors that they had 2 weeks to resume full processing of reviews, none of them has done so. Currently there are approximately 43,000 social security disability cases pending in Federal district court, with the backlog growing at a rate of 2,000 a month. At this rate, the court system alone will spend over $200 million by 1988 just to hear these cases. Although I respect the administration's efforts to improve the program, I cannot accept its conclusion that, "administrative and legislative reforms already accomplished make further reforms unnecessary."

The administration's major opposition to H.R. 3755 is its requirement that SSA return to its previous use of a medical improvement standard. This provision accounts for two-thirds of the bill's 5 year projected cost of up to $6 billion.

As I see it, these cost estimates are excessive for three reasons. First, the Congressional Budget Office estimates the cost of H.R. 3755 to be $1.5 billion for the first 5 years. Second, SSA's $6 billion figure assumes that Federal courts would order retroactive use of a medical improvement standard only if the legislation passes. However, at least 16 States are currently under a court ordered medical improvement standard which applies to previous decisions. Even without the bill, the administration has failed to win a single court case on the medical improvement standard. Third, SSA's $6 billion figure assumes that the Governors will rescind their moratoria and begin processing cases under the current rules. The evidence to date does not support that conclusion. Many Governors have indicated that they will simply turn the entire administrative function back to the Federal Government rather than resume processing under current rules. This is likely to increase Federal administrative costs by over $100 million per year.

It is Congress' responsibility to return fairness and uniformity to this vital Federal program. I believe the termination of benefits to long-term disabled people, many of whom are elderly and veterans, who were properly adjudicated under the medical improvement standard put into the law in 1967, is a violation of due process. I hope we can pass this bill with overwhelming numbers, assuring swift and earnest consideration in the Senate.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. Mr. Chairman, I rise today in strong support of H.R. 3755, the Social Security Disability Benefits Reform Act. I am pleased to see the House acting on legislation to reform the disability determination process and the disability reviews. I am aware of the hardships the disability review program has caused some of my constituents and since coming to Congress, I have continued to work to resolve these concerns. I believe the legislation before us today is an important step in dealing with what has now become a confusing and unworkable program.

The social security disability insurance program was established over 25 years ago to provide benefits for workers and dependents unable to work due to a disabling condition.

The absence of an adequate review process in the seventies however prompted Congress in 1980 to enact disability amendments which mandated that the Social Security Administration review all nonpermanently disabled beneficiaries once every 3 years, beginning no later than 1982. It was President Carter and HEW Secretary Joseph Califano who asked for the weeding out of those who were abusing the system so that benefits for those truly deserving could be protected.

This abuse was emphasized in a report published by GAO in 1981 which indicated that as many as 584,000 individuals or about 20 percent of all workers receiving disability benefits did not meet the eligibility requirements. Incorrect payments were estimated at $2 billion annually. A later report estimated that 30 percent were not entitled to benefits costing as much as $4 billion a year in benefits to people who were not disabled.

In light of these alarming statistics the review process began in March 1981. A number of criticisms immediately surfaced because of incorrect removals from the disability rolls and the removal of some even though their medical condition had not improved during the course of their eligibility for disability benefits.

In 1982 I joined Congressman PICKLE in support of H.R. 6181 to address the problems of the disability system. This legislation would have strengthened the reconsideration process and provided more uniformity in the decisionmaking at all levels of adjudication.

In December of the same year, I again joined my distinguished colleague in support of interim amendments to provide a continuation of disability benefits through the appeals process. This legislation allowed persons terminated before October 1983 to choose to continue to receive benefits while they appealed. Benefits were paid until the final hearing. However, if the case was decided adversely, the recipient was required to repay the benefits he or she had received. While this was only a temporary extension, many believed it should have been permanent considering that the average length of time between filing an appeal and the ALJ decision is 180 days. This is a long period of time without benefits for the majority of beneficiaries whose appeal is successful.

I continued my support for this provision when the House extended it until December 7, 1983. Unfortunately, this provision has since expired and without further legislation the last payment date will be May 3, 1984.

All of us have heard from State officials administering this program, expressing the seriousness of the problems associated with the disability program. A major problem is that various States are administering the program differently either due to State initiated action or as a result of a court decision.

H.R. 3755, legislation that has received strong bipartisan support, is a comprehensive bill addressing a number of concerns with the administration of the disability program.

I want to commend Representative PICKLE and the members of his committee for their sensitivity and hard work on this issue.

One of the key components of H.R. 3755 is the imposition of a medical improvement standard which would be the criterion used to determine whether benefits could be denied. Without some type of medical improvement standard, the patchwork of laws that now exists with 24 States and 3 territories following various circuit court and State initiated actions will continue to make the program unwieldy.

There are a number of other important measures in H.R. 3755 that are desperately needed including extending permanently the authority to continue payment of benefits during the appeals process, requiring face to face evidentiary hearings at the initial decision level and providing a delay on reviews of all mental impairment disabilities.

I am well aware of the necessary provisions included in H.R. 3755. I also recognize the concerns my colleague Congressman ARCHER has expressed on this bill including the bill's total cost and the additional administration burdens that may be placed on the Social Security Administration. I hope all of my colleagues will keep these concerns in mind.

The disability program is an important one. We must eliminate the abuse from the system in order to insure benefits to the truly disabled. Yet, equally important, we must insure that those who are truly disabled do not undergo undue hardship to eliminate the abuse. These do not have to be conflicting goals.

I urge the immediate passage and implementation of H.R. 3755.

The CHAIRMAN. The Chair wishes to announce that the gentleman from New York (Mr. CONABLE) has 11 minutes remaining, and the gentleman from Illinois (Mr. ROSTENKOWSKI) has 11 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, I rise in strong support of this disability bill. All across this country, cries for relief have been heard from disabled people who have lost their benefits, even though they cannot work and have no way of living without those benefits. These people are not shirkers, they are not cheats or deadbeats looking for an easy public handout. These people have paid into social security all their working lives and all they ask is the protection they have worked and paid for. H.R. 3755 gives them this protection in a fair and sensible way.

Mr. Chairman, we cannot leave this Congress holding our heads up if we fail to enact this legislation. We must send out a clear message: We will not tolerate arrogant administrative actions that destroy the lives of countless disabled people simply in order to save dollars. This administration wants to stop this bill by announcing a lengthy moratorium. Such a move will only leave disabled citizens vulnerable to the arbitrary and capricious whims of those who wish to cut costs by forcing the disabled to choose between starvation and suicide when their benefits are cut off. This is unacceptable—we must pass this bill, the Senate must act, and the President must sign it into law. We can do no less for these least fortunate of our citizens.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, if there is further evidence that this administration is out of touch with reality, it is their continued opposition to this bill. Those of us who have been watching this debate have not heard one Member of Congress come before this body and say this is not a vital and necessary piece of legislation. And it is. Anyone who has dealt with this program, from local officials to State officials to national officials, knows that the way this program has been administered over the last 2½ years is a crime, and it needs to be changed.

□ 1330

This system is broken. This bill will help correct it. It is long overdue. Any Member of Congress who has sat in his or her office and listened to the

people who have come before us who are disabled knows that this legislation is long overdue.

I congratulate the gentleman from Texas (Mr. PICKLE) and the chairman of the Ways and Means Committee for giving us the opportunity to vote on this.

Mr. Chairman, I wish to state my strong support for the Social Security Disability Reform Act, H.R. 3755. We often hear that, "If it ain't broke, don't fix it." Well, Mr. Chairman, that is just the problem: The social security disability system is broken. And the administration and those opposed to this legislation refuse to acknowledge the fact. But to the administrators at the State and local level, to Governors, administrative law judges, and Federal district court judges, the evidence is plain. The system is not working the way Congress intended.

An administrative law judge from Evansville, Ind., referred to "the overzealous reaction and meat-ax approach of social security officials to the well-intentioned and well-advised mandate of Congress to review the disability rolls."

A few months ago, Judge Jack Weinstein, chief judge of the Southern District of New York, wrote in his decision in favor of those who had been wrongfully terminated:

> This case raises difficult issues respecting protection of the rights of claimants by the bureaucracy charged with dispensing social security disability and supplemental security income benefits. Courts assume that professionals such as doctors, lawyers, and managers responsible for important government institutions will enforce the law with scrupulous impartiality and concern for the rights of their clients—here those claiming disability. That presumption of legality has been rebutted by evidence of denial of the rights of disabled persons acquiesced in by the professionals charged with assisting them. The result was particularly tragic in the instant case because of its devastating effect on thousands of mentally ill persons whose very disability prevented them from effectively confronting the system.

Faced with this situation, what can we Members of Congress do? We can wait, I suppose, for the officials charged with administering this program to figure out that something is wrong. But we have been waiting for several years, and still nothing is done. This weekend, we heard rumors of an impending change of policy at the Social Security Administration. Rumors are not enough. What we can do—what we must do—is act to force a more humane, compassionate, and rational process on the administrators of this program.

Of all the changes proposed by H.R. 3755, the medical improvement standard is the most critical. There is much evidence to show that there has been no standard used in terminating cases in the past 3½ years. According to the Social Security Administration's own figures, about 35 percent of the people reviewed from 1978 to 1982 were terminated although there was no improvement in their medical condition from the time when they were first placed on disability. As New York State Attorney General Robert Abrams has testified, without a clear improvement in the medical condition of the beneficiary, which would allow him or her to return to work, there should not be a termination.

The Social Security Administration used such a standard until 1976. When new regulations were issued in 1980, the Social Security Administration interpreted them in such a way to put the burden of proof of continued disability on the beneficiary. For those under review, they had to prove once again that they were disabled. A medical improvement standard would mean that there would be an objective measurement that would remove the burden of proof from the beneficiary.

H.R. 3755 would also change the policy with regard to multiple impairments. Presently, if a person suffers from more than one disability, each disability is evaluated on its own, in isolation from the others. The review process does not take into account the cumulative effect of the impairments. This "Alice in Wonderland" process, in which the whole is much less than the sum of its parts, has resulted in many severely disabled people being removed from the rolls.

Now, you may say these are all administrative problems. We do not need a law to fix them. I wish that were true. We have waited a long time for the administrators to even admit that the problem exists. Those terminated unfairly from the disability rolls have had to wait far too long.

I cannot help but return to Judge Weinstein's ruling. It is precisely those people who, because of their disabilities, are least able to deal with this unjust system who have lost the protection of a fairly administered law. We in this House must restore fairness and humanity to a social security system run amok.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, I would like to first of all commend the gentleman from Texas (Mr. PICKLE) for the great job that he has done on getting this legislation through and, of course, the full committee chairman, the gentleman from Illinois (Mr. ROSTENKOWSKI) and the gentleman from New York (Mr. CONABLE) for their understanding and humaneness in making sure that this legislation now has reached the floor of the House.

I would also like to reiterate the comments made by my colleague on the Ways and Means Committee, the gentleman from New York (Mr. DOWNEY), that the reason that we are here today is because, in my opinion, the very strident interpretation of the Reagan administration of the Disability Act Amendments of 1980. We have seen hundreds of thousands of citizens throughout the United States lose their disability payments and be in a position where they are unable to afford to live and care for themselves while their cases are going under appeal.

This legislation will take some small step to make sure that while the appeal is going on, these people will be in a position to at least receive their benefits, and second, there will have to be a showing of some improvements before the benefits may be cut.

I urge support of this bill.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today in strong support of the legislation before us, the Social Security Disability Benefits Reform Act of 1984.

I would like to take this opportunity to commend Chairman PICKLE for his leadership in crafting this bill and bringing it to the floor today. I am proud to be an original cosponsor of this legislation.

Mr. Chairman, as a direct result of the 1980 Carter disability insurance amendments, the Social Security Administration initiated an aggressive program of reviewing those on the social security disability rolls.

Within a very short period of time, however, Members of Congress became aware of the many problems, the horror stories, and the sheer misery imposed on disabled Americans caused by mandated continuing disability investigations (CDI's).

Mr. Chairman, I have been deeply troubled by the slipshod and often callous manner in which truly disabled persons have been mistakenly—some would say deliberately—cut off from their disability benefits. In my New Jersey district, my caseworkers and I have handled well over 500 disability terminations. Time and time again we have found the review process to be less than fair, thorough, or compassionate.

I am happy to say that our intercession has helped to facilitate the reversal of many of those who were terminated, but such intervention by their Congressman should have not been necessary.

I often feel that for every person expunged from the disability rolls who calls me, there must be several who do not. Their reasons are many. Perhaps they believe any appeal would be futile and the appeals process not only appears intimidating, drawn out, and frightful; it is.

Mr. Chairman, between October 1982 and June 1983, SSA made decisions on 365,000 people on the disability rolls. Of that number, 278,000 or 76 percent have been left untouched or returned to the rolls after a lengthy appeals process.

Significantly, of the 116,000 people who opted to go through the review process after initial termination, an unbelievably high 70,000 people, or 60 percent, had their benefits restored. But let me remind my colleagues that these restorations occurred only after a very trying, traumatic, lengthy process.

I would point out to my colleagues that approximately 50 percent of those terminated do not initiate a reconsideration. There are no hard facts or data on what becomes of these people. One finding by the GAO indicates that in the cases of 100 people terminated only 7 were able to obtain full-time jobs.

It seems to me that it is not too difficult to understand why so few apparently do not find jobs. Most, I would suggest, are just too sick or fragile. To some employers such an employee might be regarded as a potential liability—too much of a risk. I would ask my colleagues, how many employers in your district do you know who would hire a person who has just been excised from the disability rolls?

With these experiences in mind, Mr. Chairman, I committed myself over 2 years ago to the reform of the CDI process. In the 97th Congress I cosponsored one of the earliest efforts to adjust the CDI program and thus mitigate some of the misery imposed upon disabled Americans. My colleagues may recall that at the very end of the 97th Congress, we did adopt provisions of this legislation—Public Law 97-455—which extended benefit payments to those in the review process, and also slowed down the rate of the CDI's.

I would remind my colleagues that efforts to reform CDI's have been truly bipartisan. Similarly, there is more than enough blame to go around as to who caused the problem. As a matter of fact, last November I appeared before the Rules Committee to request that my amendment to H.R. 4170 be made in order. The language of that amendment actually went beyond the provisions of H.R. 3755 and would have imposed a moratorium on all—I repeat all—continuing disability reviews. Unfortunately, my amendment was defeated 8 to 5 by the Rules Committee with all four Republicans voting for it and all but one Member from the other side of the aisle voting against it.

Following that action in the Rules Committee, Mr. Chairman, I redrafted the amendment and in November of 1983, I introduced legislation, H.R. 4563, the Disability Beneficiaries Protection Act. Simply put, H.R. 4563 would place a nationwide moratorium on all disability review proceedings until the entire program could be clarified, standardized, and adequately refurbished insuring humane and just treatment for disabled Americans across the Nation. At that time, H.R. 3755 was part of the all-inclusive tax package and I was concerned that that legislation, H.R. 4170, would move too slowly, inadequately answering the urgent call for help from the thousands of disabled Americans anxiously awaiting legislative reform.

The bill I introduced has since gained several cosponsors and furthered the disability reform effort, perhaps acting as a catalyst for the separation and advancement of H.R. 3755. I am encouraged by the fact that the revisions my bill anticipated are incorporated in H.R. 3755, and as an original consponsor of this legislation, I am pleased that the bill's most important provisions have been left unamended through the legislative process—the provisions of H.R. 3755 to:

First, continue benefit payments through the review of an administrative law judge;

Second, to require the SSA to clearly demonstrate medical improvement before terminating an individual;

Third, to establish face-to-face meeting at the reconsideration level;

Fourth, to permit consideration of the impact of multiple impairments;

Fifth, to place a temporary moratorium on all reviews of persons disabled by mental impairments;

Sixth, to require SSA to publish relative CDI rulings and incorporate comments before initiating final changes; and

Seventh, to require SSA to adhere to or appeal Federal court of appeals rulings.

All are all very important changes which are crucial to restoring fairness in the disability program.

Mr. Chairman, there is no question that in the past months the disability program has even further regressed and is in a present state of anarchy and turmoil. At least 21 States have refused either in whole or in part to administer the disability review process in the manner prescribed by the Department of Health and Human Services.

In at least 25 States, Federal courts have struck down the social security guidelines, the result of which has been an erosion of public faith and confidence in the entire program. In my own State of New Jersey, the DDD—Division of Disability Determinations—has terminated its adherence to social security regulations for two legal reasons: First, a moratorium prescribed by Governor Kean; and second, a direct order issued by the Third Federal District Court of Appeals.

While I am pleased that these entities have acted to protect disabled residents in New Jersey, I know that they should not have been necessary, and I fear for those disabled Americans who do not reside in a State which has been shielded by either a court order, a moratorium issued by its Governor, or by both. Mr. Chairman, in its present form the CDI process has proven to be discriminatory, contradictory, careless, and arbitrary, in desperate need of reform.

Mr. Chairman, H.R. 3755 and the CDI program have been the object of study by several congressional committees including the Aging Committee, on which I sit. The bill has received bipartisan support, and many National, State, and local disability protection organizations, as well as the NGA, have all endorsed H.R. 3755. This bill provides a comprehensive, long-term approach to the disability review program.

Mr. Chairman, as you know, the overall purpose of the bill is, first, to clarify statutory guidelines for the determination process to insure that no beneficiary loses eligibility for benefits as a result of careless or arbitrary decisionmaking by the Federal Government. Second, the bill is intended to provide a more humane and understandable application and appeal process for disability applicants and beneficiaries appealing termination of their benefits. Finally, the bill seeks to standardize the Social Security Administration's policymaking procedures through the notice and comment procedures of the Administrative Procedures Act, and to make those procedures conform with the standard practices of Federal law, through acquiescence in Federal Court of Appeals rulings.

H.R. 3755 is a good bill. It is not a panacea, but no proposal ever is. It is a reasonable effort. I strongly urge adoption of this legislation.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I want to commend Chairman ROSTENKOWSKI and Chairman PICKLE for their superb work on this bill.

Mr. Chairman, I think it is an indication of the callous disregard that the administration has for the disabled and those in need, and in many instances the elderly, when they oppose this legislation that has been worked on by both sides of the aisle in terms of the committee.

I want to just cite one classic example. I know some people are afraid to talk about examples of people who have been discriminated against by the administration; but I had a call recently some months ago from an individual who told me he was going to commit suicide, because while the ad-

ministrative law judge had ruled in favor of this man's disability claim, the administration decided to appeal.

I called the Social Security Administration. I said, "Why, on what basis did you decide to appeal?"

And they indicated to me something they will not admit today, that it was based on the quota of that law judge.

Mr. Chairman, that is why the administrative law judges have filed suit against the administration.

Therefore, I rise in support of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984, because Congress needs to act immediately to regain the American people's confidence in the disability program. Since 1980, an accelerated review process of disability cases has caused total chaos within States which must process the cases and severe anxiety and financial loss for the families that must remain in limbo for a final decision to be rendered. I am certain that most Members in this Chamber can list the horror stories of constituents who never lived through the final decision stage.

States that felt overburdened with the process and uncommitted to the policy have taken the disability program into their own hands, imposing moratoriums and slowdowns. My own State of Ohio imposed a 150-day moratorium on social security disability review cases last year. The Governor vowed that he would continue in this way until Congress or the administration took steps to coordinate the disability review process.

For the disability program to meet the expectations of its framers and the people who are to be protected by it, some unity must be incorporated through legislation setting guidelines. H.R. 3755 will protect individuals on the rolls who are disabled from being terminated by mandating a 9-month moratorium on reviews of the mentally impaired, making permanent cash benefits awards through completion of the ALJ appeal, requiring face-to-face interviews at the State DDS, and narrowing the criteria for terminating a disability benefit.

Quite frankly, we should not have to legislate changes to the system. However, our hands have been tied by an administration unwilling to compromise. In my opinion, Congressman PICKLE's bill accomplishes some significant goals. Unity will return to the social security disability system. I encourage every Member in this body to vote in support of H.R. 3755 and end the mistreatment to our most vulnerable citizens. Thank you.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. Mr. Chairman, I yield to my colleague, the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support for the Social Security Disability Benefits Reform Act of 1984 (H.R. 3755). In my district, the confusion and disruption the Social Security Administration has caused disabled persons has reached a crisis level. Since 1981, the disability caseload of my three district offices has tripled. The arbitrary denial of benefits to persons who otherwise qualified for them has unleashed havoc in the lives of thousands of Americans who should have been able to expect fair and compassionate treatment from their Government.

This is a perfect example of this administration's going too far with its meat ax approach to the management of social programs.

Mr. Chairman, I daresay there is not a Member of the House of Representatives who has not been inundated by inquiries from his district about social security disability benefits. There is not a one of us who has not heard horror stories about the abrupt termination of benefits by the Social Security Administration under this administration's interpretation of exisiting law—an interpretation which, in every sense of the word, has been unduly strict.

One man, the father of a child with cerebral palsy, had recently undergone heart bypass surgery and was receiving 14 different medications; his disability benefits were cut off by the Social Security Administration in the middle of this misfortune. His entire community—aided, I am proud to say, by my own district staff—went to work to make sure that he had groceries.

Another man—the recipient of benefits since 1975, was cut off under the new administration guidelines in 1981. Although he suffered from both heart damage and liver cancer, it was not until June of 1983 that we were able to help him restore his eligibility. That he survived in the meantime was something of a miracle.

Another of my constituents was not so lucky. Suffering from cancer, he was summarily cut off from benefits in 1982 under the new guidelines. Although we immediately began to assist him through the complicated and confusing appeals process, he died in the meantime—without benefits. In 1984, 2 years later, his case is still "pending" before the Social Security Administration.

In many cases of this sort—cases of beloved and helpless grandparents and of hard-pressed fathers and mothers still responsible for the care of children—my office and the other congressional offices across this land have been able to assist in the restoration of benefits. But it is a floodtide of suffering, and no cost accountant's explanation can excuse the redtape and harsh and bureaucratic judgments that we are forced to deal with on a daily basis.

It is a situation characterized by a constituent of mine, Harold Jenks of Jonesboro, Ark., as "a disgrace and a shame." Mr. Jenks is a long-time friend of mine—and, indeed, of all of us in this country. He is a decorated Air Force veteran of World War II, wounded in the service of his country and retired now after many years of distinguished service in the Federal Government.

Mr. Jenks knows the social contract between Government and the people from both sides. He has served as chairman of a district Social Security Study Committee for me, and he knows how the system should work. He is appalled by what has happened to so many SSDI beneficiaries. "Some of these folks who were cut off were disabled to the naked eye," he observes. "It passes belief that they could be removed from the lists without somebody at least looking at them and talking to them. I hate to say it, but appears to be inescapable to conclude that the people running this administration have a complete lack of compassion—an inhumane attitude."

The present machinery for dealing with the continuing eligibility of disability beneficiaries—coupled with the administration's rigid and inexplicable attitude—has made it clear that we in Congress must pass a reform bill. We are faced with an emergency of unexpected proportions—a crisis of misery.

It has long been evident that the administration's guidelines for cutting off benefits were in conflict with Federal court orders which require States to make different determinations for continuing eligibility. At the present time, 29 States are refusing to abide by SSA guidelines, either by order of the State government or by that of the Federal courts. Many millions of people are trapped in this unnecessary snafu; it is incumbent upon us to restore both order and compassion to the system for administering disability benefits.

The Social Security Disability Benefits Reform Act of 1984 (H.R. 3755) is intended to do just this. The bill represents the needs of both mercy and efficiency, but essentially it is about justice.

At the present time, disability benefit cutoffs are relatively arbitrary. While the beneficiary may appeal for reconsideration, the process is time consuming and, in the meantime, the cutoff is in effect. Even though a reasonable number of the claimants are successful in their lengthy appeals, they must bear both the burden of proof and the burden of misery.

The provisions of H.R. 3755 are designed to streamline the reconsider-

ation process in the interests of fairness.

The bill would first of all establish a specific statutory standard, which prohibits termination of benefits unless an explicit improvement in the beneficiary's condition or a definite irregularity in the disability claim can be demonstrated;

The bill provides for a moratorium on mental impairment reviews until the Social Security Administration can revise its criteria for disability claims on this basis; it also mandates that a psychiatrist or psychologist review any case where benefits are to be terminated for a person with mental impairment.

In cases where SSDI benefits are to be terminated due to medical improvement, the bill requires that face-to-face interviews be provided by State agencies responsible for disability determinations. This provision would end the cruel practice of termination at a distance.

The bill provides that disability determinations be based on the total range of impairments suffered by the beneficiary, not on improvement of isolated impairments where others persist.

Crucially for the recipient threatened with cutoff, the bill specifies that beneficiaries must be permitted to continue to receive SSDI payments while appealing a termination decision. The payments would continue until a decision is rendered by an administrative law judge.

The bill would extend, through June 30, 1986, as existing temporary program that allows the continuation of SSI and/or medicaid benefits for certain disabled persons who are working but who continue to suffer from disabling impairments.

Among its other provisions, the bill requires that SSDI regulations be standardized under the Administrative Procedure Act; that the Social Security Administration follow generally applicable principles of decision by circuit courts of appeal; that an advisory council on medical aspects of disability be created; and that the changes mandated for the SSDI program apply as well to the supplemental security income system, which provides monthly cash benefits to needy persons who are aged, blind, or disabled. This is a reform bill of commendable magnitude.

It is an overdue effort to restore justice to our national priorities, but it is more than that. It is an emergency measure to prevent needless cruelty and pointless suffering. This bill says that the Federal Government will no longer permit confusion and callousness and redtape to govern the administration of social security disability benefits. It says that the Government of the United States of America is the friend of the people of this Nation, not their adversary. It says that we will continue to respect the social contract which is the social security system in America.

I wholeheartedly urge the adoption of this measure.

Mr. ANTHONY. Mr. Chairman, unfortunately, the situation in Arkansas is in a sorry mess, so sorry, in fact, that the Governor, Governor Clinton, was compelled out of frustration and compassion for the affected individuals to issue an executive order for a moratorium on review. This legislation will help correct that situation.

Lawyers and ALJ's are faced with a situation where SSA refused to follow stere decisis. As my colleague, the gentleman from Ohio, said, our LJ's in Arkansas are intimidated, they are harassed and they are threatened to follow the quota system, 55 percent on the approval rate. They were forced to join in this lawsuit to get some protection. They are forced to follow secret rulings.

This piece of legislation, H.R. 3755, will help solve it.

We are here today because hundreds of horror stories have made their way to our offices over the past 2 years as the Reagan administration has tried to comply with a congressional mandate to remove ineligible recipients from the disability program. Unfortunately, there is a great deal of evidence that in their haste to remove those who should not be on the disability rolls, and to provide a certain level of cost-savings in the program, the administration has used a meat-ax approach and slashed checks to many persons actually disabled who deserve support under the program.

Disability reform gained momentum in the mid-1970's because of the increasing cost of the program. Most people concluded that the growth of the program was due to large numbers of ineligible persons on the rolls. The solution was to rid the rolls of those who were not truly disabled and provide incentives to beneficiaries to return to work.

Responding to the need for more effective management of the program, Congress passed legislation in 1980 that required an increase in the amount of management review and oversight of the program. Among the changes required at that time were Federal review of beneficiaries not permanently disabled at least once every 3 years; a report on the wide variations in administrative law judge decisions; and directions to the Secretary of Health and Human Services to prescribe regulations for State agency determination procedures.

The pendulum has now swung the other way. The concern in Congress now is over the standards and methods being used to examine beneficiaries and terminate their benefits, and the attempts by the Social Security Administration to exert more control over the ALJ's and their decisionmaking standards. The massive and swift review of cases by the Social Security Administration has caused serious emotional, physical, and financial harm to thousands of disabled Americans, and left the ALJ's feeling forced into making decisions that are favorable to the Social Security Administration.

No Member of Congress condones the receipt of disability benefits by those who are not disabled. What we are working on in Congress is a program that is fair, compassionate, and just. The Ways and Means Committee has reported out legislation to provide for the needed reforms in the administration of the program. I urge a favorable vote on H.R. 3755.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. DEWINE).

Mr. DEWINE. Mr. Chairman, I rise in support of H.R. 3755. There is a very serious need for this kind of reform in the disability program. I listened last week to the stories of people from my district whose lives were shaken to the very foundations when they were taken off the disability rolls for months, sometimes years, only to be told in the end what they know, that they were in fact disabled. My colleague from Ohio (Mr. WILLIAMS) and I heard this testimony in the course of field hearings of the Select Committee on Aging which we conducted last week in Ohio.

We heard from Frederick Stires of Ashville who said he had to sell his home after being taken off the disability rolls despite the fact that his condition had not changed at all since several episodes of surgery and frequent physical therapy. Mr. Stires' case became even more of a nightmare after the Social Security Administration lost his file. It took a year to find it. My office finally found it in a Social Security office in Chicago. In the end he was found in fact to be disabled and eligible for disability benefits.

The point is that there are real people out there who have suffered a great deal. The decision in 1980 to review disability cases was well intentioned but it is very evident there are serious problems in the way the law is written and administered.

H.R. 3755 addresses the main problems we have been finding in this law. I urge you to pass it today.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I support this legislation, and urge my colleagues to do likewise. Yes, this is a costly piece of legislation—but I believe the uncounted horror stories which all of us have encountered in

our casework missing out of this Carter administration procedures require that we take action now to return fairness to this Federal program, which so many disabled people depend on.

In my own congressional district I have had people in wheelchairs who are unable to walk across the room unassisted, removed from the social security disability rolls, and I know most of you have had similar cases in your districts. I believe that the hardship imposed on the disabled in these instances could easily have been avoided if face-to-face meetings had been a part of the initial review process.

This legislation provides for the implementation of face-to-face interviews. I believe this is one of the most important provisions of the bill, because we are dealing with people here, and I believe it is mandatory for anyone conducting a medical review to observe the person they are reviewing. I do not believe it is possible to accurately assess a person's medical condition by reviewing a lot of doctor's and hospital's reports.

This lack of face-to-face meeting was one of the reasons why so many cases have been overturned on appeal. Since 1981 when the disability reviews began, 470,000 beneficiaries have been terminated, and by December 1983, 160,000 were restored on appeal, and 120,000 are still pending. It is impossible to guess how many of these cases would not have gotten through an initial review if the agency people conducting the program had met with the beneficiaries. It is also impossible to determine how much needless anguish and suffering was caused, not to mention the waste of taxpayers' dollars.

During the past year I have cosponsored two bills which would require the continued payment of disability benefits during the appeals process, and I am especially pleased that this measure extends permanently authority for a beneficiary to elect to continue receiving disability benefits during the appeal of a medical review. The enactment of this bill will insure continued benefits for those whose payments are scheduled to terminate on May 3, 1984.

It is our responsibility to make sure that the truly disabled do not unfairly lose their benefits—and I believe this bill will meet that responsibility. I urge my colleagues on both sides of the aisle to support this much-needed reform.

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Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, this past Friday, the Ways and Means Subcommittee on Social Security held a public hearing in Atlanta on the status of the social security continuing disability reviews. We saw there, as we see all over the country, that we are facing a national problem of crisis proportions. Congress and the administration should act today to insure that the disability program does not fall into a state of total disarray.

The Reagan administration has seized on the 1980 legislative reforms—enacted by Congress to make sure that disability benefits were provided only to those persons eligible to receive them—as a way to cut social spending, regardless of the consequences for disabled persons and their families. The effects of the administration's overzealous and callous implementation of these reforms have been devastating and we can no longer allow this injustice to continue. The human costs are too great.

Under Reagan administration policy, many States find themselves in a position where they have to choose between complying with a Federal mandate or following their own good consciences as to what is fair and equitable for their citizens. But this is a national program and we must work together to achieve uniformity and to end the unnecessary suffering and intimidation that many disabled Americans face when trying to secure the benefits to which they are undeniably entitled.

H.R. 3755, the Disability Reform Act of 1984, is needed to restore order to continuing disability reviews and to restore public faith and confidence in the program. It is our duty to assure beneficiaries that, should their cases be reviewed, the process will be as fair and as humane as possible. Passage of H.R. 3755 will give this assurance and it is in this spirit that I urge you, my colleagues, to vote to enact this legislation.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, let me ask my colleagues a simple, straightforward question: Do you want this Government of ours to show decency and compassion? If the answer is yes, as I certainly do, I urge you to lend your support to H.R. 3755, the disability insurance amendments which are before us today.

We need to protect the integrity of programs like the disability insurance program covered by this bill, but there are right ways and wrong ways to assure that. The legislation is designed to stop abusive practices which have been used to cut people off who critically needed and were eventually proven to be qualified for the benefits they had been receiving. At the same time, it will not inhibit the Social Security Administration's ability to remove from the disability roles individuals who do not indeed belong on them.

Over the last several years, my staff and I have dealt with all too many cases where individuals had their disability benefits abruptly terminated when indeed they were qualified. Not only did that create a severe financial burden on these families, but, in some instances, the result was worsened health or even death. As this issue has been considered here in the House, one particular letter I received last December has come to my mind time and again. It is from the brave widow of a young man who, after months of hasseling over being cut off of the disability roles, ultimately passed away. Let me share with you excerpts from her letter:

Prior to the review, Steve had had several heart attacks and strokes. He also had rheumatic heart disease, severe hypertension, hephrolithiasis, polycystic kidney disease, pericarditis and cardiac arrythmia. In 1976 he had an artificial aortic valve replacement during open heart surgery and the rest of these problems came up after that except for the rheumatic heart disease which he had since age 6. He was quite frequently in the hospital. All of this is documented in the Social Security records and some of it is on file in your Wichita office.

When the notice of review was sent it upset Steve greatly and he was back in the hospital the same day. The tension he was under while he waited for the decision was extreme and caused his blood pressure to elevate more than it ever had in the past. He was also in the hospital and at his doctor's much more often than before. He had a great deal of fear about our family's future and the fact that I am an uncontrollable diabetic made him fear for me and the effect the stress was having on my health. It was certainly showing on both of us.

We received the notice that he was losing his benefits on November 26, 1982. We immediately went to the Social Security Administration and filed for reconsideration. We then went * * * to talk to * * * Steve's brother and showed the letter to him. Steve got very ill while we were there and I took him to the hospital. This was another stroke. I don't believe it was a coincidence that he got the denial and had a stroke on the same day within a few hours of each other or that it was a coincidence he was in the hospital after first receiving the notice of review. Steve's health steadily declined after the denial.

We then filed an appeal and hired an attorney. * *

His case was finally decided in his favor in the early spring after six months. I can not give you an exact date because we were notified by telephone and we never received a confirmation letter even though one was requested.

Steve was never the same after all of that. Too much damage had been done to his already unstable condition. He was constantly in the hospital. On September 4 at 3:00 a.m. he had a cerebral hemorrhage at home and was taken to St. Francis Hospital by ambulance. He died at 12:45 a.m. on September 5 without ever regaining consciousness. He was 36 years old. The autopsy showed extensive cerebral damage from previous

strokes, arteries to his heart with 80% blockage, kidney deterioration to the point where he would have been on dialysis within a short period of time among other problems. His hypertension contributed to a great extent to the damage in all areas.

This was the man Social Security Disability Determination said should go back to work. I never believed they paid any attention to his doctor's reports. They cared about nothing except cutting off people's benefits.

My husband was in bad health and could not have lived a long life but I, his doctors, and everyone else involved are thoroughly convinced that he would, at least, be alive today if it had not been for all of the aggravation the Social Security Administration caused him which definitely damaged his health further and faster. * * *

I'll put it very bluntly—they killed Steve and it was legal. How can that be allowed in this country? I realize his isn't the only case that turned out this way but this one concerns my husband who I loved very much.

I sat in the hospital on his last day praying he would live even though I had been told otherwise and at the same time thought of the persons we had dealt with at the Social Security Administration and realized they finally got what they wanted. He would no longer qualify for disability benefits. How I hated them that day. * * *

It always has taken the Social Security Administration forever to do anything, but Steve was dead less than one week before they notified me that his benefits would be terminated and I had to go to the office to make myself the payee for our minor daughter's survivor's benefits. * * *

Steve never wanted to go on disability. He wanted to work but could not find a doctor that would sign a release. I know he could not have worked but he wanted to try always. Finally, he realized it was impossible. I was always here to take care of him which saved the government a fortune in Medicare payments because he could always be released from the hospital sooner than he could have been otherwise. This counts for nothing as far as my Social Security credits are concerned. From the government's point of view I did nothing at all during these years.

* * * Steve would be pleased if he thought that the procedure used in the reviews could be changed so someone else doesn't have to go through the anguish he did. * * *

Mr. Chairman, those are not the words of a person who is trying to take the Government for a ride. They are the words of a person who has every reason to resent what the Federal Government has done to her and her family. We should never let a situation like that happen again. This legislation is a major step to assuring that it does not.

There has been talk of a moratorium being imposed by the administration on some of the heartless review procedures that have been in use in these cases. I am certainly all for a moratorium, but I urge my colleagues not to let that weaken your resolve about the need for this legislative remedy. A moratorium would help those people whose cases come up for review while it is in effect. Still, the very term "moratorium" implies that the move is of limited duration. As far as I am concerned, there will never be a time when a situation like that in the letter I shared with you should be allowed to reoccur.

I would also urge my colleagues to consider as well, as a followup to the legislation I trust we will approve here today, the need for a comprehensive look at the whole structure under which the administrative law judges who review these cases and other administrative decisions operate. Just last week, along with a bipartisan group of cosponsors from the Judiciary Committee, I introduced legislation which would pull all of the administrative law judges from the various agencies where they are presently assigned into a unified corps of administrative law judges. My goal in pushing such legislation is to protect these judges from any undue pressure from within their agencies to agree with agency determinations, to meet quotas of one sort or another, or to any other end. There have been some horror stories at the Social Security Administration and elsewhere. I hope H.R. 5156 will focus our attention on resolving those circumstances as well.

Mr. RAHALL. Mr. Chairman, as a cosponsor of this bill, I rise today to express my very strong support for this legislation which is intended to bring some fairness to the disability review process. I wish to personally express my appreciation to the chairman of the Subcommittee on Social Security, the Honorable J. J. PICKLE, the chairman of the Committee on Ways and Means the Honorable DAN ROSTENKOWSKI, and the Honorable JAMES SHANNON for their efforts to bring this most needed legislation before the House for a vote. I urge that my colleagues pass H.R. 3755 and I ask that my statement be inserted here for the RECORD.

The Social Security Disability Reform Act of 1984 is urgently needed by hundreds of thousands of Americans who suffer from some form of disability. Back in 1980 when Congress enacted legislation requiring that disability cases be reviewed at least once every 3 years, it was not anticipated that the procedure used would be as unfair and impersonal as the program we see today. We have heard too many accounts of how the Social Security Administration (SSA) has terminated the benefits of recipients whose medical condition has not improved. As an illustration, during fiscal year 1983 SSA completed 436,498 disability investigations. Benefits were terminated in 182,074—42 percent—of those cases. Yet, 61 percent of those terminations were reversed at the administrative law judge (AJL) level—very clearly indicating that disability cases are being terminated based on faulty evidence.

Mr. Chairman, during the numerous meetings I have held with my constitutents, I have seen the agony and stress these review procedures gave many truly disabled West Virginians. This legislation, H.R. 3755, addresses many of the problems with the current disability termination program.

Under H.R. 3755, a statutory standard will be established—based primarily on the concept of medical improvement—which must be met before a social security disability insurance (SSDI) beneficiary can be found to be no longer disabled and have their benefits terminated. This standard would specify that benefits could not be terminated unless one of the following conditions are met: A person's medical condition improves to the point of being able to perform substantial-gainful work, a person has benefited from advances in medical therapy or technology permitting them to perform substantial-gainful work, new evidence demonstrating that the original impairment is less severe that first thought, the person is currently working, or the original determination was clearly in error or fraudulently obtained.

Many Americans are afflicted with more than one disability. H.R. 3755 addresses this problem by stating that the combined effects of all of an individual's impairments must be taken into account when making a disability determination. The establishment of face-to-face interviews by January 1, 1985, is an attempt to cut down on the cases where obviously disabled individuals are having to appeal their cases to prove their disability.

The provision of the greatest importance to disability recipients in my district is the one allowing for the continued payment of benefits during the appeal process—through the ALJ hearing. However, if the termination is upheld, the beneficiary will be required to repay the Government for the money they got during the appeal.

Other provisions of interest are: A temporary moratorium on the review of beneficiaries suffering from mental illnesses until SSA releases review standards for mental impairments, requiring the Secretary of Health and Human Services and the National Academy of Sciences to conduct a joint study on the use of subjective evidence of pain in determining a disability, allowing those receiving supplemental security income (SSI) to use the same disability criteria established for SSDI recipients, and extending through June 30, 1986, a temporary program allowing the continuation of SSI and/or medicaid benefits for certain disabled persons who are working but still suffer from disabling impairments.

By bringing some fairness and good old commonsense to the disability review program we can save money and show the American people that Congress does really care for those

who are disabled. Again, I urge my colleagues to pass this legislation and demonstrate the compassion that the citizens of this great country expect from their elected officials. It is my hope that the other body will quickly pass this legislation and send it along to the President for his signature.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, I rise in strong support for H.R. 3755 and I commend the committee on their decision to bring H.R. 3755 to the floor as a separate bill.

The social security disability and the supplemental security income programs, which this legislation seeks to amend, are two of the most important means by which American workers and their families are protected from the consequences of disabling accidents and illness. I strongly support efforts to insure that only those who are truly deserving are receiving benefits; if this was the purpose of the administration's implementation of the continuing disability review it has become increasingly clear that something is terribly wrong with it.

Since March 1981, 435,000 cases were reviewed nationally and 195,000 individuals were terminated. In Michigan, 16,600 people were terminated before the Governor issued an executive order halting further reviews. On the surface this would indicate that an astounding 45 percent of all beneficiaries were collecting benefits undeservedly. The quality of these reviews, however, was poor and unfair as seen by the subsequent reinstatement nationally of 63 percent of the cases that were appealed to Federal administrative law judges. In Michigan, 70 percent of those who appealed were reinstated; others were reinstated by reapplication.

The continuing disability review wreaked such havoc with the lives of the disabled that 26 States, including Michigan, are now either refusing to continue the review process until Congress enacts reform legislation or are under court order to use more reasonable standards.

Before considering the merits of H.R. 3755, I would like to share with my colleagues the results of a study prepared by the Michigan Interagency Task Force on Disability. This study shows that most of the savings to the Federal Government from cutting the disability rolls results in increased costs to the States who have no payroll tax to cover the expense. In 1982, a Michigan task force followed 158 SSI beneficiaries who had their benefits terminated by the disability review. These terminations saved the Federal Government $366,831 while costing the State of Michigan $341,068. This was because, despite the termination order, most of these individuals lacked a means of basic support and became eligible for State assistance programs and treatment services. This same study shows that much of the savings from terminations is lost through increased administrative costs which can total $14,049 per case through reconsideration and the administrative hearing. Compare this to the average SSDI benefit level of $5,472 in 1983.

Mr. Chairman, H.R. 3755 addresses the present failure of disability review process in a fair and reasonable manner. I am particularly pleased that the bill will establish a requirement that a beneficiary's medical condition must have improved before benefits can be terminated. Constituent service staff in our district offices are continually relating horror stories of obviously disabled individuals who have been receiving benefits for several years and are then suddenly cut off from their sole source of income not because their condition has improved, but because some new and arbitrary standard of disability has been applied.

I recently received a letter from the wife of one such individual. She writes:

> How can a person be considered disabled for 10 years and suddenly be totally well because the President changes the guidelines * * * It is exhausting just to try and shave corners that have been cut so much, there is not anywhere to go * * * It is a toss-up as to whether you eat, buy clothes and shoes or pay utility bills * * * If this is what America and our way of life are about, we are slipping. It is not what I was taught nor is it what I believed until the past few years.

We must not lose sight of the hundreds of thousands of disabled who have been victimized by the current system. These are the most vulnerable of the poor no matter what the administration might say. Behind all the numbers are real people with problems that are all too real. I believe H.R. 3755 will correct the inequities in the present system while providing the assurances to the American taxpayer that only the truly disabled are receiving benefits. I urge my colleagues to join me in passing this important legislation.

Mr. CONABLE. Mr. Chairman, I now yield all my remaining time, not to exceed 5 minutes, to the ranking minority member of the Subcommittee on Social Security, the gentleman from Texas (Mr. ARCHER).

The CHAIRMAN. The gentleman from Texas (Mr. ARCHER) is recognized for 5 minutes.

Mr. ARCHER. Mr. Chairman, H.R. 3755 enjoys broad bipartisan support, and given the recent status of the continuing disability reviews, this is understandable. But I want to add a note of caution to the enthusiastic approval being voiced today.

First, I want to remind my colleagues that Congress mandated these periodic investigations in 1980 under the Carter administration. A portion of that legislation responded to a General Accounting Office report that as many as 20 percent of social security disability beneficiaries were no longer disabled. Many of us supported that legislation in part because we personally knew of cases in which beneficiaries were working, or were able to work. We believed those clearly ineligible beneficiaries undermined the creditability of the program.

Unfortunately, the Social Security Administration's existing, paper-oriented review process was overwhelmed with the workload. As a result, the reviews brought hardship and duress to some deserving beneficiaries. Responding to those beneficiaries and to a vacuum in current law, the courts and some States, which administer the disability determination process developed their own medical improvement criteria, undermining a national program.

In our committee's attempts to resolve this particular problem, I fear we may be generating new problems. My overriding concern is equity, and I question the equity of establishing a dual eligibility standard, which in some cases will require a new applicant to be more severely disabled than a beneficiary who has collected benefits for some time. Further, we may find that the determination of medical improvement is as subjective as the determination of disability, and equally prone to litigation.

I also have concerns about the bill's costs. CBO has estimated the cost to be $1.5 billion over the next 5 years. SSA's estimate is even higher, $3.4 billion. SSA also warns that its estimate could double if courts interpret medical improvement retroactively. For the record, I would emphasize the committee's intent that the remedies in this bill are prospective only. In any case, neither CBO nor SSA may be correct, because the program is in a state of flux now, and it is virtually impossible to determine precisely the price of the new criteria for mental impairment or the effect the legislation will have on those who actually make the frontline disability decisions. Therefore, it is possible that this bill could jeopardize the narrow margin of safety in trust fund operating reserves if:

First, the economy performs poorly—that is, it performs worse than the economic assumptions used in enacting the 1983 Social Security Amendments; or

Second, the allowance rate for initial claims goes up, and the corresponding termination rate for cases periodically reviewed goes down—more than either SSA or CBO has projected.

I have additional reservations about several other features of the bill.

As an interim measure, in 1982 Congress enacted Public Law 97-455, which among other provisions, continued payments for beneficiaries who were appealing the cessation of benefits, until the second level of appeal, the review by an administrative law judge. The rationale was that the ALJ represented the first opportunity for a face-to-face interview with one who had the authority to make a disability determination. That provision expired December 7, 1983.

The current bill reinstates those payments on a permanent basis. This ignores the fact that the 1982 amendments also required SSA to implement face-to-face interviews at the reconsideration level, effective January 1984.

I believe we potentially jeopardize the effectiveness of the first appeal level, the reconsideration interview, by explicitly encouraging beneficiaries to appeal to the second level. And, since that second level has a backlog, we are authorizing an additional 6 months of benefits. Frankly, Mr. Chairman, I question the wisdom of this provision.

A companion provision in this bill would move that face-to-face interview from the reconsideration level back to the initial decision, and mandate that the States conduct those interviews effective January 1985. While some States welcome that provision, I fear others will be overcome by problems of logistics and personnel ceilings. This will not be an easy provision to implement.

Finally, this bill will be difficult for SSA to implement in a timely fashion because it incorporates major changes in the disability determination process. That implementation is encumbered—unnecessarily I believe—with redtape. Is it, for example, really essential that SSA publish in the Federal Register its standards for consultative examinations? Those are the medical examinations arranged at SSA's expense to supplement medical evidence submitted by an applicant. Candidly, I worry about the precedent this establishes. On this basis, I can foresee the day when we require the Social Security Administration to publish in the register the 25,000 pages of operating manual instructions tabulated by J. Peter Grace for the President's Private Sector Survey on Cost Control.

I have reservations, too, about requiring SSA to accept, as precedent, unfavorable appellate court decisions. This is a national program, which certainly will be hampered by following different rules in different judicial districts. Let me quote from a letter our committee chairman received from Robert A. McConnell, Assistant Attorney General for the Department of Justice:

Because the agency administers a nationwide program while court of appeals jurisdiction is only regional, a requirement that the SSA obey the court of appeals may simply be unworkable as a practical matter. For example, in both *Rosenberg* v. *Richardson*, 538 F.2d 487 (2d Cir. 1976) and *Davis* v. *Califano*, 603 F.2d 618 (7th Cir. 1979), two wives applied for benefits as widow of the wage earner. In *Davis*, the Court held that benefits could not be paid to the second wife under the deemed spouse provision in section 216(h)(1)(B) of the Act after the entitlement of a legal widow was established, as the facts of the case so indicated.

In contrast, the *Rosenberg* court divided the full widow's benefit share between a legal widow and a deemed widow. Thus, if an Illinois legal widow and New York deemed widow both applied for the same benefits, the agency would necessarily have to rule contrary to one of those decisions.

Mr. McConnell concludes:

. . . the Justice Department strongly objects to the provisions of H.R. 3755 and S. 476 requiring compliance with certain court orders. Any such legislation would constitute an unprecedented interference with the litigation efforts of the government and would restrict the flexibility of the legal system.

For all these reasons, I would caution you that enactment of H.R. 3755 may in some instances complicate, and not resolve, some of the underlying problems in the disability program. I hope certain constructive corrections will occur in conference with the other body.

□ 1350

The CHAIRMAN. The time of the gentleman from Texas (Mr. ARCHER) has expired.

Mr. ARCHER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Time is controlled, all time to the gentleman from New York (Mr. CONABLE) has expired.

Mr. ARCHER. I ask unanimous consent for 1 additional minute.

The CHAIRMAN. The time is controlled by the rule and all time has expired.

PARLIAMENTARY INQUIRY

Mr. ARCHER. Parliamentary inquiry, Mr. Chairman. Is it not possible by unanimous consent to proceed further?

The CHAIRMAN. The House has set the time for debate. All time has expired to the gentleman from New York (Mr. CONABLE). There will be a limited debate upon the amendment should the gentleman wish to rise then.

Mr. ARCHER. I thank the Chair.

The CHAIRMAN. Does the gentleman from Illinois have anything further?

Mr. ROSTENKOWSKI. Mr. Chairman, I yield my remaining time to the gentleman from Texas (Mr. PICKLE).

The CHAIRMAN. The gentleman from Texas (Mr. PICKLE) is recognized for 3 minutes.

Mr. PICKLE. Mr. Chairman, I wish the gentleman from Texas (Mr. ARCHER) could have had more time, because he certainly approaches this measure with an objective spirit.

I think it has been interesting that today no one has spoken in opposition to this bill. I do not know of any bill as far reaching that has such unanimous support.

Now, the gentleman from Texas did speak with some caution about the actual operation of this program. The gentleman from Texas is rather cautious about these kinds of changes and we accept that. But he has been completely cooperative with our subcommittee in advancing this legislation and I thank him for it.

I want to point out to you now that the trust fund will not be jeopardized by this act.

The social security actuaries have said that this bill will not cause that to happen. We have two or three things to remember about this bill, Mr. Chairman. No. 1, in December we had a provision that said an individual could draw benefits up to the ALJ level. That has expired. We must pass new legislation between now and May 3 in order that that provision can be restored. And that is in this particular bill.

We also have been threatened, so to speak, with a moratorium that the administration might propose saying they could hold up all reviews for 18 months. Mr. Chairman, that does not settle anything. It only holds up and delays all reviews, the good and the bad.

As a result it hurts, it does not help. And I hope this House today by a large vote will say to the other body and to the administration that in spite of that threatened moratorium we are going to advance this bill because it is the right thing, it is the humane thing, it is the fair thing, and it will bring relief to the thousands of beneficiaries across the land who need to have these benefits restored.

I commend the chairman of my committee (Mr. ROSTENKOWSKI) and the gentleman from New York (Mr. CONABLE) for the bipartisan manner in which we have presented this legislation today and I particularly want to compliment the members of my subcommittee who, together in a unanimous spirit, advanced this bill today.

Mr. FORD of Tennessee. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Tennessee (Mr. FORD).

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the bill that is before the House today.

Mrs. KENNELLY. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. I thank the gentleman, and also thank the gentleman

from Texas, and commend him for support of this bill.

I want to commend the gentleman from Texas (Mr. PICKLE) and the gentleman from Massachusetts (Mr. SHANNON) for their hard work in developing this legislation and bringing it to the point where I hope it will be passed by the House today.

I am sure my colleagues have been troubled by stories of individuals who are obviously disabled but whose benefits had been terminated by the harshness of the disability review process that has been conducted. Perhaps the hardships that have been foistered on individuals is most evident in our own offices by the people who turn to us for help when they suddenly face loss of benefits even though their medical condition has not improved, and who face a long and uncertain appeals process. For them, the trauma, the anxiety, and the pressure of the present process is all too real and apparent.

The present disability review process is too chaotic. The Social Security Administration declares a particular fact and circumstance to be sufficient to end disability benefits, but administrative law judges declare the same facts and circumstances to be an insufficient reason for termination of benefits. The Governors of several States are refusing to administer the current disability review process, and Federal courts have stepped in to reopen cases or establish their own guidelines. Meanwhile, constituents and their families are being whipsawed between opposite poles in an administrative struggle.

It is time for Congress to step in and establish clear and precise guidelines for the disability review program. By approving this legislation, we will be doing precisely that, and I urge its adoption.

Mr. PICKLE. Now, Mr. Chairman, this legislation needs to be passed. Time is of the essence. Let us say today to all Americans, we want to have fairness and equity in the disability program. This legislation accomplishes this purpose.

Give us your vote so America will know that we do care and we are concerned.

Mr. Chairman, I yield back the balance of my time.

● Mr. DYSON. Mr. Chairman, 3 years ago the Congress established a process for periodically reviewing disability claims submitted for social security or supplemental security income benefits. At the time, the Congress was responding to the concern that benefits were being paid to individuals whose disabilities had substantially improved since first being ruled eligible for payments.

If properly administered, the review process would have worked smoothly and humanely. For more than 20 years the Social Security Administration had employed a medical improvement standard and routinely terminated claims when mental or physical disabilities had been successfully treated. Had the SSA continued this standard, the review should not have threatened anyone. It would have inconvenienced only those whose conditions did not justify continuing benefits. The process would not have endangered the safety nor disrupted the lives of the seriously disabled.

The SSA, however, had little regard for humane treatment or the legitimacy of benefit claims. The review process was used as a tool for purging from the rolls more than 425,000 cases during 1982–83 alone. These cases were simply terminated, without a face-to-face interview or any evidence of medical improvement. Those choosing to appeal their case went without benefits until administrative judges rendered a final decision.

Over half the 425,000 cases terminated 1982–83 were returned to the rolls. They received retroactive benefits, but this is meager compensation. The sheer number of such court-ordered reinstatements, however, suggests the reality of the SSA's interests. They were not looking to remove from the rolls those whose disability had improved and who could rejoin the workforce. They were simply looking to cut their expenditures. 10 million experienced and able bodied workers could not find suitable employment, and the SSA was telling the mentally and physically impaired they were completely able to locate and perform semi or unskilled work.

Today we take up H.R. 3755, the Disability Reform Amendments Act. It is a fair response to the SSA's callous neglect of their responsibilities. It requires the SSA to employ a standard of medical improvement when reviewing a disability claim. It grants claimants the right to a personal interview before a review board, and it authorizes continuing benefits to all cases under appeal. I am deeply gratified that the House is giving H.R. 3755 its immediate attention, and proud to have been an original cosponsor of this bill.

I am also proud to submit for the RECORD exerpts from the testimony of the Honorable Stephen Sachs, attorney general for the State of Maryland. Attorney General Sachs is a compassionate man and a learned counsel. He directs his comments, made before the House Select Committee on Aging, toward the particular hardships which the disability review process imposes on the mentally disabled. He diagnoses administrative problems and suggests legislative remedies, and his words are worth considering. Under his counsel, Maryland took a leading position against the SSA, refusing to process disability claims without a clear and coherent medical improvement criteria. This was a risky position, and the SSA was not unable to retaliate. But my State pressed ahead, and Attorney General Sachs speaks on disability with well earned authority.

EXTRACT OF TESTIMONY GIVEN BEFORE THE HOUSE SELECT COMMITTEE ON AGING BY THE HONORABLE STEPHEN H. SACHS, ATTORNEY GENERAL OF MARYLAND

I have been asked for advise about the legality of the Social Security Administration's actions by my clients—The Maryland Department of Health and Mental Hygiene and the Department of Human Resources, which provide services to many persons who receive SSI and SSDI and the State's Department of Vocational Rehabilitation, which is responsible for administering the social security disability determination program in Maryland. The State agencies in each State which are responsible for making disability determinations under contract with the Social Security Administration have been caught in an impossible situation—trying to administer the program humanely while SSA and the courts give them conflicting directions.

As Attorney General, I have been particularly concerned about the plight of our citizens who are afflicted with mental disabilities. In the past, government—both Federal and State—has often ignored the needs of these groups or worse, by clumsy intervention, have made their lives more difficult. I have tried within the limits of my office to make a positive difference for this highly vulnerable segment of our population.

In Maryland, under Governor Harry Hughes, State government has begun to make significant efforts to care for the mentally ill and retarded outside of large institutions and in community settings. These steps are difficult and the progress at times uncertain. But all in all, State government in Maryland is beginning to work in positive ways for the mentally ill and mentally retarded.

For instance, we were able to make great progress several years ago when we identified almost three hundred mentally retarded Marylanders who were being illegally housed (not to say "warehoused") in State psychiatric institutions where they received none of the training and education to which they were legally entitled. All of these citizens are now currently in more appropriate treatment surroundings. Many are in group homes in community settings. For many of these people, the existence of regular monthly disability benefits from SSA made the difference in their being able to find a quality community placement.

There is much more work to do. We should find the federal government an eager partner—if not the leader—in this effort. Indeed, it has been the stated federal policy since enactment of the Community Mental Health Center in 1963 to provide mental health services in community settings. At a minimum, we should expect that the federal government would not hinder our efforts.

Unfortunately, the arbitrary termination of the disabled from the disability rolls now stands as a notorious example of the federal government hobbling earnest efforts by states to help our less fortunate citizens.

There is little assurance that the SSA system for determination of mental disability claims can be trusted to produce fair decisions in accord with the law. That substan-

tial error seems to infect the disability determination process is evidenced by the SSA's own "Special Psychiatric Study". The study team review 49 cases, including initial denials as well as terminations. A total of 11 cases (or over 22 percent) were found to have been improperly decided against the claimants. Not a single case was found to have been improperly decided in favor of the claimants.

In one of the cases, the Disability Determination Services denied benefits to one claimant because "her impairment has not resulted in any restriction of daily activities, constriction of interests, or impaired ability to related to others." Looking at the same case the Study team found that the claimant had "a history of many suicide attempts, constricted affect, limited interests and sociability and many severe phobic and compulsive symptoms. After discharge from two recent hospitalizations, the patient has cycled into severe chronic depression . . . despite medication." On this basis, the Study team concluded that the woman was inarguably totally disabled.

Both internal reviews and audits by the General Accounting Office document the human suffering caused by erroneous decisions. The fault for error lies not with individual examiners. In Maryland these workers can be credited with attempting to handle a tremendous increase in the number of cases with totally inadequate resources. The fault lies with basic flaws in the disability determination process and the way disabling mental impairments have been defined by the Social Security Administration.

Some of these flaws are easily categorized:

(1) *Special Nature of Mental Disability Cases.* Unlike physical disabilities, mental disabilities rarely have clear "objective" signs and symptoms. But the SSA treats mental illness as simply another impairment like any other. They ignore the unique nature and manifestations of mental illness, and resist the idea that the cases must be treated differently than physical impairment cases.

(2) *Need for Psychiatric Expertise.* Mental impairment cases require the medical expertise of psychiatrists and psychologists to properly evaluate the disability. Yet without the funds to employ experienced staff, the States have to make do with limited resources, resulting in inadequate reviews of some cases.

(3) *Inadequate and Outdated Psychiatric Standards.* According to the American Psychiatric Association, the National Mental Health Liaison and Maryland's top mental health officials, the medical criteria which form the basis for determination of psychiatric impairments are inconsistent with current psychiatric standards.

(4) *Inadequate Evaluations of Ability to Work.* Under current laws, even if a mentally disabled individual does not meet or equal the medical criteria set forth in the regulations, that individual is entitled to disability benefits if the person is incapable to work. The SSA, however, does not seem to be conscious of this regulation. When asked to clarify its review policy, the SSA's Office of Operational Policy and Procedures announced that:

With a finding that a mental impairment does not (or does no longer) meet or equal the Listing, it will generally follow that the individual has the capacity for at least unskilled work.

(5) *Lack of Face-to-Face Contact by the Decisionmaker with the Claimant.* Those who actually decide the cases in the State Disability Determination Service virtually never meet or talk with the claimant before deciding to allow or deny the claim. Beginning January 1, 1984, SSA was to begin face-to-face at reconsiderations for all impairments pursuant to Public Law 97-455. They have not yet begun because of the moratoria by the States and the various court decisions arising from the SSA's own administration problems.

State review boards, unlike their federal counterparts, see first hand in their communities the human suffering and devastation caused by erroneous terminations. They have been frustrated when told by courts to apply one standard to determine eligibility for benefits, but told by SSA to apply another, more restrictive standard.

For example, in testimony to the Budget Committee on February 22, Secretary Heckler said that reviews of Social Security disability payments were fair and insisted there was no need for evidence of medical improvement to terminate benefits. The same day Mrs. Heckler was testifying, the 9th U.S. Circuit Court of Appeals in San Francisco rebuked her for ignoring two earlier court orders to prove that a recipient's medical condition had improved before cancelling benefits and ordered SSA to restore benefits to a large number of former recipients. In another proceeding, Judge James R. Miller of the Federal District Court in Maryland enjoined SSA from terminating benefits in SSDI cases based on medical factors without a showing of medical improvement. *Doe* v. *Heckler,* Civil No. M-83-2218 (D.C. Md., Dec. 13, 1983).

On October 4, in response to these contradictory directions, Maryland began a moratorium on the termination of benefits for any persons now on Social Security Disability rolls until crucial policy question are resolved by the Social Security Administration or the Congress.

Because SSA has failed to act responsibly, I urge Congress to pass pending legislation which will:

(1) Provide for a return to the use of a medical improvement standard;

(2) Place a moratorium on mental impairment reviews;

(3) Provide for revision of the psychiatric criteria; and,

(4) Require SSA to comply with court orders issued by a United States Court of Appeals.

I further urge Congress to insure that free legal representation for indigent disabled clients is available. A study by the Maryland Legal Services Corporation confirms what logic would suggest. Those who are denied benefits and appeal with the help of a lawyer have the best chance of having a denial reversed. In the past year in Maryland, 3,011 persons were denied SSI benefits at the reconsideration stage and were entitled to appeal their applications. On appeal to an Administrative Law Judge, the reversal rate is about 43.6%. Where legal council was available, the reversal rate was 75%. The process is obviously seriously flawed, and legal assistance is a prerequisite to a fair hearing.●

● Mrs. ROUKEMA. Mr. Chairman, I strongly support H.R. 3755, the Social Security Disability Insurance Reform Act of 1984, a bill to restore a measure of equity to the disability appeals procedure. It is my hope that our colleagues in the other body approve passage of this important piece of legislation so that we may move toward implementation.

My vote in support of this measure is predicated on the need to ensure the Nation's disabled of a fair and effective disability insurance program. These necessary reforms would require greater accountability on the part of Social Security Administration officials in Washington and locally, would enact uniform medical criteria standards for use in disability determinations, and would prevent claimants from having to endure the present time consuming, painfully intricate review process. The passage of this legislation is significant, and will help to remedy the existing deficiencies in the social security disability insurance program. I am proud to be part of this effort, and encourage my colleagues in the other body to move expeditiously for passage.●

● Mr. WILLIAMS of Ohio. Mr. Chairman, on Monday, March 19, 1984, I held a congressional hearing in my district which dealt with the social security disability review process. The response was overwhelming. Six hundred concerned citizens crowded a local senior center to hear the testimony, to share their stories, and to offer their views.

One witness, a 50-year-old woman who suffered a stroke in May of 1983 which left her with impaired speech and limited physical activity, was courageous enough to come forward and testify. Yes, she is bitter that she is unable to collect social security disability benefits, but she also demonstrated a strong concern for others who may be more seriously ill than she, and still unable to collect benefits. The testimony reemphasized the urgent need for reform to this vital Federal program. Mr. Speaker, this brave woman is but one example. Even with her critical physical condition, she maintains a sense of humor, a commitment to her fellow man, and a belief in her Government.

Let us honor that belief today by passing H.R. 3755.●

● Mr. WALGREN. Mr. Chairman, today I give my wholehearted support to H.R. 3755, the Disability Benefits Reform Act, and hope that it will help restore fairness to a system of reviews that has been ineptly and cruelly handled by the Reagan administration.

In 1980, Congress directed that all disability beneficiaries (except those permanently disabled) be reviewed at least every 3 years to determine continued eligibility for benefits. Unfortunately, the Reagan administration came in and took the initiative to knock people off the disability program arbitrarily and unfairly.

The result was that in fiscal year 1983, 42 percent of those reviewed were terminated in an atmosphere of reports that the administration set

quotas for the number of terminations that were expected. Two-thirds of these terminations were reversed on appeal according to the General Accounting Office. Certainly these numbers are an indictment of the merits of this administration's conduct of these reviews.

Many of those disabled with mental impairments were dropped with little notice on the basis of little evidence. Many clearly disabled people were told they were in theory able to do some kind of work and would therefore no longer receive benefits even through their medical condition had not improved. Often different standards were used during the review than were used when the initial disability determination was made.

I would like to share a few real-life examples of people from my district being unfairly treated:

A truck driver, who contacted my office, lost an arm and leg by amputation when he was struck by another vehicle while changing a tire. He was denied disability on the grounds that he could still drive. He is appealing.

One of my constituents was called in for a review and directed to see a doctor for a medical review. He had to go through a treadmill test. After the test, he had a heart attack and died.

These individual tragedies are multiplied by the suffering of so many who are needlessly questioned and wind up in tears in social security offices with their dignity and integrity threatened.

The bill we are considering today will bring stability, and humaneness to disability reviews. To secure uniform treatment, it establishes a specific medical improvement standard which must be met for termination of disability benefits before a beneficiary can be dropped. To secure fair treatment, the bill provides that, in determining whether a person is disabled, the combined effects of all impairments suffered by an individual must be taken into account, both at the initial determination stage and during any subsequent reviews. To prevent arbitrary treatment, the bill requires actual, face-to-face interviews if benefits might be terminated. Currently, these decisions are too often made on the basis of records—paper reviews—without the opportunity for a claimant to present their case in person. Finally and most importantly, to provide a transition, the bill prohibits any cutoff against the beneficiaries' wishes during the process of an appeal.

This bill provides no new benefits and does not expand the program. It does provide and require clear, nationwide procedures and standards that will help insure that truly disabled people are not treated unfairly.

All should note, and will remember, that the Reagan administration opposes these measures. That, I am afraid, is par for the course for this administration.●

● Mr. OBERSTAR. Mr. Chairman, I opposed Public Law 96-265, the Disability Amendments of 1980, because I believe the reduction in benefits to young workers and families was too severe. I continue to believe that is the case. I did not, however, oppose the concept of a periodic review of disability recipients to insure that individuals who had recovered from their disabilities were not continued on the benefit rolls.

The social security disability insurance program is an all-or-nothing situation. Individuals who are judged capable of working even 6 hours a day at minimum wages are not disabled, no matter how severe their impairments. It is immaterial in the decisionmaking process that the impaired individual, prior to becoming disabled, might have been capable of earning $20 an hour and putting in 60 hours a week. This all-or-nothing feature of law affords the disability determination specialist no discretion. A decision must be made on the preponderance of medical evidence and, if medical evidence alone is insufficient to make a determination, on the basis of medical evidence combined with age, education, and experience. That same criteria has been the law for many years.

We are told, however, that adjudicative climate also influences decisions. When the final decision becomes a matter of subjective judgment of objective evidence, the disability examiner must make the final choice. In the past, it has been suggested that the benefit of the doubt may have been decided in favor of the disability applicant. We know, without question, that in the implementation of the continuing disability review program the adjudicative climate has been anything but beneficial to the applicant. Regulations were promulgated, without benefit of public comment, providing new guidelines for judging medical severity and instructing disability examiners in the application of vocational criteria. In the region of which Minnesota is a part, regulations were imposed which precluded consideration of vocational factors for young, mentally impaired individuals. Three levels of review—State, regional, and Office of Disability Operations—were established to review favorable decisions only to assure the quality of decisions.

Clearly, the adjudicative climate has shifted. In this atmosphere, is it any wonder that thousands of severely impaired individuals were thrown off the disability benefit rolls?

In my congressional district, hundreds of men who had worked for years in iron ore mines—heavy, dirty, back breaking work in all kinds of adverse weather—crippled by back disabilities, arthritis, or severe heart impairments, for example, were told they were capable of sedentary labor. More disabled individuals were advised to seek jobs such as ticket taker in a parking lot or night watchman than such jobs existed in the State. I am not addressing the fact that these persons would not be hired, I am talking about the supposed existence of a reasonable number of jobs which they had the physical capability of performing. Somewhere in the region where they lived or in other regions of the country, sedentary jobs existed in reasonable numbers in the economy. Never mind that millions of able bodied persons were unemployed. After months or years on the disability rolls, they were told they had the responsibility to move to where jobs might potentially exist. They were no longer disabled and their benefits would cease.

H.R. 3755 does not redefine disability so as to grant or continue benefits to persons who are able to work. It does assure that we will not change rules in the middle of the game and discontinue benefits to persons, many of whom have been out of the work force for years, without some showing of medical or vocational improvement unless their original award of benefits was clearly in error. H.R. 3755 also provides that individuals whose benefits are terminated can request that they be continued, subject to repayment, until an administrative law judge can hear an appeal.

The administration's handling of the disability review process has created hardship and pain for thousands of individuals, but none more severely than the mentally impaired and mentally deficient. No other group in our society is least able to represent and defend itself. Yet this group was singled out. If the disability did not meet the "Listing," and the impaired individual was under age 50, the requirement of the law that vocational criteria be evaluated was disregarded. A Federal court decision demanded that the law be followed and thousands of cases were ordered reinstated and reevaluated. The basic problem of measuring mental disability has not been resolved. The legislation before us today recognizes that fact and imposes a moratorium on review of all mental disability cases until new guidelines can be developed, published for comment, revised if warranted, and published in final form. I wholeheartedly support the need for this stay.

I urge my colleagues to vote in favor of this legislation as a necessary step toward restoring integrity to the disability insurance program.●

● Mr. FRENZEL. Mr. Chairman, this bill does improve the procedures under which social security disability benefits are paid and appeals are made. It should be passed.

However, the bill does not cure all the faults of the system, nor guarantee that the system is equitable, responsible, and sustainable. It will be helpful, but standards must be more clearly defined in the future.

I shall vote for the bill.●

● Mr. RICHARDSON. Mr. Chairman. I rise in strong support of the Social Security Disability Benefits Reform Act. I would like to commend the distinguished chairman of the Ways and Means Committee. Mr. ROSTENKOWSKI, and the chairman of the Subcommittee on Social Security, Mr. PICKLE, for their hard work in bringing this vital piece of legislation to the floor.

In 1980, Congress enacted legislation requiring the Social Security Administration to review all nonpermanent disability beneficiaries once every 3 years. This legislation was spurred by reports that over 20 percent of those on the rolls were no longer disabled.

After the Social Security Administration began implementing the new requirements, 42 percent of those reviewed were dropped from the rolls. The sad fact is many of these individuals were declared ineligible for benefits, not because their situation had improved, but because new harsh disability standards were being applied. Many individuals have had their benefits terminated despite having severe impairments which render them incapable of functioning in a work environment. Those with mental disabilities have been particularly hard hit. Most of my case work in New Mexico deals with individuals who have been unjustly dropped from the disability rolls.

Regrettably, what began as a sincere effort to save the social security system money has resulted in real suffering by those truly needy and deserving of assistance.

Mr. Chairman, the legislation we have under consideration today will rectify this serious problem by creating a uniform national disability review system that is fair and compassionate and will be approved by the courts and supported by the States.

I urge Members to vote for this legislation. It is our duty to provide for those who are helpless to provide for themselves.●

● Mr. JEFFORDS. Mr. Chairman, I rise in strong support of H.R. 3755, the social security disability amendments. I commend my colleagues on the committee for bringing this legislation forward. I am an original cosponsor of this legislation, and have been actively supporting disability reform for the past 2 years.

Last summer, my colleagues, Mr. SHUMWAY, Mr. VANDERGRIFF, and Mr. BILIRAKIS, joined me in Vermont at a field hearing of the Aging Committee's Subcommittee on Retirement Income and Employment on this very issue. The message I heard at that hearing was virtually unanimous—the social security disability insurance program was badly in need of fundamental reform. Despite the best efforts of the individuals responsible for administering this program, the system was and is badly flawed. Recipients were dropped from the rolls in spite of their disabilities, yet administrators and judges were often unable to prevent this from happening.

Since that hearing last summer, support has continued to mount for reform of the disability program. The board of managers of the Vermont Bar Association recently endorsed several of the principles contained in this legislation. I believe that the bill before us today will go a long way toward correcting the problems we found in Vermont and across the country.

I am pleased that this issue continues to be bipartisan in nature. Only last week, I was pleased to join the gentleman from Tennessee (Mr. QUILLEN), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and others in a "Dear Colleague" letter to our fellow Republicans urging passage of this important legislation.

Since the 1980 amendments were signed into law, 470,000 disability recipients have received termination notices. The high incidence of reversal—61 percent—of the States CDR termination decisions by administrative law judges is evidence that many of these persons are terminated without improvement in their disability nor adherence to our system of due process. Our legislation would address both problems by including a prospective medical improvement standard and several reforms in the appeals process. Findings from hearings conducted by the Aging Committee on the issue of disability reform in Vermont in 1983 were consistent with the nationwide trends that make passage of this legislation imperative. The State DDS director from Vermont testified that the haste and overreaction in the CDR process have caused disabled persons in our State to be deprived of needed benefits and to endure lengthy, expensive, and inefficient appeals from these decisions.

Over one-half of the States have abandoned Federal guidelines by order of their Governors or Federal courts. In January, Secretary Heckler notified the States that they must resume the reviews. Eight States were given a 2-week deadline, yet none of the States is willing to succumb to the pressure to terminate benefits for its citizens. In Vermont, the continuing disability review process has resulted in shifting financial burdens from the Federal Government to State programs such as general assistance, medicaid, and food stamps.

Hearings conducted by the House Aging Committee, including testimony received at field hearings conducted by the committee in Vermont, illustrate the crisis with respect to the treatment of the mentally impaired under the CDR program. The commissioner of mental health in Vermont noted that there was no relationship between the eligibility and redetermination criteria and the test of whether or not a person can perform substantial gainful activity. The commissioner also noted that internal guidelines are based on out-of-date psychiatric definitions, developed 25 years ago.

Statistics from our Vermont hearing show that 28 percent of the initial CDR's are mentally impaired, although they comprise only 11 percent of SSDI and 13 percent of the SSDI rolls. The reversal rate at the ALJ level for those with mental impairments was 91 percent as compared to an overall reversal rate of 63 percent, which emphasizes the injustice in the review process against the mentally impaired.

I am supportive of the intent of the administration to discontinue the reviews of certain mentally impaired beneficiaries until the listings are revised. However, this moratorium does not go far enough because it is restricted to functional psychotic disorders. Moreover, it does not include a deadline for revising the listings, nor does the administration's initiative include all mental impairments affected by these changes.

Section 201 of H.R. 3755 provides for a pause in the reviews of all mental impairment cases until HHS revises the mental disorders category of the listings of impairments. The bill is also consistent with recommendations the Aging Committee received in Vermont to revise the listings for residual functional capacity sufficiently to evaluate the ability to engage in substantial gainful activity in a competitive setting. Our bill also includes the deadline of 9 months after enactment for these provisions.

Witnesses at the Vermont hearing, who had experienced sudden benefit terminations with no evidence of improvement in their disabling condition, recommended the inclusion of a medical improvement standard such as the provision in the legislation we are considering today. The medical improvement standard in H.R. 3755 will codify the standard that has been developed by the courts and advanced by the States. Section 101 of the bill requires a medical improvement standard that establishes a category of beneficiaries who are presumed to be unable to work and continue to be eligible for benefits because their disabling conditions have not improved. Exceptions, such as the ability to perform substantial gainful activity or rehabilitation techniques that allow the person to work would result in termination of benefits. I am optimistic that this pro-

vision will eliminate the injustice of benefit terminations solely because social security has created a more rigorous adjudicative climate as well as applying progressively stringent standards during the past 2 years than those originally followed when placing the recipients on the rolls.

The failure to apply standards of due process and inordinate delays in the appeals process illustrate the need for a permanent provision for payment of benefits through the ALJ level of the Appeals process. Without the legislation we are considering today, benefits will terminate in May 1984 for those who await ALJ hearings.

H.R. 3755 contains the provision for consideration of multiple impairments. SSA currently considers multiple impairments only when one of the impairments alone meets the listings. Clients of the Vermont developmental disabilities law projects, especially those with mental retardation, suffer a myriad of problems, none of which is severe enough to meet the listed impairment, yet when taken in combination, they prohibit the individual from functioning adequately. For example, we received testimony concerning a client with an IQ of 70, with emotional problems and a speech defect, who could not work except in a supervised setting. This client was not disabled according to SSA because no single problem was severe enough to meet the listing.

The stricter adjudicative climate created by the 1980 amendments has resulted in numerous tragedies nationwide, such as suicides in California, loss of benefits for heroic veterans in Texas, and a death in my own State of Vermont. In testimony before the committee, a constituent noted that last February her husband suffered a heart attack. After he was discharged from the hospital, his doctor advised him that he would not be able to return to work. He applied for social security disability, and was denied benefits after a delay of a few months. He decided to return to work to make up for lost funds while he was waiting for disability payments. Soon after his return, he suffered another heart attack at work and died.

The disparity in standards followed by States versus the ALJ's creates confusion and delays for recipients. The Ways and Means report to accompany H.R. 3755 cites the Bellmon report findings on the hearings and appeals process mandated by the 1980 amendments. The report found that the standards applied by ALJ's who were bound by statute and regulation to be less stringent than the guidelines for disability contained in the program operating manuals [POM's] and used by the States. The POM's became a vehicle for more rigorous guidelines for evaluating disability as well as exempt from the notice and comment provisions of the Administrative Procedures Act. The high rate of reversal of State DDS decisions and the disparity between the guidelines used by States and ALJ's resulted in a provision for uniform standards for disability determinations. H.R. 3755 subjects most disability policy changes to the Administrative Procedures Act.

The crises experienced in the States has been exacerbated by the refusal of SSA to follow the decisions of the Federal Courts in favor of the disabled. Thousands of cases are pending in the Federal Courts, with lengthy delays that often impoverish the truly disabled. Mr. Chairman, the legislation we are considering today would require SSA to either apply court decisions uniformly within a circuit, or appeal those decisions to the Supreme Court.

While SSA has failed to follow with court decisions, it has recognized some of the problems and attempted to respond administratively. For example, the Secretary of HHS has placed a moritorium on the reviews of certain mentally impaired, reworded the mental improvement listings, and increased the number exempt from the review process. Yet, far more needs to be done to enact permanent reforms in the review process in order that short-term reforms by both Congress and the administration will not be necessary in the future.

Our Federal budgetary policy must interact with the administrative policy that governs the disability review process. The range in cost estimates for this legislation, from $1.5 billion by CBO to $6 billion by SSA—if medical improvement standards were applied retrospectively—is a concern. I agree with the constituent who observed that expenditures in SSA can be reduced by administrative streamlining without cutting benefits. A significant portion of the estimated costs will be expended without this legislation as a result of existing court orders and State executive orders. Thus, the savings that SSA felt would be achieved by the 1980 review process are quickly being depleted.

What is needed today is a legislative response to the pleas of the disabled, the mentally impaired, our heroic veterans, and the terminally ill who are losing hope. It is a cruel injustice to continue to deny these people the assistance they have paid for with their taxes, through the defense of their country, and finally with the quality of their lives.●

● Mr. COYNE. Mr. Chairman, I rise in strong support of H.R. 3755, the Social Security Disability Benefits Reform Act.

This measure is a partial solution to an increasingly desperate problem. Every Member of this House, I am sure, has had experiences similar to those we have faced in Pittsburgh as people who legitimately qualify for social security disability benefits are forced off the rolls.

This administration opposes this measure, as well it might. Since it took office nearly half a million people have been notified they no longer qualify for disability benefits. One out of five people on the rolls when the stepped up review process began 3 years ago have been subjected to the great personal strain of seeing their benefits challenged. In the matter of assuring fairness to those who must turn to the Government for assistance, this administration has been part of the problem, not the solution.

This measure addresses the situation which has resulted from the arbitrary and often callous decisions to force the disabled, especially those with mental disabilities, off the social security rolls. The acclerated review of disability cases has brought about a situation unintended by the change in the law in 1980 which requires periodic review of social security disability insurance. The review, mandated by the Congress, was not intended to bring about a wholesale reduction of beneficiaries, but that is what has been attempted. In fiscal 1983, for example, of the 436,498 disability investigations completed, 182,074 beneficiaries, or 42 percent, saw their benefits terminated.

In many instances, the review process determined that the terminations were unjustified; 6 out of 10 termination decisions were reversed in 1983. While such reversals are welcome, an appeals win is not always the victory it appears to be. The law which allows beneficiaries to continue receiving benefits while appealing terminations expired December 7, 1983. Now, if you appeal a determination by social security, you are on your own.

The bill we consider today would renew that law, allowing beneficiaries to continue receiving benefits until an appeal is decided by an administrative law judge. If the termination is upheld, benefits would, in most cases, be repaid to the Government.

Perhaps the most important provisions of this legislation are those which clarify the standards by which the Government will determine whether a beneficiary is able to work, and thus be disqualified from benefits. Under this legislation, benefits cannot be cut off unless one of the following conditions apply: the beneficiary's medical condition has improved to the point of being able to perform substantial, gainful work; advances in medical technology or therapy, or vocational therapy, have benefited the beneficiary to the point of being able to perform work; new evidence shows the impairment less severe than originally thought; the beneficiary is currently working; or the original deter-

mination was clearly erroneous or fraudulently obtained.

In addition, H.R. 3755 establishes an important new dimension to the disability review process. As things now stand, the initial decision to terminate benefits and the first level appeal are handled strictly on a written basis. The beneficiary is not entitled to meet with anyone face to face until the case reaches appeal with an administrative law judge. This legislation would allow a beneficiary 30 days after receiving a preliminary notice of an unfavorable decision to request a face-to-face meeting before final action is taken.

This bill also provides for a much-needed moratorium on mental impairment reviews and requires that the combined effects of an individual's impairment be taken into account to determine if a person is disabled, even if none of the impairments, considered on their own, would meet disability standards.

Mr. Chairman, this is a balanced piece of legislation. It retains the principle of periodic review while restoring some fairness to the methods used in such a review. Without its passage, the arbitrary and unfair reduction in the rolls of disability recipients would, I fear, continue.

I urge a "yes" vote on H.R. 3755.●

● Mr. SUNIA. Mr. Chairman, I rise in support of H.R. 3755, the Social Security Disability Benefits Reform Act of 1983, which 61 of our colleagues have placed today before the House for its consideration. I praise them for their work on this bill.

H.R. 3755 will merely change the rules which govern social security disability insurance (SSDI). It will standardize eligibility and reform the procedures for periodic review of SSDI cases. The basis will be SSDI beneficiaries' medical improvement. There will be five succinct criteria which will determine whether beneficiaries will lose their SSDI. Their medical improvement will have to meet at least one of these before the Federal Government will terminate their benefits.

These standards will prevent termination simply on a reevaluation of a beneficiary's condition. Capriciousness will not be the rule. At the moment nearly half of the Union has a patchwork of disparate determinants. To decide whether someone is disabled, H.R. 3755 provides that the Federal Government must take into account all of his or her impairments, even if none of these alone would meet the standards for disability.

I urge my fellow Members to act swiftly and favorably on this piece of urgent legislation. The administration intends to end the benefits of many beneficiaries in the very near future. Our constituents need H.R. 3755 to restore order to their disability-insurance programs. The House must help those SSDI recipients whose benefits have ended. Their medical condition or ability to work may not have improved, but jurisdictions apply different standards or apply the same standards with more stringency.

For the sake of our citizens who rely on SSDI and have no other place to turn, if they found themselves without these funds, I recommend that you vote in favor of H.R. 3755.●

● Mr. BOUCHER. Mr. Chairman, on behalf of the thousands of disabled Virginians who receive social security disability benefits, I am pleased to rise in support of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. As a cosponsor of this important measure, and as a member of the House Select Committee on Aging, I have participated in a number of hearings which have documented the urgent need for reform in the disability program. H.R. 3755 provides the safeguards necessary to guarantee fair and accurate treatment of truly disabled people across this country, while restoring order and fairness to the social security disability program.

In March of 1981, the administration initiated reviews of individuals who had been receiving social security disability benefits. The reviews were intended to identify people on the disability rolls who were capable of resuming full- or part-time employment.

However, the harsh review procedures have created nationwide confusion in the social security disability program. More than one-half of the States have halted disability reviews until the guidelines are reformed. In my own State of Virginia, Gov. Charles Robb imposed a moratorium on disability reviews on September 28, 1981, to protect disabled Virginians from the threat of unfair benefit terminations.

For the State administrators of the program and for recipients of benefits, the current disarray which plagues review procedures is confusing and disruptive. Immediate reform is clearly needed. While I firmly support the goal of eliminating abuses in the social security system, I believe that the administration has implemented its review procedure in an arbitrary manner which has led to the improper termination of benefits for thousands of people who are physically or mentally disabled.

On a personal level, I am disturbed by the hardships in injustices which have been suffered by many deserving people in my district in southwest Virginia. For example, in Tazewell County, a man who had received social security disability benefits for 15 years was notified in February 1982, that his benefits were terminated, even though he had a nervous condition, back problems and congenital heart disease. In the time since his benefits were terminate, he has suffered three heart attacks. In December of 1982, the disability benefits of a Radford man were terminated, even though he was unable to work because of a liver disease, brain damage and heart dysfunction.

Disabled people who need the assistance provided by the social security disability program should not be treated with such insensitivity. Moreover, the astonishing number of termination decisions which are reversed upon appeal calls into question the legality of the administration's procedures. In Virginia alone, more than 40 percent of those individuals reviewed have had their benefits terminated. However, on appeal, an estimated 60 percent of those termination decisions were ultimately reversed by administrative law judges. The percentage of reversals is even higher in those cases in which the disabled individuals, many of whom have very limited income, have hired attorneys to represent them in the appeals process.

We can no longer ask States to administer a program which is not uniform or fair. H.R. 3755 represents an important positive step toward restoring uniformity and fairness to the disability determination process. This measure will clarify the disability guidelines to insure that no beneficiary loses eligibility for benefits as a result of careless or arbitrary decision-making by the Federal Government.

I, therefore, urge my colleagues to join in supporting H.R. 3755 to make sure that disabled Americans do not unfairly lose their benefits.●

● Mr. ERDREICH. Mr. Chairman, I rise today in support of this legislation before the House, H.R. 3755. As we are all aware, numerous accounts have surfaced detailing undue termination of social security disability benefits and the resulting hardship and human suffering imposed. As a member of the House Select Committee on Aging, I heard witness after witness testify to the unfairness of the disability review procedures. Because of the unfairness of the reviews, a number of States, including Alabama, have imposed moratoriums upon disability termination decisions. As a result, the current disability review procedures represent an uneven patchwork of arbitrary decisions, which are often overturned upon repeal.

It is clear to me that the disability review procedures are in need of review and reform. Compensation has been terminated only to be reinstated upon appeal. Delays, withdrawal of compensation for those with disabling illnesses, allegations of administrative law judges having to fill quotas on termination cases: this is not indicative of a fair, efficient, streamlined, review procedure, but a wasteful, inefficient system which has brought about undue and unjust hardship.

It is time for Congress to straighten out the mess which has been created by the passage of the 1980 disability review amendments. It is time for Congress to act to insure that the law is carried out in a fair, just, and uniform manner. Enactment of H.R. 3755 will enable Congress to carry out this responsibility.

Mr. Chairman, I urge swift enactment of this important legislation in order that we may insure that the disabled citizens of this country are not arbitrarily denied disability insurance.●

● Mr. MINETA. Mr. Chairman, there have been few actions of this administration that are more outrageous than what they have done to the social security disability program. In passing H.R. 3755 today, this House will be placing itself firmly on the side of the poor and the disabled; and in opposition to the administration's foolish and cruel policies.

To me there is no more poignant symbol of the heartlessness of the Reagan administration than those long computerized lists of SSDI beneficiaries that some computer has decided are no longer eligible for disability benefits. In a trial, one is innocent until proven guilty; but to this administration, the disabled are guilty of waste and abuse unless they can prove otherwise.

Yes, this bill would increase spending. According to the CBO, the 4-year increase in spending will be less than what the President's 1985 budget would have us spend on defense in less than 1½ days. Over 4 years, this administration would have us spend more than a trillion dollars on defense. Surely we can take one-thousandth of that figure and devote it to the truly worthy and honorable calling of caring for our sick and disabled.

I urge my colleagues to support this worthy legislation.●

● Mr. SHELBY. Mr. Chairman, as a cosponsor of the Social Security Disability Benefits Reform Act, I rise in strong support of the bill.

My only regret in voting for passage of this legislation today is that we have not accomplished this a lot sooner. Many States across the country have ceased the continuing disability review process entirely. They are calling upon Congress to provide the guidance and fair standards of review seriously lacking in the administration-initiated continuing disability investigations. Some States have suspended action on disability reviews for many months, the Governor of the State of Alabama imposed a moratorium in September of last year, requesting Congress to enact uniform, unequivocal and just standards of review along the lines of those encouched in the legislation before us.

Mr. Chairman, I commend the Subcommittee on Social Security for crafting a workable and fair package of reforms which addresses the many concerns of the various State Governors, Federal appeals court judges and the disabled beneficiaries. Perhaps most vital is that component of the legislation defining a medical improvement standard for reviewing prior disability determinations. The bill establishes a standard of medical improvement which shifts the burden of proof to the reviewing agency to prove that a beneficiary's condition has improved before benefit termination. Clarification of this element of the review procedure is critical given the number of Federal courts which have ordered the use of a medical improvement standard. We owe our disabled citizenry, who were once proven deserving of disability benefits, the decency of every consideration to their advantage.

Additional components of the bill which delay the most controversial of reviews; mental impairments, require fact-to-face interviews, and provide the benefits will continue during appeals before administrative law judges are imminently humane and justifiable. The committee has worked diligently to fashion legislation that does not overcompensate for the zealous continuing disability reviews which have terminated deserving beneficiaries.

The disability insurance program is designed to provide benefits only for those people who are completely unable to work; this principle has not been compromised by H.R. 3755, it has been strengthened and reinforced. The bill will accomplish a worthy objective: It will restore public confidence in the social security program and promote genuine understanding that cost consciousness in the Federal Government will not overshadow a compassion and appreciation for the condition of our fellow man.●

● Mr. KOLTER. Mr. Chairman, social security disability insurance problems represent a substantial portion of the total number of open cases in my district offices in western Pennsylvania. In fact, my caseworkers advise me that they have about 250 open cases requesting assistance for a disability.

Although the method of determining disability is complicated and in need of adjustment, one area is of particular concern and interest. My district staff has alerted me to some unusual problems inherent in the review process. Some patients choosing to appeal an unfavorble decision are being advised to visit doctors who do not necessarily specialize in the area of the patient's illness. In one very telling case, a former coal miner who was literally crushed in a mining accident had his disability status come up for review. While attempting to build his case for an appeal, he was instructed to visit a psychologist. The psychologist was supposed to judge whether or not the applicant was disabled. In another instance, a constituent suffering from a crushed tail bone was sent to a heart specialist who is no longer permitted to practice medicine at local hospitals because he cannot obtain malpractice insurance. Clearly, a system that allows these things to occur is a system in need of change.

I believe H.R. 3755 represents a move to rectify some of the serious problems facing the social security disability program. I urge my colleagues to support the bill.●

● Mr. BEVILL. Mr. Chairman, the attitude which continues to come across loud and clear from some members of this administration is that America's citizens at the lower end of our economic ladder do not count. That is not only wrong, it is patently offensive to the very principles which have made America great.

A clear-cut example of this administration's "rich man's view of society" is the manner in which, under their management, the social security disability benefits rolls have been purged.

The disabled have become a defenseless target of the same budget experts who insisted the rich be given huge tax breaks. Now these experts are trying to compensate for the massive deficits created by that windfall to the rich by cutting benefits for the disabled.

The Social Security Administration was more than overeager in carrying out a congressionally ordered investigation into possible fraud and abuse of the disability benefits program. They were cruel. They used the investigation as an excuse to drop more than 182,000 from disability in 1983, alone. Fully 42 percent of those they investigated were dropped from the program.

But the unfairness of their attempt to balance the budget on the backs of the disabled was starkly evident. At least 21 States refused to administer the harsh directive of the Secretary of Health and Human Services regarding the review process for these disability investigations. And Federal courts in at least 25 States have struck down the Social Security Administration's guidelines in this process as illegal.

But those who were terminated lost their benefits immediately. And even though more than half were reinstated, the long and cumbersome appeals process took its toll on families who lost their meager incomes for up to 1 year or more, during their appeals. I received hundreds of letters from constituents who, without warning, were notified that their disability payments would be cut off. I worked with them, advising them of the appeals process and contacting the Social Security Administration in their behalf. As I met with many of them in my district offices and at town meetings throughout my district, I could tell that these

people were not trying to abuse the system. They were truly disabled and perplexed at why their Government was treating them like criminals.

As further proof of the callous nature of this purging of the disability rolls, a large number of terminally ill patients in my district were notified, that they were no longer considered to be disabled. Their families contacted me, pleading for help. We worked together and were successful in getting them reinstated. But often, their letter of reinstatement came after the disabled individual had died.

The pain and anguish of the illness itself was more than a family should bear. But to add the indignity of being treated as a cheat and an abuser of the system too which they had contributed throughout their lives was too much to ask them to bear.

I was proud last year to work vigorously to help pass legislation temporarily continuing payments to disability recipients who appealed their abrupt terminations. And as that temporary legislation is now running out, we must act quickly to insure that America does not turn its back again on the disabled.

I am concerned that continuing investigations to determine whether additional people can be eliminated from the disability program are again being directed in an insensitive manner.

Disabled Americans are still being dropped from this program with little or no warning; especially those with mental impairments. They are being told that although their conditions have not improved, a new standard is being used to judge them. And they no longer are disabled.

The Social Security Disability Reform Act embodies several pieces of legislation which I was proud to coauthor. It would make identifiable medical improvement the standard for termination of benefits. It would require face-to-face interviews, rather than bureaucratic letters, before a person could be terminated from the program. And it would continue benefit payments during the appeals process, to insure that families will not face losing everything they own due to a bureaucratic error or insensitivity.

I believe our social security program is a proud example of people and government working together. And I am proud to support this legislation and to urge my colleagues to vote in favor of the Social Security Disability Reform Act.●

● Mr. MARKEY. Mr. Chairman, today, the House takes corrective action on a situation that causes many Americans to suffer great hardship. Mr. Chairman, I rise in strong support of this legislation and urge its swift passage.

The people of Massachusetts have suffered greatly from this harsh review program. Many people in Massachusetts have suffered from these cruel and ill-conceived disability review programs when they never should have lost their benefits. I strongly support these reforms since they will guarantee that deserving people will get their rightful benefits.

Since the Reagan administration began its disability review program, the injustices suffered by disability insurance recipients are intolerable. Since the reviews began in March 1981, disability examiners have ordered 46 percent of those reviewed off the rolls. And of those who appealed their denials, 60 percent have had their monthly payments reinstated.

Consequently, 60 percent of those people cut off from disability benefits were terminated unjustly and without proper cause. And in my home State of Massachusetts, an even higher percentage—74 percent—have been reinstated after appealing the initial termination decision. These facts make it clear that severe problems exist in the disability review programs.

What has the administration offered to combat these plain numbers: More of the same. In fact, this administration has gone out of its way to make life hard for disabled Americans.

By refusing to consider any of the reform legislation pending in Congress, the administration ignores the problem.

By threatening the States that have strived for compassion on disability review with financial penalties, the administration has gone beyond ignorance to being mean-spirited.

By disciplining judges who have shown too much compassion in reversing many determination decisions, the administration demonstrates the extremes it will go to in order to achieve its objectives.

By harassing disability recipients who have had their benefits reinstated upon review, the administration has been cruel.

And by removing people from the disability program before a judge has ruled on whether they are still eligible for disability benefits, the administration shows an insensitivity that surprises no one.

I think the time has come for this House to take action which will prevent the administration from pursuing a policy which is at best misguided—and at worst, mean-spirited.

I support this bill and urge its passage to stop the administration and protect disabled Americans.●

● Mr. SKELTON. Mr. Chairman, today I support H.R. 3755, a bill which I cosponsored. Social security disability insurance recipients are among the neediest and most helpless of the poor; interruption of their benefits can be, literally, a life-threatening development for these people. Yet, with encouragement from the administration, thousands of disabled Americans have been denied SSDI payments after being given less than a full and fair opportunity to be heard.

H.R. 3755 provides important procedural safeguards for SSDI recipients that will insure a more accurate and humane review process than the one currently in use. It guarantees recipients face-to-face contact with the decisionmaker before the termination of benefits. H.R. 3755 shifts the burden of proof to those who would deny benefits by requiring a finding of medical improvement before benefits can be discontinued. And, H.R. 3755 provides for the continuation of benefit payments through the appeal process, up to the administrative law judge level.

As important and necessary as these procedural safeguards are, perhaps the most far-reaching result of the enactment of H.R. 3755 would be to send a clear message to the administration that Congress wants an immediate cessation to the harassment of SSDI recipients. In my district, some recipients who won reversals by administrative law judges of termination of benefits, have been informed within a year that their benefits are, again, being discontinued. The high rate of reversals by administrative law judges of termination of benefits is, in itself, clear evidence of bad faith on the part of those who are pushing these reviews. Nearly 50 percent of all cases heard by administrative law judges result in the reinstatement of benefits for the SSDI recipients involved. Indeed, administrative law judges in Kansas City brought suit against the Secretary of Health and Human Services because of pressure exerted upon them by DHHS to maintain a certain quota of cases in which termination of benefits are upheld.

Mr. Chairman, enactment of H.R. 3755 will not add a single undeserving person to the rolls of the social security disability insurance program. Rather, it will prevent the discontinuation of payments to persons whose lives may depend on the SSDI aid they receive.●

● Mr. GEJDENSON. Mr. Chairman, I rise today to express my strong support for the Social Security Disability Benefits Reform Act of 1984.

The problems of the social security disability program over the last 3 years are well known to all of us in this body. The accelerated disability review process that began in 1981 has resulted in thousands of individuals being quickly and wrongfully removed from the disability rolls. While 61 percent of the terminations were reversed, the mental anguish and fear this process created for people already laboring under difficult circumstances is absolutely inexcusable.

The situation is even worse in the case of mental disability reviews. Between June 1981 and August of 1982,

for example, 91 percent of the decisions to terminate that were appealed were reversed at the administrative law judge level, and the claimant's benefits were reinstated. It seems to me that when 9 out of 10 decisions are reversed on appeal, it becomes more than obvious that something is terribly wrong with the present criteria for determining mental disability and with the review process itself.

Over the last 2 years there have been a series of administrative and legislative changes in the review process, but all of them have proven to be inadequate. At least 21 States have refused, in whole or in part, to administer the disability review process in the manner prescribed by the Secretary of Health and Human Services. In at least 25 States, Federal courts have struck down the Social Security Administration's internal operating guidelines and ordered the administration to reopen previous decisions and/or to reinstate benefits pending such reopening.

The only way to reestablish some national uniformity and fairness in the disability process is to enact legislation which establishes a fair review process, provides for payment of benefits through the appeal process, and imposes a moratorium on mental impairment reviews until the Social Security Administration revises its criteria for determination of mental disability.

H.R. 3755 is a well thought out piece of legislation that will bring the chaos in the disability review process to an end. I believe that the time for this bill is long overdue, and I urge my colleagues to support this urgently needed legislation.●

● Mr. ROTH. Mr. Chairman, over the past 2 years, troubles have been brewing in the social security disability program. In 1980 Congress passed a law which was designed to provide better oversight for the disability insurance program. Prompted by concern over the growing disability rolls, this law mandated review at least once every 3 years for all beneficiaries not permanetly disabled.

Unfortunately, unintended results have arisen. Thousands of individuals have had benefits erroneously discontinued as a result of a review process that has largely been unfair, confusing, and capricious.

I have no quarrel with the goal of the disability insurance review program—to remove from the rolls the people who can work. Most people would agree that the periodic review of the disability rolls is good and necessary.

What I am very concerned about is the lack of rhyme or reason in the guidelines and procedures under which these reviews are conducted. Each Member and his or her caseworkers often hear from dozens of constituents who were dropped from the disability rolls with only cursory reviews, despite the fact that they did not have any improvement in their health. During appeals, the administrative law judges would review the file and frequently restore benefits, without requiring a hearing.

The data reflects well the harshness, the haphazardness, and the hastiness of the current review program. Out of the 470,000 people who have received initial notices, 160,000 people have been restored on appeal and 120,000 appeals are pending hearing. Twenty-six States, either under court order or on their own, have refused to continue processing terminations. These figures are nothing to brag about.

The bill before us today addresses the problems of the disability review program in a more balanced and comprehensive manner. It clarifies the statutory guidelines by which disabilities will be determined. To me, it is plain commonsense and fairness to seek proof of medical improvement and to consider the cumulative effect of multiple impairments in the determination of eligibility for benefits.

The face-to-face interview and the payment of benefits during appeal will foster a more humane review and appeal process.

The publishing of policies affecting disability determination and the bringing of future procedures in line with Federal court of appeals rulings will help to create a more stable review program nationwide.

The bill does not expand the disability program nor does it change the original goal of the review process—to weed out those individuals who are no longer eligible, while insuring that no beneficiary loses eligibility for benefits as a result of careless and erratic decisionmaking.

Yes, there is a cost to this legislation if enacted. Yet, this cost is worthwhile and will not jeopardize the disability insurance trust fund.

The cost that we must keep in mind is the cost of not enacting the legislation. This cost is of a greater and more terrible magnitude. There will be the administrative costs, because thousands of disabled people will have their benefits wrongly terminated, thereby flooding the appeals process. And, of course, there will the inestimable costs of greater hardship, undue suffering, and lost confidence among the disabled.

Some semblance of fairness, clarification and uniformity must be restored to this review program. Congress now has the opportunity to give the continuing disability reviews clear standards, an understandable process and a firm direction.

My colleagues, the flaws are evident, the despair is mounting, and the time is passing.

Let this House do something truly good today. Let it pass this important legislation.●

● Mrs. LLOYD. Mr. Chairman, I want to join my colleagues in support for H.R. 3755. I am very pleased that we are considering this bill today and that we have been given the opportunity to vote on it apart from other concerns not related to disability.

I, too, have been greatly disturbed by the manner in which the disability review process has been conducted. At present we have almost half of our States operating under Federal court guidelines which differ from those set by the Social Security Administration. In just the past few days the Department of Health and Human Services stated that, to clarify standards of eligibility, it will consider imposing a moratorium on its policy of removing people from the disability rolls. I hope the agency takes that step but it is important that the Congress set statutory guidelines to insure that no one loses benefits as a result of careless or arbitrary decisionmaking by the Federal Government. Since March of 1981, over 400,000 out of a total of almost 4 million disability recipients have been declared ineligible. But 160,000 have been reinstated after appeals and more than 100,000 cases are still pending. In fiscal year 1983, 61 percent of the termination decisions appealed to the administrative law judges were reversed. I think these figures clearly indicate the need for the legislative reinforcement proposed by H.R. 3755.

Mental health experts in my district have raised many questions about current methods for assessing mental impairments. This bill recognizes that there is a particular need for careful review of cases involving mental impairments. I think it rightly imposes a moratorium on reviews of these cases until the Social Security Administration revises the criteria it uses to determine mental impairment disability. These guidelines are to be reviewed in consultation with an advisory council on medical aspects which is created by this bill. To insure a timely process, the bill calls for publication of the criteria no later than 9 months after the bill's enactment. This deal would apply to all mental impairment cases on which an appeal was pending on or after June 7, 1983, as well as new reviews.

Mr. Chairman, I believe passage of this bill is essential if we are to make the disability review process more humane and sensitive to the needs of the disabled. I think the gentleman from Texas has brought us a good bill, one that addresses the present uncertainty.●

● Mr. MOLLOHAN. Mr. Chairman, last fall, I met with a woman from my district who began receiving social se-

curity disability benefits in 1977 after her glaucoma grew so bad she could not work. In late 1981 her benefits were cut off, even though two physicians submitted statements to the Social Security Administration in support of her claim. In June of 1982 she went back to work but was forced to quit a few months later.

This woman could not see well enough even to write a check, Mr. Chairman, yet the Social Security Administration blithely assured her she was quite capable of finding work. This is fairly outrageous on the face of it, but it is doubly so when one remembers that this person lived in a part of the country where, at the time, nearly one out of every five perfectly health individuals could not find a job.

There is, unfortunately, nothing particularly noteworthy about this incident. I have talked with many other constituents with similar problems, as has each of my colleagues here.

If one thing has marked social security legislation in the past decade or two, it has been the lesson that even subtle changes in the law can cause severe budgetary problems. Nevertheless, I wholeheartedly support the bill brought to the floor of the House today by the distinguished chairmen of the Social Security Subcommittee and the Ways and Means Committee, for it recognizes the injustice of a system that required a blind woman to find a job to support herself when there were no jobs available.

More specifically, H.R. 3755 will: First, direct that no individual will be terminated from disability unless his or her condition has improved; second, require the SSA to consider the combined effects of several disabling conditions even if each of the conditions, by itself, would not result in a disability determination; third, require the SSA to consider to work environment when determining whether or not an individual is capable of finding employment; and fourth, direct the SSA to draft uniform standards for disability determination.

I urge my colleagues to support this bill.●

● Mr. BIAGGI. Mr. Chairman, I rise in full support of H.R. 3755, the Social Security Disability Benefits Reform Act. As a cosponsor of this crucial legislation, I consider its passage essential if we are to rectify a terrible injustice that has been directed against hundreds of thousands of our Nation's disabled population.

Specifically, I am referring to the seemingly arbitrary purge of our Nation's social security disability rolls by the current administration. This procedure, which was excused by the administration as an effort to increase Government efficiency, has been totally lacking in compassion and was done with a callous mentality that presumed persons already receiving social security disability benefits to be ineligible.

Consider, for example, that since 1981 the Social Security Administration has terminated some 470,000 SSDI beneficiaries. Of those persons, almost one-third, or 160,000, have had their benefits fully restored after appealing the decision; another 120,000 cases are still in the appeals process; and some 100,000 cases have been ordered reopened by Federal district courts. This means that out of the initial 470,000 SSDI beneficiaries terminated by the Social Security Administration, approximately 380,000 have had or could have their benefits restored. So much for efficiency. The reason for this nightmare: A prevailing attitude within the administration of cut first and review later.

As an original member of the House Select Committee on Aging, I have joined with a number of my colleagues over the past 2 years in fighting these inhumane and inexcusable efforts by the administration to reduce the number of SSDI beneficiaries. The legislation before us today would make the necessary changes in the SSDI program to prevent arbitrary terminations and to insure that a person is not terminated from the SSDI rolls until the appeals process is exhausted.

Specifically, the bill would establish a standard for termination that is based primarily on the concept of medical improvement. This new standard states that benefits may not be terminated unless one of the following conditions are met:

First, the beneficiary's medical condition has improved to the point of being able to perform substantial, gainful work;

Second, the beneficiary has benefited from advances in medical therapy or technology, or from vocational therapy, to the point of being able to perform substantial, gainful work;

Third, new evidence—including new diagnostic or evaluation techniques—shows the impairment to be less severe than originally thought;

Fourth, the beneficiary is currently working—at substantial, gainful work; or

Fifth, the original determination was clearly erroneous or fraudulently obtained.

The bill would also insure that the combined effects of the multiple impairments a person may suffer must be considered, rather than considering the effect of each of the impairments by themselves.

In addition, the bill would impose a moratorium on reviews of SSDI beneficiaries suffering from mental impairments until the Social Security Administration revises its criteria for determination of disability based on mental impairment. These criteria are to be revised in consultation with the new advisory council on medical aspect of disability established by the bill. This measure would also require that a psychiatrist or psychologist review any case where SSDI benefits are to be terminated for a person with mental impairment.

The bill also provides that if a decision to terminate a person for medical improvement is made, the beneficiary would have 30 days to request a "face-to-face" meeting before a final decision would be made. Under present procedures, both the initial decision and first-level appeal are handled strictly on a written basis.

Further, the bill specifies that beneficiaries must be allowed to continue to receive SSDI payments during the appeals process. Once a decision to terminate is made, payments would continue, if the beneficiary so chooses, until an appeals decision is reached by an administrative law judge. If the termination is upheld, benefits continued during the appeals process would have to be repaid to the Government, with certain hardship exceptions.

Other provisions of the bill would require the Social Security Administration to follow any generally applicable principles of decisions by circuit courts of appeal; create an advisory council on medical aspects of disability; extend the changes made in the SSDI program to the supplemental security income program; and extends a temporary program that allows the continuation of SSI and/or medicaid benefits for certain disabled persons who are working but who continue to suffer from disabling impairments.

Significantly, the Social Security Administration has stated that the disability insurance trust fund would remain solvent and in actuarial balance under this bill.

Some 30 States, including New York, have either voluntarily, or through court order, suspended or altered the current flawed SSDI review proceedings. Hundreds of thousands of SSDI beneficiaries have been terminated for no good reason. Clearly, this situation must be corrected and H.R. 3755 would achieve that objective.

I commend my good friend, the distinguished gentleman from Texas (Mr. PICKLE) for bringing this responsible legislation to the floor and I urge its passage.●

● Mr. ADDABBO. Mr. Chairman, for 3 years now the social security disability system has been perverted to the point where it works against the people it was originally designed to protect. All of us who serve in this Chamber have seen numerous instances where persons legitimately receiving disability allowances have had their benefits arbitrarily cut until such time as they could prove their disability. The harm this has done to thousands of handicapped and disabled American citizens across this

land is incalculable. The unfairness of an administration that takes away benefits from disabled persons before it is determined they are receiving benefits improperly is obvious and has generated great dissatisfaction in the Chamber on both sides of the aisle.

Today we will pass H.R. 3755, the Social Security Disability Benefits Reform Act of 1984 as a direct response to the improprieties forced upon an unsuspecting citizenry over these last few years. This bill is a direct order by the Congress of the United States to this department that the people for whose care this agency is responsible are to be treated with the respect due citizens of this land. Where improper benefits are determined to exist they will be withdrawn, but it is the intention of this Congress that our disabled citizens be given the support by their Government that is legitimately theirs.

H.R. 3755 seeks to protect those persons least able to protect themselves. Persons with mental impairments have too often in past years been dropped from the rolls with little warning and on the basis of little evidence. All too often these people have been unable to perform work of any nature and have had no other form of income.

It would be nice to believe that the Social Security Administration listened to the protest of the people, listened to the warnings of the Congress, and heeded the decisions of the courts. Sadly, it did not. In fact, an objective observer could conclude that this agency deliberately and heartlessly ignored all objections from all sources as it tore shreds into a program so vital to the everyday needs of the handicapped.

This bill is designed to bring eligibility reviews into line on a national basis. It brings the Federal Government into line, if you will, with the consensus of the States which early on realized how ridiculous the Federal standards had become. Mr. Chairman, it is about time we took this action. I call upon the Senate to endorse this bill as it is passed here today and I hope that President Reagan will concern himself with the true needs of the American people and sign this bill into law.●

● Ms. SNOWE. Mr. Chairman, I am pleased to cast my vote for H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. It is important that Congress address this issue without further delay.

Since the implementation of the 1980 amendment to the Social Security Act requiring a review of disability cases, all of us have heard from constituents who have unjustly suffered as the result of the seemingly calloused and insensitive handling of this congressional directive. This is evident by the fact that since March 1981, when the disability reviews began, of the 470,000 beneficiaries removed from the disability rolls, an astonishing number, 160,000, have since have been restored upon appeal, and thousands more appeals are pending court action. Moreover, Federal courts have ordered the reopening of another 100,000 cases.

These figures represent a terribly inadequate review system which has drastically affected the most vulnerable in our society. This was not Congress intent.

I understand the administration has been planning to announce an 18-month moratorium on trimming the social security disability rolls, but to date this announcement has not been forthcoming—and we simply cannot wait any longer for possible in-house corrections. By our vote today, and I am sure it will be a strong endorsement of H.R. 3755, we are signaling the end to hearings and further handwringing, never mind our patience. Face-to-face interviews during medical determinations and a revised medical improvement definition seem basic to any review process. Therefore, I urge the House and Senate conferees to adopt these changes as soon as possible.●

● Mr. LAFALCE. Mr. Chairman, in the summer of 1983 the plight of a disabled Vietnam veteran—a Presidential Medal of Honor recipient—brought to light a serious national problem. Although it has affected the lives of hundreds of thousands of our Nation's physically and mentally handicapped, many citizens did not know that a misguided purge of the social security and supplementary security income disabilty rolls had been quietly taking place. The flurry of news reports, coming on the heels of increased congressional attention, shed light on a sorry state of affairs in the Government's treatment of society's least fortunate members.

The social security disability insurance (SSDI) program is the Nation's primary source of income for the families of workers who are unable to work due to a disabling condition. SSDI benefits, which come out of the social security trust fund, are available to those who have participated in the social security system for a certain length of time. The needs of those disabled who are ineligible for SSDI are met by supplemental security income (SSI) disability benefits, financed by general revenues.

The present disability review procedures are incorporated into the continuing disability investigation program enacted in 1980. The law requires all nonpermanently disabled beneficiaries to be reviewed every 3 years to determine continued eligibility. In theory, this requirement makes a great deal of sense, especially given an alarming 1981 General Accounting Office (GAO) report which estimated that as many as 20 percent, or 584,000 of SSDI beneficiaries were misclassified as disabled or receiving too large a payment. In practice, though, rather than thoughtful determination of the means to address this complex problem, there was an immediate rush, a kneejerk reaction to find and implement a quick fix. The Reagan administration simply accelerated a paper-oriented review process which is impersonal, seriously defective, and inherently unfair. Substantial reform is called for.

I do not condone the distribution of limited Federal funds to those who are undeserving. Study after study, however, has shown that the present review process has rejected the claims of thousands of legitimate beneficiaries. The GAO, in an indepth study of 40 terminations, concluded that 27 were wrongly decided, and that in each of the remaining 13 cases, there was insufficient evidence upon which to base a valid decision. Hence, none of the 40 were correctly decided. Another GAO study found that of 1,400 mental disability cases appealed between June 1981 and August 1982, a full 91 percent of the decisions were reversed by an administrative law judge and the claimants' benefits reinstated. When 9 out of 10 decisions are reversed on appeal, it is a signal to Congress that something is terribly wrong and that immediate corrective action is needed.

In the summer of 1983 I cosponsored a bill which imposed a moratorium of the review process for mental disability cases until new, reasonable standards are set. It also insured that benefits would be continued to the disabled throughout the appeals process.

Today we have an opportunity to vote for a comprehensive disability reform bill, H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. This bill provides a broad reform of the disability determination, review and appeal procedure—reforms that are urgently needed to insure equitable and humane treatment of our vulnerable fellow Americans. The bill gives the Social Security Administration clear, unequivocal statutory standards that must be applied in determinations of disability. It provides for a more definitive medical definition of disability; requires a continuation of benefits during appeal of terminations; and, implements face-to-face interviews during State review proceedings. It has the support of the coalition of disability advocacy groups and contains measures recommended by the National Governors' Conference, the American Bar Association, and the Save Our Security (SOS) Coalition.

During the past 3 years nearly half a million beneficiaries have been unfairly purged from the SSDI rolls by over-

zealous administrators seeking to cut the cost of the program. Although many of these recipients have been subsequently reinstated, their SSDI checks have been withheld during the appeal process. We cannot qualify the extent of the suffering that has accompanied the administration's misguided reforms of the SSDI program. We do know that the time has come to put a halt to the dreadfully inadequate review procedures before more harm is done.

H.R. 3755 says halt to the administration's guidelines and go to a sensitive sensible review process.●

● Mr. KOSTMAYER. Mr. Chairman, I rise in support of H.R. 3755, the Social Security Disability Reform Act. The urgent need for this legislation is unquestioned by virtually everyone, but the administration. It is clear that we must act now to bring order and fairness to the chaos of the disability review process.

My own State of Pennsylvania, Mr. Speaker, is one of many States which has refused to administer the program according to Federal guidelines. As a result of the administration's callous approach to changing the disability insurance program, the State review boards are overburdened and those who depend on disability benefits have been thrown into a state of uncertainty and fear. From an administrative point of view alone, reforming these guidelines is sound public policy. The swift passage of this legislation is imperative, however, because these guidelines effect the livelihood of millions of people. Disability benefits are the sole source of income for many of these people who because of illness or accident are unable to work.

There is ample evidence that the Federal guidelines are unnecessarily harsh. In 1983 the Social Security Administration reviewed 1 million disability beneficiaries. Most of these people had been on the disability rolls for years, yet 44 percent of them were declared ineligible without any proof of medical improvement. These figures are particularly disturbing in light of the General Accounting Office report that two-thirds of those who appeal to an independent administrative law judge win their appeals. Despite the high rate of successful appeals, beneficiaries cannot receive disability insurance during the often lengthy appeal process.

H.R. 3755 would provide fair and accurate procedures for the determination of disability and for disability review. Termination decisions would be based on clearly defined standards of medical improvement, and recipients could continue to receive benefits during the appeal process. Should their appeal fail, then they would have to repay the benefits. The bill would also require face-to-face interviews in cases where benefits are being terminated due to medical recovery, a very important provision to those for whom the termination of benefits is literally a matter of life or death. Finally, the bill would require the Social Security Administration to apply the principles of decisions by circuit courts of appeals, at least to all beneficiaries residing within the circuit, rather than only to the individual case under litigation.

The Social Security Administration has certified that the cost of implementing this legislation would not endanger the payment of monthly benefits. I urge my colleagues to uphold our obligation to protect the rights of disabled beneficiaries and to pass this bill today.●

● Mrs. JOHNSON. Mr. Chairman, since the beginning of the social security disability review process 3 years ago, nearly two-thirds of the 437,000 individuals who have been terminated from the program have had their benefits reinstated. In Connecticut, many thousands of people denied disability have sought the help of my office. These are often older people, injured at work or taken ill and unable to return successfully to their former employment and are untrained and often too old for other jobs, leaving them with few options.

The unusually high reversal rates, both in my State and nationally, suggest that the Federal guidelines which the State agencies have been told to apply are seriously flawed and need to be changed. Today we have at last an opportunity to establish a fair standard for review to apply to all State disability programs.

As a cosponsor and strong supporter of H.R. 3755, I believe we in Congress must do everything we can to erase the uncertainty and confusion that pervades the administration of the disability insurance program. I know that I am not alone in my ability to cite dozens of cases where individuals have suffered not only further deterioration in health, but where the loss of DI benefits has resulted in serious financial hardships, including mortgage defaults and bankruptcy. Perhaps the saddest consequences of this situation, are the wrenching stories of individuals so despondent and desperate that they have actually committed suicide. In many cases, people have been notified by mail that their benefits would be terminated, and had no opportunity to talk personally with the bureaucracy making this decision so momentous to their lives nor had they an opportunity to continue coverage during a lengthy appeal process.

Passage of H.R. 3755 will address the problems that have plagued the disability review program in three significant ways: By actually requiring evidence from a "face-to-face" interview of significant medical improvement before termination, by permitting the continuation of payment of disability benefits during an appeal to an administrative law judge, and by requiring that all policies affecting disability determinations be published in regulations promulgated by the Secretary of Health and Human Services. These reforms are badly needed in order to promote uniformity and fairness in the determination process.

The legislation also incorporates another proposal of which I am a cosponsor imposing a moratorium on reviews of cases of SSDI beneficiaries suffering from mental impairments until the Social Security Administration revises its criteria for determination of disability based on mental impairment.

Finally, I am pleased that the bill creates an independent Advisory Council to provide assistance and recommendations to the Social Security Administration on disability standards, policies, and procedures. The advice of medical and vocational experts is sorely needed, and should help avoid the need for future broad legislative initiatives such as this.

Mr. Chairman, I believe the establishment of fair, humane guidelines for social security disability reviews is in the best interests of the beneficiaries, the administrators of the program, and the Nation. I am pleased with the bipartisan work of the Ways and Means Committee in bringing this bill to the floor today, and I urge my colleagues to support it.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. Passage of this legislation is crucial to the thousands of Michiganders who receive social security disability insurance payments or supplemental security income disability payments. When the Congress mandated a review of those on the disability rolls in 1980, it was clear that we did not intend for truly disabled individuals to lose their benefits. However, this is exactly what has occurred during the Social Security Administration's hasty effort to review the rolls. In fact, over 60 percent of those who were removed from the disability program after their initial review had their benefits reinstated by an administrative law judge.

H.R. 3755 includes several provisions that will provide important safeguards for individuals who are subject to review. First, the bill establishes a specific standard—based on the concept of medical improvement—that must be followed during the review process. This new standard will prevent the arbitrary termination of benefits to disabled individuals who have shown no significant improvement in their medical condition. Under the current system, an examiner may simply reevaluate a person's condition and,

after arriving at a separate conclusion from the original examiner, drop the recipient from the rolls.

This legislation would also require "face-to-face" interviews by State agencies when benefits will be terminated because of medical improvement. This would create a more humane system by enabling beneficiaries to present their case directly to the reviewer. H.R. 3755 would also permit beneficiaries to continue to receive their disability payments during the appeal process. Under this provision, individuals who have been erroneously terminated from the disability rolls will be able to receive benefits which are often their only source of income.

I am hopeful that enactment of this legislation will result in a more equitable system of review. Although I recognize that those who are not disabled should not be allowed to receive benefits, far too many deserving individuals have experienced unnecessary hardships because of the Social Security Administration's overzealous reviews. I urge my colleagues to support this crucial legislation.●

● Mr. OWENS. Mr. Chairman, I rise to comment on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. Even as I support this bill, I deeply regret that the conduct of the Social Security Administration, directed by an administration which does anything but provide social security, had made this bill necessary.

No one would argue that disability payments should go to those not able to work. No one would argue that there should not be reviews of people receiving disability benefits. On the other hand, the harsh reviews and summary terminations that have occurred in the last few years cannot be tolerated in a land which chooses to see itself as caring and humane.

I want to take this opportunity to stress the importance of section 103 relating to multiple impairments. For those individuals who have one severe medically documented problem, this section is irrelevant. However, life does not necessarily deal one catastrophic blow to an individual. The person who has been working and coping with one or more impairments may be struck down by the addition of one other condition which may not be so severe in and of itself. The straw which breaks the camel's back need not be so severe, but merely enough to tip the balance making it impossible for the person to continue to work. To ignore this cumulative effect is not only inhumane, but flies in the face of the intent of the act as a whole, which is to provide disability benefits for those who are unable to work as a result of their total medical condition.●

● Ms. FERRARO. Mr. Chairman, I would like to take this opportunity to express my strong support for Chairman PICKLE's social security disability legislation. This bill addresses a very serious problem that exists in our country today—the administration's purge of social security disability recipients from the rolls.

The lives of millions of Americans have been disrupted by the callous actions of the Reagan administration in bumping truly disabled people from the rolls. When the Congress passed the disability amendments in 1980, the intent was to review the medical eligibility of every nonpermanently disabled person receiving disability benefits.

The initial savings of these reviews were estimated at $10 million between fiscal year 1982 and fiscal year 1985. However, the current administration has decided to step up the reviews and save $3 billion over the same 4 years.

In doing so they ruined the lives of thousands of people. In New York State alone over 10,000 people were thrown off the SSDI rolls in fiscal year 1982 as compared with 676 in the previous year. Since that time New York State has imposed a moratorium on terminations. New York has also successfully challenged the Federal disability standards in U.S. district court. This court recently decided to reinstate or reconsider benefits for over 60,000 people.

Mr. Chairman, I would like to cite a few cases from my own congressional district on the disability nightmare.

One case involved a 44-year-old married father of three children who suffered from multiple sclerosis. This constituent worked for 10 years after being diagnosed as having MS. The pain finally became too great. He found it increasingly harder to walk, his muscle coordination failed, and he eventually lost feeling in his legs and hands. This man wrote of SSA:

I am having a very difficult time with their doctors who seem to believe MS is not a serious disease.

Another constituent wrote:

It seems that only when you are dying or in a wheel chair—or both—that one is considered disabled. It seems that the SSA wants you to commit suicide or die and then they pay the death benefit of $250. I want to live but it seems as though life ends here for me.

This woman is a 53-year-old diabetic who has such bad arthritis she cannot move her fingers. She suffers from high blood pressure, bursitis, and was recently hospitalized for a heart attack. If that is not enough, her blood now produces enzymes which causes her blood sugar level to remain high. This requires a daily blood test.

In another case my office is handling a constituent who wrote:

I am a 32 year old female diabetic with a great number of complications brought about from the disease.

She complained:

The physical as well as mental abuse I have been put through from the Social Security Administration and their so called physicians. The numerous physicals, which included sitting in a physicians office for hours where it was well known that you were not a private patient but sent there because of Social Security. The office where you sat waiting for hours on end to be examined had nothing but roaches and ants to keep you from being bored. I don't believe anyone should be put through this time and time again.

After 13 months this woman did get her benefits reinstated.

My constituent is absolutely right, Mr. Speaker. It was not the intent of the Congress to degrade the disabled or balance the budget by an uncompassionate review of SSDI beneficiaries—rather it was to remove those from the rolls that are no longer eligible.

Therefore, Mr. Chairman, I think it is important that Chairman PICKLE's bill, H.R. 3755, become law. In particular, H.R. 3755 requires that a person's medical condition has improved before benefits can be terminated. The bill continues to pay benefits during appeal to the administrative law judge level and provides for a temporary moratorium for those with mental impairments. This measure also provides for face-to-face contact with a disability decisionmaker before a formal finding to terminate benefits.

I commend our colleague, the distinguished chairman of the Social Security Subcommittee, for developing this responsible and needed legislation and I am hopeful it will receive prompt action in the other body.●

● Mr. PORTER. Mr. Chairman, I support H.R. 3755—the Social Security Disability Benefits Reform Act—and commend the Ways and Means Committee for separating this bill from the pending tax legislation. Certainly, H.R. 3755 deserves the immediate consideration of the House.

In 1976, the Social Security Administration (SSA) reversed its 7-year-old policy not to terminate benefits of those disabled Americans whose conditions had not substantially improved. The 1976 decision placed the burden of proving continued benefit eligibility on the recipient. This policy was later reinforced by a 1976 Supreme Court decision that upheld the SSA's decision.

In a nutshell, the major difficulty with administering this important program has been Health and Human Service's verification review procedures. Concretely defining "disabled" for HHS's purposes of disability review has been the crux of the problem. In 1978, the Congress enacted legislation to provide tighter Federal administrative control over State agency and administrative law judge decisions with respect to disability review. That legislation directed review of at least once

every 3 years for all beneficiaries not permanently disabled as of January 1, 1982.

In recent years, the review program has been accelerated and increasing numbers of previously eligible recipients were being removed from the benefit rolls. Since March 1981, 470,000 individuals have been notified that they would lose their disability benefits. Of these, 190,000 actually lost their benefits, 160,000 had them restored on appeal, and 120,000 cases are still pending.

As time progressed, State courts began to issue guidelines different from the Federal standards, and the disability criteria began to change dramatically from State to State. Finally, 13 Governors, including Governor Thompson of Illinois, issued a moratorium on the State review of disability claims until fair and uniform Federal guidelines were established.

Mr. Chairman, there is no doubt that many needy disabled people have been unfairly removed from disability roles. However, I am also concerned that some who are not truly needy may be taking advantage of our current system and are making it impossible for the severely disabled to receive the benefits which they need. Such abuses should be stopped, and I am hopeful that H.R. 3755 will deal with both problems.

Mr. Chairman, this legislation, which contains measures recommended by the National Governors' Conference, is a good first step toward providing fair and uniform Federal guidelines for disability reform. This legislation would provide for a more definitive medical definition of disability, and would require continuation of benefits during appeal terminations. This measure is also important because it would also implement face-to-face interviews during State review proceedings. I urge my colleagues to support this necessary legislation.●

● Mr. COOPER. Mr. Chairman, I rise today in strong support of H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. It is clear that the ways in which the disability reviews are currently conducted throughout the country are fraught with inconsistencies and disarray, I believe there is a crying need for the House of Representatives to approve a clear set of rules for administering this important program.

The lack of uniformity in the procedure for reviewing these disability cases is an embarrassment. Today, some States use the criteria of medical improvement for determining whether a person should continue to receive benefits; some States do not. Some Governors have declared moratoriums on benefit cutoffs; some Governors have not. Some Federal judges have reinstated benefits to persons residing in some States; yet many other deserving people remain cut off from benefits they had been getting.

Without a clear national standard, there is the strange possibility of a man or woman from Claiborne County, Tenn., having their disability benefit suddenly stopped after a cursory review. Yet another person with the same medical condition, who happens to live just 2 miles away on the other side of the State line, could continue to receive his disability checks. Clearly, this is a ridiculous situation, and we in Congress should at now to correct this problem.

I believe there shoud be a fair procedure for reviewing the medical status of those who are receiving disability checks. People who are able to work should not get money intended to help those who are physically unable to work. A periodic review can help to insure that SSDI benefits go to the people who truly deserve them. But above all else, this review process should be administered fairly and uniformly throughout the country.

Mr. Chairman, I strongly urge passage of this vitally important legislation.●

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the bill, H.R. 3755, is as follows:

H.R. 3755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Social Security Disability Benefits Reform Act of 1983".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
TITLE I—STANDARDS OF DISABILITY
Sec. 101. Standard of review for terminations of disability benefits.
Sec. 102. Study concerning evaluation of pain.
Sec. 103. Multiple impairments.
TITLE II—DISABILITY DETERMINATION PROCESS
Sec. 201. Moratorium on mental impairment reviews.
Sec. 202. Review procedure governing disability determinations affecting continued entitlement to disability benefits; demonstration projects relating to review of denials of disability benefit applications.
Sec. 203. Continuation of benefits during appeal.
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TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Administrative procedure and uniform standards.
Sec. 302. Compliance with certain court orders.
Sec. 303. Benefits for individuals participating in vocational rehabilitation programs.
Sec. 304. Advisory Council on Medical Aspects of Disability.
Sec. 305. Qualifying experience for appointment of certain staff attorneys to administrative law judge positions.
Sec. 306. Effective date.

TITLE I—STANDARDS OF DISABILITY

STANDARD OF REVIEW FOR TERMINATIONS OF DISABILITY BENEFITS

SEC. 101. Section 223 of the Social Security Act is amended by inserting after subsection (e) the following new subsection:

"(f) In the case of an individual who is a recipient of disability benefits, such individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are payable has ceased, does not exist, or is not disabling only if such finding is supported by substantial evidence indicating one or more of the following:

"(1) that there has been medical improvement in the individual's impairment or combination of impairments so that the individual now is able to engage in substantial gainful activity;

"(2) that new medical evidence and a new assessment of the individual's residual functional capacity demonstrate that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology which result in ability to engage in substantial gainful activity; or

"(3) that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that such individual was under a disability or continued to be under a disability, so that the individual now is able to engage in substantial gainful activity.

Nothing in this subsection shall be construed to require a determination that an individual is entitled to disability benefits if evidence on the face of the record shows that any prior determination of such entitlement to disability benefits was either clearly erroneous at the time it was made or was fraudulently obtained or if the individual is engaged in substantial gainful activity. For purposes of this subsection, the term 'disability benefit' means a disability insurance benefit or a child's, widow's, or widower's insurance benefit based on disability.".

STUDY CONCERNING EVALUATION OF PAIN

SEC. 102. (a) The Secretary of Health and Human Services shall, in conjunction with the National Academy of Sciences, conduct a study concerning the question of using subjective evidence of pain, including statements of the individual alleging such pain as to the intensity and persistence of such pain and corroborating evidence provided by treating physicians, family, neighbors, or behavioral indicia, in determining under section 221 of the Social Security Act whether an individual is under a disability.

(b) The Secretary shall submit the results of the study under subsection (a), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than January 1, 1985.

MULTIPLE IMPAIRMENTS

SEC. 103. Section 223(d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual's physical or mental impairment or impairments are of such severity that he or she is unable to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity.".

TITLE II—DISABILITY DETERMINATION PROCESS

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

SEC. 201. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individual involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations establishing such revised criteria and listings shall be published no later than April 1, 1984.

(b) The Secretary shall make the revisions pursuant to subsection (a) in consultation with the Advisory Council on Medical Aspects of Disability (established by section 304 of this Act), and shall take the advice and recommendations of such Council fully into account in making such revisions.

(c)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(i) of the Social Security Act with respect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (d)(1) the term "continuing eligibility review", when used to refer to a review under section 221(i) of such Act of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual is engaged in substantial gainful activity.

(d)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II of such Act in a reconsideration of, hearing on, or judicial review of a decision rendered in any continuing eligibility review to which subsection (c)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any mentally impaired individual who was found to be not disabled pursuant to an initial disability determination or continuing eligibility review between March 1, 1981, and the date of the enactment of this Act; and who reapplies for benefits under title II of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be submitted within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

REVIEW PROCEDURE GOVERNING DISABILITY DETERMINATIONS AFFECTING CONTINUED ENTITLEMENT TO DISABILITY BENEFITS; DEMONSTRATION PROJECTS RELATING TO REVIEW OF DENIALS OF DISABILITY BENEFIT APPLICATIONS

SEC. 202. (a)(1) Section 221(d) of the Social Security Act is amended—

(A) by inserting "(1)" and "(d)"; and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) In any case where—

"(i) an individual is a recipient of disability insurance benefits, or of child's widow's, or widower's insurance benefits based on disability, and

"(ii) the physical or mental impairment on the basis of which such benefits are payable is determined by a State agency (or the Secretary in a case to which subsection (g) applies) to have ceased, not to have existed, or to no longer be disabling,

such individual shall be entitled to notice and opportunity for review as provided in this paragraph.

"(B)(i) Any determination referred to in subparagraph (A)(ii)—

"(I) which has been prepared for issuance under this section by a State agency (or the Secretary) for the purpose of providing a basis for an initial decision of the Secretary with regard to an individual's continued rights to benefits under this title (including any decision as to whether an individual's rights to benefits are terminated or otherwise changed), and

"(II) which is in whole or in part unfavorable to such individual,

shall remain pending until after the notice and opportunity for review provided in this subparagraph.

"(ii) Any such pending determination shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence and stating such determination, the reason or reasons upon which such determination is based, the right to a review of such determination (including the right to make a personal appearance as provided in this subparagraph) and the right to submit additional evidence prior to or in such review as provided in this clause. Such statement of the case shall be transmitted in writing to such individual. Upon request by any such individual, or by a wife, divorced wife, widow, surviving divorced wife, surviving divorced mother, husband, divorced husband, widower, surviving divorced husband, surviving divorced father, child, or parent, who makes a showing in writing that his or her rights may be prejudiced by such determination, he or she shall be entitled to a review by the State agency (or the Secretary in a case to which subsection (g) applies) of such determination, including the right to make a personal appearance, and may submit additional evidence for purposes of such review prior to or in such review. Any such request must be filed within 30 days after notice of the pending determination is received by the individual making such request. Any review carried out by a State agency under this subparagraph shall be made in accordance with the pertinent provisions of this title and regulations thereunder.

"(iii) A review under this subparagraph shall include a review of evidence and medical history in the record at the time such disability determination is pending, shall examine any new medical evidence submitted or obtained in the review, and shall afford the individual requesting the review the opportunity to make a personal appearance with respect to the case at a place which is reasonably accessible to such individual.

"(iv) On the basis of the review carried out under this subparagraph, the State agency (or the Secretary in a case to which subsection (g) applies) shall affirm or modify the pending determination and issue the pending determination as so affirmed or modified.

"(C) An initial decision by the Secretary as to the continued rights of any individual to benefits under this title which is based in whole or in part on a determination described in subparagraph (A)(ii) and which is in whole or in part unfavorable to the individual requesting the review shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, and stating the Secretary's decision, the reason or reasons upon which the decision is based, the right (in the case of an individual who has exercised the right to review under subparagraph (B)) of such individual to a hearing under subparagraph (D), and the right to submit additional evidence prior to or at such a hearing. Such statement of the case shall be transmitted in writing to such individual and his or her representative (if any).

"(D)(i) An individual who has exercised the right to review under subparagraph (B) and who is dissatisfied with an initial decision of the Secretary referred to in subparagraph (C) as to continued rights to benefits under this title shall be entitled to a hearing thereon to the same extent as is provided in section 205(b) with respect to decisions of the Secretary on which hearings are required under such section, and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). Nothing in this section shall be construed to deny an individual his or her right to notice and opportunity for hearing under section 205(b) with respect to matters other than the determination referred to in subparagraph (A)(ii).

"(ii) Any hearing referred to in clause (i) shall be held before an administrative law judge who has been duly appointed in accordance with section 3105 of title 5, United States Code.".

(2) Section 205(b)(1) of such Act is amended by inserting after the fourth sentence the following new sentence: "Reviews of decisions relating to continued entitlement to benefits based on disability shall be governed by the provisions of section 221(d)(2) in addition to the provisions of this section.".

(b)(1) Section 205(b) of such Act (as amended by subsection (a)(2)) is further amended—

(A) by striking out "(1)" after "(b)"; and

(B) by striking out paragraph (2).

(2) Section 4 of Public Law 97-455 (relating to evidentiary hearings in reconsiderations of disability benefit terminations) (96 Stat. 2499) and section 5 of such Act (relating to conduct of face-to-face reconsiderations in disability cases) (96 Stat. 2500) are repealed.

(c) The amendments made by this section shall apply with respect to determinations (referred to in section 221(d)(2)(A)(ii) of the Social Security Act (as amended by this section)) issued after December 31, 1984.

(d) The Secretary of Health and Human Services shall, as soon a practicable after the date of the enactment of this Act, implement as demonstration projects the amendments made by this section with respect to all disability determinations under subsections (a), (c), (g), and (i) of section 221 of the Social Security Act and decisions of entitlement to benefits based thereon in the same manner and to the same extent as is provided in such amendments with respect to determinations referred to in section 221(d)(2)(A)(ii) of such Act (as amended by this section) and decisions of entitlement to benefits based thereon. Such demonstration projects shall be conducted in not fewer than five States. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than April 1, 1985.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 203. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

(A) in clause (i), by inserting "or" after "hearing,"; and

(B) by striking out ", or (iii) June 1984".

(2) Section 223(g)(3) of such Act is amended by striking out "which are made" and all that follows down through the end thereof and inserting in lieu thereof the following: "which are made on or after the date of the enactment of this subsection, or prior to such date but only on the basis of a timely request for a hearing under section 221(d), or for an administrative review prior to such hearing.".

(b)(1) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, conduct a study concerning the effect which the enactment and continued operation of section 223(g) of the Social Security Act is having on expenditures from the Federal Disability Insurance Trust Fund and the rate of appeals to administrative law judges of unfavorable benefit entitlement determinations involving determinations relating to disability or periods of disability.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than July 1, 1986.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

SEC. 204. Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j) A determination under subsection (a), (c), (g), or (i) that an individual is not under a disability by reason of a mental impairment shall be made only after a qualified psychiatrist or psychologist employed by the State agency or the Secretary (or which services are contracted for by the State agency or the Secretary) has completed the medical portion of any applicable sequential evaluation and residual functional capacity assessment.".

REGULATORY STANDARDS FOR CONSULTATIVE EXAMINATIONS

SEC. 205. Section 221 of the Social Security Act is amended by inserting after subsection (g) the following new subsection:

"(h) The Secretary shall prescribe regulations which set forth, in detail—

"(1) the standards to be utilized by State disability determination services and Federal personnel in determining when a consultative examination should be obtained in connection with disability determinations;

"(2) standards for the type of referral to be made; and

"(3) procedures by which the Secretary will monitor both the referral processes used and the product of professionals to whom cases are referred.

Nothing in this subsection shall be construed to preclude the issuance, in accordance with section 553(b)(A) of title 5, United States Code, of interpretive rules, general statements of policy, and rules of agency organization relating to consultative examinations if such rules and statements are consistent with such regulations.".

TITLE III—MISCELLANEOUS PROVISIONS

ADMINISTRATIVE PROCEDURE AND UNIFORM STANDARDS

SEC. 301. Section 205(a) of the Social Security Act is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, the rulemaking requirements of subsections (b) through (e) of such section shall apply to matters relating to benefits under this title. With respect to matters to which rulemaking requirements under the preceding sentence apply, only those rules prescribed pursuant to subsections (b) through (e) of such section 553 and related provisions governing notice and comment rulemaking under subchapter II of chapter 5 of such title 5 (relating to administrative procedure) shall be binding at any level of review by a State agency or the Secretary, including any hearing before an administrative law judge.".

COMPLIANCE WITH CERTAIN COURT ORDERS

SEC. 302. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"COMPLIANCE WITH CERTAIN COURT ORDERS

"SEC. 234. In the case of any decision rendered by a United States court of appeals which—

"(1) involves an interpretation of this title or any regulation prescribed under this title;

"(2) involves a case to which the Department of Health and Human Services or any officer or employee thereof is a party; and

"(3) requires that such department, or officer or employee thereof, apply or carry out any provision, procedure, or policy under this title with respect to any individual or circumstance in a manner which varies from the manner in which such provision, procedure, or policy is generally applied or carried out,

the Secretary of Health and Human Services, or such other officer or employee of the Department of Health and Human Services as may be a party to such case, or such other officer of the United States as may be appropriate, shall acquiesce in such decision with respect to all beneficiaries whose appeals would be within the jurisdiction of such court of appeals, unless the Secretary makes a timely request for review of such decision by the United States Supreme Court pursuant to section 1254 of title 28, United States Code. If the United States Supreme Court denies such a request for review, the Secretary shall so acquiesce in such decision on and after the date of such denial of review until such time as the United States Supreme Court rules on the issue involved and reaches a different result."

(b) The amendment made by subsection (a) of this section shall not apply with respect to a decision by a United States court of appeals if the period for making a timely request for review of such decision by the United States Supreme Court expired before the date of the enactment of this Act.

BENEFITS FOR INDIVIDUALS PARTICIPATING IN VOCATIONAL REHABILITATION PROGRAMS

SEC. 303. The first sentence of section 222(d)(1) of the Social Security Act is amended by striking out "which result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for continuous periods of nine months or where such individuals are determined to be no longer entitled to such benefits because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling (and no reimbursement under this paragraph shall be made with respect to any individual for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, which ever first occurs), and is cases where such individuals refuse without good cause to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

ADVISORY COUNCIL ON MEDICAL ASPECTS OF DISABILITY

SEC. 304. (a) There is hereby established in the Department of Health and Human Services an Advisory Council on the Medical Aspects of Disability (hereafter in this section referred to as the "Council").

(b)(1) The Council shall consist of—

(A) 10 members appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 30 days after the date of the enactment of this Act from among independent medical and

vocational experts, including at least one psychiatrist, one rehabilitation psychologist, and one medical social worker; and

(B) the Commissioner of Social Security ex officio.

The Secretary shall from time to time appoint one of the members to serve as Chairman. The Council shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(2) Members of the Council appointed under paragraph (1)(A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be paid at rates fixed by the Secretary, but not exceeding $100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Council; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Council may engage such technical assistance from individuals skilled in medical and other aspects of disability as may be necessary to carry out its functions. The Secretary shall make available to the Council such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Council may require to carry out its functions.

(c) It shall be the function of the Council to provide advice and recommendations to the Secretary of Health and Human Services on disability standards, policies, and procedures, including advice and recommendations with respect to—

(1) the revisions to be made by the Secretary, under section 201(a) of this Act, in the criteria embodied under the category 'Mental Disorders' in the 'Listing of Impairments'; and

(2) the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as the assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved.

(d) Whenever the Council deems it necessary or desirable to assist in the performance of its functions under this section, the Council may—

(1) call together larger groups of experts, including representatives of appropriate professional and consumer organizations, in order to obtain a broad expression of views on the issues involved; and

(2) establish temporary short-term task forces of experts to consider and comment upon specialized issues.

(e)(1) Any advice and recommendations provided by the Council to the Secretary of Health and Human Services shall be included in the ensuing annual report made by the Secretary to Congress under section 704 of the Social Security Act.

(2) Section 704 of the Social Security Act is amended by inserting after the first sentence the following new sentence: "Each such report shall contain a comprehensive description of the current status of the disability insurance program under title II (including, in the case of the reports made in 1984, 1985, and 1986, any advice and recommendations provided to the Secretary by the Advisory Council on Medical Aspects of Disability, with respect to disability standards, policies, and procedures, during the preceding year).".

(f) The Council shall cease to exist at the close of December 31, 1985.

QUALIFYING EXPERIENCE FOR APPOINTMENT OF CERTAIN STAFF ATTORNEYS TO ADMINISTRATIVE LAW JUDGE POSITIONS

SEC. 305. (a)(1) The Secretary of Health and Human Services shall, within 180 days after the date of the enactment of this Act, establish a sufficient number of attorney adviser positions at grades GS-13 and GS-14 in the Department of Health and Human Services to ensure adequate opportunity for career advancement for attorneys employed by the Social Security Administration in the process of adjudicating claims under section 205(b) or 221(d) of the Social Security Act. In assigning duties and responsibilities to such a position, the Secretary shall assign duties and responsibilities to enable an individual serving in such a position to achieve qualifying experience for appointment by the Secretary for the position of administrative law judge under section 3105 of title 5, United States Code.

(b) The Secretary of Health and Human Services shall—

(1) within 90 days after the date of the enactment of this Act, submit an interim report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the Secretary's progress in meeting the requirements of subsection (a), and

(2) within 180 days after the date of the enactment of this Act, submit a final report to such committees setting forth specifically the manner and extent to which the Secretary has complied with the requirements of subsection (a).

EFFECTIVE DATE

SEC. 306. Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to cases involving disability determinations pending in the Department of Health and Human Services or in court on the date of the enactment of this Act, or initiated on or after such date.

The CHAIRMAN. No amendments are in order except the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill which shall be considered as having been read and shall not be subject to amendment.

The text of the committee amendment in the nature of a substitute is as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Social Security Disability Benefits Reform Act of 1984".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—STANDARDS OF DISABILITY

Sec. 101. Standard of review for termination of disability benefits and periods of disability.

Sec. 102. Study concerning evaluation of pain.

Sec. 103. Multiple impairments.

TITLE II—DISABILITY DETERMINATION PROCESS

Sec. 201. Moratorium on mental impairment reviews.

Sec. 202. Review procedure governing disability determinations affecting continued entitlement to disability benefits; demonstration projects relating to review of other disability determinations.

Sec. 203. Continuation of benefits during appeal.

Sec. 204. Qualifications of medical professionals evaluating mental impairments.

Sec. 205. Regulatory standards for consultative examinations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Administrative procedure and uniform standards.

Sec. 302. Compliance with court of appeals decisions.

Sec. 303. Payment of costs of rehabilitation services.

Sec. 304. Advisory Council on Medical Aspects of Disability.

Sec. 305. Qualifying experience for appointment of certain staff attorneys to administrative law judge positions.

Sec. 306. Supplemental security income benefits for individuals who perform substantial gainful activity despite severe medical impairment.

Sec. 307. Additional functions of Advisory Council; work evaluations in case of applicants for and recipients of supplemental security income benefits based on disability.

Sec. 308. Effective date.

TITLE I—STANDARDS OF DISABILITY

STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

SEC. 101. (a) Section 223 of the Social Security Act is amended by inserting after subsection (e) the following new subsection:

"Standard of Review for Termination of Disability Benefits

"(f) A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(1) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that—

"(A) the individual is now able to engage in substantial gainful activity, or

"(B) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(2) substantial evidence which—

"(A) consists of new medical evidence and (in a case to which clause (i) does not apply) a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless

a beneficiary of advances in medical or vocational therapy or technology so that—

"(i) the individual is now able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(B) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that the requirements of clause (i) or (ii) of subparagraph (A) are met; or

"(3) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore—

"(A) the individual is able to engage in substantial gainful activity, or

"(B) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is not deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity.

Nothing in this subsection shall be construed to require a determination that a recipient of benefits under this title or title XVIII based on an individual's disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to disability benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity. In any case in which there is no available medical evidence supporting a prior disability determination, nothing in this subsection shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this subsection, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination. For purposes of this subsection, a benefit under this title is based on an individual's disability if it is a disability insurance benefit, a child's, widow's, or widower's insurance benefit based on disability, or a mother's or father's insurance benefit based on the disability of the mother's or father's child who has attained age 16.".

(b) Section 216(i)(2)(D) of such Act is amended by adding at the end thereof the following: "A period of disability may be determined to end on the basis of a finding that the physical or mental impairment on the basis of which the finding of disability was made has ceased, does not exist, or is not disabling only if such finding is supported by substantial evidence described in paragraph (1), (2), or (3) of section 223(f). Nothing in the preceding sentence shall be construed to require a determination that a period of disability continues if evidence on the record at the time any prior determination of such period of disability was made, or new evidence which relates to such determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity. In any case in which there is no available medical evidence supporting a prior disability determination, nothing in this subparagraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this subparagraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.".

(c) Section 1614(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) A recipient of benefits based on disability under this title may be determined not be to entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(A) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that the individual is now able to engage in substantial gainful activity; or

"(B) substantial evidence (except in the case of an individual eligible to receive benefits under section 1619) which—

"(i) consists of new medical evidence and a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that the individual is now able to engage in substantial gainful activity, or

"(ii) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that he or she is now able to engage in substantial gainful activity; or

"(C) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore the individual is able to engage in substantial gainful activity.

Nothing in this paragraph shall be construed to require a determination that a recipient of benefits under this title based on disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual (unless he or she is eligible to receive benefits under section 1619) is engaged in substantial gainful activity. In any case in which there is no available medical evidence supporting a prior determination of disability nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior determination.".

STUDY CONCERNING EVALUATION OF PAIN

SEC. 102. (a) The Secretary of Health and Human Services shall, in conjunction with the National Academy of Sciences, conduct a study of the issues concerning (1) the use of subjective evidence of pain, including statements of the individual alleging such pain as to the intensity and persistence of such pain and corroborating evidence provided by treating physicians, family, neighbors, or behavioral indicia, in determining under section 221 or title XVI of the Social Security Act whether an individual is under a disability, and (2) the state of the art of preventing, reducing, or coping with pain.

(b) The Secretary shall submit the results of the study under subsection (a), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than April 1, 1985.

MULTIPLE IMPAIRMENTS

SEC. 103. (a)(1) Section 223(d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual's physical or mental impairment or impairments are of such severity that he or she is unable to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity.".

(2) The third sentence of section 216(i)(1) of such Act is amended by inserting "(2)(C)," after "(2)(A),".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) In determining whether an individual's physicial or mental impairment or impairments are of such severity that he or she is unable to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity.".

TITLE II—DISABILITY DETERMINATION PROCESS

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

SEC. 201. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individuals involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations establishing such revised criteria and listings shall be published no later than nine months after the date of the enactment of this Act.

(b) The Secretary shall make the revisions pursuant to subsection (a) in consultation with the Advisory Council on the Medical Aspects of Disability (established by section 304 of this Act), and shall take the advice and recommendations of such Council fully into account in making such revisions.

(c)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(h) of the Social Security Act (as redesignated by section 204(1) of this Act), or under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, with re-

spect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (d)(1) the term "continuing eligibility review", when used to refer to a review of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself, and any review by the Appeals Council of the hearing decision.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is determined by the Secretary to be engaged in substantial gainful activity.

(d)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II or XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II or XVI of such Act in a reconsideration of, hearing on, or judicial review of a decision rendered in any continuing eligibility review to which subsection (c)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any individual with a mental impairment who was found to be not disabled pursuant to an initial disability determination or a continuing eligibility review between March 1, 1981, and the date of the enactment of this Act, and who reapplies for benefits under title II or XVI of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be filed within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

REVIEW PROCEDURE GOVERNING DISABILITY DETERMINATIONS AFFECTING CONTINUED ENTITLEMENT TO DISABILITY BENEFITS; DEMONSTRATION PROJECTS RELATING TO REVIEW OF OTHER DISABILITY DETERMINATIONS

SEC. 202. (a)(1) Section 221(d) of the Social Security Act is amended—

(A) by striking out "Any" and inserting in lieu thereof "(1) Except in cases to which paragraph (2) applies, any"; and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) In any case where—

"(i) an individual is a recipient of disability insurance benefits, child's, widow's, or widower's insurance benefits based on disability, mother's or father's insurance benefits based on the disability of the mother's or father's child who has attained age 16, or benefits under title XVIII based on disability, and

"(ii) the physical or mental impairment on the basis of which such benefits are payable is determined by a State agency (or the Secretary in a case to which subsection (g) applies) to have ceased, not to have existed, or to no longer be disabling,

such individual shall be entitled to notice and opportunity for review as provided in this paragraph.

"(B)(i) Any determination referred to in subparagraph (A)(ii)—

"(I) which has been prepared for issuance under this section by a State agency (or the Secretary) for the purpose of providing a basis for a decision of the Secretary with regard to the individual's continued rights to benefits under this title (including any decision as to whether an individual's rights to benefits are terminated or otherwise changed), and

"(II) which is in whole or in part unfavorable to such individual,

shall remain pending until after the notice and opportunity for review provided in this subparagraph.

"(ii) Any such pending determination shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence and stating such determination, the reason or reasons upon which such determination is based, the right to a review of such determination (including the right to make a personal appearance as provided in this subparagraph), the right to submit additional evidence prior to or during such review as provided in this clause, and that, if such review is not requested, the individual will not be entitled to a hearing on such determination and such determination will be the disability determination upon which the final decision of the Secretary on entitlement will be based. Such statement of the case shall be transmitted in writing to such individual. Upon request by any such individual, or by a wife, divorced wife, widow, surviving divorced wife, surviving divorced mother, husband, divorced husband, widower, surviving divorced husband, surviving divorced father, child, or parent, who makes a showing in writing that his or her rights may be prejudiced by such determination, he or she shall be entitled to a review by the State agency (or the Secretary in a case to which subsection (g) applies) of such determination, including the right of such individual to make a personal appearance, and may submit additional evidence for purposes of such review prior to or during such review. Any such request must be filed within 30 days after notice of the pending determination is received by the individual making such request. Any review carried out by a State agency under this subparagraph shall be made in accordance with the pertinent provisions of this title and regulations thereunder.

"(iii) A review under this subparagraph shall include a review of evidence and medical history in the record at the time such disability determination is pending, shall examine any new medical evidence submitted or obtained for purposes of the review, and shall afford the individual requesting the review the opportunity to make a personal appearance with respect to the case at a place which is reasonably accessible to such individual.

"(iv) On the basis of the review carried out under this subparagraph, the State agency (or the Secretary in a case to which subsection (g) applies) shall affirm or modify the pending determination and issue the pending determination, as so affirmed or modified, as the disability determination under subsection (a), (c), (g), or (h) (as applicable).

"(C) Any disability determination described in subparagraph (A)(ii) which is issued by the State agency (or the Secretary) and which is in whole or in part unfavorable to the individual requesting the review shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, and stating the determination, the reason or reasons upon which the determination is based, the right (in the case of an individual who has exercised the right to review under subparagraph (B)) of such individual to a hearing under subparagraph (D), and the right to submit additional evidence prior to or at such a hearing. Such statement of the case shall be transmitted in writing to such individual and his or her representative (if any).

"(D)(i) An individual who has exercised the right to review under subparagraph (B) and who is dissatisfied with the disability determination referred to in subparagraph (C) shall be entitled to a hearing thereon to the same extent as is provided in section 205(b) with respect to decisions of the Secretary on which hearings are required under such section, and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). Nothing in this section shall be construed to deny an individual his or her right to notice and opportunity for hearing under section 205(b) with respect to matters other than the determination referred to in subparagraph (A)(ii).

"(ii) Any hearing referred to in clause (i) shall be held before an administrative law judge who has been duly appointed in accordance with section 3105 of title 5, United States Code.".

(2) Section 205(b)(1) of such Act is amended by inserting after the fourth sentence the following new sentence: "Reviews of disability determinations on which decisions relating to continued entitlement to benefits are based shall be governed by the provisions of section 221(d)(2).".

(b)(1) Section 205(b) of such Act (as amended by subsection (a)(2)) is further amended—

(A) by striking out "(1)" after "(b)"; and

(B) by striking out paragraph (2).

(2) Section 4 of Public Law 97-455 (relating to evidentiary hearings in reconsiderations of disability benefit terminations) (96 Stat. 2499) and section 5 of such Act (relating to conduct of face-to-face reconsiderations in disability cases) (96 Stat. 2500) are repealed.

(c) Section 223(g) of the Social Security Act (as amended by section 203(a) of this Act) is further amended—

(1) in paragraph (1)(C), by striking out "for a hearing under section 221(d), or for an administrative review prior to such hearing" and inserting in lieu thereof "for review under section 221(d)(2)(B) or for a hearing under section 221(d)(2)(D)";

(2) in paragraph (1)(ii), by striking out "a hearing or an administrative review" and inserting in lieu thereof "review or a hearing"; and

(3) in paragraph (3), by striking out "a hearing under section 221(d), or for an administrative review prior to such hearing" and inserting in lieu thereof "review under section 221(d)(2)(B) or for a hearing under section 221(d)(2)(D)".

(d) The amendments made by this section shall apply with respect to determinations (referred to in section 221(d)(2)(A)(ii) of the Social Security Act (as amended by this section)), and determinations under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, which are issued after December 31, 1984.

(e) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement as demonstration projects the amendments made by this section with respect to all disability determinations under subsections (a), (c), (g), and (h) of section 221 of the Social Security Act, and with respect to all disability determinations under title XVI of such Act in the same manner and to the same extent as is provided in such amendments with respect to determinations referred to in section 221(d)(2)(A)(ii) of such Act (as amended by this section). Such demonstration projects shall be conducted in not fewer than five States. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than April 1, 1985.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 203. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

(A) in the matter following subparagraph (C), by striking out "and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII)," and inserting in lieu thereof ", the payment of any other benefits under this title based on such individual's wages and self-employment income, the payment of mother's or father's insurance benefits to such individual's mother or father based on the disability of such individual as a child who has attained age 16, and the payment of benefits under title XVIII based on such individual's disability,";

(B) in clause (i), by inserting "or" after "hearing,"; and

(C) by striking out ", or (iii) June 1984".

(2) Section 223(g)(3) of such Act is amended by striking out "which are made" and all that follows down through the end thereof and inserting in lieu thereof the following: "which are made on or after the date of the enactment of this subsection, or prior to such date but only on the basis of a timely request for a hearing under section 221(d), or for an administrative review prior to such hearing.".

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In any case where—

"(i) an individual is a recipient of benefits based on disability or blindness under this title,

"(ii) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(iii) a timely request for review or for a hearing is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits continued for an additional period beginning with the first month beginning after the date of the enactment of this paragraph for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (I) the month preceding the month in which a decision is made after such a hearing, or (II) the month preceding the month in which no such request for review or a hearing is pending.

"(B)(i) If an individual elects to have the payment of his benefits continued for an additional period under subparagraph (A), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in clause (ii).

"(ii) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under subparagraph (A) shall be subject to waiver consideration under the provisions of subsection (b)(1).

"(C) The provisions of subparagraphs (A) and (B) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made on or after the date of the enactment of this paragraph, or prior to such date but only on the basis of a timely request for review or for a hearing.".

(c)(1) The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, conduct a study concerning the effect which the enactment and continued operation of section 223(g) of the Social Security Act is having on expenditures from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, and the rate of appeals to administrative law judges of unfavorable determinations relating to disability or periods of disability.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than July 1, 1986.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

SEC. 204. Section 221 of the Social Security Act is amended—

(1) by redesignating subsection (i) as subsection (h); and

(2) by adding at the end thereof the following new subsection:

"(i) A determination under subsection (a), (c), (g), or (h) that an individual is not under a disability by reason of a mental impairment shall be made only if, before its issuance by the State (or the Secretary), a qualified psychiatrist or psychologist who is employed by the State agency or the Secretary (or whose services are contracted for by the State agency or the Secretary) has completed the medical portion of the case review, including any applicable residual functional capacity assessment.".

REGULATORY STANDARDS FOR CONSULTATIVE EXAMINATIONS

SEC. 205. Section 221 of the Social Security Act (as amended by section 204 of this Act) is further amended by adding at the end thereof the following new subsection:

"(j) The Secretary shall prescribe regulations which set forth, in detail—

"(1) the standards to be utilized by State disability determination services and Federal personnel in determining when a consultative examination should be obtained in connection with disability determinations;

"(2) standards for the type of referral to be made; and

"(3) procedures by which the Secretary will monitor both the referral processes used and the product of professionals to whom cases are referred.

Nothing in this subsection shall be construed to preclude the issuance, in accordance with section 553(b)(A) of title 5, United States Code, of interpretive rules, general statements of policy, and rules of agency organization relating to consultative examinations if such rules and statements are consistent with such regulations.".

TITLE III—MISCELLANEOUS PROVISIONS

ADMINISTRATIVE PROCEDURE AND UNIFORM STANDARDS

SEC. 301. (a) Section 205(b) of the Social Security Act (as amended by sections 202(a)(2) and 202(b)(1) of this Act) is further amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, the rulemaking requirements of subsections (b) through (e) of such section shall apply to matters relating to benefits under this title. With respect to matters to which rulemaking requirements under the preceding sentence apply, only those rules prescribed pursuant to subsections (b) through (e) of such section 553 and related provisions governing notice and comment rulemaking under subchapter II of chapter 5 of such title 5 (relating to administrative procedure) shall be binding at any level of review by a State agency or the Secretary, including any hearing before an administrative law judge.".

(b) Section 1631(d)(1) of such Act is amended by inserting "(b)(2)," after "(a),".

COMPLIANCE WITH COURT OF APPEALS DECISIONS

SEC. 302. (a) Title II of the Social Security Act is amended by adding at the end the following new section:

"COMPLIANCE WITH COURT OF APPEALS DECISIONS

"SEC. 234. (a) Except as provided in subsection (b), if, in any decision in a case to which the Department of Health and Human Services or an officer or employee thereof is a party, a United States court of appeals—

"(1) interprets a provision of this title or of any regulation prescribed under this title, and

"(2) requires such Department or such officer or employee to apply or carry out the provision in a manner which varies from the manner in which the provision is generally applied or carried out in the circuit involved,

the Secretary shall acquiesce in the decision and apply the interpretation with respect to all individuals and circumstances covered by the provision in the circuit until a differ-

ent result is reached by a ruling by the Supreme Court of the United States on the issue involved or by a subsequently enacted provision of Federal law.

"(b) Acquiescence shall not be required under subsection (a) during the pendency of any direct appeal of the case by the Secretary under section 1252 of title 28, United States Code, or any request for review of the case by the Secretary under section 1254 of such title if such direct appeal or request for review is filed during the period of time allowed for such filing. If the Supreme Court finds that the requirements for the direct appeal under such section 1252 have not been met or denies a request for review under such section 1254, the Secretary shall resume acquiescence in the decision of the court of appeals in accordance with subsection (a) from the date of such finding or denial.".

(b) Section 1633 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Section 234 shall apply with respect to decisions of United States courts of appeals involving interpretations of provisions of this title or of regulations prescribed under this title (and requiring action with respect to such provisions) in the same manner and to the same extent as it applies with respect to decisions involving interpretations of provisions of title II or of regulations prescribed thereunder (and requiring action with respect to such provisions).".

(c) The amendments made by subsections (a) and (b) of this section shall not apply with respect to a decision by a United States court of appeals in any case if the period allowed for filing the direct appeal or request for review of the case with the Supreme Court of the United States expired before the date of the enactment of this Act.

PAYMENT OF COSTS OF REHABILITATION SERVICES

SEC. 303. (a) The first sentence of section 222(d)(1) of the Social Security Act is amended—

(1) by striking out "into substantial gainful activity"; and

(2) by striking out "which result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(i) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (ii) in cases where such individuals receive benefits as a result of section 225(b) (except that no reimbursement under this paragraph shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month in which his or her entitlement to such benefits ceases, whichever first occurs), and (iii) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

(b) The second sentence of section 222(d)(1) of such Act is amended by inserting after "substantial gainful activity" the following: ", the determination that an individual, without good cause, refused to accept vocational rehabilitation services or failed to cooperate in such a manner as to preclude successful rehabilitation,".

(c) The first sentence of section 1615(d) of such Act is amended by striking out "if such services result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(1) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for continuous periods of nine months, (2) in cases where such individuals are determined to be no longer entitled to benefits under this title because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling (and no reimbursement under this subsection shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, whichever first occurs), and (3) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate in such a manner as to preclude their successful rehabilitation".

(d) The amendments made by this section shall apply with respect to individuals who receive benefits as a result of section 225(b) of the Social Security Act (or who are determined to be no longer entitled to benefits under title XVI of such Act because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling), or who refuse to accept rehabilitation services or fail to cooperate in an approved vocational rehabilitation program, in or after the first month following the month in which this Act is enacted.

ADVISORY COUNCIL ON MEDICAL ASPECTS OF DISABILITY

SEC. 304. (a) There is hereby established in the Department of Health and Human Services an Advisory Council on the Medical Aspects of Disability (hereafter in this section referred to as the "Council").

(b)(1) The Council shall consist of—

(A) 10 members appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act from among independent medical and vocational experts, including at least one psychiatrist, one rehabilitation psychologist, and one medical social worker; and

(B) the Commissioner of Social Security ex officio.

The Secretary shall from time to time appoint one of the members to serve as Chairman. The Council shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(2) Members of the Council appointed under paragraph (1)(A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be paid at rates fixed by the Secretary, but not exceeding $100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Council; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Council may engage such technical assistance from individuals skilled in medical and other aspects of disability as may be necessary to carry out its functions. The Secretary shall make available to the Council such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Council may require to carry out its functions.

(c) It shall be the function of the Council to provide advice and recommendations to the Secretary of Health and Human Services on disability standards, policies, and procedures under titles II and XVI of the Social Security Act, including advice and recommendations with respect to—

(1) the revisions to be made by the Secretary, under section 201(a) of this Act, in the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments"; and

(2) the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved.

The Council shall also have the functions and responsibilities (with respect to work evaluations in the case of applicants for and recipients of benefits based on disability under title XVI) which are set forth in section 307 of this Act.

(d) Whenever the Council deems it necessary or desirable to obtain assistance in order to perform its functions under this section, the Council may—

(1) call together larger groups of experts, including representatives of appropriate professional and consumer organizations, in order to obtain a broad expression of views on the issues involved; and

(2) establish temporary short-term task forces of experts to consider and comment upon specialized issues.

(e)(1) Any advice and recommendations provided by the Council to the Secretary of Health and Human Services shall be included in the ensuing annual report made by the Secretary to Congress under section 704 of the Social Security Act.

(2) Section 704 of the Social Security Act is amended by inserting after the first sentence the following new sentence: "Each such report shall contain a comprehensive description of the current status of the disability insurance program under title II and the program of benefits for the blind and disabled under title XVI (including, in the case of the reports made in 1984, 1985, and 1986, any advice and recommendations provided to the Secretary by the Advisory Council on the Medical Aspects of Disability, with respect to disability standards, policies, and procedures, during the preceding year).".

(f) The Council shall cease to exist at the close of December 31, 1985.

QUALIFYING EXPERIENCE FOR APPOINTMENT OF CERTAIN STAFF ATTORNEYS TO ADMINISTRATIVE LAW JUDGE POSITIONS

SEC. 305. (a)(1) The Secretary of Health and Human Services shall, within 180 days after the date of the enactment of this Act, establish a sufficient number of attorney adviser positions at grades GS-13 and GS-14 in the Department of Health and Human Services to ensure adequate opportunity for career advancement for attorneys employed by the Social Security Administration in the process of adjudicating claims under section 205(b), 221(d), or 1631(c) of the Social Security Act. In assigning duties and responsibilities to such a position, the Secretary shall

assign duties and responsibilities to enable an individual serving in such a position to achieve qualifying experience for appointment by the Secretary for the position of administrative law judge under section 3105 of title 5, United States Code.

(b) The Secretary of Health and Human Services shall—

(1) within 90 days after the date of the enactment of this Act, submit an interim report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the Secretary's progress in meeting the requirements of subsection (a), and

(2) within 180 days after the date of the enactment of this Act, submit a final report to such committees setting forth specifically the manner and extent to which the Secretary has complied with the requirements of subsection (a).

SUPPLEMENTAL SECURITY INCOME BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

SEC. 306. (a) Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "shall remain in effect only for a period of three years after such effective date" and inserting in lieu thereof "shall remain in effect only through June 30, 1986".

(b) Section 1619 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Health and Human Services and the Secretary of Education shall jointly develop and disseminate information, and establish training programs for staff personnel, with respect to the potential availability of benefits and services for disabled individuals under the provisions of this section. The Secretary of Health and Human Services shall provide such information to individuals who are applicants for and recipients of benefits based on disability under this title and shall conduct such programs for the staffs of the District offices of the Social Security Administration. The Secretary of Education shall conduct such programs for the staffs of the State Vocational Rehabilitation agencies, and in cooperation with such agencies shall also provide such information to other appropriate individuals and to public and private organizations and agencies which are concerned with rehabilitation and social services or which represent the disabled.".

ADDITIONAL FUNCTIONS OF ADVISORY COUNCIL; WORK EVALUATIONS IN CASE OF APPLICANTS FOR AND RECIPIENTS OF SUPPLEMENTAL SECURITY INCOME BENEFITS BASED ON DISABILITY

SEC. 307. The functions and responsibilities of the Advisory Council on the Medical Aspects of Disability (established by section 304 of this Act) shall include—

(1) a consideration of alternative approaches to work evaluation in the case of applicants for benefits based on disability under title XVI and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination;

(2) an examination of the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability under title XVI in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(3) a review of the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations, in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability under title XVI; and

(4) an examination of possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability under title XVI will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity but also whether rehabilitation services can reasonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

For purposes of this section, "work evaluation" includes (with respect to any individual) a determination of (A) such individual's skills, (B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate, (C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated, (D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and (E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

EFFECTIVE DATE

SEC. 308. Except as otherwise provided in this title, the amendments made by this title shall apply only with respect to cases involving disability determinations pending in the Department of Health and Human Services or in court on the date of the enactment of this Act, or initiated on or after such date.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Chairman, the committee amendment in the nature of a substitute, which is printed in the bill, simply makes several technical changes in the bill as introduced and makes conforming disability changes in the supplemental security income program. I know of no controversy surrounding the committee amendment. I have no requests for time concerning the committee amendment, but I would ask unanimous consent that one clerical error in the committee amendment be corrected.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 39, lines 17 and 18, strike out "title" and insert in lieu thereof "Act".

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois (Mr. ROSTENKOWSKI)?

There was no objection.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

□ 1400

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WISE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3755), to amend title II of the Social Security Act to provide for reform in the disability determination process, pursuant to House Resolution 466, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 22, as follows:

[Roll No. 55]

YEAS—410

Ackerman	Archer	Bennett
Addabbo	Aspin	Bereuter
Akaka	AuCoin	Berman
Albosta	Badham	Bethune
Alexander	Barnard	Bevill
Anderson	Barnes	Bilirakis
Andrews (NC)	Bartlett	Billey
Andrews (TX)	Bateman	Boehlert
Annunzio	Bates	Boggs
Anthony	Bedell	Boland
Applegate	Bellenson	Boner

Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—1

Crane, Philip

NOT VOTING—22

Biaggi
Breaux
Coughlin
Daschle
Erlenborn
Fazio
Ferraro
Foglietta
Foley
Forsythe
Gaydos
Gephardt
Hall (IN)
Hance
Hansen (ID)
Heftel
Ireland
Marlenee
Morrison (CT)
Paul
Waxman
Wilson

□ 1410

Mr. BONKER changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. FAZIO. Mr. Speaker, I was unable to be present for the very important vote on H.R. 3755, the Social Security Disability Benefits Reform Act of 1984. Had I been present I would have voted "aye." I wish to have the RECORD show that I am a strong supporter of that very important legislation.

SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT (H.R. 3755)

● Mr. COUGHLIN. Mr. Speaker, the Social Security Disability Benefits Reform Act (H.R. 3755) presents the House with an opportunity for restoring confidence in the social security disability review process and for insuring that the truly disabled do not lose their benefits. This legislation makes a number of important changes in the review process to assure that it is administered fairly and uniformly. I wholeheartedly support it.

I feel strongly that disability payments should go to only the genuinely disabled and that a review process is necessary to reevaluate those individuals who have been receiving benefits for an extended period of time. However, I believe that the current review process has caused uncertainty, confusion and undue anguish especially for the mentally impaired. Too many individuals have been unfairly removed from the disability rolls and have had to endure the long appeals process before having their benefits restored.

The disability review process has serious flaws which H.R. 3755 strives to correct. This bill provides for a more definitive medical explanation of disability and requires a continuation of benefits during the appeal of terminations. Face-to-face interviews during State review proceedings would be mandated and a moratorium on all reviews of mental impairment cases would be implemented until the Department of Health and Human Services reevaluates the criteria for determining mental disorders.

These reforms are urgently needed. Through enactment of H.R. 3755, we will hopefully regain the confidence of the truly disabled to whom we have given our commitment that benefits will not be terminated, that the safety net will not be torn apart. We can assure the millions of Americans currently receiving social security disability benefits that Congress will not break faith with them.●

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3870

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3870.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

□ 1420

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE PRIVILEGED REPORT ON H. RES. 443, PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY SELECT COMMITTEE ON HUNGER

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file a privileged report on House Resolution 443.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so only to ask the gentleman whether it has been cleared by the minority. We do not seem to have an indication on this side that it has been cleared by the minority.

Mr. ANNUNZIO. Mr. Speaker, if the gentleman will yield, it has, as far as I know. I mean, we passed this House resolution in the House Administration Committee. It is a resolution dealing with hunger.

Mr. WALKER. The gentleman knows there is no objection from the minority side?

Mr. ANNUNZIO. I know of no objection.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois,

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 26, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 3:40 p.m. on Monday, March 26, 1984 and said to contain a message from the President wherein he transmits the eighth Special Message under the Impoundment Control Act of 1974 for fiscal year 1984.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

THREE DEFERRALS OF BUDGET AUTHORITY RELATING TO IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-189)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed.

(For message see proceedings of the Senate of yesterday, Monday, March 26, 1984, at page 6540).

SCIENTISTS ATTACK STAR WARS PLAN

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOAKLEY. Madam Speaker, I want to bring to the attention of my colleagues the recent report by the Scowcroft Commission, which has warned the President, to exercise extreme caution in allowing any engineering development on new antiballistic missiles. Specifically, the bipartisan Presidential commission warned that development of space based ABM technologies—like the types embodied in the Reagan "Star Wars" proposal—would be risky and could very well abrogate the present ABM treaty, which is one our our most valued and important arms control agreements.

Madam Speaker, the development of a space based ABM system could trigger a new and dangerous arms race. Such a race will not only be extremely expensive—but will make the United States less secure rather than more secure.

It makes more sense for us to try to prevent such a race—and go to the negotiating table with the Soviet Union, to work out a treaty banning all space weapons. It would be far better for the United States and the world if we could be spared a frightening space weapons race.

So let us be aware of the dire consequences of a headlong rush toward an arms race in space. And let us, as the Scowcroft Commission advises, stop and think before it is too late.

Madam Speaker, for the benefit of my colleagues, I would like to insert in the RECORD two recent news articles on the space weapons issue.

[From the Boston Globe, Mar. 22, 1984]

SCIENTISTS ATTACK "STAR WARS" PLAN

GROUP CALLS PROPOSAL UNFEASIBLE

(By Fred Kaplan)

WASHINGTON.—A group of scientist, including weapons analysts and a Nobel laureate, attacked President Ronald Reagan's "Star Wars" plan yesterday as technically unfeasible and a threat to peace.

Their critique, issued in a 106-page report, comes almost exactly one year after Reagan, in a television address on March 23, 1983, called on the scientific community "to give us the means of rendering . . . nuclear weapons impotent and obsolete."

Since that speech, the Administration has accelerated research and development on space-based weapons that, in the event of a Soviet nuclear attack, could shoot down Soviet missiles before they exploded over U.S. soil. This effort will cost $25 billion over the next five years. If space weapons are actually built and deployed, officials have estimated, total costs could approach $1 trillion or more.

The scientists' critical report, released by the Union of Concerned Scientists, which is based here and in Cambridge, Mass., decries the effort as futile, concluding that an effective defense against attacking missiles "must overcome a number of daunting obstacles set by immutable laws of nature and basic scientific principles."

The scientists include Hans Bethe, a Nobel laureate in physics and one of the leaders of the Manhattan Project that built the first atomic bomb during World War II; Richard Garwin of International Business Machines Corp., a former member of the President's Science Advisory Board and several weapons evaluation panels; Henry Kendall, professor of physics at the Massachusetts Institute of Technology, who has also served on weapons panels and is now chairman of the Union of Concerned Scientists; retired Adm. Noel Gayler, former director of the National Security Agency, and Kurt Gottfried and Carl Sagan, professors of physics and astronomy respectively at Cornell University.

The presence on the panel of Bethe and Garwin is especially significant. Sixteen years ago they coauthored an article in Scientific American that criticized on technical grounds a proposed antiballistic missile, or ABM, system. That article sparked a national debate and galvanized many U.S. scientists to oppose the ABM in congressional testimony and other public forums. The proposed ABM system, which had been sought by the Nixon Administration, was eventually defeated in Congress.

The scientists say the most fatal flaw of the Star Wars idea is that even if the United States built a system that worked as well as the laws of physics permitted, that system could be tricked or disabled with cheap and simple techniques.

A large Star Wars battle station sitting in outer space is itself vulnerable to attack, the scientists say. Short of a direct attack, the report says, the Russians could confuse the Star Wars system. They could counter a laser weapon, for instance, by coating their missiles with reflective shields. Once in outer space, Soviet missiles could release not only nuclear warheads but also various decoys, forcing a defender to waste hundreds of antimissile weapons on false targets. Long-range telescopes, which some Star Wars systems would need for spotting targets, could be blinded by smoke clouds. Radar could be baffled by the release of aluminum strips. Extremely large and fragile mirrors in outer space, needed to reflect and aim laser beams, could be ruined or jarred out of place by pellets or dust. Radar systems on the ground could be blinded by the "blackout" effect of a single nuclear bomb detonated at a high altitude.

The scientists also say a Star Wars system would not provide a shield against nuclear weapons even if the Russians did not try to

spoof it. Targets would have to be tracked and acquired, weapons aimed at individual targets with miraculous accuracy, the damage assessed and weapons fired again if they missed the first time. This would involve thousands of targets and weapons—and a system that could never be tested fully in peacetime.

The scientists say the Star Wars plan is not only not feasible but dangerous. The Russians would view such a system "as an attempt to achieve military superiority. . . . After all, it is Soviet weapons that would be rendered 'impotent and obsolete' by an American . . . breakthrough." Therefore, the Russians might try to knock out any U.S. Star Wars system before it if fully installed. Thus, the report says, full commitment to Star Wars "could, in itself, lead to open conflict where there would have been none."

[From the Washington Post, Mar. 24, 1984]

PANEL URGES "CAUTION" IN ABM EFFORT

(By Michael Getler)

The chairman of President Reagan's commission on strategic forces, citing the crucial importance to future arms control of the 1972 U.S.-Soviet treaty limiting anti-ballistic missile (ABM) defenses, has warned the president to exercise "extreme caution" in allowing any engineering development work on new ABMs, such as his controversial "Star Wars" proposal last year.

The warning is contained in a final nine-page report submitted yesterday by retired Lt. Gen. Brent Scowcroft, who headed the 11-member, blue-ribbon panel set up by the president in January 1983 to help find answers to such questions as what to do with the large, new offensive MX missile and whether to build a much smaller new mobile missile.

The bipartisan commission's current mandate, which had been extended by Reagan, came to an end in January. Commission officials said there has been discussions of making the panel a permanent body but that idea was dropped, at least for this election year, to avoid becoming embroiled in defense issues during the campaigns.

The commission, which was also asked to review Reagan's plans for a so-called "Star Wars" futuristic anti-missile defense of the United States, said it is important to carry out the kind of research allowed by the 1972 ABM treaty.

But the commission clearly warned that any future decisions to proceed with engineering development on such a system was risky, implying that such a breach of the ABM treaty could destroy chances for future arms control.

Although the administration has billed its plans as research, a number of officials have said that it also will involve some development work.

The commission's main report, submitted to Reagan last April, focused on weapons development questions and recommended deployment of 100 MX missiles and development of the smaller missile. The final report places much more emphasis on arms control and includes these key points:

Although nuclear arms control cannot end the threat of war or greatly reduce defense budgets, it can reduce chances that such a war might occur and therefore contribute both to global stability and U.S. security. Despite negotiating difficulties, it must be "pursued because the peoples of the world expect it of their leaders."

In seeking to achieve agreements, the total, or "aggregate," number of nuclear weapons in each side's arsenal is less important than the overall stability achieved by other factors.

For example, there is a need ultimately to get away from big, multiple-warhead missiles because they present both a lucrative target for attackers or, if launched first, have the capability to knock out many enemy missiles with a single attacking missile.

Thus, the report argues, there is a need in any agreement to reduce the ratio of missile warheads to potential targets and reduce the first-strike threat.

There is also a need for an overall balance between U.S. and Soviet forces even though each country puts emphasis on different kinds of land- and submarine-based missiles and bombers.

To calculate how to measure such a balance, the report recommends coming up with some agreed-upon "explicit methodology" for comparing the "destructive potential" of rival and dissimilar forces such as cruise missiles launched from bombers and large missiles launched from land.

Despite controversy surrounding the MX missile, the final commission report continues strongly to support deployment of the 10-warhead missile to offset Soviet advantages in large missiles and to contribute to the overall goal of reaching arms agreements. "The MX is not in any ordinary sense of the word a 'bargaining chip,' but the numbers and deployment . . . should be geared to the Soviet response," the report said.

The commission also continued its support of the small missile as the kind of future weapon that will make a first-strike by an attacker less likely. But the report warns that the missile's cost and technology must be watched closely.

The report rejects the idea of a nuclear freeze, claiming it would lock the United States into a permanent disadvantage with Moscow in the most lethal types of large missiles which would "do nothing to increase stability."

THE SLEAZE FACTOR

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Madam Speaker, the recent revelations of the financial dealings of the President's Counsel, Mr. Ed Meese, have pointed up a far more serious question lurking in the shadows of the White House as the character of the Reagan administration. The New York Times characterized it as an "astonishing record of sleaziness, of casual disregard for the proprieties of public life."

The facts daily reveal that this administration has been practicing a double standard. Mr. Reagan has selected individuals to serve him in his administration who see themselves as public servants outside the established rules of public integrity. They see nothing wrong with making money from their positions of responsibility. They see nothing wrong with using the perks of high office for personal gain.

Recently in an article reporting on William Casey, the Director of the Central Intelligence Agency, Mr. Casey observed casually, "Well, others just don't know how to use the information," when he was explaining his recent stock purchases.

Madam Speaker, a recent article entitled "Ten Blind Meese" published in yesterday's New York Times, outlines the disturbing pattern of official abuse that is practiced daily by this administration.

I include this article as an appendage to my remarks:

[From the New York Times, Mar. 26, 1984]

TEN BLIND MEESE

(By Anthony Lewis)

BOSTON, March 25.—The Edwin Meese affair throws light on a curious feature of the Reagan Administration. A number of its ranking officials, not only Mr. Meese, have had financial dealings of a kind that trouble the public but that evidently give them no feeling of wrongdoing. They seem insensitive—that is putting it gently—to traditional expectations of ethical behavior.

Consider Mr. Meese's remarks when he asked that a special prosecutor look into his conduct. He said he had been the victim of "baseless charges" and "systematic character assassination." But the basic facts of his financial dealings are not in dispute; Mr. Meese belatedly disclosed them himself. So his outrage must be directed at the idea that there is something wrong in what he did. What did he do?

On Jan. 7, 1981, 13 days before Mr. Meese moved into an office in the White House, his wife got a $15,000 loan—without interest—from a family friend, Edwin Thomas. The money was used to buy shares of stock for the Meese children. The Ethics in Government Act required Mr. Meese to list that loan on a financial disclosure form, but he "inadvertently" forgot to do so. Could he have forgotten because it was made so long ago—Jan 7, 1981? Because it was so commonplace for him to get interest-free loans to buy stock for the children?

The lender, Mr. Thomas, was appointed Mr. Meese's deputy in the White House. Mrs. Thomas got a Federal job, too. So did their son Tad, 22 years old: a $16,559-a-year position in the Labor Department.

Four other people involved in loans or gifts to Mr. Meese also got Government jobs. Two of them were officers of a savings and loan association that at one point let Mr. Meese fall 34 payments behind on mortgage loans of more than $500,000.

Is it "character assassination" to think there is something questionable about those admitted facts? On the contrary, most Americans would find it hard to believe that getting interest-free loans from a friend to buy stock, and having the friend, his wife and son end up in Government jobs, is so ordinary as to be forgettable.

But in the context of the Reagan Administration the Meese financial pattern may indeed be unremarkable. Benjamin Taylor of the Boston Globe ran down the record the other day.

Thomas C. Reed, who was deputy national security adviser to the President was forced to resign when the S.E.C. found that he had made $427,000 on a $3,125 investment based on inside information.

Max Hugel, deputy director of the C.I.A., resigned when faced with allegations of

fraudulent stock dealing before he entered government.

Paul Thayer, deputy Secretary of Defense, resigned when the S.E.C. brought a proceeding charging him with illegal insider trading.

Guy W. Fiske, deputy Secretary of Commerce, resigned after allegations that he was negotiating to sell U.S. weather satellites to a company with which he was seeking a job.

Robert P. Nimmo, head of the Veterans Administration, resigned and paid back $6,441 for improper use of his official car.

Richard Allen, President Reagan's first national security adviser, resigned when found to have accepted $1,000 and three watches from representatives of a Japanese magazine for whom he arranged an interview with Nancy Reagan.

At the Environmental Protection Agency the administrator, Anne Burford, resigned over policy failures, and the assistant administrator, Rita Lavelle, was convicted of perjury; two others resigned over financial matters: Matthew Novick, inspector general, who allegedly asked E.P.A. employees to work on personal business for him, and James Sanderson, adviser to Mrs. Burford, who participated in agency decisions that benefited corporations he represented.

Two high officials remain in their jobs although they were forced to conform their financial behavior to ethical standards.

William J. Casey, Director of Central Intelligence, traded more than $3 million in shares in the stock market while in office. Only when senators complained of his behavior did he follow the usual practice of putting his holding in a blind trust.

William French Smith, Attorney General, agreed to limit a huge tax write-off he expected from a tax-shelter investment, and he was forced to refund a $50,000 severance payment from a company on whose board he had served. Lately his own Justice Department reportedly investigated charges that his wife misused an official limousine for personal trips, and he has repaid the Government for the cost.

It is an astonishing record of sleaziness, of casual disregard for the proprieties of public life. There has been nothing like it in Washington for years: such a parade of public men seeking private gain.

The other remarkable thing about it is the attitude of the President who appointed the greedy men to office. Has there been a word of regret from Ronald Reagan, a word to remind his Administration that those who hold office must be beyond suspicion? As in so many other areas, he has slipped away for responsibility.

THE IMPACT OF THE EQUAL RIGHTS AMENDMENT

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

Mr. SENSENBRENNER. Mr. Speaker, during the past 2 months, each Tuesday, I have reserved time for a special order which focused on the impact that House Joint Resolution 1, the proposed equal rights amendment, will have on our laws and society. This special order examines the econoimc effects of the ERA. The economic effects of this proposed constitutional amendment range far and wide. Not only would it alter our social security system, insurance rate, and pension plans, but it has the potential of radically affecting the market place.

First, let us look at how ERA would affect our economy. In other words, how will it affect the supply and demand principle that governs our marketplace? A major issue for ERA proponents is that of the wage-gap between men and women. They argue a woman earns 62 cents for every dollar paid to a man. A major thrust in the passage of the ERA is to correct this so-called inequity. I say so-called inequity because evidence shows that while there is no question that sex discrimination has long been a serious problem and inhibits women from realizing their full potential, there are numerous other variables which need to be factored into explaining the disparity in pay between men and women. Judith Finn, an economist from Oak Ridge, Tenn., in her testimony before the Committee on Labor and Human Resources of the other body, stated that, "the earnings gap is due to the fact that women do not do the same work as men, and they get different pay for different work."

Understanding this wage gap requires explanation of reasons why women, on the average, hold lower-paying jobs than men. In the past, women, especially working mothers, have been entering into the job market preferring traditional jobs such as nursing, teaching, bookkeeping, and so forth. Jobs which they can leave and come back to, but which are also low paying. However, in the past decade, huge numbers have been moving into such jobs as real estate agents, insurance adjusters, production line assemblers, inspectors, or school busdrivers—the so-called nontraditional jobs. And they are making the same entry-level rates for these jobs as entry-level men. The result: While women over 35 are still earning 59 cents for every dollar earned by men, in the 25-34 age group, that figure has jumped to 72 cents, and in the 20-24 age group, to 87 cents. As more and more women who entered the job market in the last decade start moving up to take advantage of higher paying jobs, the ratio of women's wages to men's should be set for a sustained rise.

June O'Neill, of the Urban Institute, in the February 7, 1984, Wall Street Journal, was quoted as saying sexism has little to do with the earnings gap. She explained, it has more to do with the way women choose to participate in the economy; many work part time, while others leave the job market for a few years to raise children. Ms. O'Neill figures that women, on the average, work only 50 to 60 percent of their available years once they leave school; men, on the whole, work all of these years. The average woman has less experience (and fewer skills) and therefore is less valuable to an employer. This is slowly changing as more women chose full-time careers as well as choosing higher paying professions. For example, in 1970, women only earned 8 percent of U.S. medical degrees. By 1980, they had earned 23 percent. Nearly one-third of all law school graduates are now women. This is a dramatic increase from 5 percent in 1970. In 1980, 10 percent of engineering graduates were women, up from 1 percent in 1970. In time, this higher education will help narrow the pay gap.

Group difference in occupational success is a stubborn fact of American life, especially for the occupational status of women. The questions of why there exists sex segregation and why men are more often promoted over women was the subject of a study done by Hoffman Research Associates. Mr. Carl Hoffman, of the Hoffman Research Associates, gave testimony during the ERA hearings before the House Subcommittee on Civil and Constitutional Rights. Their study entitled, "Sex Discrimination? the XYZ Affair" which was published in the Journal, the Public Interest, showed a number of things, one of the most interesting dealt with promotions of workers. Their study was done on a Fortune 500 company charged with sex discrimination by several of its female clerks. The charge of discrimination stated that men were more often promoted over women from entry-level positions, even though there were a greater percentage of women hired for these entry-level jobs. The results of the study showed that women got promoted in almost the same proportion as they expressed interest in promotion; however, because they exhibit less interest in promotion and engaged in less promotion seeking activities, they were promoted less often.

Another cause for the earnings gap was explained by Cotton Lindsay Mather, a professor of economics at Emory University. She asserts that women tend to take the primary role in managing homes, thus they tend to seek out jobs which allow flexible hours in order to be close to home. Also, because women tend to follow their husbands through career changes and job transfers, they seek easily transferrable jobs. The end effect is that women crowd into certain jobs, such as nursing and secretarial jobs and in turn drive down the value of those jobs. In essence, it is not discrimination, but a simple function of the supply and demand of the marketplace.

Finally, let us look at the situation of single women in our work force. If the wage gap really is caused by sex

discrimination, then those making this charge have to explain why studies have found that single women earn almost the same wages as single men. The reason is mainly because they have similar employment characteristics: The single woman is less likely than a married woman to leave the labor force for household reasons, such as raising children or because her husband has changed jobs. So skill and experience become the dominant factors in wage-setting. Neither single women nor single men, on the other hand, are likely to work as hard as married men, who often have the added responsibility of supporting dependents.

In an examination of the wages of married and unmarried females, for instance, Hoover Institution economist Thomas Sowell, notes in his article entitled, "Affirmative Action Reconsidered" published in the 1976 winter editon of the Public Interest that unmarried men and women receive about the same in wages for the same job and the same credentials. Married men tend to do better, he says, because they are motivated to provide financial assistance for their spouses, who in turn do somewhat worse in the market because of other duties. Sowell notes that, "Such a situation may not be just—but it does not result, however, from employer discrimination." The examples I have given illustrate more than satisfactorily that other factors, besides sex discrimination, cause the current wage gap.

The question remains, do we artificially raise the wages of women, laying aside our knowledge of the marketplace and other factors involved in women's occupational choice? For a moment, let us say we did. What would be the effect on our economy? In a September 11, 1978, Fortune magazine article entitled, "The EEOC's Bold Foray into Job Evaluation" it was noted that if the aggregate pay of the country's 27.3 million fulltime working women was raised high enough so that women's pay would be equal to men's, it would add $150 billion to the civilian payrolls. I asked the Congressional Research Service of the Library of Congress to use this figure and factor in inflation to see what it would cost in the future. In 1982, the cost would have risen to $334 billion.

While the ERA only affects governmental employment policies, it would give impetus and possibly another avenue for the filing of lawsuits for sex-based wage discrimination based on the alleged principle of "comparable worth." The concept of equal pay for equal work has been replaced recently by the concept of "equal pay for comparable worth." This doctrine refers to the situation where two groups are performing work that is different, but is in some way of comparable worth to the employer. The doctrine is based on the presumption that this worth can be measured by a job evaluation scheme and this job evaluation will not be biased in itself. Discrimination exists under this doctrine when workers of one sex, for example, are receiving less wages for their work than fellow employees who are performing different jobs, but which arguably have the same value to the employer.

The concept of comparable worth is part of the larger issue of pay-equity. In 1963, Congress enacted the Equal Pay Act which prohibits sex discrimination in wages with respect to work that requires equal skill, effort, and responsibility, being performed under similar working conditions.

Then, in 1964, Congress passed title VII of the Civil Rights Act which prohibits discrimination in employment and applies sex and other factors such as race, religion, and national origin. Title VII was amended in 1972, and now pertains to Federal, State, and local employers, as well as those in the private sector. Unlike the Equal Pay Act, title VII prohibits sex discrimination in hiring practices and fringe benefits as well as wages. Title VII is thus broader than the Equal Pay Act.

Proponents of comparable worth assert that jobs primarily held by women are undercompensated relative to those jobs characterized by similar skills and responsibility which are primarily held by men. This similarity is supposedly determined by a point system in a nonbiased job evaluation scheme. They further assert that this underevaluation of women constitutes overt sex discrimination. Here again, the real differences causing the wage gap, which I have previously enumerated, have been overlooked, and once again, a comparison of apples to oranges is being made.

The comparable worth doctrine was brought to the forefront in two court decisions. In January 1981, the Supreme Court held in the *County of Washington, Oregon* v. *Gunther,* 452 U.S. 161 (1981), that title VII of the 1964 Civil Rights Act is not limited to claims of "equal pay for equal worth," the standard required under the Equal Pay Act of 1963. The Gunther decision opened the door for filing suits under title VII. The Gunther holding was not a comparable worth one, but rather one in which the court narrowly ruled that title VII incorporated all the Affirmative defenses of the Equal Pay Act, but not the Equal Pay Act's standard of equal work.

Much of the current debate on comparable worth stems from a recent Washington State court decision. On December 14, 1983, U.S. District Judge Jack E. Tanner ordered the State to award back pay and higher wages to more than 15,000 of its employees, 90 percent of them women. His ruling was based on the alleged principle of "comparable pay" for "comparable work."

The lawsuit before Judge Tanner accused the State of sex discrimination in its pay practices, based on the fact that women as a class were paid less than men. It did not claim that women received less pay for doing equal work, or that their opportunities were somehow limited by the State—only that women were not paid the same as men for work that was claimed to be of comparable value. Tanner's ruling was based heavily on job evaluations conducted by "experts," who claimed that fields of work dominated by women consistently provided lower wages for work rated comparable to that in male-dominated fields.

The district court decision is presently on appeal to the ninth circuit. The comparable worth doctrine would impose extraordinary costs and distortions on the economy. We would face even more bureaucratic regulation because a governmental wage board would determine the so-called "fair" wage for work of comparable worth.

Collective bargaining unions would be superseded by governmental institutions in the wage-setting process. It could be irrelevant whether or not union concessions from profitable firms could be made. Only the worker's "objective" worth would matter. The union would become a "toothless watchdog" merely insuring the management paid the wages determined by the board of evaluators.

The increasing of wages due to the instituting of the comparable worth principle would be passed off to the consumer in the form of higher prices which means inflation.

We would also face reduced competitiveness in world markets. Higher wages mean higher costs to the producer, which in turn would most likely mean lower sales. Companies might choose to move their manufacturing abroad or contract jobs to foreign countries.

In addition, it would affect public employment in the United States. Pay increases in the public sector alone would force governments to increase spending, which means increasing taxes or cut services. If it extends to the private sector, initially there would be a drastic jump in the cost of doing business. These additional labor costs would bankrupt many firms with a high proportion of women in their work force, thereby leaving these women without a job. Employers could seek to replace many women with machines in cases where women's marginal productivity did not justify the increased rate in pay. "Comparable worth," in fact, would hurt the least-skilled women most, since their services would be the first to be priced out of the market.

What would be the cost of comparable worth? Judge Tanner's decision will cost the State of Washington between $500 and $800 million. Dan Glassner of the consulting firm, Hay Associates, stated in the February 6, 1984, Time article entitled, "A Worthy but Knotty Question" that it would cost $320 billion if other States adopted comparable worth legislation or similar court decisions were handed down. More importantly than the grave economic effects the comparable worth doctrine will cause, it will also mean a significant loss of freedom to many in the United States.

As Michael Brody said in his editorial in the November 21, 1983, issue of Barron's,

> Lacking the incentives provided by those wage differentials, which both feminist idealogies and opportunist politicians are now denouncing as discriminatory, neither women nor the national economy would go anywhere. But the relative worths which would be accorded to physical hardship, skilled training, academic credentials or whatever, cannot be determined by the federal courts or by committees of officials meeting in smoke-filled back rooms. Relative wages can be set, in the words of Adam Smith, "not by an accurate measure, but by the haggling and bargaining of the market, according to that sort of rough equality which, though not exact, is sufficient for carrying on the business of common life."

The social security problem within the ERA has largely been overlooked, but potentially is a very serious one. It boils down to the question: Would the ERA mandate social security benefits to all women regardless of whether they have worked outside of the home? Judy Goldsmith, president of the National Organization for Women (NOW), testified before the House Subcommittee on Civil and Constitutional Rights and stated that it would require the reexamination of the sexist assumption that underlies the social security system and require its reform. Prof. Francine Blau, also testifying before the subcommittee, stated that, "ERA would grant social security benefits to the homemaker on the basis of her economic contribution to the family rather than as an economic dependent."

This change in benefit distribution would place a very heavy financial strain on the social security system. It would mean significant cuts in benefits, an increase in taxes, or both, to meet this new demand. In its present precarious state, it is highly unlikely the social security system could withstand this financial blow.

While I have already discussed the impact of the ERA on insurance, a couple of points need to be mentioned. Both the proponents and opponents of the ERA acknowledge the ERA will mandate changes in insurance. Elaine Donnelly who testified before the subcommittee on October 20, 1983, stated:

Ms. Goldsmith is absolutely right in her prediction that unisex insurance would be one of the inevitable results of the ERA, but she is absolutely wrong in implying the results would be beneficial to women.

I, along with other Members of Congress, actuaries, and economists agree with Elaine Donnelly that unisex insurance is detrimental to both men and women of our society. Since insurance is an industry regulated by State law, ERA would have a direct immediate effect. ERA would abolish rate classifications based on sex; it would do nothing to change the aggregate number of dollars that insurers must pay out in claims each year. All ERA would do is place an unfair disproportionate burden of the cost of insurance on female policyholders who deserve lower rates because they cost less to insure.

In a letter sponsored by Senator PACKWOOD and others to Edwin Meese, Counsellor to the President, regarding S. 2204, the Fair Insurance Practices Act, George K. Bernstein, an attorney for both the American Insurance Association and the New York State Teacher's Retirement System, stated that a unisex insurance system would force insurers to ignore women's lower accident experience and thereby charge them at least $700 million a year more in auto insurance. If life insurers are forbidden to credit women with their greater life expectancy, women would be compelled to pay $360 more for life insurance.

If a Federal court rules under the ERA that even small pension plans must pay out equal monthly benefits for which moneys were not collected in previous years, the result would be insolvency or drastic reduction in reserve funds. These funds are valuable sources of capital for mortgages and business loans which create jobs.

In conclusion, let me say that the dramatic economic effects of the ERA should cause one to take a serious second look before passing the ERA in its present nonamended form. I believe that this special order as well as the previous ones have demonstrated the need for the amending process to be allowed on the House floor when House Joint Resolution 1 is once again considered.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1450

A TRIBUTE TO THE LATE HONORABLE WILLIAM MEYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 60 minutes.

Mr. JEFFORDS. Many Members of this body were deeply saddened by the recent death of a former colleague, William Meyer of West Rupert, Vt.

Conventional wisdom has long held that those of us who sit in the House of Representatives must be here for a very long time if we want to make our mark, to influence national events, and to carve a place in history.

Bill Meyer upset conventional wisdom by doing all that in 2 short years. And he did so by upsetting a lot of other conventional wisdoms. Among the distinguished people who have served in this Chamber in modern history, Bill Meyer stands out in many ways.

One obvious distinction is that Bill was the only person from the other side of the political aisle ever to represent Vermont in the House. In 1958, he singlehandedly ushered in a new era of partisan competition in Vermont. It doesn't in any way disparage the long and proud tradition of my own party in Vermont to agree that we all benefit from healthy competition.

What is more, the route Bill Meyer followed into political office is a classic demonstration of the strength and openness of our Government. With a career background in agriculture, Bill Meyer decided to get involved in politics in 1956 when he saw Vice President Nixon on television, discussing the possibility of using nuclear weapons in what was then known as French Indochina. He became angry, and with his wife Bertha, became involved in the newly organized caucus in his hometown. Two years later, he was elected to Congress. There are few people in history who have been able to follow through on their convictions so quickly and so decisively.

To those who described Bill Meyer during his term of office, the word that cropped up most often was "controversial." Today, the words used most often in connection with this man are "courage" and "foresight."

Even those who still strongly disagree with what Bill Meyer stood for are, today, impressed by the fact that he felt compelled to enter politics because of concern, in 1956, over America's deepening involvement in a part of the world that would later be known as Vietnam.

Today, it seems ironic that Bill Meyer, inspired to become politically involved by anger at Richard Nixon, shocked the Nation by standing on the floor of this House and calling for the

establishment of diplomatic relations with the People's Republic of China.

Congressman Meyer startled people with his positions on other issues as well. He called for meaningful steps to stop the proliferation of nuclear weapons, and to move toward nuclear disarmament. He argued against the Eisenhower administration's decision to send U.S. marines to Beirut. He opposed the peacetime draft.

Positions such as these now crop up regularly in the floor speeches of those of us, from both parties, who serve in Congress in 1984. In the late 1950's, they were considered controversial, even radical.

Bill Meyer never considered himself to be a radical. He felt there were things that needed to be said, in the name of commonsense. He consistently brushed aside the conventional wisdoms of the time, to utter words of commonsense that America, in many cases, was not ready to hear.

If nothing else, he was a blunt, stubborn man. He said what he believed to be right, without worrying about the political consequences. There are many people in Vermont who believe that if he had been more diplomatic, and more willing to compromise, that he could have continued as a political force in our Nation for a far longer time.

But that could have erased the great contribution he made. In his brief time in Congress, Bill Meyer made America listen to things he felt we had to hear, whether or not we were ready to listen.

Long before his death this past December, at age 68, the commonsense he had preached had been heard, and understood, by a great many Americans.

Although his term in Congress was the high point of his political career, his contributions and accomplishments spanned a lifetime.

Bill Meyer was born in Philadelphia, the son of Jacob and Mary Baumann Meyer, on December 29, 1914. He spent his childhood in Pennsylvania, and graduated from Penn State. He moved to Vermont in 1940, as an employee of the U.S. Department of Agriculture, to work with farmers in our State.

He was a forester by profession, and highly respected by his peers. He had an understanding of, and respect for, the Earth, and was an environmentalist long before the word came into vogue. He was an active member of several organizations, including the Society of American Foresters, the Wildlife Society, the Wilderness Society, and the Nature Conservancy.

Bill Meyer remained active in environmental issues throughout his life. The last time I saw him was when he testified at a congressional hearing on the Vermont wilderness bill, held in Middlebury last summer. There he registered his support for additional wilderness designations. He remained a steward of our public lands as he had been since coming to Vermont in 1940.

Bill's political involvement did not end with his unsuccessful reelection bid in 1960, when he lost to a man who has deservedly accumulated widespread esteem over many years of distinguished service, Robert Stafford. Bill ran again for office several times, either as a Democrat or as the nominee of a third party he helped to found in Vermont, the Liberty Union party.

He was sometimes called a gadfly during those years, but it was generally understood that his participation in the political process was far more important than that. He made other politicians of both major parties uncomfortable. Anybody who has ever participated in a debate with Bill Meyer will testify to that. He made sure that nobody glossed over the big and difficult issues—protection of our planet from the dangers of both war and of environmental degradation. He made sure that other politicians did not skirt the important issues with hollow platitudes. In doing so, he helped define the issues, which have had to be faced in a no-nonsense way, by a great many other people who have run for office in the State of Vermont.

A conscience can be irritating at times, but it is generally appreciated in the long run. Bill Meyer has been appreciated in the long run.

When he died unexpectedly in December, he left his wife, Bertha Meyer; a daughter, Mrs. Kristin Warner of Farmville, Va.; two sons, William Meyer of South Burlington, Vt., and Karl Meyer of Chicago, Ill.; and 10 grandchildren. He also left a significant void among those of us who truly care about our State and Nation. He is missed.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I am pleased to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I was saddened to learn of the passing of our former colleague, William Meyer, of Vermont.

Bill Meyer and I arrived in Washington together in 1959 as freshman Members of the 86th Congress. Of all the Members of that freshman class, Bill probably was the only one with instant notoriety, inasmuch as he was the first Democrat elected to the House of Representatives from Vermont since Civil War days.

During the 2 years in which Bill served in the House, he was outspoken on behalf of the causes in which he deeply believed. Bill and I were among the few Members at that time who called for an end to peacetime military conscription. Bill also believed that the United States and mainland China should establish diplomatic relations. Above all, however, Bill was devoted to the cause of peace and to an end to the testing and building of nuclear weapons. It was said of Bill that he was ahead of his times. Yet, he lived to see much of what he stood for come to pass.

Mr. Speaker, Bill was a man of great courage conviction, and integrity. I want to extend my deepest sympathies to his wife, Bertha, and to his family. At this time, I would also like to include in the RECORD an interview with Bill Meyer which was published last January in the Vermont Vanguard Press.

[From the Vermont Vanguard Press, Jan. 8-15, 1984]

AHEAD OF HIS TIME—AN INTERVIEW WITH THE LATE BILL MEYER

When "Big" Bill Meyer of West Rupert passed away last month an almost forgotten chapter of Vermont politics was resurrected. Twenty-five years ago Meyer shocked the political experts by winning the race for Vermont's lone seat in the U.S. House of Representatives. He was the first Democrat Vermonters sent to Congress in over a century, and when he got there he established a legacy in two years that has outlived the man.

How did he get elected? His contemporaries attribute it to the "bloody" Republican primary that year and the fact that Bill Meyer projected a conservative image. Had the voters listened more closely to what he was saying, he might never have made it.

Once he got to Washington Meyer was quickly labeled a radical by his opponents. Twenty-five years later his views seem more reasonable than radical. He advocated diplomatic relations with Red China, opposed President Eisenhower's decision to send the Marines to Beirut, advocated nuclear disarmament and opposed the peacetime draft.

Meyer was defeated in his bid for re-election by Robert Stafford. Meyer's supporters say Stafford stooped to employing red-baiting tactics in his successful bid to unseat Meyer.

The tall Vermont forester went home to West Rupert and spent a quiet decade tending to the many varieties of trees he cultivated and enjoying the companionship of his wife Bertha.

But after a decade, Bill Meyer came back, briefly. Along with Peter Diamondstone and Dennis Morrisseau he founded the Liberty Union party and ran unsuccessfully for the U.S. Senate.

Bill Meyer died last month from a sudden and massive heart attack. His wife Bertha says, "It happened suddenly. We were both laughing, sharing a joke between us. One moment he was laughing, then his chin sank to his chest. For him it was a good way to go."

Last August Meyer granted his last interview to Dartmouth College Professor John Lamperti.

Lamperti: How did you get started in politics?

Meyer: I grew up in Pennsylvania, studied agriculture and forestry at Penn State University and came up here in 1940 with the U.S. Department of Agriculture to work with farmers in Vermont. I always had some political interests, but my starting point for getting personally involved was when Presi-

dent Eisenhower cleared Richard Nixon to be his running mate again in 1956. I knew that Nixon had actually favored the use of nuclear weapons in the Vietnam area, and I said to Bertha, Mrs. Meyer, that we should finally get directly involved. A Democratic caucus was getting organized for the first time in the town of Rupert, and I said "Let's go to the caucus." That's how I got involved. It was primarily because I thought that with Nixon as vice-president again and with his views on nuclear warfare, the citizen couldn't stay out of politics any longer.

Lamperti: How did you come to run for Congress?

Meyer: In 1958 I decided to try to get my ideas across with reference to military spending, the cold war, nuclear armaments, the draft, conservation and natural resources, and many other domestic issues. So I thought running for office would be a fine way of speaking with the people of Vermont and trying to get them more interested in what I thought should be done.

Lamperti: How did you get the nomination? Did you have support from the state party?

Meyer: By a strange coincidence, Fred Fayette and I both announced for the Senate in '58 at almost the same time. I chose the Senate because I thought that was the major area where foreign policy would be discussed. It created a little consternation in Democratic circles when two candidates announced early for the same office, because they normally didn't have contested primaries and very often didn't have candidates at all until their convention. A number of people who thought it was for the good of the party asked me, being the politically less experienced person, to switch over and run for the House of Representatives. At first I didn't want to, but finally I decided I should make that move. Because I did it and compromised, and because quite a few of the Democrats liked me, they nominated me at the convention. I was acceptable to all the different elements—basically, I guess, because I hadn't antagonized anyone yet. I was too young and hadn't been in the battles.

Lamperti: Without doubting your appeal as a candidate, how did you win? Democrats usually didn't have much chance in Vermont.

Meyer: Certainly the divisive Republican primary was a factor. The primary was won by former Governor Arthur, and it helped my chances because a lot of his opponents and other Republicans found me more acceptable and supported me. I think it helped that I didn't have any real enemies or hadn't caused any real problems up to that time. Also, I had been campaigning a long time and had gone around and seen newspaper editors and publishers long before the primary. I didn't particular think I was going to win the election, but I felt that if I was in anything I wanted to do as good a job as I could. One big thing often overlooked is that we were having a recession, almost a depression, in 1958, and my economic program appealed to a lot of the ordinary people in Vermont. As weeks and months went along I got a lot of support that wouldn't have been expected otherwise.

Lamperti: What were you telling people during the campaign?

Meyer: I was not a single-issue candidate. I spoke about economic problems, about natural resource problems; I spoke on education and social problems. But I did mention as the major question of our time the prevention of war and the conversion of some of our energies toward the ordinary functions of government: providing the services and the good things that government normally would furnish for the people.

The major points I made were that we had to spend less of our money for military operations and more for other kinds of operations, and that it was important to stop nuclear testing because it was harmful to the lives of the people of our country. To accomplish these purposes I said we had to have a United Nations that was universal in scope and it was important that such a large nation as China should be in the UN where everybody could speak together.

I think that because this was such a controversial issue the press seized upon it and perhaps made it the key point of my campaign. It was really only one of many important things. I also said it was extremely important to be able to trade among all the nations and to get our surplus farm production going to countries elsewhere in the world. This was in our interest as well as in the interest of the people who needed that food.

Lamperti: Obviously people were willing to listen to these ideas since you did win the election!

Meyer: There were a very large number of Vermonters who thought the problems of the Cold War had to be resolved, and it was possible to appeal to people of this type if one approached them with a reasonable program.

Lamperti: Let's turn to when you actually started serving in Congress. One of the earliest things I'm aware of is that in February, 1959 you were one of 22 representatives who voted against extending the draft.

Meyer: That was an important issue and I had strong reasons for acting as I did. I have believed most of my life that peacetime conscription is not within the traditions of the United States of America, that it is wrong to raise a defense force through forced conscription. That happens to be a deep conviction of mine, perhaps partly because some of my ancestors came to this country in order to avoid military conscription in Germany. All my life I have heard much criticism of the German military machine founded on peacetime conscription, and I certainly have felt that President George Washington and many of our other early leaders didn't believe in this type of thing. I've always opposed the draft, particularly the peacetime draft, because I don't think it is a proper thing to have.

Lamperti: What were some other issues early in your term where you disagreed with the majority?

Meyer: Another one that came up very soon concerned nuclear armaments. The previous Congress had passed one of those negative bills in which the president could go ahead unless Congress voted to deny him the right, and he could arm nations in Europe or elsewhere with nuclear weapons. I actually ended up leading a fight against this in the Congress of the United States when they sought to arm seven nations with nuclear weapons. Among those who joined with me were conservative Democrats and some Republicans and people who wanted a strong military defense, but who felt that it was foolish to spread nuclear weaponry throughout a good portion of Europe.

Lamperti: I. F. Stone's Weekly wrote that "seven maverick Democratic congressmen challenged nuclear giveaway." That was in July, 1959. You were one of the seven, and one of the others was George McGovern. What was the issue at that point?

Meyer: The issue was implementing those agreements to provide nuclear arms to countries in Europe. Those who opposed the agreements weren't all rookie congressmen. For instance Sen. Hubert Humphrey was originally being relied on to lead the battle against this project. For some reason, because he was busy and because I had the most to say about it, several senators as well as members of the House more or less thrust the leadership upon me. I got a few individuals, like Charlie Bennett who was a conservative from Florida—well, actually Charlie said to me, "You young liberals wouldn't want a fellow like me to work with you, would you?" I said "We'd be proud to have you help us." And so he did and that's the way it went. Underneath there were quite a few who really helped us. In fact, I wouldn't have gotten a rule to do what I did on the House floor except that conservative Democrats like William Colmar of Mississippi and Judge Smith from Virginia on the House Rules Committee heard the arguments that I advanced and treated me pretty nicely and made the rule. The uneasiness in the Congress of the United States was much more apparent to me than it was evident to the press or to the people of the country. A lot of thinking congressmen wondered about going ahead and doing this, spreading nuclear weaponry in other countries.

Lamperti: But not very many actually voted to oppose it?

Meyer: That's the sad story. Very often things aren't popular at a given time and almost everybody shies away from voting for it. When I tried to get us to make agreements to give up testing nuclear weapons, there wasn't much support at all. I was called disloyal to the country or disloyal to the Democratic Party. The funny thing is that eventually these leaders in Congress and in the country began to see the light, and when they recommended doing something, a treaty banning nuclear testing was put through with overwhelming favorable votes. This was after my term in office. The Congress flipflopped almost overnight.

Lamperti: Let me change the subject a bit. It was just at the start of your term that the revolution in Cuba succeeded and Fidel Castro came to power. I remember that for a short time Castro was a popular hero in the United States and people thought that maybe this revolution was OK. But very quickly the U.S. became hostile to the Cuban revolution. What was going on in Congress concerning that?

Meyer: I remember a House Foreign Affairs Committee meeting when our Ambassador to Cuba, Mr. Bonsall, came and testified that he thought Castro was a pretty good man for Cuba, and that he would be a person the United States could get along with. I think it was an unfortunate thing, a missed opportunity, that the United States didn't immediately develop a friendly relationship with Cuba and maybe help to get them going in the direction we would like to see them go. We might have prevented a lot of the trouble that occurred later.

Lamperti: What do you think were the main reasons the relationship soured so quickly?

Meyer: I think the first think probably was the fear of some large corporations who had much of their financial well-being at stake in Cuba. Perhaps their fears were justified, but what was good for those corporations wasn't necessarily good for the United States and its people. I feel that may have been the major stumbling block. I also be-

lieve that if we had gone along in a friendly way even those corporations would have come out pretty well. The American people all would have made out better than they have made out, insofar as our relations with Cuba and Latin America ever since are concerned.

Lamperti: In March, 1960 President Eisenhower gave the CIA the go-ahead to recruit and train anti-Castro Cubans for sabotage and terrorism. A little later, in July, Eisenhower started using our long-standing agreement to buy sugar as a political weapon against Cuba. Here's what I. E. Stone had to say about that: "Not a single vote was cast against the proposition of letting the president use sugar for economic war. Only Meyer of Vermont interjected the hope at the end that we were not going to see a new Hungary in Cuba. . . . A Congress blinded by anti-Communism seemed intent on pushing Castro further into the arms of the Soviet bloc." Why didn't anyone else in Congress try to do anything about all this? Why did things go on that way?

Meyer: There were some economics involved, between American sugar companies in Cuba itself and here in this country. Also, Congress was in the middle of a debate for a relatively early adjournment, or at least for some kind of a pause for the convention at that time. So the leadership of the House was trying to get that issue covered. Jimmy Roosevelt of California supported me and gave me a few ideas on this, and some others were interested, but I didn't ever get to say in debate what I wanted to say.

There is an interesting story about that. When I got up and objected, Dick Bolling of Missouri, who later served on the Rules Committee—he was one of the men who worked for the Speaker and helped him carry out the leadership duties of the House—Bolling came up to me and said, "Bill, what would persuade you to not put in a formal objection?" (I think it was to the suspension of the rules.) "We want to get out of here, and so what would you do?"

Harold Cooley, the chairman of the Agriculture Committee spoke with me, and he agreed with me in many ways, but he felt the same pressure. So I told them that I knew what the situation was, and the main thing I wanted to do was put into the record some of the facts and some of the things that the people should know in this area. So Dick Bolling asked if my objection would be met if they guaranteed me enough time to speak. Otherwise you're only allotted a little time, and I could hardly get more than a minute with the old juggernaut rolling. Instead, they promised to give me enough time to speak, document my objection, and put it in the Congressional Record. So I said I'd compromise and agree. Then Bolling went back and talked to Speaker Rayburn and the leadership, and he came back to me and said, "It's cleared. You'll have all the time you want to explain and document your position." I could call on others to speak too.

Well, the session went on and others got up and were granted a minute or so and put their remarks into the Record. Then I got up to speak, and Charlie Halleck, who was the Republican leader, got up and objected on technical grounds to me speaking at length. I was ruled out of order and deprived of what I had fought for and been promised—sufficient time to set the record straight and have some embarrassing truths recorded for posterity. I went up to Dick Bolling right after and I said, "You fellows promised me that I would have time to speak." Bolling said to me, "I was only promising for the Speaker and the Democratic leadership. I couldn't tell what the Republican leadership would do."

With absolute conviction, I say that this was trickery and that I was misled, and through this deception the record was never documented. This has never been brought out. What I was going to say was much more conclusive than what is in I. F. Stone's report, but I never could say it. I was duped.

Lamperti: Tell me what you would have discussed if you'd had the chance.

Meyer: It's hard to give a good answer without referring to some records; this was quite a while ago. But I wanted to show that we could have had better relations with Cuba. That [cutting the U.S. sugar purchases] wasn't necessarily best for the American people, that it was being pushed through too fast, and that as usual we were guided more by our fear or by the welfare of some big interests than by the welfare of the American people as a whole.

Lamperti: What were some of the other foreign policy high spots while you were in the Congress?

Meyer: Well, there was the U-2 incident [A US spy plane was shot down deep inside the Soviet Union, which led to the cancellation of a planned US/USSR summit conference.] That would almost have been a comedy of errors if it wasn't so tragic. The administration didn't know what to do about it after Powers [the U-2 pilot] was shot down. All their planning had gone wrong. Even President Eisenhower himself didn't know what to say, and conflicting reports were coming out. I think that Nikita Khruschev more than many Soviet leaders really did want to find a way to better relations, and I think it had been a mistake on our part to have those overflights. The entire incident showed how plans can go astray and opportunities to resolve issues may be lost.

Lamperti: You said earlier that you campaigned partly on economic issues. What were some of these issues which were debated while you were in Congress?

Meyer: Some economic issues were closely related to the Cold War. Our problems related to agriculture were all exacerbated by the fact that we weren't trading or having good relations with much of the rest of the world, including hundreds of millions of people who wanted and badly needed our agricultural production. We wouldn't have had nearly the problem we did with surplus farm production if this policy had been changed. As proof of this, today much of the positive side in our balance of trade comes from the sale of agricultural commodities to many countries around the world. Unfortunately, other things complicated farm conditions and we still don't have the proper balance of production, supply and demand in agriculture that we should have.

Another important economic issue was the Landrum-Griffin Bill, which involved a struggle over the union shop. The term "right-to-work" was a misnomer. I think the Landrum-Griffin solution was not a particularly good one.

Lamperti: Tell us something about the atmosphere in Washington in those days. The period of McCarthyism hadn't been over long when you went there; maybe it wasn't over at all. There you were speaking out against a number of military measures like the draft, and favoring recognition of China and so on. Did you ever feel under suspicion because you were not sounding anti-Communist enough?

Meyer: McCarthyism was dying, but I do recall a couple of incidents which weren't too pleasant. However, the aftermath was pleasing. There was a southern congressman who at the time of the Cuban sugar bill came up to me and said, "You know, Bill, I think you're just a good, sincere man, but at one time I thought you were maybe Communist hooked, influenced too much by the Communists." Now this southern congressman was influenced too much by alcohol at the time he spoke to me, but he was speaking sincerely and I considered it a pleasant aftermath that he would make this admission. I think on the whole my views were pretty well respected. I don't think there were more than 10 percent of the Congress who really resented much of what I said. There were many more who respected what I said and spoke out about it, both siding with me in debate and on a personal basis. In that respect my experience was very good.

Lamperti: I'm sorry to come to this next question, Bill. You did run for reelection in 1960, and you were nominated again by the Democratic Party but lost in the general election. Why? Do you think the people weren't ready to go along with the stands you took?

Meyer: I was not a good enough politician, that was one reason I lost. Another reason was in the tide of events, since my winning in 1958 depended on favorable circumstances. Also, as I mentioned earlier, in 1958 I hadn't had a chance to make enemies, but by 1960 I had made some enemies and also had aroused some people who did oppose my ideas on issues. Moreover, the factor of jealousy entered in even within the Democratic Party.

I will say that I have never really been what is known as a good politician. Perhaps I could have been more sensible in some ways, tempered some of my ideas and been a little more compromising, but I'm not particularly sorry for what I did. In fact, I'm quite glad for doing certain things and proud of the fact I did do them.

Lamperti: Bill, it seems to me that the positions you took were sensible and practical—I wouldn't consider them radical, just commonsense things that we should have been doing. And yet you were often in a very small minority. How do you account for that?

Meyer: Here's one example. Quite a few years later President Nixon took the initiative in having relations with Communist China and ever since has made a great deal over what he did. I remember that Ken Harding, who was a paid leader of the Democratic Congressional Campaign Committee, once said to me, "Bill, your ideas on Red China are probably sound, but the facts of life in politics are such that probably no Democrat can ever take the real leadership on that issue. Probably a Republican will have to take the ball and carry it on that issue, because otherwise the Republican conservative wing will always be charging the Democrats with being soft on Communists." And that's what actually happened. The same thing was true with respect to other issues.

Bertha Meyer: Bill was generally accepted very well by most of his colleagues in the House, because he has a rather nice nature. But how many of them told you, Bill, that they wanted to be with you but were worried about their constituents—they didn't think they'd be reelected?

Meyer: One of those was Frank Kowalski from Connecticut. Once Frank came up to

me on the floor of the House and said, "Bill, as a matter of conscience I believe I should get up and support you." I said, "Frank, I know and I appreciate that. I'm not saying do what you need to do to get reelected, but you've done so many good things here, I don't want you to feel you have to support me, and then be defeated immediately. I wouldn't ask anybody to do that. As far as I'm concerned, don't feel you have an obligation to support."

On the very last day we were in session, Sam Rayburn came over and sat next to me on the floor. He put his hand on my knee and said, "Bill, you go home and get reelected and then come back, and you're going to be a leader." I didn't come back.

Lamperti: Bill, thanks very much for putting up with all this.

Meyer: I didn't put up with anything. I like to talk.

Bertha Meyer: It's getting worse as the years go by!

Mr. Speaker, I would like to say that on my way over here I was talking to the gentleman from Florida (Mr. BENNETT). He indicated that he was favorably mentioned in the article I just referred to and the gentleman from Florida said, "Please indicate for me that I thought that Bill Meyer was a great American."

Indeed, it is fitting that today we should memorialize his memory, even as the House will a bit later this afternoon honor the memory of another marvelous American, the great Clarence Mitchell.

● Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in paying tribute to William Meyer, who passed away on December 16, 1983, in Vermont.

I had the pleasure and privilege of serving with Bill Meyer during the 86th Congress. I knew him to be a man of high integrity, deep personal conviction, and sound judgment. His liberal views and outspoken manner set him apart from many Members of the House during the late 1950's. He shocked not only Vermonters, but Americans all over the country, by calling for meaningful steps to be taken to stop the proliferation of nuclear weapons, for a move toward nuclear disarmament and an end to the peacetime draft. His displeasure with the Eisenhower administration's decision to send U.S. Marines to Beirut was no secret; he was a man who said what he believed without considering the long-term political consequences of his statements.

Although his tenure in the House was brief, I know he is well remembered and respected by Members from both sides of the aisle.

I know that the people of Vermont have been saddened by his passing. I extend my deepest sympathy to the entire Meyer family.●

● Mr. WHITTEN. Mr. Speaker, today I join with my colleagues to express deep sorrow at the passing of a former Member and friend, the Honorable William H. Meyer of Vermont. Although Bill Meyer served in this House for only one term in the 86th Congress, he had a long career of public service. His service to our country began in the Civilian Conservation Corps, extended to a forester, and as a consultant to the Department of the Interior. His service to this institution was sincere and he contributed greatly. We express our sorrow to his family and friends. We will all miss him deeply.●

TRADE REFORM MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURTHA) is recognized for 60 minutes.

● Mr. MURTHA. Mr. Speaker, on October 7 last year, five of my colleagues and myself introduced H.R. 4124, the Comprehensive Trade Law Reform Act of 1983, a bipartisan set of proposals designed to provide for thorough revision of U.S. trade laws. Since then, approximately 45 cosponsors have been added and the number is growing.

Today, I would like to report to my colleagues on the progress of the trade reform movement. But first, I would like to direct my colleagues' attention to a number of recent economic events which I believe will frame this debate. Last year the United States incurred a merchandise trade deficit of $69.4 billion and it is expected to be from $100 to $110 billion in 1984.

In less abstract and more human terms this translates into the loss of 1.5 million jobs of American workers last year as a result of the imbalance. Economists estimate that for every billion in the trade deficit about 25,000 jobs are lost.

Mr. Speaker, I can assure you that in my hometown of Johnstown, Pa., which had an average unemployment rate between 18 to 20 percent last year, we could have used 5,000 or 6,000 of those jobs that went to workers in other countries.

It is important to point out that the United States did not lose those 1.5 million jobs strictly on the basis that we are not competitive worldwide. By the end of this special order, I believe that my colleagues in the House will have a better understanding of what American industry is really up against in the world market as the sponsors of H.R. 4124 describe the impact of unfairly traded imports on the industries represented by this coalition which includes chemicals, color televisions, fiber/textile/apparel, footwear, leather goods, metalworking, nonferrous metals, and steel.

Since steel is basic to the economy of my congressional district, I would like to briefly review the recent history of trade and economic developments in the industry which should give some perspective on why there is a need for changes in the trade law as set out in H.R. 4124. Then I will focus on trade reform efforts in the Congress.

In January this year, steel imports took 26 percent of the U.S. market compared with 20.5 percent for 1983 and 15.2 percent in 1979. Employment in the steel industry is 40 percent below what it was 5 years ago. We know from past experience, that steel imports are not necessarily fairly traded. In the aftermath of the 132 trade cases filed by the steel industry in 1982, we have become aware of a variety of unfair trade practices which some of our trading partners have implemented to keep their employment up and their plants running at the expense of our workers and companies. Indeed, the lessons were enlightening—we learned of Government subsidy in the range of 20 to 40 percent, dumping margins ranging from 20 to 30 percent as well as techniques such as industry targeting and abuse of exchange rates.

These trade cases against Europe resulted in an arrangement with the EEC in which they were guaranteed about 5.1 percent of the domestic steel market in certain steel product categories. The result of another set of trade cases in specialty steel resulted in a combination of remedies whereby the industry obtained partial import relief. Both of these efforts were not painless for the industry and its workers. These proceedings took considerable time—from 6 to 9 months—and millions of dollars at a point during the recent recession when the industry should have been allowed to concentrate on recovery instead of trade complaints.

Currently, trade cases are pending against a number of nations including Brazil, Mexico, Korea, Poland, Taiwan, Spain, Argentina, and Czechoslovakia. As this history would suggest, the domestic steel industry has launched a massive self-defense effort as a matter of survival.

The experience with these cases and the trade laws has suggested the need for certain changes and improvements to the process. This brings me to where we stand on these efforts in the House.

House Trade Subcommittee Chairman GIBBONS recently reported out a trade reform bill, H.R. 4784, the Trade Remedies Reform Act of 1984, which, in my judgment, contains a number of substantial improvements in our trade laws. I congratulate Chairman GIBBONS for his attention and action on this vital subject. With respect to this bill, I will state that I favor many of its proposals which I believe are going in the right direction. However, I have concerns about certain provisions and also believe that the legislation does not go far enough compared to the proposals contained in our bill, H.R.

4124, the Comprenhensive Trade Law Reform Act of 1983.

Therefore, it is essential that as the Trade Subcommittee legislation goes to markup in the full committee that a thorough and completely public airing of trade law reform issues and proposals be conducted. I am sure these issues will continue to be studied thoroughly by Chairman GIBBONS and the Ways and Means Committee.

It is clear that widespread support exists both in the private sector and in both Houses of the Congress for strong and comprehensive trade law reform. Accordingly, I urge my colleagues to support and cosponsor H.R. 4124, the Comprehensive Trade Law Reform Act of 1983, as a way to achieve thorough revision of our trade laws. Listed below are the current cosponsors of H.R. 4124 together with an overview of its major provisions.

SUMMARY OF THE COMPREHENSIVE TRADE LAW REFORM ACT OF 1983

Overview—A Comprehensive approach to trade law reform designed to reduce costs and complexity and increase predictability and effectiveness.

TITLE I—REFORM OF ANTIDUMPING AND COUNTERVAILING DUTY STATUTES

Expedites application of provisional remedies in meritorious cases.

Reduces cost of litigation: by placing burden of proof on party in possession of facts; by standardizing disclosure; by eliminating preliminary injury hearings in clearly meritorious cases; and by permitting successful petitioners to recoup litigation costs.

Establishes Small Business International Trade Advocate's office in Department of Commerce.

Clarifies injury standards and places greater emphasis on threat of injury.

Reduces Department of Commerce discretion: to extend deadlines; to suspend investigations without consent of petitioner; to reduce AD or CVD duties (as in the Japanese TV dumping cases); and to revoke outstanding orders.

Clarifies application of statutes to "downstream dumping" and "upstream subsidization" of major inputs.

Clarifies application of CVD statute to targeting practices.

Authorizes suspension of antidumping investigations based on quantitative restraint agreements.

Expands definition of domestic industry to include producers of major components (e.g., TV picture tubes).

Clarifies applicability of offsetting adjustments in determining dumping margins and provides statutory direction with regard to miscellaneous unsettled issues in the administration of the antidumping statute.

TITLE II—ESCAPE CLAUSE (SECTION 201 OF THE 1974 TRADE ACT)

Amends Section 201: by conforming the injury test to GATT standards; by requiring the President to provide the import relief recommended by the ITC unless he makes finding that provision of such relief is not in the national economic interest and the Congress enacts implementing legislation authorizing alternative relief proposed by the President; by providing specific authority to negotiate orderly marketing agreements; by providing standing for producers of significant components irrevocably destined for inclusion in a finished product; by providing for provisional remedies in specified surge situations; and by extending the time-window of relief from 3-5 years to 5-10 years.

TITLE III—ENFORCEMENT OF UNITED STATES RIGHTS (SECTION 301 OF THE 1974 TRADE ACT)

Amends Section 301: to clarify its applicability to foreign industrial targeting practices and "reciprocity"; to establish a targeting monitoring responsibility in the Office of the USTR; to establish procedures for conducting 301 investigations in a manner similar to AD/CVD procedures; to increase the role and responsibility of the "administering authority" (presently USTR) in investigation and decision-making; and to provide for judicial review of determinations by the administering authority.

TITLE IV—PRIVATE REMEDIES

Amends the Revenue Act of 1916: to eliminate criminal sanctions and treble damages and to provide a viable private right of action in the federal courts to recover actual damages for dumping. ITC and Department of Commerce final determinations to be considered prima facie evidence of dumping, thus shifting the burden of proof to defendants. Failure to comply with discovery orders to trigger discretionary injunctive authority by the court to exclude further importation of merchandise.

HOUSE COSPONSORS OF H.R. 4124

John P. Murtha (PA); James T. Broyhill (NC); Joseph M. Gaydos (PA); Carroll A. Campbell, Jr. (SC); John M. Spratt, Jr. (SC); Richard T. Schulze (PA); Tom Bevill (AL); Thomas N. Kindness (OH); Alan B. Mollohan (WV); Joe Kolter (PA); Frank Horton (NY); William J. Hughes (NJ); Henry J. Nowak (NY); Robert A. Roe (NJ); Edward F. Feighan (OH); Katie Hall (IN); Robin Tallon (SC); Bob McEwen (OH); Nick J. Rahall II (WV); Thomas J. Ridge (PA); Carroll Hubbard (KY); Thomas F. Hartnett (SC); James M. Clarke (NC); Charles Whitley (NC); John E. Porter (IL); C. Robin Britt (NC); W. G. Bill Hefner (NC); James H. Quillen (TN); Gus Yatron (PA); Sherwood L. Boehlert (NY); James A. Courter (NJ); Thomas E. Petri (WI); Edward P. Boland (MA); John J. Duncan (TN); William Carney (NY); Douglas Applegate (OH); Samuel S. Stratton (NY); Les Aspin (WI); Lyle Williams (OH); Lynn Martin (IL); Charles Wilson (TX); Ralph Regula (OH); Bernard J. Dwyer (NJ); Matthew J. Rinaldo (NJ); James Shannon (MA); Doug Walgren (PA); William D. Ford (MI); Frank McCloskey (IN).●

● Mr. WALGREN. Mr. Speaker, today, as never before, this Nation needs vigorous enforcement of import restrictions and a closing of the loopholes that allow unfair imports to damage our economy. At this juncture, we should not need to reiterate the demise of the steel industry or the decline in critical American manufacturing sectors and the automobile industry. The continued suffering by American workers from unemployment and the resulting loss of the American dream remains unresolved and sadly must await a President responsive to the special needs of the displaced.

The lax enforcement of antidumping, countervailing duty and other trade laws continue.

While the United States runs headlong toward the other deficit—the projected $100 billion trade deficit for 1984—we need a thorough reform of our trade laws to address the many problems brought on by the way this administration has chosen to do business. The Comprehensive Trade Law Reform Act of 1983, H.R. 4124, is our best hope in this Congress to meet the problem of trade law enforcement.

The intent of this measure is to provide constructive changes to improve the administration of existing laws. Among the key provisions of the bill are the following:

Reducing the costs and data requirements for petitioners;

Shortening the time it now takes to obtain relief in antidumping and countervailing duty cases;

Attempting to deal with the problem of downstream dumping;

Securing uniformity by reducing administrative discretion in antidumping and countervailing duty proceedings;

Modifying section 301 to enable the United States to take effective action against foreign governments that engage in industrial targeting;

Removing section 301 proceedings from politics by placing such investigations in an administrative agency and subjecting them to judicial review;

Reducing the injury causation test under section 201, the so-called escape clause, so that this test is no more severe than the standard required under GATT; and

Requiring Congress to approve any departures by the President from recommendations for import relief by the International Trade Commission.

Mr. Speaker, I urge my colleagues here in the House to take a closer look at this important bill and the provisions highlighted above and to carefully consider supporting this measure. This country's trade enforcement problems are very real, and we owe it to each of our constituents to protect their jobs and their families from unfair foreign imports.●

● Mr. CAMPBELL. Mr. Speaker, on October 6, 1983, I joined with five of my colleagues in introducing H.R. 4124, the Comprehensive Trade Law Reform Act of 1983. Since that time, the sponsorship of this important measure has grown to 50, and we are most hopeful that other Members of the House will join us.

H.R. 4124 is a vitally needed piece of legislation that addresses our efforts to deal with unfair trade practices. It is the only bill now before Congress that is broad in scope, providing comprehensive reform in four major areas of U.S. trade laws:

First, antidumping and countervailing duty;

Second, section 201, the so-called escape clause;

Third, section 301, the unfair trade remedy tool; and

Fourth, the Revenue Act of 1916 which provides private remedies for dumping.

Taken in total, these reforms are designed to make the petition process and the granting of relief under our trade remedy laws less complex, less expensive, and less arbitrary, yet more expeditious, more certain, more fair, and more effective for all petitioners.

If we had had this legislation in place in 1983, for instance, the textile/apparel industry would have won a major dumping case against Korea, and some 80 million square yards equivalent of lightweight polyester filament would not have been unfairly imported into this country. To an industry that is reeling from imports, and to the people who are losing their jobs to these unfair imports, H.R. 4124 is a vital bill.

I am mindful, Mr. Speaker, that the Trade Subcommittee of the Ways and Means Committee has reported to the full committee a trade reform bill and I congratulate the chairman of the subcommittee, Mr. GIBBONS, and his colleagues for their efforts. However, the proposal is much narrower in scope than the bill which we have introduced, limiting reforms to the antidumping and countervailing duty provisions of our law. I would hope that the full committee and the entire House would be receptive to a much broader approach.

Mr. Speaker, last year the United States experienced a record trade deficit of $70 billion and that deficit is expected to reach $100 billion in 1984. In the face of these record deficits, America's vital basic industries, including textiles and apparel, which are so important to my district, are declining. One important way of helping to stem this tide would be for Congress to enact broad reform of our laws governing fair trade practices. I commend to my colleagues the Comprehensive Trade Law Reform Act of 1984 and urge that they join us as cosponsors.●

● Mr. BROYHILL. Mr. Speaker, there is widespread belief that revision of the current trade law is overdue. With that in mind, five of my colleagues and myself, on October 6, 1983, introduced the Comprehensive Trade Law Reform Act of 1983, H.R. 4124.

This bill is designed to reduce the burden on small businesses and those unfamiliar with the legal and administrative procedures used in trade law cases. This bill proposes a variety of reforms in current law and establishes an office to help small businesses cope with the problems of unfair trade.

The Comprehensive Trade Law Reform Act of 1983 would provide needed change in four basic laws governing trade practices: the antidumping and countervailing duty statutes, as well as the so-called escape clause provision contained in section 201 of the Trade Act of 1974, the unfair trade remedy tool contained in section 301, and the Revenue Act of 1916 which provides private remedies for dumping.

Mr. Speaker, this legislation is supported by the Trade Reform Action Coalition (TRAC), probably the largest coalition ever assembled in support of a comprehensive package of trade law reform. TRAC is composed of U.S. companies, trade associations, and unions which account for between $250 and $300 billion in annual sales and some 4 million workers. Some of the major industries involved include chemicals, television, footwear, leather goods, steel, and the textile industry, which is so vital to my district and my State.

Inadequate trade law enforcement and inadequate trade laws have been a major factor in contributing to rising unemployment, increasing our trade deficit and allowing unfair foreign competition to cause serious injury to the American manufacturing base. This bill would correct many of these problems, and I urge my colleagues to join us in its cosponsorship.●

THE LATE HONORABLE CLARENCE M. MITCHELL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. LONG) is recognized for 60 minutes.

Mr. LONG of Maryland. Mr. Speaker, I thank the Chair.

This special order is called to honor the memory of a great American, Clarence Mitchell, Jr., who was taken from us 9 days ago. As his friend and senior member of the Maryland delegation and as one who has sat in this Chamber for 22 years, I wish very much to remember the words and deeds of Clarence Mitchell, Jr.

Often referred to as the 101st Senator or the 436th Congressman, Clarence Mitchell, Jr., led the Washington office of the NAACP for almost 30 years. He was instrumental in securing the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, all of which I am glad to say I voted for at a time when such votes were far from easy to cast. In fact, in my first reelection, civil rights was the issue in my campaign and I am very proud of my district that they rejected the kind of demagoguery that was made possible for the fellow who ran against me on that issue to come in second over a machine candidate, so it was a very hot issue at that time.

□ 1500

I am glad I had the courage, although I often had a few timid moments, to stand up for it and vote the right way, with Clarence Mitchell's help and counsel.

He has given us a great legacy. Perhaps the most important is his consistency and action based on principle. Throughout the turbulent periods of our history, from the order of President Truman to desegregate the Armed Forces, through Brown against the Board of Education in 1954, and into the civil rights revolution in the 1960s, Clarence Mitchell, Jr., stood consistent and persistent for human dignity and civil rights. He was not afraid of direct action. He took it when necessary. But he knew the value of law and respected it.

He leaves behind him a legacy of principle, but also a family which is perhaps one of the first families among the distinguished families of America.

And he was a wise man, a courageous man, a good man, a loyal man, a man who, of all of the people I have known, stands in the first ranks of those I have been proud to know and to call my friend.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I am glad to yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I, as millions of others, are deeply saddened by the death of America's "101st Senator," Clarence Mitchell. He was a great civil rights activist, and the brother of my colleague and good friend, PARREN MITCHELL.

For over half a century Clarence Mitchell lobbied so long and effectively in Washington for civil rights on behalf of the National Association for the Advancement of Colored People that his name became synonymous with civil rights legislation. The Washington bureau of the NAACP, under Clarence's leadership, was a key factor in the passage of all of the civil rights legislation of the 1960's and has continually maintained its posture as an effective national defender of the rights of blacks. Clarence, for his work, received the Medal of Freedom, the highest civilian honor, from President Carter. He also was awarded the Spigarn Medal from the NAACP for his great contributions. President Gerald Ford named Clarence as part of a U.S. delegation to the United Nations.

Clarence Mitchell will be remembered most for his accomplishments on behalf of civil rights because through his work the lives of many Americans were improved. During hearings held on the extension of the Voting Rights Act in 1970, Clarence sought to reinstate the government's power to veto allegedly discriminatory voting laws in the South. At the time, an amendment had been proposed to the law which would have curbed the

Government's veto power, a policy which would have significantly reduced pressure on these States to conform to federally approved voting guidelines. Clarence Mitchell was wise to all these attempts to water down vital civil rights legislation. He made it clear to every legislator that the issues involved were of central importance to protect a democracy for all, not just for some.

As a result of Clarence Mitchell's effort to secure this act, almost 900,000 black voters were registered in the South with a guarantee of enforcement from the Attorney General's office of the Federal Government.

But Clarence Mitchell did not just apply himself to legislation and courtroom measures. He spoke out against discrimination wherever it existed. He planned and directed the drive to bring about fair employment practices for Government employees. His testimony before a civil service commission on racial discrimination in post offices brought about sweeping reforms as a result.

Clarence Mitchell left his imprint on America. As a result of his work, millions of Americans enjoy the fuller rights democracy affords us. Today, as we mourn the loss of a great spokesman and leader, we must take up where he left off and guarantee that the gains that have been made will not be lost.

Our hearts and our prayers are with this man and his family.

Ms. MIKULSKI. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to my distinguished colleague from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I thank the gentleman from Maryland for joining in this special order today and I join in honoring the memory of the late Clarence Mitchell, Jr.

I would like to draw the attention of my colleagues in the House and the men and women who are visiting around the country to the distinguished Mitchell family. Clarence Mitchell, Jr.'s sons, grandsons, other relatives, and his beloved wife, Juanita Jackson Mitchell, a distinguished lawyer and civil rights leader in her own right, are with us today.

The SPEAKER pro tempore. Would the gentlewoman from Maryland recognize the rule she cannot refer to any person in the gallery in making her remarks, please.

Ms. MIKULSKI. I apologize for breaking the House Rules, but in recognizing Clarence Mitchell, Jr., a little civil disobedience never hurt any institution.

His efforts on behalf of the civil rights movement led our country forward in the struggle against racism and bigotry, and it was his leadership and determination that led to the passage of the Civil Rights Act of 1957, the Civil Rights Act of 1960, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Clarence Mitchell, Jr., was responsible for passing more legislation in the House and the Senate than many of us here today. But, in addition to his legislative record, he was also a wonderful family man. Mrs. Juanita Jackson Mitchell was from a family that kept a tight rein on their daughters and very often Clarence Mitchell, Jr., said that when he tried to get into the Jackson household, that Jackson household did not allow the mixing of boys and books. And Clarence Mitchell, Jr., said the way he got into the Jackson household to court Juanita was to pass as a book.

There are many other fine words that could be said about Mr. Mitchell, but I would like to conclude my remarks by including an article from the Baltimore Sun paper by Mr. Denton L. Watson, director of the public relations section of the NAACP. Mr. Watson is working on a biography of Mr. Mitchell. His article sums up Mr. Mitchell's contributions in a most succinct and eloquent manner, far better than I can do.

THE 101ST SENATOR

(By Denton L. Watson)

Clarence Mitchell, Jr., was one of a kind. He rose above humble beginnings and society's racial caste system and became a monument to the goal of extending the full rights and protection of the Constitution to every American, regardless of race, color, creed or sex. Few people in the nation's history have contributed as much as he to changing fundamental relationships among groups of people through the passage of laws and the development of effective administrative remedies.

His professional calling card classed him as a civil rights lobbyist—something he perfected into an art. So much so, that he was recognized by the most powerful lawmakers in Washington and by presidents, from Roosevelt to Carter, as a force to be reckoned with in civil rights. He earned the unprecedented honor of being called the "101st U.S. Senator."

He is best known for his leadership in devising strategies that led to the passage of the Civil Rights Act of 1957, the Civil Rights Act of 1960, the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. Working closely with his stalwart supporter Joseph Rauh, a liberal Washington lawyer and co-founder of Americans for Democratic Action, and his faithful lieutenant, Francis Pohlhaus, the NAACP Washington bureau's counsel, Mr. Mitchell carefully crafted the wording of those laws or crucial segments and had them introduced in Congress for consideration.

This was a delicate process, one which he enjoyed immensely. It required sound knowledge of important committee chairmen and members, mastery of parliamentary procedure and a proper sense of timing. Above all, he learned early how to count votes.

Success in passing these measures may have been sufficient for most mortals. But Mr. Mitchell was no ordinary person. The record of his work in Washington between 1940 and 1978 documents his many other historical concerns. Most of that time, beginning in 1950, he served as director of the NAACP Washington Bureau and as legislative chairman of the Leadership Conference on Civil Rights.

He was a dogged foe of racism and bigotry in every form. His basic tools were the Constitution and the law. Little if any permanent progress in racial attitudes, he believed, could be made unless protections for individual freedoms and rights were codified into law or appropriate regulations and signed commitments.

He maintained that "when you have a law, you have an instrument that will work for you permanently." This, essentially was the basic difference between Mr. Mitchell and most of the other civil rights leaders. For example, he was aided by massive nonviolent demonstrations led by other civil rights leaders. He welcomed the dramatic impact of those activities in molding a national civil rights consensus.

He understood, though, that "when you branch out on a separate line of direct action, you may wind up with nothing." Thus, he remained the persevering and ever-present advocate on Capitol Hill, single-mindedly pursuing his mission.

His contribution to the civil rights movement was to ensure that other leaders would wind up with something after the emotional outpourings had ended.

Even though his most visible contributions were the civil rights laws, he was also well known in Washington as a major force seeking fundamental reforms in every area of government.

His watchword was that "people will do right if you show them what is right." People were what mattered to him. "I always try hard to see the other fellow's point of view," he once explained. "If I can't win them over, then I try to neutralize them. I have found that there are many members of Congress who can't be written off as hopeless on civil rights. It's true some Southern members show some hostility, but there are also many who see the justice and necessity of civil rights legislation."

Another key to his success was his integrity. He never betrayed a confidence. He was also willing to allow others to take credit for his work. Thus he often won the quiet support of lawmakers with conservative constituencies. They trusted him not to undermine them. He was blunt and outspoken. Everyone knew where he stood with him.

His intimate knowledge of parliamentary rules was another aspect of his strength. Tired of being outmaneuvered by wily Southerners in Congress early in his career, he quickly became as expert as they were on those rules.

"The only leverage I had," he explained, "was my persistence and logic and belief in the importance of taking some action" that was right. He dealt with people of power, like Lyndon Johnson, whom he regarded as America's greatest president. "I always started with the premise that these were people who wanted what I wanted," he said. "I talked to them man to man, and I found them receptive."

His greatest source of strength was his family. Unlike many other great men. Mr. Mitchell had no special model outside his immediate family. He had deep admiration for people like Walter White, the NAACP executive secretary who added him to his staff in 1946, and Charles Hamilton Houston, the Association's first special counsel

who established the basic strategy that led to the Supreme Court's landmark judgment in the 1954 Brown school desegregation case.

His guiding star was his mother Elsie Davis, who gave him the love and sense of his personal worth that steered him through life. His father Clarence, Sr., was the faithful breadwinner who held the family together working as a musician and as a waiter at Baltimore's old Rennert Hotel and in Annapolis.

In later life, the dedication and love of his first and only love, Juanita Jackson, became the unyielding rock by his side. A leader in her own right, she accommodated herself to a secondary role in the family so that her Clarence could fulfill his mission. Her mother, Lillie Carroll Jackson, during courtship and early marriage was another critical influence on his development. She taught him the importance of forgetting self in the interest of serving humanity.

His Medal of Freedom, awarded by President Carter on June 9, 1980, is an eloquent emblem of the legacy he has left his family, his beloved city Baltimore and the nation:

"His brilliant advocacy helped translate into law the protest and aspirations of millions consigned too long to second-class citizenship. The hard-won fruits of his labors have made America a better and stronger nation."

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the distinguished gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I thank the gentleman for yielding.

The death of our dear friend, Clarence Mitchell, takes from us one of the most generous and thoughtful human beings whom I have ever known. It became my privilege to have worked closely with Clarence Mitchell first as a member of the House Judiciary Committee and later as its chairman. And from that vantage point my respect, my admiration, and my affection for Clarence Mitchell as a man and as a servant of the people grew and grew.

Clarence Mitchell dedicated a lifetime to the struggle for equality and justice. As much as any one person, he was the personification of the civil rights movement in America.

We came to know him well as the NAACP's man in Washington and as a driving force of the Leadership Conference on Civil Rights, a coalition that he helped found. Through the difficult and sometimes bitter legislative struggles of the 1960's, Clarence Mitchell was always at hand, reconciling differences with patient negotiation, persuading the skeptical with lucid reasoning. His contributions to the passage of the historic civil rights laws of this era are immeasurable. So much was he present amongst us on Capitol Hill that he became known as the 101st Senator. He indeed was one of us.

From early in his life, Clarence Mitchell knew the value of direct action in the march toward equal justice and equal opportunity. Yes, he carried picket signs, and he was arrested, and he suffered cruel indignities. But his greatest strength was at the conference table where he argued forcefully, tirelessly and always with good will to transform the promises of our Constitution into reality. He was unwavering in his belief that our system of Government and our institutions could right the wrongs in our society and preserve equal justice for all under law.

For his service and dedication, Clarence Mitchell received many honors and awards, including the Presidential Medal of Freedom, our Nation's highest civilian honor, which President Carter bestowed on him. Clarence Mitchell never sought the limelight. He worked instead with quite determination to uproot injustice and to weave equal rights for the persecuted and the abused into the abused into the fabric of our society. For this, we are a richer nation.

Mr. Speaker, I offer my condolences to Clarence Mitchell's family at this time of their great sorrow. I hope it is of some consolation for them to know that history will always remember him as one of our greatest champions of freedom and justice; that he has the lasting respect of his fellow Americans, black and white; and that his courage and integrity and dedication will serve as an inspiration for generations to come.

Clarence Mitchell was a great leader; he was a great American.

Mr. LELAND. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the distinguished gentleman from Texas (Mr. LELAND).

Mr. LELAND. I would like to thank also the gentleman for bringing this matter before us today. I think the gentleman shows tremendous respect for the person whom we honor today.

I also would like to join with the gentlewoman from Maryland in her civil disobedience in recognizing the presence of the family of Mr. Mitchell, and appreciate their presence because this is the body that was loved most by this man whom we honor today.

Mr. Speaker, history has a way of making great demands on men and women. Great men and women have a way of responding to history's demands. Clarence M. Mitchell, Jr., met the demands of history by addressing the needs of society.

In his quiet and persuasive manner, Clarence M. Mitchell, Jr., helped to bring our Nation through the dark days of Jim Crowism and de jure segregation. When the Nation's attention was drawn to the public figures of the civil rights movement, Mr. Mitchell was busy doing a yeoman's job of lobbying through the Congress the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. In a quiet and unassuming manner, he helped congressional leaders find ways to make equality of opportunity the law of the land.

He was a great jurist who had the rare ability to transform social demands into legislative reality.

When I think of Clarence Mitchell, Jr., I am reminded of the words of another great American, Thomas Jefferson:

> Some men look at constitutions and laws with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched. I no not. . . . I am certainly not an advocate for frequent and untried changes in laws. . . . But I know also, that laws and institutions must go hand in hand with the progress of the human mind. . . . As new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.

Mr. Jefferson's words aptly describe the encompassing respect that Mr. Mitchell had for jurisprudence, along with his uncompromising fight for equality and social justice.

To his credit, Mr. Mitchell was a man of great perseverance and even greater personal dignity. American civil rights and civil liberties were protected by this patriot. His fight moved this Nation one more step toward greatness.

Patriotism means more than merely being ready to defend the Nation from external threats. The essence of patriotism is also to defend the constitutional framework that allows Government to continue to serve the people and to change this statutory framework when Government fails to serve the people's need.

Clarence Mitchell was truly a patriot.

Mr. Speaker, I would like for Mr. Mitchell's family to know that America will always remember and be thankful for Clarence M. Mitchell, Jr. We all owe him a personal debt.

□ 1510

Mr. LONG of Maryland. I thank the gentleman from Texas for his participation in this special order.

Mr. Speaker, I yield to the distinguished Speaker of the House.

Mr. O'NEILL. I want to thank Mr. LONG for yielding to me. I was just made aware of the fact that we have a special order for Clarence Mitchell.

PARREN, I knew your brother so extremely well. I remember his many ventures and the hours he spent sitting before the Rules Committee, particularly at the time we had the civil rights legislation. I think we had over 30-odd days of hearings before that committee.

Clarence was a tremendous gentleman. He knew the legislative process, he knew the Hill; he was a coalition builder. The hours that he spent up

here working for the causes of civil rights, he worked for so many years and he was really the architect of that legislation.

The Voting Rights Act of 1965, the fair housing bill, employment bills, education bills; what a factor he was, what a power he was; constantly up here pleading the cause for all Americans. He dedicated his life to fight against discrimination.

PARREN, to you and to Clarence's wife and his family, in my 35 years in this House, I know of no man who served a better purpose, who acted more faithfully and who accomplished as much. We will miss him. He was an inspiration.

As I think back on the days that he trod these halls and how tough and hopeless it appeared at that time, particularly in the fifties. He always went person-to-person and talked about the problem and ultimately he prevailed.

These pieces of legislation of which I have spoken, I think the Nation owes more to him than any other one individual. He was really a tremendous man.

I understand his wife, Juanita and their sons and grandsons are with us today. They can look to in the future with pride for the heritage that this great man has left.

PARREN, your whole family has been a beautiful family through the years.

Clarence's death brings a challenge to all of us. We honor his integrity, his style, his honesty, his faithfulness to duty and purpose through his work. And his work, his work particularly for fairness and justice in America, stands as a living monument.

I am happy to join my colleagues today in the thought and memory of a great man who has left us.

Thank you.

Mr. LONG of Maryland. Mr. Speaker, I yield to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I want to join with the distinguished speaker and others who have spoken with respect and admiration for the great record of Clarence M. Mitchell, Jr.

When the history of this century is written, he will have a very large and lasting peace in the annals of our country. His contributions to that great series of legislative achievements, principally in the 1960's, which advanced the concepts of civil rights into our national law and struck heavy blows against the discrimination and prejudice that had existed for so many decades in our national history, will have an enormously prominent place in the Nation's history of this century.

Although he never held public office, Clarence M. Mitchell, Jr., achieved more than dozens of us who have held proud titles in Government. His work is carried on by his distinguished brother, PARREN, in this House, in the fields of civil rights and so many other areas.

But all of us, I think, have to recognize in the life and work of Clarence M. Mitchell, Jr., what a truly dedicated, able citizen can do, fired by the determination to seek justice and to overcome obstacles in achieving them.

To his family, to his brother, PARREN, his wife, sons and grandchildren, all of us want to give our deepest respect and condolences, but at the same time to suggest to them that the record of this great American, this great man, will shine brilliantly in the history of our Nation.

Mr. LONG of Maryland. Mr. Speaker, I yield to the gentleman from California (Mr. MINETA).

Mr. MINETA. I thank the gentleman for yielding and for taking the time to pay respect to the memory of one of our country's most active voices in the civil rights movement, Mr. Clarence Mitchell, Jr., who passed away on March 18, 1984. Clarence Mitchell was a flame of hope for the thousands of people who were lost in the darkness of oppression and racial discrimination. This was a man who acted on principle and was extremely effective at presenting his case to Members of Congress. Clarence Mitchell was one of those individuals who was able to communicate the injustices of society, and convince others of their responsibility in wiping away the barriers of race, creed, religion, or national origin.

When history reviews the civil rights movement in this country, Clarence Mitchell will surely be included as one of our Nation's leading advocates in tearing down the walls of oppression which were based on the color of people's skin. When history reviews congressional action on banning discrimination, Clarence Mitchell will be remembered for his unrelenting advocacy of equal rights legislation.

Mr. Speaker, Clarence Mitchell was instrumental in organizing the Leadership Conference on Civil Rights, and his work as the head of the NAACP here in Washington was an outstanding commentary on what public interest organizations can accomplish.

I know that our colleagues will join us in expressing our condolences to Mr. Mitchell's family and especially to his brother, our distinguished and respected colleague from Maryland, Congressman PARREN MITCHELL. I hope that the members of Mr. Mitchell's family will take solace in the knowledge that his contribution was the groundwork which has provided a firm foundation for our continued work toward insuring civil liberties and to truly making the United States a land of equal opportunity.

Mr. LONG of Maryland. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GRAY).

Mr. GRAY. Mr. Speaker, today, I wish to express my gratitude for the many gifts Clarence Mitchell gave us. From passage of the Civil Rights Acts of 1957 and 1964, to the Voting Rights Act of 1965, and the Fair Housing Act of 1968, his influence has been felt.

His dedication and perseverance in the struggle for civil rights will always be remembered. Clarence Mitchell believed in the need for legally protected racial equality and strove toward that goal. His successful commitment to the NAACP heralded a new ERA in equality for blacks in politics, housing and education.

The hope that the 101st Senator inspired will not fade. I am thankful that I have been able to work with his brother, my colleague PARREN MITCHELL, in carrying on—in some small measure—the work Clarence began.

□ 1520

Certainly we extend our heartfelt thanks to the Mitchell family and also our gratitude, not only for what Clarence gave, for what the entire Mitchell family has meant to America.

Mr. LONG of Maryland. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. I thank the gentleman for yielding and giving me an opportunity to join in this much deserved tribute to a truly great man.

Few men live whose sense of conscience, whose response to duty, whose love of country, whose love of himself and his God have had more impact upon the course of history than that of Clarence Mitchell, Jr. And few men die whose dedication, commitment, whose words and deeds will be more missed than that of Clarence Mitchell, Jr.

It was a little more than 72 years ago now that in the city of Baltimore, Md., high in the mountains of God's purpose, a little pond was born and that little pond in its early youth became a rippling brook of dedication and commitment to the best that America represents.

As it flowed through the streets of Baltimore, Md., and then on to Lincoln University, it developed into a flowing stream of effectiveness. As a reporter with the Afro-American and then as a director of the Urban League in St. Paul, Minn., that life was prepared for a tremendous impact upon American history. By the time that I met Clarence Mitchell he was already a flowing river of effectiveness as the Washington bureau director of the National Association for the Advancement of Colored People.

It was the decade of the sixties, however, that saw in Clarence Mitchell the path of destiny intersect the path of God's purpose when he became con-

venor of what I used to call then a coalition of conscience, the Leadership Conference on Civil Rights, which, in the decade of the sixties helped us establish the cadences to which we have marched in the past 20 years in the pursuit of the basic rights guaranteed all Americans. It is almost ironic that 7 months to the day, on August 27, 1983, some 500,000 people, who gathered here in Washington for a 20th anniversary celebration of the march on Washington, gave a thunderous ovation to this gentle giant of a man, whose memory we mark here this afternoon.

And now that that pond, which became a rippling brook, which became a flowing stream, which became a mighty river that flowed through the lives of everyone in this country, now that that river that has become a sea, has flowed to the ocean of the God whose purpose he served, I just want to say in tribute to him and in tribute to my colleague, PARREN MITCHELL, and in tribute to this family, that it may be said of Clarence Mitchell, as of few men in like position, that he did not fear the weather and did not trim his sails, but instead challenged the wind itself to improve its direction and cause it to blow more softly and more kindly over the world and its people.

And in the last analysis, Goethe was right.

What we have inherited from our fathers, we must earn again for ourselves, else we will lose it.

It is in loving memory and fervent commitment to what Clarence Mitchell was and is that I call upon all Americans to take up the cause in which he lived and for which he died, and through which he shall live on as we go forward in his spirit.

Mr. LONG of Maryland. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Speaker, I would like to take this opportunity to pay tribute to my fellow Marylander, Clarence Mitchell—a renowned civil rights activist and humanitarian. Many words have been spoken since his death on March 18 about Clarence Mitchell's long record of accomplishments, which include initiating President Truman's decision to desegregate the Armed Forces, assisting in the formation and enactment of the 1957 Civil Rights Act, and helping to establish the Civil Rights Commission. Clarence Mitchell has been called the "personification of the civil rights movement" and the "101st Senator," but his greatest strength was his determination to work quietly behind the scenes to uproot social injustice through patient negotiation and reasoning. His official biographer, Denton L. Watson of the New York NAACP, said of him that he was "a unique person for a particular period in history * * * a political diplomat, and there are a few of those left. No one can replace him."

Clarence Mitchell never sought public recognition, but the civil rights laws that we have today stand as a monument to his unselfishness and his tireless dedication. Those of us who share his values and his hopes for the future can best honor him by remembering his example and carrying on his work.

Hyman Bookbinder, who is the Washington representative for the American Jewish Committee, wrote a letter to the Washington Post which I believe captures the spirit of what Clarence Mitchell stood and worked for. I would like to share this letter with my colleagues.

[From the Washington Post, Mar. 25, 1984]

CLARENCE MITCHELL, REMEMBERED

(By Hyman Bookbinder)

In the 34 years I have spent in the nation's capital I have had the good fortune to work with, to work for, or to get to know hundreds of our nation's public servants—some of them in government, most of them outside. There is no man or woman for whom I have ever had a higher regard, and for a longer period, than Clarence Mitchell Jr. In fact, I cannot think of more than a single handful I would even place in his league. In his death last week, all America—all of the free and freedom-seeking world—has lost a giant. He leaves a gap in public interest advocacy I doubt will ever again be filled by as impressive and effective a figure.

Not out of sentiment during a moment of deep personal anguish, but with deep conviction, I note that Clarence Mitchell had nothing less than presidential capacity. He would have made as good a president as any of those seeking it, black or white. But it is one of the many qualities about him that he never had the slightest political ambition or any self-promoting goals, and his many friends and allies never proposed him for public office because we didn't dare risk losing him in the unique role he was performing as the "101st Senator" and the conscience as well as architect of the historic civil-rights coalition he forged.

But I write primarily to make a very personal observation. His achievements will, I am sure, be properly noted at memorial meetings and monuments. In Yiddish, we have a word that has no English equivalent. It is *mensch*. Literally it means "person." But it means much more; it means a person with a heart, with compassion, with sensitivity, with tolerance, with humility. Clarence Mitchell, even when fighting relentlessly for specific goals, never abandoned civility and tolerance and respect. In every respect, he was a giant of a *mensch*. We have never needed him more. We will miss him very much.

□ 1530

I think that tribute from one of the genuine leaders of the Jewish community of the United States is particularly meaningful as we in the Congress pause to reflect on the contributions to our Nation of Clarence Mitchell.

PARREN, to you and your family I know I speak for hundreds of thousands of my constituents who share your loss, and we hope that you and your family will recognize the way in which all of us in this country share your grief but recognize that what we must do is go forward with the work of your brother.

I thank the gentleman for providing me this time.

Mr. LONG of Maryland. I thank the gentleman for his remarks.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. I thank my colleague for yielding, and I want to associate myself with the remarks of the previous speakers in memory of an outstanding American, Clarence Mitchell.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Speaker, I would like to extend my deep condolences on the passing of Clarence M. Mitchell, who truly was one of the great humanitarians of our time.

Through his effective and trailblazing talents he helped to win passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. Over the course of his distinguished career he continually sought alternatives to the social, economic, and political deprivations experienced by many Americans.

Firmly committed to the ideal of equality under the law, Clarence Mitchell epitomized the best America can produce. His tireless advocacy of civil rights will not be forgotten as we continue to move ahead toward the realization of better social and economic opportunities for our citizens.

Clarence Mitchell's modest and unassuming style represents the essence of the true public servant. His personality reminds me of a passage I have quoted several times, and has special meaning now:

The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out, in all seasons, work for the practical realization of a better world. Those who have the stamina to persist and remain dedicated—those belong the leadership.

Clarence Mitchell left us with a legacy which opened doors for all Americans. His inspiring leadership will be sorely missed by all us.

Mr. DYSON. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Maryland.

Mr. DYSON. I thank the gentleman for yielding.

Mr. Speaker, I, too, would like to rise and associate myself with the remarks that have been made today about our late friend, Clarence Mitchell.

I would also like to thank my colleague, the gentleman from Maryland (Mr. LONG), the dean of our Maryland delegation, for reserving this time to honor a very famous Marylander.

Although I did not know Clarence Mitchell well, I did have the unique opportunity to serve with two members of his family in the Maryland General Assembly and here in the Congress of the United States. That again, I think, has been a singular honor.

Mr. Speaker, just this past weekend we celebrated our 350th anniversary of the founding of the State of Maryland. It was a time to look back and to recognize all of those famous people who contributed so much not only to Maryland but to this country. In looking back at those heroes, I had an opportunity to mention that I believe an individual like Clarence Mitchell is our modern-day hero. There are people in my district today who vote because there was a Clarence Mitchell; there are people in my district today who can use facilities because there was a man by the name of Clarence Mitchell.

Perhaps there would have been a Civil Rights Act had there not been a Clarence Mitchell, perhaps a Voting Rights Act had there not been a Clarence Mitchell. But he was certainly the one, the catalyst, who offered these very important pieces of legislation which today are so commonplace that we sometimes take them for granted. But, as I said, in my district and in my area, and throughout this country, there are people who are the beneficiaries of this well-thought-out legislation and who perhaps will never know the individual behind them.

Clarence Mitchell was an individual who left his mark—and I might add that few Americans can say this—for generations yet to come. I am proud to be associated with the chairman of our delegation, Congressman LONG, in this special order. I thank the gentleman for reserving this time today.

I would like to personally salute the Mitchell family and my colleague, the gentleman and U.S. Representative, PARREN MITCHELL.

Mr. Speaker, it is with great sadness that I rise today to pay tribute to Clarence M. Mitchell, Jr., a great Marylander and one of the foremost leaders of our country's civil rights movement.

Few individuals have the courage to pursue a cause for their entire life in the face of severe adversity and discrimination. But it was the steadfast determination of Clarence Mitchell to see the dream of civil rights become a reality for all Americans that was central to the passage of the civil rights legislation of the 1960's.

As the chief Washington lobbyist for the NAACP for nearly three decades, Mr. Mitchell combined conviction, persistence and quiet persuasive power. The skills he displayed in helping to pass the landmark legislation of the 1960's won him the title of "the 101st Senator."

While serving as the NAACP's point man in Washington and as cofounder of the Leadership Conference on Civil Rights, Mr. Mitchell was instrumental in the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. Before meaningful civil rights legislation could be passed, Mr. Mitchell fought for equality through the promotion of Executive orders like the one President Truman signed demanding desegregation of the Armed Forces.

During the Eisenhower administration, Mr. Mitchell guided the 1957 Civil Rights Act to enactment as law, the first legislation of its kind in years. He was also instrumental in securing passage of the 1961 act establishing the Federal Civil Rights Commission.

Mr. Mitchell's skills, however, went far beyond his handling of legislative issues. He authored title VII of the 1964 civil rights bill requiring equal employment opportunity. Moreover, in an era in which many became embittered over the long struggle for social justice, Clarence Mitchell was a man who persisted in seeking the common ground and consensus necessary for success. Through faith and courage he provided the bills I have mentioned with the impetus they needed to pass. Since then, these bills have helped insure equality for all men and women, regardless of their race.

Though he was not afraid to take direct action, like picketing to desegregate schools, he told his friends, "You have got to know when to stop picketing and sit down at the conference table." It was this balanced perspective, always with the goal of reaching of equality in America, that became the hallmark of his efforts on behalf of civil rights. It is what prompted the late Hubert H. Humphrey to say of him, "He is a man of integrity, honor, and compassion—a cherished friend and a trusted comrade in battle. What more can be said of a man than he has gained the respect of his opponents and the admiration and loyal friendship of his colleagues."

in 1980, Mr. Mitchell received recognition for his labors when he was awarded the Nation's highest civilian honor, the Presidential Medal of Freedom, by President Carter. He was also appointed a U.S. Representative to the United Nations by President Ford. At the time of his death he was a member of the board of regents of my alma mater, the University of Maryland, where he received his law degree.

Clarence Mitchell's untimely death is a great loss to Maryland and the Nation. I want to extend my deepest sympathies to his wife, Juanita, his brother and my fellow colleague, PARREN, and the entire Mitchell family, all of whom symbolize the heart of the civil rights movement in Maryland. I believe I speak for all Americans who are committed to the basic principles of "liberty and justice for all" when I say that today we mourn the loss of a true patriot and leader.

Because of the ideals for which Clarence Mitchell fought throughout his life, we must rededicate ourselves to seeking new ways to guarantee equality for all citizens of our Nation.

Mr. DYMALLY. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Speaker, I rise today to honor the memory of Clarence M. Mitchell, Jr., a man whose life exemplifies the very best in American values. Clarence Mitchell was born in 1911 in a country that was just beginning to acknowledge prejudice and discrimination. That year witnessed the making of "The Judge's Story," the first American film to portray black people sympathetically. It also brought the founding of the National Urban League. Clarence Mitchell's birth came 2 years after that of the NAACP, the organization in which he would make his mark. In his own life, Clarence Mitchell was to personify the program of the NAACP: litigation, legislation, education.

The parents of Clarence Mitchell were anything but prosperous but he and all six of his brothers and sisters went to college. In those days, legal equality was a distant dream, but Clarence Mitchell completed first an undergraduate degree at Lincoln University in Pennsylvania and then a law degree at the University of Maryland. A strong sense of justice and morality was to characterize his private and public life. This humble but persistent man of faith showed us how much can be accomplished for a just cause through patience and dedication.

In honoring the memory of Clarence Mitchell today, we recall a man whose efforts brought results. The image of a lynching that he witnessed as a young reporter led Clarence Mitchell to a lifetime dedication for the cause of civil rights. He did not despair. While he could have emerged from his experience only angry and bitter, he decided instead to work for change, not simply of laws but also of hearts and minds. Clarence Mitchell looked for the best in every individual. And he gained the ear of Presidents and legislators alike.

As a talented negotiator, Clarence Mitchell spent nearly 40 years forging civil rights proposals that could win bipartisan support. The Civil Rights Act of 1957 was but the first in a series of civil rights bills that became law, in large part because of Clarence Mitch-

ell. His perseverence led to the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1968 that prohibited discrimination in the sale or rental of 80 percent of the housing in the United States.

In 1980, after his retirement in 1979 as the NAACP's Washington director and chief lobbyist, Clarence Mitchell won the national recognition that he merited. President Carter bestowed on him the Nation's highest civilian honor, the Presidential Medal of Freedom.

We can all learn from the example of Clarence Mitchell. He showed us what can be accomplished when individuals take responsibility for assuring the freedom and dignity of us all. Clarence Mitchell made us proud to be Americans. May his memory continue to inspire us to fulfill his dreams.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman for his comments, and I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding to me.

Mr. Speaker, I am honored to participate in this special order, and I rise to join with my colleagues from Maryland and from across this Nation to honor and remember one of the most important men to have lived in this century.

I speak of a man for whom such words as courageous, strong, and devoted come easily. A man whose dignity and persistence have left an indelible mark on this Nation. For without Clarence Mitchell, Jr., our law would certainly be less effective. Our world today would be a different place. Our people would be less unified.

Again and again we have heard the word instrumental in describing the abilities of this great man. As he worked for the passage of key civil rights legislation and in the promotion of critical administrative orders emanating from the White House in the 1950's and the 1960's. His work, his life of dedication to the cause of equal rights for all of the men and women of this country was marked by quiet and constant vigilence.

During the years that he worked in the Roosevelt and Truman administrations and worked with Kennedy and with Johnson, his presence was always felt, and as the director of the NAACP here in Washington, his abilities as a skilled negotiator made the difference in the ultimate outcome of our Civil Rights Act, our Voting Rights Act, and the Fair Housing Act.

As one editorial writer said, he knew that, and I quote, "Behind him stood the moral power of the country," and he used that power to alter the course of this Nation.

Mr. Speaker, I have had the privilege of knowing Clarence Mitchell, Jr., for more than 20 years. As a young aid to a Maryland Senator two decades ago, I had the opportunity to see him in action as our, and as he was always referred to, and was always agreed by the 100 Senators who were there, "our 101st" U.S. Senator.

As a young man elected to my first political office in 1966, I worked with his son, Clarence Mitchell III a good and close friend of mine. Together we had the opportunity in the Maryland Senate to work on critical civil rights laws of that era. Laws patterned for those his father so successfully moved at the national level.

Mr. Speaker, just last August I had the great honor and privilege of joining Clarence Mitchell, Jr., Juanita Jackson Mitchell, Senator Mitchell, and others of the Mitchell family and others committed, as he was, to the quest of human rights. I joined them in the 20th anniversary of the march on Washington. It was a thrill, a privilege, a moment that I shall never forget; to walk side by side with this giant of a man on this occasion. A man who had done so much and had inspired so many.

Mr. Speaker, I grieve along with this Nation at this loss. That our Nation, our State, and our community of Maryland have suffered. My heartfelt sympathies go out to his beloved wife, Juanita; to their sons, and particularly to my very, very close friend, the Senator, and to my very close friend, the Congressman, who I might say has been an inspiration and a help to me during my short years here in the Congress of the United States.

The legacy of this family, Mr. Speaker, is a remarkable one. From a childhood marked by poverty yet surrounded by the devotion and the dedication of two fine parents has come this man who joined with a great leader in her own right, Juanita Jackson Mitchell and filled a void in our society and fulfilled a dream shared by millions. Together, Clarence and Juanita, and their brother PARREN and their sons built a fortress of good will and strength.

Today the curtains are drawn on that bastion of courage, but they will be raised again. For the Mitchell heritage, the Mitchell diplomacy, and certainly the Mitchell dignity lives on. It lives in the hearts and minds of the men and women who were touched by this great man's deeds, and will last, Mr. Speaker, as long as our country keeps to its path of freedom.

I, along with many others, had the opportunity along with the distinguished gentleman from Maryland, the dean of our delegation, Mr. LONG, in attending a remarkable memorial service held at the Sharp Street United Methodist Church. A memorial service that drew three candidates for President of the United States; drew a representative of the President of the United States; drew hundreds of leaders elected by their publics, not only in our State, but throughout the Nation, to commemorate, to recognize, to remember the contributions of Clarence Mitchell, Jr.

Mr. Speaker, Abraham Lincoln said at Gettysburg that:

> The world will little note nor long remember what we say here today, but it can never forget what those men have done on that battlefield.

Mr. Speaker, the world will little note nor long remember what those of us who rise to honor Clarence Mitchell, Jr., have said today, but, Mr. Speaker, the world will never forget the contributions of this great human being.

Mr. LONG of Maryland. I thank the gentleman for his fine comments.

I yield to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. I thank the gentleman for yielding to me.

Mr. Speaker, I take this opportunity to thank the gentleman from the State of Maryland (Mr. LONG) for reserving this time to pay tribute to the late Clarence M. Mitchell, Jr.

I should also note that I am pleased that so many of our colleagues on both sides of the aisle have paused today to remember this great American. I hope that the remarks on the floor today will serve to further illuminate the life and work of Clarence Mitchell. He certainly added a critical dimension to the lives of countless Americans.

On Capitol Hill and at the White House, Clarence Mitchell was the master negotiator for the civil rights movement. He translated the demands of Black Americans, the poor, and the downtrodden into concrete legislation and facilitated congressional action. Because of his efforts, equality and justice assumed its appropriate place as an inalienable right for all Americans. In my mind, that makes him one of America's best friends and strongest advocates.

For over half of his life, Clarence Mitchell was a gentle soldier in the war for civil rights and the social conscience of this Nation. Sensitivity, commitment, and persistence were his weapons.

His position was well-defined. His easy-going demeanor allowed him to gain strategic access to people who otherwise would have had closed minds on the civil rights issue.

As a result, Clarence Mitchell won many legislative victories.

Mr. Speaker, many of us first connect Clarence Mitchell, Jr., with the civil rights legislation which he guided through the Congress. However, his influence goes back before the legislation enacted in the sixties. In the early days, Clarence Mitchell laid the foundation for this legislation by securing executive orders from President

Truman to desegregate the Nation's Armed Forces. Then in 1957, he coaxed the Eisenhower administration and won the passage of the first civil rights legislation of its kind—the Civil Rights Act of 1957. Refusing to stop there, Mr. Speaker, Clarence Mitchell, Jr. spearheaded the lobbying effort which gained the passage of the legislation creating the Civil Rights Commission in 1961.

Largely due to his leadership and connections amongst the Members of the House and Senate, the Congress passed the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. As the NAACP's chief lobbyist and the architect of the leadership conference on civil rights, Clarence Mitchell, Jr., in a very real sense, guided the development and passage of more landmark civil rights legislation than any other person in our Nation's history.

The man who has been labeled the 101st Senator, made an indelible mark on this Nation, the Congress, and on the NAACP which he represented on Capitol Hill for 39 years. As a former counsel of the Cleveland branch of the NAACP, I remember vividly the work of Clarence Mitchell, Jr., during the days of the civil rights legislation deliberation. I looked up to Clarence Mitchell. For me, he was not only a leader and a comrade in the struggle for civil rights, but also an inspiration and source of energy.

I realized in the sixties that when the sit-ins were over and the marches had concluded, it would be men like Clarence Mitchell who would have the task of translating the dreams of so many disenfranchised Americans into reality. He did that in such a masterful way.

When I came to the House of Representatives in 1969, my respect for Clarence Mitchell increased. It was at that time that I had the opportunity to work with this giant of a man and to get a firsthand view of the man who played such a pivotal role in the history of our Nation. I was impressed not only with his achievements, but also his demeanor. Clarence Mitchell's personality served as the link to connect various groups for the primary purpose of promoting civil rights legislation.

Clarence Mitchell, Jr., was just that kind of a rare human being. With his passing, America has lost a true champion and a devoted friend.

At this time Mr. Speaker, I want to extend my condolences to my good friend and brother of Clarence Mitchell, my esteemed colleague the distinghished gentleman from Maryland, the Honorable PARREN MITCHELL. I also send my deepest sympathy to his lovely wife, attorney Juanita Mitchell, who is in her own right another great American, and a woman who has made a great contribution to the Nation. Along with her, I also extend my condolences to his sons, each of whom are also outstanding men in their own right.

□ 1550

I thank the gentleman from Maryland (Mr. LONG) for providing me this opportunity to participate in this tribute to a great, great American.

Mr. LONG of Maryland. I thank the gentleman from Ohio.

● Mr. FISH. Mr. Speaker, it is with a great sense of loss to our country that I join my colleagues today in paying tribute to my good friend, the late Clarence M. Mitchell, Jr.

While his name was not as well known outside of Washington as other civil rights leaders, Clarence Mitchell, was the quiet patriarch of the American civil rights movement. As head of the Washington bureau of the NAACP and as chairman of the Leadership Conference on Civil Rights, Clarence had been in the forefront of the battle on Federal legislation pertaining to education, housing, employment, and voting rights since 1957. Affectionately known as the "101st Senator," Clarence Mitchell earned the respect and admiration of Presidents and Members of Congress by combining his strong convictions, persistence, and quiet persuasive power. Firm in his belief in the brotherhood of man and in the ability of America to solve its problems, he never once retreated from the struggle or threw in the towel. Because he knew that what he was fighting for was right, he did not falter in his determination to see a better day in America. His efforts—represented in the passage of historic civil rights legislation over the past 40 years—was on behalf of not only minority citizens, but for all Americans who were powerless to speak for themselves and for those Americans who struggled in the face of injustice, bigotry, and poverty to find a new day.

I was saddened to hear the news of the passing of Clarence Mitchell, but we can all look back and be proud and thankful for the great civil rights struggles he helped to lead. Just as we must remember that there is still quite a way to go, we must not forget that it is because of the work of Clarence Mitchell and his allies and supporters that we have come as far as we have.●

● Mrs. HOLT. Mr. Speaker, we all mourn the death of Clarence M. Mitchell, Jr., a man of great dignity and moral stature who directed the Washington office of the National Association for the Advancement of Colored People for almost 30 years.

He was a familiar figure in the Halls of Congress until his retirement a few years ago, and he was one of the most respected individuals in Washington. His effectiveness as a lobbyist contributed to the enactment of every major civil rights law since 1950.

His life's work was to end racial discrimination and enable black people to enter the mainstream of American society. History records that his life was one of enormous accomplishment and is an inspiration to all of us.

Mr. Mitchell was from one of the most distinguished families in Maryland, a family committed to public service. We extend our condolences to our distinguished colleague, his brother, and the rest of the Mitchell family.●

● Mr. RANGEL. Mr. Speaker, I am honored to speak in recognition of the lifelong commitment of Clarence Mitchell to bettering the social conditions of his people.

As perhaps the most effective civil rights lobbyist in Washington, Clarence Mitchell opened doors that were previously closed to black people. His methods had the qualities of perseverance, reasoned dialog, and moral courage. Clarence always fought with sheer determination to bring about peaceful change. He never fell into the desperate cynicism of political extremism. This is what made him special.

Mr. Speaker, Clarence's efforts effectively brought about fair standards in education, housing, and employment. His achievements raised the quality of life of people who otherwise would have had to wait a little longer for their fair share of the American dream. None of us should forget the example of this courageous man.

We have indeed lost one of the finest citizens, Mr. Speaker. This was an American who devoted his life to making this country a land of opportunity for all citizens. He will be remembered.●

● Mr. CLAY. Mr. Speaker, I would like to express my heartfelt sadness at the passing of a gentle, unassuming yet courageous and determined man, Mr. Clarence M. Mitchell, Jr., who died on Sunday, March 18, 1984.

As the chief Washington lobbyist for the NAACP for almost three decades and the founder of the Leadership Conference on Civil Rights, Mr. Mitchell played a key role in all of the major civil rights legislation of the 1950's and 1960's. His steadfast commitment to the full participation of blacks in the social, economic, and political American mainstream drove him to realize the passage of the 1957 Civil Rights Act, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. He is also justly credited with the authorship of that pivotal section of title VII of the 1964 bill which required equal employment opportunity. Even before the days of legislative action in the area of civil rights, he successfully pressed for these advances through executive orders, such as the one by which President Truman demanded

the desegregation of the Armed Forces.

Although a vocal and persuasive protagonist of human rights, Mr. Mitchell, a modest man, did not seek the praise and notoriety to which his milestone achievements entitled him. It is left to us who know the vast significance of his contributions to be protagonists of a life which will hopefully inspire a like generosity of spirit in those who came after him. No more important or sincere memorial could be given.

Mr. Speaker, the black race, indeed, the human race have indeed lost an extraordinary stalwart in the struggle for equality.

I know that all my colleagues in the House of Representatives join me in expressing sincere condolences to his wife, family, and friends. We surely share their loss.●

● Mr. DELLUMS. Mr. Speaker, the passing of Clarence Mitchell on Sunday March 18 was the final act of a life that has epitomized the drama of our times. Individuals who command such respect yet communicate so much compassion are a rarity in any era, and ours has been an era with great need of the patriotism, integrity, fairness, and concern which he embodied.

Our Nation's "101st Senator" was a recognized leader of the colossal struggle for human freedom and dignity in the face of racial discrimination and violence. Clarence Mitchell served a distinguished tenure as director of the Washington office of the National Association for the Advancement of Colored People, but this credential in no way begins to describe the incredible scope of his accomplishments. His influence surpassed the role of a Washington representative; he truly was a statesman, and can fairly be called the architect of the strategy which lifted millions of citizens from the chains of legalized and institutionalized inequality. Every major act of Congress which improved the situation of black Americans—the Civil Rights Act, the Voting Rights Act, fair housing laws—every major civil rights law enacted during the past three decades bears the stamp of Clarence Mitchell. That fact alone is a testament to his ability and endurance as a warrior in a fight that was sometimes lonely and always difficult.

It has been a privilege, Mr. Speaker, to have been acquainted with Clarence Mitchell and to have been a beneficiary of his achievements. It will always be a privilege, Mr. Speaker, to remember his legacy.●

● Mr. CONYERS. Mr. Speaker, Clarence M. Mitchell, Jr., who died Sunday at the age of 73, was a giant in American law and politics. Embodied in this single individual was virtually the entire machinery of civil rights advocacy over a period spanning four decades.

In the 1940's Mitchell persuaded President Harry Truman to issue executive orders barring racial discrimination, such as the order desegregating the Armed Forces. He also was prominent in bringing fair employment practices to Federal employees. In the 1950's and 1960's he shaped and shepherded through Congress one major civil rights bill after another including the Civil Rights Act of 1957, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. During the 1970's as director of the NAACP's Washington bureau and head of the Leadership Conference on Civil Rights, Mitchell championed the enforcement of equal employment opportunity, the idea of which he initiated as author of title VII of the 1964 Civil Rights Law. He was a major force in winning reauthorization of key civil rights programs, including voting rights, fair housing, and jobs and urban redevelopment as they impacted on the quality of life for minority citizens.

Clarence Mitchell pioneered in civil rights at a time when few others were actively involved. He devoted his life's work to the civil rights cause, staying with it through thick and thin, never wavering in his leadership regardless of the odds. He was one of those rare human beings who knew what was worthwhile to do, knew how to go about doing the job, and knew how and when to stand his ground when the outcome was in question.

Many Washington insiders were accustomed to viewing Clarence Mitchell as "the 101st U.S. Senator." That was a tribute, of course, to his powerful example and influence, that carried so much weight in Government. In fact, Mitchell really constituted a shadow government of one when it came to civil rights law and policy. He did not want the publicity and acclaim, yet without Clarence Mitchell so much decent law and positive policy would never have arisen and so much injustice would continue to go unheeded. We should be mighty grateful for his life's work and we will miss him profoundly.●

● Mr. SAVAGE. Mr. Speaker, I join you here today in paying tribute to a truly outstanding American: Clarence M. Mitchell, Jr., a champion in the movement for justice and equality for all our citizens.

Mr. Speaker, there is an old saying that "still waters run deep." This aptly sums up the substance and style of this great American. He was quiet, studious and reflective, a student of human character and personality. He tended to shun the limelight, choosing instead to work behind the scenes for his people and all others locked out of this country's mainstream of educational and economic opportunity.

While I joined those who took to the streets and sounded the bugle for justice and equal treatment, I always admired, respected and praised Clarence Mitchell's quiet, effective work at the White House and in the Halls of Congress for the same end. It is to no avail to shake the tree unless the fruit that falls fully benefits the hungry. He understood better than others that although his accomplishments are numerous and go back in time, few other than legislative insiders know that his persistence prodded President Truman to desegregate the armed services in the 1940's.

The 1957 Civil Rights Act; the Civil Rights Commission; the Civil Rights Act of 1964; the Voting Rights Act of 1965; the Fair Housing Act of 1968—all bear the print of this giant among men.

Recipient of the Presidential Medal of Honor, the Nation's highest civilian award, chief lobbyist for the NAACP in Washington, cofounder and once chairman of the Leadership Conference on Civil Rights, Clarence Mitchell was the man we long looked to for translation of activism into positive legislative achievements.

We will sorely miss the 101st senator, as he was fondly known. But his legacy will stand for all time.

My sincerest condolences to Parren J. Mitchell, his brother and my dear friend and leader, and to his family and numerous friends.●

● Mr. DOWNEY of New York. Mr. Speaker, I am proud to participate in this special order to pay tribute to one of this Nation's great champions of civil rights, Clarence Mitchell.

Growing up in the 1960's gave me an opportunity to lend my voice to the collective cry this Nation sent up for social change. Indeed, my own political and social philosophies were shaped by the events of those exciting and turbulent years. While many people may remember the demonstrations, rallies, and marches as the prime forces that set equality before the law of this country, it was in large part the work of Clarence Mitchell that forged the civil rights advances of the 1960's and 1970's into law.

For over 40 years, Clarence Mitchell relentlessly pursued the abolition of discrimination in American society. As the chief lobbyists for the NAACP and a founder of the Leadership Conference on Civil Rights, Mr. Mitchell fought for Federal action to prohibit discrimination in education, housing, employment, voting, and politics. Through his persistence, conviction, and persuasive power, Mr. Mitchell was instrumental in the passage of the Civil Rights Act, the Voting Rights Act, and the Fair Housing Act.

In spite of harsh resistance, Clarence Mitchell never wavered in his fight for civil rights. Today, we daily

witness the administration's callous civil rights policy and undermining of this Nation's civil rights statutes. These statutes and the freedoms which they guarantee are the legacy of Clarence Mitchell. In the face of the administration's insensitivity, we must redouble our efforts to preserve and advance the cause to which Clarence Mitchell devoted his life.●

● Mr. SEIBERLING. Mr. Speaker, I thank and commend the gentleman from Maryland for calling this special order to honor one of the great champions of the civil rights movement—Clarence Mitchell.

While we still have a long way to go in achieving full and equal human rights for all people, Congress has a strong record in that field due in very large part to the efforts of Mr. Mitchell. His role in the passage of landmark civil rights measures cannot be underestimated. He educated Congress and the public alike on the absolute necessity of ridding society of discrimination against blacks.

The Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968 will serve as powerful and everlasting tributes to the dedication and perseverance of this man who believed hard and worked hard for civil rights. And his own life and teachings will serve as important and inspiring reminders to us all that the goal of equality and freedom for all can be won and should be won.

Clarence Mitchell will be missed, but his memory will live on in the continual renewal of our commitment to the principles for which he lived.

Mr. Speaker, I am sure that it was a source of great satisfaction to Clarence Mitchell that his brother, our distinguished colleague, PARREN MITCHELL, was so ably carrying on in Congress the struggle for social justice and civil rights. In mourning the passing of Clarence, we nevertheless, must feel much consolation from the continued service of our beloved colleague, PARREN, who will, I am sure, continue to inspire and lead us for years to come.●

● Mr. GUARINI. Mr. Speaker, it is with a profound sense of loss that we gather together today to honor one of the most courageous, conscientious, and forthright men of our time, the late Clarence M. Mitchell, Jr. As one of America's foremost civil rights activists, Mr. Mitchell acted as the gentle, if persistent, conscience of us all. Truly he, as much as anyone else, guided us as a nation to a fuller realization of the concept of justice and equality for all Americans.

Clarence Mitchell devoted his life to the fight against discrimination. As head of the Washington office of the NAACP and through the widely renowned public interest coalition he founded, the Leadership Conference on Civil Rights, he worked the halls of Washington as effectively as other leaders, such as Martin Luther King, Jr., worked the hearts and souls of the countryside. I remember clearly the tireless work of leaders in the civil rights movement in my home State of New Jersey, such as Rev. Dr. Ercel Webb; Counselor Raymond Brown; the late former Jersey City Councilman Fred Martin; Julian Robinson, the vice president of Jersey City State College; Thomas Taylor and Dr. William G. Wilkerson of the Jersey City NAACP; and Educator Gladys Cannon Nunnery. Jersey City Police Sgt. Charles Jackson was a member of Dr. King's honor guard, and has been memorialized forever in the famous photograph of Dr. King in Washington at his "I have a Dream" speech. While the efforts of these brave men and women helped generate the grassroots demand for legal justice, it was Clarence Mitchell who helped craft the legislation which gave Federal teeth to the antidiscrimination movement.

Although primarily recognized as a legal expert, he was not averse to direct action to bring results. He physically helped desegregate Baltimore schools, where he spent most of his life, and was arrested for ignoring discriminatory restrictions in South Carolina. But, as quoted in the Washington Post, he stressed, "You've got to know when to stop picketing and sit down at the conference table." It was his leadership at that conference table where he was the most effective of all in bringing about civil change.

During those stirring years, Clarence Mitchell was known as the 101st Senator, and his dignified bearing and knowledge of the issues lent truth to that impression. He assembled the coalitions of diverse individuals that engineered the legislative triumphs of the civil rights movement. Thorough and persistent, he suffered through many years of rejection for his foresightful crusade, yet he never gave up the fight. Even after those difficult years, during the time when the voices of justice began to be heard, Mitchell had the graciousness to have only kind words for all but the most spiteful of the foes of equality. He earned the respect of both sides.

His accomplishments are legion, for he has a long and important list of legislation which owe their being to his efforts. Beginning in World War II, he helped enforce Presidential orders to integrate the shipyards which built the arsenal of democracy. He promoted President Truman's Executive order to desegregate the Armed Forces. He guided the passage of the 1957 Civil Rights Act, which gave momentum to the fight against discrimination. He was widely recognized as one of the leading forces behind the 1961 legislation which established the Federal Civil Rights Commission. Later, he crafted legislation which required equal employment opportunity. Then, as his years of efforts were being endorsed by millions of concerned Americans who marched in our streets, he helped gather those forces behind the landmark civil rights legislation of the Johnson years.

Through the work of Clarence Mitchell, we have a whole new generation of Americans who are committed to freedom and justice for all. While the battle is not yet over, we see progress; many younger Americans, black, brown, white, red, and yellow, who were brought up in a more enlightened society, will not stand for the slights and obstacles which were once, unfortunately, a way of this land. Mr. Mitchell's work lives on through the men and women he nurtured and through today's new activities. Indeed, through the work of Mr. Mitchell, Dr. King, Rev. Dr. Webb, Counselor Brown, Julian Robinson, Thomas Taylor, Dr. Wilkerson, Mrs. Nunnery, Fred Martin, and Sergeant Jackson, and countless others who labored in the vineyards it is clear that whatever our color, we all bleed red for freedom's sake.

My heartfelt condolences go out to Mr. Mitchell's wife Juanita and their sons. I especially feel for my good friend and colleague, Clarence's brother PARREN, who has come to visit my district and who has gained many friends and admirers there. PARREN's commitment to justice is equally strong; it is apparent that the senior Mitchells raised a family of dedicated and concerned citizens.

We will all miss Clarence Mitchell sorely. Yet, he leaves behind a most precious gift: the heightened consciousness of our Nation, which now, through the work of this great man, adheres more strongly to the values our Founding Fathers sought to establish. How better to be remembered and honored?●

● Mrs. COLLINS. Mr. Speaker, I rise today to thank our colleague, Congressman CLARENCE LONG for calling this special order to pay tribute to the late Clarence Mitchell. His death marks the end of one man's successful efforts to promote fairness and justice for blacks, women, and the handicapped. Mr. Mitchell fought for almost three decades as the NAACP's Washington, D.C., director and chief lobbyist for civil rights legislation. He was a key player in the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Mr. Mitchell's compassion and sensitivity toward the human rights of others helped him persist through the years of abuse and threats. He used to say that he knew what his calling was after witnessing a lynching in Princess Anne, Md., while he was a reporter at the Baltimore Afro-American newspa-

per. So horrified was he by this experience, that one of his first actions after moving to Washington, D.C., was to testify before Congress supporting an antilynching bill

When he had trouble convincing Congress to pass needed civil rights legislation, Mr. Mitchell managed, through his skillful lobbying tactics, to influence Presidents to issue Executive orders. Famous in my mind was when President Truman ordered the desegregation of the Armed Forces. Action which came about as a result of Mr. Mitchell's persuasive ability. Clarence Mitchell also focused attention on school desegregation by picketing the elementary school where his son had been beaten and attacked by white students. He ignored their taunts while carrying a sign saying, "I am an American too." That same son later became the first black doctor at Johns Hopkins School of Medicine.

Mr. Mitchell founded and directed the Leadership Conference on Civil Rights, an organization which united 100 active groups seeking equality through the law. His quiet dignity and modesty, along with his talent to reason, made him one of the most respected leaders in Washington and earned him the nickname of "the 101st Senator." That name is ironic since Mr. Mitchell was not even permitted in the Senate dining room or certain Senate elevators at the beginning of his struggle. It was this unfaltering courage to speak out which led to his success in such battles as the prevention of ex-President Nixon's Supreme Court nominations of judges Clement Haynesworth and G. Harrold Carswell.

In 1969, he received the Spingarn Medal, and 11 years later President Carter awarded him with the Nation's highest civilian honor—the Presidential Medal of Freedom. Mr. Mitchell also was appointed by President Ford to the U.N. General Assembly, and continued to fight for the rights of his fellow citizens until he died. I am grieved that such a leader is gone but his achievements are not. He will always be remembered by the thousands of people whose pride was restored by his actions.●

● Mr. MINISH. Mr. Speaker, with the passing of Clarence M. Mitchell, Jr., our Nation has lost one of its truly great leaders—one whose goals were motivated by a sense of justice, compassion, and love for his country. An extremely modest individual, the "101st Senator" did more than any ordinary man could ever hope to do, in giving birth to the civil rights movement, and in shaping the course of history as Washington bureau chief of the NAACP.

Clarence Mitchell's reward was being able to proudly witness the single most monumental social achievement in our history begin to take place—the passage by the House of the Civil Rights Act on February 10, 1964. Mr. Speaker, I shall never forget that day: I happened to be presiding over the vote on the measure, and Clarence, with a beaming smile, made a special effort to seek me out afterward and shake my hand.

That is the way I always will remember Clarence—in addition to being an extraordinary historical figure and a recipient of the Presidential Medal of Freedom, he was one of the most genuine persons I have had the honor to know. Having been blessed with his friendship since the early 1950's, I will greatly miss the "101st Senator."

Clarence Mitchell's family deserves our deepest sympathy, but may take comfort in the fact that Clarence will forever remain a symbol of man's love for his fellow man and of the good that exists within us all.●

● Mr. MOODY. Mr. Speaker, I rise today to pay tribute to Clarence Mitchell, an extraordinary American who spent most of his adult life working for equality and justice. As the lobbyist for the NAACP and as a leader in the Leadership Conference on Civil Rights, Clarence Mitchell was instrumental in the passage of every civil rights bill in Congress during the past 30 years. His excellent and determined service in the cause of civil liberties and social justice earned him the deserved nickname "the 101st Senator."

I was not fortunate enough to have worked directly with Mr. Mitchell. Nonetheless, I am very much aware and appreciative of his efforts in making this country a more just society for all Americans.

I extend my condolences to his wife Juanita, to is four sons, and to his brother, my good friend and colleague, Representative PARREN MITCHELL.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today to join with my colleagues in expressing my deep sympathies to Congressman PARREN MITCHELL on the lose of his brother, Clarence M. Mitchell, Jr.

The loss of Clarence Mitchell is a great one for all of the people of America for he was a champion of human rights, and he dedicated his life to insuring equality before the law for all of our citizens. He was a man of vision and courage, who was an effective and persuasive force in shaping the course of landmark civil rights legislation in our country.

After obtaining his law degree from the University of Maryland Law School, and engaging in graduate work in Minnesota and Atlanta, Clarence Mitchell began his career as a newspaper reporter covering racial violence. As a reporter, he witnessed the lynching of a man in Maryland, and this incident had a profound influence on his commitment to the civil rights movement.

Clarence Mitchell held a number of Government positions, where he served with distinction, and he was appointed director of the Urban League in St. Paul, Minn., in 1937. During World War II, he became assistant director of the Negro Manpower Service in the War Manpower Commission, and he served in the Fair Employment Commission, and the War Production Board, before he became the national labor secretary in the Washington office of the NAACP in 1945.

Five years later he became director of the Washington bureau of the NAACP, and for nearly three decades, Clarence Mitchell was one of the most effective and respected advocates of civil rights for all people of our Nation. He also took on the job of legislative chairman of the Leadership Council on Civil Rights.

Beginning with the Civil Rights Act of 1957, Clarence Mitchell played an instrumental role in the passage of all major civil rights legislation which was to follow. He was the guiding force in the passage of the 1961 act that created the Federal Civil Rights Commission, and he is credited with the authorship of title VII of the Civil Rights Act of 1964, requiring equal employment opportunities. The Voting Rights Act of 1965 and the Fair Housing Act of 1968 bear his mark, and are a reflection of the noble principles for which he stood.

For his outstanding record of achievement and his years of commitment to civil rights, Clarence Mitchell was awarded the Presidential Medal of Freedom, and he was the recipient of the NAACP's Spingarn Medal.

Mr. Speaker, Clarence Mitchell leaves behind a legacy of accomplishments in his great fight for justice and human dignity. He devoted his entire life to the betterment of his fellow man, and compiled an exemplary record on civil rights during his long distinguished career. His dedication to high standards, and his commitment to human improvement, human compassion, and equal justice under the law, will continue to be an inspiration to all of us who cherish our rights under our Constitution, and who continue to struggle to make these constitutional guarantees a reality for all of our citizens.

Mrs. Annunzio and I extend our deepest sympathy to his devoted wife, Juanita, their four sons, and the many other members of his family who survive him.●

● Mr. GONZALEZ. Mr. Speaker, it is with a great honor that I pause to pay tribute to the memory of a modest, but great champion of the rights of all Americans, Clarence Mitchell, Jr.

Clarence Mitchell's work on behalf of equality in the State of Maryland, and as labor secretary and director of the NAACP bureau here in Washing-

ton began at a time when I was waging similar battles in my hometown of San Antonio.

In the 1940's I quit my job as chief probation officer for Bexar County when the county judge refused to allow me to provide office space at the courthouse for a social worker, a black woman I had hired to handle female juvenile cases. The judge wanted her officed in the section of town where blacks lived.

Following that time there were many other incidents in my area involving the persistent denial of civil rights and equality, and in 1953 I was responsible, as a member of the San Antonio City Council, in bringing about the first desegregation of public facilities in a city south of the Mason-Dixon line.

I share this bit of history with you and other colleagues in order to recall some of the early struggles of our country's development that should never be forgotten, if we are to insure that future generations do not have to endure the pain and suffering of discrimination and inequality.

We owe a debt of gratitude to Clarence Mitchell and the legacy which he and other members of the Mitchell family have given us.

I share in the loss of this great American, and extend my condolences to his widow and sons, and to his fine brother, my good colleague of many years, Congressman, PARREN MITCHELL.

Clarence Mitchell will always be remembered in the annals of history as a man of courage, integrity, and persistant optimism in the quest toward the goal of full equality for all Americans.●

GENERAL LEAVE

Mr. LONG of Maryland. Mr. Speaker, before I call on the final speaker, let me ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, it is now appropriate, I think, to call on a very distinguished member of a distinguished family who probably knew Clarence Mitchell better than any of us because he was very, very close to him for many, many years, our distinguished colleague from Maryland, PARREN MITCHELL.

Mr. MITCHELL. I thank the gentleman for yielding to me.

Mr. Speaker, I certainly thank the gentleman for taking out this special order to mark the life of my brother, not his passing.

I think to myself how proud Clarence would be and how proud he probably is right now as he witnesses these tributes coming to him from the lawmakers of the highest legislative body in this Nation. Clarence loved the Hill, and he loved the institutions of Government. He loved the Congress, the House and the Senate.

Even as he struggled with the House and Senate to make it more responsive to the needs of those who were black and oppressed and poor, he revered the process and he revered the institution.

I want to thank all of those who took out special orders and made remarks today. I also want to thank all of those Members of the House who have indicated that they will file their remarks during the 5-day time interval.

I want to thank you again not just for me, but on behalf of my entire family, Clarence's family. We are exceedingly grateful to all of you. I think this moment when we stop to speak of his life, his living reinforces in all of us the fierce commitment and the fierce dedication that through us and through these institutions in which we serve the work will continue until it is completed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5154, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1985

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-637) on the resolution (H. Res. 469) providing for consideration of the bill (H.R. 5154) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4706, MARITIME PROGRAMS OF DEPARTMENT OF TRANSPORTATION AUTHORIZATIONS, 1985

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-638) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 4706) to authorize appropriations for fiscal year 1985 for certain maritime programs of the Department of Transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4900, PANAMA CANAL APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEAR 1985

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-639) on the resolution (H. Res. 471) providing for consideration of the bill (H.R. 4900) to authorize appropriations for fiscal year 1985 for the operation and maintenance of the Panama Canal, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4841, COAST GUARD AUTHORIZATION ACT OF 1984

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No 98-640) on the resolution (H. Res. 472) providing for consideration of the bill (H.R. 4841) to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 493) entitled "Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984."

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 518. An act to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control; and

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week."

The message also announced that the Vice President, pursuant to the provisions of sections 276h-276k, as amended, appoints Mr. HATCH as a member of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 98th Congress, to be held in Washington, D.C., on May 17-20, 1984.

PEACE EFFORTS: PRINCIPLES VERSUS PRACTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

● Mr. RAHALL. Mr. Speaker, this past weekend I had the honor and pleasure of attending a conference on United States-Arab relations in Chicago. I would like to congratulate the cosponsors of this conference: The American-Arab Affairs Council, the Center for Middle Eastern Studies of the University of Chicago, and the Mid-America Committee. An impressive lineup of guests were present at this conference such as Assistant Secretary of State Richard W. Murphy, former Secretary of Commerce Philip Klutznick, our former colleague Pete McCloskey, Richard Hittle, president of the U.S. Arab Chamber of Commerce, George Naifeh, president of the American-Arab Affairs Council, and former Deputy Secretary of Defense Frank Carlucci, among others.

I was honored to be seated at the head table next to the guest of honor, Her Majesty Queen Noor Al-Hussein of the Hashemite Kingdom of Jordan. She is in a unique position in the Arab world as a spokesperson for the people of her country. She was born in the United States before marrying His Majesty King Hussein after her college years. She is able to look at American-Arab relations from both sides and, at this time, is not all pleased by what she sees. This woman is dedicated to the advancement of relations between the peoples of her native country and the country of which she is now a major part. Queen Noor asks some hard questions of the United States which I feel will be of great interest to my colleagues. Therefore, I would like to insert Her Majesty's speech to the conference into the CONGRESSIONAL RECORD.

ADDRESS BY HER MAJESTY QUEEN NOOR AL HUSSEIN, PEACE EFFORTS: PRINCIPLES VERSUS PRACTICES, ARAB-AMERICAN AFFAIRS CONFERENCE BANQUET, CHICAGO, MARCH 23, 1984

Thank you, former Senator Adlai Stevenson, for your kind words of introduction.

I am delighted to be in Chicago with you tonight and to participate in this conference on current trends in relations between the Arab world and the United States. At the outset, I would like to commend the sponsors of this gathering, the American-Arab Affairs Council, the Center for Middle Eastern Studies of the University of Chicago, and the Mid-America Committee, for bringing together such a distinguished group of analysts to discuss candidly such important issues of common concern.

The participation of so many of you at this conference indicates how much Americans are concerned about the quality of their country's relationships with the Arab world. On behalf of the people of Jordan and my husband, I welcome your interest and hope my remarks this evening will make some contribution to advancing United States-Arab relations.

We all share in the long history of growing ties between the United States and the Arab world, particularly in such fields as economic and technical cooperation, education, travel and cultural exchange. But at the same time, we must face the harsh reality that political and emotional sentiments between Arabs and Americans may be at their lowest point in many decades—and could be deteriorating instead of improving.

I do not want simply to skirt the sensitive issues that seem to push us further apart and polarize the Middle East into dangerous zones of superpower influence. I would like us here tonight to make an honest and candid effort to come to grips with the difficult questions that are on our minds in the Arab world—questions that seriously divide us, and questions that I hope will be discussed more objectively throughout this country.

The United States rightly prides itself on a tradition of free and open discussion that is inscribed both in the Constitution of the Nation and in the hearts of its people. We are all aware of the rich wellspring of principles that make America great—principles such as equality and the due process of law, the sacred rights of the individual, personal and collective freedoms, self-determiniation and a commitment to liberty.

But, we are not here tonight just to politely acknowledge these noble principles. Rather, I think it more appropriate, under the current circumstances in the Middle East, to snap out of our complacency and try to reverse the dangerous trends that confront us both.

I mention the richness of American traditions and principles because they are a beacon—a standard set for all people around the world who share, or aspire to share, the heritage of freedom and personal liberties that is the cornerstone of American life.

But when the United States is viewed from the concerend perspective of the Arab world today, it looks far different. It raises both serious doubts and sadness in the minds of those who would otherwise admire America, and even wish to emulate it. America comes through to us in the Arab world as a jumble of contradictions between principles and practice, and as an endless source of weaponry and money that Israel uses against us. We see it as a disturbing example of how great powers can lose both their way and their credibility when the promise of their noble intentions is vanquished by the inconsistencies and apparent partisanship of their policies on the ground.

Let us not mince words or evade the facts: I come to you today from an Arab world in which American Embassies are being bombed, in which Americans are targets for assassination, in which the occasional presence of American military forces in the Middle East produces awkward fortresses that are hardly able to protect themselves, let alone promote or contribute to stability in the region.

Many throughout the Arab world grow increasingly convinced that the United States may be a source of our troubles, and not an instrument of their resolution. We grow increasingly concerned about the widening gap between America's principle declarations, and what we perceive as predominantly unhelpful American actions in the Middle East. I said that I come to you tonight with these hard questions. I can also say, without any hesitation, that if these questions are fully addressed by the people and Government of the United States, I am confident that a major step would be taken toward greater understanding and better relations between our two peoples.

I come to you tonight from Jordan and the Arab world, but I started my journey here in America. As a child, and as a young adult, I was privileged to benefit from the very finest that this country has to offer in the fields of education, culture, and the arts. I was never restrained from pursuing any interest because I was a woman. I was never told to lower my sights and rest on past accomplishments. In short, I was instilled always with a powerful and beautiful sense of responsibility to reach the fullest expression of my abilities and aspirations. I believe I absorbed the most precious elements from the rich repository of American principles and virtues, and this is something I shall value for the rest of my life.

But as I look to America now from my home in Jordan, I see a different image reflected at me, at my husband and children and family, at my people and at my country's hope for a better future.

I see an America whose impressive moral armour remains largely intact—except for a chink where American ethos has been scarred by the inconsistencies and frailty of its Middle Eastern policies.

I see an America that promotes negotiations between Arabs and Israelis, but itself refuses to open a dialogue with the chosen representatives of the Palestinian people.

I see an America that tacitly recognizes the illegality of Israeli settlements in occupied Arab lands, but continues to increase its annual aid to Israel, thereby actively helping to perpetuate those very settlements.

I see an America that asks Jordan and the Palestinians and other Arabs to show moderation and boldness—while America's military aid to Israel is characterized by immoderation in quantity, as well as a distressing lack of resolve in applying the letter or spirit of the legal sanctions that govern the use of the weaponry it supplies.

I see an America that speaks of justice and peace in the Middle East but helps perpetuate Israel's illegal practices by generous foreign aid that now averages about two-and-a-half billion dollars a year, or the equivalent of almost the entire gross domestic product of my country.

I see an America that claims to value Arab moderation, but persues policies of virtually unquestioning support for Israel that only make Arab moderation a precarious and sometimes even self-defeating business.

I see an America that expects the Arabs to enter into negotiations for peace without any pre-conditions—while America's own Middle East policy continues to reflect many of Israel's longstanding pre-conditions.

From my home in Jordan, I see a far different America than the one I grew up in, than the one whose strong moral values remain with me constantly as a source of strength and hope.

I believe it is time for the United States to ask itself the hard questions that others are asking throughout the Middle East, and throughout much of the rest of the world:

Why does the country that gave the world the concept of self-determination refuse to apply it to the Palestinians?

Why does the country that negotiated with the Vietcong, the Zimbabwean guerrilla groups and Swapo refuse to apply the same criteria of political legitimacy to the chosen leadership of the Palestinians—a

leadership recognized by the United Nations and more than 120 countries throughout the world?

The level and tone of anti-American sentiment throughout the Arab world are rising. And it distresses all of us to see that anti-American talk is being translated more and more into acts of brutal violence against American interests and individuals in the area. It would be a grave and dangerous mistake for the United States to brush this aside as merely the manifestation of an oriental mentality that gravitates to violence and extreme rhetoric.

Certainly, I understand the charge that we in the Arab world have not always presented a clear, unified position on what we want and where we stand vis-a-vis the role of the United States and other world powers in the region. There may have been circumstances in the past when we were handicapped by our own differences and the consequences of polarization within the Arab world. But we have responded positively to many calls to enhance the prospects for peace in the region, despite Israel's continued intransigence and the unwillingness of other involved parties to accept the principle of Palestinian self-determination.

Are we being asked to make peace on just and reciprocal terms for both Arabs and Israelis, or are we being asked to surrender unconditionally to the militarism and territorial extravagance of an Israeli state backed by the seemingly unquestioning might of the United States.

I see a dangerous trend in America that sometimes tries to explain away anti-Americanism in the Arab world as a manifestation of "the Arab character" or, even more demeaning, "the Islamic mind." Too many Americans see Arabs and Muslims through the distorted spectacles of centuries of misrepresentation and falsehoods. This is wrong and it is dangerous.

The negative stereotype of the Arab in America and in the West as a whole has a long history, going back hundreds of years. In the past, when contact between the West and the Arab world was limited to the occasional traveller, or the occasional military confrontation, one could more easily understand the absence of cross-cultural understanding that prevailed. But today's situation is very different. Personal communication between Arabs and Americans takes place on a wide scale every day, in such areas as trade, education, tourism and official exchanges. The information media of both peoples provide saturation coverage of important political developments, and the interested Arab or American who seeks accurate information about the other has easy access to hundreds of books, articles or films dealing with a variety of pertinent subjects.

The problem is not always the lack of accurate information. It is deeper than that. It is a problem of how to undo the damage of centuries of cultural misinformation and decades of political conflict. There is a tendency in the West to look at our world through the exotic and often spellbinding mist of fantasy and imaginations run wild.

Unfortunately, there is still a considerable amount of negative stereotyping of the Arabs in the United States, perpetuated through cross distortions of the Arab image in advertising, films, cartoons, popular novels, theatre, television and a capricious journalism that suffers in part from the commercial nature of a highly competitive press. Some of the negative stereotyping is unintentional and perhaps even unconsciously projected . . . and apologies have been made in many cases.

This, too, has always been an American strength—an insistence on truth, to seek the facts, and deal with realities, and ultimately to formulate national policies based on the true interests and motives of people throughout the world.

In some other cases, however, I suspect the policies of Israel and its single-minded advocates in the United States have worked to reinforce the negative image of the Arab in American minds. The image itself has become more grotesque over the years, and has portrayed the Arab, variously, as a bloodthirsty killer, an excessively romantic desert bedouin, a heartless terrorist, a pro-Communist extremist, or a wealthy, oil-rich sheikh dazzled by Western ways.

Once again, I acknowledge that we, too, have not always done all that we can to present our case to the world in the most effective manner. Our information systems in the Arab states, and our combined efforts to tell our side of the story throughout the world, have not always produced the desired results.

To be sure, in recent years the American mass media have improved their coverage of political and economic developments in the Middle East. Specifically, we have seen more balanced and accurate coverage of those Israeli actions that are contrary to the cause of peace and to the principles of the American people.

Occasionally, Western media have endeavored to report more accurately on the plight and political aspirations of the Palestinians. The concerns of individual Arab countries have also been better conveyed to the West, within the context of the specific requirements and aspiration of those countries. Another sign of greater responsibility and objectivity in the reporting of international events, is the growing tendency of Western journalists to look at individual Arab states in their own right, and not view all Arabs as one amorphous group.

I do not doubt the ability of the American media and people to recognize past mistakes, especially those mistakes based on a lack of information and insufficient contact with the people of the Arab world. It is a great source of hope for us to see the American media reporting more accurately on events in the Middle East, and to see a decrease in the portrayal of Arabs as politically dangerous, economically menacing, or socially comic figures.

I am also encouraged by the increasing awareness in the United States of the true nature and values of Islam. More Americans who take the time to learn about Islam are realizing the core of tolerance and compassion that marks Islamic values—values that are so deeply shared with Christians and Jews. All three religions worship the same God and abide by His Devine revelations, transmitted to them through the various prophets in the Bible and the Koran.

We have seen the rapid growth of public and private institutions devoted to serious scholarship on different aspects of the Islamic and Arab worlds. University departments, museums, independent think tanks, publishing houses, commercial associations and religious bodies are all helping to improve the intercultural flow of information that can lead to genuine understanding, and eventually to peace.

But how long can we wait? How much time do we really have to neutralize the negativism of the hour and reverse the current trend towards militarism and radicalism? When will we arrive at a coalition of reason able to establish the middle ground acceptable to all in the region?

Just as the repository of American virtues is both substantial and noble, the list of contributions by Arabs to modern civilization is equally impressive, though probably less well known. Arab achievements in the fields of mathematics, astronomy, medicine, art, philosophy, law, and social sciences are well recorded and recognized. In addition, the Arabic langauge and Islamic scholars were instrumental in the preservation of Graeco-Roman knowledge, which was refined and added to before being transmitted to the West through the European renaissance. Why, therefore, do these two rich and proud people—the Americans and the Arabs—face each other today across a sea of increasing hostility and doubt? Why is our mutual quest for closer economic, technical, and cultural ties so hampered by political differences?

Clearly, the lofty, ethical principles of American democracy are not always being applied equally in the formulation of American policy in the Middle East. The tendency of the United States Government to discriminate, for example, in the application of the principle of national self-determination is of enormous concern to us—and should be of equal concern to the American people themselves.

When we look at the United States, we see that its concept of freedom for all people has become divisible—because the Palestinians are not free.

We see that the concern for the human rights of all people is unequally applied—because the denial of the human rights of the Palestinian, Lebanese, Syrian, and Jordanian citizens under Israeli occupation is indirectly funded by the generosity of the American taxpayer.

We see, finally, that attempts by reasonable people to forge closer ties between Americans and Arabs are constantly hampered by an apparent and perplexing inclination in Washington to value relations with Israel more than relations with the Arab world.

I do not want to leave you with the impression that we lay all of the problems of the Middle East at the doorstep of the United States. We know that some of our problems and challenges are unrelated to our dispute with Israel or to the stateless condition of the Palestinians. We know that some countries in the Middle East have to answer for their own inadequacies in the field of human rights and political freedoms.

But our own problems look almost insignificant in the face of 36 years of American partiality in the Middle East, and 36 years of massive funding for one of the world's most outstanding denials of the national rights of an entire people.

I said earlier that I did not come here tonight to engage in self-congratulatory niceties. I came with hard questions, in the belief that only by addressing these questions together can we hope to reverse the current trend of mistrust and hostility between the United States and the Arab world.

There is too much at stake to allow the extremists and the mischief-makers on both sides to dominate the scene. On our side, what is at stake is the profound desire of millions of Arabs to live in peace and freedom—the desire to once again utilize our substantial human and natural resources in contributing to the advancement of all mankind.

On your side, what is at stake is the long and awesome tradition of an America that

practices what it preaches, an America that dares to adopt a truely impartial policy in the Middle East—a policy that affirms, rather than confounds, the principles of justice and equal rights before the law. This has been the hallmark of a proud America for over two hundred years. But we ask, in sadness and bewilderment: why do you make exceptions in the application of your most powerful weapon, your fundamental commitment to freedom and liberty and self-respect for all people? And what does this mean for you as Americans?

I cannot answer these questions. You in the United States—people and policymakers—have to address these questions yourselves. All I know is that I and my people in Jordan and the Arab world look at the United States today and come away with mixed signals and sadness.

Meanwhile, our two people continue to drift in a current of misunderstanding and political obstacles. Our hopes for a peaceful resolution of the Arab-Israeli conflict become increasingly dim. More important and urgent, our shared values of human dignity, freedom and self-respect are being distorted and ravaged by the excesses of extremist elements on both sides. Only they gain credibility, while the forces of moderation on both sides fight the more difficult battle.

We need not drift into immobility and angry frustration, and neither should we sink into a cycle of violence or militarism. We have identified a middle ground upon which a fair, permanent resolution of the Arab-Israeli conflict can be built. If we are both faithful to our rich heritage of compassion, justice, and freedom, I am sure we will prevail.

We must prevail. We both aspire to show the world how much can be achieved when Americans and Arabs join forces to do good in a world where goodness has too often fallen casualty to bitterness and despair.

Let us prevail together. Let us reaffirm our common commitment to Woodrow Wilson's principle of self-determination—but let us this time around reaffirm that self-determination is the right of all people, and not only some. Let us revitalize our common quest for excellence—in politics and diplomacy—and in the continued humanitarian advancement of science, culture and thought to which both Arabs and Americans have contributed so much.

Thank you very much, and may God bless you all and give you strength.●

CIVIL AIR PATROL

(Mr. RAHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. RAHALL. Mr. Speaker, this week my colleagues have received their personal copy of the 1984 Civil Air Patrol Annual Report to Congress on behalf of the cadet and senior members of the Civil Air Patrol in their respective States.

As we review this report, I believe, we will be impressed with the diversity and scope of Civil Air Patrol accomplishments in its volunteer operations.

The members of Civil Air Patrol are proud to make us aware of their achievements in 1983 and wish to express their appreciation for our continuing support.

Mr. Speaker, I have the honor of serving as Commander of the Congressional Squadron of CAP in the capacity of colonel, USAFCAP. CAP has been fortunate over its entire life to have the untiring efforts and full-pledged support of our senior Senator from West Virginia, the Honorable JENNINGS RANDOLPH. I would like to share with my colleagues remarks by Senator JENNINGS RANDOLPH given today at our Civil Air Patrol luncheon here on Capitol Hill:

I am pleased to be with you, today, as you present to Congress the annual report of the activities of the Civil Air Patrol in its 41st year of service to the Nation. I commend your performance during the past year in all of the mission areas, particularly the significant accomplishments in emergency services assistance to people in distress.

I was born in the year before the Wright brothers pioneered their historic flight at Kitty Hawk, North Carolina. As a youth I developed an interest in aviation. Over the past half-century that interest has translated itself into an advocacy for major aviation and space legislation.

One of the measures I was privileged to sponsor was legislation in 1946 to charter the CAP as a nonprofit humanitarian corporation whose members would be all volunteers. In 1948, Congress made the CAP an official auxiliary of the Air Force and gave the Air Force authority to help it conduct its activities and lend it a degree of assistance. Today, the CAP proudly carries on its tradition conducting search and rescue operations, community services and preparation of young cadets for aerospace careers.

During World War II, Nazi submarines lurked over the East Coast on the prowl for troop ships and oil tankers. They succeeded in curtailing our oil supplies, demonstrating the need for other sources of liquid fuels. On November 6, 1943, I flew with Lt. Col. Arthur C. Hyde, Wing Commander of the District of Columbia and Maryland Civil Air Patrol, on a 75-mile flight from Morgantown, West Virginia, to Washington, D.C. The flight was uneventful, but the circumstances were unusual. It was the first and only time that an aircraft was flown with gasoline produced from American coal. The Germans used aviation gas made from coal, but we did not.

The Synthetic Liquid Fuels Act, which I introduced in 1943, provided for experimental plants producing gas from coal.[1] But in the early 1950's the program died as new oil discoveries were made in the Middle East. I firmly believe that had the program continued, the United States, today, would be completely self-sufficient in energy resources. Perhaps some day, when America is forced to fall back on synthetic liquid fuels, that flight of a Congressman and a CAP Commander, almost 41 years ago, will become a more significant historic footnote.

The CAP is working hard at developing young men and women, such as yourselves, to assume a leadership role in aerospace power. Cadet training receives the bulk of CAP effort and these programs, including aerospace education, leadership skills and physical fitness, stress the "whole person" concept. Through these efforts you young people will contribute significantly to the continuing aerospace supremacy of our great Nation.

We realize there is an urgent need for light search-type aircraft to restore the CAP's diminishing Search and Rescue Fleet, as well as for motor vehicles and communications equipment. I pledge my support to efforts to obtain the authorization of appropriated funds for this purpose.

You have helped establish a 41-year record of service to the Nation. Congratulations to all of you.●

[1] This measure was signed into law by President Roosevelt on April 5, 1944.

OTTO ECKSTEIN

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. O'NEILL. Mr. Speaker, I want to express my profound sorrow over the untimely death last Thursday of Otto Eckstein. As a teacher, a professional economic forecaster, a scientist, and an adviser to both the executive and legislative branches of the Government, Otto was one of the giants of the economic profession.

As a Harvard professor for more than 20 years, focusing especially on public finance and introductory economic courses, Otto educated an entire generation of students. He was a good teacher—an exciting lecturer who communicated his extensive knowledge to his students at both the undergraduate and graduate levels. Many people who have made, or will make, economic policy for this country and foreign countries learned their economics from Otto Eckstein.

Otto pioneered in marketing economic forecasts on a large scale to business and government. In the 15 years since he founded Data Resources, Inc., he revolutionized the forecasting profession. Now, the most sophisticated economic forecasts are available to every business and government agency in the world. The computer software and the economic data is readily available for people to make their own forecasts using the DRI econometric models. Both business decisions and government policy have been immeasurably improved as a result of access to the DRI forecasts and model.

As a researcher, Otto made major contributions to economic science, particularly in the analysis of inflation and wage determination, and in cost-benefit analysis. The techniques he developed are now the conventional wisdom in many fields of economics.

Otto also gave very sound economic advice, both as a member of President Johnson's Council of Economic Advisers and as an informal adviser to Presidents and Members of Congress. He gave freely of his time as a witness at hearings and frequently traveled to Washington to brief us on the economic scene. He had a sense, rare among economists, of how to reconcile good economic policy with the political con-

straints under which politicians must operate. Especially at a time when the Nation's economic policy is so out of kilter, we will sorely miss his advice.

Throughout this life of extraordinary accomplishment, Otto was unfailingly witty and good-humored. His students, fellow economists, clients at DRI, and the policymakers he advised considered him, as I did, a friend. We mourn his passing.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. IRELAND (at the request of Mr. WRIGHT), on March 27 and 28, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCANDLESS) to revise and extend their remarks and include extraneous materials:)

Mr. MCCANDLESS, for 10 minutes, on March 28.

Mr. HAMMERSCHMIDT, for 10 minutes, on March 28.

Mr. MCCANDLESS, for 10 minutes, on March 29.

(The following Members (at the request of Mr. TORRES) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GARCIA, for 60 minutes, on March 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. BILIRAKIS in two instances.
Mr. TAUKE.
Mr. BROOMFIELD.
Mr. FISH in two instances.
Mr. MOORHEAD.
Mr. BEREUTER.
Mr. ROBINSON.
Mr. WOLF.
Mr. BROYHILL.
Mr. CAMPBELL in two instances.
Ms. SNOWE.
Mr. LEWIS of California.
Mr. HILLIS.
Mr. HAMMERSCHMIDT.
Mr. ERLENBORN in two instances.
Mr. FRANKLIN.
Mr. GRADISON.
Mr. ROBERT F. SMITH.
Mr. WILLIAMS of Ohio.

(The following Members (at the request of Mr. TORRES) and to include extraneous matter.)

Mr. MAZZOLI.
Mr. FROST.
Mr. OTTINGER.
Mr. FLORIO.
Mr. EDWARDS of California.
Mr. TORRES.
Mr. HALL of Ohio.
Mr. MINETA.
Mr. AUCOIN.
Mr. LANTOS.
Mr. MURTHA.
Mr. WAXMAN.
Mr. RAHALL.
Mr. CORRADA.
Mr. SMITH of Florida.
Mr. RATCHFORD.
Mr. BORSKI.
Mr. KOLTER.
Mr. GEJDENSON.
Mr. SWIFT.
Mr. MARKEY in two instances.
Mr. ADDABBO in three instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 224. Joint resolution to designate the week beginning April 1, 1984, as "National Amateur Wrestling Week"; to the Committee on Post Office and Civil Service;

S.J. Res. 247. Joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service; and

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week" to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker.

H.J. Res. 271. Joint resolution designating February 11, 1984, "National Inventors' Day"; and

H.J. Res. 443. Joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

ADJOURNMENT

Mr. BEDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 28, 1984, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2991. A letter from the Secretary of Housing and Urban Development, transmitting the quarterly report on the community development block grant jobs program from July through September 1983, pursuant to 42 U.S.C. 5306 (Public Law 98-8, title I); to the Committee on Appropriations.

2992. Acting General Counsel, General Accounting Office, transmitting notification that the President's proposed rescission of $1.7 million in budget authority has been apportioned by OMB to the Occupational Safety and Health Administration for salaries and expenses; to the Committee on Appropriations.

2993. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting the 1983 report on extraordinary contractual actions to facilitate the national defense, pursuant to Public Law 85-804, section 4; to the Committee on Armed Services.

2994. A letter from the Administrator, Environmental Protection Agency, transmitting the fiscal year 1983 report on the Toxic Substances Control Act, pursuant to Public Law 94-469, sections 30 and 9(d); to the Committee on Energy and Commerce.

2995. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the authorization for appropriations under the International Travel Act of 1961, as amended by the National Tourism Policy Act, through fiscal years 1985 and 1986, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

2996. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting notification that the executive branch intends to withdraw certifications Nos. 84-31 and 84-32, with respect to the proposed sales to Saudi Arabia and Jordan of Stinger air defense guided missile systems and missile rounds (EC2744, 2765, 2768, 2973), pursuant to AECA, sections 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31 34; 95 Stat. 1520); to the Committee on Foreign Affairs.

2997. A letter from the Chairman, Federal Communications Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 52(d); to the Committee on Government Operations.

2998. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552(j); to the Committee on Government Operations.

2999. A letter from the Secretary of Housing and Urban Development, transmitting a report on HUD's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3000. A letter from the Secretary of the Interior, transmitting information on the leasing systems for the central Gulf of Mexico sale 81 scheduled to be held on April 24, 1984, pursuant to August 7, 1953, chapter 345, section 8(a)(8) (92 Stat. 640); to the Committee on Interior and Insular Affairs.

3001. A letter from the executive director, Reserve Officers Association of the United States, transmitting the association's report of audit for the year ending March 31, 1983, pursuant to Public Law 88-504, Sec. 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3002. A letter from the national historian, Italian American War Veterans of the U.S. Inc., transmitting the 1983 report on the organization's activities, pursuant to Public Law 97-82, section 12; to the Committee on the Judiciary.

3003. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act to authorize appropriations for fiscal years 1985, 1986 and 1987, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

3004. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 44, United States Code, to authorize the Secretary of Commerce to establish prices charged for charts, tide and tidal current tables, tidal current charts, coast pilots, water level products, and associated data bases published or produced by the National Oceanic and Atmospheric Administration, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

3005. A letter from the Acting Administrator, General Services Administration, transmitting copies of 41 lease prospectuses, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

3006. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Climate Program Act to authorize appropriations for the carrying out of the provisions of such act, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Science and Technology.

3007. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1985 and 1986 and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Science and Technology.

3008. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1985 and 1986, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANNUNZIO: Committee on House Administration. House Resolution 443. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Hunger with amendments. (Rept. No. 98-636). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 469. Resolution providing for the consideration of H.R. 5154, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes. (Rept. No. 98-637). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 470. Resolution providing for the consideration of H.R. 4706, a bill to authorize appropriations for fiscal year 1985 for certain maritime programs of the Department of Transportation, and for other purposes. (Rept. No. 98-638). Referred to the House Calendar.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 471. Resolution providing for the consideration of H.R. 4900, a bill to authorize appropriations for fiscal year 1985 for the operation and maintenance of the Panama Canal, and for other purposes. (Rept. No. 98-639). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 472. Resolution providing for the consideration of H.R. 4841, a bill to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes. (Rept. No. 98-640). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FUQUA:

H.R. 5244. A bill to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1985, 1986, and 1987; to the Committee on Science and Technology.

H.R. 5245. A bill to authorize appropriations to the Department of Energy for civilian energy programs for fiscal years 1985, 1986, and 1987; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

By Mr. SWIFT:

H.R. 5246. A bill to amend the Communications Act of 1934 to improve the financial viability and operations of public broadcasting; to the Committee on Energy and Commerce.

By Mr. BEILENSON (for himself, Mr. FROST, Mr. BONIOR of Michigan, Mr. HALL of Ohio, Mr. PANETTA, Mr. GEPHARDT, Mr. ASPIN, Mr. MURTHA, Mr. DICKS, and Mr. PENNY):

H.R. 5247. A bill to amend the Congressional Budget Act of 1974 to improve the congressional budget process, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. BROYHILL:

H.R. 5248. A bill to amend the Communications Act of 1934 to provide greater competition in the provision of public radio programing; to the Committee on Energy and Commerce.

By Mr. BRYANT:

H.R. 5249. A bill to amend the Solid Waste Disposal Act to require any person selling a hazardous waste site to provide certain notice to the purchaser; to the Committee on Energy and Commerce.

By Mr. BRYANT (for himself, Mr. WIRTH, Mr. DINGELL, Mr. GORE, Mr. MOOREHEAD, Mr. SYNAR, Mr. BROOKS, Mr. LELAND, Mr. TAUZIN, Mr. COELHO, Mr. FROST, Mr. VENTO, Mr. MINETA, Mr. HUGHES, Mr. KINDNESS, Mr. LEATH of Texas, and Mr. BARTLETT):

H.R. 5250. A bill to amend the Securities Exchange Act of 1934 to provide uniform margin requirements in transactions involving the acquisition of securities of certain U.S. corporations by non-U.S. persons where such acquisition is financed by non-U.S. lenders, to specify a private right of action for violations of margin requirements, and for certain other purposes; to the Committee on Energy and Commerce.

By Mr. CORRADA:

H.R. 5251. A bill to amend the Higher Education Act of 1965 to improve the access of Hispanic individuals to higher education, and to amend the Foreign Assistance Act of 1961 to authorize assistance for technical education activities conducted by educational institutions in Puerto Rico for the people of Caribbean Basin countries; jointly, to the Committees on Education and Labor and Foreign Affairs.

By Mr. EMERSON (for himself, Mr. BEREUTER, Mr. CHENEY, Mr. CLAY, Mr. COLEMAN of Missouri, Mr. DAUB, Mr. GEPHARDT, Mr. SKELTON, Mrs. SMITH of Nebraska, Mr. TAYLOR, Mr. VOLKMER, Mr. WHEAT, and Mr. YOUNG of Missouri):

H.R. 5252. A bill to redesignate the Regional Veterans' Administration Medical Center located in Poplar Bluff, Mo., as the "General Black Jack Pershing Regional Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN:

H.R. 5253. A bill to extend and amend programs under the Native American Programs Act of 1974, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK:

H.R. 5254. A bill to authorize the Secretary of Housing and Urban Development to provide loans for the making of necessary capital improvements in certain multifamily housing projects assisted by the Secretary, and to amend certain laws relating to the management and preservation of such projects; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 5255. A bill to amend title XVIII of the Social Security Act with respect to providing for a single prospective payment rate for hospitals located in urban and rural areas; to the Committee on Ways and Means.

By Mr. HERTEL of Michigan:

H.R. 5256. A bill to amend title 10, United States Code, to authorize the Inspector General of the Department of Defense to take certain extraordinary actions to reform contracts of the Department of Defense; to the Committee on Armed Services.

By Mr. LEVITAS:

H.R. 5257. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5258. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5259. A bill to terminate certain authority of the executive branch of the Government which are subject to congressional

review unless that authority is approved by an enactment of the Congress; to the Committee on Science and Technology.

H.R. 5260. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 5261. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of employee awards; to the Committee on Ways and Means.

By Mr. PASHAYAN (for himself, Mr. MATSUI, Mr. DE LA GARZA, Mr. UDALL, Mr. BROWN of California, Mr. HUNTER, Mr. STUMP, Mr. LEWIS of California, Mr. LOEFFLER, Mr. MCNULTY, and Mr. MCCANDLESS):

H.R. 5262. A bill to amend section 278(b) of the Internal Revenue Code of 1954 with respect to certain capital expenditures of farming syndicates; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 5263. A bill to authorized appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH of Iowa (for himself, Mr. HARKIN, Mr. BEDELL, Mr. LEACH of Iowa, Mr. TAUKE, and Mr. EVANS of Iowa):

H.R. 5264. A bill to amend the Clayton Act to allow sellers of agricultural products to bring antitrust actions; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 5265. A bill to amend the Older Americans Act of 1965 to authorize appropriations for supportive services and senior centers for fiscal years 1985, 1986, and 1987; to the Committee on Education and Labor.

By Mr. SOLOMON:

H.R. 5266. A bill to amend the Foreign Service Act of 1980 to remove the requirement that the Director General of the Foreign Service and the Chairman of the Board of the Foreign Service be members of the Senior Foreign Service and to clarify the definition of "management officials" as used in chapter 10 of title I of that act; to the Committee on Foreign Affairs.

By Mr. WHITLEY:

H.R. 5267. A bill to amend the Housing Act of 1949 to improve the administration of the requirement that a certain portion of the dwelling units assisted under section 502 of such act be available only for very low-income families or persons; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WOLF (for himself and Mr. PARRIS):

H.R. 5268. A bill to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport"; to the Committee on Public Works and Transportation.

By Mr. BENNETT (for himself, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS of Texas, Mr. ARCHER, Mr. BARNES, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BRITT, Mr. CHAPPELL, Mr. CHAPPIE, Mrs. COLLINS, Mr. COUGHLIN, Mr. CROCKETT, Mr. DASCHLE, Mr. DE LUGO, Mr. DICKINSON, Mr. DIXON, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of Alabama, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FISH, Mr. FLIPPO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FROST, Mr. GEKAS, Mr. GRAMM, Mr. GRAY, Mr. HAMMERSCHMIDT, Mr. HARTNETT, Mr. HATCHER, Mr. HAWKINS, Mr. HEFNER, Mr. HORTON, Mr. HUGHES, Mr. HUNTER, Mr. IRELAND, Mr. JEFFORDS, Mr. JENKINS, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MCCAIN, Mr. MCNULTY, Mr. MACKAY, Mr. MADIGAN, Mr. MARTIN of New York, Mr. MOAKLEY, Mr. MOODY, Mr. MURPHY, Mr. NICHOLS, Mr. ORTIZ, Mr. OXLEY, Mr. RATCHFORD, Mr. REID, Mr. RITTER, Mr. ROBINSON, Mr. ROE, Mr. ROGERS, Mr. ROWLAND, Mr. SCHAEFER, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. STUDDS, Mr. SUNIA, Mr. TOWNS, Mr. VANDER JAGT, Mr. WEISS, Mr. WHEAT, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, and Mr. YOUNG of Missouri):

H.J. Res. 529. Joint resolution to designate the week of September 23, 1984, through September 29, 1984, as "National Drug Abuse Education and Prevention Week; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN:

H.J. Res. 530. Joint resolution designating the week beginning on January 20, 1985, as "School Health Care Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANKLIN:

H. Con. Res. 279. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem and to finance such a correction, in order to insure equitable and fair treatment for those who have based their retirement plans on benefit levels which have existed for the past decade; to the Committee on Ways and Means.

By Mr. BATES (for himself, Mr. BERMAN, Mr. MARTINEZ, Mr. ROYBAL, Mr. TORRES, Mr. WAXMAN, Mr. LEVINE of California, Mr. DELLUMS, Mr. DIXON, Mr. MATSUI, Mr. LEHMAN of California, Mr. DYMALLY, Mr. PANETTA, Mr. REID, Mr. HAWKINS, Mr. BEILENSON, Mr. STARK, Mr. EDWARDS of California, Mr. BOSCO, Mr. BROWN of California, Mr. LANTOS, Mr. MINETA, Mr. COELHO, Mr. MILLER of California, Mr. PATTERSON, Mr. FAZIO, Mrs. BOXER, and Mrs. BURTON of California):

H. Res. 473. Resolution expressing the sense of the Congress regarding public telephone service; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

350. By the SPEAKER: Memorial of the Legislature of the State of Iowa, relative to representation of the District of Columbia in Congress; to the Committee on the Judiciary.

351. Also memorial of the House of Representatives of the State of Hawaii, relative to tax-exempt revenue bonds; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 118: Mr. DORGAN.

H.R. 1029: Mr. BONIOR of Michigan.

H.R. 1030: Mr. BONIOR of Michigan.

H.R. 1415: Mr. GEPHARDT and Mr. MAZZOLI.

H.R. 1452: Mrs. LLOYD.

H.R. 1617: Mr. CRAIG, Mr. GORE, Mr. LEVIN of Michigan, Mr. LONG of Maryland, and Mr. THOMAS of Georgia.

H.R. 1657: Mr. DOWNEY of New York, Mr. BLILEY, Mr. TOWNS, Mr. CROCKETT, Mr. LELAND, Mr. HAWKINS, Mr. BARNARD, Mr. COELHO, Mr. BROWN of California, Mr. WHITTAKER, Mr. HORTON, Mr. MCHUGH, Mr. DEWINE, Mr. WILLIAMS of Montana, Mr. MCGRATH, Mr. WORTLEY, and Ms. MIKULSKI.

H.R. 1754: Mr. OLIN.

H.R. 1831: Mr. DORGAN.

H.R. 1881: Mr. GREGG, Mr. LANTOS, Mr. LEACH of Iowa, Mr. MARKEY, Mr. RAY, Mr. ROBERTS, Mr. SLATTERY, Mr. STUMP, Mr. WOLPE, and Mr. ZSCHAU.

H.R. 1959: Mr. GORE, Mr. LONG of Maryland, Mr. ECKART, Mr. MORRISON of Connecticut, and Mr. BRYANT.

H.R. 1984: Mr. FOWLER, Mr. MACKAY, Mr. MAZZOLI, Mr. MYERS, Mr. SIKORSKI, and Mr. BROOKS.

H.R. 2154: Mr. HORTON, Mr. EARLY, and Mr. BOLAND.

H.R. 2300: Mr. TORRICELLI and Mrs. KENNELLY.

H.R. 2568: Mr. CROCKETT and Mr. PAUL.

H.R. 2852: Mr. HUGHES, Mr. CROCKETT, and Mr. LOWRY of Washington.

H.R. 3073: Mr. PHILIP M. CRANE and Mr. BURTON of Indiana.

H.R. 3271: Mr. FROST.

H.R. 3282: Mr. BOEHLERT and Mrs. ROUKEMA.

H.R. 3778: Mr. BROWN of California, Mr. JACOBS, Mr. NEAL, and Mr. OBERSTAR.

H.R. 3808: Mr. WOLPE.

H.R. 4103: Mr. HUNTER, Ms. KAPTUR, Mr. LUJAN, Mr. MILLER of California, Mr. PRITCHARD, and Mr. HARTNETT.

H.R. 4162: Mr. YOUNG of Missouri, Mr. SILJANDER, Mr. WEBER, and Mr. BEDELL.

H.R. 4175: Mr. BARNES, Mr. ANTHONY, Mr. CROCKETT, Mr. GORE, and Mr. OWENS.

H.R. 4308: Mr. ECKART, Mr. COUGHLIN, Mr. GOODLING, Mr. PATTERSON, Mr. MATSUI, Mr. RITTER, Mr. O'BRIEN, Mr. BROWN of California, Mr. PEASE, Mr. REID, Mr. WAXMAN, Mr. MOODY, Mr. LUKEN, Mr. PRICE, Mr. WOLPE, and Mr. GAYDOS.

H.R. 4356: Mr. MORRISON of Connecticut.

H.R. 4360: Mr. LEHMAN of Florida, Mr. LEHMAN of California, Mr. HUBBARD, Mr. HOWARD, Mr. MCCLOSKEY, Mr. TOWNS, Mr. CONYERS, Mr. DORGAN, Mr. HAYES, Mr. WISE, Mr. DINGELL, Mr. GONZALEZ, Mr. BIAGGI, Mr. YOUNG of Missouri, Mr. OWENS of New York, Mr. RATCHFORD, Mr. DWYER of New Jersey, Mr. YATES, Mr. MAVROULES, Mr. WAXMAN, Mr. PRICE, Mr. STUDDS, Mr. MARTINEZ, Mr. ADDABBO, and Mr. DURBIN.

H.R. 4402: Mr. WHITEHURST and Mr. MARLENEE.

H.R. 4475: Mr. LAGOMARSINO, Mr. BONER of Tennessee, Mr. YOUNG of Alaska, Mr. KINDNESS, and Mr. PAUL.

H.R. 4571: Mr. WALGREN and Mr. WOLF.

H.R. 4598: Mr. FORD of Michigan, Mr. KOSTMAYER, Mr. HARRISON, Mr. WALKER,

Mr. RITTER, Mr. GAYDOS, Mr. YATRON, Mr. EDGAR, Mr. FOGLIETTA, and Mr. WALGREN.

H.R. 4621: Mr. GRAMM, Mr. ALBOSTA, Mr. SHUMWAY, Mr. FRANKLIN, Mr. VANDERGRIFF, Mr. CLINGER, Mr. DANNEMEYER, Mr. DOWDY of Mississippi, Mr. BLILEY, Mr. SILJANDER, Mr. MARLENEE, and Mr. BILIRAKIS.

H.R. 4642: Mr. MINISH, Ms. KAPTUR, Mr. CONYERS, Mr. HORTON, Mr. BONIOR of Michigan, Mr. CARNEY, Mr. VOLKMER, Mr. VENTO, and Mr. SEIBERLING.

H.R. 4643: Mr. FISH, Mr. BEVILL, Mr. FLIPPO, Mr. ROWLAND, Mr. DARDEN, Mr. MCCAIN, Mr. GINGRICH, Mr. NEAL, Mr. PATMAN, Mr. HUCKABY, Mr. STUMP, Mr. FRANKLIN, Mr. MATSUI, Mr. JONES of North Carolina, and Mr. EMERSON.

H.R. 4731: Mr. CARR, Mr. SIMON, and Mr. FOGLIETTA.

H.R. 4740: Mr. KASICH, Mr. SMITH of New Jersey, Mr. HALL of Ohio, Mr. FORSYTHE, Mr. CHAPPIE, Mr. ROE, Mr. BURTON of Indiana, Mr. KINDNESS, Mr. BEVILL, Mr. LUKEN, Mr. CROCKETT, Mr. DEWINE, Mr. HUGHES, and Mr. CORRADA.

H.R. 4760: Mr. SAVAGE, Mr. PATTERSON, and Mr. OBERSTAR.

H.R. 4772: Mr. STOKES and Mr. KASTENMEIER.

H.R. 4813: Mrs. SCHROEDER and Mr. FEIGHAN.

H.R. 4865: Ms. FERRARO and Mr. TALLON.

H.R. 4870: Mr. FRANK.

H.R. 4877: Mr. QUILLEN, Mr. SHUSTER, and Mr. WEAVER.

H.R. 4954: Mr. LELAND, Mr. BRYANT, and Mr. WIRTH.

H.R. 4966: Mrs. BOGGS, Mr. CARNEY, Mr. DAUB, Mr. DOWNEY of New York, Mr. FOGLIETTA, Mr. HORTON, Mr. STANGELAND, and Mr. WOLF.

H.R. 5008: Mr. WALGREN, Mr. FEIGHAN, and Mr. FORD of Michigan.

H.R. 5015: Mr. GARCIA, Mr. MITCHELL, Mr. PRICE, Mr. BEDELL, and Mr. HARTNETT.

H.R. 5023: Mr. WISE, Mr. RICHARDSON, Mr. D'AMOURS, Mr. FLORIO, Mr. ROE, Mr. TAUZIN, and Mr. WALGREN.

H.R. 5042: Mr. STUDDS, Mr. DWYER of New Jersey, and Mr. BEDELL.

H.R. 5064: Mr. HATCHER, Mr. EVANS of Iowa, Ms. KAPTUR, Mrs. BYRON, Mrs. LLOYD, Mr. ROTH, Mr. WEAVER, Mr. ORTIZ, Mr. HILLIS, and Mr. DURBIN.

H.J. Res. 153: Mr. BROYHILL, Mr. DARDEN, and Mr. SHARP.

H.J. Res. 254: Mr. PEASE.

H.J. Res. 389: Mr. SIMON.

H.J. Res. 407: Mr. BREAUX, Mr. MORRISON of Washington, Mr. YOUNG of Florida, Mr. CARR, Mr. EVANS of Iowa, Mr. EDWARDS of Alabama, Mr. DYMALLY, Mr. FAUNTROY, Mr. STOKES, Mr. YOUNG of Missouri, Mr. RITTER, Mr. LEVITAS, Mr. ANDREWS of Texas, Mr. HAYES, Mr. HANSEN of Utah, Mr. SCHEUER, Mr. JONES of Tennessee, Mr. D'AMOURS, Mr. BRITT, Mr. DE LUGO, and Mr. NICHOLS.

H.J. Res. 450: Mr. ORTIZ, Mr. HEFNER, Mr. YOUNG of Florida, Mr. MCDADE, Mr. BEDELL, Mr. NICHOLS, Mr. IRELAND, and Mr. SMITH of New Jersey.

H.J. Res. 452: Mr. SNYDER, Mr. BROWN of California, Mrs. KENNELLY, Mr. CHAPPIE, Mr. ROWLAND, Mr. DWYER of New Jersey, Mr. O'BRIEN, Mr. MAVROULES, and Mr. IRELAND.

H.J. Res. 463: Ms. MIKULSKI, Mrs. HALL of Indiana, Mr. ROBINSON, Mr. KOSTMAYER, Mr. STANGELAND, Mr. EVANS of Iowa, and Mr. ALBOSTA.

H.J. Res. 476: Mr. SPRATT, Mr. JENKINS, Mr. APPLEGATE, and Mr. GREGG.

H.J. Res. 477: Mr. BADHAM, Mr. SCHEUER, and Mr. MINETA.

H.J. Res. 484: Mr. O'BRIEN, Mr. DELLUMS, Mr. CONYERS, Mr. LAGOMARSINO, Mr. SUNIA, Mr. REID, Mr. HORTON, Mr. ROE, Mr. LELAND, Mr. MAZZOLI, Mr. BONER of Tennessee, Mr. BARNES, Mr. TRAXLER, Mr. CORRADA, Mr. OWENS, Mr. CARR, Mr. WINN, Mr. HATCHER, Mr. BOLAND, Ms. KAPTUR, Mr. AKAKA, Mr. ANDREWS of Texas, Mr. ADDABBO, Mr. WON PAT, Mr. VENTO, and Mr. LANTOS.

H.J. Res. 487: Mr. APPLEGATE, Mr. BRITT, Mr. DASCHLE, Mr. SAM B. HALL, Jr., Mr. HANSEN of Idaho, Mr. KAZEN, Mr. MARTIN of New York, Mr. ORTIZ, Mr. TORRES, and Mr. WALGREN.

H.J. Res. 496: Mr. THOMAS of California and Mr. HARTNETT.

H.J. Res. 502: Mr. LUKEN, Mr. BOSCO, Mr. WHITLEY, Mr. YATRON, Mr. MINETA, Ms. FIEDLER, Mr. BEDELL, and Mr. SEIBERLING.

H. Con. Res. 25: Mr. SCHUMER.

H. Con. Res. 76: Mr. HAMILTON.

H. Con. Res. 226: Mr. BROYHILL, Ms. FIEDLER, Mr. FLORIO, Mr. GORE, Mr. HORTON, Ms. MIKULSKI, Mr. OWENS, Mr. TAUZIN, and Mr. YATES.

H. Con. Res. 267: Mr. DONNELLY, Mr. LEVIN of Michigan, and Ms. MIKULSKI.

H. Res. 452: Mr. DYSON, Mr. BEVILL, Mr. HUGHES, Mr. SOLARZ, Mr. WILLIAMS of Montana, Mr. FOLEY, Mrs. KENNELLY, Mr. RATCHFORD, Mr. DUNCAN, Mr. HOWARD, Mr. QUILLEN, Mr. CARPER, Mr. OWENS, Mr. FRENZEL, and Mr. MCGRATH.

H. Res. 457: Mr. ROE, Mr. O'BRIEN, Mr. HUGHES, Mr. FROST, and Mr. MCNULTY.

H. Res. 458: Mr. HUGHES, Mr. CONYERS, Mr. LELAND, Mr. TORRES, Mr. FOGLIETTA, Mr. SABO, Mr. SEIBERLING, Mr. ECKART, Mr. VENTO, Mr. SIMON, and Mr. DORGAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2282: Mr. MCEWEN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

333. By the SPEAKER: Petition of Edward Ronwin, Urbandale, Iowa, relative to attorney's fees in civil rights actions; to the Committee on the Judiciary.

334. Also, petition of the city council of Miami, Fla., relative to the Cuban families in Costa Rica; to the Committee on the Judiciary.

335. Also, petition of the Prehon Law Society, Philadelphia, Pa., relative to Michael O'Rourke; to the Committee on the Judiciary.

336. Also, petition of the council of the city of New York, N.Y., relative to medicare benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

[Omitted from the Record of Mar. 26, 1984]

H.R. 5119

By Mr. HALL of Ohio:

Page 4, line 15, strike out "$587,250,000" and insert in lieu thereof "$562,250,000"; and after line 20, insert the following:

(c) Assistance may not be provided for the Philippines for the fiscal year 1985 under chapter 2 of part II of such Act.

SENATE—*Tuesday, March 27, 1984*

(Legislative day of Monday, March 26, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, Heavenly Father, our hearts are filled with gratitude and pride for our leader, Senator HOWARD BAKER, who has been awarded the Nation's highest civilian honor, the Presidential Medal of Freedom. We thank Thee for the years of dedicated, strong and fruitful public service which make this honor so richly deserved.

We ask for him a very special dispensation of Thy grace. Grant O God, that these final months of his distinguished leadership will be crowned with fulfillment of his finest aspirations for the Senate, the Nation, and the world. May he know the profound respect, admiration, and affection of his peers and all the people. In the name of the Servant of servants we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

EXPRESSION OF THANKS FOR THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I first wish to express my profound thanks to the distinguished Chaplain. I had not expected that supplication this morning in his prayer. I am grateful in the extreme. And, in the habit of making facetious remarks which are taken in good spirit, I am sure, by our Chaplain, he ought to stop while he is ahead.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes; I yield to the distinguished minority leader.

Mr. BYRD. Well, I will say, not as criticism of the Chaplain, but he ought to pray for somebody that needs it.

Mr. BAKER. Mr. President, the Lord will forgive us for all these things, I am sure. But I am truly grateful for his remarks.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today is Tuesday and, as Members know, but I will remind them, it has become our habit to have a period for the transaction of routine morning business from our opening at 11 a.m. until the hour of 12 noon and then to recess for 2 hours so that Members on both sides of the aisle usually can attend caucuses which are conducted away from the Senate Chamber. That will be the case today.

But when we return at 2 p.m., we will resume consideration of the supplemental appropriations bill, which is House Joint Resolution 492.

Mr. President, I have not yet had an opportunity to talk with the distinguished chairman of the Appropriations Committee or to the ranking member about what I am going to say. I have indicated as much to the minority leader just now in a brief conversation before we opened.

It would be my hope that after 2 p.m. today we could get on with the amendments to this bill and do all of them except the Central America amendments, take them up tomorrow, finish the bill on Wednesday, and be prepared to go to the reconciliation bill on Thursday.

There is also the matter of a bankruptcy bill that must be dealt with before the first of the month, if possible, and a bill has been acted on by the other body. Could I inquire of the Chair, Is that bill here? Has the House transmitted that bill to us, the bankruptcy bill?

The PRESIDENT pro tempore. There is a bankruptcy bill on the calendar that came from the House and that probably will be ready to be taken up tomorrow morning. The Senate will have amendments to that bill.

Mr. BAKER. The Chair is in a unique position to advise the leadership on that subject. Not only is he the Presiding Officer and the President pro tempore, but he is the chairman of the Judiciary Committee. So I doubly thank him for the information.

Mr. President, in summary, I hope we can do the supplemental appropriations bill, the bankruptcy bill, and at least get started on the reconciliation bill this week. I must, of course, confer with the minority leader and other Senators before we can make a firm commitment on how we proceed. But I thought it well to outline that general agenda for this week in the Senate.

There are other matters, Mr. President, that may be cleared for action by unanimous consent, both on the Calendar of Business and the Executive Calendar. I will consult once again with the minority leader to see how far we can go in that respect.

Mr. President, I believe I have no other announcements to make at this point. I am prepared to yield my remaining time to the minority leader, if he has any need for it, or to yield it back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

THE MATH-SCIENCE BILL

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I do not have a need for the time. I would like to ask the majority leader whether or not he sees early action on the math-science legislation.

Mr. BAKER. Mr. President, I thank the minority leader. If he will yield to me, I have included that on the list of items that we were going to take up. The minority leader has very properly asked me about that a number of times now. I have replied in good faith that it is the intention of the leadership to take up that measure, as indeed it is, but judging by the deadlines that we have approaching now on the bankruptcy bill and the danger of losing some of the savings in the reconciliation bill that is on the calendar, I would doubt that we will do that bill this week. But it is the firm intention of the leadership on this side to ask the Senate to turn to that measure at some point not very far off.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. President, unless the majority leader needs my time, I yield it back.

Mr. BAKER. I yield back my time, Mr. President.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mrs. KASSEBAUM). Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Thank you, Madam President.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

WHAT IS THE NUCLEAR BALANCE OF FORCES?

Mr. PROXMIRE. Madam President, a critical question in determining our nuclear weapons policy is: "What is the nuclear balance of forces?" The administration has argued that we can only negotiate arms control from a position of strength. If the Soviet nuclear force is bigger than ours, more accurate than ours, less vulnerable than ours, more devastating than ours, any negotiation between competent negotiators must recognize these hard facts. A freeze under these circumstances in which both sides would agree to stop production and deployment from now on would appear to put the United States at a permanent disadvantage. There are two reasons why this appearance is wrong and why the administration is wrong in reaching such a conclusion.

First, the Soviet nuclear force is not superior to ours. It is certainly different. And, without question, if we simply count the number of missile launchers, the megatonnage of the Soviet nuclear payload, and the Soviet nuclear throw-weight, the Soviet Union is, indeed, ahead. On the other hand, if we compare the two nuclear arsenals in the most significant element of nuclear power, survivability, the United States is decisively ahead. Soviets enjoy an approximate 3-to-2 advantage in launchers, megatonnage and throw-weight. The United States has a similar advantage in the number of warheads and a powerful advantage in survivability, as I shall detail in a later speech.

But the real story that the comparison of the two nuclear arsenals tell us is that neither side has an advantage that would have any significance in a nuclear war. The real answer we get from comparing the nuclear arms power of the Soviet Union with the nuclear arms power of the United States is that both countries would virtually vanish from the face of the Earth in a nuclear war. Whether the United States or the Soviet Union strikes first, and whether the strike becomes a total success, surpassing any reasonable expectation, still the other side could and would retaliate with an absolutely devastating second strike. Every city in both countries would be totally destroyed and left a heap of steaming, radioactive rubble. Virtually every utility, every significant industrial establishment, every transportation junction, every port would lie flattened and burned to a cinder. What would be left? There would be some powerful survivors. Ironically, the survivors would be ready, willing and able to finish off anything that was left. Steaming somewhere under the world's oceans would be nuclear armed submarines, a handful still husbanding enough nuclear power to finish everything in a new world war IV.

Madam President, what is the real answer to the question of what is the balance between the nuclear forces of the Soviet Union and the United States? It is this: the survivable destructive nuclear power on both sides would be so great after each side had totally destroyed the other as an organized society that even such an ultimate cataclysm would not end the devastation. Does it make any sense at all—any sense under these circumstances—to argue that we must not negotiate an end to the nuclear arms race until we have the same throw-weight, the same megatonnage, the same number of launchers as the Soviet Union? Of course, it does not.

The President has tried to still the protest against continued nuclear buildup by arguing that we have less nuclear war heads and a lower nuclear megatonnage today than we had 20 years ago. A superficial reference to the numbers suggests we have engaged in unilateral disarmament for the past 20 years while our Soviet adversary has been rushing ahead. The fact is, Madam President that we have been pouring tens of billions of dollars into improving the accuracy, the reliability, and the survivability of our nuclear arsenal so, if we are hit, we well still have a nuclear arsenal left. We have made it infinitely more lethal, more destructive, more certain that it would reach the Soviet targets under any circumstances. We have succeeded in making our nuclear capability literally unstoppable and indestructible.

In doing so we have, indeed, cut down on the excess megatonnage. We have followed a "build-down" in units of destructive power, by weeding out the least accurate, least reliable, and most vulnerable weapons. We have arrived at a nuclear arsenal that is 20 years ahead of what we had in 1964 and probably 10 years ahead—at least of the Soviet Union. There is no question that the balance of forces between the Soviet Union and the United States today makes this the time for a mutual, verifiable agreement with the Soviet Union to stop the arms race.

Madam President, in tomorrow's speech, I shall make a more detailed comparison between the United States and Soviet nuclear forces, documenting it in detail.

CASE HISTORIES IN INHUMANITY: THE CASE FOR THE GENOCIDE TREATY

Mr. PROXMIRE. Madam President, Americans enjoy many freedoms not available to others. We can travel at will, whenever and wherever we wish. We can freely engage in open debate on affairs of state. We can practice the religion of our choice and associate with whom we wish.

These freedoms are so evident, so widely recognized, that they have faded into the background of our lives. We frankly and openly take them for granted.

Other peoples of the world are not as lucky. For example, I am always shocked and dismayed when I read of the harassment and imprisonment of Jews in the Soviet Union.

Courageous young men and women whose only crime is a desire for religious freedom, or the wish to emigrate, to start a new life or join family in another country, are instead imprisoned for years and made to work like slaves. This is the "justice" of the Soviet courts.

Madam President, I wish to thank the National Conference on Soviet Jewry for raising the public consciousness and keeping the world informed of the plight of these unfortunates. Their recent pamphlet describing victims of Soviet persecution is chilling and revealing. I would like to share some of these stories with my colleagues.

Vladimir Kislik is a former physicist from Kiev. Ten years ago, his wife and son emigrated to Israel. His repeated efforts to join his family have resulted in his arrest and imprisonment. He will probably spend the next 3 years at hard labor. He may never see his family again.

Mathematician and Hebrew teacher Iosif Begun has been arrested three times. He may spend the rest of his life in jail or internal exile. His crime? Teaching Hebrew to eager students in Moscow.

Aleksandr Panarev celebrated his 20th birthday this January—in jail. His crime? Engaging with his mother in a 10-year struggle to leave the Soviet Union and join relatives in Spain.

I hope these examples of gross inhumanity will serve to remind us of our fortunate position. Our country is built upon the principle of individual freedom. These freedoms are precious commodities, not available to much of the world. Their omnipresence in our corner of the globe must not be permitted to blind us to the plight of those less fortunate.

For this reason, I have daily urged the Senate to ratify the Genocide Convention. Borne of the horrors of World War II, this treaty declares the serious mental or physical harm of a racial, ethnic, or religious group to be a crime punishable under international law. Our persistent refusal to give our advice and consent for ratification of this basic humanitarian document is a slight to those who yearn for the freedoms we have in such abundance. I urge my colleagues to consider those who languish in Soviet jails for acts

that we perform daily. I urge the immediate ratification of the Genocide Convention.

Mr. PROXMIRE. Madam President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

APPOINTMENTS ON BEHALF OF THE VICE PRESIDENT

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Utah (Mr. HATCH) as a member of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 98th Congress, to be held in Washington, D.C., on May 17-20, 1984.

RETIRED SOUTH CAROLINA SUPREME COURT JUSTICE J. WOODROW LEWIS AND NEWLY APPOINTED CHIEF JUSTICE C. BRUCE LITTLEJOHN

Mr. THURMOND. Madam President, on March 8, 1984, South Carolina Supreme Court Justice J. Woodrow Lewis concluded an impressive career of public service in our State's highest court. Now, after serving for 8 years in this important capacity, and for 14 years as an associate justice, he is beginning his well-deserved retirement.

However, South Carolina is indeed fortunate that his successor, Chief Justice C. Bruce Littlejohn, has had an equally distinguished career, and I am sure he will serve with the same degree of integrity.

The judicial system in South Carolina has undergone many significant changes under Chief Justice Lewis' direction, and the efficiency of the high courts and other courts is stronger now thanks to his firm and wise leadership.

Chief Justice Lewis essentially, singlehandedly, reformed the antiquated procedures which stifled the effectiveness of the courts. The chief justice is well known for his ceaseless efforts in reestablishing parameters of the courts' proper jurisdiction, thereby giving them greater independence from unnecessary legislative influence. Chief Justice Lewis is to be commended for his unswerving commitment to the goal of making the South Carolina supreme court and judicial system one of the best in the Nation.

Although he is now retired, I know that Chief Justice Lewis will continue to be involved in the affairs of our State's judicial system, and I want to offer my best wishes to him in all future endeavors.

The valuable contributions of Chief Justice Lewis will be greatly missed, yet I am pleased that his successor, Chief Justice Littlejohn, has ascended to this high office. Chief Justice Littlejohn brings to this post over 17 years of dedicated experience with the State supreme court. As an associate justice, he has proven to be an intelligent, compassionate, and fair arbitrator of the law. I have every confidence that Chief Justice Littlejohn's ability to lead the court will result in outstanding achievements which will ultimately benefit the people of South Carolina.

Much like Chief Justice Lewis, Chief Justice Littlejohn is very familiar with the legislative process in the Palmetto State. As a former member of the South Carolina house of representatives, and particularly as speaker of that body, Chief Justice Littlejohn was a tireless public servant devoted to safeguarding the best interests of the people. This attitude of service, coupled with an earnest desire to administer the law, best exemplifies the character of Chief Justice Littlejohn, and well qualifies him to perform the duties of chief justice.

The State of South Carolina may rest assured that its supreme court is one of the finest in America, and all South Carolinians can be proud that this institution is comprised of men of integrity, honesty, and dependability. Indeed, they are jurists of the highest caliber, and I believe that, under the direction of Chief Justice Littlejohn, the South Carolina supreme court will continue to take on the challenges of its responsibility with a firm resolve to protect and defend the legal rights of every individual in our great State.

Madam President, in order to share more with my colleagues concerning the contributions of retired Chief Justice Lewis and Chief Justice Littlejohn, I ask unanimous consent that the following newspaper articles be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Spartanburg Herald-Journal, Mar. 8, 1984]

LITTLEJOHN'S DAY IN COURT

COLUMBIA.—Before a crowded courtroom filled with family members, judges, friends and legislators, C. Bruce Littlejohn took the oath of office Wednesday as chief justice of the South Carolina Supreme Court—a post he will hold for just 16 months.

Prior to his swearing-in by former Chief Justice J. Woodrow Lewis, the Spartanburg native was lauded by U.S. District Judge Charles Simons Jr., who said Wednesday was "one of the happiest days of my life."

"This is indeed a most significant occasion for all of South Carolina," he said. Simons referred to Littlejohn as "a great person," "Southern gentleman," and "dedicated, loyal American."

Simons reminisced about more than 50 years of "delightful friendship" with the new chief justice, spanning Littlejohn's progression from law school and private practice to service in the House of Representatives and as a circuit judge.

He said Littlejohn "became recognized as one of the state's most able, fair and popular trial judges," who "presided with dignity and firmness." And during his 17-year tenure as an associate justice on the state Supreme Court, he "demonstrated the highest quality of judicial ability" with concise and scholarly opinions, Simons said.

"He has weeded out justice, tempered with mercy in a very masterful way."

Simons also noted Littlejohn's devotion to family and civic duties, and even commended his friend on his golf game.

"It may be his game will improve in the future now that South Carolina has its fine Court of Appeals," Simons joked, referring to the new appellate court created to relieve a backlog of cases in the high court.

Cameron Littlejohn Jr., who is on the staff of the U.S. Attorney's Office in Columbia, said in brief remarks his father's "strongest suit is that he applies common sense to all situations."

Once Littlejohn had settled into his new chair of office, he thanked those who came to the ceremony. Littlejohn then spent several minutes noting his predecessor's contributions in organizing South Carolina's judicial system.

"Prior to 1973, the judicial system in South Carolina was like a ship without a rudder." Littlejohn said. "He (Lewis) undertook the mammoth chore of giving the judicial system organization."

"You will long be remembered, not only for decision making, but for court administration," he told Lewis. Lewis, who has served on the high court for 22 years and chief justice since 1975, reaches the mandatory retirement age of 72 today.

Littlejohn said he was indebted to "those who helped push me up the ladder," listing Spartanburg County citizens, legislators and lawyers.

"This is Littlejohn day in court," he added, noting there were 41 "kinfolk" in attendance, including his daughter, Inell Littlejohn Allen. Littlejohn's wife, Inell, died in 1962.

His son pointed out earlier that six of Littlejohn's brothers and sisters had come "to honor their baby brother."

Littlejohn said as chief justice he will continue to work with administration of the entire court system. And he is optimistic about the state of South Carolina's courts.

"There are no half-employed judges in South Carolina. The court dockets are in shape," he said. "The health of the judicial system in South Carolina is good."

He asked for "continued support" from the legislature, Riley's office, those who work with the judicial system and "people throughout the state of South Carolina."

The governor then handed Littlejohn his commission of office, saying the seat "changes hands from one good human being to another."

Riley commended Lewis for bringing "a new era of efficiency and order in the administration of justice." And he told Littlejohn, "It will be my honor and pleasure to work with you as we all pursue our efforts for a better South Carolina."

Littlejohn will turn 72 in July 1985.

[From the Columbia (S.C.) State, Mar. 8, 1984]

LITTLEJOHN BECOMES CHIEF JUSTICE

He waited 17 years, but Cameron Bruce Littlejohn had his day in court on Wednesday.

In a simple ceremony, Littlejohn—one of the S.C. Supreme Court's associate justices since 1967—was sworn in as chief justice, replacing J. Woodrow Lewis. Lewis will be 72 today, the mandatory state retirement age.

Ironically, the same state regulations that forced Lewis off the bench will do the same to the 70-year-old Littlejohn in 16 months. His term will be relatively short, but Littlejohn, a Spartanburg County native, said he considers it a "challenge to master the job."

Surrounded by family and friends in a packed courtroom at the Supreme Court, he said he was inheriting a judicial system that's working well.

"More than 99 percent of (all) cases are being handled promptly," Littlejohn said. "Less than 1 percent are being appealed."

Lewis, chief justice since 1975, administered the oath of office at 4:30 p.m. The new chief justice's family was well represented at the ceremony: "I have, by actual count, 41 kinfolks here today," Littlejohn said. "This is Littlejohn Day in court."

Littlejohn was praised as a man of honor and impartiality, and he received several compliments on his famous "disarming wit"—referring to a book of judicial jokes he wrote 10 years ago, Laugh With the Judge.

The justice's son, C. Bruce Littlejohn Jr., predicted that Laugh With the Judge probably would become required reading for lawyers about to present a case to Littlejohn's court. The younger Littlejohn is an assistant U.S. attorney in Columbia.

Gov. Dick Riley, presenting the chief justice's commission, told Littlejohn: "I have great respect for you, sir. . . . It will be my honor and pleasure to work with you."

The post of chief justice comes late in Littlejohn's 34-year career on the bench. Elected to a circuit judgeship in 1949, Littlejohn "rode the circuit" for years, finally landing a seat on the Supreme Court in 1967. The justice generally has been viewed as a moderating influence on the high court.

While the spotlight Wednesday was on Littlejohn, Lewis also shared in the attention. Riley praised Lewis' implementation of the 1973 Judicial Reform Act—which created a unified court system—as opening the way for a "new era" in judicial efficiency.

Before Lewis put those reforms into effect, Littlejohn added, "the judicial system in South Carolina was like a ship without a rudder." Caseloads were being badly distributed among judges, he said, and "the waste of manpower was terrible."

Scores of people packed into the courtroom to see Wednesday's swearing-in, but the lack of seats forced most to stand at the rear of the room—and others never made it through the door.

"I regret that so many must stand," Littlejohn told the crowd, adding that he had attended about half a dozen similar ceremonies, and that his having a chair at this one apparently was a "fringe benefit" of being on the court.

During the swearing-in, members of the S.C. Court of Appeals—a new intermediate court that Lewis strongly opposed making into a constitutional entity—sat near the five Supreme Court justices.

An election will be held to fill the vacancy that Lewis' retirement is creating in the court. Candidates for the job are state rep. Jean H. Toal, D-Richland, and circuit judges C. Anthony Harris of Cheraw, A. Lee Chandler of Darlington, and Ernest Finney Jr. of Sumter.

LEWIS AND LITTLEJOHN RIGHT FOR THEIR TIMES

[From the Columbia (S.C.) State, Mar. 9, 1984]

Two dominant figures in the legislative and judicial branches of South Carolina's government have departed the scene in a brief period of time—less than one week.

On Thursday, March 2, Senate leader L. Marion Gressette, 82, was claimed by death. And on Wednesday, March 7, Chief Justice J. Woodrow Lewis, 72, retired. Over the past several years, these courtly but stubborn Southern gentlemen clashed frequently in an epic struggle over the power of their respective branches of government.

Differences between the two strong-willed men and the branches they represented held up the implementation of a law creating a badly needed intermediate court of appeals for four years. That court is now in place and making a real contribution to whittling down the appellate case load, but the voters in November still must decide whether to give it constitutional status. Justice Lewis opposes this move since he feels it would take away the flexibility to make changes as experience dictates.

Justice Lewis is a soft-spoken man with steel in his backbone. In 1973, the Legislature ratified the Judicial Reform Amendment which created a unified court system and gave the chief justice authority to administer the system from top to bottom. When Woodrow Lewis was elevated to chief justice in 1975, he moved aggressively to take command and reorder the system for more efficiency. He moved trial judges to places where the need was great. This, and the addition of new circuit and family court judges, cut deeply into the backlog at the trial court level and speeded up the process of justice.

But the speed-up in the trial courts sharply increased the appellate case load and created the need for the Court of Appeals, which ranks between the circuit courts and the Supreme Court. It came into being last fall and has been so successful that it must be retained, either by statute or constitutional amendment.

Before the Judicial Reform Amendment, the Legislature set court terms and made rules and regulations for the judicial system. And local lawyers determined the trial dockets. With its new authority, the Lewis court eliminated many of these inefficient practices.

To the dismay of many legislators and lawyers, it also began issuing new rules of practice and procedure without getting input from outside. The Legislature, with Senator Gressette as the point man, set out to regain some of the rule-making authority from the judiciary, but the Chief Justice fought the effort every step of the way. Nonetheless, the voters will be confronted in November with an amendment to create a broad-based special commission to recommend rules under which the courts will operate. Since the amendment gives the Legislature a veto, Justice Lewis vows to fight it openly before the referendum.

Justice Lewis' tactics bruised many feelings, but a man of his tenacity was needed to get the job done, and he can leave office with a real sense of accomplishment. He has made a substantial contribution to the administration of justice in this state.

But if Justice Lewis was the right man for his time, the new Chief Justice, C. Bruce Littlejohn, looks to be just the man now needed to smooth ruffled feathers and consolidate the courts' gains. The veteran jurist—he has spent 34 years on the judiciary, the last 17 on the Supreme Court—is an easygoing fellow with a homespun wit who has made few, if any, enemies. A former Speaker of the House, he promises to try to mend the rift with the General Assembly.

We do not mean to imply in any way that the new Chief Justice is a weak leader; to the contrary, he has a great reverence for the law and is a vigorous spokesman for it. As an associate justice, he did much to improve the quality of legal education and to bring about the creation of the Court of Appeals.

Since he will reach the state's mandatory retirement age in July 1985, the Spartanburg native will be a transitional court leader. But his brief tenure can be a very valuable one. His experience, scholarship and personality make him an ideal choice.

AN UNLIKELY REFORMER

[From the Charleston (S.C.) Evening Post, Mar. 8, 1984]

There aren't a lot of officials on the state payroll who can or will tell the General Assembly to mind its own business—and make it stick. Chief Justice J. Woodrow Lewis who today reached the mandatory retirement age of 72, did just that. He did it not once, but on several occasions. As a result, he hasn't exactly endeared himself to some powerful legislators. Indeed, some have made no secret of the fact that they have been anxiously awaiting this day. The chief justice has, however, won the respect and admiration of many South Carolinians who are convinced that without his fiesty, get-tough attitude, judicial reform still would be on hold.

J. Woodrow, Lewis has, in fact, been something of a surprise during his eight years as head of the Supreme Court. His ascendancy followed a familiar pattern. He was elected to the House of Representatives in 1935—the same year he was admitted to the state Bar. He spent a few years in the House, then on the state Highway Commission and back to the House before being elected a circuit judge in 1945 and an associate justice in 1961. There was no indication when Woodrow Lewis was named chief justice in 1975 that he would take over with such a firm hand. Few would have dreamed that this shy, gentle man from Darlington would be the one to assert the court's power and declare its independence from the General Assembly.

He didn't waste much time. There already had been a two-year delay in implementing the 1973 Judicial Reform Act. Within weeks, the new chief justice put a stop to the practice of excusing lawmakers from court appearances while The General Assembly was in session. Ultimately, the high court ruled that lawyer-legislators would be subject to the call of the court when their cases were ready to be heard. While it is an issue few laymen understand, the Supreme Court, led by the chief justice, also removed from the legislators the jealously-guarded power to make the rules for the courts. The alienation grew even more bitter with a 1979 high court decision that four legislators were ineligible to become judges on the newly formed Court of Appeals.

Not only did the chief justice make himself unpopular with the legislature, but with

many of his fellow judges and lawyers as well. The lawyers lost their control of the court dockets. They found themselves dashing from court to court as additional sessions were ordered and new judges appointed. Meanwhile, the state's judiciary was being gathered under the unified court system's umbrella, including the county courts—answerable only to county officials—and local magistrates. While there were complaints about the chief justice's high-handed ways, there also were some grudging concessions that the system was being vastly improved. He was bringing the S.C. judicial system, kicking and screaming, into the 20th century.

His own views, in fact, have undergone some transformations. Once opposed to the merit selection system for judges, he now reportedly is an advocate of that system. According to one admirer, it is the chief justice's belief that as a result of the expansion of the judicial system, the quality of judges hasn't kept up with the quantity. Within the past few weeks, Justice Lewis was urging the state Senate to show some restraint in that area. There is no need, he said, to appoint masters in equity for every county in the state. "I do not want to reach the point," the chief justice said, "where judges are standing on street corners with nothing to do."

While he is shedding his robes today for the last time, he will continue to speak his mind. He plans, for example, to oppose vigorously a constitutional amendment that would make the new, interim Court of Appeals a constitutional rather than a statutory court. Regardless of the fate of that amendment, J. Woodrow Lewis, whose love affair with the law began when he still was on the farm, can return home knowing that he has helped put the three branches of government in better balance.

[From the Darlington (S.C.) News and Press, Mar. 8, 1984]

DISTINGUISHED CAREER ENDS FOR JUDGE LEWIS

A distinguished legal career spanning 49 years—including 22 years on the South Carolina Supreme Court—ends today for Chief Justice J. Woodrow Lewis. The venerable Darlington County native has reached the mandatory state retirement age of 72.

Mr. Lewis was succeeded by Associate Justice C. Bruce Littlejohn of Spartanburg who was sworn in Wednesday afternoon. Mr. Lewis served almost nine years as chief justice.

The former chief justice was admitted to the S.C. Bar in 1935, the same year he was first elected to the state House of Representatives. But he resigned in 1936 to take a seat on the South Carolina Highway Commission. Four years later, however, Mr. Lewis opted to run for the House again and won.

The Darlington County lawyer was elected a circuit judge in 1945. He has seen vast changes in the judicial system since that time.

One of the improvements has been the unified court system which stemmed from the Judicial Reform Act of 1973. As a result of the act, the court system has been unified and placed under the jurisdiction of the Supreme Court. The high court sets the terms of court and assigns judges where they are needed to wade through the heaviest caseloads.

A highly-principal jurist who has not hesitated to lock horns with the Legislature on disputed issues. Mr. Lewis led the charge to ban legislative immunity from making court appearances while the General Assembly was in session. This bold move came several weeks after Mr. Lewis had been named chief justice. The end result of the ban is that lawyer-legislators are now subject to the call of the court when their cases are ready to be heard.

The rule-making authority of the courts has also been a subject close to the former chief justice's heart. Judge Lewis is rightfully adamant in his belief that this authority should rest with the Supreme Court and not in the General Assembly.

It is little wonder that the high court's 1979 decision that four sitting legislators were ineligible to serve on the newly-formed Court of Appeals caused a tidal wave in the sacrosanct legislative chambers. In retaliation, the General Assembly refused to start up the court until last year.

Naturally now that the court is in operation, there are those who want to become a part of the state Constitution rather than a statutory court. Should the appeals court be imbedded in the Constitution, it will remain forever—whether it is needed or not. Accordingly, Mr. Lewis has argued forcefully that it should be a statutory court and abolished if the time comes when it is no longer needed.

Mr. Lewis has served a yeoman's term at the helm of the South Carolina Supreme Court. He steps down with his all-important principles intact. The reforms that he spearheaded were long overdue.

Judge Lewis will continue to have an office in the Darlington County Courthouse. While he may have retired from the Supreme Court, we doubt that he will become inactive. Wasting time is not part of his indefatigable lifestyle.

TRIBUTE TO DR. WIL LOU GRAY

Mr. THURMOND. Madam President, on March 10, 1984, one of South Carolina's greatest educators, my very good friend, Dr. Wil Lou Gray, passed away at the age of 100. To her sister, Mrs. T. J. Blackwell, and other family, I offer my most sincere condolences.

Throughout her entire life "Miss Wil Lou," as she was affectionately known, possessed an insatiable desire for knowledge. After receiving her bachelor of arts degree from Columbia College at the turn of the century, she did graduate work at Vanderbilt University, and later received a masters degree in political science from Columbia University. Her strong yearning to increase her personal knowledge was surpassed only by a deeper sense of purpose to enlighten others.

Shortly after completing her graduate work, Dr. Gray returned to South Carolina where she began what would become an illustrious teaching career. Like all teachers, she recognized the importance of expanding educational opportunities for our youth. However, during the course of her work with children, she discovered a shocking reality long overlooked in the educational system—that many adults lacked the fundamental educational skills necessary to function properly in society. She was appalled by the illiteracy rate among adults, and consequently waged a campaign to expand educational opportunities to combat this problem.

From that time, she would win many battles against illiteracey, and although she almost single-handedly fought and defeated ignorance among adults, her true goal was to win victory for unlearned adults. As a school teacher, I observed first hand Dr. Gray's effectiveness when I had the pleasure of lecturing in some of the classes in her school.

Dr. Gray held many important posts in the South Carolina educational system. In 1912, she organized the first rural night schools in the Palmetto State, which were designed to teach parents basic skills already developed by their children.

Recognizing the value of adult education, the State of South Carolina appointed her executive secretary of the South Carolina Illiteracy Commission. The general assembly later created the department of adult education in which Dr. Gray served as State supervisor. Her work in this field continued to progress, and in 1946 Dr. Gray conceived what was to become one of her greatest accomplishments—an opportunity school established to provide a high school education to anyone wanting one.

Her vision for the opportunity school was far-reaching, and her dream of creating that school is now a reality, which has changed the lives of thousands of South Carolinians. As a fitting tribute to it founder, the school was named the Wil Lou Gray Opportunity School, and this State-supported institution continues to enrich the minds of those willing to tap the vast resources of knowledge.

Dr. Gray once said that uneducated people are present liabilities that can be turned into assets. Indeed, South Carolinians are richer, in an academic sense, because Dr. Gray invested her life and talents in one of the most rewarding areas of service—education.

The determination, persistence, and commitment of Dr. Wil Lou Gray to strengthen educational opportunities in South Carolina has earned her high praises from her fellow South Carolinians, and her contributions have earned her a prominent place in our history. Although we are saddened by her passing, the impact of this fine lady will continue to be realized in the Wil Lou Gray Opportunity School and in the numerous lives she touched.

Madam President, it is my distinct privilege to pay honor and tribute to this legendary educator, and in order to reveal more about the life and achievements of Dr. Wil Lou Gray, I ask unanimous consent that the following articles be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Charleston (S.C.) News and Courier, Mar. 11, 1984]

S.C. LEADER IN FIGHT AGAINST ILLITERACY DIES AT AGE 100

Miss Wil Lou Gray, who for more than 50 years combatted illiteracy in South Carolina and established "opportunity schools" to help adults earn a high school diploma, died Saturday at a Columbia nursing home. She was 100 years old.

Miss Gray was born Sept. 14, 1883, in Laurens, a daughter of William Lafayette and Sarah Lou Dial Gray. Her name, Wil Lou, combined theirs. She graduated in 1903 with a bachelor's degree from Columbia College and did graduate work at Vanderbilt University in Nashville, Tenn.

In 1911, Miss Gray earned a master's degree in political science from Columbia University in New York and later did graduate work in education at Teachers' College. After she finished her studies, Miss Gray returned to Greenwood County where she taught in a one-room school.

During her next assignment, at Young's Township school in Laurens County, Miss Gray discovered many parents could not write excuses for their children's absences.

She then organized the first rural night schools for adults in South Carolina, as supervisor of rural schools in Laurens County from 1912 to 1916. But Miss Gray found little support for her goal to teach adults to read and write.

In frustration, she accepted what was then a "high-paying" teaching job in the Schools of Montgomery County, Md., near Washington. But by 1918, her work was sufficiently recognized in South Carolina for Miss Gray to return as executive secretary of the S.C. Illiteracy Commission.

Through the commission's influence, the General Assembly established a Department of Adult Education. Miss Gray became state supervisor of night schools (later Adult Education) and served from 1919 until 1946.

She emphasized eliminating illiteracy and teaching citizenship, and her efforts led to the development of the State High School Certification Program. During the summer months, Miss Gray started "opportunity schools" for adult illiterates and in 1923 launched a statewide "write-your-name" campaign.

By 1946, Miss Gray decided to focus on a different type of opportunity school—for those who didn't have a high school education.

She resigned from the state Department of Education and bought a former Army air base in Lexington County that now is the site of the state-supported Wil Lou Gray Opportunity School.

She also organized a state chapter of the Senior Citizens of America, which led to the formation of the state-supported Interagency Council on Aging.

In recent years, Miss Gray was named Woman of the Year by the S.C. Conference on the Status of Women. She also received the American Legion citizenship award and a merit award from the National Association of Public School Adult Educators.

Miss Gray was inducted into the South Carolina Hall of Fame in 1974 and a year later was cited by the National Retired Teachers Association and American Association of Retired Persons for "continuing outstanding service to others."

[From the Columbia (S.C.) State, Mar. 13, 1984]

MISS WIL LOU: WARRIOR FOR EQUAL OPPORTUNITY

Wil Lou Gray will not only be remembered for the educational contributions she made to an underdog state during her fruitful 100 years of life, but also for her persistent determination to achieve her purpose.

"Miss Wil Lou," as she was affectionately called, fought a lifelong battle against ignorance and illiteracy, championed the downtrodden with grace and without the rancor and fanfare that often accompany crusading efforts.

Still, as one editor said, she had a "whim of steel," and few dared defy her tenacious efforts. Her battle for adult education led one legislator to brand the Laurens native as "nuisance" who was "worse than chewing gum in your hair."

Gov. Dick Riley put her determination in perspective. "Anybody who accomplishes as much as she did has to push people," he said, "and she pushed people. But she never pushed them for herself. She never quit working (to help) other people."

Doctor Gray left her home state to complete her education but proved her love for South Carolina by returning and dedicating her career to its less fortunate fellow citizens. She earned a B.A. degree from Columbia College in 1903, did graduate work at Vanderbilt University and received her master's degree in political science from Columbia University in New York in 1911. That was quite an accomplishment for a woman in those days.

Doctor Gray's aspirations were for the advancement of South Carolina's native sons and daughters and not for her own fame. She began teaching in a one-room school in Greenwood County and at a rural school in Laurens County, and the spark was ignited there for her passion to educate adults. She organized the first rural night schools in South Carolina as supervisor of rural schools from 1912 to 1916.

That began a career of nearly 30 years of devoted service to adult education. One culmination was establishment in 1946 of an "opportunity" school at the former Army air base in Lexington County. It became state-supported and is now known as the Wil Lou Gray Opportunity School.

Miss Wil Lou did not really retire when she stepped down as director of the school in 1957 but rather forged a new career. She organized a state chapter of the Senior Citizens of America, which later led to formation of the state-supported Interagency Council of the Aged.

At the age of 92, she contributed to the state a card game that celebrates the deeds of its famous citizens—the Palmetto Patriots Game. The 30 patriots on the cards were selected by a panel of South Carolina historians.

Even in her feeble last years, Governor Riley recalled she spoke of "trying to get a project going . . . She never stopped to relax."

Miss Gray, who served in many educational posts over the years, would have been delighted at today's push for better public school education. She once said that "uneducated people are present liabilities that can be turned into assets."

The honors she received were far too many to list. Suffice it to say that she richly deserved her induction into the South Carolina Hall of Fame in 1974.

Miss Gray's accomplishments are difficult to put in proper perspective. It is self-evident that she was unselfish and had a burning desire to help others. But it is often forgotten she excelled as a go-getter at a time when it was popular for women to grace the home and not crusade for great causes. Furthermore, in an era of segregation and bigotry, she championed equal education for both races without being dismissed as an idle dreamer or revolutionary.

Perhaps she summed up her philosophy best when she declared, "I think it is a crime for a baby to come into the world unless his parents can guarantee a quart of milk a day and a high school education."

She was always aware that "my college opportunity changed me and inspired me." As a result, she remembered, "I yearned for them (the ignorant) a broader opportunity."

She worked for such an opportunity for everyone until her final illness and death Saturday.

MISS WIL LOU GRAY

[From the Greenville (S.C.) News, Mar. 13, 1984]

She sowed seeds of human potential throughout her active lifetime in careers that addressed the needs of the illiterate and the aged. While Miss Wil Lou Gray reaped a host of merited honors for her tireless efforts, her greatest bounty was a cascade of respectful admiration from a grateful South Carolina.

So many can testify how the 100-year-old Laurens native, who died Saturday in Columbia, touched the lives of family and friends in personal campaigns for adult education and elderly potential.

She leaves behind two state agencies that sprang into being to continue her pioneer work in social improvement. She also leaves the state the example of how one dedicated individual can improve upon the world.

MR. JOHN FLING OF COLUMBIA, S.C.

Mr. THURMOND. Madam President, I rise today to share a truly remarkable story about an extraordinary South Carolinian, Mr. John Fling of Columbia, S.C., who received national attention in an article in Sunday's Parade magazine.

As this article details, Mr. Fling personifies the great commandment, "Love thy neighbor as thyself." For nearly 40 years, he has come to the aid of the blind, the poor, the outcast, and the downtrodden. His acts of selflessness and sacrifice are prompted out of a deep compassion for his fellow man.

Madam President, John Fling's life of service to humanity is a shining example for others to follow, and I am particularly proud that he hails from my State. In order to share more about this outstanding philanthropist with my colleagues in the Senate, I ask unanimous consent that this moving article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW ONE MAN HELPS OTHERS

[From Parade Magazine, Mar. 25, 1984]

"Miss Charlotte" Sulton is heard before she is seen, warning her 14 cats (she has another 30 outdoors) in a fond, quavery voice

to "stay right there, you little scalawags." Then she peeks through a crack in the door of her small green house—a tiny, arthritic woman 91 years old, eyes swimming hugely behind almost useless glasses. Miss Charlotte, a widow, has glaucoma.

"It's John, Miss Charlotte," John Fling calls loudly, rocking his heels on the creaky front porch.

"It's John." That's all Fling has to say as he makes his rounds through the downtown streets and suburbs of Columbia, S.C.

Each day, through baking summers and frosty winters, Fling looks out for his people—the elderly, the blind, the retarded, the eccentric, the forgotten. He brings food when the refrigerator is empty, rent money when eviction is passively awaited and good times when life seems choked with bad.

John Fling, 62, does not work for a social services agency. He is not the ambassador of a church or civic club. What he does, he does independently, giving away most of the small salary he makes delivering auto parts for a Chevrolet dealership and forgoing the requisite pleasures of American life: He and his wife have no telephone, no television and no car.

Fling's people have a special name for him. They call him "Everday Santa."

"What can I do for you today, Miss Charlotte?" asks Fling in his booming Georgia accent, bending close to the red knitted cap covering her head. "What do you need?"

He has brought her 50 pounds of cat food this visit and a steaming-hot chicken dinner. Much as he'd like, he can't bring her what she really wants.

"I wish I could see!" Miss Charlotte says in a high, excited voice. "I'm tired of falling down!

"Sometimes I think I ought to go to a home, but I wouldn't do that to my cats. That wouldn't be fair."

"Yes, Miss Charlotte," Fling says, forsaking his usual jocular manner. "I know."

Later, as he drives away, Miss Charlotte lingers on his mind. "I met her five years ago," he says. "She had run out of food. She told me she had her funeral arrangements all taken care of. I called the funeral home, and they had never heard of her." Fling sighs. "I guess when the time comes, I'll have to take care of her."

It is a cool, gilded late afternoon in early fall as Fling makes his visits in his blue-and-white company truck. The State Capitol is weekend-quiet, its legislators and bureaucrats all gone home. This could be any city of 100,000 people that concerns itself with commerce and government. John Fling, however, may very well be one of a kind.

It is not his appearance that sets him apart as much as his presence—a cracking sort of energy that leaves one with the impression that he may very well live forever. He looks ordinary enough—tall, robust, silver-haired and bespectacled—dressed always in a blue cap, blue-and-white work uniform and shiny black lace-up shoes.

His actions, nevertheless, are extraordinary.

As much as an observer can understand, Fling is driven by duty, a touch of ego and, as improbable as it sounds, a philosophy that follows biblical teachings to the letter: "Love Thy Neighbor as Thyself."

This philosophy—which drives him to give at least 40 hours a week to his extra tasks—is firmly tied to his background. He was the 12th of 19 children born to a poor but God-fearing sharecropper and his equally principled wife in Gabbettville, Ga. Fling's family, along with his Depression-era boyhood, leads to a steady patter of jokes.

"If my daddy was going to the store," he says, "a list was not necessary. There was never anything we didn't need." And, "My mother was pregnant a total of 5380 days. When we were ordered to go to bed, we knew another baby was on the way.

"Early in life," Fling continues soberly, "I learned that you share everything in this world. My parents—they gave their lives for us. They did without and did without and did without. Doing for other people gives me a satisfied mind."

He has been drawn especially to the blind, the elderly and the young. "People frown on me sometimes when I help Cambodian Vietnamese families," he says as he stops beside a sprawling old downtown house. "But I look at the children. Those children are going to be here, and once they're here, they're your neighbors, whether you like it or not. And the Scriptures say you look after your neighbors."

"Now take this family," he says, getting out of the truck. They are a Vietnamese family of eight. U.S. residents for one full week. "The day after they moved in, we were all cleaning up. I looked around, and they were spraying Raid on the windows and Windex on the roaches."

As if on cue, the family runs outside, greeting Fling with wide smiles and a chorus of "Hey, John! Hey, John!"

Ten-year-old Oanh Dao points out her new goldtone watch, a gift Fling slipped onto her wrist during his last visit. Studying it seriously, she announces only five hours ahead of schedule, "It is exactly 12 o'clock."

On this visit, Fling must attend to an urgent matter, school supplies for the three young members of the family, who will be starting school the next day. He counts out $6 from his wallet and leaves amid cries of "Bye, John! Come back soon, John!"

Some of Fling's people wander into his life. Some, he finds. Others, like Edith Lewis, seek him out.

"Can you come by, once a week, at least," she wrote him four years ago, "and see if I'm still alive?"

As Fling pulls into Mrs. Lewis' driveway, her 16 dogs—all sizes, all barking—tumble out the door of her aqua-and-white mobile home. The home would have cost $2000, but Fling wrangled donations and presented it to Mrs. Lewis for a mere $1.

Edith Lewis, 77, an erect woman with long gray hair and finishing-school grace, shivers in the faint chill breeze and watches as Fling unloads 125 pounds of dog food from the truck. Blind old Blackjack, her most faithful dog, stands aloof in the doorway. The others break into a hungry frenzy.

Questioned sternly by Fling, Mrs. Lewis confesses that she herself is in need of food. "I simply haven't been able to get out," she says, swiping a strand of hair from her forehead. She will allow Fling to do her shopping if, and only if, he takes the money for the groceries. Reluctantly, he accepts her $15. Thirty minutes later, he returns, handing her two bags of groceries. The receipt reading $32.35 is crumpled in his pocket. He presses $1 in change into her hand.

As Fling drives off, Mrs. Lewis is putting things away in the broken-down refrigerator in her yard.

"I'm going to have to find her another refrigerator," he mutters to himself and riffles through a stack of about 50 telephone messages left for him at work. Someone needs a ride to the doctor next Thursday. Someone else needs a kerosene heater. Urgent: We need bread and milk. With cooler weather, the pleas for help increase.

It is not uncommon for Fling to take out a loan from his employers to tide over a landlord threatening to evict a jobless mother and her five children. In the last 10 years, he has signed over three cars he owned—old Bel Airs and Impalas in impeccable condition—to people whose jalopies had broken down a final time. His latest truck, which belongs to the company, has already logged 35,000 miles in six months.

He and his wife, Jane—a quiet, sweet-faced woman, the only daughter of a prosperous Austrian immigrant—live in a rent-free apartment owned by Jane's mother. They raised two sons there: Richard, 37, now a sergeant in the Army, and "Little John" Fling, 31, owner of a heating and air-conditioning business.

During their marriage, Jane Fling has spent her time as a frequent visitor to nursing homes and as a quiet crusader on her own religious quest. Educated as a Catholic, she is now a Seventh-Day Adventist dedicated to her prayer meetings and church literature.

"We're opposites," says Fling, stopping the truck outside his home. "I tell people, the only thing we have in common is that we got married on the same day."

Jane Fling swings the door open wide to greet a visitor.

Sunlight, the day's last, slants through the brown-and-orange cotton print curtains at the kitchen window. Jane speaks deliberately about her husband.

"I want him to do what he wants to do," she says. "What he feels is right. He's like this about me—he allows me to do things I want to do. I don't think couples should smother each other.

"See, I don't want a lot of things. What I want most in life is the knowledge of God. Material things like fur coats and wine don't bother me. The Lord gives people different gifts. He gave John the gift of service."

"Yep," says Fling later, as he climbs back into his truck. "If she didn't go along with it, I wouldn't do it."

Fling now directs the vehicle smoothly through the downtown streets of Columbia. This is where, in 1947, he first became involved with the city's needy.

At the time, he helped his father-in-law operate a string of newsstands. His charges were some 100 scrappy paperboys who worked to put food on their tables at home. Fling never allowed any of them to run around without a warm coat or a hot meal.

In those years, he was also a deacon in the Baptist church. But 15 years ago, when he began driving a bus for the South Carolina Federation for the Blind, he realized, he says, that he could do more for others by making his own independent rounds. Since then, he has collected dozens of awards for his work.

"Agencies, they don't really get involved with me," Fling says shortly. "We have agencies for the handicapped, the blind, the elderly and the retarded. But what agency do you call to pick up food stamps or take you to the grocery store or mow your yard or take your dog to the vet or pick up a sick child at school?

"Who is going to make sure that the blind don't become hermits?"

For if Fling is a savior of sorts to people in tight fixes, he is also an entertainment director for blind people like Loretta and Billy Eubanks, a couple in their mid-30s who were virtual shut-ins before his appearance in their lives a decade ago. The Eubankses have a sighted son, Kevin, 12, who learned

as a toddler that a visit by Fling usually meant an excursion.

Routinely, Fling will load up a dozen blind people and their children into a van and trek off to the beach or the mountains for a day. And he has invented a couple of contraptions for pure fun; a jogging pole that allows blind people to exercise and a go-cart with a walkie-talkie rig-up that enables them to zip across a pasture, merrily executing daredevil turns as Fling provides directions.

The sky is a star-studded black as Fling drives into the Bell's Bottoms section of Columbia, an area of mean little houses and shadowed streets. He enters a house of slack faces, 14 persons crammed into two rooms, and goes directly to a little girl on the floor—Lisa—all curly blonde hair, twig-thin legs and uncomprehending eyes. She is a victim of Reye's syndrome, a virus that has left her deaf, mute and isolated. She weighs only 18 pounds. She is 8 years old.

"Does little Lisa have enough baby food?" he asks.

"I mashed some potatoes for her," the child's mother answers, eyes downcast.

The wallet reappears, and Fling produces his last $4.

"You cry," he warns the woman sternly, "and I'm leaving."

It is time to go anyway. Chris, a tall, shaggy-haired boy of 14, stands outside, staring at a box of jigsaw puzzles in the bed of the truck.

"You want 'em?" Fling asks.

Chris nods.

"Well, then," says Fling, hitching himself up into the truck, "go ahead and take 'em."

COMMENDATION OF EDWIN K. HALL

Mr. PELL. Madam President, Edwin K. Hall, the Director of Congressional Relations and Public Affairs for the Congressional Office of Technology Assessment, will be leaving that position this month, concluding 8 years of dedicated and distinguished service to the Congress.

I take this opportunity to commend Ed Hall for his work for the Senate and the Office of Technology Assessment.

Ed Hall was a partner in a distinguished Rhode Island law firm when he agreed in 1975 to come to Washington to serve as the Chief Counsel to the Senate Subcommittee on Privileges and Elections, of which I was the chairman. He served as the subcommittee counsel during a period of intensive examination and basic changes in the laws governing political campaigns and elections for Federal office. His work for the Elections Subcommittee contributed significantly to the passage of the Federal Election Campaign Act Amendments of 1976, which still stands as one of the basic reforms of our Federal election laws.

Ed then served for 5 years on the staff of the Senate Committee on Commerce, Science, and Transportation, first as general counsel and later, with the change in majority control of the Senate, as minority General Counsel. In January of last year, he was appointed Director of Congressional Relations and Public Affairs for the Office of Technology Assessment.

Throughout his service to the Senate and to OTA, Ed Hall has demonstrated the professional skills and abilities that are so important to the work of the Senate. In addition to his abilities as a legal counsel, Ed also possesses an understanding of how the Congress functions and of the actions and procedures that are essential for the Congress to enact legislation involving complex issues affecting varied interests in our society. And, at the Office of Technology Assessment, Ed Hall was of immense help to the Board of Technology Assessment on which I serve, and in addition has contributed greatly to the rapid growth of the respect and prestige accorded the important work of the Office of Technology Assessment.

Ed has now decided to move with his family to the State of Idaho to pursue the private practice of law. I extend to him my congratulations on his distinguished record of service to the Senate, and my very best wishes in his new endeavors.

GOV. JOSEPH E. BRENNAN OF MAINE

Mr. COHEN. Madam President, Maine is known to many for its beautiful natural environment, its long winters, and the fierce independence of its people. Our State is, however, also renowned for the quality of the individuals who have guided the State government through the turbulent 164 years since Maine separated from Massachusetts and joined the Union.

William King, Maine's first chief executive, began his life in poverty and amassed a sizable fortune as a shipbuilder and land developer. He led the State through one of its most difficult times in the effort to gain statehood and independence from Massachusetts.

Joshua Chamberlain, Maine's Governor from 1867 to 1871, was truly a renaissance man—a soldier in the Civil War who achieved hero status at the Battle of Gettysburg, a student of philosophy and languages, a theologian, and a distinguished public servant.

Percival Baxter, a noted naturalist and philanthropist who served as Maine's Governor from 1921 to 1925, used his own resources to purchase Mt. Katahdin, Maine's highest peak, and surrounding land and bequeathed the area to the people of Maine as long as the area remained "forever wild." The State still bears the mark of his fervent belief in Maine's natural beauty.

Edmund S. Muskie, a former colleague of ours, served in the State's highest office from 1954 to 1958 before proceeding to a distinguished career at the national level. He brought the same energy and dedication to his governorship as he brought to his work in the Senate and, later, as Secretary of State.

These are just a few of the Governors of my State who have given distinguished service to Maine and her people.

Down East magazine recently profiled another Governor who has made his mark on the State—Joseph E. Brennan, Maine's present chief executive. During a time in which many States have felt the squeeze of declining Federal revenues, eroding tax bases, and increased expectations of what a State government should do, Governor Brennan has guided the State with fairness to those in need but also with an eye toward the limits of government in the 1980's.

He and I both won our first statewide political races in 1978, and since then we have enjoyed a friendly and productive working relationship, despite our membership in different political parties. On the many issues where the good of the State and not ideology have been the determining factors, we have worked together to build a strong economic base for the difficult years ahead.

Madam President, I ask that the profile of Governor Brennan from Down East be included in the RECORD for the benefit of my colleagues.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

WHAT MAKES JOE RUN? DAWN TO DUSK IN THE STATE HOUSE

(Governor Joe Brennan's day officially begins when he walks across Capitol Street from the Blaine House to his office in the State House, accompanied by a state trooper in plain clothes. Once seated in his office, he begins a round of duties that includes the ceremonial signing of a "Newspapers in Education Week" proclamation (below), signing a document for State Planning Office Director Richard Barringer (top right), and granting an interview to seventeen-year-old Gail Belanger of Lewiston High School for a newspaper feature. Other office meetings are not so tranquil. "Some people," the governor muses, "just won't take 'no' for an answer.")

The sky over Augusta blanches, blushes at the horizon, and goes blue. The pale remnant of a moon hangs high above the capitol dome as the governor rises. It is 6:30 in the morning and outside the Blaine House executive mansion birds are singing in the cold, clear morning air.

7:00 a.m. Joseph E. Brennan, who is currently in the middle of his second term as governor of Maine, comes downstairs to a breakfast of poached eggs, English muffins, bacon, orange juice, and coffee. He is dressed in a crisp blue business suit, blue dress shirt, rep stripe tie, and polished black wingtips . . . an ensemble most capitol-watchers know as the Brennan uniform of state. At forty-nine, the governor is a tall, handsome man with boyish Irish features so regular as to make him the bane of political cartoonists.

"Dave Cheever!" the governor exclaims in mock surprise as he is joined at breakfast by

his press secretary. A Bangor native, Cheever is a former newspaperman and sports broadcaster who has the short, powerful build of a fullback. Brennan, who is divorced, has spent the three-day Washington's Birthday holiday weekend in Washington, D.C., visiting his two children, Joseph ("JB"), 14 and Tara, 12. Cheever is here to bring the governor up to date on what has happened in Maine over the weekend and to prepare him for the day ahead.

Cheever alerts his boss to a rumored takeover of the St. Regis paper company in Bucksport which may affect jobs in the area. He also brings the governor up to date on a matter the governor's staff will track all day—the case of a twenty-year-old Winthrop High School basketball player who is seeking a rules change to enable him to play in the upcoming state schoolboy tournament.

9:00 a.m. Carrying his correspondence in a wire basket as is his custom, Governor Brennan walks across Capitol Street from the Blaine House to the State House in the company of John Otis, a plainclothes state trooper attached to the executive security detail.

The government of Maine is run from a back office below the stairs at the rear of the State House. The governor's office is richly appointed in wood panel and is graced by a sweeping bow window which looks out onto a parking lot and the State Office Building. The formality of the office is relieved here and there by the governor's personal items—a drawing of the Brennan children done by the wife of a state trooper, a small oil painting of the tenement on Portland's Munjoy Hill where the governor grew up, a personalized baseball bat, and photographs of the governor and his children with Boston Red Sox stars Fred Lynn and Jim Rice.

One of the few objects atop the governor's vast desk is a paperweight—a model battleship encased in plexiglass—given to him by officials of Bath Iron Works, the state's largest shipyard and largest employer.

There is also an internally illuminated terrestrial globe behind the governor's desk, also a present from BIW. The paperweight and the globe serve as reminders that one of Brennan's major accomplishments in office has been the $30-million subsidy he engineered to induce BIW to establish drydock facilities on the Portland waterfront where he himself once worked as a longshoreman.

Brennan is regarded as a liberal when it comes to economic development, but as something of a conservative in matters of social and cultural concern. Another of his major credits, for example, is the 1980 lockdown at Maine State Prison in which the state reestablished control of the Thomaston facility after years of leniency had allowed prison society to virtually run the place.

9:10 a.m. The first official visitor of the day is Representative Gregory Nadeau (D-Lewiston) who ran Brennan's gubernatorial campaign in the second district and is currently working to help nominate former Vice President Walter Mondale as Democratic candidate for President. Brennan has endorsed Mondale for President and Nadeau is just stopping by to glory for a moment in Mondale's strong showing in the Iowa caucus the day before.

9:20 a.m. Sen. Michael Carpenter (D-Houlton) drops in for a quick visit to introduce a young schoolboy to the governor. As this is school vacation week in Maine, the governor's schedule has been left fairly open in order to allow him time to receive visits from school kids.

9:40 a.m. Representative Nadeau returns with a beaming Peter Kyros, Jr., who is brandishing a newspaper with the headline, "Mondale Rolls in Iowa." The young Kyros is the son of Maine's former U.S. Representative Peter Kyros and is a law partner of Walter Mondale. Kyros asks Brennan if there is any chance of his attending a news conference the following morning in Concord, New Hampshire, in support of Mondale's New Hampshire primary bid, but twenty-four hours is just not enough notice.

Brennan would like to go to Concord on Mondale's behalf, but he cannot spare the time. He is a thoroughly political animal, but these days he is not campaigning. In fact, it has only been a few short weeks since his surprise announcement that he will not run for the U.S. Senate against Maine's Republican incumbent, William Cohen. To make the senate race, Brennan explained, would be to break faith with the people of Maine who elected him governor, a position he calls "the best job in the State of Maine."

Even Joe Brennan's political foes concede that he is a man who both enjoys being governor and considers himself lucky to have the job. Ask him why he likes being governor so much and Brennan will say, "As governor you can act." That is not a claim most members of Congress can make and being effective—wielding power—clearly was one of Brennan's motives for remaining in the governor's seat.

"My son didn't want me to run for the Senate at first," the governor says. "He has never really known me when when I wasn't running for governor. When I started in 1973, he was only three years old. This is the first time in twenty years of political life that I'm not looking over my shoulder."

Joe Brennan first entered public life in 1964 after graduating from the University of Maine Law School. In 1964, 1966, and 1968, he was elected to the Maine House of Representatives. In 1970, he left the legislature for two years to serve as Cumberland County attorney, but then returned to Augusta to serve in the Maine Senate from 1972 to 1974.

In 1974, Brennan suffered his only political defeat when George Mitchell beat him in the Democratic gubernatorial primary. Mitchell was then defeated himself by Independent steamroller James B. Longley. The primary defeat, however, turned out well for Brennan as he was then elected by the Maine Legislature to serve as attorney general. As a two-term attorney general, Brennan came to public prominence for refusing to negotiate an out-of-court settlement in the controversial Indian land claims case. The federal government eventually stepped in and settled the claim.

In 1978, Maine voters elected Indian fighter Joe Brennan governor over Republican candidate Linwood Palmer. Then, in 1982, Governor Brennan became the first Democrat since the Civil War to win every county in a gubernatorial election, handily beating Republican challenger Charles Cragin and fueling a rare Democratic takeover of both the Maine House and Senate.

9:50 a.m. The governor poses for photographs with a group of high school students from SAD 41 in Milo and Brownville. Grace Ridlon, the governor's personal secretary, does the honors, using the office camera.

10:00 a.m. The governor takes off his jacket, rolls up his sleeves, and meets with Press Secretary Cheever and Administrative Assistant David Redmond for a briefing. Redmond is one of Brennan's oldest friends and closest allies. He is also the captain of the Governor's All-Stars softball team, a team made up of administration officials and friends, which plays benefit games for charity.

The three men first discuss the possibility that Sir James Goldsmith, a British financial wheeler-dealer, might take over the St. Regis Paper Company. As Goldsmith has previously acquired the Diamond International corporation and systematically dismantled it, the Brennan administration is concerned that a St. Regis takeover will jeopardize chances that the company will locate a proposed $300-million paper machine in Bucksport.

Brennan, Cheever, and Redmond also discuss the case of the twenty-year-old Winthrop basketball player. The Maine House and Senate had earlier passed a bill permitting students who turn twenty after the regular season to participate in post-season play, but the governor has recalled the bill for a public hearing, a hearing scheduled for this afternoon. Both Redmond, who for many years was a football coach at Biddeford High School, and Brennan, who played basketball against Redmond as a Portland schoolboy, sympathize with the player but agree, one, that the rules should not be changed in the middle of the game, and, two, that the Maine legislature should not get involved in schoolboy basketball tournaments.

Another matter discussed is a rash of business closings in the Town of Van Buren that has left the area without an economic base. A delegation from Van Buren is scheduled to meet with the governor in an hour.

10:10 a.m. Newly appointed Education Commissioner Robert Boose arrives with several other education officials for the ceremonial signing of a proclamation marking Newspaper In Education Week. The governor rolls down his sleeves and replaces his jacket.

10:20 a.m. "Excellency," says State Planning Office Director Richard Barringer saluting his boss as he enters the office. Barringer, a buoyant and self-confident man who looks after the future for the Brennan administration, is just stopping by to have the governor sign a letter to the federal government asking for an extension on the time the state has to raise matching funds to establish an estuarian sanctuary in Wells.

10:35 a.m. The governor's special assistant, Andre Janelle, briefs Brennan on negotiations between the J.R. Simplot Corporation and the Finance Authority of Maine (FAME). The Idaho french-fry manufacturer wants to buy the former American Kitchen Foods potato processing plant in Presque Isle, but so far FAME has refused to guarantee $7 million in industrial revenue bonds for the purchase. The governor voices support for FAME Director Sharon Lunner, saying, "You can't run a loan approval authority out of the governor's office." Brennan escorts Janelle out the door as the two continue their talk. The affairs of state are carried out in murmurs and nods—and compromise, as demonstrated when FAME reverses itself two nights later and agrees to consider Simplot's application for a large bond guarantee.

10:45 a.m. The governor's legislative liaison, Richard Davies, a former four-term representative from Orono, checks in to ask if Brennan can meet with the legislature's fisheries and wildlife committee later in the day. The committee is up in arms over the

decision by Commissioner Glenn Manuel to lay off twenty-five employees of the Department of Inland Fisheries and Wildlife. A meeting is set for 2:30.

10:52 a.m. Gubernatorial Aide Robert Gibbon reports that the Van Buren delegation has just met with State Development Office Director Leslie Stevens and has asked Steven's help in establishing a free trade zone in order to attract industry and in annexing an adjoining township in order to expand the local tax base.

10:55 a.m. Les Stevens arrives to brief the governor himself. He says unemployment in Van Buren is over 20 percent, but that he doesn't see the free trade zone idea helping the local economy.

11:05 a.m. Sen. Paul Violette (D-Van Buren) arrives with the selectmen and town manager of Van Buren. The delegation tells a depressing tale of factory closings and people moving out of town. Even the local McDonald's restaurant has gone out of business. The governor does not have any easy answers or quick fixes for them. His administration will look into the ramifications of Van Buren annexing T17-R3 Township and will do what it can to induce industry to locate in the St. John Valley, but Brennan doubts that becoming a free trade zone will help. The best Van Buren can hope for is to become a subzone of Bangor, which is already a free trade zone but has yet to attract new industry as a result. Brennan agrees to meet with the local chamber of commerce sometime in April.

The crisis in Van Buren underscores the "two Maines" syndrome facing the state and the Brennan administration. While the southern Maine economy booms, the northern Maine economy is going bust. Trying to find ways to spur the northern economy is one of the items on what Brennan calls his "unfinished agenda." Priorities on this unfinished agenda include furthering economic development, a special session of the legislature this summer to address improving education in the state, the promotion of tourism, upgrading the state's corrections facilities, and revamping the state retirement system.

11:25 a.m. Brennan meets privately with David Redmond.

11:40 a.m. Legislative liaison Dick Davies reports that the fisheries and wildlife committee is likely to ask for money from the state's general fund to forestall layoffs in the Department of Inland Fisheries and Wildlife.

11:57 a.m. The governor has his picture taken with an eleven-year-old hearing-impaired boy from Millinocket. For the photograph Brennan takes a white and gold fire chief's helmet (which he keeps for just such occasions) out of the closet and places it on the boy's head.

12:00 noon. The governor has his picture taken with a 4-H group from Hancock County. Grace Ridlon again does the honors with the camera. "I bet you're used to this," says one of the 4-H girls to the governor as the picture is snapped. The governor gives the group a little pep talk on democracy, and afterwards a chaperone asks Brennan what decisions he has found most difficult to make in office. "To appoint a U.S. Senator," says the governor of his appointment of George Mitchell to replace Edmund Muskie, when Muskie became Secretary of State. "It wasn't difficult to decide whom to appoint, but it sure was difficult to talk to the people I didn't appoint." Brennan also tells the 4-H group that it was "very, very difficult" deciding not to run for the Senate himself this year.

So what does the future hold for Joseph E. Brennan after his second term expires in January, 1987? "To be honest," says the governor, "I have not given it a lot of thought. It was only a couple of weeks ago that I decided not to run for the Senate. I've talked to a lot of people in public life who say they miss it once they leave. It could be the same with me." He mentions teaching public policy and practicing law privately. Others mention the possibility of a judgeship or ambassadorship. "I know one thing though," says Brennan, "I'll have to work. I'm not a person of independent means." The governor says the one thing he will not miss when he leaves office is "the lack of privacy." Yet Joe Brennan is an exceedingly private man who seems to thrive on public life. The people of Maine are the only boss he has ever had.

12:30 p.m. The governor heads back to the Blaine House for lunch. In the State House hallway he is hailed by a prominent Democratic lobbyist and stops to chat. When he notices two scruffy schoolboys wandering the capitol halls, however, he breaks off the conversation to escort the boys to his office for a quick visit.

The governor's luncheon guests are Dave Redmond and David Flanagan. Flanagan, who has recently returned to private practice, was the governor's legal counsel and was often cast in the role of devil's advocate and administration heavy, carrying difficult messages to the press and public. Flanagan served Brennan both as a partisan aid in the state senate and in the attorney general's office before following him up to the Blaine House. The three men dine on a lake trout given to the governor by Speaker of the House John Martin (D-Eagle Lake).

1:30 p.m. Brennan, Redmond, and Flanagan return to the State House. David Flanagan says Joe Brennan "is the kind of guy you'd be happy to have for a next door neighbor." He portrays his former boss and good friend as a considerate man with a superb sense of humor that is rarely appreciated in his public life. State House journalists characterize Brennan as an extremely decent man, but somehow dull. He doesn't make for lively news. But Press Secretary Dave Cheever believes that Brennan may be perceived as dull when he is actually just smooth. Where the late James B. Longley gave Maine a taste of confrontation politics, Joseph E. Brennan is a diplomat. For example, rather than vetoing bills he cannot support (eligibility for twenty-year-old high school basekball players, for instance), Brennan tends to have bills recalled for reconsideration. A veto might alienate voters or the legislature. The recall is a gentle tool. Those close to the governor also portray him as a man very sensitive to criticism. But it is not criticism of his actions, but criticism of his motives that bothers him. "My biggest complaint," the governor says, "is with people who write editorial columns and know very little about me or about the issues."

1:45 p.m. Commissioner Glenn Manuel and Brennan aide Dick Davies brief the governor on his upcoming meeting with the fisheries and wildlife committee.

The governor is interviewed for the teenage page of the Lewiston Journal by seventeen-year-old Gail Belanger of Lewiston High School. She is bright, sharp, and well prepared, and the governor is clearly impressed. Miss Belanger knows that Brennan is responsible for Maine's tough new drunk-driving laws, but she thinks more ought to be done to counsel and rehabilitate drug- and alcohol-dependent youths. She asks Brennan whether it set a good example for liquor to be served at the National Governors' Conference picnic held at Fort Williams in Cape Elizabeth last summer. Serving liquor at the governors picnic became controversial because it required an exemption from local blue laws prohibiting public drinking. Brennan replies that he thinks the press made too much of the story, but Brennan aides say that he is so sensitive about drinking that he will not be photographed with a glass in his hand whether it contains an alcoholic beverage or not. Miss Belanger ends her interview by asking the governor why so many people here and across the nation consider politics "a dirty business."

"It's easy to say politics is dirty," Brennan replies, "but that's the way we run our cities, our towns, our states, and our nation. Ed Muskie is a politician, remember, and he's probably the most distinguished citizen in the history of this state."

2:30 p.m. President of the Senate Gerald P. Conley (D-Portland) and Sen. Peter Danton (D-Saco) drop in. Brennan, Conley, and Speaker of the House Martin all began their political careers together in the House of Representatives in 1964. Conley is an old and very good friend from Munjoy Hill who in 1972 gave up a chance to become the majority floor leader in the Senate so that Brennan could have the job and further his ambitions. "Are you selling any phone books?" quips Conley as he lights up a cigarette in the governor's office. The phone book reference is to a minor controversy caused when the state awarded a contract to sell State House phone directories to Gordon Weil, a friend of the governor and former head of the Office of Energy Resources.

Brennan, Conley, and Danton engage in some good-natured banter. The two senators make the point that Brennan should stand pat against fisheries and wildlife committee requests for money from the general fund and then they leave. Shortly, the legislature's fisheries and wildlife committee files in.

2:40 p.m. Rep. Robert MacEachern (D-Lincoln) and Rep. Paul Jacque (D-Waterville) lead the fisheries and wildlife charge. What the group wants is "a oneshot deal" of $1 million from the general fund to save the twenty-five jobs Commissioner Manuel wants to ax.

"I can't," says Brennan unequivocally. He says that to give $1 million to Inland Fisheries and Wildlife would mean taking it from some other department. He suggests that fees for hunting and fishing licenses should be raised to collect additional revenues. The committee says that will help in the long run, but they need money right now. Brennan tells them the money is not there. The legislators argue heatedly, but the governor will not back down. His refusal to act tells them what his words do not, that he believes the Department of Inland Fisheries and Wildlife has grown too fat and needs the trimming Manuel plans to give it. The legislators leave empty-handed and return to the third floor to scheme among themselves about how to get the money out of the appropriations committee without Brennan vetoing the appropriation.

3:20 p.m. Aide Dick Davies brings a request before the governor that he endorse a nuclear freeze group. The group is headed by attorney Joseph Steinberger, who, as the former director of the Common Cause citizen lobby, tried to block the $30-million

BIW subsidy, arguing that the Brennan administration misled the public into thinking the subsidy was a loan rather than a gift. The Common Cause appeal failed. Brennan says he supports the concept of a nuclear freeze and will do what he can for the group.

4:00 p.m. The governor meets in a closed-door session with Sharon Lunner of the Finance Authority of Maine (FAME).

4:30 p.m. Sharon Lunner leaves and the governor spends the next hour returning the day's phone calls.

5:30 p.m. Quiet has descended on the governor's office. The drapes have been pulled and the lights are low. The BIW globe glows eerily.

5:40 p.m. Dave Redmond reports that the hearing on the twenty-year-old basketball player is still going on. "People just won't take 'no' for an answer," Brennan says later. But "no" will be the answer eventually. The education committee that is hearing the bill will vote to reject it, and the bill will be yanked before it gets back to the full House and Senate. This action will pave the way for the Maine Secondary School Principals' Association to declare the Winthrop player ineligible. High-school basketball is a fierce partisan issue everywhere in Maine, a reality that any politician would be foolish to ignore.

6:00 p.m. Governor Brennan is escorted back to the Blaine House by Walter Williams, of the executive security detail. Williams, a long, tall officer in gray cowboy boots, has worked the security detail under three administrations, and he likes working for Joe Brennan. "The governor's not the kind of guy who makes you wait in the car," says Williams. "He takes care of his people." While Brennan goes upstairs to change, Williams tunes in the evening news. Brennan, too, will watch the Iowa caucus results, wincing when television commentators make barbed remarks about the poor showing John Glenn made. "Politicians have feelings too, you know," Brennan complains.

The governor's dinner guests this evening will be Dave Redmond and Senator Peter Danton. The three politicos will dine on veal, green beans, and baked potatoes and discuss . . . well, politics, of course.

But before the news, before the meal, before the conservation, there is something else Joe Brennan wants to do. He changes into gray Nike running shoes, corduroy Levis, a pale blue T-shirt with "The Hill" (for Munjoy Hill, not Capitol Hill) emblazoned on the chest, and a dark blue warm-up jacket and heads back outside to jog a couple of miles. As he disappears into the evening chill, he is running easily in the relaxed manner of a pitcher doing warm-up laps in the outfield before a game. For the first time in twenty years he is not looking over his shoulder. Tonight, no one is trying to catch Joe Brennan.

Mr. PROXMIRE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Presiding Officer, in her capacity as a Senator from Kansas, asks unanimous consent that the further call of the quorum be suspended.

Hearing no objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

Mr. BAKER. Mr. President, we are now on the supplemental appropriations bill once more. It is my hope we can make good progress on this measure today and that perhaps we can finish it tomorrow. I do not think we can finish it during this day, this calendar day.

I hope Members who can hear me in their officers will come to the floor and offer their amendments because if they delay we will not be able to finish and we may be in late. So I urge Members who have amendments to come now and offer them. May I say, parenthetically, I urge the managers of this bill to come and take my place.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2847

(Purpose: Prospective only limit on mergers and acquisitions of companies with substantial energy reserves for six months in order to provide a time period for Congressional review, and to establish a Special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts to study oil company mergers and acquisitions and to report back to Congress within 120 days)

Mr. JOHNSTON. Mr. President, on behalf of myself, Senator METZENBAUM, Senator RUDMAN, Senator BUMPERS, Senator CHILES, Senator GORTON, Senator LEVIN, and Senator PROXMIRE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for himself, Mr. METZENBAUM, Mr. RUDMAN, Mr. BUMPERS, Mr. CHILES, Mr. GORTON, Mr. LEVIN, and Mr. PROXMIRE, propose an amendment numbered 2847.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"SEC. . (a) MERGER LIMITATION.—Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof) to acquire control of a substantial energy reserve holder through a purchase of voting securities or assets or a merger after March 21, 1984, and prior to 180 days following the date of enactment of this section.

"(b) LIMITATION ON ROYALTY TRUST OWNERS.—

"(1) Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof; or person acting in concert therewith) who, within the twelve months prior to enactment, had an interest in a royalty trust—

"(A) to acquire, directly or indirectly, by purchase, trade or otherwise any voting securities of, or

"(B) to solicit any proxy, consent or authorization with respect to voting securities of,

any substantial energy reserve holder during the period beginning on March 21, 1984 and ending 180 days after the date of enactment of this section if after such acquisition that person would own, directly or indirectly, or have the power to vote, directly or indirectly, more than five percent of the outstanding voting securities of any such substantial energy reserve holder.

"(2) Any person holding any voting security in violation of paragraph (1) shall be required to divest himself within 30 days after enactment of this section of any voting securities acquired after March 21, 1984.

"(c) DEFINITIONS.—For purposes of this section, the term—

"(1) 'merger' includes mergers, consolidations, or acquisitions whereby one person purchases, directly or indirectly, the voting securities of any person and thereby acquires control or a majority of the assets of another;

"(2) 'person', 'affiliate', and 'control' shall be defined as such terms are defined in the Securities Act of 1933, as amended (15 U.S.C. 77a-77bbbb), and the rules and regulations thereunder;

"(3) 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the re-

quirements of the Financial Accounting Standards Board Statement Number 69; and

"(4) 'royalty trust' means any trust the corpus of which contains a nonoperating interest (including a royalty interest or a net profits interest) of one or more oil or natural gas producing properties.

"(d) EXEMPTIONS.—This section does not apply to purchases or acquisitions of voting securities, or assets, or mergers—

"(1) for which both persons (or in the case of a tender offer, the acquiring person) filed, prior to March 21, 1984, a premerger notification pursuant to section 7A of the Clayton Act, as amended by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), or

"(2) of any person who owns, or holds an interest in, less than 100 million barrels of proved domestic reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, if such reserves are owned or controlled by a foreign person and if such reserves would be owned or controlled by a United States person, as defined in the Clayton Act as amended (15 U.S.C. 18A) and the rules and regulations thereunder.

"(e) ENFORCEMENT.—Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that any person has engaged in, is engaged in, or is about to engage in, any acts or practices constituting a violation of this section, the aggrieved person may bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

"(f) ESTABLISHMENT OF COMMISSION.—There is established a special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts.

"(1) MEMBERSHIP.—Membership shall consist of—

"(A) the Assistant Attorney General of the United States in charge of the Antitrust Division of the United States Department of Justice;

"(B) one individual representing the National Association of Attorneys General;

"(C) two individuals qualified to serve on the Commission by virtue of their education, training, or experience in the field of economics, specifically industrial organization, or business, and who have no personal or financial stake in any determination regarding the appropriate extent of Federal regulation of oil industry mergers; one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Majority Leader of the Senate;

"(D) two individuals qualified to serve on the Commission by virtue of their education, training, or experience in the fields of antitrust or tax law, and who have no personal or financial stake in any determination regarding the appropriate extent of federal regulation of oil industry mergers; one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Majority Leader of the Senate;

"(E) two individuals from the oil industry qualified to serve on the Commission by virtue of their education, training, or experience; one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Majority Leader of the Senate; and

"(F) one individual to be appointed by the President of the United States.

"(2) STUDY REQUIREMENTS.—The Commission shall study and make recommendations to the Congress, where appropriate, regarding the impact of oil industry mergers, acquisitions and royalty trusts on—

"(A) concentration in the oil and gas industry;

"(B) competition at all levels of the oil and gas industry, including, but not limited to, the effects on independent refiners, marketers and retailers of petroleum products;

"(C) exploration, development and production of oil and gas resources owned by the United States;

"(D) federal revenues from exploration, development and production of oil and gas resources owned by the United States;

"(E) the capacity and incentive of companies aggressively to develop domestic oil and gas resources;

"(F) oil imports, particularly from the Organization of Petroleum Exporting Countries;

"(G) the possibility that foreign interests may acquire a greater ownership interest in domestic energy concerns;

"(H) domestic credit markets and interest rates; and

"(I) revenues to the United States due to the tax treatment afforded such transactions, specifically whether any provisions of the Internal Revenue Code encourage mergers, acquisitions, or the creation of royalty trusts.

"(3) REPORT.—The Commission shall report its findings and recommendations to the Congress within 120 days after enactment of this provision. The report shall include all relevant documentation and data determined by the Commission to be necessary to provide a basis for such findings.

"(4) MISCELLANEOUS PROVISIONS.—

"(A) All federal departments and agencies shall make available, upon request, to the Commission such information as the Commission deems necessary to prepare the required report. Any person who has obtained possession of information under this paragraph shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States with respect to such disclosure.

"(B) The Commission shall hold such hearings and meetings as it deems necessary to collect and evaluate information and make its findings and recommendations. All such hearings and meetings shall be open to the public unless a majority of the commission votes in open session to close such hearings and meetings.

"(C) Commission members may receive travel and per diem expenses for each day such member is engaged in the work of the commission. Travel and per diem reimbursement shall be up to a daily rate in accordance with the Federal Travel Regulations.

"(D) The expenses of the Commission established by this subsection, including such sums as may be necessary to hire staff and complete its report, shall be paid equally from the contingent fund of the Senate and from the contingent fund of the House of Representatives.".

Mr. JOHNSTON. Mr. President, this is the amendment which we announced last week provides for a 6-month moratorium on further mergers of the 50 largest oil companies, those 50 companies being those with worldwide reserves of 100 million barrels or more.

Mr. President, as we announced last week, the amendment provides for the moratorium prospectively only, so that those $29 billion worth of pending mergers, Texaco-Getty, which is now complete, Socal-Gulf, and Mobil-Superior, will be allowed to go through without any hindrance from this amendment.

The reason, Mr. President, as I announced last week, why we have amended the matter to allow pending mergers to go through is because there are certain equities on the side of these mergers, and there are also certain votes on the side of these mergers, and the two go together. And we feel that this measure should be passed and, therefore, in the spirit of both recognizing the equities of matters which are well along in the course of ripening into full fruition—may we have order, Mr. President?

The PRESIDING OFFICER. The Senator's point is well taken. Will Senators please take their conversations to the cloakroom and give attention to the Senator from Louisiana.

The Senator may proceed.

Mr. JOHNSTON. Mr. President, I thank the Chair.

Mr. President, even though some $29 billion of pending mergers will be allowed to go through with our amendment, the big majority of mergers have yet to arrive. According to the Salomon Bros. March 14 study entitled "Megamergers—The Incredible Shrinking Oil Industry," there are now another nine firms which are considered highly attractive as merger targets. They have identified those merger targets as being Unocal, Kerr-McGee, Amerada-Hess, Phillips, Murphy Oil, Louisiana Land, Sun Co., Pennzoil, and Superior Oil. Of course, they were correct on Superior Oil because it has already been picked off.

The study goes on to talk about what is going to happen. They point out, Mr. President, that there are some 44 to 51 billion dollars' worth of takeover targets which are likely to be merged. They talk also about the pressures for these mergers. They say, and I am quoting now:

Barring Government intervention or other unforeseen events, the pressure for other large mergers in the oil industry seems likely to continue. This pressure will come from three quarters:

So says Salomon Bros. And I am continuing to quote. First,

The professional takeover artists, who have made enormous profits by driving their targets into the hands of "white knights." The takeover artists have found that the larger the target, the easier it has been to score a financial victory. The dramatic success of this small band of corporate raiders is bound to lure new entrants, bolder schemes and plenty of financial backing.

Mr. President, these words such as "takeover artists" and "corporate raiders" are not mine. That is a quote from Salomon Bros. which is itself

perhaps the most successful of all the arbitragers.

Continuing now from Salomon Bros. and the two other sources of pressure, they say pressure will come from:

Institutional investors, who are under enormous and increasing pressure to generate superior financial returns on their clients' funds. These men and women do not have the option of refusing an above-the-market tender offer for the shares of the company held in their equity portfolios.

They go on to say that:

Finally, the pressure will come from "the acquiring oil firms motivated both by greed and fear who view the merger wave as an opportunity to acquire vast new petroleum holdings at low unit costs."

So there we are, Mr. President. According to Salomon Bros., we have $44 to $51 billion of mergers waiting to happen—waiting to happen, perhaps immediately. These mergers can be put together in a matter of weeks, perhaps in days. Indeed, the Socal-Gulf merger seems to have been put together in a matter of days. Between the time when we first began to talk about our amendment and today, the matter is virtually complete. And it was only a rumor at most when we first began to talk about this merger amendment back on February 28.

Mr. President, what will be the result of the mergers if they take place? The fact is we do not know all of the results. We do know there will be fewer oil companies, that they will be bigger oil companies and that they will be more burdened with debt. That much is unarguable. That is a fact and a given.

The results of what happens from fewer oil companies, bigger oil companies, more burdened with debt is perhaps subject to a great deal of argument. I can tell you that the eminent financier Felix Royhatyn says it will mean higher interest rates and upward pressure on inflation.

Coincidentally, since this meeting, a merger mania has begun to hit the country; the prime interest rate has gone up one-half of 1 percent. There are those economists who say that this is an unrelated event. There are others, such as Felix Royhatyn, who say that it is an inexorable part of the process. That if nothing else, the generation of this much credit counts as addition to the money supply just as surely as if the Federal Reserve Board issues securities. When Socal issues securities, or Gulf Oil issues securities, and they are brought up, then it counts as an addition to the money supply.

I do not believe, Mr. President, that it is coincidental. I think there is a direct connection. But in any event, what this amendment would do is give us a period of 6 months within which we can examine, through the eminent economists and others, that question and determine whether or not there is in fact, as Felix Royhatyn says, a connection.

Result No. 2, Mr. President, seems also to be clear, that is there will be less drilling, less exploration. That is what has happened to those companies that have been merged. For example, when Cities Service was taken over by Occidental Petroleum, their exploration budget went down by 63 percent. Mr. Pickens is the chief exponent of takeovers and royalty trusts and after creation of a royalty trust, the exploration budget of his own company, Mesa Petroleum, was down 75 percent. We are seeing indications with the Texaco-Getty merger in my State that there is less leasing for future production.

I think we will find the same thing with Mobil, with Socal, with Gulf, with Superior. The evidence is in that there will be less exploration. Indeed, the Petroleum Intelligence Weekly, which is certainly no organ of the Citizens Labor Energy Coalition—to the contrary it is considered to be a very respectable news publication of the oil industry—says this is true in its March 12 edition entitled "Corporate Takeovers Likely to Reduce Exploration Spending." If I may quote one quick paragraph.

The overriding implication of escalating United States oil industry takeover battles seems to be reduced investment and exploration and in the long run a likely increase in U.S. dependence on foreign supplies.

And it goes on to say why that is, Mr. President. It is an absolutely inevitable result, it seems to me, when you take two companies like Socal-Gulf and you add $6 or $7 billion to their debt—actually they borrowed $13.2 billion but you figure that Gulf was worth about half of that at $40 a share. So when you add that additional debt and you require their cash flow to support that debt, there is simply a lot less left over than there was before.

To the same effect there is an article on March 26 from the Energy Daily quoting Thomas Lewis, an analyst at Duff & Phelps, the Chicago bond rating firm. He states as follows:

I don't think there is any way that a new combined company can spend at a level right now that is equal to or greater than the combination of the two exploratory levels before the merger. * * * Companies can't take in that much debt and expect to continue to spend at comparable levels.

So, Mr. President, the warning flags are out; $51 billion waiting to happen, the experts saying it means higher interest rates, it means inflationary pressures, it means less drilling.

The question is, Mr. President, should we take a look at this for a period of 6 months? What do we do for a period of 6 months? I think the first thing we do, Mr. President, is determine whether or not we want an American tax policy to encourage these mergers. You say encourage? Indeed it does encourage the mergers.

First of all, when Socal or when any acquirer seeks to acquire, he borrows the money. That borrowed money is deductible from his tax return, the top corporate rate being of course 46 percent. So all the money he borrows from American sources are deductible from his tax return.

To be sure, Mr. President, we encourage homeownership, and, therefore, we want to encourage people to be able to deduct the interest on their mortgage from their tax return. But do we also want to give a company, a big oil company, additional tax breaks for borrowed money used to acquire another company? I think not.

Bills which have been reported from the House Ways and Means Committee and the Senate Finance Committee deal with that question. These bills remove part of the present tax subsidy which the present Tax Code provides. That subsidy is inherent in tax treatment of dividends paid by the acquired company to the acquirer. Using the example of Gulf as the acquired company paying dividends, which are currently about 7 percent, to the acquirer, Socal—those dividends are given special tax treatment. Only 15 percent of these dividends are taxable to the corporation, and are taxed at a maximum 46-percent rate. The Senate Finance Committee says that this practice ought to be terminated because it does, in fact, constitute a subsidy for takeovers. In other words, Socal comes in and purchases Gulf, using its cash flow to retire its debt and using tax breaks on dividends to finance its interest costs. When you consider that Socal is in the 46-percent bracket, that means they pay only a 7-percent tax on the dividends received from Gulf.

Mr. President, it seems to me that before we allow another $51 billion of these mergers to take place, we ought to determine whether or not we want a 7-percent effective tax rate to apply to dividends from the acquiree to the acquirer when the revenues of those dividends are used to finance the acquisition.

What the Senate Finance Committee would do, I am advised, is say that if you can trace the loan directly to the acquisition—it will not be entitled to the lower rate.

There are other tax breaks, Mr. President, other so-called loopholes, involving liquidations. Liquidations under the Tax Code are basically nontaxable events. Therefore, a company like Texaco, which acquired Getty, which has a very low taxation basis on its reserves, can, upon acquisition, write up the basis of Getty's reserves a very substantial amount.

What does this mean? It means if they later liquidate Getty into Texaco at the higher basis, they receive a sub-

stantial tax break. I am advised, Mr. President, that Texaco has promised, and I do not know how one makes such a promise, that they will not not write up the basis of Getty's reserves. I do not know whether it is so or not, that was the talk at least among the Finance Committee. It seems to me that if that is so, then all companies which are similarly situated, and there are $51 billion of them out there according to Salomon Brothers, yet waiting to happen, then we should not depend upon their promise, however given—formally or informally—to the Congress or to the Internal Revenue Service, but should put that in the law. That is that liquidation would be, in fact, a taxable event when it is a merger.

It should not be, as the code now says, a nontaxable event allowing the acquiring company to write up the acquired reserves for the purpose of a basis for taxation purposes. Obviously, Mr. President, this is a highly technical field. It is a highly technical field involving billions of dollars. It involves billions of dollars of subsidy from the American taxpayer to both the acquirer and the acquiree and as Salomon Brothers said, there is enormous pressure out there to merge these companies.

So, what do we do in the 6-month period, Mr. President? We look at the tax implications, No. 1, because I think there is a feeling that it would be unfair to let these mergers take place and then come in, next month or next year, after the merger has already taken place, and say, "Aha, gotcha; what the Tax Code provides when you merged is not the rules you are going to be able to play under; we are going to put in some new rules."

I think there is a feeling that that would be unfair. We ought to let these companies know what the tax rules are and if we intend to subsidize these matters from here on out, then we ought to go into that kind of subsidy relationship with our eyes wide open and not allow the mergers to take place and then, unfairly, it seems to me, try to close the barn door after the horse is out.

Mr. HEFLIN. Will the Senator yield?

Mr. JOHNSTON. I shall yield for a question.

Mr. HELFIN. Mr. President, I am curious as to why the distinction of 50 oil companies. Your original classification, I believe, had about 150 based on oil reserves. Would the Senator give me the rationale of why he has selected in effect a moratorium which would affect the 50 largest oil companies in the sense of reserves?

Mr. JOHNSTON. Yes, Mr. President; for two reasons. First, all legislation is made up of decisions and arbitrary distinctions. We punish anybody who drives over 55 miles an hour. We declare somebody intoxicated who has a blood level of over 1.0 percent. All legislation is a matter of drawing an arbitrary distinction. You have to have some point at which something is prohibited and some point at which it is not.

Mr. HEFLIN. Will the Senator yield on that?

Mr. JOHNSTON. The Senator has asked why did we change it from 150 to 50. Well, in large measure, or in part measure, should I say, because of the arguments of the Senator from Alabama, who said when we were here earlier that 150 was casting too wide a net, and we also changed it to a 6-month moratorium because the Senator from Alabama stated that to put restrictions on companies forever as opposed to just 6 months was unfair.

So, in large measure, it is an accommodation to the arguments of the Senator from Alabama.

Mr. HEFLIN. Other than accommodations to me, Mr. President, I would assume there has to be some sort of rationale. I am 1 out of 100, and it seems to me what the Senator has said here is that by making a demarcation, it is arbitrary. I think, under our Constitution, we do have equal protection of the laws, and the equal protection of the laws clause of the 14th amendment is that it applies to all persons across the board.

Mr. JOHNSTON. All persons similarly situated.

Mr. HEFLIN. The exception is a reasonable classification.

What I am driving at is that it appears the Senator is selecting that portion of the oil industry which has oil reserves over a certain amount and limiting it to 50. Now, I am trying to find out whether or not the moratorium would be constitutional in view of the equal protection clause of the Constitution. I want to know what the reasonable classification is in order to keep it from being an arbitrary demarcation or figure. I think this is an important issue to be considered. Why is the demarcation of the reserves placed at the figure where there would be only 50? Obviously, that is not an antitrust issue. Obviously, it would be a tax issue. I would like to know what is the reasonable classification to get out of the province of the equal protection of the laws clause.

Mr. JOHNSTON. In the first place, this is not a 14th amendment question. It would be a fifth amendment question, if there were a question at all.

Mr. HEFLIN. Well, it is both.

Mr. JOHNSTON. The Senator asked me a question, if he will allow me to answer.

Whether it is wise or not would not be constitutionally subject to attack because it is an arbitrary cutoff. Any cutoff is by its very definition arbitrary. But size of reserves is, indeed, a national interest and an antitrust interest.

The antitrust implications of bigger companies with larger debts may not be the principal or only interest but certainly it is a legitimate interest. And so when you calculate it according to size, I think that is, indeed, a very reasonable difference which can be the subject of legislative rulemaking.

Mr. DANFORTH. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Yes; I will yield to the distinguished Senator.

Mr. DANFORTH. Mr. President, a concern I have with this amendment is the time sequence that is being set up. As I understand it, the amendment provides for a study which would be presented to Congress within 120 days of the enactment of this bill. That would presumably make the study available, say, in late July, maybe early August. And then there is a 6-month moratorium on any mergers, which would be from March 21, 1984, to September 21, 1984. So during that period from late July or early August until September 21, Congress would have time to review the findings in the report and possibly legislate.

My concern really is twofold, both having to do with the date sequence. One is that Congress is going to be very busy during that period of time. We probably will be getting ready to adjourn after Labor Day. The second is that obviously this is an election year, not just a congressional election year but a Presidential election year, and it strikes me that the worst time to be legislating on a matter as volatile as oil company mergers is during an election year and under the gun.

I am wondering if the Senator would consider a change in the date sequence so that, for example, the study might be completed on January 1 and the moratorium expire 2 months thereafter, so whatever legislation is done, if there is any, would occur at the beginning of next year rather than at the end of this year.

Mr. JOHNSTON. Mr. President, I think the Senator's question is a good one. It is a question about which the other cosponsors and I have had a good deal of conversation. The 6 months, again, is an arbitrary time. We did not want to extend the matter too long because we thought Congress ought to make up its mind and should move on the matter. However, I think the Senator does point out a very practical problem; any moratorium which ends toward the end of a legislative session makes it almost impossible for Congress to act. I think I speak for the other cosponsors in saying we would not have serious objection, unless someone else in the body would have serious objection. I know that the Senator from Missouri asked the question in a constructive and, I hope, even friendly way, and so I would be

inclined to accept such an amendment if he wishes to propose one.

Mr. DANFORTH. I would be happy to propose it or the sponsor of the amendment could simply modify his own amendment. I do not know how the Senator wants to complete it.

Mr. JOHNSTON. Mr. President, I think that suggestion is an appropriate one. I will ask staff now as we are talking to draw up such a second-degree amendment.

Does the Senator from Ohio have a question of me at this point?

Mr. METZENBAUM. Does the Senator from Louisiana contemplate doing it by means of a second-degree amendment, which I think is an entirely appropriate way to do it, or just by modifying his own amendment? Either way I think is agreeable.

Mr. JOHNSTON. All right. Mr. President, at this point I propose to yield the floor and let the Senator from Texas or the Senator from Ohio have a go at the matter and we will discuss it in the meantime. Mr. President, I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, for a body that so many times states such a profound respect for the workings of the marketplace, for a body that so many times decries Government interference and Government regulation, I am really quite surprised to see so many Senators supporting the idea of slapping on a 6-month moratorium on oil company mergers.

Mr. STENNIS. Mr. President, may we have order? This is an important matter.

The PRESIDING OFFICER. The Senator's point is well taken. Will Senators take their conversations to the cloakrooms or give attention to the Senator from Texas. The Senator may proceed.

Mr. BENTSEN. I thank the Chair and I thank the Senator from Mississippi.

Ladies and gentlemen, it is just bad econnomics. It is a non sequitur. It is a situation that I think proceeds from faulty premises to illogical conclusions. It seeks to protect the American people from nonexistent dangers. It would take money out of the pockets of hundreds and hundreds of thousands of investors, and it is going to reward incompetence and penalize the forces of change that help keep our economy strong and competitive.

I do not believe Congress ought to be in the business of legislating moratoriums on economic activities, especially when the public interest is not being harmed. Proponents of this legislation would like us to believe that these mergers are confined only to a very small number of speculators and wheeler-dealers with billions of dollars at risk.

That, of course, is nonsense. You have hundreds and hundreds of thousands of investors. You have pension funds which have their investments at stake. If I were convinced that this merger move might continue in some kind of chain reaction where you would end up with only three or four major oil companies, I would be right there supporting Senator JOHNSTON's amendment. But that is just not going to be the case. It is important to understand the circumstances which make these mergers and these acquisitions attractive today.

In fact, this process is really self-correcting. One of the reasons we have mergers and acquisitions today is that the investors have determined—and I think they have determined correctly—that those underlying assets, those oil reserves, are undervalued. So what happens? You have competition in the marketplace. They go out and start buying the stocks of those undervalued companies. That is not the first time this has happened. It has happened time and time again to different industries.

They bid up the price of that stock, and finally it gets to a level where it is no longer attractive as a takeover. Finally, the stock is truly reflecting the value of the underlying assets, and the imbalances are then corrected. That is the way the marketplace is supposed to work.

As Robert Samuelson pointed out in the Washington Post, there is really a lot of fuzzy thinking going on about mergers. I think he knows what he is talking about.

For example, we hear a lot of talk about how managers of companies targeted for mergers are doing everything they can to protect the investor from the tentacles of the person who is about to acquire that company. That may be great rhetoric, Mr. President, but I think it is often not reality. Many of those managers do want to protect their shareholders, but a lot of them are trying to protect themselves. They want to keep their high-paying jobs and all the perks that go with it. They do not want somebody from the outside coming in and merging them and possibly costing them their jobs. So they have devoted a great deal of effort to digging a moat around their company, trying to protect that job.

They do things like staggering the boards of directors so that you can only elect a third of them each meeting. So anyone who might acquire them would have additional years before they would get control of that company. That is one thing that stops those acquisitions.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield.

Mr. HATCH. Is it not the Senator's opinion that one of the reasons for acquisition and mergers is to discipline management that is not doing a good job for its shareholders? It is a marketplace form of discipline.

Mergers and acquisitions are not inherently wrong or bad. Is that the Senator's viewpoint?

Mr. BENTSEN. Yes; it is. We have regulatory agencies—the Justice Department and the regulatory commissions—that see that we do not have a situation that stops competition. They are charged with the responsibility to see that a merger is one that continues the freedom of the marketplace.

Some of these managers go out and take on mountains of debt to try to protect themselves and become skilled in defensive maneuvers. They are always looking back over their shoulders.

Now some have the ox in the ditch, and some entrenched management that does not have the highest degree of competence would like to see this piece of legislation passed. A vote for this proposal is a vote of confidence in some managers who have forgotten that the best way to keep a company strong and competitive, to keep it from being taken over, is to keep profits up and price multiples high. You are not going to be a takeover candidate in that kind of situation.

For Government to come in and mandate a 6-month moratorium against these mergers does not make any sense. Most of the alleged abuses from these mergers do not exist.

It has been suggested, for example, that mergers mean less exploration. That argument does not hold water. To the extent that there is a decrease in exploration, it is due to three factors.

One problem you have today is that there are fewer prospects, fewer large reserves to be found. Another problem is that the cost of drilling has gone up substantially; No. 3, the price of oil has gone down.

Those are very tough economic circumstances to overcome. That is a tough trend to buck. That is one of the reasons why you have had a very substantial decrease in drilling. If you look beyond the rhetoric and you examine the reality, you see that mergers do not diminish exploration activity.

When United States Steel acquired Marathon in January 1982, it saddled itself with $5.5 billion in new debt, an increase of nearly 200 percent. Its debt equity ratio went from 46 percent to 134 percent, yet, its 1982 exploration expense budget increased over 20 percent to a record high $211 million.

When DuPont acquired Conoco in August 1981, it added over $6 billion in debt and the debt/equity ratio increased from 31 percent to 78 percent, yet, expenditures for U.S. exploration increased from $185 million in 1980 to $371 million in 1981.

Shell's acquisition of Belridge Oil in 1979 is even more convincing, Mr. President. Belridge had extensive reserves, especially heavy oil, but, as a private company, could not finance the huge development expenditures and did not have access to the appropriate technology to exploit those reserves. Despite incurring a huge debt burden to complete the acquisition, Shell's development costs soared from $485 million in 1978 and $640 million in 1979 to $1.153 billion in 1980 and $1.409 billion in 1981. Its exploration costs increased from $369 million in 1978 and $372 million in 1979 to $499 million in 1980 and $611 million in 1981. Output per day from Belridge's oilfields more than doubled due to Shell's efforts and expenditures.

It has also been suggested that lending money to oil companies to finance mergers is an unproductive use of capital that diverts capital from more productive enterprises. That kind of assertion represents a static view of a very dynamic credit market in this country. It does not understand the dynamics of the credit market. What happens is this.

The proceeds from those mergers are paid to the investing shareholders and come back into the economy. The shareholders reinvest that money in the company, with a concomitant increase in available credit.

Some oil mergers involve very little cash. It is not a question of borrowing, but the shareholders of the target company receive, instead, ready cash and stock in the new corporation.

Even after a particularly large loan, if the credit market is disturbed at all, it is a blip, and it returns to equilibrium.

The three most recent oil mergers involved $30 billion, and that is a lot of money, but that is by most standards. When you compare that to a $3.5 trillion GNP, that is just a small blip on the economic weather map. The scope of the mergers involved in this debate is a small percentage of the value of the equities traded last month. Let me give some of the values.

The Socal-Gulf proposal involves $13.2 billion out of a total value of equities exchanged last year of $30 trillion—not billion but trillion—in the United States. Let me put it another way, so that we can understand it better. It represents one-thirtieth of 1 percent.

Let me give another comparison. That $13.2 billion is one-third of 1 percent of the $4 trillion in bank loans and investments made last year.

The only impact the use of bank funds for mergers would have on investment would be if they drove up interest rates. Interest rates determine how much investment occurs along with other variables, such as prospective rates of return. Anyone can borrow capital for investment in this Nation if they are willing to meet bank terms, the interest rates, and if they are a decent credit risk.

Mr. President, what you have here is a capital market that is so large that even a $13.2 billion transaction will have no serious effect on it at all.

Let me give you another example of how large that market is.

Banks loaned out $13 billion every 5 hours of every business day last year. The total amount of this transaction was loaned out in 5 hours of every business day last year.

How does the stock market reflect it? The stock market handled $13 billion every 40 minutes of every business day last year.

So mergers are not going to run up the interest rates and soak up scarce capital. The funds are recycled promptly right back into the domestic spending stream by those stockholders.

It has been estimated by the Citibank economists that you will have over $2 billion of additional taxes that will come into the Treasury because of what is taking place here.

To those who would suggest that we are actually subsidizing the companies by permitting them deductions for the interests on such loans, I ask those people, "Where are you going to draw the line?" You know, we allow deductions of interest on home mortgages, and I do not hear anyone arguing against that.

But are we suddenly going to have a bureaucracy that is going to say that on this industry you can deduct interests for money borrowed, but on that particular industry, it is a no, no, you cannot do that?

I do not believe we are ready for that kind of economic control being established by the Government.

Then you have others who will say, "Well, you know, this is really costing the Treasury a lot of money because you can deduct that interest on those big loans." What they do not tell you is there is another side to the ledger. If you have a company over here that borrowed the money and is deducting the interest, there is someone on the other side that has loaned them the money and gets the interest and pays a tax on it. That, the Treasury finds, is a wash.

The assertion that oil company mergers are going to increase the retail price of petroleum and trigger unacceptable concentration in the industry is also without merit. In the exploration, production, refining, and marketing of oil, the market share of the largest eight participants has been steady or decreasing over the past decade: Their shares are 55 percent of domestic reserves, 40 percent of production, 54 percent of refining, and 50 percent of marketing. Today, the oil industry is a lot less concentrated than the automobile industry or the steel industry.

Mr. President, the notion that these recent oil company mergers is going to cause an increase in the prices at the market also assumes that individual oil companies can dictate the price of petroleum products. However, it has been OPEC and not individual oil companies that has been in charge of oil prices. They are the ones who have driven the international and domestic price of oil and still control it.

These misconceptions then lead to the erroneous conclusion that oil and gas mergers just should be stopped.

I understand the juices really get flowing around this place when anyone wants to talk about an oil company. But this idea that you are going to protect management, that you are going to stop these mergers and never mind the shareholders is not what we should be doing today in the Senate. I used to chair an investment committee for a mutual fund. The way it used to be, if you really ran into intrasigent management, if you really ran into a crowd that had all their perks and paid no attention to the investor was that you just sold the stock and said we will buy shares in another company for our shareholders in our mutual fund.

I am delighted to see it is not working that way any more. Now, these pension funds that hold this stock say let us see that we have responsive management. Let us see that we have management that is progressive and is increasing the earnings of this company, and if they do not, if they try to put in too many perks, if they try to put in too many golden parachutes for themselves, then let us vote our stock against them. That is the sort of thing that is taking place, and it is time it happened in this country of ours. It is a real discipline for management.

Let us remember that mergers do not occur without an opportunity for review by Government, by the appropriate agencies. Our history is replete with mergers that failed because the Government determined they were not in the public interest.

You had a situation just the other day where one steel company was buying another, but the Government went in there and said in these areas you are stifling competition and you have to get rid of these particular branches of the companies or we will not allow that merger to take place. That was done, and that is the proper procedure.

Under the provisions of the Hart-Scott-Rodino Act, the Federal Trade Commission has specific authority and responsibility to review these mergers for anticompetitive purposes.

The FTC or Justice Department reviews all mergers. That is their job. And if they find that these or any

other mergers pose an anticompetitive threat, then they can kill them.

I see no good reason for the Senate to make a prejudgement on extremely complex antitrust matters before the Federal Trade Commission has had a chance to review them. If there is any agreement in this body that the antitrust laws are not working, then let us change those laws. But let us do it carefully, and let us do it logically.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. BENTSEN. I am delighted to yield for a question.

Mr. JOHNSTON. I wonder if the Senator—and I am sorry I had to go off the floor momentarily—addressed himself to the question of what some people would call the tax subsidy inherent in, first of all, allowing a deduction for the interest paid on the money borrowed and, second, for the preferred rate of taxation on dividends coming from the acquired company to the acquirer company? Or in the case of dividends paid from Gulf to SoCal, only 15 percent of which are taxable, allowing in effect 85 percent of those to be tax free.

Mr. BENTSEN. Let me address myself to the two questions. Let me say, first, when the Senator says that there is a preference to the company because it is allowed to deduct the interest or that it is getting some kind of a subsidy, are we in a position where we can say that any deduction of interest is a subsidy and therefore should be negated? How about the homeowner? I go out and borrow the money to buy a home and I pay deductible interest. I do not hear anyone seriously concerned about that one.

But the same thing is true about different types of companies. Are we going to say that this kind of an industry can deduct the interest on a type of debt but another industry cannot? Is this body to decide that the deduction is fine for this industry, that this industry can deduct all the interest it wants, but that another industry cannot? I do not think that is our job. I do not think the Senate should be trying to do that, and I frankly do not think the Government should be directing where our economy is headed by that kind of a tactic.

Now the other one is that when you get to the question of flowthrough of dividends, and that is what the Senator is referring to, that applies to all kinds of companies and all kinds of corporate subsidiaries because, in effect, dividends paid by a corporate subsidiary stay in corporate solution. That is the basic reason for the corporate dividend-received deduction.

Now that applies to all industries. Are we to select out the oil industry and say that they cannot do that? Then we get to the other point that is generally made by my friend from Louisiana, that is, the argument that allowing the interest deduction will cost the Treasury substantial revenue.

I made the point a little earlier that that is looking at just one side of the ledger. If you deduct that interest for that oil company, you have an insurance company, or a bank, or somebody that has loaned that money and is getting the interest on it and paying the tax on it, and that washes out insofar as the Treasury is concerned.

Mr. JOHNSTON. I understand the Senator's position. Let me hasten to say that I am not advocating that we do away with all deductions for interest paid on borrowed money. I am wondering, though, is the Senator aware that the staff of the Senate Finance Committee—and I understand they do not run the committee—but they have recommended that where you borrow money to acquire a company that the dividends paid back not enjoy the lower rate where it can be traced to a loan for the purpose of acquisition?

Mr. BENTSEN. There may be a staff member that has said that, but there are some diverse views on that staff and that is what we ought to have. Let me tell the Senator that I do not know of any serious Finance Committee consideration of a broad principle of disallowing deductions for interest on acquisition debt, and I really do not think it makes economic sense.

Mr. JOHNSTON. Is that not one of the kinds of questions that ought to be examined at a time when we have $200 billion deficits and you are going to have to raise taxes on ordinary taxpayers?

Mr. BENTSEN. I will say to the Senator we have just gone through weeks working over the tax structure, trying to plug loopholes and trying to do those things that we thought were important for fairness in this country. I saw no serious attempt on that particular issue, and we covered a whole myriad of issues and that is where it ought to be done. It ought to be done in the committee. And that is what we have just reviewed and decided not to do that.

Mr. JOHNSTON. I am just advised the tracing amendment to which I have referred was not just recommended by the staff but has been voted out by the committee. It has not yet passed the Senate floor and, of course, has not passed the House.

Mr. BENTSEN. There was certainly no broad provision disallowing interest deductions or the 85 percent dividend deduction. There may have been a limited provision designed to close a loophole on corporate debt.

Mr. JOHNSTON. My understanding is that that can be traced to a loan made for the purpose of acquisition, that you disallow the 85-percent credit. And I understand that has been voted out of the Finance Committee.

Mr. BENTSEN. I would say if that is the case—and we have got a bill that is about that thick—but if that is the case, we will debate it at the proper time on that issue. And we have just worked in the Democratic caucus to try to see if we cannot have that bill open for amendments to deal with those issues. And that is where it should be done.

Mr. JOHNSTON. Would the Senator know whether he is for or against that amendment if, in fact, it has been voted by the Senate Finance Committee?

Mr. BENTSEN. I would have to examine it in that light. Frankly, what I have learned a long time ago is that when you get into one of the very complex tax issues, you better go take a look at it before you make that kind of a commitment on the floor.

Mr. JOHNSTON. I think the Senator makes my point very, very well, and that is that you are in a very complex area of tax law, about which I am frank to say I do not understand all the intricacies, and certainly not the implications, and certainly not the dollar effect. But I am inclined to think that if the Senate Finance Committee did as has been reported to me by staff and made this amendment that involves not millions but billions of dollars, that by failing to act out here on the Senate floor, we fail to give this body a chance to act on that issue before the horse is permanently out of the barn.

Mr. BENTSEN. Is that still a part of your question?

Mr. JOHNSTON. Yes. I was going to ask the Senator if he agreed with that.

Mr. BENTSEN. The Senator has made quite a statement and it has gone far beyond the question. But let me say if we were to take action here to stop any and all mergers for a period of 6 months, then you have made a decision on things like that that the Senator himself says is a very complex issue and obviously is only one part of an extraordinarily complex Finance Committee bill that is going to be before this body to be debated in its entirety. And that is where it ought to be done. But if you go ahead and say we are going to stop all mergers for 6 months, you have made a decision before we have a chance to consider that specific issue and I think that would be a serious mistake.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BENTSEN. Yes.

Mr. HATCH. I am not fully aware of what the distinguished Senator from Louisiana sought, but is the Senator from Texas aware of the Wall Street Journal article entitled "Tax Tax, Merge Merge," which appeared yesterday, as I understand it, in the Wall Street Journal? There it said:

John Lichtblau's Petroleum Industry Research Foundation has just published a study showing that from 1980 to 1982, the U.S. oil industry paid taxes at a rate more than 60 percent higher than 200 big non-oil companies. The windfall-profits tax is the biggest culprit here, taking away from oil companies nearly $10 billion in 1982 alone. Each dollar taken in taxes, of course, is one less available for exploration. And because oil companies reinvest some 80 percent of their earnings, it's safe to assume that much of that windfall tax would go toward finding new oil.

Other taxes retard exploration more directly. State severance taxes, for example, extract money at the time of production, raising the costs of finding each new barrel.

It is an interesting article. I ask unanimous consent that it be printed in the RECORD at this point because I think it does help to make a case that there have been well-thought out tax situations with regard to oil.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX TAX, MERGE MERGE

In the U.S. Senate's Great Crusade to ban oil mergers, a favorite argument is that the mergers will take money away from U.S. oil exploration. Our senators, naturally, blame the greed of Big Oil. But after looking at a few statistics and talking to some experts, we think any blame belongs with—the politicians. The people picking on Big Oil turn out to be the same ones who've taxed the industry so heavily that it has less incentive to explore in the oil patch and more incentive to search on Wall Street.

John Lichtblau's Petroleum Industry Research Foundation has just published a study showing that from 1980 to 1982, the U.S. oil industry paid taxes at a rate more than 60 percent higher than 200 big non-oil companies. The windfall-profits tax is the biggest culprit here, taking away from oil companies nearly $10 billion in 1982 alone. Each dollar taken in taxes, of course, is one less available for exploration. And because oil companies reinvest some 80 percent of their earnings, it's safe to assume that much of that windfall tax would go toward finding new oil.

Other taxes retard exploration more directly. State severance taxes, for example, extract money at the time of production, raising the costs of finding each new barrel. These taxes have soared in recent years: from 22 cents a barrel in 1974 to $1.50 in 1981, says Mr. Lichtblau. And no wonder. Many states rely on them for much of their income; after all, it's easier to bash Big Oil than it is to ask the voters for higher taxes.

Oil companies, like all companies, are also subject to double taxation on their profits. They pay once in corporate income taxes, and their shareholders pay again because of taxes on dividends. The result? A few oil companies have formed "royalty trusts" that distribute profits directly to shareholders, avoiding the corporate tax. The problem, of course, is that the company thus has no retained earnings to reinvest in exploration. Again, tax policy retards the search for new oil.

The total effect of these taxes, of course, is to reduce the return on a dollar invested in oil exploration. (And sure enough, as Mr. Lichtblau calculates it, taxes per dollar of oil revenue rose from 5.4 cents in 1974 to 13.4 cents in 1981.) That in turn makes it more desirable for oil companies to search elsewhere for oil that has already been discovered—and Wall Street is as good a place as any. At least it has fewer dry holes.

We've said before that the antimerger crusade is bad policy. But the tax figures suggest even more clearly that banning mergers would simply be treating the symptom of underlying economic trends, some of them the result of failed government policies such as the "windfall" profits tax. If Sens. Johnston and Metzenbaum and the other crusaders really want to increase oil exploration in this country, they wouldn't ban mergers. They'd lower taxes.

(Mr. EVANS assumed the chair.)

Mr. HATCH. Is the Senator also aware of the Advisory Committee on Tender Offers Report of Recommendations dated July 8, 1983? On page 58, under the heading "Taxation," this group, a very prestigious group formed under the U.S. Securities and Exchange Commission, concluded on page 59:

It appears unreasonable and inappropriate to recommend any change in the current tax system.

Is the Senator familiar with these findings?

Mr. BENTSEN. No; I do not have that familiarity, but I am delighted to have the Senator bring it to our attention.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. BENTSEN. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, there have been a lot of things said about this particular amendment, the Johnston-Metzenbaum-Rudman amendment or the Rudman-Johnston-Metzenbaum amendment.

Mr. President, eliminating retroactivity does not cure the underlying flaws of this moratorium amendment which attempts to rewrite the basic principles of our economic system.

I would like to really compliment the distinguished Senator from Texas for the excellent statement that he has made and for the concerns that he has expressed on the floor of the U.S. Senate about the bad public policy that this particular approach actually represents. I think he has made a pretty good case.

What worries me is that nobody has shown, I think, a substantial antitrust reason for this type of activity. I do not think anybody has shown a market reason or even an economic reason. I do not think anybody has shown any real substantive reason, other than it is nice to beat up on oil companies.

Well, forget the oil companies for a few minutes. Let us talk in terms of what is good public policy and what is right here on the floor of the U.S. Senate.

Should the U.S. Senate interject itself into the free market process which is used day in and day out to correct inequities in the marketplace to discipline management in certain management areas where they are not doing what is right and where they need disciplining where stock is undervalued so that shareholders have a way out, a way out of the block they would otherwise never have? Is it wise public policy? I know there are Senators here on the floor who believe that moratorium policies are wise public policies. I do not think so.

I think that to single out any industry or any particular merger when we have the stringent antitrust laws that we have in this society to correct the problems is really a mistake. Governments simply cannot and will never function as efficiently as the marketplace in the allocation of resources. To single out this industry under the pretense of preventing injury to competition, protecting energy security, or promoting sound fiscal policies is to ignore the economic forces by which this Nation has prospered

With regard to competition, the consensus is that oil mergers do not damage competition. As a matter of fact, most of the testimony before our committee was to that extent. The oil industry is highly concentrated and extremely competitive. I do not know anybody who denies that except some who, for their own reasons, believe that bigness is bad. Now, that may be.

But the way to arrive at that conclusion is not by subverting the committee process in this illustrious body, but by utilizing that committee process, holding hearings and doing what really has to be done so that we can discuss whether or not bigness really is bad. And I remember hearings back in the 1970's, the late 1970's, where that was the principal argument then in the so-called energy antimonopoly bill.

And I think that was rejected by the Senate—that argument that big business is bad standing alone.

In the 1982 FTC study of mergers—

The Commissioner recommends against any legislative ban on oil company mergers. Such interference in normal market forces is unwarranted both because there have been no significant adverse implications on the state of the competition in the industry for mergers, and because mergers with significant competitive impact can be satisfactorily explained under current law.

I think those findings totally refute the false charge that the six largest oil companies could merge without being challenged by the FTC. That charge has been made repetitively in this debate. In fact, if any of those companies merged, they would immediately trigger FTC review. This moratorium would effectively obstruct the operation of natural forces of efficiency, it would block all mergers, even those which may be in the public interest,

preventing existing antitrust laws and authorities from exercising their expertise and legal prerogatives in our national interest.

In the absence of true evidence of anticompetitive conduct circumventing legal protections, such congressional interference is unprecedented.

What about exploration? We have heard that mergers will interfere with and deter exploration and exploratory activities by the merged companies.

Oil mergers simply do not threaten energy security by reducing exploration. Oil company exploration expenditures are a function of oil prices, drilling costs, geological obstacles, and the projected rate of return on investments relative to other investment opportunities.

It is universally recognized that drilling has declined because of the poor domestic prospects. I do not think anybody who has studied it fails to understand this. In addition, stable energy prices have not been the case. So it has declined because of that and, of course, high drilling costs running off the charts have made it very difficult to continue exploration activities, not because of shortage of capital. We have had plenty of capital. Really, the reasons are poor domestic prospects, stable energy prices, and high drilling costs, all of which have been part of the problem.

In a recent Washington Post commentary, Robert Samuelson stated:

> The congressional outcry over oil industry mergers reflects the delusion of the legislative mind—that laws can prevent the disagreeable. Stop the merger, say critics, because the merged companies—overloaded with debt—won't search for new U.S. oil, and imports will rise. But the critics forget that, although U.S. exploration doubled over the past decade, proved oil reserves dropped from 39 billion barrels in 1970 to 28 billion in 1982.
>
> The merger debate reeks of fuzzy thinking. It avoids the central danger of oil, which is a geographic accident: two-thirds of the roughly 600 billion barrels of the non-Communist world's oil reserves lie in the politically unstable Middle East. We're consuming more oil than we're finding in the United States because the oil isn't here—not because firms aren't looking. * * *
>
> Congress disdains these unpopular measures and, instead, casts oil mergers as a part of the problem when they are only a consequence. This confuses oil industry economics with the strategic insecurity of oil supplies. * * *
>
> The mergers can be understood only as a response to shifting economics.

The distinguished Senator from Louisiana seems to be saying that as large amounts of capital are invested in mergers, outlays for exploration are forced to follow, yet an examination of recent mergers seems to indicate that exploration activities increased for a merged entity. I know that he cited the Occidental case. To my knowledge, that is one of the few illustrations where drilling activity has gone down. The other major mergers have proven that drilling activity goes up.

I think there is no way of really getting around it when United States Steel acquired Marathon in January 1982, it saddled itself with $5.5 billion in new debts, an increase of nearly 200 percent. Its debt-equity ratio went from 46 percent to 134 percent, yet its 1982 exploration expense budget increased far more than its highest level of over 20 percent to a record high of $211 million. When Du Pont acquired Conoco in August 1981, it similarly more than quadrupled its debt liabilities by adding over $6 billion in debt. Its debt-equity ratio increased from 31 percent to 78 percent, yet its expenditures for U.S. exploration increased from $187 million in 1982.

Shell's acquisition of Belridge Oil in 1979 is even more convincing. Belridge had extensive reserves, especially heavy oil, but as a private company could not finance the huge development expenditures and did not have access to the appropriate technology to exploit those reserves.

Mr. JOHNSTON. Mr. President, will the Senator yield at this point?

Mr. HATCH. I yield to the distinguished Senator from Louisiana.

Mr. JOHNSTON. On this question of United States Steel acquisition, Marathon and their exploration budget, is it not a fact that the exploration expenses are going from $211 million in 1982 to $173 million in 1983 or a reduction of about 20 percent in 1983?

Mr. HATCH. It may be. I am not sure of that. I do know that in 1982 it had gone up 20 percent to $211 million. I do not know what the economic circumstances are, but I know that United States Steel has had a very, very difficult time in the last year and a half. But my point was, in spite of the merger, in spite of the bigness of it, the fact that United States Steel is not an oil company, its exploration budget did increase.

Mr. JOHNSTON. It went up?

Mr. HATCH. It went up that year. I do not know where it has been since. I will try to check that out.

Mr. McCLURE. Will the Senator yield?

Mr. HATCH. I yield to the distinguished Senator from Idaho.

Mr. McCLURE. I think the point that needs to be made is we are looking at a very short period of time. The Senator looks at 1 year after another, but if you look at 2 years previously, it is still 10 percent higher than it was 2 years ago.

Mr. HATCH. Mr. President, let me go back to Shell and Belridge. Every one of these show something. Bellridge, as I said, had extensive reserves, especially in heavy oil, but it was a private company. It could not finance the huge developmental expenditures and it did not have access to the appropriate technology, which, of course, Shell could provide so that they could exploit these reserves. Despite incurring a huge debt burden to complete the acquisition, Shell's development costs soared from $485 million in 1978 and $640 million in 1979 to $1.153 billion in 1980 and $1.409 billion in 1981.

Its exploration costs increased from $369 million in 1978 and $372 million in 1979 to $499 million in 1980 and $611 million in 1981.

I do not know what has happened since then. It may have gone down, but I think the history shows that the acquisition did not deter exploration. If anything deterred exploration, it is, as I said, because of the lack of prospects, the instability of the market and a whole variety of other things.

Senator JOHNSTON from Louisiana referred—and I think rightly noted—to the fact that Occidental Petroleum experienced a substantial reduction in domestic exploration and development expenditures after acquiring Cities Service. But, to my knowledge, that is the only merger that resulted in a decline in the year following the acquisition.

Let me go a little bit further.

A moratorium, as recommended by the distinguished Senator from Louisiana, the distinguished Senator from New Hampshire, and also the distinguished Senator from Ohio, will not create any additional incentives for exploration. In fact, I think the opposite will occur. This moratorium will effectively obstruct the operation of economic forces. It forecloses mergers. Shareholders of less-efficient companies will see the value of their holdings continue to fall.

You cannot help but look at Gulf Oil and realize that its shareholders were holding undervalued stock, and their only way out was through the merger and acquisition process or at least that would be the major way out. As it turns out, it will be a good way out for them. It is one of the efficiencies of the marketplace.

It is one of the ways that management is disciplined. It is one of the ways we correct inequities. It is one of the ways we protect shareholders. Yet, all of that is going to be ignored, it seems to me, by this moratorium.

Mr. JOHNSTON. Will the Senator yield?

Mr. HATCH. I yield to the distinguished Senator from Louisiana.

Mr. JOHNSTON. We have had some discussion here on the floor with Senator BENTSEN about the bill reported out of the Finance Committee which would disallow the lower effective rate, or should we say the 85-percent exemption, from taxation of dividends paid by the acquired company to the acquirer company. I use the example of dividends paid by Gulf to Socal. As I understand it, the Finance Commit-

tee bill would disallow that concessionary-type treatment, that preference-type treatment. My question to the Senator is, is that kind of legislation, first of all, a good idea? If so, should it be applied retroactively? That is, should it apply to companies who might merge or might announce their mergers prior to the time that that is enacted into law? If so, would not that be a good reason to freeze everything for a period of 6 or 9 months while we have a chance to look at it and look at the multibillion-dollar impact which that might have?

Mr. HATCH. I do not think so. To answer the distinguished Senator from Louisiana, I will read the advisory committee's reported recommendations dated July 8, 1983, starting on page 58 under No. 2, "Taxation."

The Committee considered two areas in which taxation of control acquisitions may impinge on the system of tender offer regulation envisioned by the Committee. The first involves the difference in the taxation of an acquisition in exchange for cash and one in exchange for non-cash. The former typically involves a recognized gain while the latter can be structured so as to carry forward the basis of the assets being acquired and defer the gain. The other area involves the taxation of the cash portion of mixed cash-securities tender offer packages. Both areas involve unequal treatment of cash tender offers and exchange offers, and also may, where the tender offer is hostile, impose on target company shareholders unfavorable tax treatment beyond their control.

As to the former area, the Committee determined, based in part on its discussions with representatives of the Treasury Department, that there are longstanding, substantive tax policies accounting for the treatment of cash and non-cash acquisitions. It appears unreasonable and inappropriate to recommend any change in the current tax system.

So they did not agree with it. Let me go further.

Mr. JOHNSTON. Mr. President, this is the report of the committee of the SEC on tender offers.

Mr. HATCH. Let me go a little further.

In the other area, the Committee focused on the tax treatment of a tender offer where securities and cash are issued pro rata to tendering shareholders. Under current tax policy, there is a risk that the cash will be treated as a dividend and taxed as ordinary income. The Committee considered the formulation of an election procedure whereby a tendering shareholder could opt for the particular form of payment that would best suit the individual's tax situation. Based on discussions with representatives of the Treasury Department who did not support such a change of tax treatment and the fact that the election procedure would require technical and complex tax legislation, this seemed in the final analysis to be an area in which the Committee had neither the time nor the expertise necessary to draft meaningful recommendations.

Let me just add this to say, in effect, why I do not think that is good legislation. Let me clarify that. Let me just say I do not care what the Finance Committee does in that area one way or the other at this particular point. I do not see any reason for me to interject myself. But I think the basis of the question of the distinguished Senator, or the underlying implication, is that perhaps because of these special tax breaks, there is an incentive to merge. I basically would say that the determination of the reserve basis of the merged company—of the mergee by the merger—after a merger has taken place is no more of an incentive to merge than an increase in the basis value of a home is as an incentive to build an addition. It is merely one factor to be considered. It cannot be the sole motivation for merging. So I think the Senator's implication is faulty.

Mr. JOHNSTON. If the Senator will yield, did he not just make my point, or should I say that the Advisory Committee on Tender Offers of the U.S. Securities and Exchange Commission from which I just read—did that not make my point by saying that the complexity of the tax law takes the time and expertise that we do not have in order to make a recommendation? Is that not what the Senator read?

Mr. HATCH. I do not think so. I think what it says is that the tax law should not be changed.

Mr. JOHNSTON. The last sentence the Senator read, if he read it correctly, says precisely that.

Mr. HATCH. What I just read is:

It appears unreasonable and inappropriate to recommend any change in the current tax system.

Mr. JOHNSTON. Will the Senator tell me from which page he read?

Mr. HATCH. Page 59. I think that makes it pretty clear. They do not want any change. They do not think it would be wise.

Mr. JOHNSTON. If I may read, he said:

Based on discussions with representatives of the Treasury Department who did not support such a change of tax treatment and the fact that the election procedure would require technical and complex tax legislation, this seemed in the final analysis to be an area in which the committee had neither the time nor the expertise necessary to draft meaningful recommendations.

Is that not exactly what we are talking about here, to get the time within which the Committee on Finance can make recommendations? Indeed, has not the Committee on Finance already made some of those recommendations, which are that what I would call a concessionary tax treatment to subsidize these mergers should be eliminated? That is what the Finance Committee said. Why should we not give them the time to do that?

Mr. HATCH. To answer the Senator's question, the Finance Committee may have done that, but what this Advisory Committee on Tender Offers has said here is going to be adopted by the Securities and Exchange Commission, I think effective tomorrow.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. HATCH. Certainly.

Mr. METZENBAUM. Mr. President, is it not a fact that the Securities and Exchange Commission has already acted and has turned down a number of those recommendations?

Mr. HATCH. They have turned down any changes in the current tax system. They think that is the wrong way to go. The Senator seems to say that the work done by the Finance Committee is the right way to go.

Even if that is the case, if the Senator's argument is that we need time to study this, that we need time to come to effective conclusions, that we need time to be able to resolve some of the complex areas involved here—and there are complex areas. Some say antitrust is in there, that a case can be made for it—I have not heard too many say that. Some say there are market problems, some say there are economic problems, some say there are security problems in this matter.

Then I would say to both distinguished Senators and all other sponsors of this type of approach, the normal way to do that is the normal committee process. If the committee decides that is the way to go and we in Congress agree with them, that will be the way to go, whether we like it or not. I suppose that is the case with this merger moratorium as well.

Mr. METZENBAUM. Does the Senator from Utah not recognize that the committee procedures in this body have not made it possible to move forward with legislation along this line and only after a considerable period of time was it possible to get a committee hearing which was not marked up on this subject? Meanwhile, billions of dollars are walking out the door, being borrowed from banks, and the American economy is being affected and interest rates continue to go up. Is the Senator aware of that fact?

Is the Senator aware of that fact?

Mr. HATCH. I think a lot of the underlying assumptions of the distinguished Senator from Ohio are faulty. Since I have been here the last 7-plus years, we have had a number of hearings in this particular area. I think most of the evidence has gone against the approach that the distinguished Senators sponsoring this resolution are taking today. If there is an antitrust reason or justification for banning mergers of large oil companies, then I have not heard it.

Mr. METZENBAUM. Is the Senator aware that the Judiciary Committee 5 years ago came out with a recommendation for a bill banning mergers of oil companies, and that although the

Senate did not get an opportunity to pass on it by reason of the pressure of time, it is a fact the Judiciary Committee recommended such legislation, a far more reaching piece of legislation than this one?

Mr. HATCH. My recollection is that the Senate did not act on it because the case was made it was a bad bill and it would have gone down to defeat on the Senate floor.

Now, be that as it may, there are legitimate ways of getting these matters up on the Senate floor without trying to inject the Congress into the free market system of this country, dislocate these markets, and deprive these shareholders of the benefits which might come from disciplining management for upping the price of undervalued shares, from having a more aggressive management, bringing expertise and technological abilities to these things. Sure, I think there are a lot of things that could be done, but I do not think this is the way to do it, and that is what I am arguing.

Mr. METZENBAUM. One more brief question. How soon does the Senator from Utah expect to give up the floor?

Mr. HATCH. I think it will be a matter of a few minutes.

Mr. RUDMAN. Will my good friend from Utah yield for a very brief question?

Mr. HATCH. I am glad to yield.

Mr. RUDMAN. I have heard the Senator from Utah now on three occasions say that he cannot find a single, solitary reason within either the antitrust laws or the action of the markets to come over on our side and do the right thing and vote with the sponsors of this amendment.

Let me see if I can furnish a reason to my friend from Utah.

There is an index used at the Justice Department familiar to all those who have worked in antitrust called the Herfindahl Index. That index is a mathematical formula by which the Justice Department calculates whether or not the threshold of antitrust violations has been reached.

Under that index, if, tomorrow morning, Exxon, Arco, Amoco, Chevron, Texaco, and Mobil were to merge into a single oil company, that would not trigger the index. Now, I am saying to my friend from Utah that the Justice Department would not worry.

Mr. HATCH. The FTC would.

Mr. RUDMAN. I am responding to the Senator's statement that he has not found a reason. Does that give my friend from Utah any concern?

Mr. HATCH. I believe the distinguished Senator is citing from the Herfindahl-Hirschman Index, the guideline that attempts to summarize the impact of a merger on competition within an industry and thus the likelihood of FTC challenge which is all based on a simple mathematical calculation, as I understand it.

Mr. RUDMAN. So, if I understand the Senator's answer, that would not concern him?

Mr. HATCH. I have not finished my answer yet, if the distinguished Senator will withhold.

The general tone of that guideline, as I understand it, is that a merger in an unconcentrated industry is unlikely to generate any problems because the No. 1 and No. 2 competitors combining still leave the overall industry unconcentrated compared to, say, the steel industry.

I think the distinguished Senator from New Hampshire misuses that particular fact by asserting that this guideline would allow six of the largest oil companies in this country to merge into one, without challenge. The Senator did give a caveat, he did give an exception, so I feel like that point has to be made.

I think there are two responses to the statement that this could occur without challenge. And I think his argument rests solely on the fact that the industry currently falls into the "least concentrated" category. That is, with the Herfindahl-Hirschman Index, less than 1,000 when measured on a nationwide basis. So that no matter what the effect of the merger, the guideline suggests a challenge is unlikely. But actually, if any two of these large companies merged, as I understand it, there would immediately arise HHI problems in regional refining and marketing areas, in particular, problems that automatically trigger FTC review. I think the distinguished Senator would have to admit that.

Mr. RUDMAN. Let me ask one further question of my friend from Utah.

Mr. HATCH. May I just finish? I will give the distinguished Senator some credit here, too.

There is some truth, I think, in the statement of the distinguished Senator from New Hampshire, and that is in recognizing the tremendous fragmentation within this industry; that production and reserves in the United States are spread out among dozens of large companies, each one of which may be a financially immense company.

Now, the complete lack of concentration in the domestic exploration and production end of the business, even if we ignore the larger global OPEC ramifications, is such that no merger, or several mergers, can fundamentally alter the level of competition in the industry. But the FTC still carefully examines regional competition and the six largest companies could by no means merge without FTC or Department of Justice opposition.

So to just cite the Herfindahl-Hirschman Index in that category without giving this additional knowledge, I think is an oversimplification of what really happens under our antitrust laws in this country and what the relationship of the Department of Justice and the Federal Trade Commission really is vis-a-vis that particular process.

Mr. RUDMAN. Will the Senator yield for a followup to that question?

Mr. HATCH. Sure.

Mr. RUDMAN. Let me simply ask this question. In testimony before the Senator's committee, in which we all participated—I believe that was last week or the week before—there was testimony which is unrefuted and which I have since corroborated that if the mergers—not the ones I just mentioned in my Herfindahl example, but if the mergers anticipated in the marketplace are to happen during the next 3 to 6 months, 57 percent of the reserves—and they are not measured by any of these indexes—57 percent of the reserves, never mind the distributors being independent, never mind the refineries being independent, never mind the gasoline stations being independent—57 percent of the reserves would be concentrated in eight oil companies.

I ask the Senator from Utah, does that fact concern him about our antitrust laws?

Mr. HATCH. That fact does concern me, but it is very unlikely. We can all come up with hypothetical cases. It is very unlikely that the six largest oil companies are going to merge.

Mr. RUDMAN. We are not talking about those companies, I would say.

Mr. HATCH. I am saying it is very unlikely that type of a situation will take place. But second, that still can be answered by the antitrust laws. It still can be answered by the committee process. It still can be answered by the approaches we have always taken to resolve problems and conflicts. I do not think those, like myself, who are arguing against the moratorium are really arguing against looking into this thoroughly and finding out what should be done and whether anything should be done at all.

Now, if the distinguished Senator from Ohio feels that the hearing process needs to be implemented and that there needs to be more hearings, if the distinguished Senator from New Hampshire does, I will fight to get that.

Mr. RUDMAN. I simply say to my friend—and I thank him for his sincere and courteous answers—we are very concerned, to put it in the vernacular, that we do not lock the barn after the horse is stolen.

Mr. HATCH. The Senator is concerned about hypothetical instances in a highly unconcentrated industry which is very unlikely to do what he is hypothetically saying it is going to be doing.

I think I ought to make this point, too. If you are going to lock the horse in the barn, I hope you are not going to let him starve. I hope we are not going to have a market suffer and dislocate. I hope we are not going to have all kinds of problems because we, in the Congress, inject ourselves because a few Senators, or maybe a whole bunch, today feel they should inject themselves into the market process.

I have heard a lot of comments about the credit markets. Oil mergers do not constrain the availability of credit for other uses and will have no material effect on interest rates.

I have heard that the interest rates are going to go up because a very small percentage, one-twentieth of 1 percent of a $30 trillion market, is going to be involved. The so-called purchase of Gulf, for example, is purely a financial transaction whereby one financial asset, that is, cash, is exchanged for another financial asset, and that is corporate equity in this particular case.

In this case, the cash will pass to Gulf shareholders, whoever they are, who would then return the funds back into the credit market. I do not see how anyone could argue against that.

The Federal Reserve Board Vice Chairman, Preston Martin, recently reportedly said, "These oil takeovers do not harm U.S. credit markets despite the large funds involved."

Speaking to the National Advisory Council of the Senate Small Business Committee the official—Fed Vice Chairman Martin—said such takeover activity can result in "a great shift of funds" for the periods of around 7 to 10 days but that the money involved does not go into a "black hole." In many cases he said it is simply returned to the same bank from which it came. Martin termed what happens "a wave phenomenon" over several days that "does not really take credit out of the economy."

So I repeat that mergers do not threaten credit markets.

Conversely, if the mergers are prohibited, stock values could become further depressed, forcing companies to rely on debt as a means of securing capital. This consumption borrowing is analogous to Government borrowing which does affect interest rates, as opposed to borrowing for a purely financial transaction which has no material effect on interest rates.

Finally, the antitrust laws are effective in protecting against injury to competition and efficiency. A moratorium cannot increase competition or promote efficiency. A moratorium will not result in increased exploration. A moratorium will not produce increased economic activity.

I say that Government intervention can only be injurious and is an unwarranted and artificial impediment to the operation of the free market.

AMENDMENT NO. 2849

(Purpose: To establish a presidential study of the condition of the oil industry and the effects of large mergers therein)

Mr. HATCH. Mr. President, at this point I send an amendment to the desk and ask for its immediate consideration.

Mr. HEFLIN. Mr. President, I wonder if the Senator from Utah will yield to me for a question.

Mr. HATCH. I will yield in a moment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 2849.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 1, line 1, strike all through page 7, line 8 and insert in lieu thereof the following:

SEC. 1. The Congress of the United States of America hereby finds and declares that:

(1) The recent wave of mergers and takeover attempts affecting the largest integrated oil companies is indicative of serious concerns affecting American oil and energy companies. In spite of declining domestic oil and gas reserves, there are marginal economic incentives to support vigorous exploration and production programs by said companies and smaller companies, because of high and ever-increasing finding costs, weak wellhead prices, flat demand for oil and excess deliverability of gas.

(2) This lack of incentives has caused a fall in the drilling rig count from 4500 in December 1981 to 1800 in mid-April 1983, and which was approximately 2250 on March 15, 1984.

(3) The stock market prices for most major integrated oil companies are greatly below the current appraised asset values of said companies, with the stocks of many of said companies selling for one third or less of the appraised value, making purchases of the oil and gas reserves of said companies through purchase of their stock much cheaper than exploring for new reserves.

(4) This situation could pose possible serious problems for the energy security of the United States and warrants immediate study by the President with the cooperation and assistance of whatever Departments and Agencies of the Executive Branch of government the President deems necessary and appropriate.

SEC. 2. The President shall establish a commission to commence a study of mergers and acquisitions of integrated oil companies in the United States promptly after passage of this Amendment and shall complete said study by January 10, 1985.

(1) This study shall also consider for antitrust purposes when a relevant market should be defined as a domestic market or a worldwide market.

(2) The President shall report the results of such study and any recommendations for Legislative, Executive of Administrative action to ameliorate any national energy security problems or adverse economic effects to the President of the Senate on or before January 10, 1985.

(3) This study and any recommendations developed as a result thereof shall assess whether such mergers, acquisitions and take-over attempts may be injurious to competition or to national energy security.

SEC. 3. All persons and entities should exercise the utmost restraint in commencing any mergers, acquisitions or take-over attempts affecting the largest integrated oil companies in the United States until January 10, 1985, other than those with respect to which Hart-Scott-Rodino filings have been made with the appropriate Agencies as of March 21, 1984.

Mr. HATCH. I yield to the distinguished Senator from Alabama.

Mr. HEFLIN. I am interested in the hypothetical question that the distinguished Senator from Vermont addressed to the distinguished Senator for Utah about the index, in which he named—unfortunately, I did not write them down—about seven or eight of the largest companies. He indicated that if they had combined, if all had merged together, they would not have reached the danger or the trigger point that this index had indicated.

It is my understanding—and I asked the distinguished Senator from Utah if it is true—that under the Mobil and Standard of California merger, the domestic reserves, after the merger, would constitute only about 8 percent of the domestic reserves in the United States.

Mr. HATCH. I believe it is even less than that—somewhere around 6 percent.

Mr. HEFLIN. Does the Senator know how much Texaco and Getty combined to make?

Mr. HATCH. Texaco-Getty, from the Oil and Gas Journal, August 1983, would amount to 5.4 percent of domestic oil and gas reserves. Mobil-Superior would amount to 3.5 percent. Socal-Gulf would amount to 5.1 percent, less than 6 percent.

Mr. HEFLIN. Even if those six companies were to combine into one company, the domestic reserves would not amount to 15 percent. What would all three add up to?

Mr. HATCH. The top domestic reserves in the country have to be 8.1 percent, held by Exxon.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. McCLURE. If I understand the distinguished Senator's question, I believe that the largest six oil companies now hold 40 percent of the reserves.

Mr. HEFLIN. Just those six combined. What is the total they would own of the reserves? I refer to the three mergers that have gone into effect—Mobil-Superior, Texaco-Getty, and Socal-Gulf. What is the total if they had been combined into one?

Mr. HATCH. Texaco-Getty would be 5.4 percent, Socal-Gulf would be 5.1 percent. That is according to this chart, and that would be 10.5 percent. Mobil-Superior would be 3.5 percent

on top of that, and that would be 14 percent, if you have those three major mergers which were complained about when we were talking about retroactive moratoriums.

If you add all six, I do not think it comes to the 57 percent the Senator from New Hampshire indicated.

Mr. BENTSEN. Mr. President, will the Senator yield for a clarification on the percentage?

Mr. HATCH. I yield.

Mr. BENTSEN. If you take the eight largest companies, you will find that their market share has been steady or decreased over the past decade. The shares are 55 percent of domestic reserves, 40 percent of production, 54 percent of refining, 50 percent of market. That is the top eight. That is a lot less concentration than we see in the automobile industry or the steel industry.

Mr. HEFLIN. The interesting thing is that the Federal Trade Commission attempted to go on a shared monopoly concept—no predatory action, but just a concentration of business—in the cereal industry, in three concerns. Finally, the administrative law judge said, in effect, that there was no violation unless there was predatory action, some violation of the law relative to these matters.

Mr. HATCH. That is correct.

Mr. HEFLIN. I am wondering here, if you were to have the reverse of the shared monopoly—well, there seems to be a lot of competition going on here with the reserves.

I am reminded of the ad that asks: "Where's the beef?" The beef is sometimes in the production of cattle, and sometimes it is a complaint. But where is the antitrust beef or the antitrust complaint here?

It does not seem to me to be a concentration in the ones that have formed a merger, to say that Congress should intervene or attempt to take away from the Department of Justice or the Federal Trade Commission their duly delegated responsibilities.

Mr. HATCH. It is one thing to say that this may be concentration. I think the distinguished Senator from Texas and the distinguished Senator from Alabama make a very important point. If you take the eight largest companies, you do not have anywhere near the concentration you have in other acceptable industries.

But let us go a little bit further. Even if you decide this is wrong, because these are big oil companies, and I guess everyone likes to beat up on big oil companies, rightly or wrongly, but even if this is wrong, then the place to do it is not by having a moratorium on the floor of the Senate, injecting our political viewpoints into the marketplace; the place to do it is through the normal committee process.

I feel badly that some of the Senators around here feel they do not have the votes to do that, but be that as it may. The normal committee process is the way to amend antitrust law, if you assume the antitrust laws are wrong here.

I might also add that even if the eight largest oil companies merged or even if we have one of the large oil companies merge in the so-called nine that are probably available for merger that have been mentioned in the past during this debate, those mergers are going to be strictly reviewed by the Federal Trade Commission and by the Department of Justice. They are not going to roll over and play dead. They are going to review those proposed mergers.

Mr. McCLURE. Mr. President, will the Senator yield for a comment?

Mr. HATCH. I am happy to yield.

Mr. McCLURE. I just want to add a little perspective to this question of what are the reserve figures, and I know there are a lot of different figures running around, but the tabulation that I have, which I believe is the latest and most accurate one, indicates that the largest six oil companies are holding 38 percent of the reserves and if I also were to look at the question that the Senator from New Hampshire mentioned a moment ago with respect to the merger that has been outlined as possible in the statement of one analyst for Salomon Brothers, Inc., in which he identified nine companies that might be objects of takeover, those nine companies in the aggregate affect 7 percent of the reserves. So if every one of these was taken over by one it would only change the reserve concentration figure by 7 percent.

Mr. RUDMAN. Mr. President, a parliamentary inquiry.

Mr. BENTSEN. Mr. President, I have something I wish to clarify for my friend from Louisiana on a point he asked earlier concerning taxes, if I might just take a moment to clarify the point.

Mr. HATCH. I am happy to yield to the distinguished Senator if I do not lose my right to the floor.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Texas without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah still has the floor.

Does he yield for that purpose?

Mr. HATCH. I yield.

Mr. RUDMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUDMAN. Is there an amendment pending at the desk that has not yet been reported?

The PRESIDING OFFICER. All amendments pending have been reported.

Mr. HATCH. Including the amendment of the Senator from Utah?

The PRESIDING OFFICER. Including the amendment of the Senator from Utah.

Mr. RUDMAN. So the pending amendment now before the Senate is the amendment submitted by the Senator from Utah?

The PRESIDING OFFICER. The Senator is correct. The pending question is the amendment of the Senator from Utah.

Mr. RUDMAN. I thank the Chair.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Utah yield for a parliamentary inquiry?

Mr. HATCH. I prefer to yield pursuant to the unanimous-consent request.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METZENBAUM. How does the Senator from Utah have the floor if he gives up the floor once the amendment is reported and how did he regain the floor.

Mr. BENTSEN. Only by recognition.

Mr. METZENBAUM. He was not recognized.

The PRESIDING OFFICER. The Senator from Utah was rerecognized after he submitted his amendment.

Mr. HATCH. Pursuant to the unanimous-consent agreement, the amendment having been reported, I yield to the distinguished Senator from Texas without losing my right to the floor.

Mr. BENTSEN. Mr. President, temporarily, without the Senator losing his right to the floor, I wish to say to my friend from Louisiana on the point that he has raised concerning the tax bill and the provision on the dividend flowthrough of 85 percent. That provision was directed principally at companies that were buying, in effect, leveraged investment in other companies to get the flowthrough. First, these companies that go out and buy and get a line of credit to do so, it would not be applicable to them. But if they bought it on margin or pledged that specific stock, then you would have an application but as I understand it, the provision would apply in only a limited way, based on the amount of interest paid on the secured debt.

So you are talking about a marginal and relatively small amount of money in many cases.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BENTSEN. I yield.

Mr. JOHNSTON. I think, first of all, that I correctly reported it earlier. As I understand it, the Senate Finance Committee and the House Ways and

Means Committee bills provide that if there is a loan for the purpose of acquisition of a company and that loan can be directly traced to the acquisition, the 85-percent exclusion on dividends received would be denied. Dividends would be taxed then at ordinary rates. We are talking about the dividends that come from Gulf to Socal or from a similar situation. Is that not correct?

Mr. BENTSEN. We are getting into a matter of semantics. I am trying to cite it by the specific example to show what is directly traced. If it is specifically pledged, if that stock is specifically pledged or it is bought on margin, then it is directly traced. I understand that the Finance Committee report will contain those examples. In most instances, I understand that is not the case. When they go out to establish the line of credit, there is no pledge. Where they have not pledged the stock or have not bought it on margin, even then the point I want to get to, as I said before, is that I understand that the application of the disallowance provision would be limited to interest paid.

We are getting into a highly complicated area, I would say, but this is one that is going to be debated at length, if it is a matter of concern when it comes up on the floor when we discuss the tax bill.

Mr. JOHNSTON. Let me say, if I may, first of all, we are not dealing with small dollars. The 7-percent dividends from Gulf paid to Socal are, sufficient to pay roughly half the interest on, the entire $13.2 billion, so we are not talking about a small amount.

Second, my memorandum indicates that is is not necessary to have a pledge that may be correct but rather that—I will just read what my memorandum says.

Both the Finance Committee and the Ways and Means Committee have included in their recently reported tax bill a "direct tracing" provision. This provides that if the money used to acquire the stock can be directly traced to a loan acquired for that purpose then a full 100 percent of any dividend thereafter received by the acquiring corporation is taxable.

Mr. BENTSEN. What I am saying to my friend is obviously that is a highly technical issue and one that we should debate when the Finance Committee bill comes on the floor.

Mr. JOHNSTON. Exactly.

Mr. BENTSEN. If you try to prejudge it here by stopping all mergers for 6 months, you in effect have exercised a judgment on that provision, and this is not the place that that should be accomplished. Besides, I think the other issues far outweigh that one in the perspective of the problem we are talking about.

Mr. JOHNSTON. Let me say to my friend that I could not agree more. I am not trying to prejudge the issue. It is highly technical. It involves billions of dollars. I do not want to prejudge it, and we would be prejudging it by letting another $51 billion of mergers go through. Then we would be faced with the argument that you should not apply the new tax law to these $51 billion worth of mergers.

Mr. BENTSEN. I say to my friend that there will be no deal that will be made or not made based solely on the percentage of the interest that is deductible on the precentage of the 85-percent dividend flow-through that is allowable.

Mr. JOHNSTON. If I may say to my friend, I think that is decidedly not so. In the case of the sale of Gulf to Socal, the dividend paid to Socal is sufficient testimony, to pay half the interest costs on the entire $13.2 billion worth of debt. So the question of whether these dividends are taxed at a 7-percent effective rate or a 46-percent rate, a difference of three times, would make the difference in the deal.

Mr. BENTSEN. Let me tell my friend, when you are looking at a deal the question is its economic value, I am reminded of going to a banker when I tried to buy the first company I ever tried to buy and I got to arguing with him over the interest rate, whether it was going to be 1 percent more or 1 percent less. He finally said to me, "Lloyd, if the deal depends on that, do not make it. That is not good economics. What you have is your pride involved."

I learned that lesson.

What the Senator is talking about there compared to the purchase price paid for these reserves is a small item as related to the total price paid for those reserves.

Mr. JOHNSTON. If I may just say, finally, when asked if a possible change in the Tax Code with reference to deduction of interest paid on these debts would make a difference, before the Judiciary Committee, Mr. T. Boone Pickens said, "Probably so." Not with respect to any particular merger but for mergers in general, I think it decidedly makes a difference. You are dealing with billions of dollars.

Mr. BENTSEN. Mr. President, I do not think it makes or breaks a deal by any means. Of course, we can get into all the other arguments. This is a collateral argument.

Mr. HATCH. Mr. President, the distinguished Senator from Alabama makes a very important point here today on the Hircshman Index on the degree of concentration that even so-called large mergers might effect. If you compare the auto industry, it is 99 percent concentrated. The steel industry is 72 percent concentrated. Even if you merge the largest eight of these oil companies, it would not reach the degree of concentration of these two industries.

Now, I think it is important to rebut the implication that perhaps the antitrust laws in this country are deficient or not protective enough of the American population or our business community.

By statute, merger enforcement is only concerned with whether a merger creates a reasonable probability that competition will be substantially lessened in a market in which either of the two merging companies compete.

Merger enforcement should be regarded as permissive or liberal only if it permits mergers which have those anticompetitive effects.

By this standard, merger enforcement today by the Department of Justice and the Federal Trade Commission is neither liberal nor permissive.

The Department of Justice and the Federal Trade Commission continue to block aggressively the anticompetitive effects of mergers. In doing so, each agency has strictly construed the applicable guidelines. For example:

The Department of Justice has effectively blocked United States Steel's proposed acquisition of National Steel, which the Department believes would violate the guidelines in certain markets.

The Department of Justice has effectively blocked LTV's proposed acquisition of Republic Steel as to those markets, but since has worked out an agreement.

The Federal Trade Commission has effectively blocked Texaco's proposed acquisition of Getty as to those markets in which the acquisition would violate the guidelines—the markets for refined light products in the Northeast United States, transportation of refined light products in the Northeast United States, marketing gasoline and middle distillates in seven regions, and the sale, transportation, and refining of California heavy crude oil into petroleum products.

The Federal Trade Commission blocked Gulf's proposed acquisition of Cities Services in 1982.

The Federal Trade Commission blocked Mobil's proposed acquisition of Marathon in 1981.

You could go on and on.

The point I am making here is that this is not the way to solve market problems by injecting congressional whimseys into the marketplace.

The amendment I have sent to the desk basically recognizes that the recent wave of mergers and takeover attempts affecting the largest integrated oil companies is indicative of serious concerns affecting American oil and energy companies. In spite of declining domestic oil and gas reserves, there are marginal economic incentives to support vigorous exploration and production programs by said companies and smaller companies, because of high and ever-increasing finding

costs, weak wellhead prices, flat demand for oil, and excess deliverability of gas. This lack of incentives has caused a fall in the drilling rig count from 4,500 in December 1981 to 1,800 in mid-April 1983, and which was approximately 2,250 on March 15, 1984.

It recognizes that the stock market prices for most major integrated oil companies are greatly below the current appraised asset values of said companies, with the stocks of many of said companies selling for one-third or less of the appraised value, making purchases of the oil and gas reserves of said companies, through purchase of their stock is much cheaper than exploring for new reserves.

And it recognizes that this situation could pose possible serious problems for the energy security of the United States and warrants immediate study by the President with the cooperation and assistance of whatever departments and agencies of the executive branch of Government the President deems necessary and appropriate.

Basically, what this amendment will do is establish a presidential study of the condition in the oil industry and effects of the large mergers therein. I think if we have to have a study or have to have some way of determining whether the laws are adequate to take care of these problems, then this is the way to do it.

In the meantime, I would pledge as a member of the Judiciary Committee, to consult with my colleagues on this issue and see what we can do to explore it more fully in the Judiciary Committee itself. But I really believe that to inject this particular moratorium into the marketplace at this time is a real mistake, especially at a time when our economy is expanding, at a time when we might be able to pull out of some of the difficulties we are in, at a time when the energy companies are down and are having some difficulties. I believe it is a tremendous mistake.

So my amendment would give us a solution to the problem, it there is, in fact, a problem. I think my amendment would also help us to do it in a way that would not interfere with the marketplace, the credit markets, the efforts of Wall Street, or an interference with the work that really should be done by the Justice Department and the Federal Trade Commission and, I might say, in so many other ways that I will not take time to discuss at this time.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. SPECTER). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I yield the floor.

(Several Senators addressed the Chair.)

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I may be permitted to yield the floor to the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think we ought to recognize what this amendment is all about. This amendment is merely a way of indicating that there will be a study commission. And while the study commission occurs, more and more and more oil companies are going to be permitted to merge.

Now, the question that the Senate has before it this afternoon is, Do we mean what we said? Do we really mean that we want to put a halt to these mergers or are we going to have a study commission appointed by the President? Nothing like the study commission that is called for in the Johnston - Metzenbaum - Rudman amendment, this is a study commission appointed by the President. And, with all due respect to the President, he has already indicated his position on this issue, and that is he sees no reason for any congressional action as pertains to the matter of oil company mergers.

It is a hollow substitute. It is diversionary. It is a gambit, because I think it is quite obvious that there is a sentiment in this body that is prepared to move forward and put a halt to further mergers occurring in this country. And I think that for us to be called upon to vote to create a commission which the President could create without any legislative action—if the President wants a commission, he can appoint one. You do not need a legislative procedure of this kind.

All we are trying to do with this particular amendment is to try to keep the Senate from voting on the real substance that is before us, and that is put a hold for 6 months—it would be longer than that under the Danforth proposal. It would go through to March 1.

Mr. JOHNSTON. Will the Senator yield briefly to me?

Mr. METZENBAUM. Without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I just want to say I agree with the Senator from Ohio. I think this is an amendment really to kill our amendment. We ought to be able to vote on our amendment. I would, therefore, move to table the Hatch amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. McCLURE. Will the Senator withhold that motion to table?

Mr. JOHNSTON. Mr. President, I would like to do so, but Senator CHILES has told me he is leaving at 4:15 and wanted a vote on the matter. I will withhold momentarily for a question.

Mr. McCLURE. If the Senator would yield so I might propound an inquiry to the Senator as to the reason why I have requested this action.

Mr. JOHNSTON. I think I have the floor for the moment.

Mr. METZENBAUM. With the understanding that the inquiry not take longer than a minute or two.

Mr. McCLURE. I just wanted to indicate that a little earlier in discussing this matter with Senator HATCH it was apparent that the Senator from Ohio had not had an opportunity to make a statement. The Senator from Arkansas is here and apparently he wants to make a statement. I know the Senator from New Hampshire wants to make a statement, and the Senator from Oklahoma, the Senator from Alaska, and the Senator from Idaho. None of us have had the opportunity yet to be heard. I just think it is premature to cut off the debate by making a tabling motion.

Mr. JOHNSTON. I say to my distinguished friend from Idaho that there will be adequate time to debate the amendment. The Senator understands this is not, with all due respect and good humor to my good friend from Utah, this is not really a serious amendment. It is an amendment to kill our amendment. I understand that.

Mr. HATCH. Will the Senator yield? This is a serious amendment.

Mr. JOHNSTON. It is a serious attempt to kill it. That is perfectly legitimate. I do not mean to say that it is illegitimate, but, rather, to say that any amendment that says that a company shall use restraint in making mergers is not serious.

While there will be adequate time to debate later for the distinguished Senator from Florida, Mr. President, I move to table and ask for the yeas and nays.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I withdraw the motion to table.

The PRESIDING OFFICER. The motion to table is withdrawn.

The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, could you explain the parliamentary situation? What is the pending business?

The PRESIDING OFFICER. The pending question before the Senate is the amendment by the Senator from Utah in the second degree to the amendment by the Senator from Louisiana in the first degree.

Mr. RUDMAN. I thank the Chair. I thought we ought to get that on the record because I think we have had a little confusion in the last few minutes, not on the part of the Chair. I will speak very briefly.

It seems to this Senator that we have had a very interesting debate here for about an hour and a half. We have heard the word "investor" used by my count about 23 times. We have heard the word "stockholder" on about 18 occasions. We have heard about the management of large oil companies about 12 times. And, for the first time, I want to utter a word on the floor of the Senate that has not been heard this afternoon. That word is "consumer." There is certainly no question in my mind that to balance the equities of the interests in this country it is important that under a free enterprise system stockholders be given a chance to buy and sell stock.

Unquestionably, no one here can argue that companies in this country should be able to merge with other companies and to form conglomerates. No one would seriously question the fact that under certain circumstances oil companies, like any other corporate citizen, ought to be allowed to use their many tax credits for the purposes which they deem fit. But the one thing that is constant in the antitrust law of this country is that there should be no concentration in a variety of areas of markets, distribution, reserves, and finances that give a few men and women on corporate boards of a few companies the opportunity to so control one area, one area of that industry, that the consumer becomes open to conspiracies to fix prices or, to put it another way, that the concentration is so great in what we know is an inelastic market, the oil market, in terms of retail prices that prices go up irrespective of conspiracies because of the concentration.

We have heard some rather interesting discussions here today from the opponents. I heard the Senator from Texas talk about $13 billion. Why, that is the amount of money, my friend from Texas said, the banks of this country will loan in 5 hours, meaning $13 billion taken out of the credit market—$13 billion may not be much in Texas, but it sure would buy a lot of maple syrup in New Hampshire.

The amount of money used in the last 6 weeks is $29 billion.

That may not seem like much money to my friend from Texas, who is not on the floor at this time, but the fact of the matter is that, and this is an interesting statistic—if we want to deal in unrelated statistics, which is what we have been hearing about today, it may interest the Senate, Mr. President, that last month, all Americans, on all of their credit cards—their Visas and American Express and Master Charge and Diner's Club, and everything else—charged a total of $4.5 billion. That gives some idea of the relative worth of $29 billion in the credit markets when you talk about consumer credit on credit cards being about one-sixth of that amount.

Mr. President, what we are really seeing here is not what we have been told. We are not seeing corporate managers who are dealing deliberately and thoughtfully about putting companies together that will be more effective for the stockholders and more effective for the markets and more effective for the national interest. We are seeing so far, by the very statements of those who have testified before the Judiciary Committee, a very small group of very wealthy people who have a large amount of personal capital, in the billions, who have access to even more billions.

What they are doing, Mr. President, as I said to the Judiciary Committee, and it bears repeating here, they are attempting to play Monopoly with real money and, make no mistake about it, that is precisely what is going on here.

The question then is, What do we do? Well, there are several things we can do. But one thing we cannot do, Mr. President, is simply sit by and do nothing. It well may be that changes are necessary in the tax law. It well may be that changes are necessary in antitrust law. I shall certainly admit here today that it is possible that maybe we ought to do nothing. But nobody really knows that. Anyone who has been reading the serious financial columnists of the Nation this past 2 weeks recognizes that hardly one has not raised the specter of concentration in this industry in the next 6 months which could have adverse effects, not only on consumers but on independent oil companies, on small gasoline stations, and certainly on refining capacity which is used by people who might not have access to crude.

Mr. President, I was very interested in the colloquy that took place among the Senator from Utah, the Senator from Texas, and the Senator from Idaho. I believe that the figure that they used was around 48 percent of reserves.

I simply submit for the record again that in uncontradicted testimony before the Senate Judiciary Committee last week, we looked at a figure of 57 percent of concentration of reserves in these companies if, in fact, a few more of these take place.

Maybe that is all right, Mr. President. Maybe 57 percent is fine. Maybe that is what this blue ribbon commission will tell us, that there is still enough crude out there to supply independent refineries and independent gasoline stations.

Mr. NICKLES. Will the Senator yield?

Mr. RUDMAN. Yes, Mr. President.

Mr. NICKLES. The Senator mentioned 57 percent. Is that 57 percent of the production or 57 percent of the reserves?

Mr. RUDMAN. Reserves.

Mr. NICKLES. How many companies does that include?

Mr. RUDMAN. That is on the current situation plus a number of the combinations of mergers which the financial press is reporting to be likely at this time.

Mr. NICKLES. If the Senator will yield a little further, for his information, I also have the testimony at the hearings before the Judiciary Committee and looking at information provided by a Commissioner of the FTC, it shows that the top 15 companies in reserves had a total amount of reserves of 54 percent. We are talking about the top 15. I do not think anybody thinks the top 15 companies are going to merge into one company.

Mr. RUDMAN. Mr. President, I simply say to my friend from Oklahoma that that is not the information I have here in the transcript before me. We may have different information, and we can talk about that later, but my information is that the top eight companies will have 57 percent of the reserves. I do not think we have to argue about that. That is evidently our biggest difference.

Mr. President, let me go on for just a moment.

The Federal Trade Commission has been cited here on a number of occasions as an agency which might well deal with this effectively. I wish to state to my colleagues that something very strange is happening with how the Federal Trade Commission is dealing with the problem. One of the problems the FTC has found is that with some of these mergers, there gets to be in certain regions of the country a concentration of distribution resources, a concentration in some cases of refining resources. So the FTC orders divestiture.

What does that mean today? What that means today, from information that is before us that has been in the public press and I believe was referred to in the hearings before the Senate Judiciary Committee, is that the only market that they have to sell their divestitures to is—guess who? OPEC. So we have Kuwait buying gasoline sta-

tions in this country in large numbers. We have other OPEC nations looking at our surplus refining capacity and seeing certain advantages to purchasing that, to have it for their own use in this country.

Again, Mr. President, and I want to say, maybe that is all right. Maybe it is OK that by 1988 or 1990, we shall have the Saudis and the Kuwaitis and a few other folks from OPEC owning a bunch of gasoline stations in the country. They already own some; maybe it is fine they should own more. Maybe it is all right for OPEC to own a lot of domestic refining capacity in this country. But, Mr. President, what the sponsors of this amendment and many Senators are saying is that we have seen something happen here in the past 3 months that is disturbing. We do not what the answers are, but it is disturbing. It is disturbing from the point of view of concentration of reserves; it is disturbing from the point of view of distribution of retail outlets; it is of great concern to most of us in terms of concentration of economic power.

All we are saying is, let us wait for 6 months or 9 months until we have an opportunity to examine this in depth.

Let me refer just for a moment to something of which maybe some of our colleagues who have not followed the issue have not been aware. During the hearing before the Committee on the Judiciary, James Lee, chairman of the board and chief executive officer of Gulf, said that, although it was too late for Gulf, Congress ought to consider legislation so that other companies would not suffer the same fate as Gulf.

In the last week, I have received letters and telephone calls from a number of middle-sized oil company executives that have suggested precisely the same thing. They all say the same thing. What they say is, "We do not know what effect this may have."

So, Mr. President, I hope that no one would think for a moment that, by putting this off for 6 or 9 months on these 50 large companies, we are doing any great amount of damage to the free enterprise system and we are certainly not doing anything to the oil companies that they canot live with. As a matter of fact, most of them would like to be left alone right now. They are not looking to be taken over by these predators.

Mr. JOHNSTON. Would the Senator yield for a question?

Mr. RUDMAN. Yes, Mr. President.

Mr. JOHNSTON. Mr. President, did the Senator know that I received a call from the banking commissioner of Louisiana who reported to me that the effect on consumers was "even greater than I realized." He said Gulf Oil owns a number of savings and loan institutions—which, by the way, was news to me. He said all of their credit has been pledged to the debt to Socal. So, as a result of that one merger, the money otherwise available to build homes in Louisiana has been sopped up for the acquisition.

Did the Senator know that?

Mr. RUDMAN. I was only mildly aware of that, Mr. President. I thank my friend from Louisiana because what is happening here and what that, of course, illustrates is that we really do not know what that kind of concentration of economic power does. I know that the FTC is talking divestiture of certain facilities. Although it may meet the test of one law, it might do precisely what we do not want to do to another law.

The Senator from Louisiana raises an interesting point about the assets of banks which are regulated by yet another Federal agency or, in some cases, State agencies if they are State banks.

It seems to me, seems to many of our colleagues, and certainly seems to many economists that I have talked with, when you talk about the possibility of mergers in one industry absorbing, if we are right in our figures, over the next several months in addition to what we have already seen, possibly $40 billion, $50 billion, $60 billion of additional money borrowed to finance these mergers and assets merged and weakening of companies because they are seeking to avoid the T. Boone Pickenses of this world—I say that not disparagingly to Mr. Pickens, I think it is very nice that Mr. Pickens has made $750 million—$750 million—in the last 5 months on his speculation in Gulf stock.

I thought he was very candid——

Mr. HATCH. Will the Senator yield?

Mr. RUDMAN. In just one moment I will yield—Mr. Pickens was very candid when he appeared on national television last week. One of the commentators asked him whether or not that was not a lot of money. He said, "I don't think so, considering what was done for the stockholders. It was kind of like a real estate commission," he said.

I never heard of a $750 million real estate commission.

I yield to my friend from Utah.

Mr. HATCH. I appreciate my friend's yielding. If I heard him correctly, he indicated that the oil industry does not realize what the impact of this would be. But I might mention that since February 29, when the Johnston-Metzenbaum antimerger bills were first introduced, there has been a 4.7-percent decline in the value of oil company stocks, meaning an aggregate loss of $12 billion in the oil sector. As these stock values are depressed, companies will be, of course, forced to increasingly turn to debt sources to secure needed capital.

Now, that is a real impact on credit markets, so they do know the effect of this moratorium. It is a debilitating effect in the equity markets in this country.

Mr. METZENBAUM. Will the Senator also give us the figures as to how much the whole market went down during that period?

Mr. HATCH. I do not know.

Mr. METZENBAUM. The Senator does not pay any attention to that?

Mr. RUDMAN. Mr. President, I am only going to talk a few more moments. Many people present wish to contribute to this debate. I think it is good to get a full hearing, both sides heard, and our colleagues can judge for themselves.

Did my friend from Utah want me to yield for a moment?

Mr. HATCH. I would be very pleased if the Senator would yield.

To answer the question of the Senator from Ohio, it is my understanding that those figures follow the general trend. This was a study done by Morgan Stanley based on Compustat data, an independent provider of national analysis.

So that is the effect it directly had on the oil business, just the announcement that you are going to have a 6-month moratorium. You can imagine what the passage of the 6-month moratorium is going to mean in this country's history at a time when this economy is expanding.

Mr. BUMPERS. Will the Senator yield for a moment on that point?

Mr. RUDMAN. Yes; I will yield to my friend from Arkansas.

Mr. BUMPERS. I know the Senator does that reluctantly, and I appreciate it. I understand the reason why. But I cannot let what the Senator from Utah said go by unchallenged. He said we must consider what will happen if we adopt the Johnston-Rudman-Metzenbaum amendment simply declaring a 6-month moratorium while we discuss and study the issue of the economic impact, the competitive or anticompetitive nature of these monumental mergers.

I invite the Senator's attention to what happened when the Senator from Louisiana first offered his amendment to stop the Texaco-Getty merger. He could not get a vote on it, and, before it came up again, there were another $20 billion worth of mergers.

Let me reverse the question. What is going to happen if his amendment is defeated when every newspaper and every business periodical in the country has a list of at least 15 oil companies that are takeover targets?

Mr. HATCH. Well, if the distinguished Senator will further yield to me to answer——

Mr. RUDMAN. I will yield for a brief answer.

Mr. HATCH. I will try to be brief—the marketplace will be able to work

its will. That is what made this country the greatest country in the world rather than have a bunch of Senators on the floor of the Senator every time they do not like a merger asking for a moratorium. Why do we have this system?

Mr. BUMPERS. What are we here for?

Mr. HATCH. We are here to allow the system to work during an economic expansion that is clearly going on, that has clearly been impacted upon just by the announcement of this particular type of legislation.

Mr. BUMPERS. We have responsibilities. There is a Sherman Antitrust Act that says——

Mr. HATCH. I might add it is being enforced.

Mr. BUMPERS [continuing]. The antitrust laws must be enforced. This administration is not enforcing it. They are not going to enforce it. We have seen $30 billion worth of mergers, and we cannot even get a vote on a moratorium.

I thank the Senator for yielding.

Mr. HATCH. If I could add one other comment, I just read off a number of enforcement programs that have gone on and they are going on every day.

Mr. MURKOWSKI. Will the Senator yield?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. RUDMAN. I have the floor. I thank the Chair. I did not yield the floor.

I have two friends from Alaska, but the one nearest to me wants to ask a question, so I am going to yield for a moment.

Mr. MURKOWSKI. I thank my colleague from New Hampshire.

I should like to relate to the point the Senator brought up about the credit crunch. Is it not true that the firm which enters the credit market to finance the acquisition obtains cash which is transferred to the stockholders of the acquired firm who exchange on asset, namely the stock, for another, cash? The stockholders will obviously reinvest very promptly, depositing the cash on the banks or using it to purchase securities; therefore, you have the cash returning almost immediately to the credit market, so the net increase in the demand for credit due to an acquisition would be negligible.

I ask the Senator, with regard to his argument that this puts severe strain on our Nation's ability to handle credit requests of this magnitude, are we not really seeing the movement of one asset for another actually has very little effect on the overall credit market?

Mr. RUDMAN. Let me say to my friend from Alaska, a very distinguished banker before he came to this body, I would not argue that a certain amount of money which has moved around the economy obviously goes into other things.

The point that I want to make—and I would like to finish, Mr. President—is simply that that money does not, in the final analysis, go into drilling.

There is also evidence that some of it does not go back into the economy generally in the same amount for the kind of productive facilities that it might through other means, and so I do not argue that there is a point there. As a matter of fact, were the percentage of the available credit in this country, which I understand last month was $446 billion, if it was the fact that $60 billion of that, amounting to about 15 percent to finance these mergers, if that were the only reason, I probably would not be standing here, but that is not the only reason. There are a series of cumulative reasons.

Mr. President, I will comment very briefly. I have had the floor for about 15 minutes, and I should like to finish.

The amendment, which is now the pending business, submitted by my friend from Utah, Senator HATCH, with all due respect to the fact that it certainly does express some concern, concerns me in that, to put this as mildly as I can and as politely as I can, it does nothing. It simply says to the country that we do not know what is going on. It says to the President, appoint a commission.

I might point out that there are serious constitutional and operational problems with the amendment because it calls upon the President to establish a commission to report to him, and it is pending to the first-degree amendment, the Johnston-Metzenbaum-Rudman amendment, and has Senate-House contingency funds used to pay for the study. I seriously doubt if you could properly reimburse a Presidential commission with funds from the legislative branch of the Government.

Having said that, let me just concentrate on one part of this, and then I will yield.

Section 3 of Senator HATCH's amendment in the second degree to the Johnston-Metzenbaum-Rudman amendment is as follows:

> All persons and entities should exercise the utmost restraint in commencing any mergers, acquisitions or take-over attempts affecting the largest integrated oil companies in the United States until January 10, 1985, other than those with respect to which Hart-Scott-Rodino filings have been made with the appropriate Agencies as of March 21, 1984.

I repeat: "All persons and entities should exercise the utmost restraint."

Mr. President, if I were a fellow out in the financial markets and I were looking to make a quick $750 million in 6 or 7 months, and a group of U.S. Senators had the backbone to tell me, "We won't order you not to do it, but just be a nice boy and don't do it," that would be about as much restraint on those speculators and predators as I would have by leaving 10 gallons of chocolate ice cream in my kitchen in New Hampshire and saying to my children, "I'm going away for the weekend. Don't touch it." That is bringing it to absurd levels.

We should vote up and down on the Johnston-Metzenbaum-Rudman amendment and do it, or we ought not do it.

Frankly, this is a rather open attempt to give some people something to vote for. I do not think it is anything to vote for.

I will end the way I began: We have talked about stockholders, we have talked about investors, we have talked about money managers, we have talked about corporate managers, we have talked about directors, we have talked about drilling, and we have talked about oil companies. I think that as we vote on this, we should think a little about the American consumer who must drive his car and heat his home in a market that is already overconcentrated.

Mr. SYMMS. Mr. President, will the Senator yield on that point?

Mr. RUDMAN. I yield.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire still has the floor.

Mr. SYMMS. Mr. President, I wish to address a question to my friend, who is making an eloquent appeal for consumers. I ask the Senator from New Hampshire: We sit in Congress and preside over a $200 billion deficit. We have been running this country into the ground with the operation we do.

There is no place in the world that has developed as good an energy system, of distribution and price, as the United States of America, or has as many people driving automobiles, per capita. The nonmarket countries do not have the availability of energy and automobiles and transportation that we have.

How does it help the consumers to have the U.S. Congress, which does such a lousy job of running the Government's business, with a $200 billion deficit, step in and say, "We know what is best. We're going to throw some roadblocks and you can't compete with OPEC, which is the competition to the consumers?"

I would love to hear the answer of the Senator from New Hampshire.

Mr. RUDMAN. My friend from Idaho is not including himself or the Senator from New Hampshire in those who vote for all these programs and cause all these deficits. He would not do that because he knows better.

Mr. SYMMS. Our record is not all that great as to what is best. Maybe the market can do it better than we can.

Mr. RUDMAN. I will answer briefly, because the Senator from Alaska and the Senator from Texas are seeking the floor.

The Senator from Idaho has described a marvelous energy system, of some competition, some interesting distribution patterns, and a great use of domestic and foreign energy by the American people. The interest of the Senator from New Hampshire, the Senator from Louisiana, and the Senator from Ohio is to keep it that way.

Mr. STEVENS. Mr. President, I recognize the concerns that the sponsors of this amendment have expressed, and I say to my friend from Louisiana that I do appreciate the significant modifications that he and Senator RUDMAN and others have made in this antimerger-acquisition amendment, especially the deletion of the provisions that would have applied pressure retroactively to completed commercial transactions.

Generally, it is my opinion that moratoriums are not good public policy. If we want to change the law, we should address the law. It may be that from time to time a moratorium is necessary in order to get an opportunity to address changes in the law, but I have not heard any of the proponents suggest that they want to change the basic laws.

It is my understanding that the authors of the amendment are not proposing changes to the antitrust law. Is that correct? It is not the intention of the authors of this amendment to change the antitrust laws at all. Is that correct?

Mr. JOHNSTON. The Senator is correct. It is simply to have a 6-month or a 9-month moratorium, stretching through March 1 of next year, to give us time to study the matter.

Mr. STEVENS. Has that already been accomplished? Has it been changed to 9 months?

Mr. JOHNSTON. No. We have an amendment ready, but we have not been able to get the floor.

Mr. STEVENS. Do the authors allege that the Socal-Gulf merger or the Mobil-Superior merger would violate the antitrust laws at this time? Is that the basis for the amendment?

Mr. JOHNSTON. No; not at all. As a matter of fact, we have specifically stated that the amendment has no so-called retroactive application, and the Socal-Gulf, Mobil-Superior, and Texaco-Getty mergers are not affected at all by this moratorium.

Mr. STEVENS. That means that the amendment would permit the Socal-Gulf and Mobil-Superior mergers to proceed if approved by the FTC. Is that correct?

Mr. JOHNSTON. It has no effect upon them. That is correct. This amendment would not at all affect those pending mergers.

Mr. STEVENS. The changes made in the section creating a study commission appear to be designed to produce a more credible and objective report. Can the Senator tell us what other purposes are served by these changes?

Mr. JOHNSTON. The distinguished Senator from Washington (Mr. GORTON) suggested that a committee membership made up of a more diverse group, as defined in that amendment, would be better than the one we have initially in our amendment. So, based upon his suggestion, we went along with a more diverse group in the study commission.

Mr. STEVENS. I thank the Senator.

Mr. President, it is my understanding, then, that the Senator from Louisiana and the other cosponsors would have no problem with an amendment to the basic amendment that would push the moratorium termination date into next year.

One of the fears I privately expressed to the Senator from Louisiana and others is that the termination date under the current amendment would take place in the middle of September, in the middle of a highly productive, I hope, Presidential campaign, when many people would be absent, not only for that campaign but also for our own campaigns. I do not see any advantage to having the moratorium expire then.

Is it the Senator's intent to take it over to March of next year, at least?

Mr. JOHNSTON. Yes. Because of the concerns of the Senator from Alaska as well as the Senator from Missouri (Mr. DANFORTH), we will require that the study be completed by January 1 of next year and that the moratorium expire on March 1, 1985, to take care of that very concern.

Mr. STEVENS. A colleague just asked me whether I am caving in on this issue. I am not. I just want to know exactly what we are discussing here.

I think the Senator from Louisiana has the votes. I want to make sure what his amendment means and perhaps convince him and principal cosponsors to look at a different approach.

For example, I note that the ranking of companies under the basic amendment is on the basis of worldwide proved reserves. I have sent to the Senators a copy of a list that has been prepared and shows not only the worldwide proved reserves of various oil companies, but also the domestic reserves and the domestic reserve ranking of those companies.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of substantial energy reserve holders.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUBSTANTIAL ENERGY RESERVE HOLDERS—AS DEFINED IN JOHNSTON AMENDMENT

[Barrels in millions]

Rank and Company	1982 proved reserves (barrels)		Domestic rank
	Worldwide	Domestic	
1 Exxon [4]	11,126	5,580	1
2 Atlantic Richfield [4]	5,208	4,970	2
3 Standard Oil [3,4]	5,150	3,162	5
4 Mobil [4]	5,131	1,962	8
5 Standard Oil (Ohio) [4]	3,921	3,921	3
6 Texaco [4]	3,521	2,086	6
7 Shell [4]	3,517	3,415	4
8 Gulf [4]	2,919	1,466	9
9 Standard Oil (Cal.) [4]	2,772	2,043	7
10 Getty [4]	2,403	1,640	10
11 Phillips Petroleum [4]	2,028	1,064	13
12 Conoco (Dupont) [4]	1,861	734	16
13 Union Oil (Cal.) [4]	1,794	1,385	11
14 Marathon Oil [4]	1,604	922	14
15 Occidental Petroleum [1,10]	1,547	733	17
16 Dome Petroleum [1]	1,438	41	66
17 Sun Company [4]	1,389	1,216	12
18 Amerada Hess [4]	1,129	426	20
19 Superior Oil [2]	1,004	447	19
20 Tenneco [1]	917	786	15
21 Union Pacific [1]	490	490	18
22 Allied [1]	443	102	40
23 Pennzoil [1]	326	310	21
24 Texas Eastern [5]	298	28	78
25 Kerr-McGee Corp. [3]	280	184	26
26 Murphy Oil [2]	266	96	42
27 Panhandle Eastern [5]	248	239	22
28 Texas Oil & Gas [3]	226	226	23
29 Belco [2]	215	127	35
30 R. J. Reynolds [1]	211	195	24
31 Coastal Corp. [3]	195	195	24
32 Husky Oil [3]	193	58	55
33 Norcen Energy Res. [3,10]	190	(8)	(7)
34 Southland Royalty [2]	184	184	26
35 Diamond Shamrock [1]	180	174	29
36 Mesa Petroleum [2]	178	176	28
37 Santa Fe Industries [1]	170	170	30
38 Louisiana Land & Exp. [2]	168	138	33
39 Gen. Am. Oil of Texas [2]	167	105	39
40 Enserch [5]	153	151	31
41 Monsanto [1]	139	139	32
42 Arkla [5]	138	138	33
43 W. R. Grace [1]	126	101	41
44 Bow Valley Ind. [1]	125	23	88
45 Columbia Gas System [5]	117	91	44
46 Natomas [1]	114	29	76
47 Mitchell Energy [2]	111	111	36
48 Pioneer [1]	111	111	36
49 Consolidated Nat. Gas [5]	109	109	38
50 N. Canadian Oils, Ltd. [2]	100	(8)	(7)
51 Cabot [1]	93	93	43
52 Enstar [1]	91	21	100
53 El Paso [5]	87	87	45
54 Transco [5]	84	84	46
55 Pogo Producing [3]	76	76	47
56 Equitable Gas [5]	74	74	48
57 Petro-Lewis [2]	74	74	48
58 American Petrofina [3]	68	68	50
59 Texas International [2]	67	54	59
60 Forest Oil [2]	65	61	53
61 Inexo Oil [2]	63	63	52
62 Sundance Oil [2]	62	(8)	(7)
63 MAPCO Inc. [1]	61	57	56
64 Noble Affiliates [2]	61	57	56
65 Ranger Oil [2]	60	*	(7)
66 Energy Reserves Grp. [2]	59	65	51
67 Fluor [1]	58	22	94
68 Freeport-McMoran [1]	55	55	58
69 Dorchester Gas [3]	54	46	63
70 Ashland Oil [1,10]	53	41	66
71 Helmerich & Payne [1]	53	53	60
72 Wainoco Oil [2]	53	(8)	(7)
73 Chieftain Dev. [1,8]	52	(8)	(7)
74 United Energy Res. [3]	52	50	62
75 American Natural Res. [5]	51	51	61
76 United Canso Oil & Gas [2]	49	(8)	(7)
77 DeKalb Agresearch [1]	45	21	100
78 Hamilton Bros. Pet. [3]	45	11	130
79 Houston Natural Gas [5]	44	59	54
80 Adobe Oil & Gas [3]	43	43	64
81 Farmland Industries [1]	42	42	65
82 Sabine [2]	41	27	80
83 Midcon Corp. [5]	40	40	68
84 Quaker State Oil [3]	40	40	68
85 Southwestern Energy [5]	39	39	70
86 Woods Petroleum [2]	39	23	88
87 Sonat Exploration [5]	38	38	71
88 Amax	37	22	94
89 Consolidated O & G [1]	37	35	73
90 Texas Gas Trans. [1]	37	37	72
91 Numac Oil & Gas Ltd. [2]	36	(8)	(7)
92 Tesoro Petroleum [3]	36	(8)	(7)
93 Nicor [5]	35	29	76
94 Montana Power [5]	32	(8)	(7)

SUBSTANTIAL ENERGY RESERVE HOLDERS—AS DEFINED IN JOHNSTON AMENDMENT—Continued

[Barrels in millions]

Rank and Company	1982 proved reserves (barrels)		Domestic rank
	Worldwide	Domestic	
95 Reading & Bates [1]	32	19	105
96 Triton Energy Corp. [1]	31	(6)	(7)
97 Apache Corp. [1]	30	30	74
98 Crystal Oil [3]	30	30	74
99 Templeton Energy [2]	28	28	78
100 Newmont Mining [1 10]	27	27	80
101 Continental Group [1]	27	27	80
102 Suburban Propane Gas [1]	26	26	83
103 Buttes Gas & Oil [2 10]	25	12	128
104 Galaxy Oil [2]	25	25	84
105 Park-Ohio Ind. [1]	25	25	84
106 Delta Drilling [1]	24	24	86
107 Ensource [2]	24	24	86
108 Felmont Oil [2]	23	23	88
109 Tom Brown [1]	23	23	88
110 Towner Petroleum [2]	23	23	88
111 Wiser Oil [2]	23	23	88
112 Celeron Corp. [5]	22	22	94
113 Howell Corp. [3]	22	22	94
114 Oneok [5]	22	22	94
115 MCO Holdings [2]	22	22	94
116 Argo Petroleum [2]	21	20	103
117 Moran Energy [2]	21	21	100
118 Amarex [2]	20	20	103
119 Equity Oil [2]	20	17	111
120 Conquest Exploration [2]	19	(6)	(7)
121 Damson Oil [2]	19	19	105
122 Dalco Petroleum [3]	19	19	105
123 Southern Union [5]	19	19	105
124 Patrick Petroleum [2]	18	18	109
125 Southdown [1]	18	18	109
126 Crown Central Pet. [5]	16	16	112
127 Lear Petroleum [3]	16	16	112
128 Mountain Fuel Supply [5]	16	16	112
129 Universal Resources [2]	16	16	112
130 Worldwide Energy [2]	16	(8)	(7)
131 Internorth [5]	15	14	120
132 Magic Circle Energy [2]	15	15	116
133 McCormick Oil & Gas [2]	15	15	116
134 Page Petroleum [2]	15	(6)	(7)
135 Pauley Petroleum [3]	15	15	116
136 Texas Am. Energy [3]	15	15	116
137 American Quasar Pet. [2]	14	12	128
138 Centex [1]	14	14	120
139 MGF Oil [1]	14	14	120
140 Moore McCormack Res. [1]	14	14	120
141 Sage Energy [1]	14	14	120
142 Williams Companies [1]	14	14	120
143 Kaneb [1, 8]	13	13	126
144 Maynard Oil [1]	13	(6)	(7)
145 McRae Cons. O & G [5]	13	13	126
146 Tidewater Inc. [1]	13	(6)	(7)
147 Canada Southern [2]	11	(6)	(7)
148 Dyco Petroleum [2]	11	11	130
149 May Petroleum [2]	11	11	130
150 McFarland Energy [2]	10	10	133
151 Nucorp Energy [1]	10	10	133

[1] Diversified company.
[2] Independent company.
[3] Integrated company.
[4] Major company.
[5] Pipeline/utility company.
[6] Less than 10 million barrels.
[7] 133d or higher.
[8] Represents activity for 1981–82 only.
[9] Represents activity for 1982 only.
[10] Certain amounts attributable to foreign geographic areas were excluded by the companies.

Sources: "Oil and Gas Reserve Disclosures—Survey of 300 Public Companies, 1980–1982" (Arthur Andersen & Co.), pp. 121–126; "Market Shares and Individual Company Data for U.S. Energy Markets: 1950–1982" (American Petroleum Institute), p. 18.

Mr. STEVENS. One of my basic concerns is the impact this amendment would have on the oil and gas industry's ability to operate in costly, high-risk frontier areas, looking for domestic reserves. Of course, the No. 1 such area is Alaska, particularly the Outer Continental Shelf off Alaska.

In my opinion, what we are seeing in the oil and gas industry today is a restructuring—a consolidation—that is necessary in order to finance exploration operations in the area where it is known that 40 to 50 percent of all the undiscovered oil in America is going to be found, namely, Alaska. If the Senator from Louisiana will examine the document I have given him and look at the domestic reserves rankings of the companies involved in recent mergers, we will see that what is happening in these mergers is the companies are trying to improve their reserve ranking in relation to the three companies that are already the principal operators in Alaska exploration.

The cost of Alaska exploration is such that these companies must have or acquire tremendous borrowing power.

I know that the Senator from Louisiana and the Senator from New Hampshire are very worried, and I confess it is a valid worry, about the impact of these mergers on the money markets and on the debt structure of these companies.

But are you not overlooking the fact that as these companies are merged, they are acquiring understated reserves, undervalued reserves that give them the ability to go out and acquire the financing they need to get involved in costly exploration in frontier areas? For instance, the Mukluk exploration effort on Alaska's northern Outer Continental Shelf was a very expensive dry hole. There are not very many companies in the world that can weather such losses.

What I see happening in, for instance, the Mobil-Superior merger, which is, I understand, not covered by the Senator's amendment now, is a logical merger that is going to bring about a stronger company that will be able to acquire the financing to participate in the costly developments that must take place if we are going to prove up the reserves in the high cost areas such as the OCS off Alaska.

Mr. JOHNSTON. Mr. President, the Senator's question is an excellent one and lies at the very heart of this inquiry.

Let me say, first of all, that the Petroleum Intelligence Weekly says there will be less exploration as a result of the mergers. The same is true from the quoted material from the Energy Daily. The same has been shown with Mesa after its royalty trust with Occidental Petroleum after its merger.

But more than that, Mr. President, Mr. Jim Lee who is the CEO of Gulf Oil, was asked about one of the very mergers at issue here, that is, Superior-Gulf. I asked Mr. Lee what size his company was. He said he had $3 billion a year cash flow. I further asked him if that was adequate to drill on the Outer Continental Shelf as well as getting in other businesses as such as the coal business, such as the savings and loan business, such as the nuclear business—they have high temperature gas reactors. His answer was, "Yes, sir, I would say so."

I further asked him whether or not he thought it was in the national interest to have predatory takeovers of companies like his own. He said no.

I further asked him if he thought we should do something. "Shouldn't something be done about it?" That is about predatory takeovers. His answer was——

Mr. STEVENS. The Senator is begging the point. The Mobil-Superior merger is not a predatory takeover. The Senator's amendment covers predatory takeovers. But it also covers all takeovers within the first 50, is that not correct?

Mr. JOHNSTON. The Senator is correct.

Mr. STEVENS. But he is making his case on the basis of predatory takeovers, is he not? Why do we not have something that covers all oil and gas companies rather than only from the basis of predatory takeovers?

Mr. JOHNSTON. The Senator's suggestion may be a good one. Maybe the study will show that that is what we should cover. We do not know now. There are tax implications involved here.

The Finance Committee, for example, has a bill already reported that would do away with some of the tax subsidies involved in these takeovers.

Mr. STEVENS. Let me read to the Senator a report that was provided to me, and it was a briefing paper on this merger moratorium, and it says this:

Over the 1979–82 period, there were six major oil industry acquisitions with a total purchase price of $25.6 billion.

And I will list those in the RECORD at this point.

	Billions
Sun/Texas Pacific (1979)	$2.4
Shell/Belridge (1979)	3.7
Mobil/General Crude (1979) and Transocean Oil (1980)	1.5
DuPont/Conoco (1981)	7.8
U.S. Steel/Marathon (1982)	6.2
Occidental/Cities Services (1982)	4.0
Total	25.6

A summary of the domestic exploration and development expenditures of these six companies over the 1979–82 period indicates that expenditures rose steadily from $4.1 billion in 1979 to $7.4 billion in 1982.

Again, my point to the Senator from Louisiana is why do we cover the nonpredatory type of mergers? And let me ask the second question, because I want to make sure the Senator understands my point of view. Why do we list worldwide reserves when the interest of this body, it seems to me, should be to increase domestic reserves? If the Senator is interested in seeing to it that we get the capability to pursue the high risk, high cost areas, and I am sure he is—he has been very active in this regard and I am sure that he among all people in the Senate realizes the difference in drilling costs today as compared to 10 years ago and the difference between the cost of

drilling in the Arctic and on the OCS and the cost of drilling onshore—why did he not list domestic reserves and why did he include the nonpredatory takeovers?

Mr. JOHNSTON. The Senator's question is a good one. First of all, why worldwide reserves? It was one of those decisions that you have to make. There were not all that many reasons, but I will say this. It involves market power. I think that those who are involved with Aramco, the reserves that they have worldwide do contribute to the market power, to the access to crude which they have, to the whole market system. So, if you tell me that the amendment would be a good one if we included only domestic reserves and not worldwide reserves, I am not prepared to fall on my sword on that question, but I think the world——

Mr. STEVENS. I say to the Senator his amendment might be a good one if it covered all predatory mergers for a period of time so that we could study the impact of domestic laws and where they should be changed in regard to predatory mergers and if it covered all companies that had more than 1 percent of the domestic reserves. Our interest, I think, is in domestic reserves. We should look at the question of what is predatory as far as domestic reserves are concerned.

Mr. JOHNSTON. If I may say to the Senator, it is very hard to define just predatory and nonpredatory. In the first place, Gulf-Superior was a white knight situation. As Mr. Jim Lee, the CEO of Gulf, testified, they would never have gone to Socal but for the fact that Boone Pickens was after them. The same thing was true with Texaco's acquisition of Getty. Getty was fearful of a hostile takeover by Pennzoil so looked for a white knight. In many of these hostile takeover situations, the acquired company is driven into the arms of the white knight.

Mr. STEVENS. There is nothing in the Senator's amendment that is going to stop the white knights.

Mr. JOHNSTON. Oh, yes; it does.

Mr. STEVENS. What is going to stop them?

Mr. JOHNSTON. It stops the merger for the period of 6 or 9 months, 9 months with the amendment.

Mr. STEVENS. I thought the good old white knights were saving something. What about the approaches that are coming at us from the people who are starting stock proxy fights? The Senator's amendment does not cover proxy fights; does it?

Mr. JOHNSTON. Yes; it does.

Mr. STEVENS. It does? In what way?

Mr. JOHNSTON. It prevents anyone from acquiring control of one of the top 50 companies.

Mr. STEVENS. I thought it covered trusts. I understand that. But it does not cover the basic proxy fight. It does not prevent a stockholder fight to take over a company; does it?

Mr. JOHNSTON. Yes; it does. It prevents the soliciting of any proxy, consent or authorization with respect to voting securities, and it would apply to anyone affiliated with a royalty trust.

Mr. STEVENS. I am not sure anyone understood that, including this Senator, before this moment. The Senator believes his amendment is going to stop all proxy fights in the first 50 companies based upon worldwide reserves, that it can have no stockholder reaction to management at all?

Mr. JOHNSTON. No; you understand there is a difference between seeking a proxy and having stockholders at the annual meeting vote their stock and put in new management. We do not prevent the latter. We do, for the period of 9 months, if the amendment is amended to that effect, prevent the——

Mr. STEVENS. Does the Senator's amendment cover companies that are not registered with the SEC?

Mr. JOHNSTON. No.

Mr. STEVENS. So we can have any kind of predators we want on companies that are not registered with the SEC?

Mr. JOHNSTON. Well, it applies to the top 50 oil companies, those with worldwide reserves of 100 million barrels or more. We do not distinguish in the amendment whether they are registered with the SEC, but all of these top 50 companies are, in fact, registered with the SEC and have issued publicly held stock.

Mr. STEVENS. I might say to my friend, I think there is an basic fear expressed here by many people and, as I have said, I think that that fear is spreading. But I think the amendment is not dealing with the fear. The amendment is really dealing with something that is of a different nature. The fear is that predators taking over companies will misuse the capital base and credit base that we need for domestic oil exploration.

Now, if that is the fear and I am correct, then is it not just as valid for the companies that are it in the top 50 in terms of worldwide reserves but have significant domestic reserves? I call the Senator's attention to the fact that if you stop at No. 50, in terms of your ranking, which is North Canadian Oils, Ltd., which, according to my listing, has 100 million barrels worldwide crude reserves. They do not have any domestic reserves. In my opinion, I would not be worried about them at all.

What we ought to be worried about is domestic reserves. If you look at the document I gave you, you will see companies that have high domestic reserves but not affected by your amendment. What I say to you is if I were sitting here and I were a predator, I would say, "One through 50 is out of bounds, but, gosh, look what we can do. We can go after El Paso, we can go after Petro-Lewis, American Petrofina, Sundance Oil, Mapco"—there are a lot of others in between there—Ashland Oil. Those are not small companies in my parlance, yet they are completely outside the scope of the Senator's amendment.

It just means the companies that might have the capability to merge and form a company that could come into my State and afford to lose $1.5 billion, as was just lost in that last venture, cannot merge, but anybody can go and merge with one of these companies that has smaller reserves. You have really just shifted the focus of the battle, have you not, by virtue of saying just the first 50? What we are saying is we are haggling about price and not about principle.

Mr. JOHNSTON. If the Senator will yield, it is always the case with legislation that you do not cure all of the problems at the same time. If we tried to cure all of the problems and get all of the companies, there would always be someone who would say that you have gotten too many companies or you have gotten too few companies. We thought 100 million barrels of reserves and the top 50 companies was a logical and good round number for cutoff. If the Senator thinks we ought to include a few more, we would certainly entertain his amendment, especially if it would get his vote.

Mr. STEVENS. Let me go back once more to make sure I understand my friend because either we are confused or my good friend is confused. It is my understanding that if a company had a substantial amount of stock in another company, let us say 15 percent of the stock of a company in the top 50, it could, in fact, engage in proxy acquisition as far as your amendment is concerned, could it not?

Mr. JOHNSTON. Are you talking about companies in the top 50?

Mr. STEVENS. Yes; let us just take any one. Let us suppose that Conoco has 15 percent of Sun. All right. That merger would be pretty good from that point of view and put them up about to the level of number three or four in the domestic reserves. From my point of view, they would have domestic reserves and they would have the capability to go and look in tough areas where it costs more money. If Conoco had 15 percent of Sun, what could they do under the Senator's amendment? Could they not have the proxy fight?

(Mr. DANFORTH assumed the chair.)

Mr. JOHNSTON. No; under my amendment, if it passes, then none of the top 50 companies can be acquired. No voting securities can be acquired

sufficient to transfer control in those top 50.

Mr. STEVENS. They cannot solicit proxies, either?

Mr. JOHNSTON. They cannot solicit proxies, either.

Mr. STEVENS. Well, I must say if that is the Senator's intent, that is not the way I have been reading it.

Mr. JOHNSTON. Excuse me. It is only if they have had an association with a royalty trust or an affiliate of that or in concert with someone who has had an interest in a royalty trust.

Mr. RUDMAN. Will the Senator yield for a comment?

Mr. STEVENS. Yes.

Mr. RUDMAN. I think the statement made by the Senator from Louisiana, the last statement he made is quite precise and correct. If you look at the amendment itself on page 2, the limitations start on page 2 with subparagraph (b) on line 3. It starts out "Limitation on royalty trust owners." That establishes the class of people that are affected by the following limitations. And I believe there was some confusion in the colloquy that just took place. I think that sets it very clearly.

Mr. STEVENS. That was my understanding, also.

Mr. RUDMAN. I think the Senator from Alaska is correct. If the Senator from Alaska looks at the first page on line 1 at the bottom, that sets forth what the Senator from Louisiana has just set forth. I think that should clarify it.

Mr. STEVENS. Which page?

Mr. RUDMAN. The first page, the title page at the bottom, "Merger Limitation."

Mr. STEVENS. It was our understanding that that limitation in subparagraph (b) applies only to royalty trust owners. Therefore, if you were not a trust owner and had an actual ownership status in a top 50 company, a proxy fight would not be barred.

Mr. RUDMAN. I think the Senator from Louisiana was quite precise in his last comment. What we are concerned about and obviously what this covers explicitly is the kind of thing we see happening. It does not prevent other kinds of normal corporate transactions by people who already own the stock.

Mr. JOHNSTON. The Senator is correct. You may not acquire, according to section (a) the control of one of these top 50 companies through the purchase of any voting securities. Now, there is an additional limitation on royalty trust owners or those who formerly had an interest in a royalty trust or an affiliate of or one in acting in concert with someone in a royalty trust. That is, they may not acquire more than 5 percent of a company. So there are two different rules for that. But in no event may you acquire the control of a company in the top 50.

Mr. STEVENS. Well, my interpretation and that of the people who advise me is that if someone without ties to a royalty trust has enough stock in one of the companies in the top 50 has enough stock to mount a proxy fight under your proposal, they could still do it. It does not stop the proxy fight. You may have stopped the predator.

Mr. JOHNSTON. The amendment would not stop the voting of stock owned by nonaffiliates of royalty trusts. It would stop a proxy fight initiated by royalty trust affiliates because they may not solicit proxies in excess of 5 percent of the outstanding shares.

Mr. STEVENS. Let me state to the Senator from Louisiana again, I started off by saying I understood the basis of the fear expressed here. I hope that Members of the Senate will understand the basis of that fear and that the result of that fear, unfortunately, may be an overwhelming action that will prevent the mergers that must take place if we are going to have the research that we need, the development that we need, the exploration that we need to maintain our domestic reserves. This amendment starts out with a listing based on worldwide reserves, and I must leave the Senator right there. The question ought to be what is the status of domestic reserves and what is the impact of the current merger trend on domestic reserves? Will it increase domestic reserves more quickly in the future?

This Senator takes the position, from what I know about the industry and what I know about who is active in Alaska, that the mergers that started this controversy are mergers that would have brought about larger concerns that would have reserves that would be bankable. The reserves are currently under valued. I think the Senator agreed with that. We all know that. The reserves would be bankable and would give these companies the ability to finance the exploration that is necessary to prove up the Arctic and offshore reserves.

I would like the Senator to consider not stopping that. As a matter of fact, right now in my State there is an ongoing program. The last time we looked at it, there was roughly $4.5 billion being spent on exploration in Alaska this year. Let me hasten to say that there is only about $700 million of that spent in Alaska. Some of it is spent in the State of Washington paying the fees of shipping, and some is spent in Texas building drilling platforms. The $4.5 billion level is absolutely required to keep up this exploration and to prove up the reserves of the Arctic, which I think are essential to the future of this country. That cannot be done by just two or three companies in the future. That has been the case in the past. There must be additional companies coming into that area. We must have companies of the size that can finance and afford to lose up to $1 billion a year. That can only be done through mergers of some of these companies that have domestic reserves that are understated.

Mr. JOHNSTON. Will the Senator yield?

Mr. STEVENS. I will.

Mr. JOHNSTON. First of all, let me clear up something. I think I may have misled the Senator. You may have a proxy fight provided you are not a royalty trust owner or someone as defined in section (b). However, in any event you are prevented from acquiring control of one of the top 50 companies. The Senator was correct, we do not prevent a proxy fight by nonroyalty trust affiliates.

Mr. STEVENS. I thank the Senator.

Mr. JOHNSTON. If I may answer the Senator's second question, I quite agree that you have to have huge amounts of money to drill a well like in Mukluk. But as in the case of Mukluk, as in the case of most of the wells drilled on the Outer Continental Shelf, they are usually drilled by a consortium of oil companies. Mukluk, as I recall, was financed primarily by Arco, Diamond Shamrock, and Sohio, among others. Down in the gulf, we frequently have consortia that drill these wells. Sometimes they are composed of seven or eight companies; sometimes two or three. That is the traditional way it is done.

As Jim Lee, the CEO of Gulf said, his company was big enough to drill off Alaksa and drill elsewhere in the OCS. So while the point is valid, you do not have to merge in order to be able to drill in frontier areas. You can do that through the medium of the consortium.

Mr. STEVENS. I thank the Senator.

Mr. President, I cannot support the version that is before the Senate because I think it will prevent the formation of the capital that is essential to keep up the pace of the exploration and the development of the Arctic and OCS reserves. I can fully understand the fear that has been expressed. I do not understand the ranking of the companies on the basis of worldwide reserves. It seems to me this body should only be interested in domestic reserves and the impact of those domestic reserves. The changes incidentally would not be in the top portion. I am sure the Senator from Louisiana would agree with this. The large companies that have the proven reserves worldwide are also the large companies that have domestic-proved reserves. Once you come down below about the 18th or 19th level, maybe the 20th, you see a dramatic change in the difference. Some companies have put their emphasis on worldwide reserves. Others are now putting them on domestic reserves. I think the

merger process we are going through now is putting emphasis on the acquisition of merger reserves.

May I inquire while I still have the floor of the managers of the bill and the leaders? How much chance is there that we might get some agreement tomorrow for voting on the Johnston-Rudman et cetera amendment and the other amendments to it? I have been asked by the leader to see if there is a timeframe possible when we might get to other subjects that are on this bill so we can hope to get on to reconciliation and the other matters.

Mr. STENNIS. The Senator should go ahead. He is the acting leader. Put the proposition.

Mr. STEVENS. I am asking. It would be my proposition that we come in fairly early tomorrow and find a time that we agree upon that we will vote. I understand there will be a motion to table the basic amendment. We could at least have that take place.

Mr. JOHNSTON. The answer is yes. Any reasonable formulation we would agree to.

Mr. STEVENS. Can I inquire whether there would be others that would object to it? Again, it is the request of the leader that I am pursuing, so that you will know it. We do want to see if we can get the motion to table the basic amendment.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. TOWER. Mr. President, could the Senator let some of us who want to speak address the situation while he works it out with management?

Mr. STEVENS. I would, Mr. President, but there are several people who want to go home. Before they go home, they would like to be involved in this discussion. That is why I raise it now.

Mr. RUDMAN. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. RUDMAN. I want to say that I agree with my friend and cosponsor, the Senator from Louisiana. I want to make a point that one of the problems we had here this afternoon in not getting to a vote was that certain key people were unable to be here after 4:15 because of other commitments. I think we have to be very careful that we do not schedule a vote at a particular time and then find the same problem. I will leave that to my friend from Louisiana.

Mr. STEVENS. I will say just in case there is any misunderstanding that it would not be possible to have a vote on this this evening because of the gesture of the Senator from Louisiana in withdrawing his motion to table. There is an understanding now that there will be a motion to table the basic amendment today. There will be no votes today as far as the leadership is concerned.

Mr. STENNIS. Will the Senator yield to me on that point,

Mr. STEVENS. Yes.

Mr. STENNIS. I am sure that we will decide not to vote this afternoon or tonight. As I see it, it is firmly that way. I am encouraged to believe that you could select a time, though, tomorrow. I will yield to the leader. We will get an agreement.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes.

Mr. JOHNSTON. I would certainly like to do that. We would like to clear it, of course, on our side to be sure there are no absentees at a particular time. But in terms of time for the debate, I want to check with the distinguished Senator from Ohio. I would think that another hour of debate on our side ought to be sufficient. I ask the Senator from Ohio.

Mr. STEVENS. Mr. President, since I still have the floor, let me withdraw this whole question if the Senator from Mississippi will agree. The Senator from Texas does want to make a statement. He can be making that statement while we have this discussion off the floor. I do not think it is possible to reach an agreement at this moment.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the amendment we are presently considering directly thwarts the goal of smooth interaction between Government and business. Placing a 6-month moratorium on oil company mergers ignores existing law and those institutions vested with the authority to examine, evaluate, and judge antitrust implications of mergers between companies. Indeed, it singles out a particular industry to penalize. Most significantly, the amendment disregards totally the rights of shareholders in view of the fact that it disallows millions of stockholders from enjoying a true return on their investments.

In this instance, the shareholders are the real victims, not the oil companies. Stock in which these shareholders have invested hard-earned dollars will be of no financial significance during a moratorium. Shareholders will not be allowed to discover the true value of their investment because, in short, the Congress has called "time out," and it is being charged to the shareholders. Tampering with the basic underpinnings of the free market system in this manner is both inexcusable and unnecessary.

Our Founding Fathers never intended that this body be empowered to restrict the free flow of capital to the perceived most efficient economic use. The amendment being offered today seeks to do—in a roundabout way—that which is already provided for in existing laws and regulations. Should a question arise as to the effectiveness of these laws, the committee of jurisdiction over these matters should examine the viability of these laws. Hastily conceived amendments designed to circumvent traditional channels serve only to complicate the process and confuse the real issues at hand.

The singling out of the energy industry for a moratorium is a prime example.

Who is to say what or how much irreversible damage will befall the oil companies because they are forbidden from offering shareholders the best return on their investment?

Who is to say what or how much irreparable injury will befall shareholders because their stock essentially is being held captive because Congress called an election year "King's X"?

Who can predict the financial impact to be borne by companies whose stock values are put "on hold" for 6 months?

Certainly, such a disaster will detract significantly from new additions to oil reserves. Moreover, where is the end to this moratorium madness? A number of merger or acquisition candidates seem to be materializing in many industries that contribute greatly to the gross national product and this Nation's overall productivity and prosperity. It is my guess that if this effort is a harbinger of what is to come, we will be fervently searching for new free market functions to put "on hold," and legislation vehicles to use for this moratorium mania. And this will be done even though carefully crafted mechanisms currently exist to appraise these merger or acquisition activities.

Notwithstanding what some of my colleagues may believe, this body and its Members are not magicians. We cannot wave the magic wand of legislation and hope to wipe out perceived ills. Previous efforts to create this illusion show conclusively that we do not have the power to undo damage resulting from hastily conceived legislative initiatives such as the one presently before the Senate. Yet, at this moment, we are considering enactment of a 6-month moratorium on the energy industry that would fundamentally interfere with the underpinnings of the American system of free enterprise. If enacted, it is my suggestion that we also consider changing the vernacular for the securities market. Perhaps it is more aptly described as the in-securities market.

Mr. President, much has been said about our legislative responsibility around this place. I might say that I believe that this is a poor example of the exercise of legislative responsibility. This matter is before a standing committee of the U.S. Senate and there it should be considered and con-

sidered carefully. We do not know what the market disruptions are likely to be from this action. In any case, it is a terrible precedent, because every time there is some prospective merger around here that somebody does not like—maybe it will involve moving the corporate headquarters from his State to some other State—he is going to come in here and ask for a moratorium.

I think that his is an enormously bad precedent. It militates against growth, against stability and certainly in the operation of the free market.

We frankly do not know what we are doing on this legislation; hence, all these colloquys we have heard here today that should be taking place in committee, not on the Senate floor.

This is no way to legislate and this is the way the Senate, at one time, did not legislate. We had orderly procedures around here.

I pray God, Mr. President, that the day never comes when we get television in this Chamber. We are enough media creatures as it is. This is a media measure. Any time you want to get a little good press, kick the oil companies. Of course, usually, when you kick at the majors, you usually hit the poor little independents or you hit the shareholders, or somebody else. But this is designed to appeal to the media.

This is what the tort lawyers call an attractive nuisance. Everybody will come in here, obviously, even people who are generally sophisticated on this matter, like the Senator from Alaska, who do not fully comprehend what is in this. The Senator from Louisiana sounded a little uncertain about some of his responses. But Members will file in here and vote for an amendment that has popped up on the floor, get the first available vehicle, and slam it on there, making it difficult for anybody to veto it.

It is a certainty the House will take the worst thing we can send to them. They are inclined to do that, especially in an election year.

So, Mr. President, this is not a responsible way to legislate. But Members will come in here uninformed on this matter, uncertain what the implications of it are, and the sponsors themselves are uncertain, because it has not been adequately considered in the committee process. There have been hearings, yes, but that is all. And there should be more hearings than what have already been held.

I heard a distinguished citizen of my State disparaged on this floor, Boone Pickens. He is known back in my State more for his good works than for his corporate acumen. He is a public-spirited man. I wish there were more Boone Pickenses in this country to shake up some of the lethargic, somnolent, inefficient, shortsighted corporate management that we have in the United States.

Mr. President, this is the kind of legislation that is designed to protect the kind of corporate management that we do not need in a country that is undergoing the restructuring of its economy that calls for vision, for innovation, and enormously efficient management. This is ill-considered legislation. The committee has not worked its will on it. But it has come to be somewhat typical of the way we legislate these days: Get an attractive amendment, find an available vehicle, bring it up on the floor. Thank heavens we do not have a television camera up there yet, or it is going to get worse.

No wonder we are held so low in the public esteem. We do not rank quite as high a used-car salesmen—and I do not mean to disparage the people who sell used cars. But the fact is the people of this country are terribly impatient with the Congress of the United States. We get bogged down in a multilayered bureaucracy so we cannot do our priority business of authorizing and appropriating funds; yet we come to the floor and we take up an amendment: Gee, it sounds good, it hits corporations right in the gut, it must be good, therefore, we shall vote for it—without ever considering the implications and consequences of what we do.

Mr. NICKLES. Mr. President, I compliment my colleague, the Senator from Texas, because I think he did an outstanding job in pointing out some of the shortcomings of this bill. I sat through the 1 day we had of hearings before the Senate Judiciary Committee. I sat through those hearings because I wanted to learn more about this subject. Also, I wanted to learn if there is any real merit to this legislation.

After sitting through several hours, it became quite evident to me and, I think, really to most people who did participate in the hearings, that this is bad legislation. This legislation may be good politics, but it is bad policy, it is bad economics. It is antifree enterprise. This legislation is telling stockholders that they cannot buy stock or they cannot sell their stock. I think that is very poor policy.

Furthermore this Johnston amendment would prohibit mergers. Is that just oil mergers? No; it prohibits a company from outside the oil industry from buying into the oil industry, whether it be a controlling interest or not, since one cannot buy over a certain percentage.

The legislation before us today has changed. It has changed by the day. It has changed by the hour. It has changed this afternoon. Some time ago we were talking about 6 months, a moratorium for 6 months where there could not be a merger if you had an oil company, they say, in the top 50—it does not say top 50 in the legislation. It says an oil company—if it has over 100 million barrels of reserves. Two or three weeks ago we were looking at 10 million barrels of reserves, so that is one dramatic change. Still we do not have a current list of what companies are involved. I dare say that not one Senator knows the name of those 50 companies.

Because we have a lot of oil companies in Oklahoma, I asked the sponsors of the amendment which companies would be affected. The list that we received was from 1982. It is not 1982. This is March 1984. Yet, the list that they were working from was 1982.

Then the moratorium we were talking about was 6 months. Now we are talking about a moratorium for 9 months. We considered proposals 3 or 4 weeks ago on the floor of the Senate that said, "Well, we will have a 5-year moratorium if you are in the top 20."

Now, presumably the legislation that was introduced has a moratorium for 6 months, but I guess it has been agreed upon that we would have a moratorium for 9 months or possibly 11 months on, presumably, the top 50 companies, but really it boils down to any company that has proven oil and gas reserves over 100 million barrels of oil or its equivalent. I guess it is fine, if you are under that, to merge. If you are above it, you cannot.

What happens during this 6-month period of time? The moratorium expires. Sure, there is going to be a super commission which is going to examine these mergers. They mail out studies and come up with a lot of information, most of which many of us will not have the time to mull over, but basically they will probably say that these mergers have not resulted in overconcentration in the oil industry.

Mr. President, to demonstrate how this industry is not overly concentrated I ask unanimous consent that two charts which were presented at the Judiciary Committee hearing be printed into the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD as follows:

TABLE 1.—U.S. CRUDE OIL, CONDENSATE AND NATURAL GAS LIQUIDS PRODUCTION, 1982

[In thousands of barrels per day]

Company	Production	Percent of total
Exxon	740.0	7.3
Standard of Ohio	694.9	6.8
Atlantic Richfield	607.4	6.0
Shell	519.0	5.1
Standard of Indiana	409.0	4.0
Texaco	352.0	3.5
Standard of California	332.0	3.3
Gulf	328.7	3.2
Mobil	309.0	3.0
Getty	280.0	2.7
Phillips	260.0	2.5
Sun	212.1	2.1
Union	171.4	1.7
Marathon (U.S. Steel)	160.1	1.6
Occidental	151.0	1.5
Dupont	136.0	1.3

TABLE 1.—U.S. CRUDE OIL, CONDENSATE AND NATURAL GAS LIQUIDS PRODUCTION, 1982—Continued

[In thousands of barrels per day]

Company	Production	Percent of total
Tenneco	89.1	.9
Amerada Hess	76.5	.8
City of Long Beach	70.0	.7
El Paso	67.2	.7
Union Pacific	59.4	.6
Superior	57.3	.6
Santa Fe	44.7	.4
Mitchell Energy & Development	41.9	.4
Louisiana Land & Exploration	41.4	.4
Aminoil (R.J. Reynolds)	39.6	.4
InterNorth	37.5	.4
Pennzoil	35.1	.3
Diamond Shamrock	33.4	.3
Texas Oil & Gas	33.1	.3
Others (all smaller than the top 30)	3,810.2	37.4
U.S. total	10,199.0	100.0
Top 4	2,561.3	25.1
Top 8	3,983.0	39.1
Top 15	5,526.6	54.2
Top 20	5,965.4	58.5
Top 30	6,388.8	62.6
HHI (after Texaco/Getty acquisition		270.0

TABLE 2.—PROVEN U.S. CRUDE OIL, CONDENSATE AND NATURAL GAS LIQUIDS RESERVES, 1982

[In millions of barrels]

Company	Reserves	Percent of total
Standard of Ohio	2,855.6	8.1
Exxon	2,836.0	8.1
Atlantic Richfield	2,561.0	7.3
Shell	2,200.0	6.3
Standard of Indiana	1,660.0	4.7
Getty	1,241.0	3.5
Standard of California	1,202.0	3.4
Texaco	1,045.0	3.0
Mobil	906.0	2.6
Gulf	816.0	2.3
Sun	691.0	2.0
Marathon (U.S. Steel)	606.3	1.7
Occidental	583.0	1.7
Union	523.0	1.5
Phillips	492.0	1.4
Dupont	350.0	1.0
Amerada Hess	260.0	.7
Tenneco	251.7	.7
Pennzoil	140.0	.4
Superior	138.7	.4
Santa Fe	138.3	.4
Union Pacific	137.6	.4
El Paso	136.2	.4
Aminoil (R. J. Reynolds)	120.9	.3
Mitchell Energy & Development	111.6	.3
Southland Royalty	81.8	.2
Texas Oil and Gas	79.3	.2
Louisiana Land & Exploration	69.0	.2
Enserch	61.5	.2
Kerr-McGee	60.1	.2
Others (all smaller than the top 30)	12,724.4	36.3
U.S. total	35,079.0	100.0
Top 4	10,452.6	29.8
Top 8	15,600.6	44.5
Top 15	20,217.9	57.6
Top 20	21,358.3	60.9
Top 30	22,354.6	63.7
HHI (after Texaco/Getty acquisition)		329.0

Mr. NICKLES. Mr. President, I asked that these two charts be printed in the RECORD because we have heard a lot of statements about how concentrated this industry is. These charts will, as anyone can see—and I think they were submitted by the FTC during the Judiciary Committee hearing—show that the top 20 companies had 58.5 percent of the total production. They also show that the top 20 companies had proven reserves of 60.9 percent. So it is not a concentrated industry.

The so-called merger that has been discussed, the Socal/Gulf merger, which is the largest one on record, results in their combined holding equaling 5.7 percent of the reserves, and the Socal/Gulf combined production equaling 6.5 percent of the market.

So, yes, it is a large merger but, no, it does not equal an overconcentration in this industry. This industry is much more diversified than most industries.

The FTC in previous mergers—and I am familiar with Texaco-Getty—has gone to great lengths to insure that there has not been an overconcentration.

Particularly in the Midwest area, they have overdone it. They have mandated that Texaco sell the Getty refinery in El Dorado, Kans. There is not an overconcentration of power or a monopoly in reserves supply capacity, or gas stations in that area, yet they are mandating that that refinery be sold. They are mandating that Getty divest itself of refining and marketing in the Midwest. Again, there is a lot of competition in that area and I think the FTC in this particular action has gone too far.

Why are we singling out this industry? This industry should not be singled out. In my opinion, it is very poor legislation when we try to attack big oil. A lot of people know it is very popular to be against big oil, but this is poor legislation.

Mr. President, we should not tell shareholders that they cannot sell their stock to another person. In one merger involving the Getty family, which owned a substantial share of stock, if this legislation had, let us say, been enacted several months ago, Mr. Gordon Getty and family would not have been entitled to sell their stock. That is a basic right of shareowners and one that I think Congress should not infringe upon.

Conversely, we would be saying by this legislation that individuals could not buy a certain percentage of oil companies. Again, that is a real infringement in the marketplace, and I think it would be a mistake.

What will happen at the end of this 6 months? That remains to be seen. I hope that we would not put a cloud over the oil industry. If we pass Senator JOHNSTON's amendment, we will do just that. We will see the prices of oil industry stock be depressed across the board.

Mr. STENNIS. Mr. President, will the Senator yield to me for less than 1 minute to make a short announcement not pertaining to the bill?

Mr. NICKLES. I will be happy to yield.

Mr. STENNIS. Senators know the custom. We have a chairman of the committee. We have someone representing the minority. Senator HATFIELD and I fulfill this role for the committee. He cannot be present. I have a matter that I must attend. I am going to ask Senator JOHNSTON if he will come forward and take the chair to fill my role. It has already been understood there would be no vote tonight, as I understand it.

I say that so everyone will know that we had agreed to it and there is no objection to that as I hear.

I thank the Senator for yielding to me.

Mr. NICKLES. The Senator from Mississippi is certainly welcome.

Mr. President, two arguments have been made saying that if these mergers are allowed to go through, there will be a loss in the credit markets. I think that is a mistake in economic assumptions. I hope people will think about it. If somebody is buying stock, the money they use goes back into the market. It does not disappear. It is not buried. It is not sent to the Moon. It recirculates through the economy.

Another argument is made that there will be a loss of production because these companies will by necessity have to pay back debt and not use their dollars for exploration.

Mr. President, the amount of money that goes into exploration is directly attributable to the amount of money that can be made from exploration. We have heard statements made that there is less exploration today; less money is being spent by Mesa Petroleum or by other companies than was used for exploration 2 or 3 years ago.

There is good reason for that. That is because the price of oil is substantially less today than it was 2 years ago. The price of oil today is $29. Two years ago it was approaching $40 and it looked like it would get higher.

That is the reason why you saw more rigs at that time than you see today. I daresay, when it becomes more profitable and the market dictates that exploration is the best place to put their money, that that is where companies will put their money.

I think it would be ill advised for Congress to move forward on this type of legislation, for us to interfer in the marketplace and interpose our wisdom, or lack thereof, on the marketplace. I hope that we will defeat this legislation. I think it would be a mistake if Congress were to enact this legislation and place an economic burden on the oil industry by singling it out and saying no, you cannot sell your stock or you cannot merge within the next 6 to 9 months.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I am pleased that Senators JOHNSTON, METZENBAUM, and RUDMAN have modified the amendment to make the proposed moratorium prospective rather than retroactive. I think that is significant, but I still must oppose the amendment for several reasons. The

proposed moratorium restricts the exercise of shareholder property rights and that point has been well made throughout the afternoon.

However, I would like to focus on the arguments related to exploration and production. I disagree with the basic premise behind the amendment; namely, that the use of capital to finance mergers and acquisitions will diminish oil and gas exploration efforts. Major oil companies do not finance exploration with debt capital. The industry finances frontier exploration with their own cash. Although debt services may, over the short term, increase the demand on a company's cash flow, its long-term exploration efforts will not change. They are charted for an extended period of time. And as my colleague from Oklahoma pointed out, the implications that we are forcing a credit crunch is not true at all. A firm that enters the credit markets to finance an acquisition obtains cash. That firm transfers the cash for the shares, and the shareholders put the cash back in the system to complete the circle. This sort of transaction may create a mild interruption, but it does not cause a drastic shortage of available capital because the capital is recirculated in a relatively short period of time.

I share the desire of the Senator from Louisiana to see domestic exploration and production proceed at the most rapid practical pace.

We need to encourage domestic exploration in frontier areas, a point that was made by my colleague, the senior Senator from Alaska. But the Johnston amendment is not the way to do it. There is a shortage of domestic prospects to explore, and that is the problem. Some of the better prospects exist off the coast of California and off the coast of Florida. But we have imposed OCS leasing moratoria that preclude the industry the opportunity to search for oil and gas in those areas.

The charge has been made that the companies are doing their exploration on Wall Street. The fact is that the Congress of the United States, through OCS leasing moratoria and the creation of a multitude of regulatory restrictions, has made it cheaper to seek reserves on Wall Street rather than to go out and explore in the frontier areas that will eventually provide this country with a higher degree of energy independence.

According to the American Petroleum Institute, an estimated 1.35 billion barrels of potential production is being denied to the American people because of the OCS leasing moratoria. We are now back to importing a third of our oil from foreign sources. This is drastic. That is roughly the amount we imported prior to the 1973 Arab oil embargo. We have not yet found or developed the fields that must supply three-fourths of the oil that we will need 14 years from now.

The Senator from Louisiana fully understands these facts. He led the opposition against the imposition of the OCS leasing moratoria last year, and I was proud to support him when he led that fight. I want him to know that I will support him when we revisit those issues again. I cannot, however, support him in the antimerger effort. while I applaud his motives, I cannot agree that this is the manner in which to address the problem.

If this body really wants to do something to encourage exploration in frontier areas, we should do something to streamline the permitting processes which industry faces when it searches for oil in frontier areas. Before an OCS tract can be explored, industry has to contend with 74 sets of Federal regulations derived from 35 Federal statutes. They must secure 17 major permits. They must demonstrate some degree of consistency with a State's coastal zone management program.

While our intent to protect the environment, maintain the health and safety of workers, and promote the general welfare are necessary and laudable goals, I believe we can embody the same protection in a streamlined permitting process.

In the event the amendment of the Senator from Louisiana is adopted, I will offer an amendment of my own which will help us focus on these problems. In the event that the Senator's amendment is tabled or defeated, I will attach my amendment to relevant legislation—perhaps the coastal zone management consistency legislation—later in the session.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. JOHNSTON. Mr. President, will the Senator yield to me?

Mr. METZENBAUM. I yield.

Mr. JOHNSTON. Mr. President, I want to say that we on the proponents' side of this amendment are most anxious to bring the issue to a vote. We do not want to cut off anybody. Indeed, earlier, I withdrew the motion. I had to table the Hatch amendment, for the purpose of letting everyone speak; and I think everyone will have a chance to speak tonight and tomorrow.

I want to make crystal clear that those of us on the proponents' side of this issue want to bring it to a vote. I mention that because I have heard the argument that we have to get to the other important things in this appropriation bill, and therefore we might have to drop this amendment.

It is reminiscent of the argument of the defendant in a case who had killed his mother and father and threw himself on the mercy of the court, pleading that he was an orphan.

We are ready to vote at any time—not tonight, I understand. But I want to make that clear so that tomorrow no one can say that the proponents of this amendment are holding up the Senate and are not allowing the business to proceed. We are ready at any time tomorrow to vote that the opponents wish to vote.

Mr. METZENBAUM and Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I hope the Senator from Ohio will defer to me, because this Senator is scheduled to preside at 6 p.m., and I will be finished well before that time.

Mr. President, several weeks ago this body considered two amendments proposing moratoria on oil company mergers. With some reluctance, I was prepared to vote against each of those proposals after further debate on them.

As is the case with a number of other Members here, I have been disturbed by what appeared to be the beginning of a move toward substantially increased concentration in a business field which is now marked by strong competition among a fairly large number of strong and diversified companies.

The proposal before us today—and by that reference I mean the basic Johnston-Rudman amendment and not the second-degree amendment proposed by the distinguished Senator from Utah—is considerably different from those which were defeated 2 or 3 weeks ago.

In the first and most important instance, this proposal is prospective only. It does not interfere with business arrangements entered into in good faith, without knowledge of this proposal.

Second, it is relatively short in duration.

Third, it calls for a significant study of the issue, participated in by persons who can lend a real expertise to the answer to a question which I must confess I do not understand fully.

I wish I shared the certainty of the distinguished senior Senator from Texas who was absolutely certain that this was destructive of the free enterprise system and that oil company mergers should not only be permitted, but also encouraged.

I must say, however, that, to a very real degree, I lack that certainty. I am disturbed by this move toward mergers. I am not at all certain that they are in the public interest, though, equally, I am uncertain that they should be prohibited. This measure, therefore, seems to me to be wise, both in its extent and in its limitation.

First, we have seen over the course of the last few months a significant increase in concentration in this field of

business. We have also seen responsible predictions that such increased concentration will become sharply greater in a relatively short period of time because many of the same factors which have led to the last three mergers are almost equally applicable to other possible mergers among large business enterprises engaged in this field.

Next, it seems to me that it is quite wise that the Congress of the United States deal with this on the basis of its overall impact on the economy and attempt to determine whether these are desirable or undesirable moves, rather than simply to deal with them on a case-by-case basis, which is the only way the Federal Trade Commission or the Department of Justice can do so.

It is certainly clear, as the Senator from Texas and others who are opposed to this amendment have said, that, to a certain extent, the interests of shareholders are enhanced by an open season on mergers. I cannot find that an overwhelmingly convincing argument. As I listened to it on the part of the Senator from Texas, I also reflected that monopoly is of great value to the shareholders of the company which holds the monopoly.

But I do not believe that the Senator from Texas proposes to repeal the Sherman Antitrust Act on the ground that it would be good for shareholders in certain corporations.

I reflected on the fact that combinations to fix prices among competitors are extremely beneficial to the shareholders of the companies which engage in such activity but they are certainly not in the public interest. They can quite appropriately be prohibited in a free market. Likewise, mergers between extremely large companies can certainly be prohibited if they do not, in fact, enhance the consumer interest and the interest in significant competition in a field of this importance.

So it is not impressive, it seems to me, to concentrate solely on the interest of shareholders or managers when we are supposed to consider and are considering in the proposal of this amendment the interest of the people of the United States as a whole.

It is clear that credit markets are impacted by the very, very large multibillion-dollar borrowings which are necessary to engage in these mergers. Certainly some of the money which is distributed to shareholders is reinvested, some of it very clearly is not. We are certainly facing a credit crunch in this country at the present time as evidenced by the unhappy increase in the prime rate of interest during the course of the last 2 weeks.

Whether or not these mergers have had a direct impact on that increase in the prime lending rate is a question which I confess I cannot answer but I believe there is an answer. The commission called for in this amendment at the present time will go a long way toward providing us with just exactly that answer.

We are really faced with this proposition, Mr. President: Are we likely to do more harm to the economy by doing nothing and by allowing mergers to take place solely in the interest of some of the shareholders of some of the companies involved or, for a relatively short period of time, retaining the status quo while we attempt to find objective information as to the effect on shareholders, on managers, on oil production, on oil exploration, and on the consumer and public interest?

It seems to me, that it is not only fair to argue that a relatively short period of standing still, a relatively short moratorium while we attempt objectively to answer these questions, is very clearly a smaller risk to the economy and to the public interest than is inaction.

For that reason, I commend the Senators from Louisiana and New Hampshire and Ohio for making this proposal. I commend them particularly for making changes in the proposal which greatly reduce the chances that it will be harmful and greatly increase the chances that we shall learn enough to act wisely on a more permanent basis.

As a result, I commend to my colleagues support for the original proposal and opposition to the killing amendment proposed by the Senator from Utah.

Mr. DOLE. Mr. President, I shall just take a minute. I know the Senator from Ohio is seeking recognition.

Mr. President, I raise one question about this activity, and that is that those committees of jurisdiction are already looking into the matter of mergers, whether or not they are tax motivated, whether there is some economic reason for the merger. The Judiciary Committee has had a day of hearings. We have hearings scheduled in the Finance Committee on April 5. The Energy Committee has a hearing scheduled on April 10.

I am going to suggest tomorrow at the appropriate time that you give these committees time to exercise that jurisdiction. Do not just take our jurisdiction away from us. Give us 90 days in which to make a decision.

We do not like it any more than anyone else. In fact, if mergers are because of tax consequences rather than some other purpose, the Finance Committee should be looking at that.

We have already directed the Treasury to start working with the Joint Committee on Taxation, the staff of the Joint Committee, and our own staff. I serve notice that I hope that we vote tomorrow to preserve the jurisdiction of the committees.

Finance has a big role to play, Judiciary has a big role to play in antitrust, Energy has a big role to play. Give those committees an opportunity.

We are willing to report back in 90 days, maybe even less if we can do it. We have spent the last 30 days trying to put together the tax package and we have now completed that. It is my understanding that it will be on the floor, and then there is the Easter recess. So we need at least some time.

I can assure you, if you go back and look at the Finance Committee record, the statements made by Members who were present when we asked the Treasury to help us in this study, we are not going to be trying to do anyone any favors. We will be taking an objective look at the present Tax Code. And it seems to me that might be the better part of widsom, to give us some time. It is not that we have not been busy in our own right in the various committees.

So I hope tomorrow we may be able to vote not on a moratorium but on giving the committees of jurisdiction 90 days to complete our studies, to report our findings to the Senate, and then take appropriate action.

Mr. SYMMS. Mr. President, will the distinguished Senator from Kansas yield on that point?

Mr. DOLE. I am happy to yield.

Mr. SYMMS. I asked him to yield because of the interest he has as chairman of the Finance Committee.

But I think there is a point here that has not been brought out in the debate this afternoon that I think the Finance Committee should look at, and that is how many oil company mergers take place or have taken place because of the passage of the so-called windfall profit tax 2 or 3 years ago and what impact that has had on driving oil company managers to look elsewhere for other investments to make where there is a lower rate of taxation on the company.

If the chairman would not mind, I wish to ask unanimous consent to have printed in the RECORD an editorial that was in the Wall Street Journal yesterday entitled "Tax, Tax, Merge, Merge," pointing out how maybe we should investigate this.

This is why I appreciate the chairman's point of view here. I appreciate the speech that the Senator from Texas gave on this question.

What we are really saying is by acting on this on the Senate floor, somehow we, in the Senate, have been anointed and we know what is best and we know that this is all bad and somehow it is terrible and we are going to step in and interfere in the marketplace.

I hope that the Senate will table all of these amendments on this legislation and move forward with the very important supplemental appropriations bill because, after all, there is a

crisis in Central America and we know that is a crisis. There is money in this bill for that part of the world and here we are talking about how we know how to run the marketplace better than the marketplace knows without having had the proper committees of jurisdiction truly look into it.

So, I ask unanimous consent to have printed in the RECORD this editorial to which I have made reference.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAX TAX, MERGE MERGE

In the U.S. Senate's Great Crusade to ban oil mergers, a favorite argument is that the mergers will take money away from U.S. oil exploration. Our senators, naturally, blame the greed of Big Oil. But after looking at a few statistics and talking to some experts, we think any blame belongs with—the politicians. The people picking on Big Oil turn out to be the same ones who've taxed the industry so heavily that it has less incentive to explore in the oil patch and more incentive to search on Wall Street.

John Lichtblau's Petroleum Industry Research Foundation has just published a study showing that from 1980 to 1982, the U.S. oil industry paid taxes at a rate more than 60% higher than 200 big non-oil companies. The windfall-profits tax is the biggest culprit here, taking away from oil companies nearly $10 billion in 1982 alone. Each dollar taken in taxes, of course, is one less available for exploration. And because oil companies reinvest some 80% of their earnings, it's safe to assume that much of that windfall tax would go toward finding new oil.

Other taxes retard exploration more directly. State severance taxes, for example, extract money at the time of production, raising the costs of finding each new barrel. These taxes have soared in recent years: from 22 cents a barrel in 1974 to $1.50 in 1981, says Mr. Lichtblau. And no wonder: Many states rely on them for much of their income; after all, it's easier to bash Big Oil than it is to ask the voters for higher taxes.

Oil companies, like all companies, are also subject to double taxation on their profits. They pay once in corporate income taxes, and their shareholders pay again because of taxes on dividends. The result? A few oil companies have formed "royalty trusts" that distribute profits directly to shareholders, avoiding the corporate tax. The problem, of course, is that the company thus has no retained earnings to reinvest in exploration. Again, tax policy retards the search for new oil.

The total effect of these taxes, of course, is to reduce the return on a dollar invested in oil exploration. (And sure enough, as Mr. Lichtblau calculates it, taxes per dollar of oil revenue rose from 5.4 cents in 1974 to 13.4 cents in 1981.) That in turn makes it more desirable for oil companies to search elsewhere for oil that has already been discovered—and Wall Street is as good a place as any. At least it has fewer dry holes.

We've said before that the antimerger crusade is bad policy. But the tax figures suggest even more clearly that banning mergers would simply be treating the symptom of underlying economic trends, some of them the result of failed government policies such as the "windfall" profits tax. If Sens. Johnston and Metzenbaum and the other crusaders really want to increase oil exploration in this country, they wouldn't ban mergers. They'd lower taxes.

Mr. SYMMS. I thank the distinguished Senator from Kansas for yielding.

Mr. DOLE. I thank the Senator from Idaho.

I suggest that even after we have had hearings, and they will be very extensive hearings, we may not have an answer, but at least we will have facts. We will not be acting based on a resolution passed by the Attorney General's association. We are going to have hearings and try to put together facts that we can then look at in this body and make a judgment.

I hope that we have some credibility in our committee and I am certain the Judiciary Committee has credibility and the Energy Committee has credibility, as do the few people on this floor concerned about the impact of mergers.

So it would be my hope at the appropriate time we could offer an amendment that would preserve the jurisdiction of our various committees.

I see the distinguished ranking minority member of the Finance Committee in the Chamber. Senator LONG knows we already asked the Treasury and the Joint Committee staff and our committee staff to start looking at the tax consequences of merger activity, to determine whether or not it is motivated because of the tax system.

We would like to finish that. We would like to report to the Senate that, yes, there are provisions in the Tax Code that really energize mergers in the first place. If there are, they should be changed. That is not the purpose of the Tax Code.

I am just suggesting that maybe instead of adopting a moratorium which in effect is going to stir up a lot of activity and do a lot of things we are not certain of, the Senate should give us 90 days to get the facts. I guess even the fact that we had a 90-day deadline would have a lot of impact on merger activity over that period which will allow us to report to the Senate and hopefully have a legislative package if one is necessary.

We may determine nothing is necessary. But at least we will have a good look at it.

Mr. RUDMAN. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I am happy to yield to the former attorney general from New Hampshire, yes.

Mr. RUDMAN. Mr. President, I listened to my friend from Kansas, and he makes a very persuasive argument and, of course, no one among the sponsors that I know of would deny that the best place for the Senate to work its will is through the committee system.

Does not the Senator from Kansas have the concern that his committee might analyze this situation, come up with some very definite answers, if there are answers, if there are solutions, and find that by the time the Senate can come to act we have had three or four or five more major mergers? Certainly the Senator from Kansas is not suggesting, and I wish the Senator from Kansas to answer it for me if he could, that because congressional committees are studying a particular problem that is any particular brake on these predators and others who are seeking to take these companies over.

(Mr. GORTON assumed the chair.)

Mr. DOLE. I would be willing to suggest that may be a brake. It may not be a full brake, but I think it is going to slow things down. We are serious about what we are doing. We are not in concert with any company, anybody who may be taken over or anybody who wants to take over anyone. We did not check with the oil companies before we asked for the investigation by the Treasury and their assistance.

So it seemed to me that rather than say, "OK, we are going to have a moratorium, but we do not know what the impact of that is going to be," we ought to get the facts. Maybe the top 50 companies will be safe. But what about the next hundred companies? What about the independents? I do not have any large oil companies in my State. Some States do. It just seems to me that we will do it as quickly as we can and we might be able to do it in 75 days.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Louisiana.

Mr. JOHNSTON. It seems to me that, as I apply the time schedule to the practical schedule of the Senate, that this means: "Don't do anything this year. If we recommend anything, maybe we can deal with it next year." And here is the basis on which I say that:

First of all, this bill cannot pass through the whole system and get signed by the President in less than 2 weeks. That would be record time, I would think. So there you are well into April. Then you have 90 days from that point, which puts you into mid-June.

Let us say you make recommendations at mid-June. Then you have to introduce legislation and have committee hearings. If you do it in record time, then maybe you are ready to report to the floor by the first of July, at which time we go into recess for the conventions and basically come back for a few weeks in September.

Now, the Senator knows what the schedule in September is; that is, we are dealing with appropriation bills, with urgent must-pass legislation, and no controversial legislation ever passes

in September before you go out on October 4.

So are we not really saying, under the Dole amendment, that we will study this matter and whatever you want to do about it next year, sufficient unto the day is the evil thereof.

Mr. DOLE. I would offer one response to that. We could make legislation effective July 1. And I am willing to bet that once you introduce legislation with a July 1 effective date, even though it may not pass in July and it may not pass in August; it may pass in September, and I am willing to bet there will not be any merger activity during that period of time.

Mr. JOHNSTON. How will you get through the study process between now and July 1?

Mr. DOLE. I really believe that we are serious about what we are doing. I know the distinguished chairman of the Energy Committee is. I do not think you are going to see too much activity in the next 90 days.

Mr. McCLURE. Will the Senator yield?

Mr. DOLE. Yes.

Mr. McCLURE. I thank the Senator for yielding.

I think the Senator from Louisiana makes a good point, that, indeed, 90 days from now we would find it difficult to get legislation in the balance of the session. But I would say to the Senator from Louisiana that his amendment is a moratorium that expires even further into the legislative year and even more impossible to legislate at the end of that period. Therefore, if we are looking for permanent legislation, we have a much better chance to respond at the end of 90 days than we do at the end of 6 months.

Mr. JOHNSTON. If the Senator will yield, we have agreed, on the basis of suggestions by the Senator from Alaska, Mr. STEVENS, and the Senator from Missouri, Mr. DANFORTH, to move the date forward to require that the report be filed by January 1 of next year, with a moratorium to expire on March 1 of next year.

Mr. McCLURE. Of course—if the Senator will yield further—that has not yet been agreed to by the Senate to that change. I would very strongly urge that you not do that because whatever the uncertainty of moratorium is, and I would say to my good friend, the occupant of the chair at this moment, who a moment ago said that the danger of harm from a moratorium is hard to measure, it become even more hard to measure if we legislate now to make a 1-year moratorium. In effect, that is what we are doing. We are saying for the next year you cannot merge in the oil industry.

Mr. JOHNSTON. We have just been assured by the Senator from Kansas that there would be no merger in the next 90 days.

Mr. McCLURE. I would suggest to you if you have a moratorium until March 1 of next year, the difficulty of assessing the damage to the market system and to the energy industries is incalculably greater than if it is for a shorter period. I think the change the Senator has suggested, rather than being benign is very threatening.

Mr. DOLE. I yield to the Senator from Idaho.

Mr. SYMMS. I just want to make one observation on this colloquy, as I sat here and listened to it with interest. I say to my good friend from Louisiana that during the timeframe that we are talking about, when the so-called merger mania has been taking place that he expresses such concern about and the distinguished Presiding Officer and others in this Chamber have expressed concern about, what has happened to the price of liquid petroleum? It has gone down. It has not gone up. We have even added a few little taxes at the gas pump, both at the Federal and State levels, for the highway program and the price has actually gone down to the consumers. So I do not see what this burning problem is here.

Of all the problems we have of big deficits, a war in Central America, problems in the Middle East, here we are arguing about something that seems to me, if you just look at the record, has been working somewhat well compared with the other things the Federal Government has put its nose into.

I think in this particular case there is a good case that can be made for the consumers. But, God help us, maybe Congress will stay out of the way and the price will go down some more and encourage them to drill a few wells and take some of the taxes off of the oil wells. Maybe they will drill a few more wells and prices will go down some.

What we are doing is throwing a great big rock of impediment between domestic efficiency and domestic reserves when the big competition is in OPEC. That is where the competition is. That is where the price-fixing goes on. It is not going on here in the United States on domestic production.

These poor little guys out in Kansas, where the distinguished chairman comes from, they are punching the holes out there and getting a little oil. This lowers the price, not raises it. But we want to throw rocks in the road of them trying to do that. I just do not think there is any emergency here. What we ought to do is table all these suggestions and move on to the business of the country.

Mr. JOHNSTON. I submit to my good friend from Idaho that these are unrelated events, that is the price of crude oil and the mergers that have taken place. In the meantime, indeed, you could make the same argument that the windfall profit tax has caused the price of crude to go down. You understand I am opposed to the windfall profit tax. You could make the same argument because the price of crude has gone down.

Mr. SYMMS. I would say the windfall profit tax probably has brought about some of these mergers the Senator is concerned about.

Mr. LONG. Would the Senator from Kansas yield?

Mr. DOLE. Yes; I will yield in just 1 minute. I just wanted to make one comment. I really believe that we are offering a sensible, I will not say substitute, but hopefully an amendment in the second degree. It just confirms what we intend to do, in any event. We are going to go ahead whether we adopt the amendment or not. We are not trying to sweep anything under the rug.

I hope the Senator from Louisiana might see fit to incorporate this or just offer this substitute for his. I would be happy to cosponsor it. Then when I speak in New Orleans Friday to LAIPRO, I could tell them we are working together again.

I am happy to yield to the distinguished senior from Louisiana.

Mr. LONG. Mr. President, first let me say that this Senator had no knowledge what the amendment would be and he just looked at the amendment for the first time a moment ago after it was offered. But a thought does occur to the Senator from Louisiana. If the tax law is subsidizing such takeovers, then we definitely ought to look at that. If we really think that it is not a good idea and we think that something ought to be done about it, we can do it.

Where it becomes evident to all parties a transaction clearly abuses our tax laws and it is the Finance Committee that takes action that prevents the abuse, we do not usually regard that as being retroactive legislation.

We have done that type thing many times. And if we wanted to do so, that would not be regarded as retroactive legislation. We would have the privilege of doing that if we wanted to recommend it, and the Senate, if it wanted to act on it, could do so.

The way I understand it, correcting blatant abuses of the tax system is not something we ordinarily regard as retroactive legislation. In passing a tax cut, we do not regard it as retroactive to make the cuts effective on an earlier date. I do not see why we ought to regard it as retroactive to change the tax laws that may have fostered transactions that misuse benefits provided by our Tax Code.

We could certainly for our part recommend that we change the law in regard to mergers even though the mergers have already been agreed upon.

Mr. DOLE. I agree with the Senator from Louisiana.

Mr. LONG. I am not saying we should. I am saying it would be within our province to recommend it, if we wanted to.

Mr. DOLE. We could recommend it. If somebody properly used the Tax Code and already made the deal, I would not want them to do that, if there is a legal use of the code and it is beneficial. Obviously, that is not satisfactory as far as this Senator is concerned. Maybe we ought to change it for future transactions. That is why I suggest to the junior Senator from Louisiana even if we did not finish the legislation on July 1, if we made July 1 the effective date, then everyone who does anything after that date is on notice that they may be subject to that provision.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOLE. The junior Senator knows the tax law.

Mr. JOHNSTON. Would the Senator yield? The Senate Finance Committee has already made recommendations, at least one, with respect to mergers. You have legislation which has been reported out which provides that when a takee company pays dividends to a taker company that those may not be taxed at a concessionary level of 15 percent, but rather the entire 100 percent of the dividend income would be taxed at the ordinary rate, provided you can trace the loan used for the takeover. What would be the effective date of that amendment? Does the Senator know?

Mr. DOLE. No. I will have to check that. I am not certain. I think it is. We changed some of the effective dates at the last meeting. I will have to find out.

Mr. JOHNSTON. Along with what the Senator just said it would not be fair to go back and make that applicable to Texaco-Getty. They played by the rules at the time they made that acquisition. We are not going to deny them that tax benefit, I hope.

Mr. DOLE. I have a feeling the junior Senator knows the effective date. The Senator from Kansas will check the effective date. That was one of the abuses for which the Treasury recommended the little loopholes be closed.

Mr. JOHNSTON. I think the Senator makes a very good point. I hope my colleagues will take that point to heart; that is, when these companies go out and legally make their deal the rules should not be retroactively changed. Clearly, Texaco-Getty made a deal before we had even introduced our first amendment. Socal and Gulf have now made a deal. We have let them through the hoop. Also the same is true of Mobil-Superior. Should not those companies be able to have the benefit of the Tax Code as it existed at the time they made their deals and not go back and catch them retroactively? That is one of the strong bases upon which we exempted them from the amendment; that is, that they were complying with the laws applicable at the time. The reason we want to have a moratorium as opposed to a 90-day study is for the very reason that the Senator from Kansas stated. It is really not fair after the deal is done to go back and say, "Yes, but we got you. We are going to make this applicable to January 1." It is income in the taxable year because it basically chnages the chemistry of these deals.

Boone Pickens testified before our committee that if, for example, you denied the deductibility of interest, it would totally change the finances of the deal. I suspect that the taxing of a full 100 percent of dividends paid by the takee company to the taker company would change the deal. I do not know whether doing away with the ability to write up the basis of a takee company would do the same thing. The staff of the Finance Committee is very concerned about that.

You will recall that the Finance Committee after the United States Steel-Marathon takeover had to go back and legislate—I do not know whether it was retroactive or not—to close the loophole of selective adjustment of basis. Before we have these $51 billion of additional takeovers confected you ought to work your magic in the committee. I have confidence in that committee. We are not trying to take away jurisdiction. We are trying to breathe life into it while there is still time to fairly deal with the question of the tax consequences of takeovers.

Mr. DOLE. I will check the specific information. But there is a question of jurisdiction. it is not just Finance Committee jurisdiction. It is also the Judiciary as far as antitrust and Energy is involved, and there are many other aspects. Again, we are not trying to frustrate the purpose of the Senator's amendment.

It does appear to this Senator that you have already initiated action in our committee. Treasury has already undertaken a study, the joint committee staff has undertaken a study, and our own staff is busy trying to draft legislation. We are prepared to go to hearing on April 5, which is not very far away. I would hope that when a vote occurs on the amendment that I intend to offer—we do not have it quite finalized—maybe it can be satisfactory to the junior Senator from Louisiana, but I would hope at least those who are on those committees, Judiciary, Energy, and Finance, would give our committee an opportunity.

Some on the Finance Committee indicated they are going to vote not to table the Johnston amendment. It seems to me they ought to vote for this amendment. If we do not produce something in 90 days, I will probably be leading the charge with the distinguished junior Senator—maybe will be leading the charge. I do not say "probably."

Mr. JOHNSTON. Leading the charge to Dallas?

Mr. DOLE. Some charge. I yield the floor. I know the Senator from Wyoming wants to speak.

Mr. WALLOP. Mr. President, I have a couple of questions and maybe an observation to make. As I understand the amendment which the junior Senator from Louisiana and Senator RUDMAN are offering, it deals with the top 50 energy companies in lateral takeovers.

Mr. JOHNSTON. The Senator is correct.

Mr. WALLOP. Does it prevent any other individual or corporate entity from engaging in a takeover bid?

Mr. JOHNSTON. Yes. Those who had been involved with royalty trusts—owners of royalty trusts, who have been an owner of a royalty trust, an affiliate of a royalty trust, or acting in concert with a royalty trust—it prevents them from entering into a proxy fight for control of more than 5 percent of the top 50 oil companies.

Mr. WALLOP. But it would not, for example, prevent Du Pont from acquiring energy company X?

Mr. JOHNSTON. Yes.

Mr. WALLOP. How would it?

Mr. JOHNSTON. It would prevent anyone from acquiring control of 1 of the top 50 companies during the period of the moratorium. The way it reads is,

> Notwithstanding any other provision of law, it shall be unlawful for any person . . . to acquire control of a substantial energy reserve holder—

That is, the top 50 companies—

> through a purchase of voting securities or assets or a merger after March 21, 1984.

Mr. WALLOP. It would still seem to allow a nonenergy entity to acquire a significant interest, but I would say to my colleague that the problem that I have with this approach is it does nothing to allay the underlying problem that exists. What makes the takeover world an attractive place is that through management, good or bad, through markets, good or bad, through the tax laws, good or bad, the underlying reserves of these companies are attractive and very undervalued. What the Senators are doing is saying to those stockholders—which includes teachers' pension funds, union retirement funds, individual retirement accounts, and all kinds of other individual entities, but all of which essentially relate to the "small investor" in this country—are not entitled to the underlying value of their stock.

Mr. JOHNSTON. I think the Senator's question is a good one. It does not say that. First of all, it says we are going to delay while we study the problem. But during that study time we can examine the question of whether or not there is, in fact, under today's tax code, a massive subsidy encouraging takeovers. I think the Tax Code does so provide. For example, in the Socal-Gulf merger, they used tax advantages to finance a loan of $13.2 billion. All the interest on the borrowed $13.2 billion paid to domestic banks is tax deductible at the rate of 46 percent.

Mr. WALLOP. All the interest collected by those banks is taxable. So it is a wash. What is a tax deduction on one side is a tax obligation on the other side.

Mr. JOHNSTON. But that is not the point. These deductions are an encouragement to the takeover, in this case, Socal. The other half of the interest cost, which is not tax deductible, is reimbursed by the 7-percent dividend. Gulf is now paying 7-percent dividend and 85 percent of that is tax free under another provision of the Tax Code. The Finance Committee has already reported a bill which would do away with the concession to the takeover company. It is not now the law. It is one of the reasons we want to stop these mergers in their tracks for a while; so we can study the effect of the Tax Code. There are other provisions dealing with the writeup of asset values, particularly reserves. The Tax Code treats a liquidation basically as a nontaxable event. For example, Getty reserves can be written up by Texaco under the Tax Code, as I understand it, even though Texaco has agreed not to do so. I do not know how they agreed not to do it. But, in any event, these are tax provisions of enormous consequence involving billions of dollars.

Mr. WALLOP. And there are the other tax consequences which mean billions of dollars to the U.S. Treasury in capital gains. The Treasury stands to reap some $2.25 billion off the Socal deal alone.

Mr. JOHNSTON. I have not heard $2.25 billion.

Mr. WALLOP. I believe you will find it is $2.2 billion.

Mr. JOHNSTON. We cannot affect Socal-Gulf.

Mr. WALLOP. I understand that. But what bothers me about the approach of the Senator is that I have heard no speaker deny that the underlying reserves of Gulf were so undervalued that the attraction existed no matter who it was. Whether it was Boone Pickens and the Gulf investors group, or Socal, or a number of others who were interested in the same thing. Stockholders are entitled to the value of the stock in the marketplace in which it exists.

Mr. JOHNSTON. I know, but James Lee, the CEO of Gulf, who testified against my amendment, testified that the stock of Gulf would have been written up to its appropriate price, maybe not quite as quickly as under the Pickens tender offered at $65.

Mr. WALLOP. There is no precedent in the world on which he can base such a statement.

Mr. JOHNSTON. I am just telling the Senator what he said.

Mr. WALLOP. If that is what he said, then he is submitting to the same kind of management that made Gulf attractive in the first place, which is lousy management, as it has been viewed by people in the investment community.

Mr. RUDMAN. There has been a lot of discussion on the relative merits of how much money is moving in which part of the economy. The Senator from Wyoming originally stated his question, that it really was not getting at the underlying cause. I submit that he is absolutely correct—that underlying cause presently. But under a number of these transactions that took place over the last 5 years, groups who acquired these companies with large reserves were not necessarily part of the upper echelons of the oil industry.

What we see happening today because of the predatory practices, if you wish to use that term, is companies like Gulf running to Socal. After all, it takes a large company to run to if you are a Gulf.

The problem we then see—and there has been debate on it here and there has been testimony before the Judiciary Committee—is that, under certain circumstances, we can see in the next 6 or 8 months a concentration of reserves, 50 or 60 percent, in six or eight merged companies. That creates some enormous problems that we think should be looked at.

All we are saying is that we do not know what the answers are, but if we do nothing, this might happen. Then, I submit to the Senator, we cannot undo it, nor should we.

Mr. WALLOP. I wish the Senator had half as much enthusiasm for developing the reserves of this country which lie offshore as he has for limiting access to reserves within the oil community as it exists.

By individual moratorium that has nothing to do with committee action, we have systematically put millions and millions of the most productive land this country has to prospect off limits, working solely from emotional criteria. We have done it in Florida, California, on the upper west coast, off the coast of New England, and in the Great Lakes. We have endless inhibitions in the way of developing even those prospects we have found.

Curiously, Chevron's Santa Barbara field is going to be over 9 years between the discovery and the first production.

The way to make these takeovers less attractive is to provide access to resources this country has, not to prevent internal transactions within the industry. Make it more attractive to prospect. What we are doing now is simply taking the assets stockholders have a right to expect in a free market and saying, "Don't do that any more."

It is a very awkward and half-handed way of approaching a problem that is far greater than just a moratorium on mergers.

In effect, what you are doing is denying the country the benefits of the efficiencies that can come from these mergers and making it more attractive for people outside the industry to acquire these reserves than people inside.

I hope the Senate sees fit to wait for the hearings I will hold next week. I believe it is an issue that should be studied. It is not an issue that should permit a flamboyant reaction before we know what the consequences of the action the Senate might take in what clearly are more emotional than logical circumstances.

I yield the floor.

Mr. JOHNSTON. Mr. President, I have referred to testimony of James Lee, chief executive officer of Gulf, before the Committee on the Judiciary, a couple of weeks ago. I ask unanimous consent that that exchange be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator SPECTER. Senator Johnston?

Senator JOHNSTON. Thank you, Mr. Chairman.

Mr. Lee, I want to congratulate you on your choice of a "white knight." I think you picked a good company with a good chairman, and if anybody can make a good deal of it, Socal can.

I know, Mr. Lee, that you were aware of the problems of the undervaluation of Gulf's stock and were engaged in an ongoing program to put Gulf back on its feet. I think you fired some 14,000 employees in order to get lean and mean; is that about right?

Mr. LEE. Well, we are probably about 13,000 or 14,000 less than we were a couple years ago. Not all of them were fired. Some of them went with vested businesses.

Senator JOHNSTON. Right. But in other words, you had an ongoing program to put Gulf back in a better dividend situation to get the value of the stock up?

Mr. LEE. Yes, sir.

Senator JOHNSTON. Had you been given time, do you think you could have done that in the interest of the stockholders?

Mr. LEE. Well, we have made a lot of progress, and we think we would have made a lot more, yes. I think we could have, over a period of time, gotten our stock price up, certainly, from where it was, and moved it on up. That was our intention. And I believe we were making good progress, and we had every reason to believe that we would continue to make progress in that respect.

Senator JOHNSTON. All right.

You resisted the attempts of Mr. Pickens because you really believed that you could operate that company in the interest of the stockholders, and of the country, indeed, better than he could in liquidating the company; did you not?

Mr. LEE. Yes. We resisted the efforts—particularly, we fought over the royalty trust in our proxy fight, and our concern there was that the individual shareholders were disadvantaged compared to the corporate shareholders, plus the fact that it really would be a liquidation strategy, and that was the furthest thing from our mind.

Senator JOHNSTON. Now, with a company with almost 3 billion barrels of reserves—and how much cash flow did you have?

Mr. LEE. Three billion dollars, roughly.

Senator JOHNSTON. A company of that size, you did not feel like it was too small, back, let's say before the Pickens takeover; you thought it was adequate to drill on the Outer Continental Shelf; I think you were in the nuclear business, and I think you were in some other energy businesses. I think maybe even the coal business. You thought the company was adequate in size at that time, didn't you?

Mr. LEE. Yes, sir, I would say so.

Senator JOHNSTON. And before the Pickens attempt, you had not been out, looking for "white knights," even as likable and as capable as Mr. Keller is; you thought you could do very well with Gulf on its own, located in Pittsburgh, as you were, with your program ongoing—didn't you feel that way?

Mr. LEE. I felt like we were making very good progress, yes, sir.

Senator JOHNSTON. And so, the attempt to get Socal and Mr. Keller and your "white knight" was brought on solely because of what has been described as a predatory takeover attempt by the Pickens group; isn't that correct?

Mr. LEE. That is correct, sir.

Senator JOHNSTON. And isn't it also a fact that you would still be here today, testifying that Gulf can better be operated by Jim Lee and company, in Pittsburgh, Pennsylvania as Gulf Oil, but if you never had had that takeover attempt, you would be here defending Gulf Oil, its integrity, its efficiency, its long-term plans, its place in the market, were it not for the predatory attempt to take your company over.

Mr. LEE. Yes, sir. We were faced with an actual tender offer at $65 a share, and we had to respond to that.

Senator JOHNSTON. Right. Now, if that is so, I think it also follows that you do not think that predatory attempt was in the national interest, and certainly not in the interest of Gulf or Gulf's shareholders, do you?

Mr. LEE. I do not believe it was, no sir.

Senator JOHNSTON. Well, shouldn't we do something about that?

Mr. LEE. I think if you did, you would be addressing the real problem. I do not think the real problem here is the merger of Gulf and Socal. I think that is the result of the problem that you are speaking of.

Senator JOHNSTON. And am I wrong when I say that this, what I have described as a hurricane, or a whirlwind, or a mergermania, that is now $29 billion pending, that it is likely to sweep companies like Phillip-Sun, Amerada-Hess, Union-Cal, Kerr-McGee, Texas Eastern, et cetera? Am I wrong to think that the same thing that happened to you may happen to them?

Mr. LEE. I would think it could, and I think that some of them think it could, too.

Senator JOHNSTON. And if we have $29 billion worth of these deals hanging fire now, and at least in your case, the attempt by the Pickens group was not in the national interest, not in your stockholders' interest, not in anybody's interest, and we have got all these others, which add up to $50 to $100 billion, that means that we really ought to do something about it. I guess I am asking the same question over again, and I guess the answer is "Yes" again.

Mr. LEE. I think if you did, sir, you would be getting to the root of the problem.

Mr. DOLE. Mr. President, I would just like to comment briefly on the provisions of this urgent supplemental as they relate to providing emergency food assistance to a number of drought-stricken countries in sub-Saharan Africa. This critical situation has been growing steadily worse for the last several years, with thousands of Africans dying every year and literally millions living on a bare subsistance level. Under these conditions, it has become impossible for the United States and other countries with humanitarian interests in that part of the world to make much progress in long-range development planning.

I think it is fair to say, Mr. President, that the immediacy of the African drought crisis was brought home to many of us through the personal concerns and efforts of the distinguished Senator from Missouri, Senator DANFORTH. During the congressional recess in December and January, Senator DANFORTH traveled extensively in countries in sub-Saharan Africa to see firsthand the ravages of hunger and malnutrition. It has been, in large measure, through his eyes that some of us have recognized the importance of getting additional food aid moving now rather than waiting for the next regular appropriations bill. I would like to commend the Senator from Missouri for his contribution, and identify myself with his forceful leadership in this area.

Mr. President, this urgent supplemental conference report will make an additional $90 million in food donations available to African countries under title II, the donations program, of Public Law 480. It would also accept the House language making a further $90 million in stocks of the Commodity Credit Corporation available for sale on a competitive bid basis or barter. If stocks are insufficient, the Secretary of Agriculture could direct the CCC to purchase additional quantities of foodstuffs to meet emergency requirements.

These increments to the overall U.S. food assistance program are of vital importance in relieving the desperate situation for millions of Africans suffering the effects of a long drought. They are also important to American farmers who are suffering the opposite and ironic problem of large and growing agricultural surpluses. There is invariably some domestic criticism any time Congress or an administration proposes to increase U.S. economic assistance overseas. Foreign aid programs are usually among the first to be cut in the name of fiscal austerity. But I would also suggest that there is something inherently right and natural about trying to match our tremendous agricultural abundance and the productivity of our farmers to the equally tremendous food deficit in developing countries and the critical needs of their peoples.

It was in recognition of this inherent relationship that the food for peace program, or Public Law 480, was conceived and implemented almost 30 years ago, on July 10, 1954. Under the leadership of President Eisenhower, and with the bipartisan support of every President and Congress since then, Public Law 480 has come to represent the best in America to literally millions of its beneficiaries overseas. And it has also come to represent the best in America to many of our own people who understand that, without a willingness and even an eagerness to contribute, to help and, when necessary, to sacrifice, no nation can aspire to be truly great.

Thank you, Mr. President.

INTEREST RATE AND TAX IMPLICATIONS OF OIL MERGERS

Mr. HATCH. Mr. President, Standard Oil of California's announcement that it intends to pay $13.2 billion for the Gulf Corp. has set up a wave of negative comments about the impact of this merger on credit markets and the Federal budget deficit. Critics contend that credit demands will increase as a result of Socal's financing of the Gulf transaction. The consequences, it is reasoned, will be an increase in credit demands, higher interest rates and a slowing in economic activity.

Another criticism of the purchase focuses on the effect of the merger on Federal tax collections and the Federal deficit. Since the interest expense resulting from the Socal merger can be deducted from taxable income, tax revenues—in the critics view—would be depressed and taxpayers in effect would be subsidizing the borrowing associated with the merger.

This brief paper intends to show that the Socal-Gulf merger will have—at most—only a negligible effect on interest rates and on the deficit. Indeed, the study demonstrates that the deficit actually might decline because of the increase in household net worth resulting from the acquisition.

EFFECT ON CREDIT MARKETS AND INTEREST RATES

Credit flows: Socal's purchase of Gulf will have little if any effect on interest rates. The purchase is a purely financial transaction where one financial asset—cash—is exchanged for another financial asset—corporate equity. To be sure, in the first in-

stance, the borrowing by Socal would increase credit outstanding in the financial system. But following Socal's purchase, shareholders likely would take the proceeds and pay off existing debts or purchase other financial assets.

Some shareholders, of course, might decide to spend some of the proceeds. But the effect on credit markets is likely to be negligible. The Federal Reserve's MPS econometric model suggests that only a small portion of any increase in net worth will be spent by consumers. Thus it is likely that most of the Socal payment will be used to retire existing debt and purchase other assets. This means that the net increase in the demand for credit arising from the transaction will be almost totally offset by an increase in the net supply of credit. The effect of the transaction on interest rates, therefore, should be very small.

Small transaction relative to credit totals: The $13.2 billion Socal-Gulf merger may seem large in absolute terms but the transaction is very small when placed in the context of total credit demands. As can be seen in table 1, the $13.2 billion in Gulf obligations to its shareholders represents only 0.7 percent of the total nonfinancial business debt outstanding at the end of 1983. In addition, Socal's borrowing through the issuance of commercial paper and bank loans comprises only 2.4 percent of the total amount of credit expected to be raised by domestic nonfinancial sectors during 1984.

But even this overstates the effect of the proposed merger on total outstanding debt. This is because a portion of the proceeds would be used to extinguish outstanding debts of the original Gulf shareholders. At the same time, reflecting an increase in their net worth, shareholders may pay down a portion of their other debts.

THE IMPACT ON TAXES AND THE DEFICIT

Some critics contend that small taxpayers are subsidizing these mergers, since the interest associated with any merger financing can be deducted from taxable income. This argument, however, fails to recognize that interest expense for one party—Socal—represents interest income to another party which, of course, is subject to taxation.

Critics also argue that banks have a lower effective tax rate than the oil companies and thus taxes on their interest income do not match the revenue loss associated with the oil companies' interest deduction. Such an argument, however, fails to recognize that banks raise funds by issuing liabilities—certificates of deposits, time deposits, et cetera. Hence, any interest paid by the banks represents interest earned by their depositors, who in turn must pay taxes on this income. While the bank's effective tax rate may be lower than the oil companies, it is doubtful whether it is lower than the effective tax rate faced by U.S. savers.

If, in addition, the new company that springs forth from the Socal-Gulf merger is more efficient than the two old firms, then the tax liabilities of the new firm may be equal to or greater than the sum of the tax liabilities of Socal and Gulf alone. Thus, given that tax liabilities of the original owners of Gulf are higher owing to their expanded net worth, the possibility exists that total tax liabilities will be higher and deficits lower as a result of the merger.

CONCLUSION

The Socal-Gulf merger is likely to have a minimal effect on credit markets since the transaction merely represents a financial exchange in which Socal's borrowed funds pass swiftly to the shareholders of Gulf. These proceeds can be used to repay debt or to buy other financial assets. The net effect is that the increase in credit demands is almost fully offset by a rise in the supply of credit. Interest rates, therefore, should hardly be affected by the transaction.

In addition, the effect of the merger on the deficit is likely to be constructive since any interest deduction is offset by interest income, and the increase in net worth accruing to Gulf shareholders as a result of the merger should increase tax liabilities.

I ask unanimious consent that certain tables may be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—*Gulf obligations as percent of business debt outstanding, 1984*[1]

	Billions
Socal-Gulf transaction	$13.2
Total business debt outstanding	[1] 1,985.6
Tax-exempt bonds	91.8
Corporate bonds	461.0
Mortgages	632.6
Bank loans	511.5
Other loans	288.7
Socal transaction as percent of total	.7

[1] Estimate for 1984 based on assumption that growth of debt is at the middle of the Fed's 8 to 11 percent target range for domestic debt.

TABLE 2.—*Socal borrowing as percent of domestic nonfinancial borrowing, 1984*

	Billions
Socal Borrowing	$13.2
Total Domestic nonfinancial borrowing	[1] 557.9
U.S. Government	180.0
Tax-exempt	47.1
Mortgages	201.3
Corporate bonds	12.0
Nonfarm business borrowing	44.4
Consumer credit	59.1
All other credit	14.0
Socal borrowing as percent of total	2.4

[1] Estimates consistent with Federal Reserve target of 8 to 11 percent growth for 1984.

TABLE 3.—*Socal transaction as percent of total domestic nonfinancial debt outstanding, 1983* [1]

	Billions
Total domestic nonfinancial debt outstanding	[2] $5,219.0
U.S. Government	1,177.9
Private nonfinancial	4,041.0
Household	1,832.2
Nonfinancial business	1,813.3
State and local government	395.5
Socal transaction	13.2
Socal as percent of total	.25

[1] End of period.

[2] Source: *Flow of funds accounts*, Board of Governors Federal Reserve System, February 1984.

TABLE 4.—*Socal borrowing as pecent of business borrowing, 1984*

	Billions
Total business credit demand	[1] $172.4
Tax-exempt bonds	8.0
Corporate bonds	40.0
Mortgages	54.9
Bank loans	44.4
Other loans	25.1
Socal transaction	13.2
Socal as percent of total	7.6

[1] Estimates consistent with Federal Reserve targets of 8 to 11 percent for 1984.

TABLE 5.—*Socal purchase as percent of corporate equities outstanding, 1984* [1]

	Billions
Total market value of corporate equities	[2] $2,150.8
Mutual fund shares	129.4
Other equities	2,021.4
Socal purchase	13.2
Socal as percent of total	.6

[1] End of 1984 value.

[2] Source: Flow of funds accounts, Board of Governors Federal Reserve System, February 1984.

Mr. JOHNSTON. Mr. President, I do not see anyone else on the floor asking for debate, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on House Joint Resolution 493 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Mar. 22, 1984.)

Mr. HATFIELD. Mr. President, the conference committee met on this matter last Thursday afternoon. Funding for the low-income energy assistance program was not at issue, since the same amount of $200 million had been provided by both Houses. Our discussion centered around the Senate amendment relative to the Public Law 480 program. The conferees reached agreement on an amount of $90 million for title II of Public Law 480, and up to $90 million through the Commodity Credit Corporation, for a total of up to $180 million for famine relief in Africa.

Both the $200 million for low-income energy assistance and the supplemental for famine relief are urgently needed, and I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I wish to thank again the Senator from Mississippi, the ranking minority member of the committee, for his cooperation.

Mr. President, I yield the floor at this time.

MEASURES INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 713, S. 2102, a bill to charter the National Academy of Public Administration, and Calendar No. 724, Senate Joint Resolution 263, a joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week" be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 726, which is House Joint Resolution 432; Calendar No. 727, which is H.R. 3249; and Calendar No. 728, which is S. 2478, be considered en bloc.

Mr. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARKINSON'S DISEASE AWARENESS WEEK

The joint resolution (H.J. Res. 432) designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

The bill (H.R. 3249) to charter the National Academy of Public Administration was considered.

Mr. THURMOND. Mr. President, I rise today in support of H.R. 3249, to grant a Federal charter to the National Academy of Public Administration.

The National Academy is a nonprofit collegial society composed of 300 distinguished scholars and practitioners in the field of government management, who are elected by their peers and who are representative of all levels of American government. Among its members are the distinguished Senator from Indiana (Mr. LUGAR), the distinguished Senator from Washington (Mr. EVANS), and the distinguished Senator from New York (Mr. MOYNIHAN).

Since its inception in 1967, NAPA has conducted more than 135 separate studies and projects for almost every major Federal department and agency, for the Congress, and for cities and States. It has emerged as a trusted source of counsel on public management matters for Government agencies and officials.

The Committee on the Judiciary has determined that NAPA meets the minimum standards for the granting of Federal charters and that the legislation for the granting of the charter does not authorize any additional budget authority for 1984 other than that already available. Any fiscal year 1984 costs incurred from the bill would be absorbed from existing funds.

Granting a Federal charter to the National Academy of Public Administration by Congress would recognize the contributions of the organization in promoting excellence in Government.

I urge my colleagues to join me in supporting the passage of H.R. 3249.

Mr. EVANS. Mr. President, as a member of the National Academy of Public Administration, I am honored and pleased to join my colleagues in urging your support in granting the National Academy a much-deserved Federal charter.

The National Academy was founded in 1967, when James E. Webb, then administrator of the National Aeronautics and Space Administration, brought together 18 former presidents of the American Society for Public Administration to establish the National Academy of Public Administration as a nonprofit collegial society. The goal established by Mr. Webb in 1967 still holds true today—to create a trusted and experienced source of counsel on sensitive public management matters for Government agencies and officials that would, at the same time, serve as a powerful independent supporter and promoter of superior strategies for making our Government work better.

Today, the unique resource of the National Academy is its membership, composed of approximately 300 practitioners and scholars in the field of public administration—former Cabinet members and Governors; Congressmen who once were administrators; present and former White House officials; successful business executives who have served in government; and professional government managers and scholars specializing in public affairs. Like the other national professional academies in science and engineering, the National Academy's members are elected by their peers and are representative of all levels of American government.

The National Academy selects its members and focuses its work with a view toward its basic function of identifying and supporting sound approaches to the implementation of government programs. The academy is not a partisan organization nor a think tank, but is in the business of providing information to our public officials of today which will lead to making the most of government resources.

The National Academy has conducted studies and performed services for all three branches of the Federal Government. In 1979, I had the good fortune to work with past White House officials, Cabinet members, and other distinguished public administrators, from as long ago as the Roosevelt administration, in the development and publication of "A Presidency for the 1980's." This report presented specific recommendations on how the Presi-

dent as the top manager of the Federal Government can make effective use of the office as "a complete process of democratic government that is fit to meet the challenges of the 1980's and beyond." This publication was used by the Reagan White House as a major source in directing its initial organization.

I urge your support for the grant of this charter, for an organization whose sole interest is the promotion of public service, the enhancement of the effective working relationships between the public and private sectors, and the restoration of confidence in our institution of government.

The bill (H.R. 3249), ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF AUTHORITIES FOR THE EXPORT ADMINISTRATION ACT

The bill (S. 2478) to extend the authorities under the Export Administration Act of 1979 until May 16, 1984, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Export Administration Act of 1979 is amended by striking out "March 30, 1984" and inserting in lieu thereof "May 16, 1984".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 2271

Mr. STEVENS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 2271, a bill to authorize the transfer to the Smithsonian Institution without reimbursement of the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes, and it be jointly referred to the Committee on Environment and Public Works and Rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DISCHARGING RULES COMMITTEE FROM FURTHER CONSIDERATION OF SENATE RESOLUTION 355

Mr. STEVENS. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of Senate Resolution 355, a resolution authorizing the printing of additional copies of volume 1 of the Senate report entitled "Developments in Aging: 1983," and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DISCHARGING THE ENERGY COMMITTEE FROM FURTHER CONSIDERATION OF S. 2459

Mr. STEVENS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2459, to authorize appropriations for Department of Energy for national security programs, and it be referred to the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I wish to inquire of my good friend, the distinguished Democratic leader, if there would be any objection to going into executive session for the purpose of considering nominations on the Calendar Nos. 514, 517, 524, 525, 527, 528, and 529.

Mr. BYRD. Mr. President, there is no objection on this side to proceeding with Calendar Order Nos. 524, 525, and 528, and the nominations placed on the Secretary's desk in the Foreign Service.

Mr. STEVENS. I thank my good friend.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering nominations on the Calendar Nos. 524, 525, and 528.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. STEVENS. Mr. President, I ask unanimous consent that those nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. The nominations will be stated.

THE JUDICIARY

The legislative clerk read the nomination of Robert R. Beezer, of Washington, to be U.S. circuit judge for the Ninth Circuit; and the nomination of Neal B. Biggers, of Mississippi, to be U.S. district judge for the Northern District of Mississippi;

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of John W. Stokes, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY ACT AMENDMENT

Mr. SPECTER. Madam President, the Senate will shortly be called upon to act on legislation to amend the Bankruptcy Act. We must act on this legislation by March 31, 1984 in order to avoid a complete breakdown of our bankruptcy court system. On March 31, 1984, the interim emergency rule under which the bankruptcy courts have been operating in the wake of the Supreme Court's decision in *Northern Pipeline Construction Company* v. *Marathon Pipeline Co.*, 458 U.S. 50 (1982) expires. In the Marathon case the court held that article I, nontenured bankruptcy judges could not constitutionally be vested with the same power as article III judges, unless they were accorded the article III protections of life tenure during good behavior and no salary reduction while in office.

I consider this issue a matter of paramount national importance. On the very first day of this Congress I introduced legislation to deal with the constitutional problems of the 1978 Bankruptcy Act. I stated then, as I do now, that it is essential that the status of our bankruptcy courts be clarified so that the validity of hundreds of thousands of proceedings and bankruptcy orders cannot be drawn into constitutional question.

The Senate has previously acted on a bankruptcy bill, S. 1013, which was passed some time ago. Last week the House also acted, passing H.R. 5174, which is now being held at the desk. As passed by the House, H.R. 5174 is very close to S. 1013 on the critical matter of the tenure and status of bankruptcy judges and many other technical changes to the Bankruptcy Act. Efforts are now being made to work out an arrangement between the House and Senate without the necessity of a joint conference. Because of the March 31, 1984 deadline it is highly desirable that this effort succeed.

There is one significant difference between H.R. 5174 and S. 1013 on which I wish to make a brief comment. On February 22, 1984 the Supreme Court handed down its decision in *NLRB* v. *Bildisco and Bildisco* (No. 82-818). In Bildisco the Court held that a debtor in bankruptcy did not have to bargain with the union representing its employees prior to repudiating a collective bargaining agreement and that the test for court approval of such a repudiation was not the stringent test set forth in *Brotherhood of RY. and Airline Clerks* v. *REA Express, Inc.* 523 F.2d 164, 167-69 (2d Cir. 1975), cert. denied, 423 U.S. 1017 (1975) under which the debtor was required to show that repudiation was necessary to permit the reorganization to succeed. Instead, the Supreme Court adopted the approach of the Court of Appeals for the Third Circuit under which the standard is whether the collective-bargaining agreement is burdensome to the estate and the balance of the equities favors repudiation.

The House bill would, essentially, reinstate the REA Express standard and codify it in the act.

Contrary to the Supreme Court's decision in Bildisco, it is my view that it has been, and should be, the intent of Congress that the employer has a duty to bargain with the union prior to repudiating a collective bargaining agreement. Such an obligation does not place an unreasonable burden on employers. Agreements should be respected unless there are powerful reasons to invalidate them. There is no specification in the Bankrupcty Act which overrides the provisions of the National Labor Relations Act which requires an employer to bargain with a union representing its employees before unilaterally acting to alter the terms and conditions of employment of employees in the bargaining unit. As a matter of public policy, it is my view that the obligation to bargain should remain in effect.

On the question of the standard to be applied to determine where repudiation should be permitted, there is room for difference of opinion. In Bildisco, the Court held that the test should be more stringent than the business judgment rule normally applied to commercial arguments, but that the REA Express test requiring a showing that the reorganization might fail unless the collective-bargaining argument was rejected was too stringent and would defeat the intent of the Bankruptcy Act. The Court adopted what is essentially an intermediate approach.

In my view, our national policy in favor of collective-bargaining agreements, should lead us, as a matter of public policy, to require more than a mere tipping of the scales slightly in favor of the debtor who seeks to abrogate an agreement. The debtor should be required to make a substantial case for repudiation of a collective bargaining agreement. Otherwise there is too much danger that repudiation will occur without a showing of real necessity. I also point out that the Solicitor General took the position in Bildisco that the REA Express test was the appropriate way to accommodate the policies underlying the National Labor Relations Act with the Bankruptcy Act. I am inclined, therefore, to favor the language in the House bill on this question, although there is room for compromise on this issue.

Above all, I want the record to reflect my belief that the Senate should consider the provisions in the House bill dealing with the repudiation of collective-bargaining agreements and that these provisions should not stand as an obstacle to passage of a bill by both Houses before the March 31 deadline even though some compromise may be warranted.

So that the important court decisions may be readily available to my colleagues as time draws near for decision on this important question, I ask unanimous consent that the Supreme Court's Bildisco decision, as well as the second circuit court of appeals Railway Express decision, be printed in the RECORD.

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

Supreme Court of the United States

SYLLABUS

NATIONAL LABOR RELATIONS BOARD v. BILDISCO & BILDISCO, DEBTOR-IN-POSSESSION, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 82-818. Argued October 11, 1983—Decided February 22, 1984*

Section 365(a) of the Bankruptcy Code (Code) provides that, with certain exceptions, the trustee, subject to the Bankruptcy Court's approval, may assume or reject "any executory contract" of the debtor. In April 1980, respondent debtor (hereafter respondent), a building supplies distributor, filed a voluntary petition in bankruptcy for reorganization under Chapter 11 of the Code, and was subsequently authorized by the Bankruptcy Court to operate the business as a debtor-in-possession. At the time the petition was filed, some of respondent's employees were represented by petitioner Union with whom respondent had negotiated a collective-bargaining agreement that was to expire in April 1982. Beginning in January 1980, respondent failed to meet some of its obligations under the agreement, including the payment of health and pension benefits and the remittance to the Union of dues collected, and in May 1980 respondent refused to pay wage increases called for in the agreement. Thereafter, respondent requested and received permission from the Bankruptcy Court to reject the agreement, and the Union was allowed 30 days in which to file a claim for damages stemming from the rejection. The District Court upheld the order. In the summer of 1980, the Union filed unfair labor practice charges with the National Labor Relations Board (Board), which found that respondent had violated §§ 8(a)(5) and 8(a)(1) of the National Labor Relations Act (NLRA) by unilaterally changing the terms of the collective-bargaining agreement and by refusing to negotiate with the Union, and ordered respondent to make the pension and health contributions and to remit dues to the Union.* Consolidating the Union's appeal from the District Court's order and the Board's petition for enforcement of its order, the Court of Appeals held that a collective-bargaining agreement is an executory contract subject to rejection by a debtor-in-possession under § 365(a) of the Code: that the debtor-in-possession's authority to seek rejection of the agreement was not qualified by § 8(d) of the NLRA; but that to obtain rejection a debtor-in-possession must show not only that the agreement burdens the estate but also that the equities balance in favor of rejection. The case was remanded to the Bankruptcy Court for reconsideration in light of this standard. The Court of Appeals refused to enforce the Board's order, rejecting the Board's conclusion that respondent, as a debtor-in-possession, was the alter ego of the prepetition employer, and holding that under the Code a debtor-in-possession was deemed to "new entity" not bound by the debtor's prior collective-bargaining agreement.

Held:

1. The language "executory contract" in § 365(a) of the Code includes collective-bargaining agreements subject to the NLRA, and the Bankruptcy Court should permit rejection of such an agreement under § 365(a) if the debtor can show that the agreement burdens the estate and that the equities balance in favor of rejection. Pp. 6-12.

(a) Any inference that collective-bargaining agreements are not included within the general scope of § 365(a) because they differ for some purposes from ordinary contracts is rebutted by § 365(a)'s statutory design and by the language of § 1167 of the Code expressly exempting from § 365(a) collective-bargaining agreements subject to the Railway Labor Act. The failure to grant a similar exemption to agreements subject to the NLRA indicates that Congress intended 365(a) to apply to all collective-bargaining agreements covered by the NLRA. Pp. 6-8.

(b) Because of the special nature of a collective-bargaining agreement, and the consequent "law of the shop" that it creates, a

*Together with No. 82-852, Local 408, International Brotherhood of Teamsters, Chauffers, Warehousemen & Helpers of America v. National Labor Relations Board et al., also on certiorari to the same court.

somewhat stricter standard than the "business judgment" standard, applied to authorize rejection of an ordinary executory contract should govern the Bankruptcy Court's decision to allow the rejection of a collective-bargaining agreement. But a standard that would require respondent to demonstrate that its reorganization will fail unless rejection is permitted is at odds with the flexibility and equity built into Chapter 11 and subordinates the multiple, competing considerations underlying a Chapter 11 reorganization to the issue of whether rejection of the agreement is necessary to prevent the debtor from going into liquidation. Pp. 8–10.

(c) Before acting on a petition to modify or reject a collective-bargaining agreement, the Bankruptcy Court should be pursuaded that reasonable efforts to negotiate a voluntary modification have been made and are not likely to produce a prompt and satisfactory solution. If the parties are unable to agree, a decision on the rejection of the agreement may become necessary to the reorganization process. But since the policy of Chapter 11 is to permit successful rehabilitation of debtors, rejection should not be permitted without a finding that the policy would be served by such action. Determining what would constitute a successful rehabilitation involves balancing the interests of the debtor, creditors, and employees, and in striking the balance the court must consider not only the degree of hardship faced by each party but also any qualitative differences between the types of hardship each may face. Pp. 11–12.

2. A debtor-in-possession does not commit an unfair labor practice when it unilaterally rejects or modifies a collective-bargaining agreement before formal rejection is approved by the Bankruptcy Court. Pp. 12–19.

(a) To hold that the debtor commits an unfair labor practice under such circumstances would undermine whatever benefit the debtor otherwise obtains by its authority to request rejection of the agreement. The difference between a Chapter 11 reorganization, wherein the debtor-in-possession has until a reorganization plan is confirmed to decide whether to accept or reject an executory contract, and a Chapter 7 liquidation, wherein the trustee has only 60 days from the order for relief in which to make such a decision, reflects Congress' considered judgment that a debtor-in-possession seeking to reorganize should be granted more latitude in making the decision than should a trustee in liquidation. P. 14.

(b) Since recovery on a claim arising from a debtor-in-possession's rejection of an executory collective-bargaining agreement after the filing of a petition in bankruptcy may be had only through administration of the claim in bankruptcy and not by a suit against the debtor-in-possession under the agreement, the Board is necessarily precluded from, in effect, enforcing the agreement by filing an unfair labor practice charge against the debtor-in-possession for violating § 8(d) of the NLRA. Such enforcement would run directly counter to the Code's express provisions and to its overall effort to give a debtor-in-possession some flexibility and breathing space. From the filing of the bankruptcy petition until formal acceptance, the collective-bargaining agreement is not an enforceable contract within the meaning of § 8(d). Accordingly, the debtor-in-possession need not comply with § 8(d) prior to seeking the Bankruptcy Court's permission to reject the agreement. It necessarily follows that any corresponding duty to bargain to impasse under § 8(a)(5) and § 8(d) before seeking rejection must also be subordinated to the exigencies of bankruptcy. Pp. 14–19.

682 F. 2d 72, affirmed.

Rehnquist, J., delivered the opinion of the Court, in Parts I and II of which all other Members joined, and in Part III of which Burger, C. J., and Powell, Stevens, and O'Connor, JJ., joined. Brennan, J., filed an opinion concurring in part and dissenting in part, in which White, Marshall, and Blackmun, JJ., joined.

[Supreme Court of the United States, Nos. 82-818 and 82-852]

NATIONAL LABOR RELATIONS BOARD, PETITIONER (82-818) *v.* BILDISCO AND BILDISCO, DEBTOR-IN-POSSESSION, ET AL; LOCAL 408, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, ETC., PETITIONER (82-852) *v.* NATIONAL LABOR RELATIONS BOARD, ET AL

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[February 2, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Two important and related questions are presented by these petitions for certiorari: (1) under what conditions can a Bankruptcy Court permit a debtor-in-possession to reject a collective-bargaining agreement; (2) may the National Labor Relations Board find a debtor-in-possession guilty of an unfair labor practice for unilaterally terminating or modifying a collective-bargaining agreement before rejection of that agreement has been approved by the Bankruptcy Court. We decide that the language "executory contract" in 11 U.S.C. § 365 of the Bankruptcy Code includes within it collective-bargaining agreements subject to the National Labor Relations Act, and that the Bankruptcy Court may approve rejection of such contracts by the debtor-in-possession upon an appropriate showing. We also decide that a debtor-in-possession does not commit an unfair labor practice when, after the filing of a bankruptcy petition but before court-approved rejection of the collective-bargaining agreement, it unilaterally modifies or terminates one or more provisions of the agreement. We therefore affirm the judgment of the Court of Appeals for the Third Circuit in these cases.

I

A

On April 14, 1980, respondent Bildisco and Bildisco ("Bildisco"), a New Jersey general partnership in the business of distributing building supplies, filed a voluntary petition in bankruptcy for reorganization under Chapter 11 of the Bankruptcy Code, 11 U.S.C. § 1101 *et seq.*[1] Bildisco was subsequently authorized by the Bankruptcy Court to operate the business as debtor-in-possession under 11 U.S.C. § 1107.[2]

At the time of the filing of the petition in bankruptcy, approximately 40 to 45 percent of Bildisco's labor force was represented by Local 408 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America ("Union"). Bildisco had negotiated a three-year collective-bargaining agreement with the Union that was to expire on April 30, 1982, and which expressly provided that it was bringing on the parties and their successors even though bankruptcy should supervene. Beginning in January, 1980, Bildisco failed to meet some of its obligations under the collective-bargaining agreement, including the payment of health and pension benefits and the remittance to the Union of dues collected under the agreement. In May, 1980, Bildisco refused to pay wage increases called for in the collective-bargaining agreement.

In December, 1980, Bildisco requested permission from the Bankruptcy Court, pursuant to 11 U.S.C. § 365(a),[3] to reject the collective-bargaining agreement. At the hearing on Bildisco's request the sole witness was one of Bildisco's general partners, who testified that rejection would save his company approximately $100,000 in 1981. The Union offered no witnesses of its own, but cross-examined the witness for Bildisco. On January 15, 1981, the Bankruptcy Court granted Bildisco permission to reject the collective-bargaining agreement and allowed the Union 30 days in which to file a claim for damages against Bildisco stemming from the rejection of the contract. The District Court upheld the order of the Bankruptcy Court, and the Union appealed to the Court of Appeals for the Third Circuit.

B

During mid-summer 1980, the Union filed unfair labor practice charges with the National Labor Relations Board ("Board"). The General Counsel of the Board issued a complaint alleging that Bildisco had violated § 8(a)(5) and § 8(a)(1) of the National Labor Relations Act ("NLRA"), 28 U.S.C. § 158(a)(5) and § 158(a)(1),[4] by unilaterally changing the terms of the collective-bargaining agreement, in failing to pay certain contractually mandated fringe benefits and wage increases and to remit dues to the Union. Ultimately the Board found that Bildisco had violated § 8(a)(5) and § 8(a)(1) of the NLRA by unilaterally changing the terms of the collective-bargaining agreement and by refusing to negotiate with the Union. Bildisco was ordered to make the pension, health, and welfare contributions and to remit dues to the Union, all as required under the collective-bargaining agreement. The Board petitioned the Court of Appeals for the Third Circuit to enforce its order.

C

The Court of Appeals consolidated the Union's appeal and the Board's petition for enforcement of its order. *In re Bildisco*, 682 F. 2d 72 (CA3 1982). That court held that a collective-bargaining agreement is an executory contract subject to rejection by a debtor-in-possession under § 365(a) of the Bankruptcy Code. The authority of the debtor-in-possession to seek rejection of the collective-bargaining agreement was not qualified by the restrictions of § 8(d) of the NLRA, which established detailed guidelines for mid-term modification of collective-bargaining agreements,[5] because in the court's view, the debtor-in-possession was a "new entity" not bound by the labor agreement. The Court of Appeals concluded, however, that given the favored status Congress has accorded collective-bargaining agreements, a debtor-in-possession had to meet a more stringent test than the usual business judgment rule to obtain rejection. The Court of Appeals accepted the standard applied by the Court of Appeals for the Second Circuit in *Shopmen's Local Union No. 455* v. *Kevin Steel Products, Inc.*, 519 F. 2d 698, 707 (CA2 1975), and required the debtor-in-possession to show not only that the collective-bargaining agreement is burdensome to the estate, but also that the equities balance in favor of rejection. The case was remanded to the Bankruptcy Court for

reconsideration in light of the standards enunciated.

The Court of Appeals refused to enforce the Board's order, rejecting the Board's conclusion that Bildisco, as debtor-in-possession, was the alter-ego of the pre-petition employer. Under the Bankruptcy Code, a debtor-in-possession was deemed a "new entity" not bound by the debtor's prior collective-bargaining agreement. Because rejection relates back to the filing of a petition, the Court of Appeals held that if Bildisco were permitted to reject the contract, the Board was precluded from premising an unfair labor practice on Bildisco's rejection of the labor contract. The Court of Appeals implied that if the Bankruptcy Court determined that the collective-bargaining agreement should not be rejected, the Board could find a violation of § 8(d) of the NLRA.

We granted certiorari to review the decision of the Court of Appeals because of the apparent conflict between that decision and the decision of the Court of Appeals for the Second Circuit in *Brotherhood of Railway Employees* v. *REA Express, Inc.*, 523 F. 2d 164, *cert. denied*, 423 U.S. 1019 (1975).

II

Section 365(a) of the Bankruptcy Code, 11 U.S.C. § 365, provides in full:

"(a) Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor."

This language by its terms includes all executory contracts except those expressly exempted, and it is not disputed by the parties that an unexpired collective-bargaining agreement is an executory contact.[6] Any inference that collective-bargaining agreements are not included within the general scope of § 365(a) because they differ for some purposes from ordinary contracts, see *John Wiley & Sons, Inc.* v. *Livingston*, 376 U.S. 543, 550 (1964), is rebutted by the statutory design of § 365(a) and by the language of § 1167 of the Bankruptcy Code. The text of § 365(a) indicates that Congress was concerned about the scope of the debtor-in-possession's power regarding certain types of executory contracts, and purposely drafted § 365(a) to limit the debtor-in-possession's power of rejection or assumption in those circumstances.[7] Yet none of the express limitations of the debtor-in-possession's general power under § 365(a) apply to collective-bargaining agreements. Section 1167, in turn, expressly exempts collective-bargaining agreements subject to the Railway Labor Act, but grants no similar exemption to agreements subject to the NLRA.[8] Obviously, Congress knew how to draft an exclusion for collective-bargaining agreements when it wanted to; its failure to do so in this instance indicates that Congress intended that § 365(a) apply to all collective-bargaining agreements covered by the NLRA.

None of the parties to this case dispute the foregoing proposition. But the Board contends that the standard by which the Bankruptcy Court must judge the request of a debtor-in-possession to reject a collective-bargaining contract must be stricter than the traditional "business judgment" standard applied by the courts to authorize rejection of the ordinary executory contract. See *Group of Institutional Investors* v. *Chicago, Milwaukee, St. Paul & Pacific R. Co.*, 318 U.S. 523, 550 (1943); see also *In re Minges*, 602 F. 2d 38, 42 (CA2 1979); *In re Tilco, Inc.*, 558 F. 2d 1369, 1372 (CA10 1977). The Union also contends that the debtor-in-possession must comply with the procedural requirements of § 8(d) of the NLRA, or at a minimum, bargain to impasse before it may request the Bankruptcy Court either to assume or to reject the collective-bargaining agreement.

Although there is no indication in § 365 of the Bankruptcy Code that rejection of collective-bargaining agreements should be governed by a standard different from that governing other executory contracts, all of the Courts of Appeals which have considered the matter have concluded that the standard should be a stricter one. See *In re Brada-Miller Freight System, Inc.*, 702 F. 2d 890 (CA11 1983); *In re Bildisco*, 682 F. 2d 72 (CA3 1982); see also *Local Joint Executive Board* v. *Hotel Circle*, 613 F. 2d 210 (CA9 1980) (rejection under the Bankruptcy Act); *Shopmen's Local Union No. 455* v. *Kevin Steel Products, Inc.*, 519 F. 2d 698 (CA2 1975) (same). We agree with these Courts of Appeals that because of the special nature of a collective-bargaining contract, and the consequent "law of the shop" which it creates, see *John Wiley & Sons, supra; United Steelworkers* v. *Warrior & Gulf Navigation Co.*, 363 U.S. 574, 578–579 (1960), a somewhat stricter standard should govern the decision of the Bankruptcy Court to allow rejection of a collective-bargaining agreement.

The Union and the Board argue that in light of the special nature of rights created by labor contracts, Bildisco should not be permitted to reject the collective-bargaining agreement unless it can demonstrate that its reorganization will fail unless rejection is permitted. This very strict standard was adopted by the Second Circuit in *Brotherhood of Railway and Airline Clerks* v. *REA Express, Inc.*, 523 F. 2d 164, 167–169 (CA2), *cert. denied*, 423 U.S. 1017 (1975), decided under the former Bankruptcy Act three years before § 365(a) was passed by Congress. Under the canon of statutory construction that Congress is presumed to be aware of judicial interpretations of a statute, the Board argues that Congress should be presumed to have adopted the interpretation of the Second Circuit when it enacted § 365(a). See *Merrill Lynch, Pierce, Fenner & Smith, Inc.* v. *Curran*, 456 U.S. 353, 379–382 (1982); *Lorillard* v. *Pons*, 434 U.S. 575, 580–581 (1978). The Board makes a related argument that Congress was fully aware of the strict standard for rejection established in *REA Express* and approved that standard when enacting § 365(a) of the Bankruptcy Code. In the legislative history accompanying § 82 of the Bankruptcy Act, a provision relating to municipal bankruptcies, the report of the House Committee on the Judiciary referred to *Kevin Steel Products, supra*, and *REA Express, supra*, as authority for the proposition that a stricter showing than the business judgment test was necessary to reject a collective-bargaining agreement. See H. R. Rep. No. 94-686. p. 17-18 (1975). Since Congress made § 365(a) applicable to municipal bankruptcies, see 11 U.S.C. § 901(a), the Board argues that this reference to *REA Express* supports an inference that Congress adopted the *REA Express* standard for rejecting collective-bargaining agreements when it enacted § 365(a).

These arguments are wholly unconvincing. Quite simply, *Kevin Steel* and *REA Express* reflect two different formulations of a standard for rejecting collective-bargaining agreements. Congress cannot be presumed to have adopted one standard over the other without some affirmative indication of which it preferred. The reference in the House report to *Kevin Steel* and *REA Express* also cannot be considered a congressional endorsement of the stricter standard imposed on rejection of collective-bargaining agreements by the Second Circuit in *REA Express*, since the report indicates no preference for either formulation. At most, the House report supports only an inference that Congress approved the use of a somewhat higher standard than the business judgment rule when appraising a request to reject a collective-bargaining agreement.

The standard adopted by the Court of Appeals for the Second Circuit in *REA Express* is fundamentally at odds with the policies of flexibility and equity built in Chapter 11 of the Bankruptcy Code. The rights of workers under collective-bargaining agreements are important, but the *REA Express* standard subordinates the multiple, competing considerations underlying a Chapter 11 reorganization to one issue: whether rejection of the collective-bargaining agreement is necessary to prevent the debtor from going into liquidation. The evidentiary burden necessary to meet this stringent standard may not be insurmountable, but it will present difficulties to the debtor-in-possession that will interfere with the reorganization process.

We agree with the Court of Appeals below, and with the Court of Appeals for the Eleventh Circuit in a related case, *In re Brada-Miller Freight System, Inc.*, 702 F. 2d 929 (1983), that the Bankruptcy Court should permit rejection of a collective-bargaining agreement under § 365(a) of the Bankruptcy Code if the debtor can show that the collective-bargaining agreement burdens the estate, and that after careful scrutiny, the equities balance in favor of rejecting the labor contract. The standard which we think Congress intended is a higher one than that of the "business judgment" rule, but a lesser one than that embodied in the *REA Express* opinion of the Court of Appeals for the Second Circuit.

Before acting on a petition to modify or reject a collective-bargaining agreement, however, the Bankruptcy Court should be persuaded that reasonable efforts to negotiate a voluntary modification have been made and are not likely to produce a prompt and satisfactory solution. The NLRA requires no less. Not only is the debtor-in-possession under a duty to bargain with the union under § 8(a)(5) of the NLRA, 29 U.S.C. § 158(a)(5), see post, at 18–19, but the national labor policies of avoiding labor strife and encouraging collective bargaining, *id.*, § 1, 29 U.S.C. § 151, generally require that employers and unions reach their own agreements on terms and conditions of employment free from governmental interference. See, *e.g.*, *Howard Johnson Co.* v. *Hotel Employees*, 417 U.S. 249 (1974); *NLRB* v. *Burns Security Services*, 406 U.S. 272, 282–294 (1972). The Bankruptcy Court need step into this process only if the parties' inability to reach an agreement threatens to impede the success of the debtor's reorganization. If the parties are unable to agree, a decision on the rejection of the collective-bargaining agreement may become necessary to the reorganization process. At such a point, action by the Bankruptcy Court is required, while the policies of the Labor Act have been adequately served since reasonable efforts to reach agreement have been made. That court need not determine that the parties have bargained to impasse or make any other determination outside the field of its expertise. See *post*, at 18.

Since the policy of Chapter 11 is to permit successful rehabilitation of debtors, rejection should not be permitted without a finding that that policy would be served by such action. The Bankruptcy Court must make a reasoned finding on the record why it has determined that rejection should be permitted. Determining what would constitute a successful rehabilitation involves balancing the interests of the affected parties—the debtor, creditors, and employees. The Bankruptcy Court must consider the likelihood and consequences of liquidation for the debtor absent rejection, the reduced value of the creditors' claims that would follow from affirmance and the hardship that would impose on them, and the impact of rejection on the employees. In striking the balance, the Bankruptcy court must consider not only the degree of hardship faced by each party but also any qualitative differences between the types of hardship each may face.

The Bankruptcy Court is a court of equity, and in making this determination it is in a very real sense balancing the equities, as the Court of Appeals suggested. Nevertheless, the Bankruptcy Court must focus on the ultimate goal of Chapter 11 when considering these equities. The Bankruptcy Code does not authorize free-wheeling consideration of every conceivable equity, but rather only how the equities relate to the success of the reorganization. The Bankruptcy Court's inquiry is of necessity speculative and it must have great latitude to consider any type of evidence relevant to this issue.

III

The second issue raised by this case is whether the NLRB can find a debtor-in-possession guilty of an unfair labor practice for unilaterally rejecting or modifying a collective-bargaining agreement before formal rejection by the Bankruptcy Court. Much effort has been expended by the parties on the question of whether the debtor is more properly characterized as an "alter ego" or a "successor employer" of the prebankruptcy debtor, as those terms have been used in our labor decisions. See *Howard Johnson Co.* v. *Detroit Local Joint Executive Board*, 417 U.S. 249, 259 n. 5 (1974); *NLRB* v. *Burns Security Services, Inc.*, 406 U.S. 272 (1972); *Southport Petroleum Co.* v. *NLRB*, 315 U.S. 100, 106 (1942). We see no profit in an exhaustive effort to identify which, if either, of these terms represents the closest analogy to the debtor-in-possession. Obviously if the latter were a wholly "new entity," it would be unnecessary for the Bankruptcy Code to allow it to reject executory contracts, since it would not be bound by such contracts in the first place. For our purposes, it is sensible to view the debtor-in-possession as the same "entity" which existed before the filing of the bankruptcy petition, but empowered by virtue of the Bankruptcy Code to deal with its contracts and property in a manner it could not have done absent the bankruptcy filing.

The fundamental purpose of reorganization is to prevent a debtor from going into liquidation, with an attendant loss of jobs and possible misuse of economic resources. See H.R. Rep. No. 95-595, p. 220 (1977). In some cases reorganization may succeed only if new creditors infuse the ailing firm with additional capital. We recognized the desirability of an analogous infusion of capital in *Burns, supra*, at 288; a similarly beneficial recapitalization could be jeopardized if the debtor-in-possession were saddled automatically with the debtor's prior collective bargaining agreement. Thus, the authority to reject an executory contract is vital to the basic purpose to a Chapter 11 reorganization, because rejection can release the debtor's estate from burdensome obligations that can impede a successful reorganization.

While all parties to this case ultimately concede that the Bankruptcy Court may authorize rejection of a collective-bargaining agreement, the Board and the Union nonetheless insist that a debtor-in-possession violates § 8(a)(5) and § 8(d) of the NLRA if it unilaterally changes the terms of the collective-bargaining agreement between the date of filing the bankruptcy petition and the date on which the Bankruptcy Court authorizes rejection of the agreement.[9] But acceptance of such a contention would largely, if not completely, undermine whatever benefit the debtor-in-possession otherwise obtains by its authority to request rejection of the agreement. In a Chapter 11 reorganization, a debtor-in-possession has until a reorganization plan is confirmed to decide whether to accept or reject an executory contract, although a creditor may request the Bankruptcy Court to make such a determination within a particular time. 11 U.S.C. § 365(d)(2). In contrast, during a Chapter 7 liquidation the trustee has only 60 days from the order for relief in which to decide whether to accept or reject an executory contract. 11 U.S.C. § 365(d)(1). It seems to us that this difference between the two types of proceedings reflects the considered judgment of Congress that a debtor-in-possession seeking to reorganize should be granted more latitude in deciding whether to reject a contract than should a trustee in liquidation.

Under the Bankruptcy Code proof of claims must be presented to the Bankruptcy Court for administration, or be lost when a plan of reorganization is confirmed. See 11 U.S.C. § 501, § 502, and § 1141.[10] Actions on claims that have been or could have been brought before the filing of a bankruptcy petition are, with limited exceptions not relevant here, stayed through the automatic stay provisions of the Bankruptcy Code. 11 U.S.C. § 362(a). The Bankruptcy Code specifies that the rejections of an executory contract which had not been assumed constitutes a breach of the contract which relates back to the date immediately preceding the filing of a petition in bankruptcy. 11 U.S.C. § 365(g)(1).[11] Consequently, claims arising after filing, such as result from the rejection of an executory contract, must also be presented through the normal administration process by which claims are estimated and classified. See 11 U.S.C. § 502(g); *In re Hoe & Co., Inc.*, 508 F. 2d 1126, 1132 (CA2 1974); *Workman* v. *Harrison*, 282 F. 2d 693, 699 (CA10 1960). Thus suit may not be brought against the debtor-in-possession under the collective-bargaining agreement; recovery may be had only through administration of the claim in bankruptcy.[12]

While the Board insists that § 365(g)(1) deals only with priorities of payment, the implications from the decided cases are that the relation back of contract rejection to the filing of the petition in bankruptcy involves more than just priority of claims.[13] Damages on the contract that result from the rejection of an executory contract, as noted, must be administered through bankruptcy and receive the priority provided general unsecured creditors. See 11 U.S.C. §§ 502(g), 507. If the debtor-in-possession elects to continue to receive benefits from the other party to an executory contract pending a decision to reject or assume the contract, the debtor-in-possession is obligated to pay for the reasonable value of those services, *Philadelphia Co.* v. *Dipple*, 312 U.S. 168, 174 (1941), which, depending on the circumstances of a particular contract, may be what is specified in the contract, see *In re Public Ledger*, 161 F. 2d 762, 770-771 (CA3 1947). See also *In re Mammoth Mart, Inc.*, 536 F. 2d 950, 954-955 (CA1 1976). Should the debtor-in-possession elect to assume the executory contract, however, it assumes the contract *cum onere*, *In re Italian Cook Oil Corp.*, 190 F. 2d 994, 996 (CA3 1951), and the expenses and liabilities incurred may be treated as administrative expenses, which are afforded the highest priority on the debtor's estate, 11 U.S.C. § 503(b)(1)(A).

The necessary result of the foregoing discussion is that the Board is precluded from, in effect, enforcing the contract terms of the collective-bargaining agreement by filing unfair labor practices against the debtor-in-possession for violating § 8(d) of the NLRA. Though the Board's action is nominally one to enforce § 8(d) of that Act, the practical effect of the enforcement action would be to require adherence to the terms of the collective-bargaining agreement. But the filing of the petition in bankruptcy means that the collective-bargaining agreement is no longer immediately enforceable, and may never be enforceable again. Consequently, Board enforcement of a claimed violation of § 8(d) under these circumstances would run directly counter to the express provisions of the Bankruptcy Code and to the Code's overall effort to give a debtor-in-possession some flexibility and breathing space. See H.R. Rep. No. 95-595, p. 340 (1977). We conclude that from the filing of a petition in bankruptcy until formal acceptance, the collective-bargaining agreement is not an enforceable contract within the meaning of NLRB § 8(d). Cf. *Allied Chemical Workers, supra*, at 187; *Dowd Box Co.* v. *Courtney*, 368 U.S. 502, 510-513 (1962).

The Union, but not the Board, also insists that the debtor-in-possession must comply with the mid-term contract modification procedures set forth in § 8(d) of the NLRA, 29 U.S.C. § 158(d). See ante, at n. 5. Because the collective-bargaining agreement is not an enforceable contract within the meaning of § 8(d), it follows that the debtor-in-possession need not comply with the provisions of § 8(d) prior to seeking the Bankruptcy Court's permission to reject the agreement.

Section 8(d) applies when contractual obligations are repudiated by the unilateral actions of a party to the collective-bargaining agreement. We have recognized that Congress's central purpose in enacting § 8(d) was to regulate the modification of collective-bargaining agreements and to facilitate agreement in place of economic warfare. *Allied Chemical & Alkali Workers of America, Local Union No. 1* v. *Pittsburgh Plate Glass Co.*, 404 U.S. 157, 187 (1971); see also H. R. Rep. No. 510, 80th Cong., 1st Sess. p. 34 (1947) (Report of the Conference). In a Chapter 11 case, however, the "modification" in the agreement has been accomplished not by the employer's unilateral action, but rather by operation of law. Since the filing of a petition in bankruptcy under Chapter 11 makes the contract unenforceable, § 8(d) procedures have no application to the employer's unilateral rejection of an already unenforceable contract. Indeed, even the Board concedes that the cumbersome and rigid procedures of § 8(d) need not be imported into bankruptcy proceedings. Brief of NLRB, at 41.

The Union maintains, as a fall-back position, that even if § 8(d) procedures do not apply fully, the debtor-in-possession should be required to "bargain to impasse" prior to seeking rejection from the Bankruptcy Court. We interpret this contention to mean that the debtor-in-possession should not be permitted to seek rejection unless the duty to bargain has been excused because further negotiations would be fruitless, a standard little different from that imposed on all employers subject to the NLRA. See *NLRB* v. *American National Insurance Co.*, 343 U.S. 395, 404 (1952); *Taft Broadcasting Co.*, 163 N.L.R.B. 475, 478 (1967); *enforced*, 395 F. 2d 622 (CADC 1968). Our rejection of the need for full compliance with § 8(d) procedures of necessity means that any corresponding duty to bargain to impasse under § 8(a)(5) and § 8(d) before seeking rejection must also be subordinated to the exigencies of bankruptcy.[14] Whether impasse has been reached generally is a judgment call for the Board to make; imposing such a requirement as a condition precedent to rejection of the labor contract will simply divert the Bankruptcy Court from its customary area of expertise into a field in which it presumably has little or none.

Our determination that a debtor-in-possession does not commit an unfair labor practice by failing to comply with § 8(d) prior to formal rejection of the collective-bargaining agreement does undermine the policy of the NLRA, for that policy, as we have noted, is to protect the process of labor negotiations, not to impose particular results on the parties. *See H. K. Porter Co.* v. *NLRB*, 397 U.S. 99, 105 (1970); *NLRB* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 45 (1937). Nevertheless, it is important to note that the debtor-in-possession is not relieved of all obligations under the NLRA simply by filing a petition for bankruptcy. A debtor-in-possession is an "employer" within the terms of the NLRA, 11 U.S.C. § 152(1) and (2), and is obligated to bargain collectively with the employees' certified representative over the terms of a new contract pending rejection of the existing contract or following formal approval of rejection by the Bankruptcy Court. *See NLRB* v. *Burns Security Services, Inc.*, 406 U.S. 272, 281 (1972). But while a debtor-in-possession remains obligated to bargain in good faith under NLRA § 8(a)(5) over the terms and conditions of a possible new contract, it is not guilty of an unfair labor practice by unilaterally breaching a collective-bargaining agreement before formal Bankruptcy Court action.

Accordingly, the judgment of the Court of Appeals is *affirmed.*

FOOTNOTES

[1] Chapter 11 of the present Bankruptcy Code was part of the Bankruptcy Reform Act of 1978, Pub. L. 95-598, 92 Stat. 2549 (1978). The first major revision of the bankruptcy laws since 1938, the Bankruptcy Reform Act consolidated three reorganization chapters of the former Bankruptcy Act into a single business reorganization chapter, with the intention that business reorganizations should be quicker and more efficient and provide greater protection to the debtor, creditors, and the public interest. See H.R. Rep. No. 95-595, p. 5 (1977).

[2] Section 1107 of Title II provides:

"(a) Subject to any limitations on a trustee under this chapter, and to such limitations or conditions as the court prescribes, a debtor in possession shall have all the rights, other than the right to compensation under section 330 of this title, and powers, and shall perform all the functions and duties, except the duties specified in sections 1106(a) (2), (3), and (4), of this title, of a trustee serving in a case under this chapter."

Although the term debtor-in-possession is not fully interchangable with the term trustee in bankruptcy under the Bankruptcy Code, with respect to the issues before us the analysis is the same whether it is the debtor-in-possession or trustee in bankruptcy who is attempting to reject a collective-bargaining agreement.

[3] Subsection 365(a) of the Bankruptcy Code, 11 U.S.C. § 365, reads:

"(a) Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor."

[4] Section 8(a) of the National Labor Relations Act, 29 U.S.C. § 158, provides in pertinent part:

"(a) Unfair labor practices by employer.

It shall be an unfair labor practice for an employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section [7];

(5) to refuse to bargain collectively with the representatives of his employees * * *."

[5] Section 8(d) of the National Labor Relations Act, 29 U.S.C. § 158(d), reads in relevant part:

"(d) Obligation to bargain collectively

For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided*, That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, . . .; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later:

The duties imposed upon employers, employees, and labor organizations by paragraphs (2) to (4) * * * shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. * * *"

[6] The Bankruptcy Code furnishes no express definition of an executory contract, see 11 U.S.C. § 365(a), but the legislative history to § 365(a) indicates that Congress intended the term to mean a contract "on which performance is due to some extent on both sides." H.R. Rep. No. 95-595, p. 347 (1977), see S. Rep. No. 95-989, p. 58 (1977). We reject the argument of *amicus* United Mine Workers of America that a collective-bargaining agreement is not an executory contract within the meaning of § 365(a). Under their labor contract both Bildisco and the Union had reciprocal obligations, and at any point during the life of the contract, performance was due by both parties. See Labor Contract between Bildisco and Teamsters Local No. 408, Joint Appendix, pp. 78-115.

[7] Although Congress granted the debtor-in-possession a broad power to assume or reject executory contracts, it qualified that power in certain situations. Very generally, subsections (b) and (c) limit the debtor-in-possession's or trustee's power of assumption in several circumstances; subsection (d) requires assumption or rejection within 60 days in cases of liquidation. Bankruptcy Code § 765 and § 766 limit the power of rejection or assumption in the case of the liquidation of a commodity brokerage business.

[8] Section 1167 of Title II reads in full:

"(a) Notwithstanding section 365 of this title, neither the court nor the trustee may change the wages or working conditions of employees of the debtor established by a collective-bargaining agreement that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.) except in accordance with section 6 of such Act (45 U.S.C. 156)."

This provision was derived from former § 77(n) of the Bankruptcy Act. Reflective of the long-standing special treatment afforded railway labor, see *Railway Labor Employees* v. *Hansen*, 351 U.S. 225, 232 and n. 5 (1951), Congress determined that "the subject of railway labor is too delicate . . . for this code to upset established relationships." H.R. Rep. No. 95-595, p. 137 (1977).

[9] The dissent states that the Board's interpretation of the NLRA should be given deference. *Post*, at 9. While the Board's interpretation of the NLRA should be given some deference, the proposition that the Board's interpretation of statutes outside its expertise is likewise to be deferred to is novel. We see no need to defer to the Board's interpretation of Congress's intent in passing the Bankruptcy Code.

[10] The Bankruptcy Code's provisions regarding the presentation of claims are permissive. See 11 U.S.C. §501. Nevertheless, the filing of a proof of claim is a necessary condition to the allowance of an unsecured or priority claim, since a plan of reorganization is binding upon all creditors once the plan is confirmed, whether or not the claim was presented for administration. 11 U.S.C. § 114(d)(1)(A)(i). See *In re Francis*, 5 C.B.C. 2d 1101 (B. Ct. EDNY 1981); 3 Collier on Bankruptcy ¶ 501.01, (15th ed. 1983). Undisputed claims listed by the debtor-in-possession under 11 U.S.C. § 521(1) are deemed filed for purposes of administration. See 11 U.S.C. § 1111(a).

[11] Subsection § 365(g)(1) of Title II provides:

"(g) Except as provided in subsection (h)(2) and (i)(2) of this section, the rejection of an executory contract or unexpired lease of the debtor constitutes a breach of such contract or lease—

(1) if such contract or lease has not been assumed under this section or under a plan confirmed under chapter 9, 11, or 13 of this title, immediately before the date of the filing of the petition * * *"

[12] Section 502(c) provides that any contingent or unliquidated claim shall be estimated for purposes of settling a bankrupt estate. Under this provision losses occasioned by the rejection of a collective-bargaining agreement must be estimated, including unliquidated losses attributable to fringe benefits or security provisions like seniority rights. Section 502(c) is a change from prior law; under § 57d of the Bankruptcy act the court could disallow unliquidated claims if too difficult to estimate. See 3 Collier on Bankruptcy ¶502.03 (15th ed. 1983). In enacting the Bankruptcy Code Congress also extended the priority for unsecured claims made by workers to cover vacation, serverance, sick leave pay, and pension plan obligations and increased the amount of this priority. 11 U.S.C. § 507(a)(3): see H.R. Rep. No. 95-595. p. 357 (1977). These provisions indicate Congress's considered judgment regarding the extent to which special provisions should be afforded workers under the Bankruptcy Code for claims arising out of the rejection of the collective-bargaining agreement. In addition, wages paid after the filing of a petition in bankruptcy may be deemed administrative expenses and afforded the highest priority, if necessary to preserve the estate. See 11 U.S.C. § 503(b)(1)(A).

[13] See, *e.g.*, *In re Mammoth Mart, Inc.*, 536 F. 2d 950, 954-955 (CA1 1976); *In re Italian Cook Oil Corp.*, 190 F. 2d 994, 996 (CA3 1951); *In re United Cigar Stores Co.*, 89 F. 2d 3, 6 (CA2 1937); *Durand* v. *NLRB*, 296 F. Supp. 1049, 1056 (WD Ark. 1969); *In re Public Ledger*, 161 F. 2d 762, 770-771 (CA3 1947); *In re North Atlantic & Gulf S.S. Co.*, 204 F. Supp. 899, 909 (SDNY 1962), *aff'd. sub nom, Schilling* v. *A/S/D/S/ Danneborg*, 320 F. 2d 628 (CA2 1963); *In re Price Chopper Supermarkets, Inc.*, 19 B. R. 462, 466-467 (B. Ct. SD Cal. 1982).

[14] Section 8(d) defines the duty to bargain created by § 8(a)(5) to include a duty to continue the terms of a collective-bargaining agreement in "full force" while following § 8(d) procedures for modifying a collective-bargaining agreement. Our determination that § 8(d) cannot be used to enforce the terms of a labor contract after the filing of a petition in bankruptcy and prior to formal rejection necessarily means that § 8(a)(5) cannot be used to achieve the same end. The Court's decision in *NLRB* v. *Katz*, 369 U.S. 736 (1962), that an employer's unilateral modification of terms and conditions of employment during the pendency of negotiations constitutes an unfair labor practice, contrary to the dis-

sent's suggestion, *post*, at 13, n. 15, is not on point, since *Katz* did not address the effect of the bankruptcy laws on an employer's duty to bargain under § 8(a)(5).

[Supreme Court of the United States, Nos. 82-818 and 82-852]

NATIONAL LABOR RELATIONS BOARD, PETITIONER (82-818) *v.* BILDISCO AND BILDISCO, DEBTOR-IN-POSSESSION, ET AL; LOCAL 408, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, ETC., PETITIONER (81-852) *v.* NATIONAL LABOR RELATIONS BOARD ET AL

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[February 22, 1984]

JUSTICE BRENNAN, with whom JUSTICE WHITE, JUSTICE MARSHALL, and JUSTICE BLACKMUN join, concurring in part and dissenting in part.

The Court holds that under § 365 of the Bankruptcy Code,[1] a Bankruptcy Court should permit a debtor in possession[2] to reject a collective-bargaining agreement upon a showing that the agreement "burdens the estate, and after careful scrutiny, the equities balance in favor of rejecting the labor contract." *Ante*, at 11. This test properly accommodates the policies of the National Labor Relations Act (NLRA) and the Bankruptcy Code, and I therefore join Parts I and II of the Court's opinion. But I cannot agree with the Court's holding in Part III that a debtor in possession does not commit an unfair labor practice if he unilaterally alters the terms of an existing collective-bargaining agreement after a bankruptcy petition, has been filed, but before a Bankruptcy Court has authorized the rejection of that agreement. *Ante*, at 17. In so holding, the Court has completely ignored important policies that underlie the NLRA, as well as Part I and II of its own opinion.

I

Two sections of the NLRA govern the alteration of existing collective-bargaining agreements. Section 8(a)(5) makes it an unfair labor practice for an employer "to refuse to bargain collectively with the representatives of his employees * * *."[3] Section 8(d) defines the § 8(a)(5) duty to "bargain collectively" as "the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment."[4] When a collective-bargaining agreement is "in effect," § 8(d) adds four additional requirements to the duty to bargain collectively: "no party to [a collective-bargaining contract] shall terminate or modify such contract unless" he (1) provides the other party to the contract with timely written notice of the proposed modification, (2) "offers to meet and confer with the other party," (3) provides timely notice to the Federal Mediation and Conciliation Service and any similar state agencies, and (4) "continues in full force and effect . . . all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later."[5] Because § 8(d) defines the duty to bargain collectively that is imposed by § 8(a)(5), an employer who terminates or modifies a collective-bargaining agreement without complying with the requirements of § 8(d) violates § 8(a)(5). See *National Labor Relations Board* v. *Lion Oil Co.*, 352 U.S. 282, 285 (1956) (employer who violates § 8(d)(4) violates § 8(a)(5)).[6] A unilateral modification of an existing collective-bargaining agreement is, therefore, a violation of § 8(d) and § 8(a)(5). See *Allied Chemical Workers* v. *Pittsburgh Plate Glass Co.*, 404 U.S. 157, 159, 185 (1971); *Lion Oil*, *supra*, at 285.

In this case, the National Labor Relations Board (Board) held that Bildisco had violated § 8(a)(5) of the NLRA by unilaterally altering the terms of its collective-bargaining agreement with Local 408 of the International Brotherhood of Teamsters, Chauffers, Warehousemen, and Helpers of America.[7] Specifically, the Board found that Bildisco violated the terms of that agreement by its failure to (1) increase wages, (2) make pension, health, and welfare contributions, (3) remit dues to the union that were withheld from employees' wages, and (4) pay vacation benefits. Some of these activities occurred after Bildisco filed a voluntary petition in bankruptcy under Chapter 11 of the Bankruptcy Code, 11 U.S.C. § 1101 *et seq*, but before the Bankruptcy Court authorized Bildisco to reject its agreement with Local 408. During this period, Bildisco was operating its business as a debtor in possession. This aspect of the case, therefore, presents the question whether a debtor in possession violates § 8(d) and, as a result, § 8(a)(5) if he unilaterally modifies the terms of a collective-bargaining agreement in the interim between the filing of a bankruptcy petition and the rejection of that agreement.

II

The Court today rejects the Board's finding that Bildisco's unilateral modifications of its collective-bargaining agreement violated § 8(a)(5). The Court supports this conclusion by asserting that enforcement of § 8(d) in the post-filing period "would run directly counter to the express provisions of the Bankruptcy Code." *Ante*, at 17. Yet, the Court points to no provision of that Code that purports to render § 8(d) inapplicable, and to no provision of the NLRA that would preclude the application of § 8(d). Indeed, the Court concedes that a debtor in possession generally must comply with the provisions of the NLRA. *Ante*, at 19.

Accordingly, in order to achieve its desired result, the Court is forced to infer from the Bankruptcy Code's general treatment of executory contracts, and from the policies that underlie that treatment, that Congress must have intended the filing of a bankruptcy petition to render § 8(d) inapplicable. *Ante*, at 14-17. The Court observes that during the post-petition period, the nondebtor party to an executory contract may not sue the debtor in possession to enforce the contract terms, *ante*, at 15, but rather can only recover the reasonable value of any benefits conferred on the estate. *Ante*, at 16.[8] By contrast, "though the Board's action is nominally one to enforce § 8(d) * * * the practical effect of the enforcement action would be to require adherence to the terms of the collective-bargaining agreement." *Ante*, at 17. Because the Court finds that suspending the enforceability of executory contracts serves the goals of providing the debtor in possession with "flexibility and breathing space," the Court concludes that Congress could not have intended §8(d) to remain applicable once a bankruptcy petition has been filed.

This argument is unpersuasive. However correct the Court may be in its description of the manner in which the Bankruptcy Code treats executory contracts generally and the policies that underlie that treatment, there is an unavoidable conflict between the Code and the NLRA with which the Court has simply failed to grapple. Permitting a debtor in possession unilaterally to alter a collective-bargaining agreement in order to further the goals of the Bankruptcy Code seriously undermines the goals of the NLRA. We thus have the duty to decide the issue before us in a way that accommodates the policies of *both* federal statutes. That cannot properly be done, in the Court's fashion, by concentrating on the Bankruptcy Code alone; under that approach, a holding that § 8(d) is inapplicable once a bankruptcy petition has been filed must obviously follow. One could as easily, and with as little justification, focus on the policies and provisions of the NLRA alone and conclude that Congress must have intended that § 8(d) remain applicable. Rather, it is necessary to examine the policies and provisions of both statutes to answer the question presented to the Court.

The Court's concentration on the Bankruptcy Code and its refusal to accommodate that statute with the NLRA is particularly incongruous since the analysis in Part II of its opinion rests almost exclusively on the recognition that the two statutes must be accommodated. In that Part, the Court concludes that "because of the special nature of a collective-bargaining contract * * * a somewhat stricter standard should govern the decision of the Bankruptcy Court to allow rejection of a collective-bargaining agreement." *Ante*, at 9. Surely, the "special nature of a collective-bargaining contract" must also be considered when determining whether Congress intended a debtor in possession to be able unilaterally to alter its terms. I can only conclude that the Court does not do so because an examination of the policies and provisions of both statutes inexorably leads to the conclusion that Congress did not intend the filing of a bankruptcy petition to affect the applicability of § 8(d), and that, as a result, a debtor in possession commits an unfair labor practice when he unilaterally alters the terms of an existing collective-bargaining agreement after a bankruptcy petition has been filed but prior to rejection of that agreement.[9]

III

A

Because the issue in this case centers on the effect of filing a bankruptcy petition on the obligations of a debtor in possession under NLRA § 8(d), it is appropriate to begin by examining whether that provision would apply even in the absence of the countervailing provisions and policies of the Bankruptcy Code. In undertaking this threshold analysis, we must remember that we have previously recognized that § 8(d) must be construed flexibly to effectuate the purposes of the NLRA. See *e.g.*, *NLRB* v. *Lion Oil Co.*, 352 U.S. 282, 290 (1956); *Mastro Plastics Corp.* v. *NLRB*, 350 U.S. 270 (1955). As we stated in *Lion Oil*, a construction that does not serve the goals of the statute "is to be avoided unless the words chosen by Congress clearly compel it."

In addition, in resolving this threshold question we must be mindful of the deference to the Board's construction of the NLRA required by our decisions. See *e.g.*, *NLRB* v. *Ironworkers*, 434 U.S. 335, 350 (1978); *NLRB* v. *Weingarten, Inc.*, 420 U.S. 251, 267 (1974); *NLRB* v. *Erie Resistor Corp.*, 373 U.S. 221, 236 (1962). It is the Board's position that filing a bankruptcy petition does not affect the applicability of § 8(d).[10] See, e.g., *ISG Extrusion Toolings, Inc.*, 262 NLRB 114 (1982) (debtor in possession vio-

lates § 8(d) by unilaterally altering terms of collective-bargaining agreement); *Airport Limousine Service, Inc.*, 231 NLRB 932 (1977) (receiver violates § 8(d)). Plainly, the Court's position that § 8(d) is inapplicable once a bankruptcy petition has been filed is contrary to the goals of the NLRA, and a careful examination of "the words Congress has chosen" reveals that they do not "clearly compel" this result.

By their terms, the notice and cooling-off requirements of § 8(d) apply when "there is in effect a collective-bargaining contract" and a "party to such contract" seeks to "terminate or modify" it. The Court of Appeals held that § 8(d) was inapplicable because the "debtor-in-possession is '[a] new entity . . . created with its own rights and duties, subject to the supervision of the bankruptcy court.' " 682 F.2d, at 82, quoting *Shopmen's Local Union No. 455* v. *Kevin Steel Products, Inc.*, 519 F.2d 698, 704 (CA2 1975). As a result, the Court of Appeals concluded that the debtor in possession is not a "party" to a collective-bargaining agreement within the meaning of § 8(d).[11]

The Court today properly rejects the "new entity" theory, conceding that the debtor in possession is a party within the meaning of § 8(d). *Ante*, at 13. The Court nevertheless reaches an equally unsupportable result by concluding that once a bankruptcy petition has been filed, "the collective-bargaining agreement is not an enforceable contract within the meaning of NLRA § 8(d)." *Ante*, at 17. Of course, the phrase "enforceable contract" does not appear in § 8(d), so the Court's point must be that the collective-bargaining agreement is not "in effect" within the meaning of that section. Surely, the plain language of the statute does not compel this result. Perhaps the Court's omission of any specific reference to this phrase indicates that it agrees that the language is not dispositive. In any event, it is simply incorrect to suggest that the collective-bargaining agreement does not retain sufficient vitality after a bankruptcy petition has been filed to be reasonably termed "in effect" within the meaning of the statute.

Although enforcement of the contract is suspended during the interim period, the contract clearly has other characteristics that render it "in effect" during the interim period. For example, if the debtor in possession assumes the contract, that assumption relates back to the time that the bankruptcy petition was filed. 2 Collier on Bankruptcy ¶ 365.03, at 365-24 (15th ed. 1983). As a result, "any compensation earned by and payable to the employee under the contract" after the petition is filed is a first priority administrative expense. Countryman, Executory Contracts in Bankruptcy: Part II, 58 Minn. L. Rev. 479, 484 (1974). See also Fogel, Executory Contracts and Unexpired Leases in The Bankruptcy Code, 64 Minn. L. Rev. 341, 376 (1980). If the contract is eventually rejected, rejection constitutes a breach effective immediately before the date of the filing of the petition. 11 U.S.C. § 365(g). The employees will have general unsecured claims for damages resulting from that breach. 3 Collier on Bankruptcy, ¶ 502.07, at 502-99 (15th ed. 1983); Note, The Bankruptcy Law's Effect on Collective Bargaining Agreements, 81 Colum. L. Rev. 391 (1981). Some of these damages will stem from the employer's obligations under the contract in the post-filing period. Therefore, whether the contract is accepted or rejected, it will support a claim that arises out of the debtor's obligations in the post-petition period.[12]

Additionally, even under the Court's approach, see *ante*, at 16, during the interim between filing and rejection or assumption, the estate will be liable to the employees for the reasonable value of any services they perform. The contract rate frequently will be the measure of the reasonable value of those services. See, *e.g.*, *In re Chase Commisary*, 11 F. Supp. 288 (SDNY 1935) (rental in lease presumed to be reasonable value of use and occupancy); Fogel, *supra*, at 370 (generally courts presume lease rentals reasonable). For these reasons, it is inaccurate to say that the collective-bargaining agreement may not reasonably be considered "in effect" for purposes NLRA § 8(d).[13] Other provisions of the NLRA, as well as the policies underlying that statute require that such a contract be considered "in effect."[14]

The definitional sections of the NLRA plainly support the conclusion that Congress did not intend the filing of a bankruptcy petition to affect the applicability of § 8(d). As the Court notes, a debtor in possession is an "employer" within the meaning of the NLRA. *Ante*, at 19.[15] Because § 8(a)(5) imposes the duty to bargain on employers, the Court properly concludes that § 8(a)(5) applies to debtors in possession. *Ibid.* And because definition of the duty to bargain includes the notice and "cooling-off" requirements of § 8(d), *Lion Oil*, *supra*, 352 U.S., at 285, the logical inference is that Congress intended these restrictions of unilateral alterations to apply to debtors in possession as well. It is most unlikely that Congress intended that the obligation to bargain apply to debtors in possession but not the definition of that duty.

B

The policies underlying the NLRA in general, and § 8(d) in particular, also strongly support the application of the notice and cooling-off requirements of § 8(d) in this context. As we explained in *First National Maintenance Corp.* v. *NLRB*, 452 U.S. 666 (1980), "[a] fundamental aim of the National Labor Relations Act is the establishment and maintenance of industrial peace to preserve the flow of interstate commerce. Central to achievement of this purpose is the promotion of collective bargaining as a method of defusing and channelling conflict between labor and management." *Id.*, at 674 (citations omitted). See also NLRA § 1, 29 U.S.C. § 152. Because of the central role played by collective bargaining in achieving the goals of the NLRA, "[e]nforcement of the obligation to bargain collectively is crucial to the statutory scheme." *NLRB* v. *American National Insurance Co.*, 343 U.S. 395, 402 (1951). The notice and cooling-off requirements of § 8(d), which are components of the duty to bargain, are specifically designed to prevent labor strife resulting from unilateral modifications and terminations of collective-bargaining agreements. In *Allied Chemical Workers* v. *Pittsburgh Plate Glass Co.*, 404 U.S. 157 (1971), we explained that "[t]he purpose of the proscription of unilateral mid-term modifications and terminations in 8(d) cannot be, therefore, simply to assure adherence to contract terms * * *. The conditions for a modification or termination set out in paragraphs (1) through (4) plainly are designed to regulate modifications and terminations so as to facilitate agreement in place of economic warfare. * * * [T]he provision 'seeks to bring about the termination and modification of collective-bargaining agreements without interrupting the flow of commerce or the production of goods.' " *Id.*, at 187, quoting *Mastro Plastics*, *supra*, at 284.

Plainly, the need to prevent "economic warfare" resulting from unilateral changes in terms and conditions of employment is as great after a bankruptcy petition has been filed as it is prior to that time. I do not think that there is any question that the threat to labor peace stemming from a unilateral modification of a collective-bargaining agreement is as great one day after a bankruptcy petition is filed as it was one day before the petition was filed.[16] We cannot ignore these realities when construing the reach of the NLRA. Cf. *NLRB* v. *Erie Resistor Corp.*, 373 U.S. 221, 236 (1962) (citing Board's function in applying the "general provisions of the Act to the complexities of industrial life" as a reason to defer to its judgment). Nor can we ignore the judgment of the Board that § 8(d) should remain applicable after a bankruptcy petition has been filed, because that judgment stems from the Board's "special understanding of 'the actualities of industrial relations,' " *NLRB* v. *Erie Resistor Corp.*, 373 U.S. 221, 236 (1962), quoting *NLRB* v. *United Steelworkers*, 357 U.S. 357, 362-363 (1962).

The basis for 8(d)'s prohibition against unilateral modifications is a congressional judgment that such modifications would be antithetical to labor peace. As we explained in a somewhat different context in *Fibreboard Paper Products Corp.* v. *NLRB*, 379 U.S. 203, 211 (1964), "[t]he Act was framed with an awareness that refusals to confer and negotiate had been one of the most prolific causes of industrial strife." Permitting unilateral modifications of collective-bargaining agreements, therefore, seriously undermines policies that lie at the very heart of § 8(d) and the NLRA. In sum, were one to consider only the policies and provisions of the NLRA, there could be no question that Congress intended that § 8(d) remain applicable after a bankruptcy petition has been filed.

When we turn to the relevant provisions and policies of the Bankruptcy Code, we find nothing that alters this conclusion. As I have said, *supra*, at——, the Court is unable to point to any provision of the Bankruptcy Code that by its terms renders § 8(d) inapplicable. Nor does the Court argue that there is anything in the Code that would forbid the debtor in possession from complying with the requirements of §8(d).[17] The question then is whether application of § 8(d) would so undermine the goals of the Bankruptcy Code that, despite the deleterious effect on the policies of the NLRA, Congress could not have intended that § 8(d) remain applicable once a bankruptcy petition has been filed.

As the Court correctly points out, the primary goal of Chapter 11 is to enable a debtor to restructure his business so as to be able to continue operating. *Ante*, at 13. Unquestionably, the option to reject an executory contract is essential to this goal. But the option to violate a collective-bargaining agreement before it is rejected is scarcely vital to insuring successful reorganization. For if a contract is so burdensome that even temporary adherence will seriously jeopardize the reorganization, the debtor in possession may seek the Bankruptcy Court's permission to reject that contract. Under the test announced by the Court today, his request should be granted.[18] Indeed, because labor unrest is inimical to the prospects for a successful reorganization, and because unilateral modifications of a collective-bargaining agreement will often lead to labor strife, such unilateral modifications may

more likely *decrease* the prospects for a successful reorganization.

The Court claims that requiring the debtor in possession to adhere to the terms of a collective-bargaining agreement conflicts with the "Code's overall effort to give the debtor in possession some flexibility and breathing space." *Ante*, at 17. Again the Court does not explain how enforcement of § 8(d) interferes with these policies; but I assume that the Court expects that the financial pressures created by requiring adherence to the collective-bargaining agreement would put pressure on the debtor in possession to reach a rapid and possibly premature judgment about whether to assume or reject a contract.[19] It is apparent, however, that Congress did not believe that providing the debtor in possession with unlimited time to consider his options should outweigh all other considerations. For example, although Chapter 11 permits a debtor in possession to accept or reject a contract "at any time before the confirmation of the plan," the nondebtor party to such a contract is permitted to request that the Court order the debtor in possession to assume or reject the contract within a specified period. 11 U.S.C. § 365(d)(2). Congress thus clearly concluded that, in certain circumstances, the rights of the nondebtor party would outweigh the need of the debtor in possession for unlimited flexibility and breathing space.

More importantly, I do not believe that the pressure to seek early rejection will frequently impede the reorganization process. As noted above, when a collective-bargaining agreement will seriously impede the reorganization, the debtor in possession should be able to obtain permission to reject the agreement. The major danger to the reorganization that stems from premature rejection of collective-bargaining agreements is that the debtor in possession will reject an agreement he would not have rejected upon further deliberation. If that agreement contains terms more favorable than any that he is later able to obtain through renegotiation the reorganization may be impaired. In the case of a collective-bargaining agreement, however, this danger is largely illusory. Because the union members will lose their jobs if the reorganization fails, it is highly likely that the debtor in possession will be able to negotiate a contract that is at least as favorable as the contract that he has rejected. *Cf. First National Maintenance Corp.* v. *NLRB*, 452 U.S. 666, 681 n. 19 (1980) (noting instances in which unions have aided employers to save failing businesses); New York Times, October 9, 1983, § 3, p.1, 12 (reporting instances of employees agreeing to wage reductions in response to threatened bankruptcy or plant closings). In addition, because unions have a strong incentive to avoid rejection of contracts, they frequently may be willing to enter into negotiated settlements for the interim period that will at least forestall rejection. Consequently, in many cases, requiring the debtor in possession to adhere to the terms of an existing agreement will not lead to early rejection at all. In sum, because the debtor in possession may apply to the bankruptcy court for rejection of executory contracts, holding § 8(d) applicable to the reorganization period will not seriously undermine the chances for a successful reorganization.

My conclusion that Congress intended that a debtor in possession adhere to the terms of a collective-bargaining agreement in the post-petition period, when he is free to disregard all other contracts, is supported by our consistent recognition that collective-bargaining agreements are not like other agreements. What Justice Douglas wrote in 1960 remains true today:

"The collective bargaining agreement * * * is more than a contract; it is a generalized code to govern a myriad of cases which the draftsmen cannot wholly anticipate * * *. A collective bargaining agreement is an effort to erect a system of industrial self-government. When most parties enter into contractual relationship, they do so voluntarily, in the sense that there is no real compulsion to deal with one another, as opposed to dealing with other parties. This is not true of the labor agreement. The choice is generally not between entering or refusing to enter into a relationship, for that in all probability preexists the negotiations. Rather, it is between having the relationship governed by an agreed-upon rule of law or leaving each and every matter subject to a temporary resolution dependent solely upon the relative strength, at any given moment, of the contending forces." *United Steelworkers* v. *Warrior & Gulf Navigation Co.*, 363 U.S. 574, 578–580 (1960) (citations and footnotes omitted). See also *John Wiley & Sons, Inc.* v. *Livingston*, 376 U.S. 543, 550 (1963).

The Court's holding that an employer, without committing an unfair labor practice, may disregard the terms of a collective-bargaining agreement after a bankruptcy petition has been filed deprives the parties to the agreement of their "system of industrial government." Without this system, resolution of the parties' disputes will indeed be left to "the relative strength * * * of the contending forces." *Steelworkers, supra*, at 580. Of course, there is some tension between the policies underlying the Bankruptcy Code and a holding that § 8(d) remains applicable after a bankruptcy petition has been filed. Holding § 8(d) inapplicable in these circumstances, however, strikes at the very heart of the policies underlying that section and the NLRA, and will, I believe, spawn precisely the type of industrial strife that NLRA § 8(d) was designed to avoid. By contrast, I do not think that the prospects for a successful reorganization will be seriously impaired by holding that § 8(d) continues to apply. For this reason, I conclude that filing a bankruptcy petition does not affect the applicability of § 8(d), and that, as a result, a debtor in possession who unilaterally alters the terms of a collective-bargaining agreement commits an unfair labor practice.

FOOTNOTES

[1] Section 365 provides in pertinent part: "Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor." 11 U.S.C. § 365.

[2] Under section 1101 of the Bankruptcy Code, 11 U.S.C. § 1101, the debtor in possession is the debtor in any case in which "no person has qualified and is serving as a trustee." 1 A. Herzog & L. King, Bankruptcy Code § 1102, at 452 (1983). Section 1107 provides that "[s]ubject to * * * such limitations or conditions as the court prescribes, a debtor in possession shall have all the rights * * * and powers" of a reorganization trustee other than the right to compensation. These powers include "the power to operate the debtor's business unless the court orders otherwise." 5 L. King Collier on Bankruptcy ¶ 1101.01, 1101–2 (15th ed. 1983).

[3] The complete text of § 8(a)(5) reads as follows: "(a) It shall be an unfair labor practice for an employer—

* * * (5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 159(a) of this title." 29 U.S.C. § 158(a).

[4] The complete text of the relevant portion of § 8(d) provides: "For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided*, That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification:

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Federal Mediation and Conciliation Service withn thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes with the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later. The duties imposed upon employers, employees, and labor organizations by paragraphs (2)–(4) of this subsection * * * shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within any notice period specified in this subsection, or who engages in any strike within the appropriate period specified in subsection (g) of this section, shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 158 to 160 of this title, but such loss of status for such employee shall terminate if and when he is reemployed by such employer." 29 U.S.C. § 158(d).

[5] *See* n. 4, *supra*, for the complete text of this portion of § 8(d).

[6] Because § 8(d) begins by defining the collective bargaining as the "obligation * * * to meet * * * and confer * * * with respect to *wages, hours and other terms and conditions of employment*," we held that notice and waiting period requirements of § 8(d) are applicable to a modification only when it "changes a term that is a mandatory rather than a permissive subject of bargaining." *Allied Chemical Worker, Local No. 1* v. *Pittsburgh Plate Glass Co.*, 404 U.S. 157, 185 (1971).

[7] The Board also held that Bildisco had violated § 8(a)(1). However, because this holding is wholly dependent on the § 8(a)(5) violation, it presents no independent issues. *See Allied Chemical & Alkali Workers of America, supra*, at 163 n. 6. *See generally* R. Gorman, Basic Text of Labor Law 132 (1976) (conduct that violated § 8(5) also violated 8(1) derivatively).

[8] The Court appears to attribute the rule that the debtor in possession is liable only for the reasonable value of benefits conferred, and not for the debtor's obligations under the contract, to § 3654(g)(1), 11 U.S.C. § 365(g)(1). Section 365(g)(1) does not, however, serve that function.

In pertinent part, § 365(g)(1) provides that "the rejection of an executory contract or unexpired lease of the debtor constitutes a breach of such contract or lease * * * if such lease has not been assumed under this section or under a plan confirmed under chapter 9, 11, or 13 of this title, immediately before the date of the filing of the petition." None of the cases relied upon by the Court, however, refer to § 365(g)(1) or its predecessor under the Bankruptcy Act as the source of the limi-

tation of the estate's liability to the reasonable value of benefits conferred. In only one case, *re North Atlantic & Gulf S.S. Co.*, 204 F. Supp. 899, 909 (SDNY 196), *aff'd sub nom, Schilling v. A/S/D/S Danneborg*, 320 F. 2d 628 (CA2 1963), does the court even arguably relate the principles of retroactivity to the unenforceability of contract in the interim period. Moreover, the legislative history of § 365(g)(1) makes it clear that the purposes of that provision is to insure that claims stemming from rejection are treated as general unsecured claims. The House and Senate Reports explain that "[t]he purpose [of § 365(g)(1)] is to treat rejection claims as prepetition claims." S. Rep. No. 95-989, 95th Cong., 2d Sess. 60 (1978); H.R. Rep. No. 95-595, 95th Cong., 1st Sess. 349 (1977). See also 2 Collier on Bankruptcy, *supra* ¶365.08, at 365-41. The extent to which the claim arising from rejection will be allowed is therefore determined by the rules for the allowance of prepetition claims. *See* 11 U.S.C. § 502(g); 3 Collier on Banruptcy ¶502.08, at 502-100. In addition, the priority, if any, to be accorded such a claim will be determined according to the rules for prepetition claims. 11 U.S.C. § 507. Were damages stemming from rejection treated as post-petition, rather than prepetition, claims, they would be accorded first priority as administrative expenses. Bordewieck & Countryman, The Rejection of Collective Bargaining Agreements by Chapter 11 Debtors, 11 Am. Bankr. L. J. 293, 331 (1983); 2 Collier on Bankruptcy, *supra*, ¶365.08, at 365-41.

Although the statutory basis for the rule that the debtor in possession is not liable for the debtor's obligations under the contract until it is assumed is not entirely clear, the leading treatise appears to attribute the rule to the concept that title to an executory contract does not pass to the estate until the contract is assumed. *Id.*, ¶365.03, at 365-24. See also Bordewieck and Countryman, *supra*, at 303. The debtor in possession's liability for the reasonable value of any benefits conferred stems from § 503(b) which allows administrative expenses for the "actual, necessary costs and expenses of preserving the estate." 3 Collier on Bankruptcy, *supra*, ¶503.04, at 503-15.

[9]Despite this conclusion, I agree with the Court that the debtor in possession need not comply with the notice requirements and waiting periods imposed by § 8(d) before seeking rejection. That is, in order to obtain rejection, the debtor in possession need not, for example, demonstrate that it has given notice to the union of its desire to seek rejection and has maintained the contract in "full force and effect" without resorting to a lockout for the period required by § 8(d). I also agree that the debtor in possession need not bargain to impasse before he may seek the court's permission to reject the agreement. As the Board notes, debtors in possession may need expeditious determinations about whether they may reject a collective-bargaining agreement. The notice and waiting periods contained in § 8(d) would make a rapid determination impossible. Brief of NLRB, at 41. Nor, as the Court notes, should the bankruptcy court be required to make determinations that are wholly outside its area of expertise, such as whether the parties have bargained to impasse. *Ante*, at 11-12, 18-19. Rather, I believe that the test for determining whether rejection should be permitted enunciated in Part II of the Court's opinion strikes the proper balance between the NLRA and the Bankruptcy Code.

[10]The Board has held that a trustee was not bound by a preexisting collective-bargaining agreement when there were drastic changes in the operations of the debtor company immediately after the bankruptcy petition was filed. *Blazer Industries, Inc.*, 236 NLRB 103, 109-10 (1978). Because this case involves a debtor in possession, rather than a trustee, and because there is nothing in the opinion of the Court of Appeals for the Third Circuit or the Board suggesting that drastic changes of the significance found in *Blazer* took place in Bildisco's operation, *Blazer* is simply not relevant to the issues before us today.

[11]In concluding that a debtor in possession does not commit an unfair labor practice if he unilaterally alters the terms of the collective-bargaining agreement, the Court of Appeals also relied on an analogy to the doctrine of successorship, as applied by this Court in *NLRB* v. *Burns Security Services, Inc.*, 406 U.S. 272 (1972). In my view, this reliance was misplaced.

In *Burns*, we considered the bargaining obligations of a "successor" employer. The respondent in *Burns*, Burns International Security Services, Inc., won a contract to provide security services that had been provided by the Wackenhut Corporation. A majority of the individuals hired by Burns were former Wackenhut employees. We held that Burns was not bound by the terms of the collective-bargaining agreement between Wackenhut and its employees, but that Burns had a duty to bargain with the union that had represented those employees. Our conclusion that Burns was not bound by Wackenhut's collective-bargaining agreement was based largely on the ground that Congress did not intend to bind an employer to terms to which it had not agreed. This consideration has little relevance to this case because the debtor in possession is the same employer who agreed to the collective bargaining agreement. We also noted in *Burns* that a potential employer might be reluctant to take over a failing business if he were bound by his predecessor's labor contract. Given that the debtor is bound by the collective-bargaining agreement before he files his bankruptcy petition, holding that he remains bound after the petition is filed cannot act as a disincentive to filing the petition.

The Court of Appeals also found § 8(d) inapplicable because rejection relates back to the time immediately before the filing under § 365(g)(1). As a result, that court concluded that "no labor contract effectively existed between the union and the debtor-in-possession" after the petition was filed. 682 F. 2d, at 84. As noted above, however, see N. 8, supra, § 365(g)(1) is merely intended to insure that claims for damages stemming from the rejection of a collective-bargaining agreement are treated as prepetition unsecured claims. Although the fiction of relation back under § 365(g)(1) serves a useful function under the Bankruptcy Code, extending this fiction to the NLRA is not helpful in finding the proper accommodation between those two statutes. As should be apparent from the discussion in the text, see *infra*, at ——, for purposes of § 8(d), it is inaccurate to suggest that the collective-bargaining agreement does not exist after the bankruptcy petition is filed.

[12]In the unlikely event that the contract is neither accepted nor rejected, it will "ride through" the bankruptcy proceeding and be binding on the debtor even after a discharge is granted. *Federal's, Inc.* v. *Edmonton Investment Co.*, 555 F. 2d 577, 579 (CA6 1977); 2 Collier on Bankruptcy, *supra*, ¶ 365.03, at 365-22. The nondebtor party's claim will therefore survive the bankruptcy proceeding. Countryman, *supra*, at 487.

[13]It is noteworthy that courts considering bankruptcy cases often refer to executory contracts as remaining "in effect" unless or until they are rejected. See *e. g., Federal's, Inc.* v. *Edmonton Investment Co.*, 555 F. 2d 575, 579 (CA6 1977) (executory contracts "remain in effect unless" rejected during the proceedings); *Consolidated Gas Electric Light & Power Co.* v. *United Railways Co.*, 85 F. 2d 799 (CA4 1936) (executory contract "remains in force until it is rejected"); *Smith* v. *Hill*, 317 F. 2d 539, 542 n. 6 (CA9 1963) (executory contracts "continue in effect" unless rejected); *In Re Guardian Equipment Corp.*, 18 B. R. 864, 867 (Bankr. S. D. Fla. 1982) (lease that has not been assumed or rejected "remains in effect").

[14]Even if we could say that the collective-bargaining agreement is not "in effect" and that the notice and waiting period requirements of § 8(d) are inapplicable, it does not necessarily follow that the debtor in possession may unilaterally alter terms and conditions of employment. For example, in *NLRB* v. *Katz*, 369 U.S. 736, 743 (1962), although the parties had not yet concluded their negotiations for an initial collective-bargaining agreement, we held that "an employer's unilateral change in conditions of employment under negotiation is . . . a violation of § 8(a)(5) for it is a circumvention of the duty to negotiate which frustrates the objectives of § 8(a)(5) much as does a flat refusal [to negotiate]." In addition, it has been widely held that an employer generally may not make unilateral changes in matters that are mandatory subjects of bargaining even after a collective-bargaining agreement has expired. See, *e. g., Peerless Roofing Co.* v. *NLRB*, 641 F. 2d 734, 735 (CA9 1981); *Clear Pine Mouldings, Inc.* v. *NLRB*, 632 F. 2d 721, 729 (CA9 1980); *Hinson* v. *NLRB*, 428 F. 2d 133, 136 (CA8 1970).

[15]Section 2(2), 29 U.S.C. § 152(2), defines the term "employer" to include "any person acting as an agent of an employer, directly or indirectly." A trustee or a debtor in possession is a "person" within the meaning of § 2(2) as § 2(1) of the NLRA, 29 U.S.C. § 152(1), defines "person" to include "trustees in cases under Title 11 [which governs bankruptcy], or receivers."

[16]Recent events make it clear that the fear of labor unrest resulting from post-filing unilateral modifications is not merely a hypothetical possibility. For example, on September 24, 1983, Continental Airlines filed a Chapter 11 petition. The company immediately instituted wage reductions that ranged from 45 to 50%. New York Times, September 28, 1983, p. D6. On October 3rd, Continental's pilots and flight attendants went on strike. New York Times, October 3, 1983, p. B13. Similarly, on April 22, 1983, Wilson Foods Corporation filed a Chapter 11 petition. Three days later, the company reduced wages by 40 to 50%. New York Times, May 3, 1983, p. D2. The wage cut prompted a strike in early June. New York Times, June 11, 1983, p. 31.

[17]The Court does suggest that § 502(c), which provides for the estimation of contingent and unliquidated claims, and § 507(a)(3) which grants third priority status to certain claims for compensation earned prior to the filing of the petition, "indicate Congress' considered judgment regarding the extent to which special provisions should be afforded workers under the Bankruptcy Code." *Ante* at 15-16 n. 12. If, as I conclude, Congress intended § 8(d) to remain applicable after a bankruptcy petition is filed, it would, however, have been unnecessary to repeat the protections contained by that section in the Bankruptcy Code.

In addition, the Court refers to, and appears to find significance in, the automatic stay provision, 11 U.S.C. § 362(a), and the requirement that damages stemming from rejection of an executory contract be recovered through the Code's claims administration procedures. *Ante*, at 15. However, since the Court does not argue that the automatic stay provision would bar an NLRB proceeding to enforce § 8(d) or that any award in such proceedings would not be recovered through the bankruptcy claims administration procedures, I fail to see why the Court finds these sections relevant to our resolution of the issue before us.

[18]I therefore fundamentally disagree with the Court's wholly unsupported statement that application of § 8(d) "would largely, if not completely, undermine whatever benefit the debtor-in-possession otherwise obtains by its authority to request rejection of the agreement." *Ante*, at 14.

[19]This financial pressure is created primarily by the fact that the cost of the debtor in possession's compliance with §8(d) would be accorded first priority as an administrative expense. See *In re Bel Air Chateau Hospital, Inc.*, 106 LRRM (BNA) 2834 (C.D. Cal, 1980) (Board award for backpay accuring during reorganization given first priority as a cost of administration); Bordewieck & Countryman, *supra*, at 333. *Cf. Reading Co.* v. *Brown*, 391 U.S. 471 (1967) (damages resulting from negligence of receiver administering an estate under Chapter XI of the Bankruptcy Act afforded first priority as an administrative expense).

[United States Court of Appeals, Second Circuit, Nos. 1220, 1221, Dockets 75-5007, 75-5008]

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES, AFL-CIO, APPELLANT, *v.* REA EXPRESS, INC., DEBTOR, REA EXPRESS, INC., DEBTOR-IN-POSSESSION, APPELLEE; INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO, APPELLANT, *v.* REA EXPRESS, INC., DEBTOR, REA EXPRESS, INC., DEBTOR-IN-POSSESSION, APPELLEE

Argued June 27, 1975.
Decided Aug. 27, 1975.
Certiorari Denied Dec. 8, 1975.
See 96 S.Ct. 451.
Certiorari Denied Jan. 19, 1976.
See 96 S.Ct. 855.

Unions appealed from decision of the United States District Court for the Southern District of New York, Inzer B. Wyatt, J., permitting carrier, as debtor-in-possession, to disaffirm executory collective bargaining agreements. The Court of Appeals, Mansfield, Circuit Judge, held that executory collective bargaining agreements subject to provisions of Railway Labor Act may be rejected, and that case would be remanded for further determination as to whether the

agreements in issue were sufficiently onerous and burdensome to warrant grant of such authority pursuant to section of Bankruptcy Act providing that court may permit rejection of executory contracts of debtor.

Remanded with directions.

1. Labor Relations ⚖412

Purpose of sections of Railway Labor Act providing for arbitration and mediation is to avoid disruptions of commerce by forcing parties to exhaust collective bargaining procedures and, where the act applies, to encourage use of arbitration and mediation before engaging in self-help, strikes or other forms of unilateral action. Railway Labor Act, §§ 1, 2, 2, subd. 7, 5, 6, 45 U.S.C.A. §§ 151, 152, 152, subd. 7, 155, 156.

2. Bankruptcy ⚖816

Where, after careful weighing of all of factors and equities involved, including interests sought to be protected by the Railway Labor Act, a district court concludes that an onerous and burdensome executory collective bargaining agreement subject to the Railway Labor Act will thwart efforts to save a failing carrier in bankruptcy from collapse, the court may authorize rejection or disaffirmance of the agreement, under section of Bankruptcy Act providing, without qualification, that the court may permit rejection of the executory contracts of debtor. Bankr.Act, §§ 39, sub. c, 77, sub. n, 301 et seq., 313(1), 11 U.S.C.A. §§ 67(c), 205(n), 701 et seq., 713(1); National Labor Relations Act, §§ et seq., 8(d) as amended 29 U.S.C.A. §§151 et seq., 158(d); Railway Labor Act, § 1 et seq., 45 U.S.C.A. § 151 et seq.

3. Labor Relations ⚖412

Purpose of Railway Labor Act is to avoid disruption of commerce by insuring that carrier will continue operations pending resolution of labor disputes. Railway Labor Act, § 1 et seq., 45 U.S.C.A. § 151 et seq.

4. Bankruptcy⚖816

When a carrier goes into bankruptcy and does not have the funds to continue operations indefinitely at existing levels and labor costs pending exhaustion of protracted Railway Labor Act procedures for modification of its collective bargaining agreements, section of Bankruptcy Act providing, without qualification, that court may permit rejection of executory contracts of debtor must govern. National Labor Relations Act, § 8(d) as amended 29 U.S.C.A. § 158(d); Bankr.Act, §§ 77, sub. n, 313(1), 11 U.S.C.A. §§ 205(n), 713(1); Railway Labor Act, § 1 et seq., 45 U.S.C.A. § 151 et seq.

5. Bankruptcy⚖956

Practical effect of section of Bankruptcy Act providing, without qualification, that court may permit rejection of executory contracts of debtor is to force all creditors doing business under executory contracts with debtor in economic distress to renegotiate their mutual rights, relinquishing some in order to maintain enterprise as a going concern so that they can at least realize a substantial percentage of what they would otherwise receive. Bankr.Act, § 313(1), 11 U.S.C.A. § 713(1).

6. Bankruptcy⚖956

When carrier, after going into chapter XI proceedings, was authorized to operate as debtor-in-possession, it acted as a new juridical entity, and was not a party to and was not bound by terms of collective bargaining agreement entered into by it as debtor unless and until the contract should be assumed, either expressly or conforming to its terms without disaffirmance. Bankr.Act, § 313(1), 11 U.S.C.A. § 713(1).

7. Bankruptcy⚖956

A debtor-in-possession is not bound to assume collective bargaining agreements of its predecessor, but as a new employer is obligated to bargain collectively with representative of employees hired by it. Bankr. Act, § 313(1), 11 U.S.C.A. § 713(1).

8. Labor Relations ⚖414

Carrier, as debtor-in-possession in bankruptcy, was a new employer which, while obligated as a carrier to negotiate with its employees' collective bargaining representative, was not bound to follow elaborate and protracted procedures of Railway Labor Act before putting into effect its proposed terms of employment; where its employees were represented by collective bargaining representatives, it was obligated merely to give reasonable notice of its proposed terms and to negotiate in good faith for reasonable length of time before putting them into effect. National Labor Relations Act, §§ 2, 8(d) as amended 29 U.S.C.A. §§ 152, 158(d); Bankr. Act, §§ 77, sub. n, 313(1), 11 U.S. C.A. §§ 205(n), 713(1); Railway Labor Act, §§ 1 et seq., 1, 2, 2, subd. 7, 5, 6, 45 U.S.C.A. §§ 151 et seq., 151, 152, 152, subd. 7, 155, 156.

Sheldon Engelhard, New York City (Robert L. Jauvtis, Vladeck, Elias, Vladeck & Lewis, P.C., New York City, of counsel), for appellant International Association of Machinists and Aerospace Workers, AFL-CIO.

David J. Fleming, New York City (Reilly, Fleming & Reilly, New York City, James L. Highsaw, Highsaw & Mahoney, Washington, D.C., William J. Donlon, Rosemont, Ill., of counsel), for appellant Brotherhood of Railway and Airline Clerks.

Arthur S. Olick, New York City (John C. Russell, Jane S. Solomon, Anderson, Russell, Kill & Olick, P.C., New York City, of counsel), for appellee REA Express, Inc.

Before CLARK,* Associate Justice, MANSFIELD and MULLIGAN, Circuit judges.

MANSFIELD, Circuit Judge:

Once again we are called upon, within a matter of weeks, to determine whether a trustee or debtor-in-possession in bankruptcy under the Bankruptcy Act may, under § 313(1) of that Act, 11 U.S.C. § 713(1), disaffirm executory collective bargaining agreements entered into by the debtor. In *Shopmen's Local Union No. 455, et al., and NLRB v. Kevin Steel Products, Inc.*, 519 F.2d 698, Dkt. Nos. 74 1872, 74 2154 (2d Cir., July 24, 1975), we held that § 313(1) permits the bankruptcy court to authorize a trustee or debtor-in-possession to reject a collective bargaining agreement governed by the National Labor Relations Act upon a showing that it is onerous and burdensome and that the equities tip decidedly in favor of termination. In the present case we similarly hold that executory collective bargaining agreements subject to the provisions of the Railway Labor Act, 45 U.S.C. § 151 *et seq.*, may be rejected but remand the case for further determination as to whether the agreements in issue are sufficiently onerous and burdensome to warrant grant of such authority pursuant to § 313(1).

REA Express, Inc. ("REA" herein), a corporation engaged in the surface and air transport of express shipments, is a party to separate collective bargaining agreements with two unions (the "unions" herein), the Brotherhood of Railway, Airline and Steamship Clerks ("BRAC" herein) and the International Association of Machinists and Aerospace Workers ("IAM" herein). These agreements govern the wages and working conditions of approximately 6,600 persons of some 7,600 currently employed by REA. The agreements expire on December 31, 1975, and June 1, 1976, respectively. In addition to matters usually covered in a collective bargaining agreement, the agreements substantially affect REA's right to close or consolidate facilities and transfer or lay off workers. In particular, both agreements require payment of supplementary unemployment benefits to workers who are laid off, and the BRAC agreement provides that workers who elect to follow their work in a consolidation are entitled to free transportation and other allowances for the dislocation. Under the BRAC agreement, transfers and consolidations can be effected by REA only upon notice to the union and with substantial delays. BRAC, furthermore, may demand arbitration of a dispute over the effects of a consolidation.

On February 18, 1975, REA and several affiliated companies filed petitions under Chapter XI, § 322 of the Bankruptcy Act, 11 U.S.C. § 722 *et seq.*, and by court order REA was continued as debtor-in-possession of its property. On March 24 REA moved pursuant to § 313(1) of the Bankruptcy Act, 11 U.S.C. § 713(1),[1] and Rule 11-53 of the Rules of Bankruptcy Procedure, for an order permitting rejection of the BRAC and IAM agreements as onerous and burdensome. In support of this motion, REA presented evidence, accepted by the Bankruptcy Judge, that it had incurred substantial liabilities ad debtor-in-possession, had an outstanding payroll liability of over four million dollars, and was unable to meet its expenses on a current basis. REA claimed that it could not continue to operate without significantly reducing costs, and had developed a plan for drastic curtailment and consolidation of its operations. In sum, the collective bargaining agreements are claimed to be onerous and burdensome because (1) their supplemental unemployment and consolidation provisions would completely forestall the debtor, which is insolvent, from adopting and implementing a reorganization plan that would enable it to survive, and (2) the debtor cannot meet the full wage scales provided for in the agreements.

While fully accepting the evidence of REA's economic plight, Bankruptcy Judge Galgay nonetheless denied authority to disaffirm the two contracts, holding that "this is not the kind of rejection or disaffirmance intended by Congress nor would it be within the overall scheme of Chapter XI." REA immediately appealed this decision to the Southern District of New York, see 11 U.S.C. § 67(c), where Judge Wyatt reversed. Judge Wyatt found on his review of the record that the agreements were onerous and burdensome "in any ordinary sense" and concluded that there was no limitation on the type of executory contract which a trustee or debtor-in-possession was permitted by § 313(1) to reject.

DISCUSSION

In *Kevin Steel* we faced the question of whether a debtor-in-possession under Chapter XI of the Bankruptcy Act, which is subject to the National Labor Relations Act, may be authorized by the district court to reject an executory collective bargaining agreement. We concluded that such authority is to be found in the broad language and purpose of § 313(1) which provides, without qualification, that the court may "permit the rejection of executory contracts of the debtor". Although § 8(d) of the National Labor Relations Act, 29 U.S.C. § 158(d), to which *Kevin Steel Products, Inc.* was sub-

* Footnote at end of article.

ject, prohibits any party to a collective bargaining agreement from terminating or modifying it unilaterally prior to exhausting certain negotiating procedures, we reasoned that, unless and until the agreement is assumed by the debtor-in-possession, the latter, being a different entity from the prebankrupt company, is not a "party" to the agreement and hence not subject to § 8(d)'s termination restrictions with respect to it.

Thus the tension between the Bankruptcy Act's policy in favor of giving the debtor a new start and the Labor Act's policy of encouraging enforcement of collective bargaining agreements was resolved by holding that, absent a clear Congressional mandate to the contrary, such as that specified in § 77(n) of the Bankruptcy Act, 11 U.S.C. § 205(n), with respect to "railroad employees", the enforcement of a collective bargaining agreement must yield to the bankruptcy court's power to relieve the debtor's successor in bankruptcy immediately of onerous and burdensome executory contracts. At the same time we decided that a bankruptcy court must scrutinize with particular care applications for rejection of collective bargaining agreements, carefully balancing the equities on both sides in light of the Labor Act's policy. The case was accordingly remanded to the district court for a more thorough discretionary reconsideration of the advisability of authorizing rejection of Kevin Steel's collective bargaining agreement.

The central question before us in this case is whether a collective bargaining agreement subject to the Railway Labor Act ("RLA"), 45 U.S.C. § 151 *et seq.*, is governed by the same principles. The unions maintain that the RLA's plain language prohibits any such rejection of a collective bargaining agreement made by the debtor-carrier except in the manner prescribed by that Act. We disagree. The face of the RLA, it is true, appears at first glance to lend some support to the unions' position. A "carrier" is defined by § 1 of the RLA to include "any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the business of any such 'carrier'. . . ." 45 U.S.C. § 151.[2] Section 2 of the RLA then provides that:

"No carrier, its officers, or agents shall change the rates of pay, rules, or working conditions of its employees, as a class, as embodied in agreements except in the manner prescribed in such agreements or in section 156 of this title." 45 U.S.C. § 152, Seventh.

In addition, § 6 of the RLA, 45 U.S.C. § 156, (referred to above in § 2 as "section 156 of this title") obligates a carrier to utilize a protracted procedure for resolution of differences with respect to any proposed changes in a collective bargaining agreement, pending completion of which the carrier must maintain the status quo, even if the agreement has expired. See *Manning* v. *American Airlines, Inc.*, 221 F. Supp. 301 (S.D.N.Y. 1963), *aff'd.*, 329 F.2d 32 (2d Cir.), *cert. denied*, 379 U.S. 817, 85 S.Ct. 33, 13 L.Ed.2d 29 (1964). Section 6 requires that at least thirty days' written notice be given of any intended changes in rates of pay, rules or working conditions and it requires conferences to be held with respect to the changes. The RLA further provides for submission of disputes to the National Mediation Board, see 45 U.S.C. § 155, if requested by either party or if the Board proffers its services. Section 6 also specifies that, pending the exhaustion of these procedures, "rates of pay, rules, or working conditions shall not be altered by the carrier.

[1] The purpose of these provisions of the RLA, like that of § 8(d) of the National Labor Relations Act, 29 U.S.C. § 158(d), which was before us in *Kevin Steel*, is to avoid disruptions of commerce by forcing the parties to exhaust collective bargaining procedures and, where the RLA applies, to encourage use of arbitration and mediation before engaging in self-help, strikes or other forms of unilateral action. The unions contend that a trustee or debtor-in-possession, being a "carrier", is obligated to use the foregoing statutory notice, conference and mediation procedures before it may make any change in its collective bargaining agreements.

In response to this argument, REA points to the broad language of § 313(1) of the Bankruptcy Act, which without qualification authorizes the Bankruptcy Court to "permit the rejection of executory contracts of the debtor", 11 U.S.C. § 713(1). This section enables the court to implement the policy of Chapter XI, which is to permit the debtor-in-possession to deal with the debtor's property in a way that will enable it to survive, by relieving it of executory contracts that would threaten or prevent its survival. As Judge Wyatt observed, the Bankruptcy Act places no restriction on the type of executory contract which may be rejected under this section. See 8 *Collier on Bankruptcy* 199 (14th ed.). Furthermore, as we noted in *Kevin Steel*, Congress, by enacting § 77(n) of the Bankruptcy Act, 11 U.S.C. § 205(n), which excepts "railroad employees" from the operation of § 313(1), demonstrated that it "knew how to remove labor agreements from the scope of a general power to reject executory contracts", at 704.[3] Both courts having held below, and the unions having conceded, that the collective bargaining agreements are "executory" as to their unexpired terms, REA argues that the Bankruptcy Act's plain language must prevail.

[2, 3] Faced with this apparent conflict in the language and purposes of the RLA and the Bankruptcy Act we must give effect to both statutes to the extent that they are not mutually repugnant. In the present case we are persuaded, as we were in *Kevin Steel*, that this can be accomplished by holding that where, after careful weighing of all of the factors and equities involved, including the interests sought to be protected by the RLA, a district court concludes that an onerous and burdensome executory collective bargaining agreement will thwart efforts to save a failing carrier in bankruptcy from collapse, the court may under § 313(1) authorize rejection or disaffirmance of the agreement. To hold that the RLA precludes rejection under such circumstances would ultimately be to defeat the purpose of the RLA itself, which is to avoid disruption of commerce by insuring that the carrier will continue operations pending resolution of labor disputes, since the end result could well be to preclude financial reorganization of the carrier and thus lead to its demise. There then would simply be no operations left to disrupt. If REA's collective bargaining agreements with the unions, for instance, are too onerous and burdensome to permit it to survive, no purpose would be served by obligating it to resort to RLA negotiating procedures, which assume that the carrier involved is viable and will be able to meet its payroll and contractual obligations to employees and other creditors.[4]

[4, 5] When a carrier goes into bankruptcy and does not have the funds to continue operations indefinitely at existing levels and labor costs pending exhaustion of the protracted statutory RLA procedures for modification of its collective bargaining agreements, § 313(1) must govern. The practical effect of § 313(1) is to force all creditors doing business under executory contracts with the debtor in economic distress to renegotiate their mutual rights, relinquishing some in order to maintain the enterprise as a going concern so that they can at least realize a substantial percentage of what they would otherwise receive. It is a rare case when the financial distress of an enterprise in bankruptcy does not work a hardship on its creditors, including those who render services to the debtor. No reason is shown why the unions and the employees represented by them should under such circumstances be permitted to insist upon strict compliance with their executory agreements with REA.

[6, 7] When REA, after going into Chapter XI proceedings, was authorized to operate as the debtor-in-possession, it acted as a new juridical entity. It was not a party to and was not bound by the terms of the collective bargaining agreement entered into by REA as debtor, see *Shopmen's Local Union No. 455, et al., and NLRB v. Kevin Steel Products, Inc., supra*, at 704; *In re Capital Service, Inc.*, 136 F.Supp 430, 434 (S.D. Cal. 1955), unless and until the contract should be assumed, either expressly or conforming to its terms without disaffirmance, see *In re Public Ledger, Inc.*, 161 F.2d 762, 767 (3d Cir. 1947.[5] Although a debtor-in-possession such as REA is not bound to assume the collective bagaining agreements of its predecessor, it as a new employer is obligated to bargain collectively with the representative of the employees hired by it. The Supreme Court so held with respect to a new employer in a case governed by the NLRA, *NLRB v. Burns Security Services*, 406 U.S. 272, 277-81, 92 S.Ct. 1571, 32 L.Ed.2d 61 (1972), and the result under the RLA is the same. Moreover, a trustee or debtor-in-possession, being a "carrier", is expressly obligated by § 2 of the RLA to "exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions . . ." 45 U.S.C. § 152. This language has been interpreted to impose a positive duty on the carrier to bargain with the employees' certified representative. *Chicago & N.W. Ry. Co. v. United Transportation Union*, 402 U.S. 570, 574-76, 91 S.Ct. 1731, 29 L.Ed.2d 187 (1971); *Virginia Ry. Co. v. System Federation No. 40*, 300 U.S. 515, 57 S.Ct. 592, 81 L.Ed. 789 (1937).

The question crucial to the present case is whether, in addition to being required to bargain with the unions as representatives of the employees, the debtor-in-possession, as a new employer, is also obligated to maintain the status quo, i.e., adhere to the terms and conditions of employment presently in effect pending negotiations with the unions for collective bargaining agreements. In *NLRB v. Burns Security Services, supra*, the Supreme Court considered the applicability of such a requirement to a successor-employer subject to the NLRA which was obligated to bargain with a union. In that case Burns had replaced another employer in providing security services at a certain plant. Burns hired for itself 27 of the plant guards employed by the predecessor, and brought in 15 of its own employees. The Court held that, although Burns had a duty to bargain with the representative of the employees of the predecessor, it had no obligation to refrain from changing the terms

of employment before such bargaining occurred. As a new employer, Burns was held to have a right unilaterally to set the initial terms on which it would hire employees. Moreover, the Court stated, to bind a successor-employer to the terms of its predecessor's collective bargaining contract could, where the terms of the agreement were onerous, discourage or inhibit a potential successor from taking over a failing business. Thus a new employer, it was emphasized, must be granted certain prerogatives at the outset in making changes in the method of operation, business structure and labor arrangements of a venture. Otherwise, the free flow of capital and efforts to revive or expand a weak enterprise might be frustrated.

These principles are particularly applicable to the efforts of a trustee or debtor-in-possession to save a carrier from complete collapse and liquidation. Unless the debtor-in-possession is permitted to act promptly, albeit unilaterally, in avoiding onerous employment terms that will prevent it from continuing as a going concern, the enterprise, and with it the employment of its workers, may fail. Although a solvent employer might be able to survive continuation of the status quo pending the protracted negotiations, including arbitration and mediation as provided for by § 6 of the RLA, a trustee or debtor-in-possession in charge of a carrier teetering on the brink of disaster would, if saddled by onerous executory terms of its predecessor's agreements, not be able to continue in business that long.[6] Indeed, REA, as debtor-in-possession, maintains that unless it carries out immediately the plan (Plan B-2) which it has initiated for drastic reductions in its service-center facilities and regional accounting offices, requiring substantial reductions in rates of pay and operational economies, it will not be able to continue in operation at all.

[8] For these reasons we are persuaded that REA, as the debtor-in-possession in bankruptcy, is a new employer which, while obligated as a carrier to negotiate with its employees' collective bargaining representative, is not bound to follow the elaborate and protracted procedures of § 6 of the RLA before putting into effect its proposed terms of employment. Where its employees are represented, as here, by collective bargaining representatives, it is obligated merely to give reasonable notice of its proposed terms and to negotiate in good faith for a reasonable length of time before putting them into effect. In arriving at this conclusion we are not unmindful of the Supreme Court's dictum in *Burns* to the effect that there will be instances where, when a new employer retains all employees in a unit, it will be appropriate for the employer to consult with the employees' bargaining representative before fixing new terms, 406 U.S. at 294-95, 92 S.Ct. 1571. However, we do not interpret this exception as mandating that a new employer, pending negotiation of a new agreement with the union (which the debtor-in-possession here is obligated to undertake by § 2 of the RLA, 45 U.S.C. § 152) must adhere unqualifiedly to the terms of its predecessor's agreements. We read this suggested exception as being limited to those situations where employers are led at the outset by the successor-employer to believe that they will have continuity of employment on pre-existing terms and as not applying where the new employer dispels any such impression prior to or simultaneously with its offer to employ the predecessor's work force, *Spruce Up Corp.*, 209 NLRB No. 19, 85 LRRM 1426 (1974), see Note, *The Bargaining Obligations of Successor Employers*, 88 Har.L. Rev. 759, 777-78 (1975).

In the present case REA as debtor-in-possession has not misled employees into the belief that it would adhere to pre-existing terms, conditions and scope of employment pending negotiations with the unions. On the contrary, the Chapter XI proceeding, which was widely publicized, put the unions and REA employees on notice that changes would be required to avert collapse of REA. The debtor-in-possession, furthermore, then initiated changes by putting into effect a series of retrenchments and economies designed to enable operations to be continued on a lesser scale, including the partial implementation of Plan B-2, deferred payment of 10% of its union payroll, and reduction in holiday pay.

Appellants further contend that, even if the district court had authority under § 313(1) of the Bankruptcy Act to authorize REA to reject the debtor's collective bargaining agreements with the unions, the district judge abused his discretion in granting such authority in this case, since he failed to balance the equities, including the employees' inability in Chapter XI proceedings to evaluate and obtain compensation for loss of their pension, welfare, seniority and other contract rights. See *Matter of Overseas National Airways, Inc.*, 238 F.Supp. 359, 361-62 (E.D.N.Y.1965). REA has countered by furnishing estimates of the dollar amounts that it would be obligated to pay under its agreement with BRAC if that agreement were continued in effect and estimates of the amounts which it proposes to save through consolidation and retrenchment under Plan B-2. However, in view of the serious effects which rejection has on the carrier's employees it should be authorized only where it clearly appears to be the lesser of two evils and that, unless the agreement is rejected, the carrier will collapse and the employees will no longer have their jobs. Here the record fails to indicate clearly the extent to which each agreement precludes continued operation of REA, the extent to which the district court weighed the conflicting equities, or any findings by the court other than its statement that "in any ordinary sense of the words the two contracts are 'onerous and burdensome' ". We note, for instance, that while certain clauses of REA's contract with BRAC would impose heavy burdens on REA, at least some of these clauses do not appear in its contract with IAM. Accordingly, substantially for the reasons stated in remanding *Kevin Steel*, we remand the case of the district court for further consideration and findings on the question of whether REA's agreements with BRAC and IAM are sufficiently onerous and burdensome to warrant an authorization to the debtor-in-possession to reject them.

FOOTNOTES

* Supreme Court of the United States, retired, sitting by designation.

[1] Section 313(1) of the Bankruptcy Act, 11 U.S.C. § 713(1), provides:

"Upon the filing of a petition, the court may, in addition to the jurisdiction, powers, and duties conferred and imposed upon it by this chapter—

"(1) permit the rejection of executory contracts of the debtor, upon notice to the parties to such contracts and to such other parties in interest as the court may designate."

[2] The National Labor Relations Act likewise applies to "legal representatives, trustees, trustees in bankruptcy, or receivers", 29 U.S.C. § 152, see *Durand* v. *NLRB*, 296 F.Supp. 1049, 1055 (W.D.Ark. 1969).

[3] Section 77(n) of the Bankruptcy Act, 11 U.S.C. § 205(n), provides:

"No judge or trustee acting under this [Act] shall change the wages or working conditions of railroad employees except in the manner prescribed in [the Railway Labor Act] . . ."

[4] Although Congress in § 77(n) of the Bankruptcy Act precluded federal courts from changing the terms and conditions of employment of railroad workers, it made this exception because railroads, being entitled to the unique benefits of railroad reorganization under § 77 of the Bankruptcy Act, did not come under Chapter X of that Act. See H.R. Rep. No. 1897, 72d Cong. 2d Sess. (1933); Sen. Rep. No. 92-1158, 92d Cong., 2d Sess. (1972).

[5] We construe *Burke* v. *Morphy*, 109 F.2d 572 (2d Cir.), *cert. denied*, 310 U.S. 635, 60 S. Ct. 1078, 84 L.Ed. 1404 (1940), relied upon by appellants, as also dealing with a situation in which the receiver had implicitly adopted the debtor's labor agreements.

[6] As one commentator observed:

"It is doubtful that the Penn Central reorganization will continue long enough to enable its trustees to resolve the train crew dispute with the unions. It is even more doubtful that a Chapter X or XI proceeding for an airline can remain viable for the period required to exhaust the procedures of the RLA. Hence, the operation of that Act seems effectively to preclude the resolution of most labor relations disputes in a bankruptcy rehabilitation proceeding for a railroad or an airline. Moreover, the RLA seems also to preclude any interim relief from the onerous collective bargaining contract of a railroad or an airline in bankruptcy proceedings. Where the trustee, receiver or debtor in possession does not exercise the option to assume or reject such a contract, the Act forestalls the negotiation of a new and less onerous contract to apply while the proceedings are pending." *Countryman, Executory Contracts in Bankruptcy, Part II*, 58 Minn.L.Rev. 479, 498 (1974).

Section 77(n) of the Bankruptcy Act applies, of course, to the Penn Central, requiring it to follow the procedures prescribed by § 6 of the Railway Labor Act.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

ENROLLED JOINT RESOLUTIONS SIGNED

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 271. Joint resolution designating February 11, 1984, "National Inventors' Day;" and

H.J. Res. 443. Joint resolution designating the month of June 1984 at "Student Awareness of Drunk Driving Month."

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Special Report from the Subcommittee on Investigations entitled "Waterfront Corruption." (Rept. No. 98-369)

● Mr. ROTH. Mr. President, on behalf of the Senate Committee on Governmental Affairs, I submit a report of its Permanent Subcommittee on Investigations entitled: "Waterfront Corruption."

This report reflects the extensive investigation performed by the Permanent Subcommittee on Investigations under the very able leadership of the subcommittee's ranking minority member, Senator SAM NUNN, together with some outstanding assistance from the vice chairman, Senator WARREN RUDMAN.

In the report, the subcommittee finds that the International Longshoremen's Association (ILA) and large portions of the American shipping industry have been victimized by the corrupt influence of organized crime. The report includes a variety of recommendations for strengthening law enforcement efforts to stem that corruption and help restore free enterprise to America's waterfront industries.

I believe the work of the subcommittee on the waterfront project, coupled with our upcoming report on problems in the hotel and restaurant industry, stands out as some of the best work done in the Congress on the subject of labor-management relations in years.●

● Mr. NUNN. Mr. President, as ranking minority member of the Permanent Subcommittee on Invesitgations, and on behalf of Senator ROTH, the chairman, and other members, I am today filing the subcommittee's report on "Waterfront Corruption," an inquiry into the influence of organized crime in the shipping industry in east coast and gulf coast ports.

The investigation and hearings were conducted under authority granted the Permanent Subcommittee on Investigations of the Governmental Affairs Committee by Senate Resolution 361 of March 5, 1980. The resolution authorized the subcommittee to conduct investigations of racketeering in the labor-management field and also to investigate organized and syndicated crime. As chairman of the subcommittee in 1979 and 1980, I directed the staff's preliminary investigation. I then chaired the 6 days of hearings in February of 1981, with the concurrence of the new chairman, Senator ROTH.

As indicated in the subcommittee report being filed today, organized crime figures have had great influence in the International Longshoremen's Association, the bargaining agent for 110,000 waterfront workers. In doing so, their corrupt influence has undermined the economic vitality of the shipping industry in east coast and gulf coast ports.

The subcommittee found that the fight against this corruption would be strengthened substantially if the U.S. Department of Labor will assume a stronger, more law-enforcement-minded presence on the Nation's docks and if the Congress will pass legislation strengthening the antiracketeering power of the Government under the Taft-Hartley Act. The report says:

Organized crime, in the form of La Cosa Nostra or Mafia crime families, was found to have great influence in the operation of the ILA and many shipping companies. Some shipping firms, because of fear or a willingness to participate in highly profitable schemes, have learned how to prosper in the corrupt waterfront environment. They treat payoffs as a cost of doing business, a cost they pass on to the consumer.

The free enterprise system has been thrown off balance. Contracts are not awarded on the basis of merit. The low bid does not beat the competition. Profitability is not based on efficiency and hard work but rather on bribery, extortion and questionable connections. It is a recipe for inflationary costs and economic decline.

The subcommittee report is critical of ILA President Thomas (Teddy) Gleason for his unwillingness to acknowledge that corruption is a major problem for his union, an organization whose official ranks were hard hit by Federal prosecutions in the late 1970's and 1980 that resulted in labor racketeering convictions for more than 20 of its most prominent leaders, including Fred R. Field, Jr., former international general organizer; Anthony Scotto, international general organizer; and Anthony Anastasia, Vincent Colucci, William Boyle, and George Barone, international vice presidents; and Carol Gardner, international assistant general organizer.

The subcommittee report is critical of the Labor Department for its past lack of attention to the problem of corruption in collective bargaining. Citing evidence gathered in its waterfront racketeering inquiry and its examination of the Government's investigation of alleged corruption in the Teamsters Central States Pension Fund, the subcommittee report says the Labor Department has not taken an effective role in combating corruption in union activities. The report says:

The corruption, which was shown to be pervasive in the ILA, acts to the detriment of honest union members and officials and can only cause disarray, decline and inflation in the industries it afflicts. The Labor Department has primary jurisdiction in this area but has not met its obligations. It has created neither an adequate presence in the field, nor has it shown a willingness to build cases against allegedly corrupt union officials.

I acknowledge and commend the Labor Department's recent efforts to improve and strengthen their role in law enforcement. In the Teamsters Central States Pension Fund inquiry, the Department has successfully negotiated substantial settlements of much of the civil litigation, including agreements for future monitoring of the funds by judicially enforced consent decrees.

In the criminal arena, the Organized Crime and Racketeering Section of the Inspector General's Office of the Labor Department has spearheaded major investigations of organized crime and its influence in the labor area. Many of these investigations have resulted in the prosecution and conviction of high-level organized crime figures. The Labor Department should continue, through these kinds of efforts, to focus on the problem of labor racketeering and corruption by organized crime.

There are legislative proposals now pending which can directly assist law enforcement in this area. Legislation introduced by myself and Senators ROTH, CHILES, and others to amend Taft-Hartley's antiracketeering provisions has passed the Senate and is awaiting consideration in the House. The measure (S. 336), the Labor-Management Racketeering Act, makes payoff violations of $1,000 or more a felony, punishable by up to 5 years in prison or a fine of up to $15,000, or both.

The bill attempts to rid labor unions and employee benefit plans of the influence of persons who have been convicted of crimes. Current disbarment provisions are expanded in several ways by, first, enlarging the criminal offenses resulting in disbarment; second, enlarging the categories of persons affected by the disbarment provision; third, increasing the duration of time the convicted person is barred from office from 5 years to 10; and fourth, providing for disbarment immediately upon conviction, rather than on appeal.

In recommending that Congress pass this legislation, the report also notes that the ILA and its employer companies can only benefit from successful efforts to rid the docks of corrupt practices. The time is long overdue for such a cleanup campaign.

The fact that organized crime has been a major force in the ILA and many of its employer companies has been known for 25 years, going back at least as far as the Senate hearings held by the late Senator John McClellan. The problem has been studied and exposed by Congress and by investigative journalists. A movie was even made about it. Yet, today not much has changed.

The solution must be stronger laws and a determined Government to enforce them. Equally important, however, is a determination on the part of honest ILA workers and shipping officials to restore law and order to the east coast and gulf coast docks.

Mr. President, I request that an excerpt of the subcommittee report's findings, conclusions, and recommendations be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. FINDINGS AND CONCLUSION

Six days of hearings in February of 1981 by the Senate Permanent Subcommittee on Investigations showed that corrupt practices were commonplace on the Atlantic and Gulf Coast waterfronts.

The hearings were conducted under authority granted the Governmental Affairs Committee and its duly authorized subcommittees by Rule XXV of the Standing Rules of the Senate and by Senate Resolution 361, which was agreed to on March 5, 1980.

Section 3 of Senate Resolution 361 authorized the Subcommittee to conduct investigations of labor racketeering and organized criminal activities and to indentify the individuals involved.

Senator Sam Nunn of Georgia, who was Chairman of the Subcommittee in the 96th Congress, directed the staff inquiry in 1980. He then chaired the 1981 hearings, with the concurrence of the new Chairman, Senator William V. Roth, Jr. of Delaware.

Citing criminal activity within the International Longshoremen's Association and the American shipping industry, witnesses at the hearings described the struggle for economic survival in ports that are riddled with kickbacks and illegal payoffs to union officials.

Witnesses testified that payoffs were a part of virtually every aspect of the commercial life of a port. Payoffs insured the award of work contracts and continued contracts already awarded. Payoffs were made to insure labor peace and to allow management to avoid future stikes. Payoffs were made to control a racket in workmen's compensation claims. Payoffs were made to expand business activity into new ports and to enable companies to circumvent ILA work requirements.

Organized crime was found to have great influence in the operation of the ILA and many shipping companies. Some shipping firms, because of fear or a willingness to participate in highly profitable schemes, have learned how to prosper in the corrupt waterfront environment. They treat payoffs as a cost of doing business.

The free enterprise system has been thrown off balance. Contracts were not awarded on the basis of merit. The low bid did not beat the competition. Profitability was not based on efficiency and hard work but rather on bribery, extortion and questionable connections. The combination of these corrupt practices was a recipe for inflationary costs and economic decline.

Much of the corruption on the waterfront stemmed from the control organized crime exercises over the ILA, a condition that has existed for at least 30 years.

In the mid-1950's, reports of widespread corruption in the ILA led to a Congressional investigation into labor racketeering on the docks. The Senate Select Committee on Investigation of Improper Activities in the Labor or Management Field, an extension of the Senate Permanent Subcommittee on Investigations, looked into the problem of ILA involvement in waterfront corruption.

In August of 1957, the Select Committee, chaired by Senator John McClellan of Arkansas, called as witnesses Captain William V. Bradley, president of the ILA, and Thomas (Teddy) Gleason, General Organizer and the union's third ranking official.

Pointing to the ILA's record of tolerating corrupt practices within its leadership ranks, Senator John F. Kennedy of Massachusetts pressed Bradley and Gleason on what constructive steps they were taking to control questionable and illegal conduct by union officials.

Senator Kennedy noted, for example, that, according to the New York State Crime Commission, 30 percent of the officials of ILA longshore locals had police records.

Bradley and Gleason responded in general terms, saying, in effect, that they were not running a police department and that they didn't expect to move any more vigorously against ridding their union of corrupt officials.

Twenty-four years later, in February of 1981, Gleason, who had been president of the ILA since 1963, was still defending his union against charges that it was controlled by organized criminals. He told the investigations Subcommittee:

"In regard to the information reported in the press about the ILA being dominated by organized crime figures, I am here today to deny that, emphatically, categorically, and without any reservation whatsoever." [1]

Gleason went on to say that witnesses before the Subcommittee had asserted that the ILA was controlled by gangsters but that nowhere in the hearing record was there evidence to support such an allegation. Gleason said:

"You have up to now drawn or permitted to be drawn an inference that the union and I are so dominated (by organized crime). There is no direct, unequivocal, or reliable evidence of any such dominance. Certainly none has been produced here." [2]

Gleason was wrong on both assertions. He failed to refute the charge that his union is controlled by organized crime. And he ignored the preponderance of evidence when he said none had been produced showing the substantial influence organized crime exercised on his union's activities.

A document handed to Gleason at the hearings, Subcommittee exhibit No. 2,[3] was a chart showing the names of senior ILA officials who had been convicted of felonies in the federal government's investigation of waterfront labor-management corruption.

Known by the acronym, UNIRAC, for union racketeering, the investigation and subsequent prosecutions resulted in convictions of more than 20 of the ILA's most prominent leaders.

Equally damaging to the ILA and Gleason's claim that the union is free of organized crime's dominance was evidence showing that several of the ILA leaders were members or associates of traditional La Cosa Nostra or Mafia families.

Confronted with the chart showing the ILA officials' convictions, Gleason would not address adequately the fact that his union's leadership had so many felonious criminals in its ranks.

It could not have escaped Gleason's attention that Anthony Scotto, president of the ILA's largest local, No. 1814 in Brooklyn, was convicted of racketeering, demanding and accepting payoffs and federal income tax fraud.

It could not have escaped Gleason's attention that Scotto, as International Vice President and General Organizer, was a nationally prominent labor leader, a man with substantial political influence and the ILA leader mentioned frequently as likely to succeed Gleason as president.

Nor could it have escaped Gleason's attention that Scotto was identified in 1969 as being a member of the Carlo Gambino crime family and that as recently as 1979 court-authorized electronic surveillance and police observation established that Scotto was summoned to a Brooklyn bar by Michael Clemente, a crime family gangster of considerable notoriety, so that the two of them, Scotto and Clemente, could discuss the very government investigation that would eventually send them both to prison.

With Scotto, there were other ILA international vice presidents who were convicted of labor racketeering—George Barone and William Boyle of Miami, Anthony Anastasia of New York, Vincent Colucci of New Jersey and William Landon of Jacksonville, Florida. Barone, Anastasia and Colucci have been identified by the Department of Justice as being members of organized crime families while Boyle has been identified as an associate.

Fred R. Field, Jr., the former General Organizer of the ILA; Carol Gardner, an international assistant general organizer; and Thomas Buzzanca, an international organizer, were convicted of labor racketeering. Buzzanca has been identified by the Justice Department as being a member of a crime family and Field was identified as an associate.

Barone, Buzzanca, Colucci and Landon were presidents of ILA locals. Anastasia was an executive vice president of an ILA local. Another convicted officer, Jamers Vanderwyde, was coordinator for the Atlantic Coast District of the ILA and an officer in a Miami ILA local.

These were some of the better known ILA officials convicted of labor racketeering. There were others in smaller ports—seven in Wilmington, North Carolina; two in Charleston, South Carolina; and one each in Mobile, Alabama; San Juan, Puerto Rico; Houston, Texas; Boston, Massachusetts; Jacksonville, Florida; New Orleans, Louisiana; Tampa, Florida; Southport, North Carolina; and Port Allen, Louisiana.

An even more damaging development that came out of the government's inquiry was the fact that the senior members of the waterfront conspiracy—Scotto, Field, Barone, Buzzanca, Colucci, Gardner, Boyle, Vanderwyde—were found to be controlled by gangsters outside the union. To varying degrees, they were doing the bidding of organized crime figures whose conduct had been brought to the attention of law enforcement for many years.

Evidence showed that Colucci, Gardner and Buzzanca took direction from a Genovese crime family operative in New Jersey, Tino Fiumara. Barone, Boyle, and Vanderwyde were found to be under the direction of another Genovese family figure, Anthony Salerno.

Anthony Scotto, who the Justice Department said 12 years ago was a Gambino family member—and who, under oath before a state crime legislative panel, invoked the Fifth Amendment privilege against self-incrimination when asked about his ties to the Gambino family—also owed some allegiance to the Genovese gang. Scotto's acquiescence to Mike Clemente's summons was a display of the loyalties of a man who enjoyed the friendship and trust of important political leaders. Scotto had many

[1] Hearings, "Waterfront Corruption," p. 458.
[2] Ibid., p. 458.
[3] Ibid., p. 189.

connections in the respectable world, yet he still had to meet his obligations to the organized crime figures who got him his ILA job.

Scotto's loyalties to crime families constituted a betrayal of the labor movement and the many working men and women who trusted and believed in him. However, because he happened to have friends in important positions outside labor, his conduct is no more a betrayal of the valid principles of trade unionism than was the conduct of other ILA officials who broke the law.

Teddy Gleason's testimony before the Subcommittee was not in keeping with a labor leader whose first commitment is to his members and to the principles of trade unionism. The evidence is overwhelming that criminals have a strong voice in his union. He should have acknowledged that such a problem exists and he should have indicated what steps he is taking to correct it. The most obvious action he can take is to exercise the clause in the ILA constitution which enables the union to remove from office officials who are found to be unfit for their positions.

The Congress also has a responsibility. It should strengthen existing laws to allow government to do more to clean up corruption when it exists in unions such as the ILA. The Subcommittee believes there are four specific legislative proposals which Congress should enact. They are:

1. Congress should amend federal law as it relates to the rights of union officials to remain in office once they have been convicted of certain serious crime. The law, 29 U.S.C. 504, prohibits any person from serving as a union official or employee for a period of five years if he has been convicted of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, narcotics violations, murder, rape, assault with intent to kill, assault which inflicts grievious bodily injury, or a violation of the labor laws relating to reporting and disclosure by unions and union trustees.

As the law now stands, disbarment does not become effective until all appeals have run. From the testimony the Subcommittee has received in the waterfront hearings and other hearings, it is apparent that some union officials continue in office, even after indictment and conviction, and use their office to commit crimes involving their official union position until their appeals are exhausted. As Supreme Court Chief Justice Burger has noted in his public statements, the appellate procedures often have resulted in continuing delays and seemingly endless processes which continue for years and years. During the lengthy appeals process, many convicted labor leaders hold fiduciary positions and continue to abuse them.

Congress should amend the law so that those union officials, upon convicted, can be immediately suspended from office.

2. The same statute, 29 U.S.C. 504, should be expanded to include more crimes which can form the basis for expelling a labor official from office. For instance, the statute does not cover a Taft-Hartley Act violation. The acceptance of a payoff by a union official from an employer is not a crime requiring disbarment by section 504. In addition, federal prosecutors are concerned that conviction of a person for running a criminal enterprise—a RICO violation, in the terminology of prosecuters—may not be grounds for dismissal from a union fiduciary position.

The Subcommittee believes that the statute should be amended to provide that any serious crime a union official commits in his official position should be sufficient cause to remove him from office.

3. The statute under the Taft-Hartley Act having to do with payoffs should have a stronger penalty. The law, 29 U.S.C. 186, prohibits employers from paying off union officials. No matter what the size of the payoff—whether it is $100 or $100,000—the crime is always the same, a misdemeanor subject to relatively low fines and very short imprisonment.

The misdemeanor penalty may be all that some payoffs call for. But many payoffs are more serious instances of breaches of fiduciary trust and should be dealt with accordingly. Many payoffs are given with regularly and eventually add up to hundreds of thousands of dollars. In the payoffs demanded of certain shipping executives, the financial losses totalled millions of dollars. Moreover, a gang, systematically demanding payoffs from an entire section of an industry, can reap illicit returns in the millions of dollars if the racket goes on for years.

The cost of payoffs eventually must be passed on to the consumer. The cost of doing business may become so exorbitant that a firm will go out of business. Violators responsible for these kinds of economic hardships should be made to endure substantial imprisonment. Their lawlessness inflicts suffering on companies, employees and society at large.

The Congress should make it a felony to demand payoffs and to make payoffs as well. Punishment should be severe. The point should be made—in terms that waterfront gangsters in both labor and management can understand—that labor payoffs are not sanctioned by the federal government.

4. Longshore and other waterfront workers should be protected fully against the cost of job-related injuries. However, there should be a mechanism installed in the compensation claims process to assure that the insurance system is not exploited illegally.

The Federal Longshoremen's and Harbor Worker's Act makes it too easy for longshoremen to feign or exaggerate injuries. The burden of proof is placed on the employer, who must demonstrate that the claimant's injury is non-existent or is not as serious as he and his doctor say it is.

As seen in the Subcommittee's hearings, one company with operations on the Brooklyn pier saw its annual workmen's compensation claims jump from $230,000 to $1.4 million in two years. The only way the company could bring down the claims was to begin paying off ILA Local President Anthony Scotto $5,000 a month. Costs then returned to a more reasonable level. The Subcommittee received testimony indicating that another company suffered such high workmen's compensation claims that it went bankrupt because of them.

The onslaught of fraudulent claims resulted, in part, from the abuse of those provisions of the Federal Longshoremen's and Harbor Workers' Act which allow the injured employee a "free" choice of treating physician. The Act should be amended to require that employees select treating physicians from a list of authorized physicians compiled by the Department of Labor from names submitted by employers. Workmen's compensation, as envisioned by Congress, is designed to insure employees against the possibility that they would be unable to work and earn a livelihood because of an injury at work. By striving to protect the legitimate concerns of the worker who is injured on the job, the Congress created an invitation for the unscrupulous to create yet another waterfront racket. By providing for a listing of authorized physicians, the rights of the workers will continue to be protected while the potential for fraud will be reduced.

In addition to its findings in the legislative area, the Subcommittee makes the following additional findings:

1. With respect to the waterfront, the Subcommittee believes in the need for state, local and regional commissions and regulations to fend off the abuses documented in the hearings. The New York-New Jersey Waterfront Commission has been in existence for nearly 30 years. It has not stopped corruption completely in the Port of New York. But it does exercise many valuable law enforcement and regulatory services. As one federal prosecutor put it, the commission has not solved every problem, but things would be much worse without it.

The Subcommittee notes that hoodlums were expelled from the Port of New York by the commission in the 1960s. But, because there were no such regulatory government components in the Gulf Coast ports, these crime figures were able to go to Miami, Savannah, Norfolk and other Southern ports and resume their criminal conduct under the guise of trade unionism. The situation is intolerable. State legislatures and local governments should study the example of the New York-New Jersey Waterfront Commission and consider creating their own regulatory entity to oversee port activities.

2. The Subcommittee's hearings, showing the need for local, state and regional regulatory bodies on the waterfront, also demonstrated the value and necessity of vigorous, imaginative law enforcement by state and local police. Nowhere was the effectiveness of state investigative work better displayed than in the two-and-one-half year undercover operation run by the New Jersey State Police in the Newark area.

Known as Project Alpha, the investigation consisted of state police officers, in an undercover capacity, operating a trucking company that gradually fell under mob control. Assisted by the FBI and funded in part by a $1 million grant from the Law Enforcement Assistance Administration, Project Alpha demonstrated the many illegal pursuits of the Genovese and Bruno crime families in the Newark area.

As a result of the inquiry, state and federal charges were brought against 34 persons for a variety of crimes including possession of stolen property, unlawful sale of handguns, conspiracy for possession of stolen property, possession of counterfeit New Jersey Certificates of Titles, possession of counterfeit checks, loansharking, possession of counterfeit New Jersey Drivers licenses and interstate transportation of stolen property.

Important as the criminal prosecutions stemming from Project Alpha were, also valuable was the new information law enforcement officials were able to learn about the internal workings of the crime families, how mob members work with one another in certain circumstances and how they compete in others.

The Subcommittee commends the New Jersey State Police for its outstanding work in Project Alpha. Praise is also in order for federal authorities for supporting this worthwhile effort. The Subcommittee believes this to be the kind of Federal-State cooperative project which benefits society and provides taxpayers with the best return on their money.

The Subcommittee encourages Federal law enforcement agencies to use Project Alpha as a demonstration of what positive results can be achieved when Washington lends its resources and support to legitimate State and local investigations.

3. Although some employers were victims of economic extortion and fear of organized crime, other firms became willing participants, eager to pay off to gain a competitive edge in the marketplace. The Subcommittee believes that the trade associations which represent these employers should establish strict ethical standards of conduct for their members. The business executives on the waterfront who pay off should be prosecuted. Those who don't pay off should be protected by their trade associations and by State and Federal laws.

4. Information developed in the waterfront corruption hearings, coupled with information that came out of the Subcommittee's examination of the government's investigation of the Teamsters Central States Pension Fund, demonstrated that the U.S. Department of Labor has not taken an effective role in combatting corruption in national unions.

The corruption, which was shown to be pervasive in the ILA, acts to the detriment of honest union members and officials and can only cause disarray, decline and inflation in the industries it afflicts. The Labor Department has primary jurisdiction in this area but has not met its obligations. It has neither created an adequate presence in the field; nor has it shown a willingness to build cases against allegedly corrupt union officials.

An example of the Labor Department's erroneous attitude was seen in the waterfront corruption hearings. A workmen's compensation claims racket had sprung up in the early 1970's on the Brooklyn docks. According to testimony received at the hearings, the Labor Department was aware that there was a problem but did nothing to stop it. On the other hand, the department continued to insist upon the strictest interpretation of the law which put the entire burden of proof on the employer to demonstrate that a longshoremen's claim was fabricated or exaggerated. The Labor Department should have taken steps to require more proof of genuine injury. That was the proper solution to the problem. When the Labor Department refused to take corrective action, one of the employers faced with increasingly costly compensation claims solved the problem in his own way. He began paying off a labor leader $5,000 a month. His claims returned to a more reasonable level.

It is the responsibility of the Labor Department to protect union leaders and honest officials. The department has personnel on the scene where labor racketeering first surfaces. They have access to information that no other federal agency has. No other federal component is vested with the authority and the tools to detect, investigate and dispose of properly information indicating corrupt and questionable practices in the labor-management field.

As the Subcommittee noted in its report on the Teamsters Central States Pension Fund inquiry,[4] the Labor Department should be more assertive in detecting and investigating instances of labor-management racketeering. Without comprehensive and vigorous Labor Department investigative support, the government will continue to be handicapped in its attempts to assure honest and fair trade unionism.

It should be pointed out that since the issuance of that report, there have been indications of a more vigorous policy of strong ERISA enforcement at the Labor Department. In May 1983, Secretary Donovan announced a $6.5 million settlement of the outstanding suits against the current Trustees of the Teamsters Central States Pension and Health and Welfare Funds. The Department also successfully negotiated the imposition of judicially enforced consent decrees to monitor future asset management by the Fund, as previously recommended by the Subcommittee.

The Subcommittee is also encouraged by the efforts of the Organized Crime and Racketeering Section of the Inspector General's Office of the Labor Department. During hearings this year on both the Hotel Employees & Restaurant Employees International Union and Organized Crime in the Mid-Atlantic Region, the Subcommittee received testimony of the fine work of that office in investigating and referring for prosecution major organized crime and labor racketeering cases. The Labor Department should continue these efforts, on the waterfront and elsewhere, to vigorously enforce federal labor laws.

In addition, Justice Department prosecutors, working in harmony with Organized Crime Strike Forces and the FBI, should continue to pay close attention to what is happening on the nation's docks. The UNIRAC inquiry was successful, one of the few instances in the history of law enforcement in which an entire industry became the target of a carefully managed and well executed investigation.

But UNIRAC, for all its successes, did not rid the waterfronts of all crime or all criminals. Corrupt practices, according to some witnesses before the Subcommittee, already have begun to return to the Atlantic and Gulf Coast docks. What is needed, then, is continued scrutiny of the maritime industry by government agencies.

In this era of reduced federal spending, cutbacks are occurring in all fields, including law enforcement. All functions of government can and must be made more efficient and economies must be achieved whenever possible. It is the Subcommittee's view, however, that the shipping industry is too vital to the nation's economy to be allowed to be policed inadequately because of fiscal belt tightening. It would be shortsighted budget cutting, for example, to reduce the federal presence on the waterfront to save money while, at the same time, multi-million dollar dockside rackets are allowed to reemerge, resulting in higher costs to consumers on imported goods are artificially higher costs on American products shipped abroad.

II. RECOMMENDATIONS

(1) The Senate Permanent Subcommittee on Investigations recommends that Congress pass the Labor-Management Racketeering Act, S. 336. That legislation was passed twice by the Senate during the 97th Congress but was not acted upon in the House. In the 98th Congress, the bill was passed by the Senate on June 20, 1983 and again referred to the House for consideration. Based on information developed in the Subcommittee's waterfront corruption hearings, the bill addresses principal findings put forward in this report.

One of the most important points made in the waterfront hearings was the fact that payoffs from businesses to labor leaders and from shipping executives to other shipping executives take place with great frequency on the docks. These payoffs, though illegal under current federal law, are punishable only as misdemeanors.

S. 336 makes any violations involving $1,000 or more a felony, punishable by up to five years in prison or a fine of up to $15,000 or both.

The bill also attempts to rid labor unions and employee benefit plans of the influence of persons who have been convicted of crimes. Current disbarment provisions (29 U.S.C. 504 and 29 U.S.C. 1111) are expanded in several significant ways by: (1) enlarging the criminal offenses resulting in disbarment; (2) enlarging the categories of persons affected by the disbarment provisions; (3) increasing the duration of time the convicted person is barred from office from five years to a possible maximum of ten years; and (4) providing for disbarment immediately upon conviction, rather than after appeal.

The measure provides that any salary otherwise payable will be placed in escrow pending final disposition of any appeal.

The legislation clearly delineates the responsibility of the Department of Labor to seek actively and effectively to detect, investigate and properly refer to prosecutors instances of waterfront crime.

(2) The Subcommittee recommends that both management and labor take steps to insure against the types of corruption and fraud which these hearings documented. Labor unions such as the ILA cannot remain indifferent to the corrupt influence of organized crime on the waterfront. They must shoulder the responsibility of "cleaning their own house." As a start, they should act to guarantee that union affairs no longer remain in the hands of individuals convicted of fraud and other corrupt practices. The unions themselves must be firm in encouraging strict standards of integrity on the waterfront among their own members.

Moreover, there must be an equally strong commitment against corruption by management interests. Trade associations and other groups representing management should enact strong and binding codes of ethical conduct for their industry. A unified stance against fraud and corruption must be recognized by their memberships. The National Association of Stevedores (NAS) has in fact enacted an ethical code as a direct result of the evidence produced during these hearings as well as the express hearing-closing recommendations of Senators Nunn and Rudman. The Federal Trade Commission, in fact, has approved that code as being in full compliance with the pertinent provisions of anti-trust laws. The Department of Justice and the FTC should encourage the enactment of similar codes by other management groups representing the waterfront industries.

(3) The Subcommittee recommends that Congress pass the Longshoremen's and Harbor Workers' Compensation Act Amendments (S. 38). This legislation was passed by the Senate in July of 1982 and again in June of 1983.

In the face of the corruption and fraud brought to light in these hearings, S. 38 attempts a comprehensive revision of the system of workmen's compensation now in

[4] "Oversight Inquiry of the Department of Labor's Investigation of the Teamsters Central States Pension Fund," Report of the Senate Permanent Subcommittee on Investigations, August 3, 1981.

effect along America's waterfronts. Testimony before the Investigations Subcommittee established that members and associates of organized crime have manipulated the current provisions of the Federal Longshoremen's and Harbor Workers' Act so as to profit considerably by a growing and widespread fraudulent claims racket. S. 38 in addition to numerous other needed revisions in the Act, deals with the problem of criminal fraud and abuse in the present workmen's compensation system. Included are measures which were expressly recommended during the course of these hearings: (1) revision of physician selection, reporting, and reexamination requirements designed to insure payment for valid claims only; (2) increases showing required to qualify for Section 20, which automatically grants a presumption of validity to any claim filed under the Act; and (3) increasing the criminal penalty for misrepresentation under the Act from a misdemeanor to a felony. The enactment of each of those provisions would vastly improve current procedures for uncovering fradulent claims filed under the Act.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

William Evans, of California, to be a member of the Marine Mammal Commission for the term expiring May 13, 1985;

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978;

The following officers of the U.S. Coast Guard for promotion to commodore:

Capt. Howard B. Thorsen.

Capt. Alan D. Breed.

Capt. John W. Kime.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

William P. Kozlovsky.

Richard P. Cueroni.

Robert S. Lucas.

Kenneth G. Wiman.

Rear Adm. Paul A. Yost, U.S. Coast Guard, to be commander, U.S. Coast Guard Atlantic Area with the grade of vice admiral while so serving, and

Rear Adm. John D. Costello, U.S. Coast Guard, to be commander, U.S. Coast Guard Pacific Area with the grade of vice admiral while so serving.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 2479. A bill to amend the Tariff Schedules of the United States to clarify the classification of any naphtha described as both a petroleum product and a benzenoid chemical; to the Committee on Finance.

By Mr. ANDREWS (for himself and Mr. BURDICK):

S. 2480. A bill to declare that the mineral rights in certain lands acquired by the United States in connection with the Garrison Dam and Reservoir project are held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BOSCHWITZ:

S. 2481. A bill for the relief of David Lopez; to the Committee on the Judiciary.

By Mr. WEICKER:

S. 2482. A bill to revise the provisions of the Public Health Service Act relating to health planning; to the Committee on Labor and Human Resources.

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 2483. A bill to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport"; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER (for himself, Mr. ANDREWS, Mr. EXON, Mr. BAUCUS, Mr. ABDNOR, and Mr. PRESSLER):

S. 2484. A bill to amend the Energy Policy and Conservation Act with respect to the strategic petroleum reserve and the international energy program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RANDOLPH (for himself, Mr. WEICKER, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BURDICK, Mr. DOLE, Mr. GLENN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. KENNEDY, Mr. LEAHY, Mr. LUGAR, Mr. MATSUNAGA, Mr. NUNN, Mr. PACKWOOD, Mr. SARBANES, Mr. STAFFORD, and Mr. SYMMS):

S.J. Res. 266. Joint resolution designating the week beginning April 8, 1984, as "National Hearing Impaired Awareness Week"; to the Committee on the Judiciary.

By Mr. CHILES:

S.J. Res. 267. Joint resolution to designate the week of September 23, 1984, through September 29, 1984, as "National Drug Abuse Education and Prevention Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ANDREWS (for himself and Mr. BURDICK):

S. 2480. A bill to declare that the mineral rights in certain lands acquired by the United States in connection with the Garrison Dam and Reservoir project are held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, and for other purposes; to the Select Committee on Indian Affairs.

FORT BERTHOLD RESERVATION MINERAL RESTORATION ACT

● Mr. ANDREWS. Mr. President, on behalf of myself and Mr. BURDICK, I am today introducing legislation to set-aside in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, certain mineral interests in lands within that reservation that were acquired by the United States in connection with the construction and development of the Garrison Dam and Reservoir project in the State of North Dakota. This legislation will also restore to the Three Affiliated Tribes grazing rights to certain scattered tracts of land along the shoreline of Lake Sekakawea and will authorize the Secretary of Defense on behalf of the Corps of Engineers and the Secretary of the Interior on behalf of the Three Affiliated Tribes to exchange parcels of land around the shoreline to adjust problems such as unexpected encroachment of the Lake.

Mr. President, the Garrison Dam and Reservoir project has been a great benefit to the State of North Dakota and has helped many by controlling the flooding that preceded its construction; providing water for irrigation and municipal use; facilitating mineral development with provision of energy at reasonable costs; and providing recreation to many. However, the primary dividend to the Three Affiliated Tribes has been the reduction of their economic base by flooding more than 150,000 acres of prime agricultural bottom land; the destruction of their local communities; the division of a previously homogeneous reservation area into five separate parts without ready access to one another; and, division of family units from one another. For the good of the State, heavy hardship was visited upon this community.

The genesis of this problem was the Flood Control Act of 1944 (58 Stat. 887) which provided for the construction of a number of dams along the Missouri River. These dams resulted in the flooding of Indian lands in at least six Indian reservations in North and South Dakota. In the case of four of these reservations, the Indians were either allowed to reserve subsurface mineral interests of such interests were later restored. By contrast, the statute that provided for the taking of Indian lands within the Fort Berthold Indian Reservation (which was the first of the six taking statutes) did not allow for reservation of mineral rights even though the tribes had sought such a provision. (act of October 29, 1949; 63 Stat. 1026). Midway through the acquisition of other non-Indian lands, oil and gas reserves were discovered in the general area of the projected Garrison Reservoir and the United States changed its policy with respect to allowing reservation of mineral rights. For the members of the Three Affiliated Tribes, however, this change came too late and they received only a minimal payment for any potential minerals.

Mr. President, this legislation has been the subject of considerable dis-

cussion among the citizens of the local area and authorities of the government of the State of North Dakota. Though some exploration has occurred in this area, it is not clear whether there are mineral reserves in paying quantities in the lands that are the subject of this legislation. If minerals are found in paying quantities, it is appropriate that the benefits should provide support for tribal programs. To the extent this legislation might contribute to the establishment of an economic base for the Three Affiliated Tribes, this legislation will benefit not only the tribes, but also the surrounding communities. Legitimate concerns have been raised that nothing in this legislation should have any effect on the question of water rights, fishing rights, access to the lake, or should effect the status quo with respect to the role of the State in regulating the exploitation and development of mineral resources underlying the lake. It is not our intention that this legislation should adversely affect the interests of any party on these issues. These concerns will certainly be addressed in any hearings on this legislation.

I ask that this bill be printed in full at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Fort Berthold Reservation Mineral Restoration Act".

SEC. 2. (a) Subject to the provisions of this Act, all mineral interests in the lands located within the exterior boundaries of the Fort Berthold Indian Reservation which—

(1) were acquired by the United States for the construction, operation, or maintenance of the Garrison Dam and Reservoir Project, and

(2) are not described in subsection (b), are hereby declared to be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

(b) The provisions of subsection (a) shall not apply with respect to—

(1) lands located in Township 152 North or Township 151 North of Range 93 West of the 5th principal meridian which lie east of the former Missouri River, and

(2) lands located in any of the following townships: Township 152 North and Township 151 North of Range 92 West of the 5th principal meridian; Township 152 North and Township 151 North of Range 91 West of the 5th principal meridian; Township 152 North and Township 151 North of Range 90 West of the 5th principal meridian; Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 89 West of the 5th principal meridian; Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 88 West of the 5th principal meridian; and Township 152 North, Township 151 North, Township 150 North, and Township 149 North of Range 87 West of the 5th principal meridian.

SEC. 3. Any exploration, development, production, or extraction of minerals conducted with respect to any mineral interest described in section 2(a) shall be conducted in accordance with such regulations as the Secretary of the Army shall prescribe in order to—

(1) protect the Garrison Dam and Reservoir, or

(2) carry out the purposes of the Garrison Dam and Reservoir Project.

SEC. 4. (a) Nothing in this Act shall deprive any person (other than the United States) of any right, interest, or claim which such person may have in any minerals prior to the enactment of this Act.

(b) The United States may renew or extend any lease, license, permit, or contract with respect to any mineral interest described in section 2(a) after the date of enactment of this Act only if—

(1) the governing body of the Three Affiliated Tribes of the Fort Berthold Reservation approves of such renewal or extension, or

(2) the holder of such lease, license, or permit or a party to such contract (other than the United States) had the right to renew or extend such lease, license, permit, or contract prior to the date of enactment of this Act and such holder or party exercises such right of renewal or extension.

(c) All rentals, royalties, and other paments with respect to any mineral interest described in section 2(a) accruing to the United States after the date of enactment of this Act shall be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 5. Public Law 87-695 is amended—

(1) by striking out "such former Indian land" and inserting in lieu thereof "such land",

(2) by striking out "Subject" in the first sentence and inserting in lieu thereof "That (a) subject", and

(3) by adding at the end thereof the following new subsection:

"(b) Subsection (a) shall not apply with respect to any lands described in section 2(b) of the Fort Berthold Reservation Mineral Restoration Act.".

SEC. 6. (a) The Secretary of the Army and the Secretary of the Interior may enter into agreements for the transfer to the United States of any land located near the Garrison Dam and Reservoir Project which is held in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation or any individual Indian if such agreement is approved—

(1) in the case of land held for the benefit of such tribes, by the governing body of such tribes, or

(2) in the case of land held for the benefit of any individual Indian, by the individual or individuals holding a majority of the beneficial interest in such land.

Any land transferred to the United States under the preceding sentence shall be treated as land acquired for the operation and maintenance of the Garrison Dam and Reservoir Project.

(b) The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Resevoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 7. The provisions of this Act, and of any agreement entered into under section 6, shall not be taken into account under section 2 of title I of the Second Deficiency Appropriation Act, fiscal year 1935 (25 U.S.C. 475a) or section 2 of the Act of August 13, 1946 (60 Stat. 1050) for purposes of determining any offset or counterclaim.●

● Mr. BURDICK. Mr. President, the Army Corps of Engineers acquired reservation lands from six Missouri River tribes under the authority of the Flood Control Act of 1944 to alleviate heavy flooding along the Missouri River Basin. After the Federal Government acquired land from the Three Affiliated Tribes, it changed its policy on retention of mineral rights for the five remaining Indian tribes.

The Three Affiliated Tribes sought a provision in the contract for reserving mineral rights. In fact, the negotiated contract between the tribes and the corps contained such a provision. A bill was introduced in the Congress which would have ratified this contract, but instead Congress increased the monetary settlement and disregarded the negotiated settlement. As part of the $12.5 million payment, the Tribes received $68,000 for its mineral rights.

During the land acquisition process for Garrison Dam, oil was discovered near the reservation and the corps determined that it did not need ownership of subsurface minerals to operate the dam. As a result, non-Indian residing on the Fort Berthold Reservation after 1951 were provided the option of selling their mineral rights. Indians were precluded from this option because their lands were acquired before the policy change. The remaining five Missouri tribes did benefit from the change in corps policy. In all cases, mineral rights of the tribes or their members were restored or reserved.

In past Congresses, I have cosponsored legislation restoring grazing rights, hunting and fishing rights, and subsurface mineral rights. These legislative proposals did not pass for various reasons. The bill introduced today only deals with the restoration of mineral rights and grazing rights to certain tracts of land along the shoreline of Lake Sakakawea. The bill will not affect the question of water rights, fishing rights, access to the Lake, or the status quo with respect to the role of the North Dakota State government in regulating the development of mineral resources underlying the lake.

I would respectfully request my colleagues to support this legislation to diminish the adverse impact of the Federal Government's policy in acquiring Indian lands on the Fort Berthold Reservation.●

By Mr. WEICKER:

S. 2482. A bill to revise the provisions of the Public Health Service Act relating to health planning; to the

Committee on Labor and Human Resources.

HEALTH PLANNING AND RESOURCE ALLOCATION ACT OF 1984

● Mr. WEICKER. Mr. President, almost 2 years ago I offered legislation to improve the current Federal health planning program. At that time, I cited the importance of planning in controlling the rapid increase in health care costs, and I outlined the dangers of leaving the Nation without this essential element of intelligent health care cost controls.

Mr. President, the need for this legislation is even greater today. The amount of our GNP we as a nation are devoting to health care costs is not just increasing, it is accelerating, and in the 2 years since I first offered a health planning bill, no adequate substitute has been proposed or enacted.

Accordingly, I have decided to once again introduce a health planning bill, this year known as the Health Planning and Resource Allocation Act of 1984.

The first thing that I would like to impress upon my colleagues is that this legislation is an improvement over current law. The innumerable rules and regulations contained in the original health planning legislation were well intentioned, but failed to work in the real world context of health planning. The legislation I am introducing today is a leaner version of current law that considers effective health planning to be a social good in and of itself.

This legislation also allows States much more flexibility in creating State planning mechanims. There is, for example, no requirement that a State have local planning organizations, though funds are provided if a State decides to do so. By centralizing all planning functions in one designated State agency, this legislation further enhances the ability of Governors to create health planning programs designed to meet the individual needs of the various States and terrritories.

Finally, a modest attempt is made in this legislation to encourage the strengthening of market forces within the health care system. Funds are made available to assist in the development of so-called procompetition models. In addition, advisory councils, dominated by employers and other purchasers who actually pay the major portion of the health care bill, are established. These councils will insure that those who have a vested interest in controlling costs have a say in the way it is done.

Matching grant funds are also incorporated as a further incentive for local planning organizations to involve major purchasers of health care in the planning process.

Mr. President, in the present regulatory climate where each major payer of health services, including the Federal and State Governments, is aggressively pursuing cost control, it is essential that the distribution of health services not become a function of formula regulation. The explosion in total revenues spent for health care has not resulted in equal availability. Medically underserved areas continue to exist in our cities and rural communities.

We have all witnessed the effects of this maldistribution, be it increased infant mortality in a segment of our society, or the misery of living with an ailment for which there is no available, or affordable, cure.

Health planning has two purposes: To prevent unnecessary and duplicative expansion of health services and facilities and to encourage the availability of these services and facilities in areas lacking them. Thoughtful prospective planning based on need, coupled with certificate of need regulation, are the essential means to these ends. One without the other will not succeed.

Likewise, linking planning and the regulatory authority necessary to implement it in a single agency assures that neither function is impotent. The work of health planners must be the basis for certification of need decisions and certificate of need decisions must be grounded in solid planning.

Mr. President, we are presently spending 11 percent of our gross national product on health care while millions of Americans are still medically underserved. Health planning is one of the necessary tools to insure that this expenditure is made most wisely and for the benefit of all our citizens.

I urge my colleagues to support this measure and I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Planning and Resource Allocation Act of 1984".

REVISION OF PROGRAM

SEC. 2. (a) Title XV of the Public Health Service Act is amended to read as follows:

"TITLE XV—HEALTH PLANNING

"PART A—GENERAL PROVISIONS

"FINDINGS AND PURPOSE

"SEC. 1501. (a) The Congress finds and declares that—

"(1) the present system of health planning and development contains too many often mutually exclusive goals which prevent the achievement of predictable sustained results, especially in regard to containing the rapidly rising costs of health care;

"(2) since the Federal Government pays a substantial amount of the Nation's total health care costs, and since the cost of health care is escalating at an unacceptable rate, cost containment is a proper and necessary Federal responsibility; and

"(3) a major cause of the increase in health care costs is the unnecessary duplication of facilities and programs, and there is a need to control the supply of health care facilities and services through planning and resource allocation.

"(b) It is the purpose of this title to promote a partnership between the Federal Government and State governments in order to develop alternative responses to the challenge of planning for and controlling the growth of institutional health care facilities and services, by providing for an extension of current health planning and certificate of need programs and by providing new opportunities to demonstrate the effectiveness of competition as a controller of the growth of health care facilities and services.

"DEFINITIONS

"SEC. 1502. For purposes of this title:

"(1) The term 'Governor' means the chief executive officer of a State.

"(2) The term 'State health services and resources allocation agency' or 'designated agency' means the State agency which is designated by the Governor of a State to develop the State plan required under section 1512 and which is responsible for the administration of the State certificate of need program required under section 1514.

"(3) The term 'State health services and resources allocation plan' or 'State plan' means a plan submitted by the designated agency and approved by the Governor of the State in accordance with section 1512.

"(4) The term 'State administrative program' or 'State program' means the State administrative program required under section 1513.

"(5) The term 'health care facility' means a private or public hospital, rehabilitation facility, nursing home, or any other health care facility that the Governor of a State may designate by regulation.

"(6) The term 'institutional health services' means health services which (A) are provided through health care facilities, and (B) entail annual operating costs of at least the expenditure minimum. For purposes of this paragraph, the term 'expenditure minimum' means $250,000 for the twelve-month period beginning on October 1, 1984, and for each twelve-month period thereafter, $250,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index designated by the Secretary by regulation for purposes of making such adjustment.

"(7) The term 'capital expenditure' means an expenditure—

"(A) made by or on behalf of a health care facility; and

"(B)(i) which (I) under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or (II) is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and

"(ii) which (I) exceeds the expenditure minimum, (II) substantially changes the bed capacity of the facility with respect to which the expenditure is made, or (III) substantially changes the services of such facility.

For purposes of subparagraph (B)(ii)(I), the cost of any studies, surveys, designs, plans, working drawings, specifications, and other

activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure described in subparagraph (B)(i) is made shall be included in determining if such expenditure exceeds the expenditure minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under section 1514 shall be considered capital expenditures for purposes of such section, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of such section if a transfer of the equipment or facilities at fair market value would be subject to review under such section. For purposes of this paragraph, the term 'expenditure minimum' means $1,000,000 for the twelve-month period beginning on October 1, 1984, and for each twelve-month period thereafter, $1,000,000 or, at the discretion of the State, the figure in effect for the preceding twelve-month period, adjusted to reflect the change in the preceding twelve-month period in an index maintained or developed by the Department of Commerce and designated by the Secretary by regulation for purposes of making such adjustment.

"(8) The term 'major medical equipment' means medical equipment which is used for the provision of medical and other health services and which costs in excess of $400,000, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such Act. In determining whether medical equipment has a value in excess of $400,000, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"(9) The term 'health maintenance organization' means a public or private organization, organized under the laws of any State, which—

"(A) is a qualified health maintenance organization under section 1310(d); or

"(B)(i) provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, X-ray, emergency and preventive services, and out of area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in clause (i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (I) directly through physicians who are either employees or partners of such organization, or (II) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

"(10) The term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, optometrist, physician assistant, or ancillary personnel employed under the supervision of a physician) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilities, outpatient facilities, and health maintenance organizations) in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

"(B) who holds a fiduciary position with, or has a fiduciary interest in, any entity described in clause (ii) or (iv) of subparagraph (C) other than an entity described in such clause which is also an entity described in section 501(c)(3) of the Internal Revenue Code of 1954 and which does not have as its primary purpose the delivery of health care, the conduct of research, the conduct of instruction for health professionals, or the production of drugs or articles described in clause (iii) of subparagraph (C);

"(C) who receives (either directly or through the individual's spouse) more than one-fifth of his gross annual income from any one or combination of—

"(i) fees or other compensation for research into or instruction in the provision of health care,

"(ii) entities engaged in the provision of health care or in research or instruction in the provision of health care,

"(iii) producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care, or

"(iv) entities engaged in producing drugs or such other articles; or

"(D) who is the member of the immediate family of an individual described in subparagraph (A), (B), or (C).

"(11) The term 'major purchaser' means—

"(A) any insurance company that is engaged in the business of providing health insurance coverage, and that has a board of directors composed of individuals a majority of whom are not providers of health care;

"(B) any major employer that is not a provider of health care and that has a board of directors composed of individuals a majority of whom are not providers of health care;

"(C) any labor organization that provides or negotiates for health insurance benefits for its members;

"(D) any general purpose local government that provides health care for its residents or is a major employer (as described in subparagraph (B)); or

"(E) any nonprofit health benefit plan.

"(12) The term 'National Council' means the National Health Planning and Resource Control Council established under section 1531.

"(13) The term 'rehabilitation facility' means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

"PART B—STATE HEALTH PLANNING AND RESOURCE ALLOCATION

"DESIGNATION OF STATE HEALTH SERVICES AND RESOURCES ALLOCATION AGENCY

"SEC. 1511. (a) For purposes of carrying out this section, the Governor of each State shall designate a State agency as the State health services and resource allocation agency.

"(b) The designated agency shall—

"(1) develop and administer the State health services and resource allocation plan required under section 1512;

"(2) develop and administer the State administrative program required under section 1513;

"(3) administer the certificate of need program required under section 1514; and

"(4) prepare the annual report required under section 1517.

"STATE PLAN

"SEC. 1512. The designated agency of each State shall prepare the State health services and resources allocation plan. For each of the first three fiscal years beginning after the date on which a State plan is prepared, the State plan shall contain—

"(1) a description of the health care needs of the State for services and facilities to which section 1514 applies;

"(2) an inventory of the health care services and facilities located in the State to which section 1514 applies; and

"(3) a comparison of the health care needs of the State identified pursuant to paragraph (1) with the services and facilities identified pursuant to paragraph (2) and a statement of how the designated agency plans to allocate such services and facilities to meet the health care needs of the State.

"STATE ADMINISTRATIVE PROGRAM

"SEC. 1513. (a) The designated agency shall develop a State administrative program with respect to health planning and resource allocation. The program shall—

"(1) provide for the performance within the State of the functions described in section 1511(b) and specify the designated agency as the sole agency responsible for the performance of such functions and for the administration of the State program;

"(2) contain or be supported by satisfactory evidence that the designated agency has under State law the authority to carry out such functions and the State program;

"(3) contain a current budget for the operation of the designated agency;

"(4) contain provisions for a professional staff for health planning and resource allocation;

"(5) require the designated agency to perform its functions in accordance with the established procedures and criteria of that agency;

"(6) require the designated agency to comply with State administrative regulations required of other public agencies within the State;

"(7) provide for fiscal control and accounting procedures consistent with State law; and

"(8) contain provisions for a staff for the State Advisory Board established under section 1516.

"(b) The State administrative program shall be approved by the Governor of the State.

"CERTIFICATE OF NEED PROGRAM

"SEC. 1514. (a) Each State shall establish a certificate of need program. The certificate of need program shall, in accordance with this section, provide for the following:

"(1) Review and determination of need under such program for—

"(A) major medical equipment and institutional health services, and

"(B) capital expenditures,

shall be made before the time such equipment is acquired, such services are offered, substantial expenditures are undertaken in preparation for such offering, or capital expenditures are obligated.

"(2) The acquisition and offering of only such equipment and services as may be found by the designated agency to be needed; and the obligation of only those capital expenditures found to be needed by the designated agency. Except as otherwise authorized by this section, review under the program of an application for a certificate of need may not be made subject to any criterion and the issuance of a certificate of need may not be made subject to any condition unless the criterion or condition directly relates to—

"(A) criteria prescribed by section 1515(c),

"(B) criteria prescribed by regulations of the Secretary promulgated under section 1532(a) (as such section was in effect before the date of enactment of the Health Planning and Resource Allocation Act of 1984), or

"(C) criteria prescribed by regulation by the designated agency in accordance with an authorization prescribed by State law.

The Secretary may not require a State to include in its program any criterion in addition to criteria described in subparagraphs (A) and (B).

"(3) An application for a certificate of need for an institutional health service, medical equipment, or a capital expenditure shall specify the time the applicant will require to make such service or equipment available or to obligate such expenditure and a timetable for making such service or equipment available or obligating such expenditure. After the issuance of a certificate of need, the designated agency shall periodically review the progress of the holder of the certificate in meeting the timetable specified in the approved application for the certificate. If on the basis of such a review, the designated agency determines that the holder of a certificate is not meeting such timetable and is not making a good faith effort to meet it, the designated agency may withdraw the certificate.

"(4) In issuing a certificate of need, the State shall specify in the certificate the maximum amount of capital expenditures which may be obligated under such certificate. The program shall, in accordance with regulations promulgated by the Secretary, prescribe the extent to which a project authorized by a certificate of need shall be subject to further review if the amount of capital expenditures obligated or expected to be obligated for the project exceed the maximum specified in the certificate of need.

"(5) The program shall provide that (A) the requirements of section 1515 shall apply to proceedings under the program, and (B) each decision to issue a certificate of need (i) may only be issued by the designated agency, and (ii) shall, except in emergency circumstances that pose a threat to public health, be consistent with the State plan in effect for such State under section 1512.

"(b)(1) Under the program a State shall not require a certificate of need for the offering of an inpatient institutional health service or the acquisition of major medical equipment for the provision of an inpatient institutional health service or the obligation of a capital expenditure for the provision of an inpatient institutional health service by—

"(A) a health maintenance organization or a combination of health maintenance organizations if (i) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to individuals enrolled in such organization or organizations, and (ii) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination;

"(B) a health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to individuals enrolled in such organization or organizations, and (iv) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination; or

"(C) a health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations and on the date the application is submitted under paragraph (2) at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to individuals enrolled in such organization or organizations, and (iii) at least 75 percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization,

if, with respect to such offering, acquisition, or obligation, the designated agency has, upon application under paragraph (2), granted an exemption from such requirement to the organization, combination of organizations, or facility.

"(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under paragraph (1) from obtaining a certificate of need before offering an institutional health service, acquiring major medical equipment, or obligating capital expenditures unless—

"(A) it has submitted, at such time and in such form and manner as the designated agency shall prescribe, an application for such exemption,

"(B) the application contains such information respecting the organization, combination, or facility and the proposed offering, acquisition, or obligation as the designated agency may require to determine if the organization or combination meets the requirements of paragraph (1) or the facility meets or will meet such requirements, and

"(C) the designated agency approves such application.

In the case of a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date an application is submitted under this paragraph with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of paragraph (1) when the facility first provides such services. The designated agency shall approve an application submitted under this paragraph if it determines that the applicable requirements of paragraph (1) are met.

"(3) Notwithstanding subsection (d), a health care facility (or any part thereof) or medical equipment with respect to which an exemption was granted under paragraph (1) may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired and a health care facility described in subparagraph (C) of paragraph (1) which was granted an exemption under such paragraph may not be used by any person other than the lessee described in such subparagraph unless—

"(A) the designated agency issues a certificate of need approving the sale, lease, acquisition, or use, or

"(B) the designated agency determines, upon application, that the entity to which the facility or equipment is proposed to be sold or leased, which intends to acquire the controlling interest in or use the facility is (i) a health maintenance organization or a combination of health maintenance organizations which meets the requirements of clause (i) of subparagraph (A) of paragraph (1) and with respect to such facility or equipment, the entity meets the requirements of clause (ii) of such subparagraph, or (ii) a health care facility which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph.

"(4) In the case of a health maintenance organization or an ambulatory care facility or health care facility which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, a State may under the program apply its certificate of need requirements only to the offering of inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services and then only to the extent that such offering, acquisition, or obligation is not exempt under paragraph (1).

"(5) Notwithstanding section 1515(c), if a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization applies for a certificate of need, such application shall be approved by the designated agency if the designated agency finds (in accordance with criteria prescribed by the Secretary by regulation) that—

"(A) approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll, and

"(B) the health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

Except as provided in paragraph (1) and notwithstanding subsection (d), a health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the designated agency issues a certificate of need approving the sale, acquisition, or lease.

"(c) An application for a certificate of need for a capital expenditure which is required—

"(1) to eliminate or prevent imminent safety hazards as defined by Federal, State,

or local fire, building, or life safety codes or regulations,

"(2) to comply with State licensure standards, or

"(3) to comply with accreditation standards compliance with which is required to receive reimbursements under title XVIII of the Social Security Act or payments under a State plan for medical assistance approved under title XIX of such Act,

shall be approved unless the designated agency finds that the facility or service with respect to which such capital expenditure is proposed to be made is not needed or that the obligation of such capital expenditure is not consistent with the State plan in effect under section 1512. An application for a certificate of need approved under this subsection shall be approved only to the extent that the capital expenditure is required to eliminate or prevent the hazards described in paragraph (1) or to comply with the standards described in paragraph (2) or (3).

"(d)(1) Under the program a certificate of need shall, except as provided in subsection (b), be required for the obligation of a capital expenditure to acquire (either by purchase or under lease or comparable arrangement) an existing health care facility if—

"(A) the notice required by paragraph (2) is not filed in accordance with that paragraph with respect to such acquisition, or

"(B) the designated agency finds, within thirty days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the services or bed capacity of the facility will be changed in being acquired.

"(2) Before any person enters into a contractual arrangement to acquire an existing health care facility which arrangement will require the obligation of a capital expenditure, such person shall notify the designated agency of the State in which such facility is located of such person's intent to acquire such facility and of the services to be offered in the facility and its bed capacity. Such notice shall be made in writing and shall be made at least thirty days before contractual arrangements are entered into to acquire the facility with respect to which the notice is given.

"(e)(1)(A) Except as provided in subsection (b) and subparagraph (B), under the program a certificate of need shall not be required for the acquisition of major medical equipment which will not be owned by or located in a health care facility unless—

"(i) the notice required by paragraph (2) is not filed in accordance with that paragraph with respect to such acquisition, or

"(ii) the designated agency finds, within thirty days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the equipment will be used to provide services for inpatients of a hospital.

"(B) The certificate of need program of a State may include a requirement for a certificate of need for an acquisition of major medical equipment which requirement is in addition to the requirement for a certificate of need established by subparagraph (A).

"(2) Before any person enters into a contractual arrangement to acquire major medical equipment which will not be owned by or located in a health care facility, such person shall notify the designated agency of the State in which such equipment will be located of such person's intent to acquire such equipment and of the use that will be made of the equipment. Such notice shall be made in writing and shall be made at least thirty days before contractual arrangements are entered into to acquire the equipment with respect to which the notice is given.

"(3) For purposes of this subsection, donations and leases of major medical equipment shall be considered acquisitions of such equipment, and an acquisition of medical equipment through a transfer of such equipment for less than fair market value shall be considered an acquisition of major medical equipment if the fair market value of such equipment is at least $400,000.

"(f) Notwithstanding section 1515(c), when an application is made by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services shall be considered on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The designated agency shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels.

"(g)(1) Subsection (a) does not require a certificate of need program to require a health care facility to obtain a certificate of need for the acquisition of major medical equipment to be used solely for research, institutional health services to be offered solely for research, or the obligation of a capital expenditure to be made solely for research if the acquisition, offering, or obligation does not—

"(A) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;

"(B) substantially change the bed capacity of the facility; or

"(C) substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, or obligation.

"(2)(A) Before a health care facility acquires major medical equipment to be used solely for research, offers an institutional health service solely for research, or obligates a capital expenditure solely for research, such health care facility shall notify in writing the designated agency of the State in which such facility is located of such facility's intent and the use to be made of such medical equipment, institutional health service, or capital expenditure.

"(B) Paragraph (1) does not apply with respect to the acquisition of major medical equipment, the offering of institutional health services, or the obligation of a capital expenditure if—

"(i) the notice required by subparagraph (A) is not filed with the designated agency with respect to such acquisition, offering, or obligation, or

"(ii) the designated agency finds, within sixty days after the date it receives a notice in accordance with subparagraph (A) respecting the acquisition, offering, or obligation, that the acquisition, offering, or obligation will have the effect or make a change described in subparagraph (A), (B), or (C) of paragraph (1).

"(3) If major medical equipment is acquired, an institutional health service is offered, or a capital expenditure is obligated and a certificate of need is not required for such acquisition, offering, or obligation as provided in paragraph (1), such equipment or service or equipment or facilities acquired through the obligation of such capital expenditure may not be used in such a manner as to have the effect or to make a change described in subparagraph (A), (B), or (C) of paragraph (1) unless the designated agency issues a certificate of need approving such use.

"(4) For purposes of this subsection, the term 'solely for research' includes patient care provided on an occasional and irregular basis and not as part of a research program.

"PROCEDURES AND CRITERIA FOR REVIEW OF CERTIFICATE OF NEED DETERMINATIONS

"SEC. 1515. (a) In conducting any review of an application for a certificate of need or an exemption therefrom under section 1514, or in making any other determination under such section, the designated agency must follow procedures and apply criteria, developed and published by the designated agency in accordance with regulations of the Secretary.

"(b) Each designated agency shall include in the procedures required by subsection (a) at least the following:

"(1) Timely written notification to affected persons of the beginning of a review of an application for a certificate of need or an exemption therefrom under section 1514, or of a review of compliance with such a certificate.

"(2)(A) The establishment of a time period for the approval or disapproval by the designated agency of applications for certificates of need and exemptions therefrom under section 1514. The time period established pursuant to this subparagraph may vary with the type of project for which an application is being made, as specified by the designated agency pursuant to regulation, but may not exceed one hundred and twenty days.

"(B) Provisions that an application for a certificate of need or an exemption therefrom under section 1514 shall be considered to have been approved if the designated agency has not made a decision with respect to such application by the end of the one hundred and twenty day period referred to in subparagraph (A).

"(3)(A) Provisions for persons subject to a review to submit to the designated agency (in such form or manner as the designated agency shall by regulation require) such information as the designated agency may require concerning the subject of such review. Each designated agency shall develop procedures to assure that requests for information in connection with a review under this part are limited to only that information which is necessary for the designated agency to perform the review.

"(B) The establishment of an additional time period for the submission under subparagraph (A) of additional information with respect to an application for a certificate of need or an exemption therefrom under section 1514, which shall be at least fifteen calendar days. Such additional time period shall not be included in the one hundred and twenty day period described in paragraph (2)(A).

"(4) Submission of periodic reports by providers of health services and other persons subject to review by the designated agency respecting the development of proposals subject to review.

"(5) Provisions for written findings which state the basis for any final decision or recommendation made by the designated agency.

"(6) Timely notification of providers of health services and other persons subject to

review by the designated agency of the health services or proposals subject to review, findings made in the course of such review, and other appropriate information respecting such review.

"(7) Provisions for public hearings in the course of review by the designated agency if requested by persons directly affected by the review; and provisions for public hearings, for good cause shown, respecting designated agency decisions.

"(8) Access by the general public to all applications reviewed by the designated agency and to all other written materials essential to any designated agency.

"(9) In the case of construction projects, submission to the designated agency by the entities proposing the projects of letters of intent in such details as may be necessary to inform the designated agency of the scope and nature of the projects at the earliest possible opportunity in the course of planning of such construction projects.

"(10) Provisions requiring that hearings will be held before the designated agency in which—

"(A) any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing;

"(B) any person directly affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matter; and

"(C) a record of the hearing shall be maintained.

"(11) Provisions requiring that—

"(A) any decision of a designated agency to issue or to not issue a certificate of need or to withdraw a certificate of need shall be based solely (i) on the review of the designated agency conducted in accordance with procedures and criteria the designated agency has adopted in accordance with this section and regulations promulgated under this section, and (ii) on the record established in administrative proceedings held with respect to the application for such certificate or the designated agency's proposal to withdraw the certificate, as the case may be; and

"(B) any decision of a designated agency to approve or disapprove an application for an exemption under section 1514(b) shall be based solely on the record established in the administrative proceedings held with respect to the application.

"(12) Provisions requiring that—

"(A) each decision of the designated agency with respect to a certificate of need or an application for an exemption under section 1514(b) shall, upon request of any person directly affected by such decision, be reviewed with respect to procedural matters under an appeals mechanism consistent with State law governing the practices and procedures of administrative agencies or, if there is no such State law, by an entity (other than the designated agency) designated by the Governor; and

"(B) no decision of the designated agency with respect to a certificate of need or an application for an exemption under section 1514(b) shall be subject to de novo administrative review.

"(13) Provisions permitting any person adversely affected by a final decision of a designated agency with respect to a certificate of need or an application for an exemption under section 1514(b) to, within a reasonable period of time after such decision is made (and any administrative review of such decision is completed), obtain judicial review of such decision in an appropriate State court. The decision of the designated agency shall be affirmed upon such judicial review unless it is found to be arbitrary or capricious or not made in compliance with applicable law.

"(14) Provisions requiring that there shall be no ex parte contacts—

"(A) in the case of an application for a certificate of need, between the applicant for the certificate of need, any person acting on behalf of the applicant, or any person opposed to the issuance of a certificate for the applicant and any person in the designated agency who exercises any responsibility respecting the application after the commencement of a hearing on the applicant's application and before a decision is made with respect to such application; and

"(B) in the case of a proposed withdrawal of a certificate of need, between the holder of the certificate of need, any person acting on behalf of the holder, or any person in favor of the withdrawal and any person in the designated agency who exercises responsibility respecting withdrawal of the certificate after commencement of a hearing on the designated agency's proposal to withdraw the certificate of need and before a decision is made on withdrawal.

"(c) Criteria required by subsection (a) for designated agency review shall include consideration of at least the following:

"(1) The relationship of the health services being reviewed to the State plan.

"(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

"(3) The need that the population served or to be served by such services has for such services.

"(4) The availability of alternative, less costly, or more effective methods of providing such services.

"(5) The relationship of services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided.

"(6) In the case of health services proposed to be provided—

"(A) the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services;

"(B) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided;

"(C) if such services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes;

"(D) the availability of alternative uses of such resources for the provision of other health services; and

"(E) the extent to which such proposed services will be accessible to all the residents of the area to be served by such services.

"(7) The special needs and circumstances of health maintenance organizations.

"(8) In the case of a construction project—

"(A) the costs and methods of the proposed construction, including the costs and methods of energy provision; and

"(B) the probable impact of the construction project reviewed on the costs of providing health services by the person proposing such construction project and on the costs and charges to the public of providing health services by other persons.

"(9) The special circumstances of health service institutions and the need for conserving energy.

"(10) The factors which affect the effect of competition on the supply of the health services being reviewed.

"(11) Improvements or innovations in the financing and delivery of health services which foster competition, and serve to promote quality assurance and cost-effectiveness.

"(12) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

"(13) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past.

"STATE ADVISORY BOARDS

"SEC. 1516. (a) The Governor of each State shall appoint a State Advisory Board to provide assistance to the designated agency with respect to health planning and resource allocation. The members of the Advisory Board shall be broadly representative of consumers of health care, including individuals and major purchasers, and of providers of health care. Two-thirds of the members of a State Advisory Board shall be major purchasers.

"(b) Each State Advisory Board shall review the State plan required under section 1512, and the report of the designated agency required under section 1517, and shall prepare and transmit to the Governor of the State a report containing its comments on such plan and annual report. The designated agency shall include the report of the Advisory Board required under this section in the report required under section 1517.

"(c) Each State Advisory Board shall meet at least once each year.

"ANNUAL REPORT

"SEC. 1517. (a) By December 1 of each year, each designated agency shall prepare and transmit to the Governor of the State an annual report. The annual report shall contain—

"(1) a copy of the State plan required under section 1512;

"(2) a summary describing the activities of the designated agency in carrying out the certificate of need program required under section 1514;

"(3) a summary statement, for each major type of provider of health care, of—

"(A) total revenues obtained in the preceding fiscal year;

"(B) per capita expenditures of each such provider during the preceding fiscal year;

"(C) changes in prices charged for health care services and changes in the volume of use of health care services during the preceding fiscal year; and

"(D) the rate of increase or decrease in per capita expenditures by each such provider during the preceding fiscal year; and

"(4) the report of the State Advisory Board required under section 1516.

"(b) By January 1 of each year, the Governor of each State shall transmit to the Secretary the annual report prepared by the designated agency under subsection (a), and the comments of the Governor on such report. The Governor shall publish and make the report, including such comments, available to the public.

"PART C—FEDERAL GRANTS

"GRANTS FOR HEALTH PLANNING AND RESOURCE ALLOCATION

"SEC. 1521. (a) The Secretary may make grants to each State from its allotment under subsection (b) for a fiscal year in order to assist the State in carrying out the provisions of part B.

"(b)(1) From the amounts appropriated pursuant to subsection (i) for a fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the population of the State bears to the populations of all States, except as provided in paragraph (2).

"(2) If the allotment of any State under paragraph (1) is less than $250,000, such allotment shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such paragraph, but with such adjustments as may be necessary to prevent the allotment of any of the remaining States from thereby being reduced to less than that amount.

"(c) No grant may be made under this section to a State unless the Governor of the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall contain—

"(1) a copy of the State plan required under section 1512;

"(2) a copy of the State administrative program required under section 1513; and

"(3) a description of the State certificate of need program required under section 1514.

"(d) The Secretary may not approve an application for a grant under this section unless the Secretary determines that—

"(1) the State plan complies with the provisions of this title;

"(2) the State administrative program complies with the provisions of this title;

"(3) the State certificate of need program complies with the requirements of this title; and

"(4) the designated agency has sufficient authority under State law to enforce the State administrative program and the requirements of this title.

"(e) In addition to the purpose described in subsection (a), amounts provided to a State under this section may be used by the Governor of each State to make grants to entities within the State whose primary purpose is health planning and resource allocation (including health planning bodies, coalitions, or local or regional planning bodies within the State). The purpose of such grants shall be to provide support to enable such entities to provide information and opinions to the designated agency to assist the designated agency in carrying out part B.

"(f) The Federal share in any fiscal year of the cost of carrying out any application under this section shall be 75 percent.

"(g) Any State's allotment, or portion thereof, under subsection (b) for a fiscal year which the Secretary determines will not be required, for the period that such allotment is available, because—

"(1) the State did not apply for such allotment or portion thereof; or

"(2) the Secretary determined that the State was ineligible for a grant under this section or section 1522 from such allotment or portion thereof,

shall be available for reallotment from time to time, on such dates during such period as the Secretary shall determine, to other States in proportion to the original allotments to such States under subsection (b) for such fiscal year. Any amount allotted to a State under this subsection during a fiscal year shall be deemed a part of its allotment under subsection (b) for such fiscal year.

"(h) Notwithstanding subsections (c) and (d), the Secretary may make a grant to any State under this section for the fiscal year ending September 30, 1985, if the application of the State certifies to the Secretary that—

"(1) the State will comply with the provisions of this title (as in effect on September 30, 1984); and

"(2) the State will comply with the provisions of this title (as in effect on and after October 1, 1984) during the fiscal year ending September 30, 1986, and each of the succeeding fiscal years.

"(i) To carry out the provisions of this section, there are authorized to be appropriated $50,000,000 for the fiscal year ending September 30, 1985, and $50,000,000 plus such aditional sums as may be necessary for each of the succeeding fiscal years.

"RESEARCH AND DEMONSTRATION GRANTS

"SEC. 1522. (a) Notwithstanding subsections (c) and (d) of section 1521, the Secretary may make five grants from the amounts allotted to a State under section 1521(b) to States or regions within States for the purpose of permitting such States or regions to use economic strategies and competition methods in the planning and resource allocation of health care and to assure the appropriate allocation and control of health care costs. No grant may be made under this section to more than one State or one region within the same regional area of the Department of Health and Human Services.

"(b) No grant may be made under this section to a State or a region in a State unless the Governor of the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall contain such information as the Secretary determines may be necessary to enable the Secretary to make the determination required by subsection (c).

"(c) The Secretary may not make a grant under this section unless the Secretary determines that the use of economic strategies in a State or in a region of a State is likely to promote competition in the provision of health care services, and is likely to assure appropriate allocation and control of health care costs. In making such a determination, the Secretary shall consider—

"(1) whether information on the price and quality of comparable health services is readily available and easily disseminated to consumers of health care, in order that the consumers may make informed choices in the purchase of health care;

"(2) whether there are incentives available to consumers of health care to use the information referred to in paragraph (1) in making decisions with respect to the use of health services;

"(3) whether there are multiple providers of health care in the State or in the region sufficient to provide consumers of health care with substantial choices in health care services; and

"(4) whether there is evidence that—

"(A) economic forces in the State or the region exist which will permit competition in the provision of health care services, and

"(B) such economic forces could be stimulated in a manner which will prevent the rate of increase in per capita health expenditures from exceeding a level which equals the rate of increase of—

"(i) the gross national product,

"(ii) the average State gross product, compared for the purposes of this paragraph to the average of States considered by the Secretary to be similar to the State making the application, or

"(iii) such other measures of economic performance such as the Secretary may determine would be useful in carrying out the provisions of this section.

"(d) The Federal share in any fiscal year of carrying out any application under this section shall be 75 percent.

"SUPPLEMENTAL HEALTH PLANNING AND RESOURCE ALLOCATION GRANTS

"SEC. 1523. (a) The Secretary may make grants to a State under this section from the allotment of such State under subsection (b) for a fiscal year if such State received a grant under section 1521 or section 1522 for such fiscal year. Any such grant shall be for the purpose of providing financial assistance to the State in order to enable the State to provide incentives to stimulate the participation of purchasers of health care in health planning and resource allocation.

"(b) From the amounts appropriated pursuant to subsection (g) for a fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the population of such State bears to the total population of all States.

"(c) No grant may be made to a State under this section unless the Governor of the State has submitted an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. No payment may be made to a State under this section unless the Secretary determines that the State will use the amount of such payment for the purposes described in subsection (d).

"(d) The Governor of each State shall use amounts provided under this section to make grants to local groups, coalitions, or agencies to—

"(1) assist the designated agency in health planning and resource allocation; and

"(2) encourage the development of cost-effective alternatives to current health care financing and delivery systems.

"(e) The Federal share in any fiscal year of the cost of carrying out an application of a group, coalition, or agency under subsection (d) shall be 75 percent.

"(f) Any State's allotment or portion thereof, under subsection (b) for a fiscal year which the Secretary determines will not be required, for the period that such allotment is available, because—

"(1) the State did not apply for such allotment or portions thereof; or

"(2) the Secretary determined that the State was ineligible for a grant under this section,

shall be available for reallotment from time to time, on such dates during such period as the Secretary shall determine, to other States in proportion to the original allotments to such States under subsection (b) for such fiscal year. Any amount allotted to

a State under this subsection for a fiscal year shall be deemed a part of its allotment under subsection (b) for such fiscal year.

"(g) For purposes of carrying out this section, there are authorized to be appropriated $25,000,000 for the fiscal year ending September 30, 1985, and $25,000,000 plus such additional sums as may be necessary for each of the succeeding fiscal years.

"CENTERS FOR HEALTH PLANNING

"SEC. 1524. (a) For the purposes of assisting the Secretary in carrying out this title, providing such technical and consulting assistance as designated agencies may from time to time require, conducting research, studies and analyses of health planning and resources development, and developing health planning approaches, methodologies, policies, and standards, the Secretary shall by grants or contracts, or both, assist public or private nonprofit entities in meeting the costs of operating three centers for multidisciplinary health planning development and assistance. To the extent practicable, the Secretary shall provide assistance under this section to support centers which were in existence on September 30, 1984.

"(b)(1) No grant or contract may be made under this section for operation of a center unless the Secretary determines that the center meets the requirements of paragraph (2) and is able to provide assistance and dissemination of information to designated agencies as provided in subsections (a) and (c).

"(2) The requirements referred to in paragraph (1) are as follows:

"(A) There shall be a full-time director of the center who possesses a demonstrated capacity for substantial accomplishment and leadership in the field of health planning and resources development, and there shall be such additional professional staff as may be appropriate.

"(B) The staff of the center shall represent a diversity of relevant disciplines.

"(C) Such additional requirements as the Secretary may by regulation prescribe.

"(c) Centers assisted under this section (1) may enter into arrangements with designated agencies for the provision of such services as may be appropriate and necessary in assisting such agencies in performing their functions under this title, and (2) shall develop and use methods (satisfactory to the Secretary) to disseminate to such agencies planning approaches, methodologies (including methodologies to provide for education of new board members and new staff and continuing education of board members and staff of such agencies), policies, and standards.

"(d) For the purpose of making payments pursuant to grants and contracts under subsection (a), there are authorized to be appropriated $1,500,000 for the fiscal year ending on September 30, 1985, and $1,500,000 plus such additional sums as may be necessary for each of the succeeding fiscal years.

"PART D—OTHER FEDERAL RESPONSIBILITIES

"NATIONAL HEALTH PLANNING AND RESOURCE CONTROL COUNCIL

"SEC. 1531. (a) There is established a National Health Planning and Resource Control Council. The National Council shall—

"(1) review and analyze the annual reports received by the Secretary from States under section 1516;

"(2) provide the Secretary with advice and assistance with respect to the report of the Secretary to the Congress required under section 1533;

"(3) cooperate with the Secretary in developing the national standards for health care delivery required under section 1532; and

"(4) make recommendations to the Secretary with respect to health care planning and resource allocation in order to assist the Secretary in carrying out the purposes of this title.

"(b) The National Council shall consist of fifteen members appointed by the Secretary as follows:

"(1) A majority of the members shall be representatives of major purchasers.

"(2) Two members shall be the heads of designated agencies.

"(3) One member shall be a representative of a State which received a research and demonstration grant under section 1522.

"(4) Two members shall be representatives of providers of health care.

"(5) One member shall be an individual consumer of health care.

"(c) The Chairman of the National Council shall be elected by the members of the National Council from among the members who are representatives of major purchasers.

"(d) The term of office of a member of the National Council shall be four years, except that the Secretary shall divide the initial appointments to the National Council into three groups of five members each for initial terms of one, two, and three years.

"(e) At least eight members of the National Council shall constitute a quorum, but a lesser number may hold hearings. A vacancy in the National Council shall not affect its authority.

"(f) Each member of the National Council shall receive compensation at a rate equal to the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the National Council, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties as a member of the National Council.

"NATIONAL STANDARDS

"SEC. 1532. By October 1, 1985, the Secretary shall develop and promulgate national standards for health care delivery.

"ANNUAL REPORT

"SEC. 1533. By March 1 of each year, the Secretary shall prepare and transmit to the Congress a report with respect to activities conducted under this title during the preceding fiscal year. The report shall contain—

"(1) a summary of the activities of the States with respect to health planning, resource allocation, and cost containment;

"(2)(A) a comparison of the cost of health care in each State with the cost of health care in all other States;

"(B) a comparison of the cost of health care provided by each type of provider of health care in a State with the cost of health care by each such type of provider in all other States;

"(C) a comparison of the costs referred to in subparagraphs (A) and (B) among States receiving grants under section 1521, States receiving grants under section 1522, and States not receiving any grant under this title;

"(3) a specification, for the Nation and for each State, of—

"(A) total revenues obtained from health care services;

"(B) the per capita cost of health care services and the rate of increase of such costs from the preceding fiscal year; and

"(C) a comparison of the change in the per capita cost of health care services during the preceding fiscal year to the volume of services provided during such year, and a comparison of the change in such per capita cost to the price of services provided during such year; and

"(4) a description of the changes in the supply of health care resources during the preceding fiscal year, and a comparison of such changes to the national standards for health care delivery established under section 1532.".

(b) Section 2(f) of such Act is amended by striking out "1531(1),".

(c) The amendments made by this section shall take effect on October 1, 1984.●

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 2483. A bill to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport"; to the Committee on Commerce, Science, and Transportation.

WASHINGTON DULLES INTERNATIONAL AIRPORT

Mr. TRIBLE. Mr. President, Dulles International Airport is frequently referred to as the "gateway" to the Greater Washington area.

Unfortunately, some people deplaning at this magnificient facility are surprised to be on the threshold of our Nation's Capital. Because of the similarity between the words "Dulles" and "Dallas," there is evidence of confusion among travelers and those working in the travel industry. The Washington Dulles Task Force, a booster organization for the airport, reports a number of instances where passengers deplaning at Dulles expected to be in Texas. This problem is particularly acute among international travelers.

To remedy this problem, and to insure that the traveling public will think of Dulles when planning a trip to the Washington area, today I am introducing legislation to amend the name of this facility to "Washington Dulles International Airport." I am pleased that my colleague from Virginia, JOHN WARNER, is cosponsoring this bill, and Representative FRANK WOLF is introducing an identical measure in the House of Representatives.

The locations of the region's other two major airports, Washington National and Baltimore Washington International, are evident from the names alone. By adding the designator to Dulles International, we insure that visitors to our region will know that there are three major airports which serve the Nation's Capital.

Furthermore, since the name of this airport is not being changed, but is simply being amended with the designator "Washington," we do not diminish the honor bestowed on John Foster Dulles, for whom this magnificent international gateway is named.

In fact, I believe the memory of this great statesman will be better served when Washington Dulles International Airport is serving many millions of passengers from all over the world who know exactly where they are and are pleased to be there.

This bill will benefit the traveling public and it is another important step to promote full utilization of Washington Dulles International Airport. I urge its prompt passage by the Senate.

Mr. WARNER. Mr. President, I am pleased to cosponsor the legislation just introduced by my colleague from Virginia which adds the name "Washington" to Dulles International Airport. I feel that this addition is appropriate because Dulles is Washington, D.C.'s airport of the future. As growth continues to occur in the National Capital market beyond means of Washington National, more emphasis is being placed on Washington Dulles.

In fact, Mr. President, we are already seeing substantial increases in traffic at Dulles. A total of 3,019,789 passengers used Washington Dulles in 1983, up from 2,609,933 in 1982, representing a 16-percent increase over a 12-month period. This growth is continuing, as evidenced by the 30-percent growth during the last 2 years. During 1984, it is expected that traffic volumes will exceed 3.5 million passengers.

Washington Dulles Airport is in its 27th consecutive month of growth indicating that we are quickly approaching the day when it will truly be Washington's major airport. When that long-awaited day arrives, it will be important that the name of the airport be appropriate. I hope that this legislation officially adding the name of Washington to the airport can be quickly passed.

By Mr. DURENBERGER (for himself, Mr. ANDREWS, Mr. EXON, Mr. BAUCUS, Mr. ABDNOR, and Mr. PRESSLER):

S. 2484. A bill to amend the Energy Policy and Conservation Act with respect to the strategic petroleum reserve and the international energy program, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY EMERGENCY PREPAREDNESS ACT OF 1984

● Mr. DURENBERGER. Mr. President, I am today joining my colleague from North Dakota, Mr. ANDREWS, and other Senators to introduce the Energy Emergency Preparedness Act of 1984. This is not the first time that Senator ANDREWS and I have joined together to make this effort. In 1981 with 14 other primarily Midwestern Senators we introduced the Petroleum Disruption Management Act. Issues raised by that legislation remain unresolved. And so today we are once again returning to the floor of the Senate with a new bill, but the same message. This Nation remains largely unprepared to meet the demands and prevent the havoc of an oil disruption.

We have taken one important stride to prepare, since those days in 1981. We have a lot more oil in the strategic petroleum reserve—over 350 million barrels. For that we can be thankful to the distinguished chairman of the Energy and Natural Resources Committee, Senator MCCLURE, to the members of his committee and to the administration for its determination to make progress in filling the SPR. If we figure the price of oil at roughly $30 per barrel, we have now invested slightly more that $10 billion in the oil domes of the SPR. A substantial commitment by any yardstick. A good insurance policy, most would think. But an insurance policy, however high the premium, is only good if you can collect on it in a time of need. And in that respect—how and when to use the SPR, if we need to—I still believe that the preparedness plans of this Government are wrongheaded and sure to plunge us into panic markets, if events turn again for the worse in the Mideast oil fields.

To be sure, the administration has issued a drawdown plan as the Congress required in 1982. But it is a plan that does not tell us when SPR oil will be used, for what purpose it will be used, and how rapidly it will be used. All we really know is that this $10 billion insurance policy—bought and paid for by the American taxpayer—will be auctioned off to the highest bidder when the President so decides.

I have many times tried to convince the Senate and the administration that this policy of selling the public's oil to the highest bidder during a crisis cannot work and will not be accepted by the American public. Suppose that the highest bidder is a foreign nation—perhaps even a member of OPEC? Would the American people watch placidly from the gaslines while their oil is shipped to another nation?

Suppose the highest bidder resells the oil for a substantial profit in a rapidly escalating market or hoards the oil hoping that the price will go even higher? Will farmers with crops rotting in the fields believe that the market-based approach is successful because some put a higher value on speculative outcomes than they do on harvesting crops?

As I say, we have reviewed these arguments here in the Senate many times. But there is a new piece of evidence that was not considered during the debates of 1981 and 1982. The so-called AST-4 study led by the International Energy Agency and the Department of Energy produced a simulated economic disaster when the administration's market-based approach was pushed to the limit.

Under disruption parameters set out by IEA, DOE chose not to use SPR oil in this simulation despite the fact that oil prices climbed to $98 per barrel. While State government agencies and foreign nations participating in the simulation saw disaster on all sides, a DOE spokesman calmly dismissed $98 a barrel oil by saying, "This is a significant achievement and reaffirms the validity of President Reagan's market-based approach to energy emergencies."

I cannot believe that the American public will ever agree that the overnight tripling of oil prices in a real crisis is a significant achievement for Government policy. We have been down that road twice before and the legacy of economic pain that resulted is the farthest thing from achievement.

We have shown remarkable perseverance in filling the strategic petroleum reserve despite difficult budget problems on other fronts. And it is in light of that achievement, that we must view the results of the AST-4 study as the worst kind of failure. The oil was not sold to the highest bidder, did not get exported, and was not hoarded for a profit. It got left in the ground while a simulated economy once again fell apart.

So Senator ANDREWS and I are returning to the legislative process to try once again to bring some sense to our preparedness policy. The bill we are introducing today is a modest legislative effort. It says use the oil early to prevent a run up in prices. It would restrict the bidders—if bidding we must have—to domestic refineries who would put the refined product to market at an early date. And it allows some of the SPR sales to be set aside for small and independent refineries who are particularly hard hit by a disruption.

I look forward to further debate on this issue on the Senate floor at an early date. I hope the members of the Committee on Energy and Natural Resources will see this as a helpful effort. I know that I speak for Senator ANDREWS and the cosponsors of this bill when I say that it is our intention to aid his work on this important question of national policy.

Mr. President, I ask that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS

(a) This Act may be cited as the "Energy Emergency Preparedness Act of 1984."

(b)

Sec. 1. Short title; table of contents.
Sec. 2. Statements of findings and purposes.
Sec. 3. Distribution from the Strategic Petroleum Reserve.

Sec. 4. Strategic Petroleum Reserve distribution during a substantial crude oil supply disruption.
Sec. 5. Amendment of Strategic Petroleum Reserve distribution plan.
Sec. 6. Strategic Petroleum Reserve report.

SEC. 2. STATEMENT OF FINDINGS AND PURPOSES

(a) The Congress finds and declares that—

(1) shortages of crude oil and refined petroleum products have occurred in the past and are likely to recur in the future;

(2) at the onset of such shortages, uncertainty and panic lead to hoarding, speculation and countercyclical inventory behavior. Spot-market prices rise precipitously, which, initially encourages producers to divert crude oil to the spot market where substantially higher prices prevail and subsequently result in price increases for crude oil sold pursuant to contracts;

(3) such shortages and the resultant sharp increases in the prices of gasoline, diesel fuel, and other refined products sold to consumers across the United States have threatened and will threaten national and economic security, and have created and will create severe economic dislocations and hardships, including severe inflationary pressures on the economy which last far beyond the actual disruption;

(4) the American economy should not, and need not, be held captive to cartel-manipulated supply and price levels which result from such disruptions, which have in the past led to interruptions in the normal flow of commerce and created national energy crises that have impaired the public, safety and welfare;

(5) the Strategic Petroleum Reserve can now plan an important role in managing supply disruptions of varying magnitudes, causes, and durations so as to minimize the adverse short- and long-term effects of petroleum disruptions on the American people and the economy;

(6) national and economic security objectives are best served through rapid fill of the Strategic Petroleum Reserve, consistent with existing law; and

(7) early drawdown of the Strategic Petroleum Reserve at the onset of a substantial crude oil supply disruption is the least intrusive and most effective means of minimizing severe damage to the national economy resulting from disruption-driven energy price increases.

(b) The purpose of this Act is to grant to the President of the United States a broad range of authority for utilizing the Strategic Petroleum Reserve so as to assure timely and effective action in managing a wide range of petroleum supply disruptions. The authority under this Act shall be exercised for the purposes of minimizing (and, where possible, eliminating) the adverse effects of regional and national petroleum shortages and minimizing damage to the national economy by mitigating the upward spiral of disruption-driven energy price increases.

SEC. 3. DISTRIBUTION FROM THE STRATEGIC PETROLEUM RESERVE

(a) Subsection (e) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)), relating to allocation of petroleum products withdrawn from the Strategic Petroleum Reserve, is amended—

(1) by striking out "(e) The" and inserting in lieu thereof "(e)(1) Subject to paragraphs (2) and (3), the", and

(2) by adding at the end thereof the following new paragraphs:

"(2) Sales of petroleum products from the Strategic Petroleum Reserve shall be limited to refineries which

"(i) are located in the United States,

"(ii) have been in operation during the six months preceding the date of the withdrawal associated with such sale of crude oil from the Strategic Petroleum Reserve, and

"(iii) agree to refine and distribute on a timely basis within the United States the petroleum products from such crude oil.

"Exchanges are authorized to the extent necessary to facilitate the movement of crude oil from the Strategic Petroleum Reserve to refineries.

"(3) For purposes of this Part, and sale through bidding for petroleum products withdrawn from the Strategic Petroleum Reserve shall be conducted in the following manner:

"(i) any petroleum product withdrawn from the Reserve for sale shall be distributed in two pools, the volume, qualities and locations of each to be determined by the Secretary of Energy;

"(ii) the volume and manner of distribution established for the first pool shall be such as to permit refiners located within the United States, taken as a whole, to run their refineries at a given percentage of capacity as established by the Secretary of Energy, taking into account the volumes that will be distributed from the second pool;

"(iii) individual purchases are to be limited to reflect a refiner's needs in a manner to be determined by the Secretary of Energy;

"(iv) the volume and manner of distribution established for the second pool shall be such as to permit each eligible small refiner and each independent refiner to obtain sufficient crude oil to operate its refinery at a given percentage of that refinery's crude oil runs to distillation units for a representative period as determined by the Secretary of Energy;

"(v) petroleum products would be sold from the first pool to eligible refiners at prices established in a sealed bid auction; and

"(vi) petroleum products would be sold from the second pool to eligible small refiners and independent refiners at a price which is a composite of all prices paid for crude oil purchased from the first pool, with appropriate adjustments for crude oil quality.

"(vii) distribution from both the first and second pools shall be consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4 (b)(1) of the Emergency Petroleum Allocation Act of 1973; and

"(viii) for purposes of this section, the term 'small refiner' shall have the same meaning as the definition of that term in section 3(4) of the Emergency Petroleum Allocation Act of 1973, as amended, and the term 'independent refiner' shall have the same meaning as the definition of that term in section 3(3) of such Act except that the reference to the phrase 'enactment of this Act' shall refer to the date of enactment of the Energy Emergency Preparedness Act of 1984."

SEC. 4. STRATEGIC PETROLEUM RESERVE DISTRIBUTION DURING A SUBSTANTIAL CRUDE OIL SUPPLY DISRUPTION

(a) Notwithstanding any other provision of law and upon a determination that a substantial crude oil disruption exists, the President is authorized—

(1) to divert as provided in Section 3 crude oil purchased and scheduled for delivery to the Strategic Petroleum Reserve during the 90 day period beginning from the date the President determines that a substantial crude oil disruption exists, and

(2) to drawdown and distribute crude oil from the Strategic Petroleum Reserve in amounts not to exceed three hundred thousand barrels per day for no more than ninety days.

(b) Such diversion or drawdown and distribution shall be in accordance with Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)), as amended by Section 3 of this Act, except that the Secretary of Energy, in the event of a regional disruption, may limit the refiners that are eligible to participate in the diversion or distribution under this section to those refiners that have historically supplied petroleum products to the affected regions.

(c) The term "substantial crude oil supply disruption" means—

(1) a national crude oil disruption of lesser magnitude than a "severe energy supply interruption" as defined in Section 3(8) of the Energy Policy and Conservation Act, or

(2) a regional crude oil disruption, arising from either limited crude oil supplies or anomalous crude oil price conditions, including spot market prices, which threaten to result in permanent crude oil price increases.

SEC. 5. AMENDMENT OF DISTRIBUTION PLAN

(a) Within one hundred and eighty days of the date of enactment of this Act, the Secretary of Energy shall submit to Congress without regard to Section 159(e) of the Energy Policy and Conservation Act an amendment to the Distribution Plan contained in the Strategic Petroleum Reserve Plan implementing Section 3 and Section 4 of this Act.

SEC. 6. STRATEGIC PETROLEUM RESERVE REPORT

(a) Within one hundred and eighty days of the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report—

(1) SUBSTANTIAL CRUDE OIL SUPPLY DISRUPTION.—Defining the types of supply disruptions that would be considered to be a "substantial crude oil supply disruption" as defined in Section 4 of this Act as well as discussing the types of spot market price increases that would give rise to distribution of crude oil in accordance with Section 4 of this Act;

(2) INTERNATIONAL ENERGY PROGRAM.—Describing in detail the manner in which distribution of crude oil from the Strategic Petroleum Reserve can be coordinated with the timely drawdown of reserves by other member country signatories to the International Energy Agreement; and

(3) OPTIONS MARKET.—Evaluating the advisability of establishing an options market for distributing crude oil from the Strategic Petroleum Reserve consistent with the objectives of this Act, including only the use of a given percentage of the Strategic Petroleum Reserve for the creation of such a market.

ENERGY EMERGENCY PREPAREDNESS ACT OF 1984

SECTION-BY-SECTION ANALYSIS

Section 1: Short title and table of contents.

Section 2: Statement of findings and purposes.

Section 3: Reduces speculation, and minimizes distortions in distribution system, by limiting sales of crude oil from the SPR to domestic refineries. Anti-hoarding provision requires purchaser of SPR oil to refine and distribute petroleum products on a timely basis within the U.S. Exchanges permitted

only to the extent necessary to facilitate movement of oil.

Preserves Secretary of Energy's current broad powers to allocate SPR oil, but specifies that if such allocation is carried out by sales through bidding, the oil will be released for sale in two pools:

First pool open to all eligible U.S. refiners, with prices established through sealed bid process.

Second pool recognizes small and independent refiners' differential access to crude oil, by providing volumes sufficient for minimum operating needs. Prices would be established as a composite of successful bids in the first pool. Additional needs could be met through participation in the first pool.

Individual purchases limited to minimize speculation and hoarding within the refining sector.

Section 4(a): Provides President with increased flexibility for early drawdown, without creating an emergency by having to declare that one exists before action is taken. Upon finding that a substantial crude oil disruption exists, the SPR can be utilized for up to 90 days, by (1) diverting the SPR fill and (2) drawdown of up to 300,000 barrels per day from the SPR.

Section 4(b): Distribution of SPR oil during a substantial disruption would occur under the same authorities as prescribed for a severe emergency.

Section 4(c): Defines "substantial crude oil supply disruption."

Section 5: Requires an amended distribution plan incorporating the provisions of this Act.

Section 6(a): Requires a report to define the types of supply disruptions that would be considered to be a "substantial crude oil supply disruption," with a focus on spot market price behavior as a factor in the drawdown decision process.

Section 6(b): Requires a report on how use of the SPR can be coordinated with timely drawdown of strategic reserves by other IEP participants.

Section 6(c): Requires a report evaluating the use of an options market in achieving an orderly and timely drawdown of the SPR in response to a disruption.●

● Mr. ANDREWS. Mr. President, I am pleased to join with the Honorable DAVE DURENBERGER today in introducing the Energy Emergency Preparedness Act of 1984. This legislation contains policies which, if implemented properly, will develop our emergency preparedness capabilities to a level at which this Nation can respond effectively to the adverse impacts generated by oil shortages.

I would hope that no one needs any further convincing that the threat of future disruptions is real and indeed serious. To put it mildly, I have a keen interest in assuring a dependable supply of petroleum products for agriculture. Rural America lies at the end of the petroleum distribution system, and is hit first and hardest by shortages. Farmers are increasingly dependent upon farmer cooperatives and other independent refiners for their fuel needs, due to major oil company pullouts.

Agriculture cannot afford a disruption, even of short duration, at the wrong time. We could experience crop losses or sharply reduced yields, for an entire year. For example, USDA data indicate the crop losses caused by a 10-percent fuel shortage could lead to an increase in commodity prices in excess of 50 percent. Farmers lucky enough to get fuel might welcome this. But this is an unacceptable means of forcing higher food prices on consumers.

We all remember gasoline lines. But we tend to forget too quickly that the price increases caused by a shortage tend to stay with us for a long time, with devastating consequences. Following the Iranian Revolution in 1979, farmers' fuel costs increased by $5 billion annually. Compare that with net farm income of about $20 billion. Additionally, a doubling of food system energy costs can raise food prices by about 12 percent over the longer term. And this is just the agricultural part of the story. Whether we like it or not, future oil disruptions present a direct threat to our national and economic security.

Now, for the first time, we have the ability to respond to an oil crisis by offsetting shortages. This is certainly a welcome change, compared to being forced to suffer shortages. The strategic petroleum reserve now holds 385 million barrels in storage. I have taken action in the past to insure that the commitment to fill the SPR aggressively is maintained, and will continue to do so in the future if necessary.

Unfortunately, there always seems to be some bad news. The bad news can be readily found in abundance in the plans developed by the Department of Energy concerning when and how the SPR ought to be used. I took a hard look at DOE's plans last fall. To put it mildly, I was not pleased. They certainly were not what I had anticipated would result from the flexible authorities which we provided to DOE upon passage of the Energy Emergency Preparedness Act of 1982. In particular, the new SPR drawdown plan just does not get the job done.

In particular, DOE wants to auction SPR oil to all comers. Why, even those who caused the shortages in the first place could bid. And, while I am encouraged somewhat by recent statements from Energy Secretary Hodel that his impulse would be to use the SPR early and in large quantities in response to a major disruption, I would like to see a firmer commitment and some clarification about what is meant by major.

DOE's recipe is a surefire way to add to panic and uncertainty and to encourage speculation and hoarding, precisely at the time when everything possible should be done to calm the marketplace. If we allow this approach to remain in place, the Congress will find a real mess thrown right in its lap in the event of another disruption. Our extensive efforts over the past several years to learn from the past, and avoid a repeat of past mistakes, will have been tragically wasted.

There is a much better way. Our bill takes a commonsense approach by augmenting normal market forces through timely use of the SPR to offset shortages and reduce oil price pressures. The root of the problem is handled by supplying crude oil to those refineries which have been serving the marketplace all along. Uncle Sam is given just enough leeway to do the right thing, without getting so involved that problems are only made worse.

First, the universe of purchasers is limited to refiners. This is an important first step in reducing the opportunity for damaging speculation and hoarding. It also minimizes confusion. Imagine what will happen to our petroleum distribution system if a whole bunch of folks who do not know the first thing about the oil business took title to SPR oil in the middle of a crisis, no matter what their good intentions might be.

Second, the authority of the Energy Secretary to allocate SPR oil on the basis of need is left intact. I personally prefer this approach.

Third, since the administration seems to be intent on using an auction approach which basically favors those with the deepest pockets, the next best thing is to provide some policy guidance concerning how that auction is to be structured, consistent with desirable national policies. Any sale through bidding shall be distributed in two pools. The first pool is open to all bona fide U.S. refiners, using a sealed bid auction process. The second pool will consist of a set-aside volume for minimum operating needs of small and independent refiners.

The two-pool structure recognizes that small and independent refiners will experience more trouble securing crude oil supplies during a crisis. These refiners are critical to assuring fuel supplies for agriculture. They do not get a price break, as the price is established in the first pool. This will help keep independent refiners from jumping into the spot market and adding to price panic.

Fourth, our approach takes two additional steps in reducing the opportunity for speculation and hoarding, by first, limiting the amount of crude oil that an individual refiner can purchase from the SPR, and second, requiring that the SPR oil be refined and product distributed on a timely basis. After all, the ultimate objective of the SPR is to get product to consumers.

Fifth, the President is provided with increased flexibility to use the SPR in dealing with a substantial oil disruption, without having to declare a severe emergency. For up to 980 days, the SPR fill can be diverted into the

marketplace and SPR oil drawn down at a rate up to 300,000 barrels per day. Thus, early drawdown can occur in response to a substantial disruption, without having to create the panic behavior which would surely result if a severe emergency is declared.

The kind of insurance program I have just sketched will generally allow the petroleum industry to do its job, with a minimum of Government interference. To make certain that the system will work if needed, we are requiring that an actual, physical drawdown test be conducted periodically, and that extensive analyses be conducted—similar to those which are so necessary to effective military preparedness planning. DOE is also required to take a hard look at the potential of using options sales in advance of a disruption, to facilitate early use of the SPR when needed.

Mr. President, if I have to, I am certainly prepared to take the bull by the horns and fight with every resource at my disposal to see that essential agricultural operations get the fuel that they need should they experience shortages during the next disruption. There can be no greater disaster for the American consumer and the economy than an interruption in food supplies. However, I do not think that such action is necessary. Or at least it should not be. Not if the commonsense approach offered in this bill is implemented into responsible policy. I urge my colleagues to join with us in securing this vital objective.●

● Mr. ABDNOR. Mr. President, I am pleased to join with my distinguished colleagues from Minnesota and North Dakota in cosponsoring the Energy Emergency Preparedness Act of 1984.

I commend both Senator DURENBERGER and Senator ANDREWS for their continued efforts to assure that our Nation have the ability to deal with any disruption of our petroleum supply. Recent events in the Middle East remind us of how vulnerable our Nation is even today to any cutoff.

In the decade since the Arab oil embargo we have come a long way toward assuring our Nation of an adequate supply of petroleum. However, there still exists the dangerous prospect of our Nation attempting to formulate a national energy security plan during a crisis rather than before one. Past history shows that this is not in our best national interest.

The Department of Energy projections indicate that we will be importing about 5.1 million barrels of oil per day in 1984. This is an increase of 20.9 percent. Clearly as the national economic position improves, we will be forced to import larger amounts of oil.

I represent a State where agriculture is the major industry. All other businesses are dependent on the success of this industry. Any shortage or fuel restriction would fall most heavily on the Farm Belt. If we are to assure our Nation of a continuous supply of food and fiber, I believe that it is vital that we formulate a fair and reasoned program now. Not later, when a crisis might prompt quick decisions and short-sighted responses which would only compound the problems associated with any disruption. One need only look at the past record when previous disruptions created havoc for our farmers. Rarely does a week go by when farmers in my State do not remind me of the deplorable shortages that took place in the spring and summer of 1979.

In addition, independent refiners provide a substantial part of the fuel needs of the people of my State. It is important that they know what steps need to be taken in the event of a fuel shortage.

In conclusion, let me again state that I believe that we should provide the President with the means to deal with these potential problems now, rather than attempt to respond to any such crisis during a time when our options are limited and our responses inadequate. I commend Senator DURENBERGER and Senator ANDREWS for their sustained efforts to assure the American people of a reasoned and fair approach to this problem and urge my colleagues to support this legislation.●

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. PACKWOOD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Massachusetts (Mr. TSONGAS), the Senator from South Carolina (Mr. THURMOND), the Senator from Colorado (Mr. HART), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Mr. SARBANES), and the Senator from Ohio (Mr. METZENBAUM), were added as cosponsors of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from New Mexico (Mr. BINGAMAN), was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Ohio (Mr. GLENN), was added as cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 1300

At the request of Mr. HUDDLESTON, the names of the Senator from West Virginia (Mr. BYRD), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1756

At the request of Mr. DURENBERGER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

S. 1935

At the request of Mr. HEINZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1935, a bill to establish an interagency task force on cigarette safety.

S. 2080

At the request of Mr. PACKWOOD, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2080, a bill to make permanent a tax provision to encourage employers to provide legal services for their employees.

S. 2131

At the request of Mr. DECONCINI, the names of the Senator from Vermont (Mr. LEAHY), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2131, a bill to provide for the temporary suspension of deportation for certain aliens who are nationals of El Salvador, and to provide for Presidential and congressional review of conditions in El Salvador and other countries.

S. 2338

At the request of Mr. HEINZ, the name of the Senator from Maine (Mr. MITCHELL), was added as a cosponsor of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2401

At the request of Mr. DURENBERGER, the names of the Senator from Alabama (Mr. HEFLIN), and the Senator from California (Mr. WILSON) were added as cosponsors of S. 2401, a bill to require the provision of compensation for the additional direct costs incurred by State and local governments in complying with intergovernmental regulations promulgated under signifi-

cant Federal laws, and for other purposes.

S. 2413

At the request of Mr. DENTON, the names of the Senator from Vermont (Mr. LEAHY), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Maine (Mr. MITCHELL), the Senator from Oklahoma (Mr. BOREN), the Senator from Michigan (Mr. LEVIN), the Senator from Alabama (Mr. DENTON), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 255

At the request of Mrs. HAWKINS, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 255, a joint resolution to designate the month of May 1984 as "Older Americans Month."

SENATE JOINT RESOLUTION 265

At the request of Mrs. HAWKINS, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of Senate Joint Resolution 265, a joint resolution designating the week of April 29 through May 5, 1984 as "National Week of the Ocean."

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATION

JOHNSTON (AND OTHERS) AMENDMENT NO. 2847

Mr. JOHNSTON (for himself, Mr. METZENBAUM, Mr. RUDMAN, Mr. BUMPERS, Mr. CHILES, Mr. GORTON, Mr. LEVIN, and Mr. PROXMIRE) proposed an amendment to the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984 for the Department of Agriculture; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . (a) MERGER LIMITATION.—Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof) to acquire control of a substantial energy reserve holder through a purchase of voting securities or assets or a merger after March 21, 1984, and prior to 180 days following the date of enactment of this section.

"(b) LIMITATION ON ROYALTY TRUST OWNERS.—

"(1) Notwithstanding any other provision of law, it shall be unlawful for any person (including any successor in interest, or any affiliate thereof; or person acting in concert therewith) who, within the twelve months prior to enactment, had an interest in a royalty trust—

"(A) to acquire, directly or indirectly, by purchase, trade or otherwise any voting securities of, or

"(B) to solicit any proxy, consent or authorization with respect to voting securities of,

any substantial energy reserve holder during the period beginning on March 21, 1984 and ending 180 days after the date of enactment of this section if after such acquisition that person would own, directly or indirectly, or have the power to vote, directly or indirectly, more than five percent of the outstanding voting securities of any such substantial energy reserve holder.

"(2) Any person holding any voting security in violation of paragraph (1) shall be required to divest himself within 30 days after enactment of this section of any voting securities acquired after March 21, 1984.

"(C) DEFINITIONS.—For purposes of this section, the term—

"(1) 'merger' includes mergers, consolidations, or acquisitions whereby one person purchases, directly or indirectly, the voting securities of any person and thereby acquires control or a majority of the assets of another.;

"(2) 'person', 'affiliate', and 'control' shall be defined as such terms are defined in the Securities Act of 1933, as amended (15 U.S.C. 77a-77bbbb) and the rules and regulations thereunder;

"(3) 'substantial energy reserve holder' means any person who, individually or together with his affiliates, owns or has an interest in, 100 million barrels or more of proved reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, worldwide, as reported in such person's most recent report to the Securities and Exchange Commission pursuant to the requirements of the Financial Accounting Standards Board Statement Number 69; and

"(4) 'royalty trust' means any trust the corpus of which contains a nonoperating interest (including a royalty interest or a net profits interest) of one or more oil or natural gas producing properties.

"(d) EXEMPTIONS.—This section does not apply to purchases or acquisitions of voting securities, or assets, or mergers—

"(1) for which both persons (or in the case of a tender offer, the acquiring person) filed, prior to March 21, 1984, a premerger notification pursuant to section 7A of the Clayton Act, as amended by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), or

"(2) of any person who owns, or holds an interest in, less than 100 million barrels of proved domestic reserves of crude oil, natural gas liquids equivalents, or natural gas equivalents, if such reserves are owned or controlled by a foreign person and if such reserves would be owned or controlled by a United States person, as defined in the Clayton Act as amended (15 U.S.C. 18A) and the rules and regulations thereunder.

"(e) ENFORCEMENT.—Whenever it appears to the Attorney General, the Federal Trade Commission, or any other aggrieved person that any person has engaged in, is engaged in, or is about to engage in, any acts or practices constituting a violation of this section, the aggrieved person may bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond.

"(f) ESTABLISHMENT OF COMMISSION.—There is established a special Commission on Oil Industry Mergers, Acquisitions and Royalty Trusts.

"(1) MEMBERSHIP.—Membership shall consist of—

"(A) the Assistant Attorney General of the United States in charge of the Antitrust Division of the United States Department of Justice;

"(B) one individual representing the National Association of Attorneys General;

"(C) two individuals qualified to serve on the Commission by virtue of their education, training, or experience in the field of economics, specifically industrial organization, or business, and who have no personal or financial stake in any determination regarding the appropriate extent of Federal regulation of oil industry mergers; one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Majority Leader of the Senate;

"(D) two individuals qualified to serve on the Commission by virtue of their education, training, or experience in the fields of antitrust or tax law, and who have no personal or financial stake in any determination regarding the appropriate extent of federal regulation of oil industry mergers; one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Majority Leader of the Senate;

"(E) two individuals from the oil industry qualified to serve on the Commission by virtue of their education, training, or experience; one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Majority Leader of the Senate; and

"(F) one individual to be appointed by the President of the United States.

"(2) STUDY REQUIREMENTS.—The Commission shall study and make recommendations to the Congress, where appropriate, regarding the impact of oil industry mergers, acquisitions and royalty trusts on—

"(A) concentration in the oil and gas industry;

"(B) competition at all levels of the oil and gas industry, including, but not limited to, the effects on independent refiners, marketers and retailers of petroleum products;

"(C) exploration, development and production of oil and gas resources owned by the United States;

"(D) federal revenues from exploration, development and production of oil and gas resources owned by the United States;

"(E) the capacity and incentive of companies aggressively to develop domestic oil and gas resources;

"(F) oil imports, particularly from the Organization of Petroleum Exporting Countries;

"(G) the possibility that foreign interests may acquire a greater ownership interest in domestic energy concerns;

"(H) domestic credit markets and interest rates; and

"(I) revenues to the United States due to the tax treatment afforded such transactions, specifically whether any provisions of the Internal Revenue Code encourage mergers, acquisitions, or the creation of royalty trusts.

"(3) REPORT.—The Commission shall report its findings and recommendations to the Congress within 120 days after enactment of this provision. The report shall include all relevant documentation and data determined by the Commission to be necessary to provide a basis for such findings.

"(4) MISCELLANEOUS PROVISIONS.—

"(A) All federal departments and agencies shall make available, upon request, to the Commission such information as the Commission deems necessary to prepare the required report. Any person who has obtained possession of information under this paragraph shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States with respect to such disclosure.

"(B) The Commission shall hold such hearings and meetings as it deems necessary to collect and evaluate information and make its findings and recommendations. All such hearings and meetings shall be open to the public unless a majority of the commission votes in open session to close such hearings and meetings.

"(C) Commission members may receive travel and per diem expenses for each day such member is engaged in the work of the commission. Travel and per diem reimbursement shall be up to a daily rate in accordance with the Federal Travel Regulations.

"(D) The expenses of the Commission established by this subsection, including such sums as may be necessary to hire staff and complete its report, shall be paid equally from the contingent fund of the Senate and from the contingent fund of the House of Representatives.".

BANKRUPTCY ACT AMENDMENTS

JOHNSTON (AND LONG) AMENDMENT NO. 2848

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. LONG) submitted an amendment intended to be proposed by them to the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstances under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, as follows:

At the appropriate place in the bill insert the following: That section 98(a) of title 28, United States Code is amended by inserting "and Houma" after "New Orleans".

● Mr. JOHNSTON. Mr. President, the amendment I have introduced to H.R. 5174 is fairly simple. The amendment authorizes the Federal court for the eastern district of Louisiana to sit in Houma, La.

My amendment has the unanimous support of the district judges of the eastern district of Louisiana, of the Fifth Circuit Judicial Conference and of the Judicial Conference of the United States.

Under present law, the Federal district court for the eastern district may be held only in New Orleans. As a result residents in the Houma-Thibodeaux corridor of the eastern district must travel up to 4 hours round trip for court appearances. The Houma-Thibodeaux corridor is growing almost twice as fast as the New Orleans metropolitan area and now has a population of over 100,000. Given this population growth and the travel burden on residents of this corridor, it is imminently reasonable to authorize a Houma Federal seat.

This amendment does not mandate the use by the Eastern District Court of Houma; rather, the Eastern District Court may sit in Houma if it so desires. The determination of how and when to use the Houma seat will be made by the 13 judges who comprise the eastern district bench. We expect the Houma court to serve the parishes of Terrebonne, LaFourche, St. James, St. John the Baptist and Assumption. Nevertheless, our amendment gives the eastern district court three administrative choice:

First, designate Houma court to serve specified parishes; or

Second, use the Houma court on an as-needed basis, without designating specific parishes to be serviced by it; or

Third, ignore this authority and continue to hold court only in New Orleans.

Mr. President, I hope that my amendment may be accepted without debate. It is fairly straight forward and involves local administrative concerns.●

URGENT SUPPLEMENTAL APPROPRIATION

HATCH AMENDMENT NO. 2849

Mr. HATCH proposed an amendment to amendment No. 2847 proposed by Mr. JOHNSTON (and others) to the joint resolution (H.J. Res. 492), supra; as follows:

Beginning on page 1, line 1, strike all through page 7, line 8 and insert in lieu thereof the following:

SECTION 1. The Congress of the United States of America hereby finds and declares that:

(1) The recent wave of mergers and take-over attempts affecting the largest integrated oil companies is indicative of serious concerns affecting American oil and energy companies. In spite of declining domestic oil and gas reserves, there are marginal economic incentives to support vigorous exploration and production programs by said companies and smaller companies, because of high and ever-increasing finding costs, weak wellhead prices, flat demand for oil and excess deliverability of gas.

(2) This lack of incentives has caused a fall in the drilling rig count from 4,500 in December 1981 to 1,800 in mid-April 1983, and which was approximately 2,250 on March 15, 1984.

(3) The stock market prices for most major integrated oil companies are greatly below the current appraised asset values of said companies, with the stocks of many of said companies selling for one-third or less of the appraised value, making purchases of the oil and gas reserves of said companies through purchase of their stock much cheaper than exploring for new reserves.

(4) This situation could pose possible serious problems for the energy security of the United States and warrants immediate study by the President with the cooperation and assistance of whatever Departments and Agencies of the Executive Branch of government the President deems necessary and appropriate.

SEC. 2. The President shall establish a commission to commence a study of mergers and acquisitions of integrated oil companies in the United States promptly after passage of this Amendment and shall complete said study by January 10, 1985.

(1) This study shall also consider for antitrust purposes when a relevant market should be defined as a domestic market or a worldwide market.

(2) The President shall report the results of such study and any recommendations for Legislative, Executive or Administrative action to ameliorate any national energy security problems or adverse economic effects to the President of the Senate on or before January 10, 1985.

(3) This study and any recommendations developed as a result thereof shall assess whether such mergers, acquisitions and take-over attempts may be injurious to competition or to national energy security.

SEC. 3. All persons and entities should exercise the utmost restraint in commencing any mergers, acquisitions or take-over attempts affecting the largest integrated oil companies in the United States until January 10, 1985, other than those with respect to which Hart-Scott-Rodino-filings have been made with the appropriate Agencies as of March 21, 1984.

VETERANS' ADMINISTRATION HEALTH-CARE PROGRAM IMPROVEMENT ACT OF 1984

CRANSTON AND MATSUNAGA AMENDMENT NO. 2850

(Referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON (for himself and Mr. MATSUNAGA) submitted an amendment intended to be proposed to the bill S. 2269 to amend title 38, United States Code, to improve various aspects of Veterans' Administration

health-care programs and to provide eligibility to new categories of persons for readjustment counseling from the Veterans' Administration; and to require the Administrator of Veterans' Affairs and the Secretaries of Defense and of Health and Human Services to submit a report on alternatives for providing Federal benefits and services to individuals who, as civilians, provided services to U.S. Armed Forces in Vietnam during the Vietnam era; and for other purposes, as follows:

(1) On Page 5, strike out line 23 and insert in lieu thereof the following:

SEC. 6. (a) Section 218 is amended to read as follows:

"§ 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration

"(a)(1) The Administrator, with the concurrence of the Attorney General, shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on land and in buildings under the jurisdiction of the Veterans' Administration and not under the control of the Administrator of General Services (hereinafter in this section referred to as 'Veterans' Administration property'). Such regulations shall prescribe, but need not be limited to—

"(A) the penalties, within the limits specified in paragraph (2) of this subsection, for violations of laws and regulations on Veterans' Administration property,

"(B) the authority, consistent with the provisions set forth in subsection (b) of this section, of Veterans' Administration protective services officers to enforce laws and regulations and to make arrests,

"(C) the scope and duration of training that is required for Veterans' Administration protective services officers, with particular emphasis on dealing with situations involving patients, and

"(D) rules limiting the carrying and use of weapons by Veterans' Administration protective services officers.

Laws and regulations (including penalties for violations thereof prescribed under this paragraph) shall be posted conspicuously on such property.

"(2) Whoever violates any regulations prescribed under paragraph (1) of this subsection shall be fined not more than $500 or imprisoned not more than six months (or such lesser amount or period of time as the Administrator prescribes in such regulations), or both.

"(b) The Administrator may designate employees of the Veterans' Administration protective services officers. Such officers shall enforce Federal laws, and the regulations prescribed under subsection (a) of this section, on Veterans' Administration property. Any Veterans' Administration protective services officer may make an arrest, with or without a warrant, for any offense on Veterans' Administration property if (1) such offense occurs in such officer's presence, or (2) such officer has reasonable grounds to believe (A) that the offense constitutes a violation of any law of the United States or of any regulation prescribed under subsection (a) of this section, and (B) that the person to be arrested has committed that offense.

"(C) With the agreement of the head of the agency concerned, the Administrator may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

"(d)(1) Notwithstanding subchapter I of chapter 59 of title 5, the Administrator, pursuant to regulations which the Administrator shall prescribe, may pay allowances within the limits of paragraph (2) of this subsection, for the purchase of such uniforms, to any Veterans' Administration protective services officer who is required to wear a prescribed uniform in the performance of official duties.

"(2) Allowances that the Administrator may pay under paragraph (1) of this subsection for the purchase of uniforms shall not exceed—

"(A) at the time the individual is first employed as a Veterans' Administration protective services officer, $400; and

"(B) at the beginning of the first fiscal year that begins after the individual has completed twelve months of service as a Veterans' Administration protective services officer and at the beginning of each subsequent fiscal year, $200.".

(b) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration.".

(c) Section 4107(g) is amended—

(2) At the end of the bill, add the following new sections:

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 10. Section 601(4)(C)(v) is amended by striking out "September 30, 1984," and inserting in lieu thereof "September 30, 1985,".

PAYMENT FOR THERAPEUTIC AND REHABILITATION ACTIVITIES

SEC. 11. Section 618 is amended by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, no amount of remuneration provided to an individual as a participant in a therapeutic or rehabilitative activity carried out pursuant to this section shall be included in determining annual income for purposes of pension payments.".

POST-TRAUMATIC-STRESS DISORDER TREATMENT

SEC. 12. (a) In order to enhance the Veterans' Administration's capability to diagnose and treat post-traumatic stress disorder (hereinafter in this section referred to as "PTSD"), the Administrator of Veterans' Affairs shall establish a national center on PTSD (1) to carry out and promote research into, and the training of health-care personnel in, the diagnosis and treatment of PTSD, and (2) to serve as a resource center for and to promote and to seek to coordinate the exchange of information regarding all research and training activities carried out by the Veterans' Administration, and by other Federal and non-Federal entities, with respect to PTSD.

(b) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a description of the steps taken and plans made (and a timetable for their execution) to establish such a center. The report shall also contain (1) the assessment of the Chief Medical Director of the Veterans' Administration regarding the capability of the Veterans' Administration to provide inpatient and outpatient PTSD diagnosis and treatment (both through PTSD inpatient treatment units and otherwise) as well as a description of the results of any evaluations that have been made of PTSD inpatient treatment units in existence on the date of the enactment of this Act, (2) any recommendations and a description of any activities planned for improving such diagnoses and treatment and for correcting any deficiencies in the operations of such units, and (3) the Administrator's assessment of the capacity of the Veterans' Administration to meet the need for PTSD diagnosis and treatment in all geographic areas of the United States and any plans and timetable for increasing that capacity (including the costs of such action).

AMENDMENT NO. 2850: VETERANS' ADMINISTRATION HEALTH-CARE SYSTEM IMPROVEMENTS

Mr. CRANSTON. Mr. President, I am today introducing, on behalf of myself and Senator MATSUNAGA, amendment No. 2850, an amendment to S. 2269, the proposed Veterans' Administration Health-Care Program Improvements Act of 1984. S. 2269 is presently pending in the Veterans' Affairs Committee and is to be considered during a committee hearing scheduled for April 11. It is our expectation, in introducing this amendment today, that the various provisions included in it will also be addressed at that hearing.

Mr. President, as I noted in my remarks in introducing S. 2269—which begin on page S1084 of the daily edition of the RECORD for February 7, 1984—that legislation has as its basic underlying purpose the continued improvement of the VA's ability to meet the needs of our Nation's veterans and their dependents. The various provisions in the amendment we are introducing today have the same purpose.

SUMMARY OF PROVISIONS OF S. 2269

Mr. President, as I noted when I introduced S. 2269 on February 7, the eight substantive provisions of that bill would:

First, expand the definition of the Vietnam era for the purposes of title 38, United States Code, so as to include, in the case of veterans who served in Vietnam at that time, the period beginning on July 8, 1959, through August 5, 1964, the starting date of the Vietnam era in current law.

Second, in cases in which a veteran's family members have been receiving counseling or mental health services from the VA in connection with the veteran's care, authorize the VA to continue to provide services to those family members for a period of up to 6 months following the veteran's death.

Third, provide persons still on active duty in the Armed Forces who served during the Vietnam era with eligibility for VA readjustment counseling and authorize the Administrator of Veterans' Affairs to provide such eligibility to persons who served in the Armed

Forces after the Vietnam era in combat-like situations.

Fourth, make permanent the VA's current, pilot-program authority to place veterans with alcohol or drug abuse dependencies or disabilities in non-VA halfway houses and other community-based programs for treatment and rehabilitation.

Fifth, provide the Administrator with new authority to increase rates of pay, for recruitment and retention purposes, for protective services employees at VA health-care facilities.

Sixth, modify the due date of a recurring Comptroller General's report on the Director of the Office of Management and Budget's compliance with certain statutory requirements relating to funded personnel ceilings for the VA's Department of Medicine and Surgery.

Seventh, require the Administrator to develop criteria pursuant to which applications for grants for the construction, remodeling, expansion or alteration of State veterans' home facilities can be awarded on a basis other than first-come, first-served.

Eighth, direct the Administrator and the Secretaries of Defense and of Health and Human Services to submit to the Congress a joint report setting forth and evaluating various alternative approaches pursuant to which the Federal Government might provide benefits, services, and assistance relating to disabilities that possibly result from service in Vietnam—such as exposure to agent orange or to particularly traumatic events—to individuals who were present there during the Vietnam era as civilian employees of the Federal Government or of organizations that provided significant assistance to U.S. forces, such as the American Red Cross and the USO.

SUMMARY OF PROVISIONS OF AMENDMENT

Mr. President, the provisions of the amendment we are introducing today would:

First, improve and clarify the Administrator of Veterans' Affairs authority to provide security on VA property through a force of VA protective services officers and authorize a special uniform allowance for them.

Second, provide a 1-year extension, until September 30, 1985, in the VA's authority to provide certain fee-basis health care to veterans in Puerto Rico and the Virgin Islands.

Third, specify that any remuneration received by VA patients in a rehabilitation therapy program under section 618 of title 38, United States Code, shall not be counted as income for the purpose of VA pension programs.

Fourth, mandate that the VA establish a national center for research into post-traumatic stress disorder—PTSD—and for training VA health-care personnel on appropriate treatment for veterans with this disorder; and require the VA to assess and report on its ability and capability, including the capacity of its existing PTSD treatment units, to provide diagnosis and treatment to veterans with such disorder.

PROTECTIVE SERVICES EMPLOYEES

Mr. President, section 6 of S. 2269 as introduced, in order to improve the VA's ability to attract and retain protective services personnel, would give the Administrator new authority to increase rates of pay for such personnel.

After I introduced S. 2269, the House Committee on Veterans' Affairs Subcommittee on Health and Hospitals held a hearing on, among other matters, issues related to VA security. After reviewing the testimony of the VA and veterans service organizations at that hearing, it is apparent that, although pay flexibility is the most critical issue that needs to be addressed at this time, a variety of other concerns should also be considered by our committee at this time. To this end, the amendment we are introducing today would clarify the Administrator's authority to designate individuals to serve as VA protective services officers; would require the Administrator to issue regulations relating to such officers' authority to make arrests, the content and duration of such officers' training, and other law enforcement matters; and would authorize a special VA protective services officers' clothing allowance.

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

Mr. President, the question of how the VA should provide health care to eligible veterans in Puerto Rico and the Virgin Islands—both now and in the years ahead—is a longstanding one. Despite repeated requests to the VA from our committee and the House Veterans' Affairs Committee for a comprehensive plan to provide this care and, indeed, despite a statutory mandate—in section 107 of Public Law 98-160—that the VA develop and present such a plan, the agency has continued to refuse to come to grips with this issue in a manner that would provide a basis for congressional action.

Most recently, on February 16, 1984, the VA, in response to the most recent statutory mandate—in Public Law 98-160—presented the Congress with yet another incomplete report on this issue. As with prior submissions, the VA deferred any final decisions, this time indicating its most current review and analysis of this situation will be completed this spring as part of the fiscal year 1986 budget preparation.

In an attempt to gain better insight into this issue, both Veterans' Affairs Committees sent staff members to Puerto Rico in February. This visit yielded some important firsthand impressions which will help further inform the two committees about what steps to take once the VA finally comes forward with its comprehensive plan—including any recommendations for legislative action or construction authorization—later this year.

Unfortunately, because the VA did not produce such a plan at the beginning of this session of Congress as had been expected by the Congress. We must give serious consideration to yet another 1-year extension of the existing special authority pursuant to which the VA provides care for certain veterans in Puerto Rico and the Virgin Islands on a contract or fee basis. At present, that authority is scheduled to expire on September 30, 1984. Because we do not believe that the Congress will have sufficient time to evaluate the VA's plan and take appropriate action on it by that time, we are proposing a further 1-year extension—until September 30, 1985—of this authority.

STATUS OF PAYMENTS FOR INCENTIVE THERAPY

Mr. President, under section 618 of title 38, United States Code, the VA is authorized to conduct programs of rehabilitation and therapy under which participants—VA patients selected for such programs—perform services for which they receive a small payment. Known commonly as incentive therapy, the primary emphasis of these programs is on their therapeutic benefit and not on the relatively minor monetary benefit to the participants. Nevertheless, as the author of this authority in current law, I have always understood—and I believe it is generally agreed—that the payment aspect of the program is a vital component.

Over the past several weeks, I have received numerous inquiries—from staff of these incentive therapy programs, other VA employees, patients/participants in such programs, veterans service organizations, and others—about a recent change in the program. As the result of a direction from the Office of Managment and Budget, the VA has recently instituted a procedure whereby the payments veteran patients are receiving under incentive therapy programs are being counted as income to the veterans for the purpose of determining their entitlement to VA pension. For many of these veterans who are in receipt of pensions under the VA's current non-service-connected disability pension program, this change in how incentive therapy payments are counted has the result of reducing benefits by an amount equal to the amount received by the veteran under incentive therapy. Thus, for every dollar they received under incentive therapy, their pension is reduced by $1 and they are no better off financially as the result of their participation. This change in how these funds are counted has already had the entirely predictable result of discouraging participation in incentive

therapy programs among those in receipt of VA pension.

In the cases of veterans/participants receiving "grandfathered" pension payments under section 306 of the Veterans' and Survivors Pension Improvement Act of 1978—veterans who were receiving pension on December 31, 1978, the day before the current program took effect and have not elected to receive pension under the current program—if their incentive therapy payments, when added to their other income, exceed the annual income limitation on which their continuing entitlement to section 306 pension is based, they are permanently dropped from the section 306 pension rolls.

Without at this point debating whether the OMB interpretation of existing law is correct, I am very concerned that this change in how incentive therapy payments are counted for pension program purposes has the very real potential to disrupt if not destroy many of these therapeutic programs and hence deprive many disabled veterans of the vital opportunities for enhanced functioning and self-esteem that are provided through their participation in the incentive therapy program. To avoid this result, the amendment we are introducing today would amend section 618 of title 38 to specify that payments to participants in programs carried out under that section are not to be counted as income for the purposes of VA pension.

POST-TRAUMATIC-STRESS DISORDER TREATMENT

Mr. President, although the VA had made some strides in the diagnosis and treatment of post-traumatic-stress disorder (PTSD) I am concerned that the agency could be doing much more in a coordinated fashion. The efforts to date—principally through the VA's 135 vet centers and the relative handful of PTSD inpatient treatment units of which there are 10 open at present—have lacked any apparent coherent design or overall plan.

PTSD is a disorder that is particularly prevalent among veterans—indeed, one of the stressors identified in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, third edition, as a cause of the disorder is combat—and apparently especially so among Vietnam combat veterans. Thus, I believe that the VA has a very strong obligation to be at the forefront of efforts to understand and treat PTSD.

For this reason, the committee has twice urged the VA in committee reports—Senate Report No. 97-89 accompanying S. 921 in the 97th Congress and Senate Report No. 98-145 accompanying S. 578 in this Congress—to consider seriously the establishment of a national center of excellence where research into diagnosing and treating PTSD could take place and also where training of health-care personnel on diagnosing and treating PTSD could go on. In addition to the committee's urgings, I have personally pursued, in letters to the VA's Chief Medical Director, the need to establish such a center as well as the need for greater geographic dispersal of inpatient treatment facilities. Unfortunately, the response to date to the committee's and my personal urgings, including the Chief Medical Director's most recent letter to me on this issue dated February 22, has not been particularly forthcoming.

Because of the importance of this issue regarding the VA's PTSD efforts, the amendment we are introducing includes a provision to mandate the Administrator to establish such a center and to report within 90 days after enactment of this act on the agency's efforts to carry out that mandate. In that report, the Administrator would also be required to provide an assessment of the agency's present capability to provide diagnosis and treatment to veterans suffering from PTSD—including discussing the results of agency evaluations of its PTSD treatment units—and any recommendations for changes in existing PTSD treatment programs, including providing greater geographic dispersion.

CONCLUSION

Mr. President, as I mentioned at the outset of my remarks, the legislation that I am proposing to amend—S. 2269—is scheduled for committee consideration at a hearing presently scheduled for April 11. I look forward to receiving and reviewing the comments of the VA, veterans service organizations, and others with an interest in this legislation on the provisions of the bill and of the amendment I am introducing today.

Mr. President, I ask unanimous consent that the text of correspondence I have had with the VA's Chief Medical Director on PTSD diagnosis and treatment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
VETERANS' AFFAIRS,
Washington, D.C., October 18, 1983.

Dr. DONALD L. CUSTIS,
Chief Medical Director, Veterans' Administration, Vermont Avenue NW., Washington, D.C.

DEAR DON: Although I recognize that the VA has recently begun to play a leadership role in the diagnosis and treatment of post-traumatic stress disorders (PTSD) in Vietnam veterans, I am writing to urge further actions by the agency in this regard. Recent visits by Committee Minority staff members to VA facilities in Southern California and the State of Washington have convinced me that there is an important need for the Department of Medicine and Surgery (DM&S) to develop a strategy and plan for the treatment of PTSD throughout the system.

One of the most important elements that I believe should be addressed as part of any such overall approach is the establishment of additional in-patient programs for the treatment of PTSD—particularly the region west of the Mississippi where only 2 of the 10 in-patient PTSD units are located. I continue to receive from Vietnam veterans, their families, and others interested in the treatment of PTSD very strong, positive feedback about the 10 existing in-patient programs—especially the first of these programs, which is located at Menlo Park, California. At the same time, I continue to receive very strong indications about the need for more such programs, both to provide additional treatment capacity and to provide access to such programs on a wider geographic basis.

With respect to the recent staff visits referred to above, personnel at various Los Angeles area Vet Centers gave examples of clients whom they believed needed the type of assistance that could be provided only in such an in-patient program and how difficult it was to get such veterans admitted to the Menlo Park program, which does not have the resources to meet the demand. Likewise, in Washington State, much support was expressed for the establishment of such a program in that region. There seemed a general consensus that such a program could be best accommodated at the American Lake VAMC if additional FTEE were provided.

On this last point, the following statement by American Legion National Field Representative Rodney Kirk appeared in his recent visitation report on the American Lake VAMC:

"The Chief [of the Psychiatry Service] was informed of previous discussions held with personnel at the Vietnam Veterans Outreach Center, and their desire to implement a special unit for veterans with Post Traumatic Stress Disorders (PTSD). Although the Chief agrees with the need, it would be impossible to properly staff such a unit without additional resources."

Don, I would deeply appreciate it if, at your earliest convenience, you would provide me with your views on the need for and your intentions regarding a nationwide DM&S PTSD plan and additional inpatient PTSD units in the region west of the Mississippi, particularly in Southern California and the Seattle/Tacoma area. In addition, I would appreciate your thoughts on the recommendation that the Committee has made in two separate reports (S. Rept. No. 97-89 (p. 17) accompanying S. 921 in the 97th Congress and S. Rept. No. 98-145 (p. 33) accompanying S. 578 in the current Congress) that the VA establish a Center for Post Traumatic Stress Disorder. Such a center of excellence, together with a nationwide PTSD treatment strategy and a planned, coordinated expansion of in-patient programs, would, I believe, reinforce the VA's leadership role in the diagnosis and treatment of PTSD and be of major benefit to Vietnam veterans.

Thank you for your continued cooperation.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

VETERANS' ADMINISTRATION,
DEPARTMENT OF MEDICINE AND SURGERY,
Washington, D.C., December 19, 1983.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your inquiry about the Veterans' Administration's policy and nationwide plan for the treatment of Post-traumatic Stress Disorder (PTSD) and other inpatient treatment programs.

Historically, the existing programs have developed in large VA medical centers with active Psychiatric Services where there were sufficient psychiatric beds to enable available resources to be shifted, or consolidated, to allow the development of inpatient units for the treatment of Vietnam veteran patients. As you have mentioned, most of these programs are in the eastern part of the country.

The need for PTSD-oriented programs in our VA medical centers is being actively discussed by the Mental Health and Behavioral Sciences Service and the Readjustment Counseling Service. The basic problem is that Vietnam veterans are subject to many types of mental health disorders which do not necessarily lend themselves to treatment in the same unit. The appropriate mix of patients, the optimal length of stay, the balance of professional and nonprofessional personnel, and the necessary follow-up resources are all matters which require attention.

We are presently evaluating the need for such PTSD units and will attempt to develop guidelines which can be incorporated in our Medical District Initiated Program Planning (MEDIPP). When completed, this approach would give appropriate coverage to those areas west of the Mississippi, and would provide for PTSD-oriented activities and training. We agree with you on the importance of the diagnosis and treatment of PTSD as well as the other mental health problems being experienced by Vietnam veterans.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., December 28, 1983.

Dr. DONALD L. CUSTIS,
Chief Medical Director, Veterans' Administration, Vermont Avenue NW., Washington, D.C.

DEAR DON: Thank you for your December 19, 1983, letter, signed by Dr. Gronvall in your absence, in response to my earlier letter regarding the Veterans' Administration's efforts in the diagnosis and treatment of post-traumatic stress disorders. (PTSD).

I am pleased that efforts are underway in DM&S to evaluate the need for additional in-patient programs to treat PTSD and that you agree with my view that the VA must play a leadership role in this area. So that I might better understand the status of your efforts, I would appreciate further information in this regard. Specifically, I am interested in answers to the following questions:

What office or official within the VA has been assigned the leadership role for the evaluation and other efforts described in your letter?

What specific efforts have been undertaken to date in this regard? Which are planned?

What guidance is presently available to field stations which might be interested in establishing an in-patient PTSD unit (please provide copies of any such guidance)?

What is the timetable for the development of formal PTSD-unit guidelines for incorporation into MEDIPP?

Finally, I would appreciate your thoughts on one point which I raised in my prior letter but which you did not address—namely, the establishment of a VA Center for Post-Traumatic Stress Disorder. I do not believe such an entity should be viewed as simply another PTSD unit. Rather, I believe that it would serve as a center of excellence where a mix of treatment, research, and education relating to PTSD would take place. I again urge that serious consideration should be given within the agency to the establishment of such a center, and I would appreciate knowing your thoughts on this proposal, which has been twice recommended in reports of the Senate Committee on Veterans' Affairs.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

VETERANS' ADMINISTRATION,
Washington, D.C., February 22, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter requesting additional information concerning the Department of Medicine and Surgery's approach to the development of additional units for the treatment of Post-traumatic Stress Disorder.

Because inpatient treatment units for Vietnam veterans accept patients with a variety of conditions including post-traumatic stress disorder, depression, and other medical conditions, these units are assigned to the Psychiatry Services at each medical center where they are currently located.

Mental Health and Behavioral Sciences Service has the responsibility to provide planning and development assistance for these units. Dr. John O. Lipkin, Associate Director for Psychiatry, Mental Health and Behavioral Sciences Service has been active in providing assistance to VA medical centers interested in developing Vietnam veteran inpatient programs.

The most recent MEDIPP planning documents included requests for two PTSD inpatient units. The MEDIPP guidelines for planning include recommendations that each medical district without a Vietnam veteran unit consider its need for such a unit in the next submission to Central Office. Formal guidelines concerning the structure of these programs have not been published, because these units are still relatively new and undergoing constant evolution. There is less than unanimity among our psychiatric staff as to the desirability of these units. Centrally directed guidance at this point is, therefore, premature.

Discussions are underway concerning the development of a VA center for post-traumatic stress disorder. The availability of resources will be an important consideration in the development of this center.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., March 23, 1984.

Dr. DONALD L. CUSTIS,
Chief Medical Director, Veterans' Administration, Washington, D.C.

DEAR DON: Thank you for your February 22, 1984, letter, signed by Dr. Gronvall in your absence, in response to my earlier letter regarding the Veterans' Administration's efforts in the diagnosis and treatment of post-traumatic stress disorders (PTSD). I have a number of follow-up concerns and questions relating to this issue as to which I would appreciate your views and responses.

1. In your letter, you noted that "[t]here is less than unanimity among our psychiatric staff as to the desirability of these units."

A. What steps are you taking to resolve this lack of agreement?

B. In light of this lack of agreement, I was surprised to read the article "Wards Opened For Stress Patients" in the March 1984 VAnguard (copy enclosed) which gave no indication that there is any question within the VACO about the "desirability of [PTSD units]" and indeed noted that "additional wards [beyond the ten now open] are expected to open this year." I recognize that articles in VAnguard are not statements of official agency policy; nevertheless, I would appreciate your views on how the discrepancy on this issue between the VAnguard article and your recent letter can be reconciled.

C. It is noted in the VAnguard article that an eleventh PTSD inpatient unit "is expected to open sometime this year at Lyons, N.J." When was the decision made to open this unit and, to the extent it was under consideration at the time of your February 22 letter, why was it not mentioned in that letter?

2. I was pleased to note the statement in your February 22 letter that "[d]iscussions are underway concerning the development of a VA center for Post-traumatic Stress Disorder."

A. (i) Who is participating in these discussions and, specifically, have you solicited the views of any individuals from outside of the agency (such as those serving on the VA's Advisory Group on Readjustment Problems of Vietnam Veterans) who might be able to contribute to these discussions?

(ii) What is the timetable for the discussions and when do you anticipate being able to make a decision in this matter?

(iii) Is Dr. Arthur Blank participating? If not, why not, given his vast experience in treating PTSD and his perspectives as head of the Rehabilitation Counseling Service?

(iv) Similarly, is Dr. Blank a participant in DM&S decision-making regarding PTSD treatment, education, and research, and, if not, why not?

B. Which, if any, of the existing PTSD units (or other parts of the medical centers where the units are located) have expressed an interest in serving as such a center?

C. Your letter refers to the "availability of resources" as an important consideration in the development of such a center. What recurring and non-recurring resources—in terms of both FTEE (by type of position) and funds—would be required to establish and operate such a center for a 20-bed unit and, alternatively, for a 30-bed unit?

3. With further reference to the issue of the establishment of a national resource center, Senator Simpson, in a follow-up question (question 16) to the Committee's February 8 hearing on the agency's fiscal year 1985 budget, noted his understanding

that the PTSD unit at the Topeka VAMC had been designated as a "national resource center for PTSD" and asked what additional funding has been provided to Topeka VAMC in support of this mission. The agency's answer, without commenting on the status of this PTSD unit as a national resource center, noted that "[n]o additional funds have been directed to this Medical Center for this purpose."

A. Has the Topeka VAMC PTSD unit been designated as a national resource center for PTSD?

B. (i) (If yes) When did this occur and what are the implications of the designation for the Topeka unit and its relationships with other PTSD units throughout the VA?

(ii) (If not) Do you intend to so designate this or any other PTSD unit as a national resource center, and, if so, when do you anticipate making such a designation?

4. As you know, the Committee, in its recommendation to the Senate Budget Committee regarding the VA's fiscal year 1985 budget, recommended that an additional 180 FTEE and $5.8 million be provided to the agency "to improve the VA's ability to treat veterans suffering from post-traumatic stress disorder". This recommendation will also be made by Chairman Simpson and me to the State Appropriations Committee. If the Committee's recommendations in this regard are adopted in the appropriations process, how would you propose to use such resources and, specifically, to what extent would you provide support to existing centers and to what extent to the establishment of new centers?

Thank you, Don, for your continuing cooperation and assistance and for your attention to this letter.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

DEVELOPMENT AND SECURITY ASSISTANCE PROGRAMS

PELL AMENDMENT NO. 2851

(Ordered referred to the Committee on Foreign Relations.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill (S. 2346) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance programs for fiscal years 1984 and 1985, and for other purposes; as follows:

On page 25, between lines 2 and 3, insert the following:

FURNISHING OF GOVERNMENT-OWNED EXCESS PROPERTY BY THE SECRETARY OF STATE

SEC. 515. Section 607 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(B) by striking out "(c) No" and inserting in lieu thereof "(c)(1) Except as provided in subsection (d), no"; and

(C) by adding at the end thereof the following new paragraph:

"(2) For purposes of transferring property described in this subsection in furtherance of the provisions of chapter 8 of part I of this Act, the phrase 'the agency administering such part I' shall be considered to refer to the Department of State."; and

(2) by adding at the end thereof the following:

"(d) The Secretary of State, acting through the Assistant Secretary for Oceans and International Environmental and Scientific Affairs, is authorized to transfer to any friendly country, international organization, the American Red Cross, or other voluntary nonprofit relief agency described in subsection (a), Government-owned excess property made available under this section or section 608 in order to support activities carried out under part I of this Act which are designed to enhance environmental protection in foreign countries if the Secretary of State makes a written determination—

"(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

"(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

"(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, on Wednesday, March 28, 1984, the Committee on Agriculture, Nutrition, and Forestry will hold a business meeting to mark up five bills.

The bills to be considered are as follows:

H.R. 3578 (S. 1610)—an act to establish the wilderness areas in Wisconsin;

H.R. 3921—an act to establish wilderness areas in New Hampshire;

H.R. 3960—an act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System;

H.R. 4198—an act to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area; and

S. 2085—a bill to amend section 3a of the Cotton Statistics and Estimates Act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services to producers.

The markup will begin at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact Warren Oxford, Committee Chief Clerk, at 224-0014.

Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on child nutrition programs, with a concentration on those programs, except the special supplemental food program for women, infants, and children—WIC, that expire at the end of the present fiscal year.

The hearing will be held on Wednesday, April 4, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information contact Tom Boney of the committee staff at 224-6901.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on S. 1842 and H.R. 3903, legislation to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

The hearing will be held on Thursday, April 5, 1984, at 9:30 a.m. in room 328-A Russell Senate Office Building.

For further information please contact Karla Perri of my staff at 224-8232, or Warren Oxford or Evelyn Schaub of the Agriculture Committee staff at 224-2035.

COMMITTEE ON FOREIGN RELATIONS

Mr. PERCY. Mr. President, I wish to announce that the Committee on Foreign Relations has scheduled a hearing on a number of pending tax treaties. The hearing will be held on Wednesday, April 11, 1984, at 10 a.m., in room 419 of the Dirksen Senate Office Building.

The committee will receive testimony on the following tax treaties: First, EX. Q, 96-2, Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; second, Treaty Doc. 98-6, Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, Gifts and Certain Other Transfers; third, Treaty Doc. 98-12, Protocol, together with an exchange of letters, amending the Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on income; fourth, EX. T, 96-2, Convention with Canada with Respect to Taxes on Income and Capital, with a related exchange of notes; fifth, Treaty Doc. 98-7, Protocol amending the 1980 Convention with Canada with Respect to Taxes on Income and Capital; and sixth, Treaty Doc. 98-11, Convention with Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances and Gifts.

Those wishing to testify or who wish to submit written statements for the hearing record should contact Mr. David Keaney or Mrs. Betty Alonso of the committee staff at 224-4615.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources. On Monday, April 30, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building, the committee will reconvene oversight hearings on the implementation of the Acid Precipitation Act of 1980—set forth in subtitle A of title VII of the Energy Security Act—Public Law 96-294. That 1980 act established an acid precipitation task force jointly chaired by the National Oceanic and Atmospheric Administration (NOAA), the U.S. Department of Agriculture (USDA), and the Environmental Protection Agency (EPA).

The task force membership also includes representatives from the Department of the Interior, the Department of Health and Human Services, the Department of Commerce, the Department of Energy, the Department of State, the National Aeronautics and Space Administration, the Council on Environmental Quality, the National Science Foundation, and the Tennessee Valley Authority; from the four National Energy Laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Oak Ridge National Laboratory, and the Pacific Northwest National Laboratory; and four additional Presidential appointees.

The task force was directed to prepare a comprehensive research plan for a program to identify first, the causes and effects of acid precipitation and second, to identify possible remedial actions to limit or ameliorate the harmful effects of acid precipitation. The 10-year plan was submitted to Congress in June 1982. That plan includes individual research, economic assessment, Federal coordination, international cooperation, and management requirements.

President Reagan in his State of the Union address to Congress in January stated on the issue of acid rain that he was proposing a research program that doubles our current funding, and we will take additional action to restore our lakes and develop new technology to reduce pollution that causes acid rain. The President's fiscal year 1985 budget includes those funds and initiatives, and they will be reviewed in the hearing.

The purpose of the hearing is to explore in detail advances, since its August 18, 1982, hearing, in the state of scientific knowledge with respect to the causes and effects of acid precipitation; the adequacy of the plan in advancing such knowledge; whether or not there is a consensus regarding solutions to the problem; the adequacy of current knowledge as a basis for regulatory decisions; and the potential economic, social, and environmental consequences of regulatory action in advance, or as an alternative to, implementation of the comprehensive research plan.

The hearing will address legislative and regulatory proposals for reducing sulfur oxide emissions from fossil fuel fired energy sources. It also will address the implications of such proposals upon first, our Nation's efforts to foster greater coal utilization as an alternative to oil imports; second, our Nation's coal distribution system; third, the cost of electricity; and fourth, patterns of fuel use.

Those wishing to submit written statements for the hearing record should submit 10 copies to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

Inquiries regarding these hearings should be directed to Richard D. Grundy or Terri Sneider of the committee staff at 224-2564 or 224-0613, respectively.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled for Thursday, April 5 before the Subcommittee on Energy Research and Development will begin at 9 a.m. instead of 9:30 a.m., as previously scheduled. The subcommittee will complete the hearing that began on March 22 regarding the Department of Energy's nuclear energy programs and will then receive testimony on the Department of Energy's inertial confinement fusion program.

In addition, a hearing has been scheduled before the subcommittee to receive testimony on the President's proposed budget for fiscal year 1985 for the Department of Energy's conservation and renewable energy programs. This hearing will be held on Tuesday, April 10, beginning at 2 p.m.

Both days of hearings will be held in room SD-366 of the Dirksen Senate Office Building.

For further information regarding these hearings, please contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

SUBCOMMITTEE ON ENERGY NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. PERCY. Mr. President, the Subcommittee on Energy, Nuclear Proliferation and Government Processes, of the Committee on Governmental Affairs, will hold a hearing at 9:30 a.m. on Wednesday, March 28, 1984, in room 342 of the Dirksen Senate Office Building. The subcommittee will be discussing the annual report on Federal expenditures for fiscal year 1983, issued by the Bureau of the Census.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 27, at 10 a.m., hold a hearing to receive testimony on the readiness and operation and maintenance budgets of the Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 27, to hold a closed hearing on the fiscal year 1985 Department of Energy authorization for defense programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee of Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, March 27, at 10 a.m., to hold a hearing on S. 1749, a bill to designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain Country, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes; and S. 2183, a bill to designate certain lands in the Great Smoky Mountains National Park as wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 27, at 2 p.m., to hold a hearing to receive testimony from Senator TOWER on foreign aid legislation, and to meet at 3 p.m. to hold a business meeting and mark up the following bills:

H.R. 4504, a bill relating to the Helsinki Commission;

S. 2346, fiscal year 1984-85 security assistance programs;

S. 2416, U.S. participation in IDA;

S. 2321, a bill to amend the Peace Corps Act; and

S. 2347, a bill to authorize assistance in fiscal year 1984-89 for Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, March 27, to hold a hearing to receive testimony on International Development Assistance (seventh replenishment).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HUD URGENT SUPPLEMENTAL

● Mr. GARN. Mr. President, later this week the House intends to take up House Joint Resolution 517, an urgent supplemental for the Department of Housing and Urban Development. This bill does not appropriate any new budget authority, but allocates budget authority formerly held in reserve and budget authority available due to unanticipated carryover from fiscal year 1983. In order to fully utilize this budget authority, the bill provides an additional $69,490,893 in annual contract authority.

This unusual situation, requiring a further allocation of previously appropriated funds, was the result of an attempt, on the part of the Appropriations Committees, to provide assured funding for newly authorized programs while the authorizing committees completed their action on the 1983 Housing Act (Public Law 98-181). Consequently, $1,500,000,000 was placed in reserve until March 31, 1984, and an additional $1,012,345,000, which resulted from an unanticipated fiscal year 1983 carryover, was also unallocated. At the same time, the conferees on Public Law 98-45 reached agreement that these unallocated funds should be used to provide up to an additional 35,500 incremental housing units above the 61,500 contained in Public Law 98-45.

In conjunction with the fiscal year 1985 budget request, the administration has submitted a request for the utilization of the reserve and unallocated funds to provide for the additional 38,500 incremental housing units.

The House version of House Joint Resolution 517 is restricted to reallocating funds within HUD's assisted housing account and conforms in most respects with the administration's proposal. In particular, the bill allocates: $375,242,000 in budget authority for necessary accounting adjustments, $3,820,320,000 in budget authority for existing section 8 housing, $315,000,000 in budget authority for section 17 development grants, and $300,000,000 in budget authority for section 17 rehabilitation grants.

In addition, the bill earmarked $261,675,000 in budget authority for the housing voucher program. This is $19,560,000 more than proposed by the administration, but is necessary in order to fund the new voucher program, as authorized in Public Law 98-181, at an average annual subsidy of $3,214. The increased subsidy is more in line with the actual amounts that will be needed to support the average housing units included in the voucher demonstration.

In another change to the administration's proposal, the House allocated $62,982,000 in unutilized budget authority to the public housing modernization program—thus bringing the fiscal year 1984 budget authority available for modernization to $1,612,982,000. This is $112,982,000 more than originally proposed by the House in Public Law 98-45 and $12,982,000 more than proposed by the Senate in that same bill. It is clear that these additional funds can be effectively utilized during fiscal year 1984.

The House also added a proviso that would require that any recaptures above and beyond the $2,500,000,000 anticipated would be applied only to public housing authorization.

Mr. President, the chairman of the House subcommittee responsible for this bill, Mr. BOLAND, and I have worked closely together in crafting this bill. He has done an excellent job in restricting the bill to the issue at hand—that is, the allocation of the available budget authority to provide the 100,000 incremental housing units agreed to in the conference report on the regular fiscal year 1984 HUD-Independent Agencies Appropriations Act—House Report 98-264. I understand that the administration does not object to House Joint Resolution 517 as proposed by the House Appropriations Committee and I certainly find it acceptable. Consequently, if the bill passes the House without being amended, I intend to ask that it be held at the desk in the Senate. In light of the efforts made on the House side to avoid extraneous amendments, I will also oppose any amendments to this bill. Hopefully, the bill can be passed as referred by the House and immediately sent to the President for his signature.●

LIKELY EFFECTS OF THE EQUAL RIGHTS AMENDMENT ON THE ARMED FORCES OF THE UNITED STATES

● Mr. HATCH. Mr. President, one of the most highly controversial aspects of the proposed equal rights amendment is its potential impact upon women in combat and women in the military generally. An excellent statement on this subject was delivered before the Senate Subcommittee on the Constitution by Prof. Eliot Cohen of the Harvard School of Government. I request that this statement be printed into the RECORD.

The article follows:

LIKELY EFFECTS OF THE ERA ON THE ARMED FORCES OF THE UNITED STATES

(By Eliot A. Cohen)

It is an honor to be asked to testify at these hearings on the likely consequences of the passage of the Equal Rights Amendment. In the remarks that follow I shall focus exclusively on the likely effects ERA would have on the ability of our armed forces to perform their wartime missions. I may sum up my argument in the following set of propositions:

(1) ERA would require the imposition of sex-blind criteria throughout the military: in particular, it would require the abolition of the combat exclusion policy. It would send women *en masse* into combat.

(2) This step would be one without precedent in our history; today, the American people remain strongly opposed to sending women into combat.

(3) No other nation has adopted in peacetime policies which would send women into combat on the scale which ERA would force upon us. Indeed, very few states have ever sent female soldiers into combat, and none have persisted in the practice.

(4) There are many and strong reasons to think that a policy which would force us to send women into combat would sap the fighting effectiveness of our military forces: in the event of war it would needlessly cost young men and women their lives.

I will treat each of these propositions separately. Limitations of time preclude a discussion of other aspects of how ERA would affect the military—in the matter of pregnancy, for example, or personnel turnover—but I shall gladly address these issues later, if you wish.

PROPOSITION NO. 1: ERA MEANS THE END OF COMBAT EXCLUSION

There is little dispute that ERA would lead to mandatory draft registration of women as well as men, and, in the event of a resumption of the draft, application of conscription to both sexes. Such has been the view of virtually all proponents of ERA. On the matter of combat exclusion, however, there has been somewhat more dispute.

The combat exclusion policy varies from service to service. In the Navy and Air Force it rests on legislation: in the Army it depends on a regulation which states that women are not authorized to serve in certain types of units (i.e. infantry, cannon artillery, armor, combat engineer, low altitude air defense, and on helicopters). Combat exclusion closes certain military occupational specialties or MOS's (those listed above) to women; it also closes other specialties because of the high likelihood they have of indirectly forcing women to engage in combat. If Congress wished it could abolish any combat exclusion policy now: it has chosen not to do so.

There are overwhelming grounds to think ERA would force the armed forces to jettison all gender-based distinctions, including the combat exclusion policy. When ERA first passed the Senate in 1972, Senator Sam Ervin attempted to add to it a stipulation excluding women from combat. That effort was defeated by a vote of 71 to 18: an

amendment to exclude women from the draft was defeated by a similar margin. These votes seem to suggest that the Yale Law Journal article, "The Equal Rights Amendments: A Constitutional Basis for Equal Rights for Women," is correct in holding that "Women will serve in all kinds of units and they will be eligible for combat duty." [1]

Other statements by authoritative supporters of ERA can be brought in support of this view. More to the point, however, is the argument raised by Professor Jeremy Rabkin of Cornell University: ERA would set discrimination on the basis of sex on the same level as discrimination on the basis of race—it would make the former as utterly illegitimate as the latter is today. If this is the case, and I believe that it is, then no military policy based on sexual differences could be maintained, particularly combat exclusion.

PROPOSITION NO. 2: THIS STEP WOULD BE UNACCEPTABLE TO THE AMERICAN PEOPLE

As it is, the percentage of women in the armed forces today (about 9 percent) is far higher than it was even during the height of World War II, when hundreds of thousands of women volunteered for various types of military service. This has come about in large part because of a desire on the part of successive Administrations to maintain a two million man force without a draft. Nonetheless, as we all know, mandatory male draft registration was reintroduced under the Carter Administration and has been continued until the present. Various attempts were made in Congress and the courts to require that women as well as men register for the draft: as Gallup polls have continuously demonstrated, however, most Americans, though favoring draft registration (and even, by a narrow margin, a reinstitution of the draft) oppose registration of women. One poll, conducted in the summer of 1981 revealed that 59 percent of those surveyed said that they "approved the Supreme Court ruling that women cannot be drafted". Only 36 percent disapproved of this rather distorted rendition of the Supreme Court's holding.

More significantly, crushing majorities have *always* opposed the notion that women should be *eligible* for combat duty, let alone *required* to participate in it. In a March 1980 Gallup poll only 21 percent of the population surveyed thought that women should be "eligible" for combat roles if any kind of draft were required. The wording of the survey question implied that women would not necessarily be obliged to serve in combat, but rather be allowed to volunteer to do so. In other words, this meager percentage does not even reflect the true import of an abolition of the combat exclusion policy, which would require female draftees to participate in combat. *Never*, to my knowledge, has much more than a third of the American public ever supported the notion of women participating in combat. I would also note parenthetically that larger percentages of women oppose female conscription than do men: in the 1981 poll referred to above 64 percent of women (as opposed to 53 percent of men) opposed drafting women.

[1] Brown, Emerson, Falk, and Freedman, "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," 80 Yale Law Journal, 968, 969, 973, 978.

PROPOSITION NO. 3: THE PROPOSED ABOLITION OF COMBAT EXCLUSION IS WITHOUT PRECEDENT

Only in the direst emergency, when a nation has already suffered terrible human losses, when the home territory has been invaded, and when the threat of national extinction is at hand, do we find large scale conscription of women for combat. The Russians drafted large numbers of women during World War II, sending some (by no means all, probably not even most) to the front—where they do not seem to have made a powerful impression on their German enemies. After the war the Soviets stopped drafting women, and today the Soviet Army has scarcely any female soldiers. Although Soviet women have long participated in a host of activities "untraditional" in Western eyes—industrial labor, for example, or medicine—the Soviet military leadership has refrained from incorporating them into the standing forces of the Soviet state.

The case of Israel, a democratic state with, if anything, a more egalitarian heritage than our own, is even more to the point. From the founding of the first Jewish settlements at the beginning of this century through the 1948 Israeli War of Independence, women served in the underground Jewish militia. For a brief time, combat units of the Israel Defense Forces (IDF) contained men and women: by the end of that war, however, when the acute manpower and strategic crisis of the opening stages had been overcome, women returned to vital but nonetheless non-combat roles.

Today, Israel drafts on the order of fifty percent of its women for a two year tour of duty. These conscripts serve in the equivalent of our old Women's Army Corps, the *Cheyl Nashim*.

Although trained in basic weapons handling, they do not serve in combat units, and are carefully excluded from front line positions—indeed, the IDF made some effort at the beginning of the 1973 war to evacuate as many women as possible from exposed bases in the Sinai in order to lessen their exposure to combat. Women do not, as in the American Army, have military occupational specialties which are likely to place them on the front lines, even if they are not "combat" specialties per se.

We thus have two countries which have had experience with women in combat, which maintain substantial and powerful military establishments, and which work from ideologies sympathetic to the use of women in combat. Neither sends women into combat today, nor would seem to have serious plans to do so in the future. In view of these facts, it is evident that an American decision to sweep away all gender barriers in the armed forces would constitute an experiment in military organization of unprecedented proportions.

PROPOSITION NO. 4: AN END TO COMBAT EXCLUSION WOULD DAMAGE THE ARMED FORCES

Military organizations have functions and requirements utterly different from those of civil organizations such as businesses, educational institutions, or governmental bureaucracies. In the words of the greatest student of war:

"War is a special activity, different and separate from any other pursued by man. . . . No matter how clearly we see the citizen and the soldier in the same man, how strongly we conceive of war as the business of the entire nation . . . the business of war will always remain individual and distinct." [2]

We must not judge military organizations by the standards we apply to their civilian counterparts, for the task of military organizations is incomparably the more difficult: to prepare men to suffer and endure—and to inflict yet greater suffering and privation on an enemy. War calls forth from those who participate in it levels of physical and emotional exertion quite unparalleled in the civilian realm, and for its successful conduct requires group cohesion and morale equally extraordinary. It is clear that women can serve and do serve successfully at all levels of employment in the American business corporation, university, or governmental bureaucracy. Such, however, cannot be the case for the armed forces.

As numerous combat historians (such as General S. L. A. Marshall) and sociologists (such as Edward Shils and Morris Janowitz) have observed, military effectiveness rests primarily on the cohesiveness of small groups of soldiers. The relationships among these small groups—be they in a rifle squad, a team of combat engineers, or gun crew—take on enormous importance for those who belong to them. In the final analysis, soldiers keep their courage in the midst of danger not because they make realistic estimates of their predicament, and not even out of a sense of patriotism: rather, they overcome their fear because of their sense of brotherhood with those about them, their fear of "letting down" their buddies on the one hand, and their desire to preserve and protect them on the other.

This phenomenon, known in the jargon of social psychology as "male bonding" and particularly well-depicted in movies such as "The Deerhunter" or "The Big Red One," crucial to military effectiveness, is threatened by the intervention of disturbing factors such as romantic or sexual attachments or jealousies.[3] In the conditions of campaigning—conditions of prolonged physical misery and psychological stress—nothing is more important for the success, indeed the survival, of an army than the cohesiveness of its small groups. It is the quality that gave the outnumbered and in some respects under-equipped British Commandos, Paratroops, Guards, and Gurkhas their victory over superior numbers of dug-in Argentine soldiers in the Falklands last year; it is the quality that allows the Israelis to hold at bay forces many times their number; it is the quality that all good armies everywhere seek to create and maintain.[4]

[2] Carl von Clausewitz, "On War," Michael Howard and Peter Paret trans., (Princeton: Princeton University Press, 1976), Book III, Chapter 5, p. 187.

[3] Romantic or sexual relationships can disrupt other organizations as well. See Eliza G. C. Collins, "Managers and Lovers," Harvard Business Review 61:5 (September/October 1983): 142-153. The author contends that these relationships are so inherently destructive to an organization that the member of the couple "least essential to the company or both have to go." If romantic relationships require such drastic reactions in the civilian world, how much greater the problem in military organizations, which make far greater demands on one's time and emotional commitment. Consider too the fact that military organizations simply cannot afford to move people around because of the vagaries of love.

[4] On the British in the Falklands, see Max Hastings and Simon Jenkins, "The Battle for the Falklands" (New York: W. W. Norton, 1983); on the Israelis see Y. Harkabi, "Basic Factors of the Arab Collapse During the Six Day War," Orbis (Fall 1967); Samuel Rolbant, "The Israeli Soldier" (New

What motivates men to fight? In a recent article *favoring* the use of women in combatant units the author admits the following:

"Let me offer an additional explanation for men's resistance to allowing women in combat units. I conjecture that there is a psychological differentiation between the 'real world' and combat that enables some men to survive the enormous psychological stress of combat. One survives by preserving a mental picture of the normal world back home to which one will return from the horror world of combat. One is engaged in an elaborate game (albeit one with very high stakes) and when the game is over, one can go home to an intact world. One of the major components of the world back home is women, 'our women', who are warm, nurturant, ultra-feminine, and objects of sexual fantasy. Women (at least 'our women') are not part of war. Indeed, one of the reasons for fighting is to protect our women and the rest of what is in that image of the world back home. If we allow these women into combat with us, then this psychological differentiation cannot be maintained, and we lose this psychological defense." [5]

The author lamely concludes, "If these speculations are accurate, I do not know precisely what effect women in combat would have on combat unit cohesion." These are not, in fact, mere speculations, but a statement of sociological fact, confirmed by empirical studies of soldiers' morale.[6]

Military organizations make conscious use of masculinity—appeals to it and indeed at times exaggerations of it.[7] We observe this in the marching cadences of a platoon of troops, the psychological and physical challenges of basic training, indeed the everyday language of sergeants talking to young privates. It occasionally strikes us as tasteless or vulgar, but it performs an invaluable service in welding groups of young men into units of proud, aggressive, and competent soldiers.

The question of physical capacities therefore, though an important one, is in some respects besides the point. There are, no doubt, some women capable of marching twenty miles a day with an eighty pound rucksack, manhandling an antitank missile, or hauling the body of a wounded comrade to safety. The wholesale incorporation of women into units of all kinds, however, will rip the fabric of cohesion at a number of points, and in combat, that can mean the difference between life and death.

I hasten to add that many uniformed women have in the past and will continue in the future to play an honorable and useful, indeed, a vital role in our nation's defense. This has been the experience of our country and others in dire straits, such as Israel. There are many military positions for which women are as well or perhaps on average better suited than men. But it is, I believe, clear that many military jobs should be confined to men, that women should be integrated into military units only with the greatest of care, and that the ERA's abolition of gender-based criteria in the armed forces would be an unmitigated disaster.

CONCLUSION

Throughout these hearings you have heard or will hear how the Equal Rights Amendment will affect the legal and financial status of various institutions. Many of the consequences will be serious, but there will be those who will consider the cost or inconvenience inflicted worth the goal of complete sexual equality. Similarly, in the military realm the price of the Equal Rights Amendment will include the expense of cumbersome draft procedures, the personnel turbulence caused by pregnant soldiers, or the inconvenience of measures to preserve privacy in the field. But here the price of the Equal Rights Amendment will encompass an infinitely greater cost, that most precious of all commodities, the lives of young American men and women.

I would like to thank Mr. David S. Cohen, Mrs. Judith R. Cohen, and Professor William Kristol of Harvard University's Kennedy School of Government for their help in preparing this testimony.●

York: Thomas Yoseloff, 1970), pp. 157-165; on cohesion generally see S. L. A. Marshall, "Men Against Fire" (New York: William Morrow, 1947), pp. 138-156, see also the Shils and Janowitz article cited below.

[5] Mady Wechsler Segal, "The Argument for Female Combatants," in Nancy Loring Goldman, ed., "Female Soldiers—Combatants or Noncombatants?" (Wesport: Greenwood, 1982), p. 278.

[6] See Edward Shils and Morris Janowitz, "Cohesion and Disintegration in the Wehrmacht," reprinted in Edward Shils, "Center and Periphery: Essays in Macrosociology" (Chicago: Chicago University Press, 1975), pp. 355-6. When the physical survival of German soldiers' families was threatened, soldiers were more likely to desert: conversely, the greater the sense that they were defending those families, the greater the will to fight. Another way of substantiating the same point is to look at the effects on morale of mail from home, particularly mail from mothers, girlfriends, or wives.

[7] Ibid., p. 351-2, 359-360, 365; see also the remarkable discussion in Glenn Gray, "The Warriors: Reflections on men in Battle" (1959; New York: Harper, 1970), pp. 59-97, a chapter entitled "Love: War's Ally and Foe."

NUCLEAR WASTE POLICY

● Mr. JOHNSTON. Mr. President, on March 12, 1984, Victor Gilinsky, Commissioner of the Nuclear Regulatory Commission, gave a luncheon address to the Waste Management 1984 Symposium in Tucson, Ariz. His topic was "Nuclear Waste: A New Approach."

I have not always agreed with Commissioner Gilinsky's views on nuclear power. I agree with almost everything he had to say in Tucson.

His subject was how the Federal Government can carry out its responsibilities for nuclear waste management in a way that fosters public confidence. Congress attempted to address this problem in the Nuclear Waste Policy Act of 1982.

Unfortunately, it may be that certain provisions of the act make solving the nuclear waste problem harder than is necessary. The act calls for the construction of one, and perhaps, two, "geologic repositories" for the irreversible and irretrievable disposal deep underground of spent nuclear fuel and high-level radioactive waste.

As Commissioner Gilinsky points out:

It is pretty obvious that an important source of difficulty (with the repository program) is the public's unease over a decision we will have to live with essentially forever. It is the fear that, in putting waste underground, for good, we may make a mistake which we won't be able to correct.

But is insistence of irretrievable geologic disposal of nuclear waste a necessary feature of our policy? Again, Commissioner Gilinsky:

My own view is that health and safety reasons do not necessarily dictate waste disposal in a permanent underground repository. There are important health and safety advantages in a facility that allows inspection and maintenance of the waste form, whether above or below ground. The key word is maintenance. There is a lot to be said for having the spent fuel containers where we can get to them, and fix leaks, or repackage, if necessary.

This is basically what we are planning to do for the time being at reactor sites. It would be better, however, to get the spent fuel off the reactor sites and into a central facility. It would then be managed by a specialized organization, and at the same time the spent fuel would cease to be a distraction for utilities operating reactors. They have enough to worry about.

Our present nuclear waste policy forces us to accomplish the most difficult task first—the siting and construction of a foolproof, deep underground geologic repository that we cannot get at to monitor and maintain once the fuel and waste have been sealed in. The public, and especially the citizens of the State in which the respository will be located, must believe that the respository will perform as the Department of Energy claims it will.

Meanwhile, as the DOE searches for the appropriate geologic site and tries to convince the public that appropriate standards will be maintained, each of our 80 operating nuclear power reactors must function as a spent-fuel storage site as well as a power production facility.

There is another, better, way to deal with nuclear waste. The late Senator "Scoop" Jackson and I sponsored and fought for a provision in the Nuclear Waste Policy Act for monitored, retrievable storage of spent-fuel and high-level radioactive waste. MRS facilities can safely store and contain the spent fuel and waste for as long as may be necessary, while permitting continuous monitoring and maintenance and ready retrieval of the material stored.

The MRS provision of the act requires the Department Energy to submit a site-specific proposal for the construction of at least one MRS facility to Congress by June 1, 1985. Congress can then debate the proposal, and, if desired, authorize construction of the necessary facility.

I think that is what will happen. We need to keep searching for the proper natural geologic formation within which we may be able to locate a geologic repository. But that is going to take time. Under the procedural provisins of the act it is going to take a long time. This is not a criticism of the act so much as a statement of the very real difficulty in holding the confidence of the public that a permanent

decision is being made with appropriate care.

We should take that care—no matter how long it means we wait for a geologic repository. In the meantime, however, the Federal Government needs to get on with construction of the facilities that can safely contain nuclear wastes while the repository search goes on. These facilities will be MRS facilities.

Commissioner Gilinsky's conclusions state the issue very well:

In closing, let me say there has been so much talk about nuclear waste being a political, social, psychological, and every other kind of problem that we have lost sight of the simple truth that, at bottom, there is a physical problem to which we have a relatively simple solution. I am talking about monitored, retrievable storage, for which the technology is well in hand.

What I am suggesting is that we should take advantage of this easier option as we proceed carefully toward a permanent repository. Such a two-track approach will commit us to longer surveillance over the high-level waste, but that can be an advantage: it allows us to correct any mistakes.

Mr. President, I ask that the full text of Commissioner Gilinsky's remarks before the Waste Management 1984 Symposium in Tucson, Ariz., be printed in the RECORD.

The text follows:

NUCLEAR WASTE: A NEW APPROACH

(Remarks by Victor Gilinsky)

A British historian once said that "the condition of effective action in a complex society is cooperation. The condition of cooperation is agreement . . .", not only on goals, but also on the criteria by which we judge success.

Translated into the terms of the nuclear waste program—for which the observation is particularly apt—this means that even if we agree on the goal of a permanent repository, we still face procedural gridlock if we cannot get broad agreement on how that goal is to be met. And it isn't something that can be forced. The key factor is public confidence that the Federal Government is applying sufficiently high safety and environmental standards. I know from my own experience at the Nuclear Regulatory Commission that a lack of such confidence translates itself, through criticism in the press and the Congress, into irresolution and procrastination at the Commission.

SIGNS OF SLOWDOWN

Let me mention a couple of items that make me wonder how we are going to reach our goal. Consider the difficulty the Commissioners had in telling the Court of Appeals whether they personally thought the high-level waste problem was under control. (This issue got tagged with the label "Waste Confidence".) You would have thought the Commissioners would answer promptly, especially as the Court tied the waste question to the validity of power reactor licenses. Instead, the Commission launched a long and complicated proceeding. Four years later, after a record two-feet thick had been accumulated, three out of five Commissioners told the Court that a high-level waste repository was likely in about 20 years. My own view was that there were too many uncertainties for us to make this prediction, and that it was not required by the Court's question. The point I would emphasize here is that if a group like the Commission, which is habitually inclined to favor official views, had so much trouble in expressing confidence in the waste program generally, how will it manage to deal with a specific underground site in the face of determined opposition?

A second experience that seemed a sign of trouble ahead was a meeting NRC held in January on the Department of Energy's siting guidelines for a waste repository. As you know, under the Nuclear Waste Policy Act, NRC must concur in these guidelines before they become effective. We gave DOE and the States and the Indian Tribes a chance to air their views. What impressed me was the extent and intensity of disagreement, both on technical issues and on whether DOE was giving fair consideration to other viewpoints. The States appeared to assume the Federal Government had no intention of listening to their concerns, while the Federal side seemed to think that each State would oppose siting a repository within its borders, no matter what.

The NRC has since decided to require some rewriting of the DOE guidelines. These changes will not, however, deal with the full range of State concerns. The NRC is simply not in a position to resolve disagreement on this scale between DOE and the States; the disagreement will have to be worked out in some other way. Whether it will or not, is unclear.

PROCEDURAL SHORTCUTS WON'T WORK

It should be clear, however, that the waste program contemplated under the Act cannot succeed against a background of hostility, charges and countercharges, with each side putting the worst interpretation on the motives of the other.

The Act provides a framework for obtaining agreement. But, by giving each State a near-veto over sites within its boundaries, it also leaves the ground so well laid out for guerrilla warfare, that the only way to success is through close cooperation between the States and the Federal government.

Yet what I sense happening is that Federal officials, perhaps out of frustration with slow progress, are thinking of procedural shortcuts to make up lost time. Cutting corners will invite public distrust, which will lead to procedural wrangles, and more delay. This will increase Federal frustration, and start the cycle all over again.

If it comes to that, there is simply no choice but to place agreement and cooperation ahead of deadlines. We might just as well accept that fact in setting schedules for both DOE and NRC. This hasn't yet been done. For example, DOE is planning to apply to NRC for a construction authorization in 1991, which is four years after the date specified in the Act. To make up lost time, DOE expects NRC to issue a Limited Work Authorization six months after receipt of this application. (There is, by the way, no provision in the Act for a Limited Work Authorization.) DOE hopes, by this means, to complete the final repository design, the final waste package design, and to construct Test and Evaluation Facilities, while the NRC is still reviewing the construction application. By the time the NRC decides, DOE will have been building the facility for three years. On paper, this is a way of allowing DOE to meet the Act's 1998 deadline. In practice, it is a recipe for trouble.

It would get us into the same problems that we have had in constructing nuclear power plants: an incomplete design is submitted to the NRC, and construction proceeds as the design is being completed. When problems arise as a result of NRC's review, the builders resist any changes because of the disruption and costs this would entail. At that point the NRC has the choice of going along with an unsatisfactory state-of-affairs, or of being accused of holding up a vital and expensive project. And no matter what the decision, public confidence is a casualty. We should not even consider heading down this road with a first-of-a-kind permanent waste facility.

WHY ARE WE HAVING SO MUCH TROUBLE AGREEING ON A REPOSITORY?

Having said that, I have to acknowledge that forcing DOE to do the job "by the numbers", so to speak, is not entirely satisfactory, either. Making sure that every procedural "i" is dotted and every "t" is crossed in a strongly contested case will inevitably involve working at a frustratingly slow pace. The frustration breeds a siege mentality, which isn't healthy, either. As I said, there are signs of it already.

I have had people tell me that a siting stalemate would continue until there was a crisis in the nuclear power program. When the public saw that a repository was essential to keeping power reactors running, local concerns would be overridden, and the Federal Government would get the approval it needed. I must say, I would not count on this as a way out.

We are kidding ourselves if we think only a small minority of the public wants to exercise its full procedural rights on the siting of a waste repository. I have found it interesting, and indeed ironic, that when it comes to siting waste repositories in their States, even the most pro-nuclear Congressmen and Senators extoll the virtues of an elaborate NRC proceeding.

In the face of this, we need to step back to ask ourselves why we are having so much difficulty meeting the goals of the waste program. After all, this is not a recent development—we have been struggling with this problem for nearly thirty years.

It's pretty obvious that an important source of difficulty is the public's unease over a decision we will have to live with essentially forever. It is the fear that, in putting waste underground, for good, we may make a mistake which we won't be able to correct. The public confidence was not increased by false starts some years ago in Kansas and in South Carolina, where the underground sites turned out to be less well understood than was thought at first. (A more recent example of this, whether strictly applicable or not, is the tunnel collapse at Rainier Mesa.) The effect on plans for a permanent geologic facility is a demand for extraordinary precautions, which is bound to lead to extreme dificulty in reaching agreement on a site. It makes me wonder whether we have not taken on too great a burden.

DO WE HAVE THE RIGHT GOALS?

It is worth recalling that about ten years ago the Atomic Energy Commission was concentrating its main efforts on a surface repository. In fact, the AEC announced in 1972 that it would have such a repository available in 1979. The advantage of this type of facility is that it is technically simpler, and any mistakes in packaging the waste can be easily corrected. It would certainly be nice if we had this facility today. The approach was abandoned in 1975 by the newly-formed Energy Research and Devel-

opment Administration. The reason was not health and safety, but psychology.

The conventional view then, as now, was that anything but permanent underground storage left nuclear power vulnerable to the charge that there was no "solution" to the waste problem, and to the consequent demand that nuclear plants should be shut down until there is a "solution."

The critics saw this dilemma as the Achilles heel of nuclear power. The government accepted the challenge and shifted its goal to permanent underground storage, and since then all sides have been obsessed with burying the waste, or at least demonstrating that this can be done. Meanwhile, progress has been slowed by arguments over the near-perfect standards which must be met by a permanent geologic facility. I don't think these arguments will be resolved easily.

My own view is that health and safety reasons do not necessarily dictate waste disposal in a permanent underground repository. There are important health and safety advantages in a facility that allows inspection and maintenance of the waste form, whether above or below ground. The key word is maintenance. There is a lot to be said for having the spent fuel containers where we can get to them, and fix leaks, or repackage, if necessary.

THINKING SERIOUSLY ABOUT MONITORED RETRIEVABLE STORAGE

That is basically what we are planning to do for the time being at reactor sites. It would be better, however, to get the spent fuel off the reactor sites and into a central facility. It would then be managed by a specialized organization, and at the same time the spent fuel would cease to be a distraction for utilities operating reactors. They have enough to worry about.

While the Act makes very little provision for central spent fuel storage, it does, as you know, make provision for something called Monitored Retrievable Storage. The Act requires DOE to submit a proposal to Congress for an MRS by June, 1985. Congress will then have to decide whether to authorize the construction. What I have been saying is that we need to think seriously about this alternative because we cannot be sure when we will have a geologic repository, and we need someplace to put spent fuel.

I know the argument against retrievable storage has been that the existence of an MRS program will slow down the government's efforts for a permanent geologic repository. That may be true. I am more worried, however, about putting all our eggs in one basket, and then failing to achieve any storage facility. It makes more sense to start with something we already know how to do.

WE ALSO NEED A CHANGE IN ORGANIZATION

No matter how we proceed, we also need a change in organization. The DOE program has not had a permanent director. For a while it was not clear whether DOE itself would survive. Now the Administration has once again suggested changes in the management of DOE's Waste Program. There was talk of combining it with the enrichment program. DOE simply does not offer the kind of stability and continuity the waste repository program needs. This is another source of public unease.

The Act mandates an examination of alternative means of managing the Waste Program. The study was due last January, but, for some reason, the Study Panel was not appointed until December. The study is now due next September. I hope this issue will get careful examination.

I think that what we need for this job is an independent entity. This idea was originally proposed in 1976 by Mason Willrich, who outlined a plan for a self-financed, federally-chartered, independent corporation similar to Comsat. The advantage of a separate entity is that it would have a less political cast, and would be fully dedicated to the problem of waste storage, without the distractions of other pressing issues.

Another alternative would be to set up a separate government agency. Last May, Senator Cochran proposed the establishment of an independent Nuclear Waste Management Authority. A similar agency was proposed by Senator Mathias in 1977. One way or another, we need a dedicated organization.

SHIFTING TO A TWO-TRACK APPROACH

In closing, let me say there has been so much talk about nuclear waste being a political, social, psychological, and every other kind of problem that we have lost sight of the simple truth that, at bottom, there is a physical problem to which we have a relatively simple solution. I am talking about monitored retrievable storage, for which the technology is well in hand.

What I am suggesting is that we should take advantage of this easier option as we proceed carefully toward a permanent repository. Such a two-track approach will commit us to longer surveillance over the high-level waste, but that can be an advantage: it allows us to correct any mistakes.

If I am right about what worries people in the current approach, then this shift in emphasis in the waste program, together with a change in organization, may be the key to effective action on safe and secure storage for nuclear waste.●

BOLSTERING DEFENSE BY TRIMMING FAT

● Mr. GOLDWATER. Mr. President, much has been written lately in the press relative to supposed weaknesses in our military structure. However, very little has been said about the tremendous possibility of weakness in the overfattened situation in the Office of the Secretary of Defense in the Pentagon where some 88,000 people now work as compared to only 100 immediately after World War II.

Retired Gen. Bruce Holloway, formerly commander of the Strategic Air Command, has written an article on this subject. Because it is of such great interest, particularly at this time when everyone in the Congress is looking for and should be looking for places to cut, I think my colleagues would benefit by reading this and I would hope that the Secretary of Defense will take a look at it because it is right in the Pentagon that we find this bloated condition.

I ask that this article be printed in the RECORD.

The article follows:

BOLSTERING DEFENSE BY TRIMMING THE FAT—BLOATED OFFICE OF SECRETARY OF DEFENSE COSTS U.S. BILLIONS AND THWARTS EFFICIENCY

(By Bruce Holloway)[1]

The rhetoric on both sides is heating up as the president and the Congress begin their annual shoot-out over the budget. In simplest terms, it is a head-on contest between national defense and national welfare.

But there is a place where money can be saved. The defense budget can be cut and the country's forces strengthened at the same time.

The president is right in his belief that the nation is imperiled because our national defense has been allowed to slide for the past 20 years or so. The deadline for reversing the trend is fast approaching.

Our potential fighting strength has ebbed through neglect, and corrective action is needed in both strategic and tactical forces as well as in most support functions. This correction should be above politics, for its urgency is such that the survival of the nation as we know it is at stake.

But there is one aspect of our national defense establishment that has not been neglected. Quite the contrary, it has grown like Jack's beanstalk, and has increased in size since its institution after World War II from 100 people to a current strength of about 88,000.

I refer to the Office of Secretary of Defense, which includes a deputy secretary, 2 undersecretaries, 7 deputy undersecretaries, 7 assistant secretaries, 27 deputy assistant secretaries, 8 special assistants, 121 assorted directors, and 87,700 other administrative, operational and clerical personnel. These figures were compiled by Lt. Gen. Victor H. Krulak USMC, Ret., in a book entitled *Organization for National Security, A Study.*

What do these 88,000 people do? That's a good question. The bloated Office of Secretary of Defense is tying up billions of dollars in salaries and support services, and is impeding the overall decision-making process.

More than half, or about 49,000, are in the Defense Logistics Agency, which is charged with administering logistics procurement and distribution functions that pertain commonly to all of the military services. The services, of course, each have their own logistics establishments, and they are necessarily large, spread out and decentralized in a manner suited to handling a multimillion dollar supply-and-maintenance system all over the world.

Most of the growth of the Office of the Secretary of Defense (OSD) has been justified under the heading of efficiency—more particularly, efficiency through centralization of functional control. A certain amount of this is good management practice provided it does not go beyond general policy and procedural matters, and leaves the details of running the business to those directly charged with and experienced in running the business.

Those charged with running the business in detail have to be where the business is. And the business of the Defense Department—the Army, Navy, Air Force and Marines—is everywhere. Rather than a pyramidal management structure, there exists today one closely approaching an inverted

[1] Bruce K. Holloway was commander in chief of the Strategic Air Command between 1968 and 1972. The retired air force general now lives in Orlando.

T, with OSD managing not only administrative and logistic functions in detail, but operational functions as well; and almost all of this is done in Washington.

How did this come about? Briefly:

In 1958, after extensive congressional hearings and widespread testimony both pro and con, far-reaching changes in the National Security Act were legislated that removed the Joint Chiefs of Staff—the corporate body of highest military experience and judgement that guided us successfully through World War II—from the line of authority from the president to the Commanders of the Unified and Specified Commands (those combat commanders, such as the head of the Strategic Air Command and the U.S.-European Command, who would execute war plans).

Henceforth, the line of authority passed from the president to the secretary of defense and then directly to the Unified and Specified Commands. From this moment on, the joint chiefs have served legally only as an advisory committee, providing staff support to the secretary of defense, who became, by law, the nation's principal military executive.

Actually, during the next 21 years, the joint chiefs issued operational orders and directives, and worked with the unified commands and the services on operational and weapons-requirements matters. But the degree to which they were directly involved was up to the secretary of defense, for no longer were they legally the president's military advisors, nor were they in the chain of operating authority.

In 1979, another action was taken by then Secretary of Defense Harold Brown to take over within the OSD even broader functions than are classically within the military realm of responsibility. He created the Defense Resources Board, responsible for "the entire defense planning, programming and budgeting process, including strategy, force posture and resource allocation. . . ." This board is headed by the deputy defense secretary and has 16 members. One is military.

In December 1982, a directive was issued by the deputy secretary of defense to several of his assistant secretaries and to the secretaries of the Army, Navy, and Air Force to undertake a study concerning installation management. It directed the design and evaluation of several alternatives, to include:

1. A single defense agency that would own and operate all installations.

2. Single-manager assignments to the military departments on a geographic basis.

The directive stated:

"The scope of responsibility to be considered for single management will include: all real property planning, design, construction, and maintenance; base-operation support; community services; and personnel support."

The deputy secretary added:

"I want the study group to develop the best design they can for each alternative: How it would be organized, how it would operate, how big it would be, how we would convert to it from our current arrangement—and then evaluate it, describing to me its advantages and disadvantages."

If either of these or similar alternatives were executed, it would be the final act of centralizing all functions that pertain to the entire system of military defenses of the United States. At the top would be a secretary of defense who more likely than not would have no experience in military planning of strategy, nor any training in the command of combatant organizations, nor any knowledge of the real and psychological factors involved in the care of military personnel. It would be tragic.

Perhaps the reason for the tremendous growth in the office of secretary of defense is the fear of losing civilian control over the military. But in a country with as strong a democratic system as ours, fears of a "man on horseback" taking over are unfounded. Our system is such that this is not a reasonable possibility.

So why has the Department of Defense in its 35 years of existence steadily and persistently—under most of its secretaries—worked for more power and authority, commensurately less authority for the military components, with an ever-swelling, bureaucratic base that is choking all of the efficiencies that it has been asked to achieve?

Whatever the answer may be, it should be clear to anyone who studies the issues that it is no way to run a railroad. The pay alone of the 88,000 people amounts to about $2 billion per year. The indirect costs—in such matters as weapons-design procrastination, off again-on again procurement decisions and operational debacles that specifically exclude military expertise—would be hard to quantify. But the costs are unquestionably great.

Every year when the defense budget is presented to Congress, there is a declaration by the secretary and other members of the defense establishment that extraordinary measures have been taken to "trim away the fat and to produce a lean, mean, professional machine." It is difficult to understand how this can be proclaimed without some kind of caveat concerning the OSD. It surely would not stand close investigative scrutiny without being classified as wastefully, and perhaps even dangerously excessive.

The Congress should initiate such an investigation—now. The president should initiate tough actions to trim away such portions of the OSD that he deems unnecessary and that are not protected by statutory provision. It won't be easy. But we have a president who doesn't shy away from tough jobs that are needed in the national interest.

These actions can be taken now as a starter to correct a trend that has become dangerous to the national interest, and which—if allowed to continue—could spell catastrophe for the United States in the event of an armed conflict or the imminent threat of an armed conflict.●

ETHICS LAW MUST BE FOLLOWED

● Mr. LEVIN. Mr. President, Edwin Meese has announced that he has requested appointment of an independent counsel to investigate allegations against him of criminal activity. And President Reagan has endorsed such an appointment. But such an appointment—even though I may think it is called for—cannot be made because I may think so, or Mr. Meese thinks so, or the President thinks so. As ranking member of the subcommittee that has oversight responsibility for the Ethics in Government Act, I am persuaded that such a appointment can be made only in the way that the act prescribes: By a threshold determination by the Justice Department that reasonable grounds exist for such an investigation by an independent counsel. The Attorney General should expeditiously make that threshold determination. Presuming that an independent counsel is then appointed, I hope he or she will expeditiously complete an investigation. And presuming the independent counsel finds no criminality on the part of Mr. Meese, the Senate then will be able to focus clearly and completely on the questions about Mr. Meese's reported activity which are beyond allegations of criminality. These are questions of ethics and judgment, which are beyond the scope of authority of the independent counsel.

I am attaching a copy of a letter that I have written to the Attorney General, making this point.

The letter follows:

U.S. SENATE,
Washington, D.C., March 22, 1984.

Hon. WILLIAM FRENCH SMITH,
Attorney General of the United States, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Mr. Edwin Meese has requested the appointment of an independent counsel to investigate allegations of criminal activity against him. I am writing you to emphasize that such an appointment should be made, if it is, not because I might think it is called for, or because Mr. Meese thinks so, or the President thinks so. Such an appointment is permitted, under the Ethics in Government Act which created the process, only after the attorney general, following a preliminary investigation, "finds reasonable grounds to believe that further investigation or prosecution is warranted, or if 90 days elapse . . . without a determination by the attorney general that there are no reasonable grounds . . ."

But, as ranking member of the subcommittee that has oversight responsibility for the Ethics in Government Act. I am persuaded that you may make such a recommendation only after you determine, after a preliminary investigation, that there are "reasonable grounds" for further investigation or prosecution. I hope you will start that investigation immediately, and make expeditiously that threshold determination of whether "reasonable grounds" exist for appointment of an independent counsel.

Sincerely,

CARL LEVIN.●

TERRORIST USE OF CHEMICAL AND BIOLOGICAL WEAPONS

● Mr. DENTON. Mr. President, during recent years we have become increasingly aware of and concerned about terrorist actions in our country and abroad. Our citizens are understandably worried when they see brave young Americans killed in Beirut by a terrorist bomb, when a bomb explodes in the Capitol Building, and when assassination and robbery become modes of political expression.

It is important for us to remember, however, that terrorists may have access to weapons other than bombs and bullets. For example, television and novels have presented the specter

of terrorists who may have a nuclear weapon. We must also realize that terrorists may easily have access to weapons of mass destruction that are far more simple than nuclear weapons but that may be almost as deadly. I refer to chemical and biological weapons.

Neil C. Livingstone and Joseph D. Douglass, Jr., have done a great service by writing a short study entitled "CBW: The Poor Man's Atomic Bomb," published by the Institute for Foreign Policy Analysis, Inc. Our distinguished colleague and chairman of the Senate Committee on Armed Services, Senator TOWER, wrote the foreword for the work.

Mr. Livingstone and Mr. Douglass describe the nature of chemical and biological weapons, the ease with which they may be manufactured or obtained by terrorist groups, and ways in which they could be used for terrorist purposes. No one could read the four scenarios in the study without acquiring a heightened awareness of the frightening possibilities.

Lest anyone believe that the possible use of chemical and biological weapons by terrorists is far-fetched, I point out that we have recently learned of the use of chemical weapons by Iraq in its war with Iran. It has been reported that, in addition to mustard gas, Iraq has a capability to manufacture nerve gas. Since Iraq, as well as other states, has from time to time given support to terrorist groups, the possibility of the use of chemical agents for terrorist purposes has become even more real.

Mr. President, I urge my colleagues and members of their staffs to read "CBW: The Poor Man's Atomic Bomb." I ask that the executive summary of the publication be printed in the RECORD.

The summary follows:

EXECUTIVE SUMMARY

The danger of a terrorist group manufacturing or stealing lethal chemical or biological weapons poses a far greater threat to American national security than does the widely feared prospect of terrorists acquiring an atomic bomb. Chemical and biological (C/B) weapons are remarkably easy to acquire and cheap to produce. They are inherently sinister, natural weapons of terror. And, the United States currently possesses no effective defense against this real and present threat.

C/B weapons fall into four categories: chemicals, biologicals, toxins, and an entirely new array of genetically engineered possibilities. The most deadly chemical weapons—the nerve gases—are as easy to manufacture as insecticides and can cause thousands of deaths if released in aerosol form in an urban area. The biological agents, living micro-organisms, pose an even more catastrophic threat because very small amounts can produce infectious diseases with epidemic potential. Biological agents can be isolated from nature by anyone with a master's degree in biochemistry in a garage laboratory, or they can be stolen from countless research laboratories in the United States or abroad. So lax is security on cultures of infectious diseases that a terrorist in the United States, using a forged research permit and paying $35.00, could probably make a mail-order purchase of Bacillus anthracis—anthrax. Toxins, the lethal byproducts of living organisms, could be produced in a crude home laboratory. Terrorists armed with Type A botulinal toxin could contaminate a city's water supply, killing thousands of innocent people. The problems posed by the above C/B agent varieties, while serious, may pale in comparision with what lies ahead: the rapidly emerging potential of genetic engineering. Diseases that are immune to known treatment, highly selective and supertoxic substances, and agents that kill without warning, such as the "instant death" recently encountered in Afghanistan, are all now among the art of the possible.

Terrorists may be particularly attracted to C/B weapons because of their flexibility as a means of political coercion and revenge. C/B agents can be employed against almost any target—a political leader, a U.S. installation abroad, government facilities in the United States, or an entire city. The mere possession of an infectious, lethal virus or bacillus would constitute a formidable weapon with which to blackmail a government. Or a biological agent could be employed by a deranged individual as an instrument of mass murder.

The use of chemical and biological agents by terrorists has already begun. There have been several instances of small-scale chemical attacks domestically and abroad, including a plan to assassinate a U.S. president designed by a man who had produced a homemade nerve agent. Both Israel and the Philippines have been targets of economic warfare in which terrorists contaminated export crops with chemicals in order to frighten away foreign consumers.

The most ominous developments in the terrorist use of C/B weapons relate to the transfer of chemical agents, technologies, and training to third parties by the Soviet Union and its proxies. Bizarre incidents in which enemies of the Soviet Union abroad have been poisoned are well known. Information gleaned from the PLO in Beirut and Cubans in Angola leaves little doubt that the Soviet Union has also trained revolutionary organizations in C/B weapons use. Furthermore, Cuba, reported as a source of toxin and chemical agents, has also announced the establishment of an advanced chemical warfare training site.

The U.S. government has taken limited measures to prepare for the effects of a C/B terrorist attack within the United States. But no effective defense has yet been implemented for even the most vital targets of a C/B terrorist attack—including the White House, the Congress, and the Pentagon. The United States is highly vulnerable to political blackmail by terrorists armed with even crude chemical and biological weapons.

It is essential that the United States act now to enhance its ability to counter any potential terrorist attack using chemical or biological weapons. The most important preventive measures include:

(1) restoration of the nation's vital intelligence capability so that authorities can identify and stop terrorists before they strike;

(2) restoration of effective internal security apparatus needed to deal with both foreign and domestic terrorist groups operating within the United States;

(3) training of local law-enforcement officers in the recognition of warning signs of clandestine C/B weapons production:

(4) development of more effective controls for the handling, storage, and distribution of dangerous chemical and biological agents in the United States; and

(5) assisting other governments to deal with potential C/B threats to their countries.

While there is no guarantee that these measures will prevent the occurrence of additional C/B attacks, their likelihood should be reduced and our ability to respond effectively should be improved. Conversely, failure to take adequate precautions could lead to our worst nightmares coming true.●

THE PRESIDENT'S DESIGNATION OF BENEFICIARIES FOR THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

● Mr. DOLE. Mr. President, I would like to draw the Senate's attention to the content of communications we have received from President Reagan in connection with his designation of 20 Caribbean Basin countries as beneficiaries under the Caribbean Basin Economic Recovery Act. Members will recall that the President has the authority to designate individual Caribbean Basin countries as eligible for the trade and tax benefits of the aforementioned law. The legislation directs the President to make these designations on the basis of economic and other criteria delineated in the legislation.

There are 18 such criteria set forth in the Caribbean Basin Economic Recovery Act. Some of the criteria are obligatory; that is, a country cannot be designated if it has placed itself outside the norms of international law that are dealt with in these criteria. The President is further directed to take into account the extent to which a potential beneficiary is adhering to each of 12 so-called discretionary criteria. The Congress intended for the President, under the category of discretionary criteria, to address the most important trade and investment issues relating to the maintenance of an open, nondiscretionary international trading system.

During hearings on the Caribbean Basin Economic Recovery Act held by the Finance Committee, we had an exchange of views with Ambassador Bill Brock and with Secretary of State Shultz on the importance of the designation criteria to an effective implementation of the Caribbean Basin Initiative. Our committee felt that in the absence of such criteria, the CBI program would not be as successful in attracting private sector interest as it could be, and that the potential beneficiary countries should recognize important U.S. interests before receiving the program's benefits. There was agreement within the committee, and between the committee and the administration, that the unilateral benefits granted under the Caribbean Basin Economic Recovery Act would

have little or no impact on economic revitalization if the beneficiaries could not present themselves as nations which first, adhere to the accepted rules of international trade and investment; second, respect the sanctity of both tangible and intangible property; and third, respect the rule of law in its international commercial relations.

During consideration of the Caribbean Basin legislation, the Finance Committee was pleased to learn that the Office of the U.S. Trade Representative and the Department of State were planning the designation process carefully. Even before the legislation was signed by the President, Ambassador Brock's CBI task force was engaged in a comprehensive cataloging of Caribbean Basin country laws, policies, and practices which were relevant to the 18 designation criteria. After passage of the legislation, U.S. delegations visited the potential beneficiaries to explain the meaning of each of the designation criteria, and to gather additional information from the Caribbean Basin governments on their relevant national statutes, policies, and practices.

Ambassador Brock asked that the governments of the potential beneficiaries put in writing a description of how they complied with each of the criteria in the act. Where appropriate, this would include the text of relevant laws and policy documents. These descriptions became the substance of letters to Ambassador Brock and Secretary Schultz, and copies of the letters were transmitted to the Congress when the President notified us of his intent to designate the countries. The letters have now been reproduced and are available for public scrutiny.

The content of these letters is impressive. They demonstrate to me the determination of the beneficiaries to achieve through the Caribbean Basin Initiative enhanced economic cooperation with the United States: Cooperation which will be to the long-term benefit of the private sectors of both the beneficiary country and the United States. From these letters, we can see the connection between our grant of duty-free benefits and our broader, global effort to improve the international trade and investment system.

I understand that Ambassador Brock, with the full cooperation of the Department of State and other CBI task force agencies, intends actively to monitor developments in the designated beneficiaries which pertain to their designation commitments, as well as to evaluate the success of the CBI at achieving its objectives. This will be a cooperative effort, involving the beneficiary governments. If there is concern over a country's compliance with any of the designation criteria, consultations will be held. The President retains the authority to withdraw or to suspend designation in the future. I regard this to be both a wise and fair procedure for both the donor and beneficiary country.

The designation process is an integral part of the CBI program—a program which offers a credible, nonpaternalistic framework for facilitating economic reform and development in developing countries.

Mr. President, I conclude by saying that the CBI legislative and implementation process has been a fine example of the Congress and the administration working together to achieve a goal we hope to see realized in all troubled areas of the world—economic, social, and political stability.●

AMERICA'S RESCUE MISSION TO GRENADA

● Mr. McCLURE. Mr. President, last Thursday, during a hearing on Grenada, I had an opportunity to learn more about America's rescue mission to Grenada. I wish all Americans could also have had the chance to sit and hear the eloquent statements that were presented. Because the testimony has special significance, I want to share it with you at this time.

Three distinguished individuals testified before the Appropriations Subcommittee on Defense—Prime Minister Eugenia Charles of the Commonwealth of Dominica, who chairs the Organization of Eastern Caribbean States, Alister Hughes, a Grenadian journalist, and Lloyd Noel, a former Attorney General of Grenada.

To begin with, I would like to recall the testimony of Alister Hughes. Senator RUDMAN, who was also present at the hearing, said that Hughes in his testimony painted marvelous pictures with words. I fully agree. Using the following analogy, Hughes tried to communicate what had actually happened to his country of Grenada.

Can you imagine, Hughes said at the hearing, that there was a rift between the Vice President and the President? Can you imagine, he said, how it would be if the Vice President had the support of the Chief of Staff of the Armed Forces, and between the two of them, they put the President under house arrest.

"It sounds ridiculous," Hughes apologized, "but just think of it for a moment," he said.

For a few days there is general unrest in Washington, and then thousands of Americans assemble and demand the release of the President. Washington is in turmoil. There are demonstrations, and then 50,000 or 60,000 people storm the Capital and release the President from the White House, taking him up to the Capitol.

"The place is all agog. This has never happened before," Hughes recounts. "The President," he explains, "has been rescued from the White House by the mob, by the crowd, by the people."

Then the Army moves in with tanks and automatic weapons, and turn them on the people. Thousands of Americans die on Capitol Hill. The Army takes the President, and some of his Cabinet members who are with him, and then kill them.

"It sounds ridiculous sitting here," Hughes told us, "but that is what happened in Grenada."

To carry the analogy further, Hughes then relayed to us what the military would have broadcast to the American people. The statement is taken from the actual text that was broadcast on October 19, 1983.

"The Joint Chiefs of Staff have," Hughes said, "as of 3 p.m., today, established a revolutionary, military council, which will form the government of the country until normality is restored.

"Let it be understood that the Joint Chiefs of Staff will govern with absolute strictness. Anyone who seeks to demonstrate or disturb the peace will be shot. All day and all night curfew will be established for the next 4 days. From now until Monday at 6, no one is to leave their house. Anyone violating this curfew," Hughes said, "will be shot on sight. All schools are closed, and all workplaces, except for the essential services, until further notice."

Hughes continued: With thugs in charge of Washington, with the Government eliminated, it would be necessary to seek help from America's European allies, and a rescue mission would have to be undertaken.

Hughes pointed out that he hoped that this analogy would help put the situation that occurred in Grenada into perspective.

I pray that we will never have to experience such a cataclysmic experience. However, this is what happened to the people of Grenada. Hughes said during the hearing that he hoped the analogy will help people understand the "the rescue mission was something that had to be undertaken."

As you will recall, on the morning of October 25, 1982, troops from the United States, Barbados, Jamaica, and four members of the Organization of Eastern Caribbean States landed on Grenada. The allied operation successfully restored the opportunity for democracy, freedom, and human rights to the island, with minimal loss of life and property damage.

Prime Minister Eugenia Charles was in the United States at the time of the intervention. Last week at the hearing she recounted the events that led to their request for U.S. assistance.

In 1981 and 1982, she said, there was a massive arms buildup in Grenada.

"It just seemed impossible to us," she said, "that this could be happening to an island next to ours. The fact

remains," she said, "that the arms that were in Grenada were more sophisticated and far more in quantity than the whole region put together could have used. And this," she said, "was something that had been frightening to us for some time. * * *"

Prime Minister Charles also discussed the Soviet presence on the island. She said there were 45 Russians in the Soviet Embassy in Grenada. There were also Libyans, North Koreans, Bulgarians, and East Germans.

Comparing Grenada to her country of Dominica, she pointed out that Dominica does not even have an embassy of any foreign country.

About the involvement of America, she said it was simple.

"We knew that the United States had the ability," she said. It was known in the region that the U.S. carrier *Independence* was in the area in case Americans had to be evacuated from Grenada.

Grenada at that time, she said, was "a country without a government * * * except for the fact that there was a Governor General—the only person with any authority in the country."

From the Governor General, Prime Minister Charles said she received a message through diplomatic channels asking for help.

"He didn't relate to us step by step," she said, "what we should do, but he certainly wanted us to intervene and do something."

On Sunday, October 23, a formal request was sent to the United States asking for help.

Prime Minister Charles said during the hearing: "I think it is important that persons realize that it is not America that requested us to request this support, but that we, in fact, ourselves asked for the support.

"I think that it must be made clear," she added, "that although we are a small country, we are grateful that America realizes that we are allies of America.

"I thought to myself," she said, "what would have been the result if America had refused to assist us.

"We could not have taken any action."

"It is obvious," she explained, "that we, the Caribbean nations, we were not on our own able to take the action."

Finally, she said: "I think I speak for the vast majority of Caribbean people when I say that we all welcomed the intervention. The decision for us to go in was greeted with a loud acclaim by the majority of the Caribbean people."

When Prime Minister Charles returned to her country, she said she was greeted by 10,000 people in Dominica who were so pleased that we had taken this action, and they lined the route for 7 miles to her home to express their thanks for doing what she had done.

"I think all Americans," Prime Minister Charles said last week at the hearing, "should be proud that this action was taken by their country on our behalf. We certainly are extremely grateful that this was done."

Five months have passed since the United States sent troops to Grenada. As Lloyd Noel explained at the hearing, democracy and human rights were almost immediately restored to the island following the rescue mission.

Noel and 102 other political prisoners were being held in Richmond Hill prison at the time of the intervention. However, a week to 2 weeks after he was released from prison, he again began to publish a newspaper—the Grenadian Voice—and it has been published every week since then.

Soon after the rescue mission, Lloyd Noel said that he took a poll.

He sent out over 7,000 leaflets asking the people of Grenada whether they agreed or disagreed with the mission of the forces. Over 5,600 leaflets were returned, he said, and only three people indicated that they did not agree.

This overwhelming support of the people of Grenada was best summarized by Prime Minister Charles in her closing statement.

"In this area," she said last week, "we appreciate what you have done. I would like America to know that we are grateful for what you have done.

"I have always said that you [America] have a duty because we are on your doorstep. But then one doesn't always help the persons at one's front doorstep," she said.

"We are glad to be able to say thank you for what you have done," she said. "We did it together, and I would like such a partnership to flourish in the future."

"We both have our democracy and ideas of democracy from the same source," she said, "and I would like to see that we are flourishing together in it. And because we have these democratic beliefs," she said, "we are able to be partners together and to live well together."

The hearing on Grenada was noteworthy for the moving reflections we were provided on the democratic ideals of human rights, freedom of the press, and justice under law. The witnesses made us all proud of democratic and free institutions, which have been restored to Grenada.

Mr. President, I ask that the transcript of the Defense Appropriations Subcommittee hearing on the Grenada rescue mission be printed in the RECORD. I also ask that the historic Grenada Newsletter by Allister and Cynthia Hughes for the massacre day of October 19, 1983, be printed in the RECORD, as well as a speech by Ambassador Jeane Kirkpatrick, published in the winter 1984 edition of Strategic Review. In addition, I ask that the poll of Grenadians on the rescue mission be printed in the RECORD.

The material follows:

SUPPLEMENTAL APPROPRIATION IN SUPPORT OF U.S. MILITARY ACTIONS IN AND AROUND THE ISLAND OF GRENADA, THURSDAY, MARCH 22, 1984

U.S. SENATE, SUBCOMMITTEE ON DEFENSE OF THE COMMITTEE ON APPROPRIATIONS,

Washington, D.C.

The subcommittee met, pursuant to notice, at 2:05 p.m., in Room SD-192, Dirksen Senate Office Building, Hon. Ted Stevens (chairman of the subcommittee) presiding.

Present: Senators Stevens, McClure, and Rudman.

Senator STEVENS. Good afternoon. This is the time to hear additional statements in connection with supplemental appropriations in support of U.S military action in and around the island of Grenada.

We are privileged to have with us today three representatives from the Caribbean region who have been asked to express their views on the U.S military intervention in Grenada and to assess the impact of that action not only on Grenada but on the neighboring island states in the Caribbean.

We will hear first from Prime Minister Eugenia Charles of the Commonwealth of Dominica, who chairs the Organization of Eastern Caribbean States. Then we will hear from Allister Hughes, a Grenadian journalist, and Lloyd Noel, a former Grenada Attorney General. Both of these gentlemen, I understand, were imprisoned by the New Jewel Government prior to U.S. intervention.

Let me tell you, because of the circumstances, we are involved on the floor trying to get a supplemental appropriation that deals with Central America, as a matter of fact, and because this hearing actually was called at the suggestion of Senator McClure of Idaho—he was instrumental in arranging this session today—we have asked him to chair this hearing.

I can only say that I regret that I will not be able to stay and hear you. As I told you, I did have the privilege and honor of visiting your delightful country, and I hope that the day will come when I will be able to return to it.

Thank you very much.

Senator MCCLURE. Thank you very much, Senator Stevens. I very much appreciate your support in scheduling these hearings.

I want to add my word of welcome to our distinguished guests and witnesses this afternoon.

Prime Minister Charles, we particularly welcome you to this committee, and we do look forward to what you can tell us. You are one of the boldest, most articulate and brilliant political leaders in the world today, and I think that the public reactions to your statements have underscored that fact. The respect with which you are viewed, and the esteem with which you are held in this country has been noted many, many times.

I also want to underscore what Senator Stevens has said about our other witnesses. Mr. Hughes was imprisoned for eight days just before the Grenada rescue operation on October 25, 1983, and Mr. Noel was imprisoned for over two years by the New Jewel Movement of Grenada. We also look forward to your testimony. I think you both

have a particular right and basis upon which to make your observations about what happened in your own country and why.

The purpose of the hearing is to examine the October 25th to December 12th, 1983, Grenada rescue operation. This allied operation successfully restored democracy, freedom and human rights to the island nation of Grenada, with minimal loss of life, casualties and property damage. We are here to examine that highly effective operation, which the Defense Department has reported cost about $75.5 million in operations and maintenance funds, not including lost and damaged equipment.

Before we proceed any further, however, I think we should pay tribute to the 18 American servicemen who sacrificed their lives and the 116 American troops who were wounded in this action to restore democracy to Grenada.

[Pause]

Senator McCLURE. Ladies and gentlemen, before we proceed to the questions, I hope our witnesses can focus their remarks upon ten broad subjects of interest to the subcommittee.

1. What was the immediate situation in Grenada after the October 19, 1983, massacre resulting from the New Jewel Government of Grenada's dissolution into internicine warfare? How threatening was the curfew enforced by the order to shoot civilians on sight?

2. What was the danger to Grenadian civilians and to the American medical students?

3. What do we now know of Soviet and Cuban intentions for Grenada, and about the military capabilities they were emplacing on the island?

4. How do the Grenadian people and the people of the Caribbean nations feel about the rescue operation?

5. When will democracy be fully restored to Grenada?

6. How can the United States best assist Grenada and the Caribbean nations to restore security and democracy in Grenada and to improve prosperity in the region?

7. Should the U.S. make available some funds for compassoinate humanitarian relief to Grenada in order to repair damages to property caused by military action?

8. What is the nature of the continued Soviet-Cuban security threat to the Caribbean and Central American area?

9. What are the implications of the Grenada rescue operation for U.S.-security and economic assistance programs in Central America?

10. What are the lessons of Grenada for U.S. efforts to support the Government of El Salvador?

Before proceeding to the questions, might I ask if Senator Rudman has any questions or comments he would like to make at this time?

Senator RUDMAN. Thank you, Mr. Chairman. I am looking forward to hearing from our witnesses.

Senator McCLURE. Thank you very much.

Senator Kasten?

Senator KASTEN. Thank you, Mr. Chairman.

Senator McCLURE. Prime Minister Charles, we do welcome you. If you would be our lead-off witness, we would be honored.

STATEMENT OF EUGENIA CHARLES, PRIME MINISTER OF DOMINICA, AND CHAIRMAN OF THE ORGANIZATION OF EASTERN CARIBBEAN STATES

Prime Minister CHARLES. I hope, Mr. Chairman, to give a very brief background of the things that happened before the 19th of October, 1983, so we understand the situation in the minds of the people in the other islands.

Under the Geary regime, things happened which caused the Bishop regime to come into being. I remember the time when the revolution took place on the 13th of March 1979 that my political party and my island expressed the view that it was unfortunate that the Caribbean was exposed to that sort of imposition of government, but that we understood that the Grenadians had said enough is enough. But that we looked forward to elections at a very early date, so the Grenadians themselves could have a right to endorse what government they wanted in their country. I must say that we have not changed from that position.

It is true that the Caribbean governments on the whole reacted unfavorably to the revolution, and this is something that they had to live with. In the regional organizations, our relationship with Grenada went on very well on practical matters, although the press may not have picked up the fact that almost every meeting there was a complaint, a quarrel, a persuasion to try to get the Grenadian Government to understand that human rights are important in our region. We had in reply diatribes on how much more important socialism was than human rights.

When some of us in November 1982 entered into an informal memorandum of understanding for security purposes, this was in the small islands, the OECS islands and Barbados, Grenada was not invited to take part. We did not consider that our security ran along the same lanes as that of Grenada. We certainly, as the OECS countries, had a treaty, in which Grenada took part, in which we agreed that we should help each other if possible to prevent other people from taking over our countries.

The important thing is that we not think of taking over only in the military sense, but taking over in the ideological sense, which is something which was much more hated by us than anything else.

Although we were not happy with what was happening in Grenada, we were not going to interfere. While the Grenadians were prepared to accept and like Bishop, it was clear to us on the outside that most Grenadians did not accept the socialist ideas, but they had lived through such another trauma that they were living through this one perhaps more easily.

The elections that took place in the other islands between 1979 and 1980 indicated that the Communist ideas, the socialist ideas were not acceptable in the other islands. We knew that Coards had written a paper at sometime about that time which indicated that there were steps to be taken in which you bring socialism into the other countries. The third and fourth steps—the third one was to attempt to do it through elections, and if that failed, then it should be done by force. We felt that this was a threat to us, since all of us in our elections had in fact rejected the Communist idea of running countries.

In 1981 and 1982, we began to be very upset by the information we were getting that there was an arms buildup in Grenada. I have had a lot of questions asked of me on how do I know. I have said repeatedly and I say again that we don't have a CIA, we don't have an FBI, and we don't have an MI-5 in our islands. We don't have that capacity. But we are small countries, and all of us are interrelated, and the information is brought to bear.

When you are in as responsible a position as I am, you don't listen to the first bit of information you get, but when you have three or four people giving you the same information, and when persons are afraid to speak to you in the room with other people, who would prefer, in fact, if you went out to the sea to tell you the facts, you begin to place much more stress on what is being told to you.

It was obvious to us that there was an arms buildup in Grenada far in excess of anything that would be required for the Grenadian Government to keep Grenadians within the tight and narrow path that they had set forth. We could only realize that this buildup of arms was meant to be used against all of our islands. We felt that we had a right to look after our islands. So we were cautious of what was happening in Grenada.

On the 16th of October, after they had put Maurice Bishop under house arrest, it was obvious to us that Grenadians were not happy about what was happening. They were showing that they did not like the new things that were happening. We heard from reliable press reports that the persons were saying that "C" was for Coards, and "C" was for Communism, showing that they were rejecting that point of view, and that they were not happy with what began to happen in their country.

Certainly no one who lives in the region, certainly not even America who had citizens there, none of the countries that had citizens there would be happy with what happened on the 19th of October, because it was obvious that it was a free-for-all, and anybody who came within the range of a gun would have been shot. They had the curfew in which persons were warned not to go out or else they would be shot on sight. This was a frightful thing to us.

Some have asked: Was it serious, or was it just a threat, a joking threat?

I know, and I am sure that the others who will be giving evidence know much more than I do about it, but I know of one person who died a natural death and was buried in the yard of their house because there was no means of going outside to bury this person.

There were persons who had animals that they were looking after, cattle and small stock, and they could not go change—We use the phrase at home, "change animals," that means taking them somewhere else where they could graze. So the persons in Grenada took that threat very seriously, and I think that they had every reason to because of what had happened on the 19th of October. It was obvious that the persons there had no compunction and they would, in fact, carry out this threat that they had made.

Some people have said that the American citizens were quite safe. Mr. Austin had said that he wouldn't take any action against them. I met one person who spoke to us, and he said that it was obvious that Austin was not in charge of himself, far less in charge of the country, and one couldn't rely on his word as a result.

All of this information was given to us, and when we met in Barbados on the 21st of October, that is all of the OECS countries, we decided, and it didn't take us more than

half an hour to decide, that intervention was necessary. All of these facts had been talked about and brought to mind. We invited Barbados to come and talk to us at this meeting, because it does not belong to the OECS countries, and we agreed that we should go in.

At that time, we had the information that Sir Paul Scoon, who was the only legitimate person—Remember that these people, Austin and Coards—Coards had supposedly resigned and Austin had not declared himself to be a government. In fact, he stated quite clearly that within two weeks they would then name a government.

So this is a country without a government, with the absence of everything, except for the fact that there was a Governor General, the only person with any authority in the country. From him, we got the message through diplomatic channels that he wanted us to do something. He didn't relate to us step by step what we should do, but he certainly wanted us to intervene and do something.

So we decided that we had to intervene. Then we sat down and talked among ourselves and realized that we did not have the capacity to intervene. What could we muster up? Three hundred men, some policemen, some soldiers. If we had tried to go into Grenada with that, those men would never have seen the white sand, they would have been depleted in no time at all. So it was obvious to us that we had to get other assistance.

On Friday night, we spoke to Jamaica. The Prime Minister was passing through and we took him off of the plane so we could talk to him. We also spoke with the U.S. Ambassador in Barbados and told him that we would want U.S. support, this was just verbally. Could he find out for us what the reaction would be on this?

On the following morning, we drafted a letter to go to Barbados, Jamaica, and the United States. We also travelled to Trinidad, and we spoke there to other CARICOM countries. We queried them as to their stand if we were to intervene. We did not get the support of the larger countries. On the Sunday, we returned to Barbados and we sent the definite invitation in writing to Barbados, Jamaica, and the United States requesting support for this intervention.

Many have said: Why the United States? It is a simple reason. We knew that the United States had the ability and that, in fact, they had the ability not so far away because you will remember that on the Friday or the Saturday, they had asked the U.S. Carrier Independence to divert its journey to Beirut to be close at hand in case they were required to get the American citizens off Grenada. Some of us had been on the Independence, and knew that that ship alone had the capacity to do for us what we required doing. So it is a simple matter why it was that we came to the United States, because they had at hand the means of helping us.

However, when I left Barbados on the Monday morning, we had not had a reply from the United States that they would help us. Quite frankly, we were considering that, with Beirut having happened, they may not want to help us. For that reason, I began to set in motion the means of my getting to America to talk with the State Department, to sort of hurry things up, show them the need, the urgency of our request.

That is why I was in America at the time the intervention in fact did take place, because the decision to answer our request in the affirmative went to Barbados while I was traveling up to the United States.

I think that it is important, therefore, that persons realizes that it is not America that requested us to request this support, but that we, in fact, ourselves asked for the support.

I think that it must be made clear that although we are a small country, we are grateful that America realize that we are allies of America. Although we probably could not return the compliment by coming to America's support in that way if they did ask for it, the same relationship applies between the larger country and us, the smaller countries.

I thought to myself, what would have been the result if America had refused to assist us. We could not have taken any action. It is obvious that we were not on our own able to take the action. So those persons who now in hindsight say that the intervention was right, but the Caribbean countries should have done it themselves, are not really thinking logically right through or they would realize that we could not have done it ourselves.

So action would have been taken. The activities to bring the other islands under Communist domination would have heightened, and by this time would have been in place. Let us be honest. The future of my country is probably paramount to me, and certainly none of us in Dominica wanted communist domination by anybody.

Senator McCLURE. I must apologize, but there is a vote on the floor and I think we will have to go at this point to vote.

Prime Minister CHARLES. We understand.

Senator McCLURE. We will return in just a few minutes. I apologize for having to interrupt.

We will stand in recess subject to call of the Chair.

[Recess]

Senator McCLURE. The committee will come to order.

Please continue.

Prime Minister CHARLES. In 1981 and 1982, the buildup of arms took place, heavy arms and sophisticated weapons. I know nothing of weapons, and my mind boggles at the sort of things that were brought to Grenada. Even at the time that it happened, we were told about the armored tanks and armored cars that were being brought to Grenada. It just seemed impossible to us that this could be happening to an island next to ours. What would they be doing with that sort of equipment?

We also knew that they had 100 small boats that were powered by batteries which would have had the capacity to come to any one of our islands. They probably could have crept in through my window one night and have gotten rid of me in that way. There were many reasons for us to be frightened at the buildup of arms. As I said, it was far above what would ever have been required in Grenada.

I know that we have had some training, and this is something that was agreed on with America before the Grenadian incident that some of us should have a little bit of capacity, a little bit of training for policemen so they could withstand any first onslaught of anything of this sort.

Every island has a little group of Communists, as you can understand. These people have been saying that we have been getting arms, and they have talked of my getting anti-aircraft missiles. My answer has been that I don't want any anti-aircraft missiles, but I wouldn't mind having the aircraft, if I would be given the aircraft.

The fact remains that the arms that were in Grenada were far more sophisticated and far more in quantity than the whole region put together could have used, and this was something that had been frightening to us for some time, particularly in the hands of men—Coards and Austin—who acted as they did on the 19th.

I think that it is right to stress that the persons who appeared to be at the back of the action on the 19th were persons who had for many months been close supporters and close friends, really almost idolizers of Bishop, and if they could act that way toward a man who they had been so close with for so many years, you realize that some would have had no compuction to get rid of anybody else in the same way.

This answers the question of whether American visitors or U.S. citizens were safe in the country at that point. Remembering that they had been fed for a long time on hatred of things in America, there would have been no reason not be turn their guns on them or, worse, to take them hostage. We are very much copycats in this world, and we have had the history of the American hostages taken before. I think that the Administration was right to be concerned about the safety of American citizens there.

I have sometimes been told by the media: You have not made this your most important point. I say, each person sees things from a different angle. Obviously, the United States President is more interested in American citizens. Obviously, the Prime Minister of Dominica is more interested in the safety of Dominica. It is not that we don't see the need for the other, but the stress is put on the things that are the closest to you in this respect.

I can say that if, in fact, the United States had refused to come in and support us in this action, no action could have been taken. Grenada would have gone on in the way of the 19th and the four days thereafter. There was no reason to believe that there would be anything else.

Remember too, that in Grenada, we knew that there were Cuban people. I have always felt that they were not pure laborers, they were not just masons smoothing concrete on the airstrip. I have always thought that they were soldiers as well. This is because of the approach that the Cubans have had to us about giving scholarships to our students. The Cubans require all our students to take some military training. It is obvious that everybody is a little bit of a soldier in Cuba. So I knew that the Cuban workers were also soldiers.

In any event, there was also the presence of Russians. Forty-five Russians in an embassy in Grenada. We don't have an embassy of any foreign country in Dominica. Then you had the Libyans there. You also had the North Koreans. You also had the Bulgarians, and the East Germans.

I don't know how many even know that Libya has made a play to train our people in Libya, ostensibly university subjects, but the persons they have chosen, none of them would have had the criteria for entering a university. So no one can blame me if I query that this is the actual training that they were going to receive.

We also know that the dissidents at home, the little Communist group, were in and out of Grenada, receiving instructions, and obviously economic help, because none of them are employed in any field, but all of them live better than anybody else in the country. So, obviously, they have some means of surviving, and the frequent trips in and out of

Grenada led us to believe, and I think it would be factual to say that, in fact, they were getting assistance, not only ideological assistance, but economic assistance also from the embassies that were placed in Grenada. This is another reason why we were frightened by what was happening in Grenada. I think that the U.S. citizens were in danger.

I am saying that if we are to have any Communist domination in any of our islands, then it must be voted for by the people. Chile is the only place I know that has elected a Communist government. If the majority of the people in Dominica wish to elect a Communist government, I will bow to the fact that the majority have the right to control the country, but I will not stand by and let the people foist upon us any domination that they wish to bring. It must come from the wishes of the people.

I think I speak for the vast majority of Caribbean people when I say that we all welcomed the intervention. The decision for us to go in was greeted with a loud acclaim by the majority of Caribbean people. When I returned from the United States—I was here, as I told you, when the action began on the 25th—on the 27th, I was greeted by 10,000 people in Dominica who were so pleased that we had taken this action, and they lined the route for seven miles to my home to tell me thanks for doing what I had done. I remembering phoning back here and saying that it should be conveyed to President Reagan that I was sorry I couldn"t do the same thing for him in the United States.

It was obvious that all the Caribbean people supported the intervention even though there were some governments that did not think it was right to support this action—I think every government has the right to support or not—I think that it is true to say that the vast majority of the Caribbeans thought that the intervention was right, it was timely, they were glad, and they backed it 100 percent.

The one regret that we all have is the fact that it cost lives. If we could have done this without any person losing their life over it, we would have been much happier. We felt badly that we had to inflict this injury on people from a friendly country, the U.S., who had come to our assistance. I think everyone, soon after the intervention took place, in November we have the armistice day that you probably have all around the world. I think that on every one of those islands there was a special thought that a wreath should be laid in memory of those Americans who had given up their lives for us, for democracy, and for our future. I don't think that it will be something that will be forgotten ever in the islands.

We know that it also cost money. Quite frankly, there is no leader in the Caribbean who wouldn't have preferred that kind of money to be spent on development, but we realize that we couldn't have, and you cannot have development unless you have the security to permit development to flourish. So we think that it is money that had to be spent.

We would have preferred that it be spent another way, but we know that it had to be spent to permit us to go forward with our plans for a free, democratic society in which the people are given the opportunity to build for themselves the country that they want to live in. This is what the action on the 25th of October did for us. I think that all Americans should be proud that this action was taken by the country on our behalf. We certainly are extremely grateful that this was done. We have no doubt that the Caribbean people on the whole, more than the majority, I would say, also feel that way about it.

You will say: Has democracy returned to Grenada? I am sure that the others who are going to give evidence will have more to say on this than I have. However, certainly, I know that I can now telephone anybody I know in Grenada and they won't be afraid to speak to me as they were in the past. I know that if I ring a number and there is no answer, I don't have the fear that the person's telephone has been cut off because they don't want them to get in touch with the outside world.

I know also that Grenadians are speaking out publicly. I, myself, have received over 800 letters, many of them from Grenadians, both in Grenada and outside of Grenada, thanking us for the intervention. In almost all of the letters they say, "We are now free to speak our mind." It must be very difficult for a person living in the United States, where you have so much freedom of expression, to appreciate the fact that persons were not able to talk about things that were happening in their country. I think that in that respect we can say that democracy has returned.

It will not return fully until we have elections. There is a difference of opinion, of course on when Grenada should have elections. I don't live in Grenada, and I would like to see elections take place this year, but I am prepared to bow to the fact that the persons who live in Grenada understand the situation better than I do, and they think that it cannot take place this year. It is Gernadians who must decide when they want their elections, but they must be encouraged to have elections as soon as possible.

One can understand the difference. They have had two regimes that have not brought them any sense of security. Therefore, they are probably a little bit allergic to politicians on the whole, and they think that we have to be sure that they understand that politicians are not all the same.

As to when the elections will take place, there is a diversion of views, but we are sure that they will take place and that alone is important, because we had no such feeling during the Bishop regime. We knew, in fact, that they would never take place under that regime.

You wonder how America can still continue to help us. America has given a lot of aid to these countries. Most of it in the past has been aid given to the organizations that look after us, such as the CDB, and the CARICOM, and so on, but in the last two or three years there has been much more bilateral aid.

I am a person who believes that both forms of aid are necessary. There are times when regional programs are the best. There are times when it is better to do it through a regional organization because of the way of looking after the whole program, but there is always room for bilateral aid, and aid is important to us.

We do not want to be always an aid getting country, but at the moment, with our infrastructure, unless we have aid, we are not going to be able to build up the countries to be strong and secure, and able to stand side by side, and not give people worries as we have in the past. So the aid is important, but the opportunities to trade and to have investment made in our countries are also vitally important.

It is one of the reasons why I have always supported the CBI. I think that it gives us the ingredients for that. I am particularly glad that the CBI changed its color in a way from the way the aid package was first thought of when it was put forward. It is because of the fact that our opinion in the Caribbean was requested that a change of such an importance was made to include trade and investment elements.

I think it is perhaps the most important thing about the CBI that it came out almost as a partnership agreement, in consultation with the persons who were to get and the persons who were giving. It showed a maturity of thinking in the partnership between us that I think is exemplary, and I hope it will continue in the future.

I, myself, believe that where Grenada is concerned—People have said to me, aren't you worried that Grenada will get more aid than you have? I think that if Grenada deserves and requires more aid, let them get it. I am not a person who is jealous about what will come to one country. I think that it is important that all of us, working together, see that the aid goes in the places where it will make us strong as a people no matter which island gets it.

The question has been asked about aid for humanitarian relief to Grenada regarding the damage of property. I think that it is important that the United States does give this sort of aid. It is important that America is seen as not turning its back on the action afterwards. There is no legal responsibility, I would say—although I am loathe to talk as a lawyer these days, since I think the years I have spent in politics have taken away from me the ability to be a lawyer—it would be of great importance if Grenada received that sort of aid which would help them to repair the damages, because the Grenadians spontaneously came out with support of America, with a desire for America to come in.

I am sure it must have hurt very much the persons who advocated the Bishop regime to find that Grenadanians spontaneously said: God Bless America. Thank you, America, for coming to our assistance. This was done by the people of Grenada. Remember at that time they had no leaders.

This was done by the common people of Grenada, and I think that it is only another way of showing that America appreciates being appreciated, because so often you have assisted other parts of the world and you have not gotten appreciation. In this area, we appreciate what you have done. I would like America to know that we are grateful for what you have done.

I have always said that you have a duty because we are on your front doorstep, but then one doesn't always help the persons at one's front doorstep. So that we are glad to be able to say thank you for what you have done. We did it together. You bore the larger brunt of it, but we did it together, and I would like such a partnership to flourish in the future. We both have our democracy and ideas of democracy from the same source, and I would like to see that we are flourishing together in it, and because we have these democratic beliefs, we are able to be partners together and to live well together.

Thank you.

Senator McCLURE. Thank you very much for a most impressive statement.

I think that before moving to questions, I will call upon the other witnesses. Perhaps, Mr. Noel, you would begin please?

STATEMENT OF LLOYD NOEL, FORMER ATTORNEY GENERAL FOR GRENADA

Mr. NOEL. Thank you, Mr. Chairman.

Let me say that it is a pleasure to be afforded the opportunity to be here and to be able to give evidence before your distinguished committee.

On the question of the situation in Grenada after the 19th of October, I think I will abide by most of the things my honorable friend has said because, as you have said in your opening statement, on that date I was in fact incarcerated in a prison in Grenada.

I would like to address the question of whether in fact what you did—by you, I mean the United States—was an invasion, an intervention, or a rescue mission. I speak for me personally, and for 102 other political prisoners who were freed on the 26th of October 1983. For us, it can be nothing more and nothing less than a rescue mission. For this, we thank the United States and, of course, we thank the honorable Prime Minister and her colleagues in the OECS, without whose help, without whose initiative and courage, I am sure I would not be here today to be talking to you.

In fact, on the 20th of October, the day after Mr. Bishop and his colleagues, and a still unknown number of Grenadians were killed—I only heard yesterday, and that is perhaps a rumor that the figure is now over 100 people who died on the 19th of October. On the day after, a number of my colleagues in prison, and myself, were placed in a dungeon under the main jail.

A member of the armed forces in Grenada told me afterwards that the order was, if ever any hostilities started, we were to be shot. I have no doubt that that was the intention. As it happened, we were not and, of course, we walked off freely.

As to what the position of the Grenadian civilians was in Grenada between the 19th and the 25th of October, I have the privilege of talking to members of the St. George's University Medical School, whom I represent as a lawyer, and a number of the students, American citizens, all told me the same story, that as far as they were concerned, between the 19th and the 25th, they were in fact as sure as I was that the chances of survival were nil. To them, speaking here as their legal advisor, I am sure that it was a rescue mission.

As for the bulk of the Grenadian majority, I think they have spoken for themselves over the months, and I would not even presume to speak for them.

What we know or do not know about the Cuban and Soviet intentions in the Caribbean, I am sure the United States' intelligence, and so forth, are well-equipped. Let me just say in passing that when I go back to November 1979, and the announcement that there was going to be an airport built in Grenada, a so-called international airport, it obviously suggested that it was intended for commercial purposes, I was convinced then as I am now that there was no such need, bearing in mind what exists in Grenada in terms of infrastructure for the development of tourism.

At that time, we had about 750 hotel beds. The tourist trade in the Caribbean, particularly in Grenada, principally because of the policies and attitudes of the PRG—the People's Revolutionary Government—had dwindled. I couldn't understand the logic and the economic reason for suggesting that by merely building an airport, tourists were going to fall from the air like manna, therefore, the tourist industry was going to arise. I didn't believe it then, and I don't believe it now.

The reason mainly behind my disagreement with the PRG, and, of course, my eventual resignation from the government as Attorney General, remain exactly as it was. The intentions were clearly to make Grenada and Grenadians slaves in our own country.

How Grenadians feel, and the people of the Caribbean, I am sure Ms. Charles has answered this as eloquently as she always does. Right up to now, and I live there, I talk to people, not only in practice but in everyday life. I took the liberty of doing a poll right after the rescue mission of me and my friends, if nobody else. I remember that we sent out over 7,000 leaflets asking people to say in one or two words whether they agreed or disagreed with the mission of the forces, and over 5,600 of those leaflets came back to me, and there were only three persons who indicated that they did not agree. I have since sent all of those leaflets, signed, to the White House, and I know they were received.

If we take 5,600 literate adults and extrapolate over a total population of over 100,000, we are talking about over 90 percent of the people. To me, if sovereignty means what it says, if international law has any basis at all, it must be based in the people for whom you are talking, because government, on a very basic definition of democracy, must be of the people, by the people, and for the people. If Grenadians say that this is what they want, that is good enough for me.

I was very happy to hear a quote from the President that if the United Nations General Assembly wanted to vote as they always do, and the Security Council wanted to vote as it always does, if the press agrees with their leftist position, or their so-called humanistic position, they are supporting the democracy, it is a matter for them, but, as he said, it doesn't stop him from having his breakfast. I agree with that.

Is democracy restored in Grenada? In my opinion, democracy is an on-going process. It never ends, it can never end. Because of its very concept, because of its own built-in uncertainty, it is always going to be the subject of differences of opinions, of disagreements by people, be they Republicans, Democrats, Jewels, or whatever. That is the beauty of the democratic political system and ideology.

In Grenada, I think we can say that it has started again simply from the very fact that one week or two weeks, I can't remember, after we were released from prison—those of us who were unfortunate enough to be locked up because we had the audacity, according to the government, to follow the law and publish a newspaper, the Grenadian Voice, we were put in jail, where I stayed for two years and three months—were able again to rescue publication of that newspaper, the Grenadian Voice, and it has been published every week since then.

What has pleased me perhaps more than anything about that process is the fact that not only do people who say they are for law and order and freedom of expression, do they write, but a number of the very people who for the last five years saw it fit to put me in jail because I wanted to speak, they now take the opportunity to send letters and articles to us, which we are very happy to print, even when they tell us in the article that they don't think that we are going to print it. We show them that we not only meant it, when they were oppressing Grenadians, but we mean it now. In that sense, I think, we have started the process.

As to how the United States can assist. To me, as a Grenadian who wants to live in Grenada, that is my country—I was not only proud to take part in building the process in opposition to what I considered unconstitutional practices of Mr. Geary, and I continue my opposition when I realized that my very colleagues and friends were doing exactly the same thing, and worse, when they had the opportunity to put it right. To me, then and now, if something is wrong, it doesn't matter who is doing it. As we say on the masthead of our Voice, "The Right Alone is Right. The Wrong is Always Wrong."

The United States, in my opinion, because of the very courageous position they took, and I am sure the President in responding to the invitation by Ms. Charles, the Chairman of the OECS, was considering and must have been aware of the backlash, the opposition he would get of this big elephant trying to crush a little flea, as it is said. But I think that he was also very conscious of the fact that freedom cannot only mean the ability or the right for 280 million people, but not for 100,000. If you are free, whether there is a billion and it is enjoyable, it must be the same if you are one person, because it is also enjoyable.

I think that what we want to see in Grenada is a return to a situation where people have confidence in each other, firstly as human beings, because no matter how much economic progress we may make, how many factories we build in Grenada, and all of the fancy hotels, if we cannot get our people to trust each other, to trust the men and the women who are going to come forward and put forth themselves as political aspirants in the future—if we can't get that, Grenada and the Caribbean will just be back where they were five or six years ago.

So it seems to me that one of the basic needs today is for America, by whatever process she decides, be it through U.S. aid, be it through PIC or whichever, to make the funds available. Not to give people something for nothing, but funding whereby companies, particular American companies, in joint ventures with Grenadian companies, and perhaps the Grenadian government, will be given the opportunity to use capital so that they can begin their investment in Grenada on the basis—if and when we have what they consider to be a stable government, because it is elected, they must pay back the money—in package of bridging, short term loan, that would give the guarantee that shareholders and stockholders need before they say, yes, invest.

I feel that companies in America that obviously are going to Grenada, not because we have a gold mine—there is no gold mine there. We have sand and friendliness. I think they are coming in because they are supporting the American government on the principle that if it is right at government level, it must be the responsibility of individual companies to show that they are taking care of their duties by putting in their bit.

If the Caribbean is safe. If our sea lanes are safe. Grenada is the strategic position, you say it is, it means that the American companies in America must be as threatened as would the American government as a government. So the responsibility must be shared by all.

I believe that if we are going to get democracy back on course, the Grenadian people, who, as Ms. Charles said, must make the de-

cision, must have the confidence in the economy, in its stability. They must have the opportunity to see in Grenada, not just talk, not just statements and endless documents, to see jobs, to see education, to see law and order, to see the judiciary, to see these things actually operate.

To me, one of the biggest problems facing us today in terms of security is the question of trial of the people in Richmond Hill prison. I can never agree to people being held in jail without a trial. Therefore, I welcomed a few weeks ago the charges of a number of persons, I assume, because there is evidence. I deplore the fact that there are still some people who are just there as political detainees. It was wrong for me, and it must be wrong for them. If there is no evidence, they must be released. If there is evidence, they must be charged and tried in court fairly and swiftly.

The problem we have there is that there isn't a competent legal department to process the evidence, and to prosecute at trial. It seems to me that that is where a lot of attention should be placed in bringing about democracy in Grenada. Because, if there is no law and order, if people do not have the confidence that the court and the judiciary is independent and functioning as such, then they cannot have confidence in investing the monies whatever the prospect of making a profit.

On the question of compensation, I think this is the one remaining sore point among a very tiny minority of Grenadians whose properties were damaged, and one or two who lost their life. I accept the argument addressed to me by legal personnel from the 82nd Division that your Congress or Senate laws do not make provision for war damage. However, I think that because it is so small, because it would do such a great public relations job, a way should be found to compensate the people who have lost their properties, have lost their homes. They are not making a fuss, they are merely asking for what you like to call in law an ex gratia payment. I think that this should be done.

Finally, the question of what will happen and how it affects American foreign policy in Central America. I don't feel competent to give an opinion because I don't know enough, but I think what is important and one of the lessons that should be looked at and looked at very carefully—I am not saying that this is what is happening, but I have tried to explain to all of the persons I have met in the State Department and all Congressmen I spoke to—if we go into an election situation in Grenada, be it forced, be it pressured, be it ever suggested, simply because people believe that election is the be all and end all of democracy, I feel that we will be making a grave mistake.

It seems to me, having lost that unfortunate number of American lives, double the number of Grenadian lives, spent all the money you have spent—nearly $80 million, I have been told—it is far better, far safer, far more prudent to wait 12 months and give the people time to get out of the trauma, to get out of that dream, go back on their feet again, rather than have an election, and then have a government for five years, and that is what it would mean. It would be worse to wait five years, and it must be better to wait 12 months.

In that context, I would suggest, and I disagree, as sadly as it is to disagree with my friend and helper, I think we should wait until we have done those little bits that must be done before we can begin to use the machinery of election to bring about an elected and required government in Grenada.

Thank you.

Senator MCCLURE. Thank you very much.

Before introducing our next witness, I would like to recognize the presence of his very gracious wife, Cynthia Hughes, who is also with us today.

With that, Mr. Hughes, would you please proceed.

STATEMENT OF ALLISTAIR HUGHES, GRENADIAN JOURNALIST

Mr. HUGHES. Thank you very much, sir, and may I say how much it is an honor for me to be present.

May I ask whether that is a call for you to go to vote on the Senate floor again?

Senator MCCLURE. No, not this time. We are like school children, our lives are run by bells.

Mr. HUGHES. May I deal first of all with the matter of the justification for what was done in Grenada by the U.S. and by Ms. Charles and her colleagues in the Caribbean in the OECS. May I refer to an opinion poll that was done in Grenada early in January by a professional group from Trinidad. This poll was conducted at the request of four Caribbean newspapers. The very first question that was asked there gave some indication of how inside of Grenada, we have no problem as to whether it was justified or not.

The first question asked: There has been a lot of controversy about the decision of Caribbean countries and the United States to intervene with military force in Grenada. Some people say that the intervention was not justified, and that there were better ways to resolve the problem. Yet, others have said that the intervention was against the principles of international law and the United Nations Charter, and should never have been undertaken. Which of the following statements best describes your own reaction to the military intervention?

There are seven statements beginning with: Intervention by a multinational forces made up of Caribbean and American troops was a good thing. It runs right down to the last question: "Intervention was a disgraceful episode in Caribbean history." One percent answered in that vein. Under the first statement, 86 percent answered. So the overwhelming majority of Grenadians were delighted and pleased with the rescue mission, because they knew what they were being saved from.

Since the intervention, I have become a VIP, a very interviewed person. I have had great difficulty in understanding why, when you explain to people what happened in Grenada and why Grenadians feel this way, why it is not immediately evident to them that what happened was a good thing.

I have come to believe, because the discussions that I have had with people have been in air conditioned, comfortable surroundings, perhaps sitting at a bar, perhaps at the beach, but in circumstances quite different divorced from the 19th of October, that it is difficult for anybody who was not there to fully understand. So I crave your indulgence, sir, to ask you not to think of what I am going to tell you now as a joke, but to look at it seriously as if it could and did happen.

Can you imagine, sir, if there was a rift between your Vice President Bush and President Reagan? Can you imagine how it would be if Vice President Bush had the support of the Chief of Staff of the Armed Forces, and between the two of them, they put President Reagan under house arrest. It sounds ridiculous, but just think of it for a moment.

This goes on for a few days, and then thousands of Americans assemble, led perhaps by Senator Paul Laxalt, and demand that the President be released. Washington is in turmoil. The armed forces seize upon the Senator and put him in jail. Two days later, Congressman Jack Kemp leads a demonstration, and perhaps you have, in relation to size, 50,000 or 60,000 people storming the capital and releasing the President from the White House and taking him up to the Capitol.

The place is all agog. This has never happened before. The President has been rescued from the White House by the mob, by the crowd, by the people. Then the army moves in with tanks and automatic weapons, and turn them on the people. Thousands of Americans die on the hill. They go inside and they take the President, and some of his Cabinet who are there with him, and eliminate him, assassinate him.

It sounds ridiculous sitting here, but that is what happened in Grenada. On top of that, and I would like to read to you what the Joint Chiefs of Staff would have broadcast to you, "The Joint Chiefs of Staff have, as of 3:00 p.m., today, established a revolutionary, military council, which will form the government of the country until normality is restored. Let it be understood that the Joint Chiefs of Staff will govern with absolute strictness. Anyone who seeks to demonstrate or disturb the peace will be shot. An all day and all night curfew will be established for the next four days. From now until Monday at 6:00 o'clock, no one is to leave their house. Anyone violating this curfew will be shot on sight. All schools are closed, and all workplaces, except for the essential services, until further notice."

In other words, the American people are under house arrest for four days. You can't go to the supermarket. You can't take your car out of the garage. Your kids are not to go to school. I know that it sounds ridiculous sitting here in these comfortable chairs, and with no threat, but that is what happened in Grenada.

I would hope that this analogy would have some sort of bearing, because I cannot find any other way to help you understand the situation in Grenada. Canada to the north, with thugs in charge of Washington, with absolute chaos here because the government has been eliminated, would have to seek help from her European colleagues, and a rescue mission would have to be undertaken for you.

I am pleading, for any who might hear what I have to say, that this analogy be taken seriously, so that you can understand clearly what happened in Grenada. Grenadians have no problem understanding this analogy. We know, we were there, we understand. I would hope that the world would have a better understanding of what happened there and be satisfied and be convinced that the rescue mission was something that had to be undertaken.

As to whether anybody was in danger. We in Grenada know, and one of your adopted countrymen—he is an Australian by birth, Dr. Geoffrey Borne, who is the vice chancellor of the university down there—told me that General Hudson Austin had come to see him. General Hudson Austin was in a terrible state. He said that he didn't think of how he could be in charge of the island, when he was not even in charge of himself. Dr. Borne was very concerned about the se-

curity of the students who were on the island.

Both the Prime Minister and Lloyd Noel have referred to the compassionate allowance with reference to the property damage in Grenada. I am afraid that somehow the American Embassy in Grenada has stirred this trouble up, perhaps unwittingly. Shortly after the intervention, they set up a claims office, and it became generally understood that they would be paying for all damage.

I and several other Grenadians were absolutely amazed because here were some people who have come in to help you, and in the helping they knocked down buildings, they damaged cars, or whatever, and now they are going to turn around and offer to pay you for that damage. Such generosity just was beyond bounds. I couldn't understand it.

So everybody, with great anticipation, started to assess their damage and got ready to be paid. Then it was discovered that they were only paying for the damage that took place otherwise, what they call normal damage. Those claims still remain hanging up in the air, but the expectation was raised.

I believe that had that not happened, there would not have even been a thought of it, because the man who has come to help you to that extent, and had so much loss and expense himself in money and lives, cannot be really expected to pay for that. But because of the circumstances, I wish to endorse the thought that you seek some way to make compassionate allowance, which would have no bearing on any future claims, ex gratia allowance to get rid of this slight feeling of dissatisfaction there because of these raised expectations that were not fulfilled.

Could I refer to this poll again, with reference to the matter of elections in Grenada. If you wish, sir, I could make copies of this available to you.

Senator McCLURE. I was going to ask if you would do that. We will make it a part of the committee record.

Mr. HUGHES. It will be a pleasure, sir.

Senator McCLURE. Thank you very much.

Mr. HUGHES. There is a question here as to when elections should be held. How long do you think the new caretaker government should remain in office before elections are called? Six months. One year. Two years, or more than that? The smallest percentage didn't know, and that was eight percent. Six months, it was 11 percent; one year, it was 22 percent; 18 months, it was 15 percent; and for the two years, the greatest percentage, it was 29 percent.

Attached to this, 39 percent of the sample said that they did not know how they would vote, and 23 percent said that they would not exercise their vote. This, I think, is a very strong reflection of the lack of direction in the political world now. We have not had party politics in Grenada for five years, and the scene has not gelled. No political party, up to the time that I left Grenada the day before yesterday, had had a public meeting.

People are uncertain as to what is being offered, and what is very likely to happen, if we have elections too soon, is that people are going to choose the least undesirable. I think that that is a horrible basis on which to pick a new government.

Finally, sir, what you should do for Grenada now and how you can assist. Nobody, I think, can fault you up to this point. You came in, you performed the rescue mission. Within a very short period of time, you pulled out your combat troops. You left 150 military police, along with the Caribbean troops to help us. I think we must have 600 to 800 people there now. You left equipment and helicopters to help us. They have a very low profile. They have mixed in with the population, they have almost blended with them. I will give a slight example of this.

There is a sergeant, one of the military police, and his name is the same as mine, except that he doesn't have an "e" on the end, H-u-g-h-s. We went to the museum and told them that there were many young men he saw around who had nothing to do, and he wanted to get them off of the streets. He wondered about the national monuments in Grenada, and whether they could do anything about preserving and improving them. The museum knows that that is one of my interests.

He came to me and we discussed the matter. He was offering to get a canteen and some C-rations, and go to one of the forts. We went and looked at it to clean it up. What he wanted was some machetes. I have some contacts in the commercial world, and I was able to get him 50 machetes. By the time I get back, I expect that Fort Frederick will have been cleaned up, and we are going to move on from that to do other things.

I cite this to indicate to you that they are not there just keeping the peace and walking around, lording it over people. They are mixing with us. They are part of us. There is no sense of an occupying force. What we have is some men who are our friends, who have helped us, and who are now living with us as friends.

I have had officers come to visit me. I have had NCOs, and I have had the ordinary run-of-the-mill soldier come to my house. This is indicating quite clearly that we don't have any domination by any foreign forces, but friendly people.

What happens now? There is only one area that I think that you have to be extremely cautious. At Christmas time, there is a firm called Hasbro that brought down 50,000 toys. There was a Congresswoman who came down, Schneider, I think her name was, there was a distribution of the toys, and everybody thought that this was an excellent gesture, and it was well appreciated.

However, subsequently, there has been—I don't know who brought them down, and I don't know who distributed them, but every secondary school child got a pen, and every primary school child got a Mars bar. There is a great deal of danger in that, because you stick your hand out and you get a pen, then you are going to want a notebook, and perhaps you could move on and get a pair of shoes. They did bring down shoes for distribution.

There are lots of people in Grenada who could do with pens, who could profit by notebooks, who could profit by shoes, but it must be with consultation so that they can be properly distributed, and that you are not going to convert Grenadians into "give-me give-me" people, who think that they only have to stick their hand out and something good is going to fall into it from Uncle Sam.

We don't want to become that dependent and feel that you are now our rich uncle, and that you are going to keep us going. That, I think, is where you need a little caution, but as of now, I think that all that Grenadians can say to you is that you have done very well, and thank you.

Senator McCLURE. Thank you for your testimony. I just regret that all Americans wouldn't have the opportunity to sit where I sit this afternoon and hear the three of you and your very eloquent statements.

Senator Rudman passed me a note a while ago, which I think is pertinent. I hope he won't be embarrassed if I repeat it. He says, "These three witnesses are better than any of our own." I don't think that derogates one bit from the capacity of our own witnesses who have appeared and testified and told us what happened.

Mr. Noel, you have indicated that you knew that there were weapons being accumulated on the island, and yet you were in prison during that period of time. How did you know that there were weapons, is that something you have been told since you were released from prison?

Mr. NOEL. No, sir. In fact, because of my association with the New Jewel Movement for a number of years, I had friends among the army. Therefore, during my period in jail, some of the friendships continued, and a number of them who regretted—I must say that there was a lot of compasssion on the part of some of them—my position always sought the opportunity to come and talk to me. It is through those sources that I got to know what was happening on the outside.

Although for months at a time, I was never allowed visits from my family or from anybody from the civilian world, but one or two of those persons were always good enough to keep me abreast of what was happening.

Senator McCLURE. So you got the information, even though you were in prison, and you got it from people who were in a position to know.

Mr. NOEL. Yes.

Senator McCLURE. Can you speculate as to why you were not shot on October 19?

Mr. NOEL. I will give you a very interesting episode. On October 19, I was in jail, of course. But on the 25th of October, when the shooting started and the helicopters were overhead, and the People's Revolutionary Army and the Cubans were resisting—above where I was in this dungeon is the normal prison for convicted prisoners—they hearing the gun shots, got out of their cells and they started running down the stairs in an attempt to get out of the jail. Some prison officers and soldiers came into the yard and they shot them. One fellow was shot, and he eventually died in his cell.

They came down to this dungeon where we were. There were 20 of us in eight cells in total darkness. This soldier, and I knew that he was a soldier because there was a candle behind him and he had a gun, when he came to my cell, he asked who was there. I said Lloyd Noel. They were in the process of putting two locks on every cell door so we couldn't get out. When I told him that it was Lloyd Noel, he took off one of the locks, and he left me with one.

I can only say that with some of them, there was compassion, and maybe that is why I was not shot.

Senator McCLURE. Madam Prime Minister, I don't know how to thank you adequately for your leadership. You, in your own capacity as Prime Minister of your own country, and in your capacity within the organization of which your country is a member, took a very important role and continue to have that important role, in my judgment.

You have reaffirmed here today what has been questioned in this country, that is, you

came to the United States seeking help, while it is being said by many that the United States must have gone to you, seeking an opportunity to intervene. I must ask you again, for the record, if the United States approached you first?

Prime Minister CHARLES. No, Mr. Chairman. We approached the United States.

Senator MCCLURE. Is the organization of which your country is a member continuing to monitor what is happening throughout the area?

Prime Minister CHARLES. Yes, we are.

Senator MCCLURE. Do you see any change with respect to the activities that you felt threatening within your own countries prior to the destruction of the elected government in Grenada?

Prime Minister CHARLES. Yes. There has obviously been a lowering of activity among the groups that we call the leftists in the islands. I wouldn't say that they have completely submerged. I think they are waiting for an opportunity to get more fuel so that the can continue again, but at the moment, they are very dormant and they are loathe to show their heads because the public have shown an animosity toward them.

Senator MCCLURE. Mr. Hughes, your analogy, you almost apologized for the analogy of the possibility of Vice President Bush and the military leaders doing to Ronald Reagan what was done in your country, but I think you made the point well. I think that story, you need not apologize for. I think that it is an eloquent exposition of the frame of mind and the status of conditions in your country at the time that you were being asked to respond to the initiatives taken by other people.

I intend to repeat that, and I hope that in some way, we can get that analogy with some greater and more widespread publicity in this country, so that the people here might indeed understand what happened there.

Senator Rudman.

Senator RUDMAN. Thank you, Mr. Chairman.

Let me simply add to the chairman's comments. I think your testimony here is extraordinary, each in your own way. I, of course, as other Americans, am familiar with you, Madam Prime Minister, and we certainly applaud your action. I find your statement interesting as an historical evaluation of the situation.

A former attorney general who was imprisoned certainly gives us a very interesting perspective, and I think that your definition of freedom and democracy is one that we all ought to look at. I think you put it rather well.

Of course, Mr. Hughes, I know why you are such a well-known journalist. You paint marvellous pictures with words. I, too, intend to get a transcript of this record.

Let me simply ask Mr. Hughes just one question, Mr. Chairman, because he made a very interesting point.

Americans, sometimes, with their generosity can reap results that are precisely the opposite to what is in the best interest of those countries that they wish to be generous with. I wish you might just expand a bit on the last point that you made, because it was a very important point.

Mr. HUGHES. I am not quite sure how much more you would like me to say, sir.

Senator RUDMAN. You are suggesting that there be collaboration, in other words.

Mr. HUGHES. Yes, sir.

Senator RUDMAN. You might just elaborate on that matter.

Mr. HUGHES. I had a chat with the President of our Chamber of Commerce at the time that it was done, not the toys, but the second shipment with the pens, the shoes, the notebooks, and the sweets. He made the point—this was self-interest to a large extent—that every pair of shoes that is given away is a pair of shoes that is not going to be sold in town. There are a lot of people who will be receiving shoes who really don't need to have shoes given to them.

There are several organizations at home—the Red Cross, the Rotary Club, the Jaycees—who are in touch with people who are in need, and who would be very willing, I am sure, to advise, if you have a largesse to hand out, as to how it should be handed out, and actually to make the arrangements for the distribution of it.

What I would suggest is that if there are further things to be given away of this nature, either directly or, if it is a government thing, through our government, whether it is elected or the present one that is there, or if it is through private individuals, then there can be a direct approach to Rotary, or the Red Cross, so that these things can be given out to people who really deserve to get them. So that we don't get this "give me give me" attitude, which I think a lot of people in Grenada are afraid of.

Senator RUDMAN. Thank you very much.

I think, Mr. Chairman, you realize why I asked the question, because in a broader context, in many of our programs—Senator Kasten who was with us, chairs our Foreign Operations Subcommittee where we deal with enormous amounts of aid. Many of us question, in many cases, how our government handles that aid in terms of not consulting enough with those governments and people who receive it.

Mr. HUGHES. I was taking it on a very low level, and you are taking it to something which is much, much higher, which is government aid to us. There are very few areas on which you can overspend in Grenada.

Senator RUDMAN. We understand that.

Mr. HUGHES. Again in that case, it is not for you to decide whether the majority of the stuff should go on roads or the airport. Unless we are involved in it, then the direction in Grenada is going to pass from St. George's to Washington.

Senator RUDMAN. Precisely, that is my point, and you make it very well.

Mr. HUGHES. We don't want that to happen.

Prime Minister CHARLES. I would like to say that in the three-and-a-half years that I have been in government, I have found that working with U.S. AID, regarding projects for the country, there is complete and absolute consultation. At no time has U.S. AID tried to tell me, "This is where you should spend the money, and this is where we will not give you money." They look for your priorities, and where they can assist you, they do.

I must say that they have made a great effort to assist us in the things that have given us, but they expect us, the government, to decide what the essentials are. This is something that we have also found with the European Commission.

If fact, if I may give an example. The European Commission, for example, wanted to assist on a road. I insisted that it had to go on a particular road, and they wanted to put it on another road. I merely told the official that I will not accept the money. You can keep it. I will not accept it unless it is put on the road that I want it put. He said, "Do you really mean it?" I said, yes, but you have to put it in writing that you are not giving it to me so that I can put it in all of the newspapers in Europe." Of course, I got it on the road that I wanted. [Laughter.]

Prime Minister CHARLES. I have found with the U.S. AID, we have had a very good rapport and an ease of understanding to the point that if I write and say, "We need so-and-so. Can you find the money?" The answer is, of course, "We have given you so much." I say, "Well, look again." I have found them to be very helpful.

Senator RUDMAN. Madam Prime Minister, I would expect that almost no one in your country would try to do anything that you disagreed with—I am talking about outsiders, not your own constituents.

Thank you.

Senator MCCLURE. Mr. Noel, you raised one question and I would like to follow through on it for just a moment. You said that you need to have a judicial process to determine the guilt or the innocence of the people who may have been involved, and you don't have the competent staff to prosecute or to hear those cases.

Are you suggesting that we assist in providing personnel, and if so, how?

Mr. NOEL. Having spoken with the American people in the field, they have, in fact, made it very clear to me that, again, it is either your Senate or Congress laws that do not provide facilities, that is, the logistics for helping, not only Grenada but any country, in the legal field. In any case, your legal system differs from ours in the concept of common law and your laws.

I think that in giving aid to Grenada, some means can be found whereby part of that aid, either through the United Nations or the Commonwealth Secretariat in London, through the OAS in Washington, or some agency, whereby competent staff can be had to house our legal department in Grenada for the purposes of seeing that justice is done.

It seems to me that it is now that the defense, and quite rightly so, is going to be well represented by competent and well-reputed people around the world. Justice to me is not a one-way street. It doesn't only balance to the defense, and not to the prosecution. It must balance, full stop, and for it to balance in our situation there must be competence on both sides, or else the people in Grenada would not get the confidence that what was done, if it was wrong and if the persons concerned were, in fact, responsible, that they should not just walk out or be convicted without due process.

Senator MCCLURE. Where would we find these competent personnel? Should we look towards providing you the means to locate and compensate them? Should we look within the organization of Eastern Caribbean States, should we look within the OAS to provide personnel, or simply to provide the mechanisms by which you would do it yourself?

Mr. NOEL. I think that is can be done both ways. But in the Caribbean, we have very competent legal personnel. In the Commonwealth, we have an abundance of legal personnel. I am not talking here simply of India and Africa, if you want to relate it to ethnic origins, but in Canada, England, Australia, and Singapore.

Senator MCCLURE. Our friends in Canada have indicated that they were not just willing but very anxious to provide assistance, and I wondered from what sources the Grenadian people themselves would find it

acceptable. I don't think that we can send judges and prosecutors into your country, unless there is as a matter of fact a local acceptance of both the need and the type and the personality of the people who come.

Mr. NOEL. I think again, sir, as with all aid, there has to be consultation. The people in the interim government, in fact have been concerned about having a low body. We have gone to the Governor General with a delegation expressing our concern. He has, in fact, responded to say, (a) there is a problem with the financing for hiring competent people; (b) locating them. I think that it is in that field, the diplomatic experience and expertise of the United States can in fact come to bear.

Prime Minister CHARLES. I think we have assisted in locating some of the persons for them, but the financing, we have not been able to do that.

Senator MCCLURE. Again, I want to express not only my profound personal thanks to you, but thanks on behalf of this committee, of the Senate, and I think the entire Congress for your involvement, and for your appearance and presence here today. It has been most impressive. Again, I just wish that all Americans had had the opportunity to sit and listen today, perhaps our perspectives would be better.

Thank you very, very much for your appearance.

The meeting is adjourned.

ATTITUDES AND OPINIONS OF GRENADIANS TO THE OCTOBER 25 MILITARY INTERVENTION AND ITS AFTERMATH

During the last week of December 1983 and the first week of January 1984 a public opinion survey was conducted in Grenada by St. Augustine Research Associates of Trinidad and Tobago to try and determine in some quantified form the reaction of Grenadians to some of the traumatic events which took place in their country following the execution of their Prime Minister, Maurico Bishop.

Note on the Sample. Seven hundred and eleven persons were interviewed by seven Grenadian field workers in carefully selected areas of the country. The demographic characteristics of the sample were based on the 1970 census. Males constituted 46 per cent of the sample, while the remaining 54 per cent were females.

In terms of age, the 16-21 cohort constituted 16 per cent; the 22-30 group, 29 per cent; the 31-40, 20 per cent; the 41-50, 15 per cent and the 51 and over, 20 per cent.

In terms of class, 59 per cent were classified as lower class, 30 per cent lower middle or middle class, while 11 per cent were described as belonging to the upper class. These classifications were determined by the interviewers themselves in terms of ascribed social class criteria using indices such as job held, place of residence, colour and deportment.

Questions were also asked to try and determine attitudes to the political options which might be available to Grenada in the near future.

I

The first question asked related to the issue of intervention or the rescue mission as some prefer to call it. As many as eighty-six per cent of those polled regarded the intervention by the multi-national force as a "good thing". Only 7 per cent were unequivocally opposed to intervention of any kind. The forty-one to fifty and the 51 and over groups were a bit more hawkish on this issue. Ninety-five and ninety-three per cent of them respectively saw the intervention as a "good thing" compared to eighty per cent for the 22 to 40 year age group.

There has been a lot of controversy about the decision of Caribbean countries and the United States to intervene with military force in Grenada. Some people say the intervention was not justified in that there were better ways to resolve the problem. Yet others have said that the intervention was against the principles of international law and the United Nations Charter and should never have been undertaken. Which of the following statements best describe your own reaction to the military intervention?

	Percent
1. Intervention by multi-national force made up of Caribbean and American Troops was a "good thing"	86
2. Intervention was a good thing but only Caribbean States should have been included	1
3. Intervention was a "good thing" but the multi-national force should also have included troops from British and other Commonwealth countries	3
4. Intervention was not justified since people of Grenada could have dealt with the issue themselves in due course	3
5. Caribbean Governments should have negotiated with the RMC before deciding to intervene militarily	2
6. Intervention was against principles of international law and UN Charter and should never have been sanctioned	3
7. Intervention was a disgraceful episode in Caribbean history	1
8. Other	1
Total	100

Those favouring intervention were asked whether they were upset that the Governments of Trinidad and Tobago and Guyana did not associate themselves with the military exercise. Thirty-five per cent replied that it was of no consequence to them whether the two countries participated or not. Thirty-one (31) per cent said that it was. Twenty-seven per cent were particularly concerned that Trinidad and Tobago opted out.

Trinidad and Tobago and Guyana were among the Caricom states that did not join in the military invasion. Did it upset you that these countries did not join, or are you upset that only one of them did not? Did it in fact matter to you at all whether they came in or stayed out?

	Percent
1. Upset that both did not join	31
2. Upset that Trinidad and Tobago did not join	27
3. Did not matter at all whether they both stayed out	35
4. No opinion	3
5. Other	3
6. No response	1
Total	100

What should be done with the Bernard and Phyllis Coard, Hudson Austin and other members of the Ruling Military Council who allegedly gave the instructions to eliminate Maurice Bishop and other members of the PRG and are now in detention? Should they be detained, tried in regular courts, special courts, freed or left to the mercy of the crowd? Thirty percent said they should be tried in a special court, 17 percent felt that the regular courts would suffice, while seven percent were of the view that they should be kept in detention. Ten percent felt that they should be handed over to the people for summary justice.

What do you think should be done with the Coards, Hudson Austin and the other members of the RMC?

	Percent
1. Keep them detained	7
2. Bring them to trial in regular courts	17
3. Bring them to trial in a special court	30
4. Free them	0
5. Send them to Cuba or some other country like Guyana or Soviet Union	1
6. Let people deal with them	10
7. Don't know	6
8. Other	30
Total	100

The Reagan Administration claimed that the airport which was being constructed at Point Salines was a military facility which would be used as a base for surveillance and "subversion" by the Soviets and the Cubans. The PRG on the other hand insisted that the Airport was being built to improve Grenada's tourist potential. Now that the Cubans and Soviets have been expelled, to what extent do Grenadians feel that the Americans are morally obliged to complete the construction of the airport? Sixty-six percent of our sampled population believe that there was such an obligation, while 26 percent felt that the U.S. was under no such obligation. Five percent said they had no opinion on the matter.

Do you think that the Americans are morally obliged to complete the construction of the Airport at Point Salines?

	Percent
1. Yes	67
2. No	26
3. Don't Know	5
4. Other	2
Total	100

II

The Reagan Administration and the leaders of the Eastern Caribbean States, Barbados and Jamaica have claimed that the PRG was seeking to convert Grenada into a Cuban/Soviet Base and that this constituted a threat to other areas of the hemisphere. This was given by these governments as one of the reasons for military intervention. To what extent did Grenadians themselves share this view? Fifty-six per cent agreed that the allegation was indeed true while 18 per cent demurred. Twenty-four per cent said they really did not know whether the claim was true or not.

The Americans have said that the PRG was seeking to convert Grenada into a Cuban/Soviet Base. Do you agree?

	Percent
1. Yes	56
2. No	18
3. Don't know	24
4. Other	2
Total	100

The 41-50 year olds and the 51 plus were more unequivocal about this than their younger counterparts. Sixty-six percent of them felt that the allegation was true compared to 49 percent of the 22-30, 52 percent for the 16-21, and 54 percent of those who

were 31-40. Seventy percent of the upper-class agreed compared with 55 percent of the middle and lower class respectively. The differences in terms of Sex were not significant.

Of those who said they believed the allegation to be true, 91 percent said they were opposed to it, while only 6 percent said they were not. Three percent expressed no opinion. The older folk and those classified as upper class were, not surprisingly, a bit more opposed than their younger and less socially privileged counterparts. Ninety-five percent of the latter and 92 percent of the former expressed opposition compared to 88 percent of the under 21 cohort. On the whole, however, opposition was uniform.

Were you opposed to this?

	Percent
1. Yes	91
2. No	6
3. No opinion	3
Total	100

III

Reports have appeared in the regional press and elsewhere that the foreign troops who were sent to Grenada misbehaved while there. The Soviets have made these allegations. So too did a group of Quakers from the United States. It is said that they interfered with the civil rights of the Grenadians and that some troops terrorised Grenadian homes and even molested Grenadian women. To what extent do Grenadians share this view? To the extent that the allegations were regarded as true, which nationalities were seen as being more culpable? Forty-five percent of those interviewed said that the allegations were not true, while 15 percent said they were. Thirty-five percent said they were not aware of any misbehavior. Of those who agreed that the troops did misbehave, 62 percent felt that the main offenders were the Jamaicans, while only 15 percent blamed the Americans. Fifteen percent blamed troops from OECS while 8 percent said Barbadians were the worst offenders.

There has been some speculation that there might be an outbreak of violence after the departure of the foreign soldiers. There has also been some debate as to what should be done to preempt or contain it. What were the views of the sample? As many as seventy-four (74) percent of them said that violence was a real possibility, and that a foreign peace-keeping force was therefore a necessity. Six (6) percent said that no major political violence was likely and a Grenadian police force would therefore suffice to maintain law and order. Four percent felt that a Grenadian police force would be able to manage in 6 months time while 11 percent felt such a force would require a year before it could take over peace-keeping responsibilities.

Some people say that there is a chance that serious political violence will break out when the multi-national force withdraws and that a multi-national peace keeping force is necessary for a while. Others deny this and say that a Grenadian Police Force can in fact maintain law and order. What is your view about this?

	Percent
1. Foreign peace-keeping force necessary after military withdrawal to maintain order	74
2. No major political violence expected. Grenada police can maintain law and order	6
3. Grenada police force should be able to maintain law and order about six (6) months after withdrawal of foreign peace-keeping force	4
4. Grenada police force should be able to maintain law and order after one (1) year of withdrawal of foreign peace-keeping force	11
5. Don't know	4
6. Other	1
Total	100

Women were more concerned about the possibility of violence and thus the need for a peace-keeping force than men. Eighty percent of them were of this opinion compared to 66 percent of the males in the sample. The 41-50 and the fifty-one and over were also more sanguine about this prospect than the younger members of the sample. Eighty-six and 83 percent of them respectively expected violence compared to 63 percent of the 22-30 age cohort. The lower class was also more anxiety ridden than their social betters. Seventy-seven percent of them expressed apprehension compared to 69 and 71 percent for the middle and upper classes respectively.

IV

Was the NOM "on the whole" "good for Grenada despite its eventual deterioration or was the party unequivocally bad for Grenada"? Thirty-eight percent of those sampled felt that the party which seized political power in 1979 had been a positive force in Grenada while 44 percent felt that it was "bad for Grenada". Five percent did not know while 4 percent refused to answer.

Taking everything into consideration, what is your opinion about the performance of Bishop and the NOM regime between 1979 when they overthrew Gairy and the time of General Austin's takeover. Do you think that on balance they were "good for Grenada" or do you think they were "bad for Grenada"?

	Percent
1. On balance good for Grenada	38
2. On balance bad for Grenada	44
3. Don't know	5
4. Refuse to say	4
5. Other	9
Total	100

Males were slightly more critical of the PRG than females (46-42). The younger one was, the less critical one was. While only 26 percent of the 16-21 said that the PRG was bad for Grenada, 37 percent of the 22-30 were of this view, 39 percent of the 31-40, 56 percent of the 41-50 and 61 percent of the 50 and over. Fifty-five percent of the 16-21 said the PRG was good for Grenada, compared to 30 and 27 percent of the 41-50 and 51 and over respectively. In terms of class considerations, while 41 percent of the lower class said the PRG was good for Grenada, only 30 percent of the upper class held this view. Fifty-five percent of the latter group felt the PRG was "bad for Grenada" while 40 and 46 percent of the middle and lower class respectively were of this mind.

When asked which of the policies of the PRG they disliked most, 20 percent identified their involvement with Cuba, the Soviet Union and the rest of the Socialist bloc, 15 percent cited their policy of detaining political opponents, 12 percent pointed to the suppression of the press while 10 percent said they disliked all their policies. Only 7 percent said they were upset most by the PRG's failure to call elections. The most disliked policies in order of importance were as follows:

Which of the policies of the PRG did you dislike most?

	Percent
1. Involvement with socialist bloc (Cuba, Russia, North Korea etc.)	20
2. Policy of intimidating or detaining opponents	15
3. Interference with freedom of press and other civil Liberties	12
4. Dislike all their policies	10
5. Failure to call elections	7
6. Creation of armed militia	5
7. Other	12
8. No opinion	19
Total	100

The upper class were distinctly more upset about curbs on the freedom of the press. Nineteen percent of them cited this area as being bothersome compared to 11 percent of the working class.

V

There is a great deal of controversy as to how soon new elections should be scheduled in Grenada and how long the Caretaker Administration should stay in office. The answers given suggest there is no desire for early elections. Twenty-nine percent of those polled said the Caretaker Administration should remain in office for 2 years, while 15 percent said they should remain for 18 months. Twenty-two percent want the caretakers to remain for at least a year. Eleven percent felt that 6 months was sufficient.

How long do you think the new caretaker should remain in office before elections are called? Six months, a year, two years or more than that?

	Percent
1. 6 months	11
2. 1 year	22
3. 18 months	15
4. 2 years	29
5. Don't know	8
6. Other	15
Total	100

How would Grenadians vote if an election was called in 1984? The results indicate that a great deal of uncertainty prevails among the electorate. No doubt this has to do with their uncertainty as to which parties and individuals would be offering themselves and in what combinations. Some persons have also become very disenchanted with politics and report that they would not vote at all. Thirty-nine per cent of our sample said they did not know how they would vote, while 23 per cent said they would not exercise their franchise. Seven per cent said there should be no elections. Only small numbers chose to identify a party of choice. Less than five per cent (4.5) were prepared to say they would vote for the GULP, the party of Gairy, 4 per cent said they would vote for the recently dislodged NOM while less than 4 per cent (3.5) said they would vote for the Grenada National Party of Herbert Blaize.

If an election were to be called in 1984, which party would you vote for?

	Percent
1. N.O.M.	4
2. GULP	5
3. G.N.P.	4
4. G.D.M.	2
5. U.P.P.	1
6. Would not vote	23
7. Don't want any elections	7

	Percent
8. Don't know	39
9. Refuse to say	14
10. Other	1
Total	100

Males, older persons and those classified as lower class were slightly more willing to vote GULP than others. The numbers were however too small to make meaningful comparisons. No significant patterns appeared in the support recorded for the NOM except that whereas 6 per cent of the under 21 said they would vote for them, only 1 per cent of the fifty one and over were prepared to do so.

Quite apart from what they themselves would do, Grenadians are also uncertain as to what others in the society would do if an election were to be called next year. Fifty-seven per cent said they did not know which party would win, while 10 per cent felt no one party would win a clear victory. Nine per cent felt that there would be political violence when elections are held. The lower class elements were more concerned about this than the upper class. Eleven per cent of the former and 4 per cent of the former were apprehensive.

Quite apart from how you yourself would vote. What do you think would be the result of such an election?

	Percent
1. NOM victory	3
2. GULP victory	6
3. GNP victory	3
4. GDM victory	2
5. No clear victory by any party	10
6. Don't know	57
7. Refuse to say	4
8. Political violence	9
9. Other	5
Total	100

If an election were called in 1984, should any person or party be prevented from contesting? Fifty-one percent felt that the NOM should be banned, 51 percent think that the GULP should be banned, while 61 percent believe that Gairy should be debarred.

Some people feel that the NOM, the GULP and Gairy should be prevented from taking part in the coming elections. How do you feel?

NOM should be debarred:	Percent
Yes	51
No	40
Refuse to say	2
Do not know	6
No response	1
Total	100

GULP should be debarred:	
Yes	51
No	41
Refuse to say	2
Don't know	5
No response	1
Total	100

Gairy should be debarred:	
Yes	61
No	32
Refuse to say	1
Don't know	5
No response	1
Total	100

Those over forty and those of the lower class were somewhat more anxious to have the NOM debarred while the lower class was decidedly more anxious to have the GULP banned. While only 39 per cent of the upper strata wanted the GULP banned, 55 per cent of the lower strata desired this. The same pattern reflected itself in terms of Gairy. Whereas 50 per cent of the upper strata wanted to see Gairy prohibited, 64 per cent of the lower strata would deprive him of his civil right.

What the findings show is that the upper strata were more liberal on many issues than the under class. It also shows very clearly that the assumption that Gairy would win by a majority or plurality in any forthcoming election is without foundation and that Gairy might well have assessed his chances far more accurately than some armchair speculators. The fear expressed in some quarters that younger Grenadians would support the NOM in any future electoral contest and that violent confrontations might ensue between Gairyites and Jewalites does not appear to be supported by the evidence presently available. It is worth noting that 52 per cent of the 16-21 and 49 per cent of the 22-30 wanted to have the NOM disbarred.

Clearly, the political situation in Grenada is extremely fluid. Grenadians seem inclined to want to put party politics on the backburner and address other issues deemed to be more urgent and practical. What they seem to be saying via this survey is that they want social peace guaranteed by a foreign presence, a caretaker administration which would remain in office for a period of a year or more and completion of the Airport by the Americans. They no doubt also hope that the international community would help them to refloat the ravaged economy and provide support for projects designed to upgrade the material base of the society which degenerated so sharply under the PRG regime.

THE U.N. AND GRENADA: A SPEECH NEVER DELIVERED

(By Jeane J. Kirkpatrick)

(THE AUTHOR.—Ambassador Kirkpatrick, prior to her appointment as the United States Permanent Representative to the United Nations in January 1981, was Leavey University Professor at Georgetown University and Resident Scholar at the American Enterprise Institute of Public Policy Research. Her career has spanned faculty positions in the United States and abroad, active membership in various professional and educational organizations, and many academic honors. She is the author of five books and numerous articles.)

(EDITOR'S NOTE.—On November 2, 1983, the U.N. General Assembly took up the question of Grenada in a resolution sponsored by Nicaragua, Zimbabwe and Guyana, which called for the immediate cessation of fighting on the island and withdrawal of all troops, characterizing the intervention as a "flagrant violation of international law." Debate on the resolution was preempted by a cloture motion introduced by the People's Democratic Republic of Yemen and carried by 60 votes to 54, with 24 abstentions. The Nicaraguan resolution was adopted 108 to 9, with 27 abstentions. The only countries voting with the United States were the Eastern Caribbean states that had requested the intervention, plus El Salvador and Israel.

(Ambassador Kirkpatrick later described that day as the "lowest point" in her three years at the U.N. She expressed indignation at spurious comparisons between Grenada and Afghanistan, and bitterness at allied nations which seemed to have forgotten their own armed liberation from oppressors. She scored the curtailment of debate in a body that was created expressly for the full airing of international issues.

(There was additional irony in the circumstance that the cloture motion came from South Yemen, a Soviet-controlled state that in 1978 experienced the assassination of its pro-Soviet president and his replacement by an even more staunchly pro-Soviet leader—in other words, experienced a pattern remarkably similar to that which unfolded in Grenada in 1983.

What follows is the speech that Ambassador Kirkpatrick prepared for the debate on November 2, but was prevented from delivering.)

Mr. President: The United States did not oppose the inscription of "The Situation in Grenada" under Rule 15 as an additional item for consideration by the General Assembly during the current session. The United States does not object to debate of this issue. To the contrary, we welcome a full, judicious consideration of all the facts pertaining to the situation in Grenada, convinced that an understanding of the situation will support the actions of the Organization of Eastern Caribbean States and its associates, including the United States; that the use of force by the task force was lawful under international law and the U.N. Charter because it was undertaken to protect U.S. nationals from a clear and present danger, because it was a legitimate exercise of regional collective security, and because it was carried out with due concern for lawful procedures in the service of the values of the Charter—including the restoration of the rule of law, self-determination, sovereignty, democracy and respect for the human rights of the people of Grenada.

We did object to giving special priority to the consideration of this item, not because we do not deem it important—obviously we do—but because the situation that now prevails in Grenada is not more urgent than other matters still to be considered by the Assembly—matters that involve the same basic values of the Charter and even more human lives, such as the situation in Lebanon, Southern Africa, Central America, Afghanistan, the war between Iran and Iraq—or other issues that will not come before the Assembly at all, such as the aggression against Chad, or the repression of the Polish people, or the persecution of Andrei Sakharov, Anatoly Shcharansky, Jose Pujals, Ricardo Bofil, Eloy Gutierrez Menoyo and other beleaguered defenders of human rights. Moreover, we deemed it hypocritical and politically tendentious to turn the Assembly's urgent attention to the situation in Grenada only after the real emergency in that country had passed—which is to say, only after Grenada had been rescued from the murderous elements that had taken over the country, threatening the people of that country and the neighboring states as well.

"APPLICATION OF UNIVERSAL NORMS"

But now the issue is before us, so let us consider it in all its aspects. Let us consider all the issues raised in this resolution. Let us consider the situation that prevailed in Grenada before the intervention of October 25th. Let us consider whether that situation was such as to warrant the use of force in a manner consistent with the Charter of the United Nations. Let us consider whether the principle of self-determination was violated or upheld. Let us consider whether the sov-

ereignty of Grenada was destroyed or restored. Let us consider whether the people of Grenada were victimized or liberated. Let us consider whether the cause of peace was damaged or served.

These may appear to be difficult questions, but the difficulties disappear when they are addressed not in the abstract, but in the context of the concrete circumstances that led small, peaceful, democratic island states of the Caribbean not merely to sanction the intervention but to request and to participate in it. The test of law lies not in the assertion of abstract principles, but in the application of universal norms to specific situations. A court that cannot distinguish between lawful and criminal use of force, between force used to protect the innocent and force used to victimize them, is not worthy to sit in judgment. The failure to draw such distinctions will not preserve law as an instrument of justice and peace, but will erode the moral and legal—and ultimately political—foundations of civilized existence.

"AN AUTHENTIC REIGN OF TERROR"

First there is the question of force. The intrusion of force into the public life of Grenada did not begin with the intervention of October 25th. From 1979 Grenada had been ruled by a government that came to power by coup, overthrowing a corrupt, though elected, predecessor. The government of Maurice Bishop was initially welcomed by Grenadians. Initially it promised to hold elections and respect basic human rights. These promises were honored in the breach, as the government attempted to impose a Castro-style dictatorship with Cuban and Soviet aid. Eventually, when Bishop sought to free himself from the Cuban-Soviet grip, he was arrested by his Cuban-trained deputy, Bernard Coard, and shot in cold blood on October 19th along with other members of his cabinet and political leaders. At least 18 deaths were confirmed and many more were reported, including those of women and children. There was no court, no trial, no judgment, only murder. Expressing "horror at these brutal and vicious murders," Prime Minister Tom Adams of Barbados said that the division in the Caribbean now went "far beyond ideological pluralism" and "is the difference between barbarians and human beings."

In the wake of these murders, the People's Revolutionary Army announced the dissolution of the government and the formation of a 16-member Revolutionary Military Council with General Hudson Austin as the nominal head. This group was not a government—it indicated that it would subsequently announce a government—but literally a gang of murderers who imposed an authentic reign of terror upon the Grenadian people. In decreed a 24-hour curfew, warning that violators would be shot on sight, and closed the airport, thereby entrapping nearly 1,000 U.S. citizens—each and every one a potential hostage. Although the Military Council gave assurances that the airport would be opened on October 24th and foreigners allowed to depart, it failed to fulfill that assurance. The threat of violence against these Americans citizens, and against the people of Grenada, was real and imminent.

"INFRASTRUCTURE FOR HOSTILITY AGAINST NEIGHBORING STATES"

Grenada's neighbors also feared for their security. During the period of his rule, Bishop had permitted Grenada to be transformed into a base for the projection of Soviet and Cuban military power in the Western Hemisphere. The instruments of violence and deception assembled during Bishop's tenure now fell into the hands of Bishop's murderous successors, presumably even more pliant tools of Soviet and Cuban designs. Here is how this new threat was viewed by Prime Minister Edward Seaga of Jamaica, one of Grenada's Caribbean neighbors. The danger, he told the Jamaican Parliament on October 25th, arose "from the capacity of the leadership which seized power to use the armed capabilities and military infrastructure of Grenada for acts of hostility against neighboring states." He went on:

The size and sophistication of the armed force of Grenada can be measured by a comparison with those of Jamaica. Grenada, having only one-twentieth of the population of Jamaica, had mobilized an army that was one and a half times as large as the Jamaica Defense Force. Some of Granada's neighbors have no army at all; others have armies of less than 200 men.

The new airstrip, in the final stages of completion by Cubans, added another capability which in the hands of sane men would have offered no threat, but against the background of the insanity of the past two weeks would be a logical staging area for countries whose interests are similar, and who have ambitions for using Grenada as a center for subversion, sabotage and infiltration within the area and against member states of the Organization of Eastern Caribbean States.

Again, the powerful broadcasting station in Grenada, standing on its own, although capable of reaching from one end of the Caribbean to the other and far exceeding the power of any station in Jamaica, would in itself not necessarily be a threat, but in the hands of extremists of a military or ideological nature, both of whom exist in Grenada, constitutes a potent weapon for subverting neighboring states.

While Maurice Bishop was alive, there was some indication that these capabilities could and would be used in this subversive manner against neighboring states, as there were complaints regarding training of a paramilitary nature taking place in Grenada among citizens of neighboring countries known for their own subversive interests.

However, whatever may have been the threat, it was minimal in the hands of Maurice Bishop, who was a moderate in comparison with the military and political leaders of the regime which overthrew him. A totally different picture emerges when this array of military and subversive capability came to be at the disposal of one of the most extremist groups of men to assume control of any country in recent times. Few countries can have claimed the experience of having its entire cabinet wiped out in the manner in which that of Grenada was exterminated. Who then can blame the Eastern Caribbean states for perceiving this combination of awesome might and brutal men, who apparently had no concept of where to stop in taking human life, as a prelude to hostile action being taken beyond their own borders by those in power in Grenada?

"WAREHOUSES PACKED WITH ARMS"

Prime Minister Seaga made these comments on the basis of the perceived threat emanating from Grenada but before the full scope of the Soviet and Cuban military capability on the island had been uncovered. These fears, as he subsequently said, were amply confirmed by what was found on the island, including "thousands of crates filled with millions of rounds of ammunition and a large number of other crates of Russian AK-47 submachine guns. Heavy artillery capable of firing 2,000 rounds per minute, anti-tank weapons and anti-aircraft installations * * * embedded in the hillside around Point Salines have been uncovered. * * *" He went on:

There is no longer any mystery, therefore, about what was going on at the Cuban-built airport at Point Salines. The airport has turned out to be nothing less than a sophisticated military camp. All the signs and directions are in Spanish, none in English. Facilities are present throughout for the storage of arms, and there is no evidence of provision being made for any normal commercial or civilian traffic. The installation is filled with places to hang rifles—even in the sanitary conveniences. The six warehouses packed with arms and other discoveries speak more eloquently than any words could of a Grenada that was being converted into a fortress and a base camp for hostile activities against its neighbors and within the region.

The Prime Minister does not speak of the weapons found in the small island of Carriacou adjoining Grenada, where only yesterday were uncovered 700 rifles and 38 Soviet-made AK-47s, rocket-propelled grenades, 150 cases of ammunition, two jeeps, a truck, a generator, radio equipment and a dozen cases of TNT. Less than a mile from Grenada's "tourist" airport, six warehouses were found which contained materiel of a similar variety, but in far larger numbers—enough to outfit two brigades, or 8,000 men, according to U.S. military officials.

"SECRET TREATIES FOR COVERT SUPPLY OF ARMS"

Mr. President, these discoveries revealed only what had already been emplaced in Grenada. They do not speak of the buildup that was envisioned through 1985 and agreed to in five secret treaties, three with the Soviet Union, one with Cuba and one with North Korea, which alone had agreed to supply $12 million worth of arms. These secret treaties provide for the covert supply of arms to Grenada from the Soviet Union, to be transshipped through Cuba—a pattern that is also being followed in Central America. The arms included millions of rounds of ammunition, sniper rifles, armored vehicles, naval patrol craft from North Korea, anti-aircraft guns, anti-tankguns, mortars, thousands of automatic rifles, hand grenades and land-mines, and 18,000 military uniforms—18,000 military uniforms for a country with a population of only 100,000. In addition, the treaties provided for assistance in the creation of a force run by the Ministry of Interior and for surveillance equipment and other items used by the KGB. They also provided for training Grenadians in the Soviet Union.

Mr. President, the United Nations was established to beat swords into plowshares. In Grenada, the Soviet Union and its proxies beat plowshares into AK-47s, machine guns and heavy artillery.

"DIRECT APPEAL TO THE OECS"

Is there any reasonable basis for concluding that the fears of Grenada's neighbors were unfounded? Can any prudent judgment question the urgent appeal from the Organization of Eastern Caribbean States for assistance in meeting this threat to their security?

The OECS, a subregional body established to promote regional cooperation and collective security, determined that the collapse

of government and the disintegration of public order in Grenada posed a threat to the security and stability of the region. As a consequence, the OECS members decided to take necessary measures in response to this threat, in accordance with Article 8 of the OECS Treaty. They sought the assistance of friendly foreign states to participate in a collective security force. The United States, together with Barbados and Jamaica, agreed with the OECS assessment of the gravity of the situation and offered to contribute forces to a collective action in support of this regional measure. The Governor General of Grenada made a confidential, direct appeal to the OECS to take action to restore order on the island. As the sole remaining authoritative representative of government in Grenada, his appeal for action carried exceptional moral and legal weight.

Listen to the Governor General's description of his request and his thoughts about it, as expressed in a BBC interview:

Q. Does it not seem a little strange that the Governor General of a Commonwealth country should ask America to intervene rather than Britain?

A. Well, I thought the Americans would do it much faster and more decisively. At first, I was against invasion of the country. But things deteriorated very rapidly. You see, when the military took over, they quickly came to me and acknowledged my authority as representative of the Queen, in the same way as the People's Revolutionary Government did when they overthrew the elected government. And at first I thought they were the right people. I was impressed. But within a very short time I thought things deteriorated rapidly. For example, I still need to know what became of the bodies of people who were killed on that day, including the bodies of Prime Minister Bishop and three Cabinet Ministers. I know that these bodies have never been handed over to relatives, and I am advised that these bodies were never taken to the hospital or any of the two undertakers in town.

Q. What was the moment you decided that an invasion was necessary?

A. I think I decided so on Sunday the 23rd, late Sunday evening.

Q. But the British say that on that day you told them you still didn't want one; that was early in the day, was it?

A. I did see somebody earlier in the day, and during that time I did see somebody and they said you know invasion was the last thing they wanted, and I said it in my speech. But if it came to that, I would give every support; and later on, as things deteriorated, I thought, because people were scared, you know, I had several calls from responsible people in Grenada that something should be done. "Mr. Governor General, we are depending on you [that] something be done. People in Grenada cannot do it, you must get help from outside." What I did ask for was not an invasion, but help from outside.

Q. Do you regret that the British were not associated with America in coming in?

A. I would not like to comment on this. I'm afraid in my position I would not like to blame any country for anything or to express such regrets. But what I can say is that we were very, very grateful that these other countries came to our rescue and they came just on time.

Q. Did you invite Britain to take part?

A. No, I did not invite Britain to take part, and I asked for help from the OECS countries. I also asked the OECS to ask America whether they can help. And then I confirmed this in writing myself to the President of the USA.

Q. How long, sir, do you think the Americans should remain here?

A. I would like—and I speak for the people who have to live and work in Grenada—I would like them to remain here as long as it is necessary. This I cannot say at the moment. I cannot say two weeks or three weeks or two months. I don't know.

And Governor General Scoon said, further, in his radio speech to the people:

Innocent men, women and children were also killed or injured. To say the least, I was deeply saddened, and I shall like to extend hearfelt sympathy to the bereaved families. The killing of Prime Minister Bishop and the subsequent control of our country by the People's Revolutionary Army so horrified not only Grenadians but the entire Caribbean, the Commonwealth and beyond that certain Caribbean states with the support of the United States of America decided to come to our aid in the restoration of peace and order. Of course, intervention by foreign troops is the last thing one would want for one's country. But in our case, it has happened in deteriorating circumstances, repugnant to the vast majority.

"CONSISTENT WITH THE CHARTER OF THE U.N. AND OF THE OAS"

Mr. President, collective action in response to the kind of dangerous situation that existed in Grenada is consistent with the Charter of the United Nations and with the Charter of the Organization of American States. Both Charters expressly recognize the competence of regional security bodies in ensuring peace and stability. The OECS states are not parties to the Rio Treaty, and the OECS Treaty, which concerns itself in part with matters of collective security, is their regional security arrangement.

Article 22 of the OAS Charter states that measures taken pursuant to collective security agreements do not violate the OAS Charter provisions prohibiting intervention and the use of force. Similarly, Article 52 of the U.N. Charter expressly permits regional arrangements for the maintenance of peace and security consistent with the purposes and principles of the United Nations. The actions and objectives of the collective security force, in the circumstances I have described, are consistent with those purposes and principles.

The OECS states, in taking lawful collective action, were free to call upon other concerned states, including the United States, for assistance in their effort to maintain the peace and security of the Caribbean. Assistance given in response to their request is itself lawful. Moreover, U.S. cooperation with the collective security force permitted the safe evacuation of endangered U.S. citizens. Such humanitarian action is justified by well-established principles of international law.

Mr. President, the extent of the danger faced by U.S. citizens in Grenada was vividly illustrated by the numerous photographs of American students kissing the ground after deplaning in the United States. "We thought we could be potential hostages," said one. "We just wanted to get out if we could." Said another, who talked to Grenadians about leaving: "They said they were afraid and they would leave if they could. If they feel that way about their own government, I don't see how I could trust it." Let me also quote, if I may, from a letter that was sent to President Reagan by 65 students last Thursday:

We the students of St. George's University School of Medicine at Kingstown Medical College, St. Vincent, would like to express our appreciation of your concern for the safety of our fellow students in Grenada. . . . Having spent the past two years in Grenada and being in almost daily contact with American students there during the recent unrest, we support your decision. . . ."

"AN INTERVENTION POPULAR THROUGHOUT THE REGION"

There is no question, Mr. President, that the intervention in Grenada was immensely popular throughout the Caribbean region. The Prime Minister of Barbados, Tom Adams, said: "There has seldom been in these islands such virtual unanimous support in the media and at political and popular levels for an action so potentially divisive." The Jamaican columnist and opinion analyst, Dr. Carl Stone, wrote that the intervention in Grenada "is both popular here in Jamaica and in the rest of the Caribbean because of the feelings about the murderous butchers of St. George's." James Nelson Goodsell, the Latin American correspondent for the Christian Science Monitor, reported: "At the recent Inter-American Press Association meeting in Lima, Peru, there was virtually unanimous backing by Caribbean editors for the combined U.S.-Caribbean invasion of Grenada."

Mr. Goodsell's finding was amply confirmed by reactions in the region to the intervention. Mark A. Conyers, the Managing Editor of the Trinidad Guardian, said: "I thoroughly agree with the forces' landing. You have to protect Caribbean democracy. There must be an elected government in Grenada, and this landing should help bring that about." An editorial in the Bridgetown Advocate noted: "If we are really serious about the concept of sovereignty, what has been done has given the Grenadians a real chance to recapture their true sovereignty as a people." This point was echoed in El Universal of Caracas, which said that the action in Grenada was "taken to end totalitarian intervention in the Republic of Grenada, and it will guarantee that island's people the right to freedom and to elect their governments democratically." An editorial on October 27th in Colombia's leading daily, Il Tiempo, noted that the Cubans in Grenada were not simply workers and teachers "but a group armed to the teeth, capable of direct combat in a direct and efficient manner. . . . Now Fidel orders the Cubans dug in on the island to resist until the end, by which he virtually admits that they had already invaded the island by other means and that now they refuse to allow themselves to be pushed away."

"THE VIEWS OF THE PEOPLE OF GRENADA"

I could go on citing regional opinion, but the views that count most are the views of the people of Grenada. Let me quote from Alister Hughes, the Agence France Presse and CANA correspondent and the sole independent news link between Grenada and the outside world until his arrest on October 19th: "I don't regard it as an invasion, but a rescue operation. I haven't met any Grenadian who had expressed any other view." He added: "Thank God they came. If someone had not come in and done something, I hesitate to say what the situation in Grenada would be now."

TV interviews conducted by the Canadian Broadcasting Corporation found the people in the streets of St. George's uniformly favorable to the intervention, a reaction also found by Washington Post reporter Ed

Cody. The Governor General himself, Paul Scoon, said: "The people of Grenada, the people who live and work here, . . . I am well advised have welcomed the presence of these troops as a positive step forward in the restoration not only of peace and order but also of full sovereignty that's enabling our democratic institutions to function according to the expressed wishes of the Grenadian people at the earliest possible time."

"SELF-DETERMINATION INVOLVES RESPECT FOR FUNDAMENTAL FREEDOMS"

The Governor General has, of course, raised here the central issue, the issue of democracy, the issue that is at the heart of the principle of self-government and self-determination. It is the Governor General's intention, which we fully support, that the people of Grenada will exercise their right of self-government and self-determination through the instrumentalities of free elections and free institutions. How, then, has their right of self-determination been violated, as some claim?

The states which make this claim presumably believe that the Grenadian people enjoyed self-determination before October 25th, which is to say, when they were subjected to a brutal reign of terror. The fact that these states include the Soviet Union, Cuba, Nicaragua and others of their imperial vocation should not be at all surprising, since they do not, in fact, see any contradiction between self-determination and totalitarianism, between self-determination and the seizure of power by armed minorities, between self-determination and the subversion of democratic neighbors, between self-determination and absorption into the Soviet Empire.

Self-determination involves respect for "human rights and fundamental freedoms," as stated in Article 55 of the Charter, and it is expressed through "self-government" that takes due account, as Article 76 states, of "the freely expressed wishes of the people concerned." Is there anyone here who can reasonably believe and credibly assert that the prospect for the full enjoyment of this right by the Grenadian people was not immensely better after October 25th than it was before that date? The Grenadian people do not take that view, nor do their neighbors who are closest to their situation.

Life is already returning to usual in Grenada. People are moving freely on the streets after having been confined for ten days.

The Governor General and the people of Grenada know precisely what it plans and how it proposes to achieve its goals. The Governor General is planning for a nonpolitician interim administration to prepare elections and return to democracy.

In the same broadcast quoted earlier, the Governor General announced that 400 soldiers and national policemen from the Eastern Caribbean countries that took part in the landing would be formed into a security force. The Governor General has ordered remaining members of the People's Revolutionary Army and the militia to stop fighting and has officially disbanded the armed forces.

The proof of the pudding, of course, is finally in the eating. It is one thing to rescue people from murderers and another for those same people to hold free elections. The latter does not necessarily follow from the former, although surely free elections and democractic life can hardly exist under conditions of terror. But let there be no question that it is the profound hope of the people of the United States that the Grenadian people shall soon enjoy freedom, democracy and stability. We trust that this hope is shared by those who invoke the principle of self-determination in their objection to the means used to rescue the Grenadian people.

"FORCE USED TO LIBERATE AND FORCE USED TO IMPOSE TERROR"

There are those who say—let us be blunt—that the use of force by the United States in Grenada is equivalent to the use of force by the Soviet Union in Afghanistan or Eastern Europe. Let me just pose the following questions in response: Is there no distinction to be drawn between force used to liberate captive people from terror and force used to impose terror on captive people? Is Solidarnosc in Poland to be equated with the Revolutionary Military Council in Grenada? Is "socialism with a human face" in Czechoslovakia of the Prague Spring the same as communism armed to the teeth in the Grenada of Bishop's killers?

There is, let me say, a parallel to be drawn between Grenada and Afghanistan—a very meaningful parallel. Just as Maurice Bishop was murdered in Grenada because he tried to free himself from the Soviet stranglehold, so, too, was Mohammed Daud murdered in Afghanistan and after him Hafizollah Amin. Let me here also remind the representative of South Yemen that on June 26, 1978, the President of South Yemen, Selim Rubai Ali, and two of his followers were executed for precisely the same reason. They, too, discovered that the only thing more dangerous than embracing the Soviet bear is trying to break loose from its deadly grip. They, too, learned that the price of trying to reverse the course of history—the inexorable course of history, in the Soviet view—is violent death. This, and this alone, is the parallel between Grenada and Afghanistan. The difference is that the people of Grenada have now been spared the cruel fate of the people of Afghanistan.

Speaking before the OAS, the representative of St. Lucia said that the United States is only "guilty of responding positively to a formal request for assistance from some of the Eastern Caribbean states who wish only to maintain their security and protect their people from the totalitarian grip which seeks to place a stranglehold on the Caribbean." There are others in this world who, if not now similarly threatened by the totalitarian grip of the Soviet Union and its proxies—who specialize in gaining power through subversion and terror and then consolidating totalitarian control—may well be so threatened in the future. In voting on this resolution, we ask them to consider what they would do were they to be in the position of the Eastern Caribbean states? What would they want done were their country subjected to the kind of terror that prevailed in Grenada? Would they, too, want assistance? And would they, too, appeal for rescue? And if they would—which would be entirely consistent with a desire to preserve and defend one's nation—we ask just one more question: How can they reconcile that position with a vote in favor of the resolution now before us?

"END OF THE DREAMS AND HOPES OF THE U.N.?"

Has it come to this: That this organization, founded in the wake of a great war against tyrants, comprising from the moment of its birth nations liberated by force from the troops and quisling governments of tyrants, should meet here to deplore the rescue of the people of Grenada from the grip of a small band of murderous men whose clear intention was to secure the permanent subjugation of Grenada and its people and put this small but strategically located island at the disposal of foreign tyrants?

If yesterday's victims of yesterday's tyrants should join today in "deploring" the liberation of today's victim from today's tyrants—and should do so in an organization founded precisely to ensure that there be no more victims, no more tyrants—it would surely mark the end of the dreams and hopes of the United Nations.

[From the Grenada Newsletter]

OECS MEETS IN GRENADA

A two day meeting of Tourism Officials from the Organization of East Caribbean States (OECS) was opened officially on October 6th at the Grenada Beach Hotel by Grenada's Minister of Tourism, Lyden Ramdhanny.

This is the second such meeting, the first having been held in Montserrat in July last, and the agenda for the Grenada meeting includes a review of recommendations made at the Montserrat meeting.

Also down for discussion is a proposed restructuring of the Eastern Caribbean Tourism Association (ECTA) and the financial implications this entails. The meeting will also consider a three-year marketing plan for ECTA and proposals to be put before a meeting of Caribbean Tourism Ministers to be held early in December.

An important item on the agenda is a discussion on the role in Tourism affairs which should be played by the Antigua based Economic Affairs Secretariat of the OECS. The view has been expressed that Tourism in the OECS should be given more attention as an "economic sector," and Swinburne Lestrade, Director of the Economic Affairs Secretariat, is attending this meeting.

RAMDHANNY ADDRESSES ECTA

Grenada's Minister of Tourism, Lyden Ramdhanny, said on October 6th that it is an "open secret" that some member countries of the Eastern Caribbean Tourist Association (ECTA) have expressed concern over the benefits they get from ECTA in relation to their financial contributions.

Mr. Ramdhanny was, at the time, delivering the opening address to a meeting of Tourism officials from the Organisation of East Caribbean States (OECS), ECTA representatives and representatives of the OECS Economic Affairs Secretariat (EAS).

"Today", he said, "when countries are faced every day with more and more financial problems, we cannot afford to have funds spent and not create a return."

The Minister invited the meeting to examine the level of services offered and the financial contributions required by organisations similar to ECTA, and to decide whether ECTA is providing the level of services expected.

"If we expect continued participation by member countries", Mr. Ramdhanny said, "a very detailed and analytic review must be done on this organisation, and I urge you to do so in order to make recommendations to the heads of Government of OECS who are due to meet shortly."

OECS WARNED NOT TO BE SELFISH

Tourism officials in the Eastern Caribbean Tourism Association (ECTA) have been warned against insular selfishness in promoting the visitor trade in countries of the

Organisation of East Caribbean States (OECS).

The warning came from Grenada's Minister of Tourism, Mr. Lyden Ramdhanny, as he addressed the opening session of a two day meeting of ECTA representatives on October 6th.

"We must never ever believe that any one of us can make it on our own," the Minister said. "We must parallel our attempts to break through new markets and sell our destinations with the struggles we have embarked upon collectively to bring about a better understanding on the part of international financial institutions of our unique and disadvantaged position as small island developing states."

Mr. Ramdhanny said it must never be believed that because one island is enjoying more visitors or has a more developed infrastructure, that that island does not need to work closely with its neighbours. In whatever small way, he said, it is imperative that the islands assist each other.

"That is why, in Grenada", the Minister said, "nothing will please us more if our International Airport, when opened, can be used as an intransit point by our neighbours who do not yet have an International Airport."

The Peoples Revolutionary Government will ensure proper and adequate facilities are available for the smooth transfer of visitors wanting to use the Grenada International Airport to get to neighbouring islands, he said.

BISHOP IN PRAGUE

Prime Minister Maurice Bishop, speaking in Prague, Czechoslovakia on October 5th, said new peace proposals put forward by the Soviet Union show the decision of socialist countries to work tirelessly for peace.

This was announced on October 6th by the state-owned and managed Radio Free Grenada (RFG) and the station reported that the Prime Minister also restated his Government's support for the peace efforts in Latin America of the Contadora Group, and for the Nicaraguan peace proposals. RFG said the Prime Minister also repeated his call for the Caribbean to be declared a "zone of peace, independence and development."

AIRPORT PROJECT ON SCHEDULE

All contract work on Grenada's international project is on schedule and the airport will be completed in time for March 13th, 1984, the 5th anniversary of the New Jewel Movement revolution.

This was stated by Minister of Construction and Public Utilities, General Hudson Austin, as he answered questions in a Radio Free Grenada interview programme on October 9th. The questions were put by journalists employed in the state owned and managed media.

"Our airport is a very controversial project", General Austin said, "but for the information of comrades here, I would like them to know that our airport is comparative in runway length to St. Lucia which is 9,000 feet, Antigua which is 9,000 feet, Barbados is a little longer with 11,000 feet and Trinidad is 9,500 feet."

The Minister said the Grenda runway will be 150 feet wide with a "hard shoulder" of 25 feet on each side, and the paving of the runway will be 30 centimetres (nearly 1 foot) thick. Four layers of this paving have already been completed and the final layer will be completed by February 15th next.

The airport will have three power generation stations of its own, General Austin said, the main one, the central generating station, being large enough to supply the entire airport in case of a failure of supply from the national generating station.

"The building has been completed", he said, "and 3 generators of 150 KVA have been installed."

The next important power generating plant is the airfield ground lighting station (AGL) in which a 87.5 KVA generator has been installed and which, in the event of a power failure at the central generating station, will feed the "main aspects" of the airport. The AGL station is 70% completed, General Austin said.

The third back-up generating plant is the 15 KVA non directional beacon station which will power the airport's navigational aids amd which will come into operation if all other power sources fail. The building for this station has been completed, the Minister said, and the equipment and antenna have been installed.

General Austin reported on several other aspects of the project including the terminal building which, he said, is 60% complete. His report included the fuel tank farm where, he said, there are 2 tanks each of 250,000 gallons capacity and 2 other tanks each of 500,000 gallons capacity. The office building and guard hut for this area have been completed and fencing is in progress.

The airport is designed to handle aircraft as large as the Boeing 747, the Illyushin 62 and Illyushin 86, General Austin said, and it is being ensured that the load classification is in keeping with international standards.

Minister of Tourism Lyden Ramdhanny announced in August that the airport will be opened on March 8th next year and that both Pan American and BWIA have expressed "firm interest" in having flights serve Grenada at that time.

Mr. Ramdhanny hoped these airlines would, after the airport opened, continue to serve Grenada together with British Caledonia, British Airways, Wardair and Viassa with whom discussions had been held.

"In terms of the route rights question", he said, "that is on a country to country basis and discussions are still going on on a Government to Government basis with a number of countries".

GES PROBLEMS SOON TO BE SOLVED

The problems of Grenada Electricity Service (GES), which are resulting in daily load shedding and power outages, will be solved in November.

This was disclosed on October 9th by Minister of Construction and Public Utilities in the Peoples Revolutionary Government (PRG), General Hudson Austin, as he appeared in a Radio Free Grenada interview programme answering questions from journalists employed in the state owned and managed media.

"The company has taken action to alleviate the problem of electricity," he said, "and they are hiring 2 generators of 680 KVA from the United Kingdom."

These generators, he said, will be in operation by the beginning of November.

GES was, originally, a joint venture of the Commonwealth Development Corporation (CDC) and the Government of Grenada, shares being divided 59.3% and 40.7% respectively. However, relations between the PRG and CDC deteriorated 2 years ago when the PRG refused to approve an increase in the tariff of electricity rates which, CDC said, was required to facilitate major equipment overhauls and purchase of a new generator.

CDC was accused of putting "profits before service to the people" and a commission was appointed to inquire into GES.

That commission reported in January 1981, but, four months later, ESSO Standard Oil Company cut off GES's fuel supplies pending payment of outstanding bills.

Prime Minister Maurice Bishop then alleged he had discovered a "plot" by ESSO, Barclays Bank International and CDC to sabotage GES, and a law was passed transferring to the PRG, without payment, a sufficient number of shares in the company to give you the PRG control, the PRG then guaranteed the debt to ESSO and appointed Mr. Winston Bullen as manager.

Six months later, electricity rates were raised. "We lost 197 thousand (East Caribbean) dollars in the first six months," Mr. Bullen said, "and we project that we will lose a million this year if we do not restructure the rates."

Help was received from Cuban engineers with the Company's generators, but power outages and load shedding increased. In May last year, Mr. Bullen announced that a loan was being negotiated with the European Investment Bank (EIB) for the purchase of a new generator and, 2 months later, the PRG agreed to pay CDC £235,000 sterling for the confiscated shares in GES.

In his radio interview on the 9th Minister Austin referred to the PRG takeover of GES and said the equipment left by CDC at that time was "of very little use."

"The Grenada Electricity Services as now exists was taken over on behalf of the People of Grenada by the PRG in May 1983" (sic), he said. "A legacy of misuse, abuse and bad maintenance was inherited. Our people understand that."

Of the 7 generators at the power station, one is now useless, the Minister said, and the remaining 6 can generate only 3.6 of the 4.6 megawatts required at peak periods. The unreliability of these generators further contributes to the power outages and shutdowns, he said, and it has been realised that 2 new generators must be bought.

"We accepted a loan of 6.2 million East Caribbean dollars from the EIB," he said, "this loan is for 20 years, there is a 5 year grace period and the interest rate is 2½ percent."

Construction work for the installation of these two new generators has already begun, Minister Austin said, they will be installed and be tested in March, and will be in commission in April next. The two hired generators will be kept for 2 years and will act as stand-bys to the new generators being installed.

CZECHOSLOVAKIA TO SEND GENERATORS

The Peoples Revolutionary Government (PRG) of Grenada is to receive a gift from the Government of Czechoslovakia of 3 electricity generators, each with a capacity of 1.1 megawatts.

Returning on the weekend of October 6th from a visit to Hungary and Czechslovakia, Prime Minister Maurice Bishop disclosed on October 11th this information to the state owned and operated Radio Free Grenada. He said this equipment will arrive next year and will be accompanied by accessories and an estimated two-year supply of spare parts.

The Prime Minister said also the Government of Czechoslovakia has agreed to pay the freight on the shipment of generators to Grenada.

"What these 3.3 (sic) megawatt stations will mean," Mr. Bishop said, "is that we are going to be able to satisfy our electricity

needs in 1984, 1985, and, once we are able to reach an agreement on the supply of the remaining such sets, then we certainly will have the potential, in terms of electricity needs, of taking us up to, perhaps, 1990 or even beyond".

Other aid to be given by Czechoslovakia is establishment of a hydrological station valued at half a million East Caribbean dollars. This station will analyse data relative to Grenada's drinking water reserves, irrigation and the island's hydro-electric potential.

RFG said Mr. Bishop's discussions with the Hungarian Government centred around assistance in the fields of health, industry and agriculture.

The Prime Minister said the Hungarian Government is to send experts to Grenada to study the feasibility of setting up a pharmaceutical supply company jointly owned by the Grenadian and Hungarian governments. The Hungarian Government will also assist in a pilot project in sunflower seed production.

During his stay in Czechoslovakia, Mr. Bishop signed a trade protocol and an airline agreement with the Government of that country and negotiations were begun on a cultural and educational agreement to be signed later. On behalf of the New Jewel Movement, he also signed a party-to-party agreement with the Communist Party of Czechoslovakia.

Under these agreements, Czechoslovakia is to aid the PRG with materials for housing, development programmes and is to do feasibility studies on development of a pig and pork industry.

The Prime Minister's delegation included Foreign Minister Unison Whiteman and Minister of Agriculture George Louison. The delegation arrived in Hungary on September 28th and in Czechoslovakia on October 3rd. It left Czechoslovakia on October 6th to return to Grenada via Berlin and Havana, Cuba.

WHITEMAN ADDRESSES U.N.

Grenada's Foreign Minister Unison Whiteman has called on multilateral lending agencies to play their part in helping the situation brought about by global recession.

The state owned and managed Radio Free Grenada (RFG) said Mr. Whiteman made the call on October 13th as he addressed the United Nations General Assembly.

The Minister noted the number of countries which have had to reschedule their foreign debts and said the situation is approaching crisis proportion. In extremely difficult cases, he said, consideration may have to be given to cancellation of the debts.

RFG said Mr. Whiteman, in his address to the U.N., condemned the "shameful act of aggression" by the United States of America in overt and covert acts against Nicaragua. The Peoples Revolutionary Government supports the Nicaraguan Government, he said, as well as the peace efforts of the so-called "Contadora Group", the Governments of Mexico, Panama, Colombia, and Venezuela.

BISHOP DEPOSED (?)

An angry crowd of some 300 persons assembled outside the premises of the Government owned "Free West Indian" newspaper on October 14 demanding that Mr. Maurice Bishop be allowed to continue to lead the Peoples Revolutionary Government.

Eye-witness reports say that, sometime after noon on that day Minister of Mobilisation Selwyn Strachan announced to a group of persons outside the newspaper's offices that Mr. Bernard Coard is now Prime Minister. Joint leadership of the Government had been offered to Mr. Bishop, he said, Mr. Coard to be his equal partner. and Mr. Bishop turned this down. From now on, Mr. Coard, who was deputy Prime Minister, will be the leader.

This comes in the wake of reports since last Wednesday that there is a rift between Mr. Coard and Mr. Bishop. It was said that at a cabinet meeting Mr. Coard demanded Mr. Bishop's resignation.

The crowd outside the "Free West Indian" was strongly in favour of Mr. Bishop and there were shouts of "no Bishop, no revolution".

Nothing was known then of Mr. Bishop's fate but unconfirmed reports said he was under house arrest. The reports said Foreign Minister Unison Whiteman and Minister of Agriculture George Louison were also under house arrest.

There was no announcement from Radio Free Grenada which was carrying its regular programming but one was expected within the next few hours. Later that afternoon Radio Free Grenada announced that Deputy Prime Minister Bernard Coard had resigned from the Peoples Revolutionary Government.

RFG said this resignation was because of a "vicious rumour" that had been spread that Coard and his Jamaican wife, Phyllis, had planned to kill Prime Minister Maurice Bishop.

As a result of this rumour, the station said, a group of certain elements, led by an insurance company owner, tried to seize the arms of a militia station to assassinate Coard and his wife.

Mr. Coard told RFG he had resigned to make it abundantly clear to the public that the rumour was a vicious lie.

RADIX LEADS DEMONSTRATION

Some three hundred young persons led by Minister of Industrialisation and Fisheries in the Peoples Revolutionary Government Kendrick Radix paraded the streets of St. Georges on the morning of Saturday 15th October demanding the release of Prime Minister Maurice Bishop.

The demonstration which started at the Market in the heart of St. Georges moved to the dock area about a mile away where they heard Mr. Radix tell them that since last year, he had warned that Deputy Prime Minister Bernard Coard was trying to seize power.

Yesterday, Minister of Mobilisation Selwyn Strachan announced that Mr. Bishop had been deposed and Mr. Coard was now Prime Minister, but, a short time later Mr. Coard announced he had resigned from the Government. The reason for this, he said, is a "vicious rumour" that he and his wife were involved in a plot to kill Bishop and he wanted to make it "abundantly clear" this was a lie.

Mr. Radix told the demonstration this day that, in spite of the announcement of Mr. Coard's resignation, the Deputy Prime Minister was "obsessed with power". Mr. Coard, he said, was "brilliant" but had no chance of success because he has no popular support.

The Minister called on Grenadians to show their rejection of Mr. Coard and their support for Mr. Bishop. "If Maurice is not released by Monday 17th", he said, "there must be no work, no school and no play in Grenada".

Mr. Radix told Newsletter that Mr. Bishop was detained since Thursday 13th and was being held at his official residence at Mount Royal.

He told the demonstration not to be surprised if many of them were in prison by that night but he said Coard would not dare to use the Army against them. "I don't have my health", he said, "but I have to pick up my guns again".

Radio Free Grenada announced on that day (15th) that Mr. Victor Nazin Burke, Permanent Secretary in the Ministry of Trade, had been appointed Minister of Trade, Finance and Planning.

Mr. Radix was arrested and detained on Sunday 16th October.

REPORTER "RESCUED" BY CROWD

A reporter for the Canadian Broadcasting Corporation, Dwight Whylie, was "rescued" on October 15th from officials of the Security and Immigration Departments.

Mr. Whylie was covering a demonstration led by Kendrick Radix which was demanding the release of Prime Minister Maurice Bishop reported to have been detained since October 13th.

Approached by three Security and Immigration officials, Mr. Whylie was asked to accompany them to the Immigration Department. In reply to his inquiry, he was told "We want to talk to you".

The crowd became aware of this encounter, however, and took the journalist away from the officials. "Come with us" they shouted, "You not going with them".

He was taken along with the demonstration for about 500 yards and then put into a car and driven away by Minister of Industrialisation Kendrick Radix.

Mr. Whylie was in Grenada on a UNESCO assignment training the staff of Radio Free Grenada.

RADIX RESIGNS

On the evening of October 14th, a young girl who refused to identify herself brought a sealed envelope to the offices of the Grenada Newsletter and said, "Somebody sent that to you, it is very important".

The letter was addressed to: Cde. Maurice Bishop, Prime Minister of Grenada, Butler House, St. Georges, Grenada, and inside, in the handwriting of Kendrick Radix was the following signed letter:

ST. GEORGES,
13.10.83.

Prime Minister, MAURICE BISHOP,
Butler House,
St. Georges.

DEAR PRIME MINISTER: I hereby submit my resignation from the Government of Grenada with immediate effect. It has been an honour to have served the country during the long, hard years of struggle under your leadership.

Every wish for your future health and best of luck.

Sincerely yours,

KENRICK RADIX.

On the morning of Saturday, October 15th, during a demonstration led by Mr. Radix, Co-editor Alister sought from Mr. Radix a verification that he had sent the letter to the offices of the Grenada Newsletter.

Mr. Radix confirmed that he had sent the letter which he said was a copy of what he had sent to Prime Minister Bishop. But Mr. Radix asked then that no publicity be given to the matter. "Things have moved beyond that", he said.

P.M. UNDER INVESTIGATION

"It must be clearly understood that the Peoples Revolutionary Army and the Armed Forces as a whole will tolerate absolutely no manifestation whatsoever of counter revolution".

This was stated in a release from the Peoples Revolutionary Army read over the state owned Radio Free Grenada (RFG) on October 15 by Major Liam "Bogo" Cornwall, and the statement said any action which aims at disturbing the peace and the normal life of the nation or which threatens the revolution will be firmly and swiftly dealt with.

"The peace and calm which prevails in Grenada shall be maintained", the statement said.

The statement said the armed forces of Grenada recognise that the New Jewel Movement has led the struggles of Grenadians for the past 10½ years and that Maurice Bishop has been the acknowledged leader of the revolution "and his led us thus far".

"Recently", the statement said, "the NJM Central Committee leadership and the entire membership of the NJM took certain firm decisions on internal party changes which were aimed at strengthening the work of the party and revolution. Comrade Maurice Bishop refused to accept and implement these decisions even though he had been present at the party meeting and voted for the decisions".

In response to this, the statement said, the officers and NCOs of the entire armed forces, who are members of the Party, on October 12th passed a resolution demanding that Mr. Bishop accept and implement the decisions of the party.

"We want to state firmly", the statement said, "that in this party, which has led us all these years, there must be equal standards for all and the rules must be applied to all, no matter who they are. No one man can be above the rules, no one man can be above the majority. The Armed Forces note that never in the 10½ years of its existence has the NJM tolerated 'onemanism' in its ranks and, much as we of the PRA love and respect Comrade Maurice Bishop we will definitely not tolerate this development in our country".

The statement said the Armed Forces had noted that "some opportunists" are trying to fool the people that the situation results from a personal power struggle between two persons.

"If that is so", the statement asked, "how come then that our entire Armed Forces down to the last private and the entire party are totally united?"

The statement said the Armed Forces are now investigating Bishop's personal involvement in starting the rumour that there was a plot in which Deputy Prime Minister Bernard Coard and his Jamaican born wife Phyllis were attempting to assassinate Bishop. Were it not for the swift action of the Armed Forces it "could have led to bloodshed on the streets of Grenada last Wednesday".

"So far", the statement said, "a sworn statement from one of Comrade Bishop's top personal security officers directly implicated Comrade Maurice Bishop with the starting of the rumour".

The Armed Forces, the statement said, will continue their investigations to their conclusion.

JOURNALISTS DEPORTED

The Peoples Revolutionary Government on October 15th put out five journalists some of whom were covering an anti-Government demonstration led by former Minister of Industrialization and Fisheries in the PRG, Kendrick Radix.

They are Associated Press Caribbean Desk Editor, Nat Carnes, Willie Alleyne Barbadian born and based Associated Press photographer, Charles Hackett, photographer of the Barbados Nation newspaper, Albert Branford of the Caribbean News Agency (CANA) based at the CANA Barbados headquarters and a United Press International Photographer, Roso Sabalones.

Those known to have been covering the demonstration are the two AP representatives and the UPI photographer. They were first taken to the Immigration Department where it was explained to them that the demonstration was a "purely internal matter".

"When things have been settled", they were told, "we will invite you back to Grenada again."

The men were then taken to their hotel where they collected their bags and were taken to the airport by Immigration officials.

On October 16th another journalist was put out. He is Mr. Andy Johnson of the Trinidad "Express" newspaper. He was visited at his hotel shortly after 8:00 a.m. by two security officials and requested to go to the Immigration Department. It was expected that he was taken from there to the airport because he checked out of the hotel before leaving.

BISHOP TO BE EXPELLED

The Central Committee of the New Jewel Movement (NJM) is awaiting the result of an investigation by the Security Forces before taking final decision whether Prime Minister Maurice Bishop should be removed from the NJM Central Executive and expelled from the party.

This was stated on October 16th in a statement broadcast by General of the Armed Forces Hudson Austin who is a member of the NJM Central Committee and Political Bureau.

This statement follows 3 days of speculation and apprehension as to who is in charge of the country. On Friday 14th Minister of Mobilisation and Labour Selwyn Strachan announced that Bishop had been deposed and Deputy Prime Minister Bernard Coard held the reins of Government but, within hours. Coard announced his resignation from the Government.

That move, Mr. Coard said, was to refute a rumour that he and his wife planned to assassinate Bishop. The Armed Forces subsequently charged that Bishop is personally implicated in starting that rumour and it is on the outcome of investigation into this that the Central Committee will make its final decision on Bishop.

On Saturday 15th Minister of Industrialisation and Fisheries Kendrick Radix led a demonstration through the streets of St. Georges. He charged that Bishop was being held under house arrest at his official residence and called for "no work, no school, no play" if Bishop is not released by October 17th.

He charged that Coard's resignation was merely a tactical move and that the Deputy Prime Minister is obsessed with power and wished to take over leadership of the country.

"It is over a year now that I have been telling Comrade Bishop to look behind his shoulder because Coard was planning to betray him" Radix said.

On October 16th the state owned Radio Free Grenada said Radix had been detained for organising the demonstrations and later it was announced there would be an important NJM statement.

Reading that statement on October 16th General Austin said the present situation is the toughest Grenada has faced since the revolution of 13th March 1979 and NJM had decided to give a "frank account" of events which led to this crisis.

"It has always been the policy of our party to be fully truthful to our people on all matters including the policies of the Party, the state of the economy and the strength and weaknesses of our work in our country", he said, "yet, there is one matter which we have never revealed to our people".

That matter, he said, is the serious "internal problems" afflicting NJM, especially over the last year. This has not been made public before, he said, because NJM thought it vital to maintain an appearance of full unity "at all costs".

"The truth is", he said, "that, during the last year, our Party has faced serious problems of the constantly growing desire of Comrade Maurice Bishop to exercise full and exclusive power and authority.

The General said "collective leadership" is one of the main NJM principles. The Central Committee should make all important decisions but, during the 4½ years past, he said, Bishop has shown resentment of this principle.

"At the same time", General Austin said, "he has become increasingly hostile to criticism and increasingly suspicious that other members of the leadership of the Party may be trying to seize power from him".

Matters came to a head a year ago, General Austin said, when, in order to avoid division, Coard resigned from the Central Committee and Political Bureau after Bishop's suspicion centered on him. The Central Committee sanctioned this but now felt it was a mistake. The General said Bishop has become increasingly hostile and suspicious of challenges to his position and the work of the Party and Government suffered.

"The truth is", General Austin said, "that Comrade Maurice's strength has always been his direct links with the masses and his weakness has been that he has never been able to adequately organise, supervise and guide the work of the party".

NJM received complaints about employment discrimination against Party supporters by "elements of the Civil Service hostile to the revolution" he said. "There have also been complaints about the lack of care of agricultural machinery, the worsening state of roads, constant electricity blackouts, the disorganised state of the Centre for Popular Education, the Militia, the House Repair Programme, the mass organizations, and the increasing boldness of counter revolutionary elements".

"We are not trying to blame Comrade Bishop for all the problems", the General said, "however, the major problem has been lack of strong leadership from the top and the unwillingness of Comrade Bishop to take firm decisions to solve the problems while, at the same time, trying to concentrate power in his own hands".

Last month, the Central Committee held a meeting and formally established the principle of "joint leadership", General Austin said, "Bishop to direct work among the masses" while Coard would guide and organise "the political work of the party". This, he said, had nothing to do with "who is Prime Minister" and there never was an intention to remove Bishop from that post.

"The problem is that Comrade Bishop had allowed his power and authority to go to his head", Austin said, "and he refused to accept the decision of the Central Committee".

The day before Bishop left on his recent visit to Hungary, a full meeting of the Party unanimously confirmed the principle of joint leadership, General Austin said. Comrade Bishop was at that meeting but, when he returned from Hungary, NJM found he still would not accept the Party decision and intended to take the matter "on to the streets", the General said, and, on October 12th, a rumour that Coard and his wife planned to assassinate Bishop "hit the streets".

"The Central Committee learned that one of Comrade Bishop's security officers had given a sworn statement to the Security Forces stating that Comrade Bishop had given himself and his Chief Personnel Officer, Cletus St. Paul, a list of names that morning," the General said. "Comrade Bishop had instructed them to contact all the names on the list and tell them that Comrade Bernard Coard and his wife were planning to assassinate him".

Last Thursday (13th), a full Party meeting discussed this matter, he continued, and Bishop spoke in his defence but the meeting did not accept the defence.

"The overwhelming sentiment of the hundreds of Party members present at the meeting was that for having disgraced the Party and revolution, Comrade Bishop should be removed from the Central Committee and expelled from the Party", General Austin said.

This decision is to be confirmed after the Armed Forces have completed investigation of the matter.

"The rumour which Comrade Bishop sent out on to the streets tries to make out there is some sort of power struggle going on within our Party", the General said. He pointed out, however, that this cannot be so because ⅘ of the Central Committee and all except "a handful" of the Party membership support the Central Committee's decision on joint leadership.

General Austin said NJM knows the step it has taken will be unpopular with many sections of the community but the Party stands for principle and "principle for one must be principle for all".

The General assured his listeners that "Comrade Bishop is at home and quite safe". He also gave the assurance that the NJM Central Committee "is in full control of the running of the country just as it has been during the past 4½ years of the revolution.

He called on Grenadians to maintain unity to ensure that "Imperialism" does not take advantage of "this moment of difficulty", and said that "keeping with the overwhelming desire of our people, the NJM is still making every effort to settle this problem within our Party".

STUDENTS DEMONSTRATE

A spokesman for LIAT confirmed on October 18th that the Pearls Airport office of the airline had reported to the St. Georges head office that, about mid-morning, a demonstration of "over 500" students had disrupted the airport's operations, swarming through the Administration Building and on to the flight apron.

The demonstration, the spokesman said, was in favour of Prime Minister Maurice Bishop, said to be held under house arrest by the Armed Forces, and against Deputy Prime Minister Bernard Coard.

According to the spokesman, the demonstrators chanted, "no Bishop, no school", and " 'C' for Communism".

The LIAT airport office reported that one flight was delayed for some time because the demonstrators were close to the aircraft and it was dangerous to start the engines.

FOUR PRG MINISTERS RESIGN

Four Ministers have resigned from the Peoples Revolutionary Government (PRG). They are Foreign Minister Unison Whiteman, George Louison, Minister of Agriculture, Lyden Ramdhanny, Minister of Tourism and Civil Aviation and Norris Bain, Minister of Housing.

In a telephone interview on October 18th, Mr. Whiteman told the Montserrat based Radio Antilles the resignations have been made because Deputy Prime Minister Bernard Coard who, Whiteman said, "is running the Government singlehandedly with his wife", has refused to consider proposals made to resolve the political crisis.

"Since Saturday (15th) we have been meeting with him", Mr. Whiteman said, "we have been very patient and reasonable with him, and it was very clear that he was not discussing in good faith".

Mr. Whiteman said Mr. Coard had been dragging out the discussions saying that he had to wait on a decision of the New Jewel Movement Central Committee. The ex-Foreign Minister said Mr. Coard has been saying publicly that the Central Committee is meeting regularly but he told Messrs. Whiteman, Louison, Ramdhanny and Bain that he cannot give a response to their proposals because the Central Committee has not been able to meet.

"Either he is lying to us or he is lying to the people", Mr. Whiteman said.

Radio Antilles spoke to Mrs. Alimenta Bishop, the mother of Prime Minister Maurice Bishop and she confirmed that he is under house arrest. She said she had visited him on Saturday (15th) and again on Monday (17th).

The state owned Radio Free Grenada (RFG) said on October 19th that Radio Antilles and the Voice of America had carried news of the resignations of the four Ministers, but the station said it had received no statement from PRG on the matter.

RFG referred also to the student demonstration at Pearls airport on October 18th and said several persons have been detained by the Security Forces for "inciting unrest". In this connection, the station carried an announcement from the Ministry of Education which said that "certain counter-revolutionary and opportunist elements are taking advantage of the present situation to achieve the effect of turning back the Grenada revolution".

BISHOP FREED

(The following is the verbatim text of news story filed before midday on Wednesday 19th October)

At 10:35 a.m. today a crowd of some 3 to 4 thousand persons stormed the official residence of Prime Minister Maurice Bishop on the outskirts of St. George's and freed him from the detention where he has been held since October 13th.

The army put up only token resistance.

Bishop and a growing crowd now moving towards the market square at the centre of St. George's where it is expected he will address them.

In the middle of a jumping pressing crowd I asked Bishop for a statement. Say anything I said.

His reply: "The Masses".

(Transcript of Tape Recording made by Co-Editor Alister Hughes at the Market Square St. Georges on Wednesday 9th October 1983)

HUGHES. (Against background of crowd noise). "Large crowd in the Market Square. Very difficult to estimate numbers but it must be anything like 7 to 8 thousand people I estimate"

Voice on Public Address System (Indistinct against background noise) ". . . will be due here . . ."

HUGHES. "Two guns fired from the Fort at five minutes after one. Unknown what for. They were very heavy explosions not like rifles. Sounded more a heavy piece of artillery.

Voice on Public Address System. (After some indistinct statements with replies from crowd). "Don't worry."

CROWD. "No."

VOICE. "Keep cool."

CROWD. "Yes."

VOICE. "Don't be alarmed."

CROWD. "No."

VOICE. "Don't run!"

CROWD. "No."

VOICE. "Stay right here."

CROWD. "Yes."

VOICE. (Indistinct). "I want to bring you . . . keep cool, keep calm . . ."

HUGHES. "An announcement from the platform by Sydney Ambrose. It is now 1.08 asking the crowd to stand firm, keep cool. It is quite apparent that he does not know what the guns were about."

VOICE. ". . . Keep you up to date. There is nothing that will ever happen to anybody here today. (indistinct) . . . because we are not here today . . . not to move from here . . . you want to know what has happened . . . tell you . . . don't be afraid, don't run, don't go . . . we want to bring you up to date with what has taken place . . . this is the most . . . experience in the history of Grenada and we want you to stand. . . . We are not here to hurt anybody, we just want to keep you up to date with exactly what is taking place. . . ."

HUGHES. "Announcement by Sydney Ambrose, the time is now 1.10.

"Now 1.11, I'm hearing small arms fire. Two or three bursts of small arms fire in the distance. A growingly apprehensive crowd.

VOICE. "Don't let it put you in fear (indistinct) . . . do not be afraid. If I am not afraid, you should not be afraid . . . keep calm, keep calm!"

HUGHES. "Announcement from Sydney Ambrose. The time is now 1.12. He is on the platform of the City Council and it seems obvious that he, too, does not know what the rifle fire and gun fire mean. He asked the crowd not to be afraid and to keep calm".

VOICE. "Do not be alarmed. This is just to put you in fear. And there is no reason why you have to be afraid. It is impossible, impracticable and it will never happen that anybody could do you anything. Nobody will trouble you today because we are not here to . . . anybody. So you stand firm with us until we present to you your honourable, respectable and dignified Prime Minister".

HUGHES. "Another announcement from the platform by Sydney Ambrose. The time is now 1.14.

"The crowd is moving. Looks as if there is an army truck approaching. I see the crowd . . . there's a crowd going through the Market Square, it's a water truck, it's going in front of the Buy-rite Supermarket,

it has a crowd of men on it. The crowd is running, a portion of the people of the crowd is running across. There is an air of apprehension and the Market Square is thinning. That truck has gone out of sight. I hear . . . on the other side of the shed from me there seems to be something happening. I can't see from where I am. That side has cleared, I hear an engine revving. There is nobody at the microphone now. People are running back in the other direction now, towards where they were leaving just now. From where I am I cannot see what's happening. Another truck is moving out of the Market Square with people on it. The time is now 1.17. There is an air of apprehension. No sign of Maurice Bishop yet. There is nobody on the platform now where the microphones are and there are much less people in the Market Square. There is a little bit of running too and from over on the Granby Street side but where I am, I'm in the centre here under the District Board and I can't see exactly what's happening over there.

"Smoke rising from the direction of the Fort. I don't know what's causing that. From here we can't see the actual Fort buildings but it seems to me from somewhere near the Administration buildings. The Market Square has thinned out a fair amount, there are not nearly as many people here now and I'm seeing that thick smoke coming from the Fort area. Thick black smoke. There's no flame but it's billowing up very densely. I'm now standing in the middle of the Market Square looking up in that direction. I can't see any people up there from where I'm standing but there obviously is something on fire in that area.

"I'm moving in the direction of Granby Street. The crowd is racing away, I nearly got turned over, I don't know what for. There was a great racing away from that corner there. I still don't see what could have caused it but I nearly got overturned. I see some men standing at that corner who seem to be the same people I saw guarding the entrance to the platform where Sydney Ambrose and the others were standing near the microphone. There is a group of men standing near the policeman by Barclays Bank, another group at the bottom by Royal Bank and, down here, there's another group again close to the Bank of Nova Scotia. But I still don't know what caused that rushing just now. Fifty or sixty people just rushed down towards the Buy-rite area, but I see no reason for it. The Market Square is almost empty now. Another announcement from the platform by Sydney Ambrose saying come back and stand in the Market Square. But, nobody seems to know quite what is happening.

"I'm now in Granby Street opposite to Amados. I'm going to see whether I can identify what is burning up at the Fort. I couldn't see from the Market Square area. The trucks from the airport are now parked at the bottom of Granby Street, obviously in an effort to prevent anything from driving in. They are parked blocking the street. I'm now close to the 'Children's Shopping Plaza'. There's black smoke but I don't know what's on fire. It's heavy black smoke, I can see no flame and it's possible it could be coming from the parking lot in front of the Fort, from what is known as the 'parade ground'.

"I'm in the area down towards DeLima and here on the Esplanade people seem to. . . ."

VOICE. ". . . People get shot up there. . . ."

HUGHES. "Really, do you know for sure that they have been shot?"

VOICE. "Yes!"

HUGHES. "You saw anybody. . . ."

VOICE. "I saw them carrying people into the hospital, man".

HUGHES. "Now, after that shooting?"

VOICE. "Ah-hah"

HUGHES. "About how many?"

VOICE. "About 5 people"

HUGHES. "So you have any idea where Maurice is now?"

VOICE. "I haven't got the idea"

VOICE 2. "I haven't got an idea but one guy told me they shoot down the building in which he was in. Some armoured cars went up there and they just blast down the building."

HUGHES. "What building was he in?"

VOICE 2. "He was up in a building behind the Fort up there".

HUGHES. "You mean; at the Citadel, at Fort Rupert?"

VOICE 2. "Yes".

HUGHES. "And they say that they just shot down the building that he was in?"

VOICE 2. "Yes, they destroy it".

HUGHES. "Somebody told you that?"

VOICE 2. "Yes, somebody told me that, I'm not sure".

HUGHES. "Ah, yes, you will have to get that confirmed.

"In case I did not get it on the tape, a man just told me he understands that Bishop was in a building up at the Fort, at Fort Rupert and armoured cars just blasted it down. That needs to be confirmed. The time is 1.24.

"It has been said by one other person that the building that Maurice was in up there has been blasted by gun fire. I have not had that confirmed.

I see a man running down the steps. I see two men running down the steps. That's three people running down the steps.

"Heavy explosion from the Fort, another heavy explosion. It's now 1.26. There's still smoke rising from the Fort. Just one single rifle. Just on the western side of the Fort, I see a gun just on the western side of the Fort, it's pointing very high, there're soldiers around it, it's pointing in this direction but it's a high elevation, pointing roughly in this direction. The black smoke is still billowing up from what looks like the north-eastern area of Fort George.

". . . Bottom of Granby Street, moving out in this direction, nobody but just the driver. The other one, there's one past. One truck is backing into Granby Street, he appears to be turning in preparation to coming this way. Yes he is, he's coming back this way. These seem to be trucks which came from the airport, 5058 number.

"Told that wounded people have been taken to the hospital, I have not had that confirmed. I have also been told that Maurice was in a building at Fort George and that it was fired on and it has been suggested to me that that smoke is from that building. I do not have confirmation of this, repeat, I do not have confirmation of this.

"Where were you?"

FEMALE VOICE. "At the Fort".

HUGHES. "And what happened?"

VOICE. "They just start firing off bullets".

HUGHES. "Where were you at the Fort, right at the top?"

VOICE. "Yes, underneath the building".

HUGHES. "Underneath the building, and you got shot in your back?"

VOICE. "Yes".

HUGHES. "Anywhere else?"

VOICE. "No, only there".

HUGHES. "Have you been to the hospital?"

VOICE. "No, not as yet".

HUGHES. "What is your name?"

VOICE. "Sherril Alexander"

HUGHES. "Have you seen anything of the Prime Minister?"

VOICE. "I don't know"

HUGHES. "You haven't seen anything. You better go and get some attention".

"The wound in her left shoulder is not bleeding very much. She does not seem weak in any way but definitely a wound in her left shoulder. The crowd here has decided that they are going to take her to the hospital but it is a risky thing because if she got shot in that area she is likely to be shot again. The bullet wound is at the back of her left shoulder. Quite an ugly looking wound.

"I'm now standing close to the Police Station on the Esplanade and the time is 1:32."

CONFUSED HYSTERICAL VOICES. "It have somebody what dead? . . . Oh God! Oh God!"

HUGHES. "What happened?"

CONFUSED VOICES. "Oh God! . . . If you see people in the hospital! Oh God! Oh God! It have people what dead? Oh God, yes! Girl, come stand up! I want to go home! Oh God! I go bring you up home, what happen? You see a lot of people up there? You got a bullet? No, Oh God!"

HUGHES. "Did you see the dead people?"

VOICE. "Oh God! Oh God!"

MALE VOICE. "Alister, I think you should move from there".

HUGHES. "All right".

MALE VOICE. "I think you should move from there".

HUGHES. "OK"

MALE VOICE. "Definitely, because it's propaganda, propaganda you want to throw out there."

HUGHES. "Really?"

MALE VOICE. "You really throw out . . ." (loud confused voices)

VOICES (confused). "Give people a chance! . . . "You stay right there!" "I'm not saying . . ." "Let the girl . . ." "You don't care about the life of the girl! . . . "You have to care about the person's life!"

HUGHES. "Time is now 1:36"

"Just received another report that Maurice Bishop was at Fort Rupert or Fort George as the case may be . . . I have no confirmation of this that he has seen a man shot in the knee, a soldier shot in the knee and a woman shot in the hand and other people with blood stains. These people were taken to the hospital."

"Report that Maurice and Jackie Creft and some other persons are being held by the Army up at Fort Rupert and they have them lined up against a wall. But the situation at the moment now is very uncertain and there is nothing confirmed.

"Market Square now, very few people here, still a great sense of apprehension. The time is now 20 minutes to 2 and the fate of the Prime Minister is not known. I'm still seeing smoke coming from Fort George or Fort Rupert as it is now called."

INCIDENT AT FORT RUPERT

The following is a verbatim report of a newsstory filed at 2:20 on Wednesday 19th October:

The two heavy explosions came from Fort Rupert, the headquarters of the Peoples Revolutionary Army, just after 1:00 o'clock. The crowd of some 8 to 10 thousand waiting in the Market Square to hear Prime Minister Maurice Bishop were visibly startled

and, when, a minute or two later there was the sound of automatic machine gun fire from Fort Rupert, people started to move away into side streets.

The vigil for Bishop started about 11:00 after he had been freed by the crowd about half an hour earlier. The sun was hot and snow cone vendors did a brisk trade. There was a glow of happiness and many shouts of "We get we leader back".

Since the gunfire, there is nothing definite to report except that there is something on fire at Fort Rupert. Thick black smoke is billowing up and there are conflicting reports that it is a car on fire and that it is the Administration Building on fire.

I have seen one woman with a bullet wound in her left shoulder and I have seen two men with blood on their clothes. I was able to speak to the wounded woman who said she was at Fort Rupert and had been fired on by the soldiers there. She did not know what had happened to Bishop but she said she had followed him up to Fort Rupert.

I spoke also to a young woman who was in a near hysterical state. She too had been at Fort Rupert and she spoke of people being killed and of others wounded and taken to the General Hospital which is very near to Fort Rupert. I have not had a confirmation of her statements.

There is no longer a crowd at the Market Square. They are scattered to various vantage points where Fort Rupert can be watched and there is general hunger for news of Bishop and of the situation generally.

At this time, there is news of neither. (14.20 local).

(TRANSCRIPT OF BROADCAST MADE BY GENERAL HUDSON AUSTIN OVER RADIO FREE GRENADA SHORTLY AFTER 10:30 P.M. ON OCTOBER 19TH, 1983)

Brothers and Sisters: Last night, a delegation from the Central Committee of the New Jewel Movement made a formal offer to Comrade Maurice Bishop for him to continue as Prime Minister, to continue as a member of the Party and to work closely with the NJM Central Committee in running the country.

Comrade Bishop's position was that he would consider the offer but was not willing to talk last night.

This morning, at 9:30 a crowd led by Unison Whiteman, Vincent Noel and two businessmen stormed Maurice Bishop's home. The soldiers, guarding the Mount Weldale road had instructions not to fire on the people, the people therefore broke through the barrier and stormed through the gates of the house. Again, the soldiers were instructed to fire above the people's head, not at the masses.

The crowd, realizing that the soldiers had instructions not to fire on the people, burst into the house. Maurice Bishop went with them and then led the crowd of innocent people to seize Fort Rupert, the headquarters of the Armed Forces. Again, the soldiers at Fort Rupert were instructed not to fire on the people who stormed the Fort.

Attempts were made by the Armed Forces to establish communications with Maurice Bishop and Unison Whiteman in order to continue negotiations for a peaceful solution and in order to persuade them to let the civilians leave the Fort. Bishop and Whitemen declared, "No compromise, no negotiations." They then disarmed the officers of the General Staff as well as the rank and file soldiers guarding Fort Rupert and began to arm the crowd.

They declared their intention to arrest and wipe out the entire Central Committee and the senior members of the Party and the entire leadership of the Armed Forces as well as to smash the Revolutionary Armed Forces. At that point the Revolutionary Armed Forces sent a Company of soldiers to reestablish control of Fort Rupert.

Maurice Bishop and his group fired on the soldiers killing two members of the PRA, Sergeant Dorset Peters and Warrant Officer Raphael Mason, and wounding several others. The Revolutionary Armed Forces were forced to storm the Fort and, in the process, the following persons were killed: Maurice Bishop, Unison Whiteman, Vincent Noel, Jacqueline Creft, Norris Bain and Fitzroy Bain among others.

The Armed Forces then evacuated the wounded and assisted several persons in getting to hospital.

Comrades, the Peoples Revolutionary Armed Forces have all along stayed off the streets in the hope that it could be resolved internally by the Party. However, in a situation in which Maurice Bishop had declared his intention to wipe out the entire leadership of the Party and the Army, in a situation in which he had linked up openly with counter-revolutionaries in order to do so, the Revolution itself would have been wiped out.

Our working people have suffered too much for too many years to allow imperialism and counter-revolutionaries to take over our people's revolution.

The Peoples Revolutionary Armed Forces have, as of 3.00 p.m. today, established a Revolutionary Military Council which will form the Government of the country until normality is restored. Let it be clearly understood that the Revolutionary Armed Forces will govern with absolute strictness. Anyone who seeks to demonstrate or disturb the peace will be shot. An all day and all night curfew will be established for the next four days, from now until next Monday at six o'clock. No one is to leave their house, anyone violating this curfew will be shot on sight. All schools are closed and all work places, except for the essential services, until further notice.

The personal safety and property of all citizens and foreign residents will be guaranteed by the Armed Forces. Let it be clearly understood that the Peoples Revolutionary Army is totally united. We are also clear that our major task at this moment is to protect and defend our country against any attack by imperialism. Our people must be clear that imperialism will seek to take advantage of this situation. We must also realise clearly that a military invasion would bring about the deaths of thousands of our people and that any confusion in Grenada at this time opens the way for such intervention by imperialism.

Whatever each man's personal views on this situation at this time, we must unite to defend our country against any attack by outside force. The Armed Forces, for their part, will defend the revolution with all our might.

Long Live the Revolution! Long Live our people! Long Live Grenada! Forward Ever! Backward Never!

HUGHES DETAINED

At 11:45 p.m. on the night of October 19th 1983, NEWSLETTER's Co-editor Alister Hughes was arrested and jailed by the Security Forces of the New Jewel Movement's Revolutionary Military Council.

The arrest was carried out by a detachment of three armed men who produced no warrant and gave no reason for the arrest.

Hughes was jailed at the Richmond Hill Prisons together with several other persons arrested that night, including his brother Leonard.●

BYELORUSSIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, Sunday, March 25th, marks the 66th anniversary of the Declaration of Independence of Byelorussia. On that day we remember that nation's tragic history. Sadly, this history continues to be written. The captive nation of Byelorussia faces a constant denial of self-determination and national liberty.

Efforts in the direction of restored Byelorussia independence begin with a recognition of the grave injustices perpetrated against that nation. We refuse to acknowledge Byelorussia as a Soviet republic. We persist in condemning the denial of political and religious liberties in this illegally occupied nation. It is our hope that these expressions of support reach the Byelorussia people. They must be reminded of our respect and admiration.

Incessant Soviet attempts to eradicate the Byelorussian national identity challenge the language, history, and religious beliefs of these people. Publications in the native language are banned. Schoolchildren face a Soviet-imposed curriculum, with classes conducted in the Russian language. The religious values held sacred by these people are repressed. Educational and occupational opportunity is denied those who fail to embrace this russification.

We should continue to demonstrate our support for that imprisoned nation as long as the Soviet Government continues to deny Byelorussia its inalienable rights. The moral support we render these brave people strengthens their will to resist. I wish to congratulate those Byelorussia-Americans who focus on the terrible situation their countrymen face. Their efforts are certainly needed.●

CRIMINAL USE OF BULLETPROOF VESTS

● Mr. MOYNIHAN. Mr. President, I rise today to applaud the recent action by the New York State Legislature to halt the increasing use of bulletproof vests by criminals in the United States. The State assembly, by a vote of 137 to 1, yesterday approved a bill that would give judges the option to impose sentences of up to 4 additional years on criminals who wear bulletproof vests during the commission of a crime. The State senate approved unanimously this same bill on March 14. Legislators in my home State have taken an important step to protect the

lives of New York law enforcement officials. I would urge my Senate colleagues to take a similar step in approving S. 1021, the Prevention of Criminal Use of Body Armor Act, so that peace officers across the Nation can enjoy the same protection.

On April 12, 1983, I introduced S. 1021, to limit the use of bulletproof vests. This measure would accomplish three things. First, it would restrict the importation, interstate commerce, manufacture, and sale of body armor to federally licensed dealers. Second, the bill would mandate a 21-day waiting period between the sale and delivery of body armor, so that local law enforcement officials and the FBI would have the opportunity to verify that the prospective buyer is not a felon, fugitive, drug addict, or institutionalized mental patient. Finally, S. 1021 makes it a separate offense to use body armor in the commission of a Federal felony; violators would be subject to an additional sentence of 1 to 10 years for the first offense and 2 to 25 years for subsequent offenses, to be served consecutively to the sentence imposed for the underlying crime.

Bulletproof vests have saved the lives of some 400 officers since they first became available to police departments in the mid-1970's. Used by criminals, these vests can neutralize any advantage police officers now may have. I certainly hope that this body will follow the lead of the New York State Legislature, and afford our officers the protection they need.

Mr. President, I request that an article from the New York Times of March 27, 1984, concerning the bulletproof vest penalties adopted by the New York State Legislature, be printed in the RECORD at the conclusion of my remarks.

The material follows:

THE ASSEMBLY ACTS ON ARMORED VESTS

(By Edward A. Gargan)

ALBANY, March 26.—Criminals convicted of wearing bulletproof vests when they commit violent crimes would be subject to additional prison sentences under legislation given final approval by the Assembly today.

By a vote of 137-1 the Assembly sent to Governor Cuomo a bill making it a felony to wear a bulletproof vest during the commission of a crime. The measure would give judges the discretion to impose sentences of up to four additional years on criminals who wear the vests during such crimes as robbery or assault.

The Senate unanimously passed the measure on March 14.

A similar bill was vetoed last year by Governor Cuomo and the measure was redrafted to meet his objections.

Aides to Mr. Cuomo said today that they would study the new bill and, as is their practice in discussing legislation, declined to predict what the Governor would do. Nonetheless, the sponsors of the bill said they were confident it would meet the Governor's objections.

Alice T. McGillion, a spokesman for the New York City Policy Department, said the department vigorously supported the bill.

"There are enough instances where it happens where we have people committing crimes with bulletproof vests," said Miss McGillion. "We believe it creates a greater danger to the public and police officers responding because when criminals have the vest on they believe they are invincible and are less likely to surrender without a fight," she said.

Passage of the bill was also hailed by the New York City Patrolmen's Benevolent Association and the Police Conference, two groups that represent virtually all the police officers in the state.

"What this will do is maximize the protection we have out there in terms of confronting violent-prone criminals who are using these vests," said Philip Caruso, president of the benevolent association. "Use of these has become increasingly common, particularly by career criminals."

The measure vetoed by Governor Cuomo last year would have permitted judges to impose only concurrent sentences for wearing the vests.

CUOMO EXPLAINS VETO

In his veto message, Mr. Cuomo wrote: "Existing sentences for violent felony offenses are more severe than that provided in the bill for possession of soft body armor. Hence, an offender who violates the provisions of the bill will not be subject to any additional penalty, and the object sought by the bill will not be achieved."

Although the Senate and Assembly sponsors of the bill said they rewrote the measure precisely to address the objections Mr. Cuomo had raised to it, the Governor's office said it had not studied the revised legislation.

"We'll follow the same process we always do, solicit and receive comments from all interested parties and do our own legal analysis," said Gerald C. Crotty, the counsel to the Governor. "And at that point we'll make a judgment."

"What we've done is in accordance with the Governor's veto," said Assemblyman John C. Dearie, the Bronx Democrat who sponsored the measure in his chamber.

"We have established a new crime where it is in the judge's discretion to add on one to four years for wearing a bulletproof vest in committing a crime," Mr. Dearie added.

"We feel this is a great way to prevent that kind of crime," said Senator John E. Flynn, a Republican from Yonkers and the Senate sponsor of the legislation.

The sponsors of the bill said it was introduced partly in response to the 1981 Brink's armored car robbery in Rockland County during which two police officers and an armored-car guard were shot to death. At least one of the gunmen was wearing a bulletproof vest in the holdup.

The bill defines a bulletproof vest as "a bullet-resistant soft body armor" that provides protection from three shots from a .38-caliber handgun. Selling such vests continues to be legal in New York State.●

WE NEED TAX REFORM

● Mr. HUDDLESTON. Mr. President, as the dreaded date, April 15, draws closer, we are reminded more than ever of the need for true tax reform. The simple and succinct income tax law of 1913, which contained approximately 8,000 words has grown into a Frankenstein monster of more than 2,000 pages; pages riddled with both complexities and exceptions. Unfortunately, the code is only the tip of the iceberg. The regulations, which supposedly help explain the code, run to over 5,000 pages; the IRS rulings, which explain the regulations, fill more than 100 volumes; and the interpretations of all of the above, by the various Federal courts, fill thousands of additional pages.

If the sheer size of the code and its interpretative spinoffs do not convince one of the need to make substantive changes in the law, an attempt to read and comprehend the various provisions would convert almost anyone. The tax "technocracy," has mastered the art of obfuscating intent and meaning to the point of absurdity. An example of this art can be found in the section dealing with collapsible corporations. In this section, a single sentence exceeds several hundred words.

When faced with this overpowering mass of conflicting verbiage, it is no surprise that highly qualified tax experts readily admit even they are not certain about the meaning of many of the tax provisions. If the tax experts do not understand the tax laws, there is little hope that the average taxpayer can intelligibly wade through this jumble of words.

Many of us in Congress have been concerned about the unfairness of our tax system and have been working to improve it. Since I have been in the Senate, I have joined with other concerned Senators in passing major tax reduction legislation. This legislation has resulted in tax cuts to individuals and businesses exceeding $900 billion. Furthermore, many of us have supported efforts, such as the Tax Reduction and Simplification Act of 1977, which would substantially simplify the tax code. More recently, we were able to repeal the imposition of a 10-percent withholding tax on interest and dividends that would have placed an unnecessary tax burden on individuals and businesses.

Even though we have made substantial progress in reducing taxes and in weeding out some of the complexities, I believe that we are fighting a losing battle by continuing to tinker with the present, obsolete system. This is clearly indicated by the passage of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), which I voted against. TEFRA raised taxes by over $98 billion, and did little to simplify the code. This year we are facing a similar situation with the tax increase package soon to be favorably reported by the Senate Finance Committe. This package will increase taxes and further complicate the existing code by adding a multitude of changes and alterations.

I believe that it is time to abandon the old tax code, which has outlived its usefulness, and immediately move

toward the creation of a streamlined, simplified tax system. As I stated in 1976, our tax system "is a dinosaur which will continue to grow until it dies of its own weight unless we act to eliminate the muddle of laws and regulations."

Recently, new catchwords have been added to the tax simplification process that many of us have advocated for years. The "flat-rate" tax is one of these old concepts with a new name. Basically the "flat-rate" tax would eliminate most of the complexities and exceptions built into the current Tax Code, and would impose a lower, fairer tax on all taxpayers. Since there would be no more tax loopholes to take advantage of, everyone would be paying their fair share.

I believe that the taxwriting committees of the Congress should give these proposals serious and immediate consideration rather than continuing to churn out the same old type of tax legislation that does more to protect the special interests than to promote tax fairness.

The very heart of our tax system is voluntary compliance. Without significant cooperation by the taxpayers of the United States, the Government would lose billions of dollars in taxes, and no increase in the enforcement bureaucracy could reverse these losses. An excessively complicated Tax Code discourages the honest taxpayer and offers thousands of hiding places for those who do not want to pay their fair share. If allowed to continue, this situation will ultimately destroy our voluntary tax base.

A recent Harris poll found that almost one-half of the American people do not believe that our tax system is fair. In addition, 86 percent believe that most higher income people do not pay their fair share. This is understandable when you consider that the IRS states that about $100 billion in income taxes owed will not be paid this year, and that there are more than 100 major personal and business loopholes which cost the Federal Treasury about $250 billion a year in lost revenue.

Mr. President, the existing Tax Code is so interspersed with exceptions and ambiguities that it almost defies comprehension. It has become so complex that attempts to assess its fairness only end in frustration. By midnight, April 15, millions of American taxpayers will have filed tax returns, but very few of those filing can be certain that their returns are correct.

Because of these deficiencies, I urge the committees with the appropriate tax jurisdiction to immediately begin considering proposals which would drastically simplify the Tax Code in order to create a fairer Tax Code, thereby restoring public confidence in our tax system.●

EMIGRATION OF SYRIAN JEWS

● Mr. D'AMATO. Mr. President, I rise today to join as a cosponsor of Senate Joint Resolution 94, expressing the sense of the Senate that Syrian Jews be allowed to emigrate.

Today, nearly 5,000 Syrian Jews are held hostage in their own country. They are the only group in Syria forbidden to emigrate. Their identity cards state they are Jewish, while religion is not mentioned on any other religious group's cards. Their right to travel abroad is severely restricted and, if they are granted permission to leave the country, they must post a $5,000 bond and leave a close family member behind to insure their return.

These innocent people are arbitrarily persecuted. They live in constant fear for their lives. The recent brutal murder and mutilation of a Jewish woman and her two small children has intensified the ever-prevalent fears of the Jewish community.

The basic human rights and freedoms of the Jews of Syria are blatantly ignored and violated. The regime of President Assad has shown the world that it is a government committed to terrorist principles. The Jewish people have been singled out to demonstrate this.

Mr. President, we cannot stand idly by and allow such deprivation of human rights and dignities. I urge my colleagues to voice their support for Syrian Jews and to join in solidarity with them by acting favorably and promptly on Senate Joint Resolution 94.●

ADMINISTRATION DECLARES SOVIET SALT VIOLATIONS TO BE MILITARILY SIGNIFICANT

● Mr. McCLURE. Mr. President, I ask that the testimony of the Honorable Richard Perle, Assistant Secretary of Defense for International Security, before the House Armed Services Committee on February 22, 1984, and before the Senate Armed Services Committee on March 14, 1984, be printed in the RECORD.

This testimony contains several important new revelations. First, it states that the enormous momentum of the Soviet strategic weapons program continues largely unconstrained by existing treaties. For example, there has been a 75-percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979. Second, arms control without Soviet compliance is nothing more than United States unilateral disarmament. Third, the full funding of President Reagan's strategic weapons program is essential in view of Soviet SALT violations. Finally, Mr. Perle testifies that "The Soviets have not hestitated to mislead us, deliberately and all too successfully."

The material follows:

TESTIMONY OF THE HONORABLE RICHARD PERLE BEFORE THE HOUSE ARMED SERVICES COMMITTEE, FEBRUARY 22, 1984

Despite the unhappy nature of my report to you this morning, it is a pleasure to appear before the Special Panel on Arms Control and Disarmanent of the Procurement and Military Nuclear Systems Subcommittees. I have been asked to speak today about Soviet violations of important arms control agreements. As President Reagan told the United Nations Special Session on Disarmanent in June 1982, "Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

After a year long intensive study of Soviet compliance with existing arms control agreements, President Reagan forwarded a report on Soviet compliance to the Congress on 23 January 1984. He summarized the findings of the report as follows:

"The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty."

These are serious issues. Our concerns are deepened by the fact that Soviet violations in a number of cases, involved treaties the terms of which are not very demanding—SALT II, for example. Even the strictest increase in Soviet nuclear capability. Indeed, there has been almost a 75 percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979. The fact that the Soviet Union has gone even beyond this and violated important treaty provisions is a cause for serious concern.

Another cause for concern is the fact, as Secretary Weinberger has observed in his recent report to the Congress, that: "Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreements."

There are serious potential security risks from Soviet arms control violations. This is particularly true in the ABM area. Since the ABM treaty does not limit the production of ABM intercepter missiles, which can be deployed rather quickly, the radar limitations, because large radars take months or years to construct, are its core provision. The ABM Treaty is hardly an optimum arms control agreement. Many of its provisions are permissive and thus involve a calculated risk. Even in 1972 the Soviet radar base was already more extensive than that of the then proposed U.S. Safeguard ABM. Indeed, a unilateral statement the U.S. government issued during the SALT I negotiations noted that, "Since Hen House [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential." The new Soviet large phased-array radars (LPARs), now deployed in significant numbers, are far more capable than the Hen House.

The United States has been concerned about the ABM potential of the new Soviet large phased-array radars. Indeed during the Carter Administration, the JCS reported that: "Soviet phased-array radars, which may be designed to improve impact prediction and target handling for ABM battle management, are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage."

In mid-1983 the United States discovered the construction of one of these radars deep in the interior of the USSR near the city of Krasnoyarsk. After a minute analysis study of this radar, its capabilities and Soviet explanations for its construction, the United States Government has concluded that: "The new radar under construction at Krasnoyarsk almost certainly constitutes a violation of the legal obligation under the Anti-Ballistic Missile Treaty of 1972, in that in its associated siting, orientation, and capability, it is prohibited by the Treaty."

We have other serious concerns about Soviet failure to comply with the ABM Treaty. Over the years we have expressed concerns to the Soviet Union about Soviet testing of bomber defense missile (Surface-to-Air Missiles or SAMs) radars against strategic ballistic missiles. A 1978 report of the Carter Administration stated that this activity ". . . could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system." Moreover, the Soviets have developed a rapidly deployable ABM system. In addition, as the Scowcroft Commission noted in its report, "At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against re-entry vehicles of some submarine-launched ballistic missiles and even ICBMs."

Concerning the SALT II Treaty we have determined that there have been a number of violations or probable violations. We believe that the Soviets have probably deployed the SS-16 ICBM in violation of a specific treaty prohibition. The Soviets have either flight-tested a second new type of ICBM in violation of a treaty provision or they have made impermissible modifications to an existing type. We believe that the Soviet SS-X-25 probably is a second new type in violation of the Treaty limit of one new type.

The limit of one new type of ICBM was described by the Carter Administration as one of the principal limits of SALT II. To quote Secretary of State Cyrus Vance in 1979, "Based on their past practices they could be expected to acquire several entirely new types of land-based missiles by 1985; the treaty limits them to one." While the "new" type limit of SALT II was hardly as restrictive as the Carter Administration made it out to be, the one thing the Carter Administration did insist on was that the SALT II Treaty would prohibit their testing of both a new medium and a new small solid fuel ICBM. They have now done both. They have flight-tested a new medium solid fueled ICBM similar to our MX and the SS-X-25, a Minuteman sized solid fuel missile.

The United States has determined that Soviet encryption of missile telemetry impedes our verification of SALT II in violation of the agreement. This is a serious development because it also affects our ability to negotiate a verifiable START Treaty. Indeed, President Carter told a Joint Session of the Congress in June 1979 that: "A violation of this part of the treaty—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves." The Senate Foreign Relations Committee was so concerned about telemetry encryption in 1979 that it adopted an understanding to the resolution of ratification, sponsored by Senator Biden and adopted by a 15 to 0 vote, which provided:

"That any practice with regard to the transmission of telemetric information during the testing of strategic arms limited by the Treaty, including but not limited to the failure to transmit relevant telemetric information, which results in impeding of verification by United States national technical means of any provision of the treaty, will be raised by the United States in the Standing Consultative Commission and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including, but not limited to, the right to withdraw from the treaty."

Soviet violations of the chemical and biological treaties are more than simple arms control violations. They are atrocities. These weapons have been used against defenseless human beings in an organized effort to drive them from their homes by killing thousands of them. The decline in the use of these weapons reported in today's newspapers does little for the thousands who have died and nothing to absolve the Soviets from eight years of cruel and inhumane attacks with lethal mycotoxins.

The Soviet violation of the Hensinki Final Act involved an action contrary to the confidence-building measures included in that agreement.

Soviet testing of nuclear weapons, which we believe is likely to have exceeded the 150 kiloton limit of the Threshold Test Ban Treaty, could result in the development of improved warheads for their strategic weapons systems.

Violations, however, are more significant than the immediate military consequences of the acts themselves. They raise questions about the integrity of the arms control process that may be far more significant than the short-term military impact. Despite much rhetoric in the 1970s about the terrible consequences to the Soviet Union of arms control treaty violations, it is clear that these treaties are extremely difficult to enforce. There are those who even now demand standards of proof that simply cannot be met by national technical means of verification. There are those who argue we should ignore violations because they are not militarily significant. Others suggest that these Soviet violations are somehow our fault—we have not been tough enough with them in the SCC. Some even suggest we should sweep these issues under the rug because they spoil the climate for future arms control.

There has been some criticism of our decision to make public these Soviet violations. Some of this echoes the criticism of the Arms Control Association without repeating its most fundamental injunction: "Violations of arms control agreements cannot be overlooked or excused." Perhaps the tone of the Arms Control Association press conference would have been different if it had accepted the Administration's invitation to receive a classified briefing on the report before it held its press conference. It chose not to accept such a briefing.

The most fundamental misconception fostered by the Arm Control Association is that somehow Soviet arms control violations are our fault because until recently we have not raised SALT II issues in the Standing Consultative Commission (SCC). This is simply not true. We began raising SALT II issues in the Spring 1981 session of the SCC. We have also raised them through senior diplomatic channels. We called for a Special Session of the SCC in 1983 which the Soviets refused to attend.

The fact of the matter is that the SCC has been largely unsuccessful over the years in resolving compliance concerns. Unfortunately, previous Administrations have exaggerated its effectiveness in order to sell unverifiable arms control agreements to the U.S. Congress. Ambassador Paul Nitze was correct in 1979 when, during the SALT II hearings, he testified that: "They [compliance concerns] were resolved by accepting what has been done in violation." One can debate whether the issues of the 1970s were violations or circumventions or a mix of both. There is no doubt that the Soviets have proven remarkably adroit at exploiting ambiguities in arms control agreements to proceed with activities that it was the intent of one of the parties—us—to preclude by treaty. In doing this, the Soviets have not hesitated to mislead us, deliberately and all too successfully. In order to achieve their purpose, while we regard the spirit of agreements as a guide to their implementation, the Soviets do not. They care nothing for the spirit of agreement and, while it suits their purpose, little more for their letter. This is a sad commentary; the truth is not always happy.

The charges we have made against the Soviet Union are the result of an extremely intensive study of Soviet compliance that lasted over one year. We carefully reviewed the evidence and the negotiating record. These charges should not be confused with the Soviet propaganda contained in the Aide Memoire released by the Soviet Government. The Soviets know full well that we are in full compliance with our arms control obligations.

In 1934, Sir Winston Churchill challenged the British Government concerning German compliance with arms control provisions of the Treaty of Versailles. In the House of Commons he stated that, ". . . the worst crime is not to tell the truth to the public, and I think we must ask the Government to assure us that Germany has observed and is observing her treaty obligations in respect to military aviation." Unfortunately, the British Government did assure the British people, contrary to the facts, that Hitler was not violating the Treaty of Versailles. Thus, Britain slept until it was too late to avoid the Second World War.

This Administration is dedicated to the negotiation of effective, meaningful and verifiable agreements for arms reduction. This cannot be accomplished by ignoring Soviet arms control violations and pretending that they do not exist. Arms control without Soviet compliance is nothing more than an exercise in unilateral disarmament. Arms control agreements must be complied with if there is any hope that they will increase our security.

The Soviet arms control compliance record must be taken fully into account when we formulate future arms control proposals. The fact that the Soviets have cheated in the past does not rule out the possibility of mutually beneficial agreements in the future, but it does rule out the type of inef-

fective agreements based upon wishful thinking that we have negotiated in the past—and which some propose today.

We will continue to press the Soviets for corrective action. However, we must recognize that the problem of Soviet arms control violations has not yet been solved. We must, if we are not to face an expanding pattern of Soviet violations, see that such violations carry costs at least equal to the gains they derive from them. The full funding of the President's strategic weapons program is essential in view of these violations. We are now in the process of assessing the implications of these violations for our mid- and long-term programs. It is clear, however, that the enormous momentum of the Soviet strategic weapons program continues largely unconstrained by existing treaties.

TESTIMONY OF THE HONORABLE RICHARD PERLE, BEFORE THE SENATE ARMED SERVICES COMMITTEE, MARCH 14, 1984

Despite the unhappy nature of my report to you this morning it is a pleasure to appear before the Senate Armed Services Committee. I have been asked to speak today about Soviet violations of important arms control agreements. As President Reagan told the United Nations Special Session on Disarmament in June 1982, "Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

After a year long intensive study of Soviet compliance with existing arms control agreements, President Reagan forwarded a report on Soviet compliance to the Congress on 23 January 1984. He summarized the findings of the report as follows:

"The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty."

These are serious issues. Our concerns are deepened by the fact that Soviet violations in a number of cases involved treaties the terms of which are not very demanding—SALT II, for example. Even the strictest possible compliance with SALT II would allow an enormous increase in Soviet nuclear capability. Indeed, there has been almost a 75 percent increase in Soviet nuclear warheads aimed at the United States since SALT II was signed in 1979. The fact that the Soviet Union has gone even beyond this and violated important treaty provisions is a cause for serious concern.

Another cause for concern is the fact, as Secretary Weinberger has observed in his recent report to the Congress, that: "Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreements."

There are serious potential security risks from Soviet arms control violations. This is particularly true in the ABM area. Since the ABM treaty does not limit the production of ABM intercepter missiles, which can be deployed rather quickly, the radar limitations are its core provision because large radars take years to construct. The ABM Treaty is hardly an optimum arms control agreement. Many of its provisions are permissive and thus involve a calculated risk. Even in 1972, the Soviet radar base was already more extensive than that of the then proposed U.S. Safeguard ABM. Indeed, a unilateral statement the U.S. government issued during the SALT I negotiations noted that, "Since Hen House [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential." The new Soviet large phased-array radars (LPARs), now deployed in significant numbers, are far more capable than the Hen House.

The United States has long been concerned about the ABM potential of Soviet large phased-array radars. Indeed as early as 1970, then Secretary of Defense Melvin R. Laird told the Senate Foreign Relations Committee, "You all know that with regard to ABM defenses, long-lead items are the acquisition and tracking radars." Soon after signing the ABM treaty the Soviets began the construction of a new generation of large phased-array radars far more capable than the Hen House to support a large ABM program. Indeed, during the Carter Administration, the JCS reported that: "Soviet phased-array radars, which may be designed to improve impact prediction and target handling for ABM battle management, are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage."

In mid-1983, the United States discovered the construction of one of these radars deep in the interior of the USSR near the city of Krasnoyarsk. After a minute analysis study of this radar, its capabilities and Soviet explanations for its construction, the United States Government has concluded that: "The new radar under construction at Krasnoyarsk almost certainly constitutes a violation of the legal obligation under the Anti-Ballistic Missile Treaty of 1972, in that in its associated siting, orientation, and capability, it is prohibited by the Treaty."

We have other serious concerns about Soviet failure to comply with the ABM Treaty. During the negotiation of the Treaty, the U.S. Government attempted to deal with the threat of the upgrade of Soviet bomber defense (SAM) missiles into ABM systems. We were particularly concerned about the SA-5. In the testimony cited above, Secretary Laird voiced concern about the ABM potential of the Soviet SA-5 noting that, "We cannot rule out the possibility that the Soviets have given or will give this system, called the SA-5 or Tallinn system, an ABM role. We believe it is technically feasible for this system. This is a problem of particular concern because of the extent of the Tallinn deployment—over 1,000 intercepter missile launchers." The United States settled for a prohibition of testing such SAMs in the ABM mode but without a specific definition of what this meant.

Over the years we have expressed concerns to the Soviet Union about Soviet testing of bomber defense missile (Surface-to-Air Missiles or SAMs) radars against strategic ballistic missiles. A 1978 report of the Carter Administration stated that this activity ". . . could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system." Moreover, the Soviets have developed a rapidly deployable ABM system. In addition, as the Scowcroft Commission noted in its report, "At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against re-entry vehicles of some submarine-launched ballistic missiles and even ICBMs." Two of the new Soviet SAMs now being deployed, the SA-10, the SA-12, could have ABM potential if provided data from large phased-array radars.

Concerning the SALT II Treaty, we have determined that there have been a number of violations or probable violations. We believe that the Soviets have probably deployed the SS-16 ICBM in violation of a specific treaty prohibition. The Soviets have either flight-tested a second new type of ICBM in violation of a treaty provision or they have made impermissible modifications to an existing type. We believe that the Soviet SS-X-25 probably is a second new type in violation of the Treaty limit of one new type.

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"That any practice with regard to the transmission of telemetric information during the testing of strategic arms limited by the Treaty, including but not limited to the failure to transmit relevant telemetric information, which results in impeding of verification by United States national technical means of any provision of the treaty, will be raised by the United States in the Standing Consultative and if the issue is not resolved to the satisfaction of the United States, the United States reserves the right to exercise all other available remedies, including, but not limited to, the right to withdraw from the treaty."

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the use of these weapons reported in today's newspapers does little for the thousands who have died and nothing to absolve the Soviets from eight years of cruel and inhumane attacks with lethal mycotoxins.

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Violations, however, are more significant than the immediate military consequences of the acts themselves. They raise questions about the integrity of the arms control process that may be far more significant than the short-term military impact. Despite much rhetoric in the 1970s about the terrible consequences to the Soviet Union of arms control treaty violations, it is clear that these treaties are extremely difficult to enforce. There are those who even now demand standards of proof that simply cannot be met by national technical means of verifications. There are those who argue we should ignore violations because they are not militarily significant. Others suggest that these Soviet violations are somehow our fault—we have not been tough enough with them in the SCC. Some even suggest we should sweep these issues under the rug because they spoil the climate for future arms control.

There has been some criticism of our decision to make public these Soviet violations. Some of this echoes the criticism of the Arms Control Association without repeating its most fundamental injunction: "Violations of arms control agreements cannot be overlooked or excused." Perhaps the tone of the Arms Control Association press conference would have been different if it had accepted the Administration's offer of a classified briefing on the report before it held its press conference. It chose to hold its press conference before such a briefing could be arranged and even before the final report was finished and presented to the Congress.

The most fundamental misconception fostered by the Arms Control Association is that somehow Soviet arms control violations are our fault because until recently we have not raised SALT II issues in the Standing Consultative Commission (SCC). This is simply not true. We began raising SALT II issues in the Spring 1981 session of the SCC. We have also raised them through senior diplomatic channels. We called for a Special Session of the SCC in 1983 which the Soviets refused to attend.

The fact of the matter is that the SCC has been largely unsuccessful over the years in resolving compliance concerns. Unfortunately, previous administrations have exaggerated its effectiveness in order to sell unverifiable arms control agreements to the U.S. Congress. Ambassador Paul Nitze was correct in 1979 when, during the SALT II hearings, he testified that: "They [compliance concerns] were resolved by accepting what has been done in violation." One can debate whether the issues of the 1970s were violations or circumventions or a mix of both. There is no doubt that the Soviets have proven remarkably adroit at exploiting ambiguities in arms control agreements to proceed with activities that it was the intent of one of the parties—us—to preclude by treaty. In doing this, the Soviets have not hesitated to mislead us, deliberately and all too successfully. In order to achieve their purpose, while we regard the spirit of agreements as a guide to their implementation, the Soviets do not. They care nothing for the spirit of agreement and, while it suits their purpose, little more for their letter. This is a sad commentary; the truth is not always happy.

The charges we have made against the Soviet Union are the result of an extremely intensive study of Soviet compliance that lasted over one year. We carefully reviewed the evidence and the negotiating record. These charges should not be confused with the Soviet propaganda contained in the Aide Memoire released by the Soviet Government. The Soviets know full well that we are in full compliance with our arms control obligations.

There is nothing new about arms control treaty violations or attempts to deny the existence of these violations or their significance. Sir Winston Churchill waged a very lonely campaign against these tendencies in the 1930's. In 1933, he first warned of Hitler's violations of the arms control provisions of the Treaty of Versailles. His revelations were treated with disbelief. The Labour party had just won an important by-election on an overtly pacifist platform. In 1933, Sir Winston noted that these pacifist leaders ". . . represented that Germany might have a few thousand more rifles than was allowed under the Treaty, a few more Boy Scouts" but then "pictured the enormous armies of Czechoslovakia and Poland and France with their thousands of cannons, and so forth. If I could believe that picture, I should feel much more comforted, but I cannot. The great, dominant fact is that Germany has already begun to rearm." Mr. Churchill's warnings were ignored.

In 1934, Sir Winston Churchill challenged the British Government concerning German compliance with arms control provisions of the Treaty of Versailles. In the House of Commons he stated that, ". . . the worst crime is not to tell the truth to the public, and I think we must ask the Government to assure us that Germany has observed and is observing her treaty obligations in respect to military aviation." Unfortunately, the British Government did assure the British people, contrary to the facts, that Hitler was not violating the Treaty of Versailles.

Even as late as 1935, the British Government was ignoring Hitler's arms control violations, even refusing to admit that the Germans were violating the limits on warship construction. Sir Winston railed in the House of Commons, ". . . even the battleships are laid down. I do not know how the Admiralty came to be without information that even battleships, contrary to the Treaty, were being laid down. I am astounded at such a thing. We always believed before the [First World] War that battleships could never be laid down without our knowledge. The Germans were entitled to build 10,000-ton ships according to the Treaty, but they, by a concealment which the Admiralty were utterly unable to penetrate, converted these into 26,000-ton ships. Let us be careful when we see all these extremely awkward incidents occurring."

The British Government was not careful. It continued to deny Hitler's arms control violations. Thus, England slept until it was too late to avoid the Second World War.

This Administration is dedicated to the negotiations of effective, meaningful and verifiable agreements for arms reduction. This cannot be accomplished by ignoring Soviet arms control violations and pretending that they do not exist. Arms control without Soviet compliance is nothing more than an exercise in unilateral disarmament. Arms control agreements must be complied with if there is any hope that they will increase our security.

The Soviet arms control compliance record must be taken fully into account when we formulate future arms control proposals. The fact that the Soviets have cheated in the past does not rule out the possibility of mutually beneficial agreements in the future, but it does rule out the type of ineffective agreements based upon wishful thinking that we have negotiated in the past—and which some propose today.

We will continue to press the Soviets for corrective action. However, we must recognize that the problem of Soviet arms control violations has not yet been solved. We must, if we are not to face an expanding pattern of Soviet violations, see that such violations carry costs at least equal to the gains they derive from them. The full funding of the President's strategic weapons program is essential in view of these violations. We are now in the process of assessing the implications of these violations for our mid- and long-term programs. It is clear, however, that the enormous momentum of the Soviet strategic weapons program continues largely unconstrained by existing treaties.●

THE TEXTILE FIBER AND WOOL PRODUCTS IDENTIFICATION IMPROVEMENT ACT

● Mr. D'AMATO. Mr. President, I rise today to join as a cosponsor of S. 1816, the Textile Fiber and Wool Products Identification Improvement Act. This legislation is designed to strengthen existing domestic laws relating to the country of origin labeling requirements.

Currently our laws are vague as to where the country of origin labels must be placed on an item. The Textile Fiber Products Identification Act and the Tariff Act of 1930 state that labels be attached to all products in a conspicuous manner. However, labels are often attached in the most inconspicuous places, such as the inside of a sleeve, making it difficult for the consumer to find. Furthermore, there are increasing instances of foreign made items entering the United States with no label of origin, thus violating the laws.

Consumer reports show that an increasing number of Americans desire to purchase American made goods, but are faced with the problem of being unable to ascertain the country of origin. By requiring that the label of origin must be placed on the most conspicuous area on the inner side of the product, we will eliminate this confusion to the consumer and the violation of existing laws.

This legislation will also require all goods which are made in the United States to carry the label "Made in U.S.A." Present laws do not require domestically manufactured textile/apparel products to carry the country of

origin label. The consumer must therefore assume that the product was manufactured in America when it does not say it was manufactured in a foreign country.

Mr. President, at a time when the level of foreign textile/apparel imports is continually rising, this bill will offer relief to domestic manufacturers without restricting imports. By clarifying the labeling requirements, we will give consumers the opportunity to readily identify and purchase American made products.

Mr. President, I urge the speedy adoption of S. 1816.●

THE 40TH ANNIVERSARY OF THE LIBERATION OF ROME

● Mr. D'AMATO. Mr. President, I rise this afternoon to cosponsor Senate Joint Resolution 240. This resolution commemorates the 40th anniversary of the liberation of Rome and the endeavors of the First Special Service Force in this historic event.

The Special Service Force was a joint United States-Canadian unit specially trained for winter warfare and amphibious scouting techniques. This force of little more than 2,000 Americans and Canadians distinguished itself in the fighting for Montes la Difensa and Rementanea and Auzio beach. In the battle of Rome, the SSF was indispensable, seizing and securing eight bridges across the Tiber River. The securement of these bridges allowed the Allied forces to maintain their drive northward.

In its 251 days of combat, the First Special Service Force proved itself an excellent and heroic unit. The soldiers of these two great democracies gained a reputation for never retreating from a position and took a total of 30,000 prisoners. Theirs was an essential contribution to the liberation of Rome. I hereby pledge my support to Senate Joint Resolution 240, commemorating the 40th anniversary of Rome's liberation and the bravery displayed by the liberating forces.●

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS PROXMIRE AND EAGLETON

Mr. STEVENS. Mr. President, following the time under the standing order for the two leaders, I ask unanimous consent that there be two special orders not to exceed 15 minutes each for Senators PROXMIRE and EAGLETON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following those special orders, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, it is my understanding that following that period for the transaction of morning business, the Senate will resume the unfinished business, House Joint Resolution 492, the urgent supplemental agriculture appropriations bill.

And I wish to state that at some point tomorrow it is the intention of the leadership to try to take up Calendar No. 722, H.R. 5174, the bankruptcy bill, and hopefully that will be under a brief time agreement.

Mr. President, I inquire of my good friend if he has anything further to come before the Senate.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. I have nothing. I appreciate his inquiry.

Mr. STEVENS. Mr. President, I might state that there is an attempt being worked out to arrange a time for the consideration of motions to table the pending amendment in the second degree and the pending amendment to the pending business. It is my understanding that the majority leader does intend to make a motion to table the pending Johnston-Rudman-Metzenbaum amendment sometime in the early afternoon.

It would be our intention, whenever possible tomorrow, to take up the bankruptcy bill under as short a timeframe as possible in order that we might meet the deadline involved in the consideration of that legislation. It is our intention further to proceed with the reconciliation bill at some time during this week. The majority leader will have a statement, I am sure, in the morning concerning the length of the session tomorrow. Senators should be on notice that there may be a vote as early as noon and, in any event, there should be votes by no later than 2 o'clock.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and, at 6:58 p.m., the Senate recessed until Wednesday, March 28, 1984, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 1984:

THE JUDICIARY

Robert R. Beezer, of Washington, to be U.S. circuit judge for the ninth circuit.

Neal B. Biggers, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

DEPARTMENT OF JUSTICE

John W. Stokes, Jr., of Georgia, to be U.S. Marshal for the middle district of Georgia for the term of 4 years.

EXTENSIONS OF REMARKS

THE LAST CAMPAIGN—CHILD SUPPORT AND POVERTY

HON. ALAN K. SIMPSON
OF WYOMING
IN THE SENATE OF THE UNITED STATES

Tuesday, March 27, 1984

● Mr. SIMPSON. Mr. President, I think many of my friends and colleagues here in the Senate know what a distinct privilege and honor it is for me to serve along side my old and dear friend, MALCOLM WALLOP, the senior Senator from Wyoming. Our relationship goes back many years—and our parents and grandparents knew each other in the early days of Wyoming's history. It is such a pleasure to work with him and enjoy his company as we work together for the good of our State and this Nation.

In MALCOLM's extraordinarily and thoughtful way he has proceeded to take a leadership role in the issue of child support and child custody issues. You may imagine my pleasure when I came upon an excellent article prepared by MALCOLM which appeared in the Detroit College of Law Review's publication, "Open Forum: Reforms in the Law." Senator WALLOP's article, "The Last Campaign—Child Support and Poverty," discusses alarming statistics as they relate to nonpayment child support in low-income, female head-of-family homes and it outlines the legislative proposals which he has introduced to improve the child support payment enforcement program.

MALCOLM is a leader in this area and he undertook similar efforts during his very first term in the U.S. Senate when he authorized the Parental Kidnaping Prevention Act of 1980.

I earnestly commend MALCOLM WALLOP's remarks to our colleagues. They provide a thoughtful, sensitive, and solid perspective for the coming Finance Committee consideration of child support legislation and this certainly should lend impetus for action on those proposals before the end of this legislative session.

A fine and extraordinarily lucid article, MALCOLM. I commend you and it is with great pleasure that I enter this into the CONGRESSIONAL RECORD for the benefit of my colleagues.

The article follows:

THE LAST CAMPAIGN—CHILD SUPPORT AND POVERTY

(By Malcolm Wallop)

(Note—Senator Wallop is a Republican from Big Horn, Wyoming. He has been a United States Senator from Wyoming since he was first elected on November 22, 1976. He is currently a member of the following Senate Committees: Energy and Natural Resources; Finance; and Select Committee on Intelligence. He was appointed to the Select Committee on Ethics on October 31, 1979 and served as Chairman of that committee from January 6, 1981 to January 3, 1983.)

Since the early 1960's, a national objective has been the eradication of poverty. While no society will ever be totally successful in ensuring that no member will ever be disadvantaged, in many respects the war has been won in this country. Over the years, we have erected an elaborate and complicated social welfare system to assist families in poverty. Programs such as Aid to Families with Dependent Children, Food Stamps, and Medicaid provide cash and in-kind benefits to the disadvantaged. Recent books and studies have declared that these income transfer programs have accomplished their purpose. While up to one fourth of our population was at the poverty level in 1960, the rate has dropped to about 4 percent to 8 percent today.

Our success in reducing poverty has not occurred across the board for all groups. The most dramatic decline in poverty rates involves white, male-headed families. The poverty rate for such families has dropped by 51 percent since 1960. Families headed by females had a much lower poverty drop-out rate, with a decline of only 20 percent. But, over the same period, the number of poor families headed by women increased dramatically, by 54 percent.

The decline in the poverty rate has focused on male-headed families because such families are the easiest to move out of poverty. This is a reflection of a number of phenomena. General economic prosperity since 1960 has provided jobs for low income males. The most impressive improvements occurred during the 1960's and early 70's. Even with the sluggish economy of recent years, while the employment opportunities of the past have not continued, there has been no retreat to poverty for male-headed families. There is another, negative factor for the improved status of male-headed families. It can be argued that many of the male-headed families which did not escape, or fell back into, poverty were transformed into female-headed families as the father abandoned the family. The one failure of both public and the private sector economy to reduce poverty has been the growth in low income, female-headed families.

Since 1970, the number of single parent families has increased relentlessly. The number of such families, compared to all families, jumped up by 69 percent. If current trends continue, by the next decade, about one in every two children will live in a single parent household at some point before they reach age 18. Along with the growth in single parent families, there has been an increase in the number of single parent families at or below the poverty level. Today, the single parent family represents about 25 percent of all families, up from 9 percent in 1960. According to the 1980 census, the number of families living in poverty was 9.6 percent, but the number of single parent families in poverty, compared to the total number of single parent families, was 40 percent (2.3 million out of 5.6 million single parent households).

One of the basic goals of this nation is the maintenance of the family. Our high divorce rate, a 121 percent increase since 1960, and 356 percent increase in unwed mothers since 1970, suggests that we have been noticeably unsuccessful in achieving this goal. Public policy regarding the family has never been credibly coherent. There is no consensus over the content of such policy, nor agreement as to which level of government has primary responsibility for family-oriented policies. The federal government has assumed some responsibilities, such as providing Social Security for the aging, while state governments (and their local subdivisions) have assumed other activities, such as public education. However, the lines dividing jurisdictions have been blurred. For instance, both federal and state governments are involved in the basic welfare programs, Aid to Families with Dependent Children and Medicaid.

The futility of public policy on the family has not meant that policies targeted at selective problems are automatically doomed. A vigorous economy, one long range public goal, does provide an economic boost to disadvantaged males. Family stability is enhanced. In instances where economic growth and supportive services coincide, the female head of household also has the opportunity to move forward.

In one particular case, we have a successful policy to assist one type of household. One group that has been particularly plagued by low incomes is that of senior citizen households. In 1959, about 35.2 percent of the aging lived below the poverty level. The poverty rate dropped to 28.5 percent by 1966, and to 15.7 percent by 1980. The poverty rate for aging households was cut by over half in the past twenty years. Our actual experience is even more impressive because the Census Bureau measured the drop in poverty rates on the basis of only cash transfers to the aging. However, the senior citizens actually receive extensive in-kind benefits, such as health care, which is not counted, but has also reduced the poverty rate. Data indicates that only 5.3 percent of aging are at the poverty level. Federal social insurance and welfare programs have reduced the number of aging at poverty by 71 percent. Of course, the cost of reducing poverty for senior citizens has been high. Over one-fourth of the federal budget is devoted to programs to assist senior citizens.

While those families, with children under age 18, which are below the poverty level have benefited from some of the same programs assisting the seniors, the results have not been so dramatic. The poverty rate for such families was 26.9 percent in 1959, and dropped to 17.4 percent in 1966. The rate went up slightly and reached 17.9 percent in 1980. The numbers reflect reduced poverty due to cash transfers. Once again, counting in-kind benefits reduces the rate even further. As mentioned above, the percent of the population living in poverty has been halved since 1959, dropping from 22.4 per-

cent to 13.0 percent (the rate when counting in-kind benefits is lower than 8 percent of the total population). But this advance in public policy is more the result of improvements in the economic condition of senior citizens and male-headed families, rather than an advancement by female-headed families with minor children.

A recent study by the Census Bureau indicates that the persistence of poverty in this country reflects the breakup of families. While the real income of intact families (that is, two parent families) increased in the 1970's, the existence of many more broken families at the end of the decade, compared to the beginning, meant little growth in real income measured for all families. The single parent family is predominantly female, accounting for 90 percent of such families. A direct result has been the growing feminization of poverty. A female head of the household has a six times greater likelihood of living in poverty than a male head of household. The break-up of families has meant that the economic well being of the family declines considerably, and the public, that is, the taxpayer, is increasingly asked to assume the cost of the family through increased welfare expenditures.

Theoretically, the end of a marriage (or, more informally, cohabitation) does not end one's family responsibilities. Caring for the needs of their children remain with both parents regardless of whether the parents are married, divorced, or separated. Providing economic support for one's children is a parent's legal obligation which is supposed to be enforced by state law through local courts. However, the enforcement of child support laws is a disgrace. One recent study indicated that only 25 percent of families with one parent absent ever receive any child support from the absent parent.

This situation is even worse for low income female-headed families. Despite the fact that over 80 percent of families on welfare have a non-custodial (male) parent, only 38 percent of these families even have a child support order from a local court. The ability to obtain a child support order is related to the strength of legal ties between the parents. In the case of divorced women on welfare, 80 percent have legal support orders. Only 11 percent of those never married have an agreement. However, receiving a court order does not guarantee that the family will ever obtain any child support. Only 39 percent of the families with an order receive any money. What it comes down to is that only 15 percent of female-headed families on welfare ever receive any support from the absent parent. While absent parents have pretty much ignored their families, our public welfare programs have not avoided the plight of female-headed families. A variety of programs, such as AFDC, enable such families to maintain a minimally decent standard of living when they might otherwise lack necessary resources. Of course, the utilization of such programs today varies greatly from their original purpose. For instance, the purpose of AFDC, when enacted in 1935, was in part, "to help maintain and strengthen family life" by assisting "parentless" children. At the time, "parentless" meant deceased parents. Today, as earlier statistics indicated, the term means a family deserted by a parent. Desertion does not merely refer to a father who has slipped away in the night. It refers to the decision by a parent not to provide financial support for their offspring. This obligation may be a legal one resulting from a divorce-custody settlement, or a de facto one in an out-of-wedlock situation. The net result is always the same. The burden of caring for the financial well-being of a family is transferred from the parent to the taxpayer. This has not been an affirmative legislative action. The 1935 Act was never amended. Rather, it has been a simple change in practice.

Not all female heads of households immediately apply for welfare benefits. Many of these families attempt to maintain themselves through employment. Of all families maintained by women, 76.9 percent had one or more wage earners in 1981. However, such work is often that of low skill, low pay jobs. A female head of household earned about one half ($10,350) what a male head of household earned ($20,472) in 1981. Thus, the escape from poverty for female heads of households is much more difficult than those of other families. Even though a family does fall into poverty, some still strive to move forward economically. However, women in such households work in only 28.6 percent of such cases. Seventy-three percent of female-headed families in poverty have no wage earner at home.

The pauperization of female-headed households in comparison to traditional two-parent families has created a political dilemma. It is a question of who will be responsible for the economic well being of such families. As public policy now stands, public assistance is provided to those female-headed families categorized as low income. The trend has been to shift the burden for family maintenance through income transfers from the family to the taxpayer.

There has been a second trend in recent years which moves in the opposite direction of increased public responsibility. This is the effort to constrain public spending. Through the tax revolt, the American public is resisting onerous taxes. The recent actions to slow the growth in federal spending, and the three year tax reduction program completed this July indicate that fewer public resources will be available for income transfer. The de facto freeze on increases in the level of AFDC benefits for the past few years is also a signal that we cannot look to income transfer as a way to assist the economic advancement of female-headed households. Restraint occurs because of the magnitude of the cost of eliminating poverty absolutely. It would be similar to the 25 percent of the budget now devoted to the aging. The resources do not exist.

Two courses of action are being pursued in addition to income transfers. One is somewhat punitive, while the other is theoretically a just and compassionate solution. The punitive approach applies only to those female-headed families seeking public assistance. Welfare is no longer a free benefit. Adult AFDC recipients, women for the most part, must participate in WIN (a work training and employment program) and, more recently, in Workfare programs as a quid-pro-quo for receiving family benefits. Since half of all mothers now work, expecting female welfare recipients to work is really not that punitive. However, the lack of skills in these individuals combined with a weak job market does raise doubts about the success of relying just on the custodial parent to move the family out of poverty.

The second option is supposed to bring the absent parent back into involvement with the financial support of their children. This is accomplished through our child support program. Actually, it is a multitude of programs which involves every level of government. Unfortunately, no one can lay claim to directing a notably successful program.

As indicated above, only 15 percent of mothers on welfare with an absent father ever receive any child support. The rate for non-welfare mothers is not much better. At least 75 percent of divorced or separated mothers receive no child support. In addition, the fact that a mother received some child support does not mean that she will receive the full amount on a continued basis. One survey indicated that only 3 percent of families with a child support order received more than $250 monthly, and the payments by the absent parent decline precipitately over time. The custodial parent is forced to go back to the local court to attempt to have their absent partner fulfill their parental responsibilities.

The argument that this is a financial burden on the absent parent is questionable. A RAND Corporation study discovered that many non-support paying parents did have sufficient income ($25,000 to $30,000 a year) to support their children. In addition, many professionals falsified their income to reduce court support orders. But, even for the absent parent with moderate to low income, it is only proper that they make some contribution to the care of their children. Ultimately this would avoid the abuse whereby a family with a moderate income, but absent parent, receives welfare, while a low income family headed by a working male remains ineligible for the same benefits.

Efforts to develop a public policy on child support have been made since the 1930's. The results, obviously, have not been successful. Past proposals included several attempts in the 1940's to make it a federal crime to avoid child support payments. This legislation never made it through the Congress. An attempt to promote civil remedies also failed. By 1950, agreement was reached on a program to coordinate state child support collections under the umbrella of the Uniform Reciprocal Enforcement Support Act. However, child support disputes are viewed by many local officials as court cloggers. They give low priority to such "domestic disputes."

Congressional frustration over the lack of local and state efforts to collect child support resulted in 1967 amendments to the Social Security Act to encourage the states to collect from absent parents when the family received federally funded welfare benefits. This federal mandate left it up to the states to decide how to implement the requirement. By 1974, the Senate Finance Committee determined that there was little state compliance with the provision. Additional language was added to create a more formal structure for child support efforts.

The 1974 amendments established the federal Office of Child Support Enforcement, and required the states to set up similar offices (the so-called Title IV-D agencies, named after the amended section of the Social Security Act creating the agencies). The state office would oversee activities to collect child support payments from the parent of families on public assistance. A federal Parent Locator Service was also established to assist in the determination of parentage and where the parent is currently residing. A provision was added to the bill which authorized assistance in obtaining support for non-welfare families. An admin-

istrative fee is required when such assistance is provided.

For the families on AFDC, the child support payments are used to offset the welfare benefits provided to the family. It reduces the use of tax revenues for family support, and, in some instances, the child support is sufficient to move the family off of welfare. The non-AFDC families receive the child support collection directly, thus helping them remain self-reliant.

A review of the annual reports issued by the OCSE indicates that the states have made efforts to effectively and innovatively implement the program. State performance has varied greatly, with some obtaining child support payments from as much as 30 percent of the target population to as few as 2 percent. But, the states remain constrained by budget limitations and lack of automated systems. Still, the program collected $1.6 billion in child support in 1981-82. The AFDC portion of this program meant that 5 percent of the AFDC payments were offset by the child support collections. The program is a step forward, but the collection levels are still quite inadequate.

To further strengthen the program, a new program was authorized in 1981. The Internal Revenue Service is now authorized to intercept tax refunds for absent parents now paying child support. In 1982, the IRS withheld tax refunds in 267,000 cases and collected $168 million in delinquent support payments. While both the collection activity and the tax intercept programs have positive cost-benefit ratios, neither has affected the majority of parents not providing support. At a recent workshop on child support in Sweetwater County of my State of Wyoming, the state OCSE reported that 60 percent of absent fathers never pay child support, while after three years, 85 to 90 percent become delinquent.

The 1974 amendments also authorize the IRS to attach wages to collect child support delinquencies. This is not an automatic program, but rather, the states must request IRS assistance through the federal Department of Health and Human Services. In 1981, the IRS accepted only 395 cases, with half from the State of New York. The fact that a case is accepted does not mean that child support payments will again be made. My State of Wyoming had four cases certified in 1981, but no collections were made. The IRS is not enthusiastic about this program, so it gives it low priority. In addition, there may be a reluctance by state and federal OCSE's to refer cases to the IRS. It is an admission of failure on their part.

All the programs, however, have gaps and omissions which permit evasion. Absent parents can devise many methods to hide themselves and their income. Recently, I introduced legislation, S. 1398, as a modest reform of this mess. This bill basically turns around the current system. Now we rely on the good faith of the absent parent to make payments from his earnings. The new reform would deduct child support from pay as it is earned. The child support would be collected by the IRS through wage withholding, just as the income tax is now collected. Collections would go to a special trust fund, and payment based on a set formula would be made to the children of the parent. Since the states, not the federal government, have primary responsibility for child support the bill is limited in that it only applies to families receiving AFDC benefits (which is federally funded). The child support payments from the trust fund would be made to the family in lieu of AFDC payment.

This would effectively transfer the responsibility for family support from the public back to the parents. Research assistance done by the Institute for Research on Poverty at the University of Wisconsin indicates that in today's dollars, about $2,000 is the minimum amount which should be provided for the first child in a family. The amount for additional children would be slightly less, $1,000 each for the second to the fourth child. A family maximum of $10,000 should be set.

The tax rate for withholding on the parent is based on a calculation of the percent of income which must be devoted for child care. For the first child, about 20 percent of income is appropriate for the second, 10 percent of income. Thus, a father with income of $10,000, and responsible for one child, would have a tax of 20 percent on his income. The child would receive a $2,000 payment for support from the trust fund. The bill obviously has a limit on the income taxed, so local courts could order additional amounts of child support collected by the local jurisdiction for the child. This would have no effect on trust fund payments.

S. 1398 is a strong measure, perhaps the strongest that could be offered. Alternatives have been proposed, such as a more effective program to garnish wages for court-ordered child support. The most appropriate course of reform will be determined through the legislative process. Preliminary hearings on the subject of child support will be held by the Senate Finance Committee this summer, with further work in the fall. Whatever is decided should not be rushed to implementation on a nationwide basis. My bill would require a demonstration project in several states before proceeding further. The State of Wisconsin is currently developing a pilot project in several counties to test the proposal. One reason many social programs fail to live up to expectations is that social theories do not always conform to reality. Pilot projects will determine whether reforms of child support, such as I have proposed, can be effective.

We have been successful in the war against poverty, but one campaign remains. We must ensure that female-headed families do not remain as our new caste of poor. Reform of our child support system is one of the most sensible strategies for solving this problem.●

ACID RAIN

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. GRADISON. Mr. Speaker, reproduced below is an essay I wrote on the subject of acid rain. It ran in the Cincinnati Post on March 23, 1984.

ACID RAIN—A PERPLEXING POLICY ISSUE

(By Bill Gradison)

In a recent newsletter to all Second District constituents I noted briefly the serious problems posed by acid rain. I cannot recall an issue that more sharply and simultaneously raises environmental, economic, and regional political questions.

Rainfall is becoming more acidic and causing significant environmental damage in the Northeastern United States, Canada, and some western states. These are not the only areas experiencing "acid deposition", as it is called in scientific parlance, but because their soils are not alkaline enough to counter the acid, they are more likely to suffer environmental damage.

Rain in the western states primarily contains nitric acid, which most experts attribupute to automobile emissions. In the Northeastern United States, however, the major problem is caused by sulfuric acid thought to originate from non-mobile gaseous emission sources in the Midwestern U.S. Many ponds and lakes in the Northeast are becoming totally devoid of normal aquatic life. Fish are dead or dying, and only certain forms of moss are surviving. There is also evidence suggesting that certain trees are adversely affected. Because acid precipitation acts upon sandstone and limestone, even buildings and monuments are damaged.

Most of the evidence indicates that the sulfur comes from coal-burning power plants, particularly those in the Ohio River Valley, whose electricity-generating utilities are the principal users of high-sulfur coal in the U.S. However, scientists are by no means unanimous on this.

During a recent visit to EPA's national laboratory in Cincinnati, EPA Assistant Administrator Bernard D. Goldstein noted "crucial uncertainties" as to the source of acid rain, how it moves over long distances, and how it can be reduced. Dr. Goldstein should know; a distinguished scientist, he recently came to EPA from Rutgers University where he was chairman of the department of environmental and community medicine. The presence of these uncertainties is, by itself, sufficient reason to proceed with caution.

Of even greater uncertainty is the extent reductions in emissions from the Ohio River Valley would result in environmental benefits in the Northeast and Canada.

Not surprisingly, Canada and the Northeastern states seek a mandatory reduction of sulfur emissions. The rub is that the cost of emission reduction programs could be as much as $50-60 billion over 10-15 years, and the actual environmental benefits are far from certain. Understandably, the Northeastern states want the Midwestern "polluters" to foot the bill. Thus, we have strong regional interests.

In 1977 Congress mandated that all new coal-fired power plants contain the latest technology, which essentially means scrubbers in their exhaust stacks, to reduce sulfur emissions regardless of the type of coal utilized. However, there remains an environmental problem because this legislation does not apply to power plants that existed before 1977. In addition to adding scrubbers, proposed solutions for the older plants include washing the coal and switching to low-sulfur coal.

Although economical, coal washing alone cannot remove sufficient sulfur. Scrubbers, meanwhile, allow the use of high-sulfur coal, but installation of scrubbers, on existing power plants requires major modifications (and may be impossible in some instances), and is the most expensive of the proposed methods for most of the plants involved. Furthermore, scrubbers result in large quantities of sludge which must somehow be disposed of. Switching from high- to low-sulfur coal may have the least cost impact on consumers, but it would put some Midwestern coal miners out of work, or at least out of mining coal.

Most low-sulfur coal is found in the Western states, although much also exists in southern West Virginia and eastern Kentucky. Ohio and Illinois coal mines produce mainly high-sulfur coal, and many coal miners in these states would be affected adversely by any major switch to low-sulfur coal. However, it is also true that job losses resulting from a switch away from high-sulfur coal would be offset, at leat in part, by job increases in the mining and transport of low-sulfur coal.

Moreover, concerns over job losses may be exaggerated. According to Paul R. Portney of Resources for the Future (FfF), a respected research group, "many of the miners would be re-employed in the same or nearby areas, since low- and high-sulfur coal are often found close together. In Appalachia alone, . . . many more jobs would be created than would be lost."

Understandably, politicians are concerned about protecting local jobs. But politicians also have responsibilities to constituents who may not favor subsidizing low-sulfur coal production through higher utility rates. And elected officials also have responsibilities to non-constituents when important national or international issues are presented.

Not surprisingly, one approach to this problem aims to prevent unemployment at all costs, either by blocking acid rain legislation or requiring the installation of scrubbers. Both approaches are misguided. They cannot perform as advertised because they ignore the full picture. Quite aside from their obvious inflationary bias, protectionist job policies are likely to result in an overall decrease of jobs.

From the point of view of both household consumers and major employers, such as electric-intensive industry, switching to low-sulfur coal appears to have the edge. At present prices, low-sulfur coal is generally much more economical than installing and maintaining scrubbers. Western low-sulfur coal is economically competitive with all types of eastern coal up to the western border of Ohio. The trade-off is between the higher transportation costs of low-sulfur Western coal and the higher labor costs associated with high-sulfur Eastern coal.

Another idea, then, is to mandate the use of low-sulfur coal. But the railroads have a monopoly on the transport of coal, and this monopoly power was strengthened recently with the failure of coal-slurry pipeline legislation. Requiring the use of Western coal could create a windfall for the railroads and little or no relief for consumers.

Similar economic arguments could be made with regard to high-priced, low-sulfur coal from Kentucky and Virginia, although barge transportation might provide some competition. So, while switching to low-sulfur coal will not necessarily guarantee significant long-term rate advantages over scrubbers, inflexible public policies that prohibit or discourage utilities from seeking market-conscious low-cost solutions (for example, switching to low-sulfur coal and avoiding the high cost of scrubbers) will practically guarantee higher utility rates.

Estimated effects of air pollution controls on utility rates vary considerably. Predictions of rate increase range from 5% to 50%, depending on how the program is funded, the reduction strategy chosen, and the extent (if any) costs are borne outside the region served by a particular utility.

One idea, then, is to impose a monthly surcharge on utility bills nationwide, with the proceeds earmarked for scrubber installation. This idea is embodied in a bill, H.R. 3400, sponsored by Congressman Henry Waxman of California. H.R. 3400 would offset local scrubber installation costs by a nationwide tax on nonnuclear-generated electricity. It does nothing about scrubber maintenance or sludge disposal costs. Furthermore, the bill would only partially offset scrubber installation costs. Nevertheless, the result would be a more gradual increase in utility rates than if local utility customers had to pay the full cost of scrubber installation.

If the benefits of emission control were restricted to the geographic area served by the affected utilities, I would have difficulty endorsing an outside subsidy. But the benefits of emission control in the Ohio River Valley would not acrue just to its own residents.

Understandably, many people object to cost sharing, particularly if their regions have no significant acid rain damage or are not contributing to the problem. Some regions, for example, have few or no coal-fired plants, while others have already paid to install their own scrubbers and are not enthusiastic about footing the bill for installing scrubbers in Ohio.

But these same people often lobby for costly Federal water and transportation projects affecting localized areas. Furthermore, Ohio taxpayers typically subsidize taxpayers in other states. The Governor's office estimates that, in 1980, only 76 cents of every federal tax dollar generated in Ohio returned to the state in the form of federal spending.

For all these reasons, cost sharing is appropriate.

I have heard the argument that we can have it all—that we can protect jobs, ensure environmental quality, and have low utility rates. I wish this were true, but it isn't; it is a political pipe dream. Certainly, we can (and should) mitigate adverse environmental impacts, but the hard fact is that we live in a world of trade-offs in which tough and painful choices among desirable goals must be made.

H.R. 3400 provides a proof. H.R. 3400 would add between $1 billion and $1.6 billion a year to a "least-cost" policy of allowing utilities to achieve mandated emission levels in the least costly way. This added cost arises because H.R. 3400 would require the installation of scrubbers on the "dirtiest" power plants even though the same environmental standards could be met in a much less expensive way through the use of low-sulfur coals.

Since the number of mining jobs saved through the required installation of scrubbers range from 10,000 to 20,000, each job saved would cost between $50,000 and $160,000 each year, yet there would be no increase in environmental benefits! Wouldn't it make more sense to spend a small fraction of the savings for retraining and, if necessary, relocated miners and their families?

From a broad policy perspective, we should be concerned about jobs of all kinds, not just jobs of high-sulfur coal miners. The focus of the debate ought to be environmental quality and consumer protection.

The best program would establish appropriate environmental standards while providing sufficient incentives to help ensure that the standards are achieved in a least-cost way. Mandating technological solutions reduces or eliminates incentives to seek the most cost-effective emission control systems. Such a regulatory policy locks us into today's technology with no gain in environmental quality. It is a prescription for future obsolescence.

I support the approach advocated by EPA Administrator Ruckelshaus—a modest, highly targeted, carefully monitored program, with the decision to expand the program based on the results of the monitoring. However, Mr. Ruckelshaus' proposal has been rejected at the White House as too expensive. In the Congress, the hard political reality is that there is little support for a modest, cautious approach; people seem to line up at one end or the other. H.R. 3400 is but one of at least 20 acid rain bills that have been introduced. The outlook, for at least the remainder of the 98th Congress, is legislative gridlock.

Despite this pessimistic note, it is important to keep in mind that, whatever the method or means, current acid rain proposals foreshadow multibillion dollar costs, concentrated in Ohio and the Midwest; and, in addition to the cost element, there are important unresolved questions over the causes and consequences of acid rain, and significant uncertainties over the effectiveness and benefits of emission control. We should look before we leap.●

DAYS OF REMEMBRANCE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. FROST. Mr. Speaker, my friend and colleague Congressman JOHN BRYANT of Dallas joined with many citizens of Dallas County, Tex., in dedicating a sign at the offices of the Jewish Community Relations Council to demonstrate support for the 1.8 million Jews who are persecuted in the Soviet Union because of their religious beliefs. Congressman BRYANT'S remarks, which follow, are particularly relevant to the plight of Soviet Jewry and all people who value human life and liberty:

WE WILL REMEMBER

(By Congressman John Bryant)

We have gathered this evening not only to dedicate this visible symbol of our concern for the plight of Jews in the Soviet Union who have increasingly been subjected to harassment, indignity, and denial of basic human liberty. We have come here, too, to rededicate ourselves and our efforts in opposition to repressive regimes wherever they exist, wherever they deny free movement, wherever they punish free thought.

The Soviet Union is certainly not the only nation in the world which practices official discrimination, but its policies are among the most blatantly offensive to the conscience of the world.

The Soviet Union is a prison—incarcerating within its borders the vast majority of Jews not put behind bars, sentenced to work camps, or confined in what the Soviets politely refer to as hospitals.

The Soviet Union's barriers to Jewish emigration, to enjoyment of Jewish tradition and culture, to practice of the Jewish faith, to use of the Hebrew language constitute nothing short of anti-Semitism.

The Nazi Holocaust destroyed six million lives. The Soviet Union seeks to destroy hundreds of thousands of hearts and minds and souls.

Despite the Soviet Union's commitment in 1974 to join with the civilized nations of the world in observing the Universal Declaration of Human Rights and the Helsinki Final Act, the free thought, religion, and movement guaranteed by these documents have been consistently and systematically ignored by the Soviet Union.

The emigration of Soviet Jews last year plunged to its lowest level since 1963. More than three times as many Jews were permitted to leave the Soviet Union in each month of 1979 than in all of 1983. An intolerable situation is worsening.

The Soviet Union has created an "Anti-Zionist Committee of the Soviet Public," the purpose of which is to compel the Jewish community to sever its physical, emotional, and spiritual ties with the State of Israel.

The hundreds of thousands of Jews who desperately seek to leave the Soviet Union are forced to endure again and again the labyrinthine application process for exit visas that are denied again and again. Soviet law encourages the firing of Jews who try to emigrate to countries where they may freely practice their religion.

Many of the most courageous of these people who have challenged the Soviet system for the benefit of humanity everywhere have been fired, then arrested, tried, and summarily convicted as "parasites" because they are unemployed—an institutionalized Catch 22 without equal in the world.

Those who attempt to preserve and pass along the strength and wisdom of thousands of years of Jewish history, tradition, and language suffer special harassment at the hands of the Soviet state. Pravda, which has labeled the Jews of Russia as "the fifth column of our country," last year published articles attacking Hebrew teaching circles as "subversive" and calling the traditional language of the Jewish people devoid of "cultural" value. The Soviet propaganda machinery equates Jews with the "Zionist evil."

Our national commitment to justice and individual freedom means that we cannot be silent about wrongs that need righting whether they are in Dallas or Moscow. As the late Martin Luther King, Jr., so wisely observed—and as the Jewish people know only too well—"Injustice anywhere is a threat to justice everywhere."

We must, as individuals and as a nation, take a decisive and forceful stand against the oppression we witness in all too many places in the world. We must let it be known—as many of us in the Congress have sought to do—that the Soviet Union's actions against its Jewish citizens are intolerable among the civilized societies of the world.

I pray that our efforts to hold the Soviet Union to its international commitments, our letters of appeal on behalf of individual Soviet Jews, Refuseniks, and Prisoners of Conscience, and our negotiations with those who make Soviet policy serve to bolster the spirit and courage of those spirited and courageous Jews who are confined still to the prison that is the Soviet Union.

This week marks the First Annual "Days of Remembrance." Communities all over the world join us in remembering the cruelties visited upon the Jewish people in the past and in refusing to ignore that they continue to this day in the Soviet Union.

We will not forget Anatoly Shcharansky or Ida Nudel. We will not forget our brothers and sisters in the Soviet Union yearning for freedom. We will not forget. And one day they will be free.●

MICHAEL O'ROURKE: HONORARY CITIZEN OF THE CITY OF PHILADELPHIA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BORSKI. Mr. Speaker, as many of my colleagues know, I introduced a private bill, H.R. 5174, for the relief of Michael O'Rourke because I believe that there are serious questions of justice in his case.

Today, I would like to take this opportunity to inform my colleagues that the Philadelphia City Council adopted a resolution making Michael O'Rourke an honorary citizen of the city of Philadelphia. This further demonstrates community support for Mr. O'Rourke and I ask that the resolution be entered into the RECORD.

The resolution follows:

RESOLUTION No. 58

That Michael O'Rourke be considered an Honorary Citizen of the City of Philadelphia in the State of Pennsylvania and to memorialize the President of the United State, Ronald Reagan, the members of the United States Senate Committee of the Judiciary, and the members of the United States House of Representatives Committee of the Judiciary to look into the actions of the Immigration and Naturalization Service, and to grant asylum to Michael O'Rourke.

Whereas, Because of his political beliefs and activities in his homeland of Ireland Michael O'Rourke came to the United States seeking refuge, arriving in February of 1978; and

Whereas, Michael O'Rourke lived for a period of 21 months in the Philadelphia area as a law-abiding member of this community. He has never engaged in illegal activity of any sort in the United States; and,

Whereas, Michael O'Rourke has been confined without bail in the maximum security facility of the Metropolitan Correctional Center in New York City for a period of 4½ years on the mere civil offense of a visa overstay; and,

Whereas, Michael O'Rourke holds the unfortunate record of being the longest held prisoner in the entire history of the United States Immigration and Naturalization Service; and

Whereas, Michael O'Rourke is married to a life-long Philadelphian, Margie Leib, and desires to be free and allowed to live a normal, peaceful, law-abiding life in this City with his wife; and,

Whereas, Michael O'Rourke has the overwhelming support of Americans as evidenced by well over 30,000 U.S. petitioners calling for him to be granted asylum in this country, 80 affidavits from citizens attesting to his fine and decent character, 52 labor unions having endorsed his case, along with the 80,000 members of the Ancient Order of Hibernians (the largest Irish-American organization in the United States); all support and seek American justice for Michael O'Rourke; and,

Whereas, Irish-Americans, in an effort to counteract Immigration and Naturalization's attempts to slant and/or suppress publicity regarding this case, have elected Michael O'Rourke Honorary Grand Marshal of many Saint Patrick Day celebrations across the country, including the 1983 Philadelphia Parade and the 1984 New York City Parade; and,

Whereas, Towards the end of Michael O'Rourke's deportation trial; Immigration and Naturalization Service engaged in an apparent intolerable abuse of power by having their agents follow and intimidate Judge Hupp, who was presiding over the O'Rourke case and had made some comments indicating a favorable decision would be forthcoming, until he removed himself from the case; and,

Whereas, The Immigration and Naturalization Service evidently has provided false information to individuals and Members of Congress in a deliberate attempt to prejudice them against Michael O'Rourke. This includes wholly false insinuations about Mr. O'Rourke's political offenses in Ireland; and,

Whereas, Private bills on behalf of Michael O'Rourke have been introduced by members of both the United States House of Representatives and the United States Senate, which call for permanent resident status for Michael O'Rourke, and call for investigation into the administrative actions by Immigration and Naturalization Service which border on the illegal and threaten the integrity of the administrative and judicial process; therefore,

Resolved, by the Council of the City of Philadelphia, That we hereby consider Michael O'Rourke to be an Honorary Citizen of the City of Philadelphia, and that we memorialize the President of the United States, Ronald Reagan, the members of the United States Senate Committee of the Judiciary and the members of the United States House of Representatives Committee of the Judiciary to look into the actions of Immigration and Naturalization Service, and to grant asylum to Michael O'Rourke.

Resolved, That certified copies of this Resolution be sent to the President of the United States, Ronald Reagan, to the members of the United States Senate Committee of the Judiciary, and to the members of the United States House of Representatives Committee of the Judiciary, as evidence of the sentiments of this legislative body.●

LACK OF INFORMATION ON TOXIC EFFECTS OF WIDELY USED CHEMICALS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. FLORIO. Mr. Speaker, a recent study by a National Research Council Panel documents the disturbing lack of information concerning the toxicity of thousands of chemicals we use in our everyday lives. According to the Panel, only a few of these chemicals have been subject to extensive toxicity testing and most have scarcely been tested at all.

The Panel's press statement describes the study's findings in detail. It

illustrates the urgent need for two separate pieces of legislation I recently introduced. The first, H.R. 4304, would amend the Toxic Substances Control Act to require toxicity testing on new chemicals before they are marketed. The second, H.R. 4813, would reauthorize the Superfund program and would require generation of additional information about the human health effects of hazardous substances.

For example, H.R. 4813 would require the Agency for Toxic Substances and Disease Registry to compile toxicological profiles of the 100 chemicals most frequently found, or posing the greatest risk, at Superfund sites. The bill would also require the Administrator of the Environmental Protection Agency to conduct health effects studies of individuals who can demonstrate that such substances pose a significant risk to their health.

I urge my colleagues to keep the National Research Council's findings in mind as the House considers both of these urgently needed legislative initiatives.

The article follows:

PANEL CONFIRMS SCARCITY OF TOXICITY DATA FOR MOST CHEMICALS

WASHINGTON.—Although Americans use a multitude of chemical compounds in their everyday lives, information about the hazards many of these chemicals might pose for the people who come in contact with them is scarce. A National Research Council panel recently confirmed [1] this fact after an exhaustive review of the toxicity data available for a representative sample of chemicals.

". . . [O]f tens of thousands of commercially important chemicals, only a few have been subjected to extensive toxicity testing and most have scarcely been tested at all," the committee concluded. "The study quantified what we strongly suspected," added committee chairman James L. Whittenberger, a specialist in environmental medicine with the Southern Occupational Health Center, University of California, Irvine and Los Angeles.

The responsibility for selecting and testing potentially toxic chemicals has been assigned to the National Toxicology Program (NTP), a federal agency established in 1978 within the Department of Health and Human Services. To assist it in developing a process for handling so many chemicals, the NTP turned to the Research Council. A study committee began work in 1980; the recently completed report is the third and final by that committee.

PESTICIDES AND DRUGS MOST TESTED

During its study the committee reviewed information on the toxicity testing of a representative group of chemicals and on the amount of human exposure to them. It found that pesticides and drugs have undergone the most testing. However, data available to the committee to make complete health hazard assessments existed for only about 10 percent of pesticides and 18 percent of drugs and the inert ingredients mixed with them. And in these much-tested groups, no toxicity data were found for 38 percent of pesticides and 25 percent of drug ingredients.

Least is known about the large numbers of chemicals in commerce—substances listed in the Toxic Substances Control Act inventory that do not fall into other regulated categories such as pecticides, cosmetics, drugs, and food additives. Minimal toxicity information was available for only about 20 percent, while practically nothing could be found about the hazards of exposure to the remaining 80 percent.

Information on degree of human exposure was even harder to find than data on health hazards, the committee said.

The committee acknowledged that it might not have had access to results of some toxicity tests—confidential files of industrial laboratories, for example—and based on incomplete information, it may have underestimated the extent of knowledge about chemical toxicity.

QUALITY OF TESTING BELOW CURRENT STANDARDS

Another phase of the committee's work involved evaluating the quality of the data available by comparing it with current standards for toxicity testing. The committee found that the simpler, more straightforward tests for acute effects—eye and skin irritation and oral administration in rodents, for example—were more often of higher quality than were the more complex tests for chronic health effects. Frequently, the committee reported, important but difficult tests for central nervous system, reproductive, or genetic damage were not performed at all.

Furthermore, of 664 toxicity tests evaluated, the committee judged that only 27 percent met the panel's requirements for protocol design, conduct of research, or reporting of results.

To assist NTP in setting priorities for testing so that the most hazardous chemicals receive early attention, the committee proposed a four-stage process beginning with an initial screening by automated scanning of data banks and moving into greater reliance on expert judgment. "Not enough is known about chemical hazards to specify a purely mechanical system," the committee said.

More than 5 million chemicals have been described in the chemical literature. To develop a manageable sample, the committee first compiled a list of 65,725 chemicals and from this "select universe," it drew a sample of 675 chemicals and eventually a random subsample of 100 chemicals for which at least a minimum amount of toxicity data were available.

Serving under Whittenberger on the steering committee were John C. Bailar, School of Public Health, Harvard University; John Doull, department of pharmacology, University of Kansas Medical Center; Emil A. Pfitzer, department of toxicology and pathology, Hoffmann-LaRoche Inc., Nutley, N.J.; and Arthur C. Upton, Institute of Environmental Medicine, New York University Medical Center. More than 30 other scientists served on three subcommittees under the steering committee.

Alvin G. Lazen of the Commission on Life Sciences served as project director.●

[1] The committee's report, *Toxicity Testing: Strategies to Determine Needs and Priorities*, is available from the National Academy Press for $22.50. Prepaid mail orders only should be directed to the letterhead address. The sales office is located in Room 700 at 2100 Pennsylvania Ave., N.W., (202) 334-3113.

A TRIBUTE TO MILTON BERLE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MOORHEAD. Mr. Speaker, on April 12, 1984, "Mr. Television," Milton Berle, will receive the March of Dimes Jack Benny Memorial Award for his outstanding contributions as a celebrated artist and great entertainer.

Milton Berle is the actor-showman extraordinaire, star of theater, vaudeville, films, television, radio, and nightclubs for more than five decades. He is an entertainer of great talent. His genius is profuse and enduring as his amazing career clearly indicates.

Uncle Miltie became a household name while helping to make television a common household appliance. Berle's Texaco Star Theater was so popular in the late forties and middle fifties that on Tuesday night theaters were half filled and restaurants empty because people stayed home to watch Mr. TV. He was television's first and greatest salesman, reputed to have sold more sets than any advertising campaign. There were probably fewer than 500,000 television sets in use when Berle took the air in 1948, but a year later there were a million and when the Texaco Star Theater ended in 1954, there were more than 26 million sets in American homes.

He and the theater, vaudeville, motion pictures, radio, television, and nightclubs have been having a love affair for over half a century and Mr. Berle's expansive talents have indeed run the entertainment world gamut.

Born in New York's upper Manhattan, he was but 5 years old when he made his screen debut with Charlie Chaplin as the baby that Marie Dressler clutched to her heart in "Tillie's Punctured Romance." He was soon tossed from a speeding train by Pearl White in "The Perils of Pauline"; he was that adorable child with the big eyes who climbed onto John Bunny's lap; and he presented the silent film world with other monumental moments opposite Ruth Roland, Mary Pickford, Douglas Fairbanks, Sr., Milton Sills, Mabel Normand, Marion Davies, and many others. The youngster Berle graced 50-odd films in this period, but with nary a comedy line.

By 1920, though, comedy and Mr. Berle had made friends, starting when he made his first Broadway stage appearance at the Century Theater in a revival of "Floradora," in which he was a member of the baby sextet.

Since then his name and comedy have been synonymous. He exploded onto the stage of New York's revered Palace at the height of the two-a-day, as master of ceremonies, in 1931. His 1-

week booking extended to 10 weeks and made vaudeville history, leading to starring engagements in Earl Carroll's "Vanities" and "The Ziegfield Follies."

Mr. Berle's cafe appearances have been too numerous to count, including, for instance, 47 weeks at Billy Rose's Casino de Paris, costarred with Harry Richman at Broadway's International Casino for 38 weeks, and reached the ultimate in nightclub appearances appearing at New York's Carnival for 54 weeks.

He made his radio debut almost simultaneously with the electronic medium's invention with Rudy Vallee on "The Fleishman Hour" in 1928. On radio he distinguished himself via "The Gillette Community Sing," "Stop Me If You've Heard This One," and "The Milton Berle Show."

It was Milton Berle who was first to accept the challenge of television when its mysteries were still considered astounding, being the first top comedian to enter this medium in its infancy. He became television's first giant when on June 8, 1948, he launched the "Texaco Star Theater" and Uncle Miltie was born. He also brightened the country's TV screens with "The Berle Buick Show," "Kraft Music Hall," and specials and guest appearances galore.

Films, too, have received Mr. Berle's continuing attention and among them have been: "New Faces of '37," "Radio City Revels of '38," "Rise and Shine," "Sun Valley Serenade," "Tall, Dark and Handsome," "A Gentleman at Heart," "Always Leave Them Laughing," "Let's Make Love," "It's a Mad, Mad, Mad World," "The Loved One," "The Oscar," "The Happening," and many others.

Two highlights of Mr. Berle's career were his Emmy nomination for his dramatic performance in "Doyle Against the House" and his lifetime NBC contract presented to him "for putting television on the map." Recently, Mr. Berle received a special plaque awarded to him from the Academy of Television Arts and Sciences that henceforth he will be known as Mr. Television.

Mr. Berle's last appearance on Broadway in a straight role was in "The Goodbye People" in which he played the role of Max Silverman.

As an avocation, Mr. Berle is a highly rated member of ASCAP having had over 400 songs published ranging from "I'd Give a Million Tomorrows," "I," "Lucky, Lucky Me," and "Summer Love" to "Sam, You Made the Pants Too Long." His latest venture into writing was his own autobiography. He and his wife Ruth and son Billy are residents of Beverly Hills.

Whether Milton Berle is referred to as Mr. Television, Mr. Entertainment, or Mr. Showbusiness, everyone recognized that the niche he has carved for himself, whether for his dramatic characterization or his comedic fiestas, is individually indelible and admired.

When the Academy of Television Arts and Sciences started its "Hall of Fame" in 1984, Mr. Berle was one of its first inductees for his great contributions to the medium.

Mr. Speaker, for Mr. Berle, the accolades continue and rightly so. He has made many lives lighter, many people happier. His gifts have been generous, beneficial, and repetitive. He is loved and admired.

It is my distinct privilege to announce to my colleagues in the U.S. House of Representatives that the March of Dimes will bestow its prestigious Jack Benny Memorial Award for 1984 to Mr. Milton Berle.●

TRANSLATING SOVIET MARXIST LANGUAGE INTO ENGLISH

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. ROBINSON. Mr. Speaker, on two prior occasions, under leave to extend my remarks, I have included excerpts from a translation of a dictionary of terms, many of them familiar to us, setting forth the definitions of such terms as used in the Soviet Union.

This dictionary, a publication produced under official auspices in the Soviet Union, was translated by Dr. Charles T. Baroch, a citizen of the United States who has been of great help to me, and to other Members of Congress, in analyzing the differences between the utterances of leaders of the Soviet Union intended for foreign assimilation and the dogma taught to prospective officials of the governing bodies of the Soviet Union.

It has seemed to me to be particularly important that we understand that what we believe certain words mean often is not nearly the same to the policymakers of the Soviet Union, or to their negotiators in international discussions.

The phrase, "mirror imaging" often crops up, and I believe it to be most important, in the circumstances of the time, when we continue to hold to the hope of meaningful negotiations with the Soviet Union looking toward a stable peace in the world, and the avoidance of nuclear war, that we not assume that reactions in the Soviet Union are likely to be relatively consistent with our own reactions to similar circumstances, or similar language.

Language, as used on one side or the other, therefore, is of great consequence, and Dr. Baroch's translation illuminates for us the interpretation of certain language, and terms of convenience, in the Soviet Union.

I now include, under leave to extend my remarks, further excerpts, from Dr. Baroch's translation, but I caution that the entry under "Peaceful Coexistence" should be read carefully in close association with a reading of the subsequent entry under "Proletarian Internationalism." Only then can it become evident that the tactical accommodations which the Soviet Marxists may make in their pressure-and-release technique do not modify at all their strategic objectives.

MARXIST LANGUAGE TRANSLATION INTO ENGLISH

PEACEFUL COEXISTENCE OF STATES WITH DIFFERENT SOCIAL SYSTEMS

A form of struggle between the antagonistic socioeconomic systems in the international arena.

Peaceful coexistence is objectively indispensable because socialism cannot be victorious in all or, at least, in the leading capitalist countries at the same time. Capitalism, in its turn, cannot carry on permanent war against states where the socialist revolution has triumphed. Thus, the peaceful coexistence of socialist and capitalist states in specific periods becomes an inevitable phenomenon, independently of the people's will. Peaceful coexistence is the consequence, ultimately, of a correlation of forces between the systems in conflict which makes war either very risky or senseless for the bourgeoisie. There is no other guarantee of peaceful coexistence nor can there be.

The bourgeoisie is the last ruling class of the antagonistic socioeconomic formations built on violence and oppression. In view of its social nature, it strives to solve international conflicts by means of war. Since the correlation of forces of the two antagonistic systems in the contemporary, rapidly changing world is a quantity dependent upon a great number of factors (among them, the unity of anti-imperialistic forces—one of the most important) the possibility exists of a temporary violation of the international balance of power in the bourgeoisie's favor. In this case the bourgeoisie returns to the most acute forms of struggle. Only the growth of the forces of socialism and progress and, ultimately, considerable superiority on their part make it possible to exclude, first, a world war and, later, all wars from international relations.

The possibility of peaceful coexistence (and its objective necessity) becomes reality in every specific situation by means of socialist-state policy based on the peaceful coexistence policy and a corresponding policy on the part of capitalist states.

The main purpose of the peaceful coexistence policy is to avoid a new world war, which, in the conditions of the contemporary development of the means of destruction, is the primary guarantee of the very possibility to construct socialism and communism. Not only would atomic war destroy many millions of lives and inflict incredible suffering on humanity, it would also bring—and precisely in the world's most advanced states—gigantic destruction of productive forces, that is, destruction of the economic basis without which all talk about building socialism is nothing more than utopian.

Peaceful coexistence of states with different social systems and humanity's deliverance from the heavy burden of the arms

race could contribute essentially to accelerating social progress in the contemporary world. A calculation was made in England that one "F-111" airplane cost the country 2.6 million pounds, while construction of five new schools would cost only 2 million. In the fiscal year 1966-1967 89 million pounds were appropriated for hospital construction for the whole of the country, which is less than the cost of only one submarine with "Polaris" rockets (92 million pounds).

The second task of the peaceful coexistence policy is creation of the most favorable conditions for development of the world revolutionary process, namely;

(a) steady increase of the political authority and economic strength of the world system of socialism, which is equivalent to continued growth of its revolutionary impact;

(b) assurance of the best conditions for the class and national-liberation struggle of every people by eliminating the possibility of export of counter-revolution (q.v.) and interference by the forces of international reaction.

The peaceful coexistence policy is carried out by struggling for strict observance of the principle of non-interference in the affairs of other states. According to Marxist-Leninist doctrine, the revolution is a result of each society's internal development. V. I. Lenin stated:

"Of course, there are those who think that revolution can start in a foreign country on order, by agreement. These persons are either madmen or provocateurs. During the last twelve years we have lived through two revolutions. We know they cannot be made either on order or by agreement but that they erupt when tens of millions of people reach the conclusion that it is impossible to continue to live as before (Complete Collected Works, XXXVI, 457)."

At the same time, from the evidence of historical experience, the main obstacle to the revolution's victory in quite a few countries has been precisely the interference by international reaction. Therefore, the guarantee against export of counter-revolution provided for by strict observance of the principle of non-interference in the affairs of other states means, in fact, creation of the most favorable conditions for every people's revolutionary struggle. It is, of course, rejection of the principle of non-interference by the imperialist bourgeoisie that automatically excuses the international revolutionary forces from its observance.

The second way to carry out the policy of peaceful coexistence is by all-conceivable development of economic scientific, and cultural ties between states of the different social systems. Mutual advantage is the basis of such ties. However, the advantage which individual capitalists or capitalist countries obtain from the exchange with countries of socialism cannot prevent or seriously slow down the capitalist system's general decay, which is caused by intensification of its inherent socioeconomic contradictions.

As the peaceful coexistence principle finds ever broader acceptance in the imperialist camp and as exchange between the two social systems develops, the role and importance of ideological struggle (q.v.) as an inherent component of the world revolutionary process also grow. The principle and policy of peaceful coexistence is subject to constant attack and criticism from the most aggressive section of the monopoly-bourgeoisie (on the right) as well as from petty-bourgeois revolutionaries (from the left). The most diehard of the bourgeois ideologists, who advocate "war before it's too late," do not want to understand that the superiority of the forces of socialism in the international arena will end not with military struggle against the system of capitalism but with gradual elimination of violence from the sphere of international relations and, ultimately, with complete cessation of international military conflicts. The critics on the left allege that peaceful coexistence interferes with revolutionary struggle. By perceiving the world revolutionary process as an armed international conflict, by ignoring Lenin's admonition about the need to master all forms of struggle and absolutizing one form—the gun—contemporary "ultra-revolutionaries" push the world toward thermonuclear war just as, in fact, the most reactionary monopoly-bourgeoisie does; in addition, they hinder the use of the existing opportunities for consolidating the forces of socialism.

Together with the overwhelming majority of the communist parties, the CPSU considers peaceful coexistence as a form of class struggle in the international arena. The CPSU XXIII Congress /1956/ reaffirmed peaceful coexistence with states of the opposite social system, the course taken by the Soviet country. Nevertheless, the Congress clearly stated that

"The principle of peaceful coexistence cannot be applied to relations between the colonizers and the victims of colonial oppression."

In struggling against the outbreak of a new world war and organizing and heading the working-class, national-liberation and general-democratic movements, the communists are clearing the shortest and most sensible path to the triumph of the cause of socialism throughout the world.

PROLETARIAN INTERNATIONALISM

(1) recognition of the solidarity and identity of interests of proletarians of all countries; sense of responsibility on the part of each national detachment of the international communist movement for its actions before the world liberation movement; (2) paramount principle of mutual relations amount the national detachments of the working class, communist parties, and socialist countries, requiring solidarity and unity of action of proletarians of various countries, fighters for socialism, and builders of communism; (3) theoretical generalization of international solidarity in the course of the proletariat's liberation struggle.

The primary manifestation of internationalism is the international solidarity of proletarians. It arises under the impact of the lessons life taught them and their struggle against oppressors, and it is reflected in spontaneous or semi-spontaneous expressions of sympathy—collections of material means, food supplies, and clothing; strikes and demonstrations of solidarity; etc. At first, this solidarity was only sporadic, effective at the times of sharpened class struggle. Gradually, it becomes a characteristic of all large-scale working-class undertakings. Later, the proletariat's strengthened solidarity is expressed by growing international ties of its national detachments—in exchange of messages between workers' organizations of different nations and countries, exchange of experience and delegations. It is also reflected in international associations of workers of different professions and national labor-union centers, and in organizations and conferences coordinating activities of the communist parties of different countries.

Experience of the struggle against imperialism enriches internationalism with new forms of proletarian solidarity. The international campaign of solidarity with the fighting Vietnam assumed manifold forms. Collection of material means; meetings and demonstrations; pressure on reactionary governments; assistance with weapons, ammunition, and medicine; instruction of cadres; sending of specialists and technological assistance—these have been the most important forms.

The ideology of internationalism originated as the scientific generalization of the practical experience of working-class struggle and also as theoretical expression of its basic interests. The proletariat's internationalism is conditioned by its status in society and by class interests; it represents a characteristic of the intellectual makeup of informed workers, even though members of non-proletarian strata can also embrace working-class ideology and internationalism, in particular.

The idea of proletarian internationalism was launched and scientifically formulated by Karl Marx and Friedrich Engels. It is clearly expressed by the great slogan, "Proletarians of All countries, Unite"!, which was sounded in the Manifesto of the Communist Party and met with broad response among the proletarians. In the epoch of Marx and Engels the principle of internationalism was already gradually becoming the most important principle of the organized movement of class-conscious workers of different countries. Marx and Engels have demonstrated the importance of interantionalism for the struggle of the working class against the bourgeoisie and for socialism's victory. They formulated the tasks of the proletarian parties in educating the working class in the spirit of internationalism.

The ideology of internationalism was further developed in the writings of important personalities of the international communist and workers' movement, the documents of the Marxist-Leninist parties, and V. I. Lenin's work. In the struggle with the enemies, V. I. Lenin developed with great power and successfully defended the important idea that the working-class struggle in any country has not only national but also international significance. He wrote:

"We are agaisnt national isolation.

"We are internationalists (Complete Collected Works, XV, 43)."

He raised and solved all problems of Marxist theory and practice by considering the interests of the international-liberation struggle of the proletariat, world capitalism's condition, and the course of class struggle throughout the world. The socialist revolution's victory in Russia assigned a most important international duty to the working class of all other countries: to do everything within its power to help the revolutionary vanguard which broke loose. At the same time, this victory demonstrated to the working class which conquered power in Russia its historical responsibility before the workers of all countries suffering under capitalism's yoke. V. I. Lenin stated that the victorious proletariat is obliged to do the maximum realizable for the development and support of the revolution in all countries and that the proletariat of all other countries must spare no effort in supporting the working class which assumed power, defending it from its enemies.

In the contemporary epoch the significance of internationalism has considerably increased for the liberation movement of the working class. Life itself has raised the problem of how to implement the principle of internationalism in mutual relations among socialist states. Proletarian internationalism has turned into socialist internationalism.

Foundation of the rapprochement of people who have entered upon the path of socialism is an objective, world-wide, historical tendency—not depending on the people's will and consciousness—toward internationalization of all of mankind's economic, political, and intellectual life. It is manifest in equalization of the level of their economic and cultural development, in the international division of labor among them, in mutual enrichment of cultures, and in the development of an international culture. Internationalism obligates socialist countries to use all their capabilities for their own accelerated development as well as for strengthening the entire socialist commonwealth and assisting the less-developed nations in their effort to reach the level of those more developed. This growing power of socialist countries is the most effective means for their all-conceivable support of the development of revolutionary initiatve on the part of toilers in capitalist countries. At the same time, the tendency toward independent national existence caused by local national interests continues to operate under conditions of socialism. Internationalism obliges socialist nations to solve potential disagreements in the spirit of friendship and cooperation, and in the interests of socialism.

In the contemporary epoch, internationalism obliges every class-conscious participants in communist construction and every workers' party in a socialist country to constantly affirm their ties with all socialist countries, the working class in capitalist countries, and the global national-liberation movement, rendering them all-possible help. Internationalism requires every participant in the working-class struggle in capitalist countries to identify himself with the principal stronghold of socialism—the world socialist system—and support the national-liberation movement. Prominent activists of the national-liberation movement, in turn, also gradually apprehend the necessity of uniting all liberation forces; they adopt internationalism.

Genuine internationalism excludes every "hegemony" of a single country or party as well as of a group of countries or parties. It assumes the fullest equality, equal rights, and fraternal union of all socialist countries and Marxist-Leninist parties. It is free of an exhibitionist internationalism, which substitutes efficient, fighting cooperation of the national detachments of the working class by long-worded, formal assurances, sentimental speeches, obligations on paper, etc.

Within socialist countries international consciousness on the part of citizens of a socialist society is growing; internationalism is becoming one of the main features of their intellectual makeup. Respect for culture and language, mores and customs of other nations and nationalities; the strictest observation of the equality of nations and impatience with all contempt and curtailment of other nations' rights; the peoples' friendship (q.v.) and fraternal cooperation with toilers of different nations—these are the norms of behavior for mindful members of a socialist society. Internationalism also signifies struggle against tendencies of national narrow-mindedness and against locking nations within narrow limits as well as agaisnt cultivation of obsolete customs and mores.

Principles of internationalism do not triumph automatically. Constant and tenacious struggle by the Marxist-Leninist parties is required for their consistent implementation. Vestiges of nationalism may revive in individual countries. In view of this, communist and workers' parties educate their members as well as the entire people in the spirit of internationalist ideas, aiming at formation of solid internationalist convictions at every step in the toilers' behavior. It constitutes an important aspect of communist education (q.v.).

Internationalism is an inseparable component of the proletarian revolutionary outlook. Every proletarian revolutionary must be a convinced, consistent supporter of the international coordination of all revolutionary forces and, primarily, of the communist and workers' parties as well as their unity in views and actions. Internationalism is incompatible with concessions to bourgeois and petty-bourgeois nationalism (q.v.).

Every retreat from internationalism is a betrayal of the working-class cause. Departure from internationalism by parties controlling socialist states is especially dangerous, since it undermines the bulwark of the world revolutionary forces—the world system of socialism. An example of this is the undermining and splitting activity of the Mao-tse-tung group, which in its spirit of bourgeois nationalism and great-power chauvinism distorts the principle of socialist internationalism. Nationalism continues to be one of the main ideological tools of the reactionaries in their struggle against the workers' movement, against socialism; it is one of the chief obstacles on the road toward the toilers' liberation. Only tenacious, skillful struggle without compromises, under the banner of internationalism, against the nationalistic ideology can remove this obstacle. Faithfulness to the principles of proletarian internationalism is the most important criterion of maturity of every Marxist-Leninst party and every communist, and of the correctness of their political views and actions. Struggle for the unity of the global army of communists is the most important task of each of its detachments, proving that its historical responsibility is understood.●

MARCH OF DIMES CONGRESSIONAL WALKAMERICA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. OTTINGER. Mr. Speaker, each year the March of Dimes Birth Defects Foundation, whose headquarters is in my congressional district, holds the national kickoff for its walkathon, WalkAmerica, here on the Capitol lawn. Hundreds of Members of Congress have joined this exciting event.

As you know, the March of Dimes honorary national chairman, Arnold Palmer, has invited every Senator and Representative to join the event this year, which will be held April 3 at noon on the east front lawn. Mr. Palmer has appointed baseball superstar Mickey Mantle to lead the short walk. To date, more than 200 Members from 45 States have accepted the invitation. I commend each of them, and look forward to joining them outside for Congressional WalkAmerica on April 3. This will launch more than 1,100 local walks across the country, which will take place April 28 and 29, to raise funds to combat birth defects.

A list of accepting Members follows:

MARCH OF DIMES BIRTH DEFECTS FOUNDATION CONGRESSIONAL WALKAMERICA 1984 ACCEPTANCES AS OF MARCH 27

ALABAMA

Senator Jeremiah Denton, Senator Howell Heflin, Representative Jack Edwards (Mobile).

ALASKA

Senator Ted Stevens, Senator Frank Murkowski.

ARIZONA

Senator Dennis DeConcini.

ARKANSAS

Representative Bill Alexander (Northeast Arkansas).

CALIFORNIA

Senator Pete Wilson, Representative Robert Badham (Orange County), Representative Edward R. Roybal (Los Angeles), Representative Esteban E. Torres (La Puente, Los Angeles County), Representative Vic Fazio (Sacramento), Representative Doug Bosco (Chico), Representative Norman Y. Mineta (San Jose), Representative Richard H. Lehman (Fresno), Representative Jim Bates (San Diego), Representative Jerry M. Patterson (Santa Ana, Orange County), Representative Glenn M. Anderson (Long Beach), Representative George E. Brown, Jr. (Riverside), Representative Norman D. Shumway (Stockton, Northwest California), Representative Duncan Hunter (San Diego), Representative Ed Zschau (San Mateo, Santa Clara Counties), Representative Charles Pashayan, Jr. (Fresno), Representative Gene Chappie (Northern Central Valley), Representative Matthew G. Martinez (Los Angeles).

COLORADO

Representative Ken Kramer (Suburban Denver, Colorado Springs).

CONNECTICUT

Senator Lowell Weicker, Representative Sam Gejdenson (Eastern Connecticut), Representative Bruce Morrison (New Haven), Representative Stewart B. McKinney (Fairfield).

FLORIDA

Senator Paula Hawkins, Senator Lawton Chiles, Representative Earl Hutto (Pensacola), Representative Lawrence J. Smith (Hollywood), Representative Don Fuqua (Talahassee/Gainesville), Representative Charles E. Bennett (Jacksonville), Representative Dan Mica (West Palm Beach), Representative Michael Bilirakis (Palm Harbor), Representative Andy Ireland (West Central Florida), Representative C. W. Bill Young (St. Petersburg), Representative E. Clay Shaw, Jr. (Fort Lauderdale).

GEORGIA

Senator Mack Mattingly, Senator Sam Nunn, Representative J. Roy Rowland (Macon), Representative Richard Ray (Columbus), Representative Lindsay Thomas (Savannah), Representative George (Buddy) Darden (Marietta, Northeast Georgia), Representative Wyche Fowler (Atlanta), Repre-

sentative Doug Barnard (Augusta, suburban Atlanta).

IDAHO

Senator James A. McClure.

ILLINOIS

Senator Charles H. Percy, Representative George M. O'Brien (Joliet), Representative Lynn M. Martin (Rockford), Representative John Edward Porter (Evanston), Representative Richard J. Durbin (Springfield), Representative Philip M. Crane (Northern Illinois), Representative Dan Rostenkowski (Chicago), Representative Paul Simon (Carbondale, Southern Illinois), Representative Charles Hayes (Chicago).

INDIANA

Senator Richard G. Lugar, Representative Phil Sharp (Muncie), Representative Elwood (Bud) Hillis (Kokomo), Representative Dan Coats (Ft. Wayne).

IOWA

Representative Thomas Tauke (Dubuque), Representative Cooper Evans (North Central Iowa).

KANSAS

Senator Robert Dole, Representative Larry Winn, Jr. (Kansas City), Representative Jim Slattery (Topeka), Representative Dan Glickman (Wichita), Representative Bob Whittaker (Emporia), Representative Pat Roberts (Dodge City).

KENTUCKY

Representative Romano L. Mazzoli (Louisville).

LOUISIANA

Representative Robert L. Livingston (New Orleans), Representative Jerry Huckaby (Monroe, Northeast Louisiana), Representative W. Henson Moore (Baton Rouge), Representative Lindy Boggs (New Orleans), Representative Buddy Roemer (Bossier City, Shreveport).

MAINE

Senator William S. Cohen, Representative Olympia J. Snowe (Augusta), Representative John R. McKernan (Northern Maine).

MARYLAND

Senator Charles McC. Mathias, Jr., Representative Marjorie S. Holt, (Annapolis, suburban Baltimore), Representative Barbara A. Mikulski (Baltimore), Representative Michael D. Barnes (Montgomery County, suburban D.C.), Representative Steny H. Hoyer (Prince Georges County, suburban, D.C.).

MASSACHUSETTS

Representative Thomas P. O'Neill, Jr. (Boston), Representative Edward P. Boland (Springfield).

MICHIGAN

Senator Carl Levin, Representative John D. Dingell (Trenton, Monroe County, suburban Detroit), Representative Bob Carr (Suburban Detroit, East Lansing), Representative Donald Albosta (central Michigan), Representative Carl Pursell (Plymouth, Ann Arbor), Representative William S. Broomfield (Birmingham, suburban Detroit), Representative Sander Levin (Detroit), Representative Donald P. Albosta, (Central Michigan).

MINNESOTA

Representative Gerry Sikorski (Central Minnesota), Representative Timothy J. Penny (Southeast Minnesota, Rochester), Representative Bruce F. Vento (St. Paul).

MISSISSIPPI

Representative G. V. (Sonny) Montgomery (Meridian), Representative Trent Lott (Pascagoula), Representative Webb Franklin (Greenwood).

MISSOURI

Representative Ike Skelton (Independence), Representative Robert A. Young (St. Louis County), Representative Bill Emerson (Cape Girardeau, Southeast Missouri), Representative Alan Wheat (Kansas City).

MONTANA

Representative Max Baucus.

NEVADA

Representative Barbara F. Vucanovich (Las Vegas, Northern Nevada), Representative Harry Reid (Las Vegas).

NEW JERSEY

Representative William J. Hughes (Atlantic City), Representative James J. Howard (Irvington), Representative Peter W. Rodino (Newark), Representative Robert G. Torricelli (Bergen County), Representative Matthew J. Rinaldo (Hudson County), Representative Frank J. Guarini (Jersey City).

NEW MEXICO

Representative Bill Richardson (Santa Fe).

NEW YORK

Representative Stan Lundine (Jamestown), Representative Richard L. Ottinger (Westchester), Representative Hamilton Fish, Jr. (Putnam County), Representative Charles B. Rangel (New York), Representative Geraldine A. Ferraro (Queens), Representative Robert Garcia (Bronx), Representative Joseph P. Addabbo (Queens), Representative Gary L. Ackerman (Queens), Representative Bill Green (New York), Representative Norman F. Lent (Long Island), Representative William Carney (Long Island), Representative Jerry Solomon (Glens Falls), Representative Matthew F. McHugh (Ithaca), Representative Frank Horton (Rochester), Representative Henry J. Nowak (Buffalo), Representative George Wortley (Syracuse), Representative Raymond J. McGrath (Long Island), Representative Benjamin Gilman (Rockland/Orange Counties), Representative David O'B. Martin (Adirondack Region).

NORTH CAROLINA

Senator Jesse Helms, Senator John P. East, Representative Steve Neal (Winston-Salem), Representative Charlie Rose (Southeastern North Carolina), Representative Walter B. Jones (Eastern North Carolina), Representative Tim Valentine (Raleigh), Representative Charles O. Whitley (Mt. Olive), Representative James McC. Clarke (Western North Carolina).

NORTH DAKOTA

Senator Quentin Burdick, Representative Byron L. Dorgan (entire State).

OHIO

Representative Tony P. Hall (Dayton), Representative Chalmers P. Wylie (sub. Columbus), Representative John F. Seiberling (Akron), Representative Louis Stokes (Cleveland), Representative Michael Oxley (Findlay), Representative John R. Kasich (Central Ohio), Representative Doug Applegate (Steubenville, eastern Ohio), Representative Delbert L. Latta (Bowling Green), Representative Ralph Regula (Canton area), Representative Clarence E. Miller (Lancaster).

OKLAHOMA

Senator Don Nickles, Senator David Boren, Representative Jim Jones (Tulsa), Representative Dave McCurdy (Norman).

PENNSYLVANIA

Senator John Heinz, Representative William Coyne (Pittsburgh), Representative Don Ritter (Bethlehem, Allentown, Eastern Pennsylvania), Representative Tom Ridge (Erie), Representative Austin Murphy (Monongahela, Greater Pittsburgh), Representative Gus Yatron (Reading), Representative William F. Clinger (Warren), Representative John P. Murtha (Johnstown), Representative Bob Edgar (Delaware County, Suburban Philadelphia), Representative William F. Goodling (York), Representative Joe Kolter (New Brighton, Suburban Pittsburgh).

RHODE ISLAND

Senator Claiborne Pell, Representative Fernand St Germain (Eastern Rhode Island).

SOUTH CAROLINA

Senator Ernest F. Hollings, Representative Carroll Campbell (Greenville), Representative John M. Spratt, Jr. (York).

SOUTH DAKOTA

Senator James Abdnor, Representative Thomas A. Daschle (entire State).

TENNESSEE

Representative Don Sundquist (Memphis), Representative John J. Duncan (Knoxville), Representative Jim Cooper (East Central Tennessee), Representative Albert Gore, Jr. (Carthage, Central Tennessee), Representative Harold E. Ford (Memphis), Representative Ed Jones (Western Tennessee).

TEXAS

Representative Abraham Kazen, Jr. (Laredo), Representative Ralph M. Hall (Rockwall), Representative Martin Frost (Dallas, Fort Worth), Representative Jack Hightower (Amarillo, Wichita Falls), Representative Kika de la Garza (Mission), Representative Jack Fields (Houston), Representative Charles W. Stenholm (Abilene), Representative Mickey Leland (Houston), Representative Solomon P. Ortiz (Corpus Christi), Representative Tom Loeffler (West Central Texas), Representative Tom J. Vandergriff (Dallas/Fort Worth), Representative John Bryant (Dallas).

UTAH

Senator Jack Garn, Representative Howard C. Nielson (Provo).

WASHINGTON

Senator Daniel J. Evans, Senator Slade Gorton, Representative Sid Morrison (Yakima, Central Washington), Representative Joel Pritchard (Seattle), Representative Rod Chandler (Redwood), Representative Mike Lowry (Seattle).

VIRGINIA

Representative Thomas J. Bliley, Jr. (Richmond), Representative G. William Whitehurst (Norfolk), Representative Norman Sisisky (Southeast Virginia), Representative J. Kenneth Robinson (Winchester), Representative Dan Daniel (Danville), Representative Stan Parris (Fairfax County, Suburban D.C.), Representative Herbert Bateman (Eastern Virginia).

WEST VIRGINIA

Senator Jennings Randolph, Representative Nick Joe Rahall (Southwest West Virginia), Representative Harley O. Staggers, Jr. (Morgantown).

WISCONSIN

Senator William Proxmire, Representative Thomas E. Petri (Fond du Lac. Osh-

kosh), Representative Toby Roth (Green Bay), Representative Jim Moody (Wisconsin).

WYOMING

Representative Dick Cheney (entire State).

TERRITORIES

Representative Antonio B. Won Pat (Territory of Guam), Representative Baltasar Corrada (Puerto Rico).●

LEGISLATION INTRODUCED TO AMEND THE NAME OF DULLES INTERNATIONAL AIRPORT TO WASHINGTON DULLES INTERNATIONAL AIRPORT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. WOLF. Mr. Speaker, today I am introducing legislation to amend the name of Dulles International Airport to Washington Dulles International Airport. My Virginia colleague, Senator PAUL TRIBLE, is introducing a companion measure in the U.S. Senate. Virginia Congressman STAN PARRIS and Senator JOHN WARNER are joining us in our efforts.

I believe this legislation is an important step in enhancing the use of Dulles by helping to better identify its location and more closely associate it with the Nation's Capital. Not only would this benefit area residents by helping them to view Dulles as the gateway to and from the Greater Washington area, it would also benefit visitors from across the country and around the world by assisting them in recognizing Dulles as the principal airport for travel to and from our Nation's Capital.

Prior to my introducing this legislation, I received letters of support for such an amended name from the Fairfax County Chamber of Commerce, the Herndon Chamber of Commerce, the Loudoun County Chamber of Commerce, the Washington Dulles Task Force, the Fairfax County Economic Development Authority, the Committee for Dulles, former State Senator Adelard L. Brault, and northern Virginia travel agent Donna Foster. I am including copies of those letters with this statement.

A number of recent developments at Dulles have contributed to significant growth trends at the airport. The opening of the Dulles "connector" road which reduces travel time to the airport, the addition of 14 new buses to the Dulles ground transportation network this May, and the addition of nine new airlines at the airport over the past 18 months have all played a part in the Federal airport's 30-percent growth in passenger traffic in the past 2 years. With Dulles in its 28th consecutive month of growth, the Federal Aviation Administration is currently working on plans to accommodate the additional airline and ground traffic and hopes to double the airport's use by 1988.

I believe that by adding the designator "Washington" to the name of the airport, we will be taking yet another step to assist in promoting the Dulles facility as Washington's airport of the future. This is especially important in light of the continuing disparity in use between our region's airports. Dulles is currently serving 3 million passengers annually while National, the other federally owned airport, is accommodating over 14.5 million passengers each year. The first Metropolitan Washington Airports Policy in 1981 set limits on National and took steps, such as expediting the completion on the "connector" road, to promote Dulles. Refinements to the original policy are imminent and are expected to further limit growth at National and encourage continued growth at Dulles. My legislation would be an added sign of commitment to the progress we have already made in making Dulles the primary regional airport facility.

I also believe that adding the designator "Washington" to the amended name will help eliminate confusion among some air travelers and people in the travel industry because the name "Dulles" is so similar to the city "Dallas." There have been a number of cases reported where passengers have deplaned at Dulles expecting to be in Dallas, Tex.

I fully support the recognition bestowed upon the late Secretary of State John Foster Dulles through the naming of the Federal Government's only commercial international airport in his honor. As the Washington Dulles Task Force indicated in its letter of support for my legislation,

Emphasizing that this airport serves the Nation's Capital only heightens the value of this important recognition. As more people travel through the airport, they will recognize that Washington Dulles International Airport was named for a man whose lifetime of achievement could only be properly recognized by a facility of the scale, convenience and architectural significance of this airport.

I believe it is appropriate that the entry to our Nation's Capital have this distinction and be named after a great diplomat and champion of peace.

The international airport named after Mr. Dulles had its genesis in an act of Congress approved on September 7, 1950, which authorized the construction of an air facility to serve the "District of Columbia and its vicinity." Referred to as "Chantilly Airport" during its construction throughout the 1950's, the facility was designated "Dulles International Airport" through an executive order signed by President Dwight D. Eisenhower on July 15, 1959. The airport opened for commercial traffic in November 1962.

It is my strong belief that identification of Dulles with Greater Washington will help achieve our goals of better balancing the transportation resources for our area and speed the day when this outstanding facility will live up to its full promise as a world class international and domestic air travel hub. I look forward to working with my colleagues to speed passage of this legislation.

FAIRFAX COUNTY CHAMBER OF COMMERCE,
Dunn Loring, Va., March 16, 1984.

Hon. FRANK R. WOLF,
U.S. House of Representatives, Cannon Office Building, Washington, D.C.

DEAR FRANK: My purpose in writing you today is to inform you that on March 13 the Executive Committee of the Fairfax County Chamber of Commerce unanimously approved a motion supporting the idea of amending the name of Dulles International Airport to Washington Dulles International Airport.

As you know, the Chamber has long been a supporter of expanded utilization at the Dulles facility, and we feel that the proposed amendment will assist in the achievement of this goal. The addition of "Washington" to the name of the airport will reflect the name of the region being served and is particularly appropriate in view of the opening of the Dulles Access Road/Route 66 connector which will improve access to and from the city and close-in suburbs. In addition, the recently announced expansion of bus and limousine service will improve the accessibility of the airport from virtually every locality in the greater Washington area, yet another justification for changing the name to reflect the destination or point of departure as "Washington."

Frank, the Fairfax County business community feels this is a positive step toward changing Dulles International Airport from a tourist attraction and architectural triumph to the vibrant transportation facility it was intended to be, and we wholeheartedly endorse the amendment of its name to Washington Dulles International Airport.

Sincerely,

SUZANNE PACIULLI,
President.

HERNDON CHAMBER OF COMMERCE,
Herndon, Va., March 19, 1984.

Hon. FRANK R. WOLF,
Member of Congress, U.S. House of Representatives, Cannon Office Building, Washington, D.C.

DEAR FRANK: The Board of Directors of the Herndon Chamber of Commerce at its meeting of March 13, 1984 unanimously voted to support the idea of amending the name of Dulles International Airport to Washington Dulles International Airport.

The Chamber strongly approves this measure which will serve to aid in the utilization and growth of Dulles International Airport, and we commend you for your efforts to introduce a bill which will bring about this change.

Sincerely,

JIM SHEEHAN,
Executive Vice President.

WASHINGTON DULLES TASK FORCE,
Washington, D.C., March 12, 1984.

Hon. FRANK R. WOLF,
Member of Congress, U.S. House of Representatives, Cannon Office Building, Washington, D.C.

DEAR FRANK: I am writing to express the strong support of the Washington Dulles Task Force for the idea of amending the name of Dulles International Airport to Washington Dulles International Airport.

I am enclosing a copy of an October 8, 1982 letter addressed to you from our Chairman, Carrington Williams, which recommended that the word "Washington" be added to the name of the airport. Today we are even more convinced that this step is needed. On Wednesday March 7, 1984, the Executive Committee of the Task Force formally voted unanimous to reaffirm our support for the proposed amendment.

There is some confusion about the airport's location among air travelers and people in the travel industry because the name "Dulles" sounds so similar to the word "Dallas". Many domestic and foreign travelers do not know that Dulles International is a Washington area airport. There are a number of cases where passengers have deplaned here at Dulles expecting to be in Texas.

We fully support the recognition bestowed upon John Foster Dulles through the naming of the Federal Government's only commercial international aiport in his honor. Emphasizing that this airport serves the Nation's Capital only heightens the value of this important recognition. In addition, the amendment would give a geographic point of reference for air travelers that would eliminate confusion and enhance the number of travelers to the Washington area who would use this outstanding airport. As more people travel through the airport, they will recognize that Washington Dulles was named for a man whose lifetime of achievement could only be properly recognized by a facility of the scale, convenience and architectural significance of this airport.

As you know, the name "Washington Dulles Task Force", was selected for this organization because of our strong belief that the identification of Dulles International Airport with greater Washington would help achieve the objectives discussed above and speed the day that this outstanding facility would live up to its full promise as a world class international and domestic air travel hub.

We commend you for your leadership in pursuing the idea of amending the name of the airport and offer you this organization's full support.

Sincerely,

THOMAS G. MORR,
President.

FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY,
Vienna, Va., March 22, 1984.

Hon. FRANK R. WOLF,
U.S. House of Representatives, Cannon Office Building, Washington, D.C.

DEAR FRANK: Fairfax County's Economic Development Authority strongly supports the proposed change in the name of Dulles International Airport to Washington Dulles International Airport.

Many foreign and domestic passengers are unaware that the airport serves the nation's capital, while some travelers have been confused by the similarity of "Dulles" and "Dallas". Changing the name to Washington Dulles will retain the recognition of John Foster Dulles, while also stressing that the airport serves the Washington area.

Washington Dulles Airport is an important factor in attracting new development to the Washington metropolitan area. Fairfax County's dramatic growth in high technology firms and corporate headquarters is, in part, attributable to our proximity to an international airport with the size, convenience, and services offered by Washington Dulles.

The Economic Development Authority is grateful for your leadership in the effort to amend the name of the airport. Please let me know if we can assist in any way.

Sincerely,

CHARLES G. GULLEDGE,
Chairman.

COMMITTEE FOR DULLES,
Washington, D.C., February 28, 1984.

Hon. FRANK R. WOLF,
U.S. House of Representatives, 10th Congressional District, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN WOLF: The Board of Directors of the Committee for Dulles at its meeting on February 16, 1984, voted to commend your proposal to change the name of Dulles International Airport to Washington Dulles International Airport, and supports your efforts to accomplish that change.

As you know the Committee for Dulles has worked for 18 years to promote the growth of that airport and appreciates your efforts.

The Committee for Dulles hopes the change can be made administratively because that would permit an early boost to the utilization of the airport which has been growing at an encouraging rate during the last couple of years.

Thank you for your continuing interest in the growth of Dulles Airport.

Cordially,

PAUL REIBER,
President.

BRAULT, GESCHICKTER, PALMER & GROVE,
Fairfax, Va., March 13, 1984.

Hon. FRANK R. WOLF,
U.S. House of Representatives, Cannon Building, Washington, D.C.

DEAR FRANK: Many thanks for your letter of February 7, 1984, enclosing a copy of a bill which you plan to introduce to change the name of Dulles International Airport to Washington Dulles International Airport.

I am mighty pleased that you are taking this action. While the Dulles International Airport Development Commission was in existence, attempts were made several times to change the name of the airport—we never were able to get the support of the F.A.A. Since you are planning to introduce the bill, a copy of which was attached to your letter, I assume you now have that support or hope to get it.

Incidentally, should you wish the support of the Govenor, Andy Fogarty should be in a position to secure the Governor's authority to support the bill on behalf of the Commonwealth. If you have not already written to Andy and wish me to do so, let me know; and I will be pleased to write to him.

Kind regards.

Sincerely,

ADELARD L. BRAULT.

WESTPARK TRAVEL SERVICE,
McLean, Va., March 26, 1984.

Hon. FRANK R. WOLF,
Cannon Office Building, Washington, D.C.

DEAR FRANK: I want to commend you on your intention to introduce a bill adding Washington to Dulles International Airport. It should help eliminate some of the confusion between Dulles and Dallas-Fort Worth. We had a friend of one of my clients fly from England supposedly to Dulles and ended up in Dallas. That confusion I guess is understandable to people who fly here from foreign destinations.

But we have also had problems with domestic carriers. In one instance I called and requested a reservation on a flight from Washington to Minneapolis. I even gave the flight number and was informed by the res agent that there was no flight with that number from Washington to Minneapolis. When I inquired where that particular flight flew from, she checked and said from Dulles to Minneapolis. I said that was what I wanted and she said but you said Washington—Dulles is not Washington. If you want Dulles you have to say Dulles. And that from a res agent of a domestic carrier who flies out of Dulles. This of course does not help us increase the bookings from Dulles.

Good luck and thanks. Your bill will be a real service.

Very truly yours,

DONNA M. FOSTER,
Travel Agent.

LOUDOUN COUNTY CHAMBER OF COMMERCE,
Leesburg, Va., March 26, 1984.

Hon. FRANK R. WOLF,
Member of Congress, U.S. House of Representatives, Cannon Office Building, Washington, D.C.

DEAR FRANK: I am writing to support the idea of amending the name of Dulles International Airport to Washington-Dulles International Airport.

The fact is that the Loudoun County Chamber of Commerce has been using this designation since we held our "Dulles Expo '82" and learned of the major confusion with "Dulles" and "Dallas" and heard many people ask "where is Dulles Airport?"

The name "Washington-Dulles International Airport" would give the needed identification with the greater Washington area and faciliitate its becoming the air traffic hub for which it was designed and built.

Thank you for your continued support of Washington-Dulles International Airport and of the Loudoun County area.

Sincerely,

SUSAN L. DIEDRICH,
Executive Director.

H.R. 5268

A BILL To rename Dulles International Airport in Virginia as the "Washington Dulles International Airport"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the airport constructed under the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia", approved September 7, 1950 (64 Stat. 770), known as the Dulles International Airport, shall hereafter be known and designated as the "Washington Dulles International Airport". Any law, regulation, map, document, record, or other

paper of the United States in which such airport is referred to shall be held to refer to such airport as the "Washington Dulles International Airport".●

THE HUMAN COSTS OF UNEMPLOYMENT

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HAWKINS. Mr. Speaker, the recession officially ended a year ago and the recovery is in full swing. At least, that is the prevailing view among mainstream economists, who believe things will keep coming up roses throughout 1984. This may be nice for President Reagan, because the media has stopped hammering him on unemployment and many of his opponents are skittish about attacking Reaganomics this year. However, it is bad news to at least 30 million people for whom the recession still happens to be the central fact of life. For them, an American tragedy is in the making. These are the invisible Americans of 1984.

Ignored by the White House, these Americans are now hoping to find friends on Capitol Hill. The administration's budget plan for the 1985 fiscal year continues the shift in funding from social programs to defense programs, a move which began 3 years ago and reflects the assumption that unemployment may have to be the price which must be paid to achieve economic recovery. However, given current economic realities many fear that this shift in budgetary priorities will result in increased suffering for people in need and will actually decrease our national security.

Once again, the administration's new budget proposals call for all Americans—particularly, the poor who have been hit hardest by previous budget cuts—to make further economic sacrifices. At the same time, the administration would increase military spending, continuing the arms spiral and increasing international instability. Our national security cannot simply be equated with the size of our military arsenal; security is a concept which includes the domestic well-being and economic health of individuals and of the Nation as a whole. In these times of economic difficulty, Congress must take up the challenge of fashioning a budget which is just and equitable—and which contributes to this broader vision of our national security.

Employment for all able to work is basic to the security of individuals and the Nation. Employment should enable workers to provide for themselves and their families that which is needed for full participation in society. When employment is not possible, society is responsible for providing assistance to achieve a decent living standard. The burden for solving our Nation's economic ills should not be laid on the unemployed. It is an inadequate response to their needs to suggest that the economy is reviving and they will find work in 1 or 2 or 5 years; the human cost of such a policy is just too high.

Thus, as Congress develops its budget plan for the coming year, it must recognize that the official Government figures grossly understate the extent of unemployment by omitting from the tally, large numbers of unemployed and underemployed workers. A true measure of unemployment must include the 1.5 million discouraged workers, those who have been jobless for so long that they have given up looking for work.

In a recovery the number of discouraged workers should decline substantially as these individuals reenter the labor force. In the current recovery, however, the combined total of long-term unemployed and discouraged workers has not fallen sharply. In October 1981, discouraged workers and long-term unemployed totalled 2.3 million. By December 1982, the number of discouraged workers and long-term unemployed had risen to 4.45 million persons. As of last month this combined total still remained at an unacceptable 3.3 million.

To further illustrate this point, we need to also consider that over 5½ million part-time workers want full-time jobs and only one-half of these people have been added to the official government unemployment total. Additionally, the current national civilian unemployment rate does not reflect the true unemployment picture especially among many groups who are experiencing close to record high levels of joblessness. The official Bureau of Labor Statistics unemployment figure for February 1984 is 7.8 percent while for black workers it is 16.2 percent, Hispanics are at 10.2 percent, women are experiencing a rate of 11.0 percent, up from January 1984, and youth are suffering from a 19.3 percent unemployment total.

National averages also conceal the fact that many States are still experiencing severe unemployment, far above the average. Within these and other States, cities and rural areas are suffering from even worse unemployment problems.

In January 1981, when President Reagan took office, the unemployment rate was 7.4 percent and by December 1982 it was a shocking 10.8 percent. Although, in recent months, the civilian unemployment rate has dropped, the serious problem of long-term unemployment has not improved dramatically. Presently, there are almost 2 million able workers who have been jobless for over 6 months. The Nation's unemployment rate is now about the same as it was 2 years ago, yet, long-term unemployment is double what it was for the same period.

We, the elected representatives of the people, must reflect the values of social justice and human rights as we bring forth our proposals for the country's economic policies that will establish the economic life of all Americans. We would do well to recall the words of Franklin Delano Roosevelt when he said:

> Better the occasional sins of government living in the spirit of charity than the consistent omissions of a government frozen in the eyes of its own indifference.

Full employment must be the foundation for a just and humane economy. As long as millions of Americans are denied their basic right to employment, the Government has a responsibility to put people back to work. In the absence of strong national job creation legislation the emerging recovery is only a distant promise for the millions of Americans who want to work.

When I return to my home district I hear first-hand the cries for help from the people whose lives are falling apart because they cannot find work. I have seen the many unemployed parents who are finding themselves unable to meet their family's basic needs and are in danger of losing their homes. In my district, and across the country, families are running out of food before the end of each month, living in unheated houses even in winter, and going without health care, child care, and warm clothing. The severe stress on unemployed families has even led to divorce, separation, abuse, and neglect. I cannot, in good conscience, tell these people to sit and wait until the so-called recovery reaches them in perhaps a year or even longer. They cannot wait and our actions have not given them reason to hope.

Shortly, we will begin debate on the fiscal year 1985 budget. Of the many budget proposals we will consider only the Congressional Black Caucus alternate addresses the need for jobs creation funds. The opponents of job creation measures argue that such initiatives will further increase the deficit. Let me be absolutely emphatic about this issue—unemployment and recession cause deficits, not job programs.

It is widely accepted that each 1 percent increase in the unemployment rate adds $25 billion to $30 billion to the deficit. In the last 3 years alone the joblessness we have experienced has increased outlays for unemployment compensation by 50 percent. Therefore, job creation legislation, sensibly drafted and carefully implemented, makes economic sense. Initial outlays will begin to be offset immediately by reductions in Federal pay-

ments to the jobless, especially food stamps and welfare. Moreover, starting this year and extending through 1985, Federal revenues will increase through the taxes paid by these productively employed workers.

Thus, job creation legislation, such as the Community Renewal Employment Act (CREA), which passed the House this past summer, would more than pay for itself through reductions in unemployment related payments, increases in tax revenues through the value of community improvements, and the indirect employment and economic growth generated by the bill's stimulus to the economy.

Measured against the cost of unemployment, job creation initiatives, are indeed a bargain. The human cost of unemployment—in wasted lives and the disruption of families—is simply beyond measure.

As we begin to tackle the fiscal year 1985 budget, we must remember the true impact that our dollar figures will have not only on the deficit but how our actions will affect the American people—especially, those invisible Americans. We must attempt to alleviate the suffering, that so many are experiencing, by acting with both economic prudence and compassion to make reducing the human deficit our Nation's highest priority.●

TERRORISM—A CONTINUING THREAT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BROOMFIELD. Mr. Speaker, the recent kidnaping of Foreign Service Officer William Buckley in Beirut is the most recent reminder that terrorism continues to be a major threat to the nations of the world, especially to the United States. I am certain that our Government will do all that it can to gain the release of Mr. Buckley and the two other Americans who were also kidnaped earlier in the year.

I want to strongly recommend to all of my colleagues in the Congress an excellent series of six articles which recently appeared in the Washington Post on the subject of terrorism. The devastating attack on the U.S. Marine headquarters building in Beirut on October 23 was an act of state terrorism. As this article points out, the operation against the building was made possible by the complicity of the PLO, Iran, and Syria. I believe that all of us will agree that state-sponsored fanatical terrorism is a challenge which our Government must face up to.

With these thoughts in mind, let me recommend the following article on the Beirut bombing of the Marine headquarters building to all of the Members of Congress who want to gain a greater understanding of the complexity and real challenge of terrorism in the world.

[From the Washington Post, Feb. 1, 1984]

THE TERROR FACTOR—PART 1—BEIRUT BOMBING: MYSTERIOUS DEATH WARRIORS TRACED TO SYRIA, IRAN

[This is the first of a series of reports on terrorism written and reported by Washington Post staff writers Bob Woodward, Richard Harwood and Christian Williams.]

Three days before a bomb blast killed 241 American servicemen at the Beirut airport Oct. 23, a Lebanese financial emissary named Hassan Hamiz was given a check or voucher for approximately $50,000 that could be cashed only at the Iranian embassies in Beirut or Damascus, according to reliable intelligence reports. The reports indicate that, after the bombing, it was cashed at the embassy in Damascus, where Hamiz, described as a "fixer" with high-level contacts, had very close relations with Iranian Ambassador Ali Akbar Mohtashami, who has been identified by the CIA as a key figure in Middle East terrorism.

The $50,000 payment is believed to be a primary link in the financing that set in motion two fanatical suicide truck-bomb attacks that destroyed the U.S. Marine emplacement and also killed 58 soldiers at the French military headquarters in Beirut that same October morning, according to a review of intelligence documents and interviews with officials in the United States, Middle East and Europe.

Investigations by the CIA and French, Israeli and Lebanese intelligence services have pieced together many of the essential details of the devastation of Oct. 23, perpetrated by men who crave death as soldiers of their God and planned by others who rely on the terror factor as the most effective brand of political warfare. The events that ended with the blood and rubble of that massive explosion included a complex series of transactions, codenames, meetings in Beirut, the Bekaa Valley in Lebanon and Damascus, and trucks moving explosives under cover as rice transports.

In addition to Hamiz, 13 individuals now have been tied to the bombings by the intelligence services. They include a Syranian intelligence colonel, a former PLO security officer, Syranian members of the Syranian-controlled Saiqa (Thunderbolt) Palestinian terrorist organization, a relative of the Shiite Moslem leader in Lebanon's Bekaa Valley, an Islamic fundamentalist clergyman from Beirut and several veterans of other terrorist operations. Among them are:

The Syrian intelligence officer, identified by various intelligence organizations as Lt. Col. Diyab (also spelled Diab), has been traced to a planning meeting Oct. 21 or 22, just before the Marine bombing. Surveillance reports show that he was in the southern suburbs of Beirut and was planning an attack against the French and American installations.

A key architect of the operation, according to Israeli intelligence, is identified as Nablan Shaykh, a former deputy chief of national security for the Palestine Liberation Organization. He operated under the code name of Abu Kifah and had been in charge of security in a west Beirut neighborhood at the Museum Crossing on the line dividing Christian eastern and Moslem western Beirut.

Two other Syrian officials in Saiqa, a PLO organization founded and controlled by the Syrian military, attended meetings on Oct. 21 and 22 and discussed a strike against the multinational forces in Beirut.

One Saiqa member, Ahmed Halaq, is identified in intelligence reports as a specialist in assassinations. He had been in Lebanon's Bekas Valley, a Syrian-controlled area about 30 miles east of Beirut that is a known staging ground for terrorists. Halaq was placed in the Bekas region about a week before the Oct. 23 bombing.

The second man is Bilal Hasan. Within days of the suicide attacks, these two men were later found to have visited the Palestinian refugee camps of Sabra and Shatilla, the former PLO neighborhoods where hundreds of people were massacred by Phalangist militia in 1982. The reason for their visit has not been determined, but Israeli intelligence sources claim that weapons and explosives were still stockpiled in such camps.

Halaq and Hasan were tied to attempted terrorism in Egypt in 1979, when two other terrorists were arrested in Cairo with toothpaste tubes filled with high explosives. After confessing, the two terrorists identified Hasan as the person who recruited them and Halaq as a Syrian intelligence captain who prepared their explosives.

Abu Haydar Musawi, a cousin of a Shiite leader in the Syrian-controlled Bekas Valley, visited Beirut several days before Oct. 23 and was involved in obtaining the pickup trucks used in the bombing. According to intelligence reports, he heads what is called the Hussein Suicide Commandos, and intelligence reports say that immediately before or right after Oct. 23 he claimed he was going to report the outcome of the planned operations to his cousin Hussein Musawi, in the Bekaa Valley. Hamiz, the Lebanese financial emissary who cashed the $50,000 check ater the bombing, is also close to Hussein Musawi, the reports indicate.

Hussein Musawi has previously been named in press accounts as one of the people involved in the bombing. He has denied a direct or indirect role but praised the bombing by saying: "I salute this good act and I consider it a good deed and a legitimate right, and I bow to the spirits of the martyrs who carried out this operation."

Mohammed Hussein Fadlallah, the second person named in press accounts, is the leader of the Hezballah (Party of God), a militant Shiite movement based in Beirut's southern suburbs. The movement embraces remnants of the radical Al Dawa (The Call) party, which is now based in Iran.

Fadlallah has close ties to the government of Iranian leader Ayatollah Ruhollah Khomeini. He had frequent dealings with the Iranian Embassy in Beirut until the Iranians were expelled following the Oct. 23 bombings. At the time of this expulsion, Fadlallah led mass demonstrations in Beirut protesting the action by the Lebanese government. Hussein Musawi is considered to be Fadlallah's lieutenant and principal military commander.

Fadlallah and the key planner, Nablan Shaykh, attended a planning meeting Oct. 20 at the Soviet-Palestinian friendship house in Damascus, which since last summer has been used by dissident PLO leaders. They discussed attacks against the multinational force in Beirut, according to intelligence reports.

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Intelligence reports indicate that on the night of Oct. 22, just hours before the

bombings, Fadlallah received—either in his apartment or at his mosque in Beirut—the two men who drove the trucks on the suicide bombings. He blessed them, gave them so-called deeds or guarantees to their places in paradise, where they would have eternal joy. According to one resident in Bir Abed, the suburb in southern Beirut, where Fadlallah lives and has his mosque, as recently as two weeks ago Fadlallah preached to 300 fighters, aged 14 to 30, and promised any man who killed an Israeli in southern Lebanon a place in paradise.

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"Stockpiles of explosives, built up over a decade prior to the Israeli invasion of June 1982, are reportedly still in place and available in and around Beirut."

According to the intelligence reports, these stockpiles provided the explosives that killed the marines.

The FBI, which was called in to assist in investigating the Marine bombing, and other intelligence agencies have determined that the explosives, which had the equivalent of 12,000 pounds of TNT, included the powerful plastic, PETN, tied into a sophisticated gas-enhancing construction that employed propane gas bottles to greatly magnify the blast. Another plastic explosive, hexogen, was used in the French bombing. The use of PETN and hexogen, highly restricted materials that are hard to obtain outside military channels, strongly suggests the involvement of government and military intelligence services.

A top-secret intelligence source reported just before Oct. 23 that Lt. Col. Diyab was planning a terrorist act against unknown installations of the French and American forces on Oct. 23. The substance of this report—including even the date of a suspected attack, according to one account—was passed to the forces. But it was one of nearly 100 such warnings the multinational forces had received and it did not specify the target. Multinational officers, who had dealt for months with such threats that had not materialized, concluded little could be done.

The Pentagon commission investigating the bombing concluded that the Marine commander "was not provided with the timely intelligence, tailored to his specific operation needs, that was necessary to defend against the broad spectrum of threats he faced." In addition the commission said that the United States did not have control over sufficient human intelligence—agents, informers, traditional spies—to track down warnings and obtain information on targets and methods.

Haydar Musawi maintains a business office in west Beirut on Assad Street. There, intelligence reports show, explosives were loaded or unloaded into three pickup trucks, one believed to be the yellow Mercedes Benz stakebed truck used in the Marine bombing.

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Intelligence officials also place some significance on the intercepted communications, which show Haydar Musawi emphasizing that the attack on the French and U.S. forces was not so much to remove the forces from Lebanon, as is widely believed to be the motive, but rather because France was shipping arms to Iraq and supporting Iraq in its war with Iran. According to the reports on Haydar Musawi's assertions, the U.S. forces were attacked because the Americans were not opposing the French decision to back Iraq.

Israeli officials have called attention to this apparent motivation. Other officials said it was certainly one of the reasons, but by no means the exclusive or even chief reason for the bombing. Citing widespread Syrian complicity in the Marine bombing, the officials said that the bombing served multiple purposes, and the Syrian policy is clearly to get the United States and entire multinational force out of Lebanon.

The intelligence agencies, using communications intercepts and other highly classified methods, have determined that the strongest Syrian connection to the bombing is Lt. Col. Diyab. He used a code name, Abu Nidal, which is also the name of a well-known international terrorist who has no known connection with the Marine bombing.

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If a case had to be made in a court of law, several officials in U.S. and foreign intelligence agencies said, they might not be able to convince a jury. Several others said that the wealth of detail and the volume of circumstantial evidence could make a provable case. This is probably what led Secretary of Defense Caspar W. Weinberger to say publicly a month after the bombing that those responsible were "basically Iranians with sponsorship and knowledge and authority of the Syrian government."

That was the strongest public statement made by any Reagan administration official connecting the bombing to Iranians and Syrians. Officials have said that Weinberger opposed the Marine presence in Lebanon and, as the defense secretary, felt a deep personal responsibility for the death of 241 men under his command.

Other Reagan administration officials, particularly those in the White House and State Department who have to deal diplomatically with Syria, have kept their distance from such a direct, public accusation. Diplomatic officials note that Syria will be central to any negotiated settlement that might result in a face-saving withdrawal of the U.S. Marines from Lebanon.

After the bombings, a large number of people were observed rushing out of the Iranian Embassy in Beirut into waiting cars that sped off to an unknown destination, presumably the southern suburbs controlled by Fadlallah.

"It only takes them three minutes to get out of government-controlled areas," said a Lebanese intelligence source.

Soon after the incident, an unknown group calling itself the Islamic Holy War claimed responsibility in telephone calls to news agencies. Intelligence officials said they are virtually certain no such operational group exists, but that it is a psychological warfare arm covering the terrorist acts of various Islamic groups. Two days after the bombings, the group published a statement in Beirut newspapers that intelligence officials said quite accurately characterizes the degree of fanaticism felt by some—but only some—of those involved in the bombings. The published statement said:

"We are the soldiers of God and we crave death. Violence will remain our only path if they [the multinational forces] do not leave. We are ready to turn Lebanon into another Vietnam. We are not Iranians or Syrians, or Palestinians. We are Lebanese Moslems who follow the dicta of the Koran."

Governments of Syria, Iran Deny Supporting Terrorism

The govenments of Syria and Iran have denied direct or indirect support of terrorism.

Abid Kahani, spokesman for the Syrian Embassy in Washington, said in an interview: "We are against international terrorism. We are suffering from it. At the same time we are against aggression and we want self-determination. President [Hafez] Assad has said that the U.S. supports terrorism—not on the part of any administration, but in general."

As for the Oct. 23 bombings in Beirut, he said: "If the U.S. did not have troops outside the U.S., there would not have been that incident. We never did it. They say we did because the Bekas Valley is allegedly controlled by us but it was not 10 percent controlled by us."

Said Rajaie Khorassani, delegate of the Iranian mission to the United Nations, commented that "any group which terrorizes another group is a terrorist group. . . . When the Russians invade Afghanistan, or the Americans go into Beirut, that is terrorism, and more terrorism follows after that."●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HALL of Ohio. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a national speech contest for high school students. This year, more than 300,000 students participated in the annual Voice of Democracy contest. The theme this year was "My Role in Upholding Our Constitution."

I am pleased that the 1983–84 winner for the State of Ohio is Amy Beth Heidenreich, a resident of Dayton, in my district. Beth is a senior at Vandalia-Butler High School. I commend to my colleagues the text of her winning speech:

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Amy Beth Heidenreich)

Welcome aboard, mates! Stow your gear and prepare to set sail. I am your Captain and we have been commissioned to serve on the finest ship ever to sail the open seas.

Many great men and many great minds built this fine vessel. She was fashioned from the tears of mothers and widows. She was framed with the sturdy timbers of liberty and justice. Her sails were woven from the dreams of farmers and merchants, soldiers and slaves and men of God.

In order to build this mighty ship, many died and many dreamed. And a nation struggled to emerge.

Before we cast off, let me acquaint you with this seasoned vessel.

She was built in the summer of 1787 by 55 of the greatest men ever assembled. They put aside their prejudices, their passions and their selfish views to construct the deck on which you stand.

It is always a pleasure to welcome aboard a new crew for this fine ship—and she has seen many. Now it is my privilege and my responsibility to steer her through troubled waters and into safe ports. I must be sure she's well scrubbed and shining with the

sweat of a nation. That no barnacles of apathy or indifference ever cling to her mighty hull.

The name of this ship is "The Constitution", and in her hold are the plans, the laws and the rights of our great nation.

It's no small job I've taken on, mates. This ship has never run from a battle; it has never failed to guard and protect it's homeland and now it is my place to sail her well and true.

When she was first constructed, she had seven Articles and twenty six Amendments. Now and then, one of us may have to scale her sides to patch or repair parts of these that have come upon rough seas. Sometimes they are almost torn loose, but I must be ever watchful that her bow never weakens. For this old workhorse is counting on me to see her through.

She may be tattered in places, but I'll sew that up. Her rails may be tarnished and dull from the fogs and mists of greed and ignorance, but they will shine again with the radiance of truth. Her sides are sturdy and I know that they will withstand the torpedoes of prejudice, of hate, of lies, and of subversion. Because I will reinforce them with equality, love, truth and patriotism.

I will sail this ship, The Constitution, as those before me did, with the pride of a nation to back me, knowing that she is moving steadily of course, through the calmest and the roughest of seas.

I am proud to take on the commission of upholding our Constitution for this is what sets us apart from every other nation in the world.

And when my time is over and I walk down this gangplank for the last time, I know that I will be proud to turn over this commission to a new and younger crew, for I will leave her even stronger than I found her. She will have the strength of my youth and the wisdom of my generation. I will look back with confidence and pride on this mightiest of all vessels, knowing that she is a worthy ship, a credit to her nation, and as I salute her flags of freedom and hope I will offer a silent prayer that she may sail forever and ever.●

UNIFORM MARGIN REQUIREMENTS ACT OF 1984

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BRYANT. Mr. Speaker, today I am pleased to introduce the Uniform Margin Requirements Act of 1984, with the support of my colleagues, Messrs. WIRTH, DINGELL, GORE, MOORHEAD, SYNAR, BROOKS, LELAND, TAUZIN, COELHO, FROST, VENTO, MINETA, HUGHES, KINDNESS, LEATH, and BARTLETT. This legislation will amend the Securities Exchange Act of 1934 to provide uniform margin requirements in foreign financing of the acquisition of securities of U.S. corporations. Last March I introduced similar legislation and after careful consideration, I have made some changes which are incorporated into the measure I am introducing today.

Testimony heard by the Telecommunications Subcommittee in 1981 demonstrated that foreign investors enjoy an unfair advantage over their domestic counterparts because neither the investor nor the foreign lending institution is subject to the same credit limitations as U.S. lenders and investors.

We are all too familiar with the various takeover activities which prompted the House to pass similar legislation—H.R. 4145—in 1981. Several U.S. corporations, including Zale Corp., based in Texas, were targets of hostile takeover attempts by Canadian firms. In some instances, these foreign firms were borrowing 100 percent of the acquisition costs from foreign banks, thus putting domestic corporations and investors at considerable disadvantage because of the 50-percent margin requirements imposed on them by the Fed.

Margin requirements serve three purposes: To protect the Nation's economy by preventing excessive use of credit resources for securities speculation; to provide an additional means of preventing instability in the securities markets; and to provide a measure of investor protection by preventing the extension of credit beyond what is reasonable. There is every reason to extend these protections and requirements to foreign investors.

Congress amended section 7 of the Securities Exchange Act in 1970 to clarify the fact that domestic investors are subject to the margin requirements established by the Federal Reserve Board, regardless of where the funds are borrowed. This prevents American investors from circumventing margin requirements by borrowing from foreign financial institutions. What Congress did not foresee was the need to apply the same margin requirement standards to foreign investors. It is this inequity I propose to correct.

First, amends section 7(f) of the Securities Exchange Act of 1934 to make the Federal Reserve Board margin requirements applicable to foreign entities borrowing from foreign lenders;

Second, provides a private right of action to issuers of securities and other injured parties against violators of margin requirements;

Third, limits the right of action to transactions involving 5 percent or more of an equity security or any tender offer that would result in beneficial ownership of 5 percent or more of an equity security; and

Fourth, follows previous precedent in that it will apply to any transactions in which borrowed funds are disbursed by a lender after the date of the bill's introduction. This is necessary to guarantee that congressional consideration of this measure does not lead to anticipatory acquisitions which, if not completed prior to enactment of this measure, would be illegal.

Mr. Speaker, I am convinced this legislation is in the best interest of both domestic investors and corporate stability. Highly leveraged acquisitions, which can lead to harmful speculative trading in U.S. securities, will be prevented.

I believe we will close a loophole Congress was not aware of in 1970 if we pass this legislation. I urge my colleagues to support this measure, which establishes equality for all investors. The Telecommunications, Consumer Protection and Finance Subcommittee of the Energy and Commerce Committee will consider this legislation in a hearing scheduled for next Wednesday. I hope the subcommittee and the full committee will act promptly and favorably so this legislation can be reported to the full House in the near future.

The text of the bill and a section-by-section analysis follows:

H.R. 5250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78(g)) is amended by striking out subsection (f) and inserting in lieu thereof the following:

"(f)(1) It is unlawful for any person to obtain, receive, or enjoy the beneficial use of a loan or other extension of credit from any lender (without regard to whether the lender's office or place of business is in a State or the transaction occurred in whole or in part within a State) for the purpose of (A) purchasing or carrying United States securities, or (B) purchasing or carrying within the United States of any other securities, if under this section or rules and regulations prescribed thereunder, the loan or other credit transaction is prohibited or would be prohibited if it had been made or the transaction had otherwise occurred in a lender's office or other place of business in a State.

"(2) For purposes of this subsection, the term 'United States security' means a security (other than an exempted security) issued by a person incorporated under the laws of any State, or whose principal place of business is within a State.

"(3) The Board of Governors of the Federal Reserve System may in its discretion and with due regard for the purposes of this section, by rule or regulation exempt any class of persons from the application of this subsection.

"(g)(1) Any issuer of securities that are being purchased or carried in violation of this section, or of any rule or regulation promulgated under this section, and any other person who is injured or threatened with injury by reason of such a violation by any other person, in connection with—

"(A) the acquisition or carrying of 5 per centum or more of any class of an equity security, or

"(B) any tender offer for any class of equity security if, after consummation thereof, such other person would, directly or indirectly, be the beneficial owner of more than 5 per centum of such class,

may bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the

United States to recover damages arising from such violation or for such injury or to enjoin such a violation.

"(2) No action shall be maintained to enforce any liability created under this subsection or to rescind any contract the making or performance of which involves a violation of this section unless brought within one year after the discovery of facts constituting the violation, and three years after the occurrence of the last substantial element of the violation.

"(3) For the purposes of this subsection—

"(A) the term 'person' has the same meaning provided such term by section 13(d)(3) of this Act; and

"(B) the determination of the percentage of any class of security shall be made in the same manner as is required by section 13(d)(4) of this Act.".

(b) Except for purposes of section 32 of the Securities Exchange Act of 1934, the amendment made by this section takes effect on March 27, 1984, and the provisions of section 7(f) of the Securities Exchange Act of 1934, as so amended, shall apply to any purchase of securities occurring on or after such date and to the carrying of such securities on or after such date, if the loan or extension of credit therefor originated on or after such date or if the loan proceeds used to purchase or carry such securities were disbursed on or after such date.

UNIFORM MARGIN REQUIREMENT ACT OF 1984

(Hon. JOHN BRYANT)

SECTION-BY-SECTION ANALYSIS

Section (a) of the bill amends Section 7(f) of the Securities Exchange Act of 1934. Subparagraph 7(f)(1) makes it unlawful for any person, (including any foreign person) to obtain, receive, or enjoy the beneficial use of a loan or other extension of credit from any lender for the purpose of purchasing or carrying U.S. securities, or purchasing or carrying within the U.S. any other securities, if under the margin provisions or rules thereunder the loan or other credit transaction is prohibited or would be prohibited if it had been made or the transaction had otherwise occurred in a lender's office or place of business in the U.S.

The definition of the term "United States security" in subparagraph 7(f)(2) means any security issued by a person incorporated under the law of any State, or whose principal place of business is within a State. Accordingly, any security issued by a foreign corporation whose principal place of business is within the U.S. would be within the definition.

Subparagraph 7(f)(3) gives the Federal Reserve Board the authority to exempt any class of persons from the application of Section 7(f), in its discretion and with due regard for the purposes of Section 7. The Federal Reserve Board therefore would have authority to exempt those borrowers who, because of the small size of their transactions or the insignificant impact of their transactions on U.S. issuers or securities markets, should not be obligated to bear the burden of assuring their own compliance with the margin provisions.

A new Section 7(g) is added which specifies a private right of action on behalf of any issuer of securities that are being purchased or carried in violation of Section 7, or of any rule or regulation promulgated under the section, and any other person who is injured or threatened with injury by reason of such a violation by any other person in connection with (1) the acquisition or carrying of 5 percent or more of any class of an equity security, or (2) any tender offer for any class of equity security if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class. Such action may be brought in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States to recover damages arising from such violation or for such injury or to enjoin such a violation.

Under H.R. 2371, previously introduced by Congressman Bryant, a private right of action was also provided to any injured party to contracts involving a margin violation in connection with acquisitions of less than 5 percent of an issuer's equity securities. This provision was deleted in the new bill with no intent to prejudice any such implied private cause of action recognized by some courts. Instead the change reflects a desire to narrow the scope of the bill to situations involving major securities transactions which by law trigger disclosure of specific information to the Securities and Exchange Commission. Moreover, deletion of this provision is designed to mitigate the enforcement problems caused by policing margin violations which do not involve substantial acquisitions and which might be inadvertent.

Section 7(g)(2) specifies the time limits within which an action must be instituted in order to enforce the provisions of Section 7 or to rescind any contract which involves a violation of Section 7. Such an action must be brought within three years after the happening of the last element of the violation, or within one year after the discovery of the facts constituting the violation, whichever is later.

Section 7(g)(3) provides that for purposes of subsection (g) the term "person" and the percentage specified shall be determined in the same manner as under Sections 13(d)(3) and 13(d)(4), respectively, of the Securities Exchange Act. These terms would apply to all securities subject to Section 7, not just the limited classes of securities covered by Section 13(d).

Section (b) provides that the amendments made by this bill will take effect on the date of introduction, except for application of the criminal provisions of Section 32 of the Securities Exchange Act. The amended provisions of Section 7(b) shall apply to any purchase of securities on or after that date. In addition, they will apply to any securities carried on or after the date of introduction if a loan or extension of credit for the securities originated on or after that date or if the proceeds of a loan used to purchase or carry the securities were disbursed on or after the effective date. The purpose of this provision which differs from Congressman Bryant's original bill, is to insure that consideration of the bill does not provoke anticipatory action, which is not consummated before the bill's enactment, would be unlawful. Such a provision is not unprecedented in legislation of this sort and ensures that the bill does not promote the very activity it is intended to proscribe.●

YOUTH ALCOHOL AND DRUG ABUSE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. FISH. Mr. Speaker, over the past year, the Select Committee on Children, Youth, and Families, of which I am a member, has held various hearings throughout the region focusing on many of the major issues affecting our Nation's children and their families.

One of the major areas of concern to me is the enormous and pressing problem of adolescent alcohol and drug abuse. I would like to express my extreme concern regarding the continued and very present threat to our most valuable resource, the youth of America, from the abuse of alcohol, drugs, and illegal substances.

In the late 1960's it had become apparent that a new problem had presented itself in America that was a threat to every household raising children. The problem was the use of illegal substances and the abuse of prescription drugs by young people in every economic level and from junior high school through college. There was clear identification that it was present in some elementary schools, particularly in urban areas.

During the 1960's, America had struggled with the shocks of Vietnam, bitterness between "hawks" and "doves," racial violence, assassinations, demonstrations, sit-ins, and so-called mind expanding drugs. Highlighted by the rock concert in White Lake, N.Y., called Woodstock, we associated drug use and abuse with the hippie culture, the flower children. This made it difficult for Americans to accept the fact that their children, everyone's children were experimenting with mind-altering substances also. But, it was a fact that parents soon accepted. Acceptance was followed by some hysteria, confusion, concerns about peer pressure and demands that schools and the various levels of government do something about it.

A proliferation of programs in counseling, treatment, rehabilitation, and prevention resulted, and billions of dollars in public and private funds were expended. Laws were passed imposing greater penalties for the use and sale of illegal substances. The criminal justice system and facilities for incarceration are laboring under the burden of escalating costs and overpopulation, in part resulting from these measures. Federal law enforcement agencies have had to expand their knowledge and equipment and their personnel to contain the flow of illegal substances into the United States through our borders and other

points of entry. State and local law enforcement systems have also reflected this impact.

We are now aware that the Vietnam veterans frequently suffer from a condition labeled as posttraumatic stress. By the same token, our psychiatric hospitals and institutions are presently treating, institutionalizing, and deinstitutionalizing the victims of that era from the early 1960's through the 1970's of epidemic use and abuse of mind-altering substances. These are the survivors. Hundreds of thousands of young people died from overdoses, lethal mixing of alcohol and drugs, accidents, and suicides. This received wide publicity both locally and nationally and somewhat inhibited, through fear, the type and extent of drug abuse that previously prevailed.

However, the present concern of the Nation with the growing fatalities, property damage, and personal injury due to driving while intoxicated in the 17-to-22 age group clearly indicates that alcohol, a lethal substance, is more popular than the more exotic, illegal mind-altering substances of the 1960's and 1970's. Still present are the prescription drugs available in every medicine cabinet, as well as marihuana and cocaine. Very expensive in pure form, marihuana adulterated with oregano and cocaine, adulterated with talc, and affordable and available to the secondary and college students with an allowance or small income from part-time or summer jobs.

The period of adolescense is no different today than a thousand years ago. Characterized by insecurity, fear of failure, indecision about future goals, and a desire to be accepted by peers, this group is a particular target for stress and inability to cope. Add to this the prevalent fear, shared by all Americans, of nuclear war and the future of humanity.

Unfortunately, adult or parent role models, as well as television dramas and commercials, often furnish the false answer to stress and day-to-day problems—escape through use of alcohol, cocaine, marihuana, tranquilizers and other prescription drugs as well as over-the-counter medications. Of course, this is not the answer and this direction only creates more problems, negative reactions, increasing stress, and inability to cope. This is a handicap to achievement and realization of productive goals in life. Often the young cannot comprehend this.

The answer to stress and day-to-day problems is to be able to meet them head on with acquired skills, values, self-confidence, and the ability to make sound decisions relative to health, academic and personal success, as a productive member of society.

I would direct your consideration to a drug abuse prevention program which I commended in the CONGRESSIONAL RECORD in the early 1970's. ADAPT, Action for Drug Abuse Prevention Training, was founded by two of my constituents in 1969, Raphael and Frances Mark. The couple had spent 20 years working with youth and 5 years of research with addicts, ex-addicts, a youth emergency line, hospital emergency rooms, and a local methodone maintenance program. They also raised seven children. Their theory is that the abuse of drugs and other substances is the manifestation of other problems in daily living, lack of ability to cope with these problems as well as peer pressure to experiment with mind-altering substances and common medicine cabinet prescription drugs. A lack of communication with parents and adults representing experience and authority, a general ignorance of health risks and long-term effects were a constant factor.

It is the purpose of the ADAPT program to deemphasize the abuse of drugs and other substances as the major and singular problem and reveal that there is inherent in the American culture of today a general abuse of almost everything from our natural resources and respect for authority to family life and credit cards.

Education, it was decided, is the key and must involve youngsters at an age prior to exposure to the "drug scene." ADAPT advanced the theory that counseling and rehabilitation of addicts does not reach the root cause of drug abuse and that unrelated courses and lectures now and again will not work. An intense, 8-week course was initiated for fourth, fifth and sixth grade classes on the elementary school level to be repeated yearly. The program is structured, but an atmosphere of informality is carefully created. The ADAPT approach offers training seminars to teachers and administrators clearly defining the role they can play in shaping the minds of their students; parent seminars to equip the participants to cope with their child's knowledge, curiosity or misinformation regarding drugs and other substances, to show how to establish rapport with the child and replace frustrating encounters with trust and sound communication; student seminars to teach youngsters how to cope with their tensions and problems through desirable and acceptable means other than drugs and other mind-altering substances and learn the skill of inteligent decisionmaking based on communication with parents and other trusted adults.

The ADAPT concept was tested as a pilot program over a 3-year period in the Arlington School District in Dutchess County, N.Y. It was evaluated as effective and has been made available as the basis for many drug abuse prevention programs throughout the State of New York. ADAPT was made public in the CONGRESSIONAL RECORD of the House of Representatives on August 11 and 17, 1970, and on July 22, 1971, and acclaimed as an effective prevention tool.

The following is a detailed overview of the ADAPT program as created by Raphael and Frances Mark of Staatsburg, N.Y. I commend it to your attention as an effective prevention tool where many other approaches have failed to eradicate a condition eroding the fabric of family life, the potential of our youth, and present in every school district in America.

DETAILED OVERVIEW

PROGRAM RESOURCES

Team

Program coordinator—Sets up all scheduling, assembles materials and monitors sessions.

Discussion leader—Person with communications/public relations background who can establish immediate rapport with youngsters and involve them in a discussion-type situation rather than a traditional classroom climate.

Law enforcement officer—To provide, spontaneously when the situation arises in the discussion, facts relative to penalties and experiences.

Ex-addict—To provide authentic, personal experiences in how and at what age he or she became involved with mind altering and/or illegal substances. Answer questions when posed by students, parents or teachers.

School guidance counselor/psychologist—To provide experience in handling problems of students and problems relating to the drug scene in school.

Materials

Cassette tape recorder and video tape recorder—Taping of typical session with students, parents and teachers to provide recovery capabilities for evaluation and documentation as well as training.

Camera and slide film—For preparation of slides for classroom seminars depicting commonly abused prescription drugs and other substances. Slides to dramatize typical school situations involving abusers.

Overhead projector—For overlays to be prepared for use in classroom seminars and parent seminars which highlight questionnaires and points in the discussion to be stressed.

Books and literature—For use of students, parents and teachers and for the library/resource center of the school.

COMMUNITY RESOURCES

Monitoring committee—ADAPT discussion leader, ADAPT coordinator, Commissioner of Mental Health, physician, psychologist, county medical society representative, and law enforcement representative.

The Monitoring Committee originally reviewed the ADAPT concept and members sat in on all of the first pilot seminars. As these are very committed members of the community, responsibility can be shared. They discuss the ADAPT program at various phases of program with selected students, parents and teachers to measure its success and they are a vital part of the final evaluation. They become part of the permanent community resources in long term drug abuse and substance abuse prevention.

EVALUATION

The ADAPT program has been evaluated by students, parents, PTA officers, nurse-

teachers, classroom teachers, law enforcement officers and representatives of drug rehabilitation programs as well as members of the clergy.

Purpose—To inform and educate children of the 4th, 5th and 6th grade levels, teachers and parents in the problems of drug use and abuse. It is an educational program that bridges the gap between home and school with a course of instruction that is focused on children and their parents at the same time. By using the common denominator of "abuse," the program is aimed at prevention and sound decision-making.

Goal—To educate non-users so that they do not become experimenters or users. To train children, youth and adults to cope with the tensions, problems and stressful situations through desirable and acceptable means other than prescription drugs, alcohol and other mind-altering substances.

To seek productive means of attaining the "highs" of living without chemicals.

To educate children in intelligent decision-making.

To achieve the "we" approach; interaction between and among parents, children and teachers.

Conclusion—ADAPT was evaluated as acceptable and effective with students; a supportive and valuable tool for teachers and a means for parents to gain knowledge to assist them in establishing a rapport and communication with their children to meet daily problems with confidence.●

PROPOSAL OF THE RULES COMMITTEE TASK FORCE ON THE BUDGET PROCESS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BEILENSON. Mr. Speaker, on behalf of the members of the Rules Committee Task Force on the Budget Process, I am introducing a bill which contains our recommendations for improving the congressional budget process. The introduction of our legislative proposal today is the culmination of nearly 2 years of review by 24 Members of the House—6 of us from the Rules Committee, and 18 members from other committees.

Our legislation, which amends the Congressional Budget and Impoundment Control Act of 1974, builds upon practices in the budget process which have evolved since the act was first implemented. Our bill calls for Congress to adopt a single annual concurrent resolution on the budget, and allows subsequent resolutions, if necessary, with controls on budget legislation becoming effective immediately upon adoption of the resolution. Reconciliation would be used to direct committees of the House and Senate to recommend changes in existing law to produce specified levels of spending, credit, revenues, or tax expenditures.

One of the key features of our proposal is an accelerated schedule for consideration of the budget resolution and budget-related legislation. Our bill would require the President to submit his budget to Congress on the first Monday after January 3, committees of the House and Senate to report their views and estimates to the Budget Committees by February 25, and Congress to adopt the budget resolution by April 15. It would require the House Appropriations Committee to report all regular appropriation bills by June 10 and the House to complete action on those bills and any reconciliation legislation directed by the budget resolution no later than June 30. The Senate would be required to complete action on all regular appropriations bills and on any reconciliation legislation no later than August 15.

A second important feature of our bill is expanded coverage of the budget process. Federal off-budget activities would be brought on budget, and new controls would be applied to credit and tax expenditures. Current controls on backdoor spending would be expanded by the establishment of a point of order against provisions of legislation which authorizes financing mechanisms, other than entitlement authority, which would escape the annual appropriations process.

The third key feature is improved controls. Our bill would maintain the current point of order against legislation which breaches the overall budgetary levels established by the budget resolution, with an exception for legislation which is within the reporting committee's allocation for discretionary budget action. It would establish a new point of order against legislation which would cause a committee to breach its allocation for discretionary action.

The single budget resolution approach, as we have called this proposal, is one of two sets of recommendations which the task force developed over the course of the last several months. Our other proposal, the comprehensive budget bill approach, would make more far-reaching changes in the way Congress handles budget legislation than would the proposal we are introducing today. Based on an idea conceived by Representative DAVID OBEY, the comprehensive approach calls for combining all spending, revenue, and credit legislation in one budget bill. Although the task force felt that there was not enough support for trying the comprehensive approach to recommend it for further action at this time, it is my hope that at some point in the future the Rules Committee will consider the possibility of substituting for our existing budget resolution system a budget process based on approving one budget bill.

The members of the task force feel that significant improvements can be made to the existing budget process if the changes proposed in our legislation are adopted. We have recommended that the Rules Committee hold hearings on the bill we are introducing today with a view toward favorably reporting it. It is our hope that the Rules Committee will proceed expeditiously with consideration of our bill and that the House of Representatives will approve it this year.●

MOORHEAD INTRODUCTORY STATEMENT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MOORHEAD. Mr. Speaker, I am happy to join my colleague from Texas (Mr. BRYANT) and the distinguished chairman and ranking member of the House Energy Subcommittee on Telecommunications, Consumer Protection and Finance, Mr. WIRTH and Mr. RINALDO, in cosponsoring this legislation. This bill would cure an anomaly in the law which favors foreign investors over U.S. investors in the use of credit for the acquisition of U.S. corporations.

Mr. Speaker, the current margin requirement limits borrowing to 50 percent of the purchase price of the stock, but this 50-percent restriction is inapplicable, under current law, to foreign investors using foreign credit. This bill would close that loophole in the law and require that non-U.S. citizens using foreign credit observe the margin requirements.

This is not the first time that Congress has addressed this issue. In 1970, the Congress amended section 7 of the Securities Exchange Act to clarify that the use of foreign capital by American purchasers of securities is subject to the margin requirements. However, the Congress failed to take the next logical step which would prevent foreign investors, using foreign credit, to circumvent the margin requirements. In 1981, the House passed, by a voice vote, a bill similar to the one introduced today. Unfortunately, the bill was never voted on by the full Senate.

Mr. Speaker, the purpose of this bill is the same today as it was in the last Congress: to equalize the treatment of foreign and American investors in the purchase of U.S. securities. We do not ask for Americans to have any advantage nor are we trying to restrict foreign investment in the United States. We are simply saying that all investors should be treated alike regardless of the source of their credit.

Furthermore, I know that I am not alone in this body in watching with great alarm the current wave of takeovers and takeover attempts. Although I recognize that such machinations are very much a part of our eco-

nomic system, I believe that all investors, foreign and domestic, should be subject to the same rules. The U.S. margin requirements were developed to prevent the type of uncontrolled speculation which plunged this Nation into the depths of the Great Depression more than five decades ago. I am convinced that this legislation is necessary as a prophylactic measure to help insure that this Nation does not ever again have to face such difficult economic times. I urge my colleagues in the House to join me in cosponsoring this bill.●

HISPANIC EDUCATION INITIATIVES ACT OF 1984

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. CORRADA. Mr. Speaker, over the past 3 years, I have joined the Postsecondary Education Subcommittee in hearings on the condition of Hispanics in higher education, and have heard repeatedly of their pattern of underrepresentation.

Of the 50 percent of Hispanics who finished their high school education, only 19 percent go on to enroll in postsecondary education. Of those who do enroll, the majority attend 2-year community colleges, with very little transition into 4-year colleges and graduate schools. Hispanic representation remains high in the social sciences and nontechnical fields. Poor recruitment in professions, law, and medicine, prevail.

In an effort to address these problems, I am introducing a bill entitled the "Hispanic Education Initiatives of 1984." This legislation would amend existing higher education programs to provide increased access for Hispanics as well as to increase sensitivity toward the Hispanic dilemma in the Department of Education.

Title III of the Higher Education Act provides grants to developing institutions to strengthen and improve the quality of their academic programs. Research has shown that Hispanics are concentrated at the less prestigious and less well-funded institutions which are struggling to deliver any education program, much less a quality curriculum. Yet these institutions do not generally fare well in the competition for title III grants—perhaps due largely to their lack of sophistication in writing proposals. My bill would set aside 15 percent of title III funds, or $10 million, whichever is greater, for eligible institutions which enroll 20 percent or more Hispanic students. In addition, eligibility would be granted to medical schools which enroll large numbers of minority students. I expect that these provisions, if enacted, would substantially increase the educational experience of Hispanic students throughout the country.

While access continues to be a stumbling block to the education of Hispanics, retention of these students in higher education is equally difficult. Studies confirm that public elementary and secondary school systems do not provide adequate attention to the cultural and linguistic needs of Hispanic students. This situation keeps the pool of Hispanic high school graduates low and provides inadequate preparation to those who do complete their course of study.

The TRIO program has been successful over the years in assisting disadvantaged youth who have educational potential by providing guidance, tutoring, and counseling, both at the college and precollege levels. However, funding for this program has remained virtually static and has therefore prevented expansion into areas of high Hispanic concentration. My bill would increase authorizations for TRIO from $170 million in fiscal year 1984 to $300 million for fiscal year 1985, with $50 million increases in subsequent years. The Secretary would be instructed to give preference to projects serving Hispanics when obligating these increased funds.

Statistics on the participation of Hispanics in education programs are sketchy at best, and research efforts to determine the cause and possible solution of Hispanic underrepresentation in education are very limited. My bill would require the Secretary to provide an annual report to the Congress on this subject, and to include data on Puerto Rico when reporting on National Institute of Education or National Center for Education Statistics information.

Mr. Speaker, as the sole congressional representative for the 3.2 million people of Puerto Rico, I have been actively involved in the Caribbean Basin Initiatives program. While this Congress approved tax and trade incentives designed to help the economic development of the region, that is just a beginning. We need to reinforce and strengthen the educational opportunities available to students from the region as a way of insuring that a comprehensive economic development program is sustained.

I believe that Puerto Rico has a unique contribution to make to the Caribbean Basin Initiative (CBI) goal of reinforcing trade, investment, and U.S. financial assistance to developing nations in Central America, the Caribbean, and northern South America. Under the CBI, Puerto Rico has the responsibility of providing support for private sector development in the member countries of the initiative. The economic development goals of the CBI program require educated citizens. The talents and work skills of the CBI nations' citizens must be enhanced if the CBI economic goals are to be met. Private entrepreneurship and self-help cannot become a reality without educational progams designed specifically to complement the CBI initiatives.

As part of this responsibility, Puerto Rico can offer the opportunity for an educational exchange program linking the public and private educational institutions of the CBI nations with those of the Commonwealth of Puerto Rico. Education is an area in which Puerto Rico can be most useful as a channel between the Anglo society of the United States and the Hispanic culture of the CBI region.

Puerto Rican educational institutions can offer skilled faculty and bilingual specialized programs, in traditional disciplines and new technology, to help Caribbean Basin nations in educating their citizens to participate fully in the process of economic development. Puerto Rican institutions have the facility to work closely with the Department of State, Agency for International Development, the Department of Education, and the Organization of American States.

The Hispanic Education Initiatives Act of 1984 includes provisions to establish these relationships, by creating a Caribbean research and training center, and by authorizing AID to fund technical assistance projects to CBI eligible countries.

Mr. Speaker, I invite my colleagues to join with me in supporting this package of initiatives which will increase the access of Hispanics to education programs, strengthen research on the causes of Hispanic educational underrepresentation, and foster an exchange of information with countries with similar cultural and linguistic backgrounds.●

SMALL-CAR BUYER RETURNS, TO THE CHEERS OF U.S. AUTOMAKERS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HILLIS. Mr. Speaker, James Mateja, the automotive writer for the Chicago Tribune, wrote an interesting trend piece on the upswing of the small car buyers into the U.S. market. Subcompact sales are up 14 to 126 percent this year and part of the reason, according to Mateja, is the voluntary Japanese import quotas which have been in place since 1981.

With imports limited to 1.65 million vehicles a year—to be increased to 1.85 million beginning this Sunday—there is a market shortage of Japanese subcompacts in the United States. Certainly, these quotas have been vital to

the recovery of the domestic industry and I am proud to say I worked to support continuation of these voluntary restraints through April 1985.

But beyond the quotas is a message from the consumers. They are convinced that the economic recovery is for real. They are convinced the tragedy of mass layoffs and plant shutdowns have come to an end. They are buying again, confident that their jobs are safe and the car payments can be made.

And, just as the expectation of economic disaster can actually cause economic disaster, so can the expectation of economic prosperity cause economic prosperity to flourish.

Mr. Speaker, I would like to enter this Chicago Tribune story into the RECORD and encourage my colleagues to take the time to read it.

SMALL-CAR BUYER RETURNS, TO THE CHEERS OF U.S. AUTOMAKERS

(By James Mateja)

The small-car buyer appears to be back in the new-car market, and the domestic automakers are the main beneficiaries.

However, industry analysts aren't sure why the small-car enthusiast is back. They insist some of the resurgence in domestic small-car sales is by default as consumers find it increasingly difficult to locate small Japanese imports whose supplies are restricted by quotas.

The return of the economy-minded buyer has gone virtually unnoticed amid reports from Detroit of much overtime to boost output of large cars that are now in short supply. That was before analysts sat back and digested year-to-date figures for 1984.

Their findings show that sales of the subcompact Ford Escort are up 14 percent from a year earlier; the subcompact Chevrolet Cavalier is up 109 percent; the subcompact Chevy Chevette 21 percent; the subcompact Dodge Omni and Plymouth Horizon are up 126 percent; the subcompact Renault Alliance and Encore from American Motors Corp. are up 39 percent.

"Small cars are starting to hold their own," said Wes Stuchlak, analyst with Chase Econometrics in Bala Cynwyd, Pa. "It's not the same as with big and luxury cars where the automakers have their backs against the wall trying to find more production capacity. There's plenty of small-car inventory around. But small cars are doing well."

"The affluent buyer has always been in the market, but now the mass buyer is getting back in, the young who are more assured of staying off the unemployment rolls and the blue-collar workers, people who buy the smaller cars," said Arvid Jouppi, independent Detroit analyst. "The market is going back to the point where everybody is in it, not just the rich."

However, some analysts point out that small-car buyers don't have a lot to choose from.

"There's a terrific shortage of Japanese small cars," said Arthur Davis, analyst with Prescott Ball & Turben in Cleveland. "The Japanese are the key players in this market segment. With quotas, they've shifted [shipments] upward into higher prices [$9,000–$10,000] small cars, and the resurgence is in the lower-prices, basic-transportation end."

Stuchlak agrees, saying: "Some of it has to be happening because the small-car buyer can't get a Japanese import. With quotas and strong demand the supply of most Japanese cars is about 11 to 15 days, which is nonexistent compared with the 60- to 65-day supply considered normal.

"With Japanese cars in short supply, there has got to be some crossover to domestics," he said. "The small-car buyer often is the first-time buyer who needs a car and isn't going to wait two months or more for the import to come in."

Ray Windecker, statistician and marketing analyst with Ford Motor Co., acknowledges that some of the domestic recovery comes from the fact that the small-car buyer "is tired of waiting for the Japanese car." But he adds, "That's only a modest number."

Windecker insists that the small-car upswing is the result of "people finally believing that the last person laid off where they work really was the last. When people around you are being laid off, you don't have the confidence to take on monthly payments. In the studies we've seen, there's a sharp decrease in the fear of unemployment.

Among the major Japanese imports, sales of the subcompact Nissan Sentra were down about 6,000 units in the first two months this year from the year-earlier period. At Toyota, sales of the subcompact Tercel were off about 12,000 units in the same period.

In both cases, the producers had to balance sales with quotas before the March 31 fiscal year deadline. An exception is the tiny Honda Civic, which is up about 4,000 units. But by building Accords in Ohio, Honda freed itself to import more Civics built in Japan.

The current U.S. quota of 1.68 million Japanese cars expires March 31. The new fiscal year and slightly higher limits, up to 1.85 million Japanese cars, start April 1.

"But the higher quotas take effect with cars shipped as of April 1, and it takes another month for them to get here," Stuchlak said. "Then they have to be distributed so the shortage of Japanese cars will last at least a couple more months."●

BALANCING BOOKS AND BASKETBALL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MAZZOLI. Mr. Speaker, it is not often that a high school student successfully balances academics and athletics while excelling in both. One such outstanding young man is John Schissel who lives in Washington, D.C., but whose roots on his mother's side of the family reach back into the Third Congressional District of Kentucky which I am privileged to represent.

John has handled the rigors of academic studies while achieving success on the basketball court. He is a senior at St. Anselm's Abbey School in the District of Columbia and he is captain of the Abbey School's basketball team.

In addition to all this, John still has time to work around his home, to tend several lawns during the summertime, and to pursue his interest in Government. In this connection, John served under my appointment as a page in the U.S. House of Representatives last summer. He handled his responsibilities in an effective and mature fashion.

I am proud to know John—and other young people like him—who exhibit such winning qualities. I wish him continued success in the future.

I insert an article about John which appeared in the Catholic Standard on March 8, for printing in its entirety for the CONGRESSIONAL RECORD.

The article follows:

JOHN SCHISSEL BALANCES BOOKS AND BASKETBALL

John Schissel has an eye for numbers. A senior at St. Anselm's, he recently scored the 1,000th point of his varsity career in the 37th annual St. Anselm's invitational tournament.

Like all products of the rigorous classical secondary education taught by the Benedictine monks there, he also has an eye for perspective and probability.

A gifted basketball player, he could have made the grade at many of the area's larger and more competitive schools, but decided along with his parents to attend St. Anselm's, formerly known as Priory. Traditionally one of Washington's better teams under former coach Bob Dwyer, the Panthers remain a well-coached, hustling squad, but would have trouble matching up with larger schools like nearby Carroll or even little St. Anthony's. Schissel spent many summers perfecting his game at summer camps and countless hours in solitary practice, but never let the glamour of basketball alter his goals.

Fewer than one high school player in 5,000 ever makes the grade in professional basketball (where the average career lasts less than four seasons). There's a 10 times better chance to be elected to Congress than to make the National Basketball Association. Education, not hoops, is the better bet.

A Congressional page this past summer, Schissel might have gotten a head start toward making good the odds on reaching the House or Senate. He's already considering a career in international affairs and/or business, difficult fields but still offering a much brighter chance for success than roundball.

A regular lector at St. Ann's parish, where he began his basketball career as a CYO player, Schissel, a bright student, likely will be a professional—but not a professional athlete. He knows that hard work and study are surely rewarded in the academic ranks, instead of pointing only toward an athletic career.

Sports should be an enjoyable form of relaxation and fitness, a pleasant diversion from life's many stresses. At most, use sports as a means to obtain a college education via an athletic scholarship, but don't get suckered into chasing an elusive dream of pro ball.

There's only one Doctor J, but there are thousands of physicians, lawyers and other successes, whom we don't read about in the sports pages every day. They, like John Schissel, realized that books, not baskets, are the key to success in life.●

DRG IMPACT ON OLDER AMERICANS ACT TITLE III-B SERVICES

HON. OLYMPIA J. SNOWE
OF MAINE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Ms. SNOWE. Mr. Speaker, in several recent hearings we have heard care providers from throughout the Nation testify before Senate and House committees to address the need for additional funding under part B of title III of the Older Americans Act (OAA).

This is not unusual as supporters of these programs continually cite the need for more money. We have heard from directors of area agencies on aging, those charged by us to implement the OAA at the level closest to the elderly, describe an ever-growing system of long-term care designed to address the needs of those most at risk. These elderly persons, too impaired to participate in the most visible of services and lacking a strong national advocate, have long been underserved.

In many areas of our Nation, these area agencies on aging have developed solid systems, serving the most vulnerable elderly. They draw upon the OAA, social service block grants, medicare, and medicaid, as well as State resources, and integrate them for the good of the elderly person through case managers. Increasingly, these case managers report growing case loads and a lack of ability to continue to meet the needs of older people and their families.

Aware of these complaints, I decided to explore some possible reasons why demand seems to be increasing.

In January 31, 1984, testimony before the Senate Committee on Labor and Human Resources Subcommittee on Aging, Stephen Farnham, director of an area agency on aging in Maine, identified the primary problem:

> Although always short of cash for services, we are currently overextended in our ability to provide needed home care for a number of reasons. Predominate is the impact of the Medicare hospital inpatient prospective reimbursement payment system based on diagnostic related groups (DRG's). We are finding hospital referrals increasing—and those who are discharged in some cases are in much worse shape than we have seen in the past.

Subsequent to this testimony I found that direct referrals from hospitals to the area agencies on aging care management systems in Maine have increased by 38 percent over the past 3 months. I have also learned that area agencies in my State have had to develop waiting lists for the first time. In fact, during February, 79 individual cases were waiting for help that could not be provided. Our nursing home beds are full. Our skilled nursing facilities are also fully utilized. Our home health agencies are experiencing more referrals than ever before and are more than ever before being denied medicare reimbursement. And, our homemaker services are also overburdened with waiting lists.

Nor are all the cases just recently discharged patients. The director of case managers of Maine's Eastern Area Agency on Aging, Janice Watkins, tells the following story which sadly exemplifies the growing need for title III-B services:

> An elderly gentleman suffering from senile dementia and diabetes was recently refused hospital admission because a specific treatment plan could not be identified. In other words, the hospital would not admit this ill older man because it could not determine how he fit under the DRG reimbursement system. In this case, an elderly individual, obviously sick and needing medical attention, was not even admitted.

In Massachusetts I found a similar problem where a case management system, much like that found in Maine, also exists. There, 126 individuals were waiting for care in February, care that, again, could not be provided.

Area agencies in Oregon reported a surge in demand for services in January of this year with the most frequent request being for home health aids. They also report that their waiting list has increased 25 percent in the past 3 months. Area agencies in Nebraska and Tennessee report that hospitals are paying them much more attention as hospitals seek discharge alternatives.

Anticipating this increase in referrals, Arkansas' aging network is gearing up by trying to reallocate scarce resources for additional home care. Indiana area agencies reported a 30-percent referral increase for case management services and they have had a 25-percent increase in demand for in-home services.

From Michigan, I received a report from a southwestern part of the State indicating hospitals had a 52-percent decrease in length of what they call recuperative stays. Service providers in Maine confirm the same trend. Physicians and hospitals are no longer keeping dad over the weekend until the family can get ready, nor do they keep mom an extra few days until she can regain her strength. In such cases medicare and medicaid generally refuse to provide for home health care and the burden falls on title III-B programs.

The DRG message has in effect become one of get the patient discharged quickly. It is a good philosophy if we had a good post-hospital treatment system. But all too often, we do not. We need that secondary support system, and we need it to be enlarged and improved.

Mr. Speaker, we have known all along that the DRG system of payment predisposes hospitals to discharge early. Now we must bite the residual bullet of that congressional mandate. Overall, it is still cheaper to discharge earlier, but only if there is an alternative, less-acute care system immediately available. Title III-B programs seem to be picking up the slack. By recognizing this growing reliance of title III-B programs and increasing funds to operate those programs, we have still substantially cut overall health care costs, but we will also have given the area agencies the wherewithall to provide those services.

We all realize that the demographic growth of the older population has created an increased demand on all OAA programs. What we may not realize is that title III-B under the act has seen no monetary growth for 5 years. Emerging health care policies, combined with the demographics, have created an impending crisis of considerable proportions. This swell of older, impaired Americans and their families are looking to area agencies on aging and home health agencies for help.

The legislation I have introduced today would authorize $386,300,000 for fiscal year 1985, $405,600,000 for fiscal year 1986, and $424,900,000 for fiscal year 1987. These figures represent an approximate $19 million increase per year over the present authorization levels.

I realize this Congress and this administration is in a budget-cutting mood—and rightly so considering the projected deficits over the next few years. Nevertheless, medicare and medicaid are targeted for even more cuts. The so-called Federal safety net only has a few threads left supporting the near-helpless, invisible elderly and their families, and these supports may be left in shreds. If Congress only applied a small fraction of the funds we intend to save from medicare and medicaid reductions to title III-B, it could have an enormous positive impact on the lives of at risk elderly persons. If we are to remove the main threads of our safety net, we must add some reinforcement around the edges.

I urge my colleagues' support of these modest increases in title III-B authorizations and the quick passage of the Older Americans Act reauthorization measure so our State area agencies on aging can provide the services to the many more Americans in need of them.●

H.R. 5248—A BILL TO REVISE THE MECHANISM FOR DISTRIBUTING FEDERAL APPROPRIATIONS FOR PUBLIC RADIO

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BROYHILL. Mr. Speaker, on March 15, I introduced H.R. 5149, a bill that would give the Nation's 280 public radio stations more flexibility than they have today to broadcast programing that serves the interests of the residents of their local communities. Unfortunately, several errors were made in the printing of that bill, and I am, therefore, reintroducing it today.

Under existing law, public radio stations receive only about half of the Federal appropriation that is earmarked to support public radio. The other half of the radio money is appropriated directly to national public radio. NPR is not a radio station. It is a network that produces and distributes programing to public radio stations.

In 1983, the Nation's 280 public radio stations and NPR split roughly $30 million in Federal appropriations.

Under H.R. 5248, the share of Federal public radio money going to NPR would decrease each year, and the share of Federal money going to the Nation's 280 stations would increase by a corresponding amount. By 1987, stations would receive at least 80 percent of public radio money, while NPR would be guaranteed only 20 percent.

Significantly increasing the level of Federal support for the Nation's public radio stations, while reducing direct funding of NPR, has several advantages.

First, it will give stations the financial resources that are necessary to purchase programs of particular interest to their local communities. Today, while individual stations or groups of stations have a right to develop programing that is of particular interest to their communities, they often do not have the financial resources to do so since the present Federal statute appropriates so much money directly to NPR.

Second, the new funding mechanism provided by my bill will create an incentive for program producers to develop more high quality programing for public radio stations. Substantially reducing NPR's guaranteed Federal support will create an incentive for the development of new program producers and will give stations an incentive to purchase from the producers which offer the highest quality programing.

Third, the new funding mechanism is more democratic. Today, as a practical matter, stations are forced to purchase programs from NPR since it is the only major program producer that exists. Under my bill, stations would have the additional financial resources that are necessary to allow them to purchase programing from producers of their choice.

Finally, the new funding mechanism will significantly increase the incentives that exist at present for NPR to adopt strict financial controls within NPR. Since NPR is now the only program producer that receives a guaranteed Federal appropriation, it has little incentive to adopt strict financial controls. As a result, NPR has been sloppily managed. For example, a major investigation late last year by the General Accounting Office on behalf of the Energy and Commerce Committee concluded that NPR nearly went bankrupt last spring due to lax financial management. If NPR is required to compete with other program producers for the sale of programing, it will have an incentive for the first time to adopt strict financial controls in order to keep its costs low so that it can offer programs at competitive prices.

H.R. 5248 does not mean the demise of national public radio. Nor does it necessarily mean that national public radio will diminish in size. If NPR produces the high quality programing that is desired by listeners of public radio, it will continue to exist at substantially the same size as today.

However, the adoption of Federal policies to insure the preservation of NPR at its present size is not a proper objective of Congress. Instead, Congress should take action to develop a structure for public broadcasting that promotes the development of high quality programing of interest to the listeners of the 280 public radio stations across the country. H.R. 5248 accomplishes that objective.

I include in the RECORD at this point the text of my bill.

H.R. 5248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 396(k)(3)(A)(iii) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(iii)), relating to allocation between public radio station funding and public radio programming funding, is amended to read as follows:

"(iii) Of the amounts allocated under clause (i)(IV) for any fiscal year—

"(I) not more than the following percentage of such amounts shall be available for distribution under subparagraph (B)(i) for public radio:

"(aa) 50 percent, in the case of any fiscal year before fiscal year 1985;

"(bb) 40 percent, in the case of fiscal year 1985;

"(cc) 30 percent, in the case of fiscal year 1986;

"(dd) 20 percent, in the case of fiscal year after fiscal year 1986; and

"(II) the remainder shall be available for distribution among the licensees and permittees of public radio stations pursuant to paragraph (6).".

SEC. 2. (a) Section 396(k)(3)(A)(v) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(v)) is amended by striking out "clause (iii)(I)" and inserting in lieu thereof "clause (iii)(II)".

(b) Section 396(k)(3)(B)(i) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(i)) is amended by striking out "subparagraph (A)(iii)(II)" and inserting in lieu thereof "subparagraph (A)(iii)(I)".

(c)(1) Section 396(k)(6) of the Communications Act of 1934 (47 U.S.C. (k)(6)) is amended by striking out subparagraph (A), by redesignating subparagraph (B) as paragraph (6), and by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(2) Section 396(k)(3)(A)(ii)(I) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(ii)(I)) is amended by striking out "paragraph (6)(B)" and inserting "paragraph (6)" in lieu thereof.

(d) Section 396(k)(6) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)) is amended by striking out "paragraph (3)(A)(iii)(I)" and inserting in lieu thereof "paragraph (3)(A)(iii)(II)".●

TIMOTHY JOHN WYANT, VOICE OF DEMOCRACY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. GONZALEZ. Mr. Speaker, it is with great pleasure that I bring to the attention of you and our colleagues the outstanding speech of Timothy John Wyant, a student at San Antonio's Oliver Wendell Holmes High School, and a resident of the 20th Congressional District which I represent in Congress, which made him the Texas winner in the annual Voice of Democracy contest.

The Veterans of Foreign Wars began this annual scholarship program 36 years ago in which thousands of high school students participate each year.

Mr. Wyant's speech is as follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

I will live and abide by the constitution, it is my heritage. It has given me the right to live the life I choose in return I shall uphold the constitution with loyalty, living a life governed by law and order, duty to my country and worshipping in the church of my choice. With the constitution to guide me, I will endeavor to improve the quality of life of all people, the poor, the hungry, the sick and the destitute. I will strive for peace and our right to pursue happiness.

By observing, reading what is written by a free press, listening to speakers who are not afraid to speak out, protected by the right of free speech, I will better understand the problems, workings and acts of our elected congress. Congress is the gate-keeper of our democracy. Keeping knowledgeable and watchful of their decisions, I can exercise my right to vote with the calm assurance of "Knowing what I am doing" and I will never consider or use the weak excuse, "There is nothing I can do". I'll vote. My vote is my voice and the youth of America must stand up and be counted. Like the voice of democracy, they will be heard! The constitution

makes no mention of a party system, therefore, it is my intention to vote for the man and what he stands for.

Tomorrow—Wait for me! Everyday, history is being made. All of my tomorrows, crowded into my life, will see our country's crowning achievements and glorious excitement of living in a changing world, not only on the planet Earth, for our hands have reached out and touched the face of the Moon. Our constitutional rights must "fly" beyond our shorelines.

The thirty-eight trusted "Wise men" who signed our rugged constitution, laid down the basic laws for our country—these laws have been durable for almost two hundred years, with only twenty six amendments made to this enduring document, though the people have the right to make amendments to the Constitution when they become desirable or necessary.

My role in upholding our constitution will truly begin when I am eighteen. I'll register for the draft. It is not only the law, it is my duty to carry my draft card, showing I'm able and willing to serve my country as my father did in Korea. President John Kennedy said it all when he said, "Ask not what your country will do for you—ask what you can do for your country."

With open arms, this country lit the light of hope, with the promise of freedom to the oppressed immigrants, they came, searching for and finding a better life and protection by impartial laws.

The Statue of Liberty, standing sentinel in our harbor holding high the lamp shining with faith, hope, freedom and justice, is a constant reminder of the human and humane rights of the people.

My role in upholding our constitution is to keep that lamp shining bright and the stars and stripes waving proudly.●

INTRODUCTION OF A BILL WHICH WOULD CLARIFY THE TAXATION OF EMPLOYEE AWARDS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MATSUI. Mr. Speaker, I am introducing today legislation to amend the Internal Revenue Code with respect to the taxation of employee awards. The bill would clarify the tax treatment of employee awards to the employee-recipients.

Present law—section 274 (b)(1)(C) and (b)(3) of the Internal Revenue Code, as amended by ERTA— allows an employer to deduct up to $400, and in the case of qualified plan awards, up to $1,600, of the cost of employee achievement awards; that is, items of tangible personal property awarded by reason of an employee's length of service, productivity, or safety achievement. It seems clear that the intent of the sponsors of the ERTA amendments to section 274(b) of the Code was that eligible gifts should be excluded from an employee's income. Absent such an exclusion from the income of an employee-recipient, the ERTA amendments will have little, if any, practical effect.

The ERTA provision, however, did not provide for any exclusion of the value of employee awards from the recipient's gross income, and the Internal Revenue Service has taken the position that an award, other than one of nominal value, such as a Christmas turkey or ham, is taxable to the employee. The potential taxation to employees of achievement awards brings into question the viability of these award programs by making the awards far less attractive to the recipient.

This bill offers a simple, straightforward, nondiscriminatory solution to the problem of the taxability of employee awards. The proposal draws on the language of section 274(b)(1)(C) of the Code, and would exclude from an employee-recipient's income up to $250, and, in the case of qualified plan awards, up to $400 of the value of all awards deductible to an employer under that section.

The intent in adopting the ERTA amendments to section 274(b) of the Code was to make employee recognition awards more available and appealing. Employee awards by their nature strengthen the relationship between a business and its employees, an objective that should not be discouraged by the tax laws. Present law discourages employers from adopting employee incentive award programs by making such programs unattractive to employee-recipients.

The exclusion of employee awards from the income of the recipient should not be restricted to any one type of eligible property, but, rather, should include all items deductible to the employer. Any exclusion for employee awards must reflect the intent of the ERTA amendments to section 274(b), to promote awards that strengthen the relationship between a business and its employees. Any restriction that would limit awards to a particular type of property has no foundation in the original section 274(b) nor the ERTA amendments. There is no justification for restricting an employer's ability to make a meaningful noncash award to its employees or for favoring one type of property over another.

Indeed, the absence of adequate choices could have the effect of not motivating employees whose personal tastes would not be satisfied by the restricted items offered. Where employees do not have any interest in the items being offered, they have no incentive to achieve the accomplishments which the employer wishes to reward.

Employee incentive awards should be promoted because such awards produce an important national benefit. There is little doubt that the recognition of employee achievement serves to strengthen the morale of the work force, fosters pride on the part of individual employees, and enhances employer-employee relationships.

The employee award industry believes that employee achievement awards are excludable business gifts that have never constituted taxable income. Because employee achievement awards have not previously been taxed, this proposal may not result in a revenue loss. Indeed, the bill may even raise revenue because it will tax all award items above the $250 and $400 limits for the first time.●

MY ROLE IN UPHOLDING THE CONSTITUTION

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. ROBERT F. SMITH. Mr. Speaker, over the past 22 years the Veterans of Foreign Wars and its ladies auxiliary have sponsored the Voice of Democracy contest. This year more than 300,000 secondary school students participated in the contest. Five national scholarships were awarded as top prizes. The winning contestant from each State was brought to Washington, D.C. as a guest of the Veterans of Foreign Wars for final judging.

The winning speech from Oregon was delivered by Steven Fetsch, a native Oregonian who attends Pendleton High School in Pendleton, located in the Second District, which I have the privilege to represent.

It is with pleasure that I share with you, Steve's essay, entitled "My Role in Upholding the Constitution".

The essay follows:

MY ROLE IN UPHOLDING THE CONSTITUTION

John Kennedy said over 20 years ago, "Ask not what your country can do for you; ask what you can do for your country." I, like millions of others, am asking myself what I am doing for America. I believe that my support for the constitution is a major role in serving this great nation of ours. It's a grand old document, short on words compared with other constitutions, but long on meaning. Its document which has stood as a symbol of hope, liberty, and justice for over two centuries. Yet there are those who say America is no longer great, that she is all washed up, and that she no longer supports those tenets that she was once founded upon. To this America pleads not guilty. For today millions of patriotic citizens like myself take pride in doing our part in upholding the spirit of the constitution.

Consider three ways in particular:

1. There are increasing numbers of citizens who are law abiding and are interested in becoming informed.

2. People are beginning to rise above their prejudices. There is a growing trend towards tolerance instead of racism.

3. More people are getting involved with government than ever before. These three factors represent my own and millions of others support for our constitution.

The first factor involves law-abiding citizens. I have always been a supporter of law and justice. Yet if one were to believe most of what the press writes, he would think we were in turmoil. To this America pleads, not guilty . . . for the number of honest, law-abiding citizens is on the rise in business, in politics, and in the professional fields. Abe Lincoln once said, "Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his childrens' liberty." You ask how I support my constitution? I support it by being a law-abiding citizen.

Secondly, consider the move toward open mindedness. Because America is a nation of laws and not of men, no man can allow his opinions of others to dwell in racism and intolerance. My life-long dream has been equality for all. I see this dream coming true. People of all races, creeds, and social status occupy the senate and house. Both men and women are sitting on the supreme court. Yet how many times do foreign nations accuse us of bigotry and racism. To this America also pleads, not guilty.

This also brings us to my third point—involvement. Today's citizens from age 8 to 98 are getting involved in the social and political well being in America, not just at the federal level, but at the state, county, and local government as well. People are not only taking an interest in government, but are actually doing something about it. The rise in number of people running for political office surely supports this as do the civil rights movement, the debate over gun control, and the controversial issues such as school prayer and nuclear arms. Furthermore, the trend toward emphasis on state and local government shows Americans' interest in solving national problems where they are most effective—at the state and local level. To those who say Americans are only involved in idle chit-chat, America again pleads not guilty . . . and I plead not guilty, for I have always been excited about politics and even running for public office. I can remember since childhood studying the voters' pamphlet to find a candidate I could support. Even though I couldn't vote, I knew I could still support my candidate to others. I have done my part in upholding this time-tested document with these key factors:

1. Obeying the law
2. Rising above prejudice
3. Becoming involved

Therefore, let me leave you with this thought: It is the spirit of liberty, justice, and equality that makes this nation great. That spirit thrives in me as it does in millions of other patriotic Americans. As long as that spirit is kept, our constitution will remain the upholder of liberty and justice and America will remain free.●

FUTA TREATMENT OF RESTAURANT TIPS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. CAMPBELL. Mr. Speaker, once again, we are about to adopt a provision that will prove burdensome for the restaurant industry and infringe upon States rights. I am referring to a provision that was added to H.R. 4170 which provides that beginning in 1985 all tip income, including charged tips, reported by an employee to his employer be considered wages for FUTA purposes.

This provision will most likely not effect those restaurants with full-time, nonseasonal employees, since the FUTA wage base ceiling is $7,000 per year. However, for those employers located in seasonal tourist areas, this provision will be costly, since most of their employees are also short-term service or seasonal. Presently, almost half of the States tax tip income up to the minimum wage, or do not tax any portion of tip income for unemployment purposes. The other half already tax all tips, up to the ceiling.

The changes in the Tax Reform Act will result in higher FUTA payroll taxes for many employers. This provision also infringes on a long-standing practice of allowing the States to decide upon the route they want to follow. Mr. Speaker, in light of the burdensome tip allocation provision incorporated in TEFRA, I am hopeful that my colleagues will carefully consider the ramifications of this new proposal.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. OBERSTAR. Mr. Speaker, in 1983, Soviet Jews endured a year which rivaled the hardship of any year since Stalin.

Those of us in the United States, and particularly those of us in this House, who care deeply about the plight of people who suffer religious and cultural persecution, must condemn the repressive treatment of Soviet Jews. We must make unequivocally clear the importance which we attach to respect for the fundamental human rights of Soviet citizens who are Jewish and who live in a country where anti-Semitism is an officially conceived and enforced policy.

I am pleased to participate in the Congressional Call to Conscience Vigil for Soviet Jews as I've done since its inception several years ago.

I have spoken to this House on a number of occasions about one Soviet refusnik, Boris Dekhovich, whom I had "adopted." Last fall, Boris finally received permission to emigrate with his family to Israel.

After the Dekhoviches left the Soviet Union, the Minnesota-Dakotas Action Council for Soviet Jewry provided me with the name of Vladimir Livshits, a Soviet Jew who seeks to emigrate. The Soviet Government in February refused to accept my petition on behalf of the Livshits family which 88 Members of the House had signed. I shall continue my efforts on their behalf, however, as I know many other Members are working on behalf of other Soviet Jews.

These individual cases represent the hundreds of thousands of Soviet Jews who seek to exercise fundamental human rights in freedom from the oppression of a government hostile to religion and intolerant of their ethnic differences.

In speaking out for individual Soviet Jews and in speaking out for all Soviet refusniks, we serve the cause of freedom, democracy, and religious tolerance.

I join in the appeal of democratically elected representatives throughout the world to the new Soviet leader, Mr. Chernenko, that his government allow Soviet Jews the freedom to emigrate under the Helsinki accords. Such action would be welcomed, particularly by those of us working to improve overall United States-Soviet relations in order to reduce the dangers of nuclear confrontation.●

THE FAIR COMPETITION ACT OF 1984

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MARKEY. Mr. Speaker, I would like to bring to the attention of my colleagues H.R. 5237, the Fair Competition Act of 1984. I recently introduced this bill which would amend the Clayton Act in order to increase protection to small businesses from predatory attacks by larger rivals. This bill, H.R. 5237, would merely clarify the existing law prohibiting predatory pricing.

Predatory pricing is presently prohibited by the Sherman Act, which prohibits monopolization and attempts to monopolize, but does not explicitly refer to predatory pricing. It is also prohibited by the Robinson-Patman Act, which prohibits firms for eliminating a competitor. The Federal Trade Commission Act also prohibits predatory pricing where such pricing is unfair.

In recent years, none of these prohibitions have been enforced with vigor or effectiveness, primarily due to essential contradictions in the law. Although low prices can be an unfair weapon used against weaker competitors, low prices are also beneficial to consumers and are generally encouraged as the most important means of competition in the free market system. This contradiction is exacerbated by the fact that none of the three statutes specifically identifies the level at which competitive low prices become

so low as to be injurious to competition and to the long term interests of consumers.

As a result of the lack of clarity in the existing law, enforcement agencies have in recent years refused to charge companies with predatory pricing. Where private parties have sued predators, courts have been hesitant to act, for fear of stifling legitimate pricing competition. The inability to distinguish between beneficial price competition and illegitimate predation has frozen all enforcement mechanisms into inaction. It is clear that the law must be clarified in order to insure prohibition against predatory pricing.

My bill offers a clearer differentiation between legitimate and predatory prices. Section 2 of the Clayton Act will be amended by adding a new section which adds to the first paragraph a prohibition against selling goods below costs where the effect may be to injure, destroy, or prevent competition. This change is necessary because courts have been extremely hesitant to determine that any price is unreasonably low, the present restriction in the act. This results from a general consensus among courts, economists and lawyers that there is nothing inherently predatory about a low price. The adjective unreasonably merely begs the question. The price is unreasonably low if it is predatory and is not unreasonably low if it is not. The real question is what makes a price predatory.

Most commentators now believe that a price is predatory if it is below cost, and legitimate competition if about cost. Any above-cost price is justifiable as a procompetitive, consumer-benefiting price.

The second change to the Clayton Act is the addition of a definition of the term cost to mean total costs, which may include costs of producing, processing, and acquiring the product, plus allocated delivery advertising, selling and administrative costs of doing business.

The definition of cost is the heart of the proposal. It is intended to avoid the confusion that has paralyzed the courts and enforcement agencies into inaction.

The very fact that cost is defined explicitly is itself beneficial. Equally beneficial is the fact that the definition allocated fixed costs.

The general trend in recent years among laissez-faire economists has been to limit costs to direct, variable costs as the measure of predation. This level is often justified on the basis that an unprofitable company can often minimize its losses by pricing above direct variable costs but below average fixed costs. A higher measure of predation arguably would outlaw some economically justified low prices. Setting the cost level so low results from undue timidity arising from the fear of chilling low prices. It allows firms to engage in predatory activity with impunity because direct, variable costs are generally only a small portion of the total costs of doing business.

A price between variable and total costs is precisely the level at which a predator can do the most harm, because it can undersell its smaller competitors without incurring significant losses itself. By setting the cost level so low, courts allow a great deal of vicious predation in the guise of legitimate competition. A variable price standard permits a branch of a large chain to price all of its goods at or immediately above acquisition costs, with no allowance for rent, utilities, wastage, personnel, or the numerous other expenses which spell the difference between profit and loss. No small competitor can match these prices which cover only the direct, variable costs of the large competitor. Consequently, the level below which prices are considered predatory must cover direct and indirect costs, because that is the level below which there usually is no justification except predation.

Although the amendment sets the definition at a level which covers total costs, it does not inflexibly limit price competition. Not every below cost price is condemned as predatory.

Because there are some instances when a nonpredatory company may for legitimate procompetitive purposes sell below its total costs, the definition of predation protects this pricing freedom when it is used in a nonpredatory manner. Below cost selling violates the bill as proposed only if the effect of the below cost sale may be to injure, destroy, or prevent competition. This recognizes that a legitimate sale price is not predatory. Nor is a below cost price charged by a new entrant to a market, or an insignificant or unprofitable competitor. Selling individual items below cost as loss leaders and instances where seasonal or perishable items must be disposed of at below cost prices are not likely to injure or retard competition, and would not violate the proposed amendment.

Another beneficial charge which the amendment would involve is the manner in which the prohibition is enforced. The present law can be enforced solely by the Department of Justice in a criminal action. There is no private right of action. The Sherman Act prohibition, which does permit a private right of action, has no workable definition of predation, making it an ineffective tool for private enforcement. Consequently, where the Department of Justice doubts the economic underpinnings of the law, as has been the case for the last 20 or more years, or where the Department simply lacks the resources to pursue a vigorous enforcement of the law, companies are de facto free to price at unreasonably low prices under the present law. The proposal would permit injured competitors to bring a private suit for treble damages and attorney's fees. Thus, the predatory pricing prohibition could be enforced in the same manner as all other antitrust provisions are enforced.

The bill I have introduced would provide an effective prohibition against predatory pricing which for the first time would provide a workable definition for courts, lawyers, and businessmen to guide their pricing policies, but would nonetheless retain sufficient flexibility to permit businessmen to price their goods at levels which enhance competition. I hope you will join me in sponsoring this resolution.●

CANTOR KLEIN'S 25TH ANNIVERSARY CELEBRATION, MAY 6, 1984

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. LEVIN of Michigan. Mr. Speaker, I wish to pay tribute today to Cantor Louis Klein who will celebrate on May 6, 1984, his 25th anniversary as Cantor of Congregation B'nai Moshe in Oak Park, Mich. Congregation B'nai Moshe has 750 member families and is located in the heart of the 17th Congressional District.

Cantor Klein was born in Romania, studied music at the Ostende Conservatory in Belgium and graduated from the Guildhall School of Music in London. He is a member of several national, regional, and local cantorial organizations and has served as president of the Detroit Cantors Council.

In addition, Cantor Klein is a member of numerous other community organizations such as B'nai B'rith, Jewish Community Council and American Red Magen David for Israel. He has been honored with a fellowship from the Cantors Institute of the Jewish Theological Seminary of America.

Cantor Klein is very proud of the fact that he has personally trained three young men who went on to qualify as cantors. He has also published one book of liturgical music and is at work on a second book. He says, "Members of B'nai Moshe are encouraged not to be mere spectators, but to actively participate in services. This congregation is known as the singing congregation."

I commend Cantor Klein and Congregation B'nai Moshe for their 25 years together serving the Jewish community of metropolitan Detroit and wish them many more productive years together.●

HON. TOM BEVILL OF ALABAMA, SALUTES MISS SANDY YANCEY, ALABAMA'S VOICE OF DEMOCRACY WINNER

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BEVILL. Mr. Speaker, one of my constituents, Sandy Yancey, of Gadsden, Ala., was this year's State winner of the VFW's Voice of Democracy contest. The VFW's Voice of Democracy contest presents an excellent opportunity for our Nation's young people to express their hopes and dreams for America.

I know that Sandy's parents, Horace and Mary Yancey, must be very proud of her many accomplishments and of her great love of our country.

Sandy represented our State in the national competition held in Washington and she did an outstanding job. I have read her speech, in which Sandy outlines her responsibilities in upholding the Constitution of the United States of America. It is most inspiring and I would like to take this opportunity to share it with my colleagues.

The speech follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Sandy Yancey, Alabama winner, 1983–84 VFW Voice of Democracy Scholarship Program)

"Somewhere over the rainbow" there is a land of the free and home of the brave. A place where all people are created equal and have the right to freely express their opinion. This place is America, a land on which God has truly shed his grace, a land of which I am proud to be a citizen. The development of our constitution can be compared to the story of the "Wizard of Oz"; I know it sounds strange but it really shows how I can play a part in upholding my constitution.

Playing the part of Dorothy I am going to travel down the yellow brick road of freedom to a great and wonderful place, Oz. At the beginning of my journey I have no idea of what I can do to help the growth of my nation and its constitution. Maybe I should go to the Great Wizard and ask him what I can do to help. As I begin my journey I am all alone except for God, who is always with me and with my nation. I can hardly wait to reach Oz because I will then know what my duty is as a citizen.

Not too far along in my journey I came upon a cornfield, and as I looked out over the wavering stalks I remembered how primitive the land once was and how the early settlers had to work in the fields for their food. My thoughts were broken as I heard a groan from a poor Scarecrow that was hanging on a post in the cornfield. I went over to him and helped him down. I asked what he was doing up there and he told me he had no where else to go. You see, he explained, I am a Cuban refugee persecuted by the Castro regime and I have come to America looking for freedom. I explained to him that I was going to Oz and that he could join me. We continued our journey and soon came upon a dark forest where an election was in progress. Glenda, the good witch of the East, was one of the candidates for governor and she asked me if I could hold a meeting in her favor, I remembered that as a citizen I am entitled to organize a peaceful assembly, so I agreed. After the meeting, the election was held and Glenda beat out the wicked witch of the West. Glenda thanked me for my support and for exercising my right to work for and to vote for the candidate of my choice. Then the scarecrow and I started on our way. As we were walking down the road admiring the beautiful countryside, something shiny caught our attention. As we looked closer we discovered that it was a Tin man and he was crying. When we asked him what was wrong he said he was sad because he did not know how to become a citizen of the United States. He told us he had left Sweden because he wanted to live in a land of free elections instead of in a monarchy. We invited the Tin man to come along with us to Oz. We began walking once again and as we neared another forest we began to hear strange noises. Suddenly, a big roar came from behind a tree and out leaped a lion, who was just as scared as we were. I remained calm and asked the lion what he wanted. He had just immigrated from Russia and wanted to become an American citizen. His reason for leaving his native land was simple—the desire for education. You see, in Russia only the students in the top academic echelon are afforded that privilege. I told him that we were going to Oz and that he could join us. When we emerged from the woods we could see the wondrous glow of lights from the great city. In my excitement I ran towards the lights, but suddenly I noticed that flying monkeys were beginning to swoop down on us and were trying to capture us. I could not understand what was happening and why we were being pursued. Then I remembered the election, and how the wicked Witch of the West had lost. Since she did not win she was now trying to surround and capture us. I thought we were doomed, for sure; then the American forces came to the rescue. The troops carried the witch off to Oz and even though she was trying to harm our country, we still abided by the 6th Amendment in our Bill of Rights; which states that everyone has the right to a trial by jury.

At last we reached Oz and went in to see the Wizard to tell him why we were there and he granted the Scarecrow, Tin man, and the Lion their citizenship. Now, it was my turn. I told the Wizard that I wanted to know more about what I could do to uphold my constitution. He told me I had known all along what to do because I showed this when I voted and exercised my right to a peaceful assembly and also when I fought for my country against the invaders. "In order to uphold your constitution," he said, "all you have to do is love America, fight for it, pledge the Flag, obey the laws, and exercise your rights as a citizen of the United States. We thanked the Wizard and started back home.

This has been an allegorical story, but the fairy tale city of Oz, where all things are possible, is a goal toward which we as Americans might guide our government in Washington. We have so much; yet many of us show little appreciation of and dedication to the ideas which are best expressed in the Declaration of Independence. These rights are ours; our American birthright. If we abandon or neglect our rights, one day, we, like the Scarecrow, Tin man and the Lion could be searching for the land of Oz—that which we let slip away. Our birthright must be cherished and defended because America is the undisputed champion of the free world. We the youth of today, have in our hands the torch of freedom. It is the duty of each generation to keep the flame glowing and to pass it to the next generation.●

RETIREMENT OF KEN SPIKER, CHIEF LEGISLATIVE ANALYST OF THE CITY OF LOS ANGELES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. WAXMAN. Mr. Speaker, I have learned that Ken Spiker, chief legislative analyst for the city of Los Angeles, has announced his retirement from that position effective early in April 1984.

He has held that position since July 1973, and under his professional guidance the Office of the Chief Legislative Analyst has increased in stature, receiving, in recent years, nationwide recognition as a model for other jurisdictions.

Ken Spiker joined the Office of the Chief Legislative Analyst in 1957 after a brief period of employment with the city's Department of Water and Power. Prior to that time, he was an employee of the Federal Government serving as administrative officer—assistant regional supervisor with the U.S. Bureau of Census.

Ken Spiker has also served his country in the military. He was a B-25 bomber pilot during World War II, and finished his military career in the Air Force Reserve attaining the rank of lieutenant colonel prior to his recent retirement from the military.

Both Ken and his lovely wife, Beverly, are originally from the State of Pennsylvania. However, they have lived and raised their family in the State of California since settling there in 1950. Their marriage of 40 years has been blessed by five children: three sons, Ken, Jr., Greg, and Scott; and two daughters, Sandy and Kimberly. They are also the proud grandparents of Chad, Adam, and Tara.

The professional career of Ken Spiker in the Office of the Chief Legislative Analyst has been one of sustained growth and outstanding achievement. That office is responsible for staffing the 15 members of the Los Angeles City Council and, as an important part of that office since 1957, Ken has served more than 40 different council members including Mayor Tom Bradley, when he was a member of the council. He rose from the position of staff analyst to that of chief legislative analyst and in that later position he has ably directed a professional analytical staff that develops and conducts the city's advocacy programs at all levels of government; provides staff research and anal-

ysis to the Los Angeles City Council and the council's 15 committees; provides staff assistance for a centralized grants program; and provides technical and operational staff assistance to the council in its budget deliberation and adoption process.

Ken Spiker's professional ability has been demonstrated by his personal design and implementation of many key programs during his service to the city of Los Angeles. His work in establishing an official grants administration and monitoring program has been copied by many other jurisdictions who viewed the city's success in obtaining grant funds as a model for the Nation. In addition, Ken's leadership in directing a coordinated intergovernmental relations program for the city has earned the city high marks in both Sacramento and Washington, D.C.

Ken is an alumnus of the school of Public Administration of the University of Southern California. His talents and interests include that of being a registered statistician. He is a longtime member of the Southern California Statistical Association, and has served as president of that organization and as a member of the Board of Governors. In addition, he has also been a valued member of the Research Committee of the Los Angeles Metropolitan Area Chamber of Commerce; and a member of the Federal Census Tract Committee.

Ken's hobbies include numismatics, philately, and model trains, and most recently, the collection of 1984 Olympic pins.

Mr. Speaker, I am sure that I am joined by my colleagues from California in paying tribute to Ken Spiker for his more than 28 years of dedicated and professional service to the city of Los Angeles, and for the help and friendship he has extended to us during those years.

I personally have had the pleasure of being Ken Spiker's Congressman. Furthermore, I had the pleasure of working with Ken Spiker when he served as the city's lobbyist in Sacramento during my years in the State legislature. I know that I speak for my colleagues as well as his family and friends when I wish him good health and happiness as he begins a new phase of his productive life in full pursuit of new personal and professional goals.●

NATIONAL ARTS WITH THE HANDICAPPED WEEK

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. DOWNEY. Mr. Speaker, I would like to bring to the attention of my colleagues the House joint resolution that I have introduced to commemorate National Arts With the Handicapped Week, May 20–26, 1984.

This resolution gives us an opportunity to encourage the efforts of the National Committee, Arts With the Handicapped, an educational affiliate of the John F. Kennedy Center for the Performing Arts which sponsors arts programs for disabled children.

This year the NCAH will celebrate its 10th anniversary as the coordinating agency for these programs with a very special arts festival to be held here in Washington, D.C., May 23–26.

As Chairman of the Congressional Arts Caucus, I am especially pleased to sponsor this resolution which recognizes the value of the arts to a special group of our constituents. Programs involving the arts give disabled individuals an opportunity to develop self-confidence through creative expression. The NCAH arts programs enrich the lives of disabled persons in all 50 States, the District of Columbia, and Puerto Rico by bringing them into the mainstream of educational and cultural society.

By commemorating National Arts With the Handicapped Week we are able to expand participation in and commitment of the community and educators to these activities. I know that disabled individuals across the country will appreciate our recognition of the National Committee, Arts With the Handicapped and the very special arts festival.●

EDITH AUSTIN, FOUNDER OF BLACK WOMEN ORGANIZED FOR POLITICAL ACTION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. DELLUMS. Mr. Speaker, a notable personality from the San Francisco Bay area communities passed from this Earth on March 15, 1984. Edith Austin was a political editor and columnist for the San Francisco-based Sun Reporter for over 30 years. She was also the community relations director of the East Bay Skills Center, a vocational training school in Oakland. Edith founded Black Women Organized for Political Action (BWOPA) and consistently worked with a host of other organizations and charitable groups, far too many to list here. Her close relations with many of the elected officials and personalities throughout California made her a person to be respected and admired. California Assembly Speaker Willie Brown said that "There is not one black elected official who cannot trace his or her beginnings to something connected with Edith Austin."

Her untimely passing is a loss which is both public and personal. Her life touched many of us in ways that can only be described as profound. Edith approached everything she did with tenacity and a sense of purpose. Truly, her life was a testament to living!

Edith's contributions to the public life of the San Francisco-Bay area communities and this country have been remarkable. Those who really knew her rank her among the great women of American history. She was a bridge between communities and a bridge between black people in America and those in Africa. Although she may not have been nationally acclaimed, she was nationally known, because those of us whom she has touched are spread thoughout the country and carry her spirit with us wherever we go. It is difficult to believe that her physical presence is gone because her memory lives on within us. We will always remember Edith's energy and commitment to the betterment of people both at home and around the world. She was a tireless public worker. I owe her a personal debt of gratitude for her tremendous contribution to my own political development.

Edith was an institution which cannot be replaced. Even though there is a gigantic void which will never be filled, all of us must continue to carry on the ideals for which she worked. We must look upon the many activities in which she involved herself and let them serve as examples for us. We must be motivated to pick up her baton and carry it, as she did, as a banner for service to the community, for assistance to young people, and to the underserved and underprivileged of society.

Edith gave exposure and recognition to those aspects of and entities within society who otherwise went unnoticed by the mass media and by the masses as a whole. The underdogs were here friends, her proteges, her concerns. As most of us are underdogs in one sense or another, her realm of associates and admirers was and is still overwhelmingly immense. No words can give justice to the sense of loss and the degree of sadness and grief that accomplishes the passing of one who was in life and is in death held with such high esteem.

Edith Austin will be sorely missed, but her spirit will live on. We will always cherish her memory with the respect and admiration she has so richly deserved. We will remember her always as we watch the seeds which she planted grow and blossom, as we watch them take root and establish themselves firmly within the hearts and minds of new generations. A bright star is gone from our lives, but her radiance will continue forever.●

RECOGNITION FOR WILLIAM R. ROBERTSON, EXECUTIVE SECRETARY-TREASURER OF THE LOS ANGELES COUNTY FEDERATION OF LABOR, AFL-CIO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. TORRES. Mr. Speaker, I would like to call to the attention of my colleagues the work of William R. Robertson, executive secretary-treasurer of the Los Angeles County Federation of Labor, AFL-CIO. Over the past three decades, Bill has served as a forceful voice seeking fairness and justice on behalf of the working men and women of our country. During this time, I have had the pleasure to work with Bill and have come to admire his commitment to the union labor movement.

Bill was born in St. Paul, Minn., where he attended local schools. He began his involvement in the union movement as a member of the Hotel-Restaurant and Bartenders Union in St. Paul, Minn. Before moving to Los Angeles, Calif., Bill also held membership in the Hotel-Restaurant and Bartenders Union in Illinois and Idaho. In 1957, Bill was elected as president of Local 694, Hotel-Restaurant and Bartenders Union of San Fernando, Calif. He held this position until 1967. Following his tenure as president of Local 694, Bill joined the staff of the Los Angeles County Federation of Labor, AFL-CIO. He served as the federation's assistant executive secretary-treasurer for the next 8 years, and in 1975, he became the executive secretary-treasurer of the federation. Recognized by his peers in the union labor movement as a solid leader and spokesperson for their interests, Bill was elected as the vice president of the California Labor Federation, AFL-CIO in 1976.

In addition to his exemplary work in the union labor movement, Bill has served his neighbors and community at numerous civic functions and organizations. He is a member of a congressional advisory committee on liquefied natural gas; a member of the advisory committee to the California State Legislature's Committee on Energy Policy and Implementation; a commissioner of the Los Angeles County Energy Commission; an executive board member of the Los Angeles Olympic Organizing Committee; a member of the School of Education Advisory Committee, California State University of Los Angeles; a member of the Board of Directors, Consumer Federation of California, and a member of the Board of Directors, Los Angeles Urban League.

Mr. Speaker, Bill Robertson is the quintessential leader of the union labor movement's commitment to improve the welfare of working men and women throughout our Nation. I ask my colleagues to join me in thanking Bill for this commitment and to wish him well in the years to come.●

THE 150TH ANNIVERSARY OF NEW ALEXANDRIA BOROUGH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MURTHA. Mr. Speaker, it is an honor for me to insert these remarks into the CONGRESSIONAL RECORD honoring the people of New Alexandria, Pa., on the borough's 150th anniversary.

I specifically mentioned the people of New Alexandria, because in celebrating this anniversay, what we are actually noting is the strength of the human spirit and the determination of American progress.

Reviewing the history of New Alexandria is like reviewing a history of the development of the United States. At the time of its founding, we had citizens working as tinners and silversmiths. Even before it became a borough, the area contributed citizens to fight in the Revolutionary War, and later sent many proud citizens to fight in the Civil War. Its streets mark the progress of America in its move from packhorses to conestoga wagons, to earlier passenger trains, and eventually buses and cars.

Besides celebrating the human spirit of past progress, we are also noting the community strength that remains a key to America's strength even in a more modern age. It is in our friendships and loyalties in our own neighborhoods that we see the civic, religious, and patriotic spirit that makes America great. It is in the individual and community friendship that we see the hallmark of America's caring for fellow citizens. And it is in celebrations such as this that we renew the human and American spirit to continue our progress and sharing.

It is a pleasure for me to add these words to that celebration, and to join with New Alexandria's citizens in looking forward to many more years of success and friendship.●

WESTERN VOTERS AND EXIT POLLS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. EDWARDS of California. Mr. Speaker, in 1980, west coast voters were deterred in their attempt to cast an unencumbered vote by the network's early afternoon projections. A poll conducted by an independent, nonpartisan news analysis bulletin reveals that a rather significant percentage of their readership feels strongly opposed to exit polls and projections.

I am today submitting for the record an article published by the California Political Week, "CALPEEK Readers Hate Exit Polls."

The article follows:

CALPEEK READERS HATE EXIT POLLS

LOS ANGELES.—The vast majority of CALPEEK subscribers who responded to our readership survey believe that TV network exit polling information has had an impact in past elections and also feel exit polling information should be withheld until after the polls have closed.

To date, CALPEEK has received a 40.4 percent response to the survey. Results of other questions will be released in the coming weeks.

NO ON EXIT

In terms of percentages, 90 percent of those responding felt exit polling information released by the television networks have had an impact upon past elections. The same percentage applies to those who feel exit polling information should be withheld until after the polls have closed. Only 7.5 percent felt exit polling information should be released.

TV EDGE

In response to a question about the major TV networks gaining a competitive advantage by announcing projected winners prior to the closing of polls, 53.75 percent didn't think they gained a thing, while 42.5 percent said they did gain an advantage. 3.75 percent did not offer an opinion.●

STRONG SUPPORT FOR PUBLIC BROADCASTING

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. SWIFT. Mr. Speaker, when the Congress reauthorized public broadcasting 3 years ago, it set up the Temporary Commission on Alternative Financing (TCAF) to help identify new sources of non-Federal money to support public broadcasting. When it concluded its work, TCAF made a series of recommendations in its final report issued last October.

Briefly, those recommendations were: One, to reauthorize public broadcasting for 3 more years; two, to increase funding during the next authorization and provide public broadcasting with a strong financial base; three, to give stations an incentive to generate non-Federal funds; four, to continue the prohibition on advertising on public stations unless benefits exceed costs and stations that do not carry ads are insulated from any harmful effects; five, to allow stations to use product names in underwriting announcements; six, to continue "must carry" rules; and seven, to repeal the unrelated business income tax penalty.

The bill I am today introducing implements many of those recommendations. Others will be addressed either by the Commission or by the Telecommunications Subcommittee when it takes up the reauthorization of public broadcasting later this month.

Under present law, public stations are authorized to receive $1 in Federal support for every $2 they raise from non-Federal sources. This authorization, however, also has an absolute limit that has usually been far lower than the "matching" formula would have authorized. To give public broadcasting a "strong base" and an incentive to generate non-Federal funds, the bill proposes to remove the absolute dollar cap.

Let me emphasize that this would not turn public broadcasting into an entitlement program. It would simply authorize funding. The Corporation for Public Broadcasting and public stations would then be free to come in each year as part of the appropriations process and make their best case as to the amount of money they need.

Nothing is needed to continue the present prohibition on advertising on public stations. However, because of a misinterpretation by the FCC, a clarification of present law is necessary, and section 3 prohibits public stations from carrying commercial advertising for "nonprofit" businesses (such as mutual banks, public utilities, and insurance associations).

While it is within the FCC's authority to make the change proposed in section 4, allowing stations to include product names in underwriting announcements, this will make absolutely clear Congress intent on this matter. Specifically, use of product names will be allowed as long as it helps to identify, but not promote, the company providing underwriting for a program.

Finally, section 5 repeals the unrelated business income tax penalty. Under present law, public stations that pay an income tax on unrelated income must also pay back to CPB an amount equal to the income tax paid. While the policy underlying this was to assure that profitmaking activities were not getting Government subsidies. But it has proven to be too strong a disincentive and no money has been returned to CPB. The repeal is well supported by public broadcasters.

Hearings on reauthorization are scheduled for later this month and I look forward to hearing from the various witnesses their views on the changes suggested in my legislation and by TCAF.●

MISUSE OF BANKRUPTCY LAWS THREATENS LABOR RELATIONS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. KOLTER. Mr. Speaker, the recent misuse of the bankruptcy laws to unilaterally abrogate collective-bargaining agreements is alarming. Such abuse threatens to destabilize the entire labor relations system which we have built up over the last 60 years.

The recent decision by the Supreme Court in the Bildisco case presents the issue in even starker terms than ever: the Court ruled that a company may abrogate its collective-bargaining agreements even if the labor costs associated with that agreement do not directly threaten the financial health of the company.

This decision creates a fundamental inequity in relations between labor and management which has the potential to create turmoil in our economy. Our Nation's labor laws are written in order to create stability; neither labor nor management is permitted to repudiate a collective-bargaining agreement in midcontract. It is illegal for labor unions to strike in midcontract even if, for instance, inflation has wildly exceeded their expectations and had severely cut into their collectively bargained wages. It must also be illegal for management to abrogate labor agreements in midcontract unless the contract itself would force the company out of business.

By applying different standards to companies than are applied to their workers, the Bildisco decision has established an environment of instability that poses a threat not only to every labor agreement in this country, but to our commercial well-being.

At this time, it is instructive for us to remember what our predecessors in the Congress wrote in the Wagner Act, the bedrock of labor law in the United States. In the Wagner Act, Congress encouraged the practice of collective bargaining—not bankruptcy—to resolve disputes between labor and management. Section I of the act states:

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection. (Emphasis added)

Mr. President, given that Congress stated, not only in the Wagner Act but also on numerous other occasions, its desire to encourage the sytem of collective bargaining to resolve disputes in the workplace, I strongly urge this body to clarify and restate its intent with regard to using bankruptcy to abrogate collective bargaining agreements.●

BYELORUSSIAN INDEPENDENCE DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. FLORIO. Mr. Speaker, On March 25, 1984, the people of Byelorussia commemorated the 66th anniversary of their declaration of independence. On March 25, 1918, the first All-Byelorussian Congress declared their nation's independence from Russia and the creation of the Byelorussian Democratic Republic (BNR).

The creation of the BNR was the embodiment of the Byelorussian love of independence and individual freedoms. Emphasizing liberties that we, living in a free country, have grown to take for granted, the BNR promoted the fundamental freedoms of speech, religion, assembly, labor, and justice.

For less than a year, the Byelorussian people were permitted to breathe the air of freedom. For a brief space, the Byelorussians enjoyed the right to speak and walk without the fear of persecution. In January 1919, with the first of the year, the Russian armies subjugated the Byelorussian people once again and imposed on them the rule of the Byelorussian Soviet Socialist Republic. In 1921, Byelorussian territory was divided between the Soviet Union and Poland and independent Byelorussia ceased to exist.

Mr. Speaker, the plight of the Byelorussian people is similar to that of the subjugated people of the Baltic nations. Freedom of speech and religion is at a premium. The Russian Government has attempted to eradicate every vestige of the rich Byelorussian culture by imposing the Russian language, culture and religion on the Byelorussians. Churches have been turned into museums and clubhouses, parishes are not granted replacement priests when elderly priests die and only children of preschool age are allowed to attend church with their parents. Teachers caught attending church are fired.

These are only a few examples of the many human rights abuses practiced against the Byelorussian people. I join with the Byelorussians in commemorating their declaration of independence and I share their hope that they can once again enjoy the blessings of democracy and freedom.●

REV. DR. JOHN HENRY SMITH: A MAN OF DEDICATION

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. CAMPBELL. Mr. Speaker, recently, I had the privilege to attend a ceremony honoring The Reverend Dr. John Henry Smith of Greenville, S.C. Reverend Smith is a man of wisdom and a man of compassion who has served God in his church and the community of Greenville County for more than half a century. His dedication and commitment to the church and to the people who he serves are exemplary, and I am proud to know him.

Born in 1890, Reverend Smith learned to read from a Bible his father purchased from a traveling salesman. He developed not only a thirst for knowledge, but also a desire to serve others and the God about whom he read. While employed by Southern Railroad to support his family, Reverend Smith continued his religious vocation. Not only did he found and serve three churches in Greenville County—Mountain View Baptist, Jubilee Baptist, and Bruton Baptist Churches—but he was also dedicated to working for social, political, and economic equality for Negroes. He established several organizations to aid Negroes, concentrating on the health and welfare of the needy, and he encouraged an interest in industry, education, building institutions, and church activity. During his career, Reverend Smith established three publications—the Human Christian Association Bulletin, the Greenville World, and the Southern Crusader—which reached large numbers of individuals throughout South Carolina.

Reverend Smith's accomplishments have been recognized by many. He received an honorary doctorate of divinity from Morris College and the Jefferson Award for Community Service. I ask my colleagues to join me today in applauding Reverend Smith for his dedication, achievements, and service to so many in the fourth district. He is truly an inspiration to all of us.●

THE 26TH AHEPA BIENNIAL CONGRESSIONAL BANQUET

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BILIRAKIS. Mr. Speaker, last night the American Hellenic Educational Progressive Association (AHEPA), held its 26th Biennial Congressional Banquet, honoring Bob Hope.

Since 1929, the Order of AHEPA has hosted this congressional banquet, paying tribute to the Members of the U.S. Congress and the American institution that has attracted the democratic aspirations of early immigrants, their children and grandchildren.

This banquet has become the focus of national interest, as it has been attended by Presidents, Vice Presidents, Members of the House and Senate, ambassadors, and countless distinguished individuals.

I commend the AHEPA, of which I am a member, and wish them continued success in their efforts in promoting Hellenic ideals.●

TRIBUTE TO VIRGINIA CORCORAN

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HARRISON. Mr. Speaker, an outstanding young woman from Wilkes-Barre, Pa., Virginia M. Corcoran, recently received an award in recognition of having been selected as the Outstanding Young Woman of America for 1983. This represents an outstanding achievement, and one in which all of us take justifiable pride.

Virginia is currently employed as nutrition consultant for the Dairy Food and Nutrition Council. She is a lifelong resident of the city of Wilkes-Barre and received her bachelor of science degree from College Misericordia and became a registered dietician following completion of her studies. She is the daughter of Mrs. Virginia McDermott and the late Neil F. McDermott. Virginia currently resides in Bear Creek, Pa. with her husband, John, and two sons, John Paul and Michael.

Mr. Speaker, I join with Virginia's family and friends in paying tribute to this outstanding person.●

ELECTION DUTY DOOMS IRA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. BEREUTER. Mr. Speaker, as the world's greatest democracy, the United States provides a shining light to other governments and peoples the world over. Our tradition of free, open elections has been the envy of millions for over 200 years.

We in the Congress should be shocked, therefore, when we learn that our own tax policies are undermining the ability of State and local governments to conduct these precious free elections. We should be seriously concerned to discover that dozens of housewives are now declining to provide vital election day assistance because the small amount of compensation received disqualifies them for the benefits of a spousal individual retirement account. The following "Letter to the Editor," which appeared in a recent issue of the Lincoln Journal, explains in stark terms the distressing nature of this problem.

Almost 140 Members of the House have now agreed to cosponsor my bill to correct this damaging condition, H.R. 2468. I hope that all Members of the body will read the following letter and join me in pressing for swfit passage of this needed legislation.

ELECTION DUTY DOOMS IRA

With great reluctance I have submitted my resignation for my recent reappointment to the Election Board of 10 G-3, a two-day-a-year job that I enjoyed thoroughly, found rewarding and considered my civic duty. The reason for this distasteful action: my income ($3.30 an hour) from this very short-term position would disqualify me for a non-working Spousal Individual Retirement Account (IRA).

The adjective "non-working" in the above IRA title is especially repulsive to me. In my 42-year role as "homemaker" I have often felt over-worked rather than non-working. If paid at the going rate for services performed (cook, bookkeeper, secretary, mistress, hostess, teacher, nurse, chauffeur, gardener, painter, cleaning lady, laundress, etc., etc.), my husband couldn't afford me! Perhaps the housewife should be granted a PIK (payment in kind) non-salary and credited with those thousands of hours of toil.

As a homemaker I garner no "earned" income. Therefore, under the present ridiculous rules, I don't qualify for my own IRA.

Since housewives receive few of the benefits that our society provides the salaried (no matter how low) in the labor market—aren't, in fact, even recognized as contributing individuals to it—their only means to take advantage of this desirable program is via the Spousal IRA.

That opportunity is now being denied those homemakers who work a few hours each year for the election commissioner. This injustice should be rectified!

DOROTHY PRASCH.●

ROBERT F. KENNEDY CHALLENGE WALK

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. RATCHFORD. Mr. Speaker, I wanted to bring to the attention of my colleagues and their staffs a rather special opportunity to stretch those legs after the long winter, and for a good cause to boot.

In 1908, President Theodore Roosevelt issued an executive order proclaiming that marines should be able to march 50 miles in 20 hours. Half a century later, President John F. Kennedy challenged American citizens to improve their physical fitness and urged members of his administration to set an example. Attorney General

Robert F. Kennedy accepted the challenge and set out on a 50-mile trek to Camp David on a cold February day with several Justice Department colleagues. Only Kennedy finished the walk. Two years ago, young people at the Youth Policy Institute, a spinoff of the Robert F. Kennedy Memorial, decided to take on the challenge as well. Since then, the institute has sponsored the challenge walk as a fundraiser to provide scholarships for minority students. The institute is a private, nonprofit research group established in 1978 to provide opportunities to young people to monitor, analyze, and report on Government policies affecting youth.

This year's walk will begin early in the morning on Saturday, April 7, in Lander, Md., 50 miles up the C&O Canal towpath outside of Washington. Transportation to the starting point will be provided. Detailed information can be obtained by contacting Mrs. Judith Hackett at YPI at 232-6830. This event combines an exciting personal challenge, and an opportunity to help an important effort to broaden minority youth participation in Government. I urge you all to put on your walking shoes, or short of that, pray for sunshine.●

HIROSHIMA PEACE TALKS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. MINETA. Mr. Speaker, one of my constituents has been crusading for some time for meaningful and direct peace talks between the United States and the Soviet Union. Along with my distinguished colleague Don Edwards, I have written to President Reagan encouraging him to take Mr. Jesella's suggestion seriously.

In particular, Mr. Jesella has suggested that such talks be held at the Peace Park in Hiroshima, Japan. In this dangerous age, any step that would reduce international tensions is well worth taking. If holding talks at the site of the world's first wartime use of the atomic bomb will emphasize the need for positive steps for peace, then let us begin such talks at once.

I urge other Members who share this view to write to our President endorsing these suggestions.

The letter of Mr. Edwards and myself follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 21, 1984.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are concerned about the lack of ongoing negotiations between the United States and the Soviet Union over the important issues of arms control and international stability.

The recent assumption of power by Secretary Chernenko does seem to provide both the opportunity and the imperative for a reopening of such important talks.

While we strongly believe that any movement toward a meaningful exchange of views would be useful, we do feel it would be appropriate for you to meet Secretary Chernenko and open a face to face dialogue.

One of our constituents, a man named Peter Jesella of San Jose, California, has suggested that such talks be held at the Peace Park at Hiroshima in order to dramatize the importance of avoiding war and nuclear confrontation in this dangerous age. We endorse his suggestion, and hope you will seriously consider it.

Thank you very much.

Sincerely yours,

DON EDWARDS,
Member of Congress.
NORMAN Y. MINETA,
Member of Congress.●

THE NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1984

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. ERLENBORN. Mr. Speaker, I am pleased to introduce legislation today reauthorizing the Native American Programs Act of 1974 on behalf of President Reagan. This act has proven its worth over the past decade by providing timely and flexible financial support for programs aimed at increasing the self-sufficiency of American Indians, Alaskan natives, and native Hawaiians.

This legislation reauthorizes the act for 3 years with an authorized budget of $28,000,000 for fiscal year 1985, and increasing 2.3 percent annually thereafter. The bill also allows for profit private entities to participate in grant competition with nonprofit private agencies. By permitting greater competition for grants, this change should encourage the funding of programs best able to serve native Americans. I welcome my colleagues to join me in supporting this important legislation.●

WINTER NAVIGATION ON THE GREAT LAKES: A SECOND LOOK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. OBERSTAR. Mr. Speaker, I am pleased to join with my colleagues in supporting deletion of section 1123, authorizing an extended navigation season on the Great Lakes and St. Lawrence Seaway, from H.R. 3678, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1983.

The Rivers and Harbors Act of 1970 first authorized a survey, to be conducted by the Corps of Engineers, to determine the feasibility of extending the navigation season on the Great Lakes and St. Lawrence Seaway.

At that time, there was heavy movement of taconite pellets from Minnesota to the steel mills at lower lake points providing justification for a longer interlake shipping season. We hoped, too, that extended access to the Atlantic Ocean, via the seaway, would provide desperately needed employment in our ports, and help prevent diversion of cargoes from the lakes to other modes of transportation, or overland through Canada to Canadian ocean ports.

Indeed, hopes were high that the entire economy of the Great Lakes could be improved through a longer navigation season.

Over a decade later, we must acknowledge a changed economic picture.

The corps has completed its survey, indicating very high costs if the shipping season is taken to its ultimate, that is, 12 months on the upper three Great Lakes and their connecting channels, up to 12 months on the St. Clair River-Lake St. Clair Detroit River System and Lake Erie, and up to 10 months on Lake Ontario and the international section of the St. Lawrence River.

Further, the corps and environmental groups have identified serious environmental problems and questions which must be addressed and resolved prior to any further authorizations.

Finally, the market demand for such an extended season simply does not exist at this time. Shipments of iron ore, for instance, one of the upper lakes' major commodities, dropped from 95 million tons in 1973 to 31 million tons in 1982; and rose to only 41 million tons in the 1983 season.

Grain remains a potential for late season shipping but it, unlike iron ore from the upper lakes, is an international commodity which must be shipped out through the St. Lawrence Seaway and Canada's Welland Canal.

Canada has made it very clear that they have no intention of supporting an extended shipping season, making fruitless any unilateral efforts we might make. I ask unanimous consent to include at the end of this statement a letter and position paper from the Canadian Government stating in very strong terms its opposition to extended season navigation through the seaway.

I am therefore convinced that we do not need, should not enact, and could not implement if it were enacted, section 1123.

This section of the water resources legislation has been referred to the Merchant Marine and Fisheries Com-

mittee through April 12. As a member of that committee, I shall offer an amendment to delete the winter navigation authorization when the bill is considered in that forum.

At the same time, as a member of the Public Works and Transportation Committee which originated the entire water resources bill, I am working with the committee leadership to delete this provision by action of the originating committee.

Should the provision reach the House floor, I will offer my support and will cosponsor its deletion at that point as well.

The material follows:

CANADIAN EMBASSY,
AMBASSADE DU CANADA,
Washington, D.C., October 24, 1983.

Hon. JAMES L. OBERSTAR,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. OBERSTAR: We have recently received a great number of enquiries at the Embassy and in Canada about the Canadian position on Winter Navigation in the Great Lakes and St. Lawrence Seaway Systems. These enquiries were prompted by the inclusion in Bill HR 3678 of a provison authorizing year-round navigation throughout the system. In view of the interest you may share in this proposal, I thought you might be interested to know that on September 30, 1983 the Embassy formally advised the Department of State of the Canadian position regarding Winter Navigation in the Great Lakes.

While Canada considers that the Great Lakes and Seaway Systems should be utilized to the fullest extent possible, we have serious concerns about the potential negative impacts of season extension on the environment, and on hydro-electric generation, and are unconvinced, of the general economic viability of such a project for Canada. Our concerns are described more fully in a summary attached for your information.

As you know, the cooperative management of trans-boundary waters is a fundamental principle and the established tradition guiding our relationship with the United States. The need for joint managment to preserve and protect the renewable resources of the Great Lakes System are specifically recognized in the Boundary Waters Treaty of 1909 and, of course, in the Great Lakes Water Quality Agreement of 1978.

Under these bilateral arrrangements, Canada and the United States can be proud of their successful efforts to control Great Lakes water pollution, although I think you will agree there is always more to be done, especially in the area of toxic substances. We look forward to continuing that record of cooperation in pursuit of mutual interests in the Great Lakes region.

Yours sincerely,
JEREMY K. B. KINSMAN,
Minister.

GREAT LAKES/ST. LAWRENCE SEAWAY WINTER NAVIGATION: THE CANADIAN POSITION

Last week, the Canadian Government informed the Government of the United States of Canadian concern and serious reservations with regard to the navigation season extension proposed in HR 3678, the "Water Resources Conservation Development, and Infrastructure Improvement and Rehabilitation Act of 1983". Canada shares with the United States the desire to utilize, to the fullest degree possible and practical, the potential of the Great Lakes and St. Lawrence Seaway systems to maximize economic and social benefits to both countries. There are, however, several subtantive bilateral questions with regard to the proposed navigation season extension which must be addressed prior to any decision on implementation to ensure that the full range of Great Lakes and St. Lawrence River resources, which Canada and the United States share, are adequately protected.

We are particularly concerned that prior to implementation of any navigation season extension proposal (including demonstration projects) a thorough, comprehensive environmental impact assessment be undertaken in order to ensure that any plans for extending the operating season will not adversely affect the Canadian environment. The assessment must necessarily include evaluation of the potential effects of any extension of the navigation season on the Great Lakes environment, including fisheries, wildlife, riparian regimes, water levels and flows and the overall economic, social and recreational use of the Great Lakes and St. Lawrence River. In our view the "adaptive assessment technique" recommended by the United States Army Corps of Engineers which would seek to accomplish environmental assessment concurrent with project development would not assure adequate protection for the rich and complex ecological systems of the Great Lakes and St. Lawrence River which Canada and the United States share. The impact assessment should also address the critical related factor of the effect upon the existing navigation regime and upon hydro electric generation in the Great Lakes and St. Lawrence River systems.

Canada has no parallel plans at this time for extension of the navigation season. Several studies over the last few years examined the capacity problems of the Seaway and looked at extension of the existing season as a potential solution. One study in particular specifically investigated the costs and benefits of several scenarios for season extension. However, the conclusion reached did not show such a project to be economically viable at this time. Release of these findings to Canadian industry generated very limited interest and virtually no expression of support for extension of the operating season. The current underutilization of Seaway capacity has meant there is even less interest at the present time in extending the navigation season.

At the present time, Canada is focusing its efforts on improving the utilization of the existing season through a number of initiatives, including infrastructure modifications on the Welland Canal and improved traffic control systems. The Seaway Administrations of Canada and the United States also adjust the opening and closing of the navigation season as weather conditions permit.

OCTOBER 4, 1983.●

HONORING MARYLAND ON ITS 350TH ANNIVERSARY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. ADDABBO. Mr. Speaker, I would like to congratulate the people of Maryland and the delegation of that great State today on their 350th anniversary.

Maryland has long been a key State in our Union. Its citizens have displayed courage and resolve in fighting for this country. I was saddened by the recent death of Clarence Mitchell, one of Maryland's finest civil rights activists. Clarence and his family have been active in Maryland government for many years and will continue to offer leadership for many years to come.

In addition, to its great statesman Maryland is the proud home of the finest Naval Academy in the world; the U.S. Naval Academy at Annapolis. It is also the home State of one of the most beautiful harbor ports which is located in Baltimore.

I am pleased to offer this tribute to Maryland, on its 350th anniversary and look forward to the celebrations ahead.●

A TRIBUTE TO MARY THERESE AUSTIN

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mrs. BOXER. Mr. Speaker, it is particularly satisfying to me to recognize the pioneering role of Mary Therese Austin as founder and first president of the California Tennis Club 100 years ago this September in San Francisco.

Her spirit and determination, which led to the founding of the first tennis club west of the Mississippi, are typical of the many firsts of the pioneer women of San Francisco. The many years of healthful enjoyment and good sportsmanship that have characterized the California Tennis Club are proof positive of the lasting strength of her vision.

All citizens of San Francisco can take pride in the outstanding players which have come from the California Tennis Club; players such as Helen Wills Moody, Alice Marble, Margaret Osborn DuPont, William Johnson, and Maurice McLoughlin to name a few, have thrilled the world with their skills honed on the club's courts.

I congratulate the California Tennis Club and cheer it on toward another 100 years.●

ARKANSAS VFW VOICE OF DEMOCRACY WINNER DIANE MATHEVOSIAN

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HAMMERSCHMIDT. Mr. Speaker, the "Voice of Democracy" program, sponsored by the Veterans of Foreign Wars and its ladies auxiliary, is one of this Nation's most worthy and patriotic traditions.

In just the 22 years the program has been under the sole sponsorship of the VFW, over 5 million students have participated in competition for the six scholarships now awarded annually.

This year alone, over 300,000 students from more than 8,000 schools entered their speeches on the theme "My Role in Upholding the Constitution."

Among this large and talented field is a young woman I am especially proud of, the Arkansas State winner, Miss Diane Mathevosian of DeQueen, Sevier County.

An 18-year-old high school senior, Diane is ranked first in her graduating class, is secretary of her school's National Honor Society, and has been named the 1984 Sevier County Junior Miss.

She has also been vice president of her junior class, secretary of student council, and has received many academic awards. Band and chorus activities take up much of her free time, yet she also acts as an announcer for a local radio station, and enjoys reading and traveling.

Her parents, Tammy and Yervand Mathevosian, and sister Rachelle certainly share in the pride of this achievement.

Mr. Speaker, it is a pleasure to share with my colleagues, Diane Mathevosian's winning entry in the VFW "Voice of Democracy" scholarship program.

The entry follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

The Constitution of the United States is much, much more than just a set of fundamental laws for our nation on a piece of paper. The constitution is morals, standards, and a set of statutes that form a firm foundation on which this country has been built. Of course the constitution was constructed to succeed the Articles of Confederation in the late 18th century. When ratified by the states, the constitution became known as the supreme law of the land. It established the form of government, and the rights and liberties of the American people. This basic structure has held up for almost 200 years. Amendments had to be added to "keep up with the times" so to speak—but it is an amazing fact that the basic structure of our constitution is almost 200 years old. How has this precious document survived all these years? Loyal and dedicated Americans have supported, maintained and defended the constitution through wars on our home and foreign soil, and have upheld it during squabbles among ourselves. Will the constitution be upheld during the present and future? If Americans like you and I band together to grit our teeth and see to it. Finally, what is my role individually in upholding our constitution? I base my role on what I will refer to as the three A's—Allegiance, Appreciation, and Aspiration. If these key words are followed, our constitution will be around for a long, long time. Allegiance refers to our duties and obligations to our country as an American citizen. A duty can be as simple as voting on election day, or as tough as packing your bags and heading to Lebanon or Grenada to sustain our worldwide interests. Each and every duty should be carefully carried out in a diligent and industrious manner. Appreciation is another important word that should not be taken lightly. We can not take the privilege of living in the United States for granted. We should be grateful and thankful for our homeland each and every day. We should hold the United States in high esteem. Prize her! The news media has stories daily about people like ourselves attempting to escape from the gloomy and dismal bondage of communism over the Iron Curtain to a new life. We hear stories of Mexicans crossing the Rio Grande to search for new opportunities. We as United States citizens are the envy of the rest of the world. Are we appreciative? The final key word is probably the most important of all. That word is Aspiration. We as citizens cannot sit put and expect the constitution to last simply because it has survived for the past 200 years. There has to be a desire for improvement and advancement. There has to be ambition to reach new heights and goals. We must rise up—not rely on the past—but work together for even a brighter future.

Allegiance, Appreciation, and Aspiration—the three A's Add a 4th word—Action Let's start! Our forefathers have left us with a wonderful country to enjoy and a useful constitution to pattern our lives after. Let's see to it that our future generations have the same opportunities that we have.●

RECOGNITION DINNER FOR MAYOR JOHN McCARTHY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. LEWIS of California. Mr. Speaker, on April 5, 1984, the city of Upland will host a recognition dinner to honor Mayor John McCarthy. I take this opportunity to ask the Members of this Chamber to join me, along with his many friends and admirers, in expressing our deep appreciation and gratitude to this outstanding human being for his 34 years of service to the city of Upland.

John and his wife, Eileen, became residents of Upland in 1948, when he joined the Upland Police Reserves. The following year he began his service as a patrolman in the police department and continued to serve his community with that organization until his retirement in 1969, obtaining the rank of captain. Captain McCarthy provided an excellent example to those in his command and earned the respect of the community he served.

This respect, along with other fine qualities, led to his successful elections to the city council from 1970 to 1980. While on the council he served on the police and fire, street and light, water and sewer, and park and recreation committees. His work on each of these committees reflected his genuine concern for and dedication to the people of Upland. His decisions were based on long-range plans designed to provide for future needs. He was also the council's representative to the Town Affiliation Association, 1970 to 1984, Omnitrans (San Bernardino County Transportation Authority), West Valley Transit Service Authority, and the San Bernardino Association of Governments (Sanbag). John was chairman of Sanbag from 1974 to 1975.

John was elected mayor in 1980 and served in that capacity until 1984. John McCarthy is an exceptional man and those who have been privileged to work with him recognize his hard work and appreciate the contribution he made through his government endeavors.

In addition, he has served as director of the San Antonio Water and Land Cos. and the West End Consolidated Water and Land Cos. John was the first and present chairman of the Water Facilities Authority/Joint Powers Authority and first chairman of the Baldy View public and private coalition.

Mr. Speaker, I take pride in commending to my colleagues Mayor John McCarthy, a remarkable man who has, through his selfless years of hard work and careful planning, made a real contribution to the city of Upland. This city is nestled in the 35th Congressional District and is a strong and growing community. Much of its progress and future progress is a direct result of this man's dedication. Fellow Members, please join me in recognizing Mayor McCarthy, a man who has contributed to his community in a more beneficial manner.●

THORNE G. AUCHTER

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. ERLENBORN. Mr. Speaker, recently, Thorne Auchter announced his resignation as Assistant Secretary of Labor for Occupational Safety and Health effective March 30, 1984, to become the president of B. B. Andersen Co. in Kansas City, Kans.

The job of Assistant Secretary for Occupational Safety and Health is not easy. As a matter of fact, most people who work closely with OSHA would not want the job. Every decision made

is criticized more for political reasons, than for how it serves workers' safety and health.

After just 3 years as head of OSHA, Thorne Auchter can be proud of his many accomplishments. According to the Bureau of Labor Statistics, injury and illness rates for 1982 show a decrease in workplace injuries of 7 percent; a drop of 6 percent in the number of fatalities and an 8-percent drop in lost workday case rates.

Mr. Auchter's departure from the Labor Department is an opportunity for me to bring to my colleagues' attention some of the programs and procedures he has put into action.

Policy of targeting high hazard industries resulting in a more efficient use of available inspectors.

Formal policy regarding worker complaints requiring inspections only for hazards threatening physical harm, also resulting in more efficient use of available inspectors.

Voluntary protection programs—Star, Try, and Praise—allowing companies dedicated to job safety and health exemption from routine OSHA safety and health inspections.—The agency continues to investigate accidents and complaints and reevaluates the company's participation after a specified period of time.

Developed a much needed integrated management information system which will improve the efficiency and control of the entire occupational safety and health program.

Procedures for monitoring New Directions grants and evaluating grant applicants.

Reestablished dialog with State OSHA officials resulting in improved State/Federal relations.

More emphasis on development of occupational safety and health programs in Federal agencies.

Promulgated final and proposed safety and health standards which are more effective and enforceable.

Mr. Auchter, thanks for a job well done. I wish you the best of luck in your new endeavors.●

OUR LADY OF LOURDES REGIONAL HIGH SCHOOL—25TH ANNIVERSARY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HARRISON. Mr. Speaker, this year, the friends and members of the community of Our Lady of Lourdes High School of Shamokin, Pa., are celebrating a milestone in that institution's educational history. The faculty, students, and staff are celebrating the 25th anniversary of the founding of Our Lady of Lourdes.

Opened in 1958, Our Lady of Lourdes High School follows the tradition of St. Edward's High School and Our Lady's High School, Mount Carmel, Pa. Our Lady of Lourdes Regional High School is dedicated to providing quality Catholic education to the young men and women of the Shamokin and Mount Carmel deaneries, as well as the Sunbury and Danville areas.

The students of Our Lady of Lourdes possess a variety of backgrounds and academic abilities. The goal of this fine Catholic school is to help each of those students use their talents to become full persons in Jesus Christ and their community. Each student is treated as an individual and they strive to make him aware of his talents and to help develop them.

Mr. Speaker, it is with a great deal of pride that I join with my colleagues in paying tribute to this outstanding educational facility.●

WCBB BROADCASTS "THE CHEMICAL PEOPLE: A MAINE VIEW"

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Ms. SNOWE. Mr. Speaker, the public has become increasingly aware of the personal and social costs of drug and alcohol dependency. According to the National Institute on Drug Abuse, substance abuse in America is the highest of any developed country in the world. What is even more tragic is the extent to which young people are involving themselves with alcohol and drugs. Institute statistics indicate that 34 percent of high school seniors regularly abuses drugs, and that 1 in 16 high school seniors smokes marihuana daily.

Fortunately, aided by such prominent figures as First Lady Nancy Reagan, communities across the country are organizing self-education campaigns to focus on the problems of chemical dependency and their solutions. Last year's broadcast of "The Chemical People" hosted by Nancy Reagan offered guidelines for communities interested in working to combat the problems of chemical dependency among young people.

WCBB, the Colby-Bates-Bowdoin public television station in my district, was one of the most active public broadcast stations in its followup efforts. Starting in November, WCBB developed 13 programs targeted to different Maine audiences on the education and treatment of chemically dependent individuals. In certain towns community volunteers organized town meetings where local residents viewed the programs together and later participated in panel discussions with local parents, children, law enforcement, and medical personnel involved with chemical dependency. As a result of the broadcasts, the Drug and Alcohol Abuse Clearinghouse in Augusta reported a doubling and tripling of calls for help and information. State inpatient treatment facilities are operating at full capacity, and there has been an increase in outpatient, individual and group counseling for drug and alcohol abusers as a result of the broadcasts.

WCBB has made a lasting contribution toward combating the devastating and destructive effects of drug and alcohol dependency. I am proud to have this station in my district, and pleased to take this opportunity to commend WCBB for its efforts.●

WHITE HOUSE VIEW ON MINERAL RESEARCH—USA: ZERO; CENTRAL AMERICA: $25 MILLION

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. RAHALL. Mr. Speaker, incredible as it may seem, the White House appears to be advocating the exportation of this Nation's research on energy and mineral resources to Central America.

It has come to my attention that National Security Affairs Adviser Robert McFarlane has proposed that up to $25 million per year be spent to promote the development of energy and mineral resources in Central America. The cornerstone of this proposal is the establishment of an Americas Center for Technology.

However, at the same time, the administration refuses to support spending $9.35 million per year for the mining an minerals resources research institutes here in the United States.

Currently, there are 31 mineral institutes at various schools and universities throughout the Nation including one at West Virginia University. The purpose of this program is to stimulate research and training of engineers and scientists in mining an minerals resources and technology through research institutes in States meeting basic qualification criteria. Since the establishment of the mineral institutes in 1978, the Nation has witnessed a sixfold increase in masters degrees and a fourfold increase in doctoral degrees in the mining and minerals disciplines. Knowledgeable personnel in this area are critical for national security and energy requirements.

Yet, the administration does not recognize the domestic importance of this program. Instead, it proposes spending $25 million per year for a similar program to assist Central America.

Surely, Mr. Speaker, there is an inconsistency here.

Surely, there is a misplaced priority.●

COUNTY OF THE ASTRONAUTS

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. TAUKE. Mr. Speaker, when the space shuttle *Challenger* roars into the Florida sky on the morning of April 6, 1984, the citizens of Clinton County, Iowa will be watching with special interest. This launch will mark the second trip into space by an astronaut with stong ties to this northeast Iowa county.

Dr. George D. Nelson, whose parents reside in Clinton, will serve as a mission specialist on that flight. He will join Navy Lt. Comdr. Dale A. Gardner as a space shuttle veteran. Commander Gardner, whose parents also reside in Clinton, served as a mission specialist on the eighth flight of the space shuttle launched last August. However, these two men are not Clinton's only contributions to the exploration of space. Marine Maj. David C. Hilmers is eligible to serve as a mission specialist on a future space shuttle mission. Major Hilmers was born in Clinton but considers nearby DeWitt, Iowa, as his hometown.

Dr. Nelson's parents, George and Tess Nelson, are retired Clinton High School teachers. Dr. Nelson will be part of a crew that will rendezvous with a malfunctioning satellite in space, retrieve it and repair it on board the shuttle.

Commander Gardner attended high school in Savanna, Ill., which lies across the Mississippi River from Clinton. However, his parents, Mr. and Mrs. William Gardner, now reside in Clinton. Commander Gardner completed a 6-day shuttle flight which ended last September. That flight marked the first night launch and first night landing of a shuttle mission. Commander Gardner has been selected to serve on a second shuttle flight scheduled for an August 1, 1984, launch.

Major Hilmers is a 1968 graduate of Central Community High School in DeWitt. His parents, Mr. and Mrs. Paul C. Hilmers, are residents of that Clinton County community. Major Hilmers is currently a member of the standby crew for the first shuttle flight scheduled for 1985.

The 55,000 people of Clinton County are extremely proud of their space explorers. And although the three astronauts are no longer living in the Clinton area, they have continued to contribute to the area as civic representatives.

I know of no other county that can claim as many sons participating in the conquest of space. Clinton County can certainly lay claim on the title—"County of the Astronauts."●

WE MUST ALL CONTRIBUTE TO CONTROL THE ESCALATING COST OF HEALTH CARE

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. FRANKLIN. Mr. Speaker, I want to commend an organization in my State for showing great initiative and leadership in the effort to strengthen our economy and slow the escalation of health care costs.

The Mississippi State Medical Association announced last week that it has urged its 2,100 member physicians to adopt a voluntary, 1-year freeze on fees. In addition, members have been encouraged to continue the profession's long-standing practice of waving or reducing fees for patients facing special financial difficulty—those who may be unemployed, uninsured, or covered by medicare. The MSMA made a similar request in 1978, and the response was excellent. I am optimistic that a vast majority of physicians will comply with this year's request.

There is a need for the Government and the entire medical community to work together to help control the cost of health care, and I think this is a signal of the medical profession's willingness to do so. I hope other groups will follow the lead that the Medical Association has set, because this type of voluntary action is most helpful in continuing the economic recovery we are now enjoying.●

HONORING DR. HECTOR P. GARCIA, MEDAL OF FREEDOM RECIPIENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. TORRES. Mr. Speaker, yesterday Dr. Hector P. Garcia was awarded the Medal of Freedom, the Nation's highest civilian award. I have known Hector for years and I can think of no individual more deserving of this award.

Dr. Garcia was born in Mexico, on January 17, 1914. He graduated from the University of Texas with a bachelor of arts degree and from the University of Texas School of Medicine in 1940. Dr. Garcia served in World War II as an officer in the Medical Corps and Infantry branch from 1942 to 1946. It was during this time he was awarded the Bronze Star with six battle stars. On March 26, 1948, in Corpus Christi, Tex., he organized the American G.I. Forum. The American G.I. Forum has become one of the strongest organizations in the United States dealing with equal opportunity for the Mexican-American people.

Mr. Speaker, not only is Dr. Garcia a scholar, humanitarian, diplomat, leader, outstanding citizen, World War II hero, and prominent national figure, but also because of his enthusiasm and professionalism, he instills the guidance that is a potent motivational force on his people and the world.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Dr. Garcia on this memorable occasion.●

TRIBUTE TO TIBOR BARANSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. LANTOS. Mr. Speaker, just a week ago I drew the attention of my colleagues in the House to the 40th anniversary of the invasion of Hungary by the German Army. Today, I would like to call attention to the actions of a young seminarian who was studying in Budapest at that time.

Tibor Baranski was training to be a priest when the Nazis overran his country. He did not hesitate for a moment in putting himself at the forefront of opposition to the occupying forces. He dedicated his life to saving as many Jews as possible. Using his influence with the Papal Nuncio, Angelo Rota, Mr. Baranski persuaded the Vatican to issue protective passports which were deliberately left blank. With only his priestly robes for protection, Mr. Baranski went to a brick factory where Jews awaiting deportation were imprisonned, and had them call out their names to him. Later, he would return and demand the release of these people, claiming they were under the protection of the Vatican.

Despite many threats to his life from the Hungarian Fascist party, the Arrow Cross, Mr. Baranski never deviated from his course. He established safe houses under the protection of the Vatican, and organized supplies for the Jews sheltering there. Al-

though only 22, he was responsible for rescuing some 3,000 people from the hands of Adolph Eichmann.

Mr. Baranski has demonstrated throughout his life unbelievable courage and bravery in the face of tyranny. In 1948 he was imprisoned by the Communists for his activities, and in 1956 he played a leading role in the uprising against the occupying Soviets. As a result he was forced to abandon his homeland and flee for his life. He came to the United States, and is now a resident of Buffalo, N.Y.

Mr. Speaker, may we never forget men such as Tibor Baranski—they remain beacons of humanity in an increasingly inhumane world. They serve to remind us of the contribution which a single person can make to an entire civilization.●

SENATE—*Wednesday, March 28, 1984*

(Legislative day of Monday, March 26, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Don R. Chasteen, pastor, East Pickens Baptist Church, Pickens, S.C., sponsored by the President pro tempore of the Senate.

PRAYER

The Reverend Don R. Chasteen, pastor, East Pickens Baptist Church, Pickens, S.C., offered the following prayer:

Dear Heavenly Father, because "the heavens declare the glory of God; and the firmament sheweth His handiwork" (Psalms 19: 1), and our lives express Your divine favor, we pause to acknowledge You as God and Sovereign of all men and nations of this vast universe.

We thank You, Lord, for Your unending love, limitless favor, tender mercies, and "unspeakable gift" (II Corinthians 9: 5). May all dimensions of life and living be thoroughly impacted by the excellency of Your holy standard. Permit us to remember that we are cutting the pattern by which others sew.

As the Senate convenes this day, make us conscious to remember in our prayers the assemblies and councils of leaders world wide. Heavenly Father, You have blessed this Republic as "one nation under God indivisible with liberty and justice for all." May this liberty, justice, and peace, which we treasure sacredly, be for all people and all nations of the world.

Now, Father, "let the words of our mouths and the meditations of our hearts, be acceptable in Thy sight, O Lord, our strength, and our redeemer" (Psalms 19: 14). It is in the name of Jesus we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. BAKER. I thank the Chair.

EXPRESSION OF THANKS FOR GUEST CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I wish to extend my welcome to our distinguished guest chaplain this morning who was designated by the distinguished occupant of the chair, the President pro tempore.

The guest chaplain today follows in a long line of distinguished clergy who have occupied the position of temporary chaplain, and we welcome him into that group.

SENATE SCHEDULE

Mr. BAKER. Mr. President, two Senators have special orders this morning, Senators PROXMIRE and EAGLETON, followed by a period for the transaction of routine morning business until noon.

Then we will resume consideration of the unfinished business, which is the supplemental appropriations bill, at which time the Hatch amendment will be the pending question. The Hatch amendment is a second-degree amendment to the Johnston amendment. The yeas and nays have been ordered on the Hatch amendment.

For those Senators who may be listening in their offices, since there are not many of us on the floor, they should be alerted to the possibility that there may be a rollcall vote fairly soon. I would not rule out the possibility of a tabling motion at an early time today. There may be a vote before we have gone much past the hour of noon. Morning business, of course, will occupy our time until noon, unless there is no further need for morning business, and then we will get started early.

Mr. President, I do not expect that today will be a late day, even though we have important business to take care of in the supplemental and ultimately the reconciliation bill. I do not anticipate that we will be in past 6 p.m. this evening. However, I do urge Senators to consider that tomorrow, Thursday, is our regularly scheduled late evening, and I would not make plans for tomorrow night.

I do fully expect tomorrow to be a long day, perhaps an early day as well as a late day. I will not now ask the Senate to establish a time for convening. I will not do so until after I have consulted with the minority leader and with the managers of the appropriations bill now pending. But, once again, I do not expect a late day today. I do anticipate that possibility tomorrow, and I do fully expect the Senate to be in session on Friday with votes on Friday.

We have sort of fallen into the habit lately of not being in on Friday, and all of us are grateful for that. It has worked out very well in the sense that Members have cooperated to the fullest in trying to complete our business so that we will not have to be in Friday. But I do not realistically expect that to happen this week.

I think with the supplemental appropriations bill and the reconciliation bill that there is only the tiniest possiblity that we would avoid a Friday session. I urge Senators to make their plans to be here late tomorrow night and all day on Friday with votes.

Mr. President, I have no further need for my time today. I offer it to the minority leader, if he needs additional time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. ANDREWS). Under the previous order, the minority leader is recognized.

Mr. BYRD. I thank the Chair.

I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

HOW DO UNITED STATES AND SOVIET NUCLEAR FORCES COMPARE?

Mr. PROXMIRE. Mr. President, President Reagan has contended that it is necessary to build up America's nuclear strength before we begin to negotiate with the Soviet Union on comprehensive—that is, across the board—arms control. With a nuclear war so threatening and arms control so urgent, why this hesitation? Is the President right? The President has argued that the Soviet Union has had an advantage over the United States and if we negotiate from a position of weakness or inferiority, we would have to accept a settlement that would provide a Soviet nuclear arms advantage.

But has not the Reagan administration been negotiating with the Soviet Union? Well, the President, indeed, has agreed to two sets of limited negotiations. Both have been interrupted. Neither of these negotiations is currently underway. The first would simply limit intermediate nuclear

arms in Europe. The second—the START talks—could limit strategic missiles and their warheads. But neither of these negotiations would provide any further limit on testing—the very heart of the nuclear arms race. And the administration has flatly opposed negotiating a mutual, verifiable nuclear freeze on the production or deployment of nuclear arms.

Even if the administration's suspended nuclear arms talks quickly resumed and came to a successful conclusion, the nuclear arms race would continue apace. What would the cost of such a continued nuclear arms race be, if modified by successful Reagan proposed arms control negotiations? In dollars, the cost would be $60 to $70 billion per year poured into increasing the lethal power of our nuclear arsenal. Even if these negotiations were pursued to a successful conclusion, they would not stop the arms race. That cost indicates how enormously the buildup would continue.

Far more important, as Leslie Gelb of the New York Times reported in a recent article, the arms race could sweep us along much closer to nuclear war. Gelb has told us that, in 10 to 15 years, new technologies being developed and tested could destroy the mutual deterrence that has kept the peace since the two superpowers developed their respective doomsday arsenals. The nuclear arms race could kill deterrence.

Mr. President, I think that few Members of Congress and certainly few Members of the Senate really appreciate the terrific significance of that observation by one of the most highly respected experts in this country. Leslie Gelb has served in past administrations in this area and he has been the New York Times principal expert. He says that within 10 to 15 years, the nuclear arms race is going to make or could make deterrence ineffective. It could kill the nuclear deterrence on which peace is dependent.

Mr. President, if this does not argue for the President pushing hard—right now—and all out for a comprehensive, all inclusive nuclear freeze on testing, production, and deployment of nuclear weapons this Senator cannot imagine what does.

How about the question that bothers the President and many Americans? How do the Soviet and U.S. nuclear forces compare? Would we today negotiate a comprehensive freeze from a position of inferiority? Would we be freezing in ice a perpetual Soviet nuclear arms advantage? Mr. President, the answer is a loud and resounding No—No. Let us compare the nuclear arsenals of the two super powers.

The striking fact in any comparison is that both sides have the power at this very moment to utterly destroy the other side many times over even if the other side launches a highly successful preemptive strike. The Soviet Union has more launchers, greater throw weight and a higher megatonnage yield. The advantages for the Soviet Union are about 3 to 2 in these categories. The United States has more strategic warheads and its weapons generally enjoy greater accuracy. These advantages are roughly at about the same 3 to 2 margin that the U.S.S.R. has in launchers, throw weight, and megatonnage.

The United States also has a major advantage in survivability of its deterrent. The Soviets have concentrated their weapons with 72 percent of their arsenals in stationary land based missiles. These missiles are in hardened sites, but we know where they are. On the other hand, the United States has put only 22 percent of its nuclear deterrent in land-based missiles. We have deployed 27 percent of our deterrent in bombers compared to only 4 percent for the Russians and 50 percent of our deterrent in the most invulnerable, most secure, of all modes—in submarines—compared to 23 percent for the Russians.

Furthermore, the American bombers are armed with highly accurate weapons that can challenge the hardest of targets according to the Joint Chiefs of Staff. And a minimum 30 percent are kept in constant strip alert ready to take off within a very few minutes of warning. The fleet is old but it has been constantly modernized.

How about the Soviet fleet? It does not have the accurate and effective weapons that the American bombers have. It is also old. It has not been modernized. Few, if any, Soviet aircraft are kept on alert.

We have a similiar sharp advantage in the deployment of our nuclear armed submarines. Submarines are obviously most vulnerable when they are in port. The United States keeps 50 percent of is nuclear armed subs at sea constantly—50 percent. How about the Soviets? The Soviets keep only 15 to 20 percent of its sub fleet at sea. A critical characteristic of submarines is the noise they make. The sound subs make constitutes their prime vulnerability. If they can be heard, they can be found and eliminated. Our submarines are much quieter than the Russian submarines. Also, our antisubmarine warfare is considered to be far in advance of the Soviet Union's ability to locate, track, and destroy submarines.

On balance, how does all this add up? Who is ahead? This Senator concludes that, at worst, it is a draw. For years, I have been asking senior military officers who come before the Defense Appropriations Subcommittee if they would trade our nuclear arsenals for the Soviets. I am still waiting to hear any U.S. military expert say they would.

Mr. President, in view of the fact that we have this balance right now between the superpowers and in view of the very real possibility that if the nuclear arms race continues the balance could swing either way—unpredictably in the next 10 to 15 years. This Senator is convinced that now, right now, is the time to press for a comprehensive, mutual, verifiable freeze on nuclear testing, production, and deployment.

Mr. President, I ask unanimous consent that a recent article from the March 4, 1984, New York Times headlined "U.S. and Soviet Ballistic Missiles Judged Equal" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 4, 1984]

UNITED STATES AND SOVIET BALLISTIC MISSILES JUDGED EQUAL

WASHINGTON, March 3 (UPI).—A Defense Department report to Congress asserts that the United States and the Soviet Union are now equal in the technological advancement of medium-range ballistic missiles.

The report, issued Tuesday by the Pentagon's research and development chief, Richard D. DeLauer, also said United States technology had surpassed that of the Russians in missile-carrying submarines and in conventional warheads, including chemical explosives.

The comparisons of the levels of technological advancement are made annually in a chart listing various weapons, from intercontinental ballistic missiles to early warning systems.

As it did last year, the chart indicated that the United States and the Russians are roughly equal in the technological level of deployed ICBM's. But it notes that the "relative technology level is changing significantly" in favor of Moscow.

ANTISATELLITE WEAPONS

With the exception of ICBM's, the chart said the United States is generally superior to the Soviet Union in most strategic nuclear weapons, including submarine-launched missiles, bombers and cruise missiles. But the Russians were still judged to be ahead in surface-to-air missiles, ballistic missile defense and antisatellite weapons, according to the comparisons.

An American antisatellite weapon is under development. The American antiballistic missile defense system, built in the early 1970's, has been dismantled.

The comparisons judged the Russians to be ahead of the United States in intermediate-range ballistic missiles last year, but this year's chart says the two superpowers are equal, apparently because of the deployment of the American Pershing 2 missile.

Deployments of the Pershing 2 missile in Western Europe began in December. The chart does not specifically name the Pershing 2, but the listing applies only to deployed weapons, not those under development.

U.S. GAINS SUPERIORITY

The chart said the United States had gained superiority in the areas of antisubmarine warfare, "electronic countermeasures" and early warning systems, areas in which the two countries were rated equal a

year ago. Electronic countermeasures refers to jamming devices used to thwart a missile attack against a plane, ship or other weapon.

Despite Pentagon warnings to Congress and others that the Russians outnumber the Americans in conventional warfare weapons, the chart said that, technologically, the superpowers are even in all fields of tactical land forces except for chemical weapons, in which the Russians were judged to be superior.

American production of chemical weapons was halted in the Nixon Administration and the Reagan Administration is trying to persuade Congress to start it again.

Tactical land forces systems include surface-to-air missiles, tanks, artillery, infantry combat vehicles, antitank missiles and attack helicopters.

The United States is also deemed superior in the technological level of fighter-attack aircraft, air-to-air-missiles, air transports, and precision-guided weapons.

Mr. PROXMIRE. Mr. President, I also ask that a summary of the conclusion the Common Cause Guide to Nuclear Weapons Policy arrived at in answer to the question: "How do U.S. and Soviet Nuclear Forces Compare?" be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

ON BALANCE

Several conclusions may be drawn from this survey of U.S. and Soviet strategic capabilities. On balance, the American nuclear arsenal is equal if not superior to its Soviet counterpart. Moreover, the so-called window of vulnerability does not exist, chiefly because the United States has multiple forces that collectively guarantee retaliation—a fact recognized by President Reagan's Commission on Strategic Forces. Finally, both the United States and the Soviet Union, as currently armed, face a reciprocal threat of destruction in the event of nuclear war. Writing in 1956, President Dwight Eisenhower anticipated the day when the use of nuclear weapons would spell mutual disaster for both superpowers. At that point, he explained:

. . . arguments as to the exact amount of available strength as compared to somebody else's are no longer the vital issues. When we get to [that] point . . . possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

KLAUS BARBIE AND HIS HERITAGE OF HORROR

Mr. PROXMIRE. Mr. President, perhaps one of the most terrifying personalities of the Second World War whose goal was to eliminate the entire Jewish population, was Klaus Barbie, better known as the Butcher of Lyon.

As head of the Gestapo in Lyon during the German occupation of France, Barbie not only zealously quelled the French Resistance, he launched a furious, horrifying campaign to deport thousands of Jews, sending them to the final solution in Poland.

Barbie was a ruthless interrogator according to a biography recently published by author Brendan Murphy. But the Butcher of Lyon seemed more concerned with savagery and sadism then he was with actual repression. Wherever he traveled, this brutal man left blood and devastation in his path.

In the final days of the Nazi occupation in France, the Gestapo, under Barbie's direction, tortured and massacred its prisoners—Jews, civilian suspects, and hostages alike. Convoys were dispatched to Auschwitz up until the very last moment.

A retrospect into the activities of Klaus Barbie is given new meaning following the arrest and capture of the aging Gestapo chief. As Barbie awaits trial in a Lyon prison, Americans have another opportunity to express the rage we feel for crimes gone unpunished for so long. But war criminals like Barbie have become an endangered species, threatened more by Father Time than our system of belated blind justice.

It is a commentary on a sad conclusion: Justice for genocides is simply not among our priorities.

Mr. President, this has been the prevalent attitude in the U.S. Senate for nearly four decades. The Genocide Convention has been overlooked, spurned, and placed at the bottom of the heap in our agenda. To this day, we continue to ignore the most important of human rights treaties passed following the aftermath of World War II.

I believe that it is time to rethink our agenda. We must place justice for mass murder atop our list of priorities. Let us take this step by ratifying the Genocide Treaty, thereby preserving under international law man's most fundamental human right, the right to live.

One thing the trial of Klaus Barbie in Lyon has proven: The crime of genocide knows no statute of limitations. The crime of genocide also knows a heritage of congressional neglect. It is our duty to change this heritage.

Mr. PROXMIRE. Mr. President, I yield the floor.

RECOGNITION OF SENATOR EAGLETON

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

Mr. EAGLETON. I thank the Chair.

S. 2485—THE PERFORMANCE OF THE JOINT CHIEFS OF STAFF

Mr. EAGLETON. Mr. President, today I am introducing legislation which would address and remedy one of the most serious problems plaguing our national defense: the performance of the Joint Chiefs of Staff.

I do not pretend to have discovered this problem; quite the contrary. As R. James Woolsey, former Under Secretary of the Navy has written, "The weakness and lack of influence of the Joint Chiefs is one of the Pentagon's less well-kept secrets." The problems date back to the original compromise creating the Joint Chiefs of Staff in 1947. The organization of JCS has been the subject of an almost endless series of critical studies—20 in 35 years—by blue-ribbon panels inside and outside DOD. Former Secretary of Defense Harold Brown summarized his view, and the conclusion of virtually every study when he observed:

Service conflicts over roles and missions are a major source of waste and duplication; even worse, they hamper military effectiveness . . . Unfortunately, as now constituted, (the JCS and the Joint Staff) are unable to resolve such issues . . .

It should be clear that the service chiefs, who now together with the Chairman of the JCS, constitute the JCS, have a built-in and insuperable conflict of interest. They have responsibilities for operating their services and the loyalties and internal pressures on them to stand up for their service positions are very strong.

This is a fundamental, inescapable flaw in the system. Despite the great abilities of the officers involved, the Joint Chiefs of Staff as an organization does not work. Their deep, understandable, and admirable commitment to the respective service which they lead make it impossible for the Chiefs to set aside their service perspectives to effectively discharge their joint responsibilities.

According to the studies, the Chiefs' conflict of interest leaves our defense effort with a profound vacuum at the top where joint strategy, contingency planning, and budgeting and allocation of resources are involved. The distinguished retired Gen. Andrew J. Goodpaster has testified:

Although the Joint Chiefs of Staff bear only part of the responsibility (for the lack of) a coherent, effective defense policy, military strategy and military posutre . . . they bear an important part. . .

The contributions to increased military efficiency and effectiveness that could be made through improved top-level military planning and advice are not being realized. In particular, the mechanisms for developing and advancing individual service interests and promoting individual weapons system are stronger by far than those for providing coherent overall strategic plans and responding to overall national security interests and needs. . .

It is not necessary for us as Members of Congress to look hard for the adverse consequences of the current organization with respect to the defense budget. We know full well that the military is not making the hard choices between weapons which an effective joint system could help to produce. As former Defense Secretary

James Schlesinger wrote in a recent call to reorganize the JCS:

> The reality of the nation's defense problem is that we seek to achieve security with an economy . . . of national treasure. Little help can be provided through the existing structure.
>
> The general rule is that no service ox may be gored . . . The unavoidable outcome is a structure in which logrolling, backscratching, marriage agreements and the like flourish. . .
>
> What comes up from the Joint Chiefs is a mutual endorsement of the individual desires of the several services. There is no crosscutting—nor, given the nature of the structure, can there be any crosscutting. As I generally have been a supporter of the top dollar for the military services, I believe I can say that the dollar requests are invariably so high that they cannot conceivably be sustained by the national consensus.

The present JCS system has taken its toll operationally as well. According to Dr. Schlesinger, "the existing structure does impede planning, for each of the services quite naturally wishes a piece of the action in any crisis—and the existing structure assures that all somehow will be fitted in, even if a service provides less than optimal forces for dealing with that particular crisis." Robert Komer, Ambassador and former Under Secretary of Defense, has provided a specific example:

> I was unable to get a corporative view from the Joint Chiefs of Staff on the optimum strategy for deterrence and defense in the Persian Gulf.
>
> That doesn't mean that each of the Chiefs didn't have some clear ideas on what to do. Some of them emphasized a maritime strategy. Some of them emphasized victory through air power. Others emphasized sending a lot of divisions. But there was no way which would permit them to give meaningful military advice to the Secretary of Defense institutionally as to how best to defend Persian Gulf Oil.

Experience teaches what logic would suggest: the weaknesses resulting from an effective joint mechanism do not disappear when actual combat situations occur. Instead, they are exacerbated. According to the scathing Holloway report, the Iranian rescue mission was characterized and crippled by the something for every service approach taken to the extreme that the rescue team did not train for all elements of the rescue together. A number of experienced observers take the position that the Vietnam war effort was hampered by the fact that each of the services, in effect, carried out their own war.

The October tragedy at the Marine compound in Beirut appears to be the latest reminder of the consequences of our failure to create an effective structure to coordinate the efforts of the separate services.

Because JCS is not respected as an organization, and because the service interests of the services take precedence over the joint interests generally, the quality of the joint staff suffers. Many experts have observed that the services are unwilling to assign their best officers to joint service, and John Kester, who held high positions in the Pentagon during both Republican and Democratic administrations, noted that, "talented officers approach service on the joint staff with the enthusiasm of sailors ordered to chip paint." They recognize that the JCS does not play a significant role and that the assignment will not advance their careers. Something of a vicious cycle results: The quality of JCS advice is not good and a joint staff assignment lacks luster; the best officers do not come to the joint staff; and therefore, the quality of the JCS advice declines even further.

In 1960, Senator Symington chaired a Committee on the Defense Establishment for President-elect John Kennedy. That committee, which included Clark Clifford, Thomas K. Finletter, and Roswell Gilpatric, reported to the President-elect:

> The predominance of service influence in the formulation of defense planning and the performance of military missions must be corrected. At present, defense planning represents, at best, a series of compromised positions among the military services. Action by the Joint Chiefs or Staff takes place, if at all, only after prolonged debate, coordination and negotiation between the staffs of the three service chiefs in preparing them to represent the points of view of their services in the Joint Chiefs of Staff.
>
> No different results can be expected as long as the members of the Joint Chiefs of Staff retain their two-hatted character, with their positions preconditioned by the service environment to which they must return after each session of the Joint Chiefs of Staff. Nor can the Joint Staff become fully effective in developing the basis for clear military judgment unless the present degree of influence exercised by separate service thinking is sharply reduced.
>
> In short, there is a clear need for defense interest, rather than particular service interest.

What is striking about the 1960 Symington report is that the words are as true today as they were then, but the indictment is far more serious. We have lost the clear military superiority over the Soviets which we had in 1960; we face the need to prepare for a variety of military contingencies far more numerous and complex; our budget problems and economic difficulties are far more acute. We will never again have the time to compensate for our lack of preparedness if a war should start. We simply cannot afford the luxury of a JCS which has been found again and again and again to be completely unsuited to the awesome responsibilities which it should be addressing.

In 1982, Stuart Symington returned to Capitol Hill to remind Congress that for over 30 years, various studies have presented why the present setup of the Joint Chiefs of Staff is wrong—a grave danger to our national security. He went on to conclude:

> If the Congress itself in its wisdom would correct this archaic setup, it might well avoid financial deterioration; better still, reduce the chances of the white light of a hydrogen Armageddon.

Since Senator Symington's testimony, I have thought about the impact that the failings of the JCS have on military operations, planning and budgeting. There is no single magic bullet that will solve all our defense problems overnight, but I am convinced that fundamental change of the JCS is as important as any single step we could take. On May 31, 1983, I wrote to Senators TOWER and JACKSON, chairman and ranking minority member of the Armed Services Committee, setting forth my views on this issue, urging them to take the lead in remedying the failings of the Joint Chiefs of Staff. I am gratified that Senator TOWER has included JCS organization among the DOD management issues the committee is reviewing, but I still do not believe that the issue is getting the kind of priority attention in the Senate which its urgency demands. Because I feel so strongly that revamping the JCS is absolutely critical, I decided to offer this legislation to help spur the debate and lay out one way in which the failed system can be changed.

The legislation that I will introduce would do the following:

It would abolish the Joint Chiefs of Staff, replacing the corporate entity with a single Chief of Military Staff who would serve as the principal military advisor to the President, Congress, and the Secretary of Defense;

It would create a Deputy Chief of Military Staff, also to be appointed by the President and confirmed by the Senate. If the Chief came from the Army or the Air Force, the Deputy would come from the Navy or the Marines, or vice versa.

It would establish a National Military Advisory Council (NMAC), comprised of four officers drawn from the respective services, to advise the Chief of Military Staff. Unlike the present situation, however, the members of the NMAC would not be the Chiefs of their services. In fact, the legislation envisions that the NMAC would be the last tour of duty for particularly distinguished, senior military officers who would not be returning to their services, except in cases of necessity during a declared war.

In this way, hopefully, the Chief of Military Staff could get the advice of senior officers of unquestioned stature who would be in a position to consider our overall defense picture, rather than the interests of a particular service.

Service on the Joint Staff would be upgraded in several ways. The legislation specifies that the Secretaries of the services should recommend only outstanding officers for joint service.

To underscore the importance of the assignment, the legislation would give the Chief of Military Staff the authority to select up to 100 others who were not recommended by the services. Special provisions are made to insure that service of the joint military staff will be accorded substantial weight in considering promotions.

If the Chief of Military Staff requested, a service secretary would be required to convene a special selection board to consider promotions for officers of the Joint Staff, at the same time that the selection boards were considering promotions for those officers in individual services, and a percentage of the vacancies would be set aside for officers being considered by the special board.

Recently, the House of Representatives did approve legislation (H.R. 3718), making certain changes in the JCS structure. While any legislative attention to this critical issue was long overdue and deserving of praise, I believe that H.R. 3718 does too little and too much at the same time. By strengthening the position of the Chairman, while leaving the JCS intact, H.R. 3718 fails to solve the fundamental problem of the conflict of interest facing the service Chiefs. At the same time, H.R. 3718 places the Chairman of the JCS in the chain of command, a decision which would create a host of new problem and dangers.

We face many genuinely intractable problems with respect to our national defense. We need to find a way to insure quality and control costs in weapons featuring state of the art technology. We need to somehow stop the Soviets from acquiring our critical military technologies, which have proven to be such a major asset to their military buildup, without imposing unfair burdens on our business community or dangerous restraints on our scientific community. We must find a way to equitably share the burden of national defense with our European allies and Japan at a time when our military allies are our most serious economic competitors.

The organization of the JCS stands in stark contrast to these other problems: while vitally important to our national defense, it is completely within our control. We can make changes needed to fundamentally improve our military posture if we have the will to do so. One of the great values of a free society is that we face our problems openly. But that great asset can become a liability when we identify, beyond a shadow of a boubt, critical failings in our defense establishment and let them fester year after year.

I shudder to think how reassuring it must be to the Soviet Union to have read 20 studies in the past 35 years pointing out the major failings of the Joint Chiefs of Staff. How can we ask our citizens to give up needed domestic programs, or to assume new tax burdens, or to give up potentially lucrative trade opportunities, or even to serve in the military if Congress is unwilling to take some relatively simple steps needed to fundamentally strengthen our national defense, simply because reform would step on the toes of the affected services?

The legislation I introduce today may not be the best answer, although it closely parallels the recommendations made by a number of leading defense experts, including formers Defense Secretary Harold Brown, and Gen. Edward C. Meyer. But it is long past time that we commit ourselves to finding the right answer to what Dr. Schlesinger has called "the central weakness—perhaps the Achilles heel—of the existing system" of military decisionmaking. The organization and performance of JCS has frustrated, angered, troubled and frightened some of the most distinguished Americans of this century: Omar Bradley, Dwight D. Eisenhower, Maxwell Taylor, Dean Acheson, and Henry Kissinger, in addition to the men already mentioned. It is astonishing and depressing that Congress and successive Presidents have failed to rectify weaknesses almost universally diagnosed and perceived to be extremely detrimental to the defense of the Nation.

Mr. President, I ask unanimous consent that the legislation which I am introducing today be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL FINDINGS

SECTION 1. The Congress finds that—

(1) under current law, the Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense;

(2) since the creation of the Joint Chiefs of Staff a number of studies by so-called blue-ribbon commissions have found serious defects in the organizational structure of the Joint Chiefs of Staff; and

(3) in order to ensure that the President, the National Security Council, and the Secretary of Defense receive the best possible military advice, it is imperative that major organizational changes be made in the present system of providing such advice.

CHIEF OF MILITARY STAFF; JOINT MILITARY STAFF

SEC. 2. (a) Chapter 5 of title 10, United States Code, is amended to read as follows:

"CHAPTER 5—CHIEF OF MILITARY STAFF

"Sec.
"141. Chief of Military Staff.
"142. Deputy Chief of Military Staff.
"143. Joint Military Staff.

"§ 141. Chief of Military Staff

"(a) There is a Chief of Military Staff who shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chief of Military Staff serves at the pleasure of the President for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(b)(1) The Chief of Military Staff is the principal uniformed military advisor to the President, the National Security Council, and the Secretary of Defense. While holding office, the Chief of Military Staff outranks all other officers in the armed forces. However, he may not exercise command over any of the armed forces or any component thereof.

"(2) Subject to the authority and direction of the President and the Secretary of Defense, the Chief of Military Staff shall—

"(A) prepare strategic plans and provide for the strategic direction of the armed forces;

"(B) prepare joint logistic plans and assign logistic responsibilities to the armed forces in accordance with those plans;

"(C) establish unified commands in strategic areas;

"(D) review the major material and personnel requirements of the armed forces in accordance with strategic and logistic plans;

"(E) formulate policies for the joint training of the armed forces;

"(F) formulate policies for coordinating the military education of members of the armed forces;

"(G) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

"(H) perform such other duties as the President or the Secretary of Defense may prescribe.

"(3) The Chief of Military Staff shall also direct the operations of the Joint Military Staff.

"(4) After first informing the Secretary of Defense, the Chief of Military Staff may submit to the Congress any recommendations regarding the national defense and the armed forces he considers appropriate.

"§ 142. Deputy Chief of Military Staff

"(a)(1) There is a Deputy Chief of Military Staff. The Deputy Chief shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Deputy Chief serves at the pleasure of the President for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(2) If the Chief of Military Staff is a member of the Army or Air Force, the Deputy Chief shall be a member of the Navy or Marine Corps. If the Chief of Military Staff is a member of the Navy or Marine Corps, the Deputy Chief shall be a member of the Army or Air Force.

"(b) The Deputy Chief acts as Chief of Military Staff in the absence or disability of the Chief of Military Staff and exercises such duties as may be delegated by the Chief of Military Staff with the approval of the Secretary of Defense. When there is a vacancy in the office of Chief of Military Staff, the Deputy Chief, unless otherwise directed by the President or the Secretary

of Defense, shall perform the duties of the Chief of Military Staff until a successor is appointed.

"§ 143. Joint Military Staff

"(a)(1) There is under the Chief of Military Staff a Joint Military Staff consisting of not more than 400 officers.

"(2) Members of the Joint Military Staff shall be selected by the Chief of Military Staff from among officers recommended by the Secretaries of the military departments. The Chief of Military Staff shall select officers for service on the Joint Military Staff in approximately equal numbers from (A) the Army, (B) the Navy and Marine Corps, and (C) the Air Force. The Secretary of a military department shall recommend for selection for service on the Joint Military Staff only those officers under his jurisdiction who are most qualified by training, experience, and knowledge to serve on such staff.

"(3) The Chief of Military Staff may specify the number of names on any list of officers recommended by the Secretaries of the military departments for selection to serve on the Joint Military Staff, but may select for service on the Joint Military Staff not more than one hundred officers who are not recommended for selection by the Secretaries of the military departments.

"(4) Members of the Joint Military Staff serve at the pleasure of the Chief of Military Staff for a period of three years. The Chief of Military Staff may select an officer for service on the Joint Military Staff for a second consecutive three-year period after consultation with the Secretary of the military department of which such officer is a member.

"(b)(1) The Chief of Military Staff in consultation with the Secretary of Defense shall select the Director of the Joint Military Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Military Staff, the Director, except in time of war, may not be reassigned to the Joint Military Staff. The Director must be an officer junior in grade to each member of the National Military Advisory Council established under section 178 of this title.

"(2) The Joint Military Staff shall perform such duties as the Chief of Military Staff prescribes. The Chief of Military Staff manages the Joint Military Staff and its Director.

"(c)(1) Under regulations approved by the Secretary of Defense, the Secretaries of the military departments shall take such actions as may be necessary to ensure that the service of officers on the Joint Military Staff is accorded substantial weight in determining the qualifications of officers for recommendation for promotion to grades specified by such Secretaries.

"(2)(A) At the same time that selection boards are convened by the Secretary of the military department concerned under chapter 36 of this title to consider officers in a particular competitive category for promotion to the grade of lieutenant colonel, colonel, brigadier general, or major general in the Army, Air Force, or Marine Corps or to commander, captain, commodore admiral, or rear admiral in the Navy, the Secretary of such military department shall also convene a special selection board under this paragraph if the Chief of Military Staff so requests.

"(B) When a special selection board is convened under this paragraph, the board shall consider for promotion to the next higher grade only officers serving on the Joint Military Staff in the same grade and in the same competitive category as officers being considered for promotion to such grade and in such competitive category by a board convened under chapter 36 of this title and who are otherwise eligible for consideration for promotion to the next higher grade.

"(C)(i) Of the total number of officers in each particular competitive category in the grade of lieutenant colonel and colonel in the Army, Air Force, and Marine Corps and in the grade of commander and captain in the Navy to be promoted to the next higher grade, as determined by the Secretary of the military department convened under section 615 of this title, a number of officers considered for promotion to such grade in such competitive category equal to 3 percent shall be promoted to such next higher grade from among officers in such competitive category recommended for promotion to such grade by a special board convened under this paragraph.

"(ii) Of the total number of officers in each particular competitive category in the grade of brigadier general in the Army, Air Force, or Marine Corps and commodore admiral in the Navy to be promoted to the next higher grade, as determined by the Secretary of the military department concerned under section 615 of this title, a number of officers considered for promotion to such grade in such competitive category equal to 10 percent shall be promoted to such next higher grade from among officers in such competitive category recommended for promotion to such grade by a special selection board convened under this paragraph.

"(iii) The number of officers that may be selected for promotion to any grade in any competitive category by a selection board convened under chapter 36 shall be reduced by a number of officers equal to the number that is to be selected for promotion to such grade in such competitive category by a special selection board convened under this paragraph.

"(D) Special selection boards convened under this section shall be subject to the provisions of chapter 36 of this title to the extent practicable, as determined by the Secretary of Defense. The provisions of this paragraph shall be carried out in accordance with regulations prescribed by the Secretary of Defense.".

(b) The table of chapters at the beginning of title 10, United States Code, and at the beginning of subtitle A of such title are each amended by striking out the item relating to chapter 5 and inserting in lieu thereof the following:

"5. Chief of Military Staff ..... 141".

NATIONAL MILITARY ADVISORY COUNCIL

SEC. 3. (a) Chapter 7 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 178. National Military Advisory Council

"(a) There is established in the Department of Defense a National Military Advisory Council. The Council shall consult with and advise the Chief of Military Staff on all matters with respect to which the Chief of Military Staff is responsible.

"(b)(1) The Council shall consist of four senior military officers, one each from the Army, Navy, Marine Corps, and Air Force, to be appointed by the President, by and with the advice and consent of the Senate. Before making an appointment under this subsection, the President shall consult with the Secretary of Defense and the Chief of Military Staff regarding the appointment. Only officers having outstanding qualifications, including substantial joint or unified command experience, shall be eligible for appointment to the Council.

"(2) Officers shall be appointed to the Council for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(3) Officers appointment to the Council may not be assigned any duties other than those referred to in subsection (a) and may not exercise and command authority in any armed force.

"(c) Only the most experienced and outstanding members of the armed forces may be appointed to the National Military Advisory Council. Notwithstanding any other provision of law, a member of the armed forces may not serve on active duty after completion of his term or terms on the council, except that such restriction may be waived by the Secretary of Defense in the case of any member in time of war declared by the Congress.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 4. (a)(1) Section 171(a) of title 10, United States Code, is amended by striking out clause (7) and inserting in lieu thereof the following:

"(7) the Chief of Military Staff;".

(2) Section 264(b) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "National Advisory Council".

(3) Section 268(c)(2) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "National Advisory Council".

(4) Section 525(b)(3) of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(5) Section 743 of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(6) Section 5081(b) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(b)(1) Section 413 of title 37, United States Code, is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(2) The heading for section 413 of such title is amended to read as follows:

"§ 413. Chief of Military Staff.".

(3) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following:

"§ 413. Chief of Military Staff.".

(c) Section 411(a) of title 38, United States Code, is amended by inserting "or Chief of Military Staff" after "Chairman of the Joint Chiefs of Staff" in footnote 2 of the table contained in such section.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

In his capacity as a Senator from the State of North Dakota, the Chair suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

ENERGY EMERGENCY PREPAREDNESS ACT OF 1984, S. 2484

Mr. EXON. Mr. President, I am pleased to cosponsor, with my colleagues, the Energy Emergency Preparedness Act of 1984, S. 2484. This measure seeks to minimize the hoarding and speculation which could follow the distribution of oil from the strategic petroleum reserve and, more importantly provides for a more definite plan of distribution which insures crude oil supplies for our Nation's farmer cooperative owned and operated refineries and other small, independent refiners.

The agricultural and rural sectors of our Nation depend upon farmer cooperative owned and operated refineries for up to 45 percent of their fuel needs and another 30 percent from independents. These small, independent refiners rely primarily on the open market for crude supply and must purchase their supplies from either the major oil companies or on the high-priced spot market. The farmer co-op refineries have become even more important to the Midwest in meeting energy needs as many major oil companies have made partial or total market withdrawals. Co-ops now serve as the exclusive supplier to about 900 rural communities.

In 1981, I joined with several other midwestern colleagues in introducing the Petroleum Disruption Management Act, S. 1476, which would have established a plan for managing a supply interruption and a national crude sharing plan insuring supplies for agricultural needs.

Despite the consistent efforts and wishes of the Congress, the Reagan administration has refused to accept or implement emergency energy planning. In 1982, the administration vetoed legislation which would have provided for standby, not mandatory, emergency planning. The administration continues to oppose any action in this area and has set narrow legislative parameters of action absent another veto threat. To date, our Nation's only line of energy defense is the strategic petroleum reserve.

To its credit, the administration has been filling the reserve. However, the administration's policy does not include antihoarding or antispeculation safeguards. Additionally, the administration's policy fails to insure the needs of the small, independent refiners which serve agriculture's crucial needs. Under the administration's plan these farmer co-op refineries would be forced to compete with big oil for scarce reserves as oil would be auctioned off to the highest bidder. These major oil firms command greater financial resources than the small independents.

The legislation, which we have introduced, builds upon the existing strategic reserve and would establish two pools of reserves for the bidding process from the reserve. One pool would be set aside specifically for small, independent refiners—those firms which rely on others for over 70 percent of their crude supplies and whose refinery capacity does not exceed 175,000 barrels per day. In addition, this proposal would require that distribution of reserve oil be limited to domestic refineries which agree to refine and distribute the oil on a timely basis.

Mr. President, these additions to the current law are within the confines which the administration has established and will provide some order to the process of distributing oil from the reserve during an energy emergency and insure that the essential needs of agriculture are met on a timely basis. Our Nation's energy dependent agricultural sector fuels the food needs not only of the Nation, but also of the world.

Timing is critically important to the farming sector. Fuel is needed at specific times. Farmers cannot wait for the block grant funds to be distributed to purchase high-priced products which, under the current approach, would be concentrated in the high volume, profitable east and west coast markets served by the major oil companies. When planting season arrives, fuel is needed. When irrigation season arrives, fuel is needed. When crop drying season arrives, fuel is needed. Nature itself does not wait for the block grant to arrive or for the free market to allocate scarce supplies.

Unlike most other industries, agriculture deals with biological processes which often cannot be delayed. Farmers have large fuel requirements at specific times during the year—the planting season and harvest time. At those times fuel requirements cannot be delayed very long. The optimal period for planting may only extend a couple of weeks. Delays of a few days could result in substantially lower yields per acre, and if planting is delayed very long, there may be no crop at all that year. Similarly, if fuel is not available at harvest time, there is a danger that crops will rot in the fields.

The free market, unfortunately, is not concerned with specific needs. The free market, in this instance, means that big oil is "free" to do whatever it wants. Only price dictates the allocation of fuel. The Reagan administration would have us place our trust in the hands of the major oil companies to objectively allocate scarce oil resources equitably in an emergency. Even the administration's own Department of Energy admits that free market reliance under the President's current plan will result in higher prices and hardships for certain segments of the Nation such as farmers. Our Nation's food production base is too important to leave to the whims of big oil during an emergency. I would have preferred that a standby mechanism be in place to avoid the passions of crisis management; but, the administration is adamantly opposed to such advance planning.

I would urge my colleagues to support this measure as the best course of action under the circumstances to address the needs of the Nation in the event of an energy emergency. The changes proposed in this measure will improve the strategic petroleum reserve plan which is our only attempt to mitigate the chaos inherent in an energy emergency. This measure will enhance not only our energy security needs but our national security as well which is seriously imperiled during an energy crisis. As the specter of the Iran and Iraq conflict continues to dominate the thoughts of the Western World's energy minds, we are best advised to act in the most prudent course available to us within the legislative confines set by the President in preparing for our energy needs before a major disruption occurs. Certainly our Nation is less dependent today upon imported oil than other Western nations. But the world economy is growing ever smaller and ever more interdependent. We cannot afford to rely on crisis management to address energy emergency needs and I would urge the Senate to act soon on this important legislation.

JIM RANGE

Mr. SIMPSON. Mr. President, I am tardy in these comments but that does not diminish their sincerity. My friend, Jim Range, recently left the employ and service of the majority leader of the Senate to accept a position in the private sector. During the 2 years Jim served as counsel to the majority leader, I came to know, enjoy, admire, and respect him. I never found Jim wanting for honest advice, counsel, and information. He was of tremendous personal assistance and guidance to me in my first term in the U.S. Senate. I was always most deeply appreciative.

With great admiration I would observe as Jim would break a legislative logjam. During my attempts to get the Immigration Reform and Control Act

to the floor it was Jim who took the attitude of "Let 'em get their best hold, and then let 'er rip" at the moment when various of my colleagues threatened to prolong the debate on the measure for various personal reasons. Through Jim's guidance and the use of his skills, abilities and knowledge of parliamentary procedure, we were able to visit with the various dissidents and were able to move forward with the legislation.

Jim Range is a most remarkable young man with a wisdom far beyond his years. He will do well in whatever goals he sets for himself. I admit to a most selfish regret in seeing Jim leave the U.S. Senate, but I have been greatly enriched by his presence here and I wish him well. Godspeed.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

The PRESIDING OFFICER. The clerk will state the unfinished business.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate resumed consideration of the House joint resolution.

AMENDMENT NO. 2849

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The perfecting amendment offered by the Senator from Utah is the pending question.

Mr. BAKER. I thank the Chair.

Mr. President, I do not anticipate much delay, but I think it would be appropriate not to proceed further until the managers on both sides are in place. I hope they can hear me in their offices or wherever they may be. In order to gain time for them to reach the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, the majority leader suggested that we not proceed further until the floor managers arrived on the floor, but I have not spoken on this. I have a short statement to make, and I do not see any reason to waste this time in quorum call when debate could continue. Unless the Senator from Utah has some objection, I shall proceed to do just that.

Mr. HATCH. I have no objection, Mr. President.

Mr. BUMPERS. Mr. President, yesterday the debate on this issue was about as good as anything I have heard since I have been here. It had a tendency to be a little technical, and I think probably was not the kind of debate that you would want to air on prime time television if you wanted anybody to watch. And yet all the salient points on both sides were made. I think there is one point that the Senator from New Hampshire (Mr. RUDMAN) made that is worth repeating. That is the opponents of this amendment, not the Hatch amendment but the amendment of the Senator from Louisiana and his colleagues, talked insistently about the investors and stockownership but not one time was there any mention of how the American consuming public will be affected if this moratorium is not adopted.

There are some absolutes that ought to be honored. There are some thresholds that we should not cross. There ought to be some line beyond which we would not shamelessly go in the U.S. Congress and especially in the Senate.

You can talk about the marketplace which serves this Nation's interests well most of the time, but the reason Teddy Roosevelt asked Congress to adopt antitrust laws in this country is that the marketplace can go askew and this Nation and the American people suffer as a result.

I take it the majority leader has no objection to my speaking; he just walked right through and did not say anything.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BAKER. Under the circumstances, he is probably ahead of the game.

Mr. BUMPERS. I remember my first year in law school; there was a series of lectures called the Rosenthal lectures. When I was a freshman and did not know an antitrust law from the Robinson-Patman Act, the question that year for the Rosenthal lectures was: Is bigness an offense under the Sherman Antitrust Act?

I attended all five of those lectures, and I was much enlightened by the antitrust laws, but I had not made up my mind whether bigness was a per se violation of the antitrust laws. I now believe that bigness is not a per se violation of the antitrust laws, but bigness has to be watched very carefully or it invariably violates the letter and spirit of the antitrust laws of the Nation.

My guess is that if McDonald's and Wendy's and Burger King decided to merge tomorrow, there would be more opposition to that, which probably would be a merger $20 billion smaller than the three oil mergers that have occurred in the last 60 days.

Now, while bigness itself is not a violation of the antitrust laws, I have some charts from the Small Business Committee which show the effects of the Texaco-Getty merger. I defy anybody to say that that is not anticompetitive, that it is not a monopolistic beginning.

I will give you an example. After that merger they controlled 67 percent of the market in Providence, R.I.

You might say, "Well, they control no more of the market in Little Rock, Ark., than they did before," but they did not have any stations in the beginning.

There is not a pervasive violation, county to county, city to city, State to State, but there are places in the United States where the Texaco-Getty merger is going to have a devastating effect on small mom and pop, independently operated gas stations. Make no mistake about it. You cannot increase your share from 20 percent to 67 percent without it having a monopolistic tendency at any time those three or four top firms can eliminate competition in Providence, R.I.

I hope both Senators from Rhode Island are listening.

The Senator from Ohio wants the floor and I will be happy to yield, even though I am really rolling and I have a lot more to say.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 2847, AS MODIFIED

Mr. JOHNSTON. Mr. President, yesterday we discussed the fact that there was a need to modify our amendment because the 6 months would end right before the election and right before the recess. As the distinguished Senator from Missouri said, this would make it almost impossible for the Senate to act. We indicated a desire to go ahead and accommodate to those suggestions of the Senator from Missouri (Mr. DANFORTH) and the Senator from Alaska (Mr. STEVENS). So, accordingly, Mr. President, I send a modification to the desk to amendment No. 2847. What it does is it changes the 180 days following enactment to require that the study as provided in our amendment be completed on January 1, 1985, and that the moratorium end on March 1, 1985. I send that modification to the desk, Mr. President.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

On page 2, lines 1-2 and lines 15-16, strike "180 days following the date of enactment of this section" and insert "March 1, 1985".

On page 7, lines 4-5, strike "within 120 days after enactment of this provision" and insert "by January 1, 1985".

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I address myself to the pending Hatch amendment because I think we ought to understand exactly what it does and does not do.

Now, I do not have to say to this body that lawyers in Washington and throughout the Nation are paid millions of dollars to figure out ways to get around the laws that we enact. We provide for some sort of provision to keep companies from certain kinds of acts and lawyers figure out a way to get around it.

We provide for certain tax incentives and tax loopholes, and lawyers figure out a way to broaden the base with respect to that and go far beyond what they ever intended.

However, there is one very strong argument for the Hatch amendment, and it is that nobody who wants to make a merger after we pass this, if we are to pass this, will need to pay a lawyer 1 cent in order to get around the provisions of it.

The Johnston-Metzenbaum-Rudman amendment, which is cosponsored by a number of other Senators, provides a means to call a moratorium, to hold the fort, to stop any action until March 1, 1985. But under the Hatch amendment, let us see what it says. It says:

All persons and entities should exercise the utmost restraint in commencing any mergers, acquisitions, or takeover attempts.

Is that not beautiful? "Please, fellows, don't go forward. You have a meeting coming up, and the Senate said they wish you wouldn't do this; the House said it. So please don't go forward with any mergers. Exercise the utmost restraint."

Is that not beautiful? You can almost play a violin to it. What kind of action is that on the part of the U.S. Senate? It is a nothing.

Then, as if that were not enough, they go beyond that. Who is going to be affected? Do they say, as our amendment provides, who is going to be affected? You know who is going to be affected by our amendment.

In fact, I believe it was the Senator from Alabama who raised the question as to whether or not it should be those 50 or whether they should claim some unlawful discrimination.

The good thing about the Hatch amendment is that nobody can claim there is any kind of discrimination, lawful or otherwise, because all they say there is that it shall affect the largest integrated oil companies, and you are left to your own designs and imagination as to what are the largest integrated oil companies. First, you have a right to define for yourself what is the largest; second, you have a right to define for yourself whether or not they are integrated.

I can see that measure being adopted by the Senate. I can see the Bass Brothers going into a meeting to buy a major position in an oil company, or Boone Pickens taking a position in a major. I can see them all gathering around and saying, "Wait a minute. Before we go further, don't forget that the Senate said we ought to exercise the utmost restraint."

I can see one of the parties at the table saying, "Well, I have done that. I am restraining myself. I was going to buy 60 percent of the company, and I am only buying 40. I think that's the utmost restraint."

I can well see where they could say, "Thank you, Members of the U.S. Senate. We appreciate your advice and guidance. But here is a little, old $13 billion down payment to acquire Phillips Petroleum or Amerada Hess," or whomsoever they might be attempting to acquire at that point.

If the amendment were not offered by a very serious Member of this body, I would suggest that the amendment is a very laughable one; because, in addition to everything else, it provides that the President shall appoint a commission. What a wonderful idea that is. This President probably has appointed more commissions than any other President in the history of the United States. He appointed a commission to study social security. He appointed a commission to study hunger, and he found that no hunger existed in America. As I said, he does not think we ought to do anything about oil company mergers, so now we are going to him and saying that the U.S. Congress wants him to appoint a commission to study that matter. What kind of commission would it be? Any kind the President wants to appoint. It will not have any expertise.

The commission that is provided for under our amendment requires two economists. They require none. We require two antitrust tax experts. They require none. We require two oil industry representatives. They require none.

The present amendment would study only one or two matters. Ours would study a range of critical issues, from competition to credit markets to interest rates to Federal revenues and exploration and development.

As a matter of fact, and in all fairness, the amendment is not the only amusing matter that came to the floor of the Senate yesterday. We heard that the moratorium on oil mergers would prevent stockholders from selling stock. That is absolutely ridiculous. There is not a word in our amendment that would prevent any stockholder from selling his or her stock.

My personal favorite happened to be all the talk we heard about how we are destroying the free market. I thought that the free market means standing on your own two feet and fighting it out with the competition. That is not what happens in the oil industry. The oil industry is heavily subsidized by tax breaks. They do not stand on their two feet. They stand on their two feet and on all the additional legs that the Congress of the United States provides for them.

Oil companies engage in joint ventures for exploration and to control pipelines, and we give them every conceivable kind of tax break that man has ever designed or devised. Maybe some tax breaks and joint ventures are appropriate, but do not stand there and tell me that the great free market has to be permitted to work and at the same time come to the Congress of the United States and get special privileges and special benefits and special tax breaks and special tax loopholes for the oil industry, and then say, "Let the free market work."

We were also told in the debate yesterday that there is no evidence that exploration and development would be affected. But listen to what Wall Street says, and it is not what Forbes magazine says. As a matter of fact, the issue is, will mergers reduce exploration and development of oil?

I listen to TV once in a while, and I hear ads that say, "When E. F. Hutton speaks, people listen." Well, I ask my colleagues in this body to listen to Mark Gilman, senior oil analyst for E. F. Hutton, who said during a House hearing last week that these mergers will reduce exploration and development and consequently increase our reliance on OPEC. He said:

Mergers requiring the issuance of substantial amounts of new debt securities will inevitably result in at least a temporary decline in aggregate spending. The combined cash flows of the companies involved will be burdened by the significant debt service requirements associated with the financing of the acquisition.

That is Wall Street talking, not some shrill industry critic.

In fairness, Mr. Gilman is not terribly troubled about that, but he should be, because he goes on to say:

I acknowledge that any reduction in oil industry-wide exploration expenditures, even if temporary, potentially exacerbates this country's dependence upon petroleum imports.

He pointed that out. He said:

I acknowledge that any reduction in industry-wide exploration expenditures, even if temporary, potentially exacerbates this country's dependence upon petroleum imports.

He goes on to say:

While such concerns, in view of present and anticipated surpluses in worldwide crude production and refining capacity, may appear frivolous, one cannot lose sight of the contribution of the extremely volatile Persian Gulf to the continuance of surplus crude oil availability.

Now we hear that the companies involved promise on their honor that the exploration activities will not fall off. They say:

You can count on it. We will do every bit as much exploring as we have done in the past. We do not intend to cut back on our research and development expenditures. We do not care whether we borrow $13 billion; we will still have plenty left over to do the exploration and development.

You do not have to be a genius in the business world to know that if you borrow $13 billion you have to pay it back and you have to pay it back with the profits, and if you do not have those dollars available for research and development and you are acquiring enough new oil reserves from Gulf Oil, as Socal is, then you are not going to be doing that much research and development.

Let us take a look at what Forbes Magazine said in its April 2 edition when Forbes wrote:

Though it is unclear whether the acquisition will be good for Socal, every industry analyst has an opinion. Says one, "I attribute Socal's move to the ego of management. In one fell swoop the company has exhausted its capacity to develop the unbelievable opportunities it already has. I'd be suspicious of this management from now on."

The magazine then goes on to say:

It has a point to meet its goal of reducing debt from 50 percent of capital after the merger to about 30 percent by 1986. Socal will have to cut the merged company's spending for exploration and development.

Let me address myself to the matter of Socal and the fact that this amendment of ours will not affect that transaction. In all honesty, I believe that it should. I believe that the Mobil-Superior Oil transaction should be affected. But there are Members of this body who have made it clear that they are concerned that there is some element of retroactivity in the Senate passing legislation that affects a pending transaction.

As a matter of fact, if the FTC were to do that which it is supposed to do, that would affect the pending transaction and no one would claim that was retroactive.

I do not buy the argument that it is retroactive because the deal has not as yet been consummated. But as a pragmatic matter and realistic matter, we have exempted Socal-Gulf and we have exempted Mobil-Superior in order that this body may be in a position to shut the door down with respect to any future transaction.

I think that that is a price that we are paying which we should not be paying. I do not agree with it, but I accept it and recognize I am a party to it because I would rather slam the door shut on all the future ones rather than lose the whole ball game. So we have accepted that exemption at this point.

My feeling is that this amendment that we are talking about, the Hatch amendment, is a nothing amendment. It is an amendment that gives the President authority he already has. Therefore, we do not need the amendment. It is a way out apparently for some people to pretend they are voting against oil company mergers while in fact they really will be casting a vote that is not really very significant.

I am hoping that, when my colleagues in this body have the opportunity to do so, they will see fit to put that amendment to bed, to kill it effectively, to table it, and let us get on with the work at hand, and that is to slam the doors closed on any future oil company mergers until this body has an opportunity to evaluate them and until the commission that is to be appointed under our legislation has a chance to consider the matter and that there will be a breathing space up until March 1, 1985.

Mr. BUMPERS. Mr. President, consider what the Sherman Antitrust Act says:

Every person who shall monopolize or attempt to monopolize or combine to conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations shall be found guilty of a misdemeanor.

If this rash of mergers does not attempt to monopolize the business I do not know what does. It is a good business deal. I do not deny that. When buying known oil reserves for $5 or $6 a barrel is a lot cheaper than drilling for it. Yet, where is that great American spirit of adventure that we heard so much about during the windfall profit tax debate and during the decontrol debate?

These companies, gobbling each other up like piranhas, remind me of a story about a fellow who had a horse.

Another fellow came to see him and said:

I really like that horse of yours, and I will give you $250 for him.

The first fellow said: "This is an awfully good price, but, you know, I have raised that horse, I am awfully attached to him, and I just wish you wouldn't offer me big money like that."

The second man said, "I will up the ante to $300."

And the first fellow said, "He is yours."

The fellow took the horse home with him, and that night the first fellow began thinking: "You know, he must know something that I do not know. Why would he offer me $300? Why would he offer me $300 for a horse that I know is not worth $300? He's got something up his sleeve."

And he could not sleep that night. So the next morning he went over to see the fellow who bought the horse, and he said: "I could not sleep last night, parting with that horse. He was the best friend I ever had. I have come to give you $500 to sell him back to me."

The second fellow said, "He is yours."

And he took him home, and that night the second fellow could not sleep. He got to thinking about it, and he said: "You know, that fellow would not have bought that horse for $300 and forced me to pay him $500 to get him back if he did not know something I do not know."

And he could not sleep that night, and he went over to see the guy the next day, and he said, "I will give you $1,000 for that horse back."

So the first fellow said, "Take him. He is yours."

This went on day after day, and they got the price of the horse up to $5,000, and one day the fellow who originally had the horse went over to the second fellow's house and said: "I have come to buy the horse back. I am willing to give you $5,500. You gave me $5,000 for him."

The other fellow said: "I have bad news for you. I sold that horse."

The first fellow said: "You sold him to someone else?"

The other fellow said: "Yep."

The first fellow said: "Now, why would you do a thing like that? You know we have both been making a good living off of him."

Here are the oil companies just bidding the price up for each other, but what do the American people get out of it? Apparently, the oil companies are making a good living out of it, and we are left holding the sack.

Let me ask my colleagues a very simple straightforward question: Anything that has generated this much controversy and this much honest difference of opinion and this much excellent debate on the economic effect not just on the economy but on our whole energy supply, any time we have something that is this highly visual and this dramatic, what is wrong with the Johnston amendment which simply says no more for 6 months? Give Congress an opportunity to appoint a good commission. Lord knows, the President should favor that. That is his favorite vehicle. He appoints a commission for everything.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. I think the Senator is aware of what amounts to apparently huge tax subsidies which are impelling these mergers. For example, to take the Socal-Gulf merger, not only

do they get to deduct the interest on $13.2 billion or at least that part of it which is paid to American banks, but also that income stream from Gulf to Socal which is used to pay it off is taxed at less than one-third the ordinary rates. It is not taxed at 46 percent, which would be the usual corporate rate. Rather it is taxed at 15 percent, and 15 percent of their ordinary rate of 46 percent means they are taxed at about 7 percent on that income stream, which is almost no taxation at all.

So we subsidize them both ways, both at the interest that they borrow and the income they are getting to pay off that interest and pay off that debt. They are both exempt, and not only that. There is a further loophole involved, and that is involved in the write-up of the basis of assets.

The Gulf assets, these reserves in place, have a very low tax basis now so that if Gulf were to sell them Gulf would realize a huge amount of income. But once they come over and get acquired by Socal, that basis is written way up. Therefore, they would avoid the taxation upon a later disposal of those assets.

And I do not know, there may be some other tax subsidies here. Those are just ones the staff of the Senate Finance Committee has told to us. And indeed, the Senate Finance Committee has already reported a bill that plugs at least one of the major loopholes. The one I was telling you about on the 15 percent of dividends from the takee corporation to the taker corporation, they have already plugged that, only it has not been enacted into law. So all we are asking is really what amounts to 9 months, March 1 now with the modification, so the Senate Finance Committee, so the Senate, so the whole Congress can look at the problem.

Yesterday, I asked Senator DOLE whether he thought these tax changes ought to be made retroactive. He said, "No, no, that is not fair. It would not be fair now to go back and reexamine Texaco-Getty and say the rules by which you made your merger, the tax rules in effect at that time, ought to be rewritten." He said, "No, that would not be fair."

I am inclined to agree with that. But if you are not going to go back and rewrite the rules, then you better stop $51 billion worth of pending mergers before they happen with these subsidies if you are going to avoid an argument about that being unfair.

Does the Senator think that is correct? Do you think we ought to stop and examine those tax implications?

Mr. BUMPERS. Has anyone done even a cursory examination of what the tax loss is to the U.S. Treasury?

Mr. JOHNSTON. Not so far as I know. I think they have asked Treasury to do that, but so far as I know it has not been completed yet. Surely that is a minimal step that ought to be done.

Mr. BUMPERS. The point the Senator makes is well taken.

Mr. DOLE. Will the Senator yield?

Mr. BUMPERS. If the Senator will withhold for a moment, I know his name was mentioned and he wants to defend himself, but if I could just finish.

Mr. DOLE. I just got here. I was passing through.

Mr. BUMPERS. Let me tell the Senator that his name has just been mentioned.

The point I want to make is: What is wrong with a 6-month moratorium that would allow a commission to study the impact which the Senator from Louisiana has just discussed? The oil companies certainly have a right to run their business in the most efficient way, but consider the economic impact. For example, Gulf's headquarters are in Pittsburgh, with 4,500 employees in a large office building. They are shutting it down. Pittsburgh is already a distressed city because of the steel industry, so the people in Pittsburgh are terribly distressed about what will happen to those Gulf employees.

Finally, there ought to be a study done of the impact of this on small businesses. For example, a lot of Getty Oil stations that are owned by independent operators will be seeking another source of supply. If they do not find it they will shut their doors. If you were an independent station operator who had been operating for 20 or 30 years with a Getty sign on your station and you suddenly heard from Texaco that it would not supply you in the future, what do you do?

We could continue talking about the things that this study ought to take into consideration, but the truth is we are shooting in the dark. We can guess. But what is wrong with a very short 6-month moratorium to discuss all of these things?

All I hear is that the stockholders might be hurt; somebody else might be hurt. Nobody will be hurt right now because, as far as I know, the three big mergers have already taken place. Yet every time you see a list of the next 15 oil companies that are favorite targets for mergers or being taken over, their stocks shoot up. The speculators buy Superior or whatever it is and they start bidding it up. When the merger is announced, they come to Congress and say, "Please do not do anything about this because we bought our stock, we have got a load of money made and if you stop it we are going to lose our money."

Mr. President, politicians are not held as accountable as they should be for their political promises, but they ought to be. The industry also should be held accountable for all the promises they made when we were debating the windfall profits tax.

I could quote ad infinitum from the record on the windfall profits tax about how they would find large reserves of oil if we would not impose the tax. The tax is now down to the point that new oil is taxed at 22.5 percent, and in 1985 the tax will be 20 percent. That still leaves the industry a lot more money than they would have gotten in 1979 with no tax. So where is the incentive we heard so much about?

It is offensive to say "I told you so," but I cannot resist saying it, because I said at the time that production in this country was going to be static or go down no matter what we did. I said that the oil was not there to be found. But I watched the head of the American Petroleum Institute on every talk show in America with a gigantic map of the United States that showed oil under every foot of ground from the Nation's Capital westward. And now they say it is not there. Furthermore, they say it is not there, and even if it were, they can buy oil much cheaper than it costs to find it.

Mr. President, think about this statistic and see if it tells you anything. Nine out of the ten biggest mergers in the history of this country have taken place since we decontrolled oil and 9 out of the 10 biggest mergers in the history of this country are oil company mergers. Now that statistic alone should speak volumes.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. JOHNSTON. Is the Senator aware of the article in this morning's paper where Chairman Volcker cited a combination of pressures pushing rates up. This is in the Washington Post. He says that the rapid increase in credit demand, along with a high rate of economic growth is responsible for the recent increase in interest rates. "We have a very rapid growth in credit demand and the economy is expanding," so says Chairman Volcker.

And did the Senator also see, I think it was maybe the Sunday before last, maybe it was last Sunday, where Felix Rohatyn was quoted as saying that these mergers are indeed going to push up interest rates and push up inflation because of the credit demand part of it. Has the Senator seen those two quotations?

Mr. BUMPERS. I saw that article this morning. I have been seeing up until recently the argument was that industry in this country was still not operating at near capacity and, therefore, the anticipated demand for money by business had not occurred. But in the last 60 days—and I know the chairman of the Finance Committee heard this in the Finance Committee—in the last 60 days, the demand

for credit on all levels of the business sector has begun to pick up.

I guarantee, however, that the total new demand for money by the business sector, in the past 60 days does not approach the amount of money that is being required to accommodate these three mergers.

Mr. JOHNSTON. This is in addition to the money supply, is it not?

Mr. BUMPERS. It is.

Mr. JOHNSTON. When you borrow the money, you run up the shares of stock. Is that not an addition of money supply, in the case of Gulf-Socal, of about $6½ billion?

Mr. BUMPERS. The Senator is absolutely correct. Incidentally, when I saw that Paul Volcker said that the private sector credit demand has been increasing, I had the same thought the Senator had.

Mr. President, before I conclude I want to put some statistics in the RECORD in case they are not already there. They prove some of the points the Senator from Louisiana and others of us are trying to make.

In the 28 months prior to the beginning of decontrol in 1979, the top 20 oil companies acquired 32 other companies. That was an average of 1.2 per month. They were going after other companies before decontrol to the tune of 32 in 28 months, or an average of 1.2 per month. Then in the 25 months following decontrol, the acquisition rate rose almost 50 percent, to 1.75 per month. That means the top 20 companies were buying almost 2 new companies per month following decontrol. Consider the size of those mergers, the effect they are having on the demand for credit, and the effect that is going to have on interest rates in the country.

Prior to decontrol, mergers averaged $225 million each and after decontrol mergers averaged $544 million each, over twice as much.

Prior to decontrol, they were paying an average of $270 million per month for acquisitions. After decontrol, they were spending an average of $952 million per month, an increase of 253 percent, a billion dollars a month that the top 20 oil companies were spending for mergers after decontrol. Yet, we listened to the windfall profits debate just like Charlie Brown. Lucy says she is not going to pull the ball out from under him when he goes to kick it every September. We all knew what was going to happen. But we put our eyeshades on, pulled them down and went ahead and voted. I did not.

What has happened to domestic production? What happened to the promise? Where is the beef? Since decontrol began, domestic production has increased 1 percent. We were producing 8.6 million barrels a day in 1979 and today we are producing 8.7 million barrels per day. That is what we received for decontrol. That is a 1-percent increase in production in exchange for a 253-percent increase in mergers.

On February 6 of this year, Business Week magazine, which I read religiously and I recommend it to you. If you will, read the Wall Street Journal every day; it is a good informational paper. It is one of the very best. If you read Business Week, you would be just as wise as most of the economists. Business Week is an outstanding publication, and it said that last year's mergers totaled 2,533. That is a 9-year high. And the total number of dollars to accomplish those mergers was $73.1 billion. That was $20 billion higher than in 1982, in 1 year. The cost of mergers went up by about 40 percent.

Mr. President, I could go on and quote Senators' speeches from the windfall profits debate, the representations that were made to this body, but I will not. I think the case has been made in spades.

I plead with my colleagues to vote for this very simple nondamaging measure. In a few months we can look it over and figure out the impact. Then we will decide. That is all we are asking; a simple delay in this rush to merge.

I want to especially point something out to the Senators from Delaware. Prior to the Texaco-Getty merger, which was also prior to the SoCal-Gulf and Mobil-Superior merger—the top four oil companies increased their share of the market in Delaware to 58.57 percent. In Rhode Island it went to 45.64, and I have already quoted the Providence figures. In the State of Maine—I hope the two Senators from Maine are listening—following that one merger, the top four oil companies controlled 60 percent of the market in Maine. Do you not think that has any effect on the small business operations in Maine? Do you not think that this has any monopolistic tendencies or any possibility of restraint of trade?

Mr. President, I have a whole sheet of those statistics. I am not going to fill the RECORD up with them but I will be happy to show them to any Senator who wants to know what kind of effect these mergers are having on his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I do not know where the debate started, but when the Senator from Kansas left the floor yesterday, we were discussing what we might do to protect committees of jurisdiction around here. Some Members have been up here beating away on big oil. That may be a popular sport, if you are running or not running. It is not hard to do. But I do believe there are some of us who have responsibilities who at least ought to have an opportunity to take a look at some of the very questions that have been raised.

We have already started studying this issue in the Senate Finance Committee. We have asked the staff of the Joint Committee on Taxation and we have asked the U.S. Treasury to start looking at the tax consequences and whether or not these mergers are motivated by tax incentives rather than some economic incentive. If the motivation is tax incentives then maybe we ought to take a look at some of these tax areas.

The Judiciary Committee is making the same study with respect to antitrust violations and whether or not we need to tighten up on antitrust. The Energy Committee, under the chairmanship of the distinguished senior Senator from Idaho, is doing the same thing, looking at some of the consequences or possible consequences.

In addition, we ought to take a look at the shareholders. They have an interest, too. With screaming about small business and all of these things, what about the millions of shareholders who are going to be in some jeopardy if we start not a 6-month, but a 9-month moratorium, and probably a year or more moratorium?

I would hope that at the appropriate time those who guard committee jurisdiction fairly carefully around here will give those of us who have the major responsibility a little time to act. We do not need a shotgun at our head. We should not have to have anything on the Senate floor. We are responsible committees. We started looking at merger activity even before we started this rash of amendments and moratoriums on the Senate floor. We are not in anyone's pocket. We are looking as objectivley as we can at the code with the assistance of the Treasury, and the joint committee staff. With the urging of the chairman of the committee and the ranking member, Senator LONG, and others. Let us take a look at it. If, in fact, the primary motive for mergers, or one of the primary motives, is the big tax breaks that may be available, then maybe we ought to make some changes.

Mr. JOHNSTON. Will the Senator yield to me?

Mr. DOLE. I yield.

Mr. JOHNSTON. The Senator said if we pass this moratorium that these stockholders would be in some kind of jeopardy. Can the Senator identify any of these targets where the stock has gone down in a precipitate way recently on account of moratoriums? I am referring to Unocal, Kerr-McGee, Amerada Hess, Phillips, Murphy Oil, Louisiana Land, Sun Co., Pennzoil, and Superior. Have these stocks gone down? Is not the jeopardy, really, that we are talking about the failure to realize one of these windfall profits deals like the one in which Boone Pickens got his $780 million? Are we

not simply postponing the windfall profits, that Treasury subsidized the windfall profits?

(Mr. JEPSEN assumed the chair.)

Mr. DOLE. We would like to address that question, Mr. President. Give us the opportunity without the moratorium. We do not think we need the moratorium. We are already addressing this issue.

Mr. JOHNSTON. I know, Mr. President, but if they are merging today under today's rules, did the Senator not say yesterday that it would be unfair to go back and change the rules on them? He is not talking about changing the rules on Texaco-Getty, is he?

Mr. DOLE. I think I said it would be difficult, but not unprecedented. If we find some egregious example, we are known to make certain provisions retroactive. But I do not know anybody who has a really different motive. I do not see any problem with letting committees with jurisdiction—the Senator from Louisiana is the ranking minority member on the Energy Committee—address these problems. I am certain both the chairman and the ranking member have some problems they are looking at in that committee. I am not a member of that committee. I am just suggesting that we started moving as quickly as we could in the Finance Committee, and we believe in making recommendations if any should be made. We may decide there should not be any recommendations. Then we could vote on the moratorium. If it is the policy that there are no tax advantages, that these are all done because of economic incentive rather than a tax incentive, that is something else, but at least give us that opportunity before we have the handcuffs applied.

Mr. JOHNSTON. Would the Senator tell me how he could use the words, "Give us the opportunity," "Let us meet," "Let us exercise our jurisdiction"—there is not the slightest thought, Mr. President, is there, of depriving him of his jurisdiction? To the contrary, we are breathing life into his jurisdiction. We are making his jurisdiction effective so if he does act, he does not have to act unfairly and retroactively.

Mr. DOLE. Mr. President, we think we can handle our committee's work if the Senator from Louisiana would just work on his committee and let us handle our committee.

Mr. JOHNSTON. That is what we are trying to do, Mr. President.

Mr. DOLE. No, Mr. President, the Senator is trying to suggest that he wants to take over the Energy Committee, the Finance Committee, and the Judiciary Committee. If our committee had been dragging its feet and needed help in the Senate to make certain we are doing our job, then I would suggest he might be right. But we are looking at some of the aspects that may be very meaningful. I am going to offer an amendment to preserve our jurisdiction and I shall be happy to discuss it at that time.

The Senator from Louisiana may succeed. Then it will go to the House where they will really load it up.

Maybe we ought to be making economic policy in this Chamber. Maybe we ought to be dealing without facts. We tell a lot of private sector people now what they can and cannot do. This is another step in that direction. Maybe that is the thing we should do.

If, in fact, there are real and present dangers, that is one thing. We would like to take a look and see what the real and present dangers are, whether or not there is any violation in the antitrust area, whether or not the antitrust laws should be tightened up.

I happen to serve on the Judiciary Committee. I did not actively engage in the hearing, but they had a hearing there. Our hearing is scheduled for April 5 in the Finance Committee. Treasury is already at work. I hoped we might have at least 2 or 3 months to make some decisions, complete our hearings, and report back to the distinguished Senator from Louisiana and the Senate on what we recommend. Then we shall see how many people want to vote for the action we recommend.

Mr. JOHNSTON. Mr. President, if I may ask the distinguished Senator one more question, and he has been generous in answering any questions.

Mr. DOLE. I have not answered any, but I have been generous.

Mr. JOHNSTON. The distinguished Senator has suggested his committee ought to be allowed to meet. I say not only can he meet, but he can exercise the full jurisdiction of the committee and, as I say, we want to help that.

He indicates, well, they can come back and make these taxes or tax changes retroactive if they think that ought to be done.

Can the Senator tell me how he can make the economy retroactive if, as Felix Rohatyn suggests, the credit demands resulting from these mergers do in fact drive interest rates up?

As today's paper says, Paul Volcker is quoted as saying that we have a very rapid growth in credit demand. If, in fact, that credit demand is due to $39 billion worth of credit being sopped up by these mergers, if, in fact, that is true, how can the committee go back and correct that problem if, in fact, interest rates have been pushed up and inflation is thereby ignited? We cannot go back and undo that retroactively, can we?

Mr. DOLE. No, Mr. President, we are going to have a little package out on the floor next week. I hope the Senator from Louisiana is going to support the package. We are going to try to reduce the deficit in the next 3 years by about $150 billion with spending restraint and tax changes. Many of the changes that affect the economy the Senator is after, I guess. So I suggest we are going to have an opportunity, not just in the one little isolated area where there may be some problems, but in the larger area of total deficit reduction of $150 billion over the next 3 years. I assume from the concern the Senator has expressed that he is on board in wanting to help us in that deficit reduction.

Mr. JOHNSTON. First, I do not think it is $150 billion, I think it is $100 billion, Mr. President, using CBO figures.

Mr. DOLE. No; ours is $150 billion. The Senate Finance Committee has already completed action on $74 billion, according to CBO's and everybody else's figures. Add to that about $45 billion on defense, and we have about $3 billion on the farm bill that passed here. There are going to be some other savings in appropriations, so it is pretty close to $150 billion.

Mr. JOHNSTON. I hope the Senator is right. As he knows, there has been some great disagreement with whether it is really $150 billion. CBO says it is $100 billion.

Mr. DOLE. What do we gain by the moratorium? How much are we going to save?

Mr. JOHNSTON. There are now pending $39 billion in borrowed money on these mergers.

Mr. DOLE. The ones that have already been merged.

Mr. JOHNSTON. The ones that have already been merged. We are letting them through the hoop.

Mr. DOLE. How much more are we going to save?

Mr. JOHNSTON. According to Salomon Brothers, there are $44 billion to $51 billion in takeover targets out there waiting to be merged. They describe in their circular all the pressures that there are to get these things done—not only the reserves, which are written down low, but the arbitragers who have a great motive to push the mergers. So I would think that we would save $44 to $51 billion in credit. That amounts to about 25 percent of the available credit left for the whole country after the Federal deficit demands are met, the Federal borrowing demands are met. I would say that is not an insignificant amount.

Mr. DOLE. It is not insignificant; I am not certain that really ought to be the focus. The focus ought to be on the Federal deficit and reducing spending at the Federal level, maybe that would be a part of it.

I am not certain, Mr. President, what the Senator intends to gain in this 9 months—it is no longer 6 months, it is now a 9-month moratorium.

Mr. JOHNSTON. Until March 1.

Mr. DOLE. Really, it is an 11-month moratorium. Why not make it a full year? Is there some reason to stop at 11 months.

Mr. JOHNSTON. We did not want to end on the Ides of March or on April Fool's Day, so we picked March 1.

Mr. RUDMAN. Mr. President, will the Senator yield?

Mr. DOLE. I shall be happy to yield the floor.

Mr. RUDMAN. I just wanted to ask a question of the Senator from Kansas.

Mr. President, I could support the amendment I have seen that has been drafted by the Senator from Kansas with one small addition.

The Senator from Kansas seems to be saying that the appropriate committees of the Congress ought to study this problem, and I would concur that the Senate Finance Committee and the Senate Judiciary Committee have all of the expertise needed to do the hard looking at these antitrust and tax laws about which we are talking. If we could simply put our moratorium on the Senator's amendment, then he would find it acceptable and I would be willing to support it. I know that the Senator from Kansas probably works harder—and I say that in all seriousness—than any Member of this body and so many committees, and I should think the Senator from Kansas would feel let down if we came up with some very excellent legislation and solutions to problems and then found by the time you could get it enacted, the problem you were trying to cure had already happened and it was too late to roll it back. So I wonder why the Senator has the problem with the moratorium since by submitting the amendment, he acknowledges the possible existence of a problem.

Mr. DOLE. I think we could handle that, when we introduce the legislation, depending on when the effective date may be. It is not that we are powerless to change the effective date. And I would almost suggest that during this 90-day period, if in fact the substitute is adopted, there is not going to be any merger activity. I am not going to put it in the bill, but I would guess that in fact everybody knows—and again it is because of the focus the Senator from New Hampshire, the Senator from Louisiana, and the Senator from Ohio have brought to bear on this problem—it is a problem. I do not mean to suggest it is not a problem. But I am willing to suggest that we are going to work as quickly as we can. We cannot do much in the next couple of weeks because we are going to be on the Senate floor with the tax bill and the spending restraint bill and then we are off for a couple of weeks or 10 days.

We will have an in-depth hearing on April 5 and we would like to have both Senator RUDMAN and Senator JOHNSTON testify.

Mr. JOHNSTON. If the Senator will yield, there is a study I have referred to a number of times—I think we have put a copy in the RECORD—by Salomon Brothers dated March 14. They identify the takeover targets, $44 to $51 billion, and one thing they talk about is that pressure will come from several quarters, one of which is the acquiring oil firms,

> motivated both by greed and fear, who view the merger wave as an opportunity to acquire vast new petroleum holdings at low unit costs.

And then they say,

> A fear that is probably heightened by an awareness that the current favorable political and regulatory environment might not be so conducive in the future.

So what they are saying is that, yes, we realize that policy may be changed in the future once the Senate Finance Committee gets a chance to look at this and they are saying that very delay gives motive to make the merger mania happen. So if you say, "Well, 90 days while we take a look," they will say, "Boys, we have 90 days to put this deal together." And believe me, they put Socal-Gulf together in less than 90 days. I think you will have the full $51 billion all merged and flanged up well before the Senate Finance Committee ever makes its recommendations.

Mr. DOLE. Unless the Senate would adopt as part of the resolution that any change would be effective today. If the sense-of-the-Senate resolution that passes the Senate suggests to the Finance Committee that we recommend changes that are effective whatever today is—what is it, March 28?—you can take care of that. That is no problem. That would put a real damper on any activity.

Mr. JOHNSTON. That is sort of a minimoratorium, is it not? The Senator sort of has the principle. He is starting to think in the right direction.

Mr. DOLE. What we are suggesting is Senators ought to let the committees work their will and it would be a partial recognition of the very problem on which Senators are focusing. I do not want to downgrade the Senator's efforts. I do not quarrel with what the Senator is doing, but I do suggest that if in fact there was a majority in our committee—I assume there would be if in fact we make the record we will make—then anything we change, if the Senate so decided, would be effective today. Then you do not need a moratorium.

Mr. JOHNSTON. Would that not offend the Senator's sensibilities about his jurisdiction for us to be telling him that any change in the Tax Code ought to be made today without him having a chance really to look at that?

Mr. DOLE. That gives us a lot of flexibility; we have a chance to look at it. We may determine nothing should be done that is effective today or 90 days from now.

We may determine something should be done. There is no doubt in my mind that there are some little tax advantages sprinkled around over all these mergers. I have not looked at them. We ought to have somebody from Salomon Bros. testify before our committee. So let the chips fall where they may and I will offer the amendment later. I think we are making progress. I do not know what it is but I think we are making progress.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, the issue before us is certainly a complex one. I find myself having very divided and mixed feelings about the proposal to place a moratorium on the merger of the 50 largest energy and oil companies in this country. I am not at all sympathetic with these mergers. I do not think they are healthy in that they take from the economy a large amount of credit which could be put to more productive uses. I understand the argument that when payment is made to the stockholders when one company is acquired from another eventually that amount of money which is borrowed and paid for that company comes back into the economy.

But it does not come back automatically and in a very immediate fashion. It does not necessarily flow back into savings again immediately so that it can be loaned out for other productive credit purposes.

One of the real problems we are facing in this country today is an imbalance between the amount of credit available because of our low savings rate and the demand for that credit—the combined demand of the private sector, added to the mounting demands of Government because of huge Government deficits for borrowing to finance the national debt and the deficit. All this threatens to push up the interest rate and choke off our economic recovery.

So that it is with no little alarm that I see continuing the trend toward more mergers and acquisitions, not only in the oil industry but in other sectors of our economy as well. Hardly a day goes by that there are not rumors of impending takeovers spread across the pages of the morning newspaper.

As one from an energy-producing State and as one who has often defended the need to give incentives to the industry to go out and explore for and develop new sources of energy, for our people to promote energy independence, I also believe that the wave of mergers in the oil industry has hurt the cause of those of us who have argued for those incentives.

Those on the other side can now argue with more effectiveness that the incentives provided, the additional cash flow provided, will not necessarily be used for exploration and enhanced production but simply for the acquisition of other companies in a way that can be nonproductive.

I also am concerned, as a Senator from the State of Oklahoma, about the effect that these mergers could have on my home State. We have recently had the acquisition and takeover of the Cities Service Co. located in Tulsa, with a loss of literally thousands of jobs in that community.

I certainly do not think it would be in the interests of the people of my State to see another round of mergers occur which would result in more economic dislocations and the loss of more jobs in my State and other States.

So, in terms of my feelings about this round of mergers, the use of precious savings and capital for one company to acquire another, I find myself very much in sympathy with the feelings voiced by the Senator from Louisiana (Mr. JOHNSTON).

It is my hope, and it has been my hope, that those in the corporate community will begin to feel a sense of responsibility not only to maximize their own profits and to use the system to make large profits for themselves, but also to do what is right for this country and the economy. It is my hope that they will begin to exercise self-restraint and to realize that, as corporate leaders, they have the obligation of American citizenship to look at what is best for the entire economy.

However, as strongly as I feel that this wave of mergers has not been in the national interest, I am still led to conclude that the proposal before us for a moratorium on the merger of the 50 largest energy companies is a solution that in many ways may create even more problems than the initial problem it is trying to address.

I am troubled by the direct intervention into the marketplace which it would impose. I am troubled by the fact that, in essence, it would build a wall around the management of those companies, taking pressure off that management to be as efficient as possible—in essence, making immune the corporate leadership in those companies from a need to perform in a way that would prevent a takeover, that would serve the interests of their own stockholders, to the point that their stock would no longer be undervalued. As a philosophical matter, that concerns me. As a practical matter, other problems are created.

I have now been called by leaders of companies below the 50 level—those who are involved with companies not among the 50 largest or in the next 100 or the next 200 in size. They point out that if you place a moratorium on any kind of merger or takeover of only the 50 largest companies, the same amount of cash is still available, the same incentives are in place, and you simply shift from one group of companies to another. You set up the next 100 companies in size to be the principal targets for takeover. You do not solve the basic problem. You do not solve the problem of how to reduce incentives that lead people to want to acquire or merge companies. You have simply shifted the target from the 50 largest companies to perhaps the next 100 in size or in other parts of our country. The merger mania is not only unhealthy in the oil industry but across the board as well.

Therefore, Mr. President, I have to feel that we must look for a more appropriate solution, one that does not so directly interfere with the operation of the marketplace, one that does not simply shift the target of acquisition from one set of 50 oil companies to other medium-sized companies or companies in other parts of the economy.

So I plan to join the Senator from Kansas (Mr. DOLE), the Senator from Texas (Mr. BENTSEN) and others in offering a substitute amendment at the appropriate time, which would call upon all the committees involved—the Judiciary Committee, the Energy Committee, and the Finance Committee—to look at the whole range of problems within 90 days and try to determine if there are things we can do in the tax area or other areas to try to discourage and make less attractive an acquisition and a merger between large companies, which is taking up so much of our capital in this country. To me, that is the appropriate way to proceed.

I am not going to support the pending amendment. I do not think another Presidential commission would be appropriate. I must say, in all candor, that I do not have total confidence, given the philosophy of the administration toward antitrust policy, that it would be an unbiased study. I have much more confidence in the appropriate committees of the Senate, that they will take whatever action is necessary.

It will be a part of our proposal that we put those who are considering mergers or acquisitions on notice now that whatever action is recommended by those committees—if the Finance Committee were to direct changes in the tax law within 90 days—those recommendations would take effect as of this date.

In that way, we put on notice those who are considering additional mergers and large acquisitions that they are not to expect preferential tax treatment or other kinds of enhanced treatment that might make those mergers seem attractive to them at the present time. To me, that is the way to proceed.

It has been a tough decision for me. The Senator from Louisiana and I have had many discussions about this. I certainly respect and admire the motivation which has led him to make this proposal. I have been torn about which way I would vote. But, after long thought, I simply believe that while he has correctly identified a problem, there is a better solution to that problem, and one in which I hope to join by offering the proposal at the appropriate time during our discussion.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BOREN. I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, does the Senator know that this Dole amendment is simply a way of saying let us postpone this whole matter until next year? Let me tell the Senator why I believe that, and I wish to ask him if this is not correct. Is it not going to take at least, at the very best, 2 weeks to pass this legislation, probably more like a month to get it signed into law? Am I right so far?

Mr. BOREN. I say to the Senator from Louisiana that, of course, it takes us time to act, but in our amendment which we direct the appropriate committees to within 90 days report back their findings and recommendations we plan to write into it this proviso:

It is further the sense of the Senate that any changes recommended by any of these three committees if enacted would be made effective as of March 27, 1984.

Mr. JOHNSTON. I heard the Senator say that, but if he will walk through this with me step by step, if he would not mind. Is it not going to take 2 weeks to more like a month to get this legislation passed?

Mr. BOREN. That is possible. That is possible it would.

Mr. JOHNSTON. Has the Senator ever seen a bill of this import passed faster than that?

Mr. BOREN. I would say that we usually grind very finely when it comes to passing legislation, and I would guess that that is correct.

Mr. JOHNSTON. All right. Let us say it is a month. That will give us May 1. What is 90 days from May 1?

Mr. BOREN. I say to the Senator from Louisiana that would be moot because the language in what it is we are proposing here says March 27. While it might take 2 or 3 months in getting

it enacted and time for committees to report back, we are putting people on notice as far as we are concerned as of this date anything we pass out of the Finance Committee, and I would certainly think now we are fairly putting them on notice that the full Senate voted and said as of March 27 we could make a change in this tax law to make this less attractive. It is going to be effective back to March 27. I think we would have every right to stick with that.

Mr. JOHNSTON. The Senator's amendment there says give it to the committee, give them 90 days to deal with this thing, and that is 90 days from about May 1. Is that not June, July, August? Is that not about the 1st of September when they come in with their report?

Mr. BOREN. That is possible.

Mr. JOHNSTON. All right.

Mr. BOREN. When they do come in with their report and if they do come in with action, let us say it takes us until June in the Finance Committee or even September to report something back to the full Senate, report a change let us say in the tax law, if that is what we decide to do, according to this wording, we are going to pass something out of the Finance Committee and say that that tax change is effective as of March 27, and I think that is fair for us do because I am against retroactivity, as the Senator knows. He and I talked about that.

Mr. JOHNSTON. I understand the Senator's point about retroactivity. But we have already established that the 90 days is going to end about September 1 or August 1, if we passed it today. Then the 90 days is going to end in the middle of the recess for the conventions, and then we have about 30 days prior to the October 4 recess in which to pass through the whole Congress a very complicated tax measure.

I do not care when we make the effective date. We are not going to pass it in this Congress this year, and anyone who has been around here awhile knows that.

Mr. BOREN. I say to my colleague from Louisiana that I do not think the cause is hopeless for us to pass such a change this year. Yes, it is going to take time, but I think that is still the more appropriate solution, especially if we make it effective back to today when we do it.

The other thing I point out is that Company X in my State, say the 75th largest company, or Company Y, the 200th oil company, or Company Z, that is a company in another field, which may be in publications—I read about Murdoch looking at Disney and we read all sorts of things about mergers and use of capital in this country. I have to say, with all due respect, that I thought about it a long time because I wanted very sincerely to consider the Senator's proposal, and my inclination on first hearing it, and I had been leaning toward being for it until recently, but the more I study it the more I see that that company that is 75th or 200th is not going to do anything except maybe people with cash make them look more closely at them now instead of looking at Company 48. I think we are simply stepping on the problem over here. We have stepped on the tail of the alligator, but I am afraid that very toothy mouth is going to bounce up here and take some other tasty little morsel, maybe the 75th largest company or the 100th largest company, or some publishing company, or something else.

I do not think we are solving the basic problem of looking at the whole range of incentives in the tax laws and the rest of our laws that are causing this wave of mergers. I think we are just doing something artificial here that perhaps would give the perception to the public that we have done something: We have stopped the 50 largest oil companies. But we really would not have gotten at the underlying causes and really done something that would be effective across the board or something that is not just a temporary artificial interference with the marketplace, making 50 management teams of 50 companies immune from being a candidate to the stockholders but not solving the basic problem of the underproductive use of capital in the country.

Mr. JOHNSTON. Is the Senator aware that the Finance Committee has already passed a bill with similar provisions in the House bill which would deny one of the major tax incentives for merger, which is the ability of the company which is taken over to pass through an income stream to the takeover company taxed at only 15 percent, less than one-third the rate, and you came in and said no, we should not allow that to happen and you changed the law, at least you recommended that? Does the Senator know what the effective date of the Finance Committee action on that bill is?

Mr. BOREN. I will have to confess that I do not know what the effective date is. I know that was our intention.

Mr. JOHNSTON. The Finance Committee has already dealt with the issue and, as I understand it, has not made it retroactive. The Senator would not go back and change action we have already taken—I mean that is out here on the floor—just on account of this?

Mr. BOREN. No. But we did not have any resolution passed on the floor prior to our action on that matter which put everyone on notice. That is a different situation. If we come in after the fact, and no matter how much I may deplore something, I do not like the fact that we have had the Gulf-Socal merger. I do not like that merger. If I were sitting in there upholding the public interest, I would say I wish that did not occur. I am not for that. I am not for these other mergers that have occurred, sopping up capital. I wish Cities Services were still an independent company. I wish Continental were still an independent company. I could go down the list. I do not like this trend toward concentration and nonproductive use of capital. But I like even less, and it is why we have written into our Constitution a prohibition on ex post facto legislation, changing the rules in the middle of the game and creating uncertainty.

This is very different. That is not what we are proposing to do here. We are saying now as of this date we are serving notice that we are asking the responsible committees of Congress to look at this whole matter, to look at the underlying causes. We are just treating the symptom if we put a moratorium on. The problem is still there at the end of the period of time of the moratorium. The problem is still there right now and continuing on for all the companies except the 50 biggest companies. We have not solved the problem.

Mr. JOHNSTON. Let me ask the Senator one final question: He says that the Finance Committee can report legislation to this floor on September 1 and Congress is going to have time to act on it. I just wonder, suppose Kerr-McGee, that is an Oklahoma company, is under the gun, and September 1 some legislation comes out here on the floor or is eligible for the calendar to be passed, and it is the Senator's responsibility to pass that and Kerr-McGee calls up and says: "Senator BOREN, can you save us with that Finance Committee legislation. Can you get it through by October 4?"

What is the Senator going to tell them?

Mr. BOREN. I can tell the Senator that I would tell them that we have already saved them because it is going to be effective back to March 27.

Mr. JOHNSTON. I will tell the Senator he is going to tell them to hold on.

Mr. BOREN. I would have to say, of course, that is in the press, and there has not been anything said already. There are companies in my State mentioned as possible targets for takeover. I am dead set against them being taken over.

I also talk to people in the companies. They said:

> As much as we want to remain independent companies, we do not want to see bad law made even if it is a matter that would benefit us personally because we do not think this is the solution.

They are creating a lot of other targets in my State. I am not going to start naming other companies. The Senator named one that has been in

the newspapers. I am not going to name others. But others have called me, and they said, in essence:

Senator, if you pass something that puts a moratorium on these 50 biggest companies, you just put the spotlight right on us; you made us a target. We are not in the top 50. We are in the top 100 or 200. But you now made us a target.

So I would say that I really struggle with this.

The Senator from Louisiana, I think, is absolutely right in sounding the alarm about the problems caused by these big mergers. He is absolutely right in deploring the concentration, the unproductive use of capital. I just cannot take the second step and say that I think he has come up with the right solution. I wish I could.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. METZENBAUM. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. BOREN. I yield to the Senator from Texas and then I yield to the Senator from Ohio.

Mr. BENTSEN. Mr. President, let me say I am delighted to sponsor his amendment and I think it a progressive step that gives us a measured way in which to study the full magnitude of what is happening in these mergers and what should be done.

But as to the point that was raised by my friend from Louisiana when he says the management calls you from any particular company, we know our obligation around here is not just to management. It is to investors, it is to shareholders, it is to all the people. And this idea of trying to build a moat around each of these companies, so you can protect that management, so they can keep their perks, and their jets, I just really do not think that is what we hired out for. We hired out to represent all the people in this country.

Mr. BOREN. The Senator from Texas and I do agree with that point. It is one also of the philosophical reasons that leads me to feel we should attack this another way.

I am happy to yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, the Senator from Oklahoma indicated he had struggled with this matter.

Mr. BOREN. Yes.

Mr. METZENBAUM. As a matter of fact, the Senator from Ohio has also struggled with the idea of eliminating Socal-Gulf and Superior-Mobil.

Mr. BOREN. Yes.

Mr. METZENBAUM. And, as a matter of fact, the Senator from Ohio reconciled his struggle when he was assured by the Senator from Oklahoma in unequivocal language that if those two deals were exempted, then the Senator from Oklahoma would be for it.

Now, the Senator from Oklahoma is known as being a friend of the oil industry. The Senator from Ohio makes no bones about it that he felt that having the support of the Senator from Oklahoma with him on this entire bill would be very meaningful.

Would the Senator from Oklahoma be good enough to tell me how he struggled himself out of the position he indicated he was in the other day when he said unequivocally he would be for it without the retroactivity?

Mr. BOREN. I would have to say to the Senator from Ohio that he and I discussed the legislation in these areas for a long time. I suppose I confronted a similar problem that the Senator from Ohio had in some of the proposals that he embraced during our negotiations on natural gas last year. When he thought about some of them, some of the things he himself had thought were perhaps right, on reflection he decided maybe they were not fully right.

Mr. METZENBAUM. The Senator from Ohio never said that with something he would be for the bill.

Mr. BOREN. I think the Senator from Ohio is not suggesting that I made an ironclad commitment or agreement with him, because that is not my interpretation. I will say to the Senator from Ohio that when we had our discussions, because I do not take lightly giving a definite commitment and backing out of it, I told him I could not vote for it if it were retroactive and I expressed my reasons philosophically about being concerned about retroactivity. Even if it is applying retroactively when I agree with it and even if what took place I think was wrong, I still think a retroactive application of a rule is a bad thing.

I told the Senator from Ohio that I thought I could go with this. I told him I thought he would pick up votes if he would change it.

Mr. METZENBAUM. Did the Senator not also say, "I am for the moratorium and I am with you if you don't have the retroactivity"?

Mr. BOREN. I do not recall those words. I certainly conveyed to the Senator that I thought I could be with him and I felt it would be a mistake to make it retroactive and that he would pick up votes if he made it prospective. I still will stay with the second point. I think the Senator would have a much better chance by making it prospective. I do not think he would have a chance of passing it if it had been retroactive. I still believe that.

I would say to the Senator that I know I conveyed that impression and that feeling to the Senator from Ohio and the Senator from Louisiana. But I think also I have an obligation to study something as carefully as I possibly can, to ponder it and to really think about it. And I have.

I am not one percentage point less intense in my feeling, which the Senator from Ohio shares, that this wave of mergers is not healthy for the country, the concentration that it is developing is not healthy for the country, and the misuse, misallocation of capital as we have discussed is not healthy for the country. I think the Senator from Ohio is exactly right on that point.

I am very disturbed by what I think is a lack of effective enforcement of the antitrust laws by this administration. But I have thought about it for a long time. And I began to hear from other people who are not involved with the 50 larger companies. As I said, after this proposal first came out and the Senator and I talked, I began to hear from people in the hundred largest down the list, and they said to me—and they made a very good point: "You are not solving the basic problem with this. You are shifting the target. You are shifting it from the biggest companies to others."

So I thought to myself, maybe the solution is for the Senator from Ohio to apply it to everybody. But if you did, I began to think of the massive confusion it is going to cause in the marketplace, what you are going to do with the trading of stock, what you are going to do in terms of what the Senator from Texas said about building a moat around inefficient management who wants to keep its perks and the jets and the rest, instead of necessarily thinking of the stockholders. And I decided I could not be for that, either.

So I feel, and I earnestly believe this, I say to the Senator from Ohio, it is not posturing, it is not an attempt to make any kind of strategic sidestep. It is simply a matter of my own honest conviction. The more I thought about it, I think this is not the appropriate way to proceed. I would say that I earnestly believe that the Senator from Kansas, the chairman of the Finance Committee, and I think the ranking member, the senior Senator from Louisiana, and others on that committee I think will be deadly in earnest, and I can only presume that the Energy Committee and the Judiciary Committee would also look at this matter to see if we could get again more effectively at some of the root causes of it to try to resolve the problem.

Mr. BAKER. Will the Senator yield to me?

Mr. BOREN. Yes.

Mr. BAKER. Mr. President, I have no desire to abbreviate this colloquy or this debate unduly, but it occurs to me we are debating an amendment or a measure that has not yet been presented to the Senate.

I wonder if it might be in order at this time, if the Senator is agreeable to yielding for that purpose or yielding

the floor, for me to put a unanimous-consent request that the Hatch amendment be withdrawn and then I will present an amendment in the nature of a substitute, which I believe is the subject of the ongoing debate. Would the Senator yield to me so I may do that?

Mr. BOREN. I am happy to yield to the majority leader for that purpose.

Mr. BAKER. Mr. President, I ask unanimous consent that the Hatch amendment on which the yeas and nays have been ordered be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2852

(Purpose: to express the sense of the Senate with respect to the need to study and assess the impact of oil mergers prior to the imposition of a moratorium)

Mr. BAKER. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. DOLE, Mr. BOREN, Mr. BENTSEN, Mr. MCCLURE, Mr. TOWER, Mr. HATCH, and Mr. STEVENS proposes an amendment numbered 2852.

In lieu of the language intended to be proposed by amendment 2847 insert the following: (a) Study—The recent proliferation of mergers involving oil companies in this country and the potential implication of such mergers upon our nation's policy with respect to energy, tax, and antitrust laws, present serious issues that need to be carefully considered by the Senate; and,

Pending further study, it is unclear whether a complete moratorium on such mergers is in our nation's interest; and,

The Judiciary Committee has only recently completed a hearing on the oil merger issue and the Finance Committee has scheduled a hearing on the oil merger issue for April 5, 1984, and the Committee on Energy and Natural Resources has scheduled a hearing for April 10, 1984; (b) Now therefore, it is the sense of the Senate that in lieu of taking any action at this time to impose a complete moratorium on oil mergers, the Senate defers consideration of the issue until full hearings have been completed by the Energy, Finance and Judiciary Committees on the issue and a study of the impact of such mergers on our national interests has been completed and reported to the Senate no later than July 1, 1984.

It is further the sense of the Senate that any changes recommended by the Energy, Finance and Judiciary Committees, if enacted, be made effective as of March 27, 1984.

Mr. BAKER. Mr. President, this amendment, while offered by me, is on behalf of the Senator from Kansas, Mr. DOLE; the Senator from Oklahoma, Mr. BOREN; the Senator from Texas, Mr. TOWER; the Senator from Utah, Mr. HATCH; the Senator from Texas, Mr. BENTSEN; the Senator from Idaho, Mr. MCCLURE; and the Senator from Alaska, Mr. STEVENS.

Mr. President, I do not know how much more debate we need. As I said earlier, I believe we have debated this measure or the equivalent of this measure already. I hope we could get on with the vote on this measure pretty soon.

I make no bones of the fact that I would like to have this part of the supplemental debate concluded yet this afternoon so we could get on with the El Salvador debate and other matters that must be done on this bill before it can be passed and sent to the House of Representatives.

With that, Mr. President, I suspect that the distinguished Senator from Kansas, Mr. DOLE, may wish to speak since he is the principal author of this amendment. I congratulate him for this approach. I fully support it. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Does the Senator from Oklahoma wish more time?

Mr. BOREN. Mr. President, I would just thank the Senator from Kansas. I have one concluding remark to my colleague from Ohio as we completed our discussions, and that is, that again I do not want to leave a false impression. I do want to pay tribute to him and to the Senator from Louisiana and others because I think that they have forcefully brought to our attention and are causing the Congress to deal with a matter with which we should deal. They placed on the agenda of our concern for our action this wave of mergers that is sweeping the country. I think it is appropriate that they did so. I am glad that they have done so.

I just regret that, after looking at the matter very carefully, I feel I should follow a different approach as to the solution. But I do want to affirm again to the Senator from Ohio, because we have had numerous conversations about this matter, that I do respect his motivation on this matter and I think it is absolutely appropriate to ring the alarm bell as he has. I just regret that we have come to somewhat different conclusions as to the proper solution.

I yield back now to the chairman of the Finance Committee and the principal author of this amendment.

Mr. DOLE. Mr. President, I hope that Senators on the floor would take a close look at this substitute. It handles every concern expressed by, I think, the Senator from Arkansas, who was speaking earlier, the Senator from New Hampshire, and nearly everyone in this Chamber because, we say, in effect, "OK, we will let the committees that have jurisdiction exercise that jurisdiction, the Senate Finance Committee, the Senate Energy Committee, the Senate Judiciary Committee, and report back to the Senate within 90 days."

We also added another provision this morning that says in effect that, if we recommend any changes, they will be effective today. That ought to be totally acceptable to everyone. We may recommend changes in the Tax Code, there is a great concern about merger activity using the Tax Code in an unfair way or somewhat biased in favor of those who want to get into merger activity. We believe we have addressed that.

Mr. President, I hope we agree to the substitute. I hope there is confidence in the committees in the Senate. Everyone is rather jealous of their own jurisdiction. The Finance Committee, for the most part, does a pretty good job, as does the Judiciary Committee. The distinguished chairman of the Judiciary Committee is here. The chairman of the Energy Committee is present. I think they are willing to pledge to Members. I think we can speak also for the ranking members on the other side.

We have hearings scheduled April 5 in the Senate Finance Committee. We have already asked the Treasury to do a study on merger activity and tax consequences. We believe that with the combination of the Judiciary Committee, the distinguished Senator from Delaware, the distinguished Senator from South Carolina, Senator THURMOND, the counterparts on the Energy Committee, myself, and the distinguished senior Senator from Louisiana, Senator LONG, that we can make recommendations by July 1.

To those who have some doubts, if there are any doubts—and I do not suggest there are doubts—I suggest that we are willing to move as quickly as we can. I understand the Energy Committee has hearings scheduled for April 10. The Judiciary Committee has already had a hearing.

It is not that there is no activity going on. It is not that we need to be prodded by our colleagues. We have had this activity in motion now for some several weeks. We have the same concerns that everybody else expressed about mergers and merger activity, what it may be doing to the economy, and what it may be doing to the credit markets. I suggest that we believe we have a substitute that addresses many of the concerns.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. HATCH. Mr. President, while I view the need to develop a detailed and thorough examination of this issue, I recognize that there are differences as to the urgency of reviewing the conclusions of study by the Senate, and there are differences as to the nature and composition of the group to undertake this study.

Many of my colleagues—chairmen of committees with jurisdiction over many of the issues raised—have expressed a strong desire to preserve the

integrity of the committee process. I, too, share their concerns.

Based upon the desire to preserve this jurisdictional integrity, the integrity of the legislative process, and upon the assurances that the hearings, findings, conclusions and studies will be completed by July 1, of this year, I am joining Senators DOLE, and BOREN in cosponsoring an amendment to call for Senate committee studies to be completed by July 1.

Mr. BIDEN. Would the Senator yield for a question?

Mr. DOLE. I yield.

Mr. BIDEN. I am a bit uncertain about all of these amendments. Let me ask the following question: If in fact the Johnston-Metzenbaum amendment were to be agreed to today in this body, it still has a couple of hurdles to overcome in order to become law and in effect block mergers or put a moratorium on mergers. If, in fact, the amendment of the Senator from Kansas were to pass today, would it, in fact, since it has the retroactive date of the 27th on it, effectively block mergers in practice for at least through or until July? It seems to me they might worry about that more than if we agreed to the Metzenbaum amendment. I am not sure.

Mr. DOLE. I will give you one example.

Mr. BIDEN. I would like the Senator from Ohio to address that at some point.

Mr. DOLE. I will not say we had a big scandal, but we had a big abuse of the safe harbor leasing. It seemed to us, if we did not act very quickly on the safe harbor leasing and waited for legislation to pass, it was really going to be scandalous. So the Senator from Kansas announced that the effective date would be February 19, a couple of years ago. We finally agreed on an effective date just about that time. Everyone was on notice. Everyone who was contemplating a safe harbor lease was on notice in that case, not just the committee chairmen. But here it would be the entire Senate saying "You are going to act at your own risk." In other words, proceed with caution. In my view it might be more important than passing some 11-month moratorium which does not do anything as far as any effective legislation is concerned.

Mr. JOHNSTON. Will the Senator yield?

Mr. BIDEN. I do not have the floor.

Mr. DOLE. The Senator from Kansas has the floor. I will be happy to yield.

Mr. BIDEN. I would like to do that.

Mr. DOLE. I yield and I ask unanimous consent that I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I would like to hear from either of the Senators because I am unsure about the amendments of the Senators from Louisiana and Ohio. It seems to me in effect the Dole amendment may in practice be more of an impediment to the predatory practices that are going on now than in fact if we agreed to the amendment of the Senator from Louisiana. I would like you to dispell that notion, if, in fact, it exists.

Mr. JOHNSTON. I thank the Senator for asking the question because that is really the $64,000 question. If anyone who knows anything about the way this Senate works looks at the time schedule, you will know it is no impediment at all because what it says is that after this legislation passes then the committees will have 90 days within which to report recommendations to the Senate—not report a bill, but report recommendations. How long does it take to get a bill passed in the Senate? We have El Salvador and the Contras. We are going to have a long, extended conference. If we can get it done in 30 days, we are lucky. But let us say it is done by April 1; 90 days from April 1 is June. So you come in about July 1 with a recommendation from the Finance Committee, if you are lucky. What happens with July 1? We go into recess for July 4. Then we go to the conventions. We come back after Labor Day. We have 3 or 4 weeks within which to deal with everything, including the appropriations bills. We have not started to work on those yet. This calendar is going to be very crowded. The Finance Committee is not going to be able to drop everything and start talking about mergers. I hope they are going to be dealing with this $200 billion deficit. I think they will. I praise them for that. But the point, is if you are lucky and everything goes right, you are going to have 2 or 3 weeks on the tail end of the session in which to pass far-reaching legislation.

Mr. BIDEN. Would the Senator object if it were June 1?

Mr. JOHNSTON. Of course, because there is no impediment at all. The only way you can breath life into and make effective the jurisdiction of the Finance Committee or, indeed, any other committee, is to hold up the mergers before they happen. You may be able to unscramble that egg theoretically as far as tax incentives are concerned. You may be able to go back and tell Texaco-Getty that the tax incentives that are there now are immense. You can deduct your interest. That is 46 percent. You are only taxed at a 15-percent rate of dividends from Gulf to Socal, which is the income stream used to finance this thing. That is only a 15-percent tax rate instead of 46 percent. Those are huge incentives.

In theory you can go back and repeal those as far as Texaco-Getty is concerned. In practice you cannot. The distinguished Senator from Kansas was honest enough yesterday to admit that. You just cannot do it retroactively, and you sure cannot undo the damage to the economy.

Paul Volcker said today that interest rates are going up because of very rapid growth in credit demand. I do not know if you saw that article. Felix Rohatyn said that $39 million worth of pending mergers are going to put huge pressures on the credit market, that they are going to increase interest rates. Maybe it was coincidental that interest rates have gone up a half percent since he made that prediction. But you cannot undo that. I know that.

Mr. DOLE. The Senator from Kansas has the floor. I wanted to point out that may have been true. We have a little safety valve in there now that I think would answer the question raised by the Senator from Delaware. I am serious about it, whether it is the Finance Committee, the Judiciary Committee, or the Senate Energy Committee of which the Senators from Louisiana and Idaho are chairman and ranking member, we say very clearly that any recommendations, if enacted, be made effective March 27, 1984. We are already serving notice.

Mr. JOHNSTON. Should be made effective.

Mr. DOLE. They will be. It says "will be" made effective. We do not put "should." We say "will."

Mr. JOHNSTON. That has the force and effect of law? Of course it does not.

Mr. DOLE. We are all honorable men and women in this Chamber. I do not suggest that we are trying to buy time for anybody who wants to go out and merge. We have already locked the gate. It seems to me that this is going to have a rather chilling effect on anybody who is thinking about any merger activity.

I will be happy to yield to the Senator from New Hampshire.

Mr. RUDMAN. I thank my friend from Kansas.

I want to make an observation before we get totally off the subject matter. No one is arguing that, under circumstances we cannot anticipate it is possible to make retrospective Finance Committee laws. We all know that. There is a whole string of case law on that. Let us understand that there are many of us who are in favor of this amendment, including the Senator from New Hampshire who is the principal author of the amendment with the Senators from Ohio and Louisiana. It is the antitrust laws that need looking at during this interim period. No one, I am sure, will stand on the floor of this Senate and tell his or her colleagues that we can make the antitrust laws retroactive, nor can we make energy laws, retroactive.

That is plainly impossible. Before we assume that this is only a Finance Committee measure, which it is not, let me make that observation.

Mr. DOLE. Mr. President, Energy and Judiciary are spelled right out there. We are not trying to limit it to the Finance Committee. We are saying in those committees of jurisdiction that any recommendation made by any of the committees be made effective March 27.

I also expect that the agencies with jurisdiction over antitrust issues would proceed with great care, keeping the substance of the concerns raised in the resolution in mind. I am talking about the substitute.

Mr. McCLURE. Mr. President, will the Senator yield for one comment without losing his right to the floor?

Mr. DOLE. I ask unanimous consent that that be permitted, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. I thank the Senator for yielding, because I think the Senator from New Hampshire accurately stated whether or not laws can be made retroactive, but certainly divestiture can be made to have the same effect. There is no question of the authority of the Government to require divestiture of certain kinds of merger activities or stocks acquired in certain kinds of activities. Therefore, it has virtually the same effect as a retroactive provision of statute.

Mr. RUDMAN. Will the Senator from Kansas yield so I may respond to that?

Mr. DOLE. Yes, Mr. President.

Mr. RUDMAN. That is a wholly accurate statement, but that is precisely what I am not talking about. We are talking about what kind of standards are set in the current antitrust laws. Having done some of that before I came to this body, I can state that there is ample room for change in the antitrust laws, and no one is going to tell his or her colleagues today that we can make that retroactive. That is clearly unconstitutional.

Obviously, divestiture under current laws can be ordered. There is no argument about that. What we are saying is that the statutes have to be changed and we cannot do that retroactively, so let us all understand that.

Mr. DOLE. Mr. President, I assume there are certain tax advantages in some of these mergers. In fact, the Senator from Louisiana just recited one. It is not an uncommon practice in the tax area for the chairman of the committee and the ranking member and the chairman of the House Ways and Means Committee and the ranking member to give notice to anybody who may be contemplating doing something that the effective date may be the date of the letter. In this case, the effective date is going to be the date of this resolution.

I think we have addressed the primary concerns, Mr. President. I am not even so concerned that we cannot make the other retroactive. I happen to believe it is going to take care of itself.

Mr. HATCH. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HATCH. Mr. President, I was intrigued by the comments of the distinguished Senator from New Hampshire, and I was also intrigued by the comments of the Senator from Idaho. It is true that divestiture can be retroactively ordered. If we in our wisdom want to change the law with regard to guidelines and statutes, I suspect we can do that at any time. And the effect of FTC action thereafter, pursuant to those standards, can be and probably will be, in most cases, divestiture. So the argument is not well taken. There are plenty of ways of resolving this problem.

The real issue is not that the problem of legislating retroactive standards which may require divestiture cannot be resolved pursuant to the amendment of the distinguished Senator from Kansas. The real issue is whether Congress wants to change already stringent antitrust laws that would impose different guidelines and standards. I question whether Congress will want to go that far.

What really is going on here is that it is easy to beat up on an industry like the oil industry. It is easier to do that than it is to change the laws. That is what we are going through here.

I do not see where the point is well taken. I think the distinguished Senator from Idaho has put his finger right on the issue here. If Congress decides to change antitrust laws, there is no question that we can have retroactive effects occur that I think some of our colleagues on the other side of this issue would like to have occur, especially since the effect of this Dole amendment, which I am cosponsoring, will operate to serve notice that Congress may in the future impose more rigorous standards retroactively effective from today's date.

Mr. DOLE. Mr. President, I am about prepared to yield the floor, but I suggest that if all the Members recall whatever committee he or she may be on, they will agree this is a fair solution. Let the committees with jurisdiction try to resolve this thing. We may do it before July 1. We are not limited if we do it prior to that time. As I have said, we have a hearing scheduled for April 5. It seems to me that we may decide that no recommendations should be made. I am not suggesting that we already have a list of recommendations. But at least we should have an opportunity. I would hope we would have an opportunity to review the entire matter.

Treasury is already working on it. The Joint Economic Committee staff is working on it, as is the Finance Committee staff, and there is even some activity on the House side. I believe, speaking for the Finance Committee, that we are well on the way to taking a hard look at it.

I know that is true in the Judiciary Committee. They have already started hearings.

Mr. President, I yield the floor.

Mr. McCLURE and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I have not heretofore taken the floor to debate this issue, but I think it is obviously getting close to the time that we try to resolve these issues posed by the Rudmam-Johnston-Metzenbaum amendment, whatever the proper order is of those names. I wish to do respect to the authors. I do not mean to show disrespect by reordering the names.

I do believe that now we have framed the issue, and the issue, I think, is being framed by the two pending measures—the amendment that a number of us have cosponsored that was offered by the distinguished majority leader—to indicate that this is a matter that must be dealt with by the committees of jurisdiction and that they are going to deal with it. The Energy Committee has a responsibility to look at the proposed mergers from the standpoint of what it does to energy policy. We intend to do that. A hearing has already been scheduled for April 10. We shall look into that.

If, from the basis of the information, the inquiry, the cross examination of witnesses, we determine that something should be done, I guarantee we shall be trying to move on that quickly.

If, as a matter of fact, at the end of that time, we have concluded that there is not sufficient reason for us to attempt to legislate with respect to the energy questions, we shall be able to make that decision based upon informed testimony and cross examination of witnesses and due deliberation.

It is also obvious, Mr. President, that the Senate has been very close to the point, if not at the point, of passing legislation which, in my judgment, would be devastating not only to the energy industry of this country and, hence, the energy self-sufficiency and security of this country, but also with unpredictable results that are extremely adverse in the stock markets of this country, in the financial markets of this country.

I prepared last night and had distributed to all of my colleagues in the Senate and to their personal offices a memorandum. I do not have any illusions about whether everybody immediately sat down and read it all, but it is available. I want to call attention to

some of the points that were made in that "Dear Colleague" letter.

I am opposed to the pending amendment, which has now, by the actions taken earlier today, extended, not for 6 months but for 11 months, a moratorium on financial transactions dealing with oil companies for 11 months and with their stocks. Existing law is adequate to protect the American public from any negative impacts, and despite the allegations that have been made, the FTC has acted under current law. We have a letter from the Chairman of the Federal Trade Commission outlining both his objections to this pending Johnston amendment and also outlining some of the actions which they have taken and are prepared to take.

I invite the attention of my colleagues to the letter from Chairman Miller which has been distributed along with my letter.

The second point which I think must be made is that the securities law also deals with questions involved here. The securities law is an extremely complex matter. The Securities and Exchange Commission has already acted with relation to these issues.

It was suggested yesterday by the Senator from Ohio that the study report had been rejected by the Commission.

I want to again point out that instead of ignoring what was suggested in that report, the Securities and Exchange Commission has acted on the recommendations. As a matter of fact, I will again call Senators' attention to the attachments to my "Dear Colleague" letter and the extent of the actions which they have already taken. Forty-nine out of the fifty-four suggestions of that committee were adopted. Unlike the characterization that the Commission had ignored it, they have taken very aggressive and formal action to support 49 of the 54 recommendations. They are acting on proposed rule changes and other actions with respect to that report.

Again, anybody who is interested in whether or not securities laws are being enforced, whether the Commission has taken into consideration the Advisory Committee on Tender Offers, I call attention to the attachments to my "Dear Colleague" letter that set this out in some great detail.

The question with respect to energy policy—and this one seems to be peculiarly within the responsibility of the Committee on Energy and Natural Resources—I will spend a little more time on because it has been suggested that there will be undue concentration of ownership if mergers occur. And we had some conversation about this on the floor yesterday.

As a matter of fact, if the concentrations that might be affected by the so-called targeted oil companies, to which Senator JOHNSTON has made reference a number of times, were all aggregated, it would affect 7 percent of reserves—not a tremendous concentration, as some have been led to believe, but a marginal shift in the ownership of reserves.

It has been argued on the floor of the Senate that there would be a diversion of capital which would cause a decrease in exploration and development activities. What are the facts? Not the speculation. What are the facts? There is not a decrease, as a matter of fact. There is an increase.

Let me go a little greater length to detail exactly what has happened.

The contention that oil company acquisitions will result in reduced exploration and development expenditures in the United States is not supported by the factual record. Over the 1979–82 period, there were six major oil industry acquisitions with a total purchase price of $25.6 billion. The acquisitions were: Sun/Texas Pacific, 1979; Shell/Belridge, 1979; Mobil/General Crude, 1979; and Transocean Oil, 1980; Du Pont/Conoco, 1981; United States Steel/Marathon, 1982; and Occidental/Cities Service, 1982.

A summary of the domestic exploration and development expenditures of these six companies over the 1979–82 period indicates that expenditures rose steadily from $4.1 billion in 1979 to $7.4 billion in 1982. Only Occidental Petroleum experienced a substantial reduction in domestic exploration and development expenditures after acquiring Cities Service.

Much has been made of Occidental-Cities Service, which is the single exception among the large oil deals, where expenditures were cut back after the merger.

When U.S. Steel acquired Marathon in January 1982, it saddled itself with $5.5 billion in new debt, an increase of nearly 200 percent. Its debt/equity ratio went from 46 percent to 134 percent. Yet, its 1982 exploration expense budget increased—from Marathon's highest level ever—over 20 percent to a record high $211 million.

When Du Pont acquired Conoco in August 1981, it similarly more than quadrupled its debt liabilities by adding over $6 billion in debt. Its debt/equity ratio increased from 31 percent to 78 percent. Yet, its expenditures for U.S. exploration increased from $187 million in 1982.

Shell's acquisition of Belridge Oil in 1979 is even more convincing. Belridge had extensive reserves, especially heavy oil, but as a private company, could not finance the huge development expenditures and did not have access to the appropriate technology to exploit those reserves. Despite incurring a huge debt burden to complete the acquisition, Shell's development costs soared from $485 million in 1978 and $640 million in 1979 to $1.153 billion in 1980 and $1.409 billion in 1981. Its exploration costs increased from $369 million in 1978 and $372 million in 1979 to $499 million in 1980 and $611 million in 1981. And most critically, the output per day from Belridge's oil fields more than doubled due to Shell's efforts and expenditures.

Also, the chairman of Socal in testimony before Senate and House committees has stated that a combined Socal-Gulf Co. will maintain a comparable exploration program to that of the separate companies.

Senator JOHNSTON has repeatedly cited a Salomon Bros. investment advisory about potential oil company takeover targets. The nine companies—and I repeat what I said earlier—the nine companies listed in that advisory represent in total only 7 percent of our domestic reserves.

Let me shift for just a moment, if I may, Mr. President, away from what it does to exploration budgets—and the record is clear; you do not have to speculate—to some speculation about what will happen in securities markets.

Mr. President, I am very concerned about the impact of the pending Johnston amendment on the millions of individuals and institutions that own shares of stock in the 50 largest oil companies. In particular, I am most disturbed that this amendment might preclude shareholders, whether individuals or institutions, from exercising their right as shareholders in those companies.

Subsection (b) of the proposed amendment places severe limitations on any investor who has had any interest in a royalty trust over the past 12 months. Such investors are not only persons like Boone Pickens with substantial interest in royalty trusts, but individual shareholders and institutional investors who have purchased small shares in companies that have established such royalty trusts.

By virtue of the provisions of subsection (b), all of these individual and institutional shareholders have been tainted. Indeed, if enacted, the Johnston proposal would disenfranchise these shareholders, preventing them from exercising their legitimate right as shareholders in major energy companies. For example, an individual who owns just a few shares of a royalty trust, which he even may have sold off 9 months ago, would be tainted under the provisions of subsection (b).

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. McCLURE. May I complete my statement? Then I will be happy to yield.

Whether he held only a few shares or had a major position in the stock of a substantial energy reserve holder, he could not exercise his rights as a shareholder in that energy company.

He certainly could not actively participate in any proxy voting that might occur. Nor could he acquire any shares in any of the top 50 oil companies, whether he held shares in those companies previously or not.

Major institutional investors who also may own small shares of a royalty trust would be subjected to severe limitations on their securities activities. Indeed, they might be subjected to the severe divestiture requirements of subsection (b).

These provisions would, if enacted, create chaos and turmoil for the management of the 50 oil companies and in the securities markets. Every proxy vote taken by an oil company would be subject to potential challenge because of the provisions of subsection (b). Every person responsible for solicitation of a proxy in such a vote would be subject to scrutiny to insure that they had not had an interest in a royalty trust, no matter how small an interest, within the past 12 months.

If a person with an interest in a royalty trust were found to have been involved in a proxy solicitation, the entire proxy vote could be declared illegal and enjoined by a Federal court. We can be certain that every proxy fight would end up before a Federal judge for determination of the possible royalty trust holdings of every participant in the proxy fight. Extensive discovery of the possible holdings of all shareholders would ensue.

Similarly, every purchase of stock in oil companies would be subject to question. If the purchaser had even the smallest interest in a royalty trust, this purchase of stock would be illegal under the Senator's proposal and subject to injunction by Federal court. Not only would such an interference in the marketplace be unjustified, but chaos can be the only result.

Furthermore, such a proposal would have a devastating effect on the market for all the common stock and securities of the top 50 oil companies in the country. Because of limitations on the potential buyers of such stock, because of the limitations on the exercise of stockholder rights, and because of the harsh divestiture requirements contained in the legislation, the market price of the stock of all 50 of these companies is certain to be depressed by significant amounts.

The impact of this proposal on shareholders raised serious constitutional questions as well. By stripping the shareholders of their right to vote their shares and to solicit the votes of others, the legislation effectively reduced the rights of equity holders to those of nonparticipants in firm management. The legislation would have a drastic effect on the value of shareholders stock, perhaps rising to the level of a taking for which reimbursement could be sought from the Government.

What is the end result of such a provision? It will only insure that an incompetent management is protected from shareholder action. It will protect this management by disenfranchising many shareholders from exercising their traditional rights as participants in firm management.

I have grave concerns regarding the effects that a moratorium amendment would have on the securities markets of our country. I believe that this amendment would cause great chaos in these markets. The amendment would also have a significant and adverse impact on investors in oil and gas securities, both large institutional investors and individual investors—ordinary, hard-working Americans who rely in good faith on the orderly and predictable workings of the securities markets for their savings and investments. This amendment should not be allowed to put those vital economic interests at risk without a firm demonstration of the absolute necessity therefor. The proponents of this legislation have failed to demonstrate any need whatsoever for this legislation at this time. For that reason, I urge that the Johnston amendment be defeated. I hope that at the proper time it will be tabled.

In the meantime, we have the alternative to vote on the amendment offered by me and others, the one Senator BAKER offered.

Also, I want to look a little further as a result of the interference with the actions on royalty trusts, because somehow the impression seems to be abroad in this body that we are talking about Boone Pickens and his gang at Mesa Petroleum.

Mesa and Mesa Offshore Trust are one of a dozen or more royalty trusts created in the past 3 years. They may include at least the following, in addition to Mesa and Mesa Offshore Trust: Sabine Trust, Louisiana Land and Exploration, Houston Oil Royalty Trust, Houston Oil Trust, TEL Offshore, Oil Land & Exploration Royalty Trust, Royalty Oil, Florida Gulf, Cambridge Royalty, Permean Basin, and Royalty Oil Co.

Those are some of the royalty trusts that are already in effect, which have been created over the past 12 months or maybe as much as 3 years, but which would be affected by the provisions of the Johnston-Rudman-Metzenbaum amendment.

The Houston Oil Trust alone has currently approximately 20,000—I repeat, 20,000—investors, who would be subjected to the limitations and possible divestiture requirements of subsection (b) of the amendment. Eight of the royalty trusts are registered with and regulated by the SEC.

Securities experts have advised that subsection (b)(1) could prohibit otherwise wholly legitimate activities by royalty trust investors concerning the trust itself, depending on the legal interpretation of the term "had an interest in a royalty trust." Such activities could include consideration of management resolutions and related proxy voting. Also, major institutional investors who also are royalty trust investors, could be subjected to limitations on securities activity and even divestiture which would impact negatively on their legal fiduciary responsibilities. Since divestiture is required in 30 days by paragraph (b)(2), the event of a "violation of paragraph 1," there could be significant impact on the securities markets for individual corporate stocks. Also, it is not predictably clear under subsection (a) or (b) as to what exactly is prohibited or what constitutes the class of investor subject to limitation or divestiture. Under securities law, in the 1933 act, a "person" is a group, while in the 1934 act, a "person" is an individual. Also, the sponsors apparently do not intend to attack investors in limited partnerships, but query have the definitions achieved that result. Some experts believe that many investors in oil and gas limited partnerships could be subjected to subsection (b).

I could go on, Mr. President, with the ambiguities with respect to this amendment and its impact on the securities market.

I will ask at this time that a legal analysis of some of those ambiguities be distributed to the desks of Members. I will ask the staff of the Senate to do that at this time.

But of the serious concerns under securities law, control is a factual matter on the basis of all relevant considerations. For example, 20 percent of voting shares may be presumptively considered to be controlled.

The point is that intent is generally not the test. Consequently, any tender offer or purchase could be construed under securities law to involve directly or indirectly an element of control regardless of an individual investor's intent.

Purchase is also an ambiguous term and is foreign to settled concepts under securities law.

Yet the amendment relies on a purchase concept as a triggering event for limitations and mandatory divestiture requirements.

When in the sale of securities is a purchase effective for purposes of the amendment?

Mr. President, it seems to me that in view of the ambiguities that I have set forth in my statement and in the attachments to my dear colleague letter, we would be very slow to impose a moratorium on transactions in the stock market that have such unforetold consequences.

Unless you believe that it is always some big institutional investor that does not affect the individuals in this

country very directly, let me just recite a few that will be affected.

Superior Oil is an example. Who owns Superior Oil? The Ohio Police and Firemen's Disability and Pension Fund owns some shares in Superior Oil. The Bethlehem Steel Pension Plan owns shares in Superior Oil.

And it is not just some bank in New York City. It is the working men and women of this country who are dependent upon the investment of their pension funds who will lose if this amendment is adopted today.

The New York State Common Retirement Fund has some stock in Superior Oil, as does the United States Steel and Carnegie Pension Trust, the Sears Investment Management Pension and Savings Plan, and the Employers' Mutual Liability Insurance Co. of Wisconsin.

These are not New York institutions. These are people who live and work in each of our 50 States whose money has been set aside for them for their pension and retirement and has been invested.

It has been suggested by the distinguished Senator from Ohio (Mr. METZENBAUM) that we are talking about dealing with some fat cats. I would suggest to the Senator from Ohio that some of those fat cats are his industrial workers in the State of Ohio.

(Mr. KASTEN assumed the Chair.)

Mr. RUDMAN. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I yield to the Senator from New Hampshire.

Mr. RUDMAN. The Senator mentioned stockholders in Superior Oil.

Mr. McCLURE. Yes.

Mr. RUDMAN. Of course, they are no longer covered.

Mr. McCLURE. I understand that.

Mr. RUDMAN. I think that point should be made. This is not prospective. They would not be covered. Therefore, those investors would not be covered at all.

Mr. McCLURE. I might ask the Senator from New Hampshire can he tell me which of the other 50 companies that are involved have shares held by such pension plans?

Mr. RUDMAN. I think it is fair to assume a number do. I think it is also fair to assume without any interference the oil company will go along about as it has over the last several years in the stock market. I would readily admit that the chance for speculation will be cut down for 6 to 9 months, but I do not think that is so bad.

Mr. McCLURE. That is right. The Senator from New Hampshire makes my point exactly, that indeed it is expected that stock values will be affected, and they will be affected adversely for those who now hold them, and some of those who hold them are people who have their pensions invested in those trusts.

Yes, Superior Oil has been exempted as has Gulf Oil, as has Socal, as has Getty, as has Texaco, on those specific transactions.

But tell me, if the Senator knows, that there are no trust funds anywhere affected in the other 50 top oil companies. Obviously they are.

Mr. RUDMAN. Does the Senator address that as a question?

Mr. McCLURE. Yes.

Mr. RUDMAN. I wish to answer, and I simply wish to point out that if the Senator from Idaho is stating that these pension and trust funds will not have the advantage of rank speculation to drive their portfolios up, I agree completely. I also point out to the Senator from Idaho something he is familiar with. That is not the reason these stocks are in those portfolios. They are in there for gradual growth and for income, and the fact of the matter is that all we will do here is to put some stability into a market sector that has been going mad for the past 90 days, and the Senator from Idaho knows that better than I do.

Mr. McCLURE. The Senator from Idaho apparently knows something else better than the Senator from New Hampshire, and that is the fact that the institutional investors are the very ones who want to sell now while prices are up, and the amendment which the Senator has cosponsored would prevent them from selling. Where would they find a buyer? They cannot find a buyer. The institutional investor is precisely the one who is affected most by this amendment, not the individual shareholder, but that which is expressed through his interest in the institutional investment, and it is not the institutional investor who holds it for the long period of time for gradual increase in value or for interest or dividend income on those securities that is affected by this. It is the institutional investor who wants to sell now who would be prohibited from doing it. And if they had to, for some reason, sell, they could not find a buyer because there is no one under the circumstances of this moratorium for the next 11 months who could buy a large block of shares held by an institutional investor. The value in the hands of that investor is frozen by whatever effects of this amendment we may expect.

And we can only look to other oil company stocks for similar examples. Gulf Oil, yes, I know is exempted from this. Gulf Oil gets through the window, and their institutional investors will make some money out of it.

But let us take the institutional investors who as those in Gulf Oil are not permitted through this window who will be caught for the next 11 months who cannot avail themselves of their opportunities in the marketplace. Gulf Oil Co.: College Retirement Equities Fund, the Teachers Insurance and Annuity Plan. So now the Senator is going to hit college kids and the teachers retirement funds as well.

Let us look at U.S. Steel and Carnegie Pension Trust that had shares in Superior. They also own some shares of Gulf Oil Co. The Minnesota State Board of Investment—the State of Minnesota is going to see the value of their investments substantially reduced as a result of this amendment if it is passed. The New York City Teachers Retirement System.

It is not just a bunch of fat cats somewhere in some special privileged retreat that is affected adversely. It is millions of Americans who by direct investment or by interest in retirement or pension funds who will see the value of their pensions and their retirements and their security reduced by the inevitable actions in the stock market that will be attendant upon the passage of this amendment if it is adopted.

I, therefore, for all of those reasons which I have cited, again invite the attention of my colleagues to the "Dear Colleague" letter that I have sent around and its attachments and to the legal analysis which I have just had distributed to all Members, and I hope that the Johnston-Rudman-Metzenbaum amendment is defeated.

Mr. JOHNSTON. Mr. President, I have almost been driven to tears by the statements of my dear friend from Idaho.

Mr. McCLURE. Good.

Mr. JOHNSTON. He is talking about ordinary hard-working American investors who are going to be deprived of their right to take over Texaco or Exxon.

Mr. President, you would think that you have a bunch of little widow women, little poor people, who are going to be restricted by the Johnston amendment from going out and exercising their ordinary market choices.

Mr. President, that is the most patent rubbish that I have heard from a smart man on this floor in a long time. The fact of the matter is under the Johnston amendment you can buy all the stock you want so long as you do not take over control of one of the top 50 oil companies and if you have an interest in a royalty trust you can buy over a half-billion dollars worth of stock, a half-billion dollars. Oh, yes, we are restricting ordinary hard-working American investors. Oh, to be sure, Mr. President, for the time that this study is effective up until March 1, a Boone Pickens will not be able to make a $780 million profit, which he described the other day as kind of like a real estate commission, or these other groups, these arbitragers, are not going to be able to make like $1 billion profit as in Socal-Gulf. Oh, yes, that is going to be stopped.

But do not worry about these little widow women who are holding a few shares of stock. They are the ones who are really going to be protected by this amendment.

Mr. President, we are also told about these pension funds. Oh, if you stop the merger mania, you are going to kill the pension funds, and it conjures up these pictures of these poor pensioners out with a tin cup on the street because suddenly you took all their value away from them and they are not going to have a pension any more.

Why, Mr. President, that is patent rubbish again.

You know what happened when Occidental got involved in a takeover of Cities Service and they had $300 million extra in the pension fund. You know what they did. Do you think they invested those funds? Oh, no, Mr. President. They recaptured the $300 million and used it for the takeover.

Why that is exactly what they are going to do if there is any excess money in any of these pension funds as a result of some speculation. They are not going to increase these pensions, Mr. President—they never have—as a result of a speculative property and they never will. The fact of the matter is that pension funds do not invest with speculation. They do not invest with speculation.

Senator MCCLURE, my dear friend calls them ordinary, hard-working Americans. He calls them investors.

Do you know what the Salomon Brothers call them? Salomon Bros. is a great company, but they are one of them. They are one of the top arbitragers. I think they made $60 million profit on the Socal-Gulf deal alone. They are, what Salomon Bros. calls them, "corporate raiders, motivated by fear and greed. A fear that is probably heightened by an awareness that the current favorable political and regulatory environment might not be so conducive in the future."

Those are quotes, Mr. President. We are not talking about ordinary, hard working Americans. Oh, they may be hard working and I like them. I like Boone Pickens. I really, really do. I think he represents all that is good in an entrepreneur. He sees the rules as we make them here in the Congress. He sees some loopholes, he sees some tax subsidies, and he goes after them and he makes a $780 million profit. I say that is great. And if we want to continue to let that go on and on and on and say, "More power to you, Mr. Pickens; you found the loopholes, go after them," why if that is what we want to do, sure, let us let him go because that is what is going to happen.

Mr. President, Salomon Brothers, again, as one of them, says there is $51 billion of these mergers getting ready to happen. And again they say, "Barring Government intervention or other unforeseeable events, the pressure for other large mergers in the oil industry seems likely to continue."

It is coming from what they call professional takeover artists—that is their word—motivated by fear and greed, the fear being that Congress might some day wake up to what is going on.

Mr. President, what kind of evidence do we need here in the Congress? Interest rates are rising. Some of the foremost experts in the field, including our own Paul Volcker, says it is pressure on the credit markets, among other things, that are pushing up those interest rates. And I do not have to tell any Member of this body that upward pressure on interest rates can pinch off this recovery in the bud.

So we have the scene set. Interest rates are going up. Paul Volcker says it is pressure on the credit markets. Felix Rohatyn says the takeovers and the pressure they put on the credit markets are directly causing that. How much evidence do you need of that?

Petroleum Intelligence Daily, which is an oilfield publication, says you are going to have less drilling and less exploration. And it is commonsense that you will.

Mr. President, you do not have to be a genius to see the tax subsidy involved in these things.

And while we are on the subject of uncertainty, Mr. President, let us talk about the uncertainty of the Dole amendment just for a second, then I am going to yield to my distinguished friend from New Hampshire. Under the Dole amendment, the changes recommended by the Energy, Finance, and Judiciary Committees are supposed to be made effective as of March 27. Now that catches Socal-Gulf, because their deal has not gone through yet. That catches Mobil-Superior; their deal has not gone through yet. I believe it would let through Texaco-Getty.

From now until we adjourn sine die, no company is going to know what the rules of the road are. They are going to have no idea whether a merger will be permitted, a merger of any kind, not only in the oil industry but in other areas. They are simply not going to be able to act in a complete area of uncertainty from now until adjournment sine die.

Mr. President, there are perhaps some arguments that can be made against our amendment. But, Mr. President, the Dole amendment is what we call a killer amendment. If you are against the Johnston amendment, then I say vote against the Johnston amendment. It is no compromise, Mr. President. No way we could get out legislation, controversial legislation, between July 1 and the end of the session with being out of session in July and August for the conventions. No way we could do that. Everybody knows that. Everybody in this body has been caught at one time or another by the press of the clock. And surely the clock would catch anything that would come from the Dole amendment.

If you are against the Johnston amendment, then vote against it. I hope you will not. But do not try to hide behind the shadowy vision of the Dole amendment.

Mr. President, I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I have heard a lot of rhetoric around here that did not make much sense. I would suggest that we have just heard some more. But I cannot believe the Senator from Louisiana has so little confidence in the Congress that he does not think we can act in the next 90 days.

The Senate Finance Committee has just completed action on a $74 billion package of taxes and spending restraints, and we did it in 30 days. We worked nearly every day and we worked at night, and we did it. Do not anybody tell me that what we are dealing with here by any measure would be as difficult as putting together a $74 million package of revenue changes and spending restraints as we did in our committee, touching nearly every segment of the economy.

Further, I do not think Paul Volcker has ever said anything about mergers. I think the Senator from Louisiana is just quoting out of context something that Mr. Volcker said about the economy and the credit markets.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOLE. Yes.

Mr. JOHNSTON. I quoted him where he says we have a very rapid growth in credit demand. Is the Senator suggesting that this is not credit demand, $29 billion?

Mr. DOLE. Preston Martin, who is the Vice Chairman of the Fed, says these mergers have no impact at all. The credit demand in the billions and billions of dollars comes from the private sector all over not just the couple of mergers the Senator alluded to. There is going to be a credit demand. The cash flow in the corporations is starting to slow down and they are going to be competing with the Federal Government's big deficit and it has to borrow $200 billion a year to stay afloat.

It would seem to me the better part of wisdom would be to let the Senate committees that have jurisdiction go ahead and do our work. Now by no stretch of the imagination are we talking about anything but future mergers. I want to make that very clear so nobody has any heart palpitations based on statements by the Senator

from Louisiana. That is all this debate has been about, future mergers.

We are talking about changes affecting future mergers being effective today. We are not talking about Texaco or Socal or any of those that have already been underway where you have had the premerger notification filed in conformity with the Hart-Scott-Rodino Act.

So there is no last-minute smokescreens. We know what we are about in the Senate Finance Committee. I think the same can be said of the Senate Energy Committee and the Judiciary Committee.

I would suggest that if, in fact, the jurisdictional committees have any authority at all, we ought to have an opportunity to closely examine this issue and determine what we should recommend to the Congress.

Make no mistake about it, the underlying moratorium is not 3 months or 6 months or 9 months. It is an 11-month moratorium. It would cause panic and havoc and anything else. It does not do anything to change the law. The Senator has not indicated who it protects, who it may impact adversely, or what it might cost the economy.

I just suggest, that the amendments offered by the distinguished Senator from Oklahoma and myself, on behalf of a number of our colleagues, includes these last few lines:

It is further the sense of the Senate that any changes recommended by the Energy, Finance and Judiciary Committees, if enacted, be made effective as of March 27, 1984.

Now if we are going to take any action that affects future mergers, we are going to make it effective on that date. And I would say to those people who chair other committees and the ranking members on other committees, I do not think that the credibility of the Senate Finance Committee or the Judiciary Committee or the Energy Committee, is in question. I believe we have demonstrated we can take very difficult action.

I am somewhat shocked that the Senator from Louisiana would suggest we cannot act in the Congress, we cannot do anything in the Congress, we cannot do anything in 9 months. The way we are going on in this little debate, we will not do anything in 9 months, or 12 months, or 18 months. If we could get rid of this Johnston-Metzenbaum-Rudman amendment, and go ahead and let our committees function, I bet we will enact some legislation this year, if we determine it is needed and it will be fair, objective, and across the board. That is really how we ought to proceed, not just a shotgun approach, or some moratorium.

To those other committee chairmen and other ranking members on committees, if we were here threatening the Appropriations Committee or the Agriculture Committee or some other committee, I would say let us give the committees of jurisdiction some time to work. We just finished in our Senate Finance Committee a $74 or $75 billion package. The vote was 20 to 0 with not a single dissent. Every Republican, and there are 11, and every Democrat, and there are 9, voted for $74 billion in deficit reduction, $25 billion in spending restraint and about $48-some billion in revenue changes. That is one committee. That is half the revenue package we will be voting on on this floor next week. So I suggest that what Paul Volcker really had in mind was that the credit crunch is coming because businesses are losing some of the cash flow. Therefore, they have to go into the credit markets. That is why credit demand is increasing, not because of some merger activity.

We are all as concerned as is the Senator from Louisiana, the Senator from New Hampshire, and the Senator from Ohio, about merger activity. The Texaco-Getty merger affects El Dorado, Kans., in my State with 500 employees and probably 500 more. We are concerned about that. But that has already happened. We are not going to go back and try to make something retroactive in that area. We are talking about future mergers. If, in fact, we determine that some future merger changes ought to be made in the tax area, those changes will be made effective today. To me that ought to put everyone on notice, every company, wherever they may be, that we are serious about what we intend to do. As I said, we did this on safe harbor leasing. We have done it before. It is not an uncommon practice in the tax writing committee.

Most Members know what they will do. But I hope that we adopt what I consider to be a more sensible approach, not because it is mine. It is an amendment drafted with the assistance of the Senator from Oklahoma, Senator BOREN, both Senators from Texas, the chairman of the Energy Committee, Senator MCCLURE, and others on both sides of the aisle. I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I am going to speak for a few moments. I intend to go forward with a procedural motion. I see the distinguished chairman of the Judiciary Committee on the floor. I inquire if he wishes to be heard on this issue. If he does, I will be pleased to yield to him and then seek recognition after he has concluded.

Mr. THURMOND. Mr. President, I require about 3 minutes.

Mr. RUDMAN. I yield to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we are considering a very complex and important matter. I think the Members of this body must ask themselves two questions: First, do we really know the full implications of a merger moratorium; and second, do we want to circumvent the process normally used to find out? I would suggest the answer to both questions is no.

With all due respect to my colleagues from Louisiana, Ohio, and New Hampshire, it is difficult to overstate the significance of their amendment. It is also difficult to understate the real knowledge we as a body have about this matter. On March 15, the Committee on the Judiciary began the difficult process of discovering the full implications of any oil merger moratorium. I was there, as were the Senators from Ohio, Louisiana, and New Hampshire. Even though the hearing lasted a full 6 hours, I think that everyone present would agree with me that we barely scratched the surface of this important topic. I think they would also agree with me that the hearing raised many more questions than it answered.

At this point, I want to commend, in particular, the distinguished Senator from Louisiana for his participation in the hearing last Thursday. I would note that after his own testimony, he participated fully in the remainder of the hearing and engaged in many enlightening question and answer exchanges with our witnesses. In all candor, however, I must stress once again that, in my mind, the perceptive questions raised by the Senator from Louisiana and the committee members served only to raise dozens more questions.

Mr. President, in my opening statement at the March 15 hearing, I urged my colleagues on both sides of this issue to exercise great care. If the Senate passes oil merger legislation today, I am afraid that we will be accused, and rightfully so, of not exercising such care. Some of my colleagues have advanced the argument that enacting a merger moratorium, rather than an outright ban, is a cautious, prudent response to this issue. I do not agree. A truly cautious, prudent response would be to thoroughly study the oil merger issue before enacting a moratorium. In itself, a moratorium is a very significant step which I would not recommend be entered into lightly. The Baker, Dole, Boren, Bentsen amendment, which advocates intense congressional study, is the proper way to proceed.

As chairman of the Committee on the Judiciary, I want to assure this body that the committee will fulfill its responsibility to study the implications of these oil mergers. It will be

done both fairly and expeditously. Further, I am confident that both the Finance and Energy Committees will likewise act quickly and responsibly.

In conclusion, Mr. President, I do not believe we serve the public interest today by debating a matter on which we are far from knowledgeable. I pledge to help fill in our knowledge gap and answer the questions which have been raised. We cannot, however, perform this duty in the context of a floor debate. The committee system was created for this purpose, and I sincerely hope we will have the wisdom to use it.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Kansas. As a member of both the Senate Committee on Finance and the Committee on the Judiciary with the Senator from Kansas, I share his concerns. If Congress seeks to reform our antitrust laws or our tax laws, the committee system is the appropriate way to address those concerns.

The implications of the amendment offered earlier by the Senator from Louisiana stretch far beyond the oil industry. I suggest a dangerous precedent would be set if the Congress decided to ban merger activity among one sector of the economy. We currently have in place the administrative structure to examine merger activity and any antitrust implications such mergers may have. If that process is lacking, the Congress needs to seek remedies to the overall antitrust guidelines currently in place for all industries and all mergers and acquisitions. It is ill-advised to single out one specific sector of our national economy and impose rigid constraints on the free market system.

I applaud the Senator from Kansas' attempt to provide an alternative to an outright moratorium, and will support his amendment. The marketplace is the appropriate mechanism to determine what financial arrangements are best to facilitate drilling and exploration activities, and the committees are the appropriate place to examine any changes which may be necessary in current antitrust and tax laws. Congress should not be setting this Nation's energy and investment policies on the Senate floor through the implementation of a moratorium on oil mergers.

The Senator from Louisiana's amendment makes very little economic sense. We have all heard the arguments in support of the moratorium, but in reality, those arguments do not stand up under careful scrutiny. Mergers do not diminish exploration. The industry is not hampered in its exploration and drilling activities through mergers, and claims that credit is being diverted away from exploration are unfounded. Drilling prospects and the probable return on investment are what guides the search for oil, not any shortage of capital. The credit made available for these oil mergers is almost immediately flowed back into the economy. One would think from some of the statements we have recently heard that the money will somehow disappear, never to be seen again. To say that oil mergers are nonproductive and serve only to tie up credit lines and available funds would indicate that Senators are looking at only one point in time, rather than the long-term situation. Perhaps no issue merits a carefully developed long-range plan more than our energy policy. The amendment the Senator from Louisiana is advocating is dangerously shortsighted in its approach.

However, there is a great deal of merit to the Senator from Louisiana's call for the study of the situation. I am pleased to see my colleague from Kansas call for such a study, and one which would be accomplished within the jurisdiction of several congressional committees, including the Energy, Judiciary, and the Finance Committees. Studies can be conducted without an accompanying moratorium.

We have the ability to conduct a careful study of current energy, antitrust and tax policy. If the antitrust laws are too lax, we should rethink them. If the tax code subsidizes merger activities, we should reexamine our Tax Code. However, in our quest to achieve improvements in current law, we should not place a straightjacket on the energy industry and its ability to develop energy resources.

The outcome of this debate has serious ramifications for the oil industry, the credit markets, investors, stockholders, and of course, the energy consumers. The committees with jurisdiction should be granted the opportunity to carefully examine the full range of implications for all affected entities. I urge my colleagues to support the compromise measure put forth by the Senator from Kansas.

Mr. SPECTER. Mr. President, I am voting against the tabling motion because there has not been sufficient consideration to all the consequences of the proposed moratorium. For reasons set forth at length on March 20, 1984, in my floor statement, which appears at pages 5884-5887 of the CONGRESSIONAL RECORD, I have grave concerns about the current merger fever of oil companies.

In my judgment, the preferable course is to hold hearings and act on S. 2447 and S. 2448, which I introduced on March 20, 1984. While it is tempting to have a moratorium, we are not wise enough to predict or understand all the consequences, some of which could be worse than the problems we seek to solve, by tampering with the marketplace in this way.

Accordingly, I conclude the best course is to hold hearings on S. 2447, S. 2448, and other proposed legislation in order to decide on the best long-range answers to the merger problem.

Mr. HEINZ. Mr. President, the increasing trend of mergers in the oil industry, the mega-mergers wave as it has been called, presents this Congress with serious issues of policy and even national security. Major oil companies are seeking to purchase and merge with competitors for the purpose of aquiring their existing oil reserves. I have grave misgivings about the impact of this activity on exploration for new domestic reserves, about the legal and antitrust considerations implicit in these mergers, and concerning whether the substantial tax benefits we have granted these companies to explore and drill for oil are in effect being used to perpetuate this tidal wave of oil mergers.

It was little more than 10 years ago, in 1973, that the Organization of Petroleum Exporting Countries (OPEC) showed us how dependent we have become on foreign sources of crude oil. The gas lines which formed then for the first time in this country's history reappeared in 1979, again prompted by an embargo of foreign oil. That supply disruption, limited to oil exported to this country by only one other country, Iran, prompted the Congress to redoubled efforts to achieve American energy independence. Tax provisions then in place, and others added subsequently, enhanced the incentives to oil companies to explore for new sources of domestic oil.

Now, 5 years after dedicating ourselves to energy independence, where do we stand? And what are we doing? Unfortunately, it appears that this country and our western allies remain heavily dependent on OPEC and the producing fields of the Middle East for crude oil. While this country's use of foreign crude has dropped, the decline is attributable not to increased domestic production but to the economic downturn and surprisingly strong conservation efforts. The Straits of Hormuz, barely 30 miles wide and only minutes from the bases of fighter jets engaged in the ongoing Iran-Iraq war, provide passageway for the huge quantities of oil bound for Western consumption. A supply interdiction along the lines of that experienced in 1973, or even that of 1979, would create chaos. Although we import less foreign oil than in past years, collectively we are in no less vulnerable a position for our initiatives of the past 5 years.

Another disturbing trend has emerged over that same period, namely the dedication over $68 billion of borrowed money used primarily by oil companies to buy other oil companies. The recent Texaco/Getty, Gulf/Socal, and Mobil/Superior merger deals, all occurring since January of this year, represent nearly $20 billion

of this amount. It is reported that Atlantic Richfield has lined up $12 billion which could be applied to the purchase of oil interests, and the nationally known investment banking firm of Salomon Bros. recently advised its clients that there is $50 billion of potential merger activity "waiting to happen" in the oil industry. Salomon Bros. ought to know what it is talking about. They represented clients in two of the biggest mergers, Getty and Gulf, and their prediction should be given great weight.

Where, Mr. President, will this trend end, and what are its implications for our energy security and the competitive forces in the oil industry? I doubt that we currently have answers to these questions. But there is no doubt that getting answers is important to our national security and the ability of our economy to function in the face of an interdiction of our supply of foreign oil.

It is well worth noting that the U.S. Court of Appeals for the Sixth Circuit addressed the issue of these consolidations in a 1982 opinion concerning the proposed merger between Mobil and Marathon and concluded it "would not benefit the economy, increase operating efficiency, bring advantages of scale, or substitute better management."

The court also noted that there was no positive factor in substituting Mobil's ownership of Marathon's oilfields for Marathon ownership, and "it may be disadvantageous. It may reduce Mobil's incentives to explore and find its own domestic reserves."

Through consolidating known reserves, it is also credible argument that mergers tend to increase concentration in an area where competition is already limited by the tremendous costs of assembling refining and marketing operations to complement crude oil supply. According to a study of the Department of Energy completed in 1979, the eight largest companies—assuming all pending mergers are completed—would control 90 percent of annual oil shipments through their ownership of crude oil and petroleum product pipelines. Recognizing that the oil industry's sales were over $425 billion in 1981, a figure dwarfing all other industries and representing nearly 50 percent of the proposed fiscal year 1985 Federal budget as a comparison, our actions in proposing a moratorium to study a trend with these implications are not unreasonable.

Mr. President, one act we took to achieve energy independence was to decontrol the price of oil. Let me remind our colleagues, Mr. President, that this was done with the understanding that the additional billions of dollars that consumers would be compelled to pay in higher costs would be used, together with special tax incentives unique to the oil industry such as intangible drilling costs, to facilitate and encourage exploration for more domestic supplies of crude oil. Historically, oil companies, through the expensing rather than the capitalization of the costs of exploration and drilling write off a larger share of expenses than other businesses. The sole purpose of these generous incentives, I repeat, was to encourage the development of new oil reserves.

Where do we stand? Well, for one thing, since 1981, drilling starts have fallen by 50 percent. There are those who attribute this decline to the growing scarcity of domestic supplies, or to the stable prices of crude oil in the world market. On the other hand, I have read that there is a new philosophy developing about how oil companies should be run. The advocates of this philosophy say that oil companies have no business drilling for new oil in the frontiers when drilling on Wall Street costs far less.

It should trouble us equally that, after getting all these tax breaks and having reduced their corporate tax bills by billions of dollars each, that these oil companies now use the strength of their taxpayer subsidized balance sheets to go out and borrow billions of dollars and then, on top of it all, deduct the interest on these megaloans from what little remains of their taxable income.

If you assume that we will see as much as $50 billion in oil megamergers this year, an average 12-percent interest rate for these borrowings and a 46-percent corporate tax rate, these oil company credit lines alone will cost the U.S. Treasury $2.75 billion in additional cost revenues each and every year the debt is outstanding. Mr. President, what is outstanding to me is that Congress never intended oil company tax benefits to be part of an old-fashion pyramid scheme to add another $2.75 billion to the Federal deficit.

In conclusion, Mr. President, these mergers raise a host of unanswered and troubling questions. The bottom line is whether the energy and expense involved in these mergers, or defending against them, would be better applied in drilling for oil somewhere other than in lower Manhattan.

To give us time, Mr. President, to address all the issues and doubts I have just raised, I support the Johnston-Rudman oil merger moratorium amendment before us today.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, I believe we have probably reached the point after 2 days of thorough and excellent debate where the Senate ought to have some chance to express its views on the pending discussion. Thus, I have already informed my friend from Kansas that at the conclusion of these very brief remarks I intend to offer a motion to table the amendment offered by Mr. DOLE and others.

It is probably useful at this point to summarize what really has been said here and what has not been said here over the past 48 hours. Let me start out today by saying what I said yesterday, because it is very striking to me that again today in 3 hours of debate we have heard extensive discussion about stockholders, investors, speculators, arbitrage operators, management, and predators. We have not heard once today about the American consumer who stands to lose the most, if, in fact, there are more mergers and more concentrations in the next 3 months.

So, Mr. President, I submit to my colleagues that it is precisely what we do not know that really concerns me the most. The issues that have been discussed here are really three. Let me just very briefly touch on all three.

No. 1, there is not a serious observer of the American legal scene who does not conclude that the antitrust laws are not working. An example: Very few people agreed that they should have been invoked in the steel case, but they were, and I think properly so, concerning the Justice Department's obligations under those acts. Yet they were not invoked in the last oil merger. There had been serious discussions in the public press, in law journals, and in committees on this very subject. The Senator from Kansas, the Senator from South Carolina, the Senator from Idaho—nobody would submit to the Senate that we could pass antitrust laws retroactively.

The second issue is tax issues. I am not on the Senate Finance Committee and would not claim to be an expert. I certainly would agree with the Senator from Kansas that it would be possible under certain circumstances to pass certain revisions of the tax benefits conferred on the oil industry retroactively. Let us just think about that for a minute, and let us think about that seriously. Anybody who has been around here more than 3 days would understand where that is leading us to. I can just see a situation where, sometime—I do not think it will be this year; it will be late in the year if at all. But sometime late this year or early next year the Senate is going to be asked to vote on a Finance Committee bill which imposes millions, tens of millions, hundreds of millions, maybe billions of dollars of taxes, retroactively to one industry.

Mr. President, I expect what we will see here is enough chauffeur-driven limousines bringing the lobbyists up here surrounding this Capitol that it will look like a meeting of the United Nations. We know that will not pass. We know it could not pass. We know

one Senator could stand on this floor, under our rules, and frustrate that from passing.

Mr. President, I do not doubt the Senator's sincerity, but I am saying that kind of retroactive tax on the one industry is a pretty farfetched happening.

Mr. DOLE. Mr. President, I do not want to delay this much longer. We are going to have a moratorium without even having one, the way we are going.

We are saying very clearly that we are not going to surprise anyone. It is not a surprise party. I do not like surprise parties. We are saying in our substitute that for any future mergers, any changes that we recommend, ought to be effective today. I think I had the 27th of March in the amendment which was yesterday, but nothing has happened, so it does not make any difference.

That is not unusual at all, let me suggest to the Senator from New Hampshire. Many times, as I have indicated, the chairman of the Committee on Finance, the chairman of the Committee on Ways and Means, and their counterparts will sign letters, if we have a clear abuse of the tax laws, if there is a clear advantage to one company or one group of people, and you want to shut if off and you cannot wait for legislation, you announce in advance that the effective date will be a certain date. Otherwise, it might take a year, as the Senator properly suggests, to close the loophole.

I have a feeling we are going to find some loopholes in the Tax Code that may energize some of these mergers that we probably ought to close up. It is not unusual to make those changes effective now.

Mr. RUDMAN. Mr. President, I find the remarks of the Senator from Kansas, obviously, interesting and what he suggests might work out. I simply submit that there may be people who would vote with the Senator from Kansas today who would certainly not vote for imposing retroactive billions or maybe hundreds of millions of dollars of taxes on one industry even if they were on notice.

Let me go beyond that to the whole question of moratoriums. Nobody is suggesting that this Dole substitute in any way would affect Arco, let us say, acquiring Hess next week. I know that there are some who say that these companies might just sit back and wait to do anything because the Senate would have expressed its sense today. But, Mr. President, I think that is a big risk to take with the American people.

Let me give an example of the kind of problems we are already having. In my State of New Hampshire, the Getty Oil Co. operates a string of service stations throughout the State. They led price competition in what historically is a very inelastic market. Getty was the price setter in the State of New Hampshire and kept everybody else in line.

Alas, Texaco will now own Getty. It is expected that 1 out of 5 retail outlets in New Hampshire will be either a Texaco or a Getty outlet. Unless there is some massive system of divestiture, in which case some OPEC country will probably buy in those markets—which they already have—I suggest there is going to be some competition cutting going on.

Let me move on. Yesterday, it was pointed out it did not have that much impact, which we are hearing today, too. I believe there are a lot of people in this country who command a lot of respect on both sides of the political aisle. One of those is Felix Rohatyn, well-known financier in New York, extremely accurate in his forecasts. Let me read something he said in a recent article. I quote very briefly one paragraph:

The capitalization of the oil industry—

I add parenthetically he was talking about all of these mergers.

will be much more heavily burdened with debt since practically all of the acquisitions will substitute debt for equity. The result will be less capital for new explorations, upward pressure on oil prices, and—

I repeat, "and."

greater vulnerability to the next OPEC oil shock.

Mr. President, if the oil companies were getting into this mess by themselves and willingly, that might be a different situation. But the fact is that they are not. To repeat again today, Mr. Lee of Gulf Oil told Senator THURMOND's committee at that hearing that they were not seeking to merge with anyone, that a $29 billion company was big enough; as a matter of fact, they ran to Socal only when it appeared that they were going to be taken over by Mr. Pickens and Mr. Pickens had stated publicly that he was going to liquidate—liquidate—much of the assets of the Gulf Oil Co.

Mr. President, we are faced with a very serious amendment. I must say since I have been here, it is one of the most artful, clever, well-thought-out amendments I have ever seen. It appeals to the sense of every Member of the Senate that the committee system is almost sacrosanct—I said almost—almost sacrosanct. How many times on the floor of this Senate in the past 4 years have we seen urgent measures adopted because the committee system was not working on the schedule it should?

What do we have here? We have almost everything. We have the Energy Committee, we have the Finance Committee, we have the Judiciary Committee. I am surprised someone else was not added on here, because obviously, the technique here is to try to get one of those committees to say, "Hey, wait a minute; that is our jurisdiction; we ought not to be messing with it on the floor."

Let me say to some of those members of the committee who support the Johnston-Rudman-Metzenbaum amendment that there are serious antitrust implications, there are serious tax implications, there are serious energy implications.

Fourth, if we do nothing, by the time we lock the barn door, the horse is going to be stolen. I hope that people will perceive the Dole-Baker et al. amendent for what it is, a killer amendment that can accomplish nothing, to solve a problem perceived by many who have more experience in this field than probably any of us who have sponsored this amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. RUDMAN. Certainly.

Mr. DOLE. I want to give another example where we have a present tax bill with a retroactive provision. The provision dealing with retroactive tax leasing is effective May 23, 1983. It is going to be out on the floor in a day or so. We are all going to vote for it. I do not think we are going to have limousines circling the Capitol. We are used to dealing with limousines on the Finance Committee.

We have wall-to-wall Guccis at every markup we have in the Senate Finance Committee. It does not bother us. We are not intimidated by Guccis or limousines, and I do not think anybody on the Senate floor should be intimidated by them.

Mr. RUDMAN. How about Lear jets and Gulfstreams?

Mr. DOLE. Lear jets, you are getting closer to home. [Laughter.] But in any event, I am glad the Senator detected the merit in our amendment. I hope he can support it because we are all on committees. We could have included the Senator's committee. We did include Senator JOHNSTON's committee. I wanted to put in Agriculture and Appropriations and all the committees so I would have all the committee chairmen and ranking members vote for it.

But seriously, all we are looking at is whether we should stop all these mergers, at least if they get any tax advantage. That is my biggest concern. We are talking about future mergers.

The Senator would not table the majority leader's amendment, would he?

Mr. RUDMAN. I say to my distinguished friend from Kansas that we have an old expression used in New Hampshire that might also be used in Kansas that what is good for the goose is good for the gander.

If the majority leader will assure us—and I will be happy to put in a quorum call—that we can have an up-and-down vote on the Johnston-Rudman-Metzenbaum amendment, then I would be delighted to have an

up-and-down vote on the Dole-Baker, et al., amendment. Otherwise, I am going to move to table.

Mr. DOLE. If we could have a vote on the substitute and it passed, there would not be any need to worry about the details of the other amendment.

Mr. RUDMAN. I have reason to believe that the tactics I adopt are fair, reasonable, and historically right.

Mr. DOLE. And hopefully not successful.

Mr. RUDMAN. Mr. President, I move to table the Dole-Baker, et al., amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, I move again to table the Dole-Baker, et al., amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is pending. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Florida (Mrs. HAWKINS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—39

Abdnor	Gorton	Metzenbaum
Andrews	Hatfield	Mitchell
Boschwitz	Heinz	Moynihan
Bradley	Huddleston	Nunn
Bumpers	Humphrey	Packwood
Chiles	Inouye	Pell
Cohen	Johnston	Pressler
Cranston	Kassebaum	Proxmire
Danforth	Lautenberg	Riegle
Dodd	Leahy	Rudman
Eagleton	Levin	Sarbanes
Ford	Matsunaga	Stennis
Glenn	Melcher	Weicker

NAYS—57

Armstrong	Baker	Baucus
Bentsen	Goldwater	Pryor
Biden	Grassley	Quayle
Bingaman	Hatch	Randolph
Boren	Hecht	Roth
Burdick	Heflin	Sasser
Byrd	Helms	Simpson
Chafee	Jepsen	Specter
Cochran	Kasten	Stafford
D'Amato	Kennedy	Stevens
DeConcini	Laxalt	Symms
Dixon	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	Trible
Durenberger	Mattingly	Tsongas
East	McClure	Wallop
Evans	Murkowski	Warner
Exon	Nickles	Wilson
Garn	Percy	Zorinsky

NOT VOTING—4

Denton	Hawkins
Hart	Hollings

So the motion to table the amendment (No. 2852) was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of the Senator, most especially——

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BAKER. Yes.

The PRESIDING OFFICER. May we have silence so that we might hear the proceedings?

The majority leader.

Mr. BAKER. Mr. President, the yeas and nays have not been ordered on the amendment. I wonder if there is any requirement for them. Otherwise, I am prepared to go to a vote on the substitute at this time by voice vote.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. They have been ordered. I am still ready to go to a voice vote if there is no objection to withdrawing the yeas and nays.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, speaking for myself, we have had debate here for several days. Some would think it has been an elevating debate; others would think it has been not such a good debate. I think it has been a pretty good debate. I think we have made our points, and we lost fair and square. I know how to read votes, and we are beaten on the issue. It is no secret that I think it is a mistake, that we will get as a result of this a lot of mergers, but maybe that is in the national interest, and I may be wrong.

So far as I am concerned, and I do not want to foreclose my other coauthors, I think we should withdraw the yeas and nays on the Dole amendment, and I think we should voice vote the whole matter without taking the time of the Senate further.

I wish the record to reflect that this is no longer our amendment and does not have much resemblance to it.

Other than that, Mr. President, I ask the majority leader to withdraw the yeas and nays.

Mr. BAKER. Mr. President, I ask unanimous consent that the yeas and nays ordered on the amendment in the nature of a substitute and the yeas and nays ordered on the Johnston amendment, or whatever amendment he prefers to call it now, may be withdrawn.

Mr. JOHNSTON. The Dole-Boren amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared to put the question first on the amendment, and then I hope we can put the question on the amendment as amended and proceed to dispose of this issue.

The PRESIDING OFFICER. Is there further debate on the substitute?

If not, the question is on agreeing to the substitute amendment.

The amendment (No. 2852) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Louisiana as amended by the substitute.

The amendment (No. 2847), as amended, was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if I could have the attention of the Senate, there are still a great number of amendments.

Mr. HATFIELD. Twenty-five.

The PRESIDING OFFICER. Would those carrying on conversations please repair elsewhere so we might hear the discussion on the floor?

The majority leader.

Mr. BAKER. Mr. President, there are a number of amendments yet to be dealt with on this bill. The distinguished chairman of the committee has just told me he believes there are 25 amendments yet to be dealt with.

I hope that at this point we could get on with the amendments relating to the situation in Central America. The distinguished Senator from Hawaii is here, and I am sure that others who are directly involved in that issue are available.

If there are amendments to be offered, I am prepared to yield the floor so that we may do so.

So that I may advise the Senate further on how we want to proceed, I would hope that we could get all or most of the Central American amendments out of the way this afternoon. We are going to go out at about 6 o'clock. We are going to come in early in the morning. Then I hope we can either finish the Central American debates by midmorning, if necessary, or finish them tonight, if possible, and then get on with other amendments and finish this bill sometime in the afternoon on Thursday.

Mr. President, I yield the floor.

Before I do that, Mr. President, on Thursday, the Senator from Hawaii, Senator INOUYE, indicated he would have an amendment to offer. And while no order was entered, I think it was clearly within the contemplation of all of us that he might be accorded the privilege of offering the first amendment. I do not insist on that, but I suggest we consider whether or not he wants to claim the opportunity to do so.

Mr. KENNEDY. Will the Senator yield?

Mr. BAKER. First, I yield to the Senator from Massachusetts and then to the Senator from Arizona.

Mr. KENNEDY. I appreciate the position of the majority leader in moving now to a debate on the Central American issues—both El Salvador and Nicaragua. I also understand the Senator from Tennessee has an amendment regarding Honduras. I have offered a number of amendments as have my colleagues.

I certainly want to cooperate with the leader in moving toward a conclusion on this important supplemental appropriation bill. But I would also point out that this may very well be the most important foreign policy issue that will be debated in the Senate this session.

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senator's point is well-taken. It is absolutely essential that we have silence now so we may hear the debate. We will not proceed until there is silence in the Chamber.

Will staff please take their seats? Those Senators who are not in their seats please retire to the cloakroom or elsewhere so that we may proceed with this debate and hear the remarks of the various Senators participating in the debate.

Mr. KENNEDY. I thank the Chair.

We have now completed a discussion about oil merger legislation. That discussion and debate took some 3 days. We had a 2-week debate on the constitutional amendment regarding school prayer. We now face a situation in which aspects of the supplemental appropriation bill that deal with Central America have not been considered by the Senate Foreign Relations Committee and were considered only very briefly in the Senate Appropriations Committee.

It is imperative that we have the opportunity for a full dialog, discussion and debate on our Central American policy. I know a number of our colleagues want to express themselves on this issue. As I mentioned before, this debate on Central America—along with the debates that took place on Lebanon from which there are important lessons to be drawn—will certainly be the most important foreign policy debates this session. I hope we will have the opportunity to discuss these amendments and to do so in a full and complete way. I know the attention of the country will be on Central American and this legislation.

I am prepared to proceed in whatever way the majority leader proposes. If he wants to consider the amendments that would be offered or see that the effective compromise amendment which has been worked out by the majority leader and Senator INOUYE is laid down, we could begin the debate and discussion on Central America. Whatever way he would like to proceed, I certainly will cooperate in every possible way. But I do think it is important for Members to know that we will have a chance to get into these various measures, engage in an informed and enlightened discussion and debate, and then get a final judgment on this matter.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the Senator from Arizona asked me to yield to him and I am happy to do so now.

Mr. DECONCINI. I thank the majority leader.

My concern is that it appears to me the issue we are about to go to is indeed quite substantive and may take many hours and many days. I have an amendment not dealing with this area at all that I am anxious to offer and have some debate. I do not want to infringe upon the Senator from Hawaii. He is waiting here and certainly deserves to be recognized.

I wonder if the majority leader can at least give us his thoughts as to what he intends to do with this whole process, if we are talking about hours or days, or would he consider suggesting some periods of relaxation on this very crucial issue of Central America and go to some other amendments, mine and maybe some others.

Mr. BAKER. Mr. President, there are a number of Senators who have amendments. As the chairman of the committee pointed out to me a few moments ago, there are 25 on this list. Most of them, frankly, do not deal with Central America.

But I have announced for sometime now that we would attempt to get a Central America amendment, particularly the Inouye amendment, immediately after the disposition of the oil merger matter. I would like to go to that now.

I say to my friend from Arizona that after we finish that one, or even while we are debating it for that matter, if we could work out a short time agreement on the Senator's amendment, I would consult with the Senator from Hawaii to see if he might agree that we temporarily lay aside his amendment and take up the amendment of the Senator from Arizona. I am sure he understands that in order to do that we will have to have a time agreement. I will be happy to try to get one if he wants to do that.

And I thank the Senator from Massachusetts. I understand his point of view and I respect it. It is not one that comes as a surprise. I understand the depth of his feelings on this subject. By the same token, he understands the depth of my resolve and determination on the subject.

But I would like at this point, if I may, to say to the Senator from Arizona that if he will shop for a time agreement, I will help him and we will see what we can work out. I understand his problems, too, and they are very real ones and I will try to cooperate.

But what I would like to do now is to yield to the Senator from Hawaii so that he may offer the amendment which is the subject of our discussion and the several announcements that were made on Thursday last. If the Senator from Hawaii is prepared to offer his amendment now, I am prepared to yield to him so that he may seek recognition to do so.

AMENDMENT NO. 2853

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUYE) proposes an amendment numbered 2853.

On page 3, line 6, strike "$92,750,000" and insert in lieu thereof "$61,750,000".

Mr. INOUYE. Mr. President, the Appropriations Committee at its markup meeting considered a supplemental appropriations for El Salvador. The amount requested was $91,750,000 to cover the cost of carrying on the military activities until the end of this fiscal year. At that time, an attempt was made to postpone consideration of the administration request until after the elections. The elections that were just held this past Sunday.

By a vote of 16 to 13, the proposal to postpone the consideration was defeated. At this markup meeting, I suggest-

ed that I will be prepared to submit to the Senate an amendment to the committee's $91.7 million, an amount of $49,250,000, an amount suggested by the Pentagon to be that which will be necessary for the Salvadoran military forces to carry out until the end of this fiscal year, military activities at its current level.

The amendment I have presented to the Senate has the $49 million plus $12,500,000. The $12,500,000 covers a sum which is considered necessary to provide necessary training to Salvadoran personnel, medical personnel, to provide ambulances and to provide medivac helicopers. It may be interesting to the Senate to note that in this tragic war in El Salvador 67 percent of those men and women who are injured as a result of the war die of their wounds. Compared to World War II, another terrible war, at that time only 11 percent of the wounded died. In El Salvador in the year 1984, 67 percent are dying. In the Civil War, 50 percent died. Therefore, I felt there was justification to provide this additional $12.5 million to give to the Salvadoran Armed Forces the capability of assisting their wounded.

This, Mr. President, simply put, is the amendment. I hope that the Senate will be able to approve this amendment, which will provide: one, the capability of the armed forces to carry out the present level of military activities until the end of this fiscal year; and, two, provide sufficient funds to train medical personnel and provide the necessary transport for their wounded.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, the amendment being offered by the distinguished Senator from Hawaii, the ranking member of the subcommittee, would, as he said, reduce the committee recommendation from $92,750,000 to $61,750,000, and would eliminate the requests for communications equipment, Air Force equipment and vehicles. Mr. President, I am going to support the amendment of my good friend and ranking Member. Typically, the Senator from Hawaii has come forward with a proposal in an effort to reach a bipartisan compromise. I am hopeful that, in fact, this vote will demonstrate strong bipartisan support for this funding.

While I have been chairman of the Foreign Operations Subcommittee for but a short time, I have come to value almost more than anything else the need to approach foreign policy questions in a bipartisan fashion. I have been fortunate, Mr. President, in having the ranking member, the distinguished Senator from Hawaii, who also believes in that principle, work with me to establish this bipartisan cooperation. There is no other Member of this body for whom I hold greater respect than the Senator from Hawaii. His action today, as I say, is typical of the cooperative, harmonious way in which he has tried to work in the subcommittee, and, I should say, in the Senate as a whole.

I am supporting this amendment because I believe that the element of bipartisan cooperation is so important. I do want to state that I believe the administration made a very reasonable case, a very strong case, that all of the items that it originally requested—the full $92,750,000—were of an emergency or urgent nature and deserved our support. The Senate generally was coming to a realization of that fact, but as I said last Thursday, the bipartisan concensus which this amendment brings us is very important and, therefore, the reduction is justified.

As the Senator from Hawaii knows, we will be considering the remainder of the administration's military assistance supplemental request over the next several months. I feel confident that he, the committee, and the Senate will see the necessity for that funding as well, especially since by that time we will have come to policy agreements and also the recommendations of the Kissinger Commission will have had an opportunity to be more fully explored by Members of the Senate.

Mr. President, the emergency case which has been made for the items covered by Senator INOUYE's amendment is overwhelming. We were simply talking about supplies that have run out, or will run out, before Congress is able to consider the remainder of the fiscal year 1984 package. I know of no one who is trying to make a case that these items are not needed, and, of course, as I said earlier, I believe that the entire $92,750,000 request originally put forward was overwhelmingly justified.

In particular, the medical support that the Senator's amendment includes must be emphasized: This $12.5 million will purchase 4 medivac helicopters, and 44 field ambulances and equipment for hospitals and for dispensaries. Currently—and this is a tragedy—in El Salvador 1 in 3 wounded soldiers died as compared to 1 in 9 or 10 in U.S. military combat action in the recent past. The key requirement is for a capability to evacuate the wounded to the hospitals. When wounded El Salvadorans are evacuated to the hospitals, their survival rate is excellent. It is over 90 percent. I would guess that this particular item could be provided later. However, this takes on an element of humanitarian assistance which I cannot see the United States turning down.

I suggest to the Senator from Hawaii that we would adopt his amendment. My suggestion would be to the Senator from Massachusetts in terms of managing the bill to adopt the amendment of the Senator from Hawaii, which we would be prepared to do at this moment on a voice vote, and then all other amendments that would come before us would essentially be to the bill as amended.

I would be happy to yield to the Senator for a comment.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. INOUYE. Mr. President, I am happy to do so.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

The Senator from Wisconsin has the floor.

Mr. INOUYE. Mr. President, I ask my chairman if his proposal calls for the request for unanimous consent to consider this as original text with my amendment?

Mr. KASTEN. Mr. President, I did not make that suggestion, but I think that would be the way to proceed. That will protect the Senator from Massachusetts.

Mr. INOUYE. I would think so, Mr. President. That would clarify the picture instead of going through another unnecessary step.

Would that be acceptable to the Senator from Massachusetts?

Mr. KENNEDY. Mr. President, that suggestion would address the particular procedural issue in question. It does seem to me, however, just as a matter of debate and discussion, that it is important that we focus the debate on the Inouye amendment. I would object at this particular time to a consent agreement that would accept it. There may be a time when we can move in that direction, but at this point, at least, I would object to a consent agreement.

Mr. KASTEN. Mr. President, I shall simply say that on behalf of the committee, I am prepared to accept the Inouye amendment.

I yield the floor at this time, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. STENNIS. Mr. President, will the Senator yield to me for 1 minute? I think something should go into the record.

Mr. KENNEDY. I yield to the Senator from Mississippi, Mr. President, without losing my right to the floor.

Mr. STENNIS. Mr. President, on behalf of the minority, I want to say I accept the amendment that has been approved as far as I know.

Mr. KENNEDY. Mr. President, today, we begin a historic debate. The outcome of this debate may well decide whether the United States of America moves toward greater war in Central America or whether our

Nation will finally turn toward peace in that region of the world.

The questions are simple: Should the U.S. Senate vote to support President Reagan's policy of sending more guns, more ammunition, more war to the beleagued nations of El Salvador, Nicaragua, and Honduras? Should the U.S. Senate vote its approval for a course that will inevitably lead to the involvement of U.S. combat troops? Or is it time now for us to call a halt to the militarization of Central America, time now to take the first steps toward negotiation, reconciliation, and peace?

I have introduced a number of amendments to this legislation that will raise these issues. In the course of debating these amendments—and many others that other Senators have stated they intend to offer—we shall be deciding on the future of our relations with the nations of Central America.

For 3 years in El Salvador, we have poured the treasure of the United States into support for a government that has tolerated—if not actively organized—gross violations of human rights. There has been murder of political opponents in El Salvador. There has been torture. There has been kidnaping; 38,000 innocent civilians have been killed. Today, the administration seeks to send an additional $62 million of military assistance to that same government.

Mr. President, I recognize that El Salvador is in the midst of an election process. I believe that we should not appropriate any military assistance for the new Government of El Salvador until we know who will be in charge of that new government. The Reagan administration has stated that the human rights situation in El Salvador is improving. Yet, in the election runoffs, the people of El Salvador may elect as their next president a person who has personally been implicated in the death squads, a person who was reported to have been personally involved in the murder of Archbishop Romero, a person who has pledged to turn back the progress that has been made in land reform, a person who has vowed never to negotiate a peaceful settlement with the opposition.

Last December, Vice President BUSH made an important statement to the President of El Salvador on the issue of death squads.

He said:

> These right wing fanatics are the best friends the Soviets, the Cubans, the Sandinista comandantes and the Salvadoran guerrillas have. Every murderous act they commit poisons the well of friendship between our two countries and advances the cause of those who would impose an alien dictatorship on the people of El Salvador. These cowardly death squad terrorists are just as repugnant to me, to President Reagan, to the U.S. Congress and to the American people as the terrorists of the left.

I want to associate myself with those remarks, Mr. President, because I agree with them. I think that Vice President BUSH spoke the truth that day. He went on to tell President Magana:

> I ask you as a friend not to make the mistake of thinking that there is any division in my country on this question. It is not just the President, it is not just me or the Congress. If these death squad murders continue, you will lose the support of the American people, and that would indeed be a tragedy.

That statement by Vice President BUSH was also true. This is one reason why I cannot understand why this administration would rush a vote on emergency aid to El Salvador before we know the outcome of the Salvadoran elections.

Vice President BUSH and I agree. We agree that the death squads are composed of right wing fanatics. We agree that every murderous act that they commit poisons the well of friendship between the United States and El Salvador. We agree that the death squads are filled with people who are cowardly terrorists. These are the words of the Vice President, and I agree with him. Unfortunately, the death squads appear to be linked with the security forces of the Government.

But most of all, I agree with Vice President BUSH that there is no division in this country on the issue of the death squads. "If death squad murders continue," said the Vice President, "you will lose the support of the American people."

Next month, the people of El Salvador may elect a person reported to be the leader of the death squads to be the next President of El Salvador. And today, the administration asks the Congress to give El Salvador another $62 million for more guns, for more bullets, for more killing.

Next month, Mr. President, the people of El Salvador may choose to turn their backs on human rights. They may vote for the death squads, for terror, for torture, for many death and destruction. And today the Reagan administration asks Congress to give El Salvador another $62 million in additional military assistance.

Next month, the people El Salvador may elect someone alleged to be a murderer to be their President. They may choose to give their highest office to a man who is reported to have given the order to assassinate Archbishop Romero. And today, the Reagan administration is asking the Congress to give El Salvador—or possibly to give Roberto D'Aubuisson—another $62 million in guns and ammunition and military equipment.

The $62 million set forth in the Inouye amendment provides military assistance to El Salvador until the end of fiscal year 1984—or until the end of September 1984. But I think we should appropriate only that amount of money that will be needed to maintain military assitance at the present level until the end of May through the election runoff. We should appropriate $21 million to last until the end of May rather than $62 million intended to last until the end of September.

Roberto D'Aubuisson is reported to be the person who organized and directed the death squads, who identified the victims who were to be dragged from their homes in the middle of the night to be shot down in the street. It is obscene to think that the people of the United States would be sending their tax dollars to support such a man.

I agree with Vice President BUSH. On this issue, "There is no division in the United States. It is not just the President, it is not just me or the Congress. If these death squad murders continue, you will lose the support of the American people."

For this reason, Mr. President, I am introducing an amendment that will provide military assistance to the Government of El Salvador only through the end of May of this year. A military solution is no solution to the conflict in El Salvador.

Mr. President, in addition to my amendment proposing that we curtail the level of military assistance to El Salvador, I also intend to offer a series of amendments that impose conditions on the use of aid to El Salvador.

I know that Senator KASTEN has set forth certain conditions in the administration's bill. But I find these conditions to be inadequate. There is no mention of land reform, there is no mention of the murder of the four American church women, there is no mention of the case involving the two murdered American labor advisors. Although Senator KASTEN's conditions do make mention of the death squads, I think Congress should take concrete, specific action on the issue of death squads.

I am proposing an amendment that will call on the Select Committee on Intelligence in the House and in the Senate to conduct an investigation of death squad activities in El Salvador. We need some questions answered for ourselves. Is there any truth to the allegation that highly-placed members of the Salvadoran Government have been personally involved in death squad activities? Is there any truth to the allegation that the apparatus for the death squads still exists, waiting for the right moment to go back into action? Has the Salvadoran Government taken any meaningful action to eliminate these death squads and to hold the leaders of the death squads responsible? Have there been any prosecutions? Have there been any convictions? Has there been any justice for the victims of terror and tor-

ture in El Salvador? Or is that Government so tainted, so compromised, so involved itself in the use of death squads as a political tool that justice for the people of El Salvador is impossible?

Has there been any support of individuals in the Salvadoran Government, paid for by the Central Intelligence Agency, who have been involved in the death squad activities as has been alleged and reported recently in the press?

We must have answers to these questions.

I agree with Vice President BUSH and with Ambassador Pickering that the people of the United States will not continue to support the Government of El Salvador so long as the death squads continue. My amendment simply sets forth a mechanism by which the Congress of the United States can find out for itself what has been done in the past and what we can expect in the future.

CONDITIONS ON AID TO EL SALVADOR

I have also introduced a series of amendments that would require that any military assistance we send to El Salvador should be more carefully conditioned on progress on human rights and other reforms.

Let me take them up one by one.

The first provides that no more funds should be provided to the Government of El Salvador after May 31, 1984, unless there has been a verdict in the case of the four American churchwomen murdered in December 1980.

I wonder if it is really too much to expect that we are going to have a final verdict in this case, which is effectively 4 years old. American churchwomen were brutally murdered and raped. Information regarding those individuals was generally known certainly to those in our Embassy and to the members of the Government in El Salvador. The United States through the FBI gave support for various ballistic tests and other review of evidence and returned the results to El Salvador 3 years ago. There still has not been a trial or a verdict in this case.

I could go into greater detail on the continuing pronouncements by Salvadoran and other officials that we could expect a trial to take place "in a few weeks."

We have heard those statements time in and time out. Still, there has been no justice. When are we going to fulfill one legitimate interest in the lives of Americans? It is not too much to assert that before we send more millions of dollars of American taxpayers' money to El Salvador we expect to have that particular case resolved.

So, Mr. President, I feel we should set a condition that unless there is a final verdict in this case by May 31, 1984, no further funding for military assistance will be provided.

The continuing resolution passed by the Congress and signed into law by the President last fall withheld 30 percent of the sum appropriated unless there was a verdict in that case.

In its rush to send more bullets to El Salvador, the administration proposes that we just forget the conditions imposed by this provision.

Ask the families of Maura Clarke, Jean Donovan, Ita Ford, and Dorothy Kazel whether we should forget that provision. I believe we should stick by the language which the President agreed to: No additional funds should be appropriated after May 31, unless the earlier appropriation has been used up—thereby requiring a verdict in the case.

Let us remind the administration that the Specter amendment still exists. Let us declare that we will wait no longer for justice to be done.

Five national guardsmen have been arrested and charged with the crime. They have not been tried. They have not been convicted. They have not been punished.

Is it too much to expect that by 1984, justice would have been done for crimes committed in 1980?

We have heard time and time again the shortcomings of the Salvadoran judicial system. And we have heard time and time again that the final trial stage will take place in a matter of weeks.

Let us stand with the families of those American churchwomen and insist that justice be done, and that it be done now.

My second amendment provides that no funds shall be provided to the Government of El Salvador after May 31, 1984, unless the prosecution has begun in the case of the two American labor advisers murdered in January of 1981.

It has been over 3 years since Michael Hammer and Mark Pearlman were gunned down in cold blood. What was their offense? As employees of the American Institute for Free Labor Development, they were working for social justice in El Salvador.

After these 3 long years has the man who allegedly ordered the murder of these two Americans been brought to trial? No. Two ex-national guardsmen have confessed to shooting the Americans and have been ordered to stand trial but no trial date has been set. And the man who allegedly gave the order has not even been charged. Lt. Lopez Sibrian remains a free man. Even the Department of State, in its January 1984 report on El Salvador, acknowledges there is a "substantial body of evidence indicating that Lopez Sibrian ordered the two guardsmen to commit the murders."

The State Department report says the case has been "plagued by adverse rulings by Salvadoran courts."

I say this is an outrage.

How long will we tolerate this injustice?

If there is a substantial body of evidence against Lopez Sibrian, then he should be charged and stand trial. Surely that is not too much to expect.

In these cases of murdered American citizens, words are no longer sufficient to underscore the depth of our concern. We must be prepared to take strong steps to underscore our commitment. That is why I propose that no more military assistance be provided after May 31, unless the Salvadoran Government has begun a prosecution in that case.

The third amendment conditions the provision of military assistance on continued progress in land reform.

The bill before us (H.J. Res. 492) contains a glaring omission: Its list of conditions fails to mention land reform.

The 1981 International Security and Development Cooperation Act declared it should be U.S. policy to support land reform. It required the President to certify that the Government of El Salvador "is making continued progress in implementing essential economic and political reforms, including the land reform program" as a condition for American military assistance.

The continuing resolution for fiscal year 1984 also required a certification of progress in land reform.

Even the report of the National Bipartisan Commission on Central America asserts that "the pervasiveness and depth of rural poverty make improvement in rural incomes and living standards especially high priorities. Agrarian reform programs should continue to be pursued as a means of achieving this."

We cannot forget land reform.

Omission of progress in land reform as a condition for American military aid would send entirely the wrong signal.

Omission would embolden those Salvadoran forces who in recent months have sought to kill the program in the Constituent Assembly.

Omission would weaken the cause of those moderate forces seeking to redress the root causes of the Salvadoran conflict—social and economic injustice.

We omit this reference at our own peril.

I urge that we reassert the U.S. commitment to social and economic justice in that country by adopting this amendment.

UNCONDITIONAL NEGOTIATIONS

Mr. President, perhaps the most basic policy choice is presented by the amendment that conditions military aid to El Salvador on a demand for mutual pursuit of a negotiated solution to the conflict. It is a demand for

mutual action by the guerrillas and the Government of El Salvador to agree to unconditional negotiations instead of continuing to engage in unending bloodshed.

The amendment is quite clear. Unless the President certifies by June 30, 1984, that the Salvadoran Government has agreed to participate in unconditional negotiations with all major parties to the conflict in El Salvador, unless it agrees to attend and to negotiate in good faith, then all military aid will cease. The sole exception to that arms cutoff would be if the FDR/FMLN fails to agree to those same steps: First, agree to unconditional negotiations; second, agree to attend those negotiations; third, agree to negotiate in good faith.

This amendment permits the Members of this body and the American people to choose between the present Reagan administration policy of a military solution to the conflict within El Salvador and a policy that recognizes that peace will not come to El Salvador unless there is a negotiated end to the conflict.

The administration policy was stated quite succinctly by the Undersecretary of Defense, Mr. Fred Ikle, before the Baltimore Council of Foreign Relations on September 12, 1983. He said:

> We do not seek a military stalemate: We seek victory * * *. We can no more negotiate an acceptable political solution with these people than the Social Democrats in revolutionary Russia could have talked Lenin into giving up totalitarian Bolshevism.

The Baltimore Sun accurately noted:

> This is about as close to a call for a "military solution" as a skilled semanticist can get without uttering the precise words.

One can also recall the Secretary of State's words before the House of Representatives on February 23, 1983, when asked about negotiations. His response was, "no dice."

And so the administration remains committed to its "Johnny one-note" refrain of more military aid, more weapons, more bullets, and more human suffering.

The policy of military escalation—an eightfold hike in military aid, thousands of American troops on continuous maneuvers in and around Central America, overflights by U.S. aircraft, military advisers in combat adviser roles—has been tried.

It has failed.

The guerrillas are more numerous now than 3 years ago.

They control more land than ever before.

The guerrillas' major source of arms is the aid we send to the Salvadoran Armed Forces.

And the Salvadoran military remains an unreformed collection of fiefdoms who have killed vast numbers of innocent civilians.

Now the time is long overdue for pursuing the path of negotiations.

And the only way to accomplish that is an amendment in law that will direct this administration into pressuring the Salvadoran Government into accepting those negotiations.

The Salvadoran Government of President Magana told the New York Times on June 19, 1983, just after the House Foreign Affairs Committee passed a requirement for an unconditional dialog, "We are not going to satisfy that condition."

The Times reported,

> The Provisional President of El Salvador said today that they would not comply with United States congressional stipulations that his government begin unconditional discussions with insurgents * * *."

Equally clear were Magana's comments to the Miami Herald on October 9, 1983, He said,

> When the left suggests San Salvador as a meeting place [for negotiations], the problem is that they are committing crimes against the country. If they come here, I would have to order them arrested.

The reality is that both the administration in Washington and the administration in San Salvador have to be compelled to end the pursuit of military victory and to start immediately on a course of unconditional negotiations under international auspices to end the conflict.

On January 31, 1984, the FDR/FMLN issued a statement accepting the process of unconditional negotiations, reiterating their previous statements in this regard. They, too, would have to agree under this amendment to unconditional negotiations, to attend and to negotiate in good faith.

Some have questioned whether they in fact would be willing to sit down at a negotiating table under international auspices. This amendment will put them to the test.

Negotiations to end the conflict have been called for by the contadora countries, by Pope John Paul II, the Salvadoran Bishops Conference, and by a host of other world leaders.

Now the Senate can take the first step in altering the course of our current policies in El Salvador, a course which is leading day-by-day to greater U.S. military involvement. Approving this condition will require all parties to begin to plan for the negotiating table, rather than the battlefield.

PRIOR APPROVAL FOR GROUND FORCES IN EL SALVADOR, NICARAGUA, AND HONDURAS

Mr. President, throughout the world, the Reagan administration has demonstrated an instinctive resort to military force as a substitute for serious diplomacy. In Central America, we need to create a chance for diplomacy to work before the President takes the United States any closer to combat in that troubled region.

For this reason, I have submitted an amendment that prohibits the introduction of U.S. ground combat forces into El Salvador, Honduras, or Nicaragua unless Congress has declared war or authorized in advance the introduction of those troops.

This amendment would preserve the President's authority to introduce forces he determines necessary to respond to a clear and present danger of military attack on the United States or to provide for the immediate evacuation of U.S. citizens.

If anyone has any doubts on the question of whether this administration has put the United States on a track of military escalation in Central America, look at the record:

Two years ago, there were only a handful of American military personnel in Honduras: Today there are 1,900—that number is expected to double during exercises scheduled to begin shortly.

Last summer massive American ground exercises were held in Honduras, involving at the peak over 5,000 American troops.

Three aircraft carrier battle groups have operated off the shores of Central America in the past 9 months.

The administration has waged a secret war against Nicaragua for over 2 years.

This amendment reflects a deep and growing concern that the administration is taking this country to war in Central America. Congress must not permit the President to go to war in Central America without the consent of the American people.

The War Powers Resolution is not enough. We need to protect the right of Congress to exercise its constitutional responsibilities. The failure of administration policy in Lebanon demonstrates that even the War Powers Resolution gives the President too much leeway to commit American combat forces where the security interests of the United States are not directly at stake.

We must seek to prevent costly mistakes. Let the President come to the Congress and make the case for the use of force. If the cause is just and the reason compelling, I have no doubt Congress will take the right decision, and act promptly.

But force is not the answer to Central America's crisis. By adopting this amendment let us urge the administration to halt its rush toward military confrontation in the region. In our relations with that troubled region, let us return to the spirit of the Alliance for Progress and recommit this Nation to the path of diplomacy and negotiation.

HONDURAS

In addition, I have introduced an amendment to prohibit U.S. military exercises in Honduras unless the President has obtained approval in advance from the Congress. Grenadaro I—scheduled to begin next week—should be canceled so the Senate and the

House will have time to conduct a full review of the President's policy toward that country.

Over the past year, the President has mounted U.S. military exercises in Honduras on an unprecedented scale. In the course of those exercises, the administration has also embarked on a dramatic buildup of military facilities and the American military presence in Honduras.

Honduras has become the spearhead of administration military strategy in the region without full congressional review. The military exercises, the administration tells us, are to show American readiness to defend our interests. The administration also tells us that "military construction is synonymous with commitment."

But what are those administration commitments?

The American people are entitled to know what our Government's intentions really are and what risk we incur before the way is paved for a permanent American military presence in Honduras, and before American troops back inadvertently into a battle that drags us into a full-fledged war.

The risks of conflict involving U.S. forces are real. One American officer has already lost his life when the helicopter he was flying in January strayed into Nicaragua and was downed by the Nicaraguans on the Honduran side of the border. More exercises risk more American casualties. Congress must ask whether those risks are warranted.

The Big Pine series of exercises launched last year were unprecedented in complexity, scope, and duration. At times the Central American isthmus was bracketed by two U.S. carrier battle groups as up to 5,000 American troops maneuvered across Honduras. Four airfields were built or improved during these exercises. Huts went up, roads were improved, miles of tank traps dug and radar stations deployed.

Even with the conclusion of Big Pine II last month, a residual presence of almost 1,900 American military personnel has remained behind to prepare for the next exercise.

The Defense Department has now disclosed that the next exercise—Grenadaro I—will include construction of two strategically located assault airstrips near the borders of El Salvador and Nicaragua and for the first time will involve soldiers from Panama, Guatemala, and possibly El Salvador. This exercise will bring Army construction battalions ever closer to the tense borders with Nicaragua and El Salvador.

Can the administration assure us that these forces will really be out of harm's way?

A further exercise is planned for May involving 1,000 troops to be sent to Honduras for antiguerrilla warfare training.

The Congress must review this policy of military escalation before any more American lives are put at risk.

What are the contingencies against which American troops are being exercised?

Do administration objectives warrant the risk of an incident that might catapault the United States into an unwanted Central American war?

What is the impact on the Contadora peace process? Members of the Contadora governments have criticized these exercises. The increasing American military presence appears to have made some Central American governments less willing to make the necessary compromises for regional peace.

And finally, we must evaluate the toll taken on Honduras' democracy by the major American military buildup.

There may be arguments in favor of such exercises, but there should be a free and open debate about the issue before we back into a commitment that many Americans do not understand, much less support.

I urge my colleagues to support this amendment as a way to prevent the rush toward military confrontation in Central America.

PUTTING AN END TO THE COVERT WAR

Mr. President, my amendment No. 2843 would delete the continuation of American funding of the counterrevolutionary terrorist groups who are seeking to overthrow the Sandinista government in Nicaragua.

This is the first time that the U.S. Senate will openly debate and specifically vote on whether to continue the covert war that long ago lost its cover.

The American people know, the Nicaraguan people know, the Honduran people know—that the United States has been violating its own international treaty obligations by funding groups committed to the overthrow of another sovereign government of this hemisphere.

They know that we are funding a group made up largely of ex-national guardsmen of the former Somoza dictatorship. And they know that those groups are mining harbors, bombing granaries, and killing Nicaraguan peasants, militia, and anyone else who happens to be in their way.

For any who may doubt the purpose of those Contra activities, it might be useful to recall the statement of their leader Enrique Bermudez. House Intelligence Committee Chairman EDWARD BOLAND stated last year that Bermudez had said,

> It is not acceptable to carry out missions to interdict Cuban and Russian supply lines to El Salvador. We are Nicaraguans and our objective is to overthrow the Communists.

The use of our dollars, of our weapons, of our training, of our advice to the Contras is no longer in question. They are being used to carry out a military attack on the Government of Nicaragua.

Let me offer to my colleagues the basic reasons why I believe the aid to the Contras must be terminated.

First, it violates our own international legal obligations. Article 18 of the charter of the Organization of American States reads:

> No state or group of states has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any other state.

The United States is violating that provision under virtually any interpretation. Nor has there been any attempt to obtain international legal backing to justify any action against the Nicaraguan regime. We have not sought or obtained approval for any collective action and clearly we have no claim on the basis of self-defense. Nicaragua has not attacked. We have full diplomatic relations with that government as do most of the nations of the world. Support for the Contras' terrorism against a member state of the OAS and the U.N. places us in an untenable legal position.

Second, covert support for the Contras threatens to expand the war rather than to build the peace: The covert war already has become the linchpin for Honduran military threats, harassments, and growing military pressures. Support for the Contras has meant that today we are closer to Honduran-Nicaraguan hostilities than before the Contra aid began. Firefights across the border already have occurred and a U.S. reconnaissance helicopter pilot has been killed because of this misguided policy.

Third, the covert war diminishes the chances for negotiations that could promote our interests in Central America: It is very difficult to expect the slim hope for negotiations to grow while the soil is being poisoned by the covert war.

We have seen a host of firm proposals for negotiations from the Contadora nations. The Government of Nicaragua has not only stated that it accepts the Contadora framework and signed the Contadora 21 point declaration, it has expressed its willingness to negotiate both bilaterally with the countries of Central America and the United States as well as its willingness to negotiate multilaterally.

Nicaragua has agreed to negotiations under Contadora, under the U.N. Security Council and it has stated that it was ready to negotiate a verification process on each item by an international entity.

Yet the administration has blindly sought to divert any attention to those possibilities. Instead, they have demanded more weapons to go to the Contras, and that is where we stand today with this supplemental appropriations legislation.

Fourth, the covert war diminishes sharply the chance to promote the kinds of pluralistic steps inside Nicaragua that we all would like to see.

It has given the firmest justification to those who want to close down Nicaraguan society. And it has forced into silence all those who want to see a different path for the Nicaraguan revolution.

The support for the Contras reduces rather than improves the chances for pluralism inside Nicaragua. Instead of having no excuse for open and free political debate, for demonstrations, and organizing throughout the country prior to the November elections, the Sandinistas point to the daily terrorist attacks as their excuse.

Fifth, the covert war also damages our image and credibility internationally and disillusions our own people as well.

Supporting the Contras is a vestige of the worst aspect of past American foreign polices. It is interventionist. It is imperialistic. It violates agreements. It violates values. We are seen again in this region as the ugly American.

The American people as well have little faith in a policy of support for mercenaries and former Somoza national guardsmen in order to overthrow a government that we do not particularly like. And when our policies, as does his policy, tarnish our values, it will not and should not draw the support of the American people.

There is a final reason that I would suggest that my colleagues consider. Simply stated, the covert war has not worked.

It was supposed to stop the Salvadoran guerrillas from getting arms. It did not.

It was supposed to topple the Sandinista regime. It has not.

It was supposed to isolate Nicaragua. It has not.

It was supposed to produce a popular uprising in opposition to the Sandinistas. It did not.

In conclusion, Mr. President, the reasons for ending support to the Contras have nothing to do with whether or not I like or dislike the Nicaraguan regime. The reasons to oppose support to the Contras are the following:

It has not worked.

It violates our values.

It harms our interests.

It adds to the growing risk of a Central American war.

It adds to the dangers of further U.S. military involvement.

It diminishes the chances for negotiations.

It diminishes the chances for peace.

I would hope, Mr. President, that we could debate these issues over the next few days and that we could have a full and complete debate and that we would not be required to rush to any judgments until we have had such a debate.

As I heard the leader mention earlier, he plans to recess about 6 p.m. I would be happy to divide the time between now and then evenly if the Senator from Hawaii and the majority leader wish to do so. I have a good deal more to say, but I am happy for others to have a chance to speak.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. KENNEDY. I would be glad to yield the floor or yield for a question.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I rise to comment on just two of the proposals made by the distinguished Senator from Massachusetts. One is on his amendment 2836, which he introduced on March 26 of this year.

The Senator says that this amendment is based on his perception that there have been persistent allegations that high Salvadoran officials are deeply involved in death squads, possibly with the complicity or acquiescence of the CIA. The amendment states the following:

> The Senate and House Select Committees on Intelligence, in coordination with the Senate Foreign Relations Committee and the House Foreign Affairs Committee, shall conduct a full investigation of death squads in El Salvador and shall report to the Senate and the House of Representatives by May 31, 1984, on the extent of death squad activity, responsibility for organizing, directing and carrying out death squad killings, and progress in prosecuting those responsible for such killings.

Mr. President, there are several reasons that I would oppose this amendment. I do this not just as chairman of the Senate Select Committee on Intelligence, but for these other reasons as well.

We do not need legislation to prepare a report on the death squads. The Senate Intelligence Committee routinely does reports on its own recognizance or, if requested by other committees or Members of the Senate. The process is very simple: It involves a Senator writing to the chairman and/or to the vice chairman of this committee to make a request for a report. Now I cannot recall that Senator KENNEDY has ever written us or attempted to get in touch with our staff on the matter of death squads. So why does he now feel he needs legislation for such a report?

On Thursday, March 8, 1984, Secretary of State Shultz and CIA Director Casey both appeared before the Senate Select Committee on Intelligence with regard to Central America. During that hearing, questions were asked which involved the issue of death squads. Also, during previous hearings of our committee, the issue has been raised. To date, Mr. President, no member of our committee has asked that the issue of death squads be further investigated over and above what we have routinely done. Nor has Senator KENNEDY asked any member of our committee about the work that we have done to date.

I do not know what motivates an amendment on this issue when we have yet to receive a phone call or a letter. And I repeat what I have said. The committee has done some research on this subject. We have had it augmented by reports from not just one member of the intelligence family, but from many. Added to that, there have been visits by members of the staff and by members of the committee to that area of the world to investigate numerous allegations.

A surprising thing to me, Mr. President, is that we have recognized the People's Republic of China. Now, they only killed 50 million people. And we recognize the Soviet Union. They killed about the same number.

I do not support the death squad idea. I do not support the idea of killing people off just for the——

Mr. KENNEDY. Will the Senator yield for a question?

Mr. GOLDWATER. Yes.

Mr. KENNEDY. Would the Senator now tell the U.S. Senate whether Mr. d'Aubuisson was or is involved in any way whatsoever with death squad activity?

Mr. GOLDWATER. I cannot do that in open session. If you want to hear it, you could call for closed session.

Mr. KENNEDY. Do you not think the American people—we are talking about providing the taxpayers' money that may very well go to a government——

Mr. GOLDWATER. I have to observe the same rules you have to observe relative to classified information. You are getting into an area now that would require a closed session of the Senate.

Mr. KENNEDY. Would the Senator yield for a further comment? If the answer was, "No," that he was not, it does not seem to me it would be very difficult to make that statement or that comment.

Mr. GOLDWATER. The Senator understands the issue of classified information as well as I do.

Now, you have set a date of May 31, 1984, as a deadline for doing this report. If a report is to be thoroughly done, it will take a longer period of time than 2 months. I do not know why a specific date calling for 2 months or 3 months or 4 months is required. If the Senator would visit our committee headquarters, I think he could find all the information that he has talked about today, and probably a little bit more.

The Senator has also asked that the report include a section on progress in prosecuting those responsible for such killings. Now this issue is one involving due process of law and would seem to fall within the area of expertise of the

Senate Judiciary Committee. As the former chairman of the Judiciary Committee, I would think the Senator from Massachusetts would want the Congress of the United States to respect due process everywhere.

While I think it is possible for our committee to do further work on the issue of death squads in Central America, it is clear to me that amendment 2836 is not motivated entirely for the purposes of acquiring this sort of information. While we do not like to accommodate this kind of thing, we will do some more work if it is justified.

Mr. President, I will not speak further tonight because the hour is getting late. I understand we are going out in about an hour. But I will have further comments to make on another amendment. It will be the only other amendment that applies directly to the work of the Senate Intelligence Committee, and is No. 2843.

I wanted to make these comments because I think the President is the only man in this country that can send our people to war. Contrary to what some people feel, namely that the Congress can declare war, they cannot unless troops have been called out. The President has that sole power. And it has been his thinking in this particular case that we should do the things that the Senate Intelligence Committee has approved for the past 2 years.

So I would speak to the point that the President has asked for this money as a point of foreign policy. Frankly, we can comment on it, but there is little that this body can do legally to change whatever the President may want to do, whether we agree with it or not. I will comment further on this, Mr. President, at a later time.

Several Senators addressed the Chair.

Mr. KENNEDY. Will the Senator yield for a question? Will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona has yielded the floor.

Several Senators addressed the Chair.

Mr. KENNEDY, Mr. President, let me just take a few more minutes today to express my objections to this measure.

I am deeply concerned about the way the Senate is being abused by the administration into taking up this unseemly and unwarranted request for more military aid to El Salvador and more funds for President Reagan's secret war against the Government of Nicaragua.

I believe that the Reagan administration's policies are wrong for the United States, wrong for Central America, and wrong for the cause of peace. The Congress should not be stampeded into another ill-considered ratification of policies that may well haunt us for years to come. In acting on Central America, we must not approve another blank check of the sort we gave the administration on Lebanon.

The President has a one-track foreign policy—he would rather fight than talk. Instead of placing all his emphasis on escalating the war in Central America, I would like to see this President, just once, escalate the search for peace.

This flagrant attempt to bypass the regular committees and procedures of the Congress should be rejected by the Senate. There is no emergency that requires the Senate to act before the House on this appropriation, which is contrary to the spirit, if not the letter, of the Constitution.

Above all, Congress has no responsibility to bail out the administration's failing policies in Central America under the pretext of bipartisanship. On the critical issues of war and peace in this hemisphere, Congress has an obligation to be more than a rubber stamp for policies with which we profoundly disagree.

As we begin this all-important Senate debate on Central America today, there are at least five critical issues that require full debate before the Senate completes its action.

1. AMOUNT AND TIMING OF AID TO EL SALVADOR

In my view it would be the height of irresponsibility for the Senate to appropriate the funds the administration has requested for military aid to the Government of El Salvador, when we do not yet know who the government is. It is no secret that if Roberto D'Aubuisson wins the runoff election next month, there will be massive resistance in Congress to further U.S. aid to El Salvador, because of the serious allegations involving Mr. D'Aubuisson's role in the death squads.

At this time, the proper course for the Congress is to keep the administration on a tight leash, until the runoff election is over and the character and direction of the new Salvadoran Government are clear. Any appropriation we enact now, therefore, ought to be limited at most to the next 2 months, so that we will know the results of the runoff.

The Inouye amendment appropriates $62 million in military aid for the next 6 months. The wiser course for us to follow is to pro rate that level of aid through the end of May—$21 million—and decide then, not now, on the amount of additional assistance that is warranted for the remainder of the fiscal year. A reduced, pro rata level of funding is not inconsistent with the spirit of Senator INOUYE's proposal. If we do more now, we are legislating in the dark and risking disaster.

2. CONDITIONS ON AID TO EL SALVADOR

In addition, if this legislation is to go forward, it should be substantially amended to strengthen the conditions on military aid. The conditionality clause in the pending bill contains flagrant defects:

There is no mention at all of human rights.

There is no mention of good faith efforts by the Salvadoran Government to negotiate for peace.

There is no mention of the murder of the four American churchwomen in December 1980. Whatever happened to the Specter amendment in the continuing resolution last November, which required 30 percent of U.S. military aid to be withheld until there is a verdict in the nuns' case?

There is no mention of the need to prosecute those responsible for the murder of the two American labor advisers in January 1981.

There is no mention of land reform.

The provision on death squads is completely inadequate to deal with the extremely serious revelations and allegations that have been made in recent weeks. I believe that we should require the Senate and House Intelligence Committees to conduct a full investigation of these allegations, which have linked high Salvadoran officials, including Mr. D'Aubuisson, to the death squads, and which have also hinted at the possible complicity or acquiescence of the CIA in the activities of the death squads.

I have already submitted amendments to the bill on each of these fundamental issues, and each of these questions requires full and fair debate.

3. NICARAGUA

This is also the time for the Senate to conduct a thorough debate on American policy toward Nicaragua. I hold no brief for that regime. But there is no justification whatever for the United States to be waging a secret war to overthrow the Government of Nicaragua. Just as we do not want another Lebanon in El Salvador, so we must not give the Reagan administration a license for another Grenada in Nicaragua.

I urge the Senate to strike the entire $21 million in covert aid against Nicaragua that is proposed in this legislation. There is no substantial evidence that more than a trickle of arms or ammunition for the Salvadoran rebels comes from Nicaragua. It is more likely that the rebels are obtaining far more weapons by capturing U.S. arms originally sent to the Salvadoran Army.

President Reagan is desperately trying to blame the Salvadoran civil war on Nicaragua, but his arguments will not wash. The administration's secret war against Nicaragua violates everything America stands for, and the Senate should halt it now.

4. HONDURAS

Finally, if this legislation moves forward, it should also be the subject of the first full debate in the Senate with respect to the administration's intentions toward Honduras. Many of us have watched in growing disbelief as the Reagan administration has systematically militarized that democracy and drawn it to the brink of involvement in the fighting in El Salvador.

As a result of the efforts of Senator SASSER and others, Congress and the country are at last beginning to awaken to the true extent of the administration's ominous designs on Honduras. Now, we have the opportunity to reject this militaristic approach, before the President's policies ignite a wider war that could engulf all of Central America.

5. NO COMBAT TROOPS

Above all, Congress should take the timely opportunity of this legislation to enact the most important amendment of all. We should act now to prohibit the Reagan administration from introducing American combat troops in El Salvador, Nicaragua, or Honduras without the prior approval of Congress. The War Powers Act is not good enough for this President in these circumstances. We do not want to wake up one morning in the future and find that American troops are fighting and dying in Central America. The amendment I am proposing is essential to insure that Ronald Reagan does not have the unilateral power to Vietnamize the war in Central America.

In the days to come, the Senate will be abdicating its responsibility if we permit this legislation to be whisked through the Congress as the administration has requested. Indeed, it seems unlikely that this measure will ever reach the President's desk; even if the Republican majority in the Senate succeeds in forcing the administration's plan through this Chamber, the House of Representatives will exercise its own responsibility.

I respectfully suggest, therefore, that the Senate leadership should call off this unwise and unseemly attempt to bypass the normal congressional procedures for considering these profoundly important issues. The people of the United States, the people of Central America, and the cause of peace deserve no less.

Mr. ROTH. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Hawaii. I commend him for bringing about a compromise that has the support of leaders on both sides of the political aisle, as well as the administration. I support this amendment strongly because I was asked by the administration, along with the majority leader of the House, JIM WRIGHT, to lead a delegation of 31 observers to El Salvador to watch the election last Sunday. I can say that it was the unanimous feeling of our group that the election was a success. We based that conclusion on the fact that nearly 70 to 75 percent of the people of El Salvador participated in this election despite circumstances that would discourage most people from voting.

I would point out that in our group, in addition to 19 Members of the Congress, both from the House and Senate, including Democrats and Republicans, there were also 12 individuals from the private sector. On Sunday, the day of the election, we travelled through the country by helicopter and by vehicle to observe the election. It was the unanimous belief of the Republican and Democratic, and of the private sector members of the group, which, incidentally, included two members of the cloth, that the election, indeed represented a significant step forward in the democratic process.

As one who went out and talked to hundreds of those voting, I can tell you that they were there because they wanted to be there. There were certain reports in the press that indicated they were voting because voting is mandatory in El Salvador. Yes, voting is mandatory, but the fact is that when we asked these old and young people, men and women, why they were voting, the most typical answer was, "For peace," "For peace" or, "For El Salvador, the democratic process." I think it is important that we recognize that this was another significant step in the fledgling democracy of El Salvador.

Mr. President, we cannot just look at one event. I think we have to look at the fact that 2 years ago there was another election at which an overwhelming number of people voted, and during the 2 years since, the President, Mr. Magana, has been inching his country forward along the democratic road.

To me, it would be a most serious mistake to try to modify, amend, or delay the amendment offered by the distinguished Senator from Hawaii.

What we are trying to do is to promote democracy in El Salvador. The fact, as I said, is that roughly 70 percent or more of the people voted despite the security problems. There was violence in many places. In one area I went to where 27 soldiers had been killed the day before. The ID cards which were part of the election process were destroyed or seized by guerrillas. Despite all of these problems, including the bureaucratic problems that occurred on some sites, the fact remains, as I said, that 70 percent of the people were successful in voting.

Let me point out that under the current electoral process a runoff will probably be required in 30 days. I point out that as far as mandatory elections are concerned, it has been suggested by a number of prominent people in the United States, including Ralph Nader, that we in the United States should make voting in our elections mandatory. But as I said, I was impressed by the fact that no one said they were voting because they were required to, but, rather, because they wanted to.

Another factor worthy of note is the fact that both young and old, men and women, participated. It is important to understand that it took something like 20,000 volunteers to man the voting places. The system was complex. There was a registry that required the voter to go to an assigned voting place. Considering that 50 percent or more of the people do not read or write, the large voter turnout constituted an impressive sight for all of us who were there.

It would disturb me greatly if we decided to wait to give additional aid until the results of the runoff are known. I underscore the fact that we are trying to promote democracy in El Salvador. We are not, as Uncle Sam from the north or the Big Yankee, trying to decide who should be the winner. That would be counterproductive. In fact, it would be imperialistic for us to do so. The only way we can insure that human rights in the future are revered and insured is by nurturing and encouraging this democratic process.

I point out that many of my colleagues were there. Six Members of the Senate agree with what I am saying. I have a statement by Senator HUDDLESTON which I ask unanimous consent be included in the RECORD in its entirety following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROTH. I will read in part what he has to say, which echoes exactly what I have just been saying.

Senator HUDDLESTON says:

It is my intention to support the compromise package.

I do not condone the murders of the American churchwomen, I do not condone the use of death squads of the right or the left, I do not condone resolution of political disagreements by violence and force. Nor do I deny that these problems exist in El Salvador.

But, I also do not believe that we can overlook the destabilizing activities of outside influences on El Salvador—and I do not believe we should overlook the effort of thousands of the El Salvadoran people to seek a better day through an electoral process, flawed though it may be.

I am convinced that the Salvadoran military needs certain funding—and needs it now—for both practical and symbolic reasons. There is a continuing threat of guerrilla activity, and that threat must be stemmed if the run-off is to proceed as scheduled. Furthermore, after calling elections, after seeing the parties working through the political process, after hearing several of the leading candidates call for negotiations with the opposition forces, the

people of El Salvador need—even deserve—the encouragement and incentive to proceed in a manner consistent with democratic traditions.

Mr. President, as Senator HUDDLESTON has so eloquently said, democratic values and processes are not implanted in a day, or a month, or a year.

It was heartwarming and impressive to all of us who saw the literally tens of thousands of people wait patiently in line to vote. They were cheerful. They were proud and they were voting because they thought that was right. We must not deny the people of El Salvador the right to decide who their leadership will be.

As I said, it is important that we support this democratic process. As the American Ambassador has said, once the election results are known, the State Department can, of course, shape its policies to deal with any new developments.

But it is critically important that we provide our diplomats with the wherewithal to encourage, to promote, to further this democratic process. If we were to say today that we do not intend to do so, that whoever we designate must win if El Salvador is to receive further aid, we are, of course, denying the democratic process.

Mr. President, the basic question, I think, is whether or not we consider Central America, El Salvador, vital to U.S. interests. If your answer is no, then, of course, you can kill aid or slowly strangle it by just meting out a little aid, a little help, at a time. But if you think it is important, if you think it is critical not only for the people of El Salvador, who have voted in an election, but also to the vital interests of this Nation, then I must point out that El Salvador is as close to Texas as Texas is to Washington. We are talking about a region that has a close relationship with this country.

Mr. President, I urge that we adopt, that we ratify the amendment by Mr. INOUYE as rapidly as possible and show the people of El Salvador that we are supporting their fragile democracy.

EXHIBIT 1

PRESIDENTIAL ELECTIONS IN EL SALVADOR

Mr. HUDDLESTON. Mr. President, on March 25, El Salvador held Presidential elections. I was part of the delegation of official observers sent by the United States.

I went to El Salvador with a certain amount of concern and skepticism. El Salvador has conducted elections periodically for some 50 years, yet few have gone unquestioned or unchallenged, and the results of some have simply been overturned by force.

Furthermore, the human rights record of the El Salvadoran authorities leaves much to be desired. The response of the existing government to the murder of four American churchwomen remains totally inadequate. The so-called "death squad" activities, while down, remain a concern.

Yet, it is also clear—and has been—that guerrilla forces continue their fighting and violence in the country and that the Soviets, Cuba, and Nicaragua support the guerrilla efforts to impose a system on the people by force.

It is in this atmosphere of sporadic guerrilla violence and an uncertain electoral tradition at best that the people of El Salvador went to the polls last Sunday.

Observers flying in for a brief visit to polling places and short discussions with the participants must be careful in their conclusions; but it is, I think, significant that there was much agreement among the observers. And, I think what we saw was impressive.

Some 1.4 million people are estimated to have gone to the polls; and although voting is obligatory in El Salvador, there is little indication that they were pressured to do so. Indeed, there were indications that many of the people viewed voting and the election of a new government as their best hope for curtailing government excesses and developing a policy which will enable them to move away from terrorist and guerrilla violence as a means of resolving political differences.

The people came out in large numbers, and they withstood a large amount of inconvience and redtape in order to vote. Obviously, things could have been better with better planning and administration. Often, the polling places were too small or inconveniently arranged. Often, there were long lines at one ballot box and no one at others. But, the people stayed and they voted.

Furthermore, it is important to remember that the voting procedures were lengthy and cumbersome because of the effort to insure that the elections were honest. Each voter had an identification card with his or her picture on it. In order to vote, the person had to present the ID, have the name checked against a computer print-out, have their picture checked, have the name marked off the list, take a ballot and stick his finger in nitric acid to prevent him from voting more than once.

I asked representatives of each of the eight political parties whether they thought the administrative problems were designed to influence the outcome of the election. Not one suggested that the difficulties were intended to favor one party over another.

News reports indicate that the parties have now agreed as to their relative standings in the election, although final figures are not yet complete and ready for certification. This, too, however, is an early indication that the political forces are taking a positive view toward the electoral process and accepting the results dictated by the voters. The run-off is, of course, still to come, but the early indications are good.

In view of this situation, the question before us is: what should U.S. policy be. The President requested a $93 million military aid supplemental for El Salvador. This would be in addition to the $64.8 million previously appropriated, 30 percent of which cannot be spent until conditions are met. A bipartisan compromise to provide $62 million was been worked out. It is my intention to support the compromise package.

I do not condone the murders of the American churchwomen, I do not condone the use of death squads of the right or the left, I do not condone resolution of political disagreements by violence and force. Nor do I deny that these problems exist in El Salvador.

But, I also do not believe that we can overlook the destabilizing activities of outside influences on El Salvador—and I do not believe we should overlook the effort of thousands of the El Salvadoran people to seek a better day through an electoral process, flawed though it may be.

I am convinced that the Salvadoran military needs certain funding—and needs it now—for both practical and symbolic reasons. There is a continuing threat of guerrilla activity, and that threat must be stemmed if the run-off is to proceed as scheduled. Furthermore, after calling elections, after seeing the parties working through the political process, after hearing several of the leading candidates call for negotiations with the opposition forces, the people of El Salvador need—even deserve—the encouragement and incentive to proceed in a manner consistent with democratic traditions.

Democratic values and processes are not implanted in a day or month or year. They grow, often tenuously at first. They are affected and influenced by the history, culture, and tradition of a people. El Salvadoran elections may not be all that we would hope, but they have demonstrated an effort by the people to proceed by a means other than force. What ultimately happens in the country—and perhaps in Central America as a whole—could well be determined by the outcome of the El Salvadoran elections and the implementation of the results. Thus, the importance of aid at this time.

There are real prospects that forces of moderation that seek peaceful social and economic reforms in El Salvador will emerge with the support of the people, and a mandate to bring civil strife to an end. The action of the Congress on the issue of aid to El Salvador may determine whether those prospects can be fulfilled or whether the people of El Salvador will become the victims of violent conflict between the extremes of left and right.

In closing, I would simply ask those who oppose the aid to think about what they want to accomplish and what they reasonably can expect to accomplish. I do not think we should walk away from conditions. I do not think we should walk away from our concerns over human rights. But, I also do not think we should walk away from an electoral process which we have encouraged and which to date gives indications of promoting the development of the democratic institutions and values which we hold. Future developments may not be to our liking—and we will have to deal with that if it should come—but to withdraw support now would in my opinion extinguish any hope that values and processes which we support will prevail, and would undermine the hopes and efforts of thousands of people who voted last Sunday.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank the Chair.

Mr. President, I rise to support the amendment offered by the distinguished Senator from Hawaii. I must confess that I do so with some reluctance and that I wish we were going to support the full amount requested. But I understand well the reasonableness of the compromise that is offered by the Senator from Hawaii.

Mr. President, there has been great emphasis laid upon military aid. An accusation has been made on this floor that this administration seeks to impose its will upon our neighbors by militarizing Central America. Central

America has been militarized, Mr. President, by a military machine under the Sandinista regime that so far exceeds any legitimate defense requirement that allows only one reasonable inference. That is the intention to spread the Sandinista revolution by violence or by subversion beyond the Nicaraguan border. Indeed, that has already occurred; it is no mystery. Even in Nicaragua, they no longer make a pretense that it is an insurgency in El Salvador that is armed and directed by Managua.

Mr. President, it seems to me we are being asked to engage in a very curious double standard. I think all of us would stipulate to the horror of death squads, of clandestine assassinations. The Vice President has, indeed, I think, spoken for all Americans. Let us enter into that stipulation. Let us not ignore the clear threat that exists to the people of El Salvador in their daily lives or, when they seek, as they did last Sunday, to conduct a remarkable exercise in democracy.

To those who would suggest that the real remedy for the plight of Central America is economic aid, again I think most of us would agree that it is a necessity that we do everything possible to revive the economic potential of that beleaguered region. Mr. President, that will continue to be a vain and fatuous wish unless there is some political stability or, to put it more bluntly, until such time as there has been a successful suppression of the reign of terrorism that will make possible the reinvestment and the economic activity not just in El Salvador but throughout the Central American region. What I am talking about is the fact that in the years between 1979 and 1983, some $826 million worth of direct damage has been done to the economy of El Salvador alone, measured in U.S. dollars, lost agricultural production, destruction of commercial and industrial properties, destruction of infrastructure. And Mr. President, these were not acts of God. They occurred because of the malevolence, the viciousness, the terrorism of the so-called guerrillas, who, in 4 years, have not managed to increase their numbers, who are not supported by the people of El Salvador, who are indeed viewed by the Salvadorans as what they are—terroristas.

Unhappily, Mr. President, we can continue with the best of intentions to pour economic aid into that nation. We can celebrate the remarkable ingenuity of our Salvadoran neighbors as they repair a destroyed bridge with a substitute within 21 days; as they, almost within hours, replace cut electrical pylons and restore power. But, Mr. President, $826 million in direct damage over the last 4 years is but a prelude to a continuation of that kind of economic loss and suffering unless we can produce a climate that will allow the people of El Salvador to live their daily lives in peace and without fear, unless we can produce in that beleaguered nation the kind of climate of security that will allow reasonable investors to think that they can invest with some hope that their investments will not be destroyed by guerrilla activities.

So, Mr. President, let us not engage in this curious double standard and let us also understand the good sense of the Senator from Hawaii when he insists that the military aid that is required to achieve this climate of stability can be achieved by our giving aid that will take the Salvadoran armed services through the end of this fiscal year.

Why that instead of May, as has been suggested by the Senator from Massachusetts? I suspect that the Senator from Hawaii feels that way because the Senator from Hawaii knows what war is like from the vantage point of the foot soldier. He has served this Nation with distinction, with valor, with sacrifice. He knows that you can not conduct any war, even a guerrilla war, from week to week. The Salvadoran Army cannot be expected to safeguard the Salvadoran people in the polling places if, instead, they are compelled to sit in garrisons for fear of expending ammunition that is in critically short supply.

Mr. President, as Senator ROTH has indicated, on Sunday, March 25, we witnessed a remarkable exercise in democracy in the conduct of a free and honest election within the Republic of El Salvador with a turnout of approximately 70 percent of eligible voters, remarkable in light of the intense guerrilla efforts to intimidate and to sabotage that election. The intimidation was express, it was massive, and it also culminated in the assassination of 5 members of the National Constituent Assembly since September, the equivalent of some 50 Members of Congress, 3 in the last 2 months. This is the work, Mr. President, of death squads. Those who were assassinated were assassinated by guerrillas who took great pleasure and pride in their killing.

Mr. President, the success of the Government of El Salvador in the conduct of this election against the guerrilla efforts to disrupt and invalidate it depended upon two things: First, the courage and the gritty determination of the Salvadoran people to exercise their franchise, to freely choose their President and Vice President.

But second, Mr. President, it depended upon the ability of the Salvadoran Armed Forces to safeguard voters and election officials against guerrilla terrorism.

Mr. President, we all know that a runoff election is now required under the Salvadoran Constitution and election law within 30 days of the certification of the results of the March 25 election.

Mr. President, if the Armed Forces of El Salvador are to do the same aggessive job of pressing back the guerrilla threat, they will have to be immediately resupplied by the United States with equipment, arms, and ammunition which are in critically short supply. Otherwise, they are threatened with being unable to provide the same needed protection for the runoff election. They are faced with suffering a dangerously reduced capacity to safeguard the Salvadoran people against the daily terrorism of the guerrillas. If there is any doubt about the intention of these guerrillas, there should not be because they have made themselves more than plain, with banners, with Radio Venceremos. They have said no to the electoral farce as they term the election.

Mr. President, the Kissinger Commission reports at page 110 that the political diplomatic mission of the FMLN, the FDR, has stated: "The Salvadoran people need a negotiated settlement between the Government and the FMLN to bring about peace. They do not need elections."

Mr. President, let us simply understand that what is at stake is the free conduct of elections. We are trying to allow a very courageous people to satisfy their hunger for democracy with a first free and honest election perhaps in the history of that nation.

When we spoke to the members of those election boards and, more importantly, to the voters standing in line for hours in the hot Sun and asked them why this election was so important, they said, "it is our right and our obligation to vote; we are voting for El Salvador."

Mr. President, there would not have been a 70-percent turnout if in fact, they had not enjoyed the assurance that they were being protected by the armed service. And those armed services, Mr. President, will be unable to guarantee their safety at the runoff elections if we engage in the kind of shortsighted, week-to-week uncertainty in the amendment which, we are told, the Senator from Massachusetts intends to lay down.

The Senator from Hawaii is right. We might give at least this assurance. We cannot do less. If we do, we risk signing a death warrant for those who have undertaken politically to safeguard the people of that nation at the polling places, and to safeguard the people in their daily lives.

Mr. President, I urge my colleagues to support our colleague from Hawaii and to defeat any amendments that are sought to be attached that would weaken his amendment and risk the peril that I have described.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I am very pleased to join in the remarks that have been made earlier by the Senator from California and the Senator from Delaware, who both participated as I did as members of the observer team for the elections in El Salvador this past weekend. I am not a member of the Committee on Foreign Relations and this was my first visit to El Salvador. I hope that I have resisted the temptation that confronts many of us on many occasions to become instant experts, but I would like to share with my colleagues some of the impressions that I received while I was there, and in so doing, to lend my very strong and firm support for the amendment offered by the Senator from Hawaii, a very reasonable compromise that he has presented to us which will enable us to provide the aid necessary to allow the democratic process to go forward in El Salvador.

After we arrived in that country on the morning of the elections, Senator WILSON and Congressman CHENEY from Wyoming, and I were helicoptered to the town of Berlin, a community of some 6,000, about 60 or 70 miles from the capital. It is in an area that has seen much guerrilla activity. It was a community that a few months ago was under occupation by the guerrillas for 3 days and was much written and spoken about in the media at that time.

While we were in that community observing the voting, the guerrillas took control of another community some 10 kilometers away, stopped the election, destroyed the election materials, and prevented the people in that community from voting. So we were in an area where the people coming to vote knew they faced potential threat to their own safety by guerrilla activity.

After we left Berlin, we were in San Miguel, where 25 minutes after we left the airport there, the little landing field where our helicopter touched down, an artillery fire fight broke out, and in the community of San Miguel, a city of over 100,000, during the entire night following the election, the citizens were besieged by an attack by the guerrillas. When we arrived there, they had been without water and electricity for 3 days.

These were people who were called upon to go to the polls under conditions that certainly tested their courage and their commitment to the democratic process.

I wish that every single American citizen could have had the opportunity to witness what we witnessed. I will never again take for granted the privilege of voting in an election. I will never again go to the polls with the same feeling. The right to vote, the privilege of voting, has taken on new meaning for me because of what I saw in El Salvador. To say that it had an emotional impact on me is an understatement.

When we arrived at the little town of Berlin, not only were the 6,000 inhabitants out in the streets, there were also some 10,000 people from the countryside qualified to come to vote in that town. There were five voting places set up around the little town square. As we flew over, I was amazed to look down and see a crowd of some 15,000 people at 8 o'clock in the morning already gathered together in that square waiting to exercise their right to vote.

When we landed and went into the midst of that crowd, we saw people who were dressed up in their Sunday best. I remember one elderly lady with whom I spoke who did not have enough money to wear shoes as part of her Sunday best wardrobe. She was there bare-footed. In her own modest way, she had done her best to put on her best clothes, to look as good as she could. She had walked, she told me, some 6 miles into town to vote. She had walked through areas that had been infested from time to time with guerrilla activity. I am sure she could in no way guarantee that she was going to arrive safely on foot to cast her vote.

I said to her, "Why did you decide to make this effort, to take this risk to come to vote?" And she stood there—I do not understand Spanish, only a few words, but I understand expressions on people's faces. I understand attitudes that are being expressed by the way people stand and the way they look. She stood up as straight as she could with obvious pride and she said to me, "Because it is my right to vote, because I am a citizen, because we have elections here now."

I will never forget the pride that she felt, the dignity she felt that perhaps for the first time because elections had not been able to be held in some of those areas in 1982 because of guerrilla activity, the pride she felt at being able to exercise that right of voting.

It was a festive atmosphere. People were smiling, people were excited. Many of the representatives of the political parties had on T-shirts with their party logo. There was an intense feeling about allegiance to the various parties represented.

Mr. President, when our observer team had a press conference in El Salvador before we left, we were asked by some of the international journalists, and even some of our own, some questions that shocked me.

One person said to me, "Senator what did you think about the fact that all these people were coerced into going to vote?" They were referring to a law on the books that said that it was a citizen's duty to vote, even though no one has ever been fined, that anybody can find out about, for not doing so.

They have laws like that in Australia and a lot of other countries. It is felt to be a citizen's obligation to vote. There is not one person, a Member of the U.S. Senate or a journalist who covers the political activity on Capitol Hill, people who are observers of human nature, who can read human beings—there is not one person I know of, unless it is what they wanted to see, who could have seen any kind of constraint or force or intimidation in terms of making people go out to vote.

These were people who were smiling. These were people who were dressed up. These were people who were mingling happily together in a crowd. They wanted to vote. Not only were they not coerced, they had taken great risks to vote.

When they went up to the voting table, they stood before three election officials, each from a different political party. I do not think any observer in the world would say that d'Aubuisson or others were in collusion with each other or the other parties represented. There is a real difference in those parties. There is real competition between them.

Here you had three people from three different parties as the person came up to get a ballot to vote. Behind those three were eight other observers from all political parties. I have never seen an election in which there was so much watching of each other by the political parties as I saw there.

I say to the senior Senator from Mississippi that I have seen election watchers in Oklahoma, and I am sure they are in Mississippi, but I have never seen people watching each other as they did in El Salvador.

They have a voting card with their photograph on it. When a person came up to vote, the election officials and the watchers looked at the photograph to see that it was the same person who had the card.

When they voted, the card was stamped. Then the person put his or her finger in a solution of silver nitrate that caused the finger to turn black, and it could not be washed off for 3 or 4 days. This was done so that they could not vote twice. They not only looked at the photograph but also at the person's hands, to make sure they had not voted once already.

If ever a system was designed to prevent fraud—and successfully—it was that system. It was so complicated that the computer lists slowed down the pace of voting and in some cases caused some confusion.

I am absolutely convinced of the basic honesty and fairness of that election. I may not be an expert in foreign policy, but I do understand when I see

a fair election process going on, and I also understand looks that I see on people's faces. I also understand an atmosphere that exists.

We plunged into a crowd of literally several thousand and asked them at random, with the interpreters we had, why they were voting.

Senator WILSON just handed me a note stating that I had an excellent interpreter. Senator WILSON does speak some Spanish and sometimes served as my interpreter, and he did a fine job of that.

We plunged into the middle of a crowd. "Why did you vote?" I asked one woman late in the afternoon. She had been there 7 hours, in the hot Sun. She said, "For El Salvador, for my country, for what is best for all of us." Others answered, "Because we hope we will get a better government and we will be able to get jobs." Others said, "Because we want peace."

They all knew why they were there. They believed in the process, and they turned out.

Think about it. We would celebrate, we would bring out the brass bands, if we got a 70-percent election turnout in this country, in a Presidential election. They had a 70-percent turnout in the midst of a war.

Mr. President, I will never forget it. I will never forget what I felt in the town square of Berlin where 15,000 people desired to vote.

I do not believe there is 1 American in 1,000 who could feel that it would be moral or right for us to turn our backs on people in our own backyard, in our own hemisphere, who were exercising that kind of commitment and courage, and say to them: "I'm sorry. If your soldiers run out of ammunition to protect you when you are going to the polls next time"—and in over 40 towns they could not vote this time because the guerrillas took them over. If the army had not been there protecting them, they could not have voted in most of the country.

To say "If your ammunition runs out, if the fuel for your helicopters runs out, if you do not have medical supplies"—and medical supplies are in such short supply that 50 percent of all those injured are dying. Imagine that. That is the kind of figure for which we have to go back to our own Civil War times, to have a mortality rate that high in terms of injury.

They do not have ambulances. They do not have helicopters. They do not have supplies to take care of them.

How can we say to these people, having urged them to stand up for democracy and for free elections, having worked on them to apply pressure on their military to agree to abide by the democratic process—how can we say:

It is not our concern in the United States if you do not have the sufficient ability to carry on and hold that runoff election a month from now; it is not our concern that you are not able to keep enough order to inaugurate your next president.

How can we turn our backs on those people? In my mind, it would be nothing short of criminal, a criminal act of negligence, a criminal break of faith with people who desire democracy, who want the bullet, not the ballot, to determine their destiny. It would be a criminal act of negligence toward the interests of the United States of America, because we have a vital interest in preserving stability in Central America. We do not want to have to fight on the Rio Grande the battle for stability in our hemisphere.

Here, we have one that we have a chance to win. A moderate, Mr. Duarte, led in the polls. There is every indication that others of the parties that were running will ally themselves with Mr. Duarte in the runoff.

The relationship between the military and the civilian process has changed dramatically. We heard from General Casanova, the Defense Minister of the country, when we were there. He committed himself in the strongest terms that, if he had anything to say about it, if he is able to remain as Defense Minister, the military will accept the results of the election, no matter what the results are.

The military voluntarily decided not to vote in this election because they wanted to demonstrate that they were going to accept whatever results came out and because they wanted to devote themselves to the people who were voting. The general has done an excellent job of getting that down to the grassroots.

One thing I watched most carefully was the relationship between the soldiers stationed at the voting places and the voters. It was not a relationship of fear or intimidation. There was joking and smiling and laughing, obviously a good relationship.

We stopped to talk to some of those soldiers individually. Some looked 16 or younger. We asked them, "Why did you not vote today?"

They said, "Because we soldiers want to demonstrate that we are for democracy, for whoever wins. We are for democracy. We are for elections, and we have to do our job today in protecting the voting places."

So not only did we hear the speech from the Defense Minister, we found time and time again that that value, that belief had been transmitted right down to that young soldier who was there guarding the voting places.

Mr. President, I know that the election itself will not solve all the problems. There is still a lot to be done. It does not automatically take the guerrillas out of the field. Maybe 3 or 5 percent of the population of the country support them. We met with the Catholic Archbishop of El Salvador. He told us he thought that the guerrillas had very, very little public support, as he put it, but they still obviously have an ability through military force to cause severe disruptions. The electricity was off most of the time we were there. In many of the cities it was off most of the time. So they still have the ability to disrupt and there will have to be some way found to bring about peace. There will have to be some way found to broaden the political base for any new government.

New judicial reform is going to have to be achieved so we can do what Senator KENNEDY wants us to do which certainly is the desire I share that those who are responsible for the murder of the nuns and labor leaders be brought to trial and brought to justice. We all want to see that. But that is going to take some time. We are optimistic. I heard various statements given that we hope that those who are accused of murdering the four American nuns will be brought to trial within perhaps the next 60 days. I think that is very possible we will see that happen.

But I think it is imperative and I think it is a moral obligation of this country to at least support the $61.7 million that Senator INOUYE has developed in his amendment. To do less I think would be to undercut any opportunities we have there for victory, for victory not only of American interests but more importantly for the very democratic principles that we espouse for self-determination of those people for themselves. Why? If we do not give them quite enough, and if we have to err on one side or the other, let us err on the side of giving them a little more ammunition, ambulances, and fuel that they need, rather than a little bit too little. If we give them too little, here is what can happen. They will begin to say:

Well, our ammunition might be running out, or fuel might run out, so we better hoard it back. We better keep it back because we may not have enough to see us through.

Particularly if the guerrillas step up their level of activity. This would be disastrous.

It would cause more government outposts to fall in the hands of the rebels, the guerrillas. It would cause more of the weapons we supply them to fall into the wrong hands. It would be a serious and tragic mistake for our country.

I think it is also a mistake and I say this with due respect to the Senator from Massachusetts, because I think it has been helpful for us to impose human rights conditions on the aid which we have given in the past. I think more progress has been achieved because we have continued to exert leverage against the government there.

President Magana, and others, who I think are people of good will who want to see the human rights violations

stopped, I think they are strengthening themselves because they can say:

We have to proceed a little faster because the U.S. congress, the American people are watching us. They are conditioning their aid to us on that basis.

So I support reasonable conditions. But I am concerned about setting a date, a May date. For example, let us suppose that the election goes as I personally hope, and it would not be right or possible for me to speak for our Government, but let us suppose that Mr. Duarte wins so we have a moderate government in power. Let us suppose that the military accepts that result.

It is still going to take that new government time. The best-intentioned person in the world is still going to be dealing with terribly difficult problems. That country has had negative growth in its gross national product for the last 3 years. They have terrible economic problems. Getting the political factions, even all the political factions to agree and support democracy, getting them all together on one kind of reform you make in the court system or how you change things is difficult. The fact that they brought about the party working together, brought about such a complex election process, indicates even these people of good will find it very difficult from a technical point of view to get together to form a consensus.

That should not amaze any of us in the U.S. Senate, as fragmented as we often are among ourselves trying to hammer out a consensus on the budget of the United States or on other issues. It is even more difficult in a country that lacks the traditions and background that we have in this country.

So I say, Mr. President, I hope my colleagues will think long and hard about this matter. We, of course, will have the right after the election to reevaluate our policy, to base our policy at that time on whatever the decisions of the new government are in terms of accepting human rights as a value to which they commit themselves, reform of the judicial system and others. We can always revise our policy.

But as of now, I think nothing is more important to those people that I saw standing in that square and the political leadership that they are trying to freely elect that we send them a message:

We are behind you. You have had the courage to go vote. You had the courage to stand up before the electoral process. We are not going to cut the string so short that you feel insecure about our support for you. We are not going to hold you on a leash so short that you are afraid to expend your medical supplies or your ammunition to support the electoral process.

The only regret about my trip this past weekend to El Salvador is that only six of us from the U.S. Senate had the opportunity to observe that election firsthand. I wish that the other 94 could have been with us, could have seen it, and I cannot believe that any person who saw that inspiring experience with his own eyes would come back with any other attitude than that we want to support those people, that we will not turn our backs on them, that we realize that the election process is only a part of the long-term solution, but we know it is a necessary part. We know much more is going to happen after that. But we want to send them a loud and clear message that until that election process is completed they do not have to look behind them and wonder where the people and the Government of the United States stand. They know with certainty that we stand behind them, that we are proud of them, that as human beings who value our own political freedom and rights in this country we will never turn our backs on them.

Mr. President, if we are going to take a stand anywhere in Central America at any time, when you have 70 percent of a people under conditions of war brave enough to go and vote in a democratic free election, that is the place to take the stand and now is the time to take it, and it is time for all of us not by a 1-vote majority or a 10-vote majority but by an overwhelming majority endorse the aspirations of those people by passing overwhelmingly the amendment of the Senator from Hawaii.

Mr. STENNIS. Mr. President, will the Senator yield to me one-half minute or less?

Mr. BOREN. I yield.

Mr. STENNIS. Mr. President, the Senator from Oklahoma made a great speech. I wish to thank him.

He has changed my mind about some impressions I had. I wish I had gone myself. Frankly, I did not much want to go. Now it is a different story. It is a different picture. The Senator has been more valuable than any witness, as has Senator ROTH here, and I did not get to hear Senator WILSON. I heard the Senator from Oklahoma and I am going to listen to anyone else who made that trip.

This is splendid. I thank the Senator very much.

Mr. BOREN. I thank my colleague from Mississippi for whom I have such great respect.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I thank the Chair. I simply wish to make a few observations, if I may, in the waning hours of this session today which I understand will be closing out shortly.

First, I wish to commend the distinguished Senator from Mississippi for his observation as regarding the remarks of the Senator from Oklahoma, also the remarks of the Senator from California and the Senator from Delaware as regards their direct experience in El Salvador.

I think it was a very moving and eloquent statement that they have made, and to me they make the case in and of themselves for the amendment that has been proposed by the distinguished Senator from Hawaii, Senator INOUYE.

I am delighted to see that in all of this we have a bipartisan support growing. I think that is healthy in foreign policy.

I notice, for example, the majority leader in the House of Representatives, the distinguished Representative WRIGHT, has been making statements about this election and how critical it was and how open and fair it was, and the democratic process seems to be alive and well and growing in El Salvador, and I think for that we should be grateful.

I am delighted to see that Senators KASTEN and INOUYE are working together obviously in a very strong bipartisan spirit to try to get through in a reasonably prompt period of time this amendment that will send a message not only to the current democratic Goverment of El Salvador, but to its totalitarian enemies, that their neighbor to the north is willing to assist those countries making such valiant efforts to establish and maintain democratic values and the viability of the democratic society.

The Senator from Massachusetts, Senator KENNEDY, for whom I have the greatest respect—an able, diligent Senator—I agree with him on one thing. This is probably the most important debate that we may have in the Senate for some time. I disagree with him strongly on the conclusions that he is drawing and the premise upon which he is operating.

With all due respect to his diligence and commitment, I think he suffers from a case of acute myopia as to what is occurring in Central America and generally what is occurring in the world at large.

It is interesting to note that Marx and Lenin, in their writings, indicated that, in the movement for totalitarian world domination by the Marxist-Leninist-Communist vision the key was to take the soft underbelly of the world and then the large democratic democracies of Western Europe and Northern Asia and ultimately Japan would fall. They would be surrounded and they would slowly choke them off.

I think Aleksandr Solzhenitsyn put his finger on it when he said that he did not think that the West had read the Communist manifesto. And that is clear.

In Central America, we have a manifestation of what is going on in Africa, what is going on in the Middle East,

what is going on in Southeast Asia—namely, a case of the Soviet Union, the motherland of the Marxist-Leninist totalitarian vision, backing local proxies who, through force and violence and—let us underscore this—their own death squads, attempt to force their way into power and impose tyranny upon people. And wherever they imposed this tyranny thoughout the world and people can vote with their feet, they have obviously come streaming westward to the United States and to other parts of the free world and to the free West. And there is a compelling message there and we ought not to forget it.

We wrote off Southeast Asia and we know of the boat people and we know of the genocide in Cambodia. Now it seems to me that there are certain people in this country who are willing to see, for whatever reasons—I do not question their loyalty to the country—but are willing to see for whatever reasons the same process followed in Central America.

Between the Rio Grande and the Panama Canal, there are nearly 100 million people. If that area, in time, is allowed to fall under Communist domination, we could expect to see probably 10 percent of the population, if we note that this is what occurred, for example, in Vietnam, seek to get out. There they had to use boats; in this case, they would merely walk.

So that would leave us with what? Ten million people, at least, coming across the Rio Grande to escape the horrors of the Marxist-Leninist totalitarian vision.

It is interesting to note that no one has ever voted in communism. It has only been able to shoot itself into power and to impose and to maintain its posture through force and violence and intimidation; if you will, through death squads.

Now, if the United States refuses to give aid to the democratically elected Government of El Salvador, which currently is the Magana government, and the government that currently is now going to be formed via free elections, I feel it shows a deep moral malaise in this country that is hard to understand.

If we will not support what are clearly democratically elected governments fighting to maintain their democratic traditions and institutions, even how fragile they may be and how new they may be, if we refuse to give these people the most minimal moral and logistic support, I feel that it reflects most adversely upon the moral climate in this country.

I think it goes back a little bit to the 1930's when we drifted into a state of isolationism in which we assumed that what happened in the rest of the world as regards totalitarian expansion; namely, the forces of Hitler's Germany and Mussolini's Italy and the Japanese Imperial Army, we thought we could ignore that. We thought we could repair into our little fortress America and let the rest of the world go its own way. And that would not work. It was done in the name of peace and, ultimately, because of our isolationism, it brought us the worst war we have ever had.

Because at Pearl Harbor on December 7, 1941, the United States was awakened to the great threat from the totalitarian right, facism and nazism. Fortunately, we were able then to pull ourselves together and eventually withstand that great onslaught.

I think it is worth noting in perspective—this is where I think the distinguished Senator from Massachusetts has a bit of myopia—that what we are witnessing here is the second great threat in this century to democratic institutions and traditions and ideals; namely, the threat from the totalitarian left, namely the Marxist-Leninist vision.

I think what is occurring in so many parts of the world, whether it is in Africa with the Soviet Union backing Cuban troops, or whether it is in the Middle East, with the Soviet Union backing Syrian forces, or whether it is in Southeast Asia where the Soviet Union is backing Vietnamese forces in Cambodia, you are witnessing what Churchill called in the 1930's the gathering storm. And I fear that is occurring now. And, as Aleksandr Solzhenitsyn has suggested in a very prophetic way, at some point the balance of power is going to tip against us. I do not know if it has occurred; probably no one has the wisdom to know that. He felt it had occurred psychologically in Southeast Asia, that we no longer had the will to resist.

But it is clear, at least in my thinking, that if we allow the Soviet Union and her proxies in the underdeveloped parts of the world to shoot their way into power, to impose a totalitarian regime through their death squads, and to be indifferent to that and to be unwilling to protect democratic governments from that kind of onslaught, I think we are repeating the follies of the 1930's.

As one distinguished political philosopher, a Jewish refugee during the 1930's from Hitler's Germany, Leo Strauss—he taught for many years at the University of Chicago and also at Stanford University—said about the West in terms of their response to totalitarianism on the left, namely Communism, "The West fiddles while Rome burns. It is excused by two facts. It does not know that it fiddles and it does not know that Rome burns."

I fear that the position some are taking as regards Central America reflects that attitude, that some way or other we can simply allow Nicaragua, El Salvador, Guatemala, Honduras, perhaps even ultimately Mexico to fall under the control of the Soviet Union and her proxies in that area, to wit, Cuba, and that that is an inconsequential event.

I submit that it is an enormously consequential event to the security and well-being not only of those people but of this country.

What has encouraged me in the beginning of this very important debate is that there is bipartisan support in this Senate—and I believe it apparently exists in the House—to prevent this from occurring in Central America. There is moral responsibility to do it. For either political party, Democratic or Republican, to allow this to become a partisan issue, I would not want to be a member of that political party that had to be responsible for allowing this to occur.

Again, what I find encouraging in all of this initial debate—from the commission members who went down there, Senators ROTH, WILSON, and BOREN, the majority leader in the House, Mr. WRIGHT, and Senators KASTEN and INOUYE—is the broad bipartisan support to begin this task of supporting governments who wish to resist this kind of pressure and onslaught.

One, of course, can say the problems are complex and intricate. One can say the problem is primarily one of lack of reform. One can say that it is a lack of dealing with poverty over a period of many, many years. It is not to say that there are not many facets to this crossword puzzle. But it is to say, as I think Henry Kissinger rightly pointed out, that unless you have a shield of strong military support behind which these democratic governments can work, live, move, and having their being, they cannot possibly perform. They cannot possibly be progressive and move forward. You simply say, well, we must negotiate. We must accommodate. There is no military solution. If we had followed that rationale in World War II, I submit we would have lived under the swastika. And, I would submit, if we follow that same philosophy in the 1980's, increasingly larger segments of this world will live under the hammer and sickle. Eventually it will loom up on the horizon as a very genuine threat to the well-being of our own country.

Again, I agree with the Senator from Massachusetts. This is an incredibly important debate. But I disagree with him totally upon the analysis that he is giving to it.

I plead with him simply as one colleague, as one Senator to another—and that is all I can do—that he not unduly hamper, parliamentary wise through a rash of amendments or undue discussion beyond that which is needed to clarify the issue, and attempt to obstruct the voting through

of the Inouye amendment so that these people can get on with the task of defending themselves against forces of repression and totalitarianism.

I think that is the least that we can do.

I agree with Senator KASTEN. I wish we could have given the full amount, the $90 million-some-odd originally asked. As he has so eloquently and rightly pointed out, that extra $30 million would have meant trucks. It would have meant helicopters. It would have meant the instruments of mobility for the armed forces. But in the name of moving quickly, it had to be stricken. I respect that. I do agree with Senator KASTEN. It is regrettable that that had to be removed.

Again, I am encouraged this evening at this late hour. I shall hence cease and desist, though I look forward to participating extensively in this debate as it moves on because I think it is, as Senator KENNEDY said, the most important issue we are facing; that the great encouraging sign this evening is the bipartisan support for this $60 million odd that will send the message to the democratic Government of El Salvador, and I think to peoples throughout the world, that the United States does have the will, the understanding and the appreciation to assist them in resisting the forces of the totalitarian left stemming out of the Soviet Union and her proxies, which in this case is Cuba and the Sandinista Government of Nicaragua.

Mr. President, I thank you for the opportuntiy to speak. I shall cease and desist and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. The hour is late, Mr. President, but I welcome the fact that we have begun this discussion and debate. I only comment to my friend and colleague from North Carolina that I believe that the real myopia is with those who believe that the ultimate solution is going to be achieved by military means in El Salvador and Central America.

I fail to understand the Senator's reading of history. To follow his logic, we would have supported Adolf Hitler who was elected because he was against the hammer and sickle of the Soviet Union. How ridiculous. How ridiculous. I hope we will begin in this debate and discussion to recognize that the bullet has been used to eliminate political opposition and political dialog in El Salvador. I hope that at the outset of this debate we recognize that one of the prime candidates for the presidency of El Salvador has been implicated in the murder of Archbishop Romero in San Salvador. At least five times in recent years when Mr. D'Aubuisson verbally attacked several prominent Salvadorans, within days those individuals were struck down and murdered: Oscar Arnulfo Romero, the Archbiship of El Salvador; Mario Zamora, Christian Democratic Attorney General; Jose Rodolfo Vicra, head of Agrarian Reform Institute.

Mr. President, I think it would be the ultimate sham when we have heard the word "disgrace" used or "moral outrage"—and we have heard that word used during the course of this debate—to find millions of American taxpayers' dollars being used to support a right-wing fascist that pretends to be the true democratic leader of that country.

What we are asking for here, those of us who support at least a modification of the Inouye amendment, is to defer our decision. We find out the decision on future aid waits until the outcome of the Salvadoran election. If an individual so alien to the traditions and values of this country wins we are no longer going to give a blank check to that individual to continue to inflict violence on the people of El Salvador.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I would like to make a brief response to what the Senator has said. First, I know the Senator does not mean it this way but in regards to Roberto D'Aubuisson, the Senator from Massachusetts comes perilously close to engaging in what one might call McCarthyism. He does not really offer any solid convincing proof to these allegations. He simply asserts them. He asserts that D'Aubuisson is linked allegedly with death squads. He used the word Fascist to describe him.

Let us reverse it. Let us say I was casually referring to Mr. Duarte or candidates of the more centered to liberal side of the political spectrum as Communists and people identified with Communist death squads. He would immediately rise to his feet and say that is McCarthyism. That is the kind of talk we must not tolerate—where you simply loosely identify someone with whom you do not agree politically with the extreme totalitarian right or left.

In the case of D'Aubuisson, I would submit the evidence is by no means the clear and convincing case that he mentions.

It is interesting to note that, in the heat of the campaign, Mr. Duarte has been called a Communist. Well, Mr. Duarte apparently is a man of a more center-to-liberal point of view as we might define it in our politics, and Mr. D'Aubuisson more of what we would call the conservative side.

There is a lot of high-flown rhetoric going on. I would be very resistant to the notion of casually calling Mr. D'Aubuisson a Communist. He is not.

I do not think it fair, in defense of Mr. D'Aubuisson, simply to repeat the rhetoric that he is a Fascist, that he is responsible for this murder, for that murder. Again, I know the Senator does not intend it that way. It is what I would call what has become known in American politics as a form of McCarthyism. You simply place a label on somebody and you allegate about allegations and supposedly that is the truth.

That is not the case here. The case has not been established that Mr. D'Aubuisson is the ogre that the Senator attempts to make him out to be. To call him a Fascist is clearly unwarranted, any more than to call Mr. Duarte a Communist because he is of a more liberal or center-to-liberal point of view. The Senator seems to be unduly, getting back to my point in my opening remarks, myopic in regard to D'Aubuisson. Mr. D'Aubuisson only got 27 percent of the vote. Mr. Duarte got 47 percent of the vote.

Mr. KENNEDY. Will the Senator yield on that?

Mr. EAST. I would like to finish my statement, Mr. President.

The Duarte candidate got 47 percent of the vote. The likelihood is very real and very genuine that Mr. Duarte will end up being the new President of El Salvador through clearly a democratic process as was the case of Mr. Magana.

At some point in all of this, Mr. President, and I do not wish to impugn the motives of the Senator, because I know he is a man of great integrity and impeccable intellectual honesty, but I get the feeling sometimes because of what I think is a bit of philosophical myopia here, there is not anything in El Salvador that would please him. What he is saying is "I want to withhold any kind of aid to El Salvador until I see how the elections come out."

That is a curious way of underscoring one's respect for the democratic process. What he is saying is to the good people of El Salvador, "Now, we want to encourage democracy, mind you, and we want to encourage it in your part of the world and throughout the world. But keep this in mind, that in order to get our aid and support, you must elect our choice for your President."

We talk about gunboat diplomacy and we talk about Yankee imperialism. I do not know of any better examples of it than that. I am simply saying in the case of D'Aubuisson and Duarte, let us avoid in this great historic debate in the Senate taking the hot paranoid rhetoric of the election that has been going on in El Salvador, transporting it into the U.S. Senate, and assuming by definition that all of this is valid.

I am going to defend Mr. D'Aubuisson in the sense that all of this is not clear. All of this has not been established. I think to dismiss him as a Fascist is McCarthyism, any more than I

might say, "Well, really, we ought not to give any support if Mr. Duarte wins because, you know, basically he is just a Communist." He has been charged with being a Communist by his opposition in El Salvador because he tends to want to move in a direction of greater "land reform." He has a different vision of where democratic El Salvador ought to go than Mr. D'Aubuisson, just as we tend to do in this country. We are very careful in the Senate about calling one another Fascist or Communist for one reason: There is not a Fascist or Communist in the U.S. Senate. If anybody used that language that recklessly, we would roundly condemn him and properly so.

I think we have people who are "conservative," we have people who are "liberal," we have some who are more moderate. We have our terminology and we know generally what it means. But we would not dare casually and quickly, without very genuine proof, question without question, call one another Fascist and Communists, because it would bring great discredit upon ourselves and upon this institution and because it simply would not be true.

I am saying the same thing about Mr. D'Aubuisson and Mr. Duarte: Let us not take the paranoia of the political rhetoric which boils up heavily in every democratic election and import it into our debate in the Senate and assume it is valid on its face simply because it is asserted in El Salvador during their recent election. I wish to strongly dissent on that point. I think that is an unfair and unbalanced statement of what in fact are the political credentials of Mr. D'Aubuisson, just as, if I had taken the other extreme and called Mr. Duarte a Communist, that would be a totally inaccurate picture of what Mr. Duarte stands for, because Mr. Duarte and Mr. D'Aubuisson are both anti-Facists, they are both anti-Communist, and they are trying to fight to maintain a viable democratic system in that fragile country. We ought to help them do it.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. KENNEDY. Mr. President, will the Senator yield for 1 minute so I might address the remarks directed toward me?

Mr. BAKER. I shall indeed, Mr. President. Let me say before I yield that I had indicated earlier I hoped to go out about 6 p.m. As an accommodation to many Members, I would like to stay as close to that as possible. I am happy to yield the floor.

Mr. KENNEDY. Mr. President, we shall have a chance perhaps to get into more discussion of Mr. D'Aubuisson in the course of this debate. I point out something that I am sure is known to the Senator from North Carolina: Mr. D'Aubuisson was refused permission to come to this country. For what reason? Because of the evidence that this administration had about his implication in the death of Archbishop Romero. Mr. Duarte did come to this country as a leader of the people of El Salvador.

I just suggest that the Senator—I did not see him at the briefing this morning nor did I see him in here earlier, when the member of the Intelligence Committee refused to deny before this body, this open body, the implication of D'Aubuisson in death squad activities.

So it is not just the Senator from Massachusetts. It is the Department of State. It is the Intelligence Committee. It is others within this administration.

Mr. President, I yield the floor.

Mr. EAST. Mr. President, if the Senator would allow me to respond to that, first, I can assure the Senator——

Mr. KENNEDY. Very briefly. I look forward to being on the floor for several days, but I had indicated to the leader I would only take 1 minute. I will be here tomorrow. I will be glad to respond to the Senator.

Mr. EAST. Parliamentary inquiry of the Chair. Do I not have the floor, Mr. President?

The PRESIDING OFFICER. The majority leader still has the floor. He yielded to the Senator from Massachusetts.

Mr. BAKER. Mr. President, if I have the floor, we are about to adjourn.

Mr. EAST. Mr. President, I should like to make an inquiry of the majority leader.

Mr. BAKER. Yes.

Mr. EAST. Will he allow me a maximum of 60 seconds to respond to the latest observation of the Senator from Massachusetts? If so, I will finish.

Mr. BAKER. I do, Mr. President.

Mr. EAST. Again, I think the Senator misstates the facts. The Reagan administration did not refuse a visa to Mr. D'Aubuisson because of that connection. They had indicated they did not think any of the candidates ought to be coming to the United States during the election.

That is the statement they made. I think the Senator does a disservice to Senator GOLDWATER and the Intelligence Committee because, as Senator GOLDWATER has said, they cannot comment publicly on this one way or the other. So to imply that Senator GOLDWATER is in some way or other withholding information, I think, is a distortion. So in both cases I think the Senator distorted the position of the Reagan administration and the position of Senator GOLDWATER and the Intelligence Committee.

I thank the majority leader for giving me my 60 seconds.

Mr. BAKER. Mr. President, I thank all Senators. I especially thank the Senator from North Carolina.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business not past 6:30 p.m. in which Senators may speak.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 5:47 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3755. An act to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 3249. An act to charter the National Academy of Public Administration;

H.J. Res. 432. Joint resolution designating the week of April 8, through 14, 1984, as "Parkinson's Disease Awareness Week"; and

H.J. Res. 493. Joint resolution making an urgent supplemental appropriations for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3755. An act to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2894. A Communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the withholding of $30 million in budget authority for education of immigrant children, previously unreported; jointly, to the Committee on Appropriations and the Committee on the Budget.

EC-2895. A Communication from the Acting General Counsel of the General Accounting Office transmitting, pursuant to law, a report on the status of a rescission of budget authority for the Occupational Safety and Health Administration; jointly, to the Committee on Appropriations and the Committee on the Budget.

EC-2896. A Communication from the Executive Associate Director of the Office of Management and Budget (for Budget) transmitting, pursuant to law, a report on a reapportionment of an appropriation necessitating a supplemental appropriation for

certain programs for child nutrition; to the Committee on Appropriations.

EC-2897. A Communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a foreign military assistance sale to Singapore; to the Committee on Armed Services.

EC-2898. A Communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the quarterly report on community development block grant jobs program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2899. A Communication from the Secretary of Transportation transmitting a draft of proposed legislation to amend title XII of the Merchant Marine Act; to the Committee on Commerce, Science, and Transportation.

EC-2900. A Communication from the Secretary of Commerce transmitting a draft of proposed legislation authorizing appropriations for the national climate program; to the Committee on Commerce, Science, and Transportation.

EC-2901. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to permit the Secretary to charge for furnishing certain data and products of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

EC-2902. A communication from the Secretary of Commerce transmitting a draft of proposed legislation authorizing appropriations for the U.S. Travel and Tourism Administration; to the Committee on Commerce, Science, and Transportation.

EC-2903. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations under the Marine Protection, Research, and Sanctuaries Act; to the Committee on Commerce, Science, and Transportation.

EC-2904. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on efforts to settle claims between Alaska Native village and the Alaska Railroad; to the Committee on Commerce, Science, and Transportation.

EC-2905. A communication from the Secretary of the Interior transmitting, pursuant to law, its comments on the report and recommendations of the Commission on Fair Market Value for Federal Coal Leasing; to the Committee on Energy and Natural Resources.

EC-2906. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of an International Energy Program meeting to be held on March 21, 1984, in Paris, France; to the Committee on Energy and Natural Resources.

EC-2907. A communication from the Secretary of the Interior transmitting, pursuant to law, notice of an upcoming mineral rights lease sale on Outer Continental Shelf lands; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled "First Monetary Policy Report for 1984" (with additional views) Rept. No. 98-370).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Richard Fairbanks, of the District of Columbia, to be Ambassador at large.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard Fairbanks.

Post: Ambassador at large.

Contributions, amount, date, donee.

1. Self, $490.00, 1981, Republican Nat'l Committee; $250.00, 1980, George Bush.

2. Spouse, none.

3. Children and Spouses Names: none.

4. Parents names, Richard M. Fairbanks.

Contributions made by Richard Fairbanks, father of nominee Richard M. Fairbanks:

Amount, date, donnee.

$10,000.00, 1981, Republican National Committee;

$50.00, 1981, BIPAC;

$100.00, 1981, Jesse Helms' Congressional Committee;

$1,000.00, 1981, Sen. Richard Lugar;

$1,000.00, 1981, Republican Senate Inner Circle;

$500.00, 1981, Senate/House Dinner (George Bush, speaker);

$200.00, 1981, Sen. Barry Goldwater;

$100.00, 1981, Black Silent Majority;

$50.00, 1981, Republican National Committee;

$200.00, 1981, Sen. John Heinz;

$50.00, 1981, NCPAC;

$50.00, 1981, Sam Carnen for Congress;

$25.00, 1981, Jeffrey Bell;

$50.00, 1981, GOPAC;

$50.00, 1981, NCPAC;

$50.00, 1981, Congressman Ron Paul;

$30.00, 1981, GOP Victory Fund, Indiana;

$100.00, 1981, Andy Jacobs;

$100.00, 1981, Congressman John Myers.

5. Grandparents Names: none.

6. Brothers and Spouses Names: Anthony Fairbanks, $200, 1980, George Bush.

7. Sisters and Spouses Names: none.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States to Zimbabwe:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: David Charles Miller, Jr.

Post: Zimbabwe.

Contributions, amount, date, donee.

1. Self and 2. Spouse: 1981, $50.00 (Reagan for President—records in Tanzania); 1982, $75.00 (Republican Senate Majority Fund); $50.00 (John McClaughry for Senate); 1983, records in Dar es Salaam (will complete upon return to Post).

3. Children and spouses names: Julia Brandenburg Miller (aged 15); David Charles Miller III (aged 13); Margaret Thornton Miller (aged 11). They have given no political contributions and have no spouses.

4. Parents Names:

Thornton Lake (father-in-law)—1981: $25.00 in Nov. to GOP Campaign Fund; $25.00 in Oct. to Republican National Committee; $15.00 in October to Republican National Committee; $100.00 in June to Ashbrook for Senate. 1982, $75.00 in May to Ress for Congress Fund. 1983, $30.00 in August to GOP Victory Fund; $25.00 in July to Cuyahoga County Republican Committee; $25.00 in June to Republican National Committee; $25.00 in January to GOP Victory Fund.

Helen J. Lake (mother-in-law)—1981: $150.00 in April to Ohio Republican Party; $100.00 in October to Cuyahoga County Republican Party. 1982, $100-$150.00 to local Republican groups (estimate). 1983, $150.00 in March to Cuyahoga County Republican Party.

David Charles Miller, Sr. (father) and Patricia Ann Miller (step-mother): 1981: $50.00 to GOP Victory Fund; $50.00 to Republican National Committee; $25.00 to Cuyahoga County Republican Party; $12.00 to Cleveland Heights Republican Fund; $25.00 to Committee for Cleveland Heights Progress; $25.00 to Reger Peckinpaugh for Judge; $25.00 to Nahra for Congress. 1982: $35.00 to Republican National Committee; $15.50 to Cleveland Heights Republican Club; $30.00 to Cuyahoga County Republican Club; $2.00 to Committee for Direct Election; $15.00 to Costello for State Representative; $5.00 to Americans Against Union Control of Government; $10.00 to Judge Nahra Election Committee. 1983: $10.00 to Americans Against Union Control of Government; $7.50 to Cleveland Heights Republican Club; $25.00 to O'Briend Re-election Committee; $35.00 to Committee for Heights Progress.

5. Grandparents Names: all are dead.

6. Brothers and spouses names: Clinton Berne and Mary Miller (brother)—no contributions. Charles Thornton and JoAnne Lake (brother-in-law)—no contributions.

7. Sisters and spouses names: Bonnie Carolyn Miller—no contributions. Helen Lake Tretara and Alan F. Tretara (sister-in-law)—no contributions.

Attached is a copy of contribution form dated July 16, 1981.

Attachment 1—David and Mollie Miller Contributions:

1981, none.

1980, July 21, 1980, Republican Pres-Unity Comm, $50.00; September 24, 1980, Pauken for Congress, $50.00.

1979, May 3, 1979, Westinghouse Employees Political Participation Plan (WEPPP), $50.00; July 16, 1979, WEPPP, $50.00.

1978, May 2, 1978, Wirth for Congress, $20.00; July 10, 1978, Wirth for Congress, $50.00; September 1, 1978, WEPPP, $200.00.

1977, August 9, 1977, Gardner for Council, $30.00.

(One donation—to Charles Ravenel for Senate—in the $50.00 range will be documented as soon as records are available.)

Attachment 2—David C. and Patricia A. Miller, Jr. (My Parents):

1977, May 30, 1977, Americans Against Union Control of Government, $2.00.

1978, February 1, 1978, National Republican Committee to the Senate, $10.00.

1979, October 30, 1979, Committee for Cleveland Heights Progress, $15.00.

1980, March 18, 1980, Cleveland Heights Republican Club, $5.00; Cleveland Heights Republican Club, $6.00; September 20, 1980, Cuyahoga Republican Organization, $20.00; October 20, 1980, G.O.P. Victory Fund, $50.00; October 20, 1980, Nahra for Congress, $30.00.

1981, January 6, 1981, Nahra for Congress, $25.00; April 5, 1981, Cleveland Heights Republican Club, $5.00; April 24, 1981, G.O.P. Victory Fund, $25.00.

Attachment 3—Thornton and Helen Lake (Wife's Parents):

1977, August 20, 1977, Senator J. Helms, $5.00.

1978, none.

1979, September 11, 1979, Voinovich for Mayor, $15.00; October 28, 1979, Reagan for President, $50.00.

1980, August 4, 1980, Ohio Fair Taxation, $10.00; August 8, 1980, Republican National Comm, $10.00; September 18, 1980, Ohio Republican Comm, $15.00; September 22, 1980, Republican National Comm, $15.00.

1981, June 18, 1981, Ashbrook for Senate, $100.00.

Helen Lake:

1980, September 22, 1980, Ohio State Republican Comm, $100.00; October 29, 1980, Victory '80 Campaign (GOP), $100.00.

1981, April 29, 1981, Ohio Republican Party, $150.00.

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations, and to have the rank of Ambassador while doing so:

Nominee: Paul Henry Nitze.

Post: Special Representative for Arms Control and Disarmament Negotiations.

Contributions, amount, date, donee.

1. Self: $250, 4/83, GOP Victory Fund; $200, 9/82, Committee for Tim Wirth; $100, 9/82, Thomas for Legislature Committee; $100, 9/82 Citizens for Emergy Committee; $25, 9/82, Friends of Ham Fish, Jr.; $100, 9/82 Fenwick for State Committee; $250, 4/82, 1982 Republican Senate-House Dinner; $100, 3/82, Committee for Tim Wirth; $100, 4/81, Moynihan '82; $100, 4/81, Citizens for Congresswoman O. Snow; $750, 2/81, 1981 GOP Victory Fund; $100, 2/81, Connally for President Committee; $750, 10/80, 1980 GOP Victory Fund; $100, 10/80, Hank Brown for Congress; $200, 9/80, Committee for Tim Wirth; $50, 9/80, Revenel for Congress Committee; $100, 9/80, Marylanders for Mathias; $250, 4/80, Reagan for President Committee; $50, 4/80, Marylanders for Mathias; $50, 3/80, Anderson for President.

2. Spouse: none.

3. Sister: Mrs. Walter Paepcke, $1,000, 1980, Anderson for President. She also made small contributions to several senatorial campaigns but not exceeding $2,000 in the aggregate in any one year.

4. Children:

Peter P. Nitze: Contributed an aggregate of no more than $2,000 a year, approximately half of which have been political contributions to Bill Green, Republican Congressman from his district. He has contributed no more than $500 to any other candidate in any year.

Susan Nitze: No significant contributions.

William A. Nitze: Various Republican organizations not exceeding $2500 a year in the aggregate.

Ann K. Nitze: No significant contributions.

Heidi Nitze: Various contributions not exceeding $1500 a year in the aggregate.

Phyllis A. Thompson: Various contributions not exceeding $1000 a year in the aggregate. Less than $1,000 was contributed to Kathleen Fisk Ames, a candidate for the School Committee in Brookline, Massachusetts.

W. Scott Thompson is the estranged husband of Phyllis A. Thompson. I have no knowledge of his political contributions.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of February 21, 1984, and, to save the expense of reprinting them on the Executive Calendar, I ask that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EAGLETON:

S. 2485. A bill to amend title 10, United States Code, to establish an improved system for providing military advice to the President, the National Security Council, and the Secretary of Defense, to establish a National Military Advisory Council, and for other purposes; to the Committee on Armed Services.

By Mr. KASTEN:

S. 2486. A bill for the relief of Rolando Mendiola and Thelma Mendiola; to the Committee on the Judiciary.

By Mr. WEICKER (for himself, Mr. BUMPERS, Mr. DURENBERGER, Mr. GARN, Mr. LAXALT, Mr. DECONCINI, Mr. RANDOLPH, Mr. JEPSEN, Mr. GOLDWATER, Mr. DOLE, Mr. HATCH, Mr. BOSCHWITZ, Mr. GORTON, Mr. RUDMAN, Mr. NUNN, Mr. LEVIN, Mr. TSONGAS, Mr. DIXON, Mr. SASSER, Mr. BINGAMAN, Mr. KENNEDY, Mr. KASTEN, Mr. D'AMATO, Mr. GLENN, Mr. COHEN, Mr. HEFLIN, Mr. HUDDLESTON, Mr. ABDNOR, Mr. PELL, Mr. PRYOR, Mr. MELCHER, Mr. CHILES, Mr. CHAFEE, Mr. ANDREWS, Mr. COCHRAN, Mr. JOHNSTON, Mr. SARBANES, Mr. DOMENICI, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. INOUYE, Mr. DODD, Mr. HELMS, Mr. PRESSLER, Mr. METZENBAUM, Mr. HECHT, Mr. BAUCUS, Mr. BURDICK, Mr. STEVENS, Mr. PACKWOOD, Mr. HATFIELD, Mr. MURKOWSKI, Mr. MITCHELL, Mr. LAUTENBERG, Mr. RIEGLE, and Mr. ZORINSKY):

S. 2487. A bill to provide for a White House Conference on Small Business; to the Committee on Small Business.

By Mr. WARNER:

S.J. Res. 268. Joint resolution to authorize and request the President to proclaim the day of June 6, 1984, as "D-Day National Remembrance Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for Mr. MATHIAS (for himself, Mr. FORD, Mr. BAKER, Mr. PELL, Mr. HATFIELD, Mr. INOUYE, Mr. WARNER, and Mr. DECONCINI)):

S. Res. 359. Resolution to pay tribute to the Depository Library System; placed on the calendar, by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON:

S. 2485. A bill to amend title 10, United States Code, to establish an improved system for providing military advice to the President, the National Security Council, and the Secretary of Defense, to establish a National Military Advisory Council, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. EAGLETON on this legislation appear earlier in today's RECORD.)

By Mr. WEICKER (for himself and Mr. BUMPERS, Mr. DURENBERGER, Mr. GARN, Mr. LAXALT, Mr. DECONCINI, Mr. RANDOLPH, Mr. JEPSEN, Mr. GOLDWATER, Mr. DOLE, Mr. HATCH, Mr. BOSCHWITZ, Mr. GORTON, Mr. RUDMAN, Mr. NUNN, Mr. LEVIN, Mr. TSONGAS, Mr. DIXON, Mr. SASSER, Mr. BINGAMAN, Mr. KENNEDY, Mr. KASTEN, Mr. D'AMATO, Mr. GLENN, Mr. COHEN, Mr. HEFLIN, Mr. HUDDLESTON, Mr. ABDNOR, Mr. PELL, Mr. PRYOR, Mr. MELCHER, Mr. CHILES, Mr. CHAFEE, Mr. ANDREWS, Mr. COCHRAN, Mr. JOHNSTON, Mr. SARBANES, Mr. DOMENICI, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. INOUYE, Mr. DODD, Mr. HELMS, Mr. PRESSLER, Mr. METZENBAUM, Mr. HECHT, Mr. BAUCUS, Mr. BURDICK, Mr. STEVENS, Mr. PACKWOOD, Mr. HATFIELD, Mr. MURKOWSKI, Mr. MITCHELL, Mr. LAUTENBERG, Mr. RIEGLE, and Mr. ZORINSKY):

S. 2487. A bill to provide for a White House Conference on Small Business; to the Committee on Small Business.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. WEICKER. Mr. President, I am pleased today to introduce, along with Senator BUMPERS, the ranking member, and 52 other Senators, legislation requiring the President to reconvene the White House Conference on Small Business no later than September 1, 1986, to be preceded by State and appropriate regional conferences in 1985 and 1986.

The first White House conference consisted of 57 State and regional meetings and culminated in a national conference in January 1980. Over 50,000 small business owners and operators from each of the 50 States participated in the conference process and made 60 recommendations in 12 general areas. These declarations served as the guidelines for legislative and administrative action on small business issues over the last 4 years. A substan-

tial portion of the 60 original recommendations have been acted upon, including changes to the Tax Code, reduced regulatory requirements and new public and private initiatives to assist small businesses.

The small business community should be given the opportunity to take another look at itself and its relationship with the Federal Government, at its potential, its problems, and the incentives and disincentives that affect its growth. A White House Conference on Small Business provides small business owners with a unique opportunity to advise and counsel Federal policymakers.

Mr. President, on March 15 the members of the National Advisory Council to the Senate Small Business Committee passed a resolution calling for the reconvening of the White House conference and submitted it to the committee for expeditious action. The legislation Senator BUMPERS and I are introducing today is in response to this resolution as well as to the strong sentiment expressed by small business persons who wish to establish a small business agenda for the 1980's.

This legislation simply provides a structured framework for the conference. Many of the provisions contained in the Senate bill are drawn from the past conference experience. For example, the legislation mandates that delegates and participants in the conference will be responsible for all their own expenses. Also, it is provided in the legislation that the State and regional conferences will precede a national conference.

The bill authorizes funds to cover only the administrative cost involved in implementing a conference. The legislation prohibits any Federal reimbursement to the delegates.

A similar version of S. 2487 was also introduced today in the House of Representatives by Congressmen PARREN J. MITCHELL, chairman of the House Small Business Committee, and JOSEPH M. MCDADE, ranking minority member.

The Small Business Committee will hold a hearing tomorrow on this legislation. Frank Swain, chief counsel of advocacy, and the major small business interest groups, Small Business United, National Federal of Independent Business, and National Small Business Association will all testify.

With over half of the Senate cosponsoring this legislation it will be my intention to move expeditiously on this bill.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "White House Conference on Small Business Authorization Act".

AUTHORIZATION OF CONFERENCE

SEC. 2. (a) The President shall call and conduct a National White House Conference on Small Business (hereinafter referred to as the "Conference") not earlier than January 1, 1985 and not later than September 1, 1986, to carry out the purposes described in section 3 of this Act. The Conference also shall consist of State conferences, and such regional conferences, as may be appropriate.

(b) Participants in the Conference and other interested individuals and organizations, are authorized to conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the Administrator of the Small Business Administration, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 3 of this Act in order to prepare for the National Conference.

PURPOSE OF CONFERENCE

SEC. 3. The purpose of the Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the nation; and to review the status of recommendations adopted at the 1980 White House Conference on Small Business.

CONFERENCE PARTICIPANTS

SEC. 4. (a) In order to carry out the purposes specified in section 3 of this Act, the Conference shall bring together individuals concerned with issues relating to small business: *Provided,* That no small business concern representative may be denied admission to any State or regional meeting.

(b) Delegates, including alternates, to the National Conference shall be elected by participants at the State and regional conferences: *Provided,* That each Governor and each chief executive official of the political subdivisions enumerated in secton 4(a) of the Small Business Act may appoint one delegate and one alternate: *Provided further,* That each member of the United States House of Representatives, including each Delegate, and each member of the United States Senate may designate one delegate and one alternate: *Provided further,* That the President may designate 100 delegates and alternates.

PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 5. (a) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) In carrying out the provisions of this Act, the Administrator of the Small Business Administration—

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels as authorized under section 2(b) of this Act; and

(2) is authorized to make grants to, and enter into contracts with, public agencies, private organizations, and academic institutions to carry out the provisions of this Act.

(c) The Chief Counsel for Advocacy shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the Conference, as well as by participants in State and regional conference; and

(d) Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed either from funds appropriated pursuant to this Act or the Small Business Act.

(d)(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

REPORTS REQUIRED

SEC. 6. Not more than six months from the date on which the National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

FOLLOW-UP ACTIONS

SEC. 7. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the Conference on the status and implementation of the findings and recommendations of the Conference.

AVAILABILITY OF FUNDS

SEC. 8. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and they shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the Conference. Any funds remaining unexpended at the termination of the Conference shall be returned to the Treasury and credited as miscellaneous receipts.●

● Mr. BUMPERS. Mr. President, I am pleased to join Senator WEICKER, the chairman of the Senate Small Business Committee, in introducing legislation authorizing the President to reconvene and conduct another national White House Conference on Small Business. This legislation is similar to

the legislative initiatives which this committee took in 1978, under the leadership of the former chairman of the Senate Small Business Committee, Senator Gaylord Nelson, and which led to the highly acclaimed 1980 White House Conference on Small Business. The call for that conference served as an organizational catalyst for small business. More than 50,000 small business leaders participated in 57 State and regional conferences. From the issues developed and debated at those preliminary conferences, the small business community came to Washington in January 1980 and agreed on an agenda of 60 recommendations in 12 issue areas.

Those 60 recommendations represented the small business community's own view of the agenda which had to be undertaken by policymakers in Washington. Some of those recommendations called for legislative action; others could be implemented through administrative action alone. According to a detailed analysis of those recommendations prepared last year by Senator NUNN, 38 of the 60 suggestions had already been enacted into law or accomplished through administration action (CONGRESSIONAL RECORD, May 12, 1983). Given the progress made to date on implementing those recommendations, coupled with the growth and development in the small business sector over the past 4 years, it is appropriate that small business be encouraged to review the 1980 agenda, and, to the extent necessary, develop a new agenda for the balance of the eighties.

Mr. President, as the ranking Democratic member of the Senate Small Business Committee, I strongly support this legislation, and the bipartisan and bicameral congressional support it is receiving. I joined with 51 of my colleagues last year in a letter to the President urging that he call another White House conference.

However, it is important to point out that when this legislation passes, we in the Senate Small Business Committee and in the Congress cannot sit passively waiting for the results of this initiative. We still have a leadership responsibility in the Congress, and we should continue to use our full legislative and oversight powers to benefit the small business community.

In fact, several key initiatives are already well underway within our committee. These include legislation to enhance the opportunities for small business participation in Federal procurement, and a bill which Senator WEICKER and I have introduced—S. 2375—to enhance the existing secondary market in SBA-guaranteed loans, and to open up additional sources of capital for small business.

Mr. President, I look forward to the hearings on this proposal in the Senate Small Business Committee, and to its prompt congressional enactment.●

● Mr. DURENBERGER. Mr. President, I am pleased to join Senator WEICKER and others in introducing the White House Conference on Small Business Authorization Act. Our bill authorizes the President to conduct a national conference of small business representatives no later than September 1, 1986, which will be preceded by State and regional conferences during 1985 and 1986.

Small businesses are vital to our economy. They employ more Americans and generate more new ideas than any other sector of the economy. The latest President's Report on the State of Small Business maintains that all net new employment in the United States during 1981 and 1982 was created by small businesses, a fact which alone makes them a most valuable economic resource. It is important that local, State, and national policymakers recognize the role small businesses play in the American economy and in American society.

Back in 1979, over 50,000 Americans concerned about the future of small businesses met throughout the Nation in State and regional assemblies to discuss critical issues and offer advice on how to address them. They elected 1,600 delegates to carry this input to the actual White House conference where it was refined and presented to Congress and the President as 60 policy recommendations.

Most of us found these recommendations to be sound advice. In the 4 years since the conference, a substantial portion of their policy input is already in place.

If small businesses continue driving the economy, it is important that national policy not hinder their growth. I know of few better forums from which to discuss grassroot economic and regulatory policy than the White House Conference on Small Business. I urge my colleagues to consider this legislation in a timely fashion.●

● Mr. PELL. Mr. President, I am very pleased to join in cosponsoring the bill introduced by the Senator from Arkansas (Mr. BUMPERS) and the Senator from Connecticut (Mr. WEICKER) to authorize the reconvening of the White House Conference on Small Business.

The convening of such a conference was high on the agenda of Small Business United's Washington presentation last May. The small business community is truly a national constituency with diverse needs across a broad spectrum of public policy, and a national conference becomes a mechanism for focusing these needs in ways that can lead to productive results.

This was amply demonstrated by the first White House conference which brought together over 1,600 delegates in 1980 and resulted in an agenda for bipartisan action that reflected a true consensus of valid interests. Many of the recommendations of that conference have been enacted into law or addressed administratively, but a lot has happened since that could and should benefit from the concerted attention of a national conference. The impact on small business of the budget deficits and the various proposals to reduce them should probably head the list.

The public policy agenda of small business is important to the State of Rhode Island, where nearly 2 out of every 3 workers, or 62 percent, is employed in an establishment with fewer than 100 employees, compared to 51 percent nationally. Their well-being and future prospects could be substantially affected by the public agenda of the small business community and it is on their behalf that I join in calling for the reconvening of the White House conference. I congratulate the distinguished Senator from Arkansas (Mr. BUMPERS) and the distinguished Senator from Connecticut (Mr. WEICKER) for initiating this measure, and I hope it receives speedy consideration.●

By Mr. WARNER:

S.J. Res. 268. Joint resolution to authorize and request the President to proclaim the day of June 6, 1984, as "D-Day National Remembrance Day"; to the Committee on the Judiciary.

D-DAY NATIONAL REMEMBRANCE DAY

Mr. WARNER. Mr. President, it is with deep pride, a solemn sense of history and personal, emotional remembrance that I introduce today a Senate joint resolution in commemoration of the 40th anniversary of the Allied Invasion of Normandy, which began on June 6, 1944—a day that will be forever inscribed in the memories of free men and women everywhere as "D-day."

I, therefore, request the President to proclaim the day of June 6, 1984, as "D-Day National Remembrance Day."

Under the guidance of the Secretary of the Army, the Honorable John O. Marsh, the United States is preparing to honor this day with a series of events. The Governments of Great Britain and France are likewise participating.

Following years of extensive and brilliant planning conducted by the joint efforts of members of the allied staff, "Operation Overlord," which would involve almost 3 million men, 5,300 ships, and 9,500 planes, was ready to be launched in the spring of 1944.

Facing imminent adverse weather, the Supreme Commander of the Allied Powers, Gen. Dwight D. Eisenhower, made a decision to launch the invasion and the largest amphibious assault of modern warfare was unleashed in the

early morning hours of June 6, 1944. Preceded by airborne drops of two U.S. divisions and one British division, the massive amphibious landings of some 176,000 men began on the Normandy coast in complete tactical surprise. General Eisenhower's courageous decisiveness was to characterize the actions of commanders at all levels throughout the invasion as they carried out their missions with bravery, skill, and perseverance.

In preparation for this massive undertaking, the people in the factories and farms of the free world had labored for years to provide the material resources necessary to sustain this huge and mighty invasion force. Now, having committed their labor, their national treasure and above all, their sons to this endeavor to rid the world forever of the Nazi horrors Hitler had perpetrated, these people remained close to their radios, anxious for news of their soldiers, sailors, and airmen fighting on that distant shore. And they prayed to Almighty God for their safety and success.

As a result of the bravery, skill, and determination of our fighting men and women, the invasion was successful and led to the eventual destruction of a totalitarian Nazi regime and the liberation of millions of enslaved peoples of Europe.

Therefore, I call on all my colleagues in the Senate, 36 of whom are veterans of World War II, to express our deep pride and eternal appreciation for the courage and determination of all those who participated in that invasion force on that day of battle 40 years ago.

Remembering those who fought and died so valiantly to gain those bloody but vital beaches serves not only to honor their memory, but also to renew the determination of the peoples of the free world to oppose tyranny and oppression wherever it occurs.

I, therefore, ask my colleagues in the Senate to join with our colleagues in the House of Representatives to resolve jointly that the day of June 6, 1984, is hereby marked in commemoration of the 40th anniversary of the invasion of the Allies of the free world against the Nazi forces which were occupying and oppressing the previously free countries of Europe, and that on the shores of Normandy on June 6, 1944, the sons of free men and women throughout the world, through their courage and determination, marked the beginning of the end of the Nazi evil and relit the torch of freedom throughout the world.

ADDITIONAL COSPONSORS

S. 591

At the request of Mr. INOUYE, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 1027

At the request of Mr. GORTON, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of S. 1027, a bill to amend Public Law 96-162.

S. 1201

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 2165

At the request of Mr. DANFORTH, the names of the Senator from California (Mr. CRANSTON) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2266

At the request of Mr. CRANSTON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2268

At the request of Mr. CRANSTON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2268, a bill to amend title 38, United States Code, to extend the authority for veterans readjustment appointments.

S. 2307

At the request of Mr. BOSCHWITZ, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2413

At the request of Mr. DENTON, the names of the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2451

At the request of Mr. CRANSTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2451, a bill to amend title 38, United States Code, to increase the maximum amount of the Veterans' Administration's specially adapted housing assistance grants provided to certain severely, service-connected disabled veterans and the maximum amounts of Veterans' Administration home loan guaranties.

S. 2460

At the request of Mr. MITCHELL, the names of the Senator from Maine (Mr. COHEN), the Senator from Maryland (Mr. SARBANES), the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. BURDICK), the Senator from New York (Mr. MOYNIHAN), the Senator from Rhode Island (Mr. PELL), the Senator from Nevada (Mr. LAXALT), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 2460, a bill to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building."

S. 2461

At the request of Mr. MITCHELL, the names of the Senator from Maine (Mr. COHEN), the Senator from Maryland (Mr. SARBANES), the Senator from Texas (Mr. BENTSEN), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. BURDICK), the Senator from New York (Mr. MOYNIHAN), the Senator from Rhode Island (Mr. PELL), the Senator from Nevada (Mr.

LAXALT), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 2461, a bill to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building."

SENATE JOINT RESOLUTION 167

At the request of Mr. HUDDLESTON, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Joint Resolution 167, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 227

At the request of Mr. CRANSTON, the names of the Senator from Maine (Mr. MITCHELL), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. HECHT), the Senator from South Carolina (Mr. THURMOND), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. PELL, the names of the Senator from Hawaii (Mr. MATSUNGA), the Senator from Georgia (Mr. NUNN), the Senator from Kentucky (Mr. FORD), the Senator form Delaware (Mr. BIDEN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUYE, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from New York (Mr. D'AMATO), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from Utah (Mr. HATCH), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. DIXON), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 255

At the request of Mrs. HAWKINS, the names of the Senator from Ohio (Mr. GLENN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Joint Resolution 255, a joint resolution to designate the month of May 1984 as "Older Americans Month."

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. HEINZ, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Concurrent Resolution 86, a concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

SENATE RESOLUTION 287

At the request of Mr. HUDDLESTON, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Resolution 287, a resolution establishing a Task Force on Agricultural Credit.

SENATE RESOLUTION 359—TO PAY TRIBUTE TO THE DEPOSITORY LIBRARY SYSTEM

Mr. BAKER (for Mr. MATHIAS) (for himself, Mr. FORD, Mr. BAKER, Mr. PELL, Mr. HATFIELD, Mr. INOUYE, Mr. WARNER, and Mr. DECONCINI) submitted the following resolution; which was placed on the calendar by unanimous consent:

S. RES. 359

Whereas the United States Senate has recognized that citizens of America should have effective access to Government information throughout the country; and

Whereas the Congress of the United States has provided its citizens with free and open access to Government information through a Depository Library System that includes at least one depository library in each Congressional District; and

Whereas depository libraries in a variety of categories, including public, academic, land grant, state, law school and Federal libraries, have enthusiastically provided service and access to information to citizens across the country; and

Whereas the nation celebrates National Library Week each year in the month of April to honor and recognize the fine public service that has always been characteristic of the libraries of America: Now, therefore, be it

Resolved, That the Senate pay tribute to depository libraries throughout the land and commend the many dedicated people associated with the Depository Library Program for their significant contribution in furthering the cause of free and open public access to Government information.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the Public Printer of the United States, the President of the American Library Association and the President of the American Association of Law Libraries.

DEPOSITORY LIBRARY SYSTEM

● Mr. MATHIAS. Mr. President, the Nation will soon be celebrating National Library Week to recognize the vital public service that has characterized this Nation's libraries. In anticipation of that important event, I am submitting a resolution honoring the depository library program and I ask unanimous consent that it be placed on the calendar. I hope that the Senate will consider this measure later in the week and at that time I will have additional remarks concerning the resolution.●

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATION

DOLE (AND OTHERS) AMENDMENT NO. 2852

Mr. BAKER (for Mr. DOLE) (for himself, Mr. BOREN, Mr. BENTSEN, Mr. MCCLURE, Mr. TOWER, Mr. HATCH, and Mr. STEVENS) proposed an amendment to amendment No. 2847 proposed by Mr. JOHNSTON (and others) to the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture, as follows:

In lieu of the language proposed to be inserted by amendment 2847, insert the following:

(a) Study—The recent proliferation of mergers involving oil companies in this country and the potential implication of such mergers upon our nation's policy with respect to energy, tax, and antitrust laws, present serious issues that need to be carefully considered by the Senate; and,

Pending further study, it is unclear whether a complete moratorium on such mergers is in our nation's interest; and,

The Committee on the Judiciary has only recently completed a hearing on the oil merger issue and the Committee on Finance has scheduled a hearing on the oil merger issue for April 5, 1984, and the Committee on Energy and Natural Resources has scheduled a hearing for April 10, 1984; (b) Now, therefore, it is the sense of the Senate that in lieu of taking any action at this time to impose a complete moratorium on oil mergers, the Senate defers consideration of the issue until full hearings have been completed by the Committees on Energy, Finance and the Judiciary on the issue and a study of the impact of such mergers on our national interests has been completed and reported to the Senate no later than July 1, 1984.

It is further the sense of the Senate that any changes recommended by the Committees on Energy, Finance and the Judiciary, if enacted, be made effective as of March 27, 1984.

INOUYE (AND STEVENS) AMENDMENT NO. 2853

Mr. INOUYE (for himself and Mr. GOLDWATER) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page three, line six, strike "$92,750,000" and insert in lieu thereof "$61,750,000".

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT

PELL AMENDMENT NO. 2854

(Referred to the Committee on Foreign Relations.)

Mr. PELL submitted an amendment intended to be proposed to the bill S. 2346, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance programs for fiscal years 1984 and 1985, and for other purposes, as follows:

At the appropriate place in the bill, insert the following: "It is the sense of the Senate that the Agency for International Development, in implementing its programs, shall take into account the following standards, consistent with the economic policy of the United States, and shall report annually to the Congress as to its conformity with such standards:

"1. AID programs shall encourage employment-based development that will alleviate urban crowding and reduce pressures for emigration from developing countries. Such development should emphasize service and infrastructure programs that improve the quality of life, such as hospitals and health facilities, sewerage systems, housing, agricultural production and distribution and communications systems.

"2. When consistent with these development priorities, AID programs should emphasize the application and use of American technology, thereby stimulating U.S. employment, particularly in areas in which the U.S. enjoys a substantial comparative advantage, such as agriculture, health technology, pharmaceuticals, telecommunications, extraction and development of energy resources and education technology.

"3. AID programs should take into account questions of international overcapacity in such industries as steel and petrochemicals.

"4. AID programs should be designed to reduce inflationary pressures by encouraging self-sufficiency in energy and food production.".

● Mr. PELL. Mr. President, I introduce and send to the desk for appropriate referral an amendment which I intend to offer to S. 2346, the International Security and Development Cooperation Act of 1984.

The intention of the amendment is to encourage the Agency for International Development to administer its programs in ways that will support U.S. domestic economic interests and be consistent with domestic economic objectives, without in any way diminishing our historic commitment to the purposes of the foreign aid program. The amendment specifies four standards which the Agency must take into account and it requires the Agency to report to the Congress annually as to its conformity with the standards.

A principal objective to be served by this process is the expansion of U.S. exports. This should certainly be a primary national economic goal in view of the staggering $69.4 million merchandise trade deficit which faced this country in 1963. And there is no reason why the growing purchasing power of the developing nations cannot properly be enlisted to help redress the imbalance. Indeed, it can be, with mutual benefits to both the United States and the recipients, through AID programs that promote the use of American technology.

The amendment directs AID to emphasize programs that use technology in those fields in which this country enjoys a high competitive advantage, such as agricultural production, health technology, telecommunications, energy resource development and education technology.

Such an emphasis not only can provide high value-added employment for U.S. workers, but it also best serves the interests of recipient countries by promoting the development of services and facilities that will improve living conditions and foster further economic development. The amendment specified that AID programs should encourage the development of hospitals and health facilities, sewerage systems, housing, communication systems and agricultural production and distribution. It recognizes that these facilities are the key to promoting rural, employment based development in recipient countries, thus alleviating urban crowding and reducing pressures for emigration to developed countries.

An important related objective is the reduction of international inflationary pressures resulting from competing demand for scarce resources. To encourage progress in this area, the amendment specifies that AID programs should encourage self-sufficiency by recipient countries in two basic areas, namely food production and energy production.

And finally, the amendment directs AID to take into account questions of international overcapacity in such industries as steel and petrochemicals. By doing so, we can at least refrain from promoting redundant development that would not be a viable addition to the economy of some developing nations.

These are basic, commonsense guidelines for the conduct of our AID program in the coming months. Doubtless, others could be added to the list. But I believe the four points of this amendment address the core problems currently facing the international economy. I urge the acceptance of the amendment.●

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing on Wednesday, April 11, 1984, to receive testimony on S. 2418, a bill which would authorize and direct the Librarian of Congress, subject to the supervision of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes. The hearing will begin at 2 p.m., in SR-301, Russell Senate Office Building.

Senators or other interested persons who wish to testify or to submit written statements for the hearing record should contact Anthony L. Harvey of the Rules Committee staff at 224-0291.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on S. 2487; a bill to provide for a White House Conference on Small Business, on March 29, 1984, at 10 a.m. in room 428A of the Russell Senate Office Building. For further information, please contact Mary Meyers Mann of the committee staff at 224-2180.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Small Business; Family Farm will hold a hearing on the Impact of Natural Gas Prices on Farmers and Small Businesses, on April 5, 1984, at 10 a.m. in room 428A of the Russell Senate Office Building. For further information, please contact John McNamara of the committee staff at 224-2809. Senator LARRY PRESSLER will chair.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 28, at 10 a.m., to mark up the following bills:

H.R. 3578, an act to establish the wilderness areas in Wisconsin;

H.R. 3921, an act to establish wilderness areas in New Hampshire;

H.R. 3960, an act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System;

H.R. 4198, an act to designate certain national forest system lands in the State of Vermont for inclusion in the National Wil-

derness Preservation System and to designate a national recreational area; and

S. 2085, a bill to amend section 3a of the Cotton Statistics and Estimates Act to provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services to producers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Sea Power and Force Projection, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, March 28, to receive testimony on the force projection program in review of S. 2414.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 28, at 10 a.m., to continue the markup of the following bills:

H.R. 4504, a bill relating to the Helsinki Commission;

S. 2346, fiscal year 1984–85 security assistance programs.

S. 2416, U.S. participation in IDA;

S. 2321, a bill to amend the Peace Corps Act; and

S. 2347, a bill to authorize assistance in fiscal year 1984–89 for Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CIVIL SERVICE

Mr. BAKER. Mr. President, I ask unanimous consent that the Civil Service Subcommittee of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Wednesday, March 28, to hold a hearing on the following bills:

S. 2115—to amend the executive exchange program.

S. 2262—the Federal Airport Police Salary Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation and Government Processes of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, March 28, to hold an oversight hearing on the Census Bureau.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 163D ANNIVERSARY OF GREEK INDEPENDENCE

● Mr. TSONGAS. Mr. President, March 25 commemorates the 163d anniversary of Greek independence from the Turkish Ottoman Empire.

History teaches us that Greece has always been a nation committed to the ideals of democracy, freedom, and justice. These ideals have been handed down from generation to generation and are firmly implanted in the Greek-American families and communities in the United States.

Greece and the United States have a long history of friendship and respect. However, recent events on Cyprus have placed a strain on this relationship. Since the Turkish Cypriots' illegal unilateral declaration of independence, Turkey stands alone among the nations of the world community in officially recognizing this so-called government. The administration's most recent request for military aid to Turkey not only breaks the 7-to-10 ratio established by Congress, but sends a clear message to both our allies, that Turkey's actions will be rewarded while Greece's protests go unheard. Is this how America shows its commitment to maintaining democracy in Europe? I think not.

Let us pledge on this 163d anniversary of Greek independence, to work toward peaceful solutions to our common interests and problems, not only in Cyprus and the Aegean, but wherever human rights and political liberties are denied.●

KANSAS: LET'S GO TO THE STARS

● Mr. DOLE. Mr. President, every Member who has ever had the privilege of representing his home State in this distinguished body knows full well the special kind of pride that that privilege brings.

Therefore, it is especially pleasing to the Senator from Kansas to read words that capture the very spirit of my home State.

Recently, a student at the University of Kansas authored a remarkable statement on the essence of Kansas that truly stirred this Senator. The Senator from Kansas suggests that anyone who truly wants to know more about the quality of life on the Great Plains should read Bonar Menninger's superb article in the University Daily Kansan.

I ask that the article be printed in the RECORD.

The article follows:

[From the University Daily Kansan, Mar. 21, 1984]

WHO CARES WHAT'S SAID ABOUT US?

(By Bonar Menninger)

The wheat turns gold; the south wind blows. Some things never change. Once more we Kansans are forced to listen to disparaging comments made about our home.

First, we get some confused, desperate man attempting to cover his own inadequacies as a leader by unleashing a pathetic ad hominem blast at Kansas.

Then an amazingly well-informed young woman, who is quite ready to exploit what this state and school has to offer, somehow thinks this gives her the right to assassinate the character of Jayhawkers.

And finally, a classic glitter-coast airhead takes time off from Valley living to strip in front of millions, then makes an equally absurd attempt at displaying sophistication by running down Kansas.

Funny, isn't it? I used to get bitter and feel the need to destroy when someone talked down my home. But now such comments only arouse sardonic amusement and a peaceful sense of solitude. I don't care what anyone thinks about us any more.

You see, I, and maybe you too, have gradually come to the conclusion that Kansas is the greatest state in the Union. The people, far from being boring and uninspired are the most dynamic, practical and well-adjusted in the world.

Not only are the people great, but there is something in this environment that accelerates growth and change. I think there is magic here.

Look around. The evidence is everywhere. The facts build in waves through your brain until our reality becomes incredibly, deliciously impossible to deny. All we need to do is seize it.

If America is the melting pot, Kansas is the titanium alloy of the new world. By the luck of the geographic draw, we are in the middle. As a result, we have the ability to synthesize the varied regions of the United States into a hybrid form.

We're southern enough to be free-spirited and downright ornery, but not so far south that we cling to a lost cause and the dying past.

And western enough to know what the frontier means and understand the pioneer spirit, but not so far west that our dreams are disconnected and our lifestyles empty.

And northern enough to know what practicality and the work ethic are, but not so far north that we're haunted and embarrassed by the sheer joy of life.

And just a little eastern—just enough to maintain continuity with history and the origins of our country, but not near eastern enough that we've become trapped by tradition and disillusioned and mean.

Look at the leadership role we have provided for this county. Twice Kansans have initiated a radical shift for the better in the direction of American society. The issue of racial inequality was, and remains, the most wretched contradiction embedded in the American dream.

Yet each time there was positive change, who sparked it? For six years, the Civil War raged out here before the first shells landed on Fort Sumter. Kansas men knew the time for words had passed and the fight was on long before the rest of the nation did. We did not shy away from it.

Almost 100 years later, a family in Topeka quit living a lie and carried this battle for

true equality and justice to the highest court in the land—and won.

What was set in motion by the Brown vs. Board of Education ruling triggered the civil rights movement and indirectly, the social upheaval of the '60s, the implications of which are only now coming into view.

In addition to the collective leadership Kansas has shown, we, as individuals, have consistently come to the fore. When Roosevelt needed someone to pull off victory in Europe, he turned to a Kansas boy. And today, regardless of what you think of him, it is a Kansan who is bucking the administration and spearheading the fight against the cancer of the national debt.

We have produced poets, astronauts, doctors, and artists that are known throughout the world.

In short, we are the champions. It's time we realized it. The potential here is unlimited, and if we only believe in ourselves the future is ours for the taking. Come on, Kansas, let's go to the stars. Nothing can stop us. Nothing can stand in our way.●

SENTIMENT AND THE U.S. IMMIGRATION POLICY

● Mr. EAST. Mr. President, Prof. M. E. Bradford is not a man to mince words. In the April issue of the American Spectator, he reflects upon the failure of nerve that leads politicians to declare that illegal aliens cannot be expelled from our midst. Should Congress insist on granting amnesty to millions of illegal aliens, many other Americans will have questions for their representatives.

I ask that the essay "Sentiment and the U.S. Immigration Policy" be printed in the RECORD.

The essay follows:

[From the American Spectator, April 1984]

SENTIMENT AND THE U.S. IMMIGRATION POLICY

(By Melvin E. Bradford)

As the Congress lumbers with all the hesitancy of an elephant surrounded by mice toward final consideration of S. 529/H.R. 1510—two versions of the Simpson-Mazzoli bill—we come closer and closer to a drastic redefinition of the immigration policy of the United States. Those who understand what is at stake in these proposals would be amused by the spectacle were the matter of it less serious. And particularly Americans who, like the writer, reside in one of the states along the southern border of their country. But I rather think that our sensations in contemplating prospects to come are more complex and can be better compared to those engendered by some of the worst plays of the last three hundred years. I am thinking in particular of the English "heroic drama" of the seventeenth century, of eighteenth-century "weeping comedy," and of nineteenth-century American melodrama, the standard fare of showboat entertainment more recently revived and made familiar to us in television documentaries and "biographies" of the heroes of the Left. The common denominators in all of this theatrical history are unearned moralistic posturing, wooden plotting, pompous set speeches, and a failure to render as action issues potentially at stake in a particular combination of characters, setting, and circumstance. Add to these ingredients a little weeping on cue when unlikely conversions occur or problems resolve as pundits require and you have a composite analogy to the sober proceedings of the world's greatest legislature on the subject of the rights of citizenship and the integrity of our national borders.

Only fanatics, poseurs, and Puritans ever really liked these plays—such as confuse the aesthetic satisfactions of verisimilitude with the confirmation of prejudice which comes of reducing all human history to a Manichean struggle between a special definition of the darkness and the light. Yet they held the stage—and, in their modern versions, continue to find an audience wherever propaganda stands in the place of art. Of course, as the forthcoming debate of the Congress predictably degenerates into lofty generalizations concerning the "rights of man" or the narrowness of nationalism and the familiar allegorical conflict between the wicked "haves" and certain rhetorically selected and well-scrubbed representatives of that intrinsically "noble" multitude who have not, the deepest interests of the Republic will be neglected and, to its very grave peril, set aside for the sake of an opportunity of moralistic (i.e., self-righteous) self-congratulation.

The great problem with the people both inside and outside of government whose efforts make fair to ruin the proposed immigration law revisions is that they deny the validity of distinctions separating as categories—guest, citizen, and interloper. Any principle that might result in the exclusion or expulsion of any persons not citizens who desire to reside in our midst they find repugnant. If not quite insisting that the "golden doors" be opened to all comers, they nonetheless invoke the doctrine of universal "human rights" as an authority which, in given instances of distress, supersedes all naturalization laws—especially those of prosperous countries where a majority of the population is white—and thus demand a more and more inclusive "amnesty" provision as a part of Simpson-Mazzoli, a conversion of seven or eight million illegal inhabitants of the United States into a special class: criminals rewarded for having committed a crime in violation of our integrity as a sovereign political entity. And the prospect is that this amnesty, covering covert and unauthorized immigrants arriving in this country before January 31, 1982, will be only the first in a series of similar acts, each legitimizing the status as legal permanent or legal temporary residents of the United States of another group of illegal aliens, making them candidates for membership in our body politic, and thus defrauding those who seek to become fellow citizens among us according to our laws.

The amnesty provision is of course the worst feature of Simpson-Mazzoli, and was included there in part to attract the supporting votes of legislators who can imagine importing a docile majority to foster their ambitions, presently frustrated by the good sense of the American people. As to the character and judgment of politicians who would create a proletariat where at present not much of one exists I can add little to the verdict of history upon all their kind. Eventually they are all devoured by monsters they have made. And deserve their fate. For where there is no connection but in appetite there can be no limit upon it. But much of the lobbying and contemporary emotion in favor of this amnesty has its source in something more worthy than a plan to assemble and then vote a class of perpetual dependents. I speak now of our honorable disposition to be a hospitable people, ready to receive guests and to give shelter to those who endure exile from their *patria* for the sake of principle.

Even in the most ancient literature of the West, hospitality to travelers and visitors is recognized as the virtue which distinguishes civilized men, those who fear the gods and keep their laws. For the stranger might always be something more than he appeared to be—like Mentor in Homer's *Odyssey* or the angels in Genesis 18 who announce to Abraham and Sarah that they will have a son. Peleus had given shelter to Phoenix, who became the tutor of his son Achilles in the *Iliad.* Ecgtheow, father of Beowulf, had been protected by Hrothgar, the Danish king later assisted by his son. And Virgil's Dido welcomed Aeneas when the storm drove him to Carthage. According to the teaching, to offer the wanderer safe harbor is to deserve the same, should exile ever be our misfortune. But the old writings also tell us that the law of hospitality is a coin with two faces. The visitors in the *Odyssey* have abused the house of Odysseus. They have insulted his family, attempted to kill his son, corrupted his servants, and consumed his substance. His old father, Laertes, has been driven into the fields. The Greek gods put a special curse on such violations of privilege. The offenders *must* die, if respect for the comity of men and nations is to survive. Even as all of Troy must be destroyed because of its after-the-fact complicity in the crime of Paris, a prince of that great city and its representative, against his Spartan host, King Menelaus. Hospitality is an expression of the self-esteem, the spirit of *noblesse oblige,* to be found among a proud people. It is not a measure of self-interest but of sentiment—reflecting a powerful sense of security and grace.

But self-respect has nothing to do with a suicidal passion to "open the gates and let them all come in." For the first law of every society, even the condition of its gestures of generosity, is that it put the needs of its own members ahead of the needs of outsiders. Such an order of priorities is part of what we mean by the "social contract": the commitment to certain persons by the terms of which we are precluded from establishing an equivalent bond with others. Said another way, any act of choosing is an act of exclusion as well as of inclusion. We have no social connection with any man if we have the same obligations to all. Any goal contrary to the common good of the corporate "we" which endangers the future of the whole, and sets one of its components or part of its value system so far ahead of the rest as to threaten all, is, in essence, sentimental: indicative of an emotion out of proportion to the context in which it appears. Or worse than sentimental, following from that error which the ancient theologians called cupidity: putting a greater ahead of a lesser good, with all done in the name of love.

Any society that, out of a gratuitous benevolence, destroys its own capacity to protect its members or to assist legitimate friends outside the compact which defines its limits is, in a collective sense, guilty of cupidity. Like Milton's Adam in preferring Eve to the will of God. For by practicing such love for mankind in the abstract, as represented by those ostensibly distressed in their place of residence, it violates Burke's maxim that "to be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections." This much he

can assert in the name of civilization because, as he adds elsewhere, "we begin our public affections in our families. No cold relation is a zealous citizen." And if "physical relations . . . are the elements of the commonwealth," no man who neglects hearth and rooftree will ever rise to "higher and more large regards," to a proper version of "love to our country, and to mankind."

Thus when our most refined moralists insist that, in questions involving immigration, borders be ignored and distinctions of citizenship set aside, they are repeating the old error of Jean Jacques Rousseau: assuming the superiority of a uniform, dead-level "state of nature" to civil communities which maintain their own institutions and identities, generated by their own respective histories. The philosophers of natural rights prefer to conceive of a polity defined by commitment to propositional statements concerning *humanus genum*, the species at large—ignoring the evidence that most high civilizations have emerged out of a combination of the ties of blood and friendship, of common religious faith and cooperation in business, politics, war, and art, not from generalizations that discourage such cohesion. That the greater human family can be thought of as fulfilling its composite nature only as it subdivides into "little platoons" and tribes and nations—in its repudiation of the presocial isolation of individuals who are "citizens of the world"—the Fathers of the Republic understood clearly, as may be easily determined from an examination of their approach to questions of admission and naturalization of such aliens as desired to settle among them.

In the Great Convention of 1787 the Framers of the United States Constitution had a good bit to say on the subject of immigration. Some spoke of what immigrants had done for the country during the Revolution. Others warned about extending political "privileges" to those who had not yet formed "attachments" here—foreigners resident in the United States, deserving our citizenship but not yet one with us in spirit. Governor Edmund Randolph of Virginia went further, wondering whether immigration to this country had more than a "problematical" value for its development. But no one denied that immigrants would have to be naturalized, that their admission should be dependent upon the best interests of *this country*, or that some should be excluded, if they posed a threat to the commonweal. No one confused citizen and guest or countryman and interloper, and all agreed with Gouverneur Morris of (at that time) Pennsylvania when he observed on August 9, 1787, that "every society from a great nation down to a club had the right of declaring the condition on which new members should be admitted." While reserving authority over the legal process of naturalization to the Congress, all of the Framers clearly expected that it would be Europeans who were presenting themselves for "membership" here. Therefore, the original March 26, 1790 "Act to Establish an Uniform Rule of Naturalization" provided *only* for absorption of "any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years," on condition of his application to a common law court in a state where he has resided for at least one year—*if* he can give proof of good character, and *if* he has affirmed by oath his loyalty to our Constitution. A January 29, 1795 revision of that original law required five years of residence in the United States, two in the place or region of application, and also insisted that the prospective citizen renounce allegiance to all other powers at least three years before presenting himself for citizenship here.

Immigration legislation continued in this pattern throughout most of the first century of our national existence. Like Fisher Ames of Massachusetts in the debates preceding the passage of the 1795 revision, the statesmen of the early Republic were careful to keep questions of "abstract rights" out of their deliberations on the subject of immigration. As Ames expressed their purpose in preventing an amendment to the bill that would have excluded from citizenship immigrants bringing their slaves with them as property, the proper question to be answered in drafting such laws concerned the "tranquility and safety" of the United States, not the aboriginal equality of men. Throughout this period important American political figures announced that they were eager to welcome to these shores hosts of immigrants who would help them to develop the potential of the country. They were pleased (as would be any civilized person) to reconcile their obligations as republican magistrates and legislators to the ancient virtue of hospitality and the aspirations of restless and unfortunate people. But they reserved the right to keep the process under their control, given the prospect of changes in the national interests of the United States.

Between the end of the American Revolution and 1820, the year when we began to keep records of incoming population, something like 250,000 immigrants arrived on these shores. The two decades of 1820-1840 saw the flow increase as the nation's population absorbed another 750,000. Then the flood began. In the years 1840-1860 almost 4,400,000 aliens crossed the seas to become Americans. Yet most of these early recruits to the American Dream came from Ireland, the United Kingdom, and Germany. They threatened established cultural patterns and the established mix only with reference to religion. Yet this influx in numbers and change in percentage of Roman Catholic citizens did disturb the public peace of the regime and spawned an exclusionist political party, the Know Nothings. After the War Between the States, however, economic necessity overcame xenophobic uneasiness. For in the longer period of 1865-1915 immigration brought about 30,000,000 additions to the general population—this time coming not so much from Northern Europe as from Italy, Poland, Russia, Greece, the Balkans, and the Austrian Empire. With this vast throng we filled our vacant spaces, lowered the price of our labor, increased the value of our public land and private real estate, expanded our industries, made use of our resources, and closed the frontier. And, in the process, also diminished our need for immigrant masses "yearning to be free."

One of the first signs of a shift in the nation's attitude toward the large-scale movement of populations in this direction occurred with the Chinese Exclusion Act of May 6, 1882. Other straws in the wind were the 1875 provisions banning the entry of prostitutes and criminals, the 1882 provisions excluding the diseased, the socially undesirable, paupers without resource, and the mentally defective. The 1882 Immigration Act was a landmark in that it looked toward repatriation of numerous unwanted aliens presenting themselves for admission through a regular process. It was followed by statutes forbidding overseas recruiting of contract labor and related practices. Other laws required the prospective immigrant to be literate in some language. All of this exclusionary legislation pointed toward a realization by the Congress that its first priority in regulating future naturalization would have to be the long-term stability and survival (as itself) of the United States, not asylum as the self-satisfying myth of our unlimited welcome or our desire for internal development as an industrial nation. In the Quota Act of 1921 and the momentous Immigration Act of May 26, 1924, these concerns translated into a quota by national origins and an overall limit on annual admissions.

That these immigration bills of the 1920s were not demonstrations of progressive opinion on the questions of human equality and the priority of the rights of man over the dictates of prudence is not difficult to prove. For they base the quotas which they propose on the ratio of white persons from a particular national background to be found in 1920 in the total population of the United States. These are laws for bringing us a few useful white people, not a paraphrase of Emma Lazarus. By and large, Asians and Africans are out of the question. And though no barrier is thrown up against the inhabitants of neighboring countries in the Western Hemisphere, it was well understood that the status of unskilled Latin American labor in our society would discourage it from pouring into the states bordering Mexico in numbers greater than what we could use for agricultural or (later) industrial purposes. Between 1840 and 1943 illegal immigration from across the Rio Grande into our Southwest was not widespread. The memory of two wars with Mexico was, in those regions, still hanging in the air. There were few civil-rights laws of any importance protecting the Mexican-American who was a citizen. Which is to say nothing of the status of the undocumented alien. If seen as an interloper intruding himself upon communities which expected everyone to speak English and to "naturalize" in other ways, such an immigrant could anticipate great difficulty. Something of the kind could also be said concerning blacks who came hither from British Honduras, Barbados, the Bahamas, and Jamaica. It was safer to enter with a worker's permit or as a bracero than to try some surreptitious method. Without a job waiting, it was not worth the trouble or the risk.

The Immigration and Nationality Act of June 27, 1952, the McCarran-Walter Act, was not so much a departure from as a refinement of the immigration laws in force since 1924. The human tidal wave flowing in this direction was stemmed in the late 1920s and 30s, following an influx of almost 14,600,000 in the decades 1900-1920. The danger of being flooded by European refugees following World War I had been avoided. Though we gave help to displaced persons and those otherwise distressed, we would not take the risk of being engulfed in our own place. We admitted some exiles and persons threatened by persecution. And after World War II we did more of the same, eventually under the Displaced Persons Act of 1948. In the rhetorical atmosphere created by conflict with Nazi Germany, we ceased to explain our quotas with reference to a scientific theory of race. But the "natural origins" formula was retained as, in the language of the 1952 Senate Judiciary Committee, a "rational and logical method of numerically restricting immigration in such a manner as to best preserve

the sociological and cultural balance of the United States."

The 1952 law was rightly described by the historian Robert Divine as "in essence an act of conservatism rather than of intolerance." Fifty percent of each national quota was reserved to the well-educated or specially trained candidates from a particular background. The rest of that quota was utilized to reunite families of citizens or citizens-to-be, as an observation of their claims upon the commonweal. Both parts of this policy were obviously calculated to reflect the interests of the United States, and certainly suggested no preoccupation with the "wretched refuse" of any "teeming shore." Instead, it pointed back to the very beginnings of an American doctrine concerning naturalization, as modified to suit our national circumstances in the 1950s. Moreover, once supplemented by the Refugee Relief Act of August 7, 1953, and related legislation, it provided for a generous increase in the numbers which we received legally, especially from countries under Communist domination.

With the 1965 amendments to the Immigration and Naturalization Act of 1952 much of this accumulated wisdom was repealed and, in a context created by the struggle over the role of government in enlarging the civil rights of minorities, replaced by a law which no one expected to see enforced: a law which had for its foundation an overcooked mush of natural rights imperatives which was certain to boil over into a demand for less and less restriction on the movement of nonwhite and distressed persons toward our borders; toward a pluralist society that has, with difficulty, negotiated an internal peace on the basis of its present composition. The error was compounded in the Refugee Act of 1980, which redefined the category according to the vapidities of the United Nations protocol on the subject: a person who is unwilling or unable to return to his country of nationality or habitual residence because of "fear" and "political opinion."

Yet even in 1965, or in the following years, Congress was not willing to declare as unimportant the problems which come of large increases in the labor force in times of unemployment. Or to assert that the influx of too many of a given heritage into an established mix of many elements, kept at peace by the proportions of their influence over a national whole defined by their balance, could not rupture the social bonds which preserve us as a nation. To the contrary, the problem is that no branch of government has been willing to act out its valid perception of dangers to come by enforcing the law as it stands: to perform, with the political version of character, "an act of conservatism rather than of intolerance."

The 1965 revision of our immigration laws took note of the great increase in volume of immigration from nonquota countries, our neighbors in this hemisphere, during the period 1952-1965. And therefore, for the first time, established a ceiling of 120,000 per year as a maximum from those sources: a ceiling without the per country limit or preference system emphasizing skills and relationships still applied to the rest of the world. In 1976 the formula was revised in the direction of international uniformity and freedom from prejudice in favor of European antecedents. Further legislation in 1978 finally abolished all distinction between Eastern and Western Hemispheres, leaving in force a worldwide quota of 290,000 and a single preference system, exclusive of refugees. Yet this law as finally drawn, with its abolition of separate ceilings for certain regions, was little more than an admission that our future problems were going to occur as a result of population pressure coming from the West Indies, Central America, and (especially) Mexico—which by itself provided one-third of the legal influx from the Western Hemisphere in the years 1967-1976 inclusive. Which is to say nothing of illegal increase.

Since 1971 Congress and a series of Presidents have been occupied with devising a formula which recognizes that the illegal or undocumented alien, not the size of our legal increase, is the immigration problem of our national future, one which embodies this recognition in language that does not excite the racial sensitivities of any of our minority groups who have rights within the civil bond. On this question, on how the illegals may be excluded or expelled, they cannot agree. And to the debate the federal courts have contributed nothing but aggravation—as in the June 15, 1982 ruling of the U.S. Supreme Court in the case of *Plyler* v. *Doe*, in which illegal aliens are granted rights denied legal (temporary *and* permanent) guests of the country.

In or before 1965, few of our public men dared to argue that the distress of immigrants would, by reason of our national identity, our political inheritance, oblige us to receive them, regardless of the preferences of an overwhelming majority of American citizens. Nor prior to that time would one of our erstwhile statesmen have declared that our borders *cannot* be closed, that illegal aliens *cannot* be expelled from our midst, or that the rights of American citizens, their values and needs, *cannot* be preserved against claims from the outside created by the economy, the political atmosphpere, and the exploding population of our sister republics immediately to the south. Since the crossing of that watershed, what a failure of nerve we have seen. And, may still see, as Speaker O'Neill announces that the House of Representatives cannot for the time act on Simpson-Mazzoli, mentions the opposition of eleven members, and then attempts to blame the paralysis over which he presides on the secret opposition of the President of the United States to a measure he publicly supports.

That any of our countrymen would think themselves abused because illegal immigrants with a background like their own were not politically protected from the natural consequences of their crimes and allowed to compound them by bringing in more illegal immigrants, their relatives, to join them in their immunities here, would not have occurred as a reasonable cause for concern from any previous generation of American leaders. But that was before we began to make such ado about human rights, and in the process reached a point where we could not sustain any policy—however legal, just, or well-advised it might be—if there was an objection to it that could be made as a special consideration to one of our minority populations. Now we have come so far as to be uncomfortable in defending a way of life which derived its essential properties from the careful and heroic labor of earlier Americans of European ancestry—even if those ancestors were *our* forefathers.

We cannot bring ourselves to repatriate millions of alien criminals or to punish employers who hire them or to require others to carry identification proving that they are rightfully a part of our society—positive provisions of Simpson-Mazzoli. We want an easy solution to the immigration problems that we face, one which makes everyone happy, concerning which no one will complain of racial and/or cultural bias. Thus, in the end, we may have no immigration policy at all: or any perception of the difference between guest, interloper, and citizen; or, finally, any country of our own. If unchecked, more and more illegal immigrants will come from Latin America, Asia, and (eventually) other parts of the world—come by the millions, swamp our system of social services, aggravate our unemployment problems, subvert our political stability, and thereby stir among us the fires of racial hatred which are heating now in Britain and Germany, France and Sweden, and are a danger in most of the world's developed nations, except Japan. In other words, we will have precisely the sort of situation which the advocates of amnesty insist that they so much deplore out of a conviction that "there are no longer strangers and sojourners," but only citizens of the global community. If we thus persist, our children in generations to come will marvel at this circuitous sentimentality—and then pay the price of the cowardice which lies at its source.

But if, to the contrary, we would prefer to mean by the word "homeland" something more than a memory, a discursive concept, and a segment of geography (thanks to immigration, all that the Romans understood by *patria* long before their city fell), then the first order of our business will be to drain the rhetoric of natural rights out of our discussion of what immigration policy we should adopt and enforce. For that rhetoric is appropriate only to an argument from definition, and to a world where God hath not made nations of men, nor appointed "the bounds of their habitation." Instead our focus should be on the ideas of public virtue and citizenship, of what prospective citizens might bring to their country, and what harm they might do it. For with civil rights go duties, and an obligation to defend the corporate good. That we put first, as prior to other questions, the survival of the homeland should not be a question open to discussion among its sons and daughters—that is, unless the conditions of its survival are shameful.

An alien has in the strict sense of the term no civil rights, nor any obligation to protect the *cives* to which he does not belong. But the citizen has behind him the honor of his countrymen (and some of their resources) when threatened by indignities while beyond the nation's borders. The Fathers read this lesson in civics into the history of the Punic Wars and into events in British history like the Glorious Revolution. They translated it into the American myth of the citizen-soldier. All of them, that is, except for that noisy radical, Thomas Paine, who went from his role in our Revolution into a very different atmosphere in the France of Danton and Robespierre. As a Citizen of the World and a Girondian, in 1792 he allowed himself to be elected to the National Convention. Seventeen months later the Jacobins thought him not radical enough, confined him at Luxembourg and sharpened the guillotine. At that point Thomas Paine rediscovered the value of American citizenship and—in violation of his earlier universalism, to the amusement of our ambassador in Paris, Gouverneur Morris—claimed its protection. In this one instance (if in no other) we should follow Paine's example—appreciate the value of an incorporated, civil condition, and shape our

laws to enhance it, including our laws concerning immigration, naturalization, and illegal entry. And the scale of appropriations necessary if the Immigration and Naturalization Service is expected to enforce them.

Finally, in attempting to revive among our brethren some notion of the great value once attached to American citizenship, we should recall that foreign-born aspirants to that privileged estate have never been confused on that subject. Their appeals for a place in our company have always been addressed to the generosity of a sovereign American people, a nation that has offered its citizenship as a free gift to more immigrants than have been received by any other modern state. And it was to the status of citizen that they always aspired, not to a local application of the doctrine of the rights of man. We must not, in a period of low employment and social tension, make the mistake of many advanced societies and bring in (or accept once here illegally) a large population of aliens without a clear plan of how we may absorb and utilize them, without a conviction that they will learn English, accept our culture, our institutions, and follow our ways. Most certainly we must not make this mistake at the suggestion of those loud voices (South *and* North American) for whom hatred of the United States is axiomatic, the desire for its destruction a daily dream, and the flood of undocumented Mexican workers pouring into our Southwest a kind of *reconquista*.

To specify our firmness on this question we should attach a penalty more severe than mere repatriation to repeated illegal crossings of our border, or offer an award for the identification of interlopers. For belief that the secular religion of natural rights requires the United States to accept eight million of them—for a starter—is tantamount to the mistake in logic that maintains the authority of the same religion to risk a war in order to free the slaves in Siberia. Only if natural rights have priority over the circumstantial objection that, damaged or destroyed, we can protect and liberate no one will we find our first duty so far away from home. On the other hand, if we take seriously the role of citizen then we will compel our elected representatives to recall their prior obligation to the compact between the living, dead, and yet unborn: our prescription from those wise spirits who established among us a general approach to the question of immigration which has allowed us to live together in peace and prosperity. By cherishing among ourselves the elements and dynamic of a society these predecessors could recognize as rightfully their handiwork we will contribute to our own ever-continuing maturation, and be better armed to assist friendly peoples in preserving a homeland of their own. Then Congress might give up on evasion, farce, and melodrama, eschew posturing and sentimentality, and provide, through laws which we clearly require, for the survival of the Republic.●

ANTHONY SALVATO—A TRUE AMERICAN HERO

● Mr. BRADLEY. Mr. President, I would like to take this opportunity to recognize the bravery of a true American hero, Anthony V. Salvato of Bloomfield, N.J., who served this country with honor and distinction during the Second World War.

As a member of the 26th Infantry Division of the U.S. Army, Mr. Salvato participated in the Rhineland campaign during the fall of 1944. It was during this campaign that he was captured by the German forces and imprisoned at Buchenwald, the infamous Nazi concentration camp near Weimar. Learning that he was an accomplished musician, his captors ordered him to entertain them. He refused and was beaten. When he finally submitted, he played the American national anthem on the violin. He proudly continued to play this theme despite repeated beatings. His abuse was so great that he was permanently disabled to the point that he was never again able to play the violin.

This is not the only example of Anthony Salvato's bravery and determination. During the 20 months he served in the American Army, Salvato was awarded the American Theater Ribbon, the Victory Medal, a Presidential Citation, the Europe-African-Middle Eastern Campaign Ribbon with one battle star, and the Purple Heart for gunshot wounds to the chest received in the line of duty.

Mr. Salvato died recently, at the age of 64, leaving behind a wife and six children. Mr. President, I am honored to have the opportunity to honor Anthony Salvato. His heroism inspires all who would serve this Nation.●

IN RECOGNITION OF SAMUEL KLEIN

● Mr. BRADLEY. Mr President, I wish to bring to the attention of the Senate the occasion of the 90th birthday of one of New Jersey's most outstanding citizens. Mr. Samuel Klein was born April 1894 to Hungarian immigrant parents, Meyer and Anne Klein in New York City. He obtained his law degree from New York University in 1915, and his accounting degree from the same school the following year. After his discharge from the Army in 1918, he began a long and distinguished career as an accountant. He is one of the oldest practicing Certified Public Accountants in New Jersey, and the accounting firm bearing his name includes 10 partners, and 80 staff members.

But Sam Klein is best known for his civic involvement in Essex County where he lives. He served on the Advisory Committee to the Rutgers University Hebraic Studies Department and was a trustee of Essex County College. He also served as treasurer of the civic drive that raised funds for the President John F. Kennedy bust which now stands in Newark's Military Park. Mr. Klein has been honored by the United Jewish Appeal, Bonds for Israel, the American Jewish Congress, Temple B'nai Abraham, and the Hebrew Youth Academy. He has also received the Herbert H. Lehman Humanitarian Award, and the Pope Paul VI Humanitarian Award. Mr. Klein's leadership, record of accomplishments, his wisdom and integrity continue to inspire all New Jerseyans.

Mr. Samuel Klein is a source of deep pride to the State of New Jersey. It is with respect and admiration for his many contributions and accomplishments, and I congratulate Mr. Klein on his 90th birthday, and wish him many more years of health and happiness.●

REMARKS OF GERALD P. CARMEN, ADMINISTRATOR OF GENERAL SERVICES

● Mr. DANFORTH. Mr. President, I ask that the attached speech, by former Administrator of the General Services Administration Gerald P. Carmen, be printed in the RECORD. The speech reviews the agency's accomplishments over the past year. One of those accomplishments worthy of particular note is GSA's efforts to promote auto safety through the inclusion of airbags and antilacerative windshields in the fleets of automobiles it is purchasing for the Government.

The speech follows:

REMARKS OF GERALD P. CARMEN, ADMINISTRATOR OF GENERAL SERVICES

Good afternoon.

First of all, I would like to thank Mr. Nader and the entire Public Citizens Forum for inviting me to speak with you here today.

Today represents an opportunity for me to explain my views to you on the relationship between government, the private sector and the American consumer.

In particular, my comments will focus on how market forces have affected these relationships and on how GSA's buying power over the years influences this process.

THE GSA MISSION

In the 1940's, the Hoover Commission developed the concept of a single agency that would be responsible for many central management activities of our national government—that is, the General Services Administration.

At GSA, we have many government-wide responsibilities.

We maintain building assets with a market value of nearly 9 billion dollars; approximately 3 billion dollars flows through our Federal Buildings Fund each year. Some 1.6 billion dollars worth of goods were purchased through our GSA warehouses last year, with another nearly 1.8 billion dollars worth of goods purchased off of GSA supply schedules. We directly supply to other federal agencies over 665 million dollars worth of telecommunications equipment and services out of a government-wide total of 10 billion dollars. And we maintain a critical materials stockpile with an 11 billion dollar market value.

We have regulatory responsibility—by virtue of our involvement in the development and administration of the new Federal Acquisition Regulation—for the government's total annual procurements of nearly 160 billion dollars.

In addition, we make available to the American public information on a wide range of topics through our Federal Register, our Consumer Information Center and our Federal Information Centers.

In fact, GSA—on behalf of its Federal clients—is one of the largest consumers of goods and services in the United States. And as a large consumer, we have used and will continue to use our purchasing power to ensure that the products and services we obtain for the government are not only obtained at the lowest possible price, but that they also meet our needs in the best way possible.

As another example of our size, we have purchased and are maintaining some 84,000 vehicles for the GSA interagency fleet, and have some regulatory responsibility for the total federal fleet of nearly 430,000 vehicles. For GSA's fleet in 1983, we saved 8.7 million dollars by buying vehicles in quantity. At the same time, we have been able to obtain vehicles that meet the stringent safety and economy standards which I will discuss later.

We provide long distance telephone service through our Federal Telecommunications System to 1.3 million telephones government-wide.

We manage federal space in over 6,500 buildings and we buy all of the maintenance services to keep them heated and cooled, clean and functional.

Through good management practices and some creative innovations, we have been able to project savings this year for the federal government of over 120 million dollars in our discount travel programs alone. We have arrangements with over 2600 hotels in 900 cities to provide lodging at discount rates to government travelers. Discount airfares are now available between more than 400 cities, and will save us 80 million dollars in the coming year.

We've also introduced government charge cards for our frequent federal travelers on official business. Upon government-wide implementation, their use will save over 200 million dollars annually.

And like other consumers, we are now checking our bills and records more carefully. Last year alone, our audits division recovered 5.5 million dollars in unused airline tickets that were erroneously charged to the government.

We hope to further utilize GSA's purchasing power to obtain the best possible products at the lowest possible price. To increase our purchasing power, we encourage federal agencies to funnel through GSA some of the 9 billion dollars worth of goods and services that agencies are now buying on their own. Our potential savings here are up to 2 billion dollars.

Like the individual consumer, GSA employs price and comparison buying to ensure that the products and services we purchase, in addition to being the lowest possible price, meet our needs and our high standards of performance, economy and safety.

And how are we trying to accomplish these goals?

Primarily through the competitive process, which allows us to obtain better prices and higher quality.

But also through our own research and development programs, which evaluate new technologies and constantly look for improvements in the products we buy.

We also have a quality control program, that is helping to ensure better performance by the products we purchase.

In an effort to obtain quality material while reducing government costs, we implemented a program that makes maximum use of a supplier's own quality control system. We look for competent, reliable suppliers who have quality assurance programs that fit our standards.

One of our goals at GSA, then, is to use the leverage we have as a large consumer to obtain the best possible products at the lowest possible prices; to develop, test and evaluate new standards; and to use our buying power in a way which may stimulate improved technology, safety and product quality for the nation as a whole.

This is not always an easy task.

The larger a firm is, the less need it has to meet the demands of government; on the other hand, small businesses often do not have the technology or the financial resources to meet our demands, either.

Consequently, we are less successful, sometimes, than we would like at getting quality products at a good price.

At GSA, we also have a regulatory responsibility and have been actively involved in formulating the Federal Acquisition Regulation. This single document will combine regulations of the Department of Defense, the National Aeronautics and Space Administration and GSA into one comprehensive, and greatly simplified regulation to be used by federal agencies and government contractors when conducting business.

Although this regulation is probably still too complex, we are working to ensure that both the government and vendors have the opportunity to deal with the most concise regulations possible, keeping in mind the commitment we have to product safety and lower prices.

Finally, to ensure that non-performing, fraudulent and criminal contractors are prohibited from doing business with the government, GSA's Inspector General has worked to bring these firms to justice. As a result, the number of contractors debarred has more than doubled over the last two years (167) as compared to 1980 and 1981 (77).

Let me now explain some of the ways that GSA's enormous purchasing power influences product development and product standards.

MOTOR VEHICLE SAFETY

In the early 1960's, national interest focused on motor vehicle safety and GSA was given a major role in advancing that objective. Public Law 88-515, approved on August 30, 1964, and still in effect, prohibits the federal government from purchasing motor vehicles unless those motor vehicles are equipped with such reasonable passenger safety devices as the GSA Administrator shall require. The Act directed the Administrator to prescribe and publish appropriate safety standards.

The legislative history of this law indicates two major purposes in enacting the legislation: "(F)irst, to provide maximum safety protection to passengers in federally-owned motor vehicles; and second, to set a national example for the public which would encourage greater use of available proven safety devices on automobiles." 110 Cong. Rec. 15939 (July 21, 1964).

On June 30, 1965, Federal Standard 515 was issued by GSA, consisting of 17 detailed safety standards, including safety door latches and hinges, glare reduction surfaces and head restraints. The standard became effective September 28, 1966, and required that automotive vehicles manufactured on or after the effective date and purchased by the federal government be equipped with safety devices conforming to these standards.

GSA subsequently contracted with an independent engineering firm to test, analyze and improve various aspects of the original 17 standards. This resulted in the revision and upgrading of 11 of the original standards and the development of nine new ones.

During this same period, the National Traffic and Motor Vehicle Safety Act of 1966 was enacted. This law, together with the legislation creating the Department of Transportation (DOT), prohibited the sale in interstate commerce of any motor vehicles not conforming to standards issued by the Secretary of Transportation.

In 1967, the Secretary of Transportation and the GSA Administrator signed an interagency agreement which provided for a coordinated effort in the development of vehicle safety standards and recognized DOT as having the primary responsibility for general standards.

The DOT standards became effective January 1, 1968. A comparison of those standards with the earlier "515" standards revealed that while there were no basic conflicts, there were differences in their application to different types of vehicles and in certain technical requirements. Since both of these standards would apply to 1968 vehicles, the differences were considered significant enough that the industry would be placed in the position of either not offering vehicles to the government after October 13, 1967, or of complying with dual standards offered by the government. To prevent this situation, GSA revoked its standards, effective September 29, 1967.

Subsequently, GSA's role became that of a testing ground for new technology. Along with DOT, the Environmental Protection Agency and the Department of Energy, GSA used the Interagency Motor Pool Fleet to gain experience with safety and economy devices and equipment which were considered by DOT to have reached a point of practical development, but were not yet offered for sale to the public. Examples included interlocking seat and shoulder belt systems, and airbag equipped vehicles in the early 1970's, and electric vehicles, engine accessory drive systems and another proposed airbag program in the late 1970's.

Beginning in 1982, the purchasing of vehicles for the 84,000-vehicle GSA fleet has been used to encourage the continued development of high-mount stoplamps, bumpers with increased damage resistance, airbag restraint systems, and safety windshields.

High-mount stoplamps

In 1983, GSA began a program to install supplemental, high-mounted stoplamps on vehicles of the GSA fleet. The new stoplamp is a brake signal closer to the forward line of sight of following drivers. Based on NHTS-sponsored research, a 50% reduction in rear end collisions is expected on vehicles so equipped.

In the 1983 program, 11,000 supplemental stoplamp kits were bought, delivered to field locations, and installed on all new 1983 passenger vehicles nationwide and on all passenger vehicles regardless of model year in Chicago and Washington, D.C. The cost of the 1983 kits was $12.50 each, including a logic circuit which allows them to be installed quickly.

For 1984, we expect to contract for approximately 17,000 kits for installation on all new passenger vehicles we buy. And a reduction in price may accompany the 1984

kits due to additional interest and competition.

In both the 1983 and 1984 programs, these stoplamps were initially included with the vehicle procurement. Although some bids were made by manufacturers, they were not available on the vehicles evaluated as the best purchase value.

In 1985, we hope to receive a better response from the automotive industry and will attempt to obtain supplemental lights as original equipment from the vehicle manufacturers.

Beginning with the 1986 model year, these lights will be mandatory on all vehicles under a final vehicle safety rule established by NHTSA on October 18, 1983. This was the final result of proposed rulemaking which was originally published on January 8, 1981, but held in abeyance until the recent decision.

Bumpers with increased damage protection

On vehicles purchased for 1984, GSA incorporated a requirement for a minimum 5 MPH level of bumper damage protection which should provide a higher level of benefit to GSA than the 2.5 MPH level established for all passenger cars.

The decision to require 5 MPH bumpers was based on the finding that these bumpers were available at low incremental cost. The benefits of avoiding low speed damage, with savings in salaries, time and inconvenience, are clear.

Prior to our actions, the Department of Transportation (DOT) amended the bumper standard to reduce the longitudinal test impact speed from 5 MPH to 2.5 MPH.

Some manufacturers have already changed bumpers in existing models. Others plan to change when a significant model redesign is accomplished. A third group has retained 5 MPH bumpers to claim superior bumper system performance.

For GSA's part, we favor the higher standard, we asked for it in our solicitation, and we received a good response from industry—all of which adds up to a higher degree of product safety and customer satisfaction.

Airbags

The National Highway Traffic Safety Administration (NHTSA) and GSA have established a joint air cushion restraint demonstration program. We will procure 5,000 driver-side-only, airbag-equipped vehicles for the GSA interagency motor fleet. All vehicles ordered will be identical 1985-model, compact, five-passenger, sedans with complete, standard equipment.

We want to demonstrate the operational characteristics of the restraint system, show that the industry will provide airbags in vehicles without regulation, encourage private sector and other government fleets to purchase similar vehicles and provide additional information on airbags to the public.

An early initial delivery of five vehicles in October, 1984 and ten vehicles in November, 1984 will be requested. The remaining vehicles are to be delivered in a five-month period beginning in December 1984.

It is anticipated that the initial cost of driver-only, air cushion restaints in low volume quantities will be relatively high. The direct cost of the airbag is expected to be in the $500–$750 range.

However, we must take care to measure this cost against the value of the safety, health and human life savings that we hope to see as a result of the airbags.

GSA will maintain normal maintenance records for these vehicles. Individual reports will be made on each accident, including both detailed damage and injury information. In accidents where there is an air cushion restraint deployment, NHTSA will be notified immediately. We will join with NHTSA to analyze the outcome of this program.

Safety windshields

Along with our airbag demonstration project, we are offering the use of these vehicles to experiment with low-abrasion, anti-lacerative windshield glass.

These windshields have a cushioning layer of plastic bonded to the inside, to reduce the severity of injury in the event of an accident.

We hope the automotive industry will use us as a test fleet to evaluate this new technology.

We already have manufacturer interest, and discussions regarding this standard have been included in the negotiations for acquisition of those 1985 airbag-equipped vehicles.

TELECOMMUNICATIONS AND INFORMATION RESOURCES

GSA's Office of Information Resources Management was created in 1982. It has government-wide responsibilities for telecommunications equipment and service, and for the procurement, management and use of automated data processing and office information systems.

GSA is a 10 billion-dollar-a-year player in the telecommunications area. Some 1.3 million telephones come under our jurisdiction. Because of this buying power, we are able to obtain services for about 30 percent less than the average consumer.

But still, we are only beginning to take advantage of the increasingly competitive climate that exists as a result of deregulation and divestiture:

From FY 1976 to FY 1983, we achieved savings of 25 million dollars through competitive procurement of 66 local switch systems;

From FY 1980 to FY 1983, we achieved savings of 125 million dollars from long distance (FTS) procurements, with an additional 64 million dollars anticipated through FY 1985;

From FY 1982 to FY 1983, we achieved savings of $14 million through replacement of 1000 land lines with satellite networks. These savings should total $150 million over the next four years.

Mechanized, state-of-the-art switching operations saved us 4.4 million dollars in the first year of the program, (FY 1981) and that figure should climb to 9.7 million dollars annually by the end of FY 1985; and

The conversion from leased to government owned telephone in five states and the District of Columbia—170,000 telephones in all—will save 5 million dollars.

We have opened a private sector computer store in our main office building in Washington, which allows government managers to take advantage of the advice of computer experts and to select hardware and software, train on it and receive service from the firm, in order to improve their office productivity levels and meet their individual needs.

Our Office of Information Resources Management is the government's leader in software procurement and development, too; the government spends 2 billion dollars annually in software development and maintenance. Increasing numbers of managers and secretaries have nearby computer terminals—a sign of the technology explosion that is affecting us all.

All of the topics I have just discussed have to do with what GSA has done by way of procurement to influence the government and consumers.

But GSA also is responsible for other initiatives which, although not primarily related to procurement, also have at least an indirect effect on consumers.

BUILDING FIRE SAFETY

A major responsibility of ours at GSA is to ensure that the 900,000 federal employees that occupy 230 million square feet of office space in 6,500 GSA-controlled buildings nationwide are adequately protected from the dangers of fire.

The agency has been a leader in the development and acceptance of fire safety standards for high-rise buildings. Our active involvement began with GSA's sponsorship of an international conference on fire safety in 1971.

This conference and subsequent efforts of those both within and outside of government, have resulted in innovative engineering solutions for providing fire safety in buildings.

Consequently, many of this nation's local fire codes have been significantly upgraded. For example, most jurisdictions today require the use of sprinkler systems in the construction of high-rise buildings, a recommendation detailed at the 1971 conference.

GSA fire safety standards equal or generally exceed those adopted by the nation's major metropolitan areas.

One major difference is that when GSA fire safety standards are revised, they apply to both new construction and existing space. Revised local codes apply to new construction and are not generally retroactive unless major building renovations are undertaken.

We also have a comprehensive program at GSA for the preventive maintenance of fire safety systems and equipment in government-owned buildings.

But GSA's fire safety record speaks for itself. In the past eight years not one fire-related fatality has occurred within the buildings under our jurisdiction.

RATE INTERVENTION

In one particularly important area, our regulatory intervention program, we intervened in 12 rate cases in 1982. The telephone company requested rate increases totalling $65.3 million for the government, but were granted only $27.7 millon—a cost avoidance for the government of $37.6 millon—which also benefitted all telephone users potentially affected by the increases requested.

In 1983, GSA, working with the Department of Defense, intervened in 18 telephone rate proceedings. Rate increases which would have totalled $51.8 million for the government were kept to $23 million—a cost avoidance of $28.8 million for the government.

Studies conducted several years ago showed that GSA's participation in the proceedings kept the rate of increase lower—the result of our power in the marketplace as a consumer.

And as we did in telephone rate cases, the agency intervened in eight electric and gas proceedings in 1983. Every dollar we are able to save for the Federal Government is also a dollar saved for the general public. Overall, utility requests totalling 1.2 billion dollars were kept to 475 million dollars. Of the entire cost savings to consumers—about 700 million dollars—the Federal Government's share of savings was 24.8 million dol-

lars. GSA administrative costs totalled just 155,000 dollars.

ENERGY CONSERVATION

The government watches its energy bill just like any other consumer; as a result, we all benefit by energy conservation. We also test new technology, and since we represent a rather large experimental field, we can help determine what works and what doesn't.

The energy usage for our buildings, in fact, is about 20-25% lower than that for comparable space in the private sector. And over the last ten years, our average energy consumption has been reduced by approximately 33%, for a cost avoidance of some $600 million.

We have tried to institute many low- and no-cost energy saving measures. For example, we have reduced excessive lighting levels, adjusted heating and cooling temperatures and used automated control systems that not only save energy but reduce labor and maintenance costs as well.

In addition, a related benefit of the Presidential initiative to reduce government office space from an average of 170 square feet to an average of 135 square feet per person will be more efficient overall use of energy resources.

In our procurement of building operations and maintenance services, we provide incentives that stimulate the development of new ideas and technology, by allowing contractors to share in any dollars saved.

We have also experimented with solar heating in Federal buildings. The long payback associated with installing solar systems in our predominantly urban buildings (with limited roof areas) has limited our effort. In addition, our space reduction initiative means less new construction of buildings that might be better able to accommodate solar applications.

One example of a Federal building designed to tap the tremendous potential of the sun is the Norris Cotton Federal Building in my home State of New Hampshire. The average energy use in this building is about 50% that of a standard Federal office building.

However, at least in the near term, it is likely that our attention will focus more on small solar opportunities—such as two dozen of our buildings that have small solar systems currently operating—while we investigate alternative measures of cost-effective energy conservation in other of the building under our control.

PUBLIC INFORMATION

Changes in GSA's own operations have made the organization a model of openness in many areas of government management.

We believe that our own employees, as well as those vendors and clients who do business with us, should have the most up-to-date information possible.

All of our Inspector General's audit reports, for example, are kept on file for public inspection. We also publicize throughout the government those contractors we bar from doing business with the government because of fraudulent or criminal actions.

GSA also publishes the Federal Register, which documents the legislative and executive processes of government. It allows consumers to comment publicly on proposed federal legislation and regulatory activity.

We also maintain a Consumer Information Center which distributes a wide variety of informative pamphlets to the public. And we run the government's Federal Information Centers, where questions from the public concerning all aspects of the federal government are directed. Through efficiencies resulting from economy of scale and new technology, we have been able to effect savings in both of these programs.

CONCLUSION

In closing, the General Services Administration has worked diligently over the past three years to provide the best service to all Americans—to the government agencies we deal with each and every day, and to the American public to whom this government is accountable.

And while I am sure you will all agree that we still have a long way to go, we hopefully have laid some important groundwork for the future of this agency's mission.

Thank you very much.●

BROKERED DEPOSITS

● Mrs. HAWKINS. Mr. President, consumers and depository institutions, particularly the smaller ones, will be denied the benefits of brokered deposits unless Congress acts promptly to modify a proposal of the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation. On Monday of this week, those agencies made final a rule that will deny individuals and financial institutions their right to Federal insurance on deposits they acquire through brokers.

I have received a considerable volume of mail from retirees living in Florida who oppose this rule. They write that they rely on the deposit brokers to place their savings in insured certificates of deposits paying a high rate of return. They will be placed at a considerable disadvantage under the rule.

To stop the flow of funds out of banks and thrifts into money market funds, in 1980 Congress raised from $40,000 to $100,000 the Federal insurance coverage of deposits. Then, in 1982, the depository institutions were allowed to pay market interest rates on their certificates of deposits (CD's). Also, CD's were permitted to be issued in negotiable form, which made them ever more attractive. Funds started flowing back into the depository institutions. Brokers assisted in this market development by bringing savers and depository institutions together.

It is estimated that over 1 million individuals have placed deposits through brokers. The brokers also assisted institutions such as credit unions, local governments, and pension funds, in finding the most favorable rate of return on their CD's. On the other side of the market, the brokers assisted financial institutions to locate institutions or individuals with funds to invest. This function of deposit brokerage vastly increased the ability of regional and smaller depository institutions to attract large deposits from beyond their local markets. Thus, the small institutions, by offering a high rate of return, can attract funds that previously flowed from all around the country to the large money-center banks, thrifts, and money market funds.

PROBLEMS WITH BROKERED DEPOSITS

Despite the benefits, there are a number of problems with brokered deposits, as there are with any innovative market development. Deposit brokerage facilitates rapid growth, increasing the exposure of the deposit insurance funds. Problem banks will often resort to brokers to bring in funds to keep them afloat. Thus, small problem banks can become big problem banks in a hurry. This is particularly true of institutions with an inadequate capital base. Banks almost inevitably fail when they gather large amounts of funds through brokers or national advertising and then channel the deposits into high yielding and highly speculative investments. Most interested parties and Government officials agree that these problems need addressing; however, there is considerable disagreement as to the appropriate remedy.

THE FDIC/FHLBB RULE

The supervisors of the depository insurance funds are the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board together with its constituent agency, the Federal Savings and Loan Insurance Corporation. They appropriately should take regulatory action aimed at the problems created by deposit brokerage.

In carrying out this role, on January 23, 1984, the FDIC and FHLBB issued a proposed rule that would practically eliminate coverage of deposits placed by or through a broker in a federally insured bank or thrift. Numerous responses have been filed with the agencies by brokers, banks, thrifts, Government agencies, pension funds, and trade associations. Almost all commentators agreed that some form of regulation aimed at limited or monitoring the use of brokered funds by problem institutions was advisable. The large depository institutions, who could continue to attract large aggregated deposits without brokers, favored the rule eliminating deposit brokerage. The smaller institutions were divided. Some favored the rule on the grounds that heavy use of brokers by failing institutions would increase their own insurance risk. Others, in equal number, opposed the rule as cutting off a source of their funds.

Of considerable significance were these comments by the Department of Justice:

The FDIC and the FHLBB are reasonably concerned about some misuses of Federal deposit insurance. The agencies' proposal for correcting this problem is overbroad and is likely to be unenforceable, however. While it would be ineffective in meeting the agencies' stated goals, the proposed rule

would nonetheless prevent many of the more beneficial uses of brokered deposits. It would seriously damage competition and is wholly unwarranted. The Department opposes the current proposal and urges the agencies to pursue some more limited and effective course.

At hearings on March 14 before the Consumer Affairs Subcommittee of the House Committee on Government Affairs, all Government witnesses other than the FDIC and the FHLBB opposed the rule in varying degrees.

The General Counsel of the Treasury, speaking for the administration, recommended alternatives that are less restrictive than the proposed rule. In light of the severe impact the rule would have on consumers, depository institutions, and the deposit-brokerage industry, the Treasury spokesman urged that better empirical analysis be made before action is taken.

The Comptroller, who voted against the rule when it was considered by the FDIC, testified that a better solution would be effective supervision of problem institutions plus a 5-point program for limiting risk to the Federal deposit insurance funds. He emphasized that bank failures, supervisory problems, and increased threats to the insurance fund result from what a bank does with its funds, not where it gets them. He pointed out that the rule would be ineffective.

Other regulators, including the Chairman of the Security Exchange Commission and the National Credit Union Administration, agreed that closer monitoring of bank management would be a more advisable approach. The Board of Governors of the Federal Reserve, speaking through Gov. Lyle E. Gramley, urged that Congress pass legislation to limit the use of insured brokered deposits.

ALTERNATIVE SOLUTIONS

A number of alternatives to the drastic action of the FDIC and FHLBB have been put forth.

On February 9, 1984, I introduced the Federal Deposit Insurance Reform Act, S. 2294, to bring the Federal deposit insurance system up to date with the marketplace developments. A companion bill, H.R. 5038, has been introduced by Representative DAN MICA. Our alternative would require persons in the business of brokering insured deposits to register with the Securities and Exchange Commission. Next, our bill provides that Federal insurance of deposits cannot be denied simply because a registered broker is used. Finally, the measure would safeguard the Federal insurance funds by granting the supervisors the authority to restrict the use of brokers by new or financially impaired financial institutions.

INCREASED REPORTING AND PUBLIC DISCLOSURE

A paramount problem is that a depository institution can become a problem institution before either the regulators or the public is aware of such a condition. The regulators could be made aware of potential problems through an early warning system on brokerage activities. The brokers could be required to report fund placements to the regulators on a daily basis, enabling the regulators to step up their supervisory activities of institutions making heavy use of brokers.

To give the investing public and the brokers greater ability to assess the risk in depositing funds in a given bank or thrift, the regulators could increase their public disclosure of information on the financial condition of these institutions. Responsible brokers examine the financial condition of an institution in which they place funds. Investors do not want to be inconvenienced by the delay in collecting Federal insurance on the deposit of a failed bank.

LIMIT GROWTH

Some observers believe that the cause of many failures is that institutions without a strong capital base rapidly gather large deposits and then channel them into high-yielding, speculative investments. These funds are obtained through brokers or other means, such as national advertising. The problem could be ameliorated by limiting the amount of brokered deposits in individual banks and thrifts to a specified percentage of assets, tied to an institution's level of capital. It might be productive for all the banking agencies, the FDIC, the FHLBB, the Federal Reserve, and the Comptroller, to adopt a uniform rule governing deposit growth, net worth, and capital adequacy.

DEPOSIT INSURANCE REFORM

As has been urged by the Comptroller of the Currency, Congress should get on with the job of enacting reforms of the deposit insurance system itself. These reforms could include a requirement that deposit brokers contribute to the insurance funds based on the deposits they place.

EFFECTIVE SUPERVISION

More effective supervision of problem institutions, plus the granting of some additional powers, as outlined above, represents a far better solution than the drastic action of the FDIC and FHLBB eliminating deposit brokerage. The proponents of the rule emphasize that many institutions that have failed used deposit brokers. What they fail to reveal is that in practically all recent failures, the institutions were badly managed and made bad investments. In many cases they engaged in questionable practices. The solution lies in more effective supervision of problem institutions.

Few decisions of Federal regulators have been as controversial as the action of the FHLBB and the FDIC to eliminate the brokerage of federally insured deposits. I have requested the Senate Banking Committee to hold hearings on my bill and the other alternatives. Congress, as the ultimate guardian of the deposit insurance fund, should act promptly to resolve this controversy.●

H.R. 3755—DISABILITY REFORM AMENDMENTS TO SOCIAL SECURITY ACT

Mr. BAKER. Now, Mr. President, the distinguished Senator from Michigan, I believe, has a matter he wishes to address.

Mr. LEVIN. I thank my colleague.

Mr. President, has H.R. 3755 been received?

The PRESIDING OFFICER. The bill has been received from the House.

Mr. LEVIN. Mr. President, I ask for first reading of H.R. 3755.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3755) to amend titles II and XVI of the Social Security Act to provide for reform in the disability determination process.

Mr. LEVIN. Mr. President, I now ask for the second reading of H.R. 3755.

Mr. BAKER. Mr. President, I object to further proceeding on the bill at this time.

The PRESIDING OFFICER. Objection is heard. The bill, having been read the first time and objection having been heard to second reading, will remain at the desk pending a second reading on the next legislative day.

SENATE RESOLUTION 359 PLACED ON CALENDAR

Mr. BAKER. Mr. President, I have before me a resolution to be offered by the distinguished Senator from Maryland (Mr. MATHIAS), for himself and for a number of other Senators whose names will appear in the RECORD.

I ask the minority leader if he is prepared for me to ask unanimous consent that the matter be introduced and placed on the calendar.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized on special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business to go no later than 9:30 a.m., with statements therein limited to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 9 a.m. After the recognition of the two leaders under the standing order, there will be a special order in favor of one Senator, to be followed by a brief period for the transaction of routine morning business.

At 9:30 a.m., Mr. President, the Senate will resume consideration of the pending business, which is House Joint Resolution 492, the supplemental appropriations bill.

It is anticipated, Mr. President, that tomorrow will be a late evening. I urge Senators to arrange their schedule to accommodate that circumstance. May I say once again, Mr. President, that I do fully expect the Senate to be in session on Friday as well.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, I have conferred with the minority leader, who has nothing further to address the Senate, nor do I. I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and, at 6:26 p.m., the Senate recessed until Thursday, March 29, 1984, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 28, 1984*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe upon us, O gracious God, the fresh spirit of Your love, that old things will become new and the brightness of Your spirit will illumine the darkness of our world. May not the despair and conflicts with which so many must contend, cause us to lose heart or be discouraged. Let us, each day, resolve to labor for peace and justice, to sacrifice for the needy, and to be good stewards of the gifts You have given. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WEBER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WEBER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 27, answered "present" 7, not voting 36, as follows:

[Roll No. 56]

YEAS—363

Ackerman	Bateman	Boucher
Addabbo	Bates	Boxer
Akaka	Bedell	Breaux
Albosta	Beilenson	Britt
Alexander	Bennett	Brooks
Anderson	Bereuter	Broomfield
Andrews (NC)	Berman	Brown (CA)
Andrews (TX)	Bethune	Brown (CO)
Annunzio	Bevill	Broyhill
Anthony	Bilirakis	Bryant
Applegate	Billey	Burton (CA)
Archer	Boehlert	Byron
Aspin	Boggs	Campbell
AuCoin	Boland	Carper
Badham	Boner	Carr
Barnard	Bonior	Chandler
Barnes	Borski	Chappell
Bartlett	Bosco	Cheney
Clinger	Hatcher	Mikulski
Coats	Hayes	Mineta
Coelho	Hefner	Minish
Coleman (MO)	Hertel	Moakley
Coleman (TX)	Hightower	Molinari
Collins	Hiler	Mollohan
Conable	Hillis	Montgomery
Conte	Holt	Moody
Conyers	Hopkins	Moore
Cooper	Horton	Moorhead
Courter	Howard	Morrison (CT)
Coyne	Hoyer	Morrison (WA)
Craig	Hubbard	Mrazek
Crane, Philip	Huckaby	Murphy
D'Amours	Hughes	Murtha
Daniel	Hunter	Myers
Dannemeyer	Hutto	Natcher
Darden	Hyde	Neal
Daschle	Jeffords	Nelson
Daub	Jenkins	Nichols
Davis	Jones (NC)	Nielson
de la Garza	Jones (OK)	Nowak
Dellums	Jones (TN)	O'Brien
Derrick	Kasich	Oakar
DeWine	Kastenmeier	Oberstar
Dingell	Kemp	Olin
Dixon	Kennelly	Owens
Donnelly	Kildee	Oxley
Dorgan	Kindness	Packard
Dowdy	Kogovsek	Panetta
Downey	Kolter	Parris
Dreier	Kostmayer	Pashayan
Duncan	Kramer	Patman
Dwyer	LaFalce	Patterson
Dyson	Lagomarsino	Pease
Early	Lantos	Pepper
Eckart	Latta	Perkins
Edwards (AL)	Leach	Petri
Edwards (CA)	Leath	Pickle
English	Lehman (CA)	Price
Erdreich	Lehman (FL)	Pritchard
Erlenborn	Lent	Pursell
Evans (IL)	Levin	Quillen
Fascell	Levine	Rahall
Fazio	Levitas	Rangel
Feighan	Lewis (CA)	Ratchford
Ferraro	Lewis (FL)	Ray
Fiedler	Livingston	Regula
Fields	Lloyd	Reid
Flippo	Loeffler	Richardson
Florio	Long (LA)	Ridge
Foley	Long (MD)	Rinaldo
Ford (MI)	Lott	Ritter
Ford (TN)	Lowery (CA)	Robinson
Fowler	Lowry (WA)	Rodino
Frank	Lujan	Roe
Franklin	Luken	Rogers
Frost	Lungren	Rose
Fuqua	Mack	Rostenkowski
Garcia	MacKay	Roth
Gekas	Madigan	Roukema
Gephardt	Marlenee	Rowland
Gibbons	Marriott	Roybal
Gilman	Martin (IL)	Rudd
Gingrich	Martin (NC)	Russo
Glickman	Martin (NY)	Sawyer
Gonzalez	Matsui	Schaefer
Gore	Mavroules	Scheuer
Gradison	Mazzoli	Schneider
Gramm	McCain	Schulze
Green	McCandless	Schumer
Gregg	McCloskey	Seiberling
Guarini	McCollum	Sensenbrenner
Gunderson	McCurdy	Sharp
Hall (IN)	McDade	Shaw
Hall (OH)	McEwen	Shelby
Hall, Ralph	McGrath	Shumway
Hall, Sam	McKernan	Shuster
Hamilton	McKinney	Siljander
Hammerschmidt	McNulty	Simon
Hansen (UT)	Mica	Sisisky
Hartnett	Michel	Skeen
Skelton	Tallon	Weiss
Slattery	Tauke	Wheat
Smith (FL)	Tauzin	Whitehurst
Smith (IA)	Taylor	Whitley
Smith (NE)	Thomas (CA)	Whittaker
Smith (NJ)	Thomas (GA)	Williams (MT)
Smith, Robert	Torres	Williams (OH)
Snowe	Torricelli	Wilson
Snyder	Towns	Winn
Solarz	Traxler	Wirth
Spence	Udall	Wise
Spratt	Valentine	Wolf
Staggers	Vander Jagt	Wolpe
Stangeland	Vandergriff	Wortley
Stark	Vento	Wright
Stenholm	Volkmer	Wyden
Studds	Vucanovich	Wylie
Stump	Walgren	Yatron
Sundquist	Watkins	Young (FL)
Swift	Weaver	Young (MO)
Synar	Weber	Zschau

NAYS—27

Burton (IN)	Evans (IA)	Penny
Chappie	Gejdenson	Roberts
Clay	Goodling	Roemer
Coughlin	Harkin	Sabo
Crane, Daniel	Hawkins	Schroeder
Dickinson	Jacobs	Solomon
Durbin	Lipinski	Walker
Edwards (OK)	Miller (OH)	Yates
Emerson	Mitchell	Young (AK)

ANSWERED "PRESENT"—7

Clarke	Porter	Stratton
Dymally	Sikorski	
Miller (CA)	St Germain	

NOT VOTING—36

Biaggi	Gray	Martinez
Bonker	Hance	McHugh
Carney	Hansen (ID)	Obey
Corcoran	Harrison	Ortiz
Crockett	Heftel	Ottinger
Dicks	Ireland	Paul
Edgar	Johnson	Savage
Fish	Kaptur	Shannon
Foglietta	Kazen	Smith, Denny
Forsythe	Leland	Stokes
Frenzel	Lundine	Waxman
Gaydos	Markey	Whitten

□ 1510

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 3249. An act to charter the National Academy of Public Administration; and

H.J. Res. 432. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2478. An act to extend the authorities under the Export Administration Act of 1979 until May 16, 1984.

□ 1520

TEXAS CREDIT UNION LEAGUE CELEBRATES 50TH ANNIVERSARY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, next month the Texas Credit Union League will celebrate its 50th anniversary of service. These 50 years have been years of substantial progress in the credit union movement. All Texans can take pride in the hard work and dedication which allowed the league to grow from 63 credit unions in 1934 to some 1,200 credit unions today.

In the early days, in the midst of the Great Depression, the Texas credit unions operated primarily under voluntary leadership. They served only 8,000 people at first, amassing a mere $535,000 in deposits. But the spirit of "people helping people" flourished, and Texas credit unions today have 3½ million members and $6.5 billion in assets.

This record of growth, during lean years and years of boom, attests to the popularity of a cooperative financial system and the faith members have in their credit unions.

The credit union movement—spawned by necessity, undergirded by diversity and by involvement and compassion—has blossomed in Texas. Farm groups, labor unions, churches, ethnic groups, teachers, military personnel, and entire communities have banded together, each welded together by a common bond of interest and a common desire to give and receive assistance.

Credit unions in Texas and throughout the Nation make affordable loans to modest income Americans. Pooling resources and establishing an ethic of cooperation among members, credit unions symbolize what can be accomplished when citizens act together in the spirit of mutual trust and helpfulness.

The Texas Credit Union League has every reason to be proud of its record. It has provided consultants throughout the State to assist individual credit unions maintain records, understand laws, and serve their members in the best possible manner. The league offers a complete line of insurance needs to all Texas credit unions. An online data system is made available by the league to those credit unions desiring to keep up with changing technology.

As a matter of fact, the Texas Credit Union League has been so innovative, progressive, and competitive that today it provides an astounding variety of services to Texas credit unions. Human resource development courses are offered in every corner of the State to assist managers, and their employees and volunteer workers, in keeping abreast of new techniques, services, and regulations. Marketing, public relations, printing, along with complete legislative monitoring at both the State and Federal level, provided on a break-even basis, also help credit unions better serve the needs of members.

The motto chosen for the 50th anniversary of the league is: "50 Golden Years—Shaping Tomorrow Together." Based on past history, the credit union movement in Texas is in good hands. The league's stated mission is:

To provide resources designed to help credit unions grow, and to provide an opportunity for all people to improve their quality of life and financial well-being through credit unions.

That mission deserves broad support, because in its fulfillment is to be found the core of the American dream. I hope my colleagues will join me today in congratulating the Texas Credit Union League on its 50th anniversary and extending best wishes in "Shaping Tomorrow Together."

APPOINTMENT OF CONFEREES ON H.R. 4072, WHEAT IMPROVEMENT ACT OF 1983

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4072) providing for an improved program for wheat, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. DE LA GARZA, FOLEY, JONES of Tennessee, BROWN of California, ROSE, HARKIN, and PANETTA; and

Mr. HUCKABY on all matters, except those relating to section 103 and title II of the Senate amendments and modifications committed to conference;

Mr. WHITLEY and Mr. EVANS of Illinois;

Mr. BEDELL in lieu of Mr. HUCKABY on matters solely relating to section 103 and title II of the Senate amendments and modifications committed to conference; and

Messrs. MADIGAN, MARLENEE, COLEMAN of Missouri, STANGELAND; and

Mr. ROBERTS on all matters, except those relating to sections 502 and 503 of the Senate amendments and modifications committed to conference;

Mr. JEFFORDS in lieu of Mr. ROBERTS on matters relating solely to sections 502 and 503 of the Senate amendments and modifications committed to conference; and

Additional conferees solely for title V of the Senate amendments and modifications committed to conference—Messrs. FASCELL, HAMILTON, BONKER, GEJDENSON, KOSTMAYER, ROTH, and BEREUTER.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON S. 979, EXPORT ADMINISTRATION ACT AMENDMENTS OF 1983

The SPEAKER laid before the House the following resignation as a conferee:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 26, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I respectfully request consent to be released from my appointed responsibility as a conferee on the House-Senate Conference Committee on the Export Administration Act Amendments of 1983. While I appreciate the opportunity to serve on the Conference Committee, I have many other obligations that will prevent me from doing justice to the role. Your understanding and consideration of this matter is deeply appreciated.

With warmest regards, I remain,
Sincerely,

GUS YATRON,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints as a replacement on the conference committee the gentleman from California (Mr. LANTOS).

The Clerk will notify the Senate of the change in conferees.

AMENDING THE HOUSING ACT OF 1949

(Mr. WHITLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITLEY. Mr. Speaker, yesterday, I introduced H.R. 5267 to amend section 502(d) of the Housing Act of 1949.

On the last day we were in session last year, we rushed through a combination of the Housing Act and the IMF bill. Few, if any, of us knew or realized that Senate changes in that bill provided that—

Not less than 40 percent of the dwelling units financed under Section 502 of the Housing Act of 1949 shall be available only for occupancy by very low income families or persons.

The Farmers Home Administration has interpreted this to mean that unless 40 percent of all loans actually made are in this category at a given time, all loans under section 502 will come to a grinding halt.

H.R. 5267 amends this to insure that as much as 40 percent of the funds ap-

propriated under this section shall be kept available for loans under the lowest category, but in the meantime, loans can continue to be made in the other categories. Clearly, this will accomplish the intent of Congress to insure that the lowest income categories are not discriminated against, but will not disrupt the entire program.

I invite my colleagues to join me in cosponsoring and supporting this important amendment.

NELLIS AIR FORCE BASE

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, lately our attention to the military has been overshadowed by political considerations and budget debates.

For just a moment, however, I would like to focus on one arm of our Nation's military that has become a unique positive part of the Nation's defense system, Nellis Air Force Base, Nev.

Though it sits on 11,000 acres of land, Nellis has a combined air and ground space of 7½ million acres. With the additional territory Nellis has become the mecca of advanced tactical fighter aviation training. The base, known as the home of the fighter pilot, is the largest base in the Tactical Air Command and has trained nearly every U.S. combat pilot since the onset of the Korean war.

Since 1975 its unique "Red Flag" exercises, which teach advanced readiness through mock wars, have trained more than 30,000 U.S. and allied personnel.

In terms of economic impact Nellis generates hundreds of millions of dollars annually in payroll, medical, and educational subsidies, construction, recreation, and more.

At a time when we are questioning the economies of defense spending this kind of positive interchange between defense and the economy sets a refreshing example of balanced spending.

□ 1530

IMMIGRATION ISSUE SHOULD BE PLACED ON THE BILATERAL AGENDA BY THE PRESIDENT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, there have been press reports that the administration is trying to put on a full court press on the Mexican Government to change their ways and support the President's Central America policy. Mr. Speaker, there is a much more important issue that deserves to be debated with Mexico than Central America, and that is immigration reform.

Soon this body will be considering this very difficult issue. The issue of immigration has never been placed on the bilateral agenda of major issues between the United States and Mexico. It is no secret that the State Department has never pressed Mexico to do something about curbing the flow of the illegal aliens into this country and it is no secret that Mexico views the flow of aliens as a safety valve for their own massive unemployment problems and this is viewed as a U.S. problem.

Mr. Speaker, the time has come for both of our countries in the spirit of mature partnership to place the immigration issue on the bilateral agenda at the Presidential level. No matter how many fences we erect, nothing will be accomplished unless we work together.

PRESIDENTIAL PRIMARY ELECTION REFORM ACT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, today I am introducing the National Presidential Primary Election Act of 1984. The bill would simply mandate that Presidential primaries will be held on the first Tuesday after the first Monday in May of each Presidential election year and that each State shall conduct a Presidential primary election of delegates to the national nominating convention of each political party.

Each State will formulate their own method of selecting those delegates. The present method is a tiring, expensive, and media-exploited system that is outdated and bad for candidates and the American public.

This year more than ever the ridiculousness of the system proves that the time is right for reform. And I encourage your cosponsorship of this legislation.

MX UNDERMINES DETERRENCE

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, for years we have been told to respond to Soviet military capability, not to Soviet intentions.

So when the Soviets deployed SS-18 and 19 ICBM's, with a 78 percent kill probability if they use two warheads on each of our silos, many of us became concerned about protecting our deterrent against a Soviet first strike.

But now we are building the MX, which will have not 78- but 98-percent kill probability against the hardest Soviet silo. So why wont the Soviets not react to our capabilities rather than our intentions? Why will they not move to a launch-on-warning defense?

"That will never happen," the Chairman of the Joint Chiefs told us this month; "First strike is only a state of mind," he said.

The administration expects the Soviets to understand that our state of mind is pure, that we intend no first strike even though we are building a missile that is useless for anything else.

Mr. Speaker, this double standard is absurd. Few Americans expect the United States to strike first. But do our military geniuses really expect the Soviets to take that on faith, while they watch these first-strike weapons going in?

Do we really think Russia will not be tempted to "launch on warning" and beat us to the punch?

If this is the slender thread on which the administration is willing to risk national survival, maybe we should have a school prayer amendment. Maybe everybody should pray. We are going to need all the help we can get.

THE BEATITUDES OF BIG OIL MERGERS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, a reading from the book of Internal Revenue, concerning tax incentives for big oil mergers:

Thus sayeth the Code: Go forth, ye large oil companies and merge, for:

Joyous are the large corporations, for they shall benefit from the deduction value of the 46-percent corporate tax rate in their mergers and acquisitions.

Joyous are the stock speculators, for they shall inherit tremendous dividends.

Joyous are the corporate raiders, for they shall reap the profits of liquidation.

Joyous are the corporate lawyers, for wealthy salaries shall be theirs.

And blessed are the working people of thy country for it is they who subsidize these takeovers.

I say, "Come forth, thee colleagues, and cosponsor H.R. 5175, my 9-month moratorium bill, and let us put a stop to this unholy madness."

NATIONAL TRAINING INCENTIVES ACT

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, last week I joined with Representative NANCY JOHNSON and 25 of my colleagues in introducing the National Training Incentives Act, a bill which will provide incentives to both employers and employees for retraining.

Our proposal is a demand driven, market-based approach, which puts into place Government incentives that are triggered only when business and workers decide for themselves to finance additional skills training.

The first prong of our comprehensive approach allows displaced workers to finance retraining with money withdrawn, without penalty, from their IRA or annuity accounts. This approach does not call for direct outlays of money but rather builds upon an existing private finance system which at the end of 1982 reached over 12 million largely middle-class households.

The second prong of the legislation is tax credit to businesses which invest in worker retraining. The training credit would be similar to the existing R&D tax credit, and would permit businesses to deduct from their tax liability 25 percent of training costs above the company's average training costs of the last 5 years. For every $1 in lost Federal revenues, this approach will generate $4 in private sector training.

A third important element in our bill is that it removes a disincentive against retraining by providing that any displaced worker otherwise eligible for unemployment compensation will not be denied such payment due to participation in a training program.

Mr. Speaker, we do not anticipate that this legislation will pass tomorrow. Nor are we predicting future worker displacement. But we believe that Congress needs to be proactive rather than reactive on this issue of vital national concern, and would urge all of our colleagues to join us in sponsoring this important legislation.

THE CHEMICAL GAS MONSTER

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, yesterday a special team of experts under the auspices of the United Nations submitted a report to the U.N. Security Council indicating the existence of irrefutable evidence of chemical weapons usage in the Iraqi-Iranian war. The unanimous findings of the U.N. experts confirmed what had already been demonstrated by wounded Iranians sent to Europe for treatment: That mustard gas, nerve gas, and possibly newer, more sophisticated mycotoxins have once again been used as weapons of human warfare.

The horror of mustard gas in World War I resulted in more than 400,000 casualties and led to the 1925 Geneva protocol banning the use in war of chemical and related gases. Iraq and Iran are parties to this protocol. However, the evidence is now incontrovertible that the Iraqi military has cynically decided to release again the chemical gas monster on the world. Incredulously, as with the usage by the Soviet Union in Afghanistan and Soviet surrogates in Southeast Asia, world reaction to the use of these poor man's weapons of terror has been muted. Only our own State Department and two other governments have even bothered to officially condemn this gross transgression of international law and human sensibilities.

Mr. Speaker, we must do all that we can to prevent the day that every government on Earth, when faced with what they perceive to be a compelling interest, can freely haul out and use weapons of mass destruction, be they chemical, biological, or nuclear. While it is clear that the Pandora's box containing these weapons has been opened once again, we have an obligation to take the lead to put the lid back on the box. What then can we do?

First, the United States should insist a conference of parties to the Geneva protocol, be convened to assess the implications of renewed weapons usage in the world, with the aim of establishing more stringent safeguards against the further proliferation and use of such weapons.

Second, we must work to see that access to the components of these weapons is adequately controlled, even if it means tightening up our own controls and embarrassing some of our allies.

Third, we must condemn with the most insistent voice this and every other use of chemical or biological weapons, as humankind cannot allow such travesty to gain increased legitimacy.

Fourth, we must recommit ourselves to the obligation we undertook in the 1972 Biological and Toxin Weapons Convention to seek early agreement on an international treaty which would complement the Geneva protocol's ban of the use of chemical and related weapons by prohibiting their development, production, and stockpiling.

Finally, we must renew our commitment to promoting an international order that will discourage warfare as a means of settling conflict, seek to diminish the transfer of weapons of mass destruction, reduce all arsenals of war, and hasten the day that all occupants of what Father Hesburgh has termed the spaceship Earth recognize that we have no rational or moral choice but to live with one another in peace.

OMNIBUS CRIME BILL

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, the Senate has passed a so-called omnibus crime bill, with a number going with it, covering about 44 subjects. That bill has been assigned to House subcommittees by the leadership. Over 30 of those bills have been assigned to a subcommittee known to be hostile to the bills and almost insuring defeat and nonaction on those bills.

And they include such important things as exclusionary rule, a modification of the insanity defense, bail reform, sentencing reform and so forth, and only about 10 of those bills have been assigned to my crime subcommittee where the chairman is willing and able to move the bills. Those have been largely the noncontroversial ones.

To call attention to the fact, this Friday is the third anniversary of the assassination attempt on the President of the United States which resulted in acquittal, not guilty by reason of insanity. We, many months ago, passed a bill revising that defense and curing some of its evils out of our full Judiciary Committee and the leadership of the House has held it languishing in the Rules Committee and will not bring it to the floor of the House.

□ 1540

SCHOOL PRAYER, BALANCED BUDGET, AND LINE-ITEM VETO CONSTITUTIONAL AMENDMENTS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, at this time I had hoped to offer unanimous-consent requests calling for the consideration of a voluntary school prayer, balanced budget, and line-item veto constitutional amendments.

The Chair has ruled that in order to make these requests I must have the clearance of both the majority and minority leaderships. I can tell the Chair these requests have been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for the appropriate clearance.

Again today, Mr. Speaker, as on day after day after day when these requests have come to the floor, there is no response.

That should make it clear to the American people who stands in the

way of balancing the budget, enacting fiscal restraint, and implementing school prayer, the Democratic leadership of the House.

FIFTH ANNIVERSARY OF THE THREE MILE ISLAND ACCIDENT

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, today is the fifth anniversary of the Three Mile Island nuclear powerplant accident. One would expect that we would be 5 years closer to resolving the many problems afflicting nuclear energy technology. The state of the industry reveals otherwise.

Nuclear technicians still do not know how to prevent a recurrence of Three Miles Island's near meltdown. The crippled reactor remains a contaminated shell. Spent radioactive fuel, ceaselessly churned out by the 80 reactors in operation, is still without a safe means of disposal. Communities around the country are more and more realizing the impossibility of an orderly, timely evacuation in the event of a major accident. And ballooning costs are forcing the industry onto the financial ropes.

One need not be a prophet to recognize the folly of continued national commitment to nuclear power at the expense of alternative energy sources. Yet, President Reagan's budgets have increased reliance on nuclear fission while drastically reducing spending for such items as solar power and conservation.

Five years after Three Mile Island, when we should be reaping the early benefits of alternative technologies, we find ourselves heavily invested in the failed promise of nuclear energy.

GUIDELINES FOR CONSIDERATION OF AMENDMENTS TO THE BUDGET RESOLUTION

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I would like to explain the Rules Committee's position on any amendments that may be proposed to the budget resolution.

Mr. Speaker, it is my understanding that the Budget Committee has adopted a concurrent resolution on the budget, along with a committee amendment and that the committee intends to file its report before 5 o'clock Saturday afternoon. I also understand that the committee will request a restrictive rule.

The Rules Committee plans to consider the budget resolution on Tuesday, April 3, at 10:30 a.m. In past years, to insure fair and orderly consideration of proposed amendments to the budget resolution, the Rules Committee requested that certain guidelines be followed.

For example, for the fiscal year 1983 budget resolution, we asked that all proposed amendments be printed in the CONGRESSIONAL RECORD prior to Rules Committee consideration and that CBO cost out the various proposals.

This year, to provide for proper consideration of all proposals, it may well be that the committee will consider only substitutes rather than individual amendments, I request those Members wishing to offer amendments to adhere to the following guidelines:

First, please submit 35 copies of your amendment to the Rules Committee not later than noon, Monday, April 2.

Second, with each amendment please attach an explanatory statement. That statement should include the amounts by which the amendment changes the aggregates and the relevant functional totals, if your amendment would change dollar amounts. If your amendment would add a new procedure, please explain how the new procedure would work and why it should be included in the budget resolution rather than considered in the manner customary for changes in the rules of the House.

Members should also be aware that in the case of an amendment in the nature of a substitute, which may well be requested, the Rules Committee will ask CBO to cost out all substitutes based on CBO estimates as utilized by the House Budget Committee. This is to provide fair and objective comparisons before the House considers the budget.

It would be helpful if Members provide CBO with as much information in respect to your amendment as soon as possible.

I have sent out a "Dear Colleague" letter to all Members explaining these guidelines.

We appreciate the Members' cooperation in this matter. Again, the purpose of these guidelines is to insure fairness to all Members. The Rules Committee will attempt to be fair and to provide the House with appropriate information for sound decisions but that requires your cooperation.

FEDERAL RESERVE BOARD SHOULD BE MADE ACCOUNTABLE

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, we have taken a lot of steps in the last few years to democratize and open up the process of Government in this country.

We meet here today in this public arena and everything that we say is taken down so that the American people will know within a very few minutes what is going on in this House. In fact, these proceedings are now on television. Indeed, there seems to be really only one agency of the Federal Government today that can meet in private, so that no one knows what its members are going to do; yet it can change the value of our money and have more influence over interest rates and our national economic policy than any other single agency of the Federal Government, and it will hold those proceedings secret for 1 month or more. I am referring to the Federal Open Market Committee of the Federal Reserve System.

They have been meeting over the past 48 hours. The only things the American people know about the meeting, despite its potentially tremendous inpact on their everyday lives, are the rumors, and the innuendos, and the gossip that drive our markets up or down or sideways. There is no consistency, no credibility, and no democracy in this process.

I would suggest that Republicans and Democrats alike could at least agree on one thing at this point. As long as it considers itself bound by no rule, guide, or standard, we ought to require the Federal Reserve Board legislatively, to be public, accountable, and to open up its process to the American people. I would especially like to know just exactly why this unelected and unaccountable Board now believes that the economy is growing too fast and why they want to slow down the recovery.

Let us join together on this issue of democratizing the Fed for the American people and the future of our economy.

I will introduce legislation next week to require the Fed to open up its proceedings and account for its behavior in artificially raising interest rates to slow down this recovery.

THE "WHOSE FAULT IS THE DEFICIT" DRAMA

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the "who is to blame for the deficit" drama continues to play here on Capitol Hill and quite frankly, the time has come for the show to close.

Last week's episode starred a Democratic born again balanced budgeteer bemoaning the fact that the 1981 Reagan tax cut allows for luxury cars to be written off as business expenses.

Now I agree that this is an area that we should review now. Yet, this Member failed to mention that this was not new with the 1981 bill, but a continuation of previous practice.

So as the curtain closed last week we were left with another seemingly classic rich Republican versus working class Democrat vignette.

But wait, Mr. Speaker, has not our partisan script writer failed to include a couple of key characters? The Washington Post, on Saturday, reports that Mercedes Benz and Rolls-Royce have Democratic Senator BILL BRADLEY and former Carter White House aide Stuart Eizenstat to thank for saving their luxury car deductions in this year's tax bill. I just guess the casting director of this production just could not find room for these two Democratic stars.

Mr. Speaker, the reviews are in and the critics, the American people, know exactly who is responsible for supporting a wasteful fiscal policy—not President Reagan, but unfortunately the U.S. Congress.

CALENDAR WEDNESDAY

The SPEAKER pro tempore (Mr. WEAVER). This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

□ 1550

PROVIDING FOR CONSIDERATION OF H.R. 5154, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACT, 1985

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 469 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 469

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5154) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 469 provides for the consideration of H.R. 5154, the National Aeronautics and Space Administration Authorization Act for fiscal year 1985. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. It is a totally open rule, allowing any germane amendment to be offered under the 5-minute rule. The resolution also provides that the bill be read for amendments by titles rather than sections, further facilitating the amendment process.

In addition, the rule waives points of order under section 402(a) of the Congressional Budget Act of 1974 against consideration of the bill. Section 402(a) requires authorizations to be reported by May 15 preceding the beginning of the fiscal year for which they are effective. A waiver of this provision is necessary here because section 203 of H.R. 5154 indirectly authorizes enactment of new budget authority in fiscal year 1984 of $1 million for payment to the National Commission on Space. However, in recognition of the small amount of spending involved, the committee decided to grant a waiver of section 402(a).

Finally, the rule provides a simple motion to recommit.

Mr. Speaker, H.R. 5154 authorizes $7.5 billion for NASA activities in the fiscal year 1985. This amount is an increase of $40 million more than requested by the administration and represents a 4.3-percent increase over its fiscal year 1984 budget. This bill includes funding for continuing programs such as the highly successful space shuttle, the shuttle/spacelab payload experiments, the space telescope as well as other new initiatives as the unmanned Mars orbiter and an upper atmospheric satellite.

H.R. 5154 also authorizes $150 million, the amount requested by the administration, for research and development activities that would lead to a permanent manned space station by early 1990 at an estimated cost of $8 billion. The space station would provide work space, utilities, docking ports and living quarters for a crew of between six and eight people. NASA is recruiting partnership assistance from our allies for this ambitious project that would have a long-term effect on future research and manned missions in space.

Mr. Speaker, H.R. 5154 authorizes an additional $50 million for a possible fifth orbiter vehicle to assure adequate capability to satisfy civil government and commercial needs.

Finally, the measure authorizes $1 million for a 14-member bipartisan National Commission on Space to formulate long-range goals through the peaceful uses of outer space for the future direction of our Nation's civilian space activity.

Mr. Speaker, I urge my colleagues to support this bill and adopt this resolution so that we may proceed to the consideration of this important authorization.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the NASA authorization for 1985 is not controversial and it should not take a long time on the floor of the House to conclude consideration of the measure.

The administration favors a reduction of $40 million in the program, and I understand an amendment will be offered to accomplish that.

The manned space station is supported by the administration, as are most of the programs offered by NASA.

Mr. Speaker, the rule is not controversial. I urge the adoption of the rule and the speedy passage of the measure when it reaches the floor of the House. We need to pass these authorizations now, because in July there is going to be a recess of some three weeks for the Democratic Convention and in August another one for the Republican Convention. There is very little legislative time remaining in this session.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, we have no requests for time either, and if the gentleman yields the balance of his time, this gentleman moves the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks, and to include extraneous material, on the bill, H.R. 5154, about to be considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACT, 1985

The SPEAKER pro tempore. Pursuant to House Resolution 469 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5154.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5154) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, with Mr. SWIFT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida (Mr. FUQUA) will be recognized for 30 minutes and the gentleman from New Mexico (Mr. LUJAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5154, which would authorize fiscal year 1985 funds for the National Aeronautics and Space Administration.

I want to congratulate Mr. VOLKMER, chairman of the Subcommittee on Space Science and Applications, and Mr. GLICKMAN, chairman of the Subcommittee on Transportation, Aviation and Materials for their leadership in bringing this legislation to the floor. They have done an outstanding job in perfecting this legislation. I also want to acknowledge the efforts of Mr. WINN, Mr. LUJAN, and Mr. CARNEY on the other side of the aisle.

The success of the space shuttle program continues to renew our Nation's confidence in our own greatness and to demonstrate to the world that we are again first in space. But, we cannot rest on our laurels because the competition in international space activities is increasing at a rapid rate. Our space program plays a positive role in exerting world leadership in political, economic, and scientific knowledge which we must exploit to advantage.

NASA's activities are designed to maintain U.S. leadership in aeronautical and space research and technology and its utilization. More specifically, the objectives of NASA's activities are to:

Extend our knowledge of the Earth, its environment, the solar system, and the universe;

Expand the practical applications of space technology;

Develop, operate, and improve manned and unmanned space vehicles;

Improve aeronautical vehicles;

Disseminate pertinent findings to potential users; and

Promote international cooperation in peaceful activities in space.

The NASA 1985 budget authorization provides for progress toward achievement of these objectives at a pace consistent with the constrained Federal fiscal environment.

The NASA fiscal year 1985 budget request includes funding for ongoing programs such as the space shuttle, the space telescope, the Galileo mission, the Gamma Ray Observatory as well as shuttle/spacelab payload experiments. Funding is provided to continue three new starts introduced last year including a shuttle-tethered satellite, a Venus radar mapper mission, and the numerical aerodynamic simulation project. The NASA fiscal year 1985 request also includes funding for systems definition studies and advanced technical development activities for a permanent manned space station. Finally, the budget request includes funding for three new science and applications initiatives including the upper atmospheric research satellite mission, the Mars geoscience/climatology orbiter mission and a scatterometer instrument for the Navy remote ocean sensing system.

Mr. Chairman, I would like to discuss the recommendations our committee has made with respect to the NASA budget request. We authorized $7,531,400,000 for the agency, compared to the request of $7,491,400,000, a new increase of $40 million.

The major thrusts of the budget changes recommended by the committee are the following:

Augment the shuttle Orbiter structural spares to retain critical skills necessary for installation and production of electrical, mechanical, and fluid systems thereby maintaining production for a fifth Orbiter vehicle;

Augment the space science and applications supporting research and technology activities for university instrumentation and equipment, increased support to university researchers, and increased advanced technical development activities which should serve to reduce the technical and schedule risk of future flight programs; and

Restore funding for the flight demonstration portion of the advanced communications technology satellite program.

The committee added a number of language provisions including title II which would establish a National Commission on Space to define long-range needs of the Nation that may be fulfilled through the peaceful uses of outer space and to articulate goals and development options for the future direction of the Nation's civilian space program.

I am including in the RECORD a comparision of the NASA fiscal year 1984 operating plan, the NASA fiscal year 1985 budget request, and the committee action on the fiscal year 1985 budget.

I urge the support of my colleagues for H.R. 5154.

The information follows:

Space program elements in the budget provide for progress in (1) space transportation including expanded use of the Space Shuttle and initiation of major effort on a space station; (2) exploration of the solar system and expansion of our knowledge of the universe; (3) technology development for application of space capabilities to remote sensing of the surface and atmospheric conditions of the Earth and other planets, to materials processing, and to communications; and (4) advancing the research and technology necessary for United States leadership in space. Major areas of emphasis include:

The space station, proposed in the FY 1985 budget, marks the formal initiation of this program and represents a commitment to continued United States leadership in space. Design and definition will proceed in FY 1985 with initial orbital activities planned for the early 1990's. The United States space station will provide space-based facilities to allow for enhancement of science and applications and for development of capabilities for further exploitation of space;

Space transportation systems activities emphasize the expansion of the operational capabilities of the Space Shuttle, Spacelab, and upper stages to take advantage of this new form of space transportation. The FY 1985 program will provide for the procurement of the hardware, mission integration and training, ground processing and flight operations of the Space Shuttle in support of the NASA, Department of Defense domestic commercial, and international users of the Space Transportation System. The present fleet of three orbiters will be expanded by the delivery of a fourth in late 1984, and final operational modifications to the initial orbiter will be undertaken during 1985. Additional Spacelab flights will capitalize on the success of the initial mission as this unique capability is exploited for space research and application missions. Development of the Centaur upper stages for Department of Defense and NASA missions will proceed toward the first critical uses of the planetary version in 1986 for the Galileo and International Solar Polar Missions. The first set of lighter-weight filament would case solid rocket boosters will be delivered in preparation for the late 1985 initial launch from the Vandenberg launch site. Work will continue on the modifications of the Space Shuttle main engine to ensure greater operating margins and lifetimes for the engine operations at full power levels;

Space science and applications flight missions, research and analysis and ground-based activities are conducted (1) to expand human knowledge of the Earth's environment, the solar system and the universe; and (2) to develop the technology to use space capabilities to meet needs on Earth. Specifically, work will continue on the Galileo orbiter and probe mission to Jupiter as the next step after Voyager in exploration

of the outer planets; on the Space Telescope to provide a quantum jump in our ability to observe the universe; on the Gamma Ray Observatory to study extremely high energy phenomena; and on the Venus Radar Mapper mission to obtain global imagery of Venus. The next Landsat spacecraft, which will be launched in early 1984, will continue work with Thematic Mapper data to improve the usefulness of Earth observations from space. Effort will also be continued on the Earth Radiation Budget Satellite data analysis (launched in mid 1984) and on the Search and Rescue locator system being flown on weather satellites. In addition, design and development activities will be initiated on the Upper Atmospheric Research Satellite to monitor the upper atmosphere; on the Mars Geoscience/Climatology Orbiter to map Mars; and on a Scatterometer to be flown on the Navy Remote Ocean Sensing System to acquire global ocean data. Materials processing experiment development will be continued to take advantage of the space environment, as well as the advanced communications satellite technology development and ground test program; and

Space research and technology activities emphasize the longer range aspects of generic research and technology development in transportation, spacecraft and platform systems which are crucial to future United States leadership in space.

Aeronautical research and technology involves an effective and productive program that contributes materially to the enduring preemience of U.S. civil and military aviation. The objectives are achieved by conducting appropriate disciplinary and systems research at the leading edge of technology in those areas critical to the continued superiority of U.S. aircraft; maintaining the research centers in positions of excellence in facilities and technical staff; assuring timely transfer of research results to the U.S. aeronautical industry; assuring appropriate involvement of universities and industry; and providing aeronautical development support to other government agencies and U.S. industry. Conducted well in advance of, and independent of, specific applications, the aeronautical research and technology program includes both fundamental research in the aeronautical disciplines and systems research directed at interaction among disciplines, components, and subsystems applicable to general classes of advanced military and civil aircraft. Ongoing technology efforts will continue toward major improvements in subsonic aircraft, rotorcraft, high-performance aircraft, advanced propulsion and numerical aerodynamic simulation.

Mr. Chairman, I want to further discuss three program areas: The space shuttle, the space station, and the advanced communications satellite program.

SPACE SHUTTLE

There are many reasons why the space shuttle is an important and logical step in manned space flight and the U.S. space program:

First, the shuttle is our only manned space activity.

Man has worked hard to achieve—and has indeed achieved—the freedom of mobility on land, the freedom of sailing on his oceans, and the freedom of flying in the atmosphere. And he has discovered that he can also have the freedom of space. Man has learned to fly in space, and man will continue to fly in space.

Given this fact, the United States cannot forgo its responsibility—to itself and to the free world—to have a part in manned space flight. And the space shuttle is clearly the most meaningful and useful manned space program for the coming decade.

Second, the space shuttle is needed to make space operations less complex and less costly.

Today we have to mount an enormous effort every time we launch an expendable space vehicle. The reusable space shuttle gives us a way to avoid this. This airplane-like spacecraft makes a launch into orbit an almost routine event at a cost much less than the expendable launch vehicles. This is possible by not throwing everything away after we have used it just once—just as we do not throw away an airplane after its first trip from Washington to Los Angeles.

The shuttle also allows for less cost to payload development. A satellite that will be launched in the shuttle will no longer have the environmental, structural, weight, and other associated constraints as those launched on an ELV. If an anomaly should occur to the satellite, the shuttle makes it possible to retrieve or repair, eliminating the need to throw away a costly satellite.

Fourth, the shuttle will encourage far greater international participation in space flight.

Since the initiation of the development of the shuttle program many European nations have been participating in a joint program to develop the spacelab. The spacelab program is a cooperative effort between NASA and the European Space Agency (ESA). ESA is designing and developing the flight hardware. The spacelab will initiate a new era for space experimentation. Considerable international utilization of the shuttle/spacelab capability is now underway and the future activity is being planned. In their long-range planning, other nations see the transition from the demonstration phase to the operational and commercial application aspects of space exploitation. Within this framework, the trend is toward greater flexibility, larger instruments and instrument groupings, and longer mission durations. The capabilities of the shuttle/spacelab offer new opportunities in the exploration and use of space.

The globally televised launch and return of the first five flights of *Columbia* and the first flight of *Challenger* calls to mind the proven significance of the space program in the arena of international relations and understanding and, thus, in the preservation of world peace. Because of the magnitude and ambitious character of NASA's space program, the United States can look back on a long and fruitful history of collaboration with European and other nations. Future opportunities for international cooperation will greatly exceed past joint activities because of the space shuttle program.

The initiation of routine space transportation operations in late 1982 marked the culmination of about 20 years of planning, designing, and development of a reliable, readily accessible and economically superior method to operate in space, for the purpose of expanding Earth-bound man's control over his destiny as an inhabitant of the only known life-supporting body in the solar system.

The space shuttle and NASA's future planning toward human permanence in space is the main element of NASA's conformance to the Space Act of 1958. As we move into the 1980's and prepare to respond to new challenges that will face us, we should review these policies and plan for the future, particularly with a view toward technology-driver projects that will help to provide the United States with the leadership in technology and its applications that is mandated by the Space Act.

One of these new challenges that appears as an important issue when considering the international aspects of the space shuttle is the challenge of international competition in space.

After overcoming the Soviet Union's initial lead in space in the early 1960's, the United States has generally maintained overall leadership in exploiting the various advantages that space offers. More recently, however, the United States has begun to lag the U.S.S.R. in some areas, such as long-duration manned orbital flight with its opportunities for extensive experimental and empirical data in such areas as life sciences, materials processing, assembly and repair, manned observations, and command and control. Other countries are becoming increasingly competitive. In particular, the current vigor of Soviet manned space program activity indicates continued expansion of capabilities and an increase in military space operations. During calendar year 1981 and 1982 the U.S.S.R. launched six manned flights including a 211-day space station mission completed on December 10, 1982, the longest in history and more than double the length of the longest U.S. mission to date—skylab-3, 84 days. On April 20, 1983, the Soviets launched a new mission involving a three-manned crew to the *Salyut-7/Cosmos 1443* orbiting craft for another long duration mission.

Increasing competition to U.S. operations in space can also be expected from the European Economic Community, which, through the European Space Agency (ESA), is developing its own space transportation system, the

expendable Ariane. Ariane, designed to compete with the U.S. shuttle and already drawing customers from it, will be able to launch Atlas-class payloads to geosynchronous transfer orbit 1,700 kilograms, while follow-on versions in development or planning have capabilities beyond that—up to 2,420 kilograms. Even a fully reusable crew and supply transport vehicle, the *HERMES*, is being studied for a two-stage version of *Ariane V.* In Japan, orbital capability will be provided by the Japanese-developed "N" launch vehicle, also to compete with the United States in the provision of launch services to geosynchronous orbit.

On the other hand, the emerging user community for the space shuttle includes numerous foreign countries whose initial response to the shuttle program's offer of launch services has been excellent. Among the dozens of spacecraft sponsors that have already reserved space for their payloads are such international missions as Insat, Arabsat, Telesat, Palapa, spacelab, MEA/MAUS, and Solar Polar.

International involvement has been an important feature of the space shuttle program since its inception. Nine member countries of ESA, Belgium, Denmark, France, Germany, Italy, the Netherlands, Spain, Switzerland, and the United Kingdom, entered into an agreement in September 1973 with the United States to undertake, as an ESA special project funded entirely in Europe—possibly in excess of $800 million, to design, develop, manufacture, and deliver to NASA a space laboratory, called spacelab, for use with the shuttle. Austria, an ESA observer, is also contributing to the spacelab development. ESA delivered the first spacelabe flight unit earlier this year.

Also, the National Research Council of Canada (NRCC) undertook in June 1975 to design, develop, and manufacture a space shuttle-attached remote manipulator system (RMS) at Canadian expense. The RMS will deploy payloads from the shuttle cargo bay, retrieve them, and perform certain payload servicing operations in space, all under remote control from the Orbiter flight deck.

In summary, while previous international undertakings in space have amply demonstrated that the life styles and general well-being of mankind can be enhanced by reaching out beyond the Earth's atmosphere to exploit the unique properties of space, the space shuttle is the first significant quantum leap with the potential to make those operations a routine international activity. With its introduction, the United States, thus, is offering the services of a new, unique and highly useful transportation system to the world, comparable in its significance to the railroad some 100 years ago and the DC-3 aircraft 46 years ago.

SPACE STATION

In his state of the Union message to Congress, President Reagan outlined a bold new initiative for the United States that will maintain and insure, during the decade of the 1990's and beyond, our hard won position of leadership in space. The President's initiative is a permanently manned space station to be in operation within a decade. As a fundamental element of his vision for this Nation's future, the space station will reflect and contribute to America's commitment to research, technology and productivity; be a peaceful, visible demonstration of U.S. strength and commitment to leadership; and implement the clear direction the civil space program has needed and found in the President's national space policy set forth in July 1982.

The time for space station is ripe—the agenda for tasks which can be undertaken and enhanced using the unique capabilities of the space station is full, and both U.S. industry and the NASA institution are fully prepared to implement the President's initiative. The station is, I believe, the next logical step in space.

To maximize the unique advantages provided by the environment of space, we need to establish a permanent presence that enables us to work in space full time and fully utilizes the capabilities of the space shuttle. Without the capability of the shuttle, it would be impossible to establish the more permanent presence in space referenced by the President on July 4, 1982, in his national space policy statement. A second reason is that the operations we have conducted with the shuttle have stimulated great interest in the private sector to look toward investments in future space activities. The construction of a space station is necessary to create the facilities that will greatly encourage such investment, and to stimulate new technology that will spin off into the U.S. economy. Finally, the shuttle has also stimulated great international interest in the U.S. space program, as evidenced by the overwhelming reception of the *Enterprise* in Europe last summer and the recent highly successful flight of the spacelab. NASA is planning the space station program in such a way that it will be possible for our friends and allies around the world to participate with us in taking this major step.

Based upon NASA and industry analyses over the past 18 months, the space station program will serve a number of functions, such as:

A laboratory in space, for the conduct of science and the development of new technologies;

A permanent observatory, to look down upon the Earth and out at the universe;

A transportation node where payloads and vehicles are stationed, processed, and propelled to their destinations;

A servicing facility, where their payloads and vehicles are maintained, and if necessary, repaired;

An assembly facility where, due to ample time on orbit and the presence of appropriate equipment, large structures are put together and checked out;

A manufacturing facility where human intelligence and the servicing capability of the station combine to enhance commercial opportunities in space;

A storage depot where payloads and parts are kept on in orbit for subsequent deployment; and

A staging base for more ambitious future missions.

The space station will represent a fundamentally new and versatile capability to support activities in space in the decade of the 1990's and beyond.

NASA is requesting $150 million for the space station program. An extensive definition effort is planned with sufficient resources to assure that the program, when hardware development is initiated, will be thoroughly defined, responsive to user requirements, and based on the proper mix of man and machine, incorporating the most advanced technology available.

The fiscal year 1985 program will comprise the first year of this detailed engineering definition effort which will provide the basis for commitment to the final design for the construction of the space station.

ADVANCED COMMUNICATIONS SATELLITE PROGRAM

The ACTS program is aimed at advancing the state-of-the-art of communications technology in order to respond to the growing demand for communications services and at the same time respond to the growing threat of overseas competition for both our domestic equipment market as well as the international markets. The technology elements to be pursued are carefully selected to focus on the high risk/high payoff technology needed for tomorrow's satellite systems. In general, these technology goals are beyond the financial reach of individual U.S. companies involved in satellite system development. Despite the potential gains, the risks of this technology exceed allowable corporate levels and the return on investment occurs long after the initial capitalization.

The ACTS flight test program will allow the required verification of the most promising technologies associated with multibeam antennas with beam hopping, onboard switching storage and processing.

Establishment of the technology advance will contribute significantly to

maintaining U.S. leadership in future satellite systems. When the technology advance is established, it will result in operational system implementation of satellite systems which will greatly increase the orbit and spectrum capacity while contributing to decreasing communication service costs.

This program will be a major step by Government and industry to maintain U.S. leadership in this high technology marketplace which will provide long-lasting value to the country.

SUMMARY OF COMMITTEE ACTIONS

The following table 1 summarizes the budget action taken by the Committee on Science and Technology on the fiscal year 1985 NASA budget request at the full committee markup on March 20, 1984.

TABLE 1

[In millions of dollars]

Program	Fiscal years— 1984 operating plan	1985 budget request	Committee action
Research and development:			
1(a)(1) Space transportation capability development	431.7	361.4	346.4
1(a)(2) Space station		150.0	150.0
1(a)(3) Physics and astronomy	567.6	677.2	687.2
1(a)(4) Life sciences	58.0	63.3	63.3
1(a)(5) Planetary exploration	217.4	286.9	296.9
1(a)(6) Space applications	291.0	344.1	384.1
1(a)(7) Technology utilization	9.0	9.5	9.5
1(a)(8) Aeronautical research and technology	302.3	342.4	347.4
1(a)(9) Space research and technology	137.0	150.0	150.0
1(a)(10) Tracking and data acquisition	14.2	15.3	15.3
Total: Research and development	2,028.2	2,400.1	2,450.1
Space flight, control and data communications:			
1(b)(1) Space shuttle production/operation capability	1,649.3	1,465.6	1,490.6
1(b)(2) Space transportation operation	1,452.0	1,339.0	1,329.0
1(b)(3) Space tracking and data acquisition	674.0	795.7	780.7
Total: Space flight, control and data communications	3,775.3	3,600.3	3,600.3
1(c) Construction of facilities	155.5	160.0	150.0
1(d) Research and program management	1,258.5	1,331.0	1,331.0
Total: NASA	7,217.5	7,491.4	7,531.4

Again, I urge the support of my colleagues for H.R. 5154.

□ 1600

Mr. LUJAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5154. This bill demonstrates a commendable effort by the members of the Science and Technology Committee to reflect the priorities of the committee and to limit the additions of the administration's request level.

The subcommittee redirected $25 million for more support of space science programs which already shows the high priority that we feel should be given to NASA's role in basic research programs. The committee also recognized the importance of planning for the future in space programs in three key actions.

The first key item is the strong support of the space station. The administration had requested $150 million for the initial planning of the space station, and it remained at that figure. Experience has shown us repeatedly that a strong planning effort at the beginning saves the taxpayer a great deal in the final cost of the program.

The space station program has been well designed to include a 2-year initial planning phase. Already NASA has thought carefully about how to approach the space station program in a most cost-effective way. I believe the space station will turn out to be a bargain in the final analysis.

The space station will use existing technologies as much as feasible, and will take advantage of developing technologies as well. One exciting example of this will be the role of automation and robotics. Since the space station will make maximum feasible use of automation and robotics, this will help drive the technology development in this area and thus serve to maintain U.S. leadership in developing the technologies of the future. This serves to emphasize my view that NASA's role is to develop the technologies and then transfer them to the private sector. I see the space station as a key steppingstone on the path to the future.

Second, where the bill recognizes the importance of planning for the future, is the President's Commission for Long-Range Planning. NASA now does planning on a 5-year basis. In addition, NASA has been engaged in long-range planning in some respects for a long time. During the Nixon administration, NASA proposed a program that included development of both the space shuttle and the space station. We now have the space shuttle operating, and I might say it is the jewel of the U.S. space transportation system.

We are now beginning to develop the space station. But it would be a mistake to view the space station as an end in itself. Rather, it should be more appropriately seen as a part of the U.S. long-range plan for the civilian space program. The long-range plan should not be done just by the folks at NASA or by the aerospace industry. Rather, the planning should include people from around the country; from other perspectives as well. A long-range plan should look further into the future; not 5 years, not 10 years, but 20 years or more; well into the next century. A well-thought-out, long-range plan would be another steppingstone into the future.

The third aspect of this bill that recognizes the future U.S. role in space is the amendment to the Space Act offered by Mr. WALKER in committee. This amendment would declare that one of the purposes of NASA is to encourage the commercial use of space. The committee has heard many exciting possibilities of the future commercial uses of space, including space manufacturing of pharmaceuticals and alloys. These various potential uses will provide new products and new technologies for the U.S. industry.

In the past, the space program has driven the technology development for new industries, and I believe it will continue to do this in the future. I believe the future U.S. economic strength and prosperity will come from our innovative talents. NASA will play an important role in this, since it has been and will continue to be NASA's role to develop new technologies and transfer them to the private sector.

The new language in the Space Act further states that by helping to develop the technologies and then transferring them to the private sector, NASA will serve an important role in encouraging the commercial use of space.

These three aspects of the bill are clearly three good steppingstones into the future, and I urge my fellow Members to join me in support of this bill.

Mr. FUQUA. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on Space Science and Applications, the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support for the bill, H.R. 5154, which would authorize appropriations for the National Aeronautics and Space Administration in fiscal year 1985.

This bill was reported by the Committee on Science and Technology on March 20, 1984 by rollcall vote.

For the benefit of the committee, I will summarize the bill and the actions taken.

The NASA fiscal year 1985 budget request was $7,491,400,000. The actions recommended by the Committee on Science and Technology result in a budget authorization of $7,531,400,000 which is $40 million more than the request.

The differences between the committee action and the administration's request for space activities are summarized as follows:

I. RESEARCH AND DEVELOPMENT

A. SPACE TRANSPORTATION CAPABILITY DEVELOPMENT

A $10 million reduction in engineering and technical base activities.

A $5 million decrease in payload operations and support equipment.

B. PHYSICS AND ASTRONOMY

A $4 million increase in shuttle/spacelab payload development for advanced technical development for the solar optical telescope and the shuttle infrared telescope facility.

A $6 million increase in research and analysis including $3 million for university instrumentation and $3 million for advanced technical development

for the advanced X-ray astronomical facility.

C. PLANETARY EXPLORATION

A $10 million increase in research and analysis to augment university research activities including $2 million for university equipment and instrumentation.

D. SPACE APPLICATIONS

A $2 million authorized within available funds in geodynamics for measurement of crustal movements in Caribbean Basin.

A $5 million increase in environmental observations/space physics research and analysis for advanced technical development for the international solar terrestrial physics program.

A $5 million reduction in space application/upper atmospheric research satellite activities.

A $40 million increase for communications activities to restore funding for the advanced communications technology satellite flight demonstration.

E. SPACE RESEARCH AND TECHNOLOGY

A $2 million authorized within available funding to augment the SP-100 space nuclear power technology activities.

II. SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

A $25 million increase in space shuttle production/operational capability which is the net result of a $50 million increase in orbiter activities for augmentation of fifth orbiter structural spares, a $15 million decrease in launch and mission support, and a $10 million decrease in changes and systems upgrading.

A $10 million decrease in space transportation operations activities.

A $15 million decrease in space tracking and data acquisition activities.

III. CONSTRUCTION OF FACILITIES

A $5 million decrease in numerical aerodynamics simulation facility.

A $5 million decrease in rehabilitation and modification activities.

IV. RESEARCH AND PROGRAM MANAGEMENT

A $1 million within available funds was authorized to support the activities of the National Commission on Space as adopted in title II.

The committee also adopted a number of language provisions as follows:

A. The committee adopted a new section 106 to clearly show the subcommittee's intent with regard to the additional funding provided for orbiter activities.

B. The committee adopted a new section 107 to direct NASA to continue and to enhance remote sensing research and development.

C. The committee adopted a new section 109 which would amend section 102 of the Space Act to provide that NASA seek and encourage the fullest commercialization of space.

D. The committee adopted a new section 110 as amended which would amend the Space Act to provide the Administrator discretionary authority to dispose of loaned personal property.

E. The committee adopted a new title II as amended which would establish a National Commission on Space to define long-range needs of the Nation that may be fulfilled through the peaceful uses of outer space and to articulate goals and develop options for the future direction of the Nation's civilian space program.

In considering the NASA fiscal year 1985 budget request, the Subcommittee on Space Science and Applications held 10 days of hearings in February and March 1984 to review the status of NASA space activities. Testimony was taken from representatives of NASA, the U.S. Air Force, the Aerospace Safety Advisory Panel, and the industrial and scientific community. The aeronautics activities of NASA were considered separately by the Subcommittee on Transportation, Aviation and Materials and will be discussed in detail by the gentleman from Kansas, Mr. GLICKMAN.

The NASA budget for fiscal year 1985 before you—

Includes $150 million to begin systems definition studies and advanced technical development activities leading to development of a space station in the early 1990's;

Preserves the space shuttle production schedules leading to an operational fleet of four orbiters supporting civil and military needs from launch sites on both coasts;

Provides funding for orbiter structural spares to maintain production readiness for a fifth orbiter vehicle;

Supports continued development of the space telescope for a late 1986 shuttle launch;

Schedules the Galileo mission to Jupiter for a 1986 shuttle launch using the shuttle/Centaur upper stage;

Continues support for flight missions such as Voyager and Pioneer that have been launched and are returning valuable scientific data;

Supports preparation for the early years of shuttle operations leading to an initial flight rate capability of 24 flights per year;

Authorizes continuation of U.S. support to the international solar polar mission with only the European spacecraft for launch in 1986;

Provides for initiation of the upper atmospheric research satellite program and for the development of a scatterometer instrument for the Navy remote ocean sensing satellite;

Includes funds for continuing development of the Venus radar mapping mission and initiation of the Mars geoscience/climatology orbiter;

Continuing support to launch and operation of the tracking and data relay satellite system;

Supports NASA civil service employment levels at approximately 22,000;

Mr. Chairman, in conclusion I want to address NASA's advanced program plans and the need for long-range civilian space goals. This committee has continually urged increased emphasis by NASA on long-range planning.

There is the continuing need to insure U.S. preeminence in space for reasons of national morale, political prestige, advancement of U.S. science and technology, and educational motivation and stimulation. The development of new space systems goals and advanced programs beyond the basic space shuttle and the planned space station is a necessary consequence of this need for continued vitality in space, particularly in the light of a—to all appearances healthy and dynamic—Soviet space program.

The National Commission on Space which would be established by title II should provide a valuable mechanism for public discussion of our Nation's long-range civilian space goals.

In the context of the clear needs which are presently foreseen, proper planning for the future will result in a balanced civilian space program which will make major contributions to our economy and national prestige.

NASA is one of the few Federal agencies whose spending power has decreased over 15 years. The spending power in the NASA budget is less than one-third of that 15 years ago. While NASA spending represented 4.4 percent of Federal budget outlays in fiscal year 1966, NASA spending represents less than 0.78 percent of Federal budget outlays in fiscal year 1984. These NASA budget trends do not recognize the positive contributions which the NASA programs can make to national defense, the Nation's economy, monitoring of our natural resources, energy and mineral exploration, and the expansion of scientific knowledge.

In developing the bill before us today, I want to thank the gentleman from New Mexico (Mr. LUJAN) for his efforts. I want to recognize the dedicated efforts of the members of the Committee on Science and Technology and, in particular, my colleagues on the Subcommittee on Space Science and Applications. Each member of the subcommittee on both sides of the aisle has made a significant contribution.

As always, we can depend on the gentleman from Florida (Mr. FUQUA), the chairman of the full committee, and the gentleman from Kansas (Mr. WINN), the ranking minority member of the committee, for their knowledge and personal insight into these complex programs. Their diligent efforts continue to be of immeasurable help in establishing a sound bill and strong NASA programs.

□ 1610

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. WINN), the ranking member of the Committee on Science and Technology.

Mr. WINN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in reluctant opposition to this authorization for NASA for fiscal 1985. I do so for the simple reason that this bill is $40 million over the President's request level for these programs. I continue to believe that NASA does excellent work and that their fine programs deserve congressional support. However, my problem comes not with NASA but with the amounts of additional money added in by the committee.

At the subcommittee level, the ranking member of that subcommittee, the gentleman from New Mexico (Mr. LUJAN), offered an amendment which would have kept this authorization within the President's request while not severely cutting any critical programs. I supported this amendment, but it was defeated and the alternative—a $40 million add—was accepted.

All of the estimates that we see point to a fiscal year 1985 Federal deficit approaching $200 billion. Despite my strong support for NASA, I fail to see how adding potentially $40 million more to the deficit will, in any way, help to solve this critical national problem.

The budget proposed for NASA by the administration was a very adequate one. It was not a reduction in funding for NASA. It provided for several new and exciting initiatives in space. If Members of this body cannot accept a sufficient budget such as the one requested for NASA, then we are indeed in very serious trouble. It should also be noted that the Republican members of the subcommittees involved offered to accept any responsible suggestions on how to keep the budget at the President's request level, while reordering priorities within this total. This approach was rejected, and instead, we have this unacceptable $40 million added on to the request.

Mr. Chairman, as I mentioned earlier, NASA continues to do excellent work and is providing a space program that constantly captures the imagination of the American people. The most obvious example of this, of course, has been the space shuttle—a program which has been an outstanding success. But, in addition to the space shuttle, we must not forget that NASA has successfully completed a number of other spectacular missions.

For example, the world has marveled over the last decade at the photographs returned by the Pioneer and Voyager missions by Jupiter and Saturn. New data on these planets, their satellites and rings, have revolutionized our concepts of the formation and evolution of the solar system. The Voyager 2 spacecraft is headed for an encounter with Uranus in 1986 that will provide our first look at this giant outer planet. They will then travel on to Neptune, reaching there in 1989. The Pioneer 10 and 11 and the Voyager I spacecraft are on trajectories leading out of the solar system, and yet they continue to return scientific data on the outer reaches of our solar system.

Mr. Chairman, this is just one example out of the many successful programs that NASA has conducted. Still to come are, as the chairman has mentioned, the space station effort, and in addition, projects such as the Galileo mission which will be launched to Jupiter in 1986, the Venus radar mapper, the space telescope, many more shuttle launches, and a host of other scientifically significant achievements.

Mr. Chairman, because of my great respect for the past achievements of NASA and those that I am sure will follow, it is with great reluctance that I oppose this authorization. Still, it is my belief that the overriding concern of each Member of this House should be the responsible reduction of the Federal deficit in order to insure a healthy economy, and sustain the recovery. Once we achieve this goal, I believe we will be able to take a second look at some additional worthwhile programs which we currently cannot afford. In order to achieve this goal, we cannot continue to support authorizations that do not contribute to sound fiscal policy.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. WINN. I am glad to yield to the the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, I want to say that for 18 years the gentleman in the well has participated in the committee and subcommittee and on the floor in crafting NASA legislation including this bill and seeing it through Congress and into law and many, many fine programs have come about because of his diligent efforts.

The gentleman has decided of his own free will and accord not to seek reelection this time, and I just want to say that a great void will be in the committee and NASA programs and all the other things that the gentleman has participated in over these many years in a very constructive and conscious effort.

I want to pay my respects to the gentleman because this will probably be the last NASA bill on the floor during his service. Maybe he will say good riddance, but we will miss you, LARRY.

Mr. WINN. I thank the chairman.

Mr. FUQUA. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. GLICKMAN), the chairman of the Subcommittee on Transportation, Aviation, and Materials.

Mr. GLICKMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I first of all would like to echo the comments of my friend, the gentleman from Florida, DON FUQUA, about my colleague from my own State of Kansas, LARRY WINN. I will miss him very much on the committee, as I will be the remaining Kansan left on the committee. I know that his legacy will mean a lot to the committee as well as to my own work on this committee.

I will amplify my remarks later in this statement regarding aeronautical research and development, but the committee should know that our subcommittee has jurisdiction over the whole area of aeronautical research and development, and we found that although the dollar amount for aeronautical R&D is small compared to the whole bill, roughly about 5 percent, the payoff is very large.

This is true because NASA emphasizes the high-risk, long-term research and technology that industry is financially unable or unwilling to undertake. Such efforts provide the foundation for future aircraft and engines, which return many times their initial cost to our economy. In this sense, NASA's aeronautical R&D is an investment in the true sense of the term.

For example, in 1982, export sales of aerospace products, the bulk of which were civil aircraft, exceeded $15 billion. Imports were estimated to be $4 billion. The result, an $11 billion net positive contribution to our balance of trade, was the largest of any U.S. manufacturing industry. Except for agriculture, Mr. Chairman, the production of airplanes and airplane-related items and aerospace-related items has more to do with making a positive balance of payments, which is not in a positive form right now, than any other component of U.S. industry.

□ 1620

U.S. suppliers have built nearly 90 percent of our free world's civil airplanes by dollar value. Our airlines are our best ambassadors, offering us quality, safety, comfort, and reliability at economical cost. That speaks well of America to operator and user alike.

On these items, Mr. Chairman, we in America are still a winner. We produce the best airplanes in the world, and the purpose of this aeronautical R&D is to continue research on a variety of items which will allow us to continue to have pride in the fact that our industry is tops in this world.

Now, we went through several items with respect to our bill and we increased some, we reduced some. Overall, our subcommittee stayed within the budget in terms of the same aggregate numbers that the President's

budget has. Without going into specifics, some of the items have to do with material and some of the items have to do with a new prop fan program in which we are trying to reverse patterns by this administration to stop that program.

The fact of the matter is that we must keep our competitive position with Japan and with West Germany in building the highest quality airplanes in the world. The Europeans and the Japanese have begun to pose a serious competitive threat. Within the past few weeks the Airbus consortium announced the launch of its all-new 150-passenger commercial airliner. This puts them ahead of any of our aircraft companies who are still in the planning phase. For that reason and for other reasons as well, we have been on the back of the administration to move ahead in connection with expanding its views on the Government's role in research and development, and reluctantly they have come along to some degree. That is the result of the work of members of our subcommittee, including my colleague, the gentleman from New York (Mr. CARNEY), who is my ranking minority member, and others who have done their best to insure that in the area of aeronautical research and development this item remains a No. 1 priority with respect to the Government of the United States.

So, Mr. Chairman, with respect to the items within our subcommittee's jurisdiction, aeronautics, aviation production of high quality and competitive airplanes, America is a winner, and the passage of this bill will help to insure that that continues for the next 15, 20, or 25 years.

This is not an abstract idea either, Mr. Chairman. There are several hundred thousand jobs in this country directly related to the production of airplanes, and there are millions of others indirectly related to it. What we have seen happen to the American automobile industry should never have to happen to the production of airplanes.

Therefore, I urge the passage of this bill, including the space portion of this bill, because everything I have said today about aeronautics is also true about the portion of the bill under the jurisdiction of my colleague, the gentleman from Missouri (Mr. VOLKMER), and I am proud to be associated with him in this connection.

Mr. Chairman, the Subcommittee on Transportation, Aviation, and Materials conducted numerous field inspections and held extensive hearings here in Washington on the aeronautical part of the fiscal year 1985 NASA authorization. Testimony was taken from a variety of witnesses, both inside and outside of NASA.

Members of the subcommittee worked long and hard in carefully reviewing the NASA aeronautical program and the 1985 budget request. We found that although the dollar amount for aeronautical R&D is small—$347.4 million recommended by the committee this year—the payoff is very large. This is true because NASA emphasizes the high-risk, long-term research and technology that industry is financially unable or unwilling to undertake. Such efforts provide the foundation for future aircraft and engines which return many times their initial cost to our economy. In this sense, NASA's Aeronautical R&D is an investment in the truest meaning of the term.

Of course, the results in the aeronautical industry did not just happen. They came because we have consistently had the best products. And one of the big reasons for that has been the longstanding partnership between Government and industry in developing new aeronautical technology.

Because of this, the Committee on Science and Technology has repeatedly urged the administration and the Congress to increase the resources devoted to aeronautical R&D. We have pointed to the many long-term benefits of such investment, which are reflected in billions of dollars in sales of U.S. aircraft both here and abroad, and in millions of jobs for Americans.

Yet, in spite of its proven cost benefits, the NASA aeronautics program has not keep pace with inflation nor with the relentless pressure from our competitors, both military and commercial. For example, the administration's request for fiscal year 1985 is only 10 percent greater than the actual amount spent in fiscal year 1980. There are not many Government programs that can make that claim.

Furthermore, anyone familiar with the dramatic increases in both the cost and complexity of new technology in the last few years knows that a level budget will not produce the same results as it once did. It simply costs more today to achieve each increment of improvement in fuel efficiency, or safety, or performance.

Of course, none of this would cause alarm if the Europeans and Japanese had not begun to pose a serious competitive threat. But they have.

In fact, within the last few weeks, the European Airbus consortium announced a launch of its all-new 150-passenger commercial airliner. This puts them ahead of any of our aircraft companies who are still in the planning phase.

Because of this, I believe, the committee's recommendation is at the low end of what is actually needed. In my view, international conditions call for expanding NASA's aeronautical program, not curtailing it.

Fortunately, the administration has begun to move in this direction. Two years ago, of course, it went all out to change NASA's basic method of doing business. It sought to break up the longstanding partnership between the Government and industry that was largely responsible for our preeminence in aeronautics.

Since then, of course, the Congress has spoken clearly to reject this misguided idea. Also, the Office of Science and Technology policy was born again and, in a very comprehensive study, reaffirmed the importance of NASA's work to both national security and economic well-being.

The fiscal year 1985 budget reflects this more responsible attitude. It shows a growth of 13 percent over last year—still far short of what is needed, but progress, in a difficult budget climate.

Yet some problems do remain. Apparently not everyone at OMB was converted. Missing is a very important proof-of-concept project which has exceptionally promising civil applications in light of the Airbus announcement and which has been supported strongly by industry and the Congress—the so-called propfan.

Mr. Chairman, I know most Members are familiar with this program. So I won't repeat the many advantages it could offer the airlines, the aircraft industry, and the traveling public.

Let me just point out that the program has gone about as far as it can with testing on the ground. What is needed now—to convince industry to take on the full burden and risk of commercial development—is a full-scale flight test.

With this in mind, the Science Committee is recommending that a total of $10 million be reallocated from the research and technology base and from construction to keep the propfan moving toward a flight test in 1987.

In other budgetary actions, we are also recommending reallocations within the R&D base to provide $1 million for work on alternative fuels for general aviation and $5 million for high-speed materials, structures, and propulsion research.

Finally, the committee also included language to require NASA to devise a plan for recouping the substantial Government investment in propfan technology if that investment leads to a successful product. Industry is a winner.

Mr. Chairman, I urge adoption of the fiscal year 1985 NASA authorization bill.

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. CARNEY) the ranking minority member of the Subcommittee on Transportation, Aviation and Materials.

Mr. CARNEY. Mr. Chairman, I rise in support of H.R. 5154, the NASA authorization for fiscal year 1985. I believe this bill provides for a sound

NASA program for the coming year, although I would have preferred to avoid the $40 million increase to the administration request. Additionally I would support any responsible amendment to bring the total authorization in line with the budget request.

The aeronautics portion of this bill provides for continued support for propfan technology. This technology will increase fuel efficiency up to 30 percent, and if developed in a timely manner, could ultimately result in exports of up to $50 billion—making a significant positive contribution to our balance of payments. The funding available in the 1985 budget for propfan will support a flight test of this propulsion system in 1987, as well as the continued investigation of a promising new concept known as an unducted fan.

Another important program that will go forward in 1985 is the numerical aerodynamic simulation program. This program will provide advanced computational capability not only for NASA, but other government agencies, industry, and universities, as well. Additionally, a new facility to house this computer complex will be started in 1985.

And, I am particularly pleased that we on the Transportation, Aviation, and Materials Subcommittee were able to support these programs without finding it necessary to exceed the budget request.

Although our colleagues on the Space Science and Applications Subcommittee were not able to do the same, this is still a good bill and deserves our support. Funding that was added did much to make the bill more sensitive to the interests of the scientific community, and was for the most part offset by reductions in funding for operations and less critical activities.

I am especially pleased to see the added support for programs such as the solar optical telescope (SOT) and the Space Infrared Telescope Facility (SIRTF). I hope that the administration with the support of Congress will continue to support these worthwhile activities. These facilities will be invaluable tools for universities as well as government scientists.

Another important new space initiative for 1985 is the space station. The space station was first proposed as a follow-up to the triumphant success of the Apollo program. The program as originally proposed included the shuttle—very appropriately named, I might add—as the vehicle to transport men and supplies to the orbiting station. The decision was later made to proceed with the development of the shuttle first, and that has been accomplished. We now have an operational shuttle, and the time has come to move forward with the space station.

The argument that we do not need to put men in space makes no more sense today than it did 25 years ago. We did not need to put man on the moon; but, Neil Armstrong's one small step was indeed a giant step for mankind. Space is clearly the new frontier, and we as a Nation must assume a leadership role in exploring this frontier.

Mr. Chairman, this bill reflects a continued commitment to do just that, and I urge my colleagues to join me in supporting it.

Mr. FUQUA. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on Government Operations, the gentleman from Texas (Mr. JACK BROOKS).

Mr. BROOKS. Mr. Chairman, I have been a supporter of the National Aeronautics and Space Administration program since its inception in 1958. Rarely has a peacetime program attracted such dedicated and talented workers, and seldom have the dollars invested in a Federal program yielded such tremendous returns.

I might add that this bill and this effort is managed by a very outstanding committee chairman and a highly qualified staff. It is led by a dedicated and competent chairman, the gentleman from Florida (Mr. FUQUA), and I think that committee can be very proud of the effort that is made with NASA to give the Federal Government and the American people a dollar's value for every 50 cents we put in it.

Mr. Chairman, to date, the NASA program has spawned immeasurable scientific knowledge which has helped to increase our Nation's productivity and economic well-being. In addition, NASA has been responsible for producing many of the world's technological advances, thereby keeping our Nation competitive with other countries. All told, it has been estimated that the NASA program has returned $6 to $8 for every dollar invested in it.

I take strong exception to any person who considers the space program to be a luxurious boondoggle. I would be the first to admit that it embodies the youthful excitement and thrill of exploring the outer reaches of our solar system. We must not forget, though, that it also provides us with a much needed R&D community to discover, develop, and apply scientific truths that benefit us all.

I am particularly pleased to see that the bill before us today provides not only for the continuation of existing NASA programs, but also for the commencement of several new ones. I intend to support this bill and urge you to do the same.

Mr. FUQUA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I would like to use my time to just raise some questions with the distinguished chairman of the Committee on Science and Technology and perhaps with the subcommittee chairman, and if 5 minutes is not enough time I will seek additional time during the 5-minute rule period.

I would like to emphasize at the beginning that I do not come as an opponent of the space station proposal. When the President proposed it back in January, I had an open mind. I still have an open mind, but I would just like to satisfy myself on a couple of scores.

This proposal in this bill is for $150 million. The estimates, as I understand it, are that by the time the space station is operating early in the 1990's the price tag will have climbed to about $8 billion, and by the end of this century, 16 short years from now, the cost will be $20 billion to $30 billion. It seems to me that this is almost too much like the new weapons systems that we see proposed by the Defense Department. They always start off with $50 or $100 million for research and development, and then, after they have been going a year or two, the argument becomes, "Well, we cannot kill off this program or we will have wasted the money we have already put into it." And, of course, in the process of doing the research and development, we build a constituency in the industry and in Congress.

□ 1630

Here we are worried about $200 billion Federal deficits this year and next year and the year thereafter on into the future, being totally uncertain as to how, if at all, we can deal with those deficits, but being quite certain—quite certain that those deficits threaten gravely the economy of this country; so I think there is a special responsibility for Members of Congress in these circumstances to ask whether this proposal really is going to do what one hopes or what the payoff will be down the road.

It may be that this program can be justified strictly on the basis of pure science: whether it pays off in any way, shape or form, is immaterial; we will just learn a lot; but again, if that is the case, I guess I would raise the question in these periods of budget constraint, can we afford an $8 billion or $20 billion exercise in pure science?

I looked over the committee report and I must say it is worthy of the prose writers in the Pentagon in terms of being cloudy and veiled with jargon. I do not see anything definite, at least that satisfies me about what will come out of the program in practical terms that would justify the expenditure.

I would hope that the committee has examined those issues and could satisfy me that in its opinion the potential expense or the actual expense that is likely to occur down the road is justi-

fied by some sort of actual practical payoff for the taxpayers.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I would be happy to yield.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Would the gentleman regard a one-half trillion dollar new economy by somewhere just after the turn of the century as being an adequate payoff for this kind of investment?

Mr. PEASE. Perhaps I would.

Mr. WALKER. Well, I mean, that is the equivalent in 1983 terms of 15 million new jobs, with an awful lot of hope for the future in terms of revenues and everything else.

I am just wondering if the gentleman would regard that as being an adequate payoff for this kind of investment?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FUQUA. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, we are not going to have sufficient time to explore this during this period and I will ask for more time during the 5-minute rule; but I hope the gentleman will understand that I do not rise to say there is no payoff. What I rise for is to try to satisfy myself that the committee has examined these issues and can give this committee and the American people some reasonable scenario that the investment would be worthwhile.

I have looked through the committee report. I do not see anything about a trillion dollar economy by the year 2000 or any direct payoff at all. That is the sort of thing I will want to explore, but I will wait to do that until we get to the 5-minute rule.

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I thank the gentleman from New Mexico for yielding.

Mr. Chairman, let me say first of all that I would hope that here in the 5-minute rule when I have an amendment up to cut the budget back slightly by five and one-half tenths of 1 percent in order to bring it in line with the budget, that we will have some support for that so that I can end up supporting this authorization bill, because I think overall it is a very good authorization bill.

The gentleman from Missouri, the chairman of the subcommittee, is to be congratulated for the work that he did, the gentleman from Florida, the chairman of the full committee; the ranking member of the subcommittee, the gentleman from New Mexico (Mr. LUJAN); and the ranking member of the full committee, the gentleman from Kansas (Mr. WINN), have all worked very hard on this bill and I think have brought forth a very responsible bill for NASA this year. That is something I think which is difficult, because what we are dealing with is trying to balance out starts of the past and the kinds of programs of the past that we have laid in place, such as the shuttle program, which are large investments of themselves, and yet plans for the future, to do the science which is needed for the future and move us toward a future of commercial activities in outer space as well.

I would like to deal for a moment if I could with that aspect of commercial activities, because one of the things that we have put into the Organic Space Act as a part of this authorization bill is language saying that NASA should proceed with encouraging commercialization of outer space. I think that is an important part of the answer to the question of the gentleman from Ohio, who rose and talked here a few minutes ago about what is the payoff of this space station. This space station means that you have a permanent manned presence in outer space. You cannot begin real commercialization of outer space, you cannot build factories in outer space without having the capacity for habitat, without having the capacity for a manned presence in outer space. Those factories offer such an unbelievable economic potential for this country for the future that it is almost impossible to relate to the totality of it.

There are people who will tell us that soon after the turn of the century that we could be generating a half a trillion dollar new economy from outer space as the result of the development of new products in these factories in outer space, producing products that are cures for diabetes and cancer, producing products that are new metals, producing new crystals that can be used for new generations of computers; all these things in addition to expanding the communications industry, in addition to doing a number of things which are truly the new ideas of the future.

I hear an awful lot of talk in the Presidential trail about new ideas. The new ideas of the future are going to have to be on the high technology side and it is going to have to be driven high technology.

We cannot say that we are going to remain a high technology country if we have no frontiers to move toward. The frontiers in commercialization, the frontiers in the economy exist in lower orbit.

I think that the real potential of this space station lies in the fact that it will provide the habitat that will give men the opportunity to pursue all of these great economic goals, all these new products, that will have a fantastic kind of impact right here on Earth.

There are many people who will tell us that that half a trillion dollar economy is going to be produced, whether the United States is in the game or not. The question is whether or not we are going to be in the game early enough that we will be the main beneficiaries of the development.

With this bill and with this start on the space station, we are saying yes; we are going to be in the game; we are going to be the principal players in the game.

It is interesting to note that Administrator Beggs when he returned from his trip overseas recently, indicated that our allies are very much willing to participate in helping to finance this space station. Why? Because they recognize the economic potential for the future; so that while there are billions of dollars worth of investment that will have to go into it, the fact is that there are other people who are willing to participate. That is not all going to come from the taxpayers. There will not only be money that will go into this that will come from other countries, there is also money that will go into it coming from private enterprise that also sees the potential of what we are embarking upon.

I think it is important to note with that cooperation in the international community for the space station that we may also have some hope that we can get international cooperation in building, the fifth, sixth, and seventh orbiters on beyond that in the space shuttle program.

It is my opinion that some of those nations around the world might want to join with us in building additional orbiters that are going to be necessary for a full-scale commercial space program sometime in the next 20 years.

One of the directions that is in the committee report for this bill is a direction to NASA to begin exploring with foreign governments the possibility of them putting some money into the space shuttle program in addition to exploring with them the possibility of participating in the space station program.

I think all of those things offer an exciting potential that will not be an undue burden on the taxpayers and yet offers us the opportunity for a bright commercial future in outer space.

I thank the gentleman again for yielding.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. NELSON), a member of the committee.

Mr. NELSON of Florida. Mr. Chairman, I rise in support of H.R. 5154 which authorizes appropriations for NASA in fiscal year 1985. The distinguished chairman of the committee, the Honorable DON FUQUA from Florida, has brought a strong bill to the

floor and I want to commend him for his efforts and leadership on this matter of great importance.

I also want to recognize the dedicated efforts of the members of the Committee on Science and Technology and, in particular, the members of the Subcommittee on Space Science and Applications and its chairman, the Honorable HAROLD L. VOLKMER, for developing the bill before us today. The gentleman from Missouri is to be congratulated for the leadership, patience, and legislative insight he has demonstrated in preparing this bill.

Mr. Chairman, NASA has achieved an unparalled level of success over the years and has demonstrated, time and time again, that it is among the finest and most competent organizations in this country and in the world. It has achieved this distinction as a result, in large part, of the strong support of the Congress. Continued commitment from the Congress promises to yield even greater achievements as NASA embarks on new and more promising endeavors such as the initiative to develop a permanently manned space station in the early 1990's.

The administration requested $150 million for fiscal year 1985 to begin development of the space station and the committee, in its wisdom, recommended full approval of this request. The space station represents the next logical step in the development of space and will manifest an enormous return on the taxpayers investment. It will preserve this Nation's position of leadership in space and will open new doors in utilizing space for scientific, economic, and social gain.

This bill also provides strong funding for the backbone of America's space program, the space shuttle. The shuttle represents a phenomenal technological achievement unattainable by any other country in the world. Its success has been remarkable and the capability it provides has and will thrust this Nation into an era of new and great space achievements. The committee provided significant funding increases for procurement of shuttle spares. This action preserves our option to acquire a fifth orbiter which, in my view, is essential. I applaud this initiative. It is imperative that we continue our financial commitment to the shuttle to preserve and expand the valuable national resources this system provides.

As the shuttle moves into full operational status, its effectiveness and economic attractiveness as measured in terms of flight rate, turnaround times, and cost per flight, becomes more important to achieve. Attainment of these goals will require innovative thinking and changes in some of our support philosophies. We must, and will, find ways to increase our productivity in all aspects of the operational system.

Mr. Chairman, the most significant economic effects of NASA spending are the long-term productivity advances from new technologies developed for the space and aeronautics programs. Many direct advances in communication satellites, improved aircraft, including more energy efficient aircraft, remote sensing satellites, and other innovations have both improved the productive capacity of industry and stimulated the development and growth of many new businesses. Indirectly, through the development and dissemination of advanced technologies to U.S. firms, the spinoffs from the space and aeronautics programs have been applied in virtually every sector of the economy.

Although it is difficult to assess the results of the various macroeconomic studies of the effects of NASA spending on GNP, it is clear from analyses done by the Midwest Research Institute, Chase Econometrics, Inc., and others, that NASA high technology expenditures have returned more to the economy in substantial and long-lasting productivity gains than have been spent. Since these gains are through spinoff commercial advances, there are extra returns above and beyond the primary goal of NASA programs: The successful completion of the various R&D mission assignments. Therefore, any gains which show positive returns to GNP in the long run indicate a noninflationary, significant return to the citizens of the United States.

Mr. Chairman, I close my remarks by saying that this legislation reinforces our commitment to the space program and provides the necessary funding to preserve our position as the world leader in space.

□ 1640

Mr. LUJAN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Chairman, it is certainly more than as a part of some ritualistic exercise that I rise to join in the commendation to the chairman of the full committee, the gentleman from Florida (Mr. FUQUA), the chairman of the subcommittee, the gentleman from Missouri (Mr. VOLKMER), and the ranking members, the gentleman from New Mexico (Mr. LUJAN), and the gentleman from New York (Mr. CARNEY).

This is a very significant measure that is pending before us. It represents a part of America's greatest hopes and aspirations for the future.

A little more than 80 years ago Wilbur and Orville Wright ushered mankind into the age of flight. And in much more recent times the age of flight has taken us into the age of space. It is, as others have referred to, indeed America's new frontier.

It is certainly my belief that this bill very properly keeps America at that frontier. I applaud the fact that the President called for and the bill authorizes us to go forward with the development of the space station. We cannot remain at the frontier without taking that next logical step, which is the consensus as to the next appropriate advance in America's space program.

Let me say that I think some commendation is also in order to the administration which in the proposed budget that it sent to the Congress recognized that in the area not only of space but in aeronautics and the other programs of NASA that they represented a vital investment in the future of America. And, yes, indeed, these are times of acute budgetary distress for America, but in these areas which are the very basis on which our economy will grow, they represent in the soundest and most realistic sense an investment in the future of America.

Again I commend the administration which sent us a soundly conceived budget and the committee and its leadership which has finely crafted that budget, making some changes in some programs and I think doing so in a very discerning way in keeping with that very substantial expertise that has been accumulated on the Committee on Science and Technology under the leadership of our chairman, the gentleman from Florida (Mr. FUQUA), and our ranking members.

I do indeed commend them.

I think this is a good day for America if we authorize this bill substantially as it comes to the floor. Certainly, I think it is a dark day for America's future if we should shrink back from that next and most logical step that keeps America on the frontiers of space. A frontier so vital to the future of America.

I yield back the balance of my time.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I want to commend you for this bill and I rise in support of the bill. And I want to thank the committee publicly for enhancing the turboprop program and the satellite communications program which means so much to the whole space effort, and especially means a lot to the Northeast/Midwest region.

There is one issue that I will be discussing perhaps later if another amendment is offered that I would like to call my colleagues' attention to. In order to get the country behind the space station you cannot exclude a certain region in the development of the space station. And I do not like to make this a parochial issue on the basis of region but, unfortunately, NASA has chosen to do so in their press release.

It was interesting to me that when they issued a press release a few days ago they established seven inner-center teams to conduct the advanced development activities for high potential technologies in the space station and they assigned every single center except one to be a major lead assignment. And the only one they did not assign is the one that our region, our Northeast/Midwest region has the expertise to do, and that is the electrical power system.

Now, it happens that the Lewis Research Center happens to be located in my area. But this is a regional issue because we are the only center that happens to be located in the Northeast-Midwest region, and furthermore we have the expertise to conduct this technology and play this lead role.

Lewis Research Center has been the lead center for space power development since the beginning of the space program. Since 1970 Lewis has invested nearly a quarter of a billion dollars, 3,000 man-years in space power development. And the center has also a proven capability in space hardware development.

Therefore, Mr. Chairman, I know you are sensitive to the issue and I ask my colleagues to let us make this a national movement in favor of the space station. Otherwise, I am afraid some of us will have to give up our support.

Mr. LUJAN. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. CHANDLER), a member of the committee.

Mr. CHANDLER. Mr. Chairman, I want to join my colleagues in commending the chairman of the committee, the gentleman from Florida (Mr. FUQUA), the chairman of the subcommittee, the gentleman from Missouri (Mr. VOLKMER) and, of course, our ranking member, the gentleman from New Mexico (Mr. LUJAN).

Mr. Chairman, today I rise in support of H.R. 5154, the fiscal year 1985 NASA authorization bill.

Since its birth 25 years ago, the achievements of NASA have provided a kaleidoscope of technological triumphs which have fired the imagination of all Americans:

In 1958, NASA launched the Pioneer satellite which climbed to a record altitude of 70,000 miles.

In 1960, NASA began flight tests of the X-15. The X-15 provided scientific data from altitudes of 40 miles and topped speeds of 4,500 m.p.h.

In 1961, Alan Shepherd made the first suborbital flight just 23 days after the Soviets orbited their first cosmonaut as the race to catch the Russians narrowed.

In 1962, John Glenn became the first American to orbit the Earth—providing a giant step toward Neil Armstrong's historic walk on the Moon 7 years later—man's greatest feat of exploration and a monumental triumph of U.S. scientific prowess.

Throughout the years, our space program faced three critical decision points:

President Eisenhower made the first one in 1955 when he decided to develop the Vanguard satellite. This thrust the United States into the space age.

President Kennedy made the second decision in 1961. More than a decision to send men to the Moon, it started the United States on a wide-ranging program of using space. It provided special impetus to the communications, weather, and military satellite programs and strengthened space exploration.

In 1969, President Nixon took the third big decision when he opted for the space shuttle. Conventional launched rockets had become too expensive. NASA's hopes for a space station were at that time premature. The shuttle, as the key to easy access to low-Earth orbits, had to come first.

Today, we are again at a crossroads. The issue is, are the American people ready again to provide the necessary consensus for another leap of space—to support the spending of the necessary dollars to develop a manned space station? With the decision to authorize $150 million in the NASA budget for initial development work on the space station concept, President Reagan, and I believe the rest of the Congress recognize that the American people are ready—ready to make this extremely important investment in the future and provide the next logical step in the U.S. space program.

The arguments for the space station are compelling. When completed, it will permit:

Scientific research and technology development by both Government and industry—ushering in a new era of space science research.

It will permit the commercial use of space in such areas as the manufacture of critical materials and pharmaceuticals not available on Earth—with the promise of the creation of new industries and jobs.

It will permit the assembly, servicing, and repair of satellites and other large structures in space.

It will permit research focused on extending man's staying time in space as a first step toward even more ambitious manned space programs, and we will be able to reach these goals within a framework of both international cooperation and cooperation between Government and industry in developing the commercial potential of space.

As President Reagan stated in his recent state of the union remarks,

> America has always been greatest when we dared to be great. We can reach greatness again. We can follow our dreams to distant stars, living and working in space for peaceful, economic, and scientific gain.

Today, Mr. Chairman, by approving this authorization, we can take a long stride forward in attaining those dreams.

□ 1650

Mr. FUQUA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas, Mr. RALPH M. HALL, a very valued member of the committee.

Mr. RALPH M. HALL. Mr. Chairman, I rise in support of H.R. 5154, the NASA fiscal year 1985 authorization bill. I want to congratulate the leadership of the Committee on Science and Technology for bringing such a good bill to us today. In this, of course, I include Chairman FUQUA and his colleagues, Mr. WINN, Mr. VOLKMER, Mr. GLICKMAN, Mr. LUJAN, and Mr. CARNEY.

This NASA authorization bill comes to the floor every year and generally passes with little or no opposition because the Congress, in its wisdom, supports a vigorous space program for the Nation. However, this year there is even more reason to support this bill because it contains funds to begin the development of a manned space station. This will be a great step forward for the United States.

The bill also contains funding to keep open the option for a fifth shuttle orbiter and fully funds the development of several important science programs and missions, in particular, the space telescope.

For all these reasons, I am happy to be able to support the bill and urge my colleagues to do so as well.

Let me now say a few more words about three subjects, the space station, the shuttle, and the NASA astronomy program, which are covered in this bill.

Space station development is just beginning, and I am happy to say that NASA seems to be operating with the proper caution. That is to say they are not rushing in to build a station, but rather trying to find out exactly what is really needed. For example, serious consideration is being given as to the best way to make the station friendly to science. This is important. The shuttle was not designed with science utilization primarily in mind. But the station must be. There needs to be put in place an institutional mechanism which throughout the station development will guide engineers to make sure that they build a station which will be of great use to the science community. Of course, this station must also be friendly to other users, such as materials processing, such as communications engineers, and others who want to take advantage of this unique opportunity. However, I think the nature of things is that the engineers and those with commercial backing will make sure that the station is compatible with their needs. What we in

the Congress need to be more careful about is the university research community, which does not have the same kind of backing.

The shuttle program is proceeding very well. Launch is becoming routine. The only need now is to continue to reduce the turnaround time and thereby reduce flight costs. That is, the shuttle must become truly operational. The two new orbiters must be brought on line and put into service. This bill is important because it encourages NASA to move toward a cost-effective space transportation system and contains the funding that will enable them to do that.

One of the most exciting projects ever undertaken by NASA and, according to NASA officials themselves, the most difficult one ever undertaken, is the space telescope. When launched in 1986, this large telescope far above the atmosphere will revolutionize astronomy. Indeed, when we use a telescope on the ground and peer through our dirty and variable atmosphere at the stars, we are only seeing "through a glass darkly." When we are able to put this magnificent instrument in space and above the atmosphere, we will be able to see the stars with a clarity never yet achieved. This bill contains adequate development funds for space telescope for fiscal year 1985. Perhaps more importantly, there are also funds in this bill for the Space Telescope Science Institute. This is a scientific institute, actually it will be located at Johns Hopkins University, which will be the output channel for data from the telescope in space. This institution is very important because it will be the interface between the telescope and the astronomers who will use it. If this institution is not adequately supported and allowed dynamic growing space, the full potential of the space telescope may never be realized. I am confident that NASA will continue to allow the Space Telescope Science Institute the kind of growth that it needs.

Let me close now, Mr. Chairman, by making one final plea that my colleagues all support this bill and indeed that they continue to support a full and vigorous civilian space program.

Mr. LUJAN. Mr. Chairman, in closing for this side, let me just quote from the President's speech of January 25, 1984, when he directed NASA to develop a permanently manned station and to do it within one decade. He said that a space station will permit quantum leaps in our research in science, communications, in metals and in life-saving medicines which can be manufactured only in space.

When you look at what that means; communications, for example, we are the world's leaders today. As a matter of fact, today people watching us on television in their homes throughout this country, were it not for the satellite communications technology, we would not be able to be beaming into their homes this afternoon.

In the metals, all kinds of metals that cannot be produced here on Earth. Certainly medicines. If for no other reason, what is the worth to have some kind of a medicine as they have been talking about that might come out of this, where it would relieve people with diabetes from having to have to take shots every day.

That is what is meant by a quantum leap in the research in these activities. And for that reason, Mr. Chairman, I would hope that all Members of the House could support and enthusiastically support the space station which has its beginning in this budget today.

Mr. Chairman, I yield back the balance of my time.

Mr. LOWERY of California. Mr. Chairman, as a member of the Space Science and Applications Subcommittee, I rise in strong support of H.R. 5154, authorizing funds for NASA in fiscal year 1985. I would like to commend the gentleman from Florida (Mr. FUQUA), our chairman, as well as our subcommittee chair, the gentleman from Missouri (Mr. VOLKMER), for bringing to the House a responsible, well-balanced authorization bill. In addition, I would like to recognize our ranking members, the gentleman from Kansas (Mr. WINN) and the gentleman from New Mexico (Mr. LUJAN) for their tireless efforts in attempting to fashion an authorization that is at once visionary and affordable.

For the second time in U.S. history, a President has articulated a major national space objective. President Reagan's space station initiative clearly represents a bold undertaking which will dramatically enhance our civil space program. It culminates many years of study and flight experience and it is, in my opinion, the proper course for this Nation.

Mr. Chairman, U.S. leadership in space is being challenged around the world. The Soviet Union has developed and deployed its Salyut Space Station and is now developing a reusable space transportation system very similar to our own space shuttle. The Europeans and the Japanese have developed their own launch vehicle systems and stand ready to make major commitments to a space station. In fact, the Europeans are prepared to proceed with their own station if they perceive that we are not ready to commit to a permanently manned presence in space. Now is the time to communicate our resolve to the Soviet Union and the free world that the United States plans on maintaining its leadership in space and space technology.

The NASA request for $150 million, adopted by both the Space Subcommittee and the full Science and Technology Committee, represents the minimum amount sufficient to begin an endeavor of this importance and scope and to insure an efficient, well-conceived space station program. Past experience shows that one of the effective measures we can take to minimize the risk of cost overruns and schedule slippage is to thoroughly define the program prior to initiation of detailed design. To reduce or defer the space station initiative would send a clear signal to both the U.S. industry base and our allies that our commitment to undertake a vigorous space station program is less than serious.

Today, Mr. Chairman, the House of Representatives will fire the opening shot, and the international community, the space industry and, indeed, the American people will be watching. I cannot emphasize enough the importance and far-reaching implications of our actions here today and I urge my colleagues to signal United States resolve for an aggressive, permanently manned space program by supporting this NASA authorization bill.

Mr. MACKAY. Mr. Chairman, I rise in support of H.R. 5154, the NASA fiscal year 1985 authorization bill.

In stating my support for this legislation today, I will highlight what I believe are major strengths of the bill. I am particularly pleased that the committee has reported a NASA authorization that recognizes the importance of planetary, space science, and applications activities. The funding levels for these programs bring balance and contribute vitality to the space program. This is an important and positive trend.

The committee's recommendation for planetary exploration will move the program toward a more healthy level of support. Only recently, the NASA Advisory Council, NASA's independent advisory arm, recommended that NASA "is the only agency with the charter and skills" for planetary exploration and that planetary exploration should be a primary mission, if not "the overarching theme to guide the agency for the years ahead." In particular, I am pleased with the committee's enhancements for basic planetary research at universities and the improvement of university laboratory equipment.

While it is the hardware associated with space flights that captures our attention, it is often the less visible scientific support that provides the biggest return and keeps this country preeminent in space. I am pleased, therefore, that the committee has made enhancements in physics and astronomy research and analysis. The committee has also recognized the importance of shuttle/spacelab development, which will enable NASA to place greater emphasis on developing scientific experiments to fly on the shuttle, including smaller payloads to serve university researchers.

Finally, I want to highlight a most important feature in this year's authorization bill—the establishment of a bipartisan National Commission on Space. This Commission would have the task of formulating long-range goals for civilian space activity. This Commission will bring together representatives from all of America's sectors with representatives of Federal agencies and Congress to look at space in a 20-year horizon. Their findings, due in 1 year, will assist the Congress and executive branch in formulating future civilian space policies and programs. I strongly support this initiative, and I commend Mr. LUJAN, the ranking minority member on the Space Science Subcommittee, for proposing the Commission.

Mr. Chairman, in closing, let me assure the Members that this authorization is a good one. It recognizes the importance of the space program to our economy without ignoring the need for fiscal restraint. I urge my colleagues to vote for this bill.

● Mr. BROWN OF California. Mr. Chairman, I rise in support of H.R. 5154 and urge my distinguished colleagues to vote for it.

I wish to extend my congratulations to the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA), for the outstanding job he has done in bringing this legislation to the floor. I also wish to thank the chairman of the Space Science and Applications Subcommittee, the gentleman from Missouri (Mr. VOLKMER), and the Chairman of the Transportation, Aviation and Materials Subcommittee, the gentleman from Kansas (Mr. GLICKMAN), for their leadership in formulating this important piece of legislation. I also want to acknowledge the hard work and cooperation of the ranking minority member of the full committee, Mr. WINN of Kansas, and the ranking minority members of the two subcommittees, Mr. LUJAN of New Mexico and Mr. CARNEY of New York.

I support this bill because I believe that America's investments in space and aeronautics are among our wisest. The programs authorized in this legislation will expand our knowledge of Earth and its environment, our solar system, and the far reaches of the universe. It will also lead to direct, near term applications that will improve our quality of life.

Mr. Chairman, I would like to offer a few remarks on some specific programs that I believe deserve our special attention.

First, I believe we have taken a significant step in remedying the on-again off-again nature of NASA's advanced communications technology research. This work is of vital importance in conserving the communications radiofrequency spectrum, expanding our communications capacity and in maintaining a world leadership position in communications technology. In the previous administration, as you may recall, NASA's work in this area was reduced to practically zero in an effort to withdraw from the field entirely and place the burden for doing fundamental research on the private sector. As you may also recall, it became quite obvious that the necessary research was not being done and we had to take action to redefine NASA's role. In effect, NASA had to build its program anew.

NASA's subsequent work, although modest in size, was high quality and well-received by industry. As we reviewed NASA's advanced communications satellite program for fiscal year 1985 we found, much to our chagrin, that a vital and logical element in the program was missing. That is, the advanced communications technology satellite program contained no satellite. The important technologies being developed woud be tested only in ground simulations and a true validation would not be obtained. Due to the foresight and clarity of vision of the committee in adopting my amendment, I am proud to say that the satellite and the flight test program has been restored and is included in the legislation before us.

Another matter which I would like to raise is NASA's role in remote sensing research and development. In this and other applications areas we must be vigilant in maintaining a strong science base program even though there may be commercial interest in the products. We cannot expect the private sector on its own to undertake the expensive high-risk research that has led to our world leadership in space.

The prospect of commercialization of land remote sensing systems has raised some questions about NASA's responsibilities to continue and enhance its remote sensing research programs. I have proposed some specific language that has been adopted in this legislation which clearly spells out our intent that NASA should continue its research in this area and should strive to improve our abilities to gather data from space that will benefit agriculture, resource management, urban planning, and ecological and environmental monitoring.

Turning our attention to the overall state of health of the space sciences, it is important to maintain the commitment that has been made to a 1-percent-per-year growth in real dollars in NASA's programs. Although I am not personally satisfied with the level of funding in each science program, I believe the fiscal year 1985 authorization bill is a small step in the right direction. No major program appears to be in danger of demise due to lack of resources.

Not long ago, we witnessed a near "going out of business" for NASA's planetary exploration program. This was particularly troubling since planetary exploration is a mission not shared with any other agency or the private sector. Yet exploration of other planets is a primary source of knowledge about our own planet, Earth. By studying the geology and atmosphere of other planets, we can begin to understand our own weather and climate and the nature of our mineral deposits.

It is worthwhile to point out that recently a group of scientists described a compelling scenario of the after effects of a major nuclear exchange. One result of this study, popularly referred to as the Nuclear winter was the climatic effects of the dust and aerosols tossed into the upper atmosphere. I mention this because the key piece of evidence on which this conclusion was based came not from any studies of nuclear tests or atmospheric physics, but from the data obtained by the Viking lander on Mars which recorded temperature changes during a Martian sandstorm.

It is clear that we must continue to have an active planetary exploration program despite an overall budget austerity or some perceived lack of commercial payoff.

This year, the NASA planetary program has been given significant new direction and cohesiveness by an ad hoc committee of the NASA advisory council called the Solar System Exploration Committee (SSEC). This group of notable scientists has outlined a strategy for the coming decade which includes a core program of planetary missions together with an expanded program of more ambitious missions. The core program represents the minimum that can be done and still keep a steady flow of planetary exploration data and results that can maintain a healthy planetary science community. The expanded program includes missions that will add major new bodies of knowledge to our encyclopedias and text books.

Perhaps the SSEC's greatest contribution, however, was the recommended approach to reducing the cost of individual missions through engineering inheritance from existing spacecraft, good mission definition, selection of missions that can be accomplished with existing technology, and increased automation.

The core program spelled out by the SSEC includes four initial missions which were intended to become near term NASA objectives. They are:

First, Venus radar mapper;

Second, Mars geoscience/climatology orbiter;

Third, comet rendezvous/asteroid flyby; and

Fourth, tital probe/radar mapper.

I am pleased to point out that the Venus radar mapper and the Mars geoscience/climatology orbiter are included in the legislation before us. Other recommendations of the SSEC include a planetary observer series analogous to the Explorer program, development of a simple, modular Mariner Mark II spacecraft, a strengthening of NASA's research and analysis budget, and an enhanced level of international cooperation. Although I would like to see these recommendations implemented at a faster pace, I belive that the bill before us moves toward accomplishing them. For this, I believe it deserves our unanimous support.

In the physics and astronomy program, this bill provides continued support for the development of major missions such as the Hubble space telescope and the Gamma Ray Observatory. I believe that we may be seeing the light at the end of the tunnel for the space telescope program but it is vital that we provide an adequate level of funding to see it through the very difficult period of final systems integration to begin later this year and continue through next year. I believe that this project has the potential for profound scientific discoveries which deserve our unwavering support. In particular, we must continue to support the Space Telescope Science Institute.

As in the planetary exploration program, the physics and astronomy program is crucially dependent on the infrastructure provided by the academic community. We have recognized this and provided in this bill enhanced support for universities in both of these areas. I believe that the return on this investment will be well worthwhile.

I would like to close with a few remarks on the space applications program and in particular NASA's role in environmental observations. Recent successes have well demonstrated the value of space based platforms in measuring chemical and physical parameters that are crucial in understanding how our atmosphere works and how it is influenced by the Sun, biological organisms, and the oceans and land masses. Over the past few years, the scientific community has cogently pointed out the need for a better understanding of Sun-Earth interactions. Although it is clear that past variations in the Sun's output have had profound effects on the Earth's climate and life forms, we know surprisingly little about why these events occurred and how they occurred. The committee has taken actions in this year's authorization to speed up NASA's program in solar-terrestrial physics. I believe that this program is well conceived technically and has the level of international support and participation that we have encouraged over the years. Indeed, this program was presented as the centerpiece for international cooperation at the recent Williamsburg Economic Summit Conference. It is of grave importance that we signal our commitment to such cooperative efforts by providing a level of funding that will keep this program on track.

A less happy story is the upper atmospheric research satellite that was included as a new start this year. The UARS is designed to measure many atmospheric constituents which are key to understanding the environmental effects of man's activities. In an effort to balance the actions we have taken to enhance other programs, we found it necessary to reduce the funding for this important mission. Although the reduction is not serious, I mention this because we may have to revisit this program in future years to provide it with enhanced support if it becomes threatened.

Mr. Chairman, I would like to conclude by stressing the importance of maintaining a strong commitment to our civilian space programs. Military spending in space now exceeds civilian spending and is expected to grow dramatically in the next few years. The President's star wars program, so-called because it calls for space-based, ballistic-missile defense weapons, calls for $25 billion over the next 5 years in research alone. Estimates for a fully deployed ballistic-missile defense range from a minimum of $500 billion, to $1 trillion, or more.

Some of my colleagues are concerned about the cost of the space station—$10 billion over the next 10 years. But the entire cost of the space station, even if it were to run 50 percent above the estimated cost, would still be much less than the research portion alone of the President's Strategic Defense Initiative.

Mr. Chairman, I invite my colleagues who are concerned about the deficit, or who are concerned about the militarization of space to join me to oppose the weaponization of space. I announced in a press conference this morning the formation of the Coalition for the Peaceful Uses of Space, comprised of Members of Congress, individuals, and public interest groups concerned about the escalation of the arms race into space. The question facing this Congress is whether we will preserve space for peaceful purposes, and support our civilian programs in space, or if space will become an armed camp.

Mr. Chairman, President Eisenhower asked over 20 years ago the very question that we in Congress should be asking ourselves today. He said, "Will outer space be preserved for peaceful use and developed for the benefit of mankind? Or will it become another focus for the arms race—and thus an area of dangerous and sterile competition?"

Mr. Chairman, that concludes my statement and, in closing, I wish to reiterate my view that this bill is well conceived and will go a long way toward regaining what we have lost in the past in the civilian space program. I ask support from both sides of the aisle in giving this bill speedy passage. Thank you.●

● Mr. TORRICELLI. Mr. Chairman, I rise in support of the bill, H.R. 5154, to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 1985. I want to congratulate the chairman of the committee, DON FUQUA, of Florida, the chairman of the Subcommittee on Space Science and Applications; HAROLD L. VOLKMER, of Missouri, and the ranking minority members of the subcommittee, MANUEL LUJAN, of New Mexico, for their fine work and leadership in bringing this legislation to the floor.

I want to mention several aspects of the bill which I believe are especially significant and important. The first deals with the space station. The committee recommended full funding for this initiative which I believe is totally justified and necessary. The space station will foster expansion of a space industrial complex in this country that promises substantial and new economic as well as social benefits. The investment we make in the space station will yield enormous returns and I fully support this initiative.

I am also pleased that the committee recognized the importance of developing new technologies for satellite communications systems and provided funding for flight demonstration of the advanced communications technology satellite [ACTS]. This program will demonstrate the next generation of satellite communications technology which utilizes 20/30 gigahertz frequencies, onboard switching, spot beaming, and onboard processing. Developing this technology will benefit the entire U.S. communications industry and maintain this Nation's leadership position in this area. The United States achieved its world leadership position in telecommunications through the help of NASA and, if we expect to preserve this status, such support must continue.

Mr. Chairman, I also want to applaud NASA's efforts and the support provided in this bill for materials processing activities. Recent materials processing experiments on board space shuttles *Columbia* and *Challenger* exemplify the real potential for medical and commercial uses of space. Industry, NASA, and university researchers in studies of a process known as electrophesis, may have discovered something as revolutionary as penicillin. Unlike penicillin, however, the discovery of this process, which when used in space may produce pharmaceuticals

in much greater quantity and with higher purity than economically achievable on Earth, is no accident. Years of basic research, analysis, concept testing, and technology development have gone before and will need to be continued if the full potential of this program is to be realized. Industry shows a willingness to invest in materials processing if provided with the assurance of continued access to the shuttle transportation system.

The health growth of this budding industry, and the resulting boost it will give medical science and the U.S. economy, depends upon our continued support of materials processing research and the civil space shuttle program.

Since the beginning of NASA's research in materials processing, significant discoveries have been made in our understanding of the effects of the unique low-gravity space environment on the processing of biochemical, crystalline, and metallic materials. Of notable significance is the work recently done in a NASA-industry joint venture on the separation of organic materials in space by a process called electrophoresis. This process, used in space, can produce pharmaceutical substances 400 to 800 times faster and with a purity 5 times greater than is achievable on Earth. The significance of this accomplishment, in the words of one industry spokesman, "could lead to dramatic breakthroughs in the treatment of diabetes, emphysema, dwarfism, thrombosis, and viral infection." I believe electrophoresis, having been successfully tested during the fourth and sixth shuttle flights, has the potential to expand into a viable new industry based on NASA space shuttle technology. This will translate into economic growth and new jobs for Americans.

No other country nor any private firm, however, has the operational capability to transport payloads to and from space. The space materials processing industry must therefore depend on the NASA space transportation system. We must in turn take measures to insure the space transportion system's reliability and availability to commercial users. I believe the provisions of this bill, coupled with careful NASA management, will provide for such a system.

It should be mentioned at this point that while fiscal restraint is necessary and applied research is important, we cannot allow NASA's funding to universities for basic research to erode. NASA's success in the applied sciences can hardly continue in the absence of significant supporting basic research. The NASA materials processing in space program is continuing to build its research capability in electrophoresis and other areas. However, to fully exploit the proven potential for space-borne separation and purification of organics, the bill provides funds for a university center for basic research that will work with NASA and commercial firms to further explore this important area of study.

Again, Mr. Chairman, I reiterate my full support of this bill and urge my colleagues to vote for it.●

● Mr. MINETA. Mr. Chairman, I rise in support of H.R. 5154, the NASA fiscal year 1985 authorization bill. Programs within this authorization provide for continued research and development in space flight, space science, space applications, aeronautical and space research and technology, and necessary supporting construction and administrative efforts.

Before continuing, I would like to take a moment to pay tribute to Chairman FUQUA for his leadership in producing this fine bill and bringing it to the floor. I also thank Mr. WINN, the distinguished Member from Kansas for his thoughtful contributions in the preparation of this legislation.

I would also like to congratulate Mr. VOLKMER, our chairman of the Subcommittee on Space Science and Applications for his hard work, understanding, and dedication during the hearings and markup process. I also thank Mr. LUJAN for his efforts in reaching accord on this legislation.

Mr. Chairman, I now wish to say a few words about why I support this bill with no reservations. The bill provides balanced support for the full spectrum of NASA's activities while observing the need for fiscal restraint.

Major new initiatives are authorized in the areas of manned space flight, space science, space exploration, and aeronautics. All of this is accommodated with a real budgetary increase over the fiscal year 1984 funding level of less than one-half of 1 percent. Though the committee-approved budget level exceeds the President's budget by $40 million, it is still below the level that would have been required to provide for the 1-percent-per-year real growth that the President has recommended be followed throughout the rest of the decade.

I believe that the most important new initiative in this fiscal year 1985 budget is the program to develop and orbit a permanent manned space station within a decade. This program is blazing a new frontier for the space program—a frontier that will be the foundation for all of our future efforts in space.

The space station will provide a major new platform for conducting scientific research, a facility for pursuing unique commercial manufacturing activities, and a steppingstone for exploring the solar system. In one program, the space station can be expected to lead to significant advances in science and technology, the creation of new industries and jobs, continued U.S. leadership in space, and enhanced U.S. competitiveness in international markets for high-tech products.

I am especially pleased that, in addition to approving the space station program, the Science and Technology Committee has recommended that this program receive the full funding level proposed by the President, $150 million. This $150 million will be used to initiate detailed design studies so that fabrication of major space station components can begin in 1987. It is expected that by conducting adequate design studies at the outset, the space station program can be completed on time and within budget.

Mr. Chairman, I can only repeat that I support this bill with no reservations and I urge my colleagues to join me in voting for it.

Thank you.●

● Mr. DYMALLY. Mr. Chairman, I rise to lend my support to H.R. 5154, and I urge my colleagues to vote for it.

I would like to thank the gentleman from Florida (Mr. FUQUA), the chairman of the Committee on Science and Technology, for bringing this important piece of legislation to the floor. I would also like to recognize the leadership of the two subcommittee chairmen, Mr. VOLKMER of Missouri, and Mr. GLICKMAN of Kansas.

Finally, I wish to acknowledge the cooperation and hard work of the gentleman from Kansas (Mr. WINN), our ranking minority member, and also the ranking minority members of the subcommittees, Mr. LUJAN of New Mexico and Mr. CARNEY of New York. We can all take great pride in formulating an authorization bill which will support and give direction to our space and aeronautics programs.

Mr. Chairman, NASA's programs in space and aeronautics are among the most worthwhile endeavors that we, as a nation, can undertake. They have contributed to our understanding of the Earth, our surrounding space, and our universe. They have resulted in a rich array of applied technologies and commercial products that have enhanced the national economy and fundamental quality of our life. The legislation before us will allow NASA to continue to pursue new and challenging programs to increase our knowledge and to fully exploit the potential benefits of space.

Recently, we have begun to see that our activities in space are no longer unchallenged. It has become clear that the United States must reassess its leadership role in space. This entails two concerns. First, we are in need of a new national goal in space and a new direction that will lend a cohesiveness to our efforts. Second, we must recognize the capabilities of other nations and learn to work with them while preserving each nation's dignity and sovereignty. Mr. Chairman, I believe

that the space station initiative included in the legislation before us is responsive to both of these needs. I am proud to lend my support to this visionary effort, and I urge my colleagues to do the same. If for no other reason, it is crucial to give this bill our utmost consideration and a speedy passage.

I would now like to make a few remarks about some of the applications of space technology which have proven to be of direct benefit to the health and welfare of mankind. Specifically, NASA has developed an innovative approach to measuring the movement of the Earth's crust by space based instrumentation. The purpose of the program is to understand the nature of earthquakes and to improve our ability to predict them. As you may imagine, the people who live in earthquake zones would very much like to have as much forewarning as possible and would place a high value on programs designed to enhance this capability. The NASA program was intended to provide data on many areas of the world such as the Caribbean and the Americas, in which active crustal movements have caused great damage and loss of life.

When I examined the NASA proposed budget for fiscal year 1985, I found that the scope of the program had been significantly reduced. I believe that there are several good reasons to lend our support to this program. First, it involves a large measure of good will toward other countries. Indeed, a cancellation of the program would necessitate the breaking of over 20 agreements with other countries. Second, the results of such research would help save lives and thus makes sense from an economic standpoint.

I am happy to say that through the wisdom and support of the committee, the bill before you restores the modest funding needed to continue this effort. I believe this will yield ample rewards.

I would like to turn our attention to an aspect of NASA's research programs that is often overlooked. Although NASA has no direct mission to support universities, its work in planetary exploration and physics and astronomy is critically dependent on the infrastructure that academia provides. It is the training ground for future scientists and engineers and also a major vehicle for information dissemination. The cross-fertilization of ideas that is facilitated by the academic environment has yielded great rewards which have benefited NASA as well as the rest of the Nation.

Because NASA is a mission oriented agency, the academic infrastructure had suffered from time to time as priorities are shifted. The long-term consequences of this lack of stability are grave and should be a major concern of Congress.

Recently, NASA commissioned a special study of NASA-university relations and the recommendations which resulted are of great value. The NASA University Relations Study Group pointed to the need for grants for capital equipment, augmented budgets for data analysis, and NASA sponsored graduate study programs.

The committee has taken several actions, contained in H.R. 5154, which are responsive to those needs. Budget items which directly support university studies were supplemented by amounts that will go a long way toward building the healthy university based infrastructure envisioned by the NASA University Relations Study Group.

Somewhat related to this, I am convinced that a major untapped strength in the academic community lies in the universities serving large numbers of women and minorities. These have historically been underrepresented in the science and engineering fields.

The fiscal year 1985 annual performance report submitted by NASA in response to Executive Order No. 12320 indicates a significant effort to develop a very effective program to strengthen historically black colleges and universities. The point that has become clear, however, is that many institutions serving significant numbers of black and other minority students have not evolved in the same way as historically black colleges. These other institutions characteristically serve a diverse group of minorities and tend not to be the major research universities.

We have encouraged NASA during our authorization process to look at those other institutions of higher learning having significant minority enrollments in an effort to build closer relations with such schools, meet NASA's research objectives, and increase the number of individuals from underrepresented groups in the pool of graduate researchers, without cutting back any assistance to the historically black colleges.

I believe that the results of this effort will benefit NASA as well as the Nation as a whole. America's space program is a valuable tool as a focal point for educational and career opportunities. The visible involvement of minorities in the space program will be a great inspiration for our underrepresented and a magnificent example to the rest of the world.

Mr. Chairman, I would like to conclude my remarks by emphasizing that this bill will allow NASA to continue to make valuable contributions to mankind's scientific understanding of the Earth and the universe and will contribute substantially to this Nation's technology base.

I believe the bill represents a well-balanced space program and includes some exciting new initiatives. These have profound technological and social benefits which we must capitalize on.

I ask my distinguished colleagues to join with me in supporting H.R. 5154.●

● Mr. LEVINE of California. Mr. Chairman, I rise in support of H.R. 5154, which authorizes $7.5 billion in fiscal year 1985 for the activities of the National Aeronautics and Space Administration. In voting to increase NASA's budget by more than $300 million, which exceeds the President's fiscal year 1985 budget request by more than $40 million, Congress recognizes the significance of expanding this country's civilian space program.

In order to promote U.S. preeminence in space research and development, and to allow for the public to benefit directly from space-applied technology and commercialization, this year's NASA budget includes initial funding for an exciting and ambitious project, a permanent manned space station.

I share NASA's belief that development of a space station represents our next logical step in space. Although the space shuttle has made space transportation more convenient and affordable, it has not provided us the opportunity to maintain a continuous human presence in space. Deployment of the space station will afford us that opportunity. Additionally, the shuttle compliments the space station. The shuttle fleet will carry and help assemble various station elements into orbit, and will also service the station.

While funding for the space station represents only a small fraction of the proposed NASA budget, such funding signifies an important step in providing for greater exploration, experimentation, and international cooperation in space. The potential uses of having crew members living and working in space are boundless. Based on the successful results of the Spacelab 1 flight, we already know that space's unique environment allows us to conduct new scientific experiments cheaply and efficient. A continued long-term presence in space will create a more flexible working environment, one in which crew members can react instantly to their experiments and observations.

For the first time, crew members will be able to work without the interruptions of short term duration flights. Development of the permanent space laboratory will allow us to produce new materials such as high purity pharmaceuticals and semiconductors. Additionally, the station will act as a servicing facility—allowing crew members to maintain and repair satellites and payloads—and as a permanent observatory.

I am also pleased that the space station is being promoted as a "peaceful" project, and that it does not have an

identifiable military use. The Science and Technology Committee recently received testimony from the Air Force which reconfirmed this view. As Congress continues to fund the space station, I hope that it does so with the continued understanding that the space station should remain a weapons-free project.

Federal funding for the space station should not overshadow the emphasis of other facets of our rich and diverse space program. I am pleased that this year's NASA budget includes increased funding for planetary exploration, space science, and for expansion of our space shuttle program.

The space shuttle has successfully demonstrated its reliability in serving as this Nation's primary space transportation system. I appreciate the fact that the Science and Technology Committee's budget encourages NASA to maintain production readiness for a fifth orbiter vehicle. The $50 million authorization level for production of structural spare elements for the shuttle fleet will provide the necessary backup to our existing fleet, and will offset expensive restart costs for full scale production of a fifth orbiter.

As the President proposes to fuel a space arms race by deploying antisatellite weapons and developing a space-based defense system, the NASA budget provides us in Congress with a welcome relief. It reminds us that rather than utilizing space as our next battlefield, we can tap our Nation's space and scientific resources for peaceful and productive purposes.

I am heartened to learn that several countries have expressed interest in participating in the space station program. As space becomes increasingly accessible and profitable to governments and businesses worldwide, the need for greater international cooperation is imperative. It is my hope that NASA's future direction will guide us toward the peaceful use and exploration of space.●

● Mrs. LLOYD. Mr. Chairman, I wish to commend my colleagues, Mr. VOLKMER, the chairman of the Subcommittee on Space Science and Applications, and Mr. FUQUA, the chairman of our full Committee on Science and Technology, for bringing to the floor H.R. 5154 which will renew and indeed reinvigorate this Nation's civilian space program.

We are to begin a new era in space adventure and exploration—an era in which man's permanent presence in space will be assured. The space station initiative authorized by this legislation will afford this Nation a new perspective in the cosmos which presents unlimited opportunities to satisfy man's thirst to better understand the world around him. Clearly, our science, our commerce, our technological resources, and our very social structure will one day be profoundly affected by this bold new step.

As chairman of the Subcommittee on Energy Research and Production, I have a keen personal interest in assuring that the Department of Energy, in concert with NASA and the DOD, continues development of advanced power systems suitable for meeting the power needs of future space stations and other spacecraft. Let us provide our captains who sail the seas of space with the powerplants they need to match their vision in terms of tomorrow's most ambitious mission.

I urge my colleagues to vote for H.R. 5154 and support this new beginning.●

● Mr. ANDREWS of Texas. Mr. Chairman, I strongly support the bill H.R. 5154 and ask my colleagues to do likewise. This bill authorizes the appropriation of funds for the National Aeronautics and Space Administration for fiscal year 1985 and contains funds for such key programs as the space shuttle, the space station, advanced communication satellites, and many more exciting endeavors.

I would be remiss if I did not take a moment to thank the able chairman of the full Committee on Science and Technology, the Honorable DON FUQUA from Florida, who has guided this bill through the committee in a very orderly manner, allowing sufficient time for full debate on all of the key issues and letting the committee work its will. I congratulate him for his leadership and I commend the ranking minority member of the committee, the Honorable LARRY WINN of Kansas, for his perceptive insight into the various issue tradeoffs the committee faced during its deliberations.

Mr. Chairman, I have the honor to serve on the Subcommittee on Space Science and Applications and as a result, I have watched the chairman of the subcommittee, the gentleman from Missouri, the Honorable HAROLD L. VOLKMER, prepare this bill from the beginning to the point of acceptance of his report by the full committee. He is to be congratulated for his patience, his tenacity, his fairness, and his outstanding leadership on the issues we bring to you today. I am proud to have played a part in this bill's perfection.

I would like to take a minute, Mr. Chairman, to talk about a program close to my heart since it was developed by many of my constituents who work at the Johnson Space Center in Texas. That program is the space shuttle. I am personally looking forward with great anticipation of the time when regularly scheduled shuttle operations will depart for orbit every 2 to 3 weeks. This will truly be a time when the doors to a new era of technology are flung wide open. The untiring efforts during the past year of my constituents and others involved with the space shuttle program have brought this new era much closer.

Mr. Chairman, I would also like to express my delight that the NASA Administrator, Mr. James Beggs, has chosen the Johnson Space Center to be the lead center for this country's next major civil space initiative—the space station. This initiative is the next logical step in America's efforts to explore space and to develop its potential for the benefit of all mankind.

The space station is a necessary prerequisite if the vast potentials of space commercialization and industrialization are to be realized. Initial research conducted to date indicates that the space station will permit the economical production of wonderful new drugs and spectacular materials that cannot be produced on the Earth. This budding industry promises to add many new jobs and stimulate the country's economic growth in a manner similar to that provided by the phenomenally successful communications satellite industry. Aside from the economic benefits that it will produce, the space station also promises to become a major national scientific laboratory and the source of many important breakthroughs in the years ahead. These breakthroughs will benefit this Nation and its people in ways that can now only be roughly imagined.

For these reasons, I am happy that both the subcommittee and full committee have recommended that the space station program receive the full $150 million level of funding recommended by the President.

In conclusion, Mr. Chairman, I strongly support this bill and urge my colleagues to vote for the committee's recommended funding levels for this high technology agency.●

● Mr. McGRATH. Mr. Chairman, I rise in support of H.R. 5154. This bill includes the initial funding for a U.S. space station program as requested by President Reagan, as well as funding for a number of other important programs.

The space station will foster innovative technology in two ways. First, it will require the use of new technology for the station itself. Second, the station will be a research facility for developing additional technologies such as space-based manufacturing processes for commercial applications on Earth.

The idea of a functional workshop in space carries with it a number of new scientific applications never previously attempted. These include a highly automated design, space maintenance and repair provisions, the smooth incorporation of new developments within the station's design, and a user-community design approach. Therefore, I wholeheartedly endorse NASA's endeavor to invest in new technology.

The regenerable life support system is a striking example. Without it, a station crew of eight would require an

annual supply of 44,000 pounds of water, 10,000 pounds of oxygen, and 14,000 pounds of lithium hydroxide (to absorb carbon dioxide). Space shuttle transport costs alone for this material would cost in excess of $70 million per year. If the technology were available for the regenerable life support system, the $100 million estimated development costs would be amortized in less than 2 years of operation.

NASA's new technology approach would serve to invigorate American industry by first, distributing over 75 percent of the space station's systems investment to industry; and second, creating an environment of industry competition for space station design and development contracts. This will help to maintain this country's position at the cutting edge of new and innovative technology.

One other important initiative contained in H.R. 5154 is the advanced communications technology satellite (ACTS). The ACTS program is uniquely well designed to serve both sparsely and densely populated regions. In addition to serving remote areas of the United States, a large potential market exists in developing countries. Therefore, development of the ACTS system may have a very positive effect on our balance of trade.

I am pleased to see that mention is made in the report of the need for a fifth orbiter. The bill provides funding for spare parts but does not fund the fifth orbiter. I firmly believe that a fifth orbiter will be necessary in the late 1980's and early 1990's—especially if we are serious about building a space station. A fifth orbiter would provide the means to build the station as well as support the expected commercial demand for shuttle launch services.

H.R. 5154 is a well balanced and responsible piece of legislation. Funding is provided for major new initiatives as well as for basic research in space sciences and for planetary exploration. I urge my colleagues to support H.R. 5154.●

● Mr. PATTERSON. Mr. Chairman, I rise in support of H.R. 5154, the National Aeronautics and Space Administration authorization for fiscal year 1985. This is a historic year for the space program. For the first time, we are committing ourselves to a permanent manned presence in space through development of a space station. As we look back at the previous milestones in space—orbiting the Earth, landing on the Moon, developing a reusable launch vehicle—it is clear that the construction of a permanent space station will rank as an equally important step in our quest to conquer the last frontier.

With construction of a space station, we will move from the exploration of space to the utilization of space. A permanent presence in space will open a whole new sector of technology as it becomes economically feasible to take advantage of space manufacturing techniques. Experiments such as the McDonnell Douglas/Johnson & Johnson electrophoresis project have shown that space does, indeed, offer an environment uniquely suited to certain types of manufacturing.

In addition to manufacturing, a space station will greatly enhance our capabilities in areas such as space science and the servicing of satellites. I commend the President for his leadership in making the commitment to a permanent space station and I am pleased that the committee has fully funded the request for this critical national program.

The ability of the United States to take this next step in space depends on the maintenance of a viable space transportation system. I am convinced that the demand for launch services, now that we are committed to construction of a space station, will require production of a fifth space shuttle orbiter. The maintenance of an adequate launch capability requires that we do all possible to avoid the drastic reduction or permanent loss of critical industry teams and their skilled work forces. For this reason, I strongly support the decision of the committee to increase funding for structural spares and maintenance of production readiness for possible construction of a fifth orbiter.

Mr. Chairman, I believe we are on the verge of a new industrial revolution in which the commercialization of space will serve as a catalyst to the revitalization of America's competitive stance. Throughout its history, NASA has played a key role in the development of new technologies which have been critical to retaining our Nation's edge in the world marketplace. H.R. 5154 will enable NASA to continue this role, leading to significant benefits for the American economy. I urge my colleagues to give their stong support to this crucial legislation.●

● Mr. FRENZEL. Mr. Chairman, today we have under consideration H.R. 5154, which would authorize appropriations for NASA for 1985.

This legislation would authorize a total of $7.5 billion for fiscal year 1985 for NASA programs. This is $40 million over the President's request, which I believe was already too high also, and over a 4-percent increase in what we expect to spend on NASA in this fiscal year.

Therefore, I shall not vote for this legislation, Mr. Chairman, and I would urge my colleagues to reject it also.

Admittedly, Mr. Chairman, this legislation, and NASA, deals with glamorous and exciting projects. They are also necessary projects. Our Nation's space program has always been the prime symbol of what we can accomplish when we are determined enough. However, our current economic situation calls for reduction in Federal spending rather than increases. As worthy as our goals remain, some of them must be deferred until our deficit problems are overcome.

The Budget Committee right now is very busy trying to come up with a workable deficit reduction package. For those who really believe in deficit reduction, or at least for me, it is impossible to agree to an authorization this large.

Therefore, Mr. Chairman, I do not plan to vote in favor of this bill, and if my colleagues are conscious of the current budget problems then I would hope that they would vote against it also.●

Mr. FUQUA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Act, 1985".

The CHAIRMAN. Are there any amendments to section 1?

If there are no amendments to section 1, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1984:

(a) For "Research and development", for the following programs:

(1) Space transportation capability development, $346,400,000;

(2) Space station, $150,000,000;

(3) Physics and astronomy, $687,200,000;

(4) Life sciences, $63,300,000;

(5) Planetary exploration, $296,900,000;

(6) Space applications, $384,100,000;

(7) Technology utilization, $9,500,000;

(8) Aeronautical research and technology, $347,400,000; of which $24,000,000 is authorized only for activities in the Advanced Turboprop program which are designed to lead to a flight test no later than 1987 (and for supporting research and technology);

(9) Space research and technology, $150,000,000; and

(10) Tracking and data advanced systems, $15,300,000.

(b) For "Space flight, control and data communications", for the following programs:

(1) Space shuttle production and operational capability, $1,490,600,000;

(2) Space transportation operations, $1,329,000,000; and

(3) Space and ground network, communications and data systems, $780,700,000.

(c) For "Construction of facilities", including land acquisition, as follows:

(1) Repairs to test stand 500, George C. Marshall Space Flight Center, $1,600,000;

(2) Space shuttle facilities at various locations as follows:

(A) Modifications of site electrical substation, Lyndon B. Johnson Space Center, $3,200,000;

(B) Modification for single engine testing, National Space Technology Laboratories, $3,000,000;

(C) Construction of launch complex 39 logistics facility, John F. Kennedy Space Center, $10,000,000;

(D) Construction of solid rocket booster assembly and refurbishment facility, John F. Kennedy Space Center, $15,000,000;

(3) Space shuttle payload facilities at various locations as follows:

(A) Construction of additions to cargo hazardous servicing facility, John F. Kennedy Space Center, $4,600,000;

(B) Construction of biomedical research facility, Ames Research Center, $2,100,000;

(4) Construction of addition to network control center, Goddard Space Flight Center, $2,200,000;

(5) Construction of Earth and space science laboratory, Jet Propulsion Laboratory, $12,200,000;

(6) Construction of numerical aerodynamic simulation facility, Ames Research Center, $11,500,000;

(7) Modifications of the 8-foot high temperature tunnel, Langley Research Center, $13,800,000;

(8) Construction of 34-meter antenna, Madrid, Spain, $6,000,000;

(9) Modifications of 64-meter antenna, DSS-63, Madrid, Spain, $7,800,000;

(10) Repair of facilities at various locations, not in excess of $750,000 per project, $20,000,000;

(11) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $20,000,000;

(12) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $5,000,000; and

(13) Facility planning and design not otherwise provided for, $12,000,000.

(d)(1) For "Research and program management", $1,331,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(2) Of the funds authorized under paragraph (1), $1,000,000 shall be available for the activities of the National Commission on Space, established pursuant to title II of this Act.

(e) Notwithstanding the provisions of subsection (h), appropriations hereby authorized for "Research and development" and "Space flight, control and data communications" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(f) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development," for "Space flight, control and data communications" or for "Construction of facilities" many remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(g) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(h) Of the funds appropriated pursuant to subsections (a), (b), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amount prescribed in paragraphs (1) through (12), inclusive, of section 101(c)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committe on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 per centum, to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to section 101(a) or 101(b) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of funds appropriated pursuant to section 101(c) hereof (other than funds appropriated pursuant to paragraph (13) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installation at any location (including locations specified in section 101(c), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

SEC. 104. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 101(a), 101(b), and 101(d), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 106. The authorization for shuttle production and operational capability includes provisions for the production of structural spares and the critical skills necessary for installation of electrical, mechanical, and fluid systems thereby maintaining production readiness for a fifth orbiter vehicle.

SEC. 107. (a) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development.

(b) The Administrator is authorized and encouraged to—

(1) conduct experimental space remote-sensing programs (including applications demonstration programs and basic research at universities);

(2) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(3) conduct such research and development in cooperation with other public and private research entities, including private industry, universities, State and local governments, foreign governments, and international organizations, and to enter into arrangements (including joint ventures) which will foster such cooperation.

SEC. 108. It is the intent of the Congress that expenditures made from sums appropriated pursuant to the authorization contained in subsection (a)(8) of section 101 of this Act for activities in the advanced turboprop program should be recouped by the National Aeronautics and Space Administration if and when commercially successful products are developed by the aircraft industry as a direct result of such activities. For this purpose the Administrator shall submit to Congress within sixty days of enactment of this Act a plan for the payment to the Administrator of royalties by firms in the aircraft industry with respect to any such products which may be so developed by them.

SEC. 109. Section 102 of the National Aeronautics and Space Act of 1958, as amended, is amended—

(1) by striking out "(e), and (f)" in subsection (g) and inserting in lieu thereof "(e), (f), and (g)";

(2) by redesignating subsections (c) through (g) as subsections (d) through (h); and

(3) by inserting after subsection (b) the following new subsection:

"(c) The Congress declares that the general welfare of the United States requires that the National Aeronautics and Space Administration (as established by title II of this Act) seek and encourage, to the maximum extent possible, the fullest commercial use of space.".

SEC. 110. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new section:

"DISPOSAL OF LOANED PERSONAL PROPERTY

"SEC. 311. (a) Any Federal personal property which has been loaned by the National Aeronautics and Space Administration to any academic institution or nonprofit organization, and has been on loan to any such organization for at least two years, may be disposed of in accordance with subsection (b).

"(b) Whenever the Administrator certifies that—

"(1) property described in subsection (a) is being used by the organization holding such property for a purpose consistent with the use intended when the property was loaned, and

"(2) that the Administration will no longer need that property,

then the Administration may transfer title to such property to that academic institution or nonprofit organization.".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment to title I.

The Clerk read as follows:

Committee amendment: On page 12, line 7, insert "(a)" after "Sec. 109." and after line 19, insert the following new subsection:

(b) Section 102(d)(1) of the National Aeronautics and Space Act of 1958, as amended (and as redesignated by subsection (a) of this section), is amended by inserting "of the Earth and" after "knowledge".

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Chairman, this amendment was adopted by the committee and explained fully in the committee report, and I ask the adoption of the amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: Page 13, beginning on line 1, strike out all of section 110 through line 19 and insert in lieu thereof the following:

SEC. 110. (a) Any Federal personal property may be disposed of in accordance with subsection (b) if such property—

(1) is scientific research or development equipment and is not personal property that may be used for general administrative purposes,

(2) has been loaned by the National Aeronautics and Space Administration to any academic institution or nonprofit organization, and

(3) as of March 31, 1984, has been on loan to any such institution or organization for at least two years.

(b) The Administrator may transfer title to property described in subsection (a) to an academic institution or nonprofit organization if the Administrator certifies that—

(1) such property is being used by the institution or organization holding such property for a purpose consistent with the use intended when the property was loaned,

(2) the Administration will no longer need such property.

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Chairman, this amendment was brought to our attention by the Chairman of the Government Operations Committee relating to the transfer of certain property that NASA has, and the amendment is an improvement over the language in the bill that was, by the way, submitted to the committee by OMB and NASA, but in more conformance with the disposal of property that is in excess, the committee would like to adopt this newer language that removes any concerns that the Government Operations Committee has and we are most happy to cooperate with them in this.

It is my understanding, and we have talked with the minority, that they are in agreement with the amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 13, following line 19, add the following new section:

"SEC. 111. Of the sums authorized pursuant to this title, each such sum is hereby reduced by five and one-half tenths of one percent."

Mr. WALKER. Mr. Chairman, this particular amendment is aimed at bringing the budget for NASA in line with the President's original budget submission. The President submitted a budget which in the minds of many of us gets the job done.

It was an increase in the NASA budget; and in committee for some very good reasons and for some very good programs, it was decided to increase that budget by about $40 million. What this particular amendment says is that we are going to reduce the overall level of the authorization by $40 million to bring it in compliance with the President's request.

It does so by taking the money out of all of the various line item categories in the authorization. That reduction amounts to five and one-half tenths of 1 percent. Now, I think that should be clear to the Members. All we are talking about doing is reducing the overall authorization by five and one-half tenths of 1 percent.

Now I would submit that there are no programs that cannot find five and one-half tenths of 1 percent to cut back slightly on to get us within the budget overall.

So the amendment is fairly simple. It is an across-the-board cut by five and one-half tenths of 1 percent.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Be happy to yield.

Mr. VOLKMER. Mr. Chairman, I realize it is only five and one-half tenths of 1 percent cut, but also you have to realize that the $40 million over the President's request, and I think we in the Congress should have some say-so totally on where our priorities are in our allocation, is only five and one-half tenths of 1 percent over what the President requested also.

So it is a very miniscule amount that we are talking about here. But on the

other hand, I would much prefer to, in an authorization bill, other than an appropriations bill, because this bill does not spend a penny; it is the appropriations bill that is going to spend the money.

□ 1700

In an authorization I would much rather go into each individual program and decide how much, as we did in subcommittee, how much should go on to each individual program and why those programs are needed, rather than say indiscriminately, each one of these is going to cut back this amount without taking into consideration what that does to university instrumentation, what that does to the AXAF program, what that does to the solar optical telescope and going right down the line.

We are not examining that when we take this amendment. Does the gentleman agree with that?

Mr. WALKER. The gentleman makes a very valid point. It is, of course, a concern. The advantage to taking this kind of approach is we did in the subcommittee and in the committee have an opportunity to set priorities by going across the board like this. What we are doing is leaving those priorities in place, but getting us down within budget figures.

The gentleman will also agree with me that there were attempts to bring the subcommittee's plan in compliance with the budget request by having the kinds of cuts the gentleman talked about in terms of taking them out of particular programs. Those were not accepted in committee.

We also had a measure brought up in the full committee that would have given the Administrator the discretion to move the money around in order to get it within the budget request. That was also turned down by the committee for the reason that we did not want to turn over the priority decisionmaking to the Administrator, which again is a valid point.

This is simply an attempt to try and resolve that impasse once again by saying, okay, we have set our priorities. There is no program that we are dealing with that cannot sustain a five and one-half tenths of 1 percent reduction and this amendment would permit us to do that and keep it within the budget.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Pennsylvania. I think it is a responsible amendment. It is important as we look at the deficit to remain within the amount budgeted, while, at the same time, I think we should give this program our strong support. Obviously, the space program is very important in terms of its contributions in technological development. I would strongly support the committee's effort to insure that this goes forward.

I would like to also associate myself with the remarks of the gentlewoman from Ohio (Ms. OAKAR). She pointed out that the Lewis Research Center, which is one of the Nation's outstanding facilities, has been involved in the space program since 1970. Therefore, it should be a part of any development that takes place on the space station.

Lewis is the only one of the nine lead centers that is north of the Mason-Dixon line. Support for the space program and the NASA budget comes from all over the United States and therefore, it becomes important that we likewise give the technological development opportunities to all areas of the Nation.

In the facility at Lewis we have an outstanding capability to develop programs. Therefore it would seem to me that in the space power portion of any programs that Lewis should be the lead agency. This would allow a continuation of the technological expansion of Lewis Research Center. It would allow the Nation and NASA to benefit from what is obviously a very strong and capable program. It would give the Midwest an active part in the continued development of space technology.

Lewis Research Center is an outstanding facility because this agency has been in the space program since the beginning. It has developed a highly skilled group of technicians. They have developed unique qualifications in terms of their technical capacity. It is important to this region of the Midwest that we continue to expand this potential because, again, the talent and the potential of Lewis is valuable not only in terms of this space program, but in many others. It has been used in the energy program. It has been in the forefront of developing energy-efficient engines, for example; in the development of energy-efficient propulsion systems because of the skills acquired in the space programs.

As we move forward on the NASA program as envisioned in this authorization we should give support to Lewis as one of the only lead agencies that is in the Northern part of the country. This means supporting Lewis Research Center in handling the space power portion of any innovative programs that are developed by NASA.

I would urge my colleagues to support this legislation, to support the amendment of the gentleman from Pennsylvania, and to support the Ohio delegation in insuring that Lewis Research Center has a very active role in any future space programs.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

I want to thank the gentleman for his efforts on behalf of our area, on behalf of really our region. We who support Lewis getting the electrical power system aspect of the space station are not doing so to put any other center down. We know the vitality that the other centers provide, the importance of the other centers, they are included in the other six areas, but all we are saying is this is our expertise. And why NASA has chosen not to designate that area and has designated every other area is beyond our comprehension.

We hope they are not prejudiced against our region, because we have always supported the whole program, whether we got certain areas, aspects of it or not. It is a vital program to our Nation. This is why I think it is making an issue somewhat provincial that does not have to be that way, because we have the expertise to do that aspect of the job. We do not want the whole program, we just want the program as it relates to where our talents lie.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(At the request of Ms. OAKAR and by unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Ms. OAKAR. Mr. Chairman, I want to thank my colleague and other colleagues from our region on the other side of the aisle for making this a bipartisan issue and not just a partisan issue. This is not a partisan issue. It is a universal issue. The Northeast-Midwest coalition supports what the gentleman from Ohio (Mr. REGULA) has said. We just want to make sure we get what is fair so our whole Nation can get behind this program.

I thank the gentleman.

Mr. REGULA. I thank the gentlewoman for her excellent remarks.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

As my colleagues know, I do want to seek some time during the 5-minute rule to ask about the overall consideration of this space station, but I, at this point, would like to rise also to associate myself with the remarks of the gentlewoman from Ohio and the gentleman from Ohio.

Unemployment in Ohio, and especially in northeastern Ohio, is still extremely high. My county adjoins Cuyahoga County, where the Lewis Space Station is located. In my county the unemployment rate went up last month, up over 13 percent again. And I can tell my colleagues that there is a

lot of concern among my constituents about the amount of assistance the Federal Government has given over the years in space, in military, which has gone primarily to the Sun Belt. And at that time we did not begrudge it at all. We thought it was important and we thought it would be helpful to those areas.

But now we are in need. The Sun Belt States generally have much lower unemployment rates. And if we were asking for support for a function that Lewis was unable to perform that would be one thing, but we are not. It is a natural for Lewis. It seems to me that, as the gentlewoman from Ohio said, if we are going to get widespread support, national support for this program, it is important that the benefits be distributed on a geographic basis.

Mr. REGULA. I thank the gentleman for his excellent comments.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

I just wanted to commend the committee. I think that it is beginning a new adventure for mankind.

□ 1710

I think that the authorization of the permanent station and the first steps being taken in this bill are prudent, are being done in a systematic and rational way. I personally would like to have spent more, and I would like to see us move more aggressively into space, but this committee has systematically watched over the years and has developed a program for NASA and for the development of space at times when it was in the public eye and at times when it was not in the public eye. And I just wanted to go on record as saying that I think this is a very fine authorization bill. I think it is a bill which lays the base for us to develop a permanent presence in space, that from it will come the development of commercial, scientific and other opportunities, and I would hope that virtually every Member of this body would find it a bill well worth their support.

I want to commend the committee for the very fine work that they did.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

Mr. PEASE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not want to prolong debate on the bill. I know Members have other responsibilities this evening. But I would like to take just a few minutes to renew the line of questioning that I raised earlier and ask if the subcommitee chairman or the full committee chairman could respond to a couple of questions.

The first one, I guess, would be the out year budgetary impact.

We have been told that the space station, by the time the first one goes into orbit, would cost about $8 billion, the cost could go up to $20 or $30 billion.

I would ask the subcommittee chairman to comment whether those figures are roughly in the ball park and what the assumption is about how the out-year outlays will be met, and specifically what is going to happen to the NASA budget. Will it have to grow in order to meet those requirements?

Mr. VOLKMER. To answer the question, I will try to answer the last part first, because that is probably the most important part.

It is estimated that a 1 percent real growth in the total NASA budget between now and 1992, when we plan to have the first part of the modular type of space station in orbit, would mean only a 1 percent real growth would take care of the full cost of the space station and all of the programs. That is all our scientific programs, planetary exploration, et cetera.

We are talking about a cumulative total between now and 1992, approximately 10 years, 8 to 10 years, a total amount of $8 billion.

Hopefully, we will have participation in that by the European community through the European Space Agency, and also Japan.

The Administrator of NASA, Mr. Beggs, just recently concluded a trip where his report to us is very favorable. What the other countries are basically doing right now is looking to see what action we in the Congress take on this. They are basically ready to go, but we have a history in this Congress and in this country of starting things and not finishing them. So they are very concerned about it.

You can go back, and I am sure the chairman of the full committee could relate back, to what was known as the mole program, which was chopped off right when it was ready to get really going. They have seen these things.

The space station is not a new concept. The idea of a space station goes back to the time when we first were looking at the shuttle back in the late 1960's. It was just something that could not be done, basically, at the same time that you were doing the shuttle.

As far as the total cost running into the $20 or $30 billion by the turn of the century, my only comment to that is that no one at this time can say that that will be the figure. I am not saying that it will be higher, I am not saying it will be lower. I am saying it all depends on what we plan to do, what we will do in relation to the utilization of that space station, as to how much it will cost. Whether we plan and whether we have plans in the Congress at that time, because it would be around in the 1990's before some of these things would even have to be started, and you and I may not even be here, whether they say, "Let us return to the Moon, let us have lunar exploration," or should we have a habitat on the Moon, should we have, maybe, manned exploration of Venus or Mars—I do not know the answer to that yet. But one thing for sure, we will not ever have the opportunity to do those things again if we do not have the space station up there.

Mr. PEASE. I thank the gentleman from Missouri very much.

Could the gentleman tell me, does the Defense Department have a position on the space station?

Mr. VOLKMER. The Under Secretary of Defense testified before our subcommittee specifically on this and said—and I cannot quote his exact words, but to paraphrase—that all of their studies so far have shown no need for a space station, and they show no need to get involved with a space station.

Personally, I would much prefer to keep it a civilian space station.

Mr. PEASE. I see. If the gentleman would indulge me a little further——

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PEASE) has expired.

(By unanimous consent, Mr. PEASE was allowed to proceed for 5 additional minutes.)

Mr. PEASE. Could the gentleman talk a little bit about what practical uses the subcommittee envisions? I have understood that there has been talk about growing crystals for computer chips, manufacturing new alloys, production of drugs, which was mentioned before by one of the other Members, repair services, satellites, communications, and so on.

Mr. VOLKMER. All of these are feasible, plus you can add to that further scientific experimentation, the knowledge that we need if we are going to go forward into space with manned exploration, as to man's ability to remain in space for long periods of times, and the effect on humans. Even that knowledge we are very limited right now on the ability. The gentleman enumerated many of the primary purposes of a space station. It is envisioned, just to give you an idea on one, repair, that eventually, if we continue on where we are now in communication satellites—and as we are talking here, it was brought to my attention that as we discuss this, it is being sent out through C-Span out to the public, that is being distributed primarily by satellite. That is a satellite that is in the geosynchrous orbit. That orbit is being crowded. Eventually, by the year 2000, we may not be able to put up additional satellites. The satellites up there are crowding out the space. There is only limited space. If we are

not able to put new ones up, then we are going to surely have to repair those that are there. To do that repair it would be much more feasible to start from a space station, and to go from low Earth orbit to geosynchrous orbit, which takes very little power system than to go from here all the way to geo.

Mr. PEASE. Sure.

Is my understanding correct that there would be six or eight persons on this space station when it is up?

Mr. VOLKMER. That is the presently planned system. There is a design stage that is still being formulated. With the funds we have, we are going into the start of the phase B program, we get more into the design. We are looking now at approximately six to eight. It could be four to six. Instead of a three modular or four modular which we are presently looking at, it could be a four-modular type of space station.

Mr. PEASE. Well, if that is the case, I guess my question would be: How much manufacturing of new alloys or production of drugs could we reasonably expect from a crew of six or seven persons?

Mr. VOLKMER. Quite a quantity, depending on what you are going to do. It is also envisioned, I would like to add, that with this type of concept, and the modular type of concept, if a private concern wished to manufacture in space, they could construct their own module and place it with the space station at their own expense and use it for manufacturing, and then we could use a shuttle to take the material up to be processed and place it with that processing module, and then also take back stuff that has already been processed, using the shuttle for that purpose.

The total amount I cannot say. I do know this: In talking with the people from McDonnell Douglas, who have the electrophoresis operation—and their first, I guess, nonastronaut engineer will be going up in a shuttle in June—with their operation, for the first time, even though it has been riding on a shuttle right along, and it has proven out they can do more and more pure processing on pharmaceuticals, they have told me that if everything works out in their processing as they envision it, and a number of pharmaceuticals, et cetera, that they are able to do, that they themselves would probably be able to utilize a space station by the 1990's.

Mr. PEASE. Could I ask the gentleman, then, further whether the subcommittee has heard testimony from any scientists about the relative costs of doing these manufacturing processes in space versus doing them earthbound?

□ 1720

Mr. VOLKMER. Some of them you cannot do, like the electrophoresis does not operate sufficiently, in sufficient quantities even for McDonnell-Douglas and Johnson & Johnson to produce enough material to take the FDA to even have testing requirements fulfilled.

Mr. PEASE. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PEASE) has expired.

(By unanimous consent, Mr. PEASE was allowed to proceed for 2 additional minutes.)

Mr. PEASE. Mr. Chairman, I will not ask for additional time, and I would like to thank the members of the Science Committee for answering my questions.

I would hope, since this is just a first step down a long path, that the committee would continue to examine the kinds of questions that I have raised today; the tradeoffs between the amount of money we are likely to spend and, hopefully, to try to get some realistic projections updated of how much we ultimately will spend, so that we can make a determination early on while there is still time to stop if we find out that the scientific community has serious questions about feasibility.

If the committee will do that, then I will be satisfied and more than happy.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

I would just like to say yes, I for one, and I am sure other members of the committee will make sure that the dollars are well spent, and that they are going to be able to do the things that we are planning to do with them.

I wish to commend the gentleman for asking the questions. Many times, as things get going here, people just take for granted that everything is all right. I really wish to commend the gentleman to make sure that he is just trying to make sure that the taxpayers' dollars are being well spent, and I commend him for that.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding.

I also want to commend the gentleman for his questions and his sincerity. We are very much concerned about it, and this is an annual authorization bill, and each year the subcommittee and the full committee will be going into it very thoroughly in the cost projections and as NASA proceeds with the contractors and NASA centers, and formulating a more definitive plan then I think we can have a better understanding of what the figures will be and the projected cost will be and also the benefits associated with this.

I want to thank the gentleman for his sincerity and his efforts to answer some very concerned questions that we have all asked, too.

Mr. PEASE. I thank the gentleman for his assurances.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is for the purpose of a colloquy with the chairman of the full committee. I had an amendment I was going to offer and I have spoken with the ranking member and the chairman of the full committee. I would like, at this time, though, to ask the chairman: To his knowledge the closing down the three existing American tracking stations in Hawaii, Alaska, and Guam with the activities going on in Madrid, Spain, or I believe it is Oriel, Australia; those two foreign tracking stations do not have the same responsibility, to your knowledge, as the three American stations that are being transferred or closed down at this time?

I yield to the gentleman for his reply.

Mr. FUQUA. I might say to the gentleman that there are 12 land stations, one of which is located in the gentleman's State, in Fairbanks. Also in California; Maryland; Merritt Island, Fla.; Hawaii; Guam; Ascension Island; Canberra, Australia; Dakar, Senegal; Bermuda; Santiago, Chile; and Madrid, Spain. In addition to those there are some that are being phased down and made cost-effective, but none of these were being transferred to the two stations, to my knowledge, that the gentleman referred to.

However, I would like to assure the gentleman, we do plan to investigate this, to check into it, and see if the concerns that the gentleman has have validity to them, and we would be happy to work with the gentleman in any way we can.

Mr. YOUNG of Alaska. I thank the chairman of the full committee. Again, I am a strong supporter of this program and supporter of this bill. With that assurance, I am very pleased. Thank you.

Mr. AKAKA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 5154, the NASA authorization bill for fiscal year 1985. I strongly support the funding priorities which are reflected in this important legislation.

I want to take this opportunity to commend the chairman, Mr. FUQUA, for his perseverance and able leadership in bringing this important legislation to the House floor quickly and efficiently. The chairman of the Subcommittee on Space Science and Ap-

plications, Mr. HAROLD VOLKMER, has done a remarkable job in putting together a fair bill for fiscal year 1985. The members of both the subcommittee and the full committee deserve our heartfelt thanks and deep appreciation for their efficient work.

Mr. Chairman, I lend my full support to the presence of every cent in this authorization. If we are not willing to invest in a research and development base which forms the key building block of our civilian space program, then we cannot expect to retain a leadership role in the years ahead.

Mr. Chairman, I will venture one step further: If we do not show the wisdom and foresight to continue our investment in space and the high technology which drives our space program, we will surely lose our leadership role in the future.

The fact is, Mr. Chairman, that an investment in our space program has proved to be one of the soundest economic investments we can make in our future and in the economic and technological infrastructure of our Nation. For every $1 we have invested in our space program, we get back an estimated $7 to $14 in direct benefits. This payoff permeates every sector of our economy and actually drives our technology base. When we invest in the kind of R&D which has historically driven our space program, what we are really doing is planting the seeds of scientific discovery; if cultivated properly, these seeds will germinate and create new technologies. These technologies—ones which we cannot even imagine now—will flourish in the next decade.

Mr. Chairman, I am not sure that all of my colleagues understand that we must continue to cultivate these seeds if we are to have a sound economy in the future. The payoff for our investment today in space R&D may not come for years, but the fact is that we cannot afford not to make that investment. In fact, the time to increase our investment in R&D with long-term payoff is now, when we see that our economy is failing and that deficits are on the way up.

The fact is that if we do not invest heavily in what I call the hard core R&D now, in 10 years our technology base will be even weaker than it is now. Surely, America will lose her leadership role in high technology, both in space and on the ground.

In case some of my colleagues have forgotten, space is and should remain a nonpartisan—even an omnipartisan—issue. To my colleagues on the other side of the aisle, I would say: you have got the right idea, but we should spend still more money on the space program. To some of my colleagues on this side of the aisle I say this: do not ever forget that the space program is also a people program. It generates jobs for our Nation's people; in fact, it is estimated that by the year 2000, commercial space activities alone may be worth as much as $200 billion to $300 billion to our national economy. The commerical space sector may, in fact, generate as many as 10 million new jobs by the year 2000. This is an investment in our future, and one which every Member of this body should support. Without the space station, we cannot begin to make this investment.

For those of my colleagues who have the courage to mention the deficit, I want to take this opportunity to remind you of one fact: We could eliminate every Federal agency and every Federal program, with the exception of the Department of Defense and the entitlements programs, and still have over 75 percent of our deficit Federal spending untouched. In fact, in order to reduce the deficit in the years ahead, we must invest in the long-term R&D which make our economy and technological base grow. And this means that we must increase our investment in NASA's programs.

I urge my colleagues to support the committee bill and pass H.R. 5154, the NASA authorization bill.

The CHAIRMAN. Are there other amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—NATIONAL COMMISSION ON SPACE

PURPOSE

SEC. 201. It is the purpose of this title to establish a National Commission on Space that will assist the United States—

(1) to define the long-range needs of the Nation that may be fulfilled through the peaceful uses of outer space;

(2) to maintain the Nation's preeminence in space science, technology, and applications;

(3) to promote the peaceful exploration and utilization of the space environment; and

(4) to articulate goals and develop options for the future direction of the Nation's civilian space program.

FINDINGS

SEC. 202. The Congress finds and declares that—

(1) the United States civilian space program has been an unparalleled success, providing significant economic, social, scientific, and national security benefits, and helping to maintain international stability and good will;

(2) the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), has provided the policy framework for achieving this success, and continues to be a sound statutory basis for national efforts in space;

(3) while there continues to be a crucial Government role in space science, advanced research and development, provision of public goods and services and coordination of national and international efforts, advances in applications of space technology have raised many issues regarding public and private sector roles and relationships in technology development, applications, and marketing;

(4) the private sector will continue to evolve as a major participant in the utilization of the space environment;

(5) future national efforts in space will benefit from the presence of a permanent manned space station in low earth orbit;

(6) the separation of the civilian and military space programs is essential to ensure the continued health and vitality of both; and

(7) the identification of long range goals and policy options for the United States civilian space program through a high level, representational public forum will assist the President and Congress informulating future policies for the United States civilian space program.

NATIONAL COMMISSION ON SPACE

SEC. 203. (a)(1) The President shall within ninety days of the enactment of this legislation establish a bipartisan National Commission on Space, which shall be composed of fifteen members appointed by the President under this subsection, and the ex officio and advisory members appointed under subsection (b). The members appointed under this subsection shall be selected from among individuals who by reason of their background, education, training, or experience, will contribute to the articulation of goals and the formulation of an agenda for United States civilian space activity. The President shall designate one of the members of the Commission appointed under this subsection to serve as Chairman, and one of the members to serve as Vice Chairman. The Vice Chairman shall perform the functions of the Chairman in the Chairman's absence.

(2) Members appointed under paragraph (1) of this subsection may be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect under section 5332 of title 5, United States Code, for grade GS-18 of the General Schedule for each day, including traveltime, during which such members are engaged in the actual performance of the duties of the Commission. While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code. Individuals who are not officers or employees of the United States and who are members of the Commission shall not be considered officers or employees of the United States by reason of receiving payments under this paragraph.

(b)(1) The President shall appoint one individual from each of the following Federal departments and agencies to serve as ex officio members of the Commission:

(A) National Aeronautics and Space Administration.

(B) Department of State.

(C) Department of Defense.

(D) Department of Transportation.

(E) Department of Commerce.

(F) Department of Agriculture.

(G) Department of Interior.

(H) National Science Foundation.

(2) The President of the Senate shall appoint two advisory members of the Commission from among the Members of the Senate and the Speaker of the House of Representatives shall appoint two advisory members of the Commission from among the Members of the House of Representatives. Such members shall not participate, except in an advisory capacity, in the for-

mulation of the findings and recommendations of the Commission.

(3) Members of the Commission appointed under this subsection shall not be entitled to receive compensation for service relating to the performance of the duties of the Commission, but shall be entitled to reimbursement for travel expenses incurred while in the actual performance of the duties of the Commission.

(c) The Commission shall appoint and fix the compensation of such personnel as it deems advisable. The Chairman of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among such personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

In carrying out the provisions of this subsection, the Chairman shall act in accordance with the general policies of the Commission.

(d) To the extent permitted by law, the Commission may secure directly from any executive department, agency, or independent instrumentality of the Federal Government any information it deems necessary to carry out its functions under this Act. Each such department, agency, and instrumentality shall cooperate with the Commission and, to the extent permitted by law and upon request of the Chairman of the Commission, furnish such information to the Commission.

(e) The Commission may hold hearings, receive public comment and testimony, initiate surveys, and undertake other appropriate activities to gather the information necessary to carry out its activities under section 204 of this Act.

(f) The Commission shall cease to exist sixty days after it has submitted the plan required by section 204(c) of this Act.

FUNCTIONS OF THE COMMISSION

SEC. 204. (a) The Commission shall formulate an agenda for the United States civilian space program, to identify long range goals, opportunities, and policy options for United States civilian space activity for the next twenty years. In carrying out this responsibility, the Commission shall take into consideration—

(1) present and future scientific, economic, social, environmental, foreign policy, and national security needs of the United States, and methods by which space science, technology, and applications initiatives might address those needs.

(2) the adequacy of the Nation's public and private capability in fulfilling the needs identified in paragraph (1);

(3) opportunities for, and constraints on, the use of outer space toward the achievement of Federal program objectives or national needs;

(4) current and emerging issues and concerns that may arise through the utilization of space research, technology development, and applications;

(5) the Commission shall analyze the findings of the reviews specified in paragraphs (1) through (4) of this subsection, and develop options and recommendations for a long range national civilian space policy plan.

(b) Options and recommendations submitted in accordance with subsection (a)(5) of this section shall include, to the extent appropriate, an estimate of costs and time schedules, institutional requirements, and statutory modifications necessary for implementation of such options and recommendations.

(c) Within twelve months after the date of the establishment of the Commission, the Commission shall submit to the President and to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives, a long range plan for United States civilian space activity incorporating the results of the studies conducted under this section, together with recommendations for such legislation as the Commission determines to be appropriate.

DEFINITION

SEC. 205. As used in this title, the term "Commission" means the National Commission on Space, provided for in section 203 of this title.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments to title II.

Mr. FUQUA. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, considered as read, and printed in the RECORD, with the exception of the committee amendment appearing on page 17.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The committee amendments, with the exception of the committee amendment appearing on page 17, are as follows:

Committee amendments: On page 14, line 12, strike out "the United States civilian space program" and insert in lieu thereof the following:

The National Aeronautics and Space Administration, the lead civilian space agency, as established in the National Aeronautics and Space Act of 1958, as amended, has conducted a space program that

On page 15, strike lines 12 through 14, and insert in lieu thereof the following:

(5) the Nation is committed to a permanently manned space station in low earth orbit, and future national efforts in space will benefit from the presence of such a station;

On page 16, beginning on line 6, strike out "fifteen" and insert in lieu thereof "fourteen" and on line 8, after "subsection" insert the following: ", the Administrator of the National Aeronautics and Space Administration,".

On page 16, line 17, strike out "one of the members to" and insert in lieu thereof: "the Administrator of the National Aeronautics and Space Administration shall".

On page 16, line 22, after "appointed" insert the following: "by the President".

On page 18, before line 1, add a new subparagraph as follows:

(G) Office of Science and Technology Policy.

On page 20, before line 1, insert the following new paragraph:

(1) the commitment by the Nation to a permanently manned space station in low earth orbit;

And redesignate the succeeding paragraphs and references thereto accordingly.

On page 20, lines 4 and 5, after "environmental" insert "and" and strike out ", and national security".

The CHAIRMAN. The question is on the committee amendments, with the exception of the committee amendment appearing on page 17.

The committee amendments, with the exception of the committee amendment appearing on page 17, were agreed to.

□ 1730

Mr. FUQUA. Mr. Chairman, I ask for a division of the question on the 2 parts of the amendment on page 17.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 17, strike lines 16 and 17, and redesignate succeeding subparagraphs, and on page 17, line 19, strike subsection (c).

Mr. FUQUA. Mr. Chairman, I ask that the amendment be divided.

The CHAIRMAN. The Clerk will report the first portion of the amendment.

The Clerk read as follows:

Page 17, strike lines 16 and 17, and redesignate succeeding subparagraphs. • • •

The CHAIRMAN. Does the gentleman wish to debate this?

Mr. FUQUA. Mr. Chairman, I do not. This is conforming with the action taken by the committee, and I urge an "aye" vote.

The CHAIRMAN. The question is on the first portion of the committee amendment.

The first portion of the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the second portion of the amendment.

The Clerk read as follows:

Page 17, line 19, strike subsection (C).

Mr. FUQUA. Mr. Chairman, after reconsideration, the committee does not wish to proceed with the adoption of this amendment and ask for a "no" vote.

The CHAIRMAN. The question is on the second portion of the committee amendment.

The second portion of the committee amendment was rejected.

The CHAIRMAN. are there other amendments to title II?

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BATEMAN: On page 20, line 10, insert "(4) how a cooperative interchange between the military and civilian agencies on research and technology development programs can benefit the civilian space program", and renumber the remaining paragraphs accordingly.

Mr. BATEMAN. Mr. Chairman, my intent in offering this amendment today is to strengthen the proposed National Commission on Space by providing it the opportunity to benefit from this country's military expenditures in space. My amendment adds to the items for consideration by the Commission the question of how a co-

operative interchange between the military and civilian agencies on research and technology development programs can benefit the civilian space program.

This language provides the main rationale for including an ex officio nonvoting representative from the Department of Defense, which the House agreed to earlier; and I wish to thank the gentleman from Florida (Mr. FUQUA), the chairman of the full Science and Technology Committee; the gentleman from Missouri (Mr. VOLKMER), the chairman of the Space Science and Applications Subcommittee; the gentleman from Kansas (Mr. WINN) and the gentleman from New Mexico (Mr. LUJAN), the ranking minority members of the full committee and subcommittee for their cooperation and agreement in obtaining the agreement of the House in that inclusion, as well as for their acceptance of this amendment.

Mr. Chairman, the Department of Defense, as one of this Nation's major users of space, uses and develops technology that is also useful for civilian purposes. It is only reasonable that civilian programs should benefit from this to the maximum extent feasable, and that the Commission should take into account in formulating its long-range agenda for space, the benefits of a cooperative technological interchange between the military and civilian space agencies.

I ask for support of my amendment to the NASA authorization for fiscal year 1985.

Mr. Chairman, it is my understanding that this amendment is acceptable to the distinguished chairman and ranking minority members of the committee and subcommittee.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment and we support the amendment. We will accept it on this side.

Mr. BATEMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BATEMAN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SWIFT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5154) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 469, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 11, not voting 33, as follows:

[Roll No. 57]

YEAS—389

Ackerman	Byron	Durbin
Addabbo	Carney	Dwyer
Akaka	Carper	Dymally
Albosta	Carr	Dyson
Anderson	Chandler	Early
Andrews (TX)	Chappell	Eckart
Annunzio	Chappie	Edgar
Applegate	Cheney	Edwards (AL)
Archer	Clarke	Edwards (CA)
Aspin	Clay	Edwards (OK)
AuCoin	Clinger	Emerson
Badham	Coats	English
Barnard	Coelho	Erdreich
Barnes	Coleman (MO)	Erlenborn
Bartlett	Coleman (TX)	Evans (IA)
Bateman	Collins	Evans (IL)
Bates	Conte	Fascell
Bedell	Cooper	Fazio
Beilenson	Coughlin	Feighan
Bennett	Courter	Ferraro
Bereuter	Coyne	Fiedler
Berman	Craig	Fields
Bethune	Crane, Daniel	Fish
Bevill	Crane, Philip	Flippo
Bilirakis	Crockett	Florio
Bliley	D'Amours	Foley
Boehlert	Daniel	Ford (MI)
Boggs	Dannemeyer	Ford (TN)
Boland	Darden	Fowler
Boner	Daub	Frank
Borski	Davis	Franklin
Bosco	de la Garza	Frost
Boucher	Dellums	Fuqua
Boxer	Derrick	Garcia
Breaux	DeWine	Gejdenson
Britt	Dickinson	Gekas
Brooks	Dicks	Gephardt
Broomfield	Dingell	Gibbons
Brown (CA)	Dixon	Gilman
Brown (CO)	Dorgan	Gingrich
Broyhill	Dowdy	Glickman
Bryant	Downey	Gonzalez
Burton (CA)	Dreier	Goodling
Burton (IN)	Duncan	Gore
Gradison	Matsui	Schaefer
Gramm	Mazzoli	Scheuer
Green	McCain	Schneider
Gregg	McCandless	Schroeder
Guarini	McCloskey	Schumer
Gunderson	McCollum	Seiberling
Hall (IN)	McCurdy	Sensenbrenner
Hall (OH)	McDade	Shannon
Hall, Ralph	McEwen	Sharp
Hall, Sam	McGrath	Shaw
Hamilton	McHugh	Shelby
Hammerschmidt	McKernan	Shumway
Hansen (UT)	McKinney	Shuster
Harkin	McNulty	Sikorski
Hatcher	Mica	Siljander
Hayes	Michel	Simon
Hefner	Mikulski	Sisisky
Hertel	Miller (CA)	Skeen
Hightower	Miller (OH)	Skelton
Hiler	Mineta	Smith (FL)
Hillis	Mitchell	Smith (IA)
Holt	Moakley	Smith (NE)
Hopkins	Molinari	Smith (NJ)
Horton	Mollohan	Smith, Denny
Howard	Montgomery	Smith, Robert
Hoyer	Moody	Snowe
Hubbard	Moore	Snyder
Huckaby	Moorhead	Solarz
Hughes	Morrison (CT)	Solomon
Hunter	Morrison (WA)	Spence
Hutto	Mrazek	Spratt
Hyde	Murphy	St Germain
Jeffords	Murtha	Staggers
Jenkins	Myers	Stangeland
Johnson	Natcher	Stenholm
Jones (NC)	Neal	Stokes
Jones (OK)	Nelson	Stratton
Jones (TN)	Nichols	Studds
Kaptur	Nielson	Stump
Kasich	Nowak	Sundquist
Kastenmeier	O'Brien	Swift
Kemp	Oakar	Synar
Kennelly	Olin	Tallon
Kildee	Ortiz	Tauke
Kindness	Owens	Tauzin
Kogovsek	Oxley	Taylor
Kolter	Packard	Thomas (CA)
Kostmayer	Panetta	Thomas (GA)
Kramer	Parris	Torres
LaFalce	Pashayan	Torricelli
Lagomarsino	Patman	Towns
Lantos	Patterson	Traxler
Latta	Pease	Udall
Leach	Pepper	Valentine
Leath	Perkins	Vander Jagt
Lehman (CA)	Petri	Vandergriff
Lehman (FL)	Pickle	Vento
Leland	Porter	Volkmer
Lent	Price	Vucanovich
Levin	Pritchard	Walgren
Levine	Pursell	Walker
Levitas	Quillen	Watkins
Lewis (CA)	Rahall	Weber
Lewis (FL)	Rangel	Weiss
Lipinski	Ratchford	Wheat
Livingston	Ray	Whitehurst
Lloyd	Regula	Whitley
Loeffler	Reid	Whittaker
Long (LA)	Richardson	Whitten
Long (MD)	Ridge	Williams (MT)
Lott	Rinaldo	Williams (OH)
Lowery (CA)	Ritter	Wilson
Lowry (WA)	Roberts	Winn
Lujan	Robinson	Wolf
Luken	Rodino	Wolpe
Lundine	Roe	Wortley
Lungren	Roemer	Wright
Mack	Rogers	Wyden
MacKay	Rostenkowski	Wylie
Madigan	Roth	Yates
Marlenee	Roukema	Yatron
Marriott	Rowland	Young (AK)
Martin (IL)	Roybal	Young (FL)
Martin (NC)	Rudd	Young (MO)
Martin (NY)	Sabo	Zschau
Martinez	Sawyer	

NAYS—11

Conable	Jacobs	Russo
Conyers	Oberstar	Slattery
Frenzel	Obey	Weaver
Hartnett	Penny	

NOT VOTING—33

Alexander	Andrews (NC)	Anthony

Biaggi	Gray	Minish
Bonior	Hance	Ottinger
Bonker	Hansen (ID)	Paul
Campbell	Harrison	Rose
Corcoran	Hawkins	Savage
Daschle	Heftel	Schulze
Donnelly	Ireland	Stark
Foglietta	Kazen	Waxman
Forsythe	Markey	Wirth
Gaydos	Mavroules	Wise

□ 1750

Mr. OBERSTAR changed his vote from "yea" to "nay."

Mr. DANIEL B. CRANE and Mr. BOEHLERT changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5154, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACT, 1985

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5154, the Clerk be authorized to make corrections in punctuation, cross references, and section numbers.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4360

Mr. LOWERY of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 4360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include extraneous material, on the subject of the special order speech today by the gentleman from Pennsylvania (Mr. MURTHA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include extraneous material, on the subject of the special order speech today by the gentleman from Michigan (Mr. BONIOR).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

GENERAL LEAVE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include extraneous material, on the subject of the special order speech today by the gentleman from New York (Mr. GARCIA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

RESTORATION OF A JEWISH CEMETERY IN TOMBSTONE, ARIZ.

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MCNULTY. Mr. Speaker, the citizens I have the honor to represent from Tombstone, Arizona recently united in their efforts to restore and consecrate a Jewish cemetery abandoned some 100 years ago.

Mr. Speaker, I think it worthy of note that Mr. C. Lawrence Huerta, a community leader and a member of Arizona's State industrial commission, served as a leader of this private effort. He was ably assisted by Mr. David Sirota, who heads the Jewish Friendship Club of Creen Valley, a community I also have the pleasure of representing in this body.

Cooperation, mutual respect, and a careful webbing of a community were a fundamental need of the hardy men and women who settled the silver camps and ranching areas of the Old West. Their spiritual successors today have worked together to clear away the underbrush and the cactus that had seemed to erase all signs of the cemetery. Working together this historic place is now open for all visitors to come and learn something about the pioneers who had come long before us. In touching with our past we know something more about our present and so I salute Mr. Huerta, Mr. Sirota, and the many other citizens who aided this effort.

Mr. Speaker, the New York Times reported on these events and I insert that report in the CONGRESSIONAL RECORD at this point, as follows:

AN OLD WEST CEMETERY FOR JEWS IS REDEDICATED AT TOMBSTONE

TOMBSTONE ARIZ., Feb. 28.—Over lunch here 18 months ago with Al Turner, a local historian, Israel Rubin and his family learned of the existence of an abandoned Jewish cemetery from the 1880's at Boothill, where some of the town's more notorious residents are buried.

"He asked if we'd like to go see it," Mr. Rubin recalled later. "He didn't have to ask twice."

Mr. Turner led the Rubins, who were visiting from Potomac, Md., and their host, C. Lawrence Huerta, down a slope from the Boothill Graveyard, through catclaw cactus and thick underbrush until they arrived at the crumbled remains of an adobe wall, about two minutes away from the cemetery above that is a national tourist attraction. The Jewish cemetery had long since been reclaimed by desert scrub. No gravestones remained.

Mr. Rubin immediately recited Kaddish, the Jewish prayer for the dead, and mused about the possibility of restoring the site for the public. Mr. Huerta was moved to do something about it.

Mr. Rubin returned to Boothill today along with 250 other people to take part in dedication ceremonies for the newly restored cemetery. The cemetery has been cleared of weeds, a wrought-iron fence erected around it and a path laid out from Boothill Graveyard above.

HUERTA DID MOST OF WORK

The work on the 100-year-old burial ground was carried out in large part by Mr. Huerta, a Yaqui Indian, who has served as a judge, community college chancellor and member of the state's industrial commission. The effort to restore the abandoned cemetery backs up Tombstone's slogan: "the town too tough to die."

Mr. Huerta was assisted primarily by David Sirota, who heads the Jewish Friendship Club of Green Valley, a retirement community 100 miles west of here, who said today, "We thought it would be nice to recognize the fact that there was a Jewish population here in Tombstone."

Tombstone, active as a silver mining camp in the 1880's when its population reached 6,000, has been resurrected by tourism spurred by romanticized portrayals of the Old West on television and in movies. Today, 1,600 residents live here.

The Jewish cemetery's site was established by Mr. Turner decades ago in conversation with old-timers. According to Mr. Turner, Howard Lindsey, a retired operator of the Boothill attraction, said he had rebuilt the old adobe cemetery wall in the late 1930's.

The dedication ceremony began with Kaddish, this time delivered by Rabbi Joseph Messing of Sierra Vista, the largest city in Cochise County, which takes in Tombstone. Rabbi Messing, now retired, served as an Army chaplain for 30 years.

PEDESTAL IS ERECTED

A two-tier pedestal made of rock from nearby mountains has been built at the center of the 50-foot-by-50-foot cemetery. Ceremonial items were sealed into a burnished safe adorned with Jewish and Indian symbols atop the pedestal. The contents include a yarmulke, a menorah, a Kaddish cup, prayer and hymn books, and an Israeli bowl filled with dirt from Jerusalem.

Mr. Sirota drew laughter when he introduced Mr. Huerta, saying, "Why a full-blooded Indian would want to associate with a bunch of Jews is the unanswered question of the hour."

The 59-year-old Mr. Huerta referred to the ceremony as his bar mitzvah. He donated a Yaqui bowl containing items "which symbolize the harmony between the Jewish pioneers and the Indians." Mr. Huerta wore both an Indian headband and a yarmulke over his braided hair.

The cemetery, within 100 feet of homes in Boothill Estates, a modern residential subdivision, and lying directly beneath telephone and electrical lines faces the Dragoon Mountains. According to Harriet Rochlin,

author of "Pioneer Jews: A New Life In The Far West," to be published later this year, "There were enough Jews in Tombstone in 1881 to organize the Tombstone Hebrew Association. The first thing groups like this would do is conduct High Holy Day services and establish a burial ground."

JEWISH POPULATION OF PAST

A business directory from that era reveals Jews in work and professions such as miner, merchant, banker, grocer, gunsmith and restaurant owner. A Jewish mine superintendent, Abraham Hyman Emanuel, served as the town's Mayor from 1896 to 1900.

And many are quick to point out that Josephine Sarah Marcus, Wyatt Earp's third wife, a long-time lover, depending on which version of the story is true, was a Jewish dance-hall girl.

PRAYER IN PUBLIC SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, under my special order, I yield to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Speaker, over the past several weeks as the other body considered proposed amendments to the Constitution regarding prayer in the public schools, it became clear that a large majority of the people of America favor prayer in the public schools. That view is reflected by national polls, by the mail Members of Congress have received on that issue and by the vote on the floor of the Senate. It was certainly clear to me from the mail in my office that a very substantial majority of my constituents support prayer in the public schools, and I have come to agree with them, in light of changes in the language of the amendment originally proposed.

What is not measured by the polls, or by the volume of correspondence to Members of the Congress, is that there is no consistency of view as to the manner prayer in the public schools should be authorized. There is, I believe, a broad recognition and concern, that prayer in the public schools should not permit a religious sect or denomination which is the majority in a given school or classroom to select its prayers and to follow its religious practices or beliefs and hence directly or subtly involve those of a different persuasion in such prayers or religious observances. Prayer in the schools, in this context, is not consistent with the principle of separation of state and church and would not recognize the pluralistic nature of American society. We are largely a Christian people, a majority of whom are Protestant, but many of whom are Catholic, most of whom are Roman Catholic, but some of them are Eastern Orthodox Catholics. Many of our people are Jewish and there are various adherents to religious beliefs which are neither Christian nor Jewish. Indeed there are some who have no religious faith at all, and while I feel sorry for them, it is their right to be nonbelievers. As much as we may wish for their conversion to religious faith and practices, their right to none is essential to our right to cling to and freely practice our beliefs.

I have said for years that America needs more, not less, prayer. However, in the context of prayer in the public schools, how it is authorized by a constitutional amendment is as important as whether it is authorized. Bear in mind that the Constitution as now written and interpreted by the courts does not bar any student from praying in school as an individual, private act.

It would be unthinkable to forbid a student from praying for a good result before a math test, or to forbid a student to make the sign of the cross and ask Divine assistance before shooting a foul shot in a basketball game. But who among our constituents would approve the teacher requiring all students to pray or the coach requiring all members of the basketball team to make the sign of the cross before each foul shot?

If prayer in the public schools is authorized in a manner that calls for the State, through the school board, principal, or classroom teacher, to direct, compose, initiate, and supervise prayers in the public schools, I am convinced most thoughtful and devout Americans would not approve. Assume a Jewish teacher and a largely Christian classroom, or a Christian teacher and a predominance of Jewish students, or a Catholic teacher and a majority of students who are either Protestant or Jewish. Worse, assume a teacher who is not religious, or if religious, does not believe prayer in the schools is proper. What kind of religious experience will these circumstances provide for our young people? Would it be the solemn and meaningful experience that is essential to a religious exercise? I think not.

As I have indicated, I believe there is merit to a constitutional amendment that authorizes religious acts in the public schools and regret the Senate was unable to muster a two-thirds majority for a resolution that would permit it in a proper manner that avoids the concerns I have tried to define. I believe it can and should be done.

Separation of state and church and the nonestablishment of religion are significant and valid constitutional princples. Yet, as important as these principles are, they should not ban voluntary participation in prayer. The critical factor is that the right and opportunity be given for participating in religious activities in the public school environment, without the initiative, sponsorship, or promotion of such activities by the Government. Our Constitution requires no hostility to religion or religious practices, only neutrality. Yes, we must continue to recognize that our society is a pluralistic one where there are a variety of religious beliefs and practices. But, the overwhelming number of our people do have a belief in a Divine Being and a set of religious beliefs and practices.

By authorizing prayer and religious activity in the public schools under proper circumstances, we need not violate separation of state and church or ignore the diversity of religious beliefs of our people. Ultimately, if the right of minorities to their religious beliefs is to be safeguarded, the right of the majority to a voluntary, exercise of faith should not be prohibited. This is not a denial of a pluralistic society, it affirms that fact.

How then should the Congress resolve the present dilemma so that concern for separation of state and church and nonestablishment of religion are accommodated to the strong desire of the majority for authorizing prayer in the public schools? The amendment recommended by President Reagan sought to do so, as it expressly stated that no person shall be required to participate in prayer. Further, as presented on the floor of the Senate, there was added a provision that neither the United States nor any State shall compose the wording of any prayer. Unfortunately there were doubts as to how school prayer would be implemented under this language, and as to there being at least subtle pressure on schoolchildren so as to make participation in prayer less than voluntary. For those reasons less than two-thirds of the Members of the other body voted for that proposition.

Earlier the Senate rejected a proposed amendment authorizing voluntary silent prayer. This proposal failed because it was opposed by those who are against any change that authorizes prayer in the public schools, as well as by those who felt it did not go far enough in that it did not authorize vocal prayer. There were other suggestions made in the recent debate in the Senate, the thrust of which was to authorize prayer in the public schools, but to assure that it was legally as well as practically voluntary and not a Government promoted or sponsored exercise.

Contrary to my desire, there is little likelihood of congressional approval of a prayer amendment in this session of the Congress. Either in this session, or if not in this session, soon thereafter, I hope Congress will pass a resolution proposing an amendment to the Constitution which will authorize prayer in the public schools and in a manner that does not contravene the separation of church and state, and does not violate the nonestablishment of religion clause of our Constitution. I would offer for the consideration of

my colleagues a proposed amendment in these terms:

Nothing in this Constitution shall be construed to prohibit participation in prayer or religious activities in the public schools, so long as such activities are not initiated, sponsored, or promoted by the United States or any State, and participation therein is voluntary.

Mr. Speaker, it occurs to me that an amendment on these terms recognizes and preserves our concern or separation of state and church, avoids any embarrassment to the principle of nonestablishment of religion, and avoids any religious practices which are not entirely voluntary. Yet, while consistent with the diversity of beliefs and religious convictions of our people and their right even to be nonbelievers in any religion, it sanctions religious activities in public schools for the great majority who wish to participate on an entirely voluntary, nongovernmental basis.

One important virtue of this proposal is that it makes clear that separation of state and church does not and should not connote governmental hostility to the free exercise of religion. It would assure access of religious groups to public school facilities for entirely voluntary extracurricular activities of a religious nature. It is both absurb and ill-advised, as an extreme example, that a gay rights organization can conduct programs on public school property, but that a religious organization, according to some courts, must be denied any access or right to use school property, even after school hours when the religious program is entirely voluntary.

Mr. Speaker, I wanted to share these thoughts on this very significant issue with my colleagues in the House and, through the CONGRESSIONAL RECORD, with my constituents and all the people of America. I am convinced there is a way we can authorize prayer in the public schools and assure free and equal access to the public schools by religious organizations for voluntary, extracurricular activities without jeopardizing the separation of church and state and the principle of nonestablishment of religion.

Mr. Speaker, the people of America support prayer in the public schools and access to the public schools for religious purposes under circumstances and safeguards consistent with the separation of state and church and the nonestablishment of religion. These remarks are made in the hope that we in the Congress can find the wisdom and the will to accomplish this objective.

□ 1800

Mr. WALKER. I thank the gentleman for his statement. The gentleman has made a very eloquent statement in favor of making a voluntrary prayer amendment a part of the Constitution.

The gentleman has defined it very, very well, I think, and it is a point that the opposition to school prayer sometimes has not understood and that is that many of us, those of us who back it, and, as a matter of fact, the vast majority of those of us who back it are not looking to impose any kind of mandated prayer on any public school student anywhere in the country. We are not looking for the schools to write the prayer. We are not looking for the State to write the prayer or the Congress to write the prayer. We are looking for the opportunity for students to be able to pray themselves, each in their own way.

The fact that the courts have over a period of years now taken that opportunity out of the schools is disturbing to a vast majority of the American people and it is a shame that this Congress will not address that issue. It is a shame that in the House of Representatives we basically have heard this said to be a dead issue now.

I can assure the gentleman that it is not a dead issue. The American people will see to it that it is not a dead issue.

□ 1810

And while we may not be able to get a constitutional amendment to the floor yet in this session, I think we will get the issue to the floor as we address some education bills along the way.

I want to thank the gentleman (Mr. BATEMAN) for his statement.

Mr. BATEMAN. I thank the gentleman for his comments; they are very discerning. He captures entirely the spirit in which my remarks were delivered.

Mr. WALKER. I thank the gentleman and I yield back the balance of my time.

A TRIBUTE TO DOLORES AND BOB HOPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCANDLESS) is recognized for 60 minutes.

Mr. McCANDLESS. Mr. Speaker, on April 24, a couple of old married folks in Rancho Mirage, Calif., will be honored with the 1984 Coachella Valley Humanitarian Award.

They have been married for more than 50 years, which is a remarkable accomplishment in itself, in this day of revolving-door marriages.

They have raised four wonderful children, another accomplishment in this era of 2.5 children per household.

They have traveled millions of miles, together and separately, bringing laughter and a taste of home to Americans all over the globe.

His face and famous nose have graced countless movie and television screens, and the Broadway stage. His voice, like his face, is instantly recognizable to millions of people all over the planet.

She has lent her time and considerable talents, mostly unheralded, to dozens of charitable and civic endeavors.

I am proud to say they reside in my congressional district. They are Mr. and Mrs. Leslie Townes Hope—Dolores and Bob to most of the world.

Long before they were born, a Quaker missionary, Stephen Grellet, spoke a sentiment that would echo the kind of lives Dolores and Bob have lived. He said, and I quote:

I expect to pass through this world but once. Any good thing, therefore, that I can do, or any kindness that I can show a fellow being, let me do it now. Let me not defer or neglect it, for I shall not pass this way again.

The Hopes have never deferred, or neglected to entertain and help those lucky enough to cross their path.

Numerous times, I have been the delighted recipient of sharp and zany humor on the spectator side of the screen, and thousands of my neighbors in Riverside County and across the Nation have benefited from the humanitarian generosity of both Dolores and Bob.

But the real topper in my book has been their ability to raise the national consciousness about an activity that, unfortunately, is still largely unappreciated by many people. The activity consists of chasing a little white ball across hills, mudflats, and sometimes through deep, dark forests, until it is finally tapped into 18 increasingly difficult little holes in the ground. The Bob Hope Desert Classic, now in its 26th year, has greatly helped to elevate the stature of golf. As a hacker from way back, I especially appreciate that.

Many things have been written about Dolores and Bob over the years, but I think their accomplishments are best summed up this way: They have done every good and kind thing that one human being can do for another, and they did them for millions of people they never even met.

Thank you, Bob, and thank you, Dolores, for all those memories.

RURAL AND URBAN CLASSIFICATIONS UNDER THE DRG SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 60 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, today I am introducing a bill to rectify the dilemma in which many rural hospitals find themselves under the new diagnosis related groups (DRG) reimbursement plan under the medicare prospective payment system (PPS).

Many large and efficient hospitals are being penalized under the DRG system because they are outside the metropolitan statistical areas (MSA's) which receive a larger reimbursement for health care services from medicare than rural areas. In my own State of Arkansas, hospitals such as St. Mary-Rogers Memorial in Benton County and De Queen General Hospital in Sevier County both serve their communities with large inpatient care capacity and sophisticated medical facilities which are expensive to operate and maintain. However, a significant disparity exists under the PPS whereby rural hospitals could possibly be reimbursed at a rate of 25 percent less than the reimbursement for urban hospitals. In the case of St. Mary-Rogers Memorial, the difference amounts to $576 less per patient—a high price to pay for being located only 15 miles from a hospital classified as urban.

One unfortunate result of the worthy goal of budget neutrality which was set forth upon the enactment of the prospective payment system was to thrust upon rural hospitals much of the burden of achieving a national reduction in hospital costs and protecting the medicare trust fund. However, my bill would strike the rural/urban classification and provide a single prospective payment reimbursement rate for all hospitals, instead of targeting rural hospitals for the greatest reductions.

I urge my colleagues to join me in insuring that our Nation's rural hospitals, which often serve areas as large as MSA's, and which provide quality care, are not doomed to substandard capabilities or to extinction by somewhat arbitrary classifications.

H.R. 5255

A bill to amend title XVIII of the Social Security Act with respect to providing for a single prospective payment rate for hospitals located in urban and rural areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) is amended—

(1) by striking out "located in urban or rural areas" in the matter before subparagraph (A);

(2) in subparagraph (A), by striking out "located in an urban area" and all that follows through "under this subparagraph" in subparagraph (A) and inserting in lieu thereof "located within the United States and for hospitals located within each region equal to (i) the average of the standardized amounts determined for the previous fiscal year under paragraph (2)(C) for the United States and for each region for all subsection (d) hospitals located within the United States or the region or (ii) the average standardized amount computed for the previous fiscal year under this subparagraph"; and

(3) in subparagraph (D), by striking out "each of which is equal" and all that follows through the end and inserting in lieu thereof the following: "each of which is equal to the product of—

"(i) the average standardized amount (computed under subparagraph (A), reduced under subparagraph (B), and adjusted under subparagraph (C)), for the fiscal year for hospitals located in the United States or that region, respectively, and

"(ii) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.".

(b) The amendments made by subsection (a) shall apply to hospital discharges occurring on or after October 1, 1984.

(c) Section 603(a)(2)(C) of the Social Security Amendments of 1983 (Public Law 98-21; 97 Stat. 166) is amended by striking out clause (i).●

THE COURT AND THE CRUCIFIX IN MASSACHUSETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 30 minutes.

● Mr. HYDE. Mr. Speaker, in recent weeks a great debate has consumed the other body of this Congress and its dimensions have been the subject of many editorials and scholarly (and some not so scholarly) commentaries concerning the propriety of amending the U.S. Constitution to permit some specific authority for prayer in our public schools.

Regardless of how one feels on the merits of that issue, commonly accepted is the bedrock constitutional principle that neither judiciary nor the law may favor one religion over another nor disfavor one church against another.

If the long hours of passionate debate in the other body had been interrupted by a report that any judge in any State of the Union had ordered an American corporation to place on its door the Star of David, one may fervently hope that Catholic, Protestant, Jew, Muslim, atheist and agnostic with one voice would have instantly condemned that judicial order as outrageously improper and un-American.

Well, it so happens that it was not the Star of David that was the subject of just such a judicial order. On March 14, 1984, in the Appeals Court of the Commonwealth of Massachusetts, Judge Allan M. Hale ordered Problem Pregnancy of Worcester, Inc., to affix to their public doorway, a crucifix not less than 8 inches in height. Said crucifix must be affixed and left on the door not more than 2 inches above Problem Pregnancy of Worcester, Inc., until the case is disposed of on the merits. Thus at this hour on the door of the office of Problem Pregnancy at 340 Main Street in Worcester, Mass., there hangs, by judicial decree, a crucifix not less than 8 inches in height. The case in which that court order was handed down is Planned Parenthood Federation of America against Problem Pregnancy of Worcester, Inc.

The plaintiff, Planned Parenthood Federation of America, and its affiliates are America's premier abortion clinic owners and operators and are supported by millions of taxpayers' dollars under grants designed for family planning. The defendent, Problem Pregnancy of Worcester, Inc., is an organization that seeks to persuade expectant mothers not to abort their preborn children, but to counsel them to permit their unborn to live—to survive.

As reported in the March 18 issue of the Worcester Sunday Telegram, this is a trademark skirmish between an abortion clinic and the antiabortion counseling group.

The newspaper account goes on to state: The order comes a month after the Planned Parenthood League of Massachusetts, Inc., and another group went to court charging that Problem Pregnancy's PP logo infringed on its trademark. Planned Parenthood's request for a preliminary injunction against the use of the logo was denied in Middlesex Superior Court earlier this month.

An appeal of that decision led to Hale's order that the petition—for an injunction—is dismissed on the assurance that a crucifix, not less than 8 inches in height, is affixed and kept on the door not more than 2 inches above PP Inc., until the case is disposed of on its merits. Planned Parenthood's infringement suit is pending in superior court.

Planned Parenthood's Worcester clinic and Problem Pregnancy are both located on the sixth floor of the Commerce Building at 340 Main St. The clinic opened in December 1982 and Problem Pregnancy opened its office shortly thereafter.

Planned Parenthood has charged that Problem Pregnancy opened its office—and adopted a PP logo—in an attempt to confuse Planned Parenthood clients and lure them into the Problem Pregnancy office.

John W. Spillane, lawyer for Problem Pregnancy said he argued in appeals court last week that the two groups could not be confused because Problem Pregnancy has crucifixes displayed in its offices. He said Hale asked if Problem Pregnancy would be willing to put a crucifix on its front door. Spillane said he told the judge the group would do that. He said lawyers for Planned Parenthood said that would not be an acceptable solution.

Planned Parenthood last year obtained an injunction aimed at stopping Problem Pregnancy from corridor counseling—trying to dissuade Planned Parenthood clients from going through with abortions.

Spillane said his group was not trying to confuse anyone. He described Problem Pregnancy as a support system for women who are disturbed

about pregnancy. He said the group always counsels against abortion. Spillane said Problem Pregnancy has an amazing record of saves.

So we have the lines drawn: Goliath Planned Parenthood Federation of America with its vast legal and economic resources seeking to exterminate the little David, Problem Pregnancy of Worcester, Inc.

In all fairness, it must be noted that the attorney for Problem Pregnancy, in response to the suggestion of the judge, stated his client would be willing to affix the crucifix on the front door, but the fact that the court suggested this and then confirmed its suggestion in a court order ought to give us all something to think about.

Attorney Spillane wants to keep his client's service open, so his reaction is not without some judicial coercion.

It takes no stretch of the imagination to harken back to the days in Germany when its Jewish population were required to wear a yellow Star of David on their clothing. The more things change, the more they stay the same.

It is ironic that in Poland, the long-suffering people have to struggle against their Communist authorities to keep and display their crucifixes, while in Worcester, Mass.—the Commonwealth which rightfully prides itself on being the cradle of democracy—an appeals court has ordered the display of a crucifix, not out of respect for the crucifix, but to publicly identify the religion of a private corporation. In both cases, freedom and humanity are the losers.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House on March 20-22, I was not present and voting when the House considered various legislative business. Had I been present, I would have voted in the following way:

TUESDAY, MARCH 20

On a motion to approve the House Journal of Monday, March 19, "yes."

On an amendment to an amendment to H.R. 1652, reclamation dam safety, to strike the word "substantially," I would have voted "yes."

On a substitute amendment to require reimbursement only for new project benefits by local users and beneficiaries of projects in the bill, "yes."

WEDNESDAY, MARCH 21

On adoption of the closed rule to H.R. 5174, Bankruptcy Court Act, paired against.

On adoption of the Kastenmeier-Kindness amendment to H.R. 5174 providing for the appointment of bankruptcy judges as adjuncts to Federal district courts, "yes."

THURSDAY, MARCH 22

On a motion to override the President's veto of S. 684, Water Research Act, "no."●

THE NEED FOR TRADE LAW REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURTHA) is recognized for 60 minutes.

● Mr. MURTHA. Mr. Speaker, I am pleased to include in the RECORD additional comments today along with those presented yesterday on the need for trade law reform and support for the Comprehensive Trade Law Reform Act of 1983.

With the support of many Members of Congress for this legislation, and thanks to the hard work of Chairman SAM GIBBONS, we have an excellent opportunity this year to enact legislation that will streamline our trade laws so we can fight unfair foreign trade, close the trade deficit, and save American jobs.

I am very pleased to insert additional comments into the RECORD by my colleagues on this vital subject.●

● Mr. SCHULZE. Mr. Speaker, the National Association of Manufacturers (NAM) in a recent newsletter article (February 22, 1984) described H.R. 4124, the "Comprehensive Trade Law Reform Act of 1983," as "the most complete and authoritative statement of the views of a large industry-congressional faction that is seriously discontent with the existing trade laws and that is working to get them changed this year." The article's premise is that H.R. 4124 is currently framing the debate on trade.

This is certainly the case, as well it should be. H.R. 4124 was born out of the experiences of numerous industries with the workings of our trade remedy laws. What these industries have found is often frustrating: a complex set of laws made up of roadblocks, rather than pathways, to their efforts to gain relief under our trade laws. What these industries have found are laws arbitrarily administered, thereby creating uncertainty as to their outcome; trade remedy procedures which are so expensive and complex as to put them out of the reach of small firms and industries; an ineffective "escape clause" procedure which, to date, has yielded import relief in less than 25 percent of the cases brought under its provisions, and which employs a standard of injury higher than that required under our code of international trade, the GATT; and a toothless section 301, which is supposed to help counter the unfair trading practices of foreign governments, but has not because it has been ineffectively utilized.

While the United States continues to play the "good guy" in international trade, other countries continue to increase their share of our market with record imports as evidenced by the $9.5 billion merchandise trade deficit registered in January alone. If the monthly deficits stay at this level, the yearend trade deficit will certainly top the administration's current forecast of $110 billion for 1984. And shocking as it may seem, despite the U.S.-E.C. arrangement, carbon steel imports doubled in January 1984 over the same month last year. Despite the multifiber arrangement, textile and apparel imports rose 25 percent in 1983 and 30 percent in January 1984 over the levels of a year earlier. While some of this can certainly be attributed to an overvalued dollar, that is not the whole story. These are real imports, and they are destroying real American jobs—every $1 billion increase in the trade deficit translates into a loss of 25,000 jobs—and a great many of these imports are unfairly traded. Our laws have not been terribly effective in reaching such unfair trade practices. Where surges of such imports have been injurious to U.S. workers and industries, the record of import relief has been dismal.

U.S. firms and workers have a right to expect effective remedies under our trade laws—it is simply the only way to maintain public support for an open system of trade. Inadequate trade laws and inadequate trade law administration will virtually guarantee a collapse of such public support for our current trade system; when it is understood that we are the only ones playing by the rules and there is little in the way of relief from unfairly traded or injurious imports, how can we expect support for an open trade system, particularly when imports are coming in at record levels?

That is why H.R. 4124 is such an important peice of legislation. It truly does frame debate on trade because it is the only comprehensive approach to trade remedy law reform out there, and because it is supported by a wide diversity of industries—steel, footwear, textiles, apparel, metalworking, color television, and mushroom growers, to name a few. (The industries supporting H.R. 4124 account for an estimated $250-$300 billion in annual sales, are located in every State, and employ over 4½ million workers.) Its provisions would assist not only these industries in addressing relief measures under our trade laws, but also the so-called hi-tech industries, which are being unfairly "targeted" by foreign governments.

As an original cosponsor of this legislation—there are now 46 in the House—I urge my colleagues to support this measure, and thus give rise to the opportunity to take a compre-

hensive look at our trade remedy laws and provide the thorough overhaul which they sorely need.

I ask permission to have the NAM article included in the RECORD, following my remarks:

[From Trade & Industry, Feb. 22, 1984]

TRAC BILL FRAMES DEBATE ON TRADE

One of the tougher questions to answer confidently this winter is this: Will there be a trade bill in 1984? In all probability there will be a new Export Administration Act, further funding bills for the Export-Import Bank and other trade-related bills, possibly including a renewal of the Generalized System of Preferences (GSP) and improvements in the Foreign Corrupt Practices Act. But will there be major changes in the import laws?

Testifying before the Joint Economic Committee on January 31, U.S. Trade Representative William Brock said he hoped no such law would be passed this year. The Trade Subcommittee of the House Committee on Ways and Means expressed the opposite desire by acting on the Trade Remedies Reform Act (H.R. 4784), the so-called Gibbons bill, so early in the session.

The Gibbons bill is not the first trade law bill to have been introduced in the 98th Congress. It may be the most important, but a close runner-up is the Comprehensive Trade Law Reform Act (H.R. 4124/S. 2139), which was introduced in October on the House side by Rep. John P. Murtha (D-Pa.) and in November in the Senate by Sen. John Heinz (R-Pa.). Known as the TRAC bill, this legislation was primarily drafted and is strongly supported by the Trade Reform Action Coalition. TRAC is a coalition of 67 trade associations and 18 labor unions. Senator Heinz explained in his November 18 statement that TRAC involves companies "with more than $270 billion in annual sales and employing more than four-and-one-half million workers.

So far, neither the Trade Subcommittee of the Ways and Means Committee nor the International Trade Subcommittee of the Senate Finance Committee have scheduled hearings on the TRAC bill. In the House, where the Gibbons bill is the one that is moving, this is unlikely to happen, and hearings on the Senate side will probably focus on issues rather than particular pieces of legislation.

SEVEN PURPOSES

Yet the TRAC bill is important, not because it is moving quickly through the Congress, but because it is the most complete and authoritative statement of the views of a large industry-congressional faction that is seriously discontent with the existing trade laws and that is working to get them changed this year. Senator Heinz talked about S. 2139 as having seven purposes: "to make U.S. trade laws less complex, less expensive, less arbitrary, more certain, more expeditious, more fair and more effective for all petitioners."

A comparison between the TRAC bill and Representative Gibbons' Trade Remedies Reform Act illustrates more than the rationale for calling the TRAC bill comprehensive. Whereas the Trade Remedies Reform Act confines itself primarily to changes in the laws dealing with countervailing and antidumping duties, the TRAC bill deals with these and more. Of its five titles, one is devoted to these two kinds of remedies; one to changes in the handling of escape clause petitions (Section 201 of the Trade Act of 1974); and one to modifications of the U.S. law directed at unfair trade practices by foreign governments (Section 301 of the '74 Trade Act).

In the countervailing/antidumping areas, many of the changes proposed by the TRAC bill are similar to those in the Gibbons bill and may have inspired them. yet, unlike the Gibbons bill, virtually all of the proposals in the TRAC bill are designed to ensure greater success on the part of those who petition for relief from imports. For example, both the TRAC bill and the Trade Remedies Reform Act would bar the Commerce Department from settling countervailing duty cases on the basis of offsetting agreements with the exporting country. These are arrangements under which the government charged with subsidizing agrees to levy export taxes equal to the value of the subsidies on specified products destined for the United States. Yet, on the question of whether the Commerce Department should be able to settle cases on the basis of quotas, the two bills split. The Gibbons bill would make such arrangements more difficult in the areas in which they are now permitted, namely the settlement of countervailing cases. The TRAC bill, on the other hand, would expand the use of quotas, which are generally favorable to the petitioner, by allowing the government to use them in antidumping cases, where they are not now permitted, as well as countervailing cases.

TARGETING: TWO APPROACHES

Another key difference between the Gibbons bill and the TRAC bill has to do with targeting. The Gibbons bill defines targeting as "any government plan or scheme consisting of coordinated actions . . . the effect of which is to assist the beneficiary to become more competitive in the export of any class or kind of merchandise." And it explicitly makes such schemes legitimate targets of countervailing suits (see November 18 Trade & Industry).

The TRAC bill makes the declaration that targeting constitutes "an unreasonable practice which burdens United States commerce" and is, therefore, actionable under Section 301 of the 1974 Trade Act. Such an approach would at least relieve an administration of the obligation to argue that the actions it took against targeting were consistent with the General Agreement on Tariffs and Trade (GATT). Unlike countervailing duty law, Section 301 is explicitly more than the domestic implementation of an international agreement. Even as it stands now, Section 301 authorizes the president to act either "to enforce the rights of the United States under any trade agreement" or "to respond to any act, policy, or practice of a foreign country or instrumentality that . . . is unjustifiable, unreasonable or discriminatory and burdens U.S. commerce."

Arguably, the president could act against targeting on the basis of the present 301. Indeed, there was considerable speculation last year that he would do so as a result of the Houdaille petition's demonstration of the effect of Japanese industrial policies on a segment of the U.S. machine tool industry. In a sense, then, making targeting clearly actionable under section 301, the TRAC bill's most radical proposal in this area. A better candidate for that description is the removal of the president from the decision-making process in these kinds of cases. Under current law, action under 301 is at the discretion of the president. The TRAC bill turns 301 decisions over to the Office of the U.S. Trade Representative (USTR) and circumscribes them with tight deadlines. USTR must announce its preliminary decision within five months of the receipt of a petition and a final decision in 11 months. If the decision is affirmative, the administration is required to take whatever action it is going to take within 30 days.

If the drafters of the TRAC bill put more faith in an administrative process wholly controlled by USTR, it is partially because they have ensured that in carrying out his duties the trade representative will be considering more than the representations made to him by petitioners and foreign respondents. The TRAC bill makes 301 decisions reviewable by the U.S. Court of International Trade. The bill instructs the court to "hold unlawful any determination, finding or conclusion found to be unsupported by substantial evidence on the record."

RECIPROCITY

Another Section 301 innovation of the TRAC bill deals with reciprocity and would seem to have been rejected by the Senate, at least implicitly. The Comprehensive Trade Reform Act adds reciprocity to the list of grievances that can give rise to a 301 action. Like the earlier version of Senator Danforth's reciprocity bill, S. 144, the TRAC bill states that a foreign government's denial of fair and equitable market opportunities to the goods or services of the United States shall be considered an unreasonable practice that burdens U.S. commerce. In the context of the reciprocity bill, the administration argued that this approach to trade would lead to bilateral and sectoral balancing and that it would not serve the interests of the United States. One purpose of S. 144, which the Senate has approved, is the achievement of "commercial opportunities in foreign markets substantially equivalent to those accorded by the United States." The language that would have made the absence of such opportunities the basis of a 301 petition, however, has been removed.

Whatever its shortcomings, the TRAC bill at least recognizes the possibility that America's trading partners might take issue with higher tariffs or quotas imposed as the result of the 301 procedures contemplated by the bill. Accordingly, H.R. 4124 and S. 2139 authorize the USTR to respond in any one of the following ways if the contracting parties to the GATT disapprove of a U.S. 301 action. He can modify the measures taken, terminate them or offer compensation. The legislation does not, however, grant any special rights to industries affected by a compensation offer or retaliation by a U.S. trading partner.

ESCAPE CLAUSE PROCEDURES CHANGED

As in the case of the 301 changes, the TRAC bill's proposals for changing the escape clause, or Section 201 of the Trade Act of 1974, tend to make it easier for petitioners to obtain a respite from import competition. One such change, the deletion of the substantial cause test, has on more than one occasion been suggested by NAM.

The escape clause is special in that there is no need to demonstrate that foreign producers have acted unfairly to limit their access to the U.S. market. Under the present law, though, one does need to show that imports are a substantial cause of the problems of the domestic industry. The law defines "substantial cause" as a cause that is more important than any other. GATT Article XIX, which is the counterpart in international law of the U.S. escape clause, has no such requirement. Arguably, the

ability to maintain political support for the GATT in the United States could be weakened by U.S. laws, like the present Section 201, that go beyond GATT and that make its limitations seem more onerous than they are.

Another 201 change proposed by H.R. 4124/S. 2139 has to do with the president's ability to determine what, if any, relief should be granted. In introducing the bill, Senator Heinz pointed out there had been 48 Section 201 cases since 1974; that only 11 had resulted in import relief; and that in just one case did the administration provide the relief recommended by the International Trade Commission.

Under present law, Congress itself can force the imposition of the ITC's recommendations. It takes an affirmative vote of both houses on a resolution disapproving the president's actions to do this. No such resolution has ever been passed. The TRAC bill reverses the procedure and requires the president to get congressional approval for any modification of the commission's recommendations, including a decision not to grant relief.

Behind all the TRAC proposals, only some of which have been discussed here, lies the assumption that the trade laws do not work. If that is the case, it is not reflected in any fall-off in filings. In the last few weeks, 201 petitions have been filed on steel, wine, footwear, copper, uranium and, according to press reports, the tuna industry is likely to file soon. The import pressure being felt by these industries now is only part of the explanation for the timing of these petitions. Another reason is the fact that, if the ITC determines that imports are hurting one or more of these domestic industries, the president will have to decide what relief to grant shortly before the November election.

But it isn't just 201 cases that are on the rise. The ITC expects an increase in virtually every type of trade case, from countervailing duty petitions to Section 337 cases. The latter deals with allegations of unfair trade practices such as patent and trademark violations. It was for this reason that ITC Chairman Alfred Eckes asked Congress for a 10 percent increase in the commission's budget. Inadequate or not, the trade laws are getting lots of use.●

● Mr. GAYDOS. Mr. Speaker, the 16th century scholar Erasmus identified one difficulty of all group activity when he wrote, "If I had a hundred tongues * * * a voice of brass, I could not set forth all the shapes of fools * * * or all the names of folly."

However, there are times when the stakes are high enough to demand that someone try.

We just recorded a $69.4 billion trade deficit in manufactured goods, and we expect one of more than $100 billion this year. This string of deficits runs almost unbroken back to the early 1970's, and the recent increases are enormous. Each year is a new record.

More than 30 percent of our manufactured goods are imported, I have been told, and the industrial base is being crumbled almost faster than we can keep track; I see the crumbling. Thousands of Americans are out of work in the basic industries that are being looted by imports, and thousands, more in the industries whose export markets have been closed.

In other debate, I have heard those who do not see things as I do say that every $1 billion in exports equal 40,000 jobs; well, the converse must be true.

So by their measure, the $100 billion trade deficit will have 4 million Americans out of work, and that is a big problem. These 4 million jobs would be good jobs; they would be work that pays enough to provide the tax base that is necessary for defending our trading partners, for example, and to buy things to make the economy grow; they are not minimum wage.

Therefore, this is one of those times that it is important to try to describe folly, even if brass is in short supply here. Brass is a resource our foreign trading partners have in abundance, as you will see.

But, for the moment, the first thing is to take a look at folly.

The ornithopter is a machine that flies by flapping its wings like a bird. Leonardo da Vinci was fascinated by the idea 400 years ago. Not one ever has flown usefully, or at all, as far as I know.

Folly is building your air defense system around the ornithopter in an age of Mach 2 aircraft and missiles because Leonardo had high hopes for it. Nevermind that no ornithopter ever flapped through the sky usefully; theory says it should fly, and folly says we will make it fly because it is a keen idea.

Folly is trying to make the theory of free trade and open markets work by example in a world that is too busy devising market defenses to listen; it is indulging foreign trading partners who are too occupied gathering U.S. dollars and jobs to honor the rules.

Theory says it should work, but all recent experience shows no one wants it to; our foreign partners prefer the more immediate benefits of Mach 2 mercantilism.

And folly is having weak trade law to police your lonely open markets against subsidy and dumping when your international partners are building their economies around subsidy and dumping; when their only goals are market penetration and growth and jobs at home. The do not need or necessarily want profit to build industries or to modernize them. And neither do their workers pay taxes to defend their trade routes and their energy supplies.

But foremost, above all other follies, is the folly of falling for the same tricks, misrepresentations, deceptions, and strategems not just once, not just twice, but endlessly.

It is falling for them not only in regard to the traditional industries but in the so-called high-technology industries of the future as well.

And ultimately, it is letting our foreign trading partners get away with trying to make us feel guilty for calling their hands. This may be the most foolish folly of all.

Mr. Speaker, one former Member of Congress immune to most forms of folly also was from Pennsylvania; Benjamin Franklin often noted that a wolfe changes its coat twice a year, but never its disposition. This may be sound advice even today. Certainly it is worth inspection and comparison with the facts.

A recent review of developments in international trade that run the gamut from J to K—from Japan to South Korea—may help us decide. The only reason I chose these international partners is because they have been in the news lately.

But first, the House should hear some expert testimony from Japan. It comes from Mr. Yoshizo Ikeda, the former head of Mitsui Trading Co. It comes out of a speech he gave last fall at Harvard University. The man who introduced Mr. Ikeda likened his standing there to that of the chairman of the Chase Manhattan Bank here. Mr. Ikeda is an important man, a man of high credentials.

And Mr. Ikeda told the group at Harvard that Government and Government policy continue to plan an intrinsic role in Japan's economic development: He said one reason for Japan's success is the strategic approach to industrial development.

Mr. Ikeda explained that, and I quote the transcript directly, "Through subsidies, loans and other kinds of aid Government agencies provide direct financial assistance to specific industries.

"Although the amount of Government support is small," he continued, "it serves as a signal to private lenders, suppliers and customers that the industry or project * * * is important to the Nation's development."

Mr. Speaker, I have seen the annual reports of a very modern Japanese steel company that benefited from such a signal. It listed loans from private sources at a time when it was modernizing at rates as low as 2.25 percent. There are large equity holdings in this company by banks, and sister companies and even Government agencies. If held to our law, so many indictments would fall that those indicted would think they were in a snow storm.

Furthermore, the financial structure there is so entwined that it is difficult to see as other than folly any hope of doing real trade in services, particularly financial services. Pull one or two important columns, and the house falls.

But back to Mr. Ikeda; he concluded that segment of his talk by noting that, "Government involvement is widely regarded as the key de facto guarantee which minimizes risk."

He also said that the Government of Japan even today "still provides some protection to its newly emerging industries."

Mr. Speaker, we know that steel, ships, consumer electronics, and automobiles were built up behind closed markets as Mr. Ikeda described. Then when strong enough and good enough to export, they exported with a vengeance.

Mr. Ikeda did not say it, but in those days of rapid growth the Government pulled many strings to help Japanese industry. Some markets were closed absolutely. In others, outsiders were required to make there what little they sold there. They had to take in Japanese partners in almost all instances. They had to make available to the Japanese their technology and their processes. This technique was used to lay the base for industries now exporting here.

Today Japan officially by Government policy is looking for growth in communications, computers, and aircraft, among other emerging industries.

Mr. Speaker, if you were asked to name one country in the world that is better at everything relating to space than any country, you would have to name the United States. We have been more successful with communications satellites than any nation.

But Japan has a satellite communications program, and they are moving toward launch. They have refused to buy satellites from us despite the fact that we know more and can make them more efficiently, which is supposed to be the only test a free market demands. The Japanese are building their own rockets too.

There was a reason for the refusal. The Wall Street Journal said it was a matter of national security. Japan does not consider defense important enough for 1 full percent of its GNP; yet Japan cites national security to close a market to a friend, an ally and a trading partner. The word national should be stricken and words future economic inserted ahead of security. They will be offering us both satellites and rockets at cut rates in 5 years. And they will scold us as protectionist if we do not give them 20 percent of the market.

One of Japan's weaknesses in computers is software. Their software just is no good compared to ours. The Ministry of International Trade and Industry (MITI) has identified computers as a future mainstay of the export economy. MITI is proposing now that foreigners (and you read that as Americans) who come into the Japanese market must forego copyright protection, and also that they license their processes and ideas to Japanese companies as well.

Not once, Mr. Speaker, not twice, but endlessly, the same techniques are used.

Meantime, also in communications, another ministry is taking on MITI's bad guy role. The Ministry of Posts and Telecommunications is working out regulations on value added networks for computers. These networks are said to allow incompatible computers to talk to one another much as we talk to our trading partners; only the computers will tell one another the truth.

Anyway, the Ministry of Posts of Telecommunications proposes to keep out of the Japanese market all companies with over 20 percent foreign (and again, read that as mostly American) ownership.

Why? The Wall Street Journal story gave two reasons. First, the ministry wants orderly development of the market; and second, the bureaucrats are worried about AT&T and IBM beating their companies in an open market. If they get beat early, they will never grow strong enough to export, I suspect.

Of course, the Japanese companies that get good at using satellites, and in designing software and in perfecting value added networks will be here at full throttle just as soon as they are good enough to compete.

And, as in steel, as in automobiles, the object will not be profit to satisfy shareholders; it will be market share.

Tie all of this in with the Government push in Japan to create supercomputers, mix it with the recent dumping allegations and findings on telecommunications equipment, and you get some idea of what the world of trade in emerging technology will be like. It will be just like the one we are in now.

Not once, not twice, but always.

MITI likes the idea of an aircraft industry. When Japan buys military aircraft it insists on building in Japan on license although the machines could be bought more cheaply from us; they are our designs, and we are in production. But they want an aircraft industry.

You see, commercial aircraft are paying off for the United States, and they are thought to be one of the industries of the future. So Japan has this Government-sponsored development company overseeing industrial concerns that they have earmarked to be their aircraft industry. The subsidies and the signaling that M. Ikeda mentioned all are involved.

Meantime, Japan's Government-connected airlines have bought Boeing Aircraft. In return for the purchase, Boeing had to give the industrial concerns that will be Japan's aircraft industry about 15 percent of the worldwide production work of the 767. Just recently Boeing signed a new deal drawing Japan's future aircraft industry into partnership in the development of a new commercial airplane.

If past conduct is any indicator, it is safe to say that the next commercial airplane after the one produced by the joint venture will be different; it will be entirely Japanese-made and Boeing will not be invited to participate. The Government of Japan will buy it, and the Government of Japan will find reasons of safety or cultural differences for closing Boeing out of the competition with the emerging Japanese aircraft industry. Furthermore, the Japanese will market the plane here at amazing discounts.

And some folly-riddled expert will attribute the miracle of Japanese commercial aircraft—from nothing to dominance in just 15 years—to the productivity of Japanese labor and the genius of Japanese management.

If the stakes were not so high, our foolishness would be laughable.

However, it is clear that Japanese brass is still of top quality.

South Korea is challenging Japan for leadership in brass these days, Mr. Speaker. South Korea is duplicating the Japanese miracle; but the involvement of their Government is not so subtle and its role in financing industries is heavier, according to what I have been able to read.

In 1983, the United States took about 34 percent of everything South Korea exported. The deficit with them was in the neighborhood of $1.2 billion.

Just recently American electronics companies lodged a dumping case against South Korean color televisions, and the U.S. Department of Commerce investigated; the investigators found margins of up to 14.6 percent against the South Koreans.

Said the president of one of the convicted Korean companies, "This is a tragedy * * * we expected to have a good year, but now it is all gone".

I took his comment to mean that without the ability to dump they cannot compete here; I take it to mean that despite a massive labor cost advantage, they are not efficient enough to hold their own without violating trade law and international agreements that they have long known to exist.

What is true in color television stands to be true in everything they do: In steel, in ships, in tires, what have you. The Government's methods and patterns of development are generally applied to all export industries. This is policy.

While the finding brought a wail from what they euphemistically call the private sector, it brought a trade mission from the Government of South Korea to Washington.

Minister of Commerce Kum Jin-Ho came here this month to try to negotiate away the television findings and to

spend some money in hopes of helping the negotiations.

First he accused the United States of protectionism and asked our Government to discourage American industries and American workers from bringing trade cases against Korea's violations of the law. It is, he said, "a kind of harassment," and I quote him.

Furthermore, he noted that 6 of 16 complaints against South Korean imports have not been upheld. Here I must mention that if 10 of 16 are upheld the complainers have compiled a batting average of 620 percent; that is pretty good in anybody's league.

Just Monday we received news of grand jury indictments being lodged on our west coast against officials of a big South Korean company. The charge: Conspiring to ship steel here at prices below those reported to customs.

Nevertheless, Mr. Kum had more to say. He said he did not think Korea could move faster in opening its market, particularly in services. You see, he said services still are—and I quote him again—"in an infant stage * * * still need protection."

As for Mr. Kum's shopping list, he proposed to buy large quantities of natural resources and equipment, all in the interest of easing the strain in relations.

Mr. Kum would buy more scrap steel and coal; this would go into the Government-dominated steel industry which has increased exports here by 235 percent in 10 years. They were up 63 percent in 1983 over 1982. We took nearly $600 million in South Korean steel last year. The industry is listed as 100 percent Government controlled.

Mr. Kum would buy shipbuilding equipment; the Government steel industry is a low-cost supplier to the shipbuilding industry, which also is the creature and pet of Government. Does anyone in this body doubt where they will dump many of those ships? The United States is down to about 30 yards. Their work is all military. We have only one commercial ship contract in American yards, I have read.

In addition, Mr. Kum proposes to buy machinery for making semiconductors; the South Korean Government plans to put its electronics companies—the fair traders in color television—into semiconductor and personal computer manufacturing. They have marked these fields for the future.

They have a domestic market; the market is dominated now by Korean firms because the Government bans imports of assembled computers. The South Koreans are seeking American joint-venture partners to help them solve weaknesses in engineering and software, according to the Wall Street Journal. They do now want to be dependent on imports.

When they get it all together, they would like to export, guess where?

Meantime, one of the liberalizations the Koreans hold out as an inducement to show good faith deals with tobacco products. They are also willing to take a little more candy—by 1987 or 1988.

But in Korea, Government agents recently had a roundup of some desperate criminals; the dragnet trapped 400 persons who had been smoking foreign cigarettes. Fifteen caught worked for the Government. They were fired, the story said. How is that for top quality brass?

Not once, not twice, but from yesterday through eternity; the shame is ours for being fooled and not theirs for being foolers.

Our law is weak because American producers and workers must fight it out legally with foreign governments on a product-by-product, company-by-company, country-by-country basis. The cost is astronomical. It costs more than $500,000 to bring a countervailing duty case against subsidy, I have been told, and more than $600,000 for an antidumping case.

In addition, the Government of the United States seldom initiates. Where Korea worries about infants and the weak, where Japan acquires technology as a condition of doing business in Japan, the United States says, do it yourselves. And when relief is granted, the relief often is grudging and halfhearted.

Since I opened with expert testimony, Mr. Speaker, I will close with two more outstanding witnesses.

My first also is from Japan. He is Mr. Yoshihiro Inayama, who is chairman of the Japan Federation of Economic Organizations, and of MITI's Industrial Structure Council.

The federation is what all of our business trade associations would be if they were truly united in one group, and if they had real clout. Mr. Inayama is the equivalent of the chairman of a big bank, a big steel company and a department of government all rolled up into one person.

When Mr. Inayama whispers, people listen. He is a very important man. He spoke in Chicago last July.

And he said, "* * * a strong America * * * is a basic condition for the strength of the whole world."

He also said, "* * * we need some kind of order beyond mere implementation of the principle of free trade."

My other witness approaches Mr. Inayama in clout, and he may exceed him in boldness; he recently said what no other American official has been willing to say. He is Paul Volcker, the Chairman of the Federal Reserve Board.

And Mr. Volcker last month ranked the trade deficit right alongside the budget deficit as the biggest hazards to national prosperity and stability; he called them twins.

Furthermore, he said, "They pose a clear and present danger to the sustainability of growth and the stability of markets, both domestic, and international.

"We still have time to act," he went on, "But in my judgment, not much time."

No one wants to shut out truly competitive goods; but, if a thing must be subsidized and dumped to be competitive, despite government capitalization, despite a huge labor cost advantage, it does not belong here.

Mr. Speaker, the gentleman from Florida and his committee have labored long and diligently on some reforms to our weak trade law. They are due for consideration this year. I urge this body to look upon them with deep interest.

In addition, a more far-reaching set of proposals resides in the package being put forward by the Trade Reform Action Coalition. I urge for these changes the same deep interest.

As Mr. Volcker suggested, the time is limited in which we have the luxury of returning always to the same folly. We have one vision of the future. Our trading partners have quite another, as is demonstrated by developments in Japan and Korea.

Those who pay more attention to folly than to reality eventually share a common fate: Fools starve, fools die, fools waste away and wonder why.

Mr. Speaker, it is time to set aside the ideal of the ornithopter. It will only beat and shake itself apart trying to get off the ground.

It is time to get something that will fly.●

HEARINGS ON EXTENDED VOLUNTARY DEPARTURE FOR SALVADORANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, this is to announce that the Subcommittee on Immigration, Refugees, and International Law has scheduled 1 day of public hearings on April 12, to consider legislation which has been introduced to grant extended voluntary departure to Salvadorans. The hearing will be held in room 2237 RHOB and will commence at 10:30.

This hearing was originally scheduled for March 7, but had to be postponed.

The subcommittee will receive testimony from the Departments of State and Justice and from Members of Congress.

The subject of the hearing will be H.R. 4447, which was introduced by Hon. JOE MOAKLEY on November 17, 1983, to provide for the temporary suspension of deportation for certain

aliens who are nationals of El Salvador, and to provide for Presidential and congressional review of conditions in El Salvador.●

JEAN PILK AMONG NATION'S FOREMOST PORTRAIT ARTISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

● Mr. FUQUA. Mr. Speaker, there is a quote which literally states that "art is a human activity having for its purpose the transmission to others the highest and best feelings to which mankind has risen."

That quote seems particularly fitting today in expressing the sincere thanks of the Science and Technology Committee of the U.S. House of Representatives, and so many who are interested and contribute to the work of the committee, for the warm and unselfish gift which a true artist has just made to us.

I refer to a truly remarkable artist, Mrs. Jean Pilk, who saw the interest and desire of many of us to have a portrait of the first chairman of our committee displayed in our committee room.

It is fitting that I make these remarks as I have the high honor and privilege of serving as chairman of that committee in the year of its silver anniversary. This committee, and the 181 persons who have served as members in the 25 years of its existence, have played an integral role in making man's quest for the stars a reality. Man has walked upon the surface of the Moon—yet, in truth, we are in the infancy of space travel.

When this committee was first instituted in 1959 as the Committee on Science and Astronautics, the late Overton Brooks of Louisiana was named chairman. He served with distinction and gave to the committee the mandate which it enjoys today, and which I consider to be critical for the future of our Nation and its people.

Congressman Brooks passed away in 1961 and he was succeeded by the late George Miller, a Representative from California. In those days the committee room in the Longworth House Office Building was crowded and inadequate. By the time Congressman Miller wielded the gavel for the last time, the committee had moved to the magnificent room we now occupy in the Rayburn Building. Portraits for Dr. Robert Goddard, the father of rocketry, and Congressman Miller soon found their place on the walls.

In 1973, the late Olin E. (Tiger) Teague, a Representative from Texas, succeeded Congressman Miller and this gentleman, whom I admired and loved a great deal, was to serve with distinction until his retirement in 1978. I succeeded him in January 1979.

A portrait was painted of Tiger and in June 1983 a flattering likeness of myself was added to the portraits of the chairman. Congressman Teague had pointed out his desire to have a portrait of the first chairman, Mr. Brooks, and I shared in that feeling. Our problem was complicated because there were no funds for such a purpose and it was difficult to find interest in honoring a great gentleman who had passed away nearly two decades before.

My portrait begins the involvement of Mrs. Pilk with the committee. My wife and friends were looking for an artist to paint my portrait and continually pointed out that it would have to be someone in whom I could have confidence. You can imagine my surprise when the unanimous recommendation from a search through a host of samples of portrait work centered on this artist named Jean Pilk. It did not take me very long to make up my own mind, and it is my recollection that I made that decision on the basis of some of her work which was shown to me.

I make that point because since that time, we have come to consider her as a friend. She is a dynamic lady, full of energy and a heart that brims with feeling for her family, for others, and for her profession.

As she painted my portrait, the fact that many of us longed for the day when a portrait of Congressman Brooks would be added to our committee walls became apparent to her. Those efforts were proving fruitless until the day when Jean Pilk told us that she felt such a part of the committee and its work that she would glady paint and donate to the House of Representatives the missing portrait.

That she did, and when the portrait of Overton Brooks was unveiled last month, there were a number of moist eyes in the room.

Because of Jean Pilk, we have accomplished something we had almost thought impossible.

More to the point, we have a portrait painted by, in my opinion, one of the foremost portrait artists of our time. Among those portraits she has painted are those of Supreme Court Justice Sandra Day O'Conner, Secretary of Transportation Drew Lewis and the Chairman of the House Committee on Energy and Commerce, Congressman JOHN DINGELL.

There are two things that dominate the life of this gracious lady, her family and her work. She is the mother of five remarkable children, Mrs. Roberta MacDonald, Mrs. Candace Karu, Miss Stephanie Pilk, and Frank and Jack, Jr.

Her husband, Jack, is a graduate of West Point and retired as a colonel from the Army after a distinguished career. Interspersed with the considerable duties of rearing a family and the requirements associated with the life of an officer of the armed services, she continued to paint and honed those skills and talents which she possesses in abundant number. Her work is spread all over the globe and, today, she stands at the height of her professional excellence.

This lady, born Jean Bolefahr, was reared in Kansas City, Mo. From her earliest recollections, drawing and art were her constant desires and companions. Every time she could find the time and the bus fare, she was off to the art museum to draw, to contemplate, and to study.

It was natural, therefore, for her to major in art at Marymount College at Tarrytown, N.Y., and after graduation, to attend the famed Art Students League in New York City.

It was there that a fascinating part of her career unfolded. She was working part-time in the advertising department of a major buying firm when she met the husband of the manager of her department. He was Charles Flanders, the artist for the Lone Ranger newspaper comic strip. Flanders was impressed with her ability and so when he wanted some time off for a vacation or for his many other artistic pursuits, Jean Pilk would be the ghost artist of the daily adventures of the Masked Rider of the plains.

When she and her family moved to Washington, D.C., permanently in 1976, although Colonel Pilk had previously been stationed here, she became associated with the Atlantic Galleries in Georgetown. Since then, her work has gained more and more attention and I feel particularly privileged that I am not only the beneficiary of her remarkable talents as an artist, but that she has become a warm, personal friend of my wife, Nancy, and myself, as well as members of my staff. In other words, she has become part of the family.

As I look to the future in attempting to help guide the Committee on Science and Technology into the 21st century, I can now look to my left and see the portrait of a person who took that first giant step on a journey of 1,000 miles.

Because she is a person of sensitivity and understanding, Jean Pilk has given to the Congress of the United States a priceless gift. She may go on to create other works of art which may be superior, but she will never do anything which is more appreciated.

For my colleagues, and myself, might I say thank you to a lively and talented lady.●

REPORTS ON THE 23D MEETING WITH THE EUROPEAN PARLIAMENT DELEGATION AND FACT-FINDING MISSION TO THE MEDITERRANEAN REGION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 30 minutes.

● Mr. FASCELL. Mr. Speaker, the 23d meeting between Members of Congress and of the European Parliament was held in Strasbourg on January 20 and 21 of this year—at a critical period in the history of the European Community: Not only is the Community beset by internal dissension over budgetary and agricultural reforms—problems which remain largely unresolved following the troubled Athens summit meeting in December 1983 and the followup meeting in Brussels just last week—but a number of pending decisions in the trade field threaten to impose severe restrictions on certain U.S. commodity exports to the 10-nation EC bloc.

The U.S. delegation to the conference was cochaired by the gentleman from California (Mr. LANTOS) and the gentleman from Kansas (Mr. WINN)—the ranking majority and minority members, respectively, of the Subcommittee on Europe and the Middle East. Other members of the U.S. delegation were: Representatives: J. J. PICKLE, of Texas; JOHN F. SEIBERLING, of Ohio; BILL FRENZEL, of Minnesota; GUY VANDER JAGT, of Michigan; E. THOMAS COLEMAN, of Missouri; WILLIAM M. THOMAS, of California; BILL LOWERY, of California; and MARK D. SILJANDER, of Michigan.

During the week prior to the opening of the Strasbourg Conference, members of the delegation undertook a factfinding mission to four Mediterranean countries; that is, Spain, Morocco, Turkey, and Italy, and met with key government leaders and parliamentarians at each stop on their itinerary. The focus of these meetings was on three topics, in particular: First, global economic recovery and international trade relations; second, Western security; and third, international terrorism.

Mr. Speaker, I include in the RECORD at this time a detailed report I have received from the leadership of the U.S. delegation on the preliminary fact-finding mission—and on meetings with key British officials during a final stopover in London. This is followed by a separate report covering all aspects of the Strasbourg Conference, itself, including the topics discussed, the U.S. presentations on these topics, and the attitudes and opinions which were expressed by members of both delegations.

These two reports cover a broad range of issues between the United States and Western Europe, as well as U.S. relations with two vital and strategically located countries of the Mediterranean region, namely Morocco and Turkey.

Any reader of this material will, I believe, conclude that the business in which this bipartisan delegation was engaged is of serious import and directly related to the participants' legislative responsibilities.

Moreover, the issues discussed here are not only of concern to the Congress, but they affect the economic prospects and the welfare of all Americans. I, therefore, strongly commend this material to the attention of my colleagues and to members of the press gallery, as well.

The reports follow:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., March 27, 1984.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We would like to report to you on the January 8-23, 1984 fact-finding mission of a Congressional delegation we co-chaired to Madrid, Spain; Marrakech and Casablanca Morocco; Istanbul and Ankara Turkey; Rome, Italy; and London, England. The purpose of our study mission was to examine issues under discussion at meetings with Members of the European Parliament held in Strasbourg, France on January 20 and 21, 1984. We are reporting to you on the results of these sessions in a separate letter.

High on the agenda of our meetings with host government officials and U.S. Embassy officials in each of the nations we visited were three issues in particular:

(1) The prospects for global economic recovery and improved international trade relations;

(2) Western security; and

(3) International terrorism.

GLOBAL ECONOMIC RECOVERY AND IMPROVED INTERNATIONAL TRADE RELATIONS

The continuing economic recession is exacting a heavy price from the economies of each of the nations we visited. Export earnings have lagged, cutting deeply into their revenues. At the same time, the cost of energy imports has continued to grow since they pay for oil with an ever-stronger U.S. dollar. All of the nations we visited except for Great Britain depend heavily on energy imports.

Hardest hit by the global recession and the high cost of energy have been Morocco and Turkey. Both of these nations have had to reschedule their debts in the recent past. The rescheduling package for Turkey ends in 1984 which means many bills will come due this year, further complicating the economic situation there. Prime Minister Turgut Ozal in a meeting with our delegation indicated that his new government is pledged to significant reforms of the Turkish economy along western lines. The ability of the Ozal government to undertake these economic reforms as well as to continue to expand the democratization of Turkey is closely linked to the economic well-being of the nation.

Morocco is also experiencing particular difficulties since it relies heavily on export earnings from phosphates and the bottom has fallen out of the world's phosphate market. In addition to a morning-long roundtable discussion with the Economic, Finance, Trade and Agricultural Ministers of Morocco, our delegation had a two hour meeting with His Majesty, King Hassan in which he emphasized the economic plight of Morocco, the steps he was taking in order to turn the economy around, and the assistance he sought from friendly nations in order to carry out these reforms. The seriousness of the Moroccan economic situation became even more evident shortly after our delegation left that country when riots occurred to protest proposed increases in food costs stemming from reduced government food subsidies. While the long-term economic viability of Morocco requires structural reforms, including reductions in subsidies, in the short run this can lead to popular dissatisfaction and unrest.

In each nation, the U.S. delegation and its hosts discussed the fact that the global recession and its related problems have led to resurgence in trade protectionism. While Members of the U.S. delegation recognized the negative impact such trade protectionism could have on international economic recovery, they also acknowledged that protectionist pressures would continue to mount. We also made clear in Madrid, Rome, and London that potential moves within the European Community to tax oil fats and limit the import of corn gluten which would adversely impact on U.S. agricultural exports would provoke U.S. trade retaliation. We stressed this point in meetings with the Italian Finance Minister, Mr. Goria, and the British Minister of Agriculture, Mr. Jopling. The European Community is considering these taxes and limitations in anticipation of Spanish accession to the European Community.

WESTERN SECURITY

Each of the nations we visited is key to western security. Spain, Turkey, Italy, and the United Kingdom are, of course, members of NATO. Italy and the UK recently began deployment of cruise missiles to carry out the 1979 NATO dual-track decision which involved upgrading the intermediate range nuclear forces. Despite the domestic controversy in each of these two nations regarding missile deployment, neither Italy nor Great Britain waivered in its commitment to carry out the NATO nuclear modernization plan. Italian Defense Minister Spadolini and Acting British Defense Minister Stanley reaffirmed the Italian and British commitment to NATO defense modernization for their respective countries. NATO Secretary General designate Lord Peter Carrington in a meeting in London with our group also stressed the strength and cohesiveness of NATO despite the strains of the missile debate. However, genuine concerns regarding the nuclear arms race remain in both these nations. Both regard arms control as extremely important and have expressed hope that the Soviet Union would return to the negotiating table early this spring. And, in Great Britian, Neil Kinnock, leader of the Labour Party made it clear that if his party were to return to power, as Prime Minister he would unilaterally dismantle the British nuclear deterrent and require the departure from Britian of all U.S. nuclear forces.

Spain, NATO's newest member, with the advent of the Socialist government of Prime Minister Felipe Gonzalez has frozen its full integration into the Alliance pending the result of a promised national referendum on membership. This referendum will probably be held in 1985. Its outcome may depend in part on whether Spain has been brought

into the European Community since the Spanish regard their economic partnership with Europe as a necessary antecedent to their military partnership. While Spain does not, therefore, participate in the military activities of NATO, U.S.-Spanish bilateral military cooperation remains strong. King Juan Carlos in a meeting with our delegation reiterated his well-known views in favor of full Spanish integration into the West. This monarch has, at pivotal moments in recent history, been a deciding factor in the democratization of Spain.

Turkey plays a vital role in the defense of NATO's southeastern flank. It is one of two NATO allies which share a border with the Soviet Union and it also borders Bulgaria. Other neighbors include Iran, Iraq, and Syria which highlights Turkish importance not only to the Western defense of Europe but also to the Persian Gulf and to the Middle East. In meetings with the Chief of the Turkish General Staff and the Minister of National Defense, the Turkish officials stressed their need for more advanced military equipment for their armed forces to enable them to fulfill their NATO commitment. Much of the Turkish military is equipped with U.S. equipment of Korean War vintage.

Morocco, the only non-NATO member we visited, nevertheless plays a key role in Western defense. Along with Spain, it sits astride the narrow western entry into the Mediterranean, the Strait of Gibraltar. An unfriendly government in Rabat could play havoc with vital NATO defense activities in the Mediterranean Sea. Moreover, in 1982 King Hassan opened Moroccan military facilities to U.S. forces for access and transit in the event of certain Middle East contingencies. Unlike most nations with which the U.S. has concluded facility access agreements, Morocco has not requested specific aid levels as payment for this U.S. accesss.

INTERNATIONAL TERRORISM

All of the nations visited have experienced problem with international state-sponsored terrorism. In Spain in 1983 there were 40 terrorist-related deaths while there were many more kidnapping and bank robberies perpetrated by terrorist groups. Most of these were carried out by the Basque separatist movement, the ETA. In Turkey, prior to the 1980 military coup, over 2,800 people were assassinated in one year through terrorist acts of the extreme right and the extreme left. Large arms caches were supplied by foreign sources. Turkish government officials expressed to our delegation particular concern about the role of Syria in sponsoring acts of terrorism against Turkish targets.

The United Kingdom has one of the best records in the world in terms of effectiveness in curbing terrorist activities. However, Northern Ireland remains a scene of great bloodshed while even London is not immune to terrorist attacks such as the IRA bomb in Harrod's Department Store which killed five, including one American, just days before Christmas.

In Italy, the most threatening terrorist organization, the Red Brigade continues to strike periodically and claim victims despite vigorous government steps which have greatly reduced the size and effectiveness of this group. Even the Pope was not safe from attack and an attack which may have been instigated by the Bulgarian government.

Each of these states has taken steps to curb terrorism within its borders. However, because of the growing threat of state-supported terrorism, there is increased recognition of the need for global cooperation to combat this threat. Spain, Italy and Turkey share a particular concern about France providing a sanctuary to terrorists on the grounds of political freedom, and French government reluctance to extradite terrorists further hampers their efforts to reduce terrorism. Each of the countries we visited also confronts the question of how to curb terrorism without infringing on political freedoms within its borders. In Spain, a relatively new democracy, and in Turkey, a re-emerging democracy, this question is especially cogent.

Spain has proposed an international conference to deal with this problem. The U.S. supports this initiative. The United States, however, also needs to engage in a dialogue with each of these nations on concrete steps to limit state-supported terrorism through greater cooperation on intelligence-sharing and extradition as well as other measures.

In addition to these three major issues, special bilateral issues were discussed in each country. In Turkey, members raised the issue of Cyprus, urging a strenuous Turkish effort to bring about a peace settlement on that troubled island. Turkish government officials were warned that Congressional approval of upcoming military aid requests would reflect Turkish efforts to bring about a peace settlement. In Turkey, as well, Members expressed concern that Turkey not downgrade its relations with Israel and received assurances from the Prime Minister that it would not. The delegation also urged King Juan Carlos in Spain to support the establishment of Spanish diplomatic relations with Israel.

In conclusion, Mr. Chairman, we believe that our study mission was invaluable not only to our discussions with Members of the European Parliament but also to our consideration of issues to come before the Congress in 1984.

Sincerely yours,

TOM LANTOS,
CoChairman.
LARRY WINN, Jr.,
CoChairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., March 27, 1984.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to report to you on the twenty-third meeting between Members of Congress and Members of the European Parliament. Held in Strasbourg, France from January 19 to January 21, 1984, this meeting enabled the American delegation to have an exchange of ideas and observations with the European delegation, chaired by Madam Eva Gredal of Denmark, at a critical time in the history of the European Community. The vitality of the European Community is threatened by dissension over budgetary and agricultural reform necessitated by slowly recovering national economies. Yet, the Community's appeal to Europeans remains strong, as demonstrated by the efforts of Portugal and Spain to gain admission into this body. Because Strasbourg is the seat of the European Parliament and a symbol of European Unity in the post World War II period, it was fitting that these discussions on the present and future state of U.S.-European cooperation occurred there.

The discussions began with a meeting with the Vice-President of the Commission of the European Community, Mr. Francois-Xavier Ortoli. Although the American delegation raised several issues with Vice-President Ortoli, his remarks on economic and monetary issues attracted special attention. On the question of specialty steel, Mr. Ortoli observed that the European Community had adopted compensatory measures in response to protective restrictions announced by President Reagan in July 1983. The European measures subsequently took effect on March 1, 1984. Vice-Presdient Ortoli outlined, as well, the problems of the European Steel industry and the European Commission's efforts to reduce productive capacity in order to strengthen the position of European steel producers.

The first working session with Members of the European Parliament began with meetings with the four most important committees: Political Affairs, Agriculture, Economic and Monetary Affairs, and External Economic Relations. These four committees have jurisdiction over most of the key issues that today concern the United States and the European Community. Improved consultation among the United States and its European allies was the subject of much of the discussion. Representative Larry Winn asked how the United States and Europe could improve communications. Various ideas were presented, but much of the discussion boiled down to the observation that better consultations must be practiced first by executive bodies and not by legislative chambers. In agriculture, the different positions and needs of the U.S. and European Community were made clear. The Europeans regard the United States as having an advantageous position with its available land, strong dollar and payment-in-kind program (PIK). Representative Bill Frenzel pointed out, though, that the Europeans had not done enough to reform their own troubled system. Monetary and trade issues also continue to be divisive in U.S.-EC relations. The high value of the dollar placed American exporters in a weaker position in many foreign markets; on the other hand, Europeans believe high interests rates in the United States are draining European capital into American investments. The American delegation stated its concern about the current tension in trade relations between the United States and the European Community, particularly in regard to the future decisions the Community must make on imports of select agricultural products and byproducts from the United States. The European members were warned by the American delegation that proposed EC measures to restrict corn gluten imports and tax oil fasts—measures that would hurt U.S. farmers—would provoke U.S. retaliation. To the European delegation, the Trade Remedies Reform Act proposed by Representative Sam Gibbons, a frequent participant in these exchanges, was worrisome because of its possible contradictions with the General Agreement on Tariffs and Trade (GATT).

Numerous political concerns were discussed in the second session. Madame Simone Veil, past President of the European Parliament, addressed the problems facing the European Community after the troubled Athens summit in December 1983. A number of technical problems face the Community, and, Madame Veil observed, it would require political will to solve them. The Community could only function politically if its economy were stronger.

Arms control and East-West relations received close attention from both delegations. Representative John Seiberling recommended a delay in the scheduled deploy-

ment of INF weapons, a reduction of NATO's tactical nuclear weapons, negotiation of a nuclear free zone in Europe, a strengthening of conventional weaponry, and the merger of the INF and START negotiations. Representative Mark Siljander defended the "dual-track" decision of 1979 which has been the bases of both the INF negotiations and deployment. Representative Siljander claimed NATO had proved its ability to sustain politically important military decisions and thereby had dealt the Soviets a diplomatic defeat.

Representative Winn presented an overview of the state of trans-Atlantic relations in response to an article in Foreign Policy by the President of the European Parliament, Pieter Dankert. Representative Winn questioned President Dankert's argument that NATO has been weakened as a defensive alliance, that the United States and its European allies are growing apart to the extent that Europe is better on its own, that the United States apparently bears equal responsibility with the Soviet Union for the breakdown of the INF and START talks, or that U.S. consultation with its allies has reached an all time low.

While the European Parliament has traditionally shunned debate on security issues, since the European Community is not a defensive alliance, it is today taking a more active interest in security issues. In fact, the European Parliamentarians had voted in support of a resolution on INF deployment in November 1983. European members also realize that security and deployment will be among the major issues facing them this June in the European Parliament elections. A variety of opinions were expressed. There was strong disagreement with the assertion that Europeans regard the United States and the Soviet Union in equal terms. However, the United States has fueled pacifist sentiment by official remarks suggesting support for the concept of fighting a limited war in Europe. The European delegation emphasized the critical importance of continued arms control negotiations; several delegates raised the need of coordinating both political and economic policies in order to avoid greater strain between the United States and the European Community.

The situation in the eastern Mediterranean was the other major topic of discussion. The European delegation explained that there was some division within the European parliament concerning the presence of the multinational force in Lebanon, and several Europeans stressed the need of addressing the question of the Palestinian problem in order to solve the Arab-Israeli conflict. But most of the discussion focussed on the situation on Cyprus and relations between Greece and Turkey. The European Parliament has criticized the Turkish government repeatedly for its record on human rights and democracy; it also has condemned the Unilateral Declaration of Independence by the Turkish Cypriots and Turkey's subsequent support of it. Having just visited Turkey, the American delegation made a number of observations about these issues. Representative Tom Lantos referred to American opposition to the UDI on Cyprus but advised that it was important to examine the present situation in Turkey closely. The election of Prime Minister Turgut Ozal in November 1983 had installed a government which, Representative Lantos, noted, could be Turkey's last best chance at moving to democracy. He encouraged the Europeans to weigh this fact when making future judgment on Turkey. Other Members of the American delegation concurred.

The third working session concentrated on economic problems affecting the United States and the European Community and in many instances allowed expansion of ideas made in the earlier meetings with the working committees of the European Parliament. The pace of world economic recovery was the first issue on the agenda. Prevalent European concerns are that the United States is outdistancing western Europe in its recovery and that Washington is reluctant to participate in long-term programs to close the gap between rich and poor nations. Europe confronts some individual problems. Its unemployment tends to be more long-term, its labor force is not mobile, and it needs to divert more investment to small and medium-sized companies which have been a major source of recent American technological development. In addition, most European countries have much costlier and elaborate systems of social security. As to international economic recovery, the Europeans were most concerned by the Reagan Administration's request to decrease the funding for the seventh financing of the International Development Association program.

The American delegation observed that the outlook for economic recovery looked favorable for 1984, although there was less certainty about what might happen afterward. Representative Frenzel commented that high U.S. budget deficits in 1985 could revive the inflationary trend recently slowed by the Reagan Administration. Representative Bill Lowery thought the prospects for economic recovery after 1985 looked favorable, but agreed with Representative Frenzel on the urgent need to lower the deficit. Representative Siljander reinforced this point and added that lasting recovery was unlikely until the United States put both its fiscal and monetary policies in order. Representative J. J. Pickle remarked that one of the costliest parts of the U.S. budget were entitlement programs, such as social security. To control deficits and interest rates, the United States would have to do more than make minor adjustments in programs, it would have to alter their basic structure. As to American support for world economic recovery, the Americans pointed out that Congress had approved the $8.4 billion quota for the International Monetary fund. The delegates assured the European delegation of continued support for the IDA but cautioned that the U.S. commitment was weakened by the hostile anti-Americanism expressed in many international bodies to which the United States has been a major contributor.

Part of the discussion on economic recovery included an examination of special commissions as a way of studying and implementing reform. Some in both the American and European delegations charged that commissions too frequently defer decisions and study a problem to death. Others pointed to bipartisan commissions, such as the Social Security Commission in the United States, as proof of an effective action-oriented body that worked and produced important recommendations.

Three other issues closed the discussion of economic questions. The European delegation asked about the status of the Export Administration Act in Congress. Representatives Lowery and Frenzel replied that the version that had passed through the House integrated many of the concerns of America's allies. Representative Frenzel introduced a paper for the record by Representative Don Bonker which reviewed the legislation and observed that the House bill would make extraterritorial application of U.S. law very difficult. The Europeans expressed gratitude for the respect shown to their concerns in the House of Representatives.

Another issue important to the Europeans was the adoption of unitary taxes by state governments in the United States. These taxes, which allow a state government to tax a share of a company's profit made through global operations, have become an important source of revenue. But to many Europeans, as well as multinational companies, the taxation of profits made on operations outside the boundaries of a state appears to be an unjustified extraterritorial application of state law. A resolution against the unitary tax had been introduced in the European Parliament in December 1983 and already had acquired 230 signatures. Representative Lowery presented, in his paper, the history of unitary taxation in the United States, outlining the reasons for its support and the opposition it stirs. Different opinions exist in the United States over unitary taxation in spite of a U.S. Supreme Court decision upholding the legality of such taxes in California.

Agriculture was the final economic issue discussed, and the Europeans stated that the troubles of the Community were compelling it to consider reform more seriously than ever before. But reform, some added, could only be brought about in part by reduced imports from the United States. The latter point was not reassuring to Representative Tom Coleman, who placed into the record a paper by Representative Kika de la Garza, Chairman of the Agriculture Committee, on agricultural trade problems with the community. Representative Coleman stressed the need of the Community to control its production. Representative William Thomas was pleased that the Europeans appeared to appreciate the American sensitivity surrounding the issue of restricting corn gluten imports from the United States but added that the European problem on this product originated from the Community pricing policies. Representative Thomas also addressed the difficulties facing the dairy industry on both sides of the Atlantic and suggested this problem illustrated the difficulty of using a system of agriculture as a form of social welfare.

The meeting with the European Parliament closed with a brief session examining three topics: Visa reciprocity, human rights, and the formalization of the U.S. Congress-European Parliament Exchange. The European Parliament has had a long-established interest in seeing the United States drop visa requirements for visiting West Europeans. Representative Seiberling reviewed the status of the current immigration bill and the likelihood of the visa matter being handled as a separate piece of legislation. On human rights, the European Parliament has not been able to play as important a role as the U.S. Congress, but it hopes to consider seriously the idea of linking human rights to EC foreign assistance and would like to expand cooperation with the Congress and the Commission on Security and Cooperation in Europe. Lastly, Mr. Winn explained why the House of Representatives had opposed the Biden Amendment which would have formalized the exchange. He noted that opposition in the House to formalizing the exchange with the European Parliament should not be construed as a lack of appreciation for the tremendous value of the exchange.

Mr. Chairman, U.S.-European relations are going through a very difficult period.

Differences of opinion over security and political policy have converged with a prolonged period of economic hardship to test the fabric of the Atlantic Alliance. In such a period, open and honest communications among nations is vital. The exchange meetings with the European Parliament have always been valuable. The difficulties faced by Europe and the United States will make them even more important in the future.

Sincerely yours,

TOM LANTOS,
Cochairman.
LARRY WINN, Jr.,
Cochairman.●

AMENDMENT TO H.R. 3678

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 30 minutes.

● Mr. BONIOR of Michigan. Mr. Speaker, today with the gentleman from Michigan (Mr. DAVIS), the gentlemen from New York (Mr. NOWAK and Mr. MARTIN), the gentlemen from Michigan (Mr. HERTEL and Mr. SAWYER), and the gentleman from Minnesota (Mr. OBERSTAR), I am introducing an amendment to H.R. 3678, as reported by the Public Works and Transportation Committee, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1983. I was disappointed to find extended season navigation for the Great Lakes and St. Lawrence River authorized in section 1123 of H.R. 3678. The amendment will delete section 1123 from the bill.

The evidence is clear that there is no current pressing economic need for this proposal, nor does such seem likely in the foreseeable future. In this era that hails budget austerity, Congress must practice fiscal restraint. The Great Lakes Seaway operated this past year at 40 percent capacity. Clearly the system can accommodate current commercial demands. Yet winter navigation will cost $609 million in capital costs to the United States, not inclusive of Canadian expenses.

It would be difficult to overstate the level of concern the project has created. Citizens of the Great Lakes and St. Lawrence Seaway region have almost literally taken to the streets in outrage at the committee proposal. Newspapers from Minneapolis to Detroit, from Cleveland to New York, have editorialized against winter navigation.

The Governor of Michigan, James J. Blanchard, has announced he is "skeptical of a billion dollar attempt to modify the Great Lakes." Section 1123 is also opposed by the Governors of Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and New York. Furthermore, the Association of American Railroads and the National Taxpayers Union have joined hands with environmentalists to oppose winter navigation.

Transportation and recreation are important industries to the region. Yet the shipping gains from navigation extension come at the expense of other modes of transportation, and threats to the environment are threats to our recreation resources. In part, we are caught in a zero-sum game, where we shift resources from one use to another, instead of creating new economic potential.

During the extended season demonstration program, serious environmental questions were raised. They include among others:

Shoreline erosion and the damage that entails;

Deterioration of water quality; and

Depletion of fishery resources because of adverse effects on fish spawning and nursery areas.

These problems have not yet been resolved. Further study must address these questions on the ecological impacts of late season shipping prior to any further authorization.

These are some of the reasons I have actively opposed this Corps of Engineers project since I first came to Congress in 1977. I believe the cost of winter navigation is exorbitant, and the environmental consequences too severe, as well as poorly documented, for Congress to authorize winter navigation at this time.

Beyond our domestic concerns, we must consider the position of the Government of Canada. Benefits accrued from season extension are based on assumed Canadian capital investments. Yet after considerable review, Canadian officials are not convinced of the general economic viability of such a project. Indeed, last October, the Canadian Government formally advised our Government of its serious reservations with regard to the navigation season extension proposed in H.R. 3678.

We all recognize that we face an era of fiscal restraint. The Nation's vital navigation and water resource projects will be no exception. A full season extension requires hundreds of millions of dollars in capital costs alone. We must be certain that the project not only makes sense in its own terms, but is competitive with other potential uses of scarce funds.

I find it hard to believe that a project with only questionable economic benefits, dependent upon uncertain international cooperation, and potentially harmful to the environment is, in any sense, the best use of tax dollars.

By supporting an amendment to delete winter navigation from H.R. 3678, the House will have an opportunity to go on record supporting the economic and environmental health of the Nation. By deleting section 1123, the House will send a clear message home that economic austerity is at hand—that every effort will be made in Washington to put the Federal budget back on track.

At this time, I insert into the RECORD an editorial from the September 21, 1983, Port Huron, Mich., Times Herald, supporting my position against section 1123 of H.R. 3678, as well as a copy of the amendment:

CONGRESSMAN'S PLAN NOT WELL CONCEIVED

The proposal by U.S. Rep. Arlan Stangeland, R-Minn., to spend $431 million to facilitate year-around shipping on the Great Lakes is premature to say the least. The money would be used to build dams and other structures in the St. Clair and Detroit rivers.

The environmental and economic consequences of such projects is still unknown. Stangeland evidently hasn't been paying attention for the last 20 years while the rest of the world has been learning what happens when humans interfere willy-nilly with the environment.

Even the Lake Carriers Association, the shippers' lobby, has never supported a 12-month shipping season.

We question Stangeland's contention that keeping the shipping lanes open as long as it is physically and economically feasible is much of an economic advantage to Minnesota farmers and grain shippers. Even if it does result in significant savings and profits for them, his view is a narrow one. He fails to consider the impact the proposal might have on six other Great Lakes states.

The bulk of the grain belt's export crop is shipped via the Mississippi River and overseas through Gulf ports. A big majority of the U.S. vessels on the lakes haul iron ore, and considering the state of the steel industry today, there's no rush to lengthen the navigation season—even if it proves to be ecologically sound and economically practical.

At best, Stangeland's proposal falls short of being well thought out. At worst, it borders on the irresponsible.

Amendment to H.R. 3678, as reported by the Public Works and Transportation Committee, offered by Mr. Bonior of Michigan (for himself, Mr. Davis, Mr. Nowak, Mr. Martin of New York, Mr. Oberstar, Mr. Hertel of Michigan, Mr. Sawyer, Mr. Edgar, Mr. McDade, Mr. Conyers, Mr. Wolpe, Mr. Siljander, Mr. Carr, Mr. Kildee, Mr. Traxler, Mr. Vander Jagt, Mr. Albosta, Mr. Crockett, Mr. Ford of Michigan, Mr. Dingell, Mr. Levin of Michigan, Mr. Broomfield, Mr. Carney, Mr. Downey, Mr. Mrazek, Mr. Lent, Mr. McGrath, Mr. Addabbo, Mr. Ackerman, Mr. Scheuer, Ms. Ferraro, Mr. Schumer, Mr. Towns, Mr. Owens, Mr. Solarz, Mr. Molinari, Mr. Green, Mr. Rangel, Mr. Weiss, Mr. Garcia, Mr. Biaggi, Mr. Ottinger, Mr. Fish, Mr. Gilman, Mr. Stratton, Mr. Solomon, Mr. Boehlert, Mr. Wortley, Mr. McHugh, Mr. Horton, Mr. Conable, Mr. Kemp, Mr. LaFalce, Mr. Lundine, Mr. Ritter, Mr. Walker, Mr. Ridge, Mr. Parris, Mr. McCain, Mr. Stump, Mr. Skeen, Mr. Schaefer, Mr. Loeffler, Mrs. Schroeder, Mr. Archer, Mr. Badham, Mr. Boner of Tennessee, Mr. Wheat, Mr. Moody, Mr. Murphy of Pennsylvania, Mr. Eckart, and Mr. Philip Crane of Illinois).

Page 255, strike out line 20 and all that follows through line 17 on page 256.

Redesignate succeeding sections accordingly.●

● Mr. DAVIS. Mr. Speaker, as a strong supporter of this amendment, I

urge my colleagues in the House to consider the consequences year-round navigation on the Great Lakes would present: shoreline damage; fishery habitat destruction; water quality deterioration; all in a region which depends heavily on the recreational use of its massive water resources, the Great Lakes. Add to this a price tag of $600 million in initial costs alone, along with overwhelming opposition from the majority of Great Lakes legislators and residents and you have a project which clearly must be stopped.

Winter navigation on the Great Lakes was the object of a demonstration project which ended in 1979. At that time the Army Corps of Engineers Chief of Engineers declined to recommend the project to Congress. Further, the corps own review board found the project only "marginally economically feasible." Hearings last September before the Subcommittee on Coast Guard and Navigation, of which I am a member, produced unanimous testimony in Detroit and in Sault Ste. Marie, Mich. Every witness, representing a broad range of interests from industry to environmental organizations, to provide citizens, testified against year-round navigation on the Great Lakes.

At a hearing before the same subcommittee here in Washington last month, even the Director for Civil Works of the Army corps told us that the Army Corps does not support section 1123 of the Water Resources Development Act as reported by the Public Works Committee, and that unless there is a significant upturn of shipping activity on the Great Lakes, year-round navigation may never be economically feasible. The economics of the winter navigation proposal are perhaps the most confounding of all. Shipping on the Great Lakes has been depressed for several years and while we hope for a rebound of shipping activity in the years to come, there is no evidence that we need to spend $600 million to provide year-round shipping to an industry whose regular shipping seasons are currently dismal. This view is supported by the Lake Carriers Association.

I have a significant interest in this issue not only because I feel strongly that we must stop spending money unnecessarily at the Federal level, but primarily because my constituents, who are shoreline property owners on the Great Lakes, have clearly demonstrated to me the damage that winter navigation can to to their property and to their incomes in their tourism-related activities.

For all these reasons I join my Great Lakes colleagues in supporting this amendment and urge the House to support it as well.

At this point in the RECORD, I include the following articles:

[From the Daily Mining Gazette, Aug. 6, 1983]

WINTER SHIPPING FAR TOO RISKY

The United States Congress is currently considering a bill that would authorize winter navigation on the Great Lakes and St. Lawrence Seaway. Naturally this directly affects the citizens of the Upper Peninsula.

In an effort to kill the proposal, the Michigan United Conservation Clubs (MUCC) are requesting that Congress hold public hearings before any vote on the issue is taken.

The MUCC seems to have a point well taken.

The initial proposal to allow winter navigation surfaced recently in an amendment to a water projects authorization bill being considered by the House Public Works and Transportation Committee. The amendment came as somewhat of a surprise to all concerned since the plan had been discarded by the Army Corps of Engineers several years ago.

Thomas L. Washington, MUCC executive director, called winter navigation "the most disastrous project ever proposed for the Great Lakes." A strong statement to say the least.

The MUCC was in the forefront of opposition to year-round shipping when it was being pushed by the Corps in the late 1970's.

The conservation organization feels strongly that winter navagation would bring severe disruptions to the lives of citizens along the connecting waters of the Great Lakes, serious damage to shorelines and private property, destruction of natural resources, impairment of the tourism economy, the threat of oil and chemical spills under ice, unfavorable impacts on the state's railroad lines, and an unacceptable economic subsidy to a narrow industrial base.

Washington has urged all members of the Michigan congressional delegation to work for the defeat of winter navigation, and we support that urge. "Opposition to winter navigation in Michigan," says Washington, "includes counties, townships, planning commissions, cities, local politicians, unions, railroads, ferry companies, newspapers, civic and conservation groups, countless citizens directly and indirectly affected by this proposal, and the state of Michigan."

He added that, with the exception of U.S. Steel, even shippers and industries have been opposed, or at best "lukewarm," to 12-month shipping in the Great Lakes.

"I don't know how this proposal got into legislation with no advance notice to the millions of citizens concerned about the future of the Great Lakes and St. Lawrence River," stated Washington.

Congress should do nothing about the amendment before the views of the public have been heard and considered. It is not a matter that should be dealt with before considerable time and energy have been spent analyzing all of the possible consequences.

The Michigan Upper Peninsula relies on its natural beauty and resources to survive in today's depressed economic market, and any legislation that would possibly damage or hinder the continued growth and development of the beautiful UP area should be soundly defeated.

[From the Evening News, Aug. 16, 1983]

BREAKING THE BANKS

It's as though we looked up one biting February morning and saw a freighter churning upriver through the ice. The news that winter navigation might again visit the St. Mary's River system came as a complete surprise, completely out of its time.

We thought several factors had buried winter navigation, leading with a generally poor shipping market. For the past two years less than half the Great Lakes fleet has been sailing at the height of the regular season. Why would shippers want a year 'round season when they don't want or need half the regular season?

Secondly, the U.S. Government decided not long ago that those people who use Coast Guard ships and manpower should pay for them through a "User Fee". If a shipper has to pay the actual cost of all the ice breaking wear and tear winter navigation would not make economic sense.

And lastly, the winter navigation experiment which ran for seven years was regarded as a failure. That alone should be decisive. The conclusions from that experiment were that the project didn't benefit enough shipping companies to warrant the costs, the damage to property along the rivers, or the potential risk from oil spills to make it all worth it. The experiment proved breaking ice can break the bank, in every sense of the word.

Congressman Bob Davis is going to fight the appropriation, but no one is willing to make any predictions. He and others say it will be a tough fight to get the subsidy for winter navigation out of the regular appropriations bill. Quietly people are explaining that it's part of a massive "pork barrel" bill which gives key congressmen fat federal projects for their districts. Someone, though we don't have who, wants this project for U.S. Steel, likely the only shipper to stay on the lakes through the winter. To fight that congressman's pork project is tough. Despite some tough talk about cutting federal spending, these questionable federal projects have a way of surviving. If winter navigation can rally to life in these weak shipping days, any project can make it.

This is a special project for people who live near the St. Mary River or any river used during winter navigation. The shifting ice and its pressure do serious damage to land and docks along the river, and though congress promises to pay for any damage, proving the damage is another matter. Ice experiments have shown that winter shipping definitely causes problems but pinpointing the damage to winter navigation is a lawyer's dream.

Davis was right. If we're going to talk about shipping, we should be talking about helping shipping for every shipping company. If the federal government is looking for a project, it should build a new lock at the Sault. More boats could pass quicker, and that should bring more iron ore from the Lakehead. That would be better, cheaper, and less harmful than trying to coax a mega-ton ship through ice.

Imagine, wondering where the ships are all summer, and in February looking over the horizon and seeing a freighter churning through the ice. It just doesn't make sense.●

● Mr. SAWYER. Mr. Speaker, today, Congressman DAVE BONIOR and Congressman BOB DAVIS are offering an amendment to delete section 1123

from the public works bill, H.R. 3678, and I want to express my support for this amendment. I strongly believe that section 1123, which will allow year-round shipping or more commonly referred to as winter navigation on the Great Lakes and the St. Lawrence Seaway, deserves individual attention because its impact on the lakes and its shoreline residents will be considerable.

During the 1970's a pilot project was conducted to determine the feasibility of a year-round shipping season on the Great Lakes and the final report concluded that the project was only "marginally feasible," while at the same time indicating there were several adverse impacts on wildlife and the shoreline. I would like to quote from a letter I received from a constituent, in which he states,

We have for years maintained some form of docks along the river for the mooring of boats and water activities at our summer residence on Neebish Island on the upbound channel of the St. Mary's Seaway, a portion of the St. Lawrence Seaway. In the past ten years, we have been sorely damaged and hurt by winter navigation which has essentially destroyed the dock structures that we have been accustomed to using. These docks in the past, would last naturally around twenty five years. The docks constructed just before winter navigation lasted from two to three years.

Since the experiment in the 1970's was carried out, little has changed, except that the primary carrier on the Great Lakes has in recent seasons reduced its shipments. Our moderate winters have allowed shipping to continue for all but a few weeks during the year and the proposed cost of this project continues to escalate. We in Michigan depend on the Great Lakes, perhaps more than any other State. They provide much of our recreation and livelihood and the questions which surround this project and the potential damage to the lake's ecosystem must be addressed before we plunge headlong into a multibillion-dollar project to benefit the few at the expense of the many.

I include the following article at this point:

[From the Grand Rapids Press, Aug. 10, 1983]

MINNESOTA MEDDLING

As Michigan snoozes innocently through an energy-sapping summer, a schemer from the North is threatening to send ice boulders smashing into our shores in winter.

U.S. Rep. Arlan Stangeland, R-Minn., managed last week to persuade a House committee to go along with year-round shipping on the Great Lakes—a step that would involve ice breakers, bubblers and perhaps even explosives to keep ship channels and locks free of ice blockage through the winter.

Among predictable results would be substantial shoreline damage and disturbance to fish and waterfowl—none of which would bother the Minnesotans represented by Mr. Stangeland. And if there is a need for the winter season, it's news to the shipping interests: They've called it unnecessary.

This idea has been around before and always deep-sixed. There is no reason to keep it afloat now.●

● Mr. MARTIN of New York. Mr. Speaker, I enthusiastically join my colleagues in introducing an amendment to H.R. 3678 which would delete from that legislation section 1123, authorizing an extended navigation season on the Great Lakes-St. Lawrence Seaway system. This amendment, for several excellent reasons, has demonstrated vigorous support on both sides of the aisle in this body; it has the strong, united, and bipartisan support of the entire delegation from the State of New York.

My congressional district borders Lake Ontario and the St. Lawrence River. The St. Lawrence Seaway's American-owned assets are all located in my district. Both the river and the seaway system are vitally important to my constituents and, yet, an overwhelming majority of them vehemently oppose an extension of the navigation season.

Their opposition is well founded. For environmental, economic, and diplomatic reasons, section 1123 of H.R. 3678 fails to serve the best interests of my district, the Great Lakes region, and the Nation.

During the summertime, Mr. Speaker, whenever my duties as a Member of this body allow me, I relish the time I spend at a modest camp on the shore of the St. Lawrence River. To me, that is the most beautiful place on Earth, and I invite you to join me there sometime to see for yourself.

During even the best of summer conditions, those of us along the river have seen ships running aground or colliding in the river's narrow channels, often spilling oil to the great danger of the surrounding environment. During an extended season, these vessels would be contending not only with difficult currents, winds, and channels, but with ice, snow, sleet, and fog. They would be disasters waiting to happen. Cleaning up oil spills is challenging enough under hospitable conditions. Imagine. The difficulties of cleaning a spill on and under an ice cover and while working in a blizzard.

In addition, serious questions have been raised concerning the impact of an extended season on such things as shoreline erosion and fisheries. In my view, and the view of countless other responsible interested parties, no one has come close to answering these questions satisfactorily.

Moreover, extension of the navigation system would be costly to the Federal Government during a period of needed fiscal restraint, and at a time when the Great Lakes-St. Lawrence Seaway system is operating at only 40 percent of its capacity. This simply does not make sense.

Last, Mr. Speaker, I should point out to my colleagues that the United States operates the seaway system in full partnership with Canada, and Canada opposes an extended navigation season. I have spoken personally to many of our Canadian counterparts and I can assure you that our failure to support this amendment would be a direct affront to our neighbors and allies to the north.

In short, Mr. Speaker, extension of the navigation season fails to make sense in terms of environmental awareness, fiscal responsibility, or diplomatic sensitivity.

The following Watertown Daily Times editoral, from the daily newspaper with the largest circulation in northern New York, is indicative of the views of an overwhelming majority of my constitutents.

WINTER SEAWAY NAVIGATION

Say one thing for the proponents of an extended navigation season on the St. Lawrence Seaway. They are a persistent group and have demonstrated that they will not let their cause be halted by strong opposition or common sense.

Once again a move is afoot in Washington to lengthen the shipping season to 10 months on the St. Lawrence River (it is now about eight months) and to nearly year-round on the upper Great Lakes.

And once again we are compelled to argue that in those sections of the Seaway where the water stays open the proposal probably has merit, but where the waterway becomes ice-bound there is too much risk, too much expense and too little to gain to keep it open for ships. We are describing, of course, the St. Lawrence River and at least the eastern end of Lake Ontario.

There are a number of ships on the bottom of the channel which can testify to the fact that traversing the St. Lawrence can be dangerous business even in warm weather. The thought of a ship going down when the weather turns brutal and rescue facilities are at a minimum is frightening.

Environmental groups which oppose winter navigation argue that ships would damage the shoreline with their ice wakes and would threaten flora and fauna with oil spills. There's no way of knowing how valid those concerns might be until they actually have to be faced, but there is at least ground for speculation. What if this summer's oil spill near Waddington, or the much larger Nepco spill in 1976, had occurred in the winter? Would polluting oil have been trapped under the ice, inaccessible to cleanup and left as a calling card for when the Seaway cleared for the spring?

The state power authority is worried that ice might damage its generators and interrupt its electrical production at the Moses Saunders dam. That too remains hypothetical until actual circumstances present themselves, but the authority's complaints are probably as valid as the assurances that there's nothing to worry about.

Keeping the St. Lawrence open for another two months of the year would be an expensive proposition whose cost would have to be borne by shippers through increased tolls or by taxpayers who finance the Coast Guard.

The Seaway is free to extend its season by a few days or weeks when weather permits,

and it does. But guaranteeing shippers a route through what is almost certain to be ice strikes us as a losing proposition all the way around.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following members (at the request of Mr. SKEEN) to revise and extend their remarks and include extraneous material:)

Mr. HYDE, for 30 minutes, today.
Mr. MCEWEN, for 60 minutes, May 1.
Mr. CORCORAN, for 10 minutes, today.
Mr. EDWARDS of Oklahoma, for 60 minutes, March 29.
Mr. WALKER, for 60 minutes, April 2.
Mr. WEBER, for 60 minutes, April 2.
Mr. GINGRICH, for 60 minutes, April 2.
Mr. WALKER, for 60 minutes, April 3.
Mr. WEBER, for 60 minutes, April 3.
Mr. GINGRICH, for 60 minutes, April 3.
Mr. WALKER, for 60 minutes, April 4.
Mr. GINGRICH, for 60 minutes, April 4.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. CORRADA, for 60 minutes, today.
Mr. MURTHA, for 60 minutes, today.
Mr. MAZZOLI, for 5 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. FASCELL, for 30 minutes, today.
Mr. BONIOR of Michigan, for 30 minutes, today.
Mr. SUNIA, for 5 minutes, today.
Mr. MACKAY, for 5 minutes, today.
Mr. OWENS, for 60 minutes, April 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LOWERY of California, to include statement during general debate on NASA authorization.

Mr. MACKAY, during general debate on H.R. 5154.

(The following Members (at the request of Mr. SKEEN) and to include extraneous matter:)

Mr. BILIRAKIS.
Mr. FIELDS.
Mr. GUNDERSON.
Mr. CORCORAN.
Mr. TAUKE.
Mrs. MARTIN of Illinois.
Mr. WEBER.
Mr. ERLENBORN in two instances.
Mr. ROTH.
Mr. MARTIN of New York.
Mr. BROWN of Colorado.
Mr. SPENCE.
Mr. GILMAN.
Mr. EVANS of Iowa in two instances.
Mr. GOODLING.
Mr. LAGOMARSINO.
Mr. RINALDO.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. RICHARDSON.
Mr. BONIOR of Michigan.
Mr. OTTINGER in two instances.
Mr. FASCELL.
Mr. MRAZEK.
Mr. STARK in two instances.
Mr. HAMILTON.
Mr. FOWLER.
Mr. LAFALCE.
Mrs. SCHROEDER.
Mr. NOWAK.
Mr. ROE.
Mr. HERTEL of Michigan.
Mr. RANGEL.
Mr. BATES.
Mr. NEAL.
Ms. FERRARO.
Mr. MOAKLEY.
Mr. MACKAY.
Mr. KOSTMAYER.
Mr. FRANK.
Mr. HAWKINS.
Mr. FEIGHAN in two instances.
Mrs. BOXER.
Mr. CONYERS.
Mr. ADDABBO.
Mr. COLEMAN of Texas.
Mr. DIXON.
Mr. RAHALL.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3249. An act to charter the National Academy of Public Administration;

H.J. Res. 432. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week"; and

H.J. Res. 493. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

ADJOURNMENT

Mr. LOWRY of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, March 29, 1984, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
These figures reflect expenses in addition to those disclosed on the original 4th quarter report filed Jan. 30, 1984:											
Major L. Clark	12/4	12/7	Jamaica		33.12						33.12
Raymond S. Wittig	12/4	12/7	Jamaica		[3] 190.19						190.19
	12/7	12/9	Dominican Republic								
Committee total					223.31						223.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] For both countries.

PARREN J. MITCHELL, Chairman, Mar. 12, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dan Rostenkowski	12/7	12/11	Barbados						308.72		308.72
Hon. Guy Vander Jagt	12/7	12/9	Barbados						229.86		229.86
Hon. Thomas J. Downey	12/7	12/12	Barbados						308.72		308.72
Hon. Wyche Fowler, Jr.	12/7	12/12	Barbados						308.72		308.72
Hon. Robert T. Matsui	12/7	12/11	Barbados						308.72		308.72
Hon. Ronnie G. Flippo	12/7	12/11	Barbados						308.72		308.72
John J. Salmon	12/7	12/11	Barbados						308.72		308.72
Rufus Yerxa	12/7	12/11	Barbados						308.72		308.72
Kenneth J. Kies	12/7	12/11	Barbados						308.72		308.72
M. Kenneth Bowler	12/7	12/11	Barbados						308.72		308.72
Gloria Shaver	12/7	12/11	Barbados						308.72		308.72
Committee totals									3,317.06		3,317.06

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Mar. 20, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3009. A communication from the President of the United States, transmitting a report on the extent to which programs and policies recommended in the 1985 budget meet the standards in the statement of policy and recommended program for soil and water conservation programs sent to Congress on December 21, 1982, pursuant to Public Law 95-192, section 7(b) (H. Doc. No. 98-190); to the Committee on Agriculture and ordered to be printed.

3010. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed decision to convert to contractor performance the custodial services function at Tripler Army Medical Center, Hawaii, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3011. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting information on the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million (transmittal No. 84-38), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3012. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Older Americans Act of 1965, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

3013. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Native American Programs Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

3014. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting information on the Department of the Army's proposed letter of offer to Egypt for defense articles and services estimated to cost $157 million (Transmittal No. 84-38), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520); to the Committee on Foreign Affairs.

3015. A letter from the Associate Director, Workforce Effectiveness and Development Group, Office of Personnel Management, transmitting the 1982 and 1983 annual reports on the Federal equal opportunity recruitment program, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4616. A bill to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 per centum of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes. (Rept. No. 98-641). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE:

H.R. 5269. A bill to require that each State hold a Presidential primary election on the first Tuesday after the first Monday in May of each Presidential election year; to the Committee on House Administration.

By Mr. RODINO:

H.R. 5270. A bill to extend through March 31, 1985, the terms of U.S. bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. FORSYTHE):

H.R. 5271. A bill to extend the Wetlands Loan Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of Colorado:

H.R. 5272. A bill to amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. COLEMAN of Texas:

H.R. 5273. A bill to amend title XVIII of the Social Security Act to make permanent the waiver of the medicare 24-hour nursing requirement for certain rural hospitals in order that they might continue participation in the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 5274. A bill to extend temporarily the waiver of the medicare 24-hour nursing requirement for certain small rural hospitals in order that they might continue to participate in the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ENGLISH:

H.R. 5275. A bill to require the Commodity Credit Corporation to have certain provisions in contracts entered into by the Corporation for storage of agricultural commodities; to the Committee on Agriculture.

By Mr. ERLENBORN (for himself, Mr. GUNDERSON, and Mr. NIELSON of Utah):

H.R. 5276. A bill to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself and Mr. PETRI):

H.R. 5277. A bill to extend programs under the Head Start Act; to the Committee on Education and Labor.

By Mr. FAUNTROY (for himself, Mr. NEAL, Mr. MORRISON of Connecticut, Mr. COOPER, Mr. CARPER, Mr. MCCOLLUM, and Mr. HILER):

H.R. 5278. A bill to amend the Federal Reserve Act to increase the number of class C directors of Federal Reserve banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAUNTROY (for himself, Mr. DELLUMS, Mr. DYMALLY, and Mr. GRAY):

H.R. 5279. A bill to provide for the establishment of an independent counsel under circumstances requiring the investigation and possible prosecution of alleged violations of law arising from the conduct of the affairs of the District of Columbia govern-

ment; to the Committee on the District of Columbia.

By Mr. GILMAN:

H.R. 5280. A bill to prohibit the acquisition of certain lands in the upper Delaware River without express prior congressional authorization; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD (for himself and Mr. YOUNG of Missouri) (by request):

H.R. 5281. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. NEAL (for himself and Mr. WATKINS):

H.R. 5282. A bill to amend the Housing Act of 1949 to eliminate the requirement that a certain portion of the dwelling units assisted under section 502 of such act be available only for very low-income families or persons; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. SCHULZE:

H.R. 5283. A bill to suspend until July 1, 1987, the duty on lace-braiding machines and parts thereof; to the Committee on Ways and Means.

H.R. 5284. A bill to suspend until July 1, 1987, the duty on narrow fabric looms and parts thereof; to the Committee on Ways and Means.

By Mr. SIMON:

H.R. 5285. A bill authorizing the city of Chester, Ill., to reconstruct, repair, or improve an existing toll bridge, and its approaches, across the Mississippi River at or near Chester, Ill.; to the Committee on Public Works and Transportation.

By Mr. WATKINS:

H.R. 5286. A bill to amend the Agricultural Act of 1949 to permit any producer participating in the milk diversion program to sell to any member of a 4-H club or of the Future Farmers of America a single dairy cow for use as a membership project; to the Committee on Agriculture.

By Mr. BROWN of California (for himself, Mr. MOAKLEY, Mr. BARNES, Mr. ADDABBO, Mr. WIRTH, Mr. BEDELL, Mr. STARK, Mr. LEACH of Iowa, Mr. SEIBERLING, Mr. HOYER, Mr. WALGREN, Mr. GORE, Mrs. SCHROEDER, Mr. KASTENMEIER, Mr. SMITH of Florida, Mr. DELLUMS, Mr. EDWARDS of California, Mr. COUGHLIN, Mr. LEVINE of California, Mr. DOWNEY of New York, Mr. SHANNON, Mr. CROCKETT, Mr. STOKES, Mr. MARKEY, Mr. BOSCO, Mr. JEFFORDS, Mr. EDGAR, Mr. OLIN, Mr. AUCOIN, Mr. RATCHFORD, Mr. DICKS, Mr. COYNE, Mr. FEIGHAN, Mr. DYMALLY, Mr. FRANK, Mr. FAZIO, Mr. LELAND, Mr. SIMON, Mr. TOWNS, Mr. SAVAGE, Mr. LUNDINE, Mr. MORRISON of Connecticut, Mr. FORD of Tennessee, Mr. SABO, Mr. CONYERS, Mrs. SCHNEIDER, Mr. FOGLIETTA, Mr. OTTINGER, Mr. ACKERMAN, Mr. HAYES, Mr. LOWRY of Washington, Mr. WEAVER, Mr. GLICKMAN, Mr. MAVROULES, Mr. LEVIN of Michigan, Mr. UDALL, Mr. FAUNTROY, Ms. OAKAR, Mr. OBERSTAR, Mr. MCHUGH, Mr. HALL of Ohio, Mr. MCCURDY, Mr. BERMAN, Mr. VENTO, Mr. MITCHELL, Mr. DWYER of New Jersey, Mr. MRAZEK, Mr. GEJDENSON, Mr. KILDEE, Mr. EVANS of Illinois, Mr. OWENS, Mr. DURBIN, Mr. WEISS, Mr. BATES, and Ms. MIKULSKI):

H.J. Res. 531. Joint resolution to maintain the commitment of the United States to the 1972 Anti-Ballistic Missile Treaty between the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. SIMON:

H.J. Res. 532. Joint resolution to designate May 25, 1984, as "Missing Children Day"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 533. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Digestive Diseases Awareness Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 428: Mr. FISH.

H.R. 468: Mr. BILIRAKIS.

H.R. 659: Mr. FORD of Michigan, Mr. MURPHY, Mr. TOWNS, Mrs. BOXER, and Mr. PENNY.

H.R. 1415: Mr. HOPKINS and Mr. STARK.

H.R. 1517: Mr. LOEFFLER, Mr. BONER of Tennessee, and Mrs. HOLT.

H.R. 1815: Mr. ORTIZ.

H.R. 1942: Mr. CROCKETT, Mr. O'BRIEN, Mr. CORRADA, Mr. SAVAGE, Mr. ACKERMAN, Mr. LEVIN of Michigan, Mr. FAUNTROY, and Mr. CONYERS.

H.R. 2053: Mr. COUGHLIN, Mr. DANIEL, and Mrs. HOLT.

H.R. 2382: Mr. DARDEN and Mr. GILMAN.

H.R. 2715: Mrs. LLOYD.

H.R. 2847: Mr. STARK.

H.R. 2852: Mr. DAUB, Mr. PRITCHARD, and Mr. BLILEY.

H.R. 2880: Mr. MORRISON of Connecticut.

H.R. 2889: Mr. BEILENSON, Mr. WEISS, Mr. SEIBERLING, Mr. SPRATT, and Mrs. BURTON of California.

H.R. 2927: Mr. LATTA.

H.R. 2981: Mr. VANDERGRIFF.

H.R. 3282: Mr. DYMALLY and Mr. GREGG.

H.R. 3420: Mr. RINALDO, Mr. MCCANDLESS, Mr. IRELAND, Ms. FIEDLER, Mr. WYDEN, Mr. EVANS of Illinois, Mr. DELLUMS, Mr. THOMAS of California, and Mr. EMERSON.

H.R. 3457: Mr. SUNDQUIST.

H.R. 3591: Mr. KOSTMAYER.

H.R. 3950: Mr. BADHAM, Mr. MORRISON of Washington, Mr. PANETTA, Mr. DELLUMS, Mr. CHAPPELL, Mr. OBERSTAR, and Mr. LEVINE of California.

H.R. 4092: Mr. WALGREN.

H.R. 4094: Mr. CROCKETT, Mr. MITCHELL, Ms. MIKULSKI, and Mr. BIAGGI.

H.R. 4098: Mr. SWIFT, Mr. WHITTAKER, Mr. ADDABBO, and Mr. PHILIP M. CRANE.

H.R. 4440: Mr. EDWARDS of California.

H.R. 4447: Mr. YOUNG of Missouri, Mr. DYMALLY, Mr. TRAXLER, Mr. RATCHFORD, Mr. DONNELLY, Mr. REGULA, Mr. SAVAGE, Mr. CORRADA, Mr. COYNE, Mr. MARTINEZ, Mr. WHEAT, and Mr. SYNAR.

H.R. 4459: Mr. BORSKI, Mr. GARCIA, Mr. SIMON, and Mr. DONNELLY.

H.R. 4518: Mr. HARKIN.

H.R. 4616: Mr. CLARKE.

H.R. 4772: Mr. CHAPPELL and Mr. FISH.

H.R. 4784: Mr. MCNULTY, JR.

H.R. 4813: Mr. CONYERS.

H.R. 4865: Mr. SIMON.

H.R. 4906: Mr. COURTER, Mr. DWYER of New Jersey; and Mr. ROE.

H.R. 4954: Mr. SCHEUER.

H.R. 4965: Mr. OWENS, Mr. STARK, Mr. SAVAGE, Mr. STOKES, and Mr. FAUNTROY.

H.R. 4966: Mr. CROCKETT, Mr. EVANS of Illinois, Mr. FROST, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. RATCHFORD, and Mr. WORTLEY.

H.R. 5040: Mr. JONES of North Carolina.

H.R. 5041: Mr. KASICH, Mr. BROOKS, and Mr. MINETA.

H.R. 5151: Mr. NOWAK, Mr. TOWNS, Mr. BERMAN, Mr. MATSUI, Mr. MINETA, Mr. DOWNEY of New York, Mr. OWENS, Mr. BARNES, Ms. KAPTUR, Mr. MAZZOLI, Mr. FOLEY, Mr. OBERSTAR, Mr. EDWARDS of California, Mr. FRANK, and Mr. FORD of Tennessee.

H.J. Res. 196: Mr. YOUNG of Alaska.

H.J. Res. 272: Mr. GINGRICH, Mr. SHUMWAY, Mr. LEVIN of Michigan, Mr. STRATTON, Mr. MAVROULES, Mr. LEATH of Texas, Mr. MCCURDY, Mr. BADHAM, Mr. DYSON, and Mrs. LLOYD.

H.J. Res. 441: Mr. MATSUI, Mr. GARCIA, Mr. CONYERS, Mr. BOSCO, Ms. FERRARO, Mr. STOKES, and Mrs. SCHROEDER.

H.J. Res. 442: Mr. CARR.

H.J. Res. 456: Mr. HORTON, Mr. NOWAK, Mr. FOLEY, and Mr. STUMP.

H.J. Res. 458: Mr. BRITT, Mr. CONTE, Mr. BILIRAKIS, Mr. WINN, Mr. MINISH, Mr. RINALDO, Mr. MARTIN of New York, Mr. BREAUX, Mr. PRICE, Mr. DOWDY of Mississippi, Mr. KOLTER, Mrs. JOHNSON, Mr. WYLIE, Mr. FOLEY, Mr. DIXON, Mr. NICHOLS, Mr. YOUNG of Missouri, Mr. BONER of Tennessee, Mr. MCCLOSKEY, Mr. DUNCAN, Mr. ROBINSON, and Mr. CHANDLER.

H.J. Res. 488: Mr. STRATTON, Mr. NATCHER, Mr. HATCHER, Mr. DINGELL, Mr. PERKINS, Mr. LEWIS of Florida, Mr. RINALDO, Mr. PURSELL, Mr. MINISH, Mr. BOEHLERT, and Mr. BARNARD.

H.J. Res. 509: Mr. AKAKA, Mr. ANTHONY, Mr. AUCOIN, Mr. BEREUTER, Mr. BONER of Tennessee, Mr. BRITT, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. CARNEY, Mr. CARR, Mr. COELHO, Mr. COLEMAN of Texas, Mr. COURTER, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DANNEMEYER, Mr. DAVIS, Mr. DEWINE, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYSON, Mr. EARLY, Mr. ECKART, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. FASCELL, Mr. FEIGHAN, Ms. FERRARO, Mr. FUQUA, Mr. GILMAN, Mr. GLICKMAN, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. RALPH M. HALL, Mr. SAM B. HALL JR., Mr. HANSEN of Idaho, Mr. HEFNER, Mr. HIGHTOWER, Mrs. HOLT, Mr. HOPKINS, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KASICH, Mr. KAZEN, Mrs. KENNELLY, Mr. KILDEE, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCNULTY, Mr. MACKAY, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. NATCHER, Ms. OAKAR, Mr. OLIN, Mr. PACKARD, Mr. PATTERSON, Mr. PERKINS, Mr. PICKLE, Mr. PRITCHARD, Mr. RAY, Mr. ROBINSON, Mr. ROEMER, Mr. RUDD, Mr. SABO, Mr. SCHUMER, Mr. SHAW, Mr. SHUMWAY, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. STENHOLM, Mr. STRATTON, Mr. STUMP, Mr. SWIFT, Mr. SYNAR, Mr. THOMAS of Georgia, Mr. VANDERGRIFF, Mr. VOLKMER, Mr. WALGREN, Mr. WALKER, Mr. WATKINS, Mr. WEBER, Mr. WEISS, Mr. WHITEHURST, Mr. WHITLEY, Mr. WHITTAKER, Mr. WYDEN, Mr. YOUNG of Alaska, and Mr. YOUNG of Missouri.

H.J. Res. 514: Mr. FOGLIETTA, Mr. SHANNON, Mr. MURPHY, and Mr. FISH.

H.J. Res. 523: Mr. BROWN of California, Mr. STARK, Mr. DOWNEY of New York, Mr. MOAKLEY, Mr. FRANK, Mr. MITCHELL, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. GLICKMAN, Mr. OWENS, Mr. EVANS of Illinois, Mr. STOKES, Mr. BERMAN, Ms. KAPTUR, and Ms. MIKULSKI.

H.J. Res. 524: Mr. BROWN of California, Mr. STARK, Mr. DOWNEY of New York, Mr. FRANK, Mr. MITCHELL, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Mr. GLICKMAN, Mr. OWENS, Mr. EVANS of Illinois, Mr. STOKES, Mr. BERMAN, Ms. KAPTUR, and Ms. MIKULSKI.

H. Con. Res. 265: Mr. BEDELL, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. MORRISON of Connecticut, Mr. OTTINGER, and Mr. UDALL.

H. Con. Res. 266: Mr. TOWNS, Mr. EDWARDS of California, Mr. WEISS, Mr. SAVAGE, and Mr. WON PAT.

H. Con. Res. 267: Mr. CONYERS, Mr. FOGLIETTA, and Mr. CORRADA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4360: Mr. LOWERY of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3678

By Mr. BONIOR of Michigan:

Page 255, strike out line 20 and all that follows through line 17 on page 256.

Redesignate succeeding sections accordingly.

EXTENSIONS OF REMARKS

AS SOME NICARAGUANS SEE AMERICAN POLICY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. NEAL. Mr. Speaker, I recently was privileged to read, in a magazine provided to me by a constituent, an article about Nicaragua written by Dr. A. Peter Haupert of Waukesha, Wis. Dr. Haupert, who is engaged in emergency medical care in that city, previously was director of the medical mission work for the Moravian Church—from 1968 to 1974—in Bilwaskarma, Nicaragua. He wrote of a return visit in the February 1984, issue of the North American Moravian.

I would like at this time, Mr. Speaker, to insert the text of Dr. Haupert's article in the RECORD and I commend it to the attention of my colleagues.

NICARAGUA REVISITED—THE JOURNEY OF A PERPLEXED MORAVIAN

(By A. Peter Haupert)

"What? You're not going down there! Aren't you afraid you'll get killed? I don't like what I hear about that communist government."

My tennis friend was truly concerned about my plans to make a return visit to Nicaragua.

"It's safer than Chicago," I replied. "And besides, the only danger comes from the U.S.-supported contras that are killing indiscriminately." His retort: "If they're killing communists and protecting the future of my kids, that's just fine with me!"

Contending with attitudes like this, and wrestling with conflicting reports about what actually was going on in the country in which I had spent some of the most significant years of my life, it became clear that I had to go back to Nicaragua. I had to see first hand the country that had suddenly leaped from being unknown to center stage of controversy, to feel the atmosphere, talk to people on the street, to ask them personally how they felt about what was going on, and how they viewed my country's actions.

I've been asked to share this personal "journey" with fellow U.S. American Moravians who are experiencing the same perplexity.

The venture took place last September, at the peak of the contra activity. I stayed with Dr. Gustavo (Gus) Parajón, a Nicaraguan Baptist internist and dear personal friend who had been extraordinarily helpful in our medical work in Bilwaskarma in the '70s. As director of CEPAD, an ecumenical agency representing thirty denominations, dedicated to the health needs of the poor in Nicaragua, Gus has spent his last ten years dedicated to this effort, and continues to be enormously helpful to the Nicaraguan Moravian Church.

During my five days there, I traveled two hundred miles and interviewed twenty-two people representing all walks of life. I met no one officially connected with the government, and exercised complete freedom in my selection of people and places to visit.

The experience was full of gratifying surprises. In stark contrast to the concerns of my media-informed friends, I found that in spite of the country's suffering, what they perceived to be the application of the awesome, wrathful might of the U.S. government, and being in a state of continued military alert, travel was unrestricted in noncombat areas. There was a minimum of military presence, no check points, no papers to show. I was greeted with a surprisingly relaxed cordiality from everyone. The students I accosted with my questions were uniformly friendly, positive, and talked freely about the issues I raised. They said, in effect, "We've always liked and admired you Americans as individuals—your government's cruel actions have nothing to do with that."

Arriving in Managua I was promptly reminded of the reality of the war by the blackened, burned-out control tower of their attractive international airport, the result of a bombing attack by contras using bombs "made in U.S.A."

Passing the passport area, I used my height to peek inside. What I saw took me back. The young lady had a small typewritten reminder that read, "Remember to treat all visitors with courtesy so that they will have a good impression of our revolution." I was touched.

Escorted by Gus' wife, Joan, along the old familiar highway from the airport to Managua and then to their home, instead of the anti-imperialistic slogans that I had expected, I saw billboards promoting health literacy, infant nutrition, and forest conservation. Several promoted one brand of private swimming pools ("Put a little of the beach in your own yard!"). Private enterprise was still functioning.

Rubble areas had been converted into attractive parks with newly-painted basketball courts, something Somoza never got around to.

That first evening, Gus and I had dinner at our old meeting place, the Eskimo. His opening was blunt. "Your ambassador to the U.N., Jean Kirkpatrick, a year ago announced that your government felt the moral right to use any means necessary to change my country's system of government if the U.S. perceived a communist threat. Now you've trained and armed exiled Somocistas, some of whom were pardoned and released by my country, and are directing them to bomb our energy sources, shoot rockets into our villages, machine-gun peasant families in trucks as they travel, and rape and mutilate my countrymen. Why? What gives you the right to interfere in any way, let along by sponsoring terrorism? Reagan says he's doing this in the name of freedom, democracy, and human rights." Gus proceeded, with bitterness, to document what amounted to a massive, multi-faceted program to destabilize his country.

I weakly tried to explain that we were mortally concerned about Soviet expansion and falling dominoes. "Do you realize how Reagan is playing into their hands, then! We asked to buy grain from you. Reagan refused. So Russia bought the grain and gave it to us. We asked the international bank for a loan to help us buy John Deere tractors. Reagan intercepted this and influenced the rejection of the loan, so we got our tractors from the Eastern bloc. By the way, did you know that seventy-five percent of our aid comes from Western Europe and this hemisphere!"

Gus continued enthusiastically, "Look, in spite of the economic boycott and all of your other measures against us, we are paying our debts, many of which were incurred during the Somoza era. In addition, during the first four years since the revolution we have made the most dramatic improvement in literacy in history, we've eliminated polio (300 cases per year before the revolution, none in 1982), and we are accomplishing things for the poor and hungry that I could only dream of before."

That evening at home I visited with two other friends, Dennis and Ricardo, two bright young Baptist physicians who had just returned from military duty where they cared for victims of the attacks by the contras. For an hour they recounted experiences of doing post-mortem exams on civilians and mutilated "defenders." With emotion they emphasized their dedication to the defense of their country, their awe of U.S. power and influence, and their amazement at Reagan's hypocrisy. Proudly they showed me a souvenir U.S. army rocket launcher that was dropped by a contra who fled with his cohorts, pursued to the border by Dennis' friends shouting *"patria libre o morir!"* Shades of Patrick Henry, I thought. The slogan of the contras, they said, is "We may not win, but we'll still kill."

I had the chance the next day to address my concerns about charges of religious repression to Bishop John Wilson and the Rev. Fernando Colomer, Moravian friends from as far back as '57. They affirmed that while the government openly expresses concern about "mistakes" in dealing with the Moravian Church, they have demonstrated an encouraging sincerity in redressing grievances and working toward a constructive relationship. Whenever we have a problem, they said, we've been able to talk personally with even the highest national officials who have been uniformly responsive. John added that the Moravian school in which he teaches Bible is subsidized by the Sandinista government. It was during this conversation that John informed me that the hospital in Bilwaskarma that I had helped to build had been blown up two weeks earlier by U.S. rockets in the hands of contras.

I also mentioned to them my serious concern about the suffering of the Miskito population. The government's effort to force

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

this traditionally proud, independent people into active participation in the revolution using such measures as relocation in resettlement communities clashes with the Miskito's former enjoyment of freedom to live life much as he had for centuries. This has produced isolated incidents of violence and wholesale flight to Honduras and Costa Rica. John and Fernando detailed the crucial role that the Moravian Church has played in mediation, maintaining channels of communication, and working patiently toward gaining recognition for the Miskito goals. This is a painful process and has produced much controversy and emotion, aggravated by the "covert" actions of the U.S. to turn this to its advantage by arming the Miskitos.

The next day, a Sunday, I had the pleasure of returning to a favorite Pacific beach about forty miles from Managua. Again it was a surprise to see the impressive recreation facilities that had been built there for the public. There I enjoyed the waves, surrounded by a curious assortment of fellow U.S. Americans, Russians, Bulgarians, Swiss, Mexicans, and Nicaraguans and their families.

Seizing the opportunity, I randomly interviewed the vacationers up and down the beach for much of the day. Memorable were the visits with a bartender and his pretty wife from just outside Managua, and an older merchant woman from nearby. Several themes were repeated in their open and frank responses to my queries: (1) Their chief complaint about the new regime was the shortages, which they attributed to Reagan's policies; (2) their preoccupation with the man Reagan whose name was repeated with bitterness and fear; (3) their genuine affection for U.S. Americans; (4) their conviction that their present government was sincerely dedicated to the betterment of the country and the needs of the people, especially the poor; (5) a dedication to defend their country whatever the cost, and (6) the conviction that if elections were held then, the Sandinistas would be relected by a large majority.

Later, reclining on the Aeronica flight back and gazing down on the peaceful azure Caribbean, I reflected on how the experience had helped in my personal search for a better understanding of the issues involved in this beleaguered second home.

First, it was helpful to have the opportunity to feel the intense national loyalty that motivated the Nicaraguans with whom I visited. At the same time I believe this is more true of those of Latin tradition, less so for those on the East Coast.

Second, it was revealing if painful to see my country's actions through their eyes.

Third, it was disturbing to see the contrast between how Nicaragua is viewed and portrayed in North America, and how it looked on site to this observer. What accounts for this distortion? It's something that bothers me a lot. Is our government subtly influencing the media to portray monster to justify destroying it? Why does it seem that everything that seems wrong in Nicaragua is presented prominently, while the things we are doing that seem wrong to me are played down?

Not only does our press appear guilty of a "patriotic bias" against the current events in Nicaragua, but there are also cases of deliberate distortion. On the day that this article is being written I had the privilege of an extended visit by phone with a personal friend and church official who accompanied the most recent Miskito exodus to Honduras. In reply to my query concerning "Nazi-style concentration camps" and "Sandinista attacks on our group," he replied that he had never said that and there were no attacks.

On the other side, it is equally disturbing to see the similarities between the Sandinista approach to the Miskito Indians and our historical approach to our "Indian problem" and to our treatment of the Japanese-Americas during World War II. Also of concern are reports of an increasing drift toward a one-party system, pressures on individuals to join the party, persistent press censorship, and an ongoing struggle with the Catholic Church. I personally feel the jury is out on all of these issues, and only time will tell what future Nicaragua will be like. The U.S. may well be contributing to a self-fulfilling prophesy. Our brutal actions have certainly taken away any opportunity for exerting a creditable influence for "democracy" and "human rights."

It is apparent that none of the contending factions has a monopoly on righteousness, and that Screwtape is having a field day. This, then, brings us full circle to the perplexity that confronts the concerned onlooker of this drama.

Those who speak stridently from any position of extreme, I feel, are contributing to the distortion of the issues. Here, too, the truth seems to lie in between.

My role, as a responsible Christian, is to vigorously and prayerfully support those agents of moderation and mediation such as our church. If these efforts are successful, and these forces prevail, then peace will return to this country, and its people will be free to develop the caring society for which they have sacrificed so much, and for which they long.●

HOPE FOR THE FUTURE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. OTTINGER. Mr. Speaker, I encourage all my colleagues to take a moment to appreciate a poignant article written by one of my constituents. I share David Carsen's hope for a peaceful future, one which allows constructive, mutually beneficial negotiations between this country and the Soviet Union. I strongly recommend to our next President that he consider sending Mr. Carsen's letter to the Soviet President as his first order of business.

The article follows:

A LETTER OF HOPE TO THE KREMLIN

(By David Carsen)

Hope is the sustaining force that tends to balance present failure with the promise of future fulfillment. For more than three years I have been hopeful that President Reagan would break out of his right-wing, fundamentalist, ideologue's role and establish a less confrontational program vis-a-vis the Soviet Union.

Instead, I see only invective toward an "evil empire"; half-truths about an arms control plan that starts with the placement of first strike weapons eight minutes from Moscow, and the impulsive use of military forces that can only lead to greater military involvement. I fear for the consequences of this administration's policies and look with hope for a new president who will find a way to overcome the present polarization of our nuclear-ridden world.

With this in mind, I visualize this next president taking a bold step and writing directly to the new Soviet leader, cutting through old perceptions and presenting a realistic plan for accomplishing true arms control. It might read something like this:

DECEMBER 1, 1984.

Moscow, U.S.S.R.

MY DEAR MR. PRESIDENT: As you are aware, the American people have chosen a new president through our normal elective process. By voting me into office, they have, in their collective wisdom, expressed recognition that the problem of whether life is to continue on this planet must take precedence over all other problems.

When I think of how our two nations have, by steady and rapidly increasing steps, built Doomsday Machines, I can only come to the conclusion that we must stop orchestrating for death and think only of resolutions for peace. It is with this in mind that I write to you in the sincere hope that you will give my comments your most serious consideration.

Let us examine the facts one more time. Up to now we have both been building and deploying nuclear missiles with the necessary pinpoint accuracy so essential for first strike capability. Our own military analysts have established that 2,200 warheads would be the minimum needed to accomplish a successful pre-emptive attack by either side. I believe that your experts agree with this estimate. But only if we think of the meaning behind these cold statistics can we recognize the horror of where our previous thinking has led us. What makes it all so ludicrous is that a recently surfaced new factor relegates all our efforts to maintain destructive parity to the realm of total insanity.

Scientific findings presented in the December 1983 issue of Science (a prestigious magazine published by the American Association for the Advancement of Science) graphically detail the climatic catastrophe that will occur if only a small part of our nuclear arsenal is used. Any decision to use more than 500 warheads (less than 1 percent of present totals) will trigger this "nuclear winter."

High-yield nuclear ground-bursts necessary to destroy missile silos would result in a heavy loading of the earth's atmosphere with light-absorbing particles of fine dust and soot. When explosion-induced fires from airbursts over adjacent cities and forests are added, the magnitude of blockage of sunlight becomes critical. Summers would disappear and the normal earth temperatures in the Northern Hemisphere would fall well below freezing from 0 to −15 degrees Fahrenheit year round. All crops and farm animals would soon be destroyed, and it would be only a few weeks before the Southern Hemisphere would be similarly affected. Any decision to launch a first strike would be tantamount to writing an engraved invitation to one's own national suicide, since the prevailing winds would carry the "nuclear winter" back to the aggressor nation within 10 to 14 days.

Nor is this the thinking of our scientists alone. I understand that scientists from your Soviet Academy of Sciences, V. V. Alexandrove and G. L. Stenchikov, concur with these findings based on their own re-

search and independent calculations. There is no need, therefore, to belabor the point. I can only suggest that it must appear as ridiculous to you as it does to me, that we are impoverishing our respective nations by continuing to develop and deploy the weapons of nuclear war without ever being able to use them. Perhaps the time has come to turn these weapons of death, if not into plowshares, then at least into junk heaps.

With this data now verified, I have given orders that all Pershing II and cruise missiles be removed from the European theater starting Jan. 1, 1985.

Additionally, I have instructed our new Arms Control and Disarmament Director George F. Kennan (ex-ambassador to your country) to prepare an outline for a "Phased Mutual Verifiable Weapons Freeze Agreement." Recognizing that this would be only the first step to a substantial arms control agreement, I have asked Admiral Noel Gayler to prepare a proposal outlining his "Deep Cuts" plan for nuclear arms reduction. This plan has received the support of most of our mature scientific community and the Center for Defense Information, whose staff consists largely of retired admirals, generals and former military line officers.

It might be of interest to you to know that Admiral Gayler (retired) was a former director of the National Security Agency and one-time commander in chief of the U.S. Pacific forces. As such, he saw Hiroshima shortly after it was hit. I know that he, like many other high-ranking American officers, has come to the conclusion that no rational use can be made of nuclear weapons. I am also sure that he has Russian counterparts who feel the same way.

Since verification has proven to be a stumbling block in the past and will remain so until greater trust can be established, I am advising you that I have appointed Dr. Richard Garwin, a Defense Department technical advisor and IBM Fellow at the Thomas J. Watson Research Center, to the arms control negotiating team. I feel certain that you will find his rational and knowledgeable approach to be honest and refreshing. I am also appointing Dr. Lynn Sykes of Columbia University, who is an expert in seismic verification techniques, to assist Dr. Garwin.

On a more immediate note: I have been advised that you have been deploying new, more accurate SS-22 median range nuclear missiles in Bernsdorf, East Germany. It is my hope that when you become convinced that the West is no longer interested in a race to the death with the Soviet Union you will remove all such missiles as part of a continuing verifiable arms control relationship. All the talent, ideals, skills and wealth of our two nations should no longer be gambled on the throw of a switch, the push of a button or a computer malfunction. Maybe after a period of practicing peace, we can learn from each other and reflect the good that is in both our peoples.

The choice is yours. The land of Tolstoy, Dostoyevsky, Tchaikovsky and Lenin has much more to offer society than SS-20s and SS-22s. Similarly, the land of Jefferson and Lincoln is not the land of MX missiles and Trident submarines.

I am haunted by the image of the world if we fail. The radioactive ashes of Western Capitalism and Eastern Communism will bear a remarkable resemblance to each other. They will be colored the same dull grey-black.

We must not fail!

Sincerely,

The President-elect,
Washington, D.C.

(David Carsen of Mamaroneck, an engineer on the Manhattan Project in Oak Ridge, Tenn., from 1943 to 1945, devotes himself to writing in the hope that we don't blow ourselves up.)●

JEFFREY ELBEL WINS VFW'S VOICE OF DEMOCRACY CONTEST IN ILLINOIS

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mrs. MARTIN of Illinois. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy essay contest for high school students around the Nation. This year I am delighted to announce that the winning Illinois entry was authored by Jeffrey Elbel, who resides in the 16th Congressional District, which I represent.

Jeff, along with his brothers and sisters, lives with his parents, Eric and Ruth Elbel in Mount Morris, and he is a junior at Mount Morris High School. Even before his most recent success in the Voice of Democracy contest, Jeff could boast an impressive string of accomplishments: earning a place in the Illinois All-State Choir, maintaining a high level of academic performance, running as a letterman on the Mount Morris track and cross country teams, and serving as vice president of the student council.

Composing an essay on the theme "My Role in Upholding Our Constitution" is no small feat, and composing the essay judged best among the thousands entered in Illinois demonstrates Jeff's prosaic talent as well as a deep understanding of the principles upon which our Nation was founded. I would like to submit into the CONGRESSIONAL RECORD the winning state essay, written by the newest Illinois patriot, Jeff Elbel:

MY ROLE IN UPHOLDING OUR CONSTITUTION

In a small suburban community, there is an old house that has been standing since the town's founding, well over a century ago. The house has had many owners from many successive generations. The old structure still stands in top shape today, for each set of owners has made some improvements on it, or renovated a portion in some way. The current owners, a family of five, put a great deal of effort into keeping their home beautiful and in good condition. They are presently adding a bedroom. The house is as sturdy and well built as any other in town, if not better.

This old house is an example of what I feel is the proper view of our attitude toward the Constitution of the United States. When the document was drawn up in 1787, the Founding Fathers were writing it for their age and time; however, they were hoping for longevity in their system. These men were farsighted enough to see that provisions called for in the original constitution could not possibly cover all the situations necessary in a rapidly changing society such as ours was, is, and shall continue to be. As Alexander Hamilton once said, "The Constitution should consist of only general provisions; the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things." The constitution is therefore meant to be interpreted broadly. This is not to say that we should bend its rules, but that we should be insightful enough to look into the meaning of its words to determine the guidelines for areas in our society not expressly written for in the original document.

The constitution allows for amendments and new laws to be passed as they are necessary to make our Government more up to date. This gives our governing body the power to handle new situations as they come along, thereby improving our system of government for posterity, as well as for the people of the present age.

Like the old house, the constitution must be properly maintained and cared for; and since most of us will not be holding major and influential Federal offices in our immediate futures, this means that we should carefully choose and vote for our representatives to government by selecting the individuals that we feel will uphold our rights and the constitution most responsibly. Voting is a responsibility as well as a right. There are too many people in our society today who choose to stand by and let others take the initiative to be responsible participants in our Nation's welfare. They may feel that they will have made a bad decision, or that they will somehow be embarrassed for making an unpopular decision, or perhaps, because they simply do not care. This is sad. We should be proud to take part in the process of such a great and free country as ours. There is little to compare to this Nation's system where our Constitution, declaring a democratic government both for the people and by the people, has stood the test of time for so long without being radically changed. Certainly, our country has its economic and political problems, but this nation is still at the top of the heap in terms of political strength; and we have, by far, the most democratic and free system of government on the face of the globe. On this note, one can say that pride, as well as duty and responsibility, should call us to be active in upholding our Constitution and form of government.

So I say in conclusion, let's protect our old house; if there were a leak in the roof or a crack in the window, we would not sit idly by and watch conditions deteriorate further. On the contrary; we would surely remedy the problem quickly. In parallel as my role in upholding the Constitution, when I am of age I'll be sure to accept the responsibility of voting; and I will be certain to consider my choices first and make them carefully and conscientiously; for responsible leaders, even down to the community level, help build a stronger America. And lastly, I'll take pride in my country. I'll uphold its standards in word and deed; for above all, America is a land of people; and if the people unite to uphold the Nation, America will be strong.●

WHAT IS AMERICA UP AGAINST?

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. MOAKLEY. Mr. Speaker, we all know that the world is growing more complicated. And we all realize that many Americans are frustrated in their search for answers to our serious economic problems. The immediate question is, what do you do about it?

I strongly believe that the program of the Boston based, Productivity Communications Center is a highly positive step in the right direction. The center encourages business firms and public agencies to structure programs that provide employees, in their work place, with an understanding of both economics and the need for participation. This process encourages people to seek out further information and to "get involved" at work and in the community by stimulating the management of business to sit down with its employees and discuss, on a two-way basis, issues that concern us all. The PCC programs serve to improve employee communications and demonstrate business commitment to the community.

Having participated in the center's programs, I am impressed both with its objectives and the professional and balanced way in which employee awareness programs are conducted.

If more companies were to adopt programs like those offered by the Productivity Communications Center, we would be a good deal closer to solving many of the problems that confront business and this Nation.

The Productivity Communications Center is a nonprofit educational foundation. Organized in 1979, the center is chartered with promoting public understanding of the private enterprise system and the need for increased productivity and competitiveness by conducting inplant employee awareness programs.

The center's goal to encourage America's 90 million private enterprise business system, to seek out answers to today's economic problems and to become active as informed citizens, consumers and productive workers.

Recently, Dan Dickinson, president of the center, produced a paper, "What Is America Up Against," which sets forth an agenda for labor and management to pursue to meet the objectives of a sound economy, increasing productivity, informing citizens and consumers all chartered to meeting the Nation's needs in the eighties and nineties.

I am pleased to share Mr. Dickinson's remarks with my colleagues.

Thank you.

WHAT IS AMERICA UP AGAINST?

(By Dan Dickinson [1])

"Will my kids have the same opportunities to get ahead that I've had? Or will things continue to go downhill?"

When I was first asked that question a few years ago by a machinist near retirement age, I was taken aback. The man had hit the problem squarely: economically, the U.S. had begun to lose its world leadership. If that trend continued, it could only result in a declining living standard for everyone. The next generation would, indeed, be the first in American history to have less opportunity than the preceding one.

At the time, I couldn't come up with a good response. For one thing, I didn't have enough information. Now, I've read a good deal more about the problem, and I've talked about it with people in plants across the country. I still don't have the answers, but I have gained some insights into how serious our difficulties are and how Americans are starting to respond.

No one should, because of the current economic upturn, underestimate how serious our problems are. Currently, nine million Americans are out of work. Due to the huge number of people who entered the labor force during the seventies because of the 1950's baby boom, it will be difficult for our economy even in the best of times to employ all who want jobs. The unemployment problem is likely to be with us for quite a while longer.

So too with high interest rates, high taxes and inflation. Currently, the federal government is chalking up deficits in the order of $200 billion— more than the whole national budget was just fifteen years ago. If the government borrows this money, interest rates will soar. If it simply prints more dollars to pay the bills, we'll have higher inflation. Moreover, despite the enormous deficits, taxes and federal spending have continued to rise, regardless of which party is in power. It's like Will Rogers said: "It's not hard to be a humorist when you've got the government working for you."

Our productivity problem ties into all of this. How can we make our industries more productive if money for new tools, new facilities, and better training is both scarce and expensive? How can we hope to see our economy grow—and employ all those wanting jobs—if we are unable to improve the efficiency of our businesses and industries?

Perhaps for many Americans—and certainly for those working in the so-called "smokestack industries"—the most serious threat to the future comes in the form of foreign imports. Whether the challenge emanates from Japan or Germany, whether it takes the form of steel, autos, textiles or electronics, our failure to effectively compete has cost hundreds of thousands their jobs, and has required thousands more to learn new skills. Moreover, our problem with imports is just beginning. In the future, as Third World economies develop, we can expect to see more competition from such places as South Korea, Jamaica, the Ivory Coast, Thailand and Singapore. At the same time, though, we should keep in mind that the growth of Third World nations brings with it opportunities as well as challenges. For every new competitor that emerges from the N.D.C.s ("Newly Developing Countries"), there will also be created millions of new consumers.

And yet, even if these economic problems are severe, there's a crisis we face as a people that looms just as large as any of these difficulties. That problem revolves around the widespread distrust people have of business, of labor, and, really, of all the institutions that are designed to represent us. Poll after poll in recent years has shown that, possibly because of Watergate, Viet Nam, and our financial woes, the average American is turned off on politics, on business, and on the world around him. If people don't want to get involved, how can we ever hope to get the cooperation and participation necessary to solve our economic problems?

If the trends I've listed above were all of the story concerning our economic future, I'd be forced to agree with those Americans (a majority, by the way) who believe we're headed for a decline. I don't agree with that because I've seen, in businesses throughout the U.S., encouraging signs of renewal taking place, a renewal that marks a basic—and long overdue—changing of our economic gears.

Mark Twain once said that, "Nothing so focuses the mind as the prospect of being hung." Last year's devastating economic crisis focused a lot of minds on the whole basis of our prosperity: the workplace. Out of this attention have sprung ideas, action, and, I believe, some answers.

One thing the recession made perfectly clear was that the perpetual warfare that goes on between labor and management in many firms cannot continue if we expect to compete with nations where people have learned to work together. No realistic person in labor expects management to ignore economic reality and the stockholders in order to fulfill all the employees' wants. And no sensible manager expects employees and their representatives to make their interests totally subservient to the interests of the company. What is coming to be understood is the need for balance and a long range view. The question must now be "what can we do together to insure our future?" instead of "what can we get today?"

For some firms, this process will lead, in time, to a breakdown of barriers entirely between management and labor. In others, cooperation will replace confrontation. In either case, these changes are long overdue. Those who fail to make them will suffer the consequences.

If the change in relations between labor and management is the one catching the newspaper headlines, the switch taking place within management may be equally important. Just a few years ago, if you asked a group of executive why our productivity had slowed, they would have pointed their fingers at government, at regulations, at the workforce; in short, at everyone but themselves. This despite the fact that productivity is largely a responsibility of management. Today, managers are starting to realize that the employee relations and production techniques of the 1930's and 1940's simply won't cut it in the 1980's. The workforce has changed, and so has the technology. And many in management now realize that they have to change, also.

Yet the most significant transformation taking place in industry is in the way companies are beginning to relate to their employees.

[1] Dan Dickinson is the President of the Productivity Communication Center, a non-partisan, nonprofit employee awareness foundation designed to promote public understanding of the private enterprise system and the need for increased productivity and competitiveness.

I have an employee economic education brochure from the early 1950's. On the cover is a "worker". You know he's a worker because he's wearing a hard hat and has bulging biceps and a beefy chest, all encased in bib overalls. "You've hired his hands," the legend reads, "why not enlist his head and heart?"

Suffice to say that while the worker in the brochure may have been typical of the 1950's (though I doubt it), he's hardly representative of today's employee. People in industry now have a much higher educational level than they once had. Many more of them are female. Increasingly, they're involved in jobs that require sophisticated skills and technological know-how.

Because of these changes, companies are starting to look at employees less as interchangeable parts of a "labor force", and more as unique individual resources, each capable of contributing substantially to improving his job, his firm and his country. Today's employee wants more than a pay check; he wants to be consulted, to be respected as a person, to be involved. Today's manager, in turn, knows that that extra measure of employee creativity and commitment will, in years to come, often be the key to both survivial and success. As these trend lines meet, and as they combine with our new technologies, full employee participation in the workplace will become the wave of the future—if we're to have an economic future.

Can America regain its prosperity? If we can fully utilize our strengths: our vast natural resources, our highly skilled workforce, and our unrivaled creativity, there is no reason that we cannot create a tomorrow brighter than anything that we've seen in the past. It's happening already.●

A TRIBUTE TO PAMELA ROPER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. BILIRAKIS. Mr. Speaker, the education of our children is of deep concern to all of us because we know that our children are the future of our country. All of us recognize how important a quality education is. All of us are aware of the important factors in providing a quality education: schools with strong leadership and dedication, committed teachers, and involved parents.

We also know that the most important element is quality teaching in the classroom and this is especially true at the elementary school level where teachers are developing the base on which our children's future learning will be built.

Pinellas County, in my congressional district, earlier this month chose one of those special people as its teacher of the year. Thirty-five judges looked at the work of the entrants and selected Pamela Roper, an elementary school reading specialist at Dunedin Elementary School, as Pinellas County Teacher of the Year.

Mrs. Roper is a committed and dedicated teacher. She is a perfect example of the teacher who gives more to her students and her community than is expected of her or is assigned to her. Teaching reading is important to her—and her students. In her own words, she believes that reading is best taught "by making the child feel good about himself. It's like turning on a light bulb."

But Mrs. Roper does more than teach reading to emotionally handicapped students, both children and adults. She teaches workshops in the community to help extend her volunteer-tutor program to other schools; she teaches remedial reading classes which are not required of her; and she appears on television to instruct parents on how to improve their children's reading ability.

Clearly, Mrs. Roper is a master teacher in the best sense of the term and her dedication to her students is something we should applaud. There is no question that Mrs. Roper is truly deserving of the title of Pinellas County Teacher of the Year. I am honored to be representing her in the Congress of the United States.●

THE HOOSIER ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 28, 1984, into the CONGRESSIONAL RECORD:

THE HOOSIER ECONOMY: PROBLEMS AND POTENTIAL

During the past few years, Indiana has not fared well economically. Its performance has been unsatisfactory even when compared to that of other states in the industrial heartland. Only Michigan fell further behind during the recession, and only Illinois is recovering more slowly. Our jobless rate was 12 percent in January, the nation's sixth highest. Per capita income, 6 percent under the national average and falling, is the region's lowest.

Most Hoosiers are only too familiar with the state's economic predicament. It is that jobs are concentrated in manufacturing, a sector vulnerable to the business cycle and plagued by aging plants, government regulation, foreign competition, and the high cost of energy and financing. In 1981, for example, the hard-hit manufacturing sector gave our state 31 percent of its jobs; the figures were 27 percent for the Midwest and 22 percent for the nation as a whole. Likewise, recession-proof white-collar and service jobs comprise a much smaller share of the Hoosier labor market. This mix of industry will put our state at a disadvantage in the future.

What does the future hold for the Hoosier economy? In the near term, Indiana's fortunes are linked closely to the recovery of the national economy, especially if there is greater activity in the farm sector and in steel, automotive components, and electrical and non-electrical equipment. With this prospect in mind, a local forecaster shows statewide employment rising by 82,000 in 1984, enough to trim the jobless rate two points. A national forecaster sees more investment in Hoosier steel over the next three years, with our state's main non-farm employer reversing a trend and adding jobs during and beyond that time. In the far term, things are less clear and differences of opinion are sharper, but views are not too dim on balance. Some analysts foresee a rebound in manufacturing but less growth in sectors engaged only in intrastate commerce. Other analysts project that Indiana will gain in per capita income over the next ten years and will add jobs faster than its Midwestern neighbors or the country as a whole.

I hope that these mildly favorable forecasts come true, but I suspect that they depend on assumptions about the recovery that I would not feel safe making. I also suspect that new jobs in our state will be concentrated in the lower-paying service sector, and that without a greater effort on our part there will not be enough attractive jobs in high technology to make up for the loss of higher-paying jobs in manufacturing. If these suspicions are correct, Hoosiers must not wait out national events but should take steps to improve Indiana's economy. We have the power to remake our state's economy in a way that draws on its strengths and compensates for its weaknesses. If we do not rise to the challenge, Indiana could become an economic backwater.

Indiana has never needed luck to keep its factories and farms producing. Our state has real economic muscle. Its hard-working labor force is perhaps its greatest asset. That labor force is backed by highly regarded universities and first-rate vocational and technical education. High-quality research programs and laboratories across our state provide further support. Natural resources—abundant water, some of the best farmland in the world, plentiful coal, and vast tracts of forest—must also be counted among Indiana's advantages. So must its transportation system, its proximity to major markets, and its reputation as a good, stable place to live. The economic task facing Hoosiers is easy enough to describe: we should capitalize on these strengths to the maximum extent possible, keeping in mind that there are important obstacles to be overcome.

Aside from an overreliance on manufacturing, what are the main obstacles to Indiana's economic renewal? A report just released by Congress' Joint Economic Committee shows that Indiana is not spending enough to keep up its roads, bridges, terminals, and water systems, the "infrastructure" upon which commerce is based. We will be about $28 billion short by the year 2000. Sewage treatment, public transportation, and airport construction are areas where the shortfall in funding may be pronounced. Sluggish investment, slower growth, and fewer jobs will be the results. Similarly, Indiana is having serious problems in education. The expenditure per pupil in 1981 put Indiana 24 percent below the national average, 43rd among the 50 states. Since only one Hoosier in eight has a college degree and only five states in the country have fewer college people in their labor force, it is evident that our state is suffering a "brain drain"—too many of our college graduates are taking jobs elsewhere. As our state's economy changes, the lack of emphasis on education will mean more risk and less opportunity for Hoosiers. We must have more education today so that Hoosiers

will master tomorrow's high-technology world.

Other obstacles to economic revitalization are just as easily identified. Our state does not emphasize enough those initiatives that contribute to the quality of life and attract out-of-state businesses. For example, Hoosier spending for police and fire protection is the lowest in the Midwest, some 37 percent below the average of its neighbors. Support for social welfare programs is weaker still. Also, Indiana faces soaring utility costs due to high energy consumption and the collapse of the Marble Hill project. This prospect has a bad effect on firms considering expansion or relocation in the state. Finally, a recent report of the Library of Congress shows that Indiana's wealth is being transferred to other states because its return on federal tax payments is so low—about 77 cents on the dollar, 46th in the nation. Indiana is last in federal spending per capita. These disturbing statistics are due in part to our state's own failure to participate fully in federal programs.

It is hard to sort through all the economic data, but my sense is that the Hoosier economy is undergoing basic change, and that decisions being made today will determine whether Indiana prospers or stagnates in the years ahead. Now is not the time for timidity. We have a rare chance to take the long view of economic development and make investments in our human and capital resource that will make our economic future brighter.●

IMPACT OF IMMIGRATION ON CALIFORNIA

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. BATES. Mr. Speaker, as a Representative from a State which is particularly concerned with the immigration problems facing our Nation today, I thought my colleagues would be interested in a recent interpretation of the Urban Institute's study on the impact of immigration on California as formulated by the respected Office of Research, Advocacy, and Legislation of the National Council of La Raza.

The material follows:

HIGHLIGHTS AND IMPLICATIONS OF THE URBAN INSTITUTE'S STUDY ON THE IMPACT OF IMMIGRATION ON CALIFORNIA

I. BACKGROUND

On February 28, 1984, the Urban Institute released a report summarizing the findings of an investigation of the impact of recent Mexican immigration to California. Urban Institute researchers studied economic, fiscal, and social issues associated with immigration to California, with emphasis on the implications for Los Angeles and Southern California.

The study relied extensively on quantitative analysis of empirical data bases including the Public Use Sample from the 1980 Census and special tabulations of the Current Population Survey for the years 1970 to 1983. The study thus represents one of the few empirically-based analyses of the impact of immigration on a defined geographical area. The full study, The Fourth Wave: California's Newest Immigrants, will be published by the Urban Institute Press in the Spring of 1984.

These data are directly relevant to the current debate in Congress over immigration reform legislation.

II. STUDY HIGHLIGHTS AND IMPLICATIONS

A. Numbers of undocumented persons

The study found that independent statistics, such as school enrollement data: . . . correspond closely with the [1980] estimates . . . suggesting that the Census did enumerate most Mexican immigrant families with children, whatever their legal status.

The Urban Institute researchers concluded, however, that the Census did undercount single males. It was estimated that this undercount of single males was in the 25-37.5% range.

These findings have important implications for the current national debate over immigration policy since a key unresolved issue in that debate is the size of the undocumented population. The 1980 Census enumerated slightly over two million undocumented persons. If the Urban Institute's estimated undercount rate is projected over the entire U.S. undocumented population, the size of this population in 1980 was between 2.56 and 2.82 million. This estimate is far lower than the three to six million figure used by the Select Commission on Immigration and Refugee Policy and both the House and Senate Judiciary Committees, and confirms Census' conclusion that:

Estimates of the numbers of illegal aliens in the United States have varied widely—generally falling in a range of 2 to 12 million. Much of the debate on the matter has been unhampered by empirical evidence, with the result that "estimates" have been based on pure speculation, gut feelings, or perceived special interest. As more empirical evidence has become available, the estimates have gotten smaller and smaller (Robert Warren and Jeffrey Passel, "Estimates of Illegal Aliens from Mexico Counted in the 1980 United States Census," U.S. Bureau of the Census, 1983, p. 1).

B. Impact on employment

It has been asserted, primarily by proponents of more restrictive immigration policies, that undocumented workers "displace" native Americans from jobs. Moreover, it is suggested that, since most undocumented persons are employed in menial or unskilled jobs, minorities—especially blacks—suffer disproportionately from job displacement by the undocumented.

The Urban Institute study found no empirical evidence to support these charges. With respect to the job displacement issue overall, the study concluded that, in the 1970s, the influx of immigrants did not reduce the jobs available to nonimmigrant workers. The researchers noted that: . . . there is no indication that work opportunities for nonimmigrants lessened. Despite mass immigration to Southern California, unemployment rates rose less rapidly there than in the remainder of the nation. . . . [T]he immigrant influx was not accompanied by job losses for other workers.

As for the charge that undocumented workers tend to heighten job competition with—and disproportionately displaces—Blacks, the researchers found: . . . no statistical relationship between the size of the Hispanic population and black unemployment. . . . An analysis of the black unemployment rate and the size of the Mexican immigrant population in Southwestern metropolitan areas indeed suggests a negative relationship.

While the study did note that wages in some sectors rose more slowly in Southern California than elsewhere as low-skilled immigrants entered the labor force, researchers found that: [D]uring the surge of immigration between 1972 and 1980, wages of all employees, already above the national average, rose 9 percent more rapidly in Los Angeles than in the nation.

In those industries where wages rose more slowly than the national average, the researchers found that: The net result was to preserve the area's competitive advantage in manufacturing and to modestly increase profit margins. In addition, area prices in restaurants and for personal services dropped somewhat. . . . As had been the case during earlier immigration waves, the depressed wages in low-skill jobs caused more such jobs to open up. In manufacturing sectors with declining employment nationally, additional jobs for skilled and white collar workers were created in Los Angeles to complement unskilled production jobs.

Finally, the effect of immigration on per capita income appeared to be positive: the study concluded that: . . . despite the arrival of 325,000 Hispanics whose current average income is only half that of the average income for the area . . . per capita income from all private sources—the earnings of those who are self-employed as well as wages, salaries, rents and dividends—rose more rapidly in Los Angeles than in the nation as a whole. During the same period, per capita growth in transfer payments was considerably lower than that in most other metropolitan areas (p. 16, emphasis in the original).

Since growth in transfer payments—welfare, Social Security, and other "entitlement" programs—decreased in Los Angeles relative to the rest of the country, the growth in per capita income in the area can be attributed directly to improved economic conditions.

C. Fiscal impacts

The Urban Institute found that state—and to a lesser extent local—expenditures for public services used by Mexican immigrants were "not offset by taxes paid by this immigrant group," primarily because of low earnings (p. ix). The study concluded that net fiscal impacts were −$1,739 and −$460 for the state and local levels, respectively. When U.S.-born children of these households are excluded (U.S.-born children are American citizens), these figures drop to −$1071 and −$357 for the state and local levels, respectively.

These data, however, should be treated with extreme caution, for several reasons. First, they exclude fiscal impacts at the federal level. Most empirical studies of this issue have concluded that the total fiscal impact, i.e., combined federal, state and local revenues and expenditures, of undocumented persons is positive. The reason for the disparity is that the undocumented tend to use federally-funded programs (Social Security, Unemployment Compensation, Medicare, Medicaid, Food Stamps, AFDC) relatively less than the state- and locally-funded services (schools, hospitals, highways) identified in the Urban Institute study. This notion is confirmed by the study's abovecited finding that growth in transfer payments—which are usually federally-funded—in the Los Angeles area was lower than in other areas.

Second, the study sample only included those immigrants, both documented and un-

documented, who were enumerated by the Census. The researchers note that: The characteristics of Mexicans who were not enumerated are unknown, but it is believed that this group consists primarily of single workers. . . . From a fiscal perspective, the fact that these workers have no dependents in California means that they do not add to either school enrollment or welfare rolls.

Thus, inclusion of these single workers would tend to decrease the average state-local expenditure per household. Finally, the report notes that California has one of the most progressive tax systems in the nation, i.e., tax rates are higher for those with high incomes, lower for those with low incomes. Since most of the undocumented earn relatively low wages, their tax contributions are lower than might be expected in other states. A recent study carried out by researchers at the University of Texas of the fiscal impacts of the undocumented in that state, which has a much more regressive tax structure than California, concluded that: The total revenues received from undocumented aliens [in Texas] exceed the total costs of providing public services to them (Sidney Weintraub and Gilbert Cardenas, "Use of Public Services by Undocumented Aliens in Texas," October 1983).

In fact, the Texas study concluded that state revenues from the undocumented were about three times the state expenditures for this group. Thus, the Urban Institute data, when properly interpreted, are not inconsistent with previous studies that show that the tax contributions of the undocumented exceed the costs of public services used by the undocumented.

III. POLICY IMPLICATIONS

The debate over immigration reform has been characterized by sharp differences over the facts underlying various policy choices. Among the most controversial subjects is the issue of job displacement. Proponents of more restrictive immigration policies assert that displacement of Americans from jobs by undocumented workers is a problem of enormous magnitude. The Urban Institute's findings, which are based on rigorous analysis of a large data base, directly contradict this belief.

A second area of contention has been the extent to which undocumented persons' use of public services has negative fiscal impacts for various levels of government. The study's findings that negative fiscal impacts can be ascertained for some governments is not surprising; it has long been known that the undocumented tend to have greater negative fiscal impacts on states and localities than on the federal government. The important conclusion to be drawn from the Urban Institute study is that, when the entire undocumented population is considered, and when revenues and expenditures for all levels of government are included, the undocumented have a positive fiscal impact with respect to the use of public services.

It now appears that the House will soon consider immigration legislation. As Congress considers the different policy options embodied in the Simpson-Mazzoli bill (H.R. 1510), the Roybal bill (H.R. 4909), and various amendments, it is critical that informed decisions be made based on the best evidence available. The Urban Institute study is the latest in a series of empirical research studies which show that many "facts" upon which proposed immigration policies are based—such as the notion of job displacement—are not supported by such evidence.●

YURI SHUKHEVYCH—UKRAINIAN PRISONER OF CONSCIENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. FASCELL. Mr. Speaker, this week, the Ukrainian-American community and many other concerned individuals are observing "Yuri Shukhevych Defense Week" in order to focus attention on the tragic plight of an individual who has spent over 30 years in Soviet prisons and labor camps for refusing to denounce his father. Yuri's crime was that he was the son of Gen. Roman Shukhevych, commander in chief of the Ukrainian Insurgent Army, which fought against Hitler's Germany and Stalin's Red Army during World War II and continued to struggle for Ukrainian independence until the early 1950's.

Yuri was first arrested in 1948 at the age of 14 for refusing to denounce his father, and sentenced to 10 years imprisonment. After serving 8 years, he was released in the spring of 1956 on grounds that he was imprisoned while still a minor. A few months later, Soviet authorities changed their minds and forced him to complete his sentence.

Shukhevych was rearrested August 21, 1958, on the day of his release, and sentenced to another 10 years imprisonment and 5 years internal exile. During this time, he categorically refused to renounce his father, despite repeated attempts by Soviet authorities to pressure him into doing so. Released from prison in 1968 and forbidden to live in the Ukraine, Shukhevych settled in Nalchyk in the Northern Caucuses, where he married and took a job as an electrician.

In 1972, he was again arrested and sentenced to 5 years imprisonment, 5 years labor camp and 5 years exile for "anti-Soviet agitation and propaganda." Instead of breaking Shukhevych's spirit, the actions of the Soviet Government strengthened his resolve, despite the fact that while in prison, he went blind. While serving his latest sentence, he joined the Ukrainian Helsinki Monitoring Group and renounced his Soviet citizenship. Shukhevych is serving the remainder of his term in exile in Tómsk, where, because of his blindness, he has been put in a home for the disabled.

Mr. Speaker, the Helsinki Final Act calls upon the signatories, including the Soviet Union, to respect human rights—rights which derive from the "inherent dignity of the human person and are essential for his free and full development." Yuri Shukhevych stands out as an individual who has suffered a great deal precisely for maintaining his dignity in refusing to denigrate the name of his father. Despite numerous efforts on his behalf by governments in the West and private institutions, including a resolution passed by both the House and Senate in 1981 calling upon the Soviet Union to release him and permit him and his family to emigrate, the Soviet Government has remained intransigent. The Helsinki Commission, on which I serve as Chairman, has repeatedly called upon the Soviet Government to abide by its human rights commitments under the Helsinki Final Act. By releasing this man, who is blind and in poor health, and permitting him and his family to emigrate, the Soviet Government would be taking a positive step in showing that it takes its stated commitments seriously.●

ADULT EDUCATION ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. ERLENBORN. Mr. Speaker, I am today introducing together with Mr. GUNDERSON and Mr. NIELSON of Utah, the administration's bill to reauthorize the Adult Education Act, which expires at the end of this fiscal year.

This is a program where we have seen what was at first almost solely a Federal effort become more and more a Federal-State partnership. a decade ago, adult basic education was principally a Federal effort, with services provided through the public schools. Since that time, State and private contributions have increased significantly.

Today, the proportion of funds attributable to non-Federal sources has risen to more than 50 percent. Moreover, services are now provided not only through the public schools but through community-based organizations, community colleges, private businesses, churches, and labor unions. A 1980 study indicated that 60 percent of all adult education classes were taking place in churches, libraries, community centers, and other nontraditional sites.

I take time to point this out because I believe the increased cooperation we have seen at the State and local levels of government and the active participation of the private sector in adult education programs have contributed significantly to their success.

This desirable trend is being strengthened through the President's Adult Literacy Initiative, which is seeking private sector support and citizen volunteer participation in local programs. As a result of these efforts, it should be possible to serve more adults without an increase in spending at any level of government.

The administration's reauthorization proposal recognizes that the adult education program addresses an important and continuing need. Because the program is generally working well, only minor modifications are proposed.

The principal purpose of the legislation is to permit greater State and local flexibility over the use of funds, at the same time retaining as the major focus of the program the achievement of basic literacy for adults. Other goals of the bill are to increase the involvement of the private sector in the delivery of adult education services, permit the Department to collect needed basic data on program operations, and to authorize services for young adults not currently eligible for participation in the program.

The bill would retain the restriction that States use no more than 20 percent of their funds for high school equivalency programs. This provision insures that most program funds are used to provide basic literacy instruction to adult illiterates, who are the neediest clientele, and who may be more difficult to recruit and serve than the secondary-level population.

One of the proposals to increase State flexibility would delete the 20-percent cap on use of grant funds to serve those who are institutionalized, in hospitals or prisons for example. The administration believes that decisions about the level of resources going for that purpose are best left to State and local officials. Although that is a concept I fully endorse whenever possible, in this case I think we might heed the opposition to this provision expressed by witnesses who testified in subcommittee that without a cap, too large a share of resources may be allocated to the institutionalized. The latest data (1981) show a national average of 4 percent of those enrolled were institutionalized, using an average of 6 percent of the funds. Accordingly, there would appear to be ample opportunity to increase services for institutionalized adults without changing current law. At any rate, we better take a closer look at this proposed change. I have requested from the Department a State breakdown on percentage of total State adult basic education enrollment in State institutions.

Another issue about which there is some controversy is the inclusion of for-profit entities as eligible recipients of funds under the act. The bill would amend current law to permit private, for-profit agencies, organizations, and institutions to carry out adult education programs. Concern has been expressed about the possibility of unscrupulous providers profiting at the expense of illiterate and undereducated persons. I think that fear is unwarranted. I agree with the Department that the use of for-profit institutions may be the only way to reach needy students in some areas of the country. In other areas the proprietary schools may complement the efforts of other providers by reaching persons who have not been included in other programs. Furthermore, the operations of market forces may make them more responsive to local needs and more efficient in providing services. In this instance, I have no hesitation in agreeing that decisions on the mix of public, private nonprofit, and proprietary programs to be funded should be left to State officials and not circumscribed by the Federal statute.

Another change in current law we propose is to modify the definition of an "adult" to "a person who is beyond the age of compulsory school attendance under State law." This would mean that, in those few States where the age of compulsory school attendance is below age 16, younger school dropouts could participate. Current law defines an adult as an individual who has attained the age of 16. The proposed technical change would allow provision of needed services to dropout youth at a critical period of their lives.

Additional changes provided for in the bill are intended to strengthen our adult literacy effort at the national level. The first such provision would permit the Department to set aside up to 5 percent of the adult education appropriation for national programs. National research, development, and dissemination activities are authorized as a categorical program in current law, but this program has not been funded for several years. Authority to set aside funds for national programs would permit the Department to undertake such activities as establishing industry—education partnerships for adult literacy, assessing and validating education technology and computer software designed for use in adult education, and evaluating different methods for expanding the reach of adult education through the use of volunteers.

The bill would also amend the requirements of the State plan to clarify the Department's authority to collect data on students, programs, and expenditures. This specific authority, which is not contained in current law, would simply permit the Department to assemble the basic information needed to assess the performance of the program in relation to program objectives and national needs.

Other amendments included in the bill would: First, make a minor change in the State allocation formula in order to provide for a more equitable allocation to the outlying areas; second, reduce current intrusive requirements relating to State advisory councils; third, repeal unfunded and unneeded authorizations for special programs for the elderly and adult immigrants; fourth, eliminate State matching and maintenance-of-effort requirements; and fifth, make certain other technical changes.

The bill would authorize $100 million for fiscal year 1985, which is the estimated current level of expenditures, and "such sums as may be necessary" for fiscal years 1986 through 1989.

I urge my colleagues, in reauthorizing the Adult Education Act, to give serious consideration to improving its operation as proposed by this bill. As we seek to make available broader and better educational programs for our youth, we cannot fall short in our responsibility toward those adults who, for various reasons, were unable to obtain the minimum of a high school education. The benefits of adult education, both economic and noneconomic, accrue to us all.●

DAIRY PROGRAM INEQUITIES ARE FOUND

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. WATKINS. Mr. Speaker, I have today introduced a bill which I hope will receive prompt and speedy attention by the Congress for it corrects, as is required many times, executive department rules and regulations implementing a law enacted by the Congress.

Under the dairy production reduction program, a participating dairyman is allowed to sell animals born after a certain date in only three instances. First, the animal must be sold to another milk diversion program participant. Second, an animal may be sold if it is going to slaughter. Third, an animal may be sold if it is slated for export.

In the past, some of my dairymen have sold animals to youngsters who were 4-H or Future Farmer of America members to help them with their individual projects. Under the regulations drafted by the Department of Agriculture, this will no longer be allowed, according to the testimony received by the House Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, on which I serve. Once again, the bureaucrats have created another problem for our constituents.

My bill is simple: It would allow a dairyman to sell an individual dairy cow, regardless of age, to any individual 4-H or FFA member for an agriculture project without causing the participating dairyman to be ejected from the milk diversion program.

Dairymen under the regulations adopted by the Department of Agriculture cannot sell animals to these

youngsters and will not be allowed to for the 15-month life of the program. We are therefore penalizing the young people by limiting the potential source of individual animals for class projects. I hope the Congress will see the wisdom of this legislation and I hope that it can be speedily enacted.●

JUSTICE AND HUMAN RIGHTS

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. WEBER. Mr. Speaker, I would like to call the attention of my colleagues to the second part of a report recently prepared by Mr. Frank Graves, a Minnesota businessman, on the current situation in El Salvador. Mr. Graves shares his observations about the human rights and the justice system in this war-torn country. These views will be important to all of us as we continue to debate the foreign aid issue regarding Central America. I urge my colleagues to read this report carefully.

JUSTICE AND HUMAN RIGHTS

The most powerful propaganda weapon in the hands of the FDR, the guerrillas' public relations organization, is the so-called "death squad" activity. One well publicized political murder attributed to the right, is worth many guerrilla victories in the field because it triggers reactions in our Congress which help the guerrilla campaign. The death squad issue, perhaps more than anything else, is responsible for our tentative support and piece meal aid to the Salvadoran government. It is no wonder the left focuses on these murders as they do!

The left's propaganda campaign is helped considerably by Amnesty International statistics which only track human rights violations by governments and do not deal in violations by opposition groups. It is helped also by the fact that the church agency in San Salvador which gathers information about killings, accepts unconfirmed reports by individuals who claim to have lost relatives to violence, and makes no attempt to discriminate between political killings and criminal murders or crimes of passion.

By contrast, the U.S. Embassy, using several sources including newspaper reports, attempts to discriminate between violent deaths as: killed in military action (soldiers, guerrillas, and civilians), political murders by the left and by the right. The embassy attempts to screen out criminal killings and murders of passion. The official embassy figures are no doubt more accurate and present a more objective perspective than most sources.

It is significant therefore that the information we received from the embassy indicated that over half of all killings had no political motivation and that there was a rough equilibrium between political murders by the left and the right which is quite different from the picture painted by the left's propagandists and the U.S. news media.

There are also indications that the left distorts the picture to their own advantage, given the opportunity. A classic example was when a woman named Marinela Garcia Villas, the president of the El Salvador Human Rights Committee, was killed in a night ambush by government troops while she was traveling with a guerrilla unit. The leftist propagandists published the story that she had been captured, raped and then murdered. That claim was discredited by both the U.S. Embassy and the foreign press corps which had been monitoring the tactical radio frequencies of the government troops and therefore followed the action as it unfolded. The incident, however illustrates how the left attempts to distort the facts to present a false picture . . . a classic disinformation technique.

Another way the left may be distorting the picture is by staging murders to appear as actions of the right. A Salvadoran source cited the murder of a minor government bureaucrat who was known to have leftist sympathies but who otherwise was harmless and without influence as an example. This source also indicated that the incidence of murders attributed to right wing death squads seemed to increase in the period before a well publicized arrival of some U.S. investigative body such as the Kissinger Commission or a human rights group. We received this information after meeting with embassy personnel so we could not confirm it with them, but if true it certainly gives credence to the claim that the left stages killings to look like the work of the right.

With the background of this important perspective, I must add that everyone we talked to agreed that right wing death squad activities do exist although not to the degree we are led to believe. No one, embassy spokesman nor Salvadoran, seems to know who is responsible. Everyone seems sure that they are not the result of official government policy. Without exception the people we talked to thought such activity to be unworthy of the country and damaging to the national image.

The finger seems to point at a few members of the paramilitary organizations (the police, national guard, and civil defense forces) as being involved in death squads. The Salvadoran Army is apparently fairly clean in this regard, and there may be an important correlation here. U.S. advisors work closely with the Army and do not work with the other organizations.

A little historical perspective is needed to put death squad activity in focus. It should be remembered that El Salvador has no democratic tradition or experience. It has had strong man (authoritarian as opposed to totalitarian) governments almost without interruption since its independence in 1838. The police organizations developed over the years as institutions with the mission of keeping the "In" politicians in and the "Outs" out. Police loyalty was to the nation as represented by the government in power. The concept of a police force with the mission of protecting the constitutional rights of the individual is foreign to both police and society.

Furthermore, there has been no consistency in constitutional law because the constitution changed with each change of government. Consequently no consistent system of justice ever developed as a social tradition.

The Salvadoran court system has always been a "frail reed indeed" according to U.S. Embassy personnel, but "now it's in a shambles." It has been subjected to terrible pressure from both the left (guerillas) and from the U.S. For our part, we have insisted that justice be done in the cases of the murdered nuns and the assassinated naval advisor, Lt. Commander Albert Schaufelberger. It is clear that the Salvadoran government also wants a resolution of these problems and is putting its own pressure on the courts and the police. They are trying to respond but they don't know how and they make mistakes. For example, in the case of the Commander they arrested a man named Daniel Alvarado and accused him of the murder. They obtained a confession under duress but our people are sure he is not guilty, and are pressuring for his freedom on the basis of lack of real evidence.

Incidentally, another example of mistaken identity was involved in the case of T. J. Western who was arrested as a result of making a telephone call to an individual at a U.S. radio station whose name was similar to a known supporter of the guerilla movement. The U.S. consular people became involved, worked with the police and cleared up the misunderstanding.

By contrast the Salvadorans have arrested the people who are probably responsible for killing the nuns but they cannot prove it because they have no witnesses who are willing to testify. The accused, by now, are probably being held unconstitutionally but they can't let them go for fear of the inevitable unfavorable reaction in the U.S.

The Salvadorans are in a classic Catch 22 . . . a clear case of damned if you do and damned if you don't. They don't know what to do. The point is that no matter how badly they may want to resolve these matters our way, they don't know how. They don't know the techniques of investigation, the development of legal evidence, nor all the other police skills we have learned over the years. They also don't know how to protect judges and jurors from intimidation.

This brings us to the second source of pressure on the justice system, that from the left. When the U.S. began to put pressure on El Salvador to make its justice system work as it should in a democracy an effort was made. The police arrested people who were thought to be guilty of crimes including some leftist activists and they were held for trial. The judges assigned to these cases began receiving, what an embassy official called, "love letters" from the guerillas which encouraged them "to be lenient" or suffer the consequences to self or family member. As a result the accused was often released, justice was not served, and there was, quite understandably, attendant public outrage and an increase in vigilante activity (read death squads) to achieve justice.

The whole point of all this is that the problem of justice and protection of human rights in El Salvador is not the black and white issue we assume it to be in this country. When there, one quickly realizes there are shades of grey and reasons things happen as they do which have nothing to do with the intentions, motivations, or willingness to reform of the Salvadoran people. Their traditional desire has been for political stability and attendant personal security, an environment in which they might live their lives, work their jobs, raise their children without upheaval and interference. This sort of environment often came with a strong authoritarian government. Political violence did not bother apolitical people if it did not interfere with their lives. But with the onset of guerilla action violence began to involve more innocents, and everyone is now involved and concerned.

In recent years they have been exposed to the theory of democracy and have opted for it in their society as a means of achieving

their desires. The massive vote in the 1982 elections was a testimony to this.

The problem is that although they want democracy they do not know how to make democracy work . . . they have no democratic traditions and no cultural instinct for it . . . so they have to learn it and we should be teaching it to them! A good place to start would be in the area of justice and protection of human rights. We can teach them how good policemen function in a democracy. We can help them establish a decent court system. It will take time and commitment but we can and should be doing these things for them. I believe we have a fraternal duty to help them . . . instead of simply demanding that they do things they don't know how to do.

There are other violations of human rights which have not been mentioned. For example, there are frequent kidnappings for ransom by the left which are never mentioned in our news media. Nevertheless, this appears to be an important way in which the guerillas finance their operations.

There are also the land reforms which the U.S. forced upon the Salvadoran government. This action (in confiscating real property without compensation) violated property rights of thousands of individual land owners and corporate stockholders. These violations are also not reported in our press.

FIELD TRIP TO THE FOURTH BRIGADE HEADQUARTERS

On Wednesday, January 11, we flew to San Miguel in one of the Mil Group's helicopters. We were escorted by Sargeant Major Walter Cargile the Sergeant Major of the Group and a special forces training expert. He is an excellent man dedicated to his job, obviously liked and respected by the Salvadoran military (also a member of the Republican Senatorial Club and the President's Reelection Committee.)

San Miguel is about 80 miles east of San Salvador and we flew most of the way at four thousand feet (beyond small arms range) as some of the route crossed areas where guerrillas were known to operate.

San Miguel is the location of the headquarters of the Fourth Brigade. Its Commanding Officer is Colonel Monteroso who was recently promoted to the post after establishing a brilliant reputation as Commanding Officer of the Atlacatl Battalion, a U.S. trained (by Special Forces in El Salvador) unit which has a record for aggressiveness, effectiveness, and gallantry in operations against the guerrillas. Monteroso's leadership is credited for the quality of this unit.

He is one of El Salvador's outstanding military leaders, a small intensely enthusiastic man, who is labelled a "soldier's soldier," kind and solicitious of his men but very aggressive in combat. He likes to fight. He hates the communists and the guerrillas fear him. His units are reported to have one of the highest reenlistment rates in the army.

We met Colonel Monteroso at his headquarters and he briefed us on his operations. His area covers the Departments (States) of La Union, San Miguel and Morazan. It is one of the "hottest" areas in the country because it sits astride two major infiltration routes used by the guerrillas. One is along the Lempa River from the Pacific and the other is through the mountains of Morazan to the Honduras border. Morazan is also the home territory of Joaquin Villablobos, the guerrilla top commander, and the guerrillas maintain a substantial force in the area.

Col. Monteroso explained that he now has four line battalions and is trying to build to eight which are needed to block guerrilla movement. His problem is that when he blocks one route, they develop another and he presently doesn't have enough force to block both. He has some Casadora (Hunter) Battalions which are small, only 345 men, and very mobile. They are designed to hunt down the guerrillas but he says they are not big enough and he is trying to increase their size to over 500 soldiers.

He also places great emphasis on the importance of working with the civilian communities in his areas. When we met him he had just returned by helicopter from a town in his area where he met with the people in their church. The purpose of the visit was to build the people's confidence in the army, to know them and let them know him, and thus make friends. He gives aid to the civilian population whenever he can, in the form of beans, rice, and sugar. He wants to do more but has limited resources. He has also asked for a medical team to work with the civilians in his area. Sgt. Cargile told us that he is as popular with the civilians as he is with his troops. (It is important to note this kind of behavior because it is something the U.S. advisors are pushing and it is at odds with leftist propaganda which portrays the Army as oppressors.)

We were led to understand that Monteroso does a better job in this kind of public relations than other commanders because it fits his personality, but all are encouraged to take the same enlightened approach. Understanding this, it is very difficult to believe that the Army itself is involved in any antihumanitarian activity which would be inimical to achieving military success.

(It should be noted once again that the para military forces, the National Guard, the Hacienda Police, the Treasury Police and the Civil Defense Forces are not advised by the U.S. Mil Group, and their record in antihumanitarian activity is not as clean as the Army's. This seems to be an argument for more U.S. aid to El Salvador in the form of the Public Safety programs we once provided to some Third World countries.)

The visit to San Miguel confirmed what we were told in San Salvador. The Army is doing a good job and is improving, but it is doing it under difficult conditions. Colonel Monteroso loaned us a car and sent us out to see some training being conducted in the field. It was squad and platoon level fire and movement training and it was being conducted under the supervision of a team of U.S. Special Forces NCO's (who were an impressive bunch). The trainees were completing their 3 months training cycle and were using live ammunition in their German G3 automatic rifles, 90 mm recoilless rifles and grenade launchers. They were in a simulated assault on a hill and approached the exercise seriously and with enthusiasm. The rapport between the U.S. personnel and the trainees was obviously excellent. They like each other.

We asked the U.S. sergeant in charge of training what the biggest needs of the Salvadoran soldiers were. His answer was ammunition magazines, magazine pouches and foot gear. He showed us how worn the magazine pouches were. Some were so worn that the magazines were apt to jar out with violent movement. We also looked at their combat boots, many of which were worn out; soles splitting from tops, holes in the soles, etc. There is just no question that those men (and boys) would perform better with decent equipment. On the other hand all the soldiers we saw were "turned out" uniformly. Their uniforms were worn properly and the equipment they had was in place despite its poor condition. They were obviously well disciplined soldiers.

On the way back to San Miguel, we met three off-duty junior officers from one of the line battalions. They were impressive young men, veterans of combat and very self confident. One had been an exchange student in the state of Washington and spoke excellent English. He told me he had been in the Army four years and loved it. They were proud of their unit and were writing an account of its operations. Their morale was obviously high, and they conveyed the impression that they felt they were doing something worth doing.

All in all, it was an impressive trip and it confirmed that the Salvadoran Army is now a hardworking, well led and dedicated organization which is improving fast. I came away from this trip with a great deal of confidence, and pride, in what we are doing there.●

SOUTHWEST TAPESTRY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. RICHARDSON. Mr. Speaker, the beauty of my State of New Mexico can be found in the many treasured works of Hispanic, Indian, and Anglo artists. Many of these artists have revived crafts that are centuries old. The Third Congressional District, which I represent, is one of the richest art centers in the country. Artists and crafts people often play a significant role in contributing to the economic well-being of their communities.

I am proud to share the news with my colleagues that a weaver from Espanola, N. Mex., will be exhibiting her work at the opening of Washington's Save the Children Gallery this week. Teresa Archuleta-Sagel is a special artist. Not only has she combined her creative talents to recapture the Rio Grande style of weaving—but she shares her knoweldge and skills with 20 women in New Mexico through the Save the Children's Chicano program in the Espanola community. The Save the Children's project in Espanola is conducting workshops, selling wool and supplies to weavers at cost and directing its own marketing efforts. Ms. Archuleta-Sagel is providing a unique opportunity to women in her community to develop a marketable job skill—I salute her efforts.

Mr. Speaker, I would like to direct the attention of my colleagues to a recent article that recently appeared in the Washington Post. Reporter Charles Bermant, a former New Mexican now living and working in Washington, highlights the many creative talents and accomplishments of Ms. Archuleta-Sagel. I hope my colleagues

will take the time to read this thoughtful piece:

[From the Washington Post, Mar. 24, 1984]

SOUTHWEST TAPESTRY

(By Charles Bermant)

ESPANOLA, N. MEX.—What first strikes a new visitor to this town is how the magnificent scenery contrasts with the low-rent spirit of burger joints, seedy storefronts and low-riders. The motif is Modern New Mexico Quaint, and it seems an unlikely place for a cultural revival.

Yet it is from here, about halfway on the pockmarked highway between the cultural meccas of Taos and Sante Fe, that Teresa Archuleta-Sagel, drawing both inspiration and color from the surrounding land, has almost single-handedly revived the dormant Rio Grande style of weaving.

"It has been my main goal to create a market for this," said the 32-year-old Archuleta-Sagel. "I think I have revived the style. When people think of contemporary Rio Grande textiles they think of me."

Archuleta-Sagel will help inaugurate Washington's Save the Children Gallery at 1341 Connecticut Ave. Wednesday through next Saturday. Demonstratons and lectures are scheduled, along with loom and tool displays.

Simpler and less symmetrical than the more popular Navajo and Chimayo blankets, Archuleta-Sagel's Rio Grande tapestries reflect a disparate ancestry. The Saltillo sarape textile was first woven in Mexico, peaking during the mid-1800s. Tlaxcalan Indian designs are as delicate as Chinese brocade. A third element comes from the Islamic influence on Spanish fiber artisans.

Diamonds are a Rio Grande staple, along with hourglasses, eight-pointed stars, manitas (little hands) and leaf patterns.

From the genesis of an idea through the piece's completion, each step is recorded in Archuleta-Sagel's journal. A typical notation might be "January 4: I finally got the colors down," or even "I got nothing done at all." When a piece is purchased, she includes the documentation and a version of the journal, relating how the piece came to be.

She studies old textiles, determining a design's success or failure and whether it can be improved. Contemporary elements are injected into the final design. "Electric Ikat" has an almost psychedelic flair, and one of her trademarks is the previously unheard-of blend of crosses and diamonds.

"I've been told by some museum people that because I use crosses it isn't 'authentic' Rio Grande," she said. "These were people who were not Hispanic telling me, a Hispanic weaver, that I'm not traditional. But I'm creating my own tradition right now."

It's all done by hand. Each step—research, sketching, hand-spinning, dyeing, weaving and documentation—can take weeks. She has produced 10 or 11 pieces annually since 1972, valued from $1,000 to $3,500 depending on the design and the time involved.

She owns five looms, but weaves only one piece at a time. Planning ahead to the next project or spinning yarn relieves the tedium of weaving, and there are more than enough designs in her sketchbook to keep her busy for the rest of her life. She has never taken a formal art class.

Her father built her Spanish-style loom, copying a model used by the colonists. Although the original technique remains basically the same, there are some differences. Traditional weavers used crude tools, while hers are modern and efficient. She uses a spinning wheel, eschewing the hand spindle. The old-timers sheared their own sheep, which she does not do. She plots her designs on paper after careful research; they just got on the loom and wove.

In a somewhat more drastic departure from tradition, she uses a microwave oven to extract dye from plants during color tests.

Archuleta-Sagel calls the trial-and-error dyeing process "a fun science." The colors literally come from the land; several of the dyes are drawn from plants native to the area. One, corta, can yield anything from beige to gold depending on the amount of mordant chemical used.

Despite careful record-keeping and a file of past color experiments, there are still several variables: whether the water is soft or hard, whether it has been a dry year, whether it is July or October. It takes 15 minutes to 2½ hours to extract a dye.

As part of Save the Children's Chicano Program, headquartered in Espanola, Archuleta-Sagel now guides 20 women through the weaving paces. The program's goal is to give the local economy a gentle boost. Espanola is, in fact, the largest town in one of the nation's poorest counties. Save the Children is conducting workshops, selling wool and supplies to the weavers at cost and directing the marketing effort, by mail order and through the slowly growing chain of crafts shops.

"Most crafts profits have gone to the folks in the middle," said Tom Rhodenbaugh, director of U.S. domestic programs for Save the Children. "We can do better for the craftsperson when we do the marketing ourselves. We're not trying to help the established artisan; rather we want to help low-income people develop skills."

"Teresa's a perfectionist," Chicano Program director Wilfredo Vigil, an Espanola native, said. "I look at her work, knowing that plum root dye was used, and I can see the tree that the dye came from. Her weaving brings forth our life style and environment."

"Four or five years ago I was having trouble with categories, whether I was a weaver or a folk artist," she said. "Now I've come to the point where I can weave what I want to weave and it sells."

The Save the Children gallery plans to display the work of Archuleta-Sagel and other Hispanic artists on a continuing basis.●

SURFSIDE COAST GUARD PERSONNEL HONORED

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. FIELDS. Mr. Speaker, it is often said that "Fire is the test of gold; adversity of strong men." U.S. Coast Guard personnel in Surfside, Tex., have stood adversity's test and deserve recognition.

Many Americans have never had the misfortune of experiencing a hurricane's devastation. As one who has lived near the hurricane-prone gulf coast since childhood, I can attest to the destruction hurricanes inflict.

Recently, 23 Surfside Coast Guard personnel were cited for "exceptional meritorious service" for their performance during and after Hurricane Alicia, which struck the central Texas coast last year. Despite a fire which destroyed most of Surfside's Coast Guard facility 2 days prior to Hurricane Alicia, the 23 performed exemplary service both during and after Alicia struck. Their service will not soon be forgotten by many grateful Texans.

[From the Houston Chronicle, Mar. 25, 1984]

COAST GUARD AT SURFSIDE CITED FOR ALICIA SERVICE

SURFSIDE.—U.S. Coast Guard personnel here whose station burned down two days before Hurricane Alicia last year have been cited for their performance during and after the hurricane.

The 23 men were among the approximately 400 Coast Guardsmen cited for "exceptional meritorious service from Aug. 19-29 while engaged in the recovery from Hurricane Alicia, which devastated the Central Texas coast," according to the Coast Guard.

Coast Guard personnel in Surfside were operating from makeshift quarters during and after the hurricane. A fire that destroyed most of the station's roof two days before Alicia struck left the building uninhabitable.

The Coast Guard continues to operate out of trailers at the site. Plans are to tear down the station, built in 1915, and convert an adjacent boat house into a permanent facility.

Also recognized during the recent ceremony was Petty Officer Glenn Mincey, 24, of Galveston, who saved two children and their parents from a vessel stranded on Galveston's south jetty last March.

Mincey, who was selected from 80,000 search and rescue operations last year, was awarded the Coast Guard's highest honor—the Coast Guard Medal.

The awards were handed out by Adm. William H. Stewart, commander of the 8th Coast Guard District headquartered in New Orleans.

Also recognized for meritorious service were Coast Guard personnel stationed at Group Galveston; Base Galveston; Aids to Navigation Teams in Galveston and Sabine; the Sabine station; cutters *Hatchet, Clamp, Pamlico, White Holly, Anvil, Salvia* and *Buttonwood*; and the Air Station and Safety Station, both in Houston.●

HEAD START REAUTHORIZATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. ERLENBORN. Mr. Speaker, today, on behalf of myself and the ranking Republican member of the Subcommittee on Human Resources, Mr. Petri of Wisconsin, I am introducing legislation proposed by the administration which would extend the Head Start Act for 3 additional years. The Head Start Act, which was originally enacted in 1965, has had a posi-

tive impact on helping low-income children and their families move toward self-sufficiency. Because of the success the Head Start program has had in helping break the cycle of poverty, the administration is seeking a simple extension of this act through fiscal year 1987.

This measure provides authorization of appropriations of $1,075,059,000 for fiscal year 1985, $1,104,036,000 for fiscal year 1986 and $1,128,313,000 for fiscal year 1987. In an effort to eliminate duplicative funding authorities for Head Start nutrition services, the administration is also requesting that nutrition assistance funding be provided through the basic Head Start program grant mechanism. Consequently, Head Start grantees would no longer have to apply separately to the Department of Agriculture for nutrition funds.

Some representatives of the early childhood development community have expressed concern that this consolidation of nutrition assistance might result in fewer dollars earmarked for food costs. Clearly, this issue should be carefully considered during committee consideration of legislation to reauthorize the Head Start program.

Head Start services are provided to needy preschoolers through a network of over 1,200 grantees, serving more than 2,000 communities across the country. The program employs approximately 81,000 persons, 30 percent of whom are parents of current or former Head Start children. There are almost 550,000 volunteers participating in this program. During the last 3 years, the number of children served by Head Start has increased by more than 53,000. This increase has resulted from more efficient use of Head Start resources and budget increases requested by President Reagan and provided by the Congress.

Mr. Speaker, evidence has been presented over the past few years demonstrating the benefits of the Head Start experience:

Head Start children perform better in school, have fewer grade retentions, and less frequent placement in special education classes.

Head Start promotes long-term developmental benefits that improve the quality of life for the participants and their families.

The Head Start program has made a significant contribution to our Nation's goal of improving opportunities for low income and minority children. Sixty-five percent of the Head Start children are black, Hispanic, Asian, and Native American.

Head Start now serves 43,700 handicapped children, about 12 percent of the total enrollment. Head Start parents also receive special services related to their children's handicaps.

In closing, Mr. Speaker, let me express my appreciation to President Reagan for his strong commitment to the Head Start program. The program has grown substantially under his leadership, and with bipartisan congressional support. I am sure it will continue to play a vital role in the sound educational development of thousands of needy preschool age children. The letter from Secretary Heckler transmitting this proposal to Congress and the text of the bill follow:

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, D.C., March 20, 1984.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "To extend programs under the Head Start Act, and for other purposes."

The draft bill would extend for three years, through fiscal year 1987, the authorization of appropriations for programs under the Act. The bill would authorize appropriations of $1,075,059,000 for fiscal year 1985, $1,104,036,000 for fiscal year 1986, and $1,128,313,000 for fiscal year 1987.

These authorizations include nutrition funds previously appropriated to the Department of Agriculture (USDA) so that Head Start grantees would receive all program and nutrition funds directly from this Department. Head Start grantees would no longer have to apply to USDA separately for nutrition funds.

We urge that the Congress give the draft bill its prompt and favorable consideration.

The Office of Management and Budget has advised that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

MARGARET M. HECKLER,
Secretary.

H.R. 5277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 639 of the Head Start Act (42 U.S.C. 9834) is amended by striking out "$950,000,000" and all that follows through "1984", and inserting in lieu thereof "$1,075,059,000 for fiscal year 1985, $1,104,036,000 for fiscal year 1986, and $1,128,313,000 for fiscal year 1987".●

NATIONAL CHILD ABUSE PREVENTION MONTH

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. MRAZEK. Mr. Speaker, as you know, April has been designated as National Child Abuse Prevention Month. This designation is intended to heighten public awareness of the shocking and tragic increase of cases of physical, emotional and sexual abuse that thousands of our Nation's youth are forced to endure each year, and the steps we can and must take to reverse this trend.

Across our Nation, Mr. Speaker, thousands of trained professionals and concerned volunteers are working every day to soothe the wounds created by child abuse. At this time, I would like to call special attention to two organizations in my district which are committed to carrying on this campaign for justice and decency.

The Nassau Coalition on Child Abuse and Neglect and the Western Suffolk Coalition on Child Abuse and Neglect are worthy of recognition for their outstanding and dedicated efforts to combat the plague of child abuse. These organizations demonstrate the progress that can be made in this sphere when child protective services and concerned citizens unite in a cooperative effort to bring child abuse and neglect under the glare of public scrutiny. This effort has resulted in a marked increase in the reporting of child abuse and neglect cases in my district.

To give an example of the depth to which this terrible malady has infected our society, I might point out that in Nassau County alone, more than 2,000 cases of child abuse and neglect are reported annually. These numbers should fill each of us with revulsion, but we must take this anger and channel it into positive efforts to change this situation. I would like to take this opportunity to commend the work of the coalitions and of all citizens who are committed to making child abuse and neglect a thing of the past.●

THE VOICE OF THE RIGHT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. OTTINGER. Mr. Speaker, the purpose of the Voice of America, a radio channel broadcast all over Europe, is to provide timely news to American citizens living abroad and present a positive image of the United States to our friends overseas. Unfortunately, the Reagan administration feels compelled to use this news channel to disseminate propaganda about the U.S. interests and activities around the world, as well as pandering anti-Soviet rhetoric.

As Sally Greenway reported in the New York Times this Monday, the administration's view of the world as reported by Voice of America is seriously undermining the usefulness of VOA as well as making a laughing stock of American policy. This is an appalling abuse of taxpayers' money as well as an embarrassing tribute to the hypocrisy of an administration which publishes diatribes against unfair control of the press in Communist countries only to use the same blatant tactics of

massaging the truth heard by citizens abroad.

I found Ms. Greenway's comments illuminating and unsettling, and I commend her article to the attention of my colleagues.

AMERICA'S CONSTRICTED "VOICE"

(By Sally G. Greenway)

The large Voice of America transmitting station on the island of Rhodes, Greece, is assisted these days by excellent satellite relay, and it renders its broadcasts clear and strong. This is unfortunate, for in the last three years the content of its English-language broadcasts has become so blatantly self-serving of Reagan Administration policies that in Greece it is no more credible—and perhaps a little less so—than Radio Moscow. The major difference between the two is that Radio Moscow prefers symphonic music while the V.O.A. promotes bubblegum music.

As a United States citizen living abroad, I assume that these English-language news and features broadcasts are aimed primarily at me and others like me and, secondarily, at those foreigners who incidentally happen to understand English. For the past five years, I have awakened to a V.O.A. broadcast, and, for the past three years, in 1983 particularly, it has unwittingly provided just the proper seasoning of black humor with my morning tea and honey.

All Greeks do not, however, possess the ironic faculty, and this winter the Greek Government announced that it plans to "re-evaluate the status and operations of the V.O.A. and U.S. military broadcasts in Greece." Other socialist governments, especially those in sensitive countries of southern Europe, may well follow suit, cutting back, if not cutting out.

Once, I would have considered such action a loss—a loss to me personally and as an unofficial representative of America abroad. Not now. In the five years since I made its daily acquaintance, the V.O.A. has degenerated from an innocuous, often entertaining mix of news and varied features to an organ for right-wing tirades.

Only Israel and Turkey seem to remain exempt from its skewed criticisms—a particularly unfortunate bias in this part of the world. One recent broadcast, exquisitely timed to appeal to Greek sensitivities, was a half-hour paean of unqualified praise for the Turkish Government. such praise may indeed coincide with the views of the editors at the V.O.A., but whatever made them choose to broadcast it over the Greek airwaves at the moment when the Turkish Cypriots declared their part of Cyprus to be an independent state? Surely it was clear even in Washington that that was a low point of Greek-Turkish relations.

This type of thoughtlessness—this disregard for audience concerns—would be unthinkable in commercial broadcasting. It is also ultimately self-defeating. Yet it has become commonplace on the V.O.A.

Virtually no broadcast escapes the ideological coloring—the exaggerations and other distortions—of the United States Information Agency. Is it conceivable, even to relatively uninformed listeners in southern Europe, that the diabolical Soviet military machine systematically immolates Afghan infants for the sheer, animal joy of the sport? And was the Soviet downing of the South Korean airliner truly a disaster equal in magnitude only to the Holocaust? I don't know what most Greeks think of this, but it all passed as "factual" reporting on the V.O.A.

For the sake of us misguided liberal expatriates, the V.O.A. does provide time for the liberal outlook in a singularly inane feature called "Viewpoint." But the people at the U.S.I.A. have studied their Goebbels. Usually they counterpose some barely articulate functionary from an obscure liberal "think tank" against a well-spoken and well-known conservative from a major university or distinguished corporation. Needless to say, the token liberal more often than not is outmaneuvered and outclassed.

On other occasions, the V.O.A. is quite transported by right-wing fervor. That would be fine in small doses: Even the hard right deserves a chance to have its say. The problem is one of proportion—for most European audiences cannot be expected to understand that these long polemics by snide racists and closet John Birchers do not necessarily represent mainstream American opinion, even if they are given considerable time on an international, Government-controlled radio station.

If the V.O.A.'s mission is to present a positive image of the United States and its policies to other countries, it is failing dismally in its task. Charles Z. Wick, the director of the U.S.I.A. and a personal friend of President Reagan's, has apparently redefined that creditable goal and is transforming V.O.A. programming into transparent propaganda.

This obvious manipulation of a medium that is sponsored by the United States Government and subsidized by Americans' taxes is both embarrassing and annoying to those of us who genuinely wish to see America's better qualities represented abroad. Surely, those qualities can stand unsupported by crutches of propaganda and misinformation.●

DR. BENJAMIN ELIJAH MAYS

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. FOWLER. Mr. Speaker, I was deeply saddened this morning to learn of the death of Dr. Benjamin E. Mays, a leader of the civil rights movement and a man this body has honored by recommending him for the Presidential Medal of Freedom, the highest civilian honor in the Nation.

Dr. Mays would have been 90 years old this August—a long life, but more than that a life long dedicated to helping his fellow man. He devoted 27 years of his life to the presidency of Morehouse College, steering the school through difficult times and inspiring its students, including Martin Luther King, Jr., to lives of service.

Dr. Mays served as chairman of the Atlanta Board of Education for 12 years and proved once again to be a positive role model for the students under his care.

The many people whose lives he touched in his nine decades grieve for his loss but feel blessed in having known Dr. Mays. As the Greek historian Thucydides wrote in the fifth century B.C., those who give their life in service receive:

Praise that will never die, and with it the grandest of all sepulchers, not that in which their mortal bones are laid, but a home in the minds of men, where their glory remains fresh to stir to speech or action as the occasion comes by. For the whole earth is the sepulcher of famous men; and their story is not graven only on stone over their native earth, but lives on far away, without visible symbol, woven into the stuff of other men's lives.●

CONGRESSIONAL SALUTE TO HON. ROSE NAGLE GIRGENTI OF HAWTHORNE, N.J., ESTEEMED NURSE, OUTSTANDING CITIZEN, AND DEMOCRAT OF THE YEAR OF THE PASSAIC COUNTY YOUNG DEMOCRATS, INC.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. ROE. Mr. Speaker, on Sunday, April 1, the Passaic County Young Democrats, Inc. will join together in honoring an esteemed nurse, outstanding citizen, and good friend, Hon. Rose Nagle Girgenti of Hawthorne, N.J., whose quality leadership with the Passaic County Young Democrats has earned her their highly coveted title of Democrat of the Year.

Mr. Speaker, Mrs. Rose Nagle Girgenti is assistant director of nursing responsible for continuing education for all nursing personnel at St. Joseph's Hospital and Medical Center in Paterson, N.J., where she has served with distinction since 1977. She is a 1968 graduate of St. Mary's Hospital School of Nursing, Hoboken, N.J., and was licensed in New Jersey to practice her noble profession as a nurse in 1968. She received her B.A. degree in health education in 1972 from the Jersey City State College, Jersey City, N.J., and completed her studies toward a master's degree in professional education at Seton Hall University, South Orange, N.J. She was certified as a critical care nurse by the American Association of Critical Care Nurses in 1978.

Among her many professional career affiliations, we applaud her personal commitment to the health care needs of our people as an appointee of the New Jersey State Nurses Association for a 3-year term (1978–81) to the Bergen-Passaic Health Systems Agency and her dedicated service and exemplary record of performance as vice president (June 1981 to June 1982) and president (June 1982 to June 1983) of the Board of Managers of Preakness Hospital.

Rose is a member of the American Nurses Association, the American Association of Critical Care Nurses, and

the National Council on Continuing Education. In 1977 she served as first vice president of the New Jersey State Nurses Association, Constituency No. 7 and in 1975 as chairperson, Education Committee, American Heart Association, Hudson County Chapter. She was awarded membership in Sigma Theta Tau, national honor society for nursing, in 1982.

Mr. Speaker, Rose Girgenti's many contributions to the political and civic affairs of our county, State, and Nation will be particularly cited at the testimonial in her honor on Sunday. She was a member of the Passaic County Young Democrats from 1971 to 1979 where she served in various elected and appointed positions and was elected statutory vice chairman, Passaic County Democratic Organization, 1982 and 1983. She was a member of the New Jersey State Young Democrats from 1973 to 1979 and during that period served as program chairman and coordinated two annual conventions. Rose is a charter member of the Hawthorne Democratic unit since 1974 and a charter member and executive vice president of the 35th Legislative District Democratic Organization since 1981. She was campaign manager in the successful campaigns of her husband, New Jersey State Assemblyman John A. Girgenti in 1977, 1979, 1981, and 1983 and was an elected delegate for the Presidential nomination of Senator Edward Kennedy at the 1980 Democratic National Convention.

Mr. Speaker, Mrs. Girgenti has indeed been a major bulwark of strength in the Young Democrats organization and is highly deserving of the tribute that they have planned for her. In her career pursuits as a highly professional nurse, she has earned the highest respect and esteem of all of us.

As we reflect upon the contributions of our people to America's history and the quality of our way of life which have achieved preeminence of our representative democracy, second to none, among all nations throughout the world, it is important that we look to the political arena that helps to shape the processes, principles, and structure of government. The Young Democrats of America are an integral part of the art or science of political government—the future leaders of our Nation in the policies, goals, and affairs of government and the parties within it. The Passaic County Young Democrats, Inc., is a highly prestigious affiliate of the Young Democrats of America.

I am pleased to have the opportunity to seek this national recognition of their 1984 Democrat of the Year who is receiving their citation of merit for her sincerity of purpose and outstanding achievements as a distinguished citizen actively involved in seeking a better life and quality of life for people as a professional in the political arena as well as in the field of health care. We do indeed salute an esteemed nurse, good friend, and the 1984 Democrat of the Year of the Passaic County Young Democrats, Inc.—the Honorable Rose Nagle Girgenti of Hawthorne, N.J.●

TED ALAN TILTON, VOICE OF DEMOCRACY CONTEST WINNER

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. TAUKE. Mr. Speaker, I am pleased to report to the House that one of my constituents, Ted Alan Tilton, was recently selected our State's winner in the Voice of Democracy contest. The Veterans of Foreign Wars of the United States has sponsored this unique scholarship competition during the last 22 years. This year more than 300,000 high school students competed for the national first prize, a $14,000 college scholarship. The contest topic this year was "My Role in Upholding Our Constitution."

Ted is a resident of Maquoketa, Iowa. He is a sophomore at Maquoketa Senior High School where he is active in extracurricular activities with an emphasis in music and theater. His parents, Dean and Karen Tilton, and his younger brother Trent, must be extremely proud of Ted's achievements.

I join the citizens of Iowa in a salute to Ted Alan Tilton. And for my colleagues' review, I offer the text of Ted's speech to be printed in the RECORD following my statement:

MY ROLE IN UPHOLDING OUR CONSTITUTION

I was walking to school one day and came upon a giant oak in the middle of the block. How majestic it looked, towering above all the other trees, touched by nothing. As I stood there and looked up, I thought about how this tree could very well represent our Constitution. For our Constitution is not just a parchment yellowed with age. Our Constitution should be thought of as a "living symbol" just like the mighty oak tree.

George Washington, Benjamin Franklin, and James Madison planted this strong tree when they helped write our Constitution. The people of the United States have nurtured it from its infancy to where it stands today. Its branches became the rules and regulations that were so general; yet so specific, that they have served as a cornerstone for our government for more than 200 years. The mighty limbs of our tree have remained strong having to be amended only 26 times in over 200 years.

Our Constitution has become a way of life lived by people who thrive on freedom. The Constitution guarantees this in writing. Yet, it gives us more than the right, for it is a privilege to be free.

I think it is this idea of freedom which serves as the first part in my role in upholding our Constitution. What does this freedom mean? It means I may speak freely and voice my own opinion and I am obligated to respect others in what they have to say. I may select the church of my choice and respect others in their choice. I have the freedom to put my arguments in the hands of a jury, and I am obligated to abide by the laws as written. I have the right to speak, to pray, to hope, and to dream: and the obligation to serve my country. As I see it, my role in nourishing this great tree is to use my freedoms wisely and, most important, abide by the obligations presented by these rights.

Secondly, my role is to really know the history of this prominent tree; the philosophy that shaped the seedling and has guided it for more than 200 years to its present state of maturity. It is important for me to study the concepts and ideas that we are asked to respect. The past, in many ways, determines my future.

Each of us has a responsibility in caring for this tree we call our Constitution, which, in fact, is America. Our Constitution confers on us freedoms but, in return, asks for our loyalty, our participation, and our interest. The tree not only lives and functions for us, but lives and functions through us.●

WHEN A NUCLEAR STRIKE IS THINKABLE

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. EVANS of Iowa. Mr. Speaker, on Thursday, March 22, 1984, the Wall Street Journal published an article by Pierre Gallois and John Train examining long-term trends toward increased missile accuracy and lower yield nuclear warheads. These trends raised important questions about nuclear strategy, deterrence, and the North Atlantic Treaty Organization's efforts to improve security in Europe. I urge my colleagues to give this article careful attention:

[From the Wall Street Journal, Mar. 22, 1984]

WHEN A NUCLEAR STRIKE IS THINKABLE

(By Pierre Gallois and John Train)

PARIS.—Thanks to the amazing increase in missile accuracy of recent years and the corresponding reduction in warhead yields, the real nature of deterrence today is drastically different from the public perception. The Jonathan Schell scenario of massive exchanges against cities may be obsolete: Neither side would dare.

A future war in Europe instead could start with a crippling Soviet nuclear strike against North Atlantic Treaty Organization conventional military objectives so precisely targeted that there would be little civilian damage, either directly or through subsequent fallout. In the past 20 years, the accuracy of Russian missiles has increased by a factor of 10, and American missiles which were much more accurate to begin with, by a factor of five.

In 1964, a Soviet SS-8, because of its low accuracy, might have needed a five-megaton warhead to knock out a two-acre ammunition depot protected by a concrete revetment. Today, the improved Soviet SS-20's could do the same job with a warhead in the low kilotons, a thousandth of the previous power; and in the near future even more ac-

curate versions, with still lower-yield warheads, could be deployed.

18TH-CENTURY WARFARE?

Both sides are rapidly shrinking their missiles' explosive force in order to be able to attack military targets without causing extensive collateral damage that would invite reprisals against cities. Specifically, the megatonnage of the U.S. missile arsenal has shrunk by about half since 1970 and by about three-quarters since the late 1950's. It has become so dangerous—and indeed useless—to attack cities in the World War II style, that war once again may become professionalized, the way it was in the 18th century: uniformed forces vs. uniformed forces, with the noncombatants on the sidelines.

The Soviets are way ahead of NATO in deploying the high-accuracy low-yield and medium-yield missiles that actually could be used in an attack. We shrank from "thinking about the unthinkable" in the 1950's and 1960's, and indeed belittled Herman Kahn as a "Dr. Strangelove" when he dared to consider it. Instead, by our simplistic policy of "staying ahead" through Mutual Assured Destruction, via endless reciprocal escalation, we let the world drift into its current plight.

Most people still think about nuclear strategy on the basis of what was true between 1945 and 1975. But the Russians realized in due course that they couldn't use their huge SS-4's and SS-5's against NATO without showering fallout over the Soviet bloc, since the jet steam blows from West to East, in the same direction as the Earth's rotation. Fallout is created by a ground-level burst that digs a crater: The debris, thrown into the air, lands downwind. So as soon as they could, the Soviets scrapped these weapons and switched to more accurate missiles with much lower explosive force. The new SS-21's, 22's and 23's have a 100-meter "circular error probable," which implies only one-kiloton or two-kiloton air bursts for a soft target, with negligible fallout. Radiation from an air burst extends no farther than the heat and blast. They, in turn, are no more extensive than is needed for the military mission: as little as 500 yards out from the target.

The U.S. is working to catch up: The first American Atlas missiles, with a five-mile circular error probable, carried a 10-megaton warhead, while the MX, with a 100-meter CEP, will use perhaps a 20th of that for a hardened silo, or several one-kiloton warheads for soft-surface targets. Indeed, the Trident II missile may be used with a cluster of conventional warheads.

The Soviets can disable NATO using low-yield air bursts only. Every NATO military target is on the surface: all the airfields, radar antennas and ammunition dumps. The oil pipelines can be cut where they run through open fields. Cities near these targets could be left virtually unscathed.

Soviet military practice is quite different from Soviet propaganda, which pushes the idea that no atomic weapons can ever be used because they would escalate immediately to city-for-city exchanges. The hope is to discourage the deployment of counters to their new, accurate missiles.

What about a defense based on the build-up of our conventional forces? NATO commander Bernard Rogers wants to increase NATO's conventional strength, but does not, as one sometimes hears, believe that NATO can be defended only with conventional weapons. He does have considerable confidence in the effectiveness of the "strike deep" strategy, using conventional "smart" munitions (the "assault breaker" technology) to destroy an invader's rear echelons once the fight has started.

But this assumes that the Soviets are obliging enough to conduct a World War II-style campaign. In fact, however, any war in Europe would start with a surprise attack on the 400 or so NATO military targets—again, by low-yield air bursts that would produce little injury to civilians. Very few Americans would be killed if the American zone in Europe were avoided. Yet NATO in Europe would be crippled, regardless of the number of conventional divisions it had in place, since it does not have an invulnerable theater-based ability to inflict a corresponding riposte against Soviet conventional forces.

The Pershing II and cruise missiles will partly close this gap, but not for a number of years. Submarine-launched missiles, while they have survivability, are, for now, less accurate. Yet this forward-looking weaponry remains the West's best hope for dealing with the new European reality.

The Soviets will not start a war in Europe with either the conventional tank attack we have prepared for or by launching a strategic attack with high-yield missiles against civilian populations, which would be mutual suicide. Even if it weren't, the Soviets would want to take over a Europe that still works, not a Europe in ruins: Since the Soviet economy is a mess, to control and exploit Western Europe's economy remains attractive. As to a conventional attack, it is far less effective and far more risky than a pinpointed, disabling blow against military targets. One doesn't gain total surprise with a tank assault, with its necessary air and artillery preparation, and in a conventional war the loyalty of the Soviet vassals in Eastern Europe would be uncertain.

All of this describes how a general war in Europe probably would start, if it were to happen, which is possible, not probable. But the description is not academic, because without a clear understanding of Soviet capabilities, the West will remain susceptible to fear propaganda about mass annihilation. That line, in turn, serves the Soviets in their more predictable approach to overcoming Europe and the West: weakening the will to resist, like Hitler's use of Schrecklichkeit—the war-of-nerves.

The Soviets will probably avoid applying pressure all at once, which might drive the West together. Instead, like lions stalking zebras, they will continue to pull down each isolated victim in turn. Not whole regions, just specific countries. Not Africa, Angola. Not the Americas, Nicaragua. Not Asia, Afghanistan. They may soon be in a position to grab Baluchistan: Can anybody do more than protest? Or suppose they intervene in eastern Turkey. Would the Norwegians, the Dutch or the Danes send troops to Turkey to fight the Red Army? Hardly. It would be the same if they claim some real estate in the top of Norway, to protect the Kola Peninsula. Would the Greeks send troops to fight in the Arctic? Blackmailed by Soviet military superiority in the European theater, the NATO parliaments would doubtless call for "dialogue" or "a diplomatic solution." And the strategic balance would continue to shift, as it has with Soviet airfields in Afghanistan, which significantly undermine our position in both the Middle East and Southwest Asia.

One should not pin too much faith on arms-control discussions, however optimistic one would like to be. The Soviets do not sign an agreement that doesn't give them an advantage. Even if it can be verified, they will break it, and we will have no method of enforcement. SALT I gave them 62 missile submarines to 41 for America. In fact, the U.S. has only 35, but the Soviets have gone right on to 70 or so—more, if you count some older ones. The huge phased-array radar they've built at Krasnoyarsk is forbidden because it's for an ABM defense. We complain, but there's nothing we can do about it.

IMPROVING SECURITY

So how, then, can NATO improve its security?

To deter a pinpointed nuclear attack on its key European war-making targets, NATO must possess weapons that the Soviets know could survive attack and be used with precision against their military targets in turn. That requires a missile force with four characteristics: First, it must be highly accurate. Second, low-yield warheads must be available to destroy military targets with air bursts creating minimum fallout. Third, the missile supply must be adequate. And finally, it must be fully mobile, so that it can't be destroyed by the Soviet surprise attack with which a future war would start. The U.S. is on the right track toward meeting these objectives with its European missile-deployment program.

Such a defense would improve stability in the region by cutting the rewards of a sudden attack, would reduce our dependence on huge, inaccurate weapons and would diminish Europe's vulnerability to blackmail while its periphery is undermined.●

LATIN AID NECESSARY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the need for more aid to Central America is urgent. Critics of additional aid have ignored the efforts of the Kissinger Commission and have used recent GAO audits and reports as reasons to oppose any further aid from going to the region.

U.S. interests are vitally at stake in Central America, and it is imperative that the Congress recognize it. I urge my colleagues to read the following editorial which appeared recently in the Oxnard Press-Courier, a prominent newspaper in my district, which concludes that "aid programs for Central America need to be better planned and supervised, not eliminated at the very moment they are needed more than ever."

LATIN AID NECESSARY

No one familiar with Latin America can have been surprised at what State Department audits and a recent General Accounting Office study have reportedly concluded: U.S. aid programs in Central America suffer from a degree of local mismanagement and corruption.

After all, one of the definitions of an underdeveloped country is that it lacks sufficient numbers of trained, experienced managers. And government corruption is a prob-

lem virtually everywhere in the Third World.

What is disturbing about the audits and the GAO study is less what they uncovered than how that information will likely be used on Capitol Hill.

The Reagan administration's strategy for keeping Central America out of the Soviet-Cuban orbit rests in part on providing both economic and military aid to the region. Friendly countries struggling to defeat communist insurgencies have an obvious need for military aid, but economic assistance can be just as vital in the long run. Healthy, growing economies and the rising living standards they generate tend to discourage popular support for the revolutionary left.

But the beleaguered people of Central America need more help and understanding than they are getting these days on Capitol Hill. Too many in Congress vote to reduce military aid to friendly governments in the region, apparently on the novel theory that U.S. interests are better protected if U.S. allies are weakened. Now, these same critics of President Reagan's necessarily firm stand in Central America have been handed a useful excuse for opposing much of the proposed economic assistance as well.

There are, to be sure, limits on how much aid the small states of Central America can absorb or properly use. Maybe $6 billion in direct economic aid during the next five years as proposed in the Kissinger Commission report on Central America is too much. Maybe the administration should be putting more emphasis on trade credits—lowering tariffs on Central America's traditional exports—than on direct economic aid.

And certainly the administration should consider making some of its aid conditional on adoption of genuine economic reforms; the kind that would strengthen the private sector, promote economic growth and encourage investment in the Central American states.

Contrary to popular opinion in the United States, such countries as El Salvador suffer from too much rather than too little government interference in the private sector.

But no amount of reform and enlightened development policy can obviate Central America's need for economic assistance. Most of the region's economies have been weakened by years of civil violence, political instability and depressed international commodity prices. Prudent amounts of aid for appropriate projects can help overcome some of this damage and provide a better foundation for future growth.

The GAO report, together with the State Department audits, suggest that aid programs for Central America need to be better planned and supervised, not eliminated at the very moment they are needed more than ever.●

PERSONAL EXPLANATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mrs. SCHROEDER. Mr. Speaker, on March 22 I was absent during two recorded votes. Had I been present, I would have voted as follows:

Rollcall No. 53, water resources research veto override, "yea";

Rollcall No. 54, social security disability benefits reforms, "yea."●

TRIBUTE TO EDITH AUSTIN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. STARK. Mr. Speaker, last week the San Francisco Bay Area said farewell to one of the best known black women in the world of journalism from northern California. Edith Austin's life was a gift to each of us who knew her.

Ms. Austin was born in Atlanta, Ga., but we claimed her as a Californian as she was raised in Vallejo. She graduated from San Francisco State College in the midfifties and became the first reporter hired at the Sun Reporter newspaper with a journalism degree.

Her "Bay Bit's" column in the Sun Reporter was a requirement for any reader who wanted to keep abreast of the political, social, and other noteworthy news items in the Bay Area. Her "Wanna Run With Me" column was the calendar everyone relied on for information about events to attend.

Journalism was but one of many of Ms. Austin's interests. Her mastery of the printing process enabled her to place many youngsters throughout California in the printing arts. She believed in helping others, and her community activities and involvement in education reflected her caring attitude. She raised funds for children to attend summer camp and was a guiding light in the establishment of the Sun Reporter annual merit awards honoring women, men, and youth in the Bay Area.

In 1967, Ms. Austin was employed by the East Bay Skill Center, a career training center in Oakland. She was an inspiration to the students and she was proud of their development. The yearly graduation ceremonies at the Skills Center were memorable.

Ms. Austin would invite people throughout the State of California to participate in the graduation ceremonies. It was not unusual to see a Governor, a mayor, a State Supreme Court Justice or even a Presidential candidate sharing the stage with the graduates. In the eyes of Edith Austin, everybody, students and leaders alike was somebody.

Not only was she an ambassador of good will in California but she was an ambassador to the black nations of Africa. She attended the All African's Women's Conference in Ghana in 1960 and thereafter became a personal ambassador for blacks to the motherland. She became friends with African leaders and was the link from the Bay Area.

She possessed an unfaltering belief in the power of black women and was an organizer of Black Women Organized for Political Action in the Bay Area. Her influence was felt among political hopefuls and incumbents.

I have mentioned a few of Edith Austin's contributions. To contribute to life is to contribute to immortality. Edith Austin's contributions keep her alive in our memories.●

FOIA SHOULD APPLY TO ENDOWMENT FOR DEMOCRACY

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. BROWN of Colorado. Mr. Speaker, the Freedom of Information Act is a vital safeguard of the public's right to know. Late last year, when the Congress authorized funds for the National Endowment for Democracy, the endowment was, perhaps inadvertantly, exempted from the provisions of the Freedom of Information Act. Today I am introducing a bill to correct this oversight. This bill amends the Freedom of Information Act to specify that the National Endowment for Democracy shall be an agency for the purposes of this act.

This is not the first time that, by funding an entity that is not a Government agency, Congress has placed it outside the scope of the Freedom of Information Act. In the case of Amtrak and the Synthetic Fuels Corporation, for example, this omission was subsequently remedied. It was recognized that, although these entities are not Government agencies, they use public funds for public purposes and the public has a right to know what they are doing.

The situation is similar with regard to the National Endowment for Democracy. The endowment was established for the purpose of supporting private groups like the AFL–CIO, the U.S. Chamber of Commerce, and the two major political parties in efforts to promote democracy in other countries. The endowment is funded through the U.S. Information Agency and, in turn, will give grants to private groups in accordance with its mandate. In spite of its public function, the endowment was established as a private rather than a Government agency and was, as a consequence, exempted from the scope of the Freedom of Information Act.

This omission is of particular concern because of the involvement of the two major political parties. The House voted to delete these funds but the final bill makes institutes established by the Republican and Democratic Parties eligible for these funds. Since the chairman of the two parties also serve on the board of the endowment, it is expected that these institutes will receive grants.

Political parties are, by definition, partisan. It is unprecedented for them to receive public funds for public purposes. The public has a right to monitor the use of these funds. So long as the endowment remains exempt from the Freedom of Information Act, the public will be denied this right.

The current situation is inconsistent with the mission of the National Endowment for Democracy. The public's right to know is the cornerstone of a democratic society. We should not allow an organization whose sole aim is to promote democracy to become a citadel of secrecy. By extending the provisions of the Freedom of Information Act to apply to the endowment, the bill I am introducing will make sure that the National Endowment for Democracy exemplifies the ideals it is designed to promote.●

ABROGATING TRADE CONTRACTS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. ROTH. Mr. Speaker, there can be little doubt that the Export Administration Act is the most important international trade legislation before Congress. A strong bipartisan majority on the Foreign Affairs Committee believes the President must have the discretionary authority to invoke foreign policy goals above individual export contracts. During the floor debate on the Export Administration Act, the House strongly endorsed this position.

We are indebted to our colleague HOWARD BERMAN for his leadership in crafting the provision on export contracts in H.R. 3231 to amend and reauthorize the Export Administration Act.

Mr. Speaker, the gentleman from California (Mr. BERMAN) has eloquently and cogently argued for the need to define those specific circumstances when the President could interfere with existing export contracts. "Abrogating Trade Contracts" published in today's New York Times carefully and thoughtfully explains the necessity for preserving the House amendment on export contracts during the current conference on the Export Administration Act.

[From the New York Times, Mar. 27, 1984]

ABROGATING TRADE CONTRACTS

(By Howard L. Berman)

WASHINGTON.—What seems like a technical amendment to a dry and complicated piece of legislation under consideration this week would in fact strip the President of one of the few nonmilitary options he has to respond to international crises—his power to abrogate American export contracts with countries that are responsible for terrorism, gross violations of human rights, military aggression or nuclear weapons tests.

The amendment, which is a provision in the Senate version of the Export Administration Act coming up for scrutiny by Senate and House conferees, would curtail the President's powers in several ways:

He would be unable to halt any contracted American export, even if it is equipment that could be used in an invasion of a friendly country.

He would be unable to impose immediately effective trade sanctions, even if nonviolent pressure were urgently needed to prevent a nuclear weapons test or stop a wave of state-supported terrorism.

He would be unable to impose new restraints on trade with countries currently subject to some restrictions. Indeed, if the Senate amendment becomes law, American businesses will have an incentive to sign long-term export contracts with these countries in order to circumvent possible future sanctions.

He would be unable to cooperate fully in embargoes sanctioned by the United Nations or the North Atlantic Treaty Organization.

Business interests strongly defend the amendment in the name of "contract sanctity." They hold that no other American interest can possibly be more important than a company's commitment to a sale. In fact, recent history demonstrates that trade restrictions often must apply to existing contracts if they are to have any impact at all.

When the Soviet Union invaded Afghanistan, the United States halted a contracted shipment of an assembly line for the Kama River truck plant. The plant was manufacturing trucks for the invasion, and the American assembly line would have doubled the plant's capacity. Four years later, the Soviet Union still has not found an alternative supplier.

When Libya began using American aircraft to carry troops in its invasion of Chad and purchased American trucks to transport tanks, the United States cut off the contracted shipments of trucks and spare parts for the aircraft. If the Senate amendment had been in effect then, the United States would have aided Libya's military aggression with exports while it assisted Chad to counter the Libyan invasion.

Of course, Congress should do what it can to help Americans do business abroad. It should find ways to encourage American exports, cut through unnecessary export licensing procedures and remove irrational trade barriers. In this regard, the House's version of the Export Administration Act contains a number of important provisions to reform national security controls that have done great damage to high technology exports.

But this does not mean that we should deprive the Government of the valuable tool of trade sanctions. In this, the House's version of the bill strikes a compromise: It would impose new restrictions on the President's authority to abrogate trade contracts without destroying that authority altogether.

The House amendment, which won the support of a majority of both parties, would give the President precise and carefully limited powers. He could abrogate contracts only when trade sanctions related "directly, significantly and immediately to an actual or imminent" act of military aggression, act of international terrorism, gross violation of internationally recognized human righs or nuclear weapons tests. When the crisis ended, the suspension of contracts would cease. The President would have to consult Congress in advance about any new foreign policy controls: He would have to submit a detailed report on their impact on existing contracts, and on trade generally, and would be required to consult with affected industries and allies.

Some of those who support the House provision are concerned above all that the President have the power to impose trade sanctions against the Soviet Union. Others believe that he must be able to halt exports to serious human rights violators. But all understand that there are times when the Untied States has more at stake than the fulfillment of a particular company's export contracts.

Trade sanctions are obvioulsy unpopular with the business community. They should be used only when justified by specific kinds of dangerous crises. But a President must be able to respond to a foreign policy crisis with the nonviolent tool of trade sanctions. To deny this option would make the resort to military force more likely.●

CLARENCE MITCHELL—A LOSS TO THE NATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. FORD of Michigan. Mr. Speaker, it is indeed an honor to speak about my late friend, Clarence Mitchell. The many articles reporting his death spoke about his numerous achievements in the field of civil rights. As I recall the days of the civil rights votes, I can think of no finer black lobbyist in Washington. He was on the doorsteps of Congress day in and day out and he knew how to keep track of the votes. He was involved in Federal legislation to prohibit discrimination in education, housing, employment, voting, and politics. Certainly, one of his finest efforts involved the passage of the Fair Housing Act of 1968, the last of the landmark civil rights legislation of the 1960's.

Clarence Mitchell is a man I want to remind my children and my grandchildren about for years to come. He was a man of integrity and vision. I am glad I had the privilege of working with Clarence on education issues and I am glad I have the opportunity of working with PARREN MITCHELL, Clarence's brother. To PARREN and the other members of the Mitchell family, I extend my deepest sympathies.●

THE 1984 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. CORCORAN. Mr. Speaker, I rise today to call the attention of my distinguished colleagues to the ever-worsening plight of Soviet Jewry. Under the administration of Yuri Andropov, officially sanctioned anti-Semitism reached a new peak of oppressiveness. The number of Soviet Jews granted emigration visas has continued to plummet, despite the Soviet Government's obligation, as a signer of the 1975 Helsinki accords, to regard all requests for family reunification with leniency and fairness.

The U.S. Government regards this matter of restricted freedom of movement with deep concern and has frequently represented it to Soviet authorities as a key element in Soviet/American relations. The freedom to choose one's country of residence is one of the most basic human rights we possess because it also implies the freedom to practice one's chosen religion and to preserve one's cultural heritage. Hundreds of thousands of Jews may never be allowed to freely enjoy self-determination under the present repressive regime in the Soviet Union.

As I speak, I think specifically of Grigory Vasserman, a former engineer, who has been repeatedly denied permission to emigrate with his wife and young daughter since 1976. He and his family live in daily fear of imprisonment by the KGB which has seized Mr. Vasserman on several occasions, subjecting him to fines, interrogations, and beatings. He has been threatened with Siberian exile, and deprived of his livelihood. Only earlier this month, Mr. Vasserman was fired from the nonprofessional job he held, with no explanation.

These persecutions all contribute to the most painful burden of all—the loss of human dignity through vulnerability to the cruelty of tyrannical authorities bent on forcing Mr. Vasserman and his family to live in poverty and degradation for their activist "crimes." In reality, these crimes only consist of the desire to seek freedom in the land of their forefathers, and to promote Jewish culture and prideful identity through activities such as classes and discussions.

Grigory Vasserman serves as an example of the boldness and resiliency of spirit characterizing the Soviet "Refuseniks." Their steadfastly repeated pleas for justice deserve our deepest admiration and respect. Such individuals serve as reminders to their brothers and sisters in the Soviet Union, and also to the rest of us in the free world, that it is better to expose oneself to danger and hardship for one's beliefs than to relinquish one's claim to a cultural identity and hope for the future. It is an honor to be able to join those of my colleagues who have already participated in the Congressional Call to Conscience Vigil for Soviet Jews in expressing my sincere support for and solidarity with this persecuted group of people. ●

A HOUSE JOINT RESOLUTION CALLING ON THE UNITED STATES TO MAINTAIN ITS COMMITMENT TO THE 1972 ANTI-BALLISTIC MISSILE (ABM) TREATY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. BROWN of California. Mr. Speaker, today I am introducing a House joint resolution calling on the United States to maintain its commitment to the 1972 Anti-Ballistic Missile (ABM) Treaty. Seventy-four of my colleagues are joining me as original cosponsors in this important effort.

Mr. Speaker, the legislation calls for the United States to maintain its commitment to the ABM Treaty and to refrain from activities or programs which could threaten or undermine the treaty. The full text of the legislation is reprinted below.

Mr. Speaker, a little over 1 year ago, the President appealed to scientists to develop strategic defense weapons to render nuclear weapons "obsolete." The speech he gave became known as the "Star Wars" speech because it included plans for a space-based ballistic missile defense. The proposal, embodied in a 5-year, $25 billion research program including laser and particle-beam weapons, has actually prompted skepticism among members of the scientific community. Estimates of the total cost of the President's strategic defense initiative range from a minimum of $500 billion, to at least $1 trillion, or more.

Most disturbing, however, is the certainty that testing and deployment of ballistic missile defense technologies would violate the ABM Treaty. It is incredible that such a proposal should come from the only administration in recent memory without a single arms control agreement to its name. Negotiated and ratified under the Nixon administration, the ABM Treaty provides the framework for control of nuclear weapons. The most recent warning to the President about the importance of the ABM Treaty came from the President's own commission on strategic forces, the Scowcroft Commission. The Commission warned that a breach of the ABM Treaty could destroy chances of future arms control.

Mr. Speaker, I call on my colleagues to support one of our most important arms control treaties, the Anti-Ballistic Missile Treaty of 1972, and urge their cosponsorship of my legislation calling for the United States to maintain its commitment to the treaty.

Thank you, Mr. Speaker.

The text of the resolution follows:

H.J. RES. —

Joint Resolution To Maintain the Commitment of the United States to the 1972 Anti-Ballistic Missile Treaty Between the United States and the Soviet Union

Whereas nuclear war would be the most devastating event in human history;

Whereas efforts to control the nuclear arms race are essential to avert nuclear holocaust;

Whereas the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems (the "ABM Treaty") established the foundation for all subsequent efforts between the United States and the Soviet Union to control offensive nuclear weapons;

Whereas the ABM Treaty is the most important arms control achievement to date;

Whereas both the United States and the Soviet Union are engaged in activities involving space-based and space-directed strategic defense technologies which could undermine or contravene the ABM Treaty;

Whereas contravention of, withdrawal from, or abrogation of the ABM Treaty would seriously impair the ability to conclude further agreements to reduce the risk of nuclear war and could result in the abandonment of the constraints established by the existing strategic arms limitation agreements; and

Whereas the Standing Consultative Commission was established under the ABM Treaty to promote the objectives and implementation of the provisions of the ABM Treaty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States shall—

(1) maintain its commitment to the ABM Treaty, and

(2) not engage in programs and activities which are inconsistent with or could undermine the provisions of the ABM Treaty.

(b) The President should not withdraw from or abrogate the ABM Treaty without the consent of the Congress.

(c) The President should seek discussions with the Soviet Union through the existing Standing Consultative Commission to consider questions of compliance with the ABM Treaty.

SEC. 2. As used in this resolution, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, entered into force on October 3, 1972.●

ARMS CONTROL VS. THE ABM TREATY

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. EVANS of Iowa. Mr. Speaker, on Tuesday, March 27, 1984 the Wall Street Journal published an article by Gregory A. Fossedal which I wish to submit for printing in the RECORD and the consideration of all Members.

ARMS CONTROL VS. THE ABM TREATY

(By Gregory A. Fossedal)

Arms controllers are scrambling for a gimmick to lure Moscow back to the table. Zbigniew Brzezinski suggests a SALT III accord leading to actual reductions. Gary Hart would couple talks on Euromissiles and intercontinental weapons. And we have The Freeze. But there is another way. Ronald Reagan could call the Kremlin and offer to tear up the paper that outlaws any defense against nuclear weapons: the 1972 anti-ballistic missile pact.

The timing may seem curious. The U.S. completed a formal review in 1982 and Mr. Reagan stuck with the status quo. Nevertheless, after 12 years of failure to reduce offensive stockpiles under the ABM halo, more are now questioning the halo itself.

EUROPE HAS BEEN POSITIVE

The former head of the Ground Zero arms-control lobbying group, Roger Molander, is now conducting a "serious, open-minded look" at ABMs for the Roosevelt Center in Washington. John Bosma, a former Capitol Hill aide studying arms-control history, concludes: "Tearing up the treaty would simply be a return to the more classical brand of arms control of the Geneva Convention." Traditional arms control tried to limit the threat posed innocents should war occur. Mutual assured destruction seeks to increase it. If doctors discover a cure for the chemicals used in the Iran-Iraq conflict, MAD doctrine would outlaw the medicine lest it make yellow rain "thinkable."

Europe, too, has been positive. Francois Mitterrand suggests a major European effort in space, including strategic defense. Last year, a North Atlantic Treaty Organization science panel voted a pro-defense resolution drafted by a Canadian socialist. Europe never swallowed all-offense dogma, spending 10 civil-defense dollars to our one. "A defense approach need not lead to an arms race. On the contrary, it can lead to disarmament, and it is probably the only viable approach," writes Swedish expert Anders Boserup.

In the past, proponents of revocation have concentrated on legalistic flaws in the ABM treaty, or the Soviet Union's failure to carry it out. (Richard Nixon and Henry Kissinger, too, warn that Moscow may be building a nationwide defense, though they would stick with their ABM agreement for now.) Both of the familiar objections are valid. Still, the best case against this arms-control pact may be that it doesn't control arms. Edward Rowny and Kenneth Adelman, two of our top arms-control officials, muse, correctly, that defense would enhance their efforts.

Suppose that tomorrow we agreed with the Soviets to dismantle 80 percent of our missiles, over, say, 10 years. Would anyone not hail this as a breakthrough? Well, what is the difference between that and a series of defenses that would, in effect, render 80% of the weapons impotent?

In 1962 and 1963, the Soviet Union submitted a draft treaty to the United Nations based on just such a notion. It called for an offensive "freeze" allowing only certain weapons—the easiest to defend against—to remain. It prescribed a gradual defense buildup rendering nuclear weapons obsolete. The Soviets abandoned this approach only when they saw the McNamara Pentagon's growing commitment to MAD.

A look at arms-control sticking points reveals the ABM treaty's fingerprints.

One is technology. Since the agreement was signed, both powers have increased the accuracy of long-range missiles, and both have tipped those missiles with multiple warheads. With 10 or more warheads on a missile, every American or Soviet missile can knock out four or five counterparts. The result, given the much larger Soviet missile force, is a "window of vulnerability" for our side that we are closing by building more multiwarhead missiles. If we ever do catch up with the Soviets, each side may pose a first-strike threat to the other's missiles. Similar forces are eroding the survivability of our submarine and bomber legs as well. The U.S. response is to pack more of its offensive eggs into fewer subs and bombers, even as the Soviets achieve advances in knocking those systems out.

In the short run, defenses need not be perfect in order to deter a Soviet attack; they need only to sow doubts. In the long run, defenses would radically re-orient strategic buildups. No rational Soviet planner will pour money into 100 new missiles if he doesn't know how many can make it through U.S. defenses. For every missile the Soviets build, we can add less costly stations to knock it down.

Consensus American strategy for the 1990s, advanced by both Ronald Reagan and Gary Hart, is to shift to mobile missiles and submarine forces. Presumably, these would be harder to hit and, with single warheads, less destructive—less of a first-strike temptation. OK. But what about verification? One Pentagon briefer dramatized the problem at a session on the mobile cruise missile. He entered a walk-in closet and pulled out 15 true-to-size models. "How do you verify these?" he asked. Silence. Will the Soviets let us go anywhere at any time? Board any sub or bomber? Inspect missile cones? Would we do the same? Sticking point two.

If each side had a self-defense system capable of knocking out only 80% of a strike, cheating would become a matter of much less concern. In an all-offense world, a cache of added missiles or warheads can rapidly undermine deterrence. Add defenses, and first-strike calculations become difficult for an attacker. The Soviets could double their offensive forces overnight and still fail to achieve a decisive edge.

Sticking point three involves the national forces of Britain and France, and perhaps China or India or, gulp, Iran. Prohibiting protection against such threats, Mr. Nixon observes, greatly complicates U.S.-Soviet negotiations and outlaws any rational response to an accidental launch. A destructive dynamic emerges. The Soviets will not settle for equal levels so long as our allies have forces that could arguably be combined with ours. We hesitate to either force our friends to disarm or accept unequal levels. With defense, a degree of inequality becomes acceptable.

One lurking factor that may outweigh all others: A balance of terror is a Kremlin godsend. Harvard's Nick Eberstadt: "Imagine a world exactly like today's—except that no country had nuclear weapons. Now imagine Moscow's strategic position in such a world. Clearly, world nuclear disarmament would be a devastating blow. . . . It is only Moscow's huge nuclear stockpile that assures that it will be treated as a superpower, allowing Soviet leaders to threaten entire nations with destruction."

MC NAMARA'S ASSUMPTION

Only if there is a real prospect that nations do not need arms control will the Soviets, paradoxically, find it worthwhile to participate. Strategic defense would not only be such a spur, but would clean up many of the technical problems of true disarmament as well. For example, suppose both sides agree to dismantle all nuclear weapons—but the Soviets hide 200 mobile warheads. Lacking a defense, we could never afford to sign a full disarmament agreement with the Kremlin.

Robert McNamara theorized that as the grim unwinnability of nuclear war was seen, banning the hateful weapons would be simple. But he perversely assumed that nuclear war is unwinnable only if both sides forswear defense. Thus we cling to a treaty that makes the world safe for mutual assured destruction.

A RUSSIAN REJECTION OF MAD

From Andrei Gromyko's Sept. 21, 1962, speech to the U.N. General Assembly:

Policy-making officials in the United States, the United Kingdom and other Western countries can often be heard saying that the best guarantee against a new war is the "balance of fear." Means of destruction and annihilation have become so powerful, argue the proponents of this view, that no state will run the risk of starting a nuclear war since it will inevitably sustain a retaliatory nuclear blow. . . .

But to base the policy of states on a feeling of universal fear would be tantamount to keeping the world in a permanent state of feverish tension and eve-of-war hysteria. In such an atmosphere, each state would fear that the other side would lose its nerve and fire the first shot. Would not this create the temptation to prevent the opponent from gaining a lead?●

LULAC HONORS ITS WOMEN MEMBERS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I acknowledge the women of our Nation's largest Hispanic advocacy organization. I am referring, of course, to members of the League of United Latin American Citizens (LULAC) with whom each of us in Congress has had the privilege of working. Today, LULAC represents the interests of over 14 million Hispanics in the United States and more than 4.5 million in my home State of California.

One of the many reasons I respect the LULAC organization is because its

women members share equal status with their male counterparts in diligent service to the Hispanic community. One can observe this balance of representation on the council, district, State, and national levels of their organization. This year, the activism of LULAC women is demonstrated by three women who have risen to its highest ranks: Esther Trevino, Gloria Lopez-McKnight, and Anita Chapa Del Rio.

Under the leadership of National Vice President Esther Trevino of Texas, a unique forum, "The First National LULAC Women's Summit Conference," will take place in Dallas, Tex., on March 29-31. The theme of the forum is: "Reflects: Images of Hispanic Women." Its purpose is to challenge tiresome old myths and stereotypes and to further a new era of progress and socioeconomic reform for Hispanic women. Ms. Trevino should be congratulated for this, her most recent endeavor, as I am certain it will be an event of national importance.

Joining her and the thousands of forum participants in Dallas will be LULAC Michigan State director, Gloria Lopez-McKnight. She has achieved the high office of State director after serving LULAC for many years. Ms. Lopez-McKnight believes that she should not put aside her voluntary commitment. She has chosen to continue her daily efforts at a time when our country is faced with high unemployment, an increase in hunger, poverty, and racial intolerance, and a continued threat by some Federal powers to reverse many of the past gains won by the feminist and civil rights movements.

I also recognize the notable contributions of LULAC California State director, Anita Chapa Del Rio, Ph.D. As the first woman to serve as State director, Dr. Del Rio is now in her second 1-year term. I am very fortunate to share a close working relationship and personal friendship with Dr. Del Rio, and I am proud to mention that her public service involvement has benefited the 38th Congressional District tremendously. Equally impressive is Dr. Del Rio's ability to coordinate the administrative affairs of such an influential group. Under Dr. Del Rio's leadership, LULAC has responded to people in need, including troubled immigrants and some of our poorest, least powerful and dispossessed citizens. From my home State, I am pleased to report that Dr. Del Rio has served the LULAC organization with competence, professionalism, and compassion.

Mr. Speaker, I now ask that my colleagues join me in saluting the outstanding leadership of Esther Trevino, Gloria Lopez-McKnight, and Anita Chapa Del Rio. They have each earned special recognition as distinguished members of the LULAC organization. I also salute the thousands of women across the Nation who are members of LULAC and who share a vision of unity, growth, and advancement for all people.●

WELL-DESERVED TRIBUTE TO SENATOR THURMOND

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. SPENCE. Mr. Speaker, in its March 7 edition, the Newberry, S.C. Observer published a rather comprehensive editorial on crime and our approaches to it. It also used the occasion to praise the efforts of my State's senior Senator, STROM THURMOND, who, as chairman of the Senate Judiciary Committee, has taken the lead in the passage of major anticrime legislation by the other body.

I join the Observer in its well-deserved tribute to Senator THURMOND. It is imperative that we move quickly to adopt this vitally needed legislation. I am pleased to commend the editorial to my colleagues.

The editorial follows:

[From the Newberry (S.C.) Observer, Mar. 7, 1984]

SOCIETY'S MANY BACKDOOR APPROACHES HAVEN'T WORKED

When it comes to the suffering, pain and misery a human being can inflict on others, expect the worst. As harsh as this may sound, it is documented daily by those of us who keep up with the daily goings on in the real world around us.

Look at today as a prime example. The front page of The State carries details of a shocking episode in our neighboring state of North Carolina. It seems that two fugitives who broke out of a Tennessee prison farm 17 days ago and killed a Sunday school teacher to escape a dragnet shot a state trooper Tuesday when he stopped them for speeding.

Contrasted against some of the more brutal killings that take place in this country, today's crime news may appear as gentle as a Sunday school picnic. That is, if one murder can be considered more final than another.

The point is, we've become a generation that exists in a bubbling brew of vicious crime and we seem helpless to reach out and put the burner on low heat.

What we always seem to try is a kinder approach, even though failures resulting from our gentleness through the years should have taught us that such backdoor entrances do not necessarily work. Those who are allowed in the family kitchen entrance, slip to the burner and turn up the heat, thereby causing us to boil more in our own quagmire.

There are a number of recipes for curing the boiling sting of crime that have been served up but offer little relief. Instead, much of society has found them to be nauseating to the digestive track.

A reoccurrence of one of the nationally-pushed cure-alls for crime-mania, the registration of handguns has woven its way into South Carolina again. At Charleston—a city which has felt the strong grip of crime recently as a result of a rash of shootings, including a coed who was wounded while she sat in her idling car on a city street—the City Council has boldly ordered the drafting of an ordinance requiring registration of handguns.

We always find it somewhat frustrating that we have not profited from our backward approaches to severe problems. Federal law already requires registration of firearms that are sold; a result of which inconveniences and irritates many upstanding, law-abiding citizens who desire to own guns for investments and other legitimate reasons and who are subjected to all manner of harassments in the current procedures established to control the purchase of handguns, procedures that are proven inefficient in keeping firearms from the hands of those who rape society with their vicious ways.

Handgun control as a solution to the problem is but one of numerous backdoor approaches society uses. There are others and sometimes it is tiring to the mind to think about which of the several unworkable solutions rate top billing. Certainly competing with the handgun control as one of the leading approaches are coddling of criminals and, of all things, turning them loose because our prisons are crowded.

Until we get a grip on our problems, and quit continuing the tactics that are proven unsuccessful, the agony of crime is going to continue its tight grip on society.

The front door may be ajar somewhat. The U.S. Senate has just completed action on some of the most comprehensive anti-crime measures of the last two decades—bills to re-institute the death penalty for the most serious Federal crimes; reform of habeas corpus and exclusionary rule procedures; and tough new measures to crack down on drug smuggling and organized crime.

We, in South Carolina can be proud that our own Senator Strom Thurmond, chairman of the Senate Judicary Committee, authored and sponsored most of these bills. Considered the most significant of these measures is the Comprehensive Crime Control Act of 1984—a bill which seeks bail and sentencing reform; new authority to seize the ill-gotten profits of drug smugglers and racketeers; and new laws aimed at addressing the serious problems of violent crime and career criminals.

This is the kind of strong, positive, reassuring action on the sane American public has coveted for quite some time. In a speech on the Senate floor March 1, 1984, Senate Majority Leader Howard Baker (R-Tenn.) paid tribute to Sen. Thurmond's work on the crime problem, calling our senior Senator "truly the 'chief crime fighter.'"

Hopefully, Sen. Thurmond has turned the doorknob for a proper and workable front door approach to what can well be catalogued as the Number One problem of America.●

ADOPT MINIMUM LEGAL DRINKING AGE OF 21

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. GOODLING. Mr. Speaker, we will soon be approaching a time of

year that I, as a former high school principal and superintendent, still anticipate with a sense of foreboding: High school prom and graduation season. I say "with foreboding," because all too often some of my students—who until only recently could cross the border into a State having a lower minimum drinking age to "celebrate"—met their deaths in senseless and tragic automobile accidents.

As the author of House Concurrent Resolution 23, a resolution urging all States and the District of Columbia to adopt a minimum legal age of 21 for the purchase and consumption of all alcoholic beverages, I have been involved in the "21" debate for the last two Congresses. House Concurrent Resolution 23, and its companion measure in the Senate, Senate Concurrent Resolution 32, have broad support from a bipartisan cross section of Members and Senators; moreover, this measure has the endorsements of the Departments of Transportation and Health and Human Services, and many health, safety, and insurance organizations, including Mothers Against Drunk Drivers (MADD).

Only recently, I received yet another letter of support for this measure, from the Highway Users Federation, a copy of which I am inserting at the conslusion of my remarks.

We all know the facts—that 14 teenagers are dying daily on our Nation's roadways because of teenage drunken driving.

We also know a corrective device for this senseless tragedy, yet we continue to respond agonizingly slowly, despite the preponderant evidence (by the insurance industry and others, including the National Highway Traffic Safety Administration) that the rate of alcohol-related crashes declines markedly—an average 28 percent—just after age 21.

Initiatives, such as my resolution, reflect the extensive and ever-expanding awareness of a country tired of this purposeless loss of life and potential.

We have the ability to make our voices heard on action which could change this situation dramatically.

The question remains, will we?

HIGHWAY USERS FEDERATION,
Washington, D.C., March 15, 1984.

Hon. WILLIAM F. GOODLING,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE GOODLING: Drunk driving imposes a tremendous burden on our society each year—in terms of both lost lives and economic cost. The problem is particularly severe among teenagers who are involved in a disproportionately large percentage of alcohol-related accidents.

The Federation believes, as recommended by the Presidential Commission on Drunk Driving, that states should adopt 21 years of age as the minimum legal age for purchasing and possessing alcoholic beverages.

We applaud your efforts to encourage states to adopt such laws and support H. Con. Res. 23.

Cordially,

PETER G. KOLTNOW.●

OPPRESSION OF HUMAN RIGHTS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. FEIGHAN. Mr. Speaker, with relations between our Nation and the Soviet Union souring, we must concentrate on peacefully resolving the many conflicts across the globe. The increased proliferation of nuclear weapons, the heated situations in the Middle East, Europe, and Central America have all consumed a large portion of our time and concern. In our desire to quell these conflicts, however, we must not forget our moral obligation to speak out against serious human rights abuses aimed at the Jewish population inside the Soviet Union.

The widespread oppression of human rights in the Soviet Union has reached disastrous levels. The condition of Jews wishing to emigrate has deteriorated to such a point that the time has come to renew our appeal on their behalf.

From a high of 51,320 in 1979, the number of Soviet Jews issued exit visas has dropped at a very alarming rate to a mere 1,314 in 1983. Numbers for the first 2 months of 1984 are not very encouraging either—a scant 178 through February. Still, more than 300,000 Jews wait their turn for an exit visa, hoping and praying for an end to the oppression and anti-Semitism they have endured and a new life of freedom and liberty in a new world.

Blatant attacks on the Jewish population and their beliefs increased markedly after Yuriy Andropov became Secretary General and continue now that Konstantin Chernenko has assumed his post. Although numerous examples of this repression exist, a look at two cases is enough to remind us of the Soviet Jews plight and our obligation—as free people—to speak out against such behavior.

March 15 marked the seventh anniversary of Anatoly Shcharansky's arrest by the KGB. Since being thrown in jail for his religious activity, he has withstood brutal conditions, including isolation, severe cold, poor health care, and little food or sleep. As his mother reported in January he has been physically reduced to a tiny old man. But his wife still reports that his courage, moral strength, dignity, and commitment to the Jewish people and heritage are as strong as the day he was arrested. Shcharansky is the symbol of the Soviet Jews struggle and an inspiration to his fellow Jews. He has also been a symbol for all of us around the world who cherish freedom and human dignity, a guiding light powered by his dream of emigration to Israel.

Recently, 172 of my colleagues joined me in an appeal to General Secretary Chernenko on behalf of Dr. Andrei Sakharov's wife, Elena Bonner, who has been attempting to emigrate in order to seek medical treatment. Mrs. Sakharov is in serious condition after a series of disabling heart attacks. Although she is in danger of losing her life, the Soviet Union has incredibly denied her admittance to a hospital for professional care.

Both Mr. and Mrs. Sakharov have been continuously harassed and ill-treated for several years by the KGB in ways which are now standard practice for Moscow in its dealings with Jewish refuseniks. The secret police mounted a severe slander campaign against Elena depicting her a Zionist agent for the CIA, an agitator, a traitor to the motherland, and a murderer. In addition to this public harassment, policemen have been stationed at the door of their apartment, and their telephone has been disconnected. Doctors hesitate to visit, fearing the consequences. The Sakharovs also fear that if Elena entered a hospital, some means would be found to bring about her death. Could we as Americans imagine living like this?

Sakharov's appeal to public figures and Government officials has been answered by the Congress of the United States. We cannot, as the ruling body of the greatest nation in the world, stand by while this and many other flagrant violations of human rights continue. The repression of the Jewish people in the Soviet Union must be halted. We as Congressmen must encourage our constitutents to write to Moscow expressing our outrage over the country's actions. We must let them know that the Western World will not stand for behavior such as theirs and demand its immediate suspension.

One can only hope that with pressure from the remainder of the world, Secretary General Chernenko will alter the Soviet Union's disgraceful policies toward the Jews of his nation. By letting Soviet Jews know of our unfaltering commitment to their cause and by encouraging them in their efforts to emigrate, the pressure on the Soviet Union will one day be strong enough to force reform. We must work for nothing less.●

GREEK INDEPENDENCE DAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RINALDO. Mr. Speaker, for more than 2,000 years, the Greeks have been leading the world toward democracy and independence. The very concept of democracy on which our Founding Fathers based our Constitution was originally developed by the ancient Greek philosophers. The ancient Greek tradition of political independence was followed by Americans in separating themselves from the British Empire. Americans have always recognized the enormous influence of Greek philosophies and ideals on our own system of government, and America gave enthusiastic support to the modern Greek war of independence from the Turkish Empire, which began on March 25, 1821.

This year marks the 163d anniversary of that revolution, which was so much like our own. Like the American colonists, the Greeks were mostly small farmers and fishermen, loosely organized in opposition to one of the major world powers of their day. As young Poles and Frenchmen had come to America to fight for our independence, young Americans went to Greece to help in the struggle for Greek independence. Our history is closely tied not only to the traditions of the ancient Greek city-states, but also to the modern Greek nation which was established at the close of 8 years of bloody warfare.

The many Greeks who emigrated to the United States following independence helped to form the ethnic richness and diversity of our country. Greek Americans have made enormous contributions in every area of our national life—in the arts and sciences, business and industry, and political leadership. The strength of America has largely come from the Greeks and other immigrant groups who came to the United States determined to build a new life.

The Greek spirit of independence has also been demonstrated in more recent times by the Greeks' heroic resistance to Fascist and Nazi invasions during World War II. The Greeks' refusal to surrender to the Axis dictatorships ultimately helped to defeat Hitler's attempt to dominate Europe. In the postwar period, the Greeks continued to fight against outside domination by the Soviet Union. Today, Greece is one of our strongest allies and is of enormous strategic importance to the United States.

It is, therefore, most appropriate that we here in Congress should take this opportunity to commemorate March 25 as Greek Independence Day. This holiday not only marks a political event which linked Greece and the United States; it also celebrates the ideals of democracy and independence which have advanced all of Western civilization.●

AHMED SÉKOU TOURÉ, AN AFRICAN NATIONALIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. RANGEL. Mr. Speaker, I rise to reflect upon the life of President Ahmed Sékou Touré of the Republic of Guinea, who passed away on Monday.

President Touré was indeed a man of his times. He was always a Pan-African nationalist who actively sought the best means for achieving his ideal of African unity. During his controversial and sometimes stormy 26-year reign, Mr. Touré's brand of nationalism was expressed successively in terms of anticolonialism, African socialism, and finally in a program of Western private investment.

Citing the "fabulous economic potential" of private investment, President Touré accepted the fact that African nationalism and free enterprise are not necessarily incompatible. I was very pleased, Mr. Speaker, to learn of his interest in promoting free trade via the Third World Trade Center project in Harlem.

His interest in the trade center reflected how his nationalist politics had matured. President Touré's politics began with fiery denunciations of France and membership in the French community, which he called "riches in slavery." He next flirted with Marxism, and many of the same abuses of civil liberties that we see in other Marxist nations occurred in Guinea. Finally, he put aside the more radical manifestations of nationalism, and sought to reconcile it with free trade ventures. This, Mr. Speaker, is the path he chose when he died on Monday.

I extend my deepest respects to President Touré's family, and hope that the course he set at the end will guide Guinea in the future.●

ADULT EDUCATION REAUTHORIZATION

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. GUNDERSON. Mr. Speaker, I am pleased to join with my colleagues, Representative ERLENBORN and Representative NIELSON, to introduce the administration's legislation to reauthorize the Adult Education Act, which is scheduled to expire as of September 30 of this year.

Adult education is a program which has proven quite successful as it has grown from a solely Federal effort to a strong partnership between the Federal Government, States, and local areas. Generally, the current adult education program provides grants to the States and territories to support programs that assist educationally disadvantaged adults in developing basic skills and in achieving certification of high school equivalency. The administration bill will contribute to the further improvement of this program.

Overall, the legislation is intended to continue the successes of this program through several new principles. First, to permit greater State and local flexibility while insuring the basic intent of the program continues. Second, to increase private sector involvement. Third, to permit the Department of Education to collect basic data on program operations and finally, to authorize services to young adults not now eligible to participate.

While I support the general thrust of this legislation, there are two provisions which most certainly will require further scrutiny from the Congress. In particular, the administration has chosen to eliminate the current 20-percent cap on services to the institutionalized.

The National Advisory Board on Adult Education and others have noted that this proposal could drastically reduce the availability of funds for those who are not institutionalized. While I commend the administration for its attempt to expand adult education for those confined to hospitals or prisons, it should not be done at the expense of the noninstitutionalized adult illiterate. The present 20-percent cap simply guarantees that funds are available for many kinds of adults, including those on public assistance, those unemployed, or even bilingual students.

The second provision which should receive further examination in this legislation would provide a significant change in the concepts upon which adult education is based. This bill will allow private institutions—which operate for profit—to be eligible to carry out programs under the act. As the director of the division of education services in Ohio, Mr. James W. Miller, indicated in his testimony before the Education and Labor Committee, this change would create the prossibility of "fly-by-night programs quickly organized to serve profit interests more than student interests, and create a system impossible to monitor and accountable to no one." Clearly, this is not the direction in which we should be moving, although I salute the administration's attempt to increase private sector involvement.

Despite the need for further examination of these two areas, this legislation warrants strong consideration by my colleagues during reauthorization. Unquestionably, the benefits of the adult education program are quite apparent both in its economic and social aspects. This legislation will contribute to our efforts to insure its continued success.●

REAGAN ADMINISTRATION'S MILITARISTIC POLICY IN CENTRAL AMERICA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. FEIGHAN. Mr. Speaker, this week marks the fourth aniversary of the murder of El Salvador's valiant Archbishop, Oscar Romero.

As we gather here today to remember Archbishop Romero, I am reminded of the words of Martin Luther King. After the tragic bombing at the Birmingham church some 20 years ago, King spoke at the funeral of the four young choir girls killed in the blast. He called them "heroines of a holy crusade for freedom and dignity," and he urged his people to follow their example, to continue to struggle, to have faith. King believed—he had to believe—that progress was possible if everyone worked with "tough minds and tender hearts."

Archbishop Oscar Romero held that same hope, those same dreams. He had a tough mind and a tender heart.

It takes a tough man, with a tender heart, to establish a human rights committee in a country where rights are inherited with wealth and enforced with weapons, a country where the powerless and the poor have no protection.

It takes a tough man, with a tender heart, to leave his cathedral unfinished and unpainted—a noble monument to the people of El Salvador who need food more than guns, and a vivid reminder to the ruling elite who care more for pretty churches than poor peasants.

It takes a tough man, with a tender heart, to speak loudly in defense of freedom, to speak loudly in support of justice, to speak loudly in the face of death threats.

And it takes a tough man, with a tender heart, to speak softly on the threshold of death and ask God to have mercy on his murderers.

Archbishop Romero was that manner of man.

This month, a very different type of man is running for President of El Salvador. That man is an architect of terror and repression: Roberto D'Aubuisson. And the Reagan administration has lent him credibility and moral support that he does not deserve with its one-sided policy in El Salvador.

As former Ambassador to El Salvador, Robert White, observed in testimony before the House Foreign Affairs Committee:

> From the first days in office, the Reagan White House knew—beyond any reasonable doubt—that Roberto D'Aubuisson planned and ordered the assassination of Archbishop Romero . . . According to an eyewitness account, D'Aubuisson summoned a group of men to a "safe house," presided over the meeting, announced the decision to assassinate the Archbishop, and supervised the drawing of lots for the "honor" of carrying out the plot.

All of this information was provided to Washington. But nothing was done about it. Now, 4 years later, we face the ugly prospect that Roberto D'Aubuisson will be the next President of El Salvador—a development that even the Reagan administration fears would lead to more violence, more repression, and less hope for peace in that divided country.

It is hard to believe that the situation could get any worse in that terrorized country. In the 3 years since President Reagan took office, El Salvador has been on a steady slide to chaos.

Despite hundreds of millions of dollars spent on military training and weapons, the Salvadoran Army is losing its war with guerrillas because it is waging a war against the Salvadoran people. Over 40,000 civilians have been killed by government-sponsored "death squads."

Despite hundreds of millions more spent on economic assistance, the Salvadoran economy is a wreck. Even the money that is not siphoned off to Miami banks fails to reach the peasants who truly need it, as the Salvadoran Government continues to block attempts at real land reform and guerrillas seeking revenge demolish U.S.-sponsored development projects.

Despite its bipartisan facade, the Kissinger Commission proposal to send billions of dollars more to El Salvador and the rest of Central America is likely to result in more of the same. Without an end to the wars and deep-seated political, economic, and social reforms, all the money in the world would do little to build democracy and bolster economic development in El Salvador and the rest of Central America.

The American people know this truth, and that is why most of them have rejected this administration's misguided and militaristic Central American policies. And Congress has followed their lead.

In 1981, Congress passed the first certification law, requiring that aid provided to El Salvador be tied to progress in human rights and land reform;

Last fall, the House passed a measure outlawing CIA funding for the "Contras" in Nicaragua;

Congress continues to prohibit any military aid to the brutal and corrupt generals of Guatemala;

And last November, we passed a law that holds up 30 percent of the military aid earmarked for El Salvador until verdicts are reached in the trial of the officers who killed Ita Ford, Jean Donovan, Dorothy Kazel, and Maura Clarke.

But time and time again, this administration has demonstrated that it does not really care what Congress—and the American people—have to say about American policy in Central America. It may pay lip service to peace and freedom and justice, but its actions tell a far different story.

For 3 years, President Reagan told Congress that the Salvadoran Government was making progress in improving human rights, land reform, and the basic system of justice. As the turmoil deepened, the President's reports became more and more creative. But he could not change the facts: the death squads continue to run rampant; the judicial system is a bad joke; and land reform has simply stopped. So when push came to shove last November, the President revealed his true concerns and vetoed the certification bill.

For 3 years, the administration has also known that high Salvadoran Government officials are obstructing the investigation into the murders of our four churchwomen. The record of the case shows a shocking pattern of indifference, ill-will, and deception on the part of the Salvadoran Government. And the administration has become a party to this coverup by failing to present what it knows to Congress and the families of the victims. Once again, we have been forced to step in and demand an independent congressional investigation into the case.

Recently, President Reagan has been even more blatant, calling those of us who dare to disagree with his policy "naive and phony." And in a cynical attempt to circumvent the restrictions we imposed last fall, the administration and its allies in the Senate attached $93 million in what they call "emergency aid" for El Salvador to a bill that provides humanitarian assistance to the drought-stricken nations of Africa. In effect, President Reagan is telling us: "If we want to send food to the Africans who need it, we must also send guns to the Salvadorans who don't." I may be naive, but that logic just makes no sense to me, and I have joined many of my colleagues in a letter to our representatives on the conference committee to reject this underhanded attempt to subvert the will of Congress.

The President's desperate search for legislative loopholes demonstrates that he is devoting more energy into reversing the will of Congress than he is to promoting a peaceful resolution to the conflicts in Central America. When bullying Congress does not work, he tries to lure us with the promise of a bipartisan policy.

Well, I reject these attempts to pass the buck and share the blame. The President's push for a military victory in El Salvador is doomed to fail. We should have no part of it. As the Mexican poet and diplomat, Carlos Fuentes, asked at last year's Harvard commencement, "Why must a bad foreign policy be bipartisan?"

It does not have to be. We must reject the Reagan approach in Central America and refuse aid to the forces of repression. It is time to give an unconditional no to unconditional aid.

I will press for a total suspension of U.S. military aid to El Salvador until six conditions are met:

First, the death squads must end. That is the precondition to any progress toward a peaceful settlement.

Second, the Government of El Salvador must agree to initiate a dialog with all segments of society. This dialog would lay the groundwork for fair elections, in which all citizens could participate freely without fear of reprisal. Tomorrow's elections do not offer that opportunity. They will not include representatives of all opposition forces, and President Magana has said that he would arrest any FDR member who entered San Salvador to discuss the election process.

Third, the United States must insist that verdicts are rendered in at least some of the over 40,000 civilian murders that have occurred since 1980—most notably the murders of 10 Americans.

Fourth, the United States must demand that the Salvadoran Army observe international rules of conduct and end their policy of murdering large numbers of peasants during Vietnam-style sweeps through the countryside.

Fifth, the United States must insure that the Salvadoran officer corps is reorganized. Officers responsible for death squad raids must be rooted out, and the security forces should be merged into one national police force—under civilian control—which confines itself to the prevention of common crime.

Sixth, the United States deport U.S.-based Salvadorans who are bankrolling the death squads from their homes in Miami. The CIA knows who these individuals are but we have yet to take action against them.

These actions will not solve all of El Salvador's problems—far from it. But they will help break the stranglehold of terrorism that has paralyzed the Salvadoran people. It will also show the people of El Salvador and the rest of Central America that we are acting in good faith, that we oppose repression, and support peaceful political change. And we can further pursue this goal by giving our full support to the Contadora initiative—which has the approval of nearly every nation in Latin America.

Finally, once a political settlement is reached, we can attack the root problem of poverty by supporting a comprehensive program of reconstruction and redevelopment—a new Marshall plan—for Central America. With our help, democracy and development can go hand in hand, and the people of Central America will recognize us as partners in the search for peace, not arms merchants spoiling for war.

I am not confident that these changes will happen soon. As the debates in Congress drag on day after day, the war machine in Central America grinds on at a steadily expanding pace:

In El Salvador, the administration expects to spend over $300 million in additional military aid over the next 18 months—more than $30,000 for every guerrilla we are supposed to be attempting to defeat. At the same time, a four-ship U.S. fleet—led by the aircraft carrier *America*—is stationed off the coast of El Salvador to show our "support" for the Salvadoran elections. And for one of the few times since the Vietnam war, the United States has sent American planes on wartime surveillance missions for another government. Despite all of this U.S. assistance, the Salvadoran Army has not made any headway against guerrilla forces;

Meanwhile, Honduras is slated to receive $77 million in military aid this year—25 times what it was getting the year Reagan took office. In addition, 1,800 U.S. troops are on assignment in that country, and we are constructing a forbidding network of military bases, airfields, and highways throughout the Honduran countryside. Since last summer, we have installed two radar bases, three military training centers, and eight airfields. It is becoming increasingly clear that the Reagan administration is establishing a permanent military presence in Honduras, and this construction is taking place without the express approval of Congress that the law requires.

Finally, this administration has sent military parts to Guatemala for the first time in 7 years, and $21 million more is being requested for the illegal "Contra" war against Nicaragua.

President Reagan is preparing for war. And by perpetuating a policy of military intervention that has failed nearly every American President since Monroe, he is sentencing the people of Central America to another endless cycle of violence and poverty and despair.

Politicians, it seems, are not as perceptive as poets. In his classic play, "Murder in the Cathedral," T. S. Eliot wrote:

We do not know very much of the future
Except that from generation to generation
The same thing happens again and again
Men learn little from others' experience.

These lines, written in memory of the martyr Thomas Becket, ring all too true as we remember the martyr Oscar Romero. Somehow we must break the pattern and learn from our past mistakes. But that lesson is not taught with weapons, and it is hard to hear over the crackle of gunfire and the cries of hungry children.

Today, we seek to change the future by remembering the past—a legacy that still haunts us in the present. And I believe that with tough minds and tender hearts, we can quiet the cries and silence the guns; we can show why hope is the essence of humanity; and we can prove that dreams which refuse to die can come true.●

F-20 TIGERSHARK A SUPERIOR AIRCRAFT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. DYMALLY. Mr. Speaker, I wish to bring to the attention of Members of Congress an important statement regarding the F-20 Tigershark aircraft.

[The statement follows:]

STATEMENT OF MR. THOMAS V. JONES, CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER, NORTHROP CORP.

Chairman Fascell, Chairman Solarz, security assistance is heading for trouble. There is little time left, in my judgment, for corrective action because we are already headed down that dangerous road towards less, not more, mutual security with our allies.

Reminding this committee of the historical origins of this country's mutual security efforts would truly be carrying coals to Newcastle. The honor I have been given of appearing before this committee on two previous occasions has educated me on the depth of knowledge and understanding which the members and staff possess. Indeed, it is this committee which has in the past provided the required guidance to keep our security assistance on track. In my view, this country may well have to count on you again.

When Northrop entered the world of mutual security in 1958 with our N-156, later the F-5A, it was because we perceived a U.S. policy requirement, hence a market opportunity. As you know, America had fallen into the practice of providing unmanageable U.S. force structure aircraft to recipient countries. The recognition had been growing, however, that we could and should not police the world, and that effective arms transfers could provide a prudent means of strengthening our own security by helping our strategic partners maintain theirs. But

the actual means of implementing this policy was still lacking: capable military equipment which the full range of allied nations could acquire, operate and maintain with minimal U.S. involvement. It was this overriding need which gave birth to the F-5 program, more than Northrop's creative efforts or marketing skills.

I am very proud of our record in designing, manufacturing and delivering over 2,500 F-5 fighters to more than two dozen countries during the last 20 years. I am even more proud, however, of the role played by the F-5 as an instrument of U.S. foreign policy. It has enabled a large number of countries with varied resource levels to become self-sufficient in their own defense, without need for support by U.S. military or contractor personnel. This was, of course, no accident. The F-5 was at the outset designed exactly for that purpose.

The subject of today's hearing is most timely. The security of the Pacific region is vital to our interests. Thailand, a key ally in that region which faces a real threat in the form of an unfriendly neighbor with a numerically superior fighter force, has asked for U.S. aid to include a more modern fighter. How shall the United States respond? What implications will our decision have for all of ASEAN? For our own mutual security goals?

Secretary Weinberger appeared before your committee only last month and expressed his concern over the economic burden that current foreign military sales policies are imposing on recipient countries. The committee also heard General Vessey report that from 1979 to 1982 Soviet deliveries of supersonic aircraft to foreign countries exceeded United States deliveries by a factor of 4 to 1. The situation these officials described is unfortunately all too apparent in South East Asia. Our own security as well as the security of those nations requires a particular solution. The F-20 Tigershark tactical fighter has been developed as that particular solution, to repond exactly to those circumstances the administration and your committee are now confronting. The force structure aircraft the United States has lately been selling abroad requires high initial investment, extensive support and expensive supplies of spare parts. Recipient countries, are simply not able to modernize their forces in quantities that even approach Soviet deliveries, despite their assumption of mounting burdensome debts. These countries are in "politically difficult" debt—to use Secretary Weinberger's description—merely trying to stay even.

The military requirements of many foreign countries are indeed different than those of the United States. The United States must bear the burden imposed by the need to go anywhere in the world, to reach distant targets not yet identified. Our allies, however, know precisely who their enemies are and where they are located. Their concern is not how far away the enemy is, but how close. Their concern is to be able to provide for their own defense from their own technical and manpower resources for as long as necessary. Their concern is to do it without relying upon contingents of Americans—military or civilian—stationed permanently in their country, or upon emergency shipments of spare parts to come from the United States, or, even worse, upon American military forces that must be rushed into a local situation because their own forces were inappropriately equipped.

And those should be America's concern as well.

We are building the F-20 in response to those concerns. The F-20 Tigershark was developed with a new level of advanced technology and, more important, a new approach in advanced technology, which will permit these countries to achieve real security through greater dependability, reliability and economy.

In response to the positions of two successive administrations that the United States needed an alternative to U.S. inventory aircraft, Northrop has committed over $750 million to the development of the F-20—three quarters of a billion dollars that the Government would otherwise have had to spend if that need were to be met.

The F-20 is that alternative fighter, developed and demonstrated by Northrop, with the U.S. Air Force as executive agent of the U.S. Government. The F-20 is in the same combat class as other first-line fighters in the U.S. inventory. In some areas, such as reaction time and mission dependability, it is superior. Because of its reliability and maintainability, the F-20 generates 40 percent more sorties per day than the F-16. The F-20 requires half the support manpower of the F-16. The F-20 operating and support costs are half those of the F-16. The procurement cost of the F-20—a firm, fixed price commitment—is at least 25 percent less than the LOA projected cost of the F-16. Northrop has committed to a firm, fixed price per flying hour for spare parts for the F-20. Taken together, these advantages mean that a nation buying and operating F-20's will have more than twice the security it would have with any other aircraft for the same committed resources; or it can attain the same level of security for less than half the resources.

All these characteristics of the F-20 Tigershark, some of them unique, are known to the U.S. Air Force. As executive agent for the F-20, the Air Force has monitored the program from the outset. Their knowledge comes from over 550 flights of the Tigershark with a demonstrated mission reliability of 97 percent. In all tests, the F-20 has met or bettered every performance prediction. Flight maintenance statistics are confirming the Tigershark's high reliability and ease of maintenance.

In addition, a total of 41 pilots from 18 countries, including officers of the U.S. Air Force and Navy, have conducted F-20 flight evaluations. All have produced exceptional praise for the aircraft.

The F-20 is not a force structure aircraft. It does not have the natural constituency which develops behind aircraft flown by our U.S. military services. Because the administration has demonstrated a willingness to permit the sale of the F-15, F-16 and F-18, it is natural for foreign countries to begin their considerations with those fighters. As in the past, there is only one way for the United States to avoid a rush to judgment, especially at the political levels of foreign governments: to get out in front of the problem by officially providing accurate information on a comparative basis regarding all available alternatives.

In something as important as military equipment, foreign governments inevitably turn to U.S. officials for formal advice, explanation and endorsement. Such formal advice, explanation and endorsement of the F-20 Tigershark as a viable alternative to force structure aircraft has been lacking. These countries remain today understandably uncertain about the full capabilities and qualities of the F-20, and about the U.S. commitment to the F-20.

I am talking about a U.S. endorsement as an alternative, Gentlemen; not exclusivity, but parity, on the strength of the U.S. Air Force's experience and responsibility for monitoring the F-20 program. Passive approval simply won't provide these countries with sufficient information and understanding of the F-20 and how our Government views it. They must be able to make an informed selection that will allow them to defend themselves, by themselves, without U.S. presence. Without the opportunity to choose appropriate defense systems that provide self-sufficiency, U.S. military involvement will become greater not less; mutual security will become mutual insecurity.

Put simply, the Air Force, which knows the F-20 as well as the alternatives in its own inventory, needs to be tasked by the administration to tell foreign governments their experience with the F-20, and how it would compare with other aircraft when it is operational in their air forces. It is this Air Force experience, this recognition of the full capability of the F-20, that must now be fully and formally and officially presented to foreign governments by our Government. Once this is done, I am fully confident that the F-20 Tigershark will contribute significantly to the security of the Free World.●

CLARENCE MITCHELL, JR., CHAMPION OF CIVIL RIGHTS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1984

● Mr. HUGHES. Mr. Speaker, the struggle for equality and social justice is an endless struggle. Each small step toward progress is a fight that must be won against deep-seated prejudices and fears; and there is no progress without tireless effort. Clarence Mitchell, Jr., was a great warrior in the battle for human rights and social justice. He devoted himself to a lifetime of service in the noblest cause—making America a greater nation.

Clarence M. Mitchell was born in Baltimore on March 8, 1911. He received an undergraduate degree from Lincoln University, a law degree from the University of Maryland, and performed postgraduate work at the University of Minnesota and Atlanta University. In 1938, he married Juanita Elizabeth Jackson, a lawyer and daughter of a Baltimore family credited with bringing racial justice to Baltimore. Together, the Mitchells continued to work to realize their heartfelt belief in the abolition of discrimination.

As director of the Washington office of the National Association for the Advancement of Colored People and legislative chairman of the Leadership Conference on Civil Rights, Clarence Mitchell exercised great influence in helping to bring about some of the Congress most powerful legislation—the Civil Rights Act of 1964, the 1965

Voting Rights Act and its extensions, the Fair Housing Act of 1968.

Known by some as "the 101st Senator," Clarence Mitchell had many friends on Capitol Hill. With his unassuming manner and steadfast devotion to the principles of true humanity, Clarence Mitchell made great strides toward achieving democracy in America for all Americans. He will be remembered, and deeply missed.●

VOICE OF DEMOCRACY CONTEST WINNER

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. McCLOSKEY. Mr. Speaker, the Eighth District of Indiana is the home of thousands of veterans who have proudly served their country in time of need. As my colleagues know, that tradition of service continues and is upheld by veterans organizations. One such example of these programs is that sponsored by the Veterans of Foreign Wars and its ladies auxiliary's annual Voice of Democracy Contest. I am very pleased to inform Members of the House that this year, Miss Tanya Peige Durell was selected as the winning contestant from Indiana. Her speech underscores the importance of full and informed participation in our democratic process. Miss Durell is from Evansville and I hope my colleagues will take just a few moments to review her comments which are very much on target in terms of the problem of political apathy. "My Role in Upholding Our Constitution" is another reminder that we must never take for granted the opportunity for political involvement for which so many of our Nation's veterans have sacrificed so much. I request unanimous consent that the text of Miss Durell's speech be inserted into the CONGRESSIONAL RECORD.

MY ROLE IN UPHOLDING OUR CONSTITUTION

"No, I don't vote. I don't even have the slightest idea who is running for what this year. I never do. There are too many candidates to keep track of. I would never remember them all. They all have the same ideas anyway—and they are all probably seeking an office only to obtain more money for themselves. Why, I'll bet half of those candidates could care less about the American people. I feel it's a most ridiculous way to spend one's afternoon—meandering down to the polls to wait in line for an hour—to merely step into a booth to punch a ballot. Besides, everyone knows that his vote really doesn't count. Each year the media predicts the outcome of the race—and they're always accurate! Yeah, sure, I have a right to vote—the Constitution gives me that right—but I also have my own opinion. No, I don't vote . . . because I really don't care."

These are the words of the American Apathetic. Dissatisfied with everything within the bleak circumference of his own selfish existence, he believes that the entire governmental system has been structured incorrectly, and openly refuses to maintain anything but a negative attitude concerning life in these United States. Unfortunately, the American Apathetic is usually pessimistic and bullheaded. Because of his lack of knowledge, enthusiasm, and support for his country, he fails to see just how fortunate he truly is.

The American Apathetic has, most likely, never taken the time to become familiar with the Constitution of the United States, which is the foundation, the backbone of our society. Within this single document, the administrative processes of the nation and the rights of its citizens have been clearly outlined and defined.

The government of the United States is a democratic one. I, an American citizen, have been given, by the Constitution, the right, or more accurately, I feel, the privilege, to express my viewpoints concerning all matters pertaining to this country. I may help choose the leaders who will guide our nation. When I am of age, by going to my local precinct and placing a vote, I may have a direct voice in relation to the election of the leaders of America. If an action is taken by the elected government that I oppose, I may easily express my viewpoints by contacting my local congressmen and representatives.

In America, I have the freedom to speak out. Through the Constitution, I am given the right to share my own personal ideas with others, and I may contribute any creative talents and abilities that I have to society, with the hope of benefiting mankind—all without interference or restriction from the government. I may also exercise any religious practices that I prefer. If convicted of a crime or felony, I have the right to a speedy and fair trial. So many privileges are offered to me through the Constitution. I realize that I owe much to both the land and the people of America. The challenge of continuing the fine traditions that have been confirmed by the Constitution generates from within me immense feelings of responsibility, pride, and enthusiasm toward my country.

Upon hearing this speech, the American Apathetic would promptly retort, "Young fool! You have no idea what you are speaking of! The Constitution doesn't really guarantee you anything!"

But it does. Because of the Constitution of the United States of America, I am free—and to maintain this precious gift of freedom for myself, and for future generations, I will uphold the Constitution by becoming an active voter, and by expressing my viewpoints in a positive manner, while continually encouraging those like the American Apathetic to do the same.●

IN TRIBUTE TO DR. BENJAMIN ELIJAH MAYS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. DIXON. Mr. Speaker, I would like to pay tribute to Dr. Benjamin Elijah Mays, who passed away earlier this morning, after a lifetime of distinguished service as an educator, civil rights leader, and theologian.

Dr. Mays persevered, despite the frustrations inherent in segregation, to offer equality in education to all Americans, especially black Americans. He began as the dean of the School of Religion at Howard University and later served 27 years as president of Morehouse College in Atlanta.

At the beginning of World War II, when many colleges suffered from a low enrollment and the demise of Morehouse College seemed imminent, Benjamin Mays prevented the college from permanently closing its doors by vigorously recruiting potential students thereby insuring the development of future generations of black leaders.

Dr. Mays was instrumental in the elimination of segregated public facilities in Atlanta, Ga., and promoted the cause of nonviolence through peaceful student protests during a time when this Nation was often marred by racial violence; he is acknowledged to have been a mentor to Dr. Martin Luther King, Jr.

The House of Representatives honored Dr. Mays last October when we passed House Resolution 17 urging President Reagan to award Dr. Mays the Presidential Medal of Freedom for his distinguished service. It is unfortunate that the President has not done so, and I sincerely hope that he will consider granting this well-deserved award to Benjamin Mays posthumously.●

YURIY SHUKHEVYCH DEFENSE WEEK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. ADDABBO. Mr. Speaker, Konstantin Chernenko cannot break the resolve of the Soviet dissidents. He cannot do it. Yuriy Andropov could not do it, Leonid Brezhnev could not do it. No Soviet leader has been, or ever will be, capable of severing the hearts and souls of these men and women yearning to be free, from the hearts of those who already enjoy freedom. Americans and other free peoples will always stand up against Soviet authorities who supervise torture, murder, exile, and other activities which seek to deny human rights.

It is our responsibility to protect free speech and equal rights for all men. And when these inalienable rights are denied, it becomes our task to publicize the oppressors.

Mr. Chernenko, I have appealed to you on behalf of the imprisoned Soviet dissidents and political prisoners of Soviet occupied countries, and will continue to publicize your injustices. Eventually, every time your name appears, world leaders will connect it with the names of those you have imprisoned.

conditions, providing full details about the event, including the purpose of the meeting, particulars about the agency or organization if the Member is sponsoring an event under paragraphs 1B or 1C above, the date and time that use of the facilities is desired, the approximate number of people to be in attendance, whether refreshments or a full meal is to be served, the name of the Senator's or Representative's staff contact for the event.

A Member's office may telephone the Botanic Garden Office (x58333) to determine if the date proposed for use of the facilities is open, and, if so, a tentative hold may be placed on the Conservatory pending a confirmation by the Architect on the Member's written request for use of the facilities. Telephone requests of this nature should be followed promptly by the Member's written request to avoid unauthorized staff requests that deny access to the facilities by other Members of Congress.●

IN OPPOSITION TO THE WINTER NAVIGATION AMENDMENT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, I am honored to be numbered among my colleagues leading the opposition to this proposal because it would cause serious erosion to Michigan's shoreline, and the millions of dollars it would cost the Federal Government cannot be justified.

During the summer the residents of Michigan enjoy the convenience and beauty of nearby waterfront parks, and many people vacation each year in the northern part of the State. If the winter navigation proposal were approved, there would be drastic environmental damage to shorelines caused by the vast amounts of ice broken on the frozen lakes. Ice breaking would be necessary on the lakes and connecting channels to keep the shipping lanes open during the cold weather. Because the channels are quite shallow, breaking the ice would seriously erode the shoreline and scour the channel bottom, releasing pollutants trapped in the sediments into the water.

Another problem with the winter navigation proposal is cost. Estimates reveal that opening the Great Lakes to year-round shipping would cost $600 million in capital expenditures and an additional $25 million each year in operating costs. This includes the cost of construction and the purchase of 22 ice breakers to keep the shipping lanes open during the winter season. This is a huge expenditure for a project that would benefit very few people. There is no valid economic reason to extend the shipping season.

Shipping during the winter months is very dangerous; and recent cuts in Coast Guard search and rescue capabilities increase the hazards of year-round shipping.

The Merchant Marine and Fisheries Committee has held hearings in Detroit, Sault Sainte Marie, and Washington, D.C., on the winter navigation issue, and all of the documentation and testimony demonstrated that there is virtually no support for this proposal. Representatives from the Coast Guard, Army Corps of Engineers, Lake Carriers Association and environmental groups testified at the Washington, D.C., hearing. They reinforced the testimony of witnesses from State and local government, industry, environmental groups and shoreline property owners who attended the hearings in Michigan.

I am extremely proud of the bipartisan cooperation of my Michigan colleagues to prevent this needless destruction of one of Michigan's most valuable assets—its magnificent shoreline and waterways. I am strongly opposed to winter navigation and will continue to be until the proposal is defeated:

[From the Detroit Free Press, Oct. 14, 1983]

WINTER SHIPPING: PUT A COSTLY, RISKY PROPOSAL BACK ON ICE

Since the proposal for winter navigation was exhumed late last summer in Congress, concerned groups from sportsmen to shippers have risen up to oppose it. The economics of the project argue against it, as well, but unfortunately that is no guarantee authorization for year-round shipping will be stricken from the public works bill now before Congress.

The opposition to winter navigation has been strong enough, however, that two so-called compromises are being discussed. The first would leave it to the Corps of Engineers to decide if the economics and the environmental risk justified 12-month shipping. That's an abdication of congressional responsibility, a backhanded way to slip a $1 billion project to the taxpayers without anyone in Congress being held to account for it.

The second "compromise" would authorize a shipping season to Jan. 31, plus or minus two weeks, which would keep the icebreakers going until the middle of February, little more than a month before shipping generally resumes for the spring. At the moment, that is tantamount to year-round shipping, since the Soo locks have to be closed a month every winter for maintenance, anyway. (For true 12-month shipping, the Soo would probably have to be rebuilt. And Canada would have to be coaxed into spending several hundred million dollars for its share of the work in the St. Clair, Detroit and St. Lawrence Rivers, or the United States would have to pick up those costs, too. That part of the winter shipping bill is not included in the estimates offered by its enthusiasts, however).

An 11-month season would still require several hundred million dollars worth of bubblers, ice booms and icebreakers—everything except the dams and gates at the head of the Detroit and St. Clair Rivers. Since the "compromise" language also invites the Corps to consider any further measures that might be necessary, you can bet a ton of taconite pellets that in a very short time those dams and gates will be under construction, as well.

The major argument for year-round shipping is to allow U.S. Steel to continue shipping its taconite pellets down the Lakes from Duluth to the Lake Erie ports and steel mills. Other shippers have been tepid to the proposal. Studies in the late 1970s found only marginal economic benefits from an extended shipping season.

Since then, the Lakes regional economy has undergone a wrenching change that probably makes 11- or 12-month shipping even less justified. Steel is in decline, the auto industry is adjusting its buying habits, wheat growers have turned to Mississippi barges and deregulated rail lines to carry their grain. Meanwhile, nobody has adequately determined the environmental effects of 11- or 12-month shipping—the scouring of the fish feeding grounds beneath the ice, the damage to coastal wetlands and waterfowl habitat, the risk of an oil or chemical spill under ice, the visual impact of the compensating works at the head of the Detroit River or the disruption of some of the best fishing areas in the Lakes.

So far, a handful of Michigan congressmen have been active in the fight to stave off year-round shipping. Rep. David Bonior, D-Mt. Clemens, has sponsored an amendment to delete winter shipping from the public works bill. Reps. Dennis Hertel, D-Detroit and Robert Davis, R-Gaylord, are conducting hearings on winter navigation at 2 p.m. Friday in the Federal Court building, 231 W. Lafayette, Detroit, and at 9 a.m. Saturday in the Lake Superior State College auditorium in Sault Ste. Marie. The message they should take back to their colleagues in Congress is that Michigan wants to put winter navigation and any illusory compromises permanently back on ice.

OPPOSING SECTION 1123 OF H.R. 3678

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. NOWAK. Mr. Speaker, today I am joining a number of my colleagues in expressing opposition to section 1123 of H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. Section 1123 authorizes an extension of the navigation season on the Great Lakes and the St. Lawrence Seaway.

Since early last August, when the section on winter navigation appeared in the House Public Works Committee print of the bill, there has been much controversy over this provision. At the time of the bill's markup, for instance, I expressed my deep concern to my colleagues on the committee about the implications of that provision. However, I felt the inclusion of the provision at that time provided sufficient opportunity for those troubled by the section to express their concern and coordinate efforts for addressing those concerns.

The intense discussions and analyses that have resulted over the last 6 months have stimulated greater awareness in the Congress, leading to the introduction of this amendment today to delete section 1123. Judging from the list of Members supporting this amendment, I am confident that we will be successful in removing this provision from the pending version of the omnibus water resources bill.

New York State is strongly opposed to the authorization of an extended navigation season on the Great Lakes and the St. Lawrence Seaway. We have repeatedly and consistently maintained that winter navigation would have significant adverse impacts on existing port facilities, tourism, shoreline property, and fish and wildlife habitats; flooding and hydroelectric losses would also result.

In terms of costs, the Corps of Engineers recently has updated its estimate of what the initial start-up costs of winter navigation would be. That estimate soared from $450 million to the current $600 million-plus. That doesn't even address the ongoing operation and maintenance costs beyond start-up.

To get a first-hand feel for this issue, last fall I spent a weekend in Montreal and Ottawa discussing this and other Great Lakes matters with Canadian officials. I found the sentiment against winter navigation among our Canadian friends parallels mine.

Frankly, there has not yet been any evidence to convince me that we need winter navigation. What has been clearly documented, however, is that this would be an expensive, disruptive and upredictably risky action.

In summary, it is my personal belief that the costs and adverse economic and environmental impacts of winter navigation too clearly outweigh the benefits.

At this point, I would like to insert an editorial which appeared in the Buffalo News on March 19, 1984, supporting my position on this issue:

NEEDLESS SEAWAY PLAN

Gov. Cuomo has secured the support of all seven other governors of Great Lakes states in opposing proposals for year-round navigation of the St. Lawrence Seaway system. This strong backing should persuade Congress to drop the idea from the omnibus water-projects bill now being considered.

In 1979, the U.S. Army Corps of Engineers prepared a plan for all-year navigation, but since then, a number of objections have been raised. A major one is cost. The Engineers' plan called for construction of dikes and channels and the purchase of a huge icebreaker. The cost was set at $600 million, but Assemblyman John B. Sheffer II, R-Amherst, says the total price tag would end up in the billions. "And for what purpose?" Mr. Sheffer asks, noting that Great Lakes shipping currently operates in the summer at only a fraction of its maximum capacity.

The Seaway now operates from April to December. Tremendous expenditure of money and effort would be required to achieve year-round navigation. Some support for the idea came from Minnesota, where winter grain shipments were sought, but the Minnesota governor has now joined the other Lakes states governors in opposing the plan. The other six states are Pennsylvania, Ohio, Indiana, Michigan, Illinois and Wisconsin.

Beyond the cost, objections have been raised by environmental groups because of possible effects on fish and wildlife habitats and on hydroelectric power production. Canada has registered its disapproval of the plan.

This nearly unanimous opposition from officials and spokesmen from the region that supposedly would benefit from year-round navigation should cause Congress to drop any idea of going ahead with this costly project.●

THE DELAWARE RIVER LAND ACQUISITION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1984

● Mr. GILMAN. Mr. Speaker, 6 years ago I rose in support of the National Parks and Recreation Act of 1978. Section 705 of this legislation designated the Upper Delaware River as part of the Wild and Scenic Rivers System.

The intent of that section was clear—to preserve a valuable natural resource, while refraining from infringing upon individual property rights. Much concern had been expressed by my constituents who reside in the designated corridor. The legislation was touted as a panacea in alleviating the pervasive apprehension.

Since the enactment of the original legislation, I have been honored to represent the towns of Lumberland, Highland, Tusten, Cochecton, and Delaware—all which border the scenic Delaware River. As the number of my constituents affected has increased, so has their concern and apprehension. The pervasive uneasiness centers around one particular clause of section 705, the provision which grants the Secretary of the Interior, through the National Park Service, the right to condemn land in the Upper Delaware in the event that "local plans, laws, and ordinances, or amendments thereto or variances therefrom, are found by the Secretary not to be in conformance with the guidelines or the management plan." This general and omnipotent authority granted the National Park Service concerns area residents. Their fears are further fueled by several reports by the Comptroller General which were issued subsequent to the enactment of the legislation that cited abuses of the acquisition power granted the National Park Service.

A particularly poignant study which points out some of the abuses by the National Park Service in its land acquisition policy is the Comptroller General's report entitled "Lands in the Lake Chelan National Recreation Area Should Be Returned To Private Ownership." That report, issued at the request of Senator TED STEVENS, stated that—

Since October 1968, when Public Law 90-544 established the Lake Chelan National Recreation Area in the State of Washington, the National Park Service has spent about $2.4 million to acquire over half of the area's 1,730 acres of privately owned land. This is contrary to Congress intent that land acquisition costs be minimal . . . (and that) existing commercial development not be eliminated, and additional compatible development be permitted to accommodate increased visitor use.

While it is clear that the National Park Service's land acquisition policies have changed subsequent to the issuance of this report—the threat of abuse lingers. Accordingly, today I am introducing legislation which will help to allay the fears of the Delaware Valley residents. It is not my intention to eliminate the Upper Delaware legislation intended oversight over the conformance of local land use decisions and its laudable goal of protecting this valuable natural resource. Rather, it is my aim to make the threatening condemnation authority possessed by the National Park Service subject to congressional approval—the body most responsible to the people. One's land and home are among our most precious of possessions. The residents of the Upper Delaware Valley, many of whose families have owned land in the valley for several generations, should not have to suffer the threat of an arbitrarily exercised authority by the National Park Service. Accordingly, I ask my colleagues to support this important legislation, and am inserting the full text of this bill at this point in the RECORD for my colleagues' review:

H.R. 5280

A bill to prohibit the acquisition of certain lands in the Upper Delaware River without express prior congressional authorization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 704 of the National Parks and Recreation Act of 1978 (P.L. 95-625) is amended by adding the following new subsection at the end thereof:

"(k) Prior to acquiring any lands or interest in lands for purposes of the segment of the Upper Delaware River designated under section 3(a)(19) of the Wild and Scenic Rivers Act (whether such acquisition is under any provision of this section, under any provision of the Wild and Scenic Rivers Act, or under any other authority of law), the Secretary shall notify the appropriate committees of the Congress. Lands or interests in lands may be acquired for purposes of such designated segment without the consent of the owner thereof only if the Congress, following receipt of notice under the preceding sentence, adopts legislation expressly authorizing the Secretary to acquire such lands or interests in lands and specifically appropriates funds for such purposes.".

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 29, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services and Office of Community Services.
SD-116

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on U.S. participation in the International Energy Program.
SD-366

Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

Foreign Relations
Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.
SD-419

2:00 p.m.
Foreign Relations
Business meeting, to consider proposed legislation authorizing funds for foreign assistance programs, including S. 2346, S. 2416, S. 2321, and S. 2347.
SD-419

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on OMB Circular A-122, to restrict the use of Federal funds for lobbying by contractors and grantees.
SD-562

10:30 a.m.
Appropriations
*Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-232A

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2457, to designate certain lands in Idaho as wilderness, and to release other forest lands for multiple-use management.
SD-366

Judiciary
Constitution Subcommittee
To hold hearings on S. 1335, to provide certain standards for the application of the Freedom of Information Act exemption for classified information, and S. 2395, to provide a specific exemption from disclosure for information related to terrorism and foreign counterintelligence.
SD-226

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1535, to strengthen the U.S. patent system and streamline certain procedures for securing a patent.
SR-325

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for child nutrition programs.
SR-328A

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for man-

power programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1990, to clarify the circumstances under which a trademark may be canceled or abandoned.
SD-226

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

* Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs, and for the inertial confinement fusion program of the Department of Energy.
SD-366

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 1842 and H.R. 3903, bills to develop and implement a coordinated agricultural program in the Colorado River Basin.
SR-328A

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

11:00
Energy and Natural Resources
To resume oversight hearings to review the report and recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Select on Intelligence
Budget Subcommittee
Closed business meeting, to consider proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

APRIL 6

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings on North American gas reserves and resources.
SD-366

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2125, proposed Arkansas Wilderness Act of 1983.
SD-628

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Customs Service, Department of the Treasury.
SD-192

Select on Indian Affairs
To hold hearings on S. 2201, to convey certain lands in Arizona to the Zuni Indian Tribe.
SR-428A

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses, and for the Prospective Payment Assessment Commission.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

MAY 2

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

* Veterans' Affairs
To hold hearings to review veterans compensation programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for the Head Start program.
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

*Veterans' Affairs
Business meeting, to mark up a committee resolution to authorize certain construction projects of the Veterans' Administration contained in the administration's budget for fiscal year 1985.
SR-418

MAY 10

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the impact of drugs on crime.
SD-430

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-124

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

MAY 16

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-226

JUNE 6

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

* Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SD-418

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
* Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation.
SD-418

CANCELLATIONS

MARCH 29

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

APRIL 3

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

APRIL 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

MAY 1

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (Family Planning).
SD-430

□ 1110

HERE WE GO AGAIN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, here we go again. Today the House will take up consideration of an urgent supplemental appropriations bill for the Department of Housing and Urban Development. Without calling into question the necessity or propriety of the individual programs involved today, it is important that we understand what is happening.

Day after day, Members from both sides of the aisle rise to denounce the budget deficits. And yet, year after year, Congress continues to pass so-called urgent supplemental appropriations and continuing resolutions. It is no wonder, Mr. Speaker, that the American people are confused with the budget process here in Washington. We do not even seem to understand it. Every time we pass one of these bills, we are ignoring our responsibilities to construct one annual budget for the Federal Government.

The dictionary defines urgent as "calling for immediate attention." That would seem to fit appropriately the need for action on a rational budget process that will lead to responsible actions on our part and a balanced budget—one that does not need mending and patching through supplementals halfway through a fiscal year.

TAX LOOPHOLE OF THE WEEK

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, our Tax Code should not make it easier for American firms to locate overseas than to invest in this country. The tax loophole of the week is subsidized foreign investment. Fifteen million jobless and underemployed Americans care about this abuse, as do an estimated 2 million Americans who will lose their jobs this year because of our import-export trade deficit, expected to top $100 billion.

Strange as it may seem, our Tax Code often makes it cheaper for an American company to produce abroad than at home. For example, an American firm can pay less taxes if it produces in a foreign country, even if all the sales of the product are made in this country. This is because the Tax Code allows U.S. companies to defer tax payments on the profits of its overseas subsidiaries.

Congressman DON PEASE of Ohio has a proposal to close this loophole tight. With the Pease proposal, if U.S. firms produce abroad but then sell their goods back to this country, they could not defer their taxes. His proposal also imposes a per-country limit on the foreign tax credit. Together, these provisions would raise $2.2 billion in revenues over the next 3 years. As we examine options to cut the deficit caused by this administration's failed budget policies, the Pease proposal should be considered. It raises revenues and preserves jobs in one fell swoop.

INTRODUCTION OF INDIVIDUAL TRAINING ACCOUNT

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, we have been told recently that the Nation is in an economic recovery, and yet for many areas of our country it is not clear that that recovery has arrived.

In fact, there is another statistic that we have learned recently which indicates that the problem we have had with the recession is not a temporary one, but one that may be with us for quite some time. It is estimated that 25 percent of the Americans who lost their jobs in American industry as a result of this recession will not be able to go back to work in those same factories. In fact, they will face a life of frustration or a life that will seek a new working career to find something productive to do in their communities.

I have introduced H.R. 4832 with Congressman BOEHLERT of New York which attempts to initiate a program known as the individual training account to address this problem. The individual training account is a voluntary program which would allow employers and employees to contribute to a fund which would be a nest egg available to help train the dislocated worker.

This, I think, is an important first step. It mirrors the success we had with the GI bill. It provides the possibility, like an individual retirement account, that there would be a retirement nest egg in the future for people who do not need it for retraining.

We learned many things during the Great Depression. We made many changes in our Government policy. Let us hope that the great recession that we have just gone through will create an opportunity for us to learn even more.

The individual training account is an important step in the direction of retraining American workers to make certain that they are productive and not frustrated, to make certain that our communities across this country stay alive with the kind of healthy economy that we need to keep this Nation great.

PASS THE BANKRUPTCY BILL

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I take this time in order to attempt to alert the Members of the House that soon we will have, presumably, a bankruptcy bill coming to us from the other body. That bill may be in the form that is presently being negotiated on the other side of the Hill or it may be somewhat different. It will not be exactly what the House passed. It will be quite different from it; but we may find that it is quite acceptable.

This morning in the Judiciary Committee, a motion was railroaded through under an extraordinarily tight procedure that did not allow debate, which would direct the chairman of the Judiciary Committee to move to disagree with the Senate amendments to the bankruptcy bill and request a conference.

Let us not be deceived. That will be an effort to kill the bankruptcy legislation. That will be an effort to kill the bankruptcy legislation. That will be an effort to kill the bankruptcy legislation.

Let us not vote for such a motion. Let us see what the other body produces and study it a little bit before voting for a conference, which will "deep-six" bankruptcy legislation.

If you want to wake up on Monday morning without any bankruptcy courts in your districts, you might vote for such a motion on the House floor.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution (H.J. Res. 517) making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1984

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Wednesday, March 21, 1984, I call up for consideration in the House as in the Committee of the Whole, the joint resolution (H.J. Res. 517) making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September

30, 1984, for the Department of Housing and Urban Development.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. RES. 517

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph under the heading "ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45, 97 Stat. 219, 220), as amended by section 127 of Public Law 98-151, making further continuing appropriations for fiscal year 1984 (97 Stat. 964, 980), is further amended by (a) deleting "$1,550,000,000" in the second proviso and inserting in lieu thereof "$1,612,982,000"; (b) striking out in the seventh proviso thereof the second citation to section 1437f of title 42, United States Code (including the parentheses), and inserting in lieu thereof the following: ", $261,675,000 of budget authority shall only be made available for the section 8 voucher program (section 8(o) of the United States Housing Act of 1937, as added by section 207 of the Housing and Urban-Rural Recovery Act of 1983, Public Law 98-181, 97 Stat. 1153, 1155, 1181), including payment of fees to Public Housing Agencies"; (c) deleting, in the clause numbered (1) in the ninth proviso, "shall not become available until March 31, 1984, and at such time", and in that clause deleting "such heading" and inserting in lieu thereof "this heading"; (d) deleting "$2,217,150,000" in the seventh and ninth provisos and inserting in each such proviso in lieu thereof "$3,820,320,000"; and (e) deleting the period at the end thereof and inserting a colon in lieu thereof and the following: *"Provided further,* That, notwithstanding any proviso hereof, any amounts of budget authority recaptured and becoming available for obligation in fiscal year 1984 in excess of $2,500,000,000 shall be made available only for use under section 14 of the United States Housing Act of 1937, as amended: *Provided further,* That the amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $69,490,893, of which $6,160,000 shall be available for contracts using contract authority released by Acts of Congress prior to 1976: *Provided further,* That budget authority in the amount of $300,000,000 shall be available as an appropriation of funds only for rental rehabilitation grants to authorized grantees pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended, as authorized in section 17(a)(3)(A) of that Act, to remain available until September 30, 1986: *Provided further,* that $150,000,000 of such budget authority shall not be available until October 1, 1984: *Provided further,* That, notwithstanding the provisions of section 17(b)(4) of such Act, any rental rehabilitation grant amounts not obligated at the end of fiscal year 1984 shall not be added to the amount available for allocation for such grants for fiscal year 1985 but shall remain available for obligation according to the fiscal year 1984 allocation and consistent with the terms and conditions of law applicable as of September 30, 1984: *Provided further,* That, budget authority in the amount of $315,000,000 shall be available as an appropriation of funds only for development grants to authorized grantees pursuant to section 17(a)(1)(B) of the United States Housing Act of 1937, as authorized in section 17(a)(3)(B) of that Act, to remain available until September 30, 1986: *Provided further,* That, $115,000,000 of such budget authority shall not be available until October 1, 1984.".

Mr. WHITTEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of House Joint Resolution 517, making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development.

This resolution is a follow-on to the actions taken by the committee in the regular fiscal year 1984 appropriation bill for housing and the further continuing resolution.

This resolution was recommended by the HUD-Independent Agencies Subcommittee, which is chaired by our good friend, the gentleman from Massachusetts (Mr. BOLAND). As all my colleagues in this House know, the strength of the Appropriations Committee is based on the knowledge of our subcommittees which hold hearings and study these matters. As chairman, I am proud of our committee and our record and I urge everyone in the House to support this joint resolution and to support the committee.

Mr. BOLAND. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, first of all, I want to pay my compliments to the distinguished member from New York (Mr. GREEN) who is the ranking minority member on the subcommittee for the work he has done, not only on this joint resolution, but every bill that comes before the subcommittee—and that cuts across a very wide spectrum of the appropriations process of the House.

I also pay my respects to all the members of the subcommittee for the diligence with which they have addressed this particular problem and also the other matters that come before the committee.

Mr. Speaker, House Joint Resolution 517 addresses a number of 1984 subsidized housing issues. When the HUD bill was enacted last July we reserved $1.5 billion in anticipation of the passage of a housing authorization bill. Subsequently, that reserve was extended until March 31 of this year while the House and Senate Banking Committees worked out the final details on the authorization.

An authorization bill was adopted by the Congress as part of the first 1984 supplemental appropriations bill—and it authorized programs for fiscal years 1984 and 1985. In January, with the submission of the President's 1985 budget, the administration submitted its proposal on the use of the $1.5 billion. At the same time, a request was also submitted for an additional $62 million of contract authority so that $1 billion of unutilized budget authority could be made available for subsidized housing.

The recommendations in this resolution reflect the committee's endorsement of the administration's proposal with one or two minor changes. Those changes are outlined in the report and include a small additional amount of contract authority to provide for $63 million of public housing modernization funds over and above the $1,550,000,000 made available in the regular 1984 bill. In addition, any moneys recaptured above the estimated $2.5 billion are earmarked for modernization activities. However, if recaptures do not reach the $2.5 billion level, the Department should reduce funding for interest rate adjustments and amendments.

The prompt enactment of this joint resolution will authorize the release of funds for two new major program thrusts—housing vouchers and rental development and rental rehabilitation grants. A total of $315 million is included in this joint resolution for rental development grants—$200 million in 1984 for an estimated 10,000 units and $115 million in 1985 for an estimated 6,000 units. Funds under this program will be awarded to localities through a nationwide competition similar to the UDAG program. The grants may be used by State and local governments to make grants or loans, provide interest reduction payments or other assistance which would support new construction or substantial rehabilitation of rental housing. Each grant cannot exceed 50 percent of a project's total development cost and projects must set aside 20 percent of the units for families at or below 80 percent of median income.

The rental rehabilitation grant program will provide assistance to States, urban counties and localities to support the rehabilitation of rental properties. Grants can only be used in neighborhoods where the median income does not exceed 80 percent of the median income for the area. Buildings occupied by very low income persons and substandard units will receive first priority. Section 8 existing housing certificates or vouchers will be made available in conjunction with rental rehabilitation grants to assist those eligible lower income persons who cannot afford the rent on rehabilitated properties. It is expected that the rehabilitation subsidies will generally be limited to 50 percent of the cost of rehabilitation and not exceed $5,000 per unit.

The other major program thrust is the new housing voucher program. A total of 15,000 units are provided under this resolution as a pilot pro-

GARCIA) has in this particular program. I am also aware of the fact that the gentleman from New York (Mr. GARCIA) bears a major responsibility for section 123 being included in the Housing and Urban-Rural Recovery Act of 1983.

In response to the gentleman from New York (Mr. GARCIA), let me say that this committee will agree to provide the authority to permit HUD to use the $2 million in the Secretary's discretionary fund pursuant to section 123 of the Housing Authorization Act. We will provide that authority in the first vehicle that comes along—the next general supplemental appropriations bill in this year.

I am sure that the gentleman from New York (Mr. GREEN) would agree with this position, and I would ask the gentleman from New York (Mr. GARCIA) to yield to him.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. GREEN. I thank the gentleman.

Mr. Speaker, I simply say that the minority concurs in the statement of the distinguished chairman of the subcommittee.

Mr. GARCIA. I thank the chairman.

Mrs. ROUKEMA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of House Joint Resolution 517, which allocates the $1.5 billion previously held in reserve pending the enactment of the 1983 housing authorization bill. This funding will enable several newly authorized programs to get underway. I would like to express my particular approval and support for the $52.3 million in annual contract authority and $261.7 million in budget authority for a 15,000-unit pilot housing voucher program.

This voucher demonstration program is a very important step toward innovative and cost-effective ways of aiding low-income renters across the country. While the voucher system may not be a panacea, it certainly holds promise as a method of looking at an old housing problem in a fresh, new way. It is certainly worthy of this modest pilot project. A hallmark of the voucher system is its flexibility and responsiveness to local needs and markets.

Housing vouchers can be financed through much shorter subsidy contracts than those governing current housing assistance programs, because there is no need to assure property owners a steady flow of long-term rental income in order to induce them to undertake the costly construction and rehabilitation often associated with traditional housing assistance programs.

Furthermore, because vouchers are much less costly than current new construction programs, a greater number of low-income families can be assisted for fewer dollars than is possible through existing or new section 8 or public housing programs. By way of illustration, if all the 1982 new construction/substantial rehabilitation funds had been reprogramed for vouchers with 5-year assistance terms, approximately 90,000 more households could have been aided in that year at about the same annual expense—at a potential reduction of $8 billion in long-term Federal obligations. (CBO May 1982: "Federal Housing Assistance—Alternative Approaches.")

In addition to the increased number of families who could benefit, the budget implications and the potential for reductions in burdensome regulations, the families participating in the voucher program would have a greater freedom of choice in housing.

This modest program of 15,000 voucher units does something better than simply continue the traditional—and often recklessly inefficient—method of spending housing tax dollars. I believe that it is sensible; does the job as cost effectively as possible; and serves both taxpayers and low-income housing aid recipients well. It is an idea whose time for testing has clearly come.

● Mr. ADDABBO. Mr. Speaker, I would like to voice my support for the urgent supplemental appropriations bill, House Joint Resolution 517, for Housing and Urban Development, presented by Hon. Chairman BOLAND, of the Subcommittee of Housing and Urban Development. This bill provides urgently needed funding for federally assisted housing programs and we must act on it immediately to insure that the people of this country receive the housing they so readily need.

I share Chairman BOLAND's concerns that this Congress provide additional housing funds for low-income housing programs. These programs offer many people the opportunity to own homes who otherwise could not enjoy this privilege.

It was my intent to introduce an amendment to the section on housing to this bill. After receiving the assurances of Chairman BOLAND that he will include funding for the section 235 homeownership assistance program, I have agreed to hold off and wait for him to include this in the normal supplemental which will be considered in the next few weeks.

Section 235 is a vital program. It provides for 5,511 units in the amount of $167 million. It enables eligible families to purchase new homes that meet HUD standards. HUD insures mortgages and makes monthly payments to lenders to reduce interest rates. The homeowner must contribute 20 percent of adjusted income to monthly mortgage payments and must make a downpayment of 3 percent of the cost of acquisition. According to the Banking Committee, the unit estimate provided is based on the assumptions that the average income of the assisted families will be 50 percent of area median, the average home price will be $40,000, and the term of the assistance will be 10 years.

Section 235 is important because it develops communities. It means new construction, jobs, the purchase of building materials, and so on. It permits homeownership to families that could not otherwise qualify or afford it. Homeownership increases pride and responsibility which, in turn, stabilizes and enhances a community. It is a good program and has been highly successful. It will come to an end unless funding is provided.

Section 235 is by no means a "Big City" program. It also benefits rural and suburban communities. I look forward to its continued success and appreciate the support of the chairman of the Housing and Urban Development Committee and my colleagues in the House. Thank you.●

● Mr. CORRADA. Mr. Speaker, I rise in support of House Joint Resolution 517, legislation providing for an urgent supplemental appropriation which would enable the Department of Housing and Urban Development to either keep in place existing housing programs and start up new ones which were authorized by the passage of the Housing Urban-Rural Recovery Act of 1984.

Chairman ED BOLAND of the Subcommittee on HUD-Independent Appropriations Subcommittee has, with his usual skill and with some urgency, once again provided the necessary funds to either continue or start some HUD programs which are instrumental in helping provide decent shelter for U.S. citizens from all walks of life.

In providing for authority to release more than $1.6 billion in funds for the public housing modernization program, the committee is urging that HUD move quickly to help public housing authorities—in Puerto Rico and throughout the Nation—plan with some intelligence those modernization activities in public housing units sorely in need of continued rehabilitation. Puerto Rico makes effective and efficient use of this program and I am fully supportive of this provision.

The committee, further, is correct in providing additional funds in budget authority to get the new housing voucher program provided for in the housing reauthorization bill successfully started. The action in providing annual subsidy increases from $2,953 to $3,214 will provide for a more realistic program, and one more in line with inflationary increases so onerous to many low-income families who are having difficulties providing adequate housing for their families.

The funds contained in House Joint Resolution 517 for the rental development grants program in fiscal year 1984 and 1985 as well as the new rental rehabilitation grants program in the same fiscal years are important since many mayors of Puerto Rico's 78 municipalities will now have additional resources to cope with rehabilitation rental housing needs in their communities.

This resolution meets some critical and pressing housing needs and I urge its speedy adoption.●

Mr. BOLAND. Mr. Speaker, I move the previous question on the joint resolution to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 340, nays 55, not voting 37, as follows:

[Roll No. 58]

YEAS—340

Ackerman	Burton (CA)	Dowdy
Addabbo	Byron	Downey
Akaka	Campbell	Duncan
Albosta	Carney	Durbin
Anderson	Carper	Dwyer
Andrews (TX)	Carr	Dymally
Annunzio	Chandler	Dyson
Applegate	Chappell	Early
Aspin	Chappie	Eckart
AuCoin	Clarke	Edgar
Badham	Clay	Edwards (AL)
Barnard	Clinger	Edwards (CA)
Barnes	Coats	Edwards (OK)
Bartlett	Coelho	Emerson
Bateman	Coleman (MO)	English
Bates	Coleman (TX)	Erdreich
Bedell	Collins	Erlenborn
Beilenson	Conable	Evans (IL)
Bennett	Conte	Fascell
Bereuter	Conyers	Fazio
Berman	Cooper	Feighan
Bethune	Coughlin	Ferraro
Bevill	Courter	Fiedler
Billey	Coyne	Fish
Boehlert	Crockett	Flippo
Boggs	D'Amours	Florio
Boland	Daniel	Foley
Boner	Darden	Ford (MI)
Bonior	Daschle	Ford (TN)
Borski	Daub	Fowler
Bosco	Davis	Frank
Boxer	de la Garza	Franklin
Breaux	Dellums	Frost
Britt	Derrick	Fuqua
Brooks	DeWine	Garcia
Broomfield	Dickinson	Gejdenson
Brown (CA)	Dicks	Gekas
Bryant	Dingell	Gephardt
Gilman	Marriott	Rowland
Gingrich	Martin (NY)	Roybal
Gonzalez	Martinez	Sabo
Gore	Matsui	Sawyer
Gradison	Mavroules	Scheuer
Gray	Mazzoli	Schneider
Green	McCain	Schroeder
Gregg	McCloskey	Schulze
Guarini	McDade	Schumer
Gunderson	McEwen	Seiberling
Hall (IN)	McGrath	Shannon
Hall, Ralph	McHugh	Sharp
Hall, Sam	McKernan	Shaw
Hamilton	McKinney	Shelby
Hammerschmidt	McNulty	Sikorski
Harkin	Mica	Siljander
Harrison	Michel	Simon
Hatcher	Mikulski	Sisisky
Hawkins	Miller (CA)	Skeen
Hayes	Miller (OH)	Skelton
Hefner	Mineta	Smith (FL)
Hertel	Minish	Smith (IA)
Hightower	Mitchell	Smith (NE)
Hiler	Moakley	Smith (NJ)
Hillis	Molinari	Smith, Robert
Holt	Mollohan	Snowe
Hopkins	Moore	Solarz
Horton	Morrison (CT)	Spence
Howard	Morrison (WA)	Spratt
Hoyer	Mrazek	St Germain
Huckaby	Murphy	Staggers
Hunter	Murtha	Stangeland
Hutto	Myers	Stokes
Hyde	Natcher	Stratton
Jacobs	Neal	Studds
Jeffords	Nelson	Sundquist
Jenkins	Nichols	Swift
Johnson	Nowak	Synar
Jones (NC)	O'Brien	Tauzin
Jones (OK)	Oakar	Thomas (CA)
Jones (TN)	Oberstar	Thomas (GA)
Kaptur	Obey	Torres
Kasich	Olin	Torricelli
Kastenmeier	Ortiz	Traxler
Kemp	Ottinger	Udall
Kennelly	Oxley	Valentine
Kildee	Packard	Vander Jagt
Kogovsek	Panetta	Vandergriff
Kolter	Pashayan	Vento
Kostmayer	Patman	Volkmer
Kramer	Patterson	Vucanovich
LaFalce	Pease	Walgren
Lagomarsino	Penny	Watkins
Lantos	Pepper	Waxman
Leach	Pickle	Weaver
Lehman (CA)	Porter	Weiss
Lehman (FL)	Price	Wheat
Leland	Pritchard	Whitehurst
Lent	Quillen	Whittaker
Levin	Rahall	Whitten
Levine	Rangel	Williams (MT)
Levitas	Ratchford	Williams (OH)
Lewis (CA)	Ray	Wilson
Lewis (FL)	Regula	Wirth
Lipinski	Reid	Wise
Livingston	Richardson	Wolf
Lloyd	Ridge	Wolpe
Long (LA)	Rinaldo	Wortley
Long (MD)	Ritter	Wyden
Lowery (CA)	Rodino	Wylie
Lowry (WA)	Roe	Yates
Lujan	Roemer	Yatron
Luken	Rogers	Young (FL)
Lundine	Rostenkowski	Zschau
Madigan	Roth	
Marlenee	Roukema	

NAYS—55

Archer	Hughes	Roberts
Bilirakis	Kindness	Russo
Brown (CO)	Latta	Schaefer
Broyhill	Leath	Sensenbrenner
Burton (IN)	Loeffler	Shumway
Crane, Daniel	Lott	Shuster
Crane, Philip	Lungren	Slattery
Dannemeyer	Mack	Smith, Denny
Dorgan	MacKay	Snyder
Dreier	Martin (IL)	Solomon
Evans (IA)	McCandless	Stenholm
Fields	McCollum	Stump
Frenzel	Montgomery	Tauke
Gibbons	Moody	Taylor
Glickman	Moorhead	Walker
Gramm	Nielson	Weber
Hansen (UT)	Parris	Winn
Hartnett	Petri	
Hubbard	Pursell	

NOT VOTING—37

Alexander	Goodling	Robinson
Andrews (NC)	Hall (OH)	Rose
Anthony	Hance	Rudd
Biaggi	Hansen (ID)	Savage
Bonker	Heftel	Stark
Boucher	Ireland	Tallon
Cheney	Kazen	Towns
Corcoran	Markey	Whitley
Craig	Martin (NC)	Wright
Dixon	McCurdy	Young (AK)
Donnelly	Owens	Young (MO)
Foglietta	Paul	
Gaydos	Perkins	

□ 1150

The Clerk announced the following pair:

On this vote:

Mr. Tallon for, with Mr. Hance against.

Messrs. EVANS of Iowa, WINN, and MACKAY changed their votes from "yea" to "nay."

Mr. WEAVER and Mr. LAGOMARSINO changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL 5 P.M. SATURDAY, MARCH 31, 1984, TO FILE REPORT ON FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1985

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until 5 p.m. on Saturday, March 31, 1984, to file the report on the first concurrent resolution on the budget for fiscal year 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HONORABLE EDWIN B. FORSYTHE

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, I merely want to take the time of the House to announce, very sadly, that one of our Members, our colleague from New Jersey, the Honorable ED FORSYTHE, passed away. I know that all of us at this moment grieve for his family. ED FORSYTHE for many years was a very distinguished Member of this body. He was a very, very important member of the New Jersey delegation.

It is with great sadness that I inform the House of their loss. My heartfelt sympathy, and I am sure the sympathy of all of my colleagues go to ED's family at this time. He will be missed.

I yield to the gentleman from New Jersey (Mr. RINALDO).

staffing required would be at maximum three professional staff and two clerical. That there could be a lesser number if agreed. But, in principle, I was not willing to take a lesser proportion of total staff requirements. To do so would make it impossible to do our job.

I would like to yield to the chairman since he initially formulated the budget, and I would like to hear his comments with respect to his professional staff request.

Mr. LELAND. I thank the gentlewoman for yielding.

Mr. Speaker, the reason that the number 15 was derived was because we had worked with House Finance, the House Administration Committee, and the Subcommittee of Jurisdiction, and we had also tracked the other activities that had been instituted. We did as much as we could to scale down the number of staff realizing that we would only be in existence for the remainder of the year which would probably, by passage of the resolution itself, be about three-quarters of the year.

So we came to that conclusion by way of just looking at the other select committees and working with the House Finance and the House Administration Committee asking them what would be a reasonable number of positions in the respective categories that we have asked for.

□ 1210

Mr. EMERSON. Mr. Speaker, if the gentlewoman will yield further, I would just say, like the gentlewoman from New Jersey, I opposed the creation of this select committee not because I do not have concern for the issue it is to address but because I have been concerned that we are going to be reinventing the wheel.

I have tried to make the point, and the committee has not yet met so I have not been able to make the point in committee, that having served, as I have, for 3 years on the Committee on Agriculture and 1 year as the ranking Republican on the Nutrition Subcommittee, that we do have, both on the majority and the minority staffs of the Committee on Agriculture some truly outstanding staff people. There is a great body of evidence that we have accumulated in the course of our field hearings on the subject of hunger and nutrition, and I just want to assure that this data that we have already gone to such effort and time and expense to collect is not something that will have to, of necessity, be repeated by the Hunger Committee.

I think Chairman PANETTA and I, and both of us are going to be serving on the Hunger Committee, would share all of the data that we have accumulated and can, thus, forego reinventing the wheel.

Mr. LELAND. Mr. Speaker, if the gentlewoman will yield further, I would like to say that I appreciate the gentleman's position.

The SPEAKER pro tempore. The time of the gentlewoman from New Jersey (Mrs. ROUKEMA) has expired.

Mr. BADHAM. Mr. Speaker, I yield 3 additional minutes to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I yield further to my chairman.

Mr. LELAND. I thank the gentlewoman for yielding further.

Mr. Speaker, I would just like to say that we do not preclude the opportunity to work with the existing staff not only of the Committee on Agriculture, but also the Committee on Foreign Affairs, the Committee on Appropriations, and the other committees of jurisdiction that, indeed, have the expertise in the areas that we are concerned with.

Mrs. ROUKEMA. Mr. Speaker, I would like to comment to my colleague, the gentleman from Missouri, that he and I have discussed this issue previously and he should know that the House Administration Subcommittee discussed at length the use of professional staff on the committees of jurisdiction and recognized them as valuable tools and adjuncts to the activities of this committee.

However, committee staff time seems to be stretched on all the committees of responsibility, and while we shall use them as adjuncts, we concluded that we could not impose unduly on their time. While we will work cooperatively there is no feasible way that could be found to loan standing committee staff to the Select Committee on Hunger.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. LELAND), the chairman of the new select committee.

Mr. LELAND. I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the gentleman from Illinois (Mr. ANNUNZIO) for the careful attention he has given to this important legislative initiative. I really appreciate it. The gentleman and I have worked together now for the last few days on arriving at a conclusion about where we are today, and I really, truly, appreciate all that he has done to help us.

Mr. Speaker, I rise in strong support of the funding resolution which provides $449,250 for operational expenses created by the establishment of the Select Committee on Hunger, and I urge my colleagues to vote in favor of this resolution.

On February 22, 1984, the resolution establishing a Select Committee on Hunger passed the House with overwhelming bipartisan support, as was mentioned 309 to 78. House Resolution 15 came to the floor of the House of Representatives with the support of 258 Members of Congress and an unusual coalition of over 60 religious, antipoverty, farm and labor, education, minority, senior citizen, and women's organizations. This overwhelming support was an expression of belief in the increasing need for a comprehensive, coordinated examination of antihunger initiatives and policy recommendations. The passage of House Resolution 15 signified the importance of the concept that food is a basic human need, a fundamental human right that all individuals must have access to in order to maintain acceptable health, and of equal importance, to maintain human dignity and self-respect.

The funding request for the Select Committee on Hunger was carefully considered by myself and Mrs. ROUKEMA, the ranking Republican on the committee, after discussions with the finance office and Committee on House Administration, and is very much in line with the first year budget allowances of other select committees.

In view of the critical mission with which the Select Committee on Hunger is about to embark, Mr. Speaker, it is my strong conviction that this request for $449,250 is reasonable. The overwhelming bipartisan support of the House of Representatives attests to its worthiness. I appreciate this opportunity to support this important resolution and I look forward to beginning the work which the select committee has before it.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. LELAND. I am glad to yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman for yielding.

Mr. Speaker, I wanted to ask the chairman of the committee, in terms of the discussion in the subcommittee, and unfortunately I was not able to be at the full committee and I understand it was a very short meeting and there was no general discussion at the meeting, a member of the committee indicated that they were looking for the reasons for the 15 staff members.

I know when we discussed the plans of this select committee in the subcommittee, the chairman indicated that there were approximately four hearings that were to be planned around the United States. One of the members of the subcommittee I thought pretty substantially indicated that there were findings, GAO studies, Committee on Agriculture reports on the question of hunger.

The question I would like to ask of the chairman is: Do we anticipate a significant amount of staff time digesting the material that already has been printed on the question of hunger? Of course, and record was de-

lineated in the subcommittee of a number of reports.

Could the chairman talk a little bit about staff time not being utilized for hearings but, rather, just to get on top of the rather voluminous material on hunger?

Mr. LELAND. It is this gentleman's opinion, and of course that would be subject to change, subject to the full committee meeting and making decisions about how we proceed, but as chair of the committee, I hope that I will be able to offer my advice, which would be to have the staff digest the materials that are already available.

The gentleman has suggested that there is a vast amount of material out there. We need to bring in all of that material, collate it, and make sure that we do not reinvent the wheel, make sure that indeed we are able to regurgitate the material that is already available, and then to embark on trying to find new information that is available.

Mr. THOMAS of California. Mr. Speaker, if the gentleman would yield further, it is my understanding that the amount that is being requested is in no way a cut from the amount that the committee requested; rather, it is an adjustment for the time period left in this year. Is that correct?

Mr. LELAND. The amount of money is satisfactory to this gentleman, the Chair of the committee, and I think, by the way, it is reasonable.

Mr. THOMAS of California. If the gentleman will yield further, it is this gentleman's understanding that what occurred was an adjustment for a 9-month period from the 12-month budget that was provided. There certainly was a discussion about reducing the amount, given the timeframe in which we were dealing and the fact that the committee had budgeted $1,000 per member for attendance at the four anticipated hearings and there was some discussion that perhaps the staff could better spend its time digesting this voluminous amount of material before they went out and held hearings to find out just exactly what their direction ought to be from the material that was already submitted but that, as a matter of fact, there was not a cut in the budget but there was an adjustment for a 9-month period, that the services and the staff were adjusted to a 9-month period from a 12-month budget.

So I think if we will check our numbers, we will find that there has been no cut; there has simply been a reflection of what is reality, and that is, 3 months have passed from this particular year.

Mr. LELAND. I thank the gentleman.

□ 1220

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BADHAM. Mr. Speaker, I yield 5 minutes to the gentleman fron New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 443, legislation that sets forth funding levels for the Select Committee on Hunger. Also, I would like to take this opportunity to thank the distinguished chairman of the House Administration Committee's Subcommittee on Accounts for his role in assuring that this trim budget was acceptable.

I was pleased to have joined the gentleman from Texas, the select committee's distinguished chairman (Mr. LELAND) in introducing what we believe to be an important legislative initiative to resolve the problem of hunger, both here and abroad. I commend and congratulate the gentlewoman from New Jersey (Mrs. ROUKEMA) for assuming the ranking minority leadership role of the committee and I wish to associate myself with her remarks. I look forward to working with our chairman and our ranking member and assisting them in any way that they deem appropriate in assuring the success of the Hunger Committee.

Mr. Speaker, as you know the bill establishing the Select Committee on Hunger was previously adopted by the House, by a substantial vote of 308 to 78. That overwhelming support was indicative of the importance that the American people attach to this issue. Indeed, a coalition of some 60 religious, antihunger, women, minority, private, and voluntary associations, and other groups came together from all segments of our society in support of the Hunger Committee bill.

In my work as a member of the Committee on Foreign Affairs and the Presidential Commission on World Hunger (1978–80), I have come to recognize that hunger is a problem of many dimensions. Many of these areas have been explored at length by various review groups and several congressional committees. Unfortunately, the public is by and large unaware of the extensive work or our committees, the programs they have reviewed, and the underlying need for our Nation to markedly intensify its initiatives against hunger. It is our hope that a Select Committee on Hunger will be able to support our standing committees by bringing greater visibility to their efforts in the hunger field, by exploring with them how best to underscore to the public our Nation's need to assign a higher priority to hunger and by finding ways to more effectively utilize the funds available for hunger needs.

Mr. Speaker, hearings on world hunger conducted last year by our Committee on Foreign Affairs, focused particularly on how far we have come since the 1974 World Food Conference, outlined the hope that "within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted."

At these hearings, witnesses from the administration and from the private sector presented a picture that when compared to the lofty goals of the World Food Conference seemed pretty dismal. "This masks," as one witness stated, "considerable variation in availability between countries, and appreciable seasonal fluctuation and year-to-year variability within the countries."

As we grapple with the problem of revitalizing a troubled economy, we must not undermine previously successful initiatives both at home and abroad designed to alleviate hunger. At the same time, we cannot refrain from scrutinizing current programs with an eye to assuring that they are cost effective and making certain that the merger funds available are utilized to help those they are designed to assist.

Accordingly, I urge my colleagues to support House Resolution 443.

Mr. BADHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I rise as one Member who opposed the establishment of this committee to begin with.

I felt that the Committee on Education and Labor, the Committee on Foreign Affairs, and other committees, including the Committee on Agriculture, could do the job necessary in this particular area. We also have select committees at various other levels.

One of the first votes I made in this Congress in January of last year was to vote for the Children, Youth, and Families Select Committee. I did it unthinkingly, with a study of the family structure and after looking at some of the things to improve the family situation. I find that that committee has not gone in that direction. That is one vote I would like to have had back, and I would vote against it if I had the opportunity now.

I note that that committee started on April 1, 1983, and spent $363,581 during that year. I find it rather puzzling that this committee would ask for $449,000 for a period which is going to be shorter because we have a bobtail session. Effectively, nothing will be done after October 1, at least not by the Members of Congress, although the staff, of course, will continue its work. But this is a shorter period of time. It is a less critical issue than the Children, Youth, and Families Committee, in my judgment, and I

□ 1250

COAST GUARD AUTHORIZATION ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 472

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4841) to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes, and the first reading of the bill shall dispensed with. All points of order against the bill for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule, and each section shall be considered as having been read. It shall be in order to consider the amendment recommended by the Committee on Merchant Marine and Fisheries inserting new sections 12 through 18 now printed in the bill, all points of order against said amendment for failure to comply with the provisions of clause, 7, rule XVI are hereby waived, and said amendment shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN). Pending that, I yield myself such as I may consume.

Mr. Speaker, House Resolution 472 is a 1-hour open rule providing for the consideration of H.R. 4841, an authorization for appropriations for the U.S. Coast Guard for fiscal years 1985 and 1986. In addition, a motion to recommit is provided.

Mr. Speaker, the rule provides for waivers of points of order in two instances. The first instance waives clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill. In this instance, the waiver is necessary because the bill in section 10 allows the Commandant of the Coast Guard to use funds already appropriated to establish a helicopter rescue swimmer program. Since these funds obviously were not appropriated for this purpose, the bill allows their use for a new purpose and thereby is a technical violation, one of the rule.

In addition, Mr. Speaker, the rule waives clause 7, rule XVI (16) against the committee amendment. The bill was reported with an amendment, which adds seven new sections, numbers 12 through 18. This is a single amendment. Several of the provisions in the amendment are nongermane. For example, section 14 provides protection for seamen against retribution if the seaman has reported suspected violations of rules. This provision allows certain judicial remedies. The bill, as introduced, did not address such procedures. Because all seven sections are drafted as one amendment, the point of order lies against the entire amendment and thus if it were left unprotected, all seven sections could be stricken by a point of order. The Rules Committee felt it necessary to protect the entirety of the amendment.

Mr. Speaker, H.R. 4841 authorizes a total of $2.39 billion for fiscal year 1985, and $2.63 billion in fiscal year 1986, for the operations and programs administered by the U.S. Coast Guard; also, the bill authorizes such sums as may be necessary for increases in salaries and benefits which are projected to cost about $30 million in 1985 and $50 million in 1986.

Mr. Speaker, the funding levels approved by the Merchant Marine Committee would provide for the operations of five heavy icebreakers instead of four, the upgrading of military personnel strength in the Coast Guard, and the purchase of four long-range surveillance aircraft with advanced electronic systems, and improving the fleet of vessels and aircraft engaged in search, rescue, and law enforcement.

Mr. Speaker, the Coast Guard operates under the authority of the Secretary of Transportation with primary responsibility for promotion of safety of life and property at sea. The enforcement of Federal laws on and under the high seas and U.S. waters, and the safety of vessels, ports, waterways, and their related facilities. Also, Mr. Speaker, the Coast Guard maintains a readiness to operate as a specialized service in the Navy during national emergencies or declaration of war.

Mr. Speaker, H.R. 4841 was unanimously approved by the Committee on Merchant Marine and Fisheries. The committee, with their vote, recognized the importance of this authorization that enables the Coast Guard to continue to carry out its many vital missions and to insure the safety of all U.S. waterways. I urge adoption of the rule so the House will have an opportunity to consider this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the rule is an open rule; I know of no controversy on the rule whatsoever.

The authorization bill provides for the operation of the Coast Guard for fiscal years 1985 and 1986. We all know the good job that the Coast Guard does and we should support the authorization legislation.

Mr. Speaker, I have no requests for time. I urge the adoption of the rule and the passage of the bill when it comes up for final vote.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Florida (Mr. PEPPER), chairman of the Rules Committee.

"OH, SON, MY TEARS ARE NOT FOR MYSELF"

(By unanimous consent, Mr. PEPPER was allowed to speak out of order.)

Mr. PEPPER. Mr. Speaker, the Governor of Colorado, who happens to be in the same political party I am, made the statement that the elderly who were in a terminal state, whose precious life is sustained temporarily by some kind of mechanical or medical devices, he said:

Why don't you old folks go on off and die and get out of the way and make room for other people?

Mr. Speaker, it is shocking that anybody should make a statement like that. In reply, I would like to tell that Governor of a story I heard that in a certain country at a certain time there was a practice that the oldest son would take an elderly father who became very ill to the mountainside and expose him there to die before the elements and the vultures.

On one occasion, an older son took his father to that accustomed place and he laid him down to die, the victim of the elements and the vultures.

As the son turned away, he heard the sobs of his father and he looked back to see his eyes filled with tears.

The son said, "Father, I am so sorry that I have to do this to you."

The father said, "Oh, son, my tears are not for myself. My tears are for the time when your son will bring you here."

This Governor, I hope, will be spared a time such as that on the part of those whom he castigates. But if he does come to such a time in his life when the slender thread of life is held together by some means of artificial character, that those who make the decision will be more compassionate to him than he has expressed himself as being of those who are in that state today.

□ 1300

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 38, as follows:

[Roll No. 60]

YEAS—394

Ackerman	Conable	Gejdenson
Addabbo	Conte	Gekas
Albosta	Conyers	Gephardt
Alexander	Cooper	Gibbons
Anderson	Coughlin	Gilman
Andrews (TX)	Courter	Gingrich
Annunzio	Coyne	Glickman
Anthony	Crane, Daniel	Gonzalez
Applegate	Crane, Philip	Gore
Archer	D'Amours	Gradison
Aspin	Daniel	Gramm
AuCoin	Dannemeyer	Gray
Badham	Darden	Green
Barnard	Daschle	Gregg
Barnes	Daub	Guarini
Bartlett	Davis	Gunderson
Bateman	de la Garza	Hall (IN)
Bates	Dellums	Hall, Ralph
Bedell	Derrick	Hall, Sam
Bellenson	DeWine	Hamilton
Bennett	Dickinson	Hammerschmidt
Bereuter	Dicks	Hansen (UT)
Berman	Dingell	Harkin
Bethune	Dixon	Harrison
Bevill	Dorgan	Hartnett
Bilirakis	Dowdy	Hatcher
Billey	Downey	Hayes
Boehlert	Dreier	Hefner
Boggs	Duncan	Hertel
Boland	Durbin	Hightower
Boner	Dwyer	Hiler
Bonior	Dyson	Hillis
Bonker	Early	Holt
Borski	Eckart	Hopkins
Bosco	Edgar	Horton
Boxer	Edwards (AL)	Howard
Breaux	Edwards (CA)	Hoyer
Britt	Edwards (OK)	Hubbard
Brooks	Emerson	Huckaby
Broomfield	English	Hughes
Brown (CA)	Erdreich	Hunter
Brown (CO)	Erlenborn	Hutto
Broyhill	Evans (IA)	Hyde
Bryant	Evans (IL)	Jacobs
Burton (CA)	Fascell	Jeffords
Burton (IN)	Fazio	Jenkins
Byron	Feighan	Johnson
Campbell	Ferraro	Jones (NC)
Carney	Fields	Jones (OK)
Carper	Fish	Jones (TN)
Carr	Flippo	Kaptur
Chandler	Florio	Kasich
Chappell	Foley	Kastenmeier
Chappie	Ford (MI)	Kennelly
Clarke	Ford (TN)	Kildee
Clay	Fowler	Kindness
Clinger	Frank	Kogovsek
Coats	Franklin	Kolter
Coelho	Frenzel	Kostmayer
Coleman (MO)	Frost	Kramer
Coleman (TX)	Fuqua	LaFalce
Collins	Garcia	Lagomarsino
Lantos	Natcher	Skeen
Latta	Neal	Skelton
Leach	Nichols	Slattery
Leath	Nielson	Smith (FL)
Lehman (CA)	Nowak	Smith (IA)
Lehman (FL)	O'Brien	Smith (NE)
Leland	Oakar	Smith (NJ)
Lent	Oberstar	Smith, Denny
Levin	Obey	Smith, Robert
Levine	Olin	Snowe
Levitas	Ortiz	Snyder
Lewis (CA)	Ottinger	Solarz
Lewis (FL)	Owens	Solomon
Lipinski	Oxley	Spence
Livingston	Packard	Spratt
Lloyd	Panetta	St Germain
Loeffler	Parris	Staggers
Long (LA)	Patman	Stangeland
Long (MD)	Patterson	Stark
Lott	Pease	Stenholm
Lowery (CA)	Penny	Stokes
Lowry (WA)	Pepper	Studds
Lujan	Petri	Stump
Luken	Pickle	Sundquist
Lundine	Porter	Swift
Lungren	Price	Synar
Mack	Pritchard	Tauke
MacKay	Pursell	Tauzin
Madigan	Quillen	Taylor
Marlenee	Rahall	Thomas (CA)
Marriott	Ratchford	Thomas (GA)
Martin (IL)	Ray	Torres
Martin (NC)	Regula	Torricelli
Martin (NY)	Reid	Towns
Martinez	Richardson	Traxler
Matsui	Ridge	Udall
Mavroules	Rinaldo	Valentine
Mazzoli	Ritter	Vander Jagt
McCain	Roberts	Vandergriff
McCandless	Robinson	Vento
McCloskey	Rodino	Volkmer
McCollum	Roe	Vucanovich
McDade	Roemer	Walgren
McEwen	Rogers	Walker
McGrath	Rostenkowski	Watkins
McHugh	Roth	Weaver
McKernan	Roukema	Weber
McKinney	Rowland	Weiss
McNulty	Roybal	Wheat
Mica	Russo	Whitehurst
Michel	Sabo	Whittaker
Mikulski	Sawyer	Whitten
Miller (CA)	Schaefer	Williams (MT)
Miller (OH)	Scheuer	Williams (OH)
Mineta	Schneider	Winn
Minish	Schroeder	Wirth
Mitchell	Schulze	Wise
Moakley	Schumer	Wolf
Molinari	Seiberling	Wolpe
Mollohan	Sensenbrenner	Wortley
Montgomery	Shannon	Wright
Moody	Sharp	Wyden
Moore	Shaw	Wylie
Moorhead	Shelby	Yates
Morrison (CT)	Shumway	Yatron
Morrison (WA)	Shuster	Young (AK)
Mrazek	Sikorski	Young (FL)
Murphy	Siljander	Zschau
Murtha	Simon	
Myers	Sisisky	

NOT VOTING—38

Akaka	Goodling	Paul
Andrews (NC)	Hall (OH)	Perkins
Biaggi	Hance	Rangel
Boucher	Hansen (ID)	Rose
Cheney	Hawkins	Rudd
Corcoran	Heftel	Savage
Craig	Ireland	Stratton
Crockett	Kazen	Tallon
Donnelly	Kemp	Waxman
Dymally	Markey	Whitley
Fiedler	McCurdy	Wilson
Foglietta	Nelson	Young (MO)
Gaydos	Pashayan	

□ 1310

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4841.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4841) to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes, with Mr. JACOBS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Tennessee (Mr. JONES) will be recognized for 30 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Coast Guard Authorization Act of 1984 was unanimously approved by the Committee on Merchant Marine and Fisheries on March 14, 1984. The bill contains funding levels and other provisons that the committee has determined are necessary to enable the Coast Guard to carry out its many vital missions.

The Coast Guard is a hard-working, cost-effective organization and is truly a national asset, both in peace time and in war. The Coast Guard's remarkable ability to carry out its many responsibilities is indicated by its performance data for 1983. The Coast Guard responded to over 65,000 search and rescue cases, assisted over 165,000 persons, prevented property loss of $614 million, and most importantly saved 5,784 lives. The Coast Guard also boarded almost 3,000 vessels for the purpose of fishery law enforcement, and in the area of drug law enforcement seized 164 vessels and confiscated over 2 million pounds of marihuana.

These figures only begin to point out the numerous and widely varied functions which the Congress has assigned to the Coast Guard over the years. In addition to traditional search and rescue and law enforcement functions, the Coast Guard is responsible for: Performing vessel inspections, investigating marine casualties, insuring boating safety, engaging in polar and domestic icebreaking operations, maintaining an extensive aids-to-navigation system, responding to pollution incidents, and insuring port security. The Coast Guard also has a military readiness mission and operates as a service in the Navy in time of war or national

a military service equal to those in the Department of Defense.

I have long been a supporter of the Coast Guard because of the highly professional and cost-effective service it provides to the American public. As the Representative from Alaska with its extensive coastline and harsh maritime environment, I can assure you that these services are essential—often a matter of life and death. As the ranking minority member on the Coast Guard and Navigation Subcommittee, I can assure you that the same is true on all the coasts and the inland waterways of our Nation.

Mr. Chairman, this bill not only provides for adequate funding of the Coast Guard and its important programs but also fulfills our oversight responsibilities to review the programs and laws of the Coast Guard and make improvements where required. Therefore, I urge all of my colleagues to support and approve this legislation today.

Mr. Chairman, at this time I yield 1 minute to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 4841, the Coast Guard Authorization Act of 1984. During my years of service on the House Committee on Merchant Marine and Fisheries, I have come to know the Coast Guard to be a highly capable, dedicated group of people, successfully performing many missions of national importance.

The Nation has asked the Coast Guard to undertake numerous significant additional at-sea responsibilities during the last few years, such as enforcement of the FCMA, drug interdiction, and—most recently—patrol around the island of Grenada in relief of the U.S. Navy. We also count upon the Coast Guard for activities as diverse as safety of the U.S. merchant fleet, security at the Los Angeles Olympic games, polar and domestic icebreaking, nationwide marine search and rescue, and numerous military roles such as coastal antisubmarine warfare, convoy escort, and port mobilization during time of war or national emergency.

I believe that the Coast Guard performs these diverse responsibilities remarkably well. We must not shortchange the Coast Guard when it comes to providing the service with adequate numbers of personnel, and providing them with adequate training and equipment to carry out their jobs safely and efficiently.

I am pleased to see that President Reagan's budget request for fiscal year 1985 takes a kinder view of the Coast Guard's requirements than the administration did in previous years. However, I still have some concern about the adequacy of the administration's request for certain budget accounts, for example, the operating expense and research and development accounts. In particular, I am concerned that the administration's request for only $23.5 million for research and development may be a penny-wise and pound-foolish way of saving some money, if the projects which the Coast Guard might pursue with additional money would have a high potential for achieving moneysaving efficiencies in future years.

I want to make clear that I support many of the President's efforts to streamline Government operations and turn appropriate functions over to the private sector. It may well be reasonable, and more cost effective, to contract out certain functions that now are performed by Government agencies; some of the Coast Guard aids-to-navigation functions may fall in this category. However, I have a great concern that the administration's fiscal year 1985 proposals to reduce civilian and military personnel levels may erode the Coast Guard's overall capability to carry out its civilian and military missions. I believe that the personnel "floors" included in the Coast Guard Authorization Act for both military and civilian personnel will enable the Coast Guard to carry out its responsibilities fully, and will a quality of performance that the people of the United States expect and the public interest demands.

In addition to authorizing dollar amounts and personnel levels, this bill also directs the Coast Guard to initiate several activities which I believe are greatly in the public interest. Section 7 requires the Secretary of Transportation to prepare design and construction plans for the purchase of at least two new icebreaking vessels capable of operating in the heavy ice regions of the Artic and the Antarctic. This planning is necessary to prepare for the replacement of the older existing Coast Guard icebreakers. The Secretary is to report to Congress in 1985 and 1986 on the status of these plans.

Section 10 directs the Commandant of the Coast Guard to establish a helicopter rescue swimmer program for the purpose of training selected Coast Guard personnel in rescue swimming skills. The Coast Guard estimates that this specialized rescue swimmer training should help to save several dozen lives each year.

Section 11 of the bill directs the Secretary of Transportation to proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries. Ferries now are required to carry only certain amounts and types of equipment which may or may not be sufficient to save the lives of all persons on board if a ferry sank, particularly if the sinking occurred in cold waters such as Puget Sound.

Section 16 of the bill would amend various statutes that currently make reference to only one sex—for example, "enlisted man," "widow"—to make them gender-neutral—for example, "enlisted member," "surviving spouse,"—to eliminate any substantive sexual discrimination that may result from use of these terms under existing law. I am glad to see these amendments providing legal equity to the women of the Coast Guard.

Mr. Chairman, the well-being of the United States benefits from a Coast Guard having the equipment and the capably trained, confident personnel to carry out the numerous missions to which I have just referred. I urge all my colleagues in the House of Representatives to support H.R. 4841.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. I thank the gentleman for yielding time to me.

Mr. Chairman, I want to commend the distinguished chairman of the Coast Guard Subcommittee and the full House Merchant Marine and Fisheries Committee, the Honorable WALTER B. JONES, and the distinguished ranking minority member of the Coast Guard and Navigation Subcommittee, the Honorable DON YOUNG, for their efforts in expediting consideration of this important Coast Guard authorization bill for fiscal years 1985 and 1986.

As a member of the Coast Guard and Navigation Committee, I strongly support the modest increases in funding provided in this bill. I do so because the increases are necessary to maintain end-of-year active military personnel strength for the next 2 years and assure that the Coast Guard can continue to carry out its many missions.

Several provisions in the bill are of immediate importance to the many recreational boaters in my congressional district on Long Island. For example, this legislation establishes Federal penalties for operating a vessel while intoxicated and provides for data gathering and educational efforts associated with this problem. Clearly, this provision is consistent with the growing outrage in this country over the abuse of alcohol and its threat to safety on land as well as at sea.

In addition, this legislation will prohibit the retail sale of recreational boats containing a known safety defect. With growing numbers of Americans turning to boating as a means of recreation, this provision should enhance safety at sea, as can the bill's provision for specialized rescue swimming skills for certain Coast Guard personnel and improved safety equipment for use on passenger ferries.

Again, Mr. Chairman, I applaud my colleagues efforts in bringing this responsible piece of legislation before this body, and I urge a vote for its passage.

Mr. YOUNG of Alaska. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 4841, the proposed Coast Guard Authorization Act of 1984.

This bill contains within it one overriding message. Congress will not stand by and watch the U.S. Coast Guard robbed of the people, the equipment, and the operating funds it must have to do its many jobs in service to the American people.

The Coast Guard is perhaps the single most popular agency in the entire Federal Government, faint praise though that may be. Every year, it is responsible for saving 6,000 human lives and a billion dollars' worth of property; for blocking more than 2 billion dollars' worth of drugs from entry into the United States; for operating and maintaining one-fourth of the world's aids to maritime navigation; for operating this country's entire fleet of heavy icebreakers; for protecting our multibillion-dollar fisheries resource from illegal exploitation by foreign fishermen; for insuring the safe construction and operation of merchant vessels; and for responding to spills of oil and hazardous chemicals into the waters of the United States. It is also one of the largest and most capable navies in the world, required by law to maintain the readiness to serve in war or national emergency in any capacity directed by the President.

No other agency of the Federal Government requires individuals with the variety of skills, strength of character, and sense of duty demanded of Coast Guard personnel. Neither Congressmen nor bureaucrats are called upon to hover in a helicopter over 30-foot seas in a midwinter storm at midnight risking their lives to save others, and sometimes risking their lives simply to retrieve the bodies of the dead. As a country, we ask much of the Coast Guard, and in so doing we incur obligations of our own.

But for decades, the Coast Guard has been asked to serve on old ships; to cut training time short; to curtail operations in order to save on fuel; to place additional emphasis on one task without reducing efforts elsewhere; to respond promptly and favorably to all requests for help and to all complaints about regulatory unfairness; and to accept new jobs without new resources, without complaint, and without fail.

This year, the administration suggests that Congress eliminate 513 military personnel and 242 civilians from the Coast Guard. The President apparently believes that we have 176 people too many working primarily on Coast Guard law enforcement; 122 too many dedicated primarily to search and rescue; and that we can get rid of 351 now working mostly on aids to navigation.

I believe he is wrong. I think the time has come to stop nickeling and diming, overanalyzing, micromanaging, and second-guessing the Coast Guard; it is time instead to give them what they need, let them do their job, and trust them to do it right. The legislation before us today is designed to further that goal, to make certain the Coast Guard will have enough resources and personnel at least to maintain operations at their present level.

I congratulate the subcommittee and full committee chairman, Mr. JONES of North Carolina, for his leadership in developing this bill, as well as the distinguished, unbelievably distinguished ranking minority member of the Subcommittee on Coast Guard and Navigation, Mr. YOUNG of Alaska. I reserve of course, a special tribute, however, to the late ranking minority member of the Committee on Merchant Marine and Fisheries, Mr. FORSYTHE, who was throughout his career both a staunch supporter of the Coast Guard, and the very embodiment of the kind of nonpartisan, constructive legislative leadership which I believe is demonstrated in the bill before us today. We will miss him very much.

H.R. 4841 is responsive to the needs both of the Coast Guard and the country, and I hope it will today win overwhelming approval from Members of the House.

□ 1340

Mr. JONES of North Carolina. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from North Carolina (Mr. JONES) has 13 minutes remaining.

Mr. JONES of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT), the newest member of our committee.

Mr. BENNETT. Mr. Chairman, as we approach the question of the Coast Guard and what it does for our country, we must have a feeling of very deep gratitude because this organization has so nobly attempted to assist the lives and welfare of our country throughout the years.

As a Congressman who represents a fishing community or several fishing communities, both on Amelia Island and Mayport and other places in our area, I am deeply grateful for what they do to protect the seamen at sea.

I am also very deeply involved and have been deeply interested in the fight that is being put up by the Coast Guard in protecting the young people and the older people of our country in the drug traffic situation. They have done a magnificent job, and they need more assistance.

Mr. Speaker, the Coast Guard does not get the credit it should have in my opinion, and I hope we will go forward in supporting the Coast Guard unanimously in this bill and in other bills that I hope may follow to give more strength to the Coast Guard in these battles.

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Chairman, I want to commend the distinguished chairman of the committee and of the subcommittee, the distinguished gentleman from North Carolina (Mr. JONES), for bringing this legislation to the floor of the House for action here today.

There has been quite a bit of commentary already on the varied responsibilities of the U.S Coast Guard ranging from the somewhat clerical and routine responsibilities of documentation of vessels, which nevertheless requires a high degree of persuasion and exactness, to the responsibilities for maintaining communications for all seagoing craft in the vicinity of the coast and navigable waters, and also to the very dangerous and hazardous duty of their rescue operations that they are frequently called upon to assist with.

Mr particular reason for wanting to speak has to do with a new responsibility the Coast Guard is fulfilling most ably. In recent years, as the drug trafficking into our coastline has increased, the Coast Guard has found it necessary to work with other Federal and State and local authorities to coordinate the tracking and surveillance of vessels and aircraft that are approaching our borders to see that they are apprehended and that that dangerous cargo is confiscated and those responsible are penalized.

This legislation will provide encouragement for them to continue to do that. As we have succeeded so well in the State represented by the gentleman from Florida, we have seen so much of that traffic beginning to route its way up the coastline as far as Maryland, as the distinguished gentleman from the Eastern Shore of Maryland has already indicated. The same is true of South Carolina and North Carolina, where we have unfortunately come to be counted among those States where there is a high degree of drug traffic coming across our coasts.

So I want to commend the gentleman for his efforts to encourage and

provide for the effective participation by the Coast Guard in that drug-opposing and intercepting activity.

We know in North Carolina that in recent years there has been a tripling of the importation of cocaine into our coastline, there has been an increase in marihuana smuggling, and it is very important that we be able to have this vital unit operating in our area, with its aircraft facility at Elizabeth City, which is in the district represented by the gentleman from North Carolina (Mr. JONES).

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 4841, authorizing appropriations for the Coast Guard in the amount of $2.4 billion for fiscal year 1985 and $2.6 billion for fiscal year 1986.

In recent years the Coast Guard's responsibilities have been vastly increased to include seaborne interdiction of illicit drugs to the United States, but, unfortunately, the resources for this effort have not been commensurate to its responsibilities. Despite this constraint, the Coast Guard has performed its drug interdiction efforts admirably, stopping an estimated 30 percent of the illicit maritime drug shipments to the United States, compared to only 15 percent a few years ago. Although this seizure rate is an improvement over past years, we have a long way to go before the Coast Guard is able to prevent the illicit drug trade from penetrating our shores.

Mr. Chairman, H.R. 4841 would authorize funds for the Coast Guard's drug interdiction efforts in the all important area of acquisition, construction, and improvement (ACI) of aids to navigation, shore facilities, and vessels. Under this legislation, $550 million would be authorized for this function for fiscal year 1985 and $650 million for fiscal year 1986. The $550 million for ACI, which is $188 million above the President's budget request and $119 million below the amount appropriated for 1984, is intended to upgrade the Coast Guard's cutters, aircraft, and shoreside physical plants, particularly its search and rescue missions and its at-sea law enforcement and military readiness responsibilities. This measure would also provide the urgently needed equipment—aircraft, helicopters, sensors, cutters, and personnel—to carry out its drug interdiction effort and would provide operation and maintenance funding amounting to $1.8 billion for fiscal year 1985, and $1.95 billion for fiscal year 1986.

Last year under the leadership of the distinguished gentleman from New York, CHARLES B. RANGEL, our Select Committee on Narcotics Abuse and Control, of which I am the ranking minority member, conducted field investigations and hearings in California, New York, Florida, and Texas where we learned that the Coast Guard resources, already stretched thin, were diverted from the Northeast to the south Florida region to help stem the flow of marihuana and cocaine originating from South America. This diversion has left the Northeast exposed to the onslaught of Mideast opium that is converted into heroin in Europe and trafficked to every city, town, and school district of the Northeast and from there, distributed to the hinterland of our Nation.

If we are to assign the Coast Guard the difficult task of combating the illicit flow of drugs into the United States, then we, as legislators, have the responsibility for providing that dedicated service with the tools to do the job. The Coast Guard desperately needs personnel and sophisticated equipment to fulfill its mission. H.R. 4841 would go a long way toward providing that law enforcement agency with the funds to meet the dangerous task of interdicting drug traffickers who are well armed and who have the fastest and best equipped boats and aircraft. Accordingly, Mr. Chairman, I urge my colleagues to support this urgently needed legislation.

Mr. MARTIN of North Carolina. Mr. Chairman, I thank the gentleman from New York (Mr. GILMAN), and I yield back the balance of my time.

● Mr. FRENZEL. Mr. Chairman, today we have before us H.R. 4841, which authorizes appropriations for the U.S. Coast Guard for fiscal years 1985 and 1986.

The Coast Guard, Mr. Chairman, is in my judgment, a very well run branch of Government. Its original duties of defending our Nation's shores have been added to greatly and perhaps even eclipsed by other assignments that we have given them, such as intercepting drug traffic, and overseeing boat safety activities on our Nation's waterways.

However, I do feel compelled to vote against this authorization bill, despite my admiration for the Coast Guard's workload.

This legislation calls for a 10-percent increase this year and another 10 percent next year. In our struggles to restrain the deficit we should not vote for increases of this magnitude under other than emergency circumstances.

This bill would authorize approximately $244 million more than the President's budget request for 1985 alone. It also hampers the Coast Guard's ability to better manage their own affairs by not allowing for any transfers of funds between accounts, on an even limited basis.●

● Mr. GEJDENSON. Mr. Chairman, I rise in strong support of H.R. 4841, the Coast Guard authorization legislation for fiscal years 1985 and 1986. On March 2, 1984, I had the privilege of attending a hearing on this bill by the Subcommittee on Coast Guard and Navigation in Boston. The testimony I heard that day clearly demonstrated the need for the proposed authorization increases to fulfill the many expanded regulatory and service responsibilities that have fallen within the broad mandate of the U.S. Coast Guard's traditional roles.

Of particular interest is the increased budget authority for research and development (R&D). While the fiscal year 1984 authorization for R&D was $32 million, only $22.5 million was appropriated. H.R. 4841 establishes a budgetary authorization for R&D of $35 million and $38 million for fiscal years 1985 and 1986, respectively. This is a step in the right direction but still below the levels recommended in January 1983 by the National Advisory Committee on Oceans and Atmosphere in its special report to the President and the Congress on the U.S. Coast Guard.

This report recommended that the Coast Guard substantially increase its resources for research and development by shifting its focus from reactive, short-term engineering problems to long-term exploratory research and by increasing the number of civilian scientists and engineers to assist in gaining a perspective less burdened by short-term operational priorities. Specifically, the Advisory Committee recommended that the R&D budget should be increased by an amount equivalent to 0.75 percent of the Coast Guard's operating budget each year until it reached a level equivalent to 8 percent of operating expenses—a figure generally considered healthy by industry and the Department of Defense for R&D needs. In today's fiscal climate, a target of 8 percent may be unrealistic, but I note that the existing R&D appropriation is only 1.3 percent of the Coast Guard's operating budget, a low point to which it has fallen steadily over the past decade. The Coast Guard R&D budget remains significantly below the level this technology-dependent agency needs.

I support the present Commandant in his committee to solidify the R&D program and provide consistent funding and stable civilian personnel levels. H.R. 4841 provides a much needed statutory civilian employee floor although it is still 15 percent below the level of the late 1970's. Civilian employees are critical to Coast Guard research and development and other support missions and their numbers should not be reduced while the Congress is reassessing the missions and roles of the future Coast Guard.

In summary, I am pleased to find that no one no longer argues about the indispensability of the Coast Guard's R&D program. I am encouraged by the direction that H.R. 4841 leads us in. I urge my colleagues to wholeheartedly support H.R. 4841.●

Mr. JONES of North Carolina. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, each section is considered as having been read under the 5-minute rule, and the committee amendment inserting new sections 12 through 18 is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Coast Guard Authorization Act of 1984".

The CHAIRMAN. Are there any amendments to section 1?

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of the bill, H.R. 4841, is as follows:

AUTHORIZATION OF FUNDS

SEC. 2. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal years 1985 and 1986 as follows:

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction, $1,800,000,000 for fiscal year 1985 and $1,950,000,000 for fiscal year 1986; and for increases in salary, pay, and other employee benefits authorized by law, and for the full amount of fixed costs associated with icebreaking operations by Coast Guard vessels in polar regions, such sums as may be necessary for each such fiscal year.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $550,000,000 for fiscal year 1985 and $650,000,000 for fiscal year 1986.

(3) For research, development, test, and evaluation, $35,000,000 for fiscal year 1985 and $38,000,000 for fiscal year 1986.

(4) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation, $8,700,000 for fiscal year 1985.

(5) For retired pay including the payment of obligations therefore otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents' Medical Care Act, such sums as may be necessary for fiscal years 1985 and 1986.

END OF YEAR STRENGTH

SEC. 3. Notwithstanding any other provision of law, the Coast Guard shall have an end-of-year strength for active duty military personnel of not less than 39,392 for fiscal years 1985 and 1986. This end-of-year strength shall not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code, or Public Health Services officers on active duty with the Coast Guard.

MILITARY TRAINING

SEC. 4. For fiscal years 1985 and 1986, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, three thousand five hundred student-years.

(2) For flight training, one hundred and eighteen student-years.

(3) For professional training in military and civilian institutions, five hundred and fifty-six student-years.

(4) For officer acquisition, one thousand and thirty-eight student-years.

CIVILIAN EMPLOYEES

SEC. 5. Notwithstanding any other provision of law, the level of full-time equivalent employment of civilians in the Coast Guard shall be maintained at a level not less than five thousand eight hundred and fourteen throughout fiscal years 1985 and 1986.

TRANSFER OF FUNDS

SEC. 6. (a) Whenever the Secretary of the Department in which the Coast Guard is operating (hereinafter in this Act referred to as the "Secretary") determines it to be in the national interest, the Secretary may transfer not to exceed 5 per centum of the funds appropriated for the purposes described in paragraph (1) or (2) of section 2 for use for any purpose described in any paragraph of section 2 except that the total available for the purposes for which the funds are transferred shall not be increased by more than 10 per centum as a result of the transfer.

(b) No transfer of funds may occur under subsection (a) until fifteen days after the Secretary has provided written notification to the chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives and the chairman of the Committees on Commerce, Science, and Transportation of the Senate stating the reasons for the determination and a description of the purposes for which the funds proposed to be transferred will be used.

POLAR ICEBREAKING

SEC. 7. (a) It is the sense of Congress that the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively and independently in the heavy ice regions of the Arctic and Antarctic.

(b) The Secretary shall prepare design and construction plans for the purchase of at least two new polar icebreaking vessels to be operational by the conclusion of fiscal year 1990, and shall provide detailed reports to the Congress describing the status of those plans in January 1985 and January 1986.

ALCOHOL USE BY BOATERS

SEC. 8. (a) Section 2302 of title 46, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) An individual who is intoxicated while operating a vessel, as determined in accordance with standards prescribed by the Secretary by regulation, shall be—

"(1) liable to the United States Government for a civil penalty of not more than $5,000; or

"(2) fined not more than $5,000, imprisoned for not more than one year, or both.".

(b)(1) Section 6101(b) of title 46, United States Code, is amended by adding at the end thereof the following: "Each report filed under this section shall include information as to whether the use of alcohol was cause of the casualty.".

(2) Section 6102(a) of title 46, United States Code, is amended by inserting before the period at the end thereof the following: ", including information and statistics concerning the number of casualties in which the use of alcohol was a cause of the casualty".

(3) Section 13102(c)(4) of title 46, United States Code, is amended by inserting after "program" the following: ", which includes the dissemination of information concerning the hazards of operating a vessel while under the influence of alcohol".

RECREATIONAL BOATING SAFETY

SEC. 9. (a) Chapter 43 of title 46, United States Code, is amended by adding after section 4302 the following new section:

"§ 4302a. Safety defects

"A recreational vessel, associated equipment, or component of the vessel or equipment containing a defect which creates a substantial risk of personal injury to the public does not conform with this chapter.".

(b) The table of sections for chapter 43 of title 46, United States Code, is amended by adding after the item relating to section 4302 the following:

"4302a. Safety defects.".

(c) Section 4311(f)(1) of title 46, United States Code, is amended by inserting after "conform" the following: "with this chapter or".

RESCUE SWIMMING PROGRAM

SEC. 10. The Commandant of the Coast Guard shall use such sums as are necessary, from amounts appropriated for the operation and maintenance of the Coast Guard, to establish a helicopter rescue swimmer program for the purpose of training selected Coast Guard personnel in rescue swimming skills.

LIFESAVING EQUIPMENT ON PASSENGER FERRIES

SEC. 11. The Secretary shall proceed vigorously with efforts to develop improved lifesaving equipment for use on passenger ferries.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, four amendments to H.R. 4841 were unanimously approved at the Coast Guard and Navigation Subcommittee markup. The first amendment, in section 8 of the bill, reduces the civil penalty in H.R. 4841 for operating a vessel while intoxicated from $5,000 to $1,000. The second amendment, section 12 of the bill, provides that sufficient funds be available to operate fully the vessel traffic system (VTS) in San Francisco. The third amendment, section 13 of the bill, authorizes funds to operate a fleet of 29 long-range search and surveil-

lance aircraft. This amendment also authorizes funds for the Coast Guard to begin research and development of an "Aireye" type of electronic surveillance system for the long-range aircraft. The final amendment, section 14 of the bill, provides legal protection to seamen who report violations of Coast Guard vessel safety laws to the Coast Guard.

At the full committee markup, four amendments were also approved. Section 15 of the bill establishes a procedure for congressional review of proposals to contract out certain Coast Guard activities to the private sector. Section 16 of the bill removes gender-based distinctions in statutes administered by the Coast Guard. Section 17 of the bill reauthorizes the Towing Safety Advisory Committee and the rules of the Road Advisory Council for an additional 5 years. And finally, section 18 of the bill improves on Coast Guard management and efficiency.

Mr. Chairman, these amendments are strictly technical in substance. The first amendment merely conforms the language in section 14 of H.R. 4841 to the structure of title 46 of the United States Code and corrects a few clerical errors made in the bill. the second amendment corrects a clerical error on page 6, line 3 of the bill. The law should read, "fined not more than $1,000", instead of the "$5,000" printed in the bill.

Mr. Chairman, this concludes my remarks on the committee amendments, but I also have two technical amendments to the committee amendments at the desk.

The CHAIRMAN. Does the gentleman from North Carolina (Mr. JONES) ask that the committee amendments be considered en bloc and considered as read at this time?

Mr. JONES of North Carolina. Yes, Mr. Chairman, I ask unanimous consent that the committee amendments be printed in the RECORD, considered en bloc, and considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMITTEE AMENDMENTS

The committee amendments to the bill, H.R. 4841, are as follows:

Committee amendments: On page 5, line 23, change "while" to "when"; line 24, change "in accordance with" to "under"; line 2 on page 6, strike out "$5,000" and insert "$1,000".

On page 6, line 16, change "which" to "that"; line 17, change "while" to "when"; line 25, change "which" to "that".

On page 7, after line 19, add the following new sections:

SAN FRANCISCO VTS

SEC. 12. (a) Of the funds authorized by paragraph (1) of section (2), such sums as are necessary shall be used to maintain in full operation the vessel traffic service (VTS) system in San Francisco, California throughout fiscal years 1985 and 1986.

(b) None of the funds authorized by this Act may be used to develop or issue a request for proposals to contract any function or activity involved in operating the vessel traffic service (VTS) system in San Francisco, California which is, on the date of enactment of this Act, performed by Coast Guard personnel.

LONG RANGE SEARCH AND SURVEILLANCE AIRCRAFT

SEC. 13. (a) Of the amounts authorized by paragraphs (1) and (2) of section (2), such sums as are necessary shall be used to procure, maintain, and operate a fleet of twenty-nine long range search and surveillance aircraft for use by the Coast Guard.

(b) The Secretary is encouraged to conduct the research, development, test, and evaluation necessary for an electronic surveillance system, capable of producing and documenting images for search and rescue or law enforcement purposes, for the long range search and surveillance aircraft of the Coast Guard.

PROTECTION OF SEAMEN

SEC. 14. Chapter 21 of title 46, United States Code, is amended by adding at the end thereof the following new section:

PROTECTION OF SEAMEN AGAINST DISCRIMINATION

SEC. 2114. (a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discriminate against a seaman because the seaman, in good faith, has reported or is about to report to the Secretary, that the seaman believes a violation of this subtitle, or a regulation prescribed under this subtitle, has occurred.

(b) A seaman discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

(1) restraining violations of this section; and

(2) reinstatement to the seaman's former position with back pay.

NOTIFICATION OF CONTRACTING

SEC. 15. (a) The Secretary of the Department in which the Coast Guard is operating is encouraged to identify those functions and services presently performed by Coast Guard personnel which are not inherently governmental in nature, and which may be performed with equal effectiveness and at lower cost under contract to the private sector.

(b) None of the funds authorized under this Act may be used to develop or issue a request for proposals to contract out any function or activity which is, on the date of enactment, performed by civilian employees or members of the United States Coast Guard, unless a period of thirty days on which either the House or the Senate is in session has expired after the Secretary has submitted in writing to the Speaker of the House of Representatives, the President of the Senate, the chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives, and the chairman of the Committee on Commerce, Science and Transportation of the Senate a full and complete statement (including relevant supporting studies) concerning the proposed contracting and the reasons therefor.

(c) No statement may be submitted pursuant to paragraph (b) unless it contains a certification that the Secretary has determined that the function or activity being considered for contracting can be performed by contractor personnel without any deterioration or loss to the Coast Guard's overall ability to carry out its missions in behalf of the security, safety, and economic and environmental well-being of the United States.

(d) The requirements of paragraphs (b) and (c) do not apply to contracts for functions or activities which are performed by three or fewer Coast Guard personnel.

LEGAL EQUITY FOR WOMEN

SEC. 16. (a)(1) Section 371 of title 14, United States Code, is amended—

(A) by striking out "male" both places it appears in the second sentence of subsection (a);

(B) in subsection (c)(1)—

(i) by striking out "he agrees in writing that, upon his" and inserting in lieu thereof "the person agrees in writing that, upon"; and

(ii) by striking out "he will" and inserting in lieu thereof "the person will"; and

(C) by striking out "he has the consent of his parent or guardian to his agreement" in subsection (c)(2) and inserting in lieu thereof "the person has the consent of the person's parent or guardian to the agreement".

(2) The first sentence of section 487 of such title is amended by striking out "widows" and inserting in lieu thereof "surviving spouses".

(3)(A) The following sections of such title are amended by striking out "enlisted man" each place it appears and inserting in lieu thereof "enlisted member": 353, 354, 355, 357, 359, 360, 361, 362, 365, 366, 367, 370, 421, 423, and 424.

(B) The following sections of such title are amended by striking out "enlisted men" each place it appears and inserting in lieu thereof "enlisted members": 41, 211(a)(2), 212(a)(2), 213(a)(1), 214, 357, 432(c), 478(d), and 480.

(C) The following sections of such title are amended by striking out "Enlisted men" each place it appears and inserting in lieu thereof "Enlisted members": 41, 352, 367, 478(a), 481, and 482.

(D) The following sections of such title are amended by striking out "officers and enlisted men" each place it appears and inserting in lieu thereof "members": 92(b), 144(a), 145(a)(2), 148, 149, 487, and 832.

(E) Section 149 of such title is amended by striking out "Officers and enlisted men" and inserting in lieu thereof "Members".

(F) Section 351(a) of such title is amended by striking out "men" and inserting in lieu thereof "persons".

(G) Section 361 of such title is amended by striking out "the man" and inserting in lieu thereof "the member".

(H) Sections 192 and 483 of such title are amended by striking out "commissioned officer, warrant officer, or enlisted man" each place it appears and inserting in lieu thereof "member".

(I) Section 488 of such title is amended by striking out "officers and men" and inserting in lieu thereof "members".

(4)(A)(i) The heading of section 149 of such title is amended to read as follows:

"§ 149. Detail of members to assist foreign governments".

(ii) The item relating to such section in the analysis of chapter 7 of such title is amended to read as follows:

"149. Detail of members to assist foreign governments.".

(B)(i) The heading of section 360 of such title is amended to read as follows:

"§ 360. Recall to active duty with consent of member".

(ii) The item relating to such section in the analysis of chapter 11 of such title is amended to read as follows:

"360. Recall to active duty with consent of members.".

(C)(i) The heading of section 361 of such title is amended to read as follows:

"§ 361. Relief of retired enlisted member promoted while on active duty".

(ii) The item relating to such section in the analysis of chapter 11 of such title is amended to read as follows:

"361. Relief of retired enlisted member promoted while on active duty.".

(D)(i) The heading of section 487 of such title is amended to read as follows:

"§ 487. Procurement and sale of stores to members and civilian employees".

(ii) The item relating to such section in the analysis of chapter 13 of such title is amended to read as follows:

"487. Procurement and sale of stores to members and civilian employees.".

(E)(i) The heading preceding section 350 in such title is amended to read as follows:

"ENLISTED MEMBERS".

(ii) The heading preceding the item relating to section 350 in the analysis of chapter 11 of such title is amended to read as follows:

"ENLISTED MEMBERS".

(b)(1) first section of the Act of August 19, 1950 (33 U.S.C. 771) is amended—

(A) by striking out "he" in clause (1) and inserting in lieu thereof "that employee";

(B) by striking out clause (2) inserting in lieu thereof the following:

"(2) the surviving spouse of the former employee was married to the former employee prior to the retirement of the former employee from the Lighthouse Service and has not remarried—"; and

(C) by striking out "such widow, so long as she" in the material after clause (2) and inserting in lieu thereof "the surviving spouse, so long as the surviving spouse".

(2) Section 2 of such Act (33 U.S.C. 772) is amended—

(A) by striking out clause (2) and inserting in lieu thereof the following:

"(2) the surviving spouse of the employee has not since remarried,"; and

(B) by striking out "such widow, so long as she" in the material after clause (2) and inserting in lieu thereof "the surviving spouse, so long as the surviving spouse".

COASTAL AND INLAND NAVIGATION SAFETY

SEC. 17. (a) Subsection (e) of Public Law 96-380 (33 U.S.C. 1231a(e)) is amended by striking out "five years from the date of enactment of this Act" and inserting in lieu thereof "on September 30, 1990".

(b)(1) Rule 24(i) of the Inland Navigational Rules, enacted by section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2024(i)), is amended by inserting "(except below the Huey P. Long Bridge on the Mississippi River)" after "Western Rivers".

(2) Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(A) by striking out the second sentence in subsection (c) and inserting in lieu thereof "Members of the Council, while away from their home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code."; and

(B) by striking out "5 years from the date of enactment of this Act" in subsection (d) and inserting in lieu thereof "on September 30, 1990".

COAST GUARD MANAGEMENT AND EFFICIENCY

SEC. 18. (a) Section 971(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(3) no officer of the Coast Guard may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.".

(b)(1) Section 257 of title 14, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) An officer whose retirement or separation that is required by law is deferred under section 295 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.".

"(2)(A) Chapter 11 of such title is amended by inserting after section 294 the following new section:

"§ 295. Deferment of retirement or separation for medical reasons

"(a) Subject to subsection (b), the Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization, medical observation, or other physical disability processing that cannot be completed before the date on which the officer would otherwise be required to retire or be separated.

"(b) deferment under subsection (a)—

"(1) may only be made with the consent of the officer involved; and

"(2) if the Secretary receives written notice from the officer withdrawing that consent, shall end not later than the end of the 60-day period beginning on the date the Secretary receives that notice.".

(B) The analysis of such chapter is amended by inserting after the item relating to section 294 the following new item:

"295. Deferment of retirement or separation for medical reasons.".

(3)(A) Section 647 of such title is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

(B) The amendment by subparagraph (A) shall apply to all claims considered, ascertained, adjusted, determined, compromised, or settled on or after the date of the enactment of this Act.

(4) Section 367 of such title is amended—

(A) by striking out "(a)" before "Under regulations";

(B) by striking out "person detained" and inserting in lieu thereof "member detained"; and

(C) by striking out "(1) of this subsection" and inserting in lieu thereof "clause (1)".

(c) Section 1114 of title 18, United States Code, is amended by striking out "any officer or enlisted man of the Coast Guard," and inserting in lieu thereof "any member of the Coast Guard, any employee of the Coast Guard assigned to perform investigative, inspection, or law enforcement functions,".

(d) Section 402(d) of title 37, United States Code, is amended by inserting "and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy" after "Secretary of Defense".

(e)(1) Subsection (a) of section 3732 of the Revised Statutes of the United States (41 U.S.C. 11) is amended—

(A) by striking out "except in the War and Navy Departments" in subsection (a) and inserting in lieu thereof "except in the Department of Defense and in the Department of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy"; and

(B) by striking out "or transportation" and inserting in lieu thereof ", transportation, or medical and hospital supplies".

(2) Subsection (b) of such section is amended by inserting "and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy" after "The Secretary of Defense".

(3) The first proviso under the heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 13, 1907", approved June 12, 1906 (34 Stat. 255), is repealed.

(f)(1) Section 911 of the Military Construction Authorization Act, 1982 (95 Stat. 1386; 42 U.S.C. 248c), is amended—

(A) by striking out "and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof ", the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy"; and

(B) by inserting "the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy," before "and the appropriate officials".

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (97 Stat. 698; 42 U.S.C. 248d), is amended—

(A) by striking out "and the Secretary of Health and Human Services" each place it appears and inserting in lieu thereof ", the Secretary of Health and Human Services, and the Secretary of Transportation when the Coast Guard is not operating as a service in the Navy"; and

(B) by inserting "and the Secretary of Transporation when the Coast Guard is not operating as a service in the Navy" after "with the Secretary of Health and Human Services" each place it appears.

(g)(1) The first section of the Act of March 23, 1906 (33 U.S.C. 491), popularly known as the "Bridge Act of 1906", is amended—

(A) by striking out "and Chief of Engineers for their approval, nor until they" and inserting in lieu thereof "for the Secretary's approval, nor until the Secretary";

(B) by striking out "by the Chief of Engineers and";

(C) by striking out "of the Chief of Engineers and"; and

(D) by striking out "of Transportation" the second and third place it appears.

(2) Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) is amended—

(A) by striking out "the Chief of Engineers and"; and

(B) by striking out "they" both places it appears and inserting in lieu thereof "the Secretary".

The CHAIRMAN. Are there amendments to the committee amendments offered en bloc?

The Chair recognizes the gentleman from North Carolina.

TECHNICAL AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA TO THE COMMITTEE AMENDMENTS

Mr. JONES of North Carolina. Mr. Chairman, I have two technical amendments to the committee amendments at the desk which I offer, and I ask unanimous consent that the two technical amendments be considered as read and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The amendments referred to are as follows:

Amendments offered by Mr. JONES of North Carolina to the Committee amendments: Strike section 14 and substitute the following:

PROTECTION OF SEAMEN

SEC. 14. (a) The analysis of chapter 21 of title 46, United States Code, is amended by adding at the end:

"2114. Protection of seamen against discrimination.".

(b) Chapter 21 of title 46, United States Code, is amended by adding at the end thereof the following new section:

"§ 2114. Protection of seamen against discrimination

"(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel may not discriminate against a seaman because the seaman, in good faith, has reported or is about to report to the Secretary, that the seaman believes a violation of this subtitle, or a regulation prescribed under this subtitle, has occurred.

"(b) A seaman discriminated against in violation of this section may bring an action in an appropriate district court of the United States. In that action, the court may order any appropriate relief, including—

"(1) restraining violations of this section; and

"(2) reinstatement to the seaman's former position with back pay.".

On page 6, line 3, change "$5,000" to "$1,000".

The CHAIRMAN. The gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes in support of his technical amendments offered en bloc.

Mr. JONES of North Carolina. Mr. Chairman, these amendments are strictly technical in substance.

The first amendment merely conforms the language in section 14 of H.R. 4841 to the structure of title 46 of the United States Code and corrects a few clerical errors made in this bill.

The second amendment corrects a clerical error on page 6, line 3, of the bill. The law should read, "Fined not more than $1,000" instead of the "$5,000" printed in the bill.

The CHAIRMAN. The question is on the technical amendments offered by the gentleman from North Carolina (Mr. JONES) to the committee amendments.

The technical amendments to the committee amendments were agreed to.

The CHAIRMAN. The question is on the committee amendments, as amended.

The committee amendments, as amended, were agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

□ 1350

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DYSON) having assumed the chair, Mr. JACOBS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4841) to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 348, nays 38, not voting 46, as follows:

[Roll No. 61]

YEAS—348

Ackerman	Bateman	Bonior	Carney	Hubbard	Obey		
Addabbo	Bates	Bonker	Carper	Huckaby	Olin		
Akaka	Bedell	Borski	Carr	Hughes	Ortiz		
Albosta	Bellenson	Bosco	Chandler	Hunter	Ottinger		
Alexander	Bennett	Boxer	Chappell	Hutto	Owens		
Anderson	Bereuter	Breaux	Chappie	Hyde	Oxley		
Andrews (TX)	Berman	Britt	Clarke	Jacobs	Packard		
Annunzio	Bethune	Brooks	Clay	Jenkins	Panetta		
Anthony	Bevill	Broomfield	Clinger	Johnson	Parris		
Applegate	Bilirakis	Brown (CA)	Coats	Jones (NC)	Patman		
Archer	Billey	Broyhill	Coelho	Jones (OK)	Patterson		
Aspin	Boehlert	Bryant	Coleman (MO)	Jones (TN)	Pease		
AuCoin	Boggs	Burton (CA)	Coleman (TX)	Kasich	Penny		
Badham	Boland	Byron	Collins	Kastenmeier	Pepper		
Barnes	Boner	Campbell	Conte	Kemp	Petri		
			Conyers	Kennelly	Pickle		
			Cooper	Kildee	Porter		
			Coughlin	Kindness	Price		
			Courter	Kogovsek	Pritchard		
			Coyne	Kolter	Pursell		
			Crockett	Kostmayer	Rahall		
			D'Amours	Kramer	Ratchford		
			Daniel	LaFalce	Ray		
			Darden	Lagomarsino	Regula		
			Daschle	Lantos	Reid		
			Daub	Latta	Richardson		
			Davis	Leach	Ridge		
			de la Garza	Leath	Rinaldo		
			Dellums	Lehman (CA)	Ritter		
			Derrick	Lehman (FL)	Robinson		
			Dicks	Leland	Rodino		
			Dixon	Lent	Roe		
			Dowdy	Levin	Roemer		
			Downey	Levine	Rogers		
			Duncan	Levitas	Rostenkowski		
			Durbin	Lewis (CA)	Roth		
			Dwyer	Lewis (FL)	Roukema		
			Dyson	Lipinski	Rowland		
			Eckart	Livingston	Roybal		
			Edgar	Lloyd	Russo		
			Edwards (AL)	Long (LA)	Sabo		
			Edwards (CA)	Long (MD)	Sawyer		
			Edwards (OK)	Lott	Scheuer		
			Emerson	Lowery (CA)	Schneider		
			English	Lowry (WA)	Schroeder		
			Erdreich	Luken	Schumer		
			Erlenborn	Lundine	Seiberling		
			Evans (IA)	Mack	Shannon		
			Evans (IL)	MacKay	Sharp		
			Fascell	Madigan	Shaw		
			Fazio	Marlenee	Shelby		
			Ferraro	Marriott	Sikorski		
			Fiedler	Martin (NC)	Siljander		
			Fields	Martin (NY)	Simon		
			Fish	Martinez	Sisisky		
			Flippo	Matsui	Skelton		
			Florio	Mavroules	Smith (FL)		
			Foley	Mazzoli	Smith (IA)		
			Ford (MI)	McCain	Smith (NE)		
			Fowler	McCandless	Smith (NJ)		
			Frank	McCloskey	Smith, Robert		
			Franklin	McCollum	Snowe		
			Frost	McDade	Snyder		
			Garcia	McEwen	Solarz		
			Gejdenson	McGrath	Solomon		
			Gekas	McHugh	Spence		
			Gephardt	McKernan	Spratt		
			Gibbons	McKinney	Staggers		
			Gilman	McNulty	Stangeland		
			Gingrich	Mica	Stark		
			Gonzalez	Michel	Stenholm		
			Gore	Mikulski	Studds		
			Gradison	Miller (CA)	Sundquist		
			Gray	Miller (OH)	Swift		
			Green	Mineta	Synar		
			Guarini	Minish	Tauzin		
			Hall (IN)	Mitchell	Taylor		
			Hall, Ralph	Moakley	Thomas (CA)		
			Hall, Sam	Molinari	Thomas (GA)		
			Hamilton	Mollohan	Torres		
			Hammerschmidt	Montgomery	Torricelli		
			Hansen (UT)	Moore	Towns		
			Harkin	Moorhead	Udall		
			Hartnett	Morrison (CT)	Valentine		
			Hatcher	Morrison (WA)	Vander Jagt		
			Hawkins	Mrazek	Vandergriff		
			Hayes	Murphy	Vento		
			Hefner	Murtha	Volkmer		
			Hertel	Myers	Walgren		
			Hightower	Natcher	Watkins		
			Hillis	Neal	Waxman		
			Holt	Nelson	Weaver		
			Hopkins	Nichols	Weber		
			Horton	Nowak	Weiss		
			Howard	O'Brien	Wheat		
			Hoyer	Oberstar	Whitehurst		

Williams (MT)	Wolpe	Yates
Williams (OH)	Wortley	Yatron
Wirth	Wright	Young (AK)
Wise	Wyden	Young (FL)
Wolf	Wylie	Zschau

NAYS—38

Bartlett	Gramm	Sensenbrenner
Brown (CO)	Gunderson	Shumway
Burton (IN)	Hiler	Shuster
Conable	Jeffords	Skeen
Crane, Daniel	Loeffler	Slattery
Crane, Philip	Lujan	Smith, Denny
Dannemeyer	Lungren	Stump
DeWine	Martin (IL)	Tauke
Dickinson	Moody	Vucanovich
Dorgan	Nielson	Walker
Dreier	Roberts	Whittaker
Frenzel	Schaefer	Winn
Glickman	Schulze	

NOT VOTING—46

Andrews (NC)	Goodling	Quillen
Barnard	Gregg	Rangel
Biaggi	Hall (OH)	Rose
Boucher	Hance	Rudd
Cheney	Hansen (ID)	Savage
Corcoran	Harrison	St Germain
Craig	Heftel	Stokes
Dingell	Ireland	Stratton
Donnelly	Kaptur	Tallon
Dymally	Kazen	Traxler
Early	Markey	Whitley
Feighan	McCurdy	Whitten
Foglietta	Oakar	Wilson
Ford (TN)	Pashayan	Young (MO)
Fuqua	Paul	
Gaydos	Perkins	

□ 1400

Messrs. SENSENBRENNER, MOODY, and SKEEN changed their votes from "yea" to "nay."

Mr. STENHOLM changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, on rollcall No. 61, the final passage of the bill, H.R. 4841, the Coast Guard authorization, I was unavoidably absent due to congressional business relating to the Lewis Research Center in Cleveland. Had I been present I would have voted "yea."

TRIBUTE TO THE LATE HONORABLE EDWIN B. FORSYTHE

(Mr. JONES of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of North Carolina. Mr. Speaker, I would in conclusion like to state that the legislation considered here today and some of that which will be considered next week out of our committee was fashioned and assisted by the late EDWIN FORSYTHE, and this body owes him a debt of gratitude for his dedication to the U.S. Coast Guard. Certainly we will all miss him.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for whatever time necessary to inquire of the distinguished majority leader the program for the balance of the day and next week.

□ 1410

Mr. WRIGHT. If the distinguished minority leader would yield.

Mr. MICHEL. I am happy to yield.

Mr. WRIGHT. This concludes the legislative business scheduled for today.

We will be in session, pending a decision in the other body on whether it wants to act on the bankruptcy legislation which we passed in the House and sent over there.

The Senate, as of the latest accounting, had not yet acted.

The temporary court extension, as all of us know, expires on Saturday. If the other body acts on that legislation in a form that we can accept, then there might be a vote tomorrow on accepting the Senate amendments and passing the bill. If, on the other hand, the other body insists upon extraneous inclusion of a type that we do not find acceptable, then we would expect to go to conference. And that is what we imagine might happen tomorrow.

On the other hand, there is no certainty that the Senate even is going to act on the bill, in which case we would not have any business at all. That is our reason for being in session tomorrow.

Upon our adjournment tomorrow, I will ask unanimous consent that we meet on Monday next.

Mr. MICHEL. Would the gentleman yield for just a moment and back up a moment? If perchance the other body does complete action, say late tonight on that measure, and it is not found to be acceptable to the House, would we not have to be in session tomorrow for the appointment of conferees?

Mr. WRIGHT. That is correct.

Mr. MICHEL. And would it be assumed that the conferees would be working over the weekend?

Mr. WRIGHT. Well, that would be up to the conferees. I am not going to make an assumption. I would suppose they might be working either formally or informally over the weekend.

But as the gentleman knows, that would be a judgment made by the conferees on the part of the House and the other body.

Mr. MICHEL. Would the distinguished majority leader wager a guess as to what the critical hour might be later on today that we might inform our Members of whether or not, you know, we do or do not do anything of significance tomorrow?

Mr. WRIGHT. I think we must inform Members there will be a session tomorrow, not scheduled as a pro forma session, scheduled in the anticipation that the Senate will pass the bankruptcy bill in one form or another. Depending upon the character of their legislative offering, there could be a motion to agree with the Senate amendments and pass the bill or there could be a move to disagree with the Senate amendments and ask for a conference. And that would be voted upon tomorrow.

If the Senate does not act on the bill in time for us to do either of those things tomorrow, then we would adjourn and await their pleasure on Monday.

Mr. MICHEL. I thank the gentleman.

Mr. WRIGHT. On Monday next we have scheduled four bills under suspension of the rules and would postpone votes on those bills until afternoon on Tuesday. Those bills presently scheduled for consideration under suspension of the rules motions are:

Payroll Deduction Facility Act, Controlled Substance Registration Protection Act, Arizona Wilderness bill, and truth in lending amendments.

On Tuesday, we meet at noon. There are no bills scheduled under suspension that would not have been taken care of. We will have Private Calendar. Then we would move to consider authorizations for the maritime programs, 1 hour open rule, after which we would vote on that and on any suspensions debated on the previous day for which votes were ordered.

On Wednesday and the balance of the week we will hope to take up the first budget resolution for fiscal year 1985.

We would expect to meet at 3 o'clock on Wednesday and be in session fairly late that evening; meet at 11 o'clock on Thursday and on Friday, if necessary, until that bill is finally disposed of, before we end our sessions next week.

Mr. MICHEL. If the gentleman would yield, he said he would hope that we would get to the budget resolution. Is there any possibility that budget resolution would be put off until the following week or is it absolutely going to be scheduled no matter what next week?

Mr. WRIGHT. Well, it is our firm plan and our determined intention to

schedule that resolution for consideration next week. We would expect that we would adopt a rule on Wednesday and begin debate; going rather late on Wednesday and then considering, on Thursday, such amendments or substitutes as may have been made in order under the rule and having votes on Thursday.

Mr. MICHEL. Could the distinguished majority leader advise me whether the Rules Committee will be meeting Monday for a hearing on the rule on the budget resolution?

Mr. WRIGHT. It is my understanding that the Rules Committee will have that matter under consideration on Tuesday.

Mr. MICHEL. But not on Monday? Then might I also inquire, if there is a rule reported out Tuesday, would there be any advantage to our coming in earlier Wednesday rather than the normal 3 o'clock hour, since it obviously is going to be a spirited discussion on whatever rule, I would assume, and then on whatever amendments are made in order to the budget resolution?

Mr. WRIGHT. Well, there might be some advantage to that. If the gentleman would desire, we could rearrange that hour. I do not know that it is necessary; but we could. We could come in earlier. We could come in at 1 o'clock if the gentleman feels that would be beneficial.

If the gentleman requests that we do so, I have no reason to suggest otherwise.

Mr. MICHEL. I think, unless there is some real special circumstances under which we could not, because we all know we will barely get into the measure and, of course, under any circumstance it will run late Wednesday, and I would assume that the more time we could gain by coming in at 1 or 12 o'clock for that matter, why, we ought to do it.

Mr. WRIGHT. Well, I think the gentleman makes a valid point. The rule, the law, itself, of course, grants 10 hours of debate on the proposition. That time might not all be consumed, but we would have to assume that a substantial part of it may be. We will have an hour on the rule.

HOUR OF MEETING ON WEDNESDAY, APRIL 4, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to meet at 12 o'clock noon on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MICHEL. I thank the gentleman and I think that will be acceptable. I yield to my friend, the gentleman from New York (Mr. FISH).

Mr. FISH. I thank the leader for yielding.

Mr. Speaker, if I could address a question also to the distinguished majority leader. And that is: In the event that tomorrow, 11 o'clock comes and goes and we have not got an opportunity to react to the work of the other body, either in terms of agreeing to the Senate amendments or appointing conferees over which I understand there will be some controversy, does the majority leader anticipate that perhaps Monday we might have a rerun of Friday and receive the Senate amendments and have to consider them on Monday?

Mr. WRIGHT. That is conceivable, of course. The gentleman from New York realizes that the time is running on the extension granted by the court and it will have expired prior to Monday. If the other body fails to act in sufficient time for us to keep the process moving tomorrow, we will hope they will do it in time that we might do one or the other on Monday.

So while we are trying to arrange it, in deference to Members from New York and other Members who have reasons to desire not to have to be in session on Monday, that cannot be guaranteed, and we will have a session Monday, and if it becomes desirable from the point of view of the business of Congress for us to take action either to agree with the Senate amendments or to send the bill to conference, we can do that on Monday, if tomorrow does not provide that opportunity.

Mr. FISH. I thank the gentleman.

Mr. MICHEL. I thank the distinguished majority leader. I have no more questions.

HOUR OF MEETING ON MONDAY, APRIL 2, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1420

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, I was inadvertently absent on Tuesday, the 27th of March, on rollcall 55, on the vote on H.R. 3755.

Had I been present, I would have voted "aye."

PUBLIC INTEREST HYDROELECTRIC FACILITY RELICENSING REFORM ACT OF 1984

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, today I am introducing the Public Interest Hydroelectric Facility Relicensing Reform Act of 1984. The bill would establish policy and procedures to guide the Federal Energy Regulatory Commission in the issuance of new licenses to operate existing hydroelectric facilities when their licenses expire. This bill would resolve the dispute over whether, and under what circumstances, a preference exists for States or municipalities upon the issuance of a new license to operate an existing hydroelectric facility once the original license has expired.

I am introducing this measure because I believe that the other pending bill that treats the relicensing of existing hydroelectric facilities, H.R. 4402, does not represent sound public policy. Most importantly, I think it is in the public interest that there be meaningful competition for expiring licenses rather than a presumption that the existing license should continue. The Nation's waterways are public resources and we have an obligation to assure that their use be in the public interest. There are also other matters that concern me with H.R. 4402.

To initiate review of the subject, the Subcommittee on Energy Conservation and Power, which I chair, will hold a hearing on my bill, H.R. 4402 and any other pending legislation related to relicensing issues on May 17, 1984. In the materials that follow, I describe the background of the dispute that has led to this legislation and describe the way my bill proposes to resolve it.

BACKGROUND

The dispute that led to the introduction of this legislation grows out of ambiguous language contained in sections 7 and 15 of the Federal Power Act.

These sections are part of the original Federal Water Power Act, enacted in 1920 to resolve controversy between privately owned utilities and a coalition of conservationists and public power advocates over who, if anyone, should develop the energy potential of the Nation's navigable waterways. Private interests had advocated easy access to stretches of water with hy-

droelectric potential, while others wanted only limited development of such potential and, then, only by Federal, State, or local governments.

Congress attempted to resolve this dispute in 1920 by requiring that any private party or State or local government could develop a hydrosite, but only pursuant to a license issued by the Federal Power Commission—now the Federal Energy Regulatory Commission—for a term no longer than 50 years. In order to resolve contests between competing applicants for choice sites, Congress, in section 7(a) of the act, established that the applicant whose "plans * * * are the best adapted to develop, conserve, and utilize in the public interest the water resources of the region * * *" should be given preference to the site. However, if there are two such plans that are equally well adapted to such objective, the Commission is required to give preference to a State or municipality filing a plan for the site. Thus, on the matter of whether a public agency preference exists with respect to an initial or original license to develop a hydrosite, the law is clear: The public agency preference exists to break ties between competing applications to develop a site when one of the applicants is a public agency.

Most of the initial or original licenses to develop a site were issued for a 50-year term as authorized by the Federal Water Power Act. As the time approached for the expiration of the first of these licenses in the late 1960's, the question was raised whether such a tie-breaker preference for public agencies existed at the time of relicensing of existing facilities for a new term of up to 50 years. While there are varying views on this question, most would agree that the law is not as clear with respect to this matter as it is with respect to whether the public agency preference exists for an original license. Here is what the statute ways.

First, section 7(a) states that—

> In issuing licenses to new licensees under section 15 hereof the Commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the Commission to be equally well adapted.

Section 15 is the section of the statute that says what happens upon the expiration of an original license. Section 15(a) states that—

> At the expiration of the original license, the Commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee.

The legal issue presented by these provisions is whether new licensee in section 7(a) includes within its meaning original licensee. If it does, then the preference exists at the time of relicensing of an existing facility for a new license term. If it does not, then the public agency preference exists to break ties only when an original licensee is not one of the applicants for a new license for the existing facility.

Since most original licensees are privately owned utilities, it is they who have banded together to argue before the Commission and the courts that a public agency preference does not exist in situations in which the original licensee has filed an application for a new license for an existing facility. They point to the fact that section 7(a) accords a public agency preference only to break ties between new licensees and that, on its face, section 15(a) distinguishes between original licensees and new licensees, thereby creating a presumption that new licensees was not intended to include original licensees. Thus, they argue, no public agency preference exists when an original licensee has filed for a new license for an existing facility.

Public agencies have grouped together to argue that the legislative history demonstrates that new licensees in section 7(a) was intended to include original licensees.

Many lawyers on both sides of this matter have broken their litigation swords trying to convince the Commission and the courts regarding the wisdom of their position. Even though the question of a preference was raised as early as the 1960's, it is not yet settled in the law, as I shall explain below.

A second, I think more important, issue underlies the question of the existence of a preference and that is: In reviewing competing plans for the use of an existing facility for a new license term, what should the Commission consider? The significance of a tie-breaker public agency preference depends on how this question is answered.

Some public agencies have argued that the Commission should, and is legally required to, consider only a relatively narrow range of factors, namely the plan for the use of facility to produce power and protection of fish, wildlife, and other similar amenities. It would appear that, if the scope of Commission review of competing plans is narrow, it is easier for a public agency to submit a plan that is at least as good as that of the existing licensee and, therefore, produce a tie to be broken by the preference.

Some privately owned utilities have argued that the Commission should examine a broad range of impacts associated with the issuance of a new license to a licensee other than the original licensee. In particular, these utilities have argued that the Commission must look at the economic impact on their ratepayers if they lose a facility to such a new licensee. In many, if not all, situations, consideration of the economic impact on the ratepayers of the existing licensee will tend to favor the existing licensee because the existing licensee may be able to show that its cost of replacing the power from an existing hydrofacility greatly exceeds the cost of producing power from that facility.

What does the statute say about this issue? As in the case of the preference, it gives no certain guidance. Like the question of the existence of the preference, the law respecting scope of review of competing plans is not settled.

A third and final issue pervades this dispute: The amount of compensation due to an original licensee upon the loss of a facility to a new license applicant pursuant to the preference or otherwise. Section 14(a) of the act states that the original licensee is entitled to net investment plus severance damages. The Commission has so far interpreted this to approximate the original cost of the facility, less depreciation amounts recovered from ratepayers, plus whatever actual costs would be associated with removal of the original licensee's presence from the facility. Since the original cost of many of these facilities is small in today's inflated energy cost world and because many of the facilities have been substantially depreciated over the term of the original license, the compensation due an original licensee under this standard will likely be little when compared to costs which may have to be incurred to replace the power from the lost facility. Private utilities have argued that this provision is unfair to their ratepayers.

COMMISSION AND COURT ACTION

Among other things, the advisability of congressional action to settle the issues described above depends, first, on whether the failure to resolve them expeditiously is causing significant difficulty and, second, on whether the Commission and the courts are in a position to resolve them expeditiously and with finality, without help from Congress, by interpreting the existing statute.

Since 1970 about 90 facilities have had to be relicensed by the Commission. Most of these relicensings have been uncontested and resulted in issuance of new licenses to original licensees. In 11 cases, however, public agencies have contested a relicensing. It is these cases that remain unresolved, partly because the Commission has considered only one of them on the merits and partly because the recent decisions in the cases that the Commission has tried to use to create precedent lack finality. Six of the contested cases relate to facilities located in California totaling about 570 megawatts of capacity. The others are in Utah, Washington, Montana, and Wisconsin and total about 330

megawatts of capacity. By 1993, another approximately 157 facilities totaling about 3,000 megawatts and located in 28 States, will need to be relicensed in addition to some nonutility facilities owned by paper, textile and other companies. It is not known, of course, how many, if any, of these facilities will be the subject of competition for a new license. For comparison, the total installed generating capacity in the United States of all kinds is about 600,000 megawatts.

These figures show that the amount of generation capacity at stake through 1993 is insignificant, the equivalant of about three to four nuclear or coal powerplants. On the other hand, these hydrofacilities, while old, are low cost resources and, thus, have value beyond the value associated with a like amount of most thermal generation capacity. In addition, while the amount of generation capacity at stake is very small nationally, on some utility systems, notably in parts of California, the amount is not insignificant, particularly when viewed from a cost or rate perspective.

One of the Commission's first public statements on relicensing was in 1967 when then Chairman Lee White testified before Congress that the Commission's General Counsel's office had interpreted the Federal Power Act to confer a limited relicensing preference on public agencies, to apply as a tie breaker only when the applicants for a new license for an existing facility do not include the existing licensee. Eventually, in the 1970's when the first contested relicensings surfaced, public agencies challenged this interpretation. The Commission chose a contested case, in which the city of Bountiful, Utah, sought a new license for an existing facility which had been operated by Utah Power & Light, to examine the issues. Virtually all affected privately owned utilities and many public agencies participated in this proceeding. Finally, in 1980 in the decision city of Bountiful, the Commission decided, on the basis of a thorough review of the statute and legislative history, that Congress had intended that a public agency preference exist to break a tie between a public agency and an original licensee seeking a new license to operate an existing facility. Private utilities sued.

In September 1982 the 11th circuit affirmed the Commission's decision. The private utilities then sought review of this decision by the Supreme Court. By this time, President Reagan had appointed three new members of the Commission. The Commission then held a secret session in which, reportedly, it decided that the Commission would ask the Solicitor General of the United States to petition the Supreme Court for the purpose of seeking a remand of the litigation to the 11th circuit so that the case could, in turn, be returned to the Commission for a new decision on the legal issue of whether the preference existed. Review by the Supreme Court of the litigation was requested by the Solicitor General but was denied.

On the basis of the facts as I understand them, the Commission's action in deciding in secret session to reverse itself on a simple question of law, without briefs of the parties affected, after the Commission in Bountiful had spent considerable time and effort in deciding this issue is, at best, bad governance. Our subcommittee will look into what caused this reversal and why it was done in such a fashion in our hearing on May 17.

In September 1983, the Commission issued its first decision treating the merits of a contested relicense. In the Merwin Dam case, the Commission decided, by a 5-to-0 vote, that the existing licensee's plans for the Merwin Dam facility were "best adapted" to serve the public interest and, thus, the existing licensee (Pacific Power & Light, a privately owned utility) should be issued the new license. In so doing, the Commission decided that it has the authority to review competing plans broadly, in light of their economic and other impacts on the public interest.

However, in Merwin, the Commission also decided by a vote of 3 to 2 that no public agency preference exists in a relicensing case when an original licensee is seeking a new license. This decision, unnecessary to reach the decision to issue a new license to the existing licensee, caught many by surprise. Again, it was made without full briefing of the issue by the parties affected.

Public agencies involved in the Merwin Dam case have appealed that decision on the issue of the scope of review of competing plans as well as on whether a preference exists on relicensing. In addition, public agencies have asked the 11th circuit to order the Commission to implement the Bountiful decision in which a preference was found to exist in the law. The timing and future path of judicial action in review of Merwin and in response to the request for an order to implement Bountiful is not known. However, it could be several months or even years before the interrelated scope of review and preference issues are finally resolved by the courts.

LEGISLATION

What is sound public policy in this complicated area? While the subcommittee's hearing on May 17 will help answer this question, I think it possible to discern the principles of appropriate policy now.

First, the Nation's waterways are public resources. The public owns them. Similarly, the energy potential of these waterways is public. The public owns it too, although it takes investment to harness the potential. Thus, I think it entirely proper that the public should be as certain as possible that any entity using this public resource under license will conduct its business in a manner consistent with the public interest and, in fact, will enhance the attainment of desirable public objectives. Why should the public settle for anything less?

Second, the best way to encourage the filing of plans for the use of the public's resource that are consistent with, and enhance, publicly desirable objectives is through competition. When applicants for a new license to use an existing hydrofacility are aware of competition, they will attempt to outdo each other to demonstrate how their plans best serve the public interest. The filings in competitive relicensing cases to date is ample evidence that the public is well served by vigorous competition for the use of this public resource.

Third, any solution to the relicensing dispute should be fair. While fairness obviously is in the eye of the beholder, one thing can be said with which many would agree and that is that the Commission should consider the impact on the ratepayers of applicants of the issuance of a license to each of the applicants. If, indeed, it is the case that the ratepayers of an existing licensee would be hit by high replacement costs upon the loss of a hydro facility at relicensing, the Commission should certainly take this fact into account. However, a public agency or, for that matter, any applicant challenging an existing licensee should be able to offer to mitigate that impact.

The Public Interest Hydroelectric Facility Relicensing Reform Act is an attempt to integrate these principles into legislation. What follows is a summary of the main provisions.

First, the bill would require the Commission to issue a new license for an existing facility to the applicant whose plans are the best adapted to serve the public interest. In determining the merits of each plan, the Commission would be required to scrutinize plans under three criteria:

The plans of the applicants to develop, conserve, and utilize in the public interest the water resources, including plans to protect, mitigate adverse impact on and enhance fish, wildlife, natural, cultural, and recreational resources;

The economic impact of the issuance of a license to each of the applicants including the economic impact on the ratepayers of each of the applicants if their utility does not receive the license; and

The electricity consumption efficiency improvement programs of each of the applicants.

Obviously, the Commission should review each plan filed for its proposed

use of the water and attendant impact on environmental amenities. The Commission already reviews plans for the use of an existing facility during a new license term with respect to some of these criteria. In applying this criterion, the Commission should take into account the record of the existing licensee in operating the facility over the term of the original license as well as the likelihood that a new licensee can implement the plan it proposes.

I think that the Commission should also consider the economic impact of each plan, including the impact on economic efficiency and, particularly, the impact on ratepayers of each utility applicant.

Economic impact on ratepayers depends on the value of the facility to the ratepayers of the existing licensee that would be lost if the existing licensee did not receive the license and, similarly, on the costs that would have to be incurred by the challenging utility if its challenge is unsuccessful and also the benefits to the challenger's ratepayers if it is successful. Thus, in each instance, the Commission, as it did in the Merwin Dam case, would have to consider the applicants' evidence relating to replacement costs of each utility.

In most instances, the replacement costs of existing private licensees will exceed those of a challenging public agency. Thus, consideration of the impact on ratepayers often will place such a challenger at a disadvantage. Knowing this, many public agencies may be discouraged from competing against existing licensees for the use of a facility and competition will not occur.

My bill proposes to overcome this disincentive to compete while mitigating the adverse impact on the ratepayers of the loss of a license by permitting a challenger to offer to pay, as compensation, more than the "net investment" required under section 14(a) of the act. The amount above net investment would partially reimburse the existing license for its replacement costs. Failure of a challenger to agree to pay an amount above net investment would subject a challenger's application to the possibility of rejection on the ground that issuance of the license to the challenger would hurt the ratepayers of the existing licensee too much. In effect, then, this provision should result in the transfer of a portion of the value of the facility from a licensee back to the ratepayers of the existing licensee.

Substituting this procedure for the inflexible "net investment" standard seems fair. It would also relieve the Commission from having to compute the "fair market value" of the facility or some such other amount in each case as is proposed in H.R. 4402.

An aspect of my proposal is that it ties the level of compensation of the ratepayers of an existing licensee and, thus, the encouragement of competition for new licenses in any one case to the relative level of replacement costs of the existing licensee and challenger. As such, the proposal may result in more transfers of ownership to new licensees where such new licensees have high replacement costs than when they have low costs. This has the benefit of assuring that, if a facility is to change ownership, it will do so usually only in cases where the new owner can capture large benefits for its ratepayers.

The third criterion, efficiency improvement programs, is included in view of the critical national need to continue to encourage energy conservation where cost effective. Those seeking to use the energy potential of the Nation's waterways should be encouraged to achieve conservation, and assist their ratepayers in conserving energy, as a quid pro quo for the use of the resource. I think it is appropriate to encourage conservation among utilities, many of whom are still not sufficiently serious about it, by making their commitment to conservation one of the criteria which the Commission reviews in deciding competitive relicensing cases.

Finally, my bill would reaffirm that a preference for public agencies exists to break bona fide ties between applicants for a new license. The existence of a public agency preference will act to encourage public power entities, usually much smaller than private utilities, to compete for hydro sites: they will know that if they file a plan as good as that filed by an existing licensee, they can have the site. Knowing this, existing licensees will file plans better adapted to serve the public interest than they would file otherwise for fear that if they do not, they will lose the facility on a tie. In short, the preference will stimulate competition, not discourage it.

I believe that my approach is significantly better than that embodied in H.R. 4402.

First, H.R. 4402 does not resolve one of the major issues in the dispute, that is, the scope of the Commission's review of competing plans. My bill does. Second, H.R. 4402 would establish a new procedure for the Commission to use in deciding competitive relicensing cases. The new procedure would create a rebuttable presumption in favor of the existing licensee. A challenger could only receive the new license if the Commission finds a negative—that the existing licensee will not meet the standards in section 10 of the Federal Power Act—something that the Commission may be loathe to do for reasons unrelated to the merits. This aspect of the bill will, in my view, discourage competition. My bill creates no such presumption and encourages competition for the use of a public resource on the merits.

Third, H.R. 4402 alters the compensation standard from "net investment" to "just compensation * * * in accordance with due process of law." This is a vague standard which, in other contexts, has been interpreted by the courts to mean "fair market value," not far from "replacement costs." If this is what this phrase means in the relicensing context, it will almost always greatly increase the level of compensation due an existing licensee, thereby discouraging competition. And, if anyone could afford to pay such an amount, the ratepayers of the existing licensee would get a windfall—they would be paid for their investment and use of a public resource, from which they have already benefited, as if they had sold a much more expensive nuclear or coal plant at cost. If, on the other hand, it is intended to mean whatever the Commission finds to be equitable on a case-by-case basis, this standard would be practically impossible for the Commission to implement. I think a better way is to let the amount of compensation float above net investment, as I explained above, as a function of what a challenger to an existing licensee is willing to pay to offset any negative impact on the ratepayers of the existing licensee in order to improve the challenger's chances of receiving the license. This is what my bill would do.

H.R. 4402 would also extinguish the preference for public agencies. It is silent on what would happen in the event of a tie. Thus, the bill would not only discourage competition between public agencies and existing licensees, but would also create a regulatory gap: What is the Commission supposed to do in the event of a tie? My bill does not suffer from these infirmities.

All of these aspects of H.R. 4402 cause me to have serious reservations about that bill as sound public policy. However, the subject area of my bill and H.R. 4402 is very complicated and I remain openminded about what is the proper policy for relicensing. My subcommittee will take a thorough look at the issue on May 17.

THE LATE HONORABLE EDWIN B. FORSYTHE

Mr. RODINO. Mr. Speaker, I offer a privileged resolution (H. Res. 474) on the death of the Honorable EDWIN B. FORSYTHE.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That the House has heard with profound sorrow of the death of the Honorable Edwin B. Forsythe, a Representative from the State of New Jersey.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the

Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

ELDERLY CONFUSED BY MISLEADING LETTER SENT BY COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, the noble-sounding National Committee to Preserve Social Security and Medicare has mailed a misleading, and at times inaccurate fundraising letter signed by former Congressman James Roosevelt to more than 9 million senior citizens nationwide.

I am concerned. You should be, too.

Senior citizens are confused and upset by Mr. Roosevelt's letter. They want to know if they are required to send money. They want to know if they are about to lose their benefits.

The answer to both questions is "No."

I have some questions of my own.

I want to know what purpose is served by contriving to create that sort of panic among the elderly. I want to know whether any laws have been violated by this mailing. And I want to know what we can do to block future efforts to manipulate the worst fears of senior citizens.

To get answers to those questions I have written to Attorney General William French Smith asking for a Justice Department investigation. I have also written to the Postmaster General William Bolger asking if his agency has any enforcement powers in this situation. And finally, at my request, Congressman PICKLE has agreed to have his Subcommittee on Social Security examine the issue.

These actions are warranted. My colleagues have told me that the reaction of senior citizens in my district to this outrageous letter has been duplicated in their districts from coast to coast.

We must let our senior citizens know that they have nothing to fear but Mr. Roosevelt's effort to play upon fear itself.

My involvement in this is in furtherance of a basic objective: to assure that there are in place Federal programs which guarantee that our Nation's elderly will be able to live with a measure of dignity and security during their retirement years.

Social security and medicare must be preserved and must be protected.

Yesterday I met with Mr. Roosevelt, at his request, and in forceful terms expressed to him our deepest concern about the manner in which his organization is proceeding.

I advised Mr. Roosevelt and his associates that I will do all that I can to promote responsible action designed to preserve and protect social security and medicare.

□ 1430

But I quickly added that the actions to date of his noble-sounding organization failed the responsible action test.

Moreover, I pointed out specific instances where the organization's mailings, which have already been sent to more than 10 million Americans, most of whom are elderly, are in error and/or are misleading.

Further, I expressed, as strongly as my vocabulary permitted, the feeling that the mailings are scaring millions of senior citizens who are being led to believe that both social security and medicare are on the verge of collapse. I said such action is cruel, is insensitive and wrong, and I urged that it be stopped.

Mr. Roosevelt and his associates acknowledged "mistakes had been made," and they agreed to take corrective action. The meeting was productive. Now it is important that words are backed up with deeds.

I intend to pursue my request that Chairman PICKLE conduct a hearing on this with his Subcommittee on Social Security to bring all the facts in the open.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 4072) entitled "An act to provide for an improved program for wheat," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HELMS, Mr. DOLE, Mr. LUGAR, Mr. COCHRAN, Mr. BOSCHWITZ, Mr. HUDDLESTON, Mr. ZORINSKY, Mr. MELCHER, and Mr. PRYOR to be the conferees on the part of the Senate.

THE FEDERAL RESERVE BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the day before yesterday, ironically, but in line with the remarks I made last week, in which I included excerpts from a New York Sunday edition Times article, giving a very descriptive, very comprehensive report on the size, the extent, and the complexity, of the so-called Latin debt which, day before yesterday, was reflecting the continuing concern because of Argentina's reported inability to meet even the interest payments. Argentina was asking for a little bit more time and perhaps even a reduction in the rates of interest due and payable.

The significant thing is that this was exactly what I had anticipated last week, and even a year ago. And it goes back to the situation now prevalent politically. This is an election year. I think that our leadership in and out of the Congress, those up for election, particularly—of course, the House every 2 years must seek renewal, one-third of the Senate is up, the President is out seeking reelection. Everybody seems to be doing what I described last month in my district as whistling in the dark, hoping that everything will hold together until about November 6, economically speaking.

There is no question but that the President and Paul Volcker in a secret meeting at the White House some 6 weeks ago or more agreed on the general agreement in political presidential election years, like in 1972, in which, through the policy manipulations, monetary policy, fiscal policy, on the part of the Treasury, the Federal Reserve will accommodate an administration in power.

But it is the same Federal Reserve that has abdicated the responsibility that the Congress intended would be its main function when it passed the original 1913 Federal Reserve Act but which, as I have said repeatedly—in fact, now since I came to the Congress 22 years ago—the whole thrust of the congressional intent has been subverted, and paticularly in the last two decades the Federal Reserve Board has now an area of activity, an orbit all of its own, completely a runaway agency. It is not a Federal agency. A private agency, if you please. Completely in its own orbit, completely a runaway, unaccountable but vastly powerful, the most powerful entity in the world, certainly more powerful than the Government itself that it can make or break any time the Open Market Committee, so-called, decides that it wants to do such a thing.

Now, the Congress, as I have said repeatedly, has failed, it has abdicated in its continuing responsibility as the national policymaking body in following through, and especially after 1920, in its oversight of the administration of the Federal Reserve Board Act of 1913, so that no one should be surprised who reads history, who is conscious of the responsibilities that our Constitution places on the three separate, coequal, independent branches of Government. And we should not be

surprised if in our midst has grown full bloom a vast organism with powers hitherto unknown to any such structured body in the whole world, in the whole history. The Federal Reserve Board can determine exactly what is happening now, whether or not our economy, or what we call the American standard of living, which is what the real issue is all about, is going to perish, as it is slowly, or whether or not it is going to endure and whether or not the entity known as the Federal Reserve Board, which, as I say and repeat, must be clearly defined as a nongovernmental entity. It is not a Federal agency. The common impression, even among Congressmen, is that this is a Federal agency. It is not. And in fact the idea and the basic legislative intent of the Congress in creating it has become so perverted that Congressmen will fight to the death to preserve the "independence" of the Federal Reserve Board.

All though the history, as I have brought out, of our Nation, from the very beginning as a national entity, this has been the prime issue confronting the leaders of our Government. In the very beginning, the first 10 years of national existence, that is the first formative years as a nation, under the First and Second Continental Congresses, those Founding Fathers had such a fear of such an office as the executive branch, known as the presidency, that it did not even bother to consider establishing any kind of an office of that nature. The first 10 years of our national existence there was no such thing as the presidency or, the phrase used in the Constitutional Convention, the Chief Magistrate. They did not use the word "presidency." It was "Chief Magistrate."

It was the Continental Congresses. Well, what were the Continental Congresses? They were made up of delegates from the various and sundry Colonies, later to become States. But like every government, whether it was a kingdom or an oligarchy or even a religious institution that had the equivalence of a government, they had to have their financial or fiscal arrangements; in other words, they have to have their banker. But it so happens that that class of human beings all through history is very, very similar and kith and kin and alike all through history. And, therefore, from the very dawn of history, we find records even 7,000 years before the birth of Christ where the human societal structure had to safeguard against those interests. Some called them predatory, some called them omnivorous. I say it is just one of those things that the more ancient of our societies and structured governments, such as England, have long learned to accept.

□ 1440

So that in England, the phrase "professional politician" is a word of honor; it is a badge of honor, because it has long been held in England that that is a special vocation that through attributes and personal inclination and ambition certain individuals in that society are going to yearn for.

Winston Churchill would beam with pride and pull his chest out if you called him a professional politician. Not so in our country. We are younger though. Our Government, as we are now attempting to live under the Constitution, will only be 200 years old in 1989. We have not had our bicentennial yet.

The year 1976 was the bicentennial of the Declaration of Independence, and then in the interim period, we had the Articles of Confederation. We had, preceding to that, the Continental Congresses and the like. But as a structured Government under the first and only instrument of its kind, the Constitution of the United States, we will learn whether or not we will endure under this form of Government until 1989.

Nobody can vouchsafe that any more than any one of us can vouchsafe the next moment of life. Therefore, we have to be cognizant of what the constant and everpresent responsibility to maintain that freedom rests on each generation. The challenges might be different; the responsibilities might be different, but liberty and freedom is never won permanently by any society.

In our case, we are talking about economic freedom, which we do not have. The vast, overwhelming, preponderant members of American society today are not economically free. In our structured society today, political freedom is one great thing, but it means very little if we do not have economic freedom. This was the issue when Thomas Jefferson got up and reviled what he called the bankers of that day, in terms so harsh, that when you read them today, what we say, even in the most critical way of the banking class, is mild.

Why? What motivated him? Because the Continental Congresses had to provide a charter or what was known as the Bank of North America, and the first challenge they had was by those chartered, would-be bankers who attempted to do, and did not get away with it because you had stalwarts like even Hamilton, who was a Centralist, who had a less democratic or pluralistic viewpoint than Thomas Jefferson. He joined with Thomas Jefferson because, Alexander Hamilton, despite his philosophical differences, had a basic sense of responsibility and honor and integrity. They both joined to prevent the control of such things as the allocation of credit resources. Well, that was one thing in that beginning period when the total population of our Nation was about 3 million, where the economy was simple, but where the conditions were such that the main motivating factors behind the zeal and desire for independence were really basically not only political, not only no taxation with representation, but also for economic freedom. This is because the mercantile system, which the colonial powers insisted upon, and which, crudely enough, as I brought out last week, we are confronting now.

America is looked upon as a cow to be milked by the very economic entities that we raised like the phoenix out of ashes after World War II, and where we have not had either the good sense, the good ability to start shoring up our defenses. We are back to that system where we are the consumer. The Colonies, even though they produced the raw goods, were prohibited by the kingdom, the Crown of England from manufacturing, processing. They had to send those raw materials to England where the manufacturing in Leeds and other places, Manchester, would manufacture, elaborate, then ship them back to the Colonies to be purchased by the Colonies.

This is where we are today, with respect to steel, with respect to the other commodities with which we have lost the race of competition. It also involves, inextricably, the ability to maintain American labor standards. What has happened as a result is that every American worker, whether he is union or not, is being pitted in competition with every coolie and peon of the world.

How long? How long can the system endure? But behind all of this is a vast mechanism of the power of credit allocation of the financial, economic, and credit resources of the Nation. This has been the continuing issue as our Nation developed from an isolated, Eastern Shore, Thirteen Colony entity as it pushed westward, and we went into the era of Andrew Jackson who then picked up the cudgel that Jefferson and Hamilton had left, and with the creation of the First and the Second Chartered Bank of the United States, which Andrew Jackson undid by about 1832. You had the same issue because the issue was the same.

You had the depression; the so-called crisis of 1837. Same causes, same reasons as the crisis and depression right at the terminal point of the Civil War. The same issue and the same worry that Abraham Lincoln died with predominantly in his mind. It followed with the enactment of the National Currency Act of 1865, which did many things that were just as oblivious to the general American then as the enactment, year before last on October the 2d, of the so-called shor-

ing up bank institution bill, which was the biggest wholesale revision of the basic 1935 Banking Act since 1935, and yet, there was not one news report that ever described it that way.

The result have been to radically change and homogenize those financial institutions to where now the ruptures are beginning to appear. Behind all of that, the decisions made by those that have now accrued to themselves this vast power, for the first time in the history of our Nation, these selfsame classes now have the power of decision. They decide what the monetary and the fiscal policy of this country will be.

They will decide whether or not we will continue to be flagellated with the constant erosion of our backbone of economic life which is the average small business. With the flagellation of the high interest, extortionate, usurious rates of interest. When did they become legal? In 1865, with the enactment of the National Currency Act of 1865.

Who then reported it that way? Why the Congress did not even have such things as your CONGRESSIONAL RECORD to report the debates. You have to dig them out in independent reports of the debates. Those are extremely interesting and I invite my colleagues who are interested to take time and dig them out. The Library of Congress is a great institution, and it can provide you with them; those records that are still extant, which, incidentally, are not complete, but fragmentary because you did not have what we take for granted today. That is a daily record of the proceedings.

You read that, and you will see, the issue was no different than that which agitated Thomas Jefferson in the 1770's and 1760's and early 17780's. No different from that which motivated the tremendous exertion of leadership by Andrew Jackson, and with which Abraham Lincoln died burdened in his mind with.

No different from the crisis that then resulted in 1907, the so-called depression of 1907, which was the main reason why 6 years later we had the enactment of the Federal Reserve Board Act.

□ 1450

That is the main reason, and what was the big, big issue? The fact that those controlling the credit allocations of the Nation because of the old human passion, greed, were so oblivious to the burgeoning, pushing needs of the Nation as it was growing and expanding. Of course, industry had to grow; of course, commerce had to increase; of course, interchange of business activities had to be enhanced.

But we cannot do that without credit allocation. We cannot do that without credit resources. We cannot foist upon the American people, or any society, the cross, and nail them to the cross, of usury and confiscatory and extortionate rates of interest.

Interest rates are not, as some would like us to believe, the simple reflection of the price of the commodity known as money. Interest rates are the mechanism by virtue of which the wealth of a society is exchanged. It is that simple. This is the issue today. This is why the tales of woe, the litany of woe we hear from the rural, the farm growing area. We heard it here in special orders the week before last, the tale of woe from what I call the Rust Belt, that is, the industrial heartland of our Nation, the steelmaking, where we have over 225,000 unemployed steelworkers right now, the automobile manufacturers, where we have over that number of unemployed automobile workers.

The plight of the family farm is in relevance in a specific way to some of the general causes that I have been attempting to describe. The family farm component or segment, percentagewise, just within a period of less than a decade, has shrank in production of fiber and food in our country from 26 percent, almost 30 percent, to a little over 6 percent. No nation can endure that erosion. It is the same thing in urban areas with respect to the small businessman. It is the same thing with respect to the real small businessman who must have access to credit resources in order to have even such a thing as an inventory. If a businessman, and that goes for a farmer particularly because usually in the rural areas the tradition has been less accessibility to sources of credit than we have in the more centralized urban areas because of the difference in the presence of banking or financial institutional activities in the rural areas.

But there is no way that a small farmer, who must buy equipment, is going to compete with a corporate farm structure where the corporate farm structure, if it has to borrow money, can borrow money at less than the prime interest rate, but that little farmer is going to have to pay more than 5, 6, 7, 8 percent over the prime interest rate.

There is no way. It is like putting a flyweight with a heavyweight in a boxing ring and expect the flyweight to knock out the heavyweight. It is that ridiculous.

But why has that happened? Because our branch of the Government, the first branch under the Constitution, that created the Federal Reserve Board, for example. It was the Congress that created it. When these people talk about independence, as if the Federal Reserve Board was struck from the brow of Job and reigned supreme, like a gargantuan behemoth ranging all over the country, they do not know what they are talking about, because the Congress created it. The Congress is the representative branch of whom? Of the American people. That is the source of power.

The most revolutionary words even today, and certainly they were in 1789, at a time when the world was governed by kings who said their power, their sovereignty, came from God, and you could not go any higher than that, but who reigned supreme at the time when the American upstart said no. In the Preamble of the Constitution, those seven preliminary, initial, revolutionary words said, "We, the people of the United States." Not "We the Congress"; not "I, the President"; not "We, the Judges of the Judiciary"; but "We the people of the United States, in order to form a more perfect Union, assure domestic tranquility," et cetera, et cetera.

That is the source of our power. The American people are sovereign. That is the initial source of sovereignty. But today when you say that they call you a Communist. They say you are a Socialist because a Socialist loves to talk about the People's Republic of China, the People's Republic of this, that, and the other state.

□ 1500

But we said it first: "We, the people of the United States." So that it was never intended that any branch of this Government be dominant. It was deliberately structured to be coequal, independent, and separate. The President is not greater than the Congress; the Congress is not greater than the President or the Court. They are coequal, they are independent, and they are supposed to be separate. In practice, we have been remiss for a few decades, and we are paying the price for it.

What I am saying is that at this point the overweening greed of those interests that finally gained the control they had not been able to get since 1789 is apparent. They finally got it. They had been exercising it for some time, and what I am saying is that they are not subject to election, that is, the sovereignty of the people, since they are not even selected indirectly by the people.

Who selects the Federal Reserve Board? The private commercial banking system. But what is that today?

Oh, yes, technically we have about 14,400 commercial banks—well, maybe a few less now—and by next year it is estimated we will have 9,800 because of the results of these homogenization laws. They are going out every week. In Texas alone, in the last 2 weeks we have had three failures, we have had a couple of S&L's fail, and there are going to be more. But when the structured commercial banking system is in turn controlled by seven or nine at the most of the hugest banking institutions and then they in turn will be

controlling the Federal Reserve Board, as they already have, there is no accountability.

Does the Federal Reserve Board have an inspector general? I have not heard about it. I have sat on the Banking Committee since I came to this Congress 22 years and 4 months ago, and I have yet to see any Federal Reserve Board member or Chairman come to the Congress and give us an accounting of their policies.

We have the so-called Open Market Committee, which was not created until 1923, so certainly it could not have had a congressional intent in the original act of 1913. It is now the ruler. Who is the Open Market Committee? Well, it is the seven regular Board members, plus five of the present representatives of five private banks, principally the New York Bank and others selected from the 12 regions.

Are they going to be looking out for the public interest? If we do not have a businessman or a rancher or a farmer or a plain little old American Citizen or a doctor or physician or professional sitting on that Board, can we expect the banking class to be looking after the general interest of our country? Of course not.

We should have learned after World War I, but we did not.

Those newspaper stories on the front pages day before yesterday about the alarm of Argentina threatening that big, fearful thing called a delinquency or a moratorium are absolutely reminiscent, with the only distinction being the country involved, of what I read as a kid in junior high school in 1929, 1930, 1931, and 1932. It is the same thing. Why? Because those who grasped that power at that time had taken advantage of the course and the conduct of the war, and it is credit, as I said last week, that wins the wars.

Without credit the allies would have lost World War I in the first 4 months, and it was American credit. As I have pointed out and have tried to say, America was the only creditor nation in World War I. In World War II you could equate the same situation, except naturally we see the world configuration changing. With the world continuing to shrink, the world is a different world every year.

What I am saying is that domestically and nationally those forces that shape and make the decisions that will shape the economic liberty or loss of that liberty for the average American are not the forces of decision in the halls of their representative councils and bodies, the Congress. It is not even in their elected executives' offices, but over in those sanctums and inner sanctums that now transcend national accountability. They are transnational.

If we thought after and before World War I that the so-called cartels then were vast, they were little pikers compared to what has developed now internationally with the supernationals. One good example is how those policies that are dictated out of the self-interest of that class have come to infect and endanger our economic well-being which is at the heart of the nature of our freedom and our economic well-being. And this is seen in this way: We have giant mergers and takeovers. They will not produce one job, they will not produce one product. They are wholly speculative in nature, but they consume and suck vast resources of banking credit—$50 billion, $55 billion, $30 billion, or $35 billion of banking credit and resources that had been intended when banks were chartered for public convenience and need.

This is forgotten now, just like those first words in the Constitution, "We the people," are forgotten now. And when those powerful classes have that power, their decisions are that, only if Exxon needs so much in the way of billions to take over Gulf or somebody else, they will have unlimited recourse to an unlimited source of credit at not even prime interest rates but less.

But for $1,500 for a little old plain American citizen who goes to his bank anywhere in America, in my city, this city, Los Angeles, or anywhere else—just a little old businessman who wants $1,500 for commercial purposes—he will not get that unless he is going to pay at this time over 17½ percent interest. There is no way to survive with that usury. It is rampant and unrestrained.

But if it is Exxon or Du Pont and they want to tie up $30 billion, $40 billion, or $50 billion of worth and they are going to have to borrow here and there, they are not going to have to pay even 12-percent interest, or even 11 percent. Why? Because the only safeguard set up by the Congress and the American people has been that system known as the Federal Reserve Board system, and that has been subverted. It has been perverted. It is now in control of no more than a handful of powerful, oligarchic, self-breeding, incestuous groups of men, lords of creation, panjandrums of power, malefactors of great wealth, because they are willing to impale the people on the crucifix and put a crown of steel and gold on the American brow.

□ 1510

That is what we are facing, so we rant and we rave and we are combating what? Powerful great interests where we avail against principalities, spiritual weakness in high places and perhaps talking may do no good. Who says it? But always through our history up to now, our system, if right, will recognize and eventually react.

The test is at this point whether as a matter of fact it is not too late, as it was in 1929, by the time there is even a dim awareness of the vastness of the issue and the fact that when there was time to anticipate and prevent, there was no need or regard for that.

Today I am not smart enough, I am not wise enough to know for sure whether or not anything could be done even if we could miraculously get a unanimity of action, the dispatch of action of a pluralistic body of 535 Americans, such as in the Congress of the United States, and when the bubble busts, which now I think is clearly indicated, cannot be averted, what have we done to erect anticipatory safeguards?

I appeal to my colleagues, no matter how much the tendency to dismiss this voice; after all, I have but one voice to undo the folded line, as the poet said; but I have the security that once conscious of the fact and once these Representatives that are in contact with their people, with their unemployed steelworkers in Pennsylvania, Ohio, and Illinois, and with the others that are in touch that do know what that real issue is, will eventually rise and realize that such things as high interest rates, as Mr. Volcker, the present Chairman of the Federal Reserve Board, as the leading financial powers would have us believe, we cannot do anything about it.

Oh, they used to say 2 or 3 years ago that it was inflation, if you overcame inflation that would take care of it. Now they say it is the deficit and you have to cut this, you have to cut that.

The truth is that interest rates are not an act of God. They would have us believe it is an act of God, that nobody can do anything; but by God, the Congresses did from 1789 to 1865 and certainly something can be done now. I cannot take the time now, because time does not permit and it would be in effect further complicating this discussion and perhaps make it too disparate; but the record will show some of us have been been advancing specific legislative proposals well within the domain and jurisdiction and power of the Congress and well within the defined constitutionale of the obligations for us to do it.

I plead with my fellow Members, those particularly in the committees that have direct jurisdiction, to heed, not wait. We can still at least anticipate and set up preliminary anticipatory safeguards, so that when we do have the crisis, we are ready for it.

The question is, everybody is whistling in the dark, hoping that we can kind of mumble-stumble through until November, and after November we will see.

I do not think, as I said earlier in my own district, that they are taking into account those forces over which we have no control, that impact us from outside, but over which we have give and take relationships, as these steel

balls that impact each other through the action and reaction of physical law.

It is the same thing now. I do not think the world is going to gear itself to our timetable of domestic politics. So the first message given to us in an atmosphere of alarm came day before yesterday; but as I put into the RECORD and any Member that wants to see that can look up the RECORD of last week for Monday and Tuesday and see the statistical comprehensive extent of just the Latin debt, that is just part. You also have the Polish debt. You also have others; but again I say, that behind all these basic policies—the gas pipeline for instance, which incidentally is now completed and delivering gas from Russia to Europe.

Now, the President came out, wanted the allies to boycott this that and the other, and he could not get it.

Well, what happened and what has not been reported is that the gas company that is using the pipeline and is going to sell and distribute that gas in Europe is known as Ruhrgast, based in the Ruhr, but it is principally owned by whom? Exxon and Mobil; but Exxon in turn is controlled by the Chase Manhattan Bank. They are the principal stockholders. Exxon, after all, is the old oil company of Rockefeller, and Mobil is owned by the First City National Bank of New York, Chase Manhattan's twin; so you have all these interlocking powerful forces, which in turn are now interlocked with vast backing resources in Germany, France, and England.

We are seeing a repetition in a slightly modified version to conform to the modern turn of events in the world. Some of the nations that figured in World War I are not even around any more, but we have the same thing. We have failed to learn, whereas I said and repeat, like the old Bourbon kings, we learn nothing and we have forgotten nothing.

FAMILY FARM PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PENNY) is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, today I am introducing H.R. 5300, the Family Farm Protection Act of 1984. The family farm system is in trouble in this country—30,000 farms have gone out of business each year since 1970. Today, we see larger and larger farms, more and more corporate farms, and fewer and fewer farm families. This legislation is designed to reverse that trend.

The Family Farm Protection Act would help put land in the hands of the young family farmers who are being priced out of farming today. And it closes a major tax loophole that puts farmland in the hands of corporations and speculators while driving up the price of farmland.

Young people who want to farm today face obstacles that are almost insurmountable. The price of land, equipment, seed, fertilizer, and other materials are so high that young farmers are just not able to begin. In buying land, they compete with large operators, corporate farms, and land developers, all of whom can pay more, thereby pricing land out of a new farmer's reach.

The legislation that I am introducing provides a tax credit to older farmers who sell land to eligible beginning farmers at "farm use value," which prices land lower than the market rate. the seller gets a limited tax credit as an encouragement to sell at a lower price. The beginning farmer gets the land at an affordable price. Obviously, a tax credit costs the Federal Treasury. But this credit has important social value by helping to save our family farm system. We can offset the revenue loss of this credit by closing a tax loophole that is destroying our family farm system.

Accordingly, the second feature of the Family Farm Protection Act limits the amount of nonfarm income that can be sheltered from taxes with losses from a farming operation. Nonfarmers and nonfamily farm corporations in high tax brackets receive great benefits from this tax provision. This tax advantage is one reason professionals and corporations compete with beginning farmers for farmland. The Family Farm Protection Act would help eliminate that competition by restricting to $15,000 this tax break for nonfarmers.

We are facing a choice in this country. We talk about our support for the family farm but we have farm and tax policies in place that are destroying the family farm system. We must begin now to reexamine our policies. The Family Farm Protection Act would begin to reverse the policies that lead to bigger farms and corporate agriculture. Mr. Speaker, we can reverse these policies—we can save our family farm system. I urge prompt consideration of the Family Farm Protection Act.

The major provisions of the legislation follows:

The Family Farm Protection Act creates a tax credit of up to $300,000 for an established farmer who sells farmland to an eligible beginning farmer at a farm value price. The farmer who sells land would receive a tax credit for the difference between the market price of the farmland and the farm value price as determined under the same formula used for determining farm value for Federal estate tax purposes. In return, the beginning farmer who receives the land at the lower farm value price must agree to farm the land for at least 10 years or face a penalty.

The Family Farm Protection Act changes the Internal Revenue Code to prevent nonfarm corporations and outside investors from using losses or expenses from farming to offset profits earned off the farm. The total amount of tax deductions allowed for an individual or corporation cannot exceed an amount equal to the gross income earned from farming plus nonfarm income up to a maximum of $15,000. Taxpayers whose nonfarm income is less than $15,000 could subtract all farm losses.

LOOPHOLE OF THE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PEASE) is recognized for 5 minutes.

● Mr. PEASE. Mr. Speaker, I am pleased to be participating in Loophole of the Week discussion. As a member of the Ways and Means Committee, I am particularly concerned about erosion of our tax base and concomitant escalating Federal budget deficits.

It is my hope that next year our committee will hold extensive hearings on reform of the individual and corporate tax with an interest in broadening the tax base and simplifying the code. With these goals in mind, I am submitting a recent article from Forbes magazine on the very sizable tax benefits to be gained from buying and using windmills as a source of energy. While there has been considerable need in the past to create incentives for the development of alternative forms of energy, it is the continuing responsibility of the congressional taxwriting committees to review tax incentives to see if a need still exists for a Federal subsidy. I support Congressman STARK's efforts to speak up on a subject that is very heated and hope that we can in the next year take an impartial and fairminded approach to making the Tax Code more efficient and more equitable.

[From Forbes, Mar. 12, 1984]

THE GREAT WINDMILL TAX DODGE

WHAT DO A RIGHTWING REPUBLICAN AND A LEFTWING DEMOCRAT HAVE IN COMMON? SAVING THE WEALTHY MILLIONS IN TAXES

(By Ellen Paris)

You are driving east from Los Angeles through the windswept San Gorgonio Pass. Five minutes after the Palm Springs exit, you begin to see them: a couple of hundred shiny, fiberglass-and-steel wind turbines, their 14½-foot blades spinning furiously. Their purpose? To generate a little electricity and a lot of tax savings. Subtle promotional minds have left their mark on this barren California terrain.

Probably 4,500 of these windmills have been built throughout California since 1981 at a cost of around $100,000 to $300,000 apiece, or over $400 million in all. Why would people spend that kind of money on

windmills? Because they're efficient? Hardly. Windmill generators produce electricity at a cost including capital investment of 12 cents to 15 cents per kilowatt-hour. Compare that with capital and production costs of about 4 cents a kilowatt-hour for coal, about the same for nuclear at today's construction costs, and 4.5 cents in production costs for oil-fired generators.

Since when has economics been the sole determinant of U.S. investment? The fact is, California and federal laws have made windmills perhaps the juiciest tax shelter in the land.

It started in 1978 when California legislators brought wind power under solar power's tax treatment. That gave windmill investors a 25 percent tax credit. Then, in 1980, Congress piled on top of that a 15 percent special federal energy property investment tax credit to be added to the standard 10 percent investment tax credit.

That means if you build a windmill in California, and are in the top tax bracket you can reduce state and federal taxes by 37.5 percent of the windmill's cost (only half California's 25 percent credit is allowed on federal returns). The state and federal credits, in effect, can reduce the cost of wind power to around 6 to 8 cents per kilowatt-hour, almost competitive with oil.

Clearly, a thing of beauty. And the tax shelter promoters have been quick to capitalize. Take FloWind Partners I, a $14.9 million offering of limited partnerships in a wind park marketed in November by A.G. Becker Paribas and Bateman Eichler, Hill Richards.

Here's how it works: An investor puts up $100,000 for a partnership unit—$41,500 the first two years, the rest in the third and fourth years. FloWind sells its electricity to Pacific Gas & Electric over 30 years (California utilities are required by federal law and state regulation to buy power from windmills) but depreciates its windmills over five years. Thanks mainly to depreciation, each unit's taxable loss is projected to be around $21,000 in the first two years—$10,500 after federal taxes at 50 percent.

Thus far the FloWind I is a so-so shelter. But now factor in those lush investment and energy tax credits, which the partners take in the first two years. These credits are worth around $37,500, remember, on every $100,000 unit. So, for a $100,000 unit, your first two years' investment is nearly repaid by the savings on the tax credit. Add to the credits, operating losses, and by the end of the first two years you are well ahead and the government is well behind.

For the third and ensuing years, of course, the credits are no longer available. But the depreciation still is, so that the tax project's losses run through the fifth year, when the equipment has been fully depreciated. Overall, according to the promoters' projections, FloWind I will earn its partners a projected 25 percent rate of return on their investment from 1983 through 1993. On top of this a FloWind I unit owner also receives a warrant to purchase stock in affiliated FloWind Corp. in the event that the windmill equipment maker should one day go public. It's a tax shelter with an equity kicker.

FloWind I and similar deals exist, of course, at the sufferance of politicians, and the federal energy credits are set to expire at the end of next year. California's run out at the end of 1986. "Without the tax credits [FloWind I] is just a marginal deal," admits Michael Kranzley, the A. G. Becker Paribas vice president who handled the shelter's marketing in California. In fact, the windmill industry would disappear into desert sands without the credits, barring some dramatic decrease in the cost of wind-generated electricity, which doesn't seem likely very soon.

California politicians, from conservative Governor George Deukmejian to Democratic Congressman Fortney (Pete) Stark, are opposed to extending the tax credits. "These aren't wind farms," says Stark, a power in the House Ways & Means Committee. "They're tax farms."

But the tax shelter crowd and their political allies are putting on a big push to save the credits, which cost the Treasury around $500 million a year. Two California assemblymen, leftist Democrat Tom Hayden and right-wing Republican Bob Naylor, recently coauthored a bill with State Senator Gary Hart (not the U.S. Senator from Colorado) that will extend California solar and wind credits through 1986. And U.S. Senator Malcolm Wallop (R-Wyo.) has introduced legislation to extend the federal credits through 1990 and increase them from 15 percent to 20 percent. In the House, Congressman Cecil Heftel (D-Hawaii) is doing the same with H.R. 4078. "This is a tax credit that serves the national purpose," Heftel insists.

There's a good chance such rhetoric will prevail, and opponents are resigned to it. "If you criticize the tax credits, people think you're unpatriotic," says Stark. So the great windmill tax dodge will probably get a second wind.●

REQUEST FOR SPECIAL ORDER

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that notwithstanding special orders heretofore entered into, I might proceed for 5 minutes at this time on a special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE INJUSTICE CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 5 minutes.

Mr. LUNGREN. Mr. Speaker, I rise today as a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews. As many of my colleagues have done, I would like to bring to the attention of this body and indeed to the entire Nation the plight of one of the many Soviet Jews known as refuseniks. They have been labeled as such while desiring to emigrate from the Soviet Union their requests have been repeatedly refused.

Never before in the history of the Soviet Jewry movement has the emigration rate been so low. Last year only 1,314 Soviet Jews were allowed to emigrate. This compares with an emigration high point when 51,320 left in 1979. In fact, emigration was higher in February 1979 alone, at 3,287 than the total over the past 12 months.

For over 1 year now I have maintained correspondence with a Soviet refusenik by the name of Leonid [Ari] Volvovsky. As a graduate of the Gorky Polytechnical Institute's Department of Computers, he earned a Kandidat degree at the U.S.S.R. Academy of Sciences, in Moscow. Before filing for an exit visa to Israel with his family in December 1973, he was employed as a senior engineer, and as a senior research fellow at the Moscow Research Institute of Complex Mechanization and Automation in Oil and Gas. After applying, he was dismissed from his position and forced to work at various odd jobs.

In the spring of 1979, the Volvovsky's moved to Moscow, in order for Ari to find employment and to participate in Moscow's Jewish refusenik circles. In September, upon returning home from vacation, they discovered that their apartment, had been ransacked. Several hundred volumes on Jewish history and culture written in Russian, English, and Hebrew were taken. In addition, eviction papers were served by the landlord notifying Ari to vacate the apartment.

Ari brought the case to civil court. He lost his case, his apartment, and his Moscow residency permit. The Soviet authorities ordered him to relocate to the city of Gorky.

In the spring of 1980, during a visit to Kishinev, Volvovsky was arrested for alleged vagrancy. On the demand of the Kishinev prosecutor, he was detained for 30 days and threatened with trial and imprisonment. The charges were later dropped.

Presently, the Volvovsky family is living together in Gorky. Very few of the town's Jews practice their religion and traditions. Nevertheless, as is evident from his letters Ari is still active in promoting Jewish culture, and continues to teach Hebrew.

The tremendous strain of the past few years have been extremely difficult for the Volvovsky's 13-year-old daughter, Kira. Because of her family's refusenik status, she has been subjected to a considerable amount of tension and harassment. Writing to a friend in the West, Ari wrote that: "* * * for a child in our situation, this is very hard * * * I am worried about her. I do so want her to grow up in Israel, but fate seems to decree otherwise * * * my prayer is that things will not change for the worse."

Mr. Speaker, the situation of Ari and his family reminds us that the unconscionable nature of the Soviet regime not only allows for the human destruction that occurred with the downing of KAL flight No. 007, but also sanctions the not nearly as visible destruction of the human spirit that occurs on a daily basis. The American people must not allow the Soviet standard to become the status quo, but rather the unacceptable exception in a world committed to individual liberty and freedom of conscience.

"All of the trials inflicted on us by the authorities are in vain," writes Ari in his latest letter. "There is no power in the world that can (cause) us to refuse to study our Torah and to live according to its laws and statutes."

Mr. Speaker, Ari Volvovsky is probably not a name for which monuments will be built but perhaps they should be. Ari's example is one of courage and commitment and should humble each of us to reexamine our commitment to the freedoms from which this Nation was conceived.

□ 1520

EXPEDITED FUNDS AVAILABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, I have today introduced legislation which would require depository institutions to give customers quick access to their deposits. We want to put an end to the outrageously long periods of delay in clearing and crediting checks to assure that American consumers have quick access to their own funds. The committee has received reports of customers denied access to funds for 2 and 3 weeks with even U.S. Government checks facing delays. These delays—float in the parlance of banking—are profitable to financial institutions and a heavy burden on customers, particularly the elderly, working families and small businesses needing early access to their funds.

My bill would establish four categories of deposits and would set a maximum number of days for clearance of checks for each:

Category I: No more than 1 business day between deposit and availability of funds on checks of $100 or less; checks drawn on a branch of the same institution receiving the deposit; and one-party checks drawn on governmental entities.

Category II: No more than 3 business days on checks drawn on institutions in the same city or local region as the receiving depository.

Category III: No more than 4 days for checks drawn on nonlocal institutions in the same State.

Category IV: Not more than 8 days for checks drawn on out-of-State institutions.

The maximum time limits for clearing checks will remain in effect until the Federal Reserve develops a check-clearing system which will provide next-day access for local checks and a maximum of 3 days for nonlocal checks. The bill mandates that the Federal Reserve develop the faster system within 5 years.

The bill also requires the depository institutions to disclose their check-clearing policies to their customers in writing and by posting notices prominently within the lobbies of the institutions.

I have scheduled hearings on the funds availability issue for Wednesday, April 4. I include the following summary with my statement:

SECTION-BY-SECTION ANALYSIS OF EXPEDITED FUNDS AVAILABILITY ACT

SECTION 1. Prescribes the Act's short title.

SEC. 2. States the findings and purposes of the Act.

SEC. 3. Requires the Federal Reserve to develop a system in no longer than five years from the date of enactment that would cause all checks to be cleared so that funds would be available for withdrawal the next business day after the day of deposit at local institutions, and for nonlocal institutions, not more than three business days would intervene between the day of deposit and the day of availability of the funds for withdrawal. The Federal Reserve should consider, among other things, establishing a uniform endorsement standard, and a system for expedited notice of nonpayment of a check to the receiving depository institution. The Federal Reserve would report within six months, and annually thereafter, on progress toward the goal.

SEC. 4. Establishes specific time limits for funds availability for types of deposits made by check. These limits would be in effect while the system described in Section 3 is being developed. The limits are:

(1) One business day between day of deposit and day of availability for checks of $100 or less; checks drawn on branches of the receiving depository institution; cashier's checks and certified checks; and U.S. Treasury, State and local government checks endorsed only by the person to whom the check is issued;

(2) Not more than three business days between day of deposit and day of availability for checks drawn on local depository institutions (i.e., institutions with an office in the same city, town or village or, if designated by the Federal Reserve, in the same local region of metropolitan area, as the receiving depository institution);

(3) Not more than four business days between day of deposit and day-of-availability for checks drawn on non-local depository institutions in the same State as the receiving depository institution; and

(4) Not more than eight business days between day of deposit and day of availability for checks drawn on depository institutions outside the State of the receiving depository institution.

Deposits made on Saturdays, Sundays, holidays or after business hours are deemed made on the next business day. The Federal Reserve is given regulatory authority to shorten the time periods specified above.

SEC. 5. Provides an exception to the maximum limits in Section 4. Checks drawn on depository institutions outside the United States would be subject to the receiving depository institution's availability policy.

SEC. 6. Preserves the authority of States to enact laws, and of individual depository institutions to prescribe policies, to make funds available more quickly than the time periods prescribed in this Act or in Federal Reserve regulations.

SEC. 7. Requires depository institutions to disclose their funds availability policies in writing to new customers; on deposit slips or by specific notice when deposits are made; in mailings to established customers; and by posting of notices in locations where deposits are taken.

SEC. 8. Authorizes the Federal Reserve to publish optional model disclosure forms and clauses.

SEC. 9. Permits the Federal Reserve to promulgate regulations to carry out the Act.

SEC. 10. Establishes enforcement arrangements under existing law, to be carried out by the federal regulators of depository institutions.

SEC. 11. Provides civil liability penalties for individual and class actions for violations of the Act.

SEC. 12. Prescribes definitions applicable to the Act.

SEC. 13. Establishes effective dates for the Act. The Federal Reserve is to begin working toward its five year goals starting on the date of enactment. The interim maximum time limits prescribed in the Act, the disclosure requirements, and the enforcement provisions take effect 90 days after enactment.

H.R. 5301

A bill to limit the number of days a depository institution may restrict the availability of funds which are deposited by check

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Expedited Funds Availability Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the writing and depositing of checks is an important element in the efficient operation of the American economy;

(2) many people rely on the quick availability of funds deposited by check in their accounts for the basic necessities of life;

(3) notwithstanding the fact that depository institutions usually receive provisional credit for checks they receive within one to two days after such checks are deposited with them, many depository institutions have imposed inordinate delays on the availability of those funds to depositors;

(4) the incidence of returned checks, which depository institutions often use to justify their delayed funds availability policies, amount to approximately one percent of all checks written in the United States, and substantial portion of these returned checks are paid on second presentment;

(5) with few exceptions, efforts by State governments, Federal agencies, and the financial industry have been unsuccessful in curbing the abuses which have been found in the area of delayed funds availability; and

(6) a coordinated Federal response is the most reasonable way to ensure that depositors throughout the United States are treated fairly in gaining access to funds in their accounts.

(b) It is the purpose of this Act to—

(1) adopt temporary, maximum time limits for the availability of funds deposited by check;

(2) replace those temporary limits with standard availability ceilings within five years after the date of the enactment of this Act, as prescribed in regulations by the Board of Governors of the Federal Reserve System;

(3) require depository institutions to fully disclose their funds availability policies to depositors;

(4) permit States, and individual depository institutions, to adopt funds availability policies which allow depositors to gain access to funds earlier than prescribed by Federal law or regulation; and

(5) prescribe appropriate enforcement mechanisms to ensure compliance with the provisions of this Act.

DEVELOPMENT OF EXPEDITED CHECK CLEARING SYSTEM

SEC. 3. (a)(1) The Board of Governors of the Federal Reserve System shall immediately begin to develop a system to provide that—

(A) funds deposited by checks drawn on a local depository institution shall be available for withdrawal at the start of the business day following the day on which such check was deposited; and

(B) for all other checks, not more than three business days shall intervene between the day on which a check is deposited and the day on which the funds involved are available for withdrawal.

(2) Such system shall be implemented as soon as possible, but in no event later than five years after the date of the enactment of this Act.

(b) In order to achieve the goal specified in subsection (a), the Board shall consider (among other proposals) requiring, by regulation, that—

(1) each depository institution place its endorsement on checks, and other items described in regulations of the Board, in the positions provided for in the endorsement standard (ANSI X 9.3-1981) or in regulations of the Board; and

(2) within one business day after a depository institution on which a check is drawn receives a check for more than $100—

(A) such depository institution shall determine if it will pay such check; and

(B) if such depository institution determines that it will not pay such check, such depository institution shall directly notify the depository institution at which such check was first deposited of such determination.

(c)(1) Not later than 6 months after the date of the enactment of this Act and annually thereafter until the goal specified in subsection (a) is achieved, the Board shall transmit a report to both Houses of the Congress.

(2) Each such report shall specify the actions taken by the Board in order to achieve the goal specified in subsection (a).

EXPEDITED CHECK CLEARING

SEC. 4. (a) In accordance with the provisions of this Act and in order to expedite the check clearing process, in any case in which funds are deposited by check in an account at a depository institution—

(1) except as provided in section 5, not more than one business day shall intervene between the day on which such check is deposited and the day on which such funds are available for withdrawal in the case of—

(A) a check of not more than $100;

(B) a check drawn on any branch of the receiving depository institution, if such branch is located in the same State as the receiving depository institution;

(C) any cashier's check or certified check issued by a depository institution;

(D) a check which is endorsed only by the person to whom it was issued and which is drawn on the Treasury of the United States; or

(E) a check which is endorsed only by the person to whom it was issued and which is drawn on any State or unit of local government of a State;

(2) except as provided in paragraph (1) of this subsection, not more than three business days shall intervene between the day on which such check is deposited and the day on which such funds are available for withdrawal in the case of a check drawn on a local depository institution;

(3) except as provided in paragraph (1) of this subsection, not more than four business days shall intervene between the day on which such check is deposited and the day on which such funds are available for withdrawal in the case of a check drawn on an in-State depository institution; and

(4) except as provided in paragraph (1) of this subsection and section 5 of this Act, not more than eight business days shall intervene between the day on which such check is deposited and the day on which such funds are available for withdrawal in the case of a check drawn on a depository institution which is not located in the same State as the receiving depository institution.

(b) For purposes of this Act—

(1) a check deposited on a Saturday, Sunday, legal holiday, or after the close of business on any business day shall be deemed to have been deposited on the next business day; and

(2) a check deposited at an electronic branch after the close of business of the nearest manned branch of the depository institution involved shall be deemed to have been deposited on the next business day.

(c) The Board of Governors of the Federal Reserve System may, by regulation, shorten the time periods provided for in this section.

EXCEPTIONS

SEC. 5. In any case in which a check is drawn on a depository institution or an office of a depository institution located outside of the United States, the availability of funds shall be governed by the policy of the receiving depository institution.

GENERAL PROVISIONS

SEC. 6. Nothing contained in this Act—

(1) limits the authority of any State to adopt laws which require that funds deposited by check in an account at a depository institution be made available for withdrawal earlier than as provided in this Act or in regulations adopted by the Board of Governors of the Federal Reserve System pursuant to section 4(c);

(2) shall prevent a depository institution, in accordance with the policy of such depository institution, from making funds available for withdrawal in a shorter period of time than as provided in this Act or in regulations adopted by the Board of Governors of the Federal Reserve System pursuant to section 4(c); and

(3) shall affect a depository institution's right—

(A) to accept or reject a check for deposit; or

(B) if a check is accepted for deposit and the depository institution has made provisional settlement with the depositor, to, pursuant to law—

(i) revoke the provisional settlement given by the depository institution;

(ii) charge back the depositor's account; or

(iii) claim a refund of such provisional credit.

DISCLOSURE OF FUNDS AVAILABILITY POLICIES

SEC. 7. (a) Before an account is opened, a depository institution shall provide a written disclosure to the potential customer of the general policy of such depository institution with respect to when a customer may withdraw funds deposited by check into the customer's account.

(b) A depository institution shall either—

(1) furnish its customers with preprinted deposit slips, or envelopes for automatic teller machine deposits, bearing a summary statement of the general policy of such depository institution with respect to when a customer may withdraw funds deposited by check into the customer's account; or

(2) in the case of a particular deposit by check into an account for which funds may not be immediately available for withdrawal, provide specific notice of the time the customer may withdraw such funds.

(c)(1) In the first regularly scheduled mailing to customers occurring more than 30 days after the effective date of this section, each depository institution shall send a written summary to its customers containing the general policy of such depository institution with respect to when a customer may withdraw funds deposited by check into such customer's account.

(2)(A) Each time a depository institution makes a significant change in the general policy of such depository institution with respect to when a customer may withdraw funds deposited by check into such customer's account, such depository institution shall send a written summary to its customers of such changes.

(B) Such written summary shall be sent to such customers in the first regularly scheduled mailing to customers occurring after such changes are made.

(d) Each depository institution shall post in a conspicuous place in each location where deposits are accepted a notice which sets forth the time periods applicable to the availability of funds for checks received for deposit.

MODEL DISCLOSURE FORMS

SEC. 8. (a) The Board may publish model disclosure forms and clauses for common transactions to facilitate compliance with the disclosure requirements of this Act and to aid customers by utilizing readily understandable language.

(b) Nothing in this Act shall be construed to require the use of any such model form or clause prescribed by the Board under this section.

REGULATIONS

SEC. 9. The Board of Governors of the Federal Reserve System may promulgate regulations to carry out the provisions of this Act.

ADMINISTRATIVE ENFORCEMENT

SEC. 10. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board of Governors of the Federal Reserve System; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and section 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union or insured credit union.

(b)(1) For the purpose of the exercise by any agency referred to in subsection (a) of this section of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act.

(2) In addition to its powers under any provision of law specifically referred to in subsection (a) of this section, each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred in it by law.

(c) Except to the extent that enforcement of the requirements imposed under that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a) of this section, the Board of Governors of the Federal Reserve System shall enforce such requirements.

(d) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

CIVIL LIABILITY

SEC. 11. (a) Except as otherwise provided in this section, any depository institution which fails to comply with any requirement imposed under this Act or any regulation adopted pursuant to this Act with respect to any person is liable to such person in an amount equal to the sum of—

(1) any actual damage sustained by such person as a result of the failure;

(2)(A) in the case of an individual action, such additional amount as the court may allow, except that the liability under this subparagraph shall not be less than $100 nor greater than $1,000; or

(B) in the case of a class action, such amount as the court may allow, except that—

(i) as to each member of the class, no minimum recovery shall be applicable; and

(ii) the total recovery under this subparagraph in any class action or series of class actions arising out of the same failure to comply by the same depository institution shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the depository institution; and

(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

(b) In determining the amount of award in any class action, the court shall consider, among other relevant factors—

(1) the amount of any actual damages awarded;

(2) the frequency and persistence of failures of compliance;

(3) the resources of the depository institution;

(4) the number of persons adversely affected; and

(5) the extent to which the failure of compliance was intentional.

(c)(1) A depository institution may not be held liable in any action brought under this section for a violation of this Act if the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(2) Examples of a bona fide error include clerical, calculation, computer malfunction and programing, and printing errors.

(d) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year after the date of the occurrence of the violation.

(e) No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board of Governors of the Federal Reserve System, notwithstanding that after such act or omission has occurred, such rule, regulation, interpretation, or approval is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

DEFINITIONS

SEC. 12. For purposes of this Act—

(1) the term "account" means an account in a depository institution on which the account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawals, telephone transfers, or other similar items for the purpose of making payments or transfers to third persons or others. Such term includes demand deposit accounts, negotiable order of withdrawals draft accounts, savings deposit accounts subject to automatic transfers, share draft accounts, and all savings deposits and share accounts other than time deposits;

(2) the term "Board" means the Board of Governors of the Federal Reserve System;

(3) the term "business day" means any day other than a Saturday, Sunday, or legal holiday;

(4) the term "check" means any check, negotiable or transferrable instrument, payment order of withdrawal, money order, or other similar item used for purposes of making payments or transfers to third parties or others;

(5) the term "depository institution" shall have the same meaning given such term in clauses (1) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act;

(6) the term "in-State depository institution" means any depository institution which is not a local depository institution but which is located in the same State as the receiving depository institution;

(7) the term "local depository institution" means a depository institution—

(A) which has an office in the city, town, or village in which the office of the receiving depository institution is located; or

(B) which, as may be determined by regulations adopted by the Board of Governors of the Federal Reserve System, is located in the same local region or metropolitan area in which the office of the receiving depository institution is located;

(8) the term "receiving depository institution" means the depository institution in which a check is first deposited;

(9) the term "State" means the several States or the District of Columbia; and

(10) the term "United States" means the several States and the District of Columbia.

EFFECTIVE DATE

SEC. 13. (a) The provisions of sections 1, 2, 3, 8, 9, 12, and 13 shall take effect on the date of the enactment of this Act.

(b) The provisions of sections 4, 5, 6, 7, 10, and 11 shall take effect 90 days after the date of the enactment of the Act.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, I was unavoidably absent on rollcall No. 60, the vote on the adoption of the rulemaking in order consideration of the bill, H.R. 4841, the Coast Guard authorization. Had I been present, I would have voted "aye."●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. TALLON (at the request of Mr. WRIGHT), for today, on account of tornado damage in the district.

Mr. WHITLEY (at the request of Mr. WRIGHT), for today, on account of tornado damage in the district.

Mr. ROSE (at the request of Mr. WRIGHT), for today, on account of tornado damage in the district.

Mr. BOEHLERT (at the request of Mr. MICHEL), on March 29 to April 6, on account of official business.

Mr. HYDE (at the request of Mr. MICHEL), for March 29 to April 6, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, today.

Mr. LEACH of Iowa, for 30 minutes, today.

(The following Members (at the request of Mr. AKAKA) to revise and extend their remarks and include extraneous material:)

Mr. PENNY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. CORRADA, for 60 minutes, April 3.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of New Jersey) and to include extraneous matter:)

Mr. GILMAN in three instances.

Mr. PHILIP M. CRANE.

Mr. SCHAEFER.

Mr. TAYLOR.

Mr. WEBER.

Mr. HYDE.

Mr. HAMMERSCHMIDT.
Mr. BEREUTER.
Mr. HUNTER.
Mr. ARCHER.
(The following Members (at the request of Mr. AKAKA) and to include extraneous matter:)
Mr. COLEMAN of Texas.
Mr. UDALL.
Mr. LANTOS.
Mr. HOYER.
Mr. HANCE.
Ms. FERRARO.
Mr. BONIOR of Michigan.
Ms. MIKULSKI.
Mr. LEVINE of California.
Mr. MINETA.
Mr. DOWNEY of New York.
Mr. WON PAT.
Mr. HAWKINS.
Mr. TAUZIN.
Mr. RANGEL in two instances.
Mr. SWIFT.
Mr. BORSKI.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and joint resolutions of the House of the following title:

On March 28, 1984:

H.J. Res. 271. Joint resolution designating February 11, 1984, "National Inventors' Day"; and

H.J. Res. 443. Joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

On March 29, 1984:

H.R. 3249. An act to charter the National Academy of Public Administration;

H.J. Res. 432. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week"; and

H.J. Res. 493. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 474 of the 98th Congress, the House stands adjourned until 11 a.m., Friday, March 30, 1984, in memory of the late Honorable EDWIN B. FORSYTHE of New Jersey.

Thereupon (at 3 o'clock and 24 minutes p.m.) pursuant to House Resolution 474, the House adjourned until Friday, March 30, 1984, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3016. A letter from the Executive Associate Director for Budget, Office of Management and Budget, transmitting notification that the appropriation to the Department of Agriculture for the child nutrition programs (excluding State administrative expenses) for fiscal year 1984 has been reapportioned on a basis that indicates the necessity for a supplemental appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

3017. A letter from the Director, Defense Security Assistance Agency, transmitting information on the American Institute in Taiwan's proposed letter of offer to the Coordination Council for North American Affairs for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-40), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3018. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the proposed decision to convert to contractor performance the public works functions at the Naval Research Laboratory, Washington, D.C., pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3019. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the proposed decision to convert to contractor performance the food service function at the Naval Hospital, Beauford, S.C., pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3020. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949 to permit the sale in "as is" condition of inventory housing held by the Farmers Home Administration, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

3021. A letter from the Chairman and Chief Executive Officer, Consolidated Rail Corporation, transmitting the 1983 annual report on the Corporation's activities and accomplishments, pursuant to Public Law 93-236, section 301(h) (90 Stat. 106); to the Committee on Energy and Commerce.

3022. A letter from the Director, Defense Security Assistance Agency, transmitting information on the American Institute in Taiwan's proposed letter of offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $87 million (Transmittal No. 84-40), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3023. A letter from the Administrator of Veterans' Affairs, transmitting a report on the Administration's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3024. A letter from the Deputy Assistant Secretary of the Interior, transmitting the 1984 annual report on research and demonstration projects in alternative coal mining technologies, pursuant to Public Law 95-87, section 908(d); to the Committee on Interior and Insular Affairs.

3025. A letter from the Assistant Attorney General (Antitrust Division), Department of Justice, transmitting a report on competition in the coal industry, pursuant to the act of February 25, 1920, chapter 85, section 8B (90 Stat. 1089); to the Committee on Interior and Insular Affairs.

3026. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order of March 22, 1984, *American Indians Residing on the Maricopa-AK Chin Reservation* v. *The United States, No. 235*, to the Committee on Interior and Insular Affairs.

3027. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1983 report on the refugee resettlement program, pursuant to INA, section 413(a) (94 Stat. 115); to the Committee on the Judiciary.

3028. A letter from the Commissioner, Immigration and Naturalization Services, transmitting the 1983 annual report on waivers granted from certain admissibility requirements for refugees, pursuant to INA, section 207(c)(3) (94 Stat. 103); to the Committee on the Judiciary.

3029. A letter from the Assistant Attorney General, Department of Justice, transmitting copies of the Attorney General's report on the activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal year 1983, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

3030. A letter from the General Counsel, Department of Transportation, transmitting information on requests made by the Federal Aviation Administration to the Secretary of Transportation and by the Department of Transportation to the Office of Management and Budget for inclusion in the President's fiscal year 1985 budget, pursuant to Public Law 97-248 section 506(f); to the Committee on Public Works and Transportation.

3031. A letter from the Acting Administrator, General Services Administration, transmitting information on prospectuses for alterations, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

3032. A letter from the Secretary of the Interior, transmitting the fiscal year 1983 report on recruitment and training of Indians for positions subject to Indian preference, pursuant to Public Law 96-135, section 2(d); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMON (for himself and Mr. COLEMAN of Missouri):

H.R. 5287. A bill to amend title II of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants; to the Committee on Education and Labor.

By Mr. GRADISON:

H.R. 5288. A bill to amend the Federal Financing Bank Act of 1973 to insure the proper budgetary treatment of credit transactions of Federal agencies; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mrs. BYRON:

H.R. 5289. A bill to amend the Internal Revenue Code of 1954 to provide a one-time exclusion from gross income of gain from

the sale of property used in a trade or business by an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. LELAND, Mr. SCHEUER, Mr. BLILEY, Mr. SHARP, Mr. MARKEY, Mr. RICHARDSON, Mr. RITTER, Mr. ACKERMAN, Mr. AKAKA, Mr. BARNES, Mr. BONIOR of Michigan, Mr. CLAY, Mr. CONYERS, Mr. DANIEL, Mr. FOGLIETTA, Mr. FRANK, Mr. FRENZEL, Mrs. HALL of Indiana, Mr. HEFTEL of Hawaii, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. MILLER of California, Mr. MITCHELL, Mr. NOWAK, Mr. STARK, Mr. VENTO, Mr. WEISS, Mr. WHITEHURST, Mr. WISE, and Mr. WON PAT):

H.R. 5290. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Energy and Commerce.

By Mr. COELHO:

H.R. 5291. A bill to provide for the protection and preservation of certain segments of the Tuolumne River and the Merced River and other natural resources associated with the Yosemite National Park, and to provide a procedure to assure congressional consideration of certain actions affecting public lands in the Yosemite National Park; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COLEMAN of Missouri:

H.R. 5292. A bill to amend title IX of the Higher Education Act of 1965 to create a program of graduate assistance in areas of national need, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVITAS:

H.R. 5293. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Education and Labor.

H.R. 5294. A bill to terminate certain authority which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on the District of Columbia.

H.R. 5295. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Energy and Commerce.

H.R. 5296. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; jointly, to the Committees on Energy and Commerce, and Public Works and Transportation.

By Mr. MINETA (for himself, Mr. HOWARD, Mr. SNYDER, and Mr. HAMMERSCHMIDT):

H.R. 5297. A bill to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MITCHELL (for himself, Mr. MCDADE, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. LAFALCE, Mr. BEDELL, Mr. NOWAK, Mr. STENHOLM, Mr. MAZZOLI, Mr. MAVROULES, Mr. SAVAGE, Mr. ROEMER, Mr. TORRES, Mr. VANDERGRIFF, Mr. COOPER, Mr. OLIN, Mr. BRITT, Mr. RAY, Mr. HAYES, Mr. CONTE, Mr. BROOMFIELD, Mr. WEBER, Mr. DAUB, Mr. ROTH, Mr. BOEHLERT, and Mr. BILIRAKIS):

H.R. 5298. A bill to provide for a White House Conference on Small Business; to the Committee on Small Business.

By Mr. OTTINGER:

H.R. 5299. A bill to amend the Federal Power Act to establish policy and procedures to guide the Federal Energy Regulatory Commission in the issuance of new licenses to operate existing hydroelectric facilities; to the Committee on Energy and Commerce.

By Mr. PENNY:

H.R. 5300. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax where farm real property is sold at its value as farm property to small or beginning farmers, and to limit the deduction allowable for losses attributable to farming; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 5301. A bill to limit the number of days a depository institution may restrict the availability of funds which are deposited by check; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Florida (for himself, Mr. FASCELL, and Mr. HUGHES):

H.R. 5302. A bill to amend the Internal Revenue Code of 1954 to facilitate home equity conversions through sale leaseback transactions; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 5303. A bill to provide for the acquisition of real property within the boundaries of the New River Gorge National River by an exchange between the United States and the Berwind Corp.; to the Committee on Interior and Insular Affairs.

By Mr. TAUKE:

H.R. 5304. A bill to provide for progressive cost-of-living adjustments in certain Federal entitlement programs providing periodic payments which are not based on need; to the Committee on Government Operations.

By Mr. TAYLOR (for himself and Mr. DOWDY of Mississippi):

H.R. 5305. A bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHNEIDER:

H.J. Res. 534. Joint resolution to provide for the designation of the week of May 6 through May 12, 1984, as "National Police Athletic League Week"; to the Committee on Post Office and Civil Service.

By Ms. KAPTUR:

H.J. Res. 535. Joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. FOLEY, Mr. GORE, Mr. LEACH of Iowa, Ms. SNOWE, Mr. PRITCHARD, Mr. MINETA, Mr. DWYER of New Jersey, Mr. HOYER, Mr. BEILENSON, Mr. BERMAN, Mr. MARKEY, Mr. MITCHELL, Mr. FRANK, Mr. BARNES, Mrs. BOXER, Mr. JEFFORDS, Mr. FAZIO, Mr. FAUNTROY, Ms. KAPTUR, Mr. MORRISON of Connecticut, Mr. REID, Mr. WALGREN, Mr. HUGHES, Mr. FRENZEL, Mr. WYDEN, Mr. STUDDS, Mr. MOAKLEY, Mr. GREEN, Mr. WAXMAN, Mr. EDWARDS of California, Mr. SPRATT, Mr. SEIBERLING, Mr. BOUCHER, and Mr. BROWN of California):

H.J. Res. 536. Joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms trade; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

352. By the SPEAKER: Memorial of the Legislature of the State of California, relative to increasing the appropriation for title II of the Indian Child Welfare Act of 1978; to the Committee on Interior and Insular Affairs.

353. Also, memorial of the House of Representatives of the State of Indiana, relative to the issuance of a stamp during 1984 or 1985 to commemorate the service of the B-17 bombers and their crews; to the Committee on Post Office and Civil Service.

354. Also, memorial of the Senate of the State of Pennsylvania, relative to recognizing giardia as a water pollutant; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1415: Mr. DOWDY of Mississippi, Mr. CLAY, and Mr. FORD of Tennessee.

H.R. 2053: Mr. YOUNG of Florida.

H.R. 2263: Mrs. BYRON.

H.R. 2996: Mr. BURTON of Indiana, Mr. MRAZEK, Mr. PENNY, Mr. FOGLIETTA, Mr. TORRICELLI, Mr. LELAND, Mr. SMITH of Florida, Mr. ROE, Mr. LEWIS of California, Ms. MIKULSKI, Mr. ROWLAND, Mr. LAGOMARSINO, Mr. WEAVER, Mr. LEWIS of Florida, Mr. FRANK, Mr. MITCHELL, Mr. EVANS of Illinois, Mr. VALENTINE, Mr. BROYHILL, Mr. MCEWEN, and Mr. WALGREN.

H.R. 3876: Mr. ROWLAND, Mr. STAGGERS, Mr. DURBIN, Mr. SKELTON, and Mr. EDWARDS of California.

H.R. 4155: Mr. STOKES.

H.R. 4373: Mr. LEVIN of Michigan, Mr. OLIN, Mr. CONYERS, Mr. BEDELL, Mr. WEISS, Mrs. HALL of Indiana, Mr. VENTO, Mr. DIXON, Mr. GORE, Mr. THOMAS of Georgia, and Mr. CARPER.

H.R. 4432: Mr. STOKES, Mr. BERMAN, Mr. SMITH of Florida, Mr. TOWNS, Mr. WILLIAMS of Montana, Mr. THOMAS of Georgia, Mr. HUGHES, and Mr. BEDELL.

H.R. 4500: Mr. EMERSON, Mr. BARTLETT, Mr. ZSCHAU, Mr. SHUMWAY, Mrs. SMITH of Nebraska, Mr. WHITTAKER, and Mr. CORRADA.

H.R. 4621: Mrs. VUCANOVICH and Mr. WHITLEY.

H.R. 4642: Mr. LANTOS, Mr. TORRES, Mr. FEIGHAN, Mr. RICHARDSON, Mr. WEAVER, Mr. LUKEN, Mr. SWIFT, Mr. ANNUNZIO, Mr. COLEMAN of Texas, Mr. STAGGERS, Mr. HAYES, Mr. OWENS, and Mr. HARRISON.

H.R. 4772: Ms. OAKAR and Mr. ADDABBO.

H.R. 4832: Mr. BONIOR of Michigan, Mr. MCHUGH, Mrs. MARTIN of Illinois, and Mr. TOWNS.

H.R. 4895: Mr. TORRES, Mr. SIMON, Mr. OTTINGER, Ms. FIEDLER, Mrs. HALL of Indiana, Mr. FAZIO, and Mr. MINETA.

H.R. 4907: Ms. SNOWE, Mr. PATTERSON, Mr. MCKINNEY, Mr. MCGRATH, and Mr. LUNDINE.

H.R. 4966: Mr. BARNARD, Mrs. HOLT, Ms. KAPTUR, Mr. MACKAY, Ms. MIKULSKI, and Mr. SHUMWAY.

H.R. 4975: Mr. DANNEMEYER.

H.R. 4985: Mr. RINALDO, Mr. DWYER of New Jersey, Mr. MOLLOHAN, Mr. JEFFORDS, Mr. MCGRATH, and Mr. WEBER.

H.R. 4996: Mr. NEAL, Mr. YOUNG of Alaska, Mr. PATTERSON, Mr. HAMILTON, Mr. GOODLING, Mr. PETRI, and Mr. SIKORSKI.

H.R. 5023: Mr. RALPH M. HALL, Mr. KINDNESS, and Mr. VENTO.

H.R. 5038: Mr. DASCHLE, Mr. BEVILL, Mr. BONIOR of Michigan, and Mr. BATES.

H.R. 5065: Mr. STANGELAND, Mr. WALKER, Mr. PATMAN, Mr. SKEEN, Mr. PAUL, Mr. DUNCAN, Mr. DEWINE, Mr. KINDNESS, Mr. ENGLISH, and Mr. ROBERT F. SMITH.

H.R. 5066: Mr. PARRIS, Mr. STOKES, Mr. HYDE, Mr. WHITEHURST, and Mr. DAUB.

H.R. 5084: Mr. JEFFORDS, Mr. SPRATT, and Mr. SHANNON.

H.R. 5110: Mr. BONKER, Mr. HERTEL of Michigan, Mr. MCCAIN, Mr. EMERSON, Mr. AKAKA, Mr. FOGLIETTA, Mr. ECKART, Mr. ADDABBO, Mr. VENTO, Mr. RANGEL, Mr. BARNARD, Ms. OAKAR, Ms. FERRARO, and Mr. SENSENBRENNER.

H.R. 5123: Mr. BEDELL and Mr. STENHOLM.

H.R. 5125: Mr. BORSKI.

H.R. 5158: Mr. BILIRAKIS, Mr. WALGREN, Mr. WEBER, Mr. VOLKMER, and Mr. THOMAS of California.

H.J. Res. 133: Mr. OXLEY and Mr. MCEWEN.

H.J. Res. 247: Mr. BRITT, Mr. BRYANT, Mr. WEAVER, Mr. HOYER, Mr. DURBIN, Mr. HARRISON, Mr. SHANNON, Mr. SMITH of New Jersey, Mr. LUKEN, Mr. MURPHY, Mr. DOWDY of Mississippi, Mr. HANSEN of Idaho, Mr. HAYES, Mr. STANGELAND, Mr. CARPER, Mr. GRAY, Mr. GUARINI, Mr. RICHARDSON, Mr. ORTIZ, Mr. PEPPER, Mr. PANETTA, Mr. SAVAGE, Mr. DONNELLY, Mr. STENHOLM, Mr. MCCLOSKEY, Mr. QUILLEN, Mr. MCDADE, Mr. UDALL, and Mr. MCGRATH.

H.J. Res. 309: Mr. CROCKETT, Mr. EARLY, Mr. GORE, Mr. JEFFORDS, Mr. MCKERNAN, and Ms. OAKAR.

H.J. Res. 344: Mr. BATEMAN, Mr. DICKS, Mr. GEKAS, Mr. HUNTER, Mr. HUGHES, Mr. LUNGREN, Mr. STENHOLM, Mr. WAXMAN, and Mr. WEAVER.

H.J. Res. 407: Mr. SHAW, Mr. BARNARD, Mr. ROBINSON, Mr. PHILIP M. CRANE, Mr. MINISH, Mr. PEPPER, Mr. DELLUMS, Mr. AKAKA, Mr. RINALDO, Mr. RODINO, Ms. OAKAR, Mr. SCHUMER, Mr. SMITH of New Jersey, Mr. SAVAGE, Mr. VANDER JAGT, Mr. ROWLAND, and Mr. MCGRATH.

H.J. Res. 451: Mr. LEVIN of Michigan, Mr. BROYHILL, and Mr. MINISH.

H.J. Res. 499: Mr. LIPINSKI, Mr. JEFFORDS, Mr. BONER of Tennessee, Mr. BRITT, Mr. MADIGAN, Mr. LAGOMARSINO, Mr. ROE, Ms. OAKAR, Mr. FUQUA, Mr. MURPHY, Mr. O'BRIEN, Mr. BERMAN, Mr. CLAY, Mr. BROWN of California, Mr. SIMON, and Mr. MCGRATH.

H.J. Res. 508: Mr. MINETA, Mr. SHUMWAY, and Mr. YOUNG of Florida.

H.J. Res. 527: Mr. DYMALLY.

H. Con. Res. 226: Mr. HARKIN.

H. Con. Res. 260: Mr. MINETA, Mr. BOEHLERT, Mr. RINALDO, Mr. PATTERSON, and Mr. WHITEHURST.

H. Con. Res. 270: Mr. NIELSON of Utah, Mr. DANNEMEYER, Mr. DWYER of New Jersey, Mr. KINDNESS, Mr. MCCANDLESS, Mr. VENTO, Mr. DEWINE, Mr. DANIEL B. CRANE, and Mr. BLILEY.

H. Con. Res. 272: Mr. KEMP.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

337. By the SPEAKER: Petition of the City Council of Arlington, Tex., relative to the Committee on the Judiciary.

338. Also, petition of the Board of Supervisors, County of Los Angeles, Calif., relative to "Anatoly Shcharansky Freedom Day"; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3870

By Mr. PORTER:

—Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. Limitation relating to minimum drinking age

"(a)(1) The Secretary shall withhold from a State's apportionment under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title a percentage (as determined under paragraph (2) of this subsection) of the amount required to be apportioned under such section on the first day of a fiscal year if, on such day, the minimum drinking age under the laws of such State for the sale or consumption of alcoholic beverages is less than twenty-one.

"(2) The reduction in a State's apportionment under each of the sections referred to in paragraph (1) shall be twenty percent in the first fiscal year in which the minimum drinking age under the laws of such State for the sale or consumption of alcoholic beverages is less than twenty-one and an additional twenty percent for each fiscal year thereafter in which the minimum drinking age under the laws of such State for the sale or consumption of alcoholic beverages is less than twenty-one.

"(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) in a fiscal year if during such fiscal year such State makes the minimum drinking age under the laws of such State for the sale or consumption of alcoholic beverages not less than twenty-one. Any amounts which have not been apportioned to a State under this paragraph on or before the last day of the fiscal year in which they are withheld shall be apportioned among the other States in the next fiscal year.".

(b) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"158. Limitation relating to minimum drinking age.".

SEC. 2. The amendments made by the first section shall take effect with respect to the fourth fiscal year beginning after the date of the enactment of this Act.

SENATE—*Thursday, March 29, 1984*

(Legislative day of Monday, March 26, 1984)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable FRANK H. MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Lord of history, we thank Thee for our most precious resource next to life and health—the gift of time. We thank Thee that Thou hast endowed us all—commoner and king, peasant and president, servant and Senator—with an equal amount, and no one has a corner on it. Forgive our failure as stewards of time in the abuse of this incalculable resource. Give us an appreciation for the relentless nature of time.

Grant us the wisdom to see that the only way to manage time is to use it wisely—that if we do not use it we kill it—that we cannot store up minutes or hours—that the only way to save time is to spend it constructively.

Gracious God, may we also understand that if we are not anchored in eternity, we are the victims of the vicissitudes of time, slaves to the tyranny of the urgent. In the name of Him whose brief time on Earth was eternally significant. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 29, 1984.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable FRANK H. MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. MURKOWSKI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

STORMY WEATHER

Mr. BAKER. Mr. President, I congratulate the Chair for being here. I am sure there is no meteorological significance to attach to the fact that the distinguished President pro tempore, who usually opens the Senate and is from sunny South Carolina, could not make it in this morning. The Senator from Alaska was here and on time.

The ACTING PRESIDENT pro tempore. The Chair thanks the majority leader.

Mr. BAKER. Mr. President, that is said in jest, of course. The President pro tempore must surely have set a record for being here to open the Senate. I know of no President pro tempore who has been as diligent and dedicated as he has been in attending to his official duties and to seeing that the Senate is opened on time and under his auspices. So the little joke I made about today's weather and the unseasonable snowstorm that is swirling about outside I find irresistible but absolutely insincere.

Mr. President, I also note that I am the only Member on the floor except for the Presiding Officer. I am tempted to pass all sorts of bills, but I have an idea that would not work very well, so I will not.

I do understand the cause for the delay of my friend and counterpart, the distinguished minority leader. I ask unanimous consent that the time for both leaders under the standing order may be reserved for their use at any time during the day today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE FOR TODAY

Mr. BAKER. Mr. President, there is a special order in favor of Senator PROXMIRE this morning. I am sure he did not anticipate that he would be recognized quite this soon. Therefore, I ask unanimous consent that it may be in order to suggest the absence of a quorum, without it being charged against his time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, before I suggest the absence of a quorum, I will withhold any further announcement about the program for today or tomorrow until the minority leader has reached the floor and I have had an opportunity to discuss it with him. The weather is inclement—there is a snowstorm swirling outside—and I have an idea that many of our colleagues will be a little late, especially since we have convened at an early hour today. I will explain briefly why we have done that.

We have a supplemental appropriations bill before us. There are 25 amendments that the leadership is aware of on this side. We must do that bill. We must do the bankruptcy bill, and we have to do the reconciliation bill—all within fairly tight time constraints.

The Senate was asked to come in early today so that we could get a running start on the supplemental, especially on the Inouye amendment dealing with Central America.

Once more, Senators should be on notice of the strong likelihood—the near certainty—that we will be in late tonight. The only reason I qualify that at all is because of the weather. Assuming that there are not extraordinary circumstances that will indicate otherwise, we will be in late, if necessary, in order to move this bill along to final passage.

Mr. President, under the order entered a moment ago with respect to a quorum call, I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

HOW CAN NUCLEAR WAR BE PREVENTED?

Mr. PROXMIRE. Mr. President, I challenge any Senator to find a question that is nearly as critical for every Senator in this body to answer: How Can Nuclear War Be Prevented? If we cannot find an answer to this question, this great country we have been elect-

ed to serve will no longer be free. It will die. It will literally perish from the Earth. For more than 30 years—ever since both superpowers acquired the capacity to destroy the other superpower totally—this terrible threat has confronted us. We have stumbled into a policy of deterrence that has worked for 30 years. But it probably will not work for the next 30 for two reasons. First, the nuclear arms race pushes both sides toward technologies that can collapse deterrence and end the principle and the means by which we have survived the nuclear age as long as we have.

This collapse could take place far more quickly than many have assumed. The highly respected national security expert from the New York Times, Leslie Gelb, has recently written that within the next 10 years, technologies could advance so fast that nuclear deterrence which is presently our prime salvation could evaporate.

The second threat of nuclear war comes from the proliferation, the spread of nuclear weapons. As long as 2 years ago, our military intelligence estimated that by the year 2000—16 short years from now—31 nations will have nuclear arsenals; 31 nations, Mr. President, including both Iran and Libya. If that does not give you nightmares, nothing will. What would inhibit a dictator like Khomeini or Qadhafi from using this final power to destroy, and destroy utterly, whatever opponent he might select. Hand either one of these dictators a nuclear arsenal and no place on Earth would be safe. Using carefully trained terrorists and portable nuclear weapons, they could decapitate either the Soviet Union or the United States—wipe out the entire government of either country. Would our giant nuclear power deter such an act? No. With 31 nations and one or two terrorist groups holding nuclear arsenals, how would we know where to retaliate?

So, Mr. President, the first step in preventing nuclear war must be to stop the onward rush of technologies that could eliminate the deterrence that has kept the peace for the past 30 years. And how do we stop the onward rush of technologies? Many argue that there is no way we can arrest the progress of science, any kind of science. They see progress as inevitable. Many even see it as more than a little bit sacred. Even a technology that could exterminate the entire human race, they feel that somehow we have to proceed—if it eliminates the human race, in the view of some people, it seems to be, so be it. Well, Mr. President, technology, especially nuclear weapons technology, is not sacred, not even a little sacred. And, fortunately, nothing in life is inevitable, except maybe death and taxes. Stopping the onrush of nuclear weapons technology requires a single simple action. It requires the end of nuclear weapons testing. Given the nature of the Soviet Union and other nations that already have nuclear know-how, we would have to end nuclear testing with effective verification agreements. This raises two questions: First, would an end to nuclear weapons testing end the nuclear technology arms race? Second, could we confidently verify an agreement to stop nuclear arms testing?

The answer to both questions is an emphatic yes. The head of one of our two principal nuclear arms testing labs has publicly said that to stop nuclear weapons testing would perform a frontal lobotomy on effective nuclear weapons research. It would end. Every theory has bugs in it. Improving and modernizing nuclear weapons requires constant and repeated testing. Since 1963, we have prohibited testing except underground. Since 1974, both superpowers have abided by an agreement to limit underground nuclear arms testing to 150 kilotons. Underground testing at this power level is ample to permit nuclear arms research to race ahead. Indeed, the two superpowers have made over 1,000 nuclear weapons tests at the 150-kiloton level or below. Experts have assured us we could lower the power threshold to 2 or 3 kilotons or even permit no test explosions. But could we still monitor compliance with the ban? Experts insist that we could. In fact they argue that this kind of verification is the surest kind of compliance technique, surer than compliance with agreements to freeze manufacture or deployment of nuclear weapons. In recent years, the technology of detecting explosions has sharply increased. It might be necessary to permit location of test verification sites within the borders of both superpowers. It may surprise many people to hear that the Soviet Union has agreed to permit us to locate as many as 10 monitoring stations, and perhaps more, within the Soviet Union. They have agreed to that. It would certainly require agreement to permit inspection without notice of any suspicious evidence. And, again, the Soviet Union has agreed to this in principle. But the objective of assuring an end to the technological arms race is so critical that we should seek this agreement just as promptly as possible.

That leaves the other most serious threat of nuclear war the prospect of proliferation of nuclear arms. The specter of 31 countries armed to the teeth with nuclear arsenals should galvanize us into the most vigorous action to stop this proliferation at once, and stop it cold.

That means we cease at once any export of nuclear technology to any country that has failed to agree to international inspection to assure that the country receiving our nuclear technology does not divert it to military purposes. This also requires that we greatly strengthen the capacity and authority of the International Atomic Energy Agency. And above all, it means that we use every bit of political and economic muscle we have to crack down on any country anywhere that provides nuclear materials or equipment to a country that could divert those materials to military purposes.

CHAMPION OF JUSTICE

Mr. PROXMIRE. Mr. President, today I would like to recognize one of the great civil rights leaders of all time. Last week Clarence Mitchell died. He was truly a "Champion of Justice."

Clarence Mitchell fought for many years not only for the rights of blacks, but the equality of humankind. As a lobbyist for the NAACP, he committed his life to working for others—securing civil rights legislation, now historic laws of this great country that Clarence Mitchell so loved.

And he was loved in return. The respect and admiration for Clarence Mitchell was more than evident at his funeral service on March 23 where crowds of people waited outside of the church to pay tribute.

Clarence Mitchell struggled tirelessly to uphold justice and human dignity. He saw the dire need for equality and preservation of all people no matter from what national, ethnic, religious, or racial group they came.

Our efforts as a nation toward securing human rights will persist. An opportunity to affirm the U.S. commitment to the preservation of human life lies in a treaty that was written over 35 years ago. The Genocide Convention awaits this country's ratification.

The United States lack of support for the Genocide Convention weakens the meaning and purpose behind all other human rights principles. This international treaty assures people of their most basic human right—the right to live—the fundamental right out of which all other human rights grow.

Mr. President, I had the privilege of knowing Clarence Mitchell in the years that he lobbied for the NAACP. I have been in this body for 27 years and very often I have talked with Clarence Mitchell. He was a gentle, kind, thoughtful, tolerant human being. He will be missed as a human being as well as a great fighter for human rights.

Clarence Mitchell will not be forgotten. He is an historic leader and represents much of what this country stands for. Let us reaffirm the human rights for which the United States

stands by at long last ratifying the Genocide Convention.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 9:30 a.m. with statements therein limited to 2 minutes each.

SCHOOL PRAYER

Mr. HEFLIN. Mr. President, the Senate has just completed a long and arduous debate on school prayer. Although various surveys state that as many as 80 percent of Americans favor prayer in public schools, the Senate failed to pass legislation to insure them this right.

Many Senators, I believe, who could not support the recently defeated school prayer legislation, are in fact supportive of the concept of school prayer. These Senators sincerely believed that certain problems, such as voluntariness and Government intervention were not addressed by Senate Joint Resolution 73. Many other Senators supported a silent prayer or meditation alternative. We need to write language we can all stand behind—to bring all those who support prayer together in a spirit of cohesion and cooperation.

As my colleagues know, I have long supported and have actively worked on the prayer issue. So today, Mr. President, I am suggesting language to be studied and considered by this great deliberative body. I am by no means wedded to this or any other language, but I hope, as many of my colleagues do, that we can see our way to an agreement to restore the right of our schoolchildren to pray while respecting the rights of those who choose not to participate.

In this spirit, I suggest the following language as a starting draft:

Nothing in this Constitution shall be construed to prohibit voluntary individual or group prayer, silent or vocal, in public schools or other public institutions. Neither the United States nor any State shall require any person to participate in prayer or meditation, nor shall they compose or encourage any words or form of prayer or meditation to be used in public schools.

Mr. President, it is my hope that we can use this language, or some similar language, to settle our differences and bring about cohesion among all supporters of prayer. The resulting dialog will put us on the road to developing language that we can all be satisfied with and wholeheartedly support.

One issue of concern to all of us, and that includes both those who are for and against prayer, is that children should not be coerced to pray. Adding the word "voluntary," which was not included in Senate Joint Resolution 73, should alleviate many concerns.

As I believe we all agree, prayer should come from the heart and not be forced.

My suggested language also preserves the right of silent prayer or meditation which is currently subject to conflicting court decisions. This discrepancy needs to be addressed for those school systems that wish to set aside time for this practice.

Many Americans and many of my colleagues also expressed concern that neither the words of the prayer nor the form of prayer be composed or even encouraged by the State or Federal Government. The language I am proposing would make this clear. I think that with this language as a starting point, we can draft an amendment that Americans of all faiths can support with pride.

Mr. President, as I have often said, I do not believe that our Founding Fathers meant for the first amendment to prevent our schoolchildren from expressing their faith, regardless of their religious denomination. We have simply gone too far in the direction of infringing upon the free exercise of religion in our zeal to prevent any semblance of the establishment of a national religion. With the many and vastly differing religious convictions and denominations that we have, I do not believe that there is a danger that voluntary school prayer will violate this principle. I would hate to see the school prayer effort fail through a lack of agreement on language, which I am certain can be achieved through reasonable discussion, thought and study.

Thank you, Mr. President.

THE RETIREMENT OF GORDON ENGLEHART

Mr. LUGAR. Mr. President, my distinguished colleague, Senator QUAYLE, and I want to take the opportunity today to honor a great Hoosier who is retiring from his honorable profession.

Although he has been in the employ of an establishment located on the wrong side of the Ohio River, there have been few greater Indiana newspapermen than Gordon Englehart of the Louisville Courier-Journal.

For the past 24 years, Gordon has reported on Indiana from the Courier-Journal's Indianapolis bureau. He has written about the greats, near-greats, and not-so-greats of Indiana politics with a keen understanding of the fortunes, foibles, and follies of our calling.

When I first ran for public office, Gordon was there scrutinizing me. He has continued to do so over the years. He has been sharp, but fair. We have spent many pleasurable hours traveling around the State on various campaign swings. I will miss his company, although I think Gordon will not miss the multitude of chicken dinners.

Hoosiers take their politics seriously, and so has Gordon. One of our great Governors, Ralph Gates, once said that Indiana politics "gets down to the grassroots where it all emanates from." I am sure the good Governor meant that the "it" that was emanating was democracy, although any good Hoosier knows there is a lot more in the roots than just that. Gordon has kept his eagle eye out for everything down there, and his insight and compassion is as deep as the rich black Indiana soil.

Gordon is leaving all that political agriculture for his real career pursuits of fishing and "birding." I am sure he will find them rewarding. My best in the years to come to Gordon and his wife, Martha.

Mr. QUAYLE. Mr. President, I rise to bring to the Senate's attention a momentous event taking place in Indiana this Friday.

On March 30, just 2 days past his 62d birthday, one of Indiana's most distinguished journalists is bringing to a close a 38-year-long career in the noblest of professions. Gordon Englehart is taking early retirement after having served as the Indianapolis bureau chief for the Louisville Courier-Journal for the past 24 years.

Gordon was born in Brazil, Ind., on March 28, 1922. He went to grade school and Western High School in Washington, D.C., where his father was a lawyer with the Justice Department and later in private practice. Gordon then attended Indiana University, graduating in 1942 with an A.B. in journalism. He served 43 months in the U.S. Army, where he rose to the rank of first lieutenant in charge of a rifle platoon in the 9th Infantry Division before he was honorably discharged in August 1946.

In the fall of 1946, Gordon began paying his dues in journalism first as a reporter with the Lima News in Lima, Ohio, and then on the staff of the Dayton Daily News. On June 7, 1950, Gordon Englehart moved to the newspaper he has been with for the past 34 years.

At the Louisville Courier-Journal, Gordon started out as a copy editor and then handled reporting assignments, including a year with the paper's Washington bureau. Back in Louisville, Gordon became the Courier-Journal's night city editor and then its assistant city editor. It was on April 4, 1960, that Gordon began the assignment he is relinquishing Friday, the Indianapolis bureau chief of the Louisville Courier-Journal, the biggest source of news on Indiana's State government and officials for hundreds of thousands of southeastern Indiana residents.

For the past 24 years, Gordon Englehart has covered Indiana politics the way it should be covered. He brought to his work an abiding respect for government and a deep understanding of the nature of public life, but he always told it like it was. At press conferences, Gordon's questions were always pointed and tough, demanding exact answers. Careful not to let the confines of the State capital skew his perspective or judgment, Gordon regularly traveled around the State. When candidates or officeholders took off on stamina-testing trips around the State, making stump speeches, pressing the flesh, touring factories and stopping by small rural Indiana towns, Gordon would be there, recording and making sense of it all for his readers.

For Gordon Englehart is that rare reporter who both gets his facts right and writes his story with a nice turn of phrase. He has the common touch that all great political reporters have; he can talk with all sorts of people, understand their thoughts and feelings and then write it all up so clearly that his readers gain a firsthand impression of each day's news. Even politicians and self-appointed politicos valued Gordon's reports. Unfailingly accurate and informative, Gordon's stories have also been consistently educational, reflecting his expertise in how government works—and should work.

As Gordon retires with the publication of his final column this Sunday, we, his admiring readers, lose a virtually indispensible guide to Indiana politics. To quote Ed Ziegner of the Indianapolis News, Gordon's colleagues consider him "a reporter's reporter, a newspaperman's newspaperman, something not lightly said about someone in our profession. His total integrity, fairness, and honesty, and his enormous skill as both reporter and writer are universally respected and admired by those in journalism and politics."

Gordon's newspaper will miss his authoritative byline. So will his readers, Indiana's politicos, and his fellow reporters. But even as Gordon files his last story as a daily newspaperman, I must say I expect we will continue to hear from him. I cannot imagine that even the richly deserved blessings of retirement Gordon now turns to—the company of his wife Martha and their three children and three grandchildren, more time to fish and read, no more deadline pressures—will keep him away from his craft for long. Whatever he undertakes, I am certain it will be written with the same intelligence, skill, and fairness he has brought to his entire career.

On behalf of my entire family and for the people of Indiana, I am pleased to wish Gordon Englehart a happy, healthy, and hearty retirement.

REAGAN'S DEFENSE STRATEGY: IT'S UNAFFORDABLE

Mr. WEICKER. Mr. President, as Congress begins reviewing the new defense budget, the perennial question arises: How much is enough? The question becomes all the more urgent at a time when budget deficits in the hundreds of billions are weakening our economy.

The Department of Defense is requesting $305 billion in appropriations for fiscal year 1985 and projects a need for a total of $1.8 trillion over the next 5 years, 1985–89. These figures may be reduced slightly as a result of President Reagan's recent budget proposals, but the exact sums involved in these cuts have not yet been determined within the Department.

If approved by Congress, this would constitute an unprecedented peacetime military budget, exceeding in constant dollars peak funding levels attained during the Korean and Vietnam wars, periods when the United States was procuring vast quantities of arms and munitions to support large-scale warfare in Asia.

The massive fiscal year 1985 budget request and new 5-year plan follow four Reagan defense budgets for fiscal years 1981–84, for which Congress has already appropriated nearly $900 billion. Taken together, Reagan defense plans envision appropriations totaling $2.8 trillion.

Such sums defy understanding. They are overwhelming. And here in the Congress, the prevailing view is that they are also excessive. That assessment is reflected in the $32 billion cut from the last two budgets—fiscal year 1983–84—considered.

However, these cuts have not had the desired effect. They seem to have succeeded in irritating the military without being interpreted as a clear signal for reform. The military's response has been to ask for more and more money each year on the grounds that Reagan defense plans, far from excessive, fall considerably short of what is required.

That $2.8 trillion could be considered inadequate in meeting our defense needs is as alarming as it is absurd. It tells me that defense spending is out of control.

Still, the Pentagon has a point. There is a wide gap between current defense strategy and the capabilities of our Armed Forces to carry out that strategy. There is a similarly wide gap between current defense strategy and the resources available to commit to our Nation's defense. In simple terms, the military is saying, correctly, that existing and programed forces—those contemplated in the 5-year defense plan—are not adequate to execute the strategy dictated by our stated national security and foreign policy objectives.

The Defense Department recently attempted to quantify the magnitude of the gap between resources and strategy and arrived at a figure of $750 billion for the period covered by the 5-year plan. The disclosure of this finding caused a furor in the Pentagon. The administration is extremely sensitive about the existence of this gap—so sensitive in fact that when word of it leaked to the press, many senior and military and civilian officials were forced to take lie detector tests, including the Deputy Secretary of Defense and chairman of the Joints Chiefs of Staff, in order to uncover the source of the leak.

Although the true extent of the gap is not known, it is reasonable to assume that it does exist, that it is very large, and that the administration has made little or no progress in closing it. Its very existence belies administration assertions that its defense program will do the job, as long as Congress keeps appropriating the funds for it. On the contrary, it leads to the inescapable conclusion that more money will not solve the problem. If $2.8 trillion is not enough, then the gap cannot be closed and money is not the issue.

When the Reagan administration took office, it did so with a strong mandate for strengthening our defenses. This was a golden opportunity to perform some radical surgery on the defense budget—to overhaul it, eliminating hundreds of marginal programs and producing a budget that would be consistent with more attainable goals—but no one took the time to assess the strategy and objectives. Instead, the administration moved quickly to add billions onto many ongoing programs and even started a few new ones along the way. The result was predictable. The administration's goal of revitalizing our military capabilities is not being realized and will not be so long as the current approach is pursued.

Had the administration paused to evaluate the assumptions underlying the need for more money, the outcome might have been different. As it is, the administration's best thinking on strategy is outlined in a document known as the "Defense Guidance," but the ideas set forth in this document are so out of line with reality as to be virtually useless as a guideline for determining appropriate funding levels for individual programs.

This administration seems to measure military strength in terms of dollars in the budget, and by those standards, it has been very successful. But military capabilities are best determined by the capacity of the force structure—divisions, air wings, ships, et cetera—to fulfill our national security objectives.

Our principal national security objective is to maintain adequate nuclear and conventional forces to deter Soviet aggression globally. The United States has an effective nuclear deterrent today, and with the modernization programs in progress—even exclusive of the MX missile—the effectiveness of our deterrent is assured for the foreseeable future.

Our conventional forces are another matter. Those forces are supposed to be capable of defending four areas of the world of critical interest to the United States—Europe, the Middle East, Southwest Asia, and East Asia and the Pacific. In calculating the forces needed to protect these interests, military planners assume that Soviet aggression would occur in at least two of these regions simultaneously and that a long conventional conflict would ensue between the superpowers.

In order to meet existing national security objectives, we would need to: First, expand the force structure; second, man the force with competent, well-trained personnel; third, equip the force with modern, effective weapons and equipment; and fourth, stockpile the supplies necessary to sustain the force in wartime until the industrial base could begin to meet its needs.

With the exception of some improvement in the quality of personnel joining the Armed Forces and some modest modernization, these conditions are not being met. Our military capabilities are not increasing, and the forces still lack the depth in logistics to sustain high intensity wartime operations. Needed improvements are not in the offing.

Under this administration, there have been numerous plans for expanding the force structure, but in the case of the Air Force, those have been abandoned entirely. The Army is now at its lowest strength in 33 years and is eliminating mechanized maneuver battalions. Both the Army and Navy harbor hopes for expansion in the future. But, it must be asked, at what price?

So the Reagan defense strategy is not only unaffordable. It is also built on sand.

It has fallen victim to a familiarly vicious circle. Current defense strategy provides the proper justification for creating and sustaining programs considered essential to its successful execution. While these programs do indeed exist, they are transparent. They are underfunded for the most part and could never be completed. To make matters worse, these programs are sustained with minimal funding diverted from the operating forces, which in turn leads to contraction of the force structure and in the end makes for a hollow strategy.

Our procurement process illustrates the problem of too many programs and not enough money to support them. The funds in the procurement account are used to support modernization of the forces. That process is continuing but at a pace slower than anticipated. Despite very substantial increases for procurement programs in the last 4 years—about 175 percent, rising from about $40 billion in 1981 to $110 billion in 1985—the Defense Department is finding it necessary to stretch out production programs by reducing the quantities of weapons to be procured. The problem is this. When the calculations are made to determine what level of funding these programs will require in future years, it is assumed that unit costs will decrease over time. The fact is, they almost never do. Therefore, procurement programs are consistently underfunded—perhaps by at least $100 billion over the next 5 years. When money is allocated within the Department, the shortfall for procurement is covered at the expense of operating and readiness programs. Thus, their share of the budget has been declining steadily since 1981, while the proportion given to procurement has been increasing.

This is a deep-seated, longstanding problem of mammoth proportions. Congress has been grappling with it for years but without success. This is because Congress takes the piecemeal approach, trimming a program here, nicking one there, without addressing the root causes of our current defense predicament. By doing this, we merely make matters worse. It is time we run up the white flag and confess we are not equipped to address them, either. Neither should it be our responsibility. Administration strategists are the ones who must address the central weaknesses in national security and defense spending. They can start by thoroughly reviewing the foreign policy and national security objectives upon which our current defense strategy is based. Here it may be necessary, even desirable, for the Congress to have some input. We should make it clear that we stand ready to cooperate.

Then it will be up to the Department of Defense to devise a strategy that is affordable. This does not mean abandoning our commitments around the world. But it will mean abandoning certain planning assumptions used in determining how we will meet those commitments. It may very well mean that we can no longer plan to fight several large-scale conventional wars with the Soviet Union at one time. Any realistic 5-year plan will, contrary to current practice, give greater weight and credibility to the military strength of our allies.

Once the issues surrounding strategy are resolved, the force structure and programs can be tailored to match the scaled down objectives. This will prove to be politically painful and thus difficult to achieve. Research and development and procurement programs—and there are hundreds of them—will have to be reviewed, and those that fail to meet the new criteria must be terminated. When they are subjected to scrutiny, many programs will be found unnecessary and deficient in supporting any strategy. Savings derived from program terminations would be used in future years to adequately fund those programs deemed essential.

Some wonder how I can advocate cuts in the defense budget when there is so much defense industry in the State of Connecticut. Defense programs in Connecticut should be judged on their own merits as programs in other States should be, and if found to be lacking, they should be cut or terminated as needed. Industry, States, and the Nation as a whole would be healthier and stronger if wasteful and unnecessary programs could be rooted out and eliminated—wherever they are, including the State of Connecticut.

I have a list of programs that could be terminated, but in the absence of a viable strategy, such a list is strictly hypothetical. My proposals could yield savings of $100 billion over the next 5 years, but by far the greatest savings would come from not having to pay the operation and support costs for terminated weapons systems. As one dollar of investment in military hardware usually leads to $2 or $3 of support costs, my proposals would eventually save several hundred billion dollars over the next 20 years.

Toward this end, I recommend that the Senate consider holding fiscal year 1985 defense appropriations to the level provided for fiscal year 1984. In my view, that level of funding would provide an adequate framework and the necessary incentive within which the needed reform would begin. If Congress keeps pouring money into the defense budget, that reform will never occur.

In response to mounting pressure to deal more effectively with the deficit, President Reagan has proposed some very modest reductions in the defense budget over the next several years. Those, however, will not go far toward resolving the root problem. Instead of forcing the military to set priorities and to terminate all marginal programs, the proposed cuts will be accommodated within the budget in the usual fashion—by stretching out weapons acquisition programs and by cutting combat readiness and force structure. The approach is wasteful and irresponsible.

Some may doubt the political feasibility of my proposal, but surely the people of this country will not long tolerate Pentagon buying sprees at the expense of excellence in education, affordable housing, and an economy able to compete on world markets. Na-

tional security is not just a defense budget. It is the sum total of many factors, including quality of life and quality of political leadership. And if we in the Congress are to exercise this sort of leadership over defense spending, then the Department of Defense must be forced to develop an affordable military strategy.

ANTITRUST POLICY

Mr. WEICKER. Mr. President, on March 20 the Supreme Court of the United States, in a unanimous decision in Monsanto Co. against Spray Rite Service Corp., refused to consider a change to present law that vertical price fixing agreements are subject to per se treatment. This important decision should hopefully put to an end any efforts by this administration to rewrite the antitrust rule book and return their attention to the important job of enforcement.

A clear signal has been sent by the Court to businesses across this country that all businessmen will be allowed to compete independently. Manufacturers will not be allowed to control retail prices.

Vertical price fixing is an anticompetitive practice that adversely affects small business, results in higher prices for consumers, and protects and promotes inefficiency. Most importantly, vertical price fixing also limits the free exercise of business judgment by independent distributors and effectively eliminates price competition among retailers.

For more than 70 years, the Supreme Court, the Congress, and the executive branch have consistently condemned vertical price fixing as one of the most serious and costly of all antitrust violations. In 1890, Congress with the passage of the Sherman Act made it clearly unlawful for any contract agreement, combination, or conspiracy to establish or maintain minimum resale prices. More recently, in 1975, with the repeal of the fair trade laws, Congress again went on record in opposition to the fixing of prices at the retail level.

The antiturst statutes form an important first line of defense against unfair competition. Enforcement of the antitrust statutes should be based on laws written by Congress rather than the economic philosophy of a particular individual.

In statements before the Senate Small Business Committee, and in interviews with the media, the former Assistant Attorney General, William Baxter, indicated he would not enforce the law, and that vertical price fixing is not always harmful.

Although the Government was not a litigant in Monsanto against Spray Rite, Justice officials on their own initiative filed an amicus brief to attempt to convince the Court to ignore the intent of Congress and past Court interpretation by making some vertical price restraints legal. At no time did the Department of Justice submit a legislative package to Congress to seek such a change.

Justice Brennan, in his concurring opinion in Monsanto against Spray Rite, states:

> As the Court notes, the Solicitor General has filed a brief in this Court as amicus curiae urging us to overrule the Court's decision in *Dr. Miles Medical Co.* v. *John D. Park & Sons Co.*, 220 U.S. 373 (1911). That decision has stood for 73 years, and Congress has certainly been aware of its existence throughout that time. Yet Congress has never enacted legislation to overrule the interpretation of the Sherman Act adopted in that case. Under these circumstances, I see no reason for us to depart from our longstanding interpretation of the Act.

This decision should make clear to the Department of Justice and the Federal Trade Commission that the people of this country expect the ban against vertical price fixing be enforced. This decision is heartening news to this Senator, the Congress, and the small business community, who are committed to free and open competition.

POTASH

Mr. DOMENICI. Mr. President, a few months ago I took the floor of the U.S. Senate to tell my colleagues the state of the American potash industry. I told my friends that the state of the industry was not good.

Just a few weeks ago there was a hearing in New Mexico in which Senators DANFORTH, BINGAMAN, and I explored the difficulties faced by our extractive industries in New Mexico. In part of that hearing, representatives of the potash industry presented testimony on the plight of that industry. Although there is some good news on the horizon, many jobs have been lost in New Mexico communities because of the hard economic times faced by the potash industry.

Carlsbad, N. Mex. is the home of America's potash industry and as a small community by national standards, the troubles of the potash industry have hurt the community dramatically.

As you will recall I stated earlier that the problems of the potash industry were multiple in nature but that the worldwide recession had led to predatory trade practices by some of this Nation's competitors in the fertilizer industry.

As I stated a few months ago, I will continue to support free trade as a national policy but free trade also means fair trade. I would state categorically that fair trade has not been the norm in the potash marketplace.

There is no doubt in my mind that potash workers from the Carlsbad area have been hurt by foreign competition. And there is no doubt in the minds of our Federal Government on this point. In January of this year the Department of Labor made unemployed workers from two mines in Carlsbad eligible for aid that is awarded to workers who can show that foreign competition is responsible for their unemployment. I would point out that the determination of this fact is not automatic but rather comes after a process in which the workers must present evidence to support their claim of adverse foreign impact.

The only question that really remains now is whether or not this foreign competition is using unfair trade practices in attempting to undercut the American potash industry. In my mind that question was settled over 1 year ago but again there are methods and procedures for making that determination.

Today, two American potash companies filed an unfair trade complaint against foreign nations. The countries are the Soviet Union, East Germany, Spain and Israel. Although the suit is highly complicated, the basic charge is that these countries are subsidizing their products in order to gain advantages in the American marketplace and dumping their potash on our market.

I am glad that this suit has been filed and I am hopeful it will be successful in putting an end to the unfair trade practices used by these nations. Unfortunately, today the world economy has changed. Many of today's methods of lipservicing free trade and then subsidizing are not covered by current agreements. This means that our trade laws do not at times provide adequate relief to our damaged industries.

For instance, our American potash companies compete against foreign companies that are owned by governments. Futhermore, in some of these nations the government also operates the transportation system and in some cases also owns the nations' financial system.

This vertical integration not only gives these nations built-in advantages but also allows those countries widespread opportunity to shortcut why they compete against American companies.

Mr. President, I strongly support the efforts these companies are making to save the American potash industry from predatory trade practices. I will continue to work closely with these companies on this lawsuit as well as on other remedies needed to insure that fair trade once again is truly present in the world marketplace.

DEFICIT REDUCTION BY PRESS RELEASE

Mr. HATCH. Mr. President, there has been a lot of self-applause around here the last 2 days for the House Democratic leadership's "pay-as-you-go" 3-year $182 billion deficit-reduction package. I question whether all that applause is deserved.

What does this vaunted plan do? In real dollars, it has $96 billion in defense spending reductions but only 12 billion dollars' worth of domestic spending cut-backs, plus $52 billion in new taxes. I would say that is a lot less balanced then the $40 billion in defense savings, $43 billion in domestic spending savings, and $48 billion in tax loophole closings in even the Republican deficit-reduction package. And, not only is their spending reduction unbalanced, but the House Democratic leadership plan promises we would pay for any further spending growth in any of these areas by even heftier tax hikes—spending growth and tax hikes I am sure we would get.

Thus, Mr. President, I would say the applause for this plan is unwarranted. I doubt its economic assumptions and I question its forthrightness.

I see, reflected in the House Democratic budget, a sense of panic over the large deficits that have been generated by 30 years of a wild spending spree. Nonetheless, it would be inadvisable for us to accept the House Democratic proposals because they are damaging to the economy, damaging to our national security, and do not solve the real, underlying problem with current fiscal policy.

Let me get to the heart of the matter by pointing out that as an indicator of the damage caused by our fiscal policy, Federal spending is the best measure. Federal spending is the key because it is the best measure of the fiscal disincentives imposed on the private sector by the Federal Government. In the end, it makes only a small difference whether we finance spending by raising taxes or borrowing funds, as long as we do not expect to do so forever. Increased taxes discourage work and investment, and, likewise, borrowing discourages both investment and consumption by raising interest rates. Each takes resources out of our economy for use by the Federal Government, often for programs that are of questionable value.

So the size of the deficit simply tells us how Congress and the administration have chosen to fund Federal spending and not how damaging fiscal policy is to the economy.

A better measure of the burden of fiscal policy, as I have said, is the total amount of Federal spending. We ought to measure the number of jobs destroyed, the number of businesses closed, and the amount of income removed from the economy by Federal spending. Yet, this is a side of fiscal policy often overlooked. Recent years, of course, have seen a resurgence of concern about either the negative impact of high tax levels or the damaging effects of deficit spending. Nevertheless, very few concerned commentators in Washington focus their attention on the force that drives both of these variables—Federal spending.

It has been popular to claim, over the last 2 years, that the tax cuts of 1981 are the cause of today's large deficits. One way to lay this impression to rest is to look at Federal revenues and spending as a percentage of national income. Comparing these figures as percentages of national income illustrates the increasing burden of Federal financing. In 1973, revenues were 23.8 percent; in 1983 they had increased to 24.3 percent. In contrast, in 1973, Federal spending amounted to 24.3 percent of national income, but by 1983 it surged to 31.2 percent, a 6-point increase. Clearly deficits are not the result of a lack of revenue. Federal spending is to blame.

It has also been said over the last few months that the $200-billion-a-year deficits will terminate the current economic expansion. While I do believe that Federal policy, particularly monetary policy, could produce this result, there is no reason to expect that the current deficits will produce a termination of the recovery. The economic actors in the financial markets can see as well as I can the proven congressional track record of fiscal irresponsibility. They know, as I do, that despite a certain amount of fiscal conservatism in press releases, there is unlikely to be any real control of Federal spending, especially domestic spending.

Look, for example, at what has happened as a result of implementing that "notable tool of fiscal control," the congressional budget process: Spending has grown at a faster rate than it did before the 1974 act was passed. So I would be surprised if participants in the financial markets, well aware of this congressional track record, have not adjusted their anticipations and actions accordingly. Thus the continuing large deficits introduce no new variable to change the expectations in the financial markets and to terminate the recovery.

Mr. President, do not get me wrong. My objection to these predictions does not mean that I applaud these deficits and the excessive level of Federal spending that produces them. I deplore them. And do not believe for a moment that I underestimate the harm they do to our overall economic prospects. These deficits and the excessive Federal spending are extremely damaging in the long run.

Look also at what the House "pay-as-you-go" plan does to defense. It would limit defense to a 3.5-percent real growth above what was appropriated by Congress last year—and the amount appropriated was already $4 billion less than that promised in the congressional budget resolution. And, the House leadership plan tells us, we can have this 3.5-percent growth only if we raise $52 billion in new taxes over the next 3 years, with any further defense growth having to be paid for by still more taxes. What does this really mean for defense spending and for your taxes?

The President tells us that the absolute minimum defense spending growth necessary to our national security—the minimum necessary to remedy years and years of neglect—is an average of 5-percent real growth over the next 3 years. The House Democratic plan whacks another $56 billion off the amount the President would save, off the President's minimum figure. So, if the House Democrats were to face up to reality and properly fund defense spending, you would have to add that $56 billion to the $52 billion in taxes they already want—all for a grand total of $108 billion in new taxes over 3 years simply to fund an adequate defense!

There is one other, very interesting aspect of the House Democratic leadership deficit-reduction package, an aspect that forces me to label it little more than "fiscal policy by press release." How will their plan be enforced? Is their commitment to deficit-reduction in any way binding? No. It is only publicity.

The House leadership and Budget Committee package, even if it is adopted by the full House, is in no way binding on the House. They are not really committing themselves to anything. They would adopt their package in a budget resolution, which is no more than a blueprint for higher spending and higher tax policies. A budget blueprint has no teeth in it, and we have a proven track-record of Congress ignoring these blueprints in their actual taxing and spending actions.

In contrast to this House procedure, the Senate leadership intends to write directly into law, to be signed by the President, the 3-year spending targets contained in the Republican $150 billion deficit-reduction package. So, at least this Republican package would be deficit-reduction by law. But the House Democratic leadership package would be deficit reduction by blueprint—a blueprint rarely, if ever, followed.

No wonder it is fair to call the Democratic commitment to deficit reduction "fiscal policy by press release." A press release is just about all you will get from them—a press release, and greater domestic spending, and higher taxes, and, you watch, very, very little deficit reduction.

DR. BENJAMIN E. MAYS

Mr. HOLLINGS. Mr. President, yesterday Dr. Benjamin E. Mays died.

The tragedy of life does not lie in not reaching your goals. The tragedy is having no goal to reach. It is not a calamity to die with a dream unfulfilled. It is a calamity to never have dreamed.

Thus he described his own philosophy of life.

Benjamin Mays had dreams. He reached and surpassed goals. And because of those goals and dreams, he leaves behind a vastly better nation than he found, and to those of us who continue to dream, his memory will be an inspiration forever.

The life of Benjamin Mays stands as a monument to human existence, or, at least what human existence should be—learning, understanding, teaching, and learning again. Here was a man who saw life as a never-ending quest for justice and truth. And he not only found truth, he proclaimed it by word and deed for men and women of all races, all religions, and from all walks of life. You could not know Dr. Mays and not learn from him. It was my high honor to have done both.

Born of slave parents in Epworth, S.C., Dr. Mays developed early his love of learning and his faith in the power of education. Even as a boy he understood that education was the road to freedom. He recalled later in life momentarily putting aside his farming chores and going into the woods to pray that he might become an educated man. "I prayed myself into an education," he said. Taught by his sister to read, Benjamin Mays overcame obstacles such as we can barely understand in this day and age to graduate from South Carolina State College and Bates College and go on to win a Ph. D. from the University of Chicago.

He began his teaching career at Morehouse College and taught at South Carolina State College. And during the 1920's and early 1930's, he served with the Tampa Urban League, as national student secretary of the YMCA, and he conducted a path-breaking study of black churches in the United States.

From 1934 to 1940, Dr. Mays served as the dean of the School of Religion at Howard University in the District of Columbia. In 1940 he commenced his brilliant career as president of Morehouse College in Atlanta.

It was during these years at Morehouse that he served as teacher and inspiration to Dr. Martin Luther King, Jr., and other major figures in the civil rights movement. In point of fact, Dr. King often lovingly described Benjamin Mays as his "spiritual mentor." He was a college president who gave generously of himself to the Morehouse student community, and he took that struggling institution and turned it into one of the strongest colleges in the country.

Perhaps what many students would remember best about him, however, were those weekly sermons that he preached in the chapel at Morehouse for some 27 years. Someone said of him, thinking back on the Mays sermons, "he wanted to invent souls. He wanted to root out the weaknesses and the evasions which were the heritage of 300 years of spiritual and material oppression." His emphasis was always on inspiring the individual to maximum attainment. "No person deserves to be congratulated unless he has done the best he could with the mental equipment he has under the existing circumstances," Mays said.

Dr. Mays retired from the presidency of Morehouse in 1967 and was immediately accorded the title of president emeritus. Subsequently he served as president of the Atlanta Board of Education for 12 years, and the contribution he made in this position to the realization of racial progress and racial harmony is acknowledged by all.

Dr. Mays received scores of honors for his many outstanding contributions to our national life. There were at least 15 honorary degrees in law, divinity, and the humanities from colleges and universities across the Nation, and more than 200 other awards, plaques, and citations. He was invited to serve on the boards of many colleges and the Martin Luther King, Jr., Center for Social Change in Atlanta.

We in South Carolina have a special pride in our native son. One of his more recent honors was his induction in January into the South Carolina Hall of Fame. His birthplace has been designated an historical site, a highway has been named in his honor, and his portrait hangs in the State House of the South Carolina Capital.

All these distinctions and honors measure the accomplishment of one man, yes—but more than that, far more than that, they testify to the spiritual and intellectual leadership he has provided to this century's movement for human progress.

It was my privilege and pleasure last year to introduce Senate Resolution 188 expressing the sense of the Senate that the President award Benjamin E. Mays the Presidential Medal of Freedom in honor of his distinguished career as an educator, civil rights leader, theologian, and for him many contributions to the improvement of American society. I will be working now for the posthumous awarding of this medal.

An experience from a year ago gives a flavor of the man. I was in the congregation at the Third Baptist Church in Southside Chicago when Dr. Mays entered. He was in a wheel chair, but mentally on top of the clouds. And he delivered an amazing sermon. We were, mind you, a lay congregation and here he was talking of philosophers and oracles such as Plato, Socrates, Pascal, even Immanuel Kant. He related them immediately, cogently, and directly to our everyday lives. He spoke, he prayed, he inspired, and from the experiences of his life, every person in that congregation took new courage.

He concluded by saying:

If happiness is to be found, it will be found in pursuing and accomplishing worthwhile things, in noble living, in living more for others than for ourselves, in holding the right attitude toward all mankind. These are the paths that may lead to happiness.

Those are the paths that Benjamin Elijah Mays trod on his eventful 89-year journey through life. He dreamed great dreams, he lived to inspire others, and he accomplished goals equal to those of any man. He was a giant of our century and we will not see his likes soon again.

RETIREMENT TRIBUTE TO BENJAMIN C. MARSHALL

Mr. MOYNIHAN. Mr. President, the phrase "present at the creation," is commonly used to describe a person who has been a participant in an event of historic importance. Sometimes presence is a matter of good fortune—being at the right place at the right time. However, if an individual finds himself repeatedly involved in significant events, it cannot simply be a matter of chance—of dumb luck, but rather a measure of the talent, indeed, excellence of that individual. Such an individual is Col. Benjamin C. Marshall, Sr. (USAF, Ret.), security director of the Senate Select Committee on Intelligence, who will retire on March 31, after a distinguished career of service to our Nation, including 9 years with the U.S. Senate.

Ben started his career in the U.S. Army in 1942 as a private and quickly rose to the rank of first lieutenant. He then volunteered for flight training and was promoted to captain. He flew 36 missions in the European Theatre. And so he was present at the creation of modern air power. Not surprisingly, he joined the U.S. Air Force soon after it was established in 1947.

Captain Marshall was on his way to England with a B-29 wing to backstop the Berlin Air Lift operation when a fateful turn occurred in his career. The newly created Strategic Air Command needed a Provost Marshall at one of its bases. His work in the security field had just begun. Subsequently, he was to protect all manner of sensitive material from nuclear weapons to secret documents.

In 1971 Colonel Marshall retired from the Air Force after 30 years of service for which he received the Air Medal with four clusters and the Air Force Commendation Medal.

But his service to the public was far from over. In 1974, the House Judiciary Committee was conducting a Presidential impeachment inquiry. Ben Marshall was called out of retirement to serve as that committee's security director. It was a sad chapter in our history—not exactly a creation—but nonetheless, necesssary and important. And Ben Marshall was present; indeed, he served the subpoena for the President's tapes and he did so with his characteristic discretion—without fanfare or ceremony.

Subsequently, the Congress was embroiled in another controversy. The Senate committee chaired by Senator Church was investigating intelligence abuses. Not surprisingly, that committee hired Ben Marshall to be its security chief.

It was the Church committee that proposed the establishment of the Select Committee on Intelligence as a permanent body to oversee the activites of our intelligence community. The creation of the Intelligence Committee marked a turning point in relations between the legislative and executive branches. The committee's bipartisan spirit is reflected not only in the committee's structure—as indicated by the fact that I speak as its vice chairman, although a member of the Senate's minority—but also in its deliberations. I think it can be fairly said that the committee's oversight has resulted in a stronger intelligence community. This achievement is in no small part attributable to Ben Marshall. For the committee cannot perform its duties unless the executive branch can be assured that its confidences will be preserved. Thus the committee has a strict system for protecting classified national security information transmitted to it by the intelligence agencies. Suffice it to say that Ben has done a remarkably effective job administering this system. He provided the discipline that a fledgling committee required to make its formative years successful ones—a discipline which, if sometimes martial in its severity, was always tempered by a humorous warmth.

Because of the security requirements inherent in the work of the Intelligence Committee, very few persons can know its nature and quality and only rarely can we publicly acknowledge it. I am happy to have this occasion to do so and I know that the sentiments I have expressed are fully shared by all other members of the Intelligence Committee. We thank you Ben Marshall and wish you well in your retirement.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, has the time for the transaction of routine morning business expired?

The ACTING PRESIDENT pro tempore. The majority leader is correct. Morning business is closed.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984, PUBLIC LAW 480 PROGRAM

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of the unfinished business which the clerk will now report.

The legislative clerk read as follows:

Calendar No. 709, a House joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate resumed consideration of the House joint resolution.

Mr. BAKER. Mr. President, while the managers on both sides have a chance to assemble and get under way, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INOUYE AMENDMENT NO. 2853

Mr. BINGAMAN. Mr. President, I want to begin by commending the Senate, and particularly the Senator from Massachusetts, for finally engaging in what I believe is a crucial debate for the Senate and for the country. We have a very difficult situation, an increasingly difficult situation, in Central America. We have a series of major policy issues that need to be thought about before we get further involved in that situation.

I think this debate, particularly some of the amendments which have been offered, will help to crystallize our thinking on that and hopefully help us to insure that this country pursues a policy that is constructive and that does not lead to further bloodshed in Central America.

Mr. President, I would like to begin not by discussing the particular provisions of the amendment the Senator from Hawaii has offered, to reduce the amount of aid being provided to El Salvador, but to put that issue in a larger context, if I may.

In my view, our overall policy in Central America is misguided for at least three major reasons. In discussing the third of those reasons, I will comment on the proposal with regard to the level of military aid in El Salvador.

The basic problem with our policy in the region, as I see it and as it is evolving and becoming evident to us through events, is that we are putting a tremendous emphasis and reliance upon military measures and military means to achieve our objectives there.

Our policy in that area of the world has not historically allowed for the necessary change to occur, which is inevitably going to occur in many of these Third World countries. We have opted for stability instead of change in most cases, and we have used military measures of various kinds to insure and enforce that stability. I believe we are in real danger of doing that once again in Central America.

The first of the major problems I see with our policy in Central America, and one that I gather will be debated further and voted upon here in the Senate because of the pending amendment by the Senator from Massachusetts, is this country's support of what are referred to in the press so widely as the contras. These are Nicaraguans, primarily, who are engaged in a guerrilla action against the Sandinista government with the express purpose of overthrowing that government.

It is well known and no longer secret or covert in any way that this country is providing the financial support, the arms, the supplies necessary to carry on that activity. I understand that there were initially efforts to keep this subject covert, to keep it a secret war, but last week, Mr. President, I was watching the morning news and I saw Bryant Gumbel on the morning news interviewing the guerrilla leader of the contras in Tegucigalpa. I saw a feature article by a reporter named Harris, where he was taking pictures of the contras and their training and various other activities along the border of Nicaragua and Honduras. So any claim to secrecy or covertness cannot be made at this point.

I am not exactly clear on the size of that operation. My understanding when I was in Central America in December was that there were approximately 10,000 guerrillas being armed in the field by the United States at that time. I have heard figures ranging as high as 18,000 more recently. Possibly, there has been that kind of increase.

The guerrillas are engaged in raids into Nicaragua and are involved in trying through various means to destroy some of the infrastructure in that country—roads, bridges, power lines. They have mined harbors, they have done numerous other things

which they believe will help to destabilize that government and eventually bring it down.

Mr. President, I believe very strongly that this policy is wrong, primarily because it is counterproductive. It is a policy which is having the effect of strengthening the support that the Nicaraguans are giving to the Sandinista government. It is very naturally causing the Nicaraguan people to rally around their own government to resist what they see as largely a foreign invasion. I have heard predictions that there was an imminent uprising by the Nicaraguan people to rally around the contras and overthrow the Sandinista government; but, Mr. President, I have seen no evidence to support that position.

On the contrary, I believe that the popularity or strength of the Sandinistas is being cemented into place by virtue of the action that we are supporting through this contra activity.

Another major concern which we need to worry about in connection with the support of the contras is what happens when we decide or someone decides that this secret war, this contra activity, is no longer a proper course to pursue. What happens to these 10,000 to 18,000 troops who are armed and who are engaged in these activities? Where do they go? Where do they go with those weapons that have been issued to them? This is not a recipe for reducing conflict in Central America. This is not a recipe for reducing violence in Central America. I think the claim that this is necessary in order to interdict arms shipments which go through Nicaragua to El Salvador is becoming a thin justification indeed at this point.

Mr. President, I do not doubt that there were arms going through Nicaragua to El Salvador guerrillas and there may still be a level of arms going through there; I have no information one way or another. But, Mr. President, I think clearly the main purpose of that guerrilla activity today is not the interdiction of arms, it is the overthrow of the Sandinista government.

I believe it is wrong for us to support that; it is wrong for us to try to overthrow a government with which we have diplomatic relations, and whether we do it through direct action by our own troops or whether we do it through aid and assistance to others to accomplish that end is, I think, beginning to cut things fairly thin.

Mr. President, that is a major concern with our policy in Central America, one that I believe this Congress should take a strong stand to stop.

A second and very serious concern that I also believe Congress needs to focus on and, hopefully, come to grips with is what I see as a very major buildup of our military presence in Honduras. We have seen, starting last year, a series of exercises, military exercises or maneuvers as they were described to us, and they were described to us initially as very routine in nature, the type of exercises that our troops engage in throughout the world; no major reason to consult with Congress prior to the beginning of those exercises.

In fact, before the Big Pine exercise began last summer, I believe it is correct and the record will reflect that the Pentagon had a specific briefing on that issue before there was any briefing of the leadership here in Congress. When I asked the Secretary about that in one of our hearings before the Committee on Armed Services, he assured me that the reason there was no briefing of the Congress was that these were routine matters, that there has never been any interest in the Congress on routine military exercises of this kind and he did not see any reason why we would be particularly interested in this series of exercises. So we had Big Pine I.

Then we had Big Pine II last fall, which involved something around 5,000 U.S. troops being landed in Honduras, many of them involved in amphibious landing on the east coast of Honduras to practice what is involved in an amphibious landing. There were extensive facilities constructed in connection with those activities and we now have a permanent or at least a semipermanent stationing of troops in Honduras to support the exercises that are planned. This spring, we are having exercises, I believe beginning this weekend. Then, of course, we have a larger set of exercises this summer, which is the main part of the newly designated Granadero I.

General Gorman testified to us in the Armed Services Committee in open hearing that, of course, he had been asked and the United States had been asked by President Suazo in Honduras to continue and have a Granadero II and a Granadero III and IV and V and VI and on and on, and no decision had yet been made on whether to go forward with that; clearly, we could not make any decision at this time and would have to make decisions as the events unfold.

Mr. President, as I have watched these exercises take place and have toured some of the facilities that have been constructed in connection with them, in December when I was in Honduras, and when I have heard the testimony given with regard to this, it has become clear to me that the exercises are really being used by the military, perhaps for some training but also to accomplish two other fairly nonexplicit goals. Those goals that we are attempting to accomplish and are accomplishing through these exercises, as I see it, are that we are arriving at a point where we permanently station a significant number of U.S. troops in Honduras.

Today we have about 1,900 there. It varies between 700 and 5,000, or it has to date at any rate. But we have a fairly permanent installation of U.S. troops in that country. That is one of the consequences that I believe has not been adequately debated in this Congress. I believe Congress needs to be informed, needs to be consulted about the decision to permanently station U.S. troops of a significant number in a Central American country like Honduras.

The second byproduct of these exercises, which has not been adequately discussed in my view and will be discussed as part of this debate because of the pending amendment by the Senator from Tennessee, is that as part of the exercises we are building a very substantial military infrastructure, not just for the use of the Hondurans but for the use of U.S. troops as well. And again this is being done in my view without adequate discussion, without adequate consideration by the Congress.

With regard to this infrastructure, I would call particular attention to the airbase that we have in Palmerola, which is next to the town of Comayagua. I have been at this airbase. I have talked with the officials there. I have reviewed what they have done, and I have concluded that what we have in Central America at that air base is essentially a co-located operational airbase, very similar to those that we have in Europe and in the United Kingdom. Clearly, this is not something that I believe was explicitly agreed to by the Congress, but we have a situation there where the United States has made major investments to improve that facility, where the Hondurans have made some investments, where there are stationed Honduran troops and where there are stationed U.S. troops. I believe the number of Air Force personnel stationed in Honduras, according to the testimony we received earlier this year, is about 290, or was before this recent set of exercises. The others presumably are largely Army personnel.

But I do not believe the Congress has intended to establish a U.S. airbase in Honduras. The Department of Defense, of course, would argue we do not have a U.S. airbase there; this is a Honduran airbase and we have an agreement that allows us to use it.

That is fine, but I would argue the effect may well be essentially the same. Clearly, the largest presence of troops at that airbase is American. Clearly, the largest investment in that airbase is U.S. dollars. And clearly the major activity in and out of that airbase is U.S. troops, U.S. planes, and U.S. personnel.

In addition to this airbase, we are in the process of constructing somewhere between six and eight additional air-

strips which are C-130 capable in various parts of Honduras, and the Senator from Tennessee has discussed these in open debate in the Senate. He has an amendment that goes to the question of use of operations and maintenance funds in the Department of Defense budget for construction of permanent and semipermanent facilities in Honduras. I think that debate is long overdue in this body.

Clearly, the argument can be made either way, that we should have a military infrastructure, military facilities, military personnel in the thousands stationed in Honduras or should not. I conclude and argue that we should not. But whether you argue we should or we should not, the process of establishing that should be one which allows a public debate and a debate in Congress over whether it is going to happen.

I believe that we are already very far down the road toward building a significantly military infrastructure in Honduras without this body or without the Congress ever having adequately debated whether that is the policy of this Government or should be the policy of this Government. Whenever I try to probe as to exactly what are the long-range goals we are pursuing with regard to this buildup in military infrastructure, the response is always these are necessary facilities to accomplish the training in which we are engaged.

But, Mr. President, if you visit these facilities and you see the number of facilities, the size of the facilities, the permanence of the facilities, it is hard, indeed, to conclude these are all necessary to accomplish training which is anticipated to be of a short duration, as the Department of Defense argues.

So that is the second major difficulty that I see with our policy in Central America today, the first being the contra activity which I do not believe we should continue to support, the second being the major buildup in our military presence in Honduras, both in personnel and in facilities. I believe that having that military presence cuts off diplomatic options for us. Having a constantly increasing military presence reduces the opportunity for us to reach any kind of agreement for the lessening of tensions in that region. And clearly if we are going to have a two-track policy, one where we talk about our support of the Contadora process, as this administration does at every opportunity, and on the other hand constantly escalating military presence in the region, which goes directly contrary to the goals and the objectives of the Contadora nations, then it needs to be recognized by the American people. I believe it is a major concern we need to be addressing in this debate.

The third concern, and the one that more directly relates to the particular amendment as to the level of aid we should be providing to El Salvador, is that we are going in my view to a very heightened reliance on military resources to deal with the problems of Central America. We had testimony before the Armed Services Committee which I found to be very startling. This was filed testimony in open hearing. General Gorman, who is the commander in chief of Southcom out of Panama, gave us statistics as to the level of our present military support and what that is moving to in the future. I think that is interesting to look at.

First, in the area of military training, the figure that he cites to us in his written testimony is that in 1983, the United States participated and helped in the training of 3,300 Central American soldiers for the various governments that we are allied with in that region. But in 1984, that figure goes from 3,300 to an estimated figure of 25,000 to 29,000 troops we are going to be engaged in training in Central America. That is an eightfold increase in 1 year, and I think that is the kind of statistic this Senate needs to focus on; that is a major increase in our military involvement.

When you look at the military assistance dollars, in 1983 we provided $126 million, according to General Gorman's figures, and in 1984, his estimate is that for Central America as a whole we would provide $373 million in military assistance, a threefold increase in the amount of our military aid in 1 year.

I do believe there is a great tendency in our policymaking apparatus and in human nature in general to go for the quick fix, to go for the solution which promises a quick result and that usually turns out to be the military solution. That is why I believe we have a reputation in Central America, in Latin America, and some other parts of the world of landing the Marines before we explore some of the other diplomatic options which may be available to us. I would argue that we have a great possibility of doing the same kind of thing here.

We will increase military assistance to El Salvador and to Honduras. We have now begun military assistance to Guatemala, after several years of refusal to provide them with assistance. I gather, from testimony we have received, that we would provide assistance to pretty much anybody else down there who opposed the Sandinistas, if they asked for it, and in whatever amounts they asked for it.

I am not one—and I want to make this clear—who believes that we should cut off military assistance to El Salvador. I have been there. I have met with many people in that country, in the government and not in the government, who are very concerned that the fragile situation there not be allowed to disintegrate entirely. With the election results pending and all the rest, I do not favor this Government cutting off military aid to El Salvador.

I think the argument we are engaged in now is a proper one as to the level of that aid. It is a proper exericse to debate what conditions should be attached to that aid. But unless we see a takeover of that government by elements who have views completely contrary to our views of what is appropriate activity for government, I think we need to continue with a program of trying to allow that country to salvage its situation and defend itself against guerrilla activity.

I do not think we should approve additional military assistance very lightly and in a pro forma manner. I believe that the debate we are having today—and the one we had last evening—is a useful activity and one that is necessary if we are going to focus on what is the main ingredient of our plan to deal with Central America.

Is the main ingredient of our plan that Congress is willing to go along with military assistance, or are we going to have a willingness to do some other things and to keep the military assistance at the lowest possible level?

The history of that region would indicate that the stronger the military becomes in those countries, the more problems there are with human rights violations and the more problems there are with necessary reforms being stalled.

I think that for us to continue with an unrelenting buildup of the military in Honduras and El Salvador, absent a strong case being made that that buildup is absolutely essential, is a major mistake. In Honduras, I see the buildup of the military as largely unjustified. The military there is in complete control. I know of no external threat presently facing Honduras. To argue that the Honduran military has to be large enough to defend itself against the Nicaraguan military in the case of an invasion from outside comes close to being absurd.

Clearly, we have treaty obligations with Honduras which require us to come to the aid of that country if it is invaded. We have treaty obligations with Costa Rica that require us to come to the aid of that country if it is invaded. We do not need to reconstruct an arms race or participate actively in an arms race in Central America that allows each of those countries to build a military to the point where internal reforms may be very difficult to achieve in the years ahead.

Mr. President, I believe those are the major issues facing Congress and facing the country with respect to our Central American policy. I commend

the Senator from Massachusetts for raising these issues in his amendments, for focusing our attention on this issues.

I hope that in the course of this discussion in the Senate we can come to some rational decisions about whether we should support contra activity indefinitely in Central America, about whether we should engage in a major military buildup in Honduras, and also come to rational decisions about the level of military aid we should be willing to support in countries like El Salvador and Honduras.

Mr. President, I appreciate the opportunity to participate in this debate. I plan to review the details of each amendment being offered during this discussion. I hope I can support some of those amendments, with the idea of at least calling attention to the fact that the American people do not want a war in Central America and that the American people are not persuaded that there is a military solution to the problems of Central America, and this Senator shares in that skepticism.

AMENDMENT NO. 2855

(Purpose: To prohibit the use of U.S. ground combat troops in El Salvador, Honduras, or Nicaragua)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HECHT). The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 2855.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Inouye amendment No. 2853 add the following: *"Provided*, That, no United States personnel, civilian or military, shall be introduced into or over the territory of El Salvador, Honduras, or Nicaragua for the purpose, directly or indirectly, of combat unless:

"(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or

"(2) The President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States;

in either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress and shall, in any event, notify the Congress of the basis for such determination within 24 hours of the introduction of such forces.

Mr. KENNEDY. Mr. President, earlier in this debate, I offered an amendment prohibiting the use of combat troops in the territory of El Salvador, Nicaragua, and Honduras without the advance approval of Congress. That amendment, which I have now offered, says:

No United States personnel, civilian or military, shall be introduced into or over the territory of El Salvador, Honduras, or Nicaragua for the purpose, directly or indirectly, of combat unless Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or the President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

Then the amendment continues.

Mr. President, the parliamentary situation is that this is an amendment to the Inouye compromise amendment.

I have talked to the Senator from Hawaii and indicated that I would be prepared to offer this amendment as a freestanding amendment, with a time limitation. We could then set aside the amendment of the Senator from Hawaii for a brief period of time and move today to a vote on whether this institution wants to sanction the increasing role of American combatants in El Salvador and over El Salvador. We would be able to get a vote on that later in the day, and then come back to the Inouye amendment.

I am quite prepared to work that out with the leadership in a way which permits the amendment to be discussed on the merits, so it would not become involved with the underlying matter.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. INOUYE. As I indicated to my friend from Massachusetts, I would be perfectly willing to have my amendment temporarily set aside, let us say for a period of 2 hours, during which time the Senator's amendment can be considered as free standing.

Mr. KENNEDY. Fine.

Mr. INOUYE. I am in the process now of trying to convince my colleagues on the other side of the aisle to do this, so if the Senator will just give us a few minutes.

Mr. KENNEDY. Fine. I thank the Senator from Hawaii for his cooperation. Hopefully this can be worked out in the next period of time.

I wish to make a brief comment, though, Mr. President, on an article that I read, as I am sure others did, in the Washington Post this morning. The Washington Post reported the United States is actively participating in the prosecution of the war in El Salvador. According to the report this morning, "U.S. aircraft are providing reconnaissance and communications support for Salvadoran troops during combat operations." The Post goes on to state:

This marks the most direct involvement in El Salvador's civil war so far by a U.S. military mission whose scope and size have steadily expanded in small steps over the past year.

Mr. President, this is precisely the concern that I had when I introduced my amendment. The administration is slowly but surely putting our combat troops in harm's way. The administration is slowly but surely moving U.S. troops into the middle of the warfare in El Salvador.

The United States of America should not go to war unless the people of the United States are consulted. President Reagan should not lead this Nation down the slippery slope—first advisers, then training camps, then military exercises, then reconnaissance flights and now active participation with Salvadoran ground commanders in spotting and locating guerrilla forces and directing Salvadoran military forces into battle.

What next, Mr. President? What next? I will tell you what next. Some guerrilla on the ground with a rocket is going to shoot down one of those U.S. planes and a U.S. pilot is going to be killed or perhaps even taken hostage or captured and President Reagan will take to the stump to declare that the United States has been the victim of an act of war.

We are being led into war. We are entitled to a full explanation. One secret war in Nicaragua is one secret war too many.

Mr. President, I will withhold further discussion on this at the present time.

I yield the floor.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I call to the attention of my friend from Massachusetts, that he last evening asked the question——

Mr. KENNEDY. If I may have the attention of the Senator, we are having a meeting of the Judiciary Committee. It is marking up the McClure-Volkmer Gun Reform Act. I am a principal participant in that discussion. The chairman of the committee, Senator THURMOND, has asked my presence there. I indicated that I objected to meeting after 11 a.m. So I will be back here at 11 a.m. and welcome the opportunity to engage in debate with the Senator from Arizona at that time or any time during the remainder of the day.

But I have notified them, and they are in the process of processing that

legislation, I have some strong views about it.

If we could work out a convenient time for the Senator from Arizona, I would welcome the opportunity to continue our exchange or discussion of last evening. I have to absent myself from the Chamber at this particular time.

Mr. GOLDWATER. All I wanted to do is answer the question that I could not answer yesterday afternoon relative to the Senator's interest in the death squads. It does not require any debate. But if the Senator prefers, I will try to get back later. I also have committee responsibilities.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at the moment I came into the Chamber I understood it to be said that the Senator from Massachusetts was going to leave to go to the Judiciary Committee to attend to a matter there and the implication of that I suppose is we should not do anything until he gets back.

I asked the Senate to come in at 9 a.m. this morning so we could get an early start on this. Mr. President, I will bend over backward to try to cooperate with the convenience of Senators. But at some point we have to move this bill and at some point it is my intention to try to offer a motion to table this amendment in the second degree.

Mr. President, I am willing to accommodate the Senator from Massachusetts for a reasonable period of time but I am not willing to take off an hour in order to do that.

If the Senator from Massachusetts wants to go to the Judiciary Committee and if he wishes to do it at this time I am willing to make that motion at 10:45 a.m., but I am not prepared to wait indefinitely to get on with the business at hand.

Mr. KENNEDY. Mr. President, I wish to indicate to the majority leader that he should take any steps that he so desires with regard to this amendment. I am not going to ask him to indulge me for the period of time up to 11 a.m. I was pointing that out as a matter of information.

I wish to indicate quite clearly to the majority leader that if he is going to table this matter and he has the votes to do it, so be it. If he does not want to permit the discussion about American combat troops in El Salvador for any more than 15 minutes, so be it. We will have an opportunity to talk about that after the tabling motion.

Mr. BAKER. Mr. President, it is not much of an inducement for me to wait with the Senator threatening a filibuster after the fact. Last evening he threatened a filibuster in any event.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I am voting against tabling this amendment because I am concerned about U.S. involvement in military action, which amounts to war, without a declaration of war by the Congress as required by the Constitution. In hearings before the Foreign Operations Subcommittee of the Appropriations Committee, on March 1, 1984, Secretary of State Shultz testified that the Korean military engagement was a war and the Vietnam military engagement was a war. As such, both were wars which violated the constitutional requirement that our Nation may wage war only with a congressional declaration.

The issue of war, without a congressional declaration, was the subject of a colloquy between the distinguished Senator from Illinois (Mr. PERCY) and this Senator on September 27, 1983, in connection with the pending resolution under the War Powers Act. Senator PERCY agreed that the Korean military engagement was war, the Vietnam military engagement was war and the military engagement in Lebanon, even prior to the October 23 bombing of the marine barracks where some 230 marines lost their lives, was war.

We learned a bitter lesson in Vietnam that the United States cannot engage in war without the backing of the American people. The Constitution wisely gave the Congress the exclusive authority to declare war. The 100 Members of this body and the 435 Members of the House of Representatives have close contact with our constituencies by virtue of our frequent trips to our States or districts, our numerous open-house town meetings, other meetings with constituents and the constant pulse from thousands of letters and telephone calls each week. The President cannot possibly, and does not, have that sense of public will.

Accordingly, the Constitution wisely vests the Congress with the sole authority to declare war since the Congress best has the pulse of the people; and the public support is indispensable to waging war with some substantial likelihood of success. The United States ultimately withdrew from Vietnam because the public did not support that war.

While we may yet be too close to the military action in Lebanon to speak with certainty, it is my sense that the American people were unwilling to support any broadening of U.S. involvement beyond the peacekeeping force of 1,600 men and probably not even that. Our withdrawal from Lebanon was strongly influenced, if not determined, by that public will.

For these reasons, I consider it unwise to deploy U.S. Forces which may amount to war or lead to war without the constitutional congressional authorization. The matters embodied in that amendment do not involve potential emergencies or unforeseen circumstances to take it out of this rule.

Mr. GRASSLEY. Mr. President, this amendment to provide a congressional role in deciding the appropriateness of the use of U.S. troops in combat in El Salvador was not given sufficient time for debate and for that reason I oppose tabling it.

I have consistently expressed my serious concern about the direct use of U.S. troops in combat situations in El Salvador and thus I support strict limitations on American involvement. Such limits would provide Congress a legitimate oversight of American military actions in hostilities abroad. The emphasis of this amendment, as I interpret it, is on the dangers that exist when Congress has not actively been involved in serious decisions to place combat troops in war zones. It differs from other amendments which may be offered on this bill by focusing on the direct combat use of U.S. troops in El Salvador. Without congressional approval, such use could prove both dangerous and destabilizing for El Salvador. This amendment does not effect joint maneuvers with other Central American nations or even deny entry of U.S. advisers or military attaches into El Salvador. Its scope is limited, but it shows a serious concern for the constitutional principles guiding us in the use of troops in war zones.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Massachusetts.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Alabama (Mr. DENTON), the Senator from Florida (Mrs. HAWKINS), and the Senator from Pennsylvania (Mr. HEINZ) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) and the Senator from

Colorado (Mr. ARMSTRONG) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 71, nays 20, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—71

Abdnor	Evans	Murkowski
Andrews	Exon	Nickles
Baker	Garn	Nunn
Baucus	Glenn	Packwood
Bentsen	Goldwater	Percy
Biden	Gorton	Pressler
Boren	Hatch	Pryor
Boschwitz	Hecht	Quayle
Bradley	Heflin	Randolph
Bumpers	Helms	Roth
Byrd	Hollings	Rudman
Chafee	Humphrey	Simpson
Chiles	Inouye	Stafford
Cochran	Jepsen	Stennis
Cohen	Johnston	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
DeConcini	Laxalt	Tower
Dixon	Long	Trible
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Mattingly	Wilson
Eagleton	McClure	Zorinsky
East	Mitchell	

NAYS—20

Bingaman	Lautenberg	Riegle
Burdick	Leahy	Sarbanes
Cranston	Levin	Sasser
Dodd	Melcher	Specter
Grassley	Metzenbaum	Tsongas
Hatfield	Pell	Weicker
Kennedy	Proxmire	

NOT VOTING—9

Armstrong	Hart	Huddleston
Denton	Hawkins	Matsunaga
Ford	Heinz	Moynihan

So the motion to lay on the table amendment No. 2855 was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2856

(Purpose: To prohibit the use of United States ground combat troops in El Salvador, or Nicaragua)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 2856.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Inouye amendment, add the following: *"Provided*, That "No United States personnel, civilian or military, shall be introduced into or over the territory of El Salvador, or Nicaragua for the purpose, directly or indirectly, of combat unless:

"(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or

"(2) The President has determined that the presence of such forces is necessary to provide for the inmmediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States;

in either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress and shall, in any event, notify the Congress of the basis for such determination within 24 hours of the introduction of such forces.

Mr. KENNEDY. Mr. President, this amendment is identical to the amendment that I sent to the desk just previously except that it does not include Honduras. Like my earlier amendment to Senator INOUYE's amendment, this one requires the advance authorization of Congress before the President is permitted to send U.S. personnel, civilian or military, into combat. You can table the amendment, Mr. President, but you cannot table the issue. I point out that at this time, we have had precious little discussion about U.S. policy in Central American policy. There has been an hour and 45 minutes spent by those who have supported the administration's policy and there have been 45 minutes for those who have expressed opposition to the administration's policy. I want to make it very clear that we are going to have a discussion and a debate on this issue in the U.S. Senate. We can either have that discussion or debate by a series of votes on amendments or we can have a discussion and debate on this issue for a period of time. We could have 3 or 4 hours for a time-certain disposition of this issue and then to move on to other issues and questions.

If the Senate of the United States is going to spend 2½ weeks on the school prayer amendment, 3 days on oil mergers, but only 7 minutes on American combat troops in El Salvador, then I think, quite frankly we are failing as an institution and failing in our responsibilities.

This is the time the Senate of the United States should discuss the issue of American combat troops. That is what this amendment is about: Whether we as an institution want to require the President of the United States to get prior authorization for the introduction of combat troops in El Salvador and Nicaragua. You can say that you oppose that particular position, but the American people, I believe, are going to ask their representatives what their position was on this issue. I find it difficult to understand why the Members of this body are going to be willing to terminate that discussion and debate after only 7 minutes of discussion on the floor of the U.S. Senate.

Let there be no mistake, Mr. President, the Members of this body are going to vote yea or nay on the issue of American combat troops in Central America. We may do it through a procedural issue or question and we shall have perhaps several opportunities to do so, or we can have some kind of agreement for an orderly discussion and time allocation for a debate and a resolution of this particular issue this afternoon.

Mr. KASTEN. Will the Senator yield?

Mr. KENNEDY. I shall yield for a question without losing my right to the floor.

Mr. KASTEN. I think we may be able to work out, at least on this side, some kind of reasonable time agreement. I would like to suggest to the Senator 1 hour equally divided, and we could work from there, and have a time certain. From what I can see, the countries named have just been put in a different order. I am not sure that it is likely the result will be a whole lot different. But we can go forward. I would like to debate the issue and work out a structure here so we can work our way through these amendments and give Senators an opportunity to debate.

I would like to suggest that we are anxious to do exactly what the Senator is saying. I do not think we need to argue about the time.

Mr. KENNEDY. Mr. President, when we came in here this morning, I indicated I was prepared to agree to a time limit on this particular issue so that Members of this body would be notified as to the amount of time on each side. Many of the members of the Committee on Foreign Relations have had no opportunity to participate in this debate because they are, at this very time, in the process of marking up in their committee the authorization for this legislation. I have not objected to the committee processing that legislation, because I think it is important that we get that information.

But I do believe that we need a time for debate and discussion on this. I would be glad to have a 2-hour time limitation on this for each side and agree to a time certain to vote on this particular issue. At the outset, I would indicate that there are a number of Senators such as my colleague, the

Senator from Tennessee, who waited on the floor of the Senate for 3 hours last night to speak and did not have the opportunity and the Senator from Connecticut who waited on the floor for over an hour and did not have a chance to speak. I want to make it very clear that if we are going to table this amendment in 7 minutes, you will have plenty of chance, plenty of chance to have votes. So I suggest we have 2 hours to a side on this amendment. Perhaps we might have a brief quorum call at this period of time to try and work that out, if it is agreeable.

Mr. KASTEN. Will the Senator yield for a question?

Mr. KENNEDY. I yield for a question.

Mr. KASTEN. I guess maybe it is a clarification. Is the Senator saying 2 hours equally divided?

Mr. KENNEDY. No, I am saying 2 hours a side.

Mr. KASTEN. Four hours equally divided?

Mr. KENNEDY. Four hours equally divided.

Mr. KASTEN. I am not sure that we are able to do that, but I appreciate the fact that the Senator is working toward a time agreement and maybe we can work something out.

Mr. EAST addressed the Chair.

Mr. SASSER. Will the Senator yield for a question?

Mr. KENNEDY. Mr. President, as I insisted in retaining my right to the floor in responding to the question, I would be glad to yield to the Senator from Tennessee.

Mr. SASSER. I would ask the Senator from Massachusetts if his amendment would prevent U.S. combat troops being sent into El Salvador?

Mr. KENNEDY. It would require the Congress of the United States—the House of Representatives and the Senate—to authorize the deployment in advance, and the President of the United States to sign such an authorization. The amendment permits the President to send forces if he determines it necessary for the evacuation of American citizens. Basically, this amendment attempts to insure that the Congress of the United States, and the American people through the Congress, will have a say in administration policy in Central America rather than find out about it each day they pick up the newspaper and read about our continuing military escalation which might have as its ultimate result the loss of American lives.

Mr. SASSER. I say to the Senator from Massachusetts that certainly the administration has been less than forthcoming about what U.S. policy is in Central America.

Mr. President, on March 20, 1984, the Senate Subcommittees on Military Construction of the Armed Services Committee and the Appropriations Committee held a joint hearing to take testimony from Defense Department officials concerning the Budget request for military construction for fiscal year 1985.

During that hearing I questioned Assistant Secretary of Defense Lawrence J. Korb concerning the extent of U.S. military activities in Central America. In addition, I submitted a number of questions to the Department of Defense for a written response.

Late yesterday I received the written answers from the Department of Defense to the questions I had posed.

Recently I have raised a number of questions regarding the extent of our military involvement in the Central American region. I have become concerned that the presence of U.S. military forces in the region may actually serve to exacerbate the tensions of the area and certainly run the risk of an accidental involvement of American troops in combat situations.

That is why, Mr. President, that later in the debate on this bill I will be offering an amendment which places some limitations on the construction and use of U.S. military facilities in Honduras. I have especially been concerned with the potential that U.S. combat engineers, who will soon begin construction of a new airport at Jamastran in southern Honduras only a few miles from the Nicaraguan border, could become accidentally involved with hostilities since the area of deployment is a short distance away from an area of increasing tension and actual combat between the Contras and Nicaraguan troops.

In addition, I have raised questions concerning the potential of U.S. military personnel in El Salvador coming under hostile fire.

In early 1981 when the administration sent an additional U.S. military mobile training team to El Salvador a number of questions were raised concerning the application of the War Powers Resolution to El Salvador.

On March 5, 1981, Congressman William S. Broomfield placed in the RECORD a memorandum from the Department of State regarding the applicability of the War Powers Resolution to El Salvador.

Mr. President, let me quote from some of the portions of this memorandum:

> The U.S. personnel in El Salvador are not being introduced into hostilities or a situation where their involvement in hostilities is imminent. These personnel will be stationed either in San Salvador or in certain carefully selected regional military garrisons. Special precautions will be taken to provide constant security for their living and working areas. These personnel will not . . . be placed in situations where combat is likely. If some change in circumstances should occur in the future which raises the prospect of imminent involvement of these personnel in hostilities, we would of course comply with the requirements of the resolution.

Mr. President, the question of U.S. military personnel in El Salvador has been carefully examined by a number of congressional committees. The Senate Foreign Relations Committee, it is my understanding, has reviewed the applicability of the War Powers Resolution and other laws with regard to El Salvador.

Specifically, the Foreign Relations Committee has also held hearings regarding the application of section 21(c) of the Arms Export Control Act as it applies to El Salvador. Section 21(c)(1) prohibits U.S. military personnel performing defense services, such as training, in a foreign country from engaging in any "combatant duties."

During a hearing before the Foreign Relations Committee in 1981, Senator CRANSTON asked the Director of the Defense Security Assistance Agency the following question:

> In your judgment would a guerrilla attack upon U.S. military personnel or the locations where they are stationed bring into play reporting requirements for the War Powers Resolution?

General Graves, who was then Director of DSAA, responded in the following manner:

> I think it would not be the War Powers Resolution, Senator Cranston. But as Mr. Carlucci said in his recent letter to the chairman, if we had an outbreak of significant hostilities we would report in compliance with section 21(c).

Mr. President, I would also like to point out that the conference committee report which accompanied the adoption of section 21(c) issued the following guidelines to determine what activities would be permitted and what activities would be prohibited.

Mr. KASTEN. Mr. President, will the Senator yield at that point?

Mr. SASSER. No; I will not yield. I would like to continue my response.

Among the activities permitted is the following: "To help organize and train ground force units, including training for combat, in support areas."

The conference report notes that among the activities barred is the following: "No trainers, advisers, or other personnel with units engaged in combat."

I should like to note that a memorandum dated February 12, 1981, prepared by the Office of the General Counsel of the Department of Defense, stated that mobile training teams assigned to El Salvador "would be restricted to areas of El Salvador not expected to be the subject of military operations" and "would not deploy to hostile areas to advise."

This representation provided the basis for the Department of Defense to determine at that time that the war powers resolution should not be triggered by the introduction of mobile training teams in El Salvador.

I have taken the time of the Senate this morning to read these rather

cumbersome memoranda and provisions because I believe it is important that we understand the condition under which the administration, itself, has stated that the provisions of the War Powers Act or other laws would be triggered by hostilities in El Salvador.

Mr. President, I want to read to my colleagues the unclassified answers that I received from the Department of Defense——

Mr. EAST. Mr. President,——

Mr. SASSER [continuing]. Concerning the training of El Salvador personnel.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. EAST. Mr. President, a parliamentary inquiry.

Mr. KENNEDY. Mr. President, I thought the Senator from Tennessee was going to ask me whether I agreed with his assessment.

The PRESIDING OFFICER. Does the Senator yield?

Mr. KENNEDY. I yield only to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Massachusetts may yield only for a question.

Mr. SASSER. The question I ask my distinguished friend from Massachusetts is this: Is he aware that U.S. military personnel in the country of El Salvador have been subjected to hostile fire, not on one occasion, not on two occasions, but on three occasions, as recently as February of 1984?

Mr. KENNEDY. I want to indicate to the Senator from Tennessee that there have been press reports about American troops being subjected to fire, but I do not believe that the kind of documentation provided by the Senator from Tennessee has been available.

Mr. SASSER. If I may just detail this for the Senator from Massachusetts, these are the questions I propounded to the Department of Defense and these are their answers. This is the first time, to my knowledge, I say to my friend from Massachusetts, that any of us have been advised officially that United States military forces have come under hostile fire in El Salvador.

QUESTION. Are U.S. personnel providing training to Salvadoran personnel at or near La Union?

I say to my friend from Massachusetts that only a few weeks ago, when I was in Honduras, I was advised by our military personnel there, emphatically, that there were no U.S. military personnel at La Union.

ANSWER. Yes.

QUESTION. At or near San Miguel?

ANSWER. Yes.

QUESTION. What are the units presently at each location?

ANSWER. La Union: from the the Army's 3rd Battalion, 7th Special Forces Group and from the Navy's Special Warfare Group 2. San Miguel: from the Army's 3rd Battalion, 7th Special Forces Group.

QUESTION. How many U.S. personnel are at each location?

ANSWER. La Union: 10 Army. San Miguel: 17 Army and 5 Navy.

QUESTION. Are these locations supplied from Honduras?

ANSWER. No.

Mr. EAST. Mr. President, a parliamentary inquiry.

Mr. SASSER. I then asked:

QUESTION. From what location?

ANSWER. From San Salvador.

Mr. EAST. Mr. President——

Mr. KENNEDY. Mr. President, I am trying to listen to the Senator from Tennessee and to respond to his questions.

Mr. EAST. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. Does he yield for an inquiry?

Mr. KENNEDY. Mr. President, I want to yield to the Senator from Tennessee for a question.

If the Senator from Tennessee will withhold his question for a moment, I believe there is going to be a unanimous-consent request by the floor manager of this measure with regard to a time allocation on this particular amendment. So I ask unanimous consent that I may yield to the Senator from Wisconsin to make a unanimous-consent request, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KASTEN. I thank the Senator.

Mr. President, I ask unanimous consent that the time of the Kennedy amendment which is pending be limited to 4 hours, equally divided between the two sides.

Mr. EAST. Mr. President——

The PRESIDING OFFICER. Is there objection?

Mr. EAST. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. I am not saying that I will object; but, reserving the right to object, I inquire of the distingushed managers. The thing I find troublesome—and I would want some sort of explanation on this before consenting to this unanimous-consent request—is this: It strikes me that what we are facing here, when we strip it down to the core, is a stalling tactic.

As I understand it, the Senator from Massachusetts has 11 or 12 amendments. If we concede 4 hours apiece, he made it clear yesterday in the debate that he wanted to defer any action on this measure until after the runoff election. I think it is clear that we have broad bipartisan support. He was defeated 71 to 20 on the last vote.

I have always admired his great diligence and his distinction, and I know he does not intend this. There is a patronizing attitude in him that would suggest that the rest of us do not understand the problem, and hence the need for extended debate. The issue of Central America has been going on for some time.

Mr. KENNEDY. Mr. President, I ask for the regular order.

Mr. EAST. I am simply making an inquiry as to whether——

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. There is a request pending. It must be objected to or not objected to.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. The Senator from Arizona has objected.

Mr. EAST. I am objecting to a time agreement until I can get some assurance——

Mr. KENNEDY. I believe I have the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Massachusetts has the floor.

The Senator from Massachusetts.

Mr. SASSER. I continue with my questions of the Senator from Massachusetts.

In response, I asked the Department of Defense, I say to my friend from Massachusetts. The question was, "Have any of the helicopters or aircraft providing logistical support to these two locations," that is at San Miguel and La Union "ever come under hostile fire? If so, list the date and details of each instance." The answer was "No."

Then the next question, and I say to my friend from Massachusetts that this is indeed the meat of the coconut, is: "Have the mobile training teams at either location ever come under hostile fire? If so, list the date and details of each instance."

And to my shock and surprise the answer came back from the Department of Defense: "Yes; they have been under hostile fire."

So I say to my friend from Massachusetts the answer was yes, they have come under hostile fire and I read the answer in its totality.

Answer:

Yes. MIT personnel billeted in the military quarters at San Miguel came under hostile fire on two occasions. In November 1983 and again in March 1984 a small group of insurgent forces attacked the camp but did not penetrate the perimeter and there were no injuries to U.S. personnel on either occasion. In February 1984 U.S. MIT personnel at the Salvadoran Naval Base at La Union received sporadic sniper fire; there were no injuries.

So I wish to repeat the answer to the last question. I asked if U.S. military personnel have come under hostile fire in El Salvador? The answer from the Department of Defense is yes. The answer outlined three occasions, one of them as recently as February that U.S. military training personnel have come under hostile fire.

This is a very disturbing revelation. I am relieved that no one was injured in any of these three instances. But the episodes raise a number of questions which I believe must be explored by this Congress.

I have read to my colleagues section 21(c) of the Arms Export Act which bars U.S. trainers from operating with units engaged in combat. The administration witnesses have told committees of the U.S. Senate that a guerrilla attack on U.S. military personnel would result in a report to Congress which is required by section 21(c) of the Arms Export Control Act.

I previously read the statement from the Department of Defense memorandum which has stated that if circumstances change which raise the prospect of imminent involvement of U.S. personnel in hostilities that the requirements of the war powers resolution would be complied with.

Mr. KENNEDY. The question, as I understood it, from the Senator from Tennessee was whether the Senator from Massachusetts had information about American military personnel coming under fire on three occasions. I responded that I had seen some report that some Americans had come under fire, but I was not aware of the details that the Senator from Tennessee has brought to my attention. I am interested in finding out from the Senator from Tennessee what concerns he has about this kind of activity, and what kind of threat he foresees for American military personnel if this pattern is continued.

Mr. SASSER. Clearly if this pattern is continued, I say to my friend from Massachusetts, that American military personnel are being put in danger of grave bodily harm, possibly death resulting from hostile fire.

Mr. KENNEDY. Mr. President, I yield to the Senator from Wisconsin for a unanimous-consent request without losing my right to the floor.

Mr. KASTEN. I thank the Senator for yielding.

Mr. President, I wish once more to try to get a time certain and a time limitation on this amendment. So I ask unanimous consent that the time for the debate on this amendment be limited to 4 hours equally divided, the 4 hours beginning at 11:30 a.m., and the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. I thank the Senator.

I yield the floor.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Since the time is now equally divided I am glad to yield for such time as the Senator from Tennessee may like.

Mr. SASSER. I thank my distinguished friend from Massachusetts.

Mr. President, I do not have the details of these three instances of U.S. personnel coming under hostile fire in El Salvador, other than what I have already read to this body today. I do not know if the circumstances surrounding these instances would require compliance with the War Powers Act or the reporting requirements of section 21(c). But I do believe that these questions should be reviewed by the appropriate committees of Congress, and I am today requesting such an investigation by the Senate Committee on Foreign Relations.

I am also requesting today, Mr. President, that the General Accounting Office review the instances of hostile fire and issue a finding concerning the applications of the War Powers Act and/or section 21(c) of the Arms Export Control Act.

I think it is very significant that here in some months after the first of these instances occurred the Department of Defense has finally revealed to Congress that our forces have come under hostile fire in El Salvador.

I think it is also significant, Mr. President, that the first of these instances occurred last November, some 5 or 6 months ago, and to my knowledge neither Congress nor the American people were notified.

In fact, this is the first time that the Department of Defense has even admitted that U.S. mobile training teams are engaged in activities at San Miguel and La Union in the country of El Salvador.

As I said earlier, Mr. President, when I visited Honduras 7 weeks ago I asked officials then of the U.S. Southern Command point blank, and these individuals were in charge of U.S. military advisers in El Salvador, "Do we have training teams in La Union and San Miguel?" And I received an emphatic, "No; there are no such trainers there."

But the answer provided by the Department of Defense late yesterday indicates that we do indeed have U.S. trainers in these locations and they have been there for at least 4 months.

I think this points out the fact that the officials of the Department of Defense and this administration are less than forthright in dealing with Congress and the American people on the whole question of Central American issues.

I suspect, Mr. President, we are simply not being told the whole story. We are not being told everything that we need to know in order to make judgments on administration policy in Central America.

Now, Mr. President, I have not taken the floor today to accuse the administration of failing to comply with laws of the United States, because, frankly, I do not know if these laws have been technically broken. I will leave that question up to the Foreign Relations Committee and to the General Accounting Office.

But what I do know is this: The U.S. military forces have come under hostile fire on the ground in El Salvador on at least three occasions. One instance less than a month ago.

I wanted to call this matter to the attention of my colleagues early in this debate on Central America and early in this debate on El Salvador, because I think we need to be fully aware of what we are dealing with today. We are currently engaged in a region of open hostilities. American troops are involved in areas that place them in imminent danger. Fortunately, in the three instances I have cited there were no injuries. But how long will it be until American troops become victims to hostile fire in El Salvador? Only the future can tell.

I strongly suspect, Mr. President, if we continue to put U.S. military personnel in areas where they will be subject to hostile fire, we are simply asking for the inevitable.

Mr. President, I yield to my friend from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

I first want to commend the Senator from Tennessee for his very important contribution to this debate and for the expression of concern that he has demonstrated time in and time out on this issue. He has taken the time not only to develop a sure grasp and understanding of the whole issue of our failed policy toward El Salvador, but he has also spent time in Honduras. He has spoken with eloquence and accuracy about his understanding of the facts regarding the threats to American military personnel in Central America.

Mr. President, I will just speak at this time for just two or three moments.

Mr. President, I was here at the time of the Gulf of Tonkin resolution. I listened to the debate during that period of time. I remember that there were only two Members of this body, who are no longer with us, who voted in opposition to what ended up providing the opportunity for an American President of my own party to involve this Nation in a war in Vietnam and also Cambodia.

Mr. President, I believe that if the United States is going to prevent American combat troops in Central America, in El Salvador, in Nicaragua, the time to do that is right now. We cannot afford to wait until after there has been some incident in which one of those planes that we read this morning reportedly were flying over El Salvador has been shot down with the loss of American lives. For then there would be a rush to try and

insure the protection, safety, and security of other American forces. We then would be in the conflict with a commitment of American combat troops and the loss of American lives.

Mr. DODD. Will the Senator yield?

Mr. KENNEDY. I will just in 1 minute.

The time to do that is now. We should not be mistaken: the issue and question is whether we ought to grant to this President the authority unilaterally to involve the United States in Central America through introduction of American combat troops, or whether we are going to say before any introduction of American combat troops: "You have to come to the Congress of the United States. You have to come to the Senate of the United States. You have to make your case for American combat troops. The Congress and the Senate of the United States are going to have to say whether they support it or do not support it. We, as their Representatives, are going to be held accountable to our constituents in voting yea or nay."

Now, Mr. President, that is the issue raised by this particular amendment. I reviewed earlier, and I will have a chance to develop more completely in the course of the time that remains, the facts regarding the gradual escalation of the American military presence throughout Central America, particularly the combat presence in and over El Salvador as reported in today's press. This is the time for us to make that judgment and that decision. This is the time that I believe that our constituents are going to review our actions and review our votes. Are we going to give this President a blank check with regard to American lives and the loss of American lives?

It seems to me, Mr. President, if we are serious about retaining our role in helping to fashion and shape that foreign policy, we should support this particular resolution. I would hope that this particular proposal will be supported at this important time.

Mr. DODD. Will the Senator yield?

Mr. KENNEDY. I am glad to yield.

Mr. DODD. Let me commend my colleague from Massachusetts for this amendment. I think there has been a little confusion. I think the last several statements by my colleague have somewhat clarified that confusion.

Mr. KENNEDY. Mr. President, we are on a time limitation. I would be glad to yield and let the Senator from Connecticut have what time he might use to have the floor in his own right.

Mr. DODD. I appreciate that. I have just two short points. One is that what we are talking about here, as I understand it, are ground forces, combat forces. We are not talking about just military personnel, but ground combat forces in the Senator's amendment, is that not correct?

Mr. KENNEDY. It refers to U.S. military forces, both on the ground and over those countries as well.

Mr. DODD. But for combat purposes.

Mr. KENNEDY. Yes; for combat purposes.

Mr. DODD. So the Senator is not just referring here to trainees, trainers, or military advisers or military attachés. What he is referring to explicitly in his amendment, as I understand it, is forces that would be used in combat.

Mr. KENNEDY. The Senator is correct.

Mr. DODD. I think that is an extremely important point. And that was my understanding when the amendment was up, that that was the intention and the purpose. I happen to feel that the vote which occurred at 11 a.m. on March 29 on this particular amendment, since it does particularly refer to combat forces, is very reminiscent of a vote that was cast in this Chamber going back some two decades or more ago when this body had an opportunity to express itself involving another conflict where U.S. combat forces were going to be involved. The Senator, of course, knows even more explicitly than I do about that particular situation. I am talking, of course, about the Gulf of Tonkin resolution.

I would like to just ask the Senator one more question regarding that. Is it the Senator's feeling that this particular vote on the amendment that just occurred, and we will have another opportunity to vote on this again, is reflective or reminiscent of that particular exchange which occurred at the very early stages of our involvement in Southeast Asia?

Mr. KENNEDY. The Senator is absolutely correct. As I mentioned myself, I was here during that debate. During that discussion there were two courageous Members of this body who voted in the negative on that resolution. I cast my vote in favor of it and it was with great regret. Of all the votes that I have cast in this body, that was the one that I regret the most.

I believe, as the Senator from Connecticut has correctly pointed out, that we have an opportunity here and now to speak to a similar issue and question: Whether American combat forces can be introduced into Central America only with the support and with the approval of Congress, after the case has been made by the President of the United States, or whether we are going to permit the present situation possibly to deteriorate into the loss of American lives and the entrance of American combat personnel with all the implications that that has. We face not only the potential loss of life and squandered resources, but also major repercussions on our whole relationship with that part of the world.

The Senator is quite correct that I think this is an amendment of similar dimension, and certainly of similar importance.

Mr. DODD. I thank the Senator. I would ask if he would yield further.

Mr. KENNEDY. I would be glad to.

Mr. DODD. I thank the Senator, first of all, for the clarification of the amendment itself and then for his comments regarding the significance of this particular vote, Mr. President. I think it is important to look at the wording of this amendment and what it suggests. What we are talking about here is the commitment of U.S. forces to a combat role. Again, I emphasize what my distinguished colleague from Massachusetts has just clarified. This is not a prohibition for the United States to send advisers or to send military attachés, or personnel in a noncombat role to the countries identified in his amendment. It says that we should not inject U.S. forces in a combat role, in a combat role, without the approval of the U.S. Congress. What a revolutionary idea. What an outrageous suggestion to suggest that the Congress of the United States ought to be involved in the decision whether or not young U.S. men, and possibly women, should lose their lives in Central America without this body or the other body deciding that that role is fit and proper. What an extraordinary suggestion the Senator from Massachusetts has made in this Chamber.

It is an extraordinary idea that we should actually have to vote, and that we, the elected Representatives of the 50 States and the 435 congressional districts of this country, should actually have to stand up and say that we think we ought to commit combat forces to El Salvador or to Nicaragua. In effect, what we are suggesting by the last vote, and—I presume if the vote is repeated, is that we ought not to play any role in that. If you vote against this amendment or you vote to table this amendment, in effect, what you are saying is that you do not believe as a Member of this body that you ought to be involved in that decision to send young men to die in Central America, or to be wounded.

That is the significance of this. This amendment is only suggesting what the Constitution demands and mandates. The Constitution does not give the Chief Executive of this country the right to send young men to die anywhere in the world without the Congress of the United States approving of it. It is a shared responsibility with separate branches of Government sharing a power, the power that can decide to commit Americans to lose their lives for whatever cause. To suggest that only the Chief Executive, whether it be this President or any other President, should be allowed to

make that decision unilaterally without the approval of this body, would indeed be a dark hour in this Chamber, to see that happen.

What message has been sent in the last hour? It is already on the wires. They know about it already in El Salvador. They already know in the chambers of their defense department, in the chambers of their government and their legislative body that the Senate of the United States, the greatest deliberative body in the world we are told, has just said that this President or any other President can send young men to die in Central America and we do not want to vote on it in the U.S. Congress.

We do not want to stand up and have to face constituencies, and say that we were involved or are responsible. We are ducking it. We are avoiding that very basic, fundamental and maybe it is the most extraordinary, important power that we can exercise in this Chamber. We are going to have another chance on this later this afternoon. I implore my colleagues to think carefully before they cast a ballot, not because of the politics of it, but because of what it symbolizes and means to people all across this country, what it means to people in that part of the world, and what it means to others who look to this Chamber and the other body for at least some respite of sanity and intelligence of logic before we make these kinds of decisions.

Mr. President, this morning I looked back over the years 1961 through 1973—46,163 Americans died in Vietnam; 153,000 were wounded and received hospital care. Many of them are still in institutions. This Congress never voted on it. Fifty thousand young Americans died. You can walk a few blocks from here and read their names. We never voted whether or not they ought to be sent there. Today, March 29, at 11 a.m. in the morning, forgetting what happened only a decade and a half ago, we are about to say once again that we do not have the guts, and we do not have the courage to say whether or not they ought to go. It is a sad day, indeed. It is a sad day, indeed, that a historical body such as this should have no memory. You do not have to reach back a generation or two. Many people in this body went through the agony of those years. Today we find ourselves charging ahead once again.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to ask the Senator from Connecticut, who I think has correctly framed the issue which is before this body at this time, whether he does not believe that we ought also to learn the lessons of Lebanon and Beirut. At least at that period of time we had some brief discussion and some brief debate. The President again was, in effect, given an 18-month blank check.

American troops became involved in a civil war with the corresponding tragic loss of marine lives. That was a tragic mistake in American policy, and a tragic loss of American influence in that part of the world. I wonder as the Senator reminds us of the history, whether the Senator is not troubled by the apparent lack of understanding of history in this body, the institutional history of this body. Under the Constitution, the Congress is given important responsibilities and authority and yet we appear so ready to dispense with that at a time when it is so essential and so necessary that we involve ourselves and the American people in the formulation of policy.

As we address the issue of introducing American combat troops, should we not have learned as well the lessons and the mistakes of giving a blank check to the executive on the whole issue of Lebanon as well?

Mr. DODD. I feel the Senator is absolutely correct. I should have made note of the fact that we do not have to go back a decade and a half. We can go back a few weeks ago. Memories of a decade and a half ago are difficult to conjure up, but just go back, if you will, virtually days ago, when we had a similar opportunity to be involved in that kind of decisionmaking.

What the Senator is suggesting, I think, with this amendment is not how you feel about Central America. I think most of my colleagues know how I feel about it. What this amendment is about is not whether you are for or against U.S. involvement in Central America. We will debate that issue, I hope, over the next several days. What the Senator from Massachusetts has offered in this amendment has nothing really to do with Central America. It has to do with our responsibilities as U.S. Senators and what the Constitution requires of us.

Mr. LEAHY. Will the Senator yield?

Mr. KENNEDY. Mr. President, perhaps the Senator from Connecticut wants to take the floor in his own right. I yield such time as he desires.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Connecticut.

Mr. DODD. I yield to my colleague from Vermont.

Mr. LEAHY. The Senator from Connecticut and the Senator from Massachusetts raise critical and crucial issues here. I raised a question similar to the one just asked by the Senator from Massachusetts in discussions with the Secretary of State back a few weeks ago when he appeared before the Senate Appropriations Committee, where, incidentally, we were discussing the issue which is now on the floor.

I raised the question the Senator from Massachusetts raised because of my own concern that we seem to lack an institutional memory around here.

The thing about the U.S. Senate that always appealed to me as I was growing up, as a student, and as one who used to come here and watch the U.S. Senate in debate when I was in law school, is the sense of history that permeates this body, or did permeate this body.

Now I find more and more that sense of history is missing. We do not remember things of a few days ago. We seem to focus on what is the issue this moment, what is the issue this morning, or what may be the issue this afternoon, with no sense of history to put it in its proper context.

I raised this with Secretary Shultz. He was talking about Lebanon, about the Middle East, and he said, in effect, that the problem with the Middle East and the problem with Lebanon was the way the Congress had tied the hands of the administration, with reference to the War Powers Act.

I must admit, Mr. President, that my Irish temper got a little bit the better of me, and I said, how could he possibly say this? How could he possibly say this, when the Congress of the United States, over the objections, I might say, of my friend from Connecticut and my friend from Massachusetts, had rolled over and played dead as far as the War Powers Act was concerned in Lebanon and had given a blank check to the administration?

Here, the Congress, faced with the first real test of the War Powers Act since Vietnam, said, "We are just going to hide it. We are going to put the War Powers Act under the table. We are not going to let any part of it apply until after the Presidential and congressional elections of 1984, and then we will look at it again."

Let us see what happened. Think back to 1975. I remember it so well because it was my first year in the U.S. Senate. I came down here from Vermont with some very definite ideas on the Vietnam war. In April of that year, I believe it was, we finally voted, by a one-vote margin, in the Armed Services Committee not to authorize any more funds for Vietnam. Things ended very shortly thereafter and we were out.

I remember the tremendous speeches being made on both sides of the aisle in this body and the other body about Vietnam and what more we must do. It was said that maybe we could give more money if the leadership showed more of a sense of democracy, and so on.

Six months after that time it was impossible to find one single person in this city who had been in favor of the war in Vietnam. Six months after it ended, you would think that there had been a unanimous vote in the House and the Senate to cut off funds for the

war in Vietnam. Yet somebody must have voted in both bodies on both sides of the aisle to continue the money for Vietnam.

I make that point because so many of those apparently closet opponents of the war in Vietnam helped give the necessary votes to join with those who were true opponents of the war in Vietnam to pass the War Powers Act.

I think it is a mark of great good fortune that we really did not have a situation where we had to apply the War Powers Act for years afterward.

But last year, the issue did rise in Lebanon. We should have applied the War Powers Act; instead we ducked the issue. Instead, we gave a blank check to the President and the administration to go beyond the congressional elections, beyond the Presidential elections, so that nobody who might be up for election this year could possibly be embarrassed by having to take a position on one of the major foreign policy issues of our day.

I wonder how many of those same people who did not want to take a position on Lebanon would like to go to talk to the families of those brave marines who were killed, needlessly, in Lebanon; how many of them would like to go back and say, "By the Senate keeping quiet, the Middle East today is a safer place," or in any way try to explain the debacle we now have in the Middle East. Years and years of work trying to develop a coherent Middle East policy has gone down the drain. The United States has had to turn tail, has had to leave, having been involved in a disastrous exercise.

I say bring forth the history of Vietnam and the history of Lebanon, because they should be fresh in the minds of everybody in this body. After all, by the Constitution you have to be at least 30 years old to serve in the U.S. Senate, and we ought to be old enough to remember in our own lifetimes what happened.

Now we look at Central America and now we look at El Salvador. We ask ourselves if we could not pay attention to what is really embodied in the War Powers Act, if we could not pay attention to our role in developing foreign policy in Lebanon, for God's sake let us at least pay attention to something that is right on our borders. If there is anybody in this body who can stand up and say that there is indeed a coherent policy in Central America, I would like to have him or her spell it out.

Instead, we have a policy which seems to urge Members of Congress to run for cover. We do not want to be the ones of whom it might be said we lost El Salvador or we lost Central America.

What is to lose? We have sent nearly $1 billion down there. The President has emergency funds which he can spend if indeed he really feels there is an emergency there, something that seems to be overlooked in this debate. If the President really feels it is an emergency, he does have emergency funds.

Exactly a year ago the Senate was presented with a so-called emergency request for additional funds for El Salvador. Last year we were told the army of El Salvador is running out of ammunition and if we did not give them more money, El Salvador would be lost. That was a year ago. Does anybody have a sense of deja vu around here?

On March 23, 1983, the Senate approved an additional $173 million for El Salvador.

There was a lot of uneasiness on both sides of the aisle then. There was not a great deal of enthusiasm for what we were doing. In fact, the chairman of the subcommittee drafted a detailed letter outlining certain conditions on our aid and the concerns of a bipartisan majority of our subcommittee over the administration's policy in El Salvador.

I ask unanimous consent I be allowed to place that letter in the RECORD at this point, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 23, 1983.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: This is with reference to the various reprogramming requests pending before the Committee on Appropriations dealing with increased military ($60 million) and economic ($77.1 million) assistance for El Salvador in fiscal year 1983.

The Committee will not object to these reprogramming requests with the understanding that the administration will agree in writing to the following terms and conditions with reference to these funds and U.S. policy toward El Salvador:

1. A reaffirmation by the President, of the assurances given to the Committee in 1981, that the number of United States military advisors and trainers will not exceed 55 persons;

2. Given the inadequate functioning of the Salvadoran judicial system, the administration will begin a new and immediate effort aimed at addressing the structural defects in this system with special attention to the effective prosecution of those accused in the murders of United States citizens;

3. The administration will begin a new and immediate diplomatic initiative aimed at securing from the Salvadoran military their guarantee of the physical security and integrity of the participants in the justice system, including justices, prosecutors, defense attorneys and witnesses;

4. The administration will take the initiative in cooperation with countries in the region, the OAS, and/or other international organizations, as appropriate, to bring about unconditional discussions between the government of El Salvador and its adversaries on the holding of free, fair and safe elections, and any other subject of concern between the parties.

In addition to the above terms and conditions, the Committee's approval of these reprogrammings is based on the understanding that the administration will seek a political solution in El Salvador. The Committee will expect the administration to pursue vigorously the regional strategy you described at Tuesday's hearing as it relates to support for democracy and the protection of human rights, support for economic development and hope for the future, and support for peaceful solutions. The Committee accepts the need to support the security of the nations of the region and to deter the "revolution without frontiers" in order to give these political, social and economic elements of your strategy a chance to succeed. As you pursue a political solution, the Committee believes a good start in that direction could be an effort to enlist other governments in the region in a common effort, in which those countries, along with the United States, would form a commission to meet as soon as possible for the purposes of seeking the eventual peaceful resolution of the conflict.

The Committee will watch events in El Salvador closely in the coming months. When the fiscal year 1983 supplemental and the fiscal year 1984 appropriations bill come to the floor of the Senate, the Committee will decide in light of developments whether to offer amendments to reduce or eliminate funds for El Salvador. Our judgment on that issue will be determined by the progress, or lack of it, that El Salvador has made in dealing with the terms, conditions, concerns and understandings in this letter. Some of the questions which the Committee will consider in determining what action will be taken on future requests for assistance to El Salvador are as follows:

1. Is unlawful violence attributable to elements within the government being brought under control and are perpetrators being brought to justice under a strengthened judicial system?

2. Have the cases involving the American churchwomen and the American labor leaders been fairly and expeditiously prosecuted?

3. Is there a functioning amnesty program, designed and being implemented in a manner that will restore to the beneficiaries a genuine opportunity to participate in Salvadoran society?

4. Have election procedures been developed that will provide practical guarantees of safety for all who wish to participate in election campaigns and to cast ballots representing their choice?

5. Are the armed forces providing an effective shield, behind which political, social and economic reforms are taking place?

Finally, the Committee wishes to state its absolute commitment to free, fair and safe democratic elections in El Salvador, and expects the administration to continue to press upon the Salvadoran government its own steadfast insistence on free and fair elections.

Sincerely,

Robert W. Kasten, Jr., Chairman, Subcommittee on Foreign Operations; Alfonse M. D'Amato, U.S. Senate; Warren Rudman, U.S. Senate; Arlen Specter, U.S. Senate; Daniel K. Inouye, Ranking Minority Member, Subcommittee on Foreign Operations; J. Bennett Johnston, U.S. Senate; Dennis DeConcini, U.S. Senate.

Mr. DODD. Mr. President, I thank my colleague from Vermont for his comments. They are always salient and to the point.

Mr. President, during the period between 1961 and 1975, the Congress, of course, as we all painfully know, never once authorized our involvement in Vietnam. We appropriated money all the time but never once for 15 years did the Congress of the United States authorize our involvement in Southeast Asia.

I mentioned that 50,000 young Americans died without this body or the other standing up and saying "We approve of this war." We appropriated the funds.

Mr. President, I ask unanimous consent that the statistics during the period January 1, 1961, through December 31, 1973, on the loss of life and injury to American personnel in Vietnam be included in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

NUMBER OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM AS THE RESULT OF ACTIONS BY HOSTILE FORCES

[January 1, 1961–December 31, 1973]

	Total	By calendar year										
		1961–63	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
(1) Killed	38,418	73	113	1,115	4,122	7,491	12,622	8,106	3,479	1,084	193	20
(2) Wounded or injured:												
(a) Died of wounds	5,168	6	4	103	576	978	1,594	1,166	552	157	26	6
(b) Nonfatal wounds hospital care required	153,311	261	522	3,308	16,526	32,369	46,796	32,940	15,211	4,767	587	24
Hospital care not required	150,343	231	517	2,806	13,567	29,654	46,021	37,276	15,432	4,169	634	36
(3) Missing:												
(a) Died while missing	2,526	40	29	150	307	904	372	136	188	139	80	181
(b) Returned to control	96	4	1	10	19	11	21	7	1	8	14	
(c) Current missing	1,002											1,002
(4) Captured or interned:												
(a) Died while captured or interned	51	1	1	1	3	4	1	6	2	1	1	30
(b) Returned to control	650	7	1	6	3	8	37	17	1	1	3	566
(c) Current captured or interned	58											58
(5) Total deaths (sum of 1, 2a, 3a, and 4a)	46,163	120	147	1,369	5,008	9,377	14,589	9,414	4,221	1,381	300	237

Mr. KENNEDY. On this issue, may I ask the Senator from Connecticut, because he goes back to the period of the Gulf of Tonkin resolution, would he not agree with me that it is probably more a lack of will by this institution in addressing this question of combat forces than anything else?

As the Senator from Connecticut pointed out, we did not authorize the use of American combat forces in Vietnam. We saw the loss of lives, as he has indicated. We did not authorize the use of American combat forces in Beirut, Lebanon. We authorized peacekeeping, not combat. Again we witnessed the loss of lives. We did not authorize the use of combat forces in Grenada, and we saw the loss of lives of American marines. Before the commitment of American forces, are we going to hide under the skirts of this President and give him, effectively, a blank check to commit combat forces? Or shall we insist that before we do repeat history once more, as we have seen over the period of the last 20 years, we have the will to meet the constitutional responsibility and say: "Come to us and make that case before we will see the commitment of American personnel"?

Mr. DODD. I could not agree more with my colleague from Massachusetts. That is the point I have been trying to make with this amendment. I will state it again. This amendment goes beyond, it transcends the issue of how you feel on the politics of Central America. We can put that issue aside for a minute and focus, if you will, on the question of whether or not the U.S. Senate has the courage to say we want to be able to vote on whether or not we are going to commit combat forces.

That is what this issue is. We are going to ultimately get back to Central America, but at this particular point all we are saying is: Should we be involved in authorizing it or not? Are we going to do what we did between 1961 and 1973, and duck it? I have a feeling that many of my colleagues, some on the floor today, if they had the opportunity to vote, would vote to do it because they think it is right. I respect them for it. I must disagree with them on reaching that conclusion, but I admire their courage because they would stand up and say I think we ought to do it. And that is where the debate ought to be.

Unfortunately, too many just do not want to face that kind of issue. They would rather slowly vote for appropriation after appropriation after appropriation and then go back home—and I will write the speech for you—and say, "I did not vote to authorize those troops being down there. I did not send them down there. All I am doing is coming up with the funds to support them now that they are there. It would be a tremendous loss of credibility now that they are there for us to pull them out or to cut off their funds."

That is how the argument goes. Many Senators already have been through it. First there is the attaché. Then there is the military group. Then you have advisers. Now you get the reconnaissance flights coming in. Next will be the gunships to protect the reconnaissance flights.

This is not complicated.

Mr. LEAHY. It has happened before.

Mr. DODD. Then we lose some lives.

Well, we cannot stand that. So then we are going to have to send in some troops to make sure that the people who are shooting down our ships do not shoot them down any longer. And all the way along there is this slow erosion.

This is not the first time. It has happened before. It has happened in the memory of people who serve in this body. Some do not have the courage to say, "If you are going to send them, we want to vote on it."

But the Senator from Massachusetts is not saying in his amendment "Do not send them." There is nothing in this amendment that says you cannot send combat forces to El Salvador or Nicaragua. This amendment says you can do that, perfectly all right to do it, but why can we not vote on it? Why can we not participate in that decision? How are we going to go home and face our constituents and say, "We do not want to vote on it. Do not let me vote on this issue. For God's sake, I do not want to be involved in that. Let the President make up his mind. I am not going to be involved in that."

Just pretend it is not there, in effect. And that is all the Senator is suggesting with this amendment—give us the right to not make the same mistakes that have been made in the last decade and a half, in fact the last months after having gone through the experience in the Middle East. To suggest otherwise, I think, is to make a significant error which many of my colleagues will regret. Unfortunately, when they look at this amendment, they are seeing El Salvador and where they are on that issue. They are not looking beyond and saying whether or not they ought to vote on where in the world we are going to be sending combat forces to die—not advisers, not trainers, not military groups, not at-

tachés, but people who are going in to be shot at, to be wounded and die. We do not want to vote on whether or not they ought to be subjected to that. That is all this amendment is about.

I hope my colleagues, regardless of their feelings on Central America, will understand the significance of this vote and what it means in a very real sense to Central America at this very hour for those who look to this country with some hope.

My colleague from Rhode Island I know has some comments, and I will yield to him.

Mr. PELL. I thank my friend from Connecticut.

With regard to the pending amendment, it seems a sad commentary, indeed, that Congress has to stand guard to make sure the administration does not introduce combat troops into the region unless there is a declaration of war, a need for the evacuation of American citizens, or a response to an attack on the United States.

Our policies are leading us very close to specific military intervention and direct involvement. We see now, as the Senator from Tennessee has pointed out, American advisers have actually been fired upon in El Salvador. Just this morning we read that American aircraft were providing reconnaissance and communications support for Salvadoran troops during combat.

This amendment provides a safeguard in this regard, and I hope that it will pass.

On a more general subject, the whole debate that is now taking place seems to me to be out of order in that it is a circumvention of the authorization process. The request for the $93 million or, as modified by the Senator from Hawaii, $62 million bypasses the committee system. It makes the Foreign Relations Committee redundant, without any purpose.

At this very moment, we are debating in the Foreign Relations Committee the foreign aid bill, and we will be touching on the Central American points this afternoon.

What is the purpose of the committee reporting out a bill if already the initiative has been taken and it is being discussed on the floor? I hope this continuous erosion of the committee system will cease and that matters will take their normal course. There is no great crisis at this time. Wait for the Foreign Relations Committee to act and then accept or reject the committee's recommendations and move on from there.

I thank my colleague for yielding.

Mr. EAST addressed the Chair.

Mr. DODD. I thank my distinguished colleague from Rhode Island for his comments and statements.

I see my friend from Hawaii. I will be delighted to yield to him.

Mr. INOUYE. Mr. President, on my time, will my friend from Connecticut yield for a question?

Mr. DODD. I am delighted to yield.

Mr. INOUYE. Before asking my question, I should like to preface by saying I am certain the Senator recalls I joined him in speaking out and voting against the extension of authority to the President to keep our forces in Lebanon for 18 months. I also spoke up when it was a lonesome time to condemn the President for invading Grenada because I felt it was not a proper exercise of his constitutional powers.

Saying that, I now have this question: By supporting the Kennedy amendment, is the Senator suggesting that the War Powers Act, as it is on the books today, is inadequate for the present circumstances?

Mr. DODD. Yes. Before responding to the Senator's question, let me say to him what I have said privately: How much respect I have for him in the leadership role he has taken a number of times on the subject matter before us—that is, Central America. I am proud of my association with him on those occasions.

In response to his question, I say the following: First of all, before the War Powers Act, there was a document which ws approved in 1789 called the U.S. Constitution. The War Powers Act was only to reaffirm what the Constitution of the United States already provided for. That was the shared powers in committing U.S. forces to a combat situation when their lives would be in jeopardy.

Throughout the 19th century, that was a precedent followed by Presidents regardless of party. Early in the 20th century we began to see an erosion of that.

However, as a result of the experience in Vietnam, where never once did Congress ever authorize that particular conflict or the sending of U.S. troops into that conflict—never once did we approve of it in an authorizing fashion, as I think the situation requires, and we saw a significant loss of American life—as a result of that, Congress thought it should reaffirm what it believed was the proper constitutional requirement of Congress being involved in that decisionmaking.

Hence, the adoption of the War Powers Resolution, the vetoing by the President of that particular measure, and Congress overriding that veto, making it the law of the land.

Since it has become the law, we have seen every President try to duck it, try to get away from it, in effect, and try to get around it so that they would be able to act unilaterally.

Unfortunately, despite the existence of the Constitution, despite the existence of that War Power Resolution, we have learned painfully that the present Chief Executive officer of this country has little regard for that act, as we have come to know.

What the Senator from Massachusetts is suggesting here is something we all have become painfully aware of. Before we go any further in Central America, since there is this question about the constitutionality of the War Powers Act, since it is now quite clear that this President has a low regard for that piece of legislation, should we not in this body, as a hedge against what all of us, I think, believe is an institutional argument, not a political one, be in a position to say, "Before you commit U.S. servicemen and women to a combat situation, we want to approve of it"? Is it wrong for us to insist on that involvement?

The Senator from Massachusetts, I believe, would probably not be offering this amendment had the War Powers Resolution been followed by this President. I believe that then we might all have a sense of security and that we would have a chance, as I believe the Constitution requires, for us to participate in that decision. Since there is such a bad track record of this President not wanting to involve this Congress in that decisionmaking, I think the amendment of the Senator from Massachusetts is absolutely essential before we find ourselves right back again where we were before.

So, in response to my colleague's question, I say that, unfortunately, it appears that the War Powers Resolution does not provide this body, and does not provide this country with the kind of protection we would all like to have, to meet the constitutional requirements that Congress be involved in that kind of decisionmaking.

Mr. INOUYE. If I may seek further clarification: In other words, so far as Nicaragua, Honduras, and El Salvador are concerned, this amendment will be an exception to the War Powers Resolution?

Mr. DODD. No. In effect, what we are saying—those of us who believe the War Powers Resolution is still good law and should be followed—is that because there is a problem with this administration, we will have to reemphasize the point.

Mr. INOUYE. For these three countries?

Mr. DODD. I believe the amendment excludes Honduras. It is just El Salvador and Nicaragua.

Mr. INOUYE. So that these provisions will not apply to other countries?

Mr. DODD. The question at hand before us today involves Central America; and I would suggest that I suppose in the future, where we have a question of imminent hostilities, as I believe we do in Central America today, where we have seen an escalation, in order for this body to protect itself against the excesses of an administration that seems to have a low

regard for our opinion—and, in fact, blames us for what the Senator and I are doing right now—if the Secretary of State's argument with regard to Lebanon prevails in this particular engagement, he is going to then turn around and say, "That Senator from Hawaii and that Senator from Connecticut and that Senator from Massachusetts are responsible because they debated the issue."

That is the low regard they have for this body. They do not want us to debate it, let alone to vote. They do not want you and me to even talk about it, in effect. That was his argument before one of our committees a few weeks ago.

I fear that we have no recourse but to protect ourselves by insisting upon the amendment offered by this distinguished Senator from Massachusetts.

Mr. INOUYE. I thank my distinguished colleague.

Mr. DODD. I thank the distinguished Senator from Hawaii for his comments and questions. We have worked closely before on these issues.

I try to make the point once more than this is not a political debate. It is an institutional argument that we have to insist upon, as Members of this body, if we are going to at least limit the possibility of what we have seen occur in the past.

The Senator from Massachusetts, as I understand it, with his amendment, is not saying, "You cannot under any circumstances send combat forces to Central America, to El Salvador and Nicaragua." He is saying that before the President can do that, he must come to Congress to get approval.

I will state again what I said at the outset: What an outrageous thought, to insist or demand or request that Congress be involved in that decisionmaking process.

Mr. President, I noted earlier that there is an historical pattern of escalation, where we start with attachés, and then it becomes military groups, then it becomes advisers, then reconnaissance flights, then protection for those flights, and before long, it seems to move up, before we have even had a sense of how far we have become involved.

Mr. President, I have mentioned that there is a succession of events which we have seen, a historical pattern which has developed over the years. I mentioned reconnaissance missions as the fourth step we often see. There is an article in this morning's Washington Post by Edward Cody, in which it is stated that we now know that there are U.S. aircraft providing reconnaissance and communications support for Salvadoran troops during combat operations. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SPY PLANES AID SALVADORANS DURING COMBAT

(By Edward Cody)

SAN SALVADOR, March 28—U.S. aircraft are providing reconnaissance and communications support for Salvadoran troops during combat operations, according to a senior Salvadoran Army officer involved in the effort.

This marks the most direct involvement in El Salvador's civil war so far by a U.S. military mission whose scope and size have steadily expanded in small steps over the past year.

While the number of U.S. personnel in El Salvador officially classified as military trainers remains limited to an informal ceiling of 55, the number of those not listed as trainers has increased. On any given day, the total of U.S. military personnel in the country usually is more than 100, a figure that increases during periods of heavy training.

In a change in policy since August, the American soldiers now are authorized to carry submachine guns or automatic rifles.

In addition, hundreds of U.S. military personnel, including trainers working exclusively with Salvadorans in Honduras and those who operate the reconnaissance flights into El Salvador, are not listed as assigned to El Salvador. U.S. soldiers or pilots take no direct part in combat, U.S. officials emphasized, and U.S. Ambassador Thomas Pickering dismissed the shifts in personnel and mission as insigificant. But the changes decided by administration officials in recent months, viewed together, seem to have softened a number of restrictions that formerly were placed on U.S. soldiers and their mission here to satisfy congressional critics warning against creeping involvement.

As guerrillas began an attack on the Salvadoran Army garrison in the eastern city of San Miguel March 17, a heavy plane, its propellers clearly audible to this reporter, began lumbering in lazy circles over the clash.

The aircraft, according to a senior Salvadoran military officer there, was part of regular U.S. reconnaissance support for the embattled Army, providing swift information to pinpoint attacking leftist guerrillas forces by using infrared surveillance equipment that "sees" in the dark from its vantage point in the sky. One Salvadoran officer said he gets information during combat on guerrilla locations "instantly," transmitted from planes above.

The plane droning over San Miguel arrived on the scene less than half an hour after the fighting began. It continued to circle overhead during the two-hour clash, concentrating its slow passages north of the walled garrison, the path over which the main rebel force had retreated, Salvadoran officers said the next day.

U.S. aircraft have for some time been flying reconnaissance missions from U.S. Southern Command headquarters in Panama, seeking out guerrilla concentrations and supply routes into El Salvador from havens in Nicaragua. As the flight over San Miguel demonstrated, they now have begun to monitor guerrilla forces during combat as well.

U.S. Embassy officials or military advisers declined to discuss the operations in detail. But one Salvadoran officer in San Miguel said the U.S. planes radio findings to the Salvadoran command in San Salvador, where U.S. advisers are routinely present, and the intelligence is then relayed immediately to field commanders over Salvadoran Army communications.

The U.S. Army last month began basing OV1 Mohawk observation planes at Palmerola airfield in Honduras to fly southward on reconnaissance missions for the Salvadoran Army. Flights by the turboprop observation craft, with two-man U.S. crews, coincided with intensified antirebel attacks by the Salvadoran Army to protect Sunday's presidential election. They are expected to continue at least through the runoff voting in late April or early May.

Although some Panama-based reconnaissance planes have been reported armed with rapid-fire cannons, none of the U.S. planes have been authorized to fire on guerrilla forces thay may detect, U.S. officials said. Donald Hamilton, a U.S. Embassy spokesman, also denied a charge yesterday by Ruben Zamora, a rebel political leader, that U.S. planes have joined Salvadorans in bombing rebel-held areas.

[In Washington, Pentagon officials who asked not to be identified have said the OV1 flights over El Salvador are intended both to monitor insurgent troop movements day-to-day and to provide "real-time" intelligence information to Salvadoran troops to help them direct their artillery and air fire, Washington Post staff writer Fred Hiatt reported.

[In a Feb. 8 announcement on the Army reconnaissance flights, the Pentagon described them as "similar to other missions we fly in various parts of the world." The Pentagon has never officially acknowledged or denied that the flights provide combat support in El Salvador.

[One reliable source said that AC130 gunships were among those that have flown over rebel territory in El Salvador from U.S. bases in Panama. But a senior Pentagon official denied that any armed U.S. flights have taken place.]

Here in El Salvador, the Reagan administration's self-imposed limit of 55 military advisers has been skirted during the past six months by redefining the categories of U.S. military personnel stationed here. The practical effect has been to raise the authorized size of the advisory team without challenging congressional critics by formally abandoning the 55-man limit.

Under the new method of calculating, the administration has authorized the 55 advisers plus another 11 staff members of the military group for a total of 66.

U.S. military personnel here also include 17 permanent and nine temporary staff members in the defense attache's office, up from a permanent staff of six a year ago; 20 marines guarding the embassy and 23 Army medics who have been training Salvadorans since July in addition to the strictly military advisers.

U.S. advisers often stay in brigade headquarters to assist provincial commanders in organizing staff, deploying forces and training recruits. A national training center also has been set up in La Union province in the southeast near the Gulf of Fonseca, where advisers are regularly stationed.

Lt. Col. Jose Adalberto Cruz, head of an Army detachment in embattled Morazan province, was seen Sunday morning, for example, having breakfast with a U.S. Marine officer in headquarters mess at San Francisco Gotera. Col. Joseph Stringham, head of the U.S. military group, recently accompanied Chief of Staff Adolfo Blandon on a

visit to Lt. Col. Domingo Monterrosa in Morazan province during a Salvadoran Army offensive.

Use of two helicopters that have been assigned to the defense attache's office also has broadened the areas where military advisers can visit Salvadoran troops, although U.S. officials said the advisers are still prohibited from knowingly going to combat areas.

Other advisers or staff members remain in the U.S. Embassy doing administrative work, and Air Force advisers spend much of their time at the Ilopango military airport outside the capital.

At election time the number of U.S. advisers in the country stood at 37 plus 10 staff members, reflecting a temporary decrease in training because of intense Salvadoran Army deployment to protect the election, U.S. officials said.

In addition to U.S. advisers here, about 170 U.S. soldiers have been training Salvadoran soldiers at the Regional Military Training Center in Puerto Castilla, Honduras, and 300 U.S. Army pilots, maintenance men and intelligence specialists operate the reconnaissance flights from Palmerola.

Since August, the State Department has dropped a restriction limiting the weapons that military advisers could carry to side arms. Pickering now has authority to permit advisers to carry MP5 submachine guns, a West German-made weapon about the size of the Israeli Army's Uzi, or Colt AR15s, a version of the U.S. Army's M16 assault rifle that has a shortened barrel and collapsible stock.

Mr. DODD. Mr. President, again I want to emphasize that what the Senator is saying is not that we ought not even concur. If we want to send combat troops or planes or other vehicles, that is perfectly permissible. Let us just have the opportunity in this Chamber to cast our votes for or against. I think that is the best way to proceed and to avoid the kinds of situations in which we have seen ourselves.

Mr. President, as I understand it, at this point we are going to take a recess.

The PRESIDING OFFICER. The Senator from Wisconsin.

RECESS UNTIL 2 P.M.

Mr. KASTEN. Mr. President, we have conferred with the majority leader and also with the minority leader. It is my understanding that there has been a request for a Democratic caucus to be held from 12:30 p.m. today until 2 p.m.

Therefore, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2 p.m., and that at 2 p.m. we resume consideration of the present amendment and at that time the time for the Senator from Massachusetts will be 1 hour and the time remaining for the Senator from Wisconsin will be one-half hour which would indicate we would be able hopefully to come to a vote sometime in the neighborhood of 3:30 p.m., on this matter.

There being no objection, the Senate, at 12:31 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DURENBERGER).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Minnesota, suggests the absence of a quorum, the time not to be charged against either side.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator may require.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator from Massachusetts for yielding me time.

Mr. President, I support the pending amendment because, in my view, this amendment essentially reaffirms the constitutional authority of the Congress of the United States to declare war, or to expressly authorize the use of U.S. personnel in situations which may amount to war or may lead to war.

In the course of the 34 years since the military action in Korea, which began on June 1, 1950, we have seen a succession of events where the United States has been involved in wars which have not been declared by Congress and, accordingly, where military actions tantamount to war have been in violation of the U.S. Constitution. That was the situation in Korea; that was the situation in Vietnam; that, arguably, was the situation in other military actions.

When Secretary of State Shultz testified before the Foreign Operations Subcommittee of the Appropriations Committee on March 1, this Senator had the opportunity to ask the Secretary his opinion as to whether the military actions in Korea and Vietnam constituted wars. The Secretary responded that they did, in his opinion.

During the course of consideration by this body of the War Powers Resolution on September 27, 1983, there was a colloquy between the distinguished chairman of the Foreign Relations Committee, the Senator from Illinois (Mr. PERCY), and this Senator about a number of military engagements.

Senator PERCY, who was managing the resolution seeking congressional authorization for military action in Lebanon, agreed in that colloquy that Korea was a war, Vietnam was a war, and Lebanon was a war.

I remind this body that on September 27, we had not yet sufferd the grievous loss of some 230 marines in the attack on the Marine barracks which occurred on October 23, 1983. At the time, there had only been, as I recollect, some five fatalities of U.S. forces and about two dozen casualties.

It is in this context, Mr. President, that I express my concern about the erosion of the congressional authority to declare war, both because it seriously undercuts one of the most important of all constitutional provisions, and also because it places this Nation in a position of real jeopardy when we engage in wars without lawful congressional declaration and without essential public backing.

In my opinion, we learned a bitter lesson in Vietnam: This Nation cannot wage war successfully without public support.

The Constitution wisely gave the power to Congress, exclusively, to declare war because of the very basic fact that the Congress has the surest sense of the will of the American people. That is a fact of life, because the 100 Members of the Senate and the 435 Members of the House of Representatives have very extensive contacts with our constituencies. We return to our States or districts frequently. We hold open house or town meetings. We see many of our constituents in Washington. We receive a flood of letters, some 2,000 a day arriving at the office of this Senator, and we receive numerous telephone calls. I believe we have an accurate feel of the pulse of the people of the United States.

We have a sense of public will that is far more accurate than the President can possibly have. That is why the Constitution, wisely, has authorized Congress to declare war; only the Congress knows the will of the people. Without public support, the act of war cannot realistically be sustained.

While we may still be too close to the events in Lebanon to speak with any real certainty, my sense is that public support was lacking for even the limited military engagement which the United States undertook there as part of the multinational peace force, committing some 1,600 U.S. marines to that action. Certainly, there was no public support for broader military action by the United States. That public view was significantly responsible for the ultimate withdrawal of our marines from Lebanon.

This subject has been the topic of extended discussion within the Appropriations Committee. In the testimony of Secretary of State Shultz on March 1 before the Foreign Operations Subcommittee, there was an extensive dialog between the Secretary of State and this Senator on the issue of possible military action in the Strait of Hormuz.

At that time, there was a real concern the United States might take some action in that area. This Senator

expressed concern to the Secretary of State that such action might be taken without the authorization of the Congress, and might constitute war or involve the United States in what could lead to war.

The War Powers Act was adopted in an effort to have some after-the-fact response by the Congress to military action by the President. In my judgment, the War Powers Act has not been a success. The President of the United States has not conceded the constitutionality of the War Powers Act, and other Presidents have expressed similar views that the War Powers Act is not constitutional. In submitting the action in Lebanon for consideration on a resolution by the Congress of the United States, there was an express reservation by the President, saying in effect the President did not believe the War Powers Act to be constitutional.

This is perhaps the most pressing issue facing the Nation today on the division of power, authority, and responsibility between the Congress and the President.

Also, an exchange occurred in yesterday's hearing before the Subcommittee on the State Department of the Appropriations Committee with Secretary of State Shultz in which, this Senator explored the possibility of having a judicial decision which would determine the constitutionality of the War Powers Act in a nonconfrontational setting. Obviously, it is difficult, perhaps impossible, for the Congress to use its authority to limit expenditures in order to curtail executive military action. Curtailment of expenditures would subject U.S. fighting men to peril if we cut off the supply of funds and therefore, of bullets.

In that context this Senator believes there ought to be formulated a test case before the Supreme Court of the United States which, under our Constitution and doctrine of separation of powers, has the ultimate responsibility to decide constitutional questions involving the respective responsibilities and authorities of the Congress under article I and of the Executive under article II.

There are obvious difficulties from a legal point of view in having such a matter tested. There is an issue of standing, but it can be surmounted by congressional enactment, as the Congress did in the situation in Buckley against Valeo, to grant standing. There is a more complex issue on meeting the constitutional requirement for a "case in controversy." But it is my legal judgment, with some experience in the field, that if the matter were carefully presented to the Supreme Court of the United States by the Executive and the Congress, there would be a resolution of the issue of the constitutionality of the War Powers Act.

As the matters are evolving in the consideration of our allocating funds for Central America—the allocation of funds for Nicaragua, the question of our military bases in Honduras; and the question of allocation of funds for El Salvador—this body will vote in the course of the next few hours on all of those issues. And they are complex and difficult issues.

But when we face up to the amendment proposed by the distinguished Senator from Massachusetts, which is direct and simple in its formulation, it is my judgment that the amendment is preeminently sound. It provides that:

No United States personnel, civilian or military, shall be introduced into or over the territory of El Salvador, or Nicaragua for the purpose, directly or indirectly, of combat unless:

"(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or

"(2) The President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States;

in either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress and shall, in any event, notify the Congress of the basis for such determination within 24 hours of the introduction of such forces.

It allows latitude to the President to respond to an emergency situation. Perhaps this resolution goes further than the Constitution authorizes in allowing the President to take action which could constitute war in and of itself or could lead to war. But with that provision for emergency action, that exigency has been provided for. And then in the first part calling for congressional declaration of war or authorization, the resolution really restates what is provided in the Constitution. In the context of what has occurred in Korea, Vietnam, and other military actions and the erosion of congressional authority, it is my view that this amendment is sound and ought to be adopted.

Mr. President, the exchanges with Secretary of State Shultz previously referred to are, I believe, of some value and I ask unanimous consent at this time that the record of the proceedings before the Subcommittee on Foreign Operations on March 1, pages 47 through 50 and 84 to 90, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator SPECTER. Mr. Secretary, I would submit a number of questions in writing on Central America, but in view of the time limitations I would like to broach a subject on the Mid-East in light of the very substantial amounts of foreign aid requests for that section of the world, focusing particularly on the problems in the Straits of Hormuz at the present time where there have been a number of incidents, and there is a real question about the use of U.S. military force.

The concern that I have is the on-going problem of acts of war which do not follow a declaration of war by the Congress, going back to Korea, Vietnam, Lebanon, and a concern that I have about Congress to act when there is time for the Congress to express itself.

There are many in the Congress who have commented in the War Powers debate over Lebanon that there was disagreement with the President's going into Lebanon, but once there he would be backed, which may be sincere, or it may be a cop out. My own sense is that in an emergency, obviously, the executive has to act, but in the absence of an emergency, on the deployment of a peace-keeping force, my sense is that we were unable to make that stick because of so much division of opinion in the United States.

I would defend Speaker O'Neill's right to criticize the President, but it was an impossibility for Mr. Rumsfeld and others to carry out a policy when the Syrians knew, the President had expressed it on one occasion, that the United States was out of breath, automatically saying that we were about to withdraw. If there had been broader congressional support in advance, I think our policy in Lebanon would have been much more solidly based.

I think the Constitution provides for the congressional action because we have a great many more contracts with the constituency of the country, and we have learned that you can't fight a war in Vietnam or take action in Lebanon without strong public support, which brings me to the concern as to whether or not the Congress ought not now to be acting to define the situation under which a force, which may amount to acts of war, should be used in the Straits of Hormuz.

Wouldn't it be an appropriate exercise of congressional constitutional authority to take up these issues and, perhaps, if the emergency arose, to lock the doors and debate it out, under a limited agreement, and to express ourselves by a vote, instead of taking pot shots after the fact and disagreeing with Administration policy?

Secretary SHULTZ. I think that any subject that the Congress wishes to take up, it should take it up. Sometimes the hearings will have to be held in private session, but I think Congress ought to take up whatever it wants.

My observation is that no matter how much we debate, assert, and so forth, it is not going to avoid pot shots after the fact if things go wrong. It is a privilege that you get by being elected as distinct from appointed. That is a fact of life, I recognize that and accept it.

I think that the situation that is a consequence of the Iran-Iraq war is a matter of great importance, and it is in a sense a kind of irony that we have paid little attention to that. It is seldom that I get asked a question in the hearings about it.

There have been more people killed in that war than anything in recent memory, there are huge numbers of forces—I was going to give you the number, but I guess I won't—that are ranged against each other there now, with potential fallout on our interests and other people's interests as the thing spills over. We have to pay attention to our interests. Obviously, we want to pay attention to them diplomatically. There is

also a role for force. I am sure we can debate that subject.

My own feeling is that the operation of the War Powers Act in Lebanon constitutes an example of how not to do it. I think it was an exercise in getting the executive branch so tied up that it was hard to do sensible things, that probably everybody supported, because of the process of consultation that you have to go through, all of which is public, no matter what room you hold it in, it makes it impossible to execute the policy.

I think the Lebanon example raises serious questions about the present structure of the War Powers Act. I am not in favor of the way it operates at all personally. I don't speak as a lawyer about constitutionality and all of that, I leave that to you. I am just talking about how it affects the policy process.

As for people informing themselves about the problems in the Gulf and the Straits, and what the interests of the United States are, and what kind of plans we have, and so on, I think that that is important. We would welcome an interest in that and opportunities to inform people.

* * * * *

Senator KASTEN. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Secretary, so that the Administration will have some idea of sentiment on this Stinger issue, I agree with Senator Kasten, Senator Inouye, and Senator D'Amato.

Secretary SHULTZ. Yes, sir, I have been getting the message.

Senator SPECTER. I would like to pursue the subject of congressional authority to declare war, and whether there is any real role left, and whether it is practical. I agree with your statement about the War Powers Act not being acceptable, tying the hands of the executive branch, and that is part of the reason that we are searching for something.

As I have been across my state with the open house and town meetings, I have had many people say to me, "Why are we at war in Lebanon without a congressional declaration?" I believe that Lebanon was a war.

Senator Percy and I had an extended colloquy on this subject of the War Powers Resolution. We considered that on September 27 as an amendment to the bill. We were seeking at that time some parameter, some definite means that made some sense. I asked him whether he thought Vietnam was a war, and he said, yes. I asked him if he thought Korea was a war, and he said, yes. I asked him if he thought Lebanon was a war, and he said, yes. At that time there had been five fatalities, and about two dozen casualties, two dozen wounded at that time.

It is a difficult matter, and it may be that, given the exigencies and emergencies, the Congress doesn't have any role any more, and wars come about without a congressional declaration. I think that is very bad, not only because it is a constitutional violation, but because I do not think that we can fight successfully without public support, and the Congress is the best way to feel that public support because we have the opportunity to really see and discuss these matters with the constituency in the broadest space, and that really is the strength of our government.

Leaving out Lebanon and Grenada, Mr. Secretary, is it your view that Korea was a war?

Secretary SHULTZ. Do you mean back in the 1950s?

Senator SPECTER. The Korean conflict back in 1950, et cetera, June 25, 1950, and on?

Secretary SHULTZ. Yes.

Senator SPECTER. And Vietnam as well?

Secretary SHULTZ. Yes.

Senator SPECTER. Where do we go? What does the Congress do? I am considering a Sense of the Senate Resolution that we ought to take up the Straits of Hormuz matter, and I am not saying how we ought to decide it. I am not sure that we ought to consider it at all, because it may be that what we would do would be counterproductive. In trying to write a resolution, it is very difficult to write it down, with some parameter where military force should be used.

For the past several weeks the Straits of Hormuz have been upon us, and we know that it is a problem. The Congress is sitting back, and it is really deferring to the executive branch, and perhaps we should. My own sense is that we should not, we ought to take up the question, and perhaps we ought to decide not to decide it.

Do you see a complication if the Congress—I know that we can consider it. Whatever we decide to consider, we may. Do you see a complication for the President if the Congress were to try to set some parameters on where force should be used, and to what extent?

Secretary SHULTZ. It is a very deep subject, and I think to a degree a changing subject. I am sure that the answer to your question is, yes, it is a complication for the President. It is, of course, always important to know the sentiments of the Congress. We have to basically work together on these vital issues or war and peace. It is a commitment to do that.

I think that the War Powers Act itself, the way it operates, perhaps against the background of Lebanon as a case study, it just shows you what tends to happen. I think that ought to be reviewed by the Congress. I don't think that it was a good performance. While perhaps our view of why is different, I got the impression that Senator Leahy didn't think so either.

Senator LEAHY. I am sorry, Mr. Secretary, I was being distracted and I didn't hear that.

Secretary SHULTZ. I was commenting on the War Powers Act, and its operation in Lebanon. I said that I didn't think that it was a very good performance, and from your comment, even though perhaps our reasons for feeling that might not be the same, you didn't think so either.

I would expect that there are probably a lot of questions around in the Congress about whether or not that particular piece of legislation is the most desirable way to structure the interaction of the executive and legislative branches as we struggle with issues involving force around the world. I think that that is one question to be examined.

The Straits as such is an example of a type of situation. However, I feel that a great deal of the reality that we as Americans are going to face over the next decade is going to be situations where it is clear that there are important, perhaps vital American interests at stake, where the situation is inherently somewhat ambiguous, and the nature of the ambiguity can move in all sorts of directions, and where clearly we could advance American interests if we were able to employ a modicum of force, combined and articulated with diplomatic efforts, and be able to sustain it so that it is credible over a period of time.

I think that it is an open question whether or not we are able to do that. If we aren't able to do that, then we are going to check out on an awful lot of American interests. It is a hard thing to manage, because there are so many different views, and the ability to sustain an effort is affected, and people's perception of our ability to sustain an effort is affected by what people all over the world read in our newspapers. They all read the papers.

I think that it was absolutely astonishing to the Soviet Union and Syria that we didn't exactly strike in moving the Marines offshore. I think there is no question that the Soviets would not have vetoed a resolution to put the U.N. forces in more dispersal if they hadn't felt they needed to trade that off. They got it anyway.

I am not questioning the decision at all, I agreed with it, because by the time we got to where we were, there was no support for having the Marines stay there. So we had to move them, and rearrange the structure of what we were trying to do. But our own debate here just totally took the rug out from under our diplomatic effort.

I think that there is a big, important, deep issue for us to explore that doesn't lend itself to quick answer, or an off-the-top of the head answer. I have been thinking about it. I have people in the Department thinking about it. I am sure that any answer that comes out will not be clear cut, but still we have to examine this kind of an issue because it involves our capability to defend our interests, and the circumstances under which we will commit various levels of force to a situation.

Mr. SPECTER. I thank the Chair. I thank the Senator from Massachusetts for yielding the time and I yield the floor.

H.R. 4072—IMPROVED PROGRAM FOR WHEAT

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I do not know what the time situation is, but a matter has been cleared by the minority leader and it is in the nature of a housekeeping detail. Will the Senator permit me to do that?

Mr. President, I ask the Chair lay before the Senate a message from the House on H.R. 4072, an act to provide for an improved program for wheat.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 4072) entitled "An Act to provide for an improved program for wheat", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following are appointed as Conferees: Mr. de la Garza, Mr. Foley, Mr. Jones of Tennessee, Mr. Brown of California, Mr Rose, Mr. Harkin, Mr. Panetta, Mr. Huckaby (on all matters, except those relating to section 103 and title II of the Senate amendments and modifications thereof committed to conference), Mr. Whitley, Mr. Evans of Illinois, Mr. Bedell (in lieu of Mr. Huckaby on matters solely relating to section 103 and title II of the

Senate amendments and modifications thereof committed to conference), Mr. Madigan, Mr. Marlenee, Mr. Coleman of Missouri, Mr. Stangeland, Mr. Roberts (on all matters, except those relating to sections 502 and 503 of the Senate amendments and modifications thereof committed to conference), Mr. Jeffords, (in lieu of Mr. Roberts on matters relating solely to sections 502 and 503 of the Senate amendments and modifications thereof committed to conference); and for consideration of title V of the Senate amendments and modifications thereof committed to conference: Mr. Fascell, Mr. Hamilton, Mr. Bonker, Mr. Gejdenson, Mr. Kostmayer, Mr. Roth, and Mr. Bereuter.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendments and agree to the conference requested by the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HELMS, Mr. DOLE, Mr. LUGAR, Mr. COCHRAN, Mr. BOSCHWITZ, Mr. HUDDLESTON, Mr. ZORINSKY, and Mr. PRYOR conferees on the part of the Senate.

Mr. BAKER. Mr. President, I thank the Senator from Massachusetts for yielding.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

The Senate resumed consideration of the House joint resolution.

The PRESIDING OFFICER. Who yields time?

Mr. EAST. Mr. President, I would simply like to make a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. EAST. The managers of the bill knew I was anxious to speak. If this would be an appropriate time, I would like to do that.

Mr. KASTEN. I would like to yield 10 minutes to the Senator from North Carolina, or 15 minutes. How much time would the Senator like?

Mr. EAST. I would say 15 at the outside.

Mr. KASTEN. I yield to the Senator from North Carolina 15 minutes from our side.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. I thank the distinguished Senator from Wisconsin. I thank the Chair for recognizing me.

The Senator from Massachusetts, who is always diligent and able in his task, and I had an opportunity last evening to discuss this at some length, and I have had the opportunity to hear the discussion continued this morning. In the minutes allotted to me I should like to make an observation or two in light of the discussion which took place this morning, particularly as regards the Senator's comments and also those from the very able Senator from Vermont and also the Senator from Connecticut.

I think it is important to underscore again, as I was doing last evening, the strong bipartisan support for the amendment of the Senator from Hawaii (Mr. INOUYE).

I think this strong bipartisan support is the most encouraging thing we have seen for some time on the Senate floor on this matter of the foreign policy of Central America. I wish to point out that this had been consistent I think with developing a sound American foreign policy in Central America since the beginning of this country. We go back to the Monroe Doctrine of 1823 in which it was declared that the United States would not accept foreign intervention and military presence in the New World. In effect, we have to this point, I regret to say, de facto repudiated the Monroe Doctrine. We are accepting foreign intervention and military presence in the New World: to wit, the Soviet Union via her proxy, Cuba.

Also, I should like to note that in the early part of this century, we had a strong and active foreign policy in Central America of bipartisan character. I point to Theodore Roosevelt as an example and to Woodrow Wilson as an example, from two respective political parties.

Simply bringing it down to date, briefly, I should like to note that President Johnson acted decisively in the Dominican Republic, as President Reagan did in Grenada.

We have seen, then, in the United States, throughout our history, always an effort to develop a strong and effective bipartisan policy to this most critical area, to the well-being not only of our hemisphere but also to the people in these areas and to the United States as a whole.

This policy was continued under the administration of John Kennedy, known as the "Alliance for Progress." It took on a course, going back one brief step, of added form in the "Good Neighbor Policy" of Franklin D. Roosevelt. I know that those are two Presidents whom the Senator from Massachusetts, the Senator from Connecticut, and the Senator from Vermont would applaud.

What we now have is a continued effort to build a viable and meaningful and defined foreign policy in that part of the world. I submit that what the two Senators are offering, through this amendment and others, is really no policy at all. It is basically the old isolationism of the 1930's; we simply wash our hands of what is occurring in Central America. I think we do that at great risk.

Senator LEAHY said we must have a sense of history. I agree. We must have a sense of history. We learned in the 1930's that by abandoning the world to totalitarian predators, we did not avert war; we brought on the greatest war we have known in our history—namely, World War II. There was the feeling back in the 1930's that if we pulled into a fortress America, abandoned the rest of the world, let it go its own way, somehow or other we could escape responsibility. I submit that in the 20th century, as one of the two major powers in the world today, that is a luxury we cannot afford.

What we are really doing if we follow the policy of no policy—which I submit these gentlemen are submitting—a policy of isolationism, I think we repeat the follies of the 1930's.

I think we repeat the follies that Winston Churchill warned about in "The Gathering Storm," in which it was assumed that if you ignored the peril of Hitler, Mussolini, and the Japanese Imperial Army, it would go away. Just ignore it. It did not work. On December 7, 1941, at Pearl Harbor, the United States was abruptly awakened to the fact that the balance of power in the world was tipping against us.

To put this in a little broader perspective, the two great challenges of the 20th Century to democracy as we have known it, in the United States and in the West generally—and this includes the beginning of democracy in Central America, in El Salvador—the two great challenges have been from the fascist Nazi right, the totalitarian right, and then from the totalitarian left. Fortunately, we managed to stop that threat of the totalitarian right, and we do not live under the swastika, and we are grateful for that.

However, I fear that today there is once again recurring in American thinking, reflected in the Senators' thinking—I respect their judgment, integrity, and individual honesty—a recurring of this old philosophy of isolationism.

What it is going to bring about is not peace in our time, but it is going to bring about the greater potential for war in our time, because it is going to encourage Soviet adventurism throughout the world. It will encourage it through Cuba and Central America. It will encourage it through Syrian forces in the Middle East. It will encourage it in Southeast Asia through the use of the Soviet proxy in South Vietnam.

Say what you will, the domino theory is alive and well. One country after another in the soft or underdeveloped parts of the world tend to fall under Communist domination. This is exactly; what Marx, Lenin, and Mao said should be done. Take the undeveloped parts of the world, piece by piece, and ultimately the urban industrial continent of Western Europe and Japan will fall. That is exactly what they are doing.

Alexandr Solzhenitsyn said he did not think we had read the Communist Manifesto, and I think he is correct. I think that, ostrich-like, we are pulling into a policy of isolationism.

As regards the presence of American military forces in a modest advisory role in Central America, and that is what this debate is about, what we are doing is as former Secretary of State Kissinger, in the bipartisan commission report, has indicated—simply trying to provide a shield behind which democracy can be allowed to work and grow and evolve and develop. That is an eminently responsible position. It is a plan, and it is consistent with the plan of the "Good Neighbor Policy," of the Alliance for Progress, and the other evidences of bipartisanship that I have already noted in my earlier remarks.

So I do not agree with their assertion here that we have no plan, that we have learned nothing from history. We do have a plan. We have learned a great deal from history. But if the United States is no longer willing to give moral and logistic support to democratic governments in the world, such as in El Salvador, who are trying to resist totalitarian takeover by the Soviet Union and her proxies, such as Cuba, I think it shows a great moral malaise in this country, and politically I believe it will be disastrous.

I agree with Alexandr Solzhenitsyn, who I believe is a very prophetic voice in this context, when he said the West must remember that at some point the balance of power will tip against us. Maybe it did so psychologically in Vietnam, where we lost the will to resist; and we said that whatever the Soviet Union and her proxies want, be it in Southeast Asia, be it in Central America, be it in Africa, or be it in the Middle East, they shall have. We shall withdraw into fortress America, pull the hatch down, and we shall weather the storm. No, we will not weather the storm.

The great world power which we are, the leader of the free world, of the West, if we abdicate that responsibility, not only do I think it reflects a moral malaise in this country, which is to be regretted, but it reflects as well a deep and profound misunderstanding of the international realities of our time.

So, although the distinguished Senators who have been opposing the Inouye amendment guise it in the name of new vision, new wisdom, better understanding of history, I submit it is they, not we in the overwhelming bipartisan majority, who are the renegades.

In the first vote we had on this it was 71 to 20. That is a strong bipartisan vote. And I note the Kissinger Commission was a strong bipartisan voice, and I note that the distinguished majority leader in the House of Representatives, Democrat JAMES WRIGHT of Texas, is supporting the President's plan here or this plan. If I am not mistaken, and I will happily stand corrected, the most distinguished minority leader of the Senate, as I understand it, is supporting this effort and, of course, we know the distinguished Senator from Hawaii (Mr. INOUYE), is the one who has very skillfully and properly put this together.

So I note again there is a plan. It is developing slowly. It is bipartisan in character. That is healthy, and it is not a desire to repeat the follies of the thirties, the policy of isolationism that brought us more war and more trauma.

So I conclude on this note, Mr. President. I think it is the least we can do in this country to give moral and logistic support to our allies throughout the world, our democratic allies, who are trying to resist totalitarian takeovers.

We ultimately did it in the 1930's against the fascist Nazi threat and we ought to be doing it in the 1980's against the totalitarian threat of the left, to wit, communism, whose principal source of inspiration and adventurism comes from the Soviet Union, comes from Moscow and, in the case of Central America, via Havana, Cuba. Let us admit what is occurring, and I end on that note.

If we allow this to continue, again I repeat, not only do I think it is morally repugnant—at least I find it so—I think it brings us closer to war in due course than we have ever seen before in our time.

As Alexandr Solzhenitsyn put it: "You do not need to fear nuclear war; they are taking you with their bare hands," and they are. And they are doing it in Central America today. What we are trying to do in a bipartisan spirit is build some sort of policy of response, first a military shield, behind which these fledgling democracies such as in El Salvador can grow, evolve, and develop. That is a good plan; it is a sound plan. The military shield, the economic development, and growth. Again it is consistent with the Good Neighbor Policy, with the Alliance for Progress Policy. It is progressive, it is forward looking, and that is why I think we have seen this vote of 71 to 20.

It is they who oppose it who I think are the reactionaries. It is they who live in the past of the 1930's. It is they who have no policy. It is they who in effect when you strip it to the core are offering a policy of isolationism and washing your hands of it.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. EAST. That policy will not work in the 20th century.

I thank you, Mr. President, and I thank the managers of the bill for allowing me a few minutes to speak on what I consider an extremely vital issue, and I hope the Inouye amendment will be supported and those amendments attempting to detract from it will be repudiated.

Thank you, Mr. President.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from New Mexico may require.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just make a few points that I think are relevant to the amendment by the Senator from Massachusetts and relevant to this entire discussion of our posture in Central America.

First, in response to the comments of the Senator from North Carolina, let me say that as I understood his first point it was that we are privileged in this country to have had a bipartisan foreign policy which is responsible for our actions to date in Central America for the last several decades.

I do not know if that is the case, Mr. President. I have not made a close study of the history of our foreign policy, but I would say that there have been many major defects in our foreign policy as it relates to Central America in the last several decades, and that if that policy is a product of bipartisan agreement then perhaps it raises questions about the value of bipartisanship on these issues.

Clearly the problems that we now face with the regime in Nicaragua have to be at least partially laid to the fact that for many years and in fact decades we did not see fit to use the influence we had in that country to bring about any of the necessary reforms which that country still is in need of. And when the dictator General Somoza was overthrown in Nicaragua, at that point the United States fell into great disfavor by those who overthrew the dictator as would be natural considering our involvement with him.

I do not know how much good it serves to go back and rehash the facts of our foreign policy in that troubled part of the world, but clearly I think that we need an honest debate of these issues now whether it is bipartisan, partisan, or whatever it is, and I think this is a bipartisan debate. I know there are Members on the majority side entering into this debate in favor of some changes in U.S. policy in Central America, and I consider that to be a very healthy development, Mr. President.

I also wish to address myself to the comments the Senator from North Carolina made about this amendment being a prescription for isolationism.

If that is true, if in fact this amendment which requires congressional approval before the administration commits combat troops to Central America for purposes of combat, if a provision that makes that kind of requirement constitutes isolationism, then I suggest that our own Constitution requires isolationism. I do not believe there is isolationism in this piece of legislation. I do not believe our Constitution requires it. But I do believe that our Constitution and this proposed amendment would insure that the people of this country have an opportunity through their elected representatives to speak out before we commit combat troops to war in any part of the world, and I think that is essential to the proper functioning of our Government.

I also point out that it is not isolationism, in my view, to require that Congress authorize and appropriate funds which are going for military installations that we are building in other parts of the world.

The amendment that is going to be offered by the Senator from Tennessee clearly tries to make the point that Congress does not want funds to be spent, does not want facilities to be built, military facilities which can be used by U.S. troops and foreign troops and are of a permanent nature in various parts of the world, particularly in this particular instance in Honduras, without Congress having authorized and appropriated the funds for that and without that issue having been properly debated in the committees and on the floor of Congress.

I think that that is certainly not a prescription for isolationism, Mr. President. It is merely a recognition of the fact that Congress, as representatives of the people of this country, has the responsibility to see that the foreign policy of this Government is consistent with the best interests of the people of this country.

And I make the further point that I do not consider it isolationism for those of us in Congress to request the expenditure of tax dollars and the appropriating of additional tax dollars to support what has been designated a secret war, or a covert war, or whatever you want to call it, when in fact that is an activity that uses tax dollars. I think if the American people are to focus, if they have the time and the ability to focus, on what their tax dollars are being used for when we provide those funds to the contra activities operating in Nicaragua, that those funds are being used to destroy infrastructure, that those funds are being used to mine harbors, that they are being used to destroy powerlines, to destroy roads and bridges, I think there are many people in this country who will question whether that is a proper use of their tax dollar.

We have great debates coming up here in this next week about whether or not we have too large a deficit in this country, and whether we are spending too much for one program or another program. I would suggest that this is a program we are spending too much on. If we do not have funds to provide adequate education in this country, if we do not have funds to provide adequate nutrition and the other human needs that exist in this country, I really question whether we have adequate funds to be supplying and arming 10,000 to 18,000 guerrillas who are set upon overthrowing a country that we have diplomatic relations with. That is a very questionable use of tax dollars in a fiscal year where we are hearing many people stand up and urge fiscal responsibility, Mr. President.

I think it is certainly not isolationism for those of us in the Congress to question the expenditure of these funds. I have seen long debate on the Senate floor, in the short period that I have been in the Senate, about amounts much smaller than the $21 million which we are in this supplemental being asked to appropriate for the support of the contra activity. I have heard extremely pious statements made on the floor of the Senate about how we cannot afford to waste large sums of money. But I would suggest that this is one expenditure that cannot be justified to the American people.

I think that the American people need to focus on it and their elected representatives need to focus on it. All the news media focuses on it. I cannot pick up a news magazine without seeing an article about this activity. Therefore, I think it is completely appropriate that those of us who are sent to the Congress, with responsibility for spending the tax dollars of this country, focus on it and really see whether we want to go with a continuation, an indefinite continuation, of this policy or not.

So, Mr. President, I think for those reasons I would disagree respectfully with the Senator from North Carolina who suggests that we are urging no policy, that we are urging a policy of isolationism. I, for one, and I think many of my colleagues who are concerned about this issue are urging a policy of constructive participation in the betterment of the lives of the people in Central America. We do not see the policy being pursued by this administration as being constructive in reaching those goals.

I believe that is all I have to say, Mr. President, on the issues raised by the Senator from North Carolina. I yield back the balance of my time.

Mr. KASTEN. Mr. President, I yield 5 minutes to the Senator from California.

Mr. WILSON. Mr. President, I thank the distinguished manager.

Mr. President, I have the language of the proposed amendment before me. It says that the President of the United States shall be restricted in the case of introducing into the territory of El Salvador or Nicaragua armed services personnel, and I now quote, "for the purpose, directly or indirectly, of combat unless" and thereafter certain conditions follows.

It is not clear to me what is meant by the phrase "purpose of combat indirectly."

The amendment also speaks not just of military personnel but civilian personnel. So it raises the question in my mind, Mr. President, whether or not this amendment as drafted would prohibit, without the prior congressional approval required, the present trainers serving in El Salvador, whether it would differentiate between those civilian personnel in Central America as distinguished from those who provide service and maintenance to equipment with other American allies.

I have heard no discussion that dispels any doubt about that. It seems to me the question is raised and not properly answered. Perhaps that is the wish of the proponents.

In the second paragraph stating the second condition, it states that the prohibition will obtain unless "the President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States."

On the continental United States, Mr. President, or on American property? On American lives, or must the personnel to be protected be already within the continental United States? It is not clear. And also even if we take the phrase "for the immediate evacuation of United States citizens," it calls to mind the fact that recently Members of this Congress have been engaged in debate as to whether or not there was a bona fide threat to the safety of the students, the medical students, in Grenada. Is the President of the United States to wait until Members of Congress are satisfied with respect to that question? It may unhappily be resolved to the peril of those students in that case and in future cases.

I submit, Mr. President, that the language of this amendment as it is drafted would very likely have not allowed the President of the United States to act not just with firmness, but with the kind of timely intervention of the kind that was required in the case of Grenada.

There is already on the books, Mr. President, a War Powers Act which, along with traditional oversight by congressional committees, gives this

Congress more than an adequate voice with respect to the deployment of combat forces of the United States. This, it seems to me, is clearly unconstitutionally far reaching and overreaching by the Congress. But even if it were somehow constitutionally permissible, which it is not, it would be the most unwise kind of restraint to place upon the Commander in Chief of American Armed Forces.

Mr. President, I think that this can only be viewed as a good intention which, frankly, is described sometimes in the law as dangerous intermeddling. It is a mistake, Mr. President, and it should not have our support.

I thank the Senator from Wisconsin and I thank the Chair.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use. I wish my friend from California had been on the floor when the Senator from Pennsylvania, Senator SPECTER, a member of his own party, reviewed very clearly and in detail this amendment and his own interpretation of what it did and what it did not do. His understanding, his reading, his interpretation of this amendment is identical to the interpretation which I place on it and which I think the words, by common usage of the language, convey.

By "Provided that no United States personnel, civilian or military,"—and I am sure the good Senator from California understands we have seen in this body over a period of time situations where civilian personnel are hired by the CIA and used as mercenaries—by this phrase this particular amendment would include that kind of activity so that we do not permit any circumvention of the Constitution of the United States or preclude the U.S. Congress from being involved in a decision on whether combat forces should be used in El Salvador or Nicaragua. "Shall be introduced into or over the territory of El Salvador or Nicaragua for the purpose, directly or indirectly, of combat," I do not know how you can get language much clearer.

It is for combat, "For the purpose, directly or indirectly." All of us have seen why the word "indirectly" has to be used. Then obviously there is the other provision:

(1) The Congress has declared war or authorized the presence—

What this language basically says is we are not going to be involved in a war using combat forces without the explicit approval of the Congress—

in advance by a joint resolution signed by the President of the United States.

That is not a very radical idea; or

(2) The President has determined that the presence of such forces is necessary to provide for—

Mr. WILSON. Will the Senator yield?

Mr. KENNEDY. After I finish the explanation, I will be glad to yield—

the immediate evacuation of United States citizens.

That language is basically boilerplate in terms of war powers legislation, and necessary to insure effective protection of our citizens—

or to respond to a clear and present danger of military attack on the United States.

With regard to possible Soviet missiles in Nicaragua or El Salvador, an assault on an American ship, an assault on an American Embassy, we can spell that out, if the Senator wishes. It seems to me to be quite clear: "Attack on the United States." Then the amendment has the concluding paragraph:

In either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress and shall, in any event, notify the Congress of the basis for such determination within 24 hours of introduction of such forces.

Mr. President, if the Members of this body want to support the administration's policy in Central America, which I do not, they still could certainly support this amendment because they would also want to insure that they have a vote, that they have a voice, that they participate in any policy decision to utilize combat forces. If we do not like the administration's policy, then we would also have that opportunity to express our own reservations. But I am troubled whether the Senator is puzzled by the language. If he is, I want him to know we take no special sense of authorship with regards to what is attempting to be done. If he has other language to achieve what I have outlined here, I would certainly welcome any recommendation or suggestion by the Senator. But if he differs with the overall concept, then I think that is a different issue.

That is why I wanted to take this time to address the remarks of the Senator from California.

I would be glad to yield to the Senator from California on the Senator from California's time, if that is agreeable with the manager of the bill.

The PRESIDING OFFICER. The Senator yields time.

Mr. KENNEDY. I would be glad to respond after using my response on my time, if the question is on the Senator from California's time.

Mr. KASTEN. I would like to yield to the Senator from California the time that he needs for this question period.

Mr. WILSON. I thank the distinguished Senator from Wisconsin.

In fairness to my friend from Massachusetts, I would have to say that he is not only false in the specific language, but also false in the basic concept. I do not wish to delude anyone. Let me just ask whether or not the Senator from Massachusetts thinks that the language that he has proposed to us here includes the present military trainers in El Salvador.

Mr. KENNEDY. It does not.

Mr. WILSON. It would, if we are talking about military personnel.

Mr. KENNEDY. If the Senator wants to believe that it does, but in the course of the introduction of the amendment and in the dialog with the Senator from Connecticut, that was reviewed in great detail. I am glad to make legislative history. I do not think the legislative history indicates it, nor does the language indicate it. They are training. They are not for the purposes of combat.

Mr. WILSON. What about civilian personnel who would be training, let us say, Salvadoran military personnel in medical practices related to combat?

Mr. KENNEDY. It would not.

Mr. WILSON. What about the medical evacuation of U.S. citizens? Who makes that determination?

Mr. KENNEDY. The President of the United States makes it.

Mr. WILSON. You are saying, if we are to take this as the constitutional and legislative history that is to govern this body in the future, that there would be no quarrel prospectively, even if this amendment were passed, with a determination by the President that actions were required in order to protect civilian or military personnel?

Mr. KENNEDY. The Senator is correct. There will always be a political question whether particular American personnel were in danger in a given situation, and we would be able, as individuals, to express our view on that particular issue. But there is nothing in this amendment that would proscribe the President of the United States, should he make the judgment that the lives of American personnel were in danger, from taking such action to protect them. That is wise policy. We may take issue whether they were in fact in danger, but he ultimately has to bear that responsibility and accountability. There is nothing in this amendment which would second-guess it.

Mr. WILSON. I hope that my friend from Massachusetts is correct. I, first of all, do not expect that this amendment will pass. But in the event that it does, I would hope that others on the floor would be guided by these interpretations because there is severe doubt in my own mind. Recent history would indicate that there would be a severe questioning as to the adequacy of justification for intervention. As in the case of Grenada, more recently a Member of this body has stated that the United States has been guilty of unauthorized expenditures in Honduras. This amendment has, I under-

stand, been amended so that it no longer applies to Honduras.

The Senator will find me very reluctant to circumscribe the constitutional powers of the President of the United States as Commander in Chief beyond those circumscriptions that exist in the War Powers Act. So I think it has been worth the time to get clear on the record and make the legislative history as to how narrowly the Senator from Massachusetts intends that this language be construed.

Again, in fairness to the Senator, I would say that I think we have legislation that is already more than adequate. Indeed, it is constitutionally suspect. But for those who are concerned with restraining the unbridled use of Executive power, and specifically the deployment of American Armed Forces, the War Powers Act exists. It exists with quite adequate constraints.

This, it seems to me, even if constitutional, would in fact hamstring the President of the United States unwisely. We would very quickly and very soon come to regret the error of trying to adopt and live with this amendment.

I thank my colleague from Massachusetts for his response.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

I am still troubled how there can possibly be any interpretation that this amendment, or a vote for it, applies to the training of medical personnel, or even to the training of forces in El Salvador. There can be no such interpretation of the words, the language, nor the formulation of the amendment.

In spite of the fact that my good friend from California says that is what it does, all of us in the Senate sometimes are reminded—I do not think that the Senator from California intends to—that we try to say what an amendment does not do, and then differ with it. This amendment is clear. It is plain. The Senator from California has indicated that, even if it were to do the things which I indicated I wanted it to do, he would take issue with it. I would point out quite frankly that I am enormously troubled by the application of the War Powers Act for this particular region of the world. Maybe the Senator from California is not. Maybe he does believe that we ought to be able to introduce combat forces into El Salvador and Nicaragua for a period of 60 days as the War Powers Act permits. I do not. I do not. But perhaps there are those, and that is the way the legislative process works, who will express their view on that particular issue. But I certainly do not support such a proposal for these countries in Central America.

Mr. President, the amendment that I have offered puts a very clear question to the Congress and to the country: Do we want to give this President and this administration the power to send U.S. troops into combat in Central America without the approval of Congress?

I say the answer to that question is no. But even if you believe that the answer to that question is yes, you ought to be able to vote to support this particular amendment.

We know that the President is already fighting a secret war by proxy against the Government of Nicaragua. We know that a CIA plane has been shot down by Nicaragua in peculiar circumstances along the Nicaraguan and Honduran border. We know that in three separate incidents in November, February, and March, U.S. forces have come under hostile fire from guerrillas in El Salvador. We know from the morning paper today that American personnel are flying combat related missions in support of the Government of El Salvador.

The question for every Member of the Congress is clear: The United States is heading toward war in Central America and what are we going to do to stop it?

Yesterday in the Appropriations Committee, Secretary of State George Shultz told that committee that he wanted to challenge the constitutionality of the War Powers Act in the Supreme Court. Why do you suppose he wants to do that? Because Ronald Reagan does not want to be bound even by the War Powers Act if he decides to go to war in El Salvador, Nicaragua, or other countries in Central America.

Congress has been fairly warned. It does not take much imagination to see where the administration's actions are taking us. The American people do not want another Gulf of Tonkin incident in Central America. They do not want another Vietnam, another Lebanon, and another Grenada.

The American people do not want Ronald Reagan to send their sons to fight and die in the El Salvadoran civil war. It is not our country to win or lose. It is not our war to win.

We cannot escape the knowledge of what we will do today will have profound and significant implications for the future of our policy in that part of the world.

Every Senator in this Chamber will cast a vote in the light of our own conscience, in accord with our history. The easy thing to do may be to go along.

We reviewed in the earlier part of this debate this morning how the Congress has gone along time in and time out, whether it has been the Gulf of Tonkin resolution, whether it has been with the blank check for 18 months for American Marines in Lebanon, whether it is with military activities in Granada. Basically, the Senate has gone along.

The easy hope may be to evade responsibility for both our constituents and history itself. But if we do not act and if we play the safe political game of complaining about the administration without constraining it, young Americans may die and the responsibility for that will rest here in this Chamber with this vote on this day.

Twenty years ago this summer, the Senate had the chance to say no to Vietnam. Only two Senators did. Too many of us suppressed our doubts. We can do better now and we must, for we know the consequences of drifting into an unwinnable war. Let us choose peace before it becomes unattainable.

Mr. DODD. Will the Senator yield?

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER (Mr. EAST). The Senator from Massachusetts has 23 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Connecticut such time as he may desire.

Mr. DODD. I thank my colleague from Massachusetts for yielding.

I want to point out an important distinction which has been raised here. Several of my colleagues have raised the issue of the War Powers Resolution and have suggested that the War Powers Resolution adequately covers the situation that the Senator from Massachusetts, myself, and others are concerned about, and gave rise to this particular amendment which is before us.

I think it is worthwhile for our colleagues to remember you do not have to stretch memory now. We can go back a couple of weeks, or a few days, really, a couple of months ago, when we had that debate and discussion here in the Congress about whether or not the War Powers Resolution should be invoked.

We all recall, of course, that the President did not report to the Congress that he was going to be sending troops into a hostile situation. He did not believe that was the case.

His representatives from the State Department and from the White House came before the various committees of this Congress and they said that Lebanon was not a hostile situation; that the President was under no obligation whatsoever to comply with the War Powers Resolution. That, of course, requires that the President report to the Congress that he is injecting U.S. troops into a hostile situation. He has 60 days in which those troops can remain there. Then the Congress either supports or does not support the continuation of those troops in that particular situation.

Of course, the President must first trigger the War Powers Resolution, in effect. He starts the provisions of that resolution to begin to take place.

Without his triggering that particular legislation, nothing else happens.

My point is this: If the President was unwilling to recognize that Lebanon was a hostile situation, what makes anyone in this Chamber believe for 1 minute that he is going to see Central America as a hostile situation or a hostile environment? Obviously, I do not need to make the point of what occurred only a few days after the President indicated he did not see that inflammatory situation in Lebanon as being hostile, when 270 young Americans lost their lives.

The Senator from Massachusetts and others, including myself, are trying to say this afternoon, when are we going to learn? How many lessons do we need? How many warnings do we have to have before we recognize that it is in our interest, but, more than that, it is our responsibility, as Members of this body, to fulfill our constitutional obligations.

Article 1, section 8, a simple phrase: The power to declare war. It is not complicated. The Founding Fathers did not need paragraphs and reams of paper to express what they intended. It is simple language. The power to delcare war rests in the Congress of the United States.

Today they are arguing over the constitutionality of the Commander in Chief and the ability to make war. What some are suggesting here, despite that debate, that constitutional argument, is that we have no right to be involved at all in anyplace; this is exclusively an executive branch decision. They are taking the Constitution of the United States and virtually moving it 180 degrees.

I am willing to admit there is a constitutional issue, to determine whether the War Powers Resolution is legitimate or not. That is a legitimate debate, I suppose.

To suggest that the Congress has no rights in this area, no responsibilities at all, is to entirely abrogate what the Founding Fathers were suggesting in article 1, section 8 of the Constitution, the power to declare war.

When we sit around here today and have been through what we have been through, why are we unwilling to stand up? Why is anyone afraid? If the President is right in Central America, let us say so. If he wants to send in those troops, we ought to have the intestinal fortitude in this body to stand up and say we back him up. If we do not, we ought to have that right as well. But not to duck and hide, to run around and pretend it is his fault. "It is not mine. I did not vote on it. It is not my responsibility." That is what we are doing, we are just ducking it.

I remember a colleague of ours not long ago standing up in a meeting and saying one of the things he regretted during the Vietnam period was that the Congress never had the chance to stand up and say we ought not to be there, that all it was was an appropriations policy. Even so, there are people on this side of the aisle and on the other side of the aisle who had the courage to support going in.

I do not admire walking around and pretending we do not have to make the decision. But we are ducking the responsibility.

Forget about South America. Forget about whether you agree or disagree with DODD or KENNEDY on this issue. Put that aside. Do you think we have any duties at all in this general issue of making war? We either do or we do not. All the Senator from Massachusetts is suggesting with this amendment is before we get along any further, let us decide in this body whether or not we want to commit combat troops. Do we want to commit combat troops? We are not quibbling about language. We can always make an argument about language. It is pretty clear what this amendment says. We had a colloquy this morning and went over the provisions. I specifically asked the Senator, "Are you talking about combat troops or not?" He said, "Only combat, whether on the ground or in the air, involved in fighting."

What could be clearer than that? The record is clear. It is there. We are not talking about trainers. This amendment does not touch it. Advisers, they are not even included. Military attachés, not the point. We are talking about a combat situation and whether or not this body this afternoon is going to decide we want to be involved.

I will guarantee within weeks or months, when the situation comes where the President makes that kind of decision, you are going to have people scurrying all over this Chamber and all over their districts and States saying, "It wasn't my fault; the President did that. The President did that. I didn't do it." Then the President will be coming back and saying, "Congress is at fault because they debated it," as the Secretary of State suggested the other day. That we are responsible for what happened in Lebanon because we fulfilled a constitutional obligation to even talk about it. God forbid, we should talk about it.

I sometimes feel the people who oppose this kind of legislation and who are the most vitriolic and outspoken about the fear of communism in this hemisphere somehow envy almost their system of government where a handful of fellows sitting around in a Politburo can decide whether or not to commit Soviet kids to war. I suppose they would like it that way.

We have a different system. Our Founding Fathers, when they sat in that Hall in Philadelphia, said their means were their end, in effect. How we did things was very important to them.

They had seen what a king had committed them to, and they said that it was very important how we decide what we want to do. It is not an efficient system. It is not a system designed to expedite things. It is cumbersome. It is laborious. It is time consuming. But that is exactly what they wanted in order to protect ourselves in the future from the kind of unilateral, quick decisions by one branch of Government at the expense of people in the country. That is what they were thinking about.

Mr. LEAHY. Will the Senator yield for a question?

Mr. DODD. I will be glad to yield.

Mr. LEAHY. Really, is it not true that what this amendment says is not that the introduction of American troops is totally precluded in Central America, or anywhere else for that matter, but, rather, if it is we are going to debate it and we are going to vote on it? Is that not it?

Mr. DODD. Exactly. The Senator from Massachusetts can speak for his own amendment. Very clearly, it says that you just have to reach some approval in the Congress of the United States. If Congress decides to agree to it, then you do it. As I have said over and over again, this is not a political battle over where you stand on Central America. It is an institutional battle on whether or not this body or the Congress of the United States is going to be involved in the decision to send Americans into a combat zone, to fight in Central America.

Mr. LEAHY. Can it be also interpreted that if somebody wishes to table this amendment, an argument could certainly be made that they had put themselves in a position where they were never called upon to act one way or the other?

Mr. DODD. There will be no illusions. I think we should make it clear, that the tabling motion would not be on the merits on whether or not you support that. I do not have any illusions. I do not think any person who reads this debate or is familiar with the procedure in this institution would have any illusions what that motion was all about.

Mr. LEAHY. Is it not a fact that really what the Senator from Massachusetts and the Senator from Connecticut are saying is, if we are going to have troops down there, then let us be counted one way or the other—we are either in favor of it or we are not in favor of it? We are either in favor of being able to go into combat or we are in favor of going into combat, is that not it?

Mr. DODD. That is all it is. Just a little courage is all we are asking for. We do not care where Senators stand on the issue at this point. Do they have the intestinal fortitude to decide where they want to be on this issue?

That is all. Let us not get into the appropriations battle. We have done that. That is a hard one for people because it usually means funds to support the troops once they are there. A lot of people do not like to cut off funds for our boys when they are off fighting. That becomes a problem for them.

We ought to make a decision whether or not we think it is wise. That is all the amendment suggests: We agree with the decision to send those troops in, yes or no, when the President wants to do it. That is all this amendment does.

Mr. LEAHY. I say to my friend from Connecticut, I have heard from more people in Vermont who ask me the question, a historical question from before the time when either the Senator from Connecticut or I were here, on Vietnam. "How could that have gone on so long with nobody ever voting on the question of why or who should have been over there?" The Senator from Connecticut and the Senator from Massachusetts raised that issue earlier today.

But also I think every one of us must have heard, in whatever State we are from, after the tragic and, in retrospect, unnecessary death of our Marines in Lebanon, those who asked, "Why did not anybody vote on the question of why they were there in the first place?" Now, of course, they have been drawn out from what has turned out to be a complete debacle. I hope that my colleagues will think very carefully about two points: One, we have the potential for a similar debacle in Central America but, second, whether we are for or against American troops in Central America or whether we are for or against them fighting in Central America, let us at least have the courage to stand on the floor of the Senate when the roll is called and one by one state by our vote exactly where we stand. Let us not duck the issue. Let us vote one by one whether or not we are in favor of American troops being involved in combat in Central America. And let us not put ourselves in a position where 6 months or a year or year and a half, or whatever time from now that that whole policy goes totally to hell in a handbasket of being able to stand up and say, "That is not what I voted for; that is not what I wanted. If there had ever been a vote on that, I would have been courageous enough and had enough foresight to vote to make sure it did not happen."

I absolutely respect the opinion of any Senator in this body, whether they are for or against American troops being involved in combat in Central America, provided that Senator is willing to stand up and vote one way or the other.

Mr. DODD. I thank the Senator for his comments.

Mr. President, how much time remains?

The PRESIDING OFFICER. Eight minutes and 52 seconds remain on the side for which the Senator from Connecticut is speaking.

Mr. DODD. The right side.

Mr. President, I conclude again by commending my colleague from Massachusetts for raising this point. It is really, as I said, an institutional issue rather than a political one. And again I point out to my colleagues something about which I know they are all aware, and that is that progressive steps oftentimes lead us into situations. Before very long things have a way of getting out of hand, before we have had a change to really think about them very much. I think that was the case in Lebanon. I was there in July 1982 when the decision was made to send in the marines. You did not need a Ph. D. in Middle Eastern studies to look around and see that it was going to be the political equivalent of Rubik's cube. With all of the various factions involved, all of them armed to the teeth, to then send in a handful of marines to be stationed at an airport was just nothing but looking for trouble. In this situation where we are talking about our own hemisphere we ought to think carefully, we ought to make sure as a strong nation that before we use force we have thought about it carefully so we do not end up creating more difficulties than we think we are going to solve.

I have said over and over again that I disagree with those who say you should never ever use force. That always ought to be an arrow you keep in your quiver, and you ought to use it selectively. As a great nation, it ought not to be your first option but ought to be one you are prepared to use if it makes sense to do so. If you use that arrow without giving it much thought, if you just charge in without thinking about the implications, you end up in the kind of situation we found ourselves this winter in Lebanon. You look foolish. You lose credibility. You appear not to have the spine to stay where you set foot in the first place.

That is far more damaging to our credibility as a nation. All we are asking by this amendment is to make sure that we have thought it out; that it is something we have determined we want to do; that we feel it is in our interest to do so; that we have no other choice. If we are confronted with that kind of situation, I am confident this body will support it. This Senator would, if I felt there were no other way of dealing with the problems that affected our national security and our interests in this hemisphere.

However, based on previous experience over the last several months, I am not prepared to say that this President or anyone else should be allowed to make or should make those kinds of decisions unilaterally, and have a body such as this exclude itself from the responsibility and the burden of sending young men into combat.

That is what this amendment is all about. It is not a question of where you stand on El Salvador, whether you agree with the present policies or not, what you feel about Nicaragua or Honduras. That is all tangential. The central issue here, with this amendment, is whether or not the President should come to Congress and whether or not Congress ought to be involved and support a Presidential decision to commit combat troops, not trainers, not advisers, not civilian teachers, in El Salvador and Nicaragua.

If we repeat the vote that occurred some 4 hours ago, in which a majority of our colleagues here said, "No, we should not be involved; that is the President's decision," then I think the message to Central America and to the people in this country is that Congress does not have the guts to stand up and say where the country should be headed with its foreign policy. That is the message.

Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KASTEN. I yield.

Mr. GOLDWATER. Mr. President, I have one brief comment to the Senator from Connecticut.

I participated very heavily in the debate on the War Powers Act, and it was generally agreed by the main author of that act, the Senator from New York, that Congress has the right to declare war but that only the President can send troops to war.

We have had about 202 times, I believe, in the history of our country when the President felt that the troops should be called out. Only five of those times did it involve a declaration of war by Congress, and two of those were in the same war.

So, while we have the power of the purse, which we have never exercised, this body actually has nothing to do with where troops are sent or if they are sent. That is up to the President. We can exercise our only power, that of the purse.

Mr. KASTEN. Mr. President, I yield 4 minutes to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I have sat here listening with some sadness to the words of my colleagues reminding me of the tragedy of Vietnam and, more recently, of Lebanon. From these eloquent statements, one can surmise that my colleagues were suggesting the inadequacy of the War Powers Act and possibly of the Constitution of the United States.

Mr. President, I suggest that there is nothing wrong with the War Powers Act. We must keep in mind that every provision of the War Powers Act is still the law of the land.

It was not the War Powers Act that permitted the President to remain in Lebanon for a year and a half. It was the Congress of the United States. It is not a matter of whether we have the guts to vote for this amendment or to vote against it. But, if Congress had had the guts or the wisdom at that moment to insist upon living up to the provisions of the War Powers Act, the situation might have been different.

Mr. President, I suggest that the War Powers Act as it stands today may be considered a bit more demanding than the amendments suggested by my friend from Massachusetts. I bring to the attention of my friend from Connecticut section 2 of this amendment:

The President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens.

If this provision were in effect in Grenada, that is all he would need. He will always determine that the presence of such forces is necessary.

Then it goes on:

. . . or to respond to a clear and present danger of military attack on the United States.

It could be an attack on the Embassy. It could be an attack on a naval vessel. It could be an attack on a contingent of troops.

I think this amendment would weaken the War Powers Resolution, and on that basis I believe the Senate is justified in voting down this amendment, and I intend to do so.

Mr. KASTEN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes and 12 seconds. The opposing side has 4 minutes and 51 seconds.

Mr. RIEGLE addressed the Chair.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator.

Mr. RIEGLE. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes and forty-seven seconds.

Mr. RIEGLE. I yield myself 2 minutes and reserve the balance.

Mr. President, the thing that concerns me here, and I do not know that it has been illuminated as yet, is that in Central America, as nearly as I am able to determine, step by step we are seeing much the same team of diplomatic and military officials being assembled who were assembled during the Vietnam war.

One of the most visible persons along that line is Henry Kissinger, who, more than anybody else, was the architect of the disastrous policy this country followed in Vietnam for so many sad years, and who was named by President Reagan to head the task force to go down and figure out what had to be done in Central America. I protested that appointment at the time, but I only cite him as the first and most visible and recognizable person of that sort.

Thomas Enders has had a major role in Central America and also had a central role in Southeast Asia.

Alexander Haig would have been another who was involved in the early days of this administration, as he has now written, in terms of helping to lay out a strategy for Central America and who was deeply involved in Vietnam strategy. Mr. Craig Johnstone, Mr. John D. Negroponte are others with similar backgrounds.

I do not as yet have the list of the military people. I am in the process of gaining that list.

I think that what we see happening here is that the people who brought us Vietnam, who brought us the Vietnam war policy, are in the process of bringing us the same kind of policy in Central America. I do not want to see that happen.

It would be another matter if we saw signs that Russian troops were coming into our hemisphere, it seems to me that this would call for a response by ourselves in terms of military action of a different sort. We are not seeing that. We are seeing revolutions carried on in that part of the world, as we see in other parts of the world.

I do not want to see a situation develop here where we blindly plunge into a kind of Americanized war effort in this part of the world such as we saw in Vietnam. When I see the same people with the same attitudes who appear to have learned nothing from the experience in Vietnam——

The PRESIDING OFFICER. The Chair advises the Senator that his 2 minutes have expired.

Mr. RIEGLE. Mr. President, I yield myself 30 additional seconds.

When we see the same persons at work now crafting policies along these lines in Central America, the American people had better take notice and better be forewarned, and I am here today to sound that warning and to say that we should not go plunging down that road again, particularly under the leadership of the people who I think failed us so miserably in not understanding this kind of problem when it occurred the last time in Southeast Asia.

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. How much time remains?

The PRESIDING OFFICER. On the side of the Senator from Wisconsin, there are 2 minutes and 58 seconds, and on the opposition side there is 1 minute and 43 seconds.

ABSENCE OF THE PRESIDENT PRO TEMPORE DUE TO WEATHER DISASTER IN SOUTH CAROLINA

Mr. BAKER. The distinguished President pro tempore, Senator THURMOND, has asked me to state for the record that he will be absent from the Senate for the balance of this day. Senator THURMOND flew to South Carolina earlier today to visit and offer assistance to the several areas in the State in which serious loss of life, injury, and property damage has occurred within the last 24 hours as a result of a series of tornadoes and other severe weather.

He is making this tour in a cooperative effort with the Governor and other State and local officials to expedite Federal disaster assistance to those areas where it is needed.

I am sure our Senate colleagues will understand the necessity for Senator THURMOND's absence in view of the disaster that has occurred in South Carolina. Senator THURMOND informs me that he expects to return to his duties here in the Senate as soon as possible.

Mr. KASTEN. Mr. President, I hope this amendment is defeated, and I urge its defeat.

The Senator from Hawaii, the ranking minority member of the subcommittee, made a very eloquent and I think strong statement.

We have a War Powers Act. We have the ability right now. We do not need this.

In just a brief response to the Senator from Connecticut, I wish to say that I think in part he is right. Congress has not had the guts to deal with these issues. We have not passed an authorization bill. We have not passed proper appropriations bills. We have not had an up or down vote in either the Senate or the House of Representatives on these issues since 1981, either military or economic aid, to El Salvador.

We have plenty of opportunities for those votes to occur. We have plenty of opportunities to work the regular process through.

I think before we start adding on yet more amendments and instructions, we should work with the process that exists.

This is an emergency appropriations bill. This issue is clearly an authorization issue. It is clearly an issue that is not an emergency.

I hope that this amendment is defeated.

Mr. President, I have no further request for time and I am prepared to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, as I understand, I have 1½ minutes remaining.

The PRESIDING OFFICER. The Senator has 1 minute and 43 seconds remaining.

Mr. KENNEDY. Mr. President, this amendment is very simple. It says there will be no American troops available for combat in or over Nicaragua and El Salvador without the prior approval of Congress of the United

States. In other words—no blank check for this administration to escalate the war in Central America.

There are Members of this body who remember a number of years ago when this body gave a blank check to another administration and another President. There are some 50,000 American graves because of that.

This is the time to make a similar judgment on this issue of the possibilities of an American combat presence and the loss of American lives in Central America. I hope that the Members of the Senate will realize their constitutional duty and support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield back the remainder of the time if there is any that remains.

Mr. KASTEN. I yield back the remainder of my time.

Have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado, (Mr. ARMSTRONG) and the Senator from South Carolina, (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. ARMSTRONG) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

I further announce that if present and voting, the Senator from Colorado (Mr. HART) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 23, nays 72, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—23

Bingaman	Levin	Randolph
Burdick	Mathias	Riegle
Cranston	Matsunaga	Sarbanes
Dodd	Melcher	Sasser
Hatfield	Metzenbaum	Specter
Kennedy	Mitchell	Tsongas
Lautenberg	Pell	Weicker
Leahy	Proxmire	

NAYS—72

Abdnor	East	Mattingly
Andrews	Evans	McClure
Baker	Exon	Moynihan
Baucus	Garn	Murkowski
Bentsen	Glenn	Nickles
Biden	Goldwater	Nunn
Boren	Gorton	Packwood
Boschwitz	Grassley	Percy
Bradley	Hatch	Pressler
Bumpers	Hawkins	Pryor
Byrd	Hecht	Quayle
Chafee	Heflin	Roth
Chiles	Heinz	Rudman
Cochran	Helms	Simpson
Cohen	Hollings	Stafford
D'Amato	Humphrey	Stennis
Danforth	Inouye	Stevens
DeConcini	Jepsen	Symms
Denton	Johnston	Tower
Dixon	Kassebaum	Trible
Dole	Kasten	Wallop
Domenici	Laxalt	Warner
Durenberger	Long	Wilson
Eagleton	Lugar	Zorinsky

NOT VOTING—5

Armstrong	Hart	Thurmond
Ford	Huddleston	

So Mr. KENNEDY's amendment (No. 2856) was rejected.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from New York. I would like to ask the Senator from New York if he would permit us to follow the following procedure: The Senator from Arizona (Mr. DECONCINI) has two amendments which the committee will accept. He has asked for 5 minutes to handle those two amendments and thereby dispose of them, which would accommodate his schedule. I wonder if the Senator from New York would be willing to yield the floor for that purpose so that I can ask for the 5 minutes for the Senator from Arizona, with the understanding that the Senator from New York would be recognized after the disposition of those two amendments.

Mr. MOYNIHAN. I am happy to accommodate the chairman.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized for 5 minutes to offer two amendments, and then I ask unanimous consent that Chair then recognize the Senator from New York for whatever purpose he wants recognition.

Mr. BAKER. Mr. President, if the Senator from Oregon will yield, I merely want to clarify that that is 5 minutes overall, in the case of votes or other motions. It is 5 minutes all inclusive.

Mr. HATFIELD. Five minutes all inclusive.

Mr. President, included in the unanimous-consent request is to temporarily lay aside the pending amendment.

Mr. KENNEDY. This is just for the two amendments that the chairman referred to?

Mr. HATFIELD. That is correct.

Mr. KENNEDY. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I thank the distinguished chairman of the Appropriations Committee.

Mr. President, I had intended to bring up a controversial amendment, known as the malt liquor distributors amendment. I have consulted with the majority leader at some length. Following his desire to see this bill proceed, I will accede to not to move on that amendment at this time. I do want to advise the Senate that I intend to bring that up in the next week or two on some vehicle.

AMENDMENT NO. 2857

(Purpose: To statutorily set the salaries of magistrates)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for himself and Mr. THURMOND, proposes an amendment numbered 2857.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 12, after "striking out" insert ", in the first sentence thereof,".

On page 5, strike out lines 17 through 22 and insert in lieu thereof the following:

(2) Notwithstanding any other provision of law, the maximum rates for salaries of full-time and part-time magistrates in effect on the day before the date of enactment of this resolution shall continue in effect until adjusted, or new rates determined, by a law specifically referring to the rates of pay of such magistrates.

On page 5, strike out lines 23 through 24 and insert in lieu thereof the following:

(b) Section 232 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549) is repealed.

On page 6, strike out lines 1 through 3 and insert in lieu thereof the following:

(c) Section 634(c) of title 28, United States Code, is amended by striking out "subsection III" and inserting in lieu thereof "subchapter III".

On page 6, between lines 3 and 4 insert the following:

(d) Secton 225(f)(C) of the Federal Salary Act of 1967 (2 U.S.C. 356(C)) is amended by striking out "and magistrates".

Mr. BAKER. Mr. President, will the Senator yield?

Mr. DECONCINI. I yield.

Mr. BAKER. Mr. President, the Senator mentioned that he had a malt liquor amendment that he wanted to offer and that he and I had discussed that amendment. Indeed, that is the case.

I want to say for the record that I am deeply grateful to the Senator from Arizona in forbearing to offer that amendment at this time. It is an amendment that will require a great deal of time and extensive debate.

I know the Senator from Arizona feels very keenly about it, but I wish to say that I thank him for agreeing to my request that he not press that amendment on this bill.

Mr. DECONCINI. I thank the majority leader.

Mr. President, this amendment deals with the salary of U.S. magistrates.

Section 102 of the bill was added at committee to resolve an urgent problem facing the U.S. magistrates system. Without this provision, the salary of magistrates would drop nearly 25 percent on April 1, from the level they were receiving on March 31. The drop is entirely due to a drafting error in a predecessor act, Public Law 95-595.

Following action at the committee, it came to our attention that the present salary of Federal judges can only be increased by specific legislation to that effect. In the salary continuance provision added at committee we had not also limited future salary increases of magistrates, who are extensions of the Federal judges, in the same manner. It is only good policy to also limit future salary increases of magistrates in the same manner in which Federal judges salaries are increased. The technical amendment I have sent to the desk merely accomplishes this parallelism.

I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2857) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2858

Mr. DECONCINI. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) for himself, Mrs. HAWKINS, Mr. DOMENICI, Mr. CHILES, Mr. ABDNOR, Mr. COCHRAN, and Mr. MATTINGLY, proposes an amendment numbered 2858.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

DEPARTMENT OF THE TREASURY, U.S. CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for the acquisition (purchase of eight) of high-performance, interceptor/tracker aircraft and other related equipment for drug interdiction purposes, $25,000,000, to remain available until expended: *Provided*, That such aircraft shall be purchased through an open, competitive procurement.

Mr. DECONCINI. Mr. President, at a time when we are going to consider supplemental funding to help a country fight a civil war in Central America, I am proposing an amendment that will help our frontline drug interdiction agency, the Customs Service, fight a war right here at home. Of course, I am talking about our war against the narcotics trafficker who flies thousands of drug missions across the borders every year.

My amendment will provide emergency supplemental funding to allow the Customs Service to purchase eight badly needed, high performance drug interceptor aircraft for use in Customs' battle against the airborne drug smuggler. If this emergency supplemental is adopted, it will allow Customs to virtually double its existing fleet of five King Air trackers and three Citation II interceptors. The purchase would be done through competitive procurement and would allow Customs to finally take a long-overdue step toward beefing up and standardizing its existing fleet of drug interceptor aircraft.

Mr. President, I am sure that my distinguished chairman of the Senate Appropriations Committee is undoubtedly asking himself why the emergency? Why do we need this item now? Let me try to answer those questions before they are asked.

The short answer for the chairman and my colleagues in the Senate is that the crisis facing our drug interdiction agencies is an emergency. They need help now. They need help fast. And we cannot wait any longer to meet the drug trafficker head-on with the most sophisticated, effective aircraft and equipment that this country can muster. But let me go a bit further to explain why I believe it is absolutely essential that we pass this amendment on this particular bill today.

First, 3 days of important hearings on the administration's drug interdiction effort before a key House Government Operations Subcommittee chaired by GLENN ENGLISH of Oklahoma, made the case crystal clear: Customs needs interceptors and it needs them now. Witness after witness, including Deputy Treasury Secretary Tim McNamar; Commissioner of Customs William van Raab; and three of our distinguished colleagues, Senators HAWKINS and CHILES, and Congressman CLAUDE PEPPER, testified that Customs must have additional air resources to do the job. The consensus among the administration witnesses was that interceptors was their No. 1 priority. The administration repeatedly told the subcommittee that Customs must have more interceptor aircraft if it is going to fight fire with fire and wage war against a well-financed drug army with seemingly unlimited aircraft at their disposal. My amendment will give the administration exactly what they want: more interceptors for the Customs air program.

Second, the depressed state of the small aircraft manufacturing industry means that now is a particularly good time to buy these aircraft for Customs. The recession of 1983 has left its mark on the small aircraft industry and they are standing by with sharp pencils for this type of fleet purchase opportunity. Our discussions with the manufacturers indicate that the time has never been better to get the taxpayers a big bang for their hard earned buck on these critical aircraft. Therefore, by moving to purchase these vital drug interceptor aircraft now, rather than wait until late summer or early in fiscal 1985, Customs will be able to drive a hard bargain and buy these planes at bargain basement prices.

Third, Mr. President, as you may know, many Members of Congress and I have been working for nearly 2 years to develop a comprehensive drug interdiction strategy which features the use of excess military aircraft for drug interdiction purposes. The Navy is in the process of turning over six P-3A surveillance aircraft equipped with sophisticated F-15 radar to Customs for use in its drug interdiction program. We have also been successful in prying loose four Blackhawk helicopters to be used by Customs for seize and arrest purposes. Unfortunately, we have been less successful in trying to get excess Army C-12 tracker aircraft over to Customs to supplement its tracker-interceptor fleet. I will continue to pursue the C-12 option with the Pentagon, but in the meantime Customs must have a permanent addition to its interceptor fleet to attack the airborne drug smuggles now—not next year, not in fiscal 1986, but right now. My amendment will allow Customs to do just that. Then if the C-12 option materializes down the road, those military aircraft would provide an outstanding supplement to the Customs fleet.

Finally, Mr. President, let me assure you and my colleagues that I do not view this supplemental as the first of an endless parade of large aircraft buys for the Customs Service. Frankly, I believe that if this amendment is approved, and we are successful in prying loose an additional eight C-12's from the Pentagon next year, Customs would be adequately outfitted to tackle its difficult and dangerous drug interdiction mission and go head-to-head with any airborne trafficker who attempts to penetrate our vulnerable Southern, Southwestern, Western, and Eastern borders. On the other hand, without this amendment, we will be right where we are today: relying on a band-aid air program to try to tackle a well-heeled, well-equipped drug foe.

Mr. President, I know that this amendment has little to do with Public Law 480 assistance. However, I can think of nothing more urgent than to get our No. 1 drug interdiction agency—the U.S. Customs Service—the proper aircraft to be able to launch a full scale attack on the drug smuggler. The time has come to pay the piper. The administration openly supports the purchase of more interceptor aircraft for Customs; the Vice President's drug interdiction office has repeatedly recognized the need for these additional resources; and those of us in the Congress who have worked on the air interdiction program have searched for the right moment to provide the aircraft necessary to do the job at Customs. That time has come and I hope that the Senate will approve this amendment today.

Mr. President, the following Senators are cosponsors of this amendment: Senators HAWKINS, ABDNOR, COCHRAN, CHILES, DOMENICI, and MATTINGLY.

Mr. RANDOLPH. Mr. President, will the Senator yield 30 seconds for a question?

Mr. DECONCINI. I am glad to yield for a question.

Mr. RANDOLPH. Mr. President, I wanted to ask, What is the procurement date for the number of planes that are requested in your well reasoned amendment?

Mr. DECONCINI. Hopefully, by the end of fiscal year 1984, the current fiscal year that we are in.

Mr. RANDOLPH. Mr. President, I think this is highly important. It is an emergency matter and time is of the essence. If my able colleague from Arizona will permit, I would be delighted to be a cosponsor.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the distinguished senior Senator from West Virginia be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, I rise to support the amendment offered by the Senator from Arizona. As chairman of the subcommittee with funding authority for the U.S. Customs Service. I have recently been stunned by the Department of the Treasury's reversal of policy with regard to the Customs air program. My subcommittee, on which the Senator from Arizona serves as ranking member, was intimately involved in the negotiations between the Department of the Treasury and Department of Defense regarding air support for the Customs Service. DOD agreed that aircraft would be provided to the Customs Service to detect, track, and intercept. The only concern DOD had was that the equipment loaned would not be adequately maintained. To assure Defense of our commitment, a new appropriations account totaling $31 million was included in the fiscal year 1984 appropriation to provide operations and maintenance funding for the loaned aircraft.

The drug problem in this country is epidemic. We are fighting a war, Mr. President. Unfortunately the other side is better funded and better equipped. I am committed to winning that war, but to do that I fully believe we must provide the support necessary to men and women of the Departments of the Treasury, Justice, Transportation, and Defense who are performing that difficult task. The Customs air program is an integral part of that effort.

The fiscal year 1985 Treasury request for the air program and other Customs efforts is significantly reduced from fiscal year 1984. It is based on the premise that the Department of Defense is going to pick up the O&M costs. Mr. President, the simple truth is that DOD has no intention of covering operation and maintenance costs. That was never part of the original agreement. In fact the basis of the agreement was that Customs would provide proper maintenance.

Last week, the Deputy Secretary of the Treasury testified before a House subcommittee that it no longer should be in the detection business, but concentrate on tracking and interception. Mr. President, this revelation came as an incredible surprise to me for I received a request on March 13 from the Commissioner of Customs requesting reprograming authority which continued the detection mission by proceeding with the P3A conversion program. I wholeheartedly agreed. Then last week the 180-degree change.

This amendment does that. It provides funding to give the Customs Service the equipment they need to continue the fight. I hope my colleagues will agree with me and support the amendment.

Mr. President, as I close, I want to reemphasize that we are in a war. We are spending an unprecedented amount on the battle, but quite frankly we are losing ground. These days we must watch very closely at the way we spend the money available to us. Not many Members of the body watch it much closer than I do. I do not oppose money well spent. I assure you this will be money well spent.

Mr. HATFIELD. Mr. President, I only want to say in behalf of the managers of the bill that we are willing to accept the amendment, if the Senator would like to move its adoption.

Mr. DECONCINI. I so move, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2858) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I thank the distinguished chairman and also the chairman of the Foreign Operations Subcommittee for permitting me to offer my amendments at this time, as well as the distinguished Senator from Hawaii for setting aside his amendment, and also the distinguished Senator from Massachusetts, and certainly the Senator from New York, who has been waiting around for some time.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, in this pending appropriation bill, the Senate is being asked to provide an additional $21 million for paramilitary activity in Nicaragua. The specific language of the report of the Committee on Appropriations is:

> The committee recommends an appropriation of $21 million to continue a program of covert assistance in Central America * * *

In November of last year this body authorized, by voice vote, $24 million for the same program. As I noted then, despite some differences between the House and the Senate over this program there was one fundamental point on which the House and Senate Intelligence Committees agreed. This agreement was reflected in section 109 of the Intelligence Authorization Act for fiscal year 1984 which repeated findings found earlier in the House's authorization bill:

> The Congress finds that by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for

any reason whatsoever, in the internal or external affairs of any other state.

It is the judgment of the Intelligence Committee that Nicaragua's involvement in the affairs of El Salvador and, to a lesser degree, its other neighbors, continues. As such, our duty, or at very least our right, now as it was then, is to respond to these violations of international law and uphold the charter of the OAS.

Specifically, arms and materiel still flow from the Communist bloc through Nicaragua to the insurgents in El Salvador. Yesterday, many of my colleagues will have read the reports in various newspapers about testimony of the Under Secretary of Defense for Policy, Fred C. Iklé, in which he confirmed that approximately half the weapons used by the Salvadoran guerrillas were captured or acquired from the Salvadoran Armed Forces. This is undoubtedly true. It is also true, however, that the other half, or the greater part thereof, come via Nicaragua and further that the intelligence community's latest and best estimate is that a predominant percentage of their ammunition, about 80 percent, still comes via Nicaragua. Estimates about the remaining materiel is similar. What the House Intelligence Committee stated last May is in our judgment still true:

[The insurgency in El Salvador] depends for its lifeblood—arms, ammunition, financing, logistics, and command-and-control facilities—upon outside assistance from Nicaragua and Cuba.

In sum, the Sandinista support for the insurgency in El Salvador has not appreciably lessened; nor, therefore, has their violation of the OAS Charter abated.

As I have attempted to indicate, there is in a certain sense little that is new here. However, I do wish to make some additional comments.

Given the extraordinary patriotism and sacrifice of so many of the men and women who make up our intelligence community, it may at times seem unreasonable and wrong that there continues to be such apprehension about the role of that community and its attendant institutions, especially the Central Intelligence Agency. May I suggest, however, that this apprehension arises in much the way that in early times our forebears feared the idea of a standing army, and were at great lengths to achieve parliamentary control over military expenditure, including the now perhaps antique but once vital procedure of annual military appropriations.

The fact is that a standing intelligence community can be used by a Chief Executive to subvert the will of Congress and of the people. Given that fact, it is our proper business to be concerned, even as we assert our utmost respect and regard for the institutions which pose this threat.

I believe there is a tendency on the part of this administration—as of prior ones—to substitute secret policies and secret actions for public policies and public actions in foreign affairs. The reason is simple. Covert action seemingly circumvents the invariably complex and demanding, and frequently unavailing effort required to achieve a democratic consensus in matters of foreign policy. When such a consensus could be achieved, the resort to covert action instead is a form of avoidance of duty. When such a consensus could not be achieved, covert action subverts the democratic process.

The general question arises for us in the most specific form in the appropriation bill we are considering today.

Last November 3 I was the manager on this side of the aisle for the Intelligence Authorization Act for fiscal year 1984. That act contained funds for the present program of support for several insurgent groups operating in Nicaragua. The legislation was as open in this regard as such legislation could be. In a floor statement, I described the process by which the committee had come to accept a strictly limited set of objectives for that program. An earlier Presidential finding submitted for comment to the committee had been, in our view, much too expansive. It would have constituted undue interference in the internal affairs of Nicaragua, which was the ground on which we were willing to support opposition to such interference by Nicaragua in the affairs of others.

I stated at the time in some detail that sequence:

On September 20, a new Presidential Finding was presented to the Committee by Director Casey and the Secretary of State, George P. Shultz. Its goals were more precise and much more limited than what we had been briefed on in August. In large measure, the new finding reflected the concerns the Committee had raised with Director Casey in that prior meeting. The next day the Committee approved funding for the redefined program.

Not unexpectedly, an account of our decision found its way into the nation's papers the following day [September 22, 1983]. Of particular interest was the discussion of the matter in the New York Times which quoted an Administration official as saying:

We are always being questioned . . . on whether we were going beyond our program of interdicting arms. Now we say, "Yes, we are supporting the rebels until the Nicaraguans stop their subversion in neighboring countries."

The article went on to say that:

The Administration official stressed that this approach should end the argument over whether the Administration was violating its pledge by doing more than just stopping the arms flow. The official also said that there was no thought of the Administration backing the insurgents in trying to overthrow the Sandinista Government.

This was a welcome statement. Thereafter the committee voted moneys for the new finding.

This morning, however, we read an interview with the President given to Mr. Francis X. Clines and Steven R. Weisman of the New York Times in which the President specifically states that our objectives in Nicaragua are precisely those which the select committee rejected. Our present formal policy, the policy for which Congress has appropriated these funds, is not directed to the overthrow of the Government of Nicaragua, or otherwise to interfere unduly in its internal affairs. The President, however, states otherwise:

And I see no dichotomy in our supporting the Government, the democratic government of El Salvador and the Contras here—and we made it plain to Nicaragua—made it very plain that this would stop when they keep their promise and restore the democratic rule and have elections. Now, they've finally been pressured, the pressure's led them to saying they'll have an election.

The President goes on to say that there is nothing to indicate that this election will be other than "the kind of rubber stamp that we see in any totalitarian government." In this I agree. But note: If the government there cannot be changed by elections, how is it to be changed save by violent overthrow? That is a necessary if unintended conclusion to be drawn from the President's statement yesterday.

This is understandable. The President desires a democratic government in Nicaragua. Who does not, save the present rulers of that unhappy nation? But Congress has not authorized a covert action program to bring about any such outcome. To do so would undermine the very legal foundation on which we base the program we have authorized.

Has the President deceived us? I doubt this; it is not his nature, nor that of his associates. Rather, I would suggest that there is an inherent tendency for an administration gradually to adopt the agenda of the foreign instruments of covert action, even when that agenda increasingly diverges from the goals which we, the United States, set out to accomplish. That may be too complex a way to state a simple truth. What the Nicaraguans fighting the Sandinistas want and what we want are different things.

That of course is the frequent personal tragedy associated with covert action, and further argues its sparing use as an instrument of American policy.

But that is a subject of general policy that can wait. What must be stated today is that the President has misstated his own policy. If we vote today, or tomorrow, to approve the additional $21 million recommended by the committee, we do not vote to do what the President says he would like to see done. We vote simply and exclusively for the provisions of the Presidential finding of September 20, 1983.

I am sorry to detain the Senate in this matter, and obviously I am uneasy to bring such matters into yet more public debate. But I take that to be my responsibility, given this extraordinary, wholly unexpected, and deeply troubling turn of events.

In sum, the danger of using covert programs in this fashion is that they run too far ahead of the public consensus over what constitutes threats to our security and the proper policies to respond to those threats. There is a grave risk here that Americans may decide, as they did a little more than a decade ago, that the Government does not reflect their judgment. This is no small matter for a democracy. As I warned a previous President just before his inauguration, "The sense of institutions being legitimate—especially the institutions of government—is the glue that holds society together. When it weakens, things come unstuck."

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield to the distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senator's clarifying statement on the legislative intent of the action taken by the Senate Select Committee on Intelligence in authorizing the $21 million is absolutely correct. I think the record of our committee, although classified and secret, will bear this out. So, if I may, I should like to associate myself with the Senator's statement. It is correct, it is precise, and it is one that should be studied very carefully by every Member of this body.

Mr. MOYNIHAN. Mr. President, I thank the distinguished senior Senator from Hawaii, the manager of this measure, for his reassuring remarks, which are exactly my understanding of the matter.

Mr. DURENBERGER. Mr. President, I rise on this occasion to compliment the Senator from New York on his statement and to thank our colleague on the Select Committee on Intelligence, the Senator from Hawaii, for associating himself with these comments. I, too, associate myself with the statements made by the distinguished Senator from New York.

I had not intended to comment at any length on this subject, but the point that the Senator from New York makes about the statement of the President of the United States, which we all read this morning, compels us—at least, it compels me—to rise and share a few thoughts with our colleagues on this subject, because it probably illustrates if not the difficulty of making policy in this area, at least the difficulty for others to understand whatever policy may exist.

I was personally associated with the effort the Senator described, which began last spring and carried through the summer, until September 20, and I was pleased with the outcome. I thought that whether in a bipartisan sense or an institutional sense, we had been quite successful in discharging our responsibilities, as the Senator indicated, for policy in Nicaragua.

Mr. President, the executive branch request for additional funds for its covert activities regarding Nicaragua presents all of us with a difficult choice. It is especially significant, therefore, that the Intelligence Committee voted with no dissents to support a limited, carefully monitored increase in those funds.

The risks inherent in this operation are well known. Support for paramilitary operations could provide the spark that ignites a real war in the region. Paramilitary activities could also bring other countries into the conflict; the reported injury to five Soviet seamen due to a mine in Puerto Sandino harbor reminds us of that risk. An unsuccessful paramilitary campaign may increase, rather than undermine, the legitimacy of the Sandinista regime. And a moderately successful campaign could lead to a situation in which counterrevolutionary forces, with goals of their own, could draw the United States into greater involvement than was intended or was wise.

I am satisfied that the Central Intelligence Agency is doing all that it can to minimize these risks. In particular, the CIA is not trying to overthrow the Government of Nicaragua. And the CIA does bear in mind the need not to provoke a wider conflict that would harm U.S. interests. The Intelligence Committee's action last year, which required the executive branch to reexamine its program and revise its covert action finding, served a useful purpose.

I am also impressed by the extent to which people in Central America, including democratic and left-of-center elements in Costa Rica, fear the aggressive policies of Nicaragua. To its neighbors, the Sandinista regime is not reformist, or even revolutionary. Rather, the Sandinista leaders are the prime supporters of both terrorism and guerrilla violence in Central America. They supply arms and ammunition not only to insurgents in El Salvador, but also to terrorists and guerrillas in Honduras, Guatemala, and Costa Rica. They even harbor Basque terrorists, who repay the favor by undertaking assassination missions in Costa Rica.

Little wonder, then, that the people of Central America urge us to counter these Sandinista efforts, which have been described eloquently by the Senator from New York. And little wonder that the Intelligence Committee is willing to support a carefully controlled covert action program.

It is important to note, moreover, that we are not giving the CIA a completely free hand with these funds. While $7 million in new funds will be made available immediately, the other $14 million will be put in the CIA's reserve for contingencies. They will have to come back to us and explain what they are doing and why the extra funds are needed, before they gain access to that additional money.

Yet it was still difficult to support increased funding for this program. There is no real evidence that the covert action effort, itself, has brought about changes in Sandinista policy. There is no real evidence that it has lessened the flow of Cuban and Nicaraguan arms into El Salvador, although the contras are clearly striking at some targets that are part of the Sandinista support structure for Salvadoran guerrillas.

Most importantly, there is no real evidence that the executive branch yet has a coherent policy to guide either this covert action program or the several overt arms of policy that are employed in Central America.

The executive branch has fine goals: An end to Sandinista support for guerrillas and terrorists; an end to Soviet and Cuban advisers in Nicaragua; scaling down of the tremendous military buildup in Nicaragua; and the preservation of a pluralist political system in Nicaragua, as the Sandinistas originally promised. But the executive branch continues to lack a means of deciding how much emphasis to put on each goal, as one must always do in the real world.

Similarly, the executive branch has an impressive set of measures it has undertaken to influence the situation: Not only covert action, but also military assistance; maneuvers and training; economic aid; and political support both for needed reforms in individual countries and for the Contadora effort of Central American countries to negotiate a solution to their problems. The difficulty is that there seems to be no real coordination of these efforts.

I wish I could assure my colleagues, as long as I speak from this side of the aisle, that covert activities directed at Nicaragua were carefully coordinated with a serious effort to negotiate our differences with that country. I wish I could say that our military assistance efforts in the region were designed also to further the economic and political reforms that we all agree are necessary in several countries. I wish I could say that the executive branch was carefully fine tuning both its actions and its objectives so as to achieve maximum success in the region. But my colleague from New York has demonstrated in his remarks why I cannot make that claim.

The best I can say is that many of us are trying to convince the executive branch to get its act together. In the meantime, we are supporting current initiatives to keep the pressure on Nicaragua and to keep the Central American situation under control.

But I hope, Mr. President, that President Reagan appreciates the depth of our concern. The current policy may have our support, but it does not yet merit our confidence. The President must take control of that policy and give it coherent direction.

There are bound to be further crises down the road—due not to Congress, but to the difficult nature of the problems in Central America. Covert action is not enough. Even covert action plus half a dozen other, uncoordinated measures are not enough.

There must be well crafted policy and consistent direction of U.S. efforts in Central America. That is what leadership is about, and we look to our President to provide it before it is too late.

Mr. MOYNIHAN. Mr. President, may I express my total admiration for and agreement with the statement of the Senator from Minnesota. It is a moderate statement. It is a careful one. It is a plea for coherence and an offer of cooperation.

I think I would not reveal anything not known and public to observe that it was not until April 1983 that the President came to Congress to discuss Central America, by which time the press reports of covert action in that region had been taking place for 14 months; and that it was not until some time after the President spoke that a bipartisan commission was established and came forward with a much more coherent and comprehensive statement of the matter.

We do not want to obstruct, but we have an obligation to say: Do you, Mr. President, have a policy and can we help you formulate one, and do you know where this is getting to?

I hope that we might have some response from the statements which the three of us have made today, and we make them not in an accusatory manner. It is a factual and descriptive one, at least in our view it is. Some of the facts cannot be in doubt, and I hope there will be some response, and I certainly am here as one willing to partake in any such effort, as the Senator from Minnesota has been, but it is alarming to find our message does not seem to have been received.

Mr. DURENBERGER. Mr. President, I thank my colleague a great deal.

I do not intend to belabor this issue any more. I do have another issue I wish to discuss.

Mr. MOYNIHAN. Mr. President, will the Senator yield to me one moment?

Mr. DURENBERGER. I yield.

Mr. MOYNIHAN. Mr. President, in recent days we have heard much about the mines in Nicaragua ports and the concerns that have been expressed about the legality and wisdom of the tactics.

I asked the Honorable Kenneth Dam, Deputy Secretary of State, to provide a legal analysis on the issues of mines and self-defense both in a classified and unclassified form.

In his characteristically cooperative manner he did that. These statements are available in the Intelligence Committee. If any Member of the body wishes to read them, we will, of course, be more than happy to make them available.

I thank the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I had at this point intended to offer an amendment dealing with the subject of conditionality. I do not intend to do so, but I wanted to take a few minutes to express some concerns that I understand are shared in part by quite a number of my colleagues and also in an additional part are being dealt with at this moment in the Foreign Relations Committee.

Mr. President, a growing number of us in Congress have been discussing and debating the question of our policy in Central America for as long as I have been in the Senate. We have considered such questions as emergency foreign assistance for Nicaragua shortly after the Somoza regime was toppled; military and economic assistance for El Salvador as that country struggles with its problems; increased trade and aid benefits for the countries of the Caribbean Basin; the commitment of U.S. troops to training exercises in Honduras. Every day, most of us deal with these and other questions in numerous ways. We deal with them in conversations with our friends and colleagues; in responses to our constituents; in our reading at night, and our staff meetings at day.

But I wonder, Mr. President, just how much effect all our work has really had. Can we really say that we know much more about these complex questions than we did 5 years ago? Can we really say that our debate and our concern has done much to alter events? In my opinion, I do not think we can.

Today, we are considering an emergency supplemental appropriation which contains, among other things, a large sum of money for El Salvador. But it is not clear that we are really debating any kind of national policy. Certainly, we have touched on a wide variety of issues during this debate, ranging from the recent elections to the battlefield situation. But I cannot figure out how we have fitted these things together in any kind of way that gives us a sense of what U.S. policy really is or what we feel U.S. policy should be.

We have heard talk about having to support and live with the President who emerges from the Salvadoran elections, and we have heard talk about how our vote on this bill might be affected by who that President is, but I am disturbed that little attention has been paid to how this relates to the concerns of the American people. What is our policy to be? For how long? At what cost? And how will we handle the various contingencies which might radically affect the situation throughout Central America? As we have learned, events often move faster than our policies, particularly in Central America, but my fear is that we have no sense of what plans we might adopt in the event of changes.

When Central America first became a major item on our agenda, following the revolution against Anastasio Somoza and the emergence of the new regime in Nicaragua, there was a brief time when this body actually looked at long-term policy questions. For instance, throughout the fall of 1979 and the winter of 1980, a number of us stood here on the floor of the Senate and discussed another emergency supplemental appropriation. That time, it involved economic assistance for Nicaragua to help that tragic country get back on its feet after years of looting by the Somoza regime and fighting in the streets.

The debate which we undertook at that time was both wide ranging and forward looking. These days, by contrast, we discuss certification, not policy. We have, in other words, acted more as auditors, seeing if the forms are filled out correctly and if the columns add up to the right numbers, and less as legislators, sharing in the task of enunciating a long-term policy. To be blunt, we have abrogated our proper role for the sake of a periodic box-checking exercise by the President.

By now, Mr. President, the record should be clear. Certification, however laudable its origins, is a flawed device. Why? For several reasons.

First, it does not help to bring about what it seeks: the measure of conditionality which most of us agree is necessary to make our policies in Central America workable and which is not there. What is conditionality? Simply the assurance that funding will continue only to the extent that our policy is successful—a statement that we will feed success, not failure.

There is more to this than simply the desire to fund nice things we like. Conditionality is of necessity bound up in the desire of the United States to insure that its dollars are spent to promote reform, not repression. But that desire follows from the hardheaded recognition that our long-term hopes

for stemming a major blow to U.S. interests in Central America will come to naught unless we encourage countries like El Salvador to foster reform in order to forestall revolution.

If, for instance, the Government of El Salvador does not move to break the back of the death squads, it simply cannot hope for the allegiance of the people which is so vital to denying the initiative to Marxist revolutionaries. Revolutions do not occur in a vacuum; they spring from grievances. They can be stolen by brutal people, as we have seen in the Soviet Union and elsewhere. In El Salvador, there is that risk. And the best way to prevent that risk from becoming reality is to promote policies which end the sources of revolution. We must act, therefore, to condition our assistance on acceptable progress toward the adoption of policies which promote our policy goals. To do otherwise is more than just a waste of time; it is a recipe for disaster.

Conditionality, in other words, is crucial to the success of our policy, a point recognized both by the Kissinger Commission and by the Vice President in his courageous remarks in San Salvador. But how serious have we really been about this in the past?

I fear that we in Congress cannot and do not take the issues involved as seriously as we should so long as we rely on certification rather than on a genuine debate. Certification is at best an index, not a policy. And in the case of Congress, it can serve as a copout, not a condition. Certification is nothing more or less than an invitation to the President to send over a pro forma good news report while the money flows on and on, unimpeded by conditionality or by congressional judgment.

Earlier today, the junior Senator from Connecticut, who I credit, at least in part, for this certification process that was first thrust upon us, made some very astute observations about the role we should play, but which we play so seldom. And I agree with all of those comments. That is why I object to certification.

Certification is the worst of all worlds, for it invites critics of policy to snipe, knowing that they will not have to take responsibility for any real action, and it puts supporters of our policy in the untenable position of having to accept as fact a matter of judgment which is narrow in scope and which is confined only to the latest items to make the reporting requirements list. Perhaps worst of all, the certification process arouses partisanship in our foreign policy, rather than promoting the kind of compact between the executive and Congress which is crucial to sound policy.

So the second reason why I feel certification is a flawed device is that it lets us have it both ways. It permits those of us in Congress to escape the burden of commitment, the responsibility of action, the necessity to choose. It lets us talk, but it permits us to avoid the consequences of that talk.

For instance, some might suggest that we should keep the certification provisions in this bill because they signal our commitment to a policy which is based in some measure on conditionality. But is this really the case? Does this not really mean that the provisions will let us vote for continued aid while criticizing the policy? And is that not just a shorthand device for abrogating our own responsibilities?

If you doubt this, ask whether there are critics of our policy who will vote for this package, hiding behind the cloak of the certification language. If so, then those critics want it both ways. For they can hardly be surprised when the next certification report comes over from the executive announcing that the President has determined that the Government of El Salvador has made satisfactory progress. Will the existing certification provisions alter the reality which should be the baseline for our policy? Or will they just succeed in shifting the focus of our debate from conditions in El Salvador—where the focus belongs—to conditions in our own executive branch? The issue in Central America, Mr. President, is U.S. policy, and we in this body bear a measure of responsibility for that policy. It is not the President's policy alone, and we should not pretend it is simply for the sake of convenience.

So what can we really say about certification? It does not give Congress any capacity for independent analysis and judgment. It does not strengthen the President's hand in dealing with recipient nations, for it is not backed up by any apparent congressional intent or any willingness to adjust funding levels to conditions. It is simply a money machine, rationalized by rhetoric.

In short, Mr. President, while I strongly support the concept of conditionality in our aid program—a concept which was endorsed by the Kissinger Commission itself—I believe that it is time to face up to the fact that certification is not the way to proceed with it.

What I propose, therefore, is putting the question of determination and judgment where it properly belongs—in the hands of individual Members of Congress who must ultimately decide whether to vote for or against aid.

I first raised this idea some weeks ago in a letter to our colleague, Senator PERCY, the chairman of the Foreign Relations Committee. I was concerned that when it came time to take up the question of a policy which is prospective, mature, and regional in scope, we would resort once again to the flawed device of certification. I, therefore, suggested that we append to the Jackson plan a provision to condition our aid on a joint resolution of approval, following debate on a comprehensive report to be written by our experts on the authorizing committees. At this point, Mr. President, I ask unanimous consent that a copy of my letter to Senator PERCY be put in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., February 9, 1984.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR CHUCK: As you know, the Congress will soon confront the issue of Presidential certification of human rights in El Salvador and other countries. The debate over the Kissinger Commission report, the continuing controversy over President Reagan's pocket veto of certification language, and the action by the House yesterday virtually ensure that this will be a highly contentious issue.

In my view, a great deal of the controversy is both unnecessary and counter-productive, for it detracts attention from the main issue: conditionality attached to assistance programs. There is a widely-shared consensus that aid should be conditioned, a point made with equal force by the Kissinger Commission and by the Administration. Unfortunately, the ongoing furor over certification has missed this point, for it has confused an instrument with a goal.

I'd like to suggest a possible solution: Congressional rather than Presidential determinations, under the lead of the Committee on Foreign Relations.

Presidential certification has a number of drawbacks, as both its proponents and its opponents have come to recognize. Perhaps the chief flaw of the process is that it virtually eliminates Congressional judgment from the decision about whether to appropriate assistance. Once an instrument of certification is filed, money is virtually guaranteed. There is little Congressional analysis of the facts presented in the certification document, and even less independent Congressional fact-finding.

Congress has broad investigatory powers, and the Committee has ample staff support from trained experts who can travel to Central America and arrive at their own conclusions. Regular reports from Congressional committees to the membership would go a long way toward restoring the proper role we play in foreign policy—a role defined by broad oversight and goal-setting.

Regular Congressional reports would have at least two other advantages over certification. First, the contents of the report would not need to be determined through explicit specification on the floor of the Senate. In other words, the report could be constructed on the basis of regular consultation with interested members and could address itself to broader questions of context.

Second, the report could to some extent minimize the perils of partisanship. If senators and representatives are to debate the significance of a set of findings, rather than simply the findings themselves, they must

be free to do so with the least possible taint of partisanship. Just as it would be difficult for a Democrat to criticize a Presidential report without being accused of partisanship, so too it would be difficult for a Republican to support a finding without the same problem. This is even more the case in an election year. A report originating from a bipartisan Congressional committee can overcome that problem.

Perhaps most important, however, regular Congressional reports—perhaps on a semiannual basis—would provide the basis for a genuine debate, something which we have thus far engaged in too seldom. It would be my hope that such reports would provide the basis for regular votes on aid levels. Thus far, we have relied on such hasty vehicles as continuing resolutions to move appropriations, with little opportunity for reflection. If appropriations were linked to Congressionally generated findings about the status of human rights in recipient countries, we could begin to play the role which we have thus far abrogated.

I hope that you will let me know your views, for I would like to share this idea with others if you feel it worthwhile, and to begin working on appropriate legislation.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. DURENBERGER. Since then, Senators INOUYE and KASSEBAUM—who had expressed similar concerns—have joined me in drafting a concurrent resolution to put these ideas into effect. Senator HEINZ has joined us as a cosponsor. And, just 2 days ago, I received a letter from Senator MATHIAS outlining a comparable proposal. So I am confident that, over the long term, we will begin both to foster the durable policy that is needed and to play our proper role in monitoring that policy.

But that is the long term. What do we do until the Jackson plan is actually written into law? Do we continue to kid ourselves that certification is the way to proceed? I hope not.

As Senators know, I was prepared to offer an amendment today. After conversations with members of the Foreign Relations Committee, I have learned that the committee is addressing the concerns I and others have raised, so I will not proceed. But I want to outline the procedure under which I feel we should operate.

First, we should seek a period report—not determinations about whether progress is satisfactory, but simply a statement about actual conditions. Second, we should ourselves debate a joint resolution of approval for further funding requests: A debate in which members can decide for themselves whether progress is satisfactory.

I want to clarify and emphasize several points about this concept. First, it would not impede the existing funding request of $61.7 million. Frankly, the existing bill which states that funding may not be obligated or expended until a Presidential report is filed does not impede it either, no matter what the words in the bill may say. It is going to get an automatic checkoff. Only the conditions are different from the last time it went through here. But it has got six or seven boxes that deal with all the mandatory subjects. And I credit the Senator from Wisconsin for putting the boxes together because it was about the only way this bill was going to get to the floor.

But I am satisfied that the appropriation that is before us today is justified. I am satisfied in particular by the insight and the leadership that our colleague from Hawaii has displayed in this whole issue. I am disappointed with the role that our administration, and those in responsible positions in my party, have played in this whole issue. But I think the Senator from Hawaii has shown us not only what some might characterize as a difficult way out of an impossible situation, but he has given to the President and he has given to this Congress an opportunity to once and for all provide a prospective resolution to the whole problem of conditioning aid in Central America today.

I am satisfied that the appropriation is justified. But to those Senators who might feel otherwise, let me say that the existing camouflage of a Presidential certification will not alter the fact that $61.7 million will go to El Salvador. So, to those who say that a prospective resolution would not impede existing funding, only future funding, I say this represents no change in the reality that funding is going to go to El Salvador.

Second, I do not purport to be the authority on just what conditions should be promoted in El Salvador or elsewhere. So the joint resolution called for would not hinge on a simple yes-no answer about whether a given set of goals had been achieved. Instead, it would hinge on a comprehensive report covering every relevant factor, and would put the final question of judgment where it belongs—on each of us here in the Congress. There would be no trigger provision, no magic threshold which must be met to continue funding. Those triggers and thresholds are matters of individual judgments, and they should be determined by each of us acting as members in debate. They should not be determined a priori, by authors of a bill or by the President. Only we in this body can determine whether progress is satisfactory.

Third, Mr. President, this approach would not be an unwarranted or new intrusion in the day to day world of diplomacy and foreign policy. It is often said—correctly—that we cannot afford to have 535 secretaries of state. I agree. But equally, we cannot afford to have our shared powers in foreign policy virtually abandoned because we ourselves are uncomfortable with the necessity to weigh trade-offs, understand nuances, and grapple with the complexity of a challenging situation.

Our past refusal to treat Central America with at least the seriousness that we feel is merited in the Middle East or Europe is causing us to persist in the trap of seeking black and white analyses, to erect checkoff boxes on forms, and to stifle the kind of comprehensive discussion which is vital to a long-term and mature policy. Most of us are more than willing to oversee and act upon a wide variety of issues elsewhere in the world. Just a few days ago, more than 50 of us wrote to the President to comment upon the proposed sale of Stinger missiles to Jordan. Virtually every day, we are called upon to praise or chastise a given policy. It seems that only in this crucial region of the world do we mask our unwillingness to act behind the facade of certification.

Finally, Mr. President—and this follows from the point concerning the constitutional role of Congress in foreign policy—we have an obligation today to the people of America to play a role in the permanent resolution of our relations with Central America.

I am convinced, after watching this President for 3½ years since his election, that he has not yet developed a policy for Central America. Instead, he has four or five policies for that region, and these policies are shaped and reshaped by four or five people claiming expertise and benefiting from access to the oval office.

I will not take words out of the mouth of the Senator from Connecticut because he expressed it so well earlier today. It would be preferable for us to take on issues of policy on the floor rather than debating under the pressures of a lot of weekend visits to El Salvador whether or not $61.7 million is an appropriate policy in El Salvador.

But as I said, I am convinced that the President has not developed a unified and coherent policy for Central America. Instead, he has four or five policies for that region.

I am convinced that the prevalent bent of these policies is ideological, that they are too often based on a belief in the supremacy of political considerations, and that they too often suffer from the premise that might makes right.

It was years ago, Mr. President, that Alexis de Tocqueville wrote: "America is great because she is good. If she ever ceases to be good, she shall cease to be great." Those sentiments were echoed in the Kissinger Commission report, as fine a blueprint for action in Central America as any we have seen in recent years.

We need to move toward a prospective policy for the Americas, Mr. President, one which is based on a firm recognition of our own past as well as the

present reality of the rest of the hemisphere. Our own heritage, as we have often forgotten, is one of change. We invented revolution. It was our Nation which first demonstrated to the world that people would eventually take matters into their own hands unless government was responsive to their needs.

So with all the enthusiasm over the most recent elections in El Salvador, elections which we all heartily welcome, I beg my colleagues not to confuse the evident need of 4½ million people for dignity and simple justice with the belief that, all of a sudden just because we have had an election, just because we have appropriated $61 million, everything is going to be better. Let us not confuse a milestone with change. Let us not capitalize on the emotional starvation of people who have known only misery and violence but have seldom seen a policy except one which happens to be convenient.

Only when we in this country begin to treat Central America with the seriousness it deserves—and only when we recognize that we ourselves have contributed to conditions through our ignorance and apathy as much as through our action—will we have a hope for undertaking the kind of bold and humane policy outlined by the Kissinger Commission. And we will get nowhere so long as we in this body continue to resort to the convenient camouflage of certification. We must begin to draw our own judgments and live with our own consciences. Otherwise, we will contribute to still another failed policy.

Mr. President, the approach I have outlined needs expansion, and I am gratified that the committee is considering it. The approach should mirror our policy: it should be regional in scope and comprehensive. The approach is not designed to block policy, or to impede future funding, or current funding for that matter. The idea, instead, is to foster the means by which Congress can begin to do what it claims to want to do—study, assess, and pass upon the wisdom of our policy. Without that kind of commitment, we will not have a policy at all.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to commend and recognize the work of my dear friend from Minnesota for his leadership in trying to bring about a resolution of the Central American problem and, more specifically, the matter of conditionality. It has been my privilege to work with him and his colleagues in drafting what we consider will be not only appropriate but meaningful language. I am certain that will make some change in how we deal with our friends to our south. Once again, I wish to commend my colleague for his statement. It was courageous. It was correct, and it is worthy of consideration of this body. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I would like to respond very briefly to the statement of the Senator from Minnesota. First of all, I thank him for the discussion and also for deciding not to offer his amendment at this time. As the Senator stated, we do have conditionality language in this emergency appropriation bill. The conditionality language which we have adopted is language which tracks directly from the Kissinger Commission. I, too, am disappointed that the administration has not been willing to embrace and work with the conditionality language of the Kissinger Commission. Also the administration has not been forthcoming in terms of working with the Congress and with other interested people outside of Congress as we wrestle with this overall group of problems.

We are going to have an authorization bill which the Senator from Minnesota correctly said is being debated right now in committee. In addition, we will have the 1984 regular supplemental and the 1985 appropriations bills. I am hopeful and I am optimistic that in the appropriations process and the authorization process we are going to be faced with a number of the questions that the Senator from Minnesota has dealt with today. I also believe that it is likely that a number of suggestions and elements of his amendment may very well be included in the language of either the authorization or the appropriations bills.

I look forward to working with the Senator from Minnesota, along with the Senator from Kansas and the Senator from Hawaii, as we wrestle our way through this very complex and difficult area. I thank and congratulate the Senator from Minnesota on his statement.

Mr. President, we have been here since 9:30 this morning. We spent a couple of hours on this issue yesterday afternoon. I see that the Senator from Connecticut might want to make a statement. I simply want to say to the Senate that the Senator from Hawaii and the Senator from Wisconsin are anxious to vote on this issue as quickly as possible.

May I suggest a unanimous-consent request that we vote on the Inouye amendment at some time certain. I may talk to the Senator from Connecticut and others in the next few minutes. If we can work our way toward some kind of an effort to at least vote on the Inouye number, the $62 million, and then, if there are further efforts at conditionality or further efforts on a partial holdback, as the Senator from Pennsylvania may be proposing to hold back a proportion of the amount, those kind of amendments would be more appropriate once we have adopted the Inouye amendment and go on the record for that figure, or have, in fact, not adopted the Inouye amendment. It would be my hope that we could establish the dollar figure within the next couple of hours and then continue the debate on conditions and/or other kinds of amendments that would have to do with the overall funding.

We have spent several hours today basically playing international lawyer and Secretary of State on the floor of the Senate. I think that now we ought to see if we cannot start to vote on some of the specifics. This is, after all, not an authorization bill. It is an appropriation bill. We should not be debating the authorization questions. They are being debated right now properly in the authorizing committee. Normally it is the authors who are picking on those who appropriate for adding authorizing language. Here we have a number of areas in which the authors are in fact the ones coming forward to tack authorization language onto an appropriations measure and, in fact, it is an emergency appropriations measure.

I am hopeful that we are going to be able to vote on the Inouye amendment relatively soon. I understand the Senator from Massachusetts may have an amendment to reduce that amount to $21 million. If that is the case, it would be appropriate to vote on that amendment as well so we can get at least the dollars in place before we go back into this overall policy debate.

I am not now going to ask for a unanimous consent or time agreement, or make a unanimous-consent or time-agreement request but I am hopeful that in the next few minutes we might be able to work out a way to get two or three votes on the dollars tonight. At least we can get those questions behind us and then go on to some of the questions on terms and conditions, et cetera, tomorrow, if it turns out there is still a half a chance. I spoke to the leadership on this side. We are willing to work late in the evening. This is the night in which we are scheduled to work late in the evening. There is a possibility that once we get the dollar figures voted on we may be able to deal with some of these policy questions later this evening.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First, let me ask the distinguished chairman of the subcommittee this question. While some may consider this planned this afternoon, we have heard the terms "Secretary of State" and "international lawyers" used. Some of us are thinking also of the expenditure of in excess of $1 bil-

lion in U.S. taxpayers' money, and the death of four churchwomen 4 years ago, on which there has been no progress to speak of, the death of two labor advisers, of which we know nothing at all. Is that a plan? We are deeply concerned over the present policy or the absence of it.

The distinguished Senator from Minnesota has pointed out that while we may rush along on all of this, part of the problem has been over the past 3 or 4 years that is all we have done, rush along, without giving much thought to this. While some may be planning this afternoon, those of us who are discussing this issue, do not think it is a plan. Neither do the people of El Salvador losing their lives think of it as a plan.

The distinguished Senator from Minnesota raised the question of certification, saying that I was part of the enactment of that legislation.

I introduced the resolution back in the early part of 1981. It was finally adopted on the floor of the Senate in the fall of 1982. Let me make a couple of points, if I can, about the certification process, what the authors of it originally would have liked, if we were able to achieve it politically within this institution, what it has done and what it has not done.

At the very outset, I think on the day I introduced the certification bill in early 1981, going back 3 years ago, I pointed out at that time that one of the things that had been missing in this body and others back two decades ago was the opportunity to debate an issue, to debate policy, where we heading. Too often the debate occurred when some incident happened. The klieg lights were turned on and the cameras were rolling and all of a sudden we had a lot of instant policymakers trying to discuss these things in some sort of coolness, where I had the feeling we could have gotten better results both within this institution and the other side of Pennsylvania Avenue. So the intention of the certification bill, first and foremost, was to provide an opportunity for debate which is, in a sense, the essence of this body, an opportunity to discuss what was happening in a major foreign policy conflict in the world, where we were deeply involved. That was the first reason.

Second, I would have very much liked at the time to have Congress actually do the certifying. In fact, that was the original intention. But, frankly, it was not possible to get anything like that through the Congress. The only way we were going to get anything done at all was to give the President the opportunity to certify and then send to the Congress his report.

Because the first reason was so compelling; because we lacked the support, politically, to actually achieve the latter; we accepted the Presidential certification route. For a good 2 years we had an opportunity, at least, to be kept informed on a regular basis on what was happening in Central America, and particularly El Salvador.

We insisted in that certification process that we wanted to see some improvement on such significant issues as internationally recognized human rights, control over the security forces we were funding, a judicial system that would be independent and also responsible for prosecuting the murder of four American women who lost their lives brutally and two labor advisers. We wanted to see some sort of progress or at least an effort made to try to see if there was not a way to resolve the overall conflict in some sort of political fashion.

I admit it is cumbersome, laborious; some people can accuse it of being nit picking, to list some of those points, but at the time there was little else we could do to at least inject ourselves some way into the decisionmaking process on what was happening in Central America.

History had been such that over the years when there had been other such conflicts the Congress was never kept informed unless someone released a document, unless someone leaked something some place, or unless there was some major crisis which the news media focused attention on. Then everybody became a policymaker.

We tried, with certification, to encourage and to engage in that debate. That was the purpose of it.

I said at the time on a couple of occasions it did not seem we were making much progress. In fact, I referred at one point to it having become a sham because it did not seem to me in my frustration, that we were moving or making much progress on it.

So while I will accept the responsibility for certification, it is like trying to prove a negative. I do know what would have happened or would not have happened without it, in some sense. The numbers were not great. We saw a lot of noncombatants lose their lives. But I will never forget the day when the chairman of the Foreign Relations Committee, Senator PERCY, pointed a finger at some of the witnesses who were there arguing against certification. We had discovered only a few hours before that the very peasants who were trying to improve themselves through the land reform program had been thrown off the property which they had been given, and that the entire program seemed to be going down the drain. The chairman of the Foreign Relations Committee, because land reform was one of those nitpicking provisions, pointed a finger and said:

> If you do not get the land reform program working, if you do not make an effort at it, in the next 48 hours, not one red cent.

Miracles of miracles, all of a sudden within 24 or 48 hours those poor people who had been dismissed from their property were brought back.

It made a difference. Maybe it was not the most significant thing in the world. But for some of those people who were hoping to improve the quality of their lives, but it was the United States being good, and I think being great as well.

I regret in some way that my distinguished colleague from Minnesota has not offered his amendment, and I respect his decision not to, because I think it is the way we do have to go, as it is a better way to deal with the problem in a broader sense. It does give us an opportunity to fulfill our constitutional responsibilities to be involved in this, not to be doing it too often so that we do not end up all the time debating it.

I would like to see some more reporting requirements in it. Not every 20 days or 60 days, but with some frequency so we could have some sense of how that policy was proceeding.

My fear is that if we do not do anything at all, if we leave it in the broad sense and allow the executive branch to just proceed along the course it has been going, we are going to find ourselves in an ever-deepening situation.

So I applaud my colleague for his thoughts on this issue. I thought I would take the opportunity, since he mentioned certification. It is not pride of authorship, but I think it did achieve some purposes which were worthwhile, even though, as he pointed out, it did have its burdensome aspects. I hope that the rest of this evening we might have a chance to discuss some of those policy questions. We spend a lot of money and there is a lot at stake in what is going on in this part of the world. But we have taken a lot more time in this Chamber to debate a lot less significant things.

It is not just the interest of this particular Member of this body. There are a number of others who are deeply concerned about where we are headed. I think it is quite obvious across this country that people are a bit nervous about what our policies are going to be and what is going to happen in El Salvador and Nicaragua; whether in fact there is a likelihood of U.S. combat forces being called to go to that part of the world, and what the implications of that may be.

So I think it is important that we discuss these things and discuss them so that we might be able to explore the background and the history, so that we might have a better understanding of why these problems exist today, where they came from, what the history is, what we might do to try to at least stem the tide in the future so we do not see these situations again.

I think to engage in that kind of an exercise in this body is to do just what this body was always intended to serve: the opportunity to debate, discuss, and explore these issues.

This is not a fast food chain. This is not a place where you just push things through in order to get them done so we can settle on a number someplace. There is a lot more involved here than just a number, a lot more of importance than just trying to come up with some quick amendments.

My hope would be that in the coming hours we will have a chance to do that.

Mr. President, I yield the floor.

Mr. DURENBERGER. Mr. President, will the Senator yield for a moment?

Mr. DODD. I will be glad to.

Mr. DURENBERGER. Mr. President, let me respond very briefly to my colleague from Connecticut.

Let me say first that I should not have used the word "thrust" first. I never looked that up in the dictionary. I do not know what connotation it has. In my recollection in the 5 years-plus I have been here, we probably were not the first. I recall that my colleague, the senior Senator from North Carolina, against whom I debated for a solid 6 months I think in 1979, probably invented certification when we finally broke down and approved the first aid to Nicaragua. I believe that is when some form of certified conditionality arose.

But I rise to compliment the Senator from Connecticut, whose interest in this part of the world goes back before he came to the Senate and who has well articulated on the floor, as he just did, his concern not for the process but for the outcome.

I will grant to him that debating these issues on the Senate floor and in the authorizing committee on their way to the Senate floor is a much more appropriate way to safeguard our interests in Central America. I do not recall that there was a preference for congressional certification, but if that is the Senator's recollection of history, I say to my colleague I would certainly have preferred that approach as well.

And I would say in conclusion, in explanation, not by way of apologizing for pulling the amendment down, now that my colleague from Connecticut has indicated a desire to discuss the amendment—he did not say whether he was for it or not—that I sort of counted heads. As I tried to point out in my statement I found that a number of people did not like the notion of bringing my amendment up because they wanted to get to the numbers—the question of how much money to appropriate.

I found another group that did not want it brought up because they were the folks who liked the box-checking procedure, because it is a good way to cast an aye vote and go hide behind the boxes.

Then, of course, there were the "international lawyers" and the Secretary of State folks. An exception to that, of course, was the Senator from Wisconsin. But there is a body of opinion in the Senate which believes that only Secretaries of State, Presidents, and international lawyers should be permitted to make what is called foreign policy.

So for that reason, plus the fact we are finally dealing, as my colleague from Connecticut knows, in the Foreign Relations Committee with our responsibility for conditionality, I decided not to propose my amendment. I will share with my colleagues a concern I have for going down and voting in favor of this appropriation, as I intend to do, not having my congressional responsibility or my conditions firmly in hand.

I am one who has yet to have proved to him that this administration fully understands the import of the Kissinger Commission recommendations, is fully committed to a lot of costs that go beyond dollars in terms of a long-range policy in Central America, and as they fought this amendment, or this proposed amendment, may likely stall the process of congressional conditionality. So it is not without some sense of unease, if you will, that I back off from proposing the amendment, but it is with a renewed sense of commitment, particularly since I was privileged to hear the comments of my colleague now and in part his comments earlier this afternoon, that I feel somewhere in this process in the next several months, whether it is on an authorization bill or an appropriations bill, we will undertake to apply what I believe, and what I think the Senator believes, is our responsibility to this policy process.

So I thank the Senator for his comment.

Mr. DODD. I thank my colleague for his comments and look forward to working with him on the proposition that he decided not to move forward with today. I agree with him wholeheartedly. This is hardly the kind of vehicle we ought to be using, this constant catch-all we have every time we want to move something along. The fact we are discussing El Salvador on an agriculture bill I guess speaks volumes about our ability to deal intelligently with policy questions. It was not my choice, nor the choice of the Senator from Minnesota, nor do I believe the Senator from Hawaii, to have this debate on this particular legislative vehicle, but we are left with no choice on this matter. We have to play with the cards we are dealt. The cards dealt are the ones before us. My hope is that we might have an opportunity and a better forum for those kinds of policy discussions.

I appreciate the Senator's comments immensely and thank him for his contribution.

Mr. President, I yield the floor.

Mr. TSONGAS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Massachusetts is recognized.

Mr. TSONGAS. Mr. President, I should like to take this opportunity to bring my colleagues up to date on the meeting that took place this morning in the Intelligence Committee room on the fourth floor.

As some of my colleagues know, I had gone to Costa Rica and Nicaragua in August of last year, and the rest of that group I was with also went to El Salvador.

One of the people on that trip gave me a call in early February and asked me whether I would be interested in meeting with a Salvadoran army official who was prepared to tell the truth about the death squads and the corruption in El Salvador. I indicated that I would, and subsequently a meeting was arranged in the Hyatt on Capitol Hill. There I met this Salvadoran official, along with Congressman JAMES SHANNON, and that official proceeded to lay out allegations about the death squads, about the murder of the nuns, about the coverup of the murders, and the whole range of events in El Salvador that some of us find offensive.

Subsequent to that time, a meeting took place in my home in Massachusetts with the New York Times where we provided access to this official to the New York Times. As everyone knows, the Times subsequently printed a major story which went into detail. Mr. President, I ask unanimous consent the story be made a part of the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

[From The New York Times, Saturday, Mar. 3, 1984]

DEATH SQUADS IN EL SALVADOR: EX-AIDE ACCUSES COLLEAGUES

(By Stephen Kinzer)

A former Salvadoran military official has implicated high-ranking Salvadoran officials and civilians in acts of terrorism, including Roberto d'Aubuisson, a leading candidate for El Salvador's presidency.

The former official, who has served at the highest level of the security police in El Salvador, has given members of Congress extensive information on what he says are the inner workings of Salvadoran death squads, how and why they were formed, who directs and pays them and who selects their victims.

THE SALVADORAN'S CHARGES

He is believed to be the first officer with experience in the highest councils of the Salvadoran Government to accuse fellow officers publicly of violent political crimes.

It was not possible to obtain independent verification of the accusations by the officer, who asked to remain anonymous because of fear of reprisal. But a United States Senator who interviewed him says he will seek an investigation of the charges and a Congressman says he is confident of the former official's veracity.

These were among his charges:

The network of death squads in El Salvador was shaped by leading Salvadoran officials, including Col. Nicolás Carranza, chief of the Treasury police, and former Minister of Defense José Guillermo García, and is still directed by senior officials.

The man who organized and continues to direct the squads is Mr. d'Aubuisson, a former army officer.

Mr. d'Aubuisson continued to receive a military salary through the late 1970's despite official accounts that he had been dismissed from the army.

Money for rightist terror in El Salvador comes from Salvadoran exiles living in the Miami area.

Government officials routinely ordered the police and soldiers to stay out of areas where political murders were about to take place and that they helped assassins get to refuges in neighboring Guatemala.

Veterans of Nicaragua's deposed national guard were used in some killings carried out by Mr. d'Aubuisson's squads.

Minister of Defense Eugenio Vides Casanova is personally directing a cover/up in the slayings of four American churchwomen in 1980 and that his cousin, a colonel, ordered the murders.

"I WOULDN'T WANT TO BE HIS PRISONER"

The officer making these charges was interviewed by The New York Times at a small hotel in the southern United States. He was known by journalists working in El Salvador in the late 1970's. Congressional staff members and Central America specialists who have interviewed him at length recently said they were confident of his credibility.

In his interviews with The Times, he protrayed himself as a supporter of the Salvadoran Government and a vigorous opponent of the guerrilla insurgency that has enveloped his country.

One of the two members of Congress who has met with him, Senator Paul E. Tsongas, Democrat of Massachusetts, said he was taken aback by the man's strong promilitary sentiments.

"Given the things he was saying, I expected some kind of liberal humanitarian," Senator Tsongas said. "What I found was one tough military veteran. I wouldn't want to be his prisoner."

The former official said he feared that if Mr. d'Aubuisson won the election on March 25, his presidency might provoke a break between the United States and the Salvadoran Government, thereby possibly aiding the insurgent guerrillas. He expressed no sympathy for even the moderate left, calling the Christian Democrats Communist-oriented and corrupt and declaring that they were as great a threat to the country as Mr. d'Aubuisson and Colonel Carranza. He said he considered Mario Zamora, the Christian Democratic leader who was assassinated in early 1980, to have been "a Marxist agent who guided Christian Democratic youth into the hands of the guerrillas."

The former official said he had known Mr. d'Aubuisson for many years and considered him an "anarchic psychopath." He said he feared that "uncontrollable violence" would consume El Salvador if Mr. d'Aubuisson was elected President, and that this fear was one of the factors that led him to divulge closely held secrets.

Senator Tsongas said he would press the Senate Foreign Relations Committee, of which he is a member, to investigate each of the man's many charges about the involvement of the Salvadoran Government in acts of terror.

Representative James M. Shannon, Democrat of Massachusetts, who has also met with the Salvadoran, said he was confident of his veracity.

"He knew things that only someone who had access to the high command would know," Representative Shannon said. "He has the names and facts to substantiate what a lot of people have been saying."

Both Senator Tsongas and Representative Shannon are critics of the Reagan Administration's policy in Central America.

Other people familiar with the Salvadoran and his allegations said he had been known for his differences with Mr. d'Aubuisson. They said he might also be motivated by indications that young people close to him, possibly including relatives, may be developing ties to terror groups.

In interviews, the former official spoke several times of the number of Salvadoran youths who he said were being turned into members of death squads after joining Mr. d'Aubuisson's political coterie.

Allegations that death squads in El Salvador are tied to high military officers have been made before and have been cited by some Congressional critics of the Reagan Administration's policy in El Salvador.

In recent months the Administration has made new appeals to Salvadoran leaders to press for an end to death squad activity. Vice President Bush and Secretary of State George P. Shultz have both visited El Salvador to present the Administration case, and both said they were convinced the Salvadoran Government was making a serious effort to curb political violence.

The Salvadoran military command has publicly denounced the death squads, and military leaders have denied allegations that they are connected to violent acts.

"The death squads must disappear forever to prove our determination to combat them and our faith in the democratic process," Defense Minister Vides Casanova said in November. "All Salvadorans must oppose and denounce them so they will not only be illegal but condemned by everyone."

But according to the Salvadoran now sharing information with members of Congress, General Vides Casanova and other important Salvadoran officers have ordered or covered up acts of political violence.

He said he had personal knowledge of these crimes because his Government post had put him in direct contact with top military leaders. He said his office had regularly received sensitive information detailing the officers' participation in violence and that his agents sometimes monitored the development of assassination plots formulated by officers.

The present structure of rightist terror in El Salvador, according to the former official, grew out of the power struggle that erupted between reformist and conservative military factions in 1979.

After the October 1979 military coup, leftists gained a foothold in the Government and formed a loose alliance with reformist officers led by Col. Arnold Majano, a member of the revolutionary junta. Rightists led by Defense Minister Garcia and Colonel Carranza, then his deputy, were alarmed at this alliance.

The campaign to outmaneuver Colonel Majano and force him and his allies from the Government, according to the Salvadoran, secretly included a series of terrorist acts. Rightist officers, he said, hoped to destabilize the country and create conditions for a countercoup.

"Garcia and Carranza asked d'Aubuisson to establish the Broad Nationalist Front with the object of supporting the armed forces and destabilizing Colonel Majano, who was becoming a problem for them," the Salvadoran said evenly. "He did a good job organizing street rallies and took on the task of eliminating people."

Mr. d'Aubuisson was supposedly out of the army at this time, but according to the former official he was secretly still receiving a salary. In fact, he said. Mr. d'Aubuisson actually received a substantial raise in his military pay during the time he was organizing the death squads in late 1979.

"Garcia and Carranza gave him their most suitable men to each part of the country for his squads," the Salvadoran said. "The goal was to make it seem that the revolutionary junta was incapable of governing, to create chaos so they could push Majano out."

Colonel Majano was the target of sustained attacks from the right during his 14 months on the junta because of his support for land redistribution, nationalization of the banks and civilian control of the military. He is now in exile and reportedly lives in Mexico.

The former military official said he had direct knowledge of the participation of Mr. d'Aubuisson, General Garcia and Colonel Carranza in the process of selecting death squad victims, many of whom have been trade unionists, student leaders, peasant organizers and others considered potentially sympathetic to the left.

He said many of the men who carried out killings or kidnappings understood that they were acting on Government orders and that such a conclusion was reasonable because the police were cleared from the scene before assaults and full opportunities for escape were provided.

GUATEMALA IS CALLED SCHOOL AND REFUGE

Mr. d'Aubuisson is known to have gone to Guatemala regularly during 1979 and 1980, and, according to the former military official, he was in contact there with Mario Sandoval Alarcón and Leonel Sisniega Otero, the two leaders of the ultraright National Liberation Movement, a Guatemalan political party that has been linked to political violence. The National Liberation Movement was formed in the early 1950's with the help of the Central Intelligence Agency to overthrow the leftist Government of Jacobo Arbenz Guzmán, who fell from power in a C.I.A.-backed coup in June 1954.

According to the Salvadoran, Mr. d'Aubuisson and his men moved freely between El Salvador and Guatemala. In many cases, he said, assassins would drive directly from the scene of a murder in El Salvador to an airstrip where they would board a private plane for Guatemala.

Guatemala is the only country in Central America with a long history of death squad activity, and the former official said Mr. d'Aubuisson went there to learn how rightist squads were run. Trips to Guatemala after killings were also thought to protect the killers from possible private reprisals and from questioning by Salvadoran agencies not involved in the plots.

He said the Guatemalan Government was not fully aware of the extent of these ties

and was not a party to the activities of the d'Aubuisson group, although its intelligence agencies were aware that Mr. d'Aubuisson was active there.

In Guatemala, the former military official said, Mr. d'Aubuisson met regularly with a small group of wealthy Salvadoran exiles determined to oust the Majano faction from the Government and repeal the legal changes that had cost many of them much money and positions of political influence. Members of this group regularly provided names of people they wanted killed, he said, and paid Mr. d'Aubuisson to carry out their wishes.

"These exiles now operate out of Miami and still have the same relationship with the squads," he said. "With Carranza now head of the Treasury police, there is no problem."

According to the Salvadoran, the two most stunning political murders of early 1980 in El Salvador, those of Mario Zamora and Archbishop Oscar Arnulfo Romero, were both planned and carried out by Mr. d'Aubuisson with money from exiles in Guatemala and under the protection of General Garcia and Colonel Carranza. At this time, the former official said, Mr. d'Aubuisson did not have a reliable team of Salvadoran killers and used veterans of Nicaragua's deposed national guard as triggermen for both assassinations.

The killing of Mr. Zamora, an outspoken activist who was a spokesman for young leftists in the Christian Democratic Party and who held a Cabinet post under the revolutionary junta, happened when Mr. Zamora was engaged in a public feud with Mr. d'Aubuisson. Mr. Zamora was killed by a squad that broke into his home on the evening of Feb. 23, 1980.

Mr. Zamora's brother Ruben has become a leading spokesman for the Salvadoran revolutionary movement. He has said he believes Mr. d'Aubuisson helped plan his brother's murder.

A month after the Zamora killing, Archbishop Romero was slain while saying mass at a hospital chapel in San Salvador.

"As for the case of the Archbishop, d'Aubuisson simply ordered it after meeting with exiles in Guatemala," the former official said. "He formed the teams, his men followed the Archbishop to learn his habits and he picked the four men who carried out the operation and the eight others who made up the security group."

40 STICKS OF DYNAMITE ARE PRELUDE TO EXILE

Colonel Majano lost political ground continually through 1980, and most of the leftists in the Government, including two key junta members, were forced from office. At one point, Colonel Majano ordered the arrest of Mr. d'Aubuisson on charges of plotting a coup, but Mr. d'Aubuisson was quickly released through the efforts of Defense Minister Garcia.

As Colonel Majano drove near the Salvadoran Institute for Agrarian Reform on Nov. 11, 1980, a bomb made from 40 sticks of dynamite exploded just after his car passed. This assassination attempt was carried out by squads working for Mr. d'Aubuisson, the former offical said.

Two weeks after the car-bomb attack, six members of the executive committee of the leftist Democratic Revolutionary Front were kidnapped and killed, an action the former military official said was also carried out by squads working for Mr. d'Aubuisson. In mid-December, Colonel Majano was finally forced to leave the junta. He fled into exile soon afterward.

The Salvadoran was in a sensitive Government post when the four American churchwomen were killed in El Salvador on Dec. 2, 1980. He said his post gave him the opportunity to watch a cover-up develop. American officials familiar with circumstances at that time confirmed that the Salvadoran was well situated to see the inner reaction of the Government to the killings.

He said the murder of the churchwomen was "an unusual case" that did not involve Mr. d'Aubuission or what he described as "the normal structure."

"National guardsmen at the airport spotted the women, and they radioed for instructions," he said, speaking matter-of-factly and chain-smoking American cigarettes. "Two of the women were coming from a conference of Maryknoll nuns in Managua, Nicaragua, and the other two were known as suspicious.

"The word came down to eliminate them. It came from Col. Oscar Edgardo Casanova, who was in charge in that zone."

Salvadoran and American officials have said there is no evidence to suggest the five national guardsmen accused of killing the churchwomen were acting on orders. But critics, including relatives of the women, have expressed doubt that a crime of this magnitude would have been carried out spontaneously.

Colonel Casanova is a cousin of General Vides Casanova, then chief of the national guard and now Minister of Defense. Oscar Edgardo Casanova is now commander of the Salvadoran Army's Second Brigade, stationed at the western city of Santa Ana. He was transferred from La Paz, where the murders took place, weeks after the women were killed. His transfer was part of a shake-up that the former offical said was principally designed to provide a pretext for protecting the women's killers.

According to the Salvadoran, the transfers sent a message to soldiers that they would be protected if they were implicated in crimes of violence.

He said Colonel Casanova's involvement in the killing of the churchwomen was known to several people at high levels of the Salvadoran government.

"The men who did the killing have been promised that they will be freed through the judicial system, which means that they can never be put on trial again," the former official said. "If they don't name Casanova, they will get out of jail as soon as it is feasible."

KILLING SAID TO FOSTER MURDER AS WAY LIFE

The former official said that the January 1981 killing of José Rodolfo Viera, who headed the land redistribution program that many wealthy Salvadoran landowners bitterly opposed, was carried out by men working for Mr. d'Aubuisson. He described the two men who have been accused in the killing, Capt. Eduardo Alfonso Avila and Lieut. Isidro López Sibrián, as "integral members of the d'Aubuisson gang."

Mr. Viera was killed together with two American labor advisers as they were dining at the San Salvador Sheraton. Lieutenant López Sibrián remains on active duty, and Captain Avila is "under the jurisdiction of a judge" while charges that he left the country illegally are investigated.

The political party Mr. d'Aubuisson now heads, the Nationalist Republican Alliance, emerged out of the Broad Nationalist Front as a vehicle for candidates in the 1982 election in El Salvador. Mr. d'Aubuisson became president of the Constituent Assembly after the 1982 election and is now the Nationalist Republican Alliance candidate for President.

According to the former official, Alliance money is routinely used to pay both campaign expenses for Mr. d'Aubuisson's presidential bid and expenses of death squads under his control.

"He formed them and he runs them," the Salvadoran said of Mr. d'Aubuisson and the death squads. "Campaign contributors in Miami know that their money is going for both purposes, campaigning and killing."

Because Mr. d'Aubuisson's squads have operated with such impunity, the former official said, many Salvadorans have followed his example and taken to murder as a way of of resolving political grievances, personal quarrels or financial disagreements.

"Violence is consuming the country," he said. He said the example of Mr. d'Aubuisson had led "to a geometric increase in murders" over the last few years. People see that all they have to do is go out and shoot someone and nothing will happen to them, he said.

"Young people who want to do something for the country and for some reason are attracted to d'Aubuisson," he continued, "go to his office and ask what they can do to help. Someone gives them a gun and the name of someone to kill.

"It reaches the point where his hitmen get bored and ask him what operation they are going to carry out today. So he sends them out to kill a professor or throw a bomb at some union leader."

He asserted that José Napoleon Duarte, the Christian Democratic leader and the party's presidential candidate in the election this month, was told while he was serving as Provisional President in 1981 that Colonel Casanova was the man who ordered the killing of the American churchwomen. But he said Mr. Duarte chose not to act on the information for fear that doing so might produce a violent reaction.

Mr. Duarte has said he tried vigorously to pursue the case but was stymied by the military and a timid judiciary.

[From the New York Times, Thursday, Mar. 22, 1984]

TOP SALVADORAN POLICE OFFICIAL SAID TO BE A C.I.A. INFORMANT

(By Philip Taubman)

WASHINGTON, MARCH 21. The head of El Salvador's Treasury police has been a paid informant for the Central Intelligence Agency since the late 1970's, according to American officials.

The Treasury police have long been considered the least disciplined and most brutal of the Salvadoran security forces and some of the members have been linked to death squad activities by the Reagan Administration.

The American officials, who are familiar with C.I.A. activities in El Salvador, said that the Treasury police chief, Col. Nicolás Carranza, had received more than $90,000 a year from the C.I.A. as an informant for the last five or six years.

A senior officer of the Treasury police, their head of intelligence, Maj. José Ricardo Pozo, was removed from his job late last year after the Reagan Administration pressed the Salvadoran Government to take action against security officers, including Major Pozo, who were linked to the death squads, according to State Department officials. The American officials maintained, however, that there was no credible evi-

dence Colonel Carranza was personally involved with the death squads.

In visits to El Salvador at the time of Major Pozo's dismissal, according to Administration officials, Vice President Bush and other senior United States officials told Salvadoran leaders that military commanders, including Colonel Carranza, should move aggressively against any colleagues involved in death squad activities to dispel the impression that the commanders tacitly condoned the groups.

CONDUCT SAID TO HAVE IMPROVED

The State Department officials said today that since Colonel Carranza took command last year, the Treasury police had improved their conduct somewhat but remained a major source of human rights abuses.

A diplomat in El Salvador said today of the Treasury police, "That is still the organization that people would least like to be picked up by."

"We can't say the organization as a whole is involved with the death squads, but we did complain about some top officials, including Major Pozo, and their subordinates," a highranking State Department official said.

Intelligence officials, while declining to talk about Colonel Carranza, said C.I.A. operations in El Salvador had not involved the agency directly or indirectly in sanctioning death squads.

A C.I.A. spokesman, George V. Lauder, refused to confirm or deny that Colonel Carranza had been an informant. Repeated efforts this week to reach Colonel Carranza by telephone were unsuccessful. Aides said he was out of his office and unavailable.

Lieut. Col. Ricardo Cienfuegos, the chief spokesman for the Salvadoran armed forces, said today that without proof of a connection between Colonel Carranza and the C.I.A. he could make no comment. "We are not going to keep answering these charges without proof," he said.

American officials said the use of Colonel Carranza as a paid informant was part of the C.I.A.'s effort to monitor military and political developments, including power struggles within the Salvadoran military. When he was recruited by the C.I.A. in the late 1970's, Colonel Carranza was the Deputy Minister of Defense.

Before taking command of the Treasury police last May, Colonel Carranza worked at the Salvadoran telephone company and electric company in posts commonly occupied by ranking military officers.

THREE INTERNAL SECURITY FORCES

The Treasury police, originally established to deal with revenue violations, are one of three internal security forces in El Salvador. The others are the national police and the national guard. All three are active in efforts to counter guerrilla forces. Like the army, the three organizations report to the Minister of Defense.

John N. McMahon, the Deputy Director of Central Intelligence, in a recent appearance before the Senate Select Committee on Intelligence, testified that C.I.A. policy barred the use of agents or informants who were involved in assassinations, according to two members of the committee.

One of the Senators, who asked not to be identified, said that the C.I.A. had recently terminated its relationship with a Salvadoran security officer believed to be involved with the death squads even though the man had been a valuable source of information. That former informant, the Senator said, was not Colonel Carranza.

Information linking Colonel Carranza to the C.I.A. was initially provided by a former Salvadoran official who recently accused leading Salvadoran military officers and civilians of involvement in death squad activities. In an interview, the former Salvadoran official accurately identified the current C.I.A. station chief in El Salvador and named his two immediate predecessors. His information about Colonel Carranza's connection to the C.I.A. was confirmed by American officials familiar with the agency's operations in El Salvador.

ANONYMITY REQUESTED

The former official's accusations about the death squad links of Salvadoran officers and civilians could not be independently confirmed.

The former Salvadoran official, who was promised $50,000 by a group of critics of Reagan Administration policies in Latin America if he would speak out, has asked to remain anonymous for fear or reprisals. He has already received $29,500 of the $50,000.

American officials said it was common for the C.I.A. to recruit and pay senior military officers in foreign countries to provide information and to further American interests. Many of these informants, the officials said, are involved on their own in activities that the C.I.A. does not necessarily support or condone. "You can't always do business with honorable people," one former intelligence officer said. He added, "In such cases, the less you know, the better it is."

This gray area was illustrated two years ago when the former head of Mexico's national police was charged in San Diego with directing a stolen car ring that operated in southern California. Intelligence officials said the man had been a key C.I.A. informant in Mexico.

In an interview broadcast by CBS News tonight, the former Salvadoran official repeated his assertion that Colonel Carranza worked for the C.I.A. and was involved with the death squads.

Mr. TSONGAS. I felt, after my own inquiry, that this man was credible and it was important everyone in this country who was interested have a chance to have access to him.

So about 3 weeks ago, I traveled out of the city on the night I was supposed to be at TIP O'NEILL's roast to meet with him again and urge him to go public. He was very reluctant to do that because of physical security, concern about his family, and because he does not trust us.

Those negotiations went on and on, and finally last week we received word that he was prepared to come to Washington to lay out his allegations. I felt that was a major breakthrough, and so we arranged to bring the official to the Capitol at 9:30 this morning and let him tell his story.

The problem we had was that to allow him to tell the story required we invite both House Members and Senate Members, Republicans and Democrats, liberals, moderates, and conservatives. The dilemma was simple—there would be so many people anxious to hear him that we had to limit the number of people we invited, which we did. Fifty-one Senators were invited to the session this morning. Nine came.

If we are about to vote all this money for El Salvador, here is a highranking Salvadoran official risking his life and that of his family to come to tell the truth and hardly anybody shows up. It would require walking to the middle of this building, going up the elevator one flight and walking the other flight.

Senators BOREN, DODD, METZENBAUM, WILSON, CHILES, LAUTENBERG, NUNN, JOHNSTON, MATTINGLY, and I came, and I urge other Members of the Senate to talk to them. I regret that we limited the invitation. Had I known that the turnout would be so poor, I would have invited everybody.

That official, for 3 hours told his story of El Salvador: the corruption, the brutality, the death squads, the nuns.

Everyone is concerned about the nuns, but who wants to walk down and hear about it? Very few. The details of how the nuns were killed, who covered it up. Too far to walk. The corruption: millions of taxpayers' dollars being abused. Too far to walk. Who is kidding whom?

This man risks his life to tell us, the representatives of this country, what is going on in El Salvador. Does anybody care? Not many.

Do we find corruption offensive? Apparently not. Do we find death squads offensive? Well, maybe an irritant. What about the nuns?

What I found intriguing about this man was that when I was asked to meet with him, I expected to find a leftist or at least a closet liberal. This fellow was more anti-Communist than anybody in this body, and he spoke out today for aid to El Salvador. He made it clear that you can put in whatever aid you want; you do not clean up the act in El Salvador. The Communists are going to take over.

He talked specifically about the corruption and the brutality. Who was listening?

He met with the FBI today, at 2 o'clock, and detailed for them the same story, and it is my hope that eventually I can get him to go public. The major argument is this: If you cannot get Senators to come, the only way to get their attention is to go to their constituents.

The election in El Salvador does not solve the problem. It is a help. The problem is base corruption, and this fellow knows more about it than anybody else in this town.

It was embarrassing. Imagine risking your life to go to a strange country and tell the truth, and nobody comes. I believe that, unfortunately, there is a hear-no-evil, see-no-evil, speak-no-evil attitude.

I had a conversation recently with one of my constituents, a reporter, and we were talking about all this, and I was expressing my concern that four

Americans could be killed and 4 years later nothing has been done. He said to me, "Well, what were they doing?"

That was the same comment that was made in the hearings in our committee some 3 years ago. The implication is obvious—that if they were dealing with the leftists, they got what they deserved. That is a fine state of affairs. So, what we object to is not the killing, but the killing if they had contact with and were sympathetic to the guerrillas. I do not know whether they were or were not. But four Americans were killed, and there are people in this country who say, "Well, if they had any contact with the guerrillas, maybe they got what they deserved." That is offensive. So, Americans are killed by governments we support, and we look the other way.

I think the elections in El Salvador are very important, and it is a real struggle between those who want change and those who want to go back. I hope they work out well. But no matter what happens, if you do not stop the corruption, you will not stop the death squads; and eventually you will have a demoralized army that cannot defeat the guerrillas. As this man said this morning, you have to defeat the guerrillas, and you cannot do it without a reformed army. That was a very important message, and you should have heard it.

In some contrast is the issue of Nicaragua. Is there anybody in this body who would come here and argue that the Sandinista government does not have majority support? We were in bed with Somoza for something like 40 years, and I do not recall anybody being upset about him except the people of his country. I am sure there were some around here, but it was no big issue. Finally, the excesses and the brutality and the corruption were too much, and he was overthrown, and the Sandinistas came into power.

When I was in Nicaragua in August, we met with church officials in La Prensa and the business community and people who had grave reservations about the Sandinistas. I think many of those reservations were valid and are still valid.

We also got to the countryside, and we had a couple of meetings that I think are worth telling about.

The first was at a village called Estalee, where the contras are engaged in activities. The meeting was arranged with 100 or 150 Catholic organizers, and it was done in a sort of hall.

Two things were important to me about that session. One was that, after a while, I asked the question: "How many of you in this room are Catholics?" Every person raised his or her hand.

Then I said, "How many of you in this room are Sandinistas?" Everyone raised his or her hand.

Then I said, "How many of you are Marxists?" Two hands were raised. One was a 5-year-old boy who raised his hand because the person next to him raised his hand.

The point of that, I think, was very clear: That the average person in Nicaragua is a Sandinista and not a Marxist.

When President Reagan was on television in his debate with President Carter, he raised a very telling point.

He said, "Are you better off now than you were 4 years ago?"

A lot of Americans said, "No," and that is why Jimmy Carter is in Plains, Ga., and why Ronald Reagan is in the White House.

If you go to Nicaragua and you ask them the same question, "Are you better off today than you were under Somoza," you get the same answer. The answer is, "Yes, we are better off, goodby Samoza, he happens to be overthrown."

So is it any surprise that if it is all right in the United States for people to frame their perspective relative to the past, that they do that in Nicaragua as well? And if you grew up and you existed under Somoza, you would be pro-Sandinista, too. With all their problems, it is better than it was before.

I raised this issue at the Democratic Caucus on Tuesday and one Senator said that he disagreed with me. He said that he felt that the support enjoyed by the Sandinistas was a bare majority.

I got elected here with 55 percent of the vote. That is a bare majority. And that is better than a lot of people, not Senator INOUYE. He does not count. He gets 80 percent. That is a different world out there.

The fact is a lot of people got here by the skin of their teeth. Would anyone suggest that because I got with 55 percent of the vote I should not be here? I suppose there are some but most would not.

The Sandinistas, like it or not, are supported by their people beyond the majority, with all their problems and there are a lot of them. If you do not believe me, by the way, talk to the American Ambassador, not my appointee, a Reagan appointee. The obvious question is if they have majority support why the hell are we trying to overthrow them? Where did we get into this business? There are a lot of governments around the world that do not have majority support. Let us go after those. Why do we pick out Nicaragua?

What troubles me the most is the fact what we are doing there is not offensive to a majority of the Members of the Senate. The idea of going in and trying to knock off a government with majority support is offensive to what we stand for.

I will tell you the second story. I was in Estalee and this woman began wailing. I would guess she was around her late fifties, sixties, something like that. She had a woman with her who turned out to be her daughter. She began wailing, crying, and screaming and said that I and the Congressman as Americans were responsible because her son had been killed by the contras. They came in and shot up a jeep and he was in the jeep and he was killed. He was not a soldier. He was just a townsperson, and she blamed me for his death.

I left the meeting right after this and wanted to walk through the village and ask questions, which I did. Congressman SHANNON stayed behind. He was approached by a man in his forties who had three children with him. I think the oldest was around 15, maybe less than that. But two of them I know were just tots. The man came up to him and said, "Congressman, the mother of these children, my wife, was killed 2 days ago, and she was a nurse and she and the doctor she worked with were driving up the road, where there had been a battle, to try to provide medical attention and they had the red cross on the truck and that truck was ambushed and both the doctor and my wife, the nurse, were killed and these children have no mother, and it is your fault."

What would you have said? You probably would not have been there because you know that is what we are doing and you do not want the damn question. But when you vote in this body for money for the contras you are killing people. It is not your wife. That blood is on your hands.

I want you to think about it. We are not playing Secretary of State here. We are killing people. If you want to do that in 5 minutes, I do not.

What right do you have to do that? I challenge you to come up here right now and tell me and prove to me that Sandinistas do not enjoy majority support. Show me your evidence.

What you are doing for ideological reasons is supporting Contras with all their ties to the Somocistas and they are engaged in terror. And mothers of young children are being killed and they are being killed because the money came from here. There is no blood on this carpet but there should be. Go to Nicaragua, go to Estalle, have those conversations, then come back here and vote for it.

When Senator DODD was a Peace Corps volunteer and when I was a Peace Corps volunteer we stood for something. We stood for the greatness of this country, that we gave of our lives. We do not take lives. I would just hope that at some point there would be a reaffirmation that the United States really does care about human rights, that we really do care about

corruption, we do care about majority rule and self-determination and nonintervention.

That is why we are different from the Soviets.

The tragedy is that the Democratic Party is a part of all this, because there are many Democrats who do not want to vote no because they do not want to get blamed, if the question arises who lost El Salvador or who lost Nicaragua or who lost "X."

But at some point there is an accountability and the question of whether we are a nation that people around the world——

The Senator from Connecticut wishes me to yield?

Mr. DODD. First, I want to compliment my colleague on this statement. It is somewhat ironic, I guess, the two of us standing here both having served in the Peace Corps back two decades ago. I served in Latin America and he was in Africa. As he has just pointed out, in fact, almost stealing my thoughts, those were the days when it seemed we had policies that people seemed to approve. We were a stronger nation, and enjoyed tremendous support because we were participating in trying to improve the quality of life. Unfortunately, today it is quite the opposite. But I really just want to compliment the Senator on his remarks and tell him it is going to be a little lonely around here next year not having him sitting on this other side during moments like this, and when he gets through I will just take a couple minutes and go to something else.

Mr. TSONGAS. Just to pursue that point, I told the story before so it may be repeating. In 1963 I lived in a village called Valsa, Ethiopia, and the people of that village spoke in Galla and Gallaya. I only got past the first one.

One day my students said to me, "Why don't we go out in the countryside and see beyond the village town we lived in what the people were like way, way out in the countryside." So I agreed and, on that weekend after school was over Saturday morning we got up bright and early and we got on our horses, a very energy efficient motor transportation, I might say, and I and my students went riding into the countryside.

About midday, we came to a hut. Ethiopia is a very fertile country where they live, all farmers, but they were peasants. Where we were there were no roads. It was all done by mules and horseback and walking.

I got off the horse at this juncture because we wanted to rest, and the farmer invited us into the hut to have coffee. We went inside the hut, which is a traditional mud-wall building with a grass-thatch roof, and it is very dark in there. Eventually my eyes got accustomed to the darkness. There were two photographs on the wall of the hut. One was Haile Selassie, the Emperor of Ethiopia—and in that country you better have his picture in the hut. The second picture was Jack Kennedy.

Now, you could imagine what it is like to be a 22-year-old American, riding 4 hours into the Ethiopia countryside, get off your horse, go into a hut in the middle of nowhere, and there is a picture of your President. That was a moment that I cherish.

That is what America is. They perceived us as standing for something. Do you think any Peace Corps volunteer today gets on a horse and goes 4 hours into the countryside and sees a picture of any American Presidents?

The final incident I want to relate in Nicaragua was at a Catholic school in Managua. At the Catholic school, like any other Catholic schools, if you grew up in my part of the country, the students wear uniforms, white top with blue pants or blue skirt. We were supposed to meet somebody, and the person did not show up.

Rather than leave, I and the other Americans walked over to where the students were. They had no idea who we were. We began to talk with them. We got into the question of Sandinistas, the Somocistas, et cetera. I said to one of the students: "How do you feel about Marxism?"

He said, "I don't know very much about it."

I said, "Well, you know Fidel Castro was a good friend of your government's here, and he is a Marxist. How do you feel about Somocista Marxists having influence with your government?"

He said, "Well, I don't know anything about Fidel Castro, but he didn't do anything to hurt me."

I expressed my concern about Marxism, and I said, "How would you feel if the United States decided to help you overthrow the Marxist regime here and sent American troops to land on the shores to liberate you?"

He looked at me and he said, "Well, if that happened, I and the other students here would go get our guns and go fight them."

I said, "Well, you don't understand. They would be coming here to liberate you."

He said, "They would not come to liberate us. They would come to bring back the Somocistas."

Do you not find it surprising that the Sandinistas would go out into the countryside and give away arms? I mean, if you do not think the people are with you, the last thing you are going to do is give them weaponry.

You do not think that in Argentina, prior to the current regime, they used to go around giving out weaponry to people. No, because they did not know which way these people were going to shoot.

Does it surprise you that with all the money that we have given to the Contras they have not done anything? A raid here, raid there, killing here, killing there. What have they taken? Where is the popular support? It is not there.

Those students in that Catholic school, if we land all our Marines in Nicaragua, are going to shoot them and be shot in return because we are identified with Somoza. No surprise. So the people we are supporting are Somocistas, in large part, and are viewed that way by the people in Nicaragua.

I think that the revolution in Nicaragua is unfortunate. I think the Sandinistas had a marvelous opportunity to introduce real pluralism, and they messed it up. They did not deal with the church correctly or the Meskito Indians or La Prenza. They could have been the role model, and I think they have failed that. But that does not lead to the conclusion that it is our job to overthrow a government that enjoys majority support.

Finally, let me say one thing. What I object to beyond my human objections to killing and corruption is I have come to the conclusion, unfortunately, that many people in the United States, particularly in elected office, have concluded that time and history are not on our side. You do not engage in these kinds of things if you believe that history is moving your way. These are acts of desperation.

We all remember the allegation made about Henry Kissinger, that he was dealing with the Soviets because he felt that time was on their side and he was going to cut the best deal he could.

Mr. MATTINGLY. May I ask the Senator a question?

Mr. TSONGAS. Let me take 3 minutes, then I will be glad to respond.

For what it is worth, let me give gou one lameduck's view of which way we are going. When I went to Ethiopia in the Peace Corp in the early 1960's, the enthusiasm in Africa was for socialism. Every African leader went to places like Butiyama in Tanzania, Tangangika to be schooled on the great new economic theory of African socialism. That was the wave of the future. We were the past. And they all went that way. Zambézia, Angola, Mozambique, you name it. A funny thing happened. It did not work. Socialism simply does not work.

Where do you think all of the leaders go today? Do you think anybody is bothering to go to Butiyama to see Julius Nyerere? They are all going to Singapore and Taiwan and South Korea. Why? Because capitalism incentives work.

So I believe very profoundly that history is on the side of the free enterprise system because it happens to be

a much better economic theory, and, in my opinion, that is because it is based on self-interest. And that is how we are made, like it or not. That is why it works.

History is moving toward us. The only thing that can stop that is the example where the movement of history is thwarted by injustice. If I went up to that father in Estalee with the three children and said, "Sir, you don't understand; capitalism is better than socialism and Marxism," he would say to me, "My wife was killed. Don't talk economic theory to me." For that father and for the countless people in Nicaragua, El Salvador, or you name it, all politics is local like in the United States. Our job is to let history work its will and to remove economic injustice, that is, land reform, remove social injustice, including the death squads and allow history to move.

If we really believe that history is on our side—and I think it is—then our job vis-a-vis the Soviets is to remove injustices and history will move toward us away from the Soviets. To jump into bed with the Contras and Nicaraguans means only one thing: That those who argue that believe history is on their side, the Soviet side, and we have to act in desperation, violate our principles.

The irony is a self-fulfilling prophecy. The injustice continues, the corruption continues, and the Soviets come in. Check your history. Marxism is a reactive philosophy. There is no example, not one, where Marxism rose by itself. Marxism came in every instance in response to corruption, injustice, brutality, or whatever. Our system does generate itself because it is the best system. Remove the injustice and Marxism simply does not work.

The classic example is Robert Mugabe, a Marxist, a left-wing guerrilla, Communist, or you name it. You have heard all of those words in this body. When he became Prime Minister of Zimbabwe, do you think he went to Russia? You know where he went. He went to Wall Street in a three-piece suit because he understands economic theory. They are all coming here.

What I argue for is that eventually we believe we are not only right but that we will prevail. If we allow the humanity and the principles of America to be extended, the Soviets simply cannot compete. But you look the other way with the death squads, you look the other way with corruption, you allow the nuns to be killed without response, then you give the Soviets their entree.

That does not help America. That helps the Soviets. This is a great country. That is why all our parents and grandparents came here. Our job is to protect and to continue it. That includes what we do in the Third World as well.

I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me commend again my distinguished colleague and friend from Massachusetts. We were elected to the House together in 1974, and have served in the Senate together these last 4 years.

Much of what you have heard from the Senator from Massachusetts in 25 or 30 minutes is what many of us have been talking about today. He said it with a great deal of feeling and firsthand experience from his years as a Peace Corps volunteer in Africa, from his onhand experience in Central America meeting and talking with people, and his continued involvement over these past 3 or 4 years in trying to improve not only the quality of life of the people in that part of the world but to also enhance the national security interests of our own country.

Far too often that is forgotten by those who argue the position that the senior Senator from Massachusetts was arguing. Too often it is seen as individuals who are associated with the opposition somehow. That, if you are not willing to buy the present policies, you are nothing more than a dupe supposed for Marxist interests in this region or elsewhere in the world.

I spent time, as I mentioned earlier, as a Peace Corps volunteer in Latin America. I spent 3 years living in the mountainous region of the Dominican Republic. It was an eye-opening experience. It was not a weekend. It was not a quick trip with a congressional delegation. It was not a vacation. It was 3 years with almost constant involvement with the people of that part of the world. But I came to appreciate in those years as a relatively young person that they do have a deep love and a determination to be free.

They had lived under a dictator in that country, under Trujillo, for some 30 or 40 years, not unlike what we saw in El Salvador, or saw in Nicaragua under Somoza. They wanted their freedom. They wanted to be able to choose and to participate in selecting their political leadership. They also wanted pluralism. They wanted to be able to see the country have religious expression and freedom of the press. They wanted to be able to grow economically. They did not want to have to fear for their lives.

Unfortunately, as we are seeing today in Central America, those same aspirations, people going to the polls trying to participate in a free election, which we commend them for, regrettably are not necessarily going to be able to end the violence.

Mr. President, let me notify my colleagues here in the Chamber that I have an awful lot I want to talk about. I want to make it clear that I am not going to yield the floor; that I am going to engage in a rather extended discussion going back over what has transpired in this part of the world over the past 4 years. I want to let my colleagues and you, Mr. President, and others know that I intend to take some time this evening to go back over events of the past 3 or 4 years, look at our policy in each one of these countries, and take this opportunity to look at the history of these countries—what has occurred there not just in the last 4 years, but going back some time.

Mr. KASTEN. Would the Senator yield for a question?

Mr. DODD. For purposes of a question only.

Mr. KASTEN. I understand the Senator. First of all, I appreciate the Senator's comment that he might be wanting to speak for a couple of hours on this question.

In the interest of trying to set up a schedule, it is my understanding, after conferring briefly with the Senator from Hawaii, that the leadership on our side and the leadership on your side have indicated that they would very much like to get some kind of a schedule so that we can proceed at least to a vote on the Inouye amendment, which is the business pending before the Senate, the $62 million. If you would like to speak until 8 o'clock or something like that, could we set a time certain so that people would know they would be able to arrange their schedules around the dinner hour and also be able to anticipate when you would be finished. We could go forward, vote on that part, and tomorrow go back into some of the policy questions that I understand the Senator from Pennsylvania and others may discuss.

Mr. DODD. I appreciate the chairman's question. I, with all due respect, say to my colleagues that they could probably plan a good, long dinner tonight and that they should not have to anticipate for some time anyway having to return here for any votes. I say that with all due respect. Of course, I am conscious of the interests and the desires of some to move to the point of discussing these numbers.

I have been here, as the chairman has, since this afternoon.

Mr. KASTEN. I want to make certain we are not misunderstanding each other. I was told twice in a conversation with the Senator from Massachusetts that there were a number of amendments to be discussed, but he did not intend to engage in a filibuster. We have an amendment before us and, frankly, there are a lot of other amendments that will be before us. I understand there are a lot of things to be debated, but we ought to be debat-

ing on the amendment and voting on it. Otherwise, we are just taking up a large amount of time. We ought not to be filibustering but moving on the amendments to the bill.

Mr. DODD. I cannot speak for the distinguished Senator from Massachusetts nor anyone else. I appreciate the chairman's desire to roll along here, roll right along with these numbers.

Well, I am not prepared to roll right along with these numbers. I think we ought to discuss these issues a little more at length than some people want to give them, and to go back on them.

I do not know what the senior Senator from Massachusetts said to the chairman. I understand he talked about a full debate. Those are his words.

Well, I am prepared to have a full discussion here for a while. I am being as candid and open as I know how. I am not trying to play games, but I do feel very strongly about it. I do not believe we ought to plow along with numbers and then discuss policy questions. We have been plowing along with numbers for the past 4 years and that has not gotten us anywhere. As I said earlier, I intend to proceed along with the agenda I have set out. Later on, we may want to discuss other things. At this particular point, I do not see any point in talking about a time certain.

Mr. MATTINGLY. Will the Senator yield for a comment?

Mr. DODD. Yes.

Mr. MATTINGLY. I would like to refer to the meeting we had this morning. The person there who was giving the information said he did not want the aid cut off in El Salvador. So in his debate, I want the Senator to address that issue.

Mr. DODD. In fact, the Senator from Massachusetts in his remarks pointed out that the gentleman we saw this morning made that point. This was no Marxist, no leftist, this was an individual who felt strongly that the aid ought to be forthcoming.

Also, I would point out, that just pouring in aid without some very fundamental changes would not achieve anything. He did point out, the Senator is correct, that from his particular perspective he would like to see the aid forthcoming. However, he said it would not make any difference at all in the final analysis unless there was some fundamental change.

Mr. MATTINGLY. Well, I was the one who asked the question and I recall what he said.

(Mrs. KASSEBAUM assumed the chair.)

Mr. DODD. Madam President, I think we all are aware that President Reagan is greatly concerned about recent developments in Central America and in the Caribbean region and how to deal with them. I would add, Madam President, that he is not alone in that. His concerns are shared by 535 Members of Congress, by Republicans and Democrats alike, by the American public as a whole, by our neighbors in this Hemisphere, and, yes, by friend and foe both near and far.

What heightens these concerns for many of us here at home as well as abroad is the serious doubts and reservations that we have about the course being charted by the President and by his administration.

It comes down to an honest difference of opinion, not unlike differences over budget and tax policy, differences over arms control, and production of the MX missile.

There are legitimate differences on these basic, fundamental issues, and there are certainly legitimate differences on the question of what our policy should be with respect to the nations of Central America.

Clearly, the President and his spokesmen see it one way. They see it largely in terms of our Communist adversaries moving into the Western Hemisphere, expanding their influence, and aiding and abetting wars of national liberation in the Central American region.

While they are not unmindful of the internal conditions within that region, their emphasis is on the external factors and forces, meaning Moscow and Havana; meaning Chernenko and Castro.

Their formula for dealing with communism is a strong dose of anticommunism, which immediately translates into the use of military force, the use of military might, and the use of military power.

Unfortunately, this is a hallmark of this administration's approach to the problems of the region. I believe it was one of the reasons we decided to use military force in Grenada. This is why I believe we are involved in a not-so-secret war in Nicaragua. This is why we are building military bases in Honduras. This is why the President has already provided hundreds of millions of dollars in military assistance to the region. This is why he is requesting hundreds of millions more. This is why, unfortunately, we are urgently training thousands of soldiers in Central America. This is why the Defense Department wants an increase in the number of U.S. military advisers in the region. This is also why many of us are firmly convinced that the President's approach is as unwise as it is dangerous.

This conviction does not arise because we are oblivious to the threat posed by the Soviet Union, by Cuba, or by their allies.

It does not arise because we have turned a blind eye to their efforts in Central America. Nor does it arise because we have illusions about the nature of the Communist system, or because we lack the will, Mr. President, or the commitment, or the patriotism to confront that system and to confront it, if need be, with military force.

No; our conviction that the President is proceeding unwisely if not dangerously in Central America arises from a different view, a different interpretation of the fundamental facts in the case.

With the specter of growing American involvement in the Central American region, both in terms of men and treasure, it is time to look at the facts, to look at the reality of the region and our relationship to it, warts and all. The sooner we do so, the sooner we divorce the substance and the reality from the fantasy and the fiction, the better our assessment will be of where we have been, where we are now, and where we are going.

As we proceed in this assessment, I think it should come as no surprise to learn that we know little more about Central America in 1984 than we did about Indochina in 1964. I begin with the very basics.

Spanish-speaking Central America houses five relatively small nations: Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Their land mass is slightly larger than the State of California.

The population of the region comprises some 20 million people, about the same as New York State.

For the most part, the people who live in the area are ill-educated, ill-fed, ill-housed, and ill-treated. Illiteracy is widespread. Infant mortality is relatively commonplace. Malnutrition is virtually endemic. Unemployment is often at staggering levels. Respect for human rights is frequently nonexistent.

Together the Central American nations produce goods valued at less than $20 billion annually, roughly what the United States produces in 2 days. For the most part, income distribution continues to be highly skewed, the very few living in isolated spendor and the very many in shantytown squalor.

Politically, with the exception of Costa Rica, the nations of the region have had more than their fair share of demons, devils, and demagogs. Judging from the past, democratic experience is an alien ideology, to be avoided at all costs and discussed only in the presence of the American Ambassador or a visiting Congressman.

From this standpoint, the Somozas or the Romeros or the Lucases of recent vintage represent something of a time-honored tradition in Central America.

While we hope this tradition can be broken, we must also recognize that the odds seem to be against it. What have we done to help improve the odds? What has been our policy

toward this region of Central America?

Well, the policies pursued by the United States toward Central America beginning with the enunciation of the Monroe Doctrine in 1823 have had a certain consistency to them. Our primary purpose has been to protect and defend the basic security interests of the United States.

A secondary purpose has been to extend the blessings of liberty, freedom, and democracy to our southern neighbors. There has never been serious debate as to the order or priority for the two.

In response, what the democratic leaders of Latin America and their followers see is a historical effort by the United States to keep the hemisphere beyond the reach of any outside influence. We safeguarded Latin America and Central America from the Spanish and British in the 19th century and today from the Russians and the Cubans.

As they see efforts, however, it has never been quite clear whether the U.S. goal was to protect their independence and sovereignty or to extend the power and influence of the United States. While the rhetoric of the United States has maintained it was the former, the actions of the United States all too frequently suggested it really was the latter.

As Latins are quick to point out, these actions include a war with Mexico in 1845 to 1848, resulting in the annexation of what was then northern Mexico and what is today the Western and Southwestern part of the United States; repeated military intervention in the Caribbean and Central Amerian region throughout the first part of this century; with marines stationed in Cuba, Haiti, the Dominican Republic, and Nicaragua; open and strong support for a whole host of antidemocratic regimes, including Batista in Cuba, Trujillo in the Dominican Republic, Ubico, Martinez, and Somoza; the toppling of the Arbenz government in Guatemala in 1954 by exiled military forces under the direction of the Central Intelligence Agency; the Bay of Pigs invasion in 1961 and the covert operations designed to terminate the Castro government in Cuba; the sending of Marines to the Dominican Republic in 1965; clandestine efforts to prevent the election of Salvador Allende in Chile and subsequent efforts to overthrow his government, finally leading to Allende's demise in 1973; and, within the last several months, repeated threats of military action, paramilitary operations against Nicaragua, plus stepped up U.S. military involvement in the region, culminating in the decision to invade Grenada.

While the United States may strenuously object to such a list of particulars and to the indictment it brings, the Latin response is clear and concise: "Your actions speak louder than your words." That difference between what we practice and what we preach has made U.S. policy ineffective and impaired our credibility, and neither the Green Berets nor a division of marines nor a squadron of F-16's can get it back.

I submit that the way to reclaim U.S. credibility and effectiveness in Latin America is to close the gap between what we say we stand for and the actions we are prepared to take to prove it. In other words, we must bring into line our ideals and our endeavors. El Salvador is a good place to start.

To get a "fix" on El Salvador, keep in mind that for the past several decades, many U.S. observers have cautioned one administration after another about the explosive situation in Latin America. One observer, writing in 1963, bluntly assessed the situation in these terms:

> There is absolutely no doubt in my mind that revolution is inevitable in Latin America, he wrote. And by way of explanation he offered this:
>
> The people are angry, they are shackled to the past with bonds of ignorance, injustice, and poverty. And they no longer accept as universal or inevitable the oppressive prevailing order which has filled their lives with toil, want and pain. The terrible realization has drawn upon them that the futility of their lives and that of their parents' lives need not have been, that it is the bitter fruit of an evil system of justice. And so they are filled with a fury and a determination to change the future.

Sounds like a warning I suppose from Fidel Castro or a call to arms by Che Guevara? Or perhaps scare-talk from a guerrilla commander in Central America. Actually it is none of the above. These lines were written by that dangerous radical, Milton Eisenhower, brother of the former President. His words echoed a more familiar warning issued a year earlier by President Kennedy speaking to the Latin America diplomatic corps. "Those who make peaceful revolution impossible," Kennedy told them, "will make violent revolution inevitable."

The Kennedy-Eisenhower prediction of violent revolution is Latin America has become the reality of Central America today. Yesterday, Nicaragua; today, El Salvador; and tomorrow, Guatemala.

Let us take a closer look at El Salvador. Wedged between Guatemala and Honduras, El Salvador is the smallest Spanish-speaking country on the mainland, and one of the poorest. The wealth of the country, such as it is, has historically been controlled by the landed gentry and its offshoots in the industrial sector—some extended "fourteen families," according to popular legend.

Prior to March 1982, the last time El Salvador celebrated free elections was in 1931. The results were short lived. By the end of the year General Hernandez Martinez had seized the reins of government. He held on to them for the next 14 years. His despotism was unenlightened. Today it is best remembered for having put down the 1932 peasant revolt in which some 20,000 to 30,000 campesinos were eventually slaughtered because of their demands for land reform.

In the intervening years, little changed, the military ruled, often ruthlessly, and it ruled in league with El Salvador's economic elite. The military and security forces maintained law and order and in turn were rewarded by the vested economic interests. To the surprise of no one, this arrangement over time worked to the absolute advantage of the very few and to the absolute disadvantage of the very many.

And where were we in all of this? Well, for the past 50 years, we have supported one Salvadoran military regime after another.

Since the end of the Second World War, Uncle Sam has provided El Salvador with more than a billion dollars in economic and military assistance, 80 percent of which the Reagan administration has provided in the last few years. And as we know from morning newspapers, newscasts at night, radio broadcasts, and our papers, substantial increases are on the way. In fact, the pending amendment of some $62 million is a reduction from $93 million the administration wanted to offer. The total package this fiscal year is some $178 million, added to the millions that we have spent over the last 4 years, suggesting somehow just one more time: give us another million, another $5 million, another $10 million, one more box of bullets, one more gun, and we are going to turn this thing around. We are going to make a difference. We are going to get better. Just stay with me a little bit longer. I promise you, just a little bit longer and things will get better.

Well, I have waited and I have hoped along with my colleagues and kept on wanting to believe that the jawboning many of us were doing on both sides of the aisle over the last 3 or 4 years might have an impact, might begin to make a difference. Maybe there is still hope down the line. But I do not think we can just willy-nilly go around spending these moneys, continuing to support what appears to be a military effort that is not getting us anywhere, where in fact you could argue today the very insurgents that the government we are supporting is fighting are doing better today than they were 4 years ago despite the fact that we spent that money.

Mr. LEAHY. Madam President, will the Senator yield to me for a quesition without losing his right to the floor?

Mr. DODD. I am delighted to yield.

Mr. LEAHY. Madam President, I ask the Senator, is it not a fact, taking the best evidence which has been in the open press, that the guerrillas fighting in El Salvador seem to be getting the bulk of their arms from the Salvadoran military; that is, arms that they have captured in military operations?

Mr. DODD. Will the Senator repeat the question? I am sorry.

Mr. LEAHY. Perhaps I should preface it this way. We hear that the Salvadoran military is about to run out of arms; they are about to run out of ammunition; that unless we come immediately to their aid, the whole thing will collapse because they are facing a resistance from the guerrillas heavily financed and supplied by the Soviet Union via either Cuba or Nicaragua. Is it not a fact, as has been reported in the open press, the very large, very significant percentage of the arms now going to the rebels is arms that have been captured from the Salvadorans themselves?

Mr. DODD. My colleague is absolutely correct. But you do not have to rely on a hardworking reporter to dig that information out. In fact, administration officials have testified to that very fact. I will read a recent article—I believe it appeared in yesterday's New York Times—by Hedrick Smith—because I think it is pertinent to the Senator's question:

A top Defense Department official said today that roughly half of the arms used by the Salvadoran guerrillas were U.S. supplied weapons taken from armed forces of El Salvador.

Now, we have known for some time that there were supplies coming in apparently from Nicaragua by way of Cuba originating I think in Vietnam. Again, U.S. weapons that we had left behind at the time of our withdrawal from Vietnam in 1975. And many have said, "Well, that is where those weapons are coming from." It is true that some of the weapons the guerrillas are using and some of the ammunition is from that source. But what Mr. Fred Ikle, the Under Secretary of Defense for Policy, said is that half are coming from weapons we are supplying the Government of El Salvador. That is a staggering statistic when you consider it. From sentiments expressed earlier today, if we adopt the pending amendment of $62 million, you could argue, based on the conclusion of the Defense Department, that we are actually subsidizing the insurgency with $30 million in weaponry.

The article goes on to say:

More U.S. military aid was urgently needed to help the Salvadoran Army break what Mr. Ikle termed a military stalemate, turn the corner against the guerrillas and ultimately gain a victory over the guerrillas.

We have heard that over and over again, just turn the corner, just give us this one more time. I promise you, Senators and Congressmen, just give us this little bit more and we are going to nail it down. We are going to be able to bring you home a victory and we are going to have a win on our side, but just give us this little bit more.

Mr. LEAHY. Madam President, if the Senator will yield again for a further question without losing his right to the floor, I ask the Senator if he is familiar with an article in U.S. News & World Report of February 27, this year, just a month ago—a magazine I have always found to be pretty objective in its reporting. It is certainly not considered a left-wing publication by any means—entitled "El Salvador turning into 'Vietnam West' for U.S.?" My question will be basically whether the Senator agrees with the concern expressed. They say:

Both sides in El Salvador's bitter civil war now expect—or fear—that it is only a matter of time before U.S. military forces intervene in the conflict.

Government supporters still are fervent anti-Communists. But after four years of warfare, they have lost faith in the ability of their own U.S.-backed Army to decisively defeat the leftist insurgents. So they look to Ronald Reagan to order in American troops to prevent a Marxist victory.

Should neither D'Aubuisson nor Duarte receive a majority on March 25, as is probable, a runoff will be held within 30 days. The winner will take office on June 1 for a five-year term.

Privately, however, numerous Americans concede that putting U.S. combat troops in the field may be the only way to prevent a Communist victory. "The options in El Salvador keep diminishing," says one U.S. official. "If the Salvadoran Army keeps on deteriorating, Reagan will have no choice but to commit American troops."

Nevertheless, military observers say that the Army still too frequently is fighting a "9 to 5" war, permitting rebels to move freely at night and on weekends.

Now, I say to my friend from Connecticut that I have quoted this at some length because it is obvious from the whole article they had spoken to a number of American officials in putting the story together. It has a San Salvador dateline. The whole article seems aimed toward the possibility—actually it appears to be the probability, that American troops will eventually be committed to El Salvador. I have heard the Senator from Connecticut lay out very cogently this afternoon, as did the Senators from Massachusetts, how we go step by step into a situation where we cannot get out. It would appear to me that, indeed, this is what we are getting to; that we will commit so much of our prestige, our manpower, obviously our money, a billion dollars already in a country that geographically is smaller than Vermont, and request more.

Are we not getting into a situation where the suggestion made in U.S. News & World Report could well come true—that is, the total Americanization of the war down there, including American combat troops?

Mr. DODD. I thank my colleague for his question.

That is the concern of many of us, that there is a progression that seems to follow historically. There is a progression where we have seen, in the past, the country become involved, not in one fell swoop, but it is bit by bit, where it becomes harder and harder for the United States to turn itself around.

Obviously, the classic example is the most recent one we have had, which ended in tragic results. We sent 1,600 marines into the airport at Beirut, Lebanon. They were a peacekeeping force. That was the description. They were going to help build a peaceful future for Lebanon.

What we discovered, once they were there, was that there was not much they could do. They could not engage the various factions which were almost too numerous to count, they could not go after those who were attacking them, without becoming involved or involving this country in a wider conflict there. There was no real purpose for them, we discovered, shortly after their arrival.

But then the argument shifted from the original one, which was, should we send them there? We argued and debated that issue for a few days, anyway. Once they are there, what happens is that the arguments shifts, and the argument is not any longer whether or not it is right or wrong for them to be there. The argument then becomes, what is it going to look like if they leave? What sort of signals does it send?

In fact, I remember sitting at a meeting with Dr. Kissinger when he said, "I think it was a tragic mistake for us to try to play a military role in Lebanon, but now that we are there, we've got to stay."

My concern is that when we are talking about this sort of slow, ever-escalating involvement in El Salvador, innocently enough, beginning, as we do in many places, with military attachés, and then it goes to advisers, none of that is really objectionable. What is wrong with advising people who are allies in a conflict and maybe training those fellows? How do you conjure up images of terrible times in the past and say we should not be doing that?

Then it comes to reconnaissance flights and support. That is hard to argue against, too, I suppose, to help them out. Obviously, you lose some of the fellows on the reconnaissance flights, and you have to give them protection. You have to protect them against ground fire.

That is where we are in El Salvador. We have moved from the innocence of just an attaché to the adviser, to the trainer, to reconnaissance, and now to having a significant military force on the bordering country, to financially

supporting a group of counterrevolutionaries, as they are called, in Nicaragua.

Apparently, we are now getting requests from Costa Rica for some military equipment. I hope that is not true. All of sudden, we find a nation which for 4 decades has proved that you can live in that part of the world without an army. This has our fingerprints all over it, and I am worried about it.

I am not saying that we should not be doing anything. I argue with people who say that we should be isolationists and should not be involved. We have to be involved. There is no question in my mind that we have to be involved. But it is the quality of our involvement. Whom do we help? Are we helping ourselves? Are we contributing to the possibility of peace and stability? Or are we becoming a part of the problem, as the President likes to suggest that Congress or the Government is? We are becoming part of the problem, and we are inching closer everyday.

I appreciate my friend from Vermont being here. What I am doing is not something that my colleagues appreciate, and I am sensitive to that. But I feel that at some point we have to say, "Where are we going, and what are we doing?"

I am told, by the way, according to the Salvadoran military people, that under the worst of conditions, they would be looking at a shortfall in military equipment in the middle of next month and possibly June. That is the worst-case scenario. Yet, I hear the same arguments: You have to rush this through, get it done fast, and get the money there quickly.

I apologize for taking time tonight. If it gets people thinking about what we are doing, it is worthwhile. We become caught up in who is losing El Salvador, and I think we should take stock of what has been happening in that country—the bloodshed, the horror, the poverty.

One week it appears that the Government is on top, the next week it is the insurgents, and it swings back and forth. I do not know of anybody who is looking at this situation who thinks they are going to see any solution of this militarily.

The point of the Senator's question was, of course, that we are getting closer to the danger that in order to resolve this issue militarily, we will end up sending U.S. military forces down there to try to clean up the mess. I think that is the direction we are heading in. I believe we are working ourselves into a corner where we are going to be confronted with one of two choices: Either accept an insurgent victory, because the military in El Salvador has not been able to defeat them on the field of battle, or we send in the troops to make sure we do not have "another Cuba" or "another Nicaragua." That is the choice we will be confronted with.

Mr. LEAHY. Madam President, I ask the Senator if he will yield further for a question, without losing his right to the floor.

Mr. DODD. I am glad to yield.

Mr. LEAHY. Is it not really the position of the Senator from Connecticut that what he wants the Senate to do is really to vote on the ultimate question: Do we allow American military might, including American fighting personnel, to get themselves involved in the war in El Salvador or not?

It is not a fact that what the Senator from Connecticut wants—and many of the rest of us want—is to say that the U.S. Senate, the greatest deliberative body in the world, will stand up and vote yea or nay on the question of whether or not we, as individual Senators, representing our individual constituencies, intend to allow American troops to ultimately become engaged in the fighting in El Salvador?

Mr. DODD. That is the purpose of this. It is not a dilatory effort.

I took some offense earlier in the day when it was suggested that this is planned, playing different roles—a Secretary of State or an international lawyer. I felt the anger rise because it is not play at all.

It is not play to see those bullet-ridden bodies of women and children, or to see the corpses of the four American women being excavated from shallow graves, brutally assassinated, to see two American labor advisers get blown away in a restaurant.

In effect, it is not games. People in El Salvador tonight do not think it is play. They like to think, I believe, that the United States and particularly the Congress of the United States would show some greater sensitivity to what is going on.

I think it was interesting to note in the election last week that Napoleon Duarte, an individual for whom I have a great deal of respect, by the way, and have come to know personally over the last 3 or 4 years, the centerpiece of his campaign was a dialog, negotiations with the opposition to see if there was not some way politically to solve the difficulties. He ran for President in his own country and got darn near 50 percent of the vote of the people of that land.

We have been told up here for the last 4 years the people of El Salvador do not want to hear about that at all, that they do not want to sit down and talk with the insurgents and the guerrillas, that they will have nothing to do with it. Yet we find in the middle of this war and conflict the major platform, the plank, if you will, of Mr. Duarte's campaign was the very point that some of us here have been trying to make over the past 4 years. Let us see if we cannot try that route. What harm comes from exploring, seriously exploring a political diplomatic resolution of the war in El Salvador?

If it does not work, we always have the other options, including the one we are going to support in this Senate in the next few days, and that is more military aid. We always have that one.

What harm is it to try this other one, to seriously commit ourselves, seeing if we cannot come out of this situation. We could achieve some form of a ceasefire or start to talk about the building of an interim government, and then talk about an electoral process and meaningful economic assistance coming from the Contadora countries, incuding many in Latin America and Western Europe, Japan, and then start talking about a future.

Instead we get one side of the mouth saying we are for political diplomatic solutions and we wish to resolve them, and of course, our actions sort of belie any real commitment to a real political effort.

As to the Contadora nations, I wish more people knew more about this region and knew its history. It is always the difficulty, I suppose, in foreign policy debate that too many people think the world began the day we all of a sudden got recently involved. But if people were more familiar with this part of the world, knew its history, they might appreciate what is going on with these Contadora countries. It is absolutely without historical precedent in modern Latin American history for four countries, these four, particularly, to get together to try and come up with an answer, a nonmilitary answer, to the problems in Central America.

For the Mexicans to become involved in international affairs in its hemisphere is without precedent since the revolution in Mexico. They have always been very isolationist. They never have gotten involved. They issue statements occasionally but never play an activist role.

Venezuela has been a bit more active but still never to the point where they are willing to place their credibility on the line.

Panama and Colombia have always had their own differences with each other, and yet here they are sitting down at a table with the Mexicans and the Venezuelans trying to come up with some intelligent, thoughtful response to the tragedy of Nicaragua and El Salvador.

And what do we say about them? We have the Kissinger Commission study which examines a variety of issues. What do they say about the Contadora nations? The Kissinger Commission report is about 133 pages long. If my memory serves me well, and I have read the document about six different times, you will find I think one reference to the Contadora nations somewhere around page 133. It is about a

paragraph and a half long, and it is hardly what you call a ringing endorsement of that process, maybe the most significant hope we have. I am sorry. It is on page 120 of the Kissinger Commission report.

Here we have 132 pages of how to bring peace and stability and hope to the Latin Americans in the 1980's. We have the four most significant Latin American countries trying to work out an answer to that. We study the problem, and when we get through studying the problem, they find themselves on one paragraph of a 132-page report. This is what it says about their effort and we wonder why there is some degree of skepticism about our intentions.

The report says:

To be sure, the interests of these four countries are not identical, nor do they always comport with our own. The Contadora nations do not have extensive experience in working together, and the Contadora process has not yet been tested in terms of crafting specific policies to provide for rational regional security.

As if we have, by the way.

Thus the United States cannot use the Contadora process as a substitute for its own process.

That is it.

Here we have one of the most significant things going on in our hemisphere and that is what it gets. We are talking about some answers.

I am not arguing, nor would I, that the Contadora nations have the key to the answer, that they have come up with a magic solution. But the fact that we are unwilling to associate with four democracies in this hemisphere who are laboriously going through the process of trying to find some answers that will bring peace and stability I think is one of the great, great tragedies in history. History will record it that we missed an opportunity, we missed a real opportunity. Put aside, if you will, the questions of doing anything for Latins—I suppose that is not all that popular to be talking about that. Just speaking about it in terms of our own interests, be very, very selfish about it, absolutely selfish as we can be. What do we waste? What do we lose?

I have tried to come up with an intelligent response to my own question, putting myself in the shoes of those who disagree with me. What is the risk? What is the danger by alining ourselves with the four strongest democracies in Central America and the northern part of Latin America and making an effort to try and come up with an answer short of a military solution that will allow for democratic institutions to blossom and to flower?

Instead, we go to the political craptable, in effect, and we roll dice with only one of two answers coming up. Either Mr. D'Aubuisson, or someone like him, runs the shop, or someone like a Fidel Castro runs the shop. That is basically what we are saying our options are.

Too many people I think in this town think that all of Latin America is made up Somozas, Trujillos, Castros, and Che Guevaras, and that there is no one else down there. The fact of the matter is there are an awful lot of other people down there who do not feel very comfortable with either the Castros, the Che Guevaras, or the Somozas, and the Trujillos. They wish just once, just once that one administration, Republican or Democratic—they really do not care which—would take some time to recognize that there is something else going on down there and to deal with it with a greater degree of sensitivity than I am afraid we have.

I have been heavyhanded, I suppose, according to many, on this administration, but I said and I will say it again it is not just this administration. These problems did not begin the day Ronald Reagan took office in January 1981. They go back a long time.

What we are getting is not something new. Unfortunately, it is basically a continuation of the same. And the hope would be that we might be able to break this pattern of behavior.

Senator TSONGAS, our colleague from Massachusetts, earlier was talking about his Peace Corps experiences and some of the things that happened to him in Ethiopia. It was less than 20 years ago, in 1966, that I went to the Dominican Republic as a Peace Corps volunteer. Most people do not believe me when I say this, but I remember seeing on the walls of urban areas graffiti which quoted Tom Paine and the Declaration of Independence, and talked about the Constitution of the United States—graffiti on the walls of Latin America.

I would defy anyone today to go to any of those countries and find that kind of association, where the ideal was the United States. Today you read Marx, Lenin, and others, I suppose, who have appealed in a fascinating way to some of these younger people and older people.

But I think it is far too simplistic to suggest that somehow because they do not associate themselves any longer with the United States they have embraced a Fidel Castro or someone like him. I guess it makes me angry, I guess, that is what I am trying to say to you—I hate to see us in a situation where we have done more for Fidel Castro. What we have done for that man, what we have done for his cause in Latin America in 20 years is nothing he ever could have achieved on his own.

We are the best strategic asset Fidel Castro ever had. We do more to advance his reputation and his ideology by our shortcomings and mistakes. And how tragic it is to see people think of the United States as being a Nation that only seems to be good for military assistance or supporting less than democratic regimes.

I have a feeling the American people would not like it. A lot of them do not get a chance to go to these countries and meet other human beings, other citizens in these lands. But I have a feeling it would make them as angry as I felt when I heard our entire country being indicted because of a policy.

I wish somehow there were ways in which we could transport entire communities for periods of time to meet these other people and see the conditions they are living under.

What has always amazed me, and it did as a Peace Corps volunteer 20 years ago, was not that there was a revolution going on. What always amazed me was how long it took. I cannot imagine any community of Americans I have ever seen in this country that would tolerate what communities of Latin Americans have tolerated for decades. They would not. We would not tolerate it for 1 month, 1 week. We would be irate if we were confronted with some of the conditions that these people are living under. And if they could see, if Americans from Connecticut, or Kansas, or Wisconsin, or Vermont could be taken down and see what is going on in these countries, how their tax dollars are being spent, I think they would demand, in their own way, an entirely different policy than the one we are presently following in Latin America.

You do not need to be a former Peace Corps volunteer, you do not need to be a Ph. D. in Latin American studies, you do not even need to speak the language. You just need to see it, to bear witness to it.

If more people in this country had a chance to see that, I think their response would be what mine has been and what others has been. I dread the thought of Marxists winning in El Salvador. I dread the very thought that that is going to occur, the possibility of that occurring. And yet I am afraid to tell you that the policies we are following now create a far greater likelihood of that result than getting on a better course.

As I stand here tonight, I promise you, if we continue what we are doing, "just around the corner another victory," another $60, $90 million, pursuing the same policy. It is really not the number. The number does not make the difference, I suppose, as long as the policy is bad. But pursuing that same policy almost guarantees that we will see a Government emerge in El Salvador that will be antagonistic to us.

And then we will turn around and some people will stand up and they will say, "I will tell you why that happened. Because of that guy DODD and a

few of his friends up there; they lost El Salvador, you know." I will guarantee you the headline. I will guarantee you what is being said right now and what you will hear on radios and televisions. "Those are the guys that are losing. Those 8 or 10 or 12 or 20, whatever the number is. The people up in the Congress, they lost Central America." As if somehow we were responsible for what any person could see by just looking.

The argument was used, obviously, a number of decades ago as to Red China. "There were some people down at the State Department who lost Red China." Forget that 800 million Chinese had anything to say about it. "A handful of State Department officials created that situation."

So I will expect in the coming days or weeks or months that label—in fact, it already has been extended to me and to others in this body because we refused to accept blindly these policies, not only costly in dollars and cents, which is no cost at all compared to the cost of human life and the tragedy associated with an extended conflict that shreds a nation of any sense of itself.

Madam President, there are a number of things I would like to address. Here is a wonderful speech, by a great friend of mine—not a great friend, but a good friend. I would like to think of him as an even closer friend. A Mexican writer, he is a novelist but he also comments frequently on public policy in Latin America. His name is Carlos Fuentes. Maybe he gave the best commencement address in 1983 given anywhere in the country, the commencement address at Harvard University.

He says in about 10 or 15 minutes in a commencement address what others have spent days, I suppose, trying to say. I would like to share his commencement address with my colleagues tonight because it really does get to the very essence of the problem.

In this address, he says the following:

LADIES AND GENTLEMAN: Some time ago, I was traveling in the state of Morelos in central Mexico, looking for the birthplace of Emiliano Zapata, the village of Anenecuilco. I stopped on the way and asked a *campesino*, a laborer of the fields, how far it was to that village. He answered me: "If you had left at daybreak, you would be there now." This man had an internal clock which marked his own time and that of his culture. For the clocks of all men and women, of all civilizations, are not set at the same hour. One of the wonders of our menaced globe is the variety of its experiences, its memories and its desire. Any attempt to impose a uniform politics on this diversity is like a prelude to death.

By the way, I would say tangentially, dropping from the speech, that I spent 8 or 10 hours with Lech Walesa in Poland last summer. What he was going through, and the people in Hungary and Czechoslovakia, Latvia, Lithuania, and Estonia have gone through, gave me the eerie sense that we are getting involved in sort of the same thing in our own backyard. His plight is not unlike the plight of many people in our own hemisphere.

Carlos Fuentes said:

Lech Walesa is a man who started out at daybreak, at the hour when the history of Poland demanded that the people of Poland act to solve the problems that a repressive government and a hollow party no longer knew how to solve.

We in Latin America who have practiced solidarity with Solidarity salute Lech Walesa today.

The honor done to me by this great center of learning, Harvard University, is augmented by the circumstances in which I receive it.

I accept this honor as a citizen of Mexico, and as a writer from Latin America.

Let me speak to you as such.

As a Mexican first:

The daybreak of a movement of social and political renewal cannot be set by calendar other than those of the people involved.

With Walesa and Solidarity, it was the internal clock of the people of Poland that struck the morning hour.

So it has always been: with the people of my country during our revolutionary experience; with the people of Central America in the hour we are all living; and with the people of Massachusetts in 1776.

The dawn of revolution reveals the total history of a community.

This is a self-knowledge that a society cannot be deprived of without grave consequences.

THE EXPERIENCE OF MEXICO

The Mexican Revolution was the object of constant harassment, pressures, menaces, boycotts and even a couple of armed interventions between 1910 and 1932.

It was extremely difficult for the United States Administrations of the time to deal with violent and rapid change on the southern border of your country.

Calvin Coolidge convened both Houses of Congress in 1927 and—talkative for once—denounced Mexico as the source of "Bolshevik" subversion in Central America.

We were the first domino.

But precisely because of its revolutionary policies favoring agrarian reform, secular education, collective bargaining and recovery of natural resources—all of them opposed by the successive governments in Washington, from Taft to Hoover—Mexico became a modern, contradictory self-knowing and self-questioning nation.

The Revolution did not make an instant democracy out of my country. But the first revolutionary government, that of Francisco I. Madero, was the most democratic regime we have ever had: Madero respected free elections, a free press and an uncontrollable Congress. Significantly, he was promptly overthrown by a conspiracy of the American Ambassador, Henry Lane Wilson, and a group of reactionary generals.

So before becoming a democracy, Mexico first had to become a nation.

What the Revolution gave us all was the totality of our history and the possibility of a culture. "The Revolution—wrote my compatriot, the great poet Octavio Paz—the Revolution is a sudden immersion of Mexico in its own being. In the revolutionary explosion . . . each Mexican . . . finally recognizes, in a mortal embrace, the other Mexican."

Paz himself, Diego Rivera and Carlos Chavez, Mariano Azuela Azuela and Jose Clemento Orozco, Juan Rulfo and Rufino Tamayo: we all exist and work because of the revolutionary experience of our country. How can we stand by as this experience is denied, through ignorance and arrogance, to other people, our brothers, in Central America and the Caribbean?

A great statesman is a pragmatical idealist, Franklin D. Roosevelt had the political imagination and the diplomatic will to respect Mexico when President Lazaro Cardenas, in the culminating act of the Mexican Revolution, expropriated the nation's oil resources in 1938.

Instead of menacing, sanctioning or invading, Roosevelt negotiated.

He did not try to beat history. He joined it.

Will no one in this country imitate him today?

The lessons applicable to the current situation in Latin America are inscribed in the history—the very difficult history—of Mexican-American relations.

Why have they not been learnt?

AGAINST INTERVENTION

In today's world, intervention evokes a fearful symmetry.

As the United States feels itself authorized to intervene in Central America to put out a fire in your front yard—I'm delighted that we have been promoted from the traditional status of back yard—then the Soviet Union also feels authorized to play the fireman in all of its front and back yards.

Intervention damages the fabric of a nation, the chance of its resurrected history, the wholeness of its cultural identity.

I have witnessed two such examples of wholesale corruption by intervention in my lifetime.

One was in Czechoslovakia in the fall of 1968. I was there then to support my friends the writers, the students and statesmen of the Prague Spring. I heard them give thanks, at least, for their few months of freedom as night fell once more upon them: the night of Kafka, where nothing is remembered but nothing is forgiven.

The other time was in Guatemala in 1954 when the democratically elected government was overthrown by a mercenary invasion openly backed by the C.I.A. The political process of reform and self-recognition in Guatemala was brutally interrupted to no one's benefit: Guatemala was condemned to a vicious circle of repression, that continues to this day.

Intervention is defined as the action of the paramount regional power against a smaller state within its so-called "sphere of influence."

Intervention is defined by its victims.

But the difference between Soviet actions in their "sphere of influence" and United States actions in theirs is that the Soviet regime is a tyranny and you are a democracy.

Yet more and more, over the past two years, I have heard North Americans in responsible positions speak of not caring whether the United States is loved, but whether it is feared; not whether it is admired for its cultural and political accomplishments, but respected for its material power; not whether the rights of others are respected, but its own strategic interest are defended.

These are inclinations that we have come to associate with the brutal diplomacy of the Soviet Union.

But we, the true friends of your great nation in Latin America, we the admirers of your extraordinary achievements in literature, science and the arts and of your democratic institutions, of your Congress and your Courts, your Universities and publishing houses and your free press—we your true friends, because we are your friends, will not permit you to conduct yourselves in Latin American affairs as the Soviet Union conducts itself in Central European and Central Asian affairs.

You are not the Soviet Union.

We shall be the custodians of your own true interests by helping you to avoid these mistakes.

We have memory on our side.

You suffer too much from historical amnesia.

You seem to have forgotten that your own Republic was born out of the barrel of a gun: the American Revolutionaries also shot their way to power.

We hope to have persuasion on our side, but also the body of international and inter-American law to help us.

We also have our own growing strategic preoccupations as to whether, under the guise of defending us from remote Soviet menaces and delirious domino effects, the United States would create one vast Latin American protectorate.

Meeting at Cancun on April 29, the Presidents of Mexico and Brazil, Miguel de la Madrid and Foao Figueliredo, agreed that "the Central American crisis has its origin in the economic and social structures prevalent in the region and [that] the efforts to overcome it must . . . avoid the tendency to define it as a chapter in East-West confrontation."

And the Prime Minister of Spain, Felipe Gonzalez, on the eve of his visit to Washington, defined U.S. involvements in Central America as "fundamentally harmful" to the nations of the region and damaging to the international standing of the United States.

Yes, your alliances will crumble and your security will be endangered if you do not demonstrate that you are an enlightened, responsible power in your dealings with Latin America.

Yes, you must demonstrate your humanity and your intelligence here, in this house we share, our Hemisphere, or nowhere shall you be democratically credible.

Where are the Franklin Roosevelts, the Sumner Welleses, the George Marshalls, and the Dean Achesons demanded by the times?

FRIENDS AND SATELLITES

The great weakness of the Soviet Union is that it is surrounded by satellites, not by friends.

Sooner or later, the rebellion of the outlying nations in the Soviet sphere will eat, more and more deeply, into the innards of what Lord Carrington recently called "a decaying Byzantium."

The United States has the great strength of having friends, not satellites, on its borders.

Canada and Mexico are two independent nations that disagree on many issues with United States.

We know that in public, as in personal life, nothing is more destructive of the self than being surrounded by sycophants.

But the same way as there are "yes men" in this world, there are "yes nations."

A "yes nation" harms itself as much as it harms its powerful protector: it deprives both of dignity, foresight and the sense of reality.

Nevertheless, Mexico has been chosen as a target of "diplomatic isolation" by the National Security Council Document on Policy in Central America and Cuba through Fiscal Year 84.

We know in Latin America that "isolation" can be a euphemism for destabilization.

Indeed, every time a prominent member of the Administration in Washington refers to Mexico as the ultimate domino, a prominent member of the Administration in Mexico City must stop in his tracks, offer a rebuttal and consolidate the nationalist legitimation of the Mexican government: Mexico is capable of governing itself without outside interference.

But if Mexico is a domino, then it fears being pushed from the North rather than from the South; such has been our historical experience.

This would be the ultimate accomplishment of Washington's penchant for the self-fulfilling prophecy: A Mexico destabilized by American nightmares about Mexico. We should all be warned about this.

Far from being "blind" or "complacent," Mexico is offering its friendly hand to the United States to help it avoid the repetition of costly historical mistakes which have deeply hurt us all. North Americans and Latin Americans.

Public opinion in this country shall judge whether Mexico's obvious good faith in this matter is spurned as the United States is driven into a deepening involvement in the Central American swamp.

A Vietnam all the more dangerous because of its nearness to your national territory, indeed, but not for the reasons officially invoked. The turmoil of revolution, if permitted to run its course, promptly finds its institutional channels.

But if thwarted by intervention it will plague the United States for decades to come: Central America and the Caribbean will become the Banquo of the United States: an endemic drain on your human and material resources.

The source of change in Latin America is not in Moscow or Havana: it is in history.

So, let me turn to ourselves, as Latin Americans.

FOUR FAILURES OF IDENTIFICATION

The failure of your present hemispheric policies is due to a fourfold failure of identification.

The first is the failure to identify change in Latin America in its cultural context.

The second is the failure to identify nationalism as the historical bearer of change in Latin America.

The third is the failure to identify the problems of international redistribution of power as they affect Latin America.

The fourth is the failure to identify the grounds for negotiations as these issues create conflict between the United States and Latin America.

THE CULTURAL CONTEXT OF LATIN AMERICA

First, the cultural context of change in Latin America.

Our societies are marked by cultural continuity and political discontinuity.

We are a Balkanized polity, yet we are deeply united by a common cultural experience.

We are and we are not of the West.

We are Indian, Black and Mediterranean.

We received the legacy of the West in an incomplete fashion, deformed by the Spanish monarchy's decision to outlaw unorthodox strains, to defeat the democratic yearnings of its own middle class and to superimpose the vertical structures of the Medieval imperium on the equally pyramidal configuration of power in the Indian civilizations of the Americas.

As it embarked on its imperial dealings with men and women of different cultures—it they had left at daybreak, they would be there now—Spanish absolutism mutilated the Iberian tree of its Arab and Jewish branches, heavy with fruit.

The United States is the only major power of the West that was born beyond the Middle Ages, modern at birth.

As part of the fortress of the Counter-Reformation, Latin America has had to do constant battle with the past. We did not acquire freedom of speech, freedom of belief, freedom of enterprise as our birthrights, as you did.

We have had to fight desperately for them.

The complexity of the cultural struggles underlying our political and economic struggles has to do with unresolved tensions, sometimes as old as the conflict between panthesim and monotheism; or as recent as the conflict between tradition and modernity.

This is our cultural baggage, both heavy and rich.

The issues we are dealing with, behind the headlines, are very cold.

They are finally being aired today, but they originated in colonial, sometimes in pre-Conquest situations and are embedded in the culture of Iberian Catholicism and its emphasis on dogma and hierarchy, and intellectual inclination that sometimes drives us from one church to another in search of refuge and certitude.

They are bedeviled by patrimonial confusions between private and public rights and forms of sanctified corruption that include nepotism, whim and the irrational economic decision made by the head of the clan, untrammelled by checks and balances.

They have to do with the traditions of paternalistic surrender to the Caudillo, the profound faith in ideas over facts, the strength of elitism and personalism and the weakness of the civil societies; the struggles between theocracy and political institutions, and between centralism and local government.

Since Independence in the 1820's we have been obsessed with catching up with the Joneses: the West.

We created legal countries which disguised the real countries abiding—or festering—behind the constitutional facades.

Latin America has tried to find solutions to its old problems by exhausting the successive ideologies of the West: Liberalism, Positivism and Marxism.

Today, we are on the verge of transcending this dilemma by recasting it as an opportunity, at last, to be ourselves—societies neither new nor old, but, simply, authentically, Latin American as we sort out, in the excessive glare of instant communications or in the eternal dusk of our isolated villages, the benefits and the disadvantages of a tradition that now seems richer and more acceptable than it did one hundred years of solitude ago.

But we are also forced to contemplate the benefits and disadvantages of a modernity that now seems less promising than it did before economic crisis, the tragic ambiguity

of science and that barbarism of nations and philosophies that were once supposed to represent "progress," all drive us to search for the time and space of culture in ourselves.

We are true children of Spain and Portugal. We have compensated for the failures of history with the successes of art.

We are now moving to what our best novels and poems and paintings and films and dances and thoughts have announced for so long: the compensation for the failures of history with the successes of politics.

The real struggle for Latin America is then, as always, a struggle with ourselves. within ourselves.

We must solve it by ourselves.

Nobody else can truly know it: we are living through our family quarrels.

We must assimilate this conflicted past.

Sometimes we must do it—as has occurred in Mexico, Cuba, El Salvador and Nicaragua—through violent means.

We need time and culture.

We also need patience.

Both ours and yours.

NATIONALISM IN LATIN AMERICA

Second, the identification of nationalism as the legitimate bearer of change in Latin America.

The cultural conflict I have evoked includes the stubbornness of the minimal popular demands, after all these centuries, which equate freedom with bread, schools, hospitals, national independence and a sense of dignity.

If left to ourselves, we will try to solve these problems by creating national institutions to deal with them.

All we ask from you is cooperation, trade and normal diplomatic relations.

Not your absence, but your civilized presence.

We must grow with our own mistakes.

Are we to be considered your true friends, only if we are ruled by right-wing, anti-communist despotisms?

Instability in Latin America—or anywhere in the world, for that matter—comes when societies cannot see themselves reflected in their institutions.

DEMOCRACY IN LATIN AMERICA

Change in our societies shall be radical in two dimensions.

Externally, it will be more radical the more the United States intervenes against it or helps to postpone it.

Internally, it will of necessity be radical in that it must one day face up to the challenges we have so far been unable to meet squarely; we must face democracy along with reform; we must face cultural integrity along with change; we must all finally face, Cubans, Salvadorans, Nicaraguans and Argentinians, Mexicans and Colombians, the questions that awaits us on the threshold of our civilization, of creating free societies, societies that take care of the basic needs of health, education and labor, but without sacrificing the equally basic needs of debate, criticism and political and cultural expression?

I know that all of us, without exception, have not truly fulfilled these needs in Latin America.

I also know that the transformation of our national movements into pawns of the East-West conflict make it impossible for us to answer this question: Are we capable of creating free national societies?

This is perhaps our severest historical test.

Rightly or wrongly, many Latin Americans have come to identify the United States with opposition to our national independence.

Some perceive in United States policies the proof that the real menace to a great power is not really the other great power, but the independence of the national states: how else to understand U.S. actions that seem meaninglessly obsessed with discrediting the national revolutions in Latin America?

Some are thankful that another great power exists, and appeal to it.

All of this also escalates and denaturalizes the issues at hand and avoids considering the third failure I want to deal with today: the failure to understand redistribution of power in the Western hemisphere.

LATIN AMERICA AND THE REDISTRIBUTION OF POWER

It could be debated whether the explosiveness of many Latin American societies is due less to stagnation than to growth, the quickest growth of any region in the world since 1945.

But this has been rapid growth without equally rapid distribution of the benefits of growth.

The contrast has become as explosive and understandable as it was in 1810 against Spanish colonial rule.

And it has coincided, internationally, with rapidly expanding relations between Latin America and new European and Asian partners in trade, financing, technology and political support.

Latin America is thus part and parcel of the universal trend away from bipolar to multipolar or pluralistic structures in international relations.

Given this trend, the decline of one superpower mirrors the decline of the other superpower.

This is bound to create numerous areas of conflict. As Chancellor Helmut Schmidt eloquently expressed it from this same rostrum, "We are living in an economically interdependent world of more than 150 countries—without having enough experience in managing this interdependence."

Both superpowers increasingly face a perfectly logical movement toward national self-assertion accompanied by growing multilateral relationships beyond the decaying spheres of influence.

No change comes about without tension and in Latin America this tension arises as we strive for greater wealth and independence, but also as we immediately start losing both because of internal economic injustice and external economic crisis.

The middle classes we have spawned over the past fifty years are shaken by a revolution of diminishing expectations—of Balzacian "lost illusions."

Modernity and its values are coming under critical fire while the values of nationalism are discovered to be perfectly identifiable with traditionalist, even conservative considerations.

The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where, after all, Latin American nationalism was born in the early 19th century.

You have yet to feel the full force of this backlash, which reappeared in Argentina and the South Atlantic crisis last year, in places such as El Salvador and Panama, Peru and Chile, Mexico and Brazil.

A whole continent, in the name of cultural identity, nationalism and international independence, is capable of uniting against you.

This should not happen.

The chance of avoiding this continental confrontation is in the fourth and final opening I wish to deal with today: that of negotiations.

NEGOTIATIONS BEFORE IT IS TOO LATE

Before the United States has to negotiate with extreme cultural, nationalistic and internationalist pressures of both the left and the right in the remotest nations of this hemisphere—Chile and Argentina—, in the largest nation—Brazil—and in the closest one—Mexico—it should rapidly, in its own interest as well as ours, negotiate in Central America and the Caribbean.

We consider in Mexico that each and every one of the points of conflict in the region can be solved diplomatically, through negotiations, before it is too late.

There is no fatality in politics that says: given a revolutionary movement in any country in the region, it will inevitably end up providing bases for the Soviet Union.

What happens between the daybreak of revolution in a marginal country and its imagined destiny as a Soviet base?

If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling.

But if power with historical memory and diplomacy with historical imagination come into play, we, the United States and Latin America, might end up with something very different:

A Latin America of independent states building institutions of stability, renewing the culture of national identity, diversifying our economic interdependence and wearing down the dogmas of two musty 19th century philosophies.

And a United States giving the example of a tone in relations which is present, active, co-operative, respectful, aware of cultural differences and truly proper for a great power unafraid of ideological labels, capable of coexisting with diversity in Latin America as it has learnt to coexist with diversity in Black Africa.

Precisely twenty years ago, John F. Kennedy said at another Commencement ceremony: "If we cannot end now our differences, at least we can help make the world safe for diversity."

This, I think, is the greatest legacy of the sacrificed statesman whose death we all mourned.

Let us understand that legacy, by which death ceased to be an enigma and became, not a lament for what might have been, but a hope for what can be.

This can be.

The longer the situation of war lasts in Central America and the Caribbean, the more difficult it shall be to assure a political solution.

The more difficult it will be for the Sandanistas to demonstrate good faith in their dealings with the issues of internal democracy, now brutally interrupted by a state of emergency, imposed as a response to foreign pressures.

The more difficult it will be for the civilian arm of the Salvadoran rebellion to maintain political initiative over the armed factions.

The greater the irritation of Panama as it is used as a springboard for a North American war.

The greater the danger of a generalized conflict, dragging into Costa Rica and Honduras.

Everything can be negotiated in Central America and the Caribbean, before it is too late.

Non-aggression pacts between each and every state.

Border patrols.

The interdiction of passage of arms, wherever they may come from, and the interdiction of foreign military advisers, wherever they may come from.

The reduction of all the armies in the region.

The interdiction, now or ever, of Soviet bases or Soviet offensive capabilities in the area.

What would be the quid pro quo?

Simply this: the respect of the United States, respect for the integrity and autonomy of all the states in the region, including normalization of relations with all of them.

The countries in the region should not be forced to seek solutions to their problems outside themselves.

The problems of Cuba are Cuban and shall be so once more when the United States understands that by refusing to talk to Cuba on Cuba, it not only weakens Cuba and the United States, but strengthens the Soviet Union.

The mistake of spurning Cuba's constant offers to negotiate whatever the United States wants to discuss frustrates the forces in Cuba desiring greater internal flexibility and international independence.

Is Fidel Castro some sort of superior Machiavelli whom no gringo negotiator can meet at a bargaining table without being bamboozled by him? I don't believe it.

NICARAGUA

The problems of Nicaragua are Nicaraguan but they will cease to be so if that country is deprived of all possibility for normal survival.

Why is the United States so impatient with four years of Sandinismo, when it was so tolerant of forty-five years of Somocismo?

Why is it so worried about free elections in Nicaragua, but so indifferent to free elections in Chile?

And why, if it respects democracy so much, did the United States not rush to the defense of the democratically elected President of Chile, Salvador Allende, when he was overthrown by the Southern Jaruyelski, General Augusto Pinochet?

How can we live and grow together on the basis of such hypocrisy?

Nicaragua is being attacked and invaded by forces sponsored by the United States.

It is being invaded by counter-revolutionary bands led by former commanders of Somoza's National Guard who are out to overthrow the Revolutionary government and re-instate the old tyranny.

Who will stop them from doing so if they win?

These are not freedom fighters. They are Benedict Arnolds.

EL SALVADOR

The problems of El Salvador, finally, are Salvadoran.

The Salvadoran rebellion did not originate and is not manipulated from outside El Salvador. To believe this is akin to crediting Soviet accusations that the Solidarity Movement in Poland is somehow the creature of the United States. The passage of arms from Nicaragua to El Salvador has not been proved: no arms have been intercepted.

The conflict in El Salvador is the indigenous result of a process of political corruption and democratic impossiblity that began in 1931 with the electoral results by the Army, and culminated in the electoral fraud of 1972, which deprived the Christian Democrats and the Social Democrats of their victory and forced the sons of the middle class into armed insurrection. The Army had exhausted the electoral solution.

This Army continued to outwit everyone in El Salvador—including the United States. It announces elections after assassinating the political leadership of the opposition, then asks the opposition to come back and participate in these same hastily organized elections—as dead souls, perhaps?

This Gogolian scenario means that truly free elections cannot be held in El Salvador as long as the Army and the death squads are unrestrained and fueled by American dollars.

Nothing now assures Salvadorans that the Army and the squads can either defeat the rebels or be controlled by political institutions.

It is precisely because of the nature of the Army that a political settlement must be reached in El Salvador promptly, not only to stop the horrendous death count, not only to restrain both the Army and the armed rebels, not only to assure your young people in the United States that they will not be doomed to repeat the horror and futility of Vietnam, but to reconstruct a political initiative of the center-left majority that must now reflect, nevertheless, the need for a restructured Army, El Salvador cannot be governed with such a heavy burden of crime.

The only other option is to transform the war in El Salvador into an American war.

But why should a bad foreign policy be bipartisan?

Without the rebels in El Salvador, the United States would never have worried about "democracy" in El Salvador. If the rebels are denied political participation in El Salvador, how long will it be before El Salvador is totally forgotten once more?

Let us remember, let us imagine, let us reflect.

The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the "Big Stick."

It will only achieve, if it does so, what it cannot truly want.

Many of our countries are struggling to cease being banana republics.

They do not want to become balalaika republics.

Do not force them to choose between appealing to the Soviet Union or capitulating to the United States.

My plea is this one:

Do not practice negative overlordship in this hemisphere.

Practice positive leadership. Join the forces of change and patience and identity in Latin America.

The United States should use the new realities of re-distributed world power to its advantage. All the avenues I have been dealing with come together now to form a circle of possible harmony: the United States has true friends in this hemisphere; these friends must negotiate the situations that the United States, while participating in them, cannot possibly negotiate for itself, and the negotiating parties—from Mexico and Venezuela, Panama and Colombia, tomorrow perhaps our great Portuguese speaking sister, Brazil, perhaps the new Spanish democracy, re-establishing the continuum of our Iberian heritage, and expanding the Contadora group—have the intimate knowledge of the underlying cultural problems.

And they have the imagination for assuring the inevitable passage from the American sphere of influence, not to the Soviet sphere, but to our own Latin American authenticity in a pluralistic world.

President Bok, Ladies and Gentlemen: My friend Milan Kundera, the Czech novelist, makes a plea for "the small cultures" from the wounded heart of Central Europe.

I have tried to echo it today from the convulsed heart of Latin America.

Politicians will disappear.

The United States and Latin America will remain.

What sort of neighbors will you have?

What sort of neighbors will we have?

That will depend on the quality of our memory and also on our imagination.

"If we had started out at daybreak, we would be there now."

Our times have not coincided.

Your daybreak came quickly.

Our night has been long.

But we can overcome the distance between our times if we can both recognize that the true duration of the human heart is in the present, this present in which we remember and we desire; this present where our past and our future are one.

Reality is not the product of an ideological phantasm.

It is the result of history.

And history is something we have created ourselves.

We are thus responsible for our history.

No one was present in the past.

But there is no living present with a dead past.

No one has been present in the future.

But there is no living present without the imagination of a better world.

We both made the history of this Hemisphere.

We must both remember it.

We must both imagine it.

We need your memory and your imagination or ours shall never be complete.

We need our memory to redeem your past, and our imagination to complete your future.

We may be here on this hemisphere for a long time.

Let us remember one another.

Let us respect one another.

Let us walk together outside the night of repression and hunger and intervention, even if for you the sun is at high noon and for us is at a quarter to twelve.

Mr. President, this was the very profound and most enlightening commencement address given by Carlos Fuentas, who, by the way, was in Washington the other day and was kind enough to spend some time with Members of this body and the House to talk about the present problems in Latin America.

As I said at the very outset, I consider it to be the preeminent commencement address given in 1983 by anyone in this country.

Mr. LEAHY. Mr. President, will the Senator yield to me on the condition I be allowed to yield back to him? I will make that as a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I am delighted to yield.

Mr. LEAHY. Mr. President, we are having a discussion today of some significance. It goes well beyond the question of the amount of money that is involved. Some people in this country have lost sight of the fact that this emergency appropriation—incidentally, the same kind of emergency appropriation we faced in March of last year—is not really that much of an emergency.

The President has funds available to him in two different categories which actually are considerably more than what is in this request. If the President thinks there is an emergency in El Salvador, he is able to spend those funds.

I recall very well a letter the appropriate subcommittee on appropriations, signed by all but one member of that committee, sent to the Secretary of State dated March 23, 1983. It says:

Dear Mr. Secretary:

This is in reference to the various reprogramming requests pending before the Committee on Appropriations dealing with increased military ($60 million) and economic ($77.1 million) assistance for El Salvador in fiscal year 1983.

I am talking about a letter of March 23, 1983, for those who may have a certain feeling of deja vu.

It goes on to say:

The Committee will not object to these reprogramming requests with the understanding that the administration will agree in writing to the following terms and conditions with reference to these funds and U.S. policy toward El Salvador:

1. A reaffirmation by the President, of the assurances given to the Committee in 1981, that the number of United States military advisors and trainers will not exceed 55 persons;

I might add parenthetically, Mr. President, that as I read Fred Ikle's statement before another committee today, I wonder if that limit of 55 still stands, or if it is simply that we are going to rename the people and put them in there.

It is a bit like fielding a football team of 35 people, but saying that the excess number will be called basketball players, no matter how they may be suited and no matter what they are doing.

Second, we said:

Given the inadequate functioning of the Salvadoran judicial system——

That is an understatement if I ever heard one.

* * * the administration will begin a new and immediate effort aimed at addressing the structural defects in this system with special attention to the effective prosecution of those accused in the murders of United States citizens.

Mr. President, this was last year at this time. This is not a letter written in the past couple of weeks. This was written last year, when we were faced with the same request, for the same emergency money.

The letter continues:

3. The administration will begin a new and immediate diplomatic initiative aimed at securing from the Salvadoran military their guarantee of the physical security and integrity of the participants in the justice system, including justices, prosecutors, defense attorneys and witnesses;

Ah, to hope that that might actually happen.

Mr. President, in that letter, we say that an Appropriations Committee "will watch events in El Salvador closely in the coming months."

Again I remind my colleagues that this is a letter written 12 months ago.

The letter continues:

When the fiscal year 1983 supplemental and the fiscal year 1984 appropriations bill come to the floor of the Senate, the Committee will decide in light of developments whether to offer amendments to reduce or eliminate funds for El Salvador. Our judgment on that issue will be determined by the progress, or lack of it, that El Salvador has made in dealing with the terms, conditions, concerns and understandings in this letter. Some of the questions which the Committee will consider in determining what action will be taken on future requests for assistance to El Salvador are as follows:

The PRESIDING OFFICER. Will the Senator suspend?

The Senate does not appear to be in order, and the Chair respectfully requests that, for the benefit of people who want to hear the Senator from Vermont; Senators needing to discuss issues do that outside the Senate Chamber.

The Senator from Vermont may proceed.

Mr. LEAHY. I thank the Chair for seeking order, and I do appreciate it.

Mr. President, I was stating that in our letter to the Secretary of State, the Appropriations Committee listed certain things they would look at during the year and would use to determine whether they and individual Members would have amendments to be offered to any request this year. Some of the touchstones we said we would use were as follows:

1. Is unlawful violence attributable to elements within the government being brought under control and are perpetrators being brought to justice under a strengthened judicial system?

Mr. President, if we are true to our word of last year, that one statement alone begs amendments.

Can anybody really say that the perpetrators are being brought to justice under a strengthened judicial system? Can anybody in this Chamber tell me—give me names and give me dates—any perpetrators of violence who have been brought to justice under a strengthened judicial system in El Salvador?

The second touchstone we gave that could trigger amendments and changes in the administration's request was this:

Have the cases involving the American churchwomen and the American labor leaders been fairly and expeditiously prosecuted?

Mr. President, I spent nearly a third of my adult life as a prosecutor. I know what it means to fairly and expeditiously prosecute something. It does not mean having a case that is 4 years old, in which the Salvadoran Government was given an open and shut case against the perpetrators of the crime, and still have that matter languish in the courts.

It is really a case of the Salvadoran Government taking our money—to date, about a billion dollars—thumbing their nose at the American taxpayers, and saying: "We're not going to do anything. We know you will keep paying. We know you will keep on sending the money. You always do. You couch in flowering, well-meaning thoughts what you want in reforms, and we nod our head and say yes, that's right. But the money keeps coming; and if the money keeps coming, why do we need to have the reforms? Why do we have to run the risk."

And this is what is really behind it—"of prosecuting people who may then point their fingers at higher-ups, including higher-ups within the government?"

That really is the issue. Why strengthen a legal system which may bring a house of cards down about the heads of higher-ups? Why should that system push forward for prosecution of those people involved in the murders of Americans when they know full well the great potential for them to point their fingers at people who were involved in those murders, people who were knowledgeable about them, people who planned them, people who profited by them, people who covered them up?

Mr. President, just about every Member of this body knows exactly which people in authority I am talking about.

Third, we said:

Is there a functioning amnesty program, designed and being implemented in a manner that will restore to the beneficiaries a genuine opportunity to participate in Salvadoran society?

Mr. President, I share with many of my colleagues the gratification felt when we saw so many Salvadorans go to the polls this past weekend. Many of us had said that we wish that people in our own jurisdictions would show such an eagerness to vote.

Mr. RANDOLPH. Mr. President, will my colleague yield at this point? I do not want him to yield if it breaks his train of thought.

Mr. LEAHY. If I can do it, Mr. President, without altering the same unanimous-consent agreement under which I have the floor.

The PRESIDING OFFICER. There is no objection heard, so the Senator may proceed.

Mr. LEAHY. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful to my concerned colleague as he speaks on this subject.

This will not contribute to what is now being discussed in reference to the matter of El Salvodor, but he has mentioned the number of, let us say, citizens of that country who had the right and always with the right goes the responsibility of the use of the ballot. I am not sure that I am correct but I have tried to determine how many of those that could vote actually voted in El Salvador.

Does the Senator have figures on that point? I believe that there were about 1,800,000 that were eligible and that 1,300,000 actually voted. That may be in error. But I am calling attention to this because I have heard my colleague from Oklahoma talk on this subject on yesterday, when Senator BOREN said in effect that having watched those people there, attempting to cast their votes, he realizes as he never had before the privilege and responsibility of voting here in the United States of America.

This gives to me the opportunity—for the record perhaps it is appropriate at this time—to say that of the countries of the Earth that have the right and also the responsibility to participate with the ballot, the United States of America is second from the worst in the percentage of people in this country who go to the polls.

In Australia, for example, the people there in a sense lose citizenship if they do not vote. There is a severe penalty and the voting percentage there was something more than 96 percent in the past years. In New Zealand and other countries where the voting booth is not just conveniently around the corner as it is in this country, there are some 90 out of every 100 voters who are at the polls.

And we now in this country are almost to the point, I say to my able colleague, where it will be the majority of the minority over the rest of the minority in choosing the President of the United States. We are at that point where less than one-half of the people of this Republic are going to be voting.

In the past few weeks in our caucuses and in our primaries, it seemed by some of those who give to us through the media of various types a feeling that there is a great outpouring. There is about 8 to 10 percent less participation in the caucuses and the primaries now than there was in 1980.

So, we are now at the bottom of the list almost of these countries throughout the world. Only Colombia, in South America, is less than the United States of America in the participation of the use of the ballot on election day.

I remember John Kennedy when he was elected in 1960, and there were 63 out of every 100 cast their ballots. He had been in office not too long, a few months, when he commissioned a study, to see in his words, "the appalling lack of the American people in the use of the ballot is something that we should look into," and this study was to give us some of the reasons perhaps that people in the United States were not voting.

Twenty years later it was not 63 percent, it was 53.4 percent that participated in the selection of the President of the United States.

I speak not against any State, but in New York State, the Empire State, that vote was less than 50 percent; 48.5 percent of the people eligible to vote were at the polls.

I am perhaps laboring this subject, but I think it is very important, as my colleague discusses the voting which apparently was rather high percentagewise in El Salvador in recent days, to point out what is happening in a country like the United States of America where there is no violence on election day, where there is no fear of casting your ballots, that the people of this country are not voting.

I did offer the 26th amendment to the Constitution of the United States for 18-, 19-, and 20-year-old youth to have the right and responsibility to vote. I offered it first in 1942 when I was a Member of the House of Representatives. It took us 30 years to achieve it here with the passage of two-thirds of the Congress present and voting and then referred to the States and in 90 days the States ratified it. It is of some interest perhaps because sometimes people do not understand that that does not come back to the President of the United States for his signature. That completes the transaction, the action of the Congress with the approval of three-fourths of the States.

I do believe that we should realize the tradegy of what is taking place in our own Republic, a failure of men and women to vote on election day. It is estimated that by November there will be 174 million persons eligible to vote in this country. I wonder what percentage of these individuals will actually vote.

Recently in New England I spoke to students and I asked them to be very frank and honest with me and, at one point in Yale University, I asked 100 who were eligible to vote in 1980 would they stand and then I asked those who had actually voted to remain standing and those who had not to take their seats; 19 out of 100 youth eligible to vote had not done so in 1980.

I am grateful for, in a sense, the understanding and even tolerance of the Senator in allowing me to inject this subject matter, but I think there may be a lesson learned along the way. It is a further attempt by hopefully people within this country to have battalions for the ballot in 1984 and I want to enlist the Senator's assistance in leading such a crusade.

Mr. LEAHY. Mr. President, I thank my good friend from West Virginia and my seatmate for a lesson that was quite appropriate at this point in our discussion.

As I said, all of us would be moved by the sight of those thousands in El Salvador standing in line under the hot Sun waiting for their chance to vote, and I applaud the people of El Salvador for their faith in the electoral process.

But I must admit I see a wee bit of a cloud on the horizon which dimmed somewhat my enthusiasm for this election, and the optimistic reports from the congressional delegation because of some of the other reports coming out of El Salvador.

While none of us can become an expert by a 1- or 2-day trip to El Salvador any more than someone from El Salvador can become an expert by 1 or 2 days in the United States, we should consider very carefully the reports out of that and the reports out of the independent media.

(Mr. COCHRAN assumed the chair.)

Mr. LEAHY. In that regard, I would urge my colleagues to consider a recent article in the Wall Street Journal. That is not a wild-eyed liberal newspaper, by any means; it is certainly not known for its opposition to the President's policy in El Salvador. And I would like to read excerpts from an article from just a month ago in the Wall Street Journal. They said:

> Salvadorans doubt that their votes will bring democracy or stability to this war-torn nation. . . .
>
> If Duarte wins, business won't participate actively in the system, a business leader says. But "d'Aubuisson polarizes things by calling everyone a Communist." The two candidates, he says, "aren't the right people. They don't move anyone." Indeed, although voter turnout is expected to be high, as it was for the 1982 Constituent Assembly election, many citizens here see this election as a meaningless exercise undertaken more to please the "Yanquis" than to improve conditions.

Quoting further from the article:

> One place to view this despair is in the crowded office of Tutela Legal, a human-rights group that compiles the grisly statistics on El Salvador's "disappeared."
>
> Esther Flores De Escobar, 70-years-old and toothless, has journeyed here seeking information about her 27-year-old son, Ricardo, who vanished Aug. 28, 1981. Slowly, she turns the pages of the blue and red albums filled with snapshots identifying mutilated bodies. She shows little hope of finding her son and no hope that life in El Salvador will change.
>
> Presidents don't mean anything. The same people will be running the country, she says bitterly. They're having this elec-

tion for propaganda. Because the United States wants it. Because that's the way Ronald Reagan will send us money.

Behind her pessimism is the fact that the military is the final arbiter of Salvadoran politics. During the past 50 years, the army seized power 17 times. Indeed, this nation's heritage of violence can be traced back to the alliance formed between the ruling oligarchy and the military in 1932, when the powerful landowners who controlled El Salvador brought in elements of the military to put down a peasant uprising. The army slaughtered 30,000 people, 1 percent of the population, and has remained a political force ever since.

Mr. President, further on in the article it says:

A top official of the Catholic Church hierarchy—afraid to be identified by name—says "regardless of who is elected, the military are the ones who rule the country."

In such an environment, he adds, attempts at social reform are fruitless—and dangerous. "If you live here and start talking about justice, or the suffering of the poor, or the killings by the right-wing death squads, they consider you a leftist subversive. They put you in the same basket as the Communists."

He concludes gloomily, "I really don't see much hope for peace or justice or human rights regardless of who wins. Nobody who wins will be strong enough to take on the army."

Mr. President, I recall my own trips to El Salvador. I remember how pervasive violence has become as a way of life. I remember the first time I was there leaving San Salvador heading for the airport and seeing dead bodies along side the road in two different places.

Now, I have spent enough time in my years in law enforcement, and I have seen enough dead bodies, and I have seen enough people who have been shot to death; in some instances, those who had been shot to death minutes before and others some time before that. So I think I can judge probably as well as anybody what happened there.

In both of these instances, it is obvious that the people had been shot and killed only hours before. But more than just seeing the dead bodies, more than just seeing somebody who had been killed, the thing that sticks in my mind the most was, in one of the instances, the little snapshot in my mind that I recall frozen there, and something that I do not think I will ever forget: one man walking away from the body, I remember him in midstride. He had a camera in his hand. He obviously had just taken a photograph of the person that had been shot. Somebody else was standing there talking. And a couple of people started to dig a hole by the side of the road. They were just going to put the body in it. A common occurrence—take a picture for identification and then bury the body. It is that common.

Now, if you stop for a moment just to think about what is in those pictures taken for identification. If anybody wants to know the kind of terrorism and violence going on in that country, they ought to go to the legal aid office. They ought to look at some of the photographs there, as I have.

As I said, I have seen a lot of people killed violently. I have investigated a lot of murder cases before I came to the Senate. But I have never seen anything like I saw in page after page after page of these albums. And even there the incongruity of it. You come in and you see a table of all these photo albums. And they are just regular photo albums like you buy in a stationery store. One of them, in fact, very similar to the exact same kind of an album, the words are not the same in English, as the photo albums we have at home with pictures of family gatherings.

There are no family gatherings in these. You pick them up and what should be an album somebody might have of pictures of their children or family or whatever, and you open it and one after another after another of the faces, the empty eye sockets where the eye has been burned out by acid, the people whose throats had been slit, some of the pictures of bodies with no heads, they had been decapitated, or photographs of the heads alone if they had been found. Mutilated bodies, some of the worst, most perverse ways you could imagine.

Do you know what the worst thing about it is? You go through these and after you have looked at 50 or 100, or 150 pictures, of men and women and children that have been bayoneted or shot or strangled or burned to death or bludgeoned to death or decapitated, violated, it becomes almost numbing. And I caught both myself and a couple others in there just flipping through the pictures. It is not even real anymore. It is not even real anymore. One horribly murdered person is so shocking. Two is almost unbelievable. Three you cannot grasp the reality of it. But when there are 50, 75, 100, 200, 300 of these pictures and you look at them, realize that human beings can do that to other human beings, and you ask yourself, how could this possibly happen? And then you ask the most objective people there, including some of the intelligence people you are working with, "Who did this? Who is responsible for this?" And you find that the pictures you are looking at, the majority of the people killed there, the vast majority of the people photographed there, have either been murdered by government forces or by those who are condoned by the Government or protected by the Government or directed by the Government. And you ask yourself, "As Americans, is this the kind of government we should be supporting?"

Ask yourself as Americans at what point do we go beyond a strategic interest, and at what point do we talk about a moral question, Mr. President, which affects our country. We talk about America's interest. I will defend America's interests as much as any man or woman in this body, and I will defend America's interests as much as any American ever will. Let us define what America's interests are.

Is it in America's interest to make possible such an obscenity? I do not think any American feels it is. Do we really do ourselves credit as a nation if we step back and say we will give them one more year, and we will assuage our conscience by fencing the language? We are only going to do this on your assurance that the killings will stop, those involved in killing Americans will be brought to justice—the Americans who have been killed saying nothing about the 30,000 El Salvadorans who have been killed—but on your assurance that they will be brought to justice knowing full well that is not going to happen.

What I find so troubling, Mr. President, is that after a while those who are policymakers become as numbed as those of us who might look at pictures of the people who have been murdered. How does the numbness show? The numbness shows when the Secretary of State, a good and decent man, will come here and emphasize the property damage done by the guerrillas. He will talk and become incensed at a power station blown up, or a bridge destroyed, almost as though any one of these things could possibly equate with the human damage done by both the right and the left. I hold no brief whatsoever for either side, right or left, that commits these atrocities.

Mr. President, we are not asked to give money to support the guerrillas. I certainly would never support such a request. What we are asked to support is a government which stands guilty of the inability by design or neglect to curb those people who kill the same people that the Government is supposed to protect.

I recall late one day talking to the Archbishop there and he said, "The blood of my country is running out. The blood of my country is draining out of my country by these murders."

How true that is. We have had discussions here about there being no direct evidence to link any person in the Government with these rightwing death squads. Oh, come, Mr. President. As one having looked at some of the evidence, I would be glad to take some of these cases to a grand jury anywhere.

U.S. News and World Report said:

Death-squad victims are not limited to Marxists. They include workers in agrarian reform, labor leaders, teachers, politicians seen as too liberal or any kind of social reformer.

"The target is anybody with an idea in his head," says a U.S. diplomat.

Mr. President, last year in the Appropriations Committee we were asked to appropriate around $200,000, if I recall the amount correctly, to protect people working with AID because they had been threatened by, among others, Major D'Aubuisson. We on the one hand send money to a government of which he is a part, and at the same time, hire bodyguards to protect people we are supporting because he threatens them.

I wonder, if the American people really had a chance to write the checks that are going down to Central America, how many of those checks would ever be signed. But that is really what the U.S. Senate should be doing, the 100 of us. We represent the 235 million Americans, and we are going to decide whether they sign the checks for more money to go down there. Let us ask what we do. Let us ask what happens with that money, Mr. President. A Washington Post article in October indicated that when AID needed the money: The protection, expected to begin today, could extend to about 10 labor leaders, involve 70 to 80 security guards, cost no more than $200,000 and last "not very long," according to other administration officials. The AID statement indicated that Congress would be consulted on the question which is of course always very nice. And quoting one AID official as they say, "In the last couple of weeks serious threats have been made on their lives, by name, in public radio and television statements by Mr. Roberto D'Aubuisson, President of the National Assembly."

Certainly if the President of the National Assembly that we are having to bankroll is threatening the people that we are also paying for down there, naturally we are going to hire bodyguards for them.

After all, we indirectly paid for the bodyguards of the same people who were threatening them. So why not complete the circle? We will hire directly or indirectly the bodyguards of those who make the threats, and bodyguards for those who are being threatened. Nobody could accuse us of being unfair in that case. After all, we are providing the weapons directly or indirectly for both sides to a large extent in the conflicts down there; at least for once Uncle Sam is being evenhanded—expensive but evenhanded.

I spoke earlier, Mr. President, of the moral question facing our Nation. We ought to look at the question of whether our Nation ends up looking absolutely silly by the policy going on.

I recall a Secretary of State coming before the Appropriations Committee back about 3 years ago and saying how important all of this is because we are going to draw the line against international communism in El Salvador; saying in effect that this is the No. 1 foreign policy consideration of the United States. I was in the capital of one of our NATO allies shortly thereafter, and the foreign minister of that country said to me, "Now we understand that the No. 1 foreign policy consideration in the United States, the place we are going to draw the line, is El Salvador. So what we have to do over here in NATO is to get out our map and find out where El Salvador is, now that we know that is your number one priority."

The President said there had been some talk of Soviet missiles going down to Nicaragua.

Come on. Let us be serious. Soviet missiles in Nicaragua? Soviet missiles in El Salvador? Either place, is that really the threat? Or is that rhetoric for the folks back home?

What we ought to do is look at where our threats really are. I remember discussions in 1980 during the Presidential campaign about a Soviet brigade in Cuba. Do you remember that? Does everybody in this body remember the Soviet brigade in Cuba?

There was a sudden discovery made by some of the political candidates that not all the Soviets went home after the Cuban missile crisis.

It did not take a great deal of study of intelligence cables to learn that. They could have read that in the newspaper. I suspect some probably did.

The discussion was that the United States could not stand for this, we could not have that Soviet presence off our coast, 90 miles away. Look at the threat to our security.

Somebody asked me about that back in Vermont. Mr. President, I think Vermonters tend to be a little more sensible about these things. They asked me, "Pat, is that really the threat it is made out to be?" I said, "No; it is not." They asked why not, and I said, "They are heavily outnumbered by the Florida National Guard; I will put my money on the Florida National Guard any time. Assuming the troops went 90 miles to Key West or wherever they might land in Florida, we will get them. If they made a bad mistake and tried to land in Miami during rush hour they would be lost anyway."

I said it would become a threat, of course, if Cuba were to have a buildup where eventually they might be able to handle long-range bombers from the Soviet Union, bombers that potentially could be equipped with nuclear weapons, or another danger would be if they were to build up their submarine facilities.

"Aha," said my friends back in Vermont, "fortunately we now have a new President who will not allow that to happen."

Well, Mr. President, referring to the matters that had been in the public press, without going into anything classified but matters in the public press, it is obvious in the past 2 years there has been a tremendous buildup of the Soviet presence in Cuba. Their potential is much greater. I say this never would have happened if Ronald Reagan was President of the United States.

So I ask, Mr. President, whether perhaps we allow ourselves to be distracted by a sideshow here. Is the danger really as stated in El Salvador or in Nicaragua? Or are we being asked to neglect the failure to follow through with some of the 1980 campaign on Cuba?

I raise the point and I think it is a valid one. But I would hope we would not be distracted again, even on that question, regarding the failures in Cuba. I think we have not paid the kind of close attention to our security interests there in the past 3 years that I would have liked to have seen.

Let us go back to El Salvador for a moment and ask what we have there.

I have heard we just give lipservice to the fact that we understand there is no military solution to El Salvador, that there can only be a political solution. I have not seen the kind of effort with the Contadora group that might bring that about. I have not seen an effort made with the other countries within Central America to bring about that kind of a political solution. But what I do see, and this we ought to all pay attention to, is more and more candid, off-the-record comments by people within the Government who say they assume that eventually we will have to have a strong American military presence in El Salvador to bring this about, and apparently from the published reports many Salvadorans in high positions assume that we will have to have American military forces come into El Salvador to bring about the kind of military stability that has been discussed.

Mr. President, if indeed this is true, and each one of us has available the same material and can talk to the same people, and each of us can ask them to speak on or off the record, if that potential lies there must we not finally face the moral, political, economic and military questions inherent in El Salvador? Must we not reach a point where we no longer pass these appropriations willy-nilly, where the administration comes in with a figure higher than what they expect to get, and we say we are going to score a great victory by cutting it down and then putting good language in there that we are doing this only on the condition that things improve, only on the condition that the judiciary system becomes better, only on the condition that the killings stop? And then a year later what is the one thing

we can point to? There are less people murdered in the past year.

Of course. Even in El Salvador the rate of killings are such that after a while you begin to run out of targets. You cannot kill the same person twice. Naturally, the killings go down. At this rate we could get to a point where there would be no killings in El Salvador—no people, but no killings.

I think we ought to be honest about it. Mr. President, we ought to put some very specific amendments in here and vote up or down on them. If we want to give, in effect, unlimited military aid to El Salvador, then either vote for it or vote against it. The Senate can work its will on that.

Are we going to allow Americans to go down and fight in El Salvador? Let us not duck the question. Let us vote it up or let us vote it down. Let us do what the Congress should have done in Lebanon. Perhaps not only would a lot of American lives be saved had we done this in Lebanon, but the United States would not now be in such a damaged position in the Middle East. Let us vote up or down on these specifics. Let us determine if it is an absolute free rein on the money or if there are some specifics that will either allow the money or cut it off.

Let us let the President of the United States know exactly what he can or cannot do; let us let the Salvadorans know exactly what they can or cannot do. But let us bring it to a vote, let us make it a specific one, Mr. President.

If we wonder what is in it for us, if, for a while, we are deluded into thinking that this little state, this little country, smaller geographically than Vermont, smaller geographically than Massachusetts or New Hampshire—it is smaller than three of the New England States geographically. If we are really, truly convinced that that country is so vital to the security of the United States—that country, incidentally, which has taken up more time in debate by this administration and by the last two Congresses than has the question of arms control. Nuclear arms control, an issue that involves us with the Soviet Union, an issue that involves the life and death of this whole planet. We have spent more time on the question of El Salvador and more effort on the question of El Salvador than we have on arms control. If, Mr. President, we truly feel that this country is so strategically situated or so significant militarily, economically, or politically that we must give it that kind of consideration, then I would urge, Mr. President, that we think for a moment of those faces, those bodies, in those photo albums—those that even have faces; that we think of what is involved, what kind of a country, what kind of government would allow this brutal slaughter of its own people?

What kind of people might we be supporting that would continue this and are continuing it now? Why is it that, with all of the language that we have given and all of the threats that the United States has made, nobody has been brought to justice? Mr. President, those are questions we must ask ourselves.

I would hope, Mr. President, that we would not allow ourselves to shrink from our responsibility in saying whether we are or are not going to allow Americans to go down and fight in El Salvador because we might be painted with the brush of who lost El Salvador. Rather, we ought to ask ourselves the question, How many of us willing to stand up and say, "Who saved the honor of the United States?"

I refer my colleagues to an article in the Wall Street Journal of March 15 by Hodding Carter III, entitled "Reagan Redux; the Salvadoran Aid Charade." I read the first three paragraphs:

"We can't afford to let political partisans jeopardize our security interests or undercut the opportunity for El Salvador to build its democracy."

The words were President Reagan's on Monday, but they could have been uttered by the President at just about any time over the past three years. There's hardly anything about them that reflects reality on the ground in El Salvador, although they say a lot about Mr. Reagan's skillful mastery of reality in Washington, which is that Congress is terrified of being held responsible for anything.

To begin with the most fundamental point, El Salvador does not have a democracy on which its elections this March 25 can "build." It had elections two years ago in which a vast number of Salvadorans participated, and it will go through an electoral process, run by those who rule the country, again in two weeks. But that does not make it a democracy, unless you believe that the Soviet Union is a democracy because it has 90% turnout for its balloting or that Somoza's Nicaragua was a democracy because he would occasionally allow the exercise of voting.

Mr. President, it is amazing to me that it was initially thought that this is a simple matter and we just kind of slide it through. "After all," we are suddenly told, "it is an emergency," even though the President has emergency funds that could be used if he wants to use them in this case; and we are told that there will be, in effect, the imminent collapse of El Salvador if the money does not come through, and do not listen to those terrible things being written by the media suggesting that perhaps democracy is not being born full-grown from the soil of El Salvador.

I cannot help but think that if there had been debates of some depth in both bodies back quite a few years ago, we would not have had Vietnam. I said this afternoon that every Senator has to be, under the Constitution, at least 30 years old, so they should be able to remember Vietnam. I am 43; I remember it very well. No matter what our ages are, we should be able to remember it and remember how we got into it. But if we made the mistake in Vietnam, is there any excuse for making it again in Lebanon and not having a debate on what our people are doing in Lebanon?

After all, that is the first time we have had a chance to use the War Powers Act, that piece of legislation that was passed by that unique combination of those who had strongly opposed the war in Vietnam and those who were saying, "mea culpa, mea culpa, mea maxima culpa" regarding Vietnam and were saying, "You see, I was really a closet opponent of Vietnam all those years." Yet at the first chance to use the War Powers Act, Congress cut and ran and told the President of the United States, "Do not worry; you have a Tonkin Gulf Resolution here; you have got carte blanche until after your election, after the congressional election. Go to it; it is all yours."

And then what happens? After the disaster in Lebanon, after we leave there with our tail between our legs, after the whole Middle East situation is a complete fiasco, the Secretary of State says it never would have happened had it not been for the War Powers Act. Yet, the War Powers Act was not even there. The War Powers Act was off on vacation during all that time. That act had as much hindrance in Lebanon as the Vermont Legislature might have had. In fact, I suspect, with the combined moral impact of the Vermont Legislature, it might have had more influence on it. But certainly the War Powers Act did not hinder anything. It really does no good for the debate to suggest that a War Powers Act, inoperative as far as Lebanon is concerned, something that had been set aside for 18 months, could somehow bring about the fiasco we saw there with 16 months or more left to run this open credit card given the administration.

OK, Mr. President, so we make a few mistakes in this country—Vietnam and Lebanon. So we mess up now and then.

Well, nobody is perfect. But do we really have to do it a third time? Do we really have to do it in El Salvador?

There is somewhere something about three strikes you are out. I wonder if maybe the United States is a little bit like Casey at the bat.

I must admit it is getting late on a Thursday evening if the Senator from Vermont, who normally likes to keep his speeches down to 4 or 5 minutes, goes into baseball metaphors. I was, after all, as a young man growing up, never able to play third base. I was the base, not the person who plays third. My skills were such in baseball. So

perhaps I should go to a different metaphor.

But I suggest, in all seriousness, that we have some history we should be considering. We should not try to duck our responsibility. None of us can read what is going to happen. We do not know exactly what is going to happen a year or 2 years from now. So it is easy to say, "We gave him that money. I never knew he was going to do that with it." Or we continue that military aid and we make it possible for things to get worse, "but we never knew that was going to happen." Or we send down a few more advisers, a few more gunships, a few more soldiers, a few more trainers, a few more observers, and a few more this and a few more that. And then a couple of them get into some shooting and, "My God, we didn't know that was going to happen. After all, we passed a sense of the Senate resolution that nothing naughty should happen down there." Or "It is the sense of the Senate that we want peace and justice to come. It is not our fault that things fell apart."

Now, Mr. President, can we really take much consolation in that, or do we accept the fact that the United States, a country of 235 million people, has only 100 representatives in the U.S. Senate; that they have a right to expect that those 100 will be leaders and that those 100 will try to anticipate problems which might face the United States; that those 100 will try to take steps to avoid such problems for the United States. Not that those 100 will always be right, not that those 100 will always be perfect, but that those 100 will put the long-range interests of the United States ahead of their short-range political interests, and that the 100 Members of the U.S. Senate are willing to stand up and be counted, face the possibility that they may or may not make mistakes, but be on record as to their positions.

Really, that is where we are today. That is the situation we are in today. We can tell the people of the world, after all those years when we talked about the need for improvement in the justice system, all those years we said our patience was running thin, all those years we said El Salvador must at least reflect some of the basic rights that we as Americans hold dear or the money will be cut out, yes, we have reached that time.

Should we not say by our votes to the Salvadorans:

> What has distressed my government is the lack of parallel action against those who murder and kidnap university professors, doctors, labor leaders, capesinos and government workers. We know by their selection of victims and other information that the Maximiliano Hernandez Martinez Brigade and the secret Anti-Communist Army are not guerrilla organizations. It is another case of fascists serving the Communist cause and this is all the more reason why the investigations must take place.
>
> None of us can afford to continue in the self-deluding belief that nothing is really known about the shadowy world of these individuals and, therefore, nothing can be done. The cost is too great for both our nations.

Can we not say that from the floor of the Senate? Because that is what our Ambassador, Thomas Pickering, said before the American Chamber of Commerce in San Salvador on November 5, 1983.

Might we not say by our votes what the Ambassador was saying, that it was not just a hollow matter, it was not just done for public opinion as much in the United States as down there, but that we took him seriously, the U.S. Senate took him and the administration seriously, and we take ourselves seriously and we are going to back it up.

Are we going to back him up when he said:

> No one wants to live in a country where no efforts are made to find out who dumps bodies in gas stations and parking lots. No one wants his children to grow up in fear that almost anything his children say may be taken as "subversive."
>
> Just over a year ago, in this very forum, my predecessor focused his remarks on this same topic. I am sorry to say that while there has been increased recognition of the problems of the judicial system here, too little has changed.

Mr. President, so far in the last 3½ years, there have been three different American Ambassadors in El Salvador. Each one has said similar things. Each of the last three Ambassadors said the same thing: "I am fed up. I am not going to stand for it any more." But of course we do. Of course we still send the money down. There really has not been any money that has been stopped. The Salvadorans are going to get exactly what we have decided they will get. The military gets exactly what we decide they will get. Even in those instances when we have known who has been involved in the killings, nothing has been done. We even have one who has confessed to the murder of an American, and the person has yet to be tried.

People within the military or the Government are connected with the death squads, and nothing is done, and money still goes to that same military and that same Government.

When it is questioned, we are told, "Look at the atrocities committed on the left." I say that we ought to say very clearly that we abhor the atrocities on the left; we abhor them just as we abhor those on the right. Let us not forget that we do not fund the left, except indirectly through the arms that get funneled through the Salvadoran military. We do fund the Government, and we do fund some who are involved in those deaths.

The question we ought to ask ourselves, as a country, is this: Does that improve our security? Does that improve our image? Does that really reflect what we stand for as a country?

Mr. President, I should like to read again from Ambassador Pickering's speech. I think it is extremely important. Ambassador Pickering said—remember, this was last year:

> Some day, and today is not too soon, Salvadorans will have to begin to create the national consensus that such actions are not only reprehensible merely as a matter of rhetoric, but are issues on which they and their fellow citizens must be heard. What is wrong should not only be called wrong, there should be a national consensus that it is wrong.
>
> I am surprised that the consensus has not emerged. Less than 3 weeks ago nine strangled bodies stuffed into sacks were found in Zaragoza. Among the dead were two obviously pregnant women. Is there anyone in this room who can find any pretext, any excuse, to justify that? Where are the condemnations? Why hasn't the private sector, which regularly issues statements on political matters, publicly condemned such outrages? Why haven't the daily papers done so? Is the condemnation of murder the business only of human rights organizations, some government leaders, the Roman Catholic Church and the U.S. Government and its Embassy? The whole world noted, how, this October 21, one million Spaniards in over 40 cities peacefully demonstrated their repudiation of violence.
>
> Failure to take the necessary steps now risks turning El Salvador over the anarchy in the short run and later to the Communists who will benefit most from the anarchy.

Mr. President, I ask unanimous consent—and this is a variation of the unanimous-consent pending—that I be allowed to yield the floor to the Senator from Michigan (Mr. RIEGLE), and that he then be allowed to yield. I will soon make a unanimous-consent request that I change the pending unanimous-consent request to allow me to yield to Senator RIEGLE, and that he then be allowed to yield to Senator DODD. But I will withhold that unanimous-consent request. I do not think it will be objected to. In fact, I have reason to believe that it will not be objected to. But I will withhold it until a Member of this majority is able to come to the floor.

Mr. INOUYE. Mr. President, will the Senator yield? I realize that the Senator has not made the request, but what is the purpose?

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to suggest the absence of a quorum and that at the end of the quorum I then be recognized again, under the original unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. Mr. President, under the unanimous-consent agreement, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. If the Senator will withhold for a moment, the unanimous-consent agreement was that, at the termination of the quorum call, the Senator from Vermont (Mr. LEAHY) would be recognized.

Mr. DODD. Mr. President, the understanding of the prior unanimous-consent request was that when the Senator from Vermont was given the floor, it was with the understanding that when he yielded the floor, the floor would have to be yielded back to the Senator from Connecticut.

Mr. INOUYE. Mr. President, with that understanding, I ask unanimous consent that the order for the quorum call be rescinded and that upon completion of my statement we will once again be in a quorum call until the Senator from Vermont is ready to regain the floor.

Mr. DODD. Mr. President, the Senator from Vermont would regain the floor.

The PRESIDING OFFICER. The Senator from Hawaii is asking that he be permitted to ask for unanimous consent that the order for the quorum call be rescinded with the same stipulation.

Mr. INOUYE. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I shall now attempt to respond to the eloquent presentation which my colleague, the Senator from Massachusetts, made last evening in opposition to my amendment.

I find myself forced into a most uncomfortable position in that I must oppose him while sharing many of the sentiments he expressed yesterday. I too, am pained by the violence in El Salvador, and it saddens me that, in a curious twist of fate and human nature, we must provide more military assistance in order to reduce the level of violence in that war-torn country. I believe that a deadly increase in the level of violence would certainly follow were we to cut off military assistance or to adopt the sharply reduced level he would propose.

This is not, however, the first time I have been in an uncomfortable position here in the Senate. In October of last year, I found myself condemning this Nation's invasion of Grenada. Against the tide of public opinion and the strongly voiced sentiment of this body, I spoke against what I regarded as both a violation of the OAS charter and a threat to the Constitution of the United States. Mine was one of the lonesome voices speaking out at that time.

Some of my friends thought it odd that in March of last year I would insist that the number of U.S. military advisors in El Salvador be limited to 55 in number. Nonetheless, I take some small measure of satisfaction in the recognition that this unofficial ceiling continues to be observed. It has served to limit U.S. involvement in El Salvador.

At the present time, some of my colleagues may find it extraordinary or unusual that I would support any military assistance to El Salvador. After all, in mid-February, I presented my views on the report of the Kissinger Commission and on contemporary human rights conditions in El Salvador. I said at that time that the response of the authorities in El Salvador to human rights concerns expressed by Ambassador Pickering, Secretary Schultz, and Vice President BUSH, among others, "has been and continues to be wholly inadequate." And so it has. Just last Thursday, Capt. Eduardo Avila, whose arrest was cited by the administration as a recent favorable action by the Government of El Salvador, was released on personal recognizance.

In my notes on the Kissinger Commission report, I also said that the Congress must accept responsibility and implement the Commission's call for action: "The U.S. Government has a right to demand certain minimum standards of respect for human rights as a condition for providing military aid to any country."

Finally, in the concluding sentence of my notes, I said, "We must have the courage to stand by our convictions * * * we must do what is necessary to win in El Salvador."

Why, then, Mr. President, have I offered an amendment to reduce military assistance from the level requested by the President and, having done so, why do I now oppose the further reduction proposed by my Democratic colleague, the Senator from Massachusetts?

Mr. President, the amendment I have offered has been carefully considered and is proposed in absolute and total sincerity. The President of the United States has suggested that critics of his policies in Central America are either naive or phoney. Whatever naivete I may have had when I first came to the Senate has been stripped away by the rigors of 22 years of service in this institution. I trust that the consistency of my opposition to the administration's policies in Central America, as well as the constancy of my efforts to work with my colleagues—Republican and Democrat alike—to shape a new and better approach to that troubled region, will be sufficient to turn away any doubts as to my sincerity.

Mr. President, foremost among the considerations which prompted me to propose my amendment is, quite simply and directly, I want to reduce the level of violence in El Salvador. As I noted, I have now served in the Senate for 22 years, and, in that time I have learned how to count votes. As a result of my discussions with Senators on both sides of the aisle, I believe I can accurately state that, were the question propounded in such a way as to leave the Senate a choice between $92,750,000 in military assistance to El Salvador, as proposed by the President, and zero dollars, the President would prevail. Similarly, there is no question in my mind that, if put to a vote, the amendment of the Senator from Massachusetts to reduce the level of funding to $21 million would fall far short of the votes necessary for passage.

On the other hand, I believe that my amendment, which cuts the President's request by a substantial amount, will gain the support of a majority of the Senate.

Incidentally, it should be noted that the President requested $178 million, and that this amendment is less than one-third of that amount.

The legislative history of my amendment will clearly indicate that $13.5 million of the funds appropriated by my amendment are to be reserved for procurement of four medevacs helicopters and 44 field ambulances and related medical materiel which are to be available to all, to combatants and to noncombatants.

My amendment will reduce the level of violence which would otherwise occur, were the full $92,750,000 to be provided.

There are some who would suggest that I should stand in opposition to any additional assistance to El Salvador; that I should make a strong statement in opposition and go down in defeat if necessary. Mr. President, I have no interest in taking such a posture; I seek not to make a gesture but rather to reduce the death and destruction in El Salvador. Given the opportunity to cut the level of violence, I have acted; let others play the role of Beau Geste.

Mr. President, there is another very important reason which has caused me to defend my amendment and to oppose that offered by the Senator from Massachusetts. The Senator has said that his amendment would send a signal to those in power in El Salvador. I believe he is correct. It would send a signal, but it would be a signal which I believe he nor I nor any of us would wish to send. I shall explain.

Last week, prior to the elections in El Salvador, I argued that we should defer consideration of this appropriation until the first round of the elections in El Salvador had been held. In

my discussions with the majority leader, Mr. BAKER, and Secretary of State Shultz, I spoke of the significance of waiting until we had some idea of the electoral outcome. I said it was a matter of some consequence whether we held out our hand in aid and friendship to Jose Napoleon Duarte or Maj. Roberto D'Aubuisson. We now know the approximate results: Duarte 44.5 percent; D'Aubuisson 29.3 percent; and Francisco Jose Guerrero, the PCN candidate, 18.8 percent. The remaining candidates received a total of 8.4 percent.

Now, consider the signal we would be sending, were we to cut the funding to $21 million. The people in El Salvador know that we delayed consideration of the request until after the election; this was reported in their newspapers. They also know that former President Duarte is the clear winner; with but 5 percent more, he would again be their President. If we cut this funding request to $21 million—now, the signal would be that we disapprove of Duarte's success at the polls.

Mr. President, I would suggest that that is not the signal we should be sending at this time.

In addition to an ill-intended and mistaken signal to Duarte, such a substantial cut would also send a signal to the military in El Salvador. In view of the importance we have attached to elections, a sharp reduction now would signal to the military our intention to withdraw irrespective of the outcome of the very elections we have supported.

Such a signal would awaken and activate rightist hotheads in the military and very possibly lead to a coup d'etat.

It is not unknown in this country that Duarte is not well liked among the military in El Salvador. We could, by our actions, fan the flames of discontent in the military and we would well unleash a reign of terror to match that of 1932, when a military, unrestrained by human rights considerations tied to U.S. assistance, massacred 30,000 peasants.

Unless we are very careful, the signal we send could be the death knell of democracy in El Salvador.

Mr. President, from the reports of our colleagues who observed the elections in El Salvador, it appears that they were an extraordinary demonstration of democracy. But, even if these elections were not so successful, even if they were but the first, tentative, shaky steps toward democracy, what should our response be? Should we say, too bad, you did not live up to our expectations? Or should we say to the people of El Salvador, we recognize the effort you have made to bring freedom and democracy to your country and we will support you. Let those who criticize these elections go now to El Salvador and stand at the side of Jose Napoleon Duarte as he campaigns in the second round; let them taste, as he has, the fear and hatred of the right; let them see the courage of his conviction that these elections are important to democracy in El Salvador.

That is the signal we should send.

We do not excuse, we do not condone, we do not countenance the continuation of death squad activity in El Salvador. However, the killings of the death squads have diminished as a result of the pressures brought to bear by the Congress. There is no way to determine with precise accuracy how many have fallen victim to these murderous agents of the far right, but the trend has been downward. Our Embassy's records, which do not make any pretense of accounting for all victims, nonetheless indicate this decline: in 1981, the average monthly toll was 514 deaths; in 1982, it was 226; in 1983, it was 140. Present indications are that, in recent months, there has been a further substantial decline in the monthly toll, to about 25 per month.

Those among us who have supported conditionality and other pressures to bring an end to death squads ought to give recognition to this effort by the Government and Armed Forces of El Salvador.

I think at this juncture we should note that of the high profile assassinations of the year 1984, five were on members of the National Assembly, all members of the right.

We should be wary of measures which would remove the pressure which has brought about the reduction in murders. As I said in my notes on the Kissinger Commission:

> Clearly we should be very cautious before accepting any representations of a decline in death squad activity. Moreover, we have no evidence that the structure of the death squads has been dismantled. The network of informers and assassins is still intact, and the authorities in El Salvador have dragged their feet on the prosecution of those implicated in the crimes of the death squads. If we now appropriate additional amounts of military assistance without adequate safeguards, the pressure will be off and, predictably, the death squads will return.

And so, Mr. President, we face this dilemma. If we appropriate additional military assistance without adequate safeguards, the pressure will be off and, predictably, the death squads will return. Equally certain and predictable is the result of an abrupt termination or sharp reduction in military assistance. The rightists in the army and other security forces will determine that it is not worthwhile to consider U.S. political and humanitarian concerns and, predictably, death squads and massacres will return.

Mr. President, I believe—I pray—that my amendment will avoid both of these outcomes. It would keep the pressure on; it would maintain the principle of the so-called Specter amendment, because by amendment withholds 30 percent of the President's request. The amendment signals the Government of El Salvador that the Congress has not forgotten the deaths of four American churchwomen.

In addition, a number of my colleagues have indicated that they are also concerned that adequate safeguards accompany the provision of any additional military assistance, and they have indicated that they will propose stronger concepts of conditionality as amendments to this bill. I welcome these efforts, and I will listen carefully to their presentations.

Second, Mr. Chairman, my amendment would provide sufficient funding to the military to make it in their interest to continue to improve their adherence to human rights concerns and democratic objectives which accompany U.S. assistance.

Mr. President, I hope that the Senate will adopt my amendment as the most practicable way to reducing the level of violence in El Salvador.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent——

Mr. LEAHY. Mr. President, what is the parliamentary situation,

Mr. DODD. Mr. President, I object.

Mr. INOUYE. Mr. President, what I am trying to do is by unanimous consent, to permit the Senator from New York to submit an amendment and ask for its immediate consideration and, after that, go back into a quorum call and present the floor to my friend from Vermont, as it was in the original unanimous-consent request.

Mr. DODD. Reserving the right to object, Mr. President, I may not, but I would like to suggest the absence of a quorum until I discuss this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside for a period of 1 minute so that the distinguished Senator from New York (Mr. D'AMATO) may offer an amendment to this bill. Debate will be limit-

ed to 1 minute. At the conclusion of that time and after action of the Senate if the Senate does act at that time, the Senate will return to the consideration of the pending question, which is the Inouye amendment. I ask unanimous consent that it be in order at that time for the majority leader to be recognized for the purpose of suggesting the absence of a quorum.

I further ask unanimous consent that when the calling of the roll is dispensed with, the Senator from Vermont be once again recognized.

Mr. LEAHY. Reserving the right to object and I shall not object, I wonder if the majority leader would amend the very last part of that request to say, instead of the Senator from Vermont being recognized, the Senator from Connecticut be recognized.

Mr. BAKER. Mr. President, of course. I modify the request in that respect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 2861

(Purpose: To make additional appropriations to the United States Information Agency)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. D'AMATO) proposes an amendment numbered 2861:

On page 6, immediately after line 21, add the following:

UNITED STATES INFORMATION AGENCY

Notwithstanding any other provision of law, for necessary expenses of the United States Information Agency $850,000.00 for payment to Nassau County of the State of New York as reimbursement for activities carried out by Nassau County during the 1984 International Games for the Disabled.

Mr. D'AMATO. Mr. President, this is an amendment authorizing Federal assistance to Nassau County, N.Y., to assist in the preparation and execution of the 1984 international games for the disabled, to be held there in June of this year.

My amendment appropriates $850,000 to the U.S. Information Agency, which will pass this assistance on to Nassau County. The USIA enthusiastically endorses this amendment. Its office of private sector programs is ready, willing, and able to assist in this endeavor.

It is anticipated that this world-class competition will bring together 2,500 premier athletes and their support staffs from throughout the world to join with American disabled competitors in the true spirit of international sportsmanship and athletic endeavor. Much like the summer Olympic games to be staged in Los Angeles this summer, the international games for the disabled will feature athletes who have competed against others in their native lands for the privilege to represent their countries. More than 50 nations will participate in these games which feature 21 separate events.

The United States was selected as the host country for the international games for the disabled by the International Sports Organization for the Disabled, the International Blind Sports Association, and the Cerebral Palsy International Sports and Recreation Association. It is an honor and a privilege for my home State of New York to play host to these 1984 games.

With this honor, however, come serious responsibilities for the host committee in attempting to accommodate and protect thousands of athletes, while still hosting high-quality athletic competition. The people of Nassau County have shown determination and creativity in addressing the demands associated with these games, but their best efforts cannot match the demand for resources associated with an international competition.

Mr. President, it is a sad reality in these troubled times that even organizations of noble and virtuous events such as the international games for the disabled must be deeply concerned about security. The Nassau County Police Department estimates that its cost for providing adequate security for the games will exceed $6 million. It is a burden that must be borne if we are to produce an event that will be conducted in a secure and hospitable environment.

Even under the amendment that I am introducing today, local government will meet approximately 90 percent of the security costs for the games. Nevertheless, it is appropriate that the Federal Government provide some small measure of assistance to a cause that will reflect positively on all Americans as hosts. The recent bombings in this very Capitol and elswhere are vivid reminders of the destruction that can result when security is not adequate. For reasons I do not pretend to understand, international athletic events have been especially favorite targets of terrorists.

I am confident that my colleagues in the Senate share my commitment to insuring that the special athletes who gather in Nasasu County this summer return to their native lands with only positive memories of glorious moments of pure competition conducted in an atmosphere of sportsmanlike camaraderie. I urge my colleagues to support this amendment and the humanitarian goals and principles it seeks to promote.

Mr. President, I believe that in making this money available, we make it available for a noble and worthy cause of which we should all be proud.

That concludes my remarks with respect to this particular amendment. I thank the Chair.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2861) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that after I put a series of requests in respect to housekeeping details, it may be in order for me to be re-recognized for the purpose of suggesting the absence of a quorum and, at the conclusion of that quorum call, the Senator from Connecticut be once again recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The orders for Friday entered at this point and the statement of the program are printed at the conclusion of today's proceedings.)

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that, notwithstanding the previous order, I may be recognized after the disposition of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. BAKER. Mr. President, I am prepared to put a unanimous-consent request that I hope may set the framework for dealing with this bill through to final passage. It is not an arrangement that has been arrived at easily. I believe it accommodates the legitimate requests and requirements of Members on both sides of the aisle, and I hope it is not objected to.

After I put the request, I once again intend to suggest the absence of a quorum, before the Chair rules on the request, so that there may be an opportunity for Members to examine the language I am about to speak, since we

do not have this unanimous-consent request reduced to writing at this time.

Mr. President, I ask unanimous consent that the Senate now proceed to vote on the Inouye amendment, without further debate, motion, or point of order; that after the disposition of the Inouye amendment, no other amendments dealing with Central America will be in order until after the bill is once more laid down on Monday next.

I further ask unanimous consent that in respect to two amendments to be offered by the distinguished Senator from Massachusetts (Mr. KENNEDY)—to wit, amendment No. 2837 and amendment No. 2843—there be a time limitation of 4 hours each, to be equally divided, and the control of that time to be in the usual form.

I further ask unanimous consent that final passage of this bill occur at 6 p.m. on Wednesday next and that the provisions of paragraph 4 of rule XII be waived.

Mr. DODD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. DODD. I think another important provision——

Mr. BAKER. There is one other provision.

Mr. President, I further ask unanimous consent that if the Inouye amendment is adopted, it will be considered as original text for the purpose of further amendment. I make that as an addition to my unanimous-consent request.

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once more we have engaged in negotiations which have been conducted in good faith on both sides. I think we have part of an agreement. But I wish now to withdraw my previous unanimous-consent request and restate a unanimous-consent request.

The PRESIDING OFFICER. The request is withdrawn.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate proceed to vote on the Inouye amendment, No. 2853, and that following the vote the amendment be considered as original text for the purpose of further amendment.

I further ask, Mr. President, that after the disposition of the Inouye amendment, that no further amendments dealing with Central America will be in order prior to Monday next.

Mr. President, that is the end of the request, but now let me state the matter of policy on behalf of the leadership on this side.

Members will observe that I have omitted two sections in the request. One has to do with the specific time limitations on two amendments. The other has to do with the time for final passage.

Let me say to all Members that I intend to confer with the minority leader tomorrow morning. I will engage tomorrow morning in an effort to ascertain however many amendments of whatever type and character may be offered on this side of the aisle. I believe the minority leader may do the same.

At some point during the day tomorrow, presumably during the morning, it is the intention of the leadership on this side to propound a further unanimous-consent request with respect to amendments, perhaps time limitations, and a time for final passage, either as a specific time for final passage or an order that may provide that final passage will occur not later than a particular time nor earlier than a particular time, those circumstances to be dealt with after the leadership ascertains how many amendments there are and how much time they will take.

The request I have just put would do two things only: It would provide that the Senate would now proceed to vote on the Inouye amendment. Let me say that I fully expect if this request were granted the vote would be by voice vote, and that if the amendment is adopted, as I believe it would be, we would then pick up no other Central America amendments until next Monday.

May I point out, however, that we will be in session tomorrow. We will be dealing with other amendments, non-Central America related tomorrow, and there will no doubt be rollcall votes tomorrow, but not on Central America issues.

Mr. President, with that explanation, I put the request.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, regarding the Inouye amendment, immediately after the consideration of the Inouye amendment, my understanding is that it would then be understood that that amendment would be considered as original text.

Mr. BAKER. Yes, Mr. President. I believe that was included in the request, and that is certainly the case.

Mr. MELCHER. Mr. President, reserving the right to object, on the first point I do not think the request was phrased in the unanimous-consent agreement that the Inouye amendment would be considered as original text.

Is it my understanding now that that is the request?

Mr. BAKER. May I inquire of the Chair how the request was put?

The PRESIDING OFFICER. The Chair recollects the original request contained the stipulation that the Inouye amendment would be considered as original text.

Mr. BAKER. That is my recollection, but just for the sake of clarity I will restate it.

I ask unanimous consent that the Senate proceed to vote on the Inouye amendment, amendment No. 2853, and that following the vote that amendment be considered as original text for the purpose of further amendment. That is the request.

Mr. MELCHER. I thank the majority leader and I thank the Chair.

Further reserving the right to object, Mr. President, I will ask, Does that request include the chance for recognition on Monday? I assume we are coming in on Monday morning. Is that correct?

Mr. BAKER. Mr. President, we will be in tomorrow if this request is granted, we will not be dealing with South America issues. We will be in on Monday, I would expect around noontime.

Mr. MELCHER. Mr. President, we shall come in at noon on Monday. I wonder if the majority leader would include in his request that I be recognized to offer an amendment to lower the amount in the Inouye provision for El Salvador and have an agreement on time for that amendment?

Mr. BAKER. Mr. President, for the same reason that we can meet at a time certain in reference to the amendment on which unanimous consent has been sought for time limitations, may I urge the Senator not to press that point at this time? I hope he will not, because until we have an opportunity to check on this side, I would not be discharging my responsibilities if I gave away the right of some other Senator to seek recognition.

Certainly, I would not wish to agree with that without specific clearance with the minority leader, who has priority recognition under the precedents of the Senate after the majority leader. I have no doubt in my mind at all that the Senator can be recognized immediately after we resume consideration of this matter on Monday. But until I have an opportunity to consult with the minority leader and canvass Members on this side, I would not be in a position to do that, I believe.

I am sorely tempted to do that, but, frankly, I cannot do that and do justice to the responsibility I hold as leader. So I hope the Senator will not press it and will accept instead my assurance to him that I will help him do that—subject, of course, to my consul-

tation with the minority leader and the other matters I have gone through.

I have no personal problem with that. I understand what the Senator is doing when he proposes an amendment to the Inouye amendment which reduces the dollar amount. I fully respect that. Further, I shall try to assist the Senator in trying to gain recognition. I believe we can succeed in that. If the Senator will consider not asking that that be included in the unanimous-consent request, it will be very, very helpful.

Mr. MELCHER. Mr. President, may I inquire of the majority leader, the effect of what we are doing by moving Senator INOUYE's amendment into original text is to clear the path for other amendments to be offered tomorrow. That leaves us with some concern—two concerns. I shall keep on the track of El Salvador first.

When we return to the El Salvador situation, those of us who would attempt to lower the amount of aid for El Salvador which Senator INOUYE has provided in his amendment would want to have the opportunity to discuss those amendments in complete fashion without being cut off by tabling motions. Having said that, I understand what the majority leader has stated and I sense the fairness of his statement regarding setting time and procedures if those amendments are called up first and disposed of. So I can accept that.

The second point I would like to discuss with the majority leader is the question of tomorrow and the amendments other than on El Salvador that will be offered. Would it be the feeling of the majority leader that we could dispose of most of those tomorrow?

Mr. BAKER. Yes, Mr. President; I hope so.

Mr. MELCHER. But if we had not disposed of all of them, that would not preclude the opportunity later on, even though we would be returning to the question of El Salvador on Monday.

Mr. BAKER. It would not, the Senator is correct.

Mr. MELCHER. I thank the majority leader. I think out of accommodation to the great number of people involved very deeply on the question of El Salvador and other points in the bill, I shall not object.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, Mr. President, just again for the purpose of clarity, and I appreciate immensely the majority leader's patience and his perseverance this evening. Just so we understand it correctly, taking the Inouye amendment and considering it as original text, the effect of that, and correct me if I am wrong, would be to allow for amendments in the second degree? It would be as if the Inouye amendment were part of the original text?

Mr. BAKER. Yes, Mr. President; it would allow amendments in the first and second degree.

Mr. DODD. First and second. I thank the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators. I know that many Senators had to subordinate their own personal preferences in order to reach this accommodation. I urge them to understand it was worthwhile, and it has accommodated the needs of many Senators, and I am grateful.

Mr. President, I now, pursuant to the request, ask the Chair to put the question on the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2853) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INOUYE AMENDMENT ON EL SALVADOR AID

Mr. GOLDWATER. Mr. President, on January 11, 1984, the so-called Kissinger Commission issued its report on Central America. Among other things, the Commission unanimously recommended and emphasized that the United States provide to El Salvador "significantly increased levels of military aid as quickly as possible so that the Salvadoran authorities can act on the assurance that needed aid will be forthcoming."

In February, the President proposed comprehensive legislation, including a supplemental request for $178 million in military aid for El Salvador this fiscal year. Although the President requested prompt action on this request, it is now clear that prompt action has not been possible. Last week, in the course of intensive consultations within the Senate, Senator INOUYE agreed to a compromise in which $61.75 million be added to this urgent supplemental. Because this $61.75 million meets the most urgent needs, the administration agreed to support this bipartisan proposal in order to assure expeditious consideration.

Yesterday, I asked Senator INOUYE if I could be a cosponsor of his amendment. I think his amendment is fair and I think it merits speedy action. And yet some Members of this body wish to eliminate even these funds for El Salvador.

Mr. President, I do not understand what is going on here. On the one hand, a bipartisan Commission comes up with a recommendation that we provide El Salvador with $178 million in military aid this fiscal year. The President requests $92.75 million of this on an urgent basis. We reach a bipartisan compromise here where $61.75 million will be made available, and some Members wish to eliminate that as well.

I think it is fair to say that some people will never be satisfied with our role in helping to defend the emerging democracies of Central America. I think we ought to move ahead on the Inouye amendment and vote for it, and not waste any further time by trying to accommodate people who will never be satisfied.

Mr. President, last week I received a letter from Secretary of State Shultz on this matter, and I note that an additional letter was sent to Senator BAKER on this subject this week. I believe that these two letters together provide an excellent presentation of the administration's position with regard to the urgent need for this supplemental appropriation for El Salvador. I request unanimous consent that both letters be printed in the RECORD in their entirety.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., March 21, 1984.

Hon. BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate.

DEAR MR. CHAIRMAN: The Senate will soon begin debate on H.J. Res. 492, urgent supplemental appropriations. Included in this legislation is a $93 million emergency request for security assistance for El Salvador. H.J. Res. 492 also contains a supplemental funding request for special activities in Central America designed to pressure the Sandinista Government to negotiate in good faith on reciprocal and verifiable agreements to end assistance to all guerrilla forces operating in the region. We believe it is important that the Congress play an active role in this decision and urge prompt action by the Senate to approve these requests.

Our policy in El Salvador is working. El Salvador's political system is demonstrating greater respect for human rights and is achieving socioeconomic progress. The new constitution has been approved; the law on political crimes has been reformed; land reform has been extended; and death squad activity has been dramatically curtailed. No leftist or moderate political leader has been killed this year. Across the country, violent deaths connected with political activity are the lowest since we began counting in October 1980. Left-wing death squads or guerrillas were responsible for most of the highly publicized deaths, including the killings of two Americans and four politicians.

The army is holding its own in the field. Notwithstanding the spectacular raids carried out by the guerrillas, the army has protected the major population centers and defended the harvest. It is now preparing to defend the elections which will take place next Sunday.

These elections offer the best hope for the future. They are being hotly contested and the polls indicate massive support for the process by the population. A runoff is

likely thirty days after this first vote is certified. Next year, elections will be held at the departmental and municipal levels.

We hope that the armed opposition will ultimately participate in this process and will allow peaceful change in that society to be decided by the will of the majority. The alternative is to allow violent extremists to dictate policy at the point of a gun. With our help, the Salvadorans are trying to strengthen their democratic institutions and lay the groundwork for equitable economic growth. Our assistance and the best efforts of the Salvadorans will be of no avail, however, if the armed forces lack the resources to provide the necessary security.

Last fall, we knew and the Congress knew that the assistance levels contained in the continuing resolution for El Salvador were inadequate. However, those deliberations were conducted in the shadow of the Bipartisan Commission consideration of Central American policy. The assumption was that, once the Commission had made its findings, we would be in a better position to evaluate our needs and, if necessary, to adopt a supplemental.

The Bipartisan Commission issued its report on January 11 and called for a continuation of emergency stabilization and long-term development measures. The Commission unanimously recommended and emphasized that the United States provide to El Salvador "significantly increased levels of military aid as quickly as possible so that the Salvadoran authorities can act on the assurance that needed aid will be forthcoming."

In February the President proposed comprehensive legislation, including a supplemental request for $178 million in military aid for El Salvador this fiscal year. We hoped that the Congress would act favorably on this request. However, it is now obvious that prompt action will not be possible.

We are requesting that $93 million of the overall $178 million request be appropriated now—these needs cannot await action on the overall initiative. The army is in the field; the guerrilla forces have lost the initiative but retain the ability to cause great damage. All available funds are now fully obligated and the supply pipeline is beginning to run dry. More training, communications equipment are vital; medical evacuation capabilities are also urgently needed to prevent wounded soldiers from dying needlessly when medical facilities are but a few miles away.

Our policy in Central America includes a coordinated strategy aimed at achieving a comprehensive regional peace. One portion of this policy is designed to pressure the Sandinista government in Nicaragua to negotiate in good faith. In the past year, we have seen them drop their opposition to regional negotiations and agree to the 21 objectives in the Contadora process. The most difficult period of negotiations lies ahead; the Contadora group is moving toward implementation of the objectives. Unless the pressure is maintained, the Sandinistas are likely to revert to their obstructionist posture. If Congress limits, or fails to fund, our options in this area, the prospects for a negotiated peace are diminished.

I urge you to support these supplemental requests. In your consideration ask yourselves one vital question: who will lose if the flow of U.S. military support for our friends in Central America is interrupted? Not the death squads; they will only reassert themselves if a vacuum is created by our refusal to continue the aid. Not the Salvadoran guerrillas; they would also return to the offensive. And not the Cubans and Soviets; they would only be encouraged to intensify their efforts to destabilize the region.

The losers will be the democratic reformers and the people who aspire to freedom and the opportunity for a better life. We, and friends of democracy everywhere, would also lose.

Sincerely yours,

GEORGE P. SHULTZ.

THE SECRETARY OF STATE,
Washington, D.C., March 27, 1984.

Hon. HOWARD H. BAKER,
U.S. Senate.

DEAR SENATOR BAKER: In my letter of March 21, I described the urgent need for immediate Congressional action to provide $92.75 million of the $178 million supplemental appropriation requested for El Salvador. I am pleased that the committee on Appropriations recommended approval of the full $92.75 million, subject to a requirement for demonstrated progress by the Government of El Salvador toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads.

Last week, in the course of intensive consultations within the Senate, it became clear that there was bipartisan support for immediately providing $61.75 million of the urgent request. Because $61.75 million meets the most urgent needs, the Administration agreed to support this bipartisan proposal in order to assure expeditious consideration.

I urge the Senate to act now to adopt H.J. Res. 492. To delay these funds is to hinder prospects for democracy and peace, to prolong suffering, and to strengthen the hand of adversaries who are determined to undermine the democratic process in El Salvador.

The Government of El Salvador is making major efforts to achieve further progress in all the areas of concern to the United States. That the people of El Salvador appreciate and support these efforts was dramatically illustrated during Sunday's election, just as the guerrillas' hypocrisy and antipathy for democracy were demonstrated by their efforts to disrupt that election. I note in this connection that the armed forces of El Salvador are keeping their historic commitment to protect the elections and to remain neutral on its outcome. It is now up to Congress to decide whether we will provide the resources for the people of El Salvador to continue with the democratic process which they have so courageously begun.

This compromise on H.J. Res. 492 will permit us to continue our current programs for the immediate future, but it will leave unfulfilled other important requirements for both economic and military assistance which must be met this year if we are to sustain the progress El Salvador is making to establish a secure democracy and lay the basis for equitable economic growth. Additional funds will be required in FY 1984 to begin the long-term effort charted by the National Bipartisan Commission on Central America. Therefore, I also urge that the Senate expedite its consideration of the comprehensive legislation and appropriations to implement the recommendations of the Bipartisan Commission.

Sincerely yours,

GEORGE P. SHULTZ.

● Mr. GRASSLEY. Mr. President, I support the bipartisan compromise assistance plan for El Salvador which has been offered by the distinguished Senator INOUYE of Hawaii.

Our Nation has been protected from serious internal political disorders and we are a rare example of stability in the world today. El Salvador's fragile situation is a reflection of what much of the world must deal with in social and political affairs. Political change and transformation of whole social systems are difficult enough in times of peace. El Salvador has been involved in a struggle for years in the midst of a concentrated war being waged by a small group of revolutionaries. The determination and persistence of the Salvadorans in the face of these unceasing threats is remarkable and convinces me that we must not abandon that small nation to forces that openly espouse antidemocratic plans for that region.

El Salvador is a nation in a difficult process of transition from an oligarchic system to a democratic government. It is flawed, imperfect, and struggling to move toward free institutions and a just society. It is beleaguered and suffering and yet it has not embraced authoritarianism. I challenge those who arrogantly charge that El Salvador is an authoritarian mirage; that its political parties are all mere illusions; that the recent elections were theatrical smokescreens. Those charges are a slap in the face of the people of El Salvador and I will give no credence to such allegations.

I was very moved and encouraged to hear and read the reports on the Salvadoran elections provided by our colleagues, the very distinguished Senators HUDDLESTON, WILSON, ROTH, and BOREN. The cynics must provide a response to the impressive facts and impressions amassed by those Senators and Members of the House of Representatives who saw the elections first hand. Certainly that group of distinguished Members of Congress cannot be charicatured; the U.S. observer team was bipartisan in nature, covered the political spectrum and cannot be charged with being a group of narrow political extremists. Yet despite their lack of a homogeneous political view, the Members of this Senate who worked as observers returned with a remarkably unified view. They witnessed no force—except guerrilla action in many areas—and no intimidation, except guerrilla assaults in over 40 towns. They witnessed great determination—hours in the hot Sun—eagerness to participate in the process, and willingness to risk their lives to vote. The protections against fraud and manipulation were impressive: One representative from each party observing the vote at each polling place; multiple international observ-

ers; identity cards with photos, stamped to prevent multiple votes. In the face of the computer foulups, the threats of violence by the guerrillas, the new voting procedures, and the searing Sun, the Salvadorans treked to the polls in massive numbers. Perhaps 70 percent of the nation's voters filled out ballots, a percentage that should embarrass us.

The cynics cannot be allowed to demean this latest vote as a right wing charade. Duarte is not D'Aubuisson. D'Aubuisson is not Guerrero. The Christian Democratic Party is not the Arena Party in disguise. That charicature simply will not stand up to even slight criticism. Salvadorans did have a choice between parties with varying agendas—admittedly an imperfect choice in an unstable situation, but a choice nonetheless and a broader one than is enjoyed in many countries.

We must not cease from calling for accountability in the murder of the American nuns. We must not stop condemning the death squads of either political extreme. We must continue to exert leverage in urging protections of human rights. We must unceasingly encourage judicial reform. These responsibilities grow out of a moral obligation to help El Salvador protect itself in its energetic, determined goal of developing a just and free society. We cannot offer unlimited funds, but this compromise plan provides assistance with accountability.●

U.S. MILITARY ASSISTANCE TO EL SALVADOR

Mr. BURDICK. Mr. President, I express my strong conviction that the Senate should not provide further military assistance to the El Salvadoran Government.

In order for me to vote for more military assistance, I would have to assure my constituents that the $1 billion the United States has already spent in El Salvador has been put to good use, and additional funds will make the situation even brighter. I cannot in good conscience give my constituents these assurances.

What have we gotten for our $1 billion expenditure in El Salvador? To quote from a Wall Street Journal piece on El Salvador:

> Four years of savage civil war have shattered the economy, broken the national spirit, and left 40,000 civilians murdered. The bloodshed has wiped out a generation of leadership and narrowed the political spectrum.

What a horrifying return on our tax dollar.

Certainly, the anti-Government forces are responsible for a share of the terror in El Salvador. But, what about the Government we are supporting with our money?

Reports abound that the right wing death squads continue to kidnap and kill civilians at an appalling rate. We can no longer ignore the mounting evidence that the death squads are controlled by prominent military and civilian figures. An official in the office of the Archbishop of San Salvador put it plainly when he said:

> The problem is that the people running the death squads are also running the country. Removing a few infamous offenders does nothing to dismantle the structure.

I realize we cannot confirm all the stories we have heard about the El Salvadoran Government's involvement in death squad activity, but even if half the stories are true, I submit the picture is ugly enough.

Not only must I tell my constituents that the human rights picture in El Salvador is terrible, but I must also tell them that despite the large amount of military aid we have pumped into El Salvador, its army can barely maintain the status quo.

One reason the army may be so ineffective is that almost half the weapons the United States has supplied to the army have ended up in rebel hands. Some of these weapons were captured, but I have also heard disquieting reports that a good many were sold to the rebels by army personnel. What is the point of providing millions more to this army if the material just ends up in the rebels' arsenal?

So, the human rights situation is grim, and the army's performance is lackluster—but what about the elections? Well, I would like to think the elections represent a major step forward, but I cannot push from my mind two statements I recently came across from Archbishop Chavez and a retired El Salvador colonel. The Archbishop made the point that:

> The war is so terrible that most people care little who wins. They only want the war to end.

The retired colonel made the unsettling observation to the Christian Science Monitor that:

> These elections are an act put on by the sectors that have always held power to please the people paying the bills—the United States.

Mr. President, it seems to me that it is time to admit that the approach our Government has taken to the conflict in El Salvador has only caused conditions to go from bad to worse. Rather than wasting millions more, we should step back and take a fresh look at the problem.

I would suggest that we heed the advice of Archbishop Damas. In his view, there is no solution other than dialog with the opposition. You can be sure that there will be no dialog if the United States continues to up the military ante. But, there may be a chance to make some progress if we lend our full support to the peace plan put forth by the Contadora nations—Mexico, Venezuela, Colombia, and Panama.

Many of the U.S. legitimate security concerns are addressed in the peace proposals put forth by the Contadora group. Our strong support of the Contadora group's efforts would breathe some life into the Contadora peace process, and put the United States in the position of supporting regional solutions to regional problems.

Mr. President, someone needs to take the first step to break out of the circle of violence in El Salvador. I think most Americans would be proud to see their country take that intitative.

D'AUBUISSON INVOLVEMENT WITH DEATH SQUADS

Mr. GOLDWATER. Mr. President, yesterday afternoon the distinguished senior Senator from Massachusetts asked me if I would tell the U.S. Senate, "whether Mr. D'Aubuisson was or is involved in any way whatsoever with death squad activity?"

Now I responded to Mr. KENNEDY by saying that I did not want to discuss this issue in open session. We all have to observe the same rules with regard to classified information, and I felt he was getting into an area which would require a closed session of the Senate.

In the past, I have often spoken in these Chambers on the issue of leaks and proper security. We all know too well that, "it is the ship of state which leaks at the top." In fact, I believe it was the brother of the distinguished Senator from Massachusetts, the late President John Kennedy, who coined that phrase—the ship of state leaks from the top. So I just want to reiterate what I consider to be my responsibility, to remind my colleagues of their obligation to protect the legitimate secrets of this Nation regardless of the apparent importance of an issue or the heat of the debate. The unauthorized disclosure of classified information may give one or the other of us a short-term advantage in debates of this sort, but the long-term beneficiaries of this practice are usually the enemies of the United States. I believe there can be free debate without a free-for-all, and I urge my colleagues to use restraint when discussing sensitive matters or pieces of information obtained from sensitive intelligence sources.

Now, in responding to Senator KENNEDY's question as to whether or not Mr. d'Aubuisson was involved with death squad activity, I would like to make reference to the daily press briefing of the Department of State held on February 3, 1984. During that session, Mr. Alan Romberg of the Department of State was asked if he had any comment on the statements made by former Ambassador White that the U.S. Government has imformation which would implicate d'Aubuisson in the killing of Archbishop Romero. Mr. Romberg responded to this question as follows:

> That simply is not true. As we have stated in response to these charges on at least

three earlier occasions, we're well aware of the allegations linking Mr. d'Aubuisson to the death of Archbishop Romero. The information available to us, however, is limited and incomplete and no conclusions can be drawn from it.

In 1982, in May, and again in May of 1983, we provided the documentary information available to the Department on this matter to the House Foreign Affairs Committee. In addition, a Department official testified on the subject before a closed session of that committee on May 26, 1982.

Mr. President, on March 8, 1984, Secretary of State Shultz and CIA Director Casey both appeared before the Senate Select Committee on Intelligence with regard to Central America. During that hearing, questions were asked which involved the issue of death squads. The transcript of those sessions are classified at the top secret level. Nonetheless, they are available to Members of the Senate who are prepared to abide by the provisions of the Senate Resolution 400 in receiving the information contained therein.

In my judgment, and based on the information available to our committee, I think it is fair to say that there is no direct link between Mr. d'Aubuisson and death squad activity in El Salvador. But I do not think we should pursue this issue in an open session of the U.S. Senate.

● Mr. PELL. Mr. President, as the ranking member of the Committee on Foreign Relations which has responsibility for authorizing foreign aid moneys I have reluctantly joined in the effort to consider various legislative proposals to this, a supplemental appropriations bill. The argument has been made that we should not consider these policy related issues in a funding bill, that the proper forum for such consideration is the authorization legislation. I quite agree with that sentiment. In fact all eight Democratic members of the Committee on Foreign Relations sent the chairman and ranking member of the Appropriations Committee a letter urging the Committee on Appropriations to defer any action on supplemental aid to El Salvador until the Committee on Foreign Relations had marked up its foreign aid authorization legislation which includes a request for $178.7 million in supplemental military aid.

Unfortunately our request of March 12 was not honored, and the authorization process was once again bypassed. We now find ourselves in a catch-22 situation in which it is argued that we should not legislate on an appropriations measure, but are denied an opportunity to consider the proper legislative vehicle, which is the foreign aid authorization legislation. In the past 2 years, three appropriations bills—two supplementals and the first continuing resolution for fiscal 1984—contained waivers dispensing with the need for prior authorizations. Despite pleas from Chairman PERCY and myself, no time was ever found in the Senate's calendar to consider S. 1347, the International Security and Development Cooperation Act of 1983 which was reported out by our committee last May. Absent floor consideration of the authorization bill, the Senate only had available to it the appropriation vehicle through which it could debate and address the issues involved in Central America.

Sadly today we find ourselves in precisely the same situation. This supplemental appropriations legislation is before the full Senate while simultaneously the authorizing committee is marking up the fiscal 1984 supplemental and fiscal 1985 foreign assistance requests. We cannot be denied our right, nor should we shirk our duty, to debate these legislative issues. If this is to be the only legislation on which we can have these issues considered, then this is the vehicle we will ride. It remains my earnest hope that the Senate will soon insist on its return to regular process—and require that authorization legislation—especially for an area of the world that is of such importance to this country today—must precede any appropriation for these purposes.

Mr. President, I ask that the March 12 letter from all eight committee Democrats to Senators HATFIELD and STENNIS be reprinted in full in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 12, 1984.

Hon. MARK HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

Hon. JOHN C. STENNIS,
Ranking Minority Member, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATORS HATFIELD AND STENNIS: As members of the Committee on Foreign Relations which has primary responsibility for authorizing foreign assistance funds, we are concerned about a possible decision by your Committee to appropriate an additional $93 million in military aid for El Salvador. If approved by Congress, such an increase would raise the current level of military aid by almost 150 percent.

Last spring the Committee on Foreign Relations recommended a fiscal 1984 ceiling on Salvadoran military aid of $76.3 million. Although that recommendation, contained in S. 1347, the International Security and Development Cooperation Act of 1983, did not become law, the concept of capping military aid to El Salvador was adopted by the Congress as a whole when we passed the continuing resolution last November which cappped such aid at $64.8 million—a level even lower than that recommended by this authorizing Committee.

On March 27th our Committee will consider a fiscal year 1984 supplemental request for $178.7 million in military aid for El Salvador. This authorization legislation should be permitted to move forward on the expedited basis both House and Senate authorizing Committees have adopted. In our view, additional appropriations for military aid, prior to our Committee's consideration of the Administration's supplemental request, is an intrusion in the regular process and a back door method of funding that denies Congress and the American public the full and open examination this request certainly deserves. Accordingly, we urge your Committee to defer such action until the authorization process has been completed.

Sincerely,
Joe Biden, Claiborne Pell, Paul E. Tsongas, Alan Cranston, John Glenn, Christopher J. Dodd, Paul Sarbanes, Edward Zorinsky.●

● Mr. THURMOND. Mr. President, I support the compromise reached between the Reagan administration and Congress for approximately $62 million in emergency aid to El Salvador. Security assistance is required in El Salvador in order for the Government there to mount a successful counter-insurgency effort and allow democratic reforms to go forward as planned.

The United States convince the people of El Salvador that we are a dependable ally, sincerely interested in providing necessary assistance and comprehensive solutions to the economic, political, social, and security problems plaguing their country. If the U.S. Congress appears less than fully supportive of the El Salvadoran Government, it will encourage those who seek to achieve political power by means of force to continue their campaign of terror and destruction.

Contrary to the assertions of those who oppose this additional funding, failure to provide the requested emergency aid to El Salvador will not be interpreted as a protest against political repression or as a plea for the respect of human rights. Failure to appropriate the emergency aid will signal to friends and adversaries alike the lack of resolve by the United States in fulfilling its responsibilities in the Western Hemisphere. The United States will be perceived as a nation unwilling to assist other countries, no matter how just their cause or deserving the people, if any fault can be found with the conduct of their government affairs.

Mr. President, I am convinced that this additional funding is necessary to aid those in El Salvador who are fighting for their freedom. Communist inspired insurgents, aided by Nicaragua, Cuba, and the Soviet Union, must not be allowed to succeed in their quest for power through violence. In order for the forces of reason and moderation to succeed in their efforts to restore peace, freedom and economic stability to El Salvador, this additional emergency aid is vital, and I hope Congress will promptly approve it.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine

morning business not past 11 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker appoints Mr. LANTOS a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, vice Mr. YATRON, resigned.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4072) to provide for an improved program for wheat; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DE LA GARZA, Mr. FOLEY, Mr. JONES of Tennessee, Mr. BROWN of California, Mr. ROSE, Mr. HARKIN, Mr. PANETTA, Mr. HUCKABY (on all matters, except those relating to section 103 and title II of the Senate amendments and modifications thereof committed to conference), Mr. WHITLEY, Mr. EVANS of Illinois, Mr. BEDELL (in lieu of Mr. HUCKABY on matters solely relating to section 103 and title II of the Senate amendments and modifications thereof committed to conference), Mr. MADIGAN, Mr. MARLENEE, Mr. COLEMAN of Missouri, Mr. STANGELAND, Mr. ROBERTS (on all matters, except those relating to sections 502 and 503 of the Senate amendments and modifications thereof committed to conference), Mr. JEFFORDS (in lieu of Mr. ROBERTS on matters relating solely to sections 502 and 503 of the Senate amendments and modifications thereof committed to conference), and for consideration of title V of the Senate amendments and modifications thereof committed to conference: Mr. FASCELL, Mr. HAMILTON, Mr. BONKER, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. ROTH, and Mr. BEREUTER.

At 3:24 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5154. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

The message also announced that the House has agreed to the following resolution, which it communicates to the Senate:

H. Res. 474. Resolution relative to the death of the Honorable Edwin B. Forsythe, a Representative from the State of New Jersey.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated.

H.R. 5154. An act to authorize appropriations to the national Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The President pro tempore (Mr. THURMOND) announced that on today, March 29, 1984, he signed the following enrolled bill and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H.R. 3249. An act to charter the National Academy of Public Administration;

H.J. Res. 432. Joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week"; and

H.J. Res. 493. Joint resolution making an urgent supplemental appropriations for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2908. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, informational copies of 41 proposed lease prospectuses; to the Committee on Environment and Public Works.

EC-2909. A communication from the Chairman of the U.S. International Trade Commission, transmitting a draft of proposed legislation to provide a partial exemption for the International Trade Commission from the Paperwork Reduction Act, in connection with the requirement to obtain Office of Management and Budget clearance for each questionnaire proposed for investigation and research studies under section 332 of the Tariff Act of 1930; to the Committee on Finance.

EC-2910. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, notice that the President intends to exercise his authority to authorize additional economic support and assistance for Grenada to be derived from funds statutorily earmarked for Lebanon; to the Committee on Foreign Relations.

EC-2911. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report containing an analysis and description of services performed by full-time USG personnel as of September 30, 1983, for which reimbursement is provided; to the Committee on Foreign Relations.

EC-2912. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2913. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports submitted by the General Accounting Office during February 1984; to the Committee on Governmental Affairs.

EC-2914. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the financial statements of the Minority Printing Clerk, House of Representatives, for the fiscal years ending September 30, 1982 and 1981; to the Committee on Governmental Affairs.

EC-2915. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the financial statements of the Majority Printing Clerk, House of Representatives, for the fiscal years ending September 30, 1982 and 1981; to the Committee on Governmental Affairs.

EC-2916. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the program audits of 321 projects funded by the authority of part A of the Indian Education Act of 1972; to the Select Committee on Indian Affairs.

EC-2917. A communication from Judge Dennis J. Stewart, of Kansas City, Mo., transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2918. A communication from the Deputy Administrator of the Veterans' Administration, transmitting, pursuant to law, notice of delay in the submission of their annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2919. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, the annual report on extraordinary contractual actions to facilitate the national defense for calendar year 1983; to the Committee on the Judiciary.

EC-2920. A communication from the Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide uniform allowances to Veterans' Administration law enforcement personnel; to the Committee on Veterans' Affairs.

EC-2921. A communication from the Deputy Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2922. A communication from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, a report on the conversion of the custodial services function at Tripler Army Medical Center, Hawaii, to performance by contract; to the Committee on Armed Services.

EC-2923. A communication from the Principal Deputy Assistant Secretary of the Navy (shipbuilding and Logistics), transmitting, pursuant to law, a report on conversion

of the food service function at the Naval Hospital, Beaufort, S.C., to performance under contract; to the Committee on Armed Services.

EC-2924. A communication from the Chairman and Chief Executive Officer of the Consolidated Rail Corporation, transmitting, pursuant to law, the annual report of the Corporation for calendar year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2925. A communication from the Acting Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, notice of a delay in the submission of an update of its comprehensive program management plan for wind energy systems; to the Committee on Energy and Natural Resources.

EC-2926. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status of the Great Plains Coal Gasification Project"; to the Committee on Energy and Natural Resources.

EC-2927. A communication from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to entitle certain U.S. citizens and nationals domiciled in Guam, American Samoa, or the Northern Mariana Islands and citizens of the Northern Mariana Islands to document vessels under the laws of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2928. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a listing of defense articles, services, and training provided to Chad up to a total of $25,000,000 under the authority of certain Presidential determinations; to the Committee on Foreign Relations.

EC-2929. A communication from the Administrator of the Agency of International Development, transmitting, pursuant to law, the annual report on the Foreign Service minority recruitment program for fiscal year 1983; to the Committee on Foreign Relations.

EC-2930. A communication from the Associate Director of the Office of Personnel Management, transmitting, pursuant to law, the 1982 and 1983 annual reports on the Federal equal opportunity recruitment program; to the Committee on Governmental Affairs.

EC-2931. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a report stating that the Commission's internal accounting system conforms to the standards and principles prescribed by the Comptroller General under section 112 of the Accounting and Auditing Act of 1950; to the Committee on Governmental Affairs.

EC-2932. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2933. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the refugee resettlement program for fiscal year 1983; to the Committee on the Judiciary.

EC-2934. A communication from Judge Antonio I. Hernandez Rodriguez, of Puerto Rico, transmitting, pursuant to law, acceptance of his appointment as a judge of the bankruptcy court; to the Committee on the Judiciary.

EC-2935. A communication from Judge Herbert, of the southern district of Ohio, eastern division, transmitting, pursuant to law, acceptance of his appintment as a judge of the bankruptcy court; to the Committee on the Judiciary.

EC-2936. A communication from the Director of the Community Relations Service, Department of Justice, transmitting, pursuant to law, the annual report on the activities of the Community Relations Service for fiscal year 1983; to the Committee on the Judiciary.

EC-2937. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the annual report on the number of waivers granted and a summary of the reasons for waiving the grounds of inadmissibility in certain cases under section 207(c)(3) of the Immigration and Nationality Act for fiscal year 1983; to the Committee on the Judiciary.

EC-2938. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2392. A bill to authorize the President to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration (Rept. No. 98-371).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge on the High Plains States, and for other purposes (Rept. No. 98-372).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 361. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 71; to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURDICK:

S. 2488. A bill to terminate the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials; to the Committee on the Judiciary.

By Mr. WEICKER (for himself, Mr. DIXON, Mr. KASTEN, Mr. RUDMAN, Mr. NICKLES, Mr. SASSER, Mr. DANFORTH, Mr. CHILES, Mr. MOYNIHAN, Mr. HATCH, Mr. PRYOR, Mr. ABDNOR, Mr. BAUCUS, Mr. BOREN, Mr. HUDDLESTON, Mr. HECHT, Mr. FORD, Mr. HEFLIN, Mr. LEAHY, Mr. PELL, Mr. SARBANES, Mr. NUNN, and Mr. D'AMATO):

S. 2489. A bill to amend the Small Business Act to enhance competition in Government procurement; to the Committee on Small Business.

By Mr. STAFFORD (for himself, Mr. PELL, Mr. QUAYLE, Mrs. HAWKINS, Mr. KENNEDY, Mr. RANDOLPH, Mr. SARBANES, and Mr. EAGLETON):

S. 2490. A bill to amend and extend the Library Services and Construction Act; to the Committee on Labor and Human Resources.

By Mr. STAFFORD (for himself, Mr. HATCH, Mr. QUAYLE, Mr. PERCY, Mr. EVANS, Mr. WEICKER, and Mr. LEAHY):

S. 2491. A bill to establish a system for the consolidation of student loans under title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself and Mr. MATSUNAGA):

S. 2492. A bill to amend title XX of the Social Security Act to increase funding under the social services block grant program; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2493. A bill to extend for four years the temporary suspension of duty on tartaric acid and certain tartaric chemicals; to the Committee on Finance.

By Mr. STAFFORD:

S. 2494. A bill to make certain amendments to the Act of September 30, 1950; to the Committee on Labor and Human Resources.

By Mr. HUMPHREY:

S. 2495. A bill to provide a user fee for customs services provided at certain small airports; to the Committee on Finance.

By Mr. QUAYLE (for himself, Mr. STAFFORD, Mr. HATCH, and Mrs. HAWKINS):

S. 2496. A bill to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. TSONGAS:

S. 2497. A bill for the relief of Kil Joon Yu Callahan; to the Committee on the Judiciary.

By Mr. TOWER (for himself, Mr. BOREN, Mr. EAST, and Mr. PERCY):

S. 2498. A bill to amend section 1034(h) cf the Internal Revenue Code of 1954 in the case of members of the Armed Forces stationed overseas or required to reside in Government quarters; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. PACKWOOD):

S. 2499. A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1985; to the Committee on Commerce, Science, and transportation.

By Mr. TRIBLE:

S. 2500. A bill to amend the Federal Financing Bank Act of 1973 to insure the proper budgetary treatment of credit transactions of Federal agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. QUAYLE:

S. 2501. A bill to amend the Public Health Service Act to provide for health care cost containment through the use of competitive medical plans and preferred provider arrangements, and for other purposes; to the Committee on Labor and Human Resources.

S. 2502. A bill to amend the Social Security Act to provide for health care cost containment through the use of preferred pro-

vider arrangements; to the Committee on Finance.

S. 2503. A bill to provide for studies and projects relating to health care consumer information; to the Committee on Labor and Human Resources.

S. 2504. A bill to establish an Institute for Health Care Technology Assessment; to the Committee on Labor and Human Resources.

By Mr. GORTON (for himself, Mr. BOSCHWITZ, Mr. MATHIAS, and Mr. KASTEN):

S. 2505. A bill to provide a right of first refusal for metropolitan areas before a professional sports team is relocated, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S.J. Res. 269. A joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TOWER:

S. Res. 360. Resolution to amend Rule XV of the Standing Rules of the Senate to provide that no amendment that is not germane or relevant to the subject matter of a bill or resolution shall be in order unless such amendment has been submitted at the desk at least 48 hours prior to consideration; to the Committee on Rules and Administration.

By Mr. McCLURE from the Committee on Energy and Natural Resources:

S. Res. 361. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 71; to the Committee on the Budget.

By Mr. LAUTENBERG (for himself, Mr. DIXON, Mr. METZENBAUM, Mr. SARBANES, Mr. BRADLEY, Mr. RIEGLE, Mr. MITCHELL, and Mr. DODD):

S. Res. 362. Resolution to express the sense of the Senate that Congressional hearings be held regarding the activities of the Department of Transportation with respect to the sale of the Consolidated Rail Corporation; the Committee on Commerce, Science, and Transportation.

By Mr. BAKER (for Mr. BRADLEY (for himself and Mr. LAUTENBERG)):

S. Res. 363. Resolution relative to the death of the Honorable EDWIN B. FORSYTHE, of New Jersey; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURDICK:

S. 2488. A bill to terminate the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials; to the Committee on the Judiciary.

TERMINATING THE PRINTING OF BILINGUAL BALLOTS AND ELECTION MATERIALS

Mr. BURDICK. Mr. President, today I am introducing legislation to remove from Federal statutes the law requiring election ballots and materials to be printed in languages other than English. I believe this statute represents a classic case of over-reaching by the Federal Government.

As my colleagues know, I am a strong supporter of a constitutional amendment to make English the official language of the United States—Senate Joint Resolution 167. Its primary effect would be to maintain and foster the unity of this country. Let there by no mistake about it, while this unifying effect may not be reflected immediately by directly altering peoples' lives, it is the supreme goal of this amendment and should be the ultimate goal for all legislation.

It is appropriate to pause and reflect, for a moment, on the goal of Cecil John Rhodes when he established the Rhodes scholarships. He died in 1902 and his will stated:

> I desire to encourage and foster an appreciation of the advantages which will result from the union of the English-speaking peoples throughout the world, and to encourage in the students from the United States of America an attachment to the country from which they have sprung without I hope withdrawing them or their sympathies from the land of their adoption or birth.

Two important points can be gathered from Rhodes' words. First, he assumed that the students of the United States would speak English. We ought to make sure that this assumption can still be made today, and that is will be accurate.

Second, Rhodes sought to unite the English-speaking countries of the world. Before this lofty goal can be reached, our country itself must be a unified English-speaking country.

With these thoughts in mind, let us look at the legislation I have introduced today. It simply terminates the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials. It would not prohibit States and localities from printing bilingual or multibilingual ballots; however, the Federal Government would no longer require such ballots and materials.

Arguably, the constitutional amendment—Senate Joint Resolution 167—which I support would prohibit miltilingual ballots. The amendment's sponsor, Senator HUDDLESTON, so indicates, and I support this intent. However, in the absence of clear legislative intent, the constitutional establishment of English as the official language may not have this prohibitive effect. Under this interpretation, the legislation I am proposing would still be necessary to invalidate the bilingual ballot section of Federal law.

Furthermore, in view of the significant burden of enacting a constitutional amendment, I believe we need this legislation now. The reasons that I gave to support the goal that all people in this country speak English apply equally to the voting booth. Single language ballots are merely a practical extension of a common language policy.

There are those who would claim that the effect of single language ballots would be disfranchisement of a significant constituency. They furthermore would point out that this constituency is predominantly inclined to support the political party to which I belong. My response to such contentions is twofold. First, on the contrary, mine is an attempt to bring these non-English-speaking citizens full force into the system. English is the language of politics and public debate. In order to cast informed votes, and in fact, in order to have an effective impact on public policy as voter, candidate, or elected official, one must speak English.

Second, and for similar reasons, efforts which would allow non-English-speaking citizens to get along in this society are themselves disfranchising. In fact, bilingual ballots promote exactly that. The supposed beneficiaries can get along with bilingual ballots, but they do not become full participants in the process. In the long run, the result is much more damaging than the short-term price of forcing, if you will, everyone to know English.

As William Raspberry put it in his piece in the Washington Post:

> No doubt the Federal rules that required multilingual ballots, mandatory bilingual education and other similar concessions to America's newest immigrants were well-intentioned. But such misguided compassion runs a serious risk of making entry into the American mainstream more difficult, not less.

Remember, by this legislation, we are not forcing anything on our constituencies. Rather, we are refusing to force an ill-advised policy of tremendous expense on them. For example, in the general election of 1980, the counties of the State of California spent $862,756 on bilingual ballots, with costs reaching more than $50 per bilingual ballot request in many counties. While the cost of English ballots is usually less than $2 per registered voter, non-English ballots range from $6 upwards. In one case, a county spent $6,619 producing foreign language ballots and not a single one was used.

Finally, let us look to the communities themselves where this Federal mandate is imposed on the people. Last election day, the voters in America's most tolerant city, San Francisco, petitioned the Congress and the President to repeal the requirement of bilingual ballots. "Proposition O," which was a nonbinding referendum opposing the printing of bilingual ballots, passed by 62 percent—and came close to winning even in Chinatown and San Francisco's heavily Hispanic mission district. That movement has spread from San Francisco to other counties, other cities, and now the citizens of California are busy qualifying a statewide initiative to let Washington know

how they feel about voting in foreign languages.

We would do well to listen to these people and let them know that if they want to have multilingual ballots, so be it. But we are not going to require them.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) that requires ballots or other materials relating to the electoral process to be made available in a language other than English shall apply with respect to any election taking place on or after the date of the enactment of this Act.

By Mr. WEICKER (for himself, Mr. DIXON, Mr. KASTEN, Mr. RUDMAN, Mr. NICKLES, Mr. SASSER, Mr. NUNN, Mr. DANFORTH, Mr. CHILES, Mr. D'AMATO, Mr. MOYNIHAN, Mr. HATCH, Mr. PRYOR, Mr. ABDNOR, Mr. BAUCUS, Mr. BOREN, Mr. HUDDLESTON, Mr. HECHT, Mr. FORD, Mr. HEFLIN, Mr. LEAHY, Mr. PELL, and Mr. SARBANES):

S. 2489. A bill to amend the Small Business Act to enhance competition in Government procurement; to the Committee on Small Business.

SMALL BUSINESS COMPETITION ENHANCEMENT ACT OF 1984

● Mr. WEICKER. Mr. President, today I am introducing the "Small Business Competition Enhancement Act of 1984" along with Senators DIXON, KASTEN, RUDMAN, NICKLES, SASSER, DANFORTH, CHILES, MOYNIHAN, HATCH, PRYOR, ABDNOR, BAUCUS, BOREN, HUDDLESTON, HECHT, FORD, HEFLIN, LEAHY, PELL, and SARBANES.

When enacted, this bill will substantially increase opportunities for the competitive award of Federal procurement contracts, especially for those contracts—worth billions of dollars annually—awarded for spare parts and the support equipment re-required to maintain the Defense Department's numerous weapons systems. The legislation also would encompass the procurement of major systems by Federal civilian agencies. Specifically, the Small Business Competition Enhancement Act of 1984 strongly encourages competition in two key ways. First, it integrates into the planning and design cycle of a major systems contract, requirements that will make it easier for procuring agencies to competitively award the spare and repair parts contracts that will be needed to maintain the system during its service life—usually a period spanning 10 or more years, such upfront planning for competition has great potential for savings with minimal investments of time and money by the procuring agencies.

Second, the bill eliminates several of the most persistent obstacles to competition present in the procurement pactices and procedures of many executive agencies; practices which especially burden small businesses that attempt to do business with the Government. For example, many prospective contractors are confronted with prequalification requirements—conditions that must be met before the offer will even be considered by the procuring agency. A solid case can be made for some of these prequalification requirements. Yet, at the same time, since such requirements present substantial hurdles to the entry of new competitors, the bill requires that the procuring agency justify their use, specify the standards to be met, and give a new competitor the chance to show that its product can make the grade.

Mr. President, we are all too aware of the so-called spare parts problem within the Department of Defense. For almost 1 year, it has received seemingly continuous attention in the media, and has done much to erode public confidence in DOD's stewardship of the vast sums appropriated to the Department to maintain and enhance our national defense posture. We have all heard about the Allen wrenches, claw hammers, stool caps, nuts, bolts, and transistors offered to the military services at prices most people believe to be exorbitant. The spare parts problem has been subjected to very careful review and analysis by the committees of this Congress, by the General Accounting Office, by the military services themselves, as well as by the Department of Defense Inspector General's Office and the Office of the Secretary of Defense. The extensive record developed convinces me that DOD's spare parts problem is unquestionably a combination of many interrelated problems. But at the same time, it is a very real group of problems to which we must address ourselves. By most accounts, the current spare parts dilemma is the third such recurrence within the Department of Defense. If the failure of the past remedial actions tells us anything, it is that the improvements must be institutionalized. Therefore, Mr. President, I believe that enactment of carefully drafted legislation is the best way to make certain that the well-intentioned administrative solutions stay in place.

Further, Mr. President, it must be recognized that the current "spare parts dilemma" is but the most recent manifestation of congressional concern about the Federal procurement system; a system through which, in recent years, we have annually expended one-fifth of the Federal budget. Because procurement, and the "spare parts problem" has captured our attention, I believe that we owe it to ourselves and to the American people to grapple with the problem and offer a comprehensive legislative proposal for its solution. Mr. President, that is the basic promise of the "Small Business Competition Enhancement Act of 1984": It attacks a fundamental element of the overall "problem"—the lack of competition.

The executive and legislative analyses of the "spare parts problem" have confirmed that adequate competition is lacking, due to poor procurement planning and a myriad of obstacles to impede the entry of new competitors to the Federal marketplace, especially small business competitors. Such obstacles result not only in the increased likelihood of higher prices for items procured by Federal agencies, but also contributes to the decline of the Nation's defense industrial base, which has been a major concern to the Department of Defense and to the Congress.

Mr. President, the "Small Business Competition Enhancement Act of 1984" is the successor to S. 1730, the "Small Business Competition in Contracting Act of 1983", introduced by Senator DIXON last August. S. 1730 helped to identify the problems addressed in the legislation we are introducing today. I commend Senator DIXON for his leadership in this area. I look forward to working with him in getting this "second generation" bill enacted into law.

Mr. President, at this point, let me briefly summarize the extensive record reviewed by the committee, and its staff, in developing the "small business competition enhancement act", over a 5-month period. DOD's spare parts problem has generated a wealth of analytical materials from extensive congressional hearings in both Houses, GAO investigations, and the reviews undertaken by the Department of Defense, its Inspector General's Office, and the individual military services.

Several Senate committees have held hearings on the spare parts issue: Armed Services Committee, 2 days; Governmental Affairs Committee, 2 days; and the Subcommittee on Defense of the Appropriations Committee, 3 days. In addition, the Committee on Small Business held 4 days of field hearings on "Obstacles to Small Business Participation in Federal Procurement". Sessions were held in Nashville, Tenn.; in Madison, Wis.; in Chicago, Ill., and in Oklahoma City, Okla.

Extensive hearings have also been held by various committees of the House of Representatives. The House Armed Services Committee held 7 days of hearings, during which many small business witnesses described the obstacles to completion now inherent in the system. The Governmental Operations Committee held an oversight hearing

on the management of DOD's high dollar spare parts breakout program, and also issued a report, "Failure to Implement the Defense Department's High dollar Spare Parts Breakout Program is Costly". The House Small Business Committee also held 2 days of oversight hearings at which one Small Business witness after another described the obstacles they faced in trying to compete in DOD's spares market.

Mr. President, I cite the congressional inquiries to date, to illustrate the wealth of information from which this legislation had its genesis. At this point, I ask unanimous consent that the legislation, a detailed description of the problems addressed and the solutions proposed in S. 2489, as well as the entire text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Competition Enhancement Act of 1984".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) eliminate Federal procurement procedures and practices which discourage or prevent participation by new competitors for Government contracts, especially small business concerns;

(2) use Federal contracting opportunities as a means to expand our Nation's industrial base, and thereby enable it to respond more quickly to the increased demands of the defense and civilian agencies in times of national emergency;

(3) reduce the number of noncompetitive contract awards; and

(4) foster increased small business and small disadvantaged business participation in the Federal procurement process.

PLANNING FOR FUTURE COMPETITION

SEC. 3. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m) To encourage the competitive acquisition of requirements to maintain a major system during its service life, the head of the Federal agency with responsibility for that system shall ensure that—

"(1) the following are accorded weight as evaluation considerations in any competitive solicitation for the award of any development contract for a major system, to the maximum extent practicable considering the purposes for which the system is being procured:

"(A) Proposals to incorporate in the design of the major system components which are currently available with the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source; and

"(B) Proposals to incorporate in the design of the major system components whose associated technical data will permit the agency to competitively acquire components that are likely to be required in substantial quantities during the system's service life; and

"(2) the following are accorded substantial weight as evaluation considerations in any competitive solicitation for the award of any production contract for such major system:

"(A) Proposals to identify components in the system that are likely to be required in substantial quantities during the systems's service life and which provide for a predetermination as to whether the technical data associated with such components will be restricted for further use;

"(B) Separately priced options for the purchase or licensing of such restricted technical data by the Federal agency so as to permit the competitive acquisition of requirements for such components; and

"(C) Proposals to expand the participation of small and small disadvantaged business concerns in meeting the requirements of the prime contractor.

The foregoing evaluation considerations also shall be considered as negotiation objectives in making a noncompetitive award of a development contract or a production contract for a major system. The application of any of the requirements specified in paragraph (2) (A) or (B) of this subsection may be waived if the contracting officer determines in writing that such requirement would not be applicable to the production contract or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, stating the reasons therefor. Such determination shall be made a part of the contract file.".

ENCOURAGING NEW COMPETITORS TO BROADEN THE INDUSTRIAL BASE

SEC. 4. (a) Section 15 of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(n)(1) Before a Federal agency may establish any prequalification requirement, the Federal agency shall—

"(A) prepare a written justification stating the reasons for the restriction and why free and open competition is not feasible;

"(B) specify in writing and make available upon request all standards which a prospective contractor, or its product, must meet in order to become qualified, such standards being limited to those least restrictive to attain the objective stated as the justification for the restriction;

"(C) provide a prompt opportunity for a prospective contractor to demonstrate its ability to meet the standards specified for qualification, utilizing qualified personnel and facilities of the agency or another agency obtained through interagency agreement, or the services of a private contractor: *Provided,* That any testing and evaluation services provided by a private contractor should, whenever possible, be provided by a contractor other than a contractor who could reasonably be expected to benefit from an absence of additional qualified sources and such contractor shall be required to adhere to any restrictions on technical data asserted by the prospective contractor seeking qualification; and

"(D) inform the prospective contractor promptly as to whether qualification has been attained, or in the event qualification has not been attained, information sufficient to specifically inform the prospective contractor why qualification was not attained.

"(2) Before a Federal agency may enforce any existing prequalification requirement on an offeror or its product, the Federal agency shall, upon request, comply with the requirements of paragraph (1) of this subsection. A Federal agency need not delay a procurement action in order to provide a prospective contractor with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(3) In the event that the number of currently qualified sources or qualified products available to actively compete for anticipated future requirements is fewer than five, the Federal agency shall—

"(A) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification; and

"(B) waive or otherwise bear the cost of conducting the specified testing and evaluation, but excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated, for a small business concern or a product manufactured by a small business concern, ultimately determined to be qualified.

The Federal agency may request a certification from a prospective contractor seeking the waiver or reimbursement of testing and evaluation costs as to its status as a small business concern, and, in good faith, rely thereon. Nothing herein shall prohibit a Federal agency from funding, either before or after testing, some or all of the costs incurred by a small business concern in producing the product to be tested. The Federal agency may fund some or all of the cost of production and qualification for additional small business sources or the products manufactured by such sources beyond the five if the Federal agency determines that such additional qualified sources or products will expand the industrial mobilization base or is likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the Federal agency.".

(b)(1) Section 8(e) of the Small Business Act is amended—

(A) by inserting before the semicolon at the end of subparagraph (3)(A) a comma and "and includes, as appropriate, agency nomenclature, National Stock Number or other part number, and system application, all amplified by a brief description relating to the item's form, fit or function, physical dimensions, predominant material of manufacture, or similar information to assist a prospective contractor to make an informed business judgment as to whether a solicitation should be requested";

(B) by redesignating subparagraphs (B) and (C) of paragraph (3) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) of paragraph (3) a new subparagraph (B) as follows:

"(B) a procurement history and forecast of requirements, to the extent available, including—

"(i) date of last award and price thereof, number of units and unit price, time for performance, and whether the last contract was awarded competitively;

"(ii) aggregate dollar value and number of units procured during the last two fiscal years; and

"(iii) number of additional requirements (expressed in the same unit term as the procurement history) estimated for procurement during the remainder of the current fiscal year and each of the two succeeding fiscal years;";

(D) by inserting after subparagraph (C) of paragraph (3), as redesignated, a new subparagraph (D) as follows:

"(D) notations as to whether—

"(i) the solicitation will reference technical data which a prospective contractor will be required to obtain from other governmental sources prior to submitting an offer; and

"(ii) a prospective offeror or its product must be prequalified in order to have its offer considered for award and identify the office from which the standards specified for prequalification may be obtained;"; and

(E) by redesignating paragraph (6) as paragraph (7) and inserting a new paragraph (6) as follows:

"(6) In order to further carry out the requirements of this subsection and section 223(a) of the Act of October 24, 1978 (Public Law 95-507, 15 U.S.C. 637b), each Federal agency shall—

"(A) publicly post in either full text or abstract format any solicitation which would have been synopsized in the Commerce Business Daily if it had equalled or exceeded the applicable dollar threshold for such publication, and

"(B) reasonably make available to any small business concern, or to the authorized representative of such concern, the complete solicitation package for any solicitation posted in abstract format and permit the copying thereof.

A Federal agency may require the payment of a fee, not exceeding the actual cost of duplication.".

(2) Section 8(d)(1) of the Small Business Act is amended by adding at the end thereof the following new sentence: "It is further the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts for appropriate portions of subsystems, assemblies, components, and related services for major systems.".

(3) Section 8(d)(3)(A) of the Small Business Act is amended by adding at the end thereof the following new sentence: "It is further the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts for appropriate portions of subsystems, assemblies, components, and related services for major systems.".

TECHNICAL DATA MANAGEMENT TO FOSTER FUTURE COMPETITION

SEC. 5. (a) Section 15 of the Small Business Act is amended by adding at the end thereof the following—

"(o) To foster competition for the acquisition of requirements to maintain a major system during its service life, the head of the Federal agency with responsibility for the system shall insure that the initial and all subsequent production contracts contain appropriate provisions related to technical data, including—

"(1) specifying the technical data deliverable under the contract, and a delivery schedule therefore, including options for deferred delivery or multiple deliveries;

"(2) establishing criteria for determining the acceptability of technical data to be delivered under the contract;

"(3) establishing separate payment lines relating to the delivery of technical data under the contract and authorizing the withholding of payments for failure to make timely deliveries of acceptable data;

"(4) specifying the respective rights of the Government and a contractor or subcontractor regarding technical data to be submitted under the contract, including therein a definition of the phrase 'developed at private expense';

"(5) identifying, in advance of delivery, technical data which is to be delivered with restrictions on the Government's rights in such data;

"(6) requiring the contractor to prepare or cause to be prepared in advance of delivery, and retain, a justification for any restriction to be asserted by the contractor or any subcontractor limiting the Government's rights in such data;

"(7) authorizing the Government to disclose limited rights data to a contractor retained by the Government solely for the purpose of reviewing the justification for the limitation placed on the data, and requiring such contractor to strictly adhere to any restrictions placed on the data;

"(8) specifying liquidated damages to be paid to the Government by the contractor or by a subcontractor in the event that the Government's challenge to a limitation on the Government's rights in technical data asserted by the contractor or a subcontractor is sustained;

"(9) prohibiting a contractor from requiring a subcontractor or the Government to pay a fee, royalty, or other charge for the subcontractor's use of any technical data, except that protected by patent, in the performance of a contract to furnish a component or other requirement directly to the Government, if the same technical data was furnished or otherwise made available by the contractor to the subcontractor for the performance of a contract between them;

"(10) prohibiting the contractor from limiting, either directly or indirectly, the Government's right to purchase directly from a subcontractor any component or other requirement which the subcontractor had previously furnished to the contractor without restriction;

"(11) ascertaining and documenting the identity of the manufacturer of a component by requiring the contractor, and each subcontractor at every tier, to annotate engineering drawings with such information; and

"(12) requiring the contractor, and each subcontractor at every tier, to maintain a listing of the subcontractors and suppliers from whom it has purchased, or solicited to purchase, components included in the major system and granting to the Government the right to obtain a copy thereof.

The application of any of the provisions specified in this subsection may be waived if the contracting officer determines in writing that any such provision would not be applicable to the production contract, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, stating the reasons therefor. Such determination shall be made part of the contract file.".

(b)(1) Within one year after the date of enactment of the Small Business Competition Enhancement Act of 1984, each Federal agency shall develop a plan for the management of technical data received under contracts for the development, production, modification, or maintenance of major systems within its jurisdiction. Among other matters, the management plan shall address—

(A) inventory of existing data;

(B) procedures for indexing, storing, and updating items of technical data entered into the system;

(C) techniques for verifying contractor-imposed limitations on the Government's rights to make future use of the data in competitive acquisitions; and

(D) procedures to assure that agency procurement officials and qualified prospective contractors will have timely access to complete and current technical data for the competitive acquisition of requirements for the maintenance of the system during its service life.

(2) Within 5 years after the date of enactment of the Small Business Competition Enhancement Act of 1984, each Federal agency shall complete implementation of the management plan required by paragraph (1), and include the technical data for each currently operational major system within its jurisdiction.

(3) Not later than eighteen months after the enactment of this section, the Comptroller General of the United States shall transmit to the Congress a report evaluating the plans of selected Federal agencies for the management of technical data for major systems within their jurisdiction. The report shall include an evaluation of the plans of the Department of Defense, the Department of Energy and the Department of Transportation, and the National Aeronautics and Space Administration.

VALIDATING PROPRIETARY DATA RESTRICTIONS

SEC. 6. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(p)(1) In order to competitively procure the maximum number of components needed to maintain a major system during its service life, a review of the validity of any restriction on the Government's rights in technical data furnished under contract shall be initiated by the contracting officer, if the contracting officer, an agency advocate for competition, or an authorized representative of the Administration determines such a review is warranted.

"(2) Upon the request of the contracting officer, the contractor shall submit its justification for the asserted restriction on the Government's rights in such data, certifying to the current validity of the asserted restriction within—

"(A) 60 days, if the contract contains a provision that requires the preparation and retention of a written justification for any restriction limiting the Government's rights in technical data to be delivered under the contract, or

"(B) 180 days, if the contract does not contain such a provision.

"(3) Upon a failure to submit any justification, as required by paragraph (2) of this subsection, the contracting officer shall, after notice to the contractor, promptly cancel the restriction on the Government's rights in technical data for which justification had been requested.

"(4) If after review of the justification submitted pursuant to paragraph (2) of this subsection, the contracting officer determines that the justification for the restrictions on the Government's rights in the data does not adequately support the restrictions, the asserted limitation on the technical data and the justification therefor shall be promptly subjected to technical

review and audit by qualified personnel of the agency or another Federal agency obtained through interagency agreement, or a private contractor who is capable of providing an impartial review and who shall be required to adhere to any asserted restrictions on technical data.

"(5) If after reviewing the findings of the technical review and audit, it is determined that the limitation on the Government's rights in the data warrants challenge, the contracting officer shall issue a final decision pertaining thereto which shall be subject to the provisions of the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(6) If the Government's challenge to the restriction on the Government's rights in technical data as certified pursuant to paragraph (2) of this subsection is sustained, upon final disposition—

"(A) the restriction on the Government's rights in technical data shall be cancelled; and

"(B) the contractor shall be liable to the Government for—

"(i) the liquidated damages specified in the contract; and

"(ii) the Government's cost of technically evaluating and auditing the asserted restriction, and the fees and other expenses, as defined in section 2412(a)(2)(A) of title 18, United States Code, incurred by the Government in challenging the asserted restriction, if the asserted restriction, as certified, is found not to be substantially justified, unless special circumstances would make such awards unjust.".

BREAKOUT PROCUREMENT CENTER REPRESENTATIVES

SEC. 7. Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end thereof the following:

"(q)(1) The Administration shall assign to each major procurement center a breakout procurement center representative, with such assistance as may be appropriate, who shall be an advocate for the competitive procurement of the center's requirements and be responsible for executing the functions described under paragraph (2). Any breakout procurement center representatives appointed under the authority of the preceding sentence shall be distinct from and in addition to any procurement center representatives who may be, from time to time, assigned by the Administration to various procurement centers for the purpose of advocating increased small business participation.

"(2) The breakout procurement center representative is empowered to—

"(A) participate as a regular member of any provisioning conference, or similar evaluation session relating to maintaining a major system during its service life, during which determinations are made as to whether requirements are to be procured through other than free and open competition;

"(B) review, at any time, restrictions on competition previously imposed on requirements through acquisition method coding or similar procedures, and to request prompt reevaluation of such limitations on competition by agency personnel;

"(C) review restrictions on competition arising out of restrictions on the Government's rights in technical data and, when appropriate, recommend that the contracting officer initiate a review of the validity of such an asserted restriction;

"(D) obtain from any governmental source technical data suitable for the preparation of a competitive solicitation package for any requirement previously procured noncompetitively due to the nonavailability of unrestricted technical data and make it available for validation by appropriate procurement center personnel; and

"(E) have access to the unclassified procurement records and other data of the procurement center so as to facilitate effective discharge of the foregoing functions and to permit the preparation of complete and accurate reports to the Administration.

"(3)(A) Each Federal agency having one or more major procurement centers shall assign technical advisors to each major procurement center to which the Administration has assigned a breakout procurement center representative.

"(B) Technical advisors assigned under this paragraph shall be—

"(i) full-time employees of such agency;

"(ii) colocated with the assigned breakout procurement center representative; and

"(iii) fully qualified, technically trained, and familiar with the supplies and services procured by the major procurement center.

At least one such technical advisor position shall be classified as requiring an accredited engineer.

"(C) The primary duty of a technical advisor assigned under this paragraph shall be to assist the breakout procurement center representative for the center to which such advisor is assigned in carrying out his functions.

"(4) There are authorized to be appropriated to the Administration such sums as may be necessary to carry out the provisions of this subsection.".

DEFINITIONS

SEC. 8. Section 3 of the Small Business Act is amended by adding at the end thereof the following:

"(j) For the purpose of this Act and section 5(b) of the Small Business Competition Enhancement Act of 1984, the term—

"(1) 'component' means any individual part, subassembly, assembly, or subsystem integral to a major system, which may be replaced during the service life of the system. The term includes spare part and replenishment spare part. The term does not include packaging or labeling associated with shipment or identification of a 'component';

"(2) 'major procurement' center means a procurement center that awarded contracts for components other than commercial items totaling at least $150,000,000 in the preceeding fiscal year;

"(3) 'major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a 'major system' if: (a) the Department of Defense is responsible for the system and the total expenditures for research, development, test and evaluation are estimated to be more than $75,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $300,000,000 (based on fiscal year 1980 constant dollars); or (b) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed $250,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater, or (3) any system designated a 'major system' by the head of the agency responsible for the system;

(4) 'technical data' means recorded information, regardless of form or characteristic, of a scientific or technical nature. It documents research, experimental, development or engineering work or is usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design-type documents; or computer printouts. Examples of technical data include research and engineering data, engineering drawings and assocaited lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications and related information. Technical data does not include computer software, financial, administrative, cost or pricing, and management data, or other information incidental to contract administration. 'Technical data', as herein defined, does not include technical data for commercial products or components thereof developed at private expense.".

EFFECTIVE DATE

SEC. 9. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect upon the expiration of 180 days following the date of enactment of this Act.

(b) The amendment made by section 7 and the provisions of section 5(b) of this Act shall take effect on the date of enactment of this Act.

PLANNING FOR FUTURE COMPETITION

Current Problem.—Inadequate consideration is given to the competitive procurement of "downstream" or future requirements—spare parts, support equipment, and services to maintain a major system during its service life—during the planning for, and award of contracts for the design and production of major systems.

Proposed Solutions of the Weicker/Dixon Bill.—Requires agencies to pay greater attention to the competitive procurement of "downstream requirements" when they make awards of design and production contracts; and

Provides strong incentives to major contractors by linking contract award decision to the degree that their proposals enhance the opportunities for competition of "downstream requirements," such as:

(a) use of components whose associated technical data will be available to compete for future requirements;

(b) use of components currently available within the government supply system or commercially available from multiple sources;

(c) predetermination of technical data rights for components that will be needed in substantial quantities during the system's life;

(d) separately priced options to purchase technical data legitimately restricted; and

(e) incentives to encourage the participation of small and small disadvantaged businesses.

ENCOURAGING NEW COMPETITORS TO BROADEN THE INDUSTRIAL BASE

Current Problem.—Small business contractors confront many obstacles to even entering the government market. Two of the most persistent are:

Prequalification requirement (e.g. Qualified Products Lists), which must be met

before the contractor's offer will even be considered; and

Unrestricted access to timely information about contracting opportunities, in adequate detail to make an informed business judgment as to whether to compete.

Proposed Solutions of the Weicker/Dixon Bill.—

If an agency uses a prequalification requirement, it must:

(a) prepare a written justification;

(b) specify standards to become "qualified";

(c) promptly provide the opportunity to qualify; and

(d) provide test results, including reasons for failure to qualify.

To encourage additional small business competitors and to expand the industrial base, an agency imposing a prequalification requirement must also do the following for as long as the number of "qualified" sources remains less than five:

(a) periodically advertise for additional sources through Commerce Business Daily (CBD) notices;

(b) underwrite or waive testing costs for a small business concern that attains qualifications.

Specifies improvements so as to enhance the quality of CBD notices to assist a small business to make an informed judgment to enter competition including:

(a) Additional descriptive detail about what is being bought;

(b) procurement history and forecast to give a "long" view of the market; and

(c) notations giving advance warning of prequalification requirements or solicitations lacking complete technical data packages.

Requires agencies to post full text, or abstracts, of contracting opportunities below the $10,000 threshold for publication in CBD.

TECHNICAL DATA MANAGEMENT TO FOSTER FUTURE COMPETITION

Current Problem.—The competitive procurement of future spare parts requirements for components to maintain systems is impossible without current, complete, and unrestricted technical data for the component to be purchased. All too often, agency contracts for major systems fail to specify the major contractor's responsibility concerning the delivery of technical data. Yet, very substantial sums are paid to the contractor for such data often without delivery schedules beneficial to the government, or even acceptance criteria.

Further, agencies lack effective management systems for making use of the vast amounts of technical data furnished to them under major system contracts. All to often necessary data, which has been furnished to the Government, simply cannot be located.

Proposed Solutions of the Weicker/Dixon Bill.—Requires that the agency include adequate data management provisions in its contracts for major systems, such as:

(a) listing of data deliverable;

(b) criteria for acceptance of data;

(c) separate payment provisions, thus allowing withholding of payments for inadequate performance;

(d) predetermination of rights in technical data;

(e) justification of restrictions on Government's rights in technical data, prior to delivery; and

(f) identification of the actual manufacturer of a component to encourage future "breakout."

Requires agencies to develop and implement a comprehensive and integrated plan for the management of the vast amounts of technical data received under major system contracts, and requires that GAO review the adequacy of those plans.

VALIDATING PROPRIETARY DATA RESTRICTIONS

Current Problems.—Contractors have the right to restrict the Government's use of technical data for the purposes of competitive procurements, if the data delivered under the contract was developed at the contractor's private expense. The contractor has a recognized property right in such proprietary data. Recognizing that a contractor has much to gain financially by being the "sole source" for a component covered by such a data restriction, an improved system for promptly validating such claims and imposing penalties that are effective deterrents to "over-restricting" by contractors is needed to eliminate this obstacle to competition.

Under present procurement regulations, if the Government determines that a contractor has improperly asserted a limitation on technical data, the only available remedy is the cancellation of the unsupportable restriction. Experience has shown that the Government rarely challenges contractor's claims of proprietary data because the costs of such challenge outweight the perceived benefit of a successful challenge.

Proposed Solutions of the Weicker/Dixon Bill.—Establishes a procedure for promptly and effectively reviewing and validating the proprietary data claims asserted by contractors, including:

(a) requiring preparation of a justification for the limitation being asserted;

(b) contractor certification as to the current validity of proprietary data claims when questioned;

(c) use of a private contractor to promptly review the technical justification for a questionable limitation, when government personnel are not readily available to perform the "data checker" function; and

(d) challenge of a questionable proprietary data claim, under the safeguards of the Contract Disputes Act.

Provides a series of penalities, in addition to cancellation of the restrictions, if a board of contract appeals or a court determines that the contractor's proprietary data claim is unwarranted, including payment of:

(a) liquidated damages, as negotiated as part of the contract; and

(b) the Government's costs of checking the data and mounting the legal challenge, if the contractor's asserted restriction is not found to be "substantially justified" (the Equal Access to Justice Act standard).

BREAKOUT PROCUREMENT CENTER REPRESENTATIVES

Current Problem.—On a test basis, the Small Business Administration (SBA) has placed a Breakout Procurement Center Representative (BPCR) at three of the Air Logistics Centers of the Air Force Logistics Command. The principal function of the BPCR is to identify spare parts that are being procured on a non-competitive or sole-source basis and "break-out" these items to competition whenever possible. Essentially, they are SBA advocates for competition. The General Accounting Office has reviewed the pilot program and verified the competition and the savings being generated through the efforts of the BPCRs. The results from FY 83 suggest that the program should be significantly expanded: 1,634 items broken-out and savings of $35,796,000. In testimony before Congress, GAO, SBA and OFPP acknowledge that BPCRs have a direct effect on competition and can easily exercise similar reviews with similar results at many Federal installations.

Proposed Solutions of the Weicker/Dixon Bill.—

Provides for BPCRs in each major procurement center;

Specifies the functions and authorities of the BPCR; and

Requires the Small and Disadvantaged Business Utilization Officer in each agency to provide technical advisors to assist each BPCR assigned to a major procurement center within that agency.●

● Mr. WEICKER. Mr. President, I am completely confident that our Nation's small business concerns have the capability to provide the Government with the equality products required, in a timely fashion, at competitive prices. I know that they can meet the demands of defense procurement agencies, if given a fair chance to compete. American small businesses have the technical skills, innovation, management, and vitality that makes them the key feature of our Nation's economic fabric. They can, and do, bring the same qualities to the Federal procurement marketplace.

Because of my belief in the capabilities of our Nation's small businesses to compete very effectively, the Small Business Competition Enhancement Act of 1984 does not include any new small business set-aside programs or call for the expansion of any existing ones. The bill's purpose, pure and simple, is to increase competition.●

● Mr. DIXON. Mr. President, last August I introduced S. 1730, the Small Business Competition in Contracting Act of 1983. Thirty-two of my colleagues have joined me as cosponsors of this legislation.

S. 1730 addresses several of the obstacles to competition that the small business community faces when it tries to compete for the more than $150 billion the Federal Government spends each year purchasing goods and services from the private sector. S. 1730 has become a focal point for the Congress, Federal agencies, and the contracting community. It highlights the difficulties faced by small businesses.

We all know that small business has the desire and the capability to provide quality products and services to the Government expeditiously and at competitive prices. There are, however, a number of Federal procurement laws, procedures, and agency practices that make it difficult, if not impossible, for many small businesses to fairly and fully compete for Government contracts.

During the past several months, within the Senate Small Business Committee, Senator WEICKER has provided significant guidance and leadership by focusing our review on these obstacles which impede competition

by small businesses. Our committee has already held four field hearings: One chaired by my good friend from Tennessee, Senator SASSER; one, by my good friend from Wisconsin, Senator KASTEN; one, by my good friend from Oklahoma, Senator NICKLES; and, I chaired a hearing in Chicago. Two full committee hearings are scheduled for early April here in Washington.

Building on all of these hearings, and relying on the outstanding staff work of Bill Montalto and Alan Chvotkin of the Small Business Committee, Senator WEICKER and I have developed what we consider to be an improved, "second generation" version of S. 1730. It is also solidly based on an analysis of the wealth of information in congressional and executive branch studies relating to procurement issues.

The new bill, which we are introducing today, addresses the same problems we sought to solve in introducing S. 1730, but does so in a more comprehensive way. This approach will not significantly alter the procurement system. It will, in fact, enhance competition.

I have recently spoken to the small business groups which originally supported S. 1730, indicating my support for the "new generation" bill. I have also contacted all 32 cosponsors of my original bill, urging them to join with Senator WEICKER and me, as we introduce this legislation.

I feel very strongly that this "new generation" version of S. 1730 will provide small businesses throughout our country with the means to compete by bringing to an end the Government's past reliance on sole-source contracts.●

● Mr. KASTEN. Mr. President, I am proud to be an original cosponsor of the Small Business Competition Enhancement Act of 1984.

This bill represents a substantial refinement of S. 1730, the Small Business Competition in Contracting Act of 1983, which I cosponsored. It is the result of hard work and the careful review of recommendations made by small businessmen and others with practical experience in contracting problems. I think it represents an effective approach to solving some immediate as well as long-term procurement problems, and I urge my colleagues to give the measure strong support.

We in Congress face two major challenges today. One is to find ways of cutting Federal spending, because we all understand the harm that needless spending causes our economy. Another is to keep the private sector of the economy strong, because there is where our permanent jobs are created. Moreover, we need to focus on ways to promote small business development, because small firms have provided virtually all new jobs in this country for the past 3 years. Without a healthy private sector, we cannot afford the defense, health, education or other programs we need or want.

A bill, therefore, that can cut spending at the same time it helps small businesses is certainly worth enacting. That is exactly the effect of this new legislation.

We all remember the spare parts scandal of a few months ago, where the Defense Department ended up paying outrageous sums for spare parts and tools that anyone could buy at a hardware store for a tiny fraction of the price. There was a temptation at the time to pin the blame for this wasteful spending on individuals in Government or business. The real culprit, though, is a procurement process that discourages competition and breeds high prices. Small businesses do not find it worthwhile to wade through miles of redtape and confusing regulations to bid on Government contracts, and the Government buys items in such large lots that little attention is paid to the need for cost controls on spare parts.

This bill helps remedy that situation. It streamlines procurement, encourages small business participation in contracts, and makes a concerted effort to identify likely sources of savings in Federal procurements. The Small Business Administration, in a pilot program, has already shown we can save as much as 40 percent on spare parts costs just through competition, and the legislation we introduce today will go a long way in realizing such savings.

This measure is the result of hard work and careful analysis, and it represents the thinking of small businessmen as well as Government experts. Nationwide hearings on the procurement problem, including one I held in Madison, Wis., in November, produced the recommendations and ideas that are incorporated in this bill.

The scandalous waste of taxpayer money is a problem that all Americans justifiably want stopped. The Small Business Competition Enhancement Act of 1984 goes a long way toward addressing the problem, and I intend to push vigorously for its enactment.●

● Mr. NICKLES. Mr. President, I join my colleagues, Senators WEICKER and DIXON, in introducing S. 2489, the Small Business Competition Enhancement Act of 1984. The bill addresses a number of concerns with regard to the procurement process of the Federal Government, particularly in the Department of Defense.

This past January I held a hearing in Oklahoma City and reviewed some of the obstacles facing small business with regard to Federal procurement. There, I found a strong desire to enter the Federal procurement process on the part of the businesses testifying. However, because of expansive paperwork and qualification requirements, they were prevented from doing so in many instances.

The Small Business Competition Enhancement Act of 1984 will open future procurement associated with major systems to more businesses, expand the base of contractors competing for the procurement dollar, make available technical data to contractors necessary for manufacturing replacement parts and equipment, and allow for the review of certain data which has been labeled as proprietary. Far too much of our Federal procurement is done on a sole-source basis. The major emphasis of this legislation is to broaden the base of qualified contractors and place more of our Federal contracts into open competition.

When we are faced with such monstrous deficits we need to take a hard look at the way we do business. With nearly one-fifth of the Federal budget devoted to procurement, major savings can be achieved through proper management of this part of Federal spending. The bill focuses upon that portion of Federal procurement which is contained in Defense. The recently reported President's Private Sector Survey on Cost Control, the Grace Commission, recommended similar changes in the procurement process as under this legislation. By increasing competition for spare parts we can effectively reduce the amount of funds appropriated for procurement.

I anticipate this legislation will receive wide-spread support and will be scrutinized by several committees of the Congress before it is enacted into law. While the problems associated with Federal procurement are substantial, they are not unconquerable. With this and other proposed reforms along with effective administration and management, we can reduce our cost of doing business in the Federal Government. I encourage my colleagues to join our efforts to pass this needed revision of our procurement process.●

● Mr. SASSER. Mr. President, I rise to lend my support to the legislation introduced today by the chairman of the Small Business Committee, Senator WEICKER, and my good friend from Illinois, Senator DIXON. This bill marks another significant step forward in addressing the many obstacles facing small businesses eager to do business with the Federal Government.

I have been actively involved in the effort to increase small business participation in the Federal procurement process for several months. I joined as an original cosponsor of S. 1730, a very important measure introduced by Senator DIXON earlier this session. In addition, I chaired field hearings of the Small Business Committee in Nashville, Tenn., last fall examining impediments facing small firms wanting

to become involved in the Federal procurement process.

The legislation I am cosponsoring today builds upon these important first steps. This legislation incorporates many of the points raised in S. 1730, but goes further as we offer refinements to the proposals contained in that measure. The Senator from Illinois is to be commended for his active participation on this issue at an early date. He played a major role in galvanizing the small business community around the procurement issue and did a masterful job of focusing on the issues of greatest importance in this debate.

The specifics of the bill we introduce today address many of the concerns raised during the field hearings on procurement which I chaired last fall. Many of the small business owners who testified at those hearings pointed out that a major obstacle to small business participation in Government procurement is the lack of consideration given to competitive procurement needs during the design and development stage of Government projects. In other words, nobody in Government is thinking about competitive bidding on spare parts needs and the like when a contract is first planned. Our legislation takes direct steps to rectify this glaring omission, in part through incentives to contractors to enhance the opportunities for competition on downstream requirements.

In addition, witness after witness testified that a major problem they faced in obtaining Government contracts is the lack of access to timely information on procurement bids. S. 1730 contained several proposals to get more detailed information out to small business firms interested in contracting. I am pleased that the legislation we introduce today retains this theme. The provisions in our legislation on this topic underscore the crucial importance of getting adequate information on bids out to interested firms in a timely manner.

One area where I have received numerous comments from small firms interested in procurement contracts is the issue of accountability. Many small business owners contend that all the legislation in the world will not improve their situation unless Government agencies are held accountable for efforts to bring in small business contractors. Again, the bill we introduce today takes some important steps in this direction. Of particular significance in this vein are the provisions of the bill pertaining to Breakout Procurement Center representatives.

In conclusion, Mr. President, I am pleased to see the effort to bring more small firms into the Federal procurement process take another step forward today. The issues raised in S. 1730 serve as an excellent springboard to this new legislation. I look forward to continued cooperation between all interested parties in our efforts to address one of the most serious concerns in the small business community; increased small business participation in the Federal procurement process.●

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of S. 2489, the Small Business Competition Enhancement Act of 1984. This measure is an improved version of a bill I cosponsored during the first session of this Congress, S. 1730. I believe S. 2489, when enacted, will make a major improvement in the manner in which both civilian agencies and the Department of Defense procure spare parts, support equipment and services. I urge my colleagues to support this bill.

This bill provides remedies for problems many small businesses encounter when they attempt to compete for Federal Government procurements. It provides an advantage to a prime contractor on a major system who is willing to allow open competition for replenishment spare parts for the system.

It addresses the use of prequalification requirments as barriers to competition—more about this point later. It requires major systems contractors to sell technical data to the procuring agency, so competitive replenishment spare parts procurements can be undertaken.

It establishes a requirement that proprietary data claims be validated and justified, and establishes a system of financial disincentives for asserting unfounded claims for proprietary rights to data. Finally, it expands the Small Business Administration's Breakout Procurement Center representatives program and sets forth these representatives' authority and responsibility as advocates for competition in procurement.

Rather than go through these provisions in detail, I want to tell you why we need this measure. It is unfortunately too easy to find horror stories in spare parts procurement. I want to relate an experience of mine in this area, an experience which had a happy ending both for the small business concerned and for the U.S. taxpayer.

This story involves overpricing of spare parts, but rather than retell the financial details, I want to describe for you the procedural barriers which this one small business faced, and explain how this measure, S. 2489, would have prevented it from happening had it been law at the time.

A small New York firm, B. H. Aircraft Co., Ind., of Farmingdale, Long Island, was excluded from an Air Force spare parts procurement because B. H. was not an engineering qualified source. After a long struggle, B. H. was found qualified, and won a contract which saved the U.S. taxpayer many millions of dollars.

S. 2489 would correct this problem by requiring that, if an agency employs a prequalification requirement such as the Air Force's engineering qualified source process, it must do the following things: First, prepare a written justification for the requirement; second, establish specific standards to be met to become qualified; third, provide a prompt and open opportunity to attempt to become qualified; and fourth, return test results in a timely manner, setting forth specifically why a contractor failed to qualify, in the event of such a failure.

In the B. H. Aircraft case, this small business was first encouraged to submit a bid, but was then told their bid would not be accepted because they were not an engineering qualified source. When they enquired what actions they would have to take to become qualified, they suffered a long delay. Apparently, no written standards had ever been established, so the contracting office had to contact the original equipment manufacturer to ask their opinion on the proper qualification process.

When the original equipment manufacturer, who was a competitor for the contract upon which B. H. Aircraft sought to bid, replied to the request from the Air Force, the Air Force chose to establish a more demanding standard than the original equipment manufacturer recommended. This standard required an extensive and intensive testing procedure for the item being procured, a process which could not be completed before the competition in question ended with a contract award to one of the two qualified sources. This tactic effectively closed the procurement to B. H. Aircraft.

Fortunately, through great personal effort by the officers of B. H. Aircraft and through my personal involvement, the Air Force was persuaded to re-examine its decision and, ultimately, to allow B. H. to compete for the contract, which they won.

This was an extraordinary effort, a bureaucratic odyssey which most small businesses would not consider attempting and which even fewer could complete. This single example of one of the barriers facing a small business attempting to compete for Federal procurements is illustrative of a whole class of such experiences. No small businessman should be forced to face the difficulties B. H. Aircraft faced and overcame. This measure would prevent new instances of abuse of the prequalification requirement to prevent other businesses from competing for award of certain contracts.

I could provide other examples from my experience. Unfortunately, these examples are many and few ended as happily for the small business involved

and the U.S. taxpayer as did the B. H. Aircraft matter. I will not take the Senate's time with such a recounting, because I am certain my colleagues have had similar experiences and can provide their own lengthy lists of constituents who have encountered these barriers and who were turned back by them. I hope this personal experience will help my colleagues reach the conclusion I have reached, that urgent action to break down these barriers is necessary and that this measure is the tool we need to achieve this goal.

I want to underline the reasons why we must act now why this measure is vital. First, this measure is fair, It allows small businesses to compete fairly in a marketplace which is characterized by sole source or restrictive procurements. Second, this measure improves competition. Competition enhances the strength and diversity of our industrial base and holds down prices and costs. Finally, it will save taxpayer dollars. Increased competition produces lower prices for the Government and lower expenditure levels for the Treasury while we are attempting to reduce the Federal deficit.

In closing, I again urge my colleagues to review this measure and join me in supporting it and securing its rapid passage.●

By Mr. STAFFORD (for himself, Mr. PELL, Mr. QUAYLE, Mrs. HAWKINS, Mr. KENNEDY, Mr. RANDOLPH, Mr. SARBANES, and Mr. EAGLETON):

S. 2490. A bill to amend and extend the Library Services Construction Act; to the Committee on Labor and Human Resources.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1984

● Mr. STAFFORD. Mr. President, today, on behalf of myself and Senators PELL, QUAYLE, HAWKINS, KENNEDY, RANDOLPH, SARBANES, and EAGLETON, I am pleased to introduce the Library Services and Construction Act Amendments of 1985.

These amendments are the product of hearings held by the Subcommittee on Education, Arts and Humanities and reflect the input of many citizens interested in the expansion and improvement of library services.

Two goals lie at the heart of this legislation: First, to expand access to library services for those populations who have experienced barriers to access in the past; and second, to assist libraries in coping with the revolution in information technology.

Mr. President, when President Eisenhower signed the Library Services and Construction Act in 1956, 960 counties in this country were without public libraries. Furthermore, only six States offered grants to aid local libraries, and only one in six Americans had ready access to a public library.

The Library Services and Construction Act, responding to the need to establish library services in unserved areas, has succeeded remarkably, in contrast to 1956, roughly 95 percent of the population has access to local library services. Book mobiles and mail services have extended the reach of local libraries, and various transportation services have opened up library doors to those who were isolated from libraries either by geographic location or physical handicap. Additionally, library services are no longer confined to the traditional structure; programs have been developed in such diverse sites as nursing homes, prisons, State hospitals and other facilities.

These accomplishments are the product of a cooperative partnership involving Federal, State, and local efforts. The Federal share represents a small portion of the total national expenditure on libraries, estimated at between 5 and 8 percent.

The history of this legislation reflects a growing understanding that underserved populations can be as difficult to reach in urban as in rural areas. As Edwin Holmgren of New York Public Library has aptly stated:

In a big city like New York, the barriers to access tend not to be those of distance, as in rural areas, but rather poverty, illiteracy, age and lack of a common language or culture.

Amendments to this legislation over the past 20 years have tried to address urban isolation and the needs of multilingual, illiterate, and elderly populations. This has been accomplished while preserving much of the rural emphasis that characterized LSCA from the beginning. The amendments require equal consideration of large urban areas and small towns. They serve to insure the maximization of existing resources, by requiring that scarce and expensive resources be shared.

Still another challenge is emerging, one that this legislation seeks to meet head on. That challenge is the explosive growth in information technologies. Libraries are natural consumers of these new technologies, but as is the case with all of us, they will need to proceed thoughtfully in making investments in these expensive services. These amendments seek to assist in that endeavor.

Included in this reauthorization is a new title that will make grants available to Indian tribes living on or near reservations.

Mr. President, the bill that I am introducing today with Senators PELL, QUAYLE, HAWKINS, KENNEDY, RANDOLPH, SARBANES, and EAGLETON, preserves the flexibility that has made this program popular with State and local governments. The Library Services and Construction Act has been and continues to be a productive Federal investment in our Nation's libraries. It has been a catalyst for expansion and improvement and it will continue to promote these goals as we approach the 21st century.

Public libraries are charged with the responsibility of preserving our Nation's history and making it readily available to all of our citizens. It is a vital task in a nation founded on individual freedoms, that places a premium on education for all Americans.

I commend these amendments to the attention of my colleagues and ask unanimous consent that this legislation and a section-by-section analysis be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; FINDINGS

SECTION 1. (a) This Act may be cited as the "Library Services and Construction Act Amendments of 1984".

(b) The Congress finds that—

(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, and (B) sharing resources and materials among a wide variety of libraries;

(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

(5) the scope and purpose of the Library Services and Construction Act should therefore be revised to include a more comprehensive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.

DECLARATION OF PURPOSE

SEC. 2. (a) Section 2(a) of the Library Services and Construction Act (hereafter in this Act referred to as "the Act") is amended to read as follows:

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate. It is the further purpose of this Act to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans and Indian tribes, handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries;

(5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.".

(b) Section 2(b) of the Act is amended by inserting "and Indian tribes" before the period at the end of the second sentence.

DEFINITIONS; ADMINISTRATIVE AMENDMENT

SEC. 3. (a) Section 3 of the Act is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) 'Secretary' means the Secretary of Education.";

(2) by inserting after the first sentence in paragraph (2) the following new sentence: "Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the 'Architectural Barriers Act of 1968', remodeling designed to conserve energy and renovation or remodeling to accommodate new technologies.";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in paragraph (7);

(4) by striking out the parenthetical in paragraph (9) and inserting in lieu thereof the following: "(including mentally retarded, hearing impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education)"; and

(5) by adding at the end thereof the following new paragraph:

"(15) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior.".

(b) The Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) by striking out "Commissioner's" each place it appears and inserting in lieu thereof "Secretary's".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Section 4(a) of the Act is amended to read as follows:

"SEC. 4. (a) There are authorized to be appropriated—

"(1) for the purpose of making grants as provided in title I, $75,000,000 for fiscal year 1985, $80,000,000 for fiscal year 1986, $85,000,000 for fiscal year 1987, $90,000,000 for fiscal year 1988, and $95,000,000 for fiscal year 1989;

"(2) for the purpose of making grants as provided in title II, $50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989; and

"(3) for the purpose of making grants as provided in title III, $18,000,000 for fiscal year 1985, $21,000,000 for fiscal year 1986, $24,000,000 for fiscal year 1987, $27,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, 1988 and 1989, 1 per centum of the amount appropriated pursuant to each of paragraphs (1), (2), and (3) for each such fiscal year.".

(b) Section 4 of the Act is further amended by adding at the end thereof the following new subsection:

"(d)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

"(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.".

ALLOTMENTS TO STATES AND INDIAN TRIBES

SEC. 5. Section 5 of the Act is amended—

(1) by inserting "and Indian tribes" after "states" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" each place it appears in subsection (a) and inserting in lieu thereof "paragraph (1), (2), or (3)";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," each place it appears in subsection (a)(3);

(4) in subsection (a)(3), by inserting "and" at the end of subparagraph (B), by striking out "; and" at the end of subparagraph (C), and inserting in lieu thereof a period, and by striking out subparagraph (D); and

(5) by adding at the end thereof the following new subsection:

"(c)(1) From the sums available pursuant to the last sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved applications under section 403.

"(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be reallocated by the Secretary among Indian tribes which have submitted approved plans under section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).".

PLANS AND PROGRAMS

SEC. 6. Section 6 of the Act is amended—

(1) by striking out "STATE" in the heading of such section;

(2) by striking out "titles I, II, III, and IV" in subsection (a) and inserting in lieu thereof "titles I, II, and III";

(3) by striking out clause (4) of subsection (b) and inserting in lieu thereof the following:

"(4) provide that priority will be given to programs and projects—

"(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency, handicapping conditions and programs and projects in urban and rural areas;

"(B) that serve the elderly;

"(C) that are designed to combat illiteracy; and

"(D) that increase services and access to services through effective use of technology.";

(4) by adding at the end thereof the following new subsection:

"(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

"(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(2) shall submit a plan in accordance with section 404.".

PAYMENTS

SEC. 7. Section 7 of the Act is amended—

(1) by striking out "TO STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" in subsection (a) and inserting in lieu thereof "paragraph (1), (2), or (3)";

(3) by striking out "and title IV" in subsection (b)(1);

(4) by inserting "and the Northern Mariana Islands" after "American Samoa," in subsection (b)(1);

(5) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in subsection (b)(2); and

(6) by adding at the end thereof the following new subsection:

"(C) From the sums available pursuant to the first sentence of section 4(a), the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe's allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe's additional allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.".

GRANTS FOR LIBRARY SERVICES

SEC. 8. Section 101 of the Act is amended to read as follows:

"GRANTS TO STATES FOR LIBRARY SERVICES

"SEC. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103—

"(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

"(2) for adapting public library services to meet particular needs of individuals within the States;

"(3) for assisting libraries to serve as community information referral centers;

"(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

"(5) for strengthening State library administrative agencies; and

"(6) for strengthening major urban resource libraries.".

USES OF FEDERAL FUNDS

SEC. 9. Section 102(a)(1) of the Act is amended by inserting "assist libraries to serve as community information referral centers and to" after "designed to".

STATE LIBRARY SERVICE PROGRAM

SEC. 10. Section 103 of the Act is amended—

(1) by inserting after "handicapped" in clause (3) the following: "and institutionalized individuals";

(2) by redesignating clauses (4) and (5) as clauses (5) and (6), respectively, and inserting after clause (3) the following:

"(4) describe the uses of funds for programs for the elderly, including (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly, particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;"; and

(3) by adding at the end thereof the following new sentence: "The amount which a State is required to expend pursuant to clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced.".

CONSTRUCTION: USE OF FUNDS

SEC. 11. (a) Section 202 of the Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Such grants shall be used for the construction (as defined in section 3(2)) of public libraries.".

(b)(1) Section 202 of the Act is further amended by inserting "(a)" after "Sec. 202." and by adding at the end thereof the following new subsections:

"(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-third of the total cost of such project.

"(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

"(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation.

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.".

(2) Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) shall apply to any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act.

INTERLIBRARY COOPERATION AND RESOURCE SHARING

SEC. 12. (a) The heading of title III of the Act is amended by inserting "AND RESOURCE SHARING" after "INTERLIBRARY COOPERATION".

(b) Section 301 of the Act is amended—

(1) by striking out "section 6 and" and inserting in lieu thereof "section 6," and

(2) by inserting before the period at the end thereof a comma and the following: "and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304".

(c) Section 303 of the Act is amended by inserting "shall comply with the requirements of section 304," after "by regulation and" in the second sentence.

(d) Title III of the Act is further amended by adding at the end thereof the following new section:

"RESOURCE SHARING

"SEC. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan.

"(b) In developing the State basic and long-range programs, the State Library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

"(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6. The long-range program may include—

"(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

"(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

"(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

"(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

"(5) a projection of the computer and other technological needs for resource sharing;

"(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

"(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

"(8) an analysis of the State's needs for development and maintenance of links with State and national resource sharing systems; and

"(9) a description of how the evaluations required by section 6(d) will be conducted.

"(d) Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.".

LIBRARY SERVICES FOR INDIAN TRIBES

SEC. 13. Title IV of the Act is amended to read as follows:

"TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

"FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

"SEC. 401. (a) The Congress finds that—

"(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act;

"(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

"(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

"(4) this title is therefor required specifically to promote special efforts to provide Indian tribes with library services.

"(b) It is therefor the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

"(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians on or near reservations.

"(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404.

"USE OF FUNDS

"SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for—

"(1) inservice or preservice training of Indians as library personnel;

"(2) purchase of library materials;

"(3) conduct of special library programs for Indians;

"(4) salaries of library personnel;

"(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

"(6) transportation to enable Indians to have access to library services;

"(7) dissemination of information about library services;

"(8) assessment of tribal library needs; and

"(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in paragraphs (1) through (8).

"(b) Any tribe that supports a public library system, shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

"(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

"APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

"SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation.

"PLANS FOR LIBRARY SERVICES TO INDIANS

"SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a

program for the year under which funds paid to the Indian tribe will be used, consistent with—

"(1) a long-range program, and

"(2) the purposes set forth in section 402(a).

COORDINATION WITH PROGRAMS FOR INDIANS

"SEC. 405. The Secretary shall coordinate with the Secretary of the Interior programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.".

SCORPIO

SEC. 14. Section 5(d) of the National Commission on Libraries and Information Science Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2) The Librarian of Congress shall permit the Commission to access the Subject Content Oriented Retriever for Processing Information On-Line (SCORPIO).".

SECTION-BY-SECTION ANALYSIS OF THE LIBRARY SERVICES AND CONSTRUCTION ACT REAUTHORIZATION

SECTION 1

This section gives the title of the Act "Library Services and Construction Act Amendments of 1984" and gives the Congressional findings relative to the Act. Those findings are as follows: The role of libraries has expanded to include providing programs to meet the needs of special populations, to help establish networks and share resource materials among a wide variety of libraries; the role of libraries as information centers should be expanded to meet the increasing needs of their communities for informational and educational resources, and the scope and purpose of the Library Services and Construction Act (LSCA) should be expanded to include a broader range of programs which may receive funds and to ensure services to populations which might otherwise be without library services.

SECTION 2

This section amends the declaration of policy to state that it is the purpose of the Act: to assist the states in extending services to areas and populations without such services, including the elderly and Indian tribes; to assist with library construction and renovation; to improve library services for special populations such as the handicapped and institutionalized; to assist in strengthening state library administrative agencies; to promote interlibrary cooperation and resource-sharing; and to strengthen major urban resource libraries.

SECTION 3

This section amends the definitions section to include the Northern Mariana Islands; to change Commissioner to Secretary of Education; to add to the definition of construction "remodeling to meet the standards under the Architectural Barriers Act of 1968, remodeling designed to conserve energy, and renovation or remodeling to accommodate new technologies". It also amends the definitions to include "Indian tribe" which is defined as "any Indian tribe, band, nation, or organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary of the Interior."

SECTION 4

This section authorizes the following appropriations: For Title I, $75 million for fiscal year 1985, $80 million for fiscal year 1986, $85 million for fiscal year 1987, $90 million for fiscal year 1988, and $95 million for fiscal year 1989; or Title II, $50 million for fiscal years 1985–1989; for Title III, $18 million for fiscal year 1985, $21 million for fiscal year 1986, $24 million for fiscal year 1987, $27 million for fiscal year 1988, and $30 million for fiscal year 1989. For Title IV, a set-aside equal to 1 percent of that appropriated for Titles I, II, and III is authorized. This section also adds a provision to place the LSCA program on a forward funded basis beginning in fiscal year 1985.

SECTION 5

This section amends the allotments to include allotments for Indian tribes. Each tribe is entitled to receive an equal amount of money based on the total appropriations for any fiscal year. If an Indian tribe does not apply for its allotment, that money will be retained by the Secretary and used to make discretionary grants on a competitive basis. Competitive grants require that the funds be administered by a librarian.

SECTION 6

This section amends requirements for state plans and programs to include priority for projects that improve access to library facilities for the least served populations in the state (including those of limited English speaking ability and programs and projects in both urban and rural areas) and for programs that serve the elderly, combat illiteracy, and that increase user access through effective use of technology. The section further specifies that any Indian tribe wishing to receive an allotment must submit an application to the Secretary of Education. In order to receive a discretionary grant, an Indian tribe must submit a long-range plan.

SECTION 7

This section mandates that the Secretary pay each Indian tribe which has an approved application an amount equal to that tribe's allotment. If an Indian tribe receives an additional discretionary grant, Federal monies shall not exceed 80 percent of the cost of carrying out this plan.

SECTION 8

This section amends Section 101 of LSCA, "Grants to States for Library Services." Grants to states may be used for extending library services to meet special needs of individuals in the state, to assist libraries to serve as community information referral centers, to provide literacy training for the public, and to improve and strengthen library administrative agencies and major urban resource libraries.

SECTION 9

This section amends Section 102 of LSCA to include using Federal funds to assist libraries in serving as community information referral centers.

SECTION 10

This section amends Section 103 of LSCA, "State Library Service Programs." The allowable uses of Federal funds to provide programs for the elderly are outlined in this section. Legitimate expenses include: training librarians to work with the elderly; conducting special library programs for the elderly; purchasing special library materials; paying salaries for elderly people to work in libraries in programs for the elderly; providing in-home visits by librarians; establishing outreach programs to notify the elderly of library services available to them; and furnishing transportation to enable the elderly to have access to library services.

The section also ratably reduces the amount of money the State must expend for handicapped and institutionalized persons if Federal allocations to the state are reduced.

SECTION 11

This section amends the use of library funds for the purposes of construction as defined in Section 3. The Federal share of the cost of construction shall not exceed one-third of the total cost of the construction project. If within twenty years after the completion of construction of a library facility which has been constructed with funds from LSCA, the facility is no longer used as a library, the U.S. government is entitled to recover an amount which bears the same ratio to the value of the facility at that time as the amount of Federal grant was to the cost of the facility. The value of the building shall be determined by the parties involved or by the appropriate United States District Court. This amendment applies to any facility constructed with funds from Title II prior to or after the date of enactment of this bill.

SECTION 12

This section amends the resource sharing title of LSCA. The new name of the title is "Interlibrary Cooperation and Resource Sharing". The annual and long-range state plans will need to identify interlibrary and resource sharing objectives to be achieved during the period covered by the plans and may include the following: criteria for participation in statewide resource sharing to ensure inclusion of libraries of all types; analysis of the needs for the development and maintenance of bibliographic access; analysis of the needs for the development and maintenance of communications systems for information exchange among participants; analysis of the needs of the development and maintenance of delivery systems for exchanging library materials; a projection of hardware and software needs for the operation of the resource sharing system; a mechanism to identify users and help provide them access to library resources; a proposal for the development, establishment and maintenance of intrastate multitype library systems; analysis of the needs for the development and maintenance of multistate and national resource sharing systems; and a description of the methods for periodic evaluations of the state's success in meeting the requirements listed.

Non-profit and academic libraries participating in resource-sharing activities may be reimbursed for their expenses in loaning materials to public libraries.

SECTION 13

This section amends Title IV of LSCA to read "Title IV—Library Services for Indian Tribes." The Congress finds that this title is needed because most Indian tribes receive little or no funds under other titles of the Act, Indian tribes are generally considered to be separate nations and are seldom eligible for direct allocations from states, and the majority of Indians living on or near reservations have little or no access to libraries at all.

The purpose of this title is to promote the extension of library services to Indian peoples living on or near reservations; to provide incentives for encouraging the establishment of tribal library programs; and to

improve the administration and implementation of library services of Indian tribes by providing funds to establish and support ongoing library programs.

Funds may be used for: inservice or preservice training of Indians as library workers; purchase of library materials; conduct of special library programs for Indians; salaries of library workers; construction, purchase, renovation, or remodeling of library buildings and facilities; transportation to enable Indians to have access to library services; dissemination of information about library services; assessment of tribal library needs; and contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described above.

If tribes currently support public library systems, they must continue to expend the same amount of money in support of those services. Special collections of tribal cultural materials may be established and restricted.

Plans for discretionary grants must contain whatever information the Secretary of Education requires by regulation and shall also set forth a program for one year under which funds will be used consistent with a long-range program as well as the allowable expenditures.

The Secretary of Education shall consult with the Secretary of the Interior for the purposes of coordinating programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.

SECTION 14

This section allows the National Commission on Libraries and Information Science to access the Library of Congress's computerized SCORPIO.●

● Mr. PELL. Mr. President, I want to take this occasion to express my very strong support for the legislation which is being introduced today to reauthorize the Library Sciences and Construction Act (LSCA). The measure will extend the important grant programs that serve our Nation's public libraries for another 5 years through fiscal year 1989.

The Library Services and Construction Act, which I have been proud to support throughout four Senate terms, is without doubt the single most important source of Federal assistance for our public libraries. It has successfully provided this support to the States through a system of formula grants and, though this adds up to only a small percentage of all library aid, moneys have been targeted toward particularly critical areas. These areas have traditionally included underserved groups such as the handicapped, the disadvantaged and those people who speak English as a second language. Federal funds for strengthening these services are authorized through title I of the LSCA and a sum of $75 million is being recommended. It is important that we continue this Federal responsibility because local jurisdictions alone cannot finance programs which will insure access to library services for these special population groups.

Libraries in major metropolitan areas have also benefited from LSCA funds. These urban libraries have been particularly hard hit by inflation resulting in reduced open hours and severe restrictions on the ability to purchase new books. Urban library services have also been cut back by municipalities as residents have fled to the suburbs and the local tax base has subsequently eroded.

Title II of the LSCA authorizes grants for the construction and renovation of library buildings. Regrettably, no funds have been appropriated under this title since 1973, save for a one-time appropriation of $50 million in 1983 as part of the emergency jobs bill. I am especially hopeful that the funds for title II that are authorized in this bill will be appropriated this year. The need for financial assistance for public library construction and renovation is acute. The funds appropriated for this purpose in 1983 were a beginning, but only a fraction of the potential projects could be carried out with those funds. It is my understanding that over $400 million is the investment needed today to alleviate overcrowding and bring existing library facilities up to date. I am prepared to support a renewed effort in this area, and am delighted that $50 million is authorized in this legislation specifically for library construction projects for each year that this legislation covers.

Funds for Interlibrary Cooperation, under title III, have become especially critical as libraries convert their record systems over to computer-based technology. These funds allow libraries to share information throughout their nationwide network. Libraries are our most important resource for the dispersal of public information, and it is title III that helps insure the most efficient distribution of this information to the broadest population. The amount of $18 million is being authorized for title III in fiscal year 1985—a sum that will help bring interlibrary cooperation fully into the computer age.

This bill will renew our Government's commitment to a healthy, vital, and accessible public library system across the country. Libraries have been described as our most important education resource in the Nation—second only to the classroom. For this reason alone, this bill deserves our support. I am delighted to join with my colleague from Vermont, Senator STAFFORD, in cosponsoring this legislation.●

● Mr. SARBANES. Mr. President, I am pleased to be a sponsor of this legislation reauthorizing the Library Services and Construction Act for fiscal years 1985 through 1989. The local library provides a unique and vital service to many communities in Maryland and throughout the Nation by providing a multitude of resources and programs to all citizens, usually at no cost. The American public library was created and nourished by such basic ideas as the rights of individuals to think, to believe, to strive for intellectual development, to participate in the political process and to improve job capabilities. Senator Jacob Javits, a historic friend of libraries, said that "our libraries are cathedrals of the mind which we can afford to ignore only at the peril of losing our intellectual and creative identity." I am proud to join in reaffirming our Federal commitment to libraries today.

We in Maryland are fortunate to have some of the best libraries in the country. The branch library system established in Baltimore, home of the Enoch Pratt Free Library, one of the most renowned public municipal libraries in the world, served as an important model to Andrew Carnegie in his philanthropic efforts to establish branch libraries in many areas of the Nation. Carnegie later funded a system of small, horse-drawn book wagons based in Hagerstown that served many parts of western Maryland; and we have had a strong library outreach system throughout the State since these early beginnings. Some of the innovative adult education and literacy programs which serve the people of Baltimore were highlighted by Ms. Jane Heiser, a librarian at the Enoch Pratt Library, when she testified before the Senate Subcommittee on Education, Arts, and the Humanities last week; and I am proud to note the leadership that Maryland has provided in these and other areas of library service.

The Library Services and Construction Act reauthorization which I have joined in sponsoring today would increase funding for library services, library construction, and interlibrary cooperation during the next 4 years. Title I, Library services, would be strengthened to meet the increasing demand for literacy programs, language services, rural outreach program, and resources geared to the handicapped and elderly. Title II would provide for library construction funds, and title III would increase funding for interlibrary loan programs by about 20 percent. This additional funding for title III is crucial for our smaller towns and cities, which often depend on State and regional interlibrary cooperation to fill particular readers' request.

I strongly support our Federal commitment to libraries, which is so important in initiating innovative programs and in providing the incentive for many additional State and private contributions to our public libraries. The amount of money provided by the Federal Government represents a small but important percentage of li-

brary budgets, and we must maintain this Federal involvement. In Maryland, Federal funds have provided library services to the blind and physically handicapped, persons who are homebound, to those in hospitals and prisons, and residents of rural areas; and I urge my colleagues to support this important legislation.●

By Mr. STAFFORD (for himself, Mr. HATCH, Mr. QUAYLE, Mr. PERCY, Mr. EVANS, Mr. WEICKER, and Mr. LEAHY):

S. 2491. A bill to establish a system for the consolidation of student loans under title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT LOAN CONSOLIDATION ACT OF 1984

Mr. STAFFORD. Mr. President, on behalf of myself, Senator HATCH, Senator QUAYLE, Senator PERCY, Senator EVANS, Senator LEAHY and Senator WEICKER, I introduce today legislation to reauthorize loan consolidation opportunities under the guaranteed student loan program. My colleagues will recall that congressional authority for a loan consolidation program expired November 1 of this past year, and I urge my colleagues to work with me for expeditious approval of the measure I introduce today.

Mr. President, let me take a moment to refresh the memories of my colleagues concerning the loan consolidation program, which was first authorized in the 1980 education amendments and has really only begun in the past year and a half. During consideration of the Higher Education Act Amendments of 1980, the administrative and procedural complexities that often accompany repayment to different lenders from whom a student borrows under our numerous Federal loan programs was extensively discussed. Consequently, Congress created a program to allow borrowers with threshold levels of debt to consolidate loans from different lenders into a single loan with a single monthly payment. The Student Loan Marketing Association, know concisely as Sallie Mae, was the only lender authorized to make consolidation loans and was authorized to set the borrower interest rate at 7 percent, irrespective of the composition of a borrower's loan portfolio. In an attempt to reduce loan default rates, Congress authorized Sallie Mae to offer to eligible borrowers an extension of the repayment period from 10 to 20 years. In addition Sallie Mae could offer graduated and income-sensitive repayment schedules, an authority which was the crux of Sallie Mae's program.

Mr. President, borrower response to the consolidation program has been substantial over the last 2 years; Sallie Mae has consolidated some $395 million in loans from approximately 32,000 borrowers. Yet accompanying this dramatic response have been numerous and growing concerns about the program's cost and its effectiveness in responding to the goals Congress originally set. Most troublesome, Mr. President, was the discount borrowers with 9 percent loans could receive when these loans were incorporated into a 7 percent consolidation loan, an advantage not given to other student loan borrowers. Obviously, this factor increased Federal costs substantially and represented an unwarranted level of Federal beneficence to borrowers already receiving the additional subsidy that accompanies graduated payments and extended repayment.

Second, Mr. President, the consolidation program offered by Sallie Mae was not necessarily targeted to those for whom Congress originally intended the benefits, those unduly burdened with debt and likely to default. Indeed, data from recent evaluations of the consolidation program indicate that nearly 20 percent of the borrowers in the program had salaries in excess of $30,000. With this level of salary, only borrowers with extremely high levels of debt are likely to default. At a time when we are faced with stricter and stricter budget constraints, we must focus the benefits of loan consolidation on those borrowers who truly need them.

Mr. President, this is exactly what the bill I introduce today is designed to do: target assistance on borrowers who are most likely to default, those with greatest financial need. As with the previous program and similar to H.R. 4350, which has passed the House of Representatives, this legislation would permit borrowers with guaranteed student loans, national direct student loans, and PLUS/ALAS loans to consolidate loans under any of these programs into one loan which is held by one lender. Likewise, eligible borrowers would be able to receive a reduction in initial monthly payments by negotiating with a lender a graduated repayment plan and an extension of the repayment period beyond 10 year currently authorized in law. Like the House-passed bill, this legislation would reduce the cost to the Federal Government by increasing the borrower interest rate on consolidation loans from 7 percent to 9 percent and by lowering the Federal special allowance subsidy factor received by the lender from 3.5 to 3 percent.

Yet, Mr. President, this legislation differs from that passed by the House in two substantial and important ways. First, State agencies and State designated secondary markets are authorized as eligible lenders of consolidation loans. The success of the GSL program rests largely on a decentralized system of lenders and guarantee agencies offering an array of opportunities at the local level. Yet the previous consolidation program limited borrower participation to one, centralized institution, Sallie Mae, here in Washington. Limiting this monopoly and expanding lender opportunities to local banks—as the House bill does—and to State agencies and secondary markets will create expanded opportunities for borrowers and will open the program up to healthy competition.

Mr. President, over the past few months there has been considerable debate over the inclusion of State agencies and secondary markets as eligible consolidation lenders. The administration has expressed its concern that allowing States, which generally must rely on the use of tax-exempt bonds to fund their operations, to offer consolidation loans would permit an inappropriate drain on the Federal Treasury. Yet the threat of revenue loss due to increased bond issuance by the States is matched by the serious policy implications of concentrating loan consolidation in the hands of a few lenders. Thus, the legislation I introduce allows the State agencies and secondary markets to consolidate loans, yet does not allow them to do so with the proceeds from tax-exempt bonds issued subsequent to the passage of this bill. States are, therefore, permitted to get into the program through the use of revenue from bonds already issued and the income from which is already not subject to taxation. Any expansion of a loan consolidation program by the States would require the pursuit of other methods of financing, something several States have already pursued for their secondary market activities.

Mr. President, I would strongly prefer to include the State agencies and secondary markets as lenders with no restrictions on their use of tax exempt bonds for this purpose. Yet, in face of the vehement objections of the administration over unrestricted state tax-exempt authority and in light of the possibility of a veto for a bill including such authority, I offer this compromise provision as part of the Stafford bill. And I offer it for the sake of the thousands of student borrowers now faced with unrealistically burdensome levels of debt. Consolidation opportunities have not existed for some three months, Mr. President, and in the interest of fairness, I strongly urge my colleagues to work with me to ensure expeditious passage of this legislation.

Second, Mr. President, this bill liberalizes the debt threshold to allow borrowers with $5,000 in debt from one or more lenders to qualify for the program. Mr. President, in one of this Nations's largest States more than three quarters of the loans in default came from borrowers with less than $7,500 in debt. Under the previous consolida-

tion program, borrowers with less than $7,500 in debt could consolidate loans only if they had $5,000 in debt from more than one lender. Thus, it appears that a number of those likely to default were not included under the previous program. They are included in the program I am outlining today.

Third, Mr. President, the crux of this bill and its major difference from H.R. 4350, my proposal today requires borrowers to undergo a financial eligibility or needs test, the concept of which is quite simple. If a borrower's salary or income exceeds his or her debt by a certain percentage, the borrower would not qualify for consolidation.

After graduation and 4 months into the 6-month grace period, the borrower would be eligible for consolidation if, after having met the minimum debt requirements, his or her annual salary is not more than twice the amount of outstanding student debt the borrower wishes to consolidate. To assist borrowers with children, the salary amount is reduced by $1,000 for each dependent child.

If eligible, a borrower could then negotiate with Sallie Mae, a bank holding one of the borrower's loans, or the borrower's State agency or secondary market, a graduated repayment scheme—reducing payments in the first years and increasing them in later years—and could extend the repayment period from 10 to 11.5 years. So that some loan principal is retired in the early years, initially a borrower must make at a minimum a monthly payment equal to 110 percent of the interest which would accrue in 1 month on the consolidation loan. According to CRS estimates, which I will include for the record at the end of my statement, a borrower with a $15,000 annual income and $12,500 in student debt could reduce, under a graduated repayment scheme, his or her monthly payment from $145—under a 10-year repayment—to $103, offering substantial relief for this borrower. Similarly, a borrower with a $15,000 income and $20,000 in debt could reduce monthly payment from $232 (under a 10-year repayment) to $165.

Mr. President, 3½ years into repayment, those who qualified initially for the consolidation program would be subject to a second needs test along the same format, except that the annual salary would be the adjusted gross income on the borrower's most recent Federal income tax return, reduced by $1,000 for each dependent. This salary figure would be divided in two for married couples who file jointly and who both have consolidation loans under the GSL program.

Those who fail to have at this point an income/debt ratio—eligibility index—below the 200 percent would simply stay on their original 11.5 year plans while those below this level would qualify for further extension of the repayment period, the length of which would depend on the magnitude of the income/debt ratio. A borrower with a ratio below 120 could, for example, qualify for a total repayment period equal to 20 years.

Mr. President, let me give a specific example to show how this would work. Let us assume that a borrower graduates from college with $20,000 in debt and a $15,000 annual salary. According to this bill's first needs test, this borrower, with an eligibility ratio of 1.33, would be eligible for consolidation, a graduated repayment plan, and an extension of the repayment period from 10 to 11.5 years. Under the bill's minimum payment provisions the borrower would have to make monthly payments of at least $165 over the next 3.5 years. These payments would, of course, probably increase over time in conjunction with the repayment plan negotiated with the lender. Without consolidation, the borrower would have to make $262 monthly payments over 10 years.

Three and one-half years into repayment, the borrower would be required to undergo a second needs test. At a minimum, the borrower would have retired $630 over the first 3 years, leaving $19,370 in debt. Of course, most borrowers would have retired considerably more, consistent with the repayment plan negotiated with the lender. For the sake of this example, let us assume the borrower had retired the minimum required in law and had $19,370 in debt. If the borrower had a salary of $23,243 at this point, his eligibility index would be below 120, and the borrower would be entitled to an extension of the repayment period from 11.5 to 20 years. Equal monthly payments of $188 would be required for the duration of the loan. This figure is slightly more than the $165 minimum required in the original repayment plan, is probably less than most borrowers would have negotiated, and is certainly less than the monthly payment required in the middle and latter years under the original graduated repayment plan.

Mr. President, I have stated today that the thrust of this bill is to target the benefits of consolidation on those with a justifiable need for additional benefits. Obviously, this additional assistance—the extension of repayment and a slower rate of payment on principal—costs the Federal Government some money. Yet, Mr. President, in this legislation, the increased cost of the loan extension is more than balanced by savings derived from the decrease in special allowance mandated for consolidation loans, the increase in borrower interest rate, and a reduction in default claims, the program's primary goal.

Indeed, assuming a modest increase in consolidation volume over the next 5 years, the Congressional Budget Office estimates that the savings of the Stafford bill to the Federal Government over this period is some $24 million. Surely, the promotion of responsible repayment, the reduction of monthly payments for needy borrowers, and a decrease in program costs is in the national interest.

Mr. President, the loan consolidation bill I introduce today is simple and equitable. It moves loan consolidation in line with Congress original goals; it helps the unduly burdened borrower—perhaps a recent graduate with a low to moderate income—and it excludes from the program borrowers for whom the benefits of consolidation are nothing more than an inappropriate and unneeded gift from the Federal Treasury.

Mr. President, excellence in education, equity in learning, and the ability to aspire to our farthest and highest goals remain primary national intersts. Most of the education programs funded at the national level respond to the needs of the needy, the handicapped and others who have in the past been unable to obtain access to aspiration. Indeed, our Federal guaranteed student loan program is based on that premise. The bill I introduce today continues this philosophy of Federal assistance for those in need to the period in which the beneficiaries of Federal assistance begin to repay the American people for the gift of learning. This proposal is needed, it is responsible, and it is fair. I strongly urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of this bill, a section by section analysis of its provisions, and Congressional Research Service estimates of its effect be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Student Loan Consolidation Act of 1984".

STUDENT LOAN CONSOLIDATION

Sec. 2. (a) Part B of title IV of the Higher Education Act of 1965 (hereafter in this Act referred to as "the Act") is amended by inserting after section 428B the following new section:

"CONSOLIDATION LOANS

"Sec. 428C. (a)(1) For the purpose of providing loans to eligible borrowers for consolidation of their obligations with respect to student loans made, insured, or guaranteed under this part or made under part E of this title, the Secretary or a State or nonprofit private institution or organization with which the Secretary has an agreement

under section 428(b) shall enter into agreements in accordance with subsection (b) with the following eligible lenders:

"(A) the Student Loan Marketing Association;

"(B) agencies described in subparagraphs (D) and (F) of section 435(g)(1); and

"(C) eligible lenders described in subparagraphs (A), (B), (C), and (E) of such section.

"(2) Except as provided in section 429(e), no contract of insurance under this part shall apply to a consolidation loan unless such loan is made under an agreement pursuant to this section and is covered by a certificate issued in accordance with subsection (b)(2). Loans covered by such a certificate that is issued by a State or nonprofit private institution or organization shall be considered to be insured loans for the purposes of reimbursements under section 428(c), but no payment shall be made with respect to such loans under section 428(f) to any such State, institution, or organization.

"(3) For the purpose of this section—

"(A) the term 'eligible borrower' means a borrower who—

"(i) has an outstanding indebtedness, at the time of application for a consolidation loan, to one or more lenders or programs under this title of not less than $5,000;

"(ii) has not during the previous 4 months carried at an eligible institution at least one-half the normal full-time academic workload;

"(iii) if in repayment status, is not delinquent with respect to any required payment on such indebtedness by more than 90 days;

"(iv) is not a parent borrower under section 428(a)(1); and

"(v) certifies, subject to the penalties prescribed by section 490(a), that the borrower is not currently receiving compensation for employment for which the total annualized monthly rate of pay of the borrower is in excess of 200 per centum of the outstanding principal balance of all such loans; and

"(B) the term 'total annualized monthly rate of pay' means the gross rate of pay received by the borrower in the month preceding the month for which the determination under divison (v) of clause (A) of this paragraph is made minus $85 for each child claimed as a dependent multiplied by 12.

"(4) An individual's status as an eligible borrower under this section terminates upon receipt of a consolidation loan under this section except with respect to loans received under this title after the date of receipt of the consolidation loan. For the purpose of computing the outstanding indebtedness of such an individual, only loans received after such date shall be taken into account.

"(b)(1) Any lender described in clause (A), (B), or (C) of subsection (a)(1) who wishes to make consdolidation loans under this section shall enter into an agreement with the Secretary or a State or nonprofit private institution or organization with which the Secretary has an agreement under section 428(b) which provides—

"(A)(1) that, in the case of lenders described in subsection (a)(1)(C), the lender will make a consolidation loan to any eligible borrower on request of that borrower, if the lender holds an outstanding loan of that borrower which is selected by the borrower for consolidation under this section, and will make such loans to other eligible borrowers only to the extent permitted by the Secretary in an agreement under subsection (d);

"(ii) that, in the case of lenders described in subsection (a)(1)(B), the lender will make, subject to the availability of funds allocated for such purpose, a consolidation loan to any eligible borrower—

"(I) who is, or was at the time of receiving a loan which is selected for consolidation, a resident of the State of such lender; or

"(II) who received loans under this title while attending an institution of higher education in the State of such lender,

except that the lender may elect to limit further the availability of its loans under this section to those borrowers for whom the lender is the holder of a loan selected for consolidation; or

"(iii) that, in the case of the Student Loan Marketing Association, the lender will make a consolidation loan to any eligible borrower on request of that borrower;

"(B) that each consolidation loan made by the lender will bear interest, and be subject to repayment, in accordance with subsection (c);

"(C) that each consolidation loan will be made, notwithstanding any other provision of this part limiting the maximum principal amount for all insured loans made to a borrower, in an amount (i) which is not less than the minimum amount required for eligibility of the borrower under subsection (a)(3) (A) (i), and (ii) which is equal to the sum of the unpaid principal and accured unpaid interest of all loans received by the eligible borrower under this title which are selected by the borrower for consolidation;

"(D) that the proceeds of each consolidation loan will be paid by the lender to the holder or holders of the loans so selected to discharge the liability on such loans;

"(E) that, in the case of any lender whose primary source of funds for making, purchasing, or otherwise acquiring loans under this part is the proceeds of bonds or other obligations, the income from which is exempt from taxation under the Internal Revenue Code of 1954, such lender will not in any fiscal year make, purchase, or otherwise acquire consolidation loans in an amount which exceeds 15 per centum of the total amount of the principal outstanding on all loans under this title held by such lender as of the last day of the preceding fiscal year, except that any such lender who has not made, purchased, or acquired loans from such proceeds prior to October 1, 1983, may make, purchase, or otherwise acquire consolidation loans in the period beginning on October 1 of the fiscal year during which such lender initially issues bonds or other obligations for the purpose of making, purchasing, or otherwise acquiring loans under this part and ending September 30 in the subsequent fiscal year in an amount which does not exceed 15 percent of the aggregate amount of such bonds or other obligations initially issued;

"(F) that, in the case of any lender, such lender will not make consolidation loans under this part from the proceeds of bonds or other obligations, the income from which is exempt from taxation under the Internal Revenue Code of 1954, issued subsequent to the enactment date of the Student Loan Consolidation Act of 1984; and

"(G) such other terms and conditions as the Secretary or State or nonprofit private institution or organization (whichever is party to the agreement) may specifically require of the lender to carry out this section.

"(2) The Secretary shall issue a certificate of comprehensive insurance coverage under section 429(b) to a lender which has entered into an agreement with the Secretary under paragraph (1) of this subsection. A State or nonprofit private institution or organization with which the Secretary has an agreement under section 428(b) may issue a certificate of comprehensive insurance coverage to a lender if the lender has entered into an agreement under paragraph (1) of this subsection. The Secretary shall not issue such a certificate under this paragraph to a lender described in clause (B) or (C) of subsection (a)(1) if the Secretary determines that such lender has reasonable access in its State, for the purpose obtaining such a certificate, to a State or nonprofit private institution or organization with which the Secretary has an agreement under section 428(b). In either case, such certificate shall, at a minimum, provide—

"(A) that all consolidation loans made by such lender in conformity with the requirements of this section will be insured against loss of principal and interest by the issuer of such certificate;

"(B) that a consolidation loan will not be insured unless the lender has determined to its satisfaction, in accordance with reasonable and prudent business practices, for each loan being consolidated (i) that the loan is a legal, valid, and binding obligation of the borrower; (ii) that each loan was made and serviced in compliance with applicable laws and regulations; and (iii) in the case of loans under this part, that the insurance on such loan is in full force and effect;

"(C) the effective date and expiration date of the certificate;

"(D) the aggregate amount to which the certificate applies;

"(E) that, if the lender prior to the expiration of the certificate no longer proposes to make consolidation loans, the lender will so notify the issuer of such certificate in order that the certificate may be terminated (without affecting the insurance on any consolidation loan made prior to such termination); and

"(F) the terms upon which the issuer of the certificate may limit, suspend, or terminate the lender's authority to make consolidation loans under the certificate (without affecting the insurance on any consolidation loan made prior to such limitation, suspension, or termination).

"(3) A consolidation loan made pursuant to this section shall be insurable under a certificate issued pursuant to paragraph (2) only if the loan is made to an eligible borrower who has agreed to notify the holder of the loan promptly concerning any change of address and the loan is evidenced by a note or other written agreement which—

"(A) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him would not, under applicable law, create a binding obligation, endorsement may be required;

"(B) provides for the payment of interest and the repayment of principal in accordance with subsection (c) of this section and contains notice of the possibility of a revised repayment schedule under paragraph (2) of such subsection;

"(C) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period—

"(i) during which the borrower is pursuing a full-time course of study at an eligible institution, is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for disabled individuals approved by the Secretary;

"(ii) not in excess of two years during which the borrower is serving an internship, the successful completion of which is re-

quired in order to receive professional recognition;

"(iii) not in excess of three years during which the borrower is temporarily totally disabled, as established by sworn affidavit of a qualified physician, or during which the borrower is unable to secure employment by reason of the care required by a spouse who is so disabled; or

"(iv) which is a single period, not in excess of 12 months, at the request of the borrower, during which the borrower is seeking and unable to find full-time employment; and

that any such period shall not be included in determining the repayment period provided pursuant to subsection (c)(2) of this section;

"(D) entitles the borrower to accelerate without penalty repayment of the whole or any part of the loan; and

"(E)(i) contains a notice of the system of disclosure concerning such loan to credit bureau organizations under section 430(b)(2), and (ii) provides that the lender on request of the borrower will provide information on the repayment status of the note to such organizations.

"(c)(1) Consolidation loans made under this section shall bear interest at the rate of 9 per centum per annum on the unpaid principal balance of the loan, except that, if the consolidation loan is used for the purpose of discharging liability on a loan made pursuant to section 428B, the consolidation loan shall bear interest at a rate per annum on such unpaid balance which is equal to the highest applicable interest rate under section 427A on any loan which is selected for consolidation by the borrower. For the purposes of payment of special allowances under section 438(b)(2), the interest rate required by this subsection is the applicable interest rate with respect to a consolidation loan.

"(2) (A) Except as otherwise provided in subparagraphs (B), (C), and (D), the lender of a consolidation loan may, to the extent authorized by its certificate of insurance issued under subsection (b) (2) (as approved by the insurer of such loan) and with the agreement of the borrower, establish initial repayment schedules for borrowers in such manner as will promote the payment of such schedule. Such initial repayment schedules shall require repayment over a period of not to exceed 11 years and 6 months, and may include graduated and income-sensitive repayment schedules.

"(B) An initial repayment schedule established under subparagraph (A) shall, at a minimum, require repayment in monthly installments, the smallest of which (except for the final installment) shall not be less than the greater of—

"(i) $50, or

"(ii) 110 per centum of the interest which would accrue in one month on the total amount of the consolidation loan originally obtained by the borrower.

"(C) Such initial repayment schedule for a borrower shall continue to be effective unless the borrower demonstrates, pursuant to the requirements of subparagraphs (D) and (E), to the lender that the borrower's eligibility index, determined on the basis of the dependent-adjusted gross income on the borrower's Federal income tax return for the taxable year preceding the year in which the determination under this subparagraph is made, is less than or equal to 200.

"(D) If the borrower furnishes the demonstration of eligibility required by subparagraph (C), the borrower is entitled to a revised repayment schedule to become effective 3 years and 6 months after the date on which the borrower commences repayment of the consolidation loan, requiring payment in equal monthly installments, not to exceed an additional—

"(i) 16 years and 6 months in the case of a borrower whose eligibility index is less than or equal to 120;

"(ii) 14 years and 6 months in the case of a borrower whose eligibility index is more than 120 but less than or equal to 150;

"(iii) 12 years and 6 months in the case of a borrower whose eligibility index is more than 150 but less than or equal to 180; and

"(iv) 10 years and 6 months in the case of a borrower whose eligibility index is more than 180 but less than or equal to 200.

"(E) Each lender under this section shall, 3 years and 3 months after the borrower commences repayment of the consolidation loan, notify the borrower of the possibility of a revised repayment schedule including—

"(i) information on the borrower's outstanding balance 3 years and 6 months after the borrower commences repayment of the consolidation loan;

"(ii) an explanation of the method of calculating the eligibility index under this paragraph; and

"(iii) a description of the penalties imposed for failure to comply with section 490 of this part.

"(F) For the purpose of this paragraph—

"(i) the term 'eligibility index' means the number which results from dividing—

"(I) the dependent-adjusted gross income on the borrower's Federal income tax return for the taxable year preceding the year in which the determination under this subparagraph is made, by

"(II) the outstanding balance of the consolidation loan 3 years and 6 months after the borrower commences repayment of the consolidation loan,

and multiplying the quotient by 100; and

"(ii) the term 'adjusted gross income' has the same meaning given that term under section 62 of the Internal Revenue Code of 1954.

"(iii) the term 'dependent-adjusted gross income' means the adjusted gross income of a borrower, minus $1,000 for each child claimed as a dependent in the taxable year preceding the year in which the determination under subparagraph (E) is made, except that if a borrower files jointly with a spouse and both spouses hold consolidation loans under this section, then the dependent-adjusted gross income figure for each spouse is—

"(I) the adjusted gross income of the borrower and the spouse filing jointly minus $1,000 for each child claimed as a dependent in such taxable year;

"(II) divided by 2.

"(3) Repayment of a consolidation loan shall commence within 60 days after all holders have, pursuant to subsection (b)(1)(D), discharged the liability of the borrower on the loans selected for consolidation.

"(4) No origination fee or insurance premium shall be charged to the borrower on any consolidation loan, and no insurance premium shall be payable by the lender to the issuer of the certificate of insurance with respect to any such loan.

"(d)(1) If, within 18 months after the effective date of this section, an eligible lender described in subsection (a)(1)(B) for a State has not entered into an agreement with the Secretary or a State or nonprofit private institution or organization for purpose of making consolidation loans under this section, the Secretary may, after a hearing and upon a determination of need therefore, enter into an agreement for the purposes of making consolidation loans to eligible borrowers in such State with an eligible lender described in clause (B) or (C) of subsection (a)(1) from another State.

"(2) Notice of the hearing required by paragraph (1) of this subsection shall be sent to the Governor of the affected State and the eligible lenders described in subsection (a)(1)(B) for that State. At any such hearing representatives of such Governor and lenders may present evidence and testimony and examine witnesses, and full consideration shall be given to the views of such Governor and lenders with respect to the interests of the eligible borrowers in that State and with respect to the impact on programs of such lenders of allowing a lender described in clause (B) or (C) of subsection (a)(1) from another State to make consolidation loans pursuant to an agreement under this subsection in such State.

"(3) An agreement under this subsection may contain such terms and conditions as the Secretary may specifically require of the lender to carry out this section.

"(4) The requirements of paragraphs (1) and (2) of this subsection shall not apply if, in any State, an eligible lender described in subsection (a)(1)(B) from another State is functioning as a secondary market described in subparagraph (D) or (F) of section 435 (g)(1) prior to the date of enactment of the Student Loan Consolidation Act of 1984 and such lender agrees to make consolidation loans to eligible borrowers in such State.

"(e) The authority to make loans under this section expires at the close of September 30, 1986. Nothing in this section shall be construed to authorize the Secretary to promulgate rules or regulations governing the terms or conditions of the agreements and certificates under subsection (b). Loans made under this section shall not be considered to be new loans made to students for purposes of section 424(a).".

(b)(1) Section 427(a) of the Act is amended by striking out "A loan" and inserting in lieu thereof "Except as provided in section 428C, a loan".

(2) Section 435(g)(1) of the Act is amended—

(A) by striking out "section 439 (o) and (8)" in subparagraph (G) and inserting in lieu thereof "sections 428C and 439(q)"; and

(B) by striking out "section 428(j)" in subparagraph (H) and inserting lieu thereof "sections 428(h) and 428C".

(3) Section 438 of the Act is amended—

(A) in subsection (b)(5)(A)(ii), by inserting ", 428C," after "428B";

(B) in subsection (c)(2), by striking out "section 428B and section 439(o)" and inserting in lieu thereof "sections 428B and 428C".

(4) Section 439(d)(1)(C) of the Act is amended by striking out "428(A), and except with respect to loans under section 439(o)," and inserting in lieu thereof "428A, and except with respect to loans under section 428C,".

(c) Section 438(b)(2) of the Act is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)";

(2) In subparagraph (B)(i), by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)"; and

(3) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) In the case of loans made in accordance with sections 428C and 439(o), the applicable per centum to be added under clause (iii) of subparagraph (A) shall be 3 per centum.".

(d) The Secretary of Education shall evaluate the cost, efficiency, and impact of the consolidation loan program established by the amendments made by this section and shall report to the Congress not later than June 30, 1986, on the findings and recommendations required by this subsection.

SUMMARY OF THE STUDENT LOAN CONSOLIDATION ACT OF 1984

Section 1 of the bill cites the Act as the "Student Loan Consolidation Act of 1984."

Section 2(a) amends part B of title IV of the Higher Education Act by inserting a new section, 428C, after section 428B of the Act.

Section 428C(a)(1) authorizes the Secretary or guarantee agencies to enter into agreements to make consolidation loans with Sallie Mae, State agencies or nonprofit agencies designated by the State as the single agency (435(g)(1)((D)), state secondary markets (435(g)(1)(F)), and banks, pension funds, insurance companies and other eligible lenders (435(g)(1)(A), (B), (C), and (E).

Section 428C(a)(2) provides that such loans must be covered by a properly issued certificate of insurance. The subsection also specifies that loans covered by a certificate of insurance issued by a guarantee agency shall be considered to be insured loans for the purpose of Federal reimbursement under section 428(c). The subsection also provides that no administrative cost allowance will be paid with respect to such loans.

Section 428C(a)(3)(A) defines the term "eligible borrower" to mean a borrower who (i) has an outstanding indebtedness of not less than $5,000, (ii) has not during the previous four months carried at an eligible institution at least one-half the normal full-time academic work-load, (iii) is not delinquent on student loan payments, (iv) is not a parent borrower under PLUS/ALAS, and (v) is not employed in a job for which the annualized monthly rate of pay exceeds 200 percent of the balance of the loan.

Section 428C(a)(3)(B) defines "total annualized monthly rate of pay" to be the gross rate of pay received by the borrower in the month preceding the initial eligibility test minus $85 for each child claimed as a dependent, multiplied by 12.

Section 428C(a)(4) terminates an individual's eligibility for a consolidation loan after receiving one, unless after receiving the loan the individual receives new GSLs or NDSLs. In this case, the renewed eligiblity extends only to the new loans.

Section 428C(b)(1) specifies the access requirements placed on various categories of lenders.

Section 428C(b)(1)(A)(i) specifies that banks wishing to consolidate loans must make a consolidation loan to any eligible borrower if the lender holds or insures an outstanding loan of the borrower. The provision also requires that loans be made to other eligible borrowers only to the extent permitted by the Secretary in an agreement under this section.

Section 428C(b)(1)(A)(ii) specifies that state direct lenders and secondary markets and non-profit entities designated by a state will make consolidation loans only to borrowers who (I) are residents of the state of the lender or were at the time of receiving a loan selected for consolidation residents of the state of the lender or (II) who received student loans while attending school in the state of the lender. This requirement is subject to the availability of funds allocated for the purpose of making consolidation loans and permits lenders to limit the availability of their loans to borrowers for whom the lender is the holder of the loans selected for consolidation.

Section 428C(b)(1)(A)(iii) specifies that Sallie Mae will make a consolidation loan to any eligible borrower on request of the borrower.

Section 428C(b)(1)(B) provides that each consolidation loan made will bear interest and be subject to repayment in accordance with the new section 428C(c).

Section 428C(b)(1)(C) provides that consolidation loans will be made notwithstanding the specified GSL maximum loan limits. The subsection also provides that the loans will not be less than the specified minimum consolidation amounts and will equal the sum of the unpaid principal and accrued interest on all loans selected for consolidation.

Section 428C(b)(1)(D) provides that the proceeds of each consolidation loan will be paid to the holders of the student loans consolidated so as to discharge these loans.

Section 428C(b)(1)(E) provides that lenders who fund their operations primarily from the proceeds of tax-exempt bonds shall not, in any fiscal year, make, purchase, or acquire consolidation loans in an amount which exceeds 15 percent of the total amount of loan principal held by such lender as of the last day of the preceding federal fiscal year. An exception is granted to such lenders who have never purchased loans, allowing them to within their first two federal fiscal years of operation make consolidation loans equal to 15 percent of the volume of bonds initially issued.

Section 428C(b)(1)(F) mandates that the proceeds of tax-exempt bonds issued subsequent to date of enactment of this bill cannot be used to make consolidation loans.

Section 428C(b)(1)(G) provides that the Secretary (in the case of FISL guarantees) and state guarantee agencies (in the case of state guarantees) may include other terms and conditions with lenders in guarantee agreements.

Section 428C(b)(2) provides that the Secretary shall issue a certificate of comprehensive insurance coverage to lenders if the Secretary determines that the lender does not have reasonable access in its state to a guarantee agency. The subsection also provides that state guarantee agencies or nonprofit organizations may offer a comprehensive certificate of insurance coverage to lenders subject to guarantee agreements.

Section 428C(b)(2)(A) provides that for both FISL and guarantee agency guarantees, the comprehensive certificate of insurance shall provide that all consolidation loans made by the lender will be insured against lost of principal and interest by the guarantor.

Section 428C(b)(2)(B) provides that the certificate will provide that the consolidation loan will not be insured unless the lender has determined that the loans being consolidated are (i) legal, binding loans; (ii) were made and serviced in accordance with applicable laws and regulations; and (iii) in the case of GSLs, FISLs, and PLUS/ALAS loans, that insurance is in place on the loans.

Section 428C(b)(2)(C) provides that the certificate will include the effective date and the expiration date of the certificate.

Section 428C(b)(2)(D) provides that the certificate will include the aggregate amount to which the certificate applies.

Section 428C(b)(2)(E) provides that the certificate will provide that if the lender for which the certificate is issued terminates its program of consolidation loans, that the lender inform the issuer.

Section 428C(b)(2)(F) provides that the certificate will include the terms upon which the issuer of the certificate may limit, suspend, or terminate the lender's authority to make consolidation loans.

Section 428C(b)(3) provides that a consolidation loan shall be insurable only if the loan is made to an eligible borrower who has agreed to notify the holder of the loan of changes in his or her address.

Section 428C(b)(3)(A) provides that consolidation loans are insurable only if the loan is made without security and without a co-signer, unless the borrower is a minor and the note would not be legally enforceable without a co-signer.

Section 428C(b)(3)(B) provides that consolidation loans are insurable only if the note provides for the payment of interest and repayment of principal in accordance with this section.

Section 428C(b)(3)(C) provides that consolidation loans are insurable only if the note provides that periodic payments need not be paid, but interest will accrue, during any period when (i) the individual is enrolled in school as a full time student pursuant to a graduate fellowship program approved by the Secretary or is in rehabilitation training; (ii) the individual is serving an internship, but not in excess of two years; (iii) the individual is temporarily totally disabled, or is unable to secure employment by reason of the care required by a spouse who is so disabled, but not in excess of three years; or (iv) if the individual is unemployed, but not for more than 12 months.

Section 428C(b)(3)(D) provides that consolidation loans are insurable only if the note entitles the borrower to accelerate repayment without penalty.

Section 428C(b)(3)(E) provides that consolidation loans are insurable only if the note (i) contains a notice of the system of disclosure to credit bureau organizations under section 430(b)(2) and (ii) provides that the lender will provide information on the repayment status of the note to credit bureau organizations on the request of the borrower.

Section 428C(c)(1) specifies that the interest rate on consolidation loans shall be 9 percent, except that consolidation loans including a PLUS/ALAS loan shall be at the highest applicable interest rate of the PLUS/ALAS loan (either 12 or 14 percent).

Section 428C(c)(2)(A) specifies that, to the extent authorized by its certificate of insurance and approved by the issuer of such certificate, the lender of a consolidation loan shall establish an 11.5 year initial repayment schedule, which may include a variety of repayment terms, including graduated and income sensitive repayment schedules.

Section 428C(c)(2)(B) specifies that the initial repayment schedule shall, at a minimum, require monthly payments of $50 or 110 percent of the interest which would accrue in one month on the total amount of the consolidation loan originally obtained by the borrower, whichever is greater.

Section 428C(c)(2)(C) specifies that the initial repayment shall continue to be effec-

tive unless the borrower demonstrates, 3.5 years into repayment and subject to the requirements of subparagraphs (D) and (E), to the lender that the borrowers "eligibility index" (ratio of income to debt) at this time is less than or equal to 200 (percent).

Section 428C(c)(2)(D) provides that the borrower is entitled to a revised repayment schedule, effective 3 years and six months after the date the borrower begins repayment of the consolidation loan if the borrower demonstrates eligibility.

Section 428C(c)(2)(D)(i) limits the length of a revised repayment schedule to an additional 16.5 years in the case of a borrower whose eligibility index is less than or equal to 120.

Section 428C(c)(2)(D)(ii) limits the length of a revised repayment schedule to an additional 14.5 years in the case of a borrower whose eligibility index is between 120 and 150.

Section 428C(c)(2)(D)(iii) limits the length of a revised repayment schedule to an additional 12.5 years in the case of a borrower whose eligibility index is between 150 and 180.

Section 428C(c)(2)(D)(iv) limits the length of a revised repayment schedule to an additional 10.5 years in the case of a borrower whose eligibility index is between 180 and 200

Section 428C(c)(2)(E) requires, three years and three months after the borrower commences repayment of the consolidation loan, the lender to notify the borrower of the possibility of a revised repayment schedule.

Section 428C(c)(2)(E)(i) requires that the notification of a revised repayment schedule include a description of the perjury penalties imposed for failure to provide accurate information as required by Section 409 of the Higher Education Act.

Section 428C(c)(2)(E)(ii) requires that the notification of a revised repayment schedule include an explanation of the method for calculating a borrower's eligibility index.

Section 428C(c)(2)(F)(i) defines the term "eligibility index" to mean the number resulting from dividing the dependent adjusted gross income figure on the borrower's Federal income tax return for the taxable year preceding the year in which the borrower wishes to consolidate loans by the outstanding balance of the consolidation loan 3.5 years after the borrower commenced repayment of that loan.

Section 428C(c)(2)(F)(ii) defines the term "adjusted gross income" the same as the meaning given the term under section 62 of the Internal Revenue Code of 1964.

Section 428C(c)(2)(F)(iii) defines the term "dependent-adjusted gross income" as the adjusted gross income of the borrower minus $1,000 for each child claimed as a dependent in the taxable year preceding the year in which eligibility for both spouses hold consolidation loans under this section, then the dependent-adjusted gross income figure for each spouse is the adjused gross income of the borrower and the spouse filing jointly minus $1,000 for each child claimed as a dependent, divided by 2.

Section 428C(c)(3) provides that repayment will begin within 60 days after all holders of the notes consolidated have discharged the liability of the borrower on the consolidation loans

Section 428C(c)(4) provides that no origination fee or insurance premium shall be charged to the borrower and no insurance premium shall be payable by the lender to the insurer.

Section 428(d)(1) provides that if an eligible state-based lender has not enterd into an agreement to make consolidation loans within 18 months, the Secretary may, after a hearing and a determination of need, enter into an agreement to make consolidation loans with either a state agency or nonprofit lender in another state or with a bank or other profit-making lender in another state.

Section 428(d)(2) specifies the procedures for the hearing required under section 428)c)(d)(1). Notice of the hearing shall be sent to the Governor of the affected state and to non-profit lenders in such state. At the hearing, representatives of the Governor and these lenders may present evidence and testimony and examine witnesses. The views of the Governor and lenders with respect to the impact of allowing out-of-state lenders into the state shall be given full consideration at the hearing.

Section 428(d)(3) specifies that any agreement to allow outside consolidation lenders into a state may contain additional terms and conditions.

Section 428(d)(4) exempts from the hearing requirements of Section 428(d)(1) any agency or secondary market from another state operating as a secondary market in such state prior to the date of enactment of the Student Loan Consolidation Act of 1984

Section 428C(e) states that the authority to make consolidation loans expires on September 30, 1986. The subsection also provides that nothing in this section shall be construed to authorize the Secretary to issue rules or regulations covering the terms or conditions of the agreements and certificates required for the program. The subsection also specifies that loans made under this section will not be considered new loans for purposes of section 424(a), the scope and duration of the federal loan insurance program.

Section 2(b)(1) amends section 427(a), relating to Eligibility of Student Borrowers and Terms of Federally Insured Student Loans, is amended to make a technical and conforming change.

Section 2(b)(2)(A) amends section 435(g)(1), relating to Definitions, to make a technical and conforming change.

Section 2(b)(2)(B) amends section 435(g)(1) to make a technical correction and a technical and conforming change.

Section 2(b)(3)(A) amends section 438(b)(5)(A)(ii), relating to Special Allowances, to make a technical and conforming change.

Section 2(b)(3)(B) amends section 438(c)(2) to make a technical and conforming change.

Section 2(b)(4) amends section 439(d)(1)(C), relating to Sallie Mae, to make a technical and conforming change.

Section 2(c) amends section 438(b)(2) by adding a new paragraph 439(b)(2)(B), relating to special allowances, to specify that, except for small lenders defined below, the special allowance on consolidation loans shall be 3 percent.

Section 2(d) directs the Secretary of Education to conduct an evaluation of the loan consolidation program and to report to Congress no later than June 30, 1986.

TABLE 1.—COMPARISON OF MONTHLY PAYMENTS UNDER LOAN CONSOLIDATION PROPOSAL AND CURRENT LAW FOR $12,500 IN STUDENT LOANS

Repayment plan	Payment period (months)	Gross annual income	Outstanding debt	Eligibility index [1]	Monthly payment	Monthly payment a percent of gross monthly income	Remaining repayment period (months) [2]	Total repayment period	
								Months	Years
Consolidation—Minimum payment [3] [4]	1	$15,000	$12,500	120	$103	8.3			
No consolidation [4]	1	15,000	12,500	NA	145	11.6	120	120	10.0
Consolidation:									
Straight line (case 1)	42	24,212	12,106	[5]200	149	7.4	126	168	14.0
Straight line (case 2)	42	30,265	12,106	250	177	7.1	96	138	11.5
No consolidation	42	24,212	9,069	NA	145	7.2	78	120	10.0

[1] Eligibility index equals gross annual income divided by outstanding debt.
[2] Repayment period remaining excludes payment made during month 1 and 42.
[3] Minimum payment based on 110 percent of monthly interest during 1st 42 mo. of repayment.
[4] Based on a fixed borrower rate of 7 percent for nonconsolidated loans and 9 percent for consolidated loans (excluding ALAS loans).
[5] Assumes threshold for eligibility is set at up to 200. Borrowers whose incomes exceeded their debt by more than 200 percent would have their total repayment set at 11.5 yr.

TABLE 2.—COMPARISON OF MONTHLY PAYMENTS UNDER LOAN CONSOLIDATION PROPOSAL AND CURRENT LAW FOR $16,000 IN STUDENT LOANS

Repayment plan	Payment period (months)	Gross annual income	Outstanding debt	Eligibility index [1]	Monthly payment	Monthly payment a percent of gross monthly income	Remaining repayment period (months) [2]	Total repayment period	
								Months	Years
Consolidation—Minimum payment [3] [4]	1	$15,000	$16,000	94	$132	10.6			
No consolidation [4]	1	15,000	16,000	NA	185	14.8	120	120	10.0
Consolidation:									
Straight line (case 1)	42	23,244	15,496	[5] 150	160	8.3	174	216	18.0
Straight line (case 2)	42	38,740	15,496	250	227	7.0	96	138	11.5
No consolidation	42	23,244	11,608	NA	185	9.6	78	120	10.0

[1] Eligibility index equals gross annual income divided by outstanding debt.
[2] Repayment period remaining excludes payment made during month 1 and 42.
[3] Minimum payment based on 110 percent of monthly interest during 1st 42 mo. of repayment.
[4] Based on a fixed borrower rate of 7 percent for nonconsolidated loans and 9 percent for consolidated loans (excluding ALAS loans).
[5] Assumes threshold for eligibility is set at up to 200. Borrowers whose incomes exceeded their debt by more than 200 percent would have their total repayment set at 11.5 yr.

TABLE 3.—COMPARISON OF MONTHLY PAYMENTS UNDER LOAN CONSOLIDATION PROPOSAL AND CURRENT LAW FOR $20,000 IN STUDENT LOANS

Repayment plan	Payment period (months)	Gross annual income	Outstanding debt	Eligibility index [1]	Monthly payment	Monthly payment a percent of gross monthly income	Remaining repayment period (months) [2]	Total repayment period	
								Months	Years
Consolidation—Minimum payment [3 4]	1	$15,000	$20,000	75	$165	13.2			
No consolidation [4]	1	15,000	20,000	NA	232	18.6	120	120	10.0
Consolidation:									
Straight line (case 1)	42	23,244	19,370	[5] 120	188	9.7	198	240	20.0
Straight line (case 2)	42	48,425	19,370	250	284	7.0	96	138	11.5
No consolidation	42	23,244	14,510	NA	232	12.0	78	120	10.0

[1] Eligibility index equals gross annual income divided by outstanding debt.
[2] Repayment period remaining excludes payment made during month 1 and 42.
[3] Minimum payment based on 110 percent of monthly interest during 1st 42 mo. of repayment.
[4] Based on a fixed borrower rate of 7 percent for nonconsolidated loans and 9 percent for consolidated loans (excluding ALAS loans).
[5] Assumes threshold for eligibility is set at up to 200. Borrowers whose incomes exceeded their debt by more than 200 percent would have their total repayment set at 11.5 yr.

Mr. HATCH. Mr. President, I am pleased to join with Senator STAFFORD today in placing before the Senate a bill to make it possible for students who must make as many as five or six monthly payments on their guaranteed loans to consolidate those payments into one single monthly payment. Authority to consolidate loans expired on November 1, 1983.

Since that time, Mr. President, I have received a large number of letters from students in Utah and elsewhere who have just completed their education and are now entering the workplace.

A typical letter is one I recently received from a young man in my home State of Utah who has accumulated six guaranteed student loans calling for a total of about $300 in monthly repayments divided between six lenders. As with most graduates in his chosen field, he will take employment at the entry level which will pay him an annual salary about equal to the amount of loan principal he owes. With the authority contained in the bill we are introducing, his monthly payments will be reduced about half, thus making it possible for him to achieve such other worthwhile goals as getting married, buying a home, and starting a family.

Mr. President, the Student Loan Consolidation Act of 1984 has sufficient safeguards to protect the Government from loss as well as insure that State direct lenders and secondary markets and nonprofit entities designated by a State will make consolidation loans only to borrowers who are residents of the State of the lender or who received loans while attending school in the State of the lender, or were at the time of the loan.

It can be argued, Mr. President, that because the loan repayment period must obviously be extended and other service costs accommodated during this repayment period, the cost to the Federal Government will be increased in the early years of repayment.

While this is probably true in a simple mathematical sense, in my judgment over the long term this bill will cause a dramatic decrease in the number of defaulted loans or students going into bankruptcy to get out from under burdensome payments they are unable to make, thus actually resulting in a lower cost of the program to the taxpayer.

At the present time, Mr. President, many bright and capable students are discouraged from preparing for teaching because the notoriously low entering salaries of teachers simply mitigate against the possibility of repaying four or five GSL's. It is my feeling that this bill will bring some measure of relief in this regard.

The State higher education agency in Utah has reviewed this bill, as has the State guarantee agency, and share my view that it is a good bill and one that will, with carefully crafted constraints, restore the authority for eligible lenders to make consolidation loans. Mr. President, I urge my colleagues to support this measure.

By Mr. MOYNIHAN (for himself and Mr. MATSUNAGA):

S. 2492. A bill to amend title XX of the Social Security Act to increase funding under the social services block grant program; to the Committee on Finance.

INCREASE IN FUNDING UNDER THE SOCIAL SERVICES BLOCK GRANT PROGRAM

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation increasing the authorization for the title XX social services block grant to $3 billion in fiscal year 1985, $3.2 billion in fiscal year 1986, and $3.3 billion in fiscal year 1987. This is a modest increase, yet a decidedly necessary one to restore, in part, funds for day care for children of low-income families and foster care for children suffering from abuse and neglect. Increased funding will support the development of services geared to the growing number of teenage mothers. The increased funding also will support a wide range of services for the Nation's elderly, such as homemaker and residential care, protective and health services, and Meals on Wheels.

Title XX was created in 1975 as a response to the unmet but growing plight of those of us most in need: children, the elderly, the disabled, and the jobless. In 1984, their needs are ever more pressing. In the past 8 years, the title XX program has become the cornerstone of funding for social services at the State and local level.

It has become increasingly clear in the past 3 years, as funds for title XX were reduced, that few States have been able to fill the gap left by these Federal cuts. Actual dollars appropriated for title XX in 1983 were $25 million less than in 1980, while the cost of living has increased by 21 percent. The regrettable result—an indisputable decline in the level and quality of social services provided to the needy throughout our Nation.

The availability of day care services has diminished substantially since the 1981 budget cuts. Day care is the largest single type of service purchased with funds from the social services block grant—over 21 percent of the block grant is directed toward day care. Yet, the funding cuts have forced 32 States providing title XX to reduce the number of children in child care. Ten States have been forced to reduce the number of low-income working families eligible for title XX child care. In my own State of New York more than 94,000 children received day care funded by title XX in 1980. By 1983, 12,062 fewer children were being served—a nearly 13-percent reduction in day care services. Thousands of children are left alone, or have been transferred to less supportive child care arrangements.

Federal assistance for social services under title XX of the Social Security Act has never been adequate. Even in 1980, when title XX funds were at their highest level, subsidized child care was provided for only 750,000 children. Demographic projections, moreover, indicate an even greater need for critical child care services in the future: Over the past 20 years, the number of women in the paid work force has increased from 23 million in 1960 to 43 million in 1980. By 1990, that figure will rise to more than 60 million. Clearly this extraordinary increase in working women will result in

a large increase in the number of children needing day care.

Mr. President, title XX helps children—and in 1984, there are more children who need help from title XX than ever before. Recently, the House Select Committee on Children, Youth, and Families released a study showing that one of five children in America, and one of two black children, now live in poverty-stricken families. The services supported by title XX are the only alternatives for these poor families, and the only alternative for millions of children.

Title XX supports programs geared toward pregnant teenagers and teen parents, through day care, job training, and counseling services. The increase in teenage pregnancy in the past two decades—a trebling of out-of-wedlock births between 1960 and 1980—is compelling. The majority of these mothers do not finish high school, severely restricting their employment opportunities and increasing the likelihood of welfare dependency. A 1981 survey of New York City highlights the problems of teenage mothers: fully 90 percent of young mothers aged 15 to 17 were unemployed 9 months after delivery of their first child. Without jobs, 66 percent were forced to receive public assistance. Although five of six teenage mothers surveyed wanted to return to school or get a job, nearly half could not do so because child care services were not available. The income levels for these teenage mothers who did find jobs is but half that of women giving birth in their twenties or after.

In point of fact, teenage mothers require a range of support services far more extensive than those currently provided under the title XX program. However, the modest increase requested in this legislation will serve to supplement existing State and local efforts. Six hundred thousand babies are born to teenage girls each year. There is a crying need for Federal assistance to help provide services to these girls and their children.

Cuts in title XX also have affected, seriously, our growing population of senior citizens. In the last 20 years, the portion of the American population 65 and older grew twice as fast as the rest of the population. Title XX funds for services to the elderly have declined over the past few years. Nineteen States have been forced to reduce or eliminate homemaker and chore services for the elderly. Twenty States have cut or reduced community health and protective care for needy elderly Americans. Ten States have eliminated or reduced the number of meals served under the congregate and more delivered meals program. These cuts, moreover are shortsighted even in strict fiscal terms, because these services help many older citizens to stay in their own homes and out of expensive nursing homes. And the needs of this group will continue to grow, as the number of elderly grows from over 25 million in 1980 to over 51 million in 2020.

Mr. President, this legislation is supported by a wide range of child welfare and advocacy groups including:

American Federation of State and Municipal Employees.
League of Women Voters of the United States.
Service Employees International Union.
City of New York.
Wider Opportunities for Women.
National Association of County Organizations.
American Humane Association.
American Academy of Child Psychiatry.
Pioneer Women.
Friends Committee.
Network.
American Association of University Women.
Child Welfare League.
Project on Equal Education Rights of the NOW Legal and Education Defense Fund.
Women's Equity Action League.
United Church of Christ.
Americans for Democratic Action.
Federation of Organizations for Professional Women.
Camp Fire, Inc.
National Commission on Working Women.
Office of Public Policy, Women's Division, United Methodist Church.
National Education Association.
National Organization for Women.
National Board, Y.M.C.A. of the U.S.A.
Children's Foundation.
Children's Defense Fund.
Association of Junior Leagues.
Center for Community Change.
International Ladies Garment Workers Union.
United Food and Commercial Workers.
United Automobile Workers.
National Women's Political Caucus.
Church of the Brethren.
Older Women's League.
Full Employment Action Council.
Industrial Union Department, AFL-CIO.
Lutheran Council of the U.S.A.
National Federation of Temple Sisterhood.
National Federation of Business and Professional Women's Clubs, Inc.
Communications Workers of America.
Parents Without Partners.
Machinists.
Aerospace Workers.
National Association for the Education of Young Children.
Save the Children/Southern State Program.
League of United Latin American Citizens.

I urge my colleagues to join me in support of this measure, increasing the authorization of the title XX social services block grant. The situation of millions of poor and needy people in this country is a desperate one. We face a situation in which one of three white children and three of four black children can expect to spend some of their childhood in single-parent homes. I ask my colleagues, as the Nation asks us, "Who will care for these children?"

I urge your support of this measure.

I ask unanimous consent that the full text of the legislation, and an editorial published in the New York Times today, "Who'll Mind America's Children?" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2003 (c) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out "and each succeeding fiscal year." in paragraph (3) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(4) $3,000,000,000 for the fiscal year 1985;

"(5) $3,200,000,000 for the fiscal year 1986; and

"(6) $3,300,000,000 for the fiscal year 1987 and each succeeding fiscal year.".

[From the New York Times Mar. 29, 1984]

WHO'LL MIND AMERICA'S CHILDREN?

To deny the need for a comprehensive childcare policy is to deny the revolution in American life. Yet the Reagan Administration clings to policies that perpetuate the denial. Only Congress seems willing to try to adjust to a new age.

The Congressional Budget Office estimates that by 1990 the majority of America's mothers will hold jobs outside the home, including more than half those with children under 6. One of four children under 10 will be living in a single-parent household and most of their parents will be working, or would be if they could afford child care.

Today, where it exists at all, day care is a hodgepodge of services ill-matched to the need. The Census Bureau estimates that a fourth of the nonworking mothers with children under 6 would take jobs if affordable child care were available. So would nearly half the single mothers and a third of the women in families with incomes under $15,000.

Middle-income taxpayers get the child-care tax credit, but it means little if anything to the poor. Some companies underwrite child-care services, but only where women workers are indispensable. Private firms across the country provide fewer than 1,000 day care centers.

Funds for Federal social service grants to the states have been cut by 25 percent during the Reagan Administration. States are no longer required to match Federal spending, and the allowable child-care expenditures for families on welfare have been reduced.

A House Committee on Children, Youth and Families, led by California's George Miller, has labored diligently to make some sense of Government programs to learn how best to use both tax credits and direct expenditures. "The time has come," Mr. Miller says, "to launch a major national debate on child care." And do something to provide it.●

By Mr. MOYNIHAN:

S. 2493. A bill to extend for 4 years the temporary suspension of duty on tartaric acid and certain tartaric

chemicals; to the Committee on Finance.

EXTENSION OF SUSPENSION OF DUTY ON TARTARIC ACID AND CERTAIN TARTARIC CHEMICALS.

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to extend the present tariff suspension on four chemicals: tartaric acid, antimony tartrate, cream of tartar, and sodium tartrate. My good friend from New York, Representative WILLIAM GREEN, has introduced the companion measure in the House of Representatives.

The Congress first suspended the duties on these chemicals in December 1982, as a provision of H.R. 4566, the miscellaneous tariff bill. This suspension expires on June 30, 1984. My bill simply would extend the current suspension of duties for another 4 years, until June 30, 1988. Without the extension, the duty rates on the four chemicals will increase to between 5.3 and 6.4 percent ad valorem on June 30, 1984.

Companies using the four chemicals, which include several pharmaceutical corporations in my home State of New York, rely entirely on imports for one simple reason: No one produces these chemicals in the United States. Tartrates are derived from a wine production technique not commonly used in the United States. As a result, we must import these chemicals, mostly from Argentina, Italy, and Spain.

By extending the existing suspension of duties on these chemicals, we will lower the supply costs to companies purchasing these chemicals from abroad. These cost savings, of course, can be passed on to consumers, in the form of lower prices.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 907.65, 907.66, 907.68, and 907.69 of subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/84" and inserting in lieu thereof "6/30/88".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after June 30, 1984.●

By Mr. STAFFORD:

S. 2494. A bill to make certain amendments to the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), and for other purposes; to the Committee on Labor and Human Resources.

IMPACT AID AMENDMENTS OF 1984

● Mr. STAFFORD. Mr. President, today I am pleased to introduce the administration's legislation to make needed changes to Public Law 81-874, the impact aid program.

As my colleagues will recall, in the Omnibus Reconciliation Act of 1981 authorization for so-called b payments under the impact aid program was phased out over a 3-year period. It was the feeling of the Senate at that time and it remains the position of this Senator today that section 3(b) payments were, in the face of the myriad educational priorities we face as a nation, an unnecessary and inappropriate use of this Nation's Federal educational money. Too often, section 3(b) payments have gone to school districts who have no legitimate claim for Federal assistance and whose federally connected "burden" was the provision of jobs and economic opportunity.

Yet, there are circumstances where the presence of the Federal Government does create burdensome demands for those who are charged with educating the children of those connected with the Federal Government. And this Senator will stand steadfastly behind the component of the impact aid program which is designed to alleviate that burden. This component—payments to "a" districts, where the parents of schoolchildren both live and work on Federal property—does direct Federal assistance to truly burdened areas, particularly some of this Nation's large Indian school districts. Obviously, a military, Indian, or low rent housing person who lives and works on Federal property can contribute few funds to school districts which derive the lion's share of their funding from property taxes.

However, Federal assistance under this program should not be provided to schools with children who do not represent a burden to the districts which educate them. The "b" children do not represent such a burden, and Federal payments on their behalf are not justified.

Mr. President, this program just had, unlike our other education programs, a 23-percent increase in its authorization and appropriation level for fiscal year 1984. A complete phaseout of "b" payments would allow more money to become available to the "a" districts which have legitimate claims for Federal assistance. Indeed, Mr. President, some States with the most severe impaction—Alaska, Arizona, California, Florida, Hawaii, Idaho, Maryland, Minnesota, Montana, Nevada, and Wisconsin, to name a few—would receive considerably more support in fiscal year 1985 at level funding if the provisions of this bill are enacted into law and "b" funding is phased out completely.

As I have noted, the Congress has voted to end support for the "b" children after fiscal year 1984. This bill contains conforming and technical changes to bring the impact aid law in line with this legislation action. Specifically, this bill removes from current law provisions which determine amounts of entitlements for "b" children; further, language that includes these children for eligibility and for payments under section 3(d)(2)(B) is removed.

The bill also redefines full entitlement, the maximum payment allowed under the law, for children who reside in federally subsidized, low rent housing with a parent employed on Federal property to be 50 percent of the amount determined under calculations currently prescribed in the program statute.

The bill would make changes affecting preliminary payments under sections 2 and 3. The amount paid to local school districts in preliminary payments, which are made at the beginning of the fiscal year prior to submission of that year's application, would be limited to 75 percent of the amount any "Super a" district received under sections 2 or 3(a) of the program for the previous year and reduced to 50 percent of the amount that and other agency received for the previous year under sections 2 or 3(a). "Super a" districts are those in which at least 20 percent of the total average daily attendance is comprised of "a" children, who reside and whose parents are employed on Federal property or are on active duty in the military. This will remove 3(b) payments from the base for computing preliminary payments for the subsequent year and reduce the amounts of preliminary payments to lightly impacted districts whose level of funding may change significantly from year to year. Both changes will help to minimize the risk of overpayments.

The bill would replace the tiered payment schedule in the current law, which has not been implemented in recent years, with a simple formula for making section 3(a) payments. The formula first would provide to each "Super a" district, a payment of 100 percent of entitlement. Any other LEA would receive a pro rata share of its full entitlement based on the funds remaining available after "Super a" districts are paid. Section 3 payments would be limited to those which are at least $5,000. In addition, the bill would repeal certain "hold harmless" and other allocation provisions which would become meaningless after elimination of the tiered payment schedule.

For the disaster assistance program, the bill would raise the threshold of eligibility under the program statute to $10,000 or 5 percent of prior year operating expenditures, whichever is less. The current threshold has been made unrealistically low by inflation, and the administrative costs required to provide Federal assistance at that level are not warranted. The proposed

change has been in effect, through appropriations bill language, since fiscal year 1981. In addition, the bill would make a technical change in the current law to permit the Department to provide funds for repairs caused by disasters occurring after September 30, 1983.

Finally, the bill would repeal "hold harmless" provisions enacted under the Education Amendments of 1974. These provisions were intended to help school districts adjust to the effects of declining enrollments caused by decreases in Federal activity. The affected districts have now had sufficient time to adapt to these enrollment reductions, making the "hold harmless" provisions unnecessary.

Mr. President, as my colleagues are aware, the impact aid program, by virture of an amendment offered in this body last year, is authorized through the 1985 fiscal year. Yet there are a number of education programs—including the Vocational Education Act, the Library Services and Construction Act, the Adult Education Act, and others—which demand our immediate attention. Indeed, the Education Subcommittee has been extremely busy in moving forward their reauthorizations. But in spite of the time constraints felt by the subcommittee, I have scheduled a hearing to consider impact aid this year and intend to pursue the concerns of Senate members by moving a 5-year reauthorization bill through the subcommittee, the full Labor and Human Resources Committee, and the Senate. It is my hope that the bill I introduce today will serve as a vehicle for addressing the concerns of Members, and I strongly urge my colleagues to support it.

Mr. President, I would like to once again acknowledge the efforts of Secretary Bell in developing the legislation I introduce today. The provisions of this legislation go a long way in bringing the impact aid program in line with the valid need to assist unduly burdened school districts, and I commend the Secretary and the administration for their initiative in proposing these much needed changes.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Impact Aid Amendments of 1984".

ENTITLEMENTS

SEC. 2. Section 3(d)(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (hereinafter referred to as "the Act") is amended—

(1) in subparagraph (A) by striking out "plus the sum of the products obtained with respect to such agency under clauses B(iii), B(iv), B(v)"; and

(2) in subparagraph (B)—

(A) by striking out clauses (iii), (iv), and (v);

(B) by adding "and" at the end of clause (i); and

(C) by striking out the comma at the end of clause (ii) and inserting in lieu thereof a period.

SEC. 3. Section 3(d)(2) of the Act is amended—

(1) in paragraph (B)(iii) by striking out "either subsection (a) or subsection (b), or both;" and inserting in lieu thereof "subsection (a);";

(2) in subparagraph (B)(iv)(II) by striking out "either subsection (a) or subsection (b), or both," and inserting in lieu thereof "subsection (a),"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) The amount of the entitlement of any local educational agency under this section for any fiscal year with respect to children who reside on Federal property defined in clause (C) of section 403(1) of the Act for whom a determination is made under subsection (a) shall be the amount determined under paragraph (1) with respect to such children for such fiscal year multiplied by 50 per centum.".

PAYMENT AMOUNTS

SEC. 4. Section 5 of the Act is amended—

(1) in subsection (b)(2)—

(A) by striking out "section 2 or 3," and inserting in lieu thereof "section 2 or 3(a),"; and

(B) by striking out "to such agency of not less than 75 per centum of the amount that such agency received during such preceding fiscal year." and inserting in lieu thereof "(A) to any such agency described in section 3(d)(1)(A) of not more than 75 per centum of the amount that such agency received for such preceding fiscal year, and (B) to any other agency not described in section 3(d)(1)(A) of not more than 50 per centum of the amount that such agency received for such preceding fiscal year.";

(2) by amending subsection (c) to read as follows:

"(c)(1) If the sums appropriated for any fiscal year for making payments on the basis of entitlements established under section 3(a) for that year are not sufficient to pay in full the amounts which the Commissioner estimates all local educational agencies are entitled to receive under such section for such fiscal year, the Commissioner shall first allocate to each local educational agency which is entitled to a payment under section 3(d)(1)(A) an amount equal to 100 per centum of the amount to which it is entitled as computed under that section for such fiscal year.

"(2) From that part of such sums which remains after the allocation required by paragraph (1) for any fiscal year, the Commissioner shall make payments to local educational agencies which are entitled to receive payments under section 3(a) that are ratably reduced based on the ratio of the remainder of the sums appropriated to the total entitlements due such agencies.

"(3) The Commissioner shall make no payment under this subsection to any local educational agency whose total payment for any fiscal year, determined on the basis of entitlements established under section 3(a), fails to exceed $5,000."; and

(3) by striking out subsection (e).

DISASTER ASSISTANCE

SEC. 5. Section 7(a) of the Act is amended—

(1) in paragraph (1)(A) by striking out "after August 30, 1965, and prior to October 1, 1983,"; and

(2) in paragraph (3) by striking out "$1,000 or one-half of 1 per centum" and inserting in lieu thereof "$10,000 or 5 per centum".

HOLD HARMLESS PROVISIONS

SEC. 6. The Education Amendments of 1974 are amended in section 305(b)(2) (as renumbered by section 501(a)(3) of the Education Amendments of 1976; 20 U.S.C. 238 note) by striking out paragraph (2).

EFFECTIVE DATE

SEC. 7. The amendments made by Section 5(1) of this Act shall take effect October 1, 1983; all other amendments made by this Act shall take effect October 1, 1984.

IMPACT AID AMENDMENTS OF 1984 SECTION-BY-SECTION ANALYSIS OF THE BILL

Section 2. Section 2 of the bill would change the statutory entitlements in the program of maintenance and operations assistance to school districts which is authorized under the Act of September 30, 1950 (P.L. 874, Eighty-first Congress) ("the Act").

Section 2 of the bill would make conforming amendments to eliminate the authority to make payments to school districts on behalf of children whose parent either reside on or are employed on Federal property or are on active duty in the military, the so-called "b" children. This conforming change would be made because the authorization for such payments expires at the end of fiscal year 1984.

Section 3. Sections 3 (1) and (2) of the bill would change a special provision of the Act which authorizes increased payments to certain school districts which have a total of 50 percent federally connected students in attendance and which demonstrate financial need. Under the amendment a district's eligibility and the amount of its payment would be based only on the number of so-called "a" children, those whose parents both live and work on Federal property or are on active duty in the military. Current law requires that a district's eligibility and payment be determined on the basis of the combined number of "a" and "b" students. These conforming changes would be made because the authorization for payments on behalf of "b" students expires at the end of fiscal year 1984.

Section 3(3) of the bill would define full entitlement, the maximum payment allowed by law, for children who reside on low-rent federally subsidized housing property to be 50 percent of the amount determined by calculations described in the program statute.

Section 4. Section 4(1)(A) would make a conforming amendment to the provision regarding preliminary payments required by the expiration of the authority to make payments on behalf of "b" students described for sections 3 (1) and (2) of this bill. Section 4(1)(B) of the bill would authorize a preliminary payment of not more than 75 percent of the amount received for the preceding fiscal year to districts with 20 percent or more "a" students, and not more than 50 percent of the amount received for the preceding fiscal year to all other districts. This amendment would minimize the risk of overpayments.

Section 4(2) would eliminate the tiered payment schedule of the Act, which estab-

lishes priorities for making payments, and would replace it with a formula. The proposed formula would provide for first making payments of full entitlement to school districts which have 20 percent or more "a" students. Payments to all other districts would equal each district's pro rata share of the remainder of the funds appropriated. In addition, Section 4(2) would also establish a minimum payment of $5,000 to any school district on the basis of any entitlement determined on the number of "a" children.

Section 4(3) would repeal the hold-harmless provisions and other allocations in section 5(e) of the Act because these provisions would become meaningless after the elimination of the tiered payment schedule under section 4(2) of this bill.

Section 5. Section 5(1) of the bill would change the eligibility dates for the disaster assistance program under the Act to enable the Department to make payments of assistance to school districts which suffer damages as a result of disasters occurring after September 30, 1983. This amendment would overcome existing restrictions on eligibility.

Section 5(2) would raise the threshold of eligibility for disaster assistance from $1,000 or one-half of one percent of the school district's current operating expenditures during the prior fiscal year, to $10,000 or five percent of expenditures, whichever is less. The threshold in the current law is unrealistically low because of inflation. The administrative costs required to provide Federal assistance at this level are not cost effective. The proposed threshold has been in effect since fiscal year 1981 through appropriations legislation.

Section 6. Section 6 of the bill would eliminate two hold-harmless provisions in sections 305(b)(2)(B) and (C) of the Education Amendments of 1974 (P.L. 93-380, as amended). The purpose of the hold-harmless provisions was to provide time for school districts to adjust their budgets to decreases in enrollment caused by declining government activities within their jurisdictions. The districts have made such adjustments during the last ten years since the passage of these provisions and no longer need special support for the 1974-75 decline in enrollments. In addition, these provisions have not been funded in recent years.

Section 7. Section 7 of the bill would make the amendments made by the bill effective October 1, 1984 except that Section 5(1) shall take effect October 1, 1983.●

By Mr. HUMPHREY:

S. 2495. A bill to provide a user fee for customs services provided at certain small airports; to the Committee on Finance.

USER FEE FOR CUSTOMS SERVICES AT CERTAIN SMALL AIRPORTS

● Mr. HUMPHREY. Mr. President, today I am introducing a bill to provide customs service at certain small airports on a user fee basis.

This bill arises out of the plight of several airports facing closure of customs service, an important aspect of airport service. It authorizes the Commissioner of Customs to establish user financed service at nine airports. This demonstration program would not affect nor harm operation of existing service locations.

As we consider this legislation, it is useful to examine the impact of customs closures on airports, and the important link between airports and the surrounding communities. We cannot ignore the genuine risks involved with simple termination of service at small airports.

Lebanon Municipal Airport, located in my State, offers a fine example of the importance of airports to our communities. The airport in Lebanon, N.H., serves many growing communities in New Hampshire and Vermont. It provides access to many businesses located in the upper Connecticut River Valley, as well as Dartmouth College and its important medical center. Also, it accommodates a substantial amount of general and commercial aviation.

Although the number of international flights arriving at Lebanon Municipal Airport is insufficient to establish a Port of Entry (POE), the ability to land at Lebanon is crucial for those businesses traveling regularly from Canada or overseas. The ability for international flights to land at Lebanon airport rests on the availability of customs services to clear personnel for arrival in the United States.

Currently, customs service is provided at Lebanon from the POE at Derby Line, Vt. This is accomplished on an on-call basis through the out-of-port service concept. Parties requesting clearance at Lebanon are required to contact the Derby Line office at least 3 hours in advance of arrival so that an officer can be sent to clear the aircraft and its passengers at Lebanon. The parties requesting clearance are responsible for reimbursing customs for travel and per diem expenses. The Federal Government assumes responsibility for the salary of the customs official.

The present method has proven both costly and ineffective. A customs review of service at Lebanon reported that during a 6-month period in 1983, the net cost incurred by customs was $5,271. On top of these costs, the system placed time consuming burdens on businesses utilizing the airport. The Commissioner's report accurately indicated that providing service was not in the economic interest of the Government.

Although an alternative service system was planned for the airport, none has been implemented. The airport authority has recently completed work on a new terminal. A second runway has been extended and the instrument landing system has been upgraded. The airport now has the capacity to better handle international flights, and the airport administration, along with community, supports continued customs service at the airport.

Bureau of Customs Management Circular 9-0:I:PA, written in June of 1973, details an option which provides for a fair resolution to this problem. It allows for service if salary and expenses of a customs officer are reimbursed in full. We know this simply as a user fee system.

I have been in constant contact with the current users of the customs services at Lebanon airport regarding this matter. They have indicated their willingness to pay the costs associated with provision of services. Under the user fee system established by my bill, the company requesting service would pay a fee directly to the Treasury. Treasury would cover the pro rata share of the salary and benefits of customs officials, as well as any travel or related costs connected with the provision of service. This option enables a twofold benefit: The Federal Government incurs no cost; and service is insured for those flying into this region.

I would also like to note some other factors which may be useful as the Senate evaluates this measure. New Hampshire and South Dakota are the only two States without international landing rights—neither has an airport with international status designation within its boundaries. This is an obvious and unfair disincentive to business development, unjustly impeding further economic progress.

My bill offers a practical solution to this problem. It authorizes nine airports for special customs service, based on the cost-free concept known as user fees. It will permit certain smaller airports to provide continued customs service. Based on my preliminary investigation, users of these services understand and accept their role of covering the costs incurred. In most cases, this presents a less costly alternative than flying to another location.

Finally, you can be assured that my bill does not in any way alter existing customs service. It is simply a demonstration program designed to explore the feasability of establishing user financed operation of customs service at certain smaller airports. I encourage all of my colleagues to support this purposeful legislation, and welcome your assistance in its enaction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall make customs services available and charge a fee for the use of such customs services at—

(1) the airport located at Lebanon, New Hampshire, and

(2) any other airport designated by the Secretary of the Treasury under subsection (c).

(b) The fee which is charged under subsection (a) shall be paid by each person using the customs services at the airport and shall be in an amount equal to the expenses incurred by the Secretary of the

Treasury in providing the customs services which are rendered to such person at such airport (including the salary and expenses of individuals employed by the Secretary of the Treasury to provide such customs services).

(c) The Secretary of the Treasury may designate 9 airports under this subsection. An airport may be designated under this subsection only if—

(1) the Secretary of the Treasury has made a determination that the volume or value of business cleared through such airport is insufficient to justify the availability of customs services at such airport, and

(2) the governor of the State in which such airport is located approves such designation.

(d) Any person who, after notice and demand for payment of any fee charged under subsection (a), fails to pay such fee shall be guilty of a misdemeanor and if convicted thereof shall pay a fine that does not exceed an amount equal to 200 percent of such fee.

(e) Fees collected by the Secretary of the Treasury under subsection (a) with respect to the provision of services at an airport shall be deposited in an account within the Treasury of the United States that is specially designated for such airport. The funds in such account shall only be available, as provided by appropriation Acts, for expenditures relating to the provision of customs services at such airport (including expenditures for the salaries and expenses of individuals employed to provide such services).●

By Mr. QUAYLE (for himself, Mr. STAFFORD, Mr. HATCH, and Mrs. HAWKINS):

S. 2496. A bill to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes; to the Committee on Labor and Human Resources.

ADULT EDUCATION ACT AMENDMENTS OF 1984

Mr. QUAYLE. Mr. President, I am pleased to introduce along with my colleagues, Mr. STAFFORD, Mr. HATCH, and Mrs. HAWKINS, a bill to reauthorize the Adult Education Act through the year 1989. This bill is the administration's proposal for the reauthorization of the Adult Education Act and is part of the administration's commitment to combating the problem of adult illiteracy.

Illiteracy in our country is a costly problem and one that needs to be addressed. All the opportunities for job training or continuing education mean little to a person who cannot read or write. As workers are being retrained to cope with new technologies we are discovering the vast number of Americans who cannot read or write or who have inadequate skills to cope with new workplace technologies.

The Adult Education Act has provided language and math training to over 10 million Americans since its enactment in 1965. Persons who are in need of these basic skills are served on an individual basis, in community organizations, libraries, high schools, and junior colleges. The programs have been flexible enough to provide services to 16 year olds and the elderly, to inner-city unemployed adults and to rural residents. A good percentage of the population served find jobs, or better jobs, and many are removed from welfare. The Adult Education Act also serves a growing number of refugees entering our country with English as a second language (ESL) programs, which help them adjust more quickly to life and employment in America.

I want to commend the administration for their commitment to the reduction of illiteracy. In addition to the reauthorization bill, the President has established an adult literacy initiative to encourage greater participation in literacy activities by the private sector, literacy organizations and citizens volunteering to help tutor adults in the community. The administration has also requested additional funding for the college work/study program to put more college students to work in tutoring positions. With an estimated 23 million functionally illiterate Americans, we need to explore and use every resource available. The administration is committed to increasing the awareness level of the problem of illiteracy and to mustering support from all sectors of our society.

I also want to commend the administration for expanding the eligible population under their reauthorization proposal. Current law states that program participants must be 16 years or older without a high school diploma or certificate of equivalency. The administration's proposal would expand eligibility to any person beyond the age of compulsory school attendance set by the State, without a high school diploma. Currently three States have compulsory school attendance ages of 15, and one has a compulsory school attendance age of 13. Under the present program students aged 13, 14, and 15 would not be eligible; under the proposed bill they could receive services.

This bill also would simplify the requirements for setting up a State advisory council and remove the prescriptive language currently in law. More data collection would be required and minor changes to the funding formula for the territories would be made. The administration is also proposing eliminating the set-asides of 20 percent for institutionalized populations served under the act and of 10 percent for demonstration and teacher training projects. The administration feels the States should have more flexibility in determining how to spend program dollars. They are recommending, however, that the 20 percent limit on the amount spent on GED programs be kept, to insure that program dollars are spent on adults who need more basic training. The administration's bill would also permit for-profit organizations to receive funds, require a 50 percent local adminstrative cost match, eliminate several unfunded sections dealing with special populations which are already served under the law, drop the maintenance of effort requirement and the 90 to 10 percent Federal-State match. Finally, the administration proposes a 5 percent secretary's discretionary fund for national programs in research, development, demonstration, and evaluation. The authorization for this bill is $100 million for fiscal year 1985 and such sums as may be necessary for fiscal years 1986–89.

I am pleased in general with the proposal of the administration to reauthorize the Adult Education Act. However, I have a few concerns about the bill that I would like to see worked out with the administration. One concern is requiring a 50 percent local administrative match for the projects. Many localities are already contributing all they can to adult education programs and the requirement of a 50 percent administrative match may mean the end of the program in some circumstances. Since the administration has increased flexibility in other areas, it seems unnecessary to have such a strict requirement at the local level. I would like to see this provision deleted from the final bill.

I have also heard some concern expressed about the inclusion of for-profit organizations as recipients of program funds. The current system of nonprofit groups offering services has worked well, and they are geared up to handle the demands of adult learners. Bringing in new service providers from the for-profit sector will add to increased start-up costs and may delay the provision of services to adults. Also, the for-profits will have to learn from the beginning how to train adult learners, when the nonprofits are already doing it. If we has several hundred million dollars in this program it might be easier to open it up to for-profit groups. For now, I would like to see the program funds go to nonprofits and instead let the Secretary use the discretionary fund to fund projects involving the for-profit sector.

While there are several other smaller issues that I am concerned over, I want to mention a final one regarding the maintenance of effort provision and the Federal-State match in current law. Already most States are overmatching. In Indiana they are overmatching by 200 percent. Despite this commitment by my State and many others, the maintenance of effort clause has caused problems in years when the State must decrease slightly its commitment due to increased unemployment and the requirement of a balanced budget. I think we need to look closely at the maintenance of effort clause and the match to insure

that when States are significantly overmatching they are not eliminated from the program due to a 1-year drop in maintenance of effort.

I look forward to working with the administration and my good friend from Vermont on this bill and urge my colleagues to support the reauthorization of a vital piece of legislation to millions of Americans.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2496

DEFINITIONS

SEC. 2. (a) Section 303(a) of the Adult Education Act (20 (U.S.C. 1201 *et seq.*) (hereinafter referred to as "the Act") is amended to read as follows:

"(a) The term 'adult' means a person who is beyond the age of compulsory school attendance under State law.".

(b) Section 303(b) of the Act is amended to read as follows:

"(b) The term 'adult education' means instruction or services below the college level for adults who do not have—

"(1) the basic skills to enable them to function effectively in society; or

"(2) a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).".

(c) Section 303(g) of the Act is amended to read as follows:

"(g) The term 'State' includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(d) Section 303(j) of the Act is amended by striking out "section 801(e)" and inserting in lieu thereof "section 1001(e)".

STATE GRANTS

SEC. 3. Section 304 of the Act is amended to read as follows:

"GRANTS TO STATES

"SEC. 304. The Secretary is authorized to make grants to States which have State plans approved by him under section 306 for the purposes of this section, to pay the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and by public or private agencies, organizations, and institutions, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and by public or private agencies, organizations, and institutions. Grants provided under this section to States to carry out the programs described in the preceding sentence may be carried out by public or private agencies, organizations, and institutions only if the applicable local educational agency has been consulted and has had an opportunity to comment on the application of such agency, organization, or institution. The State educational agency shall not approve any application unless assured that such consultation has taken place. Such application shall contain a description of the cooperative arrangements that have been made to deliver services to adult students.".

STATE ALLOTMENTS

SEC. 4. Section 305(a) of the Act is amended to read as follows:

"(a) From the sums available for purposes of section 304 for any fiscal year, the Secretary shall allot (1) $50,000 each to Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands, and (2) $150,000 to each of the other States. From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age and above who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such persons in all States.".

STATE PLANS

SEC. 5. (a) Section 306(a)(1) of the Act is amended by striking out "section 434" and inserting in lieu thereof "section 435".

(b) Section 306(b)(6) of the Act is amended by striking out "nonprofit".

(c) Section 306(b)(14) of the Act is amended to read as follows:

"(14) provide such further assurances and information as the Secretary may require, including information about the State's adult education students, programs, expenditures, and goals.".

(d) Section 306 of the Act if amended by redesignating subsection (c) as subsection (d) and inserting a new subsection (c) immediately after subsection (b) to read as follows:

"(c) If it so provides in its State plan, a State may use funds granted under section 304 for—

"(1) adult education demonstration projects (including demonstration projects serving persons with limited English speaking ability) which—

"(A) use innovative methods, materials, or activities; or

"(B) are part of community school programs carried out in cooperation with other Federal, State or local programs; and

"(2) projects for training persons who are, or are planning to become, instructors or other personnel in the field of adult education.".

ADMINISTRATION OF STATE PLANS

SEC. 6. Section 308 of the Act is amended to read as follows:

"ADMINISTRATION OF STATE PLANS

"SEC. 308. Whenever the Secretary has reason to believe that in administering its State plan, a State has failed to comply substantially with any provision of that State plan, the Secretary may take appropriate action under section 453 and 454 of the General Education Provisions Act.".

NATIONAL PROGRAMS

SEC. 7. Section 309 of the Act is amended to read as follows:

"RESEARCH, DEVELOPMENT, DEMONSTRATION, DISSEMINATION, AND EVALUATION

"SEC. 309. (a) The Secretary may, with funds set aside under section 312(b), support applied research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the United States (including activities to improve adult education opportunities for elderly persons). The Secretary may support such activities directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals.

"(b) In addition to the responsibilities of the Director under section 405 of the General Education Provisions Act, the Director of the National Institute of Education may, with funds available under that section or with funds set aside under section 312(b) of this Act, support research on the special needs of persons requiring adult education. The Director may support such research directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals.".

STATE ADVISORY COUNCILS

SEC. 8. Section 312 of the Act is amended to read as follows:

"STATE ADVISORY COUNCILS

"SEC. 312. Any State may use funds granted under section 304 to support a State advisory council which assists the State educational agency to plan, implement, or evaluate programs or activities under this Act.".

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 9. Section 313(b) of the Act is amended by striking out "1984" and inserting in lieu thereof "1989".

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. Section 315 of the Act is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 315 (a) For the purpose of carrying out this title there are authorized to be appropriated $100,000,000 for fiscal year 1985 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) From the amount appropriated pursuant to subsection (a) for any fiscal year the Secretary may set aside not to exceed 5 per centum of that amount for programs under section 308.

"(c) A state may use funds granted under section 304 to pay for the development and administration of its State plan. When a State carries out a program or project through a local educational agency or a public or private agency, organization, or institution, the State may use funds granted under section 304 to pay not to exceed 50 per centum of the local administrative costs of that program or project.".

REPEALS

SEC. 11. (a) Sections 307, 310, 311, and 318 of the Act are repealed, and sections 308, 309, 312, 313, 314, 315, and 316 are redesignated as section 307, 308, 309, 310, 311, 312, and 313, respectively.

(b) Section 431A of the General Education Provisions Act is repealed.

EFFECTIVE DATE

SEC. 12. The provisions of this Act shall take effect July 1, 1985.

ADULT EDUCATION AMENDMENTS OF 1984—SECTION-BY-SECTION ANALYSIS

SECTION 2

Section 2 of the bill would change the definition of "adult" for purposes of the Adult Education Act from any person sixteen years of age or older, to any person who is beyond the age of compulsory school attendance under State law. The section would also make a parallel amendment to the definition of "adult education" as well as other technical amendments.

SECTION 3

Section 3 of the bill would permit States to carry out programs under the Act through profit-making agencies, organizations, and institutions. The section would also eliminate the requirement that States use no more than 20 percent of their funds to serve institutionalized persons.

SECTION 4

Section 4 of the bill would prescribe a new method of alloting funds to the States and insular areas. From the funds available for any fiscal year, Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands would each receive $50,000, while the States would each receive $150,000; the remainder of the available funds would be allotted to the States and insular areas according to the current criterion, which is their relative numbers persons aged sixteen years or older who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in a secondary school.

SECTION 5

Section 5 of the bill would clarify the authority of the Secretary to request information from States about their adult education students, programs, expenditures and goals. In addition to making certain technical amendments, the section would also clarify that States may use funds under the Act to support adult education demonstration projects or to support projects for training instructors or other personnel in the field of adult education.

SECTION 6

Section 6 of the bill would provide that whenever the Secretary has reason to believe that a State, in administering its State plan, has failed to comply substantially with any provision of that State plan, the Secretary may take appropriate action under sections 453 and 454 of the General Education Provisions Act (which provide for notice and opportunity for a hearing).

SECTION 7

Section 7 of the bill would authorize the Secretary to support research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the United States, including activities to improve adult education opportunities for elderly persons. The Secretary would be authorized to use funds set aside under the Act to support such activities directly, or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals. In addition, the Director of the National Institute of Education would similarly be authorized to use funds, available under section 405 of the General Education Provisions Act or set aside by the Secretary under this Act, to support research on the special needs of persons requiring adult education.

SECTION 8

Section 8 of the bill would authorize States to use funds under the Act to pay for a State advisory council to assist in planning, implementing, and evaluating programs or activities under this Act.

SECTION 9

Section 9 of the bill would extend the authority of the National Advisory Council on Adult Education until October 1, 1989.

SECTION 10

Section 10 of the bill would, in order to carry out the purposes of the Adult Education Act, authorize the appropriation of $100 million for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 through 1989. The section would also authorize the Secretary to set aside no more than 5 percent of the amount appropriated for any fiscal year for applied research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the United States, as well as research on the special needs of persons requiring adult education. In addition, the section would permit States to use funds granted under the Act to pay for the development and administration of its State plan, as well as 50 percent of the local administrative costs of its programs and projects.

SECTION 11

Section 11 of the bill would eliminate the requirement that States pay at least 10 percent of the cost of programs under the Act, the requirement that States maintain their fiscal effort, and the requirement that States use at least 10 percent of their funds to support special demonstration projects or teacher training. The section would also repeal a section of the Act (which has never been funded) specifically authorizing the Secretary to support adult education programs for elderly persons as well as a section of the Act (which has not been funded for several years) specifically authorizing the Secretary to support adult education programs for adult immigrants.

SECTION 12

Section 12 of the bill would provide for an effective date for these amendments of July 1, 1985.

Mr. STAFFORD. Mr. President, today, along with my colleagues, Senator QUAYLE, Senator HATCH, and Senator HAWKINS, I am pleased to introduce the administration's proposal for the reauthorization of the Adult Education Act. This proposal, while maintaining the focus of current law, addresses the needs of those not presently served and attempts to give greater flexibility to State and local governments.

Adult education is an issue of increasing importance to the well-being of this Nation and has recently received heightened public attention. In the 1983 report by the National Commission on Excellence in Education, "A Nation at Risk," we find that some 23 million Americans, or 1 in every 5, are functionally illiterate as defined by the simplest test of everyday reading, writing, and comprehension. This problem of adult illiteracy is found in virtually every segment of society. Close to 1 million teenagers drop out of high school every year. Refugees and immigrants with little or no facility with the English language are entering the United States at an accelerating rate. As a result, the annual cost of illiteracy to the Federal Government in the form of welfare programs and unemployment compensation is estimated at over $6 billion. The actual figure may be much higher, and this estimate does not include tax revenues lost by the Government as a result of increased unemployment. In light of the fact that 75 percent of all Americans out of work today have inadequate reading and writing skills, any effort we can make to reduce this problem is clearly in the best interest of the Nation.

The adult education program today assists adults in acquiring basic skills and in achieving secondary-school-equivalency degrees. Each year, these programs serve approximately 2 million of the Nation's most disadvantaged persons. Promoting adult literacy has evolved from a primarily Federal effort to a combination of Federal, State, local, and private contributions. This cooperation needs to be encouraged even further if we are to reach out to the 23 million illiterate adults in the United States.

This bill reauthorizing the Adult Education Act is one part of the administration's effort to eliminate illiteracy in America. I would like to take this opportunity to commend the President and the Secretary of Education for their roles in helping to increase the American public's awareness of the extent of the problem. I would also like to draw attention to Secretary Bell's initiatives to combat illiteracy through cooperation with the private sector, literacy organizations, and volunteer programs.

Mr. President, the proposed amendments take into consideration the strengths and weaknesses of the current law. By changing the definition of adult from those 16 years of age and above without a high school diploma to those beyond the age of compulsory school attendance, this bill proposes to increase eligibility and allow for differences between the States.

The bill clarifies the authority of the Secretary to request information from States about their adult education students, programs, expenditures, and goals. It allows the States to use funds under the act to support demonstration projects and projects for training instructors and other personnel in the field of adult education. It authorizes the Secretary of Education to support research, development, and demonstration projects, including those to improve adult education opportunities for elderly persons.

Mr. President, the Subcommittee on Education, Arts, and Humanities intends to markup this legislation on April 12. I am convinced that, with the help of Senators QUAYLE, PELL, and my other colleagues on the subcommittee and on the full Labor and Human Resources Committee, the Senate will be reviewing a strong bipartisan bill sometime before the summer and that we will enact into law an improved Adult Education Act for another 5 years.

Mr. President, I ask unanimous consent that the text of the bill be reprinted in the RECORD following my statement.

Mr. HATCH. Mr. President, I am pleased to join with my friends and colleagues, Senator QUAYLE, Senator STAFFORD, and Senator HAWKINS in introducing a bill developed by the administration to extend, for the most part, the expiring provisions of the Adult Education Act. This has been a good piece of legislation. It has not created a choking underbrush of Federal regulations and prescriptive directives, as unfortunately happens with too many well-intentioned Federal initiatives. In most States, as in my home State of Utah, the administrative staff is small and does an unusually fine job of implementing the program; 31 of Utah's 40 school districts are engaged in adult basic education under this legislation with a total enrollment last year of over 5,000 individuals at an average cost of only about $85 per person. The State-provided cirriculum consisted of reading, writing, communication, arithmetic, reasoning, and interpersonal skills. During last year over 1,000 students passed the general educational development test and qualified for a certificate of high school equivalency, and nearly 800 others moved upward in their educational program to the adult high school program. Between these two programs, Mr. President, 442 are reported to have discontinued public assistance, and another 440 obtained employment as a result of the program, at an astonishingly low average cost of about $85 per person.

While minorities make up only about 5 percent of Utah's population, 32 percent of the enrollments in the program were minority students. That breaks down to 3-percent Indian, 12-percent Hispanic, 15-percent Asian, and 2-percent black.

As these data illustrate, Mr. President, this is a program that gets tremendous mileage out of the Federal dollar.

All of the amendments proposed by the administration are designed to streamline the program, and leave more of the operation to State discretion. The restriction is retained, however, that no more 20 percent of the funds may be used for high school equivalency programs in the States. In order to assure maximum access to basic education, the bill would also make private, for-profit organizations eligible to carry out programs funded under the act.

One of the weaknesses of the existing statute is the lack of authority to collect basic information to assess the program's effectiveness in terms of national needs. This bill would correct that deficiency and also permit the Department of Education to set aside up to 5 percent of the appropriation for national programs of research, development, demonstration, and evaluation activities in areas such as technology-based methods of instruction as well as the use of volunteers.

Other amendments include making a more equitable distribution of appropriated funds to outlying areas; redefining adult to include persons who have legally left the full-time school under age 16; repeal of unfunded authorizations for special programs for the elderly and adult immigrants; reducing the requirements regarding State advisory councils; and, certain other minor technical amendments.

Mr. President, this is a good bill. It will strengthen an already excellent program. I urge my colleagues in the Senate to give it their full support.

By Mr. TSONGAS:

S. 2497. A bill for the relief of Kil Joon Yu Callahan; to the Committee on the Judiciary.

RELIEF OF KIL JOON YU CALLAHAN

● Mr. TSONGAS. Mr. President, today I am introducing a private bill for the relief of Mrs. Kil Joon Yu Callahan. She is the wife of U.S. citizen David Callahan, a native of Hudson, Mass. David and Kil Joon were married in Korea on March 3, 1979. Kil Joon has since been trying to immigrate to the United States along with her husband and her son, Alexander. However, Kil Joon has been found ineligible for an immigrant visa and her only hope of relief is by the enactment of a private bill on her behalf.

Kil Joon has lead an exemplary life in Korea. I have received countless letters from my constituents and from the Callahan's friends in Korea attesting to Kil Joon's excellent character. She has not only conducted herself well in her community but has also been effective in helping her family endure the societal biases often experienced by Korean-American marriages.

Yet a greater concern I have for this family is the anticipated difficulties their son, Alexander, will face in Korea. The hardship suffered by children of American fathers and Korean mothers is widely documented. With this legislation, I am hopeful that the Callahan family will be allowed to overcome this hardship by immigrating to the United States.●

By Mr. TOWER (for himself, Mr. BOREN, Mr. EAST, and Mr. PERCY):

S. 2498. A bill to amend section 1034(h) of the Internal Revenue Code of 1954 in the case of members of the Armed Forces stationed overseas or required to reside in Government quarters; to the Committee on Finance.

CHANGE IN CAPITAL GAINS ROLLOVER FOR CERTAIN MEMBERS OF THE ARMED FORCES

● Mr. TOWER. Mr. President, this legislation has a narrow, but vitally important purpose. It amends the rules of Internal Revenue Code section 1034(h) that govern the rollover of capital gain on the sale of a personal residence for members of the Armed Forces who are stationed overseas or who are required to reside in Government quarters.

The Internal Revenue Code provides that a taxpayer who sells his or her principal residence and replaces it with another residence may make a tax-free rollover of the gain realized on the sale of the old residence. The replacement period for such sales is the period beginning 2 years before and ending 2 years after the sale or exchange of the old residence. This provision was first inserted in the code in 1951, but at that time the replacement period was 1 year before and after the date of sale. The replacement period was extended to 18 months in 1975, and to 2 years in 1981.

In 1952, the Congress amended the new 1951 law to suspend the running of the then 1-year period during the time a taxpayer is serving on active duty with the Armed Forces of the United States. The suspension period was limited, however, to no longer than 4 years after the date of sale of the old residence. This 4-year suspension provision was made permanent in 1954 and has not been amended since then, even though the replacement period for nonmilitary taxpayers has doubled from 1 year to 2 years.

For those members of the Armed Forces who are still stationed overseas at the expiration of the 4-year period, or who are still required to reside in Government quarters at that time, gain on the sale of the personal residence must be included in income for the year, resulting in a larger tax bill. This is in spite of the fact that the Armed Forces members in question have not had the opportunity to purchase a new residence, due to circumstances beyond his or her control.

Since 1954, and especially in recent years, the policy of the Department of Defense has been to extend the period between members' changes of permanent station, as a cost-saving measure. This policy is applicable to tours of duty both in the United States and overseas. The Congress supported this economy measure during the 96th Congress when it enacted Public Law 96-575, which contains provisions that grant incentives to members who voluntarily extend overseas tours of duty. Many such tours of duty, if extended, exceed 4 years. Yet, the present provisions of section 1034(h) of the code, providing a maximum of 4 years in which to acquire a new principal residence to avoid recognition of gain on the sale of an old residence, serve to discourage overseas tour extensions.

Another result of the Department of Defense policy of extending the peri-

ods between changes of permanent stations is that more and more tours of duty in the United States exceed 4 years. In many such cases, the member is required to reside in Government quarters. An additional circumstance often arises in which a member is assigned overseas and then returns to an assignment in the United States to a duty station where the member is required to reside in Government quarters. In that instance, even if neither the overseas assignment nor the assignment in the United States individually exceeds 4 years, the combined assignments do exceed 4 years. Thus, in the case of an overseas assignment, an assignment in the United States where the member is required to occupy Government quarters, or a combination of these, a military member may be effectively precluded from acquiring a new principal residence necessary to avoid recognition of gain on the sale of the old residence.

This legislation recognizes these unique circumstances faced by members of the Armed Forces by providing that, in the case of a member of the Armed Forces who is stationed outside the United States or who is required to reside in Government quarters, the normal nonrecognition period will not expire until the end of 4 years after the sale of the old principal residence or 1 year after the member is no longer stationed outside the United States or no longer required to reside in Government quarters, whichever is later. This proposed change would apply only to sales of old principal residences occurring after December 31, 1979.

In my view, this change in the tax law is needed to properly coordinate our defense personnel policies with our tax policy for homeowners. It is my hope that the Congress will soon act favorably on this measure.●

By Mr. STEVENS (for himself and Mr. PACKWOOD):

S. 2499. A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

MARITIME APPROPRIATION AUTHORIZATION ACT FOR FISCAL YEAR 1985

Mr. STEVENS. Mr. President, I am introducing a bill today to authorize the appropriation of funds for certain maritime programs of the Department of Transportation (DOT) and the the Federal Maritime Commission (FMC) for fiscal year 1985.

The bill closely follows the administration's budget for DOT maritime programs with two exceptions. First, incentive payments to State maritime academy students are retained at last year's level, which adds $77,000 to the administration's budget. Second, the sum of $3 million is added for State academy training ships. In sum, the administration's budget of $460.5 million is increased to $463.6 million by this bill. Even with these increases, the bill represents a $22.4 million decrease from last year's appropriation.

The operating differential subsidy program administered by DOT is authorized in the bill at $377.8 million. These subsidies are designed to maintain essential U.S.-flag maritime services and are based on the difference between U.S. and foreign-flag vessel operating costs. The authorization covers existing subsidy contracts only, and would provide for ongoing support of 124 lines and 18 bulk vessels. There is no funding for settlement and termination of contracts.

Maritime research and development activities of DOT are authorized in the bill at $10 million. This is a $1.39 million reduction from fiscal year 1984 and reflects a decreased emphasis on applied research.

The remaining $75.8 million to be authorized is for maritime operation and training activities of DOT. This category includes, among other things, funding for the U.S. Merchant Marine Academy, the six State academies, support of the National Defense Reserve Fleet, and emergency planning.

Finally, the bill authorizes activities of the FMC at the administration's requested level of $12.3 million.

A hearing on the bill will be held by the Commerce Committee on April 5, 1984, at 10 a.m., in room SR-253 of the Russell Building.

By Mr. TRIBLE:

S. 2500. A bill to amend the Federal Financing Bank Act of 1973 to insure the proper budgetary treatment of credit transactions of Federal agencies; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT ACCOUNTING REFORM ACT OF 1984

Mr. TRIBLE. Mr. President, over the next 5 years, the Federal Government plans to guarantee repayment of $610 billion in other people's loans, and to extend $210 billion in new direct loans to private borrowers.

And Congress has absolutely no idea what all this will cost.

Congress was also in the dark when it made decisions to guarantee the $364 billion in guaranteed loans outstanding, and to make the $223 billion in direct loans now on its books.

Despite the huge number, massive size, and rapid growth of Federal credit assistance programs—despite the major risks these programs impose on Federal taxpayers—despite the profound impact of these credit activities on our capital markets, economic growth, and the standard of living—Congress knows virtually nothing about their cost.

Congress simply cannot make rational decisions when it acts in the dark.

Today, along with my colleague in the House, Representative BILL GRADISON, I am introducing legislation to correct this shocking situation.

The Credit Accounting Reform Act of 1984, will identify the true costs of Federal credit programs and bring those costs into the Federal budget.

For the first time, Congress will know what credit programs cost when decisions are made. It would be able, for the first time, to compare credit programs with one another meaningfully, as well as with other forms of Federal assistance. For the first time, Congress will know what it needs to know to fashion cost-effective programs of credit assistance for the American people. As a result, Congress would be in a far better position to determine overall budget and credit policies.

Under my bill, the subsidy costs of Federal credit programs would be identified and brought into the budget by selling Government-originated loans and by purchasing private reinsurance whenever Government guarantees a loan.

Thus, my bill is best described as a "market plan," because it uses private markets—private investors and private insurers—to identify the subsidy cost of Federal credit programs.

The Congressional Budget Office's March 1984 study, "New Approaches to the Budgetary Treatment of Federal Credit Assistance," suggests loan sales and insurance purchases as an objective and reliable way to identify the true costs of Federal credit and to bring those costs into the budget.

The market plan stands on its own; it is a desirable reform in its own right, because it forces Congress to face up to the reality of credit program costs. Merit alone argues for its adoption.

Yet, the market plan would lead to a substantial reduction in the national debt, substantially lower Federal deficits over several years, and continuing sizable savings in interest and default costs.

Because the Government's huge portfolio of direct loans would be sold to the highest bidder under the market plan, the Government would collect $112 to $174 billion in unanticipated receipts over the next several years. These early collections would be applied directly to debt reduction.

The proceeds from loan sales would be earmarked to retire the debt of Federal lending agencies, and the national debt would be reduced by the same amounts.

As a result of debt retirement, the market plan would produce substantial interest saving in future years. At current interest rates and program levels, annual interest savings would be between $10 to $15 billion every year.

Because both existing and new loan guarantees would be "reinsured" by paying an "up front" premium, Government would avoid billions of dollars in future default costs.

The "uncontrollability" of Federal spending would be reduced because such "uncontrollables" as interest on the national debt and defaulted loans paid by Government would be reduced or eliminated.

The risk exposure of Federal taxpayers and the Federal Government would be reduced: by paying fixed amounts "up front," Congress would be able to shift the risk of open-ended claims to the private sector.

Finally, there would be no interruption in the availability or amount of assistance under Federal credit programs. The same loan and guarantee programs, to benefit the same groups, on the same terms and conditions, would continue unchanged. But Congress would be in a better position to make intelligent decisions because it would have correct information about the comparative costs of different credit programs.

What is wrong with current accounting for Federal credit costs? Well at present, the Congress knows virtually nothing about the true cost of Federal credit programs, because the budget numbers which Congress relies on do not reveal program costs.

Consider loan guarantees. Under present accounting practices, a loan guarantee has no budget impact in the year the Government makes it. It enters the budget as a zero. It seems "costless"—which is why Congress makes lots of loan guarantees.

But loan guarantees are not "costless." Some guaranteed loans will always be defaulted, and Federal taxpayers will have to "pick up the tab" and repay the lenders. In 1983, for example, taxpayers repaid $4.8 billion of "other people's" loans.

The Congress is also in the dark about the cost of Federal loans. The current budget numbers on "net lending" have nothing to do with loan costs. It is easy to see why, by looking at how "net lending" is computed. Take the amount loaned this year, add Government repayment of loans guaranteed in earlier years but defaulted this year, and subtract this year's collections of earlier loans—that is how "net lending" is calculated. Two of the three items—repayments of earlier loans defaulted, and collections of earlier loans—have nothing to do with this year's lending. And the third element—the amount loaned this year—has nothing to do with the cost of this year's lending, because it ignores the value of future repayments.

So, its clear that neither "net lending" nor new "amounts lent" tells us anything about the cost of Federal credit programs this year, or any year.

Dr. Rudolph Penner of CBO recently called our current credit accounting system "unsatisfactory because it is neither comprehensive nor successful in representing the subsidy costs of credit assistance." He indicated the current system as "frequently misleading," noting that today "some high subsidy programs appear to cost very little while lost cost programs may appear to be very costly."

And Dr. Penner drew the appropriate lesson. "Improved budgeting for Federal credit is necessary for Congress to rationally address the allocation of Government's and the Nation's scarce resources. Without knowledge of cost, or the amount of resources consumed by a particular course of action, informed choice is impossible. Without a measure of the subsidy cost of credit, there is no possibility of selecting a budget that will maximize public benefits."

The solution to reform accounting through the market plan to remedy defects in current accounting practices, the Credit Accounting Reform Act of 1984 does three things: It identifies the true cost of Federal loans and loan guarantees; it brings these costs into the Federal budget; and it requires Congress to make appropriations to cover these costs.

To identify the cost of loan guarantees, the Government would "reinsure" its risks. Washington's Federal agencies would guarantee loans as usual, but would then buy a private insurance policy to cover any risks. By "reinsuring" its guarantees, and paying "up front" premiums to do so, Congress would bring the estimated cost of guarantees into the budget. This reinsurance principle would be applied to both existing and new federal guarantees.

To identify the subsidy cost of Federal loans, the Government would again rely on private markets—this time, private investment markets. When the Government makes a loan, it would immediately sell that loan to the highest private bidder. The difference between the amount loaned, and the amount the Government recovered through loan sales would appear in the budget. This difference measures the subsidy in Federal lending. Once again, the principle of loans sales would be applied uniformly to all loans—the $223 billion in loans outstanding as well as any new loans—the $223 billion in loans outstanding as well as any new loans made.

Here is how the market plan would work: If the Government guaranteed a $100 million private loan, it would have to buy a $100 million insurance policy for, say, $6 million immediately. By paying this $6 million premium, the Government would rid itself of the "expected future default cost" of the loan, and would put the $6 million cost into the budget.

The market plan would work similarly for direct loans. If the Government lent $50 million at a subsidized interest rate, it would immediately sell the note to the highest bidder. Perhaps the high bid would be $25 million. The difference—$25 million—measures the "present value" of the subsidy, and that figure would appear in the budget.

In conclusion, Mr. President, current budget accounting for Federal credit requires reform. CBO has shown us how to do this, using the market plan principles. I urge my colleagues to join in this important effort, particularly since it offers important "fringe benefits" in terms of lower deficits, debt, and interest payments. We have a golden opportunity to do the right things. Let us not lose it.

Mr. President, I ask unanimous consent that the fuller description of my bill, and the text of the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Accounting Reform Act of 1984".

SEC. 2. AMENDMENTS OF FEDERAL FINANCING BANK ACT OF 1973.

(a) The Federal Financing Bank Act of 1973 is amended by striking out sections 2 and 3 and inserting in lieu thereof the following:

"FINDINGS AND DECLARATION OF PURPOSES

SEC. 2. (a) The Congress finds that—

"(1) demands for funds through Federal and federally assisted borrowing programs are increasing faster than the total supply of credit,

"(2) such borrowings are not adequately coordinated with overall Federal fiscal and debt management policies, and

"(3) the budgetary treatment of such borrowings does not result in an accurate reflection of their cost to the Federal Government.

"(b) The purposes of this Act are to assure coordination of Federal and federally assisted borrowing programs with the overall economic and fiscal policies of the Federal Government and to assure that the budgetary treatment of such programs accurately reflect their cost to the Federal Government.

"DEFINITIONS

"SEC. 3. For purposes of this Act—

"(1) FEDERAL AGENCY.—The term 'Federal agency' means an executive department, an independent Federal establishment, or a corporation or other entity established by the Congress which is owned in whole or in part by the United States.

"(2) OBLIGATION.—The term 'obligation' means any note, bond, debenture, or other evidence of indebtedness, but does not include Federal Reserve notes or stock evidencing an ownership in interest in the issuing Federal agency.

"(3) GUARANTEE.—The term 'guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or

part of the principal or interest on any obligation, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions, or other guarantee or pledge arising out of a statutory obligation to insure such deposits, shares, or other withdrawable accounts.

"(4) DIRECT LOAN.—The term 'direct loan' means a disbursement of funds by a Federal agency (not in exchange for goods or services) under a contract which requires the repayment of such funds with or without interest. Such term shall also include an obligation guaranteed by a Federal agency and purchased by the Bank under section 6(c)(1). Such term shall not include any commodity price support loan made by the Commodity Credit Corporation.

"(5) PRIVATE REINSURANCE.—The term 'private reinsurance' means any insurance policy which—

"(A) is issued by an insurance company which is authorized to issue insurance policies and meets such other requirements as the Bank may prescribe under this Act, and

"(B) is to indemnify the Federal agency for any loss from the risks assumed by such agency under the guarantee.

Such term shall not include any contract issued by a Federal agency or any other agency or instrumentality of a government.

"(6) BANK.—The term 'Bank' means the Federal Financing Bank established by section 4 of this Act."

(b) The Federal Financing Bank Act of 1973 is amended by striking out sections 6 and 7 and inserting in lieu thereof the following:

"FUNCTIONS

"SEC. 6. (a)(1) Within 90 days after a Federal agency has made a direct loan, the Bank (acting as agent for such agency) shall sell the obligation resulting from such loan to the public (either directly or through pooled participation arrangements).

"(2) All sales under paragraph (1) shall be made to the highest bidder at a public auction conducted by the Bank or an agent of the Bank.

"(3) Any guarantee by a Federal agency of an obligation sold under this subsection shall be effective only while such obligation is held by the Bank.

"(b)(1) Within 90 days after a Federal agency guarantees any obligation, the Bank (acting as agent for such agency) shall purchase private reinsurance for the risks assumed by such agency under such guarantee.

"(2) All purchases under paragraph (1) shall be made on a competitive basis.

"(c)(1) The Bank may make commitments to purchase, and purchase and sell on terms and conditions prescribed by the Bank, any obligation which is issued or guaranteed by a Federal agency. Any Federal agency which is authorized to issue any obligation is authorized to issue such obligation directly to the Bank.

"(2) Any purchase by the Bank shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration (A) the current average yield on outstanding marketable obligations of the United States of comparable maturity, or (B) whenever the Bank's own obligations outstanding are sufficient, the current average yield on outstanding obligations of the Bank of comparable maturity.

"(d) The Bank is authorized to charge fees for its services to cover all expenses.

"(e) In order to facilitate sales under subsection (a) and the purchase of private reinsurance under subsection (b), the Bank (in consultation with the Office of Management and Budget) shall formulate standard contracts to be used by Federal agencies when making direct loans or guaranteeing obligations.

"FUNCTIONS OF FEDERAL AGENCIES

"SEC. 7. (a) Notwithstanding any other provision of law, any Federal agency which makes a direct loan or guarantees any obligation shall (as soon as practicable after making such loan or guaranteeing such obligation) transmit to the Bank—

"(1) the loan obligation, in the case of a direct loan, and

"(2) such information with respect to the borrower as may be necessary for the Bank to carry out its responsibilities under section 6.

Notwithstanding any other provision of law, any information received by the Bank under paragraph (2) may be disclosed by the Bank to the extent necessary to sell the obligation, or purchase private reinsurance, under section 6.

"(b) To the extent practicable, any Federal agency, when making a direct loan or guaranteeing any obligation, shall use the appropriate standard contract formulated by the Bank under section 6."

(c) Subsection (c) of section 11 of the Federal Financing Bank Act of 1973 is amended to read as follows:

"(c)(1) All receipts and disbursements of the Bank with respect to—

"(A) any direct loan sold by the Bank as agent for a Federal agency, or

"(B) any guarantee with respect to which the Bank purchased private reinsurance as agent for a Federal agency,

shall be treated for purposes of unified budget as receipts and disbursements of such Federal agency.

"(2) In the case of any off-budget Federal agency, the unified budget shall include for such agency its receipts from, and disbursements to, the Bank."

(d) Section 16 of the Federal Financing Bank Act of 1973 is hereby repealed.

SEC. 3. EFFECTIVE DATE.

(a) GENERAL RULE.—The amendments made by section 2 shall take effect on October 1, 1985; except that section 6(d) of the Federal Financing Bank Act of 1973 (relating to formulation of standard contracts), as amended by section 2, shall take effect on October 1, 1984.

(b) COORDINATION WITH OTHER PROVISIONS.—The amendments made by section 2—

(1) shall supersede, modify, or repeal any provision of law heretofore enacted to the extent such provision is inconsistent with such amendments, and

(2) shall not be superseded, modified, or repealed except by a provision of law hereafter enacted which expressly amends the Federal Financing Bank Act of 1973.

SEC. 4. TRANSITIONAL RULES.

(a) PILOT PROGRAM DURING 1985.—During fiscal year 1985, the Federal Financing Bank may—

(1) sell any obligations, or

(2) purchase private reinsurance for any guarantee made by a Federal agency,

to the extent necessary to establish the marketability of (or the feasibility of purchasing private reinsurance for) categories of loans or guarantees for which there is not prior experience in marketing or reinsuring risks.

(b) TREATMENT OF DIRECT LOANS OUTSTANDING ON OCTOBER 1, 1985.—

(1) IN GENERAL.—During fiscal year 1985, the Federal Financing Bank (in consultation with the Office of Management and Budget) shall compile an inventory of all direct loans made by Federal agencies which are expected to be outstanding on October 1, 1985.

(2) DEVELOPMENT OF MARKETING PLAN.—No later than October 1, 1985, the Federal Financing Bank shall develop a marketing plan under which all obligations resulting from direct loans made by Federal agencies which are outstanding on October 1, 1985, will be sold by the Federal Financing Bank during the 2-year period beginning on the day on which such plan is completed.

(3) RESPONSIBILITY OF FEDERAL AGENCY.—Any Federal agency holding a direct loan obligation to be sold under the marketing plan referred to in paragraph (2) shall transmit such obligation (and such information as the Bank may require with respect to such obligation) to the Federal Financing Bank at such time as it may require.

(4) TREATMENT OF INDEBTEDNESS OF FEDERAL AGENCIES.—

(A) INDEBTEDNESS TO FEDERAL TREASURY.—Any obligation of a Federal agency to the general fund of the Treasury or to the Federal Financing Bank which is attributable to direct loans made by such agency before October 1, 1985, shall be forgiven.

(B) OBLIGATIONS HELD BY PUBLIC.—In the case of any obligation of a Federal agency which is held by any person (other than a Federal agency) and which is attributable to direct loans made by such Federal agency before October 1, 1985, interest and principal on such obligation shall be paid by the Treasury of the United States in the same manner as if such obligation had been issued by the Treasury Department

(5) PROCEEDS OF LOAN SALES TO BE CREDITED TO GENERAL FUND OF THE TREASURY.—All proceeds from sales made under this subsection shall be credited to the general fund of the Treasury.

(c) TREATMENT OF OUTSTANDING GUARANTEED LOANS.—

(1) IN GENERAL.—During fiscal year 1985, the Federal Financing Bank (in consultation with the Office of Management and Budget) shall compile an inventory of all obligations with respect to which a guarantee by a Federal agency is expected to be in effect on October 1, 1985.

(2) DEVELOPMENT OF REINSURANCE PLAN.—Not later than October 1, 1985, the Federal Financing Bank shall develop a plan under which the Federal Financing Bank will purchase, during the 3-year period beginning on the day on which such plan is completed, private reinsurance for all guarantees by Federal agencies which are in effect on October 1, 1985.

(3) RESPONSIBILITY OF FEDERAL AGENCIES.—Any Federal agency which made a guarantee to be reinsured under the plan referred to in paragraph (2) shall transmit such information as the Bank may require with respect to the guarantee to the Federal Financing Bank at such time as it may require.

(d) GENERAL PROVISIONS.—

(1) DEFINITIONS.—Terms used in this section shall have the same meaning as when used in the Federal Financing Bank Act of 1973 (as amended by this Act).

(2) REQUIREMENT THAT MARKETING PLAN AND REINSURANCE PLAN BE PUBLISHED IN THE FEDERAL REGISTER.—The Federal Financing Bank shall publish in the Federal Register the marketing plan developed under subsec-

tion (b)(2) and the reinsurance plan developed under subsection (c)(2).

SUMMARY OF THE TRIBLE-GRADISON MARKET PLAN

The Market Plan is primarily a plan to bring the true costs of federal credit programs to Congress' attention, and to require Congress to make "up front" decisions to finance these costs.

Under the Market Plan, markets are used to help identify the cost of federal credit programs. Loan resale markets—secondary markets—would help to identify the subsidy cost of direct loans. Private insurance markets and underwriters would help to identify the true cost of federal loan guarantees and insurance.

Old and newly originated federal loans would be sold to private investors for the highest bid. The *difference* between the amount loaned by the government, and the amount recovered by selling the loan note—a measure of the subsidy cost of direct lending—would appear in the budget.

In addition, old and newly committed loan guarantees and insurance would be reinsured, by purchasing insurance from a private insurer. The government's premium costs for buying this insurance—a measure of the estimated future cost of covering defaulted guaranteed loans—would be reflected in the budget.

Although the Market Plan is primarily a budget accounting reform, intended to reveal and force action upon the true cost of federal programs, implementing the plan would lead to major savings in the budget. Federal spending and deficits would be lower, and the national debt would be reduced. The savings are basically due to an acceleration of revenues from loan repayments, interest savings, and avoidance of default costs. These savings are detailed at the end of this memo.

THE MARKET PLAN: FEDERAL LOAN GUARANTEES AND LOAN INSURANCE

1. During fiscal year 1985, the federal government will conduct pilot programs to gain experience in purchasing private insurance to reinsure risks associated with federal loan guarantees and insurance.

2. During fiscal years 1986 and 1987, the government will purchase private insurance to reinsure its outstanding loan guarantees and insurance.

3. Starting in fiscal year 1986, and thereafter, all new loan guarantee and loan insurance commitments will be reinsured through purchases of private insurance.

4. In all cases, when an assisted borrower defaults a loan guaranteed or insured by the government, the government will honor the guarantee or insurance and pay the claim; however, the government will recover its costs from its insurers.

5. Premiums paid by the government for the purchase of private insurance will be reflected in the budgets of the guaranteeing or insuring agencies during the year insurance is purchased. All premiums will be single-payment premiums.

6. All insurance purchased from private suppliers will be purchased competitively, to hold insurance premium costs as low as possible. No insurance purchased will be federally backed or underwritten.

7. Existing loan guarantee and loan insurance programs would continue unchanged, with the same beneficiaries eligible for federal assistance, on the same terms, as presently. Assisted borrowers would also have the same repayment responsibilities as under existing law. In cases where borrowers pay premiums or feeds for federal insurance or guarantees (e.g. FHA mortgage insurance), they would continue to do so.

8. Limitations on loan guarantees and insurance would continue to be part of the credit budget, and would continue to be determined in appropriations bills.

THE MARKET PLAN: SELLING FEDERAL DIRECT LOANS

1. During fiscal year 1985, the U.S. government will conduct pilot programs to gain experience in selling direct federal loans to private investors.

2. During fiscal years 1986 and 1987, the government will sell all of its outstanding loans to private investors. (Proceeds of these sales will be earmarked to retire debts of federal lending agencies.)

3. Starting in fiscal year 1986, and thereafter, all newly originated direct loans will be sold to private investors.

4. All loans sold shall be sold competitively to the highest bidder, to maximize sales proceeds. No loans sold will be federally guaranteed or insured. Loans may be sold individually as "whole loans" or sold in packages as "participations".

5. When newly originated loans are sold, the sales proceeds will be received by the lending agencies as "offsetting receipts". Thus, agencies' budgets (and the unified federal budget) will reflect the difference between amounts lent and amounts recovered through loan sales. This difference is a measure of the subsidy cost of federal lending.

6. Congress will have to appropriate funds to cover all such subsidies in advance of the extension of the loans.

7. Existing direct loan programs will continue unchanged in most respects. Loans will be made to the same classes of borrowers presently eligible, at the same interest rates and on the same terms and conditions, as presently. Borrowers could continue to repay their federal loans directly to the federal lending agency. (The agent would then pass these repayments on to loan purchasers.) Collection of delinquent or defaulted loans could be done by the agency or by private firms, depending on the provisions in current law.

8. The volume of direct loans will continue to be controlled through limitations in appropriations bills.

By Mr. QUAYLE:

S. 2501. A bill to amend the Public Health Service Act to provide for health care cost containment through the use of competitive medical plans and preferred provider arrangements, and for other purposes; to the Committee on Labor and Human Resources.

S. 2502. A bill to amend the Social Security Act to provide for health care cost containment through the use of preferred provider arrangments; to the Committee on Finance.

S. 2503. A bill to provide for studies and projects relating to health care consumer information; to the Committee on Labor and Human Resources.

S. 2504. A bill to establish an Institute for Health Care Technology Assessment; to the Committee on Labor and Human Resources.

HEALTH COST CONTAINMENT LEGISLATION

● Mr. QUAYLE. Mr. President, the high cost of health care in this Nation is one of the major problem areas facing this Congress. Concern over health care cost is not new but with ever increasing Federal budget deficits and the need for employers to reduce overhead to increase competitiveness at home and abroad, it is becoming a major focus of attention. Action must be taken by both the public and private sectors to bring health care costs under control.

THE PROBLEM

Health care costs have increased over the last 20 years at a rate far outstripping inflation. The Nation's health care bill has increased from $26.9 billion in 1960 to $322.4 billion in 1982—a twelvefold increase. During this same 22-year period, the consumer price index increased by a little over twofold.

These cost increases have had an effect on every American family. The average family's share of personal health care expenditures was $2,000 in 1980. If current trends continue, this figure could reach $8,000 by 1990.

The business community is also feeling the pinch from these cost increases. From 1975 to 1981 private sector employer's contributions for worker health insurance increased 163 percent. For those years the health insurance bill for business went from $23 billion to $63 billion.

The growth in the health care costs of the Federal Government has been even more staggering. Medicare outlays have increased from $3.4 billion in 1967 to $57.3 billion in 1983. A 13-percent in the cost of medicare and medicaid is projected for 1984. The costs of medicare and medicaid together have roughly doubled every 4 years. These increases now threaten the solvency of the medicare health insurance trust fund which pays for the hospital care of medicare beneficiaries. It is projected that this trust fund will become insolvent in the early 1990's and may have a deficit as large as $144 billion by 1995.

On top of these direct Federal expenditures for health care, the U.S. Treasury subsidizes health insurance through tax deductions. This subsidy is projected to amount to $31 billion this year. This total is rising annually as health care cost inflation drives up health insurance premiums for employers and individuals.

To be sure, about 60 percent of recent health care cost increases can be attributed to general inflation in our economy. The remaining 40 percent of these increases, due to a number of factors, merits our attention. In part, the vast improvements in access to health care and its quality in this Nation over the last 20 years are responsible for this 40-percent hike,

but its other causes are not as laudable. Much of the growth can be attributed to consumers who are uninformed about the cost implications of health care and insulated by insurance coverage from the increases in health care costs. Then there are the physicians who are often caught up in the technological imperative, regardless of its economic implications or, in infrequent cases, its effect on the quality of death for terminally ill patients. Hospitals that are underutilized, poorly managed or prone to building new facilities or adding equipment inappropriately also can be blamed. So too have third-party payers contributed to the problem by remaining insulated from market forces.

Then, there are such additional upward pressures as the gradual aging of the U.S. population, the greater demand for services by the disadvantaged, the medically legitimate though expensive technological breakthroughs, and the overdue upgrading of many hospitals.

The reasons for rising health care costs are as complex as our health care system itself and any resolution or set of resolutions which addresses the cost issue should consider them all. Initiatives adopted to contain health care costs must account for a myriad of economic, social, and political factors. They must recognize the idiosyncracies of a health care system that is generally both decentralized and pluralistic.

THE INCREMENTAL APPROACH

Legislation leading to regulatory fiats alone will not yield both the greater cost control we seek and maintain the quality of and access to care our citizens demand and deserve. Cost control solutions must be developed which change the incentives of consumers, hospitals and physicians without applying burdensome sanctions. Such sanctions eventually will lead to a deterioration of our health care system, an outcome which will be unacceptable to such affected groups as our senior citizens.

I believe, Mr. President that we need to take an incremental approach aimed at changing incentives. In an article published in the April issue of Business and Health, I describe the conceptual underpinnings of this approach. Mr. President, I will ask that this article be included in the RECORD.

Sound incremental reform should include market-oriented policies designed to provide incentives for consumers, hospitals, physicians and the third parties who pay for care to reduce health care expenditures. To be market-oriented, initiatives should promote competition between hospitals and physicians on the delivery level, and third party payers on the financing level, while making consumers conscious of the economic implications of their health care purchasing decisions. At the same time, initiatives may be directed to reduce inefficiencies in the delivery or financing of care which the market, itself, through increased competition may fail to reduce.

Today I introduce four measures, each of which will serve to reduce our Nation's health care bill at the margin. The agenda set out in these bills is by no means exhaustive. I hope my colleagues in the Congress will offer further proposals which will foster constructive incremental change in our health care delivery system.

S. 2501. THE PUBLIC HEALTH SERVICE ACT AMENDMENTS OF 1984

The first of my initiatives is the Public Health Service Act Amendments of 1984. This bill promotes the development of alternative health care delivery and financing systems and disease prevention.

One of the roots of the high cost of health care is the current oversupply of hospital beds and certain other services. In a noncompetitive health care environment where some form of insurance covers most inpatient hospital services, there is an inherent incentive to overuse the expensive services provided by these institutions. To counter this tendency, financing and delivery mechanisms that discourage overutilization are needed.

The Federal Government is already encouraging the use of health maintenance organization (HMO's), one such utilization reducing mechanism, and it should similarly promote the newly designed competitive medical plans (CMP's) as they come on line. The evidence indicates that HMO's CMP's and other forms of prepaid service plans will reduce health care costs.

According to the 1983 National HMO Census conducted by Interstudy, the average family premiums for HMO's increased at half the rate of those charged by traditional insurance carriers between June 30, 1982, and June 30, 1983. Studies have found that HMO's provide costs savings in the range of 30 percent in lower hospital rates. Ford Motor Co., reports that it saved $5 million in 1982 in reduced premiums for HMO coverage and it expects it saved another $7 million in 1983. These are real savings that will be amplified and replicated if HMO-like activity is promoted.

Currently the Public Health Service Act requires employers to offer employees a federally qualified HMO as an alternative conventional health insurance when such an HMO is available. This legislation has contributed to the growth in HMO's but it is also extremely prescriptive in the requirements it places on HMO's. This bill amends sections 1310 and 1311 of title XIII of the act to provide CMP's the same recognition already given HMO's. In order to qualify for this provision, CMP's will have to meet the streamlined guidelines provided for them in section 1876 of the Social Security Act which allows the Secretary of Health and Human Services to contract with them for medicare beneficiaries. Placing CMP's funded for medicare beneficiaries on the same footing as federally qualified HMO's will not burden employers but will encourage the further development of useful delivery systems.

Another health case delivery and financing model which promotes cost efficient health care delivery is the preferred provider arrangement or organization (PPA). Under the PPA model, insurers, employers, or other third-party administrators contract directly with physicians and/or hospitals who agree to provide health services in a cost-conscious manner under strict utilization controls and may give payers discounts. In exchange, the payers promise prompt payment to contracting hospitals and physicians and financial incentives for beneficiaries to patronize these preferred providers.

PPA's are relatively new but they are becoming a significant contributor to cost savings for many employers. Blue Cross-Blue Shield in Minnesota's PPA has estimated it will save as much as $10 million per year in hospitalization costs. For employees of Denver city government PPA's in a 1982 survey for 6-month period, hospitalizations were $400 to $500 less for PPA beneficiaries. Martin Segal Co., has reported cost savings of 16 to 24 percent on individual clients and medical costs per year significantly lower for PPA members than for those in the general population.

The development of PPA's should be fostered by Federal initiatives, especially since the insurance laws in many States currently restrict PPA formation by insurers. To help remove these barriers, S. 2501 amends section 1311 of title XIII of the Public Health Service Act to waive certain insurance laws in States which have not yet passed legislation to promote PPA development. The provision allows insurers to contract for discounts with hospitals and physicians and then to offer policies to employers in which plan beneficiaries will forgo freedom of or at least limited choice of provider for some set of economic incentives. To prevent any exploitative activities by insurers providing such plans, the bill provides that agreements may not be discriminatory and must be based only upon economic and quality-of-care considerations.

Last, S. 2501 would amend section 1310 of the Public Health Service Act to require employers to provide employees reasonable access at least once per year to a blood pressure test. This provision will place no real burden on employers who can offer this inexpen-

sive, noninvasive test at little or no cost and does not require them to provide the test through their health insurance plans. It will, however, lead to cost savings for employers and employees.

Currently, 60 million Americans suffer from elevated blood pressure or hypertension. This population is at risk of stroke, heart attack, and other cardiovascular system disease; 15 million of this population are not ever aware that they are at risk. Last year $2 billion in employee earnings, representing more than 27 million work days, were lost due to cardiovascular diseases which affect 30 percent of the work force.

Worksite blood pressure screening programs work toward a reduction in lost work days and the high cost of hospitalization. In 1 year alone New York Telephone saved $85,000 for 5,000 employees who participated in a high blood pressure control program. High blood pressure can be controlled inexpensively, if discovered and this amendment will contribute to its control.

S. 2502. THE MEDICARE PREFERRED PROVIDER ARRANGEMENT ACT

This act will also further promote development of PPA activity by insurers, employers, hospitals, and physicians, similar in nature to section 1876 of the Social Security Act which provides access for medicare beneficiaries to HMO's and CMP's. The act will allow the Secretary of Health and Human Services to contract with insurers or other third-party payers on behalf of individuals enrolled in part B of medicare who wish to participate in PPA's provided by these insurers or other third-party payers. The amount of premium payment to the insurer or third-party payer would be set at 95 percent of the average medicare expenditures for part B recipients.

Medicare beneficiaries signing up with these PPA's would be assured services comparable to part B but would agree to seek the services of a PPA contracting physician. The contracting PPA's would not, under this provision, be allowed to charge medicare beneficiaries more than the actuarial value of deductibles, coinsurance, and copayments now charged part B recipients.

In order to market the PPA plan to medicare beneficiaries, however, the incentive will be to provide services at some reduced rate. The provisions in S. 2502 include the list of minimum required services, guidelines for appeal of premiums, open enrollment requirements, and other protections similar to those provided to medicare beneficiaries in section 1826 of the Social Security Act but should not be burdensome to the insurers or other third parties forming and marketing PPA's to part B beneficiaries.

S. 2503. THE HEALTH CARE CONSUMER INFORMATION ACT

For health care to become more competitive, consumers must have access to easily understood and relevant cost and quality data. Major strides have been made in the collection and distribution of price information in various parts of the country. The act would require the Secretary of Health and Human Services to study how information programs have affected health care marketplaces around the country.

In Minneapolis, the Council of Community Hospitals has published a document including the prices for most of the services provided by area hospitals. This weighty data base provides eye-opening background information to payers and providers and is being used by hospitals to point out cost variations among institutions to consumers.

Similar information has been collected and distributed to the public by the Utah Health Cost Management Foundation, a nonprofit group including business, providers and consumers. An agency of the Iowa State government also collects and will disseminate hospital price information to the public.

These activities have largely been limited to collecting and distributing data on hospital prices. S. 2503 would require the Secretary to develop methodologies for providing both third party payers and consumers with price data for ambulatory services as well. The act would also require the Secretary to develop methodologies for informing consumers about the quality of care offered by hospitals. The development of indices for assessing quality is a much knottier problem than developing price data. There is no generally accepted system for making such determinations. Some studies have shown the most effective provider institutions are those which specialize in performing certain procedures and treatment. Nevertheless, quality information is sensitive and can be misinterpreted if not presented appropriately. For instance, a utilization review committee at one major corporation, in examining physician practice patterns in a given area, found that one cardiologist had an 80-percent patient mortality rate. On the surface, this statistic reflected badly on that physician. But further examination revealed that he was a highly specialized practitioner who treated only the sickest patients. His 20-percent survival rate actually was excellent considering his patient population, but this conclusion might be obscured in an arbitrary assessment of quality data.

Despite such pitfalls, there must be formats through which the public can be provided a set of indices to judge the variations in quality of care among providers. I look forward to the development and dissemination of the models the Secretary discovers and develops.

Public disclosure of such information must, however, be provided with great care and through an appropriate mechanism. Government should not develop a health care consumer protection like agency to compile and distribute data on medical and hospital services. This would only add a new layer of bureaucracy and be counterproductive, whereas activity at the State and local level would better reflect community standards.

S. 2504. THE INSTITUTE FOR HEALTH CARE TECHNOLOGY ASSESSMENT ACT

I am concerned that in the area of the application of new and existing health care technologies the market alone may not be a sufficient mechanism for determining the use of health resources.

The last few decades have seen a proliferation of new health care technologies, which may be broadly defined to include increasingly sophisticated drugs and medical and surgical procedures requiring expensive equipment. In many cases, new technology has led to increased cost without apparent benefits. There is a need for better assessment of new technology.

The health care system currently is not always able to evaluate coherently, in medical and economic terms, new or emerging technologies, on top of those already in widespread use—and the problem is likely to worsen. As a further complication, certain otherwise obsolete technologies may remain in use because of disincentives under prospective payment and other case based payment systems to alter accepted patterns of treatment.

In a recently released report entitled "The Painful Prescription: Rationing Hospital Care," Henry J. Aaron of the Brookings Institution and William B. Schwartz of Tufts University note that the United States is entering a period of constrained resources in which the tendency may be to limit applications of new technologies rather than set priorities for technologies that should be adopted or continued. Neither the market alone nor the Federal bureaucracy alone is the appropriate entity to make such decisions.

To help the private sector to carry out this health care technology function, I am introducing S. 2504, the Institute for Health Care Technology Assessment Act. The purpose of the private, nonprofit Institute established through S. 2504 would be to provide for the development of appropriate health care technologies and the application of approved technologies, and promote the elimination of obsolete or inappropriate health care technologies.

The act would establish a Board of Directors, including representatives of third party payers, hospitals, health care professionals, management, labor and senior citizens. Under the act the Secretary of Health and Human Services would give the Institute a line of credit during its formative period. Thereafter the financing of the Institute would be determined by its founding organizers.

The Institute should be constituted and its objectives defined to complement the Prospective Payment Commission which will examine health care technology issues affecting medicare prospective payment systems as well as the ongoing assessment activities of the Department of Health and Human Services.

Through its activities, the Institute could directly affect both the quality of health care and its cost. Good technology assessment will help eliminate ineffective and possible harmful technologies, lead to a reevaluation of variations in treatment and diagnostic testing, provide a better understanding of the outcomes of treatment and diagnostic testing and their efficacy across larger populations, and provide background for benefit-cost assessments of technologies. The information provided through the assessment processes facilitated by the Institute would assist the individual consumer, health providers and payers as well as the largest single payer of all, the Federal Government.

It is clear that good assessment would cut health care costs. Dr. Arnold Relman, editor of the New England Journal of Medicine, claims that $5 to $10 billion yearly is wasted on useless or even dangerous medical technologies. He feels that 15 to 20 percent of all tests, procedures, and drugs are not worth the money spent on them. Blue Cross-Blue Shield reports savings of as much as $500 million to premium payers for the first 5 years of its medical necessity program. A study done at UCLA and Harvard estimated that $100 to $200 million a year could be saved by medicare if just six technologies not recommended for use by the old National Center for Health Care Technology were disallowed for reimbursement.

Many other examples of savings can be found but these all are episodic. There is currently no coordinated effort for assessment. The Institute with private and public sector support can provide the catalyst which is needed.

OTHER AREAS RIPE FOR REFORM

Health planning is another area which deserves serious attention by the Congress. Mechanisms are needed to keep capital expenditures in line. Neither the financial bond markets nor the array of disincentives to overbedding offered by prospective payment will be sufficient to curtail unnecessary capital investment by institutional providers. Communities should be assured a role in decisionmaking concerning major capital investments proposed for the health care marketplace, since it is the community—and employers in particular—that ultimately foot the bill.

Last August I introduced S. 1778 to reform the current health planning system. This measure would turn the current health planning system into a block grant program that would give States and local constituencies the freedom to choose the best method for community input into the allocation of health resources. Health planning continues to be funded on a continuing resolution with authorization. This is bad policy and I urge my colleagues to review S. 1778 and the other health planning bills before the Senate and seek closure on this important area.

Finally, I urge a thorough review of the area of medical malpractice by the Congress. The cost of medical malpractice, both direct and indirect, also has contributed significantly to the overall inflation of health care costs in recent years. The American College of Obstetricians and Gynecologists, for example, reports that in a recent year fees have increased as much as 30 percent to meet the growing cost of medical liability insurance. Other specialties and provider institutions also have experienced significant increases due to growing insurance premiums.

Fear of litigation has led to increasingly to the practice of defensive medicine. The American Medical Association estimates that $15.1 billion is spent yearly on defensive treatment or tests. The survey of obstetricians found that the threat of suit caused these physicians to order more tests and other diagnostic procedures than they otherwise would have ordered. They also prescribed longer hospital stays. A new approach designed to mitigate the need for these unnecessary practice patterns would not affect the quality of care. It would reduce utilization and thus health care costs.

The malpractice problem frequently pits physicians against hospitals, and the health care system against patients. This adds to the cost of litigation and adversely affects relations among providers. Whatever reform is developed should limit the adversary relationships which occur due to malpractice litigation.

Historically, malpractice has been under the purview of State tort law and the Federal Government has been reluctant to intervene. Tort law concerning malpractice was substantively amended in the mid-1970's to meet the crisis stemming from increasing malpractice awards which were driving up health care costs. But it is not apparent that these reforms have contributed to a slowing of the increase in awards, premiums for liability insurance, or the perceived threat providers face from malpractice. Many no-fault insurance alternatives have been suggested as solutions to the present situation. But this approach poses problems with defining injury, determining entitlement to compensation, deciding on the type of compensation to award. The concern over cost associated with malpractice liability is heating up and deserves attention.

Mr. President, I ask unanimous consent that this statement, a summary of my bills, the texts of the bills and my article from Business and Health on the incremental approach to health care cost containment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Health Service Act Amendments of 1984".

COMPETITIVE MEDICAL PLANS

SEC. 2. (a) The heading of title XIII of the Public Health Service Act is amended by adding at the end thereof "AND ALTERNATIVE PAYMENT AND DELIVERY SYSTEMS".

(b)(1) Section 1310(a)(1) of such Act is amended by inserting before the period at the end thereof the following: ", and the option of membership in competitive medical plans which serve the geographic area in which at least 25 of such employees reside".

(2) Subsections (a)(2), (c) and (f) of section 1310 of such Act are each amended by inserting "or competitive medical plan" after "health maintenance organization".

(3) Section 1310(d) of such Act is amended—

(A) by inserting "(1)" after "(d)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(C) by adding at the end thereof the following new paragraph:

"(2) For purposes of this section, the term 'competitive medical plan' means an eligible organization, other than a qualified health maintenance organization, which has in effect a contract with the Secretary under section 1876 of the Social Security Act.".

(c)(1) Section 1311(a)(1) of such Act is amended by inserting after "health services" the following: ", or which cannot do business as a competitive medical plan in a State in which it proposes to furnish services under a contract described in section 1876 of the Social Security Act,".

(2) Section 1311(a)(2) of such Act is amended by inserting "or a competitive medical plan" after "qualified health maintenance organization".

(3) Section 1311(a) of such Act is amended by inserting before the period at the end thereof the following: "or as a competitive medical plan in accordance with section 1876 of the Social Security Act".

(4) Section 1311(b) of such Act is amended by inserting "a competitive medical plan, or" after "which prevents".

(5) Section 1311(c) of such Act is amended by inserting "and competitive medical

plans" after "health maintenance organizations".

PREFERRED PROVIDER ARRANGEMENTS

SEC. 3. (a) Section 1311 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d)(1) No State may establish or enforce any law which prevents an insurer or other third party payor from—

"(A) entering into agreements with health care providers under which the amounts reimbursed or recognized for services provided by those health care providers are different from the amounts reimbursed or recognized for the same services when provided by other health care providers; or

"(B) issuing policies or offering group health plans which allow reimbursement for expenses incurred for health care services only if such services are rendered by a health care provider which has entered into an agreement with such insurer or other third party payor.

"(2) Paragraph (1) shall apply only to the extent that such agreements are based upon economic and quality of care considerations, and shall not be construed as allowing for discrimination on any other basis.".

REQUIRED BLOOD PRESSURE TESTING

SEC. 4. (a) Section 1310 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(h) Each employer, State, and political subdivision, which is subject to the requirements of subsection (a), must provide its employees reasonable access at least once per year to a blood pressure test.".

(b) Section 1310(e)(1) of such Act is amended by striking out "subsection (a), (b), or (c)" and inserting in lieu thereof "subsection (a), (b), (c), or (h)".

S. 2502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Medicare Preferred Provider Arrangement Act".

PREFERRED PROVIDER ARRANGEMENTS

SEC. 2. Part B of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"PREFERRED PROVIDER ARRANGEMENTS

"SEC. 1845. (a) The Secretary may enter into a contract under this section with any insurer or other third party payor under which payments shall be made to such insurer or payor under subsection (b) on behalf of individuals enrolled under this part who participate in a preferred provider arrangement, established by such insurer or payor, which meets the requirements of this section.

"(b) The amount of the payment to the insurer or other third party payor per capita for each individual enrolled under this part who participates in the preferred provider arrangement (hereinafter referred to in this section as 'participating part B beneficiaries') shall be the same payment amount as determined under section 1876(a) for individuals who are enrolled under this part but are not entitled to benefits under part A, and are enrolled with health maintenance organizations or competitive medical plans having risk-sharing contracts under section 1876. Payment shall be made in the same manner as under such risk-sharing contracts. Payments under this section shall be instead of any payments which would otherwise be payable under section 1833(a) for services furnished through the preferred provider arrangement to its participating part B beneficaries, and no other payments shall be made under this part to or on behalf of participating part B beneficiaries for services which are available to them from or through the arrangement.

"(c) In order to meet the requirements of this section a preferred provider arrangement must meet the following requirements:

"(1) The arrangement must provide at a minimum for physicians' services (performed by physicians described in section 1861(r)(1)) and for laboratory X-ray, emergency, and preventive services. All services to participating part B recipients must be provided by persons or entities who meet all relevant requirements of this title for providing those services. The arrangement must include a sufficient number of participating physicians and other health care providers so as to insure that the services will be available and accessible to all of its participating part B beneficiaries as promptly as is appropriate and in a manner which assures continuity, and will be available and accessible 24 hours per day and seven days per week when medically necessary.

"(2) The insurer or other third party payor must provide for reimbursement for services described in paragraph (1) which are provided to its participating part B beneficiaries other than by participating physicians or other participating health care providers if—

"(A) the services were medically necessary and immediately required because of an unforeseen illness, injury, or condition, and

"(B) it was not reasonable given the circumstances to obtain the services through a participating physician or other participating health care provider.

"(3) The portion of the premium rate charged by the arrangement, and the actuarial value of its deductibles, coinsurance, and copayments charged, for services covered under this part provided to its participating part B beneficiaries may not exceed the actuarial value of the coinsurance and deductibles which would be applicable on the average to its participating part B beneficiaries if they were not participating in any preferred provider arrangement, health maintenance organization, or competitive medical plan. If the Secretary finds that adequate data are not available to determine that actuarial value, the actuarial value of the coinsurance and deductibles applicable on the average to individuals in the area, in the State, or in the United States, eligible to participate in preferred provider arrangements under this section, or other appropriate data, may be used instead.

"(4) Subject to the open enrollment requirements in paragraph (5), the arrangement must be open to any individual enrolled under this part, other than an individual medically determined to have end stage renal disease, who resides in the geographic area served by the arrangement; except that a preferred provider arrangement established by a self-insured employer for its employees and former employees may limit participation to those employees and former employees.

"(5)(A) The arrangement must have an open enrollment period, for the enrollment of individuals under this section, of at least 30 days duration every year, and must provide that at any time during which enrollments are accepted, the arrangement will accept up to the limits of its capacity (as determined by the Secretary) and without restrictions, except as may be authorized in regulations, individuals who are eligible to enroll under paragraph (4) in the order in which they apply for enrollment.

"(B) An individual may enroll under this section with an arrangement in such manner as may be prescribed in regulations and may terminate his enrollment as of the beginning of the first calendar month following a full calendar month after the request is made for such termination (or, in the case of financial insolvency of the arrangement, as may be prescribed by regulations).

"(C) The Secretary may prescribe the procedures and conditions under which an insurer or other third party payor which has entered into a contract with the Secretary under this section may inform individuals eligible to participate under this section with the arrangement about the arrangement, or may enroll such individuals with the arrangement. The Secretary shall require that all such information to eligible individuals will be presented in a clear and understandable manner.

"(D) The insurer or other third party payor must provide assurances to the Secretary that it will not expel or refuse to reenroll any such individual because of the individual's health status or requirements for health care services, and that it will notify each such individual of such fact at the time of the individual's enrollment.

"(6) The insurer or other third party payor must provide assurances satisfactory to the Secretary that adequate provision against the risk of insolvency has been made, if the arrangement is not subject to State law regulating insurance.

"(7) The insurer or other third party payor must provide meaningful procedures for hearing and resolving grievances between the insurer or payor, including any participating physician or other participating health care provider, and its participating part B beneficiaries. A participating part B beneficiary who is dissatisfied by reason of his failure to receive any health service to which he believes he is entitled, and at no greater charge than he believes he is required to pay, shall be entitled to a hearing before the Secretary to the same extent as provided in section 205(b), if the amount in controversy is $100 or more. The Secretary shall make the insurer or other third party payor a party to any such hearing. If the amount in controversy is $1,000 or more, the participating part B beneficiary, or the insurer, other third party payor, or participating physician or health care provider, shall, upon notifying the other parties, be entitled to judicial review of the Secretary's final decision as provided in section 205(g), and all such parties shall be entitled to be parties to the judicial review.

"(d)(1) Each contract under this section shall be for a term of at least one year, as determined by the Secretary, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the insurer or other third party payor involved as he may provide in regulations), if he finds that the insurer or other third party payor—

"(A) has failed substantially to carry out the contract,

"(B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this section, or

"(C) no longer substantially meets the applicable conditions of subsection (c).

"(2) The effective date of any contract executed pursuant to this section shall be specified in the contract.

"(3) Each contract under this section—

"(A) shall provide that the Secretary, or any person or organization designated by him—

"(i) shall have the right to inspect or otherwise evaluate (I) the quality, appropriateness, and timeliness of services performed under the contract and (II) the facilities utilized by the participating health care providers when there is reasonable evidence of some need for such inspection, and

"(ii) shall have the right to audit and inspect any books and records of the insurer or other third party payor that pertain (I) to the ability of the insurer or other third party payor to bear the risk of potential financial losses, or (II) to services performed or determinations of amounts payable under the contract;

"(B) shall require the insurer or other third party payor to provide (and pay for) written notice in advance of the contract's termination, as well as a description of alternatives for obtaining benefits under this part to each of its participating part B beneficiaries; and

"(C) shall contain such other terms and conditions not inconsistent with this section (including requiring the insurer or other third party payor to provide the Secretary with such information) as the Secretary may find necessary and appropriate.

"(4) The Secretary may not enter into a contract with an insurer or other third party payor under this section if a previous contract with that insurer or other third party payor under this section was terminated at the request of the insurer or other third party payor within the preceding five-year period, except in circumstances which warrant special consideration, as determined by the Secretary.

"(5) The authority vested in the Secretary by this section may be performed without regard to such provisions of law or regulations relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may determine to be inconsistent with the furtherance of the purpose of this title.".

S. 2503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Health Care Consumer Information Act".

STUDIES AND PROJECTS RELATING TO HEALTH CARE CONSUMER INFORMATION

SEC. 2. (a) The Secretary of Health and Human Services shall—

(1) conduct a study of the effects of efforts underway in Minnesota, Florida, Iowa, Utah, and other areas to provide hospital price data to third party payors and consumers of health care services;

(2) develop methodologies for providing third party payors and consumers with price data with respect to ambulatory health care services; and

(3) develop methodologies for providing consumers with information with respect to the quality of health care services.

(b) The Secretary shall submit a report to the Congress with respect to each of the studies and projects described in subsection (a) within one year after the date of the enactment of this Act.

S. 2504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Institute For Health Care Technology Assessment Act".

INSTITUTE FOR HEALTH CARE TECHNOLOGY ASSESSMENT

SEC. 2. (a) It is the purpose of this Act to facilitate the establishment of a private nonprofit institute, to be known as the "Institute for Health Care Technology Assessment" (hereinafter referred to in this Act as the "Institute") which shall promote the development of appropriate health care technologies and the application of approved technologies, and promote the elimination of obsolete or inappropriate health care technologies. For purposes of this Act, health care technologies mean drugs, devices, and medical and surgical procedures, and knowledge and skills necessary for their appropriate use in the delivery of health care.

(b) There is authorized to be established a private nonprofit Institute described in subsection (a). The Institute shall not be an agency or establishment of the United States Government, but shall be subject to the provisions of this Act.

(c) The Institute may—

(1) serve as a clearinghouse of information on health care technologies and health care technology assessment;

(2) collect and analyze data and make recommendations concerning specific health care technologies;

(3) act when necessary or when called upon to stimulate, coordinate, undertake, or commission health care technology assessment, especially activities which complement the needs of other organizations and the Federal Government;

(4) identify needs in the assessment of specific health care technologies;

(5) develop and evaluate criteria and methodologies for health care technology assessment; and

(6) provide education, training, and technical assistance in the use of health care technology assessment methodologies and results.

(d)(1) The Institute shall have a Board of Directors (hereinafter referred to in this Act as the "Board") which shall consist of—

(A) one representative of each of the following organizations, selected by the organization:

(i) the American Hospital Association,

(ii) the American Medical Association,

(iii) the Association of American Medical Colleges,

(iv) the Blue Cross-Blue Shield Association,

(v) the Health Insurance Association of America,

(vi) the Health Industry Manufacturers Association,

(vii) the Pharmaceutical Manufactuers Association,

(viii) the Council of Medical Specialty Societies,

(ix) the American Nurses Association,

(x) the American Federation of Labor-Council of Industrial Organizations,

(xi) the Chamber of Commerce of the United States,

(xii) the American Association of Retired Persons; and

(B) the following officials, ex officio:

(i) the Secretary of Health and Human Services, and

(ii) the Director of the Office of Technology Assessment.

(2) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute.

(3) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute.

(4) The Secretary of Health and Human Services shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their Members as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

(5) The members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government. Members who are not otherwise in the employ of the United States shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this section, be entitled to receive compensation at the rate of $100 per day including travel time. All members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(6) The Institute shall have a president and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board.

(e)(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or other individual except as salary or reasonable compensation for services.

(3) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

(f)(1) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

(2) The Institute may establish fees and other charges for services provided by the Institute or under its authorization.

(3) Amounts received by the Institute under this subsection shall be in addition to any amounts which may be available to provide its initial operating capital under subsection (g).

(g) The Secretary of Health and Human Services shall make available to the Institute a line of credit of $2,000,000, to remain available for a period of seven years, to provide the Institute with initial capital adequate for the exercise of its functions and

responsibilities during such years. Thereafter the Institute shall be financially self-sustaining through the means described in subsection (f).

(h) The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within sixty days after its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Institute deems appropriate.

SUMMARY OF BILLS

S. 2501. The Public Health Service Act Amendments of 1984:

SEC. 2. Renames Title XIII of the Public Health Service Act to read "Health Maintenance Organizations and Alternative Payment and Delivery Systems."

Amends Section 1310 of the Public Health Service Act to allow employers required under the Act to provide employees with an HMO option to provide either an HMO or CMP option. For the purposes of these amendments CMPs are defined by Section 1876 of the Social Security Act.

Amends Section 1311 of the Public Health Service Act to provide CMPs the same waivers from state restrictions as provided under the Act currently for HMOs.

SEC. 3. Amends Section 1311 of the Public Health Service Act to waive certain state laws which prohibit insurers or other third parties from providing preferred provider arrangement-type health plans. The amendments provide that agreements shall not allow discrimination for other than economic and quality of care considerations.

SEC. 4. Amends Section 1310 of the Public Health Service Act to require employers to provide employees with reasonable access at least once per year to a blood pressure test. This provision does not require that employers offer the test under a health plan.

S. 2502. The Medicare Preferred Provider Arrangement Act:

SEC. 2. Amends Part B of Title XVIII of the Social Security Act to allow the Secretary of Health and Human Services to contract with insurers or other third party payers so that Medicare Part B enrollees can participate for Part B benefits in a preferred provider arrangement. The payment levels, requirements on providers and protections for beneficiaries provided in this amendment are modeled on Section 1876 of the Social Security Act which allows the Secretary to contract for Medicare beneficiaries with HMOs and CMPs.

S. 2503. The Health Care Consumer Information Act:

SEC. 2. Requires the Secretary of Health and Human Services to:

1. Conduct a study of the effects of efforts to provide price data to third party payers and consumers of health care services;

2. Develop methodologies for providing third party payers and consumers with price data with respect to ambulatory health care services; and

3. Develop methodologies for providing consumers with information with respect to the quality of health care services.

S. 2504. The Institute for Health Care Technology Assessment Act:

SEC. 2. Facilities the establishment of a private nonprofit institute to be known as the "Institute for Health Care Technology Assessment." The purpose of the Institute shall be to promote the development of appropriate health care technologies and the application of approved technologies, and promote the elimination of obsolete or inappropriate health care technologies. The bill identifies a set of organizations which will send representatives to serve on the Board of the Institute and write its by-laws. The Secretary of Health and Human Services and the Director of the Office of Technology Assessment will serve as ex officio members of the Board. The Institute will have at its disposal a 2 million dollar line of credit made available by the Secretary.

BUILDING BLOCKS FOR HEALTH CARE REFORM

(By Dan Quayle)

What is one of the most talked about issues in corporate board rooms today? Health care costs. Traditionally, the cry to do something about rising costs in this area has come from proponents of increased government intervention. But the constituency for doing something about health care spending has grown.

Newly emerging and politically powerful groups are demanding that the issue be given more attention. Management and labor alike want reforms in health care delivery and financing.

The question remains, however, what shape will future reform of the health care system take? Should it be incremental, so as to provide incentives for the consumers, providers, and payers of health care to take positive steps to curb costs? Or should it be driven primarily by systemwide federal regulatory initiatives aimed at capping costs?

NO "MAGIC BULLETS"

The latter approach assumes there is a "magic bullet," a government policy which can limit health care expenditures without adversely affecting the quality of care or access to health services. The search for such a policy is not new. Past administrations, for example, have centered on bureaucractic efforts to promote health maintenance organizations, or cap hospital revenues as cure-alls to out-of-control health spending.

A third approach has included market-oriented strategies such as the Gephardt-Stockman proposal in 1980, which was designed to unleash market forces that would guide provision, purchase and consumption of health services through such cost containment tools as a tax cap on employer paid health insurance premiums. A comparable approach has been proposed by the Reagan Administration, but this competition model has never actually seen the light of day.

A recent proposal by Sen. Edward M. Kennedy (D.-Mass.) and Rep. Richard A. Gephardt (D.-Mo.) is the newest initiative to follow in this tradition of systematic approaches to reforming the health care delivery system. The Kennedy-Gephardt proposal attempts to accommodate both the concept of revenue caps and competition. Their legislation would create a federal all-payer prospective payment regulatory system, but would allow waivers for states adopting rate-setting or alternative delivery systems which could accomplish the same cost reduction goals. The authors assume the price setting arrangements mandated at the federal or state levels by the legislation would make providers more efficient and reduce unnecessary capacity.

These expectations probably are overly optimistic. At worst, the application of this all-payer program nationwide would cause inefficient allocation of resources within the health care system. It also might stifle innovation both in delivery and financing and possibly even lead to suboptimal care.

TAKING A POSITIVE PERSPECTIVE

The alternative to "magic bullets" is to take an incremental approach to cost containment, which both recognizes the realities underlying the cost issue and provides incentives for reform of these realities.

To begin with, it should be recognized that about 60 percent of recent health cost increases is due to general economic inflation. However, it is the remaining 40 percent of these increases, due to other factors, that incremental reforms should focus upon. In tackling this second set of factors, there are two ways of looking at the current cost problem. From a negative perspective, health care cost inflation may be attributed to overly demanding consumers who are uninformed about the cost implications of health care or are simply excessively deferential to their physicians. Then there are the physicians who are interested in maximizing their incomes and are caught up in the technological imperative, regardless of its economic effects or, in a few cases, its impact on the quality of death for terminally ill patients. Hospitals that are underutilized, poorly managed, and prone to building new facilities or adding equipment for the wrong reasons also can be blamed. And third party payers contribute to the problem because they basically are insulated from market forces.

Viewed from another perspective, however, the realities underlying rising health care costs appear entirely different. The gradual aging of the U.S. population, the greater demand for services by the disadvantaged, the medically legitimate though expensive technological breakthroughs, and the overdue upgrading of many hospitals are all factors contributing to higher costs. These realities reflect the complexity of the health care system which any resolution or set of resolutions to the cost issue will confront. Initiatives adopted in this area must account for a myriad of economic, social, and political factors together with the idiosyncracies of health care providers who render services in a decentralized and pluralistic health care system.

Therefore, any approach to solving the cost problem will not succeed merely through legislative fiat. Solutions must be developed that meet the mission of cost containment without disruption of the current delivery system, and that avoid applying sanctions which will provide results unacceptable to major groups of consumers such as the elderly, health care providers, and payers.

A working example of an incremental approach to reform is Medicare's prospective payment system for hospital care. Initially, prospective payment will not reduce radically Medicare's bill for inpatient services, nor will it provide the savings necessary to assure solvency of the Medicare Hospital Insurance Trust Fund. However, by replacing cost based reimbursement with a system based on price per case, prospective payment alters incentives of providers and facilitates better management of hospital resources available to the Medicare population. Prospective payment should help reduce overutilization of services. It is a positive, incremental step.

Nevertheless, it is a reform strategy not easily applied to many providers. Because the system is based on averages, prospective payment will affect some institutions un-

fairly and, perhaps, harm some of the efficient as well as the inefficient facilities.

For example, there is a current storm of controversy over the arbitrary determination of hospitals as rural of urban. Congress certainly will modify the geographic designation of hospitals as well as make adjustments in other areas of the prospective payment system as needed.

The potential adverse effects of prospective payment demonstrate the need to proceed cautiously with health care reform to avoid unwanted results of a major policy decision. This same attitude of reform is central to an incremental strategy. Policies included under this approach need not be directly complementary but should not be contradictory.

Sound incremental reform should include policies designed to redirect behavior of consumers, providers and payers in the health care system. To be market oriented, initiatives should promote competition between providers on the delivery level, and third party payers on the financing level, while making consumers conscious of the economic implications of their health care decisions. At the same time, initiatives may be directed to reduce inefficiencies in the delivery or financing of care which the market, itself, through increased competition may fail to reduce.

Community pressures on providers, applied through business coalitions, can lead to better distribution of hospital resources and limit hospital expansion that is not cost-effective.

AREAS RIPE FOR REFORM

With these themes at the base, the following are areas in which initiatives could be taken at the margin to reduce cost. The agenda provided here is by no means exhaustive and presents only a beginning to which a range of other incremental proposals may be added.

Alternative delivery systems

At the root of the high cost of health care is the current oversupply of hospital beds and certain other services. In a noncompetitive health care environment where some form of insurance covers most inpatient services, there is an inherent incentive to overuse hospitals.

To counter this tendency, financing and delivery mechanisms may be developed that discourage overutilization. HMOs and the newly designed competitive medical plans (CMPs) succeed in lowering hospital utilization rates and, subsequently, health care costs. In Massachusetts, for example, HMOs have even reduced hospitalization and costs for Medicare enrollees.

Federal legislation requires employers to offer an HMO option in their health plans when it is available. This legislation is extremely prescriptive. It should be amended to provide the same recognition to CMPs, which are similar in structure and purpose to HMOs but less constrained by regulation. Placing CMPs on the same footing as federally qualified HMOs would encourage their development.

Another health care delivery and financing model which seeks similar ends is the preferred provider arrangement or organization (PPA). Under the PPA model, insurers, employers or third party administrators contract directly with physicians and/or hospitals who agree to provide health services in a cost-conscious manner under strict utilization controls. In exchange, the payers promise prompt payment and financial incentives for their beneficiaries to patronize the preferred providers.

The development of PPAs can be fostered by legislation. Barriers in the form of state insurance laws and regulations which restrict PPA formation by insurers should be removed. Many state legislatures are moving in this direction, but momentum would be enhanced by federal legislation. The federal government should allow Medicare to contract with PPA's, as both the program and individual beneficiaries would benefit from this approach. A similar opportunity exists now for Medicare to contract with HMOs and CMPs. PPAs might be allowed access to the Medicare market—starting with outpatient care—to test their usefulness.

Consumer information

The increased availability of consumer information in the health care marketplace is another area worthy of further development. Part of the reason that there has been insufficient competition in the health care arena has been the lack of price and quality of care information. For health care to become more competitive, consumers will have to be given access to easily understood and relevant cost and quality data.

Major strides have been made in the collection and distribution of price information in various parts of the country. In Minneapolis, the Council of Community Hospitals has published a document including the prices for most of the services provided by area hospitals. This weighty data base provides eye-opening background information to payers and providers, and is being used by hospitals to point out cost variations among institutions to consumers.

Similar information has been collected and distributed to the public by the Utah Health Cost Management Foundation, a nonprofit group including business, providers and consumers. An agency of the Iowa state government also collects and will disseminate hospital price information to the public.

These data collection activities should be encouraged, and their impact on the health care market and consumers should be studied by the U.S. Department of Health and Human Services. These programs may offer models worth replicating in other areas of the nation. The concept might even be expanded to include the costs of outpatient and ambulatory services.

In addition to cost data, information on the quality of care would also be useful. The development of quality indices, however, has been a much knottier problem and, currently, there is no generally accepted system for making such determinations. Some studies have shown the most effective provider institutions are those which specialize in performing certain procedures and treatment. With bypass surgery, for example, the medical centers that perform the highest volume of this procedure have the lowest mortality and morbidity rates and, frequently, the lowest cost.

Quality information is sensitive and can be misinterpreted if not presented appropriately. For instance, a utilization review committee at one major corporation, in examining physician practice patterns in a given area, found that one cardiologist had an 80 percent patient mortality rate. On the surface, this statistic reflected badly on that physician. But further examination revealed that he was a highly specialized practitioner who treated only the sickest patients. His 20 percent survival rate actually was excellent considering his patient population, but this conclusion might be obscured in an arbitrary assessment of quality data.

Despite such pitfalls, there must be formats through which the public can be provided a set of indices to judge the variations in quality of care among providers. HHS should examine the use of quality measures which have been developed and encourage the development of additional models.

Public disclosure of such information must, however, be provided with great care and through an appropriate mechanism. Government should not develop a health care consumer protection-like agency to compile and distribute data on medical and hospital services. This would only add a new layer of bureaucracy and be counterproductive, whereas activity at the state and local level would better reflect community standards.

Disease prevention

Health promotion and disease prevention provides another area where concerted effort could lead to lower health care costs as well as an increased quality of life. By implementing educational programs that encourage individuals to alter their life styles, thereby lessening their disease risks, much can be accomplished.

A step forward in this area would be to require employers who offer health insurance to provide their employees with access to a blood pressure screening program. Statistics on the cost to employers of untreated high blood pressure among employees are staggering. About 26 million work days representing $1.3 billion dollars in earnings are lost each year because of cardiovascular diseases. One company, New York Telephone, estimates it saves at least $85,000 a year as a result of a high blood pressure control program for its 5,000 hypertensive employees.

It is worth noting that national high blood pressure control statistics have been reversed by worksite programs. Eighty percent of participants in these programs have brought their blood pressure under control. In comparable community based programs, only 20 percent of hypertensives come under control after detection. Clearly, the worksite is the best location to pursue a simple program with the potential for dramatic effects.

Health care technology assessment

Reform based on provider and consumer incentives to change use of health resources may not provoke the efficiency necessary in the application of new and existing health care technologies.

The last few decades have seen a proliferation of new health care technologies which may be broadly defined to include increasingly sophisticated drugs, and medical and surgical procedures requiring expensive equipment. In many cases, new technology has led to increased costs without apparent benefits. For example, some experts argue the widespread use of fetal monitoring techniques has led to a greater number of caesarian sections without clear advantages. this, there is a need for better assessment of new technology.

The health care system currently is unable to coherently evaluate, in medical and economic terms, new or emerging technologies, as well as those already in widespread use—and the situation is likely to worsen. As a further complication, certain otherwise obsolete technologies may remain in use because of disincentives under prospective payment and other case based payment systems to alter accepted patterns of treatment.

In a recently released report, *The Painful Prescription: Rationing Hospital Care,* Henry J. Aaron of the Brookings Institution and William B. Schwartz of Tufts University note that the U.S. is entering a period of constrained resources in which the tendency may be to limit applications of new technologies rather than set priorities for technologies that should be adopted or continued. Neither the market nor the federal bureaucracy is the appropriate entity to make such decisions.

Instead, capacity must be developed in the private sector in carry out health care technology assessment. An entity is required which will promote, through recommendations, the emergence and application of appropriate new health care technologies and the elimination of inappropriate and obsolete ones. This entity must have the authoritative status to make it acceptable to providers and consumers, and must be primarily supported by the private sector which should set its agenda. Providers and payers should join together to form this entity along with the federal government. The proper role of the government should be as a facilitator, and perhaps even the catalyst. Legislation to pave the way for development of this venture is needed. It may take a number of years for such an entity to define its role and develop widely accepted tools of assessment, but this process needs to get started.

Health planning

Mechanisms are also necessary to keep capital expenditures in line. Neither the financial bond markets nor the array of disincentives to overbedding offered by prospective payment will be sufficient to curtail unnecessary capital investment by institutional providers. Communities should be assured a role in decision making concerning major capital investments proposed for the health care marketplace, since it is the community—and employers in particular—that ultimately foot the bill.

On approach, put forth in Quayle-sponsored legislation introduced last August, is to change the current health planning system into a block grant program that would give states and local constituencies the freedom to choose the best method for allocating health resources. However, the most appropriate role for government, business, community leaders and the general public in these types of decisions, is still evolving.

Medical malpractice

The cost of medical malpractice, both direct and indirect, also has contributed significantly to the overall inflation of health care costs in recent years. Medical malpractice offers an area ripe for congressional examination. This is illustrated dramatically by a survey by the American College of Obstetricians and Gynecologists which indicates that in recent years fees have increased as much as 30 percent to meet the growing cost of medical liability insurance. It can be assumed that other specialties and provider institutions also have experienced significant increases due to growing insurance premiums.

In addition, fear of suits has led increasingly to the practice of defensive medicine. The same survey of obstetricians found that the threat of litigation caused these physicians to order more tests and other diagnostic procedures than they otherwise would have ordered. They also prescribed longer hospital stays. Reversal of this incentive would not affect the quality of medicine but would reduce utilization.

The malpractice problem frequently pits physicians against hospitals, and the health care system against patients. This adds to the cost of litigation and adversely affects relations among providers. Whatever reform is developed should limit the adversary relationships which occur due to malpractice litigation.

Historically, malpractice has been under the purview of state tort law and the federal government has been reluctant to intervene. Tort law concerning malpractice was substantively amended in the mid-1970s to meet the crisis stemming from increasing malpractice awards which were driving up health care costs. But it is not apparent that these reforms have contributed to a slowing of the increase in awards, premiums for liability insurance, or the perceived threat providers face from malpractice. Many no-fault insurance alternatives have been suggested as solutions to the present situation. But this approach poses problems with defining injury, determining entitlement to compensation, and deciding on the type of compensation to award. The concern over costs associated with malpractice liability is heating up and deserves review.

The incremental approach to reform suggested above will allow Americans to meet their cost containment goals without undermining their high quality health care system. The specific initiatives proposed are suggestive of options which might be undertaken at this time.●

By Mr. GORTON (for himself, Mr. BOSCHWITZ, Mr. MATHIAS, and Mr. KASTEN):

S. 2505. A bill to provide a right of first refusal for metropolitan areas before a professional sports team is relocated, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PROFESSIONAL SPORTS TEAM COMMUNITY PROTECTION ACT

● Mr. GORTON. Mr. President, today Mr. Robert Irsay announced that he was moving the Baltimore Colts football franchise from its Baltimore home of 31 years to Indianapolis. This confirmed rumors which were generated after the morning news showed pictures of moving vans leaving Baltimore by the dawn's early light. The treatment of the people of Baltimore by Mr. Irsay and the people of Oakland by Mr. Davis before him has been nothing less than deplorable and shockingly shabby.

All of us, Mr. President, are aware of the importance of major league professional sports franchises to their communities both economically and emotionally. Many cities and counties have authorized capital construction bonds to finance the construction of stadiums for their teams, while setting the rent for the stadium at a rate sufficient only to recoup operating expenses. Small businesses are built up in response to and in reliance on the team's presence. And recently Mr. President, we have begun to see governmental authorities making additional concessions to keep a team from changing location. The recent tax relief given to the Washington Capitals to keep the team in Landover, Md., is such an example. At least the Caps have been kind enough to improve the level of their performance in response. And, of course, Mr. President, I need not mention the emotional investment that millions of sports fans across the country make in their local teams. That is an investment that cannot be quantified but must not be ignored.

Congress has also been kind to sports teams. Baseball is exempt from the antitrust laws and joint agreements relating to the broadcasting of football, baseball, basketball, or hockey are also exempt. These exemptions stem from a recognition of the uniqueness of these enterprises.

Yet how are the loyal fans and the local communities rewarded for their support, Mr. President? What is the response to their efforts to accommodate the legitimate needs of the team? The response by some of the owners has been callous indiffference to the community in favor of their own quest for increased profits. Mr. President, I do not intend to imply by my remarks that all franchise owners are as fickle as Mr. Davis and Mr. Irsay, but because of the actions of these men, no community can feel confident that their continued support and good faith efforts to accommodate the team will have any effect on the continued location of the team in their area.

In response to this unfortunate situation, Mr. President, I am introducing a bill entitled the "Professional Sports Team Community Protection Act." The purpose of this legislation is to give local communities a right of first refusal when the owner of a team seeks to relocate the team or when a goodfaith offer to purchase and relocate the team has been received. Among my cosponsors are Senators BOSCHWITZ and MATHIAS, each of whom has introduced similar legislation in the past. This bill, however, takes a slightly different approach than either of those proposals.

Mr. President, this bill, as currently drafted would not unfortunately require the Raiders to return to Oakland. But, I will state quite frankly that it is intended to apply to the situation involving the Baltimore Colts. For that reason, I intend to move quickly to hold hearings on this measure and I know that intention is shared by Senators BOSCHWITZ and MATHIAS.

It is unfortunate that such legislation is necessary, Mr. President. And, Mr. President, although I understand that those Senators representing those cities which hope to get established franchises to relocate in their area may believe that they have reason to oppose this legislation, I urge them nonetheless to support the

bill, for today's Indianapolis may be tomorrow's Baltimore.●

● Mr. BOSCHWITZ. Mr. President, I rise to join my friend and colleague from Washington, Senator GORTON, in introducing the Professional Sports Team Community Protection Act.

On November 3 of last year I introduced similar legislation, S. 2050, the Major League Baseball Community Protection Act. That bill established the concept of giving communities a right of first refusal when franchise owners seek to sell and relocate their teams.

S. 2050 will require an owner to notify his community when he or she receives an offer to purchase and relocate the team. A specially established arbitration board would then receive and review counter offers that would keep the team at its current location. If the board determined that any of the local offers equals or exceeds the relocation offer the owner would be prohibited from selling the team unless the purchaser would commit to not relocate it.

I limited S. 2050 to major league baseball because baseball is the only sport that benefits from a Federal antitrust exemption. That bill reaffirmed baseball's antitrust exemption for those franchises willing to agree to the provisions of the bill.

Since introduction of S. 2050, I have talked to and met with many people about sports legislation. I reached two conclusions from those talks and meetings.

First, while baseball is the only sport that currently benefits from an antitrust exemption, it seems inconsistent that different rules should apply to baseball than to other major league sports. Therefore, I concluded that this concept of a community's right of first refusal should be applied to the other major league sports as well.

Second, I acknowledge that S. 2050 did not protect against the relocation of a team under current ownership. I am committed that the right of first refusal should apply to those circumstances also.

The bill we are introducing today accomplishes both of these points. It gives communities the right of first refusal to purchase teams that would otherwise be relocated, whether by sale or under current ownership. It also applies this concept to all major league sports.

I want to express my gratitude to the Senator from Washington for his work on this matter. As the former attorney general for his State, he has much experience to draw upon, dating back to lawsuits concerning the Seattle Pilots. He also serves on the Senate Commerce Committee which has jurisdiction over these matters. I am very pleased to have him as an ally.

I must express one note of caution concerning the bill. When I introduced S. 2050, I sought to recognize the value of a local community's support for a franchise by giving them a chance to find local buyers before a team could be relocated. Otherwise I did not wish to interfere with the private enterprise and its operations. Therefore, the owner would be free to operate his team and move if he chose, if no local buyers could be found or if they could not match an offer.

This bill goes a step further in limiting the operation of an enterprise, even if no local buyers can be found. It is important that the Commerce Committee look at that provision.●

Mr. MATHIAS. Mr. President, today I am happy to cosponsor a bill introduced by Senator SLADE GORTON of Washington that would prevent the owner of a major league sports team from moving the team from one city to another unless one of several conditions is met, such as not meeting financial expectations or having inadequate stadium facilities. People who live in these cities have a deep emotional attachment and a bonafide interest in the local teams, and that must be recognized and protected by the law.

I hope that this legislation will help keep the Baltimore Colts in the great city of Baltimore. After the city has lavished so much money and affection on the Colts, one would hope that a way could be found to keep them in Baltimore. Surely it would be difficult, if not impossible, to find a community, a city, and a State that would support this team with more faith and enthusiasm.

ADDITIONAL COSPONSORS

S. 764

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 786

At the request of Mr. PRESSLER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 786, a bill to amend title 38, United States Code, to establish a service-connection presumption for certain diseases caused by exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

S. 1381

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1381, a bill to amend title II of the Social Security Act to provide for a 6-month transitional benefit for an individual who is a widow, surviving divorced wife, widower, or surviving divorced husband whose spouse or former spouse died while such individual was between the ages of 55 and 60.

S. 1531

At the request of Mr. RIEGLE, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 1608

At the request of Mr. TSONGAS, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1608, a bill to amend the Fair Labor Standards Act of 1938 to provide persons may not be employed at less than the applicable wage under that act.

S. 1657

At the request of Mr. BURDICK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1657, a bill to designate the week in November which includes Thanksgiving Day as "National Family Week."

S. 1806

At the request of Mr. BRADLEY, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of S. 1806, a bill to recognize the organization known as the Jewish War Veterans of the United States of America, Incorporated.

S. 1816

At the request of Mr. THURMOND, the names of the Senator from Georgia (Mr. NUNN), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1816, a bill to amend the textile fiber products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador of Israel.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2099, a bill to delay for two years the mandatory coverage of employees of religious organizations under social security.

S. 2118

At the request of Mrs. HAWKINS, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor

of S. 2118, a bill to establish a Commission on Missing Children.

S. 2186

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2186, a bill to establish a State Mining and Mineral Resources Research Institute program, and for other purposes.

S. 2193

At the request of Mr. GARN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 2193, a bill to authorize the Comptroller of the Currency to consider reciprocity among other factors in acting on an application by a foreign bank to establish a Federal branch or agency, and for other purposes.

S. 2309

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2309, a bill to authorize the offer and payment of rewards for information and services concerning terrorist activities.

S. 2359

At the request of Mr. HEINZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2359, a bill to amend the Housing and Community Development Act of 1974 to provide that the jurisdictions having no or few areas where a majority of the residents are persons of low- and moderate-income target community development block grant funds to those areas with the highest proportion of such persons.

S. 2360

At the request of Mr. DOMENICI, the names of the Senator from Montana (Mr. MELCHER), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2360, a bill entitled the "Vocational-Technical Education Quality and Equity Act of 1984."

S. 2374

At the request of Mr. STAFFORD, the name of the Senator from Maine (Mr. COHEN), was added as a cosponsor of S. 2374, a bill to extend the authorization for five years for the low-income home energy assistance program, for the community services block grant, and for the Head Start program, and for other purposes.

S. 2381

At the request of Mr. SASSER, the name of the Senator from Wisconsin (Mr. PROXMIRE), was added as a cosponsor of S. 2381, a bill to amend the Inspector General Act of 1978 to transfer to the Office of the Inspector General of the Department of Defense the functions of the Defense Contract Audit Agency, and for other purposes.

S. 2391

At the request of Mr. SIMPSON, the name of the Senator from Vermont (Mr. STAFFORD), was added as a cosponsor of S. 2391, a bill to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made or insured by the Veterans' Administration.

S. 2413

At the request of Mr. DENTON, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Incorporated.

S. 2487

At the request of Mr. WEICKER, the names of the Senator from Kentucky (Mr. FORD), the Senator from Texas (Mr. BENTSEN), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 2487, a bill to provide for a White House Conference on Small Business.

SENATE JOINT RESOLUTION 87

At the request of Mr. TSONGAS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KASTEN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Indiana (Mr. LUGAR), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 87, a joint resolution designating a day of remembrance for victims of genocide.

SENATE JOINT RESOLUTION 129

At the request of Mr. PELL, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Joint Resolution 129, a joint resolution calling upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space.

Mr. PELL. Mr. President, I ask unanimous consent that the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of Senate Joint Resolution 129.

This resolution, which was approved unanimously by the Committee on Foreign Relations, calls upon the President to seek agreement with the Soviet Union to declare an immediate, mutual and verifiable moratorium of limited duration on the testing in space of antisatellite weapons, to immediately resume Asat negotiations and to seek, on an urgent basis, a comprehensive verifiable treaty banning space-based and space-directed weapons. I hope that this resolution will be given favorable consideration by the Senate at an early date.

SENATE JOINT RESOLUTION 203

At the request of Mr. HUDDLESTON, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 203, a joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. TSONGAS, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Senate Joint Resolution 206, a joint resolution designating the first Sunday of every August as "National Day of Peace."

SENATE JOINT RESOLUTION 211

At the request of Mr. BURDICK, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 211, a joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week."

SENATE JOINT RESOLUTION 216

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Joint Resolution 216, a joint resolution to affirm the policy of the United States to advance human rights in El Salvador by taking all measures that may be necessary or appropriate to assure that those responsible for the murders of four American churchwomen and other U.S. citizens are brought to justice; and for other purposes.

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Florida (Mrs. HAWKINS), the Senator from Washington (Mr. GORTON), the Senator from Virginia (Mr. WARNER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Michigan (Mr. RIEGLE), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE JOINT RESOLUTION 258

At the request of Mr. BIDEN, the names of the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Mississippi (Mr. STENNIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. DIXON), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of

Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984, as "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 265

At the request of Mrs. HAWKINS, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Joint Resolution 265, a joint resolution designating the week of April 29 through May 5, 1984 as "National Week of the Ocean."

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Nevada (Mr. HECHT) were added as cosponsors of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution expressing the sense of Congress that the President of Syria should permit Jewish emigration.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. DODD, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution expressing the sense of Congress that funding levels for Federal foreign language and international education and exchange programs should be maintained or increased.

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. DIXON), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

SENATE RESOLUTION 294

At the request of Mr. RIEGLE, the names of the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. MOYNIHAN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Nevada (Mr. LAXALT), and the Senator from Utah (Mr. HATCH) were added as cosponsors of Senate Resolution 294, a resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

SENATE RESOLUTION 360—RELATING TO THE CONSIDERATION OF NONGERMANE AMENDMENTS

Mr. TOWER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

Resolved, That rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"6. No amendment to a bill or resolution that is not germane or relevant to the subject matter of such bill or resolution shall be in order unless such amendment has been submitted at the desk to the Journal Clerk at least 48 hours prior to the consideration of such amendment. An amendment to an amendment which qualifies for consideration under the preceding sentence shall be in order if such amendment is germane or relevant to the subject matter of either the original bill or resolution or the amendment which qualified for consideration under the preceding sentence, and such amendment to the amendment need not have been submitted prior to its consideration if it meets this standard of germaneness or relevancy. If one or more amendments that are not germane or relevant to the subject matter of a pending bill or resolution have been submitted at the desk, then any other amendment germane or relevant to the subject matter of such amendment or amendments already submitted shall be in order so long as 48 hours have elapsed from the time the first amendment on the non-germane or non-relevant subject was submitted."

● Mr. TOWER. Mr. President, I am submitting today a Senate resolution which proposes an important modification to the rules of the Senate.

Under this proposed resolution, it would not be in order for any amendment to a bill or resolution that is not germane or relevant to the subject matter of that bill or resolution to be considered unless such amendment had been submitted at the desk at least 48 hours prior to the consideration of the amendment.

While all of us value the flexibility provided in the Senate rules through a lack of germaneness requirement, it is now apparent that such flexibility, when abused, may have adverse consequences. There have been numerous situations in recent years when matters completely unrelated to the subject of legislation pending on the Senate floor are brought up with no prior notice to anyone that the matter will be considered. It used to be that under such circumstances, the Senate would simply refuse to act on the matter and would refer it to a committee. Unfortunately, such self-discipline seems to no longer prevail. The Senate now feels compelled to act on any matter that any Senator brings to the floor of the Senate at any time regardless of its relevance to the subject that we are considering and regardless of whether the issue has received any prior attention. In many cases, interested Senators are not even informed in advance that the matter will be discussed.

This amendment to the rules, if adopted, will make it out of order for a Senator to raise an issue that is not relevant to the subject matter of pending legislation without giving all other Senators fair notice that he intends to do so. I am convinced that the adoption of this rules change will substantially enhance the quality of our consideration of a number of issues and will do so with minimum additional burden on the Senate's procedures.

I would urge the Committee on Rules and Administration to promptly consider this proposal and to act expeditiously to favorably report it during this session of the Congress.●

SENATE RESOLUTION 361—ORIGINAL RESOLUTION REPORTED TO WAIVE CONGRESSIONAL BUDGET ACT

Mr. McCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 361

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 71, an act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes. H.R. 71, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of H.R. 71. Such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

SENATE RESOLUTION 362—RELATING TO THE SALE OF CONRAIL

Mr. LAUTENBERG (for himself, Mr. DIXON, Mr. METZENBAUM, Mr. SARBANES, Mr. BRADLEY, Mr. RIEGLE, Mr. MITCHELL, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation;

S. RES. 352

Whereas shippers and communities in the Northeastern and Midwestern regions of the Nation are heavily dependent on the rail freight services of the Consolidated Rail Corporation (hereinafter referred to as Conrail);

Whereas Congress recognized the importance of maintaining a viable rail freight system in these regions with the creation in 1976 of Conrail after the bankruptcy of the Penn Central Railroad;

Whereas Congress created Conrail with the expectation that it would be a self-sustaining entity operated in the private sector;

Whereas, however, Congress became aware that, despite a substantial Federal investment, Conrail would not become a strong and self-sustaining rail network as originally envisioned;

Whereas Congress passed the Northeast Rail Service Act of 1981, which provides for the orderly transfer of Conrail to the private sector to ensure the maintenance of important rail service in the Northeast and Midwest and to maximize the return to the United States on its investment;

Whereas, while the Northeast Rail Service Act of 1981 gives the Department of Transportation the responsibility for developing a transfer plan, the Act clearly anticipates a role for Congress in the transfer process;

Whereas, in this transfer process, Congress is concerned that Conrail's financial and service improvement since the passage of the Northeast Rail Service Act of 1981 be continued and that the sale of Conrail ensure a financially viable railroad which continues the existing level of rail service in the Northeast and Midwest; and

Whereas, in the pursuit of these goals, Congress is concerned about the interests of affected shippers, communities, and labor in the future of rail service in these regions; Now, therefore, be it

Resolved, That it is the sense of the Senate that Congressional action is necessary to consummate any sale of Conrail, and therefore the Senate Committee on Commerce, Science and Transportation and the House Energy and Commerce Committee should schedule hearings to examine the activities of the Department of Transportation with regard to the sale of Conrail and to consider the interests of those parties affected.

● Mr. LAUTENBERG. Mr. President, under the terms of the Northeast Rail Service Act of 1981, the Department of Transportation is authorized to find a buyer for the Consolidated Rail Corporation in the private sector. The sale of Conrail, which could possibly occur this year, is of vital interest to the Northeastern and Midwestern regions of the United States. Conrail's fortunes are also critical to connecting railroads and shippers throughout the country.

The Federal Government has invested over $7 billion in Conrail since 1976. Congress has a vital interest in insuring that this investment is protected. Shippers dependent on Conrail for service, communities on its lines, and those who work for the railroad have a vital stake in its future.

Since the Supreme Court's decision on legislative vetos, it is unclear what role Congress will play in overseeing the sale of Conrail. The legislative veto provisions in the NERSA contemplated a one-house veto. The Court has held this procedure to be unconstitutional. Thus, the congressional role contemplated by the act is impermissible.

Today I am submitting a Senate resolution expressing the sense of the Senate that congressional action is necessary to consummate any sale of Conrail and to urge early hearings by the Senate Committee on Commerce, Science, and Transporation. Only through the legislative process can the concerns of the affected States, communities, shippers, and employees be addressed.

This resolution merely affirms the intent of the Congress in 1981, when the NERSA was enacted, that the Congress should be involved in the sale process. Early hearings on this issue will permit consideration of substantive amendments to existing law which may be desirable or necessary to consummate the sale.●

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATION

KENNEDY AMENDMENT NO. 2855

Mr. KENNEDY proposed an amendment to amendment No. 2853 proposed by Mr. INOUYE to the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; as follows:

At the end of the Inouye amendment, No. 2853 add the following: "*Provided,* That no United States personnel, civilian or military, shall be introduced into or over the territory of El Salvador, Honduras or Nicaragua for the purpose directly or indirectly, of combat unless:

"(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or

"(2) The President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States;

in either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress and shall, in any event, notify the Congress of the basis for such determination within 24 hours of the introduction of such forces.

KENNEDY AMENDMENT NO. 2856

Mr. KENNEDY proposed an amendment to amendment No. 2853 proposed by Mr. INOUYE to the joint resolution (H.J. Res. 492) supra; as follows:

At the end of the Inouye amendment, add the following: "*Provided,* That no United States personnel, civilian or military, shall be introduced into or over the territory of El Salvador or Nicaragua for the purpose, directly or indirectly, of combat unless—

"(1) Congress has declared war or authorized the presence of such forces in advance by a joint resolution signed by the President of the United States; or

"(2) the President has determined that the presence of such forces is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States;

in either case described in paragraph (2), the President shall advise and, to the extent possible, consult in advance with the Congress and shall, in any event, notify the Congress of the basis for such determination within twenty-four hours of the introduction of such forces.".

DECONCINI (AND THURMOND) AMENDMENT NO. 2857

Mr. DECONCINI (for himself and Mr. THURMOND) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page 5, line 12, after "striking out" insert ", in the first sentence thereof,".

On page 5, strike out lines 17 through 22 and insert in lieu thereof the following:

(2) Notwithstanding any other provision of law, the maximum rates for salaries of full-time and part-time magistrates in effect on the day before the date of enactment of this resolution shall continue in effect until adjusted, or new rates determined, by a law specifically referring to the rates of pay of such magistrates.

On page 5, strike out lines 23 through 24 and insert in lieu thereof the following:

(b) Section 232 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549) is repealed.

On page 6, strike out lines 1 through 3 and insert in lieu thereof the following:

(c) Section 634 (c) of title 28, United States Code, is amended by striking out "subsection III" and inserting in lieu thereof "subchapter III".

On page 6, between lines 3 and 4 insert the following:

(d) Section 225 (f) (C) of the Federal Salary Act of 1967 (2 U.S.C. 356(C)) is amended by striking out "and magistrates".

DECONCINI (AND OTHERS) AMENDMENT NO. 2858

Mr. DeCONCINI (for himself, Mrs. HAWKINS, Mr. DOMENICI, Mr. CHILES, Mr. ABDNOR, Mr. COCHRAN, Mr. MATTINGLY, and Mr. RANDOLPH) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the appropriate place in the bill, insert the following new section:

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for the acqusition (purchase of eight) of highperformance, interceptor/tracker aircraft and other related equipment for drug interdiction purposes, $25,000,000, to remain available until expended: *Provided,* That such aircraft shall be purchased through an open, competitive procurement.

SOLID WASTE DISPOSAL ACT AMENDMENTS

ABDNOR (AND OTHERS) AMENDMENT NO. 2859

(Ordered to lie on the table.)

Mr. ABDNOR (for himself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr.

HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, and Mr. BURDICK) submitted an amendment intended to be proposed by them to the bill (S. 757) to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; as follows:

S. 757 is amended at the end thereof the following new title:

TITLE II—ASBESTOS SCHOOL HAZARD ABATEMENT

SEC. 21. This title may be cited as the "Asbestos School Hazard Abatement Act of 1984."

FINDINGS AND PURPOSES

SEC. 22. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this title to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this title to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

SEC. 23. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this title referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this title;

(3) the development within 45 days of enactment of this title of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 25.

STATE PLANS

SEC. 24. (a) Not later than three months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984 the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken; and

(b)(1) Not later than six months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984, and annually thereafter, the Governor of each State shall submit to the Administrator a priority list of all schools under the authority of a local education agency within the State that are candidates for abatement.

Such a list shall be made without regard to the public or private nature of the school involved.

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the health threat presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

SEC. 25. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this title referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local education agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 24(b)(2).

(2) Pursuant to section 24, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 25(c)(2) and propose financing pursuant to the criteria of section 24(b)(4).

(3) The Administrator's priority list and the Governor's certifications of need shall be forwarded to the Secretary of the Department of Education for a review, not to exceed 60 days, and in the Secretary's discretion, comments and recommendations based on the needs of local education agencies for financial assistance. Within 60 days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 24(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment, as determined under the Guidance System for Assessing Potential Asbestos Problems in Schools in Appendix B of 34 CFR 231;

(ii) any other evidence of the extent of the hazards caused by the presence of asbestos;

(iii) the extent to which the corrective action proposed by the applicant will reduce the imminent hazards to the health and safety of school children and school employees; and,

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the Governor pursuant to section 24 (b)(4); and,

(B) the report, if any, of the Secretary of Education pursuant to section 24(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than 20 years (as determined by the Administrator) and shall be repayable during such amounts as the Administrator may specify in the loan agreement; and,

(3) Repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and,

(4) Such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this title.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 26(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 27 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 32(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

SEC. 26. (a) Within 180 days after the effective date of this title the Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 25 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within 90 days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to supplant, preempt or otherwise diminish the level of protection required under State or federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this title.

ANNUAL REPORT

SEC. 27. During each of the 10 calendar years after the year in which this title is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 25 of this title. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this title; and

(6) estimate the number of schools still in need of assistance.

SEC. 28. (a)(1) As a condition of the award of any financial assistance under section 25, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commerical lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall proceed in an expeditious manner to recover the amounts expended by the United States to carry out this title from the persons identified by the Attorney General as being liable for such costs.

SEC. 29. No State or local educational agency receiving assistance under this title

may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

SEC. 30. Except as otherwise provided in section 8, nothing in this Act shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

SEC. 31. For purposes of this title—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or secondary school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 32. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this title shall remain available until expended.

(b)(1) A state with qualified applicants shall receive no less than one-half of one percentum of the sums appropriated under this title, or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this title, up to 10 percentum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 percentum for the fiscal year ending September 30, 1985, for the administration of this title and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and,

(D) the development of a comprehensive testing and technical assistance program.

SEC. 33. Not later than 90 days after enactment of this title, the Administrator shall report to the Committee on Environment and Public Works and the Committee on Finance of the United States Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the United States House of Representatives on—

(a) the feasibility of financing the programs established by this title by that fund created by the Comprehensive Environmental Response, Compensation and Liability Act (PL 96-510);

(b) the identities and current financial condition of those companies which mined, processed, manufactured or installed the asbestos and asbestos products which are being contained or removed under the title; and,

(c) the most appropriate nature, location and impact of a tax on those firms identified pursuant to subsection (b) if the cost of the programs established by this title were to be borne by the Fund referenced in subsection (a).

Mr. ABDNOR. Mr. President, today, on behalf of myself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr. HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, and Mr. BURDICK, I am submitting an amendment to establish within the Environmental Protection Agency, an asbestos-in-schools abatement program. We will offer our proposal as an amendment to S. 757, the Solid Waste Disposal Act Amendments of 1983. Floor action on this bill, which amends the Resource Conservation and Recovery Act, is expected sometime next week.

Mr. President, exposure to asbestos is known to cause serious diseases of the lungs, including cancer and asbestosis. Children are believed to be especially susceptible to the dangers associated with asbestos exposure.

Several years ago, Congress enacted the Asbestos School Hazard Detection and Control Act of 1980, which authorizes the Department of Education to provide no-interest loans to assist schools in undertaking asbestos abatement activities. This program has never been funded, nor has the Department ever requested funding for abatement assistance.

As a member both of the Committee on Environment and Public Works, which has jurisdiction over EPA, and the Appropriations Subcommittee on HUD-Independent Agencies, which funds EPA programs, I feel strongly that the Agency is far better equipped to administer an asbestos-in-schools abatement program. I know that a number of the Senators who are joining with me in this effort share my feelings.

Mr. President, the Environmental Protection Agency has developed an excellent technical assistance program—TAP—to aid schools in coping with the problem of asbestos. In addition, the Agency is stepping up its enforcement of existing asbestos regulations. Earlier this month, the Agency demonstrated its serious commitment to enforcement by levying its first fine for allegedly failing to comply with existing asbestos requirements against the Goffstown, N.H., School District. The President, in his fiscal year 1985 budget request, is calling for an increase in EPA's toxics program. The Agency plans to use a large portion of the additional dollars requested to escalate enforcement of current asbestos regulations.

Mr. President, one might ask whether the Federal Government is obliged to provide financial assistance to local educational agencies for asbestos abatement projects. While I feel that financing the removal or encapsulation of these materials is primarily a State and/or local responsibility, I believe that the Federal Government has an obligation to assist school systems which, without financial help, are unable to undertake abatement action necessary to protect the health of the children who attend their schools.

Mr. President, the proposal we are introducing today will provide no-interest loans and grants to financially needy LEA's—both public and pri-

vate—for asbestos abatement. In no case may a grant exceed 50 percent of the cost of the abatement project. The Governor of each State will be required to submit to the Administrator the applications for assistance completed by LEA's within his or her State, together with a list of those LEA's, ranked according to the degree of health threat posed by the presence of asbestos in their schools. The Governor is also responsible for certifying the financial criteria contained in the individual applications.

Based on the priority lists submitted by the Governors, the Administrator will compile a national priority list. LEA's on this list, which demonstrate financial need, will receive a loan and/or grant, depending upon their degree of need.

Mr. President, our amendment authorizes $50 million for each of fiscal years 1984 and 1985, and $100 million for each of 5 subsequent years—a total of $600 million for 6 fiscal years. The following education organizations participated in the drafting of our language and are endorsing our efforts:

National School Boards Association, NSBA.

National Parent Teachers Association, PTA.

National Education Association, NEA.

American Association of School Administrators, AASA.

Council on American Private Education, CAPE.

Mr. President, I urge our colleagues to cosponsor and support this amendment to S. 757, the Solid Waste Disposal Act Amendments of 1983.

Mr. HATFIELD. Mr. President, there is a silent hazard which, if left unattended, threatens the future health of our children.

The presence of asbestos in our schools is posing this health hazard. This substance has been proven to cause lung disease, including lung cancer. The Environmental Protection Agency has estimated that 14,000 schools, both public and private, have sprayed on friable asbestos-containing materials. Any time that asbestos or an asbestos product is damaged or disturbed, asbestos fibers are released into the air. Even when asbestos dust is invisible, it poses a threat.

The amendment in which I join my colleagues in submitting would enact a program of technical and financial assistance to schools through the Environmental Protection Agency, to work toward the elimination of any health threat as a result of the presence of this substance in school buildings. Currently, the EPA has a program established to detect and provide technical assistance to those schools where asbestos presents health risks. The EPA has experienced a serious problem of noncompliance in the implementation of this program. The major reason for this noncompliance is that once an asbestos problem is detected, many schools do not have access to the resources either to remove or contain the absestos and eliminate the hazard. This proposal would authorize funding to provide grants and loans to financially needy school districts where asbestos is detected as a health hazard.

I urge my colleagues to adopt this amendment and support this program to protect the future of our school-age children. We cannot afford to bury our heads in the sand and obscure the presence of this problem. It is imperative that this minimal level of funding be authorized so that action to eliminate the threat can be initiated.

I have long been an advocate of preventive health care as a means of lowering our future health care costs. This program of abatement exemplifies the intent of preventive health care in recognizing those hazards that exist and taking action to eliminate them.

Mr. SASSER. Mr. President, I rise today to alert my distinguished colleagues to a serious health hazard which exists in school buildings across the country, the presence of friable asbestos in more than 14,000 school facilities nationwide.

Medical evidence indicates that small children who inhale tiny particles of asbestos face an increased risk of developing lung cancer, or mesothelioma, an often-fatal respiratory disease. However, there are proper inspection techniques for detecting asbestos, and we have the technical ability to adequately encapsulate or remove asbestos in school buildings.

What is missing, Mr. President, is a sound Federal program of financial assistance for school districts to address their asbestos-related problems. While Federal regulations require school officials to inspect for asbestos and to notify parents and school employees of any hazardous asbestos discovered, local school officials are left in a precarious situation, knowing that the danger exists, but lacking the financial resources to take proper action.

Due to this situation, I recently introduced S. 2237, the Asbestos School Hazard Detection and Control Act Amendments of 1984. My bill creates an emergency grant program to provide financial assistance to school districts that have severe asbestos-related problems but lack the resources necessary to solve this problem.

However, I understand that some may object to my bill since it funds the asbestos program through the Department of Education. There is some evidence that the Environmental Protection Agency has the technical expertise to more effectively operate such a program. The inspection activities which have occurred in our school districts have been largely the result of action taken by the Agency.

That is why I have joined as an original cosponsor of legislation being introduced today which creates an asbestos-hazard-abatement program to be operated by the Environmental Protection Agency. This bill transfers the existing program, which was created as part of the Asbestos Detection and Control Act of 1980, from the Department of Education to the Environmental Protection Agency. In addition, the legislation creates a combination grant/loan program of financial assistance to needy school districts determined to have the worst asbestos-related problems.

Mr. President, I have agreed to support this legislation because of the urgency of the situation. Friable asbestos presents a real health hazard which should be removed from our school facilities as soon as possible. I am convinced that the magnitude of the costs involved calls for a solid foundation of Federal financial assistance. I urge my colleagues to join me as a cosponsor of the Asbestos School Hazard Abatement Act of 1984.

Mr. President, the March edition of State Government News included an excellent article regarding the existence of asbestos in school buildings throughout the Nation. I encourage my colleagues to review this article. I ask unanimous consent that the text of this article be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State Government News, March 1984]

ASBESTOS: STILL A DANGER IN SCHOOLS

(By Elaine S. Knapp)

For Phyliss Adams and Ann Gibbs the last year has been a frustrating one—trying to get their local school board to remove asbestos from the school their children attend.

"It's frustrating, our children are being poisoned and there's not anything we can do," Mrs. Gibbs declared. What the Lexington, Kentucky, housewife has done is work through the PTA, form a group of concerned parents, go door-to-door telling parents of the danger, gather hundreds of signatures on petitions, read volumes on asbestos, call and write federal agencies and confront the school administrator and board.

After a year of parental pressure being applied and at least a decade after school authorities knew of the asbestos hazard, Mrs. Gibbs said, "We don't think anything will be done until the government makes them (the school board)." School authorities maintain the asbestos will be cleaned up if money is available for renovation next year.

Ironically, the major government effort to control asbestos lies in Mrs. Gibbs and others like her. Telling parents and teachers that their school has asbestos and relying on them to pressure local action is the heart of the U.S. Environmental Protection Agency's (EPA) strategy to rectify the nationwide problem of asbestos in the schools.

No effective federal program exists to protest school children from asbestos, state efforts vary widely and local schools often ignore the danger due to the cost of cleanup.

ASBESTOS DANGERS

Any exposure to asbestos involves some health risk, according to the Congress, the EPA and the scientific community. Children are especially vulnerable, according to the EPA guidance document on asbestos sent to schools. Their remaining life expectancy provides the 20 to 40 years it takes for disabling and fatal asbestos-related diseases to develop. Large numbers of children may be exposed in a contaminated school and exposure is continuous during the school year. Children are active and breathe more frequently than adults possibly inhaling more asbestos fibers. Smoking can increase the cancer risk due to asbestos exposure.

Most hazardous is friable asbestos that can be crumbled. It sends deadly fibers into the air which may lodge in the lungs indefinitely, according to EPA's guidance document. Asbestos workers often develop a chronic and debilitating lung disease called asbestosis. Lower and shorter exposures are linked to lung and other cancers. Even brief exposure can result in death many years later.

Asbestos diseases include: 1) asbestosis, a disease in which asbestos clogs the lungs, 2) pleural calcification, a deposit of calcium salts in the lung lining, 3) malignant tumors of the lung, 4) mesothelioma, a rapid and fatal cancer of the lung, and 5) intestinal and uterine cancers.

WHERE IT IS, WHAT TO DO

Use of asbestos materials was common in schools and other buildings from the mid-1940s until EPA banned sprayed asbestos in 1973. Friable (or soft) asbestos-containing material was used for fireproofing, insulation or decoration. It was usually sprayed on overhead surfaces, steel beams, ceilings, walls and pipes.

As friable asbestos material ages, it breaks down and releases fibers into the air. School activities can damage or disturb asbestos, such as a ball hitting a gym ceiling. Asbestos material can be disturbed by maintenance activities, vandalism, water damage or vibration from people or machinery and release fibers into the air.

Many experts believe removal of asbestos is the only final and satisfactory solution to asbestos exposure. However, removal may cost more initially and be more complicated. Temporary measures include encapsulation by spraying asbestos with a sealant or enclosing the asbestos. EPA and other experts warn that such temporary measures make removal more difficult and dangerous later on, and must be constantly monitored.

The EPA guidelines call for asbestos work only after construction of sealed containment barriers and worker protection as mandated by OSHA. All but asbestos workers should be kept out of the sealed area and worker change rooms are required.

HOT POTATO

Asbestos in the schools has been a "hot potato" tossed among various levels of government and federal agencies. One reason is that removal of asbestos can be quite expensive, especially if large areas of buildings are affected. Funding is basically up to local schools as is asbestos detection and control. No federal funds are available and state aid varies.

The U.S. EPA requires schools to inspect for asbestos and notify parents and employees of asbestos hazards. The EPA doesn't require removal or abatement. "The theory is that PTAs and employees would pressure local districts to take remedial action," said Terrell Hunt, assistant to EPA Deputy Administrator Alvin Alm.

However, a recent internal EPA report found that many schools did not meet EPAs June 1983 deadline for asbestos detection, record keeping and notification.

NO FEDERAL FUNDS

Federal funds of $172 million authorized by the Asbestos School Hazard Detection and Control Act of 1980 were never appropriated. Grants were promised for schools to identify asbestos hazards and loans for mitigation of asbestos hazards. But funds were never requested by the Department of Education, reported John Bennett, aide to U.S. Rep. George Miller, D-California, who sponsored the act. In 1983, a $50 million recommendation by the House was omitted in a House-Senate conference.

The U.S. Department of Education had a task force which set standards for state grants in 1980, according to W. Stanley Kruger, deputy director for state and local education programs. However, when the program wasn't funded, the department "deferred to EPA," Kruger said.

Under pressure from Congress, the department reactivated its task force in October 1983 and is gathering information on asbestos to send to chief state school officials, Kruger said. The department also reactivated its requirement that states file plans for asbestos in the schools' programs and report on their progress every six months. All but two states have filed.

EPA'S PROGRAM

The federal effort has largely been a requirement by the EPA that schools inspect for asbestos hazards, sample and analayze material to determine if asbestos is present, keep records of the inspection, post notices, and notify parents and employees if asbestos is found. Although schools were to comply with the rule by June 1983, the EPA doesn't know how many did. It does not require schools to report to it and must send federal inspectors to schools to check their records. EPA staff said when the EPA regulation was written that the administration opposed imposing a data reporting requirement. The EPA recently doubled its field force of inspectors by adding 16 people through a contract with the American Association of Retired Persons, Hunt said. These include retired architects and engineers. Primarily, EPA staff look at school records and physically inspect some schools. However, there's not enough inspectors to cover but a small portion of the nation's schools.

In providing technical advice, EPA can help schools determine the best strategy for evaluating the risk and responding to asbestos, Hunt said. He said that anything short of removal is considered a short-term solution.

Connie Derocco, environmental protection specialist with EPA, said that out of 1,527 schools inspected in 468 districts, some 60 percent did not comply with EPA rules. Most failed to notify and warn PTAs and employees of asbestos materials. Schools know they will be pressured once the word is out, and they are hesitant to deal with the asbestos problem, Derocco explained. After receiving a notice of noncompliance, schools have 30 days to act before the EPA files a civil complaint.

LABOR UNION CONCERN

An estimated 3.24 million school children and 648,000 school employees are potentially exposed to asbestos, according to Kitty Conlan, research analyst with the Service Employees International Union (SEIU).

The SEIU is lobbying Congress to fund the 1980 act for grants and loans to schools. Schools don't have the money to cleanup on their own, Conlan said. "It's definitely a federal responsibility," Conlan said. "It's a nationwide problem which affects the health of millions of people."

SEIU is suing the EPA to require schools to cleanup flaking asbestos. "Schools say if EPA thinks asbestos is so bad, then EPA would require them to get rid of it," Conlan commented.

EPA does give schools good technical advice on how to get rid of asbestos, Conlan noted. But some schools accept the lowest bid rather than follow EPA guidelines. If the cleanup is not done right, the asbestos danger can be worsened.

Conlan said SEIU does not think suing asbestos' manufacturers is worthwhile, citing lack of action on suits filed by asbestos workers. "We are hesitant to have our members litigate themselves to death," she said.

Conlan added that school districts can also be held responsible for asbestos. "They can face a big liability," she commented.

LAWSUITS FILED

A number of lawsuits on behalf of school boards and building owners in Kentucky, Mississippi, New Hampshire, Florida, South Carolina, Alabama and Tennessee, have been filed by a South Carolina law firm.

Daniel Speights noted that legal theories available to school boards against manufacturers of asbestos include: contract (the products were not fit for the uses intended), negligence (the manufacturers were negligent in informing users of the risks associated with the products), strict liability (manufacturers should be strictly liable for failing to warn of asbestos hazards), and restitution (manufacturers have a duty to abate the hazard).

A civil action filed on behalf of the Barnwell, South Carolina, school district notes that school districts and public officials could be held liable for filing to abate a health hazard.

A September 1981 report by the U.S. attorney general to Congress recommended that school authorities seek to recover asbestos abatement expenses from asbestos manufacturers. The report said federal litigation would be inefficient unless Congress imposed liability on asbestos manufacturers.

Asbestos manufacturers are being sued by at least 20,000 people on the grounds that the companies knew of asbestos hazards and covered them up, according to a September article in the *National Journal*.

A 1983 report from the Rand Institute says that asbestos litigation and compensation has cost an estimated $1 billion over the past decade. Only 37 cents of every dollar went for actual compensation to plaintiffs. Estimates of the number of deaths due to asbestos over the next 30 years range from 74,000 to 265,000.

FUTURE PROBLEMS

Generally, 15–40 years can elapse between asbestos exposure and manifestation of certain diseases. For instance, shipyard workers exposed during World War II may only now be filing claims, according to the Rand study. Despite this knowledge, no attempt is

being made to monitor school children exposed to asbestos.

An internal EPA memo written in November 1978 called for long-term surveillance of children who are exposed. The memo noted that when they reach adulthood these children could then be informed and notified of their childhood exposure. They could be medically examined more frequently for respiratory diseases and cancer.

EPA REGIONS, STATES

Because no one tracks data on asbestos in the schools on a national basis, *State Government News* interviewed asbestos coordinators in five of the 10 EPA regions and several state asbestos coordinators.

Generally, the federal regional EPAs have switched their emphasis from providing technical assistance on identifying and dealing with asbestos in the schools to checking school records on asbestos inspections. Most found a high percentage of school either had not inspected or had not notified parents and employees of asbestos in the schools as required by the EPA.

State programs differ widely in scope and authority. While a few states fund asbestos removal and cleanup, most simply help schools identify asbestos or provide other technical assistance.

REGION I

"Compliance is terrible," said Paul Heffernan, asbestos coordinator for EPA Region I covering Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Five full-time EPA inspectors have visited 160 districts covering 400 schools and issued 58 notices of non-compliance. Of the EPA violations, 37 percent had not even inspected and 53 percent had not notified parents or employees of asbestos found. Many school administrators didn't want to be "bothered," others had not read the regulation and others simply refused to post a warning in the building.

Oddly enough, schools in states which had asbestos programs in the late 1970s were most difficult to convince they needed to inspect for asbestos in ways not done in earlier years. For instance, the latest regulations require inspection of pipes and boiler rooms.

With 3,300 school districts in the region, there is no way EPA can inspect them all, Heffernan said. However, press releases announce schools found in violation, so the hope is that other schools will inspect rather than see themselves in the headlines.

Asbestos abatement efforts vary widely even in the same school district and among neighboring school districts, Heffernan said. He said West Haven, Connecticut, had an effective program while North Haven, next door, had none. While Hartford, Connecticut, spent $6 million on big problems in five schools, it had not tackled "mini-disasters" in 37 others. The same situation existed in Boston.

In the region, New Hampshire sent a checklist of EPA requirements plus abatement actions to help schools comply with the EPA.

Connecticut has granted $6.5 million since 1976 to localities for asbestos control in schools, reported Richard Krissinger, coordinator of school facilities, state Department of Education. State grants range from 40 to 80 percent of cost, depending on the aid formula the town qualifies for. If asbestos is found, the "chances are good it will be removed," Krissinger said. "We treat it as a health violation."

The state "accepts encapsulation" as an abatement measure, but doesn't encourage it. Krissinger said, "We believe removal is the only answer."

Al Siniscalchi, acting chief of the toxic hazard section for the Connecticut Department of Health Services and Education, noted that the state also provides technical assistance to schools. Schools were sent EPA guidelines and seminars were cohosted by the state and EPA Region I.

A job freeze has reduced a former staff of nine to four and most inspections are now done by local health departments. Connecticut does follow-up inspections after asbestos removal to make sure the school is safe. Safe disposal of large amounts of asbestos is supervised by the state Department of Environmental Protection.

Maine is in good shape, according to Roy Nisbett, director of the Division of School Facilities. Most of the asbestos found was confined to pipe wrapping and boiler rooms. The state notified schools of the EPA rule and 90 percent complied with inspection requirements, Nisbett said. The Division of Industrial Safety trained school personnel to conduct asbestos inspections.

A proposed bill in Maine would authorize a bond issue to reimburse local schools for the cost of asbestos removal and repair.

In spite of the fiscal contraints caused by Proposition 2½, public pressure has spurred asbestos abatement in Massachusetts, said Mike Malchik, assistant engineer, Division of Occupational Hygiene. "Parents and teachers are adamant about getting it (asbestos) down," Malchik said. The legislature allocated $2 million in 1983–84 to repay part of school removal costs if removal is recommended by the state.

Massachusetts inspects public buildings and schools, samples, analyzes samples and recommends abatement measures. There are at least five engineers and a project engineer available. The schools are being resurveyed based on new guidelines, as inspections in 1978 only covered sprayed-on asbestos in public areas.

REGION II

EPA Region II asbestos coordinator, Arnold Freiberger, has seven inspectors to check some 3,000 schools in New York and New Jersey. Out of 108 districts inspected, only 13 were in compliance with EPA rules, 32 had minor violations and 63 had either failed to inspect or identify asbestos or to post notices and notify parents and teachers.

New York has provided funds for asbestos control, reported Henry Binzer, associate in school business management state Department of Education. In additon to state grants of $1.75 million annually for the past four years, school districts may tap state building aid for asbestos control.

An annual state survey of school revealed 509,000 square feet of potentially hazardous asbestos.

The New York State School Asbestos Safety Act of 1979 required schools to identify asbestos and, if it is hazardous, take control measures. Encapsulation is most popular with schools. "The problem is that still has to be watched," Binzer noted. Removal is permanent, but expensive.

The state does not give advice on specific jobs, but provides an educational program for contractors and information to schools.

New Jersey doesn't provide specific aid for asbestos removal, but schools can get assistance through the foundation aid program, said Dr. Irving M. Peterson, manager, Facility Planning Services, state Department of Education.

In 1979, a governor's Task Force on Asbestos set minimum specifications for removal of friable asbestos. The specifications, which contractors must follow, require notification of state and federal agencies prior to the start of a project, require documentation of the contractor's qualifications, and require the contractor to follow stringent procedures for removal. The standards do not permit encapsulation (by coating the asbestos-containing layer) in New Jersey.

The state must approve all construction projects, plans, make field inspections to assure the work area is set up properly so contamination doesn't spread and check at the end of the project. Contractors, agents and workers must all attend a one-day state-EPA seminar and carry certification cards on the job.

Out of 2,400 public schools in New Jersey, asbestos removal projects have been approved in 350. Costs have totaled $46 million, for an average of $131,0000 per school. It's up to local districts to remove the asbestos and as many as 100 more may not have acted yet.

EPA's new rule requiring parental notice "triggered a lot of work," Peterson said. As many projects were approved last year as in the previous four years.

REGION IV

EPA doesn't have the resources to inspect school compliance with asbestos regulations, declared Dwight Brown, asbestos coordinator for Region IV covering Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Most commonly, schools have either failed to inspect or to notify parents, Brown noted. He added that common law requires building owners to identify and notify occupants of hazards, and to provide medical surveillance if there is evidence of exposure.

Region IV also provides technical assistance and its intensive seminars on asbestos are attended by many from outside the region.

Most of the asbestos found in Georgia schools was in boiler rooms or pipe wrapping and has been corrected, said Lovett Fletcher, asbestos coordinator. State environmental, health and education departments worked with the U.S. EPA to provide information and hold seminars for superintendents. In addition, 70 environmental health specialists were trained to assist local systems. Schools with acute problems could get matching state aid through the state capital outlay, Fletcher said.

Kentucky helps schools comply with EPA inspection requirements, but has no money to aid them, said Jim Judge, unit director of property insurance, Department of Education. Asbestos cleanup was estimated to cost $26 million last year, but a survey now underway could change that estimate. Judge noted that the EPA doesn't require removal and many schools "are hesitant to post a warning." Asbestos problems in the state's 180 districts range from major ones with ceilings to boiler rooms.

Affected schools mostly include those built from World War II to the early 1970s. Judge said certain architects used lots of asbestos while others didn't.

South Carolina selected the critical points of EPA's regulations in requiring public and private schools to inspect, sample and analyze for asbestos, said Lee Bacot, asbestos coordinator, Department of Health and Environment. Results of the school surveys and health hazard assessments were re-

quired to be publicized in meetings and by notifying parents.

Out of 1,200 public schools, 1,080 or 90 percent complied with EPA's rule and 270 found friable asbestos. Only about 30 percent of the 450 private schools complied.

Asbestos inspectors must be certified by the state and must send survey results to the state. A one-day course is offered by the state to consultants and state and local staff. Schools are provided information, but the state does not provide specific advice or any funds.

Tennessee had a governor's task force on asbestos in 1978, according to Robert Foster, chief, technical services, Division of Air Pollution Control, Bureau of the Environment.

Out of 1,773 schools, 150 reported potentially hazardous asbestos.

The state provides free analysis of suspected asbestos materials, provides information to schools, and conducts training sessions. Because there is a shortage of EPA inspectors, Tennessee Gov. Lamar Alexander wrote the EPA offering to help enforce the inspections. However, EPA has not responded. The state plans to proceed to develop the data anyway, Foster said.

"We're convinced asbestos in the schools is one of the more important health problems," Foster declared. "It's an absolute human carcinogen. It causes serious irreversible health effects. Even brief exposure can cause painful disease. Children are even at more risk."

The goal should be to eliminate the hazard, Foster continued, while the EPA only requires inspections and warnings which can lead to panic and make schools vulnerable to unscrupulous contractors. People need to be educated on how to abate the hazard, he said. He added that although "most want to do the best, it's hard to convince them that a little dust out of the ceiling will kill them."

"I've gone in schools where the material (asbestos) was hanging off chairs," Foster said. In that case the superintendent closed the schools upon the state's recommendation. More troublesome are marginal situations, Foster noted, where schools don't understand the potential hazard. "They look to the state or federal government," he said. "But hope for federal or state aid is a loser."

REGION V

"There's quite a few violations of EPA's rule," said Anthony Restaino, asbestos coordinator for Region V covering Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

Many school officials thought asbestos "was a low priority, didn't take time to inspect, didn't touch asbestos-materials to see if it crumbled or didn't notify parents or employees," Restaino said. Out of 43 school districts inspected, 29 were in violation. The Region V inspection staff was recently doubled to eight.

Illinois treats asbestos as a health and public safety issue, said Ralph Morrisette, architect, school facilities and organization section, State Board of Education.

Under Illinois law, school boards can hire an architect to determine if school building conditions endanger lives. After a survey of the cost to remove the asbestos, the local district can levy a tax for the amount without a referendum. Because schools are able to raise the funds, most of those with asbestos are having it removed, Morrisette said.

Most Wisconsin schools have inspected for asbestos, reported Nori Roden, school asbestos program coordinator, Department of Health and Social Services.

Out of 3,027 schools, 3,006 inspected and 1,089 found friable asbestos. Corrective action was taken by 583: 395 rewrapped pipes, 94 removed asbestos, 33 enclosed it and 61 encapsulated it.

Wisconsin has had an asbestos program since 1980. The Department of Industrial Labor and Human Relations conducted asbestos inspections when it conducted fire and other safety inspections. Samples were analyzed by the state lab. The Department of Public Institutions targeted schools for the free inspections, helped with record keeping, and provided technical assistance and consultation services. The health department computerized and coordinated the data and consults on health effects of asbestos.

A position paper being developed by the health department will most likely recommend removal of all friable asbestos, Roden said. "We're cautious of encapsulation and enclosure," she said. Advantages of the temporary measures include less cost and time, but the disadvantage is the "asbestos is still in the building," Roden said.

Minnesota in 1983 authorized a $25 per pupil unit capital expenditure levy and aid for asbestos removal or encapsulation and PCB cleanup with Department of Education approval.

REGION VIII

The major violation found in Region VIII is that schools "aren't willing to put up notices," said Steve Farrow, EPA asbestos coordinator for Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. Instead, schools are trying to remove or encapsulate the asbestos first, he said.

Of the states, Farrow said that Utah's problems were with pipes and boiler rooms, North Dakota was making progress and Wyoming had few major problems.

Chuck Johanningmeier, technical advisor for the region, said, "Many people hoped it would go away. Medically, it is just getting worse." A Fargo teacher had contacted the EPA after discovering asbestos debris left in a school storeroom. Not long afterwards, the lawyer for the teacher's estate reported the man had died of mesothelioma (a rare cancer associated with asbestos exposure).

Unqualified contractors can do more damage than if the asbestos was left alone, Johanningmeier said. A proposed measure before the Colorado Legislature will require contractors to be certified to work on asbestos.

In another case, a contractor left asbestos which students and teachers dusted up. As a result the EPA is helping write specifications in a contract for cleanup which will be available to others as well.

There are some bright spots as well. Johanningmeier praised the work of Gill Johnson, the asbestos coordinator for a Jefferson County, Colorado, district. Johnson overcame school resistance and succeeded in cleaning up the asbestos in the district's schools.

NO CAVALRY IN SIGHT

Although asbestos was recognized as a nationwide health problem by the Congress in 1980, there's no real federal effort to protect the health of exposed school children. Even though most states have asbestos coordinators, few states mandate cleanup or provide funds for removal. Essentially, asbestos removal or cleanup is left up to local school districts. Local school officials may not be willing or understand how to inspect for asbestos. Some may not understand the health dangers or legal liability they incur by allowing asbestos to remain. Apparently, many refuse to adequately notify parents or teachers if asbestos is found. Even then, students have no choice but to attend the school and teachers may be fearful of retribution if they take action. Many schools don't have or don't want to spend the money it takes to remove or cleanup asbestos.

Alvin L. Alm, deputy administrator of the EPA, recently acknowledged that the agency was reconsidering its approach to asbestos in the schools.

Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleagues, Senators ABDNOR and STAFFORD, in offering an amendment to S. 757, the Solid Waste Disposal Act Amendments of 1983. Our amendment would establish within the Environmental Protection Agency (EPA) a program of technical and financial assistance to address the asbestos hazards in our Nation's schools.

Between 1940 and 1973, asbestos materials were applied for fire-proofing and insulating purposes to the ceilings, walls and other parts of thousands of school buildings throughout the country. Asbestos, the common name for a group of natural minerals that separate into thin but strong fibers, is now known to pose a considerable health risk. Asbestos fibers can be released into the air from building materials that are damaged or incompletely sealed. When inhaled, asbestos fibers can cause a number of serious diseases. Epidemiologic evidence shows that asbestos exposure can cause asbestosis, a chronic lung disease that impairs breathing; mesothelioma, a rare cancer of the chest and abdomen; and cancers of the lung, stomach, and colon.

Once in the body, asbestos remains there indefinitely. Moreover, asbestos-induced cancers can occur anywhere from 14 to 40 years after the first exposure. For this reason, there is a special concern when children are exposed to asbestos fibers.

The Environmental Protection Agency estimates that between 12,000 and 14,000 public and private school buildings contain friable asbestos—that is, the type of asbestos that could be released into the air. Many local educational agencies simply do not have the financial resources to undertake a major asbestos abatement effort. Certain States have made some assistance available for abatement programs in schools. But such resources, too, are limited. New York State, for example, has spent $1.75 million annually over the last 4 years to assist school in controlling asbestos hazards.

It is both appropriate and necessary for Congress to provide increased Federal resources to assist in abating a problem threatening the health of millions of American children in public and private schools throughout the Nation. Our amendment would do

this, first, by increasing the resources available to the EPA to provide technical and scientific assistance, and, second, by transferring to the EPA a modified version of the Department of Education's current authority to assist schools in abating asbestos hazards.

Under the current Asbestos School Hazard Detection and Control Act (96-270), the Secretary of the Department of Education is authorized to make loans to assist local educational agencies carry out asbestos abatement projects. The $150 million authorized for this loan program, however, has never been appropriated.

Current EPA regulations, issued in May 1982, require all schools to inspect and test building materials to determine if friable asbestos is present. If asbestos is found, school employees and parents must be notified. Since 1979, the EPA also has conducted a program of technical assistance, to help schools identify potentially hazardous asbestos and provide advice on appropriate abatement actions. The Agency's resources in this area, however, are limited.

Our amendment would authorize the Administrator of the Environmental Protection Agency to make loans and grants to financially needy local educational agencies, to undertake asbestos abatement work. Our amendment also would provide that a percentage of the funds authorized for the EPA loan and grant program would be set aside to carry out an expanded technical assistance program.

Mr. President, we must move ahead in a more systematic and rapid manner to remove the asbestos hazard from our Nation's schools. The amendment we offer today will allow us to do just that. We simply cannot continue to allow millions of schoolchildren to be exposed to the dangers of asbestos. I would urge all my colleagues to support enthusiastically this amendment.

Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleagues Senators STAFFORD, ABDNOR, MOYNIHAN, SASSER, HUDDLESTON, HATFIELD, DURENBERGER, PERCY, PELL, MITCHELL, and RANDOLPH in filing an amendment to be offered to the Resource Conservation and Recovery Act. This amendment authorizes a program of financial assistance to schools to clean up hazardous asbestos problems.

The Environmental Protection Agency currently requires all schools to inspect for crumbling, dangerous asbestos in their buildings and to notify employees and parent-teacher organizations when asbestos is found. However, the schools are not required to remove or otherwise alleviate the danger from asbestos once it is discovered, nor are any Federal funds available to assist the schools with high costs of asbestos cleanup.

Mr. President, the purpose of the amendment that we will be offering is to authorize $600 million in grants and loans to schools over the next 7 years. Each State, and then EPA, will rank the Nation's school districts according to the health hazards in their schools. The priority list will be accompanied by a request for the amount of Federal grants and loans to pay for the needed cleanup, based on the financial resources of the district. The districts with the worst asbestos problem and the least financial resources will have first call on the financial assistance available under this legislation.

I can think of no more eloquent argument in favor of Federal assistance for asbestos cleanup than a letter I received from a small school district in my State of New Jersey. The local elementary school has asbestos in the ceiling. Both the private testing company and the EPA team which inspected the school recommended that the ceiling materials be removed and replaced with nonasbestos materials.

Mr. President, the letter continues with a plea for help.

> The problem is money. Our town is a very small community, about 4,000 people, and it will cost $367,000 to remove the ceilings and replace them. This amount will be a great hardship on our townspeople, especially our senior citizens and others on fixed income. It seems very unfair, and ironic, that the materials were put on the ceilings to conform to regulations at the time; yet now, when they must come down, there are no regulations or funding available to defray the cost. Won't you please help us?

The legislation being introduced today is a response to that plea, and to many others from small towns and large cities all around this country. The loans and grants available under this authority will help schools to take the necessary steps to protect the health of our most precious natural resource, our children.

Mr. President, I urge my colleagues to support this important amendment when it is offered during the debate on S. 757.

● Mr. HUDDLESTON. Mr. President, I am pleased that a number of my colleagues have joined in cosponsoring this amendment to establish a program of financial assistance to school districts that have asbestos hazards. This program is to be under the jurisdiction of the Environmental Protection Agency which has become increasingly involved in asbestos abatement efforts.

Asbestos has been used at many schools in our Nation before it was banned in the early 1970's. Its potential for causing serious lung diseases and cancer is well-known. Often, any signs of disease can remain dormant for as long as 20 to 30 years. We cannot afford to wait any longer to deal with this dangerous health threat.

I have been working for over a year now to secure some funding for this program. Last spring, during consideration of the supplemental appropriations bill, I included language that required the Department of Education to report to Congress on the extent of the problem in our Nation's schools. The report was released on October 28, 1983, and it showed that approximately 14,000 schools had asbestos contamination.

Unfortunately, the report was released a couple of weeks after the Senate considered the Labor-HHS-Education appropriations bill to which I offered an amendment to include $50 million in funding for asbestos abatement. The amendment was not accepted by the Senate because it was felt we should await the results of the Department's report before appropriating any funding. A House-Senate conference committee on the bill also deleted the $50 million in funding that the House had appropriated.

It was only after the conference that many people realized the extent and the seriousness of the problem. This awareness led to the legislation being introduced today.

One of the major changes that this legislation makes in current law is the shifting of the program from the Department of Education to the Environmental Protection Agency. This transfer will be to the benefit of the schools since EPA currently is working with school districts in providing technical assistance in detecting asbestos hazards.

When schools find asbestos hazards, they are not required to take any remedial action. They must only post notices of the hazards and inform parent-teacher organizations. Some schools have taken steps to remove the asbestos, but others just do not have the resources available.

Consequently, this legislation authorizes $50 million for each of fiscal years 1984 and 1985, and $100 million for each of the 5 following fiscal years to help schools with asbestos abatement. This assistance can be provided in the form of a 20-year, no-interest loan, or a grant. It is the intention of the legislation that the financial assistance should go to the most needy districts where the greatest health threat exists.

I hope that Senators recognize the seriousness of the problem we are facing. Action needs to be taken now and we cannot let this opportunity pass us by.

Earlier this year, my colleague from Tennessee (Mr. SASSER) and I introduced legislation to provide emergency grants to school districts with asbestos problems. However, the grants were to be an extension of the existing program under the Department of Education. I am pleased that a number of

the ideas contained in that legislation are included in the new amendment being introduced today.

I wish to emphasize that the amendment being introduced today is only one-half of the battle. Should this legislation be approved by the House and the Senate and signed into law, we still must secure funding for the program. I intend to vigorously pursue funding for asbestos abatement as ranking Democrat on the HUD-Independent Agencies Appropriations Subcommittee. I urge my colleagues to give their support not only to this amendment, but also to our efforts to insure that funding will be provided during the current fiscal year. The health and welfare of our children demand our commitment to this goal.●

BURDICK AMENDMENT NO. 2860

(Ordered to lie on the table.)

Mr. BURDICK submitted an amendment intended to be proposed by him to the bill S. 757, supra; as follows:

At the appropriate place insert the following new section:

"SEC. . Section 8002 of the Solid Waste Disposal Act is amended by inserting after subsection (p) the following new subsection, and redesignating succeeding subsections accordingly:

"(q) EXTENDING LANDFILL LIFE AND REUSING LANDFILLED AREAS.—The Administrator shall conduct detailed, comprehensive studies of methods to extend the useful life of sanitary landfills and to better use sites in which filled or closed landfills are located. Such studies shall address—

"(1) methods to reduce the volume of materials before placement in landfills;

"(2) more efficient systems for depositing waste in landfills;

"(3) methods to enhance the rate of decomposition of solid waste in landfills, in a safe and environmentally acceptable manner;

"(4) methane production from closed landfill units;

"(5) innovative uses of closed landfill sites, including use for energy production such as solar or wind energy and use for metals recovery;

"(6) potential for use of sewage treatment sludge in reclaiming landfilled areas; and

"(7) methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

The Administrator is authorized to conduct demonstrations in the areas of study provided in this subsection.".

Mr. BURDICK. Mr. President, I am submitting an amendment to S. 757, the Resource Conservation and Recovery Act. This amendment instructs the Administrator of EPA to study methods for extending the useful life of sanitary landfills and to explore more efficient ways to use filled or closed landfills.

In North Dakota and all over the country there are thousands of municipalities with landfills that are filled or nearly filled to capacity. Finding sites to replace these landfills, is becoming increasingly more difficult and expensive. Cities in my State cannot find or afford to buy more landfill sites. The city fathers have thrown up their hands in frustration because they do not know where to turn for help. EPA has not studied this problem in any sufficient detail and EPA officials are currently unable to assist those who need help and guidance. Unfortunately this problem will not go away, it will only persist and cause problems for future generations unless something constructive is done. If North Dakota cannot find sufficient landfill sites, consider the problems facing heavily populated urban States.

Now is the time to direct EPA to concentrate on this growing problem of garbage disposal. I am asking them to study the following areas:

First, methods to reduce the volume of garbage before it is placed in the landfills;

Second, more efficient systems of depositing waste in landfills;

Third, ways to make solid waste decompose faster;

Fourth, the possibility of producing methane from closed landfill units;

Fifth, innovative uses of closed landfill sites, including solar or wind energy production and metals recovery; and

Sixth, methods to coordinate use of a landfill owned by one municipality by nearby municipalities, and to establish equitable rates for such use, taking into account the need to provide future landfill capacity to replace that so used.

The Administrator is authorized to conduct demonstrations in the areas of study provided in the amendment. I suggest a good place to consider a demonstration project of this kind would be in Fargo, N.D. Because their landfill is nearly filled to capacity they would value any assistance and guidance EPA could give them.

URGENT SUPPLEMENTAL APPROPRIATION

D'AMATO AMENDMENT NO. 2861

Mr. D'AMATO proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page 6, immediately after line 21, add the following:

UNITED STATES INFORMATION AGENCY

Notwithstanding any other provision of law, for necessary expenses of the United States Information Agency $850,000.00 for payment to Nassau County of the State of New York as reimbursement for activities carried out by Nassau County during the 1984 International Games for the Disabled.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold full committee hearings on S. 2489, the Small Business Competition Enhancement Act, and S. 2434, "A bill to amend section 15 of the Small Business Act by requiring the assignment of breakout procurement representatives at major procuring installations," on April 6, 1984, at 10 a.m. in room 428A, Senate Russell, and on April 12, 1984, at 9:30 a.m., in room 428A, Senate Russell. For further information, please contact William Montalto, procurement counsel, of the committee staff at 224-3099.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. KASTEN. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, March 29, to hold a hearing on S. 2403, a bill to transfer lands from the Department of Agriculture to the Cochiti Pueblo in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KASTEN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 29, at 9:30 a.m., to continue marking up S. 1566, program for fraud civil penalties; S. 2300, Civilian Agencies Multiyear Contracting Act of 1984; and to consider the nomination of Bruce Beaudin to be assistant judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. KASTEN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 29, to hold an open hearing to be followed by a closed hearing on strategic command control and communications, which is a part of the fiscal year 1985 authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE OIL MERGER MORATORIUM LEGISLATION

● Mr. PELL. Mr. President, during the Senate's debate on the merger moratorium legislation, I voted in favor of the motion to table the Dole substitute amendment calling for a sense of the Senate resolution in respect to merger activity. I did so because I favored the stronger approach embodied in the amendment offered by my distinguished colleagues, Senators JOHNSTON, RUDMAN, and METZENBAUM.

In my view, a moratorium on prospective mergers—one that did not affect any pending mergers where shareholders' rights were at issue—would have been entirely appropriate at this time. Such a moratorium would have given the Congress time to fully examine the highly complex issues involved in corporate merger trends in the oil industry. I particularly supported the provision in the Johnston/Rudman/Metzenbaum amendment that would have created a nine-member Commission to report to the Congress on the impact of mergers on energy development and exploration, price competition, and increased U.S. dependence on foreign suppliers.

While I regret that the Johnston amendment was not adopted, I am pleased that—as a result of the adoption of the Dole substitute amendment—the Energy and Natural Resources Committee, the Finance Committee, and the Judiciary Committee will examine the significant issues raised by the recent merger activity, and that any legislative changes as a result of these hearings will be retroactive to the date of passage of this legislation. This measure will signal the serious concerns of the Senate in this area, and provide opportunity for the review of the complex issues involved in an area of fundamental importance to the American economy and the consumer.●

THE ERA: MYTHS AND REALITIES IV (ABORTION)

● Mr. HATCH. Mr. President, in order to shed some perspective on the question of the impact of the proposed equal rights amendment on abortion rights, I would like to place in the RECORD an outstanding statement delivered earlier this year before the Senate Judiciary Committee by Prof. John Noonan of the University of California School of Law.

The statement follows:

ERA—EQUAL RIGHTS FOR ABORTION?

(Testimony of John T. Noonan, Jr.)

I am pleased and honored to be here by invitation of this committee. I congratulate the chairman and the committee for their willingness to explore aspects and implications of the proposed Equal Rights Amendment not immediately obvious from a simple inspection of its words—for their willingness to try to understand how the ERA will work in practice.

I come as the representative of no organization and speak only as a law professor with some familiarity with how constitutional provisions are interpreted by courts in the United States. I come with no animus against the ERA. I am a believer in the equality of men and women and a defender of the rights of both sexes. My only concern—I admit it at the start—is that the terrible scourge of legalized abortion which now devastates our country not be wittingly or unwittingly given new strength by any formal amendment of the Constitution. It is plain beyond argument that the abortionists do not have the power to pass an amendment asserting, "Abortion is a constitutional right." It would be a tragedy if the equivalent of such an amendment crept into the Constitution in disguise.

When I approached the examination of the ERA I did so alive to such a danger, but with an open mind as to whether in fact the ERA created such a danger. I should like to set before the committee the assumptions on which I have proceeded, the conclusions I have reached, and the reasons for these conclusions.

ASSUMPTIONS

1. I have assumed that when we seek the meaning of the ERA we are not looking at words abstracted from their context. We are looking at words as they would be understood in 1984 in the United States of America. We are not attempting the exegesis of words unfolded on some scroll set in the heavens. We are looking at a constitutional amendment which has had proponents and a legislative history. We are looking at an amendment which will, if enacted, be interpreted by a federal judiciary pretty nearly the same as it is today. We are trying to ascertain what these federal judges will make of these words with this legislative history.

2. I have assumed that everyone knows that the principal basis on which *Roe* v. *Wade* was decided, and on which its holdings were recently reaffirmed in *City of Akron* v. *Akron Center for Reproductive Rights*, was the court-created doctrine of privacy. No one argues that the ERA or equal rights was the basis for these decisions. The question is whether the ERA would provide a substitute rationale if the privacy doctrine should be abandoned as their basis.

3. I have assumed that cases decided under the Equal Protection Clause of the Fourteenth Amendment and the equal protection component of the Fifth Amendment—in particular the Abortion Funding Cases—are not authoritative guidance as to what the Supreme Court would do under a constitutional amendment specifically banning discrimination "on account of sex."

4. I have assumed that the course of the Court's changing position on Title VII of the Civil Rights Act from *General Electric Company* v. *Gilbert* in 1976 to Newport News Shipbuilding in 1983 does give guidance as to how the present Court would construe a constitutional amendment (the ERA) which so closely parallels Title VII in respect to sex discrimination.

CONCLUSIONS

The conclusions I come to are as follows:

1. It is certain that the ERA would have a substantial impact on litigation involving abortion rights.

2. It is highly probable that the ERA would require the federal and state funding of elective abortions.

3. It is highly probable that the ERA would invalidate existing vestigial restrictions on abortion.

4. It is probable that the ERA would invalidate the exemption now accorded to doctors, nurses, and hospitals objecting on grounds of conscience to the performance of abortions.

5. It is probable that schools and colleges discouraging abortion among their students by disciplinary regulations would lose their status as public charities and their tax exemption under the Internal Revenue Code.

6. It is highly probable that if the Supreme Court abandoned the privacy doctrine as a basis for abortion rights, the ERA would provide a new basis for establishing those rights.

7. It is possible that the ERA would provide two checks on abortion by establishing a constitutional basis for statutes extending to fathers a share in the decision to abort and for statutes prohibiting abortion on the basis of the sex of the unborn child.

8. On balance, although the ERA could be a means of imposing certain limits on the right to an abortion, the net impact of the ERA would be a pro-abortion impact. It is not too much to say that a vote for the ERA as presently drafted is a vote for abortion. It is not too much to say that there is an ERA-abortion connection and that in interpretation and effect the ERA will mean "Equal Rights for Abortion" in the governmental funding of abortion, the elimination of conscientious objection to abortion, the denial of tax exemption to educational institutions discouraging abortion, and the grounding of the abortion right in the text of the Constitution.

REASONS

I reach these conclusions both by consideration of the ERA as explained by its legislative history and by consideration of the decisions of the present Supreme Court. I shall examine these guides to the ERA's meaning in turn.

1. "Strict Scrutiny" and the "Unique Physical Characteristic" Test.

"Equal Rights for Men and Women," the Report of the Senate Judiciary Committee on the ERA in 1972, adopted the views of Congressman Don Edwards and thirteen other members of the House Judiciary Committee as stating "concisely and accurately the understanding of the proponents of the Amendment." According to them, the ERA would make gender a prohibited classification with an important exception. Sex classifications would be permitted if based on physical characteristics unique to one sex.[1] Under this exception the key question is whether abortion is a procedure so dependent on a unique physical characteristic of women that the ERA has no application to it because equality has no meaning when applied to a unique characteristic. In other words, does the ERA simply bypass the whole heated area of the abortion controversy because only women can be pregnant and so only women can have abortions? Would legislation taking into account such a unique physical characteristic of women qua women still be valid if the ERA were passed?

The Senate Committee Report followed a significant article by proponents of the ERA

Footnotes at end of article.

published in the Yale Law Journal in 1971. This article by Barbara A. Brown, Thomas J. Emerson, Gail Falk, and Ann E. Freedman—I shall refer to it as the Brown-Freedman article—was not only a gloss on the proposed amendment by articulate supporters of the amendment. It was distributed to all members of Congress. It was made part of the legislative history of the ERA by the amendment's congressional sponsors—Congresswoman Martha Griffiths introduced it into the legislative history in the House; Senator Birch Bayh, the author of the Senate Report, introduced it into the legislative history in the Senate, observing that it was a "masterly piece of scholarship." The article is authoritative as to what the Senate Report's "unique physical characteristic" exception meant.[2]

According to the Brown-Freedman article, there could be, if the ERA were enacted, legislation which applied differently to one sex, which would not necessarily be invalid. If a law "takes into account" physical characteristics unique to one sex, the law, the authors say, could be valid.[3] But the law would have to be reviewed for constitutionality by the criteria courts use, "when they are reviewing, under the doctrine of strict scrutiny, laws which may conflict with fundamental constitutional rights."[4] The usual example of strict scrutiny review is the review of laws discriminating on the basis of race. Very few statutes impinging on race survive strict scrutiny.

The Brown-Freedman article, and the Senate Committee Report following it, were silent—even though they were written at a time before *Roe* v. *Wade* when abortion was a debated right—as to whether or not abortion laws would survive strict scrutiny. The article did, however, give two examples of laws that would meet the test—laws giving medical leave for the delivery of a child and laws punishing one species of rape.[5] The Senate Committee Report adopted the example of a law paying the medical costs of child bearing.[6] The article also gave laws that would not withstand strict scrutiny—that would be unconstitutional if the ERA were the law of the land. These laws included the White Slave Traffic Act (the Mann Act) protecting girls and women from being used as articles of commerce in "white slavery";[7] laws prohibiting the statutory rape of girls under the age of sixteen;[8] laws prohibiting rape by instrument;[9] and laws defining rape to include a man forcing a woman to have sodomitic intercourse.[10] None of these laws, the authors said, protect a unique physical characteristic of women. They protect an assumed social weakness (the Mann Act, statutory rape laws); or they prohibit acts which could be forcibly performed on men. In either case they are not sexually neutral and so are bad under the ERA. They could not survive "strict scrutiny." It is apparent from these examples that laws precisely and exclusively "taking into account" a physical feature not shared by the two sexes are few. Laws designed to protect women from sexual exploitation and assault are not sufficiently exclusive and precise to qualify.

The authors' approval of a law giving leave for delivery of a child did suggest that if a statute directly related to a woman's reproductive capacity it might survive strict scrutiny—that despite the severity of the test, abortion laws might pass. But this possible inference was dispelled by three of the authors themselves. In 1975 in *General Electric Company* v. *Gilbert* Barbara A. Brown and Ann E. Freedman for the Women's Law Project joined with Thomas I. Emerson and representatives of the American Civil Liberties Union to file an amicus curiae brief with the Supreme Court. The brief explained that the Women's Law Project was "particularly concerned with the theory and implementation of the equal rights amendment" and that the ACLU wanted to end "gender-based discrimination."[11] Jointly the authors of the brief stated how the ERA, if it had been in force, would have applied to General Electric's disability plan which excluded coverage for pregnancy.

GE was defending its plan on the ground that as men had no coverage for pregnancy, there was no discrimination; the sexes were treated alike; what was omitted was medical treatment of a condition physically unique to women. The Brown-Emerson-Freedman brief was scornful of this rationale. Their article had shown that discrimination of this kind would be subject to "strict scrutiny" under the ERA. Strictly scrutinized, pregnancy soon lost its uniqueness.

Pregnancy—Brown, Emerson and Freedman observed—is a condition which "possesses a number of properties, some of them shared with other conditions (need for medical care, period of disability) and some wholly unique (the birth of a child is the usual result). The uterus, too, shares some characteristics with the other organs (subject to disease and malfunction) and has some functions wholly unique to it (reproductive function)." Only if the GE plan related "precisely and exclusively to the reproductive function" would satisfy strict scrutiny. Obviously, it did not.[12]

By the Brown-Emerson-Freedman standard only a statute relating "precisely and exclusively" to a unique physical characteristic can survive strict scrutiny. Could an abortion statute meet this test? Abortion does have some special aspects. It also shares some characteristics with other medical procedures—it is an operation; it is dangerous to the patient; it results in temporary disability. Could a statute be so tailored that it did not bear on these "shared characteristics." It is hard to imagine such a statute. Just as a plan not funding pregnancy as a disability neglected the characteristics pregnancy shared with other medical conditions, so any law touching on abortion affects characteristics which abortion shares with other medical procedures. To regulate—or not to fund—a procedure with shared characteristics would violate the ERA by the Brown-Freedman test.

Moreover, by the Brown-Emerson Freedman standard is there anything so special about abortion that it could be classified as relating to a unique physical feature of women? Abortion eliminates what they say is unique about pregnancy when they acknowledge that "the birth of a child is the usual result." The usual result of an abortion is non-birth. Abortion reduces a woman to a non-childbearing condition. In this respect she becomes undifferentiated from a man. On the Brown-Emerson-Freedman analysis, a statute relating to abortion would not relate to physical characteristic unique to women.

Suppose it is said that abortion relieves a woman of a burden which only a woman can bear—that is what is unique about it. But a man can have a tumor that is unwanted. The operation which removes the tumor is very like an abortion in the eyes of those sympathetic to the abortion liberty.[13] Those sympathetic to the abortion liberty are the great majority of federal judges who have decided abortion cases and a clear majority of the Supreme Court. It would be hard for the present judiciary to acknowledge that there was something so special about the burden relieved by abortion that the operation was not to be classified under the ERA with other operations destroying unwanted growths.

Reflection will convince us that what is to be classified as physically unique depends a great deal on the purposes of the classifier. Let us take some examples from Justice Brennan, another defender of strict scrutiny of sexual classifications, as he dissented in the eventual Gilbert judgment in favor of General Electric. He took note of GE's contention that there was no illegal discrimination because the risk of pregnancy was unique to women and observed that "risks such as prostatectomies, vasectomies, and circumcision . . . are specific to the reproductive systems of men."[14] These risks were covered by GE's plan; hence, Justice Brennan argued, the plan discriminated against the reproductive systems of women. Here the classifier, wanting to prove discrimination, takes as the unit of comparison "the reproductive system." The uniqueness of childbearing disappears. By the same token, a judge sympathetic to abortion could take the reproductive system as the unit of comparison and find that a medical aid program which paid for prostate operations and vasectomies but not abortions failed the strict scrutiny test under the ERA.

Whether the category employed was "reproductive system" or "unwanted tumor" or "medical operation," it would not be difficult to find classifications which eliminated any uniqueness in abortion. By the Brown-Emerson-Freedman understanding of the ERA, any denial then of abortion rights would be constitutionally improper. Existing vestigial restrictions on abortion and abortion funding would be swept away by the ERA along with the White Slave Traffic Act, statutory rape and sodomitic rape.

2. "Strict Scrutiny" and the "But For" Test.

To this point I have explored the possibility that abortion would be an exception on the basis of the legislative history of the ERA. I now turn to the test developed by the Supreme Court in expounding a statute parallel to the ERA, Title VII of the Civil Rights Act. But as prelude to that test it must be noted that the Brown-Freedom exception on the basis of unique physical characteristics has not been adopted by all proponents of the ERA. Indeed, some interpreters of state ERAs take the opposite view—the more a distinction is based on a unique feature of gender the more likely is it to be discriminatory.

In 1978, for example, certified providers of Medicaid abortion services moved to intervene in a suit seeking to enjoin Hawaii from funding elective abortions. The intervenors declared, "Abortion is a medical procedure performed only for women; withdrawing funding for abortions while continuing to reimburse other medical procedures sought by both sexes or only by men would be tantamount to a denial of equal rights on account of sex."[15] In 1980, the Civil Liberties Union of Massachusetts, an affiliate of the ACLU, attacked the Massachusetts restriction on abortion funding, stating in its complaint, "By singling out for special treatment and effectively excluding from covering an operation which is unique to women, while including without comparable limitation a wide range of other operations, including those which are unique to men, the statutes constitute discrimination on the

basis of sex, in violation of the Massachusetts Equal Rights Amendment."[16] In 1982 the Women's Law Project, "particularly concerned with theory and implementation of the equal rights amendment," filed a complaint against Pennsylvania's restriction on abortion funding. The complaint declared: "Pregnancy is unique to women. 62 P.S. sec. 453 and 18 Pa. C.S.A. sec 3215(c), which expressly deny benefits for health problems arising out of pregnancy, discriminate against women recipients because of their sex."[17]

These interpreters of state ERAs were moving in the direction predicted for Supreme Court by Ruth Bader Ginsburg (the director of the ACLU's Women's Rights Project, now Circuit Court Judge Ginsburg), She wrote in 1978, "Eventually the Court may take abortion, pregnancy, out-of-wedlock birth, and explicit gender-based differentials out of the separate cubbyholes in which they now rest, acknowledge the practical interrelationships, and treat these matters as part and parcel of a single, large, sex equality issue."[18] In short, all the issues related to reproduction by women were to be handled under the rubric of equality. Judge Ginsburg was in fact prophetic. Her vision is, in fact, the one that the Court's recent decisions under Title VII make likely to be a reality if the ERA becomes the law of the land.

In the 1978 case of *Los Angeles Department of Water and Power* v. *Manhart*, the Supreme Court considered the lawfulness under Title VII of a city pension plan which made women contribute more than men on the ground that women live longer than men. The Court held the plan unlawful. Writing for the Court, Justice Stevens observed that the plan was based not on a fictional nor on a prejudicial stereotype of women. The plan was based on a reality. "As a class women live longer than men."[19] Although the plan was based on a biological characteristic unique to American women as a class, it was an unlawful, gender-based discrimination. It was a discrimination which responded precisely to a physical characteristic of American women taken as a sex. In Justice Stevens' words, "Sex is exactly what it is based on."[20]

Being based on sex made the discrimination unable to pass what Justice Stevens characterized as a "simple test." The test was whether the evidence showed "treatment of a person in a manner which but for that person's sex would be different."[21] by this test, if "but for" a woman being a woman she would be treated differently, such treatment by anyone subject to Title VII violates federal law. There is reason to believe on the basis of two cases decided in the 1983 Term that the present Supreme Court would use the "but for" test in applying the ERA to abortion.

In *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans* v. *Norris*, Arizona arranged for women employees of the state to be paid smaller monthly annuity benefits than men employees. The Court struck down the scheme as it had struck down the Los Angeles plan and for the same reason. Writing for the Court, Justice Marshall reaffirmed the validity of the "but for" test. He did not dispute the actuarial basis for the Arizona scheme, that women do live longer. He equated the use of this biological characteristic of the class with the use of race in actuarial computations. Just as the use of race as a predictor might be actuarially sound but federally illegal, so was the use of sex.[22] By the "but for" standard, a legal provision which was based on gender could not be the basis of state action.

Now it might be thought that both the Los Angeles and Arizona plans were unlawful because they discriminated against individual women who were shorter-lived than the average and in fact in each case the Court laid stress on the statutory language of Title VII forbidding discrimination to "individuals." But as Justice Powell, dissenting, pointed out, all insurance is based on averages.[23] No individual as such is harmed by being made a member of a class on which the average is based. There is harm only if the class as a whole is one which the law will not permit to be established. In both the Los Angeles and Arizona cases, it is the whole class which as a class possesses a unique, gender-based characteristic—longevity. It is this class constituted by a unique physical characteristic which fails the "but for" test of legality. As the class is unlawfully constituted, so every individual within the class who is harmed has a basis for objection. The same would hold of a class constituted by reproductive capacity.

It might still be argued that longevity as a physical characteristic is different from the capacity to bear children. Not every woman, it might be said, is long-lived, but every woman, qua woman, is capable of reproduction. Such an argument, it is obvious, appeals to fiction not fact. A substantial number of women are incapable of having children. The physical characteristic is true of the majority, as longevity is true of the majority, not of every individual. If classification by longevity is unlawful when the class is determined by sex, so is classification by reproductive capability.

We do not have to speculate about what the present Supreme Court thinks about the "but for" test applied to the reproductive capacity of women. In the same 1983 Term in which it decided the Arizona annuity case, the Court decided *Newport News Shipbuilding and Dry Dock Co.* v. *Equal Employment Opportunity Commission.* The issue was whether a disability plan which gave medical disability benefits to employees and their spouses was violative of Title VII because the plan covered the medical expenses of the spouses of female employees but omitted to cover the medical expenses for pregnancy of the spouses of male employees. The Court held the plan illegal. In form, the discrimination was against the male employees—they did not get the same coverage for their wives that female employees got for their husbands. In substance, the basis of the discrimination was the unique physical characteristic of women—only women could have a baby; only the medical treatment which childbearing required was denied coverage.[24]

Writing for the Court, Justice Stevens rejected the test the Court had used in 1976 when in *General Electric Co.* v. *Gilbert* it upheld G.E.'s exclusions of pregnancy from its disability plan.[25] Then the Court had thought it enough to say that the company did not intend an invidious discrimination. Gilbert had been overridden by Congress enacting the Pregnancy Discrimination Act, but that act appeared to relate only to the pregnancy disability of female employees. In fact, in an exchange on the Senate Floor, Senator Williams, the bill's sponsor, had so assured Senator Hatch.[26] Going beyond Congress' reversal of Gilbert, the Court found that the reasoning of that case had also been repudiated. Gilbert, Justice Stevens explained, had "concluded that an otherwise inclusive plan that singled out pregnancy-related benefits for exclusions was nondiscriminatory on its face, because only women can become pregnant."[27] Now the Court, following the line indicated by Congress, but going further, held that the plan discriminated because of "sex." The Court repeated, endorsed and applied what was again called "the simple test" of "but for."[28]

It is widely recognized that Title VII sex discrimination cases are valuable precedent for knowing how the ERA will work: as Mary Dunlap put it, in these cases "the past is prologue" to the ERA.[29] It is also widely recognized that "but for" is a test not only of simplicity but power. In the field of torts if "but for" is used as a test for causation, "there is no place to stop."[30] Analogously, there is no place to stop when "but for" is made the test of sex discrimination. The Supreme Court in the "but for" Title VII cases has adopted a test that eliminates even such exceptions as Brown-Freedman once imagined to be compatible with the ERA.

A "but for" standard virtually makes certain that any time a person is denied a right because of a physical characteristic unique to his or her sex, Title VII is violated. Distinctions based on unique gender characteristics become paradigm cases of unlawful discrimination. "But for" what is uniquely female or uniquely male, the person would be getting the same benefits as those of the opposite sex. What is true under the language of Title VII ("because of" sex and "on the basis of" sex), we have every reason to believe would be true under the parallel words of the ERA, "on account of sex." Strikingly, Congress has found it necessary to write into the law where "because of" sex and "on the basis of" sex are defined a specific exception stating that these definitions do not require an employer to pay for non-life endangering abortions.[31] Without the statutory exception, elective abortion would be included. The ERA has no similar exception. Discrimination focusing on a unique feminine characteristic would be a paradigm case of unconstitutional discrimination.

It may be objected that the Court did not adopt this approach in interpreting the Equal Protection Clause in the cases involving a state's refusal to fund elective abortions—*Maher* v. *Roe* in 1977 and *Williams* v. *Zbaraz* in 1980; and that similarly the Court avoided this approach in interpreting the equal protection component of the Fifth Amendment in *Harris* v. *McRae*, the federal abortion funding case. It has indeed been objected that the Abortion Funding Cases show that the Court still approaches abortion funding as a question relating to privacy and "summarily" dismisses the equal protection argument. The conclusion has been drawn that, as long as the privacy rationale for *Roe* v. *Wade* dominates the Court's approach, the ERA will have an insignificant effect on abortion funding or abortion rights generally.[32]

These objections and this conclusion result from attempting to answer the question, "What is the effect of the ERA?" and then assuming, contrary to the basis of the question, that the ERA is not in effect. Of course, as long as there is no ERA, abortion supporters and the Court will depend on the privacy rationale. But let it be enacted, how the situation would be changed!

Contrary to the objections, the Court in fact took very seriously the equal protection arguments the pro-abortion advocates were able to muster in Maher, Williams, and McRae. In Maher four pages are devoted by

the Court to the equal protection claims; in *Harris* (which was also dispositive of Williams) five pages.[33] This is scarcely summary consideration. But the equal protection provisions of the Constitution do not use the language of Title VII or the ERA. There is no language in them referring to discrimination "because of sex," "on the basis of sex," or "on account of sex." The Court was not prepared to bring its new Title VII approach to bear on the constitutional provisions on equal protection. Consequently what the Court did in interpreting two parts of the Constitution lacking the language of the ERA has little if any precedential value for interpreting the ERA itself. If the Equal Protection Clause were adequate for the objectives sought by the proponents of the ERA, there would be no need of the ERA. It is the new language of the ERA that is crucial. As to the meaning of that language the recent Title VII cases are clear precedent.

In the light of these cases—Los Angeles Water, Arizona Governing Committee, Newport News Shipbuilding—we do have helpful guidance as to how the present Supreme Court would apply the ERA, if enacted, to legislation related to abortion:

1. If a state funded medical operations but did not fund abortions, would a woman seeking an abortion be denied a right to medical treatment which, but for her sex, she could have? By the simple "but for" test, the Court's answer would be a clear Yes.

2. If a statute permitted a doctor, nurse, or hospital to refuse to participate in an abortion on the ground of religious objection to the procedure, would a woman seeking an abortion be denied a right to medical treatment that, but for her sex, she would have. By the same Simple test, the Court's answer would be Yes. Reliance by the doctor, nurse or hospital on the exempting statute would constitute state action, bringing the ERA into play. The further question would then be presented whether First Amendment freedom of religious exercise would prevail over the right conferred by the new constitutional amendment we have hypothesized as adopted. It seems probable that the new amendment would control. On this point the 1983 case of *Bob Jones University* v. *United States* is enlightening: here, governmental policy, carrying out a constitutional principle of nondiscrimination on account of race, outweighed religious liberty.[34] It is likely that discrimination "on account of sex" under the ERA would be treated as discrimination on account of race is now treated under the Fourteenth Amendment.

3. If a college or even a school with a religious commitment enforced a policy denying abortion to its students or disciplining students who had abortions or expelling students who espoused, promoted and advocated abortion, it would under the ERA be under grave danger of losing its tax exemption. As Bob Jones University made clear, a charity ceases to be a public charity if it adopts disciplinary rules "at odds with the common community conscience" as that conscience is construed by the Supreme Court interpreting the Constitution.[35] Under the ERA and the "but for" test, any singling out of abortion in disciplinary measures or choice of students would be contrary to public policy. As religious commitment was subordinated to public policy in Bob Jones University, so it could be subordinated here in finding the committed schools and colleges to be no longer tax exempt and gifts to them no longer deductible as charitable contributions. It would be open to individual taxpayers to challenge the tax exemption of discriminating institutions as black taxpayers successfully challenged an exemption for certain discriminatory schools in Mississippi.[36] At a minimum the committed schools and colleges would face prolonged and dangerous litigation; at a maximum they would be stripped of their charitable status.

4. Could the state still require notice to a parent of their immature daughter's intention to have an abortion? Could the states still require parental or judicial consent to the abortion of a minor? Could the state still require a second physician in late term abortions?[37] By the simple "but for" test, a notice requirement, a "substitute consent" requirement and a second physician requirement would all be equally invalid. If a woman asked for an abortion at any time during pregnancy, could a state constitutionally deny her access to the medical treatment she sought. By the simple "but for" test she would be, if denied, denied because of her unique physical capacity as a woman to have an abortion. The law preventing such abortion would, under the ERA, be held constitutionally invalid if the "but for" criterion were used, with the possible exception of two situations set out in (5).

5. If a statute recognized a husband's right to consent to an abortion, it could, under the ERA, be upheld. To deny a husband the right to participate in the decision to kill a child he has participated in conceiving would, arguably, be to deny him a right on account of his sex. The Court would be faced with a choice between denying a woman a right to medical treatment on account of her sex or a man a right to participate in the abortion decision on account of his sex. Given the present Court's preferential treatment of the abortion right, it would probably decide in favor of the woman.

Suppose, however, a statute were enacted prohibiting abortion as a means of sex selection. If a strong demonstration was made of what is widely believed to be the case—that some abortions reflect a sex perference in favor of male babies and against girl babies—the Court could uphold the constitutionality of the statute. The Court would have to choose between discrimination "on account of sex in the womb and discrimination on "account of sex" in supplying medical treatment. The argument that "but for" their being girls the girl babies would not be killed should have a strong reception under the ERA.

The preceding questions have dealt with the impact of the ERA on the assumption that *Roe* v. *Wade* remained the law. Suppose that the present Supreme Court heeded the contentions of numerous authorities on constitutional law that the Court-invented right of privacy has been stretched beyond reasonable limits in invalidating the laws regulating abortion. Suppose that the Court abandoned the privacy rationale of *Roe* v. *Wade*. Already in Akron Justice Powell has declared that Justice O'Connor's dissenting opinion "rejects the basic premise of Roe and its progeny."[38] Already the Harvard Law Review says that, in Akron itself, the Court "subtly evades women's abortion rights even as it purports to affirm them."[39] Suppose the Court recognized its error, and, as it has on numerous past occasions, decided to correct its interpretation of the Constitution. Would its path be blocked by an enacted ERA? Clearly, yes, by the "but for" test.

With the ERA in place, and "but for" the criterion, any statute regulating abortion, with the two possible exceptions just discussed, would be unconstitutional. When a woman is denied medical treatment of her reproductive system because it is a reproductive system, the discrimination is because she is a woman with a unique physical feature, but for which she would be treated. In Justice Stevens' words, "Sex is precisely what it [the discrimination] is based on."[40] With "but for" the test, the ERA unless overridden by another express constitutional amendment would lock the abortion liberty into the Constitution.

THE DILEMMA OF PROPONENTS OF THE ERA

The proponents of the ERA in formal testimony before the Congress have been remarkably reticent in speaking of the relation between the ERA and abortion. The famous Brown-Freedman article, which was so informative about the many criminal laws which the ERA would invalidate, was silent about abortion. Application of the privacy doctrine to abortion had not yet been attempted by the Supreme Court. The ERA was either applicable or it was not applicable to the criminal statutes regulating abortion. Brown-Freedman said nothing. Was the silence the result of confusion or of doubt or of prudence?

Senator Bayh's Report for the Judiciary Committee also said nothing. *Roe* v. *Wade* was still undecided; Senator Bayh was later to be a strong defender of the abortion liberty. Did Senator Bayh have no views, one way or the other, on how the ERA would affect abortion law?

One prominent proponent of the ERA, Professor Thomas I. Emerson, has abandoned this coyness and described the ERA-abortion connection as "pure red herring."[41] But he has not shown why either by his own test or by that of the Court interpreting Title VII there is not a close connection. The contrary opinion that the ERA would decisively affect abortion law has been authoritatively stated by the chairman of this committee, Senator Orrin Hatch; by Senator Sam Ervin; and by Rex E. Lee, the present Solicitor General of the United States.[42] The red herring is really Roe and its primary rationale which the ERA would effectively supersede and surpass.

With so much legislative history and such clear Supreme Court precedents to the contrary, it is difficult to believe that any informed proponents of the ERA can now maintain that abortion is a red herring when the effects of the ERA are considered. If the proponents do not want the ERA to be affected by the abortion controversy they have an easy option: to agree to an amendment of the ERA specifying explicitly that nothing in the ERA confers a right to abortion or the funding of abortion. They appear to be unwilling to agree to such an amendment.

The dilemma that the proponents of the ERA face is this: If they acknowledge that the ERA will have an enormous impact on abortion legislation, abortion litigation, and schools, colleges, and hospitals opposed to abortion, they will lose crucial votes in the Congress and in the state legislatures. They will be in effect sponsoring an amendment rejected by the seventy per cent of the country that rejects abortion on demand.[43] But if they disclaim any effect of the ERA on abortion they will abandon the legislative history of the amendment and the Supreme Court's interpretation of Title VII. They will also offend, perhaps mortally,

that small, unrepresentative but militant band which rejoices that ERA means Equal Rights for Abortion.

QUALIFICATIONS OF THE WITNESS

John T. Noonan, Jr., a member of the Massachusetts Bar and the Bar of the United States Supreme Court, is Professor of Law at the University of California, Berkeley. He is the author of seven books, including two on abortion rights under the United States Constitution. He is the former editor of the American Journal of Jurisprudence and a former editor of the Harvard Law Review. He is a member of the American Law Institute and of the American Academy of Arts and Sciences. He has given the Law in a Free Society Lecture at the University of Texas, the Messenger Lectures at Cornell University, and the Oliver Wendell Holmes Jr. Lectures at Harvard Law School.

FOOTNOTES

[1] Committee on the Judiciary, "Equal Rights for Men and Women," *Senate Report* No. 92-689, 92nd Cong., 2d Sess. (1972) pp. 11-12.

[2] See Brief Amici Curiae of the Women's Law Project and the American Civil Liberties Union, December 23, 1975 in *General Electric Company* v. *Gilbert*, United States Supreme Court, Docket No. 74-1589, [hereafter *Women's Law Project Brief*] p. 14 (on the use of the article in Congress); Minority Views of Mr. Ervin in *Senate report* No. 92-689, p. 36 (Senator Bayh's tribute).

[3] Barbara A. Brown, Gail Falk, Thomas I. Emerson, and Ann Freedman, "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," 80 *Yale L. J.* 871 (1971) at 893.

[4] *Ibid.* at 894.

[5] *Ibid.* at 894.

[6] *Senate Committee Report* at 12.

[7] Brown-Freedman, "The Equal Rights Amendment" at 964.

[8] *Ibid.* at 957.

[9] *Ibid.* at 955, note 205.

[10] *Ibid.* at 956. The *Senate Report* authored by Senator Bayh says broadly at p. 12 that "rape" could still be a crime but fails to take up the examples given by Brown-Freedman. Elsewhere the *Report* at p. 16 suggests that statutes void for being "under-inclusive" under ERA could be amended by the courts. Clearly no court has the power to amend a criminal statute to embrace a new class. The courts would simply have to declare the laws unconstitutional.

[11] *Women's Law Project Brief* 1, 2.

[12] *Ibid.* 16-19.

[13] Note such respectable federal judges as Frank Coffin of the First Circuit Court of Appeals comparing the termination of childbearing capacity by sterilization to "excisions of benign tumors which could cause subsequent neurological problems," *Hathaway* v. *Worcester City Hospital* 475 F.2d 701 (1st Cir. 1973) at 705; Judge Jon O. Newman of the Second Circuit declaring *Roe* v. *Wade* conveyed the teaching that basically abortion and childbirth "are simply two alternative medical methods of dealing with pregnancy," *Roe* v. *Norton* 408 F. Supp. 660 (D. Conn. 1975) at 663, n. 3; and Judge Clement Haynsworth of the Fourth Circuit reading *Roe* to mean that "the fetus in the womb is neither alive nor a person," *Floyd* v. *Anders* 440 F. Supp. 535 (D So. Car. 1977) at 539.

[14] *General Electric Co.* v. *Gilbert* 429 U.S. 125 (1976) at 152 (dissenting opinion). Justice Brennan's examples are particularly appropriate because his approach "illustrates the approach contemplated by the ERA," Ann E. Freedman, *Statement Concerning H.J. Res. 1*, November 3, 1983, before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee. Freedman's comments relate to Justice Brennan's position in *Geduldig* v. *Aiello* 417 U.S. 484 (1974), a position which he carried over into *Gilbert* and that has now become the position of the Court, see *infra* at notes 24-25.

[15] *Hawaii Right to Life, Inc.* v. *Chang, Director of Department of Social Services and Housing*, Civ. No. 53656, Hawaii First Circuit Court, 1978, cited in Karen J. Lewis, "A Legal Analysis of the Potential Impact of the Proposed Equal Rights Amendment (ERA) on the Right to an Abortion or the Funding of an Abortion." (Congressional Research Service, October 20, 1983) p. 10.

[16] Complaint, *Moe* v. *King*, Supreme Judicial Court of Massachusetts, Civil No. 80-286, filed July 9, 1980, cited in Lincoln C. Oliphant, "ERA and the Abortion Connection," 7 *Human Life Review* (Spring 1981) 43.

[17] *Joanne Fischer et al.* v. *Department of Public Welfare*, Commonwealth Court of Pennsylvania, No. 283 C.D. 1981, filed December 15, 198_, p. 24 (unpublished).

[18] Ruth Bader Ginsburg, "Sex Equality and the Constitution" (the 1978 George Abel Dreyfous Lecture at Tulane University), 52 *Tulane Law Review 451* (1978) at 462. The difference should be noted between this approach and Kenneth M. Davidson, Ruth Bader Ginsburg and Herma Hill Kay, *Text, Cases and Materials on Sex-Based Discrimination* (St. Paul: West Publishing Co., 1974) 108 where "physical characteristics unique to one sex" are seen as an exception to the ERA.

[19] *Los Angeles Department of Water and Power* v. *Manhart* 435 U.S. 702 (1978).

[20] *Ibid.* at 713.

[21] *Ibid.* at 711.

[22] *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans* v. *Norris*, 103 S. Ct. 3492 (1983) at 3498.

[23] *Ibid.* at 3509 (dissenting opinion).

[24] *Newport News Shipbuilding and Dry Dock Company* v. *EEOC* 103 S. Ct. 2622 (1983).

[25] *Ibid.* at 2628.

[26] 123 *Cong. Rec.* S 15,038-39 (September 16, 1977), also quoted by Justice Rehnquist in *ibid.* at 2635-2636 (dissenting opinion).

[27] *Ibid.* at 2631.

[28] *Ibid.* at 2630-2631.

[29] Mary C. Dunlap, "The Equal Rights Amendment and the Courts," 3 *Pepperdine Law Review* 42 at 63 (1975), a study commissioned by the Equal Rights Amendment Project, California Commission on the Status of Women.

[30] *Prosser on Torts* (4th ed., 1971) 239.

[31] 42 *U.S. Code* sec. 2000e(k).

[32] Ann E. Freeman to Congressman Don Edwards, Chairman, Subcommittee on Civil and Constitutional Rights, House Judiciary Committee, November 7, 1983.

[33] *Maher* v. *Roe* 432 U.S. 464 (1977); *Harris* v. *McRae* 448 U.S. 297 (1980); cf. *Williams* v. *Zbaraz* 448 U.S. 358 (1980).

[34] *Bob Jones University* v. *United States* 103 S. Ct. 2017 (1983).

[35] *Ibid.* at 2029.

[36] *Green* v. *Kennedy* 309 F. Supp. 1127 (D. D.C.) *app. dismissed sub nom. Cannon* v. *Green* 398 U.S. 956 (1970).

[37] See *Planned Parenthood of Missouri* v. *Ashcroft* 103 S. Ct. 2517 (1983) (second physician and substitute consent requirements upheld); *H. L.* v. *Matheson* 450 U.S. 398, 406 (1981) (notice to parent for immature minor upheld).

[38] *City of Akron* v. *Akron Center for Reproductive Health* 103 S. Ct. 2481 (1983) at 2487, n. 1.

[39] "The Supreme Court, 1982 Term," *Harv. L. Rev.* (1983) at 86.

[40] *Supra* at n. 21.

[41] Thomas I. Emerson, "Statement on Proposed Resolution to Rescind Connecticut's Ratification of the Equal Rights Amendment," *Hearings on S.J. Res. 134 before the Sub-Committee on the Constitution of the Senate Judiciary Committee*, 95th Cong., 2nd Sess. (1978) at 138.

[42] Orrin G. Hatch, *The Equal Rights Amendment. Myths and Realities* (Savant Press, 1983) 48; Sam Ervin to the Eagle Forum, September 22, 1975, quoted in *Ibid.* 48; Rex E. Lee, *A Lawyer Looks at the Equal Rights Amendment* (Provo: Brigham Young University Press, 1980) 128 n. 27.

[43] See John T. Noonan, Jr., *A Private Choice* (New York: The Free Press, 1979) 73-74.●

ARMS CONTROL VIOLATIONS

● Mr. LEAHY. Mr. President, in a recent report to the Congress, President Reagan indicated that the Soviet Union has violated, is probably violating, or has almost certainly violated its obligations and commitments under several ratified and unratified arms control agreements.

These are extremely serious charges, and require the most careful consideration by Congress. In the interests of the future of arms control, the Soviet Union must respond adequately to legitimate American concerns about certain of its actions relevant to existing arms agreements, a point I made directly to Chairman Yuri Andropov in Moscow last August. It is open to question whether the likelihood of our gaining positive actions by the Soviets to allay American compliance concerns has been helped or hurt by the President's action in making his charges public.

How to deal with compliance issues is politically and technically difficult. This is partly because of potential security implications, partly because of the ambiguity in some of the information relevant to Soviet actions, and partly because some technologies now being exploited potentially may have multiple applications, or may serve military as well as scientific purposes. Nevertheless, it is essential that the the Congress and the executive branch address the compliance problem in a way which recognizes the Nation's vital security interest in maintaining a viable arms control process.

In this connection, Mr. President, I commend to my colleagues an article by Mr. Michael Krepon in the March/April 1984 edition of Arms Control Today, a publication of the Arms Control Association. Mr. Krepon reviews how the United States and the Soviet Union have dealt with compliance issues in the past, and compares this with the approach of the current administration. He then analyzes the elements of a strategy for obtaining a satisfactory resolution of American concerns. This article should be of interest to all those who want to develop a more positive approach to the compliance question.

Mr. President, I ask that an article by Michael Krepon, entitled "Decontrolling the Arms Race," from the March/April issue of Arms Control Today be printed in the RECORD.

The article follows:

DECONTROLLING THE ARMS RACE—THE UNITED STATES AND THE SOVIETS FUMBLE THE COMPLIANCE ISSUES

(By Michael Krepon)

The nuclear arms competition between the United States and the Soviet Union is entering a new stage. Washington and Moscow are not simply intensifying their weapons buildups, they are also moving to deregulate existing controls on the competition.

To be sure, arms control still has a prominent place in the official pronouncements of both capitals. Reagan Administration officials point to the decline of nuclear warheads and megatonnage since the 1960s, while the Kremlin lends its support to a nuclear freeze. Both sides champion deep reductions in nuclear forces and offer visions of nuclear free world. But their actions convey an entirely different agenda.

"Modernization" programs proceed at a brisk pace. Over the next decade, the U.S. and U.S.S.R. plan to deploy the MX, Midgetman, Trident I and II, Pershing II, SS-20, SS-21, SS-22, SS-23, SS-24, SS-25, SS-N-20, and SS-N-23 missiles, air-, ground-, and sea-launched cruise missiles, Trident and Typhoon submarines, B-1, stealth, Blackjack and Bear H bombers, and assorted tactical nuclear weapons. These forces will provide further additions to the size and capabilities of superpower inventories, now estimated to total over forty thousand in number.

Many of these new weapon systems reflect the firm commitment by defense establishments in both nations to place opposing nuclear forces at risk. Nuclear war-fighting capabilities have become a central requirement for "effective" deterrence and "favorable" outcomes in the event deterrence fails, notwithstanding official rhetoric about there being no winners in a nuclear war.

In contrast to the evolution of strategic doctrine and nuclear forces, arms control negotiations remain stagnant. Progress to foreclose future avenues of competition in satellite warfare and nuclear weapon testing has been stymied by the Reagan Administration's refusal to resume negotiations in these areas, dormant since 1979. Future progress in negotiations will be mortgaged to developments in the interim, including repeated U.S. tests of an advanced anti-satellite weapon and the generation of new nuclear weapon requirements for space warfare.

Those areas where nuclear arms control negotiations were resumed after 1979 are now either deadlocked or suspended. The fears and rigidities of both Washington and Moscow have been mutually reinforcing, producing the current impasse. In the Strategic Arms Reduction Talks, the Reagan team promised a far better deal than SALT II, but on terms that no Soviet leader could accept. Congressional interventions subsequently moderated these proposals, but not before the Kremlin's position hardened. Meanwhile, in the INF talks, the Kremlin's insistence that no new missiles be deployed by NATO only reinforced the Reagan Administration's objective of responding to Soviet missile capabilities in kind. The result was predictable: instead of being a forum for negotiated settlement, the talks become a test of wills over new NATO deployments.

With failed negotiations, prospective improvements in nuclear capabilities, and strained superpower relations, the fabric of previously agreed limits on the nuclear competition has begun to unravel. Both Washington and Moscow have now publicly accused each other, with varying degrees of certitude, of violating or circumventing several arms control agreements. In so doing, the prospect of ironing out these disputes quietly through established diplomatic channels has become more remote, at least in the near term. The slide toward deregulation continues.

Compliance questions are bound to arise even during periods of detente, because no arms control agreement can regulate every eventuality and because there will always be those who wish to pursue activities that are not expressly forbidden. In the current political environment the impulse to hedge bets at the expense of arms control agreements is for greater and the checks against doing so are weakened. The SALT I Interim Agreement expired six years ago. The SALT II Treaty was never ratified; its provisions are set to expire within two years. These limitations are in place through informal and highly conditional statements by U.S. and Soviet officials. With current negotiations deadlocked, who within the councils of government in either Washington or Moscow would argue against a colleague's proposal because it would undermine current agreements, or make new pacts more difficult to reach? In the past, duly ratified arms control agreements have not fared well during periods of increased international tension. There is no reason to expect that unratified and expired agreements will fare any better in the 1980s, unless the current state of U.S.-Soviet relations improves.

President Reagan set the stage for SALT deregulation at his first press conference when he characterized his negotiating partners as "liars and cheats." His first Secretary of State, Alexander Haig, declared that "We consider SALT II to be dead. We have so informed the Soviet Union and they have accepted and understood that." His Secretary of Defense, Caspar Weinberger, declared that U.S. defense programs were in conformity to SALT I and II restraints as a matter of coincidence rather than design, and the President's White House counselor, Edwin Meese III, stated that the Reagan Administration had no moral or legal commitment to abide by expired or unratified SALT agreements. When legal experts of the State Department and Arms Control and Disarmament Agency challenged this assertion, the White House issued a defense of Mr. Meese's position, calling it "entirely accurate."

The Reagan Administration gave substance to these public pronouncements by championing several military initiatives that could not be pursued within the confines of the SALT agreements. The ill-conceived Dense-Pack deployment scheme for the MX would have required digging holes for new missiles, an activity prohibited by the SALT I and II agreements. Administration officials explained that the excavations would be allowed because they were for new "hardened capsules" rather than silos, and would be completed after the expiration of SALT II, in any event. Later, the President agreed to press ahead with a second new ICBM—the Midgetman—to complement the MX. Again, its deployment would be permitted because it would begin after the terms of the SALT II agreement—which permitted only one new ICBM—were to expire. The President has also endorsed a "Star Wars" defense against nuclear attack which cannot be tested in space or deployed without violating the ABM Treaty. New phased-array radars are under construction for permitted purposes, but which can eventually have ABM applications.

While the Reagan Administration's military initiatives suggest prospective compliance problems, Soviet military activities are of immediate concern. Flight testing is proceeding on two new land-based missiles instead of the one new type permitted by the SALT II agreement. The Kremlin insists one of its two new missiles is a permitted variant of an older missile. Arguments will persist over whether the missile in question can be shoehorned into a profile permitted by SALT II, especially as the Soviets encrypt virtually all of the data generated by its flight tests—another practice inconsistent with the agreement. A large, phased-array radar is under construction in Siberia which the Kremlin states is for tracking objects in space but which appears far more suited as an early-warning radar. The former is allowed in this location under the ABM Treaty; the latter is not.

Concern over Soviet compliance with the SALT agreements has been magnified by evidence that Soviet troops and Soviet-equipped Vietnamese forces have used "Yellow Rain" in Afghanistan and Southeast Asia. The Reagan Administration contends this constitutes repeated violations of the Geneva Protocol and the Biological Weapons Convention (BWC). Questions about Soviet compliance with the BWC have also been raised by an accident at a suspected biological weapons facility in Sverdlovsk in 1979.

In the past, the U.S. has ratified arms control agreements, like the Biological Weapons Convention, which had no verification or compliance provisions. The reason for doing so seemed straightforward: the U.S. had no military interest in these weapons. For nuclear arms control agreements, American presidents from Kennedy to Carter demanded different verification standards. The treaties in question had to be "adequately verifiable." This meant that the U.S. had to be in a position to "identify attempted evasion if it occurs on a large enough scale to pose a significant risk," and to do so "in time to mount a sufficient response." These were the instructions of President Richard Nixon to the SALT I delegation; similar guidelines were used to draft and defend the Limited Test Ban and SALT II treaties.

Compliance questions were also handled in a remarkably similar fashion in congressional ratification debats. Previous administrations argued that the Kremlin bureaucracy, having become associated with an agreement, would not then turn around to undermine it. Moreover, U.S. detection capabilities presented a formidable deterrent to violations. Finally, the U.S. could always abrogate the treaty in question if violations were detected.

Clearly, this approach to compliance issues is no longer valid, if indeed it ever was. It does not account for the ambiguities that inevitably arise over the nature of agreed limitations, or the habitual efforts of some within defense establishments to take advantage of those ambiguities when conceivable advantages could result. These instances call for a response other than treaty abrogation.

As in the past, American presidents will have to argue persuasively that treaty compliance can be verified. In the future, administrations will also have to present coherent strategies for securing the viability of agreements when compliance questions arise. The available evidence does not suggest that we are dealing with a committed treaty violator. We are, however, dealing with an extraordinarily difficult negotiating partner that is looking for advantage where it can prudently be gained, even within the confines of negotiated agreements. In response, the U.S. needs an effective compliance strategy for the same reasons we seek agreements in the first place: to assure the public that the nation's security is being advanced, and to foreclose destructive avenues of competition that can not work to either side's advantage.

An effective compliance strategy begins with a question: Is the maintenance of the arms control agreement still in the national security interest of the U.S.? The answer to this question will then guide subsequent actions. If it is in the nation's interest to maintain the viability of the agreement, a two track approach is required.

First, the U.S. should work exhaustively through diplomatic channels to clear up am-

biguities in the agreements, "fence in" problems when they occur, and work out agreed understandings to prevent them from being undermined.

Second, if diplomatic solutions fail to be satisfactory or if offsetting military actions are required, the U.S. should adopt proportional countermeasures within treaty constraints to send the appropriate political and military messages to Moscow. For example, in response to the construction of the new Soviet radar, the U.S. can accelerate programs to improve the penetration capability of U.S. nuclear forces, or construct a new space-tracking radar of our own, depending on which course of action appears the most effective at least cost. These countermeasures are allowed under the terms of the ABM Treaty and can effectively offset whatever advantage may accrue from Soviet pressing at the margins. While these countermeasures are underway, the object of diplomacy is to maintain the viability of the ABM Treaty by working out agreed limitations on new radar construction, since the ABM Treaty can be undermined by the proliferation of powerful modern radars, even for permitted purposes. Each compliance question will require different U.S. responses; all should reflect the two track approach suggested above, combining adroit military countermeasures with patient diplomatic efforts

A significant segment of the Congress and the American public will continue to take a lively interest in compliance questions, fueled by periodic news leaks asserting Soviet violations. Some of these charges will be entirely groundless; others will be cause for concern. All will strike a resonant chord in a large segment of the American public that does not expect the Soviets to live up to their treaty obligations. Administrations have a responsibility to inform the public and their elected representatives on compliance questions, but they also must weigh this responsibility against the need for confidentiality in negotiations, particularly delicate negotiations to iron out compliance problems.

As a general rule, it makes sense for an administration to issue periodic reports on compliance questions that have been satisfactorily resolved, and to avoid negative conclusions in ongoing disputes, since publicizing grievances is likely to make their satisfactory resolution more remote in private exchanges. But at what point should an administration "go public" when its concerns have not been satisfied? The answer will depend on the particulars in each case. There are three key questions that relate to the timing of public disclosure: Is the activity in question militarily significant? Are there humanitarian reasons for eartly disclosure? Are there treaty provisions for handling compliance questions in private? Where consultative provisions exist and when there is no urgent need to act quickly, it makes sense to exhaust diplomatic remedies before concluding in public that violations have occurred. On the other hand, public expressions of concern are quite appropriate when the U.S. receives no satisfactory explanation for possible violations of agreements without compliance mechanisms, or when the U.S. needs to act quickly for security or humanitarian concerns.

The avenues of public diplomacy chosen are critical, however, because maladroit public initiatives can earily make appropriate solutions more difficult to achieve. For multilateral agreements like the Geneva Protocol and the Biological Weapons Convention which have no provisions to handle compliance questions in private, the focus of U.S. Government activity should usually be to establish compliance procedures and to disseminate information on questionable practices. Where there is evidence of noncompliance in such cases, the U.S. cannot generate international political pressures solely by diplomatic demarches. We must build a case and present it to other treaty signatories.

An entirely different approach is needed for bilateral agreements, like the SALT agreements, which have established channels to iron out compliance issues. Here, the Standing Consultative Commission (SCC) worked reasonably well during the Nixon, Ford, and Carter administrations. During this period, both nations recognized that this forum was being used to iron out potential problems rather than to prosecute cases of noncompliance. Problem areas could also be ironed out because both nations believed it was in their separate as well as mutual interests to maintain the viability of the SALT I accords. However, compliance questions often require patient diplomacy. Take for example, the case of the Surface-to-Air Missile (SAM) radar tests "in an ABM mode." In 1973 and 1974, the U.S. intelligence community noticed that a Soviet SA-5 radar had been used to track strategic ballistic missiles during flight. This appeared to be inconsistent with Article VI of the ABM Treaty, which prohibited each side from testing SAM radars "in an ABM mode." The picture was clouded, however, because there was no common agreement on what constituted tests in an ABM mode and because the U.S. maintained that tests for range safety and instrumentation were permitted.

In this case, the Nixon, Ford and Carter administrations all could have asserted that the Soviets violated Article VI of the ABM Treaty. None chose to do so. At first, wishing to protect intelligence sources and methods, the U.S. did not raise this issue at the SCC. When the Ford Administration did raise the subject of the Soviet SA-5 radar, the practice stopped. It then required approximately two years of quiet diplomacy during the Carter Administration for the two SCC delegations to work out a common agreement governing these practices.

The Reagan Administration has adopted an entirely different approach to compliance diplomacy, with markedly inferior results. In part this is due to the downturn in U.S.-Soviet relations and Soviet practices that are clearly worrisome. Domestic factors have also played a significant role. This administration's compliance diplomacy has been muddled and ineffective because it has not decided whether it wants to uphold the nuclear arms control agreements the Soviets are allegedly violating. Indecision has bread confusion. Press reports indicate that the Reagan Administration initially declined to discuss SALT II compliance questions at the SCC, then asked for a special session to discuss urgent concerns in the summer of 1983, and then was unable to agree on negotiating instructions to the U.S. delegation when the SCC convened in the fall.

Unlike his predecessors, President Reagan acted quickly when SALT compliance questions were not resolved to the satisfaction of his advisers. On the basis of the guidelines presented here, the Administration's report of Soviet violations and "probable" violations seems premature and ill-advised in all cases but one—the use of Yellow Rain. Here, the evidence is far from conclusive in a laboratory sense, but it is suggestive enough to warrant official, public concern, given the lack of private channels to handle chemical weapons compliance questions and the continuing, although diminished, reports of toxic weapons attacks.

In contrast to the Yellow Rain case, SALT compliance questions are perfectly suited to private consultations in the SCC. The Reagan Administration short-circuited this process with its public report on Soviet noncompliance. For example, on the serious problem of the new Soviet radar in Siberia, the Administration reportedly concluded that a violation had "almost certainly" taken place after a single, inconclusive session of the SCC. In this instance, public officials who are prepared to wait stoically for ten years while a new weapon system is deployed apparently found the pace and prospects of diplomatic progress intolerable after several weeks of effort.

With the premature release of SALT "violations," President Reagan has temporarily placated irreconcilables in the Senate, but he has made it extraordinarily difficult for the U.S. delegation at the SCC to make headway on outstanding compliance problems. The U.S. delegation, led by General Richard Ellis, is quite capable of ironing out these issues. However, the Kremlin may conclude there is little incentive to be forthcoming if such exchanges are unlikely to change the Reagan Administration's conclusions. Thus, in operational terms, the practical effect of the Reagan team's compliance strategy is to close off diplomatic solutions, while the approach pursued during the Nixon, Ford and Carter administrations kept them open.

Whatever satisfaction skeptics of arms control may gain from the report on Soviet noncompliance and the possible end of business-as-usual at the SCC must be weighed against broader implications of the Reagan Administration's approach to compliance diplomacy. A report, after all, is no substitute for an effective strategy either to secure Soviet compliance with arms control agreements or to improve U.S. security. New agreements are built on those that have preceded them. If this scaffolding falls down, how can it be reconstructed, and what shall take its place? The key to arresting the slide toward arms decontrol is an ability to iron out compliance questions that undermine current agreements and work against ratification of new ones. Success can only come with improved U.S.-Soviet relations and more effective leadership in both Washington and Moscow.●

A SALUTE TO THORNE G. AUCHTER

● Mr. NICKLES. Mr. President, it is rare in Washington when a public official comes to town, declares what he will do and then actually goes ahead and does it. Today I salute Thorne G. Auchter, who is resigning his position as Assistant Secretary of Labor for Occupational Safety and Health on March 30 to work in the private sector.

Mr. Auchter came to an agency that was in need of strong leadership. When he arrived in Washington early in 1981, he took charge of the Occupational Safety and Health Administration, an agency which had succeeded

in pleasing no one and which had failed to achieve its statutory goal of reducing workplace injuries and illnesses. OSHA had managed to alienate labor and management and failed to build the broader public support necessary to do its job.

Mr. Auchter promised to do certain things: First, he would give OSHA strong management. Next, he vowed to eliminate the combative and confrontational posture OSHA had taken toward the Nation's business community. Finally, he said that he would make OSHA effective in removing on-the-job hazards from American workplaces.

He has kept his promises. He has established management systems that the agency had never previously employed, as for example, a regulatory management system which allows OSHA to rationally determine the need for and the best standard to address a workplace hazard. OSHA, for the first time, has data systems to measure the agency's progress in each of its field offices and to compare the Federal program with State occupational safety and health programs. Improved management has brought wider public acceptance. Almost 98 percent of employers and employees responding to questionnaires distributed by OSHA have indicated a favorable impression of the professionalism of the inspector who visited their workplace.

To reduce the confrontational atmosphere of the past, Mr. Auchter made it clear that OSHA represented neither labor nor management. OSHA represented safety and health. Instead of concentrating on only its enforcement and standard-setting duties, OSHA began showing its helpful side, paying attention to consultation, education, training, and voluntary protection programs. OSHA has entered into a more cooperative and supportive relationship with the 21 States and three territories which operate their own safety and health programs.

One of the results of reduced confrontation was a dramatic decrease in the number of OSHA inspections that are contested by employers. Today this figure is about 4 percent compared with a 25-percent contest rate in 1980. This means that workplace hazards are being eliminated promptly instead of litigated, on the average, of from 1 to 3 years while the workplace hazards remained uncorrected. This means that OSHA inspectors are spending their time in workplaces instead of courtrooms and therefore, the number of inspections in high hazard workplaces has increased over the past 3 years.

Finally, Mr. Auchter kept his promise to reduce on-the-job hazards. In 1981 and 1982 the rate of workplace injuries and illnesses fell significantly, from 8.3 injuries and illnesses per 100 workers in 1981 to 7.7 in 1982. By comparison, this figure was 9.5 in 1979. Between 1981 and 1982 the number of job-related injuries dropped by nearly 530,000.

Mr. Auchter, I salute you for a job well done, and I wish you well in future endeavors.●

MAINE HONORABLE SERVICE MEDAL PRESENTED AT ARLINGTON NATIONAL CEMETERY

● Mr. MITCHELL. Mr. President, on Friday, March 23, 1984, at the Tomb of the Unknown Soldier in Arlington Memorial Cemetery, Gov. Joseph E. Brennan of Maine honored the memory of the hundreds of Maine citizens who have died in the service of their country. The bronze plaque Governor Brennan placed in the Memorial Hall bears a replica of the highest award the State of Maine can bestow: The Maine Honorable Service Medal. I beleive the words Governor Brennan spoke then bear repeating here:

A few steps form this historic shrine are inscribed words spoken by George Washington in June of 1775.

"When we assumed the soldier," General Washington told the Provincial Congress of New York, "we did not lay aside the citizen."

Just a few days before Washington's address, the citizens of a coastal Maine village called Machias had captured a British ship in what some historians consider the first naval battle of the Revolution.

And three days after that skirmish in the waters off Machias, Maine men fought and died at Bunker Hill.

And since that day, Maine citizens have never hesitated to become American soldiers.

Our fishermen and farmers, our woodcutters and shopkeepers fought to win a nation's liberty.

In the War Between the States, the sons of Maine fought to preserve the nation.

Down through the years, the Maine citizen-soldier has answered the call.

It was a regiment from Maine led by Joshua Chamberlain that saved the day at Gettysburg.

And it was another Maine unit, the First Maine Cavalry, that suffered the heaviest losses of any cavalry regiment in the Union Army.

In all, about one of every twelve citizens in Maine fought in the Civil War, a higher percentage, some believe, than any other state.

Americans know that eternal vigilence is the price of liberty.

But we have learned there is another, higher cost.

The white markers that line this beautiful hillside solemnly testify to that.

We in Maine know that other generations since Gettysburg have also paid that price—in the trenches of France in 1918, and on the islands of the South Pacific, in the mountains of Korea, and in the jungles of Vietnam, and even in the past six months.

Not too long ago, it was my sad duty to represent the people of my state at services for two marines who died in Beirut, two more Maine citizens, two more American soldiers, who lost their lives in the service of their fellow citizens.

And so, the true cost of liberty is fresh in our memories.

As we present this Honorable Service Medal, we do so not to glorify war, or to celebrate death in combat, for more than 14,000 of our people have died for our country, each one a loss for their families, their communities, their state, each a tragedy of unfulfilled promise.

Maine presents its medal today as a small symbol of our lasting gratitude for what they did and what they gave to keep Maine and our nation free.

We grieve for them, we honor them, and we thank them.

We hope that never again will Maine citizens have to die as American soliders.

And so, in the name of our war dead, and to honor their memory, we will strive for peace.

On behalf of the people of Maine, and in honor of Maine's citizen-soldiers and their families, it is my privilege to present the Maine Honorable Service Medal to Arlington National Cemetery and to the people of the United States.●

COMMEMORATING THE 66TH ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, on March 25, 1984, we commemorated the 66th anniversary of the establishment of the Byelorussian Democratic Republic by the Byelorussian National Council.

The roots of independence and nationalism grow deep in the soil of Byelorussia; the Byelorussian principalities of Polotsk, Smolinsk, and Turor served as the core of the Grand Duchy of Lithuania. In 1569, the Grand Duchy and Poland were joined to form a commonwealth.

The partition of the commonwealth between 1772 and 1795 brought Byelorussia into the Russian Empire. During this period, the people of Byelorussia were subjected to the czarist policy of russification, which was designed to eliminate their unique culture. In 1863, a massive anti-Russian uprising was led by Kastus Kalinouski. This significant event clearly demonstrated the desire of the Byelorussian people to live in peace. Their struggle for independence continued.

With the declaration by the National Council in Minsk on March 25, 1918, the Byelorussian people regained the independence, which they had so bravely fought to achieve. Unfortunately, Byelorussian sovereignty was short lived.

The Communist regime, in a blatant act of aggression, seized power in Byelorussia and brought to a tragic end the independence and prosperity which the Byelorussian people had enjoyed. The Soviet Union illegally annexed the free and independent Byelorussian Democratic Republic. Since this incorporation, the freedom-loving people of Byelorussia have been sub-

jected to some of the most brutal forms of oppression instituted by the Kremlin.

Under Stalin, Khrushchev, Breshnev, Andropov, and the new party chief, Konstantin Chernenko, thousands of Byelorussians have been slaughtered, deported, exiled, imprisoned in slave labor camps, or committed to psychiatric institutions. Meanwhile, the Soviet Government has repeatedly, and ironically, voiced its support of such important documents on human rights as the U.N. Universal Declaration on Human Rights and the Helsinki Final Act.

In addition, these ruthless dictators have continued to follow the policy of russification first implemented by czarist Russia. Accordingly, they have attempted to eliminate every vestige of Byelorussian culture and national identity, including the native language, religion, art, and music.

Despite Soviet denial of even the most basic of human rights, however, the people of Byelorussia have struggled heroically in their efforts to break the chains of Soviet domination. Their steadfast belief in the principles of independence and their deep-rooted desire for freedom have enabled Byelorussia to endure Communist oppression.

The free spirit of the Byelorussian people will not be broken. Their search for self-determination will continue.

On March 25, Byelorussians throughout the world, including the more than 1 million Byelorussian-Americans iving in our Nation, joined in solidar y with their countrymen in observance of Byelorussian independence. In light of our Nation's dedication to the principle of independence and our commitment to protection of civil liberties, it is appropriate that we commemorate the 66th anniversary of Byelorussian independence. It is imperative that the United States send a clear and strong signal of moral support to the 10 million Byelorussians living under Soviet tyranny and that our Government continue to champion the cause of independence for Byelorussia.●

ANTISATELLITE WEAPONS

● Mr. LEAHY. Mr. President, I am pleased that my friend from South Dakota (Mr. PRESSLER) has raised Senate Joint Resolution 129 as a possible amendment to Senate Joint Resolution 492, the urgent supplemental. I share with him his frustration at the difficulty in getting the Senate to address the pressing and increasingly dangerous threat of the arms race spreading into space.

Senate Joint Resolution 129 would put the Senate on record in support of three critical steps by the President to bring antisatellite weapons under control. First, it calls for an immediate, mutual, verifiable and limited ban on the testing, production, and deployment of antisatellite weapons. Second, it calls for the resumption of talks aimed at banning antisatellite weapons. And finally, it calls for the negotiation of a comprehensive, verifiable treaty which would prohibit the testing, production, and deployment or use of any space directed or space based weapon.

The United States is on the verge of testing a sophisticated antisatellite system. The Soviet Union has an old, rather primitive ASAT system, but will without doubt emulate us if we introduce our ASAT. The current Soviet ASAT is a massive rocket launched, orbital explosive device. The planned U.S. ASAT will be a small homing device carried on a small rocket, itself carried by and launched from an F-15 aircraft. It will be versatile, capable of being based almost anywhere, and worst of all from the arms control point of view, easily concealed. Verification will be extraordinarily difficult if the Soviets, as they usually do, follow our lead.

But, the problem is even more serious than this. The President wishes to pursue a massive program of research into exotic types of ABM weapons, including systems which can be based in space. Obviously, these technologies can lead directly to laser and other types of ASAT weapons. Costs of such a race between vital American reconnaissance and early warning satellites, ASAT defenses, and competing ASAT systems will be staggering. The GAO has estimated that the costs of an American ASAT could cost the taxpayer tens of billions of dollars. We are already searching for ways to control defense costs and make prudent cuts. Entering upon a dangerous, uncertain and immensely costly ASAT race without making a serious, determined effort to negotiate limitations and controls.

Senate Joint Resolution 129 recognizes and attempts to take into account a simple reality: both sides, but especially the United States, rely on satellites for a host of military purposes ranging from reconnaissance to early warning to communications. With worldwide force deployments, the United States is certainly more dependent on satellites than the Soviet Union. Should we enter into an arms race in space, the United States will be less secure than at present, and the nuclear balance will be less stable.

Mr. President, I find the administration's attitude toward the dangers of an ASAT competition and the potential role of arms control disappointing. From what I read in the newspapers, the administration has decided, or is close to deciding that no ASAT limitations would be verifiable. If that is indeed the case, I challenge such estimates. We cannot know exactly what kinds of limitations might be included in an ASAT agreement until we sit down at the negotiating table with the Soviets. We cannot know what kinds of verification arrangements might be possible until we are talking to Soviet negotiators. Yet, the administration appears determined not even to attempt to negotiate. Reluctantly, I am being driven to the conclusion that we are about to have a replay of the tragic MIRV issue of the late 1960's. A chance to halt a trend in strategic weaponry ultimately very disadvantageous to American security is being thrown away because we have an ephemeral lead of perhaps a few years in a certain weapons technology.

Mr. President, of course passage of Senate Joint Resolution 129 is no guarantee this administration would seek to negotiate on ASAT. Nor is it any guarantee that the Soviets would respond positively. On the other hand, if the Congress does not attempt to influence the President on ASAT, I believe his course is a foregone conclusion: U.S. deployment of ASAT, and refusal to try the path of negotiation. The Soviets will not be far behind with their own counter. The end result is terribly predictable—less security, less stability, greater defense costs, endless rounds of deployments of new weapons which do nothing to make us safer.●

THE WATER RESOURCES DEVELOPMENT ACT

● Mr. ABDNOR. Mr. President, S. 1739, the Water Resources Development Act of 1983 is Senate Calendar No. 625. In my judgment this legislation is one of the most important items on the Senate calendar in this Congress. This is legislation which the Senate must consider, debate, and pass as soon as possible. This is legislation of great importance to each and every Member of the Senate.

On March 12, the leadership of the Committee on Environment and Public Works wrote the distinguished majority leader urging that floor action on S. 1739 be scheduled. On March 16, a bipartisan group of 14 of my colleagues, who are not members of the Committee on Environment and Public Works, wrote a similar letter to the majority leader. Mr. President, I believe that the long-term effects of congressional inaction on water resource development legislation for the last 8 years are finally being felt across the Nation and are generating demands for action.

Perhaps the best example of this demand for action comes from the American Association of Port authorities. My colleagues are all aware of the many disparate elements within the port community. However, on one

point they are now in agreement: There must be a water bill this year and, therefore, S. 1739 must be brought to the Senate floor for resolution as soon as possible.

Mr. President, I would like to include in the RECORD at this point a copy of the letter on this matter which was sent to me by the president of AAPA, J. Ron Brinson and the chairman of AAPA, Mr. Lloyd Anderson.

The letter follows:

AMERICAN ASSOCIATION
OF PORT AUTHORITIES,
Washington, D.C., March 27, 1984.

Hon. JAMES ABDNOR,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABDNOR: On behalf of the U.S. port industry, we are writing to urge that the Senate consider as soon as possible S. 1739, the Water Resources Development Act of 1983, as reported by the Committee on Environment and Public Works.

Our organization, founded in 1912 and headquartered here in Washington, represents virtually all public seaport entities in the United States, and is the U.S. seaport industry's principal national advocate. The United States has a well-defined need for continued development of its seaport system into the next century—a need measured by the growth of foreign trade, the general expansion of waterborne commerce, and national security. In the United States, it is non-federal public and private interests that initiate, plan, finance and construct shoreside marine terminal infrastructure. But the success of these efforts necessarily depends on the concomitant development of the federal navigation system. Not a single new deepdraft navigation project has been authorized by Congress in seven years. That void of action has made it increasingly difficult for the port industry to plan effectively to provide the facilities that will be needed to accommodate the future growth of the nation's commerce and the attendant national interest.

It is of major importance, both to our industry and to the nation, that a program of navigation development projects, with equitable federal funding formulas, be authorized this year. Title 10 of S. 1739 would authorize 24 deepdraft projects. H.R. 3687, the House counterpart, contains 32 deepdraft project authorizations. The earliest possible enactment of some composite of these two measures would provide the U.S. port industry with the assistance it must have in responding to the national need for port facilities.

In urging timely consideration of S. 1739, we note that many of our ports hold divergent positions on may of the issues raised in the bill. Our industry is united, however, in the view that these differing opinions can be best addressed by amending S. 1739 when it comes before the full Senate. A number of amendments, we understand, are now being prepared.

We very much appreciate your consideration of our concerns and our interest in having timely Senate consideration of S. 1739.

Respectfully,

LLOYD ANDERSON,
Chairman.
J. RON BRINSON,
President.

Mr. ABDNOR. Mr. President, AAPA is not alone in seeking swift action on S. 1739. The prestigious Journal of Commerce in an editorial in support of AAPA, on March 20, called upon Congress to consider S. 1739 quickly. Mr. President, at this point in the RECORD, I include a copy of this editorial.

The editorial follows:

THE DREDGING STRUGGLE

Remember the boom days of the coal craze a few years ago, when virutally every U.S. port that had a chance of getting a share of the coal trade wanted to dredge its harbor to handle deep-draft super-colliers?

The boom has bottomed out, and the United States, because of the high cost of its coal, has resumed its position as a residual supplier on the world coal market. Many of the ports that caught coal fever have recovered and most of their ambitious development plans have been shelved.

The need for a number of dredging projects, however, remains alive. Coal may be on the back burner, but port development is not. Nor should it be.

Congress has not passed an omnibus water projects bill since 1976. Unfinished water projects and proposals that have been authorized but not yet funded total some $50 billion worth of work.

President Reagan took office with a lot of talk about user fees. When that came to dredging projects, America's ports split. In essence, the small ports wanted a federal user fee that would be collected, and parceled out much as federal funding theoretically is today. The larger ones, with more financial clout, wanted each port to levy and keep its own user fees to finance its own projects.

The ports finally reached a compromise last fall by agreeing to support much of a water-projects bill proposed by U.S. Rep. Robert Roe, D-N.J. It calls for federal funding to deepen channels to 45 feet and has a cost-sharing formula for deeper projects. It is expected to reach the House floor in May.

A bill that contains a similar compromise is being pushed in the Senate by Sen. James Abdnor, R-S.D., and an American Association of Port Authorities committee fears it may be held up in the legislative labyrinth. J. Ron Brinson of the AAPA says all ports do not favor all parts of the bill, but all agree that delaying it would be harmful to the port industry's prospects.

That's good to hear, and all ports should also move on their own to encourage Congress to act. Congress has been sitting on needed dredging projects for too long. Now that the port industry has finally come together, it must demand action.

Mr. ABDNOR. I want my colleagues to note, Mr. President, that AAPA and the Journal of Commerce call upon Congress to take action on S. 1739 even though they do not fully approve of all of its current provisions. They seek what is only reasonable after 8 years of inaction: A full and forthright debate on the Senate floor of the issues surrounding water development, followed by the passage of consensus legislation.

Mr. President, the Senate must take this action and I believe the vast majority of my colleagues concur in this assessment. I therefore hope that we can see floor action scheduled on S. 1739 as soon as possible.●

THE 45TH ANNIVERSARY OF LONG ISLAND B'NAI B'RITH LODGE NO. 1353

● Mr. D'AMATO. Mr. President, I rise today to acknowledge the achievements of Long Island Lodge No. 1353 of B'nai B'rith, which will be celebrating its 45th anniversary of April 17. Since the founding of the lodge, its members have made significant contributions to the growth and development of the community.

The Brethren of lodge No. 1353 have dedicated themselves to benevolence, brotherly love, and harmony. They are committed to the betterment of members of the Jewish community, strengthening the State of Israel, and enhancing the commitment of understanding for all people. Lodge members are involved in a wide-variety of community projects, including participation in youth services programs career counseling, youth leadership training, and Project HOPE.

I commend members of Long Island Lodge No. 1353 of B'nai B'rith for their many accomplishments and I wish them continued success in the coming years.●

A VISIT WITH THE CREW OF THE 10TH SPACE SHUTTLE MISSION

● Mr. TOWER. Mr. President, on Thursday, March 22, I had the distinct pleasure of visiting with the crew of the 10th space shuttle mission, one of whom is a son of Texas. Robert L. Stewart, from El Lago, Tex., served as a mission specialist on this flight; before joining the NASA astronaut corps in 1978, he distinguished himself as a U.S. Army aviator, logging approximately 5,000 hours of flight time in 38 types of airplanes. He received his masters degree from the University of Texas. I salute Mr. Stewart, the Commander Vance Brand, the pilot Robert "Hoot" Gibson and the other two mission specialists Bruce McCandless and Ronald McNair for their successful mission aboard the shuttle *Challenger.* This 10th mission was launched on February 3 from Kennedy Space Center, spent 8 days in orbit performing a variety of tasks and returned to Kennedy for the first landing of the shuttle in Florida.

One of the primary objectives of this mission was to flight test the gas-powered backpack, known in NASA parlance as the manned maneuvering unit (MMU), which is critical for procedures involving satellite servicing. The next mission of the shuttle scheduled for April 6 will be to repair an in-orbit damaged satellite known as the Solar Maximum Observatory.

Resembling its ancestor flown inside the skylab orbital workshop in the early 1970's, the MMU is a self-contained backpack with nitrogen gas propulsion that will allow the crew members to move outside the payload bay to other parts of the orbiter or to other spacecraft. The MMU latches to a spacesuit backpack and can be donned and doffed by an astronaut unassisted.

Mission specialists Robert Stewart and Bruce McCandless conducted the space shuttle's second extravehicular activity (EVA) or space walks on the fifth and seventh day of the mission—the first EVA occurred during the fifth space shuttle mission. These space walks evaluated the performance of the backpack and checked out other critical equipment and procedures essential for successful servicing of satellites in general and for the successful completion of the solar maximum repair mission; and were particularly thrilling, especially to the astronauts, because they were conducted untethered—without life lines. Both Stewart and McCandless flew untethered a distance of 150 feet from the orbiter the first time and a distance of 300 feet during the second space walk.

Again, I commend the astronauts from the 10th space shuttle mission and the rest of the astronaut corps who have helped to make the reusable space transportation system a success.●

RABBI IRWIN I. HYMAN

● Mr. D'AMATO. Mr. President, I rise today to honor a man who has been an integral figure in the spiritual and civic character of Syracuse, N.Y., for almost five decades. Rabbi Irwin I. Hyman of the Temple Adath Yeshurun is living testimony to the fact that great men speak softly, but quietly lead through compassion, quest for knowledge, and a desire to serve their fellow man.

Our world has undergone many dramatic changes since that day in 1935 when a Rabbi Hyman, all of 2 weeks out of the Jewish Theological Seminary, first arrived to assume the pulpit in Syracuse. Through the upheavals of war and the triumph of human spirit, Rabbi Hyman has done far more than exhort his Temple members to noble action. Instead, he has given of himself to provide inspiration to all members of his community, and to demonstrate the simple beauty of a man's commitment to the high ideal of service to mankind.

Rabbi Hyman's deep love of country was gallantly displayed during World War II. Enlisting as a lieutenant in the Army's chaplain service, Rabbi Hyman distinguished himself through self-sacrificing dedication to the spiritual needs of our forces serving on the European continent. His service was rewarded with promotions to the rank of major and presentation of the Bronze Star for outstanding religious contributions to military and civilian personnel which aided the morale of all involved.

It was during this same period of time that Rabbi Hyman was called on to face one of the greatest challenges of his career of spiritual service. Working closely with our Armed Forces as town after town in Europe was liberated, Rabbi Hyman confronted the full brutality of the Holocaust that had murdered millions of his spiritual bretheren. Facing the ultimate degradation of the human spirit as manufactured by Nazi totalitarianism, the rabbi fully committed himself to rendering comfort and aid to the survivors of the death camps. He became energetically active in addressing the needs of the millions of displaced persons who were left without hope or basic needs in the wake of the war. In all of his actions to render assistance, the rabbi never asked about sectarian denomination. Instead, he sought only to alleviate suffering and to provide sustenance to those in need.

The post-World War II years have shown a remarkable diversification of Rabbi Hyman's interests and service. Educator, musician, public servant, researcher, linguist, and religious leader—all of these titles have rested comfortably on this tireless champion of the common man. And always at the heart of his efforts is his warm, enduring relationship with the people of Temple Adath Yeshurun. No contract exists between the temple and Rabbi Hyman. Only the type of bond that cannot be captured on paper continues to join this special man and his congregation year after year.

Now, as he approaches 50 years of service to the community of Syracuse, Rabbi Hyman is delighting in participating in the religious growth of the great-grandchildren of congregants who he originally married. He has watched his efforts bear rich fruit throughout the great State of New York, the Nation, and abroad. He will be honored repeatedly by his community as he nears his silver anniversary of service. But, perhaps the finest comment that can be said about this rare and talented man is based upon his own comments made 25 years ago as he discussed his love of mankind.

Everyone has status and a feeling of importance, some in larger and more eminent areas, others in their limited family circles. In a very deep sense, therefore, I have a sense of reverence for a human being as a human being.

Mr. President, it is with great pride that I pay tribute to a fellow New Yorker who has served so nobly in the name of decency and spirituality. I am greatly honored to have been selected along with Rabbi Irwin I. Hyman as "Man of the Year" by Temple Adath Yeshurun of Syracuse, N.Y.●

IN RECOGNITION OF JOHN D. REARDON

● Mr. D'AMATO. Mr. President, as a member of the Senate Footwear Caucus, I am pleased to rise this afternoon to recognize the achievements of Mr. John D. Reardon, president of the Daniel Green Co. located in Dolgeville, N.Y. An interview with Mr. Reardon recently appeared in FN Magazine.

Mr. President, I request that the full text of this article appear in the RECORD. I commend Mr. Reardon and the employees of Daniel Green for their commitment to the production of quality footwear and I wish them continued success.

The article follows:

[From the FN Magazine, Mar. 1984]

JOHN D. REARDON: THE GOOD SHEPHERD OF DOLGEVILLE

(By Kay Harrington)

"I am an anachronism," states John D. Reardon, president and chief executive of Daniel Green, the slipper and leisure footwear company. Take a look at his surroundings to understand his remark.

The upstate New York village of Dolgeville, where the company is located, is picture-postcard pretty, a small, serene haven of trees and creeks and friendly neighbors. The factory building, which started life as a stable back in the 1800s, is a short stroll across a rustic bridge from Reardon's home, a Victorian-style yellow clapboard mansion built the same year as the factory by Alfred Dolge, who left a lasting imprint on the town, its citizens and the Daniel Green company itself. It was Dolge who inspired the idea that resulted in the birth of Daniel Green slippers; Dolge Avenue, one of the few privately owned streets in New York State, leads straight to the house and the Daniel Green factory.

Reardon, whose bearing recalls the years he served in the U.S. Marine Corps during World War II and the Korean conflict, gazes fondly at the American flag set on a standard in a corner of his office. He is, he continues, "a typical product of a small town," shaped by his environment.

The small-town theme resounds often in Reardon's account of his life. "I was born in Dolgeville, went to school here and picked up good values and principles that I use in business today, things like every invoice paid on time and no special deals, no discounts, no house accounts for customers. They pay the same price for Daniel Green footwear, whether they buy 10 pair or 10,000 pair," he says, adding, "I also learned that a business often reflects the character of the people who run it."

Reardon began working in the Daniel Green stockroom after school when he was 14. "I made 25 cents a hour," he recalls, "and I was demoted to the coal bunker because of high jinks in the stockroom. It was a great day when I was promoted to the maintenance gang."

The Reardon family and its involvement with Daniel Green company is a tradition in Dolgeville, where John and his father, the late Warren J. Reardon, have headed the company for 66 years of its 101-year existence.

The main building, built from hand-cut native limestone and now on the National Historic Register, is smack in the center of town. The slipper factory is the oldest industry in the village employing 700 persons, who live within a 10-mile radius—near enough to go home for lunch, a practice encouraged by Reardon.

The image of an uncaring, profit-hungry corporate Big Brothers does not in way apply to Daniel Green. The footwear company participates in a range of charities and community projects. In winter, the village ambulance is housed in a heated garage supplied by the company, and employes get full pay for time spent on volunteer ambulance duty; each autumn, fifth-graders from Dolgeville Central School travel to Utica to see the Shrine Circus as guest of Daniel Green; no Dolgeville resident is buried in a Potters Field, because the company considers it a "duty" to underwrite a decent funeral. Another example: When the Dolgeville High School football team was competing in a regional championship game in Syracuse, N.Y., Reardon closed down the factory early so everybody could go to the game. "I wanted to go myself," he admits.

"The citizens of this area are the lifeblood of our company," Reardon tells visitors surprised at the depth of the firm's community involvement. "Four generations of some Dolgeville families have been employed by Daniel Green. Many of our young workers learned the shoe business by osmosis at the dinner table.

"We have a niche in this town, and being off the beaten path has proved an advantage," he continues. "It has meant we have stayed in touch with our employes and with our community."

Reardon, who is on a first-name basis with everyone in the company, keeps in touch with his employes by inviting each and every one to his office twice a year for an informal, homey chat. The discussion centers on family, home, hobbies, town problems and everyday life. Reardon claims that an employe with a problem takes precedence over all other visitors—and the problem need not concern the job.

Loyalty is fierce and rewarded. An employee getting married receives an extra week's paid vacation and those who complete half a century with Daniel Green are treated to a three-week holiday for two in Hawaii.

Reardon is singularly devoted to the smooth functioning of his business, which, despite the homey atmosphere, is no small operation. The 269,000-square-foot factory complex on East Canada Creek produces nearly 14,000 pairs of slippers and leisure footwear a day, along with the green and white boxes they come in. Footwear bearing the Daniel Green label as well as the trade names Outdorables, Comfys and Dee-Gees, goes to more than 7,100 retailers in the U.S. and Canada. In 1980, net sales totaled over $17 million. Reardon projects 1983 sales to range between $25 million and $26 million.

The company president takes the same personal interest in the nuts and bolts of business as he does in his employe relations. He still visits 25 small accounts, sometimes once a month, "to get the feel of the business." He asks with a smile, "What other company president do you know who takes orders for as few as 150 pairs of slippers?"

If it's beginning to sound as if Reardon is a man whose personal life is inextricably bound with his business, the assessment would not be far from the mark. Not exactly thrilled with giving interviews, he will talk freely about his business but shies away from talking about himself.

"In some circles, I have a reputation for being a little 'crustatious' to deal with," he admits, breaking into a wide grin over his coined word. "My friends call me that when they are drunk. My enemies say it when they're sober. I think this comes from the inclination to do honorable evaluation. We don't fall all over our customers, but we have stores that have been buying Daniel Green slippers for 85 or 90 years."

Reardon puts a high value on integrity, both for himself and for his company. "High standards are like peanuts," he quips. "Pick them up all day and you'll have a bag full."

Honesty. Integrity. Community. These factors are echoed when one talks to Daniel Green insiders. "I enjoy working with honest people in an honest company for a boss who cares," says William E. Homrighaus, executive vice-president and a "home town boy;" Jack Dowd, vice-president of sales, and Dave Savageaux, vice-president in charge of manufacturing, are the only three executives, besides Reardon himself, who make up top management at Daniel Green. "We build shoes, not staff," remarks Reardon. "We are all trained in each other's jobs. If one of us falls out, one of the three others can step in. No one is trained in just one function."

"This idea of flexibility at the top is patterned after the system the U.S. Marines use under fire, involving primary, alternative and supplementary skills. It works in business, too. We use the plan for salesmen as well, training an extra one so that, if a regular falls out, it is not a terminal case."

Reardon says he is "bullish" on the future of his country. It should surprise no one that every piece of Daniel Green footwear is stamped "Made in USA." As Reardon puts it, "I am not going to ship my neighbors' jobs out of the country. To hell with having work done overseas."

The footwear might also be stamped "Made in Dolgeville." Company personnel travel around the country and to Europe to spot new trends in lingerie and leisure wear, but the ideas gathered on these trips are brought back to the design room, where new styles are born. All the footwear is manufactured in Dolgeville. "Nothing is contracted anywhere else," emphasizes Reardon, and the tone of his voice implies this will be the case as long as he is in charge.

The pride Reardon displays in his company is reflected in the museum that was opened on the top floor of the main building in 1982, the 100th birthday of the company. This fascinating collection tells the rather improbable story of how the slipper business began: In the late 1800s, Daniel and William Green, then salesmen for a Utica shoe company, looked in on Alfred Dolge's new piano felt factory in the village that was to bear his name. The Greens noticed that workers, standing on cold, damp stone floors, had fashioned crude slippers from scrap felt to keep their feet warm. The Greens decided to make up a few of these felt slippers for Christmas gifts for their customers, fashioning the first pairs in the kitchen of their home in Canastota. The slippers were an immediate success, especially for trips to the outdoor privy! Customers asked for more and in 1882, when Dolge hit financial difficulties, the brothers took over the factory and started making carpet slippers, also called "everettes," under the Daniel Green name. "A customer could get everettes in any color—as long as it was black and gray," jokes Reardon.

Until a couple of years ago, in fact, the Daniel Green factory turned out a few wool felt slippers "for old times sake." But, as Reardon explains, "The felt cost $18 a yard and the slippers sold for $14, so profit was not the motive."

Reardon, the ex-Marine with a soft spot for "old times," likes to relax with his wife, Marie, at his camp on Otsego Lake near Cooperstown, where he boats, hunts, and goes fishing. The Reardon's oldest daughter, Melissa, is studying for a doctorate in biochemistry at the University of Indiana. Another daughter, Bethany, is a financial manager for General Electric and a son, Warren Joe, attends Siena College near Albany.

A successful man with a great deal of influence over the affairs of the town where he has spent his life and as sense of the power he wields in the lives of his employes, Reardon remains a dignified, low-key figure. He himself sums it up best when he says, "I want to lead my life like a well-cut suit—that means being a good fit but never drawing attention to myself."●

THE PORTLAND YOUTH PHILHARMONIC

● Mr. HATFIELD. Mr. President, the Portland Youth Philharmonic stands as a tribute to creativity skill, commitment, and, above all, excellence. Founded in Portland, Oreg., in 1924, the group is composed of around 100 talented young musicians between the ages of 12 and 20. Since its creation, the Portland Youth Philharmonic, the first group of its kind in the Nation, has gained an international reputation for its high standards. As Oregon senior Senator, I am proud to congratulate the group on the role it has played in the Portland community and the opportunities it has provided for the young people of my State.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, while I check with staff on both sides to see if there is any wrap-up, I am prepared, I believe, to ask the Senate to stand in recess.

The PRESIDING OFFICER. Is the majority leader moving to recess?

Mr. BAKER. No, Mr. President, I have not yet done that. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized on a special order of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special order, there be a time for the transaction of routine morning business until 10:30 a.m. in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, there will be a special order in favor of one Senator. After the execution of the special order, there will be a brief period for the transaction of routine morning business until 10:30 a.m. At 10:30 a.m., the Senate will resume consideration of the pending business, which is the supplemental appropriations bill. It is anticipated, Mr. President, that on tomorrow there will be rollcall votes.

DEATH OF REPRESENTATIVE EDWIN B. FORSYTHE OF NEW JERSEY

Mr. BAKER. Mr. President, I send to the desk a resolution on behalf of the two Senators from New Jersey and ask that it be stated by the clerk.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 363) relative to the death of the Honorable Edwin B. Forsythe, of New Jersey:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Edwin B. Forsythe, late a Representative from the State of New Jersey.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 363) was agreed to.

The PRESIDING OFFICER. The Chair, pursuant to the resolution just agreed to, appoints the Senators from New Jersey (Mr. BRADLEY and Mr. LAUTENBERG) as the committee on the part of the Senate to join the committee on the part of the House of Representatives to attend the funeral of the deceased Representative.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I now move, in accordance with the provisions of Senate Resolution 363, as a further mark of respect to the memory of the deceased Hon. Edwin B. Forsythe, late a Representative from the State of New Jersey, that the Senate now stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and, at 10:55 p.m., the Senate recessed until tomorrow, Friday, March 30, 1984, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1984:

DEPARTMENT OF STATE

Robert Thomas Hennemeyer, of Illinois, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

The following-named career members of the Senior Foreign Service, class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Lawrence S. Eagleburger, of Florida.

Arthur Adair Hartman, of New Jersey.

DEPARTMENT OF JUSTICE

Bohdan A. Futey, of Ohio, to be chairman of the Foreign Claims Settlement Commission of the United States for the remainder of the term expiring September 30, 1985, vice J. Raymond Bell, deceased.

NATIONAL TRANSPORTATION SAFETY BOARD

Patricia A. Goldman, of the District of Columbia, to be a member of the National Transportation Safety Board for the term expiring December 31, 1988 (reappointment).

EXTENSIONS OF REMARKS

FRED VAN WORT—JOURNAL-NEWS BUSINESS PERSON OF THE YEAR

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the tribute being made to one of my outstanding constituents—Fred Van Wort, who was just named the Journal-News "Business Person of the Year" for Rockland County, N.Y. It is altogether fitting that Fred receive this award, and I am proud to be able to bring Fred's achievements to the attention of the House of Representatives. For it is not only Fred's excellence in the business world that is recognized today, it is also Fred's compassion for his fellow citizens that distinguishes him.

In addition to serving as the president of Provident Savings—the largest banking institution with Rockland headquarters—and successfully leading his bank through a number of changes and rough times, Fred has been deeply committed to numerous civic and charitable endeavors in Rockland County. Fred's dedicated service as chairman of the Industrial Development Agency, acting president of the Board of Directors of Rockland Community College, secretary-treasurer of the Private Industrial Council, trustee for the Boy Scouts, trustee for the Good Samaritan and Tuxedo Hospitals, treasurer of the Village of West Haverstraw, chairman of the Administrative Board of the United Methodist Church, director of the Rockland County Center for the Physically Handicapped, and also his 14 years of service as a member and past chairman of the Salvation Army Adviser's Board have caused Fred to be recognized as an exceptional distinguished member of our community. Fred's contributions have made Rockland County a better place to live for everyone. His determination, dedication, and heart-warming concern for others have touched many Rockland citizens in a very positive way.

It is no surprise that Fred is being honored as the Journal-News "Business Person of the Year" on Tuesday, April 3. Yet, it may be even more appropriate to note that Fred Van Wort, the businessman, is not merely a man of business but moreover, a man of humanity. I take great pleasure in paying tribute to Fred today, and I am pleased to represent Fred and his family in Congress.

I would like to take this opportunity to insert the Journal News at this point in the CONGRESSIONAL RECORD to further inform my colleagues about the caring qualities and successes of Fred Van Wort.

FRED VAN WORT—A COMMUNITY LEADER YOU CAN BANK ON

(By Daniel Janal)

The green playing fields of his youth in Garnerville are now covered with housing complexes, office parks and regional supermarkets. Gone are the Norman Rockwell days, the simpler times.

As President of Provident Savings—the largest banking institution with Rockland headquarters—Fred Van Wort has changed with the times. He has guided his bank through the basic changes of the industry, and has managed to devote a considerable amount of his time to serving the county's civic organizations.

His dual commitment to community and business over the years has earned him the Business Person of the Year award by The Journal-News this year. He will be honored at a luncheon this spring.

The 59-year-old Garnerville resident was nominated for the honor by several anonymous admirers. One of them wrote: "Fred has given his talents, time and efforts to many causes over the years. He has been active in Boy Scouts and similar organizations, but in addition, he has served and is still serving on many economic development boards in the county.

"All this time, he has managed to steer his own organization through some very difficult times and still come out on top. A very astute businessman, with a very great heart."

Another wrote: "As chairman of the Industrial Development Agency and Rockland Community College, office of Private Industry Council and many community and charitable organizations as well as chief executive officer of Rockland's largest banking institution, he has promoted Rockland's future, its infrastructure and the development of new business and economic concepts."

Van Wort has long recognized a need to contribute to the community. If Who's Who published a book of those who've contributed heavily to civic organizations, Van Wort would have to rank high on the list.

His credits include chairmanship of the Rockland County Industrial Development Agency, secretary-treasurer of the Private Industry County, trustee of Good Samaritan Hospital and Tuxedo Hospital, treasurer of the village of West Haverstraw, chairman of the administrative board of United Methodist Church, director of the Rockland County Center for the Physically Handicapped, trustee of the Boy Scouts and acting president of the board of directors of Rockland Community College.

Jack Peters, director of Salvation Army Development Program, has seen Van Wort in action for the past 14 years as member of Salvation Army Advisory Board and a past chairman.

"He is an outstanding, compassionate guy who cares for people. Fred will go out and deliver a food basket to somebody. He will sit down and write a check to someone in need. That's the kind of guy he is," said Peters. "He has been a dominant factor in planning and developing Salvation Army services and programs throughout the county. He is presently heading our building fund for a new corps community center to meet the needs of people in Rockland. He is truly interested in helping others and making our county a better place to live and work for all. We are fortunate to have such an outstanding business professional on our number one team."

Van Wort said he always knew the importance of civic duty.

"I'm very interested in Rockland County and what goes on in Rockland County. I think when the good Lord passed out the talent to someone, he should use it," he said. "Apparently there are several people who feel I can be helpful to them in their civic organizations."

He has used his skills in supervision and execution of plans for those agencies. And that involves a lot of work—sometimes the kind most people don't relish—such as fundraising.

NO NEED FOR NOSTALGIA

He seems more comfortable in his wood-paneled office in the Haverstraw branch of the Provident Savings and Loan. Dressed in a blue, pinstriped suit with a vest that carries a pack of cigarettes, the white haired man with a strong jaw looks the part of a dapper bank president.

From his desk he can see the stark view of an asphalt parking lot, partially hidden by window coverings. But when Van Wort turns to face a visitor, he can soothe his eyes with the relaxing scenes represented in the prints of folk artist Normal Rockwell that share one wall with a painting of the bank itself.

The pictures tell the story of a bygone America, and a bygone Rockland—where the green playing fields of his youth in Garnerville now are covered with housing complexes, office parks and regional supermarkets.

"I think everyone has a streak of nostalgia in them," he said. "There are a great many additional advantages today that we didn't have as kids. We have modern appliances that make life easier. Now it is possible for everyone to have a vacation, get away, relax. These were things seldom done when I was a boy. I don't think I want to turn the clock back. I don't think I'd turn my life back."

He has seen a great many changes in Rockland, the county in which he was born and reared.

"Growth is the number one difference. The fields we used to play in as kids are now housing developments," he said. The past half-century has seen the introduction of the regional shopping area, growth in business and industry in the county and the development of a bedroom community.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Looking to the future, he sees a variation on that trend.

"I think we'll see a continued growth of small, light manufacturing and corporate office facilities in the county and a lessening of the single-family home. Most residential building will be condo and townhouse," he said. "The great housing boom has passed, although some new housing will be built."

Despite a need for low- and middle-income housing in the county, it probably won't be built because land costs too much for developers to make a profit, he said.

ENJOYS BOATING, GOLF

It was the cost of a house that helped to change Van Wort's life.

"I came to Provident to get a mortgage and I got a job," he said. "When I graduated from college I was in retailing. I spent five years in that and decided that wasn't what I wanted for a career. I moved back to Rockland and found a house we liked."

He filled out a mortgage application and the officers were probably impressed with his background, which included a bachelor's degree in business from the highly regarded Wharton School of Finance and Economics at the University of Pennsylvania.

"It just happened they had an opening," he said. "I never had any experience in banking. I had an accounting background. That's what they needed at Provident at the time."

That was 1956. He moved here with his wife Jean, to whom he has been married for 37 years. They raised their four children and now enjoy the pleasures of their first grandchild.

The Van Worts enjoy motorboating on the Hudson. In his spare time, Van Wort also enjoys golfing at Rockland County Club and reading a good detective novel.

He held nearly every job in the bank and fifteen years after he entered its doors, he took command of the president's office.

He still enjoys the work.

"The continuing challenges we have every day" and meeting and helping the public with their financial affairs ranks among his pleasures. "It's not a dull job. There is something new every day."

Those challenges keep him sharp.

"I get my most satisfaction by being presented with tough problems and working them through," he said.

That was a skill he needed to face what he called his biggest challenge—the deregulation of the banking industry.

"While the businesses are still the same (loans, savings) the manner in which you approach them has changed," he said. "The changes in the last three years have been tremendous."

That might be an understatement. Spurred by Congress' move to deregulate the banking industry and years of high inflation that has hurt many banks across the nation, Provident had lost nearly $1 million in each of 1981 and 1982.

"All of a sudden they (Congress) deregulated interest rates and we had to pay higher rates for our money," he said. "We had to pay higher interest rates to retain savings, which is the basis used for capital on loans."

Provident seems to have met the challenge.

The savings and loan posted a profit of approximately $218,000 at the end of 1983. Provident had $258 million in local assets as of the end of last year.

"We've expanded, added new departments and restructured existing areas, (such as commercial loan and consumer installment loans) to take advantage of new powers we have and survive," he said.

He looks to more challenges in the future from institutions not traditionally thought to be in the banking business. Financial supermarkets, such as Sears and Shearson/American Express are competing for investment dollars.

"I don't know of anyone who has been hurt by that kind of competition," he said. "Competition is not always negative. It keeps you on your toes. It is beneficial to the public."

But he worries about the trend.

"If we get all the financial services concentrated in a few banks, it will not be beneficial to the public. We have to be careful. The small individual bank must be allowed to exist," he said.

Yet he sees those trends developing.

"There has already been a consolidation in the industry. There probably will be more. You'll see nationwide conglomerates in the industry. They're already in existence. They will continue to expand," he said. "To a limited extent, you'll see stock brokers in the banks. Eventually, the banks will be in the insurance business. But all of these will be as subsidiaries. Banks will be primarily for the convenience of the public. The primary business of banks will not change. Savings and loans will be primarily mortgage lenders. All of the other things we can get into will be profit centers to provide the margin to stay in business."

Consumers of the future will see other changes in their local banks.

"With the next generation of people you will see a lot more electronic banking. The kids who are in school today use computers in grammar school. They are used to the machines. They understand it and will not resist it the way some of my generation does," he said, "No home banking effort has been successful yet. People have resisted the machine."

Computer tellers will be introduced to Provident customers in a few years, he said. Other banks in the county have offered the 24-hour machines to their customers.

But some qualities of yesteryear will serve tomorrow's customers and leaders well.

"You need the ability to be able to accept change and alter your thinking to new concepts, ideas and changes. You have to be somewhat progressive. If you are too conservative, you cannot accept the change, you will not make it," he said. "You have to have a good work ethic. A desire to want to achieve."

Those qualities have withstood the test of time and kept Van Wort fresh, while aging prints have turned gray.●

THE DEATH OF PRESIDENT AHMED SEKOU TOURE OF GUINEA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. DELLUMS. Mr. Speaker, on Monday, March 26, 1984 the world lost a great human being, President Ahmed Sekou Toure of Guinea who died of a heart attack while undergoing surgery at the Cleveland Clinic in Ohio. Ahmed Sekou Toure was President of Guinea from 1958 to the time of his death. Africa and the world have lost a great freedom fighter and champion of African unity. Sekou Toure's contribution to the struggle against European colonialism is comparable only to that of the late Kwame Nkhruma of Ghana.

As Guinea's first and only President since achieving independence from France in 1958, Sekou Toure championed the struggle to rid the African continent of European colonial domination. He was one of the three founding members of the Organization of African Unity (OAU). President Toure was not only concerned with the struggle taking place on the African continent; he became actively involved in the civil rights movement of the 1950's and 1960's here in the United States.

President Toure, to the time of his death, had been a frequent contributor to the journal, Black Scholar, published here in the United States over the past 20 years. The Black Scholar journal, edited and published by Robert Chrisman, is based in California. In these articles, President Toure sought to inform Afro Americans of the interrelationship of our struggles to that of the broader struggles taking place on the African Continent. An avowed Pan-Africanist socialist, Sekou Toure not only sought to bring about African unity on the continent, but throughout the world by appealing to Africans wherever they are to be found throughout the world.

President Ahmed Sekou Toure, in short, was the embodiment of Marcus Garvey, W. E. B. DuBois, Malcolm X, Martin Luther King, Jr., and Steve Biko. He was an intellectual giant in his own right whose relentless commitment to the self-determination for the peoples of Africa and the rest of the Third World, made him one of Africa's most controversial and misunderstood contemporary leaders.

His principled, unwavering stance on the issue of African independence brought him into constant confrontation with European colonial designs in Africa. His unflinching commitment to the cause of African unity placed him in the forefront of African political life in the postcolonial era.

The conditions under which he has led the nation and people of Guinea earned criticism from his Western adversaries. Western nations were always quick to critique his style of leadership, often pretending to forget that the very conditions which they criticized him for were in fact their own doings. European colonialism, Toure constantly pointed out when confronted by his adversaries, destroyed Africa's internal synthesis creating the very conditions which earned so much criticism.

In recent years, President Toure was criticized for human rights violations by groups such as Amnesty Interna-

tional. The questions raised in regard to the character and methods of his rule toward the end of his reign, however valid, cannot and must not overshadow his tremendous contribution to the struggle for African independence. I rise to salute this great giant of African unity and peace. If the last President Ahmed Sekou Toure is to be remembered, let him at least be remembered for his contributions to the advancement of the nationalist struggle of continental Africa.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. SCHAEFER. Mr. Speaker, the Voice of Democracy is the voice of youth; it is refreshing to me to see the ideals of our country reflected in the views of its young citizens over 200 years later. Robert Maynard Hutchins said that:

The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment.

The future of our country lies in the hands of enthusiastic people like Lee-Ann Jourban, the Voice of Democracy winner from my district in Colorado. Mr. Speaker, I submit for publication in its entirety in the CONGRESSIONAL RECORD the test of Lee-Ann's speech; we can be sure, reading her speech, that democracy will not suffer any slow death from apathy or indifference.

MY ROLE IN UPHOLDING OUR CONSTITUTION

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our prosperity do ordain and establish this constitution for the United States of America." These stirring words from the Preamble of our constitution ushered in a new era in government with the beginnings of what was to become the greatest democratic federal republic in the world. These words are as relevant today as they were in the 1700's. And what is my role in upholding the constitution? First, it is my duty to exercise my right to vote. So many people are apathetic when it comes to exercising this precious right. In the American Revolutionary War thousands of patriots died so that we, today could have the privilege of voting. In so many countries around the world, people are willing to die for their right to vote the sacrifices made by those who brought the constitution into being would cease to be relevant.

A second role that I play in upholding the constitution is the paying of taxes. The running of this vast and complex country depends on each and everyone of us paying taxes. When England once ruled the United States, the cry of the people was, "No taxation without representation," it is therefore incumbent on myself, as well as on everyone else to pay our taxes, since it is stated in the constitution which is the supreme law of the land. Taxes are necessary to run this powerful country in an orderly and disciplined manner, as well as to aid the nation is social, military and technological projects.

A third duty that I must uphold is the compliance with all the laws that are stated in the United States Constitution. The adherence to the rule of law is most important in building the character and strength of a nation, because without this, there is a breakdown of order which can lead to chaotic conditions. I have to help everyone in my own way live according to the rules and regulations of America. As President John Kennedy said in his remarks on the James Meredith case dealing with defiance of law, "Americans are free to disagree with the law, but not to disobey it, for in a government of laws and not of men, no man, however prominent and powerful, and no mob, no matter how unruly or boisterous is entitled to defy a court of law. If this country should ever reach the point where any man or group of men, by force or threat of force, could long defy the commands of our courts and constitution, then no law would stand free from doubt, no judge would be sure of his writ, and no citizen would be safe from his neighbors." Those words of President Kennedy should be heeded by myself and every other individual in the United States of America. The motto of our Marines is "Semper Fidelis" which is Latin for "Always Faithful" and I would like to recommend that this motto be adopted toward our Flag, our anthem, our constitution, and all that they stand for.●

TAX REFORM AND TAX REDUCTION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. PAUL. Mr. Speaker, a massive tax revolt is underway in this Nation, and with good reason. An increasing number of Americans are fed up with high taxes and runaway Government spending. Furthermore, one has only to look at the thousands of pages of the Internal Revenue Code or the hundreds of different tax forms to know that something is wrong with our current tax structure. It is a gross understatement to characterize our tax system as unjust, nonproductive, and a disgrace.

Consequently, the tax revolt is gathering momentum. State legislators are being recalled, tax avoidance and tax evasion are increasing, and the underground economy is growing. Estimates are that those Americans who have managed to escape the clutches of the Internal Revenue Service are now responsible for a large portion of our actual national product. This growth in off-the-book economic activity is directly related to the huge tax increases of the past several decades and the invasions of privacy that are part of our tax collection system.

In recent years, the various manifestations of the tax revolt and the demand for tax reform have captured some attention in the media and among legislators. Yet nothing of substance has been done. Furthermore, the ballooning deficit and massive national debt demonstrate the urgency for taking definitive action.

The time has come for tax reform and tax reduction.

The first step is to enact a 10-percent flat rate income tax proposal such as I have introduced. This legislation is the result of much concentrated effort, undertaken with several important goals in mind. First and foremost, it would reduce revenue to Government. This action is necessary in order to stem the growth of Government and Government spending; only by shutting off the spigot of taxpayers' money can the budget be brought under control and the deficit reduced. Just as oxygen feeds a fire, tax revenues feed the appetites of a gluttonous Congress.

It is important to realize that tax increases have little or no effect on deficits. In the summer of 1982, the leaders in Congress promised to reduce spending by $3 for every $1 in tax increases the President would support. The resulting legislation was the Tax Equity and Fiscal Responsibility Act, the largest tax increase in peacetime U.S. history. This bill raised taxes by $218 billion over 5 years. However, did it make even a dent in the deficit? No, instead of $3 in spending cuts, Congress increased spending by $1.25 for every dollar in tax increases, thus exacerbating the deficit problems. That is why tax reduction is essential if spending is to be brought under control and the deficits reduced.

The second reason for supporting a 10-percent flat rate income tax is to simplify the current complicated and onerous income tax collection system. Each year, Americans spend an estimated $60 billion trying to figure out how to comply with the tax laws. It is disgraceful that Americans must hire tax accountants just to figure out what they owe. A flat rate tax could be filed on one page and would require that individuals divulge much less personal information to the Government.

Another reason for a 10-percent flat rate tax reform is to rid our Nation of the injustice and inequity of graduated rates. The graduated income tax does violence to the principle of equal treatment before the law. Instead, it applies different tax rates to different citizens. A flat rate tax would spread the burden more evenly among taxpayers. As the 19th century economist J. R. McCulloch warned:

The moment you abandon the cardinal principle of exacting from all individuals the same proportion of their income or of their property, you are at sea without a rudder or compass, and there is no amount of injustice and folly you may not commit.

We have, indeed, committed much injustice and folly since 1913, as tax rates have gone as high as 91 percent.

Another important reason for replacing our graduated rates with a flat rate is that it eliminates the incentive for Congress to inflate taxpayers into higher tax brackets through so-called bracket creep. Government has reaped a windfall in additional revenue by destroying the value of the dollar. Taxpayers who manage to get pay increases that keep pace with the cost-of-living are pushed into higher tax brackets and end up with a reduced after-tax income. A 10-percent flat rate income tax would end bracket creep.

Some argue that a 10-percent rate would benefit the wealthy. In fact, this charge lacks merit. Certainly any cut in tax rates benefits those in the highest marginal tax brackets. However, under a 10-percent rate, many individuals who currently escape paying taxes by using tax deductions and shelters would begin to pay, while those in the middle class would experience much-needed relief. Certainly the very wealthy would benefit less than middle-income Americans from a 10-percent flat rate.

The sole purpose of a system of tax collection should be to raise revenue for the legitimate functions of Government. The tax system should not be used to redirect business activity or redistribute the property of the people. In fact, the distortion of economic activity and destruction of incentive caused by a graduated tax system with high marginal rates and myriad deductions, credits, and exemptions, cost the American people billions of dollars in lost jobs and lower living standards.

The typical American worker pays more in taxes than he does for food, clothing, medical care or any other expense. Therefore, it is important that the 10-percent rate be viewed as a ceiling on the amount Government can take from any one taxpayer. Certainly a lower rate would be preferable, but Americans must never again be forced to give Government more than one-tenth of what they earn. Unfortunately, some flat rate tax proposals would actually increase revenue to Government so that it can continue its spendthrift ways at the taxpayers' expense.

Some charge that a 10-percent rate is too low to fund Government at its current level. In fact, this is one of the positive aspects of such a proposal. Almost everyone agrees that Government spending is too high; a reduction in revenue to Government would force a spending reduction, in order to prevent an explosion in the deficit. A 10-percent flat rate tax proposal should be combined with across-the-board spending reductions, a balanced budget requirement, and an end to printing press money.

Before genuine tax reform and reduction can be achieved, the American people must decide what type of Government they want. If our taxes are too high, it is because the Government is too large. The Federal Government is currently funding many activities that have no constitutional justification. For example, a large proportion of the defense budget goes to subsidize the defense of other nations; the President's 1985 budget request contained a 42-percent increase in foreign aid; and direct transfer payments to individuals, which now constitute 42 percent of the Federal budget, will cost the American taxpayers over $440 billion in the next fiscal year. There is no constitutional warrant for such massive redistribution of wealth.

I hope my colleagues will join me and vast numbers of the American people in supporting genuine tax reduction. There is no need for an inquisitorial tax collection agency that relies on intimidation and duress to collect taxes; there is no need to hire tax accountants and lawyers to figure out one's taxes. Most important, a 10-percent tax rate would mean a reduction in the confiscatory burden of taxes which threatens the liberty of the American people. To the extent that individuals retain a larger portion of their earnings, the economy will experience greater productivity and a higher standard of living—for all.

Certainly a free and decent society, such as ours is meant to be, can begin the process of restoring limits on the power to tax.●

OUR IMPROVING ECONOMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. GILMAN. Mr. Speaker, it is indeed a pleasure to note that our Nation's economy is recovering much more rapidly than had been expected. The pessimists and critics of yesterday are now muffled by today's surge. There are some who still criticize current economic policies, but many of these same critics are the ones who orchestrated the unsuccessful policies of the past. All too often criticism is more political than constructive. A good look at present statistics support an optimistic outlook.

The inflation rate has continued to drop from a high of 13.3 percent in 1979 to a low of 3.8 percent in 1983. Since the present administration implemented its economic policies, our inflation rate has continued to fall. The outlook for 1984 through 1988 projects an inflation rate of no more than 5 percent. This rosy forecast provides the consumer with more buying power per dollar than at any previous time since 1972.

Low inflation spurs economic growth. The economy grew at an inflation adjusted 6.1 percent between the fourth quarter of 1982 and the fourth quarter of 1983. This was the largest growth since 1972, when the economy grew 7 percent. The gross national product (GNP) was 6.1 percent, up from the last administration's GNP of minus 0.6 percent. Real GNP rose 3.5 percent in 1983 while the index of leading indicators increased a moderate 0.6 percent. Productivity has also surged 3.1 percent in 1983.

New American automobile sales increased an average of 31 percent over the last year. General Motors sales rose 35.4 percent; Ford was up 51.7 percent, and Chrysler improved sales by 47.3 percent over last year. Electronic sales soared, capital spending increased 9.4 percent, and personal spending also grew 6.7 percent in 1983. Moreover, personal income rose 1.1 percent in January 1984 while business investment spending rose at a rate of 22.3 percent.

The resurgence of housing sales also reflects the good economic news. In January 1984, 1.92 million housing units began construction—an increase of 15 percent over December's rate of 1.66 million—and the best housing starts report since 1978. The 1983 housing sales increased 51.7 percent from the 1982 level. Americans are spending their money and investing in new homes, thereby helping themselves and our economy.

Unemployment, although still too high, has dropped significantly. The average annual rate for 1983 was the lowest level in more than 2 years. Unemployment was down to 8.2 percent in December 1983, 0.5 percent lower than October 1983 and 2.5 percent lower than the previous December. This steady drop has continued into the new year when in February of 1984 civilian unemployment fell to 7.8 percent.

Since November 1982, civilian employment has grown 3.9 percent—the best growth since 1950. In December 1983 a record 102.9 million Americans were at work. Black unemployment has also decreased 6.6 percent since December 1983, although it too has plenty of room for improvement.

All of these rosy figures, although sure signs of an economic recovery, are tied to the resolution of the budget deficit. The deficit problem must be addressed, and President Reagan has under taken steps to act on this vital issue. The President's bipartisan commission on the deficit is a sound and serious attempt to rectify differences in policy and direction on the deficit. So, too, the President's budget reduction down payment of $100 billion over 3 years deserves serious consideration.

Since the deficit is a serious matter, we must act together to counter the red ink rather than to place blame. For if we do not take measures in hand now, we all may lose later. Through cordial, frank, and dedicated diplomacy, I am confident that we can achieve bipartisan support for a deficit reduction plan.

Truly, when all is considered, America is well on the way to a full recovery. Our economy is steadily improving, confidence is high, and all leading indicators show optimism for the future. Although the job is not yet finished, the economic news is encouraging. I find it healthy and important to speak positively when policies are working and worthwhile. Criticism has no value unless sound, viable alternatives are offered. The facts show that the economy has recovered substantially. Let us be thankful and appreciative for this development while at the same time continuing our work to improve the many facets of our Nation's economy.●

RELIEF FOR INDIVIDUALS INJURED BY HAZARDOUS WASTE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. FLORIO. Mr. Speaker, a recent editorial in the Washington Post contained some thoughtful comments on the Superfund reauthorization bill, H.R. 4813, which I have introduced. The editorial suggested that the Congress should give careful attention to crafting well-designed provisions for compensating those injured by exposure to hazardous substances.

For example, the Post suggests that if the standards of proof for any such system are too weak, the system could create unwarranted obligations for both industry and the Government. This is absolutely correct and we must guard carefully against liability which is too broad. There are too many examples of well-intentioned programs which have cost more than anyone thought they would because of open ended liability. The standard under H.R. 4813 requires that injured individuals prove that it is reasonably likely that their exposure to a hazardous substance could have "caused or significantly contributed" to the injury they suffered. To meet this burden of proof, individuals must be able to prove, first, for how long and how much they were exposed to hazardous substances, and, second, whether the chemical at issue can cause the illness they suffered.

After this burden is met, there are only limited damages available under the administrative system. The purpose of the administrative system is to get people through emergencies. For adequate compensation they must go elsewhere.

An administrative system to deal with emergencies must have the right balance. Those of us sponsoring this legislation will continue in our efforts to set up a system with the proper balance because we cannot ignore the plight of many in this country who have been harmed by exposure to hazardous wastes.

The Post editorial follows.

RUNAWAY COMPENSATION

Medical science keeps piling up evidence that various chemical substances may, in sufficient quantity, produce toxic effects in humans. Most of these threats are not large—far smaller, for example, than the known effects of poor diet and of smoking on human health. Still, the cumulative effect of long-term exposure to certain chemicals warrants strenuous efforts to limit further exposure. How far, however, is the society prepared to go in requiring compensation for people exposed in the past to toxic substances—especially when the effect of that exposure is far from clear?

Because the financial and legal ramifications of this issue are enormous, far more attention ought to be paid to the victim compensation provisions of the Superfund hazardous waste cleanup amendments now headed for markup in a House subcommittee. The bill, sponsored by Rep. James Florio and 22 others, sets up an administrative system that would pay lost wages and medical costs to people who can establish that there is a "reasonable likelihood" that toxic substance exposure contributed "significantly" to disability or death.

For example, claimants could show that they were exposed to a certain chemical in some manner for a certain period of time and provide evidence (including, according to the bill, studies with very limited sample sizes) that "tends to establish" that such exposure can produce disabilities. It would then be up to the Environmental Protection Agency to prove that the exposure did not contribute significantly to their disability. In the administrative claim proceedings (although not in the separate tort actions that claimants could also file in federal or state courts for additional damage payments and legal costs), businesses alleged to have caused the exposure would not be allowed to participate or provide contrary evidence.

These relatively weak standards of proof could create potentially enormous obligations for both industry and the government. (The bill limits reimbursements to part of the tax-based Superfund, but it is hard to imagine that claims would be denied to equally eligible parties when that small fund was exhausted.)

But there are larger, ethical questions involved as well. Suppose that it could be established beyond a reasonable doubt that living near a chemical dump raised the risk of some form of cancer by, say, 3 percent. That means that for every 103 people in the community who got the disease, 100 would have gotten it anyway. Is it fair for the taxpayer to make large payments to every one of the 103—since there is no way of telling which 3 in the group owe their cancer to the dump—while people in other communities with the same disease receive no compensation at all? With plaintiffs' lawyers poised to file hundreds, perhaps thousands, of suits claiming chemical exposure, Congress needs to address this issue carefully.●

STANDING TALL ON JERUSALEM

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. BORSKI. Mr. Speaker, our colleague, TOM LANTOS, has written a cogent article on why we should move our embassy in Israel to Jerusalem.

I encourage all of us to read our colleague's article from the Los Angeles Times:

[From the Los Angeles Times, Mar. 21, 1984]

LET'S STAND TALL AND MOVE OUR EMBASSY TO JERUSALEM

(By Tom Lantos)

The United States maintains diplomatic relations with 136 nations. In 135 of these countries our embassy is located in the capital. As a routine matter, when a capital is moved we move our embassy. When the government of Brazil decided to move from Rio de Janeiro to Brasilia, we moved our embassy to the new capital. And when the government of Saudi Arabia recently indicated that it would like to have embassies in Riyadh, we followed traditional diplomatic practice and began building ours in Riyadh.

This is as it should be: An embassy should be in the same city as the government to which it is accredited. In one case, however, our embassy is not located in the capital, despite the expressed desire of the host country that this be done. Although Jerusalem is the capital of Israel, our embassy is in Tel Aviv.

In a futile attempt to curry favor with Arab countries, the State Department has refused to move our embassy to Jerusalem and is vigorously opposing efforts in Congress to do away with this particular form of appeasement. However, refusal to move the embassy to Jerusalem has not accomplished this purpose. Prostituting our principles only backfires.

The argument that the United States should not move its embassy to Jerusalem because the United Nations adopted a resolution calling on member states to remove their embassies from that city is a farce. After the invasion of Grenada, when the United Nations condemned the United States and called on us to remove our troops, the State Department ignored and denounced the resolution. Why should we observe a resolution that requires us to violate a universal principle of diplomatic practice and offend our only democratic ally in the Middle East?

Jerusalem has been the capital of Israel since 1949. Even Harold Saunders, assistant secretary of state for the Near East during the Carter Administration and an avowed opponent of moving our embassy to Jerusalem, recently said that "two Presidents of the United States, five secretaries of state and each American ambassador have done business with the government of Israel at the seat of that government in West Jerusalem." No less a figure than Egyptian President Anwar Sadat addressed the Israeli Knesset in Jerusalem in 1977.

Moving the American Embassy to West Jerusalem would not affect any of the issues surrounding the peaceful resolution of the Arab-Israeli conflict. West Jerusalem has been an integral part of Israel since 1949:

This has been recognized by all nations with which Israel maintains diplomatic relations.

Consider the example of Berlin. East Germany claims East Berlin as an integral part of its territory, but the United States does not recognize this claim and maintains that East Berlin and West Berlin have a unique status guaranteed by the four occupying powers. Nevertheless, when we established diplomatic relations with East Germany we located our embassy in East Berlin.

At that time the State Department affirmed: "The United States government proceeds on the basis that the locations and functions of an American embassy in East Berlin, where it will be convenient to the government offices with which it will deal, will not affect the special legal status of the Berlin area."

If we are broad-minded enough to observe this rational principle in dealing with a communist dictatorship, should we not follow that same rational principle in dealing with a democratic ally?

Likewise, the special status of Jerusalem as a holy city should not be an issue. Unlike the Jordanian government during its stewardship, the Israeli government welcomes people of all religions to Jerusalem. As Sadat found during his visit, Muslims are free to pray at the al Aqsa mosque and any other Muslim religious site. During the 19 years Jordanian rule, Jews were denied access to the Western Wall, their holiest of shrines, and the area around it was allowed to deteriorate into a slum. Even Christian and Muslim citizens of Israel were not allowed to visit any of their holy places.

Support for the House legislation to move our embassy to Jerusalem has been thoroughly bipartisan. A Senate bill introduced by Daniel Patrick Moynihan (D-N.Y.) enjoys the same bipartisan support. House Republican leaders Trent Lott of Mississippi and Jack Kemp of New York are among the more than 200 current co-sponsors of the House bill; my Republican co-author is Rep. Benjamin A. Gilman of New York. My colleagues Tony Coelho (D-Merced) and Guy Vander Jagt (R-Mich.)—the chairmen, respectively, of the Democratic and Republican Congressional Campaign Committees—are also co-sponsoring the bill. Support for this measure covers the entire political spectrum.

U.S. foreign policy has been the most successful when it has been rooted in reality. Failure has followed when our policy has been founded on fiction. For years we maintained the fiction that the People's Republic of China did not exist. The only beneficiary of that policy was the Soviet Union. One of the great bipartisan achievements of recent foreign policy was the opening of a U.S. embassy in Peking. Abandoning the fiction that the People's Republic did not exist strengthened the American position in Asia and throughout the world.

"Standing tall"—a phrase that the President likes to use—has many meanings. In fact, its only real meaning is standing for principle. We will be respected abroad only if we adhere to our principles; policies based on appeasement cannot succeed. We should abandon the hypocrisy of keeping our embassy out of Israel's capital.

It is time to stand tall—in Jerusalem.●

THE HUMAN DEFICIT IN SOCIAL SERVICES

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. HAWKINS. Mr. Speaker, the act of establishing and reordering the economic goals of this Nation should not be taken lightly. For if we commit ourselves to the process, and are serious in our actions, we will develop economic goals which will ultimately foster prosperity and economic growth; create jobs; restrain inflationary pressures; and facilitate an economic environment wherein access to equal opportunities is not viewed as reverse discrimination.

Although some of my colleagues may question the legitimacy of setting goals to achieve full employment, the process outlined in the Humphrey-Hawkins bill does work toward the best interests of this Nation. The establishment and reordering of our national economic goals puts this Nation on a chosen course—a course of growth and expansion of employment opportunities. But establishing and reordering our national economic goals must not be done without examining the social service concerns of this great Nation.

Our economic goals must be tempered and debated within the confines of the real world. Global abstractions on economic models and their relationship to GNP and trade deficits, along with other important economic variables, must not solely dictate this Nation's economic goals and policy directions. Abstractions and observations that are not grounded in reality, as well as balanced against long-term goals and short-term realities, will ultimately increase the pain and suffering of most Americans whose futures we are pledged to protect and defend.

America's strength does not solely depend on her ability to develop and bear arms. America's strength depends jointly on her capacity to lift the tide which through economic prosperity generates jobs, and provides equitable access to opportunities. More importantly, America's strength depends on America's longstanding capacity and compassion to assist those in our society who must fend off the long-term devastation of poverty, with little or no economic strength or social standing of their own. Poverty in both the long and short term must be dealt with or we run the risk of condemning countless precious lives to ultimate devastation. Thus we imperil the strength of our Nation by stockpiling potential human genius if we do not order our economic goals to address social service needs.

Unfortunately, social service concerns such as adequate access to quality health care, have not received priority attention under the Reagan administration. In fact, social services programs have been the prime target of budget reductions. Since this administration took office social services programs have been scuttled, leaving the most vulnerable American—children and the elderly, without adequate access to social services and quality health care.

More specifically, programs for the poor would bear a highly disproportionate share of the cuts contained in the new Reagan administration budget. Forty percent of the budget cuts in domestic programs targeted on low-income individuals and families, despite the fact that these programs make up only 19 percent of the domestic budget, have already been cut far more deeply than any other parts of the budget.

Based on the administration's own budget documents, the appropriations for low-income programs that are not entitlements would be reduced 21 percent below the levels that the budget itself says are necessary to maintain current service, adjusted for inflation. When low-income entitlement programs are included the overall reductions in appropriations for all low-income programs would be 10 percent below current services levels.

Among the most severe cuts in the budget would be cuts occurring in fiscal year 1984, in the special supplemental food program for women, infants, and children; the WIC program. This program provides nutrition supplements to low-income pregnant women, infants, and children which are determined to be at nutritional and medical risk. According to the Center on Budget and Policy Priorities, a nonprofit organization based here in Washington, more than 500,000 women, infants, and children would have to be terminated from the program this spring because of inadequate supplemental appropriations by the administration. Programs such as Head Start, job training, compensatory education for disadvantaged children, and low-income energy assistance will also be drastically cut. These programs, along with low-income housing and financial aid for needy students, would receive reductions below the appropriations level needed to maintain current services levels.

Hardest hit would be the legal services program, the community services block grant, the work incentive program and supplemental educational opportunity grants. These programs would all be abolished.

The economic policies presently being followed by this administration have extracted some inflationary pressures from the economy. But this has been accomplished with a great deal of sacrifices and pain being borne by the

many poor and hard working citizens across this country. This has often occurred at too high a personal cost.

This year as we consider establishing economic goals, let us move forward into the process with an eye toward developing policies that will balance efforts to decrease monetary deficits, with efforts to limit potential human deficits. I caution my colleagues that we must take the task of establishing our Nation's economic goals seriously. For if we forfeit the opportunity to establish balanced economic goals that are sensitive to the social service concerns of this Nation, we will definitely face irreversible human deficits in the not too distant future. The choice is ours to make.●

ACID RAIN REFORM LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. GILMAN. Mr. Speaker, were a blight to strike, destroying in its wake hundreds of trees, thousands of lakes, and threatening many many more acres of land, would not both farmer and business person, lawmaker and corporation, be united in our efforts to stop such a terrible ill? In that same spirit I call upon my colleagues to join with me in supporting H.R. 3400, the Acid Rain Deposition and Control Act of 1983.

Throughout the United States the ravages of acid precipitation are becoming increasingly apparent. Stagnant lakes where fish once thrived and forests where the branches no longer create a ceiling because damage to the vegetation is so extensive, can be found from coast to coast, crystalizing the fact that this is not simply a regional problem. While I would like to take this opportunity to commend President Reagan on his recent pledge to increase the Federal Government's efforts with regard to acid rain research, I feel strongly that we in Congress must also take an active part in responding to the acid rain problem. Accordingly I have cosponsored H.R. 3400.

H.R. 3400 provides a national solution to this countrywide problem by seeking a total sulfur dioxide and nitrogen oxide emission reduction of 14 million tons. This end would be achieved without threatening jobs in the coal industry or imposing escalating utility costs on select portions of the country.

This legislation acts affirmatively to arrest the problem by requiring:

First, the 50 utility plants among those that burn medium- and high-sulfur coal, and which are the largest emitters of sulfur dioxide, to install scrubbers to reduce these emissions by 7 million tons by 1990;

Second, the 48 contiguous States to make an additional 3 million-ton reduction of sulfur dioxide in accordance with the proportion of each State's emissions; and

Third, the reduction of the new source performance standard (NSPS) for stationary sources of nitrogen oxide so that an additional 1.5 million tons reduction in this emission can be achieved by 1995.

The beautiful and majestic Hudson River winds it way through the historic Mid-Hudson Valley, a portion of which I am proud to represent. There is not a constituent in my district, even those whose homes and businesses are miles from the river's banks, who do not feel that the Hudson profoundly affects their lives. Rising on the west bank of the Hudson are the lush Palisades and Bear Mountain State Park where thousands of visitors come from all over America to walk along the paths and enjoy the splendid panorama.

These special places and others like them all across this Nation must be protected and preseved, for one fact from the debate remains irrefutable; many of the effects of acid rain are irreversible. In upstate New York, it has been found that the fish populations of 212 lakes and streams have been irrevocably eliminated by acid rain. We cannot allow ourselves to dismiss the prevalent danger of acid rain any longer, or these rivers, lakes, forests, and fields, as we now know them, may simply cease to exist.

The Subcommittee on Health and the Environment under the direction of its distinguished chairman and bill sponsor, HENRY WAXMAN, has held acid rain field hearings throughout the United States in New York, Minnesota, Indiana, Ohio, and Illinois. The hearing transcripts reveal that citizens in all of these regions, environmentalists and State government officials alike, are calling upon Congress to implement a national control strategy.

As the Health Subcommittee holds its hearings here in Washington, D.C., I ask my fellow colleagues to take a close look at this legislation. If you are not already a supporter, I invite you to join us in our effort to arrest and control acid deposition, so that future generations may be allowed to enjoy our riches—the forests, lakes, and fields, that we may have so carelessly squandered.●

TWO-YEAR COLLEGES OFFER HAVEN FOR MANY HISPANIC STUDENTS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, the Chronicle of Higher Education recently profiled the vital role played by the El Paso Community College in serving the higher education needs of a predominantly Hispanic area. Nationwide, over 70 percent of all Hispanics in higher education are in community colleges, and these provide an important step for many students who go on to 4-year institutions. The Chronicle highlights the story of Mr. Alfred Corchado, the editor of the highly respected student newspaper, El Conquistador. Mr. Corchado attributes his own personal success to the El Paso Community College, and the article, which follows, depicts the college's contribution to him and countless other students.

TWO-YEAR COLLEGES OFFER HAVEN FOR MANY HISPANIC STUDENTS

(By Charles S. Farrell)

Only a few years ago, Alfredo Corchado was a high-school dropout who had resigned himself to a future in the fields, picking crops as his parents had and as their parents had before them.

Now the El Paso County Community College student envisions a future in a different field—journalism.

It is the community college that gave Mr. Corchado the chance and the will to succeed. At one time, he considered attending the University of Texas in El Paso, but he balked because he found the place too imposing. "It is just enormous," he says. "I felt I wasn't prepared. Here, it is more like a high school. I got the basics and gained confidence."

Indeed, he now has so much confidence that he takes courses at both the community college and the university.

Two-year colleges, like the one here, have become havens for many Hispanics who choose to attend college. In 1980, the last year for which figures were available, 54 per cent of Hispanic college students were attending two-year institutions—compared to 36 per cent of white college students.

But many Hispanic educators complain that too many Hispanics are trapped in two-year institutions because they never get the encouragement, support, and courses they need to go on to four-year institutions.

Raphael J. Magallan, executive director of the Hispanic Higher Education Coalition, an organization that advocates increased higher-education opportunities for Hispanics, says many Hispanics limit themselves to junior colleges because they receive poor advice when they are in high school.

Once in a two-year institution, many Hispanic students remain confused about additional opportunities because they continue to get poor counseling, Mr. Magallan says. "Community colleges are the least-well-funded institutions," he says, "so they generally don't have the staff to deal appropriately with counseling." As a result, many

Hispanics drop out even before completing junior college.

Mr. Magallan adds that community colleges generally suffer from an inferiority complex, making Hispanic students less sure of their abilities.

"They slack off from high expectations," he says.

Robert E. Shepack, president of El Paso County Community College, says that in view of the projected growth in the Hispanic population over the next decade and of the low percentage of Hispanics who go to college, an increase is needed in the number of Hispanics going on from two-year to four-year institutions.

"It is up to institutions like us to make it happen," he adds.

The college, founded in 1969, has labored since its beginning to develop a sound scholastic reputation, Mr. Shepack says, and it has not been easy. Because of the high concentration of Hispanic students, now 63 per cent of the total three campus population of 21,000, the college was dubbed "Taco Tech."

Mr. Shepack bristles at the derogatory label. "Community colleges are always viewed as second-class institutions—second-class citizens." He says "People didn't understand our purpose, and most universities still don't. We are here for community service and community development."

Richard A. Drum, dean of instructional resources, says the college has rapidly gained respect and acceptance because of "a commitment to being the kind of college this community needs. We are actively involved in the needs of the community in terms of economic development and social development. We work with and for the needs of the community."

It is a community that is 63 per cent Hispanic and increasingly hungry for education, Mr. Drum says, but it is also a community that historically has been denied or has not sought education opportunities. The community college, he says, due to less strict admissions requirements than four-year institutions, as well as a lower cost, is for many Hispanic students the only avenue to a career.

NOT SO MUCH AN IVORY TOWER

The community college offers a more practical avenue than do most four-year institutions, which are more research-oriented, says Carmen L. Delgado, coordinator of instructional development services. "This is not so much an ivory-tower type institution," she says. "We're technology-oriented. We're designed to meet changes in technology and make programs relevant to students' needs.

"For Hispanics, it is basically a matter of survival," she adds. "But that doesn't mean we don't place a value on education. We do value education, but the point is, we Hispanics have to survive."

The college offers about 100 vocational programs. But it is also striving to improve its academic offerings while maintaining a setting that is culturally comfortable and supportive for Hispanics.

"We have to be a nurturing institution," Mr. Shepack says. "Because the more this college helps, the more likely it is that people will be interested in education and the more likely they are to encourage others to go here."

That is important, he says, because college remains a first-generation experience for most Hispanics. "We have to build an interest that will be sustained. And we have to be sympathetic to the needs of those who want to go on."

The college's sympathy to those needs has encouraged students like Mr. Corchado, who is editor of the student newspaper, El Conquistador.

"Parents of white students have always encouraged their children, but Hispanic parents have not, so we've been on our own and isolated," he says. "A lot of Hispanics would simply drop out, but this community college offers the basic confidence to go on and to sort of come out of a shell."

He adds that he and many others, given Hispanics' unfamiliarity with college, would have been lost going to large universities, assuming they could have got in. Many Hispanic students, he noted, start at the University of Texas at El Paso but transfer to the community college.

Going to a two-year college may not be as prestigious as attending a four-year institution, he adds, but "at least we're proving that we're not dumb. We're proving we can be educated."

AN IDEA OF WHAT TO EXPECT

Angelica Hernandez, a second-year business-administration major, says the community college gave her "an idea of what to expect in college, and now I know more about what I want."

Ms. Hernandez, who hails from a small town 50 miles from El Paso, says that if she had gone first to the university, "the first semester would have been enough for me. I would have felt uncomfortable."

Her apprehension is based, in part, on a belief that her cultural identity might suffer. "In high school," she says, "whites made me feel very low. I felt that at the university they would make me feel that I had to change, that that would be the only way I could get somewhere."

The community college "has put more pride in me," she says. "I'm encouraged not to change, but to also know I can make it in the white world. They've given me the preparation for a white environment."

Ms. Hernandez now says she has the confidence to go on to the university's El Paso campus, an institution that has itself grown more sensitive to the needs of Hispanics. About 48 percent of all students at the university are Hispanics.

The attitudes of students like Mr. Corchado and Ms. Hernandez indicate that there is increased Hispanic interest in four-year institutions, but many barriers still remain.

Carlos Aguilar, an instructor in economics at the college, says students are better qualified and less fearful than they used to be. But he adds, "While they seem to try harder, many still don't know what they want to do. There are lingering self doubts when they are faced with alternatives to the community college. One thing we have to do is diminish that awe of the university. Many students still tell me that UTEP [the University of Texas at El Paso] scares them because of the swim-on-your-own attitude. Lack of confidence continues to be a drawback for many Hispanic students, and many still settle just for the community college."

Community colleges can eliminate some of the educational barriers that prevent Hispanics from enjoying full access to higher education, he says, but the students themselves will have to eliminate the barriers caused by their own perceptions of college.

But the barrier that Hispanics complain about most is one that is imposed by four-year institutions.

The higher admissions requirements of four-year institutions deny most Hispanic students initial access, they say, and then block junior-college transfers by limiting the number of credits that can be transferred.

"The problem is not a community-college problem; it is a university problem," says Mr. Shepack. "Universities have to develop enveloping curriculums so they can recognize what we do but still get what they want. And they have to be less imposing. They blame us for their not having more Hispanic students, but they are the ones who refuse to change.

"It is too bad the universities don't do more to serve Hispanics and accommodate their uniqueness. Why do they have to fit everybody into the same mold? They have no right to perpetuate a system that denies an equal opportunity for an education."

MAKING IT EASIER TO TRANSFER

In the last few years, the El Paso community college has worked closely with the university to make it easier for students to transfer, and many students take classes at both institutions simultaneously. Part of the problem has been that students have taken community-college courses that were never intended to offer credit that could be transferred.

But a parallel program now allows students at the community college to major in 40 areas acceptable for transfer to the university.

That is the type of alliance that Mr. Magallan says more two-year and four-year institutions must forge. "Only in a few places in the country are there well-thought-out programs that follow through a matriculation," he says. "More attention from institutions, particularly universities, is needed, because we're not moving an appropriate number of Hispanic students into the track of four-year institutions. "

Improved course transferability is essential, Mr. Magallan says, because many Hispanic students with the desire to go to four-year institutions find themselves on a treadmill as they try to accumulate the needed credits. "It is like a mouse in a maze." he says "After a while they get frustrated."

Four-year institutions also must work on diminishing their imposing perception, he say. "They have to demystify their bigness, so that students will have the opinion that if they do well as community colleges they can do well elsewhere," he says.

But many community colleges continue to have academic shortcomings, Mr. Magallan says. "They have to give more language skills and skills in math and science and urge students to move on."

As the U.S. Hispanic population increases, the role of the community college will become increasingly important, he says. "What happens in comunity colleges, given the current enrollments, could affect the education-participation rates of the future. They have to force partnerships that will improve the condition of education for Hispanics, because they already play a critical role for Hispanics today."●

BAD REASONING BY TV NETWORKS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. SWIFT. Mr. Speaker, recently, this excellent editorial appeared in the

Ferndale Record, a newspaper in my district in Washington State. I am pleased that it gives favorable mention to the resolution I have introduced—along with the gentleman from California (Mr. THOMAS)—with regard to early projections of election returns, but most important is the point it makes about a fundamental lack of consistency on the part of the television networks.

As this editorial accurately observes, there are many instances, including all kinds of sports events, in which the networks delay broadcasting information. And yet, when it comes to one of the most fundamental processes of our democracy—our elections—they piously insist that there is some journalistic imperative dictating that they cannot wait. They have no choice but to rush onto the air and announce who they believe has won, even before all American voters have had an opportunity to cast their ballots.

BAD REASONING BY TV NETWORKS

(By Sonja Nelson)

The TV lords work in wondrous ways. On the one hand those at ABC, the official Olympic Games network, pretended that Rosalynn Sumners did not skate in her final competition until prime time, even though the results of the Gold Medal skate had been reported all day over the radio. And on the other hand the national networks have refused to hold off on election day projections because of a difference in time zone.

In the telecasting of the Olympics, reality did not concern ABC. But when it comes to the elections they say they must adhere to reality. The only conclusion one can draw is that the through line of these decisions is not reality but their pocketbook.

But perhaps the networks have wrongly assumed what its audience wants in these situations. To pretend that an Olympic competition is live and that no one in the audience already knows the outcome is to asume that the audience cares nothing about reality.

The Olympic Games are for many people more than a little entertainment on TV. It is news, and to assume that the news has not happened when, in fact, it has is to belittle the audience. The action of the network also denigrated the Olympic Games themselves, turning them into some kind of a game show.

Rosalynn Sumners, along with Debbie Armstrong, Phil and Steve Mahre and Bill Johnson (and all the other non-Washington medal winners) are much more than entertainers. They are exciting proof that Americans can achieve excellence and can excel in competition against other talented people in the world.

In spite of the fact that most of the American athletes say they do it for themselves, they elicit feelings of patriotism in a lot of viewers in an era when patriotism is hard to come by.

ABC insisted on distorting this reality, whose accurate reporting has benefit to the country, but the networks insist on "accurate" reporting during the election, when it obviously does damage to the democratic process.

They want to tell the West Coast how the East Coast is voting as quickly as a poll can be made of voters leaving the voting booths in New York and other eastern states.

West Coast voters listening to the polls may well decide not to vote or may change their votes to go with a winner. In the 1980 election, results were projected at 5:15 PST.

Rep. Al Swift has the right idea when he introduced a resolution calling on broadcasters to "voluntarily refrain from projecting election results before the polls close.

Neither Swift nor other supporters of the resolution want to lay down legal and binding restrictions on the media. But they would like to see a voluntary restraint on election poll projections which hurt the West Coast most of all.

If the networks can tell its audience that Rosalyn Sumners is doing something now that she actually finished doing hours before, they should be able to refrain from telling half its audience what they think the other half did in the voting booth a few hours before.

I would also like to observe another instance in which one of the networks has decided that delay is alright after all. On "Super Tuesday," that network had its election wrap-up at 10 p.m. Subsequently, however, it was reported that the ratings for that show were so low that the network has gone back to having its wrap-up at 11:30 p.m., along with the other two networks. So much for journalistic imperatives.●

REAGAN: BEST SINCE FDR

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, our country faced a loss in our national pride both at home and abroad during the past few administrations. The basic concepts upon which our Nation is based, liberty and free enterprise, were being eroded away. President Reagan has reversed these trends, bringing a new sense of order and humanity back to our Government.

In the early 1960's the Supreme Court rendered a series of opinions which had the effect of banning prayer in the public schools of our Nation. President Reagan has led the effort to bring prayer back into our public schools, and has challenged the erosion of our national spirit.

Mr. Thomas F. Roeser has written an outstanding editorial in the Chicago Sun-Times on the subject of our President and his efforts to bring humanism back into Government. I hope that my colleagues will take a few moments to read it.

The editorial follows:

[From the Chicago Sun-Times, Feb. 13, 1984]

RONALD REAGAN: GREATEST PRESIDENT SINCE FDR

(By Thomas F. Roeser)

The night the tipsy, middle-aged ex-actor and playwright consumed too much Rhenish wine and pickled herrings, following which he strolled, coatless, from stifling pub into the chill air of April, 1616, where he caught a fatal cold, is, for many, the cresting-point of English literature.

When he died, William Shakespeare was regarded as merely a successful dramatist, but no eternal star blazing in the firmament. It fell to Ben Jonson to instruct all England that his old drinking partner had surpassed Sophocles in tragedy, Aristophanes in comedy.

Not that Shakespeare had been perfect. Adoring actors, Jonson recalled, had boasted that Shakespeare had never blotted a line. "Would that he had blotted a thousand," growled Ben. Nevertheless for all the defects, said he, Shakespeare belonged not just to his time, but to the ages.

As great presidents must also be dramatists (designing scenarios to meet their political needs rather than accepting ones that events impose), Ronald Reagan will someday be called the greatest chief executive since the modern model to whom all predecessors must be compared, Franklin D. Roosevelt.

The comparison is not as extravagant as it seems, but for which I shall assuredly be lashed by liberal essayists in this place.

Roosevelt and Reagan are identical in that as dramatists they instilled a certainty that offset many blotted lines. "There is nothing to fear," proclaimed Roosevelt. "There is a new feeling on the part of the American people," Reagan declared, "a belief in themselves and their country."

Though touted as a pragmatist with no fixed beliefs, it was the certainty ingrained by Groton, its headmaster Endicott Peabody, and the Episcopal vestry that emboldened FDR to save the capitalistic system and Western civilization in the two most audacious gambles of all time.

He rescued capitalism from the scrap heap of disillusionment by contriving a corporate state; he won his crown, however, by maneuvering us into a war—secretly, yes even duplicitously, but necessarily—which saved Western civilization.

Reagan's first task is accomplished. He restored presidential prestige after debacles by Lyndon Johnson, Richard Nixon, Gerald Ford and Jimmy Carter. Now he faces the greater—for the ages—task. It is to preserve peace by intriguing a kind of Catch-22 bluff, that we can only forestall war if we believe freedom is worth striving and, in the last analysis, dying for.

His task is formidable. The nihilism in which we have been indulging is secular anti-humanism, the view that man is merely an advanced autonomoton, the feeling that since we cannot know whether God exists we must save ourselves any way we can—a view that permeates government, courts, media and churches.

Reagan has done more than assail secular anti-humanism; he has linked it to weakness of the life-urge that counsels we should lay down on defense, spare only the unborn who will be convenient to us, and euthanize the elderly (it is called "death with dignity").

He has begun to change it, by power of the bully pulpit, winning support for government programs and by appointments of people imbued with a new philosophy to the judiciary.

By deftly turning the nation's course, Reagan is achieving far more than political change. He is truly waging a counterrevolution. He is proving to be a presidential John XXIII—intended to be a footnote, but who wrote a volume.

But inertia may yet triumph, which is why I believe the 1984 election will be des-

perately hard-fought with victory either won or denied Reagan by an eyelash. No other president has freely alienated so many of the powerful when he could serve his own needs by being another noncommital Jerry Ford.

Reagan's task is, thanks to the disinterested media, the best-kept secret in town. The 1962-63 imperial court we call Supreme changed the historic formulation by which under the establishment clause neutrality was scrupulously maintained among the religions. By adding non-theism as a religion, the court not only defied rationality, it imposed upon us all the civil religion of secular anti-humanism.

This has become the prevailing illness of the West and of our own society—intellectual poverty, unreasoned social discontent, political impotence, moral decadence. Nowhere is anti-humanism a greater threat than with intellectuals who guerrilla-style counsel despair instead of the will needed to build up our defenses.

But if in his first term the forces of anti-humanism met their match, in a second—granted Reagan gains one—they will meet their master.●

GREECE'S INDEPENDENCE DAY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Ms. FERRARO. Mr. Speaker, as the Representative of over 28,000 Greek-American constituents, it is an honor and a personal privilege for me to join my colleagues in celebrating the 163d anniversary of Greece's independence from Turkish domination. In the light of the November 15, 1983, declaration of independence of a "Turkish Republic of Northern Cyprus" by the Turkish Cypriot authorities, this year's commemoration of Greece's independence assumes a new meaning both for the Greeks themselves and the freedom-loving peoples around the world.

After a long and heroic struggle to liberate themselves from the occupying Turkish authorities, on March 25, 1821, the Greek patriots from Macedonia to Crete, and from the Ionian Sea to the Aegean Islands, rose up in unison to reclaim their ancient glory and freedom. It was a mighty political event that inspired Lord Byron to muse: "I dream'd that Greece might still be free." And, indeed, over a decade later, Greece's modern-day independence was recognized by the civilized world with the signing of the Treaty of London on May 7, 1832. Byron's dream came true and Greece had become once again an independent kingdom.

Mr. Speaker, our commemoration of Greece's independence renews our commitment to human freedom. For it was the Greeks who first dedicated themselves to the principle of free government based on their ideals of individual worth, dignity, and freedom. Our own system of government is, indeed, a living testimony to the power and truth of these ideals valued by the Greeks.

In the words of Thomas Jefferson, we owe so much to the Greeks and that debt still rests heavily on the shoulders of the living, and the future races of men.

Greece's independence is precious to us all and the yearning for self-determination and the strengthening of their democratic institutions, in Greece as well as in Cyprus, deserves our unwavering support.●

THE FUTURE OF EL SALVADOR

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. WEBER. Mr. Speaker, I would like to call the attention of my colleagues to the third and final part of a report prepared by Mr. Frank Graves, a Minnesota businessman, on the current situation in El Salvador. Mr. Graves concludes his report with suggestions on how to improve our policies in this country. I believe the optimism and hope that Mr. Graves shares with us about the future of El Salvador is something we should all remember. The recent elections give solid proof to his hope:

REACTION TO THE CARIBBEAN BASIN INITIATIVE

During the course of a meeting with Sr. Conrado Lopez Andreu, president of both the Chamber of Commerce and ANEP (National Association of Private Enterprise) and Sr. Juan Vicente Maldonado, Executive Director of ANEP, we discussed the implications of the Caribbean Basin Initiative to El Salvador.

Both men were unreservedly enthusiastic about the CBI and saw it as enlightened international statesmanship of a kind they were not used to seeing from the U.S.

They strongly believe that CBI gives the country a chance to help itself in developing its industrial base. They pointed out that as important as agriculture is to El Salvador it will not be able to provide an economic growth that keeps apace with population growth. To do this light industry is needed and CBI provides the necessary markets for such industry.

They hope also that CBI will re-attract U.S. investors to El Salvador once the guerrilla problem has been solved. They remember wistfully, the impact of Texas Instrument's manufacturing operation there and believe this initiative will encourage that type of business.

They also were enthusiastic about the possibility of a bilateral free trade association with the United States which would encourage U.S. investment even more than CBI. (It should be remembered that El Salvador has always been pro U.S. In the middle of the last century sometime, it made overtures for statehood but was not taken seriously in the U.S.)

Obviously the kind of opportunity for developing economic independence the Caribbean Basin Initiative provides El Salvador is a better course than having it become an economic dependency. It is better for the Salvadoran people and better for the U.S. taxpayer.

CONCLUSIONS AND RECOMMENDATIONS TO CONGRESSMAN WEBER

1. CONCLUSION

The guerrillas cannot win the war militarily. They don't have the support of the people and they don't have the forces to achieve victory. The Salvadoran Army can win in the field without the help of U.S. troops, provided the U.S. increases its support to the level necessary to achieve a decisive advantage. A decisive victory in El Salvador is critical to the United States for several reasons . . . first, it will put the Soviet-Cuba-Nicaragua Axis on notice that we intend to stand firm against marxist aggression in this hemisphere, . . . second, it will re-establish respect for the United States with our allies, . . . and third, it will restore our own national self-confidence lost in Vietnam.

RECOMMENDATION

Support substantial increases in military aid to El Salvador's armed forces. Increases should include a larger advisor group, medical training and support, training in the U.S. and in Panama for Salvadoran officers, and necessary equipment such as light infantry weapons, greater amounts of small arms and field artillery ammunition, additional helicopters for rapid troop deployment and medical evacuation, and radio equipment to improve command control and communications at the small unit level.

2. CONCLUSION

A great many influential people in the business and agriculture communities have lost confidence in the judgment and motives of the U.S. as a result of the injustices done to them in the land reforms. The good will and confidence of many thousands of these people is essential to the economic recovery of the country and to the future of El Salvador as a U.S. ally.

RECOMMENDATION

Support commitment of the funds necessary to compensate land owners and stockholders of agribusiness corporations for the loss of property confiscated under land reform. Such funds might be made available in the form of a government to government long-term loan which flows through to the former owners. Provision should be included which ensures the money remains in the country. Early settlement with the land owners would go a long way toward rebuilding Salvadoran confidence and trust in the U.S.

3. CONCLUSION

Salvadoran police methods need reorientation and the police forces need retraining. It is no concidence that those organizations that have close contact with U.S. advisory personnel, like the army, have a better human rights record than those that do not. We can give the Salvadorans a great deal of help in making their transition to a democracy. They need our help in training their police.

RECOMMENDATION

Support a Public Safety aid package aimed at training the various police forces and law enforcement agencies in their role of protecting the people, keeping the peace, criminal apprehension, and in investigative and interrogative techniques which respect human rights. I understand it will be necessary to repeal some Provisions of the For-

eign Assistance Act of 1974 which prohibit training police, to do this.

4. CONCLUSION

The Land and Banking reform program as it was imposed upon El Salvador was a mistake. Not only has it done great damage to El Salvador, it also has severely tarnished the U.S. image in the region. The Banking reforms might be reversible but the land reforms probably are not without causing additional chaos. In any case, both must be modified to the extent necessary to restore competition, kindle incentive to produce, and to rebuild confidence in the national economy.

RECOMMENDATION

Support a program for a joint reevaluation by the U.S. and El Salvador, of the land, banking and other reforms with the objective of modifying them as necessary to revive a viable free enterprise economic system which can sustain itself and thus obviate the need for more economic aid from the U.S.

5. CONCLUSION

The Caribbean Basin Initiative is viewed as a very positive development and it has created considerable enthusiasm in El Salvador.

RECOMMENDATION

Support the rapid development of a close economic relationship between the U.S. and El Salvador under the provisions of President Reagan's Caribbean Basin Initiative.

6. CONCLUSION

The only way to get a true "feel" of the situation in El Salvador is to be there in person, see the situation first hand and talk to people there who are personally involved. Being there gives one an immediate sense of the degree of bias and hysteria reflected in our press coverage of the situation there, and it restores proportion and perspective to our judgement of Salvadoran progress and problems.

RECOMMENDATION

Visit El Salvador personally to make your own contacts with Salvadoran political, military and business leaders as well as with key U.S. personnel on the scene. Get into the field and onto the farms. You will confirm for yourself that the country and its people are strong allies, that they are important to the U.S. strategically, economically and fraternally, and that they deserve more understanding and more enthusiastic support from us.

Thank you, Mr. Speaker.●

THE PEOPLE OF ARIZONA HAVE A RIGHT TO KNOW WHERE I STAND

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North Third Street, Suite 103, in Phoenix.

The list is arranged as follows:

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No/Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

151. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Hiler, R-Ind., amendment to reduce funds for the Congressional Budget Office by $733,850, from $16.3 million to $15.6 million. Rejected 141-164: N(2-2-1), June 3, 1983.

152. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Brown, R-Colo., amendment to reduce by $169,876 the bill's funding for 14 operators of automatic elevators in House office buildings, thus eliminating their positions. Rejected 101-193: N(1-3-1), June 3, 1983.

153. H.R. 3135. Legislative Branch Appropriations, Fiscal 1984. Passage of the bill to appropriate $1,208,397,750 for the legislative branch in fiscal 1984. Passed 184-104: Y(3-1-1), June 3, 1983. The president had requested $1,227,335,200 in new budget authority. Traditionally, the president simply requests the amount congressional agencies want included in the budget.

154. H.R. 3132. Energy and Water Development Appropriations, Fiscal 1984. Adoption of the rule (H Res 210) to waive certain points of order during House floor consideration of the bill to make fiscal 1984 appropriations for energy and water development. Adopted 271-92: Y(5-0-0), June 6, 1983.

155. H.R. 3132. Energy and Water Development Appropriations, Fiscal 1984. Bevill, D-Ala., motion that the House resolve itself into the Committee of the Whole for consideration of the bill to make fiscal 1984 appropriations for energy and water development. Motion agreed to 337-30: Y(5-0-0), June 6, 1983.

156. H.R. 3132. Energy and Water Development Appropriations, Fiscal 1984. Wise, D-W. Va., amendment to delete $26 million in the bill for construction of the Stonewall Jackson Dam in West Virginia. Adopted 213-161: N(0-5-0), June 6, 1983.

158. H.R. 3132. Energy and Water Development Appropriations, Fiscal 1984. Edgar, D-Pa., amendment to delete $56 million in the bill for the Dolores and Dallas Creek water projects in Colorado. Rejected 140-257: N(0-5-0), June 7, 1983.

159. H.R. 3132. Energy and Water Development Appropriations, Fiscal 1984. Sensenbrenner, R-Wis., amendment to reduce the appropriation for the Department of Energy's energy supply, research and development activities by $10 million. Rejected 105-312: N(0-5-0), June 7, 1983.

160. H.R. 3132. Energy and Water Development Appropriations, Fiscal 1984. Passage of the bill to appropriate $14,179,223,000 for energy and water development for fiscal 1984. Passed 379-39: Y(5-0-0), June 7, 1983. The president had requested $14,610,671,000 in new budget authority.

161. H.R. 1271. El Salvador Aid Certification. Barnes, D-Md., motion to suspend the rules and pass the bill to require the president, in his July 1983 certification report to Congress on El Salvador's eligibility for continued U.S. military aid, to report on whether the government had made "good faith efforts" to bring to justice those responsible for the murders of eight U.S. citizens. Motion agreed to 416-2: Y(4-1-0), June 7, 1983. A two thirds majority of those present and voting (279 in this case) is required for passage under suspension of the rules.

162. H.R. 2207. Emergency School Aid Act. Perkins, D-Ky., motion to suspend the rules and pass the bill to authorize a program of grants to local school districts in fiscal 1984-86 to help them offset the costs of school desegregation. Motion agreed to 299-120: Y(2-3-0), June 7, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

163. H.R. 2355. Vietnam Veterans' Training Act. Leath, D-Texas, motion to suspend the rules and pass the bill to establish a $325 million job training program for unemployed and disabled Vietnam-era veterans. Motion agreed to 407-10: Y(5-0-0), June 7, 1983. A two-thirds majority of those present and voting (278 in this case) is required for passage under suspension of the rules.

164. H.R. 2148. Follow Through Amendments. Andrews, D-N.C., motion to suspend the rules and pass the bill to extend the Follow Through program through fiscal 1985. The program provides educational, health, nutritional and social services to disadvantaged children previously enrolled in such preschool programs as Head Start. Motion agreed to 288-132: Y(3-2-0), June 7, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

165. H.R. 2943. Washington Workshops Foundation Authorization. Perkins, D-Ky., motion to suspend the rules and pass the bill to authorize $1.5 million in each of fiscal years 1983-85 for the Allen J. Ellender Fellowship program; $100,000 in fiscal 1983 for the Washington Workshops Foundation, and $2 million in each of fiscal years 1984-85 for several law related education programs. Motion rejected 230-190: Y(2-3-0), June 7, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

166. H.R. 3223. Agriculture Appropriations, Fiscal 1984. Adoption of the rule (H Res 220) providing for House floor consideration of the bill to make fiscal 1984 appropriations for the Agriculture Department, the Food and Drug Administration and the Commodity Futures Trading Commission. Adopted 339-66: Y(5-0-0).

167. H.R. 3223. Agriculture Appropriations, Fiscal 1984. Passage of the bill to appropriate $34,029,527,000 in fiscal 1984 for the Agriculture Department, the Food and Drug Administration and the Commodity Futures

Trading Commission. Passed 297-115: Y(2-3-0), June 8, 1983. The president had requested $34,083,229,000 in new budget authority.

168. H.R. 3191. Treasury, Postal Service and General Government Appropriations, Fiscal 1984. Adoption of the rule (H Res 222) providing for House floor consideration of the bill to make fiscal 1984 appropriations for the Treasury Department, U.S. Postal Service, Adopted 229-183: N(4-1-0), June 8, 1983.

169. H.R. 3191. Treasury, Postal Service and General Government Appropriations, Fiscal 1984. Jacobs, D-Ind., amendment to eliminate from the bill $910,700 for the office expenses of former Presidents Richard M. Nixon, Gerald R. Ford and Jimmy Carter, leaving $260,300 for pensions for them and for the widow of former President Lyndon B. Johnson. Adopted 244-169: Y(4-1-0), June 8, 1983.

170. H.R. 3191. Treasury, Postal Service and General Government Appropriations, Fiscal 1984. Smith, R-N.J., amendment to prohibit the use of federal health benefit funds to pay for abortions unless the life of the mother is endangered. Adopted 226-182: N(3-2-0), June 8, 1983. A "yea" was a vote supporting the president's position.

171. H.R. 3191. Treasury, Postal Service and General Government Appropriations, Fiscal 1984. Passage of the bill to appropriate $11,907,652,300 for the Treasury Department, U.S. Postal Service, executive offices and certain independent agencies in fiscal 1984. Rejected 149-259: Y(2-3-0), June 8, 1983. The president had requested $11,576,298,000 in new budget authority.

173. H.R. 2915. Treasury, Postal Service zations. Adoption of the rule (H Res 198) providing for House floor consideration of the bill to make supplemental authorizations in fiscal year 1983 and regular authoriations in fiscal years 1984-85 for the State Department, the United States Information Agency, the Board for International Broadcasting and the Inter-American Foundation. Adopted 373-37: Y(4-0-1), June 9, 1983.

174. H.R. 2915. State Department Authorizations. Brown, R-Colo., amendment to delete Title VI, establishing a National Endowment for Democracy. Rejected 194-215: N(3-2-0), June 9, 1983. A "nay" was a vote supporting the president's position.

175. H.R. 2915. State Department Authorizations. Brown, R-Colo., amendment to delete references in the section establishing a National Endowment for Democracy to participate in the endowment by the "two major American political parties." Adopted 267-136: N(3-2-0), June 9, 1983. A "nay" was a vote supporting the president's position. (By voice vote, the House later adopted a related Brown amendment to delete funding in the bill for grants by the National Endowment to private institutes established by the Republican and Democratic parties.)

176. H.R. 1590. Emergency Food Assistance. Adoption of the rule (H Res 207) providing for House floor consideration of the bill to promote the distribution of surplus, federally owned commodities to emergency feeding programs. The program would be authorized from Oct. 1, 1983, to Sept. 30, 1985. Adopted 346-51: Y(3-1-1), June 9, 1983.

178. H.R. 1076. Elimination of Jones Act Exemption. Jones, D-N.C., motion to suspend the rules and pass the bill designed to strengthen U.S. domestic waterborne commerce. Motion agreed to 373-44: Y(3-2-0), June 14, 1983. A two-thirds majority of those present and voting (278 in this case) is required for passage under suspension of the rules.

179. H.R. 2062. National Marine Sanctuaries. Jones, D-N.C., motion to suspend the rules and pass the bill to authorize $2.26 million in fiscal 1984, $2.5 million in fiscal 1985 and $2.75 million in fiscal 1986 for Title III of the Marine Protection, Research and Sanctuaries Act, to provide protection for nationally significant areas of the marine environment. Motion agreed to 379-38: Y(2-3-0), June 14, 1983. A two-thirds majority of those present and voting (278 in this case) is required for passage under suspension of the rules.

180. H.R. 2969. Department of Defense Authorization. Brown, D-Calif., amendment to delete $19.4 million for procurement of an anti-satellite missile (ASAT). Rejected 177-243: Y(2-3-0), June 14, 1983. A "nay" was a vote supporting the president's position.

181. H.R. 2969. Department of Defense Authorization. McCloskey, D-Ind., amendment to bar multi-year procurement contracts for the B-1 bomber. Rejected 171-252: Y(2-3-0), June 14, 1983. A "nay" was a vote supporting the president's position.

182. H.R. 2969. Department of Defense Authorization. Levine, D-Calif., amendment to bar expenditure of funds authorized for the M-2 fighting vehicle is subjected to certain tests. Rejected 124-283: Y(1-4-0), June 14, 1983. A "nay" was a vote supporting the president's position.

184. H.R. 2969. Department of Defense Authorization. Smith, D-Fla., amendment to delete $671 million for procurement of Divad anti-aircraft guns. Rejected 134-283: Y(2-3-0), June 15, 1983. A "nay" was a vote supporting the president's position.

185. H.R. 2969. Department of Defense Authorization. Dellums, D-Calif., amendment to delete $6.2 billion for procurement of B-1 bombers. Rejected 164-255: N(1-4-0), June 15, 1983. A "nay" was a vote supporting the president's position.

186. H.R. 2969. Department of Defense Authorization. Leath, D-Texas, amendment to the Zablocki, D-Wis., amendment, to permit the use of funds in the bill to manufacture components of binary chemical weapons, but barring their final assembly until after Oct. 1, 1985. Rejected 202-216: N(4-1-0), June 15, 1983. A "yea" was a vote supporting the president's position. (The Zablocki amendment would delete from the bill $114.6 million for procurement of binary munitions.)

187. H.R. 2969. Department of Defense Authorization. Bethune, R-Ark., substitute for the Zablocki, D-Wis., amendment, to delete $114.6 million for binary chemical munitions and prohibiting the procurement of binary munitions or their components. Adopted 256-161: Y(2-3-0), June 15, 1983. (The Zablocki amendment would delete from the bill $114.6 million for procurement of binary munitions. The Zablocki amendment, as modified by Bethune, subsequently was adopted by voice vote.)

189. H.R. 1590. Emergency Food Assistance Act. Passage of the bill to require the secretary of agriculture to make available, to emergency food organizations and certain other agencies, federally owned farm commodities that are not obligated to other programs and to authorize funds for processing, transportation and administrative costs associated with distribution. Passed 389-18: Y(3-2-0), June 16, 1983.

190. H.R. 2668. Consumer Product Safety Act. Adoption of the rule (H. Res. 227) providing for House floor consideration of the bill to reauthorize the Consumer Product Commission through fiscal 1988. Adopted 390-2: Y(5-0-0), June 16, 1983.

191. H.R. 2972. Military Construction Authorization. Adoption of the rule (H. Res. 229) providing for House floor consideration of the bill to authorize appropriations for military construction in fiscal 1984. Adopted 397-0: NV (4-0-1), June 16, 1983.

192. H.R. 2969. Department of Defense Authorization. Dellums, D-Calif., amendment to delete from the authorization all funds, amounting to $432.8 million, for procurement of Pershing II missiles. Rejected 73-319: NV (0-3-2), June 16, 1983. A "nay" was a vote supporting the president's position.

193. H.R. 1492. Christopher Columbus Quincentenary. Garcia, D-N.Y., motion to suspend the rules and pass the bill to establish a Christopher Columbus Quncentenary Jubilee Commission and authorize funding of $200,000 for fiscal 1984, $250,000 a year in fiscal 1985-92 and an additional $50,000 for the period of Oct. 1-Nov. 15, 1992. Motion agreed to 288-123: Y(3-2-0), June 21, 1983. A two-thirds majority of those present and voting (274 in this case) is required for passage under suspension of the rules.

194. H.R. 3329. Transportation Appropriations, Fiscal 1984. Adoption of the resolution (H. 238) to waive certain points of order against consideration of the bill to appropriate funds for the Transportation Department and related agencies in fiscal 1984. Adopted 373-41: Y(5-0-0), June 22, 1983.

195. H.R. 3329. Transportation Appropriations, Fiscal 1984. Fiedler, R-Calif., amendment to delete $127.5 million for a Los Angeles subway. Rejected 139-280: N(1-4-0), June 22, 1983.

196. H.R. 3329. Transportation Appropriations, Fiscal 1984. Glickman, D-Kan., amendment to strike a provision prohibiting the use of funds to develop or implement a federal regulation that would lower the number of passengers or air carrier slots at National Airport in Washington, D.C. Rejected 170-249: Y(2-3-0), June 22, 1983.

197. H.R. 3329. Transportation Appropriations, Fiscal 1984. Lehman, D-Fla., motion that the Committee of the Whole rise and report the bill back to the House with sundry amendments, with the recommendations that the amendments be adopted and the bill passed. Motion agreed to 275-139: Y(3-2-0), June 22, 1983.

198. H.R. 3329. Transportation Appropriations, Fiscal 1984. Coughlin, R-Pa., motion to recommit the bill to the appropriations Committee with instructions to cut all programs by 4 percent except for mandatory appropriations, rescissions and appropriations to liquidate obligations already incurred. Motion rejected 191-223: N(3-2-0), June 22, 1983.

199. H.R. 3329. Transportation Appropriations, Fiscal 1984. Passage of the bill to appropriate $11,299,897,225 for the Transportation Department and related agencies in fiscal 1984. Passed 250-156: Y(2-3-0), June 22, 1983. The president had requested $10,913,472,025 in new budget authority.●

INTRODUCTION OF H.R. 5297, THE CIVIL AERONAUTICS BOARD SUNSET ACT OF 1984

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. HAMMERSCHMIDT. Mr. Speaker, today I join with Aviation Subcommittee Chairman NORMAN MINETA and with other colleagues on the Public Works Committee to introduce the Civil Aeronautics Board Sunset Act of 1984. This legislation would assure the orderly phaseout of the Civil Aeronautics Board (CAB), which is now scheduled to go out of existence at the end of this year in accordance with the provisions of the Airline Deregulation Act of 1978 (ADA). I believe that, if adopted, this legislation will assure that any problems associated with CAB's sunset will be minimized and that the transfer of the Board's current functions will be accomplished without any adverse effects on the traveling public.

As my colleagues are aware, the ADA provided for the transfer of many of the CAB's functions on January 1, 1985. Among these responsibilities are the administration of international aviation functions, the essential air service program, and section 43 labor protection determinations, all of which are scheduled to transfer to the Department of Transportation.

However, the ADA did not specifically provide for the transfer of certain other CAB functions relating to domestic air transportation, such as jurisdiction over consumer protection, competitive practices, and fitness of air carriers. Because I believe that the traveling public must continue to receive the same level of protection that it has come to rely upon over the years, the legislation being introduced today assures that these important responsibilities will not be eliminated. In addition, it also consolidates within DOT virtually all of the transferring CAB functions, thus avoiding the confusion and other problems which would undoubtedly occur if these responsibilities were transferred to numerous different Federal agencies.

Among the major provisions in the bill are:

First, consumer protection and competitive practices jurisdiction—section 411 of the Federal Aviation Act: the bill would transfer the CAB's existing authority to regulate unfair and deceptive practices and unfair methods of competition to the Department of Transportation (DOT) as it applies to domestic air transportation. Since DOT will receive these functions as they relate to international aviation and essential air service, it is only logical to transfer CAB's remaining domestic authority to DOT.

The authority in section 411 has been used by the CAB to adopt regulations on denied boarding compensation, baggage liability, notice to passengers about the terms of carriage, and certain protections for charter passengers. In addition, the CAB has recently issued rulemaking proposals relating to airline computer reservations systems—which were the subject of extensive hearings before the Aviation Subcommittee last year—and final rules are expected to be adopted in the near future.

However, if the authority in section 411 is not specifically transferred by statute, there is a strong likelihood that these rules, as well as the authority to promulgate them, will terminate when the Board sunsets. If this occurs, airline passengers would lose all of the regulatory protections which have evolved over the years and which they have come to rely upon when using our air transportation system. Clearly, this is something the Congress should not allow to occur.

Although I have also considered whether this function should be transferred to the Federal Trade Commission—which has similar jurisdiction for other industries—I believe that, on balance, DOT's expertise in air transportation, its ability to use informal rulemaking procedures, and the need to avoid undue fragmentation of authority are the primary reasons for my decision to support transferring this function to the DOT.

For the same reasons, the legislation also transfers CAB's existing authority in section 404(a) of the Federal Aviation Act to the DOT. This section contains the CAB's authority to require domestic air carriers to provide safe and adequate service and is the basis upon which the Board has issued regulations dealing with smoking aboard aircraft and transportation of handicapped passengers on air carriers not receiving direct Federal subsidy.

Second, authority to approve mergers, interlocks, and agreements, and to grant antitrust immunity for these transactions—sections 408, 409, 412, and 414 of the Federal Aviation Act: Under existing law, these functions are to be transferred to the Department of Justice (DOJ) when the CAB sunsets. Nevertheless, I believe that there are compelling circumstances which require this authority to be transferred instead to DOT.

Just as the ICC has jurisdiction over similar issues affecting motor carriers, I believe DOT's expertise in air transportation makes it particularly well-equipped to exercise this authority. For example, sections 408 and 412 specifically require that, in determining whether certain transactions or agreements should be approved, the transportation benefits which would be provided must be balanced against the possible anticompetitive effects involved. Because I believe that DOT would be in the best position to evaluate these often competing considerations, the bill transfers these provisions to DOT.

The authority contained in sections 412 and 414 pertaining to industry agreements would continue at DOT indefinitely for matters involving foreign air transportation, but would expire on January 1, 1989, as it relates to domestic air transportation. Similarly, the authority contained in sections 408, 409, and 414 would expire in all respects on January 1, 1989.

However, the legislation requires DOT to report to Congress by July 1, 1987, on whether it believes the authority contained in these provisions should be continued or repealed. Therefore, if circumstances warrant the retention of this authority beyond January 1, 1989, Congress could act accordingly to preserve it.

Third, fitness of air carriers: Currently the CAB examines an air carrier's financial fitness, compliance disposition, and managerial ability before deciding whether to issue a certifcate under section 401 of the Federal Aviation Act. This certificate, combined with an air carrier operations certificate issued under section 604 by the Federal Aviation Administration, constitutes a carrier's authority to conduct operations.

Although the domestic fitness function was not specifically transferred by the Airline Deregulation Act, I believe it is important that the thorough inquiry now conducted by the CAB be continued after sunset. As in the case with consumer protection, DOT will receive this authority as it relates to the essential air service program and international aviation, and it therefore makes good sense to require it to conduct this inquiry for other air carriers involved in domestic air transportation as well.

While I realize that DOT has indicated its willingness to evaluate a carrier's financial fitness as a factor in determining whether to issue an air carrier operating certificate under section 604, I do not believe that an inquiry of this nature would be as thorough as that presently conducted by the CAB. Moveover, with the proliferation of new airlines in this deregulated environment, it is important that we assure the traveling public that carriers will be adequately prepared to undertake their responsibilities. Accordingly, the legislation transfers this function to DOT and will require DOT to continue issuing separate certificates under section 401 of the act.

Second, data collection—section 407(a), 415 of the Federal Aviation Act: Under existing law, the CAB has authority to collect necessary data from carriers and to make that data available to the public. The CAB and

DOT have been engaged recently in efforts to decide upon the kinds of data that should be collected after CAB sunsets. Although much of the information which used to be collected is no longer necessary in today's deregulated environment, DOT, CAB, and the vast majority of the aviation community believe that continued collection of certian kinds of data is necessary and in the public interest.

Therefore, the bill contains a provision which transfers the CAB's authority to collect necessary data to the DOT and also contains a specific provision requiring the continued collection of origin and destination and service segment traffic data.

This data, which shows the number of passengers traveling on various flight segments, as well as their points of origin and ultimate destinations, provides important information about the flow of traffic throughout our air transportation system. The continued availability of this information will not only facilitate efficient State and local planning for air transportation services, but will also enable Federal officials to do a better job of monitoring national air transportation trends.

The bill also contains other technical, conforming, and clarifying amendments, and although I will not mention them specifically here, I would like to direct the attention of interested parties to the section-by-section analysis of the bill which accompanies the introductory statement filed by Congressman MINETA, the chairman of the Aviation Subcommittee.

Mr. Speaker, this legislation results from numerous hearings which we have conducted on the economic issues associated with airline deregulation. As a result of this thorough inquiry, I firmly believe that adoption of this bill is essential if we are to have an orderly phaseout and transfer of the CAB's functions.

While the Board's disappearance will close another chapter in this country's movement toward a deregulated air transportation system, we cannot overlook the fact that the traveling public and the aviation community will continue to expect that the Federal Government will be able to respond to problems which may arise from time to time. Accordingly, we must assure that the authority in place to perform these important responsibilities will continue to exist and be administered by an agency with demonstrated expertise in air transportation issues. I am confident that this legislation accomplishes these objectives and, for these reasons, urge my colleagues to support it.●

DEATH OF AN ARCHBISHOP

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. HYDE. Mr. Speaker, yesterday's Washington Times contained two articles concerning the tragic and controversial assassination of Archbishop Ocar A. Romero in Nicaragua. One is by Virginia Prewett, and the other is a transcript of a statement by Pedro Lobo, a former Communist guerrilla who has direct knowledge of the circumstances.

They rebut the propaganda that this murder was the dirty work of any group other than the Communists.

I commend the following articles to my colleagues' attention:

[From the Washington Times, Mar. 28, 1984]

ROMERO SAID TO HAVE BEEN MURDERED BY COMMUNISTS

(By Virginia Prewett)

El Salvador's presidential campaign became a real-life whodunit mystery drama with a nation's fate at stake instead of an English weekend's houseguest's. It could be called "Death of an Archbishop" or even "Clouds of Witnesses."

A series of charges and counter-charges over whether the left or the right murdered the left-leaning Archbishop Oscar A. Romero of San Salvador on March 24, 1980, and over who ran "rightest death squads" accused of killing "hundreds of thousands" [sic] were at issue.

The charges were expected to have more effect on how the U.S. Congress votes on a $93 million Salvadoran arms-aid request by President Reagan than on voting results in last Sunday's Salvadoran presidential elections. Accusations that the anti-communist ARENA candidate, Roberto d'Aubuisson, and his supporters are linked to the archbishop's killing and other horrendous crimes have thrummed in the U.S. major media for months and around Capitol Hill. If the charges stand, and if Mr. d'Aubuisson is elected, they will affect how Washington treats El Salvador.

On March 17, candidate d'Aubuisson, halfway through a major TV political speech, produced Pedro Lobo, a self-described defector and former comandante in the FMLN communist guerrilla high command. Comandante Lobo gave details of how his guerrillas, not "rightists," murdered the archbishop as a necessary "sacrifice."

In full view of his Salvadoran audience (among whom "everybody knows everybody"), without mask or head covering, Mr. Lobo named the man he said fired the fatal shot and several members of the hit squad of 10, whose indoctrination is Sandinista Managua and final preparation in "Maurice Bishop's Grenada" he described.

Mr. Lobo accused Miguel Angel Blandino Niero, brother of a known communist terrorist, "Roger," of sniping Msgr. Romero from across the circular driveway in front of the chapel of San Salvado's Divina Providencia cancer hospital for the poor, where the archbishop was celebrating a memorial mass. Lobo said that he and a Spanish woman called "Dominica," who passed as a nun, and other hit-team members had penetrated the archbishop's informal security watch; that a well known Salvadoran woman terrorist called "The Dwarf" Letona, be cause of her short stature, was ready in a car "angled across" the roadway to delay the rushing of the archbishop to a major hospital 10 minutes away if he were only wounded. ("And so it turned out," said Mr. Lobo.)

"Dominica" was inside the chapel, he said, and managed to go along to the emergency hospital, the Policlinica, to be sure the guerrillas knew the archbishop was dead. TV news films of the police and doctors rushing the archbishop into the hospital elevator where he died caught "Dominica" in their footage, he said.

Mr. Lobo said the long-time communist guerrilla leader Cayetano Carpio and his right-hand woman, Melida Anaya Montes, both of the FPL terrorist faction (Popular Liberation Forces) and since dead in internal guerrilla feuds, planned Msgr. Romero's murder along with "Dominica," the false Spanish nun, "to create a martyr." The archbishop was useful as what the Marxists call a "leader of masses," that is, a liberal-leftist with a popular following but not under Communist Party discipline.

Mr. Tabo first surfaced in a Feb. 4 interview in Costa Rica's respected daily *La-Nacion.* There he said the Spanish woman posing as a nun is a Basque ETA terrorist who joined the hit team through Joaquin Villalobos, today a top commander of the unified Salvadoran FMLN guerrillas.

In the March 17 tape shown by Mr. d'Aubuisson, Mr. Lobo said he helped cover the assassin's escape route, and that "Villalobos" sent the man who guarded the sharpshooter.

Mr. Lobo said he went directly to his own safehouse, that of a woman well known to American correspondents as the guerrillas' "press relations officer." She was later arrested with an arms cache, imprisoned, released under the 1983 political amnesty and is said to be in the United States at present lecturing in Eastern seaboard churches.

Mr. d'Aubuisson followed the Lobo videotape with a clip of Pope John Paul II in San Salvador abjuring the faithful not to make political capital out of the archbishop's murder. Later came a short flim clip of former U.S. Ambassador Robert White, who Mr. d'Aubuisson said "invented the Salvadoran death squads."

His associates report that Mr. d'Aubuisson had shrugged off Mr. Lobo's first revelations, saying that, "Everybody in El Salvador knows I didn't kill the archbishop." Finally, at the urging of American friends, he got the videotape from Mr. Lobo, said to be in Honduras in a South American military intelligence group's protective custody.

On Wednesday a week ago, the last day for campaigning in El Salvador, rival Christian Democrat Party head Ray Prendes tries to monkeywrench the Lobo confession. He said Mr. Lobo is actually a con man named Adalberto Salazar Collyer, who may have been "in prison" when the archbishop was murdered (an odd contention, tending to prove that Mr. Lobo was *not* Salazar). The Lobo-alleged assassin, Miguel Angel Blandino Nerio, he said, swore "on the grave of Msgr. Romero" that he was not the sniper. Privately, Mr. Blandino surmised the assassin might be his brother Roger, implicated in other terrorist killings in El Salvador.

D'Aubuisson associates reached before the election at ARENA headquarters brushed off the Prendes allegations. "It's a typical campaign trick for the American press," one

said. "The campaign ended today, so d'Aubuisson can't go on TV to answer it. Lobo gives convincing inside details—and if we'd had any doubt about him, we'd have a bag over his face like they do with Ambassador White's $50,000 witness . . . [who] made a 'human mistake,' White now says . . . when he accused Arturo Muyshondt of plotting the archbishop's murder and all the death squad killings."

The ARENA spokesman had heard how Mr. White, confronted with a $10 million defamation suit by young Salvadoran businessman Arturo Muyshondt, said his unnamed witness was "human" and could "make a mistake" about Mr. Muyshondt's identity. "They'll find out just how 'human' Mr. White's witnesses are," commented the d'Aubuisson associate.

A third mystery man among the "witnesses" who may determine El Salvador's fate has been thrust into the drama by ex-Ambassador White. On March 21, when this shadowy unknown was surfaced by Mr. White in a Senate Foreign Relations subcommittee hearing under Sen. Jesse Helms, the State Department's Allan Romberg announced that State has "serious" misgivings about the credibility of White's first mystery witness, his $50,000 man.

Nevertheless, the charges with much broader allegations against d'Aubuisson, ARENA, and El Salvador's military, were repeated by the White group's $50,000 masked witness on a CBS news segment on the evening of March 21.

AN ACCOMPLICE CONFESSES

Announcer: We find ourselves in the company of Señor Pedro Lobo, a personage important within the framework of Central American events. He is with us voluntarily and wishes to manifest before public opinion certain aspects of the event mentioned [the assassination of Archbishop Oscar A. Remero in San Salavdor March 14, 1980, attributed to "rightists."] Don Pedro, where were you born, and in what year?

Lobo: I was born in 1945, in San Salvador, El Salvador, Nov. 11.

Q: Where did you spend your childhood and where did you go to school?

Lobo: My childhood was in San Salvador. I got my primary education at the Liceo Centroamericano there. . . . Then, after my graduation, I went to study for a *bachiller industrial* from the Salesian Brothers. . . . And I began to get acquanted with the organizations that today [background noise] such as the FPL [Forces of Popular Liberation], which at that time was unknown. I enlisted in the guerrilla movement, as they call it today, as a literacy teacher at first. . . .

I went to a place in Chalchuapa. . . . Then I got to know Shafik Handal [chairman of the Communist Party of El Salvador], and then "Marcial," that is Cayetano Carpio, and he is known by other names. We called him "Hatchet Face." All this covered a period of some five of six years—up to the time when the subversive movement began to take on strenght in El Salvador.

Q: In what important operations did you take part, ones of international note?

Lobo: I believe the, the greatest sin that I could have committed, as a Christian—which I am as of now—is having participated in the death of the monsignor [Archbishop Romero]. I am going to, to be a bit more explicit. That was prepared—that is, the council of the FPL is the directly responsible party. . . . They have been accusing people who had nothing to do with the death of the monsignor. It was the council directly. The council at that time was made up of Cayetano Carpio, Mélida [Mélida Anaya Montes], Mario [Mario Aquiñada Carranza], and a Spanish woman who is at present in Honduras. She passes as a religious. The nickname she goes by is Dominica. I can't swear to her name, but I do know her very well. She is working in Aldea Holt [Holt Village, a Swiss refugee camp in Honduras].

Before they gave us the order—and that was because we had to sacrifice a martyr to get into power—that was one of the slogans that they told us (we were in Managua). And they psyched us up, those of us who were to take part directly or indirectly. . . . He [Archbishop Romero] knew us. He knew that we had to take care of him, because he was a help to us. He was a "leader of masses" more than anything. . . . He was a person who was used, that we made use of so the subversives could infiltrate the country more.

Then they took us to Grenada, where Maurice Bishop was, to finish preparing. We returned to El Salvador, where the man who assassinated Monsignor Chavez—ah, Monsignor Romero, pardon—was Miguel Angel Blandino Nerio. . . . At that time, the day of the event, we who had the security guard were (and she is also dead) "Dwarf" Letona—there were two sisters—and Pedro, I that am talking to you.

We had to put a vehicle across the roadway so that—most of all, so they could be delayed in taking him [to the hospital] if he wasn't dead yet, and that is how it turned out. When he got there, one of us was to get the incontrovertible proof to tell the world and humanity. That one, that person, was Dominica, who shows up on the [news television] videotape at that moment, in the Policlinica Salvadoreña [the hospital where the archbishop was pronounced dead]. And she works here in the refugee camp. To find her you don't need a name or anything.

Q: Where was the shot fired from?

Lobo: The shot was fired from the other side of the [circular drive]. The Carretera Vial [expressway] is in front of the chapel. The shot was from the west side, outside. Of course, Miguel Angel Blandino Nerio is a sharpshooter. Marksman.

Q: What type of weapon did they use?

Lobo: As of now I can't say exactly what weapon he used. The one I used, yes; that weapon was a Galil [an Israeli assault rifle], cut-down. And they went around, and another comrade who I only know as a—his pseudonym is "Rafael"—had a Czech Katrinka.

Q: What escape route was used?

Lobo: From there I went around to the house of Margarita Gasteazoro, at the Colonia Layco [a San Salvador suburb]. That was my pad at the time, that is, my "safe house."

Q: Who guarded the man who fired the shot?

Lobo: That was handled by, that job was given to another person. [Joaquin] Villalobos sent him.

Q: How many people altogether were in the squad?

Lobo: The squad was made up of 10, with all the backup.

Q: What assignment did the nun have?

Lobo: She had the inside job. Dominica is here, and she is working in, ah, the camp that is in Marcala [Honduras]. She was the lover of Mario—Mario Aquinada Caranza.

Q: How many people were in the group that committed the murder?

Lobo: Only one. We were 10. But only one fired.

Q: And the other nine, what were they doing?

Lobo: They were guarding that person's withdrawal, his escape. We took care of each other.

Q: And the group of you were inside the church?

Lobo: No, we were outside. There were only two inside the church.

Q: Señor Lobo, when did you realize and know that you had succeeded in your operaton?

Lobo: We knew it within two minutes. Because he died in the elevator. The police, and Dominica, were accompanying the monsignor.●

CAB SUNSET

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. MINETA. Mr. Speaker, today, I am introducing, on behalf of myself, Chairman JAMES J. HOWARD of the Public Works Committee, and the ranking minority members of the Public Works Committee and the Aviation Subcommittee, Congressmen GENE SNYDER and JOHN PAUL HAMMERSCHMIDT, legislation to complete and perfect the deregulation of domestic aviation and the sunset of the Civil Aeronautics Board. The introduction of legislation follows extensive hearings by the Aviation Subcommittee, beginning in May 1983, and concluding earlier this month, on the effects of airline deregulation, major issues related to deregulation and preservation of the competition on which deregulation is based, and legislative proposals relating to deregulation and the scheduled sunset of the Civil Aeronautics Board at the end of this year.

The airline industry is approaching the conclusion of a monumental transition process—a transition from extensive economic regulation to virtual economic deregulation. It was a transition process which began rather cautiously in the mid-1970's with CAB Chairman John Robson, accelerated dramatically with Fred Kahn, was codified and put on a statutory schedule by the Airline Deregulation Act of 1978, and, just over 9 months from now, will reach its appointed conclusion.

Pursuant to the Airline Deregulation Act, the bulk of the Board's regulatory authorities—mainly route and fare regulation for domestic aviation—have already expired. Also pursuant to that act, most of the Board's remaining authorities—governing international aviation and the essential air service program which guarantees air service to certain small communities—will be transferred to the Department of Transportation at the end of 1984.

The extensive data produced at our hearings convincingly demonstrated that deregulation has produced extensive benefits for consumers and the industry and that there should be no alteration or reversal of that basic scheme of things. In the legislation introduced today route and fare regulation will not be restored. The Civil Aeronautics Board will not be retained. We will not renege on the basic guarantees made by the Congress in the 1978 Act—the small community service guarantee and the labor protection guarantee.

The remaining question, however, is whether the disposition made by the 1978 act of some of the secondary authorities of the Board was in every case the best possible disposition. It is a very important question for the airline industry and for its customers largely because January 1, 1985, is the conclusion of this great transition process. What we do—or fail to do—this year will most likely determine what kind of airline system we have for many years to come.

As the result of our extensive hearings, we found instances, such as consumer protection and CAB determinations of carrier fitness, where the 1978 Act neither terminated nor transferred the Board's authority, and we believe these existing consumer protection and fitness authorities should be retained. We also found instances where the 1978 Act transferred the Board's authorities, such as the authority to immunize intercarrier agreements where specified transportation test are met, to one Department when another would be more appropriate.

In short, we found that the basic transition to deregulated domestic routes and fares, and the sunset of the CAB, could not and should not be reversed, but that certain finer adjustments needed to be made in the 1978 Act before this transition process reaches its conclusion on January 1, 1985. We are, therefore, proposing legislation which would accomplish those needed adjustments.

First and foremost among those needed adjustments is the need to preserve the existing ability of the Federal Government to provide some basic protection of the consumer and of the competition among carriers which provides the consumer with marketplace choices. For the most part we do and will continue to rely on the marketplace to provide for the needs of the consumer. But we have found that in some specific areas it is necessary to retain at least the potential for regulation to protect the consumer from certain abuses and to preserve competition from the effects of anticompetitive practices.

Under existing law (sections 404 and 411 of the Federal Aviation Act) there are regulations providing "rules of the road" to protect consumers and to guide carriers in their behavior. These include regulations regarding smoking, discrimination against the handicapped, deceptive or anticompetitive practices, overbooking and denied boarding compensation, limitations on liability for lost or damaged baggage, notice to passengers of terms and conditions in the contract of carriage, and protections governing the advance sale of charters. In our hearings we found that, unless we legislatively preserved the underlying authorities in sections 404 and 411, the consumers would find themselves on January 1 abruptly without any of these regulations and without any agency they could turn to which had any regulatory or enforcement powers over those issues. Most importantly, we found that the agency which has some authority over some of these areas for other industries, the Federal Trade Commission, has concluded that it would have no authority to regulate any of these matters with respect to the airline industry.

I certainly found it overwhelmingly clear that the consumer would be in a untenable position beginning January 1. I do not believe the consumer of airline services today thinks of himself or herself as coddled or surrounded and stifled by overly protection regulation. The regulatory protections consumers have today are minimal. On January 1, they would have done, and I do not believe they would be happy about that.

It is also important to note that in the absence of Federal authority to regulate in these areas, we could have a situation where individual States would choose to regulate some of these matters within their own boundaries. We could end up with both consumers and carriers facing an incomprehensible variety of differing rules in different States, a chaotic situation which would serve no one's interests.

The legislation we are introducing today, therefore, preserves the consumer protection and prohibitions against anticompetitive practices authorities in existing law and transfers them to the Department of Transportation.

Existing regulations implementing those authorities would also be transferred. That is not to say, however, that all existing regulations would be forever preserved. The authority for such regulations would be preserved, so that if the Department of Transportation found at some future date that today's regulations needed to be modified, or needed to be eliminated altogether, they could do that. But where consumer protection regulations were necessary, the Department would have the authority to continue the existing rules or even issue new ones.

We also found that the Board's existing authority under section 401 of the Federal Aviation Act to determine the fitness of carriers is an indispensible part of the Government's ability to protect the traveling public from unscrupulous or incompetent persons who might hold themselves out to the public as air carriers. The Federal Aviation Administration has and would retain the very important responsibility to determine and assure the operational and technical ability of an airline to comply with safety regulations. But CAB fitness determinations have traditionally gone further than that, looking into general managerial competence, financial capability, and the past record of the key management with regard to compliance with laws and regulations. These CAB fitness determinations have provided the traveling public with an added protection from operators who might offer to sell a service they could not and would not actually provide, and has been used to keep elements of organized crime out of the airline industry.

We see no reason why that existing protection should be scrapped. Yet our hearings clearly established that in the absence of legislation, these fitness determinations would cease to be performed by any Federal agency. The legislation we are introducing today therefore preserves the existing authority to make fitness determinations and transfers that authority to the Department of Transportation.

And finally, the 1978 act would transfer on January 1, 1985, the CAB's existing authority to immunize intercarrier agreements to the Department of Justice. The statutory tests for the granting of such immunity are based on transportation policy issues. By existing law we strictly limit the granting of such immunity to cases where the agreement in question produces important transportation benefits for the public, and where there are no reasonable transportation alternatives which are less anticompetitive. Given the primacy of transportation policy considerations in making these decisions, and given the inter-relatedness of these decisions with the conduct of transportation policy in general and international aviation policy in particular, we feel that this authority could more appropriately be carried out by the Department of Transportation. The legislation we are introducing today would make that adjustment.

The balance of the bill we are introducing is essentially technical, conforming, clarifying, or implementing in nature. It cleans up references to the Civil Aeronautics Board in various existing laws. It cleans up the provision in existing law transferring certain postal authorities from the CAB to the Postal Service. It provides some of the standard implementing lan-

guage for the sunsetting of an agency. And it assures that the Department of Transportation has authority comparable to what the CAB had for data-collection and information gathering necessary to carry out the residual responsibilities it is inheriting from the Board.

In sum, I believe this legislation is necessary to make the airline industry's concluding step into the deregulated environment a smooth and trouble-free one. That step will be only the final step in a journey already mostly accomplished, and I see no reason why it should be allowed to become the source of unnecessary anxiety, uncertainty, and complaint.

I want to commend the leadership roles played by our colleagues JIM HOWARD, GENE SNYDER, and JOHN PAUL HAMMERSCHMIDT in drafting this legislation, and also to acknowledge the major contributions of many of the members of the Aviation Subcommittee who helped define through months of hearings the key problems and the most appropriate solutions.

While virtually every imaginable point of view has had a chance to be heard on these issues in the course of subcommittee hearings stretching over 11 months, I want to extend to any person who feels the need to make further comments on this legislation the opportunity to do so during the coming week. All that is necessary is to give us those comments by letter or direct contact to the subcommittee.

Members wishing to cosponsor the legislation are also invited to contact the subcommittee (majority, x 59161; minority, x 63220).

The following is a section-by-section analysis of the introduced bill:

SECTION-BY-SECTION SUMMARY

Section 1. Short title.

Provides that the Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

Section 2. Provides that unless otherwise expressly stated, all references to provisions of law in this legislation shall be considered to be references to the Federal Act of 1958.

Section 3. Termination and transfer of functions under the Federal Aviation Act of 1958.

(a) Amends Federal Aviation Act of 1958 to provide that after the sunset of the Civil Aeronautics Board (CAB) on December 31, 1984, CAB's authority under Section 408 (consolidation, merger, and acquisition of control), 409 (interlocking relationships), and Section 412 (pooling and other agreements), and CAB's related authority under Section 414 (antitrust exemption) will be administered by the Department of Transportation (DOT). Under current law, the Department of Justice would take over this authority after sunset of CAB.

(b) Amends the Federal Aviation Act to provide that there will be no termination of the authority of the Civil Aeronautics Board under Sectoin 204 of the Act which includes CAB's rulemaking authority. CAB's authority under Section 204 will be transferred to the Department of Transportation on January 1, 1985.

(c) Provides that specified provisions of the Federal Aviation Act will cease to be in effect on January 1, 1985. Many of these provisions have already ceased to be effective by operation of the Deregulation Act of 1978 for interstate or overseas transportation of persons and by operation of CAB regulation for interstate and overseas transportation of property. Other provisions of the Federal Aviation Act which are terminated by this provision are incompatible with the deregulated environment.

The following provisions of the Federal Aviation Act will cease to be in effect for interstate and overseas air transportation after January 1, 1985: Sections 401 (l) and (m) which require certificated air carriers to carry mail; Section 405 (b), (c), and (d) which give the Postal Service and CAB various authority to require the carriage of mail; Section 403, which requires air carriers to file tariffs and imposes related requirements; and Section 404, which requires air carriers to provide reasonable through service and joint fares and prohibits unjust discrimination (this section continues in effect insofar as it requires air carriers to provide safe and adequate service).

The following provisions of the Federal Aviation Act will cease to be in effect for any transportation after January 1, 1985: Sections 407 (b) and (c), which impose reporting requirements relating to stock ownership of air carriers and stock ownership by air carrier officers and directors; Section 410, which gives CAB authority over applications for loans and financial aid from the U.S. government; Section 417, which authorizes CAB to allow charter air carriers to provide scheduled service in specified circumstances; and Sections 1002 (d), (e), (g), (h), and (i) (except insofar as such sections relate to foreign air transportation) which give CAB regulatory authority over air carrier rates and fares.

This Section further provides that Sections 412 of the Federal Aviation Act, insofar as it relates to interstate and overseas air transportation, and Sections 408 and 409 of the Federal Aviation Act, and related authority under Section 414 to award antitrust immunity, shall cease to be in effect on January 1, 1989. This sunset date will give Congress an opportunity to consider at that time whether there is still a need for administrative regulation of air carrier mergers and acquisitions and whether there is still a need for statutory authority to grant certain air carrier transactions immunity from the antitrust laws. Section 6 of this bill requires DOT to submit a report and recommendations to Congress on this issue.

(d) Provides that all authority of CAB which this Act does not terminate on January 1, 1985, and which is not otherwise terminated or transferred, will be transferred to the Department of Transportation on January 1, 1985. the authority transferred to DOT under this section includes the CAB's authority under Section 404 of the Act, to ensure safe and adequate service; the CAB's authority under Section 411 of the Act, to prevent unfair or deceptive practices or unfair methods of competition in air transportation; and the CAB's responsibilities under Section 401 of the Act, to ensure that carriers providing interstate or overseas air transportation are fit, willing, and able to perform the transportation proposed in their application and to conform to the requirements of the Federal Aviation Act and regulations adopted thereunder. Existing law transfers to the Department of Transportation CAB's authority with respect to foreign air transportation and CAB's authority under Section 419 of the Act to establish a program for small community air service. Existing law also transfers to the U.S. Postal Service CAB's authority to determine rates for the carriage of mail in interstate and overseas air transportation. The Postal Service is to exercise this authority through negotiations or competitive bidding. Section 3 of this bill transfers to DOT, CAB's authority under Sections 408, 409, 412 and 414 of the Federal Aviation Act.

Section 4. Transfers of functions under other laws.

Transfers to the Department of Transportation the authority of CAB under specified laws other than the Federal Aviation Act. These are essentially conforming provisions intended to make the text of these statutes as clear as possible. The inclusion of a law in this provision does not necessarily indicate that the sponsors of the bill believe that legislation is necessary to transfer the authority in that law to DOT when CAB is terminated.

Section 5. Collection of data.

Amends the authority of the Department of Transportation to collect information on civil aeronautics to require that after January 1, 1985, the Department will, at a minimum, continue to collect information on the origin and destination of passengers in interstate and overseas transportation and information on the number of passengers traveling between points in interstate and overseas air transportation.

Section 6. Report on Air Carrier Agreements.

Requires the Secretary of Transportation to submit a report to the appropriate Committees of Congress not later than July 1, 1987, on the administration of Sections 408 and 409, 412 and 414, of the Federal Aviation Act and recommendations as to whether these authorities shall be continued.

Section 7. Incorporation by reference.

Amends Section 411 of the Federal Aviation Act to clarify CAB's authority to issue regulations establishing uniform requirements governing notice to passengers of terms of the contract between an airline and its passengers which are incorporated by reference in a ticket. CAB has issued such regulations, ER-1302, 47 FR-52134, November 19, 1982, under authority of Sections 204, 404, and 411 of the Federal Aviation Act. The amendment in this section clarifies that issuance of this type of regulation is a proper exercise of CAB authority. This amendment should not be construed as an indication that the sponsors of the bill consider that the regulations already enacted exceed CAB's authority under the statutory provisions cited by CAB.

Section 8. References to certificates of public convenience and necessity.

Provides that any reference in any law to a certificate of public convenience and necessity shall be deemed to refer to a certificate issued under Section 401 of the Federal Aviation Act. This section clarifies that the Deregulation Act of 1978, which ended the requirement that the CAB make a public convenience and necessity finding before issuing a Section 401 certificate for interstate or overseas transportation, was not intended to change other statutes other than the Federal Aviation Act which refer to certificates of public convenience and necessity held by air carriers.

Section 9. Miscellaneous amendments.

These amendments conform the regulatory format in the Federal Aviation Act for

interstate and overseas cargo transportation with the regulatory format governing interstate and overseas passenger transportation. Conforming changes are also made in a number of other statutes to reflect the termination of the CAB and the transfer of CAB authority to the Department of Transportation after January 1, 1985. The Postal Service's contracting authority in Title 39 of the U.S. Code is modified to conform to the provisions in the Deregulation Act authorizing the Postal Service to use competitive bidding or negotiations in place of CAB ratemaking for interstate or overseas mail transportation.

Section 10. Transfer and allocations of appropriations and personnel.

Provisions governing the transfer and allocation of appropriations and personnel from the CAB to the agencies to which CAB functions are transferred.

Section 11. Effect on personnel.

Provides that transferred employees are entitled to have the CAB evaluations used in determinating merit pay, in addition to the evaluations of the new agency.

Section 12. Savings provision.

Provides for the continuation of all effective CAB orders and proceedings after termination of the Civil Aeronautics Board.

Section 13. Definitions.

Definition of "agency" and "function" for purposes of this Title.●

A NATIONAL CABLE POLICY

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. TAUZIN. Mr. Speaker, in an effort to promote the growth of cable television services much attention is being given to the establishment of a National Cable Policy. However, the question has been raised as to Congress constitutional authority to enact such legislation. I believe the following white paper by Prof. Laurence H. Tribe of Harvard University Law School clearly illustrates that a national cable policy would be a valid exercise of congressional power.

THE CONSTITUTIONAL AUTHORITY OF CONGRESS TO ENACT THE CABLE TELECOMMUNICATIONS ACT

(By Laurence H. Tribe* Tyler Professor of Constitutional Law, Harvard University Law School)

(In the ongoing public policy debate over a proper regulatory environment for cable television, a major point of contention is whether the U.S. Congress possesses the Constitutional power to enact uniform national standards, thereby preempting the current hodgepodge system of literally hundreds of separate municipal cable franchising authorities.

(In order to resolve this issue, the National Cable Television Association invited an eminent Constitutional authority, Professor Laurence H. Tribe of the Harvard University Law School, to examine the question. Professor Tribe analyzed basic provisions of the Constitution which authorize Congressional regulation of interstate commerce as well as amendments protecting free speech and the powers of states. He also carefully considered how these provisions and amendments apply to the 20th century technology of cable. Additionally, Professor Tribe examined applicable Congressional actions, regulatory agency rulings and court decisions dating to the earliest years of the Republic.

(Professor Tribe compiled his findings on the authority of Congress to impose federal standards on cable regulation—and specifically on its authority to enact S.66, the Senate version of the Cable Telecommunications Act—in a 34-page, heavily footnoted and annotated report. The full text of the report is available from NCTA on request. Here, in slightly edited form, are highlights of Professor Tribe's research and conclusions.)

There can be no doubt that the Supreme Court would uphold the Cable Telecommunications Act as a valid exercise of Congressional power under the Commerce Clause of the U.S. Constitution, which empowers Congress to "regulate Commerce . . . among the several states."

First, there plainly exists a rational basis for Congress to find that the activities the legislation would regulate substantially affect interstate commerce, while the means employed by the bill—both its assertions of direct federal regulatory power to establish a national cable policy and its restrictions of state and local regulatory power in a manner necessary and proper to prevent that national policy from being thwarted—will advance Congress' goal of promoting cable as a viable medium in a competitive marketplace.

Second, Congress is alternatively justified in imposing regulatory conditions on cable operators simply by virtue of their taking advantage of the channels of interstate commerce and may in turn regulate local cable franchising authorities to the extent reasonably necessary to effectuate these conditions.

Third, the bill offends no independent provision of the Constitution, including the Tenth and the First Amendments.

Congress' wide power to regulate all activities having any interstate impact, however indirect, was first enunciated by Chief Justice John Marshall in 1824 and has been steadily adhered to by the courts over the last half century.

On several grounds cable television systems clearly can be seen to affect interstate commerce and therefore to be Constitutionally subject to Congressional regulation:

1. Cable systems themselves serve as nothing less than instrumentalities of commerce and information, whose market structure, technology and chain of production and distribution all cross interstate lines to at least as great an extent as the other forms of communication regulated under the Communications Act.

For example, many cable systems are elements of much larger enterprises doing business in several states.

Retransmitting broadcasts via cable systems from the national networks, moreover, often crosses state lines. With the advent of syndicated cable programming delivered via satellite, it is even clearer that local cable systems operate interstate as a technological matter.

The pay television market involves a chain of distribution that runs interstate—from producers heavily concentrated in Hollywood, to pay television networks such as Home Box Office and Showtime, to local cable operators across the United States, to subscribers.

2. Even if cable television were not so clearly an interstate activity, Congress would be empowered to pass the Cable Telecommunications Act because the courts have ruled that purely intrastate economic activity still may be regulated by Congress when the cumulative effect might reasonably be expected to have an important impact on interstate commerce. The cumulative effect of local cable operations indisputably affects the national cable market.

3. If Congress has the power to regulate the broadcasting industry, which no one seriously contests, then it has the power to regulate cable. Time and again Congress and the courts have ruled that regulatory agencies are authorized to regulate the intrastate competitors of interstate enterprises. Indeed, the courts have specifically upheld FCC regulation of cable companies as "reasonably ancillary" to its responsibility to regulate television broadcasting.

We are now at a point in the history of technology at which all communications is becoming increasingly electronic and conventional lines of distinction among modes of communication are becoming increasingly obsolete. As a result, every mode of communication can be traced more and more to interstate operations. Since each mode of communication will have a competitive effect on the supply and demand for all other modes, Congress may regulate all competing modes of communication as a necessary and proper adjunct to exercising its power to regulate interstate commerce.

Competitors to cable's entertainment services—such as subscription TV, low-power television, multipoint distribution systems and direct broadcast satellites—are burgeoning. So are new two-way services from cable itself—such as electronic banking, data, services, security systems and electronic mail delivery. This interdependence of various services once thought separate will continue to increase, thus further bolstering Congress' regulatory authority over cable.

Cable's substantial effect on interstate commerce having thus been established, the only remaining question is whether the Cable Telecommunications Act is reasonably adapted to carrying out Congress' Constitutional Commerce Clause authority.

The legislation would promote the vigorous development of a national cable industry within a competitive marketplace (the established goal of Congress) in two principal ways:

By centralizing regulatory authority in the FCC (with the expectation that this authority would be wielded decreasingly);

By restraining the powers of state and local regulation to impose a patchwork of conflicting or uneconomic regulations hobbling the efficient growth of cable.

Both these approaches support the promotion of increased competition in the cable industry while eliminating state and local regulation impeding such competition by posing economic barriers to cable's entry or survival.

Specifically, the legislation is designed to reduce disincentives to investment in cable that state and local regulators have imposed or might impose. Because cable requires high initial capital outlays, reliable expectations of adequate return on investment are critical to inducing investment. The Cable Telecommunications Act, by standardizing national cable policy, is intended to help

*This memorandum has been prepared for use by, and under the auspices of, the National Cable Television Association. The memorandum reflects solely the views of its author.

ensure a reliability of expectations impossible to obtain in a widely variant locality-by-locality regulatory environment.

For example, the provision of the legislation which would bar government franchising authorities from acquiring cable systems at the end of franchise terms for less than fair market value would encourage cable investment by eliminating disincentives to entry that operators might have if they feared that government could appropriate their investment for a below-market price.

Likewise, the provision of the legislation which would place a ceiling on franchise fees and allow operators to show the fee as a seperate item on subscribers' bills encourages cable investment by preventing local governments from exacting fees so high as to discourage entry.

The franchise renewal provisions of the legislation also should increase cable investment incentives. Without the renewal expectancy created by these provisions cable operators might well be discouraged from investing in systems which take as long as a decade to turn a profit but which might be taken away after only 15 years.

Thus, the major provisions of the Cable Telecommunications Act further Congress' goals of partially substituting market incentives for bureaucratic control of cable, thereby allowing cable to compete on a more equal basis with other media.

The principle that Congress has the authority to impose whatever restrictions it wishes on the privilege of suing the channels of interstate commerce—so long as those restrictions themselves violate no independent Constitutional prohibition—supports these provisions of the legislation:

Cable operators must refrain from collecting personally identifiable information from subscribers without prior consent.

A cable operator must obtain a franchise before providing any service.

An operator with an existing franchise providing for a fixed charge for basic cable service over a specified period is not entitled to annual increases as a matter of right.

An operator who does not satisfy certain conditions of technical quality and reasonable service is not entitled to an expectation of franchise renewal.

Governmental entities which own cable systems shall not exercise control of programming content.

Congressional regulation (and deregulation) of franchising authorities is necessary and proper to protect the interstate commerce (represented by cable) from the adverse effects of a patchwork of conflicting and burdensome state and local regulation.

Congressional enactment of the Cable Telecommunications Act would not violate any constitutional provisions.

Although the bill would displace and reallocate some powers currently exercised by state and local governments, it would not violate the Tenth Amendment as construed by a 1976 court ruling involving the National League of Cities.

That decision found the Tenth Amendment does not shield the state from "preemptive federal regulation of private activities affecting interstate commerce." Indeed, the ruling permits *total* preemption by Congress of regulation of private activities affecting interstate commerce.

Because federal deregulation of cable would be frustrated if state and local governments were free to regulate cable entirely according to their own devices, it is necessary and proper that Congress preempt state and local regulation to the degree needed to effectuate federal policy for cable television.

The Cable Telecommunications Act would give states the choice of forbearing from regulation of certain activities affecting interstate commerce or regulating them in a manner consistent with federal standards. That is a valid exercise of Congress' Commerce Clause power.

Finally, while the bill would permit certain limitations on the content of cable programming, it would not violate the First Amendment as currently construed. Provisions to exclude obscene programming, subject to judicial standards of obscenity, do not delegate improper power to censor Constitutionally protected speech.

In some ways the legislation enhances the expressive values of the First Amendment, for instance by limiting regulators' interference with programming, encouraging expanded service and reassuring viewers by protecting their privacy.

For the above reasons the Cable Telecommunications Act is well within the limits of Congress' authority under the Commerce Clause of the U.S. Constitution.●

POETIC TRIBUTE TO ROGER WILLIAMS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mrs. SCHNEIDER. Mr. Speaker, this year, the State of Rhode Island and Providence Plantations will be celebrating a tercentenary anniversary of our founder, Roger Williams. In addition to founding one of the Thirteen Original Colonies, Roger Williams was the driving force behind the idea of "freedom of choice" in the matter of religious belief.

Attainment of this ideal led Roger Williams from England where he had been an object of religious persecution, to the New World where he first settled at Massachusetts Bay Colony. Conditions in Massachusetts Bay were no different from those he left behind in England, so once again Roger Williams was forced to flee because of his religious convictions. He traveled south, meeting up with a friendly tribe of Indians, and taking solace from this sourroundings, purchased the land from them and founded the city of Providence.

Here, in his own colony, Roger Williams put into practice the idea of "freedom of choice." This ideal was enshrined by the Founding Fathers of our country in the first amendment to the U.S. Constitution

In honor of this event, a Rhode Island poet and local historian, Virginia Doris, has composed a tribute to our State's founder, which I would like to share with all of you.

The poem follows:

ROGER WILLIAMS, THE SOUL OF LIBERTY, PROVIDENCE PEACEMAKER, 1636

Aye, let the Muse of History write,
On a white stone his honored name,
Loyal to liberty and light,
First on Rhode Island's roll of fame.

Listen to his rich words, intoned
To songs of lofty cheer,
Who in the howling wilderness,
Mid forests wild and drear.

Breathed not of exile nor of wrong,
Through the long winter nights,
But uttered in exulting song,
The soul's unchartered rights.

Who sought the oracles of God
In the heart's veiled shrine,
Nor asked the Monarch nor the priest,
His sacred laws to sign.

Apart from controversial strife,
Ready to hail the morning's ray,
To break with all the bread of life,
And open wide the doors of day.

The wave-worn rock still breasts the storm
On Seekonk's lonely side,
Where the dusky natives hailed the bark
That bore their gentle guide.

Yet memory lingers with the past,
Nor vainly seeks to trace
His foot-prints on a rock, whence time
Nor tempests can efface.

Whereon he planted, fast and deep,
The roof-tree of a home
Wide as the wings of love may sweep,
Free as her thoughts may roam.

Where, through all time, the saints may dwell,
And from pure fountains draw
That peace which passeth human thought,
In liberty and law.

While hope shall on her anchor lean,
May memory fondly turn
To wreath the amaranth and the palm
Around their funeral urn.

Well may the Muse of History place;
Foremost among the just and free,
His honored name, wherein we trace
The soul of Law and Liberty.●

TEXAN HEADS NATIONAL TRUCK ASSOCIATION

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. HANCE. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that Mr. Jay Trammell, president of Jay Trammell Lines in Dallas, Tex., was elected president this week of the Interstate Carriers Conference.

The conference, an affiliate of the American Trucking Associations, represents nearly 800 trucking companies and 150 associate members throughout the country.

The new president, who resides in Dallas with his lovely wife, Darlinda, and their two children, founded Jay Lines in 1970 after previously having held executive positions with other truck lines in Dallas and Omaha, Neb. Additionally, he has held numerous positions in the conference, the Texas Motor Transportation Association and

the National Perishable Transportation Association.

The conference has chosen well, and I am pleased that Mr. Trammell's abilities have been recognized by his peers in the trucking industry.●

THE FIRST BAPTIST CHURCH OF HIGHLAND PARK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. HOYER. Mr. Speaker, on Saturday, March 31, more than 1,000 people will gather in my Fifth Congressional District to mark an auspicious occasion, the 62d anniversary of the founding of the First Baptist Church of Highland Park. They will also gather to honor their pastor, and a very close friend of mine, the Reverend James J. McCord.

The First Baptist Church of Highland Park is one of the largest churches in Prince George's County, with an active membership of more than 1,500 parishioners. They are a devoted congregation contributing their time, energies and faith toward numerous needed services throughout the community. From the distribution of free food and clothing to the needy, to community day care, to home visitations for the sick, voter education and a prison ministry, the members of this outstanding parish reach out with the gift of love and caring.

In all these activities, Reverend McCord provides the leadership and inspiration, the real heart and soul of this church. With his warm and giving nature, he represents a true example of the Christian spirit. He is always ready to offer his services and lend his name to important causes.

Reverend McCord first came to First Baptist as a parishioner, in 1965. In 1967, he was ordained as assistant minister and in 1973 as minister.

He was born in Waterloo, Iowa and spent his early years in Nebraska and South Dakota. After two tours of duty in the Air Force, he went to the Sioux Falls College in South Dakota and received his B.A. in 1963. He came to the Washington area soon after where he and his lovely wife, Mary, raised two sons, James and Jacques.

Before coming to the ministry, he worked for the Smithsonian, the District of Columbia school system and was an instructor to the hearing impaired at Gallaudet. He also worked in the Model Cities program in Prince Georges County.

Whenever someone asks a parishioner about Reverend McCord, the same response is given, "he is a man who cares about us, who is responsive to our needs, who is unselfish in his time and his service to the community." His strength is transferred into the strength of the thousands of people with whom he is in contact each week, and this offering is one of the greatest that can be made in the Christian faith.

It is truly a testament to his commitment to the ministry that his is the largest black church in Prince Georges County.

It has been an honor and privilege for me to have a close association and relationship with Reverend McCord and with the members of the First Baptist Church of Highland Park.

Mr. Speaker, I know you will want to join with me in offering my sincere congratulations on this remarkable occasion.●

EDWIN B. FORSYTHE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. FLORIO. Mr. Speaker, it is with great sorrow that I note the passing of the Honorable EDWIN B. FORSYTHE of New Jersey.

The senior Republican in the New Jersey congressional delegation, ED FORSYTHE had a distinguished career in public office that spanned 27 years. He served as mayor of Moorestown before being elected to the State senate, where he rose to the position of president before winning election to the Congress in 1970.

ED FORSYTHE's work as ranking minority member of the Merchant Marine and Fisheries Committee brought great benefits to our State, and I know that he will be missed very much.

May I join my colleagues in extending my sincere sympathies to his wife, Mary, and to his family.●

LISA RAE KELLY, VOICE OF DEMOCRACY WINNER

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. WALGREN. Mr. Speaker, while sometimes the news about America's youth is disappointing, we should be very proud of the vast majority of our young people. Lisa Rae Kelly, a junior at Moon Senior High School in Allegheny County, Pa., has been named the 1984 winner in Pennsylvania of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States.

As Members of Congress, I know you will be interested in seeing Lisa's prize winning speech on "My Role in Upholding Our Constitution" and ask that this important message be shared with all Americans by its insertion in the RECORD.

The speech follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

The curtain rises and millions of people the world over watch freedom at work as they witness dedicated Americans upholding the Constitution of the United States. This is not opening night. Our drama has run continuously during the one hundred ninety-six years following the adoption of the constitution in 1787. The Production, appropriately entitled "Upholding the Constitution of the United States," is based on an original manuscript written by dedicated Americans long ago.

And, now, it is my turn to take part in the inspirational drama that has no rivals. Let me trace my role in upholding the Constitution of the United States of America.

During my early years, I was an understudy, watching from the wings, studying the script, and waiting for my chance to star in a citizen's greatest role.

As I watched from offstage, I witnessed Americans in major roles casting their ballots during elections, fighting for freedom in foreign lands, making important decisions in Congress, and handing down judicial decisions. I saw the President in his leading role hold news conferences and give State of the Union addresses. I studied the basic principles of the constitution and the twenty-six changes which have been made to further protect the American citizen's rights.

And, after all my studying and watching, I knew I was ready for a bigger role.

I became a member of the chorus. There, I joined others in pledging allegiance to the Flag which has always stood as a symbol of freedom. I took great pride in my small role as I sang praises of a country that I love. I sang of our unique "Brotherhood from sea to shinning sea." America, I thought, God truly has shed his grace on thee!

Today my new role is that of a supporting character. After watching other Americans at work, I can now appear as an individual in my best role so far.

As a dedicated young American, I appear in many scenes as I uphold the basic principles of our constitution.

Scene I—A classroom:

I exercise my guaranteed freedom by running for class office. Later, I am elected to Student Council, an example of representative government on a small scale.

Scene II—Another classroom, a lesson in social studies

I continue my education on the constitution and exercise my freedom of speech in class discussions, always confident that in our country an individual's voice can be heard.

Scene III—Activity room, after school

I work on the school newspaper, sometimes writing editorials that suggest changes in school policy. That's freedom of the press in practice!

Scene IV—Home

Home . . . the word somehow embodies the same comfort, the same security as does the word "America."

My family and I gather to speak freely of what we want, without fear of invasion of our privacy.

Scene V—Church

I kneel to pray at the church of my choice. The constitution insures freedom of religion.

Now, I am truly a member of the cast of "Upholding the Constitution of the United States." My role is not the lead, but it is a

vital one. I am a young American cast in the role that I cherish.

As new characters appear, and as changes are made in the drama, so, too, will my role change. Soon, I'll have one of the major parts. Those watching our production will see me as I assume even more fully my responsibilities as an American.

Yes, the drama goes on just as it has for the past one hundred and ninety-six years, and for the rest of my life, I'll proudly perform my role in "Upholding the Constitution of the United States of America."●

JOINT RESOLUTION ON SPACE COOPERATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. LEVINE of California. Mr. Speaker, along with 35 of my colleagues, I am today introducing a joint resolution expressing the sense of Congress that the President should initiate talks with the Soviet Union to explore new opportunities for cooperative East-West ventures in space. Rather than pursue a space policy which threatens to bring us closer to nuclear confrontation, we and the Soviet Union should recommit ourselves to developing space programs which allow us to develop joint and complimentary projects.

Along these lines, our resolution calls on the U.S. and U.S.S.R. to renew the 1972 treaty on space cooperation. This 5 year agreement was first signed by President Nixon, and was renewed by President Carter in 1977. Unfortunately, the Reagan administration allowed it to expire.

In the 1972 treaty, the U.S. and U.S.S.R. pledged to cooperate in the exploration and study of space. For the remainder of the decade, our two countries formed working groups and successfully conducted joint experiments and shared data on a regular basis. In preventing duplication of experimentation, space cooperation enhances the efficiency of our own space program. More significantly, the signing of a joint space exploration treaty provides our two nations with a unique opportunity to pursue a policy of cooperation rather than confrontation. I hope my colleagues will join with me in supporting this resolution.●

THE INSTITUTE OF INTERNATIONAL EDUCATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. ARCHER. Mr. Speaker, on the occasion of their annual meeting in Washington, April 29 through May 1, 1984, I would like to call to the attention of the House the Institute of International Education. The IIE is an example of an organization which provides an extremely valuable service to the Nation. At a time at which the United States is seeking to strengthen its ties with allied nations, and to build friendships with strategically important Third World countries such as our neighbors in Latin America and the Caribbean, the effects of private exchange agencies such as IIE should be actively encouraged. IIE's activities are coordinated by the Institute's national headquarters in New York City and carried out by U.S. regional offices in Atlanta, Chicago, Denver, Houston, San Francisco, and Washington, D.C., and by overseas offices in Latin America, Asia, and Africa.

IIE was founded in 1919 in the aftermath of World War I. Its assigned task was the promotion of international understanding through international educational exchange. Today IIE carries out this mission through the exchange of students and scholars, knowledge, and skills between the United States and 130 other countries.

IIE is best known for its administration of the U.S. Information Agency's Fulbright fellowships for United States and foreign students at the predoctoral level. Year after year IIE is successful in attracting hundreds of thousands of dollars of support for this program from universities, corporations, and other nongovernmental sources, a remarkable record of public and private sector cooperation for the public good. IIE also assists the USIA in the administration of the Humphrey fellowships—a Fulbright exchange activity—and the U.S. Government's memorial to the late Vice President.

The Institute of International Education conducts some additional 200 programs for foreign governments, international organizations, educational institutions, foundations, and corporations. The ITT Corporation's fellowship program, administered by IIE throughout the past decade, serves as a model program for corporate involvement in international education. Altogether IIE assisted some 8,500 American and foreign students, distinguished international visitors, and research professionals on technical assistance projects overseas during the 1983 academic year—a notable record for a private nonprofit agency and a major contribution to the development of international understanding. In addition to its role in the Fulbright program, IIE administers a portion of USIA's international visitor program, which brings distinguished foreign visitors to the United States from over 100 nations each year. The intent of the program is to increase the knowledge of the United States of influential citizens of other lands. Alumni of the program currently occupy hundreds of cabinet positions around the world.

IIE offices in Washington, D.C., Denver, and Houston are particularly active in support of the international visitors program, which relies on community agencies to organize the local contracts of its participants. These three offices each year assist over 2,000 distinguished visitors from other lands. They insure a positive exposure to U.S. communities as well as a productive professional experience for distinguished foreign government officials, university professors, journalists, labor leaders, and representatives of many other walks of life. Their efforts significantly affect the U.S. image in over 100 countries.

IIE assists the Green Revolution centers, the international agricultural research centers around the world that have developed the miracle grains which hold the best hope of adequate food supplies for the less-developed nations. The institute administers projects for Ford Foundation, USAID, the World Bank, the governments of Brazil, Indonesia, the Philippines, and Zimbabwe, the Rockefeller Foundation and numerous other supporters of educational cooperation and of developmental assistance.

By administering such programs, the institute has acted as a catalyst in organizing such projects as the South African education program, a major effort of USAID, U.S. corporations, foundations and universities to provide educational assistance to the black population of South Africa. The program now assists over 100 students annually. IIE is able to make a major impact on international relations through cultural diplomacy. Its programs expose both the current and the next generation of leaders of other nations to the values of American society, and offer training other countries need to build their own societies. Research conducted through IIE-related projects is having a major impact on increasing the world's food supply.

IIE also serves the public and American higher education through its educational services—public service activities support through contributions. Through educational services, IIE, brings information and counseling to some 200,000 American and foreign students each year and provides over 65,000 copies of its many publications to students, educational institutions, counseling centers, and libraries all over the world.

IIE's educational services include conference programs, scholarship programs, and many other activities that bring needed assistance to organizations and individuals concerned with international educational exchange. As the central clearinghouse for information about exchange in the United States, the Institute of International

Education plays an important role in making productive educational relationships a reality.

IIE has special relationship with American colleges and universities, some 500 of which are affiliated with the institute as IIE Educational Associates. IIE assists American higher education in many ways.

The institute's overseas offices in Latin America and Asia provide on-the-scene assistance in interviewing and screening applicants overseas for American colleges and universities, and dispense information on United States higher education to tens of thousands of foreign students each year. They offer orientation programs, testing facilities, libraries, and catalog collections, and in general act as overseas ambassadors for American higher education.

IIE's regional offices in the United States function as service agencies in international affairs for the areas in which they are located. Originally these offices were founded to link IIE more closely with the colleges and universities throughout the United States that are the Institute's partners in educational exchange, and to bring together local citizens and international students in activities that would give these students a better knowledge of this country and improve Americans' understanding of other cultures.

The growing need in today's world to increase all citizens' awareness of international affairs has broadened the focus of IIE's regional offices. Seminars and conferences, programs for schools and rural communities, exhibits, and presentations are among the citizen education programs of IIE's regional offices. This is in addition to ongoing assistance to colleges and universities. Regional offices advise and consult about international education, work closely with campus study abroad advisers, foreign student advisers, admissions officers, and the individual student, and make available the full range of IIE publications and information services.

The Institute of International Education, its staff in the United States and around the world, and thousands of volunteers who give of their time and energy on behalf of international cooperation together form a significant national asset.

It gives me special pleasure to salute the Institute of International Education and to express the hope that this fine organization will continue its tradition of effective service to the Nation and the world for many years to come.●

NED SKELDON INDUCTED INTO CENTRAL CATHOLIC HIGH SCHOOL HALL OF FAME

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Ms. KAPTUR. Mr. Speaker, on April 3, Central Catholic High School of Toledo, Ohio, will be inducting one of its most distinguished graduates into the school's Athletic Hall of Fame. Ned Skeldon was a 4-year member of the school's football, basketball, and baseball teams. During his great athletic career, Ned always displayed those special qualities found in all fine athletes: physical and mental strength; coolness under pressure; and sportsmanship.

After leaving Central Catholic, Ned enlisted in the U.S. Navy and became a pilot during World War II. Since that time, he has logged over 30 years public service, including elected, appointed, and behind-the-scenes roles in political life. But his public life has not taken him away from his athletic interests. Actually, he has put his love of athletics to work for the benefit of the community. Ned Skeldon was the inspiration behind the Lucas County Recreation Center which now serves over 175,000 citizens annually. He was also instrumental in the revitalization of the Toledo Mud Hens.

Ned Skeldon's career is clear evidence that the training one receives in athletics is applicable to every aspect of a fulfilling and rewarding life. I know my colleagues in the House of Representatives join me in congratulating Ned, his wife Susan, and his children, and wishing him the very best in the future.●

VOLUNTEER FIREFIGHTERS HONORED

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to three distinguished citizens of Glen Cove, N.Y., who will be honored at the Glen Cove Volunteer Fire Department headquarters. Fred DiMenna, William Miller, Sr., and Stanley Slowik have each served with distinction as members of the Glen Cove Volunteer Fire Department for the past 50 years. It is my privilege to bring the accomplishments of these brave men to the attention of my colleagues in the U.S. House of Representatives.

Since 1934, William Miller, Sr., Stanley Slowik, and Fred DiMenna have put their lives on the line to protect their community's homes, businesses, and inhabitants. These self-sacrificing men have been called upon throughout the years to serve the city of Glen Cove without regard to personal injury, and time spent away from their families.

The unique commitment of these volunteer firefighters certainly embodies the great heart of our Nation, and the American spirit of being a good neighbor. And it is this spirit which has been a major force in the spectacular growth of our great Nation. Clearly, we need to recognize the importance of the role that all American firefighters play in our everyday lives.

During the past years, Stanley Slowik, William Miller, Sr., and Fred DiMenna have battled industrial fires, and they have saved people's homes and lives. They have provided fire prevention instruction and other vital services to the community.

Sometimes, we take the volunteer spirit for granted. There are probably people in Glen Cove who believe they are protected by paid firefighters. They are not. They are protected by extraordinary men like Stanley Slowik, William Miller, Sr., and Fred DiMenna; men who have together devoted 150 years of public service. For their great contributions in helping make the city of Glen Cove a safer and better place to live, they deserve our heartfelt and sincere gratitude.

Mr. Speaker, I join with the members of Engine & Hose Company No. 4 in Glen Cove, the family and friends of Fred DiMenna, Stanley Slowik, and William Miller, Sr. in recognizing volunteer firefighters.●

A CONGRESSIONAL SALUTE TO BETTY CORSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. ANDERSON. Mr. Speaker, on April 8, 1984, the many friends of Betty Corson will gather at the Rancho Verde Racquet Club in San Pedro, Calif., to celebrate her retirement from Cooper High School in San Pedro.

For the past 17 years, Betty has been teaching English and grammer to students who failed to make it in a traditional classroom setting. Although her first day at the school was a bit traumatic when she had to prove that she was just as tough as a room full of boys, Betty said, "I was rather intrigued by a lot of things. It was a challenge and I liked the smallness of the place because I felt that was the setting in which you could really get to know kids on a one-to-one—basis."

A native of Oklahoma, Betty and her family fled the Dust Bowl in 1939

for a better life. According to Betty, they traveled as far as our money would allow. They ended up in Glendale, Ariz. She later received a scholarship for the Los Angeles Pacific College and it was here where she was to meet her future husband, Bob. She was to graduate from Seattle's Pacific College shortly thereafter and, as a matter of fact, she and Bob were married 2 days after her graduation. Because of their many contributions to this institution, they were named as Alumni of the Year in 1980.

They returned to Los Angeles the following year and she began a 10-year career at Los Angeles Pacific College, 5 years as teacher and 5 years as dean of women. In 1958, they moved to San Pedro and it was not until 1966 that Betty began substitute teaching for the Los Angeles Unified School District. The following year, she was called to substitute at Cooper High School and she has been there ever since.

Mr. Speaker, as you well know, we have many special people in this country who seem to go beyond the call of duty. Betty Corson happens to be one of these people. Over the years she has worked with hundreds, perhaps thousands, of students who were cast aside by "The System", in the hope of giving them a second chance to success and be productive in life.

My wife, Lee, joins me in congratulating Betty Corson on a job well done. We know that she will be sorely missed by all the residents of the community and we are sorry to see her leave. We wish Betty and her husband, Bob, and their son, Donald, continued success and happiness in all their future endeavors.●

TRIBUTE TO DR. BENJAMIN MAYS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. DOWNEY of New York. Mr. Speaker, last week many of us noted with sorrow and respect the death of Clarence Mitchell. Today, I want to speak briefly about another man, an educator, who did so much to shape the leadership of the civil rights community, Dr. Benjamin Mays. Dr. Mays died yesterday in Atlanta.

Dr. Mays' life spanned 89 years of American history. These were years of great change and Dr. Mays played a critical, if quiet and often unnoticed, role in this change through his leadership of black educational institutions. His own experience ranged over a large part of this country. He was born in South Carolina and educated in Maine and Chicago. As dean of the Howard University Divinity School he enriched the life of this city. From Howard he moved on to serve as president of Morehouse College in Atlanta where he also sat on the Board of Education. His life was a life of public service, and that is notable in itself.

Dr. Mays' achievements extend to a higher plane. It is worth noting that he did not consider education as something passive. It was a force for change. It served to guide people, to energize them, and to stimulate leadership.

The evidence of this activist commitment to education rests in the generation of civil rights leaders who studied with Dr. Mays and who actively sought his advice and guidance. The greatest among these was surely Dr. Martin Luther King, Jr. Dr. King once acknowledged Dr. Mays as his spiritual mentor and intellectual father. This, perhaps, should stand as the best testimonial that can be offered to the memory of a life of commitment, struggle, and education.●

MISSOURI TRUCKING COMPANY WINS NATIONAL SAFETY AWARD

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. TAYLOR. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that Contract Freighters, Inc., of Joplin, Mo., has been awarded the Grand Prize Award for Safety presented by the Interstate Carriers Conference.

The conference, an affiliate of the American Trucking Associations, represents more than 750 trucking companies throughout the country.

Mr. Don D. Lacy, president of Contract Freighters, was present to receive the award at the conference's annual meeting held recently.

Contract Freighters won the award based on its outstanding low-accident-frequency rate and overall performance in such areas as maintenance, driver training, accident investigation, supervision, public activities, and general highway safety.

It is indeed fitting that the outstanding contributions of this fine company to our Nation's highway safety endeavors have been recognized.●

TRIBUTE TO TAD TAUBE, CO-FOUNDER OF THE UNITED STATES FOOTBALL LEAGUE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. LANTOS. Mr. Speaker, many men and women exemplify the American dream, but few are better examples of it than Tad Taube—a man who has made the American dream come true, a man to whom many in my district owe much.

An American citizen by choice, like myself, Tad Taube was born in Poland 51 years ago. Later he came to the United States where he earned two degrees in engineering at Stanford University. He joined the U.S. Air Force—and fought courageously for his new country.

Tad has been a dynamic force in the business community on the San Francisco Peninsula and has added considerably to the economic vitality of the area. The Woodemont Cos., which he formed in 1964, are leaders in the fields of real estate and development. He is also a founder of Siltec Corp. in Menlo Park—now the second largest domestic manufacturer of silicon wafers. In 1981 he founded Stanford University's Center for Economic Policy Research and currently is serving on the Executive Committee of Associates for the Center.

Mr. Speaker, this is only one side of Tad Taube's life. He is also a philanthropist who has given generously to diverse worthy projects in the community. He is currently acting as president and director of the Koret Foundation, and has served as trustee and governor of several colleges, both in America and Israel. He is also deeply committed to achieving better relations between peoples of different backgrounds and faiths. He is a former director of the National Conference of Christains and Jews, and is active in the Bay Area Council and the Commonwealth Club.

Tad's sense of fair play has been evident throughout his life—a quality which he learned first hand through his great love of football. As cofounder of the new United States Football League he has enriched the sports scene both of our country, and of the Bay area. During the summer months, sports fans can now enjoy the skill and sportsmanship of the Oakland "Invaders" thanks to his entrepreneurship.

Tad and Gadd Taube, together with their four children, have never failed to give themselves to the people around them. They have proved that the American dream is still possible. I wish them every success and happiness.●

A TRIBUTE TO THE FIGHTING ILLINI

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. DURBIN. Mr. Speaker, my State of Illinois is justifiably famed for its agriculture, coal mining, industrial might and outstanding education-

al institutions. And because of a representative of the latter, we are also becoming well known for our collegiate basketball.

Many of my State's most famous sons, men like Abraham Lincoln, came to Illinois from other States seeking opportunity. So it was with Lou Henson, coach of the University of Illinois basketball team. Nine years ago, the University of Illinois sought this Okay, Okla., native to be in charge of its basketball program. The choice proved to be a wise one.

During his years with the Fighting Illini, Coach Henson has compiled a 170-100 won-loss record. He has taken his Illinois teams to post season tournaments for 5 straight years and has averaged at least 20 victories a season for the past 6 years.

This year, he took a team that was predicted to finish no higher than fourth or possibly as low as seventh in the Big 10 and won the conference title. This hustling, scrappy squad then made it all the way to the finals of the Mideast NCAA tourney, losing a tough battle to Kentucky.

Today, I rise to praise Coach Henson before my colleagues not only for his accomplishments this year but during his entire career, both on and off the court.

He is universally acknowledged in my State to be a fine gentleman, an outstanding example of sportsmanship and one who is active off the court in a variety of important community activities.

On April 5, many of us who are admirers of Coach Henson will gather in Springfield to honor this fine man. The only problem will be in finding a hall large enough to hold all of those who want to join in the celebration.

Let this stand as evidence, too, to my friends and colleagues from States whose basketball programs are a bit shaky and in need of experienced assistance, that we in Illinois have no intention of letting this adopted son migrate once more.●

MOVING TRIBUTE TO THE AMERICAN REPUBLIC

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. CARPER. Mr. Speaker, it is my privilege today to acknowledge a young Delawarean who has written a lovely and moving tribute to the American Republic.

Mr. Peter V. Campbell, the son of Dr. and Mrs. Charles Campbell of Wilmington, is the 1984 Voice of Democracy Essay Contest winner from Delaware. Sponsored each year by the Veterans of Foreign Wars, the essay contest theme for 1984 was "My Role in Upholding the Constitution."

Young Mr. Campbell's essay beautifully illuminates that theme, Mr. Speaker. Peter is not only a fine writer but an accomplished thespian. He plans to pursue drama at a college or university next fall—thus putting his VFW scholarship money to good use.

It is my honor, Mr. Speaker, to submit Peter Campbell's winning essay for publication in the CONGRESSIONAL RECORD. This Salesianum High School senior clearly has a future as rich in potential as his essay.

MY ROLE IN UPHOLDING THE CONSTITUTION

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

These cherished words should ring loud and clear for every American because they are the foundation on which our nation was born. This fledgling nation which was destined to become the shelter and light to all those searching for freedom lies on a solid Constitution. Our Constitution is one of the greatest documents ever written because it serves certain inalienable human rights to each person. These rights are blended together with the basic law of our great land to form a union of states which share strong, common bonds. As a nation, we are constantly striving for peace and justice everywhere because our wish is that others may taste the freedoms which we experience daily under our Constitution. Our founding fathers resisted threats which were made to suppress basic human rights, and they boldly presented to the world a document which speaks for all Americans. We are a free people.

We do not have the worry of being awakened in the middle of the night to be seized and taken to prison because we have voiced our opinions which may be contrary to governmental policy. The Constitution embodies a full Bill of Rights which is essential to the democratic way. We may publicly question the decisions of leaders without fear of reprisal. We may work together in community effort to change a law with which we disagree. Such actions are virtually impossible behind the iron curtain because those people are not protected from the arbitrary use of governmental power by their written constitutions.

But what is my contribution to my country? What is my role in upholding the Constitution? Although great men and women have fought for this country, I fear that my humble offering may not be remembered in history textbooks written two hundred years from now. Nevertheless, it is a small tribute that is important. Our country's support stems from each person's contribution, whatever its size may be. My contribution is to strive to become the best citizen that I can be. In doing so, I will be able to support and defend the country I so love.

What then is a good citizen? Is it someone who helps little old ladies across the street, or who aids others in time of need? Yes, it is, but my passion for this nation has a stronger foundation than that. Although the Constitution protects my rights, I have a duty to take an active part in ensuring that no American is deprived of his/her rights, even in an unpopular cause. If we fail to support others in causes which we feel are necessary to the democratic process, then we will lead ourselves to a road of chaotic disaster.

I have always been taught in school that voting is a constitutional privilege which we may exercise to voice our opinions. Although many people feel that it is a hopeless cause, they do not seem to understand the value of their singular vote. It is, however, an expression of opinion, our direct say in the government. Though it is really one of the greatest freedoms which we possess, it is, unfortunately, often sadly neglected.

In order to understand the Constitution, we must read it carefully as we would a piece of poetry. We should establish for ourselves the true meaning of these words, and raise questions and search for answers. When creating the Constitution, our forefathers debated and argued tirelessly. Our desire for the truth should be no less than theirs.

It is the duty of every citizen to perform these actions, even though they may pale in comparison with the efforts of such figures as George Washington and Benjamin Franklin. Yet they would not have become great citizens if they were not first good citizens. To be a good citizen is a difficult task because we must constantly be aware of others and our changing times. But as Thomas Jefferson so eloquently stated: "Eternal vigilance is the price of Freedom."●

IN MEMORY OF MARGARET E. HART

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Ms. MIKULSKI. Mr. Speaker, I honor today the memory of a truly dedicated citizen, the late Margaret E. Hart. She personified the hard-working, community-oriented spirit upon which this Nation was built.

She worked informally for many years in the southeast Baltimore community. The telephone work she did in her kitchen became the southeast community hotline after the southeast community organization, of which she was a founder, obtained money, volunteers, and an office for the program. Margaret Hart was also an organizer of an annual family picnic for residents of the community. Her concern for her community went beyond mere words, for it was her action that launched programs like the southeast community hotline and it was her willingness to take action and become involved on behalf of others that we will always remember her for.

Her work brought several awards and commendations for the mayor's office, including an Unsung Hero Award and a Baltimore's Best Award. A portrait of her done as a result of the latter award hangs in the Baltimore Convention Center.

Much can be learned from the life and work of Margaret Hart. She has proved that one person can make a

difference, and through her efforts, others have been inspired to continue her work. Her motivation was not money or fame but rather, an honest concern for her neighbor. Margaret Hart's efforts have touched the lives of many. She understood and appreciated the importance of doing for others, and she devoted her life to that principle. We will miss her.●

DR. BENJAMIN E. MAYS—A SYMBOL OF GREATNESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. RANGEL. Mr. Speaker, I rise to express my deep sorrow at the death of Dr. Benjamin Mays, one of the fathers and guiding spirits of the civil rights movement.

Benjamin Mays began his career as an educator in 1934, when he was appointed dean of the Howard University Divinity School. He lectured throughout the United States and abroad, gaining a reputation as a champion of justice and equality. His message and reputation brought him to Morehouse College, where he served as President from 1940 to 1967.

His voice was a relentless message of commitment to achieving dignity for black Americans. In the days before the Civil Rights Acts, before Little Rock, and before Martin Luther King, Dr. Mays stood like a rock against the tide of prejudice.

Few of us can really appreciate how strong his word was without noting that Martin Luther King was one of his most promising students at Morehouse. Dr. King once said that Dr. Mays was "my spiritual mentor and my intellectual father." This, Mr. Speaker, is an indication of the truly profound influence of Benjamin Mays. He was, without question, a great man.

Let us remember his example, and let us bear in mind that America's best citizens have been those who have been able to devote their lives to bettering the conditions of all citizens. These are the people who never lost their faith in their ability to affect change without violence. This, Mr. Speaker, is a legacy to pass on to our children and to our children's children.●

TOLEDO-LUCAS COUNTY LIBRARY SYSTEM PRAISED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Ms. KAPTUR. Mr. Speaker, recently, Toledo, Ohio, was deemed to be the fourth "best read city" in the Nation based on use of public libraries. Taken from figures in the "The Book of American City Rankings," the listing reflected a use per person derived from libraries' annual loan totals divided by the size of the populations served.

We in the Toledo-Lucas County area have always been very proud of our library system. The public has always shown strong support for its library system which this study clearly shows. Public libraries serve an extremely valuable community service. They are vital sources of knowledge and information for all citizens, regardless of background or social standing. The public library is an institution that has endured for decades in America. In some communities, such as mine, the public library has flourished.

I know my colleagues in the House of Representatives join me in congratulating all those associated with the Toledo-Lucas County Library System. They have done a superb job.●

EDUCATION EQUITY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. OWENS. Mr. Speaker, today I would like to speak about educational equity, by which I mean education which truly provides an equal opportunity for all students to master the basic skills which are the key to moving on toward the mastery of more complex skills and subjects.

There are those who take the view that educational success is predetermined by the accident of birth. This rigid doctrine of predetermination would have it that the children of the poor are naturally less competent than the children of the rich, therefore they will achieve less. People who hold this view expect little of the schools and teachers and basically hold the child fully accountable for his or her success or lack thereof. I disagree with this view because I believe that it is possible to educate all children if we would but put our minds to it and utilize the available information on the subject. The only constraint on pushing forward on this front is our unspoken belief that the children of the poor cannot or will not succeed. This view serves those who would perpetuate and extend class differences—those who do not believe in equal access to education for all of our children.

As early as 1971, Weber, an educational researcher, demonstrated that there were four basic characteristics which differentiated successful and nonsuccessful schools which were responsible for the education of poor children. Those four characteristics were: First, strong leadership; second, high expectations of students; third, an orderly, relatively quiet, and pleasant atmosphere and fourth, a strong emphasis on the acquisition of reading skills with careful and frequent evaluation of the acquisition of those skills. All four of these characteristics are totally within the control of the school. All four of these characteristics are not dependent upon the school budget.

Subsequent studies over the years have tended to verify Weber's original findings and add more detail. For example, teachers in effective schools believe that what they do has an impact on student performance but teachers in ineffective schools believe that student performance is based on variables outside the school such as family background.

Why, in the face of research to the contrary, has the belief in the ineducatability of poor children persisted? I submit that this belief persists because it provides an excuse for failure for those schools and their personnel who do not wish to make an effort to succeed and I believe that this belief persists in the larger society because it provides an excuse to accept poor performance for poor children. The ever-widening class differences in this country serve interests which can hardly be expected to relinquish their position of economic superiority. A permanent underclass which can meet the needs of those in an economically superior class is an asset to some. However, the fact remains that this cynical approach toward the noneducation of poor children is unfair, unjust, inequitable, and I would hope, un-American.●

THE RETIREMENT OF MICHAEL G. FLAHERTY

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. SHANNON. Mr. Speaker, when Michael G. Flaherty steps down as chairman of the board, the South Middlesex Chamber of Commerce will lose a man who has helped the area weather a time of great change.

Over the past few years, the South Middlesex area has witnessed an enormous growth in high-technology industries. Mike Flaherty helped to ease this transition. As chairman of the chamber's private industry council, he helped the area's economy grow and flourish. While working at Digital Equipment, he has seen first hand how the influx of high technology has affected not only the area's economy, but its people as well.

Mike Flaherty served on the South Middlesex Chamber of Commerce out of a deep commitment to his community, and that commitment shows in his involvement in a long list of community organizations. He has served on the board of the Framingham Union Hospital. He has worked with the Juvenile Diabetes Foundation, the Heart Association, the YWCA, the Boy Scouts—the list goes on.

Mike's commitment to the South Middlesex community will undoubtedly continue after he steps down as chairman of the board. His dedication to the chamber of commerce—and his accomplishments there—have helped to shape the economy of one of the fastest growing areas in the country. Mike Flaherty's guiding hand will be sorely missed.●

DEMOCRACY IS ALIVE AND WELL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. BEREUTER. Mr. Speaker, for Latin America, the decade of the 1980's will increasingly be highlighted by the struggle between democracy and authoritarianism. The civil war in El Salvador and the tense international situation in Central America often cause our view of Latin America to be quite myopic. The Congress should understand this condition, Mr. Speaker, because an important number of nations in South America are winning the struggle against the military authoritarianism which plagued the region a decade ago.

Over the past 5 to 7 years, huge steps toward democracy have been taken in South America. An editorial in the Omaha World-Herald of March 18, 1984, pointed out that 9 of the 12 South American countries are democratic and, to very differing degrees, the remaining countries are on their way. The United States should always work toward the rapid reestablishment of democracy in all countries in the Western Hemisphere. Yet while we are concentrating our energies in Central America, we should not forget that South America's current progress toward democracy is nothing less than remarkable. I recommend this editorial to my colleagues.

[From the Sunday Omaha World-Herald, Mar. 18, 1984]

DEMOCRACY MOVES AHEAD

While parts of Central America simmer with political unrest, South America has been making impressive progress toward democracy over the last decade.

Indeed, people in the United States who are preoccupied with problems in El Salvador, Honduras and other parts of Central America might be well advised to pay more attention to what's happening in South America.

Currently, nine of the 21 countries on that continent have democratic governments or are scheduling elections.

These countries have 94 percent of South America's 246 million people. Ten years ago, only 30 percent were under some form of democratic rule.

The changed pattern has prompted Secretary of State George Shultz to observe that the decade has seen "an extraordinary trend toward democracy"

This doesn't mean that the nine countries have or are considering democracy or freedom identical to that in the United States. Some of the democratic governments are leftist and some are rightist. The level of freedom varies.

It is the direction of the trend that is encouraging.

Ecuador ousted its military rulers in 1979. Peru followed suit in 1980, Bolivia in 1981 and Argentina just last year. Brazil and Uruguay have scheduled presidential elections later in the year.

Not yet under democratic rule are Chile, Paraguay and Suriname, although there are encouraging changes in those countries.

The Reagan administration has been working quietly with the emerging democracies, extending moral support and economic aid.

Professor Jorge Dominguez, a Harvard University specialist on Latin America, said in a recent study that although this assistance is helpful, "It just isn't helpful enough."

The United States, then, has a major part to play in the future political direction of South America along with Central America.

It would be a mistake to concentrate on Central American problems without also raising the policy horizon to include South America, where democratic hopes are fragile but growing.●

TRIBUTE TO BENJAMIN MAYS

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. DERRICK. Mr. Speaker, I rise to pay tribute to a gentleman who has left South Carolina and the Nation as a whole much richer by his life, Benjamin Elijah Mays.

Dr. Mays, throughout his distinguished career of more than half a century as an educator, civil rights leader, and theologian, has inspired people of all races throughout the world by his persistent commitment to excellence.

Dr. Mays was born in 1895 in Greenwood County, S.C. One of his first memories was one of racial violence, but he looked beyond the frustrations of segregation and persevered toward its elimination. He was instrumental in the ending of segregation of public facilities in Atlanta, Ga., and he promoted nonviolence during a time which was often marred by racial violence.

Dr. Mays had an illustrious career as an educator. He was head of the School of Religion for Howard University before being named president of Morehouse College in Atlanta.

In January 1983, I nominated Dr. Mays for the Presidential Medal of Freedom. His efforts for people of all races were outstanding and I ask you to join with me in the memory of a great servant of mankind, one who made the world a much better place.●

DR. YOSHIRO YASE—DEDICATED SCIENTIST HONORED BY THE PEOPLE OF GUAM

HON. ANTONIO BORGA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. WON PAT. Mr. Speaker, several months ago I brought to your attention the work of Dr. Kwang-Ming Chen, a scientist on Guam, who had studied the causes of amyotrophic lateral sclerosis (ALS) and Parkinsonism Dementia (PD) for many years. Because of a lack of sufficient information the commendation neglected to mention his colleague and co-researcher, Dr. Yoshiro Yase. That is why I am bringing Dr. Yase's brilliant contributions to this vital research to my colleagues' attention today.

The territory of Guam has one of the highest incidence rates of ALS and PD in the world. Considerable research has been performed in an effort to isolate etiological factors, and much of this research was done on Guam by Dr. Yoshiro Yase at the National Institute of Neurological and Communicative Disorders and Stroke Research Center. Dr. Yase's research established a correlation between the presence of aluminum and other trace metals in the environment and the two diseases. It now appears that the etiology of these degenerative diseases of the central nervous system may have been found, and their prevention, or treatment of, is on the horizon. The people of Guam and myself are very appreciative of the doctor's dedicated commitment to this research.

PD and ALS are characterized as chronic neurological conditions marked by muscular rigidity, tremor and impaired motor control. They have been diagnosed among Chamorros on Guam since the early 20th century. Dr. Yase began his research on Guam in 1964 with his colleague, Dr. Kwang-Ming Chen. They began to suspect that the high concentration of aluminum in the water and soil was a primary factor in the disease rate. After considerable study, Dr. Yase ruled out hereditary factors and turned his attention to an interaction between high aluminum and low calcium and magnesium levels in the water supplies.

Almost every family on Guam has suffered from the loss of a relative to

PD or ALS. That is why Dr. Yase's contribution has been so important to the people of my island. These are horrible, insidious diseases and it is very painful to watch loved ones' physical capacities degenerate so rapidly. An estimated 15 to 20 percent of adult Chamorro deaths are attributed to the two diseases.

A short profile of this esteemed Japanese researcher follows. It is certainly a shining example of a life that has been devoted unselfishly to the attainment of knowledge and the health of mankind.

CURRICULUM VITAE

Name: Yoshiro Yase.

Address: 12-1, Nishi Takamatsu, Wakayama City, Japan.

Birth date: July 30, 1927, birthplace: Kyoto, Japan.

Marital status: Married, wife Mariko and three children.

Nationality: Japanese.

Education: 1952 Graduated from Kyoto Prefectural Medical College.

Training and employment: 1954—Teaching assistant, Dept. Neuropsychiatry, Wakayama Medical College; 1960—Lecturer, Dept. of Neuropsychiatry, Wakayama Medical College; 1964—Research Associate, NINDB Research Center, Guam, for one year; 1965—Associate Professor, Wakayama Medical College; 1969—Chairman, Division of Neurological Diseases, Institute of Medical Research Wakayama Medical College; 1971—Professor of Neurology, Wakayama Medical College; 1977—Director, Institute of Medical Research, Wakayama Medical College.

Associations and appointment:

1. Officer, Japanese Neurological Society.
2. Vice Director, ALS Research Group, Ministry of Health and Welfare since 1969.
3. Vice Director, ALS Research Group, Ministry of Education since 1972.
4. Scientific Consultant, ALS Association of America since 1980.
5. Research Grantee 1966-1974, NINCDS, NIH, HEW for comparative studies of ALS in Guam and Kii peninsula, Japan, and established aluminum and other trace metals as etiological factor.●

U.S. HIGH TECH DRAINED AWAY BY THE SOVIETS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1984

● Mr. HUNTER. Mr. Speaker, recently, the nationally syndicated columnist, Jack Anderson, published a column entitled "U.S. High Tech Drained Away by the Soviets." This article details the horror story of the looting of our militarily critical technology by the Soviet Union. In his article, Mr. Anderson described the work done by my distinguished colleague, Mr. ROTH of Wisconsin. When the Export Administration Act was considered by the House, Mr. ROTH took the lead in trying to protect America's technological supremacy from being eroded by the thievery of Communist block nations. As the ranking member of the House Subcommittee on International Economic Policy and Trade, Mr. ROTH has earned the respect of his colleagues for his hard work on the Export Administration Act and his knowledge of the critical issue of the hemorrhage of U.S. technology to the Soviet bloc.

Now that the House and Senate conferees are beginning their important work on this vital issue, it is more timely than ever to review the points made in the Jack Anderson column. For this reason, I am inserting the text of his article into the RECORD.

[From the Washington Post, Mar. 19, 1984]

U.S. HIGH TECH DRAINED AWAY BY THE SOVIETS

(By Jack Anderson)

Like sticky-fingered kids turned loose in a candy store, the Soviets are looting the West of its high technology. They are using the information to develop sophisticated weapons and modernize their industrial plants. Yet members of Congress and the business community seem determined to encourage this high-tech drain.

U.S. officials believe that more than 150 Soviet weapons systems contain technology derived from western sources. One secret Pentagon report lists two dozen methods the Soviets have used to obtain this material. They range from legal purchase to theft.

The report, seen by my associates Michael Binstein and Dale Van Atta, mentions 14 specific areas where U.S. technology has helped the Soviets "to develop new generations of smart weapons, to dramatically improve their airlift capability, to make their nuclear weapons more accurate and to enhance their command and control with better computers and communications."

Glomming onto western high-tech material is a booming industry in the Soviet Union. U.S. officials estimate that the Kremlin has 20,000 people engaged in acquiring and analyzing western-produced systems. Most of the 135 Soviet citizens kicked out of 21 nations last year were trying to obtain high-tech secrets.

The most effective way to stanch the hemorrhage of vital technology to the Soviets would be to strengthen the Export Administration Act, which expired last year. Instead, the House has passed a poorly crafted bill, sponsored by Rep. Don Bonker (D-Wash.), that would seriously weaken U.S. export controls.

A basic flaw in the Bonker legislation is its blithe presumption that COCOM, the Paris-based Coordinating Committee of NATO members, has been doing a good job of controling high-tech exports to the Soviet bloc. It hasn't.

One of Bonker's colleagues, Rep. Toby Roth (R-Wis.), has pointed out this weakness in the legislation, which is now in Senate-House conference. Roth notes that there's not a single report or survey claiming that our European and Japanese allies are effectively policing either their own technology exports or reexports of U.S. goods.

Quite the contrary, in fact, one of the few studies on the subject—by the Atlantic Institute in Paris—cites the existence of "a thriving and lucrative business based on surreptitious sale of strategic and military technology to the Soviet Union and eastern Europe." The report's author was told by a U.S. customs agent in Europe: "Everything I touch turns to gold. Every lead uncovers illegal sales."

The report concludes ominously: "In view of the exceedingly lax enforcement efforts by certain COCOM countries, the cases that are detected and investigated may represent only the 'tip of the iceberg'. . . ."

Roth believes that items classified as "Militarily Critical Technologies" are simply too numerous to be controlled. Instead of presenting a reasonable list of these critical items, the Pentagon labored and brought forth a mountainous, 700-page volume. The result is that the Customs Service and Commerce Department waste valuable time and effort going after low-grade, obsolescent computers when they could be watching for highly sensitive items.

The CIA has a list of the items the Soviets want most—the gourmet products in the high-tech supermarket instead of the bottles of ketchup. Recognizing the need for selectivity Roth and his allies are trying to put through an amendment narrowing the list of controlled exports in return for stricter enforcement. But business interests are trying to kill the amendment, hoping to get rid of many existing controls on grounds that they're ineffective.●

SENATE—*Friday, March 30, 1984*

(Legislative day of Monday, March 26, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WARREN RUDMAN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of truth and justice, we thank Thee for the Senate press and media—for their tireless efforts to get the news. We thank Thee for their willingness, when circumstances demand it, to take great risks in dangerous situations. We pray for Jerry Levin, missing now for more than a month, wherever he is, that Thou will be with him and his loved ones.

Help the press and the media not to be hardened when they suffer the wrath of those who resent it when truth is exposed—or by the hypocrisy, caprice, and weakness of human flesh—remembering that they also are human. Save them from cynicism and help them not to impregnate the public mind with seeds of cynicism.

Gracious God, help them to be aware of the awful power of words to kill—the futility of retracting destructive words even if they are false, once they have been published. Give them empathy for the pain and helplessness of those damaged by false accusation or half-truths.

Grant them wisdom to comprehend the dependence of the people for the information they dispense, and help them never to forget the awesome influence of their profession and its incumbent responsibility. Help us all to appreciate the indispensability of a free press and to accept the risks implicit in this freedom as in all freedom. In the name of Jesus, incarnate truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 30, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WARREN RUDMAN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. RUDMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PRAYER FOR THE PRESS

Mr. BAKER. Mr. President, once again, I am fascinated by the prayer of our distinguished Chaplain this morning.

I must say that I do not think I ever heard a Chaplain here or anyplace else whose prayers I really listened to, but I do listen to his. I have to confess that sometimes I find them almost controversial. Sometimes I am tempted to ask for equal time, but I do not, because I know full well that what the Chaplain is saying is true, and well reasoned, and appropriate. But he invariably proposes something that is worthwhile, and relevant, and sometimes provocative.

As to his prayer this morning about the press, I agree with every word of it. Seriously, I join him in the expression of those thoughts. But those of us in public life think of the press instinctively in adversarial terms, sometimes.

I am reminded of the story about the man in Tennessee who came home for lunch during a trial. His wife said, "How are we doing?"

He replied, "They're telling lies on us—and they're proving part of it."

[Laughter.]

And so it is. The press is often unfair, we think, but often accurate as well; and some place or other, the balance is worthwhile and invaluable.

ALLOCATION OF LEADERS' TIME

Mr. BAKER. Mr. President, I ask unanimous consent that any time I do not use, together with the time assigned to the minority leader under the standing order, may be reserved for our use as we may request during the balance of this day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, at 10:30 this morning the Senate will resume consideration of House Joint Resolution 492. Under the order entered last evening, all amendments are eligible except those dealing with Central America.

Senators who have amendments—and there are a number of them—dealing with matters other than Central America are encouraged to come to the floor and offer those amendments as soon as possible today. I know of some agriculture amendments, some Public Law 480 amendments which are agriculture related, and other amendments that have been made known to the leadership on this side. I urge Senators to come to the floor and offer those amendments as soon as possible.

May I say, in all candor, that it is the hope of the leadership that we can get two or three or maybe four amendments out of the way today, by midafternoon. It is the hope of the leadership on this side that we can finish our business by midafternoon—say, 3 o'clock or thereabout—and recess over until Monday.

Mr. President, I have no further need at this moment for my time under the standing order, and pursuant to the request just granted, I reserve the remainder of my time.

Mr. President, there is a special order this morning in favor of the Senator from Wisconsin, who is not yet on the floor. I ask unanimous consent that it may be in order to suggest the absence of a quorum, without it being charged against his special order time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I offer my time remaining under the standing order to the distinguished minority leader, if he has use for it.

Mr. BYRD. Mr. President, I thank the distinguished majority leader, and I do accept his offer.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

31-059 O-87-43 (Pt. 5)

Mr. BAKER. Mr. President, I assign my remaining time to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, if I do not use all my time and the majority leader's time, I should like to yield back to him the remainder of such time.

DISABILITY INSURANCE REFORM IS ESSENTIAL

Mr. BYRD. Mr. President, on Tuesday, March 27, the House passed—by the remarkable record vote of 410 to 1—far-reaching legislation reforming the social security disability insurance program: H.R. 3755, the Social Security Disability Amendments of 1984. Action on similar legislation by the Senate is long overdue.

If there is an obvious circumstance calling for congressional action, this is it. Disabled persons—millions of them—are being hurt by the administration's policies. The appeals process is clogged. States by the dozens are thumbing their noses at the administration's directives to review and terminate disabled beneficiaries. It is our responsibility to act—and we ought to act immediately.

In 1980, Congress responded to reports that disability payments were being paid to some persons who were not truly disabled, by enacting the Social Security Disability Amendments of 1980. The Social Security Administration, or SSA, was required by this act to begin in 1981 to review the status of each SSDI recipient at least once every 3 years unless the recipient's disability had been classified as permanent.

Apparently, the administration saw a chance to obtain dramatic savings by instituting these reviews immediately when it took office in 1981—but without assuring that the review criteria were carefully determined and without carefully training the disability program workers who would make the reviews. More remarkably in the words of the New York Times, SSA officials "quietly made clear * * * that more claims were to be denied."

The history of the program since then speaks for itself. Since March 1981 when the reviews began, well over 1 million disabled persons' cases have been reviewed. For some time, the rate of termination from these reviews was running at close to 50 percent. For over a year it hovered around 45 percent. When loud objections began to surface over this in 1983, the administration took some limited steps to reduce the severity of these reviews, and the termination rate dropped below 40 percent. Nonetheless, so far benefits have been terminated for approximataely 470,000 persons.

Many of those whose benefits were terminated appealed the termination decision. Administrative law judges within the Health and Human Services Department reversed so many of these termination decisions that it was plain to see that the reliability of the SSA's new review processes was suspect at best, and more likely wholly unacceptable.

To add to the consternation caused to the disabled by this newly fierce review process, the number of appealed terminations further clogged an appellate process already near total collapse. Currently, over 120,000 appeals cases are pending before the administrative law judges—and at some points the number awaiting action on appeals has been much higher. Some individuals must wait from 6 to 12 months even to get a hearing before an administrative law judge, and judges often have concluded at such hearings that termination was unwarranted in the first place. It should come as no surprise that this kind of treatment has caused needless agony and uncertainty to the disabled—most of whom believe they have no prospect of obtaining or successfully holding gainful employment.

For a number of months, Congress intervened to allow benefits to be paid until appeals completed the administrative law judge level of the appellate process. But Congress failed to extend this emergency provision beyond December 7 of last year. But even that temporary tourniquet—no longer available—had its shortcomings, greatly exacerbated by the long delays being experienced in the appellate process. If a person chose to continue receiving benefits during the course of his appeal, but ultimately was found to be ineligible, he was obligated to repay all benefits since the initial decision. Even if such persons were convinced that they truly were disabled and the appellate process should affirm their eligibility, the possibility of a contrary verdict understandably produced fear and tension. This emergency device is by no means a suitable or sufficient solution to the fundamental problems of the SSDI program.

A number of the terminations of benefits ultimately have been appealed to the Federal courts, and many of the decisions in these cases have faulted the administration. Some of those decisions have directed SSA to use evidence of medical improvement as a standard for determining whether a person no longer remains disabled and can be terminated, and some have found that standards used to determine eligibility of the mentally impaired disabled were improper and unfounded. But SSA has refused to abide by these decisions except in the individual case considered by the court—and has instructed its administrative law judges to continue to apply its existing standards and policies rather than court rulings.

Things have gotten so bad that more than half the States—including my own State of West Virginia—either of their own accord or because they have been ordered to do so by the courts, have taken matters into their own hands. These rebelling States have tossed out the SSA eligibility determination and redetermination criteria and substituted their own, or they have imposed a moratorium on all disability program terminations until adequate criteria are developed and implemented. In effect, we no longer have a national disability insurance program.

There have been a number of Members of this body who have taken the lead in examining the scope of the problems with the SSDI program and in devising legislation to address those problems. Principal among these have been the distinguished chairman and ranking minority members of the Governmental Affairs Subcommittee on Oversight, Senators COHEN and LEVIN. Based upon evidence obtained at hearings on their subcommittee, they introduced remedial legislation in 1982 and again in 1983. Their 1983 bill, S. 476 has 33 other Senators as cosponsors, of whom I am proud to be one. Chairman HEINZ of the Senate Aging Committee also has been deeply involved in this field.

On March 15 of this year, these three Senators published an amendment in the RECORD which updates S. 476. Let me review some of the components of the amendment.

It requires SSA to conduct disability reviews reasonably according to procedures insuring fair consideration of beneficiaries' and applicants' conditions.

It requires SSA to show medical improvement in order to terminate a beneficiary, unless SSA can show the individual is performing substantial gainful activity; that there was error or fraud in the previous determination of disability; that the individual benefited from advances in medical or vocational therapy or technology; or that the person, based on new diagnostic technologies, is less disabled than previously thought.

It requires SSA to consider a claimant's pain in determining eligibility if medical findings show pain exists, even if no medical findings confirm the origin or condition causing the pain.

It requires SSA to continue the current emergency practice of paying benefits to beneficiaries declared ineligible in disability reviews, if appealed,

until an administrative law judge rules in the case.

It requires SSA to consider the combination of multiple impairments in determining whether or not an individual has a severe impairment for purposes of determining eligibility.

It establishes a moratorium on the eligibility review of all persons with mental impairments until reasonable eligibility criteria applying to mental impairment are set in place. This provision stems from S. 1144, authored by the distinguished Senator from Pennsylvania (Mr. HEINZ), which I was pleased to cosponsor.

Mr. President, I am pleased to join in support of this amendment. It is carefully drawn and both fiscally and programmatically responsible in the way it makes the changes in this program that so badly need to be made.

Mr. President, in my opinion, Congress should have acted to pass this legislation last year, but that was not to be, despite the best efforts of many in both this and the other body. Now we have an opportunity to act which we must not waste. On Tuesday, March 27, as I pointed out earlier, the House passed companion legislation, H.R. 3755, the Social Security Disability Amendments of 1984—by the overwhelming margin of 410 to 1.

I do not believe there can any longer be any doubt that this is a matter of compelling national concern. It is time for the Senate to act. We owe no less to the disabled in this Nation, who without this legislation, will face the very misery and destitution Congress intended to prevent when it established the SSDI program.

I hope we will not allow that to occur.

Mr. President, whatever remaining time I ask unanimous consent that it be reserved for the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for a period not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Delaware briefly without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BEN MARSHALL RETIRES

Mr. BIDEN. Mr. President, when Ben Marshall leaves the Senate Select Committee on Intelligence office after work this Friday, March 30, it will be for the last time as the committee's security director. Mr. Marshall is retiring after 8 years of service that began with the committee's creation in May 1976.

Before establishing the security system at the select committee, Mr. Marshall spent over 30 years in the armed services starting with the Army in World War II and later the Army Air Corps. He then went on to a fine and long career as a pilot and security officer in the Air Force, both in this country and overseas. A native of the great State of Nebraska, Mr. Marshall spent part of his career with the Strategic Air Command.

I want very much to give public testimony to the excellent job Ben has done in his vitally important work as the first security director of the Select Committee on Intelligence. In this capacity, he had the heavy burden of designing, implementing, and overseeing the security system for the Intelligence Committee. This system, without any exaggeration, protects some of the most sensitive national security secrets of the United States of America. The system governs the physical security of the Intelligence Committee's offices and documents. It regulates the committee's personnel security practices. It manages the access of Senators and staff members to the information in the committee's possession, information that is centrally important to the Senate's deliberation over, not only intelligence matters, but also a wide range of foreign policy and national defense ones. Ben's job was the unenviable one of guaranteeing that not a single syllable from these sensitive, classified documents escaped from proper security channels but that all of it was promptly available to authorized personnel who required it in support of the Senate's important work.

Few people can appreciate the sort of role that Ben had to fill. Certainly, in one sense, there are many concrete and positive measures of the work of the Intelligence Committee's security staff. For example, the committee requires rigorous physical security for its offices, document security equipment, security manuals, and so forth.

But in another sense, perhaps the most important measure of the performance of the committee's security staff is a negative one. It is that things do not happen: That documents—or even pages from documents—do not disappear and that people without proper security clearances do not gain access to committee business.

I think a very revealing tribute to Ben Marshall's performance as security director is the regard in which the intelligence agencies hold the security standards of the Intelligence Committee. These agencies—the CIA, the National Security Agency, the Defense Intelligence Agency, and the FBI—have what might be called a parental concern for their oftentimes extremely risky and expensive intelligence programs. The last thing in the world they want is that any of these intelligence collection programs become compromised.

Yet these agencies have confidence in the physical security practices of the Intelligence Committee to the point that they are willing to impart their most sensitive secrets to the committee's possession. The fact that they are willing to do so is high praise for Ben's work as security director.

Ben has been impartial, fair, and firm in the exercise of his duties for the Intelligence Committee. With a decency and integrity that are rocklike in durability, Ben marshaled a broad collection of committee meetings and hearings. With a manly character that runs deep, Ben was utterly reliable and unfazed in his security stewardship—whether he was dealing with Senators, Cabinet members, or staffers.

As a fellow charter member of the Select Committee on Intelligence community, I can say that Ben will be missed. I wish him the best of luck and happiness in his endeavors after Friday, March 30.

CAN ARMS CONTROL HELP PREVENT NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, if there is one question that almost every one of 100 Senators could easily answer in the affirmative in this dangerous nuclear age, it is this question: "Can Arms Control Help Prevent Nuclear War?" We have an almost instinctive, knee-jerk response. How do we stop nuclear war? The answer: arms control. Everybody is for it. President Reagan is for it, so are the Democratic candidates running to succeed him. We know the next President of the United States will be for arms control. We also know that the overwhelming majority of Members of Congress favor arms control as the answer to the threat of nuclear war. As Jimmy Durante used to say, "Everybody wants to get into the act." It would seem that we are on the verge of an era of arms control agreements that will banish the nightmare of nuclear war. Is this the case? Unfortunately, the answer is an emphatic "No!"

Why no? Well, Mr. President the nuclear arms race rushes on. Arms control—in spite of all the rhetorical support it receives—staggers feebly, falls flat on its face often and goes nowhere. Arms control has a long history in U.S. foreign and military policy. Way back in 1817 we negotiated the Rush-Bagot Treaty with Great Britain demilitarizing the Great Lakes. After World War I, we agreed with the then

great powers of the world to limit naval war vessels in the famous 5-3-1 agreement with the United Kingdom and Japan. But it was not until the nuclear age that arms control treaties really came into their own.

How many treaties has the United States negotiated in the last 25 years? Two? Three? Five? No; since 1959 the United States has signed or ratified 21 arms control treaties—20 of these treaties deal primarily with nuclear weapons. In addition to these 21 ratified or signed arms control treaties in the last couple of years, the arms control business has really done a land office business with five major negotiations involving the superpowers four of which are concerned with nuclear weapons—all pending.

Sound encouraging? Well, it is not. Every one of the four negotiations dealing with nuclear weapons has now been suspended. Let us consider each of these four negotiations. The superpower negotiations on the reduction of strategic nuclear weapons, the so-called START proposals, initiated in 1982 were recessed on December 8, 1983. The Soviet Union has refused to agree to a date for their resumption. The intermediate range nuclear forces negotiations between the United States and the U.S.S.R. were designed to limit intermediate range missiles in Europe. They were initiated in 1981. They were discontinued by Soviet initiative on November 23, 1983, when our missiles arrived in Western Europe. The antisatellite weapons negotiations between the United States and the Soviet Union on limiting the further development and deployment of antisatellite weapons were initiated in 1978, adjourned indefinitely in 1979. The Reagan administration has not sought their resumption. This agreement incidentally is critical for any effective verification of arms control agreements because satellites play the prime part in superpower verification of arms control treaties. And, finally, probably the most critical arms control treaty of all is the comprehensive test ban treaty. Those negotiations between the United States and the Soviet Union were initiated in 1977, adjourned indefinitely in 1980. The Reagan administration has not sought their resumption. In summary, Mr. President, at this moment nuclear weapons arms control is stalled, dead in the water on every front. Meanwhile the nuclear arms race speeds ahead at full throttle.

Of course, it is possible that arms control may resume. But even if it does the prospect for the kind of agreements that will play a major role in forestalling nuclear war is not good. In all history, the record of both parties on arms control has been timid and feeble. The enthusiasm that infuses so much of the American public on this issue and sweeps across party lines somehow has evaporated in our arms control efforts even when the two superpowers pursue the negotiations to an agreement. Common Cause, in its excellent guide to understanding nuclear arms policy, sets forth principal reasons for this heartbreaking failure in what is, to this Senator, the most critical international negotiations in American history. We have agreed to 20 arms control agreements that purported to limit the arms race. Why then is arms control so feeble?

Here are four answers: First, to reach a consensus, negotiators tend to simply institutionalize the arms race. In the SALT II negotiations, several of us in the Senate held up our approval because the treaty provided no meaningful limit on nuclear weapons. It provided limits of 2,400 for total strategic launchers and 1,320 for launchers with multiple warheads. Both ceilings allowed for a continued buildup by both the United States and the Soviet Union. Some arms control!

Second, both sides have gone into these negotiations with so-called bargaining chips that is weapons that are built not necessarily for any sound military purpose but simply as a weapon to trade off with the other side. This was a prime justification for the MX. Of course, once the weapons get underway, the political and bureaucratic support grows for them and we get stuck with a system that may—like the MX—cost tens of billions of dollars and represent a dangerous, hair-trigger advance in the arms race. Then the other side matches our bargaining chip buildup. Our experience with the cruise missile is another example of how bargaining chips, produced to advance our arms control negotiations position, end up simply advancing the arms race itself.

Third, the arms control negotiations take time and I mean years. SALT I took 4 years. SALT II took 7 years. The way present negotiations are going if they ever resume they are likely to take even longer. Meanwhile, both powers race ahead to deploy their newest and most devastating weapons to beat any arms control deadline.

For instance, the United States was reluctant to negotiate a ban on MIRV'd missiles in SALT I because our technology was moving ahead apace. When both sides agreed to SALT I we were all set for deployment. Of course the Soviets matched us. And the negotiations primarily served the purpose of pushing both superpowers into the most hair-trigger, dangerous, and lethal nuclear arms position.

And, finally, in arms control our negotiators tend to play it smart. So do the Russians. We fight to keep our loopholes in the agreement alive. So do they. Both succeed. So the arms control is pitifully inadequate.

Mr. President, this litany of criticism is not meant to indict arms control. Like it or not, however unpromising our record has been, we have no choice but to go down this path. I have spoken on this issue today to warn my colleagues that arms control is not only no panacea. It can and actually has promoted the arms race. Simply winning agreement by both powers to something we can call arms control will not help prevent nuclear war. Arms control can only help prevent nuclear war if it does control—that is limit, nuclear arms. It will take a determination to negotiate actual reductions in nuclear arms on both sides. And above all we must understand that at the heart of the nuclear arms race is the competition in advancing nuclear arms technology by research. We must put the highest priority on a comprehensive ban on nuclear arms testing and do everything within our power to achieve it.

A TORN COUNTRY LOOKS AHEAD

Mr. PROXMIRE. Mr. President, a recent article in the Christian Science Monitor provides us with a current picture of events within a frayed nation. It also reminds us of a genocide unparalleled in modern history, save the Holocaust of the Second World War. The nation is Kampuchea (formally Cambodia), and its people are trying to rebuild a normal life following the terrible human destruction inflicted by the Khmer Rouge and the Pol Pot regime.

One million Kampucheans were executed. A million more died of disease, overwork, or starvation. The Khmer Rouge terror focused mostly on the elderly and educated, though no specific group escaped these atrocities. The horrifying aspect of the devastation is that the children were left to witness the death and torture of their elders. Many are now orphans, alone and homeless, but seemingly ready to face the biggest and most difficult task ahead of them—survival. And the scars of the past will be with them to stay.

After 4 years of Khmer Rouge rule, Vietnamese troops invaded this frightened country in 1979, deposed the Pol Pot regime, and instituted a puppet government. The turmoil has not ended. Resistance forces loyal to Prince Nordom Sihanhouk, and former Prime Minister Son Samm, battle the Vietnamese along with former Khmer Rouge members.

Caught in between are the survivors stained by Khmer Rouge misrule. Many of these war-weary have fled to refugee camps in neighboring Thailand. Those that remained are at-

tempting to rebuild their lives by relying on past traditions.

The Christian Science Monitor, on March 26, gives us a brief glimpse of these brave people and their attempt to carry on these traditions:

> The image of water buffalo and cattle pulling ox carts along country roads, bringing rice from the fields to the threshing grounds, seems timeless. In farming villages, wooden houses on stilts shelter people above and livestock below. Small boats or rafts of bamboo with thatched shelters on them are home to many fishing families. Farming and fishing—rice and fish are the main food in the Khmer diet—are carried on today much as they must have been in the days of the Angkor temples.
>
> Music and dance inherited from ancient times are kept alive in orphanages as well as the Fine Arts Institute in the Capital, Phnom Penh. They coexist with more modern art forms, which are frequently employed in the service of propaganda—commercials for the regime in power, reminders of the suffering of the recent past.

But the Kampucheans are embroiled in the fight to gain self-determination. Their suffering has not ended. Due to the systematic annihilation of 2 million people, the children have been forced to take on the responsibility for the rebirth of a new nation.

These young people need our support, Mr. President. The strain of living through a genocide is upon them, the most heinous crime known to mankind. This is testament to one more reason why the Senate should ratify the Genocide Convention.

The Khmer Rouge have shown us that genocide did not disappear after Hitler. With a world in turmoil, with the way the victors in a battle treat the oppressed, we most likely will witness genocide in the future.

Ratification is a small but a vital step. It is one the Senate alone can take. It does not require action by the President. It does not require action by the House of Representatives. The Senate can act and should. Let us not turn our backs as a torn nation looks ahead.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m. with statements therein limited to 1 minute each.

WOMEN IN ALASKA'S HISTORY

Mr. STEVENS. Mr. President, as the month of March draws to a close, I should like to take a moment to recognize the focus of my State's attention during this past month: "Women in Alaska's History."

For the past 3 years, the State of Alaska has designated the month of March as "Women's History Month." This March was dedicated to highlighting the role women have played in the settlement and development of our great State. Women pioneers—the term "pioneers" encompassing those who lived in Alaska prior to statehood in 1959—are an essential aspect of our historical development as a State. A woman such as Evangeline Atwood epitomizes this Alaskan women: author, historian, and civic leader, she took an active part in the statehood effort, and remains active in the State today. It should come as no surprise that the Alaska State Constitution includes an equal rights amendment, and that the State has endorsed a national ERA time and time again.

Some of the events that have occurred during this Alaska Women's History Month, focussing on the contribution of women in Alaska, included a reception in their honor at the Governor's mansion; two addresses, in Anchorage and Fairbanks, by Maggie Kuhn, founder of the Grey Panthers; a daily editorial in the Juneau Empire on women in Alaska's history, and the inauguration of a traveling show of art and artifacts about women in the State's history.

In addition, the Alaska Women's Commission also timed the release of their publication "Profiles in Change: Names, Notes and Quotes for Alaskan Women," to coincide with the activities of Women's History Month. This moving document captures the spirit and variety of Alaskan women through their own words and photographs. The women highlighted in the publication, their achievements and their perceptions of themselves and the State, were the subjects of the seminars and receptions across the State.

I am proud that this special month is now a tradition in my State. There is no question that the women of Alaska merit this recognition. My congratulations and best wishes to each of you—and thanks. You have helped make Alaska what it is today, and will undoubtedly continue to shape our State's destiny tomorrow.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Since the hour of 10:30 a.m. has arrived, morning business is now concluded. Morning business is closed.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984, PUBLIC LAW 480 PROGRAM

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the unfinished business, House Joint Resolution 492, which the clerk will now report.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate resumed consideration of the House joint resolution.

AMENDMENT NO. 2862

(Purpose: To provide 60 percent of section 502 housing loan funds for low-income borrowers and 40 percent of section 502 housing loan funds for very low-income borrowers)

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we have a few amendments that we would like to call up at this point. We understand that representatives of the minority are on their way to the floor. We will await their arrival before actually proceeding to consideration of the amendments. But in the interest of time, I will go ahead and send the first amendment to the desk. Mr. President, I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Senator HUMPHREY, Senator GARN, Senator DOMENICI, Senator HUDDLESTON, Senator EAGLETON, and Senator STENNIS, proposes an amendment numbered 2862.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 2, add the following:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Notwithstanding section 502(d) of the Housing Act of 1949, from amounts previously made available from the Rural Housing Insurance Fund, in P.L. 98-151, for fiscal year 1984, $1.38 billion shall be made available for low-income borrowers and $920 million shall be made available for very low-income borrowers.

Mr. COCHRAN. Mr. President, this amendment deals with problems that have developed in the housing programs administered by the Farmers Home Administration.

This amendment is designed to alleviate a problem with respect to the allocation of funds, and the pooling of funds under section 502 of the housing program of Farmers Home.

Last fall the Congress passed a provision in the Housing and Urban-Rural Recovery Act of 1983 which requires the Farmers Home Administration to provide 40 percent of the units in the section 502 single-family housing program to persons or families with very low income.

The purpose of the provison is to insure that those families most in need will benefit from the loan program.

The Farmers Home Administration is implementing this law by giving the States a very limited time within which to meet the 40-percent targeting requirement. Some States have not had ample time to reach this goal, and there is concern that these funds will be forfeited into the pool and that those States that cannot meet this goal will lose access to those funds. We discussed this with the Farmers Home Administration officials at a hearing in our subcommittee this week.

We are satisfied that they are going to take steps to try to keep States from actually losing access to those funds. But to be sure that this problem is alleviated, we are offering this amendment to assure that all section 502 housing loan funds for fiscal year 1984 are made promptly available to the States.

We do not think that this amendment will in any way diminish the effect of a provision of the law that was included in the Housing and Urban-Rural Recovery Act of 1983.

Mr. President, in summary we do believe that the targeting can be met if the States are given more time.

We did not intend that Farmers Home Administration refuse to distribute the low income loans until a 40-percent ratio is attained.

We have written Farmers Home and asked them to delay their pooling of section 502 housing loan funds for at least 60 days after March 31. This would allow States more time to process loans for very low-income applicants, which would then make available funds to grant more low-income loans, thereby increasing obligation rates to their normal levels.

We therefore, offer this amendment to insure that all section 502 housing loan funds for fiscal year 1984 are made promptly available.

I ask unanimous consent, Mr. President, to include at this point in the RECORD a copy of a letter signed by the distinguished Senator from Missouri, Mr. EAGLETON, Senators, GARN, HUMPHREY, DOMENICI, and myself to the Administrator of the Farmers Home Administration concerning this matter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 29, 1984.

MR. CHARLES W. SHUMAN,
Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SHUMAN: It has come to our attention that the Farmers Home Administration plans to pool unobligated balances of section 502 housing loan funds on March 31 for reallocation to the states. While we recognize that pooling is a common practice at FmHA, we hasten to point out that circumstances in this fiscal year differ from those in previous years.

The Rural Housing Amendments of 1983 mandated that 40 percent of the units on a national basis financed under section 502 of the Housing Act of 1949 shall be made available for very low-income families or persons. Because Farmers Home is implementing this law in a manner which restricts loan obligations to low-income applicants until a proportionate number of loans are made to very low-income applicants, many states have not been able to obligate funds as rapidly as they normally are able to do.

The purpose of this letter is not to address the manner in which Farmers Home has implemented the 40 percent requirement. The purpose of this letter is to request that you delay the pooling of section 502 housing loan funds for at least 60 days after March 31. This delay would allow states more time to process loans for very low-income applicants, which would then make available funds to grant more low-income loans, thereby increasing obligation rates to their normal levels.

Your immediate attention to this request will be most appreciated.

Sincerely,

THOMAS F. EAGLETON,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, and Related Agencies.

THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies.

GORDON HUMPHREY.
JAKE GARN.
PETE DOMENICI.
WALTER HUDDLESTON.

Mr. DOMENICI. Mr. President, I want to thank the number of Senators who have been working on behalf of our Nation's rural residents. I know in my State of New Mexico this amendment will insure that citizens will be provided low-cost housing during the next few years, while at the same time the amendment guarantees that this housing program is targeted to those who genuinely need this program.

In my State this program, over the years, has been able to meet the needs of low income people. It has provided affordable housing to our citizens and provided countless numbers with a decent place to live.

This amendment will especially be appreciated by several dozen families that are ensnarled in a backlog in Bernalillo County, N. Mex. It will guarantee that as soon as money is available that their applications can be processed and those eligible for this program will receive funding for their loan applications.

I would like to thank the staffs of the Appropriations Committee as well as the Banking and Housing and Urban Affairs Committee for their work on this amendment.

Mr. COCHRAN. Mr. President, I also ask unanimous consent that the following Senators be identified as cosponsors of this amendment: The Senator from New Hampshire, Mr. HUMPHREY; Senator GARN; Senator DOMENICI; Senator HUDDLESTON; Senator STENNIS; and Senator EAGLETON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. COCHRAN. I will be happy to yield to the distinguished Senator, Mr. President.

Mr. STENNIS. Mr. President, I want to commend my colleague, the Senator from Mississippi, for the work he is doing in this highly important field, the field of housing. If we did not have a housing program, I do not know where we might be with reference to our economy. It has been a bellwether once restarted. I am listed, too, as a cosponsor of this amendment. Something has to be done to change the present situation of these funds. It is not an act of withholding any money from the other group, but it was to bring the so-called low-income group within reach of having some relief.

I know personally of many instances in my area of the State where it has been quite beneficial. It has not been abused. It is one of the better things that has helped the whole program.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator very much.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HUDDLESTON. Mr. President, I am pleased to cosponsor this amendment that will enable the Farmers Home Administration to more effectively administer the single family rural housing program.

Without this amendment, it appears that a large portion of the funds provided by Congress for this important program would not be used this fiscal year. This is a result of the stringent targeting requirements under which the single family rural housing program is now being administered.

Currently, 40 percent of all the section 502 money must go to households with incomes below 50 percent of the area median income. This is not realistic under the present rules and regulations. Even with a loan at 1 percent interest, if the family income is below 50 percent of the median area income, it is very difficult to afford the type of home that FmHA is willing to finance. This is especially true for many areas in Kentucky that, because of economic conditions, already have a very low level of median family income.

However, I continue to strongly support the realistic targeting of Federal assistance to those most in need. For that reason, I will soon be making recommendations to the administration on changes in existing regulations that will enable more lower income families to obtain assistance from FmHA.

I urge the Senate to approve the amendment.●

Mr. COCHRAN. I have no other request for time. Mr. President.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment? Without objection, the amendment (No. 2862) is adopted.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

● Mr. HUMPHREY. Mr. President, as Chairman of the Subcommittee on Rural Housing and Development, I want to thank Senator COCHRAN for his help in addressing an urgent problem with the Farmers Home Administration homeownership program. Senator COCHRAN raised the issue with Farmers Home in a hearing of the appropriations Subcommittee on Agriculture on Tuesday, March 17, 1984.

The Housing and Urban-Rural Recovery Act of 1983 requires the Farmers Home Administration to administer the single family homeownership program so that no less than 40 percent of the loans nationwide are made to very low-income families. The purpose of this provision is to insure that those families most in need will benefit from the loan program. This is only a modest increase in the actual program performance last year of 28 percent, and I believe Farmers Home should easily be able to achieve this goal.

Unfortunately, Farmers Home has incorrectly interpreted the congressional intent of this provision by refusing to distribute low-income loans until a 40-percent ratio is maintained. Consequently, this has brought lending to a halt in some States. This clearly was not the intent of the 1983 act. Furthermore, Farmers Home has not responded to appeals to modify this proposal.

In response to requests from my colleagues in Congress, constituents in New Hampshire, home loan applicants and home builders everywhere, we are introducing this amendment as a means to further clarify the legislative intent of Congress with respect to the targeting provision of the 1983 act. The amendment simply instructs the Farmers Home to immediately release the funds already appropriated for low-income families. This will allow the flow of low-income rural housing loans to resume. At the same time, I am hopeful Farmers Home will continue to work diligently toward meeting the targeting requirement for very-low-income families.

Mr. President, I thank you for your consideration of this amendment.●

● Mr. HELMS. Mr. President, I am pleased to join with my distinguished friend and colleague from Mississippi, Senator COCHRAN, as a cosponsor of legislation that will solve a major problem in our Nation's rural housing industry.

Last year, Congress approved a bailout package for the International Monetary Fund that included changes in the Farmers Home Administration loan program. That legislation directed that two out of every five FmHA loans go to families in lower income categories. In addition, it prohibited the remaining funds from being disbursed until the 40-percent quota was achieved.

These changes have brought the rural housing program in my State to a virtual standstill.

Mr. President, I certainly do not object to earmarking a percentage of FmHA loans for very-low-income families. However, I do not believe the rest of the funds should be held hostage until that quota is reached.

Farmers Home Administration officials in North Carolina are having trouble finding enough eligible low income families to meet the quota. I have in hand a letter from Mr. Larry Godwin (State Director of FmHA) that illustrates the problem clearly. I ask that his letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, the legislation I am cosponsoring will not ignore the needs of the poor. It will simply enable the FmHA housing program to once again serve the public as it did so well before last year's changes.

I am very proud of the fine work the Farmers Home Administration has done in North Carolina. In 1983, it provided $167 million for single family and multifamily housing, making North Carolina the leading recipient of FmHA funds. There are currently over 66,000 single family housing borrowers in my State. In many areas the majority of permanent housing being built is financed by FmHA.

Mr. President, I commend the distinguished Senator from Mississippi for his efforts in putting together legislation that will rejuvenate the ailing rural housing industry in our Nation. I am pleased to support the proposal and pledge my best efforts toward its successful passage through the Senate.

The letter referred to follows:

FARMERS HOME ADMINISTRATION,
Raleigh, N.C., March 30, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing in response to your request for information regarding the impact of the "Rural Housing Amendment of 1983" with particular emphasis on the requirement that 40 percent of our loans be made to very low-income households.

We believe the Farmers Home Administration (FmHA) housing program has had considerable impact upon housing conditions in rural North Carolina. At the present time we have over 66,000 single family housing borrowers. At any given time during the past 16 years, we have had from 1,000 to 1,200 builders participating in our program. In many of our rural counties, the majority of permanent housing being built has been financed by FmHA. We believe that we have been a major factor in reducing the amount of substandard housing in rural areas of North Carolina.

In recent years, we have made a concentrated effort to strengthen our program in North Carolina; especially in the area of sound loan making with special emphasis on family budgets and credit counseling. We believe the statistics shown below reflect our efforts in maintaining a viable loan making program while fulfilling our account servicing responsibilities and improving our borrowers' chances for successful homeownership. This has not been an easy task.

North Carolina made 10,100 single family home loans totaling some $289,000,000 and 105 multi-family (rental housing) totaling some $100,300,000 during the past two fiscal years. During fiscal year 1983, North Carolina loaned $167 million in its single and multifamily programs. This was approximately $20 million more than the next highest state.

The "Rural Housing Amendments of 1983" were attached to the International Monetary Fund Bill which was signed into law on November 30, 1983. The amendments required:

(1) "Not less than 40 per centum of the dwelling units financed under this section shall be available only for occupancy by very low-income families or persons."

(2) ". . . very low-income families or persons means those families and persons whose incomes do not exceed the respective levels established for . . . very low-income families by the Secretary of Housing and Urban Development under the United States Housing Act of 1937."

Enclosed is a copy of the very low-income limits for North Carolina.

Prior to the passage of this amendment, we were already encountering difficulty in making loans to low-income families in a number of our counties. The low-income limits were so low that we could not develop a cash flow statement with most of our applicants which would show that they had the ability to meet their living expenses plus repay a loan even at the subsidized rate. We have taken the position that we will not make a loan if there is not a reasonable chance that the borrower will be successful.

Loan making in connection with low-income limits have resulted in a build up of inventory properties in North Carolina. Currently we have 529 properties in inventory. We have been unable to find qualified low-income applicants to purchase these inventory properties. If we cannot successfully make a sound loan in many cases to currently defined low-income households, you can readily see what happens when we try to develop a sound loan to a very low-income applicant.

We have tried to develop cash flow statements with some very low-income applicants whose income is at the top of the very low-income limit and have found that the income shortfall was $500 and more in a number of cases. We do not believe that we would be fulfilling our duties in a responsi-

ble manner if we were to loan the taxpayers' money under these circumstances. About the only cases we have found where a loan can be made to a very low-income household occurs when a very strong co-signer is available. The co-signer in most cases will not only have to make the house payment, but will have to provide income for part of the living expenses of the applicant's household.

Our problem has been made especially acute as a result of the tornadoes that recently struck a number of counties in North Carolina. We have been told there is no relief from the 40 percent rule even in this situation. This means that we can basically do nothing to help people whose houses have been totally destroyed or damaged unless they are already on the program. If the 40 percent rule was eliminated, we believe we could make a significant contribution to help alleviate the suffering that many people are experiencing.

Your assistance in providing us some relief from the 40 percent rule would be greatly appreciated.

Sincerely,

LARRY W. GODWIN,
State Director.●

AMENDMENT NO. 2863

(Purpose: To allow the Federal Crop Insurance Corporation to borrow up to $50 million from the Secretary of the Treasury to entitle the Corporation to pay indemnities resulting from severe drought conditions affecting the 1983 growing season)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself and Mr. EAGLETON, proposes an amendment numbered 2863.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

After line 25 on page 2, insert the following:

FEDERAL CROP INSURANCE CORPORATION

FEDERAL CROP INSURANCE CORPORATION FUND

For fiscal year 1984, the Federal Crop Insurance Corporation may borrow from the Secretary of the Treasury up to $50,000,000 to enable the Corporation to discharge its responsibility under 7 U.S.C. 1508(b)(c), if the Secretary of Agriculture certifies that available funds are insufficient to pay losses.

Mr. COCHRAN. Mr. President, this amendment relates to a problem that was discussed just this week in testimony before our subcommittee by officials of the Federal Crop Insurance Corporation. They indicated that there is a possibility that there may be delays in the payment of claims under the Federal Crop Insurance Act unless authority is given to the Corporation to borrow funds from the Treasury on a temporary basis.

Yesterday afternoon the Manager of the Federal Crop Insurance Corporation, Merritt W. Sprague, testified before the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, on the fiscal year 1985 budget request. During this testimony, Mr. Sprague pointed out the urgency of a supplemental appropriation to replenish the Federal Crop Insurance Corporation Fund to provide adequate resources to pay indemnities resulting from severe drought conditions affecting the 1983 growing season. Prompt action is necessary since indemnity payments due insured farmers represent legal and financial obligations which cannot be controlled by the Corporation.

Our amendment would allow the Federal Crop Insurance Corporation to borrow up to $50 million from the Secretary of the Treasury to discharge its duties if the Secretary of Agriculture certifies that available funds are insufficient to pay losses. The Federal Crop Insurance Corporation would repay Treasury borrowing as sufficient premium reserves become available.

We do have a supplemental request from the administration for the borrowing authority.

Mr. President, I urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

Mr. STENNIS. Mr. President, I endorse the amendment and support it. I do not know of any opposition on this side.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2863) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2864

(Purpose: To add a provision to require the Secretary of Agriculture to make available not less than $5,000,000,000 for loan guarantees, under the Export Credit Guarantee Program carried out by the Commodity Credit Corporation, in the fiscal year ending September 30, 1985, and to provide criteria for the use of increased funding for such program in fiscal years 1984 and 1985)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Mr. HUDDLESTON, Mr. HEFLIN, Mr. EAGLETON, Mr. JEPSEN, and Mr. GRASSLEY, proposes an amendment numbered 2864.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"COMMODITY CREDIT CORPORATION EXPORT CREDIT GUARANTEES

"SEC. . (a) For the fiscal year ending September 30, 1985, the Secretary of Agriculture shall make available under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation credit guarantees for not less than $5,000,000,000 in short-term credit extended to finance export sales of United States agricultural commodities.

"(b) The Secretary shall ensure that any guarantee authority made available, in the fiscal years ending September 30, 1984, and September 30, 1985, for credit guarantees under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation in excess of—

"(1) the level of guarantee authority currently budgeted for the fiscal year ending September 30, 1984, and

"(2) the level of guarantee authority contained in the President's budget for the fiscal year ending September 30, 1985,

is used to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products, including natural fiber textiles and yarns, so as to increase the market prices for commodities for which established prices are provided, minimize the deficiency payments under the programs for such commodities, minimize the expenditure of Government funds for paid diversion programs for such commodities, and minimize outlays of Govenment funds for other price-supported commodities. Priority in the allocation of such guarantee authority shall be given to credit guarantees that facilitate the financing of (i) export sales to countries that have demonstrated the greatest repayment capability under the export credit programs carried out by the Commodity Credit Corporation or (ii) export sales of commodities for which no blended credit (under which a combination of export credit guarantees under the GSM-102 program and direct export credit under the GSM-5 program is provided) will be made available.".

Mr. COCHRAN. Mr. President, this amendment is sponsored by the following Senators: Mr. HUDDLESTON, Mr. HEFLIN, Mr. EAGLETON, Mr. JEPSEN, and Mr. GRASSLEY.

Mr. President, the purpose of this amendment is to provide additional export credits to help finance the sale of U.S. agriculture commodities overseas. The amendment is a part of the commitment that the administration agreed to during negotiations and discussions on the farm bill recently passed by the Senate.

Our export trade competitors continue to expand exports by offering a variety of credit and subsidy programs.

We are not suggesting that we do anything to violate the international

agreements with respect to trade, but this amendment will require the Secretary of Agriculture to make available not less than $5 billion in short-term credit for fiscal year ending September 30, 1985, under the export credit guarantee program, GSM-102, carried out by the Commodity Credit Corporation.

These funds will be used to finance export sales of U.S. agriculture commodities.

Mr. President, I do not need to remind my colleagues that the value of U.S. agricultural exports have declined 21 percent since 1981. Exports in 1981 were $43.8 billion. They declined to $38 billion in 1982 and continued their decline to $34.5 billion in 1983. Current projections indicate exports for 1984 may increase slightly in value but total volume will be less than in 1983.

Export trade competitors continue to expand exports by offering a variety of credit and subsidy programs. For example, Canada is currently offering direct credit with repayment terms of up to 3 years and Taiwan continues to heavily subsidize rice exports into Third World countries.

For a quicker economic recovery and long-term growth and stability for U.S. agriculture, it is essential that the administration make a commitment to actively seek increased export trade. Increased availability of export credit is an important step in securing additional trade. Additional credit guarantees should be utilized for those countries that demonstrate the greatest repayment capability and credit guarantees should be extended to countries for the purpose of market maintenance, development, and expansion.

I believe export credit guarantees should be increased for fiscal year 1985 and therefore Mr. President, I urge my colleagues in the Senate to support this amendment.

Mr. HEFLIN. Bearing in mind that the Congress has recently passed legislation authorizing additional funds for the export credit guarantee program, and also bearing in mind the past allocations between commodities relative to the utilization of export credit guarantees, blended credit, and Public Law 480—is it your understanding that the language in this amendment would qualify Korea for export credit guarantees to purchase cotton?

Mr. COCHRAN. Yes, in fact as an example it is my understanding that the Secretary plans to allocate in fiscal year 1984 $100 milion of the $500 million newly authorized funds to Korea for the purchase of cotton. Korea has an excellent repayment rate and has not been allocated any blended credit of Public Law 480 funds for fiscal year 1984. Some of the other countries that would fit this criteria would include Yugoslavia, Ecuador, Portugal, and Thailand.

Mr. HEFLIN. The Department of Agriculture has been allocating increasingly larger shares of both the blended credit and credit guarantees to help finance sales to countries with liquidity problems. Sometimes it appears that the State and Treasury Departments are turning this fine export promotion program into an aid program. Is it your understanding that the primary purpose of the export credit guarantee program—GSM-102—is to develop, maintain, and expand export markets for U.S. agricultural commodities?

Mr. COCHRAN. Yes, it is my understanding that a large percentage of the current fiscal year 1984 allocations under the GSM-102 credit guarantee program have been made to countries that may run a high risk of default thereby requiring extensive financial outlays by the Treasury. I believe it is important to recognize the valuable role GSM-102 has played in developing long-term markets such as cotton sales to Korea which have increased over 300 percent in the last decade. Those loans, I am told, have been fully repaid with interest and there has never been a default. You may recall that under the GSM-102 program, the budget reflects the total amount of the guarantees as an outlay when, in fact, if the program is utilized as it was intended—to develop and maintain markets for U.S. agricultural commodities—the recipients are paying an insurance fee to the U.S. Treasury and when the program is applied in countries with good potential for repayment, the loans being guaranteed will be fully repaid and there will be no expense for the U.S. Treasury.

Mr. HEFLIN. Given, the primary purpose of this amendment is to develop, maintain, and expand export markets for U.S. agricultural commodities for which established prices are provided—is it your understanding that this language refers to those commodities which have established target prices or loan rates?

Mr. COCHRAN. Yes. Commodities for which established prices are provided are those commodities which have established target prices or loan rates and this language is intended to cover commodities that have established target prices or loan rates.

Mr. HEFLIN. Is it your further understanding that if the credit is allocated under the terms of this amendment that this credit can actually reduce the exposure to the Treasury by reducing carryover stocks which will help reduce deficiency payments?

Mr. COCHRAN. I agree that by following the amendment's language in making credit allocations, the Secretary would reduce the Treasury's exposure with regard to deficiency payments by assuring that commodities do move to market thereby strengthening market prices and reducing deficiency payments.

Mr. HEFLIN. The Department of Agriculture, through an export PIK program, recently arranged the sale of flour in Egypt. Can the Department use the GSM-102 program to export other value-added products such as cotton textile yarns and fabrics?

Mr. COCHRAN. Yes, this amendment specifically designates natural fibers and their products. Certain cotton textile yarns and fabrics are products of natural fibers.

(By request of Mr. BYRD the following statement was ordered to be printed in the RECORD:)

● Mr. HUDDLESTON. Mr. President, I am pleased to join Senator COCHRAN in offering this amendment to increase agricultural export assistance for U.S. farmers.

The amendment will direct the Secretary of Agriculture to make available, under the Commodity Credit Corporation's GSM-102 program in fiscal year 1985, agricultural export credit guarantees for not less than $5 billion in short-term credit to finance export sales of U.S. agricultural commodities. The President's budget for fiscal year 1985 proposes that $3 billion be available for the GSM-102 program. The amendment would increase that program level by $2 billion.

I would note that, for fiscal year 1984, the administration has already made available $4 billion of agricultural export credit guarantees for the GSM-102 program. Section 501 of H.R. 4072, as passed by the Senate on March 22 and approved by the Conference Committee on H.R. 4072 yesterday, expresses the sense of Congress that an additional $500 million be made available, for a total of $4.5 billion in fiscal year 1984. The administration officials who met with Members of the Senate in an effort to reach an agreement on the provisions of H.R. 4072 agreed to make this additional amount available, and I am hopeful that the higher level of credit guarantees will be made available very soon.

These higher program levels have been advocated by many farm groups who argue that adequate export credit guarantees must be available if the United States is to maintain foreign markets.

The amendment also requires the Secretary of Agriculture to insure that any additional export credit guarantee authority made available in excess of currently authorized or planned levels for fiscal years 1984 and 1985 be targeted to assist exports of commodities for which there are Government price-support programs. Further, the amendment provides that priority in the allocation of such agricultural export credit guarantees be given to loans that go to countries that have

demonstrated the greatest repayment capability under the CCC export credit programs, or to export sales of commodities for which no "blended credit" will be available.

The targeting of the credit guarantees is intended to effect an increase in market prices for target-price agricultural commodities and minimize Federal outlays for price-supported commodities. The establishment of country and commodity priorities will insure that the export credit guarantee program is operated efficiently and equitably among all price-supported commodities.

I urge my colleagues to support the amendment.●

Mr. STENNIS. Mr. President, I support this amendment. It is almost a necessity. I do not know of any opposition to it on this side of the aisle.

The ACTING PRESIDENT pro tempore. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2864) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider to vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2865

(Purpose: Appropriates an additional $175,000,000 for titles I and III of the Public Law 480 program and also provides an additional $60,000,000 for emergency food assistance for Africa to be available through September 30, 1985)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself, Mr. EAGLETON, Mr. HUDDLESTON, and Mr. STENNIS, proposes an amendment numbered 2865.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

For an additional amount for "Public Law 480", for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of the Agricultural Trade Development and Assistance Act of 1954, as amended, $175,000,000, of which $175,000,000 is hereby appropriated and made available, in addition to amounts otherwise made available, through September 30, 1985.

On page 2, line 7, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 8, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 9, strike out all after "ble" over to and including "requirements." on line 17 and insert: ", in addition to amounts otherwise made available, through September 30, 1985.".

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on this amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, as part of the target price freeze agreement passed by the Senate last week, the administration committed to the Public Law 480 program an increase of $325 million beyond its original request for fiscal years 1984 and 1985. And $150 million more would be provided in 1984 beyond the $90 million supplemental request for African drought relief, and $175 million more through 1985 beyond the pending regular budget request.

The purpose of this amendment is to implement that commitment and to reconcile the amounts in House Joint Resolution 492 with the total additional funding levels that have been agreed to. This amendment also provides for 2-year availability of the Public Law 480 funds, so that the combined 1984 and 1985 increase can be used as soon as market opportunities present themselves, and to the maximum advantage in terms of removing domestic surpluses and assisting recipient countries.

Within the 2-year add-on of $325 million, $60 million additional would be earmarked for title II humanitarian aid. When combined with the original administration request of $90 million, this would bring total title II funds to $150 million. However, since $90 million of this $150 total has already been added to the separate low-income energy supplemental, we need only provide $60 million in House Joint Resolution 492 for title II purposes. My amendment does this.

You may be aware that the conferees on the low-income energy supplemental met last Thursday afternoon and agreed to provide $90 million for emergency food assistance for Africa instead of $80 million—the amount in the Danforth amendment. The conferees also agreed to make available $90 million for sale or barter from the Commodity Credit Corporation inventory, as proposed by the House in the original resolution; therefore, our amendment strikes that provision from House Joint Resolution 492.

In addition, our amendment includes $175 million for financing the sale of agricultural commodities under titles I and III. This combined total of $265 million plus the $60 million add-on to the administration request for title II brings additional Public Law 480 and export financing funds to $325 million. This is equal to the extra amount agreed to as part of the farm bill compromise.

Since this funding is now provided in two separate supplementals, let me summarize the overall totals:

A total of $180 million in the low-income energy bill; $235 million in House Joint Resolution 492—with the Cochran amendment; and the gross total of $415 million represents a $325 million net increase over the original administration request of $90 million for Public Law 480.

In terms of funding distribution among the two bills combined: $150 million for title II; $175 million for title I and III; and $90 million for CCC inventory disposal.

I have received assurance, from OMB Director David Stockman, that the administration supports this amendment. Amended budget requests are now moving through the formal process at OMB and will be submitted to the Congress promptly.

Mr. President, by providing all of the additional Public Law 480 money now on a 2-year basis, we can assure that USDA will have maximum flexibility to achieve the twin objectives we have set forth:

First, humanitarian relief and economic aid in parts of the world where such efforts are supportive of our national interests and foreign policy; and

Second, promotion of U.S. agricultural exports and domestic surplus removal at a time when U.S. farm economy desperately needs more markets for our production and better prices for our producers.

Mr. President, in further explanation, let me say that this amendment adds funds for the Public Law 480 program, which is the subject of the pending legislation. That fact has probably been forgotten by the membership, but that is what we have on the floor, a Public Law 480 bill. We talked about El Salvador and a lot of other issues, but this is the basic bill before us.

This amendment seems to reflect some changes which the administration supports, by adding funds to the original request for fiscal years 1984 and 1985.

In essence, we are increasing by $325 million the amount that was originally provided in the regular fiscal year 1984 appropriation bill. This not only would go to help alleviate the famine problems in Africa, but would also expand the funding for credit sales to help provide opportunities for developing and expanding markets in countries which are able to make payments only if we give them credit to buy our products.

That is the purpose of the amendment, Mr. President, and I hope the Senate will support it.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. HUDDLESTON. Mr. President, I am pleased to sponsor this amendment, which will provide additional funding for the Public Law 480 Food for Peace program, which provides food to needy countries throughout the world while developing export markets for United States agricultural commodities.

Title I of Public Law 480 provides for sales of U.S. agricultural commodities on credit terms. Title III of Public Law 480 permits some of the payback on such credit sales to be waived if the purchasing nation agrees to use an equal amount of funds for agricultural development activity within that nation. Title II of Public Law 480 authorizes donations of commodities to combat hunger throughout the world.

Under the amendment, an additional $235 million of funding will be provided for the Public Law 480 programs during fiscal years 1984 and 1985.

This additional funding takes into consideration action already taken by the Senate in providing famine relief funds as a part of the energy assistance supplemental appropriation, and follows through on the sense-of-Congress provision of H.R. 4072, adopted by the Senate on March 22 and approved by the conference committee yesterday, urging the administration to request additional Public Law 480 funding.

Congress has approved $90 million additional funding for Public Law 480 for African drought assistance in fiscal year 1984 in the energy assistance appropriations. Also, administration officials have agreed to support a request for further additional funding for the Public Law 480 program amounting to $150 million for fiscal year 1984 and $175 million in fiscal year 1985, for a total of $325 million.

In light of this commitment, the amendment appropriates an additional $175 million to carry out activities authorized under titles I and III of Public Law 480 through September 30, 1985, and sets at $60 million the amount to be appropriated for additional title II activities of Public Law 480 during the same time period, for a total of $235 million.

Finally, I would note that, as part of the energy assistance appropriation, Congress provided $90 million of Commodity Credit Corporation inventory for African drought assistance in addition to the Public Law 480 title II assistance.

I urge the Senate to adopt the amendment.●

Mr. HELMS. Mr. President, I am gratified that House Joint Resolution 492 contains a provision for Public Law 480 based on legislation which I have cosponsored. This provision will allow the administration to take emergency action to combat the current famine in Africa, and do so in a prompt manner through a program which has been proven to benefit both recipient countries and American farmers while promoting our Nation's foreign policy goals.

The current famine in Africa is heart-rending. The drought behind this famine affects not only the Sahel, a region in sub-Saharan western Africa, but also the Horn region and southern Africa. Reportedly, more than 150 million people in at least 24 African countries face starvation. It is estimated that 100,000 people have already died from drought-related causes in the country of Mozambique alone.

Mr. President, the Public Law 480 program provides an excellent mechanism through which America can help combat the widespread food shortages facing Africa. This program comes under the jurisdiction of the Senate Agriculture Committee, and as chairman of this committee, I have seen how this program works to promote our foreign policy, fight communism, and help America's farmers while utilizing our great resources to combat hunger.

Korea provides a prime example of how a little money spent in this program can translate into long term benefits for Americans. From 1954 through 1981, the United States provided a total of $1.971 billion worth of Public Law 480 assistance to the Republic of Korea—$1.65 billion through title I concessional sales, and $0.32 billion through title II donations.

At the time Korea started receiving food assistance, Korea was suffering serious economic disruption from prolonged war. Per capita income was about $100 annually; the agricultural and industrial sectors were very weak. These days, Korea is a success story looked to for guidance by developing countries throughout the world. Annual per capita income now exceeds $1,500, and Korea leads industrialized countries in annual economic growth.

For America's farmers, the food assistance provided to Korea over the last few decades meant less supply on our domestic market, and thus higher prices. But more importantly, the Public Law 480 program has helped Korea develop into a mature commercial market for American agricultural commodities and products. As the American farmer's fifth best customer, Korea now spends nearly $1.5 billion annually for our commercial agricultural exports. Compare this to the $1.9 billion which Korea received in U.S. assistance over 25 years.

The economic strength and good will which our food assistance has helped promote in Korea has also translated into foreign policy gains. Today, Korea stands as freedom's first line of defense against Communist aggression in the Far East. It has developed the military and economic power necessary to protect itself from attack from the North and remains the last bastion of freedom on the Far East Asian continent. Few nations are as dependably loyal to the United States as is Korea.

Most recently, the Senate Agriculture Committee has added to its continuing record of improving food assistance. As part of the new farm legislation passed by the Senate last week as H.R. 4072, language was included seeking additional appropriations for Public Law 480. Specifically, the legislation asks for additional appropriations providing for $150 million beyond the administration request for use in fiscal year 1984 and $175 million for use in fiscal year 1985. Furthermore, another $50 million is asked for to be used as the administration chooses for either Public Law 480 or direct export credit programs.

Also, as part of this legislation, improvements were made in the section 416 program. Under this program, the Secretary of Agriculture has already sent overseas literally hundreds of thousands of tons of surplus dairy products which would otherwise go to waste in Government storage.

As per a provision which I cosponsored with the ranking member of our committee, Senator HUDDLESTON, a pilot program would be operated for 2 years which would provide that ultra-high temperature (UHT) milk would be donated to foreign countries through section 416. UHT milk is a unique, new product which requires no refrigeration or reconstitution. Because of these characteristics, UHT milk holds much promise in combating malnutrition among children in those areas of Africa where no fresh water is available to reconstitute the non-fat dry milk traditionally donated by the United States.

In addition, Senator MELCHER added a provision to the farm bill which would expand section 416 authority to include the donation of wheat, as well as dairy products, to needy persons in foreign countries, and to allow the monetization, through sale or barter, or donated commodities.

Mr. President, I am certain that Senators will agree that there are few Senators who guard the Federal Treasury as closely as I do. However, money spend through the Public Law 480 has proven to be a wise investment in earning friends for America, building markets for our farmers, and helping countries build the strength necessary to defend their freedom from Soviet aggression. The dire need for food assistance in Africa at this time makes it even more compelling that emergency supplemental appropriations be made for the Public Law 480 program, without delay. I am there-

fore pleased to offer my support for the Public Law 480 provisions of House Joint Resolution 492.

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Will the Senator from Mississippi be kind enough to allow me to make a statement on an unrelated matter for about 5 minutes before we vote, or does he have some reason for an immediate vote?

Mr. COCHRAN. Mr. President, I have an airplane that is going to leave whether I am on it or not. I have no problem with the Senator taking time to discuss the amendment or ask any questions about it. What we hope to do is to go to a vote right now.

Mr. BUMPERS. That is fine, Mr. President. I am not catching an airplane, but I do not want the Senator from Mississippi to miss his airplane.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. TOWER), and the Senator from Virginia (Mr. TRIBLE) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK), and the Senator from Arizona (Mr. DECONCINI) are absent on official business.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 2, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—71

Abdnor	Garn	Mitchell
Andrews	Glenn	Murkowski
Baker	Goldwater	Nickles
Baucus	Gorton	Packwood
Bentsen	Grassley	Pell
Biden	Hatch	Percy
Bingaman	Hecht	Pressler
Boren	Heflin	Pryor
Boschwitz	Heinz	Randolph
Bumpers	Helms	Riegle
Byrd	Hollings	Roth
Chafee	Inouye	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Specter
D'Amato	Leahy	Stennis
Danforth	Levin	Stevens
Dixon	Long	Thurmond
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Mattingly	Weicker
Eagleton	McClure	Wilson
East	Melcher	Zorinsky
Evans	Metzenbaum	

NAYS—2

Humphrey	Proxmire

NOT VOTING—27

Armstrong	Hart	Moynihan
Bradley	Hatfield	Nunn
Burdick	Hawkins	Quayle
Cranston	Huddleston	Simpson
DeConcini	Jepsen	Stafford
Denton	Kennedy	Symms
Dodd	Lautenberg	Tower
Exon	Laxalt	Trible
Ford	Matsunaga	Tsongas

So the amendment (No. 2865) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on behalf of the Senator from Mississippi, I ask unanimous consent that the names of Senator JOHNSTON and Senator BOREN be added as cosponsors of his amendment No. 2864; that the names of Senator BOREN and Senator JOHNSTON be added as cosponsors of amendment No. 2865; and that the name of Senator HELMS be added as a cosponsor of amendment No. 2862.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, at this time, the Senator from Montana has an amendment that I believe would add money to the bill, and there should be a vote on it. There will be a very short discussion.

After that, Senator BAUCUS has an amendment which we will accept. Following that, there is an amendment by Senator SPECTER which we will accept. Following that, there will be an amendment by Senator BOREN which we expect to accept. I see one more vote in the immediate process.

AMENDMENT NO. 2866

(Purpose: To make $5,000,000 available only for furnishing commodities under Public Law 480 for the Philippines)

Mr. MELCHER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2866.

Mr. MELCHER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the part of the joint resolution relating to Public Law 480 add the following new section:

"EMERGENCY FOOD ASSISTANCE FOR THE PHILIPPINES

For an additional amount for " Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $5,000,000, of which $5,000,000 is hereby appropriated and made available through September 30, 1984, and such amount shall be available only for the Philippines."

Mr. MELCHER. Mr. President, I am offering today an amendment to the emergency supplemental appropriations bill providing for $5 million in emergency food aid under title II of Public Law 480 for poor and unemployed families in the Philippines.

Since September, a sudden and intense economic crisis in the Philippines has resulted in factory shutdowns in the basic light industry sectors of the Philippine economy causing mass layoffs in Manila and other urban areas; 300,000 persons have lost their jobs in the Philippines from October 1, 1983, until now.

The most immediate and basic need of these unemployed families is for food. They can make sacrifices in housing, clothing, and other personal needs, but without emergency food aid, there is serious hunger and malnutrition for 100,000 of these families.

Cardinal Jaime Sin, the Manila Rotarians, the Catholic Relief Services and CARE in the Philippines, have agreed to see that the food is distributed to those in need and have estimated that 30,000 metric tons of rice would meet immediate food needs with a cost of $10 million. This amount of aid would provide sufficient food to meet the needs of 100,000 families for a period of 6 months. The average size of the families targeted are those with less than $10 per month per person of income.

I relayed the request for this emergency food aid to the U.S. Agency for

International Development last January, and, at the time, I had hoped that this modest request would have been fulfilled in a few weeks. However, this did not happen, and to date only $5 million of the needed $10 million in emergency food aid has been provided to start this emergency program. AID supports my request for the additional funds.

The need for the additional food is growing in urgency. My amendment provides for the remaining $5 million for emergency food aid under Public Law 480 that is needed right now, and I urge you to support it.

Mr. INOUYE. Mr. President, I commend my colleague from Montana for his leadership and initiative in this matter. I think the expenditure is well worthwhile.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment on principle, but since it is adding money to the bill and I think we should establish a principle about adding money to the bill, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Indiana (Mr. QUAYLE), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. TOWER), and the Senator from California (Mr. WILSON) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that if present and voting, the Senator from Alabama (Mr. DENTON) would vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. NUNN), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK) and the Senator from Arizona (Mr. DECONCINI) are absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 19, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—57

Abdnor	Hatch	Murkowski
Andrews	Heflin	Packwood
Baker	Heinz	Pell
Baucus	Helms	Percy
Bentsen	Hollings	Pressler
Biden	Inouye	Pryor
Boschwitz	Johnston	Randolph
Bumpers	Kasten	Riegle
Byrd	Laxalt	Rudman
Chiles	Leahy	Sarbanes
Cohen	Levin	Sasser
D'Amato	Long	Simpson
Danforth	Mathias	Specter
Dixon	Matsunaga	Stennis
Eagleton	McClure	Stevens
East	Melcher	Trible
Exon	Metzenbaum	Wallop
Garn	Mitchell	Weicker
Glenn	Moynihan	Zorinsky

NAYS—19

Bingaman	Gorton	Nickles
Boren	Grassley	Proxmire
Chafee	Hecht	Roth
Dole	Humphrey	Thurmond
Domenici	Kassebaum	Warner
Evans	Lugar	
Goldwater	Mattingly	

NOT VOTING—24

Armstrong	Durenberger	Lautenberg
Bradley	Ford	Nunn
Burdick	Hart	Quayle
Cochran	Hatfield	Stafford
Cranston	Hawkins	Symms
DeConcini	Huddleston	Tower
Denton	Jepsen	Tsongas
Dodd	Kennedy	Wilson

So Mr. MELCHER's amendment (No. 2866) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2867

(Purpose: To direct funds for the reclamation of the Colorado Tailings site near Butte, Montana)

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I send to the desk my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 2867.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the fiscal year 1984 Department of Interior and Related Agencies Appropriation bill, $1,000,000 shall be made available to the State of Montana for reclamation grants pursuant to Section 402(g)(2) of Public law 95-87 for reclamation of the Colorado Tailings site in Montana.

Mr. BAUCUS. Mr. President, this amendment would require the Office of Surface Mining to release $1 million of Montana's State share funds to the Governor of Montana to reclaim the Colorado Tailings site near Butte, Mont.

I have discussed this amendment with the distinguished committee chairman, Mr. MCCLURE, and the ranking member, Mr. BYRD, and I understand they are agreeable to accepting the amendment.

The PRESIDING OFFICER. Would the Senator withhold?

The Senate will be in order so that the discourse of the various Senators can be heard.

The acting majority leader is recognized.

Mr. STEVENS. Mr. President, the Senator from Montana is correct. We do support the amendment.

Mr. BAUCUS. This amendment is virtually the same as one the Senate accepted last year at my request on the fiscal 1984 appropriation bill for the Department of the Interior and related agencies. I regret that I have to ask the Senate to act again on this matter.

After the Senate approved my amendment last year, report language was substituted in conference because the House conferees had no objection and the Department indicated that report language would suffice. However, after the final bill was signed into law, I was informed that the Office of Surface Mining was still refusing to release the funds because Department solicitors perceived statutory impediments.

This amendment does not address any of the broad issues involving the abandoned mine reclamation program that have been raised in Montana and in other States. Many reclamation projects are being held up because of disagreements between States and the Office of Surface Mining about the proper interpretation of the Federal Surface Mining Act and particularly the eligibility of 409(c), or noncoal, projects. There appears to be a natural reluctance on the part of the Office of Surface Mining to grant funds for these projects. The State of Montana testified last year before congressional committees on these issues.

Mr. President, I hope the Congress will act soon to resolve these difficulties and disagreements so we can move

more quickly to clean up dangerous toxic sites like the Colorado Tailings. In the meantime, I hope the Senate will again agree to my amendment to take care of this dangerous site in my State. It is clearly in the public interest.

The State of Montana has ranked a 24-mile stretch of Silver Bow Creek as the No. 1 hazardous waste site in the State. This site is No. 24 on the Environmental Protection Agency's National Superfund Inventory List. The Colorado Tailings have been identified as the largest pollution source in the entire Clark Fork drainage system, which has suffered considerable damage from mining activities in the past.

Montana's Department of State Lands estimates that reclamation of the Colorado Tailings site, which this amendment addresses, would reduce the heavy metal and acid pollution in the creek by 66 percent.

This site, and Silver Bow Creek, have been intensively studied since 1977. The State has developed a reclamation plan to isolate the mine wastes from the creek channel and floodplain, thereby substantially reducing ground and surface water pollution.

Mr. President, this amendment does not increase the appropriation made by Congress for State reclamation programs; nor does it authorize the expenditure of discretionary funds included in the bill for noncoal projects. All this amendment does is to require the Office of Surface Mining to release $1 million from Montana's State reclamation program for the Colorado Tailings project.

Mr. President, I am asking the Senate to approve this amendment on this urgent supplemental appropriations bill so cleanup can proceed during this year's construction season.

Mr. President, my amendment will permit the State of Montana to clean up Montana's worst heavy metal and acid polluting mine waste site: The Colorado Tailings, on Silver Bow Creek near Butte, Mont. This is an abandoned mine waste site that poses a substantial hazard to the health and safety of the residents and water users of Silver Bow Creek.

The PRESIDING OFFICER. Is there objection to the amendment? Without objection, the amendment (No. 2867) is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later, the following occurred:)

Mr. STEVENS. Mr. President, I ask unanimous consent that the Baucus amendment No. 2867 agreed to earlier today be corrected to read in the manner which I send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as corrected, reads as follows:

At the appropriate place in the bill, insert the following:

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1984 (Public Law 98-146), $1,000,000 shall be made available to the State of Montana for reclamation grants pursuant to Section 402(g)(2) of Public Law 95-87 for reclamation of the Colorado Tailings site in Montana.

THE BANKRUPTCY BILL

Mr. BAKER. Mr. President, might I be recognized for a moment?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I do not intend to interrupt the Senator from Pennsylvania except to say this: It is my hope that in a moment we will be able to clear a very short time agreement to go to a 30-day extension of the bankruptcy bill.

The minority leader staff I believe has attempted to complete the clearance on that. I would like the Senator from Pennsylvania to yield to me so that I can try to move to that matter.

Mr. SPECTER. I am pleased to yield to the majority leader.

Mr. BAKER. Mr. President, I yield first to the distinguished Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is my understanding that if the 30-day extension comes to the floor, that the unanimous-consent agreement will be in such a manner that no amendments will be possible by any Member of the Senate.

Mr. BAKER. Mr. President, I will include that in the request. I have not yet completed the clearance with the minority leader but I will include that in the request.

Mr. METZENBAUM. If the House provides, Mr. President, amendments, will all of our rights be fully protected?

Mr. BAKER. Yes. Mr. President, I assure the Senator that if the bill comes back to us with House amendments, I will confer with the minority leader and the Senator from Ohio before I proceed further. I will not now put the request since the clearance is not complete, but I thank the Senator from Pennsylvania for yielding to me, if necessary.

AMENDMENT NO. 2868

(Purpose: To appropriate additional funds for title VII of the Higher Education Act of 1965, relating to construction and renovation of academic facilities)

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I send to the desk my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself, Mr. HEINZ, and Mr. STAFFORD,

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, after line 25, insert the following:

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, relating to construction and renovation of academic facilities, $3,400,000 which shall remain available until expended: *Provided*, That is spending amounts appropriated under this heading the Secretary shall waive the provisions of sections 721(a)(2), 721(b), 721(c), 713(g), and 742(2)(B) of such part.

Mr. SPECTER. Mr. President, I offer this amendment for my distinguished colleagues, Senator HEINZ, Senator STAFFORD, and myself, at the request of the administration. This amendment is for an additional $3.4 million for part B of title VII of the Higher Education Act of 1965.

The purpose of the amendment is to rectify a funding problem which has occurred in relation to the Urban Education Foundation of Philadelphia (Pa.).

Last fall, the Provident Mutual Life Insurance Co. offered the Urban Education Foundation as a gift its properties worth approximately $40 million on the precondition that the administration provide $5 million for the renovation and operation of the building.

On October 26, 1983, Senator HEINZ and I offered an amendment for $5 million. The amendment was accepted. On November 7, 1983, President Reagan announced the $5 million grant to accomplish this very substantial and important gift. Later, on November 15, 1983, at the Senate-House conference for fiscal year 1984 supplemental budget, I received a letter from Mr. David Stockman, Director of the Office of Management and Budget, informing me that an approach had been worked out which would not require the amendment.

Mr. President, I ask unanimous consent that Mr. Stockman's letter may appear in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 15, 1983.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR ARLEN: Please forgive me for not responding earlier to your letter of October 24 concerning the Philadelphia project involving Provident Mutual and the two historically black colleges. As I'm sure you know by now, an approach has been worked out using currently available Education and HUD funds that will allow the project to go forward. No supplemental appropriation of additional 1984 funds will be necessary.

I'm sure you're as pleased as I that we've been able to work this out to everyone's satisfaction without needing additional funds. Thank you for your assistance and concern.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. SPECTER. Mr. President, recently, during hearings before the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Appropriations Committee it came to my attention that there was a problem with the $3.4 million which the Department of Education was to have provided. Following discussions with Director Stockman and Secretary Bell, it was decided that the best approach would be to add this amendment at this time to provide for an additional $3.4 million.

I visited the building at 46th Street in Philadelphia. I can advise my colleagues that this is a very big building, and a great opportunity for Lincoln and Cheyney universities. The $5 million is certainly a great leveraging factor. It is necessary to have this additional $3.4 million provided at this time.

Mr. President, I ask unanimous consent that the letter received March 21, 1984, stating the support of the administration for a 1984 Education Department supplemental of $3.4 million, be inserted in the RECORD in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR ARLEN: Thank you for bringing the problem of the timeliness of awards to Lincoln University and Cheyney State College to my attention. As you know, the Administration is firmly committed to providing $5 million in order to bring the Lincoln-Cheyney project to fruition.

We understand that Lincoln and Cheyney will soon submit a proposal to the Economic Development Administration (EDA) for $1.6 million and that EDA will expedite its evaluation of this proposal. In light of existing commitments against 1984 Education Department monies and the administrative difficulties associated with providing the remaining funds on a timely basis, we would support a 1984 Education Department supplemental of $3.4 million as an amendment to H.J. Res. 492. This amount would represent the difference between our $5 million commitment and the EDA award.

Thank you for your continuing interest in this matter.

Sincerely,

DAVID A. STOCKMAN,
Director.

(By request of Mr. SPECTER the following statement was ordered to be printed in the RECORD.)

● Mr. STAFFORD. Mr. President, I support the amendment offered by Senator SPECTER.

Mr. President, the amendment Senator SPECTER and I offer today is needed to insure completion of a project which is already underway in Philadelphia. In December of last year, upon the assurances of a $5 million Federal match offerd by the President, Lincoln University and Cheyney State College entered into an agreement with the Provident Mutual Life Insurance Co. to set up an Urban Education Foundation.

Provident Mutual's participation in this project involved the very generous donation of its former corporate headquarters, valued at between $35 to $40 million. The Federal matching funds were to be used for reconstruction, renovation, and startup costs for the education programs to be offered by the foundation.

Mr. President, this is a fine example of a joint cooperative venture among the private sector, the academic community, and the Federal Government, and should be strongly supported by the President. The Specter-Stafford amendment would add $3.4 million to the supplemental appropriations bill to complete the project, with an additional $1.6 to be provided through an EDA grant. This is a limited, modest Federal investment which should be made in a program to serve as a national model.

Other business representatives will be looking toward the success of this project to determine whether they should get involved in this type of activity. For many, a successful outcome might encourage cooperation in a way that will improve the quality of education at the universities and certainly in the surrounding schools which stand to benefit from the programs operated by the foundation.

Indeed, as chairman of the Senate Education, Arts and Humanities Subcommittee, I have heard repeatedly over the last year that it will be the cooperative efforts of business, universities, and schools which will bring about an improvement in the quality of education. I urge adoption of the Specter-Stafford amendment, and I want to particularly commend the work of the Secretary of Education who has made this project a reality.●

● Mr. HEINZ. Mr. President, passage of the amendment introduced by my distinguished colleague, Senator SPECTER, will give the Senate the opportunity to do something truly historic.

It would enable Lincoln and Cheyney Universities of Pennsylvania, two prominent historically black colleges to receive the largest private sector grant to black higher education in American history.

Mr. President, we simply cannot afford to pass up this opportunity to promote partnership between the private sector and black higher education.

This amendment seeks $3.6 million in grants for the construction of academic facilities. The Provident Mutual Insurance Co. has made a gift of properties worth approximately $40 million to Lincoln and Cheyney universities. These two universities will then use the construction grants and the donated property to establish an inner city college.

This campus would serve one of the most economically distressed communities in the city. It would provide a beacon of hope for the poor and minority residents of west Philadelphia, the entire metropolitan area, and indeed the entire Nation.

We all know that as a nation we must redouble our efforts to educate and train this country's black and Hispanic youth, particularly those in our inner cities where teenage unemployment is the worst.

Lincoln and Cheyney have as their principal goal the education of the city's minority youth.

Mr. President, this is truly a unique opportunity for us to demonstrate our commitment to black higher education, to private sector support of public services and to the education, training, and employment of the Nation's black and Hispanic young people.●

Mr. SPECTER. Mr. President, I want to thank the distinguished Senator from Connecticut (Mr. WEICKER) the chairman of the Subcommittee on Labor, Health and Human Services, and Education for his cooperation on this matter. I know that he will wish to speak for himself.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I move adoption of the amendment.

Mr. SPECTER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment?

Mr. STENNIS. Mr. President, as far as I know, there is no opposition on this side of the aisle.

The PRESIDING OFFICER. Hearing no objection, the adoption of the amendment (No. 2868) is agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2869

(Purpose: To extend the work incentive program)

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BOREN), for himself and Mr. MOYNIHAN, proposes an amendment numbered 2869.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the joint resolution add the following new section:

Sec. . (a) Section 445(b) of the Social Security Act is amended by striking out "Not later than June 30, 1984, the Governor" and inserting in lieu thereof "The Governor".

(b) Section 445(d) of such Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "After initial approval of a State work incentive demonstration program, the State may elect to use up to six months for planning purposes.".

(c) Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu thereof the following new sentence:

"The second evaluation shall be conducted three years from the date of the secretary's approval of the demonstration program.".

(d) Section 445(f) of such Act is amended by adding the following new subsection:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the states, a thorough study of the allocation formula described in subsection (1) of this section and report back to Congress no later than April 1, 1985 on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account state performance and to provide for the equitable distribution of funds.".

(e) The provisions of this section shall become effective on the date of the enactment of this joint resolution.

Mr. BAKER. Mr. President, will the Senator yield for a moment?

Mr. BOREN. I am happy to yield.

Mr. BAKER. Mr. President, I hope, if we can get final clearance on the bankruptcy extension bill, the Senator from Oklahoma will yield to me so that we can get out of the way and get it to the House of Representatives.

Mr. BOREN. I will be happy to yield.

Mr. BAKER. I thank the Senator.

Mr. BOREN. Mr. President, the amendment at the desk is on behalf of myself and Senator MOYNIHAN.

In 1981 the Finance Committee unanimously approved the Work Incentive Demonstration Act and attached it to that year's reconciliation bill. The work incentive (WIN) demonstration project allows participating States to consolidate administration of the WIN program in the State welfare agency. In contrast, the regular WIN program divides administrative responsibility between the State welfare agency and the State employment security commission. The purpose of both the WIN program and the WIN demonstration program is to place welfare recipients in unsubsidized private-sector jobs.

Some 18 States have participated in the WIN demonstration program, taking advantage of the administrative efficiency which it provides. The results have often been outstanding, as is illustrated by the example of Oklahoma. During the 12-month period which ended July 1, 1983, precisely 4,560 AFDC clients had been placed in longer term, unsubsidized private-sector employment as part of the WIN demonstration project in that State. This is more than double the number so placed when the regular WIN program was still in effect in Oklahoma (and elsewhere) in fiscal year 1981.

Authority for additional States to participate in the program expires on June 30, 1984. Those States already participating in the WIN demonstration program are confined by a 3-year limit upon the duration of the program. In many States this 3-year period will end in 1985.

The amendment would do the following:

Repeal the June 30, 1984, deadline for additional States to apply to participate in the demonstration program; repeal the 3-year limit upon the duration of the program; authorize a study of the funding formula.

Extension of the WIN demonstration program involves no cost. The Federal allocation to States continues at the same level regardless of whether that State has chosen to participate in the WIN demo or to remain in the regular WIN program.

I am convinced that extending the WIN demo will result in net Federal savings. Many participating States (such as Oklahoma) have found that the WIN demo project enables them to remove a far greater number of AFDC recipients from the welfare rolls and place them in private employment than were placed when the regular WIN program was in effect in those States. The resulting savings in AFDC payments could prove to be quite significant.

The following States are now participating:

WIN DEMONSTRATION PROJECT STATES

Arizona, Arkansas, Delaware, Florida Illinois, Iowa, Minnesota, Michigan, Nebraska, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, and Wisconsin.

Mr. President, I have discussed this amendment with the chairman of the subcommittee, the Senator from Connecticut (Mr. WEICKER) and I understand it is agreeable to him.

Mr. WEICKER. Mr. President, we have no objection to the amendment.

Mr. BOREN. Mr. President, I know of no objection to the amendment. I move its adoption.

Mr. STENNIS. Mr. President, I know of no objection on this side of the aisle of the amendment. I am for it.

The PRESIDING OFFICER. If there is no further discussion, the question is on agreeing to the amendment.

The amendment (No. 2869) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, if other Members have amendments, I would urge them to offer them. If they do not, I am about to suggest the absence of a quorum while I try to finish the clearance process on the bankruptcy bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I hope the Senator from Arkansas is not about to offer an amendment, but, if he is, I have a request to make.

I am only a little short of desperate to get out the 30-day extension of the bankruptcy bill. We have yet to complete our clearance. I expect to do so momentarily.

Could I ask the Senator, if he does intend to offer an amendment, would he be willing to yield to me so I could do this as quickly as possible?

Mr. BUMPERS. I would be happy to yield.

Mr. President, I was just going to discuss an amendment to be offered on Monday or Tuesday and spend about 3 or 4 minutes discussing it.

If the majority leader has clearance now, I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT—S. 2057

Mr. BAKER. Mr. President, I am now advised the minority leader has cleared on his side a request that I will now put.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business and turn to the consideration of a bill to extend the Bankruptcy Act, which I send to the desk.

I further ask unanimous consent that the time for the debate on this measure be limited to 20 minutes, equally divided.

I further ask unanimous consent that no amendment be in order to this bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

TO CONTINUE THE TRANSITION PROVISIONS OF THE BANKRUPTCY ACT UNTIL MAY 1, 1984

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2507) to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

The PRESIDING OFFICER. The bill will be considered to have been read the second time at length, and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, absent other provisions, I assume the majority and minority leaders will have control of the time.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, this legislation would briefly extend the transition period established by the Bankruptcy Reform Act of 1978 for 1 month. Instead of terminating on March 31 of this year, the provisions of the transition period—see title IV of Public Law 95-598—would terminate on April 30, 1984. This legislation also provides that the revised emergency rule, or interim rule, promulgated by the Judicial Conference and adopted by the district courts as a local rule, shall remain in effect during this extension of the transition period. The interim rule became effective on December 25, 1982, when the stay of the Supreme Court's decision in Northern Pipeline Construction Co. against Marathon Pipe Line Co. expired.

Mr. President, I regret that it has become necessary to introduce such legislation. It would be far preferable to enact permanent legislation addressing the jurisdictional issues raised in the Marathon case. The Senate has in fact approved its version of a permanent solution by passing S. 1013, the Bankruptcy Court and Federal Judgeship Act of 1983, on April 27 of last year. That bill, approved by voice vote, is similar in its operation and structure to the interim rule.

One day remains before the termination of both the transition period and the interim rule. At that time, absent congressional action, serious questions will arise regarding which Federal courts, if any, have jurisdiction over bankruptcy cases and proceedings and whether the existing bankruptcy judges may remain on the bench. Even if district courts are found to have jurisdiction over bankruptcy matters, serious manpower problems will result if the current bankruptcy judges are unable or unwilling to continue to serve in their present capacity, leaving district court judges and U.S. magistrates to absorb the pending bankruptcy caseload.

It is becoming clear that this is insufficient time to resolve some very important issues involved in the bankruptcy area. While I feel that these issues can be satisfactorily resolved, achieving such a resolution is requiring time and effort. It is important that Congress carefully consider any legislation before it and that a hasty and ill-advised solution not be agreed to simply to meet statutory deadlines.

While we work out these issues during the next month, I believe that it is incumbent upon Congress to at least pass legislation extending the current transition period. A viable bankruptcy system is simply too important to debtors, creditors, and the economy as a whole to let the system slip into chaos while Congress struggles to resolve very significant and controversial issues.

Mr. BAKER. Mr. President, there are no further statements to be made on this side.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise in support of this legislation, introduced by the distinguished majority leader, to extend the authorization of all existing bankruptcy judges through April 30, 1984. This will allow the bankruptcy courts to continue their current system of operation. Within the past few months, I have addressed the critical situation facing our U.S. bankruptcy judges. We are now on the verge of an actual crisis—we are at a point where the Congress must fish or cut bait.

Over the past several years, there has been an ongoing dialog in the Congress as to the proper role of our Federal bankruptcy courts and the establishment of adequate jurisdiction for the bankruptcy judges of the United States. The main focus of this legislation is in response to the U.S. Supreme Court decision of Northern Pipeline Construction Co. against Marathon Pipeline Co., in which the Court ruled unconstitutional the bankruptcy court system created under the Bankruptcy Reform Act of 1978.

The Supreme Court in the plurality opinion held that it was unconstitutional for the Congress to assign powers to decide certain bankruptcy proceedings involving State law questions to Federal bankruptcy judges who did not have life tenure and guarantee against reduction in salary contained in article III of the U.S. Constitution.

The Court stayed its decision until October 4, 1982, and later extended the stay to December 24, 1982, to give Congress an opportunity to respond. Congress failed to act by this date. The Court issued its judgement. The bankruptcy courts have since operated under an interim rule proposed by the Judicial Conference of the United States and adopted by the judicial council of each of the Federal circuits.

In light of the Marathon decision and with the conclusion of the transition period of the 1978 legislation on the 31st of March, 1984, it is imperative that the Congress redefine the jurisdiction of the bankruptcy court consistent with the Constitution. In response to this situation, the U.S. Senate on April 27, 1983, passed Senate bill 1013, which restructured the jurisdiction of the bankruptcy court as an adjunct of the U.S. district court and passed other meaningful improvements in the bankruptcy substantive law and authorization for additional judicial positions for our Federal judiciary. The House of Representatives acted on H.R. 5174 on March 21, 1984, which after long and extensive deliberation adopted a restructured bankruptcy court, similar to S. 1013, as an adjunct of the district court.

The concepts of the Kindness-Kastenmeier court structure embodied in H.R. 5174 and the structure established in Senate bill 1013 are very similar in nature, with differences in the appointment power of the bankruptcy judges.

Unfortunately, in the limited amount of time we have, and due to the parliamentary position we find ourselves in, it appears that we are unable to come to an agreement as to the total structure of the bankruptcy court and other relative aspects of a bankruptcy reform package, before the close of business this week.

As of March 31, 1984, there will be no authorization for the appointment, jurisdiction, compensation or tenure of the more than 200 bankruptcy judges which are serving in the 94 judicial districts throughout this country. We will still have a bankruptcy law, a bankruptcy court system and half a million pending cases, but there will be no bankruptcy judges authorized to fulfill the constitutional mandate in article 1, section 8, clause 4 of the Constitution, which provides for "* * * uniform laws on the subject of bankruptcy throughout the United States."

I firmly believe a permanent legislative remedy can be achieved by the 30th of April, but my immediate concern is to provide for the continued operation of the bankruptcy courts of the United States. The Baker bill will temporarily extend the existing statute and would provide for the continued authorization of current bankruptcy judges until permanent legislation can be enacted. I urge my colleagues to support this legislation so that we might avoid the approaching chaos facing our Federal judiciary. I appreciate the leadership of the majority leader and the chairman of the Senate Judiciary Committee in acting responsibly as to the continued efficient operation of our Federal bankruptcy system.

Thank you, Mr. President.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in support of what is the best of a bad situation. We should be doing more than this, and we hopefully will be able to do that within the 30-day period. We have to address more than the extension but, quite frankly, we have just run out of time on this matter.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, could I inquire if there is any requirement for a rollcall vote? I know of none on this side, Mr. President.

Mr. BYRD. I know of none on this side.

Mr. BAKER. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say to the minority leader that I have a request for a rollcall vote on this side. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time has not expired.

Mr. BAKER. Mr. President, I yield back my remaining time.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Indiana (Mr. QUAYLE), the Senator from Idaho (Mr. SYMMS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Vermont (Mr. STAFFORD) is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. NUNN), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from North Dakota (Mr. BURDICK) and the Senator from Arizona (Mr. DECONCINCI) are absent on official business.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—78

Abdnor	Bingaman	Chiles
Andrews	Boren	Cohen
Baker	Boschwitz	D'Amato
Baucus	Bumpers	Danforth
Bentsen	Byrd	Dixon
Biden	Chafee	Dole
Domenici	Kassebaum	Pressler
Durenberger	Kasten	Proxmire
Eagleton	Laxalt	Pryor
East	Leahy	Randolph
Evans	Levin	Riegle
Exon	Long	Roth
Garn	Lugar	Rudman
Glenn	Mathias	Sarbanes
Goldwater	Matsunaga	Sasser
Gorton	Mattingly	Simpson
Grassley	McClure	Specter
Hatch	Melcher	Stennis
Hecht	Metzenbaum	Stevens
Heflin	Mitchell	Thurmond
Heinz	Moynihan	Trible
Helms	Murkowski	Wallop
Hollings	Nickles	Warner
Humphrey	Packwood	Weicker
Inouye	Pell	Wilson
Johnston	Percy	Zorinsky

NOT VOTING—22

Armstrong	Ford	Nunn
Bradley	Hart	Quayle
Burdick	Hatfield	Stafford
Cochran	Hawkins	Symms
Cranston	Huddleston	Tower
DeConcini	Jepsen	Tsongas
Denton	Kennedy	
Dodd	Lautenberg	

So the bill (S. 2507) was passed as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended in subsections (b) and (e) by striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984".

(b) Section 404 of such Act is amended in subsections (a) and (b) by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(c) Section 406 of such Act is amended by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(d) Section 409 of such Act is amended by—

(1) striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984"; and

(2) striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

SEC. 2. Section 405(b) of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended by adding at the end thereof the following: "The Revised Emergency Rule prescribed by the Judicial Conference of the United States, which became effective on December 25, 1982, shall be in effect during the remainder of the transition period. The Conference may amend such Rule if necessary in order to provide for the orderly and expeditious consideration of bankruptcy cases and proceedings in the Federal courts.".

SEC. 3. (a) Section 8339(o) of title 5, United States Code, is amended by striking out "April 1, 1984" and inserting in lieu thereof "May 1, 1984".

(b) Section 8331(22) of title 5, United States Code, is amended by striking out "March 31, 1984" and inserting in lieu thereof "April 30, 1984".

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, we have just extended, for a 30-day period, questions about the bankruptcy bill. During this 30-day period, the Committee on the Judiciary expects to hold more hearings on this subject. We want anyone who is interested in attending these hearings to know about it; and if any Senators want to participate, we will be glad to have them join us.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984—PUBLIC LAW 480 PROGRAM

The Senate continued with the consideration of House Joint Resolution 492.

Mr. BUMPERS. Mr. President, there are no amendments awaiting disposition. If there were, I would not presume to take any time at this point.

I say to the Senate that I am today filing an amendment, which I will offer on Monday or Tuesday, dealing with the Central America part of this bill.

The amendment is very simple. It says that if a duly elected President of El Salvador should be prevented from taking office or, once taking office, shall be deposed by military decree or military force, then all funds appropriated herein and not theretofore disbursed will immediately stop, until Congress reappropriates the funds.

Mr. President, I recognize that the administration is not likely to champion this amendment. I asked the question of Secretary Shultz the other day, in the Appropriations Committee, whether he would support this amendment, and his answer was that he thought we could depend on the military in El Salvador not to do that. He pointed out that the military had taken themselves out of the elections—probably incorrectly, as he pointed out, but that, nevertheless, it showed a great deal of good faith on the part of the military.

However, it seems to me that we cannot have it both ways. If we have a policy at all in El Salvador, it is that we are trying to build, nurture, and institutionalize democratic institutions, a system of justice, a political system that adheres to the popular will.

Much has been said on the floor of the Senate, in our respective caucuses, and in briefings by those who went to El Salvador as observers of the election last Sunday; and, almost without exception, the Members of this body and the Members of the House got virtually teary-eyed about the intensity of the feelings of the people who stood in the hot sun for hours for an opportunity to vote, people who said they were voting because they wanted to stop the violence. I must say that their depiction of the scene was graphic, poignant, and most impressive.

However, if that is our policy, and I think it is—and I think it should be—then we should not continue to funnel money to whatever government is in control down there if it is essentially a military dictatorship. It is very difficult to establish democracy in a country which has such a sordid history of military dictators.

Mr. President, even the conservative Heritage Foundation points out that in the past 55 years, El Salvador has had seven coups. In 1931, Gen. Maximiliano Hernandez Martinez overthrew the government of Arturo Araujo, who had been elected 11 months earlier, and he ruled for 12 years. And six more coups followed between then and now.

Mr. President, I am not going to recite all these coups, but there have been practically nothing but military dictatorships in El Salvador for the past 55 years.

I hope that both Congress and the administration will agree that it is our policy to champion human rights, to champion land reform, to champion a system of justice that will bring to justice those who violate human rights. I would hope that this is our policy, and that if there is a coup following the Presidential elections which are about to take place in the next 30 days, we will serve notice now that whoever is popularly and duly elected there must be allowed to serve.

The argument is made—and it might as well be said openly and on the floor of the Senate—what if D'Aubuisson is elected? Well, what if he is? And what if he is deposed by the other side, whether it be military or some other kind of disposition of Mr. D'Aubuisson? At that point, Congress has a right to decide whether it wants to continue to fund.

Bear in mind that this amendment is not championing one candidate over another but simply is trying to implement or assist in implementing a policy.

It occurs to me, for example, that if Duarte is the President, he will need all the leverage he can get if he is serious about human rights and land reform.

In the final analysis, Mr. President, it is this Senator's candid opinion that unless ultimately there is a government in El Salvador that has popular support, we will never win. All the ammunition, all the weapons we can send will not give our side a victory unless it is popularly supported by the people. That has always been true. It was true in Vietnam, and it is true in El Salvador.

So if we want somebody like Duarte, who we think is pretty much of a right thinker, to have the opportunity to instill and to nurture and to build the kind of institutions that will gain support for the government, I believe we have to give him some leverage.

Mr. President, I will offer this amendment on Monday or Tuesday of next week. I make this statement now so that those who oppose it will have an opportunity to bring their guns to bear on it, and so that those who support it will be thinking of the arguments they might want to use.

Mr. President, I do not see anybody else on the floor; so, having said that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I inadvertently failed to mention in offering this amendment that the following Senators are cosponsors: Mr. LEAHY, Mr. SASSER, Mr. JOHNSTON, Mr. BAUCUS, Mr. METZENBAUM, Mr. LEVIN, Mr. EXON, Mr. RANDOLPH, Mr. DIXON, Mr. BIDEN, Mr. ZORINSKY, Mr. MATSUNAGA, and Mr. RIEGLE.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2871

(Purpose: To make technical corrections)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2871.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 3, strike out "sum is" and insert in lieu thereof "sums are".

On page 6, line 19, strike out "98-394" and insert in lieu thereof "98-146".

Mr. STEVENS. Mr. President, this is a technical amendment that I offer on behalf of the chairman of the full committee. It simply makes a grammatical change now that we have more than one sum appropriated in the bill and it corrects the citation in the 1984 fiscal year Interior appropria-

tions bill. It is totally technical. I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment (No. 2871) was agreed to.

● Mr. DANFORTH. Mr. President, no one can claim a monopoly on concern about the situation in Central America. The harsh reality is that there is no good policy option.

The stability of Central America is vital to the interest of the United States. While the strategic significance of any region so close to our borders is self-evident, the multifaceted nature of the relationship accounts for its overwhelming importance.

The countries of Central America lie along one of our major trade routes. Nearly half our trade, three-quarters of our imported oil, and over half our strategic minerals pass through the Panama Canal or the Gulf of Mexico. Our culture and ideals are closely related. Indeed, many of our citizens have close relatives in the region.

Unfortunately, as much as we wish that it were otherwise, the stability of Central America is gravely endangered. There have been gross economic inequities in the region for generations which have been exacerbated by the global economic pressures of recent years. These countries have a tradition of authoritarian governments that have inevitably favored some groups over others and have frequently bred corruption. Socially, this has resulted in polarized societies and prevented the development of vigorous middle classes. This unstable situation has become even more dangerous with the armed conflict encouraged by Cuba, the Soviet Union, and others operating through Marxist Nicaragua.

Under the circumstances, the United States must act to assist the nations of Central America if there is to be any hope for the establishment of secure, stable governments in the region.

In recognition of the importance of Central America to our interests, President Reagan appointed the National Bipartisan Commission on Central America to study the problems of the region. In its report, the commission emphasized the complex interrelationships between the economic, social, political, and military aspects of the problem and stated unequivocally that a multifaceted approach to the solution is the only one that has a true chance to succeed. I agree with the Commission and believe we should act accordingly.

One of the major destabilizing influences in the region is the Marxist regime in Nicaragua. In 1979, the Sandinistas—who took power from the authoritarian, repressive Somoza regime—formally pledged to the Organization of American States to establish a democratic, pluralistic, and nonalined government in Nicaragua. At that time, the United States rushed $24.6 million in emergency food, medical, and reconstruction assistance to the new government. In the first 21 months of the regime, we obligated $117 million in direct economic assistance and assisted the new government in securing $262 million from multilateral lending institutions—almost double the amount the Somoza government had received in the preceding 20 years.

Nevertheless, the Sandinistas proceeded to censor the once-active press, to limit free enterprise, to bring religion under state control, and to build the largest army in Central America—four times the size of Somoza's notorious national guard. Quite understandably, armed resistance to the new government soon developed.

Despite these developments, the Carter administration suspended aid disbursements to Nicaragua only after it became clear that the Sandinistas were supporting the guerrilla movement in El Salvador. This support takes the form of supplying and training the Salvadoran guerrillas, as well as allowing operation of the guerrillas' sophisticated command and control center in Nicaragua.

Espousing a doctrine of revolution without frontiers, the Nicaraguan regime threatens not only the Government of El Salvador, but those of Honduras, Guatemala, and Costa Rica as well. The presence of advisers and support from the Soviet Union, Cuba, Libya, and the PLO belies any Sandanistan calls for peace and nonintervention in the region.

I believe the United States is justified in its suspension of aid to Nicaragua and its support for Nicaraguan counterrevolutionaries so long as Nicaragua foments conflict beyond its own borders.

We should not write off the regime in Nicaragua entirely. But while there should always be room for dialog, we cannot stand idly by as they seek to undermine the stability of their neighbors and ours.

As regards the situation in El Salvador, no one will deny that the Government is far from perfect. Clearly, El Salvador faces grave dangers well beyond those caused by external factors. The United States has been providing aid to El Salvador to enhance the general economic, social, and political welfare. Significantly, for every dollar spent on military aid, we are spending $3 in economic aid. In addition, a key portion of our military aid comprises medical supplies and medical training—crucial for a country whose death rate for those wounded is 67 percent in contrast to a wounded mortality rate for the United States of 11 percent during World War II.

I remain convinced that the only real hope we have of achieving political stability in Central America is to increase the economic stability and reduce the economic inequities in the region. The Salvadoran guerrillas seem to recognize this, too—witness the cruel economic war they are waging against El Salvador's citizens through the willful destruction of powerplants, bridges, and other foundations of economic infrastructure.

While much room for improvement remains, real progress has been made in El Salvador, due in large part to enhanced U.S. influence and pressure: The land reform program established in 1980 has benefited almost 25 percent of the rural population. Where 1 percent of the population once owned 40 percent of the land, over one-third of the farmland is now in the hands of former tenants or farmworkers. More than 1,000 political prisoners, guerrillas, and guerrilla supporters were granted amnesty in 1983. A new constitution, which went into effect in December 1983, establishes a republican, pluralistic form of government with improved safeguards for individual rights. In 1982, national elections for a constituent assembly were held. Now a Presidential election is underway. In striking contrast to the more traditional role of the military in the region, the Salvadoran military has played a major role in protecting and defending the land reform process and the establishment of democracy.

This evidence of progress in El Salvador is generally acknowledged to be a direct result of the growing influence of the United States.

The debate over aid to El Salvador frequently focuses on violations of basic human rights by the extreme right and the implication of civilian and military officials in such crimes. The Government of El Salvador understands our revulsion to these activities and has begun to respond.

While there are no fully reliable statistics on the number of civilian deaths attributable to political violence in El Salvador, the Department of State and the various U.S. human rights organizations which compile such figures agree that there has been measurable reduction in the level of political violence. Of course, this is still insufficient and I believe we must continue to pressure the Government of El Salvador on the issue of human rights. Vice President BUSH, Secretary of State Shultz, and other U.S. officials have spoken out very forcefully on this issue. The results are tangible. The Salvadoran Armed Forces high command has publicly broadcast its opposition to such violence and issued orders aimed at curbing it. The Government has removed many officials suspected of involvement in violent activities and is making efforts to insure

more effective functioning of the criminal justice system. All of these developments, I believe, are reflective of progress in the right direction—progress which has occurred in large measure due to the increased U.S. influence in El Salvador and our efforts to insure that progress toward democratization is not destroyed by economic adversity or external military force.

If there is to be an American solution to the situation in Central America, it cannot be fashioned solely by the United States. To this end I am encouraged by the diplomatic efforts of the Contadora initiative sponsored by Colombia, Mexico, Panama, and Venezuela, which is aimed at securing a comprehensive regional peace treaty. In September 1983, all five Central American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua—agreed to a document setting out 21 key objectives. These include establishment of democratic systems of government, the reduction of arms and military personnel, a ban on foreign military bases and foreign military advisers, and an end to support for subversion. On January 8, 1984, the five Central American governments agreed to create three working commissions to consider the security, political, and socioeconomic aspects of these objectives. These are positive developments which the United States supports and must continue to encourage.

However, while peace is essential if progress is to occur, these moves toward the reestablishment of peace are not an end in themselves. Rather, if successful, they will provide an atmosphere for the political reconstruction and economic recovery that is necessary to stabilize the region on a more permanent basis.

I have never believed that a military solution is possible in Central America, but I am convinced that at present, U.S. economic and military aid is essential to prevent widespread Marxist military solutions. If the experience of the Cambodians, the Afghans, the Poles, or even the Nicaraguans is considered, it becomes clear that the prospect of Marxist rule offers little promise of improved standards of life to the citizens of Central America. Democratization and economic reform do hold the promise of hope for the people of the region. I believe it is in our interest, as well as theirs, to see that such reform can take hold and be allowed to thrive.●

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are working on a time agreement that we hope to offer in the near future. The majority leader asked me to announce that there will be no more rollcall votes today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NICKLES). Without objection, it is so ordered.

TO CONTINUE THE TRANSITION PROVISIONS OF THE BANKRUPTCY ACT UNTIL MAY 1, 1984

Mr. BAKER. Mr. President, earlier, the Senate passed S. 2507. I ask unanimous consent that the Senate concur in the House amendment to that bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. I will add to that: When received, the Senate concur in the House amendment to that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984—PUBLIC LAW 480 PROGRAM

The Senate continued with the consideration of the House joint resolution.

TIME LIMITATION AGREEMENT—HOUSE JOINT RESOLUTION 492

Mr. KASTEN. Mr. President, on behalf of the leadership, I am prepared to present a unanimous-consent request for a time agreement on House Joint Resolution 492, the supplemental appropriations bill, for next week.

Mr. President, I ask unanimous consent that during the consideration of House Joint Resolution 492, the supplemental appropriations bill, it be considered under the following time agreement: 8 hours on the bill to be equally divided between the chairman of the Appropriations Committee and the ranking minority member, or their designees; 30 minutes on all second-degree amendments, and that they be germane to the first-degree amendment; 10 minutes on any debatable motion, appeal or point of order, if such is submitted to the Senate; that the agreement be in the usual form, with the following time agreements: 30 minutes for the Specter amendment to specify the creation and operations of a special judicial unit to investigate murders in El Salvador; 30 minutes for a Baucus-Bumpers amendment dealing with National Park Service contracting out; 1 hour on a Goldwater-Stevens amendment dealing with the Corporation for Public Broadcasting; 30 minutes on a Levin amendment dealing with lakeshore improvement in Manistee County, Mich.; 2 hours on a Kennedy amendment reducing aid to El Salvador; 30 minutes on a Kennedy amendment No. 2836; 2 hours on a Kennedy amendment No. 2838; 1 hour on a Kennedy amendment No. 2839; 1 hour on a Kennedy amendment No. 2840; 1 hour on a Kennedy amendment No. 2842; 4 hours on a Kennedy amendment No. 2843; 30 minutes on a Kennedy amendment to suspend deportation of Salvadoran refugees in United States; 30 minutes on a Kennedy amendment providing assistance to displaced persons in El Salvador; 20 minutes on a Kennedy amendment to insure that House Joint Resolution 492 is fully consistant with U.S. treaty obligations; 30 minutes on a Kennedy amendment requiring the President to report on where U.S. weapons end up; and 2 hours on a Dodd amendment establishing certain conditions on covert assistance for Nicaragua.

I would say, Mr. President, that we shall have a further part of this unanimous-consent request dealing with the dates or the time for the entire covert assistance to Nicaraguan section, which will appear toward the end of this unanimous-consent request.

Four hours on a Dodd amendment restricting aid to El Salvador pending final disposition of the cases relating to the murder of the four churchwomen; 4 hours on a Sasser amendment to limit use of the Honduran bases to exercises and to prevent any DOD money from going into permanent bases; 2 hours on a Biden amendment relating to Central America; 30 minutes on a Moynihan amendment relating to justice in El Salvador; 2 hours on a Bumpers amendment to discontinue aid to El Salvador unless reappropriated by Congress, if the President of El Salvador is prevented from taking office or deposed by military force or decree; 30 minutes on a Levin amendment strengthening the conditionality on military assistance in Central America; 1 hour on a Levin amendment establishing conditions on covert assistance in Central America; 20 minutes on a Matsunaga amendment, sense of Congress, urging the President to use CAT teams in Africa

to relieve hunger; 30 minutes on a Hatfield amendment relating to the Columbia River.

No time agreement on a Chiles amendment, sense of the Senate, on deficit reduction.

No time agreement on a Pressler amendment, antisatellite activities; 30 minutes on a Melcher amendment relating to impact aid for schools; 2 hours on a Leahy amendment relating to expenditure of prior funds in El Salvador; 2 hours on a Leahy amendment relating to covert activities in Nicaragua; 2 hours on a Melcher amendment relating to level of funds for El Salvador; and 2 hours on a Leahy amendment relating to combat forces in El Salvador.

Provided that any amendment relating to covert assistance in Central America not be considered prior to Tuesday next; provided further that all amendments specifically identified in the time agreement must deal only with the subject matter stated in the agreement; further provided that if the Chair is overruled on a question of germaneness, the time agreement will be vitiated on the amendment in question with respect to total time on both sides; further provided that no amendments other than those listed above be first-degree amendments.

Mr. President, in addition, just for the sake of the record, I want to say that there is a Stevens amendment dealing with Barrow gas that may be considered with a 30-minute time agreement, but that I want to reserve the right of Senator STEVENS to bring that forward. The text of that amendment is not yet before us and we want—if the text comes, it will be subject to an agreement with the Senator from Ohio and the Senator from Alaska in terms of its ability to come before the Senate.

Mr. BYRD. Will the Senator yield?

Mr. KASTEN. I am happy to yield to the minority leader.

Mr. BYRD. I do not believe it is agreeable on this side to agree with the provision with respect to the Stevens amendment until we know exactly what is involved. At this moment, I cannot agree to that within the content of this agreement at this moment.

Mr. KASTEN. I understand, Mr. President. I left it for last—maybe we can keep it even further back.

Mr. President, I made an error when I listed the Specter amendment. The Specter amendment which I listed was to specify the creation and operation of the special judicial unit to investigate murders in El Salvador, that is not correct. That amendment is, I should have read, a 30-minute time agreement for a Specter amendment to set aside 30 percent until the verdict is gotten in the nuns' case. So, if we can simply change the listing in that way.

The last part of this unanimous-consent request is that the first item of business which will be before the Senate when we resume consideration after the special orders will be the Melcher amendment relating to levels of funds for El Salvador, with a 2-hour time limit equally divided.

Mr. BYRD. Mr. President, as I understand it, the amendment by Mr. MELCHER would be pending at such time as morning business is completed and the Senate has returned to consideration of this bill.

Mr. KASTEN. That is my understanding.

Mr. BYRD. Would the distinguished Senator repeat for me again the identification of the Specter amendment?

Mr. KASTEN. The Specter amendment is 30 minutes on an amendment to set aside 30 percent of the funds until a verdict is reached in the nuns' case.

Mr. BYRD. What happens to this amendment that I have before me?

Mr. KASTEN. The amendment I read has been dropped and Senator SPECTER does not intend to offer that amendment. It is not a part of the unanimous-consent request.

Mr. BYRD. Mr. President, for the moment, I shall not reserve the right to object; I shall give other Members the chance to do so. As far as I am personally concerned, I do not object and do not know of any objection on this side, but I shall withhold that as far as the final position is concerned until I have heard Mr. MELCHER and Mr. LEAHY.

I wonder if I could ask a question here: The 2 hours on the Kennedy amendment reducing aid to El Salvador—does the Senator mean whether or not that is in the first degree or the second degree?

Mr. KASTEN. That is correct. That amendment could be offered in the first degree or the second degree. I should like to say to the Senator that a number of these amendments listed may be offered as second-degree amendments eventually. It is also my understanding that a number of the amendments listed, specifically some of the Kennedy amendments, may be offered in combination. What we want to do is preserve the right of everyone to offer this list of first-degree amendments, which does not prevent them from offering any of these amendments as second-degree amendments except doing that with the time limits so designated. In other words, they could offer it as a second-degree amendment and it would not be subject to the 30-minute time limitation.

Mr. LEAHY. Reserving the right to object, is it my understanding that there will be no part of this unanimous consent setting a time before which record votes will not be called on Monday?

Mr. KASTEN. In response to the Senator from Vermont, if he will yield, there is no specific stacking of votes or other delays, but I say to the Senator on behalf of the manager on this side—and I think I can speak for the manager on the Democratic side as well—depending on how things work out on Monday and who is here and how the process is going, we would try to work to accommodate Senators because we understand there may be a number of Senators who are absent earlier in the day and who would be coming later in the day. But I cannot make any specific kinds of assurances on any kind of delay or stacking of votes at this time.

The very earliest we could have a vote because of the special orders would be 2 p.m., or shortly thereafter, but I assure the Senator from Vermont that the managers of the bill would like to work toward some kind of accommodation. I personally will work to do that, and I am sure the Senator from Hawaii and others who are interested will do so.

Mr. LEAHY. Further reserving the right to object, and I shall not, as the distinguished chairman of the subcommittee knows, the Senator from Vermont was here, along with the distinguished Senator from Wisconsin I might say, until about 11:30 last night in attempts to work out this unanimous-consent agreement, which I think is a very good one and shows a great deal of give and take on both sides of the aisle. I do not want to do anything to upset it. I did raise the point about time last night. I raise it now. I urge the managers of the bill, if at all possible, on the amendments on Monday—I realize the majority leader does not want to stack Monday votes to occur on Tuesday, but I urge that we try to vote as late Monday as possible. There are a number of people coming back from the west coast as well as some like myself, who have very limited air traffic, who will not be getting in until the latter part of the afternoon. I would selfishly be tempted to object to the unanimous-consent agreement until we could work that out, but I shall not.

I also would assume the Senator does not want to consider an agreement to vote all these amendments en bloc.

I withdraw that request. That is a quarter of 4 on Friday afternoon type request. Mr. President, I shall not object to the unanimous-consent request. I compliment the authors on both sides of the aisle in putting it together.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, reserving the right to object, and I shall not object, I think it is significant to

proceed early in this process of consideration of amendments on the El Salvador portion on those amendments that are actually amendments to reduce the amount, because many of the amendments involved with El Salvador attach conditions to the funds that are going to be expended. It seems to me only logical that we should first bring out reductions in that amount to see what is the will of the Senate. It is for that reason I am pleased the acting majority leader and the manager of the bill have asked unanimous consent we first take up an amendment which I have that actually is designed to reduce the overall amount from $62 million down to $35.4 million. I think that speaks well for the agreement, and I am pleased the acting floor leader has made the request that my amendment come up first in the consideration.

Mr. KASTEN. I thank the Senator from Montana. Late last night we said that we would try to reach some kind of an accommodation for the Senator from Montana. I think by working together we in fact have done so.

Mr. President, I should like to add two additional amendments to the unanimous-consent list: A 30-minute time limit on a Dixon summer youth employment amendment, and a 30-minute time limit on a Hatfield amendment relating to timber research and productivity. I amend my unanimous-consent request to add those two amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, may I ask a question of the distinguished acting majority leader. Does the Hatfield amendment have anything to do with timber sales?

Mr. KASTEN. It is my understanding that the Hatfield amendment has nothing to do with timber sales. It has to do with research and productivity, not with sales of timber or forest lands.

Mr. BYRD. Mr. President, further reserving the right to object, will the distinguished acting leader repeat that portion of the request which deals with the amendment by Mr. STEVENS?

Mr. KASTEN. There is a Stevens amendment dealing with Barrow gas on which a 30-minute time limitation was originally requested. That amendment along with the time limitation has been dropped out of the overall unanimous-consent request pending a review of the amendment by a number of Senators on both sides.

Mr. President, we once more are going to amend our request to include the Stevens amendment dealing with Barrow gas with a 30-minute time limitation under the condition that if there is an objection from the Senator from Ohio (Mr. METZENBAUM) to the inclusion of the amendment in this unanimous-consent request, the amendment will be dropped; further, that there is no time limitation agreed to on the Hatfield amendment having to do with timber research and productivity.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I want to have a very clear understanding with regard to amendments, a general understanding—that is, that only those amendments which are specified may be called up

Mr. KASTEN. As first-degree amendments.

Mr. BYRD. As first-degree amendments. And if any of those are called up as second-degree amendments, they must be germane to the first-degree amendments to which they are meant to be added.

Mr. KASTEN. The Senator is correct.

Mr. BYRD. First-degree amendments have to be germane to the resolution, with the exception of those amendments that have been specified. Other than these, there are no first-degree amendments that can be called up. Is that correct?

Mr. KASTEN. The Senator is correct.

Mr. BYRD. Second-degree amendments have to be germane to the first-degree amendments.

Mr. KASTEN. The Senator is correct.

Mr. BYRD. And if the Chair is overruled on the question of germaneness, the time agreement will be vitiated on the amendment in question and will be vitiated with respect to the time on the bill itself. Is that correct?

Mr. KASTEN. The Senator is correct.

Mr. President, I should like to amend the request further to include an amendment relating to El Salvador, by the Senator from California (Mr. WILSON), with a 30-minute time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I do not know what the amendment is, and I would need to know that first. Can we identify the amendment?

If the distinguished acting Republican leader can give us a few minutes, we will ascertain whether or not there is any problem. So far as I am concerned, we will go with the rest of the request, up to that point.

Mr. KASTEN. Mr. President, in further clarification of the subject matter of the amendment by the Senator from California (Mr. WILSON), it is in the form of a sense-of-the-Senate resolution commending the El Salvadoran Government for a number of their efforts.

I ask unanimous consent that the Wilson amendment on El Salvador be included in the request, without a time limit.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KASTEN. Mr. President, a parliamentary inquiry. Has the entire unanimous-consent request been agreed to?

The PRESIDING OFFICER. Not yet.

Is there objection to the entire unanimous-consent request? The Chair hears none, and the request is agreed to.

The text of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That when the Senate resumes consideration of H.J. Res. 492, a joint resolution making an urgent supplemental appropriation for the fiscal year ending Sept. 30, 1984, for the Department of Agriculture, time for debate on any second degree amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution, and time for debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 10 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided*, That any second degree amendment shall be germane to the first degree amendment: *Provided further*, That the following amendments be excepted:

Specter amendment to set aside 30 percent of funds until a verdict on the Nun's case is reached, on which there shall be 30 minutes;

Baucus/Bumpers amendment dealing with National Park Service contracting-out, on which there shall be 30 minutes;

Goldwater/Stevens amendment dealing with Public Broadcasting Corporation, on which there shall be 1 hour;

Stevens amendment dealing with Barrow Gas, on which there shall be 30 minutes (subject to the approval of the Senator from Ohio (Mr. METZENBAUM));

Levin amendment dealing with Lake Shore improvement in Manistee County, Michigan, on which there shall be 30 minutes;

Kennedy amendment reducing aid to El Salvador, on which there shall be 2 hours;

Kennedy amendment No. 2836, on which there shall be 30 minutes;

Kennedy amendment No. 2838, on which there shall be 2 hours;

Kennedy amendment No. 2839, on which there shall be 1 hour,

Kennedy amendment No. 2840, on which there shall be 1 hour;

Kennedy amendment No. 2842, on which there shall be 1 hour;

Kennedy amendment No. 2843, on which there shall be 4 hours;

Kennedy amendment dealing with suspending deportation of Salvadoran refugees in U.S., on which there shall be 30 minutes;

Kennedy amendment on providing assistance to displaced persons in El Salvador, on which there shall be 30 minutes;

Kennedy amendment to ensure that H.J. Res. 492 is fully consistent with U.S. treaty obligations, on which there shall be 20 minutes;

Kennedy amendment requiring the President to report on where U.S. weapons end up, on which there shall be 30 minutes;

Dodd amendment establishing certain conditions on covert assistance for Nicaragua, on which there shall be 2 hours;

Dodd amendment restricting aid to El Salvador pending final disposition of the cases relating to the murder of 4 churchwomen, on which there shall be 4 hours;

Sasser amendment to limit use of the Honduran bases to exercise and to prevent any DOD money from going into permanent bases, on which there shall be 4 hours;

Biden amendment relating to Central America, on which there shall be 2 hours;

Moynihan amendment relating to justice in El Salvador, on which there shall be 30 minutes;

Bumpers amendment to discontinue aid to El Salvador unless reappropriated by Congress, if the President of El Salvador is prevented from taking office or deposed by military force or decree, on which there shall be 2 hours;

Levin amendment strengthening the conditionality on military assistance in Central America, on which there shall be 30 minutes;

Levin amendment establishing conditions on covert assistance in Central America, on which there shall be 1 hour;

Wilson sense of the Senate amendment on government of El Salvador;

Matsunaga sense of Congress amendment urging the President to use CAT teams in Africa to relieve hunger, on which there shall be 20 minutes;

Hatfield amendment on timber research;

Hatfield amendment relating to the Columbia River, on which there shall be 30 minutes;

Chiles sense of Senate amendment on deficit reduction;

Pressler amendment on anti-satellite activities;

Dixon amendment on summer youth employment, on which there shall be 30 minutes;

Leahy amendment relating to expenditure of prior funds in El Salvador, on which there shall be 2 hours;

Leahy amendment relating to covert activities in Nicaragua, on which there shall be 2 hours;

Melcher amendment relating to level of funds for El Salvador, on which there shall be 2 hours;

Leahy amendment relating to combat forces in El Salvador, on which there shall be 2 hours:

Provided, That any amendment relating to covert assistance in Central America not be considered prior to Tuesday, April 3, 1984: *Provided further,* That all amendments specifically identified in the time agreement must deal only with the subject matter stated in the agreement: *Provided further,* That if the Chair is overruled on a question of germaneness, the time agreement will be vitiated on the amendment in question and with respect to total time on the bill itself: *Provided further,* That no other amendments other than the amendments listed above be first degree amendments: *Provided further,* That in the event the manager of the resolution is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That time on the resolution shall be limited to 6 hours, to be equally divided and controlled by the Chairman of the Appropriations Committee and the Ranking Minority Member, or their designees: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Ordered further, That when the Senate resumes the unfinished business, the Melcher amendment on which there is 2 hours be made the pending question.

Mr. KASTEN. Mr. President, I should like to make an announcement on behalf of the leadership.

We have agreed to a unanimous-consent request with over 40 hours of amendments and 8 hours on the bill, and it would be the intention of the leadership and of the floor managers to try to finish this bill by Thursday evening or Friday at the latest. Therefore, we should expect that the Senate will be in session and voting, very likely, on Monday night, and almost certainly on Tuesday, Wednesday, and Thursday nights.

If we are to complete our business on these important amendments, that kind of effort will be necessary, and the leadership and the floor managers on both sides are prepared for that kind of schedule.

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader for his courtesy and patience and for his cooperation in working out this agreement.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask the distinguished assistant Republican leader if he wishes to take up some nominations.

Mr. STEVENS. Yes.

Mr. BYRD. Mr. President, I say to the distinguished assistant Republican leader that there have been some problems with Calendar No. 517 on this side of the aisle, but those problems have been resolved, and we on this side of the aisle are ready to proceed with the nomination under the Department of Labor.

Mr. STEVENS. Mr. President, I inquire of my good friend if we could go into executive session for the purpose of considering all the nominations on the calendar: On page 1 from No. 517 on, all of page 2, all of page 3, and the Foreign Service nomination of Donald D. Cohen.

Mr. BYRD. Mr. President, I say to the distinguished assistant Republican leader—we do not speak to him as acting leader; he is the assistant leader—that this side of the aisle is ready to deal only with the nomination listed under the Department of Labor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar No. 517 under the Department of Labor.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF LABOR

The bill clerk read the nomination of Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I now inquire of my friend if there is an objection from the distinguished Democratic leader if we proceed to the consideration of Calendar Order No. 703, 729, and 730, en bloc.

Mr. BYRD. Mr. President, speaking on behalf of Senators on this side of the aisle, there will be no objection.

Mr. STEVENS. Mr. President, I ask unanimous consent that those calendar order numbers be considered en bloc, that the bills be passed, and that the statements of either side be inserted at the appropriate spot as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL POWER ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1132) to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sub-

section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended beginning with the last clause of the first sentence as follows: "but in no case shall a license be issued free of an annual charge for the development and utilization of power created by any Government dam. The amount of said annual charge shall not exceed one dollar per kilowatt of installed capacity and one-half mill per kilowatt-hour of energy produced. If such charge is less than the maximum amount authorized, the Commission shall explain its reasons therefor. Except as provided in subsections 10(f) and 10(g) the annual charge provided for in this subsection shall be the only charge assessed by an agency of the United States and such charge shall be determined by the Commission. No charge, however, shall be assessed in those cases where the United States has heretofore entered into a contract with a licensee which provides that the licensee may build and own power plants utilizing irrigation facilities constructed by the United States and which further provides that all revenues from such power plants and from the use, sale, or the disposal of power therefrom shall be and remain the property of the licensee.".

SEC. 2. Subsection 10(g) of the Federal Power Act (16 U.S.C. 803(g)) is redesignated as subsection 10(h) and all subsequent subsections are redesignated accordingly.

SEC. 3. The Federal Power Act is amended by adding a new subsection 10(g) as follows:

"(g)(1) The appropriate agency of the United States, other than the Commission, shall assess and collect from the licensee the costs incurred by such agency for specific planning, design, operation, maintenance, inspection and administration resulting from the development and utilization of power at the Government dam by the licensee.

"(2) The appropriate agency of the United States, other than the Commission, shall assess and collect from the licensee the original actual costs which remain outstanding and were incurred by such agency in constructing facilities for the purpose of power production which are utilized by the licensee in the development of power at the Government dam. Such costs shall be paid by the licensee in accordance with existing law, where applicable, or by written contract for a period of not more than forty years. Interest shall be assessed and accrue from the date of hydropower license is issued under the Act or the date such costs are incurred by the agency, whichever is later. The interest rate shall be determined at the time it begins to accure by the Secretary of the Treasury on the basis of the computed average interest rate then payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue. Construction costs may be repaid by the licensee within a shorter period of the time than is provided by existing law or this subsection upon written agreement of the licensee and the appropriate agency. Funds so received by the agency shall be credited to the appropriate accounts as provided for in existing law.".

SEC. 4. The Federal Power Act is amended by adding a new subsection 10(k) as follows:

"(k) Every five years, the Commission shall review the appropriateness of the annual charge limitations provided for in subsection 10(e) and report to Congress concerning its recommendations thereon.".

SEC. 5. Section 17(a) of the Federal Power Act (16 U.S.C. 810(a)) is amended by modifying the last clause of the second sentence as follows:

(a) strike out word "licenses" and insert in lieu thereof "licenses, other than those for the use of Bureau of Reclamation facilities," and

(a) strike the words "United States." and insert in lieu thereof "United States; and 50 per centum of all charges whatsoever arising from all licenses hereunder authorizing in any manner the use of Bureau of Reclamation structures and facilities shall be paid into the Reclamation fund.".

Mr. McCLURE. Mr. President, as reported, S. 1132 clearly demonstrates the strong and abiding interest which the Senate Committee on Energy and Natural Resources retains in pursuing the development of our Nation's hydroelectric resources. S. 1132 is directed toward resolving the seeming uncertainties which surround the development of hydroelectric facilities at Government dams by non-Federal developers.

As my colleagues will recall, I was joined by the late Senator Jackson and the junior Senator from Alaska in introducing S. 1132 on April 21 of last year. On July 25, 1983, S. 1132 was the subject of a hearing before the Committee on Energy and Natural Resources, and I ask unanimous consent that the statement submitted by Senator Jackson, at the hearing, be reprinted in the RECORD at this point.

Mr. President, this legislation is important as the development of our hydroelectric resources is indeed in the national interest, and in turn S. 1132 has a national impact. Following is a listing, by State, of pending applications for hydroelectric permits or licenses involving Government dams:

Pending permit or license applications for hydroelectric development at Government dams

Alabama	3
Arizona	2
Arkansas	28
California	24
Colorado	25
Connecticut	6
Florida	3
Georgia	2
Idaho	11
Illinois	10
Indiana	14
Iowa	8
Kansas	13
Kentucky	41
Louisiana	13
Maine	6
Maryland	3
Minnesota	8
Mississippi	4
Missouri	12
Montana	21
Nebraska	4
Nevada	1
New Hampshire	6
New Mexico	11
New York	5
North Carolina	9
Ohio	20
Oklahoma	16
Oregon	35
Pennsylvania	46
South Dakota	2
Tennessee	4
Texas	12
Utah	20
Vermont	8
Virginia	4
Washington	42
West Virginia	14
Wisconsin	5
Wyoming	8

Passage of S. 1132 will make a significant contribution toward the timely development of these resources while at the same time clarifying the responsibilities and obligations of the would-be developer utilizing a Federal dam.

Mr. President, I ask unanimous consent that the "Purpose" and "Background and Need" sections of the Committee Report (98-363) which accompanied S. 1132 when reported by the Senate Committee on Energy and Natural Resources on March 12 of this year, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Mr. Chairman, I am pleased that we are having a hearing on S. 1132, a bill that I cosponsored along with you and Senator Murkowski.

As you know, I have long supported the development of our hydropower resources. Hydropower is clean, renewable, and relatively cheap. In addition, it is a domestic energy resource, immune from the vagaries of international politics. For these reasons, I think that we should take full advantage of the hydropower potential afforded by existing Federal dams.

S. 1132 would go a long way toward promoting hydropower development at existing Federal dams. Without restating the details of the bill, suffice it to say that the bill would provide certainty with respect to the amount of the Federal charge. Such certainty would improve the ability of non-Federal entities to make the financial decisions leading to hydropower development.

Mr. Chairman, I look forward to today's testimony, and hope that the Committee can consider this important measure in the near future.

PURPOSE

As ordered reported, S. 1132 would set a limit on the annual charge to be assessed a non-Federal entity for the use of a Government dam for the production of hydroelectric power. It also provides that the Federal Energy Regulatory Commission shall be the only Federal agency to assess such charge. In addition, the bill provides for payment of those costs to the United States resulting from such development, including the costs of any power facilities previously constructed by the United States which the non-Federal entity utilizes in the licensed project.

BACKGROUND AND NEED

The recently completed national hydroelectric power resources study conducted by the U.S. Army Corps of Engineers included examination of the potential for hydroelectric development at 516 Federal dams. Of the total, 168 already have hydroelectric generating facilities installed with a capacity of 32,000 megawatts. The potential capacity at the remaining 348 structures and the additional capacity at 55 of the struc-

tures where facilities already exist totals 13,500 megawatts. In terms of energy produced, there is a potential for 25 billion kilowatt-hours of electricity annually or the equivalent of 40 million barrels of oil each year.

An informal summary by the Commission of non-Federal development of hydroelectric power facilities at Federal dams indicates that 48 such licensees at Corps of Engineers dams and 20 at Bureau of Reclamation dams have been granted. There are presently pending before the Commission approximately 556 applications for non-Federal hydropower development at Federal facilities. Many of the existing licensees have successfully operated powerplant facilities at Federal dams for many years. However, in spite of the apparent interest and success of such non-Federal development, many would-be developers have expressed dismay at the complexity of the licensing process and the apparent overlap of authority between agencies of the Federal Government. The General Accounting Office, in a report issued September 26, 1980,[1] declared that "GAO found no consistent Federal policy concerning non-Federal development of hydropower at Federal dams."

Joint oversight hearings were held during the 97th Congress by the Subcommittee on Water and Power and the Subcommittee on Energy Regulation of the Senate Committee on Energy and Natural Resources to examine the problems surrounding hydroelectric development and licensing procedures. During the course of the hearing, two specific problems were identified with respect to non-Federal hydroelectric development at Federal dams. First, developers need clear guidelines to follow in estimating the annual charges which the Government would levy for the use of a Federal dam for hydroelectric project; second, there is a need to clarify, in regard to Bureau of Reclamation dams whether or not there could be a "double charge" for the use of the structure.

As introduced, S. 1132 sought to encourage the non-Federal development of hydroelectric resources at Federal dams by providing certainty with respect to the amount of the Federal charge for the use of the structure and also by clarifying which Federal agency would have the authority to establish and collect such a charge.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEVELOPMENTS IN AGING REPORT

The resolution (S. Res. 355) authorizing the printing of additional copies of volume 1 of the Senate report entitled "Developments in Aging: 1983," was considered, and agreed to as follows:

S. RES. 355

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volume 1 of its annual report to the Senate, entitled "Developments in Aging: 1983," which may be printed at a cost not to exceed $1,200.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPOSITORY LIBRARY SYSTEM

The resolution (S. Res. 359) to pay tribute to the Depository Library System was considered.

Mr. MATHIAS. Mr. President, the Nation will soon be celebrating National Library Week to recognize the vital public service that has characterized this Nation's libraries. In anticipation of that important event, I ask for immediate consideration of Calendar No. 730, Senate Resolution 359, honoring the depository library program. I am delighted to have my distinguished colleagues from the Joint Committee on Printing and the Joint Committee on the Library join me as cosponsors of this resolution.

The Senate of the United States has a long tradition of supporting the public's right to know about policies, programs, and actions of our Government. The Congressional Depository Library System is one of the oldest and most effective expressions of this philosophy.

This program dates back to the early 1800's when the Congress directed that the Journals of the Senate and the House be distributed to colleges, universities, and incorporated historical societies throughout the country. Through the years, Congress has expanded upon this concept and today there is a nationwide network of over 1,300 depository libraries that provide free and open access to all publications of the Federal Government. The Depository Library Act, which was most recently amended in 1978, provides for each Member of the Senate to designate two libraries in his or her State as regional depositories. In addition, every Member of the House of Representatives may designate two locations in their district as depository libraries.

This program is available to all citizens, and participating institutions range from the Enoch Pratt Free Library in Baltimore, Md., to the U.S. District Court Library in Anchorage, Alaska. Depository collections can be found at major universities, law schools, land grant colleges, and the National Library of Medicine. In 1983, some 40,000 titles were available for selection through the Government Printing Office on topics ranging from infant care and home gardening to the Statistical Almanac and the Federal Register. In short, Mr. President, the depository library program reaches all Americans and provides them with a broad range of information by and about their Federal Government.

In a letter to W. T. Barry, written in 1822, James Madison, the father of our Constitution, warned that:

A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Mr. President, this resolution will serve to reaffirm the commitment of the U.S. Senate to arm U.S. citizens with the power that knowledge gives.

Mr. WARNER. Mr. President, as a cosponsor of Senator Resolution 359, I want to congratulate the senior Senator from Maryland (Mr. MATHIAS) for bringing this resolution before the Senate.

As a member of the Joint Committee on the Library, and a former member of the Joint Committee on Printing, I am well aware of the outstanding service provided the American people by the depository library program.

Since the early 1800's the Senate has supported the public's right to know about the programs, actions, regulations, and policies of the Federal Government. Today, there are more than 1,300 depository libraries across the Nation providing free and easy access to our citizens of all Federal publications.

In Virginia, 37 libraries have been designated as depository libraries that allow the citizens of the Commonwealth free and open access. Depository libraries in Virginia are:

Alexandria: Department of the Navy, Office of Judge Advocate General Law Library.

Arlington: George Mason University School of Law Library.

Blacksburg: Virginia Polytechnic Institute & State University, Carol M. Newman Library.

Bridgewater: Bridgewater College Alexander Mack Memorial Library.

Charlottesville: University of Virginia Alderman Library, University of Virginia Arthur J. Morris Law Library.

Chesapeake: Chesapeake Public Library.

Danville: Danville Community College.

Emory: Emory and Henry College Kelly Library.

Fairfax: George Mason University Fenwick Library.

Fredericksburg: Mary Washington College E. Lee Trinkle Library.

Hampden-Sydney: Hampden-Sydney College Eggleston Library.

Hampton: Hampton Institute Huntington Memorial Library.

Harrisonburg: James Madison University Madison Memorial Library.

Hollins College: Hollins College Fishburn Library.

Lexington: Virginia Military Institute Preston Library, Washinton & Lee University, University Library, Washington & Lee University Wilbur C. Hall Law Library.

Martinsville: Patrick Henry Community College Library.

Norfolk: Norfolk Public Library; Old Dominion University Library; U.S. Armed Forces Staff College Library.

Petersburg: Virginia State University Johnston Memorial Library.

Quantico: Federal Bureau of Investigation Academy Library; Marine Corps Education Center, James Carson Breckinridge Library.

Reston: Department of the Interior, Geological Survey, National Center Library.

Richmond: U.S. Court of Appeals Fourth Circuit Library; University of Richmond Boatwright Memorial Library; University of Richmond Law School Library; Virginia Commonwealth University James Branch Cabell Library; Virginia State Law Library; Virginia State Library.

Roanoke: Roanoke Public Library.

Salem: Roanoke College Library.

Williamsburg: College of William and Mary Marshall-Wythe Law Library; College of William and Mary Swem Library.

Wise: Clinch Valley College John Cook Wyllie Library.

The resolution, Mr. President, pays tribute to these libraries and their dedicated personnel and, in fact, all individuals and libraries associated with the program.

It is fitting and proper that this resolution be enacted to coincide with the celebration of National Library Week held each year in April.

I urge my colleagues to support this resolution as a means of reaffirming our support of this program that insures public knowledge of their Government's actions in each and every congressional district in our land.

The resolution was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 359

Whereas the United States Senate has recognized that citizens of America should have effective access to Government information throughout the country; and

Whereas the Congress of the United States has provided its citizens with free and open access to Government information through a Depository Library System that includes at least one depository library in each congressional district; and

Whereas depository libraries in a variety of categories, including public, academic, land grant, State, law school, and Federal libraries, have enthusiastically provided service and access to information to citizens across the country; and

Whereas the Nation celebrates National Library Week each year in the month of April to honor and recognize the fine public service that has always been characteristic of the libraries of America: Now, therefore, be it

Resolved, That the Senate pay tribute to depository libraries throughout the land and commend the many dedicated people associated with the depository library program for their significant contribution in furthering the cause of free and open public access to Government information.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the Public Printer of the United States, the president of the American Library Association and the president of the American Association of Law Libraries.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEXUAL EXPLOITATION OF CHILDREN

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 566.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3635) to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2873

Mr. STEVENS. Mr. President, on behalf of the distinguished Senator from Pennsylvania (Mr. SPECTER), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. SPECTER, proposes an amendment numbered 2873.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

(1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(2) by striking out "depicting" each place it appears and inserting "of" in lieu therof;

(3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;

(4) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(5) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(6) by adding at the end of subsection (c) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

(1) by striking out ", for the purpose of sale or distribution for sale";

(2) by striking out "for the purpose of sale or distribution for sale" the second place it appears;

(3) by striking out "obscene" each place it appears;

(4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;

(6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";

(7) by inserting after "mailed" the following: "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(10) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1) by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

"(4) 'organization' means a person other than an individual.

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws re-

lating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.
"2254. Civil forfeiture."; and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting "sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

Mr. SPECTER. Mr. President, today I offer an amendment in the nature of a substitute to H.R. 3635, a bill to amend Federal laws prohibiting the production or distribution of child pornography. On July 16, 1983, the Senate passed a bill which I sponsored, S. 1469, which contained similar provisions to strengthen Federal laws outlawing child pornography. The purpose of the amendment which I am offering today is to resolve the differences between H.R. 3635, as originally passed by the House on November 14, 1983, and S. 1469 as passed by the Senate.

In working through the differences between the two bills, we, the principal sponsors of both bills—Senator GRASSLEY and I for the Senate and Mr. HUGHES and Mr. SAWYER for the House of Representatives—retained those provisions which would provide for the toughest laws to stop the sexual exploitation and abuse of children. As a result, I am confident that this amendment offers the best of both bills.

Specifically, this substitute amendment would make the following changes in current law:

First. Under current law, only materials produced or distributed for commercial purposes are unlawful. This bill eliminates the commercial purpose requirement;

Second. Under current law, distribution of materials depicting children in sexually explicit poses is unlawful only if the materials are proven to be legally obscene. This bill removes the obscenity requirement;

Third. This bill raises the fines for violation from the current levels of $10,000 for a first offense to $100,000 and $15,000 for a second offense to $200,000. The bill also adds a $250,000 fine for organizations which violate the law;

Fourth. Current law defines a minor as any person under age 16. This bill would extend that definition to include children under age 18;

Fifth. This bill also contains a provision to make it clear that the knowing reproduction of materials depicting children in sexually explicit poses is unlawful;

Sixth. This bill would add for the first time both criminal and civil forfeiture provisions. These are intended to insure that the profit is removed from child pornography; and

Seventh. This bill would also amend the Federal wiretapping statute to include child pornography as a crime for which Federal investigators may obtain authority to utilize a wiretap.

The amendment which I am offering also makes two changes in the definition of sexually explicit conduct. First, our new provision would amend the definition of sexually explicit conduct by deleting "sado-masochistic abuse (for the purpose of sexual stimulation)" and inserting instead "sadistic or masochistic abuse." The substitution was made to broaden the scope of the act.

Sado-masochistic abuse occurs when both sadistic and masochistic actions are involved. The Psychiatric Dictionary defines sado-masochism as "a condition of combined sadism and masochism: coexistence of submissive and aggressive attitude in social and sexual relations to the other person with a considerable degree of destructiveness present; . . ." (P. 560.) In other words, sado-masochistic abuse exists when both a pain inflictor and a pain recipient are involved. Sadism, on the other hand, has been defined as "a state in which the sexual impulse is manifested as a tendency to strike, misuse, or humiliate the love object." (Psychiatric Dictionary, p. 559.) "Masochism" represents the reverse side, and occurs when "sexual satisfaction depends upon the subject himself suffering pain, ill-treatment, and humiliation." (Psychiatric Dictionary, p. 370.)

With this amendment, the law will clearly prohibit the production and interstate distribution of material which visually depicts a minor engaging in sadistic abuse, masochistic abuse, or both.

Second, this amendment would replace the current law's prohibition of the "lewd exhibition of the genitals" with a prohibition against the "lascivious exhibition of the genitals." "Lewd" has in the past been equated with "obscene"; this change is thus intended to make it clear that an exhibition of a child's genitals does not have to meet the obscenity standard to be unlawful.

I first became involved with the effort to toughen our Federal laws against child pornography in November 1981 when the Subcommittee on Juvenile Justice, which I chair, began a series of hearings examining the sexual exploitation of children. When our independent study suggested that the commercial purpose requirement in current law posed an impediment to arrests and prosecutions of those who produce and distribute pornographic depictions of children, the subcommittee requested testimony on this point from the relevant Federal authorities.

The testimony offered on behalf of the FBI by Dana E. Caro of the Criminal Investigative Division verified the finding of the subcommittee investigation.

I ask unanimous consent to have an excerpt printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[T]he FBI has determined that a clandestine subculture exists in the United States which is functioning in violation of the child pornography and sexual exploitation of children statutes. This culture is involved in recruiting and transporting minors for sexual exploitation and investigation has revealed that this culture is very difficult to penetrate. It has been determined that the largest percentage of child pornography

available in the United States today was originally produced for the self-gratification of the members of this culture and was not necessarily produced for any commercial purpose. Pedophiles maintain correspondence and exchange sexual explicit photographs with other members of this subculture and often establish contact with each other through "swinger" type magazines and newspapers which act as mail forwarding services for the readers. FBI investigations have revealed the commercial photographers and major distributors pose as members of this subculture and obtain free of charge the sexually explicit photographs of minor children. As a result, many of the photographs taken for private use and obtained by these commercial photographers and pornographic distributors subsequently appear in child pornography magazines which have wide commercial distribution. Neither the child posing for the picture nor the photographer receive any payment from these commercial photographers or major distributors. Therefore, the FBI's effectiveness in combatting child pornography and the sexual exploitation of children at the grass roots has been seriously impaired by the pecuniary interest requirement contained in title 18, U.S. Code, section 2251 and 2252.

Mr. SPECTER. Mr. President, this legislation also reflects the Supreme Court's July 2, 1982, decision in New York against Ferber. In that case, the Supreme Court ruled that the compelling State interest in safeguarding the physical and psychological well-being of children constitutionally justified the prohibition of nonobscene sexually explicit photographs of children.

This legislation will make it clear that Federal law enforcement authorities will not tolerate any interstate production or distribution of any materials which visually depict children in sexually explicit poses. It is my hope that this new Federal effort will encourage the States to toughen their own child pornography laws.

In closing, I would like to take this opportunity to commend my colleagues in the Senate and House of Representatives for their dedication and concerted actions taken to protect children from sexual exploitation. Most notably, I extend my appreciation to the other principal sponsor of S. 1469, Senator GRASSLEY, for his legislative leadership in this area, to Senator DENTON for his inclusion of the civil and criminal forfeiture provisions in the bill, and to Senator THURMOND, who as chairman of the Senate Judiciary Committee, expedited the passage of this legislation. I would also like to thank Congressmen HUGHES and SAWYER for their parallel efforts to enact child pornography legislation in the House of Representatives and their cooperation with us in the Senate to successfully resolve the differences between the two versions.

Mr. THURMOND. Mr. President, I rise today, as I did on July 22 of last year, to speak in support of legislation that would add new strength to the laws prohibiting the vile practice and social tragedy we know as child pornography. On that day, I rose to offer an amendment to S. 1469, the Sexual Exploitation of Children Act of 1983, that would include the crime of producing or dealing with child pornography in that list of offenses for which court-ordered electronic surveillance would be allowed. I offered that amendment and was an original sponsor of the bill because I felt the Federal Government should have the strongest means available to combat an industry which I have described as "a tragic curse upon this proud Nation and a scourge that cannot be tolerated."

Thanks primarily to the hard work of Senators SPECTER, GRASSLEY, and DENTON, S. 1469 was intended to close the loopholes in the current Federal law that allowed this industry to thrive. In addition to closing these loopholes, the thrust of S. 1469 was to remove any monetary incentive to engage in child pornography by providing for substantial increases in existing fines and for providing for both civil and criminal forfeiture for violations of the laws. The Sexual Exploitation of Children Act was favorably reported by the Committee on the Judiciary and later enjoyed the unanimous support of the Senate.

Today I am speaking in support of similar legislation in the hope that we can put an end to the "kiddy-porn" industry once and for all. I am delighted to join with my three distinguished colleagues from the Judiciary Committee in offering this amendment to H.R. 3635, the House-passed, Child Protection Act of 1983. This legislation, like S. 1469, is a legislative response to the landmark case of Ferber against New York, where the Court held that the exploitation and well-being of the child, rather than the obscenity of the materials themselves, was of paramount importance in determining the validity of any statutory bans.

The substitute amendment we offer today is the result of many hours of hard work and compromise with Members of the House of Representatives. This amendment will make H.R. 3635, like S. 1469, the most effective and constitutionally valid deterrent to those who would sexually exploit our youth for profit by combining the strongest parts of both bills. The result will be a noble accomplishment by both Houses of Congress. I might take a moment to commend Ms. Mary Louise Westmoreland, chief counsel of the Subcommittee on Juvenile Justice, and Ms. Linda Nersesian, chief counsel of the Subcommittee on Administrative Practice and Procedure, for their staff role in the negotiations and for their dedicated hard work to this cause.

Mr. President, I now urge my colleagues to accept this amendment and pass as modified, H.R. 3635, the Child Protection Act of 1983, so that its enactment can put the teeth back into laws intended to end this continuing tragedy.

Mr. STEVENS. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2873) was agreed to.

Mr. DOLE. Mr. President, I welcome this opportunity to support this legislation, which takes aim at the exploiters of our youth. I have been an active proponent of legislative proposals introduced in this Congress to more effectively combat child pornography and have worked closely with Senators SPECTER and GRASSLEY in developing a bill that will serve to strengthen existing law.

As a cosponsor of the Senate-passed bill toughening Federal laws applicable to child pornography, I have examined the substitute legislation before us and determined that it combines the strongest provisions of both bills. In particular, I am pleased to note that this legislation contains provisions raising the age of minority from 16 to 18, increasing individual sanctions, and providing for an "organization" sanction, and allowing court-ordered wiretaps in order to lift the traditional veil of secrecy surrounding the sexual exploitation of minors.

According to testimony from the Department of Justice, since May of 1977, only 67 persons have been indicted under all available obscenity statutes, including obscenity statutes which are not limited to child pornography. Yet the findings of the bill before us are that "thousands of children, including large numbers of runaway and homeless youth, are exploited in the production and distribution of pornographic materials."

Mr. President, it does not take unusual reasoning power to identify that there is no correlation between the numbers of cases being prosecuted and the numbers of children being exploited. It is my hope that this legislation, combined with the Supreme Court's decision in New York against Ferber, will prompt more successful prosecutions of child pornographers.

The Senator from Kansas is confident that there is no need to impress upon my colleagues the importance of maintaining strong safeguards to protect our children from the fear of being sexually abused and exploited. It goes without saying that those children who do become victims of pornographic depictions suffer physical, emotional, and psychological damage, and are often scarred for life. Studies have indicated that sexually abused and exploited children are incapable of developing normal relationships

later on in life and have a tendency to become sexually abusive themselves. We need to act now to protect our children and future generations of children from this intolerable crime of exploitation for profit.

The legislation before us marks a positive step toward curbing the growth of the billion-dollar child pornography industry in this country. Mr. President, 1982 marked the "Year of the Child" in America. Let us hope that, through this legislation, we can make this the year that we made that promise good both in fact and in theory. I urge all of my colleagues to support this legislation.

Mr. GRASSLEY. Mr. President, we have before us a landmark in Federal efforts to eradicate child pornography. Taking its lead from the Supreme Court's 1982 decision in New York against Ferber, this bill outlaws the distribution of all child pornography—not simply that which is technically "obscene." The Court recognized in Ferber that the need to protect our children from sexual exploitation far outweighs the need of exploiters to first amendment protection, and the bill before us writes that conclusion into law.

Due to the outstanding efforts of Senator SPECTER, Senator DENTON, and of course the distinguished chairman, Senator STROM THURMOND, as well as Congressmen HUGHES and SAWYER, we have before us a compromise measure that shields as effectively as possible those children vulnerable to sexual exploitation. This bill was agreed to after much deliberation as to what standards would both protect children and pass constitutional muster.

I. LEGISLATIVE HISTORY PERTAINING TO S. 1469

In response to the Ferber decision, two bills were introduced and referred to the Senate Judiciary Committee in the last session of Congress. The bill that I introduced, S. 29, was identical to one which passed the Senate as part of the Violent Crime and Drug Enforcement Act in the latter part of the 97th Congress.

I reintroduced that bill on January 26, and later introduced another bill, S. 1240, which increased criminal penalties and raised the maximum age for children protected by the act to 18 from 16 in the current law. Senators THURMOND, DENTON, DOLE, LAXALT, HATCH, EAST, DECONCINI, HEFLIN, JEPSEN, KASTEN, RANDOLPH, DOMENICI, HUDDLESTON, WARNER, and NICKLES joined me in cosponsoring that bill.

As originally introduced, Senator SPECTER's bill, S. 57, significantly strengthened certain provisions but nevertheless contained a number of exceptions to prosecution. The bill originally contained a defense that would not restrain the distribution or production of materials involving minors if the materials contain "serious literary, artistic, scientific, social or eductional value." A specific exemption also existed in the original S. 57, and the version reported by the Juvenile Justice Subcommittee for mediums depicting children masturbating if that medium was "an integral portion of a work possessing serious scientific or educational value." I want to emphasize here today that these exemptions were dropped from S. 1469, which passed the Senate on July 16, 1983. No similar provisions were adopted in the legislation currently before us.

II. LEGISLATIVE HISTORY PERTAINING TO THE BILL BEFORE US

It should be noted that the legislation before us forges the strongest combination of the Senate and House bills possible. During discussions that Senator SPECTER and I had with Congressmen SAWYER and HUGHES, we ironed out two provisions in particular: one dealing with depictions of a sado-masochistic nature and the other having to do with simulated portrayals.

A. SADO-MASOCHISTIC DEPICTIONS

The Senate passed bill, S. 1469, deleted the parenthetical "for the purpose of sexual stimulation" from the current description of sado-masochistic abuse at 18 U.S.C. 22253(D). This parenthetical was struck because it was regarded as confusing since no other prohibited conduct under the definition of "sexually explicit conduct" was so narrowly construed. I believe that inclusion of the parenthetical in a courtroom situation would invite an array of psychiatrists into the trial to speculate as to whether the sado-masochistic materials were "sexually stimulating." I believe that we want to avoid that possibility and that we do avoid this possibility by eliminating the potential loophole.

The definition has been altered to reflect that the prohibited conduct is "sadistic or masochistic abuse" as opposed to "sado-masochistic abuse for the purpose of sexual stimulation." In making this change, any accompanying legislative history must and it is our resolve that it reflect intent in altering the act is to broaden the scope of the act. As amended, the substitute prohibits the production and interstate distribution of material which visually depicts a minor engaging in either sadistic abuse, masochistic abuse, or both.

B. TREATMENT OF SIMULATED CONDUCT

H.R. 3635 contains an explicit exemption for simulations of sexually explicit conduct "if there is no possibility of harm to the minor, taking into account the nature and circumstances of the simulation, and there is redeeming social, literary, educational, scientific, or artistic value."

The substitute before us preserves current law as it relates to simulations of sexual conduct. Hence, sexually explicit conduct is defined as actual or simulated conduct that utilizes any of the probibited depictions delineated in 18 U.S.C. 2253. This preservation, in our opinion, discourages imaginative pornographers from discovering significant loopholes.

The bill before us is in keeping with the Supreme Court decision in Ferber, which addressed and assessed the potential need for blanket exemptions to prosecution and concluded:

> A 12-year-old child photographed while masturbating surely suffers the same psychological harm whether the community labels the photograph "edifying" or "tasteless." The audience's appreciation of the depiction is simply irrelevant to New York's asserted interest in protecting children from psychological, emotional, and mental harm . . . An exception for depictions of serious social value, moreover, would actually increase opportunities for the content-based censorship disfavored by the First Amendment.

All of us recognize that this bill marks only the beginning of heightened efforts to abolish child pornography. The true test of its effectiveness remains in the hands of our Federal law enforcement personnel and prosecutors. Let us hope that through this legislation we will have armed them adequately.

(By request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD:)

● Mr. DENTON. Mr. President, the American people are rightly outraged at the ruthlessness and moral decadence of child pornographers. The Senate shortly will approve legislation that will allow prosecution of the people who exploit and abuse children for profit and perversion. I commend Senators SPECTER and GRASSLEY for working quickly and efficiently to prepare and propose the legislative corrections that we will approve today. I also want to acknowledge Senator THURMOND, the able chairman of the Judiciary Committee, for his great capabilities and leadership in this important area.

The legislation is based upon the Ferber decision, which recognized that the business of manipulating and seducing children for the camera is not free speech protected by the first amendment. Rather, it is an attack on the family, an attack that victimizes the most vulnerable member of the family, and leaves a trail of destroyed young lives in its wake.

The footnotes of the Ferber decision illustrate that child pornography has become a multimillion-dollar industry operating on a nationwide scale. One researcher has documented at least 260 different magazines that depict children engaging in sexually explicit conduct. Each magazine, each photo session, is an attack on an individual child.

To whom will those children turn? What emotional scars will they carry for life?

Mr. President, it seems that each day we learn about new horrors such as the serial murders of children by pedophiles who kidnap, sexually abuse, and murder at will, such as the forced prostitution of children, and even the exporting of children to other countries for a life of sexual imprisonment. Virtually every time one of those crimes occurs, child pornography is a factor. We must find ways under the law to make those activities so unprofitable that the child exploiters cannot continue their activities.

The legislation comes before us when we are in the shadow of yet another news account of tragic child abuse. In California, employees at a child care center were in fact perverted exploiters of the children entrusted to their care. The children were psychologically tormented and threatened into submission to the illegal and pornographic activities.

I suggested that one way to help achieve better law enforcement was to include forfeiture provisions in the legislation. The provisions that the bill contains will allow the Attorney General to go after the assets and profits of the enterprise used to produce the illegal material.

The bill includes a reporting section that requires the Department of Justice to inform Congress about the record of prosecutions. We hope for and anticipate that some of the known child molesting organizations will be prosecuted for their criminal activities.

I thank Senators GRASSLEY and SPECTER for adopting my suggestion. I commend them for their diligence and for their commitment to an important piece of legislation. Chairman THURMOND, the distinguished Senator from South Carolina, is to be commended for the leadership he has shown in this important law enforcement area.●

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

(1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(2) by striking out "depicting" each place it appears and inserting "of" in lieu thereof;

(3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;

(4) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(5) by stiking out "$15,000" and inserting "$200,000" in lieu thereof; and

(6) by adding at the end of subsection (c) the following "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

(1) by striking out ", for the purpose of sale or distribution for sale";

(2) by strking out "for the purpose of sale or distribution for sale" the second place it appears;

(3) by striking out "obscene" each place it appears;

(4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;

(6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";

(7) by inserting after "mailed" the following: "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(10) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1), by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

(4) 'organization' means a person other than an individual.

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws relating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.
"2254. Civil forfeiture."; and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting

"sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEEP WATER PORT ACT AMENDMENTS

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 686, S. 1546.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1546) to amend the Deep Water Port Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deepwater Port Act Amendments of 1983".

AMENDMENT, TRANSFER, OR RENEWAL OF LICENSE

SEC. 2. (a) Section 3(4) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(4)) is amended to read:

"(4) 'application' means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port;".

(b) Section 4(b) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(b)) is amended to read:

"(b)" The Secretary may—

"(1) on application, issue a license for the ownership, construction, and operation of a deepwater port; and

"(2) on petition of the licensee, amend, transfer, or reinstate a license issued under this Act.".

(c) Section 4(f) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(f)) is amended to read:

"(f) The Secretary may amend, transfer, or reinstate a license issued under this Act if the amendment, transfer, or reinstatement is consistent with the findings made at the time the license was issued.".

(d) Section 4(h) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(h)) is amended to read:

"(h) A license issued under this Act remains in effect unless suspended or revoked by the Secretary or until surrendered by the licensee.".

(e) Section 4(e)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(e)(1)) is amended by inserting at the end thereof: "On petition of a licensee, the Secretary shall review any condition of a license issued under this Act to determine if that condition is uniform, insofar as practicable, with the conditions of other licenses issued under this Act, reasonable, and necessary to meet the objectives of this Act. The Secretary shall amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency under this Act.".

(f) The first sentence of section 5(g) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(g)) is amended by striking "issued, transferred, or renewed" and inserting "issued".

(g) The first sentence of section 7(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(a)) is amended by striking "issue, transfer, or renew" and inserting "issue".

(h) Section 7(b)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(b)(1)) is amended:

(1) by striking the first sentence and inserting: "The Secretary shall transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of each application for issuance of a license or a petition for the amendment, transfer, or reinstatement of a license that is received."; and

(2) in the second sentence, by inserting immediately after the word "hearing" the phrase "on license application".

ECONOMIC DEREGULATION

SEC. 3. (a) Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended to read:

"SEC. 8. (a) A deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49, United States Code, except as provided by subsection (b) of this section.

"(b) A licensee under this Act shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect to which its license is issued. However, a licensee is not subject to common carrier regulations under subsection (a) of this section when that licensee—

"(1) is subject to effective competition for the transportation of oil from alternative transportation systems; and

"(2) sets its rates, fees, charges, and conditions of service on the basis of competition, giving consideration to other relevant business factors such as the market value of services provided, licensee's cost of operation, and the licensee's investment in the deepwater port and a storage facility, and components thereof, serviced directly by that deepwater port.

"(c) When the Secretary has reason to believe that a licensee is not in compliance with this section, the Secretary shall commence an appropriate proceeding before the Federal Energy Regulatory Commission or request the Attorney General to take appropriate steps to enforce compliance with this section and, when appropriate, to secure the imposition of appropriate sanctions. In addition, the Secretary may suspend or revoke the license of a licensee not complying with its obligations under this section.".

SUSPENSION OF FEE COLLECTION AND SUBROGATION

SEC. 4. (a) Section 18 of the Deepwater Port Act of 1974 (33 U.S.C. 1517) is amended as follows:

(1) In the first sentence of subsection (d), following the words "deepwater port" the first time they appear, insert "while located in the safety zone".

(2) In subsection (f)(3), strike the third and fourth sentences and insert: "These collections shall cease after the date of enactment of the Deepwater Port Act Amendments of 1983, unless there are adjudicated claims against the Fund to be satisfied. The Secretary may order the collection of the fee to be resumed when the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury is less than $4,000,000. Any collection of fees ordered by the Secretary under the preceding sentence shall cease whenever the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury exceeds $4,000,000. The Fund may borrow from the United States Treasury at an interest rate to be determined by the Secretary of the Treasury amounts sufficient to maintain the available balance in the Fund at $4,000,000.".

(3) In the seventh sentence of subsection (f)(3), after the word "than", insert "the amount the Secretary determines is needed to draw upon under subsection (c)(3) of this section or".

(4) In the ninth sentence of subsection (f)(3), after the word "needed", insert "to draw upon under subsection (c)(3) of this section or".

(5) In subsection (h)(2), insert at the end thereof: "In that event, the owner and operator of the vessel are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

(6) In subsection (h)(3), insert at the end thereof: "When the Fund under this subsection is subrogated to the right of any person entitled to recovery against the owner or operator of a vessel, that owner and operator are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) Section 19(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(a)) is amended by adding at the end thereof:

"(3) The Secretary of State shall notify the government of each foreign state having vessels registered under its authority or flying its flag which may call at or otherwise utilize a deepwater port but which do not currently have an agreement in effect as provided in subsection (c)(2)(A)(i) of this section that the United States intends to exercise jurisdiction over vessels calling at or otherwise utilizing a deepwater port and the persons on board such vessels. The Secretary of State shall notify the government of each such state that, absent its objection, its vessels will be subject to the jurisdiction of the United States whenever they—

"(A) are calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The Secretary of State shall promptly inform licensees of deepwater ports of all objections received from governments of foreign states in response to notification made under this paragraph.".

(b) Section 19(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(c)) is amended to read:

"(c)(1) The jurisdiction of the United States shall apply to vessels of the United States and persons on board such vessels. The jurisdiction of the United States shall also apply to vessels, and persons on board such vessels, registered in or flying the flags of foreign states, whenever such vessels are—

"(A) calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port, and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The jurisdiction of the United States under this paragraph shall not, however, apply to vessels registered in or flying the flag of any foreign state that has objected to the application of such jurisdiction.

"(2) Except in a situation involving force majeure, a licensee shall not permit a vessel registered in or flying the flag of a foreign state to call at or otherwise utilize a deepwater port licensed under this Act unless—

"(A)(i) the foreign state involved, by specific agreement with the United States, has agreed to recognize the jurisdiction of the United States over the vessels registered in or flying the flag of that state and persons on board such vessels in accordance with the provisions of paragraph (1) of this subsection, while the vessel is located within the safety zone, or

"(ii) the foreign state has not objected to the application of the jurisdiction of the United States to any vessel, or persons on board such vessel, while the vessel is located within the safety zone; and

"(B) the vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such a safety zone.

"(3) For purposes of paragraph (2)(A)(ii) of this subsection, a licensee shall not be obliged to prohibit a call at or use of a deepwater port by a vessel registered in or flying the flag of an objecting state unless the licensee has been informed by the Secretary of State as required by subsection (a)(3) of this section.".

(c) The amendment made by subsection (b) of this section shall be effective on the ninetieth day following the date of enactment of this Act. The Secretary of State shall make the first series of notifications referred to in section 19(a)(3) of the Deepwater Port Act of 1974, as added by subsection (a) of this section, prior to the thirtieth day following the date of enactment of this Act.

AMENDMENT NO. 2874

Mr. STEVENS. Mr. President, on behalf of Senator PACKWOOD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. PACKWOOD proposes an amendment numbered 2874.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 7, strike "$4,000,000.'." and insert in lieu thereof "$4,000,000, but only to such extent and in such amounts as are provided in advance in appropriation Acts. Such amounts shall remain available until expended.'.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2874) was agreed to.

Mr. LONG. Mr. President, I strongly support the passage of S. 1546, introduced by my colleague from Louisiana and which I have cosponsored. This legislation will serve to make needed changes in the 1974 Deepwater Port Act, which provides the authority for the construction and regulation of deepwater, offshore ports.

Since the enactment of the deepwater port bill in 1974, only one port has been constructed under the terms of the act. That facility, the Louisiana Offshore Oil Port (LOOP), may indeed be the only port ever constructed under the act because of a move away from the use of supertankers to import oil into the United States.

The LOOP facility began receiving oil in May 1981, and has provided the first actual operating experience under the Deepwater Port Act. The amendments embodied in S. 1546 are based on this experience which has shown that some of the restrictions imposed by the act are unnecessary, unduly burdensome and have jeopardized LOOP's ability to compete with conventional ports and carriers.

S. 1546 was reported favorably by the Committee on Commerce, Science, and Transportation based on testimony received from LOOP. The Louisiana Offshore Terminal Authority and the U.S. Department of Transportation. I am confident that this bill addresses the operating needs of LOOP, while preserving the basic safeguards of the original Deepwater Port Act.

Mr. President, deepwater ports, such as LOOP, offer a number of economic and environmental advantages for the Nation. Passage of S. 1546 is necessary to preserve the viability of these facilities by easing some of the restrictions which have served to place deepwater ports at a competitive disadvantage.

I urge my colleagues to join me in supporting this measure.

Mr. JOHNSTON. Mr. President, the bill's basic purpose and objective is to modify, or repeal, some sections of the original authorizing statute to permit an offshore deepwater port to operate in a freer, more competitive environment and be more responsive to the marketplace. The proposed changes would make the 1974 act more contemporary by establishing a framework of Government regulation and marketplace competition within which an offshore deepwater port may operate. This will help to provide a workable, effective regime for oversight and operation of offshore deepwater ports. The amendments would also reflect the changes which have occurred in terms of the Nation's energy situation, its import requirements, and its sources of supply, since enactment of the original legislation almost 10 years ago.

At that time, Congress had legislated a unique proposition for the United States: authorization of the licensing, construction, and operation of an offshore deepwater port facility, a commercial enterprise located in waters of the U.S. coast. This was landmark legislation. Historically, the first such port has been licensed and constructed. Operationally, it came on line for business in 1981.

The United States first and only such facility, known as the Louisiana Offshore Oil Port, Inc., or LOOP, is located about 20 miles off Louisiana's coast in approximately 100 feet of water. The facility takes in only crude oil and pumps it to onshore storage sites, from there, the oil is pumped again in crude form to pipelines for distribution in Louisiana, Texas, and the Midwest.

The changes which have occurred in the Nation's energy situation since the bill was enacted have affected the deepwater port's ability to compete and operate successfully for crude oil transportation. Our proposed amendments would allow such a facility to compete and operate more similar to onshore ports and lightering, lightening and transshipment operations, which are its competitors.

Important to note is key provisions in the act would remain in effect to protect against unfair, discriminatory practices. Authority to suspend or revoke a license continues. Environmental safeguards are retained. Enforcement and oversight by the Secretary of Transportation, the Attorney General, and the Federal Energy Regulatory Commission continues. At this time I would like to review the four major sections of the bill.

1. LICENSING

A more simplified procedure is proposed for the transfer, amendment, or renewal of an offshore deepwater port's license. The current act's procedure for application for ownership, construction, and operation of such a facility would remain in effect. For the transfer, amendment, or renewal of a license, the licensee would be permitted to petition such, as long as the action is consistent with the findings made at the time of license issuance. Also, licenses issued under the act would remain in effect unless suspended, revoked, or surrendered. Licensees would be permitted to petition for review of license conditions to deter-

mine uniformity, insofar as is practicable, with conditions of other licenses issued under the act. Conditions found to be unnecessary nor required any longer by any other Federal department or agency would have to be amended or rescinded.

2. ECONOMIC DEREGULATION

Under this key provision, an offshore deepwater port would be required to operate as a common carrier and to provide nondiscriminatory service, but would be permitted to set its rates based on market conditions and competition, as long as there existed effective competition from alternative modes of transportation. Noncompliance with these requirements could lead to FERC proceedings or Attorney General enforcement, at the direction of the Secretary of Transportation. The Secretary would be authorized to suspend or revoke a license for noncompliance with obligations in this section, as is required now by the current law.

3. FEE SUSPENSION AND ABROGATION

Proposed is a temporary suspension of the deepwater port liability fund fee of 2 cents per barrel on each barrel of oil taken in at a deepwater port facility. The fee is suspended pending congressional resolution of legislation, now being considered separately, which would impose a uniform fee collection system for marine transportation of oil, known as Superfund legislation. The purpose of the fee and the fund is to provide liability resources for cleanup of oil spills. Due to changes in energy demands, sources of energy imports, and the size of vessels transporting oil, the throughput today at LOOP is less than originally expected 10 years ago. As a result, fee collections have been less than anticipated. Imposition of the fee, however, has helped to render the deepwater port uncompetitive, affecting its economic viability. LOOP has operated at a loss for the years 1982 and 1983 totaling some $60 million.

With regard to liability, it is important to note that the act requires statutory liability of $50 million for a deepwater port LOOP, as a condition of its license, has been required to carry, and it does so, a $150 million insurance policy as proof of financial responsibility. The policy provides for $225 million aggregate annual protection and may be renewed should the maximum amount be used in less than 1 year's time. This insurance coverage would be used before Federal funds are involved. Other liability required by the act and retained by the bill is the $20 million in statutory liability for vessel owners or operators. Joint and several liability is required, also, of vessel owners and operators. Every effort is made to insure strong and adequate liability provisions are contained in the proposed bill and retained in the original act.

With reference to the liability fund, once the fee would be suspended temporarily, the fund would be maintained at a level of $4 million. It should be noted that no claims have been paid to date from the deepwater port liability fund, nor have there been any major oil spills at the offshore LOOP facility.

4. RELATIONSHIP TO OTHER LAWS

Repeal of the required bilateral agreement for use of an offshore deepwater port by a foreign-flag ship is proposed in the bill. The act, by requiring bilateral agreements between the United States and a foreign nation for jurisdiction over vessels, and their personnel, bearing that state's flag, limits a deepwater port's through-put, again rendering it uncompetitive. An offshore deepwater port is limited to business only from those vessels whose flag state has entered into a bilateral agreement with the United States. Restricted is the opportunity to compete. Affected is the port's economic viability.

Replacing the current requirement would be a consent regime policy. This would subject a foreign-flag vessel, calling at or using such an offshore facility, to the exercise of jurisdiction by the United States. This is the same jurisdiction to which vessels consent when calling at U.S. coastal ports. It is consistent with customary international law, as codified in the recently concluded United Nations Convention on Law of the Sea and the unilateral declaration by the President, on March 10, 1983, of an exclusive economic zone. This proposed change would permit a more competitive opportunity for offshore deepwater ports.

Mr. President, the proposed amendment to the 1974 act would affect only some of its provisions. The bill seeks a reasonable goal, to permit an offshore deepwater port to survive economically because there exists a more competitive environment in which to operate.

Mr. STEVENS. Mr. President, I ask for the adoption of the committee substitute, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deepwater Port Act Amendments of 1984".

AMENDMENTS, TRANSFER, OR RENEWAL OF LICENSE

SEC. 2. (a) Section 3(4) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(4) is amended to read:

"(4) 'application' means an application submitted under this Act for a license for the ownership, construction, and operation of a deepwater port;".

(b) Section 4(b) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(b)) is amended to read:

"(b)" The Secretary may—

"(1) on application, issue a license for the ownership, construction, and operation of a deepwater port; and

"(2) on petition of the licensee, amend, transfer, or reinstate a license issued under this Act.".

(c) Section 4(f) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(f)) is amended to read:

"(f) The Secretary may amend, transfer, or reinstate a license issued under this Act if the amendment, transfer, or reinstatement is consistent with the findings made at the time the license was issued.".

(d) Section 4(h) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(h)) is amended to read:

"(h) A license issued under this Act remains in effect unless suspended or revoked by the Secretary or until surrendered by the licensee.".

(e) Section 4(e)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(e)(1)) is amended by inserting at the end thereof: "On petition of a licensee, the Secretary shall review any condition of a license issued under this Act to determine if that condition is uniform, insofar as practicable, with the conditions of other licenses issued under this Act, reasonable, and necessary to meet the objectives of this Act. The Secretary shall amend or rescind any condition that is no longer necessary or otherwise required by any Federal department or agency under this Act.".

(f) The first sentence of section 5(g) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(g)) is amended by striking "issued, transferred, or renewed" and inserting "issued".

(g) The first sentence of section 7(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(a)) is amended by striking "issue, transfer, or renew" and inserting "issue".

(h) Section 7(b)(1) of the Deepwater Port Act of 1974 (33 U.S.C. 1506(b)(1)) is amended;

(1) by striking the first sentence and inserting: "The Secretary shall transmit promptly to the Attorney General and the Federal Trade Commission a complete copy of each application for issuance of a license or a petition for the amendment, transfer, or reinstatement of a license that is received."; and

(2) in the second sentence, by inserting immediately after the word "hearing" the phrase "on license application".

ECONOMIC DEREGULATION

SEC. 3. (a) Section 8 of the Deepwater Port Act of 1974 (33 U.S.C. 1507) is amended to read:

"SEC. 8. (a) A deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49, United States Code, except as provided by subsection (b) of this section.

"(b) A licensee under this Act shall accept, transport, or convey without discrimination

all oil delivered to the deepwater port with respect to which its license is issued. However, a licensee is not subject to common carrier regulations under subsection (a) of this section when that licensee—

"(1) is subject to effective competition for the transportation of oil from alternative transportation systems; and

"(2) sets its rates, fees, charges, and conditions of service on the basis of competition, giving consideration to other relevant business factors such as the market value of services provided, licensee's cost of operation, and the licensee's investment in the deepwater port and a storage facility, and components thereof, serviced directly by that deepwater port.

"(c) When the Secretary has reason to believe that a licensee is not in compliance with this section, the Secretary shall commence an appropriate proceeding before the Federal Energy Regulatory Commission or request the Attorney General to take appropriate steps to enforce compliance with this section and, when appropriate, to secure the imposition of appropriate sanctions. In addition, the Secretary may suspend or revoke the license of a licensee not complying with its obligations under this section.".

SUSPENSION OF FEE COLLECTION AND SUBROGATION

SEC. 4. (a) Section 18 of the Deepwater Port Act of 1974 (33 U.S.C. 1517) is amended as follows:

(1) In the first sentence of subsection (d), following the words "deepwater port" the first time they appear, insert "while located in the safety zone".

(2) In subsection (f)(3), strike the third and fourth sentences and insert: "These collections shall cease after the date of enactment of the Deepwater Port Act Amendments of 1983, unless there are adjudicated claims against the Fund to be satisfied. The Secretary may order the collection of the fee to be resumed when the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury is less than $4,000,000. Any collection of fees ordered by the Secretary under the preceding sentence shall cease whenever the unobligated balance of the Fund as reduced by the unliquidated debts to the United States Treasury exceeds $4,000,000. The Fund may borrow from the United States Treasury at an interest rate to be determined by the Secretary of the Treasury amounts sufficient to maintain the available balance in the Fund at $4,000,000 but only to such extent and in such amounts as are provided in advance in appropriation Acts. Such amounts shall remain available until expended.".

(3) In the seventh sentence of subsection (f)(3), after the word "than", insert "the amount the Secretary determines is needed to draw upon under subsection (c)(3) of this section or".

(4) In the ninth sentence of subsection (f)(3), after the word "needed", insert "to draw upon under subsection (c)(3) of this section or".

(5) In subsection (h)(2), insert at the end thereof: "In that event, the owner and operator of the vessel are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

(6) In subsection (h)(3), insert at the end thereof: "When the Fund under this subsection is subrogated to the right of any person entitled to recovery against the owner or operator of a vessel, that owner and operator are jointly and severally liable for cleanup costs and damages resulting from that discharge in the same manner and to the same extent as under subsection (d) of this section.".

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) Section 19(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(a)) is amended by adding at the end thereof:

"(3) The Secretary of State shall notify the government of each foreign state having vessels registered under its authority or flying its flag which may call at or otherwise utilize a deepwater port but which do not currently have an agreement in effect as provided in subsection (c)(2)(A)(i) of this section that the United States intends to exercise jurisdiction over vessels calling at or otherwise utilizing a deepwater port and the persons on board such vessels. The Secretary of State shall notify the government of each such state that, absent its objection, its vessels will be subject to the jurisdiction of the United States whenever they—

"(A) are calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The Secretary of State shall promptly inform licenses of deepwater ports of all objections received from governments of foreign states in response to notifications made under this paragraph.".

(b) Section 19(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1518(c)) is amended to read:

"(c)(1) The jurisdiciton of the United States shall apply to vessels of the United States and persons on board such vessels. The jurisdiction of the United States shall also apply to vessels, and persons on board such vessels, registered in or flying the flags of foreign states, whenever such vessels are—

"(A) calling at or otherwise utilizing a deepwater port; and

"(B) are within the safety zone of such a deepwater port, and are engaged in activities connected, associated, or potentially interfering with the use and operation of the deepwater port.

The jurisdiction of the United States under this paragraph shall not, however, apply to vessels registered in or flying the flag of any foreign state that has objected to the application of such jurisdiction.

"(2) Except in a situation involving force majeure, a licensee shall not permit a vessel registered in or flying the flag of a foreign state to call at or otherwise utilize a deepwater port licensed under this Act unless—

"(A)(i) the foreign state involved, by specific agreement with the United States, has agreed to recognize the jurisdiction of the United States over the vessels registered in or flying the flag of that state and persons on board such vessels in accordance with the provisions of paragraph (1) of this subsection, while the vessel is located within the safety zone, or

"(ii) the foreign state has not objected to the application of the jurisdiction of the United States to any vessel, or persons on board such vessel, while the vessel is located within the safety zone; and

"(B) the vessel owner or operator has designated an agent in the United States for receipt of service of process in the event of any claim or legal proceeding resulting from activities of the vessel or its personnel while located within such a safety zone.

"(3) For purposes of paragraph (2)(A)(ii) of this subsection, a licensee shall not be obliged to prohibit a call at or use of a deepwater port by a vessel registered in or flying the flag of an objecting state unless the licensee has been informed by the Secretary of State as required by subsection (a)(3) of this section.".

(c) The amendment made by subsection (b) of this section shall be effective on the ninetieth day following the date of enactment of this Act. The Secretary of State shall make the first series of notifications referred to in section 19(a)(3) of the Deepwater Port Act of 1974, as added by subsection (a) of this section, prior to the thirtieth day following the date of enactment of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY INTERIM SOLVENCY FOR THE VETERANS' ADMINISTRATION'S LOAN GUARANTY FUND

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 721, S. 2391.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2391) to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made, or insured by the Veterans' Administration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMPSON. Mr. President, I am very pleased to present to the Senate for its consideration S. 2391, a bill to provide emergency interim solvency for the Veterans' Administration's loan guaranty revolving fund by providing for the deposit of loan fees into the fund and by increasing the fees.

Mr. President, the VA's loan guaranty revolving fund—which encompasses virtually all VA housing loan activity—is facing an immediate and severe deficit problem. Since 1962, appropriations have never been necessary to cover the activities of this revolving fund. But in the absence of prompt remedial action, it has been estimated by the Congressional Budget Office that a continuation of current policy will result in an unfunded deficit of at least $125 million in fiscal year 1984, and additional deficits totaling nearly $1 billion in fiscal years 1985 through 1989.

Since its enactment as a readjustment benefit for returning World War II GI's, the VA's loan guaranty program has provided invaluable assist-

ance to veterans who would otherwise not be able to purchase their own home. Basically, the VA's guaranty—for 60 percent of the mortgage amount, up to a limit of $27,500—takes the place of any need for a downpayment such as is customarily required in the commercial lending market. Given the current downpayment requirements among mortgage lenders, a guaranty of $27,500 might well be sufficient to support a total loan amount of $110,000. Over the history of this program, the VA has guaranteed a total of 11.5 million loans with an aggregate face value of more than $200 billion.

This bill would provide emergency solvency assistance to this important program through the end of fiscal year 1985. It would do this by making two changes in the current provision of law—contained in section 1829 of title 38—requiring the collection of a loan origination fee in connection with VA housing loans. First, it would require that all fees collected be deposited not into the General Treasury, as is the case under current law, but instead into the loan guaranty revolving fund itself. I feel that it is appropriate, now that the fund is in urgent financial trouble, that revenues from the collection of these fees should be used to help offset the substantial costs of the program's operation.

The second change would be to increase the amount of the fee from one-half of 1 percent to 1 percent. This will generate an additional $156 million in revenues to the fund during this fiscal year and the next, and it is not expected to decrease the appeal or the usefulness of this valuable guaranty program. It will not interfere with the availability of the guaranty. The 1-percent figure compares quite favorably with the average figure of 3 to 4 percent for fees charged in connection with conventional mortgages.

I would stress, Mr. President, that this bill retains the current law sunset provision of September 30, 1985, since the Veterans' Affairs Committee has drafted it as an interim measure only, pending the development of more comprehensive, long-term solutions to the fund's deficit problems. I believe that additional legislative improvements in the programs will be necessary, and I intend to pursue consideration of such legislation in the committee as swiftly as is possible. I have noted in the past my feeling that a substantial basis of any such legislative initiative might well be the package of program improvements recommended by the Congressional Budget Office in testimony before the Veterans' Affairs Committee, and in a comprehensive report on the subject which has yet to be released in final form. I would note the possibility that we may find that one significant aspect of such a legislative initiative should be to remove the current sunset date on the loan origination fee provision which is the subject of the present legislation, so as to make the loan origination fee a permanent part of the loan guaranty program. I note that the House Budget Committee has recently marked up a budget resolution containing reconciliation instructions which would assume the permanence of the 1-percent loan origination fee and would, in addition, assume the enactment of CBO's package of program improvements. If, indeed, the Congress were to endorse these reconciliation goals, the substantive legislative assumptions underlying those reconciliation instructions would be assured of my strongest support.

AMENDMENT NO. 2875

(Purpose: To provide that the increase in the Veterans' Administration loan fee shall take effect 14 days after enactment)

Mr. STEVENS. Mr. President, on behalf of Senator SIMPSON and Senator CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. SIMPSON and Mr. CRANSTON proposes an amendment numbered 2875.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike out the period at the end of line 14 and insert in lieu thereof a comma and "except that the amendment made by clause (1) of section 2 shall take effect with respect to loans closed 14 days or more after the date of the enactment of this Act.".

Mr. SIMPSON. Mr. President, this amendment is submitted for myself and my good friend, the ranking minority member of the Committee on Veterans' Affairs (Mr. CRANSTON), regarding the effective date of S. 2391. As reported by the committee, the bill would take effect on April 1. Clearly, enactment by that date—which is 2 days from today—will not be possible. And just as clearly, the portion of this bill which would increase the loan origination fee to 1 percent does not lend itself to retroactive application.

This amendment, therefore, would delay the effective date of the increase in fee until 14 days after the date of enactment. The 14-day period should be sufficient to permit the VA to provide notification of the change to commercial lenders who write and service VA-guaranteed loans. The amendment would leave intact the April 1 effective date for that part of the bill which would transfer fee revenues from the General Treasury to the revolving fund.

Mr. President, this amendment is appropriate to permit this legislation to go forward to the House and to the President for his signature as swiftly as possible, and I would urge that my colleagues join me in supporting it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2875) was agreed to.

Mr. SIMPSON. Mr. President, I would like to take a moment to express my appreciation to my good friend, Senator CRANSTON, for his fine cooperation and assistance in moving this vital legislation so expeditiously to the floor. A pleasure always to work with him. I would also like to commend the excellent work of the committee majority staff—especially our fine and capable new chief counsel and staff director, Tony Principi, general counsel, Scott Wallace, whom I shall greatly miss as he goes on to pursue new professional goals, budget specialist, Brent Goo, a very thorough and sensible budgeteer, and a particular thanks for the fine and cheerful support work of our newest addition, Jody Sanders. My thanks also to our skilled committee minority staff—notably the remarkable and talented Jon Steinberg, Ed Scott, and Babette Polzer.

The Committee on Veterans' Affairs has unanimously concluded that this legislation is urgently needed. I strongly urge my colleagues to join me in supporting it as amended.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

EMERGENCY PROTECTION OF SOLVENCY OF VA LOAN GUARANTY REVOLVING FUND

● Mr. CRANSTON. Mr. President, as the ranking minority member of the Veterans' Affairs Committee, I rise to speak on behalf of the pending measure, S. 2391, which I joined with our distinguished chairman (Mr. SIMPSON) in introducing on March 6 and which was reported by the committee on March 22. This bill would redirect the receipts from the Veterans' Administration home-loan guaranty origination fee from the General Treasury into the VA's loan guaranty revolving fund and increase the fee from one-half of 1 percent to 1 percent.

BACKGROUND

Mr. President, I have been very concerned about the solvency and viability of the VA's home-loan guaranty program since early this year when I first wrote the chairman, on January 18, suggesting that oversight hearings be held on the many pressing issues affecting the program. My good friend from Wyoming responded promptly on this issue, and on February 29 an excellent hearing was held that has provided much information and insight as the committee has grappled with the complex issues that are involved.

At the hearing, the most pressing matter that came to our attention was the need for urgent action to shore up the solvency of the guaranty fund. As noted in the committee's report on the pending measure, Senate Report No. 98-366, the Congressional Budget Office estimates that, if nothing is done and current policies vis-a-vis the fund continue, there will be a deficit—that would otherwise have to be dealt with by an appropriation—in the VA's loan guaranty revolving fund of at least $125 million in fiscal year 1984, $108 million in fiscal year 1985, $6 million in fiscal year 1986, and additional deficits totaling nearly $870 million in fiscal year 1987 through 1989.

The administration's response to this need for urgent action was to announce, in the President's budget submission for fiscal year 1985, that major policy changes in the operation of the home-loan program would be made, effective March 1, 1984. The most significant change would have terminated the VA's current general practice of acquiring the property involved following a foreclosure and would have required instead that the VA pay off its guaranty in all cases. The administration projected that the effects of the implementation of this change, together with related policy changes, would be to reduce to $113 million the fiscal year 1984 outlays from the loan guaranty revolving fund and to reduce fiscal year 1985 outlays to $29.6 million as well as to obviate the need for any appropriations for the revolving fund in each of those fiscal years.

However, Mr. President, this policy change has now been suspended after serious problems and concerns arose regarding its long-term cost-effectiveness and the adverse impact it could have on veterans attempting to purchase homes. At the committee's February 8, 1984, hearing on the budget for veterans' programs, the Administrator of Veterans' Affairs testified that the VA was participating, together with other Federal agencies involved, in a task force that is attempting to develop a consistent Government-wide policy with respect to foreclosure procedures. He stated that he did not think the status of any new policy would be resolved until "late fall, at the earliest." Subsequently, in a February 22 letter to the chairmen and ranking minority members of both the House and Senate Committees on Veterans' Affairs, the Director of the Office of Management and Budget advised that the implementation date for whatever changes are made in loan guaranty program policies will be October 1, 1984.

I want to emphasize my strong disagreement with this administration's position that the VA's policy in this area should be determined by its consistency with Government-wide policy and my keen disappointment that, as Administrator Walters stated at our committee's February 8 hearing, it was considered necessary in the budget negotiating process with the Office of Management and Budget to agree with this position. I agree that the VA should attempt to coordinate its efforts with other agencies and be fully cognizant of the policies of those other agencies and how they interact with VA programs. However, I believe very strongly that VA policies should be based on making VA programs work effectively for the benefit of the veterans for whom the Congress established them. Thus, I am disappointed that consistency with other agencies—as opposed to insuring the efficient operation of VA programs for the benefit of eligible veterans which, for me, must be the crucial criterion—will apparently be the touchstone with respect to future VA policies in this area.

S. 2391 AS REPORTED

Thus, at this point, Mr. President, the committee and the Congress are faced with the need for urgent action to insure the solvency of the loan guaranty revolving fund. I believe that the approach in the pending bill will go a long way toward resolving that issue, at least temporarily.

The results of redirecting into the revolving fund fees that are collected on loans closed after March 31, 1984, and increasing the fee—effective, as proposed in the floor amendment that I will discuss shortly, for loans closed 14 or more days after enactment—would be the infusion, based on the CBO estimate, of approximately $92 million into the fund in fiscal year 1984 and $222 million in fiscal year 1985, a 2-year total of approximately $314 million. That amount is greater than the expected fiscal year 1984 and 1985 deficits combined—$233 million—as estimated by CBO.

Mr. President, with respect to the provision for the fees to be deposited into the loan guaranty revolving fund, rather than into the Treasury as miscellaneous receipts, as under current law, I want to note my strong support for the committee's position as stated on page 6 of its report that:

> It is appropriate that fees generated by this vital program should, now that the program is experiencing compelling funding difficulties, be . . . made available to the program for the purpose of meeting the considerable costs of its operation.

Indeed, this was the committee's strong preference when, as part of the 1982 reconciliation process, it recommended the establishment of the fee originally. We were unable to achieve that result at that time because of certain congressional budget scorekeeping difficulties.

With respect to the fee itself, I stress that the increase of one-half of 1 percent in the amount of the fee would not in any way alter the current-law exemptions for veterans with service-connected disabilities and for surviving spouses of veterans who died from such disabilities. Also, the bill would retain the current sunset provision for the fee so that there would be no provision in law for fees to be collected for loans closed after the end of fiscal year 1985. It is also important to note that the fee—which at 1 percent of the loan amount would mean an average fee of $600 for individuals purchasing homes—may either be paid in cash at the time of settlement or financed as part of the initial principal amount of the loan. Permitting financing of the fee as part of the loan amount assures that the burden of the fee on the veteran will continue to be minimized.

Mr. President, I want to stress, as the committee has stated in its report, that this legislation is designed as an interim measure. I will continue to monitor very carefully the very complicated issues involved in this area and will be following VA home-loan program developments very closely as program policy changes are considered. After taking into account the task force's recommendations and proposed policy changes, if any, I stand ready to take such action as may be necessary and appropriate to insure that the fund remains solvent and that the program continues to be operated in an effective and efficient manner and, most importantly, in the best interest of the vetrans it is designed to serve.

SIMPSON-CRANSTON EFFECTIVE DATE AMENDMENT

I also want to make special mention of the amendment that has been adopted to the pending measure on behalf of the chairman and myself. The effective date of the measure as reported was April 1, 1984. The committee wanted to make the proposed changes effective as soon as possible so as to insure maximum relief to the fund's solvency. However, in recognition of the fact that the increase in the fee cannot be made retroactive nor be implemented nationwide on a few days' notice, we are proposing that the one-half-percent increase in the fee become effective with respect to loans closed 14 days or more after enactment. After discussions with officials in the VA's Loan Guaranty Service, it appears that this amount of leadtime will be sufficient to get the word out to lenders, veteran-purchasers, and others who need to know about the change, and I have been assured by the VA's Loan Guaranty Service that, if the House were to find this legislation acceptable and pass the measure, a preenactment notice alerting recipients to the possibility of an increase in the fee would be transmitted to all VA

regional offices immediately after House passage of the bill.

Regarding the 14-day leadtime that would be provided between the date of enactment and the effective date of the fee increase, I would point out that the provision of law establishing the fee, section 406 of Public Law 97-253, which was signed into law on September 8, 1982, took effect 23 days after that date, on October 1, 1982. It is my understanding that the VA's experience in implementing the new fee in that timeframe was a complete success in that there were no situations, as far as the VA's Loan Guaranty Service is aware, in which a VA-guaranteed loan was closed after September 30, 1982, without the parties having been aware of the fee and, thus, in which the veteran-purchaser subsequently had to be required to come up with cash to pay the fee rather than having it financed as part of the loan.

Based on that experience with the establishment of the original fee requirement, it seems reasonable to expect that, with the preenactment notice mentioned above, the VA should be able, with a 14-day leadtime, to achieve the same successful implementation in the case of increasing a fee which is already a part of the current process

CONCLUSION

Mr. President, it is my understanding that there is a favorable disposition in the House Committee on Veterans' Affairs toward the two changes that would be made by this bill. I hope that the bill will be held at the desk when it arrives in the House. I would urge that my good friends on the House Committee give this measure their prompt attention and consideration for favorable action at their earliest opportunity.

Before closing, Mr. President, I want to take this opportunity to express my personal thanks to Scott Wallace, the committee's capable and conscientious General Counsel, for his excellent work on this legislation and his many fine contributions over the past 3 years to a variety of important measures and many other activities of the committee. Scott will be leaving the committee staff next month, and I want to let him know that I and the other minority members and the minority staff have greatly appreciated his efforts and the excellent cooperation and many courtesies he has extended to us. Although we on the Veterans' Affairs Committee will miss Scott, I am delighted that he is not leaving the Senate, but will be joining the staff of the Judiciary Committee's Subcommittee on Juvenile Justice, chaired by my good friend from Pennsylvania (Mr. SPECTER), a highly valued member of our Veterans' Affairs Committee also. On behalf of the minority members and staff of the Veterans' Affairs Committee, I want to wish Scott the best of luck in his future work.

Finally, Mr. President, I want to congratulate my good friend from Wyoming, the committee chairman, for his fine work on this measure and to thank him once again, as well as Majority Chief Counsel Tony Principi, for the fine cooperation which are consistently extended to me and other members of the committee's minority. My thanks also to Bobette Polzer and Ed Scott at the minority staff for their fine work on this legislation.

Mr. President, I believe that this measure is clearly in the best interests of our Nation's veterans and the maintenance of the VA's home loan guaranty program, and I urge my colleagues to give it their unanimous support.●

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1824(c) of title 38, United States Code, is amended—

(1) by inserting "(2) fees collected under section 1829 of this title," after "requirements of the Fund,"; and

(2) by redesignating clause (2) as clause (3).

SEC. 2. Section 1829 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "one-half of"; and

(2) in subsection (c), by striking out "Treasury of the United States as miscellaneous receipts" and inserting in lieu thereof "Veterans' Administration Loan Guaranty Revolving Fund".

SEC. 3. The amendments made by this Act shall take effect with respect to loans closed after March 31, 1984, except that the amendment made by clause (1) of section 2 shall take effect with respect to loans closed fourteen days or more after the date of the enactment of this Act.

The title was amended so as to read: "A bill to amend title 38, United States Code, to provide emergency interim solvency for the Veterans' Administration's Loan Guaranty Fund by providing for the deposit of loan fees in the Fund and by increasing the fees."

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSE JOINT RESOLUTION 517 PLACED ON CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that House Joint Resolution 517, a joint resolution making urgent supplemental appropriations for annual contract authority for the fiscal year ending September 30 for the Department of Housing and Urban Development, received today from the House of Representatives, be placed on the calender.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, may I state to the distinguished Senator from Alaska, the acting majority leader, that, speaking on behalf of Senators on this side of the aisle, we are ready to proceed with the Executive Calendar. I am happy to inform Mr. STEVENS that all nominations on that calendar have now been cleared with the exception of the first nomination, which appears on page 1.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations on the calendar beginning with Nos. 527 through 537, and the nomination of Donald D. Cohen.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask that the Senate go into executive session for the purpose of considering those nominations just referred to.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations I have specified be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989.

MARINE MAMMAL COMMISSION

William Evans, of California, to be a member of the Marine Mammal Commission for the term expiring May 13, 1985.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978.

COAST GUARD

The following officers of the U.S. Coast Guard for promotion to commodore:

Capt. Howard B. Thorsen.

Capt. Alan D. Breed.
Capt. John W. Kime.
Rear Adm. Paul A. Yost, U.S. Coast Guard, to be Commander, U.S. Coast Guard Atlantic Area with the grade of vice admiral while so serving, and
Rear Adm. John D. Costello, U.S. Coast Guard, to be Commander, U.S. Coast Guard Pacific area with the grade of vice admiral while so serving.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:
William P. Kozlovsky.
Richard P. Cueroni.
Robert S. Lucas.
Kenneth G. Wiman.

DEPARTMENT OF STATE

Richard Fairbanks, of the District of Columbia to be Ambassador at Large.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

ARMS CONTROL AND DISARMAMENT NEGOTIATIONS

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations (new position—Public Law 98-202, of December 2, 1983), to which position he was appointed during the last recess of the Senate from November 18, 1983, until January 23, 1984, and to have the rank of Ambassador while so serving.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Donald D. Cohen, and ending John R. Thomson, which nominations were received by the Senate on February 16, 1984, and appeared in the CONGRESSIONAL RECORD of February 21, 1984.

Mr. STEVENS. Mr. President, I ask that the President be immediately notified of the confirmation of his nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXERCISE OF PRESIDENTIAL AUTHORITY WITH RESPECT TO THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls contained in 15 C.F.R. Parts 368-399, including restrictions on participation by United States persons in certain foreign boycott activities, which heretofore has been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. App. 2401 *et seq.* In addition, I have made provision for the administration of Section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

1. The exercise of this authority is necessitated by the expiration of the Export Administration Act on March 30, 1984, and the resulting lapse of the system of controls maintained under the Act.

2. In the absence of controls, foreign parties would have unrestricted access to United States commercial products, technology and technical data, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, United States persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East. Controls established in 15 C.F.R. 368-399, and continued by this action, include the following:

National security export controls aimed at restricting the export of goods and technologies which would make a significant contribution to the military potential of any other country and which would prove detrimental to the national security of the United States;

Foreign policy controls which further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, anti-terrorism, and regional stability;

Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and which support the objectives of the Nuclear Nonproliferation Act;

Short supply controls that protect domestic supplies; and

Anti-boycott regulations that prohibit compliance with foreign boycotts aimed at countries friendly to the United States.

3. Consequently, I have issued an Executive Order (a copy of which is attached) to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under that Act, except where they are inconsistent with sections 203(b) and 206 of the International Emergency Economic Powers Act.

4. The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by United States persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy and economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

6. It is my intention to terminate the Executive Order upon enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

RONALD REAGAN.

THE WHITE HOUSE, *March 30, 1984.*

LEGISLATION TO APPROVE THE COMPACT OF FREE ASSOCIATION—MESSAGE FROM THE PRESIDENT—PM 126

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

There is enclosed a draft of a Joint Resolution to approve the "Compact of Free Association," the negotiated instrument setting forth the future political relationship between the United States and two political jurisdictions of the Trust Territory of the Pacific Islands.

The Compact of Free Association is the result of more than fourteen years of continuous and comprehensive negotiations, spanning the administra-

tions of four Presidents. The transmission of the proposed Joint Resolution to you today marks the last step in the Compact approval process.

The full text of the Compact is part of the draft Joint Resolution, which I request be introduced, referred to the appropriate committees for consideration, and enacted. I also request that the Congress note the agreements subsidiary to the Compact. Also enclosed is a section-by-section analysis to facilitate your consideration of the Compact.

The defense and land use provisions of the Compact extend indefinitely the right of the United States to foreclose access to the area to third countries for military purposes. These provisions are of great importance to our strategic position in the Pacific and enable us to continue preserving regional security and peace.

Since 1947, the islands of Micronesia have been administered by the United States under a Trusteeship Agreement with the United Nations Security Council. This Compact of Free Association with the governments of the Federated States of Micronesia and the Republic of the Marshall Islands would fulfill our commitment under that agreement to bring about self-government. Upon termination of the Trusteeship Agreement, another political jurisdiction of the Trust Territory of the Pacific Islands, the Northern Mariana Islands, will become a commonwealth of the United States.

The Compact of Free Association was signed for the United States by Ambassador Fred M. Zeder, II, on October 1, 1982, with the Federated States of Micronesia, and on June 25, 1983, with the Republic of the Marshall Islands. It is the result of negotiations between the United States and broadly representative groups of delegates from the prospective freely associated states.

In 1983, United Nations-observed plebiscites produced high voter participation, and the Compact was approved by impressive majorities. In addition to approval in the plebiscites, the Compact has been approved by the governments of the Republic of the Marshall Islands and the Federated States of Micronesia in accordance with their constitutional processes.

Enactment of the draft Joint Resolution approving the Compact of Free Association would be a major step leading to the termination of the Trusteeship Agreement with the United Nations Security Council, which the United States entered into by Joint Resolution on July 18, 1947. Therefore, I urge the Congress to approve the Compact of Free Association.

RONALD REAGAN.

THE WHITE HOUSE, *March 30, 1984.*

MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bill and joint resolution in which it requests the concurrence of the Senate:

H.R. 4841. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes.

H.J. Res. 517. Joint resolution making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development.

At 3:42 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

MEASURE REFERRED

H.R. 4841. An act to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes; to the Committee on Commerce, Science and Transportation.

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 517. Joint resolution making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development.

ENROLLED BILL SIGNED

The Secretary reported that on today, March 30, 1984, the President pro tempore (Mr. THURMOND) had signed the following enrolled bill:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATHIAS:

S. 2506. A bill to increase the per diem rate of pay for members of the National Capital Planning Commission; to the Committee on Governmental Affairs.

By Mr. BAKER (for himself, Mr. THURMOND, Mr. DOLE, Mr. GRASSLEY, and Mr. HEFLIN):

S. 2507. A bill to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes; considered and passed.

By Mr. KASTEN:

S. 2508. A bill to reduce the deficit with the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission; to the Committee on Rules and Administration.

By Mr. RUDMAN (for himself and Mr. INOUYE):

S. 2509. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on Rules and Administration.

By Mr. QUAYLE (for himself, Mr. EAGLETON, Mr. HATCH, and Mr. KENNEDY):

S. 2510. A bill to authorize the establishment of an endowment fund at Howard University, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NICKLES:

S. 2511. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest held by the United States in certain lands located in Payne County, Oklahoma, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. HATFIELD, Mr. CHILES, and Mr. HOLLINGS):

S. 2512. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. HUMPHREY):

S. 2513. A bill to amend the Safe Drinking Water Act to protect groundwater resources and to prevent leaks and releases from underground storage tanks; to the Committee on Environment and Public Works.

By Mr. SIMPSON:

S. 2514. A bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Post-Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

S. 2515. A bill to extend the provisions of chapter 61 of title 10, United States Code, relating to retirement and separation for physical disability, to cadets and midshipmen; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. HELMS, Mr. EXON, Mr. MOYNIHAN,

Mr. NICKLES, Mr. BRADLEY, and Mr. HEINZ):

S. Con. Res. 101. Concurrent resolution to commemorate the Ukrainian famine of 1933; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 2506. A bill to increase the per diem rate of pay for members of the National Capital Planning Commission; to the Committee on Governmental Affairs.

INCREASE IN PER DIEM RATE FOR MEMBERS OF THE NATIONAL CAPITAL PLANNING COMMISSION

● Mr. MATHIAS. Mr. President, I send to the desk a bill and ask that it be referred to the appropriate committee.

I ask unanimous consent that a letter to the President of the Senate from the National Capital Planning Commission explaining the need for and purpose of this bill appear in the RECORD along with the text of the proposed legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(b)(2) of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (43 Stat. 463; D.C. Code, sec. 1-2002) is amended by striking out "the rate of $100 for each day" and inserting in lieu thereof "a rate equivalent to Level IV of the Executive Schedule for each day".

(b) Such Act is further amended by adding at the end thereof the following:

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'National Capital Planning Act of 1952'.".

SEC. 2. Section 2 of the Act entitled "An Act to amend the Act of June 6, 1924, as amended, relating to the National Capital Park and Planning Commission, and for other purposes", approved July 19, 1952 (66 Stat. 791) is amended by striking out the second sentence.

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D.C., January 26, 1984.

Hon. GEORGE BUSH,
President, U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: Transmitted herewith is proposed legislation "To amend the National Capital Planning Act of 1952, as amended, and for other purposes."

The bill would increase the compensation paid to the three members of the Commission appointed by the President and the two members appointed by the Mayor of the District of Columbia from $100 for each day a member is engaged in the performance of Commission duties to a daily rate equivalent to Level IV of the Executive Schedule. The current daily rate (based on 260 work days each year) for Level IV under the existing pay ceiling is $266. Such a rate would be more commensurate with the level of responsibilities assigned to Presidential and Mayoral appointees serving as members of the central planning agency for the Federal government in the Nation's Capital.

Appointive members of the Commission are classified as special government employees serving less than sixty days a year; experience indicates that such members, except the Chairman, serve approximately two days a month or 24 days a year principally attending Commission meetings. It is estimated that the Chairman serves an additional thirty days on administrative and representational matters. Accordingly, it is anticipated that such a change in the rate of compensation for appointive members would increase the annual budget estimate for this purpose from $15,000 to $40,000.

Sincerely,

GLEN T. URQUHART,
Chairman.●

By Mr. KASTEN:

S. 2508. A bill to reduce the deficit with the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission; to the Committee on Rules and Administration.

FEDERAL COST CONTROL ACT OF 1984

Mr. KASTEN. Mr. President, today I offer a bill that will improve Government efficiency—and save the American people $58 billion over the next 3 years. I call this bill the Federal Cost Control Act of 1984, and the purpose of it is to enact a number of the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission.

The Grace Commission was put together in June of 1982, and since then 161 private sector business executives spent 18 months studying the Federal Government. The result of their tireless work is a report with 2,478 ways for the Federal Government to control the cost of Government. The President's Private Sector Survey was funded entirely with private money. And, I would like to express my great appreciation to the men and women who devoted their time, energy, and money to this effort. I also extend my sincere admiration for Mr. Peter Grace—the man who headed this effort to dig out Government inefficiency.

Mr. President, adopting just some of the Grace Commission recommendations will save the American people a great deal of money. Both the Congressional Budget Office and the General Accounting Office have reviewed the major Grace Commission recommendations, and have found that they would save $98 billion over the next 3 years. This is just short of the $100 billion downpayment on the deficit President Reagan called for in his state of the Union address.

The bill I am introducing today will get us more than half the way there by requiring Congress and the administation to adopt 58 billion dollars' worth of Grace Commission recommendations. This bill, however, does not force them to accept any specific recommendations to achieve these savings. Both Congress and the administration would have the flexibility to accept recommendations within their jurisdictions that would achieve the specified cost savings.

The Kasten bill requires that by June 1 of this year, nine Senate authorizing committees—from Agriculture to Veterans' Affairs—report bills to Congress that will enact Grace Commission recommendations that will save $29 billion over the next 3 years. Specifically, the savings will be $6 billion in fiscal year 1985, $9 billion in fiscal year 1986, and $14 billion in fiscal year 1987. The administration is also required to take administrative actions to set Commission recommendations in place that will save the same amount. Although my bill suggests Grace Commission recommendations that have been reviewed by CBO and GAO to achieve these savings, these specific recommendations are not binding on the committees or the administration.

I believe that we must adopt the Grace Commission recommendations as part of our current efforts to get the deficits—and the spending that causes them—under control. The Federal Government is the world's largest conglomerate—and one of the worst run. According to the Grace Commission, the level of fraud and abuse in the Government is over $25 billion a year because of serious weaknesses in financial controls and reporting. At the end of 1982, the Commission found that the Government had approximately $93 billion in current receivables—money owed to the Government right now. Of that total, $38 billion—or 41 percent—was overdue. The Government should do a better job of collecting the money already due, before we consider additional tax increases on the American taxpayer.

And, everywhere the Grace Commission looked, it found further evidence of poor management in Government. I would like to offer the Senate a few examples of the Commission's findings.

The Commission found expenditures in the Pentagon of $91 for a 3 cent screw.

The Commission also found the Veterans Administration, at a new hospital in the Bronx, spending $191,000 per bed in hospital construction costs—while similar private construction at the Duke University Hospital cost $97,000 per bed.

And, the Commission found that the Federal Government cannot even do a decent job in issuing a check. The Army spends $4.20 to process a payroll check, while the same check costs $1 to process in the private sector.

The list goes on, Mr. President. In Mr. Grace's testimony before the Senate Budget Committee a month

ago, he presented a list of 19 reasons why business can advise Government. The examples I just gave came from that list, and I ask unanimous consent that the entire list be published in the CONGRESSIONAL RECORD at this point.

Mr. President, the Grace Commission has blown the whistle on the Federal Government, and now it is time for Congress and the administration to take action. Almost all the waste and inefficiency in the Federal Government can be traced to restraints put on the management of the executive branch by Congress. There is hardly anything in the management of Government operations that does not require some form of congressional approval, whether it is closing obsolete facilities, buying new computers, or setting the wage scale on Federal construction projects. The responsibility for Government inefficiency rests at our door, as well as the administration's.

I offer this bill in the hope that we will take the first step toward eliminating inefficiency in Government. This bill takes a two-pronged approach. It is time that Congress and the administration stop blaming each other for the mess we are in. And, start working together to change the way we do business. We have a responsibility to the American taxpayers, and it is time we see that they get the biggest bang for their tax dollars.

I ask unanimous consent that a chart on Why Business Can Advise Government and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY BUSINESS CAN ADVISE GOVERNMENT

Function/item	Federal Government	Private sector	Federal Government failures relative to private sector
(1) Lending money	$764.6 billion loans outstanding	$1,500.0 billion loans outstanding	HUD makes only 3 attempts to collect loans versus 24 to 36 tries in the private sector; 41 percent delinquency rate on current Federal receivables.
(2) Timberland management	105 million acres	347 million acres	The U.S. Forest Service gave away $235 million of firewood in 1981, 24.5 percent of total commercial timber harvested.
(3) Grazing land management	163 million acres	587 million acres	Federal grazing program collected $15 million in grazing fees while providing $41 million in services recovering only 36.6 percent of costs.
(4) Hospital management	177,000 beds	1,481,000 beds	VA hospital in the Bronx cost $191,300 per bed, about double the $97,400 per bed spent constructing the comparable Duke University Hospital.
(5) Nursing home management	71,000 beds	1,029,000 beds	The VA spends $61,250 per bed to construct nursing homes—almost 4X the $16,000 per bed cost of a major private sector nursing home operator.
(6) Automated data processing	250,000 ADP employees	2,000,000 plus ADP employees	Half the government's computers are so old that manufacturers no longer service them. Additional personnel expenses amount to $600 million annually.
(7) Inventory management	$41 billion (over 99 percent in DOD)	$806 billion	Private sector inventory replenishment techniques would save the government $4.5 billion over three years.
(8) Electric power	244.0 billion KWH	2,019.0 billion KWH	Government subsidized power, sold at one-third market rates, costs industrial users only 2.45 cents per kwh in the Northwest compared to 12.09 cents per kwh paid in San Diego for power generated by the private sector.
(9) Borrowing money	$1,381.9 billion national debt	$420 billion corporate bonds outstanding	Federal borrowing from the public of $135.0 billion in 1982 was 33.0 percent of the $408.7 billion raised in U.S. credit markets.
(10) R&D funding	$38.5 billion	$36.1 billion	Government R&D bureaucracy requires that Oak Ridge researchers consult 114 DOE offices for funding approval.
(11) Transportation of persons	$5.2 billion	$20.4 billion (non-user operated transportation).	Since 1955 the government has been prohibited from using private sector travel agents and benefitting from their expertise; a 1980 DOD plan for a professional travel service was rejected by Congress. The government did not issue credit cards for travelers until we recommended it.
(12) Payroll	$61.8 billion civilian payroll	$1,090.0 billion payroll	It costs the Army $4.20 to process a payroll check vs. $1.00 average in the private sector.
(13) Freight handling	$5 billion	$30 billion	The Federal government does not negotiate volume discounts on its enormous freight charges.
(14) Building maintenance	2.6 billion square feet	10 plus billion square feet	The General Services Administration employs 17X as many people and spends almost 14X as much on total management costs as a comparable private sector firm.
(15) Pension benefits	$19.5 billion civil service (CSRS)	$300 billion	Pension benefits for the CSRS are 3 times those in the private sector.
(16) Pension fund assets	$96.1 billion civil service (CSRS)	$481.1 billion	CSRS rate of return in 1980 was 7.4 percent compared to 14 percent and over for a majority of private sector plans.
(17) Vehicles managed	436,338 nonmilitary	155,900,000 motor vehicles privately and commercially owned.	Average utilization of Federal vehicles (excluding USPS) is 9,000 miles per year. However, effective utilization, per private rental firms, is considered to be 25,000 miles per year or 2.8 times Federal vehicle utilization. Failure to recondition vehicles prior to resale, as is common in the private sector, lowers the government's resale revenues by $15.8 million over three years.
(18) Procurement	$159 billion	$2 trillion	Lack of competition or control in Federal contracts results in the Pentagon paying $91 for a 3 cent screw, et cetera, et cetera.
(19) Foreign exchange	$10 billion	$181 billion	Hedging against foreign currency changes versus other industrial countries could save the government $438 million over three years.

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Cost Control Act of 1984".

SEC. 1. Congress hereby determines that—

(a) not later than June 1, 1984, the Senate Committees named in subsections (b) through (j) of this bill shall submit legislation to Congress carrying out budget savings as achieved through the recommendations of the President's Private Sector Survey on Cost Control.

COST SAVINGS BY COMMITTEES

(b) the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $1,900,000,000 in budget authority and $590,000,000 in outlays in fiscal year 1985; $1,500,000,000 in budget authority and $790,000,000 in outlays in fiscal year 1986; and $1,600,000,000 in budget authority and $950,000,000 in outlays in fiscal year 1987.

(c) the Senate Committee on Armed Services shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $245,000,000 in budget authority and $236,000,000 in outlays in fiscal year 1985; $260,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1986; and $280,000,000 in budget authority and $310,000,000 in outlays in fiscal year 1987.

(d) the Senate Committee on Commerce, Science, and Transportation shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $810,000,000 in budget authority and $710,000,000 in outlays in fiscal year 1985; $780,000,000 in budget authority and $810,000,000 in outlays in fiscal year 1986; and $800,000,000 in budget authority and $800,000,000 in outlays in fiscal year 1987.

(e) the Senate Committee on Energy and Natural Resources shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $80,000,000 in budget authority and $80,000,000 in outlays in fiscal year 1985; $345,000,000 in budget authority and $345,000,000 in outlays in fiscal year 1986; and $960,000,000 in budget authority and $960,000,000 in outlays in fiscal year 1987.

(f) the Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to

achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $320,000,000 in budget authority and $560,000,000 in outlays in fiscal year 1985; $595,000,000 in budget authority and $1,200,000,000 in outlays in fiscal year 1986; and $3,300,000,000 in budget authority and $5,600,000,000 in outlays in fiscal year 1987.

(g) the Senate Committee on Government Affairs shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $175,000,000 in budget authority and $2,000,000,000 in outlays in fiscal year 1985; $370,000,000 in budget authority and $2,300,000,000 in outlays in fiscal year 1986; and $390,000,000 in budget authority and $2,400,000,000 in outlays in fiscal year 1987.

(h) the Senate Committee on Labor and Human Resources shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $2,100,000,000 in budget authority and $1,800,000,000 in outlays in fiscal year 1985; $2,200,000,000 in budget authority and $2,600,000,000 in outlays in fiscal year 1986; and $2,200,000,000 in budget authority and $2,800,000,000 in outlays in fiscal year 1987.

(i) the Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(C)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $170,000,000 in budget authority and $5,000,000 in outlays in fiscal year 1985; $95,000,000 in budget authority in fiscal year 1986; and $100,000,000 in budget authority and $10,000,000 in outlays in fiscal year 1987.

(j) the Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $310,000,000 in budget authority and $300,000,000 in outlays in fiscal year 1985; $345,000,000 in budget authority and $370,000,000 in outlays in fiscal year 1986; and $490,000,000 in budget authority and $425,000,000 in outlays in fiscal year 1987.

RECOMMENDATIONS FOR COST SAVINGS

SEC. 2. The legislation to achieve the savings in Sec. 1 subsections (b) through (j) shall be based on the recommendations of the President's Private Sector Survey on Cost Control as reviewed by both the Congressional Budget Office and the General Accounting Office. These recommendations are not binding on the committees, and include the following:

(a) The Senate Committee on Agriculture:

Reduce Commodity Credit Corporation Inventories (ASSET-5)

Revise the family makeup for the thrifty food plan (AG-9)

Replace direct loan programs with loan guarantees (ASSET-18)

Improve income verification in means-tested programs (LISAB-4)

(b) The Senate Committee on Armed Services:

Revise DoD financial accounting and management (USAF-1)

Remove restrictions on silver stockpile sales (CONG-3-1)

Recover military medical care costs from private health insurers (HOSP-11)

Reduce DoD oversight of contractor's independent research and development costs (OSD-18)

Increase dual-sourcing of weapons programs (NAVY-3, USAF-20)

Establish and maintain efficient weapons' production rates (OSD-21, 23, NAVY-1, ARMY-11)

(c) The Senate Committee on Commerce, Science, and Transportation:

Impose user fees for certain U.S. Coast Guard services (PRIV-8, TRANS-19, USER-16)

Consolidate Federal highway program categories (TRANS-6)

Increase private participation in the commercial uses of space (PRIVATE-3)

(d) The Senate Committee on Energy and Natural Resources:

Improve procurement policies for the Strategic Petroleum Reserve (ENERGY-7)

Improve management of Outer Continental Shelf oil and gas leasing program (LAND-1)

Reduce costs of Power Marketing Administrations (PRIV-2, ENERGY-19, USER-5)

(e) The Senate Committee on Finance:

Recover military medical care costs from private health insurers (HOSP-11)

Require prospective payment systems for Medicaid hospital reimbursement (LISAB-8)

Limit growth in health-care costs to GNP growth (MEDIC-1)

Tighten Social Security disability claims process (SSA-10)

Improve income verification in means-tested programs (LISAB-4)

(f) The Senate Committee on Government Affairs:

Restrict short-term and long-term disability benefits for Federal employees (PER-4, RETIRE-3, RETIRE-4-3)

Change Civil Service Retirement Accounting and

Investment Practices (RETIRE-7, 8)

Reduce paid annual leave benefits for Federal employees (PER-3)

Sell unneeded public land (INT-1)

(g) The Senate Committee on Labor and Human Resources:

Require multiple disbursements of Guaranteed Student Loans (ED-1-2)

Increase the origination fee on Guaranteed Student Loans (ASSET-19)

Consolidate the Department of Education's student loan programs (ED-1-1)

Eliminate Federal subsidy for Railroad Retirement windfall benefits (BANK 12)

Reduce the deficit for the Pension Benefit Guaranty Corporation (BANK 1, 2, 3, 4, 5)

Repeal Davis Bacon Act (LABOR-12, USAF-15, and WAGE-1)

Repeal the Service Contract Act (USAF-14, LABOR-14, WAGE-3)

(h) The Senate Committee on Small Business:

Replace direct loan programs with loan guarantees (ASSET-18)

(i) The Senate Committee on Veterans' Affairs:

Increase cost recovery for medical care by VA and IHS (HOSP-12, HOSP-13)

Phase out VA health-care facility construction (HOSP-5, PRIV-4)

COST SAVINGS BY ADMINISTRATIVE ACTION

SEC. 3. (a) The Administration shall review the recommendations of the President's Private Sector Survey on Cost Control which require administrative or presidential action to implement, and adopt a sufficient quantity to achieve cost savings of (A) $6,000,000,000 in fiscal year 1985, $9,000,000,000 in fiscal year 1986, and $14,000,000,000 in fiscal year 1987; or (B) a total of $29,000,000,000 over the three years beginning with fiscal year 1985.

(b) The President's Private Sector Survey on Cost Control recommendations reviewed by both the Congressional Budget Office and the General Accounting Office that could achieve these savings include:

Consolidate or close bases and/or base activities (OSD-4, 8, 9)

Coordinate and automate state welfare data (LISAB-5)

Increase debt collection through outside efforts (ASSET-28)

Charge interest and penalties on delinquent debt (ASSET-29)

Apply market practices to Federal direct lending (ASSET-11)

Encourage electronic transfer of Federal funds (ASSET-6)

Reduce size of government vehicle fleets (PRIV-7)

Make timely payments for procurement and grants (ASSET-4)

Step-up Federal contracting out for support services (PER-12, PROC-18, EX-1, CONG-4, 7)

(c) The Administration shall act to expedite and administer provisions of the laws enacted pursuant to this bill.

By Mr. RUDMAN (for himself and Mr. INOUYE):

S. 2509. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on Rules and Administration.

FAIRNESS IN POLITICAL ADVERTISING ACT

● Mr. RUDMAN. Mr. President, the 1982 California Senate campaign was, at that time, the most expensive race in congressional history. The candidates, our colleague PETE WILSON and his then opponent Edmund G. (Jerry) Brown, Jr., spent over $12 million in their efforts to secure the Senate seat left vacant upon the retirement of Senator Hayakawa. Their combined advertising budgets totaled approximately $8 million, two-thirds of the total spent by both men. Of the combined advertising budgets, $7.3 million was spent on TV advertising. Put another way, 91 percent of the advertising budgets of both candidates was al-

located to TV advertisement, and that total constituted 60 percent of the total campaign costs incurred by both candidates. In the words of George Gorton of the California Group, the San Diego consulting firm that ran Wilson's campaign, "if a campaign doesn't spend at least 50 percent on advertising—most of it on TV—in California, then it is a losing campaign."

The figures I have just recited are startling, but they represent only a hint of what we will see in the future if we do not act to change the methods by which congressional campaigns are conducted in this country. The estimates that I have seen suggest that between them our colleague Senator HELMS and his Democratic opponent, North Carolina Gov. James B. Hunt will spend between $20 and $30 million for the Senate election to occur in November of this year. Although only a retrospective analysis will yield an exact figure, I suspect that more than 50 percent of those campaign dollars will be spent on TV advertising.

The increase in TV advertising budgets relates not only to the increasing costs for TV time, costs which have escalated some 600 percent since 1972, but to the increasing use of that which I shall identify, generously, as "creative advertisements." I do not think I have to be more specific than I have with respect to the term; we all know to what I refer. Anyone who has run for a congressional seat in the last 6 years has used "creative advertisements." The rules allow them, and they have proven to be effective. Under the present law, a candidate who does not use them is foolish and risks an election day defeat. However, that does not mean that such advertisements are beneficial or necessary to the congressional election process. If the rallying cry of this election period is "where's the beef?" its corollary ought to be "and hold the bull when you finally serve it."

It is time for us to recognize that the governing process is serious business and deserves a serious approach to the voters called upon to make decisions as to how that process shall function. It is time for us to do away with actors and actresses and lavishly staged backdrops in our TV advertisements. Let each candidate, or one individual clearly associated with the candidate, stand before the TV camera and deliver whatever message it is that he or she wants to deliver. Let us put an end to the attempted manipulation of the electorate by use of fictional characters and scenery. Let us return communication with our constituencies to its most basic form, direct statements containing simple, declarative statements as to what a candidate does or does not believe. Such a process would insure a more knowledgeable electorate, smaller campaign budgets, a greater number of qualified candidates less beholden to special interest groups capable of raising huge sums of money to fuel exorbitant, theatrical campaigns, and a country more secure in its democratic form of government.

My belief in the rectitude of what I have said is the reason that I am proud today to join with my colleague from Hawaii, Senator INOUYE, in introducing the Fairness in Political Advertising Act. The bill has been carefully crafted to insure its constitutionality and addresses only the manner in which TV advertisements may be presented. It does not seek to control either content or budget. However, Senator INOUYE and I both believe that if the provisions of the bill are adhered to, candidates will find it less necessary to spend such vast sums of money to produce and air theatrical advertisements, and will be more likely to speak directly to the specific issues of concern to their constituencies. Our country cannot be but well served by such legislation.●

● Mr. INOUYE. Mr. President, today, I join Senator RUDMAN in introducing an amendment to the Federal Election Campaign Act which would establish a uniform format for political television advertising of less than 10 minutes in campaigns for Federal office. Essentially, the bill would require that the purchaser of such advertisements, or his identified designee, speak to the camera for the duration of the advertisement. It would restrict the backgrounds of such advertisements to such nonprerecorded materials as can be captured through the same lens as is photographing the speaker.

The purpose of this bill is to make television political campaigns less a function of Madison Avenue and more a contest of ideas. It reflects the assumption that the relevant content of political advertising is the candidate—the quality of his character, ideas, and record—rather than the techniques of packaging and sale.

The bill is also intended to result in the reduction or reallocation of campaign expenses. Serious political candidates must today rely on media consultants to plan and package their television-based campaigns and spend between 25 to 50 percent of their television budget on production expenses. At very least, a reduction of these costs would permit a reallocation of funds for more direct citizen-contact campaigning and may ultimately reduce the costs of the campaign itself.

And, perhaps most significantly, the measure squarely addresses the fact that the use of television as a powerful and expensive political tool is an area that, to date, remains virtually unregulated and unexamined.

It is no secret that since the advent of television as the primary medium of communications and campaigning, and despite a general liberalization of laws governing registration and access to voting, voter participation has diminished. While there are no studies to show a direct causal relationship, I believe that it can fairly be concluded that some of this is attributable to transforming the average citizen from an active participant in the political process into a spectator-consumer of televised messages.

These messages have replaced, with some exceptions, substantive debate. Political campaigns are increasingly competitions between political consultants rather than political candidates. Talking cows have replaced talking candidates. Actors playing parts have replaced the public's right to know the real actors in our politics. The consultant industry has, in many cases, supplanted the political party as the point of entry into politics, leading to the weakening of political parties not only in the selection of candidates and conduct of campaigns, but also in their ability to form a coherent consensual program or discipline membership for its achievement.

Much of the monumental increase in campaign costs is, of course, directly attributable to the increased use of television advertising in political campaigns. While the method of reporting campaign expenditures to the Federal Elections Commission makes accurate figures on campaign spending for television advertising difficult to retrieve, the relationship between increased campaign costs and increased expenditures on television advertising is inescapable. Whereas media costs averaged between 20 to 40 percent of the average campaign budget before television, they now occupy, in those races in which television is relevant, between 60 to 75 percent of similar budgets now. While the overall increase in campaign spending in general elections has doubled since 1972, the amount spent on television advertising has increased fivefold. I believe that it is time to begin to control these costs and examine and limit the medium's adverse potential.

The most obvious objection to the measure lies with our appropriate concern for preserving the first amendment. Political speech is, of course, supreme among the types of speech protected by the Constitution. But, as with all communication transmitted via television across our public airways, the relevant inquiry is, and should be, whether the rights of the viewer to information, expression, and choice are enhanced and preserved by the regulation of this medium. The proposed measure in no way limits the substantive content of what can be communicated. Rather, it arguably addresses only the manner in which relevant information is conveyed. I am not a legal scholar, but because I believe that the bill would, in fact, enhance

the quality and substance of political information conveyed to the public without depriving anyone of the right to communicate meaningful political content, I find that it does no offense to the intent of the first amendment.

Mr. President, every other democracy in the world has some regulation on political advertising as to either time or manner. I urge my colleagues to join Senator RUDMAN and me in supporting this modest attempt to preserve the vitality and dignity of our own democratic process.●

By Mr. QUAYLE (for himself, Mr. EAGLETON, Mr. HATCH, and Mr. KENNEDY):

S. 2510. A bill to authorize the establishment of an endowment fund at Howard University, and for other purposes; to the Committee on Labor and Human Resources.

HOWARD UNIVERSITY ENDOWMENT ACT

● Mr. QUAYLE. Mr. President, today I am introducing along with my colleagues, Senators EAGLETON, HATCH, and KENNEDY, a bill to authorize Howard University to establish an endowment fund to help insure continued viability of the university.

This legislation does not authorize any new expenditures of funds, rather it authorizes a new use of those funds to increase the university's resources and ultimately to decrease the university's reliance on Federal dollars.

The legislation would permit Howard University to use up to $2 million of its annual Federal appropriation to create an endowment fund. Currently, Howard University does not have an endowment fund, and because it receives funds under its own authorization, is not permitted to apply for endowment grants under the recently enacted Higher Education Act's title III endowment program. Howard University would be required to match the Federal contribution to the endowment dollar for dollar with non-Federal funds. Under this program (and similar to the title III program), Howard University could use up to 50 percent of interest earned on the endowment fund for expenditures necessary to the operation of the university, including expenses of maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, and technical assistance.

The availability of this money will provide Howard University with more flexibility, provide help with their fundraising efforts, and provide eventually a source of funds independent from its basic Federal grant. The bill also provides that if Howard University spends any of the endowment capital, the Secretary of Education can recover those funds. The bill also contains certain prescriptions relating to sound investment, fiscal and accounting procedures.

An endowment is one of the key components in a college's or university's success and long life. Without it, a college lives from hand to mouth with no resources to fall back on. Allowing Howard to use up to $2 million to create an endowment is a step in increasing the self-reliance of the university and of insuring its existence as one of our Nation's premier institutions of higher education.●

By Mr. NICKLES:

S. 2511. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest held by the United States in certain lands located in Payne County, Okla., and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RELEASE OF CERTAIN FEDERAL LANDS

Mr. NICKLES. Mr. President, today I am introducing legislation that would lift a public use restriction on certain acreage that was deeded to Oklahoma State University by the U.S. Department of Agriculture in exchange for placing an identical restriction on another parcel of land that the university owns outright. This second parcel of land is now used for grazing purposes and livestock research by the College of Agriculture at OSU. This uses clearly falls within the definition of public use as defined in USDA.

This legislation is necessary for the following reason. The university wishes to deed over to the Oklahoma State University Foundation the parcel of land on which the public use restriction now applies. Therefore, although the university owns the land, that restriction prohibits them from conveying the land to the OSU Foundation, a private and nonprofit organization. By transferring the public use restriction from this parcel of land to the second parcel, OSU would be able to convey the land to the OSU Foundation and open areas would still be assured by this restriction on the second parcel.

Although it might be obvious, I would like to point out that this bill would not cost the U.S. taxpayers anything. In fact, the public would actually gain since the actual parcel on which the restriction would be placed is larger than the parcel on which it now exists.

I would like to take this opportunity, Mr. President, to thank the staff of the Agriculture Committee and also Max Peterson, Chief of the Forest Service, and his staff at USDA for their assistance in the drafting of this legislation. I also wish to thank in advance the members of the Agriculture Committee and my colleagues in the Senate for their consideration of this legislation.

I thank the Chair and ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) subject to section 2, the Secretary of Agriculture shall release, on behalf of the United States, with respect to the tracts of land described in subsection (b), the condition contained in a deed dated December 13, 1954, and recorded on December 21, 1954, in deed book 155 DR beginning at page 125 in the land records of Payne County, Oklahoma, and as corrected by a Correction Deed dated December 31, 1963, and recorded on January 13, 1994, in deed book 184 DR beginning at page 465 in the aforesaid land records, between the United States of America and the Board of Regents for the Oklahoma Agricultural and Mechanical College, subsequently renamed Oklahoma State University, conveying certain tracts of land, of which such described tracts of land are a part, to such university, which requires that the tracts of land conveyed be used for public purposes and revert back to the United States should the tracts of land cease to be used for such purposes.

(b) The tracts of land referred to in subsection (a) are described as follows: Approximately 960 acres, more or less, located at Indian Base Meridian; Township 19 North; Range 1 East; and as more fully delineated in the agreement entered into in accordance with section 2 of this Act.

SEC. 2. The Secretary of Agriculture shall release the condition referred to in section 1(a) of this Act only with respect to land covered by and described in an agreement entered into between the Secretary and the Board of Regents of Oklahoma State University in which the university, in consideration of the release of such condition, agrees to transfer such condition to other lands containing approximately equal acreage owned by the university and to specify such lands in the agreement.

By Mr. CHAFEE (for himself, Mr. HATFIELD, Mr. CHILES, and Mr. HOLLINGS):

S. 2512. A bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes; to the Committee on Labor and Human Resources.

LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT ACT OF 1984

● Mr. CHAFEE. Mr. President, in the drive to improve the level of achievement in American schools, the leadership skills of elementary and secondary school administrators are being tested as never before. Today, I join with Senators HATFIELD, CHILES, and HOLLINGS in introducing legislation to provide career development opportunities for principals and other school administrators.

"Leadership" is a term we have heard repeatedly during the school improvement debate. In setting a new course for American education, leadership here in Washington and from State and local governments is vitally important. But leadership must begin

in the schools themselves. We need leaders—those who unify and motivate both faculty and students—in every school building in the country.

Although studies on American education do not identify any single ingredient for success in improving schools, they do indicated that our most effective schools are those characterized by strong leadership by the school principal. The principal sets a school's instructional objectives, strengthens the commitment of teachers, evaluates school achievements, and takes corrective action when they fall short.

Management abilities are closely linked with personal leadership qualities in the school principal. The ways in which a principal allocates time and resources, evaluates staff, administers the budget, and handles paperwork contribute significantly to his or her success at improving the schoolwide learning environment.

The administration, Congress, State and local leaders, and citizens across the Nation have called for a renewed commitment to improving educational quality. Many factors will help strengthen this commitment. The Leadership in Educational Administration Development Act of 1984 establishes a program to help equip administrators for the challenge by enhancing their managerial, evaluation, communication, budgetary, and human relations skills.

The LEAD bill enables organizations with school management training capabilities to seek Federal support for the establishment of training programs. Institutions of higher education will be able to compete for Federal grants to create technical assistance centers in each of the 10 Federal regions, affiliated with a local college or university and drawing on established expertise in the fields of education and business administration. In addition to these regional centers, funds will be available for the establishment of metropolitan training centers by local school districts, State education agencies, nonprofit groups, or private management organizations experienced in enhancing the professional development of school administrators.

These training centers will conduct workshops emphasizing the unique combination of educational and managerial skills which are required for effective school administration. The programs will train administrators to set educational goals and strategies to attain them; to master objective techniques for evaluating teacher performance; to assess the effectiveness of the school curriculum; to improve the quality of instruction through analysis and classroom observation; to improve the administrative abilities necessary for effective school leadership—communications, consensus-building, time-management, budgetary, disciplinary, and other skills.

Administrators already at work as well as those newly entering this challenging field will be served by the centers. Programs will feature instructors from both the academic and business communities and will also offer training by practicing administrators with proven records in outstanding school districts. The centers will collect and disseminate information about leadership skills associated with successful schools, and offer internships for participants in business, industry, and established effective schools.

This legislation is designed to provide seed money to establish these centers as permanent laboratories for training and research in effective school leadership. The competitive nature of the program will help to insure that the best proposals are funded. Those submitting proposals must obtain 50-percent matching funds and demonstrate a commitment to continue operating the program after Federal funds expire. Once their effectiveness has been demonstrated, these centers should succeed in generating sufficient support from public and private sources to provide ongoing programs for school administrators.

The importance of administrative leadership in schools has been stressed in several major studies of our problems in education in the past year. School leadership was emphasized in the report of the Task Force on Education for Economic Growth of the Education Commission of the States, which reported:

> In study after study, it has been shown that one key determinant of excellence in public schooling is the leadership of the individual school principal. In those schools where the principal is well-trained, highly motivated and zealously devoted to inspiring excellence among teachers and students, the effect is bracing—even in ghetto schools whose facilities are inadequate and whose students come from poor families . . .
>
> Specifically, we urge that each State examine and improve its programs for training school principals and aspiring principals, and that effective new programs be established to train principals in effective educational management . . .
>
> We recommend that school systems expand and improve, at every level of administration, their use of effective management techniques. Business can help here, with exchange programs and other collaborative efforts to train school managers and to keep school officials abreast of the latest techniques in fiscal and personnel management . . .

Good administrative leadership is a key to good schools. The bill we are introducing today can help to improve the climate for learning in American schools without greatly expanding the Federal role or unduly interfering with local prerogatives. Although other important elements must contribute to the improvement of schools, this type of training initiative can bolster that key ingredient of leadership.

Companion legislation has been introduced in the House by Representatives PETRI and GOODLING. The bill provides a sound opportunity for Congress to renew its commitment to improving the quality of education in the United States. Mr. President, I ask unanimous consent that the Leadership in Educational Administration Development Act of 1984 appear in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; PURPOSE

SECTION 1. (a) This act may be cited as the "Leadership in Educational Administration Development Act of 1984."

(b) It is the purpose of this Act to improve the level of student achievement in elementary and secondary schools through the enhancement of the leadership skills of school administrators by—

(1) establishing regional technical assistance centers to promote the development of the leadership skills of elementary and secondary school administrators; and

(2) establishing a program to assist local educational agencies and other organizations in forming metropolitan training centers to promote such development.

(c) It is the intention of Congress that contractors seeking to establish technical assistance and training centers should design programs which upgrade the skills of elementary and secondary school administrators in—

(1) enhancing the schoolwide learning environment by assessing the school climate, setting clear goals for improvement, and devising strategies for completing manageable projects with measurable objectives;

(2) evaluating the school curriculum in order to assess its effectiveness in meeting academic goals;

(3) developing skills in instructional analysis to improve the quality of teaching through classroom observation and supervision;

(4) mastering and implementing objective techniques for evaluating teacher performance; and

(5) improving communication, problem-solving, student discipline, time-management, and budgetary skills.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 1985 and each of the five succeeding fiscal years.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall first make available such amount, not to exceed $1,500,000 per region, as may be necessary for establishing and operating a regional technical assistance center in each Federal region under section 3 of this Act. An amount not to exceed $10 million shall be available for carrying out section 4 of this Act.

REGIONAL TECHNICAL ASSISTANCE CENTERS

SEC. 3. (a) The secretary shall, subject to the availability of funds pursuant to section 2, enter into a contract with an institution of higher education (or consortium of such institutions) in each Federal region for the

establishment and operation of a regional technical assistance center in accordance with the requirements of this section and section 5. The contractor may associate with a private management agency for performance of such contract.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the technical assistance center available to school administrators from any of the local educational agencies located within the Federal region served by that contractor;

(2) to collect information on school leadership skills;

(3) to assess the leadership skills of individual participants based on established effective leadership criteria;

(4) to conduct training programs on leadership skills for new school administrators and to conduct training seminars on leadership skills for practicing school administrators, with particular emphasis on women and minority administrators;

(5) to operate consulting programs to provide within school districts advice and guidance on leadership skills;

(6) to maintain training curricula and materials on leadership skills drawing on expertise in business, academia, civilian and military governmental agencies, and existing effective schools;

(7) to conduct programs which—

(A) make available executives from business, scholars from various institutions of higher education, and practicing school administrators; and

(B) offer internships in business, industry, and effective school districts to school administrators,

for the purpose of promoting improved leadership skills of such administrators;

(8) to disseminate information on leadership skills associated with effective schools; and

(9) to establish model administrator projects.

(c) In making a selection among applicants for any contract under this section, the Secretary shall take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(1) emphasize development of leadership skills identified by graduate schools of management and graduate schools of education; and

(2) assure the provision of assistance to school administrators from local educational agencies in which the number of pupils in the average daily attendance is less than two thousand five hundred.

METROPOLITAN TRAINING CENTERS

SEC. 4. (a)(1) The Secretary shall, subject to the availability of funds pursuant to section 2, enter into contracts with local educational agencies, intermediate school districts, State educational agencies, institutions of higher education, private management organizations, or nonprofit organizations (or consortium of such entities) for the establishment and operation of training centers in eligible local educational agencies in accordance with the requirements of this section and section 5.

(2) For purposes of paragraph (1), the term "eligible local educational agency" means any local educational agency all or any part of which is located within a standard metropolitan statistical area with a population of 250,000 or more.

(b) Each contract entered into under subsection (a) shall require the contractor—

(1) to make the services of the training center available on an equitable basis, taking into account the contribution of the various local educational agencies to the cost of the center, to school administrators from each of the local educational agencies located, in part or in whole, within the standard metropolitan statistical area served by that contractor;

(2) to perform the same functions as are required of contractors pursuant to paragraphs (2) through (8) of section 3(b); and

(3) to take such actions as may be necessary to coordinate the contractor's operations with the regional technical assistance center for that contractor's Federal region for the purpose of sharing resources and avoiding duplication of services.

(c) In making a selection among applicants for any contract under this section, the Secretary shall—

(1) accept only the applications which demonstrate the existence of a prior agreement, among local educational agencies with more than one-half of the pupils in average daily attendance within the standard metropolitan statistical area to be served by the training center, to utilize the center;

(2) take into account whether the applicant, if selected, would be able to operate its programs in a manner which would—

(A) emphasize the provision of assistance to school administrators from local educational agencies in which the number of pupils in average daily attendance is more than 2,500; and

(B) give preference, in the provision of such assistance, to consortia of local educational agencies.

GENERAL CRITERIA FOR CONTRACTS

SEC. 5. (a) The following conditions shall apply to each contract under sections 3 and 4:

(1) The contract shall assure the involvement of private sector managers and executives in the conduct of such programs.

(2) The contract shall contain assurances of an ongoing organizational commitment to carrying out the purposes of this Act through (A) obtaining matching funds for such programs at least equal in amount to the amount of funds provided under this Act, (B) making in-kind contributions to such programs. (C) demonstrating a commitment to continue to operate such programs after expiration of funding under this Act, and (D) organizing a policy advisory committee including (but not limited to) representatives from business, private foundations, and local and State educational agencies.

(3) The contract shall demonstrate the level of development of human relations skills which its programs will instill by (A) identifying the credentials of the staff responsible for such development; (B) describing the manner in which such skills will be developed; and (C) describing the manner in which the program deals with human relations issues facing education administrators.

(4) The contract shall establish a system for the evaluation of the programs conducted.

(b) Each contract under sections 3 and 4 shall be for a term of three years, subject to the availability of funds pursuant to section 2. Such contract shall not be renewable, except that a single three-year extension may be granted if the contractor agrees to maintain the programs with assistance under this Act reduced by one-half.

(c) In the case of contracts entered into pursuant to section 4, the non-federal matching contribution may be in cash or in-kind.

REGULATIONS

SEC. 6. The Secretary is authorized to prescribe such regulations as may be necessary to carry out this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

(3) the term "Federal region" means a Federal region as established under circular A-105 prescribed by the Director of the Office of Management and Budget, or a successor thereto;

(4) the term "school administrator" means a principal, assistant principal, district superintendent, and other local school administrators;

(5) the term "local educational agency" has the meaning provided by section 595 of the Omnibus Budget Reconciliation Act of 1981; and

(6) the term "leadership skills" includes, but is not limited to, managerial, administrative, evaluative, communication and disciplinary skills and related techniques.●

By Mr. DURENBERGER (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. HUMPHREY):

S. 2513. A bill to amend the Safe Drinking Water Act to protect groundwater resources and to prevent leaks and releases from underground storage tanks; to the Committee on Environment and Public Works.

LEAKING UNDERGROUND STORAGE TANKS

● Mr. DURENBERGER. Mr. President, it is becoming increasingly apparent that pollution of the Nation's ground waters is a serious and growing problem. Although ground water remains an essentially pristine and uncontaminated resource throughout most of the United States, pollution is increasing, especially in urban areas. The bill which I am introducing today, along with my colleagues Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. HUMPHREY, attempts to deal with one major source of contamination, underground storage tanks.

Gasoline is one of the most common causes of ground water pollution, and much of this may be attributed to underground storage tanks which are leaking. For example, Maine officials have estimated that of the roughly 5,000 active service stations in that State, about 25 percent have leaking storage tanks. While Maine is in only the first stages of responding to this problem, other States such as California and Florida, have already acted to protect ground waters from leaking storage tanks.

Experts in the field have estimated that there are between 75,000 and 100,000 leaking tanks in the country, with the number increasing every day. The potential contamination from these leaking tanks is overwhelming. A leak of only 1 gallon a day from a

single service station is enough to pollute the water of a 50,000 person community to 100 parts per billion, according to the Environmental Protection Agency.

The bill which I and my colleagues are introducing today amends S. 757, the Safe Drinking Water Act. This bill would amend the act by adding a new part F to deal with leaking underground storage tanks. A tank is defined so that smaller containers—those of 1,100 gallons or less—are excluded from the program, as are those tanks in which heating oil is stored for consumptive use on the premises. Although such tanks are not covered by the regulatory program of this proposal, the bill does require the Environmental Protection Agency to conduct a study of the hazards created by such tanks.

The bill also requires that an inventory of both operational and abandoned storage tanks be prepared so that we can gage more accurately the full extent of the problem facing us. Tanks which are in operation would be required to register with the State in which they are located. Each tank owner or operator would be required to maintain either a leak detection system or an inventory system adequate to identify releases. Second, the proposal would establish technology standards for new underground storage tanks. First, the installation of the common but less adequate tanks—those made of bare steel—would be prohibited unless the hydrogeology of the area is such that there is a minimal danger of corrosion. Finally, all tanks installed after the effective date would be required to meet performance standards developed by the Environmental Protection Agency. At the very least, these standards must require that tanks and pressure piping systems be equipped with leak detection systems.

Mr. President, it is our expectation that this program will be run by the State governments with very little Federal involvement. The bill is designed to assure that new tanks are built and installed as they should be and that old tanks are operated and maintained so that the possibility of leaks is minimized. Leaks which do occur should be detected quickly so that the chance of contamination is low.

We hope that this bill can be offered as an amendment to S. 757, amendments to the Resource Conservation and Recovery Act, when that bill is brought to the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by adding a new Part F as follows:

"PART F—REGULATION OF UNDERGROUND STORAGE TANKS CONTAINING SUBSTANCES OTHER THAN HAZARDOUS WASTE

"DEFINITIONS

"SEC. 1451. For the purpose of this Part, the term—

"(1) 'hazardous substance' means (A) any substance defined in Section 101(14) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including substances regulated as hazardous wastes under the Solid Waste Disposal Act), (B) petroleum, including oil or any fraction thereof, and (C) natural gas liquids or gas liquids, except that the term "gas liquids" does not include propane or butane having in the container an absolute pressure exceeding 40 psia at 70°F;

"(2) 'owner or operator' means (A) in the case of an underground storage tank in use on the date of enactment of this amendment or brought into use after that date, any person owning or operating such tank, and (B) in the case of any underground storage tank previously in use but no longer in use on the date of enactment of this amendment, any person who owned, operated, or otherwise controlled such tank immediately prior to discontinuation of use;

"(3) 'person' means an individual, firm, corporation, association, partnership, trust, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

"(4) 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing into groundwater, surface water or subsurface soils;

"(5) 'underground storage tank' means any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of hazardous substances and which is substantially or totally beneath the surface of the ground. This term does not include (i) farm or residential underground storage tanks of 1100-gallons or less capacity used for storing motor fuel for noncommercial purposes, (ii) underground storage tanks used for storing heating oil for consumptive use on the premises where stored, (iii) residential septic tanks, (iv) pipelines regulated under the Natural Gas Pipeline Act of 1968, as amended (49 U.S.C. 1671, et seq.), or (v) unenclosed surface impoundments, pits, ponds, lagoons or basins.

"NOTIFICATION AND CERTIFICATION

"SEC. 1452. (a)(1) OPERATIONAL UNDERGROUND STORAGE TANKS.—Within twelve months of the date of enactment, any owner of an underground storage tank for storing hazardous substances on the date of enactment shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, and uses of such tanks and any current or previous releases and corrective action.

"(2) NONOPERATIONAL UNDERGROUND STORAGE TANKS.—For any underground storage tank used for storing hazardous substances prior to the date of enactment but taken out of operation before such date, but after January 1, 1974, the owner of such tank shall, within twelve months of the date of enactment, notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank (unless the owner or operator knows the tank subsequently was removed from the ground), specifying the date the tank was taken out of operation, the age on the date taken out of operation, the size, type and location of the tank, and the type and quantity of substances left stored in such tank on the date taken out of operation. This subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"(3) Any owner or operator which installs or brings into use an underground storage tank after the initial notification under subsection (a)(1), shall notify the designated State or local agency or department within thirty days of installation or use.

"(b)(1) Within ninety days of enactment, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a).

"(2) Within one hundred and eighty days of enactment, the Administrator of the Environmental Protection Agency, in consultation with State and local officials designated pursuant to subsection (b)(1), shall prescribe in greater detail the form of the notice and the information to be included in the notifications under subsection (a).

"(3) If a Governor chooses not to designate a State agency or department or local agencies or departments pursuant to subsection (b)(1), the notifications under subsection (a) shall be submitted to the Administrator of the United States Environmental Protection Agency.

"(c) If the notification under subsections (a) (1) and (2) are submitted to a designated State or local agency or department, the State shall compile the submitted information into a comprehensive inventory and furnish such inventory to the Administrator within eighteen months of enactment.

"(d)(1) Within thirty months of enactment the Administrator or the appropriate official in a State with a program approved pursuant to Section 1457 shall issue a certificate to the owner of each tank for which a complete and valid notification was received pursuant to subsections (a) (1) or (3).

"(2) The Administrator or the appropriate official in a State with an approved program shall issue a certificate to the owner or operator of a tank installed or brought into use after the initial certification under subsection (d)(1) within thirty days of notification by the owner or operator.

"RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS

"SEC. 1453. (a) Not later than eighteen months after the date of enactment, the Administrator, after opportunity for public comment, shall promulgate release detection, prevention and correction regulations, applicable to all owners and operators of underground storage tanks used for storing hazardous substances, as may be necessary to protect human health and the environment. Such regulations shall include, but need not be limited to, requirements respecting—

"(1) maintaining a valid certificate for every operational underground storage tank;

"(2) maintaining a leak detection or inventory system and performing tank testing

necessary to identify releases from the underground storage tank;

"(3) maintaining records of any leak detection or inventory system or tank testing;

"(4) reporting of any releases and corrective action taken in response to a release from an underground storage tank;

"(5) standards of performance for new underground storage tanks which shall include, but not be limited to—

"(i) design, construction, location and installation requirements adequate to prevent or minimize any release of hazardous substances into the environment;

"(ii) a requirement that pressure piping systems be equipped with leak detection systems;

"(iii) a requirement that each tank be equipped with a leak detection system; and

"(iv) a requirement to notify the Administrator or appropriate State official in a State or with an approved program within thirty days of installation of the new tank;

"(6) taking corrective action in response to a release from an underground storage tank as may be necessary to protect human health and the environment;

"(7) the closure of tanks in order to prevent any future release into the environment; and

"(8) maintaining evidence of financial responsibility as may be necessary or desirable for taking necessary corrective action and for bodily injury and property damage to third parties caused by sudden and nonsudden accidental occurrences arising from operating an underground storage tank.

"(b) Until the effective date of the regulations promulgated by the Administrator under subsection (a) and after 180 days from the date of enactment, no person may install or begin using an underground storage tank for the purpose of storing hazardous substances unless such tank is cathodically protected against corrosion, constructed of a non-corrosive material, or contained in a manner designed to prevent the release into the environment of any stored hazardous substances.

"APPROVAL OF STATE PROGRAMS

"SEC. 1454. (a) Any State may submit an underground storage tank release detection, prevention, and correction program for review and approval by the Administrator. The State must demonstrate that the State program includes the requirements identified in Section 1453(a) and provides for adequate enforcement of compliance with such requirements. A State's new tank standards shall be no less stringent than the performance standards promulgated by the Administrator pursuant to Section 1453(5).

"(b)(1) Within 120 days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program includes the requirements identified in Section 1453 (a) and provides for adequate enforcement of compliance with such requirements.

"(2) If the Administrator determines that a state program includes the requirements identified in Section 1453(a) and provides for adequate enforcement of compliance with such requirements, he shall approve the State program and the State shall have primary enforcement responsibility with respect to requirements related to control of underground storage tanks used to store hazardous substances.

"(c) Whenever the Administrator determines after public hearing that a State is not administering and enforcing a program authorized under this Part in accordance with the requirements of Section 1453, he shall so notify the State, and, if appropriate action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw authorization of such program and reestablish enforcement of federal regulations pursuant to this Part.

"INSPECTIONS, MONITORING AND TESTING

"SEC. 1455. (a) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this Part, any owner or operator of an underground storage tank used for storing hazardous substances shall, upon request of any officer, employer or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee or representatives of a State with an approved program, furnish information relating to such tanks or contents and permit such person at all reasonable times to have access to, and to copy all records relating to such tanks and to conduct such monitoring or testing as such officer deems necessary. For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this Part, such officers, employees or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an underground storage tank is located;

"(2) to inspect and obtain samples from any person of any such hazardous substances and conduct monitoring or testing of the tanks, contents, or surrounding soils. Each such inspection shall be commenced and completed with reasonable promptness.

"(b)(1) Any records, reports, or information obtained from any person under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(3) In submitting data under this Act, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this Act.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 1456. (a)(1) Except as provided in paragraph (2), whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this Part, the Administrator may issue an order requiring compliance immediately or within a specified time period or the Administrator may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this Part where such violation occurs in a State with a program approved under section 1454, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If such violator fails to comply with the order within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance and the Administrator may suspend or revoke any certificate issued to the violator (whether issued by the Administrator or the State).

"(b) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) Any order issued under this section may include a revocation of a certificate issued under this Part, and shall state with reasonable specificity the nature of the violation and specify a time for compliance and assess a penalty, if any, which the Administrator determines is reasonable taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) The following persons shall be subject to civil penalties for the specified violations—

"(1) Any owner or operator who knowingly fails to notify or submits false information pursuant to Section 1452(a) to a State or local agency or department designated pursuant to Section 1452(b)91) or the Administrator of the United States Environmental Protection Agency shall be subject to a civil penalty not to exceed $25,000 for each tank for which notification is not given or false information submitted.

"(2) After thirty-six months from the date of enactment, any person who knowingly deposits hazardous substances in an underground storage tank that does not have a Federal or State certificate issued pursuant to section 1452(d) or such person does not assure that a tank without a certificate will not allow release of the hazardous substances deposited in the tank, such person shall be subject to a civil penalty not to exceed $25,000 for each tank into which such hazardous substances are deposited.

"(3) Any owner or operator of an underground storage tank used for storing a hazardous substance who fails to comply with the release detection, prevention and correction regulations as promulgated by the Administrator or a State program approved pursuant to Section 1454, shall be subject to a civil penalty not to exceed $25,000 for each tank and for each day of violation.

"(4) Any owner or operator of an underground storage tank used for storing hazardous substances who fails to comply with the provisions of Section 1453(b) shall be subject to a civil penalty not to exceed $25,000 for each tank and for each day of violation.

"FEDERAL FACILITIES

"SEC. 1457. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any underground storage tank as defined in section 1451(5) and used for the purpose of storing hazardous substances as defined in subsection 1451(1), shall be subject to and comply with all Federal, State, interstate, and local requirements, both substantive and procedural respecting construction, installation, operation, testing, corrective action, removal, and closure of underground storage tanks in the same manner, and to the same extent, as any person is subject to such requirements, including payment of reasonable service charges.

"Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. The President may exempt any underground storage tanks of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"STATE AUTHORITY

"SEC. 1458. Nothing in this Part shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard of performance respecting underground storage tanks used to store hazardous substances that is more stringent than a regulation, requirement or standard of performance in effect under this Part.

"STUDY OF EXEMPTED UNDERGROUND STORAGE TANKS

"SEC. 1459. Not later than thirty six months after the date of enactment, the Administrator of the Environmental Protection Agency shall conduct a study regarding the underground storage tanks exempted in Section 1451(5) (i) and (ii). Such study shall include estimates of the number and location of such tanks and an analysis of the extent to which there may be releases or threatened releases from such tanks into the environment. Upon completion of the study, the Administrator shall submit a report to the President and to the Congress containing the results of the study and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this Part.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1460. (a) There are authorized to be appropriated to the Administrator for the purpose of carrying out the provision of this Part, $5,000,000 for the fiscal year ending September 30, 1984, and $10,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988.

"(b) There is authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1985, 1986, 1987, and 1988 to be used to make grants to the States for purposes of assisting the States in the implementation of approved State underground storage tank programs."

(b) Section 1448(a)(1) of the Safe Drinking Water Act is amended by inserting after the words "any regulation for State underground injection control programs under section 1421," the following: "any regulation for underground storage tanks under section 1453."

(c) Section 101(14) of the Comprehensive Environmental Response, Compensation and Recovery Act of 1980, Public Law 96-510, is amended by—

(1) striking out "and (F)" and substituting ", (F)",

(2) striking out "Control Act." and substituting "Control Act, and (G) gasoline and other liquid hydrocarbons or natural gas liquids or gas liquids released or threatening to be released into groundwater or subsurface soils from an underground storage tank as defined in Section 1451(5) of the Safe Drinking Water Act"; and

(3) by striking "The term does not include petroleum" and substituting "Except as provided in subparagraph (G), the term does not include".●

● Mr. MOYNIHAN. Mr. President, I am pleased to join my colleague from Minnesota as a cosponsor of a bill to reduce ground water contamination from underground storage tanks. We are all aware by now that the quality of underground supplies of drinking water depends strongly on man's activities on or below the land surface. Among the many potential sources of pollution, some are not regulated under any Federal law. Perhaps the most significant category of unregulated source is the underground storage tank.

Underground storage tanks, ubiquitous in our society, are most commonly used to store petroleum products such as gasoline, but many tanks also contain industrial chemicals. Nobody knows who many million tanks exist in the United States or what proportion of the tanks leak, but that should not stop us from acting promptly to reduce the threat to ground water. We do know that the majority of tanks are made of bare steel and that many have been in the ground for decades. The basic principles of chemistry lead to the conclusion that many of these tanks are leaking.

Many incidents of ground water contamination have been traced to leaking tanks. In one dramatic case, a 17,000,000-gallon, 52-acre lake of petroleum was recently discovered floating on the aquifer beneath the streets of Brooklyn, N.Y. Hydrologists believe that tanks in the area have been leaking over 30 years.

This bill would establish sensible practices to prevent, detect, and correct leaks from underground storage tanks. For example, such practices as inventory control, leak detection, and testing of old tanks would become the norm. New tanks would be designed to prevent future leaks. It is now time for the Congress to act. There is no question that toxic chemicals are leaking from storage tanks to aquifers. Yet no clear Federal authority is currently available to tackle this threat.●

By Mr. SIMPSON:

S. 2514. A bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Post Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes, to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS OF 1984

● Mr. SIMPSON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing S. 2514, the proposed Veterans' Administration Health Care Amendments of 1984. This legislation is designed to clarify and improve certain health care programs and services currently provided and administered by the Veterans' Administration. The central purpose of this initiative is to continue to obtain maximum use of VA health care resources and to improve the quality of health care services by providing the most appropriate kinds and levels of care to certain specific veteran populations which are already receiving VA health care services. Our measure promotes a more concentrated effort to coordinate complex types of care and a more efficient use of resources by targeting appropriate kinds of services to match veterans' specific needs. Specific veterans populations who would benefit from the legislation would be those service-connected vet-

erans, elderly veterans, Vietnam veterans with post traumatic stress disorder (PTSD), veterans who are totally deaf, and veterans with alcohol-related disorders.

SUMMARY OF PROVISIONS

Mr. President, the five substantive provisions of my bill would:

First, authorize the Veterans' Administration to arrange for certain health and health-related services in local communities at no expense to the VA but which would allow the VA to further manage a veteran's care.

Second, provide that the Administrator of Veterans' Affairs shall coordinate care for veterans suffering from alcohol dependence.

Third, provide the Administrator with specific authority to provide for the hearing-impaired, including telecaptioning television decoders, to veterans who are totally deaf.

Fourth, direct the Administrator to establish the position of Associate Director for Post Traumatic Stress Disorder (PTSD) in order to clarify VA policy, provide guidance, and coordinate care for Vietnam veterans suffering from PTSD.

Fifth, direct the administrator to submit a report to Congress regarding VA hospice and respite programs for terminally ill and chronically ill veterans.

VA/COMMUNITY COORDINATION PROGRAMS' OFFICE

Mr. President, a major problem in caring for geriatric veterans is to coordinate the delivery of the various health care services which are often needed. Not all veterans are eligible for all types of care and not all VAMC's provide all types of care, therefore some reliance on community resources may be necessary.

There is presently considerable interest within the VA to cooperate with other public and private institutions in order to improve the delivery of health care services. Under current law, the VA is authorized to participate in the cooperative health manpower education program (CHMEP), with public institutions, nonprofit corporations, and others by establishing cooperative health care personnel education programs in areas geographically remote from major academic health centers. The purpose of these programs is to improve the competencies and performance of practicing health care personnel in areas underserved by the health care system.

The purpose of this provision would be to provide the VA with enhanced authority to manage a veteran's program of treatment under varying circumstances including such times when a certain service is not offered by the VA, or times when a veteran may not be eligible for a certain service or times when due to a great distance between the veteran's home and the VA medical center close monitoring of a chronic condition is impractical. This legislation would establish a VA/community office within each medical center that would provide as part of discharge planning and ongoing care management, referral services to and help for veterans to negotiate the system in order to take advantage of certain health services currently available in local communities that would certainly enhance a veteran's treatment. Section 3 of the measure I am introducing today, would particularly benefit elderly veterans who reside in rural areas and who receive VA health care services, and who could benefit from supplemental services that exist in the community.

CLARIFY ALCOHOL TREATMENT AND REHABILITATION

Mr. President, according to the National Institute of Medicine, alcohol abuse and alcoholism cost America $60 billion a year. Twenty percent of our total national expenditure for hospital care is alcohol related. The VA treats approximately 100,000 veterans each year for alcohol-related disorders in its 102 alcohol treatment units and other programs out of a total of about 3 million veterans treated. The VA's most recent report on alcoholism and VA patients "1980 Supplement to Alcoholism and Problem Drinking 1970-1975," notes that alcoholism-related disorders are the second largest category of diagnoses of patients discharged from VA hospitals, next to heart disease. When "problem drinkers"—those whose current treatment or prognosis are complicated by drinking—are added to those defined as "alcoholics," the percentage in VA hospitals was 26 percent in 1980. And the percent of alcoholics or problem drinkers among hospitalized Vietnam-era veterans was 38 percent.

The VA's specialized alcohol dependence treatment programs emphasize short-term inpatient hospitalizations during which time a comprehensive evaluation is made including biomedical, social, and vocational skills assessments. An individualized treatment plan is formulated, including treatment for other significant medical, surgical, or mental health problems. According to the VA, the trend in VA care is for shorter inpatient stays and proportionately more of the needed treatment to be provided in an outpatient or ambulatory setting.

Mr. President, I very seriously considered including in section 4 of the bill I am introducing today a provision which would unify alcohol treatment goals within the VA by mirroring the VA's current policy of emphasizing short-term inpatient stay and making maximum use of outpatient and other forms of ambulatory care for alcohol treatment and rehabilitation. That provision would have provided the VA with specific authority to provide up to 7 days detoxification, 28 days inpatient treatment, 15 weeks for rehabilitation (if necessary) and followup outpatient or half-way house care for alcohol treatment and rehabilitation. The VA would have been directed to provide a minimum of 1 year of followup to all veterans who had completed the inpatient treatment program. The purpose of this provision was to require the VA to put into practice what is reflected in its program guide and by other Government and private-sector alcohol treatment programs generally and to address three specific goals: First, to move the veteran through the treatment phases in a timely manner, second, to take into account other possible medical complications when formulating the veteran's treatment plan; and third, to provide the essential coordination of rehabilitative services and reintegration into the veteran's local community. I believe these goals are especially critical to the veteran's chances of recovery.

In an attempt to be responsive to the Veterans' Administration and others concerned about the VA's efforts to treat veterans with alcohol dependence and abuse disabilities, I have decided not to specify the limitations in the bill but instead to include in section 4 of the bill I am introducing today a requirement that the Administrator prescribe regulations to establish maximum periods of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities consistent with the average period of such treatment and rehabilitation experienced in programs not administered by the VA. These regulations are to include maximum periods for detoxification, acute inpatient care, additional extended care for cases involving multiple and complex diagnoses, and outpatient care. Regulations on the use of individualized treatment plans, their development and implementation, and including at least 1 year of followup monitoring would also be prescribed. Rather than specifying the limits of each treatment phase in the legislation, the requirement that the VA prescribe regulations would provide the VA with the flexibility to exercise their own medical judgment in setting forth the parameters of the program. It is my expectation and hope that the VA will proceed expeditiously to prescribe these regulations and that further legislation will not be necessary.

MEDICAL AND REHABILITATION DEVICES FOR THE HEARING IMPAIRED

Mr. President, the VA issues over 1 million prosthetic and sensory aids to eligible veterans each year; including aids for the blind, artificial limbs, wheelchairs, auto adaptive equipment, hearing dogs, TTY's (machines which type out incoming phone messages), automatic page turners, and many more items. However, a VA General Counsel opinion of July 9, 1980, has

prohibited a totally deaf veteran from receiving a telecaption TV decoder which adapts a TV set to receive broadcasts with subtitles unless a veteran has a "morbid mental condition." This would seem to unfairly discriminate against the deaf veteran by requiring that he become socially disoriented to the degree that he is considered mentally ill prior to the receipt of a telecaption device. No such requirement exists for veterans who receive other medical devices.

Section 5 of the legislation I am introducing today would be a practical technical amendment to clarify the eligibility of a totally deaf veteran to receive a telecaption TV decoder as part of other medical and rehabilitative services for which he or she is already eligible. This measure would make the issuance of this device consistent with VA policy on other prosthetics and sensory aids under section 601(6) of title 38, United States Code.

INPATIENT TREATMENT FOR POST-TRAUMATIC STRESS DISORDER

Mr. President, 10 VA medical centers have set up special inpatient units for Vietnam veterans with posttraumatic stress disorder (PTSD), in order to provide inpatient treatment for veterans whose PTSD is too severe to be treated by vet centers or outpatient clinics. Treatment includes a combination of individual, group, and family therapy, and certain special therapeutic programs. The VA has no policy on these special units which have been developed as a result of local medical center initiatives. Neither the Readjustment Counseling Service in charge of vet centers nor the Mental Health and Behavioral Sciences Services in charge of all other mental health services is managing or coordinating the care provided in these inpatient units. The measure I am introducing today would be an important step toward coordination of readjustment services for Vietnam vets with PTSD.

Section 6 of my proposal would direct the Administrator to establish an Associate Director for PTSD under the Mental Health and Behavioral Sciences Service in order to clarify policy, provide guidance, coordiante care for veterans with PTSD and to educate VA health care personnel about PTSD. The VA would also be required to submit a report to Congress on its efforts in this regard.

CARE FOR TERMINALLY ILL VETERANS AND RESPITE FOR CHRONICALLY ILL

Mr. President, hospice care is increasingly recognized as a most compassionate alternative manner of caring for the terminally ill. Such care provides supportive counseling and pain relief for patients who have less than 6 months to live and it is designed to assist patients to remain at home as long as is possible.

The Health Care Financing Administration (HCFA) has recently published final regulations for payment of hospice care under medicare and the Joint Commission on Accreditation of Hospitals (JCAH) has created an accreditation program for hospice care and has developed a hospice standards manual. The VA has one inpatient program and 15 additional programs of hospice care for terminally ill veterans. An evaluation of the inpatient program, which is located at the Wadsworth VA Medical Center, has just been completed.

Section 7 of this measure would require the VA to report to Congress on all its efforts to provide care to the terminally ill, including an evaluation of the appropriate kind and level of services provided, an assessment of the most cost-effective mix of such services; and the advantages and disadvantages of different forms of hospice-like care.

The VA also has one inpatient respite program for terminally ill and chronically ill veterans who reside at home and who already have access to primary care givers. This program provides the veterans with short-term, intermittent and occasional stays at VA facilities in order to enable the caregivers to "take a break" from their constant care and monitoring of the veterans, thus providing incentives for the caregivers to continue to provide care and thus preventing a certain number of nursing home admissions. Our measure would also require the VA to report to Congress on its efforts to provide respite care, the scope of the efforts, its cost-effectiveness, and its relationship to and impact on nursing home admissions.

CONCLUSION

Mr. President, as I have mentioned, the provisions of this bill would promote the VA's ability to even better manage care currently provided to our Nation's veterans and improve its ability to provide the most appropriate kinds and levels of care, especially to service-connected veterans, elderly veterans, veterans with alcohol-related disorders, and veterans who are totally deaf. I do look forward to working on this measure with the ranking minority member of the committee, my good friend from California (Mr. CRANSTON), other members of the committee, the VA, the veterans' service organizations, and others who share my interest in improving and enhancing the very fine services of the VA's Department of Medicine and Surgery. On April 11 the committee will hold hearings on this and certain other health-related legislation pending in the committee.

Mr. President, I ask unanimous consent that the text of S. 2514 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Health Care Amendments of 1984".

(b) Except as otherwise specifically provided whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

REFERRALS AND ARRANGEMENTS FOR COMMUNITY SERVICES

SEC. 3. (a) Chapter 73 is amended by adding at the end of subchapter 1 the following new section:

"§ 4120. Referrals and arrangements for community services.

"In order to enhance the management of Veterans' Administration care and treatment programs, the Administrator shall designate one Office in each Veterans' Administration health care facility and in central office to coordinate and make arrangements for the provision of referral services to assist veterans, to the maximum extent practicable, in obtaining health and health-related services from sources outside the Veterans' Administration, not at Veterans' Administration expense, when such services are reasonably necessary in the treatment of veterans eligible for care under chapter 17 of this title. In carrying out this section, the Administrator shall place particular emphasis on the needs of veterans with service-connected disabilities rated at 50 percent or more and veterans age 65 or older.".

(b) The table of sections at the beginning of chapter 73 is amended by adding after the item relating to section 4119 the following:

"4120. Referrals and arrangements for community services".

ALCOHOL TREATMENT AND REHABILITATION

SEC. 3. (a) Section 620A is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

"(1)(A) The Administrator, in furnishing hospital, nursing home and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, at such per diem rates as the Administrator shall by regulation prescribe consistent with prevailing rates in the community.

"(B) For the purposes of this section, the term 'halfway house' means a treatment facility not under the direct jurisdiction of the Administrator, offering a community based, peer group oriented, residential program of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities, which provides food, lodging and supportive services in a drug- and alcohol-free environment for veterans recovering from active alcohol or drug abuse.

"(C) The maximum period for one treatment episode under the authority established by paragraph (1)(A) of this subsection shall be limited to 60 days.";

(2) by redesignating paragraph (2) of subsection (a) as paragraph (D);

(3) by striking out subsection (e);

(4) by redesignating all subsections, paragraphs, clauses and cross-references accordingly;

(5) by adding at the end the following new subsection:

"(b) The Administrator shall prescribe regulations, not later than twelve months after the date of enactment of this Act,

"(1) to establish maximum periods of treatment and rehabilitation for alcohol or drug dependence or abuse disabilities of a veteran eligible for care under this chapter consistent with the average periods of such treatment and rehabilitation experienced in programs not administered by the Veterans' Administration, to include specific maximum periods for—

"(A) detoxification to stabilize the veteran's condition;

"(B) acute inpatient care and treatment;

"(C) additional extended care and treatment in cases involving multiple and complex diagnoses; and

"(D) outpatient care and treatment including appropriate referral services under section 4120 of this title; and

"(2) to ensure that individual treatment plans are developed, implemented and monitored, (including at least one year of followup monitoring after discharge from inpatient care and treatment) for each veteran receiving care for alcohol or drug dependence of abuse disabilities.";

(6) in paragraph (5) of subsection (a) (as redesignated by paragraph (3) of this subsection), by striking out "authorized by this section" and inserting in lieu thereof "authorized by the amendment made by section 104 of Public Law 98-22 (93 Stat. 50)".

(b) Not later than September 30, 1984, and on September 30 of each subsequent year, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive survey of all Veterans' Administration alcohol and drug treatment and rehabilitation programs, identifying by facility, the number of beds involved, the number of patients and episodes of care (whether inpatient-acute, inpatient-rehabilitation, or outpatient), the specific treatment modalities employed, average lengths of stay, and staffing requirements, together with a national summary of such information. The third such report shall contain in addition information on the effectiveness of the care and treatment furnished to veterans for alcohol or drug dependence or abuse disabilities in light of the regulations promulgated and implemented under subsection (b) of section 620A (as amended by this section), including information on the use differential diagnosis, case-management treatment, lengths of stay, discharge planning, methods of monitoring the use of halfway houses under the authority of section 620A, and referral and follow-up programs.

(c) The section heading of section 620A and the item relating to such section in the table of sections at the beginning of chapter 17 are each amended by striking out the semicolon and "pilot program".

MEDICAL AND REHABILITATIVE DEVICES

SEC. 4. Section 601(6)(A)(i) is amended by inserting "devices for the hearing-impaired in the case of any veteran who is totally deaf (including telecaptioning television decoders)," after "prosthetic appliances.".

POST-TRAUMATIC STRESS DISORDER

SEC. 5. (a) Section 4101 is amended by adding at the end thereof the following new subsection:

"(g)(1) The Administrator shall establish in the Mental Health and Behavioral Sciences Service of the Department of Medicine and Surgery a position to be known as Associate Director for Posttraumatic Stress Disorder (hereinafter in this subsection referred to as "Associate Director") and shall appoint an individual to serve in such position. The rate of basic pay of the Associate Director shall not be less than the minimum rate of basic pay payable for a position in chief grade under the physician and dentist schedule set out in section 4107(b)(1).

"(2) The Associate Director shall develop policies, provide guidance, and coordinate the provision of services for the treatment of Vietnam veterans with post-traumatic stress disorder, including care furnished in inpatient post-traumatic stress disorder units.

"(3) The Associate Director shall coordinate, by medical region, inpatient care for eligible veterans suffering from post-traumatic stress disorder, and shall take steps to ensure that the provision of such care includes the use of treatment plans, referral procedures, and post-treatment followup care.

"(4) The Associate Director shall conduct special education and training programs on post-traumatic stress disorder for appropriate employees of the Department of Medicine and Surgery, including programs on diagnostic criteria and methodologies, referrals, and the formulation and implementation of treatment plans and followup care.

"(5) The Chief Medical Director shall establish a task force on the care and treatment of post-traumatic stress disorder. The task force shall include health care employees of the Veterans' Administration who are involved in the treatment care of veterans suffering from post-traumatic stress disorder. The task force shall advise the Chief Medical Director on policies regarding—

"(A) the use of appropriate treatment modalities and the development of standards governing lengths of stay of veterans in Veterans' Administration health care facilities for care and treatment for problems related to post-traumatic stress disorder;

"(B) the coordination of treatment of post-traumatic stress disorder patients after discharge from inpatient care;

"(C) the monitoring and evaluation of treatment programs for post-traumatic stress disorder patients;

"(D) the conduct of health-services research making comparisons among various treatment modalities for post-traumatic stress disorder to determine proper treatment methods and length of stay;

"(E) ensuring proper diagnosis of post-traumatic stress disorder at all medical facilities including those which do not have programs dedicated specifically to the care and treatment of post-traumatic stress disorder; and

"(F) the necessity of, and appropriate standards governing referral of patients, including those receiving vocational rehabilitation in domiciliaries."

(b) Not later than nine months after the date of enactment of this Act, the administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report evaluating the results of the implementation of this subsection.

REPORT ON VETERANS' ADMINISTRATION PROGRAMS FOR TERMINALLY ILL AND CERTAIN OTHER VETERANS

SEC. 6. (a) Not later than September 30, 1985, the Administrator of Veterans' Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the House of Representatives a report regarding programs of the Veterans' Administration (1) to furnish palliative and supportive care to terminally ill veterans and supportive care to members of such veterans' families, and (2) to furnish care to terminally and chronically ill veterans for brief periods in part for the purpose of providing a respite for members of the veterans' families in order to encourage them to maintain the veterans in their homes (in order to obviate the need for institutional care) to the maximum extent practicable.

(b) The report required by subsection (a) shall include—

(1) a review of Veterans' Administration policies and guidelines on the provision of care described in subsection (a);

(2) a review of the care furnished to the veterans described in paragraph (a) and any treatment modalities used to furnish such care, including a description of the services furnished in connection with such care;

(3) a comparison of the care provided to terminally ill veterans in hospice and nonhospice treatment programs, including a comparison of the routine and ancillary services furnished as hospice care and the routine and ancillary services furnished to terminally ill patients in nonhospice treatment programs;

(4) an analysis of the lengths of stay of, and cost of care provided to, chronically and terminally ill veterans in programs described in subsection (a);

(5) an evaluation of whether and how the provision of care to terminally and chronically ill veterans described in subsection (a)(2) helps to obviate or delay the need for institutionalizing such veterans for a prolonged period;

(6) an explanation of how the care described in subsection (a) is or will be included in the overall plans of the Veterans' Administration for providing health care to elderly veterans in the future and the extent to which plans to furnish hospice and respite care are included in such plans; and

(7) a review of the steps taken to coordinate the provision of the care described in subsection (a) with community providers of similar care.

(8) proposals for such administrative or legislative action as the Administrator may deem appropriate in light of the findings and conclusions of such report.●

By Mr. SARBANES:

S. 2515. A bill to extend the provisions of chapter 61 of title 10, United States Code, relating to retirement and separation for physical disability, to cadets and midshipmen; to the Committee on Armed Services.

RETIREMENT AND SEPARATION FOR PHYSICAL DISABILITY FOR CADETS AND MIDSHIPMEN

● Mr. SARBANES. Mr. President, I have today introduced legislation to amend title 10 of the United States Code to grant physical disability benefits to midshipmen and cadets at our service academies who sustain serious incapacitating injuries during active duty. This measure would address a serious inequity in the law which forces the academies to discharge these personnel when they no longer are able to meet commissioning requirements. It is particularly unfortunate in the cases of enlisted personnel who have been selected for these service academies and are later injured and are discharged. In their former capacity as enlisted personnel they would ordinar-

ily be eligible for continued medical care and disability benefits which are extended to our Armed Forces personnel. When they become midshipmen or cadets, this protection is withdrawn.

As a member of the Naval Academy Board of Visitors, I recently became aware of the situation encountered by a midshipman who was seriously injured in training and later diagnosed as suffering from a form of cancer. This young man had formerly served several years in an enlisted capacity, and in that status would have qualified for care in a military hospital. Because of the provisions of 10 U.S.C. 1217, the Navy was forced to discharge him from the service. He then had to go through an extended time of having his illness rediagnosed and treated by civilian physicians, even though his military doctors were already familiar with his condition. It is my understanding that there are only a handful of such cases at our academies and that the costs involved would be negligible.

This provision of title 10 was enacted when there was no "payback" provision for students leaving these academies to perform enlisted service should they voluntarily leave the academies. It ignores those members of the active and reserve components who are admitted to the service academies and unknowingly relinquish their medical benefits in so doing. The academies support this move to redress this serious situation and I would urge my colleagues to support this worthy measure.●

ADDITIONAL COSPONSORS

S. 476

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 905

At the request of Mr. EAGLETON, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 1128

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1128, a bill entitled the "Agricultural Productivity Act of 1983."

S. 1201

At the request of Mr. MATHIAS, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mr. EAST), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1980

At the request of Mr. MURKOWSKI, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2190

At the request of Mr. HUDDLESTON, the names of the Senator from Texas (Mr. BENTSEN), and the Senator from Nebraska (Mr. EXON), were added as cosponsors of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2219

At the request of Mr. BOREN, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2219, a bill to amend the Internal Revenue Code of 1954 to remove requirements for filing returns regarding payments of remuneration for services, and for other purposes.

S. 2257

At the request of Mrs. KASSEBAUM, the names of the Senator from Nevada (Mr. LAXALT), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2257, a bill entitled the "Senior Citizens' Tax Improvement Act."

S. 2413

At the request of Mr. DENTON, the names of the Senator from South Dakota (Mr. ABDNOR), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 227

At the request of Mr. CRANSTON, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. DIXON), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the name of the Senator from Minnesota (Mr. BOSCHWITZ), was added as a cosponsor of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. BIDEN, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Montana (Mr. BAUCUS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984 as "National Safety in the Workplace Week."

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

SENATE RESOLUTION 358

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. HOLLINGS), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of Senate Resolution 358, a resolution commending the Government of Colombia for its major achievement in seizing large amounts of cocaine, and for other purposes.

AMENDMENT 2850

At the request of Mr. CRANSTON, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of amendment No. 2850 intended to be proposed to S. 2269, a bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs and to provide eligibility to new categories of persons for readjustment counseling from the Veterans' Administration; and to require the Administrator of Veterans' Affairs and the Secretaries of Defense and of Health and Human Services to submit a report on alternatives for providing Federal benefits and services to individuals who, as civilians, provided the services to the U.S. Armed Forces in Vietnam during the Vietnam era; and for other purposes.

SENATE CONCURRENT RESOLUTION 101—TO COMMEMORATE THE UKRAINIAN FAMINE OF 1933

Mr. D'AMATO (for himself, Mr. HELMS, Mr. EXON, Mr. MOYNIHAN, Mr. NICKLES, Mr. BRADLEY, and Mr. HEINZ)

submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 101

Whereas over seven million Ukrainians in the Ukrainian Soviet Socialist Republic, which was created as the result of direct aggression by the Russian Communist military forces against the Ukrainian National Republic in 1918-1920, died of starvation during the years 1932-1933; and

Whereas the Soviet Russian Government, having full and complete control of the entire food supplies within the borders of the Union of Soviet Socialist Republics, nevertheless failed to take relief measures to check the disastrous famine or to alleviate the catastrophic conditions arising from it, but on the contrary used the famine as a means of reducing the Ukrainian population and destroying Ukrainian national, political, cultural, and religious rights; and

Whereas the Soviet Russian Government targeted the Ukrainian people for destruction as a whole by directing special draconic decrees against Ukrainian peasants as "an enemy class", against the Ukrainian intelligentsia as "bourgeois Ukrainian nationalists", and against the Ukrainian Autocephalic Orthodox Church as "a remnant of the old prejudicial 'opiate of the people' "—committed on a gigantic and unprecedented scale the heinous crime of genocide, as defined by the United Nations Genocide Convention; and

Whereas numerous appeals from prominent organizations and individuals throughout the world, such as the League of Nations, the International Red Cross, and several groups of parliamentarians from the United Kingdom, Switzerland, Belgium, and Holland who earnestly appealed to the Soviet Russian Government for appropriate steps to help the millions of starving Ukrainians, went unheeded by the Government of the Union of Soviet Socialist Republics; and

Whereas intercessions have been made at various times by the United States during the course of its history on behalf of citizens of countries persecuted by their governments, indicating that it has been the traditional policy of the United States to take cognizance of such destruction of human beings as the famine holocaust in Ukraine in 1933; and

Whereas on May 28, 1934, some six months after the formal recognition of the Union of Soviet Socialist Republics by the United States, Congressman Hamilton Fish, of New York, introduced in the House of Representatives a resolution (H. Res. 399, 73d Cong., 2d sess.) calling for international condemnation of the Union of Soviet Socialist Republics for its genocidal and barbarous destruction of the Ukrainian people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States shall take in the name of humanity immediate and determined steps to—

(1) issue a proclamation in mournful commemoration of the great famine in the Ukraine during the year 1933, which constituted a deliberate and imperialistic policy of the Soviet Russian Government to destroy the intellectual elite and large segments of the population of the Ukraine and thus enhance its totalitarian Communist rule over the conquered Ukrainian nation;

(2) issue a warning that continued enslavement of the Ukrainian nation as well as other non-Russian nations within the Union of Soviet Socialist Republics constitutes a threat to world peace and normal relationships among the peoples of Europe and the world at large; and

(3) manifest to the peoples of the Union of Soviet Socialist Republics through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and national independence.

● Mr. D'AMATO. Mr. President, 1983 marked the 50th anniversary of the Soviet-perpetuated famine which resulted in the senseless starvation of more than 7 million innocent men, women, and children in Ukraine. Unlike famines which have been caused by natural disaster, the Ukrainian famine of 1932-33 was a deliberate and calculated effort by the Soviets, led by Stalin, to crush the Ukrainian people and break their independent spirit and strong sense of nationalism. Despite the magnitude of this criminal act, few are aware of the untold human suffering wrought by the Soviet totalitarian regime.

Following the announcement of the first Five-Year Plan by Stalin in 1928, the Communist leadership declared that all lands in Ukraine were to be confiscated and made property of the State. In addition, all foodstuffs were expropriated by the Soviet State. With the collaboration of the secret police, thousands of government officials converged on Ukraine for the purpose of exploiting the rich harvest of that nation. Resistance resulted in arrest, deportation, and death.

Under a system of rigid quotas which characterized the collectivization program, virtually all crops were left with nothing to sustain themselves. Collective farms were turned into armed camps, with armed guards surrounding fields in order to insure that hungry peasants did not steal any food from State land.

Left with few options, millions of Ukrainians were forced to eat anything available including: dogs, cats, grass, roots, and even tree bark. Those who sought food elsewhere were forcibly prevented from leaving Ukraine. Ultimately, millions of corpses began to litter the countryside. Hundreds of thousands of children were left to roam the streets, orphans in search of anything that would fill their protruding stomachs. Everywhere the scene was the same: old and young with swollen stomachs slowly dying of starvation. Others succumbed to such widespread diseases as pneumonia, typhus, and tuberculosis. More than 7 million lives were slowly and senselessly snuffed out. While forced collectivization of agriculture were undertaken throughout the Soviet Union, nowhere else did the phenomenon take on such gruesome dimensions.

However, the famine was not the only byproduct of Stalin's drive to collectivize the agriculture sector of the Soviet Union. It also had an important political impact. Simultaneously, thousands of Ukraine's political leaders and cultural elite were purged in an attempt to deprive the Ukrainian people of their rich heritage and self-determination.

The famine drew little attention in the West, which was itself in the depths of the Great Depression. When efforts were made to assist the starving, the Soviet regime refused to permit foodstuffs to enter Ukraine, denying the fact that the region was in the grip of a devastating famine. The Ukrainian famine is thus a classical example of the ruthless and barbaric policies pursued by the Soviet Union.

Despite this brutal attempt by the Soviet Communists to break the free spirit of the Ukrainian people, survivors of the famine, and indeed all Ukrainians, have remained steadfast in their solidarity with their families and friends who continue to live under the yoke of Soviet domination. Their love of freedom and desire for the preservation of human rights and civil liberties is exemplary.

We cannot, and must not, forget the sacrifice of the more than 7 million Ukrainian men, women, and children who perished. I have already taken personal action in recognition of the 50th anniversary of this terrible event. During the period September 25 to October 1, 1983, I sponsored a display in the Rotunda of the Russell Senate Office Building which graphically depicted the destruction of the religious structures of Kiev in the mid-1930's. This deliberate physical dismemberment of churches and other religious buildings, some of which were centuries old, was an integral part of the effort to destroy the spirit of a people through the destruction of its architecture. I am proud to have been able to make it possible for this frightening and saddening exhibit to have taken place.

Accordingly, I submit the following resolution which expresses the sense of the Senate that the President undertake a number of specific actions designed to commemorate the Ukrainian famine of 1933 and increase public awareness of this tragedy.●

AMENDMENTS SUBMITTED

URGENT SUPPLEMENTAL APPROPRIATION

COCHRAN (AND OTHERS) AMENDMENT NO. 2862

Mr. COCHRAN (for himself, Mr. HUMPHREY, Mr. GARN, Mr. DOMENICI, Mr. HUDDLESTON, Mr. EAGLETON, Mr. HELMS, and Mr. STENNIS) proposed an amendment to the joint resolution

(H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; as follows:

At the bottom of page 2, add the following:

FARMERS HOME ADMINISTRATION

Rural Housing Insurance Fund

Notwithstanding section 502(d) of the Housing Act of 1949, from amounts previously made available from the Rural Housing Insurance Fund, in P.L. 98-151, for fiscal year 1984, $1.38 billion shall be made available for low-income borrowers and $920 million shall be made available for very low-income borrowers.

COCHRAN (AND EAGLETON) AMENDMENT NO. 2863

Mr. COCHRAN (for himself and Mr. EAGLETON) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

After line 25 on page 2, insert the following:

FEDERAL CROP INSURANCE CORPORATION

Federal Crop Insurance Corporation Fund

For fiscal year 1984, the Federal Crop Insurance Corporation may borrow from the Secretary of the Treasury up to $50,000,000 to enable the Corporation to discharge its responsibility under 7 U.S.C. 1508(b)(c), if the Secretary of Agriculture certifies that available funds are insufficient to pay losses.

COCHRAN (AND OTHERS) AMENDMENT NO. 2864

Mr. COCHRAN (for himself, Mr. HUDDLESTON, Mr. HEFLIN, Mr. EAGLETON, Mr. JEPSEN, Mr. GRASSLEY, Mr. JOHNSTON, and Mr. BOREN) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the appropriate place in the bill, insert the following:

"COMMODITY CREDIT CORPORATION EXPORT CREDIT GUARANTEES

"SEC. . (a) For the fiscal year ending September 30, 1985, the Secretary of Agriculture shall make available under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation credit guarantees for not less than $5,000,000,000 in short-term credit extended to finance export sales of United States agricultural commodities.

"(b) The Secretary shall ensure that any guarantee authority made available, in the fiscal years ending September 30, 1984, and September 30, 1985, for credit guarantees under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation in excess of—

"(1) the level of guarantee authority currently budgeted for the fiscal year ending September 30, 1984, and

"(2) the level of guarantee authority contained in the President's budget for the fiscal year ending September 30, 1985,

is used to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products, including natural fiber textiles and yarns, so as to increase the market prices for commodities for which established prices are provided, minimize the deficiency payments under the programs for such commodities, minimize the expenditure of Government funds for paid diversion programs for such commodities, and minimize outlays of Government funds for other price-supported commodities. Priority in the allocation of such guarantee authority shall be given to credit guarantees that facilitate the financing of (i) export sales to countries that have demonstrated the greatest repayment capability under the export credit programs carried out by the Commodity Credit Corporation or (ii) export sales of commodities for which no blended credit (under which a combination of export credit guarantees under the GSM-102 program and direct export credits under the GSM-5 program is provided) will be made available.".

COCHRAN (AND OTHERS) AMENDMENT NO. 2865

Mr. COCHRAN (for himself, Mr. EAGLETON, Mr. HUDDLESTON, Mr. BOREN, Mr. JOHNSTON, and Mr. STENNIS) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page 2, after line 2, insert:

For an additional amount for "Public Law 480", for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of the Agricultural Trade Development and Assistance Act of 1954, as amended, $175,000,000, of which $175,000,000 is hereby appropriated and made available, in addition to amounts otherwise made available, through September 30, 1985.

On page 2, line 7, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 8, strike out "$150,000,000" and insert: "$60,000,000".

On page 2, line 9, strike out all after "ble" over to and including "requirements." on line 17 and insert: ", in addition to amounts otherwise made available, through September 30, 1985.".

MELCHER AMENDMENT NO. 2866

Mr. MELCHER proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the end of the part of the joint resolution relating to Public Law 480 add the following new section:

"EMERGENCY FOOD ASSISTANCE FOR THE PHILIPPINES

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $5,000,000, of which $5,000,000 is hereby appropriated and made available through September 30, 1984, and such amount shall be available only for the Philippines."

BAUCUS (AND MELCHER) AMENDMENT NO. 2867

Mr. BAUCUS (for himself and Mr. MELCHER) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

At the appropriate place in the bill insert the following:

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Notwithstanding any other provision of law, within the amounts provided under this head in the Department of the Interior and Related Agencies Appropriation Act, 1984 (Public Law 98-146), $1,000,000 shall be made available to the State of Montana for reclamation grants pursuant to Section 402 (g)(2) of Public Law 95-87 for reclamation of the Colorado Tailings site in Montana.

SPECTER (AND OTHERS) AMENDMENT NO. 2868

Mr. SPECTER (for himself, Mr. HEINZ, and Mr. STAFFORD) proposed an amendment to the joint resolution (H.J. Res. 492), supra; as follows:

On page 2, after line 25, insert the following:

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, relating to construction and renovation of academic facilities, $3,400,000 which shall remain available until expended: *Provided*, That in spending amounts appropriated under this heading the Secretary shall waive the provisions of sections 721(a)(2), 721(b), 721(c), 713(g), and 742(2)(B) of such part.

BOREN AMENDMENT NO. 2869

Mr. BOREN proposed an amendment to the joint resolution (H.J. Res. 492), supra, as follows:

At the appropriate place in the joint resolution add the following new section:

SEC. . (a) Section 445(b) of the Social Security Act is amended by striking out "Not later than June 30, 1984, the Governor" and inserting in lieu thereof "The Governor".

(b) Section 445(d) of such Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "After initial approval of a State work incentive demonstration program, the State may elect to use up to six months for planning purposes.".

(c) Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu thereof the following new sentence:

"The second evaluation shall be conducted three years from the date of the secretary's approval of the demonstration program.".

(d) Section 445(f) of such Act is amended by adding the following new subsection:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the states, a thorough study of the allocation formula described in subsection (1) of this section and report back to Congress no later than April 1, 1985 on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account state performance and to provide for the equitable distribution of funds.".

(e) The provisions of this section shall become effective on the date of the enactment of this joint resolution.

BUMPERS (AND OTHERS) AMENDMENT NO. 2870

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. SASSER, Mr. JOHNSTON, Mr. BAUCUS, Mr. METZENBAUM, Mr. LEVIN, Mr. EXON, Mr. RANDOLPH, Mr. DIXON, Mr. BIDEN, Mr. ZORINSKY, Mr. MATSUNAGA, and Mr. RIEGLE) submitted an amendment to the joint resolution (H.J. Res. 492), supra, as follows:

At the end of the amendment by Mr. Inouye, insert the following:

"If at any time following the appropriation of the funds herein the duly elected President of El Salvador should be prevented from taking office by military force or military decree or after taking office shall be deposed by military force or military decree, all funds appropriated herein and not theretofore dispersed shall be immediately withheld unless reappropriated by Congress."

STEVENS AMENDMENT NO. 2871

Mr. STEVENS proposed an amendment to the joint resolution (H.J. Res. 492), supra, as follows:

On page 1, lien 3, strike out "sum is" and insert in lieu thereof "sums are".

On page 6, line 19, strike out "98-394" and insert in lieu thereof "98-146".

AUTHORIZATION OF DEVELOPMENT AND SECURITY ASSISTANCE PROGRAMS

STEVENS AMENDMENT NO. 2872

(Ordered referred to the Committee on Foreign Relations.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 2346) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize development and security assistance programs for fiscal years 1984 and 1985, and for other purposes; as follows:

Section 101 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Section 110 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Section 114 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Section 201 is amended by adding a subsection at the end of this section to read, "There will be no authorization for appropriations for Portugal under this section for fiscal year 1985".

Mr. STEVENS. Mr. President, I send to the desk an amendment to the Foreign Assistance Act authorization bill for fiscal year 1985, and request that this amendment be considered when the authorization bill is considered on the floor. This amendment would eliminate from the foreign aid package $208 million of foreign aid to the Government of Portugal. I am compelled to introduce this measure because the Portuguese Government has failed to abide by accepted standards of international trade in the negotiation of its fishery purchase agreement with the U.S. Government.

The Portuguese Government first expressed an interest in purchasing salted codfish from the United States in 1982. A major Alaskan producer of salted cod was advised in 1983 that the Portuguese national budget would provide for the purchase of between 3,000 and 5,000 metric tons of salted cod from the United States. Through the State Department, a formal proposal for the sale of up to 6,000 metric tons of wet salted cod was presented to the Portuguese Government. At that time, the Portuguese indicated that approximately 2,000 metric tons of wet salted cod would be purchased upon signing the agreement in 1983. An Alaskan cod supplier took immediate steps to procure this product. In further discussions between Portugal and the United States, a 1-year pact was agreed upon that would provide for the eventual purchase of 12,000 metric tons of salted cod from the United States, and the immediate purchase of 2,400 metric tons of salted cod that had already been procured.

After protracted negotiations, a fishery agreement was finally signed with the Government of Portugal on February 6, 1984. This agreement authorized the purchase of 12,000 metric tons of salted cod within 1 year, but guaranteed the purchase of only 3,600 metric tons of cod, 30 percent of the original total. The agreement also called for the immediate purchase of 2,400 metric tons of salted cod at a reasonable market price.

Now, 8 weeks after signing the fishery purchase agreement, the Portuguese Government has still failed to buy these fish. Two weeks ago, at a personal meeting with a Portuguese Minister, representatives from the United States Department of Commerce and from congressional offices were assured that this issue would be resolved immediately. No action has yet been taken by the Portuguese Government to honor the terms of the agreement. Mr. President, fish is a perishable commodity. Further delay in resolving this issue will result in the loss of millions of dollars to American businessmen who acted in good faith.

The Portuguese Government, by failing to honor its purchase agreement, has demonstrated that it has not abided by established principles of international trade. I offer this amendment because I cannot support the provisions of foreign aid to countries that are unwilling to conduct fair international trade.

If America is to utilize its vast fisheries resource, our foreign trading partners must understand that trade agreements shall be honored.

SEXUAL EXPLOITATION OF CHILDREN

SPECTER AMENDMENT NO. 2873

Mr. STEVENS (for Mr. SPECTER) proposed an amendment to the bill (H.R. 3635) to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Child Protection Act of 1984".

SEC. 2. The Congress finds that—

(1) child pornography has developed into a highly organized, multi-million-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 3. Section 2251 of title 18 of the United States Code is amended—

(1) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(2) by striking out "depicting" each place it appears and inserting "of" in lieu thereof;

(3) by striking out "person" each place it appears in subsection (c) and inserting "individual" in lieu thereof;

(4) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(5) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(6) by adding at the end of subsection (c) the following: "Any organization which violates this section shall be fined not more than $250,000.".

SEC. 4. Section 2252 of title 18 of the United States Code is amended—

(1) by striking out ", for the purpose of sale or distribution for sale";

(2) by striking out "for the purpose of sale or distribution for sale" the second place it appears;

(3) by striking out "obscene" each place it appears;

(4) by striking out "visual or print medium" each place it appears and inserting "visual depiction" in lieu thereof;

(5) by striking out "depicts" each place it appears and inserting "is of" in lieu thereof;

(6) by striking out "or knowingly sells or distributes for sale" and inserting in lieu thereof "or distributes";

(7) by inserting after "mailed" the following; "or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails";

(8) by striking out "person" each place it appears in subsection (b) and inserting "individual" in lieu thereof;

(9) by striking out "$10,000" and inserting "$100,000" in lieu thereof;

(10) by striking out "$15,000" and inserting "$200,000" in lieu thereof; and

(11) by adding at the end of subsection (b) the following: "Any organization which vio-

lates this section shall be fined not more than $250,000"

SEC. 5. (a) Section 2253 of title 18 of the United States Code is amended—

(1) in paragraph (1), by striking out "sixteen" and inserting "eighteen" in lieu thereof;

(2) by striking out "sado-masochistic" and inserting "sadistic or masochistic" in lieu thereof;

(3) by striking out "(for the purpose of sexual stimulation)"; and

(4) by striking out "lewd" and inserting "lascivious" in lieu thereof;

(5) by striking out ", for pecuniary profit"; and

(6) by amending paragraph (4) to read as follows:

"(4) 'organization' means a person other than an individual.

(b) Section 2253 of title 18 of the United States Code, as amended by subsection (a) is redesignated as section 2255.

SEC. 6. Chapter 110 of title 18 of the United States Code is amended by inserting after section 2252 the following:

"§ 2253. Criminal forfeiture

"(a) A person who is convicted of an offense under section 2251 or 2252 of this title shall forfeit to the United States such person's interest in—

"(1) any property constituting or derived from gross profits or other proceeds obtained from such offense; and

"(2) any property used, or intended to be used, to commit such offense.

"(b) In any action under this section, the court may enter such restraining orders or take other appropriate action (including acceptance of performance bonds) in connection with any interest that is subject to forfeiture.

"(c) The court shall order forfeiture of property referred to in subsection (a) if the trier of fact determines, beyond a reasonable doubt, that such property is subject to forfeiture.

"(d)(1) Except as provided in paragraph (3) of this subsection, the customs laws relating to disposition of seized or forfeited property shall apply to property under this section, if such laws are not inconsistent with this section.

"(2) In any disposition of property under this section, a convicted person shall not be permitted to acquire property forfeited by such person.

"(3) The duties of the Secretary of the Treasury with respect to dispositions of property shall be performed under paragraph (1) of this subsection by the Attorney General, unless such duties arise from forfeitures effected under the customs laws.

"§ 2254. Civil forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) Any material or equipment used, or intended for use, in producing, reproducing, transporting, shipping, or receiving any visual depiction in violation of this chapter.

"(2) Any visual depiction produced, transported, shipped, or received in violation of this chapter, or any material containing such depiction.

"(3) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.".

SEC. 7. The table of sections at the beginning of chapter 110 of title 18 of the United States Code is amended—

(1) by inserting after the item relating to section 2252 the following new items:

"2253. Criminal forfeiture.
"2254. Civil forfeiture."; and

(2) by redesignating the item relating to section 2253 as 2255.

SEC. 8. Section 2516(1)(c) of title 18 of the United States Code is amended by inserting "sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

SEC. 9. Beginning one hundred and twenty days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.

DEEP WATER PORT ACT AMENDMENTS

PACKWOOD AMENDMENT NO. 2874

Mr. STEVENS (for Mr. PACKWOOD) proposed an amendment to the bill (S. 1546) to amend the Deep Water Port Act of 1974, and for other purposes; as follows:

On page 13, line 9, strike "$4,000,000.'." and insert in lieu thereof "$4,000,000, but only to such extent and in such amounts as are provided in advance in appropriation Acts. Such amounts shall remain available until expended.'.".

COLLECTION OF A FEE IN CONNECTION WITH VETERANS' ADMINISTRATION HOME LOANS

SIMPSON (AND CRANSTON) AMENDMENT NO. 2875

Mr. STEVENS (for Mr. SIMPSON and Mr. CRANSTON) proposed an amendment to the bill (S. 2391) to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made, or insured by the Veterans' Administration; as follows:

On page 2, strike out the period at the end of line 14 and insert in lieu thereof a comma and "except that the amendment made by clause (1) of section 2 shall take effect with respect to loans closed 14 days or more after the date of the enactment of this Act.".

URGENT SUPPLEMENTAL APPROPRIATION

MELCHER AMENDMENT NO. 2876

(Ordered held at the desk.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 492, supra; as follows:

On page 3, strike everything from the beginning of line 4 through "$61,750,000", and insert in lieu thereof the following:

"The additional amounts of $13,500,000 for medical aid, and $14,000,000 for food aid shall be appropriated for El Salvador, as well as an additional amount of $7,900,000 (3 percent of the regular fiscal year 1984 appropriation for El Salvador) to carry out the provisions of Section 503 of the Foreign Assistance Act of 1961".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Subcommittee on Public Lands and Reserved Water on Friday, April 6, at 10 a.m. to consider S. 2125, the Arkansas Wilderness Act of 1983, will be held in room SD-366 instead of room SD-628, as previously scheduled.

ADDITIONAL STATEMENTS

BUDGET STATUS REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

Since my last report, the Congress has cleared for the President's signature House Joint Resolution 493, making supplemental appropriations for low-income energy assistance and emergency food assistance to Africa.

The status report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE, FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 91, REFLECTING COMPLETED ACTION AS OF MARCH 28, 1984

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	921,854	854,328	665,286
Amount remaining	271	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $271 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million of fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

AMERICAN STEEL PRODUCTIVITY INCREASES

● Mr. HEINZ. Mr. President, recently the Labor and Human Resources Subcommittee on Employment and Productivity held hearings on the future of the American steel industry. During those hearings, Mr. Frank Luerssen, chairman of Inland Steel Co., testified on behalf of the American Iron & Steel Institute that contrary to popular belief, the productivity of U.S. integrated steelmakers has been increasing. According to World Steel Dynamics, American man-hours per net ton of steel shipped has decreased steadily over the past several years to 6.48. By comparison, Japan requires 7.28 and West Germany, France and the United Kingdom all require more than 11. He also pointed out that recent data indicate that the U.S. industry is still competitive with, although somewhat behind Japan in some respects, and highly competitive with its European counterparts.

Mr. President, this evidence contradicts the notion that our steel industry is falling behind. Critics of recent efforts by the industry to return to health routinely overlook such positive indicators while ignoring the serious effects of excessive foreign capacity and massive Government involvement in exporting the excess steel to our market. In the interest of setting the record straight on this issue and bringing about an overdue change in attitudes about this very critical national industry, I ask that a copy of Mr. Luerssen's testimony be placed in the RECORD.

The testimony follows:

ORAL STATEMENT OF FRANK W. LUERSSEN, CHAIRMAN, INLAND STEEL CO., ON BEHALF OF AMERICAN IRON & STEEL INSTITUTE BEFORE SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY, COMMITTEE ON LABOR AND HUMAN RESOURCES, U.S. SENATE, MARCH 22, 1984

Mr. Chairman, my name is Frank Luerssen. I am chairman and president of the Inland Steel Co., headquartered in Chicago, and operating its single steel plant—the largest in North America—in the heart of the Nation's largest steelmaking and consuming area. I am testifying on behalf of the American Iron and Steel Institute, whose membership incudes 63 domestic steel companies accounting for about 90 percent of the raw steel produced in the United States.

I have submitted a written statement to your subcommittee, as requested. The time allotted for my oral statement only permits a sketchy summary of the present crisis state of the American steel industry.

Mr. Chairman, in 1983 the American steel industry had total sales from steel operations of about $26 billion; employed an average of 243,000 persons—including 169,000 hourly workers; paid out more than $7 billion in wages and salaries in the 39 States and 299 communities in which it operates; and despite massive structural changes it has endured. Steel still accounts for more than 90 percent of all metals consumed nationally and remains America's primary basic material.

The industry's severe economic dislocations of 1982 and 1983 are well known to all of you—combined losses in excess of $6 billion, reflecting not only the depression in steel markets, but the alarming growth of steel imports, continued high costs, inadequate price realizations and the absence of positive cash flow so essential to modernization. Despite this overload of negatives, our written statement clearly demonstrates that the domestic steel industry is competitive in its home markets.

I am disturbed by the degree to which this crisis is advertised as being self-inflicted. Much of the criticism not only is unfair but uninformed, and I cite the news release for this hearing as an example. It stated that the "U.S. steel industry has declined in productivity." Now that is just not true.

The latest dats demonstrate that U.S. integrated steelmakers have improved their productivity and now rank with Japanese producers on labor productivity at actual operating rates. In fact, during the third quarter of 1983, the U.S. industry actually led the Japanese in man-hours per net ton of shipped steel by a small margin, and led European producers by a very wide margin. The same highly respected data source, World Steel Dynamics, provides ample evidence that the U.S. steel industry is still competitive with, although behind Japan in some respects, and highly competitive with its European counterparts.

Gentlemen, the major cause of the American steel crisis is the existence of excess capacity abroad, and its effect on our business. This excessive foreign capacity and massive government involvement in shipping the excess steel overseas has distorted the operation of the steel trade market mechanism. You connot ignore the fact that private American producers compete with subsidized foreign producers, operating from protected home markets and offering export prices significantly below their costs. The data in our submission makes that eminently clear and the overwhelming evidence in the marketplace supports it. Witness, for example, January steel imports of more than 2 million tons, a near-record 26 percent of the domestic market. And note, if you will, the ruling earlier this week by the International Trade Commission against five trading partners for material injury to the American steel industry.

Since 1980, our competitiveness has been weakened as well by unfavorable exchange rates, and the prolonged dearth of adequate cash flow which severely restricts our modernization programs, especially in such cost-effective indeavors as continuous casting. The industry's debt to equity ratio has risen distressingly from about 43 percent in 1981 to 82 percent in 1983. And the traditional source of capital have virtually dried up, forcing the industry to resort to novel off-balance sheet financing to meet the most urgent capital needs.

Despite this discouraging and highly ominous situation, the domestic industry has carried out a wide array of self-help measures. Chief among these have been operating improvements including increased blast furnace output, the commitment to doubling continuous casting capacity over the next 5 years, significant improvements in metallurgy, electric furnace operations where the American industry is the world leader, computerization, process control, and sensor development, and differentiated quality steel product second to none worldwide.

Stringent energy conservation measures have produced an 11-percent reduction in Btu's per ton steel over the past decade. Nonunion employment costs have been curtailed substantially. And the industry has begun the difficult task of reducing the vast dispartiy between unit labor costs at home and abroad. With the cooperation of our employees. A long-overdue beginning was made in March of 1983, in effect stabilizing employment costs through mid-1986, but we recognize that is only a first step in eliminating our large cost disadvantage.

We have done much more to help ourselves, including closures and divestitures with which you are familiar, along with selected modest efforts at diversification to soften the economic blow and to re-establish profitability. We have drastically altered our inventory policies and found new ways to raise limited amounts of capital through the sale of preferred stock, various forms of leasing and project financing. But all of these have not sufficiently removed us from the brink of threatened insolvency.

The dimensions of our present crisis far exceed the category of cyclical fluctuations. The steel trade distortions to which I referred earlier have seriously disrupted our steel markets. And again, gentlemen, I am disturbed to read that our efforts to secure a 15-percent limitation on foreign steel shipments is perceived as protectionist, and a move that might restrict our markets to foreign steelmakers. Can any among you tell me where else in the world you will find any other advanced industrial nation as open as ours, which permits outsiders to control as much as 15 percent of the domestic supply. It does not exist.

And can anyone seriously entertain the notion that a 15-percent limit on steel imports will precipitate major price increases here at home? That argument runs head-on against the reality of hundreds of millions of tons of overcapacity abroad, and ignores the power of major steel buyers in this country, as well as the persistent threat of competitive materials. And then there are

those doctrinaire free traders among us who would willingly abandon steel and other basic industries to the developing nations and the dumpers, on the theory that we will prevail in high-tech and services. They obviously are ignoring the potential fallout and dislocation to our society, including a further permanent loss of jobs, the loss of tax revenues and the inevitable increased burden of tax-supported welfare programs such misguided policy would engender. And if it sounds like I am waving the flag: so be it. We cannot depend on foreign steel for our own national defense, and if foreign steel producers capture a larger share of our markets they most surely will reap higher prices, as the experience of 1973–74 demonstrated.

I would like to share an item I saw in the daily press earlier this week, attributing this statement to a progenitor of the modern Japanese steel industry. He said: "Steel is the mother of industry and the basis for national security. Without steel there can be no industry, for it is recognized that the steel industry determines the destiny of a nation." Gentlemen, he said it in 1891. I submit it is valid in this time, and in this place, and that you have a national responsibility to assure that the American steel industry survives—lean, and up-to-date, and strong enough to supply America's requirements and preserve our national security in the years ahead.

The Fair Trade in Steel Act of 1984 is not the whole answer, but it is a critical necessity right now, as the industry struggles against economic adversity at home and unfair competition abroad. I urge you to support H.R. 5081 and S. 2380.

Thank you for your kind attention.●

INTERSTATE SYSTEM RESURFACING, RESTORATION, REHABILITATION, AND RECONSTRUCTION AMENDMENTS OF 1983

● Mr. D'AMATO. Mr. President, I have added my name as a cosponsor of S. 1498, the Interstate System Resurfacing, Restoration, Rehabilitation, and Reconstruction Amendments of 1983. This bill provides for a new, more equitable formula for apportioning funds to States for purposes of the Federal interstate 4-R program. The new formula will more appropriately address the purposes for which these funds are dedicated; that is, to preserve and extend the service life of our aging Interstate System.

Under the current formula, funds are apportioned to States based on a formula that considers lane miles and vehicle miles, but does not address the very factors which contribute substantially to the deterioration of our highways. S. 1498 would take into account the serious effects of weather, geography, and truck use on actual State needs for interstate repair and rehabilitation funds.

The formula contained in S. 1498 considers lane miles, diesel fuel consumption, and bridge needs on the Interstate System. Lane miles, which indicate the extent of a State's interstate mileage, is already part of the current formula. Diesel fuel consumption is a new factor which will help account for the severe effects of truck traffic on pavement condition. And bridge needs, another new factor, will reflect the differences in terrain and the harshness of weather conditions—requiring melting agents which damage pavement—in various parts of this Nation.

It is important that we carefully and thoughtfully apportion our vital interstate 4–R funds so they will best serve the need for properly maintained, safe highways. This bill will help achieve this goal and presents a responsive approach to the different needs of States concerning their interstate highways.●

COMMENDATION OF COLOMBIAN NATIONAL POLICE SPECIAL ANTINARCOTICS UNIT

● Mr. D'AMATO. Mr. President, today I join as a cosponsor of Senate Joint Resolution 358, which commends the Colombian National Police Special Antinarcotics Unit for its unprecedented success in executing the largest narcotics seizure in the history of law enforcement.

Working with remarkable precision, officers of the antinarcotics unit struck quickly against armed resistance on March 10, 1984, to seize almost 14 tons of cocaine at a processing site on the banks of the Yari River deep in Colombia. Officials of the U.S. Drug Enforcement Administration estimate the street value of the seizure at $1.2 billion. Clearly, this was a dramatic and effective blow to the insidious forces of international narcotics trafficking.

As we acknowledge the significance of this raid, we must also clearly reflect on the lessons learned from the action, and the substantial challenges that still lie before us. Analysis of the raid on the Yari River location provides a unique look at the violent nature of those who are involved with the processing and transportation of narcotics in Latin America. The processing operation was provided protection by an armed wing of the Colombian Communist Party, the Fuerzas Armados Revolucionarias Colombias (FARC). Officials of our Government have identified the FARC as the largest, oldest, best-equipped, best-trained, and potentially most dangerous subversive group in Colombia. When the Colombian strike force moved in, they encountered sharp resistance from units of this guerrilla organization. It was only through the bravery of the police forces that the guerrilla counterattack was defeated and the seizure made.

The protection of the FARC forces had been purchased at a high price. Estimates indicate the guerrillas sold protection services to the drug operation in return for 10 percent of the gross income of the processing setup. It is an indication of the productivity of this illicit enterprise that the FARC had been paid more than $3 million per month as their share of the take. It is not difficult to envision those millions being used by the FARC to purchase weapons, attract radical recruits, finance efforts to undermine the Colombian Government, and spread their brand of terrorism in Latin America.

The Yari River processing operation also gives an accurate depiction of the big business nature of narcotics trafficking; 10 fully equipped cocaine processing laboratories were functioning at the site at the time of the raid. The Colombian police seized seven aircraft used for drug transportation on three improved runways; 44 long-term structures, including showers and a commissary, had been erected to meet the needs of those staffing the operation. Enough food was on hand to feed 80 people for 6 months. Scattered about were submachine guns, rifles, shotguns, and uniforms to outfit more than two dozen guerrillas.

The Yari River raid also raises questions about one nation's absolute disregard for national sovereignty and human decency. In the wake of the operation, the Colombian Defense Ministry stated that the drug smugglers had been taking narcotics from Colombia and returning with weapons from Cuba for leftist insurgents. The Cuban involvement in this guns-for-drugs transaction is but another page of evidence in the voluminous testimony documenting the involvement of the Castro regime in international narcotics operations. Reasoned citizens of the world should shudder at the depths of indecency explored by Cuba as it seeks to destabilize legitimate governments, foment revolution, and bankroll guerrilla warfare by any means at its disposal. I, therefore, reiterate my support of resolutions previously introduced by the gentleman from Florida which will call upon international agencies to investigate the role of Cuba in drug trafficking.

Yes; the raid on the Yari River cocaine processing site in Colombia represents a battlefield victory in the war against narcotics. However, in the flush of success, we must realize that, although 14 tons of cocaine were seized, more than 50 tons were consumed last year in the United States.

Therefore, we must continue to encourage international programs, such as that in Colombia, which seeks to stamp out the production and flow of drugs at the point of origin. We also must strongly support efforts to interdict narcotics shipments from abroad that are targeted for our shores.

We must dedicate adequate resources to our enforcement agencies in the United States to fight the distribution of narcotics and dangerous drugs on the streets of our cities and in our

suburban and rural communities. And we must continue to support those education programs that are beginning to produce reductions in drug use by our youth.

I commend the leaders of the Colombian Special Antinarcotics Unit for their commitment to duty. I pay special tribute to the 40 brave officers who seized the Yari River processing site and repulsed the counterattack by a guerrilla force of greater number. I am grateful to all concerned for providing a dramatic example of the progress that can be made in the war against drugs when planning, resources, and action are brought together to render a blow that will be remembered as the "bust heard 'round the world."●

BIOMEDICAL RESEARCH TRAINING AND MEDICAL LIBRARY ASSISTANCE AMENDMENTS OF 1983

● Mr. PRYOR. Mr. President, today I wish to express my support for the Biomedical Research Training and Medical Library Assistance Amendments of 1983. This is important legislation which authorizes through fiscal year 1986 the National Cancer Institute, the National Heart, Lung, and Blood Institute, medical library sciences training, and health information and promotion. In addition, this bill establishes a National Institute of Arthritis and Musculoskeletal and Skin Diseases within the National Institutes of Health. This new institute will conduct and assist research and operate an information clearing house.

A separate institute for arthritis will provide for significantly increased visibility for rheumatic and musculoskeletal diseases and result in major advances against the most widespread disease afflicting Americans. Arthritis debilitates about one-seventh of our population, and this legisation is a tangible expression of a national commitment.

I am pleased that the Senate will have an opportunity to consider this proposal. I believe it will address one of the most important challenges facing medical research today.●

ORDERS FOR MONDAY

ORDER FOR RECESS UNTIL MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS KASTEN AND PROXMIRE

Mr. STEVENS. Mr. President, after the time for the two leaders under the standing order, I ask unanimous consent that special orders be granted for not to exceed 15 minutes each to Senators KASTEN and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following those special orders, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1:30 p.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, it is my understanding that following the conclusion of routine morning business the Senate will resume consideration of House Joint Resolution 492. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL MONDAY, APRIL 2, 1984

Mr. STEVENS. Mr. President, is there further business to come before the Senate?

Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until Monday next.

The motion was agreed to, and the Senate, at 4:10 p.m., recessed until Monday, April 2, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 30, 1984:

DEPARTMENT OF STATE

Stephen Warren Bosworth, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

NATIONAL SCIENCE FOUNDATION

David T. Kingsbury, of California, to be an Assistant Director of the National Science Foundation, vice Eloise E. Clark, resigned.

DEPARTMENT OF DEFENSE

Chapman B. Cox, of Virginia, to be General Counsel of the Department of Defense, vice William H. Taft, IV.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John N. Brandenburg, [redacted], age 54, U.S.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Raymond E. Belz, [redacted]
Maj. Harold J. Blocker, [redacted]
Maj. William I. Brodt, [redacted]
Maj. George T. Bullman, [redacted]
Maj. Clinton R. Churchill, [redacted]
Maj. Arthur B. Cornelius, [redacted]
Maj. Steven E. Darland, [redacted]
Maj. Matthew S. Evans, Jr., [redacted]
Maj. Leslie G. Fairweather, [redacted]
Maj. Michael C. Farmer, [redacted]
Maj. Matthew H. Feiertag, [redacted]
Maj. Ronald N. Germano, [redacted]
Maj. Lewis J. Haines, [redacted]
Maj. Richard A. Hoadley, [redacted]
Maj. Stephen G. Kearney, [redacted]
Maj. Cecil A. Lynn, Jr., [redacted]
Maj. Terry A. Maynard, [redacted]
Maj. William J. McCabe, [redacted]
Maj. Charles J. McKinstry, [redacted]
Maj. Eugene J. Muha, [redacted]
Maj. Lawrence E. Pabin, [redacted]
Maj. Herbert H. Parks, [redacted]
Maj. Jerry S. Placko, [redacted]
Maj. Robert L. Powell, [redacted]
Maj. Darrell W. Preece, [redacted]
Maj. James L. Radtke, [redacted]
Maj. Joe T. Short, [redacted]
Maj. Richard T. Syrcle, [redacted]
Maj. Merlyn S. Tidemann, [redacted]
Maj. Benjamin E. Whitmeyer, [redacted]

LEGAL

Maj. Vincent J. Poppiti, [redacted]

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be captain

Abbott, Candace C., [redacted]
Abegg, Joe H., [redacted]
Abernathy, William H., Jr., [redacted]
Abma, Anneke C., [redacted]
Aboulhosn, Hafez W., [redacted]
Acker, Eric S., [redacted]
Acree, James L., [redacted]
Adams, Bradley S., [redacted]
Adams, Bruce K., [redacted]
Adams, Reginald L., [redacted]
Adams, Timothy K., [redacted]
Agront, Abraham, Jr., [redacted]
Ahmadjian, Mark, [redacted]
Akey, Michael D., [redacted]
Albert, Paul S., [redacted]
Alberts, Michael L., [redacted]
Aldridge, Stuart L., [redacted]
Alerding, John, E., III, [redacted]
Alford, Lionel D., Jr., [redacted]
Allen, David M., [redacted]
Allen, Dennis L., [redacted]
Allen, Lauren B., [redacted]
Allen, Patrick H., [redacted]
Allen, Travis L., [redacted]
Alleva, John, [redacted]
Alred, David R., [redacted]
Alred, Iris J., [redacted]
Andersen, Robert L., [redacted]
Anderson, Douglas W., [redacted]
Anderson, Lisa K., [redacted]
Anderson, Mark S., [redacted]
Anderson, Mondell R., [redacted]
Anderson, Richard L., II, [redacted]
Anderson, Stephen W., [redacted]
Andino, Sheri W., [redacted]
Andries, James P., [redacted]
Ankenman, Larry A., [redacted]
Antoine, Vanessa L., [redacted]
Antons, Christopher M., [redacted]
Apgar, Glen A., [redacted]

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Umbaugh, Steven L., xxx-xx-xxxx
Umbriaco, Joseph J., xxx-xx-xxxx
Umstaedter, Kathy D., xxx-xx-xxxx
Umstaedter, Robert K., xxx-xx-xxxx
Underwood, David K., xxx-xx-xxxx
Unruh, Ronald K., xxx-xx-xxxx
Utter, Dale F., xxx-xx-xxxx
Valdata, Gary R., xxx-xx-xxxx
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Vanbemmel, Hohn A., xxx-xx-xxxx
Vancheri, Paul L., xxx-xx-xxxx
Vandalsen, Danny E., xxx-xx-xxxx

Vangilder, Patricia A., xxx-xx-xxxx
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Vanheynigen, Mark D., xxx-xx-xxxx
Vann, Paul L., xxx-xx-xxxx
Vanoteghem, Victor W., xxx-xx-xxxx
Vanwagoner, David W., xxx-xx-xxxx
Varacchi, Henry L., xxx-xx-xxxx
Varney, Bardley K., xxx-xx-xxxx
Vasquez, Frank C., xxx-xx-xxxx
Vaughan, Timothy G., xxx-xx-xxxx
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Vela, Julio A., xxx-xx-xxxx
Velasquez, Rick, xxx-xx-xxxx
Venable, William M., xxx-xx-xxxx
Vermillion, Thomas R., xxx-xx-xxxx
Verrechio, Peter J., xxx-xx-xxxx
Venzant, Jody A., xxx-xx-xxxx
Vis, Dale L., xxx-xx-xxxx
Vitolo, Michael P., xxx-xx-xxxx
Vivori, Joseph H., xxx-xx-xxxx
Vonkaenel, Karl M., xxx-xx-xxxx
Vonschweinitz, Bettina, xxx-xx-xxxx
Vorwald, Jerome F., xxx-xx-xxxx
Wache, Robert G., xxx-xx-xxxx
Wagner, Scott L., xxx-xx-xxxx
Wagner, Steven D., xxx-xx-xxxx
Waite, Larry J., xxx-xx-xxxx
Waldron, Alexander T., xxx-xx-xxxx
Walker, Bruce A., xxx-xx-xxxx
Walker, Larry L., xxx-xx-xxxx
Walker, Samuel M., xxx-xx-xxxx
Wall, Byron H., xxx-xx-xxxx
Wallace, Joseph R., xxx-xx-xxxx
Wallace, Robert W., xxx-xx-xxxx
Wallace, William A., xxx-xx-xxxx
Walls, Randall M., xxx-xx-xxxx
Walsh, Lydia C., xxx-xx-xxxx
Wandishin, David M., xxx-xx-xxxx
Ward, Carl D., xxx-xx-xxxx
Wardley, Sylvia C., xxx-xx-xxxx
Warenda, Mark L., xxx-xx-xxxx
Warren, Terry E., xxx-xx-xxxx
Washington, Larry S., xxx-xx-xxxx
Waters, Gail P., xxx-xx-xxxx
Watson, Donald R., xxx-xx-xxxx
Watts, Ralph L., Jr., xxx-xx-xxxx
Watts, Ruth E., xxx-xx-xxxx
Wayda, Francis J., xxx-xx-xxxx
Weaver, Andrew K., xxx-xx-xxxx
Webb, Michael J., xxx-xx-xxxx
Weber, Scott D., xxx-xx-xxxx
Webster, John L., Jr., xxx-xx-xxxx
Weeks, James R., Jr., xxx-xx-xxxx
Weiss, Steven H., xxx-xx-xxxx
Weitzel, James L., xxx-xx-xxxx
Welence, Susan E., xxx-xx-xxxx
Well, Jeffrey L., xxx-xx-xxxx
Wells, Ann L., xxx-xx-xxxx
Wells, Gary L., xxx-xx-xxxx
Welsh, Catherine A., xxx-xx-xxxx
Wendling, James J., xxx-xx-xxxx
Wert, Timothy J., xxx-xx-xxxx
Westcott, William L., xxx-xx-xxxx
Westerlund, Edgar S., xxx-xx-xxxx
Weter, Donald E., xxx-xx-xxxx
Wheeler, Reba T., xxx-xx-xxxx
White, Carl J., xxx-xx-xxxx
White, Charles C., xxx-xx-xxxx
White, John V., xxx-xx-xxxx
White, Robert L., xxx-xx-xxxx
White, Timothy G., xxx-xx-xxxx
Whitlock, Dorothy J., xxx-xx-xxxx
Whitney, Patricia J., xxx-xx-xxxx
Wickman, Charles M., xxx-xx-xxxx
Wicksted, Mark L., xxx-xx-xxxx
Wieland, Margaret C., xxx-xx-xxxx
Wiese, Valerie S., xxx-xx-xxxx
Wilcox, Brian M., xxx-xx-xxxx
Wilcox, Wayne, Jr., xxx-xx-xxxx
Wild, Paul M., xxx-xx-xxxx
Wilds, William C., xxx-xx-xxxx
Wiley, Shannon F., xxx-xx-xxxx
Wilhite, James E., xxx-xx-xxxx
Williams, Barry M., xxx-xx-xxxx
Williams, David L., xxx-xx-xxxx
Williams, Dennis, xxx-xx-xxxx
Williams, Edwin L., xxx-xx-xxxx
Williams, Kenneth A., Jr., xxx-xx-xxxx
Williams, Larry D., xxx-xx-xxxx
Williams, Marc B., xxx-xx-xxxx
Williams, Mark D., xxx-xx-xxxx
Williams, Michael H., xxx-xx-xxxx
Williams, Randolph S., xxx-xx-xxxx
Williams, Robert L., xxx-xx-xxxx
Williams, Sherman R., xxx-xx-xxxx
Williams, Stephen L., xxx-xx-xxxx
Williams, Teresa E., xxx-xx-xxxx
Willis, Dana N., xxx-xx-xxxx
Wilson, Charles M., xxx-xx-xxxx
Wilson, Kevin J., xxx-xx-xxxx
Wilson, Randy Eugene, xxx-xx-xxxx
Wilson, Sandra F., xxx-xx-xxxx
Wilson Woodrow J., xxx-xx-xxxx
Wimmler, Robbin A., xxx-xx-xxxx
Winfield, Mark A., xxx-xx-xxxx
Wintersoneal, Kathleen M., xxx-xx-xxxx
Wise, Steven N., xxx-xx-xxxx
Withers, Jo A., xxx-xx-xxxx
Withers, Michael C., xxx-xx-xxxx
Wizimirski, Ronald, xxx-xx-xxxx
Wojahn, John K., xxx-xx-xxxx
Wojszynski, Joseph A., xxx-xx-xxxx
Wolborsky, Stephen L., xxx-xx-xxxx
Wolf, Franklin R., xxx-xx-xxxx
Woltz, Michael P., xxx-xx-xxxx
Womack, Rene L., xxx-xx-xxxx
Wood, Ronald B., xxx-xx-xxxx
Woodward, Daniel P., xxx-xx-xxxx
Worley, Ronald A., xxx-xx-xxxx
Wright, Bryan R., xxx-xx-xxxx
Wright, Harry C., xxx-xx-xxxx
Wright, Mark D., xxx-xx-xxxx
Wright, Michael D., xxx-xx-xxxx
Wright, William B., xxx-xx-xxxx
Wright, William D., xxx-xx-xxxx
Wuebold, Paul D., xxx-xx-xxxx
Wuest, David H., xxx-xx-xxxx
Wuesthoff, Scott E., xxx-xx-xxxx
Wunz, Donald R., Jr., xxx-xx-xxxx
Wyche, John H., xxx-xx-xxxx
Wynott, Jeffry L., xxx-xx-xxxx
Yamauchi, Brent T., xxx-xx-xxxx
Yankovich, David L., xxx-xx-xxxx
Yarosh, Sandra, xxx-xx-xxxx
Yazejian, George M., Jr., xxx-xx-xxxx
Yeager, Richard S., xxx-xx-xxxx
Yearick, Douglas Fred, xxx-xx-xxxx
Yost, David M., xxx-xx-xxxx
Youker, David E., xxx-xx-xxxx
Young, Raymond H., xxx-xx-xxxx
Young, Sammy J., xxx-xx-xxxx
Young, Susan J., xxx-xx-xxxx
Young, Thomas S., xxx-xx-xxxx
Yow, David E., xxx-xx-xxxx
Yuoconis, Penny A., xxx-xx-xxxx
Zabik, Lawrence G., xxx-xx-xxxx
Zachman, Janice M., xxx-xx-xxxx
Zajac, Thomas E., xxx-xx-xxxx
Zaldivar, Arturo G., xxx-xx-xxxx
Zappone, Lawrence J., xxx-xx-xxxx
Zatler, Phillip E., xxx-xx-xxxx
Zeigler, Robert H., xxx-xx-xxxx
Zelenski, Warren E., xxx-xx-xxxx
Zenk, Mary F., xxx-xx-xxxx
Zerbato, Donna M., xxx-xx-xxxx
Zeytoonian, Bruce, xxx-xx-xxxx
Ziehmn, Stephen B., xxx-xx-xxxx
Zimmering, Michael H., xxx-xx-xxxx
Zimmerman, Dale L., xxx-xx-xxxx
Zimmerman, Gregory L., xxx-xx-xxxx
Zsigray, Terry L., xxx-xx-xxxx
Zucker, Herbert R., xxx-xx-xxxx
Zurawka, Garry P., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

To be colonels

Jade, Klaus B., xxx-xx-xxxx
Marcure, Richard W., xxx-xx-xxxx
Tiwary, Chandra M., xxx-xx-xxxx

To be lieutenant colonels

Antonelli, Mary A., xxx-xx-xxxx
Berman, Jonathan D., xxx-xx-xxxx
Miller, Lawrence W., xxx-xx-xxxx
Tellis, Claude J., xxx-xx-xxxx

To be majors

Cohen, David J., xxx-xx-xxxx
Holland, John C., xxx-xx-xxxx
Ibrahim, Nadia M., xxx-xx-xxxx
Martinez-de la Cruz, Francisco J., xxx-x...

To be captains

Amoroso, Anne M., xxx-xx-xxxx
Anderson, Lawrence L., xxx-xx-xxxx
Armstrong, Michael A., xxx-xx-xxxx
Avery, Carolyn L., xxx-xx-xxxx
Born, Stephen C., xxx-xx-xxxx
Burch, Henry B., xxx-xx-xxxx
Cardinal, Peter A., xxx-xx-xxxx
Caudle, Lester C., III, xxx-xx-xxxx
Christenson, Joseph L., xxx-xx-xxxx
Cordts, Paul R., xxx-xx-xxxx
Cotter, Dermot M., xxx-xx-xxxx
Davidson, Marta S. Q., xxx-xx-xxxx
Debo, Richard F., xxx-xx-xxxx
Dirks, Monte S., xxx-xx-xxxx
Eaves, Charles C., Jr., xxx-xx-xxxx
Farrington, Charles A., xxx-xx-xxxx
Farris, Stuart R., xxx-xx-xxxx
Faucette, Kelly J., xxx-xx-xxxx
Foley, John P., xxx-xx-xxxx
Fujiyoshi, Carol A., xxx-xx-xxxx
Ginther, Jeffrey R., xxx-xx-xxxx
Gormley, Thomas S., xxx-xx-xxxx
Helander, Eric R., xxx-xx-xxxx
Hotard, Michael C., xxx-xx-xxxx
Howard, Thomas M., xxx-xx-xxxx
Hrutkay, Jeffrey M., xxx-xx-xxxx
Hughes, William A., xxx-xx-xxxx
Kavolius, Jeffrey P., xxx-xx-xxxx
Knuth, Thomas E., xxx-xx-xxxx
Malcolm, James R., xxx-xx-xxxx
Morgan, Ann M., xxx-xx-xxxx
Mullin, James C., xxx-xx-xxxx
Nace, Mary C., xxx-xx-xxxx
Norbury, James W. Jr., xxx-xx-xxxx
Northcross, Gale S., xxx-xx-xxxx
Pearson, Alan D., xxx-xx-xxxx
Phillips, Kenneth G., xxx-xx-xxxx
Rovira, Miguel J., xxx-xx-xxxx
Schaub, Michael R., xxx-xx-xxxx
Schlatter, Margaret A., xxx-xx-xxxx
Sedlak, Richard G., xxx-xx-xxxx
Smith, George R., xxx-xx-xxxx
Stoldt, Curtis D., xxx-xx-xxxx
Thach, Allen B., xxx-xx-xxxx
Tsufis, Marc P., xxx-xx-xxxx
Walters, Terry J., xxx-xx-xxxx
Waterhouse, William J., xxx-xx-xxxx
Zeff, Karl N., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be majors

Neville, Robert E., xxx-xx-xxxx

To be captains

Danley, David L., xxx-xx-xxxx
Davis, Charles H., xxx-xx-xxxx
Perez, Reynaldo M., xxx-xx-xxxx
Postma, Amy M., xxx-xx-xxxx
Serio, Charles S., xxx-xx-xxxx

To be first lieutenants

Stuart, John A., xxx-xx-xxxx

ARMY NURSE CORPS

To be captains

Alderson, Susan C., xxx-xx-xxxx

To be first lieutenants

Parsons, Teresa A., xxx-x...

DENTAL CORPS

To be majors

Grover, Pushpinder S., xxx-xx-xxxx
Lambert, Ronald J., xxx-xx-xxxx

To be captains

Catterlin, Russel K., xxx-xx-xxxx
Chubb, Thomas K., xxx-xx-xxxx
Dootson, Jeffery, xxx-xx-xxxx
Green, Lawrence K., xxx-xx-xxxx
Hagner, Richard J., xxx-xx-xxxx
Hale, Timothy M., xxx-xx-xxxx
Owen, Robert G., xxx-xx-xxxx
Poland, Marvin E., xxx-xx-xxxx
Ragno, James R., Jr., xxx-xx-xxxx
Smith, Glen A., xxx-xx-xxxx

VETERINARY CORPS

To be captains

Blagg, James A., xxx-xx-xxxx
Courtney, Michael G., xxx-xx-xxxx
Record, Jeffrey W., xxx-xx-xxxx

IN THE ARMY

The following-named Reserve Officers' Training Corps cadets for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of sections 531, 532, 533, 2106, and 2107, Title 10, United States Code:

Abbott, Joseph T., xxx-xx-xxxx
Abe, John Y., xxx-xx-xxxx
Abercrombie, Martin J., xxx-xx-xxxx
Abinader, Carlos A., IV, xxx-xx-xxxx
Aceto, Jeffrey T., xxx-xx-xxxx
Acevedo, Eulogio, xxx-xx-xxxx
Acevedo, Francisco, xxx-xx-xxxx
Adams, Audrey A., xxx-xx-xxxx
Adams, James W., xxx-xx-xxxx
Adams, Lyle N., xxx-xx-xxxx
Adams, Phillip G., xxx-xx-xxxx
Adams, Sulinda D., xxx-xx-xxxx
Addison, Victor T., xxx-xx-xxxx
Ake, Robert Q., xxx-xx-xxxx
Alavarado, Gladys, xxx-xx-xxxx
Albanese, Robert, xxx-xx-xxxx
Albano, Edward, Jr., xxx-xx-xxxx
Albertson, Michael N., xxx-xx-xxxx
Alexander, John S., Jr., xxx-xx-xxxx
Alford, Roger D., xxx-xx-xxxx
Allegood, France B., Jr., xxx-xx-xxxx
Allen, David W., xxx-xx-xxxx
Allen, Joseph T., xxx-xx-xxxx
Alsheimer, Keith A., xxx-xx-xxxx
Altschuld, Matthew W., xxx-xx-xxxx
Alvin, Brian E., xxx-xx-xxxx
Ammons, John J., xxx-xx-xxxx
Anasovitch, Walter L., xxx-xx-xxxx
Anderle, Gregg E., xxx-xx-xxxx
Andersen, Russell J., xxx-xx-xxxx
Andersen, Thomas R., xxx-xx-xxxx
Anderson, Amanda L., xxx-xx-xxxx
Anderson, Brian T., xxx-xx-xxxx
Anderson, Charles R., Jr., xxx-xx-xxxx
Anderson, Eric P., xxx-xx-xxxx
Anderson, John P., xxx-xx-xxxx
Anderson, Kenneth W., xxx-xx-xxxx
Anderson, Lisa L., xxx-xx-xxxx
Anderson, Richie L., xxx-xx-xxxx
Anderson, Vernita M., xxx-xx-xxxx
Andrews, Wayne M., xxx-xx-xxxx
Andrews, Yolanda L., xxx-xx-xxxx
Andujar, Roberto C., xxx-xx-xxxx
Angle, Robert A., xxx-xx-xxxx
Anhut, Thomas J., xxx-xx-xxxx
Appleby, Thomas J., xxx-xx-xxxx
Appleton, Robert A., xxx-xx-xxxx
Aragon, Arthur, J., Jr., xxx-xx-xxxx
Arce, Nestor A., xxx-xx-xxxx
Archibald, Anthony P., xxx-xx-xxxx
Archibald, Janet M., xxx-xx-xxxx
Arcuri, Anthony P., xxx-xx-xxxx
Armitstead, Alan J., xxx-xx-...
Arnold, Robert J., xxx-xx-xxxx
Arp, Charles H., Jr., xxx-xx-xxxx
Arrington, Steffon K., xxx-xx-xxxx
Artman, Spencer Q., xxx-xx-xxxx
Ashcraft, Daniel L., xxx-xx-xxxx
Ashe, James A., xxx-...
Ashe, Jeffrey W., xxx-xx-...
Ashley, Robert P., Jr., xxx-xx-...
Ashworth, James S., xxx-...
Atkinson, David B., xxx-xx-...
Atkinson, Deborah L., xxx-...
Atkinson, Richard F., xxx-xx-xxxx
Atkinson, Ronald M., xxx-xx-xxxx
Austin, Robert, III, xxx-xx-xxxx
Austin, Stewart B., xxx-xx-xxxx
Auvenshine, Stephen, xxx-xx-xxxx
Avants, Keith A., xxx-xx-xxxx
Bailey, Christopher A., xxx-xx-xxxx
Bailey, Lisa D., xxx-xx-xxxx
Bailey, Samuel B., xxx-xx-xxxx
Bailly, Cheryl M., xxx-xx-xxxx
Bair, Jonathan D., xxx-xx-xxxx
Baka, Michael A., xxx-xx-xxxx
Baker, Ellen D., xxx-xx-xxxx
Baker, James W., xxx-xx-xxxx
Baker, Steven B., xxx-xx-xxxx
Bakis, Kelly J., xxx-xx-xxxx
Balda, David M., xxx-xx-xxxx
Baldwin, Dwayne E., xxx-xx-xxxx
Banks, George A., xxx-xx-xxxx
Banks, Jeffrey A., xxx-xx-xxxx
Bannister, Francis W., Jr., xxx-xx-xxxx
Bannister, Jeffrey L., xxx-xx-xxxx
Bannister, Lori L., xxx-xx-xxxx
Barker, Edward C., xxx-xx-xxxx
Barker, Mary A., xxx-xx-xxxx
Barkley, Brent J., xxx-xx-xxxx
Barlow, David A., xxx-xx-xxxx
Barnaby, David S., xxx-xx-xxxx
Barnes, Francoise D., xxx-xx-xxxx
Barnes, Tracy A., xxx-xx-xxxx
Barnett, William M., IV, xxx-xx-xxxx
Barnhill, Stephen D., xxx-xx-xxxx
Barranti, Anthony D., xxx-xx-xxxx
Barrett, Robert A., xxx-xx-xxxx
Barrow, James W., Jr., xxx-xx-xxxx
Barrows, Stuart L., xxx-xx-xxxx
Barry, Anthony L., xxx-xx-xxxx
Bartle, Joseph M., II, xxx-xx-xxxx
Bartley, Nelson G., xxx-xx-xxxx
Bass, William M., xxx-xx-xxxx
Bassani, Joseph A., Jr., xxx-xx-xxxx
Bassett, Michael H., xxx-xx-xxxx
Bathurst, Tracy R., xxx-xx-xxxx
Battle, Larry D., xxx-xx-xxxx
Battle, Oscar C., xxx-xx-xxxx
Bauer, John C., xxx-xx-xxxx
Bautch, John E., xxx-xx-...
Bax, Keith G., xxx-xx-...
Bayer, Peter C., Jr., xxx-xx-...
Bayha, James M., xxx-xx-xxxx
Bayles, Scott T., xxx-xx-xxxx
Beach, Darryl C., xxx-xx-xxxx
Beal, Dana M., xxx-xx-xxxx
Beam, James A., xxx-xx-xxxx
Bean, Bryan S., xxx-xx-xxxx
Bean, Michael D., xxx-xx-xxxx
Beatty, John H., xxx-xx-xxxx
Beatty, Scott A., xxx-xx-xxxx
Beausoleil, Susan R., xxx-xx-xxxx
Beaver, Jeffrey S., xxx-xx-xxxx
Beck, Susan E., xxx-xx-xxxx
Beck, Todd A., xxx-xx-xxxx
Becker, John A., xxx-xx-xxxx
Beckinger, Richard M., xxx-xx-xxxx
Beech, Michael F., xxx-xx-xxxx
Beesting, Scott R., xxx-xx-xxxx
Behling, Thomas G., xxx-xx-xxxx
Belesky, Kenneth M., xxx-xx-xxxx
Bell, Craig I., xxx-xx-xxxx
Bell, Jimmie R., Jr., xxx-xx-xxxx
Bell, Robert R., Jr., xxx-xx-xxxx
Benjamin, Robert D., xxx-xx-xxxx
Benkert, John G., xxx-xx-xxxx
Bennett, Gregory J., xxx-xx-xxxx
Bennett, Kevin A., xxx-xx-xxxx
Bennett, Thomas H., xxx-xx-xxxx
Berglund, Hugh M., xxx-xx-xxxx
Bessette, Cory E., xxx-xx-xxxx
Best, Leslie P., xxx-xx-xxxx
Best, Robert B., xxx-xx-xxxx
Bevis, Karen J., xxx-xx-...
Biesel, Eden L., xxx-xx-xxxx
Bigger, Kathryn E., xxx-xx-xxxx
Bills, Debby M., xxx-xx-xxxx
Binford, Randolph R., xxx-xx-...
Binkley, Thomas W., xxx-x...
Birdwell, Brian D., xxx-xx-...
Bishea, Eric N., xxx-xx-xxxx
Bishop, Kevin R., xxx-xx-xxxx
Bishop, Susan M., xxx-xx-...
Bishop, Warren D., xxx-xx-xxxx
Black, Agnes M., xxx-xx-xxxx
Black, Kenneth M., xxx-xx-xxxx
Black, Phillip W., xxx-xx-xxxx
Blackburn, Joseph W., xxx-xx-xxxx
Blackwell, Mark N., xxx-xx-xxxx
Blair, Daniel R., xxx-xx-xxxx
Bland, Dean F., xxx-xx-xxxx
Bland, Randall W., xxx-xx-xxxx
Blando, Anthony E., xxx-xx-xxxx
Bleckley, Dennis R., xxx-xx-xxxx
Blevins, David C., xxx-xx-xxxx
Blose, David L., xxx-xx-...
Boarman, Joseph C., xxx-xx-xxxx
Boes, Kenneth G., xxx-xx-xxxx
Bognar, Attila J., xxx-xx-xxxx
Bohnstedt, Mitchel A., xxx-xx-xxxx
Boivin, Bentley M., xxx-xx-...
Boles, Grant W., xxx-xx-...
Bolinger, Michelle P., xxx-xx-xxxx
Bolt, Stephen L., xxx-xx-xxxx
Bonczkiewicz, Julia, xxx-xx-xxxx
Bonville, Robert G., xxx-xx-...
Booker, Keith D., xxx-xx-...
Borders, Joseph L., xxx-xx-xxxx
Borders, Michael A., xxx-xx-xxxx
Bosco, Tyler L., xxx-xx-xxxx
Botters, Robert J., Jr., xxx-xx-xxxx
Bowen, Earl R., xxx-xx-xxxx
Bowen, Ricky L., xxx-xx-xxxx
Boxler, Michael B., xxx-xx-xxxx
Boyajian, Edward P., xxx-xx-xxxx
Boyd, Peter B., xxx-xx-xxxx
Boyett, Joseph E., xxx-xx-...
Boyle, Eileen M., xxx-xx-xxxx
Boyle, Gina M., xxx-xx-xxxx
Boyle, Theresa A., xxx-xx-xxxx
Boyles, Timothy A., xxx-xx-xxxx
Braddock, David M., xxx-xx-xxxx
Braden, Homer A., xxx-xx-xxxx
Bradford, Raymond H., xxx-xx-xxxx
Bradin, Stuart W., xxx-xx-xxxx
Bradley, Darick E., xxx-xx-xxxx
Bradley, David W., xxx-xx-xxxx
Bradley, John C., xxx-xx-xxxx
Bradley, Michael J., xxx-xx-xxxx
Bramer, David H., xxx-xx-xxxx
Brana, Rafael, xxx-xx-xxxx
Brandt, Christine T., xxx-xx-xxxx
Brannen, Jerry W., xxx-xx-xxxx
Brannigan, Niall R., xxx-xx-xxxx
Branson, Russell E., xxx-xx-xxxx
Brantley, Michael R., xxx-xx-xxxx
Braxton, Ronnie D., xxx-xx-xxxx
Bray, Paul B., xxx-xx-xxxx
Breidenstine, John, xxx-xx-xxxx
Brenner, Dru A., xxx-xx-xxxx
Drew, Thomas R., Jr., xxx-xx-xxxx
Brewer, Darcy A., xxx-x...
Bricker, Paul W., xxx-xx-xxxx
Bridenbaugh, Donald P., II, xxx-xx-xxxx
Bridges, Ronny K., xxx-xx-xxxx
Bright, Fern A., xxx-xx-xxxx

Brinton, Geoffrey P., xxx-xx-xxxx
Briskman, Helaine, xxx-xx-xxxx
Brogden, Lilburne G., Jr., xxx-xx-xxxx
Brokaw, Michael J., xxx-xx-xxxx
Broussard, Daniel H., xxx-xx-xxxx
Brown, Andrew O., xxx-xx-xxxx
Brown, Anthony G., xxx-xx-xxxx
Brown, Craig R., xxx-xx-xxxx
Brown, Darfus L., xxx-xx-xxxx
Brown, David J., xxx-xx-xxxx
Brown, James, xxx-xx-xxxx
Brown, James H., Jr., xxx-xx-xxxx
Brown, Jeffery D., xxx-xx-xxxx
Brown, Jeffrey D., xxx-xx-xxxx
Brown, Jennifer L., xxx-xx-xxxx
Brown, John W., III, xxx-xx-xxxx
Brown, Kimberly E., xxx-xx-xxxx
Brown, Laura L., xxx-xx-xxxx
Brown, Linnel R., xxx-xx-xxxx
Brown, Michael E., xxx-xx-xxxx
Brown, Neil R., xxx-xx-xxxx
Brown, Pamela R., xxx-xx-xxxx
Brown, Paul M., xxx-xx-xxxx
Brown, Reginald, xxx-xx-xxxx
Brown, Richard L., Jr., xxx-xx-xxxx
Brown, Roy A., Jr., xxx-xx-xxxx
Brown, Stanley W., xxx-xx-xxxx
Brown, Stephen L., xxx-xx-xxxx
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Brunk, Robert E., xxx-xx-xxxx
Brunsell, Scott R., xxx-xx-xxxx
Brunstein, Nick T., xxx-xx-xxxx
Bryant, Derrick A., xxx-xx-xxxx
Bryant, Nancy L., xxx-xx-xxxx
Bubnick, Wayne E., xxx-xx-xxxx
Buche, Joseph P., xxx-xx-xxxx
Buckley, John F., xxx-xx-xxxx
Budzinski, Henry A., Jr., xxx-xx-xxxx
Buhidar, Randy A., xxx-xx-xxxx
Buis, Thomas E., Jr., xxx-xx-xxxx
Bullock, Stephen R., xxx-xx-xxxx
Bumpus, Tammy E., xxx-xx-xxxx
Burbank, Jeffrey W., xxx-xx-xxxx
Burcalow, James M., xxx-xx-xxxx
Burenheide, Eugene, E., xxx-xx-xxxx
Burger, Lucy A., xxx-xx-xxxx
Burgess, Gregg J., xxx-xx-xxxx
Burke, Kyle T., xxx-xx-xxxx
Burke, Timothy A., xxx-xx-xxxx
Burnett, Arthur L., xxx-xx-xxxx
Burnham, William R., xxx-xx-xxxx
Burns, Curtis R., xxx-xx-xxxx
Burns, Robert A., xxx-xx-xxxx
Burns, Robert T., xxx-xx-xxxx
Burrell, Clinton L., xxx-xx-xxxx
Burson, Bradie L., xxx-xx-xxxx
Burstein, Kent D., xxx-xx-xxxx
Busch, Craig B., xxx-xx-xxxx
Bushery, Daniel J., xxx-xx-xxxx
Busse, Kenneth D., xxx-xx-xxxx
Butler, Brian A., xxx-xx-xxxx
Butler, Harrison R., xxx-xx-xxxx
Butler, Pamela W., xxx-xx-xxxx
Bybee, Daniel N., xxx-xx-xxxx
Byrd, Steven S., xxx-xx-xxxx
Calderon, Rosa A., xxx-xx-xxxx
Call, Joseph E., xxx-xx-...
Cameron, Alan L., xxx-xx-xxxx
Campbell, Jon W., xxx-xx-xxxx
Campbell, Kristen E., xxx-xx-xxxx
Campbell, Larry W., xxx-xx-xxxx
Campo, Kevin F., xxx-xx-xxxx
Cannon, James L., xxx-xx-xxxx
Cantu, Dino A., xxx-xx-xxxx
Capalbo, Steven M., xxx-xx-xxxx
Caplice, Christopher G., xxx-xx-xxxx
Cappellett, Michael R., xxx-xx-xxxx
Caramadre, John, xxx-xx-xxxx
Cardwell, John E., xxx-xx-xxxx
Carey, Michael A., xxx-xx-xxxx
Carlile, Stephen M., xxx-xx-xxxx
Carlson, Cynthia S., xxx-xx-xxxx
Carlton, Alexander, xxx-xx-xxxx
Carney, Jack M., Jr., xxx-xx-xxxx
Carpenter, Brian R., xxx-xx-xxxx
Carpenter, Robert C., xxx-xx-xxxx
Carr, Steven A., xxx-xx-xxxx
Carrier, Raymond J., xxx-xx-xxxx
Carroll, Bryan D., xxx-xx-xxxx
Carroll, Edward L., xxx-xx-xxxx
Carroll, Mark P., xxx-xx-xxxx
Carroll, William A., Jr., xxx-xx-xxxx
Carswell, Kelli J., xxx-xx-xxxx
Carter, Donald K., xxx-xx-xxxx
Carter, J. C., Jr., xxx-xx-xxxx
Carter, Joel K., xxx-xx-xxxx
Carter, Wayne, xxx-xx-xxxx
Carvalho, Anastasia, xxx-xx-xxxx
Cary, Charles D., xxx-xx-xxxx
Casciaro, Michael A., xxx-xx-xxxx
Casmus, Samuel W., III, xxx-xx-xxxx
Cassidy, Daniel L., xxx-xx-xxxx
Cavalier, Michael P., xxx-xx-xxxx
Cello, Patrick L., xxx-xx-xxxx
Ceri, Marin, xxx-xx-xxxx
Cerney, Kenneth A., xxx-xx-xxxx
Chachakis, Daniel F., xxx-xx-xxxx
Chamberlain, K. Todd, xxx-xx-xxxx
Chamberlain, Tammy L., xxx-xx-xxxx
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Wilson, Neil F., xxx-...
Wilzbach, Kevin R., xxx-xx-...
Winger, Lisa M., xxx-xx-...
Winkler, Werner H., xxx-xx-...
Winne, Christopher L., xxx-xx-xxxx
Winter, Karen L., xxx-xx-xxxx
Wise, George R., xxx-xx-xxxx
Wiseman, William T., xxx-xx-xxxx
Wisotzkey, Elizabeth, xxx-xx-xxxx
Witt, Jeffrey S., xxx-xx-xxxx
Witterholt, Melinda L., xxx-xx-xxxx
Witzgall, Michael E., xxx-...
Wojtkowski, Julie M., xxx-x...
Wolenski, Jeanne, xxx-...
Wolf, Dirk M., xxx-...
Wolff, Allen R., xxx-...
Wood, Anthony A., xxx-...
Wood, David R., xxx-...
Wood, Stephen N., xxx-...
Wood, William E., xxx-...
Woods, Alan W., xxx-xx-xxxx
Woods, Douglas D., xxx-xx-xxxx
Woods, Timothy C., xxx-xx-...
Woodworth, Reed S., xxx-xx-...
Wright, Christopher D., xxx-xx-xxxx
Wright, Phyllis A., xxx-xx-xx...
Yackley, Stephen G., xxx-xx-xxxx
Yanai, Paul S., xxx-xx-xxxx
Yess, Gary E., xxx-...
Yon, Diolinda, xxx-...
Young, Jeffrey K., xxx-...
Young, Joseph B., Jr., xxx-xx-xxxx
Young, Mowry W., II, xxx-...
Young, Richard J., xxx-...
Ysewyn, Linda, xxx-xx-...
Zaharis, William J., xxx-xx-...
Zazzara, Michael S., xxx-...
Zefo, James M., xxx-...
Zeier, Timothy A., xxx-...
Zembrzuski, Michael A., xxx-...

IN THE NAVY

I nominate the following named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

To be commander

Lt. Commander Robert L. Gibson, xxx-x... xx..., U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1984:

DEPARTMENT OF LABOR

Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and

Health Review Commission for the term expiring April 27, 1989.

MARINE MAMMAL COMMISSION

William Evans, of California, to be a member of the Marine Mammal Commission for the term expiring May 13, 1985.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to commodore:

Capt. Howard B. Thorsen.

Capt. Alan D. Breed.

Capt. John W. Kime.

Rear Adm. Paul A. Yost, U.S. Coast Guard, to be commander, U.S. Coast Guard Atlantic area with the grade of vice admiral while so serving.

Rear Adm. John D. Costello, U.S. Coast Guard, to be commander, U.S. Coast Guard Pacific area with the grade of vice admiral while so serving.

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

William P. Kozlovsky Robert S. Lucas
Richard P. Cueroni Kenneth G. Wiman

DEPARTMENT OF STATE

Richard Fairbanks, of the District of Columbia, to be Ambassador at Large.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

ARMS CONTROL AND DISARMAMENT NEGOTIATIONS

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations, and to have the rank of Ambassador while so serving.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas.

FOREIGN SERVICE

Foreign Service nominations beginning Donald D. Cohen, and ending John R. Thomson, which nominations were received by the Senate on February 16, 1984, and appeared in the CONGRESSIONAL RECORD of February 21, 1984.

HOUSE OF REPRESENTATIVES—*Friday, March 30, 1984*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we give thanks for the life and service of Edwin Forsythe, whose death we mourn. We are conscious of his years of devotion to the people of his district and community and we laud him for his integrity and high principle. May the resolve and commitment that he demonstrated in this institution encourage others to be good stewards of the liberties that are our heritage. May Your blessing be with his family and those he loved, and may Your benediction be with us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 363

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Edwin B. Forsythe, late a Representative from the State of New Jersey.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL 6 P.M., MONDAY, APRIL 2, 1984, TO FILE REPORT ON H.R. 5155

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology have until 6 p.m. on Monday, April 2, 1984, to file a late report on the bill (H.R. 5155) to establish a system to promote the use of land remote-sensing satellite data, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRESIDENT SILENT ABOUT SPECIFIC PLANS TO RESTRUCTURE SOCIAL SECURITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, in yesterday's New York Times President Reagan made it very clear that he intends to restructure social security benefits if he is reelected. However, once again, he refused to say what kind of changes he intends to make.

Mr. Speaker, the American people have a right to know what President Reagan intends to do about social security. They have a right to know what benefits he is planning to cut. They have a right to know if they can expect this President to protect the benefits they have earned or tear them away one by one.

When he was running for office in 1980, President Reagan told older Americans that he would not tamper with their hard-earned retirement benefits. In 1982, he proposed the most far-reaching changes in benefits in the history of the social security system.

Mr. Speaker, today I call upon the President to spell out the kinds of changes he is now planning for social security.

The fact is that this President has always wanted to get his hands on social security benefits, and yesterday he made it clear that is what he will do, if he is reelected.

OUTLINING THE TAX DEDUCTIONS OF A PRESIDENTIAL CANDIDATE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, one thing the President is not going to do, concerning the gentlewoman's recent remarks before me, is to take the recommendations of the Governor of Colorado.

Mr. Speaker, the American people are going to remember the elections of 1980 and 1984 as the years the Republicans stole the Democratic slogan "Vote with your pocketbooks."

Do not believe me? Ask Walter Mondale.

It turns out that he took advantage of nearly every item passed in the Reagan tax reform legislation.

Vice President Mondale, whose income dropped from $444,734 in 1981 to a blue-collar $432,679, claimed over $60,000 in itemized deductions.

For example, Mondale deducted over $3,000 in mortgage and interest on his Washington home. He listed over $150,000 in business expenses, including $30,000 for his own consultants.

And the Mondale family put over $20,000 in an IRA and Keogh plan. Obviously he has noticed that the 13.5-percent Carter-Mondale inflation rate has been cut to under 4 percent. Either that, or he has become a supply-sider overnight.

Sure, Vice President Mondale has pledged to roll back the Reagan tax reforms and to shelve indexing. But unlike the middle-income Americans those tax breaks were designed to help, Walter Mondale can afford it.

THE PEOPLE'S AGENDA

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, all one has to do is go on Main Street America and ask the American people what kind of things they want to see this Congress doing, and it becomes apparent they want to see Congress enact a balanced budget amendment, they want to see the fiscal restraint of something along the lines of a line-item veto, and they want to see a school prayer amendment enacted by the Congress. They want some of these things done that daily affect their lives and affect the way this country is governed.

Yet day after day we find out that this House is unwilling to act upon those measures. For many, many consecutive days we have come to the House floor asking for those particular items to be brought out here, to be at least discussed, at least debated, at least voted upon. But, no, we have not gotten those.

So again today, Mr. Speaker, I would come to the floor asking that those items be brought to the floor for consideration. The minority leadership has approved this. We would need majority leadership approval. But I suspect majority leadership approval will not be forthcoming because it has become apparent in press reports and in speeches made on this floor that the majority leadership of this Con-

gress is totally unwilling to consider the American people's agenda. They are totally unwilling to bring a balanced budget amendment to this floor, they are totally unwilling to bring the school prayer amendment to this floor, and they are totally unwilling to bring the line-item veto to this floor.

Mr. Speaker, they are unwilling to have these things discussed and they are unwilling to have them debated because they are afraid the majority of them would have to vote against them, and if that majority votes against those items, it would lead to a majority vote against the Democratic party in November.

EL SALVADOR DESERVING OF MORE AID FROM THE UNITED STATES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have a direct and specific question to ask the Speaker of this House and the Members of the body. Do we want the Communist guerrillas in El Salvador to come into power?

If the answer to that question is yes, at least we know then where we stand. But if the answer to that question is no, then why in heaven's name would we hamstring the democratically elected Government of El Salvador from defending its people?

If anyone in this House wants the Communists, all 8,000 of them, to take over, just say so. But if we do not, let us start seeing some responsible leadership around here, and let us stop this election year demagoguery. Either we want democracy to survive in El Salvador or we do not.

El Salvadoran soldiers are dying because they do not have the helicopters to fly them to hospitals when they are wounded. As a former combat infantryman, I know how discouraging it can be to not be assured of prompt medical treatment or evacuation if need be. Some of the aid money requested for El Salvador will be used for just such purposes. But if there are those who do not want to give them the resources to protect their constitutionally elected government, then it seems to me these very same people want the government to fall.

I am really distressed, Mr. Speaker, to hear statements from both Houses of the Congress that we ought to hold off the votes and just keep delaying and delaying the granting of this vital aid to El Salvador. Brave people are dying, and we are subjected to this kind of nonsense.

I am speaking plainly, Mr. Speaker, I know, but I feel very deeply about this.

□ 1110

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE EDWIN B. FORSYTHE

The SPEAKER. Pursuant to House Resolution 474, the Chair appoints as members of the Funeral Committee of the late Edwin B. Forsythe the following Members on the part of the House:

Mr. RODINO of New Jersey;
Mr. MICHEL of Illinois;
Mr. MINISH of New Jersey;
Mr. HOWARD of New Jersey;
Mr. ROE of New Jersey;
Mr. RINALDO of New Jersey;
Mr. FLORIO of New Jersey;
Mr. HUGHES of New Jersey;
Mr. COURTER of New Jersey;
Mr. GUARINI of New Jersey;
Mr. DWYER of New Jersey;
Mrs. ROUKEMA of New Jersey;
Mr. SMITH of New Jersey;
Mr. TORRICELLI of New Jersey;
Mr. STOKES of Ohio; and
Mr. PRITCHARD of Washington.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 5174, BANKRUPTCY AMENDMENTS OF 1984

Mr. RODINO. Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the bill, H.R. 5174, with an amendment or amendments, the House be deemed to have disagreed to the Senate amendment or amendments and agreed to or requested a conference with the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Ohio reserves the right to object.

Mr. KINDNESS. Mr. Speaker, I take this reservation in order to determine what the particular intelligence behind this request might be. According to the information that is available on this side, first of all, there was no consultation with the minority leadership on this unanimous-consent request in advance until we reached the floor here. I had no knowledge of it until about a minute before the floor session began.

I think there is at least a need for some information as to whether the gentleman knows that the bill as it will be acted upon by the Senate, although they have not started to act upon it yet, will be objectionable to the House. It might turn out that it will be acceptable to the House.

Further reserving the right to object, Mr. Speaker, I would ask the gentleman if he has any knowledge about that. I yield to the gentleman.

Mr. RODINO. My only knowledge is that, first of all, tomorrow night at midnight the terms of the bankruptcy judges expire and the transition court expires——

Mr. KINDNESS. The gentleman is saying he does not have any knowledge what the Senate will do, is that correct?

Mr. RODINO. If the gentleman will yield.

Mr. KINDNESS. The gentleman would not yield to me yesterday in the committee or allow any debate, but I will yield to the gentleman today.

Mr. RODINO. Well, if the gentleman will yield.

Mr. KINDNESS. I yield to the gentleman.

Mr. RODINO. I thank the gentleman for yielding.

I think this is a very extraordinary situation that we are in, since at midnight tonight the authority of all bankruptcy judges who have been provided for under the Bankruptcy Act of 1978 will no longer be in existence.

This gentleman is attempting to at least provide this body with the opportunity to be able to iron out any differences. I understand that the other body has been presently considering matters other than the bankruptcy matter, which is at issue, and those matters may possibly not be agreeable to this House. At least this Member is aware that there may be various extraneous and controversial issues included in the Senate's version.

It is the responsibility of this House to be ready in case that should occur.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I think it is particularly noteworthy that the gentleman is talking about responsibility on the part of the House at this late date, when the matter has been before the Rules Committee, out of the Judiciary Committee for over a year and did not come to this House floor until very recently, last week or the week before.

I do not understand how this responsibility suddenly arises or suddenly occurs to the gentleman.

We have let this matter go until the very last moment. The very brink of the end of our bankruptcy courts is right there before us.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman.

Mr. RODINO. The gentleman being a member of our committee knows that our Committee on the Judiciary acted immediately following the Marathon Pipeline case where the Supreme Court decided the question of constitutionality and stated, at least in the opinion of this gentleman and many others, that there was a need to recon-

stitute the bankruptcy system. Within a matter of a couple weeks the Judiciary Committee reported a bill by an overwhelming majority, a bill that provided for article III judges. The gentleman is aware of that.

We thoroughly considered the opinion of others, such as the opinion of the gentleman from Ohio who is now reserving the right to object, who had another opinion.

I was certainly always ready to discuss and debate what type of judge might be the type of judge who would be constitutionally empowered to decide these issues.

Mr. KINDNESS. I appreciate the gentleman's comments.

Mr. RODINO. It is unfortunate that other extraneous issues have cropped up. This gentleman always stated unequivocally that the one issue that had to be addressed, the one single issue that had to be addressed because of the deadline problem was the question of the constitutionality of the bankruptcy court system. Then, of course, it became a case of other interests insisting on other matters.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I do not understand what the gentleman just said; but whatever it was, it seems to me——

Mr. RODINO. I speak clearly and in English.

Mr. KINDNESS. It seems to me to further tell us here in the House of Representatives, there has been irresponsibility in dealing with this matter, in letting it go right up to the last minute, and now a request for an unimaginable type of procedure is before the House as a unanimous-consent request, which is ridiculous.

We do not know what the Senate action is going to be. We do not know whether it might be possible for the House to concur in the Senate amendments.

Mr. RODINO. Mr. Speaker, if the gentleman will yield further, the very fact that the gentleman now says that he does not know what the Senate action might be is the very reason we should take this precautionary measure in order to insure that this body would be prepared—to do whatever may be needed in order to meet the deadline.

Mr. KINDNESS. Well, the gentleman may not be aware of it, but yesterday—further reserving the right to object—this gentleman took the floor in the well under the 1-minute speeches and made the accusation that the gentleman from New Jersey is attempting by this type of strategy to kill the bankruptcy legislation.

I repeat that allegation at this time under my reservation and I let it be known, further reserving the right to object, I will yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Pennsylvania, who is asking to be yielded to.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, because what strikes me as puzzling about the statements that were just made is that since the beginning of this session of Congress, Calendar Wednesday has been available to bring just such legislation to this House floor. Week after week Calendar Wednesday has been there. The gentleman from New Jersey could have come to the House floor with his bankruptcy bill, brought it out here under Calendar Wednesday and it could have been acted upon on the floor. Week after week, Calendar Wednesday has gone by and the gentleman from New Jersey has not been on the floor to bring the bill out here; so I think that just reemphasizes the point that the gentleman from Ohio is making that, in fact, we did wait until the last minute and then we come here with irresponsible requests because of a last minute crisis that has been precipitated by the majority side.

Mr. Speaker, I thank the gentleman.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I think it is perfectly clear that we cannot here at this point in time determine what it is that the other body will do with this legislation. It could come over here possibly with one simple amendment or a very limited type of amendment. We do not know.

My understanding is that, on the other side of the Hill, they are still quite up in the air about what the content of their proposed amendments might be. For us to take the position right now that we want this to go to conference and get bogged down in conference without knowing what the Senate action or the action of the other body will be is not only irresponsible, it is unreasonable.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Further reserving the right to object, I yield to the gentleman.

□ 1120

Mr. RODINO. If the Senate sends over a simple measure, the House, under its authority, can always accept it. The House can do that. There would be no need for a conference in that event.

Mr. KINDNESS. That would be in the gentleman's judgment.

Mr. RODINO. The gentleman states that he does not know what the Senate is going to do. We are not simply going to take the Senate version. If we see that it has additional legislative issues in it, there may be a need to go to conference.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Texas.

Mr. BARTLETT. The gentleman from Ohio (Mr. KINDNESS) I think is saying very plainly, under the rules and procedures of this House, this House should decide whether to go to conference upon seeing what the other body acts upon. The other body may act upon something this House will agree to but it should be the decision of the House and not a predetermined decision, and then to be made by the conferees. I think that is what the gentleman is saying.

Mr. KINDNESS. Further reserving the right to object, the gentleman has made the point very exactly. This whole matter has been dealt with in a most arbitrary and capricious manner. All sorts of deviations from usual procedure have been used to deal with it.

What we are concerned with right now is the deviation from the procedures. It is a unanimous-consent request and it can only be allowed if there is unanimous consent, and there obviously will not be unanimous consent.

The SPEAKER. Does the Chair hear an objection?

Mr. KINDNESS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

REQUEST FOR CONSIDERATION OF H.R. 5306, EXTENDING THROUGH MAY 31, 1984, THE TERMS OF U.S. BANKRUPTCY JUDGES

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5306) to extend through May 31, 1984, the terms of U.S. bankruptcy judges, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I take this reservation in order to find out what the bill is. As I understand the title that has been read, it would extend the term of bankruptcy judges until May 31, 1985.

Mr. RODINO. Will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New Jersey.

Mr. RODINO. It is 1984, 60 days.

Mr. KINDNESS. It was read as 1985, I believe.

The SPEAKER. Without objection, the Clerk will again read the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. KINDNESS. Mr. Speaker, further reserving the right to object, I do so in order to state the premise that there is a very unusual flare to what is being attempted here today. The gentleman from New Jersey has introduced another bill which would extend the present bankruptcy situation for 1 year. This bill apparently will extend it for a couple of months and basically I would not have any great objection to that sort of an approach if it were not for the fact that we seem to be somewhat close to the resolution of the bankruptcy court matter and some other matters related to bankruptcy, depending upon what action the other body takes.

If the other body takes those actions today and in a very timely manner, I would be surprised. It appears as though it is going to be Monday before we know what the action of the other body is.

I am not sure that that is a disaster because the House of Representatives could still act on Monday. And it might find what the other body does to be quite acceptable.

I therefore believe that it is premature to take up by this extraordinary procedure another piece of legislation which has not been read in full, and I would object, Mr. Speaker.

The SPEAKER. Objection is heard.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, in one of the most acrimonious debates of the past decade, the Senate last week rejected a constitutional amendment which would have allowed prayer in public schools. Senators with such divergent political philosophies as TED KENNEDY and BARRY GOLDWATER opposed the amendment, and it fell 11 votes short of the two-thirds majority required for passage.

Similarly in this body a lengthy discussion occurred, led by proponents of a constitutional amendment, although no formal approach was brought out of committee for floor consideration.

The motives of the participants in this nationwide discourse spanned the gamut, from the sincerity of citizens genuinely concerned with the moral state of America to the cynicism of politicians who seized on the measure as a vehicle for increasing their own and their party's influence. Feelings ran high, and partisans both for and against the amendment came perilously close to committing the ultimate presumption: claiming God was on their side.

Initially, mail and telephone calls to my offices ran heavily in favor of the amendment, with most expressions of support for the measure taking the form of preprinted postcards. As the 2-week-long debate wore on, the comments received became more intense as well as diverse, with those supporting the amendment reflecting deep-seated frustration with a Congress insensitive to popular concerns and those opposed writing long and frequently eloquent letters out of a conviction that government-sponsored prayer would violate their religious freedom.

Institutionally, the nonestablishment churches generally supported the amendment, while mainstream religious organizations, including the American Baptist Churches in the U.S.A., the Church of the Brethren, the Lutheran Church in America, the Presbyterian Church (U.S.A.), the United Church of Christ, the United Methodist Church, the Episcopal Church, and the Union of American Hebrew Congregations, expressed vigorous opposition.

Obviously there are devout and well-meaning individuals on both sides of the question, just as there are hypocrites in each camp who would use the issue for their own ends.

At stake for some was an effort to energize the religious right in this fall's election. Others appeared to be fighting more for the soul of their political party than that of schoolchildren. Parties, after all, attract or repel adherents based on platforms established, and those who aspire to future leadership positions went to great length to carve out philosophical niches designed to appeal to newly emerging single-issue groups.

Extraneous motives aside, those in favor of school prayer argued that public schools mute religious values and that prayer in school would solve discipline problems and curb teenage promiscuity. Anyone who has ever taught Sunday school, however, knows how hard it is to restrain the exuberance of youth even in the Lord's House, and those of us who have been responsible for church teen groups know the problems of growing up cannot be solved simply by a moment of enforced prayer.

As a high school football player I vividly remember standing one afternoon after practice in the team shower when our all-State guard unthinkingly blurted out a particularly unpleasant anti-Semitic joke, at which point the tackle, who had anchored the same side of the line for 3 years, looked up and with pained astonishment said: "How can you tell a joke like that? Don't you know I'm Jewish?" The burly guard's jaw dropped and over the sound of a dozen shower nozzles all that could be heard was his stunned murmur: "So you're what a Jew is."

That response in wonderment—"so you're what a Jew is"—represents the starkest self-recognition of prejudice I have ever witnessed. This 17-year-old student has repeated a joke picked up from adults at the dinner table or pool hall which from personal experience he has no reason to understand. The Iowa high school we attended has a few problems, but these did not include the attachment of a social stigma or the development of friendship cliques along religious group lines.

Peer pressure will always exist with kids, and I have a hard time believing that prejudice will diminish if every day in class 30 boys and girls say by rote a prayer to a secularized God, while one Jew, or Hindu, or Moslem, or one Amish, or Mennonite, or Mormon, or one Baptist, or Nazarene, or Catholic feels compelled to leave the room or stand in embarrassed silence.

It may be true, as Chesterton once suggested, that the test of a good religion is whether you can joke about it, but a test of real faith may be whether there exists sufficient self-confidence for an individual to understand that mocking the beliefs of others is an act of intolerance rather than spiritual love.

While advocates of prayer rightfully pointed out that Congress, unlike our public schools, begins each day with prayer, no one made a case that Congressmen were more moral than kindergartners, or that any of the sponsors of the prayer amendment made a practice of availing themselves on a regular basis of the opportunity to be present for the opening congressional prayer. On the House side, only the Speaker and a half dozen or so Members are generally present as the Chaplain begins each session. Attendance for the daily prayer in the Senate is even less impressive.

Unlike Congress, where nonparticipation in public prayer is the norm because floor attendance is voluntary, Government-sanctioned prayer in a school setting, where general attendance is obligatory, runs the danger of causing minority faith students to be ostracized. Sometimes, as in Iran today, where church and state are synonymous, the line between faith and bigotry is too easily crossed. Just as children often reflect an innocence beyond adults, so from time to time they are wont to inflict the cruelty of prejudice on the nonconforming.

In pre-war Germany, stories are legion of the stoning of Jews, not by authorities but by classmates. And just as Hitler and the Nazi youth movement attempted 40 years ago to isolate minorities and legitimatize superiority of race theories in religious

dogma, the Ayatollah Khomeini's Islamic republic announced last month that all Bahai would have to register their faith with the Government. Reminiscent of earlier Nazi edicts, the message was clear to members of this courageous minority faith. Conform, or live in fear of the Islamic inquisition.

In a society as diverse as our own it is important to stress shared rather than sectarian values. Singling out members of minority faiths presages stone throwing. Schoolchildren understand this better than their parents. In the last several weeks I have made a point of talking with a number of public school classes. To the question, "Do you favor group prayer in school?" less than 1 in 5 have responded in the affirmative. And to the question: "Assuming prayer is required by Government, would you prefer a spoken prayer or a moment of silence?" Every class, without a dissenting voice, indicated a preference for silence. "Group prayer," one ninth grader told me, "would embarrass too many of my friends, it would be unfair."

My advice to the students I talk to is to pray at home, pray in church, pray in school and on the playground, but pray in your way, alone with God, and do not forget to pray for tolerance, aware that your faith is no more sincerely held than that of any of your classmates or than that of students in less fortunate circumstances around the world. If we are ever to contain the ugly head of prejudice in global politics, young Americans must understand that the faith of students in Egyptian, or Indian, or Ecuadoran villages is every bit as strong as their own.

For those of us who have reached adulthood, we likewise must come to understand that a special prayer will have to be said for our country if the constitutionally established separation of church and state breaks down.

As Madison pointed out two centuries ago, "The use of religion as an engine of civil policy is an unhallowed perversion of the means of salvation."

Our Founding Fathers established a Nation "under God," one in which revolution against British authority was premised upon "self-evident" individual rights and an appeal to a higher law of conscience which precedes the more mundane civil laws of society. But in appealing to conscience to justify a revolutionary government, America's first citizens labored carefully to construct, in Jefferson's terms, a wall between church and state.

When erecting the constitutional barrier between church and state, the crafters of the Bill of Rights looked inward as well as outward and turned a wary eye to the American as well as European experience. They fully understood that it was religious authoritarianism in Europe that drew many of the early settlers to our shores, but that upon arriving in the New World, some like the Puritans invoked a rather exclusionary discipline of their own, with witchcraft trials and stocks and pillories used to coerce alleged nonbelievers. "Who does not see," Madison warned, "the same authority which can establish Christianity in exclusion of all other religions may establish, with the same care, any particular sect of Christians in exclusion of all other sects?" The strength of the haven we have provided for oppressed people the world over comes from a tolerance for diversity rather than an enforced conformity.

To the dismay of members of minority faiths, proponents of constitutional amendments to overturn the first amendment argued on the Senate floor that America was founded as a Christian country. It is true that the vast majority of early settlers adhered to one or another Christian denomination. Yet a Jewish American was the most important financier of the Revolutionary War and Jefferson, the primary architect of the Virginia Statute of Religious Freedom as well as the Declaration of Independence, was, according to some historians, a Christian with anti-denominational, almost Deist leanings. And those original Americans who like Squanto and Chief Massasoit shared the first Thanksgiving with the Pilgrims believed in a Supreme Being or force, usually referred to by Eastern tribes as Manitou. The faith of the American Indian may not have been refined in written doctrine but, as evidenced in ceremony and art and dance, it was hardly primitive.

As we cope with a world in which weapons of mass destruction have proliferated, the greatest challenge of mankind is to harness prejudice. Public school prayer opens up America to enormous wrenches. School board contests may come down to battles between Baptists and Lutherans; Catholics and Jews. Whereas few in America oppose the principle of prayer, many are against State-written and mandated prayer. At issue is not only the problem of too strong a prayer—one that may be so doctrinal as to offend minority faiths—but too weak a prayer—one that dilutes faith to the point of meaninglessness. As an ecumenical group of rabbis and bishops recently told Congress:

> Prayer is for the parents to teach and not the board of education. Prayer is for the church and synagogue to teach and not the Government. We do not want some board of education committee watering down our faith as it toils to write a prayer which offends no one. Some of us address God known as Father, Son and Holy Spirit and some speak to the God of Abraham, Isaac, and Jacob * * * We do not want any court or school superintendent imposing his or her belief on our children or, worse still, taking all traditions and turning them into tasteless porridge.

James Shannon, one of the most thoughtful theologians of our times, points out that in both the Hebraic and Christian traditions, specific modes of prayer, going back to Mosaic and early Christian times, distinctly demarcate the prayer lives of scripturally oriented Jews and Christians. The name of God, Shannon notes, is so sacred in the Mosaic code that it is to be used seldom in prayer or speech. Hence the preference in Hebraic prayers for alternative expressions that praise the majesty and other attributes of God without specifically mentioning the sacred name of Yahweh. For Jews there are right and wrong ways to conduct a conversation with God, and it is unlikely a public school board is a competent institutional forum for developing modes of prayer inoffensive to Jewish students.

It has been said in recent days by some politicians and clerics that God has been excluded from the public schools and that we must amend the Constitution to put God back into our schools. Is this not blasphemy? Just as the Supreme Court cannot keep God out of our schools, Congress cannot put Him back in. God is not an object like a bicycle or candy bar. He is the Creator of Heaven and Earth, and anyone—adult or child—may speak to Him from the heart whenever and wherever they are moved to do so. As long as human tribulations exist—whether caused by a math test or unreturned glance—prayer will not be locked out of schools.

Twenty years ago, in the seminal decision of the Supreme Court banning group prayer in public schools, Justice Hugo Black wrote that the Establishment Clause "stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate." Justice Black went on to say of the faith in the power of prayer which animated so many of the authors of the Constitution:

> These men knew that the first amendment, which tried to put an end to Government control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.

Rather than stifling prayer or religious worship, the principal purpose of

the first amendment is to preserve religion in the United States from the inevitably corrupting influence of secular authorities.

Finally, that individual to whom Christians look first for religious guidance, Jesus of Nazareth, warns in the Sermon on the Mount to "beware of practicing your piety before men in order to be seen by them." He goes on to say in Matthew 6: 6, "When you pray, go into your room and shut the door and pray to your Father who is in secret; and your Father who sees in secret will reward you."

In my view, the Senate remained faithful both to the teachings of Christ and to the wisdom of the authors of the Constitution in refusing to sanction group prayer in our public schools. Prayer is an expression of the individual soul's longing for God as the source of all that is really true, good, and beautiful. As such, it is far too central a part of life to be tampered with by any government body, be it a local school board or the Congress of the United States.

The arguments of those who would tamper with our Bill of Rights are patently unpersuasive, but the premise to their arguments cannot be lightly dismissed. America is indeed in need of a spiritual awakening. Evidence mounts every day of the breaking down of family bonds and governmental ethics. But to mandate prayer in public schools is yet another ramification of the tendency in 20th century America to transfer to the State responsibilities that historically have been the province of the church and family. For the Government to assume direct responsibility for the moral upbringing of citizens is the ultimate in welfare statism. Americans must come to understand that there are no easy panaceas to moral challenges and no public substitutes for the inculcation of personal values at home.

As for public life, the best reflection of faith is that of example. What matters is not what one exhorts others to do but how one lives one's life. America is crying out for moral leadership from men and women in public life, but religious proselytizing should be left to deacons, not Senators.

Instead of interpreting scripture for others, politicians should busy themselves with following it themselves. A good place to begin would be for everyone in Washington to reread the prophet Isaiah's exhortation to beat swords into plowshares and summon the courage and discipline needed to restrain the arms race and balance the Federal budget. Otherwise, a cynical public might conclude that the recent debate in Congress over children's prayers was really a diversion designed to take attention from the halls of Government and focus it instead on classes of students. The American public deserves better.

□ 1140

PHONE COMPANY CREDIT CARDS—FOR WHOM DOES THE BELL TOLL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, reports of enormous phone bills have been coming into my office, and when I say large, I am not talking about the large bill you receive when you talk to your sister long distance for 2 hours. I am talking about bills reaching into the thousands. The bills are so high because of the fraudulent use of telephone credit card numbers. For the consumers who receive these bills, which often need to be delivered by package handlers, it is more than just another human interest story.

All credit card fraud is growing by enormous proportions, and the misuse of telephone credit cards is increasing daily. In fiscal year 1982, American Telephone & Telegraph estimated the company lost $70 million due to telephone credit card fraud. Fiscal year 1983 has already topped that, with losses of $71 million for the first three-quarters of 1983. There are approximately 47 million AT&T credit cards in circulation, and the amount of fraud equals almost $2 for every card issued.

Recent cases report misuses on single numbers totaling over $100,000 in 1 month's time. In Bedford, N.Y., one women received a 2,578-page bill totaling $109,500. The bill was so thick that it has to be delivered by the United Parcel Service. In Littleton, N.H., one man received a bill for $109,000. And in Lighthouse Point, Fla., one couple's bill totaled $91,871. These fraudulent reports are beginning to become so common that we hardly take note when we read about a District of Columbia resident's $26,000 charge. Such fraudulent activity must be curtailed.

Unlike most other types of credit cards, the telephone credit card requires no documentation or proof of identity for use. The thief makes the call, charges it to a credit card number, and the crime is complete. If the charge number is one currently in circulation, the call goes through, even if placed to another continent. And who pays the bill for this bit of chicanery? We all do.

I have long been concerned about credit card crime, which is a $1 billion a year business. Following extensive hearings, the Credit Card Protection Act passed the House 422 to 0 last November. Unfortunately, the Senate has yet to act on the legislation, and credit card fraud continues unabated.

A key provision of the Credit Card Protection Act makes it a crime not only to use a credit card, but also to use the credit card number alone. During the course of my study of credit card fraud, it became very clear to me that the greatest threat to card systems came not from the threat of stolen cards, but from stolen card numbers. It is much more valuable for the thief to have a card number while the card is in the consumer's pocket than to have the card itself. If the card is gone, the consumer realizes it, reports that it is lost or stolen, and the account is deactivated. But if the card is in the consumer's pocket, the number can be used until the consumer receives the bill 1 month later, with tens of thousands of dollars worth of charges upon it.

The following scenario illustrates just how easy telephone credit card fraud can be. A consumer is at an airport trying to make a call on a telephone credit card. The consumer punches the number in to make the call. Unfortunately, the person behind the consumer watches and jots down the number, places calls at the consumer's expense, and then passes the number on to confederates, who use the number and also pass the number along to their confederates. The consumer has no knowledge that the card number has been misappropriated. After all, the consumer still has possession of the card. Because there are no procedures to check the identity of the user or flag the unusual activity on the card, the phone company is unaware of the problem for many weeks. The result: The consumer receives a phone bill that is too large to fit in a mailbox. And recovery from the parties called by the thief is often impossible.

The growth of telephone credit card fraud underlies the need for the passage of the Credit Card Protection Act. With the Credit Card Protection Act in force, the use of someone else's credit card number will be what it should be—Federal crime. Until further precautions are developed, consumers should be careful when using their telephone credit cards to prevent criminals from misusing their number. Consumers should apply the same safeguards to telephone credit cards as they do to cash. They should make sure no one is watching over their shoulder as they punch in their account number. Consumers should also be alert for eavesdroppers when it is necessary to repeat the card number to an operator. Lost or stolen cards should be reported promptly.

We must all be concerned about every instance of telephone credit card crime. The Credit Card Protection Act will help reduce this type of crime, but until the bill's passage is secured, consumers should be especially careful when using telephone credit cards.●

AUTHORIZING THE SPEAKER TO DECLARE RECESS TODAY

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time today subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I do so only for the purpose of getting some clarification as to the intended course of action behind the recess request.

I understand that what is contemplated is that the other body is likely to take action very shortly on a bill that would extend for 30 days the present bankruptcy setup. This would allow time for the legislation to be dealt with that is currently sort of stymied over on the other side of the Hill. If that is the purpose, and then the House would have the opportunity to take it up, I would feel that there is no reason to object, but further reserving the right to object, I would ask the gentleman from Oregon for clarification.

Mr. WEAVER. Mr. Speaker, I will tell my distinguished friend, the gentleman from Ohio, that that is indeed the reason for the unanimous-consent request.

Mr. KINDNESS. Mr. Speaker, under my reservation, I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding.

Mr. Speaker, I would merely like to point out that a few minutes ago I was attempting to do the very same thing that the gentleman now seems to consider as the correct thing to do.

I would have hoped that we would have done it without the necessity of having to come back here and accommodate the request that is being made by the other body. Some Members felt that that was the termination of any possibility of a solution to this matter at this time. I regret that that did occur. However, I am glad that the gentleman feels so disposed at this time.

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I shall not shed any tears over the time that has elapsed in the meanwhile, and I am not sure that I will not object pending discussions that are still occurring. I do feel that the procedure has apparently become necessary because of the condition of matters over on the other side of the Hill. But we were not informed that that was necessarily the case when the matter was before the House on the unanimous-consent request previously.

Further reserving the right to object, I would ask the gentleman from Illinois (Mr. MICHEL) if he would have any comment at this point.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, having had a conversation with a Member over in the other body, it is my understanding that they would within the next 15 minutes or so take up a simple 30-day extension of the bankruptcy matter and send it over to us. That is all I know at this juncture. I would assume that if that were to take place, then it would be a question of whether or not the chairman and the ranking minority member are amenable to that. In the meantime, if there is no business, I suspect that if we cannot spin our wheels for half an hour to give them an opportunity to do that, it may be in order for a recess until we would have an opportunity to reconvene and take up that request.

Now, might I inquire, under the gentleman's reservation, of the chairman of the committee if that is the way he understands the situation to be at the moment?

Mr. KINDNESS. Under my reservation, Mr. Speaker, I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I certainly would not oppose any such measure that might at least provide us with an opportunity to be able to work this out. However, I would want to say that we have not yet seen the request. And while it is described as a simple 30-day request, I think it would be appropriate for this body to be aware of just what the request might be, what the extension might be. Certainly if it comports with what it has been represented to be and the urgent situation that needs to be addressed, then I would not be opposed.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, the way I would understand it would be only on the strength of a simple 30-day extension. Everything else would be on hold.

The SPEAKER. The Chair would suggest, if it is in agreement with the chairman of the Judiciary Committee, 45 days. The reason the Chair suggests 45 days is that 30 days will expire the week the House returns from district work period to a very, very light schedule. Congress may be in exactly the same position then as we are in today.

Mr. MICHEL. Mr. Speaker, I guess the only problem with that would be that then we would have to send it back to the other body. Maybe it would be best if we got on the horn here, Mr. Speaker, and alerted the other body to the problem with the 30 days and suggest 45 days.

The SPEAKER. The Chair withdraws his suggestion. Senator BAKER, the Republican leader, assures that if Congress is in a similar bind when we come back after Easter that he would be happy to extend it another 15 days at that particular time, if we reach an agreement with the chairman of our Judiciary Committee.

□ 1150

Mr. RODINO. Would the Speaker restate the request?

The SPEAKER. Does the gentleman want to make the unanimous-consent request and change his previous piece of legislation that he had introduced from 60 to 30 days, and ask unanimous consent for its consideration?

Mr. RODINO. Mr. Speaker, I have no objection, and if that will expedite matters, I would be very happy to comply. I think it is a very reasonable request.

The SPEAKER. Does the Chair understand that the Republican leader would like the Senate bill to come over here and for us to act on it?

Mr. MICHEL. Mr. Speaker, I want to make absolutely sure that what they do is prefectly consistent with what we would do.

The SPEAKER. That is what the Chair would want; similar bills.

Is there any objection to the House staying in recess until such time as the Senate has acted on the bill?

Mr. MICHEL. No, Mr. Speaker.

Mr. KINDNESS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2507. An act to continue the transition provisions of the Bankruptcy Act until May 1, 1984, and for other purposes.

□ 1500

CONTINUING CONTROLS RELATING TO CERTAIN FOREIGN BOYCOTT ACTIVITIES AND ACCESS TO U.S. PRODUCTS, TECHNOLOGY, AND TECHNICAL DATA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-191)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, March 30, 1984.)

BANKRUPTCY ACT EXTENSION

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2507) to continue the transition provisions of the Bankruptcy's Act until May 1, 1984, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Mr. Speaker, reserving the right to object, I reserve the right to object to ask a couple of questions.

If we go through with this basically emergency action, we are acting at a point of crisis here, which is always a bad way to legislate; if we go through with enacting this emergency legislation, do we have any assurance that we are not going to be back with the same kind of crisis 30 days from now?

I would be glad to have the gentleman from New Jersey respond.

Mr. RODINO. I do not think that I can assure the gentleman beyond myself; I can offer no assurance for what the other body may do.

All I can assure the gentleman is that within these 30 days we will hopefully resolve what may be the problem areas that exist now and I am hopeful that we can do so.

Mr. WALKER. Well, further reserving the right to object, can the gentleman tell me how we are going to resolve those differences in a noncrisis atmosphere that we could not get alone in a crisis atmosphere?

I will be glad to yield to the gentleman.

Mr. RODINO. We have, assuming that this extension is agreed to, we have 30 days within which to act and I think that that allows for some deliberate kind of action.

Mr. WALKER. Further reserving the right to object.

The SPEAKER. How can we anticipate what the Senate is going to do. The Senate has not passed the main piece of legislation.

Mr. WALKER. Well, further reserving the right to object, I appreciate the Speaker's question. My problem is, it seems to me we have——

The SPEAKER. I am not asking a question, I am issuing a statement.

Mr. WALKER. Well, my point is we have had several months to act. And we have regularly cited this particular bill as one of the ones that could have been brought to the House floor under the Calendar Wednesday, for example.

Mr. RODINO. Will the gentleman yield?

Mr. WALKER. Now we come down to a crisis atmosphere and then we are told we need a 30-day extension so we can get everything worked out. I am trying to find out what is going to happen within the next 30 days that has not happened up until now.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New Jersey.

Mr. RODINO. The House already acted on this measure.

Mr. WALKER. The gentleman from Pennsylvania is fully aware of that.

Mr. RODINO. And we are waiting for the Senate now.

Mr. WALKER. Further reserving the right to object, I am fully cognizant of the House acting. The House acted at kind of the last minute so that that raises some questions in and of itself. The House acted on a bill that had not had full hearings on aspects of it. But I understand we have acted.

But the problem that I have is nobody is explaining to me why a 30-day extension at this point gets us any further than we are today. Why not, if the Senate is the problem, why not precipitate the crisis, force the Senate to come to a resolution of the matter? That is this gentleman's question.

Mr. RODINO. Mr. Speaker, if the gentleman would yield.

Mr. WALKER. I would be glad to yield to the gentleman from New Jersey.

Mr. RODINO. I can not compel the Senate to come to any resolution of the matter.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman. I think the gentleman's point is one that has some validity but we must bear in mind that the Senate did act on this matter 1 year ago. It is important for us to get this in context, I suppose, because sometimes we get a little close to it and forget the history.

A year ago, the Senate acted on bankruptcy. We sat around for 1 year before bringing it up in the House. It is really a little out of context to say now that we are waiting for the Senate, without explaining that background. So I appreciate the gentleman yielding.

Mr. WALKER. I thank the gentleman.

I think that further makes the point that we are being asked to do something in a hurry-up fashion here which raises some questions as to whether or not we are accomplishing anything except delaying the inevitable. And I am still seeking some assurance that we might have some chance of being somewhere 30 days from now.

Mr. RODINO. Mr. Speaker, if the gentleman will yield.

Mr. WALKER. Be glad to yield to the gentleman.

Mr. RODINO. I thank the gentleman.

The action that is now being requested is something that this gentleman proposed about 4 or 5 hours ago and hopefully we will now act on this; but this matter, this matter of extension is being requested by the other body.

□ 1510

In an effort to try to reconcile what are the problem areas, this gentleman, along with those who I believe want to resolve this, is willing to agree to this extension.

Mr. WALKER. Well, once again, I thank the gentleman. The fact that it comes from the other body does not always mean that it is the most responsible kind of legislation that ever came down the pike, either.

I guess we are left with an alternative based upon the crisis that has been precipitated, I think artificially so, because we refused to act early enough to work the matter out before we came to a crisis time, that I think is a shame within this process. It is something that we do regularly around here that should not be done.

Given the set of circumstances, I am not going to object, but I can assure the gentleman that if this comes up 30 days from now, and we are in the same kind of situation, I will object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. RODINO)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 402 of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended in subsections (b) and (e) by striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984".

(b) Section 404 of such Act is amended in subsections (a) and (b) by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(c) Section 406 of such Act is amended by striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

(d) Section 409 of such Act is amended by—

(1) striking out "April 1, 1984" each place it appears and inserting in lieu thereof "May 1, 1984"; and

(2) striking out "March 31, 1984" each place it appears and inserting in lieu thereof "April 30, 1984".

SEC. 2. Section 405(b) of the Act entitled "An Act to establish a uniform Law on the Subject of Bankruptcies" (Public Law 95-598) is amended by adding at the end thereof the following: "The Revised Emergency Rule prescribed by the Judicial Conference of the United States, which became effective on December 25, 1982, shall be in effect during the remainder of the transition period. The Conference may amend such Rule if necessary in order to provide for the orderly and expeditious consideration of bankruptcy cases and proceedings in the Federal courts.".

SEC. 3. (a) Section 8339(o) of title 5, United States Code, is amended by striking out "April 1, 1984" and inserting in lieu thereof "May 1, 1984".

(b) Section 8331 (22) of title 5, United States Code, is amended by striking out "March 31, 1984" and inserting in lieu thereof "April 30, 1984".

AMEMDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Strike section 2 and insert in lieu thereof the following:

SEC. 2. The term of office of any bankruptcy judge who was serving on March 31, 1984 and of any bankruptcy judge who is serving on the date of the enactment of this Act is extended to and shall expire on May 1, 1984.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Wisconsin for the purposes of debate.

Mr. KASTENMEIER. I thank the gentleman for yielding.

Mr. Speaker, I would like to ask if I am correct in the understanding that in acting to delete section 2 of the Senate-passed bill we wish to make no expression whatsoever about the validity of the existing model rule?

Mr. RODINO. The gentleman is correct.

Mr. KASTENMEIER. And if my chairman will further yield, am I also correct in understanding that we are assuming the existing model rules which have been promulgated by local district courts will most likely be continued by those courts after this bill is signed?

Mr. RODINO. The gentleman is again correct in his assumption.

Mr. KASTENMEIER. Am I further correct in understanding that really that passage of this bill will perpetuate what it is the existing status quo?

Mr. RODINO. That is correct.

Mr. KASTENMEIER. And further, that the bill will prevent a reduction in the salary of the U.S. magistrates which would otherwise have occurred in April 1, 1984?

Mr. RODINO. Yes, I am glad to make clear that that is the intent.

I thank the gentleman for bringing this up.

Mr. KASTENMEIER. I thank the gentleman for his explanation.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I just want to add that it is my understanding that the Senate leadership is prepared to accept the action by this body with the gentleman's amendments.

I do think that the Nation would have been better served if we had resolved this matter fully and finally today.

But I certainly pledge myself and the Republican members of the Judiciary Committee to do everything possible to bring a resolution within the next 30 days.

Mr. RODINO. I thank the gentleman.

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DRAFT OF JOINT RESOLUTION TO APPROVE COMPACT OF FREE ASSOCIATION RELATING TO THE TRUST TERRITORY OF THE PACIFIC ISLANDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-192)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and the Committee on Interior and Insular Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Friday, March 30, 1984.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HALL of Ohio (at the request of Mr. WRIGHT), for March 30 through April 6, on account of serving as a delegate to the Inter-Parliamentary Union.

Mr. HUBBARD (at the request of Mr. WRIGHT), for March 30 through April 6, on account of serving as a delegate to the Inter-Parliamentary Union.

Mr. HAWKINS (at the request of Mr. WRIGHT), for March 30 through April 9, on account of serving as a delegate to the Inter-Parliamentary Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARTLETT) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. CONTE, for 5 minutes, today.

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and to include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PEPPER, for 60 minutes, April 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. CONABLE.

Mr. BEREUTER.

Mr. SOLOMON.

Mr. COURTER in three instances.

Mr. GUNDERSON.

Mr. FISH.

(The following Members (at the request of Mr. DARDEN) and to include extraneous matter:)

Mr. BARNES.

Mr. LANTOS.

Mr. STOKES.

Mr. AKAKA.

Mr. COELHO.

Mr. RODINO.

Mr. KASTENMEIER.

Mr. PEPPER.

Mr. SHARP.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.) under its previous order, the House adjourned until Monday, April 2, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3033. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed decision to convert to contractor

performance the maintenance services for the Oakdale support element located at Neville Island, Pa., pursuant to 10 U.S.C. 2304nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3034. A letter from the Secretary of Education, transmitting copies of the proposed final regulations for the National Diffusion Network, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3035. A letter from the Secretary of Education, transmitting copies of proposed final regulations for Library Services and Construction Act program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3036. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Rail Passenger Service Act to authorize additional appropriations for the National Railroad Passenger Corporation and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

3037. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Robert T. Hennemeyer, Ambassador-designate to the Republic of The Gambia, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3038. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on international science and technology for development, as required by House Report No. 98-192; to the Committee on Foreign Affairs.

3039. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a report on TVA's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3040. A communication from the President of the United States, transmitting the recommendation of the Secretary of the Interior and the Governor of Alaska with respect to the creation of the Denali National Scenic Highway, pursuant to Public Law 96-487, section 1311(d); to the Committee on Interior and Insular Affairs.

3041. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a special report on the proposal by the Federal Highway Administration to assist in the construction of the Presidential Parkway, pursuant to Public Law 89-665, section 202(b) (94 Stat. 2999); to the Committee on Interior and Insular Affairs.

3042. A letter from the Chief Immigration Judge, Department of Justice, transmitting a report on the suspension of deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a), Immigration and Nationality Act, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

3043. A letter from the Acting Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting notification of a delay in submitting a report on the Department's comprehensive program management plan for wind energy systems, pursuant to Public Law 96-345, section 4(c); to the Committee on Science and Technology.

3044. A letter from the Under Secretary of State for Management, transmitting the third annual report on implementation of the Foreign Service Act of 1980, pursuant to Public Law 96-465, sections 2402 (a) and (b); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3045. A letter from the Under Secretary of State for Management, transmitting additional information to section V of the third annual report on implementation of the Foreign Service Act of 1980, pursuant to Public Law 96-465, sections 2402 (a) and (b); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3046. A letter from the Secretary of the Interior, transmitting a report on negotiations to settle claims where Alaska Native villages and the Alaska Railroad are in conflict as to the rightful claimant of the land, pursuant to Public Law 97-468, section 606(b)(1)(B); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

3047. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to entitle certain U.S. citizens and nationals domiciled in Guam, American Samoa, or the Northern Mariana Islands and citizens of the Northern Mariana Islands to document vessels under the laws of the United States, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 1314. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes; with an amendment (Rept. No. 98-128, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. H.R. 4974. A bill to authorize appropriations to the National Science Foundation for the fiscal year 1985; with amendments (Rept. No. 98-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4707. A bill to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes; with an amendment (Rept. No. 98-643, Pt. I). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. H.R. 5222. A bill to amend title 18, United States Code, to make certain robberies and burglaries involving controlled substances a Federal offense (Rept. No. 98-644). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO:

H.R. 5306. A bill to extend through May 31, 1984, the terms of U.S. bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE (for himself and Mr. MCHUGH):

H.R. 5307. A bill to amend the Federal Election Campaign Act of 1971 to regulate political advertising in campaigns for Federal elective office; to the Committee on House Administration.

By Mr. FAUNTROY (for himself, Mr. DELLUMS, and Mr. MCKINNEY):

H.R. 5308. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. HANCE:

H.R. 5309. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for the recycling of hazardous wastes; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. RINALDO, Mr. RODINO, Mr. FISH, Mr. LAGOMARSINO, Mr. FLORIO, Mrs. HOLT, Mr. DWYER of New Jersey, Mr. HOWARD, Mrs. ROUKEMA, Mr. SMITH of Florida, Mr. MINISH, Mr. LUNGREN, Mr. TORRICELLI, Ms. FIEDLER, Mr. COURTER, Mr. GUARINI, and Mr. ROE):

H.R. 5310. A bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States; to the Committee on Education and Labor.

By Mrs. SCHROEDER (for herself and Mr. MARKEY):

H.R. 5311. A bill to freeze the total amount of appropriations for fiscal year 1985 for national defense functions under the budget at the level of appropriations made for fiscal year 1984; to the Committee on Armed Services.

By Mr. SHANNON:

H.R. 5312. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain financial assistance furnished to State-insured financial institutions; to the Committee on Ways and Means.

By Mr. SHARP:

H.R. 5313. A bill to authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. WAXMAN:

H.R. 5314. A bill to amend and reauthorize the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. WEAVER (for himself, Mr. EMERSON, Mr. FOLEY, Mr. BONKER, Mr. BOSCO, Mr. WILSON, Mr. LOTT, Mr. ROBERT F. SMITH, Mr. MONTGOM-

ERY, Mr. DASCHLE, Mr. JEFFORDS, Mr. MORRISON of Washington, Mr. RICHARDSON, Mr. COELHO, Mr. LEHMAN of California, Mr. SWIFT, Mr. ANTHONY, Mr. CAMPBELL, and Mr. WATKINS):

H.R. 5315. A bill to increase the percentage of national forest receipts payable to States, and to expand the purposes for which such receipts may be expended for the benefit of counties, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. JONES of Oklahoma:

H. Con. Res. 280. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; to the Committee on the Budget.

By Mr. DIXON (for himself, Mr. GRAY, Mr. LELAND, Mr. TOWNS, Mrs. COLLINS, Mr. HAWKINS, Mr. CONYERS, Mr. CLAY, Mr. STOKES, Mr. FAUNTROY, Mr. DELLUMS, Mr. MITCHELL, Mr. RANGEL, Mr. FORD of Tennessee, Mr. CROCKETT, Mr. DYMALLY, Mr. SAVAGE, Mrs. HALL of Indiana, Mr. OWENS, Mr. WHEAT, and Mr. HAYES):

H. Con. Res. 281. Concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; to the Committee on the Budget.

MEMORIALS

Under clause 4 of rule XXII,

355. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to just compensation for the inverse condemnation of certain property; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of Rule XXII, sponsors were added to public bills and resolution as follows:

H.R. 1543: Mr. MARTINEZ.

H.R. 1918: Mr. LAGOMARSINO.

H.R. 2053: Mr. NOWAK.

H.R. 2847: Mr. WEISS.

H.R. 3866: Mr. LEWIS of Florida.

H.R. 3990: Mr. MARLENEE, Mr. FOGLIETTA, and Mr. HAYES.

H.R. 4591: Mr. FLORIO.

H.R. 4760: Mr. LEVINE of California, Mr. CONYERS, Mrs. SCHROEDER, Mr. SIMON, and Mr. FAZIO.

H.R. 4813: Mr. BARNES.

H.R. 4877: Mr. FIELDS, Mr. FORD of Michigan, Mr. MARTIN of North Carolina, and Mr. PEPPER.

H.R. 5053: Mr. BLILEY, Mr. BONER of Tennessee, and Mr. RALPH M. HALL.

H.R. 5196: Mrs. JOHNSON and Mr. BATEMAN.

H.R. 5222: Mr. LELAND and Mr. DEWINE.

H.J. Res. 472: Mr. FRENZEL, Mr. COELHO, Mr. JEFFORDS, Mr. FEIGHAN, and Mr. VOLKMER.

H.J. Res. 487: Mr. DOWDY of Mississippi, Ms. KAPTUR, Mr. LAFALCE, Mr. MCCURDY, Ms. MIKULSKI, Mr. MOORE, Mr. ROGERS, Mr. SMITH of New Jersey, and Mr. WYLIE.

H.J. Res. 520: Mr. ARCHER, Mrs. KENNELLY, Mr. EDWARDS of Alabama, Mr. MOODY, Mr. BURTON of Indiana, Mr. PATMAN, Mr. UDALL, Mr. HARKIN, Mr. MURTHA, Mr. COYNE, Mr. ST GERMAIN, Mr. MCCLOSKEY, Ms. FIEDLER, Mr. YATRON, Mr. MCNULTY, Mr. GARCIA, Mr. KOGOVSEK, Mr. WHITLEY, Mr. DE LA GARZA, Mr. BRYANT, Mr. HEFNER, Mr. EVANS of Illinois, Mr. MORRISON of Connecticut, Mr. O'BRIEN, Mr. BOLAND, Mr. ACKERMAN, Mr. ADDABBO, Mr. DOWDY of Mississippi, Mr. SUNIA, Mr. MCKINNEY, Mr. ORTIZ, Mr. STANGELAND, Mr. LELAND, Mr. PASHAYAN, Mr. CLARKE, Mr. HOWARD, Mr. SMITH of Iowa, Mr. WYLIE, Mr. SMITH of Florida, Mr. YOUNG of Missouri, Mr. MOLLOHAN, Mr. EDGAR, Mr. SWIFT, Mr. LONG of Maryland, Mr. BERMAN, Mr. BROOKS, Mr. LUNDINE, Mr. FOGLIETTA, Mr. SIMON, Mr. VANDERGRIFF, Mr. GAYDOS, Mr. FASCELL, Mr. JONES of North Carolina, Mr. DARDEN, Mr. RATCHFORD, Mr. ROSE, Mr. PORTER, Mr. GRADISON, Mr. HORTON, Mr. HERTEL of Michigan, Mr. ANDREWS of Texas, Mr. EMERSON, Mr. FROST, Mr. BOEHLERT, Mr. STENHOLM, Mr. MINETA, Mr. KASICH, Mr. DYMALLY, Mr. ANNUNZIO, Mr. PATTERSON, Mrs. BOXER, Mr. OXLEY, Mr. DWYER of New Jersey, Mr. JACOBS, Mr. FRANK, Mr. HAMMERSCHMIDT, Mr. WILSON, Mr. HAMILTON, Mr. TOWNS, Mr. DOWNEY of New York, Mr. HANCE, Mr. DIXON, Mr. SKEEN, Mr. MCHUGH, Mr. DYSON, Mrs. BURTON of California, Mr. RAY, Mr. NICHOLS, Mr. JENKINS, Mr. KAZEN, Mr. HUGHES, Mr. WALGREN, Mr. CORRADA, Mr. BARTLETT, Mr. SCHUMER, Mr. GRAY, Mr. BORSKI, Mr. SOLARZ, Mr. RICHARDSON, Mr. NEAL, Mr. MURPHY, Mr. LEVINE of California, Mr. LIPINSKI, Mr. HAWKINS, Mr. MARTINEZ, Mr. ASPIN, Mrs. HALL of Indiana, Mr. BATES, Mr. GORE, Mr. LUKEN, Mr. HALL of Ohio, Mr. STOKES, Mr. CONYERS, Mr. VALENTINE, Mr. TALLON, Mr. DELLUMS, Mr. WEISS, Mr. WAXMAN, Mr. MINISH, Mr. BIAGGI, Mr. ERDREICH, Mr. SAVAGE, Mr. CARR, Mr. FAZIO, Mr. COOPER, Mr. FORD of Michigan, Mr. PEPPER, Mr. DOWNEY of New York, Mr. REID, Mr. LOWERY of California, Mr. HUTTO, Mr. SPRATT, Mr. KEMP, Mr. RODINO, Mr. COLEMAN of Texas, Mr. WEBER, Mr. SCHEUER, Mr. DURBIN, Mr. OBERSTAR, Mr. MARKEY, Mr. BLILEY, Mr. SISISKY, Mrs. COLLINS, Mr. CONTE, Mr. HAYES, Mr. MOAKLEY, Mr. LAFALCE, Mr. GUARINI, Mr. DANIEL, Mr. SHANNON, Mr. PICKLE, Mr. BARNES, Mr. LEVIN of Michigan, Mr. FORD of Tennessee, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. VENTO, Mr. ENGLISH, Mr. FRENZEL, Mr. STAGGERS, Mr. CLINGER, Mr. LATTA, Mr. MORRISON of Washington, Mr. ROE, Mr. SABO, Mr. HATCHER, Mr. BROWN of Colorado, Mr. MCCAIN, Mr. VANDER JAGT, Mr. WINN, Mr. DANNEMEYER, Mr. WORTLEY, Mr. OLIN, Mr. HUBBARD, Mr. MARTIN of New York, Mr. CLAY, Mr. LANTOS, Mr. YOUNG of Florida, Mr. NOWAK, Mr. YATES, Mr. CORCORAN, Mr. BEVILL, Mr. RITTER, Mr. GEJDENSON, Mr. PETRI, Mr. HILLIS, Mr. DICKINSON, Mr. DUNCAN, Mr. SNYDER, Mr. MAVROULES, Mr. BEDELL, Mr. MCDADE, Mr. RUDD, Mr. SIKORSKI, Mr. LENT, Mr. FISH, Mr. LEACH of Iowa, Mr. COATS, Mr. LOTT, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. RINALDO, Mr. GREEN, Mr. BILIRAKIS, Mrs. HOLT, Mr. OWENS, Mr. MRAZEK, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. MONTGOMERY, Mr. RANGEL, Mr. KRAMER, Mr. WHITTAKER, Mr. MCGRATH, Mr. LOEFFLER, Mr. LEHMAN of Florida, and Mr. GILMAN.

H. Res. 450: Mr. HERTEL of Michigan, Mr. GEJDENSON, Mr. SIMON, Mr. GARCIA, Mr. MACK, Mr. LIPINSKI, Mr. EVANS of Illinois, Mr. MOLINARI, Mr. RODINO, and Mr. MRAZEK.

EXTENSIONS OF REMARKS

RENAISSANCE OF A CITY, LONG BEACH, CALIF.

HON. GLENN M. ANDERSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. ANDERSON. Mr. Speaker, in the April-May 1984 edition of Modern Maturity, published by the American Association of Retired Persons, is an excellent article which describes the rebirth and renaissance of the city of Long Beach, Calif.

Mr. Speaker, as you may know, Long Beach was for many years a popular seaside resort which attracted Hollywood celebrities as well as vacationers from America's heartland. Like many large cities, however, Long Beach became entangled in a web of financial and physical deterioriation. As recently as the mid-1970's, the heart of Long Beach was only a shadow of its former self.

This all changed in the late 1970's, however, when we were able to secure a modest—yet, badly needed—Federal financing package to bring Long Beach back to life.

Today, it is a city which has attracted well over $1 billion in private investment. It is estimated that this figure will rise to $3 billion by 1990.

So that our colleagues can have a better understanding of what has been happening in Long Beach, I urge them to read the following article from Modern Maturity:

RENAISSANCE OF A CITY: FROM DESPAIR TO VITALITY

(By Charles N. Barnard)

Excuse me, Long Beach, California, but I must be honest. When I mention your name in some of the less-informed areas of this country, many people just squint and say, "Long Beach? Hmmm. Where exactly is that?"

When I explain that you face the Pacific just 45 minutes south of Los Angeles, most of these foreign nationals just nod, taking my word for your location, but then they add, quizzically, "Is there another Long Beach somewhere? In New Jersey?" I say, no, there's only one that's a real city. It's where the *Queen Mary* is—and Howard Hughes' Spruce Goose—and a major oil field—and the Grand Prix race—and, sometimes, the battleship *New Jersey*—and for the last 25 years it has been the western hometown of the American Association of Retired Persons and the birthplace of each issue of Modern Maturity.

That shuts 'em up.

Twenty-five years is a significant landmark in the history of an organization like AARP, but in the history of a city it can be just a moment. (In the Old World, it sometimes took a few centuries just to finish work on the cathedral.) In the case of Long Beach, the past quarter-century is only a small part of a story that begins in the Spanish Colonial days of the 1500s. However, these last 25 years have been a roller coaster of good fortune and bad.

Today, whether the word has yet spread to all parts of the country or not, Long Beach, with its 360,000 residents, is one of those American cities that is in the process of rebuilding itself from despair to vitality. The job isn't finished, but so much has already been accomplished that the final result isn't in doubt. This place is going to make it; this place has a future.

Back when AARP was getting started in the late '50s, Long Beach didn't appear to be a community that soon would have big troubles. The city had been a popular seaside resort since shortly after the turn of the century; its beach was 5½ miles long. In the '20s it became a playground for Hollywood stars and vacationers from Iowa alike. There were bathhouses and roller coasters and beauty pageants and 5-cent popcorn and a big heated pool. "Coney Island of the West," Long Beach was called then.

In 1921, along came another bonanza: oil! A forest of derricks reached for the sky and Long Beach became a boom town. In 1939, more oil was discovered offshore. Great private fortunes were made and the public treasury was continuously enriched by royalty revenues. Even a severe earthquake in 1933 did not seriously dampen Long Beach's reputation as a good-time town. The city just swept up and rebuilt.

Then came World War II and another form of prosperity: high employment and big payrolls. A giant U.S. Navy base and shipyard employed 40,000 workers. Douglas Aircraft, now McDonnell Douglas, produced nearly 10,000 warplanes in four years. Thousands of Rosie-the-Riveters struck it rich on overtime and an affluent Long Beach population began a migration to the suburbs.

True enough, some seeds of decay were becoming visible in the old inner city. The famous beachfront boardwalk and "Pike" amusement park, which had boomed in the '20s and '30s, were rundown. Prostitutes and grimy tattoo parlors marred once-elegant old Ocean Boulevard and reflected the town's long-time role as one of the Navy's favorite liberty ports. But if Long Beach wasn't exactly a model American city in the late '50s, neither was it in disgrace.

The real big troubles came in 1973-1974 when many ships and a large percentage of the personnel left the huge navy base and the aircraft industry went into a slide. Payrolls disappeared, unemployment shot up, and Long Beach became a pocket of deep depression.

There had been one brief shining moment in 1967 when the city, with what seemed a spasm of optimism, bought the grand old Cunard liner, *Queen Mary,* and moored her in the harbor as a floating hotel and tourist attraction. But even this bold move was doomed to fail in its purpose. Public criticism of the $3.45 million spent on the old ship was strong and, besides, as a money-making enterprise, the *Queen* was a flop. Suddenly, it seemed, Long Beach couldn't do anything right.

The turnabout in the city's fortunes came with the 1975 election by the city council of a new mayor, Dr. Thomas J. Clark (an optometrist), the 1977 appointment of John Dever as city manager, and the subsequent overthrow of a provincial political establishment. One of the first major steps was the formation of a Downtown Redevelopment Agency charged with saving 421 acres of community heartland from terminal decay. It seemed a big order, especially when Douglas had just laid off 30 percent of its workers in the first few months of 1975.

"There was only one way to go then," says Ronald Winkler, one of the city's development officers. "Up!"

It's been Up ever since. Today, Long Beach is being called a "renaissance city," its downtown has acquired a new look and a new skyline, temporarily vacant lots mark the demolition of many slum blocks, new hotels are opening and new industries are coming to town. More than $1.2 billion in new construction is underway, a figure that is expected to rise to $3 billion by 1990. Seven shining new commercial buildings have been completed in the past three years. They stand side by side with much Victorian and Art Deco architecture that has been intelligently preserved and lovingly restored. Condominiums designed to sell for up to $500,000 have been put on the drawing boards by confident developers.

The Navy has reopened its shipyard facilities (where the battleship *New Jersey* was refitted) and has shelved plans to completely close the base. The Port of Long Beach is the busiest on the West Coast and expects to become the largest port in North America by the end of this decade.

Even the old *Queen Mary* has come under new management and, after a $20 million refurbishing, is now a shining and impeccably maintained symbol of Long Beach ascendant.

Although high-tech industry, strong regional banking, world-class port facilities, busy factories and a revitalized navy yard are all essential to a health recovery in Long Beach, it is the city's return to respectability as a first-class tourist and convention destination that has probably done most for its new look and its new spirit. It isn't the Coney Island of the West any more (and doesn't want to be), but neither is it being called Dullsville-by-the-Drink, as it was for many years. A visit to Long Beach can be fun these days.

The first important step in bringing vacation and convention visitors back to Long Beach was the construction of a Convention and Entertainment Center on the water front in the middle of town. This $51.5 million project incorporated an existing 14,000-seat sports arena and added a 90,000-square-foot exhibit hall, a handsome 3,100-seat theater for concerts and opera and a more intimate 842-seat theater-in-the-round. (The Civic Light Opera presents three musicals a year; the Long Beach Symphony is in its 49th season.) This modern complex not only gives the city an essential facility for both business and enterainment, but it also provides the downtown area with a dramatic architectural centerpiece.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The 1984 Olympic fencing preliminaries and finals will be held in the Convention Center's Terrace Theater this summer. (Other Olympic events to be held in Long Beach are yachting, volleyball and archery.)

Another waterfront development that has quickly become a busy tourist area since its grand opening last June is Shoreline Village, a seven-acre, $7.5 million dining-shopping-and-entertainment complex with a turn-of-the-century Pacific Coast architectural theme.

Artistic centerpiece of Shoreline Village is surely the fully restored 1906 carousel with 62 ornate, hand-carved animals (50 horses, four camels, four giraffes and four rams), said to be one of the largest ever built.

Adjacent to Shoreline Village is the city-developed Downtown Shoreline Marina where 1,694 boat slips are available for local and visiting yachtsmen. (It has been fully booked since opening day.)

Hotel development has kept pace with the flowering of Long Beach. Both Hilton and Holiday Inn are operating and the opening of the $58 million, 542-room Hyatt Regency last year made a brilliant architectural addition to the city's reborn waterfront. This 16-story beauty with its mirrored, green-glass façade and surrounding five-acre reflecting lagoon is the city's first new luxury hotel of the renaissance. Ramada, Sheraton and others are expected to follow.

Another landmark in the mix of old and new that preserves Long Beach's nostalgic appeal is the famous old Breakers Hotel. It fell on hard times with the rest of the downtown area, but is now being completely refurbished. This 1926 property was one of the playgrounds of the stars in the city's heyday, a place where Clark Gable and Carole Lombard might have been spotted without causing much of a stir. Conrad Hilton bought the 270-room Breakers before World War II and Elizabeth Taylor and first-husband Nicky Hilton kept a suite on the top floor.

At a watery little enclave called Naples, just up the beach from downtown, an enterprising young man named Michael O'Toole operates what he says are the only gondolas for hire in the U.S. That it is Venice, not Naples, that has the canals in Italy doesn't seem to matter to this happy Irishman. His distinctly non-Venetian craft has already earned "Otoolini" (as his card says) much publicity, a modest income and the need to enlarge his former one-gondola fleet.

Naples is a half-square-mile, three-island community, a former tidelands that was drained in 1905 by a network of manmade canals and which soon became an exclusive residential suburb of Long Beach. A nesting of expensive homes now clings to the edge of the canals and pricey boats are moored at each front door. There is not a house in sight that would sell for less than half a million—or $750,000 for better locations on Treasure Island. It is through this labyrinth of wealth and beauty that Gondolier O'Toole guides his clients, up to six at a time, for a modest fee.

Bring your own wine, the boatman (correctly attired in bell bottoms and a straw skimmer) supplies bread, cheese and grapes—plus the soaring sounds of Pavarotti from a hidden tape-deck. It's a dreamy, escapist way to remember the past, look into the future—and to celebrate the Long Beach renaissance.●

OKINAWA MEMORIAL DRIVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to recognize a group of U.S. Marine Corps veterans who are working on a project to build a joint memorial with the Japanese to pay tribute to the 140,000 persons killed in the World War II battle for Okinawa.

Working in conjunction with Japanese veterans, the group plans to erect a 3-dimensional 25-foot-high monument of Okinawan stone on Kotbuki Hill south of Naha City, Okinawa, where 1,612 marines, 4,500 Japanese, and 400 Okinawan civilians lost their lives. Overall, 12,520 Americans, and more than 100,000 Japanese were killed during the 82-day battle.

Leading the memorial campaign for the Marines is Edward (Buzzy) Fox of Union Township, N.J., who was a private in a machinegun platoon with the 6th Marine Division in Okinawa. Yoshio Yazaki, a member of the Japanese Navy during World War II, will be heading the joint venture for Japan.

The American-Japanese shrine will honor both countries' war dead, and hopefully, ease some of the pain still felt on all sides from this devastating battle.

The Sixth Marine Division memorial fund has been established to help raise the $100,000 needed to finance the project which has a completion date slated for the fall of 1984.

It is a long-awaited tribute to patriotic heroes who gave their lives for our country.●

EXPORT ADMINISTRATION ACT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BONKER. Mr. Speaker, at midnight tonight the current extension of the Export Administration Act expires, and unless Congress acts to set a new date the President will be without authority granted in the act to maintain export controls for foreign policy and national security reasons and on materials in short supply. The Export Administration Act is the President's basic authority to apply economic sanctions or deny export licenses. He will undoubtedly invoke the International Emergency Economic Powers Act (IEEPA) as an interim measure until Congress renews the act, although his use of that authority in these circumstances is legally questionable.

Mr. Speaker, as you know, the House on October 27, 1983, passed the Export Administration Amendments Act of 1983, and we have been prepared to go to conference since then in order to conclude our work on this important legislation. The Senate, however, just recently acted on similar legislation, which has caused a 5-month delay in convening a conference and is 6 months beyond the original expiration date of the current law. The House has acted to extend temporarily the Export Administration Act no fewer than five times during that period, and on three occasions the Senate also acted and the bills were signed into law. During the lapse of the Export Administration Act, authorities from October 14 to December 5, 1983, the President invoked the International Emergency Economic Powers Act.

I recognize the risk of not extending the Export Administration Act for it places in doubt the maintenance of export controls in a number of areas, particularly on items that have national security significance. However, in good conscience I cannot request yet another extension without a good faith effort to convene a conference. Hopefully, our reluctance to extend will help to move both sides to begin the difficult task of reconciling the major differences that exist between S. 979 and H.R. 3231. I foresee only a short-term disruption of the current law, and no interruption of our Nation's export control program.

I am hopeful the House-Senate conference on the Export Administration Act will begin next week, at which time I will recommend an extension to allow ample time for the Congress to send a bill to the President.●

TRIBUTE TO THE WYOMING VALLEY CRIPPLED CHILDREN'S ASSOCIATION

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to the Wyoming Valley Crippled Children's Association, a private nonprofit organization, is a member agency of the Wyoming Valley United Way and an affiliate of the Pennsylvania and National Easter Seal. This fine agency actually had its beginning in 1923 when members of the Wilkes-Barre Rotary, Luzerne County Medical Society, and other community-minded individuals expressed a desire to help handicapped children. By 1924, the association was officially organized by rotary members and regular orthopedic clinics were being conducted under the supervision of Dr. Harry A. Smith, assisted by Dr.

J. Terrence Rugh, Dr. Louis W. Jones and other consultants.

In 1931, at the invitation of Dr. Charles Miner, president of the board of the Kirby Memorial Health Center, the association moved into its present quarters. Applicants for service presented a broad range of needs not readily met by other existing agencies. Consequently, additional services were developed in an attempt to more fully meet these needs.

Throughout these many years, the association has grown both in number of staff and comprehensiveness of program. Current services include: medical evaluation, orthopedic clinic, cerebral palsy clinic, seizure control clinic, early identification and intervention program for developmentally delayed, occupational therapy, casework, infant stimulation, and a preschool program, advocacy, water safety and swim program, parent and professional education, resident and day camp, equipment loan, braces and appliances, transportation, information, referral and follow-up, and a special department of health project for children who are disabled and receiving supplemental security income.

Reflecting on the early years, we see that many of the children who were assisted by this agency, had orthopedic problems resulting from polio, osteomyelitis, cerebral palsy, and conditions which may have gone unreported until the latter phase of their formative years. As medical and other personnel impressed the public with the importance of identifying and treating disabling conditions early, the median age of their caseload dropped steadily.

Although polio and tuberculosis were brought under control, the demand for service did not subside because other types of handicaps were being referred. This adaptation to the needs of special children, particularly those needs not met by existing programs, has resulted in the evolvement of this agency into what they are today.

I know that I and the residents of my district look forward to fulfillment of future needs by the dedicated staff and volunteers of this life-giving agency. The Wyoming Valley Crippled Children's Association, with the help and direction of individuals, clubs, businesses, and public and private organizations throughout the entire community will, I am sure, continue to provide much needed care and other vital services to the fortunate people of the Wyoming Valley.●

POLITICAL MONEY AND POLITICAL ADVERTISING

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. CONABLE. Mr. Speaker, during the past two decades—ever since the advent of television as the primary source of public information and entertainment and as the primary medium in the conduct of political campaigns—the cost of conducting campaigns for Federal office has risen dramatically. In 1960, the total campaign costs for all races was $175 million. In 1980, it was $1.2 billion.

In 1972, the average cost of a candidate's campaign for U.S. House of Representatives was $39,942. In 1982, it was $158,000. In 1972, the average cost of a campaign for U.S. Senate was $368,656. In 1982, it was more than $1 million. In constant dollars, the cost of campaigning has tripled since 1960, doubled since 1972. It is estimated that this year, 1984, in one senatorial race in the State of North Carolina, more than $20 million will be spent by the candidates.

Much of this increase in campaign costs is directly attributable to the increased use of television advertising in political campaigns. While the method of reporting campaign expenditures to the Federal Elections Commission makes accurate figures on campaign spending for television advertising difficult to retrieve, the relationship between increased campaign costs and increased expenditures on television advertising is inescapable.

Whereas media costs averaged between 20 and 40 percent of the average campaign budget before television, they now occupy, in those races in which television is relevant, between 60 and 75 percent of similar budgets now. While the overall increase in campaign spending in general elections has doubled since 1972, the amount spent on television advertising has increased fivefold. In response to demand, the cost of purchase of 1 prime time minute of network television has increased from $40,000 in 1972 to $100,000 in 1982 and in some local media markets the increase in prime time advertising markets has increased as much as fifteenfold.

These inseparably related problems—the rise in campaign costs caused by the increasing and unregulated use of television advertising—have spawned a number of serious problems for the conduct of American politics and effective governance. It is becoming increasingly difficult for those who are neither rich nor have access to great individual or interest group wealth to compete for public office.

Perhaps of equal importance is the degree to which the increasing dependence on television advertising for the conduct of political campaigns—and especially the increased use of produced 30-second and 1 minute spot advertising—undermines the quality of our debate on public issues, the necessary cohesion of our political institutions and public attitudes toward the political enterprise as a whole.

It is no secret that since the advent of television as the primary staple of communications and campaigning, and despite a general liberalization of laws governing registration and access to voting, voter participation has diminished. While there are no studies to show a direct causal relationship, it is likely that some of this is attributable to transforming the average citizen from an active participant in the political process into a spectator-consumer of televised messages.

These messages have replaced, with some exceptions, substantive debate. Political campaigns are increasingly competitions between political consultants rather than political candidates. Talking cows have replaced talking candidates. Actor playing parts have replaced the public's right to know the real actors in our politics. The consultant industry has, in many cases, supplanted the political party as the point of entry into politics, leading to the weakening of political parties not only in the selection of candidates and conduct of campaigns, but also in their ability to form a coherent consensual program or discipline membership for its achievement.

As television campaigning has grown and as the increased use of the 30-second and 1-minute spot advertisement has become the primary staple of campaign advertising, techniques have become more sophisticated. Such advertisements have become more effective in their emotive impact, while not necessarily contributing to the public's understanding of the issues at stake. Because these advertisements are addressed to the public's emotions rather than their minds, they are virtually unanswerable without resort to equally emotive advertisements. And because much of the emotions generated are negative, such advertisements tend to denigrate the political enterprise as a whole.

It is to address at least some of these problems that I am today introducing a bill for myself and Mr. MCHUGH which would establish a uniform format for political television advertising of less than 10 minutes in length in campaigns for Federal offices. This bill will also be introduced today in the Senate by Mr. INOUYE and Mr. RUDMAN.

This bill is consonant with existing campaign law and recent court decisions insofar as it will allow anyone

who wishes to—candidate, candidate committee, party, individual, or independent action group—to buy whatever television time they wish to say whatever they wish to say. It would only restrict the manner of their presentation.

The bill, an amendment to the Federal Election Campaign Act of 1971, as amended subsequently, would require that the purchaser of such advertisements, or his identified designee, speak to the camera for the duration of the advertisement. It would restrict the backgrounds of such advertisements to such nonprerecorded materials as can be captured through the same lens as is photographing the speaker.

It would require as written material on each ad an identification of the speaker and of the individual or committee paying for the ad and would permit such additional written material the purchaser chooses to include limited to the identification of the party or the candidate in question, whether he or she is seeking election or reelection, a solicitation of funds, and such visual devices needed to make the advertisement intelligible to the hearing impaired.

It provides injunctive relief against those who violate these structures as well as civil punitive relief consistent with violations of any other part of the Federal Election Campaign Act.

Why this step? This bill, if passed, would have a number of salutary results. It would permit the public to see the candidate, parties, and interests from which they are being asked to choose. It would bring comparatively rational discussion to political debate and thus enhance intent of the first amendment.

It would make the purchasers of such ads directly and personally responsible for their content and thus especially the negative attacks on their opponents, and by so doing at least temper the nature of attacks.

It would likely reduce campaign costs by reducing advertising production costs, by reducing the desirability of negative advertising in television, and by reducing the impulse to use television advertising as the sole means of campaigning.

It might, by virtue of this, free some campaign funds now going to television to be used for campaign activities that will reinvolve people. And it will likely reduce the power of the consultant industry to the benefit of the political party and other institutions of political cohesion.

I view this bill as an incremental measure which might address at least some of the problems that our present mode of campaigning has created without attempting in one measure to address all of those problems.

I also believe it is consonant with both the letter and intent of the first amendment to the Constitution of the United States. For what we are seeking to do is enhance speech and dispense with gimmickry, provide the public information and reduce manipulation, increase and enhance content while regulating only the manner of presentation. Every other democracy in the world has some regulation on political advertising as to either time or manner.

This bill is a reflection of one of the central problems of our age—that not all technological progress should necessarily be seen as human progress, and that it is a task of government to help sort out what is and what is not in its areas of responsibility. To this end, in view of the mixed blessings of television on our political process, this bill represents a modest attempt to advance the quality of information available to those who must make the significant decisions about representation in our democracy.●

LIVING WITH REVOLUTION: FOREIGN POLICY VIEWS OF SENATOR FRANK CHURCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. LANTOS. Mr. Speaker, Senator Frank Church served as a distinguished Member of the U.S. Senate for 24 years—from 1956 to 1980. During his last 2 years in office, he was chairman of the Senate Foreign Relations Committee. I had the privilege of working with him on many issues during that time. I admire and respect him both as an individual and as a dedicated public servant.

The Washington Post recently published an article by the Senator regarding current U.S. policy toward Central America. Since this issue is one under active consideration in the Congress at present, I ask that Frank Church's article be printed in the RECORD. It deserves our attention.

WE MUST LEARN TO LIVE WITH REVOLUTIONS

IF THE UNITED STATES CAN BEFRIEND CHINA, IT CAN ACCEPT NICARAGUA

America's inability to come to terms with revolutionary change in the Third World has been a leitmotif of U.S. diplomacy for nearly 40 years. This failure has created our biggest international problems in the postwar era.

But the root of our problem is not, as many Americans persist in believing, the relentless spread of communism. Rather, it is our own difficulty in understanding that Third World revolutions are primarily nationalist, not communist. Nationalism, not capitalism or communism, is the dominant political force in the modern world.

You might think that revolutionary nationalism and the desire for self-determination would be relatively easy for Americans—the first successful revolutionaries to win their independence—to understand. But instead we have been dumbfounded when other peoples have tried to pursue the goals of our own revolution two centuries ago.

Yes, the United States generally has supported political independence movements, as in India or later in Africa, against the traditional colonial powers of Europe. Those situations were easy for us—we've never been colonialists. But where a nationalist uprising was combined with a Marxist element of some kind or with violent revolutionary behavior, Americans have come unhinged.

This happened most dramatically in the biggest tragedy of American diplomacy since World War II, Vietnam. But it has happened repeatedly in other countries as well, most recently in Nicaragua and El Salvador.

Given the size and the seriousness of our failures to deal successfully with nationalistic revolutions, you might think we'd be busy trying to figure out why we've done so badly, and how we could do better in the future. But on the contrary, we simply stick to discredited patterns of behavior, repeating the old errors as though they had never happened before.

The latest example is the report of the Kissinger Commission on Latin America, which painted events in Central America in ominously stark colors. The commission said that in principle America can accept revolutionary situations, but in Nicaragua and El Salvador we cannot. Why? Because of Soviet and Cuban involvement.

But the sad fact is that the Soviets will always try to take advantage of revolutionary situations, as will the Cubans, particularly in this hemisphere. To solve our problem we have to learn to adapt to revolutions even when communists are involved in them, or we will continue to repeat the errors of the last four decades.

Revolutionary regimes are not easy to live with—particularly for a country as conservative as the United States has become. As Hannah Arendt—no Marxist herself—noted in her classic work, "On Revolution," the United States has made a series of desperate attempts to block revolutions in other countries, "with the result that American power and prestige were used and misused to support obsolete and corrupt political regimes that long since had become objects of hatred and contempt among their own citizens."

Why does America, the first nation born of revolution in the modern age, find it so difficult to come to terms with revolutionary change in the late 20th century?

One answer involves the nature of our own revolution. It was essentially a revolt against political stupidity and insensitivity. With sparsely populated, easily accessible and abundant lands, the restless and dissatisfied in early America had an outlet for their discontent. The young United States never had to deal with the limitless misery of an impoverished majority.

In the first half of this century, when the country faced sharpened class conflict as a result of the excesses of an unbridled capitalism, we were blessed with patrician leaders, Theodore and Franklin Roosevelt, who had the foresight to introduce needed reforms. An intelligent, conservative property-owning class had the sense to accept them.

But our experience is alien to other countries which do not share our natural wealth. In poor countries a desperate majority often lives on the margin of subsistence. A selfish property-owning minority and, often, an indifferent middle class intransigently protect

their privileges. Dissidence is considered subversive. It isn't surprising that those who seek change resort to insurrection.

They take their lead not from the American, but from the French revolutionary tradition where, in Arendt's phrase, the "passion of compassion" led the Robespierres of the time to terrible excesses in the name of justice for the impoverished masses.

The spectacle of violent, sometimes anarchic revolutionary activity combined with an obsessive fear that revolutions will inevitably fall prey to communism has led us to oppose radical change all over the Third World, even where it is is abundantly clear that the existing order offers no real hope of improving the lives of the great majority. As a result, those who ought to be our allies—those who are ready to fight for justice for the impoverished majority—find themselves, as revolutionaries, opposed not only to the ruling forces in their own societies, but the United States.

I am not arguing that revolutions are romantic or pleasant. History is full of examples, from France to Iran, of revolutions born in brutality and often accompanied by extended bloodbaths of vengeance and reprisal, and which ultimately produce just another form of authoritarianism to replace the old. But the fact that we may not like the revolutionary process or its results is, alas, not going to prevent revolutions. On the other hand, the fact that revolutions are going to happen need not mean disaster for the United States. Our past failures do suggest a way we can adapt to revolutions without fighting them or sacrificing vital national interests.

Consider the case of Vietnam. Our overriding concern with "monolithic" communism led us grossly to misread the revolution in that country. Ignoring centuries of enmity between the Vietnamese and the Chinese, our leaders interpreted a possible victory for Ho Chi Minh's forces as a victory for international communism. The war against the French and then the war among the Vietnamese in our eyes became a proxy war by China and the Soviet Union even after those two powers had split, destroying the myth of "monolithic" communism. Indochina, in the new American demonology, was seen as the first in a series of falling dominoes.

Vietnam did fall to the communists, but only two dominoes followed—Laos and Cambodia, both of which we had roped into the war. Thailand, Malaysia and Indonesia continue to exist on their own terms. The People's Republic of China, for whom Hanoi was supposed to be a proxy, is now engaged in armed skirmishes against Vietnam.

Meanwhile, the United States, having been compelled to abandon the delusion of containing the giant of Asia behind a flimsy network of pygmy governments stretched thinly around her vast frontiers, has at least shown the good sense to make friends with China. American influence, far from collapsing, has drawn strength from this sensible new policy, and has been rising ever since. As for communism taking over, it is already a waning force. The thriving economies are capitalist: Japan, South Korea, Taiwan, Hong Kong, Singapore. You don't hear Asians describing communism as the wave of the future.

If any lessons were learned from our ordeal in Southeast Asia, they have yet to show up in the Western Hemisphere, where our objective is not simply to contain, but to eradicate communism, regardless of the circumstances in each case. In pursuit of this goal, we took heed of one restraint. The legacy of resentment against us still harbored by our Latin neighbors, stemming from the days of "gunboat diplomacy," made it advisable, wherever feasible, to substitute "cloak and dagger" methods—covert instead of overt means.

Hence the American-sponsored coup to oust a democratically elected government in Guatemala in 1954. The ousted president, Jacobo Arbenz, was by American standards, a New Deal liberal. But our cold warriors of that era decided he was a red threat. As U.S. Ambassador John Peurifoy, arriving in Guatemala on his special mission, put it: "If Arbenz is not a communist, he will do until the real thing comes along."

In Cuba, the United States spared no effort to get rid of Fidel Castro. We financed and armed an exile expeditionary force in an attempted repeat of the Guatemalan coup, only to see it routed at the Bay of Pigs. Then the CIA tried repeatedly to assassinate Castro, even enlisting the Mafia in the endeavor; and the United States imposed against Cuba the most severe trade embargo inflicted on any country since the end of World War II.

Even where the left gained power in fair and open elections, the United States has been unwilling to accept the results. Hence the Nixon administration's secret intervention in Chile aimed first at preventing the election of and then at ousting President Salvador Allende.

Despite these and other efforts by the United States, another Marxist regime did arise in the hemisphere: Nicaragua. And, true to form, the United States has again financed, armed and promoted an exile army whose objective is its overthrow.

After spending billions of dollars, and emptying the CIA's bag of dirty tricks, what do we have to show for our efforts? Obviously, the hemisphere has not been swept clean of communism. Cuba and Nicaragua have avowedly Marxist regimes; in El Salvador, an insurrection gains momentum against an American-trained and equipped army, despite an American-sponsored agrarian reform program and our hopes for the election of a reformist president and legislature. The result defies our grand design: the army fights indifferently; the agrarian reform is stymied, and the Salvadoran middle class and traditional landed interests remain determined to elect extreme rightists to the important legislative and executive positions.

By our unrelenting hostility to Castro, we have invested him with heroic dimensions far greater than would be warranted by Cuba's intrinsic importance in the world. We are in the process of performing a similar service for the commandantes of Nicaragua and, at the same time, discrediting the legitimate domestic opponents of their political excesses. We have left Cuba no alternative to increased reliance upon Russia, and we now seem determined to duplicate the same blunder with Nicaragua.

So by any standard, American policy has failed to achieve its objective; to inoculate the hemisphere against Marxist regimes. But are we fated to cling to the disproven policy of opposing each new revolution because of Marxist involvement, even though the insurgents fight to overthrow an intolerable social and economic order?

By making the outcome of this internal struggle a national security issue for the United States, as the Kissinger Commission does, we virtually guarantee an American military intervention wherever the tide turns in favor of the insurgents. If this happened in El Salvador, it would be difficult to imagine that the present administration would stop before it had gone "to the source," Nicaragua or even Cuba. In the process, of course, we would fulfill Che Guevara's prophecy of two, three, many Vietnams in Latin America.

We should stop exaggerating the threat of Marxist revolution in Third World countries. We know now that there are many variants of Marxist governments and that we can live comfortably with some of them. The domino theory is no more valid in Central America than it was in Southeast Asia. And it is an insult to our neighbor, Mexico, for it assumes that Mexico is too weak and unsophisticated to look out for its own interests.

We repeatedly ignore the explicit signals from Marxists in Central America that they will respect our concerns. For example, we worry that the commandantes in Nicaragua will invite the Soviets or the Cubans to establish bases in their countries. Yet, the Sandinista government in Nicaragua has explicitly committed itself not to offer such bases to the Russians or Cubans. Instead, they have offered to enter into a treaty with the United States and other regional countries not to do so. And the political arm of the insurgents in El Salvador has also committed itself to no foreign bases on its soil.

Why not take them up on these commitments? The United States, with the help of other regional powers who share our interests, including Venezuela, Mexico, Colombia and Panama, has the means to ensure that the revolutionaries keep their word. If Nicaragua violated its treaty obligation to those states, the United States would have legal grounds and regional sanction for taking action.

If the threat of communist bases is real, then a negotiated agreement precluding them would surely be perceived as a "victory", for the United States and a "defeat" for the Russians. And with a Nicaraguan treaty agreement with the United States and the countries of the region, the Salvadoran insurgents, should they prevail, would surely follow suit.

Although the Nicaraguan revolution has followed classic lines, in comparative terms it has been relatively moderate. There has been no widespread terror, and the regime has shown itself sensitive to international pressure. If we cannot come to terms with the Nicaraguan revolution, then we probably are fated to oppose all revolutions in the hemisphere.

The problem is illustrated in human terms by a vignette of the Kissinger Commission in Nicaragua. According to press accounts, the members of the commission were angered by the confrontational tone of the meetings with the Nicaraguans and their obvious reliance on Soviet and Cuban intelligence.

Imagine the setting: The commission arrives in Nicaragua one week after the *contras*, supported by the United States, blow up a major oil facility. On the one side, a largely conservative commission led by Henry Kissinger, Robert Strauss, William Clements and Lane Kirkland, men in their late 50s or 60s, expecting to be acclaimed for their willingness to listen to the upstart revolutionaries. On the other side, peacock-proud Nicaraguan *commandantes* in their 30s or early 40s, men and women, who had spent years fighting in the mountains, who had seen their friends and comrades die at their side in opposition to the U.S.-support-

ed Somoza dictatorship, and naturally resentful of U.S. support of the counterrevolution. To them, a commission led by Kissinger, architect of the campaign to destabilize Allende, had to be seen as a facade for the American plan to bring them down. Is it a wonder there was no meeting of minds?

Whoever gains power in Central America must govern. And governing means solving mundane problems: the balance between imports and exports, mobilization of capital, access to technology and know-how. The United States, the Western European countries and the nearby regional powers, Colombia, Mexico and Venezuela, are the primary markets and sources of petroleum, capital and technology. The social democratic movements in Western Europe are important sources of political sustenance for revolutionary movements in Central America.

If we had the wit to work with our friends and allies rather than against them, the potential abuses and exuberance of revolution in Central America can be contained within boundaries acceptable to this country. There is no reason to transform a revolution in any of the countries of Central America, regardless from where it draws its initial external support, into a security crisis for us.

The objective of U.S. policy should be to create the conditions in which the logic of geographic proximity, access to American capital and technology and cultural opportunity can begin to exert their inexorable long-term pull. Russia is distant, despotic and economically primitive. It cannot compete with the West in terms of the tools of modernization and the concept of freedom.

But if we insist on painting the Cubas and Nicaraguas of this world—and there will be others—into a corner, we save the Russians from their own disabilities. If, on the other hand, we were to abandon our failed policy and adopt the alternative I suggest, pessimism might soon give way to optimism. After a while, democracy may begin to take root again. The wicked little oligarchies, no longer assured American protection against the grievances of their own people, may even be forced to make the essential concessions. The United States and Cuba might be trading again, joined in several regional pacts to advance the interests of both. And Marxist governments, far from overtaking the hemisphere, will be lagging behind as successful free enterprise countries set the standard.

We will marvel at the progress in our own neighborhood, measured from the day we stopped trying to repress the irrespressible and exchanged our unreasonable fear of communism for a rekindled faith in freedom.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. AKAKA. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Michael Woo, who submitted the winning speech from Hawaii in the Veterans of Foreign Wars' Voice of Democracy contest. Michael was one of the more than one-quarter million students who participated in this year's contest. His speech clearly typifies the theme, "My Role in Upholding Our Constitution," and it is my great pleasure to share it with you today.

Text of Michael Woo's speech follows:

1983-84 VFW VOICE OF DEMOCRACY SCHOLARSHIP WINNER, HAWAII WINNER, MICHAEL WOO

Freedom of speech, freedom of the press, freedom of assembly, freedom of religion. What do these freedoms mean? To most of us, they mean almost nothing; because many of us have never lived in a country where political oppression is prevalent, where no one has the right to participate in government let alone criticize it, where people are tortured and imprisoned just because they belong to the wrong religion, race, or political party. Imagine what it must have been like to be arrested and shoved into a concentration camps just because you happened to be Jewish. Think about how it felt to have to settle for second rate service and materials just because your skin color was darker than others.

We the people often take these freedoms for granted because we have no reason not to. We have lived with these privileges all our lives. What do we care?! I think its time that we do care. We must care, and each of us must take an active role in upholding these rights, in upholding the constitution. A great deal of thought, effort, and hard work went into the drawing up of the constitution and even more is required to keep the constitution alive today. We the people of the United States have absolutely no right to take the constitution for granted. After all, what kind of nation would the United States of America be if it weren't for the constitution?

We have a constitution which allows us to live in a country where we express our opinions and views freely without fear of being tortured or imprisoned or possibly executed, to enjoy privacy without fear of its violation, to have a direct voice in government, and which allows all individuals the right to equal treatment regardless of race, color, social stauts, income level, or sex. However, this good furtune and all these freedoms require my support. Rights and responsibilities go hand in hand. Therefore, if I want to enjoy my rights, I must accept the responsibility of upholding and defending my rights. A popular song in the 1960's proclaimed, "Freedom isn't free". These rights, this constitution need my support in several ways; I must defend my rights, exercise my rights, and protect the rights of others.

I must uphold the constitution by using and not abusing the rights bestowed upon me. For instance, using my freedom of expression in seeking only the truth, not advocating falsehoods, or, using my freedom of speech to, not just criticize the government, but to offer solutions as well.

The responsibility of upholding the constitution involves letting others to express their own news and opinions just as I do, even though their views may conflict with mine. I can protect the rights of others by speaking out against such things as discrimination, unfair labor practices, and poverty.

The Declaration of Independence declared that all men were created equal. The constitution was drawn up to insure that all men are treated equally, but the success of this document depends on each citizen of the United States upholding and supporting it by first recognizing, then exercising and defending the rights of the constitution. Thus, though I am only a grain of sand in a vast desert, the United States, I still have a big role in making sure all men are treated equally. I still have a role in upholding the constitution.●

A TRIBUTE TO MICHAEL B. NICKLE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to honor Michael B. Nickle who has given 50 years of dedicated service to the Dover Volunteer Fire Department. Mike's career began May 9, 1934, and he has been an active member ever since, now serving with the Vigilant Engine Company No. 2.

Throughout the years, his courageous efforts have saved the lives of many making Dover a safer place to live. Mike's altruistic demeanor and driving spirit have touched the lives of many and have earned him the admiration and respect of friends, colleagues, and strangers alike.

Mike Nickle is an outstanding human being whose energy, integrity, and devotion to the job at hand have benefited the people of Dover.

I would like to congratulate this fine American for his 50 years of community service. He is certainly loved by many and greatly appreciated for his fine service with the Dover Volunteer Fire Department.●

EXPORT ADMINISTRATION ACT AMENDMENTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BONKER. Mr. Speaker, next week the Senate and House conferees will take up the Export Administration Act amendments and attempt to work out a number of differences that exist between the two bills. I remain optimistic that we can conclude our work on this vital legislation despite the difficult and complex issues involved.

Yet as Congress is in the final process of renewing the Export Administration Act, the President is proceeding to expand the present export control program.

In recent months, the administration has adopted a number of policy changes, through internal directives and memoranda of understanding, that possibly exceed authority granted in the current law and clearly goes beyond congressional intent. This has been disturbing, to say the least, for

Members of Congress on both sides who have painstakingly crafted an effective export control policy. It is frustrating for exporters who must comply with new and burdensome licensing procedures, and it is alarming to our allies and other free world countries who are directly affected by these changes.

Simply stated, the administration has acted in a callous manner and, I might add, in total disregard for the upcoming conference on the Export Administration Act.

Mr. Speaker, while it is not my custom to insert in the CONGRESSIONAL RECORD a speech I have given, I would like to share with my colleagues concerns I have about this matter that were outlined in an address before the Washington International Trade Association on March 26, 1984.

The speech follows:

ADDRESS BY REPRESENTATIVE DON BONKER

WITA's meeting on export control policy is timely, given the fact that the Senate and House conferees are about to take up amendments to the Export Administration Act. This law, as you know, is the President's basic authority for applying export controls for foreign policy and national security purposes.

Yet even as Congress is rewriting the Export Administration Act, the Executive Branch is already writing its own export control program, oblivious to congressional intent. New and bold initiatives, notably by the Department of Defense, are considerably beyond authority given to the Executive Branch in the present act. To those of us in the Legislative Branch who have devoted an entire year considering this legislation, the reports of what is going on inside the Administration are indeed disturbing.

Let me cite some recent developments.

(1) Directive 2040.2 (January 17) is an internal document which asserts greatly expanded DOD authority in export control policy and licensing. This new directive transfers export licensing from the Office of Undersecretary for Research and Engineering to the Assistant Secretary for Defense Policy, and establishes the International Technology Transfer Panel to coordinate positions and oversee export license applications. Already the idea is to legitimize DOD's review authority on technology transfer questions on a case-by-case basis, and to extend this internal authority to include foreign policy as well as national security matters. It also inserts DOD into the State Department's negotiations on multilateral control issues by assigning a full time Pentagon official at the COCOM office in Paris.

The best that can be said about this document is that it has no legal basis in current law. Congress recognizes DOD only for the purpose of joint reviews of licenses to export national security items to proscribed destinations, and anything beyond that is on shaky grounds.

(2) Department of Commerce proposed revisions of Distribution License Policy. Distribution licenses allow exporters to make multiple shipments over an extended period under a single license. Currently 700 such licenses eliminate the need for exporters to obtain over one million individually validated licenses per year.

On January 19, 1984, the Office of Export Administration proposed to amend the Distribution License procedure to remove certain commodities (like semi-conductor manufacturing equipment) from the multi-shipment list and require quarterly reports by foreign consignees on names of customers to whom they expect to sell their products which were purchased under a Distribution License.

The new policy exempts COCOM countries, but it singles out such friendly, but neutral, countries as Sweden, Austria, and Switzerland.

(3) President Reagan's endorsement of the Memorandum of Understanding, March 23, 1984. This latest policy apparently has been under review for over a year and attempts to define Defense and Commerce roles in the export control program. If you believe news headlines, it represents something of a major victory for DOD but the intense debate will continue within the Administration over who has the final word on what is or is not to be exported.

The Memorandum of Understanding gives DOD review authority on individual licenses in certain categories to twelve free world countries in cases where diversion is suspected. It is less clear, but certainly implied, that the Pentagon will exercise similar authority on distribution licenses in the future.

The agreement (which, incidentally has been endorsed by the President but not signed by Mr. Perle) also sets up a Monitoring Committee chaired by the NSC and involves at least six departments in the Executive Branch, to set forth criteria to assure that the program is satisfactorily administered and to decide on DOD's future role on licensing procedures.

There it all is. In the space of three months the Administration has all but rewritten the Export Administration Act, without consultation with Congress and the industry, and of course without hearings and much opportunity for comment from the public and our allies.

Some accuse the Congress of major changes in its revision of the Export Administration Act, but our craftsmanship is mild and artful compared to the Administration's emasculation of the program.

Well, I have a few thoughts and concerns about these recent developments, which I'd like to share with you.

(1) What the Administration has done is considerably beyond what the act allows, and is clearly beyond what Congress intended.

The Export Administration Act gives explicit responsibility to Commerce to administer the export control program. DOD's role in licensing is provided in a 1974 amendment which gives it joint review authority on shipments to communist countries, and the Department of State is designated to represent the United States at COCOM, and to advise the Secretary of Commerce on foreign policy controls.

There is no additional role for DOD, Treasury, OMB, NSC, and other departments who are now getting into the act. Congress certainly did not authorize such things, and since 1949 the Commerce Department has been the lead agency.

What is happening may be an old-fashioned turf battle with DOD the obvious winner. But my guess is that there is an ideological force shaping these new policies, that if left unchecked will greatly inhibit America's competitive position in the field of high technology.

I might add with some consternation that the Administration never presented these new policies to Congress, despite continous hearings and debate over the Export Administration Act. One can safely conclude that the Executive Branch was going its own way regardless of what Congress thought, intended, or attempted to accomplish in the Export Administration Amendments Act of 1984.

(2) These new policies are slowly creating an administrative nightmare, which will be cumbersome to administer and confusing to everyone save the bureaucratic technocrats.

For a President who prides himself in a mean and lean, efficient government, this program must be an embarrassment.

In 1982, the Administration set up Operation Exodus which has been funded by a $30 million DOD grant to Customs, effectively bypassing Congress. Now we have an expanded DOD role, new interagency committees, an endless series of regulations and directives which are bound to frustrate exporters and give windfall opportunities to attorneys.

You can forget efficiency, expedient licensing procedures, a degree of certainty and quick turn around time for applications, if these new procedures are implemented. This is a shame since Secretary Baldrige, to his credit, has capably improved and sped up processing of licenses—a vast improvement over the old days.

(3) Free world countries, notably our allies, are understandably alarmed over the new procedures. The futile use of foreign policy economic sanctions by two presidents greatly upset our closest friends—and we possibly can minimize that problem if contract sanctity is preserved in the bill.

But they have new fears in what they see emerging from conference and the new export control direction by this Administration. The Washington Post, in a recent lead article on the subject, told about the ". . . highly unusual lobbying campaign by our allies."

I have received letters from foreign governments and many of the embassies. I have also traveled abroad and heard first hand from world leaders on this issue.

Frankly, they are put out by our extraterritorial habits, proposed import controls, the lack of consultations, and overall benign neglect of their concerns and the need to cooperate on new export control procedures.

(4) To use a current phrase, "what's the beef" with the Department of Commerce? Under Secretary Baldrige, the program has improved dramatically in the past three years.

There have been no startling reports about bad licensing procedures, loose enforcement, lack of control. There are no revelations of Commerce failing, or even stumbling, in implementing the law. The VAX computer case, upon close scrutiny, shows Commerce as cautious and vigilant—the diversion problem occurred elsewhere.

On enforcement, Commerce has performed miraculously given its limited resources. These past few years, its enforcement budget has been under $5 million compared to $30 million for Custom's Operation Exodus program. Yet, despite the funding differences, Commerce's record has been much better.

You heard from Ted Wu today, so I need not say anything about toughness. He is as tough as they come, and if Commerce gets the increase we have recommended for enforcement, they will get the job done.

But the Administration persists in compromising their authority, and diffusing their program, and frustrating their efforts to implement the law.

(5) Our trade deficit is as tragic as the other deficit. It is obvious with a projected $100 billion trade deficit for 1984, something is wrong with our trade program.

We all know that our domestic economy is insufficient to meet our future growth needs and that we live in a fiercely competitive world, with Japan and other countries challenging America's preeminence in a number of areas.

Our choices are obvious—export more or go the way of protectionism. Congress is going down both paths.

The best course is to increase exports. With the exception of food and raw materials, the most sought after U.S. products abroad are high technology items. That is the future in trade, and it happens to be where we have a competitive edge.

But that holds true only so long as we can compete on an equal basis. The Administration's policies, if not checked, will impede our export potential. It is tough enough coping with the overvalued dollar, but trying to cope with rigid and confusing export procedures, may knock us completely out of the global market. And of course, like foreign policy controls will not succeed totally in stopping the so called "hemorrhage" of western technology. They will only curtail our own export opportunities which other nations enjoy access to new global markets.

No one takes issue with our national security needs. I certainly do not want to see us contribute to the military capability of adversary nations. But rather than try to control all forms of technology to all destinations, we should concentrate on preventing the transfer of militarily critical technology. That is what Congress intended all along. If the Administration would faithfully carry out all provisions of the Export Administration Act, we could achieve that goal.

If the new policies go in effect and are not checked by a newly enacted Export Administration Act, our government may well win the "security war" but lose the "economic war".●

HONORING PARENTS WITHOUT PARTNERS, INTERNATIONAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. MILLER of California. Mr. Speaker, as chairman of the House Select Committee on Children, Youth, and Families, I want to remind all of us of the debt of gratitude owed Parents Without Partners, International. This all-volunteer group, now in its 27th year, has worked very hard to help single parents and their children.

Based on the recent studies issued by our committee, all of us now realize that the plight of the single parent is a major social factor that has been largely ignored in promulgating public policy, both here in Washington and in many State capitals.

But that situation clearly is changing, Mr. Speaker. Child care for working parents—single and married—is emerging as a major national issue. One out of every three white children, and three out of four black children, can expect to spend some of their childhood in a single-parent household. The 1990's will probably mark the first decade in which a majority of mothers with young children will be working. The scope of these social and economic changes is of a magnitude unparalleled in our lifetime.

One of the pioneer groups to focus on single parents and on their children is Parents Without Partners.

It is with a great deal of pride, then, that I call the attention of the House to the following proclamation, issued by the city of Concord in my own county of Contra Costa, Calif.:

PROCLAMATION

Whereas, Parents Without Partners, Int'l., Inc. is an international, non-profit, non-sectarian, non-ethnic, educational and social all-volunteer organization dedicated to the welfare and needs of single parents, regardless of cause, and their children, with a membership open only to single parents, and,

Whereas, Parents Without Partners, Int'l., Inc. is the largest international organization seeking to study and help the single parent who is raising children alone; and

Whereas there are many adjustments to be made in the lives of the parent and the children when the family unit dissolves; and,

Whereas, meeting place, programs developed for seeking solutions, discussions, seminars and professional speakers are offered as well as providing social activities for adults, for the children and for the family as a whole in the ever-ongoing need of individuals, whether it be the parent or the child; for the confirmation of love, support, understanding and acceptance; and,

Whereas, Parents Without Partners is in its 27th year with over 200,000 member in over 1,000 chapters throughout the United States, Canada, Australia, and New Zealand; with affiliations in Germany and England; and,

Whereas, many delegates from the three Regional Councils of Nor-Cal-Vada, Northern California and Mission Coast will be attending a Tri-Regional Conference on the weekend of March 16-18, 1984, and will be attending weekend of business meetings, luncheon, workshops, and evening social events; and,

Whereas, we are proud of the members of Parents Without Partners, Int'l., Inc. in these three Regional Councils which comes from the area from California and Nevada and wish to recognize and pay tribute to them on this weekend; and

Whereas, we wish to recognize the continuing efforts of this organization in furthering the aims and goals of single parents and their children;

Now, therefore, the City Council of the City of Concord, California does proclaim the weekend of March 16-18, 1984 as Parents Without Partners Weekend in our City and we give recognition to the accomplishments and extend our support to their worthwhile programming.●

BASELESS CHARGES?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. OTTINGER. Mr. Speaker, Edwin Meese continues to react with shocked dismay to what he insists are the baseless charges of his financial and professional misconduct, yet he openly—and without apology—admits to violations of public disclosure laws. Moreover, he insists that the appointment to public office of close friends who loaned him substantial amounts of money is purely coincidental and above reproach.

For the press to put in writing what must leap to the mind of anyone hearing the string of coincidences which Mr. Meese defends is hardly character assassination, and I laud the attempts by the press to keep the questioning of Mr. Meese's conduct alive. It is conduct which, as the following article by Anthony Lewis points out, comes after a lengthy history of Reagan administration abuses of privilege, a history that has miraculously left no scars on its leader.

TEN BLIND MEESE

(By Anthony Lewis)

BOSTON, March 25.—The Edwin Meese affair throws light on a curious feature of the Reagan Administration. A number of its ranking officials, not only Mr. Meese, have had financial dealings of a kind that trouble the public but that evidently give them no feeling of wrongdoing. They seem insensitive—that is putting it gently—to traditional expectations of ethical behavior.

Consider Mr. Meese's remarks when he asked that a special prosecutor look into his conduct. He said he had been the victim of "baseless charges" and "systematic character assassination." But the basic facts of his financial dealings are not in dispute; Mr. Meese belatedly disclosed them himself. So his outrage must be directed at the idea that there is something wrong in what he did. What did he do?

On Jan. 7, 1981, 13 days before Mr. Meese moved into an office in the White House, his wife got a $15,000 loan—without interest—from a family friend, Edwin Thomas. The money was used to buy shares of stock for the Meese children. The Ethics in Government Act required Mr. Meese to list that loan on a financial disclosure form, but he "inadvertently" forgot to do so. Could he have forgotten because it was made so long ago—Jan. 7, 1981? Because it was so commonplace for him to get interest-free loans to buy stock for the children?

The lender, Mr. Thomas, was appointed Mr. Meese's deputy in the White House. Mrs. Thomas got a Federal job, too. So did their son Tad, 22 years old: a $16,559-a-year position in the Labor Department.

Four other people involved in loans or gifts to Mr. Meese also got Government jobs. Two of them were officers of a savings and loan association that at one point let Mr. Meese fall 34 payments behind on mortgage loans of more than $500,000.

Is it "character assassination" to think there is something questionable about those

admitted facts? On the contrary, most Americans would find it hard to believe that getting interest-free loans from a friend to buy stock, and having the friend, his wife and son end up in Government jobs, is so ordinary as to be forgettable.

But in the context of the Reagan Administration the Meese financial pattern may indeed be unremarkable. Benjamin Taylor of the Boston Globe ran down the record the other day.

Thomas C. Reed, who was deputy national security adviser to the President, was forced to resign when the S.E.C. found that he had made $427,000 on a $3,125 investment based on inside information.

Max Hugel, deputy director of the C.I.A., resigned when faced with allegations of fraudulent stock dealing before he entered government.

Paul Thayer, deputy Secretary of Defense, resigned when the S.E.C. brought a proceeding charging him with illegal insider trading.

Guy W. Fiske, deputy Secretary of Commerce, resigned after allegations that he was negotiating to sell U.S. weather satellites to a company with which he was seeking a job.

Robert P. Nimmo, head of the Veterans Administration, resigned and paid back $6,441 for improper use of his official car.

Richard Allen, President Reagan's first national security adviser, resigned when found to have accepted $1,000 and three watches from representatives of a Japanese magazine for whom he arranged an interview with Nancy Reagan.

At the Environmental Protection Agency the administrator, Anne Burford, resigned over policy failures, and the assistant administrator, Rita Lavelle, was convicted of perjury; two others resigned over financial matters: Matthew Novick, inspector general, who allegedly asked EPA employees to work on personal business for him, and James Sanderson, adviser to Mrs. Burford, who participated in agency decisions that benefited corporations he represented.

Two high officials remain in their jobs although they were forced to conform their financial behavior to ethical standards.

William J. Casey, Director of Central Intelligence, traded more than $3 million in shares in the stock market while in office. Only when senators complained of his behavior did he follow the usual practice of putting his holding in a blind trust.

William French Smith, Attorney General, agreed to limit a huge tax write-off he expected from a tax-shelter investment, and he was forced to return a $50,000 severance payment from a company on whose board he had served. Lately his own Justice Department reportedly investigated charges that his wife misused an official limousine for personal trips, and he has repaid the Government for the cost.

It is an astonishing record of sleaziness, of casual disregard for the proprieties of public life. There has been nothing like it in Washington for years: such a parade of public men seeking private gain.

The other remarkable thing about it is the attitude of the President who appointed the greedy men to office. Has there been a word of regret from Ronald Reagan, a word to remind his Administration that those who hold office must be beyond suspicion? As in so many other areas, he has slipped away from responsibility.●

RETIREMENT OF GEORGE WEISSMAN, CHAIRMAN AND CHIEF EXECUTIVE OFFICER OF THE PHILIP MORRIS CORP.

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. GARCIA. Mr. Speaker, I would like to draw my colleagues attention to a March 27, 1984, article in the New York Times recognizing the retirement of George Weissman, chairman and chief executive officer of the Philip Morris Corp. While Mr. Weissman will be relieved of many of his executive responsibilities, he will continue his exceptional involvement in community programs. I personally applaud his efforts in chairing last year's New York partnership project which succeeded in finding 20,000 summer jobs for underprivileged youths, and look forward to the future public involvement of this devoted individual.

The article follows:

NOT ON TOP, JUST ON TAP

(By Charlotte Curtis)

George Weissman has this dream. The Philip Morris corporation's chairman and chief executive officer sees himself actually going home to Rye some night without a briefcase, dining quietly with his family and watching television. After years of 80- to 90-hour weeks, the novelty of it intrigues him.

"I'd even like to go to a midweek movie," he said.

At 64 going on 65, the tall, craggy Mr. Weissman is about to have the time. In August, he is stepping aside. Though he becomes chairman of the Philip Morris executive committee, younger men will take over the company. He smokes behind his big desk as he describes the transition, and sips iced tea. He never mentions retirement.

"I'm going to be on tap, not on top," he says jovially. Or, "I'm headed for a half-way house, a soft-landing, a decompression chamber. I need to get the bends out." Or, since he initiated the changeover, "I did this thing voluntarily."

For a minute there, it does sound as if the energetic executive will retire. "Oh, yes," he said. "I want to write a book, resume sculpting, take up painting and go fishing. I want to go back and see the world I missed because I was always in a business meeting."

He says he hasn't had a full month's vacation since 1946, when he left the Navy after World War II. "I've had this place in Florida for 12 years," he says. "The longest I was ever there was 12 days." He doesn't sound unhappy about. . . .

Clearly, Mr. Weissman loved the dashing off to do the deal only the chief executive could do. He even admitted it. He also conceded that his was "a fun job, exciting," that "as somebody once said, power is an aphrodisiac. Well, not literally," but that for him being with Philip Morris was "like a love affair: the power, the perks, the car, the company plane, the chance to steer a big ship instead of a rowboat."

When Mr. Weissman leaves his glossy office in the company's world headquarters it is to have an even bigger one in a building across the street. Besides his executive committee responsibilities, he continues as a director of Chemical Bank, Avnet and Gulf & Western. He is an active board member of Lincoln Center, the Whitney Museum and several other volunteer groups. He has promised Governor Cuomo he will chair the Governor's Business Advisory Board.

He has a constituency outside Philip Morris, a national following thanks to his determined efforts on behalf of corporate involvement in the arts. He said chairing last year's New York Partnership project, which succeeded in finding nearly 20,000 summer jobs for underprivileged youths, "felt better than anything I've ever done." Mr. Weissman's chances of withdrawing to Rye or Florida seem slim indeed.

"I was a newsman when I was young," he said, up now and striding toward a small stand. "You see this," he said, whisking away a plastic cover. "This is a typewriter, a pre-war Underwood. My kids found it for me. This is what I'm going to write my book on."

He wrote some 40,000 words of a war novel when he was a newsman, before Sam Goldwyn discovered him and turned him into a publicist, and he is determined to finish it "at some point." He is building a studio at his house in which to write, sculpt and learn to paint. But he's not sure when he'll start.

"I really don't know yet," he said. "I've had friends cut themselves off completely and play nothing but chess and tennis, and they loved it. Others became ill. Or they do the round-the-world trip, read books and that's it." He didn't sound enthusiastic.

Nevertheless, George Weissman has this dream. He sees himself sculpting, painting, catching a midweek movie, fishing in Florida, traveling the world and writing his novel. He also sees himself Wednesday nights at the ballet, Thursdays at the Philharmonic and Fridays at the opera, presumably after chairing the executive committee, attending board meetings or gatherings of subcommittees. And that's not counting what he's going to do for the Governor or that night he's home without his briefcase to dine with his family and watch television.

Yet, somehow, George Weissman will do it all, plus the reading of those books he has saved up in the closets behind his desk. He's not really dreaming about retirement. He's dreaming of a 60-hour week.●

TRIBUTE TO MAYOR JAMES E. LOVETT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to pay tribute to James E. Lovett, an outstanding citizen of Summit, N.J.

Jim has been active in community projects, serving as mayor of Summit from 1980 to 1983 following 4 years as councilman. During his tenure, Jim was noted for his cooperative ventures with other communities allowing for shared resources, money savings, and a greater quality of life for Summit residents.

Jim's dedication as a public servant is above the call of duty and greatly appreciated by myself and the town of Summit. A job well-done.●

LET CONTADORA DO IT

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BARNES. Mr. Speaker, a recent Washington Post editorial pointed out the necessity of supporting the Contadora process in order to bring peace to Central America, rather than taking what the Post rightly calls the "polite but essentially negative attitude" toward Contadora that the administration is now taking. The only thing that I disagree with in the editorial is its implication that critics of the administration have not long since identified this as the real alternative to current policies. In fact, several of us in the Congress have been arguing strenuously for the past year that political settlements of Central America's conflicts are the key to accomplishing our other goals in the region, and that Contadora is the key to achieving political settlements.

I had the privilege recently of hosting a luncheon for several distinguished Latin Americans, including Galo Plaza, former President of Ecuador, Daniel Oduber, former President of Costa Rica, Oscar Camillion, former Foreign Minister of Argentina, Rodrigo Botero, former Finance Minister of Colombia, and others. These distinguished Latin American friends of the United States were unanimous in their view that our country must stop escalating Central America's conflicts militarily and give real support to the Contadora process—not as a way of abandoning our security objectives in the region, but as the only way to achieve those objectives.

I hope my colleagues will give careful attention to the editorial, which follows:

LET CONTADORA DO IT

This year's argument over the level and terms of American aid to Central America grinds on. It resembles last year's argument and it may well anticipate next year's argument. As a nation, we are in a rut in Central America. President Reagan says things it is hard to believe that even he believes—that, for instance, the troubles of the region constitute "a power play by Cuba and the Soviet Union, pure and simple." His critics reply in kind with such assertions as "The truth is that the administration isn't serious about helping El Salvador 'build its democracy.'"

Some of us focus first on the danger of a communist takeover, some on the political disabilities of the Salvadoran government. But over the span of two administrations the balance of political forces in Washington appears rather constant. The country is conducting a policy that keeps the cause alive—for the administration the cause of anti-communism, for critics the cause of reform—but does not allow the chosen cause to prevail.

Is it foolish to think the United States is capable of something better, of the consistent and effective pursuit of a policy that most citizens will find in the national interest? The naming of the Kissinger commission was an effort to set such a course, but already its recommendations seem to have been swallowed up by the familiar debilitating debate. From neither the administration nor the main body of its critics comes a real alternative.

We offer a better way, or at least a more feasible, more immediate and more necessary objective. Victory over communism is the wrong objective: international communism is only part of the "enemy." Reform, whether in human rights, economic development or political democracy, is the wrong objective: these things, vastly desirable, are not within the power of Washington to secure, even in the doubtful circumstance that it knew how. The right objective is to reduce the frenzy of the war—the government-vs.-guerrilla war and the haves-vs.-have-nots war—to alter the climate in which El Salvador's profound political conflicts will go on.

How is the scale of the war to be reduced? By turning to the Contadora group of would-be Latin mediators and saying in effect: the United States is going into a holding pattern, continuing military aid at familiar levels but meanwhile awaiting Contadora's suggestions for calming the region down.

These (more or less) democratic nations have no monopoly on wisdom. But they know the terrain and the players, and they have a surpassing interest in the outcome. The polite but essentially negative attitude the administration has taken toward their deliberations so far has kept them from doing what they might—and saved them from having to deliver. So let them show what they can deliver. It is an uncertain thing but not so uncertain as what the administration is still doing, unsuccessfully, after three years.●

ANOTHER DEMOCRATIC VICTORY IN TURKEY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BEREUTER. Mr. Speaker, in November of last year, the Turkish people proved that democracy truly means the people's choice. In those elections, Turks rejected both the candidate backed by the military government in Ankara and the left wing party. Instead, it elected Turgut Ozal of the centrist Motherland Party, which had been vehemently attacked from both right and left during the election.

In local elections last Sunday, Turkish voters once again handed a vote of confidence to Mr. Ozal. All parties participated in the election, including those parties which were banned in November. While many economists believe that Turkey's economic problems require state generated growth and a continued closed economy, it is clear that Turkish voters do not agree. As the Wall Street Journal's March 28, 1984, editorial points out, Mr. Ozal's victory is a multiyear democratic mandate by Turkish voters to allow the new Prime Minister to—as the editorial says—"do his free market thing." I would like to direct my colleagues attention to excerpts from this editorial.

The article follows:

TURKEY DOES IT AGAIN

Chalk up another one for democracy. In local elections Sunday, Turkish voters gave Prime Minister Turgut Ozal a renewed mandate by backing his Motherland Party against all comers with as much support as he got last November. This gives him a multiyear license to open Turkey's cosseted market to much-needed competition.

There's nothing earth-shattering about people choosing the well-trod, free-market path to prosperity, but this election does create a serious problem. To wit, what are the critics of Turkish democracy going to do now? The national election in November was fought among three parties under the rules of Gen. Kenan Evren, who had brought Turkey back from the terrorist-inspired brink by taking control in 1980. Of the three candidates, the military supported the big loser and the people chose Mr. Ozal, the enemy of Turkey's traditional corporate state. But the critics said this wasn't fair because other parties were banned. Well, all the old political groups were invited to duel by ballot in Sunday's election, and according to the so-far unofficial results, Mr. Ozal's party won big again and shouldn't need to call a national election until 1988.

Pity the Council of Europe, 21 European countries that have been sniping at Turkey's political practices. They refuse to acknowledge that the generals took over Turkey only because Soviet-inspired terrorism was spilling so much blood that Istanbul made Belfast look like Disneyland. Gen. Evren is still considered a national hero, but the voters have now twice chosen the minimal state approach of Mr. Ozal.

Mr. Ozal's pledge to cut inflation from 40 percent to 25 percent this year, allow more imports of consumer goods and sell off government property to the private sector won his party wide support, even in the usual left-leaning, poorer urban areas. He is trying to tear down the bureaucracy that 50 years of statist rule built. He captured the voters' imagination with a plan approved earlier this month called the "Bosporus Bridge Sale Bill," named for the span connecting the European and Asian halves of Istanbul, which will be among the state-owned items up for bid. He's planning to privatize the country's oil, air and rail industries.

The only flies in the democracy ointment could be the generals, who still can veto legislation. Foreign investment, especially in state-run industries, already has some mercantilist blood boiling. But Turkey is doing just fine, and the voters have sent a message to the generals—and to other Europeans—that they want Mr. Ozal at liberty to do his free-market thing.●

A TRIBUTE TO DR. BENJAMIN ELIJAH MAYS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. STOKES. Mr. Speaker, it is with a great sense of personal loss that I inform the Members of this body of the recent passing of Dr. Benjamin Elijah Mays, president emeritus of Morehouse College. Dr. Mays was admitted on Sunday to Atlanta's Hughes Spalding Hospital suffering from respiratory problems, and passed on Wednesday morning. He was 89 years old.

Mr. Speaker, Dr. Mays has truly left his "footprints on the sands of time."

Born on August 1, 1895, in Epworth, S.C., Benjamin Mays was a world renowned Baptist minister, public orator, and educator. His parents were slaves. Mays, who angered his father by "aiming too high," left his parent's farm in 1916 and enrolled in Bates College in Maine, where he was awarded the B.A. degree in philosophy with honors. He was later conferred the M.A. degree in religion in 1925 and the Ph. D. in religion in 1935, both from the University of Chicago. From 1924 to 1940, Dr. Mays served as dean of the School of Religion at Howard University, here in Washington, D.C.

In 1940, Benjamin Mays became the president of Morehouse College, in Atlanta, Ga., one of this Nation's oldest black institutions of higher learning. He served in this capacity from 1940 to 1968. At the close of daily chapel services, Dr. Mays always left his students with these words: "Whatever you do, strive to do it so well, that no man living, and no man dead, and no man yet unborn, could do it any better."

During his tenure at Morehouse, Dr. Mays was a mentor to such notable black Americans as Dr. Martin Luther King, Jr., Dr. Lerone Bennett, and Georgia State Senator Julian Bond. Indeed, Dr. King always referred to Dr. Mays as his "spiritual mentor and intellectual father." Dr. King often stated that it was Benjamin Mays who influenced his decision to enter the ministry rather than the field of medicine. For Dr. Mays, his greatest honor was to deliver the eulogy at Dr. King's funeral on April 9, 1968.

Dr. Mays enjoyed writing and was the celebrated author of numerous periodicals and publications on religious, educational, social, and political issues. Among his publications are "The Negro's God as Reflected in His Literature" (1938), and his autobiography, "Born to Rebel" (1971). He was also coauthor of "The Negro's Church" (1933).

The honors bestowed upon this man are too numerous to mention. However, to name a few, he was a Phi Beta Kappa and the recipient of approximately 49 honorary degrees in law, divinity, and the humanities. And at the request of President Kennedy in 1963, Dr. Mays was a member of the U.S. delegation that attended the funeral of Pope John XXIII in Rome.

Mr. Speaker, with the loss of Dr. Mays, America and the world has indeed lost a great man and humanitarian. He was perhaps this century's greatest scholar. His life, works, and teachings are an inspiration to me and I know to countless others across this Nation. Former President Jimmy Carter once hailed Benjamin Mays as "a credit to the Southland, to America, and the world." But, perhaps it was Senator Julian Bond who summed it up best, when at Dr. May's induction into the South Carolina Hall of Fame, he stated: "I am kneeling at the feet of a giant. Making friends out of enemies has been a lifelong mission of Benjamin Mays."

I extend my deepest sympathies to his family. And in a final tribute to this great man, I close my remarks with these words to Henry W. Longfellow's "A Psalm of Life." These words, in my own mind, pay due tribute and homage to the life, work, and teachings of Benjamin Elijah Mays:

Lives of great men all remind us
We can make our lives sublime
And, departing, leave behind us
Footprints on the sands of time;
Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.
Let us, then, be up and doing
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.●

TRIBUTE TO CONNIE WOODRUFF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. RODINO. Mr. Speaker, it is a great privilege for me to rise today to recognize an outstanding advocate for the rights of women and minorities. Connie Woodruff, who will be named "Woman of the Year" at a testimonial dinner which will be held in her honor on April 5 in New Jersey. I am proud to serve as an honorary chairperson of this event, and am even more honored to count myself as one of the many "Friends of Connie Woodruff" who are organizing this tribute to her.

I have known Connie for many, many years, and have always held her in the highest esteem. From the early days of the civil rights and women's movements, Connie has been there. Throughout her impressive career—as a journalist, a labor leader, an educator, and a political activist—Connie has been an ardent and articulate champion of human and individual rights.

For the past 10 years, Connie has served as chairperson of the New Jersey Advisory Commission on the Status of Women. She is our State's representative in the National Association of Commissions for Women as well. Prior to this, Connie was community relations director for the eastern region of the International Ladies Garment Workers Union. She also worked as the city editor of the New Jersey Herald News.

Connie has, for 20 years, been a crusader for social change. In all that time, her dedication and spirit have never diminished. Where others would falter, Connie refused to give up. She is an inspiration to us all.

Mr. Speaker, Connie's many friends and colleagues have worked very hard to insure that she is given a fitting tribute. I wish to particularly name the members of the executive committee of the ad hoc group, starting with Dorothea Lee of Newark, who is chairing the "Friends of Connie Woodruff" group, and also including Beverly Barker, Gloria Buck, Goldie Burbage, Mildred Crump, Clara Dasher, Roslyn Edgerton, Lenora Gaskins, Audrey Greene, Elissa Hairston, Janice Jackson, Keith Jones, Barbara Kukla, Jeroline Lee, Trish Morris, Bernice Sanders, Robert Spellman, Janice Thomas, and Gwen Williams.

We in New Jersey are very fortunate to count Connie as one of our own. She has given so much to us, it will be a great honor to be able to give something back to her, and I am certain that the dinner in her name will be a most memorable occasion. Proceeds for this event will be shared by the United Negro College Fund, St. Vincent Academy, the Women's Forum at Essex County College, and the Newark Fresh Air Fund.●

NASSAU, N.Y., RESIDENT HONORED BY 4-H

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. SOLOMON. Mr. Speaker, last week, Washington played host to a group of outstanding 4-H leaders in a "Salute to Excellence" program at the National 4-H Center.

I am proud to note that one of those recognized is a constituent of mine, Alice G. Goebel of Nassau, Rensselaer County, N.Y.

Alice was selected as an outstanding New York 4-H volunteer. A homemaker, Mrs. Goebel serves as adviser to the 4-H Teen Ambassador group. She has been an active 4-H volunteer for 12 years, and she also serves as a district

leader, working to recruit new 4-H volunteers. With the teen ambassadors, Goebel provides training and support and encourages 4-H promotion throughout the country.

Alice Goebel is a true embodiment of the spirit and good works of 4-H.●

WARSAW HIGH SCHOOL CHAMPIONS OF 1984

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. HILLIS. Mr. Speaker, there are few athletic events more exciting than the month-long spectacle of crowning the high school basketball champion in the State of Indiana. Last Saturday night, we concluded the 1984 tournament in Market Square Arena with Warsaw High School emerging as the new kings of the basketball court.

Warsaw, however, wasn't the only champion. Receiving just as much recognition, and deservedly so, was a young man by the name of Milan Petrovic who was named the winner of the Arthur L. Trester Mental Attitude Award.

The Trester Award is named after the first commissioner of the Indiana State High School Athletic Association—the organization that conducts the most exciting high school basketball tournament in the world.

It is given to a senior boy who excels in basketball ability, mental attitude, leadership, sportsmanship, and scholastics. The winner of this coveted award is the quintessential "All-American Boy"—an example of the best this country has to offer.

That is especially significant this year since Milan was the first foreign-born student to win the Trester in the award's 67 years of existence. Milan, who is of Serbian descent, was born in Oxford, England in 1966 and moved to the United States 4 years later.

As the 6-foot 3-inch forward for Lake Central's Indians, Milan averaged more than 19 points a game this season in leading his team to the final four in Indianapolis. Although his team lost in the first semifinal game, the people of St. John, Ind., are justifiably proud of their team's 24-4 season.

Milan's credentials define the words "scholar athlete." He has a 3.9 grade point average and ranks 20th in his class of 485 seniors. He is a member of the National Honor Society, the Key Club and, last year, represented his school at Indiana Boy's State.

Milan teaches Sunday School and is a group youth leader at St. Elijah's Serbian Church. He plans to seek an engineering degree beginning this fall at Northwestern University where he has won a 4-year basketball scholarship.

In short, he is the son every mother would be proud to have.

It is Helen Petrovic, an interior decorator in Crown Point, who has that honor. Her words to an Indianapolis newspaper reporter at the State finals reveal the strength and wisdom which molded Milan's character.

She said she always worked hard to keep her son's thinking in perspective by making sure he understood "that both success and failure can be temporary and, often, not what they seem at the time." How those words must have helped Milan on Saturday as he coped with the heartbreak of Lake Central's defeat and the euphoria of winning the Trester Award.

How all of us might want to remember those words on the morning after this November's election.

Mr. Speaker—it is young people like Milan Petrovic who cause me to be optimistic about America's future. The example he has set is an inspiration to all of us and I congratulate him on winning the recognition he deserves.●

A SALUTE TO OFFICER WILLIAM D. TALBERT

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. BARNES. Mr. Speaker, as I have pointed out previously, drunk driving is the most frequently committed violent crime in the United States, and the leading cause of death of Americans under the age of 35. In 1981, more than 28,000 people were killed in alcohol-related automobile crashes nationwide. In just 2 years, alcohol-involved highway fatalities were cut by over 20 percent.

Much of the credit must go to the outstanding and dedicated work of the many law enforcement officers who are constantly on the front line in the battle against drunk driving.

In my own community of Montgomery County, Md., where sobriety checkpoints were instituted by our police 2 years ago in conjunction with their general crackdown on drunk drivers, we experienced a 300-percent increase in drunk driving arrests and, more importantly, a 75-percent reduction in alcohol-related traffic deaths during the period of fiscal years 1982 and 1983.

Our Maryland State and Montgomery County police deserve long-overdue recognition for their key role in this tremendous initial success in curbing drinking drivers in our community.

I want to take this opportunity to single out in particular the consistently outstanding contributions made by one member of our county's police force. Officer William D. Talbert of Damascus, Md. Officer Talbert holds the county record for the second highest number of drunk driving arrests, and he led our police force in drunk driving arrests made during the first half of 1983.

Last June 30, as Officer Talbert was patrolling Route 355 near Shady Grove Road in Gaithersburg, he spotted a van swerving in and out of its lane. Upon investigation, Officer Talbert found that the driver was not under the influence of alcohol, but had been attempting to stir his cup of coffee while driving. In a tragic twist of irony, as Officer Talbert was walking back to his cruiser, he was struck by another oncoming van that swerved off the road. As a result, his chest and leg were crushed and his kidneys were damaged. The driver of the second van was arrested, and eventually convicted, for driving while intoxicated.

A 12-year veteran of the Montgomery County Police Department, and the recipient of the county's policeman of the year award in 1981, Officer Talbert has been forced to retire. According to his doctors, he has made incredible progress and is able to walk with the assistance of a cane.

Today, Officer Talbert stays at home where he cares for his four children: Gregory A., age 12; David J., age 11; Laura L., age 7; and William R., age 2, while his wife, Judy, is busy pursuing a new career in nursing in order to supplement his retirement and disability pension.

Recently, Officer Talbert was honored by the Maryland State Legislature which presented him with a resolution praising his "courageous efforts to get the intoxicated drivers off the roads." Also, our county's chapter of Mothers Against Drunk Drivers (MADD) presented him with an award plaque recognizing his outstanding public service and determination to make our highways safer.

While Officer Talbert is no longer able to serve, it is my hope that he will serve as a model for his colleagues in my State and community to follow so that the special contributions he made to reduce the threat posed by drunk drivers will be carried on with the same vigor and resolve. And, as our Nation continues to wage an aggressive attack on drunk driving, I am convinced that the battle could be won if every law enforcement officer in every State and community pursued this tragic epidemic with the kind of dedication and commitment that Officer William D. Talbert gave to my community so unselfishly.●

RODINO BANKRUPTCY BILL

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. DICKS. Mr. Speaker, today the Members of the House begin consideration of a package of bankruptcy proposals offered by my distinguished colleague and chairman of the House Judiciary Committee, PETER RODINO. Mr. Speaker, I believe that these measures will have a critical impact on restoring stability to collective bargaining, protecting millions of American workers, and insuring that companies have a means to reorganize and remain in business.

The Supreme Court ruling on NLRB against Blidisco, recognizes the principles that labor contracts are different from other types of executory contracts, and that a stricter standard applies to collective-bargaining agreements. However, the Court countermanded these principles when it ruled that burdensome labor contracts may be unilaterally abrogated by chapter 11 companies.

Recognizing principles is one thing but devising effective standards that uphold these principles is altogether a different matter. While the former is the role of the courts, the latter is the job of Congress.

I agree with the dissent opinion issued by Justice William Brennan who protested "* * * that such a disregard of the collective-bargaining system was not the intent of Congress and would spawn precisely the type of industrial strife that the National Labor Relations Act was designed to avoid."

The Blidisco decision removes any incentive to bargain with a labor union over reductions in terms and conditions of employment, thereby substantially weakening the union's bargaining position. H.R. 5174 would correct this inequity by making it clear that no employer can unilaterally reject a collective-bargaining agreement upon filing for chapter 11 reorganization. Instead, the employer must first request the permission of the bankruptcy court to reject the labor contract. The proposal requires the court to begin a hearing on this request within 7 to 14 days and also includes provisions encouraging the use of collective bargaining to enable labor and management to reach an agreement prior to the court hearing.

In addition, H.R. 5174 establishes a reasonable standard, consistent with the national labor policy, for bankruptcy judges to use in deciding whether an employer's request to reject a collective-bargaining agreement should be granted. It provides that a collective-bargaining agreement can be rejected if the court finds that the jobs covered by the agreement would be lost and the company's efforts at reorganization would fail if the labor agreement was maintained.

This type of standard was in effect when Congress enacted earlier bankruptcy law changes, as a result of the Supreme Court's decision on Brotherhood of Airline Clerks against REA Express, Inc. Nothing in these changes made by Congress in 1978 was intended to overrule the Court's decision.

But evidently Congress has not adequately clarified the difference between collective-bargaining agreements and other types of executory contracts, leaving the Supreme Court no choice but to rule as it did. We must make it clear that the Bankruptcy Code was never intended to be used by companies to nullify labor contracts which were bargained in good faith. The Supreme Court ruling in the Blidisco case went as far as it could. Congress must now act to close the gap between the current law and the law we intended.

PIPELINE SAFETY

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. SHARP. Mr. Speaker, today I am introducing a bill to authorize the continuation of the Federal pipeline safety program in the Department of Transportation. The total authorization for fiscal year 1985 is $8.1 million. This is $3.6 million for gas pipeline safety, $900,000 for liquid pipeline safety, and $3.5 million for a grants-in-aid program for the States.

This authorization request is $200,000 greater than the amount requested by the administration, but is exactly equal to the fiscal year 1984 appropriations level.

The administration's proposal reduces support for training of State pipeline safety inspectors by $200,000. This is perhaps the single most important area of the program. Safety inspectors must be trained; they simply do not exist in the job market. States are less able than the Federal Government to pay for this training, and the cut in Federal support will mean insufficient trained inspectors. This relatively small dollar amount is crucial to the States and needs to be retained.

The administration requested a 2-year authorization. Based on evidence the Fossil and Synthetic Fuels Subcommittee has received, this is not warranted. GAO is completing an 18-month review of the program and has concluded that the program is not being administered to best utilize available resources. In other words, the management of the program needs improvement. For example, a report required on gas master meter systems, those serving large apartment houses and shopping centers, was required to be submitted to Congress in 1980; it still has not been received, nor has an adequate explanation been sent.

The technical advisory committees are required by statute to meet twice per year. DOT only brings them together once a year.

The liquid pipeline safety program required in 1979 is now only barely getting started.

These are examples of a poorly managed program in need of forceful leadership. Since the top levels of the Department of Transportation (DOT) are clearly not providing it, the Congress must provide more regular and thorough oversight. Therefore I am recommending only a 1-year authorization. This will insure that DOT must come back to the Congress next year for a reauthorization, and we will expect a better account of their management of this vital safety program. I have also asked GAO to continue their monitoring of the program and be prepared to report to the Congress on improvement.

The bill I am introducing also requests DOT to do two studies for the Congress. First, the Department is asked to consider the problems associated with transportation of methanol in the existing liquid pipeline system. Methanol is a liquid transportation fuel that will receive increasing use. Safety, technical, and economic considerations with respect to its pipeline movement need to be considered.

Second, DOT is asked to study ways to inspect and verify the safety of pipelines using the state-of-the-art technology. Our colleague from Minnesota, Mr. VENTO, has taken the lead on this issue by proposing to mandate a specific form of testing. This study will help us move forward to achieve his goals in the most cost-effective way. As the Nation's pipeline system ages, increased cost-effective inspection is necessary to insure human safety and environmental protection.

Pipeline safety is an important Federal responsibility. Natural gas pipeline system failures accounted for 31 fatalities and 266 injuries in calendar year 1982, the latest data available. These figures represent a 5-percent increase over the previous year. The majority of the 1,711 failures were distribution line failures, that is, those lines that distribute gas to consumers; 520 failures were experienced in transmission and gathering lines.

It is not unreasonable to expect that accident frequency might increase with the advanced age and deterioration of certain existing pipelines. For example, a March 1983 DOT draft report indicates that the average master meter system is about 16 years old and most are primarily constructed

of steel. Furthermore, the report states that the life of unprotected steel can vary from 1 to 40 years, depending upon the environment, but that 20 to 30 years is a good average life.

Similar problems can occur with the transportation of petroleum product and liquid ammonia. NTSB summed up the situation accurately when it testified that the same economies of scale that make pipeline transportation feasible also create the potential for greater losses of life and property in any single incident.

In 1982, the latest year for which statistics are available, almost 10 million gallons of hazardous liquids were lost through pipeline accidents. Accidental spills are a serious matter, with health and environmental risks often evident. These accidents are occurring not only in rural areas but in commercial and residential areas as well, exposing people and property to serious hazards. EPA studies of ground water contamination indicate that serious hazards already exist to underground water supplies and numerous cases of actual damage have been reported. In addition, it is noted that many of the pipelines carrying hazardous liquids were laid in the 1930's and 1940's before corrosion control systems were developed. Thus, many of the early pipelines are particularly susceptible to wear.

I personally know the disasters which can develop with an inadequate safety program. In 1968 the heart of downtown Richmond, Ind., was destroyed in a pipeline-related accident and 41 people were killed. I intend to insure a forceful program to minimize the likelihood of similar accidents in the future.●

HAWAIIAN GARDENS 20TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. ANDERSON. Mr. Speaker, on April 9, 1984, the city of Hawaiian Gardens will celebrate the 20th anniversary of its incorporation. To mark this occasion, a parade will be held on Saturday April 7, followed by an open house, guided tours, and a spectacular birthday luau celebration to be held at the C. Robert Lee Community Center in Hawaiian Gardens. The grand marshall for the parade will be the city's first mayor, Lee Ware.

The first city council consisted of Lee Ware, Venn F. Furgeson, Robert G. Leach, C. Robert Lee, and Glen Turner, It is interesting to note that the present city council has one of the original members, Venn W. Furgeson, along with Donald F. Schultze, mayor; Jack M. Myers, mayor pro tem; Lupe A. Cabrera, councilman; and Margaret J. Vineyard, councilwoman.

Upon incorporation, Hawaiian Gardens became the 75th city in California. At that time the city was less than a half square mile in area, with an estimated population of 3,300, and was then the smallest city in the State. The city has grown to a size of approximately 1 square mile in area with a population of 10,700.

Twenty years of incorporation has seen the city develop into a thriving community due to the enthusiasm, energy, and devotion of the citizens and community leaders of Hawaiian Gardens.

In conjunction with the Community Redevelopment Agency, numerous capital projects, such as street improvement, street signing and lighting, street trees, center dividers and landscaping, park and recreation facilities, shopping centers, water and sewer improvements, and housing developments have been built. The result has been a greatly improved quality of life for the residents of this industrious community.

The city is composed of many small businesses, an excellent community hospital, outstanding schools, pleasant parks, churches for worship, clubs for service, and of course, some of the finest people in the world involved in making Hawaiian Gardens a truly great place to live.

My wife, Lee, joins with me in wishing Hawaiian Gardens, its mayor, council members and citizens a joyous anniversary and increased prosperity for the future.●

AUTO FLEET SUBSIDIES

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. FISH. Mr. Speaker, fleet subsidy legislation, to prohibit auto manufacturers from selling or leasing passenger cars, trucks, or station wagons to any person at a price lower than that accorded its franchised dealers, has been referred to both my House Judiciary Subcommittee on Monopolies and Commercial Law, and the Energy and Commerce Subcommittee on Commerce, Transportation, and Tourism. The Commerce subcommittee has held hearings on this measure, H.R. 1415.

The purpose of the legislation is to address perceived inequities in the sale of automobiles and trucks to fleet buyers, such as car-rental companies and the U.S. Government. Car dealers who are not involved in fleet sales have for the most part supported H.R. 1415. They object to the incentives provided fleet buyers, which are not available to them as well. H.R. 1415 would require that any restrictions, or rebates, or discounts be provided uniformly to all purchasers of autos and trucks.

The following letter from the March 1984 edition of Automotive Fleet magazine recently came to my attention, it is from a dealer who is both fleet sales and retail sales of three excellent/selling lines of automobiles. The dealer expresses his views on the proposed fleet subsidy bill. I thought this might be useful to those of us who are considering H.R. 1415, as well as for other Members interested in this issue.

The letter follows:

DEALER SPEAKS OUT AGAINST H.R. 1415

I realize that there are some inequities in the distribution system, but that's something that should be worked out between the dealers and the manufacturers. Let's not run to the government.

I don't want government regulating what I think is good for my business. Being one of the largest, retail Buick dealers in New England and one of the largest fleet dealers, I have realized the extent to which the two are separate businesses. I don't believe one has any effect on the other.

When I was at the recent NADA convention, no one told me business was poor. No one told me that because of fleet incentives they were going out of business. A lot of dealers are in the fleet business, operating their own leasing and rental businesses; I don't see them wanting to give up business.

If we give up incentives, we're giving up the economy as we know it. Volume discounts are traditional; people buying large volume have traditionally been given a favorable price. Secondarily, it's much easier to sell one person 100 cars than to sell 100 people one car. Volume sales reduce the price of sale, so why shouldn't the volume buyer have a lower price?

BOB BREST,
President, Bob Brest Buick, Datsun, & Chevrolet, Lynn, Mass.●

CALIFORNIA'S MODESTO HIGH PANTHERS: STATE CHAMPS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate the Modesto High School basketball team which won the California Division II State basketball championship on Saturday, March 17, 1984.

The Modesto High Panthers achieved a standard unmatched in local sports history by becoming the first high school team in all of Modesto to win a California Division II championship.

The Panthers earned the title by defeating Oceanside High School by a score of 50 to 47. This was not only a championship victory for the team, but the highlight of a winning season which boasts a 33–2 record. The team

could well be the Cal Hi Sports' Division II Team of the Year.

Again, congratulations to the players, to Coach McGhee, and to his assistant coaches for a job well done. This feat will always be proudly remembered by Panther fans. Best wishes for continued success.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. PATTERSON. Mr. Speaker, I rise today to join my colleagues on both sides of the aisle who are participating in this year's Call to Conscience Vigil on behalf of Soviet Jewry. I would like to commend the Representative from Pennsylvania (Mr. COUGHLIN), for chairing this effort.

The issue that gives rise to this vigil is one that we in Congress have become all too familiar with in the past few years, Mr. Speaker. There have been countless words written and spoken, countless actions taken, and they all boil down to one thing: that basic human rights are being denied to the Jews of the Soviet Union. Their professional degrees are being stripped from them. They are being denied exit visas to live with their families in other countries. They are being forced into internal exile, often without access to medical treatment. They are being imprisoned on trumped-up charges with no access to legal counsel. Libelous literature is being published against them with the official sanction of the Soviet Government. In short, Mr. Speaker, there is in motion a determined campaign to wipe out the religious and cultural identity of the Soviet Jews.

Last November, I was visited in my Washington office by two constituents and friends of mine, Ken and Nancy Levin of Garden Grove. The Levins told of being harassed by Soviet officials when they attempted to visit the family of refusenik Lev Elbert on a recent visit to the Soviet Union. Although shaken by their treatment at the hands of the Soviets, the Levins were more determined than ever to persevere in their efforts on behalf of Soviet Jews. They were able to make personal contact with Lev Elbert's family to show the Elberts that they and their fellow Jews have not been forgotten, that we in America are more determined than ever, more committed than ever to the fight against the ugly persecution of the Soviet Jewish people.

While in the Soviet Union the Levins learned of another refusenik, a young man named Yakov Mesh who with his wife Marina has been applying for emigration visas unsuccessfully since 1977. When he first applied for the visas, Yakov Mesh was served with a reserve draft notice for the Soviet Army. Since he had already served a term in the army, it was feared that this was an attempt to delay action on the visa applications. Yakov Mesh has since been relieved of reserve duty, undoubtedly due to pressure on the Soviet authorities, but he and his wife have still not received favorable attention to the applications for emigration visas. They have joined the uncounted ranks of Soviet Jewish refuseniks who wait in hope and uncertainty for permission to join their relatives and loved ones in other countries.

There are no words, Mr. Speaker, to adequately describe the suffering these people have endured and the moral courage they have displayed through the years. The benefits of living in a free society that we tend to take for granted are the treasured goals that keep these people sustained in their struggle against a system that does not recognize or respect basic human rights.

But with every new instance of repression against these people, with every new case that comes to light there will be an answering renewal of purpose, a strengthening of resolve on the part of the refuseniks and those of us who seek to assist them in their struggle to live in freedom. The Soviet Jews and their supporters in this country will become, like Ken and Nancy Levin, more determined than ever, more committed than ever to the fight against the ugly persecution of the Soviet Jewish people.●

A TRIBUTE TO SOPHIE RAPAICH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. PEPPER. Mr. Speaker, it is my pleasure to honor here today Sophia Bozanich Rapaich who is an outstanding example of courage, determination, and all the fine qualities of that large group of individuals known as average Americans who are in fact the group that makes America great. She emigrated from her homeland, Serbia, which is now a part of Yugoslavia, to America in 1912 to be reunited with her husband, Rudolph, in the small village of Niagara, Wis. Sophie worked to overcome the hardships that most immigrants endure, not knowing the language, customs, or laws of America, but she loved our country and learned our system of government. Her family life was exemplary and loving. She raised eight children, five of whom are still alive, in the American manner. Sophie enjoyed an enduring marriage of 63 years to the late Rudolph Rapaich. She still resides in Niagara, where she has been a resident for the past 72 years. She is very active and enjoys reasonably good health. Because of her activity and her remarkable attitude she remains an inspiration to all who know her.

On April 20, 1984, Sophie will celebrate a remarkable milestone in her life—her 96th birthday. I want to join with her devoted son, Eli Rapaich, and the rest of her family and friends in extending warmest congratulations and very best wishes on this happy and blessed occasion. May her future be filled with good health and much happiness.●

OTTO ECKSTEIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. HAMILTON. Mr. Speaker, last week the Joint Economic Committee lost one of its closest friends and most respected advisers. Otto Eckstein was a professor of economics at Harvard University, and founder and chairman of Data Resources, Inc., the largest economic advisory service in the country.

Dr. Eckstein had a long association with the Joint Economic Committee. He served as the committee's technical director in 1959–60, and oversaw the many hearings, reports, and study papers which comprised the "Study of Employment, Growth, and Price Levels." This work was influential in President Kennedy's economic program. After his work with the committee, Dr. Eckstein returned to Harvard as an asssociate professor of economics. In 1964 he was appointed by President Johnson as a member of the Council of Economic Advisers, where he served until 1966.

Dr. Eckstein founded D.R.I. in 1968, while continuing as professor of economics at Harvard. He rapidly built D.R.I. into the leader in the field. At the same time he continued his teaching and scholarly research.

Dr. Eckstein frequently testified before the Joint Economic Committee on economic policy matters, the outlook for the economy, and other issues. He was an articulate and well-informed witness, who provided solid statistical evidence for his views. In 1980 the committee published "Tax Policy and Core Inflation," a study prepared by Dr. Eckstein. This work provided a new framework for the analysis of inflation, and it was later developed in more depth in his book on "Core Inflation."

We will miss Dr. Eckstein. I am entering for the record the obituary pub-

lished in the March 23 Washington Post.

The article follows:

[From the Washington Post, Mar. 23, 1984]

OTTO ECKSTEIN, ECONOMIST, ADVISER TO PRESIDENTS, DIES

(By J. Y. Smith)

Otto Eckstein, 56, a member of the Council of Economic Advisers in the Johnson administration, a pioneer in the use of computer models to make economic forecasts, and a professor of economics at Harvard University, died of cancer yesterday at Massachusetts General Hospital in Boston.

Apart from his work in the government and as a teacher and theorist, Dr. Eckstein was a founder in 1968 of Date Resources Inc. of Lexington, Mass., the country's largest economic advisory service. In 1979, the company was purchased by McGraw-Hill Inc. for $103 million. Dr. Eckstein and members of his family were said to have received $40 million of this sum. He remained president of DRI until 1981.

Dr. Eckstein believed that federal tax and spending policies could be used to influence the course of the economy, and he emphasized this conviction in his work. He had a strong interest in inflation, its measurement, its causes and possible techniques of controlling it. He coined the term "core inflation" to describe and analyze the basic underlying movement of prices by abstracting from temporary changes, such as increase in fruit and vegetable prices due to a sudden freeze.

Earlier this year, he presented a report to the Reagan administration and Congress that called for a reduction in the federal deficit, a restructuring of the nation's basic manufacturing industries, and steps to make American goods more competitive in world markets. A key point in remaining competitive, he said, was establishing and maintaining a technological edge over the products of other countries.

In a study prepared for nine major corporations, he said the government had failed to encourage industry, cut the deficit, and change tax laws to increase investment.

"We're being displaced all over the world and we're being displaced in our own country by foreign powers," he said.

At Data Resources, which he founded with Donald B. Marron, an investment banker, Dr. Eckstein set up an economic "data bank" containing thousands of statistical entries, many from government reports. Clients with computers could use this centralized information for their own analyses and economic forecasts. That service was a significant aspect in DRI's success.

In addition, Data Resources used the information bank for its own forecasts, including detailed predictions for many industries such as steel and petroleum. These forecasts have gained a wide following.

In short, Dr. Eckstein and his associates created an econometric model of the U.S. economy and used it both to analyze and forecast economic activity. The model—a set of mathematical equations describing past relationships, such as changes in wages and prices, or the level of interest rates in connection with housing construction—became steadily more detailed over the years and was the subject of "Core Inflation," the most recent of Dr. Eckstein's books.

Dr. Eckstein continued teaching at Harvard until his death. A warm and approachable man, he said he felt this aspect of his life was at least as important as the business of advising presidents.

"Your long-run impact on the world is, in the end, really at least as great, if not greater, through your teaching than through your writing or research," he said. "You're educating a population not through inculcating them with your ideas, but in teaching them the analytic principles of economics."

Dr. Eckstein, who lived in Lexington, was born in Ulm, Germany, on Aug. 1, 1927. His father was Hugo Eckstein, a businessman, and his mother the former Hedwig Pressburger. The family left Germany in 1938 to escape the anti-Semitic policies of Hitler and arrived in this country a year later. Young Eckstein finished high school in New York City, became a citizen in 1945, and served in the Army Signal Corps as a private. He then went to Princeton University, where he graduated summa cum laude.

By then his interest in economics already was well established, for as a youth he had been concerned about the difficulties immigrants had in obtaining employment in this country. He went on to Harvard, where he earned a master's degree in 1952 and a doctorate in 1955. His dissertation, "Water Resource Development: The Economics of Project Evaluation," was his first large study of the federal government and the economy.

Dr. Eckstein was appointed an instructor at Harvard in 1955, an assistant professor in 1957, an associate professor in 1960, and a full professor in 1963. At the time of his death, he was the Paul M. Warburg professor of economics at the university.

From 1959 to 1960, he was the technical director of the Joint Economic Committee of Congress. A Democrat in politics, he was named to the Council of Economic Advisers by President Lyndon B. Johnson in 1964, and served until 1966. He continued to advise White House occupants and others in government for the rest of his life.

Dr. Eckstein's survivors include his wife, Harriett, of Lexington; three children, Warren Matthew, Felicia Ann and June Beth, and his mother.●

FREEZE ON DEFENSE SPENDING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mrs. SCHROEDER. Mr. Speaker, today I and my distinguished colleague from Massachusetts, ED MARKEY, are introducing legislation that will freeze the fiscal year 1985 defense spending levels at 1984 levels. This freeze will affect defense spending across the board. It will freeze spending levels at the Department of Defense; the military applications of nuclear energy functions at the Department of Energy; the civil defense functions of the Federal Emergency Management Agency; and the Selective Service System.

This is a real freeze: that is, dollar amounts are frozen, there is no adjustment for inflation. If passed, this bill will reduce President Reagan's defense request by $48 billion and reduce the fiscal year 1985 deficit by $34.5 billion.

This bill will force the military to increase its concentration on readiness and training and reduce its emphasis on building new, expensive, and complex machines. It will also slow down the proliferation in the number and type of nuclear weapons.

If you think $1 billion every work day is enough to keep the Pentagon going, this bill is for you.●

MARINE PULLOUT FAVORED IN POLL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. GAYDOS. Mr. Speaker, ever since a U.S. Marine peacekeeping force was sent to Lebanon in September 1982, Americans have been concerned over what might happen in that section of the world.

Their fears increased with the escalation of hostilities in the Mideast and when the situation developed to the point where more than 200 marines were killed, concern flared into controversy over the necessity of keeping our troops there.

In an attempt to learn the opinion of residents in the 20th Congressional District of Pennsylvania, I initiated one of my "home phone poll" surveys on the question of whether the Marines should be withdrawn or ordered to remain on duty in Lebanon. The survey was prematurely terminated by the President's decision to reposition the troops in ships offshore.

Nevertheless, I thought the President would be interested in the results of the survey up to that time and have so informed him by letter. I am inserting the findings into the RECORD for the attention of my colleagues as well.

A portion of our home phone poll participants—1,081— responded to the question on the folowing manner:

Troops should be withdrawn: 847 or 78 percent.

Troops should remain: 204 or 19 percent.

No comment: 30 or 3 percent.

Mr. Speaker, the home phone poll has proven to be an effective means of learning public opinion on topical issues since I initiated it a decade ago. The people of the 20th District are not reluctant to express their views and I feel they should be heard.●

FOREIGN INTELLIGENCE SURVEILLANCE COURT—HOW IS IT WORKING?

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. KASTENMEIER. Mr. Speaker, in 1978, in order to address some of the abuses of constitutional rights ex-

posed by the Church committee, Congress passed the Foreign Intelligence Surveillance Act (FISA). This legislation, in part the product of work by the House Judiciary and Intelligence Committees, authorized a specialized court to review applications for electronic surveillance of foreign intelligence targets in this country. This court, the Foreign Intelligence Surveillance Court, is unique: it operates in secret, with ex parte proceedings. Congress therefore provided congressional oversight by both the House and Senate Intelligence Committees.

In the past 4 years, these committees have done commendable work. However, because much of the work of the FISA Court is classified, there has been very little opportunity for the public to openly review the workings of the act. Last June, the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, which I chair, held the first public hearings on FISA and the FISA Court. It is my hope that through these hearings, both Members and the general public will obtain an increased sense of how foreign intelligence surveillance is regulated by the act.

I would also like to commend an excellent article on the workings of the Foreign Intelligence Surveillance Court, published in the April 1984 issue of the Progressive magazine, and insert it in the RECORD:

A COURT THAT NEVER SAYS NO

(By Keenen Peck)

Twice a month, and whenever an emergency arises, a judge holds court in the conference room on the top floor of the Justice Department building in Washington, D.C. The room, regularly "swept" to detect hidden microphones, is secured by a cipher-locked door. Seven district court judges preside on a rotating basis. Though hand-picked by Chief Justice Warren Burger, all are subjected to FBI background checks.

Eleven lawyers currently hold Government clearance to appear before the court. They have never lost a case. No one argues against them. One judge once overruled the lawyers, but merely because they had asked him to do so. That unique decision became the only published opinion ever to emanate from the conference room.

This is the Foreign Intelligence Surveillance Court. For the past five years, since May 1979, it has authorized "national security" wiretapping and bugging. Federal spy agencies must obtain approval from the special judges to conduct electronic surveillance within the United States. Applications to the court bear the signatures of the Attorney General and, depending on which agency makes the request, the Secretary of Defense, the Director of Central Intelligence, or the FBI Director.

At a time when more and more Americans are protesting U.S. nuclear and foreign policies, the tribunal poses a potential threat to dissidents at home. It authorizes wiretaps on persons believed to be "agents of foreign powers," and President Reagan has said more than once that he regards dissenters as tools of alien forces.

Every application brought before the extraordinary court has been approved—1,422 as of January 1983. In 1982, the last year for which figures are available, the Reagan Administration sought and received 473 surveillance orders, almost 50 percent more than the Carter Administration obtained in 1980, the only full year it was required to seek court approval.

Why has the secretive court never rejected an application?

"The garbage drops out way before that," contends Mary Lawton, the Justice Department's counsel for intelligence policy, whose staff prepares the applications and represents the snoops. "The levels of review in the FBI and National Security Agency and here are so intense that the chances of a poor one getting in there are zilch."

"I am not necessarily persuaded," says Representative Robert Kastenmeier, the Wisconsin Democrat who chairs the House Judiciary Committee's subcommittee on courts, civil liberties, and the administration of justice. "It's an open question whether we're getting good, solid review of these applications."

Last summer, Kastenmeier held the first public hearings on the court. Witnesses included Lawton, civil liberties advocates, and the former chief judge of the intelligence court, George Hart Jr., who served from 1979 to 1983. Hart delivered his testimony in vague terms, but he inadvertently provided some insight into the court's perception of its duty:

"The judges of the court sit in Washington, D.C., to consider applications for orders authorizing the interception of foreign intelligence information by electronic surveillance, or other mechanical means," he told the subcommittee. "We seek to ensure that there is always a judge available to issue such an order."

The key words are "available to issue such an order"—which is quite different from ensuring the availability of a judge to consider an application. Hart, perhaps, equates impartial review with automatic approval.

Presumably, the court has the power to reject applications. Under the Foreign Intelligence Surveillance Act (FISA), which mandated the establishment of the court, the judges are charged with weighing the constitutional rights of Americans against the ostensible needs of the spy agencies.

Unfortunately, the court seems to attach greater import to the latter—at least from the scanty data that have seeped through the shroud of secrecy surrounding the body. In some instances, the judges have erred in favor of the intelligence community. But even where the letter of the law is upheld, constitutional rights stand in jeopardy. FISA's safeguards are paper thin, and its loopholes are gaping.

In a conference room on Constitution Avenue, of all places, the National Security State has been institutionalized.

FISA was enacted in 1978 after Congress and the media exposed a wide pattern of abuses by the Executive Branch. Senator Frank Church, who led the most intensive investigation into Watergate-era transgressions by the intelligence agencies, summed up the findings of his Select Intelligence Committee this way:

"Through the uncontrolled or illegal use of intrusive techniques—ranging from simple theft to sophisticated electronic surveillance—the Government has collected, and then used improperly, huge amounts of information about the private lives, political beliefs, and associations of numerous Americans."

FISA was supposed to put an end to such offenses.

The law was designed to "curb the practice by which the Executive Branch may conduct warrantless electronic surveillance on its own unilaterial determination that national security justifies it," according to a 1978 Senate report on FISA. "Legitimate use" of wiretapping and bugging to obtain foreign intelligence information would thereafter be authorized by the Attorney General and a disinterested special court which, in turn, would be watched by Congress itself.

Six years earlier, the Supreme Court had held that warrantless domestic surveillance violated Fourth Amendment protections against unreasonable searches and seizures. But the high court explicitly reserved judgment "on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country."

Congress stepped in to fill the breach. FISA allows court-approved electronic surveillance if there is "probable cause" to believe that the target is a "foreign power" or, more vaguely, an "agent of a foreign power."

A "U.S. person"—that is, a citizen, a permanent resident, or an organization that includes many American members—may not be considered an "agent of a foreign power" solely on the basis of activities protected by the First Amendment, the law states. However, the court can authorize snooping on Americans if the Attorney General certifies they are engaged in clandestine activities on behalf of a foreign power that "may involve" a violation of criminal law.

According to a recent memo prepared by the Justice Department at the request of Representative Kastenmeier, "Even if the target is seeking unclassified or public information, this may be sufficient to obtain authorization of the surveillance if he is doing so at the direction of a foreign power."

The memo also notes, "During the past four years, the percentage of targets who are United States persons has increased, somewhat, due primarily to enhanced investigation of international terrorism."

When the Government overhears an American in the course of a foreign-related surveillance, it can retain the information if "necessary" to national defense or security—the same rationalization Richard Nixon invoked to spy on U.S. dissidents.

The intelligence court's standard for approving surveillance is weaker than the one used in criminal investigations. To obtain a warrant in a criminal case, the Government must show "probable cause" that an offense has been or will be committed; in an FISA case, the Justice Department must merely demonstrate that the target has foreign connections and that the premises to be bugged are used by that target.

Furthermore, the language of the Act limits the ability of the court to challenge Government claims. As Mary Lawton told the House subcommittee, "An FISA judge may look behind the certification only if the target is a U.S. person and then only on a 'clearly erroneous' standard." Put another way, if the papers are in order, the court has no choice but to approve the spy agencies' requests.

"The benefits of the structure are illusory," says John Mage, a New York lawyer who represents a Bulgarian diplomat charged with espionage on the basis of an FISA surveillance. While listening in on the Bulgarian, the Government overheard discussions among the diplomat, Mage, and another lawyer who, like Mage, is a "U.S.

person." The Justice Department says it protected the rights of all parties by erecting a "Chinese wall" between prosecutors and FBI agents who monitored the microphones.

"Secrecy corrupts, and absolute secrecy corrupts absolutely," maintains Barry Scheck, professor at New York's Cardozo Law School and attorney in an FISA case involving supporters of the Irish Republican Army. "The statute permits political surveillance, and without a stretch, without a lot of malevolence, it permits abuse." Scheck believes the Government can "find a way into domestic political organizations" by targeting their foreign members.

"Until someone knocks on your door and says, 'Aha, you're a foreign agent,' you don't think it could apply to you," adds attorney David L. Lewis, who has also represented backers of the Irish Republican Army who were bugged under FISA. (In one case, the defendants were acquitted of conspiracy and various weapons charges; in the other, Scheck and Lewis are appealing convictions of gunrunning.) "Congress authorized the President to use the judiciary as a rubber stamp," Lewis says.

The tribunal has not confined itself to issuing surveillance warrants; between 1979 and 1981, the judges approved a series of physical break-ins—black-bag jobs—although FISA plainly grants no such authority to the court.

After the Reagan Administration took office, the Justice Department submitted an application "inviting" the court to renounce any power to sanction break-ins. The Executive Branch wanted to stake out exclusive authority over intelligence-related physical searches, and Judge Hart complied in the court's only published opinion.

Hart correctly delineated the court's jurisdiction in his 1981 ruling. But the fact that the judges had previously violated FISA provisions gives great cause for concern. How many other requests falling outside the parameters of the Act have been similarly approved?

Moreover, Hart's decision demonstrates that FISA does not stand in the way of Executive Branch abuses. Who can authorize black-bag jobs if not the intelligence court? The Attorney General and the President, answers Lawton.

A more disturbing loophole in FISA is that most people spied on with the blessing of the court never find out. Targets of FISA snooping are not notified—unless they are prosecuted. By contrast, targets of criminal surveillance must eventually be informed, even if the G-men hidden in the shadows heard not an inkling of villainy.

The American people have no sure way of knowing whether the FISA court is, in fact, endorsing unreasonable searches and seizures, allowing the indiscriminate dispatch of the "invisible policeman in the home," as Supreme Court Justice William O. Douglas termed electronic surveillance.

Even in those rare criminal cases where a tap or bug surfaces, the accused usually don't find out what prompted the eavesdropping in the first place. Under FISA, the Attorney General may ask the trial judge to review the surveillance application and the order in secret to protect national security.

Every judge who has been asked to conduct a secret review has examined the documents *in camera* and *Ex parte* to determine the legality of the surveillance. Lawyers have argued to no avail that they need to see such information to prepare an adequate defense.

"While the alert eye of an advocate might be helpful in discerning defects in the [application] certificates, I see no reason to believe that an adversary, proceeding is necessary for accuracy," opined the district court judge in the Irish Republican Army case now being appealed.

"We appreciate the difficulties of appellants' counsel in this case," the U.S. Court of Appeals in Washington, D.C., conceded to attorneys for two men incidentally overheard during an FISA surveillance. "They must argue that the determination of legality is so complex that an adversary hearing with full access to relevant materials is necessary. But without access to the relevant materials their claim of complexity can be given no concreteness. It is pure assertion."

Joseph Heller could not devise a sharper *Catch-22*, and Franz Kafka could not have conjured up a craftier prevarication.

To be sure, FISA provides for Congressional oversight as a check and balance against the intelligence tribunal. The Justice Department is required to file semi-annual reports on the court with the House and Senate Intelligence Committees. The committees, however, have neither the time nor resources to review the circumstances behind hundreds of surveillance orders. A staff assistant to the House committee says its members have examined a "handful" of applications; members of the Senate committee have publicly stated that their supervision is not ideal.

And because both intelligence committees operate largely in secret, the public can only speculate about what they learn. FISA requires minimal annual committee reports to Congress, but that provision expires this year. Kastenmeier has asked the House Intelligence Committee to continue reporting, and he predicts it will agree.

"Their oversight is off the record," says Kastenmeier. "Ours [the civil liberties subcommittee's] is on the record. We, as well as the intelligence committee in its own fashion, must review this court and its proceedings." Yet the Justice Department offered little information during Kastenmeier's hearings.

"We still do not know whether this court is working perfectly or whether it isn't working at all," Kastenmeier says. "One problem might be that we don't have a good mix of judges," he adds, noting that Warren Burger appointed "individuals not likely to rock the boat—senior judges, conservative judges." Kastenmeier acknowledges there are "open spots" in terms of what FISA regulates.

The biggest open spots relate to the National Security Agency. The NSA does not need court approval to monitor messages that leave or enter the United States. Nor must it have permission to monitor messages transmitted on lines used exclusively by foreign powers within the United States.

Author James Bamford highlighted another loophole in his recent book, The Puzzle Palace. According to Bamford, the NSA "has skillfully excluded from the coverage of the FISA statute as well as the surveillance court all interceptions received from the British GCHQ [Government Communications Headquarters] or any other non-NSA source. Thus it is possible for GCHQ to monitor the necessary domestic or foreign circuits of interest and pass them on to the NSA. . . ." Bamford points out the British did just this when the NSA snooped on American dissidents in the past.

Protection of our constitutional rights is an all-or-nothing proposition; once an erosive precedent is set, the entire foundation begins to slip.

That is usually the position of the nation's leading civil liberties lobby, but with respect to FISA, the American Civil Liberties Union placed itself in a curious position. After opposing FISA-type legislation for some four years, the ACLU stepped aside in 1978 and implicitly endorsed the final "compromise" bill, though it expressed dismay over the NSA exemptions and the absence of a procedure to notify all surveillance targets.

FISA was "the best we could get," argues Morton Halperin, director of the Center for National Security Studies and one of the ACLU lobbyists at the time. "FISA is working in the sense that it has defined the boundaries of national security wiretaps. In the absence of FISA, the Government was proclaiming the right to tap for whatever reason."

Halperin and ACLU attorney Mark Lynch urged Kastenmeier's subcommittee to compensate for the law's loopholes and ambiguities by ensuring strict Congressional oversight.

In light of today's admittedly weak oversight, however, are the rights of Americans being upheld by FISA? Is privacy better protected in 1984 than it was in 1978?

"A lot more could be done in the area, but it would be a mistake going back," warns Bruce Lehman, a Washington lawyer and former Congressional aide who helped draft FISA. "The thing that gave rise to the court was the assertion by the Justice Department that there was a residual power in the hands of the President and his appointees to engage in searches and seizures without regard to the Fourth Amendment." Lehman feels "safer and more comfortable" knowing that FISA exists.

"I feel considerably less secure," counters lawyer John Mage. Before FISA, he notes, the judiciary had reached no consensus on warrantless foreign-related snooping. But the second most influential court—the District of Columbia Court of Appeals—had imposed standards on the Executive Branch more stringent than those of FISA. "I see no advantage in Congressional approval of the legality" of national security wiretaps, Mage says.

The advisability of FISA could be debated ad nauseam. But some points are indisputable: First, no matter how hard Congress scrutinizes the intelligence court, the judges will continue affixing an imprimatur to the most reprehensible invasion of privacy—electronic surveillance, which the ACLU itself has called "the most intrusive and inherently unreasonable form of search and seizure."

Second, the current Administration displays the same kind of paranoia and loathing of dissent that marked the Nixon era. When the Nixonites tapped the phones of antiwar activists and suspected leakers (including Morton Halperin), they did so in the name of defense against foreign intrigue. Similarly, the Reagan Administration sees a KGB agent behind every nuclear freeze advocate and a Cuban inside every critic of its Central America policies. Reagan has freed the FBI to spy on domestic organizations, and he has heightened Government secrecy.

"You can't let your people know without letting the wrong people know," Reagan said last October in explanation of his tight lip about CIA activities directed against Nicaragua.

The subversion of constitutional rights often takes on a benevolent face. The at-

tacks come not from evil people but from well-meaning bureaucrats, aided in this instance by well-meaning civil libertarians.

The basic freedoms of Americans will be in jeopardy as long as the citizenry fails to challenge the fundamental assumption of the National Security State—that any means can be used against the enemy presumed to lurk within our midst. The Foreign Intelligence Surveillance Court legitimates that assumption and assigns it a permanent place in the American landscape, even if that place is only a conference room in Washington, D.C.●

THE RIFT IN UNITED STATES-SOVIET RELATIONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. OTTINGER. Mr. Speaker, during the Reagan administration our relations with the Soviets have degenerated almost to cold war status. Yet the President continues with his misguided and ill-fated foreign policy that exacerbates an already deep rift.

Mr. Reagan has had ample opportunity for meaningful discussion with the Soviets on such issues as the deployment of U.S. missiles in Europe, turmoil in Latin America, and conflict in the Middle East. Yet the administration has consistently taken a hard line against the Soviets, maintaining the fallacy that missiles in Europe, marines in Lebanon, and weapons in Nicaragua would cow the Soviet Union into peaceful negotiations.

Instead, the Soviets left the negotiating table in Europe, as they warned they would do, and have sustained an aloof if not disinterested attitude toward Reagan's election year attempts to mend the wounds.

Last week Reagan's disastrous policy in Central America led to near catastrophe when mines placed by U.S. backed Contras in Nicaragua damaged a Soviet tanker, injuring five crewmen. As Mr. Tom Wicker points out in his article from last week's New York Times, the administration's behavior does nothing to improve our reputation with the Soviet Union and pushes others to accept Soviet overtures against the gunboat diplomacy Mr. Reagan favors.

The article follows:

REAGAN'S TERRORISTS

(By Tom Wicker)

Here's one clear and welcome issue between Ronald Reagan and either of his likeliest challengers: Both Walter Mondale and Gary Hart say they would put an end to Mr. Reagan's support for the "contras," who are trying to overthrow the recognized Government of Nicaragua.

The recent mining of a Soviet tanker in the harbor of Puerto Sandino demonstrates again that this is an urgent issue. The President's efforts to overthrow the Government in Managua violate international covenants and stain the integrity of a nation supposedly devoted to law at home and self-determination abroad. And this lawless policy further complicates the thoroughgoing mess Mr. Reagan has made of Soviet-American relations.

The mines were sown at Puerto Sandino by "contras" who are funded, armed, supported, partly trained and largely organized by the Central Intelligence Agency for the express purpose of overthrowing the Nicaraguan Government. The Reagan Administration piously denied any responsibility for the mines, but that's like saying Mr. Reagan is not responsible for the C.I.A.

Who's President? Who sanctions the contras? Who periodically seeks funds for them from Congress? Ronald Reagan does, and it's outright dishonesty for his spokesmen to wash their hands and his of responsibility for what verged on a serious international incident. (Five Soviet crewmen were wounded; suppose they'd died?)

It's sheer hypocrisy, too, for Mr. Reagan to push a guerrilla insurgency against Nicaragua while denouncing such tactics in El Salvador and condemning "state terrorism" directed against U.S. forces in Lebanon. What does he imagine the efforts of the C.I.A.-directed contras amount to, if not "state terrorism"?

And if Moscow should use the Soviet tanker incident as a pretext for supplying minesweepers to Nicaragua, does Mr. Reagan think that the Marxist regime in Managua will become less dependent on the Russians? His strong-arm pressures on Managua may be producing the opposite effect.

Francois Mitterrand, the strongly anti-Communist French President, concluded his visit to Washington with a warning against just such "new causes of dissension or conflict," at a time when the Soviet Union may be reassessing its arms control position—and at a time, he might have added, when the Reagan Administration professes so earnestly to seek renewed diplomatic discussions with Moscow.

That won't be easy, even assuming Mr. Reagan is not staging a mere election-year show of kiss-and-make-up with the "evil empire." Just recently a private American envoy, Gen. Brent Scowcroft, who made it known he was carrying a personal letter from Mr. Reagan, was flatly refused an interview with Konstantin Chernenko, the Soviet leader. What more persuasive evidence is needed of the low esteem in which Moscow holds Mr. Reagan as a bargaining partner?

Some Administration officials attribute the continued Soviet hostility to an unwillingness in Moscow—particularly since the Democratic Presidential race has heated up—to do anything that might be helpful in re-electing Mr. Reagan. Others say the recent change of leadership there produced a continuing struggle for power, during which new policy developments are not to be expected.

Leslie Gelb of The New York Times, who reported the rebuff to General Scowcroft, also found speculation within the Administration that the Russians meant what they said when they pledged to break off negotiations if the U.S. deployed medium-range missiles in Europe; and now mean what they say when they refuse to return to arms control talks unless Washington withdraws the missiles.

There's no real reason to doubt the third of these explanations; over a period of four years, Moscow has repeatedly made clear its profound opposition to U.S. missiles in Europe. But Ronald Reagan insisted that only when the missile deployment began would the Russians see that the U.S. was determined; only then would they begin to talk seriously about arms control. He was wrong.

He may have been just as wrong, therefore, in pushing through the deployment rather than making a deal both sides could accept—a deal that many arms control specialists believe could have been made, had Mr. Reagan wanted it more than he wanted the missiles. And even now, while ostensibly trying to get Soviet-American relations back on track, the Reagan Administration is divided along State Department-Pentagon lines on the question whether to seek Senate ratification of two relatively minor treaties governing underground nuclear testing.

Both sides have observed the treaties for years, although both charge occasional violations. Mr. Chernenko has said he would regard ratification as evidence of peaceful U.S. intentions; but what he gets, instead of even this small step toward better relations, is one of his oil tankers blown up by Mr. Reagan's terrorists.●

ROMANIA'S REVEREND STEFANUT AND RELIGIOUS PERSECUTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. GINGRICH. Mr. Speaker, I would like to call to the attention of my colleagues the plight of a Romanian pastor named Iosif Stefanut. Pastor Stefanut was arrested and fined for possessing and distributing religious materials that were improperly taken into Communist Romania. The Romanian Government has repeatedly said that such religious materials can be brought into the country legally. Requests by average Romanians to obtain these items are, however, continuously denied. This classic catch-22 situation has led pastors such as Reverend Stefanut to seek religious materials which were brought into the country in the only possible way: By smuggling them past the Communist authorities.

After having his apartment searched, Reverend Stefanut was arrested and tried for this supposed crime. He was eventually fined 15,000 lei (a little more than $1,000).

This repression of religious freedom is morally repugnant to Americans. Where does a government get the right to suppress materials which would bring spiritual and emotional uplifting to its citizens? Americans believe that our right to freedom of religion goes past the Constitution and originates from a supreme being; the Communist regimes claim that their right to suppress religion comes from Marx and Lenin. But Communist ideology has not been able to replace the spiritually satisfying role of religion in these oppressed people's lives. While it

is easy to physically harass, persecute, or jail a person, the human spirit is not so easily repressed. Aleksander Solzhenitsyn, who gained his knowledge of persecution through firsthand experience, answers why. For the believer, his faith is supremely precious, more precious than the food he puts in his stomach. Pastor Stefanut is an inspirational example of this type of faithful believer.

At the recent Madrid Conference, Romania signed the Final Document, which pledged that nation to recognize the right of human beings to worship and practice any religion in accordance with the dictates of his own conscience. The United States, having also signed this document, is morally obligated to denounce the violations of the agreement along with the treatment of Pastor Stefanut. While most of the liberals in this country are speaking out solely about rights abuses in Central America, we must not allow the people of Eastern Europe to believe that we are ignoring the morally outrageous actions of their governments. I urge the Members of this body to join me in calling upon the Romanian Government to respect the most basic and undeniable human rights; freedom of religion and conscience.●

MEESE PROVES HIMSELF UNFIT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 1984

● Mr. SIKORSKI. Mr. Speaker, from forgotten $15,000 loans to suspect governmental appointments and denials that he ever saw various Carter administration briefing materials, the story surrounding the now-suspended confirmation hearings for Ed Meese has become more and more complicated and more and more disturbing.

The following editorial is by Mr. Elmer L. Andersen, former Governor, and a distinguished businessman, and publisher in Minnesota. It was printed in the Thursday, March 29, 1984, edition of the Elk River Star News, and is an excellent expression of the serious concern which surrounds any further consideration of Mr. Meese for this important post.

[From the Elk River Star News, Mar. 29, 1984]

MEESE PROVES HIMSELF UNFIT

White House aide Edwin Meese has been nominated for attorney general by President Ronald Reagan. The Senate hearing on confirmation has been so plagued with revelations of financial transactions between Meese and people who later received federal appointments that Meese finally requested that hearings be delayed and an investigation of the charges be made, hoping to clear his record and his name.

There is no doubt the transactions took place. That is enough to render Meese unfit for attorney general or the position he now holds. It is important to have the inquiry which, if it indicated appointments were tied in any way to the financial transactions, would subject Meese to indictment and trial for breaking the law. If no connection is indicated Meese will have cleared himself of any illegal action. But he will not have cleared himself of conflict of interest actions that are the true test of ethical conduct worthy of public office.

It ought to be obvious to Meese and many others in Washington that the only way to avoid these situations is to not to engage in activities that would even permit of the possibility of illegal or corrupt activity. Meese should have had no financial relations whatever with anyone who might be seeking or considered for federal appointment. If, in an unanticipated way, that developed he should end the financial transaction immediately.

To have several loans, under favorable terms, occur with people who later become federal appointees is just too much. Furthermore, it is obvious that Meese has personal financial problems or his needs could have been handled through normal bank channels. For his own good he ought to get back to private life where he can give his private affairs the attention they need. It is said there are many others in Washington who have been guilty of far worse. If so, the evidence should be disclosed and appropriate action taken. Over and over it has been made clear that the people of this country want its public officials free of conflict of interest involvement and President Reagan would be well advised to encourage Meese to put an end to the embarrassment by leaving.—Elmer L. Andersen.●